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HOUSE OF REPRESENTATIVES—*Tuesday, May 22, 2001*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 2 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin) at 10 a.m.

PRAYER

Gurudev Shree Chitrabhanuji, Founder, Jain Meditation International Center, New York, New York offered the following prayer:

Let us all join our hands, heads and hearts together and bow to all perfect and liberated souls, and to all spiritual teachers.

Let us pray that all elected representatives of the people of this Nation be guided in their thoughts, words and actions to achieve the greatest good for all.

Let them have a high sense of responsibility and be free from temptations of selfish interests. Let them be filled with knowledge and wisdom so that resolutions adopted and laws enacted may meet the standards of the good of our people.

May the blessings be on our country, our government, our elected leaders in this House of Congress, and on all living beings of the world.

May the entire universe attain bliss. May all beings be interested in one another's well being. May all faults be eliminated. May people be happy everywhere.

Om Shanti! Shanti! Shanti!

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Nevada (Ms. BERKLEY) come forward and lead the House in the Pledge of Allegiance.

Ms. BERKLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO GURUDEV SHREE CHITRABHANUJI

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I would like to thank Gurudev Shree Chitrabhanuji for providing such words of wisdom this morning here on the floor of the House of Representatives.

Gurudev Shree Chitrabhanuji spent 28 years as a Jain monk. During his years in India, he founded the Divine Knowledge Society and other social welfare and emergency relief organizations. He is also a prolific writer, having written more than 25 books that reflect his message of world peace and nonviolence.

The Jain religion, which places heavy emphasis on personal and societal nonviolence in thoughts, speeches and actions, has flourished in India for 3,500 years. This year Jains all around the world celebrate the 2,600th birth anniversary of Lord Mahavere, the last of the revered 24 genas, who spread the Jain message. I guess we could say in a way that Lord Mahavere was ahead of his time, once proclaiming all human beings are equal, whether male or female, rich or poor.

I would like to thank Gurudev Shree Chitrabhanuji again for providing this morning's opening prayer and also Mr. Sushel Jain and all the Jains who have made the trip to Washington this morning to hear this prayer. Many of them are in the gallery. I would also like to thank the House Chaplain Coughlin for allowing us the opportunity to celebrate the Jain spirit here on the House Floor this morning.

ENCROACHMENT ON THE MILITARY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I wish today to address briefly the issue of urban encroachment on our military training.

Mr. Speaker, for too long we have paid lip service to the fact that our American military will always be the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

best trained military in the world. Unfortunately, as a Nation, we are on the verge of breaking that promise and breaking faith with those who have volunteered to serve our Nation.

The Armed Forces' readiness is being eroded by urban expansion, environmental regulation, and commercial competition for our airspace, for ranges and for communication frequencies, encroachment issues that are threatening the ability of our servicemen and women to effectively prepare for the challenges which may face our Nation.

The iron law of our military is that training saves lives. When training goes down for whatever reason, accidents and casualties go up. Make no mistake, Mr. Speaker. Encroachment is like a cancer, eating away at our training capabilities. We must always be vigilant to this encroachment and act quickly to revitalize our training so as to keep our faith with those sworn to protect us.

A MONUMENT FOR THE WARRIORS OF WORLD WAR II

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there are great monuments on the mall. All were earned, all admired. America has a rich history indeed. But if any one group of American patriots deserve a parcel of that hallowed ground on the mall, it is the fighting men and women of World War II.

Washington and Jefferson founded America. Lincoln preserved America. But I say to my colleagues, the fighting men and women, those who survived and those who were killed in action, they saved America. An America that fails to recognize the liberation from tyranny by these great warriors is an America that takes for granted our great freedoms.

Mr. Speaker, I yield back the lives and the legacy of the fighting men and women of World War II that not only saved America, they saved the entire world.

CONGRATULATIONS TO THE FEDERATION OF ECUADORIAN ENTITIES ABROAD

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate a group in my congressional district that has done much for the Ecuadorian community in south Florida and around the world: La Federacion de Entidades Ecuatorianas en el Exterior, or the Federation of Ecuadorian Entities Abroad.

This international group is celebrating its 16th anniversary with festivities this month in Miami where the group was founded. The celebration commemorates the Battle of Pichincha, an important date for Ecuadorian freedom. This battle, won on May 24 in 1822, liberated the capital city of Quito and secured the independence of Ecuador. La Federacion de Entidades Ecuatorianas en el Exterior celebrates freedom and history through civic and educational programs, recognizing the contributions of people with Ecuadorian ancestry.

La Federacion has more than 200 groups in the U.S. and around the world representing more than 1 million U.S. citizens. This fraternal group fosters bonds among people with Ecuadorian roots through social and cultural programs that honor their history and their proud heritage.

On this important anniversary of Ecuadorian independence and this group's founding, I wish the members of La Federacion de Entidades Ecuatorianas en el Exterior many more successful and happy years.

NUCLEAR WASTE TRANSPORTATION

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, every day our headlines read about how Vice President CHENEY thinks nuclear power is the answer to our Nation's energy woes. I hope my colleagues and this administration heed my warning, that unless we stop the Yucca Mountain plan, at least 77,000 tons of toxic, dangerous nuclear waste are going to be shipped through 43 States en route to Yucca Mountain.

It is a mathematic certainty that the continuing transfer of lethal waste will result in perhaps hundreds of accidents and the potential for catastrophe is very real. Governors and State legislators across this country have emphatically said they do not want nuclear waste traveling through their States. It is time that we listen to their concerns and heed their warnings.

An accident in one's district could cost billions of dollars in cleanup and the effects on our constituents would be disastrous. Let us eliminate the dangers of this "mobile Chernobyl" by developing methods to safely store the waste where it is currently located.

Please join with me in preventing a national disaster.

PRESIDENT'S PLAN MEANS SOLUTION TO THE ENERGY CRUNCH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, America does not have enough energy to supply all of the demands today. Californians are facing rolling blackouts and Americans everywhere are paying nearly $2 a gallon for gasoline.

Mr. Speaker, this energy crunch should not be a surprise to anyone. We have known for years that this was coming, and we have not built a major oil refinery in the United States in 25 years. It has been just as long since we have built a nuclear power plant.

Our dependence on foreign oil has gone up since the 1970s and 1980s, not down, and the rules for when and where one can sell different kinds of gasoline are so complicated, it is amazing we can keep track of it at all.

This energy crunch has been looming for years, and the previous administration did nothing to prevent it from happening. Last week, our new President presented a balanced comprehensive and sensible plan for getting us out of this mess. But the liberals in town are calling for price caps. If there is anything we learned in the 20th century, it is that Soviet-style command economies do not work. Just look at what happened in California.

Mr. Speaker, we need real solutions. Congress needs to get behind the President's plan, and we need to do it now.

NATIONAL STROKE AWARENESS MONTH

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, because May is National Stroke Awareness Month, I rise today to express my concern about the devastating effect stroke has on Americans.

Every 53 seconds, someone in America has a stroke. About 600,000 Americans will have a stroke this year, and 160,000 of them will die. In fact, stroke is the third leading cause of death in America, and one of the leading causes of disability.

Stroke impacts all of our communities. Millions of husbands, wives and children make sacrifices every day to care for loved ones who suffer a stroke.

The good news is that we are conducting exciting research to find new ways to provide rehabilitation to stroke survivors to help them regain lost abilities.

Mr. Speaker, I urge my fellow members to continue to support research efforts to help stroke survivors achieve the greatest quality of life.

SUPPORT THE BUSH TAX PLAN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, what the big government liberals in Washington want to do to the working men and women is reach their hand in their pocket, grab the wallet, pull out all of their hard-earned cash, year after year, so that the working people now are paying about 40 percent of their household income in taxes.

What the Bush tax plan is saying is, hey, look, we do not need all of that money we have been grabbing out of your wallet. Let us put it back in there. Then, when the working people can control their own money, they get to save it. How, how about an education account for one of your children? How about a new dryer? How about a long, hard-earned vacation? Better still, if you want to, you go out and buy something on the economy, treat yourself. When you do that, businesses respond by increasing their inventory. They have to hire more people because of the new demand, and when they do, there are more jobs in the economy, more people are working, less people are laid off, less people are on welfare and unemployment, and we have more tax revenues coming in. It is a win-win.

Why do the Washington liberals not get it, Mr. Speaker? People know how to spend their money far better than Washington does. Let us let them keep more of their own money. Support the Bush plan.

SOLUTIONS TO ENERGY CRISIS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I would like to take a minute to talk about the President's energy plan. I am very supportive of it.

As a member of the Subcommittee on Energy and Policy, what we have found out is that we need to have a diversified energy portfolio, just like anyone would have a good diversified investment portfolio. We need to make sure that we have baseload generating capacities using coal, nuclear, hydroelectric power. We cannot continue to rely solely on natural gas as the market, the supply and demand, will just say, the higher the demand, the more limited the market, and the higher the price is.

□ 1015

Energy is an important concern to many Americans. The best way to address the national energy crisis is to increase supply of the generating fuels, and also do some energy conservation to increase the demand.

EXPEDITING CONSTRUCTION OF WORLD WAR II MEMORIAL IN DISTRICT OF COLUMBIA

Mr. STUMP. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1696) to expedite the construction of the World War II memorial in the District of Columbia.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. APPROVAL OF WORLD WAR II MEMORIAL SITE AND DESIGN.

Notwithstanding any other provision of law, the World War II memorial described in plans approved by the Commission of Fine Arts on July 20, 2000 and November 16, 2000, and selected by the National Capital Planning Commission on September 21, 2000 and December 14, 2000, and in accordance with the special use permit issued by the Secretary of the Interior on January 23, 2001, and numbered NCR-NACC-5700-0103, shall be constructed expeditiously at the dedicated Rainbow Pool site in the District of Columbia in a manner consistent with such plans and permits, subject to design modifications, if any, approved in accordance with applicable laws and regulations.

SEC. 2. APPLICATION OF COMMEMORATIVE WORKS ACT.

Elements of the memorial design and construction not approved as of the date of enactment of this Act shall be considered and approved in accordance with the requirements of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

SEC. 3. JUDICIAL REVIEW.

The decision to locate the memorial at the Rainbow Pool site in the District of Columbia and the actions by the Commission of Fine Arts on July 20, 2000 and November 16, 2000, the actions by the National Capital Planning Commission on September 21, 2000 and December 14, 2000, and the issuance of the special use permit identified in section 1 shall not be subject to judicial review.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week the House passed legislation to expedite construction of the World War II memorial by a vote of 400–15.

With the bipartisan help of the Senate leadership and the Committee on Energy, the Committee on Resources, the Committee on Appropriations, and the Committee on Government Affairs, we achieved that goal and now bring back H.R. 1696 to the House with a Senate amendment.

The compromise language accomplishes our objectives of declaring the major design elements to be approved by Congress and finalized, thus bringing the bureaucratic delay to an end, and rendering moot the current litigation brought by the memorial's opponents.

Mr. Speaker, I sincerely hope that this is the last legislative action Congress will have to take before the dedication of the World War II memorial in 2004. However, let me say that no one should question our resolve to see this through. I believe Congress will do whatever it takes, because it is time to build the World War II memorial.

Mr. Speaker, the action Congress takes today is an extraordinary step, based in large part on frustration over the slow progress being achieved by the relevant commissions under the Commemorative Works Act.

I hope everyone involved in the remaining administrative process will become true advocates of getting this memorial back on track.

No one should question our desire to see this memorial begun and finished expeditiously, nor should they question our resolve to overcome any further bureaucratic delay and legal wrangling by the memorial's opponents.

A lengthy democratic process, in the best traditions of our Nation, has been conducted and all sides have been given more than ample opportunity to have their voices heard.

Just as WWII veterans fought 60 years ago for the right of the memorial's opponents to be part of the process, those opponents of the memorial should now respect that democratic process and the final decisions that have been made.

Mr. Speaker, it is time to honor the sacrifices of the World War II generation. Eight years after Congress authorized the construction of this memorial, and six years from the first of 22 public hearings on its site and design, the memorial's construction remains delayed by a procedural issue involving the National Capital Planning Commission (NCPC), one of the agencies required by law to approve the memorial, and a lawsuit filed by a small group of opponents. This legislation would remove those obstacles and require the construction process to promptly go forward.

The legislation accomplishes that goal as follows:

Through sections one and three, the site and design for the World War II Memorial are finalized, expeditious construction is directed, and the prospect of further delay through judicial challenges or other re-considerations of the selected site and design are eliminated. Section one also includes a provision regarding design modifications which is solely intended to address the highly unlikely event that a technical impossibility could occur in the course of construction that might require a limited deviation from the selected design. In light of the careful review the existing plans have already been subject to by the memorial's design, engineering, and construction management professionals, the General Services Administration (GSA), the American Battle Monuments Commission (ABMC), the National Park Service (NPS), the Commission of Fine Arts (CFA) and the National Capital Planning Commission (NCPC), no exercise of this authority is expected. Moreover, as a result of these provisions, funds donated for the Memorial would not be diverted to preparation of the additional mock-up of the Memorial or further presentations on the selected design that have been requested of the NPS by NCPC to administratively redress that agency's procedural issue resolved by this legislation.

The second section directs that the procedural steps of the Commemorative Works Act shall be used for the approval of those few aspects of the Memorial not already finalized. These items are essentially the color of the granite, the flag poles, sculptural elements, the wording of the inscriptions to be placed on the memorial, and final adjustments to the level of lighting. These matters will be presented in due course by the NPS, representing the Secretary of the Interior and acting on behalf of the ABMC, to the two approving commissions designated by the Commemorative Works Act: the CFA and the NCPC.

To further place this legislation in context it is important to briefly describe the extensive, democratic deliberative process through which the site and design were selected.

After receiving Congressional approval in October 1994 to locate the Memorial within the National Monumental Core, many public hearings regarding site selection were conducted including meetings of the National Capital Memorial Commission (NCMC), (May 9 and June 20, 1995), the CFA (July 27 and September 19, 1995), and the NCPC (July 27 and October 5, 1995). In the course of these meetings, the CFA and NCPC, in consultation with the ABMC and NCMC, reviewed eight proposed sites for the Memorial. Through review of these proposals, the possibility of including the Rainbow Pool in the site for the Memorial arose at the June 20, 1995, NCMC public meeting. As the deliberations continued pursuant to the Commemorative Works Act, the appropriateness and potential of the Rainbow Pool as a site for the Memorial became readily apparent. The Rainbow Pool site was approved at an open, public meeting of the CFA on September 19, 1995, and the NCPC on October 5, 1995. President Clinton formally dedicated the Rainbow Pool site on Veterans' Day 1995.

In 1996, a national two-stage competition to select the designer for the Memorial was conducted in accordance with the GSA's Design Excellence program. Over four hundred entries were reviewed by a distinguished Evaluation Board that selected six competition finalists. From these six finalists, a design jury composed of outstanding architects, landscape architects, architectural critics and WWII veterans, independently and unanimously recommended a design team headed by Friedrich St. Florian of the Rhode Island School of Design. The Evaluation Board concurred and ABMC approved the recommendation on November 20, 1996. On January 17, 1997, President Clinton announced the Friedrich St. Florian team as the winning design team, with Leo A. Daly, a pre-eminent national firm, serving as architect-engineer.

Through the Commemorative Works Act process, the World War II Memorial design underwent three general phases of public review and approval: design concept, preliminary design and final design. The Memorial design has evolved through input and participation by the reviewing commissions and the public. In particular, at public hearings held in July of 1997, both the CFA and the NCPC considered Friedrich St. Florian's initial design concept and reconsidered the approvals of the Rainbow Pool Site. Both commissions reaffirmed selection of the Rainbow Pool site on more than one occasion; however, both also requested the consideration of substantial changes to the design concept. The design team subsequently undertook extensive efforts to address all concerns raised by the reviewing commissions and the public. Over the course of three years and nine more public meetings, the Memorial design continued to evolve to its finally approved form. As a result of the extensive public participation and careful review by the respective commissions and other governmental agencies, the final design is one which enhances the site, preserves its historic vistas, and preserves the Rainbow Pool by restoring it and making it a part of a national commemorative work.

Finally, in the course of authorizing this Memorial, Congress asked the American people to support the project through voluntary donations. They certainly responded. The memorial fund-raising campaign, under the leadership of Senator Bob Dole and Frederick W. Smith, Chairman and CEO of FedEx Corporation, received financial support from half a million individual Americans, hundreds of corporations and foundations, dozens of civic, fraternal and professional organizations, 48 state legislatures, 1,100 schools, and more than 450 veterans groups representing 11 million veterans providing the funds necessary to construct the Memorial. With this legislation, we will ensure that the Memorial is created within the lifetimes of a significant number of those we honor.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week this body overwhelmingly approved H.R. 1696 by a vote of 400-15. The Members of this body clearly want the construction of a World War II memorial in the District of Columbia to be expedited.

I am pleased that Members of the other body have taken the action to expedite the memorial construction. H.R. 1696, as approved by the Senate, will expedite construction of the World War II memorial at the dedicated Rainbow Pool site on the Mall.

Mr. Speaker, let us approve this measure now and send it back to the President, and move forward with the construction of the World War II memorial in the District of Columbia.

The National World War II Memorial will honor all Americans who served in the Armed Forces during World War II, as well as the millions of other Americans who contributed in so many different ways.

Mr. Speaker, the time to construct this memorial is now. More than 50 years after the end of World War II, there still is no fitting memorial for the service and sacrifices of millions of Americans who preserved democracy and defeated totalitarianism in World War II. Mr. Speaker, the time to construct this memorial is now.

I again commend my friend and colleague, the gentleman from Arizona (Mr. STUMP), for his effective leadership on this issue. I urge every Member of the House to support this resolution. The gentleman from Arizona (Mr. STUMP) is one of the heroes of World War II. To the gentleman and the others of his generation, we thank them for their service and sacrifice. It is time to build a memorial to honor their actions. We appreciate them very much.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding time to me, and for bringing this back so quickly to the House floor after a Senate amendment.

Mr. Speaker, as we approach Memorial Day, I think there are two things that we can keep in mind. Actually, there are countless things we should keep in mind, but there are two things that I always try to emphasize when I am talking to schoolkids.

One is, we should remember in our memorial to our war dead that they were kids themselves. As I look at a group of high school students, and say, "Think about the graveyards of all the war heroes that we see, and remember, they were closer to your age than the white-haired man in the bleacher who is back here alive today. The people who fought so hard for our freedom and sacrificed their lives, they were yet kids themselves, 18, 19, 20, 21, 22 years old; very, very young people."

We should also remember that they were hometown. There is not a county or city in America that we cannot go to that did not have people who died in World War II. In most towns, they had somebody who died in Vietnam, North Korea, World War I, or any one of other conflicts that have been fought in the name of freedom around our country. As we do this, keep in mind that they were young, and that they were our neighbors and friends.

What we need to do in honoring them is to get this monument built. We have had all kinds of hearings. It has met the approval of the National Environmental Policy Act and the Commemorative Works Act. It has the approval of all the appropriate commissions. It has gone through countless hearings, site and design work has been approved, and the construction permit has already been issued. It is time to move forward.

If we think about it in these terms, 16 million people were involved in World War II. Today, only about 5 million are left alive, and we lose about 1,000 a day. It is time to move forward for the honor of these very brave, very historically significant men and women of such worth to our country.

The fact that we have not already built a monument, to me, is atrocious. I am glad that Democrats, Republicans, and Independents are united on this. Let us pass this bill and let us break ground by Memorial Day.

Mr. EVANS. Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank my friend, the gentleman from Illinois, for yielding time to me.

May I begin by thanking the gentleman from Arizona (Mr. STUMP) for his work on this bill, and for his work with the Senate in getting a bill that I think is one that we all appreciate for what it will mean for the memorial that has been under discussion.

I honor the gentleman from Arizona for his service, and understand and appreciate his anxiety to get on with the memorial. Let me say, as a child of World War II who grew up during the war here in the city, I understand why this memorial means so much to the men who fought this war.

It is the case, however, that anyone who loves the city and admires the uniqueness of Washington and the Mall could not possibly want the particular memorial that will go up. The memorial, of course, as I said in my own remarks on the House floor on last Tuesday, was pretty much a done deal, in any case. At least we will not be adding to the injury that many Americans feel about having any man-made object in the midst of one of Washington's great vistas, especially a very controversial design that does not begin to do justice to the men and women of World War II, who brought justice to the world.

At least now we have understood that no memorial can rise without administrative review and oversight. The bill assures us that there will be experts from the National Capital Planning Commission to wrestle with the many problems that remain when we are putting a football field-sized memorial where no object was ever meant to be. This poses unprecedented challenges that I hope the NCPC will meet.

What we are doing is putting a huge memorial below the water table, and we have to have somebody there, for example, to figure out how to pump water, which will need to be pumped out continuously, and how to make sure that it is treated and does not go into the Potomac River and the Chesapeake Bay.

Let me put everybody on notice now, they had better not put a contraption on the Mall that looks like some kind of machinery in order to do that. We have to find a way to do that.

We were very concerned about the wooden foundations on which the Washington Monument is built. In those days, that is how one built a monument. Disturbing the subsoil when the water is pumped out presents a real challenge to the NCPC. Nobody has ever figured out how to do that. They had better figure out how to do that.

What do we do to deal with the old growth trees that are a proxy for the beauty of the Mall itself? We had certainly better not knock them down. If the NCPC had not already been there, the National Park Service, in preparation for the memorial, would already have concrete helicopter pads on the Mall. The NCPC, I thank them very much, stopped that. That is but one indication of why we do need administrative oversight.

For those who come in from Maryland and Virginia, for the millions of tourists who come every day, the NCPC still has to figure out how this memorial, with its tour buses, with its traffic, can go up without closing 17th Street to traffic. That is a challenge I would not want to have.

Many of the elements of the Mall now, such as the lighting and sculptural elements, will be in the hands of the NCPC, so not just anything the builders choose will go up.

I struggled very hard to have this wonderful memorial put in a unique spot. I want Members to go to Constitutional Gardens. Constitutional Gardens is a huge space hidden right off from the Mall. The reason nobody knows about it is because there is a line of trees as one marches toward the Lincoln Memorial, and we have to go up over a hill to see it, but then we come upon a huge space with a wonderful pool and we say, why is there nothing here?

There is nothing there, and that was the first site that everybody wanted for the World War II memorial. I am very, very sorry that that was not the site chosen. Then it would not have been in competition with anything else. It would have been the first memorial to rise there. It is a huge and wonderfully undiscovered space.

Mr. Speaker, I worry about what we are doing to our Mall, quite apart from the World War II memorial, because everybody knew that the World War II memorial, if any memorial deserved to be on the Mall, the World War II memorial did.

I just want to use my 3 minutes left to warn the Congress away from fooling with the Mall. We who live in the District have, in essence, been left by the Framers to be guardians of our city. The Framers always wanted people to live here, people who did not come and go, like Members of Congress or tourists.

I am a fourth-generation Washingtonian for whom this city and its history, not just the city as it is today, means everything. The Mall, Mr. Speaker, is the urban equivalent of the Grand Canyon. There should never be anything in the middle of the Grand Canyon. There should never be anything planted straight in the middle of the Mall.

That is done now. What we have to remember, though, is that the Mall is a very small, centrally-located spot. There is a huge competition to continue to put things on the Mall. It is already crowded. We are grateful that President Reagan signed the Commemorative Works Act, which keeps us from willy-nilly putting anything that comes to mind on the Mall to any person whom we happen to admire.

There was opposition to this memorial, and that opposition has done an important service. Without that opposition, the memorial design would not have been scaled down. There was opposition in the Senate, there was opposition throughout the country. What we would have had was a gargantuan embarrassment to all Americans, and especially to our veterans.

In a democracy, opposition of this kind matters, and often can and in this case has resulted in improvement. Here, unfortunately, we have had a redesign which, like so many redesigns, is pedestrian and will be, unfortunately, invidiously compared with the evocative simplicity of the Vietnam Memorial.

Let this memorial be the last of its kind on the Mall. The NCPC has thoughtfully suggested many other locations in and around the Mall for future memorials.

Finally, let me ask Members to take a walk before the construction begins. Go up to the Washington monument site and look at that unobstructed vista for the last time. I ask Members to see it while they can still contemplate our two great Presidents whose monuments lie at either end of that axis.

And please remember this, that the only eternal cities in the world are not located abroad. They are not only Rome and Paris. Washington is meant to be an eternal city because it is the home of our eternal democratic values.

□ 1030

One of those eternal places in this eternal city is our Mall. It is one of our last remaining spaces left to us by the framers. Let us remember what it was really meant to be.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. EVANS), who is the ranking member of the Committee on Veterans' Affairs. I know that for Members one of the most special times we have is when we get a chance to help World War II veterans receive the medals.

Most of them decided not to wait around for them. They decided to get home. They received their couple dollars and change and got their train pass and skedaddled home so they could be with their loved ones and get back with everyday living.

Now, in the waning years of their lives, they ask us for help to recover the medals that should have been handed over to them once they left the service.

Many times I ask or they are asked by the media during these presentations "why?" They do not do it for themselves; that is the most striking thing. They ask for the medals so that they have something that can be held so they can give it to their children and then their children can give it to their grandchildren so that there is a memory of service before self, of people sacrificing their lives, of friends and loved ones in some very harsh and cruel memories, of a very terrible time in this world's history.

Mr. Speaker, I have been able to do these presentations in many locations. My most favorite ones are when we do the medal presentations in schools. I have done them in grade schools, and I have done them in high schools. The students really get involved. They ask pretty tough questions, and some of these stories are just historic in proportion, as far as what these individual men and women have done in service to their country.

I have two uncles who served in World War II. My father served in the Korean War and hardly talked about the war his whole life until the memorial was built here in Washington, D.C., until the memorial was built in Springfield, Illinois, until he joined the Korean War Veterans Association and wears his little light blue hat.

So building the World War II Memorial now rather than later is critical. It is critical for those remaining veterans who want to have a tribute to their fallen colleagues and friends. It is also important, as this is an eternal city, it is an eternal city that young men and young women, kids of all ages come to learn at the heart of democracy and freedom.

Should they not also learn about the sacrifices made to preserve freedom in this great land? That is why it is so important to move expeditiously now in approving the memorial.

I really applaud the gentleman from Arizona (Mr. STUMP), Chairman of the Committee on Armed Services, and the gentleman from Illinois (Mr. EVANS), the ranking member; and I ask all of my colleagues to join in support of this resolution.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS) so much for yielding me the time.

Mr. Speaker, let me take this opportunity to congratulate the gentleman from Arizona (Mr. STUMP) for his leadership on this bill and the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs, for doing this important legislation.

It appears to me that after some 60 years, the veterans of what we now call the Second World War should be rightfully honored here in the District of Columbia. We have a memorial to the Vietnam veterans. We have a memorial to those who fought in Korea.

It is the generation that Tom Brokaw, the NBC author and anchorman, calls the greatest generation, yet there is no memorial to them. This bill puts an end to the discussion, the disagreements.

After 22 public hearings on its site and design, it is something that needs to be done. Growing up in the era of the Second World War, my heroes were those who fought, who came home, such as my best friend's older brother, Walter Savio, when he came over to the grade school with his uniform on and his gas mask attached to his side; others like Hector Polla, who did not come back; others like Raymond Howard, who was captured at Corregidor; George Steir, who was shot down while flying his B-17 over Europe. He was a prisoner of war.

So many of them should be honored, and this will be an honor that will pass on to later generations. They will know them as the members of the greatest generation. It is time we put an end to the disagreement and the discussion and do something about it.

Mr. Speaker, I wholeheartedly agree with the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS); and I thank them for their efforts.

I know there are many, many World War II veterans that will be pleased to know that finally the discussion is over. There will be a memorial to them, and I know they will be very grateful.

Mr. EVANS. Mr. Speaker, I yield 3½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to say it is nice to have the gentleman from Missouri (Mr. SKELTON) precede me, because this is at a higher level than it normally is. I appreciate the gentleman's comments.

Mr. Speaker, I would like to comment on a couple of points: the process and the policy.

First, in terms of the process, it is important to bear in mind that the location and the design have already been decided. There have been three votes by the National Capital Planning Commission; all of them approved this design, and this site. They did scale it back from its original design.

They did compromise, but they came to a conclusion three times. They had 22 public hearings that resulted in that conclusion. The only reason it is not being constructed is, in fact, a technicality. They are arguing that the Harvey Gantz membership, his tenure as chairman should have been expired, but he was not reappointed.

In so many commissions all over the metropolitan area and, in fact, all over the country, people continue to serve until they are replaced. It is really a pure technicality on which this has been stopped.

I think that contributed to the determination of the gentleman from Arizona (Mr. STUMP) to go forward with this legislation. That decision has been made by the appropriate bodies.

Now, let me go to the second issue. Is it appropriate to put this large a memorial to World War II veterans on the Mall? I think the answer is yes, because we are not just talking about American history. We are talking about a turning point in world history. It was the veterans of World War II who did, in fact, save our world for democracy, for the freedoms that we today take for granted.

Many of them lost their lives. Many are dying today at a rate of a thousand a day. My father has already passed away, but there are going to be very few left. This is important to them. This is important to the country. It is important to the world that it be in a visible place to show the importance that we attach to what they contributed to world history.

Mr. Speaker, I also want to pay some respect to the views of the gentlewoman from the District of Columbia (Ms. NORTON) and those who are concerned about what we are doing to the Mall, because while I recognize that we need a memorial that is obvious, that makes a definitive statement with regard to how we feel about World War II veterans, we have to start thinking twice about what we decide should be on that Mall.

This is a sacred national place. The fact is, it is arrogant for this generation to feel that everything that happened in our experience is all that matters.

Mr. Speaker, I want to conclude by saying we see too many proposals to put too many things on the Mall. This is going to last for thousands of years, as it should. But there are other generations who also will have things that need to be memorialized on this sacred place, and I would urge some caution to those who have a dozen other memorials they want to put on the Mall.

Let us pay some cognizance and respect to future generations. Let us go ahead with this memorial. The Senate compromise is a good one. It gives more latitude, but I think the gentlewoman from the District of Columbia (Ms. NORTON) makes some good points that we ought to bear in mind, not just now, but in the future as well.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Mr. STUMP. Mr. Speaker, I will also yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 6 minutes.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Arizona (Mr. STUMP), Chairman of the Committee on Armed Services, who is my good friend, and the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee, a member from my own class for whom I have the highest regard, for yielding the time to me.

Mr. Speaker, I rise in very strong support of the Senate resolution that has come back to us in support of constructing the World War II Memorial on our avenue of democracy where it belongs.

I think it is especially historic in that this is the first year of the new century and the new millennium which allows us some perspective in looking back and recognizing that the victory of liberty over tyranny was the fulcrum of the 20th century.

As we look at that Mall and we think about the history of this Nation, we have the Washington Monument; yes, a monument to a person, but, more importantly, a monument to the founding of our republic.

Then not so far from it on the Mall, the Lincoln Memorial; yes, a memorial to a person, a great person, but also a memorial to the preservation of our union.

Now, for the 20th century, we add to this expression of the history of the United States a memorial to the victory of liberty over tyranny.

The 18th, 19th, and 20th century come together at one moment, in fact, in the revised design of this new memorial. There will be a light fixture in the central sculpture within the Rainbow Falls that will cast itself on the Reflecting Pool from the Lincoln Memorial at the exact place where the Washington Monument's shadow is cast in the reflecting pool in a way that the 18th, 19th, and 20th century all come together in celebration of freedom.

This is exactly the place where this memorial belongs. In fact, if you walk the Mall today, the disrepair of the Rainbow Fountains is a disgrace. And so, the improvements that will be made with the refined design will elevate us all as a people and the expression of our own history.

I believe, along with all the others who have spoken, that the gentlewoman from the District of Columbia (Ms. NORTON) and those who have expressed some concerns about the design have been involved in the refinement and improvement of this expression of a free people. Thank goodness we have had over 22 public hearings, various approvals of the Fine Arts Commission and the National Capital Planning Commission, because with every step, it has become better, as it should.

On this Memorial Day that we will celebrate next week, we honor all veterans, all freedom lovers, certainly the 16 million World War II veterans who made our freedom and our ability to stand on this floor today as a free people possible.

□ 1045

We also remember the 5 million who still are living today and whom we hope will see our seriousness in celebrating and commemorating what they have done for the world. Whoever would have thought that we would live at a time or we would have witnessed the fall of the Berlin Wall, and brand new nations emerge with a chance, just a chance, for independence as Eastern and Central Europe come online. Imagine we are able to even e-mail people that we could not even talk to 20 years ago or 40 years ago. What an incredible new moment this is in the history of humankind.

I want to thank all of the Presidents, and there have now been three: President George Bush back in the 1980s, who signed the original authorizing legislation for the memorial; President Bill Clinton, who signed the memorial coins that were minted to pay the costs for the beginning of the memorial's planning; and now, our new President George W. Bush, who has endorsed the construction of this memorial.

President Clinton stood with us as we dedicated the ground. I am sure President George W. Bush will be there when the memorial is finally constructed.

I want to thank the Secretary of Veterans' Affairs, Anthony Principi, for the good words that he spoke this morning in support of this memorial.

So as we think about the importance of this place in American history, let us remember the significance of what these greatest Americans, this greatest generation of Americans, did for the freedom of humankind. Let us build this memorial in a timely way as the 21st century's way of saying thank you to the 20th century and its champions.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank all the Members of the House and the Senate that supported us; but I want to single out a few for special thanks: the chairmen, my two good friends, the gentleman from Utah (Mr. HANSEN) of the Committee on Resources, and the gentleman from New Jersey (Mr. SMITH) of the Committee on Veterans' Affairs, and also their ranking members, the gentleman from Illinois (Mr. EVANS) of the Committee on Veterans' Affairs and the gentleman from West Virginia (Mr. RAHALL) of the Committee on Resources.

I would also like to thank the gentlewoman from Ohio (Ms. KAPTUR), who began this effort some 12 years ago or more, and she still remains a steadfast champion of the World War II veterans. And I appreciate her support very much.

On behalf of the House, I would like to extend our thanks and appreciation to Senators LOTT and DASCHLE for moving this through the Senate so expeditiously, and also single out Senators HUTCHINSON, THOMPSON, STEVENS, and MURKOWSKI for their help on this bill.

I would also like to express my appreciation to the following organizations, which sent in letters of support on H.R. 1696, they are: The American Legion; Veterans of Foreign Wars of the US; Disabled American Veterans; Paralyzed Veterans of America; AMVETS; The Retired Officers Association; Non Commissioned Officers Association; Marine Corps Reserve Officers' Association; Blinded Veterans Association; Military Order of the Purple Heart; Jewish War Veterans of the USA; Association of the United States Army; Fleet Reserve Association; Veterans' Widows International Network, Inc.; National Association for Uniformed Services, and the Enlisted Association of the National Guard of the US.

Finally, Mr. Speaker, I want to thank members of the American Battle Monuments Commission for their professionalism and dedication to building a memorial that will do justice to our Nation's veterans and our desire to honor those who participated in World War II.

I am absolutely certain that the American Battle Monuments Commission will produce a memorial that all Americans can take pride in for generations to come.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 1696, as amended, a bill that would expedite construction of the world War II Memorial in the District of Columbia. This memorial for the most significant event of the twentieth century is already long overdue, but today Congress is taking action to remove the roadblocks holding up construction of the memorial.

I commend our Senate colleagues on both sides of the aisle for expeditiously taking up H.R. 1696 after House passage on May 15, 2001, and for the thoughtful dialogue that led to the compromise language in the Senate amendment to the bill. I believe that we now have legislation that accomplishes the objectives we sought: to establish definitely that the memorial's location will remain the Rainbow Pool between the Washington Monument and the Lincoln Memorial; that the overall design already selected will be what is built; and that any pending lawsuits will be rendered moot.

Again, I salute the leadership of my distinguished colleague, BOB STUMP, in introducing H.R. 1696, managing its House passage, and negotiating with the Senate on an amendment acceptable to both bodies. I associate myself with his remarks in their substance and in recognizing the contributions of many Members to this legislation.

President Bush's expression of support on May 16, 2001 for moving quickly to begin construction of the memorial gave our legislation a real boost and was much appreciated. He has made it clear he will sign this bill. And with Memorial Day approaching, how could we do less than ensure that our World War II veterans will be honored on this prominent site on the Mall?

Mr. Speaker, the extraordinary action Congress is taking here is not the sort of thing we should do often, but I am convinced that in this instance it is appropriate and necessary. I hope it will serve as a reminder that the patience of Congress and the American people is not endless, and that the agencies and commissions of government are constitutionally accountable to Congress as well as the courts.

The bill would allow the normal and necessary administrative decisions to be made in carrying out the design as memorial construction proceeds. However, I think it is obvious that Congress will not lose its keen interest in the progress of the memorial once this legislation is enacted into law.

Mr. Speaker, the Senate having approved the compromise bill by unanimous consent, I urge every Member of the House to join in supporting our World War II veterans by giving favorable consideration to H.R. 1696, as amended.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1696.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERMISSION TO OFFER AMENDMENT OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that, during further consideration of the bill, H.R. 1, pursuant to House Resolution 143, amendment numbered 3 in House Report 107–69 may be offered out of the specified order and immediately following amendment numbered 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

NO CHILD LEFT BEHIND ACT OF 2001

The SPEAKER pro tempore. Pursuant to House Resolution 143 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 1048

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Thursday, May 17, 2001, 1 hour and 46 minutes remained in general debate.

The gentleman from Ohio (Mr. BOEHNER) has 55 minutes remaining and the gentleman from California (Mr. GEORGE MILLER) has 51 minutes remaining.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time. I am delighted to rise today in support of the number one campaign issue of President George Bush, the number one focus of the House Committee on Education and the Workforce, and a bill to which any number of Members of this House have contributed tremendous time and effort in the interest of improving the education of all America's children, but in particular our most disadvantaged.

I want to particularly thank the gentleman from Ohio (Chairman BOEHNER) for his tireless work over the last 4 months and the gentleman from California (Mr. GEORGE MILLER), ranking member for his tireless effort as well.

The results of the working group and the House Committee on Education and the Workforce is a bipartisan bill that ensures this country has accountability in the expenditure of title I funds, I might add for the first time.

It ensures more flexibility than has ever been allowed with Federal funds to every single one of the 6,000 public school systems in the United States of America.

Most importantly of all, it informs parents and children on an individual basis of their progress, how their schools are doing, and it provides work and money to allow schools that are failing to come up in their performance and ultimately to meet the success that schools that are succeeding are in fact doing.

I want to particularly address myself to the accountability portion this morning, which in later amendments will receive a good certain amount of debate.

Since the inception of title I, there has not been a mechanism for accountability of the progress of America's most disadvantaged students. For the benefit of this Chamber, it is important to understand that title I students are America's poorest students, those on free and reduced lunch, those who most likely have come from an environment that is less than conducive to learning, and those, that after they enter the public school system, more often than other students, that will find themselves dropping out before they ever get a high school diploma.

The important part of the President's initiative is as follows: First we will have an early reading first program that ensures that children will learn to read and comprehend to the third grade level by the time they reach that level. Second, it ensures that, in reading and in arithmetic, children will be tested annually by the local system and by the State on a test approved by the State to ensure that they are progressing at normal levels.

In addition, there is a $675 million increase to a total of $975 million to ensure that reading instruction is the very first and most important and paramount instruction that every child gets.

There are options in this bill, options for the children for the first time and their parents. If a title I child attends a public school that is ranked as failing, then where consistent with State law, that child will have the opportunity to transfer to a public school that is succeeding. For the first time, title I funds will be used to allow transportation of that student to ensure their biggest problem, which is mobility, is overcome; and they can attend the school that is public that is best performing to meet their needs.

In addition, this program focuses on flexibility. Historically, for years, flexibility has been something local systems have not had. As this debate goes on, we will learn local systems will now have up to 50 percent of their own flexibility, flexibility at their own volition.

The CHAIRMAN. Without objection, the gentleman from Michigan (Mr. KILDEE) will control the time on the Democrat side.

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today's consideration of H.R. 1 marks the end of many busy and work-filled nights and weekends over the past 4 months. I strongly believe that this bill enacts meaningful bipartisan education reform by striking the right balance. Clearly from the final resolution of issues in the reported bill, we all gave some, and some probably feel they gave too much. But the result is a bipartisan bill.

Several provisions in the bill are especially worthy of mention. With regard to title I, I am pleased that the amendment protects and preserves many of the core advances that the last reauthorization of ESEA in 1994 instituted, and maintains our existing requirements to develop and implement challenging standards and aligned assessments.

Preserved are title I's targeting of resources to high-poverty school districts and schools. Also maintained are vital national priorities such as the 21st Century Community Learning Centers and the Civic and International Education Programs which are key priorities of mine.

Most importantly, I believe the strong accountability requirements we have added to ESEA greatly improve the bill. These include a requirement to ensure that all children reach a proficient level of performance. Increased teacher quality requirements and a focus on turning around failing schools through the investment of additional help and resources are indeed critical.

In a time when we are in an increasingly competitive world, we can no longer tolerate low-performing schools that place the education of our children at risk. Very simply, this means providing additional resources and intervention to help students in those low-performing schools reach high standards. If schools are still failing after substantive intervention, then consequences must indeed exist.

Fortunately, this bill does not include divisive issues that would distract us from our efforts to gain a bipartisan consensus. H.R. 1, as introduced, did contain many of these provisions including private school vouchers, Straight A's, and cessation of educational services. The inclusion of these provisions could undo the careful bipartisan compromise that this bill represents.

I do not question the motivation of Members who have sought or will seek to offer and support these issues, but I am positive that the passage of such amendments will jeopardize bipartisan support of this bill. I want to thank the gentleman from California (Mr. GEORGE MILLER), my ranking member, for his leadership and many hours of hard work on what is a major piece of legislation.

I also want to thank the gentleman from Ohio (Chairman BOEHNER), he did yeoman's service; and the gentlewoman from Hawaii (Mrs. MINK); the gentleman from Indiana (Mr. ROEMER); the gentleman from Delaware (Mr. CASTLE); the gentleman from Georgia (Mr. ISAKSON); and the gentleman from California (Mr. MCKEON) for their hard work on this bill. They and their staffs, along with Sandy Kress from the White House, deserve a tremendous amount of credit for this truly bipartisan bill.

I am proud of this bill. I am pleased with having worked with those on both sides of the aisle. I think all of us share that pride, and the children of this country will be better for it.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I am happy to yield 4 minutes to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness of the Committee on Education and the Workforce.

Mr. MCKEON. Mr. Chairman, I rise in strong support of H.R. 1, the President's number one priority, the Leave No Child Behind Act, because we cannot let this opportunity pass us by.

This bill was a long time coming. We started the reauthorization of the Elementary and Secondary Education Act in the last Congress under the previous administration. After 2 years of debate and several pieces of legislation, we were unable to put a package together.

So today, under the leadership of President Bush, the gentleman from Ohio (Chairman BOEHNER); the gentleman from California (Mr. GEORGE MILLER), ranking member; the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman; the gentleman from Michigan (Mr. KILDEE), the ranking member; and several other members of the Committee on Education and the Workforce, we bring H.R. 1 to the floor to begin the process of instituting historic changes to our schools and new opportunities for our Nation's children.

Throughout the legislation, H.R. 1 maintains the four pillars of President Bush's education reform plan: accountability, flexibility and local control, research-based reform, and expanded parental options.

Specifically, I would like to talk about two issues which fall under my jurisdiction as chairman of the Subcommittee on 21st Century Competitiveness, teacher training, and education technology.

First, the teacher title builds upon legislation that I, along with the gentleman from California (Mr. GEORGE MILLER), current ranking member, authored in the last Congress, the Teacher Empowerment Act. This title provides school districts with the flexibility to decide whether to spend funds on hiring new teachers or improving the skills of the teachers already in the classroom.

In my home State of California, they have already reduced class sizes in the early grades, which is good news. The bad news is that, as a result, there are over 35,000 uncertified teachers now serving in the classroom.

□ 1100

Under H.R. 1, we leave it up to the local school districts to decide what their needs are, while at the same time, calling on them to work toward ensuring that there is a fully qualified teaching force in our classrooms.

Second, in regards to technology, the bill consolidates a number of technology programs into a single stream of funding to our local school districts. This is another important element of expanded local control and flexibility.

Further, we call on recipients to work to fully integrate technology into the curriculum by increasing access to the highest quality teachers and courses possible, regardless of where in the State the students live.

One of my local school districts is already doing this. The Los Angeles County Office of Education has instituted the NCITE program, which stands for National Center for the Improvement of Tools for Educators, California. NCITE is a Web-based learning environment which helps children meet or exceed grade level standards in reading and mathematics. It also assists teachers in the use of research-based assessments, media resources and technology tools. We need to encourage other communities to use these type of tools to educate their children. I believe H.R. 1 does just that.

I wish I had more time to talk about the many other provisions in this bill that will make a real difference in our education system and the work that has gone into making this happen.

But in closing, I would like to say to all of my colleagues that this bill gives us an opportunity; an opportunity to support our President, an opportunity to show bipartisanship, and, most importantly, an opportunity to improve the lives of our Nation's schoolchildren.

Mr. KILDEE. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER), a member of the core group that helped put together this bill.

Mr. ROEMER. Mr. Chairman, I thank my good friend, the gentleman from Michigan, for yielding me this time.

I want to start off by saying that there are many slogans, many mantras, many shibboleths that many people use to try to describe their concern for our children and trying to improve our public schools in this Nation. A number of us on both sides of the aisle have come together in a bipartisan way to put a bill together; that the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Michigan (Mr. KILDEE), the gentlewoman from Hawaii (Mrs. MINK), myself, the gentleman from Georgia (Mr. ISAKSON), the gentleman from Delaware (Mr. CASTLE), the gentleman from California (Mr. MCKEON), and others have fragilely put together a delicate balance that puts together new ideas, new reforms, new vision to help our children get a better education.

Those core ideas revolve around three concepts: One is accountability;

that we cannot continue to do things the same old way in this country and expect great vast new improvements from our teachers and our children and in their performances together. We must attach these requirements to new ideas and new accountability, and that means, yes, some standards and some tests.

Now, those tests should be devised by our local schools and our States, but making sure we do not socially promote; making sure that children are learning from one grade to the next and that a degree means something when they get out of high school. These are important standards.

Second, flexibility, that local schools get the dollars and they decide how the dollars are spent. In this bill, H.R. 1, the base bill, we send the dollars directly to the classroom, not to a governor, not to a bureaucracy, not to administration, but to the classroom.

Now, we are going to have a straight A's proposal that wants to divert the dollars to the governors. We will argue adamantly that those dollars should go to the teachers and the classrooms and the kids.

The third component of this is resources. We have doubled the funding for title I, for the poorest children in this Nation to get good access to a good solid education. These resources and investments are important because some of these children will not pass tests, so we need to remediate those children with after-school programs, summer-school programs and, yes, with tutoring.

Accountability, flexibility, resources for remediation, all good ideas coming together to support a bill that the President of the United States has encouraged bipartisanship on; that he has encouraged that we work together in a civil manner, where Democrats and Republicans can reach across the aisle, as we have done with this core group, to bring this bill to the floor.

I would hope accountability, flexibility, new resources, new investments for remediation and tutoring will bring together bipartisan support on this floor to truly bring ideas together, to give our children a better chance, to get a top-notch, first-rate education in our public schools in this country.

I encourage this body to look at these amendments on testing and not support the Hoekstra-Frank amendment; to look at the amendment, the DeMint amendment on straight A's, that would take money to the governors and bureaucracy at the State level, and let us keep the way we deliver the money to the kids and the classrooms. I urge bipartisan support for this bill.

The CHAIRMAN. Without objection, the gentleman from Georgia (Mr. ISAKSON) will control time on the majority side.

There was no objection.

Mr. ISAKSON. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER), a distinguished member of the House Committee on Education and the Workforce.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding me this time, and I would also like to thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for all their hard work. Their leadership and willingness to work in cooperation is to be commended.

When I look at H.R. 1, I see a bill which will truly reform the way Federal dollars are spent on education. This legislation puts the decision-making in the hands of local teachers and parents, not Washington bureaucrats.

Often, we in Congress let the perfect be the enemy of the good. Does this bill have everything we conservatives want? No. Does this bill have everything liberals want? No. Does H.R. 1 have concrete reforms which will give States and local schools the resources they need to better educate our youth? Absolutely.

H.R. 1 is the President's plan. It allows for local flexibility with greater accountability. It also provides a safety valve for children trapped in failing schools by providing immediate public school choice. We should also note that public school choice would be the option after just 1 year in a failing school and not 3 years, as originally proposed.

Now, I know many of my colleagues on this side of the aisle believe H.R. 1 does not live up to the President's plan. I understand that private school choice is an issue which is a sticking point, and I also support private school choice. However, I ask that we look at the reforms this bill does provide and not what it does not. Do not throw the baby out with the bathwater.

H.R. 1 allows public school choice. It allows children in failing schools to obtain tutoring by private or religiously-affiliated educators. It allows local schools to transfer up to 50 percent of their Federal funding to programs that they believe are best for their needs. These are major reforms which cannot be overlooked. These are the most sweeping changes in the Elementary and Secondary Education Act since its enactment, and we cannot forget this.

Also, just a few minutes ago, the Assistant Secretary told me that my conservative friends should remember that the management of the Department has changed, and their ideas will have some influence there.

I strongly urge my colleagues to support H.R. 1.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of this extremely important bill. Nothing we do in the 107th Congress will be more significant than this reauthorization of the Elementary and Secondary Education Act of 1965 as amended.

First, I want to recognize the gentleman from Ohio (Mr. BOEHNER) and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for their outstanding leadership in crafting a bipartisan committee bill. I also commend the Members who worked on the committee negotiating groups for their efforts. We have accomplished much with our committee, but much more work needs to be done.

While I am in agreement with the core bill approach, I have grave policy concerns and I continue to believe that our children and the teachers deserve more fiscal resources than are authorized in H.R. 1. High stakes testing is going to hurt limited English proficient children the most. NAEP, or the National Assessment for Education Progress, does not include migrant students in their national sample, and the administration intends to use NAEP as a barometer to show how students are doing. Limited English proficient children should be assessed in a language they understand.

We should provide positive alternatives for the students in the gifted and talented programs as well as advanced placement for the college bound. Let us increase our investment in our country's K–16 students.

Our Nation needs 50,000 bilingual teachers to keep up with the demand, and this bill does not provide anywhere near the resources to meet this crisis. Look at the 2000 Census results and you will see the Latino population growth of 60 percent or more during the last decade. We need more funds to get the job done.

Title III consolidates bilingual education, immigrant education, and foreign language assistance programs and delegates these functions and funds to the States. The bill changes from a well-respected competitive grant to a poorly-funded formula grant program that at present does not count all the eligible population. The elimination of the National Bilingual Clearinghouse makes no sense fiscally or policy-wise.

H.R. 1 does not provide adequate funds nor strong policy support for dropout prevention. I remind my colleagues that already Hispanics suffer from the Nation's highest dropout rate. These students will certainly be neglected and left behind.

Education Committee conferees are urged to protect and save the clearinghouse for all States to utilize the wealth of information such as exemplary programs to serve all eligible students.

Even if title 3 were funded at the maximum level authorized by the committee, we would only reach one-fourth of the children.

We hope that our colleagues in the other Chamber can help us reach the 5 million children seeking our support.

The most egregious provision found both within title 1 and title 3 singles out the parents of limited-English-proficient children and treats them differently from all other parents.

Even if a child is deemed to need special language services under the act, the school may put them in English-only programs without bothering to inform the parents. However, if a parent wants their child in a bilingual program the school must receive parental permission to include the children.

Let us fix this bill so that only those who mistreat our children are left behind.

I am urging my colleagues to vote for H.R. 1 because the core bill is there and because I think we can improve it with the help of our colleagues in the other body.

I am also urging our President as well as the Secretary of Education to support us as we try to improve the bill so that children all over this country may truly benefit. This is the time for leadership and substance over rhetoric.

I have tried to be bipartisan in my approach; however, if vouchers and block grants are added to our core bill on the floor, then I would be forced to urge my colleagues to reject this bill.

Finally, Mr. Chairman, I am including for the RECORD a copy of a letter from the National Education Association in support of my remarks.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, May 16, 2001.
Representative RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HINOJOSA: On behalf of the National Education Association's (NEA) 2.6 million members, we would like to thank you for your efforts to address the issue of parental consent for participation in bilingual education programs: Specifically, NEA agrees with your opposition to requirements for written parental consent for the provision of non-English education services to limited-English-proficient students.

NEA strongly supports the provision of information to parents and efforts to increase parental involvement in their children's education. However, we oppose parental opt-in requirements, such as those contained in the No Child Left Behind Act (H.R. 1). We believe the proposed opt-in requirements will create unnecessary roadblocks to providing students with needed instructional services. Such requirements would result in increased bureaucracy, while intruding on local school districts' ability to tailor educational programs to serve the needs of their limited-English-proficient students. In addition, students could be placed in educational limbo while schools seek the necessary consent.

Thank you again for your leadership in addressing this important issue.

Sincerely,
MARY ELIZABETH TEASLEY,
Director of Government Relations.

Mr. ISAKSON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Subcommittee on Select Education.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Georgia for yielding me this time.

Regrettably, today, I come to the floor to voice my opposition to H.R. 1. At the beginning of his presidency, President Bush outlined a bold vision for education that would move power and authority back to parents and back to States; a vision that included flexibility in how States and local schools would spend their money; a vision that would empower parents to make more educational decisions for their kids; and a change in process in how we would measure the results that Federal investments resulted in; a change in process where today we measure how we spend our dollars to a reform that said we are going to measure whether our children are learning or not.

The flexibility for States has been eliminated. The parental empowerment has been weakened. The results accountability has been added to the bill, but the red tape, where local school districts and States have to report back to Washington on how they spend their money, has been maintained. We are now going to tell States and local school districts how to spend their money as well as the results they are going to get. What we are left with is Goals 2001, after we fought Goals 2000; and accountability putting us on the road to national testing and spending that only President Clinton could have dreamed of.

It is time to rework parts of H.R. 1. I agree with Sandy Kress, the President's education adviser, in his comments yesterday. H.R. 1 is likely "going to require further weeks of thought and deliberation to fix." It is time to move back to the President's vision of education, not the bill that is working its way through the House today. It is time to send this bill back to committee and let the further weeks of thought and deliberation happen in committee and not in a conference committee.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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Ms. WOOLSEY. Mr. Chairman, let me add my compliments to the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, and the staffs on both sides who have worked so hard on this bill.

Mr. Chairman, as it stands now, H.R. 1 is good enough. It is not great, mainly for what it leaves out. It would be a better bill if it included my amendment to keep coordinated services as part of the act. That way, children and their families would have a safe place, at or near their school site, in order to have access to services, the services that they need when their lives are so very, very busy.

It is also too bad that my "Go Girl" amendment to bring more females into the math, science, engineering, and technology workforce was not included. When women, who are one-half of our population make up only 19 percent of our science, engineering, and technology workforce, we must encourage more girls to study these subjects. "Go Girl" would have done that.

On the other hand, H.R. 1 includes testing provisions, provisions that must be removed from this bill.

Two good things about H.R. 1 are what have been excluded in the bill; that are not in the bill. These good things are no private school vouchers and no block grants. Block grants would take education funds from students and schools which need them the most. But if these amendments pass, adding vouchers or block grants, then I would suggest that we defeat H.R. 1.

Mr. Chairman, I encourage my colleagues, keep H.R. 1 clean so we can pass it. Otherwise, H.R. 1 is good enough to vote for. It would be better, however, with coordinated services, "Go Girl" programs, school construction, and smaller class size.

Mr. ISAKSON. Mr. Chairman, I yield 3½ minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this legislation. It is truly an example of bipartisanship, and it is an example of the way that the system is supposed to work.

This process has not been about politics, it has been about children and their educational standards. Yes, I have heard what others have said, and I am pleased to assert that without question this bill is reflective of President Bush's vision for education reform; and the President has indicated his support. So let there be no mistake about that for the people on my side of the aisle.

I also want to point out some of the good parts of this bill. It gives flexibility and local control and maintains it; and that was very important to me and very important on a bipartisan basis. I think the flexibility allows school districts in this bill the ability to target Federal resources where they are needed the most, and that will ensure that State and local officials can meet the unique needs of their students.

It also enhances accountability and demands results through high standards and assessments. Grades three through eight will have student testing. This is a provision that has not been clearly understood; and as a member of the Committee on Education and the Workforce, I want to explain this to everyone here.

It is important to emphasize that the States will develop their own standards and assessment. This bill does not dictate a national test. However, what the bill does say, if you are going to accept Federal education funding, then you are going to be held accountable for the results. State test results will be confirmed through the National Assessment of Educational Progress or a similar test. If a State improves on the NAEP, and their State assessments each year show a forward movement, they will be eligible for rewards. Those who do not improve will undergo corrective action.

Striking a balance between State and Federal responsibility is the right approach, and it is the way that we have done it and what the President has approved. I think that is awfully important.

I took leadership in terms of the question of safe schools, and I do not know how much of this has been emphasized in this debate, but namely we put into it mental health screening and services that are available to young people through the schools. Whether we are talking about violence in the schools or aggressiveness in schools, we want to deal with those tragedies and those growing symptoms of problems within the school system, and so we have school-based mental health services. And I was proud of being part of putting that in the bill.

Finally, is this a good bill? Yes. Does it reflect the President's priorities? Absolutely.

Mr. Chairman, those areas where there are continuing disagreements will be taken up in the debate on the amendments. So this is a full process. We can discuss the voucher question yet again. It is one on which I disagree. Vouchers should be out of this legislation, but it will be voted on as an amendment. In the end, we will be passing an historic education bill for our children and for the future of our country.

Mr. Chairman, I rise in strong support of this bill. First and foremost, I would like to commend the Education and Workforce Committee Chairman BOEHNER and Ranking Member GEORGE MILLER for their leadership, hard work, and diligence.

This bill is truly an example of bipartisanship. But make no mistake—this was not an easy process. There were many hurdles along the way—and many times we all thought an impasse had been reached. No one on either side ever lost sight of the goal—to ensure that every child, regardless of situation, in every public school in America received a quality education.

This is the way the process is supposed to work—partisan politics have been set aside to make way for a meaningful debate on the issues that matter to America and our children. This process has not been about politics—this process has been about children.

BUSH PLAN

Yes, I am pleased that the bill before us today is bipartisan. But I am also pleased that this bill is reflective of President Bush's vision for education reform—to have the best education system possible to leave no child behind. And President Bush supports this bill—That's what this bill accomplishes. We all won on some issues and we all lost on some issues. But, in the best spirit of compromise, America's children win.

For instance:

H.R. 1 provides unprecedented flexibility and local control.

It is vitally important to cut federal education regulations and provide more flexibility to states and local school districts. We should give our educators the flexibility to shape federal education programs in ways that work best for our teachers and our students.

Flexibility allows school districts the ability to target federal resources where they are needed the most. This will ensure that state and local officials can meet the unique needs of their students.

H.R. 1 dramatically enhances flexibility for local school districts in two ways: (1) through allowing school districts to transfer a portion of their funds among an assortment of ESEA programs as long as they demonstrate results and through the consolidation of overlapping federal programs.

H.R. 1 enhances accountability and demands results.

As we provide more flexibility, we must also ensure that federal education programs produce real, accountable results. Too many federal education programs have failed. For example, even though the federal government has spent more than $120 billion on the Elementary and Secondary Act (ESEA) since its inception in 1965, it is not clear that ESEA has led to higher academic achievement. Federal education programs must contain mechanisms that make it possible for the American people to evaluate whether they work.

This bill provides accountability and demands results through high standards and assessments. And it provides appropriate responses to address failure. States will be required to test students in grades 3–8.

This provision has not been clearly understood.

It is important to emphasize that the states will develop their own standards and assessments. This bill does not dictate a national test. What the bill does is say that if you are going to accept federal education funding, then you are going to be held accountable for results. State test results are confirmed through the National Assessment of Educational Progress (NAEP) or similar test, which would be required annually for grades 4 and 8 in reading and math. If a state improves on NAEP and their state assessments each year they will be eligible for rewards, and if it does not, there will be sanctions. We reward states and schools that improve. Those that do not improve will undergo corrective actions. Striking a balance between state and federal responsibility is the right approach to accountability.

H.R. 1 ensures that our schools are safe.

I am pleased that H.R. 1 includes provisions to ensure that schools have the resources they need to combat substance abuse and violence. An important element included here relates to work that I have done on the Committee, during both negotiations and markup. Namely, this bill provides resources to ensure that mental health screening and services are made available to young people. In addressing school safety, we must ensure that children with mental health needs are identified early and provided with the services they so desperately need. Many youth who may be headed toward school violence or other tragedies can be helped if we address their early symptoms. I am pleased that this bill includes school-based mental health services language to ensure school safety and combat substance abuse.

H.R. 1 Promotes Reading First.

The bill also includes the President's Reading First Initiative, which awards grants to states that establish comprehensive reading programs anchored in scientific research. Obviously, in order to improve education we must start by ensuring that every American child can learn to read. States must be given both the funds and the tools they need to eliminate the reading deficit. Unfortunately, our schools have been failing our students on this basic aspect of learning. According to the National Center for Educational Statistics, thirty-eight percent of fourth graders cannot read at a basic level—that is, they cannot read and understand a short paragraph that one would find in a simple children's book. Reading failure has devastating consequences on self-esteem, social development, and opportunities for advanced education and meaningful employment.

By funding effective reading instruction programs, this bill ensures that more children will receive the help they need before they fall too far behind. Better reading programs mean fewer children in special education and fewer children dropping out of high school.

VOTE FOR THIS BILL

Mr. Chairman, this bill represents true bipartisan compromise—a true compromise. Had I written this bill, it would look significantly different. But, I recognize that we cannot allow the perfect be the enemy of the good.

Is this a good bill? Yes.

Does it reflect the President's priorities? Absolutely.

Will it improve education in America today? No doubt about that.

There are issue areas where we genuinely disagree and will have the opportunity to debate in the coming days.

For example, I strongly oppose any efforts to eliminate the testing provisions of the bill, as this is the centerpiece of the President's plan for accountability. In addition, I strongly oppose the re-insertion of vouchers. Instead, I support this bipartisan compromise in its current form: it makes real strides towards improving education for ALL of our nation's children. As such, I oppose any amendments that would erode this compromise or divert us from our goal: to leave no child behind.

This bill takes a meaningful step towards leaving no child behind. I encourage all of my colleagues to support the bill.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I said the other day I deeply appreciated the opportunity to be on the working group and commend the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for the outstanding work that they did in pulling together the essentials for this legislation.

Mr. Chairman, this is a core bill. As we said in the debate on the rule, there were many things on our side that we wanted to have included: The construction provision and the reduction of class size were two paramount things that we will not be able to debate even during the amendment stage.

The reason that I support this bill, notwithstanding the many omissions, is because the compromise that was struck provided for a doubling of the title I funds. It seems to me that this is a crucial test of whether we are serious about this legislation. Let us not forget that title I is premised on the fact that it is to be targeted to poor children. The formula is based upon counting poor children.

So when we hear speeches to the effect that the States ought to be allowed to have the discretion to spend their money any way they see fit, it is a complete annihilation of the process that got us to the formulation of title I back in 1965, and that is to bring specific aid to the poorest schools that cannot finance their educational systems; and, therefore, every year fall further back.

School financing is based upon real property values, and there are many, many places in the country where property values are so low that they cannot fund education adequately compared to the rich and wealthier districts. Let us not destroy that principle by talking about taking the money and letting the States have the opportunity to spend it any way they wish.

Mr. Chairman, there are many other facets to this bill with which I believe improvements can be made; but fundamentally, if we are not able to fund it, we do not have a core agreement.

Mr. Chairman, I rise in support of H.R. 1, which reauthorizes the Elementary and Secondary Education Act for 5 additional years.

ESEA was passed in 1965 to help America's most disadvantaged children. These are our poorest children, who go to school in crumbling buildings, with outdated textbooks, few if any computers, little access to challenging, up-to-date curriculum, and a teaching force that is often overburdened, inexperienced, underpaid, and undertrained. These are children who have been left behind by the way we fund our schools—through local property taxes. The communities these children live in are often unable to raise sufficient funds to provide for the same high-quality education as in wealthier communities. States also provide resources for education, but don't do enough to eliminate this disparity and ensure every child in the State has equal access to the same, high-quality education. ESEA exists to close the gap in resources to the poorest schools, to provide them with the funds to build a foundation for a solid, high-quality education.

The bill we are considering today, H.R. 1 continues the efforts of ESEA. For one, recognizing that highly qualified teachers are crucial to ensuring that the most disadvantaged students have access to the best education possible, H.R. 1 provides additional resources to help train teachers to improve their skills. Funding under title II is significantly increased, by almost $3 billion. Though almost $2 billion come from consolidating class size reduction funds with other teacher training funds, this represents a significant increase for teacher quality programs.

Unlike children in wealthier communities, children in the poorest schools more often do not come to school ready to learn, not in the first grade, not in any grade. These are the children that have to deal with distractions at home. They face dangerous surroundings, both in and out of school. And they go to schools that are falling apart, have the largest classes, and may not have enough classroom space, forcing some to take place in hallways, cafeterias, gymnasiums, or worse. These children face many obstacles to getting a solid education, and need the best teachers.

Another major improvement included in H.R. 1 is the doubling of title I funds within 5 years. These funds are the main Federal resources that are intended to fill in the gaps between poor schools and wealthier ones and are very much needed. While these funds are doing a great deal of good in many schools, we know the program is currently underfunded and that we need to help many more students. Doubling title I funds over the life of this authorization is a good start toward providing disadvantaged students with the best educational opportunities available, improving teacher quality, and helping struggling schools help themselves.

But there are major problems with this bill. Chief among these is the new annual testing provisions in grades three through eight. These tests simply point out failure, and in many cases are used inappropriately for high-stakes decisions. H.R. 1 fails to provide enough resources to either help students or schools succeed.

H.R. 1 is written with the premise that if we test children enough, we'll know which students are failing, and thus, which teachers and schools are failing. This legislation promotes the idea that if a child fails, the solution is to take away the teacher, or move the child to a different school. And it perpetuates this notion by providing some funds to some schools that fail, but does little to ensure the school has enough resources to succeed in the first place. The annual tests contained in this bill will not be a vehicle for success, but rather a harbinger of punishment for children, teachers, principals, and schools. In the end, it will be communities that suffer from the misplaced emphasis on these tests.

H.R. 1 makes some resources available to failing schools, but not enough. In the 1998–1999 school year, States identified 8,800 schools as needing improvement. Since different States use different standards, this may understate the number of failing schools. And with the new annual tests under H.R. 1, it's likely even more schools will fail. However, this bill authorizes only $500 million to help these schools. While this builds on President Clinton's effort over the last 2 years to provide additional funds for low-performing schools, it does not go nearly far enough to provide the kind of intensive, high-quality support failing schools still need.

H.R. 1 is grievously flawed if it passes the House without sufficient resources to help failing schools. Of the schools identified by States as needing improvement in 1998–1999, only 47 percent of these principals said they got any additional help from their district, from their State, or from the Federal Government. That's less than half. And while these schools are more likely to get help the longer they've been identified as needing improvement, the help isn't likely to come anytime soon. 70 percent of principals in a school that's been struggling for 3 years saw no additional help, and even 38 percent who ran a school that's been struggling for 4 years saw no additional help. Almost a third of principals in struggling schools had no idea what their districts considered to be "adequate yearly progress", the State's benchmark for what constitutes success.

Almost half the title I schools identified as low-performing in 1998–1999 were 75 percent or more minority and eligible for free and reduced price lunch. These schools simply cannot turn themselves around without real help.

This issue is not just a national one, but a very local one for me and many of my colleagues. In many of my communities in Hawaii, three-quarters or more schools have been identified as low-performing. Part of this has to do with our State strengthening its education system, but much of it is also a direct result of these schools not having the resources in the first place to provide a high-quality education. Without the necessary additional resources, these schools will continue to fail, and the annual testing provisions in H.R. 1 will only serve as a vehicle for punishing these schools and disrupting communities rather than making a sincere effort to provide help.

Linked to this flaw is the potential havoc public school choice may wreak. The public school choice provisions in H.R. 1 take a backward approach to providing resources to the children that need them most. The intent of ESEA has always been to help poor schools give kids the best education possible by providing them with more resources. H.R. 1 turns this on its head by dictating that, instead of bringing the resources to the student, bring the student to the resources. That logic is inherently backward.

We should not be focusing time, effort, and money on disrupting and dismantling children's base of security, the neighborhood school. Instead, we should be sending in reinforcements: adequate funding, so poor schools have the same chance to succeed as wealthier schools; qualified, strong, and experienced teaching staff, so they form a crucial foundation and get to know students and their individual problems; and the kind of learning atmosphere that voucher proponents endorse private schools for: smaller class sizes, extended learning time and tutoring before and after school, schools that aren't crumbling, schools with computers and modern wiring and infrastructure. We need to turn this debate right-side-up again. Instead of forcing the child to go where the resources are, we should be doing what we should have done all along—bring the resources to the child.

There are other significant problems with H.R. 1. One of the most significant is the various ways it undermines education for students with limited English speaking skills, and those who are recent immigrants. The most important issue is that H.R. 1 blockgrants all of the existing programs for these children into one formula program, but provides too little overall to be distributed in sufficient quantities to be effective. These programs currently are competitive grants and thus are more targeted to students that need them. By turning all these programs into a block-grant, H.R. 1 dilutes these funds, providing less services to the students that most need them. H.R. 1 should keep these programs competitive at least until funding reaches $1 billion.

H.R. 1 also contains a dangerous provision for limited English proficient students, requiring schools to get approval from their parents prior to giving these students access to bilingual education services. This provision could cause significant delays in schools providing these children with an education. These are the most vulnerable of our students—they may have little understanding of our systems, little capacity to understand directions people are giving them, and little chance of becoming dedicated to a system they can't comprehend. By inserting this onerous provision in ESEA, the bill will simply disrupt or even deny to our neediest children educational opportunities on an equal basis, as required by Brown versus Board of Education.

In the end, this bill tries hard to retain some of the best things in ESEA, and even adds some good new ideas, such as the Reading First program. But one good idea cannot disguise many bad ideas. In an apparent fervor to block-grant programs with no consideration for effectiveness, H.R. 1, for example, eviscerates the Class-Size Reduction Program. This is the one program that will really help with reading. It is research-based and scientifically proven to work, as is required of all other programs in the bill, and flexible enough to be used for improving teacher quality. Combined with a genuine effort to help communities repair and build new schools, the Reading First Program and the Class-Size Reduction Program might have actually driven change in education for disadvantaged students.

Mr. ISAKSON. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. KELLER), a member of the Committee on Education and the Workforce.

Mr. KELLER. Mr. Chairman, I rise today as an original cosponsor and strong supporter of the President's No Child Left Behind Act. Why do I support this meaningful education reform legislation? Because, for the first time, more children are going to be able to read in this country. Parents are going to get a report card as to how their children's school is performing, and children now trapped in a failing school will have a safety valve to get out.

Mr. Chairman, we do these goals by three key measures. First, we will invest an additional $5 billion over the next 5 years in reading for children in grades K–2. This is critical since currently approximately 70 percent of our fourth graders in inner-city schools cannot read. We must address this issue head on.

Second, we will require that States annually test our children in grades three through eight in reading and mathematics. It is critical to measure their performance on an annual basis to ensure that no child falls through the cracks.

How many times have we turned on the television to see a college athlete explain he is not able to read, yet he was able to graduate from high school. He has fallen through the cracks, and by measuring the performance each year, we are going to put an end to this problem right here in this Congress.

Third, there will be a safety valve for children trapped in failing schools. Specifically this bill provides for immediate public choice, as well as providing tutoring, including those provided by faith-based providers.

I have heard two criticisms of this bill raised by some of my conservative colleagues, and as a conservative myself, I would like to address both of those criticisms head on.

First, they say, "The President's reforms have been left behind in this bill." Let us look at the facts. The President called for more money for reading, testing, and school choice. This bill provides for reading, testing, and immediate school choice that takes place even sooner than the President proposed. It is true that we did not have the votes for private school choice at the committee level.

Mr. Chairman, I support private school vouchers. I argued for them at the committee level, and will support them as an amendment on the floor later today. But even if we do not have the votes for private school vouchers, it is important to realize that public school choice provides a nice safety valve for children trapped in these public schools. It gets them immediate relief, and I believe 90 percent of a loaf of bread is better than none at all. That is why the President himself supports this bill. Do not allow the perfect to be the enemy of the good.

The second criticism is that the Federal Government should not be involved in testing. H.R. 1 explicitly prohibits federally sponsored national tests, prohibits federally controlled curricula criteria, as well as any mandatory national teacher test or certification.

Mr. Chairman, I urge my colleagues to vote "yes" on H.R. 1.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chairman, I am very proud of the bipartisan work the Committee on Education and the Workforce has done on this bill. Members have worked together with the White House; and I thank the gentleman from Ohio (Mr. BOEHNER), our chairman, and the gentleman from California (Mr. GEORGE MILLER), my ranking member, for leading this bipartisan effort.

Mr. Chairman, I want to vote for an education bill that demonstrates leadership and accountability to parents and students; and I want to support a bill that prepares today's students to be active citizens in our democracy and contributing to our economy and our communities. But I will not support a bill where vouchers are included. Vouchers take away scarce resources from our children and provide no accountability for our tax dollars.

Mr. Chairman, I want to support a bill that involves parent and community control at a local level, but I will not support a bill if it takes decisions away from parents and local school districts and creates a new block grant program. I want to support a bill that holds schools accountable for the success of our children's education. We have more work to do on this bill.

When our school districts, teachers, parents, and students look at this bill, will we have passed their test? Special education remains underfunded. Title I remains underfunded, and this bill includes a new, unfunded Federal mandate for our school districts, six more tests for our children.

Mr. Chairman, this bill is not perfect; but I am here to work with all of my colleagues today to pass a bipartisan education bill that is accountable to our communities and our children.

Mr. ISAKSON. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), a member of the Committee on Education and the Workforce and the principal author of the mentoring provisions of H.R. 1.

Mr. OSBORNE. Mr. Chairman, I would like to thank the gentleman from Georgia for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 1. I would like to thank the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for their work.

Mr. Chairman, I was formerly in the coaching profession; and each year we evaluated hundreds of transcripts from all across the country. We found over time that even though someone was a high school graduate, and even though their grades were reasonably good on the transcript, we could not determine from their transcripts that they could adequately read, write, do basic math or perform. So we had to rely heavily on SAT and ACT tests.

We have a national crisis in education because so many students are simply passed along. Roughly 68 percent of all fourth graders in the Nation cannot read at a functional level.

□ 1130

So I think H.R. 1 really addresses most of these problems and will alleviate much of the crisis that we see before us.

I would like to mention very quickly two elements of H.R. 1 that may go relatively unnoticed in the discussion today. First is the rural education initiative. Sometimes rural schools are just as distressed as inner-city schools, and I think this element will be addressed in the bill. Small rural schools, 600 students or less, receive very few Federal dollars. They have no grant riders, and many times the funds really that they might receive are not worth the paperwork. So this particular bill will provide a minimum of $20,000 to those schools. This will reach thousands of schools across the country, 400 in my State of Nebraska; and I think it is something that will really help the smaller school because it will enable them to hire a teacher, buy four or five computers, do something meaningful with the grant money that they are currently foregoing.

The second aspect of the bill I would like to mention is that of mentoring. Over the last 10 years, we have spent 80 billion Federal dollars and we have seen absolutely no improvement on test scores or dropout rates. We do not know what return we have gotten for our money.

In the city of Kansas City, over the last 15 years they have spent $2 billion on education; and they spend $8,000 per student, more than $8,000 per student. They have excellent facilities, great teacher salaries and excellent curriculum; and yet they lost their academic accreditation last year, first major city ever to lose accreditation. They flunked every State performance standard.

So one says, well, what is happening here? Why, if they have been given all these tools, would this happen?

I would like to read very quickly a statement from Gary Orfield, a Harvard sociologist who has studied the school system in Kansas City. He said, "When students come to class hungry, exhausted or afraid, when they bounce from school to school as their families face eviction, when they have no one at home to wake them up for the bus, much less look over their homework, not even the snazziest facilities, the strongest curriculum and the best paid teachers can ensure success."

So I think that mentoring is something that will address this because it does cut absenteeism, drug abuse, teenage pregnancy, violence, and lowers drop-out rates.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me this time.

Mr. Chairman, I would like to take this opportunity to thank the gentleman from Ohio (Mr. BOEHNER) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for the hard work that they have done in pulling this bipartisan bill together.

Mr. Chairman, when we ask our fellow House Members how Congress can best help fix our schools, we get as many different answers as we have Members. We all feel strongly about education, and we all have our own ideas about what needs to be done; and many of these ideas have merit. That is why I rise today in support of H.R. 1, a bill that offers a balanced, thoughtful, bipartisan course of action for helping achieve the educational results that most of us seek; a bill offering more accountability without undue Federal influence; more flexibility while still targeting many special needs; options for children who are trapped in underperforming schools while retaining public funds for public education and without vouchers; and provisions I strongly pushed to update technology in rural schools and to double title I funding.

We should ask not whether the bill achieves perfection but whether it is a fair, constructive compromise that can move the country closer to achieving better schools and a brighter future. And without question, the answer is yes. I urge my colleagues to join in supporting this legislation. It is a good bill. A lot of people have worked hard on it. It is a bipartisan consensus of what we need to do to move forward on education, and I think that it will make a difference.

Mr. ISAKSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman from Georgia (Mr. ISAKSON) for yielding me a couple of minutes to talk about this wonderful bipartisan bill.

Mr. Chairman, I commend the ranking member, the gentleman from California (Mr. GEORGE MILLER), and the chairman, the gentleman from Ohio (Mr. BOEHNER), for their working together and also the rest of the committee for a very good product, because this bill provides accountability which will improve educational quality. It provides local school administrators and school boards with more flexibility. It consolidates 34 out of 66 programs. It provides accountability with more funding for title I, which is significant. Lastly, it provides relief for children trapped in failing schools.

Now, although H.R. 1 is a good bill, the single greatest change that we could bring to every elementary and secondary school everywhere in the country is to fulfill the Federal Government's obligation to fully fund its share of the cost of education for the disabled. Now, I bring this up because the Senate incorporated an amendment to make IDEA funding mandatory, but this language was left out of the House bill; and I regret the fact that I was unable to offer an amendment of my own to phase in full funding over the next 10 years as a mandatory program.

Now, mandatory phase-in is good for the program if it is done on a percentage basis. It is good because local school boards can plan financially from year to year how much money they are going to have. It is good for education most importantly because we need to meet that unfunded mandate; but lastly and probably even more importantly, it is important for the program to have it funded on a mandatory basis because then the Congress will be forced to address the programmatic side of IDEA and reconcile the program to a budget.

There are two problems with IDEA, the unfunded mandate and the programmatic side. I hope that the House will consider ceding to the Senate's position on IDEA because it is for responsible government, smart tax policy, and good for education. I commend the chairman and the ranking member for a job well done on H.R. 1.

The CHAIRMAN. Without objection, the gentleman from California (Mr. GEORGE MILLER) will control the time on the Democratic side.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY), a member of the committee.

Mrs. MCCARTHY of New York. Mr. Chairman, I want to thank certainly the gentleman from California (Mr. GEORGE MILLER) for the work that he has done, as well as the gentleman from Ohio (Mr. BOEHNER).

Mr. Chairman, I have been hearing that there are some people that are unhappy with this bill, and I am sorry to say that is too bad. This is a good bipartisan bill. Both sides gave up a lot, and they did. There are certain things in this bill that I would like to have seen in it, but anyway working on bipartisan, that means each person has to give a little bit. Let us get down to what this bill really does. It is going to help our schools that need the most help, with accountability and flexibility.

Mr. Chairman, I come from Long Island. I have some very wealthy suburban schools. They are doing very well, but I also have schools that are failing terribly because they do not have the resources to do what they have to do.

This bill, through title I, is going to help them. We will be helping all the children across this Nation, and that is what the Committee on Education and the Workforce is supposed to do. With that, I would like to say we on the committee are on that committee because we care about education. So I am hoping that all the Members will listen to us and say this is a good bill, accept it and let us help the children of America. That is why we are here. That is why we sit on all the different committees. We can disagree and we can disagree, but when a bill like this comes out of our committee with good bipartisan support, each of us giving up a little bit of something that we wanted, this bill will help the American people.

President Bush accepts this bill, and we should work with him to make sure it goes flying through this House.

Mr. ISAKSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman from the Sixth District of Georgia (Mr. ISAKSON) for his leadership on this issue. He is certainly one of the most knowledgeable Members of this House when it comes to education.

Mr. Chairman, I want to take the opportunity to commend the President for ensuring that his administration makes education of our children its number one priority. While this bill is not a perfect bill, I think we owe a great debt of gratitude to the gentleman from Ohio (Mr. BOEHNER) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for the great leadership that they have provided here; and I commend them for bringing both sides together and bringing issues that are important to both sides more towards the middle.

While there are a number of provisions in this bill that I think are very critical, the most important provision, in my opinion, is the Reading First Initiative that we have in this bill that is going to provide flexibility to our States and is going to make reading a number one priority.

My wife is a fifth grade teacher. Her number one frustration with her fifth graders is the fact that too many of them are reading on a first or second grade level and some of them even below that. This bill makes sure that every child in America becomes more proficient in reading by the time they leave the third grade.

As one can imagine, it is frustrating to a teacher not to have children that can read, but imagine the frustration of those children who want to learn but simply are handicapped because they do not have the basic skills.

I commend the administration, and I commend the leadership on the Committee on Education and the Workforce for ensuring that we give priority to the issue of reading and making sure that all of our children learn to read and that we put accountability back on the State and local governments to ensure that they are doing the things necessary to make sure that all of our children are reading much more proficiently and at the early grade level.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the committee.

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, this bill has many good features to it, and I am sure that if we manage to maintain or keep out of it some of the problems that we have run into in the past it will probably pass this body. We have managed to keep out vouchers. We have managed to keep out block grants, things that in the past administration caused this bill to stop dead in its tracks.

If the President continues to maintain the position that he will not insist on those things, the bill will move forward. We still have to work on modernizing schools. We still have to work on having smaller class sizes. There is much more to be done, but I do want to call some attention to one feature of this bill that I think merits some consideration, and that is the high degree of testing that is being asked for.

We have to keep in mind that there already is testing being done in the States. Virtually every State has a significant amount of testing being done and the Federal Government already requires testing three times in math and reading throughout an elementary school career.

We have to be concerned that the testing that is in this bill does not amount to just quantity over quality, and my fear is that we have not allowed or provided for in this bill a ramping up to scale the capabilities of the testing community to be able to put those 260 additional tests that are now going to be required throughout this country in an appropriate way. We have not allowed time for them to be developed and implemented. We have not allowed enough resources for them to be done. The estimates are that it is $30 per test for the administration and much more for the development. The Congressional Budget Office estimates $650 million a year for these tests. Yet the President is only asking for $350 million.

If we continue in this path, States may feel forced to go to off-the-shelf tests, the lowest common denominator here; and the problem with that is we are going to run into all sorts of difficulties about whether or not this testing procedure then really does measure the progress of our students or is it just putting on them yet an additional burden of still another test in which teachers have to prepare; it has to be developed; they have to take time out of the classroom and away from other subjects that probably should be taught.

So I caution our Members to hopefully go back to the drawing board on the testing provisions and make this truly a good bill, provide the resources that are there, make those tests not something that is required until and unless we do the background work that needs to be done.

Mr. ISAKSON. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT), a member of the House Committee on Education and the Workforce.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman from Georgia (Mr. ISAKSON) for yielding me this time.

Mr. Chairman, I rise today to express my strong support for H.R. 1, the No Child Left Behind Act of 2001.

As a member of the Committee on Education and the Workforce, I am pleased to say that H.R. 1 encompasses President Bush's vision for education in America. The bill empowers parents, helps children learn to read at an early age, and grants unprecedented new flexibility to local school districts while demanding results in public education through strict accountability measures.

I know that many of my colleagues have and will speak in more detail about these provisions, so let me turn to a section of the bill that will not receive as much attention but is important because of the direct and positive impact it will have on the estimated 1 million homeless children and youth in our country.

□ 1145

Mr. Chairman, being without a home should not mean being without an education. Yet, that is what homelessness means for far too many of our children and youth today. Congress recognized the importance of education to homeless youth when it enacted in 1987 the McKinney Education Program. But, despite the progress made by this Act over the last decade, we know that homeless children continue to miss out on what is the only source of stability and promise in their lives: school attendance.

Mr. Chairman, H.R. 1 strengthens the McKinney program by incorporating the provisions contained in the McKinney-Vento Homeless Education Act of 2001. This bill ensures that a homeless child is immediately enrolled in school. That means no red tape, no waiting for paperwork, no bureaucratic delays. It limits the disruption caused by homelessness by requiring schools to make every effort to keep homeless children in the school they attended before becoming homeless. It also creates a mechanism to quickly and fairly resolve enrollment disputes, ensuring that such process burdens neither the school nor the children's education. Last, it assists overlooked and underserved homeless children and youth by raising the program's authorizing level to $60 million in fiscal year 2002 and reauthorizing the McKinney-Vento program for another 5 years.

As a former school board and PTA president, I believe H.R. 1 and its homeless education provisions meet our commitment to local control, while making the best use of Federal education dollars. I commend the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, as well as the gentleman from California (Mr. GEORGE MILLER), the ranking member, for understanding that being homeless should not limit a child's opportunity to learn and for addressing in the bill before us the needs of homeless children.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support the No Child Left Behind Act. This education reform legislation is what America deserves and what America's children need.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS), a member of the committee.

Ms. RIVERS. Mr. Chairman, I rise in opposition to H.R. 1. Less bad is not good. It is not legitimate to argue for passage of a flawed proposal on the basis that it could be worse.

What we have before us is a huge Federal intrusion into the jurisdiction of State legislatures and local school boards. What we have is a poll-driven illusion of reform through standardized testing, a vehicle that has come under recent scrutiny. Lastly, what we have here is a largely unfunded Federal mandate to further burden local school districts.

This is a power grab by the Federal Government, pure and simple. It represents an attempt to leverage only 7 percent of the funding for American schools into control of the entire K–12 system. Such action flies in the face of our long-standing tradition of local control of education. It also exacerbates an already grave problem in this country. Americans do not participate in school board elections. They do not know their board members, when the board meets or how to raise concerns about the schools. We should not encourage the public to turn their eyes to Washington regarding educational matters; we should, instead, direct them back to their own communities and their local boards of education.

But even if this power grab succeeds, Congress cannot deliver on the promises this bill makes. Testing is not the panacea its advocates claim. Polling shows some 70 percent of the public supports school accountability, and that would seem to show support for this proposal, but we have not asked the follow up question: do you favor a larger Federal role in the operation of your local school district? I dare say the opposition to that would be as high as accountability.

While the Federal Government will help with the costs associated in giving these tests, no dollars are available for the very real costs of scoring the tests nor for any response to what the tests may uncover. This creates a largely unfunded mandate, something we, the Congress, have condemned since 1995.

There is another polling question that might be asked: do you favor requiring local schools to spend more money to comply with Federal requirements?

This bill is a mirage. It is not what it seems to be, and it makes a terrible trade. It stands a two-century tradition of community-controlled schools on its head in exchange for the mere illusion of reform. Vote "no."

Mr. ISAKSON. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS), a distinguished member of the Committee on Education and the Workforce and the gentleman who replaced the former chairman of that committee, Mr. Goodling.

Mr. PLATTS. Mr. Chairman, I thank the gentleman from Georgia for yielding me this time.

As a member of the committee, I rise in full support of H.R. 1. I would like to commend the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for working so diligently with each other, as well as with other members from both sides of the aisle, to help craft a bipartisan bill that I believe all of us can enthusiastically support. I certainly want to also commend President Bush for his efforts in this area.

He has brought the issue of education reform to the forefront through the depth of his commitment to improving America's schools. I have had the honor to speak with the President regarding this issue on a number of occasions now. Each time, he has demonstrated to me his genuine, heart-felt belief in the importance of closing the achievement gap in America's education system.

The bill we are about to consider is numbered H.R. 1 for a reason. It is considered by the administration and appropriately by Members of this House as the top priority for our Nation. There is no more important challenge before our Nation than ensuring that the next generation of schoolchildren is fully equipped with the skills and knowledge that they will need to succeed in work and life. Books and chalk boards, good teachers, and a safe learning environment, these are the ingredients to a better future.

Mr. Chairman, H.R. 1 consolidates education programs. It increases flexibility for local schools and, most importantly, and a corner stone of the President's plan, it requires accountability through annual testing. It treats literacy as a new civil right by proposing an investment of $5 billion in literacy programs to guarantee every student can read by grade 3.

An area I have particular interest in is preschool education, and the Early Reading First program proposed by H.R. 1 will help to advance the debate in this area. Too many children, because they come from broken families and shattered communities, first arrive at the schoolhouse already at a tremendous disadvantage. Quality pre-K programs, such as those envisioned in Early Reading First, can do much to ensure that these kids will not have to spend their entire elementary years merely trying to catch up.

I look forward to these and other considerations of the provisions in the bill, and I certainly join with the chairman of the committee and with other Members of the House in fully supporting the President's education plan so that we leave no child behind.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I would like to thank my colleagues as well, the gentleman from Ohio (Mr. BOEHNER), the chair of the committee, and the gentleman from California (Mr. GEORGE MILLER), our ranking member.

As a freshman Member of Congress, it has been an exciting time for me and a challenge to serve on the House Committee on Education and the Workforce, working to draft a bipartisan education bill which truly will help students in California and throughout the country. I have been touring the schools in my district to find out exactly what our teachers, administrators, parents and students really need in terms of help from the Federal Government. I think the bill that was reported out of our Committee on Education and the Workforce makes an excellent start towards helping our students achieve success. I am pleased with the increased funding levels of title I, and the increase targeting of funds to low-income and at-risk students. I am also extremely happy with what was not in the bill, and that is, private vouchers.

Although I am happy with the bill, I do have some concerns. I had hoped that the Republican leadership would have allowed Democrats the opportunity to improve the bill through amendments. I had hoped that school construction, an amendment that was offered by the gentleman from New York (Mr. OWENS) would have had some consideration today. Likewise, I also wanted to offer an amendment to allow community learning centers to use their funds to implement programs which would help immigrant students with language and life skills. Unfortunately, we were not allowed to offer these amendments.

I have several concerns with portions of the bill dealing with bilingual and immigrant education. I believe we must dramatically increase funding for bilingual and migrant education in order to meet the needs of States which are experiencing a large influx of immigrant and bilingual students. Also, the bill recommends that students be moved out of bilingual classrooms and into English-only programs within a matter of 3 years. I believe this provision is overly restrictive and has no basis in academic research.

I am also unhappy that the bill requires school districts to try and receive a parent's permission before putting a child into a bilingual education program. Requiring parents to "opt-in" in order to place their children in bilingual education is truly unfair.

Mr. Chairman, I think we have a very good education bill before us, given that we did work in a bipartisan effort. I know that some of my Republican colleagues will be offering amendments to add private school vouchers and to also continue the block grant effort. I would urge my colleagues to oppose those amendments and to stay with the base of the bill.

Mr. ISAKSON. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER), a member of the Committee on Education and the Workforce.

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman for yielding me this time.

I am a cosponsor of H.R. 1, and the reason I am is because the President proposed an ambitious plan, a good plan, called No Child Left Behind. This plan was adopted in terms of its vision by the Congress and translated into a bill titled H.R. 1, and that is the version of which I became a cosponsor.

This is an ambitious plan, and it is one that is balanced in its approach to education reform. This is a topic, Mr. Chairman, I take quite personally. I have 5 children; 3 of them have been in school, in public school in Colorado for about 3 hours, and it is them and their peers and children just like them that I think ought to be our primary vision and motivation in considering education issues in this bill in particular. What the President has proposed was a vision for education that spoke directly to them.

Key provisions of the bill, however, have been ripped out of the President's plan by the Committee on Education and the Workforce here in the House and elsewhere. For example, on the policy page of the President's plan, the President outlined the following: "If schools fail to make adequate yearly progress for 3 consecutive years, disadvantaged students may use title I funds to transfer to a higher performing public or private school." This provision, the core provision of the President's plan, has been taken out of his proposal.

The President goes on with respect to flexibility: "Under this program, charter States and districts would be freed from categorical program requirements in return for submitting a 5-year performance agreement to the Secretary of Education." This provision has been stripped from the bill.

Fortunately, today here on the floor, there are a number of amendments that were made in order that allow the President's vision to be restored to, in fact, secure for the President a victory out of the jaws of what appeared to be imminent defeat. We will have, for example, an opportunity to vote on a limited Straight A's provision which allows flexibility to seven States. This is a watered-down provision from what the President proposed, but important, nonetheless, for us to adopt.

Our failure to adopt these important amendments would be a betrayal to our President and I am hopeful, Mr. Chairman, that we will honor the President's vision to leave no child behind by restoring his bill here on the House Floor.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS), a member of the committee.

Mrs. DAVIS of California. Mr. Chairman, I want to thank the leadership on both sides, because they have worked diligently to create a document that would focus Federal funds on those students who are most needy.

While each of us would like to see changes in language or additions to the program, it is important to respect the restraints of these compromises and reject attempts to commit major surgery that would kill the patient. Studies small classes with high quality teachers. One of the most critical focuses of this bill is to infuse significant funding into professional development for educators.

I want to speak in support of one such program that I believe has the potential to dramatically raise the overall performance of teachers, inspiring good teachers to become excellent teachers.

□ 1200

While it is not contained in the House bill, it is part of the Senate bill and will be before the conference committee.

This is the authorization of funding for the National Board for Professional Teaching Standards, which would support a portion of the application fees so teachers can engage in the demanding year-long demonstration of their accomplishment in the act of teaching.

I particularly support funding to conduct outreach for the program because I believe it is a program that can uniquely energize increasing professional expertise for all teachers, and improve the culture of teaching in schools.

Teachers seeking this certification have to justify the decisions they make every day on how they teach and respond to children of diverse backgrounds, learning styles, and achievement levels. They answer these questions in writing and through videotape portfolios of their own interaction with students. One of the most critical elements is the follow-up self-reflection critiquing their own performance. Teachers who have survived this rigorous process repeatedly tell me that just doing it has made them better teachers.

Mr. Chairman, we need to give incentives to those teachers, especially in the very schools targeted in this bill, so that they will have the opportunity to demonstrate their accomplished teaching skills.

Mr. ISAKSON. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I support the education initiative that is before us because it provides more funds for education, provides assessments of the progress of students, and it provides more flexibility to the States. But it does more, in my judgment, than justify support. It does something for teachers.

My son, Seth, this week is graduating from the public schools in Fort Smith. He has done well, but he has done well to a large extent because of one teacher who went the extra mile to help him out. He provided a difference. His name is Mr. Larry Jones. He gave extra hours, and was a career-minded, student-oriented teacher who made a difference in someone's life. Yet, he received no more pay for his extra ability and devotion.

Quality teachers in my judgment should be paid well, encouraged, and rewarded for their success. This bill includes a provision in title II that I worked on with the committee that allows States and school districts to obtain funding for professional development of teachers; pay differentiation, which rewards teachers' individual efforts based upon leadership, student achievement, and peer review; and it also provides new approaches, funding for new approaches to provide teachers with optional career paths, such as career, mentor, and master teacher designations.

Mr. Chairman, I support this legislation because it acknowledges that teachers are the heart and soul of our education system and should be rewarded and encouraged for their efforts. I hope we can keep teachers in the teaching profession making a difference in the lives of students. I believe this legislation does that. I ask my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the gentleman for yielding time to me.

First, I want to salute the leadership of the committee, both the gentleman from Ohio (Chairman BOEHNER), and the gentleman from California (Mr. GEORGE MILLER) on our side of the aisle. I do not think there is a Member of the House of Representatives that has the passion and the eloquence and is such a virtuoso as the gentleman from California (Mr. GEORGE MILLER), so we thank him for his work. We are all grateful to him.

Mr. Chairman, this last Saturday in my congressional district in Palo Alto, California, the Board, the Student Advisory Board for California's 14th Congressional District, presented their annual report to the community.

This year, the 25 exceptional high school students on the Board decided to focus on one of the most critical issues of our time, education. They specifically analyzed recruitment and retention of teachers.

Their proposal included a number of important initiatives, including loan forgiveness, integrated housing and transportation for teachers; scholarships for college students who agree to teach after their graduation, a national teacher academy, Federal grants for continued learning, and skill-based bonuses.

I bring their ideas to the floor of the House today because it is not only important to heed their voices, but because I believe this bill represents a beginning of what we can do for education, and some of their ideas are in this bill.

The underlying bill is a good bill, it is a balanced bill, and it is a bipartisan bill. It includes a 66 percent increase in teacher training and class size reduction. It includes $1 billion for technology programs, a $128 million increase from current law, and $55 million more than the President's plan.

I am pleased that it does not include vouchers. Seventy-one percent of California voters last year chose not to have a State voucher plan because they siphon off some of the most important funding for 90 percent of our students in our country that are in the public education system.

The bill does have its shortcomings. We should fully fund IDEA. We should have school construction. We should take that up after this bill.

I support the underlying bill. I thank the leadership of the Committee, especially our magnificent gentleman from California (Mr. GEORGE MILLER), and I urge our colleagues to vote for it.

Mr. ISAKSON. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform and a tireless worker on behalf of President Bush's desire to leave no child behind.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Georgia for his kind introduction, and I thank everyone who worked on this bill; of course, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), but also including the staff. They have done tremendous work here.

This week, the House takes the next step toward the enactment of H.R. 1, the No Child Left Behind Act of 2001, our best effort to navigate the philosophical differences between our parties and realize our shared vision of a better future for all children.

Prior to 1965, many poor and minority students were denied access to a quality education. In effect, this country had a two-tiered educational system, one with low expectations for poor and minority students and high expectations for others.

Then Washington got involved. Now, after 35 years and more than $130 billion of well-intentioned Washington spending, we have yet to close the achievement gap between disadvantaged students and their more affluent peers. We have allowed ourselves to believe that some children are simply beyond our reach. As a result, this Nation has suffered.

Today, with the consideration of H.R. 1, we have rededicated ourselves to the notion that all children can learn, and we begin the reforms to ensure that no child is limited by a high school education that does not provide him or her with the necessary skills to read and write well. The No Child Left Behind Act of 2001 fundamentally changes our system of education to enhance accountability and focus on student achievement. It increases flexibility, expands options for parents, and ensures that all reforms are tested by scientific research.

Specifically, H.R. 1 builds on the 1994 authorization, focusing on what will be taught and what should be learned at the State and local levels, and it asks schools to demonstrate their ability to drive student results by measuring how well or poorly students perform from one year to the next in reading and math.

Although the bill is careful to preserve a State's ability to design or select its own standards and assessments, the data required by H.R. 1 will help parents, teachers, and other school personnel intervene as soon as a student begins to falter, not after several years of failure.

This is essential. As Lisa Graham Keegan, superintendent of Arizona Public Schools, testified before my subcommittee, these tests are not a punishment for students, teachers, or even the school, they are assessment tools. Without them, we simply cannot measure progress and we cannot have accountability.

Yet, some have raised concerns about the tests in their own States. To the extent there are problems such as low standards and cheating, they should be addressed.

That said, I firmly believe that these concerns should not call into question the need to measure progress. I hope we will focus on our attention on how best to use these tests to enhance student achievement.

H.R. 1 also requires each State to sample students in fourth and eighth grade with the National Assessment for Education Progress, or another independent test of the State's choosing, to confirm the results of the State's assessments. Since the standards and assessments are developed at the State level, I believe a national measure is critical to help the public monitor the quality of standards and assessments in various States.

Currently, NAEP is the only test that will allow comparison between States and student groups, and is the best barometer of student achievement. Most Members of Congress use NAEP data to demonstrate our Nation's education failures. While I feel the need to preserve the balance of the agreement, I hope to work with my colleagues to better inform them about NAEP and to ensure that we do not inadvertently promote low standards students with other independent assessments.

Let me state unequivocally that any effort to strike or weaken the test provisions of the H.R. 1 would play into the hands of the keepers of the status quo, effectively preserving a failed system that does not ask if children are learning. A vote against testing would strike at the heart of President Bush's accountability system. I urge all Members to oppose any such amendment.

H.R. 1 also seeks to address the current lack of accountability for education failure. For our public schools, wherein 90 percent of our children are educated, we provide Federal dollars and technical support as soon as they begin to fail. Yet, after time and assistance, H.R. 1 recognizes that some schools, by virtue of mismanagement or chronic neglect, have not only failed to increase student achievement but have actually retarded educational progress. For these schools, we require a substantial restructuring.

More importantly, we give the children a chance to learn by allowing them to immediately transfer to another, better-performing public or charter school. In addition, we allow students to take their share of Title I dollars to a private entity for tutoring or remediation services to ensure that they get the help that they need.

Finally, H.R. 1 grants new flexibility to States and local school districts, and vests additional power in the hands of practitioners, not bureaucrats.

I urge everyone to support this legislation and to oppose the testing amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU), a member of the Committee.

Mr. WU. Mr. Chairman, I would like to speak for a moment about H.R. 1, which I consider to be a good bill, but one which could be even better.

There are two notable omissions from this bill: a freestanding effort to reduce class size, and a freestanding effort to build new schools or to repair crumbling schools.

Class size reduction efforts are included in this bill, but they compete, they compete with teacher quality and teacher training programs. I submit to the Members that no school, no parent, should have to choose between having a quality teacher and a small class size, which promotes learning and teaching. This is the only way that we can truly leave no child left behind.

Many Members know that many parents choose to send their children to private school substantially in part to get the benefits of smaller class size. But all children should have the benefit of this kind of education, a small class and a quality teacher.

Small class size, reducing class size, was a freestanding effort lost in the Senate by 50 to 48, and we were not permitted to bring that amendment to this floor. I urge the conferees to restore the freestanding program in the conference committee.

This program has fallen victim to politics associated with the Clinton administration. I think that is extremely unfortunate, because this is not a Clinton idea, this is a commonsense idea, one which benefits all children across America, and we should restore it to this bill any way we can.

The CHAIRMAN. Without objection, the gentleman from Ohio (Mr. BOEHNER) will reclaim his time.

There was no objection.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 4½ minutes to the gentleman from Michigan (Mr. EHLERS), a member of the committee.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding time to me. I also thank him for good service as the chairman of the committee on a very difficult bill.

Mr. Chairman, I am not only thankful for his service, and that of the gentleman from California (Mr. GEORGE MILLER), the ranking member, but I am also thankful that we have a good President who supports improving education, and supports it not just because it is a major campaign issue, but supports it from his heart. He also understands the appropriate Federal role, and his work on this reflects that.

We need flexibility and accountability. We need respect for local and State rights and responsibilities. Again, I say that from my heart, because I have served in local, State, and Federal government. This bill provides that flexibility. It also provides that accountability. I urge this body to vote for that bill.

Mr. Chairman, my interest in education extends back many years. I served for 22 years as a professor at the University of California at Berkeley and at Calvin College. My interest in this bill's particular aspect of education developed some 36 years ago when I became involved in working with teachers in elementary schools, trying to improve science education.

This arose very naturally from my background as a scientist. I have taught National Science Foundation summer institutes for elementary school teachers. I have worked in schools with the teachers and the students. I believe I have a good understanding of the issue.

I think it is extremely important that we improve our science education in this Nation, not just because I am a scientist, but because that is where the jobs of the future are. We currently have over 300,000 open jobs in this Nation for scientists, engineers, technicians, and those jobs are not being filled because we are not training the people.

This bill will help to train our children so they will qualify for those jobs in the future. I think that is an extremely important aspect of the bill. But we do have to strengthen the bill a bit because, although the bill asks States to set standards for science, it does not require assessments of student's learning of science.

We hope to take care of that problem in a colloquy which the gentleman from Ohio (Mr. BOEHNER) and I will engage in in just a moment. The Senate has included science assessments in their bill. We had it in the original bill. It unfortunately is not in the current bill before us, but we are hoping through the colloquy to make sure that is in the bill when it reaches the House for consideration of the conference report.

Let me also make one last comment about "Leaving no child behind." I believe that it is very important to apply that principle to all those who have learning difficulties but are still learning-able. I am referring specifically to dyslexia, in which I have a deep interest because I have a grandchild who has dyslexia. This tie I am wearing today came from a private institution which offers training in dyslexia. My grandson is also in a private school which specializes in dyslexia. We are simply not doing the job in public education to take care of these students, and we must in the future.

□ 1215

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

As the gentleman from Ohio knows, I had filed an amendment to restore the science assessment provisions that were included in H.R. 1, as introduced, that would essentially mirror the science assessment language in the Senate bill.

Specifically, my amendment would have required States to assess student performance in science by the 2007–2008 school year. A similar amendment was offered in the last Congress to H.R. 2, where it passed with a vote of 360–62.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Ohio.

Mr. BOEHNER. That is correct. I am very familiar with the gentleman's amendment.

Mr. EHLERS. Mr. Chairman, reclaiming my time, I understand the gentleman supported making this amendment in order and that it was left out in the amendments that we are considering in this bill.

Mr. BOEHNER. If the gentleman will continue to yield, the gentleman has been a leader in improving science education in our Nation's schools, and I was looking forward to working with the gentleman to debate this issue on the floor. Unfortunately, the amendment was not made in order.

Mr. EHLERS. Would the gentleman agree to include the science assessment amendment in the conference committee to H.R. 1?

Mr. BOEHNER. As the gentleman noted, similar language is in the Senate bill, and I would pledge to work with the gentleman from Michigan (Mr. EHLERS) when we get to conference to ensure ESEA legislation reflects our Nation's dire need for closing the international achievement gap in math and science.

Mr. Chairman, I pledge to work to develop concrete strategies to address this important need.

Mr. EHLERS. Mr. Chairman, I thank the gentleman from Ohio for yielding the time, and I thank him for his leadership. I look forward to continuing our work together, not only on this amendment, but also on the entire bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, this education bill represents the first real bipartisan effort of this Congress. I commend the leaders from both sides of the aisle who have put it together. I just hope it stays bipartisan for the sake of our children and our home communities.

The bill will help local school districts meet some of our most pressing education challenges. There is a strong emphasis on early reading and a commitment to title I and special education funding. The bill expands public school choice, which is welcome news in my district where magnet schools have been especially successful. The bill also provides resources and specific remedies to turn around low-performing schools.

In these next hours of debate, we are going to face amendments that could derail this bipartisan success. We will face an amendment to provide public funding for private school vouchers, which would siphon money away from public education, not strengthen it.

We will face amendments to weaken the link between dollars and results. We must maintain accountability to ensure that our children are learning.

Of course, when you have a truly bipartisan piece of legislation, no one gets everything he or she wants. I would have liked to have seen more attention paid to reducing class size. We know that smaller class size improves student learning, especially in the early years. We need to build more schools and hire more teachers to get class size down and to improve the quality of what is going on in the classroom.

Schools in my area are bursting at the seams with thousands of students going to school in hundreds of trailers. We have crumbling classrooms and outdated facilities. Over 90 percent of children in kindergarten through third grade in my district are learning in overcrowded classrooms. There are 24,000 children trying to learn in classrooms with 25 or more students.

So we need local school districts to build more schools; and when new classrooms are built, we need quality teachers to teach in them.

In my State, we have a staggering need to hire 80,000 new teachers in the next 10 years. I actually think that the teacher shortage is the education issue of the next decade, and neither party has paid sufficient attention to it. Without quality teachers in the classroom, no other education reforms we talk about are going to work.

But today, Mr. Chairman, we have a chance to take an important first step, a bipartisan step in the right direction. We can improve American public education in this country together. Vote for the bill and against crippling amendments.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I rise to enter into a colloquy with the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

The current language of H.R. 1 requires that a school identified for improvement must provide all students enrolled in that school with the option to transfer to another public school within the same local educational agency.

I am concerned that this language may not provide public school choice to students in many rural areas. For example, in my mostly rural congressional district, a school district is often comprised of a limited number of schools, sometimes including only a few elementary schools and one high school.

With few schools from which to choose, there is little or no choice within the same school district and, therefore, no relief for those students.

Mr. Chairman, I am hopeful that as the legislative process continues, the bill can include language such as I proposed to the Committee on Rules which will allow a student trapped in a failing school to transfer to another public school, regardless of the school district.

Will the chairman continue to examine this issue during the conference with the Senate?

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. WICKER. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I would be happy to work with the gentleman from Mississippi (Mr. WICKER) to address this issue in conference. H.R. 1, as we know, provides for within district school choice and then allows for the establishment of cooperative agreements with neighboring school districts, to the extent practical, if there are no higher-performing schools in the original district.

I understand the gentleman's concerns about meaningful public school choice in rural areas where choices are limited, and I can assure the gentleman that I will work in conference towards giving students at low-performing schools the option of transferring to another public school outside of their current school district.

Mr. WICKER. Reclaiming my time, I thank the gentleman for this assurance.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I am pleased to speak in support of this legislation. This bill is proof that friends on both sides of the aisle, even those who may not agree often, can come together in a bipartisanship way to accomplish a goal.

We cannot hold public schools accountable for improving education unless we give them the funds to ensure that they can meet those goals. I believe that this bill does both.

Mr. Chairman, H.R. 1 authorizes $24 billion in funding for our national kindergarten through 12th grade education programs, a 29 percent increase over the current fiscal year, much more than the funding levels provided by President Bush's own budget.

The bill doubles title I funds over the next 5 years to $17.2 billion, and it includes real support for teacher training.

I am reminded, 2 years ago when then-Vice President Al Gore was in my district and we were talking about school construction, we asked a young student about 12 years old what was the most important thing she was looking forward to in her classroom and she said, well, everybody knows, Congresswoman, that the quality of the teacher is the most important thing for a child to learn.

I am excited that we are doing something about teacher training. This bill also removes provisions diverting funds from public schools, whatever the newest name for them are, including private school choice. Vouchers do not support the vast majority of the students in the United States.

I am reluctant to support some parts of this legislation, but, overall, I am very proud of the work that my fellow members of the Committee on Education and the Workforce have done. And I commend both the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for having made this bill possible, because truly without both gentlemen, this would not have gotten done.

Today, the House has a rare opportunity to get some real work done, and I urge my colleagues to support H.R. 1.

Mr. BOEHNER. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding the time.

Let me first thank the gentleman for all the hard work he has done in putting together a truly bipartisan education bill.

Mr. Chairman, I would request that the gentleman from Ohio (Mr. BOEHNER) enter into a colloquy with me.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Ohio.

Mr. BOEHNER. I would be happy to do so.

Mr. NETHERCUTT. Mr. Chairman, reclaiming my time. I come before the House today to draw the gentleman's attention and the attention of the Committee on Education and the Workforce to the Star Schools program. I believe the Star Schools program has served students in my district and throughout the country very well.

The Star Schools program is a distance-learning network which gives students the opportunity to take classes they have never had before.

As many of my colleagues know, many small, rural and underserved urban school districts cannot afford to hire teachers to offer a wide variety of classes.

In small school districts, distance-learning programs are often the only opportunity students have to take advanced math and science or foreign language classes necessary to apply to college. Underserved urban school districts are often unable to find or afford qualified teachers to offer students unique and upper level courses.

The distance-learning programs offer a cost-effective way to level the playing field for all students, offering them the opportunity to take the same classes as their peers in larger and better-funded schools.

Mr. BOEHNER. Mr. Chairman, if the gentleman will continue to yield, I want to thank the gentleman from Washington (Mr. NETHERCUTT) for bringing this to my attention and talking about the importance of distance learning.

I believe strongly that distance learning is an important tool for many local school districts and students. And for this reason, this legislation places strong emphasis on distance-learning programs in the education technology grant program.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I visited STEP Star, which is the distance-learning program operated by Educational Service District 101 in my own 5th District of Washington. Their program is very impressive. STEP Star and all Star Schools programs provide an irreplaceable education resource to our rural school districts. STEP Star, which is partially funded through the Star Schools program, has made it possible for students in rural school districts, in my district and around the country, to take a variety of classes from a live teacher, whom they can interact with and ask questions of.

Outside of the class hour, programs like STEP Star allow students to talk with teaching staff. Online resources provide for instant exchange of electronic paperwork. Students can communicate with teachers and tutors through e-mail or participate in discussions with fellow classmates through bulletin boards.

So, once again, I thank the gentleman from Ohio for his support of distance-learning programs; and I just ask that as he moves forward with this legislation, to keep in mind the importance of ensuring that distance-learning programs remain affordable to the most vulnerable students and school districts, rural, small, and underserved urban districts.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman for his comments and pledge to work with the gentleman on this and other programs as we get into the conference.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Michigan (Mr. KILDEE) for yielding the time to me, and I commend him and the distinguished Members from California and Michigan, as well as the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce, for their sincere effort to put together a bipartisan bill.

We are looking back now over the years of the Elementary and Secondary Education Act. Congress has amended, expanded, streamlined, revised the ESEA eight times creating programs to help migrant children, neglected and delinquent youngsters, limited English proficient students, and other special children.

Programs have been launched to enhance math and science instruction and rid the schools of drugs and violence. Smaller ESEA programs have been created to advance school desegregation, stimulate educational innovation and achieve other important purposes.

However, the face of American education has changed in many ways over the past 30 years. One way it is changing right now that has been addressed earlier but cannot be emphasized too much is that over the next 10 years, we will need to recruit, train and hire 2.2 million new teachers, 2.2 million, just to keep up with attrition and retirement.

Mr. Chairman, I would also say that success in the information age depends not just on how well we educate our children generally, but how well we educate them in math and science specifically.

The majority of these new teachers will be called on to teach math and science. I am proud to have served on the National Commission on Mathematics and Science Teaching chaired by former astronaut and Senator John Glenn.

The Glenn Commission calls for major changes in the quality, quantity, and professional work environment of our math and science teachers.

Although not on the same scale as in the bill that the gentlewoman from Maryland (Mrs. MORELLA) and I produced from the Glenn Commission, this bill includes new math and science partnerships that mirror what we set out to do in the Glenn Commission. It is an excellent start on focusing the attention on math and science education.

The gentlewoman from Illinois (Mrs. BIGGERT) and I, also in committee, put together a bipartisan amendment to strengthen math and science partnerships.

Going farther, one of the main recommendations of the Glenn Commission was to establish regional academies that would recruit talented, mid-career professional and recent graduates in math and science teaching. Unfortunately, that recommendation is not in this bill, and the rule did not allow that and many other important areas to come for debate.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the Committee on Education and the Workforce.

□ 1230

Mr. SOUDER. Mr. Chairman, I want to make it clear at the beginning of my remarks that I strongly support our President. I think he is doing a great job. I strongly support the gentleman from Ohio (Mr. BOEHNER), our committee chairman. I think he has done a great job in a very difficult situation. But I rise to oppose this education bill, Goals 2001.

I remember as a kid, I heard President Nixon say we are all Keynesians now. Right now I kind of feel like what we are saying is we are all liberals now in education. The fact is, in this Goals 2001, this current bill, unlike Goals 2000 where we were supposed to have the States evolve towards a national plan, we have a national plan.

Unlike the spending in education under former President Clinton, this bill spends more. Unlike the education bills under President Clinton where there was a proposal to just develop and look at a national test, this has national testing; and it has it for 6 years in a row, mandated by a backup of the Federal Government that, if one's State test does not meet the national standards, one can have one's money jerked.

Furthermore, it will lead to, in my belief, a national curriculum. There are more new programs in this bill than there were under President Clinton. At some point, one says when is it a bipartisan bill and when is it just taking two-thirds or more of what the Democrats had proposed in the past?

Now, there are some amendments here that could change the bill. The amendment of the gentleman from Michigan (Mr. HOEKSTRA) would wipe out the testing and put us back to where we were under President Clinton. The amendment of the gentleman from California (Mr. COX) would have the spending be only a little bit more than under President Clinton. The bill of the gentleman from Texas (Mr. ARMEY) would take us back to where we were as Republicans last year on school choice. The bill of the gentleman from South Carolina (Mr. DEMINT) would take us, not quite back to where we were last year, but at least to the Kennedy position in the Senate.

I know there are not going to be very many conservatives who are going to stand up under the pressures that we are under, and against the polls, and oppose this bill. I do not know whether there will be five of us, whether there will be 10 of us, or whether there are 20 of us; but there are some of us who are going to say that there are still Republicans who are conservative on the education issue, as on other issues.

Mr. KILDEE. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, as a member of the Committee on Education and the Workforce, I rise in strong support of the underlying core bill, H.R. 1, the Elementary and Secondary Education Reauthorization Act.

Let me be clear though, we have a lot of good schools, a lot of good school districts, a lot of good students doing incredibly well in the public education system throughout our country. I am particularly proud of the education system we have in the State of Wisconsin and my district that I represent in western Wisconsin. But there are also a lot of students in need, a lot of schools and school districts in need. That is what this bill is meant to address.

The underlying provisions of this bill, I believe, are very good and receiving wide bipartisan support for good reason. It does retain targeting for the most disadvantaged students throughout the country. It increases resources in key programs. It does consolidate a lot of the programs that exist at the Federal level, but consolidates it with added flexibility to local school districts.

It has an emphasis on early childhood reading programs. It recognizes the importance of professional development programs for our teachers, but also an area that is of particular concern for me, professional development of the leadership of our schools, principals and superintendents.

It recognizes the need for research-based education programming and the important role that technology brings in educating our children today. It also contains measurements, measurements which will hopefully be used for diagnostic purposes with enough remediation resources in order to lift students who are underperforming in our school districts, rather than as a means to just punish schools and our students.

But there is still work that needs to be done. There are some glaring absences in this education bill, not least of which is pre-K education programming. There was an excellent study that came out of the University of Wisconsin just a couple of weeks ago that was published in the Journal of American Medical Association that I would reference my colleagues to, talking about the advantages and the benefits of a good focused pre-K education program. We also need to do a better job and a more efficient job of the education research programs that exist right now.

But perhaps the most glaring weakness of the bill is that we are not living up to our responsibility for special education funding in this country. The gentlewoman from Oregon (Ms. HOOLEY) and I offered an amendment to get the Federal Government to live up to our 40 percent responsibility of special education funding for local school districts. That amendment was not made in order.

We hope to be able to work as the appropriation process moves forward this year in getting enough of our colleagues to recognize the importance of the Federal Government to live up to our cost share for special education expenses.

If we can do one thing that will free up more resources, increase flexibility to local school districts, it is for us to live up to that 40 percent cost share rather than the slightly less than 15 percent that we currently have today. So we have more work to do this year, but H.R. 1 is a good start.

Mr. BOEHNER. Mr. Chairman, I yield 2½ minutes to the gentleman from Kentucky (Mr. FLETCHER), a member of the committee.

Mr. FLETCHER. Mr. Chairman, I appreciate the opportunity to speak on this very important subject. I think we all would probably agree that the education of our children is one of our greatest responsibilities.

Let me say thanks to the gentleman from Ohio (Chairman BOEHNER) for all of his work, an amazing accomplishment as we pass this bipartisan bill out of the House Committee on Education and the Workforce.

Folks have said, well, it is not perfect. Of course it is not. But it is a very, very good product and a great step in the right direction. Does it please everyone? No, but I think it does an outstanding job to change the direction of education in this country, the first change we have had in probably about 30 years.

The President has established the principles, and I think this bill meets those principles. There are a few things that we might work on as we amend it to try to give students more choice. But right now, the focus that I think we need to look at, too, is particularly on the educational gap that we have in this country.

When I look at minorities and look at only 36 percent of minorities being able to read on grade level by the fourth grade, we have a problem, a serious problem, an unacceptable problem. I believe this legislation, this initiative by the President, will help address that problem, a problem that I would say has been largely ignored over the last several decades.

The gap has not decreased. We have not offered the kind of help in education to empower minorities in this country that we should. I think it is a reflection of some soft discrimination that lowers expectations, that we need to make sure that that is stopped and that we raise expectations, the accountability, the focus on literacy which is needed in this country greatly to make sure that the minorities close that gap.

We have seen that happen in Texas under the President's leadership. I believe it can happen nationally, and I think that is one of the strengths of this bill is to say let us stop that soft discrimination. Let us provide the kind of educational opportunities we need to provide to the minorities in this country so that we give them the kind of freedom for those children to be all that they can be.

Let me say this, with the flexibility it offers, it is the very thing we heard on our education hearing we had in Lexington, Kentucky. We had a hearing on minority education in Lexington, Kentucky, at Booker T. Washington. One of the things we heard from a teacher, Richard Greene, was that give us the flexibility locally that we need to take these children to mentor them, to provide the kind of education that they need, because he does that. He has seen lives turned around.

I believe this education bill will give greater opportunities to make real differences in the lives of those students and allow that teacher, Richard Greene, to provide that mentoring and opportunity to those students to give them the opportunity again to reach their full potential and be all they can be.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, this Congress, led by the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), has come together to produce an agreement that I believe will make America's public schools better, and I am pleased to support it.

This bill introduces a new principle into Federal education policy; and that is, as we increase resources to public schools, we also increase responsibility. We require schools that have not measured up to figure out how to measure up, and we make a promise that the resources will be provided to make that measurement happen.

I am particularly pleased that, with the cooperation of the majority, we have made efforts in this bill to expand opportunities to use Federal resources for pre-kindergarten education. Under a provision of the manager's amendment, which I worked on with the gentleman from Ohio (Mr. BOEHNER), schools will be able to use monies under title IV of this bill to provide quality pre-kindergarten education.

Also, under title I of this bill, the bill clarifies that, in whole school reform, pre-K monies may also be used. I also appreciate the fact that the majority worked with my efforts to provide funding for peer mediation programs so that school violence can be curtailed.

We are going to work together to pass this bill, Republican and Democrat. We will work together and send it to the President's desk. I believe that schools and students all across the country will be better for it. I urge my colleagues to support this bill.

Mr. KILDEE. Mr. Chairman, I yield 2½ minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me this time.

Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE

MILLER) for all the hard work that was expended in crafting a compromise between the two parties.

I will say that I plan to support this legislation for many of the reasons enumerated already, particularly by the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from Wisconsin (Mr. KIND).

I will add that I am a little disturbed and concerned about three issues, Mr. Speaker. One is the enormous gap between the funding levels provided in the authorization, and we all use all this terminology here, meaning, for those who are watching at home, if there is anyone watching at home, the amount of money that we said we would spend and the amount of money that we intend to spend.

The amount of money that we said we want to spend, we indicated in the committee. The amount of money that we intend to spend was decided on the floor not long ago when we passed the budget resolution offered by the majority. The problem is there is an enormous gap between what we said we want to spend and what we actually intend to spend.

So all of this sounds great, but until the appropriators come to meet and decide on what that level of funding would be, we face a problem.

Two, we constantly complain in this body about how the Federal Government is not living up to its responsibility with local governments in terms of providing dollars for special education, or IDEA as we call it.

I hear from educators all across my district, Democrats, Republicans, those who teach in schools where one has a large swath of poor kids and those who teach in districts where one has middle-class or upper-income students.

The former chairman of our committee from Pennsylvania, who was a good man, often complained that before we moved as a Congress to enact new programs, we ought to live up to our commitment; we the Federal Government should live up to our commitment to provide up to 40 percent of funding for IDEA. We are not doing that. Not only are we not doing that, but amendments were blocked by the majority.

The last two points: the most urgent challenge we face in the great State I am from, Tennessee, and the area I am from, Memphis, is building new schools. No money is provided for that and no opportunity to bring an amendment for that.

Lastly, class size reduction. I had the opportunity to speak at one of the finest schools in my district's graduations. Thirty-six students graduated. Wonderful class. The kids are all going to go on to college. I will speak at a few other graduations in the coming days.

As I hear fourth and fifth grade teachers complain about teaching 25 to 30 students, I cannot help but think why the majority would not allow an amendment to deal with class size reduction.

Again, I intend to support this bill; but I submit to this Congress, if 5- and 6- and 7-, 8-, 9-, 10-, 11-, 12-year-olds could vote, they would vote us all out of the place. Because not one of them would support learning in a school that was 40 to 50 years old, where water does not run, where roofs are falling in. We would not subject ourselves to that, and we certainly should not subject our kids to that.

We will pass this bill in the coming days, but I hope we come back and do what is right and build schools for kids all across this Nation.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, we may be actually watching Congress at its best; that is to say, that we have managed to, number one, address one of the Nation's most pressing concerns, improving our education system; and, two, we have done it in a very bipartisan method.

To that extent, I want to begin by offering congratulations to the gentleman from Ohio (Chairman BOEHNER) for his hard work and also to the gentleman from California (Mr. GEORGE MILLER), a Democratic chairman. I think this is a great example of what happens when we work together. We deal with the Nation's business. This is not a perfect product, however; but it certainly is a very good product.

The administration, many of my Republican colleagues want to talk about accountability. We need to ensure the students perform and the schools perform. Those are very good things. My State of Maryland has been a leader on the question of accountability. The additional tests will help us measure whether our students are achieving or whether we are passing them through.

But in addition to accountability, we also need resources; and that is why I am very pleased that additional resources are in this bill for title I to help disadvantaged students, also for teacher training and class size reduction. I would like a little more for class-size reduction, but clearly there has been a substantial improvement led by the Democrats saying we need resources in addition to accountability.

□ 1245

Reading, the foundation for educational achievement, is funded adequately, and I am very pleased with that. And my personal issue, after-school programs, received a substantial increase. We need to provide opportunities for young people to have constructive after-school activities to provide a total environment.

Let me add that we also have in this bill something called public school choice, which is part of the accountability mechanism, and I think that is a good idea. Now, we will hear later about private school vouchers. I think that is a very bad idea. But giving students the opportunity to attend other public magnet schools or charter schools or schools that are performing helps enforce accountability. I think that is very good.

Now, this is not a perfect bill, and there are serious concerns on the question of school construction and school modernization. We have talked a lot about technology. We need more money to modernize our schools to utilize the latest technology. But some things are very basic in terms of school modernization.

Some fourth graders standing out on the steps taking a photo-op with their Congressman said to me, "Congressman, we need air-conditioning. Because when it gets hot, our teacher gets grouchy." And I think that is a real good advertisement for school construction. I hope we pass this bill.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time, and I do want to compliment the President on his efforts to make education a high priority in this country. The pillars of the next generation rests upon teachers giving knowledge to this new and young and curious, inquisitive generation of Americans.

I want to compliment the gentleman from Ohio (Mr. BOEHNER), his staff and the committee on the struggle that they went through to bring this bill to the floor, and there are many good things in this legislation. But this legislation is going to be the quintessential example of the principle of unintended consequences, and I am referring to the accountability part.

People keep talking about accountability and they use the word "accountability." That means piling on of tests. And when the educational system, especially in local areas, know that there are high stakes involved and they know that they are going to get more money for a particular school because they pass a particular test, then the focus is on the test. When the focus is on the test, we do not observe teachers teaching the broad range of knowledge, we observe teachers teaching techniques to the test, and then the children are left out.

So I would urge my colleagues to vote for an amendment when it comes up to deal with this issue.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, the relationship between student mobility, or transiency, and academic performance warrants significant national attention. In certain neighborhoods, especially in our inner cities and migrant family situations, rates of family mobility bear a direct correlation to student underachievement. According to a 1994 GAO study on student transiency, 41 percent of all third graders from low-income families in America have attended at least two schools. Nearly one-fifth of all third graders, nearly one-half million students, have attended three or more schools since the first grade.

Lacking permanent shelter of their own, these children and their parents, oftentimes single heads of household, move from place to place throughout the school year. Forced to migrate between the homes of kind relatives and friends, the children of these families are uprooted from the neighborhood elementary school with every move, until the next move to yet another temporary location, usually in another nearby neighborhood. Our Nation's migrant farm workers know too well the constant stress of moving from community to community and taking their children out of school multiple times during the school year. Transient and migrant families need stability for their children to succeed in school.

Mr. Chairman, I will be placing in the RECORD key findings from the GAO study that documented this phenomenon, Elementary School Children: Many Change Schools Frequently, Harming Their Education, and also key articles from the Catalyst for Cleveland Schools. Both support the findings that residential instability is the key corollary to poor student performance.

The revolving door for mobile students, many experts say, has been ignored for too long by educators who accept the notion that there is little they can do about it. But with rising consciousness of these disruptive patterns, local school systems have begun to focus on how to address mobility with specific programs targeted to help these multiple-move families.

As we take H.R. 1 to conference with the Senate, it is my hope we can work together to address this issue. During committee markup, the gentleman from Ohio (Mr. KUCINICH) offered an amendment to deal with this problem. The gentlewoman from Cleveland, Ohio (Mrs. JONES) knows the critical need for attention to this destabilizing pattern. I look forward to working with the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), who have been so kind, to offer any assistance I might provide.

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

Mr. BOEHNER. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Ms. KAPTUR) to complete her dialogue.

Ms. KAPTUR. I thank the gentleman.

Mr. BOEHNER. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I would like to thank the gentlewoman from Ohio for her deep interest in this issue and her desire to meet the needs of these specific families.

The gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from Ohio (Mrs. JONES) have also expressed their concern regarding this issue and have asked that I work with them to address the problems associated with student transiency.

I think we can focus on the problem in a bipartisan manner and seek solutions that will have broad support in the Congress. I will work with the ranking member, the gentleman from California (Mr. GEORGE MILLER) and our counterparts in the Senate to address the issue of transient students and the effects that multiple-family moves have on those children's education.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the chairman for his comments, and I look forward to working with him and others in the conference committee to help these families advance their children's academic performance, especially by encouraging a range of solutions to stabilize their residential situation during the early years of learning for their children.

Ms. KAPTUR. Mr. Chairman, I thank the chairman and the ranking member, and I submit for the RECORD the material I referred to earlier.

Letter Report from General Accounting Office

FEBRUARY 4, 1994.

Hon. MARCY KAPTUR,
House of Representatives.

DEAR MS. KAPTUR: The United States has one of the highest mobility rates of all developed countries; annually, about one-fifth of all Americans move. Elementary school children who move frequently face disruption to their lives, including their schooling. And, sadly, these children are often not helped to adjust to the disruption of a new school—new children, teachers, and principal—and to make sense of the variations in curriculum between the old school and the new. The success of children who change schools frequently may therefore be jeopardized. In addition, as the schools pay greater attention to high academic standards, advocated by national and state leaders, these children may face increased difficulty in achieving success.

In response to these concerns, you asked us to obtain information on children who change schools frequently: (1) their number and characteristics, (2) their success in school relative to children who have never changed schools, (3) the help that federal educational programs, such as Migrant Education and Chapter 1, provide, and (4) the help that improved student record systems could provide.

ELEMENTARY SCHOOL CHILDREN: MANY CHANGE SCHOOLS FREQUENTLY, HARMING THEIR EDUCATION

One-sixth of the nation's third graders—more than half a million children—have attended at least three different schools since starting first grade. Unless policymakers focus more on the needs of the children who are changing schools frequently—often poor, inner city, and with limited English skills—these children may continue to do poorly in math and reading and risk having to repeat grades. Local school districts typically provide little additional assistance to these children. The Education Department could help by developing strategies to provide all eligible children, including those who have switched schools frequently, access to federally funded Migrant Education and Chapter 1 services. Timely and comparable record systems are one way to help mobile children receive services. For example, a child's school records often take up to 6 weeks to arrive in a new school, and student records often differ from states and districts.

RESULTS IN BRIEF

One in six of the nation's children who are third-graders—over a half million—have changed schools frequently, attending at least three different schools since the beginning of first grade. Unless policymakers focus greater attention on the needs of children who have changed schools frequently—often low-income, inner city, migrant, and limited English proficient (LEP)—these children may continue to be low achieving in math and reading, as well as to repeat a grade. Local school districts generally provide little additional help to assist mobile children.

The Department of Education can play a role in helping mobile children to receive appropriate educational services in a timely manner. Specifically, the Department can develop strategies so that all eligible children, including those who have changed schools frequently, will have access to federally funded Migrant Education and Chapter 1 services. Children who have changed schools frequently are not as likely to receive services provided by the federal Migrant Education and Chapter 1 programs as children who have never changed schools.

Timely and comparable record systems could be one way to help mobile children receive services. A child's records often take 2 to 6 weeks to arrive in a new school, according to data collected by the California State Department of Education and others. Moreover, student records often are not comparable across states and districts. The federal Migrant Student Record Transfer System (MSRTS), established to transfer information from a migrant child's former school district to a new school district, also does not provide timely and complete information. However, other systems, such as one currently being piloted in a few states, may in the future provide comparable and more timely transfer of student records for all children, including migrants.

CONCLUSIONS

Children who change schools frequently face many challenges to their success in school. Such change can cause disruption and add to the other challenges—low-income, limited English proficiency, and migrant status—that make learning and achievement difficult for them. Nevertheless, many of the children who change schools frequently may be less likely to receive Migrant Education and Chapter 1 programs services than other children meeting program eligibility standards.

LOW-INCOME, INNER CITY, MIGRANT, AND LEP CHILDREN ARE MORE LIKELY TO HAVE CHANGED SCHOOLS FREQUENTLY

Children who are from low-income families or attend inner city schools are more likely than others to have changed schools frequently. Overall, about 17 percent of all third-graders—more than a half million—have changed schools frequently, attending three or more schools since first grade. Of third-graders from low-income families—that is, with incomes below $10,000—30 percent have changed schools frequently, compared with about 10 percent from families with incomes of $25,000 and above. About 25 percent of third-graders in inner city schools have changed schools frequently, compared with about 15 percent of third-graders in rural or suburban schools.

An inner city child, compared with one in a suburban or rural school, may be more likely to change schools frequently, in part, because he or she is more likely to come from a low-income family. Another factor that could contribute to an inner city child changing schools is that such a child may move only a short distance, yet move into a new school attendance area; however, a child in a larger, less densely populated school attendance area—for example, in a suburban or rural school district—may move several miles and still attend the same school.

Migrant and LEP children also are much more likely than others to have changed schools frequently: about 40 percent of migrant children have changed schools frequently, compared with about 17 percent of all children. Among LEP children, about 34 percent have changed schools frequently.

CHILDREN WHO HAVE CHANGED SCHOOLS FREQUENTLY ARE MORE LIKELY TO BE LOW ACHIEVERS AND TO REPEAT A GRADE

Of the nation's third-graders who have changed schools frequently, 41 percent are low achievers, that is, below grade level, in reading, compared with 26 percent of third-graders who have never changed schools. Results are similar for math—33 percent of children who have changed schools frequently are below grade level, compared with 17 percent of those who have never changed schools. In grouping the children who have changed schools frequently into four income categories, we found that within each category, these children are more likely to be below grade level in reading and math than those who have never changed schools. Children who have moved often were also more likely to have behavioral problems, according to a recent study.

Overall, third-graders who have changed schools frequently are two-and-a-half times as likely to repeat a grade as third-graders who have never changed schools (20 versus 8 percent). For all income groups, children who have changed schools frequently are more likely to repeat a grade than children who have never changed schools.

Children who have changed schools frequently, compared with children who have never changed schools, are more than twice as likely to have nutrition and health or hygiene problems, according to teachers.

When children changed schools four or more times, both a Department of Education and a Denver Public Schools study found, they were more likely to drop out of school. Children who changed schools four or more times by eighth grade were at least four times more likely to drop out than those who remained in the same school; this is true even after taking into account the socio-economic status of a child's family, according to the Department study. Children who transferred within the district five or more times dropped out of school at similarly high rates, regardless of reading achievement scores, the Denver study found.

Except for migrant children, little is currently done to help children whose frequent school changes affect the continuity of their schooling. It may be difficult for teachers to focus on the needs of these children, particularly those who enter after school has started, rather than on maintaining continuity for the rest of the class. When children enter classrooms after the beginning of the year, teachers may prejudge them unfavorably. Teachers in schools with high proportions of children who change schools after the beginning of the year indicated that these school changes disrupt classroom instruction, and teachers must spend additional time on noninstructional tasks. Teachers may therefore not have the time to identify gaps in such a child's knowledge; moreover, these gaps may grow as the child is left on his or her own to make sense of the new curriculum and its relation to the one at the previous school. Children who changed schools often, except for migrant children, did not receive specialized educational services, researchers have noted.

MIGRANT CHILDREN WHO HAVE CHANGED SCHOOLS FREQUENTLY ARE LESS LIKELY THAN THOSE NOT CHANGING SCHOOLS TO RECEIVE MIGRANT EDUCATION PROGRAM SERVICES

Of migrant third-graders who have attended three or more schools since first grade, 21 percent receive migrant services, compared with 54 percent of migrants who have not changed schools at all. These results are surprising since the Migrant Education Act is intended to address, to a large degree, the problems mobility creates for migrant children. Migrant children who have changed schools frequently are less likely to attend schools with migrant education programs than those who have never changed schools.

CHAPTER 1 PARTICIPATION RATES LOWER FOR LOW-ACHIEVING CHILDREN WHO HAVE CHANGED SCHOOLS FREQUENTLY THAN FOR LOW-ACHIEVING CHILDREN WHO HAVE NEVER CHANGED SCHOOLS

Low-achieving children who have changed schools frequently are less likely to receive Chapter 1 services than low-achieving children who have never changed schools. Of third-graders who have never changed schools and read below grade level, 25 percent receive Chapter 1 reading services. In contrast, 20 percent of third-graders who have changed schools frequently and read below grade level receive these services. In grades kindergarten through 6, approximately 90,000 additional low-achieving children who have changed schools frequently could receive Chapter 1 reading services if the program provided these services at the same rates to these children as to low-achieving children who have never changed schools.

LACK OF CHAPTER 1 DATA TO EXPLAIN THE LOWER CHAPTER 1 PARTICIPATION RATES OF CHILDREN WHO HAVE CHANGED SCHOOLS FREQUENTLY

The Department of Education has little information on children who change schools frequently and their participation in the Chapter 1 program, as well as the effects that children moving frequently from school to school have had on Chapter 1 services. Therefore, we were unable to explain why low-achieving children who have changed schools frequently may be less likely to be served by Chapter 1 than low-achieving children who have never changed schools. A 1992 Department of Education policy instructs districts to reserve adequate funds so that migrant children who are eligible for Chapter 1 services—even if they arrive late in the school year—will receive them. But nonmigrant children who change schools frequently and are also eligible for Chapter 1 services are omitted in this policy.

We found that about 17 percent of third-graders have changed schools frequently, that is, have attended three or more schools since the beginning of first grade. About one-quarter, or 24 percent, of third-graders have attended two schools; the remaining 59 percent of third-graders have remained in the same school since first grade.

INNER CITY AND LOW-INCOME CHILDREN MUCH MORE LIKELY TO CHANGE SCHOOLS FREQUENTLY

Inner city children are much more likely to change schools frequently, on average, than those in rural or suburban areas or in small cities or towns. One-fourth of third-graders in inner city schools have changed schools frequently, that is, have attended three or more schools since first grade. In comparison, only about one-seventh of children from rural or suburban areas or from small cities or towns have changed schools frequently.

Children from low-income families are more likely to change schools frequently than those from higher income families. Among children in families with annual incomes below $10,000, 30 percent have changed schools frequently, compared with 8 percent of children in families with incomes of $50,000 or more. Overall, the percentage of children who change schools frequently decreases as income increases.

NATIVE AMERICAN, BLACK, HISPANIC, MIGRANT, AND LEP CHILDREN MORE LIKELY TO CHANGE SCHOOLS FREQUENTLY

Native American, black, and Hispanic children are more likely to change schools frequently than Asian or white children. However, these differences are less related to race or ethnicity than to differences in income and, consequently, homeownership versus renter status: renters tend to move much more frequently than homeowners. When we examined 1990 Current Population Survey data reported by the Bureau of the Census, race or ethnic differences in mobility largely disappeared after considering homeownership versus renter status.

Migrant and limited English proficient (LEP) children are much more likely to change schools frequently than all children. About 40 percent of migrant children and 34 percent of LEP children change schools frequently, in comparison with 17 percent of all children. In addition, compared with 59 percent of all children, a smaller percentage of migrant and LEP children have never changed schools—28 and 38 percent, respectively.

Teachers reported that children who change schools frequently, compared with those who have never changed schools, are much more likely to have problems related to nutrition or health and hygiene. Among children who change schools frequently, 10 percent are reported to have nutrition problems, compared with about 3 percent of children who have never changed schools. Similarly, teachers report that 20 percent of children who change schools frequently have health and hygiene problems, compared with 8 percent of children who have never changed schools.

For all children, those who have changed schools frequently are more than twice as likely to repeat a grade as those who have never changed schools. Among children who change schools frequently, about 20 percent repeat a grade; in contrast, among children who have never changed schools, about 8 percent repeat a grade.

Children who change schools frequently are less likely to receive educational support from federal programs than those who have never changed schools. For example, migrant children who change schools frequently are less likely to receive migrant education services than those who have never changed schools. In addition, low-achieving children who change schools frequently are less likely to get Chapter 1 services than those low-achieving children who have never changed schools; this is true for children achieving below grade level in math as well as reading.

[From the CATALYST, Cleveland, Mar./Apr. 2001]

Mobile Students Score Lower on State Test

(By Sandra Clark)

Cleveland 4th-graders who changed schools one or more times during the school year scored lower than their stable classmates on all five sections of the Ohio Proficiency Test, according to a CATALYST analysis of test scores from 1997 to 1999.

On average, mobile students scored 5.12 points below their more stable counterparts. The largest spread between the two was in math and science. The smallest gap was in reading.

The analysis of test scores of 16,278 students, 1,914 of whom changed schools at least once during the school year, was conducted for *CATALYST* by Joshua G. Bagaka's, assistant professor of educational research and statistics at Cleveland State University.

"Across all five parts of the Ohio 4th- and 6th-grade proficiency test, mobile students consistently received lower scores than their stable counterparts," Bagaka's says.

"I don't think we need to down play the role of mobility here," Bagaka's says. "Schools should find ways of giving mobile kids special attention because they are at risk of failing."

Bagaka's analysis also showed that the test scores of mobile students suffered regardless of the students' family income or whether they live with one or both parents.

The analysis also shows: The achievement gap between stable and mobile students by income is often widest for mobile students who pay full price for lunch and smallest for students on free lunch. In many areas, poor mobile students do better than well-off mobile students. (See chart page 5.)

Similar conclusions can be drawn when comparing students from single-parent and two-parent homes. Mobile students from single-parent homes often do just as well as mobile students from two-parent homes. (See chart page 5.)

Mobility refers to students who change schools one or more times during an academic year. Students change schools frequently due to school choice, family moves, poverty, hopelessness, changes in child custody and other problems.

Cleveland's mobility rate has fallen from 19.5 percent in 1998 and 1999 to 15.8 percent in 1999 due in part to the end of desegregation, says Peter A. Robertson, Cleveland Municipal School District's executive director of Research, Evaluation and Assessment.

Individually, however, high-poverty elementary schools such as Willow, East Clark, Bolton and George Washington Carver reported rates nearing 30 percent during the period.

Based on student demographics and test scores from 1997 through 1999, the analysis indicated an achievement gap that varied little even as the test changed in difficulty during the period.

The highest achievement gaps in math and science were 7.5 points and 9.2 points, respectively. The average gap in reading was 3.5 points. Reading is something children can learn at home, says Russell W. Rumberger, education professor at University of California, Santa Barbara. Families rely on schools to teach math and science, which is why the achievement gap in those subjects is largest, Rumberger says.

CATALYST's findings come as no surprise to Robertson. The district has not targeted mobile students for any special help, Robertson says. However, he adds that districtwide initiatives such as establishing standards and periodically assessing students' strengths and weaknesses should help them. (See story page 9.)

"Beyond that," Robertson says, "we are trying to make sure they have access to good teaching and what we need to do for all kids."

Cleveland findings reflect studies done elsewhere that linked student mobility to lower achievement.

For example, the Minneapolis Public Schools, the Family Housing Fund and other groups studied mobile students in the city. The year-long study, called the Kids Mobility Project, found that students who moved three or more times earned reading scores that were half that of students who stayed put.

David Kerbow, a University of Chicago researcher who has studied mobility in Chicago Public Schools, says constant movement slows the learning pace for not only mobile students but also their stable classmates. An analysis of math in highly mobile classrooms shows teachers frequently stop and start to integrate new students with varying achievement levels into the class, Kerbow says. Introduction of new material slows as the teacher begins keeping lessons basic. And, over time, students in highly mobile schools get instruction that is about a year behind that of students in more stable schools, Kerbow reports.

Miles Park Finds Answers

(By Sandra Clark)

A tour of Miles Park Elementary School offers a snapshot of mobility—its causes, its impact and even a way to minimize its harm.

Any staff member can guide the tour. They all have stories.

Clerk Ella Kirtley can explain what a task it is to keep pace with the rapid student turnover. Librarian Jeanne Irvin says she spends countless hours and dollars retrieving books from students who leave. Second-grade teacher Jane E. Rodgers can demonstrate how she tries to teach an ever-changing class.

The Cleveland Municipal School District, like most in the country, has no official policy for mitigating the impact of mobility. The district has been pushing schools to improve proficiency test scores without taking mobility and its drag on achievement into account, Miles Park Principal William J. Bauer says. So the school struck out on its own, making the needs of mobile students a schoolwide focus.

"The area superintendent says 'You did good [with proficiencies] last year. How much are you going to improve this year?' " Bauer says. "There's a new student, there's a new student, there's a new student with grades lower than an LD [Learning Disabled] student. You're a teacher and you're responsible for increasing scores every year."

The staff is fluent in mobility because enrollment shifts dramatically here. The school's 1999 mobility rate, the most recent available, of 14.7 percent is below the district average for elementary schools, about 16 percent.

Yet, staff sees a constant churning of students in and out of the school. To date, the school's enrollment shifted from 530 students, to 510 and then 571 for a total change of 81. That means about four whole classrooms full of kids have come and gone this school year. The impact the movement has on learning at the school is huge, Bauer says.

Mobility's influence on behavior and achievement becomes clear one day when Kenneth returns from speech lessons to Rodgers' 2nd-grade class. The tenor of the class shifts. A slight rumble of discord replaces the chatter of children constructing a picture graph.

Kenneth, not his real name, is the most recent of eight new students in Rodgers' class this school year. Kenneth rarely follows school rules and is functioning below grade level, Rodgers says. His classmates know this and give him grief. Little shoves are sent his way, to which he responds by glaring at the tallest kid in class.

He stands out, Rodgers says. Kenneth is the only student not wearing the school's blue and white uniform.

"My students are starting to write paragraphs, and he can't write a sentence," Rodgers says. "I don't have time to work with him.

"I move quicker," Rodgers says. "I'm a 25-year teacher. He had a first-year teacher."

Students like Kenneth are in danger of failing. A 1994 General Accounting Office report on mobility said 3rd-graders who have changed schools frequently are 2½ times as likely to repeat a grade as 3rd-graders who have never changed schools.

A CATALYST analysis of mobility in Cleveland schools also showed a link between mobility and retention.

The analysis also showed average proficiency test scores of mobile students are about 5 points below scores of stable students.

Janice Smallwood's 4th-grade class at Miles Park has 24 students. Seven are new. When Smallwood tested reading and math levels, students scored between 4.66 and 1.68. Six of the mobile students are at the bottom of the list, scoring below those labeled Learning Disabled. Tianna scored 3.84, the highest of all new students, to rank 11th in the class.

BAD BEHAVIOR

Behavior is high on the list of areas affected by mobility. The GAO report said that children who move frequently are 77 percent more likely to have four or more behavioral problems than those with no or infrequent moves.

This constant movement, loss of friends and the effort it takes to make new ones can be "a social nightmare," says Ted Feinberg, assistant executive director of the National Association of School Psychologists.

Some mobile students are content to quietly scope out the class before inserting themselves into the mix. Some use humor to cope, Feinberg explains. The antics of a 4th-grader who had attended about five schools constantly pulled the class off task, says Miles Park teacher Teresa Goetz. She telephoned the boy's previous school to get his history and found that he had jumped on one child's out-stretched leg, breaking it. In November, the boy transferred to another school.

A move from family to foster care sent a Cleveland student to Hawthorne Elementary School in Lorain. This boy was so desperate to make friends, he stole money from a teacher's purse and passed it out to fellow students, Hawthorne Principal Loretta Jones says.

"What we see are kids who are depressed because they don't have a social network," Feinberg says. "Kids feel awkward and uncomfortable. They try to prove themselves through strength and coolness."

NO RECORDS

In addition to behavioral and academic problems, mobile students frustrate administrators because the children seldom arrive with records, grades and immunization forms.

Clerk Ella Kirtley spends half her day enrolling new students, withdrawing them and searching for records from their old schools.

Kirtley is retired but Bauer has convinced her to stay on because he doesn't think he can find another clerk who can keep up.

What's scary to Kirtley is how difficult it is to get vital information on students and now quickly that information changes.

Addresses change, telephone numbers change and pagers are cut off so frequently that "You can't be up to date with emergency cards," Principal Bauer says. Sick children have been sent back to class because the school could not find an emergency contact Kirtley says.

TESTING MOBILE STUDENTS

Neither Cleveland schools nor the Ohio Department of Education have official strategies to mitigate the impact of mobility. Academic standards are surfacing as a way to be sure all kids are exposed to the same information and tests even though they change schools. (See story page 9.) The state department also plans to create a system of exchanging student records using Education Management Information Systems. The system should be completed in two years, says department spokeswoman Dorothea Howe.

But for the most part, teachers and principals individually hammer out solutions. Some start by finding out the student's performance level so they can be placed in the appropriate class. This is an informal process at most schools.

For example, at Willow Elementary School, Tannesha Saunders' 4th-grade teacher casually quizzed her when she joined the class in October.

"I think she wanted to see what I knew," says Tannesha, who attended four schools in three years. "She'd teach some stuff then she'd ask some people some questions. Then she'd ask me a question and I answered it."

Tannesha says the teacher also gave her a buddy, "Brittany, to help me with my work and show me around like where the lunchroom was."

Testing for placement of new students is serious business at Miles Park. New students are given the Star Test for reading and Computer Curriculum Corp. math, says Miles Park's Assistant Principal Kelley A. Dudley. Both tests assign a grade equivalent based on the student's score and prescribe what students should study to close any achievement gaps, Dudley says.

Star Test scores correspond with grade-appropriate books in Accelerated Reader. Computer Curriculum aligns math with grade levels and allows students to work on problems during math lab and after school. Students work independently or get tutoring from retired professionals who volunteer.

Paris, a new student in Smallwood's 4th-grade class, moved up a grade level to 3.6, Dudley says. "He's still behind, but look where he came from," she says.

Managing Mobility

(By Sandra Clark)

THE CAUSES: POVERTY AND FAMILY BREAK-UPS

Miles Park Principal William J. Bauer and other heads of Cleveland elementary schools that experience mobility can only guess why students frequently transfer in and out of their schools.

In most cases, the district does not keep records on why students are withdrawn from school.

School leaders point to income and family instability as primary culprits. Loss of income often means families must move from their houses or apartments. Changes in child custody or guardianship also can cause movement. Some children transfer schools after being placed in foster care.

Then there's homelessness. For example, Kentucky and Case elementary schools serve students in nearby homeless and battered women's shelters.

Families living at the Zelma George Homeless Shelter attend Miles Park, A.B. Hart Middle and South High School. Families can stay only 14 days unless they receive an extension from the shelter, shelter officials say. (See story page 12.)

Welfare reform also plays an increasingly important role in homelessness and school instability. Mobility for families recently cut from welfare is four times higher than that of other families, reports Claudia Coulton, social welfare professor at Case's Mandel School of Applied Social Sciences. About 42 percent of Cuyahoga County families leaving welfare moved within six-months of leaving cash assistance, compared to the national average of 8 percent of families not on welfare moving during the period, Coulton says.

That's not entirely bad news. Many parents now have jobs and can afford to move to better neighborhoods, says Rasool Jackson, Cleveland school's director of Student Administrative Services.

Bauer disagrees, saying welfare reform portends more instability. Bauer says he believes more Miles Park students are losing their homes and moving in with family members since welfare reform took hold.

Another major cause of movement is discomfort with the school. For example, results of a survey of students in Chicago Public Schools showed one reason students transferred was school-related, not that the family changed homes, says David Kerbow, education researcher at the University of Chicago. When conflict with school staff or students occurred, parents chose to leave rather than solve the problem, Kerbow explains.

Margaret V. Alberty was so uncomfortable with teachers handling of her special-needs 4th-grader that she changed schools six times before settling on Willow Elementary School.

Alberty is guardian of 10-year-old Damien Lightfoot, who has Attention Deficit Hyperactivity Disorder.

Alberty says many teachers are unprepared to teach a child with his condition and do not know how to handle Damien when he's upset. He's been grabbed and jerked about by teachers, Alberty says. "They aggravate you so much you have to take them out of the school."

It's not unusual for parents like Alberty to change schools because they disagree with a school's academic practices or front-office manners. "A rude clerk can really damage your school," says Doug Clay, a former district researcher now with the Urban School Collaborative at Cleveland State University.

Finally, Peter A. Robertson, Cleveland Municipal School's executive director of Research, Evaluation and Assessment, says a number of Cleveland students transfer to escape poor grades or a special education diagnosis.

Districts and communities across the country are using a variety of strategies to lessen the negative effects of mobility or to limit mobility itself. Some schools have created programs to welcome students and place them in the most suitable classroom. Others go outside the school walls to address housing issues. Here is a list of tactics principals, districts and states have used to manage mobility.

PLACING NEW STUDENTS

When Jo Ann Isken, principal of Moffett Elementary School in Los Angeles County, learned about a kindergartner who was having trouble learning to read, she did a little checking. She found he had attended three different schools, with lengthy absences in between. His lessons had been in English, some in Spanish.

Because of frequent movement among students, Isken set up welcoming procedures for new students. When the new student and parent or guardian arrive, they are asked about the child's school and medical history. "Immediately, we had an academic, health and family history and we knew what the support needs would be."

Students are tested and assigned to classes based on achievement levels. Then, measures such as one-to-one tutoring are prescribed, Isken says.

When students leave, they are given transfer forms with immunization data, enrollment dates and names and telephone numbers or contact people at the school. "Our children (leave) with more information than we got when they came," Isken says.

RECORD EXCHANGE

A program designed to serve the children of migrant workers has provided a way to help ensure that student records follow them. New Generation System is a student-record exchange program established in 1995. It is operated by a consortium of 11 states, including Ohio and Texas. Health, academic and demographic information is available to consortium members via the Internet, says Patricia Meyertholen, programs director for the Texas Migrant Information Program.

To protect student privacy, the site is encrypted and requires a password: Only consortium members have access, Meyertholen says.

New Generation System maintains data on about 200,000 of an estimated 784,000 migrant children nationwide, Meyerholen says.

LOW-COST HOUSING

Minneapolis Public Schools attacked mobility at one of its root causes—a lack of low-cost housing.

"It's the 1 percent vacancy rate that wreaks such havoc on family stability," says Elizabeth E. Hinz, policy and planning director. "Housing isn't here, period. Or the housing that's available people can't afford."

The district joined with groups such as the Family Housing Fund and launched the Kids Mobility Project. The research project explored the effect of constant residential moves on student achievement. It produced a report in 1998 that linked inadequate housing to student mobility, poor attendance and lower reading scores, says Shawna Tobechukwu, spokeswoman for the Family Housing Fund.

Tobechukwu says results were used to lobby the state legislature to increase the budget for low-cost housing. Lawmakers responded to the data and raised the budget by about $96 million in the last two years, says Angie Bernhard, research and policy director at Family Housing Fund. "The report was a big part of the information we used to make our case," Bernhard says. "It was very persuasive to legislators on both sides of the aisle."

EXTRA RESOURCES

In 1994, Montgomery County Public Schools in Maryland began allocating extra staff to schools based on mobility rates, poverty rates and the number of students speaking limited English, says Susan F. Marks, the district's executive assistant for School Performance. Lean budgets meant the district, headquartered in Rockville, Md., simply sent an extra teacher or two to high-mobility schools.

Last year, the county revamped the program. For one, it took mobility and language out of the equation and focused on reducing class size at high-mobility schools, says Frank H. Stetson, Community Superintendent for the school system.

In an area where international professionals come and go regularly, mobility and language are not the best indicators of need, Stetson says. Poverty is. And poorer schools tend to have the "churn" that chills attendance and achievement, Stetson adds.

"If we used mobility we'd be sending resources to schools that didn't need them," Stetson says.

To add resources, the system ranked schools by poverty. Then it gave funds for such items as all-day kindergarten, extra staff to achieve a 15-1 teacher-student ratio and programs like Reading Recovery in the primary grades, Mark says. It also plans to add 41 positions to reduce class size at high-poverty high schools, Marks says.

TRANSPORTATION

A coalition of community organizations has taken steps to reduce school mobility among children in Baltimore County, Md., by providing bus service so that students who move can remain in the same school.

The area has neighborhoods containing hundreds of apartments in low-rise buildings where families constantly move in and out. A move from one apartment to another 10 minutes away could send children to a different school, says Julie J. Gaynor, a Baltimore county teacher and chairwoman of the Stay Put committee.

The Stay Put program was founded in 1992 to cut school mobility. It is a non-profit project of the education committee of the Essex-Middle River-White Marsh Chamber of Commerce.

The group runs several programs such as shuttle buses supplied by the district to transport children who move back to their old school.

Families often move because landlords offer free rent for one month. Stay Put encourages landlords to put the freebie at the end of the lease, increasing the likelihood that kids will finish a school year in one place. At the group's urging, landlords also have donated an apartment which serves as a community center where students who live in the complex can receive after-school tutoring and adults can prepare for the General Education Development Certificate (GED).

Gaynor says a new focus is on opening a conflict mediation center so families can resolve differences rather than move away.

Funding for the community center's staff comes from various sources, including school district grants, Gaynor says.

ACCOUNTABILITY

The California accountability system addresses a common complaint of schools that suffer high mobility: They say they shouldn't be held accountable for the performance of students who entered their schools months, weeks or even days before the high-stakes tests are given.

The California Department of Education figures mobility into its accountability system. Districts are required to report mobility. The state uses the rate to decide which scores will or will not be used in the system.

"If you're not in the district a year, your scores don't count for rewards and interventions for schools," says Patrick J. McCabe, in the Department's Office of Policy and Evaluation.

California schools report two types of mobility, students who have not been in a district a full year and students who have not been in a school a full year. Schools do not report "churn," the frequent in-and-out movement of students, McCabe says. And scores of students who change schools within the same district are not exempt from the accountability system, McCabe says.

Districts failing to meet targets are given three years and extra money to improve. If no improvement occurs, penalties such as removing the principal, staff or closing the school kick in.

Successful districts receive $70 for every child, McCabe says.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time, and I want to thank all the members of our committee on both sides of the aisle that have participated in this debate and to the other Members that have joined us during this general debate. They were very generous in their congratulating both the chairman and myself, and I want to extend that to the chairman again for the manner in which this bill has been handled.

We have an opportunity here today to change the direction of the Federal role in education, to provide additional resources to local educational agencies with greater flexibility than they have had at any time in the life of this program. They can apply these resources to those needs they think need them the most, that need the attention, that can benefit from the application of those resources to try to get the results that all of us want with the passage of this legislation, but more importantly, to get the results the parents want for children and the children want for themselves.

Our children in America have that potential, they have that ability, and they have that talent. But far too often, far too often, they lose the opportunity to capitalize on their talents, to capitalize on their ability, because they are ignored in the school district or the school district is without resources, or children are mischaracterized. A lot of things happen during the educational year. This legislation is to try to make sure we put the emphasis on the child; that we have a means, as the President said, to assess a child on an annual basis so that we can determine what are the additional resources that that child needs; what kind of help should be focused on that child.

In these annual assessments, it is more than just a test, it is about seeing whether or not the child needs a Saturday class, do they need a tutor, do they need a mentor, both of which are allowed under this legislation. Do they need to go to summer school? Do they need some additional testing? Do they need eyeglasses? Those are the kinds of things we want to be able to focus on the child so that every child has that real opportunity. We have the opportunity if, in fact, we provide those resources. We focus on the child and we can start to close that gap between rich and poor children, between majority and minority children in the school.

The other tools that are available is the resources we put into teacher quality, to professional development, to training, to lower class sizes in those areas that have not done it and still need to do that. Those are decisions that the local school district can make. It is very important. We know now that a well-qualified teacher is one of the most important ingredients in that child's education in the school setting.

Obviously, we believe the most important ingredient is the family. If there is one thing this bill cannot do, that would greatly help us all, is if we could just get every parent to spend time with their child, or grandchild, reading to those children and telling them that it is important. This education would complement that, and we would be well on the way to the goal the President has had, that so many Members of this Congress have had, and that is to make sure that each and every child has that opportunity.

Mr. Chairman, I look forward to the amendment process.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me first thank all of the Members for all their kind comments and their support of the bill that we have before us. I think that, as the gentleman from California (Mr. GEORGE MILLER) just pointed out, we have a very sound piece of legislation that will improve the educational prospects for millions of American children. All we need to do is to have the courage to stand up and to vote for it.

There are Members with different views and different visions of what the Federal Government's role in education should be. I have conservative friends who are a little hesitant about this. We have some liberal friends who are just as hesitant. And as the gentleman from California pointed out, this is the most major change in the Federal Government's role in education in the 35 years that the Federal Government has been involved. This is a big step. This will take courage on the part of Members and take courage on the part of this institution to forge our way down a new path. But I think today is the day to do it, and I think this is the bill that will put us on the right path.

This bill did not get here by itself, though. All the Members worked hard but there are a select group of people who deserve to get our thanks: Sally Lovejoy, who heads up the education group on our staff; members of her staff, Kent Talbert, Christy Wolfe, Rich Stombres, Ben Peltier, Cindy Herrle, Pam Davidson, George Conant, JoMarie St. Martin, Bob Sweet, Doug Mesecar, Dave Schnittger and his team, and Paula Nowakowski, staff director.

Let me also thank the Democrat staff who worked very closely with us: Charlie Barone, Alex Nock, Denise Forte, John Lawrence, Brendan O'Neil with the office of the gentlewoman from Hawaii (Mrs. MINK); Maggie McDow with the office of the gentleman from Indiana (Mr. ROEMER); Kara Haas, a staffer in the office of the gentleman from Delaware (Mr. CASTLE); Karen Weiss with the office of the gentleman from California (Mr. MCKEON); and Glee Smith of the office of the gentleman from Georgia (Mr. ISAKSON).

They spent as many hours or more than the Members in terms of helping to craft this bill, to put it together, and to put us on the track where we are today, and I want to thank them for their work.

Mr. DAVIS of Illinois. Mr. Chairman, I rise to express my concern about the legislative language of H.R. 1—The No Child Left Behind Act of 2001, that contains a "grandfather" clause permitting school districts that currently segregate homeless children to continue to do so. The McKinney Act has prohibited this form of segregation. Since 1990, the McKinney Act has required States and school districts to integrate homeless students into the mainstream school environment, and to remove barriers to their enrollment, attendance, and success in school.

As a practical matter, segregation of homeless children who are disproportionately Black and Latino means racial re-segregation. In Chicago, for example, 92% of homeless families that use shelter facilities are African American. To the poor students throughout this nation, this is a crucial issue. Separate is not now, and has never been "equal." National educational policy must not now in the 21st Century embrace this insidious notion: that children should be sent to schools based on their housing or economic status. There is no sound teaching rationale for educating homeless children separately. Homeless children are like all other children and represent an array of educational strengths and needs. Some emerge as valedictorians or above-average achievers, others as special education students, and some simply average achievers.

Putting children in schools with a label of "homelessness" is stigmatizing and demeaning. In many years of work in my district, I have never met a single family that asked for a segregated school. In fact, the parents along with the Chicago Coalition for the Homeless in Chicago fought and closed a segregated facility.

I have a letter from a homeless child name Junior Brewer who is ten years of age, he wrote "I think no matter what, if you are homeless or rich this does not mean that you have to be separated from your friends because we are all created equal inside." What do I tell Junior about the hypocrisy and lies that is being portrayed in H.R. 1. After all Junior, if you are poor and Black or Latino or some other ethnic group being created equal in the inside among men, women, and children is just a dream. Our Republicans say we will leave no child behind but their actions say otherwise. We must show through deeds not words that no child is left behind.

Mr. PAUL. Mr. Chairman, thirty-six years ago Congress blatantly disregarded all constitutional limitations on its power over K–12 education by passing the Elementary and Secondary Education Act (ESEA). This act of massive federal involvement in education was sold to the American people with promises that federal bureaucrats had it within their power to usher in a golden age of education. Yet, instead of the promised nirvana, federal control over education contributed to a decline in education quality. Congress has periodically responded to the American people's concerns over education by embracing education "reforms," which it promises are the silver bullet to fixing American schools. "Trust us," proponents of new federal edcation programs say, we have learned from the mistakes of the past and all we need are a few billion more dollars and some new federal programs and we will produce the educational utopia in which "all children are above average." Of course, those reforms only result in increasing the education bureaucracy, reducing parental control, increasing federal expenditures, continuing decline in education and an inevitable round of new "reforms."

Congress is now considering whether to continue this cycle by passing the national five-year plan contained in H.R. 1, the so-called "No Child Left Behind Act." A better title for this bill is "No Bureaucrat Left Behind" because, even though it's proponents claim H.R. 1 restores power over education to states and local communities, this bill represents a massive increase in federal control over education. H.R. 1 contains the word "ensure" 150 times, "require" 477 times, "shall" 1,537 and "shall not" 123 times. These words are usually used to signify federal orders to states and localities. Only in a town where a decrease in the rate of spending increases is considered a cut could a bill laden with federal mandates be considered an increase in local control!

H.R. 1 increases federal control over education through increases in education spending. Because "he who pays the piper calls the tune," it is inevitable that increased federal expenditures on education will increase federal control. However, Mr. Chairman, as much as I object to the new federal expenditures in H.R. 1, my biggest concern is with the new mandate that states test children and compare the test with a national normed test such as the National Assessment of Education Progress (NAEP). While proponents of this approach claim that the bill respects state autonomy as states' can draw up their own tests, these claims fail under close observation. First of all, the very act of imposing a testing mandate on states is a violation of states' and local communities' authority, protected by the 10th Amendment to the United States Constitution, to control education free from federal interference.

Some will claim that this does not violate states' control because states are free to not accept federal funds. However, every member here knows that it is the rare state administrator who will decline federal funds to avoid compliance with federal mandates. It is time Congress stopped trying to circumvent the constitutional limitations on its authority by using the people's own money to bribe them into complying with unconstitutional federal dictates.

Mr. Chairman, H.R. 1 will lead to de facto, if not de jure, national testing. States will inevitably fashion their test to match the "nationally-normed" test so as to relieve their students and teachers of having to prepare for two different tests. Furthermore, states will feel pressure from employers, colleges, and perhaps even future Congresses to conform their standards with other national tests "for the children's sake." After all, what state superintendent wants his state's top students denied admission to the top colleges, or the best jobs, or even student loans, because their state's test is considered inferior to the "assessments" used by the other 49 states?

National testing will inevitably lead to a national curriculum as teachers will teach what their students need to know in order to pass their mandated "assessment." After all, federal funding depends on how students perform on these tests! Proponents of this approach dismiss these concerns by saying "there is only one way to read and do math." Well then what are the battles about phonics versus whole language or new math versus old math about? There are continuing disputes about teaching all subjects as well as how to measure mastery of a subject matter. Once federal mandatory testing is in place however, those arguments will be settled by the beliefs of whatever regime currently holds sway in DC. Mr. Chairman, I would like my colleagues to consider how comfortable they would feel supporting this bill if they knew that in five years proponents of fuzzy math and whole language could be writing the NAEP?

Proponents of H.R. 1 justify the mandatory testing by claiming it holds schools "accountable." Of course, everyone is in favor of holding schools accountable but accountable to whom? Under this bill, schools remain accountable to federal bureaucrats and those who develop the state tests upon which participating schools performance is judged. Even under the much touted Straight "A"s proposal, schools which fail to live up to their bureaucratically-determined "performance goals" will lose the flexibility granted to them under this act. Federal and state bureaucrats will determine if the schools are to be allowed to participate in the Straight "A"s programs and bureaucrats will judge whether the states are living up to the standards set in the state's education plan—yet this is the only part of the bill which even attempts to debureaucratize and decentralize education!

Under the United States Constitution, the federal government has no authority to hold states "accountable" for their education performance. In the free society envisioned by the founders, schools are held accountable to parents, not federal bureaucrats. However, the current system of imposing oppressive taxes on America's families and using those taxes to fund federal education programs denies parental control of education by denying them control over their education dollars.

As a constitutional means to provide parents with the means to hold schools accountable, I have introduced the Family Education Freedom Act (H.R. 368). The Family Education Freedom Act restores parental control over the classroom by providing American parents a tax credit of up to $3,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principle of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free society maximizes human happiness.

When parents control the education dollar, schools must be responsive to parental demands that their children receive first-class educations, otherwise, parents will find alternative means to educate their children. Furthermore, parents whose children are in public schools may use their credit to improve their schools by purchasing of educational tools such as computers or extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services for their children.

According to a recent Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts the average SAT verbal score by 21 points and the student's SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the NAEP tests.

I have also introduced the Education Quality Tax Cut Act (H.R. 369), which provides a $3,000 tax deduction for contributions to K–12 education scholarships as well as for cash or in-kind donations to private or public schools. The Education Quality Tax Cut Act will allow concerned citizens to become actively involved in improving their local public schools as well as help underprivileged children receive the type of education necessary to help them reach their full potential. I ask my colleagues: "Who is better suited to lead the education reform effort: parents and other community leaders or DC-based bureaucrats and politicians?"

If, after the experience of the past thirty years, you believe that federal bureaucrats are better able to meet children's unique educational needs than parents and communities then vote for H.R. 1. However, if you believe that the failures of the past shows expanding federal control over the classroom is a recipe for leaving every child behind then do not settle for some limited state flexibility in the context of a massive expansion of federal power: Reject H.R. 1 and instead help put education resources back into the hands of parents by supporting my Family Education Freedom Act and Education Improvement Tax Cut Act.

Mr. CLEMENT. Mr. Chairman, I rise today in support of this bill as it was reported out of committee. I believe that the underlying bill is a good piece of legislation that will go a long ways in making our schools better places of learning and our students more successful. I commend the chairman, Mr. BOEHNER, the ranking member, Mr. GEORGE MILLER of California, and my fellow New Democrat, Mr. ROEMER, for the bipartisan way in which this bill has been crafted.

I am pleased to see H.R. 1 include language supporting both music and arts education as well as character education. I am a strong supporter of both. We must ensure that our children receive a well rounded education which includes music and the arts. Society is growing increasingly concerned about the steady decline of our nation's core ethical values, especially in our children. Although parents should be the primary developers of character, the role of schools in character-building has become increasingly important.

I am pleased to see the increased emphasis H.R. 1 has placed on low-performing Title I schools. If we are to demand that our schools meet high standards of achievement, we must also ensure that schools serving low-income students receive sufficient funds to meet these students' needs. These much needed Title I funds will make a real difference in the academic lives of many of my young constituents.

I also support several other provisions of the bill including accountability measures, student mentoring and the retention of the Safe Schools and 21st Century Learning Centers programs as separate initiatives.

I am extremely pleased to see that neither vouchers nor the "Straight A's" provision are included in the reported bill and am hopeful that they will not be attached as amendments. We have a remarkable consensus on this bill, but it is a fragile one. I urge my colleagues to protect this delicate balance by rejecting voucher or "Straight A's" proposals that would jeopardize passage of the bill.

While H.R. 1 substantially increases local flexibility, a "Straight A's" proposal only increases control at the state level. It will result in less funding to many local school districts, particularly those with low-income children.

Every child deserves the opportunity to succeed in our public school system. This bill takes a positive step forward toward helping students achieve academically and strengthening public schools.

Mrs. LOWEY. Mr. Chairman, this bill makes some pretty big promises. It has the potential to dramatically change the public education system in this country. It authorizes significant levels of funding. It says to parents that Congress thinks education is a priority, and that we will make good on our goal—that every child in America should get a quality education.

But, Mr. Chairman, I sit on the Appropriations Subcommittee that funds education, and my experience tells me that we are a long way from being able to keep these promises. The budget we passed two weeks ago does not provide the funds to do everything we promise in this bill. At the end of the year, when push comes to shove, we will do what we've done for the past few years—we will short education.

Tonight and tomorrow we will talk about how we are going to provide more funding than ever for our most disadvantaged students through Title I, about how we will give states flexibility to determine their fiscal needs in the areas of teacher recruitment, teacher development and school renovation, and about how we will demand results for our efforts. These are all worthy goals, and I support them.

But without funding, this new flexibility becomes a gilded prison. States will have to decide whether to spend their money on facilities, teachers or testing. The bill does not provide any additional funds for school construction, and does not provide enough to help states develop the new mandated tests or recruit more teachers to reduce class sizes. In fact, the rule will not even allow these issues to be discussed on the floor.

Unless we work to ensure that sufficient money is included for education in the appropriations process, then all we are doing today is making empty promises.

When the annual appropriations melee begins toward the end of the year, I hope the American people will remind every member who votes for this bill that they have a promise to keep. Every member who holds a press conference to tout their commitment to education after their vote for this bill should be prepared to follow through.

Mr. Chairman, we have an opportunity to do great things for education. But this legislation is only a down payment. I hope we remember to pay the rest of the bill.

Ms. SOLIS. Mr. Chairman, as a freshman Member of Congress it has been exciting to be a part of the House Education and Workforce Committee, working to draft a bipartisan education bill which truly will help students in California and throughout the country. I have been touring the schools in my district to find out from teachers, administrators, parents, and students what they need from the Federal Government when it comes to education policy.

I think the bill that was reported from the Education Committee makes an excellent start toward helping our students achieve success. I am pleased with the increased funding levels for title I, the education program for disadvantaged students, and the increased targeting of funds to low-income areas and at-risk students.

I am also extremely happy with what is not in the bill—private school vouchers. The Education Committee voted to eliminate the voucher provisions and I hope the House will vote to keep vouchers out of the bill as well. We should be focusing on improving our public schools, rather than using public funds to send students to private schools. Vouchers don't make sense for Los Angeles area students. The $1,500 voucher proposed by President Bush wouldn't be enough money to send a child to a private school in Los Angeles. And we simply don't have enough private schools willing to accept students with vouchers.

Although I am happy with the bill, I do have some concerns. I had hoped that the Republican leadership would have allowed Democrats the opportunity to improve this bill through amendments. Unfortunately, we were not offered that opportunity. I wanted to offer an amendment to allow community learning centers to use their funds to implement programs which would help immigrant students with language and life skills. A similar amendment passed the other body by a 96–0 vote, and I had hoped the House would have the opportunity to vote on the amendment. Unfortunately, we were denied that opportunity.

Also, I had hoped that a school construction amendment offered by my colleague from New York, Mr. OWENS, would have been made in order for consideration today. California's efforts to reduce class size and our dramatic population increases have combined to make school construction essential. I am very disappointed that the House won't have the opportunity to vote on school construction today.

I also have concerns with portions of the bill dealing with bilingual and immigrant education, and hope they can be improved as the bill moves through the legislative process. As our recent census numbers show us, bilingual and immigrant students are no longer solely the responsibility of States like California, Texas, Florida, and New York. We must be prepared to dramatically increase the funding for this program in order to meet the needs of states like Arkansas and Georgia, which are experiencing a large influx of immigrant and bilingual children.

This bill also recommends that students be moved out of bilingual classrooms into English-only programs within three years. This provision is overly restrictive and has no basis in academic research. There is no evidence that students can learn a new language within 3 years. Mandating a time limit on bilingual education impedes the ability of school districts to tailor their instruction to children's individual needs.

I am also unhappy with the provision in H.R. 1 which require schools districts to try and receive a parent's permission before putting a child into a bilingual education program. Requiring parents to "opt-in" in order to place their children in bilingual education is unfair. It places the burden of educating an English-learning student on the parent, rather than the school. In addition, there could also be a significant delay in a child's access to appropriate educational services as the parent and school deal with the administrative paperwork required to place a child in a bilingual education program.

I think we have a very good education bill before us today. I know that some of my Republican colleagues will offer amendments to add private school vouchers or to block grant important education programs. I urge my colleagues to oppose these efforts and keep the important reforms made in the base bill.

Mrs. MEEK of Florida. Mr. Chairman, there are some good things in this bill, but it has some very serious flaws, particularly the failure to fund school modernization and the tremendously damaging changes proposed in the permissible uses of funds under the title I program.

The distinctive characteristic of Federal participation in elementary and secondary education has always been that Federal funding is targeted to reach the needs of students who come from low-income families. I firmly believe that we must continue this targeting. Unfortunately, by diluting the targeting of title I funds, H.R. 1 fails our students from low-income families and continues the movement toward abandoning our commitment to them.

The title I program and the law were designed to reach those American children who come from low-income families. The formula for title I is driven by individual poverty; the number of children who qualify for free lunches determines the amount of money that goes to a school district.

Currently, under title I, local education agencies target funds to schools with the highest percentage of children from low-income families. Unless a participating school is operating a "schoolwide" program, the school must target Title I services to children who are failing, or most at risk of failing, to meet State academic standards.

When the program was created in 1965, the eligibility threshold for using title I funds to operate "schoolwide" programs was 75 percent. Let me repeat that again. Originally, 75 percent of students in a given school had to be poor in order for a school to be able to use title I funds in schoolwide programs.

H.R. 1, as reported, lowers the poverty eligibility threshold for schoolwide programs from 50 percent to 40 percent. This change means that 60 percent of the students in that school do not have to qualify as poor; yet they will reap the benefits of title I funds.

I am for helping all students in our public schools, but not by lowering the poverty threshold to 40 percent, and diluting the program's focus on poor children. Simply put, we are taking from the poor to give to those who are more fortunate. This is not the way to bridge the so-called achievement gap.

The proposed change in the poverty eligibility threshhold is just the latest installment in the Congress' abandonment of students from low-income families, the very students who historically have been the focus, and the intended beneficiaries of the title I program. If H.R. 1 passes in this form, we will have gone from targeting the Federal Government's primary program in education to help the poor from schools with poverty levels of 75 percent to schools with poverty levels of 40 percent. This seems to me very radical and very unwise.

Education is the number one issue for all Americans, in large part because a good education is critical to achieving the American dream. We should focus our Federal investment on those that need it the most. The proposed change to title I is misguided and wrong. We should take a fresh look at this critical issue.

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 1 I am pleased that we are working on this education legislation so early in the 107th Congress and that this legislation will provide more funding for all of our Nation's schools.

The basics of this bill include developing and implementing high academic standards, helping students achieve these standards with local, State, and Federal funding and requiring some level of accountability for student achievement.

With a strong focus on improving reading skills and literacy, this legislation will help strengthen the foundation that all children need in order to succeed in school. Coupled with increased funding for title I programs which focus on helping disadvantaged students achieve high standards, this reading initiative will make a significant impact in children's lives.

As cochair of the Congressional Child Care Caucus, I am particularly pleased with the Reading First Initiative with its funds targeting children ages three through five. These competitive grants will aid in the development of verbal skills, phonetic awareness, prereading development and assistance training for the professional development of teachers in child care centers or Head Start centers. If we are to expect our children to achieve great academic success in elementary and secondary school, it is vitally important that their teachers are ready and able to meet the challenges of everyday instruction in the classroom.

Moreover, our Nation's teachers are called upon to act as surrogate parents, counselors, confidants, and security officers, in addition to their basic responsibilities of educating students on a daily basis. With many teachers choosing to leave the profession, we need to help retain them and by providing the necessary funding for training and professional development, as well as a teacher mentoring program, hopefully we can retain the best and brightest in their profession and prevent a massive shortage which is anticipated in New York State.

Accordingly, I urge my colleagues to support this bill, as well as the Dunn amendment for school security program funding, the Meek amendment for student mentoring programs and the Mink amendment for new teacher mentoring. This legislation is a right first step towards strengthening and improving our Nation's public education system.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of H.R. 1—the Leave No Child Behind Act of 2001, in large measure because the members of the Education and Workforce Committee were able to come together on a bipartisan basis to forge an agreement on a major education reform bill which would hold public schools accountable for improving the education of our children while offering substantial increases in Federal funds to help accomplish that goal.

I applaud my colleagues the ranking Democrat on the Education and Workforce Committee, Mr. GEORGE MILLER of California, for his work with Chairman BOEHNER and officials of the White House to reach a consensus on a bipartisan school improvement bill.

As passed by the committee H.R. 1 authorizes $24 billion in funding on ESEA programs, representing a 29-percent increase over the current fiscal year and well above the funding levels provided for in President Bush's own budget.

While these badly needed increase makes this is a good bill there still remain a number of political obstacles—such as the misguided budget reconciliation bill which this body passed last week—which must be overcome before we can have a sound bill. It is important to point out, that in their budget, the Republican leadership cut funding for education below even the President's request in order to pay for tax breaks for the wealthy.

I would like to urge my colleagues on both sides of the isle not to forget to need for funding for school construction and modernization. Across the country, thousands of school buildings no longer function as effective places of learning, or even as decent places of shelter. Too many of our children are being left behind in schools with moldy walls, peeling paint, inadequate heat, poor ventilation, broken plumbing, leaky roofs, substandard electrical service, and rodent and insert infestations. School repairs are a massive and expensive problem that school districts cannot face along. They need Federal help.

For this reason, Mr. Chairman, I would oppose any amendment to restore the President's choice proposal and I am disappointed at the adopted rule to block any amendment on school construction and modernization. My dear colleague Congressman MAJOR OWENS introduced one of those amendments. Congressman's OWEN's amendment proposed $20 billion for school construction, renovation and repair, provide schools located in underserved communities with funding to repair leaking roofs and faulty plumbing; ensure that schools built before WWII do not continue to contribute to childhood illnesses; and modernize more than 150,000 schools nationwide.

I would like to acknowledge and express my gratitude to Congressman UNDERWOOD for offering an amendment to title IV of the Elementary and Secondary Education Act of 1965 to include general assistance for certain outlying areas. The General Assistance Grant was established by section 4501 of the Elementary Act 1965, as amended, and provided for general assistance to improve education in, my district, the U.S. Virgin Islands. No appropriations have been provided fro this program since FY 1994, thus slowing almost to a halt, the incipient progress we were beginning to make in our education system. Mr. Chairman, while we fully recognize that it takes more than just money to make an educational system work well, this grant would give the Virgin Islands Department of Education, a tremendous and needed boost, in its ongoing efforts to improve the education it provides to our children. I am disappointed that the Rules Committee did not make Mr. UNDERWOOD's amendment in order amendment.

This notwithstanding, the bill before us today is a big improvement over what the committee began considering. It provides substantial new resources, including $4 billion more for elementary and secondary education for next year compared to this year, in exchange for higher standards and tough accountability rules, which all of us want and support.

I applaud the committee's Democrats as well as the Republicans who voted in committee to eliminate private school vouchers from this bill. Mr. Chairman, our public schools are plagued with enough problems already. We don't need to add to those problems by taking funding away from our schools in the form of vouchers.

The bill we are considering today, Mr. Chairman, represents a compromise, which is what being a member of this body is all about. No side, neither Republican nor Democrat gets what they want all the time. That is what the Framers of our country intended when they created the principle of separation of powers. My constituents and the children of the Virgin Islands will benefit from the increased funding represented in this bipartisan bill. I urge my colleagues to support its passage.

Mr. CRENSHAW. Mr. Chairman, I rise today to address this important measure to reform and improve our public education system.

As an original cosponsor of H.R. 1, I, like many of my colleagues, was disappointed at some of the changes that the bill underwent during committee consideration. For instance, I believe that the school choice provisions that the President outlined in his education reform package represented a reasonable compromise. He provided a graduated series of steps that bolstered a failing school's efforts to improve without jeopardizing the students who attend that school awaiting improvement. His three-year program recognized that every year a child is in school is a precious opportunity to instill knowledge in her mind and a love of learning in her soul.

I intend to support amendments that will be offered on the floor to restore these school choice provisions to the bill, and I am hopeful that these efforts will succeed. But, in the event that a majority of my colleagues do not share my belief in empowering parents through school choice, I am likely to still support this legislation.

Mr. Chairman, we cannot allow the perfect to be the enemy of the good. There are many innovative and important proposals included in H.R. 1. It consolidates federal programs, cutting their number by half. It gives local school districts flexibility to transfer up to 50% of federal funding between programs—that is 10 times more flexibility than they are now afforded. It helps all parents—rich and poor alike—to get their children the after-school, tutoring, or remedial assistance they need if they are in low-performing schools.

While it may not include everything I would like, it represents a positive step forward. I commend Chairman BOEHNER and the Republicans and Democrats of the House Education and Workforce Committee for their hard work in crafting a compromise that keeps the dialogue open and keeps education reform moving forward.

Mr. REYES. Mr. Chairman, today the House is taking up extremely important legislation, H.R. 1, a bill to reauthorize the Elementary and Secondary Education Act (ESEA). Although the bipartisan support for this bill is encouraging, just two weeks ago the republicans passed a budget resolution that committed no new resources for education. In fact, the budget resolution provided less than the amount the President requested by $900 million for fiscal year 2002 and by $21.4 billion over ten years. Instead of providing new resources for education, the conference report set funding levels equal to the amount needed, according the Congressional Budget Office (CBO), just to keep up with inflation. by contrast, H.R. 1 as reported authorizes approximately $5.5 billion more for elementary and secondary education programs for fiscal year 2002 than the $18.5 billion appropriated in fiscal year 2001.

This difference between the funding levels authorized in H.R. 1 and the funds committed to education in the budget conference report confirms my concern about the Republican budget. Although Republicans claim to support investments in priorities such as education, their budget did not commit the necessary resources. Furthermore, last week we voted on an unfair rule for H.R. 1 which prevented Democrats from offering key education priorities as amendments. There is nothing in the bill addressing class-size reduction, school modernization or the need to provide adequate funding authorizations for bilingual and migrant education.

The absence of a specific class size reduction program in the bill is unfortunate. H.R. 1 combines professional development and class size. In my opinion, schools should not be forced to chose between reducing class size and providing high quality professional development. Research clearly shows that reducing class size, particularly in the early grades, improves student achievement.

This bill also falls short of providing enough resources for migrant students. In just the past two years, the average number of dollars spent per migrant student has declined by 11 percent. This bill's proposed increase in migrant education funding does not go nearly far enough to reverse that decline.

The bill further fails migrant students by omitting strong provisions to create a migrant student records transfer system. Such a system would eliminate two serious problems faced by migrant students: the health risks caused by multiple unnecessary vaccinations and the denial of high school graduation because of missing records of earned credits. H.R. 1 instead contains weak language that has already been in place for years and produced no results. We should not forgo the opportunity to ensure that migrant children are not left behind.

In addition, this country faces a dramatic challenge in bringing schools up to minimally acceptable conditions as well as meeting school construction and modernization needs for the 21st century. In my district there are schools that finally have access to computers and technology, but don't have enough electrical outlets to run the technology. I am sure that this is the case in school districts across the country where the average school building is 42 years old. States and localities cannot reasonably be expected to carry the incredible financial burden of building and repairing our schools. Well-maintained schools are critically important for the health and safety of our students. Federal help is not only appropriate, it is essential.

Mr. Chairman, the nation's priorities in education will not be met within the confines of the budget resolution that was passed on May 9th. We need to address issues such as class size reduction, school modernization, bilingual education and migrant student needs before we give massive tax cuts to the wealthiest Americans.

I also want to share my grave concern about the "parental notification and consent" requirements contained in H.R.1. If enacted, these requirements will serve as a barrier to implementing bilingual education programs. According to this bill, schools will be required to "make reasonable and substantial efforts" to gain informed parental consent prior to placing children in an instructional program that is not taught primarily in English. This provision places an undue bureaucratic burden on local schools that will deter them from offering bilingual education classes.

These parental notification and consent measures have also been inserted into Title I—the section of the bill dedicated to assistance for low-income students. Schools that want to use some of their Title I funds for specialized services aimed at assisting limited English proficient children will be burdened with these requirements. No other group of students with special needs is singled out in this way. These provisions are a step back to the days when limited English proficient students were barred from Title I-funded education. These parental notification provisions are therefore inherently unfair and should be removed when this bill reaches the conference committee.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Child Left Behind Act of 2001".

SEC. 2. REFERENCES.

Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. TRANSITION.

Except as otherwise specifically provided in this Act, or any amendment made by this Act, any person or agency that was awarded a grant under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award, except that such funds may not be provided after the date that is one year after the effective date of this Act.

SEC. 4. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. References.
Sec. 3. Transition.
Sec. 4. Table of contents.
Sec. 5. Effective date.

TITLE I—IMPROVING THE ACADEMIC PERFORMANCE OF THE DISADVANTAGED

PART A—BASIC PROGRAM

Sec. 101. Disadvantaged children meet high academic standards.
Sec. 102. Authorization of appropriations.
Sec. 103. Reservation for school improvement.
Sec. 104. Basic programs.
Sec. 105. School choice.
Sec. 106. Academic assessment and local educational agency and school improvement.
Sec. 107. State assistance for school support and improvement.
Sec. 108. Academic achievement awards program.

PART B—STUDENT READING SKILLS IMPROVEMENT GRANTS

Sec. 111. Reading first; early reading first.
Sec. 112. Amendments to Even Start.
Sec. 113. Inexpensive book distribution program.

PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 121. State allocations.
Sec. 122. State applications; services.
Sec. 123. Authorized activities.
Sec. 124. Coordination of migrant education activities.

PART D—NEGLECTED OR DELINQUENT YOUTH

Sec. 131. Neglected or delinquent youth.
Sec. 132. Findings.
Sec. 133. Allocation of funds.
Sec. 134. State plan and State agency applications.
Sec. 135. Use of funds.
Sec. 136. Transition services.
Sec. 137. Purpose.
Sec. 138. Programs operated by local educational agencies.
Sec. 139. Local educational agency applications.
Sec. 140. Uses of funds.
Sec. 141. Program requirements.
Sec. 142. Program evaluations.

PART E—FEDERAL EVALUATIONS AND DEMONSTRATIONS

Sec. 151. Evaluations.
Sec. 152. Demonstrations of innovative practices.
Sec. 153. Ellender-close up fellowship program; dropout reporting.

PART F—COMPREHENSIVE SCHOOL REFORM

Sec. 161. School reform.

PART G—RURAL EDUCATION FLEXIBILITY AND ASSISTANCE

Sec. 171. Rural education.

PART H—GENERAL PROVISIONS OF TITLE I

Sec. 181. General provisions.

TITLE II—PREPARING, TRAINING, AND RECRUITING QUALITY TEACHERS

Sec. 201. Teacher quality training and recruiting fund.
Sec. 202. National writing project.
Sec. 203. Civic education; teacher liability protection.

TITLE III—EDUCATION OF LIMITED ENGLISH PROFICIENT AND IMMIGRANT CHILDREN; INDIAN AND ALASKA NATIVE EDUCATION

PART A—EDUCATION OF LIMITED ENGLISH PROFICIENT AND IMMIGRANT CHILDREN

Sec. 301. Programs authorized.
Sec. 302. Conforming amendment to Department of Education Organization Act.

PART B—INDIAN AND ALASKA NATIVE EDUCATION

Sec. 311. Elementary and Secondary Education Act of 1965.
Sec. 312. Alaska Native education.
Sec. 313. Amendments to the education amendments of 1978.
Sec. 314. Tribally Controlled Schools Act of 1988.

TITLE IV—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS

PART A—INNOVATIVE PROGRAMS

Sec. 401. Promoting informed parental choice and innovative programs.
Sec. 402. Continuation of awards.

PART B—PUBLIC CHARTER SCHOOLS

Sec. 411. Public charter schools.
Sec. 412. Continuation of awards.

PART C—MAGNET SCHOOLS ASSISTANCE; WOMEN'S EDUCATIONAL EQUITY

Sec. 421. Magnet schools assistance.
Sec. 422. Women's educational equity.
Sec. 423. Continuation of awards.

TITLE V—21ST CENTURY SCHOOLS

Sec. 501. Safe schools.

TITLE VI—IMPACT AID PROGRAM

Sec. 601. Payments under section 8002 with respect to fiscal years in which insufficient funds are appropriated.
Sec. 602. Calculation of payment under section 8003 for small local educational agencies.
Sec. 603. Construction.
Sec. 604. State consideration of payments in providing State aid.
Sec. 605. Authorization of appropriations.
Sec. 606. Redesignation of program.

TITLE VII—ACCOUNTABILITY

Sec. 701. Flexibility and accountability.

TITLE VIII—GENERAL PROVISIONS

Sec. 801. General provisions.
Sec. 802. Comprehensive regional assistance centers.
Sec. 803. National diffusion network.
Sec. 804. Eisenhower regional mathematics and science education consortia.
Sec. 805. Technology-based technical assistance.
Sec. 806. Regional technical support and professional development.

TITLE IX—MISCELLANEOUS PROVISIONS

PART A—AMENDMENTS TO OTHER ACTS

SUBPART 1—NATIONAL EDUCATION STATISTICS ACT

Sec. 901. Amendment to NESA.

SUBPART 2—HOMELESS EDUCATION

Sec. 911. Short title.
Sec. 912. Findings.
Sec. 913. Purpose.
Sec. 914. Education for homeless children and youth.
Sec. 915. Technical amendment.

PART B—REPEALS

Sec. 921. Repeals.

SEC. 5. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, this Act, and the amendments made by this Act, shall take effect on October 1, 2001, or on the date of the enactment of this Act, whichever occurs later.

TITLE I—IMPROVING THE ACADEMIC PERFORMANCE OF THE DISADVANTAGED

PART A—BASIC PROGRAM

SEC. 101. DISADVANTAGED CHILDREN MEET HIGH ACADEMIC STANDARDS.

Section 1001 is amended to read as follows:

"SEC. 1001. FINDINGS; STATEMENT OF PURPOSE; AND RECOGNITION OF NEED.

"(a) FINDINGS.—Congress finds the following:

"(1) The Constitution of the United States reserves to the States and to the people the responsibility for the general supervision of public education in kindergarten through the twelfth grade.

"(2) States, local educational agencies and schools should be given maximum flexibility in exchange for greater academic accountability, and be given greater freedom to build upon existing innovative approaches for education reform.

"(3) The best education decisions are made by those who know the students and who are responsible for implementing the decisions.

"(4) Educators and parents should retain the right and responsibility to educate their pupils and children free of excessive regulation by the Federal Government.

"(5) The Supreme Court has regarded the right of parents to direct the upbringing of their children as a fundamental right implicit in the concept of ordered liberty within the 14th Amendment to the Constitution, as specified in Meyer v. Nebraska, 262 U.S. 390 (1923), and Pierce v. Society of Sisters, 268 U.S. 510 (1925).

"(6) Schools that enroll high concentrations of children living in poverty face the greatest challenges, but effective educational strategies based on scientifically based research can succeed in educating children to high academic standards.

"(7) High-poverty schools are much more likely to be identified as failing to meet State academic standards for satisfactory progress. As a result, these schools are generally the most in need of additional resources and technical assistance to build the capacity of these schools to address the many needs of their students.

"(8) The educational progress of children participating in programs under this title is closely associated with their being taught by a highly qualified staff, particularly in schools with the highest concentrations of poverty, where paraprofessionals, uncertified teachers, and teachers teaching out of field frequently provide instructional services.

"(9) Congress and the public would benefit from additional data evaluating the efficacy of the Elementary and Secondary Education Act of 1965.

"(10) Schools operating programs assisted under this part must be held accountable for the educational achievement of their students, when those students fail to demonstrate progress in achieving high academic standards, local educational agencies and States must take significant actions to improve the educational opportunities available to them.

"(b) PURPOSE AND INTENT.—The purpose and intent of this title are to ensure that all children have a fair and equal opportunity to obtain a high-quality education.

"(c) RECOGNITION OF NEED.—The Congress recognizes the following:

"(1) Educational needs are particularly great for low-achieving children in our Nation's highest-poverty schools, children with limited English proficiency, children of migrant workers, children with disabilities, Indian children, children who are neglected or delinquent, and young children who are in need of reading assistance and family literacy assistance.

"(2) Despite more than 3 decades of Federal assistance, a sizable achievement gap remains between minority and nonminority students, and between disadvantaged students and their more advantaged peers.

"(3) Too many students attend local schools that fail to provide them with a quality education, and are given no alternatives to enable them to receive a quality education.

"(4) States, local educational agencies, and schools need to be held accountable for improving the academic achievement of all students, and for identifying and turning around low-performing schools.

"(5) States and local educational agencies need to ensure that high quality academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are aligned with challenging State academic standards so that students, teachers, parents, and administrators can measure progress against common expectations for student academic achievement.

"(6) Federal education assistance is intended not only to increase pupil achievement overall, but also more specifically and importantly, to help ensure that all students, especially the disadvantaged, meet challenging academic achievement standards. It can only be determined if schools, local educational agencies, and States are reaching this goal if student achievement results are reported specifically by disadvantaged and minority status.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 is amended to read as follows:

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated $11,500,000,000 for fiscal year 2002, $13,000,000,000 for fiscal year 2003, $14,500,000,000 for fiscal year 2004, $16,000,000,000 for fiscal year 2005, and $17,200,000,000 for fiscal year 2006.

"(b) STUDENT READING SKILLS IMPROVEMENT GRANTS.—

"(1) READING FIRST.—For the purpose of carrying out subpart 1 of part B, there are authorized to be appropriated $900,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) EARLY READING FIRST.—For the purpose of carrying out subpart 2 of part B, there are authorized to be appropriated $75,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(3) EVEN START.—For the purpose of carrying out subpart 3 of part B, there are authorized to be appropriated $275,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(4) INEXPENSIVE BOOK DISTRIBUTION PROGRAM.—For the purpose of carrying out subpart 4 of part B, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 4 succeeding fiscal years.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated $420,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—For the purpose of carrying out part D, there are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e) COMPREHENSIVE SCHOOL REFORM.—For the purpose of carrying out part F, there are authorized to be appropriated $260,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(f) RURAL EDUCATION.—For the purpose of carrying out part G, there are authorized to be appropriated $300,000,000 for fiscal year 2002 and such sums as may be necessary for each of 4 succeeding fiscal years to be distributed equally between subparts 1 and 2.

"(g) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $6,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal year 2003.

"(h) FEDERAL ACTIVITIES.—

"(1) SECTIONS 1501 AND 1502.—(A) For the purpose of carrying out section 1501, there are authorized to be appropriated $9,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(B) For the purpose of carrying out section 1502, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and for each of the 4 succeeding fiscal years.

"(2) SECTION 1503.—For the purpose of carrying out section 1503, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and for each of the 4 succeeding fiscal years.

"(i) STATE ADMINISTRATION.—

"(1) STATE RESERVATION.—Each State may reserve, from the sum of the amounts it receives under parts A, C, and D of this title, an amount equal to the greater of 1 percent of the amount it received under such parts for fiscal year 2001, or $400,000 ($50,000 for each outlying area), including any funds it receives under paragraph (2), to carry out administrative duties assigned under parts A, C, and D.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years for additional State administration grants. Any such additional grants shall be allocated among the States in proportion to the sum of the amounts received by each State for that fiscal year under parts A, C, and D of this title.

"(3) SPECIAL RULE.—The amount received by each State under paragraphs (1) and (2) may not exceed the amount of State funds expended by the State educational agency to administer elementary and secondary education programs in such State.

"(j) ASSISTANCE FOR LOCAL SCHOOL IMPROVEMENT.—

"(1) PROGRAM AUTHORIZED.—The Secretary shall award grants to States to provide subgrants to local educational agencies for the purpose of providing assistance for school improvement consistent with section 1116. Such grants shall be allocated among States, the Bureau of Indian Affairs, and the outlying areas, in proportion to the grants received by the State, the Bureau of Indian Affairs, and the outlying areas for the fiscal year under parts A, C, and D of this title. The Secretary shall expeditiously allocate a portion of such funds to States for the purpose of assisting local educational agencies and schools that were in school improvement status on the date preceding the date of the enactment of the No Child Left Behind Act of 2001.

"(2) REALLOCATIONS.—If a State does not apply for funds under this subsection, the Secretary shall reallocate such funds to other States in the same proportion funds are allocated under paragraph (1).

"(3) STATE APPLICATIONS.—Each State educational agency that desires to receive funds under this subsection shall submit an application to the Secretary at such time, and containing such information as the Secretary shall reasonably require, except that such requirement shall be waived if a State educational agency has submitted such information as part of its State plan under this part. Each State plan shall describe how such funds will be allocated to ensure that the State educational agency and local educational agencies comply with

school improvement, corrective action, and restructuring requirements of section 1116.

"(4) LOCAL EDUCATIONAL AGENCY GRANTS.—A grant to a local educational agency under this subsection shall be—

"(A) of sufficient size and scope to support the activities required under sections 1116 and 1117, but not less than $50,000 and not more than $500,000 to each participating school;

"(B) integrated with funds awarded by the State under this Act; and

"(C) renewable for 2 additional 1-year periods if schools are making yearly progress consistent with State and local educational agency plans developed under section 1116.

"(5) PRIORITY.—The State, in awarding such grants, shall give priority to local educational agencies with the lowest achieving schools, that demonstrate the greatest need for such funds, and that demonstrate the strongest commitment to making sure such funds are used to provide adequate resources to enable the lowest achieving schools to meet the yearly progress goals under State and local school improvement, corrective action, and restructuring plans under section 1116.

"(6) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant award under this subsection may reserve not more than 5 percent of such award for administration, evaluation, and technical assistance expenses.

"(7) LOCAL AWARDS.—Each local educational agency that applies for assistance under this subsection shall describe how it will provide the lowest achieving schools the resources necessary to meet yearly progress goals under State and local school improvement, corrective action, and restructuring plans under section 1116.

"(8) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 103. RESERVATION FOR SCHOOL IMPROVEMENT.

Section 1003 is amended to read as follows:

"SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.

"(a) STATE RESERVATIONS.—Each State shall reserve 1 percent of the amount it receives under subpart 2 of part A for fiscal years 2002 and 2003, and 3 percent of the amount received under such subpart for fiscal years 2004 through 2006, to carry out subsection (b) and to carry out the State's responsibilities under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

"(b) USES.—Of the amount reserved under subsection (a) for any fiscal year, the State educational agency shall allocate at least 95 percent of that amount directly to local educational agencies for schools identified for school improvement, corrective action, and restructuring under section 1116(c) that have the greatest need for that assistance in amounts sufficient to have a significant impact in improving those schools.

"(c) PRIORITY.—The State educational agency, in allocating funds to local educational agencies under this section, shall give priority to local educational agencies that—

"(1) have the lowest achieving schools;

"(2) demonstrate the greatest need for such funds; and

"(3) demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest achieving schools to meet the yearly progress goals under section 1116(b)(3)(A)(v).

"(d) UNUSED FUNDS.—If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out subsection (b) is greater than the amount needed to provide the assistance described in that subsection, it may allocate the excess amount to local educational agencies in accordance with either or both—

"(1) the relative allocations it made to those agencies for that fiscal year under subpart 2 of part A; or

"(2) section 1126(c).

"(e) SPECIAL RULE.—Notwithstanding any other provision of this section, the amount of funds reserved by the State under subsection (a) in any given fiscal year shall not decrease the amount of State funds each local educational agency receives below the amount received by such agency under subpart 2 in the preceding fiscal year.".

SEC. 104. BASIC PROGRAMS.

The heading for part A of title I and sections 1111 through 1115 are amended to read as follows:

"PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"Subpart 1—Basic Program Requirements

"SEC. 1111. STATE PLANS.

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—Any State desiring to receive a grant under this part shall submit to the Secretary, by March 1, 2002, a plan, developed in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), and the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

"(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

"(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY.—

"(1) CHALLENGING ACADEMIC STANDARDS.—

"(A) Each State plan shall demonstrate that the State has adopted challenging academic content standards and challenging student academic achievement standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

"(B) The academic standards required by subparagraph (A) shall be the same academic standards that the State applies to all schools and children in the State.

"(C) The State shall have such academic standards for all public elementary and secondary school children, including children served under this part, in subjects determined by the State, but including at least mathematics, reading or language arts, and science (beginning in the 2005–2006 school year), which shall include the same knowledge, skills, and levels of achievement expected of all children.

"(D) Academic standards under this paragraph shall include—

"(i) challenging academic content standards in academic subjects that—

"(I) specify what children are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) encourage the teaching of advanced skills; and

"(ii) challenging student academic achievement standards that—

"(I) are aligned with the State's academic content standards;

"(II) describe 2 levels of high performance (proficient and advanced) that determine how well children are mastering the material in the State academic content standards; and

"(III) describe a third level of performance (basic) to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

"(E) For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B), and (C) to develop, and has not otherwise developed such academic standards, the State plan shall describe a strategy for ensuring that students are taught the same knowledge and skills in such subjects and held to the same expectations as are all children.

"(F) Nothing in this part shall prohibit a State from revising any standard adopted under this part before or after the date of enactment of the No Child Left Behind Act of 2001.

"(2) ACCOUNTABILITY.—

"(A) IN GENERAL.—Each State plan shall demonstrate that the State has developed and is implementing a statewide State accountability system that has been or will be effective in ensuring that all local educational agencies, public elementary schools, and public secondary schools make adequate yearly progress as defined under subparagraph (B). Each State accountability system shall—

"(i) be based on the academic standards and academic assessments adopted under paragraphs (1) and (4) and take into account the performance of all public school students;

"(ii) be the same as the accountability system the State uses for all public schools or all local educational agencies in the State, except that public schools and local educational agencies not participating under this part are not subject to the requirements of section 1116; and

"(iii) include rewards and sanctions the State will use to hold local educational agencies and public schools accountable for student achievement and for ensuring that they make adequate yearly progress in accordance with the State's definition under subparagraph (B).

"(B) ADEQUATE YEARLY PROGRESS.—Each State plan shall demonstrate, based on academic assessments described under paragraph (4), what constitutes adequate yearly progress of the State, and of public schools and local educational agencies in the State, toward enabling all public school students to meet the State's student academic achievement standards, while working toward the goal of narrowing the achievement gaps in the State, local educational agency, and school.

"(C) DEFINITION.—'Adequate yearly progress' shall be defined by the State in a manner that—

"(i) applies the same high academic standards of academic performance to all public school students in the State;

"(ii) measures the progress of public schools and local educational agencies based primarily on the academic assessments described in paragraph (4);

"(iii) measures the student dropout rate, as defined for the Common Core of Data maintained by the National Center for Education Statistics established under section 403 of the National Education Statistics Act of 1994 (20 U.S.C. 9002);

"(iv) includes separate annual numerical objectives for continuing and significant improvement in each of the following (except that disaggregation of data under subclauses (II) and (III) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually

identifiable information about an individual student):

"(I) The achievement of all public school students.

"(II) The achievement of—

"(aa) economically disadvantaged students;

"(bb) students from major racial and ethnic groups;

"(cc) students with disabilities; and

"(dd) students with limited English proficiency;

"(III) solely for the purpose of determining adequate yearly progress of the State, the acquisition of English language proficiency by children with limited English proficiency;

"(v) at the State's discretion, may also include other academic measures such as promotion, completion of college preparatory courses, and high school completion (and for individual local educational agencies and schools, the acquisition of English language proficiency by children with limited English proficiency), except that inclusion of such other measures may not change which schools or local educational agencies would otherwise be subject to improvement or corrective action under section 1116 if the discretionary indicators were not included; and

"(vi) includes a timeline that—

"(I) uses as a baseline year the year following the date of enactment of the No Child Left Behind Act of 2001;

"(II) establishes a target year by which all members of each group of students described in subclauses (I) and (II) of clause (iii) shall meet or exceed the State's proficient level of academic performance on the State academic assessment used for the purposes of this section and section 1116, except that the target year shall not be more than 12 years from the baseline year; and

"(III) for each year until and including the target year, establishes annual goals for the academic performance of each group of students described in subclauses (I) and (II) of clause (iii) on the State academic assessment that—

"(aa) indicates a minimum percentage of students who must meet the proficient level on the academic assessment, such that the minimum percentage is the same for each group of students described in subclauses (I) and (II) of clause (iii); or

"(bb) indicates an annual minimum amount by which the percentage of students who meet the proficient level among each group of students described in subclauses (I) and (II) of clause (iii) shall increase, such that the minimum increase for each group is equal to or greater than 100 percent minus the percentage of the group meeting the proficient level in the baseline year divided by the number of years from the baseline year to the target year established under clause (I).

"(D) ANNUAL IMPROVEMENT FOR SCHOOLS.—For a school to make adequate yearly progress under subparagraph (A), not less than 95 percent of each group of students described in subparagraph (C)(iii)(II) who are enrolled in the school are required to take the academic assessments, consistent with section 612(a)(17)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(17)(A)) and paragraph (4)(G)(ii), on which adequate yearly progress is based.

"(E) PUBLIC NOTICE AND COMMENT.—Each State shall ensure that in developing its plan, it diligently seeks public comment from a range of institutions and individuals in the State with an interest in improved student achievement and that the State makes and will continue to make a substantial effort to ensure that information under this part is widely known and understood by the public, parents, teachers, and school administrators throughout the State. Such efforts shall include, at a minimum, publication of such information and explanatory text, broadly to the public through such means as the Internet, the media, and public agencies.

"(3) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt curriculum content and student academic achievement standards, and academic assessments aligned with such academic standards, which will be applicable to all students enrolled in the State's public schools, then the State educational agency may meet the requirements of this subsection by—

"(A) adopting academic standards and academic assessments that meet the requirements of this subsection, on a statewide basis, limiting their applicability to students served under this part; or

"(B) adopting and implementing policies that ensure that each local educational agency in the State which receives grants under this part will adopt curriculum content and student academic achievement standards, and academic assessments aligned with such standards, which meet all of the criteria in this subsection and any regulations regarding such standards and assessments which the Secretary may publish, and which are applicable to all students served by each such local educational agency.

"(4) ACADEMIC ASSESSMENTS.—Each State plan shall demonstrate that the State has implemented a set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, and reading or language arts, that will be used as the primary means of determining the yearly performance of the State and of each local educational agency and school in enabling all children to meet the State's challenging student academic achievement standards. Such assessments shall—

"(A) be the same academic assessments used to measure the performance of all children;

"(B) be aligned with the State's challenging content and student academic achievement standards and provide coherent information about student attainment of such standards;

"(C) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, recognized professional and technical standards for such assessments;

"(D) for the purposes of this part, be scored to ensure the performance of each student is evaluated solely against the State's challenging academic content standards and not relative to the score of other students;

"(E) except as otherwise provided for grades 3 through 8 under subparagraph (G), measure the proficiency of students in, at a minimum, mathematics and reading or language arts, and be administered not less than once during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9; and

"(iii) grades 10 through 12;

"(F) involve multiple up-to-date measures of student achievement, including measures that assess critical thinking skills and understanding;

"(G) beginning not later than school year 2004-2005, measure the performance of students against the challenging State content and student academic achievement standards in each of grades 3 through 8 in, at a minimum, mathematics, and reading or language arts, except that the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of the academic assessments by that deadline and that it will complete implementation within the additional 1-year period;

"(H) provide for—

"(i) the participation in such assessments of all students;

"(ii) the reasonable adaptations and accommodations for students with disabilities defined under 602(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(3)) necessary to measure the achievement of such students relative to State content and State student academic achievement standards;

"(iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas;

"(iv) notwithstanding clause (iii), the academic assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except if the local educational agency determines, on a case-by-case individual basis, that academic assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year;

"(I) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than 1 school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

"(J) produce individual student reports to be provided to parents, which include academic assessment scores, or other information on the attainment of student academic achievement standards; and

"(K) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

"(5) SPECIAL RULE.—Academic assessment measures in addition to those in paragraph (4) that do not meet the requirements of such paragraph may be included as additional measures, but may not be used in lieu of the academic assessments required in paragraph (4). Results on any additional measures under this paragraph shall not change which schools or local educational agencies would otherwise be subject to improvement or corrective action under section 1116 if the additional measures were not included.

"(6) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student academic assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

"(7) ACADEMIC ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—Each State plan shall demonstrate that local educational agencies in the State will, beginning no later than school

year 2002–2003, annually assess the English proficiency of all students with limited English proficiency in their schools.

"(8) REQUIREMENT.—Each State plan shall describe—

"(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(c), and 1115(c) that is applicable to such agency or school;

"(B) how the State educational agency will assist each local educational agency and school affected by the State plan to provide additional educational assistance to individual students assessed as needing help to achieve the State's challenging academic standards.

"(C) such other factors as the State considers appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging academic content standards adopted by the State.

"(9) USE OF ACADEMIC ASSESSMENT RESULTS TO IMPROVE STUDENT ACHIEVEMENT.—Each State plan shall describe how the State will ensure that the results of the State assessments described in paragraph (4)—

"(A) will be provided promptly, but not later than the end of the school year (consistent with 1116, to local educational agencies, schools, and teachers in a manner that is clear and easy to understand; and

"(B) be used by those local educational agencies, schools, and teachers to improve the educational achievement of individual students.

"(10) TECHNICAL ASSISTANCE ON ACADEMIC ASSESSMENT REQUIREMENTS.—The Secretary shall provide technical assistance to interested States regarding how to meet the requirements of paragraph (4).

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

"(1) the State shall produce, beginning with the 2003–2004 school year, the annual State report cards described in subsection (h)(1);

"(2) the State will participate, beginning in school year 2002–2003, in annual academic assessments of 4th and 8th grade reading and mathematics under—

"(A) the State National Assessment of Educational Progress carried out under section 411(b)(2) of the National Education Statistics Act of 1994 (20 U.S.C. 9010(b)(2)); or

"(B) another academic assessment selected by the State which meets the criteria of section 7101(b)(1)(B)(ii) of this Act;

"(3) the State educational agency shall work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119A and technical assistance under section 1117; and

"(4)(A) where educational service agencies exist, the State educational agency shall consider providing professional development and technical assistance through such agencies; and

"(B) where educational service agencies do not exist, the State educational agency shall consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

"(5) the State educational agency shall notify local educational agencies and the public of the content and student academic achievement standards and academic assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

"(6) the State educational agency shall provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

"(7) the State educational agency shall inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic performance;

"(8) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

"(9) the State educational agency shall modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

"(10) the State educational agency has involved the committee of practitioners established under section 1603(b) in developing the plan and monitoring its implementation;

"(11) the State educational agency shall inform local educational agencies of the local educational agency's authority to transfer funds under title VII, to obtain waivers under title VIII and, if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891a et seq.); and

"(12) the State educational agency shall encourage local educational agencies and individual schools participating in a program assisted under this part to offer family literacy services (using funds under this part), if the agency or school determines that a substantial number of students served under this part by the agency or school have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

"(1) establish a peer review process to assist in the review of State plans;

"(2) approve a State plan within 120 days of its submission unless the Secretary determines that the plan does not meet the requirements of this section;

"(3) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

"(4) not decline to approve a State's plan before—

"(A) offering the State an opportunity to revise its plan;

"(B) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

"(C) providing a hearing; and

"(5) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan 1 or more specific elements of the State's academic content standards or to use specific academic assessment instruments or items.

"(e) DURATION OF THE PLAN.—

"(1) IN GENERAL.—Each State plan shall—

"(A) be submitted for the first year for which this part is in effect after the date of the enactment of the No Child Left Behind Act of 2001;

"(B) remain in effect for the duration of the State's participation under this part; and

"(C) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its plan, such as the adoption of new or revised State academic content standards and State student achievement standards, new academic assessments, or a new definition of adequate yearly progress, the State shall submit such information to the Secretary.

"(f) LIMITATION ON CONDITIONS.—Officers and employees of the Federal Government are prohibited from mandating, directing, or controlling a State, local educational agency, or school's specific instructional content or student academic achievement standards and academic assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

"(g) PENALTIES.—

"(1) FAILURE TO MEET DEADLINES ENACTED IN 1994.—

"(A) IN GENERAL.—If a State fails to meet the deadlines established by the Improving America's Schools Act of 1994 (or under any waiver granted by the Secretary or under any compliance agreement with the Secretary) for demonstrating that it has in place challenging academic content standards and student achievement standards, and a system for measuring and monitoring adequate yearly progress, the Secretary shall withhold 25 percent of the funds that would otherwise be available for State administration and activities in each year until the Secretary determines that the State meets those requirements;

"(B) NO EXTENSION.—The Secretary shall not grant any additional waivers of, or enter into any additional compliance agreements to extend, the deadlines described in subparagraph (A) for any State.

"(2) FAILURE TO MEET REQUIREMENTS ENACTED IN 2001.—If a State fails to meet any of the requirements of this section, other than the requirements described in paragraph (1), the Secretary may withhold funds for State administration until the Secretary determines that the State has fulfilled those requirements.

"(h) REPORTS.—

"(1) ANNUAL STATE REPORT CARD.—

"(A) IN GENERAL.—Not later than the beginning of the 2003–2004 school year, a State that receives assistance under this Act shall prepare and disseminate an annual State report card.

"(B) IMPLEMENTATION.—The State report card shall be—

"(i) concise; and

"(ii) presented in a format and manner that parents can understand, and which, to the extent practicable, shall be in a language the parents can understand.

"(C) PUBLIC DISSEMINATION.—The State shall widely disseminate the information described in subparagraph (D) to all schools and local educational agencies in the State and make the information broadly available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

"(D) REQUIRED INFORMATION.—The State shall include in its annual State report card—

"(i) information, in the aggregate, on student achievement at each proficiency level on the State academic assessments described in subsection (b)(4)(F) (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);

"(ii) the percentage of students not tested (disaggregated by the same categories and subject to the same exception described in clause (i));

"(iii) the percentage of students who graduate from high school within 4 years of starting high school;

"(iv) the percentage of students who take and complete advanced placement courses as compared to the population of the students eligible to take such courses, and the rate of passing of advanced placement tests;

"(v) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional qualifications, and the percentage of class sections not taught by fully qualified teachers; and

"(vi) such other information (such as dropout and school attendance rates; and average class size by grade level) as the State believes will best provide parents, students, and other members of the public with information on the progress of each of the State's public schools.

"(2) CONTENT OF LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

"(A) MINIMUM REQUIREMENTS.—The State shall ensure that each local educational agency collects appropriate data and includes in its annual report for each of its schools, at a minimum—

"(i) the information described in paragraph (1)(D) for each local educational agency and school; and

"(ii)(I) in the case of a local educational agency—

"(aa) the number and percentage of schools identified for school improvement and how long they have been so identified, including schools identified under section 1116(c) of this Act; and

"(bb) information that shows how students in its schools perform on the statewide academic assessment compared to students in the State as a whole; and

"(II) in the case of a school—

"(aa) whether it has been identified for school improvement; and

"(bb) information that shows how its students performed on the statewide academic assessment compared to students in the local educational agency and the State as a whole.

"(B) OTHER INFORMATION.—A local educational agency may include in its annual reports any other appropriate information whether or not such information is included in the annual State report.

"(C) PUBLIC DISSEMINATION.—The local educational agency shall, not later than the beginning of the 2003–2004 school year, publicly disseminate the information described in this paragraph to all schools in the district and to all parents of students attending those schools (to the extent practicable, in a language they can understand), and make the information broadly available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

"(3) PRE-EXISTING REPORT CARDS.—A State or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the enactment of the No Child Left Behind Act of 2001 may use those reports for the purpose of this subsection, so long as any such report is modified, as may be needed, to contain the information required by this subsection.

"(4) ANNUAL STATE REPORT TO THE SECRETARY.—Each State receiving assistance under this Act shall report annually to the Secretary, and make widely available within the State—

"(A) beginning with school year 2001–2002, information on the State's progress in developing and implementing the academic assessment system described in subsection (b)(4);

"(B) beginning not later than school year 2004–2005, information on the achievement of students on the academic assessments required by that subsection, including the disaggregated results for the categories of students identified in subsection (b)(2)(C)(iii)(II);

"(C) beginning not later than school year 2002–2003, information on the acquisition of English proficiency by children with limited English proficiency; and

"(D) in any year before the State begins to provide the information described in subparagraph (B), information on the results of student academic assessments (including disaggregated results) required under this section.

"(5) PARENTS RIGHT-TO-KNOW.—

"(A) QUALIFICATIONS.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that they may request, and shall provide the parents upon request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

"(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

"(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

"(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

"(iv) Whether the child is provided services by paraprofessionals and if so, their qualifications.

"(B) ADDITIONAL INFORMATION.—In addition to the information which parents may request under subparagraph (A), a school which receives funds under this part shall provide to each individual parent—

"(i) information on the level of performance of the individual student for whom they are the parent in each of the State academic assessments as required under this part; and

"(ii) timely notice that the student for whom they are the parent has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who is not fully qualified.

"(C) FORMAT.—The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

"(6) PLAN CONTENT.—A State shall include in its plan under subsection (b) an assurance that it has in effect a policy that meets the requirements of this section.

"(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—

"(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

"(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 8305.

"(b) PLAN PROVISIONS.—In order to help low achieving children achieve high academic standards, each local educational agency plan shall include—

"(1) a description of additional high-quality student academic assessments, if any, other than the academic assessments described in the State plan under section 1111, that the local educational agency and schools served under this part will use to—

"(A) determine the success of children served under this part in meeting the State's student academic achievement standards and provide information to teachers, parents, and students on the progress being made toward meeting the State student academic achievement standards described in section 1111(b)(1)(D)(ii);

"(B) assist in diagnosis, teaching, and learning in the classroom in ways that best enable low-achieving children served under this title to meet State academic standards and do well in the local curriculum; and

"(C) determine what revisions are needed to projects under this title so that such children meet the State's student academic achievement standards;

"(2) at the local educational agency's discretion, a description of any other indicators that will be used in addition to the academic assessments described in paragraph (1) for the uses described in such paragraph, except that results on any discretionary indicators shall not change which schools would otherwise be subject to improvement of corrective action under section 1118 if the additional measures are not included;

"(3) a description of how the local educational agency will provide additional educational assistance to individual students assessed as needing help to achieve the State's challenging academic standards;

"(4) a description of the strategy the local educational agency will use to provide professional development for teachers, and, if appropriate, pupil services personnel, administrators, parents and other staff, including local educational agency level staff in accordance with section 1119A;

"(5) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as—

"(A) Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs; and

"(B) services for children with limited English proficiency or with disabilities, migratory children served under part C, neglected or delinquent youth, Indian children served under part B of title III, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

"(6) an assurance that the local educational agency will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 411(b)(2) of the Education Statistics Act of 1994 (20 U.S.C. 9010(b)(2)), or in another academic assessment pursuant to the State decision under section 7101(b)(1)(B)(ii);

"(7) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

"(8) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part;

"(9) a general description of the nature of the programs to be conducted by such agency's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions *for neglected or delinquent children, for neglected and delinquent children in community day school programs, and for homeless children;*

“(10) a description of how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

“(11) if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in Early Reading First, or in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act (42 U.S.C. 9836), agencies operating Even Start programs, Early Reading First, or another comparable public early childhood development program;

“(12) a description of the actions the local educational agency will take to assist its low-performing schools, including schools identified under section 1116 as in need of improvement;

“(13) a description of the actions the local educational agency will take to implement public school choice, consistent with the requirements of section 1116;

“(14) a description of how the local educational agency will meet the requirements of section 1119(b)(1); and

“(15) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(f)(3)(A).

“(c) ASSURANCES.—

“(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

“(A) inform eligible schools and parents of schoolwide program authority and the ability of such schools to consolidate funds from Federal, State, and local sources;

“(B) provide technical assistance and support to schoolwide programs;

“(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student academic achievement standards;

“(D) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under paragraphs (6) and (7) of section 1116(b);

“(E) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

“(F) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

“(G) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the academic achievement standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a));

“(H) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals;

“(I) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title VIII of this Act, and if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999; and

“(J) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families.

“(2) SPECIAL RULE.—In carrying out subparagraph (G) of paragraph (1), the Secretary—

“(A) shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

“(B) shall disseminate to local educational agencies the Head Start academic achievement standards as in effect under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)), and such agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

“(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs which are expanded through the use of funds under this part.

“(d) PLAN DEVELOPMENT AND DURATION.—

“(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, principals, administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part.

“(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of the enactment of the No Child Left Behind Act of 2001 and shall remain in effect for the duration of the agency's participation under this part.

“(3) REVIEW.—Each local educational agency shall periodically review, and as necessary, revise its plan.

“(e) STATE APPROVAL.—

“(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

“(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

“(A) enables schools served under this part to substantially help children served under this part meet the academic standards expected of all children described in section 1111(b)(1); and

“(B) meets the requirements of this section.

“(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions regarding activities under sections 1114 and 1115.

“(g) PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.—

“(1) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

“(A) the reasons for the identification of the child as being in need of English language instruction;

“(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

“(C) how the English language instruction program will specifically help the child acquire English and meet age-appropriate academic standards for grade promotion and graduation;

“(D) what the specific exit requirements are for the program;

“(E) the expected rate of transition from the program into a classroom that is not tailored for limited English proficient children; and

“(F) the expected rate of graduation from high school for students in the program if funds under this part are used for children in secondary schools.

“(2) CONSENT.—

“(A) AGENCY REQUIREMENTS.—

“(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of a school year, each local educational agency that receives funds under this part shall make a reasonable and substantial effort to obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part if the program does not include classes which exclusively or almost exclusively use the English language in instruction.

“(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was sought, including the specific efforts made to obtain such consent.

“(iii) PROOF OF EFFORT.—Notice, in an understandable form, of specific efforts made to obtain written consent and a copy of the written record required in clause (ii) shall be mailed or delivered in writing to a parent, parents, or guardian of a child prior to placing the child in a program described in clause (i) and shall include a final request for parental consent for such services. After such notice has been mailed or delivered in writing, the local educational agency shall provide appropriate educational services.

“(iv) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—For those children who have not been identified as limited English proficient prior to the beginning of the school year, the local educational agency shall make a reasonable and substantial effort to obtain parental consent under this clause. For such children, the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in clause (i). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to a parent or parents of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. Nothing in this clause shall be construed as exempting a local educational agency from complying with the notification requirements of subsection (g)(1) and the consent requirements of this paragraph.

“(3) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part shall—

“(A) select among methods of instruction, if more than one method is offered in the program; and

“(B) have the right to have their child immediately removed from the program upon their request.

“(4) RECEIPT OF INFORMATION.—A parent or the parents of a limited English proficient child

who is identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

"(A) timely information about English language instruction programs for limited English proficient children assisted under this part;

"(B) if a parent or parents of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from the parent or parents; and

"(C) procedural information for removing a child from a program for limited English proficient children.

"(5) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to, or excluded from, any federally-assisted education program on the basis of a surname or language-minority status.

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) DETERMINATION.—

"(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

"(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

"(A) the term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

"(B) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(3) LOCAL EDUCATIONAL AGENCY DISCRETION.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), a local educational agency may—

"(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

"(ii) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

"(iii) designate and serve a school attendance area or school that is not eligible under subsection (b), but that was eligible and that was served in the preceding fiscal year, but only for 1 additional fiscal year; and

"(iv) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

"(I) the school meets the comparability requirements of section 1120A(c);

"(II) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

"(III) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

"(B) SPECIAL RULE.—Notwithstanding subparagraph (A)(iv), the number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

"(b) RANKING ORDER.—If funds allocated in accordance with subsection (f) are insufficient to serve all eligible school attendance areas, a local educational agency—

"(1) shall annually rank from highest to lowest according to the percentage of children from low-income families in each agency's eligible school attendance areas in the following order—

"(A) eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent; and

"(B) all remaining eligible school attendance areas in which the concentration of children from low-income families is 75 percent or lower either by grade span or for the entire local educational agency;

"(2) shall, within each category listed in paragraph (1), serve schools in rank order from highest to lowest according to the ranking assigned under paragraph (1);

"(3) notwithstanding paragraph (2), may give priority, within each such category and in rank order from highest to lowest subject to paragraph (4), to eligible school attendance areas that serve children in elementary schools; and

"(4) not serve a school described in paragraph (1)(B) before serving a school described in paragraph (1)(A).

"(c) LOW-INCOME MEASURES.—In determining the number of children ages 5 through 17 who are from low-income families, the local educational agency shall apply the measures described in paragraphs (1) and (2) of this subsection:

"(1) ALLOCATION TO PUBLIC SCHOOL ATTENDANCE AREAS.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(A) to identify eligible school attendance areas;

"(B) to determine the ranking of each area; and

"(C) to determine allocations under subsection (f).

"(2) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

"(A) CALCULATION.—A local educational agency shall have the final authority, consistent with section 1120 to calculate the number of private school children, ages 5 through 17, who are low-income by—

"(i) using the same measure of low-income used to count public school children;

"(ii) using the results of a survey that, to the extent possible, protects the identity of families of private school students and allowing such survey results to be extrapolated if complete actual data are not available; or

"(iii) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that attendance area.

"(B) COMPLAINT PROCESS.—Any dispute regarding low-income data on private school students shall be subject to the complaint process authorized in section 8505.

"(d) EXCEPTION.—This section (other than subsections (a)(3) and (f)) shall not apply to a local educational agency with a total enrollment of less than 1,500 children.

"(e) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (f), and permit such agency to treat as eligible, and serve, any school that children attend under a desegregation plan ordered by a State or court or approved by the Secretary, or such a plan that the agency continues to implement after it has expired, if—

"(1) the number of economically disadvantaged children enrolled in the school is not less than 25 percent of the school's total enrollment; and

"(2) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

"(f) ALLOCATIONS.—

"(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (b) in rank order on the basis of the total number of children from low-income families in each area or school.

"(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 125 percent of the per-pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

"(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

"(A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;

"(B) children in local institutions for neglected children; and

"(C) if appropriate, children in local institutions for delinquent children and neglected or delinquent children in community day school programs.

"(4) SCHOOL IMPROVEMENT RESERVATION.—In addition to the funding a local educational agency receives under section 1003(b), a local educational agency may reserve such funds as are necessary under this part to meet such agency's school improvement responsibilities under section 1116, including taking corrective actions under paragraphs (6) and (7) of section 1116(b).

"(5) FINANCIAL INCENTIVES AND REWARDS RESERVATION.—A local educational agency may reserve such funds as are necessary under this part to provide financial incentives and rewards to teachers who serve in schools eligible under subsection (b)(1)(A) and identified for improvement under section 1116(b)(1) for the purpose of attracting and retaining qualified and effective teachers.

"SEC. 1114. SCHOOLWIDE PROGRAMS.

"(a) PURPOSE.—The purpose of a schoolwide program under this section is—

"(1) to enable a local educational agency to consolidate funds under this part with other Federal, State, and local funds, to upgrade the entire educational program in a high poverty school; and

"(2) to help ensure that all children in such a school meet challenging State academic standards for student achievement, particularly those children who are most at-risk of not meeting those standards.

"(b) Use of Funds for Schoolwide Programs.—

"(1) In general.—A local educational agency may consolidate funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.

"(2) Identification of students not required.—

"(A) In general.—No school participating in a schoolwide program shall be required to identify particular children under this part as eligible to participate in a schoolwide program or to provide supplemental services to such children.

"(B) Supplement funds.—A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

"(3) Exemption from statutory and regulatory requirements.—

"(A) Exemption.—Except as provided in subsection (c), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

"(B) Requirements.—A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

"(C) Records.—A school that consolidates funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as it maintains records that demonstrate that the schoolwide program, considered as a whole addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

"(4) Professional development.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (c)(1)(D) in accordance with section 1119A for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

"(c) Components of a Schoolwide Program.—

"(1) In general.—A schoolwide program shall include the following components:

"(A) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in section 1309(2)) that is based on information which includes the performance of children in relation to the State academic content standards and the State student academic achievement standards described in section 1111(b)(1).

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's proficient and advanced levels of student achievement described in section 1111(b)(1)(D);

"(ii) use effective methods and instructional strategies that are based upon scientifically based research that—

"(I) strengthen the core academic program in the school;

"(II) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and

"(III) include strategies for meeting the educational needs of historically underserved populations;

"(iii)(I) address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student academic achievement standards who are members of the target population of any program that is included in the schoolwide program; and

"(II) address how the school will determine if such needs have been met; and

"(iv) are consistent with, and are designed to implement, the State and local improvement plans, if any.

"(C) Instruction by fully qualified (as defined in section 8101) teachers.

"(D) In accordance with section 1119A and subsection (b)(4), high quality and ongoing professional development for teachers and paraprofessionals, and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student academic achievement standards.

"(E) Strategies to attract high quality teachers to high need schools, such as differential pay systems or performance based pay.

"(F) Strategies to increase parental involvement in accordance with section 1118, such as family literary services.

"(G) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, Early Reading First, or a State-run preschool program, to local elementary school programs.

"(H) Measures to include teachers in the decisions regarding the use of academic assessments described in section 1111(b)(4) in order to provide information on, and to improve, the performance of individual students and the overall instructional program.

"(I) Activities to ensure that students who experience difficulty mastering the proficient or advanced levels of academic achievement standards required by section 1111(b) shall be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.

"(2) Plan.—Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence on the day before the effective date of the No Child Left Behind Act of 2001), a comprehensive plan for reforming the total instructional program in the school that—

"(A) incorporates the components described in paragraph (1);

"(B) describes how the school will use resources under this part and from other sources to implement those components; and

"(C) includes a list of State and local educational agency programs and other Federal programs under subsection (b)(3) that will be consolidated in the schoolwide program.

"(3) Plan development.—The comprehensive plan shall be—

"(A) developed during a 1-year period, unless—

"(i) the local educational agency determines that less time is needed to develop and implement the schoolwide program; or

"(ii) the school operated a schoolwide program on the day preceding the effective date of the No Child Left Behind Act of 2001, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

"(B) developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, and administrators (including administrators of programs described in other parts of this title), and, if appropriate, pupil services personnel, technical assistance providers, school staff, and, if the plan relates to a secondary school, students from such school;

"(C) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;

"(D) available to the local educational agency, parents, and the public, and the information contained in such plan shall be provided in a format, and to the extent practicable, in a language that they can understand; and

"(E) if appropriate, developed in coordination with programs under Reading First, Early Reading First, Even Start, Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act.

"(d) Accountability.—A schoolwide program under this section shall be subject to the school improvement provisions of section 1116.

"(e) Prekindergarten Program.—A school that is eligible for a schoolwide program under this section may use funds made available under this title to establish or enhance prekindergarten programs for 3-, 4-, and 5-year-old children, such as Even Start programs or Early Reading First programs.

"SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

"(a) In General.—In all schools selected to receive funds under section 1113(f) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to eligible children under subsection (b) identified as having the greatest need for special assistance.

"(b) Eligible Children.—

"(1) Eligible population.—(A) The eligible population for services under this section is—

"(i) children not older than age 21 who are entitled to a free public education through grade 12; and

"(ii) children who are not yet at a grade level at which the local educational agency provides a free public education.

"(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging student academic achievement standards on the basis of academic assessments under this part, and, as appropriate, on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 may be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and other appropriate measures.

"(2) CHILDREN INCLUDED.—(A)(i) Children with disabilities, migrant children, and children with limited English proficiency are eligible for services under this part on the same basis as other children.

"(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children but may be used to coordinate or supplement such services.

"(B) A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start, Even Start, or Early Reading First program, or in preschool services under this title, is eligible for services under this part.

"(C)(i) A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this part.

"(ii) A child in a local institution for neglected or delinquent children or attending a community day program for such children is eligible for services under this part.

"(D) A child who is homeless and attending any school in the local educational agency is eligible for services under this part.

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

"(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this title the opportunity to meet the State's challenging student academic achievement standards in subjects as determined by the State, each targeted assistance program under this section shall—

"(A) use such program's resources under this part to help participating children meet such State's challenging student academic achievement standards expected for all children;

"(B) ensure that planning for students served under this part is incorporated into existing school planning;

"(C) use effective methods and instructional strategies that are based upon scientifically based research that strengthens the core academic program of the school and that—

"(i) give primary consideration to providing extended learning time such as an extended school year, before- and after-school, and summer programs and opportunities;

"(ii) help provide an accelerated, high-quality curriculum, including applied learning; and

"(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part;

"(D) coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs such as Head Start, Even Start, Early Reading First or State-run preschool programs to elementary school programs;

"(E) provide instruction by fully qualified teachers as defined in section 8101;

"(F) in accordance with subsection (e)(3) and section 1119A, provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, for teachers, principals, and administrators and other school staff, including, if appropriate, pupil services personnel, who work with participating children in programs under this section or in the regular education program; and

"(G) provide strategies to increase parental involvement in accordance with section 1118, such as family literacy services.

"(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's proficient and advanced levels of achievement by—

"(A) the coordination of resources provided under this part with other resources; and

"(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's challenging student academic achievement standards, such as an extended school year, before- and after-school, and summer programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement student academic achievement standards in the classroom.

"(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this part, public school personnel who are paid with funds received under this part may participate in general professional development and school planning activities.

"(e) SPECIAL RULES.—

"(1) SIMULTANEOUS SERVICE.—Nothing in this section shall be construed to prohibit a school from serving students served under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(2) COMPREHENSIVE SERVICES.—If medical, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and if funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—

"(A) the provision of basic medical equipment, such as eyeglasses and hearing aids; and

"(B) professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

"(3) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to carry out effectively the professional development activities described in subparagraph (F) of subsection (c)(1) in accordance with section 1119A for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.".

SEC. 105. SCHOOL CHOICE.

Section 1115A is amended to read as follows:

"SEC. 1115A. SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement public school choice programs, for children eligible for assistance under this part, which permit parents to select the public school that their child will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a public school choice program shall first develop a plan that includes a description of how the local educational agency will use resources under this part and from other resources to implement the plan, and assurances that—

"(1) all eligible students across grade levels served under this part will have equal access to the program;

"(2) the plan will be developed with the involvement of parents and others in the community to be served and individuals who will carry out the plan, including administrators, teachers, principals, and other staff;

"(3) parents of eligible students in the local educational agency will be given prompt notice of the existence of the public school choice program and its availability to them, and a clear explanation of how the program will operate;

"(4) the program will include charter schools and any other public school and shall not include a school that is or has been identified as a school in school improvement or is or has been in corrective action for the past 2 consecutive years; and

"(5) such local educational agency will comply with the other requirements of this part.

"(c) TRANSPORTATION.—Transportation services or the costs of transportation may be provided by the local educational agency, except that such agency may not use more than a total of 15 percent of its allocation under this part for such purposes.".

SEC. 106. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

The section heading and subsections (a) through (d) of section 1116 are amended to read as follows:

"SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

"(a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

"(1) use the State academic assessments described in the State plan to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2)(B);

"(2) publicize and disseminate to teachers and other staff, parents, students, and the community, the results of the annual review under paragraph (2);

"(3) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement assisted under this Act.

"(b) SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—

"(A) IDENTIFICATION.—A local educational agency shall identify for school improvement any elementary or secondary school served under this part that—

"(i) fails, for any year, to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

"(ii) was in school improvement status under this section immediately before the effective date of the No Child Left Behind Act of 2001.

"(B) DEADLINE.—The identification described in subparagraph (A) shall take place not later than the first day of the school year following such failure to make adequate yearly progress.

"(C) APPLICATION.—This paragraph does not apply to a school if almost every student in the school is meeting the State's advanced level of performance.

"(D) REVIEW.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified for school improvement under this subsection, a local educational agency may choose to review the progress of only the students in the school who are served, or are eligible for services, under this part.

"(E) PUBLIC SCHOOL CHOICE.—In the case of a school identified for school improvement under subparagraph (A), the local educational agency shall, not later than the first day of the school year following identification, provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under subparagraph (A), unless such an option is prohibited by State law.

"(F) TRANSFER.—Students who use the option to transfer under subparagraph (E) shall be enrolled in classes and other activities in the public school to which they transfer in the same *manner as all other children at the public school.*

"(2) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE; TIME LIMIT.—

"(A) Before identifying an elementary school or a secondary school for school improvement under paragraph (1), for corrective action under paragraph (6), or for restructuring under paragraph (7), the local educational agency shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

"(B) EVIDENCE.—If the principal of a school proposed for identification under paragraph (1), (6), or (7) believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider that evidence before making a final determination.

"(C) FINAL DETERMINATION.—Not later than 30 days after a local educational agency provides the school with the opportunity to review such school level data, the local educational agency shall make public a final determination on the status of the school.

"(3) SCHOOL PLAN.—

"(A) REVISED PLAN.—After the resolution of a review under paragraph (2), each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, the local school board, and other outside experts, for approval by such local educational agency. The school plan shall cover a 2-year period and—

"(i) incorporate scientifically based research strategies that strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement;

"(ii) adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(C)(iii)(I) and (II) and enrolled in the school will meet the State's proficient level of achievement on the State academic assessment described in section 1111(b)(4) not later than 10 years after the date of enactment of the No Child Left Behind Act of 2001;

"(iii) provide an assurance that the school shall reserve not less than 10 percent of the funds made available to the school under this part for each fiscal year that the school is in school improvement status, for the purpose of providing to the school's teachers and principal high-quality professional development that—

"(I) directly addresses the academic performance problem that caused the school to be identified for school improvement;

"(II) meets the requirements for professional development activities under section 1119A; and

"(III) is provided in a manner that affords greater opportunity for participating in such professional development;

"(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;

"(v) establish specific annual, measurable goals for continuous and significant progress by each group of students specified in section 1111(b)(2)(C)(iii)(I) and (II) and enrolled in the school that will ensure that all such groups of students shall meet the State's proficient level of achievement on the State academic assessment described in section 1111(b)(4) not later than 10 years after the date of enactment of the No Child Left Behind Act of 2001;

"(vi) identify how the school will provide written notification about the identification to parents of each student enrolled in such school, in a format and, to the extent practicable, in a language the parents can understand;

"(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving the school under the plan, including the technical assistance to be provided by the local educational agency under paragraph (4); and

"(viii) incorporate, as appropriate, extended learning time for students, such as before school, after school, during the summer and extension of the school year.

"(B) CONDITIONAL APPROVAL.—The local educational agency may condition approval of a school plan on—

"(i) inclusion of 1 or more of the corrective actions specified in paragraph (6)(D)(ii); or

"(ii) feedback on the school improvement plan from parents and community leaders.

"(C) PLAN IMPLEMENTATION.—Except as provided in subparagraph (D), a school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the school year following the school year in which the failure to make adequate yearly progress took place.

"(D) Notwithstanding subparagraph (C), in a case in which a plan is not approved prior to the beginning of a school year, such plan shall be implemented immediately upon approval.

"(E) LOCAL EDUCATIONAL AGENCY APPROVAL.—The local educational agency shall—

"(i) establish a peer-review process to assist with review of a school plan prepared by a school served by the local educational agency; and

"(ii) promptly review the school plan, work with the school as necessary, and approve the school plan if it meets the requirements of this paragraph.

"(4) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall provide technical assistance as the school develops and implements the school plan throughout the duration of such plan.

"(B) SPECIFIC ASSISTANCE.—Such technical assistance—

"(i) shall include assistance in analyzing data from the academic assessments required under section 1111(b)(4), and other samples of student work, to identify and address instructional problems and solutions;

"(ii) shall include assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based upon scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

"(iii) shall include assistance in analyzing and revising the school's budget so that the school resources are more effectively allocated for the activities most likely to increase student achievement and to remove the school from school improvement status; and

"(iv) may be provided—

"(I) by the local educational agency, through mechanisms authorized under section 1117; or

"(II) by the State educational agency, an institution of higher education (in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with experience in helping schools improve performance.

"(C) SCIENTIFICALLY BASED RESEARCH.—Technical assistance provided under this section by a local educational agency or an entity approved by that agency shall be based on scientifically based research.

"(5) NOTIFICATION TO PARENTS.—A local educational agency shall promptly provide parents (in a format and, to the extent practicable, in a language they can understand) of each student in an elementary school or a secondary school identified for school improvement—

"(A) an explanation of what the school improvement identification means, and how the school identified for school improvement compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency involved;

"(B) the reasons for the identification;

"(C) an explanation of what the school identified for school improvement is doing to address the problem of low achievement;

"(D) an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem;

"(E) an explanation of how parents described in this paragraph can become involved in addressing the academic issues that caused the school to be identified for school improvement; and

"(F) an explanation regarding the option of their child to transfer to another public school, including a public charter school.

"(6) CORRECTIVE ACTION.—

"(A) IN GENERAL.—In this subsection, the term 'corrective action' means action, consistent with State law, that—

"(i) substantially and directly responds to—

"(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

"(II) any underlying staffing, curriculum, or other problems in the school; and

"(ii) is designed to increase substantially the likelihood that students enrolled in the school identified for corrective action will perform at the State's proficient and advanced levels of achievement on the State academic assessment described in section 1111(b)(4).

"(B) SYSTEM.—In order to help students served under this part meet challenging State academic standards, each local educational agency shall implement a system of corrective action in accordance with subparagraphs (C) through (F) and paragraphs (7) through (9).

"(C) ROLE OF LOCAL EDUCATIONAL AGENCY.—The local educational agency—

"(i) after providing public school choice under paragraph (1)(E) and technical assistance under paragraph (4), shall identify for corrective action and take corrective action with respect to any school served by the local educational agency under this part that—

"(I) fails to make adequate yearly progress, as defined by the State under section 1111(b)(2), at the end of the first full school year following identification under paragraph (1); or

"(II) was in school-improvement status for 2 years or in corrective-action status under this subsection immediately before the effective date of the No Child Left Behind Act of 2001; and

"(ii) shall continue to provide technical assistance consistent with paragraph (4) while instituting any corrective action under clause (i); and

"(D) REQUIREMENTS.—In the case of a school described in subparagraph (C)(i), the local educational agency shall both—

"(i) continue to provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under paragraph (1), unless such an option is prohibited by State law; and

"(ii) take at least 1 of the following corrective actions:

"(I) Replace the school staff which are relevant to the failure to make adequate yearly progress.

"(II) Institute and fully implement a new curriculum, including providing appropriate professional development for all relevant staff, that is based on scientifically based research and offers substantial promise of improving educational performance for low-performing students and the school meeting adequate yearly progress.

"(III) Significantly decrease management authority at the school level.

"(IV) Appoint an outside expert to advise the school on its progress toward meeting adequate yearly progress, based on its school plan under this subsection.

"(V) Extend the school year or school day.

"(VI) Restructure the internal organizational structure of the school.

"(E) Delay.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the school's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

"(F) Publication and dissemination.—The local educational agency shall publish and disseminate information regarding any corrective action the local educational agency takes under this paragraph at a school—

"(i) to the public and to the parents of each student enrolled in the school subject to corrective action;

"(ii) in a format and, to the extent practicable, in a language that the parents can understand; and

"(iii) through such means as the Internet, the media, and public agencies.

"(7) Restructuring.—

"(A) Failure to make adequate yearly progress.—If—

"(i) a school is subject to corrective action under paragraph (6) for one full school year, and at the end of such year continues to fail to make adequate yearly progress and students in the school who are from economically disadvantaged families are not making statistically significant progress in the subjects included in the State's definition of adequate yearly progress; or

"(ii) for 2 additional years a school subject to corrective action under paragraph (6) fails to make adequate yearly progress, the local educational agency shall—

"(I) provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under paragraph (1), unless prohibited by State law;

"(II) make supplemental instructional services available, consistent with subsection (d)(1); and

"(III) prepare a plan and make necessary arrangements to carry out subparagraph (B).

"(B) Alternative governance.—Not later than the beginning of the school year following the year in which the local educational agency implements subparagraph (A), the local educational agency shall implement 1 of the following alternative governance arrangements for the school consistent with State law:

"(i) Reopening the school as a public charter school.

"(ii) Replacing the principal and all or most of the school staff that are relevant to the failure to make adequate yearly progress.

"(iii) Entering into a contract with an entity, such as a private management company, to operate the public school.

"(iv) Turning the operation of the school over to the State, if permitted under State law and agreed to by the State.

"(C) Available results.—The State educational agency shall ensure that, for any school year in which a school is subject to school improvement under this subsection, the results of State academic assessments for that school are available to the local educational agency by the end of the school year in which the academic assessments are administered.

"(D) Prompt notice.—The local educational agency shall provide prompt notice to teachers and parents whenever subparagraph (A) or (B) applies, shall provide them adequate opportunity to comment before taking any action under those subparagraphs and to participate in developing any plan under subparagraph (A)(iii), and shall provide parents an explanation of the options under subparagraph (A)(i) and (ii).

"(8) Transportation.—In any case described in paragraph (6)(D)(i) and (7)(A)(ii)(I) the local educational agency—

"(A) shall provide, or shall pay for the provision of, transportation for the student to the public school the child attends; and

"(B) may use not more than a total of 15 percent of its allocation under this part for that purpose.

"(9) Cooperative agreement.—In any case described in paragraph (6)(D)(i) or (7)(A)(ii)(I), if all public schools in the local educational agency to which a child may transfer to, are identified for school improvement, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for a transfer.

"(10) Duration.—If any school identified for corrective action or restructuring—

"(A) makes adequate yearly progress for 2 consecutive years, the local educational agency need no longer subject it to corrective action or restructuring nor identify it as in need of improvement; or

"(B) fails to make adequate yearly progress, but children from low-income families in the school make statistically significant educational progress for 1 year, the local educational agency shall place or continue as appropriate the school in corrective action under paragraph (6).

"(11) State responsibilities.—The State shall—

"(A) make technical assistance under section 1117 available to all schools identified for school improvement and restructuring under this subsection;

"(B) if it determines that a local educational agency has failed to carry out its responsibilities under this subsection, take such corrective actions as the State finds appropriate and in compliance with State law; and

"(C) ensure that academic assessment results under this part are provided to schools within the same school year in which the assessment was given.

"(c) State Review and Local Educational Agency Improvement.—

"(1) In general.—A State shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate yearly progress as defined in section 1111(b)(2) toward meeting the State's student academic achievement standards; and

"(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review consistent with section 1111, including statistically sound disaggregated results, as required by section 1111(b)(2).

"(2) Identification of local educational agency for improvement.—A State shall identify for improvement any local educational agency that—

"(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

"(B) was in improvement status under this section as this section was in effect on the day preceding the date of the enactment of the No Child Left Behind Act of 2001.

"(3) Transition.—The 2-year period described in paragraph (2)(A) shall include any continuous period of time immediately preceding the date of the enactment of the No Child Left Behind Act of 2001, during which a local educational agency did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.

"(4) Targeted assistance schools.—For purposes of targeted assistance schools in a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served or are eligible for services under this part.

"(5) Opportunity to review and present evidence.—

"(A) Review.—Before identifying a local educational agency for improvement under paragraph (2), a State educational agency shall provide the local educational agency with an opportunity to review the local educational agency data, including academic assessment data, on which that proposed identification is based.

"(B) Supporting evidence.—If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, it may provide supporting evidence to the State educational agency, which such agency shall consider before making a final determination not later than 30 days after the State educational agency provides the local educational agency with the opportunity to review such data under subparagraph (A).

"(6) Notification to parents.—The State educational agency shall promptly notify parents in a format, and to the extent practicable in a language they can understand, of each student enrolled in a school in a local educational agency identified for improvement, of the results of the review under paragraph (1) and, if the agency is identified as in need of improvement, the reasons for that identification and how parents can participate in upgrading the quality of the local educational agency.

"(7) Local educational agency revisions.—

"(A) Plan.—Each local educational agency identified under paragraph (2) shall, not later than 3 months after being so identified, develop or revise a local educational agency plan, in consultation with parents, school staff, and others. Such plan shall—

"(i) incorporate scientifically based research strategies that strengthen the core academic program in the local educational agency;

"(ii) identify specific goals and objectives the local educational agency will undertake to make adequate yearly progress and which—

"(I) have the greatest likelihood of improving the performance of participating children in meeting the State's student academic achievement standards;

"(II) address the professional development needs of staff; and

"(III) include specific measurable achievement goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2)(C)(iii)(I) and (II);

"(iii) incorporate, as appropriate, extended learning time for students such as before school, after school, during the summer, and extension of the school year.

"(iv) identify how the local educational agency will provide written notification to parents in a format, and to the extent practicable in a language, that they can understand, pursuant to paragraph (6); and

"(v) specify the responsibilities of the State educational agency and the local educational agency under the plan.

"(B) IMPLEMENTATION.—The local educational agency shall implement its plan or revised plan expeditiously, but not later than the beginning of the school year after which the school has been identified for improvement.

"(8) STATE RESPONSIBILITY.—

"(A) IN GENERAL.—For each local educational agency identified under paragraph (2), the State shall provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency—

"(i) to develop and implement its revised plan as approved by the State educational agency consistent with the requirements of this section; and

"(ii) to work with schools needing improvement.

"(B) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be based upon scientifically based research.

"(9) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State academic standards, each State shall implement a system of corrective action in accordance with the following:

"(A) IN GENERAL.—After providing technical assistance under paragraph (8) and subject to subparagraph (D), the State—

"(i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (2);

"(ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, after the end of the second year following its identification under paragraph (2); and

"(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

"(B) DEFINITION.—As used in this paragraph, the term 'corrective action' means action, consistent with State law, that—

"(i) substantially and directly responds to the consistent academic failure that caused the State to take such action and to any underlying staffing, curricular, or other problems in the school; and

"(ii) is designed to meet the goal of having all students served under this part perform at the proficient and advanced performance levels.

"(C) CERTAIN LOCAL EDUCATIONAL AGENCIES.—In the case of a local educational agency described in this paragraph, the State educational agency shall take not less than 1 of the following corrective actions:

"(i) Withhold funds from the local educational agency.

"(ii) Replace the school district personnel who are relevant to the failure to make adequate year progress.

"(iii) Remove particular schools from the jurisdiction of the local educational agency and establish alternative arrangements for public governance and supervision of such schools.

"(iv) Appoint, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

"(v) Abolish or restructure the local educational agency.

"(vi) Authorize students to transfer from a school operated by a local educational agency to a higher performing public school operated by another local educational agency, or to a public charter school and provide such students transportation (or the costs of transportation to such schools), in conjunction with not less than 1 additional action described under this paragraph.

"(D) HEARING.—Prior to implementing any corrective action, the State educational agency shall provide due process and a hearing to the affected local educational agency, if State law provides for such process and hearing.

"(E) PUBLICATION.—The State educational agency shall publish, and disseminate to parents and the public any corrective action it takes under this paragraph through such means as the Internet, the media, and public agencies.

"(F) DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

"(10) SPECIAL RULE.—A local educational agency, that, for at least 2 of the 3 years following identification under paragraph (2), makes adequate yearly progress shall no longer be identified for improvement.

"(d) PARENTAL OPTIONS.—

"(1) In any case described in subsection (b)(7)(A)(ii)(II), the local educational agency shall permit the parents of each eligible child to obtain supplemental educational services for such child from a provider, as approved by the State educational agency in accordance with reasonable criteria that it shall adopt. Such criteria shall require a provider to demonstrate a record of effectiveness, or the potential of effectiveness, in providing supplemental instructional services to children, consistent with the instructional program of the local educational agency and the academic standards described under section 1111.

"(2) SELECTION.—In obtaining services under this paragraph, a parent shall select a provider that meets the criteria described under paragraph (1): The local educational agency shall provide assistance, upon request, to parents in the selection of a provider to provide supplemental instructional services.

"(3) CONTRACT.—In the case of the selection of a provider under paragraph (2) by a parent, the local educational agency shall enter into a contract with such provider. Such contract shall—

"(A) require the local educational agency to develop, with parents (and the provider they have chosen), a statement of specific performance goals for the student, how the student's progress will be measured, and a timetable for improving achievement;

"(B) provide for the termination of such contract with a provider that is unable to meet such goals and timetables; and

"(C) contain provisions with respect to the making of payments to the provider by the local educational agency.

"(4) ADDITIONAL LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency subject to this paragraph shall provide annual notice to parents (if feasible, in the parents' language) of the availability of services under this paragraph and the eligible providers of those services.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—Each State educational agency shall—

"(A) consult with local educational agencies and promote maximum participation by providers to ensure, to the extent practicable, that parents have as many choices of those providers as possible;

"(B) develop criteria consistent with paragraph (6) and apply such criteria to potential providers to determine which, based on the quality and effectiveness of their services, are eligible to participate;

"(C) maintain an updated list of approved providers across the State, from which parents may select;

"(D) develop and implement standards and techniques for monitoring the quality and effectiveness of the services offered by providers, and withdraw approval from those that fail to meet those standards for two consecutive years;

"(E) provide annual notice to potential providers of supplemental services of the opportunity to provide services under this paragraph and of the applicable procedures for obtaining approval from the State educational agency to be a provider of those services.

"(6) CRITERIA FOR PROVIDERS.—In order for a provider to be included on the State list under paragraph (5)(c), a provider shall agree to the following:

"(A) Provide parents of children receiving supplemental instructional services under this paragraph and the appropriate local educational agency with information on the progress of their children in increasing achievement, in a format and, to the extent practicable, a language such parents can understand.

"(B) Ensure that instruction and content used by the provider is consistent with the instruction and content used by the local educational agency and State.

"(C) Require a provider to meet all applicable Federal, State, and local health, safety and civil rights laws.

"(D) Ensure that all instruction and content under this paragraph shall be secular, neutral, and nonideological.

"(7) COSTS.—

"(A) The costs of administration of this paragraph and the costs of providing such supplemental instructional services shall be limited to the total of 40 percent of the per child allocation under subpart 2 of each school identified under subsection (b)(7)(A)(ii)(II);

"(B) ADDITIONAL FUNDS.—If the allocation under subparagraph (A) is insufficient to provide services for all eligible students that have selected a provider, a local educational agency may use funds under subpart 1 of part A of title IV to pay for additional costs;

"(C) TRANSPORTATION COSTS.—A local educational agency may use up to 15 percent of its allocation under subpart 2 for transportation costs.

"(8) FUNDS PROVIDED BY STATE EDUCATIONAL AGENCY.—Each State educational agency may use funds that it reserves under this part, and subpart 1 of part A of title IV to provide local educational agencies that do not have sufficient funds to provide services under this paragraph for all eligible students requesting such services.

"(9) DURATION.—The local educational agency shall continue to provide supplemental instructional services to enrolled children receiving such services under this paragraph until the child completes the grade corresponding to the highest grade offered at the public school which was identified for restructuring under subsection (b)(7), or until such school, so long as the child attends such school, is not identified under subsection (b)(1), (b)(6), or (b)(7), whichever comes earlier.

"(10) DEFINITIONS.—As used in this subsection, the term—

"(A) 'eligible child' means a child from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1);

"(B) 'supplemental instructional services' means tutoring and other supplemental academic enrichment services that are in addition to instruction provided during the school day and are specifically designed to increase the academic achievement of eligible children on the academic assessments required under section 1111; and

"(C) 'provider' means a non-profit or a for-profit entity which has a demonstrated record of effectiveness or the potential of effectiveness—

"(i) in providing supplemental instructional services that are consistent with the instructional program of the local educational agency *and the academic standards described under section 1111; and*

"(ii) in sound fiscal management;

"(D) 'per child allocation' means an amount that is equal to at least—

"(i) the amount of the school's allocation under subpart 2; divided by

"(ii) the number of children from low-income families enrolled in the school.

"(11) Prohibition.—Nothing contained in this paragraph shall permit the making of any payment under this paragraph for religious worship or instruction.".

SEC. 107. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 is amended to read as follows:

"SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

"(a) System for Support.—Each State shall establish a statewide system of intensive and sustained support and improvement for local educational agencies and schools receiving funds under this part, in order to increase the opportunity for all students in those agencies and schools to meet the State's academic content standards and student academic achievement standards.

"(b) Priorities.—In carrying out this section, a State shall—

"(1) first, provide support and assistance to local educational agencies subject to corrective action under section 1116 and assist schools, in accordance with section 1116(b)(10), for which a local educational agency has failed to carry out its responsibilities under paragraphs (6) and (7) of section 1116(b);

"(2) second, provide support and assistance to other local educational agencies identified as in need of improvement under section 1116(b); and

"(3) third, provide support and assistance to other local educational agencies and schools participating under this part that need that support and assistance in order to achieve the purpose of this part.

"(c) Approaches.—In order to achieve the purpose described in subsection (a), each such system shall provide technical assistance and support through such approaches as—

"(1) school support teams, composed of individuals who are knowledgeable about scientifically based research and practice on teaching and learning, particularly about strategies for improving educational results for low-achieving children; and

"(2) the designation and use of "Distinguished Educators", chosen from schools served under this part that have been especially successful in improving academic achievement.

"(d) Funds.—Each State—

"(1) shall use funds reserved under section 1003(a); and

"(2) may use State administrative funds authorized under section 1002(i) for such purpose to establish a Statewide system of support.

"(e) Alternatives.—The State may devise additional approaches to providing the assistance described in paragraphs (1) and (2) of subsection (c), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and private providers of scientifically based technical assistance and the State may seek approval from the Secretary to use funds made available under section 1002(j) for such approaches as part of the State plan.".

SEC. 108. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.

Sections 1118 through 1127 are amended to read as follows:

"SEC. 1117A. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.

"(a) Establishment of Academic Achievement Awards Program.—

"(1) In general.—Each State receiving a grant under this part may establish a program for making academic achievement awards to recognize and financially reward schools served under this part that have—

"(A) significantly closed the achievement gap between the groups of students defined in section 1111(b)(2); or

"(B) exceeded their adequate yearly progress goals, consistent with section 1111(b)(2), for 2 or more consecutive years.

"(2) Awards to teachers.—A State program under paragraph (1) may also recognize and provide financial awards to teachers teaching in a school described in such paragraph whose students consistently make significant gains in academic achievement in the areas in which the teacher provides instruction.

"(b) Funding.—

"(1) Reservation of funds by state.—For the purpose of carrying out this section, each State receiving a grant under this part may reserve, from the amount (if any) by which the funds received by the State under this part for a fiscal year exceed the amount received by the State under this part for the preceding fiscal year, not more than 30 percent of such excess amount.

"(2) Use within 3 years.—Notwithstanding any other provision of law, the amount reserved under paragraph (1) by a State for each fiscal year shall remain available to the State until expended for a period not exceeding 3 years.

"(3) Special allocation rule for schools in high-poverty areas.—

"(A) In general.—Each State receiving a grant under this part shall distribute at least 75 percent of the amount reserved under paragraph (1) for each fiscal year to schools described in subparagraph (B), or to teachers teaching in such schools.

"(B) School described.—A school described in subparagraph (A) is a school whose student population is in the highest quartile of schools statewide in terms of the percentage of children from low income families.

"SEC. 1118. PARENTAL INVOLVEMENT.

"(a) Local Educational Agency Policy.—

"(1) In general.—A local educational agency may receive funds under this part only if such agency implements programs, activities, and procedures for the involvement of parents in programs assisted under this part consistent with the provisions of this section. Such activities shall be planned and implemented with meaningful consultation with parents of participating children.

"(2) Written policy.—Each local educational agency that receives funds under this part shall develop jointly with, agree upon with, and distribute to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

"(A) involve parents in the joint development of the plan under section 1112, and the process of school review and improvement under section 1116;

"(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

"(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

"(D) coordinate and integrate parental involvement strategies under this part with parental involvement strategies under other programs, such as Head Start, Early Reading First, Reading First, Even Start, the Parents as Teachers Program, the Home Instruction Program for Preschool Youngsters, and State-run preschool programs;

"(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part; and

"(F) involve parents in the activities of the schools served under this part.

"(3) Reservation.—

"(A) In general.—Each local educational agency shall reserve not less than 1 percent of such agency's allocation under this part to carry out this section, including family literacy and parenting skills, except that this paragraph shall not apply if 1 percent of such agency's allocation under this part (other than funds allocated under section 1002(g) for the fiscal year for which the determination is made is $5,000 or less.

"(B) Parental input.—Parents of children receiving services under this part shall be involved in the decisions regarding how funds reserved under subparagraph (A) are allotted for parental involvement activities.

"(C) Distribution of funds.—Not less than 95 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part.

"(b) School Parental Involvement Policy.—

"(1) In general.—Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed upon by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Parents shall be notified of the policy in a format, and to the extent practicable in a language they can understand. Such policy shall be updated periodically to meet the changing needs of parents and the school.

"(2) Special rule.—If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection.

"(3) Amendment.—If the local educational agency has a school district-level parental involvement policy that applies to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

"(4) Parental comments.—If the plan under section 1112 is not satisfactory to the parents of participating children, the local educational agency shall submit any parent comments with such plan when such local educational agency submits the plan to the State.

"(c) Policy Involvement.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

"(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the school parental involvement policy and the joint development of the schoolwide program plan under section 1114(c)(2) and (c)(3), except that if a school has in place a process for involving parents in the joint planning and design of its programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

"(4) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and

"(5) if the schoolwide program plan under section 1114(c)(2) and (c)(3) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall agree with parents of children served under this part regarding how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high academic standards.

"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency—

"(1) shall provide assistance to participating parents in such areas as understanding the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the performance of their children;

"(2) shall provide materials and training to help parents to work with their children to improve their children's achievement;

"(3) shall educate teachers, pupil services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

"(4) shall coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool programs and other programs, to the extent feasible and appropriate;

"(5) shall ensure, to the extent possible, that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in the language used by such parents;

"(6) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training in improving instruction and services to the children of such parents in a format, and to the extent practicable, in a language the parent can understand;

"(7) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such activities;

"(8) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

"(9) may train parents to enhance the involvement of other parents;

"(10) may arrange for teachers or other educators, who work directly with participating children, to conduct in-home conferences with parents who are unable to attend such conferences at school;

"(11) may adopt and implement model approaches to improving parental involvement;

"(12) may establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this part;

"(13) may develop appropriate roles for community-based organizations and businesses in parent involvement activities; and

"(14) may arrange for teachers or other educators, who work directly with participating children, to conduct in-home conferences with parents who are unable to attend such conferences at school.

"(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency or with disabilities and parents of migratory children, including providing information and school reports required under section 1111 in a format, and to the extent practicable, in a language such parents understand.

"SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

"(a) TEACHERS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all teachers hired on or after the effective date of the No Child Left Behind Act of 2001 and teaching in a program supported with funds under this part are fully qualified.

"(2) PLAN.—Each State receiving assistance under this part shall develop and submit to the Secretary a plan to ensure that all teachers teaching within the State are fully qualified not later than December 31, 2005. Such plan shall include an assurance that the State will require each local educational agency and school receiving funds under this part publicly to report their annual progress on the agency's and the school's performance in increasing the percentage of classes in core academic areas taught by fully qualified teachers.

"(b) NEW PARAPROFESSIONALS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired 1 year or more after the effective date of the No Child Left Behind Act of 2001 and working in a program supported with funds under this part shall—

"(A) have completed at least 2 years of study at an institution of higher education;

"(B) have obtained an associate's (or higher) degree; or

"(C) have met a rigorous standard of quality that demonstrates, through a formal academic assessment—

"(i) knowledge of, and the ability to assist in instructing reading, writing, and math; or

"(ii) knowledge of, and the ability to assist in instructing reading readiness, writing readiness, and math readiness, as appropriate.

"(2) CLARIFICATION.—For purposes of paragraph (1)(C), the receipt of a high school diploma (or its recognized equivalent) shall be necessary but not by itself sufficient to satisfy the requirements of such paragraph.

"(c) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date that is 1 year after the effective date of the No Child Left Behind Act of 2001 and working in a program supported with funds under this part shall, not later than 3 years after such effective date, satisfy the requirements of subsection (b).

"(d) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c) shall not apply to a paraprofessional—

"(1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

"(2) whose duties consist solely of conducting parental involvement activities consistent with section 1118.

"(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessional's hiring date, possess a high school diploma or its recognized equivalent.

"(f) DUTIES OF PARAPROFESSIONALS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

"(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED.—A paraprofessional described in paragraph (1) may only be assigned—

"(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

"(B) to assist with classroom management, such as organizing instructional and other materials;

"(C) to provide assistance in a computer laboratory;

"(D) to conduct parental involvement activities;

"(E) to provide support in a library or media center;

"(F) to act as a translator; or

"(G) to provide instructional services to students.

"(3) ADDITIONAL LIMITATIONS.—A paraprofessional described in paragraph (1)—

"(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a fully qualified teacher; and

"(B) may not provide instructional services to students in the area of reading, writing, or math unless the paraprofessional has demonstrated, through a State or local academic assessment, the ability to effectively carry out reading, writing, or math instruction.

"(g) USE OF FUNDS.—

"(1) PROFESSIONAL DEVELOPMENT.—A local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

"(2) LIMITATION ON USE OF FUNDS FOR PARAPROFESSIONALS.—

"(A) IN GENERAL.—Beginning on and after the effective date of the No Child Left Behind Act of 2001, a local educational agency may not use funds received under this part to fund any paraprofessional hired after such date unless the hiring is to fill a vacancy created by the departure of another paraprofessional funded under this part and such new paraprofessional satisfies the requirements of subsection (b), except as provided in subsection (d).

"(B) EXCEPTION.—Subparagraph (A) shall not apply for a fiscal year to a local educational agency that can demonstrate to the State that all teachers under the jurisdiction of the agency are fully qualified.

"(h) VERIFICATION OF COMPLIANCE.—

"(1) IN GENERAL.—In verifying compliance with this section, each local educational agency at a minimum shall require that the principal of each school operating a program under section 1114 or 1115 annually attest in writing as to whether such school is in compliance with the requirements of this section.

"(2) AVAILABILITY OF INFORMATION.—Copies of attestations under paragraph (1)—

"(A) shall be maintained at each school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

"(B) shall be available to any member of the general public upon request.

"SEC. 1119A. PROFESSIONAL DEVELOPMENT.

"(a) PURPOSE.—The purpose of this section is to assist each local educational agency receiving assistance under this part in increasing the academic achievement of children served under this part through improved teacher quality.

"(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Professional development activities under this section shall—

"(1) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local academic content standards and student academic achievement standards;

"(2) support the recruiting, hiring, and training of fully qualified teachers, including teachers fully qualified through State and local alternative routes;

"(3) advance teacher understanding of effective instructional strategies based on scientifically based research for improving student achievement, at a minimum, in reading or language arts and mathematics;

"(4) be directly related to the curriculum and content areas in which the teacher provides instruction, except this requirement does not apply to activities that instruct in methods of improving student behavior;

"(5) be designed to enhance the ability of a teacher to understand and use the State's academic standards for the subject area in which the teacher provides instruction;

"(6) be tied to scientifically based research demonstrating the effectiveness of such professional development activities or programs in increasing student achievement or substantially increasing the knowledge and teaching skills of teachers;

"(7) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom;

"(8) be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this part;

"(9) be designed to give teachers of limited English proficient children, other teachers, and instructional staff the knowledge and skills to provide instruction and appropriate language and academic support services to such children, including the appropriate use of curriculum and academic assessments;

"(10) to the extent appropriate, provide training for teachers in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curriculum and academic content areas in which the teachers provide instruction; and

"(11) as a whole, be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

"(c) ADDITIONAL PROFESSIONAL DEVELOPMENT ACTIVITIES.—Such professional development activities may include—

"(1) instruction in the use of data and academic assessments to inform and instruct classroom practice;

"(2) instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents;

"(3) the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

"(4) the creation of career ladder programs for paraprofessionals (assisting teachers under this part) to obtain the education necessary for such paraprofessionals to become licensed and certified teachers; and

"(5) instruction in ways to teach special needs children.

"(d) PROGRAM PARTICIPATION.—Each local educational agency receiving assistance under this part may design professional development programs so that—

"(1) all school staff in schools participating in a schoolwide program under section 1114 can participate in professional development activities; and

"(2) all school staff in targeted assistance schools may participate in professional development activities if such participation will result in better addressing the needs of students served under this part.

"(e) PARENTAL PARTICIPATION.—Parents may participate in professional development activities under this part if the school determines that parental participation is appropriate.

"(f) CONSORTIA.—In carrying out such professional development programs, local educational agencies may provide services through consortia arrangements with other local educational agencies, educational service agencies or other local consortia, institutions of higher education, or other public or private institutions or organizations.

"(g) CONSOLIDATION OF FUNDS.—Funds provided under this part that are used for professional development purposes may be consolidated with funds provided under title II of this Act and other sources.

"(h) SPECIAL RULE.—No State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(b)(3)(A)(iii).

"SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) GENERAL REQUIREMENT.—

"(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs, and shall ensure that teachers and families of these students participate, on an equitable basis, in services and activities developed pursuant to sections 1118 and 1119A.

"(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

"(3) EQUITY.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools, which the local educational agency may determine each year or every 2 years.

"(5) PROVISION OF SERVICES.—The local educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions.

"(b) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how, where, and by whom the services will be provided;

"(D) how the services will be academically assessed and how the results of that assessment will be used to improve those services;

"(E) the size and scope of the equitable services to be provided to the eligible private school children, and the amount of funds generated by low-income private school children in each participating attendance area;

"(F) the method or sources of data that are used under subsection (a)(4) and section 1113(c)(2) to determine the number of children from low-income families in participating school attendance areas who attend private schools; and

"(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third party providers.

If the local educational agency disagrees with the views of the private school officials on the provision of services, through a contract, the local educational agency shall provide in writing to such private school officials, an analysis of the reasons why the local educational agency has chosen not to use a contractor.

"(2) TIMING.—Such consultation shall include meetings of agency and private school officials and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part. Such meetings shall continue throughout implementation and assessment of services provided under this section.

"(3) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

"(4) DOCUMENTATION.—Each local educational agency shall maintain in its records and provide to the State educational agency a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred.

"(5) COMPLIANCE.—Private school officials shall have the right to appeal to the State as to whether the consultation provided for in this section was meaningful and timely, and that due consideration was given to the views of private school officials. If the private school wishes to appeal, the basis of the claim of noncompliance with this section by a local educational agency shall be provided to the State, and the local educational agency shall forward the documentation provided in subsection (b)(4) to the State.

"(c) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—The control of funds provided under this part, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds and property.

“(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—

“(i) by employees of a public agency; or

“(ii) through contract by such public agency with an individual, association, agency, or organization.

“(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

“(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

“(1) waive the requirements of this section for such local educational agency;

“(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 8505 and 8506; and

“(3) in making the determination, consider 1 or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.

“(e) CAPITAL EXPENSES.—

“(1) IN GENERAL.—(A) From the amount appropriated for this subsection under section 1002(g) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

“(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

“(2) CAPITAL EXPENSES.—(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

“(B) State educational agencies shall distribute such funds under this subsection to local educational agencies based on the degree of need set forth in their respective applications for assistance under this subsection.

“(3) USES OF FUNDS.—Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

“SEC. 1120A. FISCAL REQUIREMENTS.

“(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 8501 of this Act.

“(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

“(1) IN GENERAL.—A State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

“(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

“(c) COMPARABILITY OF SERVICES.—

“(1) IN GENERAL.—(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

“(B) If the local educational agency is serving all of such agency's' schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

“(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

“(2) WRITTEN ASSURANCE.—(A) A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—

“(i) a local educational agency-wide salary schedule;

“(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

“(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

“(B) For the purpose of subparagraph (A), in the determination of expenditures per pupil from State and local funds, or instructional salaries per pupil from State and local funds, staff salary differentials for years of employment shall not be included in such determinations.

“(C) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

“(3) PROCEDURES AND RECORDS.—Each local educational agency assisted under this part shall—

“(A) develop procedures for compliance with this subsection; and

“(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

“(4) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than 1 building for each grade span.

“(5) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

“(A) English language instruction for children of limited English proficiency; and

“(B) excess costs of providing services to children with disabilities as determined by the local educational agency.

“(d) EXCLUSION OF FUNDS.—For the purpose of complying with subsections (b) and (c), a State or local educational agency may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.

“SEC. 1120B. COORDINATION REQUIREMENTS.

“(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) with Head Start Agencies, and if feasible, other early childhood development programs such as Early Reading First.

“(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency, and, if feasible, other early childhood development programs, such as Early Reading First serving children who will attend the schools of such agency, including—

“(1) developing and implementing a systematic procedure for receiving records regarding such children transferred with parental consent from a Head Start program or, where applicable, other early childhood development programs such as Early Reading First;

“(2) establishing channels of communication between school staff and their counterparts in such Head Start agencies (including teachers, social workers, and health staff) or other early childhood development programs such as Early Reading First, as appropriate, to facilitate coordination of programs;

“(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs such as Early Reading First, to discuss the developmental and other needs of individual children;

“(4) organizing and participating in joint transition related training of school staff, Head Start staff, Early Reading First staff and, where appropriate, other early childhood staff; and

“(5) linking the educational services provided in such local educational agency with the services provided in local Head Start agencies and Early Reading First programs.

“(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act.

“Subpart 2—Allocations

“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

“(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

“(1) the outlying areas in the amount determined in accordance with subsection (b); and

“(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

“(b) ASSISTANCE TO OUTLYING AREAS.—

“(1) FUNDS RESERVED.—From the amount made available for any fiscal year under subsection (a), the Secretary shall award grants to the outlying areas.

“(2) COMPETITIVE GRANTS.—For each of fiscal years 2002 and 2003, the Secretary shall carry out the competition described in paragraph (3), except that the amount reserved to carry out such competition shall not exceed the amount reserved under this section for the freely associated states for fiscal year 1999.

“(3) LIMITATION FOR COMPETITIVE GRANTS.—

“(A) COMPETITIVE GRANTS.—The Secretary shall use funds described in paragraph (2) to award grants, on a competitive basis, to the outlying areas and freely associated States to carry out the purposes of this part.

“(B) AWARD BASIS.—The Secretary shall award grants under subparagraph (A) on a competitive basis, pursuant to the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii.

“(C) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the amount reserved for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory under subparagraph (B).

“(4) SPECIAL RULE.—The provisions of Public Law 95-134, permitting the consolidation of grants by the outlying areas, shall not apply to *funds provided to the freely associated States under this section.*

"(c) DEFINITIONS.—For the purposes of subsections (a) and (b)—

"(1) the term 'freely associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

"(2) the term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(d) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

"(a) ALLOCATION FORMULA.—Of the amount appropriated to carry out this part for each of fiscal years 2002 through 2006 (referred to in this subsection as the current fiscal year)—

"(1) an amount equal to the amount appropriated to carry out section 1124 for fiscal year 2001 shall be allocated in accordance with section 1124;

"(2) an amount equal to the amount appropriated to carry out section 1124A for fiscal year 2001 shall be allocated in accordance with section 1124A; and

"(3) an amount equal to 100 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 2001 shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—

"(1) AMOUNTS FOR SECTIONS 1124 AND 1125.—For each fiscal year, the amount made available to each local educational agency under each of sections 1124 and 1125 shall be—

"(A) not less than 95 percent of the amount made available in the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

"(B) not less than 90 percent of the amount made available in the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 percent; and

"(C) not less than 85 percent of the amount made available in the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.

"(2) AMOUNT FOR SECTION 1124A.—The amount made available to each local educational agency under section 1124A shall be not less than 85 percent of the amount made available in the preceding fiscal year.

"(3) PAYMENTS.—If sufficient funds are appropriated, the amounts described in paragraph (2) shall be paid to all local educational agencies that received grants under section 1124A for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria for that fiscal year provided in section 1124A(a)(1)(A) except that a local educational agency that does not meet such minimum eligibility criteria for 4 consecutive years shall no longer be eligible to receive a hold harmless amount referred to in paragraph (2).

"(4) POPULATION DATA.—In any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold harmless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold harmless amounts specified in this subsection.

"(d) RATABLE REDUCTIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

"(e) DEFINITION.—For the purpose of this section and sections 1124, 1124A, and 1125, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) AMOUNT OF GRANTS.—

"(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent or more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) CALCULATION OF GRANTS.—

"(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

"(i) the 2 Secretaries shall publicly disclose the reasons for their determination in detail; and

"(ii) paragraph (3) shall apply.

"(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—(i) For any fiscal year in which this paragraph applies, the Secretary shall calculate grants under this section for each local educational agency.

"(ii) The amount of a grant under this section for each large local educational agency shall be the amount determined under clause (i).

"(iii) For small local educational agencies, the State educational agency may either—

"(I) distribute grants under this section in amounts determined by the Secretary under clause (i); or

"(II) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small agencies.

"(iv) An alternative method under clause (iii)(II) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the eligibility criteria of subsection (b).

"(v) If a small local educational agency is dissatisfied with the determination of its grant by the State educational agency under clause (iii)(II), it may appeal that determination to the Secretary, who shall respond not later than 45 days after receipt of such appeal.

"(vi) As used in this subparagraph—

"(I) the term 'large local educational agency' means a local educational agency serving an area with a total population of 20,000 or more; and

"(II) the term 'small local educational agency' means a local educational agency serving an area with a total population of less than 20,000.

"(3) ALLOCATIONS TO COUNTIES.—

"(A) CALCULATION.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations issued by the Secretary.

"(B) DIRECT ALLOCATIONS.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes it has data that would better target funds than allocating them by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

"(C) ASSURANCES.—If the Secretary approves the State educational agency's application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that such allocations shall be made—

"(i) using precisely the same factors for determining a grant as are used under this part; or

"(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

"(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that it shall establish a procedure through which a local educational agency that is dissatisfied with its determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

"(4) PUERTO RICO.—

"(A) IN GENERAL.—For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(i) the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(ii) 32 percent of the average per-pupil expenditure in the United States.

"(B) MINIMUM PERCENTAGE.—The percentage in subparagraph (A)(i) shall not be less than—

"(i) for fiscal year 2002, 77.5 percent;

"(ii) for fiscal year 2003, 80.0 percent;

"(iii) for fiscal year 2004, 82.5 percent; and

"(iv) for fiscal year 2005 and succeeding fiscal years, 85.0 percent.

"(C) LIMITATION.—If the application of subparagraph (B) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in subparagraph (A) shall be the greater of the percentage in subparagraph (A)(i) or the percentage used for the preceding fiscal year.

"(5) DEFINITION.—For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is both—

"(1) 10 or more; and

"(2) more than 2 percent of the total school-age population in the agency's jurisdiction.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2);

"(B) the number of children (determined under paragraph (4) for either the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds; and

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).

"(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains 2 or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

"(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for local educational agencies or counties, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall publicly disclose their reasons. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(4) OTHER CHILDREN TO BE COUNTED.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of such children and the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

"(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

"(1) 0.25 percent of total grants under this section; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and

"(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that year.

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1) IN GENERAL.—(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, which is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) in the agency exceeds either—

"(i) 6,500; or

"(ii) 15 percent of the total number of children aged 5 through 17 in the agency.

"(B) Notwithstanding section 1122, no State described in subparagraph (A) shall receive less than the lesser of—

"(i) 0.25 percent of total grants; or

"(ii) the average of—

"(I) one-quarter of 1 percent of the sums available to carry out this section for such fiscal year; and

"(II) the greater of—

"(aa) $340,000; or

"(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that year.

"(2) SPECIAL RULE.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the number of children counted under section 1124(c) for that fiscal year; and

"(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for that fiscal year.

"(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount which bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) LOCAL ALLOCATIONS.—(A) Grant amounts under this section shall be determined in accordance with section 1124(a)(2) and (3).

"(B) For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of its allocation under this section to make grants to local educational agencies that meet the criteria of paragraph (1)(A)(i) or (ii) and are in ineligible counties that do not meet these criteria.

"(b) STATES RECEIVING MINIMUM GRANTS.—In States that receive the minimum grant under subsection (a)(1)(B), the State educational agency shall allocate such funds among the local educational agencies in each State either—

"(1) in accordance with paragraphs (2) and (4) of subsection (a); or

"(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population aged 5 to 17 years, inclusive, in the local educational agency. For each fiscal year for which the Secretary uses county population data to calculate grants, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

"(1) IN GENERAL.—The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the weighted child count determined under subsection (c); and

"(B) the amount in paragraph 1124(a)(1)(B).

"(2) PUERTO RICO.—For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(4).

"(c) WEIGHTED CHILD COUNT.—

"(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

"(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the 2 amounts determined under clause (i) or (ii), as follows:

"(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that county constituting up to 15 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 15 percent, but not more than 19 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 19 percent, but not more than 24.20 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 24.20 percent, but not more than 29.20 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 29.20 percent of such population, multiplied by 4.0.

"(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 2,311, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 2,312 and 7,913, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 7,914 and 23,917, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 23,918 and 93,810, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 93,811 in such population, multiplied by 3.0.

"(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under subsection 1124(c) multiplied by 1.72.

"(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the 2 amounts determined under clauses (i) and (ii), as follows:

"(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that local educational agency constituting up to 15.233 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 15.233 percent, but not more than 22.706 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 22.706 percent, but not more than 32.213 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 32.213 percent, but not more than 41.452 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 41.452 percent of such population, multiplied by 4.0.

"(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 710, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 711 and 2,384, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 2,385 and 9,645, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 9,646 and 54,600, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 54,601 in such population, multiplied by 3.0.

"(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(d) CALCULATION OF GRANT AMOUNTS.—Grants under this section shall be calculated in accordance with section 1124(a)(2) and (3).

"(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

"(1) 0.25 percent of total appropriations; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available to carry out this section; and

"(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

"(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

"(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in subparagraph (B) of section 1124(c)(1), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) SPECIAL RULE.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

"(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

"(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

"(3) to reflect the merger, creation, or change of boundaries of 1 or more local educational agencies.

"(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

"SEC. 1127. CARRYOVER AND WAIVER.

"(a) LIMITATION ON CARRYOVER.—Notwithstanding section 421 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for 1 additional fiscal year.

"(b) WAIVER.—A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—

"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

"SEC. 1128. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.

"Any school that receives funds under this part shall ensure that educational services or other benefits provided under this part, including materials and equipment, shall be secular, neutral, and nonideological.".

PART B—STUDENT READING SKILLS IMPROVEMENT GRANTS

SEC. 111. READING FIRST; EARLY READING FIRST.

Part B of title I (20 U.S.C. 6361 et seq.) is amended—

(1) by striking the part heading and inserting the following:

"PART B—STUDENT READING SKILLS IMPROVEMENT GRANTS";

(2) by redesignating sections 1201 through 1212 as sections 1231 through 1242, respectively; and

(3) by inserting after the part heading the following:

"Subpart 1—Reading First

"SEC. 1201. FINDINGS.

"The Congress finds as follows:

"(1) The 2000 National Assessment of Educational Progress found that 68 percent of fourth grade students in the United States are reading below the proficient level.

"(2) According to the 2000 National Assessment of Educational Progress report on reading, 63 percent of African Americans, 58 percent of Hispanic Americans, 60 percent of children living in poverty, and 47 percent of children in urban schools scored 'below basic' in reading.

"(3) More than ½ of the students placed in special education classes are identified as learning disabled and, for as many as 80 percent of the students so identified, reading is the primary difficulty.

"(4) It is estimated that, at a minimum, 10,000,000 children have difficulty learning to read. 10 to 15 percent of those children eventually drop out of high school, and only 2 percent complete a 4-year program at an institution of higher education.

"(5) It is estimated that the number of children who are typically identified as poor readers can be significantly reduced through the implementation of early identification and prevention programs that are based on scientifically based reading research.

"(6) The report issued by the National Reading Panel in 2000 found that the course of reading instruction that obtains maximum benefits for students includes explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension strategies.

"SEC. 1202. PURPOSES.

"The purposes of this subpart are as follows:

"(1) To provide assistance to States and local educational agencies in establishing reading programs for students in grades kindergarten through 3 that are based on scientifically based reading research, in order to ensure that every student can read at grade level or above not later than the end of the third grade.

"(2) To provide assistance to States and local educational agencies in preparing teachers, including special education teachers, through professional development and other support, so the teachers can identify specific reading barriers facing their students and so the teachers have the tools to effectively help their students learn to read.

"(3) To provide assistance to States and local educational agencies in selecting and administering rigorous diagnostic reading and screening assessment tools that are valid and reliable, document the effectiveness of this subpart in improving the reading skills of students, and improve classroom instruction.

"(4) To provide assistance to States and local educational agencies in selecting or developing effective classroom instructional materials, programs, and strategies to implement scientific research-based methods that have been proven to prevent or remediate reading failure.

"(5) To strengthen coordination among schools and early literacy programs in order to improve reading achievement for all children.

"SEC. 1203. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—

"(1) AUTHORIZATION TO MAKE GRANTS.—In the case of each State that in accordance with section 1204 submits to the Secretary an application for a 5-year period, the Secretary, subject to the application's approval, shall make a grant to the State for the uses specified in subsections (c) and (d). For each fiscal year, the funds provided under the grant shall equal the allotment determined for the State under subsection (b).

"(2) DURATION OF GRANTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), a grant under this section shall be awarded for a period of not more than 5 years.

"(B) INTERIM REVIEW.—

"(i) PROGRESS REPORT.—

"(I) SUBMISSION.—Not later than 60 days after the termination of the third year of the grant period, each State receiving a grant under this section shall submit a progress report to the Secretary.

"(II) INFORMATION INCLUDED.—The progress report shall include information on the progress the State, and local educational agencies within the State, are making in reducing the number of students served under this subpart in the first and second grades who are reading below grade level, as demonstrated by such information as teacher reports and school evaluations of mastery of the essential components of reading instruction. The report shall also include evidence from the State and its local educational agencies that they have significantly increased the number of students reading at grade level or above, significantly increased the percentages of students in ethnic, racial, and low-income populations who are reading at grade level or above, and successfully implemented this subpart.

"(ii) PEER REVIEW.—The progress report described in clause (i) shall be reviewed by the peer review panel convened under section 1204(c)(2).

"(iii) CONSEQUENCES OF INSUFFICIENT PROGRESS.—After the submission of the progress report described in clause (i), if the Secretary determines that the State is not making significant progress in meeting the purposes of this subpart, the Secretary may withhold from the State, in whole or in part, further payments under this section in accordance with section 455 of the General Education Provisions Act (20 U.S.C. 1234d) or take such other action authorized by law as the Secretary deems necessary, including providing technical assistance upon request of the State.

"(b) DETERMINATION OF AMOUNT OF ALLOTMENTS.—

"(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available under section 1002(b)(1) to carry out this subpart for a fiscal year, the Secretary—

"(A) shall reserve ½ of 1 percent for allotments for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart;

"(B) shall reserve ½ of 1 percent for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Affairs;

"(C) shall reserve not more than 3 percent or $30,000,000, whichever is less, to carry out section 1206;

"(D) may reserve not more than 1 percent to carry out section 1207; and

"(E) shall reserve $5,000,000 to carry out section 1208.

"(2) STATE ALLOTMENTS.—From the total amount made available under section 1002(b)(1) to carry out this subpart for a fiscal year and not reserved under paragraph (1), the Secretary shall allot 80 percent under this section among each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(3) DETERMINATION OF STATE ALLOTMENT AMOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allot the amount made available under paragraph (2) for a fiscal year among the States described in such paragraph in proportion to the number of children, aged 5 to 17, who reside within the State from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

"(B) EXCEPTIONS.—

"(i) IN GENERAL.—Subject to clause (ii), no State receiving an allotment under subparagraph (A) may receive less than ¼ of 1 percent of the total amount allotted under such subparagraph.

"(ii) PUERTO RICO.—The percentage of the amount allotted under subparagraph (A) that is allotted to the Commonwealth of Puerto Rico for a fiscal year may not exceed the percentage that was received by the Commonwealth of Puerto Rico of the funds allocated to all States under subpart 2 of part A for the preceding fiscal year.

"(4) REALLOTMENT.—If a State described in paragraph (2) does not apply for an allotment under this section for any fiscal year, or if the State's application is not approved, the Secretary shall reallot such amount to the remaining States in accordance with paragraph (3).

"(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) DISTRIBUTION OF SUBGRANTS.—The Secretary may make a grant to a State under this section only if the State agrees to expend at least 80 percent of the amount of the funds provided under the grant for the purpose of making, in accordance with this subsection, competitive subgrants to local educational agencies.

"(2) NOTICE.—A State receiving a grant under this section shall provide notice to all local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

"(3) LOCAL APPLICATIONS.—To be eligible to receive a subgrant under this subsection, a local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

"(4) LIMITATION TO CERTAIN LOCAL AGENCIES.—A State receiving a grant under this section may award subgrants under this subsection only to local educational agencies—

"(A) that have the highest percentages of students in grades kindergarten through 3 reading below grade level; and

"(B) that—

"(i) have jurisdiction over—

"(I) a geographic area that includes an area designated as an empowerment zone, or an enterprise community, under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986; or

"(II) a significant number of schools that are identified for school improvement under section 1116(b); or

"(ii) are located in areas having the greatest numbers or percentages of children aged 5 through 17 from low-income families.

"(5) STATE REQUIREMENT.—In distributing subgrant funds to local educational agencies under this subsection, a State shall provide funds in sufficient size and scope to enable local educational agencies to improve reading instruction, as determined by rigorous diagnostic reading and screening assessment tools.

"(6) LIMITATION TO CERTAIN SCHOOLS.—In distributing subgrant funds under this subsection,

a local educational agency may provide funds only to schools—

"(A) that have the highest percentages of students in grades kindergarten through 3 reading below grade level; and

"(B) that—

"(i) are identified for school improvement under section 1116(b); or

"(ii) have the greatest numbers or percentages of children aged 5 through 17 from low-income families.

"(7) LOCAL USES OF FUNDS.—

"(A) REQUIRED USES.—Subject to paragraph (8), a local educational agency that receives a subgrant under this subsection shall use the funds provided under the subgrant to carry out the following activities:

"(i) Selecting and administering rigorous diagnostic reading and screening assessment tools.

"(ii) Selecting and implementing a program or programs of classroom reading instruction based on scientifically based reading research that—

"(I) includes the essential components of reading instruction; and

"(II) provides such instruction to all children, including children who—

"(aa) may have reading difficulties;

"(bb) are at risk of being referred to special education based on these difficulties;

"(cc) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of such Act, have not been identified as being a child with a disability (as defined in section 602 of such Act);

"(dd) are being served under such Act primarily due to being identified as being a child with a specific learning disability (as defined in section 602 of such Act) related to reading;

"(ee) are deficient in their phonemic awareness, phonics skills, vocabulary development, oral reading fluency, or comprehension strategies; or

"(ff) are identified as having limited English proficiency.

"(iii) Procuring classroom instructional materials based on scientifically based reading research.

"(iv) Providing professional development for teachers of grades kindergarten through 3, and special education teachers of grades kindergarten through 12, that—

"(I) will prepare these teachers in all of the essential components of reading instruction;

"(II) shall include—

"(aa) information, instructional materials, programs, strategies, and approaches based on scientifically based reading research, including early intervention and classroom reading materials and remedial programs and approaches; and

"(bb) instruction in the use of rigorous diagnostic reading and screening assessment tools and other procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading;

"(III) shall be provided by eligible professional development providers; and

"(IV) will assist teachers in becoming fully qualified in accordance with the requirements of section 1119.

"(B) OPTIONAL USES.—Subject to paragraph (8), a local educational agency that receives a subgrant under this subsection may use the funds provided under the subgrant to carry out the following activities:

"(i) Providing training to parents and other individuals who volunteer to be reading tutors in the essential components of reading instruction.

"(ii) Providing family literacy services, especially to parents enrolled in participating schools, through the use of library materials and reading programs, strategies, and approaches that are based on scientifically based reading research, to encourage reading and support their children's reading development.

"(8) LOCAL PLANNING AND ADMINISTRATION.—A local educational agency that receives a subgrant under this subsection may use not more than 2 percent of the funds provided under the subgrant for planning and administration.

"(d) OTHER STATE USES OF FUNDS.—

"(1) PROFESSIONAL DEVELOPMENT.—

"(A) IN GENERAL.—A State that receives a grant under this section may expend not more than 15 percent of the amount of the funds provided under the grant—

"(i) to develop and implement a program of in-service professional development for teachers of kindergarten through third grade, and special education teachers of grades kindergarten through 12, that—

"(I) will prepare these teachers in all of the essential components of reading instruction;

"(II) shall include—

"(aa) information on interventions, instructional materials, programs, and approaches based on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches; and

"(bb) instruction in the use of rigorous diagnostic reading and screening assessment tools and other procedures to improve instruction and effectively identify students who may be at risk for reading failure or who are having difficulty reading; and

"(III) shall be provided by eligible professional development providers;

"(ii) to strengthen and enhance professional development courses for students preparing, at all public institutions of higher education in the State, to teach kindergarten through third grades by—

"(I) reviewing such courses to determine whether their content is consistent with the findings of the most current scientifically based reading research, including findings on the essential components of reading instruction;

"(II) following up such reviews with recommendations to ensure that such institutions offer courses that meet the highest standards; and

"(III) preparing a report on the results of such reviews, submitting it to the reading and literacy partnership for the State established under section 1204(d), and making it available for public review via the Internet; and

"(iii) to make recommendations on how the State's licensure and certification standards in the area of reading might be improved.

"(B) FUNDS NOT USED FOR PROFESSIONAL DEVELOPMENT.—Any portion of the funds described in subparagraph (A) that a State does not expend in accordance with such subparagraph shall be expended for the purpose of making subgrants in accordance with subsection (c).

"(2) OTHER STATE-LEVEL ACTIVITIES.—A State that receives a grant under this section may expend not more than 3 percent of the amount of the funds provided under the grant for one or more of the following authorized State activities:

"(A) Assisting local educational agencies in accomplishing the tasks required to design and implement a classroom reading program under this subpart, including—

"(i) selecting and implementing a program or programs of classroom reading instruction based on scientifically based reading research;

"(ii) selecting rigorous diagnostic reading and screening assessment tools; and

"(iii) identifying eligible professional development providers to help prepare reading teachers to teach students using the programs and assessments described in clauses (i) and (ii);

"(B) Providing to students in kindergarten through third grades, through appropriate providers, reading instruction that includes—

"(i) rigorous diagnostic reading and screening assessment tools; and

"(ii) as need is indicated by such assessments, instruction based on scientifically based reading research that includes the essential components of reading instruction.

"(3) PLANNING, ADMINISTRATION, AND REPORTING.—

"(A). IN GENERAL.—A State that receives a grant under this section shall expend not more than 2 percent of the amount of the funds provided under the grant for the activities described in this paragraph.

"(B) PLANNING AND ADMINISTRATION.—A State that receives a grant under this section may expend funds described in subparagraph (A) for—

"(i) planning and administration relating to the State uses of funds authorized under this subpart, including administering the distribution of competitive subgrants to local educational agencies under this section and section 1205; and

"(ii) assessing and evaluating, on a regular basis, local educational agency activities assisted under this subpart, with respect to whether they have been effective in increasing the number of children in first and second grades served under this subpart who can read at or above grade level.

"(C) ANNUAL REPORTING.—

"(i) IN GENERAL.—A State that receives a grant under this section shall expend funds provided under the grant to provide the Secretary annually with a report on the implementation of this subpart. The report shall include evidence that the State is fulfilling its obligations under this subpart. The report shall include a specific identification of those schools and local educational agencies that report the largest gains in reading achievement.

"(ii) PRIVACY PROTECTION.—Data in the report shall be set forth in a manner that protects the privacy of individuals.

"(iii) CONTRACT.—To the extent practicable, a State shall enter into a contract with an entity that conducts scientifically based reading research, under which contract the entity will produce the reports required to be submitted under this subparagraph.

"SEC. 1204. STATE FORMULA GRANT APPLICATIONS.

"(a) IN GENERAL.—A State that desires to receive a grant under section 1203 shall submit an application to the Secretary at such time and in such form as the Secretary may require. The application shall contain the information described in subsection (b).

"(b) CONTENTS.—An application under this section shall contain the following:

"(1) An assurance that the Governor of the State, in consultation with the State educational agency, has established a reading and literacy partnership described in subsection (d), and a description of how such partnership—

"(A) coordinated the development of the application; and

"(B) will assist in the oversight and evaluation of the State's activities under this subpart.

"(2) An assurance that the State will submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a State plan containing a description of a process—

"(A) to evaluate programs carried out by local educational agencies under this subpart;

"(B) to assist local educational agencies in identifying rigorous diagnostic reading and screening assessment tools; and

"(C) to assist local educational agencies in identifying interventions, and instructional materials, programs and approaches, based on scientifically based reading research, including early intervention and classroom reading materials and remedial programs and approaches.

“(3) An assurance that the State, and local educational agencies in the State, will participate in all national evaluations under this subpart.

“(c) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—The Secretary, in consultation with the peer review panel convened under paragraph (2), shall approve an application of a State under this section if such application meets the requirements of this section.

“(2) PEER REVIEW.—

“(A) IN GENERAL.—The Secretary, in consultation with the National Institute for Literacy, shall convene a panel to evaluate applications under this section. At a minimum, the panel shall include—

“(i) 3 individuals selected by the Secretary;

“(ii) 3 individuals selected by the National Institute for Literacy;

“(iii) 3 individuals selected by the National Research Council of the National Academy of Sciences; and

“(iv) 3 individuals selected by the National Institute of Child Health and Human Development.

“(B) EXPERTS.—The panel shall include experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section, and experts who provide professional development to teachers of reading to children and adults, and experts who provide professional development to other instructional staff, based on scientifically based reading research.

“(C) RECOMMENDATIONS.—The panel shall recommend grant applications from States under this section to the Secretary for funding or for disapproval.

“(d) READING AND LITERACY PARTNERSHIPS.—

“(1) IN GENERAL.—In order for a State to receive a grant under section 1203, the Governor of the State, in consultation with the State educational agency, shall establish a reading and literacy partnership.

“(2) REQUIRED PARTICIPANTS.—The reading and literacy partnership shall include the following participants:

“(A) The Governor of the State.

“(B) The chief State school officer.

“(C) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.

“(D) A representative, selected jointly by the Governor and the chief State school officer, of at least one local educational agency that is eligible to receive a subgrant under section 1203.

“(E) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using tutors and scientifically based reading research.

“(F) State directors of appropriate Federal or State programs with a strong reading component.

“(G) A parent of a public or private school student or a parent who educates their child or children in their home, selected jointly by the Governor and the chief State school officer.

“(H) A teacher, who may be a special education teacher, who successfully teaches reading and an instructional staff member, selected jointly by the Governor and the chief State school officer.

“(I) A family literacy service provider selected jointly by the Governor and the chief state school officer.

“(3) OPTIONAL PARTICIPANTS.—The reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, and who may include a representative of—

“(A) an institution of higher education operating a program of teacher preparation based on scientifically based reading research in the State;

“(B) a local educational agency;

“(C) a private nonprofit or for-profit eligible professional development provider providing instruction based on scientifically based reading research;

“(D) an adult education provider;

“(E) a volunteer organization that is involved in reading programs; or

“(F) a school library or a public library that offers reading or literacy programs for children or families.

“SEC. 1205. DISCRETIONARY GRANTS TO STATES.

“(a) IN GENERAL.—In the case of a State that, in accordance with sections 1203 and 1204, has received approval of an application for a 5-year formula grant, the Secretary may make additional 2-year discretionary grants to the State for the use specified in (d). For each fiscal year, the funds provided under the discretionary grant shall equal the allotment determined for the State under subsection (b).

“(b) DETERMINATION OF AMOUNT OF ALLOTMENTS.—From the total amount made available under section 1002(b)(1) to carry out this subpart for a fiscal year and not reserved under paragraph (1), the Secretary, upon the recommendation of the peer review panel convened under section 1204(c)(2), shall allot 20 percent under this section among the States described in subsection (a)—

“(1) for fiscal years 2002 and 2003, based upon a determination of such States' relative likelihood of effectively implementing a program under this subpart; and

“(2) for fiscal year 2004 and subsequent fiscal years, based upon such States' applications under subsection (c).

“(c) STATE DISCRETIONARY GRANT APPLICATIONS.—

“(1) IN GENERAL.—A State that desires to receive a grant under this section for a grant period that includes any fiscal year after fiscal year 2003 shall submit the information described in paragraph (3) to the Secretary at such time and in such form as the Secretary may require.

“(2) PEER REVIEW.—The peer review panel convened under section 1204(c)(2) shall review the information submitted under this subsection. The panel shall recommend such applications to the Secretary for funding or for disapproval.

“(3) INFORMATION.—The information described in this paragraph is the following:

“(A) An assurance that the State will award competitive subgrants to local educational agencies consistent with subsection (d)(4).

“(B) An assurance that the State will ensure that local educational agencies that receive a subgrant under subsection (d) use the funds provided under the subgrant in accordance with subsection (d)(5).

“(C) Evidence that the State has increased significantly the percentage of students reading at grade level or above.

“(D) Evidence that the State has been successful in increasing the percentage of students in ethnic, racial, and low-income populations who are reading at grade level or above.

“(E) Any additional evidence that demonstrates success in the implementation of this subpart.

“(d) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—The Secretary may make a grant to a State under this section only if the State agrees to expend 100 percent of the amount of the funds provided under the grant for the purpose of making competitive subgrants in accordance with this subsection to local educational agencies.

“(2) NOTICE.—A State receiving a grant under this section shall provide notice to all local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

“(3) APPLICATION.—To be eligible to receive a subgrant under this subsection, a local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

“(4) DISTRIBUTION.—

“(A) IN GENERAL.—A State shall distribute subgrants under this section through a competitive process based on relative need and the evidence described in this paragraph.

“(B) EVIDENCE USED IN ALL YEARS.—For all fiscal years, a State shall distribute subgrants under this section based on evidence that a local educational agency—

“(i) satisfies the requirements of section 1203(c)(4);

“(ii) will carry out its obligations under this subpart, particularly paragraph (5); and

“(iii) will work with other local educational agencies in the State that have not received a subgrant under this subsection to assist such non-receiving agencies in increasing the reading achievement of students.

“(C) EVIDENCE USED IN FISCAL YEARS AFTER 2003.—For fiscal year 2004 and subsequent fiscal years, a State shall distribute subgrants under this section based on the evidence described in subparagraph (B) and, in addition, evidence that a local educational agency—

“(i) has significantly increased the percentage of all students reading at grade level or above;

“(ii) has significantly increased the percentage of students in ethnic, racial, and low-income populations who are reading at grade level or above; and

“(iii) has demonstrated success in the implementation of this subpart.

“(5) LOCAL USES OF FUNDS.—A local educational agency that receives a subgrant under this subsection—

“(A) shall use the funds provided under the subgrant to carry out the activities described in section 1203(c)(7)(A); and

“(B) may use such funds to carry out the activities described in section 1203(c)(7)(B).

“(e) DEFINITION.—For purposes of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“SEC. 1206. EXTERNAL EVALUATION.

“(a) IN GENERAL.—From funds reserved under section 1203(b)(1)(C), the Secretary shall contract with an independent outside organization for a 5-year, rigorous, scientifically valid, quantitative evaluation of this subpart.

“(b) PROCESS.—Such evaluation shall be conducted by an organization outside of the Department that is capable of designing and carrying out an independent evaluation that identifies the effects of specific activities carried out by States and local educational agencies under this subpart on improving reading instruction. Such evaluation shall use only data relating to students served under this subpart and shall take into account factors influencing student performance that are not controlled by teachers or education administrators.

“(c) ANALYSIS.—Such evaluation shall include the following:

“(1) An analysis of the relationship between each of the essential components of reading instruction and overall reading proficiency.

“(2) An analysis of whether assessment tools used by States and local educational agencies measure the essential components of reading instruction.

“(3) An analysis of how State reading standards correlate with the essential components of reading instruction.

“(4) An analysis of whether the receipt of a discretionary grant under section 1205 results in

an increase in the number of children who read proficiently.

"(5) A measurement of the extent to which specific instructional materials improve reading proficiency.

"(6) A measurement of the extent to which specific rigorous diagnostic reading and screening assessment tools assist teachers in identifying specific reading deficiencies.

"(7) A measurement of the extent to which professional development programs implemented by States using funds received under this subpart improve reading instruction.

"(8) A measurement of how well students preparing to enter the teaching profession are prepared to teach the essential components of reading instruction.

"(9) An analysis of changes in students' interest in reading and time spent reading outside of school.

"(10) Any other analysis or measurement pertinent to this subpart that is determined to be appropriate by the Secretary.

"(d) PROGRAM IMPROVEMENT.—The findings of the evaluation conducted under this section shall be provided to States and local educational agencies on a periodic basis for use in program improvement.

"SEC. 1207. NATIONAL ACTIVITIES.

"From funds reserved under section 1203(b)(1)(D), the Secretary may provide technical assistance in achieving the purposes of this subpart to States, local educational agencies, and schools requesting such assistance.

"SEC. 1208. INFORMATION DISSEMINATION.

"(a) IN GENERAL.—From funds reserved under section 1203(b)(1)(E), the National Institute for Literacy, in collaboration with the Secretary of Education, the Secretary of Health and Human Services, and the Director of the National Institute for Child Health and Human Development—

"(1) shall disseminate information on scientifically based reading research pertaining to children, youth, and adults;

"(2) shall identify and disseminate information about schools, local educational agencies, and States that effectively developed and implemented classroom reading programs that meet the requirements of this subpart, including those effective States, local educational agencies, and schools identified through the evaluation and peer review provisions of this subpart; and

"(3) shall support the continued identification and dissemination of information on reading programs that contain the essential components of reading instruction as supported by scientifically based reading research, that can lead to improved reading outcomes for children, youth, and adults.

"(b) DISSEMINATION.—

"(1) IN GENERAL.—At a minimum, the National Institute for Literacy shall disseminate such information to—

"(A) recipients of Federal financial assistance under part A of this title, part A of title III, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Education and Family Literacy Act; and

"(B) each Bureau funded school (as defined in section 1141(3) of the Education Amendments of 1978).

"(2) USE OF EXISTING NETWORKS.—In carrying out this section, the National Institute for Literacy shall, to the extent practicable, utilize existing information and dissemination networks developed and maintained through other public and private entities.

"SEC. 1209. DEFINITIONS.

"For purposes of this subpart:

"(1) ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER.—The term 'eligible professional development provider' means a provider of professional development in reading instruction to teachers, including special education teachers, that is based on scientifically based reading research.

"(2) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' means explicit and systematic instruction in—

"(A) phonemic awareness;

"(B) phonics;

"(C) vocabulary development;

"(D) oral reading fluency; and

"(E) reading comprehension strategies.

"(3) INSTRUCTIONAL STAFF.—The term 'instructional staff'—

"(A) means individuals who have responsibility for teaching children to read; and

"(B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

"(4) READING.—The term 'reading' means a complex system of deriving meaning from print that requires all of the following:

"(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

"(B) The ability to decode unfamiliar words.

"(C) The ability to read fluently.

"(D) Sufficient background information and vocabulary to foster reading comprehension.

"(E) The development of appropriate active strategies to construct meaning from print.

"(F) The development and maintenance of a motivation to read.

"(5) RIGOROUS DIAGNOSTIC READING AND SCREENING ASSESSMENT TOOLS.—The term 'rigorous diagnostic reading and screening assessment tools' means assessments that—

"(A) are valid, reliable, and based on scientifically based reading research;

"(B) measure progress in developing phonemic awareness and phonics skills, vocabulary, reading fluency, and reading comprehension;

"(C) identify students who may be at risk for reading failure or who are having difficulty reading; and

"(D) are used to improve instruction.

"(6) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"Subpart 2—Early Reading First

"SEC. 1221. PURPOSES.

"The purposes of this subpart are as follows:

"(1) To improve prereading skills in children aged 3 through 5, particularly children from low-income families, in high-quality oral language and literature-rich environments.

"(2) To provide professional development for early childhood teachers that prepares them with scientific research-based knowledge of early reading development to assist in developing the children's—

"(A) automatic recognition of the letters of the alphabet;

"(B) understanding that spoken words are made up of small segments of speech sounds and that certain letters regularly represent such speech sounds;

"(C) spoken vocabulary and oral comprehension abilities; and

"(D) understanding of semiotic concepts.

"(3) To use scientific research-based screening tools or other appropriate measures to determine whether preschool children are developing the skills identified in this section.

"(4) To identify and provide scientific research-based prereading language and literacy activities and instructional materials that can be used to assist in the development of prereading skills in children.

"(5) To integrate such scientific research-based instructional materials and literacy activities with existing programs of preschools, child care agencies, and Head Start centers, and with family literacy services.

"SEC. 1222. LOCAL EARLY READING FIRST GRANTS.

"(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 1002(b)(2), the Secretary shall make awards, on a competitive basis and for periods of not more than 5 years, to eligible applicants to enable such applicants to carry out activities that are consistent with the purposes of this subpart.

"(b) DEFINITION OF ELIGIBLE APPLICANT.—In this subpart, the term 'eligible applicant' means—

"(1) a local educational agency;

"(2) one or more public or private organizations, acting on behalf of one or more programs that serve children aged 3 through 5 (such as a program at a child care agency or Head Start center or a family literacy program), which organizations shall be located in a community served by a local educational agency; or

"(3) one or more local educational agencies in collaboration with one or more organizations described in paragraph (2).

"(c) APPLICATIONS.—An eligible applicant that desires to receive a grant under this subpart shall submit an application to the Secretary, which shall include a description of—

"(1) the programs to be served by the proposed project, including general demographic and socioeconomic information on the communities in which the proposed project will be administered;

"(2) how the proposed project will enhance the school readiness of children aged 3 through 5 in high-quality oral language and literature-rich environments;

"(3) how the proposed project will provide early childhood teachers with scientific research-based knowledge of early reading development and assist such teachers in developing the children's prereading skills;

"(4) how the proposed project will provide services and utilize instructional materials that are based on scientifically based reading research on early language acquisition, prereading activities, and the development of spoken vocabulary skills;

"(5) how the proposed project will integrate such instructional materials and literacy activities with existing preschool programs and family literacy services;

"(6) how the proposed project will help staff in the programs to meet the diverse needs of children in the community, including children with limited English proficiency and children with learning disabilities;

"(7) how the proposed project will help children, particularly children experiencing difficulty with spoken language, prereading, and early reading skills, to make the transition from preschool to formal classroom instruction in school;

"(8) how the activities conducted under this subpart will be coordinated with the eligible applicant's activities under subpart 1, if the applicant has received a subgrant under such subpart, at the kindergarten through third grade levels;

"(9) how the proposed project will evaluate the success of the activities supported under this subpart in enhancing the early language and reading development of children served by the project; and

"(10) such other information as the Secretary may require.

"(d) APPROVAL OF LOCAL APPLICATIONS.—The Secretary shall select applicants for funding under this subpart based on the quality of the applications and the recommendations of the peer review panel convened under section 1204(c)(2).

"(e) LOCAL USES OF FUNDS.—

"(1) REQUIRED ACTIVITIES.—An eligible applicant that receives a grant under this subpart shall use the funds provided under the grant to carry out the following activities:

"(A) Providing children aged 3 through 5 with high-quality oral language and literature-rich environments in which to acquire prereading skills.

"(B) Providing professional development for early childhood teachers that prepares them with scientific research-based knowledge of early reading development to assist in developing the children's—

"(i) automatic recognition of the letters of the alphabet;

"(ii) understanding that spoken words are made up of small segments of speech sounds and that certain letters regularly represent such speech sounds;

"(iii) spoken vocabulary and oral comprehension abilities; and

"(iv) understanding of semiotic concepts.

"(C) Identifying and providing scientific research-based prereading language and literacy activities and instructional materials for use in developing the children's—

"(i) automatic recognition of the letters of the alphabet;

"(ii) understanding that spoken words are made up of small segments of speech sounds and that certain letters regularly represent such speech sounds;

"(iii) spoken vocabulary and oral comprehension abilities; and

"(iv) understanding of semiotic concepts.

"(2) OPTIONAL ACTIVITIES.—An eligible applicant that receives a grant under this subpart may use the funds provided under the grant to carry out the following activities:

"(A) Using scientific research-based screening tools or other appropriate measures to determine whether preschool children are developing the skills identified in this subsection.

"(B) Integrating such instructional materials and literacy activities with programs of existing child care agencies, preschools, and Head Start centers, and with family literacy services.

"(f) AWARD AMOUNTS.—The Secretary may establish a maximum award amount, or ranges of award amounts, for grants under this subpart.

"SEC. 1223. FEDERAL ADMINISTRATION.

"The Secretary shall consult with the Secretary of Health and Human Services in order to coordinate the activities undertaken under this subpart with programs under the Head Start Act (42 U.S.C. 9831 et seq.).

"SEC. 1224. REPORTING REQUIREMENTS.

"Each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart..

"SEC. 1225. EVALUATION.

"From the total amount made available under section 1002(b)(2) for the period beginning October 1, 2002, and ending September 30, 2006, the Secretary shall reserve not more than $1,000,000 to conduct an independent evaluation of the effectiveness of this subpart.

"SEC. 1226. ADDITIONAL RESEARCH.

"From the amount made available under section 1002(b)(2) for each of the fiscal years 2002 through 2006, the Secretary shall reserve not more than $3,000,000 to conduct, in consultation with the National Institute for Child Health and Human Development, the National Institute for Literacy, and the Department of Health and Human Services, additional research on language and literacy development for children aged 3 through 5.".

SEC. 112. AMENDMENTS TO EVEN START.

Part B of title I (20 U.S.C. 6361 et seq.), as amended by section 111, is further amended—

(1) by inserting before section 1231 (as so redesignated by section 111) the following:

"Subpart 3—William F. Goodling Even Start Family Literacy Programs";

(2) in each of sections 1231 through 1242 (as so redesignated by section 111)—

(A) by striking "this part" each place such term appears and inserting "this subpart"; and

(B) by striking "1002(b)" each place such term appears and inserting "1002(b)(3)";

(3) in section 1231(4), by striking "2252)" and inserting "1209)";

(4) in section 1232—

(A) in subsection (b)—

(i) in paragraph (1)(A), by striking "1209;" and inserting "1239;"; and

(ii) in paragraph (2), by striking "1211(b)" each place such term appears and inserting "1241(b)"; and

(B) in subsection (c)—

(i) by amending paragraph (2)(C) to read as follows:

"(C) COORDINATION WITH SUBPART 1.—The consortium shall coordinate its activities with the activities of the reading and literacy partnership for the State established under section 1204(d), if the State receives a grant under section 1203."; and

(ii) in paragraph (3), by striking "2252)." and inserting "1209).";

(5) in section 1233—

(A) by striking "1202(d)(1)" each place such term appears and inserting "1232(d)(1)"; and

(B) by striking "1210." and inserting "1240.";

(6) in section 1234—

(A) in subsection (b)—

(i) in paragraph (1)(A), by moving the margins of clauses (v) and (vi) 2 ems to the right; and

(ii) in paragraph (3), by striking "1202(a)(1)(C)" and inserting "1232(a)(1)(C)"; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by striking "1203(a)," and inserting "1233(a),"; and

(II) by striking "1203(b)" and inserting "1233(b)"; and

(ii) in paragraph (2), by striking "1210," and inserting "1240.";

(7) in section 1235—

(A) in paragraph (10), by striking "2252)" and inserting "1209)";

(B) in paragraph (12), by striking "2252)," and inserting "1209),"; and

(C) in paragraph (15), by striking "program." and inserting "program to be used for program improvement.";

(8) in section 1237—

(A) in subsection (c)(1)—

(i) in subparagraph (B), by striking "1205;" and inserting "1235;"; and

(ii) in subparagraph (F), by striking "14306;" and inserting "8306;"; and

(B) in subsection (d), by striking "14302." and inserting "8302.";

(9) in section 1238—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(ii), by striking "1205;" and inserting "1235;"; and

(ii) in subparagraph (F), by striking "1204(b);" and inserting "1234(b);"; and

(B) in subsection (b)—

(i) in paragraph (3)—

(I) by striking "1207(c)(1)(A)" and inserting "1237(c)(1)(A)"; and

(II) by striking "1210." and inserting "1240.";

(ii) in paragraph (4), by striking "1210," and inserting "1240,"; and

(iii) in paragraph (5)(B), by striking "1204(b)." and inserting "1234(b).";

(10) in section 1239—

(A) by striking "1202(b)(1)," and inserting "1232(b)(1),"; and

(B) by striking "1205(10)" and inserting "1235(10)"; and

(11) in section 1241—

(A) in subsection (b)(1)—

(i) by striking "1202(b)(2)," and inserting "1232(b)(2),"; and

(ii) by striking "2252);" and inserting "1209);"; and

(B) in subsection (c), by striking "2258," and inserting "1208,".

SEC. 113. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

(a) TRANSFER AND REDESIGNATION.—Part E of title X (20 U.S.C. 8131) is transferred and redesignated as subpart 4 of part B of title I. Section 10501 is redesignated as section 1251.

(b) PURPOSE.—Section 1251 (as so redesignated) is amended—

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (g);

(3) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively; and

(4) by inserting before subsection (b) (as so redesignated) the following:

"(a) PURPOSE.—The purpose of this program is to establish and implement a model partnership between a governmental entity and a private entity, to help prepare young children for reading, and motivate older children to read, through the distribution of inexpensive books. Local reading motivation programs assisted under this section shall use such assistance to provide books, training for volunteers, motivational activities, and other essential literacy resources, and shall assign the highest priority to serving the youngest and neediest children in the United States.".

(c) AUTHORIZATION.—Section 1251(b) (as so redesignated) is amended by striking "books to students, that motivate children to read." and inserting "books to young and school-aged children that motivate them to read.".

(d) REQUIREMENTS OF CONTRACT.—Section 1251(c) (as so redesignated) is amended—

(1) in the matter preceding paragraph (1), by striking "subsection (a)" and inserting "subsection (b)"; and

(2) in paragraph (4), by inserting "training and" before "technical".

(e) SPECIAL RULES FOR CERTAIN SUBCONTRACTORS; MULTI-YEAR CONTRACTS.—Section 1251 (as so redesignated) is amended by inserting after subsection (d) the following:

"(e) SPECIAL RULES FOR CERTAIN SUBCONTRACTORS.—

"(1) FUNDS FROM OTHER FEDERAL SOURCES.—Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in subsection (c)(3), may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 50 perçent of the non-Federal share of the funds used for the cost of acquiring and distributing books.

"(2) WAIVER AUTHORITY.—Notwithstanding subsection (c), the contractor may waive, in whole or in part, the requirement in subsection (c)(1) for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in the program, and enters into an agreement with the contractor with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) shall not apply.

"(f) MULTI-YEAR CONTRACTS.—The contractor may enter into a multi-year subcontract under this section, if—

"(1) the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and

"(2) the subcontract does not undermine the finances of the national program.".

(f) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this Act, any person or agency that was awarded a contract under part E of title X (20 U.S.C. 8131) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such contract until the date on which the contract period terminates under such terms.

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 121. STATE ALLOCATIONS.

Section 1303 (20 U.S.C. 6393) is amended—

(1) by amending subsection (a) to read as follows:

"(a) STATE ALLOCATIONS.—

"(1) FISCAL YEAR 2002.—For fiscal year 2002, each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to—

"(A) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (d); multiplied by

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average expenditure per pupil in the United States.

"(2) SUBSEQUENT YEARS.—

"(A) BASE AMOUNT.—

"(i) IN GENERAL.—Except as provided in subsection (b) and clause (ii), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for fiscal year 2003 and succeeding fiscal years, an amount equal to—

"(I) the amount that such State received under this part for fiscal year 2002; plus

"(II) the amount allocated to the State under subparagraph (B).

"(ii) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2002 under this part, the State shall receive, for fiscal year 2003 and succeeding fiscal years, an amount equal to—

"(I) the amount that such State would have received under this part for fiscal year 2002 if its application under section 1304 for the year had been approved; plus

"(II) the amount allocated to the State under subparagraph (B).

"(B) ALLOCATION OF ADDITIONAL AMOUNT.—For fiscal year 2003 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2002 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—

"(i) the sum of—

"(I) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and

"(II) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by

"(ii) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this clause may not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.";

(2) by amending subsection (b) to read as follows:

"(b) ALLOCATION TO PUERTO RICO.—

"(1) IN GENERAL.—For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per pupil expenditure in the United States.

"(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than—

"(A) for fiscal year 2002, 77.5 percent;

"(B) for fiscal year 2003, 80.0 percent;

"(C) for fiscal year 2004, 82.5 percent; and

"(D) for fiscal year 2005 and succeeding fiscal years, 85.0 percent.

"(3) LIMITATION.—If the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in paragraph (1) shall be the greater of the percentage in paragraph (1)(A) or the percentage used for the preceding fiscal year."; and

(3) by striking subsection (d) and redesignating subsection (e) as subsection (d).

SEC. 122. STATE APPLICATIONS; SERVICES.

(a) PROGRAM INFORMATION.—Section 1304(b) (20 U.S.C. 6394(b)) is amended—

(1) in paragraph (1), by striking "addressed through" and all that follows through the semicolon at the end and inserting the following: "addressed through—

"(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

"(B) joint planning among local, State, and Federal educational programs serving migrant children, including programs under part A of title III;

"(C) the integration of services available under this part with services provided by those other programs; and

"(D) measurable program goals and outcomes;"; and

(2) in paragraph (5), by striking "the requirements of paragraph (1);" and inserting "the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs;".

(b) ASSURANCES.—Section 1304(c) (20 U.S.C. 6394(c)) is amended—

(1) in paragraph (1), by striking "1306(b)(1);" and inserting "1306(a);";

(2) in paragraph (2), by striking "part F;" and inserting "part H;"

(3) in paragraph (3)—

(A) by striking "appropriate";

(B) by striking "out, to the extent feasible," and inserting "out"; and

(C) by striking "1118;" and inserting "1118, unless extraordinary circumstances make implementation consistent with such section impractical;"; and

(4) in paragraph (7), by striking "section 1303(e)" and inserting "paragraphs (1)(A) and (2)(B)(i) of section 1303(a)".

SEC. 123. AUTHORIZED ACTIVITIES.

Section 1306 (20 U.S.C. 6396) is amended to read as follows:

"SEC. 1306. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—

"(1) FLEXIBILITY.—Each State educational agency, through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part, except that such funds shall first be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

"(2) UNADDRESSED NEEDS.—Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A of this title may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).

"(b) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

"(c) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in subsection (a)(1).".

SEC. 124. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

(a) DURATION.—Section 1308(a)(2) (20 U.S.C. 6398(a)(2)) is amended by striking "subpart" and inserting "subsection".

(b) STUDENT RECORDS.—Section 1308(b) (20 U.S.C. 6398(b)) is amended to read as follows:

"(b) STUDENT RECORDS.—

"(1) ASSISTANCE.—The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of migratory children in each State. The Secretary, in consultation with the States, shall determine the minimum data elements that each State receiving funds under this part shall collect and maintain. The Secretary shall assist States to implement a system of linking their student record transfer systems for the purpose of electronic records maintenance and transfer for migrant students.

"(2) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this part shall make student records available to another State or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.".

(c) AVAILABILITY OF FUNDS.—Section 1308(c) (20 U.S.C. 6398(c)) is amended by striking "$6,000,000" and inserting "$10,000,000".

(d) INCENTIVE GRANTS.—Section 1308(d) (20 U.S.C. 6398(d)) is amended to read as follows:

"(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve not more than $3,000,000 to award grants of not more than $250,000 on a competitive basis to State educational agencies that propose a consortium *arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will improve the delivery of services to migratory children whose education is interrupted.''.*

PART D—NEGLECTED OR DELINQUENT YOUTH

SEC. 131. NEGLECTED OR DELINQUENT YOUTH.

The heading for part D of title I is amended to read as follows:

"PART D—PREVENTION AND INTERVENTION PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH".

SEC. 132. FINDINGS.

Section 1401(a) (20 U.S.C. 6421(a)) is amended by striking paragraphs (6) through (9) and inserting the following:

''(6) Youth returning from correctional facilities need to be involved in programs that provide them with high-level skills and other support to help them stay in school and complete their education.

''(7) Pregnant and parenting teenagers are a high-at-risk group for dropping out of school and should be targeted by dropout prevention programs.''.

SEC. 133. ALLOCATION OF FUNDS.

Section 1412(b) (20 U.S.C. 6432(b)) is amended to read as follows:

''(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—

''(1) IN GENERAL.—For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children counted under subparagraph (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

''(A) the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

''(B) 32 percent of the average per-pupil expenditure in the United States.

''(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than—

''(A) for fiscal year 2002, 77.5 percent;

''(B) for fiscal year 2003, 80.0 percent;

''(C) for fiscal year 2004, 82.5 percent; and

''(D) for fiscal year 2005 and succeeding fiscal years, 85.0 percent.

''(3) LIMITATION.—If the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in paragraph (1) shall be the greater of the percentage in paragraph (1)(A) or the percentage used for the preceding fiscal year.''.

SEC. 134. STATE PLAN AND STATE AGENCY APPLICATIONS.

Section 1414 (20 U.S.C. 6434) is amended to read as follows:

"SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.

''(a) STATE PLAN.—

''(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit, for approval by the Secretary, a plan for meeting the educational needs of neglected and delinquent youth, for assisting in their transition from institutions to locally operated programs, and which is integrated with other programs under this Act or other Acts, as appropriate, consistent with section 8306.

''(2) CONTENTS.—Each such State plan shall—

''(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational and technical skills of children in the program;

''(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

''(C) contain assurances that the State educational agency will—

''(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

''(ii) carry out the evaluation requirements of section 1416;

''(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

''(iv) provide such other information as the Secretary may reasonably require.

''(3) DURATION OF THE PLAN.—Each such State plan shall—

''(A) remain in effect for the duration of the State's participation under this part; and

''(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

''(b) SECRETARIAL APPROVAL AND PEER REVIEW.—

''(1) SECRETARIAL APPROVAL.—The Secretary shall approve each State plan that meets the requirements of this part.

''(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

''(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

''(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

''(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

''(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

''(4) describes how the program will meet the goals and objectives of the State plan under this subpart;

''(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;

''(6) describes how the agency will carry out the evaluation requirements of section 8651 and how the results of the most recent evaluation are used to plan and improve the program;

''(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 8501;

''(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as job training programs, vocational and technical education programs, State and local dropout prevention programs, and special education programs;

''(9) describes how States will encourage correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated youth prior to their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program;

''(10) describes how appropriate professional development will be provided to teachers and other staff;

''(11) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

''(12) describes how the agency will endeavor to coordinate with businesses for training and mentoring for participating youth;

''(13) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

''(14) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

''(15) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth—

''(A) is identified as in need of special education services while the youth is in the facility; and

''(B) intends to return to the local school;

''(16) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of incarceration has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or the recognized equivalent if the youth does not intend to return to school;

''(17) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs, taking into consideration the unique needs of such students;

''(18) describes any additional services to be provided to youth, such as career counseling, distance learning, and assistance in securing student loans and grants; and

''(19) provides assurances that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable.''.

SEC. 135. USE OF FUNDS.

Section 1415(a) (20 U.S.C. 6435(a)) is amended—

(1) in paragraph (1)(B), by inserting '', vocational and technical training'' after ''secondary school completion'';

(2) in paragraph (2)(B)—

(A) in clause (i), by inserting ''and'' after the semicolon;

(B) in clause (ii), by striking ''; and'' and inserting a semicolon; and

(C) by striking clause (iii);

(3) in paragraph (2)(C), by striking ''part F of this title'' and inserting ''part H''; and

(4) in paragraph (2)(D), by striking ''section 14701'' and inserting ''section 8651''.

SEC. 136. TRANSITION SERVICES.

Section 1418(a) (20 U.S.C. 6438(a)) is amended by striking ''10 percent'' and inserting ''15 percent''.

SEC. 137. PURPOSE.

Section 1421(3) (20 U.S.C. 6451(3)) is amended to read as follows:

''(3) operate programs in local schools for youth returning from correctional facilities and programs which may also serve youth at risk of dropping out of school.''.

SEC. 138. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

Section 1422 (20 U.S.C. 6452) is amended—

(1) in subsection (a), by striking ''retained'';

(2) by amending subsection (b) to read as follows:

''(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a program of support for children returning from such school to a school not operated by a correctional agency but served by such local educational agency if more than 30 percent of the youth attending the school operated by the correctional facility will reside outside the boundaries of the local educational agency after leaving such facility.''; and

(3) by adding at the end the following:

''(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.''.

SEC. 139. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

Section 1423 (20 U.S.C. 6453) is amended by striking paragraphs (4) through (9) and inserting the following:

''(4) a description of the program operated by participating schools for children returning from correctional facilities and the types of services that such schools will provide such youth and other at-risk youth;

''(5) a description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the youth who will be returning from correctional facilities and, as appropriate, other at-risk youth expected to be served by the program and how the school will coordinate existing educational programs to meet the unique educational needs of such youth;

''(6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, students at risk of dropping out of school, and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

''(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring services for participating students;

''(8) as appropriate, a description of how programs will involve parents in efforts to improve the educational achievement of their children, prevent the involvement of their children in delinquent activities, and encourage their children to remain in school and complete their education;

''(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as job training programs and vocational and technical education programs serving this at-risk population of youth.''.

SEC. 140. USES OF FUNDS.

Section 1424 (20 U.S.C. 6454) is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) programs that serve youth returning from correctional facilities to local schools, to assist in the transition of such youth to the school environment and help them remain in school in order to complete their education;

''(2) providing assistance to other youth at risk of dropping out of school, including pregnant and parenting teenagers;

''(3) the coordination of social, health, and other services, including day care, for participating youth, if the provision of such services will improve the likelihood that such youth will complete their education;

''(4) special programs to meet the unique academic needs of participating youth, including vocational and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

''(5) programs providing mentoring and peer mediation.''.

SEC. 141. PROGRAM REQUIREMENTS.

Section 1425 (20 U.S.C. 6455) is amended—

*(1) in the section heading, by striking ''**THIS SECTION**'' and inserting ''**this subpart**'';*

(2) in the matter preceding paragraph (1), by striking ''this section'' and inserting ''this subpart'';

(3) in paragraph (1), by striking ''where feasible, ensure educational programs'' and inserting ''to the extent practicable, ensure that educational programs'';

(4) in paragraphs (3) and (8), by striking ''where feasible,'' and inserting ''to the extent practicable,'';

(5) in paragraph (9)—

(A) by striking ''this program'' and inserting ''this subpart'';

(B) by inserting ''and technical'' after ''vocational''; and

(C) by striking ''title I of the Workforce Investment Act of 1998'' and inserting ''other job training programs'';

(6) in paragraph (10), by inserting ''(42 U.S.C. 5601 et seq.)'' after ''Juvenile Justice and Delinquency Prevention Act of 1974''; and

(7) by amending paragraph (11) to read as follows:

''(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for youth.''.

SEC. 142. PROGRAM EVALUATIONS.

Section 1431(a) (20 U.S.C. 6471(a)) is amended by striking ''sex, and if feasible,'' and inserting ''gender,''.

PART E—FEDERAL EVALUATIONS AND DEMONSTRATIONS

SEC. 151. EVALUATIONS.

Section 1501 (20 U.S.C. 6491) is amended to read as follows:

"SEC. 1501. EVALUATIONS.

''(a) NATIONAL ASSESSMENT.—

''(1) IN GENERAL.—In accordance with this section, the Secretary shall conduct a national assessment of programs assisted under this title.

''(2) ISSUES TO BE EXAMINED.—In conducting the assessment under this subsection, the Secretary shall examine—

''(A) the implementation of programs assisted under this title and the impact of such implementation on increasing student academic achievement, particularly schools with high concentrations of children living in poverty;

''(B) the implementation of State standards, assessments, and accountability systems developed under this title and the impact of such implementation on educational programs and instruction at the local level;

''(C) the impact of schoolwide programs and targeted assistance programs under this title on improving student academic achievement;

''(D) the extent to which varying models of comprehensive school reform are funded under this title, and the effect of the implementation of such models on improving achievement of disadvantaged students;

''(E) the costs as compared to the benefits of the activities assisted under this title;

''(F) the impact of school choice options under section 1116 on the academic achievement of disadvantaged students, on schools in school improvement, and on schools from which students have transferred under such options;

''(G) the extent to which actions authorized under section 1116 of this title are employed by State and local educational agencies to improve the academic achievement of students in low-performing schools, and the effectiveness of the implementation of such actions;

''(H) the extent to which technical assistance made available under this title is used to improve the achievement of students in low-performing schools, and the impact of such assistance on such achievement;

''(I) the extent to which State and local fiscal accounting requirements under this title limit the flexibility of schoolwide programs;

''(J) the impact of the professional development activities assisted under this title on instruction and student performance;

''(K) the extent to which the assistance made available under this title is targeted to disadvantaged students and schools that need them the most;

''(L) the effectiveness of Federal administration assistance made available under this title, including monitoring and technical assistance; and

''(M) such other issues as the Secretary considers appropriate.

''(3) SOURCES OF INFORMATION.—In conducting the assessment under this subsection, the Secretary shall use information from a variety of sources, including the National Assessment of Educational Progress (carried out under section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010)), state evaluations, and other research studies.

''(4) COORDINATION.—In carrying out this subsection, the Secretary shall—

''(A) coordinate conducting the national assessment with conducting the longitudinal study described in subsection (c); and

''(B) ensure that the independent review panel described in subsection (d) participates in conducting the national assessment, including planning for and reviewing the assessment.

''(5) REPORTS.—

''(A) INTERIM REPORT.—Not later than 3 years after the date of enactment of the Leave No Child Behind Act of 2001, the Secretary shall transmit to the President and the Congress an interim report on the national assessment conducted under this subsection.

''(B) FINAL REPORT.—Not later than 4 years after the date of enactment of the Leave No Child Behind Act of 2001, the Secretary shall transmit to the President and the Congress a final report on the national assessment conducted under this subsection.

''(b) STUDIES AND DATA COLLECTION.—

''(1) IN GENERAL.—In addition to other activities described in this section, the Secretary may, directly or through the making of grants to or contracts with appropriate entities—

''(A) conduct studies and evaluations of the need for, and effectiveness of, each program authorized under this title;

''(B) collect the data necessary to comply with the Government Performance and Results Act of 1993; and

''(C) provide guidance and technical assistance to State educational agencies and local educational agencies in developing and maintaining management information systems through which such agencies can develop program performance indicators in order to improve services and performance.

''(2) MINIMUM INFORMATION.—Under this subsection, the Secretary shall collect, at a minimum, trend information on the effect of each program authorized under this title, which shall complement the data collected and reported under subsections (a) and (c).

''(c) NATIONAL LONGITUDINAL STUDY.—

“(1) In general.—The Secretary shall conduct a longitudinal study of schools receiving assistance under this title.

“(2) Issues to be examined.—In carrying out this subsection, the Secretary shall ensure that the study referred to in paragraph (1) provides the Congress and educators with each of the following:

“(A) An accurate description and analysis of short-term and long-term effectiveness of the assistance made available under this title upon academic performance.

“(B) Information that can be used to improve the effectiveness of the assistance made available under this title in enabling students to meet challenging achievement standards.

“(C) An analysis of educational practices or model programs that are effective in improving the achievement of disadvantaged children.

“(D) An analysis of the costs as compared to the benefits of the assistance made available under this title in improving the achievement of disadvantaged children.

“(E) An analysis of the effects of the availability of school choice options under section 1116 on the academic achievement of disadvantaged students, on schools in school improvement, and on schools from which students have transferred under such options.

“(F) Such other information as the Secretary considers appropriate.

“(3) Scope.—In conducting the study referred to in paragraph (1), the Secretary shall ensure that the study—

“(A) bases its analysis on a nationally representative sample of schools participating in programs under this part;

“(B) to the extent practicable, includes in its analysis students who transfer to different schools during the course of the study; and

“(C) analyzes varying models or strategies for delivering school services, including—

“(i) schoolwide and targeted services; and

“(ii) comprehensive school reform models.

“(d) Independent Review Panel.—

“(1) In general.—The Secretary shall establish an independent review panel (in this subsection referred to as the ‘Review Panel’) to advise the Secretary on methodological and other issues that arise in carrying out subsections (a) and (c).

“(2) Appointment of members.—

“(A) In general.—Subject to subparagraph (B), the Secretary shall appoint members of the Review Panel from among qualified individuals who are—

“(i) specialists in statistics, evaluation, research, and assessment;

“(ii) education practitioners, including teachers, principals, and local and State superintendents; and

“(iii) other individuals with technical expertise who would contribute to the overall rigor and quality of the program evaluation.

“(B) Limitations.—In appointing members of the Review Panel under this subparagraph (A), the Secretary shall ensure that—

“(i) in order to ensure diversity, a majority of the number of individuals appointed under subparagraph (A)(i) represent disciplines or programs outside the field of education; and

“(ii) the total number of the individuals appointed under subparagraph (A)(ii) or (A)(iii) does not exceed 1/3 of the total number of the individuals appointed under this paragraph.

“(3) Functions.—The Review Panel shall consult with and advise the Secretary—

“(A) to ensure that the assessment conducted under subsection (a) and the study conducted under subsection (c)—

“(i) adhere to the highest possible standards of quality with respect to research design, statistical analysis, and the dissemination of findings; and

“(ii) use valid and reliable measures to document program implementation and impacts; and

“(B) to ensure—

“(i) that the final report described in subsection (a)(5)(B) is reviewed not later than 120 days after its completion by not less than 2 independent experts in program evaluation;

“(ii) that such experts evaluate and comment on the degree to which the report complies with subsection (a); and

“(iii) that the comments of such experts are transmitted with the report under subsection (a)(5)(B).”.

SEC. 152. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

(a) In General.—Section 1502 (20 U.S.C. 6492) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking in subsection (a) “(2) Evaluation.—The Secretary” and inserting “(b) Evaluation.—The Secretary” and by moving such subsection (b) 2 ems to the left;

(3) by striking in subsection (a) “Such projects shall include promising” and all that follows through “career guidance opportunities.”;

(4) by striking “student performance standards” and inserting “student achievement standards”;

(5) by inserting “academic” after “to meet challenging State”; and

(6) by striking “(a) Demonstration Programs” and all that follows through “In General.—From the” and inserting “(a) In General.—From the”.

SEC. 153. ELLENDER-CLOSE UP FELLOWSHIP PROGRAM; DROPOUT REPORTING.

(a) In General.—Part E of title I (20 U.S.C. 6491 et seq.) is further amended by adding at the end the following:

“SEC. 1503. ELLENDER-CLOSE UP FELLOWSHIP PROGRAM

“(a) Findings.—Congress finds the following.

“(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

“(2) It is a worthwhile goal to ensure that America's educators have access to programs for the continued improvement of their professional skills.

“(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means and the teachers who work with such students, so that such students and teachers may participate in the programs supported by the Close Up Foundation.

“(4) The Close Up Foundation is a nonpartisan, nonprofit, education foundation promoting civic responsibility and knowledge and understanding of the Federal Government among young people and educators. The Congress has consistently supported the Close Up Foundation's work with disadvantaged young people and their educators through the Allen J. Ellender Fellowship Program. Therefore, it is fitting and appropriate to continue support under the successor Ellender-Close Up Fellowship Program to students of limited economic means and the teachers who work with such students, so that such students and teachers may participate in the programs supported by the Close Up Foundation.

“(b) Program for Middle and Secondary School Students.—

“(1) Establishment.—

“(A) General authority.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among middle and secondary school students.

“(B) Use of funds.—Grants under this subsection shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subparagraph (A). Financial assistance received pursuant to this subsection by such students shall be known as Ellender-Close Up fellowships.

“(2) Applications.—

“(A) Application required.—No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(B) Contents of application.—Each application submitted under this paragraph shall contain provisions to assure—

“(i) that fellowship grants are made to economically disadvantaged middle and secondary school students;

“(ii) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including students with disabilities, ethnic minority students, recent immigrants, and gifted and talented students; and

“(iii) the proper disbursement of the funds received under this subsection.

“(c) Program for Middle and Secondary School Teachers.—

“(1) Establishment.—

“(A) General authority.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of professional development for middle and secondary school teachers and to promote greater civic understanding and responsibility among the students of such teachers.

“(B) Use of funds.—Grants under this subsection shall be used only for financial assistance to teachers who participate in the program described in subparagraph (A). Financial assistance received pursuant to this subpart by such individuals shall be known as Ellender-Close Up fellowships.

“(2) Applications.—

“(A) Application required.—No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(B) Contents of application.—Each application submitted under this paragraph shall contain provisions to assure—

“(i) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the programs described in subsection (b);

“(ii) that no teacher in each school participating in the programs assisted under subsection (b) may receive more than one fellowship in any fiscal year; and

“(iii) the proper disbursement of the funds received under this subsection.

"(d) PROGRAMS FOR RECENT IMMIGRANTS AND STUDENTS OF MIGRANT PARENTS.—

"(1) ESTABLISHMENT.—

"(A) GENERAL AUTHORITY.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged recent immigrants and students of migrant parents.

"(B) USE OF FUNDS.—Grants under this subsection shall be used for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Ellender-Close Up fellowships.

"(2) APPLICATIONS.—

"(A) APPLICATION REQUIRED.—No grant under this subsection may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(B) CONTENTS OF APPLICATION.—Each application submitted under this paragraph shall contain provisions—

"(i) to assure that fellowship grants are made to economically disadvantaged recent immigrants and students of migrant parents;

"(ii) to assure that every effort will be made to ensure the participation of recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

"(iii) that fully describe the activities to be carried out with the proceeds of the grant; and

"(iv) to assure the proper disbursement of the funds received under this subsection.

"(e) GENERAL PROVISIONS.—

"(1) ADMINISTRATIVE PROVISIONS.—

"(A) GENERAL RULE.—Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

"(B) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this section.

"(f) LIMITATION.—Of the funds appropriated to carry out this section under section 1002, the Secretary may use not more than 30 percent to carry out subsection (c) of this section.

"SEC. 1504. DROPOUT REPORTING.

"State educational agencies receiving funds under this title shall annually report to the National Center on Education Statistics (established under section 403 of the National Education Statistics Act of 1994 (20 U.S.C. 9002)) on the dropout rate of students in the State, as defined for the Center's Common Core of Data.".

(b) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this Act, any person or agency that was awarded a grant under part G of title X (20 U.S.C. 8161 et seq.) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

PART F—COMPREHENSIVE SCHOOL REFORM

SEC. 161. SCHOOL REFORM.

Part F of title I is amended to read as follows:

"PART F—COMPREHENSIVE SCHOOL REFORM

"SEC. 1601. COMPREHENSIVE SCHOOL REFORM.

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—Congress finds the following:

"(A) A number of schools across the country have shown impressive gains in student performance through the use of comprehensive models for schoolwide change that incorporate virtually all aspects of school operations.

"(B) No single comprehensive school reform model may be suitable for every school, however, schools should be encouraged to examine successful, externally developed comprehensive school reform approaches as they undertake comprehensive school reform.

"(C) Comprehensive school reform is an important means by which children are assisted in meeting challenging State student academic achievement standards.

"(2) PURPOSE.—The purpose of this section is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically-based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and academic achievement standards.

"(b) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to provide grants to State educational agencies to provide subgrants to local educational agencies to carry out the purpose described in subsection (a)(2).

"(2) ALLOCATION.—

"(A) RESERVATION.—Of the amount appropriated under this section, the Secretary may reserve—

"(i) not more than 1 percent for schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

"(ii) not more than 1 percent to conduct national evaluation activities described under subsection (e); and

"(iii) not more than 2 percent of the amount appropriated in fiscal year 2002 to carry out this part, for quality initiatives described under subsection (f).

"(B) IN GENERAL.—Of the amount of funds remaining after the reservation under subparagraph (A), the Secretary shall allocate to each State for a fiscal year, an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount allocated under section 1124 to all States for that year.

"(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).

"(c) STATE AWARDS.—

"(1) STATE APPLICATION.—

"(A) IN GENERAL.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such other information as the Secretary may reasonably require.

"(B) CONTENTS.—Each State application shall also describe—

"(i) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section;

"(ii) how the agency will ensure that funds under this part are used only for comprehensive school reform programs that—

"(I) include each of the components described in subsection (d)(2);

"(II) have the capacity to improve the academic achievement of all students in core academic subjects within participating schools; and

"(III) are supported by technical assistance providers that have a successful track record, financial stability, and the capacity to deliver high-quality materials and professional development for school personnel.

"(iii) how the agency will disseminate materials regarding information on comprehensive school reforms that are based on scientifically-based research and effective practices;

"(iv) how the agency will evaluate annually the implementation of such reforms and measure the extent to which the reforms resulted in increased student academic performance; and

"(v) how the agency will provide, technical assistance to the local educational agency or consortia of local educational agencies, and to participating schools, in evaluating, developing, and implementing comprehensive school reform.

"(2) USES OF FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (E), a State educational agency that receives an award under this section shall use such funds to provide competitive grants to local educational agencies or consortia of local educational agencies in the State receiving funds under part A to support comprehensive school reforms in schools eligible for funds under such part.

"(B) GRANT REQUIREMENTS.—A grant to a local educational agency or consortium shall be—

"(i) of sufficient size and scope to support the initial costs of the comprehensive school reforms selected or designed by each school identified in the application of the local educational agency or consortium;

"(ii) in an amount not less than $50,000 to each participating school; and

"(iii) renewable for two additional 1-year periods after the initial 1-year grant is made if schools are making substantial progress in the implementation of their reforms.

"(C) PRIORITY.—The State, in awarding grants under this paragraph, shall give priority to local educational agencies that—

"(i) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); or

"(ii) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

"(D) GRANT CONSIDERATION.—In making subgrant awards under this part, the State educational agency shall take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

"(E) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant award under this section may reserve not more than 5 percent of such award for administrative, evaluation, and technical assistance expenses.

"(F) SUPPLEMENT.—Funds made available under this section shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out this section.

"(3) REPORTING.—Each State educational agency that receives an award under this section shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools selected to receive subgrant awards under this

section, the amount of such award, a description of the comprehensive school reforms selected and in use and a copy of the State's annual evaluation of the implementation of comprehensive school reforms supported under this part and student achievement results.

"(d) Local Awards.—

"(1) In general.—Each local educational agency or consortium that applies for a subgrant under this section shall—

"(A) identify which schools eligible for funds under part A plan to implement a comprehensive school reform program, including the projected costs of such a program;

"(B) describe the comprehensive school reforms based on scientifically-based research and effective practices that such schools will implement;

"(C) describe how the agency or consortium will provide technical assistance and support for the effective implementation of the school reforms based on scientifically-based research and effective practices selected by such schools; and

"(D) describe how the agency or consortium will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

"(2) Components of the program.—A local educational agency that receives a subgrant award under this section shall provide such funds to schools that implement a comprehensive school reform program that—

"(A) employs proven strategies and proven methods for student learning, teaching, and school management that are based on scientifically-based research and effective practices and have been replicated successfully in similar schools;

"(B) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and challenging student performance standards and addresses needs identified through a school needs assessment;

"(C) provides high-quality and continuous teacher and staff professional development;

"(D) includes measurable goals for student performance and benchmarks for meeting such goals;

"(E) is supported by teachers, principals, administrators, and other professional staff;

"(F) provides for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;

"(G) uses high quality external technical support and assistance from an entity, which may be an institution of higher education, with experience and expertise in schoolwide reform and improvement;

"(H) includes a plan for the annual evaluation of the implementation of school reforms and the student results achieved;

"(I) identifies how other resources, including Federal, State, local, and private resources, available to the school will be used to coordinate services to support and sustain the school reform effort; and

"(J)(i) has been found, through rigorous field experiments in multiple sites, to significantly improve the academic performance of students participating in such activity or program as compared to similar students in similar schools, who have not participated in such activity or program; or

"(ii) has been found to have strong evidence that such model will significantly improve the performance of participating children.

"(3) Special rule.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using nationally available approaches, but may develop its own comprehensive school reform program for schoolwide change that complies with paragraph (2).

"(e) Evaluation and Report.—

"(1) In general.—The Secretary shall develop a plan for a national evaluation of the programs developed pursuant to this section.

"(2) Evaluation.—This national evaluation shall evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms, and assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

"(3) Reports.—Prior to the completion of a national evaluation, the Secretary shall submit an interim report outlining first year implementation activities to the Committees on Education and the Workforce and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate.

"(f) Quality Initiatives.—The Secretary, through grants or contracts, shall provide funds for the following activities:

"(1) Technical assistance.—A joint public and private partnership that receives matching funds from private organizations, in order to assist States, local educational agencies, and schools in making informed decisions when approving or selecting providers of comprehensive school reform, consistent with the requirements described in subsection (d)(3).

"(2) Other activities.—Other activities that—

"(A) encourage the development of comprehensive reform models;

"(B) build the capacity of comprehensive school reform providers to increase the number of schools the providers can serve; and

"(C) ensure that schools served receive high quality services that meet the needs of their teachers and students.".

PART G—RURAL EDUCATION FLEXIBILITY AND ASSISTANCE

SEC. 171. RURAL EDUCATION.

Title I is amended by adding at the end the following new part:

"PART G—RURAL EDUCATION FLEXIBILITY AND ASSISTANCE

"SEC. 1701. SHORT TITLE.

"This part may be cited as the 'Rural Education Initiative Act'.

"SEC. 1702. FINDINGS.

"Congress finds the following:

"(1) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific and unique needs of rural school districts and schools.

"(2) Small school districts often cannot use Federal grant funds distributed by formula because the formula allocation does not provide enough revenue to carry out the program the grant is intended to fund.

"(3) Rural schools often cannot compete for Federal funding distributed by competitive grants because the schools lack the personnel needed to prepare grant applications and the resources to hire specialists in the writing of Federal grant proposals.

"(4) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in reading, science, and mathematics). As a result, teachers in rural schools are almost twice as likely to provide instruction in three or more subject areas than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

"Subpart 1—Rural Education Flexibility

"SEC. 1711. FORMULA GRANT PROGRAM AUTHORIZED.

"(a) Alternative Uses.—

"(1) In general.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to carry out local activities authorized in part A of title I, part A of title II, part A of title III, part A of title IV, or part A or B of title V.

"(2) Notification.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

"(b) Eligibility.—

"(1) In general.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

"(A)(i) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

"(ii) all of the schools served by the local educational agency are designated with a school locale code of 7 or 8 as determined by the Secretary of Education; or

"(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

"(2) Certification.—The Secretary shall determine whether or not to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by a local educational agency and concurrence by the State educational agency that the local educational agency is located in an area defined as rural by a governmental agency of the State.

"(c) Applicable Funding.—In this section, the term 'applicable funding' means funds provided under part A of title II, section 3106, part A of title IV, part A of title V, and section 5212(2)(A).

"(d) Disbursement.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

"(e) Supplement Not Supplant.—Funds used under this section shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purpose of this subpart.

"(f) Applicable Rule.—Except as otherwise provided in this subpart, funds transferred under this subpart are subject to each of the rules and requirements applicable to the funds allocated by the Secretary under the provision to which the transferred funds are transferred.

"SEC. 1712. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary is authorized to award grants to eligible local educational agencies under section 1711(b) to enable the local educational agencies to support local or statewide education reform efforts intended to improve the academic achievement of elementary school and secondary school students and the quality of instruction provided for the students.

"(b) Allocation.—

"(1) In general.—Except as provided in paragraph (3), the Secretary shall award a grant to an eligible local educational agency under section 1711(b) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 1711(c) for the preceding fiscal year.

"(2) DETERMINATION OF THE INITIAL AMOUNT.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students, over 50 students, in average daily attendance in such eligible agency plus $20,000, except that the initial amount may not exceed $60,000.

"(3) RATABLE ADJUSTMENT.—

"(A) IN GENERAL.—If the amount made available for this subpart for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

"(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

"(4) CENSUS DETERMINATION.—

"(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall conduct a census not later than December 1 of each year to determine the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency.

"(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

"(c) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

"(d) SPECIAL RULE.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year shall be ineligible to receive funds for such fiscal year under subpart 2.

"(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

"SEC. 1713. ACCOUNTABILITY.

"(a) ACADEMIC ACHIEVEMENT.—

"(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 1711 or 1712 for a fiscal year shall administer an assessment consistent with section 1111.

"(2) SPECIAL RULE.—Each local educational agency that uses or receives funds under section 1711 or 1712 shall use the same assessment described in paragraph (1) for each year of participation in the program under such section.

"(b) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 1711(c) shall—

"(1) after the second year that a local educational agency participates in a program under section 1711 or 1712 and on the basis of the results of the assessments described in subsection (a), determine whether the schools served by the local educational agency participating in the program performed in accordance with section 1111; and

"(2) only permit those local educational agencies that so participated and make adequate yearly progress, as described in section 1111(b)(2), to continue to so participate.

"Subpart 2—Rural Education Assistance

"SEC. 1721. PROGRAM AUTHORIZED.

"(a) RESERVATIONS.—From amounts appropriated under section 1002(f) for this subpart for a fiscal year, the Secretary shall reserve ½ of 1 percent to make awards to elementary or secondary schools operated or supported by the Bureau of Indian Affairs to carry out the purpose of this subpart.

"(b) GRANTS TO STATES.—

"(1) IN GENERAL.—From amounts appropriated under section 1002(f) for this subpart that are not reserved under subsection (a), the Secretary shall award grants for a fiscal year to State educational agencies that have applications approved under section 1723 to enable the State educational agencies to award subgrants to eligible local educational agencies for local authorized activities described in subsection (c)(2).

"(2) ALLOCATION.—From amounts appropriated for this subpart, the Secretary shall allocate to each State educational agency for a fiscal year an amount that bears the same ratio to the amount of funds appropriated under section 1002(f) for this subpart that are not reserved under subsection (a) as the number of students in average daily attendance served by eligible local educational agencies in the State bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

"(3) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—

"(A) NONPARTICIPATING STATE.—If a State educational agency elects not to participate in the program under this subpart or does not have an application approved under section 1723 a specially qualified agency in such State desiring a grant under this subpart shall submit an application under such section directly to the Secretary to receive an award under this subpart.

"(B) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under paragraph (2) directly to specially qualified agencies in the State.

"(c) LOCAL AWARDS.—

"(1) ELIGIBILITY.—A local educational agency shall be eligible to receive funds under this subpart if—

"(A) 20 percent or more of the children aged 5 to 17, inclusive, served by the local educational agency are from families with incomes below the poverty line; and

"(B) all of the schools served by the agency are designated with a school code of 6, 7, or 8 as determined by the Secretary of Education.

"(2) USES OF FUNDS.—Grant funds awarded to local educational agencies or made available to schools under this subpart shall be used for—

"(A) teacher recruitment and retention, including the use of signing bonuses and other financial incentives;

"(B) teacher professional development, including programs that train teachers to utilize technology to improve teaching and to train special needs teachers;

"(C) educational technology, including software and hardware as described in part B of title V;

"(D) parental involvement activities; or

"(E) programs to improve student academic achievement.

"SEC. 1722. STATE DISTRIBUTION OF FUNDS.

"(a) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

"(1) on a competitive basis; or

"(2) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools (as appropriate) in the State, as determined by the State.

"(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs.

"SEC. 1723. APPLICATIONS.

"Each State educational agency and specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall include specific measurable goals and objectives relating to increased student academic achievement, decreased student dropout rates, or such other factors that the State educational agency or specially qualified agency may choose to measure.

"SEC. 1724. REPORTS.

"(a) STATE REPORTS.—Each State educational agency that receives a grant under this subpart shall provide an annual report to the Secretary. The report shall describe—

"(1) the method the State educational agency used to award grants to eligible local educational agencies and to provide assistance to schools under this subpart;

"(2) how local educational agencies and schools used funds provided under this subpart; and

"(3) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 1723.

"(b) SPECIALLY QUALIFIED AGENCY REPORT.—Each specially qualified agency that receives a grant under this subpart shall provide an annual report to the Secretary. Such report shall describe—

"(1) how such agency uses funds provided under this subpart; and

"(2) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 1723.

"(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Education and the Workforce for the House of Representatives and the Committee on Health, Education, Labor, and Pensions for the Senate an annual report. The report shall describe—

"(1) the methods the State educational agency used to award grants to eligible local educational agencies and to provide assistance to schools under this subpart;

"(2) how eligible local educational agencies and schools used funds provided under this subpart; and

"(3) progress made in meeting specific measurable educational goals and objectives.

"SEC. 1725. PERFORMANCE REVIEW.

"Three years after a State educational agency or specially qualified agency receives funds under this part, the Secretary shall review the progress of such agency toward achieving the goals and objectives included in its application, to determine whether the agency has made progress toward meeting such goals and objectives. To review the performance of each agency, the Secretary shall—

"(1) review the use of funds of such agency under section 1721(c)(2); and

"(2) deny the provision of additional funds in subsequent fiscal years to an agency only if the Secretary determines, after notice and an opportunity for a hearing, that the agency's use of funds has been inadequate to justify continuation of such funding.

"SEC. 1726. DEFINITIONS.

"In this subpart—

"(1) The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(2) The term 'specially qualified agency' means an eligible local educational agency, located in a State that does not participate in a *program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under section 1721(b)(3)(A).*

"Subpart 3—General Provisions

"SEC. 1731. DEFINITION.

"In this part, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

PART H—GENERAL PROVISIONS OF TITLE I

SEC. 181. GENERAL PROVISIONS.

Title I is amended further by adding at the end the following:

"PART H—GENERAL PROVISIONS

"SEC. 1801. FEDERAL REGULATIONS.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to ensure reasonable compliance with this title.

"(b) NEGOTIATED RULEMAKING PROCESS.—

"(1) IN GENERAL.—Prior to publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, paraprofessionals, and members of local boards of education involved with the implementation and operation of programs under this title.

"(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendation may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

"(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(A) establish a negotiated rulemaking process on a minimum of three key issues, including—

"(i) accountability;

"(ii) implementation of assessments; and

"(iii) use of paraprofessionals;

"(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, including representation from all geographic regions of the United States; and

"(C) prepare a draft of proposed regulations that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days prior to the first meeting under such process.

"(4) PROCESS.—Such process—

"(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 1 year after the date of the enactment of the No Child Left Behind Act of 2001; and

"(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State and local educational agencies with the operation of a program under this title, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

"(c) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

"SEC. 1802. AGREEMENTS AND RECORDS.

"(a) AGREEMENTS.—All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section 1801 unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from and not adhere to such agreements.

"(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

"SEC. 1803. STATE ADMINISTRATION.

"(a) RULEMAKING.—

"(1) IN GENERAL.—Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the committee of practitioners under subsection (b) for their review and comment;

"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject;

"(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs; and

"(D) identify any such rule, regulation, or policy as a State-imposed requirement.

"(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the challenging State student academic achievement standards.

"(b) COMMITTEE OF PRACTITIONERS.—

"(1) IN GENERAL.—Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

"(2) MEMBERSHIP.—Each such committee shall include—

"(A) as a majority of its members, representatives from local educational agencies;

"(B) administrators, including the administrators of programs described in other parts of this title;

"(C) teachers, including vocational educators;

"(D) parents;

"(E) members of local boards of education;

"(F) representatives of private school children; and

"(G) pupil services personnel.

"(3) DUTIES.—The duties of such committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

"SEC. 1804. LOCAL ADMINISTRATIVE COST LIMITATION.

"(a) LOCAL ADMINISTRATIVE COST LIMITATION.—Each local educational agency may use not more than 4 percent of funds received under part A for administrative expenses.

"(b) REGULATIONS.—The Secretary, after consulting with State and local officials and other experts in school finance, shall develop and issue regulations that define the term administrative cost for purposes of this title. Such definition shall be consistent with generally accepted accounting principles. The Secretary shall publish final regulations on this section not later than 1 year after the date of the enactment of the No Child Left Behind Act of 2001.

"SEC. 1805. APPLICABILITY.

"Nothing in this title shall be construed to affect home schools nor shall any home schooled student be required to participate in any assessment referenced in this title.

"SEC. 1806. PRIVATE SCHOOLS.

"Nothing in this title shall be construed to affect any private school that does not receive funds or services under this title, nor shall any student who attends a private school that does not receive funds or services under this title be required to participate in any assessment referenced in this title.

"SEC. 1807. PRIVACY OF ASSESSMENT RESULTS.

"Any results from individual assessments referenced in this title which become part of the education records of the student shall have the protections as provided in section 444 of the General Education Provisions Act.".

TITLE II—PREPARING, TRAINING, AND RECRUITING QUALITY TEACHERS

SEC. 201. TEACHER QUALITY TRAINING AND RECRUITING FUND.

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

"TITLE II—PREPARING, TRAINING, AND RECRUITING QUALITY TEACHERS

"PART A—TEACHER QUALITY TRAINING AND RECRUITING FUND

"SEC. 2001. PURPOSE.

"The purpose of this part is to provide grants to States and local educational agencies in order to assist their efforts to increase student academic achievement through such strategies as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom.

"Subpart 1—Grants to States to Prepare, Train, and Recruit Qualified Teachers

"SEC. 2011. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—In the case of each State that in accordance with section 2013 submits to the Secretary an application for a fiscal year, the Secretary shall make a grant for the year to the State for the uses specified in section 2012. The grant shall consist of the allotment determined for the State under subsection (b).

"(b) DETERMINATION OF AMOUNT OF ALLOTMENTS.—

"(1) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent for allotments for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purpose of this part; and

"(B) ½ of 1 percent for the Secretary of the Interior for programs under this subpart for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(2) STATE ALLOTMENTS.—

"(A) HOLD HARMLESS.—

"(i) IN GENERAL.—Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under—

"(I) section 2202(b) of this Act (as in effect on the day before the date of the enactment of the No Child Left Behind Act of 2001); and

"(II) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

"(ii) NONPARTICIPATING STATES.—In the case of a State that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in subclauses (I) and (II) of clause (i), the amount allotted to the State under such

clause shall be the total amount that the State would have received for fiscal year 2001 if it had elected to participate in all of the programs for which it was eligible under each of the provisions referred to in such subclauses.

“(iii) RATABLE REDUCTION.—If the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(B) ALLOTMENT OF ADDITIONAL FUNDS.—

“(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount required to make allotments under subparagraph (A), the Secretary shall allot such excess amount among the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows:

“(I) 50 percent of such excess amount shall be allotted among such States on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

“(II) 50 percent of such excess amount shall be allotted among such States in proportion to the number of children, aged 5 to 17, who reside within the State from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

“(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under such clause.

“(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot such amount to the remaining States in accordance with this subsection.

“SEC. 2012. WITHIN-STATE ALLOCATIONS.

“(a) USE OF FUNDS.—Each State receiving a grant under this subpart shall use the funds provided under the grant in accordance with this section to carry out activities for the improvement of teaching and learning.

“(b) RESERVATION OF FUNDS.—

“(1) IN GENERAL.—A State that receives a grant under this subpart may reserve not more than 5 percent of the amount of the funds provided under the grant for—

“(A) one or more of the authorized State activities described in subsection (e); and

“(B) planning and administration related to carrying out such activities and making subgrants to local educational agencies under subparts 2 and 3.

“(2) LIMITATION ON ADMINISTRATIVE COSTS.—The amount reserved by a State under paragraph (1)(B) may not exceed 1 percent of the amount of the funds provided under the grant.

“(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—The Secretary may make a grant to a State under this subpart only if the State agrees to distribute the funds described in this subsection as subgrants to local educational agencies under subpart 3.

“(2) HOLD HARMLESS.—

“(A) IN GENERAL.—From the funds that a State receives under this subpart for any fiscal year that are not reserved under subsection (b), the State shall allot to each local educational agency an amount equal to the total amount that such agency received for fiscal year 2001 under—

“(i) section 2203(1)(B) of this Act (as in effect on the day before the date of the enactment of the No Child Left Behind Act of 2001); and

“(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

“(B) NONPARTICIPATING AGENCIES.—In the case of a local educational agency that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allotted to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if it had elected to participate in all of the programs for which it was eligible under each of the provisions referred to in such clauses.

“(C) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies are eligible to receive under such subparagraph for any fiscal year, the State shall ratably reduce such amounts for such fiscal year.

“(3) ALLOTMENT OF ADDITIONAL FUNDS.—

“(A) IN GENERAL.—For any fiscal year for which the funds that a State receives under this subpart that are not reserved under subsection (b) exceed the total amount required to make allotments under paragraph (2), the State shall distribute the amount described in subparagraph (B) through a formula under which—

“(i) 20 percent is allocated to local educational agencies in accordance with the relative enrollment in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

“(ii) 80 percent is allocated to local educational agencies in proportion to the number of children, aged 5 to 17, who reside within the geographic area served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in the geographic areas served by all the local educational agencies in the State for that fiscal year.

“(B) CALCULATION OF AMOUNT.—

“(i) IN GENERAL.—The amount described in this subparagraph for a State for any fiscal year is the base amount for such State and year, plus any additional amount for such State and year.

“(ii) BASE AMOUNT.—For purposes of this subparagraph, the term ‘base amount’ means 50 percent of the funds that remain to a State after a State makes the reservations described in subsection (b) and the allotments described in paragraph (2).

“(iii) ADDITIONAL AMOUNT.—For purposes of this subparagraph, the term ‘additional amount’ means the amount (if any) by which the base amount for a State exceeds the maximum amount described in subsection (d)(2)(B).

“(d) MATH AND SCIENCE PARTNERSHIPS.—

“(1) IN GENERAL.—The Secretary may make a grant to a State under this subpart only if the State agrees to distribute the amount described in paragraph (2) through a competitive subgrant process in accordance with subpart 2.

“(2) AMOUNT DESCRIBED.—

“(A) IN GENERAL.—The amount described in this paragraph for a State for any fiscal year is 50 percent of the funds that the State receives under this subpart for the year that remain after the State makes the reservations described in subsection (b) and the allotments described in subsection (c)(2).

“(B) LIMITATION.—In no case may the amount described in this paragraph exceed a maximum amount calculated by multiplying the total amount of the funds that a State receives under this subpart for a fiscal year that the State does not reserve under subsection (b) by a percentage, selected by the State, that shall be not less than 15 nor more than 20 percent.

“(e) AUTHORIZED STATE ACTIVITIES.—The authorized State activities referred to in subsection (b)(1)(A) are the following:

“(1) Reforming teacher certification, recertification, or licensure requirements to ensure that—

“(A) teachers have the necessary teaching skills and academic content knowledge in the subject areas in which they are assigned to teach;

“(B) teacher certification, recertification, or licensure requirements are aligned with the State's challenging State academic content standards; and

“(C) teachers have the knowledge and skills necessary to help students meet challenging State student achievement standards.

“(2) Carrying out programs that—

“(A) include support during the initial teaching or leadership experience, such as mentoring programs that—

“(i) provide—

“(I) mentoring to beginning teachers from veteran teachers with expertise in the same subject matter that the beginning teachers will be teaching; or

“(II) similar mentoring to principals or superintendents;

“(ii) provide mentors time for activities such as coaching, observing, and assisting the teachers or school leaders who are mentored; and

“(iii) use standards or assessments for guiding beginning teachers that are consistent with the State's student achievement standards and with the requirements for professional development activities under section 2033; and

“(B) establish, expand, or improve alternative routes to State certification of teachers, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers.

“(3) Developing and implementing effective mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified and effective teachers and principals.

“(4) Reforming tenure systems and implementing teacher testing and other procedures to expeditiously remove ineffective teachers from the classroom.

“(5) Developing enhanced performance systems to measure the effectiveness of specific professional development programs and strategies.

“(6) Providing technical assistance to local educational agencies consistent with this part.

“(7) Funding projects to promote reciprocity of teacher certification or licensure between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

“(8) Developing or assisting local educational agencies in the development and utilization of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

“(9) Providing assistance to local educational agencies for the development and implementation of innovative professional development programs that train teachers to use technology to

improve teaching and learning and are consistent with the requirements of section 2033.

''(10) Developing or assisting local educational agencies in developing merit-based performance systems, rigorous assessments for teachers, and strategies which provide differential and bonus pay for teachers in high-need subject areas such as reading, math, and science and in high-poverty schools and districts.

''(11) Providing assistance to local educational agencies for the development and implementation of professional development programs for principals that enable them to be effective school leaders and prepare all students to achieve challenging State content and student achievement standards, including the development and support of school leadership academies to help exceptionally talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

''(12) Developing, or assisting local educational agencies in developing, teacher advancement initiatives that promote professional growth and emphasize multiple career paths, such as career teacher, mentor teacher, and master teacher career paths, with pay differentiation.

''(f) Coordination.—States receiving grants under section 202 of the Higher Education Act of 1965 shall coordinate the use of such funds with activities carried out under this section.

“SEC. 2013. APPLICATIONS BY STATES.

''(a) In General.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) Contents.—Each application under this section shall include the following:

''(1) A description of how the State will ensure that a local educational agency receiving a subgrant under subpart 3 will comply with the requirements of such subpart.

''(2) A description of how the State will use funds under this part to meet the requirements of section 1119(a)(2).

''(3) A description of how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under title I, part A of title III, parts A and B of title V, and (where applicable) the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act. The application shall also describe the comprehensive strategy that the State will take as part of such coordination effort, to ensure that teachers are trained in the utilization of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in all curriculum and content areas, as appropriate.

''(4) A description of how the State will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

''(5) A description of how the State will ensure that local educational agencies will comply with the requirements under section 2033, especially with respect to ensuring the participation of teachers, principals, and parents.

''(c) Application Approval.—A State application submitted to the Secretary under this section shall be deemed approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this subpart. The Secretary shall not finally disapprove a State application except after giving the State notice and opportunity for a hearing.

“Subpart 2—Math and Science Partnerships

“SEC. 2021. PURPOSE.

''The purpose of this subpart is to improve the achievement of students in the areas of mathematics and science by encouraging States, institutions of higher education, and local educational agencies to participate in programs that—

''(1) focus on education and training of mathematics and science teachers that improves teachers' knowledge and skills and encourages intellectual growth;

''(2) improve mathematics and science teaching by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education through the establishment of a comprehensive, integrated system of recruiting, training, and advising such teachers; and

''(3) bring mathematics and science teachers in elementary and secondary schools together with scientists, mathematicians, and engineers to increase the subject matter knowledge of teachers and improve their teaching skills through the use of sophisticated laboratory equipment and work space, computing facilities, libraries, and other resources that institutions of higher education are better able to provide than the schools.

“SEC. 2022. APPLICATION REQUIREMENTS.

''(a) In General.—An eligible partnership seeking to receive a subgrant from a State under this subpart shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may require.

''(b) Partnership Application Contents.—Each such application shall include—

''(1) an assessment of the teacher quality and professional development of all the schools and agencies participating in the eligible partnership with respect to the teaching and learning of mathematics and science;

''(2) a description of how the activities to be carried out by the eligible partnership will be aligned with State academic content standards in mathematics and science and with other educational reform activities that promote student achievement in mathematics and science;

''(3) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student achievement and to strengthen the quality of mathematics and science instructions; and

''(4) a description of—

''(A) how the eligible partnership will carry out the activities described in section 2023(c); and

''(B) the eligible partnership's evaluation and accountability plan described in section 2024.

“SEC. 2023. MATH AND SCIENCE PARTNERSHIP SUBGRANTS.

''(a) In General.—From the amount described in section 2012(d), the State educational agency, working in conjunction with the State agency for higher education (if such agencies are separate), shall award subgrants on a competitive basis to eligible partnerships to enable such partnerships to carry out activities described in subsection (c).

''(b) Duration.—The State shall award subgrants under this subpart for a period of not less than 2 and not more than 5 years.

''(c) Authorized Activities.—A recipient of funds provided under this subpart may use the funds for the following activities related to elementary or secondary schools:

''(1) Establishing and operating mathematics and science summer professional development workshops or institutes for elementary and secondary school teachers that—

''(A) shall—

''(i) directly relate to the curriculum and content areas in which the teacher provides instruction, and focus only secondarily on pedagogy;

''(ii) enhance the ability of a teacher to understand and use the State's academic content standards for mathematics and science and to select appropriate curricula;

''(iii) train teachers to use curricula that are—

''(I) based on scientific research;

''(II) aligned with State academic content standards; and

''(III) object-centered, experiment-oriented, and concept- and content-based; and

''(iv) provide supplemental assistance and follow-up training during the school year for summer institute graduates; and

''(B) may include—

''(i) programs that provide prospective teachers and novice teachers opportunities to work under the guidance of experienced teachers and college faculty;

''(ii) instruction in the use of data and assessments to inform and instruct classroom practice; and

''(iii) professional development activities, including supplemental and follow-up activities, such as curriculum alignment, distance learning, and activities that train teachers to utilize technology in the classroom.

''(2) Recruiting to the teaching profession—

''(A) students studying mathematics, engineering, and science; or

''(B) mathematicians, engineers, and scientists currently working in the field.

''(3) Establishing and operating programs to bring teachers into contact with working scientists, mathematicians, and engineers, to expand teacher content knowledge of and research in science and mathematics.

''(d) Priority.—In awarding subgrants under this subpart, States shall give priority to applications seeking funding for the activity described in subsection (c)(1).

''(e) Coordination.—Partnerships receiving grants under section 203 of the Higher Education Act of 1965 (20 U.S.C. 1023) shall coordinate the use of such funds with any related activities carried out by such partnership with funds made available under this subpart.

“SEC. 2024. EVALUATION AND ACCOUNTABILITY PLAN.

''(a) In General.—Each eligible partnership receiving a subgrant under this subpart shall develop an evaluation and accountability plan for activities assisted under this subpart that includes rigorous performance objectives that measure the impact of activities funded under this subpart.

''(b) Contents.—The plan—

''(1) shall include measurable goals to increase the number of mathematics and science teachers who participate in content-based professional development activities; and

''(2) may include objectives and measures for—

''(A) improved student achievement on State mathematics and science assessments;

''(B) increased participation by students in advanced courses in mathematics and science;

''(C) increased percentages of elementary school teachers with academic majors or minors, or group majors or minors, in mathematics, engineering, or the sciences; and

''(D) increased percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science, respectively.

“SEC. 2025. REPORTS; REVOCATION OF SUBGRANTS.

''(a) Reports.—Each eligible partnership receiving a subgrant under this subpart annually shall report to the State regarding the eligible partnership's progress in meeting the performance objectives described in section 2024.

"(b) REVOCATION.—If the State determines that an eligible partnership that receives a subgrant under this subpart for 5 years is not making substantial progress in meeting the performance objectives described in section 2024 by the end of the third year of the subgrant, the subgrant payments shall not be made for the fourth and fifth years.

"SEC. 2026. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

"(A) shall include—

"(i) a State educational agency;

"(ii) a mathematics or science department of a private independent institution of higher education or a State-supported public institution of higher education; and

"(iii) a high need local educational agency; and

"(B) may include—

"(i) another institution of higher education or the teacher training department of such an institution;

"(ii) additional local educational agencies, public charter schools, public or private elementary or secondary schools, or a consortium of such schools;

"(iii) a business; or

"(iv) a nonprofit organization of demonstrated effectiveness, including a museum or research institution.

"(2) SUMMER PROFESSIONAL DEVELOPMENT WORKSHOP OR INSTITUTE.—The term 'summer professional development workshop or institute' means a workshop or institute that—

"(A) is conducted during a period of not less than 2 weeks;

"(B) includes as a component a program that provides direct interaction between students and faculty; and

"(C) provides for follow-up training during the academic year that is conducted in the classroom for a period of not less than 3 consecutive or nonconsecutive days, except that—

"(i) if the workshop or institute is conducted during a two-week period, the follow-up training shall be conducted for a period of at least 4 days; and

"(ii) if the follow-up training is for teachers in rural school districts, it may be conducted through distance learning.

"Subpart 3—Subgrants to Local Educational Agencies

"SEC. 2031. LOCAL USE OF FUNDS.

"(a) IN GENERAL.—Subject to subsection (b), each local educational agency that receives a subgrant under this subpart may use the subgrant to carry out the following activities:

"(1) Initiatives to assist in recruiting and hiring fully qualified teachers who will be assigned teaching positions within their field, including—

"(A) providing signing bonuses or other financial incentives, such as differential pay, for teachers to teach in academic subject areas in which there exists a shortage of such fully qualified teachers within a school or the local educational agency;

"(B) establishing programs that—

"(i) recruit professionals from other fields and provide such professionals with alternative routes to teacher certification; and

"(ii) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession; and

"(C) implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, coupled with a system of intensive screening designed to hire the most qualified applicant.

"(2) Initiatives to promote retention of highly qualified teachers and principals, particularly within elementary and secondary schools with a high percentage of low-achieving students, including programs that provide—

"(A) mentoring to newly hired teachers, such as from master teachers, or principals or superintendents;

"(B) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic success; or

"(C) incentives, including financial incentives, to principals who have a record of improving the performance of all students, but particularly students from economically disadvantaged families and students from racial and ethnic minority groups.

"(3) Programs and activities that are designed to improve the quality of the teacher force, such as—

"(A) innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that train teachers and principals to utilize technology to improve teaching and learning, are consistent with the requirements of section 2033, and are coordinated with part B of title V;

"(B) development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;

"(C) tenure reform;

"(D) merit pay;

"(E) testing of elementary and secondary school teachers in the subject areas taught by such teachers;

"(F) professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including those who are gifted and talented); and

"(G) professional development programs that provide instruction in methods of improving student behavior in the classroom and how to identify early and appropriate interventions to help children described in subparagraph (F) learn.

"(4) Teacher opportunity payments, consistent with section 2034.

"(5) Professional activities designed to improve the quality of principals and superintendents, including the development and support of academies to help exceptionally talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

"(6) Hiring fully qualified teachers, including teachers who become fully qualified through State and local alternative routes, and special education teachers, in order to reduce class size, particularly in the early grades.

"(7) Teacher advancement initiatives that promote professional growth and emphasize multiple career paths, such as career teacher, mentor teacher, and master teacher career paths, with pay differentiation.

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—For any fiscal year for which the amount described in section 2012(d)(2)(A) for a State is less than 15 percent of the total amount of the funds that the State receives under this subpart for the year that the State does not reserve under section 2012(b), each local educational agency that receives a subgrant under this subpart from the State shall use the funds to comply with paragraph (2).

"(2) REQUIREMENT.—A local educational agency required to comply with this paragraph shall use not less than the amount expended by the agency under section 2206(b) of this Act (as in effect on the day before the date of the enactment of the No Child Left Behind Act of 2001), for the fiscal year preceding the year in which such enactment occurs, to carry out professional development activities in mathematics and science.

"SEC. 2032. LOCAL APPLICATIONS.

"(a) IN GENERAL.—A local educational agency seeking to receive a subgrant from a State under this subpart shall submit an application to the State—

"(1) at such time as the State shall require; and

"(2) which is coordinated with other programs under this Act, or other Acts, as appropriate.

"(b) LOCAL APPLICATION CONTENTS.—The local application described in subsection (a), shall include, at a minimum, the following:

"(1) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that—

"(A) have the lowest proportion of fully qualified teachers;

"(B) have the largest average class size; or

"(C) are identified for school improvement under section 1116(b).

"(2) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs, including those authorized under title I, part A of title III, parts A and B of title V, and (where applicable) the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act.

"(3) A description of how the local educational agency will integrate funds under this subpart with funds received under part B of title V that are used for professional development to train teachers to utilize technology to improve teaching and learning.

"(4) A description of how the local educational agency has collaborated with teachers, principals, parents, and administrators in the preparation of the application.

"SEC. 2033. PROFESSIONAL DEVELOPMENT FOR TEACHERS.

"(a) REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT ACTIVITIES.—Professional development activities under this subpart shall—

"(1) meet the requirements of section 1119(a)(2);

"(2) support professional development activities that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student achievement standards;

"(3) support the recruiting, hiring, and training of fully qualified teachers, including teachers fully qualified through State and local alternative routes;

"(4) advance teacher understanding of effective instructional strategies based on scientifically based research for improving student achievement, at a minimum, in reading or language arts and mathematics;

"(5) be directly related to the curriculum and content areas in which the teacher provides instruction, except that this paragraph shall not apply to subparagraphs (F) and (G) of section 2031(3);

"(6) be designed to enhance the ability of a teacher to understand and use the State's standards for the subject area in which the teacher provides instruction;

"(7) be tied to scientifically based research demonstrating the effectiveness of such professional development activities or programs in increasing student achievement or substantially increasing the knowledge and teaching skills of teachers;

"(8) be of sufficient intensity and duration (not to include 1-day or short-term workshops

and conferences) to have a positive and lasting impact on the teacher's performance in the classroom;

"(9) be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this subpart;

"(10) be designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to such children, including the appropriate use of curriculum and assessments;

"(11) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curriculum and academic content areas in which the teachers provide instruction;

"(12) as a whole, be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development; and

"(13) provide instruction in methods of teaching children with special needs.

"(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Professional development activities under this subpart may include—

"(1) instruction in the use of data and assessments to inform and instruct classroom practice;

"(2) instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents;

"(3) the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

"(4) the creation of programs for paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under this part) to obtain the education necessary for such paraprofessionals to become licensed and certified teachers; and

"(5) activities that provide follow-up training to teachers who have participated in professional development activities which are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom.

"(c) ACCOUNTABILITY.—

"(1) IN GENERAL.—If, after any fiscal year, a State determines that the programs or activities funded by a local educational agency fail to meet the requirements of subsection (a), the State shall notify the agency that—

"(A) it may be subject to paragraph (2); and

"(B) technical assistance is available from the State to help the agency meet those requirements.

"(2) REQUIREMENT TO PROVIDE TEACHER OPPORTUNITY PAYMENTS.—A local educational agency that has been notified by a State for 2 consecutive years under paragraph (1) shall expend under section 2034 for the succeeding fiscal year a proportion of the amount the agency receives under this subpart that is equal to the proportion of the amount the agency received under this part for the preceding fiscal year that the agency used for professional development.

"SEC. 2034. TEACHER OPPORTUNITY PAYMENTS.

"(a) IN GENERAL.—A local educational agency receiving funds under this subpart may (or, in the case of a local educational agency described in section 2033(c)(2), shall) provide funds directly to a teacher or a group of teachers seeking opportunities to participate in a professional development activity of their choice that meets the requirements of section 2033(a) and is selected in consultation with the principal in order to coordinate such professional development with other reform efforts at the school.

"(b) NOTICE TO TEACHERS.—Local educational agencies distributing funds under this section shall establish and implement a timely process through which proper notice of availability of funds will be given to all teachers within schools identified by the agency and shall develop a process whereby teachers will have regular consultation with and be specifically recommended by principals to participate in such program by virtue of—

"(1) a teacher not being fully qualified to teach in the subject or subjects in which they teach; or

"(2) a teacher's need for additional assistance to ensure that the teacher's students make progress toward meeting challenging State academic content standards and student achievement standards.

"(c) SELECTION OF TEACHERS.—If adequate funding is not available to provide payments under this section to all teachers seeking such assistance or identified as needing such assistance pursuant to subsection (b), a local educational agency shall establish procedures for selecting teachers that give priority to teachers described in paragraph (1) or (2) of subsection (b).

"Subpart 4—Mid-Career Transitions to Teaching

"CHAPTER 1—TROOPS-TO-TEACHERS PROGRAM

"SEC. 2041. AUTHORIZATION OF TROOPS-TO-TEACHERS PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the 'Troops-to-Teachers Program')—

"(1) to assist eligible members and former members of the Armed Forces described in section 2042 to obtain certification or licensure as fully qualified elementary school teachers, secondary school teachers, or vocational or technical teachers; and

"(2) to facilitate the employment of such members in elementary schools or secondary schools or as vocational or technical teachers.

"(b) ADMINISTRATION OF PROGRAM.—The Secretary shall enter into a memorandum of agreement with the Secretary of Defense under which the Secretary of Defense, acting through the Defense Activity for Non-Traditional Education Support of the Department of Defense, will perform the actual administration of the Program, other than section 2045. Using funds appropriated to the Secretary to carry out this chapter, the Secretary shall transfer to the Secretary of Defense such amounts as may be necessary to administer the Program pursuant to the memorandum of agreement.

"(c) INFORMATION REGARDING PROGRAM.—The Secretary shall provide to the Secretary of Defense, for distribution as part of preseparation counseling provided under section 1142 of title 10, United States Code, to members of the Armed Forces described in section 2042, information regarding the Troops-to-Teachers Program and applications to participate in the program.

"(d) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—As part of the Troops-to-Teachers Program, the Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services regarding employment opportunities with local educational agencies to members of the Armed Forces who are discharged or released from active duty under other than adverse conditions. Unless the member is also selected to participate in the Program under section 2042, a member receiving placement assistance and referral services under the authority of this subsection is not eligible for financial assistance under section 2043.

"SEC. 2042. RECRUITMENT AND SELECTION OF PROGRAM PARTICIPANTS.

"(a) ELIGIBLE MEMBERS.—The following members and former members of the Armed Forces are eligible for selection to participate in the Troops-to-Teachers Program:

"(1) Any member who—

"(A) on or after October 1, 1999, becomes entitled to retired or retainer pay in the manner provided in title 10 or title 14, United States Code; or

"(B) on or after the date of the enactment of the No Child Left Behind Act of 2001, has an approved date of voluntary retirement and, as of the date the member submits an application to participate in the Program, has one year or less of active duty remaining before retirement.

"(2) Any member who, on or after the date of the enactment of the No Child Left Behind Act of 2001—

"(A) is separated or released from active duty after six or more years of continuous active duty immediately before the separation or release; and

"(B) executes a reserve commitment agreement for a period of three years under subsection (e)(2).

"(3) Any member who, on or after the date of the enactment of the No Child Left Behind Act of 2001, is retired or separated for physical disability under chapter 61 of title 10, United States Code.

"(4) Any member who—

"(A) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after six or more years of continuous active duty immediately before the discharge or release; or

"(B) applied for the teacher placement program administered under section 1151 of title 10, United States Code, before its repeal, and who satisfied the eligibility criteria specified in subsection (c) of such section 1151.

"(b) SUBMISSION OF APPLICATIONS.—

"(1) FORM AND SUBMISSION.—Selection of eligible members and former members of the Armed Forces to participate in the Troops-to-Teachers Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in paragraph (2). An application shall be in such form and contain such information as the Secretary may require.

"(2) TIME FOR SUBMISSION.—An application shall be considered to be submitted on a timely basis under paragraph (1) if—

"(A) in the case of a member or former member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a), the application is submitted not later than four years after the date on which the member is retired or separated or released from active duty, whichever applies to the member; or

"(B) in the case of a member or former member described in subsection (a)(4), the application is submitted not later than September 30, 2003.

"(c) SELECTION CRITERIA.—

"(1) ESTABLISHMENT.—Subject to paragraphs (2) and (3), the Secretary shall prescribe the criteria to be used to select eligible members and former members of the Armed Forces to participate in the Troops-to-Teachers Program.

"(2) EDUCATIONAL BACKGROUND.—If a member or former member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as an elementary or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education. If such a member is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—

"(A) to have received the equivalent of one year of college from an accredited institution of *higher education and have six or more years of military experience in a vocational or technical field; or*

''(B) to otherwise meet the certification or licensure requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

''(3) HONORABLE SERVICE.—A member or former member of the Armed Forces is eligible to participate in the Troops-to-Teachers Program only if the member's last period of service in the Armed Forces was characterized as honorable. If the member is selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty, the member may continue to participate in the Program only if, upon the retirement or separation or release from active duty, the member's last period of service is characterized as honorable.

''(d) SELECTION PRIORITIES.—In selecting eligible members and former members of the Armed Forces to receive assistance for placement as elementary or secondary school teachers or vocational or technical teachers, the Secretary shall give priority to members who have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary or secondary schools or in other schools under the jurisdiction of a local educational agency.

''(e) OTHER CONDITIONS ON SELECTION.—

''(1) SELECTION SUBJECT TO FUNDING.—The Secretary may not select an eligible member or former member of the Armed Forces to participate in the Troops-to-Teachers Program under this section and receive financial assistance under section 2043 unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under section 2043 with respect to the member.

''(2) RESERVE COMMITMENT AGREEMENT.—The Secretary may not select an eligible member or former member of the Armed Forces described in subsection (a)(2)(A) to participate in the Troops-to-Teachers Program under this section and receive financial assistance under section 2043 unless—

''(A) the Secretary notifies the Secretary concerned and the member that the Secretary has reserved a full stipend or bonus under section 2043 for the member; and

''(B) the member executes a written agreement with the Secretary concerned to serve as a member of the Selected Reserve of a reserve component of the Armed Forces for a period of three years (in addition to any other reserve commitment the member may have).

"SEC. 2043. PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.

''(a) PARTICIPATION AGREEMENT.—An eligible member or former member of the Armed Forces selected to participate in the Troops-to-Teachers Program under section 2042 and receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

''(1) to obtain, within such time as the Secretary may require, certification or licensure as a fully qualified elementary school teacher, secondary school teacher, or vocational or technical teacher; and

''(2) to accept an offer of full-time employment as a fully qualified elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years with a local educational agency or public charter school, to begin the school year after obtaining that certification or licensure.

''(b) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Troops-to-Teachers Program shall not be considered to be in violation of the participation agreement entered into under subsection (a) during any period in which the participant—

''(1) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

''(2) is serving on active duty as a member of the Armed Forces;

''(3) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

''(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

''(5) is seeking and unable to find full-time employment as a fully qualified teacher in an elementary or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

''(6) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

''(c) STIPEND FOR PARTICIPANTS.—

''(1) STIPEND AUTHORIZED.—Subject to paragraph (2), the Secretary may pay to a participant in the Troops-to-Teachers Program selected under section 2042 a stipend in an amount up to $5,000.

''(2) LIMITATION.—The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.

''(d) BONUS FOR PARTICIPANTS.—

''(1) BONUS AUTHORIZED.—Subject to paragraph (2), the Secretary may, in lieu of paying a stipend under subsection (c), pay a bonus of $10,000 to a participant in the Troops-to-Teachers Program selected under section 2042 who agrees in the participation agreement under subsection (a) to accept full-time employment as a fully qualified elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three years in a high need school.

''(2) LIMITATION.—The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 1,000.

''(3) HIGH NEED SCHOOL DEFINED.—For purposes of this subsection, the term 'high need school' means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

''(A) At least 50 percent of the students enrolled in the school were children counted under subsection (c) of section 1124 for purposes of making grants under such section to local educational agencies, when such counting was most recently performed.

''(B) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(C) The school meets any other criteria established by the Secretary in consultation with the National Assessment Governing Board.

''(e) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this section to a participant in the Troops-to-Teachers Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

''(1) REIMBURSEMENT REQUIRED.—A participant in the Troops-to-Teachers Program who is paid a stipend or bonus under this section shall be required to repay the stipend or bonus under the following circumstances:

''(A) The participant fails to obtain teacher certification or licensure or employment as a fully qualified elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (a).

''(B) The participant voluntarily leaves, or is terminated for cause, from employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the three years of required service in violation of the participation agreement.

''(C) The participant executed a written agreement with the Secretary concerned under section 2042(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of three years and fails to complete the required term of service.

''(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under this section shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

''(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11, United States Code, shall not release a participant from the obligation to reimburse the Secretary.

''(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

''(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Troops-to-Teachers Program of a stipend or bonus under this section shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38, United States Code, or chapter 1606 of title 10, United States Code.

"SEC. 2044. PARTICIPATION BY STATES.

''(a) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Troops-to-Teachers Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

''(b) ASSISTANCE TO STATES.—

''(1) GRANTS AUTHORIZED.—Subject to paragraph (2), the Secretary may make grants to States participating in the Troops-to-Teachers Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members and former members of the Armed Forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

''(2) LIMITATION.—The total amount of grants under paragraph (1) in any fiscal year may not exceed $4,000,000.

"SEC. 2045. SUPPORT OF INNOVATIVE PRE-RETIREMENT TEACHER CERTIFICATION PROGRAMS.

''(a) DEVELOPMENT, IMPLEMENTATION AND DEMONSTRATION.—The Secretary may enter into a memorandum of agreement with a State, an institution of higher education, or a consortia of States or institutions of higher education, to develop, implement, and demonstrate teacher certification programs for members of the Armed

Forces described in section 2042(a)(1)(B) for the purpose of assisting such members to consider and prepare for a career as a fully qualified elementary school teacher, secondary school teacher, or vocational or technical teacher upon their retirement from the Armed Forces.

“(b) Program Elements.—A teacher certification program under subsection (a) must—

“(1) provide recognition of military experience and training as related to licensure or certification requirements;

“(2) provide courses of instruction that may be conducted on or near a military installation;

“(3) incorporate alternative approaches to achieve teacher certification, such as innovative methods to gaining field-based teaching experiences, and assessment of background and experience as related to skills, knowledge, and abilities required of elementary school teachers, secondary school teachers, or vocational or technical teachers;

“(4) provide for courses to also be delivered via distance education methods; and

“(5) address any additional requirements or specifications as established by the Secretary.

“(c) Application Procedures.—A State or institution of higher education (or a consortia of States or institutions of higher education) that has a program leading to State approved teacher certification programs may submit a proposal to the Secretary for consideration under subsection (a). The Secretary shall give preference to proposals that provide for a sharing of the costs to carry out the teacher certification program.

“(d) Continuation of Programs.—The purpose of this section is to provide funding to develop, implement, and demonstrate teacher certification programs under subsection (a). Upon successful completion of the demonstration phase, the continued operation of the teacher certification programs shall not be the responsibility of the Secretary.

“(e) Funding Limitation.—The total amount obligated by the Secretary under this section in any fiscal year may not exceed $5,000,000.

“SEC. 2046. REPORTING REQUIREMENTS.

“(a) Report Required.—Not later than March 31 of each year, the Secretary (in consultation with the Secretary of Defense and the Secretary of Transportation) and the Comptroller General shall each submit to Congress a report on the effectiveness of the Troops-to-Teachers Program in the recruitment and retention of qualified personnel by local educational agencies and public charter schools.

“(b) Elements of Report.—The report under subsection (a) shall include information on the following:

“(1) The number of participants in the Troops-to-Teachers Program.

“(2) The schools in which the participants are employed.

“(3) The grade levels at which the participants teach.

“(4) The subject matters taught by the participants.

“(5) The rates of retention of the participants by the local educational agencies and public charter schools employing the participants.

“(6) Such other matters as the Secretary or the Comptroller General, as the case may be, considers appropriate.

“(c) Recommendations.—The report of the Comptroller General under this section shall also include any recommendations of the Comptroller General regarding any means of improving the Troops-to-Teachers Program, including means of enhancing the recruitment and retention of participants in the Program.

“SEC. 2047. DEFINITIONS.

“For purposes of this chapter:

“(1) Armed forces.—The term ‘Armed Forces’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

“(2) Program.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this subpart.

“(3) Reserve component.—The term ‘reserve component’ means—

“(A) the Army National Guard of the United States;

“(B) the Army Reserve;

“(C) the Naval Reserve;

“(D) the Marine Corps Reserve;

“(E) the Air National Guard of the United States;

“(F) the Air Force Reserve; and

“(G) the Coast Guard Reserve.

“(4) Secretary concerned.—The term ‘Secretary concerned’ means—

“(A) the Secretary of the Army, with respect to matters concerning a reserve component of the Army;

“(B) the Secretary of the Navy, with respect to matters concerning a reserve component of the Navy;

“(C) the Secretary of the Air Force, with respect to matters concerning a reserve component of the Air Force; and

“(D) the Secretary of Transportation, with respect to matters concerning the Coast Guard Reserve.

“CHAPTER 2—TRANSITION TO TEACHING

“SEC. 2048. PROFESSIONALS SEEKING TO CHANGE CAREERS.

“(a) Purpose.—The purpose of this section is to address the need of high-need local educational agencies for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those agencies, following the model of the program under chapter 1, by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

“(b) Program Authorized.—The Secretary may award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this section.

“(c) Application.—Each applicant that desires an award under subsection (b) shall submit an application to the Secretary containing such information as the Secretary requires, including—

“(1) a description of the target group of career-changing professionals upon which the applicant will focus its recruitment efforts in carrying out its program under this section, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this section;

“(2) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

“(3) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, support, and provide teacher induction programs to program participants under this section, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

“(4) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

“(A) the program's goals and objectives;

“(B) the performance indicators the applicant will use to measure the program's progress; and

“(C) the outcome measures that will be used to determine the program's effectiveness; and

“(5) such other information and assurances as the Secretary may require.

“(d) Uses of Funds and Period of Service.—

“(1) Authorized activities.—Funds under this section may be used for—

“(A) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

“(B) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

“(C) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

“(D) placement activities, including identifying high-need local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

“(E) post-placement induction or support activities for program participants.

“(2) Period of service.—A program participant in a program under this section who completes his or her training shall serve in a high-need local educational agency for at least 3 years.

“(3) Repayment.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under paragraph (1)(B), but fail to complete their service obligation under paragraph (2), repay all or a portion of such stipend or other incentive.

“(e) Equitable Distribution.—To the extent practicable, the Secretary shall make awards under this section that support programs in different geographic regions of the United States.

“(f) Definition.—As used in this section, the term ‘program participants’ means career-changing professionals who—

“(1) hold at least a baccalaureate degree;

“(2) demonstrate interest in, and commitment to, becoming a teacher; and

“(3) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

“Subpart 5—Funding

“SEC. 2051. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) In General.—For the purpose of carrying out this part, other than subpart 4, there are authorized to be appropriated $3,600,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

“(b) Subpart 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

“Subpart 6—General Provisions

“SEC. 2061. DEFINITIONS.

“For purposes of this part—

“(1) Arts and sciences.—The term ‘arts and sciences’ means—

“(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

“(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

“(2) Beginning teacher.—The term ‘beginning teacher’ means an educator in a public school who has not yet been teaching 3 full school years.

"(3) MENTORING PROGRAM.—The term 'mentoring program' means to provide professional support and development, instruction, and guidance to beginning teachers, but does not include a teacher or individual who begins to work in a supervisory position.

"(4) PUBLICLY REPORT.—The term 'publicly report', when used with respect to the dissemination of information, means that the information is made widely available to the public, including parents and students, through such means as the Internet and major print and broadcast media outlets.".

SEC. 202. NATIONAL WRITING PROJECT.

(a) TRANSFER AND REDESIGNATION.—Part K of title X (20 U.S.C. 8331 et seq.) is transferred and redesignated as part B of title II. Sections 10991 and 10992 are redesignated as sections 2101 and 2102, respectively.

(b) EVALUATION.—Section 2102(g) (as so redesignated) is amended—

(1) in paragraph (1), by striking "14701." and inserting "8651."; and

(2) in paragraph (2), by striking "1994" and inserting "2002".

(c) REAUTHORIZATION.—Section 2102(i) (as so redesignated) is amended by striking "$4,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years," and inserting "such sums as may be necessary for fiscal year 2002 and the four succeeding fiscal years,".

(d) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this Act, any person or agency that was awarded a grant or contract under part K of title X (20 U.S.C. 8331 et seq.) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

SEC. 203. CIVIC EDUCATION; TEACHER LIABILITY PROTECTION.

(a) IN GENERAL.—Title II, as amended by sections 201 and 202, is further amended by adding at the end the following:

"PART C—CIVIC EDUCATION

"SEC. 2201. SHORT TITLE.

"This part may be cited as the 'Education for Democracy Act'.

"SEC. 2202. FINDINGS.

"The Congress finds that—

"(1) college freshmen surveyed in 1999 by the Higher Education Research Institute at the University of California at Los Angeles demonstrated higher levels of disengagement, both academically and politically, than any previous entering class of students;

"(2) college freshmen in 1999 demonstrated the lowest levels of political interest in the 20-year history of surveys conducted by the Higher Education Research Institute at the University of California at Los Angeles;

"(3) United States secondary school students expressed relatively low levels of interest in politics and economics in a 1999 Harris survey;

"(4) the 32d Annual Phi Delta Kappa/Gallup Poll of 2000 indicated that preparing students to become responsible citizens was the most important purpose of public schools;

"(5) Americans surveyed by the Organization of Economic Cooperation and Development indicated that only 59 percent had confidence that schools have a major effect on the development of good citizenship;

"(6) teachers too often do not have sufficient expertise in the subjects that they teach, and 50 percent of all secondary school history students in America are being taught by teachers with neither a major nor a minor in history;

"(7) secondary school students correctly answered fewer than 50 percent of the questions on a national test of economic knowledge in a 1999 Harris survey;

"(8) the 1998 National Assessment of Educational Progress indicated that students have only superficial knowledge of, and lacked a depth of understanding regarding, civics;

"(9) civics and economic education are important not only to developing citizenship competencies in the United States but also are critical to supporting political stability and economic health in other democracies, particularly emerging democratic market economies;

"(10) more than 75 percent of Americans surveyed by the National Constitution Center in 1997 admitted that they knew only some or very little about the Constitution of the United States; and

"(11) the Constitution of the United States is too often viewed within the context of history and not as a living document that shapes current events.

"SEC. 2203. PURPOSE.

"It is the purpose of this part—

"(1) to improve the quality of civics and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights;

"(2) to foster civic competence and responsibility; and

"(3) to improve the quality of civic education and economic education through cooperative civic education and economic education exchange programs with emerging democracies.

"SEC. 2204. AUTHORITY.

"The Secretary may make grants to, or enter into contracts with—

"(1) the Center for Civic Education to carry out civic education activities in accordance with sections 2205 and 2206; and

"(2) the National Council on Economic Education to carry out economic education activities in accordance with section 2206.

"SEC. 2205. WE THE PEOPLE PROGRAM.

"(a) USE OF FUNDS.—The Center for Civic Education may use funds made available under grants or contracts under section 2204(1) only to carry out activities—

"(1) under the Citizen and the Constitution program in accordance with subsection (b); and

"(2) under the Project Citizen program in accordance with subsection (c).

"(b) CITIZEN AND THE CONSTITUTION PROGRAM.—

"(1) EDUCATIONAL ACTIVITIES.—The Center for Civic Education—

"(A) shall use funds made available under grants or contracts under section 2204(1)—

"(i) to continue and expand the educational activities of the program entitled the 'We the People ... The Citizen and the Constitution' administered by the Center for Civic Education;

"(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;

"(iii) to provide a course of instruction on the basic principles of the Nation's constitutional democracy and the history of the Constitution of the United States, including the Bill of Rights;

"(iv) to provide, at the request of a participating school, school and community simulated congressional hearings following the course of instruction described in clause (iii); and

"(v) to provide an annual national competition of simulated congressional hearings for secondary school students who wish to participate in such a program; and

"(B) may use assistance made available under section 2204(1)—

"(i) to provide advanced sustained and ongoing training of teachers about the Constitution of the United States and the political system of the United States;

"(ii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

"(iii) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

"(2) AVAILABILITY OF PROGRAM.—As a condition of receipt of funds under grants or contracts under section 2204(1), the Secretary shall require the Center for Civic Education to make the education program authorized under this subsection available to public and private elementary schools and secondary schools, including Bureau-funded schools, in each of the 435 congressional districts, and in the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(c) PROJECT CITIZEN.—

"(1) EDUCATIONAL ACTIVITIES.—The Center for Civic Education—

"(A) shall use funds made available under grants or contracts under section 2204(1)—

"(i) to continue and expand the educational activities of the program entitled the 'We the People ... Project Citizen' program administered by the Center;

"(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;

"(iii) to provide a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution of the United States; and

"(iv) to provide an annual national showcase or competition; and

"(B) may use funds made available under grants or contracts under section 2204(1)—

"(i) to provide optional school and community simulated State legislative hearings;

"(ii) to provide advanced sustained and ongoing training of teachers on the roles of State and local governments in the Federal system established by the Constitution of the United States;

"(iii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

"(iv) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

"(2) AVAILABILITY OF PROGRAM.—As a condition of receipt of funds under grants or contracts under section 2204(1), the Secretary shall require the Center for Civic Education to make the education program authorized under this subsection available to public and private middle schools, including Bureau-funded schools, in each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(d) BUREAU-FUNDED SCHOOL DEFINED.—In this section, the term 'Bureau-funded school' has the meaning given such term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

"SEC. 2206. COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.

"(a) USE OF FUNDS.—The Center for Civic Education and the National Council on Economic Education may use funds made available under grants or contracts under section 2204(2) only to carry out cooperative education exchange programs that—

"(1) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education, and economics education, developed in the United States;

"(2) assist eligible countries in the adaptation, implementation, and institutionalization of programs described in paragraph (1);

"(3) create and implement programs for civics and government education, and economic education, for students that draw upon the experiences of the participating eligible countries;

"(4) provide means for the exchange of ideas and experiences in civics and government education, and economic education, among political, educational, governmental, and private sector leaders of participating eligible countries; and

"(5) provide support for—

"(A) independent research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

"(B) effective participation in and the preservation and improvement of an efficient market economy.

"(b) ACTIVITIES.—In carrying out the cooperative education exchange programs assisted under this section, the Center for Civic Education and the National Council on Economic Education shall—

"(1) provide to the participants from eligible countries—

"(A) seminars on the basic principles of United States constitutional democracy and economic system, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

"(B) visits to school systems, institutions of higher education, and nonprofit organizations conducting exemplary programs in civics and government education, and economic education, in the United States;

"(C) translations and adaptations with respect to United States civics and government education, and economic education, curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas; and

"(D) independent research and evaluation assistance—

"(i) to determine the effects of the cooperative education exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

"(ii) to identify effective participation in and the preservation and improvement of an efficient market economy;

"(2) provide to the participants from the United States—

"(A) seminars on the histories, economies, and systems of government of eligible countries;

"(B) visits to school systems, institutions of higher education, and organizations conducting exemplary programs in civics and government education, and economic education, located in eligible countries;

"(C) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government, and economy of such countries that are useful in United States classrooms;

"(D) opportunities to provide onsite demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

"(E) independent research and evaluation assistance to determine—

"(i) the effects of the cooperative education exchange programs assisted under this section on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

"(ii) effective participation in and improvement of an efficient market economy; and

"(3) assist participants from eligible countries and the United States to participate in international conferences on civics and government education, and economic education, for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

"(c) PARTICIPANTS.—The primary participants in the cooperative education exchange programs assisted under this section shall be educational leaders in the areas of civics and government education, and economic education, including teachers, curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, and government and private sector leaders from the United States and eligible countries.

"(d) CONSULTATION.—The Secretary may make a grant, or enter into a contract, under section 2204(2) only if the Secretary of State concurs with the Secretary that such grant, or contract, is consistent with the foreign policy of the United States.

"(e) AVOIDANCE OF DUPLICATION.—With the concurrence of the Secretary of State, the Secretary shall ensure that—

"(1) the activities carried out under the programs assisted under this section are not duplicative of other activities conducted in eligible countries; and

"(2) any institutions in eligible countries, with which the Center for Civic Education or the National Council on Economic Education may work in conducting such activities, are creditable.

"(f) ELIGIBLE COUNTRY DEFINED.—In this section, the term 'eligible country' means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, the independent states of the former Soviet Union as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801), the Republic of Ireland, the province of Northern Ireland in the United Kingdom, and any developing country (as such term is defined in section 209(d) of the Education for the Deaf Act) if the Secretary, with the concurrence of the Secretary of State, determines that such developing country has a democratic form of government.

"SEC. 2207. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) WE THE PEOPLE PROGRAM.—There are authorized to be appropriated to carry out sections 2204(1) and 2205 such sums as may be necessary for each of fiscal years 2002 through 2006.

"(2) COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.—There are authorized to be appropriated to carry out sections 2204(2) and 2206 such sums as may be necessary for each of fiscal years 2002 through 2006.

"(b) LIMITATION.—In each fiscal year, the Secretary may use not more than 50 percent of the amount appropriated under subsection (a)(2) for assistance for economic educational activities.

"PART D—TEACHER LIABILITY PROTECTION

"SEC. 2301. TEACHER IMMUNITY.

"(a) IMMUNITY.—Notwithstanding any other provision of law, no school board member of, or teacher or administrator in, a local educational agency that receives funds under this Act shall be liable for monetary damages in his or her personal capacity for an action that was taken in carrying out his or her official duties and intended to maintain school discipline, so long as that action was not prohibited under State or local law and did not constitute reckless or criminal misconduct.

"(b) LIMITATION.—The immunity established under subsection (a) shall apply only to liability arising under Federal law.".

(b) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this Act, any person or agency that was awarded a grant under part F of title X (20 U.S.C. 8141 et seq.) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

TITLE III—EDUCATION OF LIMITED ENGLISH PROFICIENT AND IMMIGRANT CHILDREN; INDIAN AND ALASKA NATIVE EDUCATION

PART A—EDUCATION OF LIMITED ENGLISH PROFICIENT AND IMMIGRANT CHILDREN

SEC. 301. PROGRAMS AUTHORIZED.

(a) TITLE HEADING.—The heading for title III is amended to read as follows:

"TITLE III—EDUCATION OF LIMITED ENGLISH PROFICIENT AND IMMIGRANT CHILDREN; INDIAN AND ALASKA NATIVE EDUCATION".

(b) SHORT TITLE.—Section 3101 (20 U.S.C. 6801) is repealed.

(c) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.—

(1) IN GENERAL.—Section 3601 (20 U.S.C. 7001)—

(A) is transferred to part B of title V (as amended by section 501) and inserted after section 5204 (as so amended);

(B) is redesignated as section 5205; and

(C) is amended by striking "this title" each place such term appears and inserting "this part".

(2) PART HEADING REPEAL.—The part heading for part F of title III is repealed.

(d) LIMITED ENGLISH PROFICIENT AND IMMIGRANT CHILDREN.—Parts A through E of title III (20 U.S.C. 6811 et seq.) are amended to read as follows:

"PART A—EDUCATION OF LIMITED ENGLISH PROFICIENT AND IMMIGRANT CHILDREN

"Subpart 1—English Language and Academic Instructional Programs

"SEC. 3101. SHORT TITLE.

"This subpart may be cited as the 'English Language Proficiency and Academic Achievement Act'.

"SEC. 3102. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds as follows:

"(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential.

"(2) Limited English proficient children, including recent immigrant children, must overcome a number of challenges in receiving an education in order to participate fully in American society, including—

"(A) segregated educational programs;

"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

"(C) the limited English proficiency of their parents, which hinders the parents' ability to fully participate in the education of their children; and

"(D) a need for additional teachers and other staff who are professionally trained and qualified to serve such children.

"(3) States and local educational agencies need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to children who need special assistance because English is not their dominant language.

"(4) Since 1979, the number of limited English proficient children attending school in the United States has more than doubled to greater than 4,000,000, and demographic trends indicate the population of limited English proficient children will continue to increase.

"(5) Native Americans, including native residents of the outlying areas, and Native American languages (as such terms are defined in section 103 of the Native American Languages Act) have a unique status under Federal law that requires special policies within the broad purposes of this part to serve the educational needs of language minority students in the United States.

"(6) Research, evaluation, and data collection capabilities in the field of instruction for limited English proficient children need to be strengthened so that educators and other staff teaching limited English proficient children in the classroom can better identify and promote programs, program implementation strategies, and instructional practices that result in the effective education of limited English proficient children.

"(7) The Federal Government has a special and continuing obligation to ensure that States and local educational agencies provide children of limited English proficiency the same educational opportunities afforded other children.

"(b) PURPOSES.—The purposes of this part are—

"(1) to help ensure that children who are limited English proficient, including recent immigrant children, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content standards and challenging State student academic achievement standards expected of all children;

"(2) to develop high-quality programs designed to assist local educational agencies in teaching limited English proficient children;

"(3) to assist local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare limited English proficient students, including recent immigrant students, to enter all-English instructional settings within 3 years; and

"(4) to provide State educational agencies and local educational agencies with the flexibility to implement instructional programs, tied to scientifically based reading research and sound research and theory on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.

"SEC. 3103. PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.

"(a) NOTIFICATION.—If a local educational agency uses funds under this subpart to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this subpart of—

"(1) the reasons for the identification of the child as being in need of English language instruction;

"(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

"(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

"(4) what the specific exit requirements are for the program;

"(5) the expected rate of transition from the program into a classroom that is not tailored for limited English proficient children; and

"(6) the expected rate of graduation from high school for the program if funds under this subpart are used for children in secondary schools.

"(b) CONSENT.—

"(1) AGENCY REQUIREMENTS.—

"(A) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this subpart shall make a reasonable and substantial effort to obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this subpart, if the program does not include classes which exclusively or almost exclusively use the English language in instruction.

"(B) WRITTEN CONSENT NOT OBTAINED.—

"(i) IN GENERAL.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was sought, including the specific efforts made to obtain such consent.

"(ii) PROOF OF EFFORT.—Notice, in an understandable form, of specific efforts made to obtain written consent and a copy of the written record described in clause (i) shall be mailed or delivered in writing to a parent or the parents of a child prior to placing the child in a program described in subparagraph (A), and shall include a final request for parental consent for such services. After such notice has been mailed or delivered in writing, the local educational agency shall provide appropriate educational services.

"(iii) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—For those children who have not been identified as limited English proficient prior to the beginning of the school year, the local educational agency shall make a reasonable and substantial effort to obtain parental consent under this clause. For such children, the agency shall document, in writing, its specific efforts to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to a parent or the parents of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. Nothing in this clause shall be construed as exempting a local educational agency from complying with the notification requirements of subsection (a) and the consent requirements of this paragraph.

"(2) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this subpart—

"(A) shall select among methods of instruction, if more than one method is offered in the program; and

"(B) shall have the right to have their child immediately removed from the program upon their request.

"(c) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this subpart shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

"(1) timely information about English language instruction programs for limited English proficient children assisted under this part;

"(2) if a parent or the parents of a participating child so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from the parent or parents; and

"(3) procedural information for removing a child from a program for limited English proficient children.

"(d) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

"SEC. 3104. TESTING OF LIMITED ENGLISH PROFICIENT CHILDREN.

"(a) IN GENERAL.—Assessments of limited English proficient children participating in programs funded under this subpart, to the extent practicable, shall be in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas.

"(b) SPECIAL RULE.—Notwithstanding subsection (a), in the case of an assessment of reading or language arts of any student who has attended school in the United States (excluding Puerto Rico) for 3 or more consecutive school years, the assessment shall be in the form of a test written in English, except that, if the entity administering the assessment determines, on a case-by-case individual basis, that assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the entity may assess such student in such language or form for 1 additional year.

"SEC. 3105. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—In the case of each State that in accordance with section 3107 submits to the Secretary an application for a fiscal year, the Secretary shall make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under subsection (c).

"(b) PURPOSES OF GRANTS.—

"(1) REQUIRED EXPENDITURES.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 95 percent of its allotment under subsection (c) for the purpose of making subgrants to eligible entities to provide assistance to limited English proficient children in accordance with sections 3108 and 3109.

"(2) AUTHORIZED EXPENDITURES.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 5 percent of its allotment under subsection (c) for one or more of the following purposes:

"(A) Carrying out—

"(i) professional development activities, and other activities, that assist personnel in meeting State and local certification requirements for teaching limited English proficient children; and

"(ii) other activities that provide such personnel with the skills and knowledge necessary to educate limited English proficient children.

"(B) Providing scholarships and fellowships to students who agree to teach limited English proficient children once they graduate.

"(C) Planning, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

"(D) Providing technical assistance and other forms of assistance to local educational agencies that—

"(i) educate limited English proficient children; and

"(ii) are not receiving a subgrant from a State under this subpart.

"(E) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children enrolled in the subgrantee's programs and activities attain English language proficiency and meet challenging State academic content standards and challenging State student academic achievement standards.

"(3) LIMITATION ON ADMINISTRATIVE COSTS.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of its allotment under subsection (c) for the purposes described in paragraph (2)(C).

"(c) DETERMINATION OF ALLOTMENT AMOUNTS.—

"(1) RESERVATIONS.—From the amount appropriated under section 3110 to carry out this subpart for each fiscal year, the Secretary shall reserve—

"(A) .5 percent of such amount for payments to entities that are considered to be local educational agencies under section 3106(a) for activities approved by the Secretary;

"(B) .5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart, as determined by the Secretary, for activities, approved by the Secretary, consistent with this part; and

"(C) ½ of 1 percent of such amount for evaluation of the programs under this part and for dissemination of best practices.

"(2) CONTINUATION AWARDS.—Before making awards to States under paragraph (3) for any fiscal year, the Secretary shall make continuation awards to recipients of grants under subpart 1 of part A of the Bilingual Education Act, as that Act was in effect on the day before the effective date of the No Child Left Behind Act of 2001, in order to allow such recipients to continue to receive funds in accordance with the terms of their grant until the date on which the grant period otherwise would have terminated if the No Child Left Behind Act of 2001 had not been enacted.

"(3) STATE ALLOTMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 3110 to carry out this subpart for each fiscal year that remains after carrying out paragraphs (1) and (2), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount which bears the same ratio to such amount as the total number of children and youth who are limited English proficient and who reside in such State bears to the total number of such children and youth residing in all such States that, in accordance with section 3107, submit to the Secretary an application for the year.

"(B) REALLOTMENT.—

"(i) IN GENERAL.—If any State described in subparagraph (A) does not submit to the Secretary an application for a fiscal year, or submits an application (or any modification to an application) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this subpart, the Secretary—

"(I) shall endeavor to make the State's allotment available on a competitive basis to specially qualified agencies within the State that satisfy the requirements applicable to eligible entities under section 3108 and any additional requirements that may be imposed by the Secretary; and

"(II) shall reallot any portion of such allotment remaining after the application of subclause (I) to the remaining States in accordance with subparagraph (A).

"(ii) REQUIREMENTS ON SPECIALLY QUALIFIED AGENCIES.—If a specially qualified agency receives funds under this subparagraph, the requirements of subsection (b) shall not apply to the agency. In lieu of those requirements, the specially qualified agency shall expend the funds for the authorized activities described in section 3108(b) and otherwise shall satisfy the requirements of section 3108.

"(C) SPECIAL RULE FOR PUERTO RICO.—The total amount allotted to Puerto Rico for any fiscal year under subparagraph (A) shall not exceed .5 percent of the total amount allotted to all States for that fiscal year.

"(4) USE OF DATA FOR DETERMINATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for the purpose of determining the number of children and youth who are limited English proficient and reside in a State and in all States for each fiscal year, the Secretary shall use the most recent satisfactory data available from the Bureau of the Census and the American Community Survey available from the Department of Commerce.

"(B) EXCEPTION.—If the data described in subparagraph (A) are more than 4 years old or unavailable, the Secretary shall use the most recent satisfactory data provided by the States, such as enrollment data and data that reflect the number of students taking the English proficiency assessments in the States.

"(5) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State's allotment based on the State's selection of any method of instruction as its preferred method of teaching the English language to children who are limited English proficient.

"SEC. 3106. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, the following shall be considered to be a local educational agency:

"(1) An Indian tribe.

"(2) A tribally sanctioned educational authority.

"(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

"(4) An elementary, or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

"(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

"(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

"(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this part, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a subgrant under this subpart on the same basis as any other local educational agency.

"SEC. 3107. APPLICATIONS BY STATES.

"For purposes of section 3105, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

"(1) describes the process that the State will use in making competitive subgrants to eligible entities under section 3109(c);

"(2) contains an agreement that, in carrying out this subpart, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

"(3) contains an agreement that competitive subgrants to eligible entities under section 3109(c) shall be of sufficient size and scope to allow such entities to carry out high quality education programs for limited English proficient children;

"(4) contains an agreement that the State will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

"(5) contains an agreement that the State—

"(A) shall monitor the progress of students enrolled in programs and activities receiving assistance under this subpart in attaining English proficiency and in attaining challenging State academic content standards and challenging State student academic achievement standards;

"(B) shall establish standards and benchmarks for English language development that are aligned with State academic content and achievement standards; and

"(C) will ensure that eligible entities comply with section 3104 to annually test children in English who have been in the United States for 3 or more consecutive years;

"(6) contains an assurance that the State will develop high-quality annual assessments to measure English language proficiency and require eligible entities receiving a subgrant under this subpart annually to assess the English proficiency of all children with limited English proficiency participating in a program funded under this subpart;

"(7) contains an agreement that the State will develop annual performance objectives for raising the level of English proficiency of each limited English proficient student, and that these objectives shall include percentage increases in performance on annual assessments in reading, writing, speaking, and listening comprehension as compared to the preceding school year; and

"(8) contains an agreement that the State will require eligible entities receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in attaining challenging State academic content standards and challenging State student academic achievement standards once assistance under this subpart is no longer available.

"SEC. 3108. SUBGRANTS TO ELIGIBLE ENTITIES.

"(a) PURPOSES OF SUBGRANTS.—A State may make a subgrant to an eligible entity from funds received by the State under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State student academic achievement standards, using approaches and methodologies based on scientifically based reading research and sound research and theory on teaching limited English proficient children, by—

"(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

"(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

"(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

"(4) implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

"(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

"(1) IN GENERAL.—Subject to paragraph (2), a State may make a subgrant to an eligible entity *from funds received by the State under this subpart in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills and attainment of challenging State academic content standards and challenging State student academic achievement standards:*

''(A) Upgrading program objectives and effective instructional strategies.

''(B) Improving the instruction program for limited English proficient students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

''(C) Providing—

''(i) tutorials and academic or vocational education for limited English proficient children; and

''(ii) intensified instruction.

''(D) Developing and implementing elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

''(E) Providing professional development to classroom teachers, principals, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children.

''(F) Improving the English language proficiency and academic performance of limited English proficient children.

''(G) Improving the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

''(H) Developing tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children.

''(I) Providing family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

''(J) Other activities that are consistent with the purposes of this part.

''(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this subpart shall be designed to assist students enrolled in the program or activity to attain English proficiency and meet challenging State academic content standards and challenging State student academic achievement standards as soon as possible, but not later than after 3 consecutive years of attendance in United States schools (excluding schools in Puerto Rico), and to move into a classroom where instruction is not tailored for limited English proficient children.

''(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State academic content standards and challenging State student academic achievement standards. Such selection shall be consistent with sections 3134 and 3135.

''(d) DURATION OF SUBGRANTS.—The duration of a competitive subgrant made by a State under section 3109(c) shall be determined by the State in its discretion.

''(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—To receive a subgrant from a State under this subpart, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

''(2) REQUIRED DOCUMENTATION.—The application shall—

''(A) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;

''(B) describe how the eligible entity will use the subgrant funds to satisfy the requirement in subsection (b)(2); and

''(C) describe how the eligible entity, using the disaggregated results of the student assessments required under section 1111(b)(4) and other measures available, will annually review the progress of elementary and secondary schools within its jurisdiction, or served by it, to determine if such schools are making the adequate yearly progress necessary to ensure that limited English proficient students attending the schools will meet the State's proficient level of performance on the State assessment described in section 1111(b)(4), and will hold such schools accountable for making such progress.

''(3) REQUIREMENTS FOR APPROVAL.—The application shall contain assurances that—

''(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children who are limited English proficient, and who are proficient in English, including written and oral communication skills;

''(B) if the eligible entity includes one or more local educational agencies, each such agency is complying with section 3103(b) prior to, and throughout, each school year;

''(C) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart;

''(D) the eligible entity has based its proposal on scientifically based reading research and sound research and theory on teaching limited English proficient children;

''(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be proficient in English after 3 academic years of enrollment;

''(F) the eligible entity will ensure that programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content standards and challenging State student academic achievement standards; and

''(G) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 3134 and 3135.

''(4) QUALITY.—For the purposes of awarding competitive subgrants under section 3109(c), a State shall consider the quality of each application and ensure that it is of sufficient size and scope to meet the purposes of this subpart.

"SEC. 3109. DISTRIBUTION OF SUBGRANTS TO ELIGIBLE ENTITIES.

''(a) IN GENERAL.—A State shall expend at least 95 percent of its allotment under section 3105(c) each fiscal year for the purpose of making subgrants to eligible entities within the State that have approved applications, in accordance with subsections (b) and (c).

''(b) FORMULA SUBGRANTS.—

''(1) RESERVATION.—75 percent of the amount expended by a State for subgrants under this subpart shall be reserved for subgrants to eligible entities described in subsection (a) in which, during the fiscal year for which the subgrant is to be made, the number of limited English proficient children and youth who are enrolled in public and nonpublic elementary or secondary schools located in geographic areas under the jurisdiction of, or served by, such entities is equal to at least 500 students, or 3 percent of the total number of children and youth enrolled in such schools during such fiscal year, whichever is less.

''(2) ALLOTMENT.—From the amount reserved under paragraph (1), the State shall allot to each eligible entity described in such paragraph a percentage based on the ratio of—

''(A) the number of limited English proficient children and youth who are enrolled in public and nonpublic elementary or secondary schools located in geographic areas under the jurisdiction of, or served by, such entity during the fiscal year for which the allotment is to be made; to

''(B) the number of such children and youth in all such eligible entities.

''(3) REALLOTMENT.—Whenever a State determines that an allotment made to an eligible entity under this subsection for a fiscal year will not be used by the entity for the purpose for which it was made, the State shall, in accordance with such rules as it deems appropriate, reallot such amount, consistent with paragraph (2), to other eligible entities in the State for carrying out that purpose.

''(c) COMPETITIVE SUBGRANTS.—25 percent of the amount expended by a State for subgrants under this subpart shall be reserved for competitive subgrants to eligible entities described in subsection (a) that the State determines—

''(1) have experienced significant increases, as compared to the previous 2 years, in the percentage or number of children and youth with limited English proficiency, including recent immigrant children, that have enrolled in public and nonpublic elementary or secondary schools in the geographic areas under the jurisdiction of, or served by, such entities during the fiscal year for which the subgrant is to be made; or

''(2) do not satisfy the requirements of subsection (b)(1) but have significant needs for programs under this subpart.

"SEC. 3110. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this subpart, there are authorized to be appropriated $750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 2—Administration

"SEC. 3121. EVALUATIONS.

''(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State under subpart 1 shall provide the State, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation, in a form prescribed by the State, of—

''(1) the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years;

''(2) the progress made by students in learning the English language and meeting challenging State academic content standards and challenging State student academic achievement standards;

''(3) the number and percentage of students in the programs and activities attaining English language proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

''(4) the progress made by students in meeting challenging State academic content standards and challenging State student academic achievement standards for each of the 2 years after such students are no longer receiving services under this part.

"(b) Use of Evaluation.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State—

"(1) for improvement of programs and activities;

"(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State academic content standards and challenging State student academic achievement standards; and

"(3) in determining whether or not to continue funding for specific programs or projects.

"(c) Evaluation Components.—An evaluation provided by an eligible entity under subsection (a) shall include—

"(1) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under subpart 1—

"(A) have attained English proficiency and are meeting challenging State academic content academic and challenging State student academic achievement standards; and

"(B) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, in a classroom that is not tailored to limited English proficient children; and

"(2) such other information as the State may require.

"(d) Evaluation Measures.—In prescribing the form of an evaluation provided by an entity under subsection (a), a State shall approve evaluation measures, as applicable, for use under subsection (c) that are designed to assess—

"(1) oral language proficiency in kindergarten;

"(2) oral language proficiency, including speaking and listening skills, in first grade;

"(3) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades 2 and higher; and

"(4) attainment of challenging State student academic achievement standards.

"SEC. 3122. REPORTING REQUIREMENTS.

"(a) States.—Based upon the evaluations provided to a State under section 3121, each State that receives a grant under subpart 1 shall prepare and submit every second year to the Secretary a report on programs and activities undertaken by the State under such subpart and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

"(b) Secretary.—Every second year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on—

"(1) programs and activities undertaken by States under subpart 1 and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient;

"(2) the types of instructional programs used under subpart 1 to teach limited English proficient children;

"(3) the number of programs or projects, if any, that were terminated because they were not able to reach program goals;

"(4) the number of limited English proficient children served under subpart 1 who were transitioned out of special instructional programs funded under such subpart into classrooms where instruction is not tailored for limited English proficient children; and

"(5) other information gathered from the reports submitted under subsection (a).

"SEC. 3123. COORDINATION WITH RELATED PROGRAMS.

"In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies.

"Subpart 3—General Provisions

"SEC. 3131. DEFINITIONS.

"For purposes of this part:

"(1) Children and Youth.—The term 'children and youth' means individuals aged 3 through 21.

"(2) Community-based Organization.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

"(3) Eligible entity.—The term 'eligible entity' means—

"(A) one or more local educational agencies; or

"(B) one or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency.

"(4) Native Hawaiian or Native American Pacific Islander Native Language Educational Organization.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in their educational programs and with not less than 5 years successful experience in providing educational services in traditional Native American languages.

"(5) Native language.—The term 'native language', when used with reference to an individual who is limited English proficient, means the language normally used by such individual.

"(6) Specially qualified agency.—The term 'specially qualified agency', when used with respect to a fiscal year, means an eligible entity located in a State that, for that year—

"(A) does not submit to the Secretary an application under sections 3105(a) and 3107; or

"(B) submits an application (or any modification to an application) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of subpart 1.

"(7) Tribally sanctioned educational authority.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate a school described in section 3106(a) or otherwise to oversee the delivery of educational services to members of the tribe; and

"(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 for individuals served by a school described in section 3106(a).

"SEC. 3132. RULES OF CONSTRUCTION.

"Nothing in subpart 1 shall be construed—

"(1) to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate;

"(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for limited English proficient children; or

"(3) to limit the preservation or use of Native American languages as defined in the Native American Languages Act of 1990.

"SEC. 3133. LIMITATION ON FEDERAL REGULATIONS.

"The Secretary shall issue regulations under this part only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this part.

"SEC. 3134. LEGAL AUTHORITY UNDER STATE LAW.

"Nothing in this part shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

"SEC. 3135. CIVIL RIGHTS.

"Nothing in this part shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

"SEC. 3136. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

"Programs authorized under subpart 1 that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of subpart 1, may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that a primary outcome of programs serving such children shall be increased English proficiency among such children.".

SEC. 302. CONFORMING AMENDMENT TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) In General.—

(1) Renaming of office.—The Department of Education Organization Act is amended by striking "Office of Bilingual Education and Minority Languages Affairs" each place such term appears in the text and inserting "Office of Educational Services for Limited English Proficient Children".

(2) Conforming amendment.—Section 209 of the Department of Education Organization Act is amended by striking "Director of Bilingual Education and Minority Languages Affairs," and inserting "Director of Educational Services for Limited English Proficient Children,".

(b) Clerical Amendments.—

(1) Section 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

"OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN".

(2) Section 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

"SEC. 216. OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN.".

(3) Table of contents.—

(A) Section 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

"Sec. 209. Office of Educational Services for Limited English Proficient Children.".

(B) Section 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

"Sec. 216. Office of Educational Services for Limited English Proficient Children.".

PART B—INDIAN AND ALASKA NATIVE EDUCATION

SEC. 311. ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) IN GENERAL.—Title III (as amended by section 301 of this Act) is further amended by adding at the end the following new part:

"PART B—INDIAN AND ALASKA NATIVE EDUCATION

"Subpart 1—Indian Education

"SEC. 3201. FINDINGS.

"Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive academic content standards and student academic achievement standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

"(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of the enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high; 9 percent of Indian students who were eighth graders in 1988 had dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 3202. PURPOSE.

"(a) PURPOSE.—It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State academic achievement standards expected of all other students.

"(b) PROGRAMS.—this subpart carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"CHAPTER 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 3211. PURPOSE.

"It is the purpose of this chapter to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State academic content standards and State student academic achievement standards that are used for all students; and

"(2) are designed to assist Indian students in meeting those standards and assist the Nation in reaching the National Education Goals.

"SEC. 3212. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—

"(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this chapter for any fiscal year if the number of Indian children eligible under section 3217 and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

"(b) INDIAN TRIBES.—

"(1) IN GENERAL.—If a local educational agency that is eligible for a grant under this chapter does not establish a parent committee under section 3214(c)(4) for such grant, an Indian tribe that represents not less than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

"(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this chapter, except that any such tribe is not subject to section 3214(c)(4), section 3218(c), or section 3219.

"SEC. 3213. AMOUNT OF GRANTS.

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency which has an approved application under this chapter an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 3217 and served by such agency; and

"(B) the greater of—

"(i) the average per pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per pupil expenditure in the United States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

"(b) MINIMUM GRANT.—

"(1) IN GENERAL.—Notwithstanding subsection (e), a local educational agency or an Indian tribe (as authorized under section 3212(b)) that is eligible for a grant under section 3212, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this chapter in an amount that is not less than $3,000.

"(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this chapter.

"(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

"(c) DEFINITION.—For the purpose of this section, the term 'average per pupil expenditure of a State' means an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—(1) Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

"(B) the greater of—

"(i) the average per pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per pupil expenditure in the United States.

"(2) Any school described in paragraph (1)(A) that wishes to receive an allocation under this chapter shall submit an application in accordance with section 3214, and shall otherwise be treated as a local educational agency for the purpose of this chapter, except that such school shall not be subject to section 3214(c)(4), section 3218(c), or section 3219.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 3252(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

"SEC. 3214. APPLICATIONS.

"(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this chapter shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2)(A) is consistent with State and local plans under other provisions of this Act; and

"(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards under title I;

"(3) explains how Federal, State, and local programs, especially under title I, will meet the needs of such students;

"(4) demonstrates how funds made available under this chapter will be used for activities described in section 3215;

“(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

“(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

“(B) all teachers who will be involved in programs assisted under this chapter have been properly trained to carry out such programs; and

“(6) describes how the local educational agency—

“(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this chapter, in meeting the goals described in paragraph (2);

“(B) will provide the results of each assessment referred to in subparagraph (A) to—

“(i) the committee of parents described in subsection (c)(4); and

“(ii) the community served by the local educational agency; and

“(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

“(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

“(1) the local educational agency will use funds received under this chapter only to supplement the level of funds that, in the absence of the Federal funds made available under this chapter, such agency would make available for the education of Indian children, and not to supplant such funds;

“(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

“(A) carry out the functions of the Secretary under this chapter; and

“(B) determine the extent to which funds provided to the local educational agency under this chapter are effective in improving the educational achievement of Indian students served by such agency;

“(3) the program for which assistance is sought—

“(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students to whom the local educational agency is providing an education;

“(B) will use the best available talents and resources, including individuals from the Indian community; and

“(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

“(4) the local educational agency developed the program with the participation and written approval of a committee—

“(A) that is composed of, and selected by—

“(i) parents of Indian children in the local educational agency's schools and teachers; and

“(ii) if appropriate, Indian students attending secondary schools;

“(B) a majority of whose members are parents of Indian children;

“(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

“(D) with respect to an application describing a schoolwide program in accordance with section 3215(c), that has—

“(i) reviewed in a timely fashion the program; and

“(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaskan Native students; and

“(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

“SEC. 3215. AUTHORIZED SERVICES AND ACTIVITIES.

“(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this chapter shall use the grant funds, in a manner consistent with the purpose specified in section 3211, for services and activities that—

“(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 3214(b);

“(2) are designed with special regard for the language and cultural needs of the Indian students; and

“(3) supplement and enrich the regular school program of such agency.

“(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

“(1) culturally related activities that support the program described in the application submitted by the local educational agency;

“(2) early childhood and family programs that emphasize school readiness;

“(3) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content standards and State student academic achievement standards;

“(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

“(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Vocational and Technical Education Act of 1998, including programs for tech-prep, mentoring, and apprenticeship;

“(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

“(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purposes described in section 3211; and

“(8) family literacy services.

“(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this chapter to support a schoolwide program under section 1114 if—

“(1) the committee composed of parents established pursuant to section 3214(c)(4) approves the use of the funds for the schoolwide program; and

“(2) the schoolwide program is consistent with the purposes described in section 3211.

“(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this chapter for any fiscal year may be used for administrative purposes.

“SEC. 3216. INTEGRATION OF SERVICES AUTHORIZED.

“(a) PLAN.—An entity receiving funds under this chapter may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

“(b) COORDINATION OF PROGRAMS.—Upon the receipt of an acceptable plan, the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to coordinate, in accordance with such plan, its federally funded education and related services programs, or portions thereof, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

“(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include funds for any Federal program exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children under which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services which would be used to serve Indian students.

“(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), it shall—

“(1) identify the programs or funding sources to be consolidated;

“(2) be consistent with the purposes of this section authorizing the services to be integrated in a demonstration project;

“(3) describe a comprehensive strategy which identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the goals set forth in this chapter;

“(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

“(5) identify the projected expenditures under the plan in a single budget;

“(6) identify the local, State, or tribal agency or agencies to be involved in the delivery of the services integrated under the plan;

“(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement its plan;

“(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time; and

“(9) be approved by a parent committee formed in accordance with section 3214(c)(4), if such a committee exists.

“(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the applicant to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected department or departments shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the applicant or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the intent of this chapter or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian students.

“(f) PLAN APPROVAL.—Within 90 days after the receipt of an applicant's plan by the Secretary, the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval.

“(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the

date of the enactment of the No Child Left Behind Act of 2001, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency head for a demonstration program under this section shall be—

"(1) the Secretary of the Interior, in the case of applicant meeting the definition of contract or grant school under title XI of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other applicant.

"(h) Responsibilities of Lead Agency.—The responsibilities of the lead agency shall include—

"(1) the use of a single report format related to the plan for the individual project which shall be used by an eligible entity to report on the activities undertaken under the project;

"(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

"(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

"(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

"(i) Report Requirements.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format, together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including the demonstration of student achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

"(j) No Reduction in Amounts.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

"(k) Interagency Fund Transfers Authorized.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the purposes of this section.

"(l) Administration of Funds.—

"(1) In general.—Program funds shall be administered in such a manner as to allow for a determination that funds from specific a program or programs are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted which shall be allocated to such program.

"(2) Separate records not required.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under its approved plan to the individual programs under which funds were authorized, nor shall the eligible entity be required to allocate expenditures among such individual programs.

"(m) Overage.—All administrative costs may be commingled and participating entities shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes, provided that the overage is used for the purposes provided for under this section.

"(n) Fiscal Accountability.—Nothing in this subpart shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to the Single Audit Act of 1984.

"(o) Report on Statutory Obstacles to Program Integration.—

"(1) Preliminary report.—Not later than 2 years after the date of the enactment of the No Child Left Behind Act of 2001, the Secretary of Education shall submit a preliminary report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the status of the implementation of the demonstration program authorized under this section.

"(2) Final report.—Not later than 5 years after the date of the enactment of the No Child Left Behind Act of 2001, the Secretary of Education shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the results of the implementation of the demonstration program authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the purposes of this section.

"(p) Definitions.—For the purposes of this section, the term 'Secretary' means—

"(1) the Secretary of the Interior, in the case of applicant meeting the definition of contract or grant school under title XI of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other applicant.

"SEC. 3217. STUDENT ELIGIBILITY FORMS.

"(a) In General.—The Secretary shall require that, as part of an application for a grant under this chapter, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this chapter and that otherwise meets the requirements of subsection (b).

"(b) Forms.—

"(1) In general.—The form described in subsection (a) shall include—

"(A) either—

"(i)(I) the name of the tribe or band of Indians (as described in section 3251(3)) with respect to which the child claims membership;

"(II) the enrollment number establishing the membership of the child (if readily available); and

"(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of the tribe of any parent or grandparent of the child from whom the child claims eligibility;

"(B) a statement of whether the tribe or band of Indians with respect to which the child, parent, or grandparent of the child claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) Minimum information.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 3213, an eligibility form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as described in section 3251(3)) with respect to which the child claims eligibility; and

"(C) the dated signature of the parent or guardian of the child.

"(3) Failure.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 3213.

"(c) Statutory Construction.—Nothing in this section shall be construed to affect a definition contained in section 3251.

"(d) Forms and Standards of Proof.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish such eligibility; and

"(2) to meet the requirements of subsection (a).

"(e) Documentation.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 3213, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) Monitoring and Evaluation Review.—

"(1) In general.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this chapter, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this chapter. The sampling conducted under this subparagraph shall take into account the size of the local educational agency and the geographic location of such agency.

"(B) A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) False information.—Any local educational agency that provides false information in an application for a grant under this chapter shall—

"(A) be ineligible to apply for any other grant under this subpart; and

"(B) be liable to the United States for any funds that have not been expended.

"(3) Excluded children.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 3213.

"(g) Tribal Grant and Contract Schools.—Notwithstanding any other provision of this section, in awarding funds under this chapter to a

tribal school that receives a grant or contract from the Bureau of Indian Affairs, the Secretary shall use only one of the following, as selected by the school:

"(1) A count of the number of students in those schools certified by the Bureau.

"(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

"(h) Timing of Child Counts.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this chapter (other than in the case described in subsection (g)(1)), the local educational agency shall—

"(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, so long as that date or period occurs before the deadline established by the Secretary for submitting an application under section 3214; and

"(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

"SEC. 3218. PAYMENTS.

"(a) In General.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this chapter the amount determined under section 3213. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) Payments Taken Into Account by the State.—The Secretary may not make a grant under this chapter to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) Reduction of Payment for Failure To Maintain Fiscal Effort.—

"(1) In general.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 3213 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines that, with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) Failure to maintain effort.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to such agency under this chapter in the exact proportion of such agency's failure to maintain its fiscal effort at such level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) Waiver.—(A) The Secretary may waive the requirement of paragraph (1), for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) Reallocations.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this chapter, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this chapter; or

"(2) otherwise become available for reallocation under this chapter.

"SEC. 3219. STATE EDUCATIONAL AGENCY REVIEW.

"Before submitting an application to the Secretary under section 3214, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, it shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

"CHAPTER 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 3221. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) Purpose.—

"(1) In general.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) Coordination.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this chapter with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) Eligible Entities.—For the purpose of this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institution of higher education, or a consortium of such institutions.

"(c) Grants Authorized.—

"(1) In general.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

"(A) innovative programs related to the educational needs of educationally disadvantaged children;

"(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the unique health, social, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

"(F) comprehensive guidance, counseling, and testing services;

"(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

"(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

"(K) family literacy services; or

"(L) other services that meet the purpose described in subsection (a)(1).

"(2) Professional development.—Professional development of teaching professionals and paraprofessional may be a part of any program assisted under this section.

"(d) Grant Requirements and Applications.—

"(1) Grant requirements.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

"(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

"(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has demonstrated—

"(I) educational merit; and

"(II) the ability to be replicated.

"(2) Application.—(A) Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (1)(D), shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

"(iii) information demonstrating that the proposed program is either a research-based program (which may be a research-based program that has been modified to be culturally appropriate for the students who will be served);

"(iv) a description of how the applicant will incorporate the proposed services into the ongoing school program once the grant period is over; and

"(v) such other assurances and information as the Secretary may reasonably require.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this chapter for any fiscal year may be used for administrative purposes.

"SEC. 3222. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

"(1) an institution of higher education, including an Indian institution of higher education;

"(2) a State or local educational agency, in consortium with an institution of higher education; and

"(3) an Indian tribe or organization, in consortium with an institution of higher education.

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include but are not limited to, continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

"(B) For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

"(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may reasonably require.

"(f) SPECIAL RULE.—In making grants under this section, the Secretary—

"(1) shall consider the prior performance of the eligible entity; and

"(2) may not limit eligibility to receive a grant under this section on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

"CHAPTER 3—NATIONAL RESEARCH ACTIVITIES

"SEC. 3231. NATIONAL ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 3252(b) for each fiscal year to—

"(1) conduct research related to effective approaches for the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities that are consistent with the purpose of this subpart.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education Programs and the Office of Educational Research and Improvement.

"CHAPTER 4—FEDERAL ADMINISTRATION

"SEC. 3241. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the 'Council'), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time-to-time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the United States.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this subpart—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

"SEC. 3242. PEER REVIEW.

"The Secretary may use a peer review process to review applications submitted to the Secretary under chapter 2 or 3.

"SEC. 3243. PREFERENCE FOR INDIAN APPLICANTS.

"In making grants under chapter 2 or 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.

"SEC. 3244. MINIMUM GRANT CRITERIA.

"The Secretary may not approve an application for a grant under subpart 2 unless the application is for a grant that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and

"(2) based on relevant research findings.

"CHAPTER 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 3251. DEFINITIONS.

"For the purposes of this subpart:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained the age of 16 years; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(3) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native; or

"(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect the day preceding the date of the enactment of the Improving America's Schools Act of 1994.

"SEC. 3252. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) CHAPTER 1.—For the purpose of carrying out chapter 1 of this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

"(b) CHAPTERS 2 AND 3.—For the purpose of carrying out chapters 2 and 3 of this subpart, there are authorized to be appropriated $25,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006.".

(b) SAVINGS PROVISION.—Funds appropriated for part A of title IX of the Elementary and Secondary Education Act of 1965 (as in effect on

the day before the date of the enactment of this Act) shall be available for use under subpart 1 of part B of title III of such Act, as added by this section.

SEC. 312. ALASKA NATIVE EDUCATION.

(a) IN GENERAL.—Part B of title III (as added by section 311 of this Act) is further amended by adding at the end the following new subpart:

"Subpart 2—Alaska Native Education

"SEC. 3301. SHORT TITLE.

"This subpart may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

"SEC. 3302. FINDINGS.

"The Congress finds and declares:

"(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being and preservation of the culture of Alaska Natives.

"(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

"(3) Alaska Native children enter and exit school with serious educational handicaps.

"(4) The educational achievement of Alaska Native children is far below national norms. In addition to low Native performance on standardized tests, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

"(5) The programs authorized herein, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

"(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural and village Alaska should be addressed through the development and implementation of innovative, model programs in a variety of areas.

"(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

"SEC. 3303. PURPOSE.

"It is the purpose of this subpart to—

"(1) recognize the unique educational needs of Alaska Natives;

"(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

"(3) supplement existing programs and authorities in the area of education to further the purposes of this subpart; and

"(4) provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this subpart, on meeting the educational needs of Alaska Natives.

"SEC. 3304. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purpose of this subpart.

"(2) PERMISSIBLE ACTIVITIES.—Programs under this subpart may include—

"(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

"(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

"(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

"(ii) instructional programs that make use of Native Alaskan languages; and

"(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

"(C) professional development activities for educators, including—

"(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

"(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

"(iii) recruiting and preparing teachers who are Alaska Natives, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction;

"(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;

"(E) family literacy services;

"(F) the development and operation of student enrichment programs in science and mathematics that—

"(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter high school, to excel in science and math; and

"(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the program;

"(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

"(H) other research and evaluation activities related to programs under this subpart; and

"(I) other activities, consistent with the purposes of this subpart, to meet the educational needs of Alaska Native children and adults.

"(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children under paragraph (2)(D) may include—

"(A) programs for parents and their infants, from prenatal through age three;

"(B) preschool programs; and

"(C) training, education, and support for parents in such areas as reading readiness, observation, story-telling, and critical thinking.

"(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006 to carry out this subpart.

"SEC. 3305. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this subpart, nor any contract be entered into under this subpart, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this subpart.

"(b) APPLICATIONS.—State and local educational agencies may apply for an award under this subpart only as subpart of a consortium involving an Alaska Native organization. This consortium may include other eligible applicants.

"(c) CONSULTATION REQUIRED.—Each applicant for funding shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

"(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this subpart shall inform each local educational agency serving students who would participate in the project about its application.

"SEC. 3306. DEFINITIONS.

"For purposes of this subpart—

"(1) the term 'Alaska Native' has the same meaning as the term 'Native' has in section 3(b) of the Alaska Native Claims Settlement Act; and

"(2) the term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and other Alaska Native organizations that—

"(A) has or commits to acquire expertise in the education of Alaska Natives; and

"(B) has Alaska Natives in substantive and policy-making positions within the organization.".

(b) SAVINGS PROVISION.—Funds appropriated for part C of title IX of the Elementary and Secondary Education Act of 1965 (as in effect on the day before the date of the enactment of this Act) shall be available for use under subpart 2 of part B of title III of such Act, as added by this section.

SEC. 313. AMENDMENTS TO THE EDUCATION AMENDMENTS OF 1978.

Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:

"PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

"SEC. 1120. FINDING AND POLICY.

"(a) FINDING.—Congress finds and recognizes that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children.

"(b) POLICY.—It is the policy of the United States to work in full cooperation with Indian tribes toward the goal of assuring that the programs of the Bureau of Indian Affairs funded school system are of the highest quality and meet the unique educational and cultural needs of Indian children.

"SEC. 1121. ACCREDITATION AND STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

"(a) PURPOSE.—The purpose of the standards implemented under this section shall be to afford Indian students being served by a school funded by the Bureau of Indian Affairs the same opportunities as all other students in the United States to achieve the same challenging State academic achievement standards expected of all students.

"(b) STUDIES AND SURVEYS RELATING TO STANDARDS.—Not later than 1 year after the date of the enactment of the No Child Left Behind Act of 2001, the Secretary, in consultation with the Secretary of Education, consortia of education organizations, and Indian organizations and tribes, and making the fullest use possible of other existing studies, surveys, and plans, shall carry out by contract with an Indian organization, studies and surveys to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of *equal educational opportunity for such children.*

"(c) REVISION OF MINIMUM ACADEMIC STANDARDS.—

"(1) IN GENERAL.—Not later than 2 years after the date of the enactment of the No Child Left Behind Act of 2001, the Secretary shall—

"(A) propose revisions to the minimum academic standards published in the Federal Register on September 9, 1995 (50 Fed. Reg. 174) for the basic education of Indian children attending Bureau funded schools in accordance with the purpose described in subsection (a) and the findings of the studies and surveys conducted under subsection (b);

"(B) publish such proposed revisions to such standards in the Federal Register for the purpose of receiving comments from the tribes, tribal school boards, Bureau funded schools, and other interested parties; and

"(C) consistent with the provisions of this section and section 1131, take such actions as are necessary to coordinate standards implemented under this section with the Comprehensive School Reform Plan developed by the Bureau and—

"(i) with the standards of the improvement plans for the States in which any school operated by the Bureau of Indian Affairs is located; or

"(ii) in the case where schools operated by the Bureau are within the boundaries of reservation land of one tribe but within the boundaries of more than one State, with the standards of the State improvement plan of one such State selected by the tribe.

"(2) FURTHER REVISIONS.—Not later that 6 months after the close of the comment period, the Secretary shall establish final standards, distribute such standards to all tribes and publish such final standards in the Federal Register. The Secretary shall revise such standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(3) APPLICABILITY OF STANDARDS.—Except as provided in subsection (e), the final standards published under paragraph (2) shall apply to all Bureau funded schools not accredited under subsection (f), and may also serve as a model for educational programs for Indian children in public schools.

"(4) CONSIDERATIONS WHEN ESTABLISHING AND REVISING STANDARDS.—In establishing and revising such standards, the Secretary shall take into account the unique needs of Indian students and support and reinforcement of the specific cultural heritage of each tribe.

"(d) ALTERNATIVE OR MODIFIED STANDARDS.—The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school are in compliance with the minimum accreditation standards required for schools in the State or region where the school is located.

"(e) WAIVER OF STANDARDS; ALTERNATIVE STANDARDS.—A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsections (c) and (d) if such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, not later than 60 days after a waiver under this subsection, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribe's children. Such alternative standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and not subject to review.

"(f) ACCREDITATION AND IMPLEMENTATION OF STANDARDS.—

"(1) DEADLINE FOR MEETING STANDARDS.—Not later the second academic year after publication of the standards, to the extent necessary funding is provided, all Bureau funded schools shall meet the standards established under subsections (c) and (d) or shall be accredited—

"(A) by a tribal accrediting body, if the accreditation standards of the tribal accrediting body have been accepted by formal action of the tribal governing body and are equal to or exceed the accreditation standards of the State or region in which the school is located;

"(B) by a regional accreditation agency; or

"(C) by State accreditation standards for the State in which it is located.

"(2) DETERMINATION OF STANDARDS TO BE APPLIED.—The accreditation type or standards applied for each school shall be determined by the school board of the school, in consultation with the Administrator of the school, provided that in the case where the School Board and the Administrator fail to agree on the type of accreditation and standards to apply, the decision of the school board with the approval of the tribal governing body shall be final.

"(3) ASSISTANCE TO SCHOOL BOARDS.—The Secretary, through contracts and grants, shall assist school boards of contract or grant schools in implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented.

"(4) FISCAL CONTROL AND FUND ACCOUNTING STANDARDS.—The Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract and grant schools. Such standards shall provide data comparable to those used by Bureau operated schools.

"(g) ANNUAL PLAN FOR MEETING OF STANDARDS.—Except as provided in subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. On an annual basis, the Secretary shall submit to the appropriate committees of Congress, all Bureau funded schools, and the tribal governing bodies of such schools a detailed plan to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this section. Such plan shall include detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school and specific timelines for bringing each school up to the level required by such standards.

"(h) CLOSURE OR CONSOLIDATION OF SCHOOLS.—

"(1) IN GENERAL.—Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection.

"(2) EXCEPTIONS.—This subsection shall not apply—

"(A) in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation; or

"(B) when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

"(3) REGULATIONS.—The Secretary shall, by regulation, promulgate standards and procedures for the closure, transfer to another authority, consolidation, or substantial curtailment of Bureau schools, in accordance with the requirements of this subsection.

"(4) NOTICE.—Whenever closure, transfer to another authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified immediately, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to another authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated school board shall be notified at least 6 months prior to the end of the school year preceding the proposed closure date. Copies of any such notices and information shall be transmitted promptly to the appropriate committees of Congress and published in the Federal Register.

"(5) REPORT.—The Secretary shall make a report to the appropriate committees of Congress, the affected tribe, and the designated school board describing the process of the active consideration or review referred to in paragraph (4). The report shall include a study of the impact of such action on the student population, identify those students with particular educational and social needs, and ensure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representatives and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students.

"(6) LIMITATION ON CERTAIN ACTIONS.—No irrevocable action may be taken in furtherance of any such proposed school closure, transfer to another authority, consolidation, or substantial curtailment (including any action which would prejudice the personnel or programs of such school) prior to the end of the first full academic year after such report is made.

"(7) TRIBAL GOVERNING BODY APPROVAL REQUIRED FOR CERTAIN ACTIONS.—The Secretary may terminate, contract, transfer to any other authority, consolidate, or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after of January 1, 1999;

"(B) any program of such a school that is operated on or after January 1, 1999; or

"(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988,

only if the tribal governing body approves such action.

"(i) APPLICATION FOR CONTRACTS OR GRANTS FOR NON-BUREAU FUNDED SCHOOLS OR EXPANSION OF BUREAU FUNDED SCHOOLS.—

"(1) IN GENERAL.—(A)(i) The Secretary shall only consider the factors described in subparagraph (B) in reviewing—

"(I) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school; and

"(II) applications from any tribe or school board of any Bureau funded school for—

"(aa) a school which is not a Bureau funded school; or

"(bb) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 1127.

"(ii) With respect to applications described in this subparagraph, the Secretary shall give consideration to all the factors described in subparagraph (B), but no such application shall be

denied based primarily upon the geographic proximity of comparable public education.

"(B) With respect to applications described in subparagraph (A) the Secretary shall consider the following factors relating to the program and services that are the subject of the application:

"(i) The adequacy of the facilities or the potential to obtain or provide adequate facilities.

"(ii) Geographic and demographic factors in the affected areas.

"(iii) The adequacy of the applicant's program plans or, in the case of a Bureau funded school, of projected needs analysis done either by the tribe or the Bureau.

"(iv) Geographic proximity of comparable public education.

"(v) The stated needs of all affected parties, including students, families, tribal governments at both the central and local levels, and school organizations.

"(vi) Adequacy and comparability of programs already available.

"(vii) Consistency of available programs with tribal educational codes or tribal legislation on education.

"(viii) The history and success of these services for the proposed population to be served, as determined from all factors, including but not limited to standardized examination performance.

"(2) DETERMINATION ON APPLICATION.—(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) not later than 180 days after such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination with respect to an application by the date described in subparagraph (A), the application shall be treated a having been approved by the Secretary.

"(3) REQUIREMENTS FOR APPLICATIONS.—(A) Notwithstanding paragraph (2)(B), an application described in paragraph (1)(A) may be approved by the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application; and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A) shall provide information concerning each of the factors described in paragraph (1)(B).

"(4) DENIAL OF APPLICATIONS.—Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections in writing to the applicant not later 180 days after the application is submitted to the Secretary;

"(B) provide assistance to the applicant to overcome stated objections; and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act and an opportunity to appeal the objections raised by the Secretary.

"(5) EFFECTIVE DATE OF A SUBJECT APPLICATION.—(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective at the beginning of the academic year following the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary under paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

"(6) STATUTORY CONSTRUCTION.—Nothing in this section shall be read so as to preclude the expansion of grades and related facilities at a Bureau funded school where such expansion and the maintenance of such expansion is occasioned or paid for with non-Bureau funds.

"(j) GENERAL USE OF FUNDS.—Funds received by Bureau funded schools from the Bureau of Indian Affairs and under any program from the Department of Education or any other Federal agency for the purpose of providing education or related services may be used for schoolwide projects to improve the educational program for all Indian students.

"(k) STUDY ON ADEQUACY OF FUNDS AND FORMULAS.—The Comptroller General shall conduct a study, in consultation with Indian tribes and local school boards, to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau funded schools, taking into account unique circumstances applicable to Bureau funded schools, as well as expenditures for comparable purposes in public schools nationally. Upon completion of the study, the Secretary of the Interior shall take such action as necessary to ensure distribution of the findings of the study to all affected Indian tribes, local school boards, and associations of local school boards.

"SEC. 1122. NATIONAL CRITERIA FOR HOME-LIVING SITUATIONS.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, Indian organizations and tribes, and Bureau funded schools, shall revise the national standards for home-living (dormitory) situations to include such factors as heating, lighting, cooling, adult-child ratios, needs for counselors (including special needs related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy. Such standards shall be implemented in Bureau operated schools, and shall serve as minimum standards for contract or grant schools. Once established, any revisions of such standards shall be developed according to the requirements established under section 1138A.

"(b) IMPLEMENTATION.—The Secretary shall implement the revised standards established under this section immediately upon their completion.

"(c) PLAN.—At the time of each annual budget submission for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress, the tribes, and the affected schools, and publish in the Federal Register, a detailed plan to bring all Bureau funded schools that provide home-living (dormitory) situations up to the standards established under this section. Such plan shall include a statement of the relative needs of each Bureau funded home-living (dormitory) school, projected future needs of each Bureau funded home-living (dormitory) school, detailed information on the status of each school in relation to the standards established under this section, specific cost estimates for meeting each standard for each such school, aggregate cost estimates for bringing all such schools into compliance with the criteria established under this section, and specific timelines for bringing each school into compliance with such standards.

"(d) WAIVER.—The criteria established under this section may be waived in the same manner as the standards provided under section 1121(c) may be waived.

"(e) CLOSURE FOR FAILURE TO MEET STANDARDS PROHIBITED.—No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section), may be closed, transferred to another authority, consolidated, or have its program substantially curtailed for failure to meet the criteria.

"SEC. 1123. CODIFICATION OF REGULATIONS.

"(a) PART 32 OF TITLE 25 OF CODE OF FEDERAL REGULATIONS.—The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Such provisions may be altered only by means of an Act of Congress. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before November 1, 1978, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) REGULATION DEFINED.—For purposes of this part, the term 'regulation' means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the executive branch.

"SEC. 1124. SCHOOL BOUNDARIES.

"(a) ESTABLISHMENT BY SECRETARY.—The Secretary shall establish, by regulation, separate geographical attendance areas for each Bureau funded school.

"(b) ESTABLISHMENT BY TRIBAL BODY.—In any case where there is more than one Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

"(c) BOUNDARY REVISIONS.—

"(1) IN GENERAL.—On or after July 1, 2001, no geographical attendance area shall be revised or established with respect to any Bureau funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been afforded—

"(A) at least 6 months notice of the intention of the Bureau to revise or establish such attendance area; and

"(B) the opportunity to propose alternative boundaries.

Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs. The Secretary shall cause such revisions to be published in the Federal Register.

"(2) TRIBAL RESOLUTION DETERMINATION.—Nothing in this section shall be interpreted as denying a tribal governing body the authority, on a continuing basis, to adopt a tribal resolution allowing parents the choice of the Bureau funded school their children may attend, regardless of the attendance boundaries established under this section.

"(d) FUNDING RESTRICTIONS.—The Secretary shall not deny funding to a Bureau funded school for any eligible Indian student attending the school solely because that student's home or domicile is outside of the geographical attendance area established for that school under this section. No funding shall be made available without tribal authorization to enable a school to provide transportation for any student to or from the school and a location outside the approved attendance area of the school.

"(e) RESERVATION AS BOUNDARY.—In any case where there is only one Bureau funded program located on an Indian reservation, the attendance area for the program shall be the boundaries (established by treaty, agreement, legislation, court decisions, or executive decisions and

as accepted by the tribe) of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(f) OFF-RESERVATION HOME-LIVING (DORMITORY) SCHOOLS.—Notwithstanding any geographical attendance areas, attendance at off-reservation home-living (dormitory) schools shall include students requiring special emphasis programs to be implemented at each off-reservation home-living (dormitory) school. Such attendance shall be coordinated between education line officers, the family, and the referring and receiving programs.

"SEC. 1125. FACILITIES CONSTRUCTION.

"(a) COMPLIANCE WITH HEALTH AND SAFETY STANDARDS.—The Secretary shall immediately begin to bring all schools, dormitories, and other Indian education-related facilities operated by the Bureau or under contract or grant with the Bureau into compliance with all applicable tribal, Federal, or State health and safety standards, whichever provides greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), with section 504 of the Rehabilitation Act of 1973, and with the Americans with Disabilities Act of 1990. Nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of the enactment of the No Child Left Behind Act of 2001.

"(b) COMPLIANCE PLAN.—At the time that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all facilities covered under subsection (a) of this section into compliance with the standards referred to in subsection (a). Such plan shall include detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific timelines for bringing each school into compliance with such standards.

"(c) CONSTRUCTION PRIORITIES.—

"(1) SYSTEM TO ESTABLISH PRIORITIES.—On an annual basis the Secretary shall submit to the appropriate committees of Congress and cause to be published in the Federal Register, the system used to establish priorities for replacement and construction projects for Bureau funded schools and home-living schools, including boarding schools and dormitories. At the time any budget request for education is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all Bureau funded school construction priorities.

"(2) LONG-TERM CONSTRUCTION AND REPLACEMENT LIST.—In addition to the plan submitted under subsection (b), the Secretary shall—

"(A) not later than 18 months after the date of the enactment of the No Child Left Behind Act of 2001, establish a long-term construction and replacement list for all Bureau funded schools;

"(B) using the list prepared under subparagraph (A), propose a list for the orderly replacement of all Bureau funded education-related facilities over a period of 40 years to enable planning and scheduling of budget requests;

"(C) cause the list prepared under subsection (B) to be published in the Federal Register and allow a period of not less than 120 days for public comment;

"(D) make such revisions to the list prepared under subparagraph (B) as are appropriate based on the comments received; and

"(E) cause the final list to be published in the Federal Register.

"(3) EFFECT ON OTHER LIST.—Nothing in this section shall be construed as interfering with or changing in any way the construction priority list as it exists on the date of the enactment of the No Child Left Behind Act of 2001.

"(d) HAZARDOUS CONDITION AT BUREAU SCHOOL.—

"(1) CLOSURE OR CONSOLIDATION.—A Bureau funded school may be closed or consolidated, and the programs of a Bureau funded school may be substantially curtailed by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau funded school.

"(2) INSPECTION.—(A) After making a determination described in paragraph (1), the Bureau health and safety officer shall conduct an inspection of the condition of such plant accompanied by an appropriate tribal, county, municipal, or State health and safety officer in order to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by not later than the date that is 30 days after the date on which the action described in paragraph (1) is taken. No further negative action may be taken unless the findings are concurred in by the second, non-Bureau of Indian Affairs inspector.

"(B) If the health and safety officer conducting the inspection of a plant required under subparagraph (A) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made under paragraph (1) shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

"(C) If a Bureau funded school is temporarily closed or consolidated or the programs of a Bureau funded school are substantially curtailed under this subsection and the Secretary determines that the closure, consolidation, or curtailment will exceed 1 year, the Secretary shall submit to the Congress, by not later than 6 months after the date on which the closure, consolidation, or curtailment was initiated, a report which sets forth the reasons for such temporary actions, the actions the Secretary is taking to eliminate the conditions that constitute the hazard, and an estimated date by which such actions will be concluded.

"(e) FUNDING REQUIREMENT.—

"(1) DISTRIBUTION OF FUNDS.—Beginning with the fiscal year following the year of the date of the enactment of the No Child Left Behind Act of 2001, all funds appropriated for the operations and maintenance of Bureau funded schools shall be distributed by formula to the schools. No funds from this account may be retained or segregated by the Bureau to pay for administrative or other costs of any facilities branch or office, at any level of the Bureau.

"(2) REQUIREMENTS FOR CERTAIN USES.—No funds shall be withheld from the distribution to the budget of any school operated under contract or grant by the Bureau for maintenance or any other facilities or road related purpose, unless such school has consented, as a modification to the contract or in writing for grants schools, to the withholding of such funds, including the amount thereof, the purpose for which the funds will be used, and the timeline for the services to be provided. The school may, at the end of any fiscal year, cancel an agreement under this paragraph upon giving the Bureau 30 days notice of its intent to do so.

"(f) NO REDUCTION IN FEDERAL FUNDING.—Nothing in this section shall be construed to diminish any Federal funding due to the receipt by the school of funding for facilities improvement or construction from a State or any other source.

"SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

"(a) FORMULATION AND ESTABLISHMENT OF POLICY AND PROCEDURE; SUPERVISION OF PROGRAMS AND EXPENDITURES.—The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs.

"(b) DIRECTION AND SUPERVISION OF PERSONNEL OPERATIONS.—Not later than 6 months after the date of the enactment of the No Child Left Behind Act of 2001, the Director of the Office of Indian Education Programs shall direct and supervise the operations of all personnel directly and substantially involved in the provision of education services by the Bureau, including school or institution custodial or maintenance personnel, facilities management, contracting, procurement, and finance personnel. The Assistant Secretary for Indian Affairs shall coordinate the transfer of functions relating to procurement, contracts, operation, and maintenance of schools and other support functions to the Director.

"(c) EVALUATION OF PROGRAMS; SERVICES AND SUPPORT FUNCTIONS; TECHNICAL AND COORDINATING ASSISTANCE.—Education personnel who are under the direction and supervision of the Director of the Office of Indian Education Programs in accordance with the first sentence of subsection (b) shall—

"(1) monitor and evaluate Bureau education programs;

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions; and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, curriculum, and operation and maintenance of school facilities.

"(d) CONSTRUCTION, IMPROVEMENT, OPERATION, AND MAINTENANCE OF FACILITIES.—

"(1) PLAN FOR CONSTRUCTION.—The Assistant Secretary shall submit in the annual budget a plan—

"(A) for school facilities to be constructed under section 1125(c);

"(B) for establishing priorities among projects and for the improvement and repair of educational facilities, which together shall form the basis for the distribution of appropriated funds; and

"(C) for capital improvements to be made over the five succeeding years.

"(2) PROGRAM FOR OPERATION AND MAINTENANCE.—

"(A) ESTABLISHMENT.—The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include—

"(i) a method of computing the amount necessary for each educational facility;

"(ii) similar treatment of all Bureau funded schools;

"(iii) a notice of an allocation of appropriated funds from the Director of the Office of Indian Education Programs directly to the education line officers and appropriate school officials;

"(iv) a method for determining the need for, and priority of, facilities repair and maintenance projects, both major and minor. In making such determination, the Assistant Secretary shall cause to be conducted a series of meetings at the agency and area level with representatives of the Bureau funded schools in those areas and agencies to receive comment on the lists and prioritization of such projects; and

"(v) a system for the conduct of routine preventive maintenance.

"(B) LOCAL SUPERVISORS.—The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made by the appropriate education line officers, except that no funds under this chapter may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner.

"(3) IMPLEMENTATION.—The requirements of this subsection shall be implemented as soon as practicable after the date of the enactment of the No Child Left Behind Act of 2001.

"(e) ACCEPTANCE OF GIFTS AND BEQUESTS.—Notwithstanding any other provision of law, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use and benefit of particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use and shall report to the appropriate committees of Congress the amount and terms of such gift or bequest, the manner in which such gift or bequest shall be used, and any results achieved by such action.

"(f) FUNCTIONS CLARIFIED.—For the purpose of this section, the term 'functions' includes powers and duties.

"SEC. 1127. ALLOTMENT FORMULA.

"(a) FACTORS CONSIDERED; REVISION TO REFLECT STANDARDS.—

"(1) FORMULA.—The Secretary shall establish, by regulation adopted in accordance with section 1138A, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider—

"(A) the number of eligible Indian students served and total student population of the school;

"(B) special cost factors, such as—

"(i) the isolation of the school;

"(ii) the need for special staffing, transportation, or educational programs;

"(iii) food and housing costs;

"(iv) maintenance and repair costs associated with the physical condition of the educational facilities;

"(v) special transportation and other costs of isolated and small schools;

"(vi) the costs of home-living (dormitory) arrangements, where determined necessary by a tribal governing body or designated school board;

"(vii) costs associated with greater lengths of service by education personnel;

"(viii) the costs of therapeutic programs for students requiring such programs; and

"(ix) special costs for gifted and talented students;

"(C) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located; and

"(D) such other relevant factors as the Secretary determines are appropriate.

"(2) REVISION OF FORMULA.—Upon the establishment of the standards required in sections 1121 and 1122, the Secretary shall revise the formula established under this subsection to reflect the cost of funding such standards. Not later than January 1, 2003, the Secretary shall review the formula established under this section and shall take such steps as are necessary to increase the availability of counseling and therapeutic programs for students in off-reservation home-living (dormitory) schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1122 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling and therapeutic programs.

"(b) PRO RATA ALLOTMENT.—Notwithstanding any other provision of law, Federal funds appropriated for the general local operation of Bureau funded schools shall be allotted pro rata in accordance with the formula established under subsection (a).

"(c) ANNUAL ADJUSTMENT; RESERVATION OF AMOUNT FOR SCHOOL BOARD ACTIVITIES.—

"(1) ANNUAL ADJUSTMENT.—For fiscal year 2003, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to ensure that the formula does the following:

"(A) Uses a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school.

"(B) Considers a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools.

"(C) Takes into account the provision of residential services on less than a 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.

"(D) Uses a weighted unit of 2.0 for each eligible Indian student that—

"(i) is gifted and talented; and

"(ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school.

"(E) Uses a weighted unit of 0.25 for each eligible Indian student who is enrolled in a year-long credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school. The adjustment required under this subparagraph shall be used for such school after—

"(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year for which the certification is made; and

(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.

"(2) RESERVATION OF AMOUNT.—

"(A) IN GENERAL.—From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

"(i) $8,000; or

"(ii) the lesser of—

"(I) $15,000; or

"(II) 1 percent of such allotted funds,

for school board activities for such school, including (notwithstanding any other provision of law) meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

"(B) TRAINING.—Each school board shall see that each new member of the school board receives, within 12 months of the individual's assuming a position on the school board, 40 hours of training relevant to that individual's service on the board. Such training may include legal issues pertaining to schools funded by the Bureau, legal issues pertaining to school boards, ethics, and other topics deemed appropriate by the school board.

"(d) RESERVATION OF AMOUNT FOR EMERGENCIES.—The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office of Indian Education Programs, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs, including emergency repairs of educational facilities, at a schoolsite (as defined by section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever, the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.

"(e) SUPPLEMENTAL APPROPRIATIONS.—Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.

"(f) ELIGIBLE INDIAN STUDENT DEFINED.—For the purpose of this section, the term 'eligible Indian student' means a student who—

"(1) is a member of or is at least one-fourth degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau because of their status as Indians; and

"(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation home-living (dormitory) school.

"(g) TUITION.—

"(1) IN GENERAL.—An eligible Indian student may not be charged tuition for attendance at a Bureau school or contract or grant school. A student attending a Bureau school under paragraph (2)(C) may not be charged tuition for attendance at such a school.

"(2) ATTENDANCE OF NON-INDIAN STUDENTS AT BUREAU SCHOOLS.—The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

"(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards or accreditation;

"(B) the school board consents;

"(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the schoolsite; or

"(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students, and shall be in addition to the school's allocation under this section.

"(3) ATTENDANCE OF NON-INDIAN STUDENTS AT CONTRACT AND GRANT SCHOOLS.—The school board of a contract or grant school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students shall be in addition to funding received under this section.

"(h) FUNDS AVAILABLE WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, at the election of the school board

of a Bureau school made at any time during the fiscal year, a portion equal to not more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision.

“(i) STUDENTS AT RICHFIELD DORMITORY, RICHFIELD, UTAH.—Tuition for out-of-State Indian students in home-living (dormitory) arrangements at the Richfield dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds authorized in this section and section 1130 at a rate not to exceed the amounts per weighted student unit for that year for the instruction of such students. No additional administrative cost funds shall be added to the grant.

“SEC. 1128. ADMINISTRATIVE COST GRANTS.

“(a) GRANTS; EFFECT UPON APPROPRIATED AMOUNTS.—

“(1) GRANTS.—Subject to the availability of appropriated funds, the Secretary shall provide grants to each tribe or tribal organization operating a contract school or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract or grant schools, provided that no school operated as a stand-alone institution shall receive less than $200,000 per year for these purposes, in order to—

“(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice; and

“(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

“(2) EFFECT UPON APPROPRIATED AMOUNTS.—Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.

“(b) DETERMINATION OF GRANT AMOUNT.—

“(1) IN GENERAL.—The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.

“(2) DIRECT COST BASE FUNDS.—The Secretary shall—

“(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization; and

“(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

“(c) ADMINISTRATIVE COST PERCENTAGE RATE.—

“(1) IN GENERAL.—For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

“(A) the sum of—

“(i) the amount equal to—

“(I) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

“(II) the minimum base rate; plus

“(ii) the amount equal to—

“(I) the standard direct cost base; multiplied by

“(II) the maximum base rate; by

“(B) the sum of—

“(i) the direct cost base of the tribe or tribal organization for the fiscal year; plus

“(ii) the standard direct cost base.

“(2) ROUNDING.—The administrative cost percentage rate shall be determined to the 1/100 of a decimal point.

“(d) COMBINING FUNDS.—

“(1) IN GENERAL.—Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract or grant school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

“(2) INDIRECT COST FUNDS.—Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in paragraph (1).

“(e) AVAILABILITY OF FUNDS.—Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

“(f) TREATMENT OF FUNDS.—Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

“(g) TREATMENT OF ENTITY OPERATING OTHER PROGRAMS.—In applying this section and section 105 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

“(1) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988; and

“(2) operates one or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs that are associated with operating the contract or grant school, and of the indirect costs, that are associated with all of such other programs, provided that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

“(h) DEFINITIONS.—For purposes of this section:

“(1) ADMINISTRATIVE COST.—(A) The term ‘administrative cost’ means the costs of necessary administrative functions which—

“(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program;

“(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds; and

“(iii) are either—

“(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds; or

“(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

“(B) The term ‘administrative cost’ may include—

“(i) contract or grant (or other agreement) administration;

“(ii) executive, policy, and corporate leadership and decisionmaking;

“(iii) program planning, development, and management;

“(iv) fiscal, personnel, property, and procurement management;

“(v) related office services and record keeping; and

“(vi) costs of necessary insurance, auditing, legal, safety and security services.

“(2) BUREAU ELEMENTARY AND SECONDARY FUNCTIONS.—The term ‘Bureau elementary and secondary functions’ means—

“(A) all functions funded at Bureau schools by the Office;

“(B) all programs—

“(i) funds for which are appropriated to other agencies of the Federal Government; and

“(ii) which are administered for the benefit of Indians through Bureau schools; and

“(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

“(3) DIRECT COST BASE.—(A) Except as otherwise provided in subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

“(i) the second fiscal year preceding such fiscal year; or

“(ii) if such programs have not been operated by the tribe or tribal organization during the two preceding fiscal years, the first fiscal year preceding such fiscal year.

“(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

“(4) MAXIMUM BASE RATE.—The term ‘maximum base rate’ means 50 percent.

“(5) MINIMUM BASE RATE.—The term ‘minimum base rate’ means 11 percent.

“(6) STANDARD DIRECT COST BASE.—The term ‘standard direct cost base’ means $600,000.

“(7) TRIBAL ELEMENTARY OR SECONDARY EDUCATIONAL PROGRAMS.—The term ‘tribal elementary or secondary educational programs’ means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

“(i) STUDIES FOR DETERMINATION OF FACTORS AFFECTING COSTS; BASE RATES LIMITS; STANDARD DIRECT COST BASE; REPORT TO CONGRESS.—

"(1) Studies.—Not later than 120 days after the date of the enactment of the No Child Left Behind Act of 2001, the Director of the Office of Indian Education Programs shall—

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting required administrative costs of tribal elementary and secondary education programs, using the formula set forth in subsection (c); and

"(B) conduct a study to determine—

"(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs;

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs; and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

"(I) be equal to the median between the maximum base rate and the minimum base rate; and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) Guidelines.—The studies required under paragraph (1) shall—

"(A) be conducted in full consultation (in accordance with section 1131) with—

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c); and

"(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted onsite with a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor; commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if-so) how the factors may effectively be incorporated into such formula.

"(3) Consultation with Inspector General.—In carrying out the studies required under this subsection, the Director shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.

"(4) Consideration of delivery of administrative services.—Determinations described in paragraph (2)(C) shall be based on what is practicable at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or whether other services were delivered instead, during the period of the study.

"(5) Report.—Upon completion of the studies conducted under paragraph (1), the Director shall submit to Congress a report on the findings of the studies, together with determinations based upon such studies that would affect the definitions set forth under subsection (e) that are used in the formula set forth in subsection (c).

"(6) Projection of costs.—The Secretary shall include in the Bureau's justification for each appropriations request beginning in the first fiscal year after the completion of the studies conducted under paragraph (1), a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary education programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(7) Determination of program size.—For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

"(j) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated such sums as necessary to carry out this section.

"(2) Reductions.—If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grants determined under subsection (b) bears to the total of all grants determined under subsection (b) section for all tribes and tribal organizations for such fiscal year.

"(k) Applicability to Schools Operating Under Tribally Controlled Schools Act of 1988.—The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

"SEC. 1129. DIVISION OF BUDGET ANALYSIS.

"(a) Establishment.—Not later than 12 months after the date of the enactment of the No Child Left Behind Act of 2001, the Secretary shall establish within the Office of Indian Education Programs a Division of Budget Analysis (hereinafter referred to as the 'Division'). Such Division shall be under the direct supervision and control of the Director of the Office.

"(b) Functions.—In consultation with the tribal governing bodies and tribal school boards, the Director of the Office, through the Division, shall conduct studies, surveys, or other activities to gather demographic information on Bureau funded schools and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

"(c) Annual Reports.—Not later than the date that the Assistant Secretary for Indian Affairs makes the annual budget submission, for each fiscal year after the date of the enactment of the No Child Left Behind Act of 2001, the Director of the Office shall submit to the appropriate committees of Congress (including the Appropriations committees), all Bureau funded schools, and the tribal governing bodies of such schools, a report which shall contain—

"(1) projections, based upon the information gathered pursuant to subparagraph (b) and any other relevant information, of amounts necessary to provide Indian students in Bureau funded schools the educational program set forth in this part;

"(2) a description of the methods and formulas used to calculate the amounts projected pursuant to paragraph (1); and

"(3) such other information as the Director of the Office considers appropriate.

"(d) Use of Reports.—The Director of the Office and the Assistant Secretary for Indian Affairs shall use the annual report required by subsection (c) when preparing their annual budget submissions.

"SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.

"(a) Establishment of System and Forward Funding.—

"(1) In general.—The Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section 1127. All amounts appropriated for distribution under this section may be made available under paragraph (2).

"(2) Timing for use of funds.—(A) For the purposes of affording adequate notice of funding available pursuant to the allotments made under section 1127, amounts appropriated in an appropriations Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such amounts are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, not later than July 1 of the fiscal year for which the funds are appropriated, allotments to each affected school made under section 1127 of 85 percent of such appropriation; and

"(ii) publish, not later than September 30 of such fiscal year, the allotments to be made under section 1127 of the remaining 15 percent of such appropriation, adjusted to reflect the actual student attendance.

"(3) Limitation.—(A) Notwithstanding any other provision of law or regulation, the supervisor of a Bureau funded school may expend an aggregate of not more than $50,000 of the amount allotted the school under section 1127 to acquire materials, supplies, equipment, services, operation, and maintenance for the school without competitive bidding if—

"(i) the cost for any single item purchased does not exceed $15,000;

"(ii) the school board approves the procurement;

"(iii) the supervisor certifies that the cost is fair and reasonable;

"(iv) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(v) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the price paid, the quantities acquired, and any other information the supervisor or school board considers relevant.

"(B) Not later than 6 months after the date of the enactment of the No Child Left Behind Act of 2001, the Secretary shall cause to be sent to each supervisor of a Bureau operated program and school board chairperson, the education line officer or officers of each agency and area, and the Bureau Division in charge of procurement, at both the local and national levels, notice of this paragraph.

“(C) The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this paragraph, and shall be responsible for the provision of guidelines on the use of this paragraph and adequate training on such guidelines.

“(4) EFFECT OF SEQUESTRATION ORDER.—If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1127 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year—

“(A) to fund allotments under section 1127, the Secretary, notwithstanding any other law, may use—

“(i) funds appropriated for the operation of any Bureau school that is closed or consolidated; and

“(ii) funds appropriated for any program that has been curtailed at any Bureau school; and

“(B) the Secretary may waive the application of the provisions of section 1121(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1127 for such fiscal year.

“(b) LOCAL FINANCIAL PLANS FOR EXPENDITURE OF FUNDS.—

“(1) PLAN REQUIRED.—In the case of all Bureau operated schools, allotted funds shall be expended on the basis of local financial plans which ensure meeting the accreditation requirements or standards for the school established pursuant to section 1121 and which shall be prepared by the local school supervisor in active consultation with the local school board for each school. The local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan.

“(2) The supervisor—

“(A) shall put into effect the decisions of the school board;

“(B) shall provide the appropriate local union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time such copies are submitted to the local school board; and

“(C) may appeal any such action of the local school board to the appropriate education line officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education line officer may, for good cause, overturn the action of the local school board. The appropriate education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

“(c) USE OF SELF-DETERMINATION GRANTS FUNDS.—Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.

“(d) TECHNICAL ASSISTANCE AND TRAINING.—In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and the Secretary shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

“(e) SUMMER PROGRAM OF ACADEMIC AND SUPPORT SERVICES.—

“(1) IN GENERAL.—A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary for Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

“(2) USE OF OTHER FUNDS.—Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934, and this Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

“(3) TECHNICAL ASSISTANCE AND PROGRAM COORDINATION.—The Assistant Secretary for Indian Affairs, acting through the Director of the Office, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

“(f) COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—From funds allotted to a Bureau school under section 1127, the Secretary shall, if specifically requested by the tribal governing body (as defined in section 1141), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

“(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.

“(B) Support services, including procurement and facilities maintenance.

“(C) Transportation.

“(2) EQUAL BENEFIT AND BURDEN.—Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.

“(g) PRODUCT OR RESULT OF STUDENT PROJECTS.—Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

“(h) NOT CONSIDERED FEDERAL FUNDS FOR MATCHING REQUIREMENTS.—Notwithstanding any other provision of law, funds received by a Bureau funded school under this part shall not be considered Federal funds for the purposes of meeting a matching funds requirement for any Federal program.

“SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.

“(a) FACILITATION OF INDIAN CONTROL.—It shall be the policy of the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate tribal control of Indian affairs in all matters relating to education.

“(b) CONSULTATION WITH TRIBES.—

“(1) IN GENERAL.—All actions under this Act shall be done with active consultation with tribes.

“(2) REQUIREMENTS.—The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information available from or presented by the interested parties during one or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

“SEC. 1132. INDIAN EDUCATION PERSONNEL.

“(a) IN GENERAL.—Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to classification, pay and leave, respectively, and the sections of such title relating to the appointment, promotion, hours of work, and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (p)).

“(b) REGULATIONS.—Not later than 60 days after the date of the enactment of the No Child Left Behind Act of 2001, the Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

“(1) the establishment of education positions;

“(2) the establishment of qualifications for educators and education personnel;

“(3) the fixing of basic compensation for educators and education positions;

“(4) the appointment of educators;

“(5) the discharge of educators;

“(6) the entitlement of educators to compensation;

“(7) the payment of compensation to educators;

“(8) the conditions of employment of educators;

“(9) the leave system for educators;

“(10) the annual leave and sick leave for educators; and

“(11) such matters as may be appropriate.

“(c) QUALIFICATIONS OF EDUCATORS.—

“(1) REQUIREMENTS.—In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

“(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

"(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

"(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (e)(2), a determination by a school board that such a person be hired shall be instituted supervisor; and

"(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to subparagraph (A)(ii) or that such individual has applied at the national level for an education position.

"(2) Exception for Certain Temporary Employment.—The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

"(d) Hiring of Educators.—

"(1) Requirements.—In prescribing regulations to govern the appointment of educators, the Secretary shall require—

"(A)(i) that educators employed in a Bureau operated school (other than the supervisor of the school) shall be hired by the supervisor of the school. In cases where there are no qualified applicants available, such supervisor may consult the national list maintained pursuant to subsection (c)(1)(A)(ii);

"(ii) each school supervisor shall be hired by the education line officer of the agency office of the Bureau in which the school is located;

"(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office; and

"(iv) each education line officer and educators employed in the Office of the Director of Indian Education Programs shall be hired by the Director;

"(B) that before an individual is employed in an education position in a school by the supervisor of a school (or with respect to the position of supervisor, by the appropriate agency education line officer), the local school board for the school shall be consulted. A determination by such school board that such individual should or should not be so employed shall be instituted by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education);

"(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that a determination by such school board that such individual should or should not be employed shall be instituted by the agency superintendent for education; and

"(D) that before an individual may be employed in an education position in the Office of the Director (other than the position of Director), the national school boards representing all Bureau schools shall be consulted.

"(2) Information Regarding Application at National Level.—Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall be immediately forwarded to the Secretary, who shall, as soon as practicable but in no event in more than 30 days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this paragraph. Notwithstanding subsection (e), if the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual has applied at the national level for an education position in the Bureau, the appointment of such individual at the local level shall be conditional for a period of 90 days, during which period the Secretary may appoint a more qualified individual (as determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

"(3) Statutory Construction.—Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards authority over, or control of, educators at Bureau funded schools or the authority to issue management decisions.

"(e) Discharge and Conditions of Employment of Educators.—

"(1) Regulations.—In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

"(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

"(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

"(C) that educators employed in Bureau schools be notified 30 days prior to the end of the school year whether their employment contract will be renewed for the following year.

"(2) Procedures for Discharge.—The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B)) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the education line officer of the appropriate agency office of the Bureau. Upon such an appeal, the agency education line officer may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

"(3) Recommendations of School Boards for Discharge.—Each local school board for a Bureau school shall have the right—

"(A) to recommend to the supervisor of such school that an educator employed in the school be discharged; and

"(B) to recommend to the education line officer of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

"(f) Applicability of Indian Preference Laws.—

"(1) In general.—Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action under this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants a written waiver of the application of such laws with respect to such personnel action and states that such waiver is necessary. This paragraph shall not relieve the Bureau's responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if such action is intended to fill a vacancy (no matter how such vacancy is created).

"(2) Tribal Organization Defined.—For purposes of this subsection, the term 'tribal organization' means—

"(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act); or

"(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1141 which has been delegated by such governing body the authority to grant a waiver under this subsection with respect to personnel action.

"(3) Indian Preference Law Defined.—The term 'Indian preference laws' means section 12 of the Act of June 18, 1934, or any other provision of law granting a preference to Indians in promotions and other personnel actions. Such term shall not include section 7(b) of the Indian Self-Determination and Education Assistance Act.

"(g) Compensation or Annual Salary.—

"(1) In general.—(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation for educators and education positions at rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5, United States Code, is applicable or on the basis of the Federal Wage System schedule in effect for the locality, and for the comparable positions, the rates of compensation in effect for the senior executive service.

"(B) The Secretary shall establish the rate of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of the enactment of the No Child Left Behind Act of 2001 and thereafter) to comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay Act. The Secretary shall allow the local school boards authority to implement only the aspects of the Defense Department Overseas Teacher pay provisions that are considered essential for recruitment and retention. Implementation of such provisions shall not be construed to require the implementation of the Act in its entirety.

"(C)(i) Beginning with the fiscal year following the date of the enactment of the No Child Left Behind Act of 2001, each school board may set the rate of compensation or annual salary rate for teachers and counselors (including academic counselors) who are new hires at the school and who have not worked at the school on the date of implementation of this provision, at rates consistent with the rates paid for individuals in the same positions, with the same tenure and training, in any other school within whose boundaries the Bureau school lies. In instances where the adoption of such rates cause a reduction in the payment of compensation from that which was in effect for the fiscal year following the date of the enactment of the No Child Left Behind Act of 2001, the new rate may be applied to the compensation of employees of the school who worked at the school on of the date of the enactment of that Act by applying those rates to each contract renewal such that the reduction takes effect in three equal installments. Where adoption of such rates lead to an increase in the payment of compensation from that which was in effect for the fiscal year following the date of the enactment of the No Child Left Behind Act of 2001, the school board

may make such rates applicable at the next contract renewal such that either—

"(I) the increase occurs in its entirety; or

"(II) the increase is applied in three equal installments.

"(ii) The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau prior to April 28, 1988, in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

"(D) The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make an election under subsection (p) is in effect on January 1, 1990.

"(2) POST-DIFFERENTIAL RATES.—(A) The Secretary may pay a post-differential rate not to exceed 25 percent of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide one or more post-differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post-differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

"(I) at least 5 percent; or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

"(ii) A request under clause (i) shall be deemed granted at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with modification, or disapproved by the Secretary.

"(iii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post-differential authorized under this subparagraph at the beginning of a school year if—

"(I) the local school board requests that such differential be discontinued or decreased; or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(iv) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous year and listing the positions contracted under those grants of authority.

"(h) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) of this section shall not be so liquidated.

"(i) TRANSFER OF REMAINING SICK LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to such person's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

"(j) INELIGIBILITY FOR EMPLOYMENT OF VOLUNTARILY TERMINATED EDUCATORS.—An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

"(k) DUAL COMPENSATION.—In the case of any educator employed in an education position described in subsection (l)(1)(A) who—

"(1) is employed at the close of a school year;

"(2) agrees in writing to serve in such position for the next school year; and

"(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in section 5533 of title 5, United States Code, relating to dual compensation,

shall not apply to such educator by reason of any such employment during a recess period for any receipt of additional compensation.

"(l) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this part shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

"(m) PRORATION OF PAY.—

"(1) ELECTION OF EMPLOYEE.—Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school year over the entire 12-month period. Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally assisted programs, because of such election.

"(2) CHANGE OF ELECTION.—During the course of such year the employee may change election once.

"(3) LUMP SUM PAYMENT.—That portion of the employee's pay which would be paid between academic school years may be paid in a lump sum at the election of the employee.

"(4) DEFINITIONS.—For purposes of this subsection, the terms 'educator' and 'education position' have the meanings contained in paragraphs (1) and (2) of subsection (o). This subsection applies to those individuals employed under the provisions of section 1132 of this title or title 5, United States Code.

"(n) EXTRACURRICULAR ACTIVITIES.—

"(1) STIPEND.—Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(2) ELECTION NOT TO RECEIVE STIPEND.—If an employee elects not to be compensated through the stipend established by this subsection, the appropriate provisions of title 5, United States Code, shall apply.

"(3) APPLICABILITY OF SUBSECTION.—This subsection applies to all Bureau employees, whether employed under section 1132 of this title or title 5, United States Code.

"(o) DEFINITIONS.—For the purpose of this section—

"(1) EDUCATION POSITION.—The term 'education position' means a position in the Bureau the duties and responsibilities of which—

"(A) are performed on a school-year basis principally in a Bureau school and involve—

"(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

"(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education;

"(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

"(iv) support services at, or associated with, the site of the school; or

"(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.

"(2) EDUCATOR.—The term 'educator' means an individual whose services are required, or who is employed, in an education position.

"(p) COVERED INDIVIDUALS; ELECTION.—This section shall apply with respect to any educator hired after November 1, 1979 (and to any educator who elected for coverage under that provision after November 1, 1979) and to the position in which such individual is employed. The enactment of this section shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such person's right to receive the compensation attached to such position.

"SEC. 1133. COMPUTERIZED MANAGEMENT INFORMATION SYSTEM.

"(a) ESTABLISHMENT OF SYSTEM.—Not later than July 1, 2003, the Secretary shall establish within the Office, a computerized management information system, which shall provide processing and information to the Office. The information provided shall include information regarding—

"(1) student enrollment;

"(2) curriculum;

"(3) staffing;

"(4) facilities;

"(5) community demographics;

"(6) student assessment information;

"(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements;

"(8) relevant reports;

"(9) personnel records;

"(10) finance and payroll; and

"(11) such other items as the Secretary deems appropriate.

"(b) IMPLEMENTATION OF SYSTEM.—Not later than July 1, 2004, the Secretary shall complete implementation of such a system at each field office and Bureau funded school.

"SEC. 1134. UNIFORM EDUCATION PROCEDURES AND PRACTICES.

"The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education,

and shall report such practices and procedures to the Congress.

"SEC. 1135. RECRUITMENT OF INDIAN EDUCATORS.

"The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

"SEC. 1136. BIENNIAL REPORT; AUDITS.

"(a) Biennial Reports.—The Secretary shall submit to each appropriate committee of Congress, all Bureau funded schools, and the tribal governing bodies of such schools, a detailed biennial report on the state of education within the Bureau and any problems encountered in Indian education during the 2-year period covered by the report. Such report shall contain suggestions for the improvement of the Bureau educational system and for increasing tribal or local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall include—

"(1) information on the funds provided to previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act, and recommendations with respect to the future use of such funds;

"(2) the needs and costs of operations and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 and recommendations with respect to meeting such needs and costs; and

"(3) the plans required by sections 1121 (g), 1122(c), and 1125(b).

"(b) Financial and Compliance Audits.—The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau operated school at least once in every 3 years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1130.

"SEC. 1137. RIGHTS OF INDIAN STUDENTS.

"The Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau funded schools, including such students' right to privacy under the laws of the United States, such students' right to freedom of religion and expression, and such students' right to due process in connection with disciplinary actions, suspensions, and expulsions.

"SEC. 1138. REGULATIONS.

"(a) In General.—The Secretary is authorized to issue only such regulations as are necessary to ensure compliance with the specific provision of this Act. The Secretary shall publish proposed regulations in the Federal Register, shall provide a period of not less than 90 days for public comment thereon, and shall place in parentheses after each regulatory section the citation to any statutory provision providing authority to promulgate such regulatory provision.

"(b) Miscellaneous.—

"(1) Construction.—The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of the enactment of this Act and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

"(2) Legal authority to be stated.—Regulations issued to implement this Act shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which provision is based.

"SEC. 1138A. REGIONAL MEETINGS AND NEGOTIATED RULEMAKING.

"(a) Meetings.—

"(1) In general.—The Secretary shall obtain tribal involvement in the development of proposed regulations under this part and the Tribally Controlled Schools Act of 1988. The Secretary shall obtain the advice of and recommendations from representatives of Indian tribes with Bureau funded schools on their reservations, Indian tribes whose children attend Bureau funded off-reservation boarding schools, school boards, administrators or employees of Bureau funded schools, and parents and teachers of students enrolled in Bureau funded schools.

"(2) Issues.—The Secretary shall provide for a comprehensive discussion and exchange of information concerning the implementation of this part and the Tribally Controlled Schools Act of 1988 through such mechanisms as regional meetings and electronic exchanges of information. The Secretary shall take into account the information received through such mechanisms in the development of proposed regulations and shall publish a summary of such information in the Federal Register together with such proposed regulations.

"(b) Draft Regulations.—

"(1) In general.—After obtaining the advice and recommendations described in subsection (a)(1) and before publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 and shall submit such regulations to a negotiated rulemaking process. Participants in the negotiations process shall be chosen by the Secretary from individuals nominated by the entities described in subsection (a)(1). To the maximum extent possible, the Secretary shall ensure that the tribal representative membership chosen pursuant to the preceding sentence reflects the proportionate share of students from tribes served by the Bureau funded school system. The negotiation process shall be conducted in a timely manner in order that the final regulations may issued by the Secretary no later than 18 months after the enactment of this section.

"(2) Notification to Congress.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

"(3) Expansion of negotiated rulemaking.—All regulations pertaining to this part and the Tribally Controlled Schools Act of 1988 that are promulgated after the date of the enactment of this subsection shall be subject to a negotiated rulemaking (including the selection of the regulations to be negotiated), unless the Secretary determines that applying such a requirement with respect to given regulations is impracticable, unnecessary, or contrary to the public interest (within the meaning of section 553(b)(3)(B) of title 5), and publishes the basis for such determination in the Federal Register at the same time as the proposed regulations in question are first published. All published proposed regulations shall conform to agreements resulting from such negotiated rulemaking unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants in that process why the Secretary has decided to depart from such agreements. Such negotiated rulemaking shall be conducted in accordance with the provisions of subsection (a), and the Secretary shall ensure that a clear and reliable record of agreements reached during the negotiation process is maintained.

"(c) Applicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act shall apply to activities carried out under this section.

"SEC. 1139. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

"(a) In General.—The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b) Amount of Grants.—

"(1) In general.—The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (g) for such fiscal year (less amounts provided under subsection (f)) as—

"(A) the total number of children under 6 years of age who are members of—

"(i) such tribe;

"(ii) the tribe that authorized such tribal organization; or

"(iii) any tribe that—

"(I) is a member of such consortium; or

"(II) authorizes any tribal organization that is a member of such consortium; bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a);

"(ii) is a member of a consortium that is eligible to receive such funds; or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) Limitation.—No grant may be provided under subsection (a)—

"(A) to any tribe that has less than 500 members;

"(B) to any tribal organization which is authorized—

"(i) by only one tribe that has less than 500 members; or

"(ii) by one or more tribes that have a combined total membership of less than 500 members; or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c) Application.

"(1) In general.—A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization, or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) Contents.—Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) Requirement of Programs Funded.—The early childhood development programs that are funded by grants provided under subsection (a)—

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

"(A) prenatal care;

"(B) nutrition education;

"(C) health education and screening;

"(D) family literacy services;

"(E) educational testing; and

"(F) other educational services;

"(2) may include instruction in the language, art, and culture of the tribe; and

"(3) shall provide for periodic assessment of the program.

"(e) COORDINATION OF FAMILY LITERACY PROGRAMS.—Family literacy programs operated under this section and other family literacy programs operated by the Bureau of Indian Affairs shall be coordinated with family literacy programs for Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving Indians.

"(f) ADMINISTRATIVE COSTS.—The Secretary shall, out of funds appropriated under subsection (g), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe, tribal organization, or consortium of tribes in establishing and maintaining the early childhood development program.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $10,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003, 2004, 2005, and 2006.

"SEC. 1140. TRIBAL DEPARTMENTS OR DIVISIONS OF EDUCATION.

"(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

"(b) GRANTS.—Grants provided under this section shall—

"(1) be based on applications from the governing body of the tribe;

"(2) reflect factors such as geographic and population diversity;

"(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations (and on former Indian reservations in Oklahoma);

"(4) provide for the development of coordinated educational programs on Indian reservations (and on former Indian reservations in Oklahoma) (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities;

"(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs; and

"(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act that are in effect on the date that application for such grants are made.

"(c) PRIORITIES.—

"(1) IN GENERAL.—In making grants under this section, the Secretary shall give priority to any application that—

"(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

"(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application; and

"(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law;

"(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible;

"(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law; and

"(D) provides a plan and schedule for—

"(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education; and

"(ii) the termination by the Bureau of such operations and office at the time of such assumption,

except that when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(2) TIME PERIOD OF GRANT.—Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

"(d) TERMS, CONDITIONS, OR REQUIREMENTS.—The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $2,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003, 2004, 2005, and 2006.

"SEC. 1141. DEFINITIONS.

"For the purposes of this part, unless otherwise specified:

"(1) AGENCY SCHOOL BOARD.—The term 'agency school board' means a body, the members of which are appointed by all of the school boards of the schools located within an agency, including schools operated under contract or grant, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties, and in agencies having schools or a school operated under contract or grant, one such member at least shall be from such a school.

"(2) BUREAU.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

"(3) BUREAU FUNDED SCHOOL.—The term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract or grant school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988.

"(4) BUREAU SCHOOL.—The term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school.

"(5) CONTRACT OR GRANT SCHOOL.—The term 'contract or grant school' means an elementary or secondary school or dormitory which receives financial assistance for its operation under a contract, grant or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, or under the Tribally Controlled Schools Act of 1988.

"(6) EDUCATION LINE OFFICER.—The term 'education line officer' means education personnel under the supervision of the Director, whether located in the central, area, or agency offices.

"(7) FAMILY LITERACY SERVICES.—The term 'family literacy services' has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(8) FINANCIAL PLAN.—The term 'financial plan' means a plan of services provided by each Bureau school.

"(9) INDIAN ORGANIZATION.—the term 'Indian organization' means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized tribes.

"(10) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education'.

"(11) LOCAL SCHOOL BOARD.—The term 'local school board', when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes.

"(12) OFFICE.—The term 'Office' means the Office of Indian Education Programs within the Bureau.

"(13) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(14) SUPERVISOR.—The term 'supervisor' means the individual in the position of ultimate authority at a Bureau school.

"(15) TRIBAL GOVERNING BODY.—The term 'tribal governing body' means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

"(16) TRIBE.—The term 'tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

SEC. 314. TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.

Sections 5202 through 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) are amended to read as follows:

"SEC. 5202. FINDINGS.

"Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

"(1) the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

"(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act has not provided the full opportunity to develop leadership skills crucial to the realization of self-government and has denied Indians an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;

"(3) Indians will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons;

"(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

"(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction that education can and should provide;

"(6) true local control requires the least possible Federal interference; and

"(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act.

"SEC. 5203. DECLARATION OF POLICY.

"(a) RECOGNITION.—Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

"(b) COMMITMENT.—Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will deter further perpetuation of Federal bureaucratic domination of programs.

"(c) NATIONAL GOAL.—Congress declares that a major national goal of the United States is to provide the resources, processes, and structure which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice and to achieve the measure of self-determination essential to their social and economic well-being.

"(d) EDUCATIONAL NEEDS.—Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may best be met through a grant process.

"(e) FEDERAL RELATIONS.—Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

"(f) TERMINATION.—Congress hereby repudiates and rejects House Resolution 108 of the 83d Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

"SEC. 5204. GRANTS AUTHORIZED.

"(a) IN GENERAL.—

"(1) ELIGIBILITY.—The Secretary shall provide grants to Indian tribes, and tribal organizations that—

"(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing as contract school;

"(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

"(C) elect to assume operation of Bureau funded schools with the assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

"(2) DEPOSIT OF FUNDS.—Grants provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is made.

"(3) USE OF FUNDS.—(A) Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education related activities for which any funds that compose the grant may be used under the laws described in section 5205(a), including, but not limited to, expenditures for—

"(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes; and

"(ii) support services for the school, including transportation.

"(B) Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5205(a).

"(b) LIMITATIONS.—

"(1) ONE GRANT PER TRIBE OR ORGANIZATION PER FISCAL YEAR.—Not more than one grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.

"(2) NONSECTARIAN USE.—Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.

"(3) ADMINISTRATIVE COSTS LIMITATION.—Funds provided under any grant under this part may not be expended for administrative costs (as defined in section 1128(h)(1) of the Education Amendments of 1978) in excess of the amount generated for such costs under section 1128 of such Act.

"(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOLSITES.—

"(1) IN GENERAL.—In the case of a grantee that operates schools at more than one schoolsite, the grantee may expend not more than the lesser of—

"(A) 10 percent of the funds allocated for such schoolsite under section 1128 of the Education Amendments of 1978; or

"(B) $400,000 of such funds, at any other schoolsite.

"(2) DEFINITION OF SCHOOLSITE.—For purposes of this subsection, the term 'schoolsite' means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract or grant with, the Bureau for which a discreet student count is identified under the funding formula established under section 1127 of the Education Amendments of 1978.

"(d) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed—

"(1) to require a tribe or tribal organization to apply for or accept; or

"(2) to allow any person to coerce any tribe or tribal organization to apply for, or accept,

a grant under this part to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications and the timing of such applications shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided.

"(e) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

"(f) RETROCESSION.—

"(1) IN GENERAL.—Whenever a tribal governing body requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary that is not later than 120 days after the date on which the tribal governing body requests the retrocession. A later date as may be specified if mutually agreed upon by the Secretary and the tribal governing body. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this part prior to the retrocession.

"(2) STATUS AFTER RETROCESSION.—The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau operated school or as a school operated under contract under title XI of the Education Amendments of 1978.

"(3) TRANSFER OF EQUIPMENT AND MATERIALS.—Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—

"(A) with assistance under this part; or

"(B) upon assumption of operation of the program under this part if the school was a Bureau funded school under title XI of the Education Amendments of 1978 before receiving assistance under this part.

"(g) PROHIBITION OF TERMINATION FOR ADMINISTRATIVE CONVENIENCE.—Grants provided under this part may not be terminated, modified, suspended, or reduced solely for the convenience of the administering agency.

"SEC. 5205. COMPOSITION OF GRANTS.

"(a) IN GENERAL.—The grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of—

"(1) the total amount of funds allocated for such fiscal year under sections 1127 and 1128 of the Education Amendments of 1978 with respect to the tribally controlled schools eligible for assistance under this part which are operated by such Indian tribe or tribal organization, including, but not limited to, funds provided under such sections, or under any other provision of law, for transportation costs;

"(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act, or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to those referenced under section 1126(d) of the Education Amendments of 1978 or any other law); and

"(3) the total amount of funds that are allocated to such schools for such fiscal year under—

"(A) title I of the Elementary and Secondary Education Act of 1965;

"(B) the Individuals with Disabilities Education Act; and

"(C) any other Federal education law, that are allocated to such schools for such fiscal year.

"(b) SPECIAL RULES.—

"(1) IN GENERAL.—(A) Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) of subsection (a) shall be subject to the provisions of this part and shall not be subject to any additional restriction, priority, or limitation that is imposed by the Bureau with respect to funds provided under—

"(i) title I of the Elementary and Secondary Education Act of 1965;

"(ii) the Individuals with Disabilities Education Act; or

"(iii) any Federal education law other than title XI of the Education Amendments of 1978.

"(B) Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii), or (iii) of subparagraph (A).

"(2) SCHOOLS CONSIDERED CONTRACT SCHOOLS.—Tribally controlled schools for which grants are provided under this part shall be treated as contract schools for the purposes of allocation of funds under sections 1126(d), 1127, and 1128 of the Education Amendments of 1978.

"(3) SCHOOLS CONSIDERED BUREAU SCHOOLS.—Tribally controlled schools for which grants are provided under this chapter shall be treated as Bureau schools for the purposes of allocation of funds provided under—

"(A) title I of the Elementary and Secondary Education Act of 1965;

"(B) the Individuals with Disabilities Education Act; and

"(C) any other Federal education law, that are distributed through the Bureau.

"(4) ACCOUNTS; USE OF CERTAIN FUNDS.—(A) Notwithstanding section 5204(a)(2), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under section 5204(a), the grantee shall maintain a separate account for such funds. At the end of the period designated for the work covered by the funds received, the grantee shall submit to the Secretary a separate accounting of the work done and the funds expended to the Secretary. Funds received from these accounts may only be used for the purpose for which they were appropriated and for the work encompassed by the application or submission under which they were received.

"(B) Notwithstanding subparagraph (A), a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least 25 percent of the total cost of such new construction.

"(C) Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of the funds. A period so determined may be extended upon mutual agreement of the Secretary and the grantee.

"(5) ENFORCEMENT OF REQUEST TO INCLUDE FUNDS.—If the Secretary fails to carry out a request made under subsection (a)(2) within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e).

"SEC. 5206. ELIGIBILITY FOR GRANTS.

"(a) RULES.—

"(1) IN GENERAL.—A tribally controlled school is eligible for assistance under this part if the school—

"(A) on April 28, 1988, was a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part;

"(B) was a Bureau operated school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b);

"(C) is a school for which the Bureau has not provided funds, but which has met the requirements of subsection (c); or

"(D) is a school with respect to which an election has been made under paragraph (2) and which has met the requirements of subsection (b).

"(2) NEW SCHOOLS.—Any application which has been submitted under the Indian Self-Determination and Education Assistance Act by an Indian tribe for a school which is not in operation on the date of the enactment of the No Child Left Behind Act of 2001 shall be reviewed under the guidelines and regulations for applications submitted under the Indian Self-Determination and Education Assistance Act that were in effect at the time the application was submitted, unless the Indian tribe or tribal organization elects to have the application reviewed under the provisions of subsection (b).

"(b) ADDITIONAL REQUIREMENTS FOR BUREAU FUNDED SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

"(1) BUREAU FUNDED SCHOOLS.—A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on the date of the enactment of the No Child Left Behind Act of 2001, and any school with respect to which an election is made under subsection (a)(2), meets the requirements of this subsection if—

"(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting that the Secretary—

"(i) transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school; and

"(ii) make a determination as to whether the school is eligible for assistance under this part; and

"(B) the Secretary makes a determination that the school is eligible for assistance under this part.

"(2) CERTAIN ELECTING SCHOOLS.—(A) By not later than the date that is 120 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine—

"(i) in the case of a school which is not being operated by the Indian tribe or tribal organization, whether to transfer operation of the school to the Indian tribe or tribal organization; and

"(ii) whether the school is eligible for assistance under this part.

"(B) In considering applications submitted under paragraph (1)(A), the Secretary—

"(i) shall transfer operation of the school to the Indian tribe or tribal organization, if the tribe or tribal organization is not already operating the school; and

"(ii) shall determine that the school is eligible for assistance under this part, unless the Secretary finds by clear and convincing evidence that the services to be provided by the Indian tribe or tribal organization will be deleterious to the welfare of the Indians served by the school.

"(C) In considering applications submitted under paragraph (1)(A), the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in operating the school with respect to—

"(i) equipment;

"(ii) bookkeeping and accounting procedures;

"(iii) ability to adequately manage a school; or

"(iv) adequately trained personnel.

"(c) ADDITIONAL REQUIREMENTS FOR A SCHOOL WHICH IS NOT A BUREAU FUNDED SCHOOL.—

"(1) IN GENERAL.—A school which is not a Bureau funded school under title XI of the Education Amendments of 1978 meets the requirements of this subsection if—

"(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary as to whether the school is eligible for assistance under this part; and

"(B) the Secretary makes a determination that a school is eligible for assistance under this part.

"(2) DEADLINE FOR DETERMINATION BY SECRETARY.—(A) By not later than the date that is 180 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.

"(B) In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:

"(i) with respect to the applicant's proposal—

"(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;

"(II) geographic and demographic factors in the affected areas;

"(III) adequacy of the applicant's program plans;

"(IV) geographic proximity of comparable public education; and

"(V) the needs as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and

"(ii) with respect to all education services already available—

"(I) geographic and demographic factors in the affected areas;

"(II) adequacy and comparability of programs already available;

"(III) consistency of available programs with tribal education codes or tribal legislation on education; and

"(IV) the history and success of these services for the proposed population to be served, as determined from all factors including, if relevant, standardized examination performance.

"(C) The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.

"(D) Applications submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers appropriate.

"(E) If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application, the Secretary shall be treated as having made a determination that the tribally controlled school is eligible for assistance under the title and the grant shall become effective 18 months after the date on which the Secretary received the application, or on an earlier date, at the Secretary's discretion.

"(d) FILING OF APPLICATIONS AND REPORTS.—

"(1) IN GENERAL.—All applications and reports submitted to the Secretary under this part, and any amendments to such applications or reports, shall be filed with the education line officer designated by the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs. The date on which such filing occurs shall, for purposes of this part, be treated as the date on which the application or amendment was submitted to the Secretary.

"(2) SUPPORTING DOCUMENTATION.—Any application that is submitted under this chapter shall be accompanied by a document indicating the action taken by the tribal governing body in authorizing such application.

"(e) EFFECTIVE DATE FOR APPROVED APPLICATIONS.—Except as provided by subsection (c)(2)(E), a grant provided under this part, and any transfer of the operation of a Bureau school made under subsection (b), shall become effective beginning the academic year succeeding the fiscal year in which the application for the grant or transfer is made, or at an earlier date determined by the Secretary.

"(f) DENIAL OF APPLICATIONS.—

"(1) IN GENERAL.—Whenever the Secretary refuses to approve a grant under this chapter, to transfer operation of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—

"(A) state the objections in writing to the tribe or tribal organization within the allotted time;

"(B) provide assistance to the tribe or tribal organization to overcome all stated objections.

"(C) at the request of the tribe or tribal organization, provide the tribe or tribal organization a hearing on the record under the same rules and regulations that apply under the Indian Self-Determination and Education Assistance Act; and

"(D) provide an opportunity to appeal the objection raised.

"(2) TIMELINE FOR RECONSIDERATION OF AMENDED APPLICATIONS.—The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary.

"(g) REPORT.—The Bureau shall submit an annual report to the Congress on all applications received, and actions taken (including the costs associated with such actions), under this section at the same time that the President is required to submit to Congress the budget under section 1105 of title 31, United States Code.

"SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.

"(a) IN GENERAL.—If the Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the determination is revoked by the Secretary, and the requirements of subsection (b) or (c) of section 5206, if applicable, shall be considered to have been met with respect to such school until the eligibility determination is revoked by the Secretary.

"(b) ANNUAL REPORTS.—

"(1) IN GENERAL.—Each recipient of a grant provided under this part shall complete an annual report which shall be limited to—

"(A) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

"(B) an annual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

"(C) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

"(D) a program evaluation conducted by an impartial evaluation review team, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).

"(2) EVALUATION REVIEW TEAMS.—Where appropriate, other tribally controlled schools and representatives of tribally controlled community colleges shall make up members of the evaluation review teams.

"(3) EVALUATIONS.—In the case of a school which is accredited, evaluations will be conducted at intervals under the terms of accreditation.

"(4) SUBMISSION OF REPORT.—

"(A) TO TRIBALLY GOVERNING BODY.—Upon completion of the report required under paragraph (a), the recipient of the grant shall send (via first class mail, return receipt requested) a copy of such annual report to the tribal governing body (as defined in section 1132(f) of the Education Amendments of 1978) of the tribally controlled school.

"(B) TO SECRETARY.—Not later than 30 days after receiving written confirmation that the tribal governing body has received the report send pursuant to subsection (A), the recipient of the grant shall send a copy of the report to the Secretary.

"(c) REVOCATION OF ELIGIBILITY.—

"(1) IN GENERAL.—(A) The Secretary shall not revoke a determination that a school is eligible for assistance under this part if—

"(i) the Indian tribe or tribal organization submits the reports required under subsection (b) with respect to the school; and

"(ii) at least one of the following subclauses applies with respect to the school:

"(I) The school is certified or accredited by a State or regional accrediting association or is a candidate in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by the students within the education programs are, or will be, accepted at grade level by a State certified or regionally accredited institution.

"(II) A determination made by the Secretary that there is a reasonable expectation that the accreditation described in subclause (I), or the candidacy in good standing for such accreditation, will be reached by the school within 3 years and that the program offered by the school is beneficial to the Indian students.

"(III) The school is accredited by a tribal department of education if such accreditation is accepted by a generally recognized regional or State accreditation agency.

"(IV) The schools accept the standards promulgated under section 1121 of the Education Amendments of 1978 and an evaluation of performance is conducted under this section in conformance with the regulations pertaining to Bureau operated schools by an impartial evaluator chosen by the grantee, but no grantee shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.

"(V) A positive evaluation of the school is conducted by an impartial evaluator agreed upon by the Secretary and the grantee every 2 years under standards adopted by the contractor under a contract for a school entered into under the Indian Self-Determination and Education Assistance Act (or revisions of such standards agreed to by the Secretary and the grantee) prior to the date of the enactment of this Act. If the Secretary and the grantee other than the tribal governing body fail to agree on such an evaluator, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grantee which is the tribal governing body fail to agree on such an evaluator, this subclause shall not apply.

"(B) The choice of standards employed for the purpose of subparagraph (A)(ii) shall be consistent with section 1121(e) of the Education Amendments of 1978.

"(2) NOTICE REQUIREMENTS FOR REVOCATION.—The Secretary shall not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application submitted under section 5206(b)(1)(A) until the Secretary—

"(A) provides notice to the tribally controlled school and the tribal governing body (within the meaning of section 1141(14) of the Education Amendments of 1978) of the tribally controlled school which states—

"(i) the specific deficiencies that led to the revocation or resumption determination; and

"(ii) the actions that are needed to remedy such deficiencies; and

"(B) affords such authority an opportunity to effect the remedial actions.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is practicable to effect such remedial actions. Such notice and technical assistance shall be in addition to a hearing and appeal to be conducted pursuant to the regulations described in section 5206(f)(1)(C).

"(d) APPLICABILITY OF SECTION PURSUANT TO ELECTION UNDER SECTION 5209(b).—With respect to a tribally controlled school which receives assistance under this part pursuant to an election made under section 5209(b)—

"(1) subsection (b) of this section shall apply; and

"(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c) of this section.

"SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.

"(a) PAYMENTS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in two payments, of which—

"(A) the first payment shall be made not later than July 15 of each year in an amount equal to 85 percent of the amount which the grantee was entitled to receive during the preceding academic year; and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) NEWLY FUNDED SCHOOLS.—For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) LATE FUNDING.—With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) APPLICABILITY OF CERTAIN TITLE 31 PROVISIONS.—The provisions of chapter 39 of Title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3).

"(5) RESTRICTIONS.—Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.

"(b) INVESTMENT OF FUNDS.—

"(1) TREATMENT OF INTEREST AND INVESTMENT INCOME.—Notwithstanding any other provision of law, any interest or investment income that accrues to any funds provided under this part after such funds are paid to the Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this part shall be the property of the Indian tribe or tribal organization

and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, under any provision of Federal law. Such interest income shall be spent on behalf of the school.

"(2) Permissible Investments.—Funds provided under this part may be invested by the Indian tribe or tribal organization before such funds are expended for the purposes of this part so long as such funds are—

"(A) invested by the Indian tribe or tribal organization only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States, or securities that are guaranteed or insured by the United States; or

"(B) deposited only into accounts that are insure by and agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

"(c) Recoveries.—For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this part shall not be taken into consideration.

"SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

"(a) Certain Provisions To Apply To Grants.—The following provisions of the Indian Self-Determination and Education Assistance Act (and any subsequent revisions thereto or renumbering thereof), shall apply to grants provided under this part:

"(1) Section 5(f) (relating to single agency audit).

"(2) Section 6 (relating to criminal activities; penalties).

"(3) Section 7 (relating to wage and labor standards).

"(4) Section 104 (relating to retention of Federal employee coverage).

"(5) Section 105(f) (relating to Federal property).

"(6) Section 105(k) (relating to access to Federal sources of supply).

"(7) Section 105(l) (relating to lease of facility used for administration and delivery of services).

"(8) Section 106(e) (relating to limitation on remedies relating to cost allowances).

"(9) Section 106(i) (relating to use of funds for matching or cost participation requirements).

"(10) Section 106(j) (relating to allowable uses of funds).

"(11) Section 108(c) (Model Agreements provisions (1)(a)(5) (relating to limitations of costs), (1)(a)(7) (relating to records and monitoring), (1)(a)(8) (relating to property), and (a)(1)(9) (relating to availability of funds).

"(12) Section 109 (relating to reassumption).

"(13) Section 111 (relating to sovereign immunity and trusteeship rights unaffected).

"(b) Election for Grant in Lieu of Contract.—

"(1) In general.—Contractors for activities to which this part applies who have entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect upon the date of the enactment of the No Child Left Behind Act of 2001 may, by giving notice to the Secretary, elect to have the provisions of this part apply to such activity in lieu of such contract.

"(2) Effective date of election.—Any election made under paragraph (1) shall take effect on the later of—

"(A) October 1 of the fiscal year succeeding the fiscal year in which such election is made; or

"(B) 60 days after the date of such election.

"(3) Exception.—In any case in which the 60-day period referred to in paragraph (2)(B) is less than 60 days before the beginning of the succeeding fiscal year, such election shall not take effect until the fiscal year after the fiscal year succeeding the election.

"(c) No Duplication.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or services if a grant has been made under this part to pay such expenses.

"(d) Transfers and Carryovers.—

"(1) Buildings, equipment, supplies, materials.—A tribe or tribal organization assuming the operation of—

"(A) a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act; or

"(B) a contract school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act.

"(2) Funds.—Any tribe or tribal organization which assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization which elects to operate a school with assistance under this part rather that to continue as a contract school shall be entitled to any funds which would carryover from the previous fiscal year as if such school were operated as a contract school.

"(e) Exceptions, Problems, and Disputes.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(2), any dispute regarding a grant authorized to be made pursuant to this part or any amendment to such grant, and any dispute involving an administrative cost grant under section 1128 of the Education Amendments of 1978 shall be administered under the provisions governing such exceptions, problems, or disputes in the case of contracts under the Indian Self-Determination and Education Assistance Act of 1975. The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.

"SEC. 5210. ROLE OF THE DIRECTOR.

"Applications for grants under this part, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

"SEC. 5211. REGULATIONS.

"The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this part. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this part, the Secretary shall not issue regulations. Regulations issued pursuant to this part shall not have the standing of a Federal statute for the purposes of judicial review.

"SEC. 5212. THE TRIBALLY CONTROLLED GRANT SCHOOL ENDOWMENT PROGRAM.

"(a) In General.—

"(1) Trust funds.—Each school receiving grants under this part may establish, at a Federally insured banking and savings institution, a trust fund for the purposes of this section.

"(2) Authority of schools regarding trust funds.—The school may provide—

"(A) for the deposit into the trust fund, only funds from non-Federal sources, except that the interest on funds received from grants under this part may be used for this purpose;

"(B) for the deposit in the account of any earnings on funds deposited in the account; and

"(C) for the sole use of the school any noncash, in-kind contributions of real or personal property, such property may at any time be converted to cash.

"(b) Interest.—Interest from the fund established under subsection (a) may periodically be withdrawn and used, at the discretion of the school, to defray any expenses associated with the operation of the school.

"SEC. 5213. DEFINITIONS.

"For the purposes of this part:

"(1) Bureau.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

"(2) Eligible Indian student.—The term 'eligible Indian student' has the meaning of such term in section 1127(f) of the Education Amendments of 1978.

"(3) Indian tribe.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including Alaska Native Village or regional corporations (as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(4) Local educational agency.—The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(5) Secretary.—The term 'Secretary' means the Secretary of the Interior.

"(6) Tribal organization.—(A) The term 'tribal organization' means—

"(i) the recognized governing body of any Indian tribe; or

"(ii) any legally established organization of Indians which—

"(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization; and

"(II) includes the maximum participation of Indians in all phases of its activities.

"(B) In any case in which a grant is provided under this part to an organization to provide services benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of those students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

"(7) Tribally controlled school.—The term 'tribally controlled school' means a school operated by a tribe or a tribal organization, enrolling students in kindergarten through grade 12, including preschools, which is not a local educational agency and which is not directly administered by the Bureau of Indian Affairs.".

TITLE IV—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS

PART A—INNOVATIVE PROGRAMS

SEC. 401. INNOVATIVE PROGRAMS.

Title IV is amended to read as follows:

"TITLE IV—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS

"PART A—INNOVATIVE PROGRAMS

"Subpart 1—State and Local Innovative Programs

"SEC. 4101. FINDINGS AND STATEMENT OF PURPOSE.

"(a) Findings.—Congress finds that this subpart—

"(1) provides flexibility to meet local needs;

"(2) promotes local and State education reforms;

"(3) contributes to the improvement of academic achievement for all students;

"(4) provides funding for critical activities; and

"(5) provides services for private school students.

"(b) Statement of Purpose.—It is the purpose of programs under this subpart—

"(1) to provide funding to enable States and local educational agencies to implement promising educational reform programs and school improvement initiatives based on scientifically based research;

"(2) to provide a continuing source of innovation and educational improvement, including support for library services and instructional and media materials; and

"(3) to meet the educational needs of all students, including at-risk youth.

"(c) State and Local Responsibility.—

"(1) In general.—The States shall have the basic responsibility for the administration of funds made available under this subpart, but such administration shall be carried out with a minimum of paperwork.

"(2) Design and implementation.—Notwithstanding paragraph (1), local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel shall be mainly responsible for the design and implementation of programs assisted under this subpart, because such agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.

"CHAPTER 1—STATE AND LOCAL PROGRAMS

"SEC. 4111. ALLOCATION TO STATES.

"(a) Reservations.—From the sums appropriated to carry out this subpart for each fiscal year, the Secretary shall reserve not more than 1 percent for payments to outlying areas to be allotted in accordance with their respective needs.

"(b) Allocation of remainder.—From the remainder of such sums, the Secretary shall allocate, and make available in accordance with this subpart, to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to ½ of 1 percent of such remainder.

"SEC. 4112. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) Distribution Rule.—

"(1) In general.—Subject to paragraph (2), from the sums made available each year to carry out this subpart, the State shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the jurisdictions of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per-pupil allocations to local educational agencies that have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(A) children living in areas with high concentrations of economically disadvantaged families;

"(B) children from economically disadvantaged families; and

"(C) children living in sparsely populated areas.

"(2) Exception.—100 percent of any amount by which the funds paid to a State under this subpart for a fiscal year exceed the amount of such funds paid to the State for fiscal year 2001 shall be distributed to local educational agencies and used locally for innovative assistance described in section 4131(b).

"(3) Limitation on use of funds for administration.—In each fiscal year, a State may use not more than 25 percent of the funds available for State programs under this subpart for State administration under section 4121.

"(b) Calculation of Enrollments.—

"(1) In general.—The calculation of relative enrollments under subsection (a)(1) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools; and

"(B) the number of children enrolled in private, nonprofit schools whose parents would like their children to participate in programs or projects assisted under this subpart, for the fiscal year preceding the fiscal year for which the determination is made.

"(2) Construction.—Nothing in this subsection shall diminish the responsibility of each local educational agency to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this chapter.

"(3) Adjustments.—

"(A) In general.—Relative enrollments calculated under subsection (a)(1) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per-pupil allocations only to local educational agencies that serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of economically disadvantaged families;

"(ii) children from economically disadvantaged families; or

"(iii) children living in sparsely populated areas.

"(B) Criteria.—The Secretary shall review criteria submitted by a State for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs of the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) Payment of Allocations.—

"(1) Distribution.—From the funds paid to a State under this subpart for a fiscal year, a State shall distribute to each eligible local educational agency that has submitted an application as required in section 4133 the amount of such local educational agency's allocation, as determined under subsection (a).

"(2) Additional funds.—

"(A) In general.—Additional funds resulting from higher per-pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a)(1) may, in the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private, nonprofit schools in direct proportion to the number of children described in subsection (a)(1) and enrolled in such schools within the local educational agency.

"(B) Election.—In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) Construction.—Subparagraphs (A) and (B) may not be construed to require any school to limit the use of the additional funds described in subparagraph (A) to the provision of services to specific students or categories of students.

"CHAPTER 2—STATE PROGRAMS

"SEC. 4121. STATE USE OF FUNDS.

"A State may use funds made available for State use under this subpart only for—

"(1) State administration of programs under this subpart including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this subpart;

"(2) support for planning, designing, and initial implementation of charter schools as described in part B;

"(3) statewide education reform and school improvement activities and technical assistance and direct grants to local educational agencies which assist such agencies under section 4131; and

"(4) support for arrangements that provide for independent analysis to measure and report on school district achievement.

"SEC. 4122. STATE APPLICATIONS.

"(a) Application Requirements.—If a State seeks to receive assistance under this subpart, the individual, entity, or agency responsible for public elementary and secondary education policy under the State constitution or State law shall submit to the Secretary an application that—

"(1) provides for an annual statewide summary of how assistance under this subpart is contributing toward improving student achievement or improving the quality of education for students;

"(2) provides information setting forth the allocation of such funds required to implement section 4142;

"(3) provides that the State will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

"(4) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this subpart, the State has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditure made pursuant to an application under section 4133;

"(5) contains assurances that there is compliance with the specific requirements of this subpart; and

"(6) provides for timely public notice and public dissemination of the information provided under paragraph (2).

"(b) Statewide Summary.—The statewide summary referred to in subsection (a)(1) shall be submitted to the Secretary and shall be derived from the evaluation information submitted by local educational agencies to the State under section 4133(a)(2)(H). The format and content of such summary shall be in the discretion of the State and may include statistical measures such as the number of students served by each type of innovative assistance described in section 4131(b), including the number of teachers trained.

"(c) Period of Application.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(d) Audit Limitation.—Each local educational agency receiving less than an average

of $5,000 under this subpart may not be audited more frequently than once every 5 years.

"CHAPTER 3—LOCAL INNOVATIVE EDUCATION PROGRAMS

"SEC. 4131. USE OF FUNDS.

"(a) IN GENERAL.—Funds made available to local educational agencies under section 4112 shall be used for innovative assistance programs described in subsection (b).

"(b) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subsection (a) may include—

"(1) professional development activities and the hiring of teachers, including activities carried out in accordance with title II, that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local academic content standards and student achievement standards;

"(2) technology related to the implementation of school-based reform programs, including professional development to assist teachers, and other school officials, regarding how to use effectively such equipment and software;

"(3) programs for the development or acquisition and use of instructional and educational materials, including library services and materials (including media materials), academic assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that are tied to high academic standards, that will be used to improve student achievement, and that are part of an overall education reform program;

"(4) promising education reform projects, including effective schools and magnet schools;

"(5) programs to improve the academic skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school;

"(6) programs to combat illiteracy;

"(7) programs to provide for the educational needs of gifted and talented children;

"(8) planning, designing, and initial implementation of charter schools as described in part B;

"(9) school improvement programs or activities under sections 1116 and 1117;

"(10) community service programs that use qualified school personnel to train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage;

"(11) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved with earning, spending, saving, and investing);

"(12) activities to promote, implement, or expand public school choice;

"(13) programs to hire and support school nurses;

"(14) expanding and improving school-based mental health services, including early identification of drug use and violence, assessment; and direct individual or group counseling services provided to students, parents, and school personnel by qualified school based mental health services personnel; and

"(15) alternative educational programs for those students who have been expelled or suspended from their regular educational setting, including programs to assist students to reenter the regular educational setting upon return from treatment or alternative educational programs.

"SEC. 4132. ADMINISTRATIVE AUTHORITY.

"In order to conduct the activities authorized by this subpart, each State or local educational agency may use funds made available under this subpart to make grants to, and to enter into contracts with, local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions, including religious organizations.

"SEC. 4133. LOCAL APPLICATIONS.

"(a) CERTIFICATION.—

"(1) IN GENERAL.—A local educational agency or a consortium of such agencies may receive an allocation of funds under this subpart for any year for which the agency or consortium submits an application under this section that is certified by the State to meet the requirements of this section.

"(2) CONTENTS OF APPLICATION.—The State shall certify each application that—

"(A) describes locally identified needs relative to the purposes of this subpart and to the innovative assistance described in section 4131(b);

"(B) based on the needs identified in subparagraph (A), sets forth the planned allocation of funds among innovative assistance programs described in section 4131 and describes the programs, projects, and activities designed to carry out such innovative assistance programs that the local educational agency intends to support;

"(C) contains information setting forth the allocation of such funds required to implement section 4142;

"(D) describes how assistance under this subpart will contribute to improving student academic achievement;

"(E) provides assurances of compliance with the provisions of this subpart, including the participation of children enrolled in private, nonprofit schools in accordance with section 4142;

"(F) provides assurance that the local educational agency will keep such records, and provide such information to the State as may be reasonably required for fiscal audit and program evaluation, consistent with the responsibilities of the State under this subpart;

"(G) provides in the allocation of funds for the assistance authorized by this subpart, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this subpart (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency; and

"(H) provides assurance that—

"(i) programs, services, and activities will be evaluated annually;

"(ii) such evaluation will be used to determine and implement appropriate changes in program services and activities for the subsequent year;

"(iii) such evaluation will describe how assistance under this subpart contributed toward improving student academic achievement; and

"(iv) such evaluation will be submitted to the State in the time and manner requested by the State.

"(b) TIME PERIOD TO WHICH APPLICATION RELATES.—An application submitted by a local educational agency under subsection (a) may seek allocations under this part for a period of time not to exceed 3 fiscal years and may be amended annually as may be necessary to reflect changes without the filing of a new application.

"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—

"(1) IN GENERAL.—Subject to the limitations and requirements of this subpart, a local educational agency shall have complete discretion in determining how funds made available under this chapter will be divided among programs and activities described in section 4131.

"(2) LIMITATION.—In exercising the discretion described in paragraph (1), a local educational agency shall ensure that expenditures under this chapter carry out the purposes of this subpart and are used to meet the educational needs within the schools of such local educational agency.

"CHAPTER 4—GENERAL PROVISIONS

"SEC. 4141. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this subpart for any fiscal year only if the Secretary determines that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the fiscal year that is 2 fiscal years before the fiscal year for which the determination is made.

"(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the allocation of funds under this subpart in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVER.—The Secretary may waive, for 1 fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this subpart only to supplement and, to the extent practical, to increase the level of funds that would, in the absence of Federal funds made available under this subpart, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 4142. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) PARTICIPATION ON EQUITABLE BASIS.—

"(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this subpart or which serves the area in which a program or project assisted under this subpart is located, who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State from funds made available for State use, such agency, after consultation with appropriate private school officials—

"(A) shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair or minor remodeling of public facilities as may be necessary for their provision (consistent with subsection (c) of this section); or

"(B) if such services, materials, and equipment are not feasible or necessary in 1 or more such private schools as determined by the local educational agency after consultation with the

appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this subpart.

"(2) OTHER PROVISIONS FOR SERVICES.—If no program or project is carried out under paragraph (1) in the school district of a local educational agency, the State shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in such district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this subpart.

"(3) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this subpart by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

"(b) EQUAL EXPENDITURES.—

"(1) IN GENERAL.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this subpart for children enrolled in the public schools of the local educational agency.

"(2) CONCENTRATED PROGRAMS.—Taking into account the needs of the individual children and other factors which relate to the expenditures referred to in paragraph (1), and when funds available to a local educational agency under this subpart are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

"(c) ADMINISTRATIVE RULES.—

"(1) FUNDS AND PROPERTY.—The control of funds provided under this subpart, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall be in a public agency for the uses and purposes provided in this subpart, and a public agency shall administer such funds and property.

"(2) PROVISION OF SERVICES.—The provision of services pursuant to this subpart shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this subpart shall not be commingled with State or local funds.

"(d) WAIVER.—

"(1) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(2) FAILURE TO COMPLY.—If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) WITHHOLDING OF ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a waiver under subsection (d)(1) or (d)(2), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of services to be provided by the Secretary under such subsection.

"(f) TERM OF DETERMINATIONS.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

"(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this subpart.

"(h) REVIEW.—

"(1) WRITTEN OBJECTIONS.—The Secretary shall not take any final action under this section until the State and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

"(2) COURT ACTION.—If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) REMAND TO SECRETARY.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) COURT REVIEW.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under chapter 2 of title I of this Act (as such chapter was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall, to the extent consistent with the purposes of this title, apply to programs under this title.

"SEC. 4143. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to States and local educational agencies under this subpart.

"(b) RULEMAKING.—The Secretary shall issue regulations under this subpart only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this subpart.

"(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this subpart shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

"SEC. 4144. DEFINITIONS.

"In this subpart, the following definitions apply:

"(1) SCHOOL-AGE POPULATION.—The term 'school-age population' means the population aged 5 through 17.

"(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4145. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $450,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

"Subpart 2—Arts Education

"SEC. 4151. ASSISTANCE FOR ARTS EDUCATION.

"(a) FINDINGS.—The Congress finds that—

"(1) every student can benefit from an education in the arts;

"(2) a growing body of research indicates that education in the arts may provide cognitive benefits and bolster academic achievement, beginning at an early age and continuing through secondary school;

"(3) qualified arts teachers and a sequential curriculum are the basis and core for substantive arts education for students;

"(4) the arts should be taught according to rigorous academic standards under arts education programs that provide mechanisms under which educators are accountable to parents, school officials, and the community;

"(5) opportunities to participate in the arts have enabled individuals with disabilities of all ages to participate more fully in school and community activities; and

"(6) arts education is a valuable part of the elementary and secondary school curriculum.

"(b) PURPOSES.—The purposes of this subpart are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum; and

"(2) help ensure that all students meet challenging State academic content standards and challenging State student academic achievement standards in the arts.

"(c) AUTHORITY.—In accordance with this subpart, the Secretary may make grants to, or enter into contracts or cooperative agreements with, eligible entities described in subsection (d).

"(d) ELIGIBLE ENTITIES.—The Secretary may make assistance available under subsection (c) to each of the following entities:

"(1) States.

"(2) Local educational agencies.

"(3) Institutions of higher education.

"(4) Museums or other cultural institutions.

"(5) Any other public or private agencies, institutions, and organizations.

"(e) USE OF FUNDS.—Assistance made available under this subpart may be used only for—

"(1) research on arts education;

"(2) planning, developing, acquiring, expanding, improving, or disseminating model school-based arts education programs;

"(3) the development of model State arts education assessments based on State academic standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with Federal agencies or institutions, arts educators, and organizations representing the arts, including State and local arts agencies involved in arts education;

"(7) supporting model projects or programs in the performing arts for children and youth or programs which assure the participation in mainstream settings in arts and education programs of individuals with disabilities through arrangements made with organizations such as the John F. Kennedy Center for the Performing Arts and VSA arts;

"(8) supporting model projects or programs to integrate arts education into the regular elementary and secondary school curriculum; or

"(9) other activities that further the purposes of this subpart.

"(f) Conditions.—As conditions of receiving assistance made available under this subpart, the Secretary shall require each entity receiving such assistance—

"(1) to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters; and

"(2) to use such assistance only to supplement and not to supplant any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart.

"(g) Consultation.—In carrying out this part, the Secretary shall consult with Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts including State and local arts agencies involved in arts education.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of fiscal years 2002 through 2006.

"Subpart 3—Gifted and Talented Children

"SEC. 4161. SHORT TITLE.

"This subpart may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 2001'.

"SEC. 4162. FINDINGS AND PURPOSE.

"(a) Findings.—Congress finds the following:

"(1) While the families and communities of some gifted and talented students can provide private educational programs with appropriately trained staff to supplement public educational offerings, most gifted and talented students, especially those from inner cities, rural communities, or low-income families, must rely on the services and personnel available in public schools. In order to ensure that there are equal educational opportunities for all gifted and talented students in the United States, the public schools should provide gifted and talented education programs carried out by qualified professionals.

"(2) Due to the wide dispersal of students who are gifted and talented and the national interest in a well-educated populace, it is the Federal Government that can most effectively and appropriately conduct scientifically based research and development to ensure that there is a national capacity to educate students who are gifted and talented in the 21st century.

"(3) Many State and local educational agencies lack the specialized resources and trained personnel necessary to consistently plan and implement effective programs for the identification of gifted and talented students and for the provision of educational services and programs appropriate for the needs of such students.

"(4) Because gifted and talented students are generally more advanced academically, are generally able to learn more quickly, and generally study in more depth and complexity than others their age, they require educational opportunities and experiences that are different from those usually available to other students.

"(5) A typical elementary school student who is academically gifted and talented has already mastered 35 to 50 percent of the content to be learned in several subjects in any school year before that year begins. Without an advanced and challenging curriculum, such a student may lose motivation and develop poor study habits that are difficult to break.

"(6) Classes in elementary and secondary schools in the United States consist of students with a wide variety of traits, characteristics, and needs. Although most teachers receive some training to meet the needs of students with limited English proficiency, students with disabilities, and students from diverse cultural and racial backgrounds, few receive training to meet the needs of students who are gifted and talented.

"(b) Purpose.—The purpose of this subpart is to initiate a coordinated program of scientifically based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary and secondary schools nationwide to meet the special educational needs of gifted and talented students.

"SEC. 4163. RULE OF CONSTRUCTION.

Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 4164. AUTHORIZED PROGRAMS.

"(a) Establishment of Program.—

"(1) In general.—From the sums available to carry out this subpart in any fiscal year, the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this subpart that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) Application.—

"(A) In general.—Each entity seeking assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(B) Contents.—Each application submitted under this paragraph shall describe how—

"(i) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

"(ii) the proposed programs can be evaluated.

"(b) Use of Funds.—Programs and projects assisted under this section may include each of the following:

"(1) Conducting—

"(A) scientifically based research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purpose of this subpart.

"(2) Professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.

"(3) Establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, including summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education.

"(4) Implementing innovative strategies, such as cooperative learning, peer tutoring, and service learning.

"(5) Programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

"(c) Establishment of National Center.—

"(1) In general.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in paragraph (1) of subsection (b).

"(2) Director.—The National Center established under paragraph (1) shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(d) Limitation.—Not more than 30 percent of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used to conduct activities pursuant to subsection (b)(1) or subsection (c).

"(e) Coordination.—Scientifically based research activities supported under this subpart—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by such Office; and

"(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Office.

"SEC. 4165. PROGRAM PRIORITIES.

"(a) General Priority.—In carrying out this subpart, the Secretary shall give highest priority to programs and projects designed to develop new information that—

"(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

"(2) assists schools in the identification of, and provision of services to, gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with disabilities).

"(b) Service Priority.—In approving applications for assistance under section 4164(a)(2), the Secretary shall ensure that in each fiscal year not less than 50 percent of the applications approved under such section address the priority described in subsection (a)(2) of this section.

"SEC. 4166. GENERAL PROVISIONS.

"(a) Participation of Private School Children and Teachers.—In making grants and entering into contracts under this subpart, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

"(b) Review, Dissemination, and Evaluation.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this subpart;

"(2) ensure that information on the activities and results of programs and projects funded under this subpart is disseminated to appropriate State and local educational agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this subpart in accordance with section 8651, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to the Congress not later than 2 years after the date of the enactment of the No Child Left Behind Act of 2001.

"(c) Program Operations.—The Secretary shall ensure that the programs under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

"(1) administer and coordinate the programs authorized under this subpart;

"(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and

"(3) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.

"SEC. 4167. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of fiscal years 2002 through 2006.".

SEC. 402. CONTINUATION OF AWARDS.

Notwithstanding any other provision of this Act, any person or agency that was awarded a grant under part B or D of title X (20 U.S.C. 8031 et seq., 8091 et seq.) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

PART B—PUBLIC CHARTER SCHOOLS

SEC. 411. PUBLIC CHARTER SCHOOLS.

Title IV, as amended by section 401, is further amended by adding at the end the following:

"PART B—PUBLIC CHARTER SCHOOLS

"SEC. 4201. FINDINGS AND PURPOSE.

"(a) Findings.—The Congress finds that—

"(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to meet challenging State academic content standards and State student academic achievement standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

"(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

"(3) charter schools are a mechanism for testing a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for educationally disadvantaged students consistent with challenging State academic content standards and State student academic achievement standards for all students;

"(4) charter schools can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

"(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, and this reduction can have a significant effect on student achievement;

"(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform; and

"(7) there is a strong documented need for cash-flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

"(b) Purpose.—It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the planning, program design and initial implementation of charter schools;

"(2) evaluating the effects of such schools, including the effects on students, student achievement, staff, and parents; and

"(3) expanding the number of high-quality charter schools available to students across the Nation.

"SEC. 4202. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 4203 to enable such agencies to conduct a charter school grant program in accordance with this part.

"(b) Special Rule.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 4203, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 4203(c).

"(c) Program Periods.—

"(1) Grants to States.—Grants awarded to State educational agencies under this part shall be awarded for a period of not more than 3 years.

"(2) Grants to Eligible Applicants.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this part shall be awarded for a period of not more than 3 years, of which the eligible applicant may use—

"(A) not more than 18 months for planning and program design;

"(B) not more than 2 years for the initial implementation of a charter school; and

"(C) not more than 2 years to carry out dissemination activities described in section 4204(f)(6)(B).

"(d) Limitation.—A charter school may not receive—

"(1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

"(2) more than one grant for activities under subparagraph (C) of subsection (c)(2).

"(e) Priority Treatment..—

"(1) In General.—In awarding grants under this part from any funds appropriated under section 4211, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

"(2) Review and Evaluation Priority Criteria.—The criteria referred to in paragraph (1) is that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

"(3) Priority Criteria.—The criteria referred to in paragraph (1) are the following:

"(A) The State has demonstrated progress, in increasing the number of high quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this part.

"(B) The State—

"(i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

"(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

"(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

"(f) Amount Criteria.—In determining the amount of a grant to be awarded under this part to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.

"SEC. 4203. APPLICATIONS.

"(a) Applications From State Agencies.—Each State educational agency desiring a grant from the Secretary under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

"(b) Contents of a State Educational Agency Application.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the objectives of the State educational agency's charter school grant program and how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program; and

"(2) describe how the State educational agency—

"(A) will inform each charter school in the State regarding—

"(i) Federal funds that the charter school is eligible to receive; and

"(ii) Federal programs in which the charter school may participate;

"(B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and

"(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and

"(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an *application to the State educational agency containing—*

"(A) a description of the educational program to be implemented by the proposed charter school, including—

"(i) how the program will enable all students to meet challenging State student academic achievement standards;

"(ii) the grade levels or ages of children to be served; and

"(iii) the curriculum and instructional practices to be used;

"(B) a description of how the charter school will be managed;

"(C) a description of—

"(i) the objectives of the charter school; and

"(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

"(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

"(E) a description of how parents and other members of the community will be involved in the planning, program design and implementation of the charter school;

"(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

"(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

"(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

"(I) a description of how students in the community will be—

"(i) informed about the charter school; and

"(ii) given an equal opportunity to attend the charter school;

"(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

"(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part;

"(L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

"(M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 4202(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and

"(N) such other information and assurances as the Secretary and the State educational agency may require.

"(c) CONTENTS OF ELIGIBLE APPLICANT APPLICATION.—Each eligible applicant desiring a grant pursuant to section 4202(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

"(d) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (c) shall contain—

"(1) the information and assurances described in subparagraphs (A) through (N) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (N) of such subsection shall be applied by striking 'and the State educational agency' each place such term appears;

"(2) assurances that the State educational agency—

"(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

"(B) will assist each subgrantee in the State in receiving a waiver under section 4204(e); and

"(3) assurances that the eligible applicant has provided its authorized public chartering authority timely notice, and a copy, of the application, except that the State educational agency (or the Secretary, in the case of an application submitted to the Secretary) may waive this requirement in the case of an application for a precharter planning grant or subgrant if the authorized public chartering authority to which a charter school proposal will be submitted has not been determined at the time the grant or subgrant application is submitted.

"SEC. 4204. ADMINISTRATION.

"(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 4203(b), after taking into consideration such factors as—

"(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieving State academic content standards and State student academic achievement standards and, in general, a State's education improvement plan;

"(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

"(3) the ambitiousness of the objectives for the State charter school grant program;

"(4) the quality of the strategy for assessing achievement of those objectives;

"(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students;

"(6) the number of high quality charter schools created under this part in the State; and

"(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under section 4202(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student academic achievement.

"(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 4203(c), after taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the charter school;

"(5) the quality of the strategy for assessing achievement of those objectives;

"(6) the likelihood that the charter school will meet those objectives and improve educational results for students; and

"(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under section 4202(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.

"(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for assistance under this part.

"(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this part, shall award subgrants under this part in a manner that, to the extent possible, ensures that such grants and subgrants—

"(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

"(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

"(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 4210(1), if—

"(1) the waiver is requested in an approved application under this part; and

"(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

"(f) USE OF FUNDS.—

"(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6).

"(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school, or to disseminate information about the charter school and successful practices in the charter school, in accordance with this part.

"(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this part may use the grant or subgrant funds only for—

"(A) post-award planning and design of the educational program, which may include—

"(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(ii) professional development of teachers and other staff who will work in the charter school; and

"(B) initial implementation of the charter school, which may include—

"(i) informing the community about the school;

"(ii) acquiring necessary equipment and educational materials and supplies;

"(iii) acquiring or developing curriculum materials; and

"(iv) other initial operational costs that cannot be met from State or local sources.

"(4) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part. A local educational agency may not deduct funds for administrative fees or expenses from a subgrant awarded to an eligible applicant.

"(5) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 10 percent of the grant amount for the establishment of a revolving loan fund. Such fund may be

used to make loans to eligible applicants that have received a subgrant under this part, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

"(6) DISSEMINATION.—

"(A) IN GENERAL.—A charter school may apply for funds under this part, whether or not the charter school has applied for or received funds under this part for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

"(i) substantial progress in improving student academic achievement;

"(ii) high levels of parent satisfaction; and

"(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

"(B) ACTIVITIES.—A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

"(i) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

"(ii) developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership;

"(iii) developing curriculum materials, academic assessments, and other materials that promote increased student academic achievement and are based on successful practices within the assisting charter school; and

"(iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student academic achievement in other schools.

"(g) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this part and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—

"(1) the eligibility of the school to receive any other Federal, State, or local aid; or

"(2) the amount of such aid.

"SEC. 4205. NATIONAL ACTIVITIES.

"(a) IN GENERAL.—The Secretary shall reserve for each fiscal year the greater of 5 percent or $5,000,000 of the amount appropriated to carry out this part, except that in no fiscal year shall the total amount so reserved exceed $8,000,000, to carry out the following activities:

"(1) To provide charter schools, either directly or through State educational agencies, with—

"(A) information regarding—

"(i) Federal funds that charter schools are eligible to receive; and

"(ii) other Federal programs in which charter schools may participate; and

"(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.

"(2) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student academic achievement, including information regarding—

"(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and

"(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.

"(3) To provide—

"(A) information to applicants for assistance under this part;

"(B) assistance to applicants for assistance under this part with the preparation of applications under section 4203;

"(C) assistance in the planning and startup of charter schools;

"(D) training and technical assistance to existing charter schools; and

"(E) for the dissemination to other public schools of best or promising practices in charter schools.

"(4) To provide (including through the use of one or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).

"SEC. 4206. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

"(a) IN GENERAL.—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

"(b) ADJUSTMENT AND LATE OPENINGS.—

"(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

"(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

"SEC. 4207. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.

"To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this part, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

"SEC. 4208. RECORDS TRANSFER.

"State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(11)), are transferred to a charter school upon the transfer of the student to the charter school, to another public school upon the transfer of the student from a charter school to another public school, and to a private school upon the transfer of the student from a charter or public school to the private school (with the written consent of a parent of the student), in accordance with applicable State law.

"SEC. 4209. PAPERWORK REDUCTION.

"To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this part results in a minimum of paperwork for any eligible applicant or charter school.

"SEC. 4210. DEFINITIONS.

"As used in this part:

"(1) The term 'charter school' means a public school that—

"(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, or in another nondiscriminatory manner consistent with State law, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

"(J) meets all applicable Federal, State, and local health and safety requirements;

"(K) operates in accordance with State law; and

"(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student academic achievement will be measured in charter schools pursuant to State academic assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

"(2) The term 'developer' means an individual or group of individuals (including a public or

private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

''(3) The term 'eligible applicant' means a developer that has—

''(A) applied to an authorized public chartering authority; and

''(B) provided adequate and timely notice to that authority under section 4203(d)(3).

''(4) The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

"SEC. 4211. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $225,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 412. CONTINUATION OF AWARDS.

Notwithstanding any other provision of this Act, any person or agency that was awarded a grant or subgrant under subpart 1 of part C of title X (20 U.S.C. 8061 et seq.) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

PART C—MAGNET SCHOOLS ASSISTANCE; WOMEN'S EDUCATIONAL EQUITY

SEC. 421. MAGNET SCHOOLS ASSISTANCE.

Title IV, as amended by sections 401 and 411, is further amended by adding at the end the following:

"PART C—MAGNET SCHOOLS ASSISTANCE; WOMEN'S EDUCATIONAL EQUITY

"Subpart 1—Magnet Schools Assistance

"SEC. 4301. FINDINGS.

''The Congress finds as follows:

''(1) Magnet schools are a significant part of the Nation's efforts to achieve voluntary desegregation in our schools.

''(2) The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this Act, with approximately 2,000,000 students nationwide attending such schools, of whom more than 65 percent are non-white.

''(3) Magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts.

''(4) It is in the best interests of the United States—

''(A) to continue the Federal Government's support of local educational agencies that are implementing court-ordered desegregation plans and local educational agencies that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

''(B) to ensure that all students have equitable access to a quality education that will prepare them to function well in a highly competitive economy;

''(C) to maximize the ability of local educational agencies to plan, develop, implement, and continue effective and innovative magnet schools that contribute to State and local systemic reform; and

''(D) to ensure that grant recipients provide adequate data that demonstrate an ability to improve student academic achievement.

"SEC. 4302. STATEMENT OF PURPOSE.

''The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

''(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

''(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content standards and student academic achievement standards;

''(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary and secondary schools and educational programs; and

''(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational and technical skills of students attending such schools.

"SEC. 4303. PROGRAM AUTHORIZED.

''The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

''(1) part of an approved desegregation plan; and

''(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 4304. DEFINITION.

''For the purpose of this part, the term 'magnet school' means a public elementary or secondary school or public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 4305. ELIGIBILITY.

''A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purpose of this part if such agency or consortium—

''(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

''(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 4306. APPLICATIONS AND REQUIREMENTS.

''(a) APPLICATIONS.—An eligible local educational agency, or consortium of such agencies, desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

''(b) INFORMATION AND ASSURANCES.—Each such application shall include—

''(1) a description of—

''(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

''(B) the manner and extent to which the magnet school project will increase student academic achievement in the instructional area or areas offered by the school;

''(C) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

''(D) how funds under this part will be used to improve student academic performance for all students attending the magnet schools; and

''(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

''(2) assurances that the applicant will—

''(A) use funds under this part for the purpose specified in section 4302;

''(B) employ fully qualified teachers in the courses of instruction assisted under this part;

''(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

''(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

''(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

''(iii) designing or operating extracurricular activities for students;

''(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

''(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for placement in those projects.

"SEC. 4307. PRIORITY.

''In approving applications under this part, the Secretary shall give priority to applicants that—

''(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

''(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects; and

''(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination.

"SEC. 4308. USE OF FUNDS.

''(a) IN GENERAL.—Grant funds made available under this part may be used by an eligible local educational agency or consortium of such agencies—

''(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

''(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

''(3) for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are fully qualified, and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

''(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

''(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

''(B) further the purpose of this part; and

''(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended.

"(b) Special Rule.—Grant funds under this part may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' academic performance based on the State's challenging academic content standards and student academic achievement standards or directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational and technical skills.

"SEC. 4309. PROHIBITIONS.

"(a) Transportation.—Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

"(b) Planning.—A local educational agency shall not expend funds under this part after the third year that such agency receives funds under this part for such project.

"SEC. 4310. LIMITATIONS.

"(a) Duration of Awards.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

"(b) Limitation on Planning Funds.—A local educational agency may expend for planning not more than 50 percent of the funds received under this part for the first year of the project, 15 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

"(c) Amount.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.

"(d) Timing.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than July 1 of the applicable fiscal year.

"SEC. 4311. EVALUATIONS.

"(a) Reservation.—The Secretary may reserve not more than 2 percent of the funds appropriated under section 4312(a) for any fiscal year to carry out evaluations, technical assistance, and dissemination projects with respect to magnet school projects and programs assisted under this part.

"(b) Contents.—Each evaluation described in subsection (a), at a minimum, shall address—

"(1) how and the extent to which magnet school programs lead to educational quality and improvement;

"(2) the extent to which magnet school programs enhance student access to quality education;

"(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

"(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

"SEC. 4312. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) Authorization.—For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Availability of Funds for Grants to Agencies Not Previously Assisted.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.".

SEC. 422. WOMEN'S EDUCATIONAL EQUITY.

(a) Transfer and Redesignation.—Part B of title V (20 U.S.C. 7231 et seq.) is transferred and redesignated as subpart 2 of part C of title IV. Sections 5201 through 5208 are redesignated as sections 4321 through 4328, respectively.

(b) Report.—Section 4326 (as so redesignated) is amended by striking "January 1, 1999," and inserting "January 1, 2005,".

(c) Evaluation and Dissemination.—Section 4327(a) (as so redesignated) is amended—

(1) by striking "14701," and inserting "8651,"; and

(2) by striking "January 1, 1998." and inserting "January 1, 2004.".

(d) Reauthorization.—Section 4328 (as so redesignated) is amended by striking "$5,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years," and inserting "$3,000,000 for fiscal year 2002 and such sums as may be necessary for each of the four succeeding fiscal years,".

(e) Other Conforming Amendments.—

(1) Short title.—Section 4321(a) (as so redesignated) is amended to read as follows:

"(a) Short Title.—This subpart may be cited as the 'Women's Educational Equity Act of 2001'.".

(2) References.—Subpart 2 of part C of title IV (as so redesignated) is amended—

(A) by striking "this part" each place such term appears and inserting "this subpart"; and

(B) by striking "5203(b)" each place such term appears and inserting "4423(b)".

SEC. 423. CONTINUATION OF AWARDS.

Notwithstanding any other provision of this Act, any person or agency that was awarded a grant under part A of title V (20 U.S.C. 7201 et seq.), or a grant, contract, or cooperative agreement under part B of such title (20 U.S.C. 7231 et seq.), prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

TITLE V—21ST CENTURY SCHOOLS

SEC. 501. SAFE SCHOOLS.

Title V, except part B (which is transferred and redesignated as subpart 2 of part C of title IV by section 422(a) of this Act) is amended to read as follows:

"TITLE V—21ST CENTURY SCHOOLS

"PART A—SUPPORTING VIOLENCE AND DRUG PREVENTION AND ACADEMIC ENRICHMENT

"SEC. 5001. SHORT TITLE.

"This part may be cited as the '21st Century Schools Act of 2001'.

"SEC. 5002. PURPOSE.

"The purpose of this part is to support programs that prevent the use of illegal drugs, prevent violence, provide quality before and after school activities and supervision for school age youth, involve parents and communities, and are coordinated with related Federal, State, and community efforts and resources to foster a safe and drug-free learning environment in which students increase their academic achievement, through the provision of Federal assistance to—

"(1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of drug and violence prevention in elementary and secondary schools;

"(2) States for grants to local educational agencies, community-based organizations, and other public entities and private organizations, for before and after school programs for youth; and

"(3) States and public and private nonprofit and for-profit organizations to conduct training, demonstrations, and evaluations.

"SEC. 5003. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) $475,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years, for State grants under subpart 1;

"(2) $900,000,000 for fiscal year 2002, and such sums as may be necessary for each of the four succeeding fiscal years, for State grants under subpart 2; and

"(3) $60,000,000 for fiscal year 2002, and for each of the 4 succeeding fiscal years, for national programs under subpart 3.

"Subpart 1—Safe Schools

"SEC. 5111. RESERVATIONS AND ALLOTMENTS.

"(a) Reservations.—From the amount made available under section 5003(1) to carry out this subpart for each fiscal year, the Secretary—

"(1) shall reserve 1 percent or $4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this subpart;

"(2) shall reserve 1 percent or $4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth;

"(3) shall reserve 0.2 percent of such amount for Native Hawaiians to be used to carry out programs described in this subpart;

"(4) notwithstanding section 3 of the Leave No Child Behind Act of 2001, shall reserve an amount necessary to make continuation grants to grantees under part I of title X of this Act (under the terms of those grants), as such part existed on the day before the effective date of the Leave No Child Behind Act of 2001; and

"(5) notwithstanding section 3 of the Leave No Child Behind Act of 2001, shall reserve an amount necessary to make continuation grants to grantees under the Safe Schools/Healthy Students initiative (under the terms of those grants), as it existed on the day before the date of the effective date of the Leave No Child Behind Act of 2001.

"(b) State Allotments.—

"(1) In general.—Except as provided in paragraph (2), the Secretary, for each fiscal year, shall allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under part A of title I for the preceding year and the sum of such amounts received by all the States.

"(2) Minimum.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(c) Reallotment of Unused Funds.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

"(d) Definition.—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"SEC. 5112. RESERVATION OF STATE FUNDS FOR SAFE SCHOOLS.

"(a) State Reservation for the Governor.—

"(1) In general.—The chief executive officer of a State may reserve not more than 20 percent

of the total amount allocated to a State under section 5111(b) for each fiscal year to award competitive grants and contracts to local educational agencies, community-based organizations, and other public entities and private organizations for programs or activities to support community efforts that complement activities of local educational agencies described in section 5115. Such officer shall award grants based on—

"(A) the quality of the activity or program proposed; and

"(B) how the program or activity is aligned with the appropriate principles of effectiveness described in section 5114(a).

"(2) SPECIAL CONSIDERATION.—In awarding funds under subparagraph (A), a chief executive officer shall give special consideration to grantees that pursue a comprehensive approach to drug and violence prevention by providing and incorporating mental health services in their programs.

"(3) ADMINISTRATIVE COSTS.—The chief executive officer of a State may use not more than 1 percent of the amount described in subparagraph (A) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) STATE FUNDS.—

"(1) ADDITIONAL RESERVATIONS.—Each State shall reserve an amount equal to the total amount allotted to a State under section 5111(b), less the amount reserved under subsection (a) and paragraphs (2) and (3) of this subsection, for each fiscal year for its local educational agencies.

"(2) STATE ACTIVITIES.—A State may use not more than 4 percent of the total amount available under subsection (a) for State activities described in subsection (c).

"(3) STATE ADMINISTRATION.—A State may use not more than 1 percent of the amount made available under subsection (a) for the administrative costs of carrying out its responsibilities under this subpart.

"(c) ACTIVITIES.—

"(1) IN GENERAL.—A State shall use a portion of the funds described in subsection (b)(2), either directly, or through grants and contracts, to plan, develop, and implement capacity building, technical assistance, evaluation, program improvement services, and coordination activities for local educational agencies, community-based organizations, other public entities, and private organizations that are designed to support the implementation of programs and activities under this subpart.

"(2) DATA COLLECTION.—

"(A) STATISTICS.—A State may use a portion of the funds, not to exceed 20 percent, described in subsection (b)(2), either directly or through grants and contracts, to establish and implement a statewide system of collecting data regarding statistics on—

"(i) truancy rates; and

"(ii) the frequency, seriousness, and incidence of violence and drug related offenses resulting in suspensions and expulsion in elementary and secondary schools in States.

"(B) COMPILATION OF STATISTICS.—The statistics shall be compiled in accordance with definitions as determined in the State criminal code, but shall not identify victims of crimes or persons accused of crimes. The collected data shall include, incident reports by school officials, anonymous student surveys, and anonymous teacher surveys.

"(C) REPORTING.—Such data and statistics shall be reported to the public and shall be reported on a school-by-school basis.

"(D) LIMITATION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices with respect to crimes on school property or school security.

"(3) SAFE SCHOOLS.—The State shall establish and implement a statewide policy requiring that students attending persistently dangerous public elementary and secondary schools, as determined by the State, or who become a victim of a violent criminal offense, as defined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school, within the local educational agency, including a public charter school and allowing payment of reasonable transportation costs and tuition costs for such students.

"SEC. 5113. STATE APPLICATION.

"(a) IN GENERAL.—In order to receive an allotment under section 5111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) describes the activities to be funded under section 5112(c);

"(2) describes how activities funded under this subpart will support State academic achievement standards in accordance with section 1111;

"(3) describes how funds under this subpart will be coordinated with programs under this Act, and other programs, as appropriate, in accordance with the provisions of section 8306;

"(4) provides an assurance that the application was developed in consultation and coordination with appropriate State officials and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

"(5) provides an assurance that the State will cooperate with, and assist, the Secretary in conducting data collection as required by section 5116(a);

"(6) provides an assurance that the local educational agencies in the State will comply with the provisions of section 8503 pertaining to the participation of private school children and teachers in the programs and activities under this subpart;

"(7) provides an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

"(8) describes the results of the State's needs and resources assessment for violence and illegal drug use prevention which shall be based on the results of on-going evaluation (which may include data on the incidence and prevalence, age of onset, perception of health risk and perception of social disapproval of violence and illegal drug use by youth in schools and communities and the prevalence of risk and protective factors or other scientifically based research variables in the school and community);

"(9)(A) provides a statement of the State's performance measures for drug and violence prevention programs and activities to be funded under this part that shall be developed in consultation between the State and local officials and that consist of—

"(i) performance indicators for drug and violence prevention programs and activities; and

"(ii) levels of performance for each performance indicator;

"(B) a description of the procedures the State will use for assessing and publicly reporting progress toward meeting those performance measures; and

"(C) a plan for monitoring the implementation of, and providing technical assistance regarding, the activities and programs conducted by local educational agencies, community-based organizations, other public entities, and private organizations under this subpart;

"(10) provides an assurance that the State will consult with a representative sample of local educational agencies in the development of the definition of 'persistently dangerous school' for the purposes of section 5112(c)(3);

"(11) provides a description of how the State defines 'persistently dangerous school' for the purposes of section 5112(c)(3); and

"(12) provides an assurance that the State application will be available for public review after submission of the application.

"(b) GENERAL APPROVAL.—A State application submitted pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 90-day period beginning on the date that the Secretary receives the application, that the application is in violation of this subpart.

"(c) DISAPPROVAL.—The Secretary shall not finally disapprove a State application, except after giving the State notice and opportunity for a hearing.

"SEC. 5114. FORMULA GRANT PROGRAM.

"(a) IN GENERAL.—

"(1) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—A State shall provide the amount made available to the State under this subpart, less the amounts reserved under sections 5111 and 5112 to local educational agencies for drug and violence prevention and education as follows:

"(A) 60 percent of such amount based on the relative amount such agencies received under part A of title I for the preceding fiscal year.

"(B) 40 percent of such amount to local educational agencies based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies.

"(2) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (1), a local educational agency may use not more than 1 percent for the administrative costs of carrying out its responsibilities under this subpart.

"(3) RETURN OF FUNDS TO STATE; REALLOCATION.—

"(A) RETURN.—Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date that a local educational agency receives its allocation—

"(i) such agency shall return to the State any funds from such allocation that remain unobligated; and

"(ii) the State shall reallocate any such amount to local educational agencies that have submitted plans for using such amount for programs or activities on a timely basis.

"(B) CARRYOVER.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

"(i) an amount equal to not more than 25 percent of the allocation it received under this subpart for such fiscal year; or

"(ii) upon a demonstration of good cause by such agency and approval by the State, an amount that exceeds 25 percent of such allocation.

"(b) ELIGIBILITY.—To be eligible to receive a subgrant under this subpart, a local educational agency desiring a subgrant shall submit an application to the State. Such an application shall be amended, as necessary, to reflect changes in the activities and programs of the local educational agency.

"(c) DEVELOPMENT.—

"(1) CONSULTATION.—

"(A) IN GENERAL.—A local educational agency shall develop its application through timely and

meaningful consultation with State and local government representatives, representatives of schools to be served, school personnel, and community organizations with relevant and demonstrated expertise in drug and violence prevention activities, students and parents.

"(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency shall consult with such representatives and organizations in order to seek advice regarding how best to coordinate such agency's activities under this subpart with other related strategies, programs, and activities being conducted in the community.

"(2) DESIGN AND DEVELOPMENT.—To ensure timely and meaningful consultation, a local educational agency at the initial stages of design and development of a program or activity shall consult, in accordance with this subsection, with appropriate entities and persons on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in section 5115(a).

"(d) CONTENTS OF APPLICATIONS.—

"(1) IN GENERAL.—An application submitted by a local educational agency under this section shall contain—

"(A) an assurance that the activities or programs to be funded support State academic achievement goals in accordance with section 1111;

"(B) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(i) how the plan will be coordinated with programs under this Act, other Federal, State, and local programs for drug and violence prevention, in accordance with the provisions of section 8306;

"(ii) the local educational agency's performance measures for drug and violence prevention programs and activities, that shall consist of—

"(I) performance indicators for drug and violence prevention programs and activities; and

"(II) levels of performance for each performance indicator;

"(iii) how such agency will assess and publicly report progress toward attaining its performance measures;

"(iv) the drug and violence prevention activity or program to be funded, including how the activity or program will meet the principles of effectiveness described in section 5115(a), and the means of evaluating such activity or program; and

"(v) how the services will be targeted to schools and students with the greatest need;

"(C) a certification that a meaningful assessment has been conducted to determine community needs (including consultation with community leaders, businesses, and school officials), available resources and capacity in the public and private sector (which may include an analysis based on data reasonably available at the time on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities, prevalence of risk and protective factors, buffers or assets, or other scientifically based research variables in the school and community), the findings of such assessments;

"(D) an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

"(E) a description of the mechanisms used to provide effective notice to the community of an intention to submit an application under this title;

"(F) an assurance that drug prevention programs supported under this part convey a clear and consistent message that the illegal use of drugs is wrong and harmful;

"(G) an assurance that the local educational agency has established and implemented a student code of conduct policy that clearly states responsibilities of students, teachers, and administrators in maintaining a classroom environment that allows a teacher to communicate effectively with all students in the class, that allows all students in the class to learn, has consequences that are fair and appropriate for violations, and is enforced equitably;

"(H) an assurance that the application and any waiver request will be available for public review after submission of the application; and

"(I) such other information and assurances as the State may reasonably require.

"(2) GENERAL APPROVAL.—A local educational agency's application submitted to the State under this subpart shall be deemed to be approved by the State unless the State makes a written determination, prior to the expiration of the 90-day period beginning on the date that the State receives the application, that the application is in violation of this subpart.

"(3) DISAPPROVAL.—The State shall not finally disapprove a local educational agency application, except after giving such agency notice and an opportunity for a hearing.

"SEC. 5115. AUTHORIZED ACTIVITIES.

"(a) PRINCIPLES OF EFFECTIVENESS.—

"(1) IN GENERAL.—For a program or activity developed pursuant to this subpart to meet the principles of effectiveness, such program or activity shall—

"(A) be based upon an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal drug use, including delinquency and serious discipline problems, among students who attend such schools (including private school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

"(B) be based upon an established set of performance measures aimed at ensuring that the elementary and secondary schools and communities to be served by the program have a drug-free, safe, and orderly learning environment; and

"(C) be based upon scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use.

"(2) PERIODIC EVALUATION.—The program or activity shall undergo a periodic evaluation to assess its progress toward reducing violence and illegal drug use in schools to be served based on performance measures described in section 5114(d)(1)(B)(ii) The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures. The results shall also be made available to the public upon request, with public notice of such availability provided.

"(3) WAIVER.—A local educational agency may apply to the State for a waiver of the requirement of paragraph (1)(C) to allow innovative activities or programs that demonstrate substantial likelihood of success.

"(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

"(1) PROGRAM REQUIREMENTS.—A local educational agency shall use funds made available under section 5114 to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other school and community-based services and programs, that shall—

"(A) support State academic achievement goals in accordance with section 1111;

"(B) be consistent with the principles of effectiveness described in subsection (a);

"(C) be designed to—

"(i) prevent or reduce violence and illegal drug use, delinquency, serious discipline problems, and poor academic achievement and illegal drug use; and

"(ii) create a well disciplined environment conducive to learning, which includes consultation between teachers, principals, and other school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts; and

"(D) include activities to promote the involvement of parents in the activity or program, to promote coordination with community groups and coalitions, and government agencies, and to distribute information about the local educational agency's needs, goals, and programs under this subpart.

"(2) AUTHORIZED ACTIVITIES.—Each local educational agency or consortium of such agencies, that receives a subgrant under this subpart may use such funds to carry out activities, such as—

"(A) developmentally appropriate drug and violence prevention programs in both elementary and secondary schools that incorporate a variety of prevention strategies and activities, which may include—

"(i) teaching students that most people do not use illegal drugs;

"(ii) teaching students to recognize social and peer pressure to use illegal drugs and the skills for resisting illegal drug use;

"(iii) teaching students about the dangers of emerging drugs;

"(iv) engaging students in the learning process;

"(v) incorporating activities in secondary schools that reinforce prevention activities implemented in elementary schools; and

"(vi) involving families and communities in setting clear expectations against violence and illegal drug use and enforcing appropriate consequences for violence and illegal drug use;

"(B) training of school personnel and parents in youth drug and violence prevention, including training in early identification, intervention, and prevention of threatening behavior;

"(C) community-wide strategies for reducing violence and illegal drug use, and illegal gang activity;

"(D) to the extent that expenditures do not exceed 20 percent of the amount made available to a local educational agency under this subpart, law enforcement and security activities, including—

"(i) acquisition and installation of metal detectors;

"(ii) hiring and training of security personnel, that are related to youth drug and violence prevention;

"(iii) reporting of criminal offenses on school property; and

"(iv) development of comprehensive school security assessments;

"(E) expanding and improving school-based mental health services, including early identification of violence and illegal drug use, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school based mental health services personnel;

"(F) establishing and maintaining peer mediation programs that include educating and training peer mediators and a designated faculty supervisor and purchasing necessary materials to facilitate training and the mediation process;

“(G) alternative education programs or services that reduce the need for suspensions or expulsions or programs or services for students who have been expelled or suspended from the regular educational settings, including programs or services to assist students to reenter the regular education setting upon return from treatment or alternative education programs;

“(H) counseling, mentoring, and referral services, and other student assistance practices and programs, including assistance provided by qualified school based mental health services personnel and the training of teachers by school-based mental health service providers in appropriate identification and intervention techniques for students, at risk of violent behavior and drug use;

“(I) activities that reduce truancy;

“(J) age appropriate, developmentally based violence prevention and education programs that address the legal, health, personal, and social consequences of illegal drug use and violent and disruptive behavior and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

“(K) providing guidance to students that encourages students to seek advice for anxiety, threats of violence, or actual violence and to confide in a trusted adult regarding an uncomfortable or threatening situation;

“(L) the development of educational programs that prevent school based crime, including preventing crimes motivated by hate that result in acts of physical violence at school and any programs or published materials that address school based crime shall not recommend or require any action that abridges or infringes upon the constitutionally protected rights of free speech, religion, and equal protection of students, their parents, or legal guardians;

“(M) testing students for illegal drug use or conducting student locker searches for illegal drugs or drug paraphernalia consistent with the 4th amendment to the Constitution;

“(N) emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident, that has disrupted the learning environment;

“(O) establishing and implementing a system for transferring suspension and expulsion records by a local educational agency to any public or private elementary or secondary school;

“(P) allowing students attending a persistently dangerous public elementary or secondary school, as determined by the State, or who become a victim of a violent criminal offense, as defined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, to attend a safe public elementary or secondary school, within the local educational agency, including a public charter school, and allowing payment of reasonable transportation costs and tuition costs for such students;

“(Q) the development and implementation of character education and training programs that reflect values, that take into account the views of parents or guardians of the student for whom the program is intended, which may include honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

“(R) establishing and maintaining a school violence hotline;

“(S) activities to ensure students' safe travel to and from school, including pedestrian and bicycle safety education; and

“(T) the evaluation of any of the activities authorized under this subsection and the collection of any data required by this part.

“SEC. 5116. EVALUATION AND REPORTING.

“(a) DATA COLLECTION.—

“(1) IN GENERAL.—The National Center for Education Statistics shall report, and when appropriate, collect data to determine the frequency, seriousness, and incidence of illegal drug use and violence by youth in schools and communities in the States, using if appropriate, data submitted by the States pursuant to subsection (b).

“(2) REPORT.—The Secretary shall submit to the Congress a report on the data collected under this subsection.

“(b) STATE REPORT.—

“(1) IN GENERAL.—Not later than October 1, 2004, and every third year thereafter, the chief executive officer of a State, in consultation with the State educational agency, shall submit to the Secretary a report on the implementation and effectiveness of State and local programs under this subpart.

“(2) SPECIAL RULE.—The report required by this subsection shall be—

“(A) based on the State's ongoing evaluation activities, and shall include data on the prevalence of violence and illegal drug use by youth in schools and communities; and

“(B) made available to the public upon request, with public notice of such availability provided.

“(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State such information, and at such intervals as the State reasonably requires to complete the State report required by subsection (b), information on the prevalence of violence and illegal drug use by youth in the schools and the community and the progress of the local educational agency toward meeting its performance measures. The report shall be made available to the public upon request, with public notice of such availability provided.

“Subpart 2—21st Century Schools

“SEC. 5121. STATE ALLOTMENTS FOR 21ST CENTURY SCHOOLS.

“(a) STATE ALLOTMENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), from the amount made available under section 5003(2) to carry out this subpart for each fiscal year, the Secretary shall allocate among the States—

“(A) one-half of such amount according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

“(B) one-half of such amount according to the ratio between the amount each State received under part A of title I for the preceding year and the sum of such amounts received by all the States.

“(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

“(b) REALLOTMENT OF UNUSED FUNDS.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

“(c) STATE FUNDS.—

“(1) IN GENERAL.—Each State that receives a grant under this subpart shall reserve an amount equal to the amount allotted to such State under subsection (a), less the amount reserved under paragraphs (2) and (3) of this subsection, for each fiscal year for its local educational agencies.

“(2) STATE ADMINISTRATION.—A State may use not more than 1 percent of the amount made available under subsection (a) for the administrative costs of carrying out its responsibilities under this subpart.

“(3) STATE ACTIVITIES.—A State may use not more than 4 percent of the amount made available under subsection (a) for the following activities:

“(A) Monitoring and evaluation of programs and activities assisted under this subpart.

“(B) Providing capacity building, training, and technical assistance under this subpart.

“SEC. 5122. STATE APPLICATION.

“(a) IN GENERAL.—In order to receive an allotment under section 5121(a) for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this subpart;

“(2) describes the competitive procedures and criteria the State will use to ensure that grants under this subpart will support quality extended learning opportunities;

“(3) an assurance that the program will primarily target schools eligible for schoolwide programs under section 1114;

“(4) describes the steps the State will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, and dissemination of promising practices;

“(5) describe how activities funded under this subpart will support State academic achievement goals in accordance with section 1111;

“(6) describe how funds under this subpart will be coordinated with programs under this Act, and other programs; as appropriate, in accordance with the provisions of section 8306;

“(7) provides an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart; and in no case supplant such State, local, and other non-Federal funds:

“(8) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, the heads of the State health and mental health agencies or their designees, representatives of teachers, parents, students, the business community, and community-based organizations, including religious organizations;

“(9) describes the results of the State's needs and resources assessment for before and after school activities, which shall be based on the results of on-going State evaluation activities;

“(10) describes how the State will evaluate the effectiveness of programs and activities carried out under this subpart which shall include at a minimum—

“(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities; and

“(B) public dissemination of the evaluations of programs and activities carried out under this subpart; and

“(11) provides for timely public notice of intent to file application and an assurance that the application will be available for public review after submission of the application.

“(b) GENERAL APPROVAL.—A State application submitted pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 90-day period beginning on the date that the Secretary receives the application, that the application is in violation of this subpart.

“(c) DISAPPROVAL.—The Secretary shall not finally disapprove a State application, except after giving the State notice and opportunity for a hearing.

“SEC. 5123. COMPETITIVE GRANT PROGRAM.

“(a) IN GENERAL.—A State that receives funds under this subpart shall provide the amount

made available under section 5121 to eligible entities for 21st century community learning programs in accordance with this subpart.

"(b) Eligibility.—

"(1) In general.—To be eligible to receive a subgrant under this subpart, an eligible entity desiring a subgrant shall submit an application to the State that contains—

"(A) a description of the before and after school activity to be funded including—

"(i) an assurance that the program will take place in a safe and easily accessible facility;

"(ii) a description of how students participating in the center will travel safely to and from the community learning center and back home; and

"(iii) a description of how the eligible applicant will disseminate information about the project (including its location) to the community in a manner that is understandable and accessible.

"(B) a description of how the activity is expected to improve student academic performance;

"(C) a description of how the activity will meet the principles of effectiveness described in section 5124;

"(D) an assurance that the program will primarily target students who attend schools eligible for schoolwide programs under section 1114;

"(E) provides an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart; and in no case supplant such State, local, and other non-Federal funds;

"(F) a description of the partnership with local educational agency, a community-based organization, and another public entity or private organization, if appropriate;

"(G) a certification that a meaningful assessment has been conducted to determine community needs, available resources and capacity in the findings of such assessments, and a description of the mechanisms used to provide effective notice to the community of an intention to submit an application under this subpart;

"(H) a description of the applicants experience, or promise of success, in providing educational or related activities that will compliment and enhance the student's academic achievement;

"(I) an assurance that the applicant will develop a plan to continue the activity after funding under this subpart ends;

"(J) an assurance that the application and any waiver request will be available for public review after submission of the application; and

"(K) such other information and assurances as the State may reasonably require.

"(2) Eligible entity.—An eligible entity under this subpart is a local educational agency, community-based organization, and other public entity or private organization or a consortium of two or more of such groups.

"(c) Peer Review.—In reviewing local applications under this section, a State shall use a peer review process or other methods of assuring the quality of such applications.

"(d) Geographic Diversity.—To the extent practicable, a State shall distribute funds equitably among geographic areas within the State.

"(e) Duration of Awards.—Grants under this subpart may be awarded for a period of not less than 3 years and not more than 5 years.

"(f) Amount of Awards.—A grant awarded under this subpart may not be made in an amount of less than $50,000.

"(g) Priority.—In making awards under this subpart, the State shall give priority to applications submitted by applicants proposing to target services to students who attend schools that have been identified as in need of improvement under section 1116.

"(h) Permissive Local Match.—

"(1) In general.—A State may require an eligible entity to match funds awarded under this subpart, except that such match may not exceed the amount of the grant award.

"(2) Sliding scale.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

"(A) the relative poverty of the population to be targeted by the eligible entity; and

"(B) the ability of the eligible entity to obtain such matching funds.

"(3) Consideration.—Notwithstanding this subsection, a State shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive subgrants under this subpart.

"SEC. 5124. LOCAL ACTIVITIES.

"(a) Principles of Effectiveness.—

"(1) In general.—For a program or activity developed pursuant to this subpart to meet the principles of effectiveness, such program or activity shall—

"(A) be based upon an assessment of objective data regarding the need for before and after school programs and activities in such schools and communities;

"(B) be based upon an established set of performance measures aimed at ensuring the availability of quality extended learning opportunities; and

"(C) if appropriate, be based upon scientifically based research that provides evidence that the program will help students meet State and local performance standards to be used.

"(2) Periodic evaluation.—The program or activity shall undergo a periodic evaluation to assess its progress towatd achieving its goal of providing quality extended learning opportunities. The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures. The results shall also be made available to the public upon request, with public notice of such availability provided.

"(3) Waiver.—A local educational agency may apply to the State for a waiver of the requirement of paragraph (1)(C) to allow innovative activities or programs that demonstrate substantial likelihood of success.

"(b) Services.—Each eligible entity that receives a subgrant under this subpart shall use such funds to establish or expand activities in community learning centers that—

"(1) provide quality extended learning opportunities to help students, particularly students who attend low-performing schools, to meet State and local student performance standards in the core academic subjects, such as reading and mathematics; and

"(2) provide students with additional activities, such as drug and violence prevention programs, art and music programs, technology education programs, recreational activity, and character education programs that are linked to, and reinforce, the regular academic program of schools those students attend.

"(c) Authorized Activities.—Each eligible entity that receives a subgrant under this subpart may use such funds to carry out activities, such as—

"(1) before and after school activities that advance student achievement, including—

"(A) remedial education activities and academic enrichment learning programs, including providing additional assistance to students in order to allow them to improve their academic achievement;

"(B) math and science education activities;

"(C) arts and music education activities;

"(D) entrepreneurial education programs;

"(E) tutoring services (including those provided by senior citizen volunteers) and mentoring programs;

"(F) recreational activities;

"(G) telecommunications and technology education programs;

"(H) expanded library service hours;

"(I) programs that promote parental involvement; and

"(J) programs that provide assistance to students who have been truant, suspended, or expelled to allow them to improve their academic achievement; and

"(2) establishing or enhancing programs or initiatives that improve academic achievement.

"(d) Definition.—For the purpose of this section, a 'community learning center' is an entity that assists students to meet State and local content and student performance standards in core academic subjects, such as reading and mathematics, by providing them with quality extended learning opportunities and related activities (such as drug and violence-prevention programs, art and music programs, recreational programs, technology education programs, and character education programs) that are linked to, and reinforce, the regular academic program of schools attended by the students served and is operated by a local educational agency, community-based organization, other public entity or private organization or a consortium of two or more such groups. Community learning centers shall operate outside school hours, such as before or after school or when school is not in session.

"Subpart 3—National Programs

"SEC. 5131. FEDERAL ACTIVITIES.

"(a) Program Authorized.—

"(1) In general.—From funds made available to carry out this part under section 5003(3), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall evaluate the effectiveness of programs and activities that prevent violence and the illegal use of drugs by youth, that promote safety and discipline for students in elementary and secondary schools, and that provide before and after school supervision and academic enrichment, based on the needs reported by States and local educational agencies.

"(2) Coordination.—The Secretary shall carry out activities described in paragraph (1) directly, or through grants, contracts, or cooperative agreements with public and private nonprofit and for-profit organizations, and individuals, or through agreements with other Federal agencies, and shall coordinate such activities with other appropriate Federal activities.

"(3) Programs.—Activities described in paragraph (1) may include—

"(A) demonstrations and rigorous scientifically based evaluations of innovative approaches to drug and violence prevention and before and after school activities based on needs reported by State and local educational agencies;

"(B) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

"(C) the provision of information on violence prevention and school safety to the Attorney General for dissemination; and

"(D) continuing technical assistance to chief executive officers, State agencies, and local educational agencies to build capacity to develop and implement high-quality, effective programs consistent with the principles of effectiveness.

"(b) Peer Review.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"Subpart 4—Gun Possession

"SEC. 5141. GUN-FREE SCHOOL REQUIREMENTS.

"(a) Requirements.—

''(1) STATE LAW.—Each State receiving funds under this Act shall—

''(A) have in effect a State law requiring each local educational agency to expel from school for a period of not less than one year a student who is determined to have possessed a firearm in or at a school or on school grounds under the jurisdiction of a local educational agency in that State, except that such State law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis; and

''(B) require each local educational agency to adopt a policy requiring each elementary and secondary school to refer to the criminal justice or juvenile delinquency system any student who possesses a firearm in school.

''(2) CONSTRUCTION.—Nothing in this part shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such student's regular school setting from providing educational services to such student in an alternative setting.

''(b) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

''(1) an assurance that such local educational agency is in compliance with the requirements of subsection (a); and

''(2) a description of the circumstances surrounding incidents of possessions and any expulsions imposed under the State law required by subsection (a)(1), including—

''(A) the name of the school concerned;

''(B) the number of students expelled from such school for firearm possession; and

''(C) the type of firearm concerned.

''(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

''(d) DEFINITIONS.—For the purpose of this subpart—

''(1) the term 'firearm' has the same meaning given to such term under section 921(a)(3) of title 18, United States Code; and

''(2) the term 'school' does not include a home school, regardless of whether a home school is treated as a private school under State law.

''Subpart 5—General Provisions

''SEC. 5151. DEFINITIONS.

''For the purposes of this part, the following terms have the following meanings:

''(1) BEFORE AND AFTER SCHOOL ACTIVITIES.—The term 'before and after school activities' means academic, recreational, and enrichment activities for school-age youth outside of the regular school hours or school year.

''(2) CONTROLLED SUBSTANCE.—The term 'controlled substance' means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

''(3) DRUG.—The term 'drug' includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

''(4) DRUG AND VIOLENCE PREVENTION.—The term 'drug and violence prevention' means—

''(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs; and

''(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

''(5) NONPROFIT.—The term 'nonprofit,' as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(6) SCHOOL-AGED POPULATION.—The term 'school-aged population' means the population aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

''(7) SCHOOL BASED MENTAL HEALTH SERVICES PROVIDER.—The term 'school based mental health services provider' includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

''(8) SCHOOL PERSONNEL.—The term 'school personnel' includes teachers, principals, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

''(9) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 5152. MESSAGE AND MATERIALS.

''(a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this title shall convey a clear and consistent message that the illegal use of drugs is wrong and harmful.

''(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part.

''SEC. 5153. PARENTAL CONSENT.

''Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program or activity funded under this title. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this title, other than classroom instruction.

''SEC. 5154. PROHIBITED USES OF FUNDS.

''No funds under this part may be used for—

''(1) construction (except for minor remodeling needed to accomplish the purposes of this part); or

''(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, use of drugs or crime.

''PART B—ENHANCING EDUCATION THROUGH TECHNOLOGY

''SEC. 5201. SHORT TITLE.

''This part may be cited as the 'Enhancing Education Through Technology Act of 2001'.

''SEC. 5202. PURPOSES.

''The purposes of this part are as follows:

''(1) To provide assistance to States and localities for implementing innovative technology initiatives that lead to increased student academic achievement and that may be evaluated for effectiveness and replicated if successful.

''(2) To encourage the establishment or expansion of initiatives, including those involving public-private partnerships, designed to increase access to technology, particularly in high-need local educational agencies.

''(3) To assist States and localities in the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure in a manner that expands access to technology for students (particularly for disadvantaged students) and teachers.

''(4) To promote initiatives that provide school teachers, principals, and administrators with the capacity to effectively integrate technology into curriculum that is aligned with challenging State academic content and student academic achievement standards, through such means as high quality professional development programs.

''(5) To enhance the ongoing professional development of teachers, principals, and administrators by providing constant access to updated research in teaching and learning via electronic means.

''(6) To support the development of electronic networks and other innovative methods, such as distance learning, of delivering challenging courses and curricula for students who would otherwise not have access to such courses and curricula, particularly in geographically remote regions.

''(7) To support the rigorous evaluation of programs funded under this part, particularly the impact of such initiatives on student academic performance, and ensure that timely information on the results of such evaluations is widely accessible through electronic means.

''(8) To support local efforts for the use of technology to promote parent and family involvement in education and communication among students, parents, teachers, principals, and administrators.

''SEC. 5203. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

''(a) IN GENERAL.—There are authorized to be appropriated—

''(1) to carry out subparts 1 and 2 of this part—

''(A) $1,000,000,000 for fiscal year 2002; and

''(B) such sums as may be necessary for each of fiscal years 2003 through 2006; and

''(2) to carry out subpart 3 of this part—

''(A) $24,500,000 for fiscal year 2002; and

''(B) such sums as may be necessary for each of fiscal years 2003 through 2006.

''(b) ALLOCATION OF FUNDS BETWEEN NATIONAL AND STATE AND LOCAL INITIATIVES.—The amount of funds made available under subsection (a) shall be allocated as follows:

''(1) Not less than 95 percent shall be made available for State and local technology initiatives under subpart 1.

''(2) Not more than 5 percent may be made available for activities of the Secretary under subpart 2, of which not more than $15,000,000 may be used for the study required by section 5221(a)(1).

''SEC. 5204. DEFINITIONS.

''In this part:

''(1) The term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

''(2) The term 'eligible local entity' means—

''(A) a high-need local educational agency; or

''(B) an eligible local partnership.

''(3) The term 'eligible local partnership' means a partnership that includes at least one high-need local educational agency and at least one—

''(A) local educational agency that can demonstrate that teachers in schools served by that agency are effectively integrating technology and proven teaching practices into instruction, based on scientifically based research, that result in improvement in—

''(i) classroom instruction in the core academic subject areas; and

''(ii) the preparation of students to meet challenging State academic content and student academic achievement standards;

''(B) institution of higher education that is in full compliance with the reporting requirements of section 207(f) of the Higher Education Act of

1965 (20 U.S.C. 1027(f)) and that has not been identified by its State as low-performing under section 208 of such Act (20 U.S.C. 1028);

‘‘(C) for-profit business or organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology; or

‘‘(D) public or private nonprofit organization with demonstrated experience in the application of educational technology.

‘‘(4) The term ‘high-need local educational agency’ means a local educational agency that—

‘‘(A) is among the local educational agencies in the State with the highest numbers or percentages of children from families with incomes below the poverty line, as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2));

‘‘(B) includes one or more schools identified under section 1116; and

‘‘(C) has a substantial need for assistance in acquiring and using technology.

“Subpart 1—State and Local Technology for Success Grants

“SEC. 5211. DETERMINATION OF AMOUNT OF STATE ALLOTMENT.

‘‘(a) IN GENERAL.—Except as otherwise provided in this subpart, each State shall be eligible to receive a grant under this subpart for a fiscal year in an allotment determined as follows:

‘‘(1) 50 percent shall bear the same relationship to the amount made available under section 5203(b)(1) for such year as the amount such State received under part A for title I for such year bears to the amount received for such year under such part by all States.

‘‘(2) 50 percent shall be determined on the basis of the State's relative population of individuals age 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

‘‘(b) RESERVATION OF FUNDS FOR BUREAU OF INDIAN AFFAIRS AND OUTLYING AREAS.—Of the amount made available to carry out this subpart under section 5203(b)(1) for a fiscal year—

‘‘(1) the Secretary shall reserve ½ of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs; and

‘‘(2) the Secretary shall reserve ½ of 1 percent to provide assistance under this subpart to the outlying areas.

‘‘(c) MINIMUM ALLOTMENT.—The amount of any State's allotment under subsection (a) for any fiscal year may not be less than ½ of 1 percent of the amount made available under section 5203(b)(1) for such year.

‘‘(d) REALLOTMENT OF UNUSED FUNDS.—If any State does not apply for an allotment under this subpart for a fiscal year, or does not use its entire allotment for that fiscal year, the Secretary shall reallot the amount of the State's allotment, or the unused portion thereof, to the remaining States in accordance with this section.

“SEC. 5212. USE OF ALLOTMENT BY STATE.

‘‘(a) IN GENERAL.—Of the amount provided to a State from its allotment under section 5211—

‘‘(1) the State may use not more than 5 percent to carry out activities under section 5215; and

‘‘(2) subject to subsection (b), not less than 95 percent shall be distributed by the State as follows:

‘‘(A) 60 percent of such amount shall—

‘‘(i) be awarded to local educational agencies that have submitted applications to the State under section 5214 (which, in the case of a local educational agency that is an eligible local entity, may be combined with an application for funds awarded under subparagraph (B)), in an amount that bears the same relationship to the amount made available under section 5211(a) for such year as the amount such local educational agency received under part A of title I for such year bears to the amount received for such year under such part by all local educational agencies within the State; and

‘‘(ii) be used for the activities described in section 5216.

‘‘(B) 40 percent of such amount shall be awarded through a State-determined competitive process to eligible local entities that have submitted applications to the State under section 5214 (which, in the case of an eligible local entity that is a local educational agency, may be combined with an application for funds provided under subparagraph (A)), to be used to carry out activities consistent with activities described in section 5216.

‘‘(b) CONTINUATION OF AWARDS.—Notwithstanding section 3 of the No Child Left Behind Act of 2001, a State shall make continuation awards on multiyear grants awarded by the State under section 3132(a)(2) (as in effect on the day preceding the date of enactment of such Act) from the funds described in subsection (a)(2) for the shorter of—

‘‘(1) the duration of the original grant period; or

‘‘(2) two years after the date of enactment of such Act.

“SEC. 5213. STATE APPLICATIONS.

‘‘(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary containing a new or updated statewide, long-range strategic educational technology plan (which shall consider the educational technology needs of local educational agencies), and such other information as the Secretary may reasonably require, at such time and in such manner as the Secretary may specify.

‘‘(b) CONTENTS.—Each State application submitted under this section shall include the following:

‘‘(1) A description of how the State will use funds provided under this subpart to improve the academic achievement of all students and to improve the capacity of all teachers to provide instruction in the State through the use of education technology.

‘‘(2) A description of the State's goals for using advanced technology to improve student achievement aligned to challenging State academic content and student academic achievement standards.

‘‘(3) A description of how the State will take steps (including through public and private partnerships) to ensure that all students and teachers in the State, particularly those residing or teaching in districts served by high-need local educational agencies, will have increased access to educational technology.

‘‘(4) A description of—

‘‘(A) how the State will ensure that ongoing integration of technology into instructional strategies and school curricula in all schools in the State so that technology will be fully integrated into those schools by December 31, 2006; and

‘‘(B) the process and accountability measures the State will use for the evaluation of such integration, including whether such integration—

‘‘(i) has increased the ability of teachers to teach effectively; and

‘‘(ii) has enabled students to meet challenging State academic content and student academic achievement standards.

‘‘(5) A description of how the State will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology and distance learning, particularly for those areas of the State that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

‘‘(6) An assurance that financial assistance provided under this subpart shall supplement, not supplant, State and local funds.

‘‘(7) A description of how the State will ensure that every teacher and principal within a school funded under this subpart will be computer-literate and proficient (as determined by the State) by December 31, 2006.

‘‘(8) A description of how the State will ensure that each grant under section 5212(a)(2)(B) to an eligible local applicant is of sufficient duration, size, scope, and quality to carry out the purposes of this part effectively.

‘‘(9) A description of how the State educational agency will provide technical assistance to eligible local applicants, and its capacity for providing such assistance, including developing public and private partnerships under this part.

‘‘(c) DEEMED APPROVAL.—A State application submitted to the Secretary under this section shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 90-day period that begins on the date the Secretary receives the complete application, that the application does not reasonably meet the purposes of this subpart.

‘‘(d) DISAPPROVAL.—The Secretary may issue a final disapproval of a State's application under this subpart only after giving the State notice and an opportunity for a hearing.

‘‘(e) DISSEMINATION OF INFORMATION ON STATE APPLICATIONS.—The Secretary shall make information on State applications under this subpart widely available to schools and the general public, including through dissemination on the Internet, in a timely and user-friendly manner.

“SEC. 5214. LOCAL APPLICATIONS.

‘‘(a) IN GENERAL.—An applicant seeking to receive funds from a State under this subpart shall submit to the State an application containing a new or updated long-range local strategic educational technology plan consistent with the objectives of the statewide education technology plan described in section 5213(a), and such other information as the State may reasonably require, at such time, and in such manner as the State may specify.

‘‘(b) CONTENTS OF LOCAL APPLICATION.—Each local application described in this section shall include the following:

‘‘(1) A description of how the applicant will use Federal funds provided under this subpart to improve the academic achievement of all students and to improve the capacity of all teachers to provide instruction through the use of education technology.

‘‘(2) A description of the applicant's specific goals for using advanced technology to improve student achievement aligned to challenging State academic content and student academic achievement standards.

‘‘(3) A description of—

‘‘(A) how the applicant will take steps to ensure that all students and teachers in schools served by the local educational agency (particularly those in high-poverty and high-need schools) have increased access to educational technology; and

‘‘(B) how such technology will be used to improve the academic achievement for such students.

‘‘(4) A description of how the applicant will promote—

‘‘(A) the utilization of teaching strategies and curricula, based on scientifically based research, which effectively integrate technology into instruction, leading to improvements in student

academic achievement as measured by challenging State academic content and student academic achievement standards; and

''(B) sustained and intensive, high-quality professional development consistent with section 2033 (as applicable), based on scientifically based research, which increases teacher and principal capacity to create improved learning environments through the integration of technology into instruction through proven strategies and improved content as described in subparagraph (A).

''(5) A description of how the applicant will integrate technology across the curriculum and a time line for such integration, including a description of how the applicant will make effective use of new and emerging technologies and teaching practices that are linked to such emerging technologies to provide challenging content and improved classroom instruction.

''(6) A description of how the applicant will coordinate education technology activities funded under this subpart, including professional development, with any such activities provided under other Federal, State, and local programs, including those authorized under title I, title II, title IV, and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

''(7) A description of the accountability measures and process the applicant will use for the evaluation of the extent to which funds provided under this subpart were effective in integrating technology into school curriculum, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

''(8) A description of how the applicant will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology and distance learning, particularly for those areas that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

''(9) A description of what steps the applicant has taken, or will take, to comply with section 5205(a)(1).

''(10) If requested by the State—

''(A) a description of how the applicant will use funds provided under this subpart in a manner that is consistent with any statewide education technology priorities that may be established by the State consistent with this subpart; and

''(B) an assurance that any technology obtained with funds provided under this subpart will have compatibility and interconnectivity with technology obtained with funds provided previously under title III (as in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001), as appropriate.

"SEC. 5215. STATE ACTIVITIES.

''(a) In General.—From funds made available under section 5212(a)(1), a State shall carry out activities and assist local efforts to carry out the purposes of this subpart, which may include the following activities:

''(1) Developing, or assisting applicants in the development and utilization of, innovative strategies to deliver rigorous academic programs through the use of technology and distance learning, and providing other technical assistance to such applicants throughout the State, with a priority to high-need local educational agencies.

''(2) Establishing or supporting public-private initiatives, such as interest-free or reduced-cost loans for the acquisition of educational technology for high-need local educational agencies and students attending schools served by such agencies.

''(3) Assisting applicants in providing sustained and intensive, high-quality professional development based on scientifically based research in the integration of advanced technologies (including emerging technologies) into curriculum and in using those technologies to create new learning environments, including training in the use of technology to—

''(A) access data and resources to develop curricula and instructional materials;

''(B) enable teachers—

''(i) to use the Internet to communicate with parents, other teachers, principals, and administrators; and

''(ii) to retrieve Internet-based learning resources; and

''(C) lead to improvements in classroom instruction in the core academic subject areas, which effectively prepare students to meet challenging State academic content and student academic achievement standards.

''(4) Assisting applicants in providing all students (including students with disabilities and students with limited English proficiency) and teachers with access to educational technology.

''(5) Establishing or expanding access to technology in areas served by high-need local educational agencies, with special emphasis on access provided through technology centers in partnership with libraries and with the support of the private sector.

''(6) Developing enhanced performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, particularly in determining the extent to which education technology funded under this subpart has been successfully integrated into teaching strategies and school curriculum, has increased the ability of teachers to teach, and has enabled students to meet challenging State academic content and student academic achievement standards.

''(7) Collaborating with other States on distance learning, including making advanced courses available to students who would otherwise not have access to such courses.

''(b) Limitation on Administrative Costs.—Of the 5 percent of the State's allotment under section 5211 which may be used to carry out activities under this section, not more than 40 percent may be used by the State for administrative costs.

"SEC. 5216. LOCAL ACTIVITIES.

''(a) Professional Development.—A recipient of funds made available under section 5212(a)(2)(A) shall use not less than 20 percent of such funds to provide sustained and intensive, high-quality professional development, consistent with section 2033 (as applicable), based on scientifically based research in the integration of advanced technologies (including emerging technologies) into curriculum and in using those technologies to create new learning environments, including professional development in the use of technology to—

''(1) access data and resources to develop curricula and instructional materials;

''(2) enable teachers—

''(i) to use the Internet to communicate with parents, other teachers, principals, and administrators; and

''(ii) to retrieve Internet-based learning resources; and

''(3) lead to improvements in classroom instruction in the core academic subject areas, which effectively prepare students to meet challenging State academic content and student academic achievement standards.

''(b) Waiver.—Subsection (a) does not apply to a recipient of funds under section 5212(a)(2)(A) that demonstrates, to the satisfaction of the State, that such recipient already provides sustained and intensive, high-quality professional development based on scientifically based research in the integration of technology (including emerging technologies) into the curriculum.

''(c) Other Activities.—In addition to the activities described in subsection (a), a recipient of funds distributed by a State under section 5212(a)(2)(A) shall use such funds to carry out other activities consistent with this subpart, which may include the following:

''(1) Adapting or expanding existing and new applications of technology to enable teachers to increase student academic achievement through the use of teaching practices and advanced technologies that are based on scientifically based research and are designed to prepare students to meet challenging State academic content and student academic achievement standards, and for developing and utilizing innovative strategies to deliver rigorous academic programs.

''(2) Expanding, acquiring, implementing, applying, and maintaining education technology as a means to improve the academic achievement of all students.

''(3) The establishment or expansion of initiatives, particularly those involving public-private partnerships, designed to increase access to technology for students and teachers, with special emphasis on the access of high-need local educational agencies to technology.

''(4) Using technology to promote parent and family involvement, and support communications between students, parents, and teachers.

''(5) Acquiring proven and effective curricula that include integrated technology and are designed to help students achieve challenging State academic content and student academic achievement standards.

''(6) Using technology to collect, manage, and analyze data to inform school improvement efforts.

''(7) Implementing enhanced performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, particularly in determining the extent to which education technology funded under this subpart has been successfully integrated into teaching strategies and school curriculum, has increased the ability of teachers to teach, and has enabled students to meet challenging State academic content and student academic achievement standards.

''(8) Preparing one or more teachers in elementary and secondary schools as technology leaders who are provided with the means to serve as experts and train other teachers in the effective use of technology.

''(9) Establishing or expanding access to technology in areas served by high-need local educational agencies, with special emphasis for access provided through technology centers in partnership with libraries and with the support of the private sector.

"Subpart 2—National Technology Activities

"SEC. 5221. NATIONAL ACTIVITIES.

''(a) In General.—Using funds made available under section 5203(b)(2), the Secretary—

''(1) shall—

''(A) conduct an independent, long-term study, utilizing scientifically based research methods and control groups, on the effect of educational technology on improving student academic achievement;

''(B) include in the study an identification of uses of educational technology (including how teachers can integrate technology into the curricula) that have a measurable positive impact on student achievement;

''(C) establish an independent review panel to advise the Secretary on methodological and other issues that arise in conducting this long-term study; and

''(D) submit to the Congress interim reports, when appropriate, and a final report, to be submitted not later than 6 months before the end of fiscal year 2006, on the findings of the study;

"(2) may fund national technology initiatives that are supported by scientifically based research and utilize technology in education, through the competitive award of grants or contracts, pursuant to a peer review process, to States, local educational agencies, eligible local entities, institutions of higher education, public agencies, and private nonprofit or for-profit agencies; and

"(3) may provide technical assistance (directly or through the competitive award of grants or contracts) to States, local educational agencies, and other recipients of funds under this part in order to assist such States, local educational agencies, and other recipients to achieve the purposes of this part.

"(b) NATIONAL TECHNOLOGY INITIATIVES.—

"(1) USE OF FUNDS.—In funding national technology initiatives under subsection (a)(2), the Secretary—

"(A) shall place a priority on projects that—

"(i) develop innovative models using electronic networks or other forms of distance learning to provide challenging courses that are otherwise not readily available to students in a particular school district, particularly in rural areas; or

"(ii) increase access to technology to students served by high-need local educational agencies; and

"(B) shall, in order to identify effective uses of educational technology that have a measurable positive impact on student achievement and as specified in paragraph (3)—

"(i) develop tools and provide resources and support, including technical assistance, for recipients of funds under subsection (a)(2) to effectively evaluate their activities; and

"(ii) disseminate the evaluations made under paragraph (2)(A)(ii).

"(2) REQUIREMENTS FOR RECIPIENTS OF FUNDS.—

"(A) APPLICATION.—In order to receive a grant or contract under subsection (a)(2), an entity shall submit an application to the Secretary (at such time and in such form as the Secretary may require), and shall include in the application—

"(i) a description of the project proposed to be carried out with the grant or contract and how it would carry out the purposes of subsection (a)(2); and

"(ii) a detailed plan for an independent evaluation, supported by scientifically based research principles, of the project to determine the impact on the academic achievement of students served under such project, as measured by challenging State academic content and student academic achievement standards.

"(B) NON-FEDERAL SHARE.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary may require any recipient of a grant or contract under subsection (a)(2) to share in the cost of the activities assisted under such grant or contract, which may be in the form of cash or in-kind contributions, fairly valued.

"(ii) INCREASE.—The Secretary may increase the non-Federal share required of a recipient of a grant or contract under subsection (a)(2) after the first year such recipient receives funds under such grant or contract.

"(iii) MAXIMUM.—The non-Federal share required under this subsection may not exceed 50 percent of the cost of the activities assisted under a grant or contract under this subpart.

"(iv) NOTICE.—The Secretary shall publish, in the Federal Register, the non-Federal share required under this subparagraph.

"(3) EVALUATION AND DISSEMINATION.—The Secretary shall make information on each project funded with a grant or contract under subsection (a)(2) widely available to schools and the general public, including through dissemination on the Internet, in a timely and user-friendly manner. This information shall, at a minimum, include—

"(A) upon the awarding of such a grant or contract under subsection (a)(2), the identification of the grant or contract recipient, the amount of the grant or contract, the stated goals of the grant or contract, the methods by which the grant or contract will be evaluated in meeting such stated goals, and the timeline for meeting such goals;

"(B) not later than 3 months after the completion of the first year of the project period, information on the progress of the grant or contract recipient in carrying out the grant or contract, including a detailed description of the use of the funds provided, the extent to which the stated goals have been reached, and the results (or progress of) the evaluation of the project; and

"(C) not later than 3 months after the completion of the second year of the project period (and updated thereafter as appropriate), a followup to the information described in subparagraph (B).

"Subpart 3—Ready to Learn, Ready to Teach

"SEC. 5231. READY TO LEARN TELEVISION.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to or enter into contracts or cooperative agreements with eligible entities described in paragraph (3) to—

"(A) develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

"(B) facilitate the development (directly or through contracts with producers of children and family educational television programming) of educational programming for preschool and elementary school children and accompanying support materials and services that directly promote the effective use of such programming;

"(C) facilitate the development of programming and digital content especially designed for nationwide distribution over digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers;

"(D) enable such entities to contract with other entities (such as public telecommunications entities) so that programs under this section are disseminated and distributed by the most appropriate distribution technologies to the widest possible audience appropriate to be served by the programming; and

"(E) develop and disseminate training and support materials, including interactive programs and programs adaptable to distance learning technologies which are designed to—

"(i) promote school readiness; and

"(ii) promote the effective use of programming developed under subparagraphs (B) and (C) among parents, Head Start providers, Even Start and providers of family literacy services, child care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children.

"(2) AVAILABILITY.—In making grants, contracts, or cooperative agreements under this subsection, the Secretary shall ensure that recipients increase the effective use of the programming under this section by making it widely available with support materials, as appropriate, to young children, their parents, child care workers, Head Start providers, Even Start and providers of family literacy services.

"(3) ELIGIBLE ENTITIES DESCRIBED.—In this section, an 'eligible entity' means a nonprofit entity (including a public telecommunications entity) which is able—

"(A) to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality which is accessible by a large majority of disadvantaged preschool and elementary school children; and

"(B) to demonstrate—

"(i) a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality which is accessible by a large majority of disadvantaged preschool and elementary school children, and

"(ii) consistent with the entity's mission and nonprofit nature, a capacity to negotiate such contracts in a manner which returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

"(4) CAP ON ADMINISTRATIVE COSTS.—An entity receiving a grant, contract, or cooperative agreement from the Secretary under this subsection may not use more than 5 percent of the amounts received under the grant, contract, or cooperative agreement for the expenses of administering the grant, contract, or cooperative agreement.

"(5) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement from the Secretary under this subsection shall work with the Secretary and the Secretary of Health and Human Services to—

"(A) maximize the utilization by preschool and elementary school children of the programming under this section and to make such programming widely available to federally funded programs serving such populations; and

"(B) coordinate with Federal programs that have major training components for early childhood development (including Head Start, Even Start, family literacy services, and State training activities funded under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)) regarding the availability and utilization of materials developed with funds provided under this section to enhance parent and child care provider skills in early childhood development and education.

"(b) APPLICATIONS.—Any entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(c) REPORT AND EVALUATION..—

"(1) ANNUAL REPORT BY GRANT RECIPIENTS TO SECRETARY.—Each entity receiving funds under this section shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including information regarding—

"(A) the programming that has been developed directly or indirectly by the entity and the target population of the programs developed;

"(B) the support and training materials that have been developed to accompany the programming and the method by which such materials are distributed to consumers and users of the programming;

"(C) the means by which the programming has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(D) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report on the activities funded and carried out under this section, and shall include in the report—

“(A) a summary of the programming developed using funds provided under this section; and

“(B) a description of the training materials developed using funds provided under this section, the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed.

“(d) FUNDING RULE.—Not less than 60 percent of the amounts authorized to be appropriated under section 5233 for any fiscal year shall be used to carry out subparagraphs (B) and (C) of subsection (a)(1).

“SEC. 5232. TELECOMMUNICATIONS PROGRAM.

“(a) IN GENERAL.—The Secretary may carry out any of the following activities:

“(1) Awarding grants to a nonprofit telecommunications entity (or a partnership of such entities) for the purpose of carrying out a national telecommunications-based program to improve the teaching of core academic subjects and to assist elementary and secondary school teachers in preparing all students to achieve State academic content standards.

“(2) Awarding grants to or entering into contracts or cooperative agreements with a local public telecommunications entity to develop, produce, and distribute educational and instructional video programming which is designed for use by elementary and secondary school students, created for or adaptable to State academic content standards, and capable of distribution through digital broadcasting and school digital networks.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—Any telecommunications entity or partnership of such entities desiring a grant under this section shall submit an application to the Secretary.

“(2) SPECIFIC REQUIREMENTS FOR NATIONAL TELECOMMUNICATIONS-BASED PROGRAM.—Each application for a grant under subsection (a)(1) shall—

“(A) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure, the Internet, and school digital networks (where available) to deliver video, voice, and data in an integrated service to train teachers in the use of materials and learning technologies for achieving State academic content standards;

“(B) assure that the program for which assistance is sought will be conducted in cooperation with States as appropriate, local educational agencies, and State or local nonprofit public telecommunications entities;

“(C) assure that a significant portion of the benefits available for elementary and secondary schools from the program for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

“(D) contain such additional assurances as the Secretary may reasonably require.

“(c) APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.—In approving applications under this section, the Secretary shall assure that—

“(1) the national telecommunications-based program under subsection (a)(1) is conducted at elementary and secondary school sites in at least 15 States; and

“(2) grants under subsection (a)(2) are awarded on a competitive basis and for a period of 3 years to entities which—

“(A) enter into multiyear collaborative arrangements for content development with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations, and

“(B) contribute non-Federal matching funds (including funds provided for transitions to digital broadcasting as well as in-kind contributions) to the activities assisted with the grant in an amount not less than 100 percent of the amount of the grant.

“PART C—CHARACTER EDUCATION

“SEC. 5301. CHARACTER EDUCATION PROGRAM.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary may make grants to State educational agencies, local educational agencies, or consortia of such agencies for the design and implementation of character education programs that—

“(A) can be integrated into State academic content standards for the core academic subjects; and

“(B) can be carried out in conjunction with other educational reform efforts.

“(2) DURATION.—Each grant under this section shall be made for a period not to exceed 5 years, of which the grant recipient may not use more than 1 year for planning and program design.

“(b) CONTRACTS UNDER PROGRAM.—

“(1) EVALUATION.—Each agency or consortium receiving assistance under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations (including religious organizations), for the purposes of—

“(A) evaluating the program for which the assistance is made available;

“(B) measuring the integration of such program into the curriculum and teaching methods of schools where the program is carried out; and

“(C) measuring the success of such program in fostering the elements of character selected by the recipient under subsection (c)(1).

“(2) MATERIALS AND PROGRAM DEVELOPMENT.—Each agency or consortium receiving assistance under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations (including religious organizations), for assistance in—

“(A) developing secular curricula, materials, teacher training, and other activities related to character education; and

“(B) integrating secular character education into the curriculum and teaching methods of schools where the program is carried out.

“(c) ELEMENTS OF CHARACTER.—

“(1) SELECTION.—

“(A) IN GENERAL.—Each agency or consortium receiving assistance under this section may select the elements of character that will be taught under the program for which the assistance is made available.

“(B) CONSIDERATION OF VIEWS.—In selecting elements of character under paragraph (1), the agency or consortium shall consider the views of the parents or guardians of the students to be taught under the program.

“(2) EXAMPLE ELEMENTS.—Elements of character selected under this subsection may include any of the following:

“(A) Trustworthiness.

“(B) Respect.

“(C) Responsibility.

“(D) Fairness.

“(E) Caring.

“(F) Citizenship.

“(G) Giving.

“(d) APPLICATION.—

“(1) IN GENERAL.—Each agency or consortium seeking assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(2) REQUIRED INFORMATION.—Each application for assistance under this section shall include information that—

“(A) demonstrates that the program for which the assistance is sought has clear goals and objectives that are based on scientifically based research;

“(B) describes the activities that will be carried out with the assistance and how such activities will meet the goals and objectives described in paragraph (1); and

“(C) describes how the program for which the assistance is sought will be linked to other efforts to improve educational achievement, including—

“(i) broader educational reforms that are being instituted by the applicant or its partners; and

“(ii) applicable State academic content standards for student achievement.

“(e) SELECTION OF RECIPIENTS.—

“(1) PEER REVIEW.—

“(A) IN GENERAL.—In selecting agencies or consortia to receive assistance under this section from among the applicants for such assistance, the Secretary shall use a peer review process that includes the participation of experts in the field of character education.

“(B) USE OF FUNDS.—The Secretary may use funds appropriated under this section for the cost of carrying out peer reviews under this paragraph.

“(2) SELECTION CRITERIA.—Each selection under paragraph (1) shall be made on the basis of the quality of the application submitted, taking into consideration such factors as—

“(A) the extent of parental, student, and community involvement in the program; and

“(B) the likelihood that the goals of the program will be realistically achieved.

“(3) EQUITABLE DISTRIBUTION.—In making selections under this subsection, the Secretary shall ensure, to the extent practicable under paragraph (2), that the programs assisted under this section are equitably distributed among the geographic regions of the United States, and among urban, suburban, and rural areas.

“(f) EVALUATIONS.—

“(1) IN GENERAL.—As a condition of receiving assistance under this section, the Secretary shall require each agency or consortium receiving such assistance to transmit to the Secretary, not later than 5 years after such receipt, a report containing an evaluation of each program assisted.

“(2) ATTAINMENT OF GOALS AND OBJECTIVES.—In conducting an evaluation referred to in paragraph (1), each agency or consortium shall evaluate the degree to which each program for which assistance was made available attained the goals and objectives for the program as described in the application for assistance submitted under subsection (d).

“(3) DISSEMINATION.—The Secretary shall—

“(A) make each evaluation received under this subsection publicly available; and

“(B) provide public notice (through such means as the Internet, the media, and public agencies) of the availability of each such evaluation after it is received by the Secretary.

“(g) MATCHING FUNDS.—As a condition of receiving assistance under this section, the Secretary may require that each agency or consortium receiving such assistance provide matching funds from non-Federal sources.

“SEC. 5302. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $25,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.”.

“PART D—ELEMENTARY AND SECONDARY SCHOOL COUNSELING PROGRAMS

“SEC. 5401. ELEMENTARY AND SECONDARY SCHOOL COUNSELING PROGRAMS.

“(a) FINDINGS.—Congress finds as follows:

“(1) The Surgeon General reported in January 2001 that 1 in 10 children suffer from mental illnesses severe enough to impair development and fewer than 1 in 5 children get treatment for mental illnesses.

"(2) The Surgeon General reported that the burden of suffering by children with mental health needs and their families has created a health crisis in this country. Growing numbers of children are suffering needlessly because their emotional, behavioral, and developmental needs are not being met by the very institutions and systems that were created to take care of them.

"(3) As a result of the concern about the failure of the healthcare system to reach children and adolescents with mental illnesses, there is currently great interest in developing new models for the delivery of mental health and counseling services that can reach underserved groups efficiently.

"(4) Schools are a sensible point of intervention because of their central position in many children's lives and development, especially when families are unable to assume a leading role.

"(5) School-based mental health and counseling services allow for the identification of children in need of treatment much earlier in their development.

"(6) Establishing mental health and counseling services in schools provides access to underserved youth with or at risk of emotional or behavioral problems.

"(7) The Surgeon General's 2000 report on youth violence concludes that effective treatment can divert a significant proportion of delinquent and violent youths from future violence and crime.

"(8) Mental health and counseling services can play an important role in violence prevention on all levels, including preventing problem behaviors from developing; identifying and serving specific, at-risk populations; and reducing the deleterious effects of violence on victims and witnesses.

"(9) An evaluation of the model program for the elementary school counseling demonstration program established pursuant to this section prior to the date of enactment of the Elementary and Secondary Counseling Improvement Act of 2001 found that the number of referrals to the principal's office decreased by nearly half, the use of force, weapons, and threatening of others also decreased, school suspensions were reduced, and students felt safer.

"(10) The report produced by the Institute of Medicine, 'Schools and Health: Our Nation's Investment', recommended a student-to-school counselor ratio of 250:1, student-to-school psychologist ratio of 1000:1, and a student-to-school social worker ratio of 800:1. The United States average student-to-counselor ratio is 551:1. Ratios for school psychologists and school social workers also exceed the recommended levels.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary may use funds provided under this section to award grants to local educational agencies to enable such agencies to establish or expand elementary and secondary school counseling programs which meet the requirements of subsection (c).

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs which—

"(A) demonstrate the greatest need for new or additional counseling services among children in the schools served by the applicant, in part, by providing information on current ratios of students to school counselors, students to school social workers, and students to school psychologists;

"(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural local educational agencies.

"(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

"(5) MAXIMUM GRANT.—A grant awarded under this program shall not exceed $400,000 for any fiscal year.

"(6) SUPPLEMENT.—Assistance made available under this section shall be used to supplement, and may not supplant, other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

"(c) REQUIREMENTS FOR COUNSELING PROGRAMS.—Each program funded under this section shall—

"(1) be comprehensive in addressing the counseling and educational needs of all students;

"(2) use a developmental, preventive approach to counseling;

"(3) increase the range, availability, quantity, and quality of counseling services in the elementary and secondary schools of the local educational agency;

"(4) expand counseling services through qualified school counselors, school psychologists, school social workers, and child and adolescent psychiatrists;

"(5) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve peer interaction;

"(6) provide counseling services in settings that meet the range of needs of students;

"(7) include inservice training, including training for teachers in appropriate identification and intervention techniques for disciplining and teaching students at risk of violent behavior, by school counselors, school psychologists, school social workers, and child and adolescent psychiatrists;

"(8) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(9) involve community groups, social service agencies, or other public or private entities in collaborative efforts to enhance the program;

"(10) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

"(11) ensure a team approach to school counseling in the elementary and secondary schools of the local educational agency by working toward ratios recommended by the American School Health Association of one school counselor to 250 students, one school social worker to 800 students, and one school psychologist to 1,000 students; and

"(12) ensure that school counselors, school psychologists, school social workers, or child and adolescent psychiatrists paid from funds made available under this section spend a majority of their time at the school in activities directly related to the counseling process.

"(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 3 percent of the amounts made available under this section in any fiscal year may be used for administrative costs to carry out this section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(2) the term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

"(B) possesses State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

"(3) the term 'school social worker' means an individual who—

"(A) holds a master's degree in social work from a program accredited by the Council on Social Work Education; and

"(B) is licensed or certified by the State in which services are provided; or

"(C) in the absence of such State licensure or certification, possesses a national credential or certification as a 'school social work specialist' granted by an independent professional organization; and

"(4) the term 'child and adolescent psychiatrist' means an individual who—

"(A) possesses State medical licensure; and

"(B) has completed residency training programs in general and child and adolescent psychiatry.

"(f) REPORT.—Not later than 1 year after assistance is made available under this section, the Secretary shall make publicly available the information from applicants regarding the ratios of students to school counselors, students to school social workers, and students to school psychologists.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.

"PART E—MENTORING PROGRAMS

"SEC. 5501. DEFINITIONS.

"In this part, the following definitions apply:

"(1) CHILD WITH GREATEST NEED.—The term 'child with greatest need' means a child at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or that has lack of strong positive adult role models.

"(2) MENTOR.—The term 'mentor' means an individual who works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

"(3) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 5502. PURPOSES.

"The purposes of this part are to make assistance available to promote mentoring programs for children with greatest need—

"(1) to assist such children in receiving support and guidance from a caring adult;

"(2) to improve the academic performance of such children;

"(3) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

"(4) to reduce the dropout rate of such children; and

"(5) to reduce juvenile delinquency and involvement in gangs by such children.

"SEC. 5503. GRANT PROGRAM.

"(a) In General.—In accordance with this section, the Secretary may make grants to eligible entities to assist such entities in establishing and supporting mentoring programs and activities that—

"(1) are designed to link children with greatest need (particularly such children living in rural areas, high crime areas, or troubled home environments, or such children experiencing educational failure) with responsible adults, who—

"(A) have received training and support in mentoring;

"(B) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

"(C) are interested in working with youth; and

"(2) are intended to achieve 1 or more of the following goals:

"(A) Provide general guidance to children with greatest need.

"(B) Promote personal and social responsibility among children with greatest need.

"(C) Increase participation by children with greatest need in, and enhance their ability to benefit from, elementary and secondary education.

"(D) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity by children with greatest need.

"(E) Encourage children with greatest need to participate in community service and community activities.

"(F) Encourage children with greatest need to set goals for themselves or to plan for their futures, including encouraging such children to make graduation from secondary school a goal and to make plans for postsecondary education or training.

"(G) Discourage involvement of children with greatest need in gangs.

"(b) Eligible Entities.—Each of the following is an entity eligible to receive a grant under subsection (a):

"(1) A local educational agency.

"(2) A nonprofit, community-based organization.

"(3) A partnership between an agency referred to in paragraph (1) and an organization referred to in paragraph (2).

"(c) Use of Funds.—

"(1) In general.—Each entity receiving a grant under this section shall use the grant funds for activities that establish or implement a mentoring program, including—

"(A) hiring of mentoring coordinators and support staff;

"(B) providing for the professional development of mentoring coordinators and support staff;

"(C) recruitment, screening, and training of adult mentors;

"(D) reimbursement of schools, if appropriate, for the use of school materials or supplies in carrying out the program;

"(E) dissemination of outreach materials;

"(F) evaluation of the program using scientifically based methods; and

"(G) such other activities as the Secretary may reasonably prescribe by rule.

"(2) Prohibited uses.—Notwithstanding paragraph (1), an entity receiving a grant under this section may not use the grant funds—

"(A) to directly compensate mentors;

"(B) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the entity's operations;

"(C) to support litigation of any kind; or

"(D) for any other purpose reasonably prohibited by the Secretary by rule.

"(d) Term of Grant.—Each grant made under this section shall be available for expenditure for a period of 3 years.

"(e) Application.—Each eligible entity seeking a grant under this section shall submit to the Secretary an application that includes—

"(1) a description of the mentoring plan the applicant proposes to carry out with such grant;

"(2) information on the children expected to be served by the mentoring program for which such grant is sought;

"(3) a description of the mechanism that applicant will use to match children with mentors based on the needs of the children;

"(4) an assurance that no mentor will be assigned to mentor so many children that the assignment would undermine either the mentor's ability to be an effective mentor or the mentor's ability to establish a close relationship (a one-on-one relationship, where practicable) with each mentored child;

"(5) an assurance that mentoring programs will provide children with a variety of experiences and support, including—

"(A) emotional support;

"(B) academic assistance; and

"(C) exposure to experiences that children might not otherwise encounter on their own;

"(6) an assurance that mentoring programs will be monitored to ensure that each child assigned a mentor benefits from that assignment and that there will be a provision for the assignment of a new mentor if the relationship between the original mentor is not beneficial to the child;

"(7) information on the method by which mentors and children will be recruited to the mentor program;

"(8) information on the method by which prospective mentors will be screened;

"(9) information on the training that will be provided to mentors; and

"(10) information on the system that the applicant will use to manage and monitor information relating to the program's reference checks, child and domestic abuse record checks, and criminal background checks and to its procedure for matching children with mentors.

"(f) Selection.—

"(1) Competitive basis.—In accordance with this subsection, the Secretary shall select grant recipients from among qualified applicants on a competitive basis.

"(2) Priority.—In selecting grant recipients under paragraph (1), the Secretary shall give priority to each applicant that—

"(A) serves children with greatest need living in rural areas, high crime areas, or troubled home environments, or who attend schools with violence problems;

"(B) provides background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs;

"(C) proposes a mentoring program under which each mentor will be assigned to not more children than the mentor can serve effectively; or

"(D) proposes a school-based mentoring program.

"(3) Other considerations.—In selecting grant recipients under paragraph (1), the Secretary shall also consider—

"(A) the degree to which the location of the programs proposed by each applicant contributes to a fair distribution of programs with respect to urban and rural locations;

"(B) the quality of the mentoring programs proposed by each applicant, including—

"(i) the resources, if any, the applicant will dedicate to providing children with opportunities for job training or postsecondary education;

"(ii) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the applicant's mentoring program;

"(iii) the degree to which the applicant can ensure that mentors will develop longstanding relationships with the children they mentor;

"(iv) the degree to which the applicant will serve children with greatest need in the 4th, 5th, 6th, 7th, and 8th grades; and

"(v) the degree to which the program will continue to serve children from the 4th grade through graduation from secondary school; and

"(C) the capability of each applicant to effectively implement its mentoring program.

"(4) Grant to each State.—Notwithstanding any other provision of this subsection, in selecting grant recipients under paragraph (1), the Secretary shall select not less than 1 grant recipient from each State for which there is a qualified applicant.

"(g) Model Screening Guidelines.—

"(1) In general.—Based on model screening guidelines developed by the Office of Juvenile Programs of the Department of Justice, the Secretary shall develop and distribute to program participants specific model guidelines for the screening of mentors who seek to participate in programs to be assisted under this part.

"(2) Background checks.—The guidelines developed under this subsection shall include, at a minimum, a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.

"SEC. 5504. STUDY BY GENERAL ACCOUNTING OFFICE.

"(a) In General.—The Comptroller General of the United States shall conduct a study to identify successful school-based mentoring programs, and the elements, policies, or procedures of such programs that can be replicated.

"(b) Report.—Not later than 3 years after the date of enactment of the Mentoring for Success Act, the Comptroller General shall submit a report to the Secretary and Congress containing the results of the study conducted under this section.

"(c) Use of Information.—The Secretary shall use information contained in the report referred to in subsection (b)—

"(1) to improve the quality of existing mentoring programs assisted under this part and other mentoring programs assisted under this Act; and

"(2) to develop models for new programs to be assisted or carried out under this Act.

"SEC. 5505. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out section 5503 $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.".

TITLE VI—IMPACT AID PROGRAM

SEC. 601. PAYMENTS UNDER SECTION 8002 WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.

(a) Foundation Payments for Pre-1995 Recipients.—Section 8002(h)(1) (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "and was eligible to receive a payment under section 2 of the Act of September 30, 1950" and inserting "and that filed, or has been determined pursuant to statute to have filed a timely application, and met, or has been determined pursuant to statute to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950"; and

(2) in subparagraph (B), by striking "(or if the local educational agency was not eligible to receive a payment under such section 2 for fiscal

year 1994" and inserting "(or if the local educational agency did not meet, or has not been determined pursuant to statute to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 for fiscal year 1994".

(b) PAYMENTS FOR 1995 RECIPIENTS.—Section 8002(h)(2) (20 U.S.C. 7702(h)(2)) is amended—

(1) in subparagraph (A), by adding at the end before the period ", or whose application for fiscal year 1995 was determined pursuant to statute to be timely filed for purposes of payments for subsequent fiscal years"; and

(2) in subparagraph (B)(ii), by striking "for each local educational agency that received a payment under this section for fiscal year 1995" and inserting "for each local educational agency described in subparagraph (A)".

(c) REMAINING FUNDS.—Section 8002(h)(4)(B) (20 U.S.C. 7702(h)(4)(B)) is amended—

(1) by striking "(in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)(ii))" and inserting "(by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies)"; and

(2) by striking ", except that for the purpose of calculating a local educational agency's assessed value of the Federal property" and inserting ", except that, for purposes of calculating a local educational agency's maximum amount under subsection (b)".

(d) APPLICATION FOR PAYMENT.—Notwithstanding any other provision of law, the Secretary shall treat as timely filed an application under section 8002 (20 U.S.C. 7702) from Academy School District 20, Colorado, for a payment for fiscal year 1999, and shall process that application from funds appropriated for that section for fiscal year 2001.

SEC. 602. CALCULATION OF PAYMENT UNDER SECTION 8003 FOR SMALL LOCAL EDUCATIONAL AGENCIES.

Section 8003(b)(3)(B)(iv) (20 U.S.C. 7703(b)(3)(B)(iv)) is amended by inserting after "of the State in which the agency is located" the following: "or less than the average per pupil expenditure of all the States".

SEC. 603. CONSTRUCTION.

(a) SCHOOL FACILITY EMERGENCY AND MODERNIZATION GRANTS.—Section 8007(b) (20 U.S.C. 7707(b)) is amended to read as follows:

"(b) SCHOOL FACILITY EMERGENCY AND MODERNIZATION GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From 60 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary—

"(A) shall award emergency grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and

"(B) shall award modernization grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.

"(2) PRIORITY.—In approving applications from local educational agencies for emergency grants and modernization grants under this subsection, the Secretary shall give priority to applications for emergency grants and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency.

"(3) ELIGIBILITY REQUIREMENTS.—

"(A) EMERGENCY GRANTS.—A local educational agency is eligible to receive an emergency grant under this subsection only if—

"(i) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent)—

"(I) has no practical capacity to issue bonds;

"(II) has minimal capacity to issue bonds and is at 75 percent of the agency's limit of bonded indebtedness; or

"(III) does not meet the requirements of subclauses (I) and (II) but is eligible to receive funds under section 8003(b)(2) for the fiscal year; and

"(ii) the agency is eligible to receive assistance under subsection (a) for the fiscal year and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

"(B) MODERNIZATION GRANTS.—A local educational agency is eligible to receive a modernization grant under this subsection only if—

"(i) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent) meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i);

"(ii) the agency is eligible to receive assistance under section 8002 for the fiscal year and has an assessed value of real property per student that may be taxed for school purposes that is less than the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the local educational agency is located; and

"(iii) the agency has facility needs resulting from actions of the Federal Government, such as enrollment increases due to the expansion of Federal activities, housing privatization, or the acquisition of Federal property.

"(C) RULE OF CONSTRUCTION.—For purposes of subparagraph (A)(i), a local educational agency—

"(i) has no practical capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is less than $25,000,000; and

"(ii) has minimal capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is not less than $25,000,000 but not more than $50,000,000.

"(4) AWARD CRITERIA.—In awarding emergency grants and modernization grants under this subsection, the Secretary shall consider the following factors:

"(A) The ability of the local educational agency to respond to the emergency, or to pay for the modernization project, as the case may be, as measured by—

"(i) the agency's level of bonded indebtedness;

"(ii) the assessed value of real property per student that may be taxed for school purposes compared to the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the agency is located;

"(iii) the agency's total tax rate for school purposes (or, if applicable, for capital expenditures) compared to the average total tax rate for school purposes (or the average capital expenditure tax rate, if applicable) in the State in which the agency is located; and

"(iv) funds that are available to the agency, from any other source, including section 8007(a), that may be used for capital expenditures.

"(B) The percentage of property in the agency that is nontaxable due to the presence of the Federal Government.

"(C) The number and percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1) served in the school facility with the emergency or served in the school facility proposed for modernization, as the case may be.

"(D) In the case of an emergency grant, the severity of the emergency, as measured by the threat that the condition of the school facility poses to the health, safety, and well-being of students.

"(E) In the case of a modernization grant—

"(i) the severity of the need for modernization, as measured by such factors as—

"(I) overcrowding, as evidenced by the use of portable classrooms; or

"(II) the agency's inability to maximize the use of technology or offer a curriculum in accordance with contemporary State standards due to the physical limitations of the current school facility; and

"(ii) the age of the school facility proposed for modernization.

"(5) OTHER AWARD PROVISIONS.—

"(A) GENERAL PROVISIONS.—

"(i) LIMITATIONS ON AMOUNT OF FUNDS.—

"(I) IN GENERAL.—The amount of funds provided under an emergency grant or a modernization grant awarded under this subsection to a local educational agency that meets the requirements of subclause (II) or (III) of paragraph (3)(A)(i)—

"(aa) shall not exceed 50 percent of the total cost of the project to be assisted under this subsection; and

"(bb) shall not exceed $3,000,000 during any 5-year period.

"(II) IN-KIND CONTRIBUTIONS.—A local educational agency may use in-kind contributions to meet the matching requirement of subclause (I)(aa).

"(ii) PROHIBITIONS ON USE OF FUNDS.—A local educational agency may not use funds provided under an emergency grant or modernization grant awarded under this subsection for—

"(I) a project for a school facility for which the agency does not have full title or other interest; or

"(II) stadiums or other facilities primarily used for athletic contests, exhibitions, or other events for which admission is charged to the general public.

"(iii) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds provided under an emergency grant or modernization grant awarded under this subsection only to supplement the amount of funds that would, in the absence of the Federal funds provided under the grant, be made available from non-Federal sources to carry out emergency repairs of school facilities or to carry out the modernization of school facilities, as the case may be, and not to supplant such funds.

"(B) EMERGENCY GRANTS.—

"(i) PROHIBITION ON USE OF FUNDS.—A local educational agency that is awarded an emergency grant under this subsection may not use amounts under the grant for the complete or partial replacement of an existing school facility unless such replacement is less expensive or more cost-effective to correct the identified emergency.

"(ii) CARRY-OVER OF CERTAIN APPLICATIONS.—In the case of a local educational agency that applies for an emergency grant under this subsection for a fiscal year and does not receive the grant for the fiscal year, the Secretary—

"(I) shall, upon the request of the agency, treat the application as an application for an emergency grant under this subsection for the subsequent fiscal year in accordance with the priority requirements of paragraph (2); and

"(II) shall allow the agency to amend or otherwise update the application, as appropriate.

"(6) APPLICATION.—A local educational agency that desires to receive an emergency grant or a modernization grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain the following:

"(A) The information described in clauses (i) through (iv) of paragraph (4)(A) and subparagraphs (B) and (C) of paragraph (4).

"(B) In the case of an application for an emergency grant—

"(i) a description of the school facility deficiency that poses a health or safety hazard to the occupants of the facility and a description of how the deficiency will be repaired; and

"(ii) a signed statement from an appropriate local official certifying that a deficiency in the school facility threatens the health or safety of the occupants of the facility or that prevents the use of all or a portion of the building.

"(C) In the case of an application for a modernization grant—

"(i) an explanation of the need for the school facility modernization project; and

"(ii) the date on which original construction of the facility to be modernized was completed.

"(D) A description of the project for which a grant under this subsection would be used, including a cost estimate for the project.

"(E) A description of the interest in, or authority over, the school facility involved, such as an ownership interest or a lease arrangement.

"(F) Such other information and assurances as the Secretary may reasonably require.

"(7) REPORT.—

"(A) IN GENERAL.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains a justification for each grant awarded under this subsection for the prior fiscal year.

"(B) DEFINITION.—In this paragraph, the term 'appropriate congressional committees' means—

"(i) the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives; and

"(ii) the Committee on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8014(e) (20 U.S.C. 7714(e)) is amended by striking "for each of the three succeeding fiscal years" and inserting "for fiscal year 2001, $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the four succeeding fiscal years".

SEC. 604. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009(b)(1) (20 U.S.C. 7709(b)(1)) is amended by inserting after "section 8003(a)(2)(B)" the following: "and, with respect to a local educational agency that receives a payment under section 8003(b)(2), the amount in excess of the amount that the agency would receive if the agency were deemed to be an agency eligible to receive a payment under section 8003(b)(1) and not section 8003(b)(2)".

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7714) is amended by striking "three succeeding fiscal years" each place it appears and inserting "six succeeding fiscal years".

SEC. 606. REPEAL OF EXISTING TITLE VI; TRANSFER AND REDESIGNATION OF PROGRAM.

(a) REPEAL OF EXISTING TITLE VI.—Title VI (20 U.S.C. 7301 et seq.) is repealed.

(b) TRANSFER AND REDESIGNATION OF PROGRAM.—(1) Title VIII (20 U.S.C. 7701 et seq.)—

(A) is transferred from the current placement of the title and inserted after title V; and

(B) is redesignated as title VI.

(2) Title VI (as redesignated by paragraph (1)(B)) is amended—

(A) by redesignating sections 8001 through 8005 (20 U.S.C. 7701–7705) as sections 6001 through 6005, respectively; and

(B) by redesignating sections 8007 through 8014 (20 U.S.C. 7707–7714) as sections 6006 through 6013, respectively.

(c) CONFORMING AMENDMENTS.—(1) Title VI (as redesignated by subsection (b)) is amended by striking "8002", "8003", "8004", "8005", "8008", "8009", "8011", "8013", and "8014" each place such terms appear and inserting "6002", "6003", "6004", "6005", "6007", "6008", "6010", "6012", and "6013", respectively.

*(2) Section 6005 (as redesignated by subsection (b)) is amended in the heading by striking "**8002 and 8003**" and inserting "**6002 and 6003**".*

(3) Section 6009(c)(1) (as redesignated by subsection (b)) is amended in the heading by striking "8003" and inserting "6003".

(d) SAVINGS PROVISION.—Funds appropriated for title VIII of the Elementary and Secondary Education Act of 1965 (as in effect on the day before the date of the enactment of this Act) shall be available for use under title VI of such Act, as added by this section.

TITLE VII—ACCOUNTABILITY

SEC. 701. FLEXIBILITY AND ACCOUNTABILITY.

Title VII is amended to read as follows:

"TITLE VII—FLEXIBILITY AND ACCOUNTABILITY

"PART A—STATE ACCOUNTABILITY FOR IMPROVING ACADEMIC ACHIEVEMENT

"SEC. 7101. STATE FINANCIAL AWARDS.

"(a) IN GENERAL.—Beginning in the 2002–2003 school year, the Secretary shall make in accordance with this section financial awards, to be known as 'Achievement in Education Awards', to States that have made significant progress in improving educational achievement.

"(b) CRITERIA OF PROGRESS.—For the purposes of subsection (a), the Secretary shall judge progress using each of the following criteria; giving the greatest weight to the criterion described in paragraph (1):

"(1) The progress of the State's students from economically disadvantaged families and students from racial and ethnic minority groups—

"(A) on the assessments administered by the State under section 1111; and

"(B) beginning in the 2003–2004 school year, on assessments of 4th and 8th grade reading and mathematics under—

"(i) the State assessments carried out as part of the National Assessment of Educational Progress under section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010); or

"(ii) an assessment selected by the State that—

"(I) is administered annually;

"(II) yields high quality data that are valid and reliable;

"(III) meets widely recognized professional and technical standards, including specific and rigorous test security procedures;

"(IV) is developed by an entity independent from each State and local government agency in the State in a manner that protects against any conflict of interest ;

"(V) has no test questions that are identical to the test questions used by the assessment used to meet the State assessment requirements under section 1111;

"(VI) provides results in such a form that they may be expressed in terms of achievement levels that are consistent with the achievement levels (basic, proficient, and advanced) set forth in section 1111;

"(VII) provides results in such a form that they may be disaggregated, at a minimum, according to income level and major racial and ethnic group; and

"(VIII) is administered to all students or to a representative sample of students in the 4th and 8th grades statewide, with a sample size that is sufficiently large to produce statistically significant estimates of statewide student achievement.

"(2) The overall improvement in the achievement of all of the State's students, as measured by—

"(A) the assessments administered by the State under section 1111; and

"(B) beginning in the 2003–2004 school year, the assessments described in paragraph (1)(B).

"(3) The progress of the State in improving the English proficiency of students who enter school with limited English proficiency.

"(c) OTHER CONSIDERATIONS.—In judging a State's progress under subsection (a), the Secretary may also consider—

"(1) the progress of the State in increasing the percentage of students who graduate from secondary schools; and

"(2) the progress of the State in increasing the percentage of students who take advanced coursework (such as Advanced Placement or International Baccalaureate courses) and who pass the exams associated with such coursework.

"(d) AMOUNT.—The Secretary shall determine the amount of an award under subsection (a) based on—

"(1) the school-age population of the State; and

"(2) the degree of progress shown by a State with respect to the criteria set forth in subsections (b) and (c).

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—A State receiving a financial award under this section shall use the proceeds of such award only to make financial awards to public elementary and secondary schools in the State that have made the most significant progress with respect to the criteria described in subsection (b).

"(2) USE BY SCHOOLS.—In consultation with the school's teachers, the principal of each elementary or secondary school that receives a financial award from a State under this section shall use the proceeds of such award at the school for any educational purpose permitted under State law.

"(3) RESPONSIBLE STATE AGENCY.—The State educational agency for each State shall be the agency responsible for making awards under this subsection.

"(f) PEER REVIEW.—In selecting States for awards under subsection (a), the Secretary shall use a peer-review process.

"(g) COSTS OF INDEPENDENT ASSESSMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make grants to States to offset the costs of administering assessments administered by the States to meet the requirements of (b)(1)(B)(ii).

"(2) LIMITATIONS.—Grants made by the Secretary in any year to a State under paragraph (1)—

"(A) may be awarded only to offset the costs of a single administration of an assessment described in such paragraph in the State for that year; and

"(B) may not exceed the costs of administering in the State for that year the State assessments that would be carried out under the National Assessment of Educational Progress described in subsection (b)(1)(B).

"(3) ALLOCATION.—The Secretary may determine the appropriate methodology of allocating grants to States under this subsection.

"SEC. 7102. STATE SANCTIONS.

"(a) FAILURE TO MAKE PROGRESS.—

"(1) LOSS OF ADMINISTRATIVE FUNDS.—The Secretary shall reduce, by 30 percent, the amount of funding that a State may reserve for State administration under the State formula grant programs authorized by this Act if the Secretary determines that, for 2 consecutive years—

"(A) the State's students from economically disadvantaged families and students from racial and ethnic minority groups failed to make adequate yearly progress on the assessments administered by the State under section 1111; and

"(B) the State's students from economically disadvantaged families and students from racial and ethnic minority groups failed to make measurable progress in reading and mathematics, as measured by the 4th and 8th grade assessments described in subsection (b)(1)(B).

"(2) FURTHER REDUCTIONS.—In each of the first 2 years after the years described in paragraph (1), the Secretary may increase the reduction described in such paragraph by any

amount not more than a total of an additional 45 percent.

“(b) OTHER FAILURES.—In addition to any action taken under subsection (a)(1) or (a)(2), the Secretary shall reduce, by 20 percent, the amount of funding that a State may reserve for State administration under the State formula grant programs authorized by this Act if the Secretary determines that, for 2 consecutive years, the State failed to make adequate yearly progress—

“(1) with respect to the achievement of children with limited English proficiency under section 1111(b)(2)(C)(iii)(II)(dd); or

“(2) with respect to the acquisition of English language proficiency by children with limited English proficiency under section 1111(b)(2)(C)(iii)(III).

“(c) USE OF FUNDS FOR IMPROVEMENT.—

“(1) IN GENERAL.—The Secretary shall require that any funds reduced under this section be allocated by the State to local educational agencies in the State for school improvement purposes described in section 1116.

“(2) TREATMENT OF FUNDS.—Funds described in paragraph (1) shall not count toward the amounts that are required to be reserved by a State for school improvement under section 1003.

“SEC. 7103. DEVELOPMENT OF STATE STANDARDS AND ASSESSMENTS.

“(a) IN GENERAL.—The Secretary shall make financial awards to States to enable the States—

“(1) to pay the costs of the development of the additional State assessments and standards required by section 1111(b), including the costs of working in voluntary partnerships with other States, at the sole discretion of each such State, in developing such assessments and standards if a State chooses to do so; and

“(2) if a State has developed the assessments and standards referred to in paragraph (1), to administer such assessments or to carry out other activities described in this title and other activities related to ensuring accountability for results in the State's schools and local educational agencies, such as—

“(A) developing academic content and achievement standards and aligned assessments in other subjects not required by Section 1111;

“(B) developing assessments of English language proficiency necessary to comply with section 1111(b)(7);

“(C) assuring the continued validity and reliability of State assessments;

“(D) refining State assessments to ensure their continued alignment with the State's academic content standards and to improve the alignment of curricula and instruction materials;

“(E) providing for multiple measures to increase the reliability and validity of student and school classifications;

“(F) strengthening the capacity of local educational agencies and schools to provide all students the opportunity to increase educational achievement;

“(G) expanding the range of accommodations available to students with limited English proficiency and students with disabilities to improve the rates of inclusion of such students; and

“(H) improving the dissemination of information on student achievement and school performance to parents and the community.

“(b) BONUSES.—The Secretary shall make a one-time bonus payment to each State that completes the development of the assessments described in subsection (a) ahead of the deadline set forth in section 1111.

“SEC. 7104. FUNDING.

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) AWARDS AND BONUS PAYMENTS.—For the purposes of making awards under section 7101 and bonus payments under section 7103(b), there are authorized to be appropriated $40,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

“(2) GRANTS FOR INDEPENDENT ASSESSMENTS; ADMINISTRATION OF STATE ASSESSMENTS UNDER NAEP.—For the purposes of making grants to offset the costs of independent assessments under section 7101(g) and for the purposes of administering the State assessments carried out under the National Assessment of Educational Progress referred to in section 7101(b)(1)(B)(i), there are authorized to be appropriated to the Secretary $69,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

“(3) DEVELOPMENT AND ADMINISTRATION OF STATE STANDARDS AND ASSESSMENTS.—For the purposes of carrying out subsection 7103(a), there are authorized to be appropriated $400,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2005.

“(b) ALLOCATION OF APPROPRIATED FUNDS.—From each of the amounts appropriated under subsection (a), the Secretary shall allocate to the States—

“(1) 50 percent based on the relative number of children aged 5 to 17 in each State; and

“(2) 50 percent allocated equally among the States.

“PART B—FUNDING FLEXIBILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES

“SEC. 7201. SHORT TITLE.

“This part may be cited as the ‘State and Local Transferability Act’.

“SEC. 7202. PURPOSE.

“The purpose of this part is to allow States and local educational agencies the flexibility—

“(1) to target Federal funds to Federal programs that most effectively address the unique needs of States and localities; and

“(2) to transfer Federal funds allocated to other activities to allocations for activities authorized under title I programs.

“SEC. 7203. TRANSFERABILITY OF FUNDS.

“(a) TRANSFERS BY STATES.—

“(1) IN GENERAL.—In accordance with this part, a State may transfer up 50 percent of the nonadministrative State funds allocated to the State for use for State-level activities under each of the following provisions to 1 or more of the State's allocations under any other of such provisions:

“(A) Part A of Title II.

“(B) Subpart 1 of part A of title IV.

“(C) Part A or B of title V.

“(2) SUPPLEMENTAL FUNDS FOR TITLE I.—In accordance with this part, a State may transfer any funds allocated to the State under a provision listed in paragraph (1) to its allocation under title I.

“(b) TRANSFERS BY LOCAL EDUCATIONAL AGENCIES.—

“(1) AUTHORITY TO TRANSFER FUNDS.—

“(A) IN GENERAL.—In accordance with this part, a local educational agency (except a local educational agency identified for improvement under section 1116(c)(2) or subject to corrective action under section 1116(c)(9)) may transfer not more than 50 percent of the funds allocated to it under each of the provisions listed in paragraph (2) for a fiscal year to 1 or more of its allocations for such fiscal year under any other provision listed in paragraph (2).

“(B) AGENCIES IDENTIFIED FOR IMPROVEMENT.—A local educational agency identified for improvement under section 1116(c)(2) may transfer in accordance with this part not more than 30 percent of the funds allocated to it under each of the provisions listed in paragraph (2)—

“(i) to its allocation for school improvement under section 1003;

“(ii) to any other allocation if such transferred funds are used only for local educational agency improvement activities consistent with section 1116(d).

“(C) SUPPLEMENTAL FUNDS FOR TITLE I.—In accordance with this part, a local educational agency may transfer funds allocated to such agency under a provision listed in paragraph (2) to its allocation under title I.

“(2) APPLICABLE PROVISIONS.—A local educational agency may transfer funds under subparagraph (A) or (B) from allocations made under each of the following provisions:

“(A) Title II.

“(B) Subpart 1 of Part A of title IV.

“(C) Part A of title V or section 5212(2)(A).

“(c) NO TRANSFER OF TITLE I FUNDS.—A State or a local educational agency may not transfer under this part to any other program any funds allocated to it under title I.

“(d) MODIFICATION OF PLANS AND APPLICATIONS; NOTIFICATION.—

“(1) STATE TRANSFERS.—Each State that makes a transfer of funds under this section shall—

“(A) modify to account for such transfer each State plan, or application submitted by the State, to which such funds relate;

“(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the Secretary; and

“(C) not later than 30 days before the effective date of such transfer, notify the Secretary of such transfer.

“(2) LOCAL TRANSFERS.—Each local educational agency that makes a transfer under this section shall—

“(A) modify to account for such transfer each local plan, or application submitted by the agency, to which such funds relate;

“(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the State; and

“(C) not later than 30 days before the effective date of such transfer, notify the State of such transfer.

“(e) APPLICABLE RULES.—

“(1) IN GENERAL.—Except as otherwise provided in this part, funds transferred under this section are subject to each of the rules and requirements applicable to the funds allocated by the Secretary under the provision to which the transferred funds are transferred.

“(2) CONSULTATION.—Each State educational agency or local educational agency that transfers funds under this section shall conduct consultations in accordance with section 8503(c), if such transfer transfers funds from a program that provides for the participation of students, teachers, or other educational personnel, from private schools.”.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. GENERAL PROVISIONS.

The Elementary and Secondary Education Act of 1965, as amended by this Act, is further amended by adding at the end of title VII the following:

“TITLE VIII—GENERAL PROVISIONS

“PART A—DEFINITIONS

“SEC. 8101. DEFINITIONS.

“Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

“(1) Average daily attendance—

“(A) Except as provided otherwise by State law or this paragraph, the term ‘average daily attendance’ means—

“(i) the aggregate number of days of attendance of all students during a school year; divided by

“(ii) the number of days school is in session during such school year.

“(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local

educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in paragraph (5), the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for the operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) BEGINNING TEACHER.—The term 'beginning teacher' means an educator in a public school who has been teaching less than a total of 3 complete school years.

"(4) CHILD.—The term 'child' means any person within the age limits for which the State provides free public education.

"(5) CHILD WITH DISABILITY.—The term 'child with a disability' means a child—

"(A) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as 'emotional disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

"(B) who, by reason thereof, needs special education and related services.

"(6) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(7) CONSOLIDATED LOCAL APPLICATION.—The term 'consolidated local application' means an application submitted by a local educational agency pursuant to section 14305.

"(8) CONSOLIDATED LOCAL PLAN.—The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 14305.

"(9) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 14302.

"(10) CONSOLIDATED STATE PLAN.—The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 14302.

"(11) COUNTY.—The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(12) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part B of title I;

"(C) part C of title I;

"(D) part D of title I;

"(E) part F of title I;

"(F) part G of title I;

"(G) part A of title II;

"(H) part A of title III;

"(I) part A of title V;

"(J) part B of title V; and

"(K) part A of title IV:

"(13) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title IV.

"(14) DEPARTMENT.—The term 'Department' means the Department of Education.

"(15) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(16) EFFECTIVE SCHOOLS PROGRAM.—The term 'effective schools program' means a school-based program that may encompass preschool through secondary school levels and that has the objectives of—

"(A) promoting school-level planning, instructional improvement, and staff development;

"(B) increasing the academic achievement levels of all children and particularly educationally disadvantaged children; and

"(C) achieving as ongoing conditions in the school the following factors identified through scientifically based research as distinguishing effective from ineffective schools:

"(i) Strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving.

"(ii) Emphasis on the acquisition of basic and advanced academic skills.

"(iii) A safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement.

"(iv) Continuous review of students and programs to evaluate the effects of instruction.

"(17) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

"(18) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' means explicit and systematic instruction in—

"(A) phonemic awareness;

"(B) phonics;

"(C) vocabulary development;

"(D) reading fluency; and

"(E) reading comprehension strategies.

"(19) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences.

"(20) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(21) FULLY QUALIFIED.—The term 'fully qualified'—

"(A) when used with respect to a public elementary or secondary school teacher means that the teacher has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, means that the teacher meets the requirements set forth in the State's public charter school law; and

"(B) when used with respect to—

"(i) an elementary school teacher, means that the teacher holds a bachelor's degree and demonstrates knowledge and teaching skills in reading, writing, mathematics, science, and other areas of the elementary school curriculum; and

"(ii) a middle or secondary school teacher, means that the teacher holds a bachelor's degree and demonstrates a high level of competency in all subject areas in which he or she teaches through—

"(I) a passing level of performance on a rigorous State or local academic subject areas test; or

"(II) completion of an academic major in each of the subject areas in which he or she provides instruction.

"(22) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"(23) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965.

"(24) LIMITED ENGLISH PROFICIENT STUDENT.—The term 'limited English proficient student' means an individual aged 5 through 17 enrolled in an elementary school or secondary school—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English;

"(ii)(I) is a Native American or Alaska Native, or a native resident of the outlying areas; and

"(II) comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

"(B) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny the individual—

"(i) the ability to meet the State's proficient level of performance on State assessments described in section 1111(b)(4) in core academic subjects; or

"(ii) the opportunity to participate fully in society.

"(25) LOCAL EDUCATIONAL AGENCY.—(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law and such school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(D) The term includes educational service agencies and consortia of such agencies.

"(26) MENTORING.—The term 'mentoring' means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and introducing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

"(27) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

"(28) OTHER STAFF.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(29) 'OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and through fiscal year 2003 and for the purpose of any discretionary grant program, includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(30) PARENT.—The term 'parent' includes a legal guardian, or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

"(31) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—(A) The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602(22) of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

"(B) The term 'pupil services' means the services provided by pupil services personnel.

"(32) READING.—The term 'reading' means a complex system of deriving meaning from print that requires all of the following:

"(A) Skills and knowledge to understand how phonemes, or speech sounds are connected in print.

"(B) Ability to decode unfamiliar words.

"(C) Ability to read fluently.

"(D) Sufficient background information and vocabulary to foster reading comprehensions.

"(E) Development of appropriate active strategies to construct meaning from print.

"(F) Development and maintenance of a motivation to read.

"(33) RIGOROUS DIAGNOSTIC READING AND SCREENING ASSESSMENT TOOLS.—The term 'rigorous diagnostic reading and screening assessment tools' means a diagnostic reading assessment that—

"(A) is valid, reliable, and grounded on scientifically based reading research;

"(B) measures progress in developing phonemic awareness and phonics skills, vocabulary, reading fluency, and reading comprehension;

"(C) identifies students who may be at risk for reading failure or who are having difficulty reading; and

"(D) are used to improve instruction.

"(34) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to education activities and programs; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations;

"(iv) is evaluated using randomized experiments in which individuals, entities, programs, or activities are randomly assigned to different variations (including a control condition) to compare the relative effects of the variations; and

"(v) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"(35) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

"(36) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(37) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(38) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

"(39) TECHNOLOGY.—The term 'technology' means the latest state-of-the-art technology products and services.

"SEC. 8102. APPLICABILITY OF TITLE.

"Parts B, C, D, and E of this title do not apply to title VI of this Act.

"SEC. 8103. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

"For purposes of any competitive program under this Act, a consortia of schools operated by the Bureau of Indian Affairs, a school operated under a contract or grant with the Bureau of Indian Affairs in consortia with another contract or grant school or tribal or community organization, or a Bureau of Indian Affairs school in consortia with an institution of higher education, a contract or grant school and tribal or community organization shall be given the same consideration as a local educational agency.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 8201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

"(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources are derived from non-Federal sources.

"(2) APPLICABILITY.—This section applies to any program under this Act under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a), such as—

"(A) the coordination of such programs with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices;

"(E) technical assistance under any program under this Act;

"(F) State level activities designed to carry out this title;

"(G) training personnel engaged in audit and other monitoring activities; and

"(H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department of Education.

"(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"SEC. 8202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

"A State educational agency that also serves as a local educational agency, in such agency's applications or plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

"SEC. 8203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary and for any fiscal year, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more programs under this Act (or such other programs as the Secretary shall designate) not more than the percentage, established in each such program, of the total available for the local educational agency under such programs.

"(b) STATE PROCEDURES.—Within one-year from the date of enactment of the No Child Left Behind Act of 2001, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under such programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of such programs and for uses, at the school district and school levels, comparable to those described in section 8201(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of such programs included in the consolidation.

"SEC. 8204. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) GENERAL AUTHORITY.—

"(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under subpart 1 of part B of title III, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2) AGREEMENT.—(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

"SEC. 8301. PURPOSE.

"The purposes of this part are to improve teaching and learning through greater coordination between programs and to provide greater flexibility to State and local authorities by allowing the consolidation of State and local plans, applications, and reporting.

"SEC. 8302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

"(a) GENERAL AUTHORITY.—

"(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for States under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency, in consultation with the State's Governor, may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

"(A) any programs under this Act in which the State participates; and

"(B) such other programs as the Secretary may designate.

"(2) CONSOLIDATED APPLICATIONS AND PLANS.—A State educational agency, in consultation with the State's Governor, that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit a separate State plan or application for a program included in the consolidated State plan or application.

"(b) COLLABORATION.—

"(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with Governors, State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) CONTENTS.—Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

"(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

"SEC. 8303. CONSOLIDATED REPORTING.

"In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the State's Governor, may submit a consolidated State annual report. Such report shall contain information about the programs included in the report, including the State's performance under those programs, and other matters as the Secretary determines, such as monitoring activities. Such a report shall take the place of separate individual annual reports for the programs subject to it.

"SEC. 8304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

"(a) ASSURANCES.—A State educational agency, in consultation with the State's Governor, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 8302, shall have on file with the Secretary a single set of assurances, applicable to each program for which such plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing law;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the plan or application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

"(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

"SEC. 8305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one program under this Act may submit plans or applications to the Governor and State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State that has an approved consolidated State plan or application under section 8302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under such programs, but may not require such agencies to submit separate plans.

"(c) COLLABORATION.—A Governor and State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

"(d) NECESSARY MATERIALS.—The State shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

"SEC. 8306. OTHER GENERAL ASSURANCES.

"(a) ASSURANCES.—Any applicant other than a State that submits a plan or application under this Act, shall have on file with the State a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the Governor and State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the Governor and State educational agency or the Secretary may find necessary to carry out the State's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act shall not apply to programs under this Act.

"PART D—WAIVERS

"SEC. 8401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act or the Carl D. Perkins Vocational and Technical Education Act of 1998 for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

"(1) receives funds under a program authorized by this Act; and

"(2) requests a waiver under subsection (b).

"(b) REQUEST FOR WAIVER.—

"(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a waiver application to the Secretary that—

"(A) indicates each Federal program affected and each statutory or regulatory requirement requested to be waived;

"(B) describes the purpose and overall expected results of waiving each such requirement;

"(C) describes, for each school year, specific, measurable, educational goals for the State educational agency and for each local educational agency, Indian tribe, or school that would be affected by the waiver; and

"(D) explains why the waiver will assist the State educational agency and each affected local educational agency, Indian tribe, or school in reaching such goals.

"(2) ADDITIONAL INFORMATION.—Such requests—

"(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) shall be developed and submitted—

"(i)(I) by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and

"(II) by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or

"(ii) by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.

"(3) GENERAL REQUIREMENTS.—

"(A) In the case of a waiver request submitted by a State educational agency acting in its own behalf, the State educational agency shall—

"(i) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

"(ii) submit the comments to the Secretary; and

"(iii) provide notice and information to the public regarding the waiver request in the manner that the applying agency customarily provides similar notices and information to the public.

"(B) In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

"(i) such request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of such State educational agency; and

"(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner that such agency customarily provides similar notices and information to the public.

"(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

"(1) the allocation or distribution of funds to States, local educational agencies, or other recipients of funds under this Act;

"(2) maintenance of effort;

"(3) comparability of services;

"(4) use of Federal funds to supplement, not supplant, non-Federal funds;

"(5) equitable participation of private school students and teachers;

"(6) parental participation and involvement;

"(7) applicable civil rights requirements;

"(8) the requirement for a charter school under part B of title IV; or

"(9) the prohibitions regarding—

"(A) State aid in section 8502;

"(B) use of funds for religious worship or instruction in section 8507; and

"(C) activities in section 8513.

"(d) DURATION AND EXTENSION OF WAIVER.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the duration of a waiver approved by the Secretary under this section may be for a period not to exceed 5 years.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved student performance; and

"(B) such extension is in the public interest.

"(e) REPORTS.—

"(1) LOCAL WAIVER.—A local educational agency that receives a waiver under this section shall at the end of the second year for which a waiver is received under this section, and each subsequent year, submit a report to the State educational agency that—

"(A) describes the uses of such waiver by such agency or by schools;

"(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

"(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

"(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall annually submit a report to the Secretary that is based on such reports and contains such information as the Secretary may require.

"(3) INDIAN TRIBE WAIVER.—An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

"(A) describes the uses of such waiver by schools operated by such tribe; and

"(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

"(4) REPORT TO CONGRESS.—Beginning in fiscal year 2002 and each subsequent year, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report—

"(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) describing whether such waivers—

"(i) increased the quality of instruction to students; or

"(ii) improved the academic performance of students.

"(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

"(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

"PART E—UNIFORM PROVISIONS

"SEC. 8501. MAINTENANCE OF EFFORT.

"(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of such agency and the State with respect to the provision of free public education by such agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(b) REDUCTION IN CASE OF FAILURE TO MEET.—

"(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

"(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

"(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

"(1) exceptional or uncontrollable circumstances such as a natural disaster; or

"(2) a precipitous decline in the financial resources of the local educational agency.

"SEC. 8502. PROHIBITION REGARDING STATE AID.

"A State shall not take into consideration payments under this Act (other than under title VI) in determining the eligibility of any local educational agency in such State for State aid, or the amount of State aid, with respect to free public education of children.

"SEC. 8503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

"(a) PRIVATE SCHOOL PARTICIPATION.—

"(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of such agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in areas served by such agency, consortium or entity, such agency, consortium or entity shall, after timely and meaningful consultation with appropriate private school officials, provide such children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under such program.

"(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

"(3) SPECIAL RULE.—Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program and shall be provided in a timely manner.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

"(5) PROVISION OF SERVICES.—Such agency, consortium or entity described in subsection (a)(1) of this section may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—This section applies to programs under—

"(A) part B, subpart 1 of title I;

"(B) part C of title I;

"(C) part A of title II;

"(D) part A of title III.

"(E) part A of title V; and

"(F) part B of title V;

"(2) DEFINITION.—For the purposes of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).

"(c) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of such agencies or entity shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how, where, and by whom the services will be provided;

"(D) how the services will be assessed and how the results of the assessment will be used to improve such services;

"(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for such services; and

"(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third party providers.

"(2) DISAGREEMENT.—If the agency, consortium or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor.

"(3) TIMING.—Such consultation shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

"(4) DISCUSSION REQUIRED.—Such consultation shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"(d) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such funds. shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

"(2) PROVISION OF SERVICES.—

"(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, organization, or other entity.

"(B) In the provision of such services, such employee, person, association, agency, organization or other entity shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 8504. STANDARDS FOR BY-PASS.

"If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium, or other entity of such agencies, is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency consortium or entity has substantially failed or is unwilling to provide for such participation, as required by section 8503, the Secretary shall—

"(1) waive the requirements of that section for such agency, consortium, or entity;

"(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 8503, 8505, and 8506; and

"(3) in making the determination, consider one or more factors, including the quality, size, scope, location of the program and the opportunity of private school children, teachers, and other educational personnel to participate.

"SEC. 8505. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

"(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 8503 by a State educational agency, local educational agency, educational service agency, consortium of such agencies or entity. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

"(b) APPEALS TO SECRETARY.—Such resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal not later than 120 days after receipt of the appeal.

"SEC. 8506. BY-PASS DETERMINATION PROCESS.

"(a) REVIEW.—

"(1) IN GENERAL.—

"(A) The Secretary shall not take any final action under section 8504 until the State educational agency, local educational agency, educational service agency, consortium of such agencies or entity affected by such action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(2) PETITION FOR REVIEW.—

"(A) If such affected agency consortium or entity is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency consortium or entity may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

"(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(C) The Secretary upon receipt of the copy of the petition shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) FINDINGS OF FACT.—

"(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

"(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) JURISDICTION.—

"(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part.

“(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency, consortium or entity and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 8503 or any other provision of this Act.

“(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

“(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001 shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

“SEC. 8507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

“Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

“SEC. 8508. APPLICABILITY.

“Nothing in this Act shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law (consistent with section 8509), nor shall any home schooled student be required to participate in any assessment referenced in this Act.

“SEC. 8509. PRIVATE SCHOOLS.

“Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act nor shall any student who attends a private school that does not receive funds or services under this Act be required to participate in any assessment referenced in this Act.

“SEC. 8510. PRIVACY OF ASSESSMENT RESULTS.

“Any results from individual assessments referenced in this Act which become part of the education records of the student shall have the protections as provided in section 444 of the General Education Provisions Act.

“SEC. 8511. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

“Nothing in this Act, or any other Act administered by the Department, shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

“SEC. 8512. SCHOOL PRAYER.

“As a condition for receipt of funds under this Act, a local educational agency shall certify in writing to the Secretary that no policy of the agency prevents or otherwise denies participation in constitutionally protected prayer in public schools.

“SEC. 8513. GENERAL PROHIBITIONS.

“(a) PROHIBITION.—None of the funds authorized under this Act shall be used—

“(1) to develop or distribute materials, or operate programs or courses of instruction directed at youth that are designed to promote or encourage, sexual activity, whether homosexual or heterosexual;

“(2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

“(3) to provide sex education or HIV prevention education in schools unless such instruction is age appropriate and emphasizes the health benefits of abstinence; or

“(4) to operate a program of contraceptive distribution in schools.

“(b) LOCAL CONTROL.—Nothing in this section shall be construed to—

“(1) authorize an officer or employee of the Federal Government to direct, review, or control a State, local educational agency, or schools' instructional content, curriculum, and related activities;

“(2) limit the application of the General Education Provisions Act (20 U.S.C.A. 1221 et seq.);

“(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

“(4) create any legally enforceable right.

“SEC. 8514. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

“(a) GENERAL PROHIBITION.—Officers and employees of the Federal Government are prohibited from mandating, directing, or controlling a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

“(b) PROHIBITION OF FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or academic achievement standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this Act.

“(c) EQUALIZED SPENDING.—Nothing in this Act shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

“(d) BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local agency, or school.

“SEC. 8515. RULEMAKING.

“The Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this Act.

“SEC. 8516. REPORT.

“The Secretary shall report to the Congress not later than 180 days after the date of enactment of the No Child Left Behind Act of 2001 regarding how the Secretary shall ensure that audits conducted by Department employees of activities assisted under this Act comply with changes to this Act made by the No Child Left Behind Act of 2001, particularly with respect to permitting children with similar educational needs to be served in the same educational settings, where appropriate.

“SEC. 8517. REQUIRED APPROVAL OR CERTIFICATION PROHIBITED.

“(a) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic content standards or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to affect requirements under title I of this Act.

“SEC. 8518. PROHIBITION ON ENDORSEMENT OF CURRICULUM.

“Notwithstanding any other prohibition of Federal law, no funds provided to the Department of Education or to any applicable program may be used by the Department to endorse, approve, or sanction any curriculum designed to be used in an elementary or secondary school.

“SEC. 8519. RULE OF CONSTRUCTION ON PERSONALLY IDENTIFIABLE INFORMATION.

“Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals involved in studies or in data collection efforts under this Act.

“SEC. 8520. SEVERABILITY.

“If any provision of this Act is held invalid, the remainder of this Act shall be unaffected thereby.

“PART F—SENSE OF CONGRESS

“SEC. 8601. PAPERWORK REDUCTION.

“(a) FINDINGS.—The Congress finds that—

“(1) instruction and other classroom activities provide the greatest opportunity for students, especially at-risk and disadvantaged students, to attain high standards and achieve academic success;

“(2) one of the greatest obstacles to establishing an effective, classroom-centered education system is the cost of paperwork compliance;

“(3) paperwork places a burden on teachers and administrators who must complete Federal and State forms to apply for Federal funds and absorbs time and money which otherwise would be spent on students;

“(4) the Education at a Crossroads Report released in 1998 by the Education Subcommittee on Oversight and Investigations states that requirements by the Department of Education result in more than 48,600,000 hours of paperwork per year; and

“(5) paperwork distracts from the mission of schools, encumbers teachers, and administrators with nonacademic responsibilities, and competes with teaching and classroom activities which promote learning and achievement.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal and State educational agencies should reduce the paperwork requirements placed on schools, teachers, principles, and other administrators.

“SEC. 8602. PROHIBITION ON MANDATORY NATIONAL CERTIFICATION OF TEACHERS AND PARAPROFESSIONALS.

“(a) PROHIBITION ON MANDATORY TESTING OR CERTIFICATION.—Notwithstanding any other provision of law, the Secretary is prohibited from using Federal funds to plan, develop, implement, or administer any mandatory national teacher or paraprofessional test or certification.

“(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding funds from any State or local educational agency if such State or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

“SEC. 8603. PROHIBITION ON FEDERALLY SPONSORED TESTING.

“Notwithstanding any other provision of Federal law, no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

“SEC. 8604. SENSE OF CONGRESS REGARDING MEMORIALS.

“It is the sense of Congress that—

“(1) the saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public elementary or secondary school in order to honor the memory of any person slain on that campus is not objectionable under this Act; and

"(2) the design and construction of any memorial which includes religious symbols, motifs, or sayings that is placed on the campus of a public elementary or secondary school in order to honor the memory of any person slain on that campus is not objectionable under this Act.

"PART G—EVALUATIONS

"SEC. 8651. EVALUATIONS.

"(a) RESERVATION OF FUNDS.—Except as provided in subsections (b) and (c), the Secretary may reserve not more than 0.5 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this Act—

"(1) to conduct—

"(A) comprehensive evaluations of the program or project; and

"(B) studies of the effectiveness of the programs or project and its administrative impact on schools and local educational agencies;

"(2) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary and secondary programs under any other Federal law; and

"(3) to increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, and utilization of information relating to performance under the program or project.

"(b) TITLE I EXCLUDED.—The Secretary may not reserve under subsection (a) funds appropriated to carry out any program authorized under title I.

"(c) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act (other than title I), funds are authorized to be reserved or used for evaluation activities with respect to a program or project, the Secretary may not reserve additional funds under this section for the evaluation of such program or project.".

SEC. 802. COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.

(a) IN GENERAL.—Part A of title XIII (20 U.S.C. 8621 et seq.)—

(1) is transferred to the end of title VIII, as amended by section 801; and

(2) is redesignated as part H.

(b) REDESIGNATION OF SECTIONS.—Sections 13101 through 13105 are redesignated as sections 8701 through 8705, respectively.

(c) CONFORMING AMENDMENTS.—

(1) REQUIREMENTS.—Section 8702(a) (as redesignated by subsection (b)) is amended—

(A) by striking "section 13101(a)" and inserting "section 8701(a)"; and

(B) in paragraph (7), by striking "section 13201" and inserting "section 8751".

(2) MAINTENANCE OF SERVICE.—Section 8703(b) (as redesignated by subsection (b)) is amended—

(A) in paragraph (1), by striking "section 13102" and inserting "section 8702"; and

(B) in paragraph (2)—

(i) by striking "section 13201" and inserting "section 8751"; and

(ii) by striking "section 13401" and inserting "section 8851".

(3) TRANSITION.—Section 8704(b)(1) (as redesignated by subsection (b)) is amended by striking "section 13105" and inserting "section 8705".

SEC. 803. NATIONAL DIFFUSION NETWORK.

(a) IN GENERAL.—Part B of title XIII (20 U.S.C. 8651 et seq.)—

(1) is transferred to the end of title VIII, as amended by section 802; and

(2) is redesignated as part I.

(b) REDESIGNATION OF SECTIONS.—Sections 13201 and 13202 are redesignated as sections 8751 and 8752, respectively.

(c) CONFORMING AMENDMENT.—Section 8751 (as redesignated by subsection (b)) is amended—

(1) in subsection (e)(3), by striking "under part C" through the end thereof and inserting "under part F; and"; and

(2) in subsection (f)(4), by striking "section 13401" and inserting "section 8851".

SEC. 804. EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIA.

(a) IN GENERAL.—Part C of title XIII (20 U.S.C. 8671 et seq.)—

(1) is transferred to the end of title VIII, as amended by section 803; and

(2) is redesignated as part J.

(b) REDESIGNATION OF SECTIONS.—Sections 13301 through 13308 are redesignated as sections 8801 through 8808, respectively.

(c) CONFORMING AMENDMENTS.—

(1) GRANT AUTHORIZATION.—Section 8801(a)(3) (as redesignated by subsection (b)) is amended by striking "section 13308" and inserting "section 8808".

(2) USE OF FUNDS.—Section 8802 (as redesignated by subsection (b)) is amended—

(A) by striking "section 13304" and inserting "section 8804";

(B) in paragraph (2), by striking "13301(a)(1)" and inserting "8801(a)(1)"; and

(C) in paragraph (3), by striking "13301(a)(1)" and inserting "8801(a)(1)".

(3) PAYMENTS.—Section 8805 (as redesignated by subsection (b)) is amended in each of subsections (a) and (c) by striking "section 13303" and inserting "section 8803".

(4) EVALUATION.—Section 8806(a) (as redesignated by subsection (b)) is amended by striking "section 14701" and inserting "section 8651".

(5) DEFINITIONS.—Section 8807(4) (as redesignated by subsection (b)) is amended by striking "section 13301" and inserting "section 8801".

SEC. 805. TECHNOLOGY-BASED TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Part D of title XIII (20 U.S.C. 8701)—

(1) is transferred to the end of title VIII, as amended by section 804; and

(2) is redesignated as part K.

(b) REDESIGNATION OF SECTION.—Section 13401 is redesignated as section 8851.

SEC. 806. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.

(a) IN GENERAL.—Subpart 3 of part A of title III (20 U.S.C. 6861 et seq.)—

(1) is transferred to the end of title VIII, as amended by section 805; and

(2) is redesignated as part L.

(b) REDESIGNATION OF SECTION.—Section 3141 is redesignated as section 8901.

(c) CONFORMING AMENDMENT.—Section 8901 (as redesignated by subsection (b)) is amended by striking "part C of title XIII" and inserting "part J".

TITLE IX—MISCELLANEOUS PROVISIONS

PART A—AMENDMENTS TO OTHER ACTS

Subpart 1—National Education Statistics Act

SEC. 901. AMENDMENT TO NESA.

Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by amending subsection (b)(2) to read as follows:

"(2) STATE ASSESSMENTS.—(A) The Commissioner, in carrying out the National Assessment—

"(i) may conduct State assessments of student achievement in grades 4, 8, and 12; and

"(ii) shall conduct annual State assessments of student achievement in reading and mathematics in grades 4 and 8 in order for States to carry out section 1111(c)(2) of the Elementary and Secondary Education Act of 1965.

"(B)(i) Except as provided in clause (ii), a participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of the data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of that data.

"(ii) A State participating in the annual State assessments of its students in reading and mathematics in grades 4 and 8 shall be deemed to have given its permission to release its data if it has an approved plan under section 1111 of the Elementary and Secondary Education Act of 1965."; and

(2) by amending subsection (d) to read as follows:

"(d) PARTICIPATION.—

"(1) NATIONAL AND REGIONAL PARTICIPATION.—Participation in the national and regional assessments by State and local educational agencies shall be voluntary.

"(2) STATE PARTICIPATION.—Participation in assessments made on a State basis shall be voluntary.".

Subpart 2—Homeless Education

SEC. 911. SHORT TITLE.

This subpart may be cited as the "McKinney-Vento Homeless Education Assistance Improvements Act of 2001".

SEC. 912. FINDINGS.

Congress makes the following findings:

(1) An estimated 1,000,000 children in the United States will experience homelessness in 2001.

(2) Homelessness has a devastating impact on the educational opportunities of children and youth. Homeless children go hungry at more than twice the rate of other children, have four times the rate of delayed development, and are twice as likely to repeat a grade.

(3) Despite steady progress in school enrollment and attendance resulting from the passage in 1987 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.), homeless students still face numerous barriers to education, including residency, guardianship and registration requirements, delays in the transfer of school records, and inadequate transportation service.

(4) School is one of the few secure factors in the lives of homeless children and youth, providing stability, structure, and accomplishment during a time of great upheaval. .

(5) Homeless children and youth require educational stability and the opportunity to maintain regular and consistent attendance in school, so that they acquire the skills necessary to escape poverty and lead productive, healthy lives as adults.

(6) In the 14 years since the passage of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.), educators and service providers have learned much about policies and practices which help remove the barriers described.

SEC. 913. PURPOSE.

The purpose of this subpart is to strengthen subtitle B of title VII of Public Law 100–77 (42 U.S.C. 11431 et seq.) by amending it—

(1) to include innovative practices, proven to be effective in helping homeless children and youth enroll, attend, and succeed in school; and

(2) to help ensure that all children and youth impacted by the loss of fixed, regular, and adequate housing receive a quality education and secure their chance for a brighter future.

SEC. 914. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of Public Law 100–77 (42 U.S.C. 11431 et seq.) is amended to read as follows:

"Subtitle B—Education for Homeless Children and Youth

"SEC. 721. STATEMENT OF POLICY.

"It is the policy of the Congress that—

"(1) each State educational agency ensure that each child of a homeless individual and each homeless youth has equal access to the same free, public education, including a public preschool education, as provided to other children and youth;

"(2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, public education as provided to other children and youth;

"(3) homelessness alone is not sufficient reason to separate students from the mainstream school environment; and

"(4) homeless children and youth must have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

"SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d), (e), (f), and (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2) and section 724(d), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than $125,000 or ½ of 1 percent of the amount appropriated under section 726, whichever is greater.

"(2) RESERVATION.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

"(B)(i) The Secretary shall transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), that are consistent with the purposes of this Act.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

"(3) STATE DEFINED.—As used in this subsection, the term 'State' shall not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(d) ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

"(2) to provide activities for, and services to, homeless children, including preschool-aged homeless children, and youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—

"(1) MINIMUM DISBURSEMENTS BY STATES.—From the sums made available each year to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in grants to local educational agencies for the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in grants to local educational agencies for the purposes of carrying out section 723.

"(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use funds made available for State use under this subtitle to conduct activities under subsection (f) directly or through grants.

"(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school or in a separate program within a school, based solely on such child's or youth's status as homeless.

"(B) EXCEPTION.—A State that operates a separate school for homeless children as of the day preceding the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001—

"(i) shall remain eligible to receive, and to distribute to local educational agencies, funds under this subtitle for such school; and

"(ii) shall not distribute to local educational agencies in the State any funds received under this subtitle for use by any such schools not in operation as of such date of enactment.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in assisting homeless children and youth to enroll in, attend, and succeed in, school;

"(2) develop and carry out the State plan described in subsection (g);

"(3) collect and transmit to the Secretary information gathered pursuant to paragraphs (1) and (2) at such time and in such manner as the Secretary may require;

"(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children, including preschool-aged homeless children, and youth, and families of such children and youth;

"(5) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

"(A) educators, including child development and preschool program personnel;

"(B) State and local providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

"(C) local educational agency liaisons for homeless children and youth; and

"(D) State and local community organizations and groups representing homeless children and youth and their families; and

"(6) provide technical assistance to local educational agencies, in coordination with local liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of paragraphs (3) through (7) of subsection (g).

"(g) STATE PLAN.—

"(1) IN GENERAL.—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall—

"(A) describe how such children and youth are or will be given the opportunity to meet the same challenging State student academic achievement standards all students are expected to meet;

"(B) describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs;

"(C) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

"(D) describe programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

"(E) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(F) describe procedures that ensure that—

"(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children;

"(ii) homeless youth and youth separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and

"(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

"(G) address problems set forth in the report provided to the Secretary under subsection (f)(3);

"(H) address other problems with respect to the education of homeless children and youth, *including problems caused by enrollment delays that are caused by—*

"(i) immunization and medical records requirements;

"(ii) residency requirements;

"(iii) lack of birth certificates, school records, or other documentation;

"(iv) guardianship issues; or

"(v) uniform or dress code requirements;

"(I) demonstrate that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(J) contain assurances that—

"(i) except as provided in subsection (e)(3)(B), State and local educational agencies will adopt policies and practices to ensure that homeless children and youth are not segregated solely on the basis of their status as homeless;

"(ii) local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth, to carry out the duties described in paragraph (6)(A); and

"(iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison) to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

"(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

"(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in the area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school or origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

"(2) COMPLIANCE.—

"(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

"(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local liaisons established under this subchapter.

"(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

"(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest, either—

"(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

"(I) in any case in which a family becomes homeless between academic years or during the academic year; or

"(II) for the remainder of the academic year, if the child becomes permanently housed during the academic year; or

"(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

"(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

"(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

"(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(2) assists in placement or enrollment decisions under this subparagraph and provides notice to such youth of the right to appeal under subparagraph (E).

"(C) ENROLLMENT.—(i) The school selected in accordance with this paragraph shall immediately enroll pursuant to section 725(3) the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

"(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

"(iii) If the child or youth needs to obtain immunizations or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization or medical records in accordance with subparagraph (E).

"(D) RECORDS.—Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

"(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and

"(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(E) ENROLLMENT DISPUTES.—If a dispute arises over school selection or enrollment in a school—

"(i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

"(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

"(iii) the child, youth, parent, or guardian shall be referred to the local liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(A) as expeditiously as possible after receiving notice of the dispute; and

"(iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

"(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

"(G) SCHOOL OF ORIGIN DEFINED.—In this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

"(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information required by the local educational agency of a parent or guardian of a nonhomeless child.

"(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including—

"(A) transportation services;

"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

"(C) programs in vocational and technical education;

"(D) programs for gifted and talented students; and

"(E) school nutrition programs.

"(5) COORDINATION.—

"(A) IN GENERAL.—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate—

"(i) the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

"(ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

"(B) HOUSING ASSISTANCE.—If applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.

"(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

"(i) ensure that homeless children and youth have access and reasonable proximity to available education and related support services; and

"(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

"(6) LIAISON.—

"(A) DUTIES.—Each local liaison for homeless children and youth, designated under paragraph (1)(J)(ii), shall ensure that—

"(i) homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;

"(ii) homeless children and youth enroll in, and have an equal opportunity to succeed in, schools of that agency;

"(iii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

"(iv) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful

opportunities to participate in the education of their children;

"(v) public notice of the educational rights of homeless children and youth is disseminated where such children and youth receive services under this Act, such as schools, family shelters, and soup kitchens;

"(vi) enrollment disputes are mediated in accordance with subsection (g)(3)(E); and

"(vii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(ii), and is assisted in accessing transportation to the school selected in accordance with paragraph (3)(A).

"(B) NOTICE.—State coordinators whose duties are described under subsection (d) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

"(7) REVIEW AND REVISIONS.—

"(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle, shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3).

"(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

"(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e) and from amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

"(2) SERVICES.—

"(A) IN GENERAL.—Services under paragraph (1)—

"(i) may be provided through programs on school grounds or at other facilities;

"(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth; and

"(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not to replace such services provided under such program.

"(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

"(i) may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to the requirements of clause (ii); and

"(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregates homeless children and youth from other children and youth, except as is necessary for short periods of time—

"(I) for health and safety emergencies; or

"(II) to provide temporary, special, and supplementary services to meet the unique needs of homeless children and youth.

"(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Each such application shall include—

"(1) an assessment of the educational and related needs of homeless children and youth, as defined in section 725(1) and (2), in the area served by such agency (which may be undertaken as part of needs assessments for other disadvantaged groups);

"(2) a description of the services and programs for which assistance is sought to address the needs identified in paragraph (1);

"(3) an assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made;

"(4) an assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g); and

"(5) a description of policies and procedures, consistent with section 722(e)(3)(B), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(c) AWARDS.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

"(2) NEED.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application—

"(i) reflects coordination with other local and State agencies that serve homeless children and youth; and

"(ii) meets the requirements of section 722(g)(3);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the State agency determines appropriate.

"(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

"(A) the applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs;

"(B) the types, intensity, and coordination of the services to be provided under the program;

"(C) the involvement of parents or guardians;

"(D) the extent to which homeless children and youth will be integrated within the regular education program;

"(E) the quality of the applicant's evaluation plan for the program;

"(F) the extent to which services provided under this subtitle will be coordinated with other available services; and

"(G) such other measures as the State educational agency considers indicative of a high-quality program.

"(4) DURATION OF GRANTS.—Grants awarded under this section shall be for terms not to exceed 3 years.

"(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(1) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State academic content standards and challenging State student academic achievement standards the State establishes for other children and youth;

"(2) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational and technical education, and school nutrition programs);

"(3) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(4) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(5) the provision of assistance to defray the excess cost of transportation for students pursuant to section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(6) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(7) the provision of services and assistance to attract, engage, and retain homeless youth (as described in paragraphs (1) and (2) of section 725) in public school programs and services provided to nonhomeless youth;

"(8) the provision for homeless children and youth of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(9) if necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services;

"(10) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(11) the development of coordination between schools and agencies providing services to homeless children and youth, as described in section 722(g)(5);

"(12) the provision of pupil services (including violence prevention counseling) and referrals for such services;

"(13) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(14) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(15) the provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

"(16) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SEC. 724. SECRETARIAL RESPONSIBILITIES.

"(a) Review of Plans.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) Technical Assistance.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle, if requested by the State educational agency.

"(c) Notice.—The Secretary shall, before the next school year that begins after the date of the enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create and disseminate nationwide a public notice of the educational rights of homeless children and youth and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.

"(d) Evaluation and Dissemination.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(e) Submission and Distribution.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"(f) Determination by Secretary.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (e), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

"(g) Information.—

"(1) In general.—From funds appropriated under section 726, the Secretary shall, either directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

"(A) the number and location of homeless children and youth;

"(B) the education and related services such children and youth receive;

"(C) the extent to which such needs are being met; and

"(D) such other data and information as the Secretary deems necessary and relevant to carry out this subtitle.

"(2) Coordination.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

"(h) Report.—Not later than 4 years after the date of the enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youth, which shall include information on—

"(1) the education of homeless children and youth; and

"(2) the actions of the Department and the effectiveness of the programs supported under this subtitle.

"SEC. 725. DEFINITIONS.

"In this subtitle:

"(1) The term 'homeless children and youth'—

"(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1));

"(B) includes—

"(i) children and youth who are living in doubled-up accommodations sharing the housing of another due to loss of housing, economic hardship or a similar reason, are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations, are living in emergency or transitional shelters, are abandoned in hospitals, or are awaiting foster care placement;

"(ii) individuals who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C)); and

"(iii) children and youth who are living in cars, parks, public spaces, abandoned buildings or substandard housing, bus or train stations, or similar settings; and

"(C) does not include migratory children (as such term is defined in section 1309(2) of the Elementary and Secondary Education Act of 1965), unless such children are staying in accommodations not fit for habitation.

"(2) The term 'unaccompanied youth' includes youth not in the physical custody of a parent or guardian.

"(3) The terms 'enroll' and 'enrollment' include within their meaning the right to attend classes and to participate fully in school activities.

"(4) The terms 'local educational agency' and 'State educational agency' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965.

"(5) The term 'Secretary' means the Secretary of Education.

"(6) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subtitle, there are authorized to be appropriated $60,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.".

SEC. 915. TECHNICAL AMENDMENT.

(a) In General.—Section 1 of Public Law 106-400 (42 U.S.C. 11301) is amended by striking "Section 1 of" and inserting "Section 101 of".

(b) Effective Date.—The amendment made by subsection (a) shall be deemed to be effective on the date of enactment of Public Law 106–400.

PART B—REPEALS

SEC. 921. REPEALS.

The following provisions are repealed:

(1) Goals.—Parts A and C of title II and title VI of Goals 2000: Educate America Act.

(2) Troops-to-Teachers Program Act of 1999.—The Troops-to-Teachers Program Act of 1999 (title XVII of Public Law 106–65; 20 U.S.C. 9301 et seq.).

(3) ESEA.—

(A) Title IX, relating to Indian, Native Hawaiian, and Alaska Native education.

(B) Parts A, B, C, D, F, G, I, J, L, of title X, relating to programs of national significance.

(C) Title XI, relating to coordinated services.

(D) Title XII, relating to education infrastructure.

(E) The title heading of title XIII and sections 13001 and 13002.

(F) Title XIV, relating to general provisions.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 107–69. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Boehner:

In section 1003(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill, strike "1116(c)" and insert "1116(b)".

In section 1003(e) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill, strike "amount of State funds" and all that follows through "the preceding fiscal year" and inserting the following: "amount of funds each local educational agency receives under subpart 2 below the amount received by such agency under such subpart in the preceding fiscal year".

In section 1111 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 104 of the bill, add at the end the following:

"(j) Special Rule with Respect to Bureau Funded Schools.—In determining the assessments to be used by each Bureau funded school receiving funds under this part, the following shall apply:

"(1) Each Bureau funded school which obtains accreditation by the State in which it is operating shall utilize the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

"(2) Each Bureau funded school which obtains accreditation by a regional accreditation organization shall adopt an appropriate assessment, in consultation and with the approval of the Secretary of Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

"(3) Each Bureau funded school which obtains accreditation by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of Interior shall ensure that such assessment meets the requirements of this section.

In section 1111(h)(1)(D)(i) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 104 of the bill, strike "subsection (b)(4)(F)" and insert "subsection (b)(4)".

In section 1116 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill, add at the end the following:

"(f) TREATMENT OF BUREAU FUNDED SCHOOLS.—For the purposes of applying the requirements of subsection (b) to schools funded by the Bureau of Indian Affairs, the Secretary of Interior shall implement such subsection in a manner that treats the appropriate tribe or tribal organization as a local educational agency for the purpose of implementing school improvement, corrective action and restructuring actions. If such tribe or tribal organization does not take the appropriate action required under subsection (b), the Secretary shall take such appropriate action as required under subsection (b) after final notice to such tribe or tribal organization."

In section 1116(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (7)(D), strike "to participate in developing any plan under subparagraph (A)(iii)" and insert ", to the extent practicable, to participate in developing any plan under subparagraph (A)(ii)(III)";

(2) in the matter preceding subparagraph (A) of paragraph (8)—

(A) insert "(1)(E) for schools described in paragraphs (1)(A)(i)," after "paragraph"; and

(B) insert a comma after "(6)(D)(i)"; and

(3) in paragraph (9)—

(A) insert "(1)(E)," after "paragraph"; and

(B) insert a comma after "(6)(D)(i)".

In section 1116(d)(11) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) strike "paragraph shall" and insert "subsection shall"; and

(2) strike "under this paragraph".

In section 1118 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill—

(1) in paragraph (12), insert "and" after the semicolon;

(2) in paragraph (13), strike "; and" and insert a period; and

(3) strike paragraph (14).

In section 1221(2)(A) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 111 of the bill, strike "alphabet;" and insert "alphabet and letter sounds;".

In section 1221(5) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 111 of the bill, strike "care agencies," and insert "care agencies and programs,".

In section 1222 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 111 of the bill—

(1) in subsection (b)—

(A) in paragraph (2) insert "or agencies" after "organizations" each place such term appears and insert "or program" after "child care agency"; and

(B) in paragraph (3), insert "or agencies" after "organizations"; and

(2) in subsection (e)—

(A) in paragraph (1)(B)(i), strike "alphabet;" and insert "alphabet and letter sounds;"; and

(B) in paragraph (2)(B), strike "care agencies," and insert "care agencies or programs,".

In subpart 2 of part B of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 111 of the bill, amend section 1224 to read as follows:

"SEC. 1224. REPORTING REQUIREMENTS.

"Each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart, including information on—

"(1) the research-based instruction, materials, and activities being used in the programs funded under the grant;

"(2) the types of programs funded under the grant and the ages of children served by such programs;

"(3) the qualifications of the program staff who provide early literacy instruction under such programs and the type of ongoing professional development provided to such staff; and

"(4) the curricula, materials, and activities used by the programs funded under the grant to support children's reading development.

In section 1711(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill—

(1) insert "subpart 1 of" before "part A of title V"; and

(2) strike "5212(2)(A)" and insert "5212(a)(2)(A)".

In section 2012(e) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 201 of the bill, strike paragraph (12) and insert the following:

"(12) Developing, or assisting local educational agencies in developing, teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as career teacher, mentor teacher, and master teacher) and pay differentiation.

In section 2031(a) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 201 of the bill, amend paragraph (7) to read as follows:

"(7) Teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as career teacher, mentor teacher, and master teacher) and pay differentiation.

In title III of the bill, add at the end the following:

SEC. 315. ACCOUNTABILITY FOR BUREAU FUNDED SCHOOLS

Notwithstanding the provisions of section 7102 of the Elementary and Secondary Education Act of 1965, the Secretary shall limit any reduction of administrative funding for the Bureau of Indian Affairs under such section to no more than 50 percent of the amount that may be reserved for administration under such Act.

In section 4131(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) in paragraph (14), strike "and" at the end;

(2) in paragraph (15), strike the period at the end and insert a semicolon; and

(3) add at the end the following:

"(16) programs to establish or enhance prekindergarten programs for children ages 3 through 5; and

"(17) academic intervention programs that are operated jointly with community-based organizations and that support academic enrichment and counseling programs conducted during the school day (including during extended school day or extended school year programs) for students most-at-risk of not meeting challenging State academic standards or not completing secondary school.

In section 4201(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 411 of the bill, insert "academic" before "achievement".

In section 5122(a)(3) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, insert "students who attend" after "target".

In section 5124 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill—

(1) in subsection (a), strike paragraph (3);

(2) in subsection (c)(1), insert "(including summer school programs)" after "school activities"; and

(3) in subsection (d), insert ", during the summer," after "after school".

In section 5151(4)(B) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, insert "and harassment" after "weapons".

In section 5202(5) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, insert "to training" after "constant access".

In section 5213(b)(4)(A) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, strike "that" before "ongoing" and insert a comma before "so that".

In section 5214(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill—

(1) in paragraph (5), insert "(including software and other electronically delivered learning materials)" after "will integrate technology"; and

(2) in paragraph (10)(B)—

(A) strike "an assurance that" and insert "a description of how"; and

(B) strike "have compatibility and interconnectivity with technology obtained" and insert "be integrated".

In section 5215(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, insert a comma after "reduced-cost loans".

In section 5232 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, strike "**TELECOMMUNICATIONS PROGRAM**" in the section heading and insert "**READY TO TEACH**".

In title VI of the bill, insert after section 602 the following:

SEC. 603. ELIGIBILITY UNDER SECTION 8003 FOR CERTAIN HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) ELIGIBILITY.—Section 8003(b)(2)(C) (20 U.S.C. 7703(b)(2)(C)) is amended—

(1) in clauses (i) and (ii) by inserting after "Federal military installation" each place it appears the following: "(or if the agency is a qualified local educational agency as described in clause (iv))"; and

(2) by adding at the end the following:

"(iv) QUALIFIED LOCAL EDUCATIONAL AGENCY.—A qualified local educational agency described in this clause is an agency that meets the following requirements:

"(I) The boundaries of the agency are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government.

"(II) The agency has no taxing authority.

"(III) The agency received a payment under paragraph (1) for fiscal year 2001.".

(b) EFFECTIVE DATE.—The Secretary shall consider an application for a payment under section 8003(b)(2) for fiscal year 2002 from a qualified local educational agency described in section 8003(b)(2)(C)(iv), as added by subsection (a), as meeting the requirements of section 8003(b)(2)(C)(iii), and shall provide a payment under section 8003(b)(2) for fiscal year 2002, if the agency submits to the Secretary an application for payment under such section not later than 60 days after the date of the enactment of this Act.

In section 7203(b)(2)(C) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by such section 701 of the bill, strike "Part A of title V or section 5212(2)(A)" and insert "Subpart 1 of part A of title V or section 5212(a)(2)(A)".

In section 8305(a) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 801 of the bill, strike "Governor and" and add at the end the following: "The State educational agency shall make any consolidated local plans and applications available to the Governor.".

In section 8305(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 801 of the bill, strike "A Governor and State educational agency" and insert "A State educational agency, in consultation with the Governor,".

In part E of title VIII of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 801 of the bill—

(1) in section 8516, insert "**ON DEPARTMENT AUDITS**" after "**REPORT**" in the section heading; and

(2) after section 8516, insert the following (and redesignate succeeding provisions, and cross-references thereto, accordingly):

"SEC. 8517. STUDY OF TESTING.

"(a) IN GENERAL.—The Secretary shall provide for a study of the effects of testing on students in elementary and secondary schools. Such study may include—

"(1) overall improvement or decline in what students are learning based on independent measures;

"(2) changes in course offerings, teaching practices, course content, and instructional material;

"(3) changes in rates of teacher and administrator turnover;

"(4) changes in dropout, grade retention and graduation rates for students;

"(5) costs of preparing for, conducting and grading the assessments in terms of dollars expended by the school district and time expended by students and teachers; and

"(6) such other effects as the Secretary may deem appropriate.

"(b) REPORT.—Not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall transmit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report on the study conducted under subsection (a).

"(c) SUBSEQUENT CONGRESSIONAL CONSIDERATION.—After receipt of the report described in subsection (b), Congress may consider whether it is appropriate to enact legislation to mitigate any negative effects on students in elementary or secondary schools caused by testing.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed will each control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BOEHNER)

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, from the time the committee marked up H.R. 1 until today, I have been working with the ranking member, the gentleman from California (Mr. GEORGE MILLER) and many other Members from both sides of the aisle to resolve a number of issues. Those issues that we have resolved have been included in this manager's amendment, and I wish to thank all of the Members for their cooperation.

In addition, there are several technical and conforming changes that have been included in this amendment as well. In title I, we have made several changes. First, we have made it clear that transportation is to be provided for public school choice when a school is designated as low performing.

Second, we have clarified the role of parents in developing a school's restructuring plan.

Third, we have made clarifications on the assessments used by Bureau of Indian Affairs schools and made clear that tribal organizations operating Bureau of Indian Affairs schools are to be treated as local educational agencies for purposes of implementing school improvement and corrective action programs.

□ 1300

In title II, we have made technical changes regarding State activities and local uses of funds with respect to teacher advancement initiatives and pay differentiation.

In title III, part B, we have made changes concerning the accountability of the Secretary of the Interior for the improvement of schools funded or operated by the Bureau of Indian Affairs.

Under the innovative education block grant in title IV, we have added two items to the local uses of funds at the school district level. First, we have included activities to enhance or establish prekindergarten programs for 3-, 4-, and 5-year-old children. Second, we have included academic intervention programs for students most at risk of not meeting State academic achievement standards as a use of funds, as well as programs for students not completing secondary school.

In title V, part B, we have clarified that one of the purposes of the technology grants is to provide training in the use of technology as a part of ongoing professional development.

With respect to title VI and Impact Aid, we have added a provision that clarifies that school districts which have no tax base and whose boundaries are held in trust by the Federal Government are considered heavily impacted and therefore eligible for payments under the program.

In the 21st Century Schools program, we have made a technical correction regarding the transferability of funds at the local level.

In title VIII, we have made technical changes regarding local consolidation plans. Finally, in title VIII, we have added a study on the effects of testing on children.

Mr. Chairman, I wish to thank my ranking member, the gentleman from California (Mr. GEORGE MILLER) and other Members from both sides of the aisle for their cooperation in working out the matters.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Ohio (Mr. BOEHNER), the chairman, has quite properly explained his amendment, and we have no opposition to it.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I would invite the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, to engage in a brief colloquy.

Mr. Chairman, as the gentleman from Ohio knows, part D, section 5401 of this legislation deals with elementary and secondary school counseling programs and authorizes grants for local school boards to establish or expand counseling programs in the school.

Before coming to Congress, I spent 23 years as a practicing clinical psychologist; and I want to thank the gentleman from Ohio (Mr. BOEHNER) and members of the Committee on Education and the Workforce for including this element of the bill. Our kids deserve to get high quality counseling, and this bill provides the means for more schools to reach these children more easily.

However, I am concerned that this important and well-meaning provision could be misunderstood by States and local school boards with respect to clinical psychologists. While the distinction between a school psychologist and a clinical psychologist is subtle, it is an important difference.

Clearly there are cases that would be better handled by a school psychologist, and there are others in which a clinical psychologist may be better suited to counsel a particular child. But as I read the bill now, it may not be apparent that a school could utilize the services of a clinical psychologist. I would hate to see a child who needed a certain level of care was unable to receive that level of care.

Would the gentleman agree to seek to include the words "clinical psychologist," to insert those words in this section once the bill goes to conference?

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I think the gentleman raises an important point, and I agree with him that all of our children deserve the most appropriate level of care that can be offered. Therefore, I will commit to work with the gentleman from Washington (Mr. BAIRD) when we get to conference on trying to ensure that his concern is addressed in the final version of the bill.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, as the gentleman knows, I have worked hard to include school-based mental health services in this bill. I presented it, and I am happy to know of the gentleman's professional concerns here. I certainly agree with the gentleman's desire to ensure that our students receive the mental health services appropriate and from qualified providers. I do not know if the gentleman realizes it, but a member of my family, namely my husband, is a psychiatrist, so we know what we are talking about here.

Mr. Chairman, I look forward to working with the gentleman from Washington. There is nothing in this bill, or certainly in my amendment that I put in the bill, that would prohibit his proposal here. In fact, I think it would underscore the importance of what the gentleman has stated. And so I look forward to working together to address these concerns in the conference. I am happy to hear from the gentleman from Ohio (Mr. BOEHNER), the chairman's support for that as well.

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman from New Jersey and the gentleman from Ohio, and I commend them for their leadership on this issue and thank them for their consideration for children in need.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. CAPPS:

In subsection (b) of section 4131 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) strike "and" at the end of paragraph (14);

(2) strike the period at the end of paragraph (15) and insert "; and"; and

(3) add at the end the following:

"(16) programs for cardiopulmonary resuscitation (CPR) training in schools.

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Indiana (Mr. SOUDER) each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to offer this amendment to provide funding for CPR training in schools on behalf of myself, the gentlewoman from Maryland (Mrs. MORELLA), and the gentleman from Florida (Mr. FOLEY). This is a simple amendment. It would allow funds in title IV, the block grant provision of the bill, to be used to teach our kids CPR in schools. This amendment is based on legislation which I introduced earlier this year with the gentleman from Florida (Mr. FOLEY) and the gentlewoman from Maryland (Mrs. MORELLA) and others to encourage CPR instruction in public schools. It has been endorsed by the American Heart Association, the National Education Association, and the American Red Cross, among others.

Mr. Chairman, heart disease is the leading cause of death in the United States with 220,000 Americans dying each year of sudden cardiac arrest. But according to the Heart Association, 50,000 cardiac victims could be saved each year by initiating a chain of survival. This includes an immediate call to 911, early CPR and defibrillation, and early advanced life support. The Congress has recently taken action to enhance our 911 system and encourage automated external defibrillators to be placed in public buildings. Encouraging more of our citizens to know CPR is clearly the next step as we continue strengthening this chain of survival. Teaching our kids this skill gives them the ability to assist cardiac victims, and will impress upon them how important it is to be prepared to help their fellow citizens in time of need. It also encourages the development of heart-healthy habits, diet, exercise, avoiding smoking. These are good things to learn at an early age.

Mr. Chairman, this bill grew out of my experience as a school nurse in California where I began a CPR curriculum. I saw a need to teach students these life-saving skills. The strength of this amendment is that it encourages collaboration between public schools and community organizations such as the Red Cross and the Heart Association.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first point out that I am not against CPR. My father died at age 55, as did his two brothers, of a heart attack. So did my grandfather on both sides die of heart attacks. I agree CPR is needed. I agree that education on what you can eat, and exercise exercise is needed.

Mr. Chairman, I rise in opposition to this amendment because quite frankly, any reform bill that is a thousand pages long has a fundamental problem with it in the beginning. In trying to find out where this amendment is, title IV has between 90 and 100 pages in it. It has allowable uses, so to speak, coming out of one's ears. It is not clear that they cannot already use these funds for CPR. It is kind of a pattern that we have in Washington that we think if we do not put in the bill that they can use dollars for CPR to work among the schools and school districts, that somehow the local educators might not realize that CPR is important, or that State educators might not realize CPR is important.

Mr. Chairman, throughout the whole bill we have this assumption that unless we specifically write it in and tell these poor, kind of backwards people in Indiana and California and other parts of the country what they can and cannot do, that we have failed as congressmen.

I know very few schools that do not do CPR training, but I do not believe that it is essential to put that in this bill. In Title IV, Federal funds are used rather than local health departments, or local fire departments and ambulance departments which frequently do CPR training, these funds would come directly out of teacher training and the programs that we are doing to help the schools at risk. Federal programs should be tightly targeted to those in need, not necessarily towards a broad, sweeping program where there are plenty of avenues to fund them at the local level.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPPS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee.

Mr. BOEHNER. Mr. Chairman, I thank the gentlewoman from California for yielding me this time.

I think that title IV is a block grant that allows school districts to do all types of activities. Certainly I think CPR training is an appropriate activity for the use of Federal funds. And I absolutely see no reason why we should not include this to the laundry list, as the gentleman from Indiana who is opposing the amendment pointed out.

There is a laundry list, because without some definition of what you can and cannot use Federal funds for, school districts will come up with all kinds of ideas how to use that money. That is why I think allowing this to be included, along with the three items that the gentleman from Indiana requested to be part of allowable uses of funds under title IV, I see no reason why this should not join those and be part of the bill.

Mrs. CAPPS. Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of my time.

I want to clarify because I, like many others, have a number of things in this bill and I have been pleased to work with both the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) as we have worked through this bill.

Mr. Chairman, at some point we passed the point of no return. This bill grows and grows. In fact, I wonder why we do not have a national test for CPR. I took CPR in high school; and quite frankly, I do not know if anyone would want me to perform CPR on them. Perhaps because we do not trust the local and State governments to come up with their tests in other areas, we should have a fall back test on CPR to make sure that they are actually teaching CPR in the way that CPR should be taught.

On the other hand, I want to commend the gentlewoman for her concern, and her career concern, with combating heart disease. I know that I am likely to be a lone vote on this but I wanted to make a couple of points. To me this is a symptom of what is wrong with this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SOUDER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. CAPPS) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 107-69.

AMENDMENT NO. 4 OFFERED BY MR. GRAVES

Mr. GRAVES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GRAVES:

In part F of title VIII of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 801 of the bill, add at the end the following:

"SEC. 8605. EFFECTIVE USE OF FEDERAL ELEMENTARY AND SECONDARY EDUCATION FUNDS.

"It is the sense of the Congress that the Secretary, State educational agencies, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated to carry out elementary and secondary education programs under this Act is spent directly to improve the academic achievement of the Nation's children in their classrooms.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Missouri (Mr. GRAVES) and a Member opposed will each control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are at a crossroads in Federal education policy. There are those that still believe that all wisdom lies in Washington, and solutions to our education woes will be found in the bowels of Washington bureaucracy. Yet H.R. 1 is a road down a new path. This legislation recognizes the power, the possibility, and the promise of our public schools.

□ 1315

Today, I urge my colleagues to support our local teachers, administrators, and school board members who in the majority of our schools are finding common-sense solutions to this generation's problems.

By directing 95 cents of every education dollar directly to the classroom, we will empower teachers, not bureaucrats, and we will support education, not regulation. I offer for my colleagues' approval today, a very simple amendment. It directs the Department of Education to join our States and local school districts in an all-out effort to direct 95 percent of all our Federal education dollars to the place in which it belongs the most, the classroom.

Mr. Chairman, too many education dollars are spent on bureaucracies at all levels of government. Federal education dollars should not benefit a bloated bureaucracy. Rather, those precious dollars should provide maximum educational opportunities for all of our students.

As we reauthorize the Elementary and Secondary Education Act, we must do our part to ensure that increased spending is coupled with increased flexibility.

By sending more education dollars directly to the classroom, we will shift the focus of our education system back to the students, the families, the classrooms, the schools, and the communities of our Nation.

Mr. Chairman, while there may be some disagreement on how we do it, we all agree that today's youth deserve an education system that is second to none.

As I travel the Sixth Congressional District of Missouri and listen to the hopes and dreams of youth today from Maryville to Blue Springs and Park Hill to Brookfield, I am reminded that what we do here in Congress really does matter. Our decisions will have a significant impact on our children's future and the future of our country.

Mr. Chairman, the people of this country and the President of this Nation have made education the top priority. Let us join them today in embracing a new vision for American education that strengthens schools, streamlines bureaucracy, and supports our classrooms.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have no problem with sense of the Congress amendment on this matter offered by the gentleman from Missouri (Mr. GRAVES). This has obviously been a matter that has been of growing concern in the Congress to make sure that we, in fact, have the ability to drive every dollar possible to the classroom, to the local level, where the decision-making that is on a day-to-day basis for the well being of our children is made and that they have the opportunity to use those resources that we have dedicated for that purpose.

I would say, however, that I find this somewhat in conflict with those who will support the Straight A's proposal because, in fact, the Straight A's proposal allows 8 percent of the title I money to be held at the State level and 10 percent of the money on everything else to be held at the State level. This is money that a State would hold onto itself, and in many instances we know that that is really about the bureaucracy funding itself, a State bureaucracy funding itself, with Federal dollars. Whether that in some cases is legal or not, the fact of the matter is that is what happens.

So we support this resolution because we strongly believe that we should be driving these dollars to the classroom. We also strongly believe that we should increase the flexibility at the local level, and we have done that in this legislation. That is why later on we will be opposing the proposal on the Straight A's.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding.

Mr. Chairman, I, too, support the resolution offered by the gentleman from Missouri (Mr. GRAVES). If we look at the bill that we have before us, we will see that local districts have far more flexibility over how they use Federal funds than at any time in any Federal education program.

We also believe that to the extent possible, we ought to continue to work at reducing the paperwork requirements on States and local districts, so, in fact, more of these funds actually get to the classroom and can get to the children who most need it.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the chairman for his comments. I think clearly this amendment is consistent with what we said we want to do in this legislation, and we have no opposition.

Mr. Chairman, I yield back the balance of my time.

Mr. GRAVES. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), who has been a tireless advocate on behalf of sending Federal education dollars back to the classroom.

Mr. PITTS. Mr. Chairman, I rise in support of the Graves amendment. Since I came to Congress, I have been working to promote this idea of getting 95 cents out of every Federal education tax dollar to the classrooms of America. I applaud my friend from Missouri (Mr. GRAVES) for offering this amendment today, an amendment that puts children first in education.

Several States have reported that, although they receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

In 1998, the Department of Education paperwork and data reporting requirements totaled 40 million "burden hours," the equivalent of 19,300 people working 40 hours a week for 1 year just to comply with Federal programs.

Instead of spending money on bureaucracy, I believe that Federal dollars are better spent directly in our Nation's classrooms, on things like textbooks, computers, maps, teacher aids, microscopes, other classroom aids, things that help teachers teach and children learn.

Local schools are best suited to make decisions about allocating resources. They understand their students' background, the needs. They can respond to them most directly with proven methods of instruction. This amendment sets a standard to reduce bureaucracy and ineffective spending, gets more money into the hands of a person who knows a child's name.

We must prioritize the way we spend our education tax dollars and put children first. I urge support for this amendment.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. PITTS. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. PITTS) for yielding, and I also thank him for his tireless efforts on this project.

Over the last 4 years, 5 years, he has worked at trying to ensure that more of these Federal education dollars get back to the classroom. I can say we would not be talking about this issue today still if it had not been for the tenacity of the gentleman from Pennsylvania (Mr. PITTS). Congratulations.

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple amendment, and it does empower local schools.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GRAVES. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri (Mr. GRAVES) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 offered by the gentlewoman from California (Mrs. CAPPS), and amendment No. 4 offered by the gentleman from Missouri (Mr. GRAVES).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 2 OFFERED BY MRS. CAPPS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 2, not voting 9, as follows:

[Roll No. 128]

AYES—421

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup

Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Johnson, Sam
Souder

NOT VOTING—9

Abercrombie
Cubin
Greenwood
Hansen
McKinney
Moakley
Owens
Rogers (KY)
Walsh

□ 1343

Ms. SOLIS changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time during which a vote by electronic device will be taken on the second amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 4 OFFERED BY MR. GRAVES

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. GRAVES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 10, as follows:

[Roll No. 129]

AYES—422

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Cubin
Greenwood
Hansen
McCarthy (NY)
Moakley
Owens
Pickering
Rogers (KY)
Scarborough

□ 1352

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. PICKERING. Mr. Chairman, I was inadvertently detained and unable to vote on rollcall No. 129, expressing the sense of Congress that the Education Department, states, and school districts should work together to ensure that at least 95% of all federal education funds be spent directly to improve the academic achievement of children in the classroom.

Had I been present, I would have voted "yea" on rollcall No. 129.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 107–69.

AMENDMENT NO. 5 OFFERED BY MR. HILL

Mr. HILL. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HILL:

In section 401 of the bill, at the end of section 4131(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 401) add the following:

"(16) programs to establish smaller learning communities.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Indiana (Mr. HILL) and a Member opposed will each control 5 minutes.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to be given the time normally reserved for those in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, when I was growing up in Jackson County, Indiana, there were more high schools than there are today. In towns like Tampico and Clear Spring and Cortland, there were high schools that local kids attended and local families supported. These schools brought people together and helped keep their towns strong and vital places to lives. They were the heartbeats of their communities.

When school consolidation forced high schools to close, it tore the hearts right out of these communities. These high schools, along with thousands of other small schools around America, were closed because for many years educators followed a rule that bigger schools are better. For a long time, we all assumed that bigger schools were better because they could offer students more courses, more extracurricular activities, and could save schools money.

We need to rethink our assumptions about larger schools. New research shows that achievement levels in smaller schools are higher, especially among children from disadvantaged backgrounds who need extra help to succeed.

Mr. Chairman, my amendment would not authorize a separate program. Title IV of the bill includes a list of innovative options that local schools can explore. My amendment would simply add smaller learning communities to that list. My amendment would simply allow local education agencies to judge for themselves whether a smaller learning community program is the best strategy for helping students and teachers.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. DUNCAN. Mr. Chairman, I first would like to thank the gentleman from Indiana (Mr. HILL) for his leadership in the movement to reverse the size of the growth in our schools.

He and I and our staffs have worked together for the last 2 years to obtain funding within the Department of Education for the smaller schools initiative program, a very, very important program within our Department of Education.

At a smaller school, a young person has a better chance to make a sports team, serve on the student council, lead a club, be a cheerleader, or excel or stand out in some other way. Also, a student at a smaller school can get more individual attention and not feel just like a number in some education factory.

Actually, very large schools, large high schools, sometimes breed very dangerous types of situations because, while most students can handle very big schools, a few always feel alienated and feel like they have to resort to strange or dangerous behavior to get noticed.

I was very shocked, for instance, when I read that the principal at the Columbine High School had never even heard of the Trench Coat Mafia, even though the group's picture had been published in the school yearbook.

Agusta Kappner, a former U.S. assistant secretary of education, wrote recently in USA Today that "good things happen" when large schools are remade into smaller ones. She said, "Incidents of violence are reduced; students' performance, attendance, and graduation rates improve; disadvantaged students significantly outperform those in large schools on standardized tests; students of all social classes and races are treated more equitably; teachers, students, and the local community prefer them.

Students are better off going to smaller schools, Mr. Chairman, even in older buildings, as long as they are clean and safe and well-lit, than they are going to large, very centralized high schools, even in brand new buildings.

We have done a good job of reducing class sizes in most places, but too often we are making a very bad mistake in making students go to very large high schools. Just yesterday I had one of my constituents tell me that at her small community high school she knew everyone there, even in the lower grades, but at the large, centralized high school which her daughter attended, she did not even know two-thirds of the people in her own class.

I remember several years ago reading that the largest high school in New York City had 3,500 students, and when they broke it up into five separate high schools, their drug and discipline problems went way down.

I feel very strongly about this issue, and I could go on at length. But I want to emphasize briefly four main points why we need to pass the Hill amendment.

□ 1400

One, educational experts are increasingly rejecting the "bigger is better" approach to schools. In the smaller schools, obviously students can get more individualized attention.

Secondly, research is finding that smaller schools especially help minority and disadvantaged students.

The third point, more and more high school principals have criticized "bigness." The National Association of Secondary School Principals recommended in 1999 that high schools change their structure to limit enrollments to schools of no more than 600 students in size.

Fourth, smaller schools reduce violence and criminality.

In summary, the Hill amendment is very simple. It lets local school districts use the local innovative programs to reduce the size of their schools as they feel that that action would improve school quality. This is a very good amendment.

Mr. Chairman, I am proud to join the gentleman from Indiana (Mr. HILL) in supporting this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Chairman, I want to thank the gentleman from Tennessee (Mr. DUNCAN), my colleague, for yielding the time to me.

Mr. Chairman, I want to congratulate both the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Indiana (Mr. HILL) for their amendment that we have before us.

I know firsthand what happens in large high schools. The community in which I live had a high school with over 3,000 students, and the community eventually voted to build two new high schools, and it provided many more opportunities for many of the students that formerly had attended just one high school.

I think under the amendment offered by the gentleman from Indiana (Mr. HILL), this is an allowable use of funds under title IV, which is the Innovative Block Grant Program, and this is the type of program that I think is good for some school districts that would make this an allowable use of funds.

It is appropriate, and I support the Hill amendment.

Mr. HILL. Mr. Chairman, I want to thank the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Ohio (Mr. BOEHNER) for their words and their strong support on this.

Mr. Chairman, I yield 2 minutes to the gentleman from the State of Washington (Mr. BAIRD), my good friend.

Mr. BAIRD. Mr. Chairman, I thank the gentleman from Indiana (Mr. HILL) for yielding the time to me.

Mr. Chairman, I want to also thank the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Ohio

(Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, for their support of this initiative, and I rise in strong support of the amendment.

This amendment allows local school districts to use innovative funds authorized to create smaller learning communities in their schools.

When I was growing up, as with other Members of this body, our schools were a manageable size where you knew the teachers, the teachers knew who the kids were, and we all knew each other.

Communities were proud of their schools. The schools brought people together and helped keep their towns strong and vital places to live.

But the Nationwide trends towards consolidation in larger schools has brought ever-increasing problems. Since 1930, the number of high schools in the U.S. has declined 70 percent from 262,000 schools to 88,000 in 1996. In 1930, the average school had 100 students. In 1996, the average school had 510 students.

It is unbelievable that America's grown by 100 million people, yet the number of schools has declined by almost two-thirds.

I will say it again, too many schools are simply too big today. Yet, research tells us from many studies that smaller schools are more personalized, less bureaucratic, show fewer inequities in student achievement, have higher attendance rates, higher participation in school activities, and violence and criminality are significantly reduced.

In addition, students in smaller schools perform better in the core subjects of reading, math, history, and science.

Think about it for just a second. No matter how big or small your school is, there are only nine folks who play on the baseball team. Kids in smaller schools have more opportunities to participate and more opportunities to be involved, and that makes better schools and better education.

Shortly after the Columbine tragedy, the gentleman from Indiana (Mr. HILL) and I talked about that and what could be done. We discussed bullying and we discussed this problem of school size.

We talked about what could be done, and I commend with all of my heart the gentleman from Indiana (Mr. HILL) for his initiative and the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Tennessee (Mr. DUNCAN) in proposing this amendment.

It is the right thing to do to move from these massive schools to smaller schools where faculty know the kids and families know the faculty.

This amendment will improve our schools.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will simply say this, the school superintendent in my home county of Knox County, Tennessee, told me that the school system he moved from in South Carolina a couple of years ago was the largest high school, it had 3500 students but it was going to 3800 students. That is a trend that we see all over this Nation.

It is a bad trend for the youth of America. We need to do whatever we can to reverse that trend, and that is why I strongly support the Smaller Schools Initiative that the gentleman from Indiana (Mr. HILL) and I have worked on within the Department of Education and why this amendment, I think, should be supported by all Members.

Mr. Chairman, I appreciate very much the good words spoken by the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce, and for his support of this amendment.

Once again, I commend the gentleman from Indiana (Mr. HILL) for his leadership on this issue.

Mr. Chairman, I yield back the balance of my time.

Mr. HILL. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I am pleased to speak in support of this amendment, because it is a school safety measure. School safety is not just about metal detectors or locker checks.

Safe schools mean that the faculty and administrators can know their students and they can watch for the warning signs of any impending violence.

This is a very difficult time when most of our high schools, especially in the area I represent, have enrollments of 2,000 to 3,000 students. This is also a matter of common sense.

Students feel less alienated and more connected to caring adults when they are in a smaller school. Smaller schools mean that there is improved morale. There is higher participation by the students, higher attendance, lower dropout rates, less crime, violence, alcohol, tobacco problems, fewer behavior and discipline problems.

There is higher achievement in smaller schools and closer teacher-student relations. Overall, smaller schools mean safer schools.

Including real support for smaller schools in the ESEA will show a commitment to providing safer and better learning communities for all of our students.

Mr. Chairman, I urge my colleagues to support smaller learning communities and prove this commitment.

Mr. Chairman, I thank the gentleman from Indiana (Mr. HILL) for yielding me the time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HILL).

The amendment was agreed to.

The CHAIRMAN. Pursuant to the order of the House of today, it is now in order to consider amendment No. 3 printed in the House Report 107-69.

AMENDMENT NO. 3 OFFERED BY MS. DUNN

Ms. DUNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. DUNN:

In section 5115(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, strike subparagraph (D) and insert the following:

"(D) to the extent that expenditures do not exceed 20 percent of the amount made available to a local educational agency under this subpart (except that this subparagraph shall not apply to the hiring and training of school resource officers pursuant to clause (ii)), law enforcement and security activities, including—

"(i) acquisition and installation of metal detectors;

"(ii) hiring and training of security personnel (including school resource officers), that are related to youth drug and violence prevention;

"(iii) reporting of criminal offenses on school property; and

"(iv) development of comprehensive school security assessments;

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from Washington (Ms. DUNN) and a Member opposed will each control 5 minutes.

Mr. FROST. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. FROST)?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I would like to commend the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for guiding us along this road towards reforming America's education system and truly making sure that no child is left behind.

I rise today, along with the gentleman from Texas (Mr. FROST), to offer an amendment designed to give communities greater flexibility to use their Federal education dollars to hire school resource officers. School resource officers are specially trained, uniformed policemen and women who are sent into the public schools to identify at-risk youth and serve as positive role models and mentors to students.

During the 106th Congress, the gentleman from Texas and I served as cochairs of the Speaker's Bipartisan Working Group on Youth Violence.

Included in the Working Group's final report was a recommendation that Congress provide adequate funds for school resource officers and other programs that bring law enforcement into the schools as mentors and instructors.

Earlier this year, we witnessed the importance of having these safety officers in schools. During a recent school shooting at Granite Hills High School in Southern California, the campus school resource officer was able to stop the youth offender, and he was instrumental in preventing further violence.

The school principal called the officer his personal hero and credited him for saving the lives of other students.

H.R. 1 places a 20 percent cap on the amount of Federal funds local education agencies can use for authorized law enforcement and security activities, including the hiring of school resource officers.

Our amendment lifts this cap and it gives local educational agencies the option to spend any portion of their Federal funds on hiring school resource officers.

Mr. Chairman, our Nation's schools should be safe places. We must provide an atmosphere where teachers feel safe to teach and students feel safe enough to learn.

School resource officers are an important part of any school safety plan, and every effort should be made at the Federal level to give schools greater flexibility to hire these officers as a violence prevention measure.

Mr. Chairman, I urge my colleagues to support this important amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FROST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to offer this important school safety amendment with the gentlewoman from Washington (Ms. DUNN), my friend and fellow cochair of the Bipartisan Task Force on Youth Violence.

After the Columbine school shootings, our Youth Violence Task Force heard from parents, teachers, police, counselors, and other experts about what Congress could do to combat growing youth violence.

We all agreed that school safety officers are a crucial piece of any real approach to youth violence. So the Dunn-Frost amendment empowers schools by lifting the 20 percent cap on Federal funds under title V that local educational agencies may use for security activities, including the hiring of school safety officers.

I have heard directly from school officials throughout my district about the sense of comfort and security these officers have given students traumatized by reports of school shootings.

By placing school resource officers in schools, we enable officers to teach crime and violence prevention, to facilitate substance abuse education, to monitor troubled students, and to build respect for law enforcement.

This amendment directly reflects requests that have been brought to our attention by school administrators, teachers, parents, and students.

It is our obligation to listen to our communities. It is time to stop only discussing the problem of our troubled youth and to start to be a part of the solution to this national crisis.

Passing the Dunn-Frost amendment will give schools the freedom to hire the officers they need to make the students safe, an important step towards helping troubled youth and stemming the tragic tide of youth violence.

Mr. Chairman, I reserve the balance of my time.

Ms. DUNN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Chairman, I want to thank the gentlewoman from the State of Washington (Ms. DUNN) for her amendment, along with the gentleman from Texas (Mr. FROST).

Under the Safe and Drug Free Schools Program, part of the intent is to make sure there are resources there for safety in school and to allow school districts to have the funds available to do drug prevention programs of many sorts.

I think that the amendment that is being offered, making it clear that school resources officers can, in fact, be paid out of this fund, is a good amendment. It helps the bill. It should be supported.

Mr. FROST. Mr. Chairman, I reserve the balance of my time.

Ms. DUNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just make one remark before we close debate on this amendment. It is very important to remember that schools are among the safest place for children to be. We discovered that as I served as cochair of the working group here in Congress on Youth Violence.

The perception that schools are unsafe, however, creates a huge uneasiness and anxiety among our children that they need not feel, but it is up to us and a responsibility of ours and an opportunity of ours here in the Congress to do those things that are positive steps towards reducing youth violence in schools around the country and towards reassuring youngsters that schools are safe places to be.

□ 1415

Schools provide a tremendous opportunity to interact with our youth and positively contribute to their personal development. It is an opportunity that we must not miss. I urge my colleagues to support this important youth violence prevention amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FROST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment demonstrates that Democrats and Republicans can work together. We had an excellent youth violence task force, made a number of recommendations.

I can tell my colleagues that I consulted students, teachers, administrators throughout my congressional district in Texas. We have a program that has been in place in a number of our school districts, in Grand Prairie, Arlington, and other parts of the areas that I represent. This program works. This is a program that must be adequately funded.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Washington (Ms. DUNN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. DUNN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Washington (Ms. DUNN) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 6 printed in House Report 107–89.

AMENDMENT NO. 6 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HOEKSTRA:

In section 1111(b)(4) of the Elementary and Secondary Education Act of 1965 as amended by section 104 of the bill—

(1) strike subparagraph (E) and insert the following:

"(E) measure the proficiency of students in the academic subjects in which a State has adopted challenging academic content and student performance standards and be administered at some time during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9; and

"(iii) grades 10 through 12;"; and

(2) strike subparagraph (G).

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed will each control 15 minutes.

Mr. BOEHNER. Mr. Chairman, I rise in opposition to the amendment, and I ask unanimous consent that my time be split between the gentleman from California (Mr. GEORGE MILLER) and myself, that we will each control 7½ minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, accountability is one of the keys to improving our Nation's education system. There is no doubt about that. Accountability is so important that the President has made it one of the three cornerstones of his education reform package along with flexibility and parental empowerment.

This is not a new issue. In 1994, Congress passed the Improving America's School Act. In that bill, testing was required to be implemented by the year 2001. Our students would be tested once in grades 3 through 5, once in grades 6 through 9, and once again in grades 10 through 12. The deadline was 2001. But so far, only 25 of the 50 States have met that mandate.

Here we are before we have any results from that mandate, we are going back to our local schools, and we are going back to the States and saying, oh, by the way, we were not serious about the mandate that is going into effect for this school year. We are going to give a new mandate that significantly changes the Federal accountability standards that one must meet. Forget about the work that one has completed over the last 7 years. Forget about the money that one has invested. Here is a new process and a new system and a new set of requirements that one needs to meet.

What my amendment does is let us give the mandate for 2001, let us give it a little bit of an opportunity to see exactly what the results and what the impact is.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment. It is very important to understand what the bill does not provide in the area of testing. First of all, it does not provide for a national test. It provides for States to have the standards and the flexibility to determine in their judgment the best way to evaluate their students.

Second of all, the bill does not provide for punitive results of poor performance on the test. Instead, the test is diagnostic in nature as designed by the States. It is designed to identify those schools and those children that have significant learning needs and difficulties and to empower educators with the tools and strategies necessary to address those deficiencies.

I think the greatest risk of passing this amendment is it means it will never get to the day that so many people rhetorically agree that we need to get to. Federal investment in education must produce results. People agree with that. One cannot measure results unless one tests and evaluates, and most people agree with that. But they say not this test, not this time, and not this way.

I fear that we will never get to the test, we will never get to the time, we will never get to the standard that people can agree is necessary to meet the rhetorical principle that we have set forth.

This bill provides for state-guided testing. It provides for remediation, not punishment, for those who do not measure up. The bill deserves the support of both parties here in the House. I urge my colleagues to reject and defeat this amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK) in recognition of the bipartisan nature of this amendment.

Mr. FRANK. Mr. Chairman, the gentleman from New Jersey (Mr. ANDREWS), the preceding speaker, kept stressing the virtue of letting the States make a decision. He stressed that this leaves it up to the States. Well, why not follow the logic of this? I agree, the States are the ones who should be making these decisions. Why then mandate as a part of a Federal bill as a condition of getting the Federal money that the States have to test the students in five grades every year?

I want to be clear this is not an argument about testing. This is an argument about the Federal Government deciding today that every school has to test students. Now, yes, the States get some flexibility, but within a very rigid mandate.

There was a problem about whether or not we are ready to do this testing. I read in the New York Times that some of the testing entities pay $9 an hour for people to grade essay tests. I want to say to my colleagues, pass a law now whereby the Federal Government mandates that every State get into the testing business, ready or not, and the results will be so unpleasant that pretty soon my colleagues will be answering a lot of letters on it. They better pay the people on their staff who answer those angry letters more than $9 an hour, because they are going to be difficult letters to answer.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Michigan (Mr. HOEKSTRA) has done some marvelous things, I think, in education. He has identified multiple programs, and he has got my utmost respect. But I think the gentleman is wrong on this particular issue.

I have talked to the superintendents in San Diego. They are opposed to the amendment. They want the flexibility to test. I spoke to a group in New York that were against it; and basically, they were from an affluent school, and they wanted their students to be able to go on to Harvard and Yale and those things; and they thought that a higher level of testing would limit them from doing that.

We want to be able to judge. We put billions of dollars, which my colleague has fought against, in education without accountability. This is one way that we feel that, if we put the money in, we hold the schools and raise the bar, because if one lowers the bar, that is going to lower the standards. The only real way to assess that is with this quality standards.

I laud the gentleman from Michigan (Mr. HOEKSTRA) for his effort in education, but I do oppose the amendment.

Mr. HOEKSTRA. Mr. Chairman, just in response, my superintendents back home like controlling their own schools. They are not looking for another Federal mandate.

Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, I, too, am one who finds myself in rare disagreement with the previous speaker; and his argument speaks actually in favor of the amendment, I would think.

Flexibility is the desire here. The amendment certainly achieves more of it rather than less of it in relation to the rest of the bill. Flexibility, Mr. Chairman, should be something upon which we all insist here in this Chamber. Flexibility was the cornerstone of the President's plan when he first introduced it, the Leave No Child Behind proposal that we have all seen, that we have all worked off of. The document looks just like this. It is a brilliant agenda for America's schools. But this plan has been left behind by the Committee on Education and the Workforce and in the bill that is before us.

What I mean by that is the flexibility component, what is called Straight A's, or as the President referred to it, Charter States, was taken out of this bill. The flexibility provisions are essentially gone. There was another provision dealing with choice, the portability of title I funds, that the President mentions in his plan and that Secretary Paige forcefully advocated before the committee. But that provision was taken out in the first amendment that the committee considered.

So at this point, the question becomes, how can we as a legislative body here on the floor reinstitute as much flexibility for States as we possibly can? This amendment is one answer in that regard.

If one holds up all 1,000 pages of the bill that we are considering today, one will find that the word "must" appears

11 times; the word "ensure" appears 150 times; the word "require" appears 477 times; the word "shall" appears a whopping 1,537 times; and "shall not" is in this bill 123 times.

Now, I would submit that, by the time the day is over, we should be able to come together on a flexibility amendment of some sort. The gentleman from Michigan (Mr. HOEKSTRA) has proposed one when it comes to the testing provisions.

I would ask my colleagues to consider this new testing requirement that is in the bill within the following context. For the first time, this Congress, through this legislation, will attach Federal cash to test results.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2¼ minutes to the gentleman from Indiana (Mr. ROEMER), a member of the committee.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, it seems to me that so many Members here arguing to rip out the testing proposal in this bill are for the status quo. They are happy with the fact that 60 percent of kids in the inner city cannot read at a fourth grade level, six out of 10. So we are going to continue the same policies that we have had up to this date. That is unacceptable. We have got to change the status quo.

I was in some schools up in New York visiting. Eighty percent of some of those children are having trouble passing tests. Is that acceptable? We must change the status quo with new ideas and with resources to remediate and help these children.

Now, all of us have problems and reservations with tests. A test done right is not a high-stake test. It is a diagnostic tool combined with a host of other things to determine whether or not that child goes to the next grade or graduates. It is not the sole indicator.

The other point I want to clear up, in this legislation, Indiana will continue to say and pick and determine what kind of tests they develop. Whether we have the ISTEP+, or the Iowa, or the Stanford, or the TerraNova, or a combination, that is our decision under this bill. We decide that.

But the deal in this bill is there is accountability and there is resources. We are going to help those children. We are going to help those children that cannot read at fourth grade reading level before they fail. We are going to get tutoring for them, and we are going to get after-school programs for them and summer school programs.

This committee is going to work directly with the appropriators to see that these authorization levels are put into law.

I would end on this note: we have many Republicans standing up saying that this bill is not the President's bill. If this amendment passes, this amendment guts the heart and the soul from the President's bill, and I understand he will veto this bill if this amendment passes. So defeat this amendment. Keep this bipartisan proposal going forward to conference.

Mr. BOEHNER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I want to associate my remarks with the remarks from the gentleman from Indiana (Mr. ROEMER), my colleague on the committee, and rise in strong opposition to this amendment.

Testing is the centerpiece of the President's education plan! Why in the world would we want to eliminate testing?

Let me say this again—testing is the essential component of holding schools accountable. In its current form this bill provides unprecedented flexibility to our school districts. But as we provide that flexibility, it is important that federal education programs produce real, accountable results. And the best way to hold schools accountable is through testing. Testing helps us gauge whether children are truly learning and whether our federal education programs are effective.

For far too long, many federal education programs have failed to produce increases in student achievement. It is imperative that the programs we reauthorize in this bill contain mechanisms that make it possible for the American people to evaluate whether they work.

The testing provisions in this bill provides accountability and demands results through high standards and assessments. And it provides appropriate responses to address failure. States will be required to test students in grades 3–8.

The states will develop their own standards and assessments under this bill. We are not dictating a national test. But we are saying that if you are going to accept federal education funding, then you are going to be held accountable for results.

State test results are confirmed through the National Assessment of Educational Progress (NAEP) or similar test, which would be required annually for grades 4 and 8 in reading and math. If a state improves on NAEP and their state assessments each year they will be eligible for rewards, and if it does not, there will be sanctions.

We reward states and schools that improve. Those that do not improve will undergo corrective actions. Striking a balance between state and federal responsibility is the right approach to accountability.

This bill takes a meaningful step towards leaving no child behind. And this amendment guts the major accountability provision in the bill. As such, I urge all of my colleagues to oppose the amendment.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman that is responsible for this bill.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time. I thank the gentleman from Ohio (Mr. BOEHNER), I thank the gentleman from California (Mr. GEORGE MILLER), and I thank the President of the United States because they have come up with a plan which might finally change education and improve education opportunities for kids in our country.

One of the sponsors of this bill, the gentleman from Michigan (Mr. HOEKSTRA), has said earlier the rule will allow us to vote on amendments which will restore the President's plan.

□ 1430

This will gut the President's plan. This amendment would absolutely gut, go to the very heart of what the President is trying to do.

For 35 years, we in the Federal Government have tried, with a lot of money, to help kids, particularly lower-income kids, because that is the obligation which we have assumed, to be able to be educated better. It is fairly flat-lined, as far as that improvement is concerned, and we have to do something different in order to do this. To do that, we do need to have the standards and the assessments, and part of the assessments is the testing. And that is something we absolutely need to go forward with.

Annual testing will produce more accurate and timely disaggregated data to determine not just overall progress, but progress in narrowing the stubbornly persistent achievement gap between all students. Tests do put pressure on children to perform. We all understand that. We went through it. But I also believe it is important to identify academic weaknesses early. This allows teachers and parents to intervene in a timely manner. That has not happened before. After all, we are not focusing on input, such as books or paperwork, but the result, real student learning, and that is what education is all about.

Without annual tests, student achievement data will not be comparable from year to year, the value added by a school or teacher will be hard to calculate, and the State-wide reporting of results, including results by race and income, will be unworkable. The entire system of accountability will be undermined. If we are serious about education reform, we need to know the unvarnished facts about where our children stand against standards, and we need to help diagnose problems and design remedies to improve student achievement.

While nothing will give us an ironclad guarantee for success, one thing is certain, more of the same will guarantee more of the same failure. And that is exactly what the Hoekstra-Frank amendment gives us. We all should oppose this amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I rise in support of the amendment. When we discuss the issue of testing, I think we have to remember the farmer's adage, "You do not fatten the pig by weighing the pig," meaning you do not improve education merely by giving tests. So I support this amendment for the following reasons:

First, there is already, in current law, provision for adequate testing. Only 11 States are in compliance with this requirement, and States spent over $400 million last year alone trying to come into compliance with the current law involving testing.

Second, the new test requirements in H.R. 1 will cost substantially more than what we are providing for in the bill. A recent USA Today article reported, and I quote, "fulfilling President Bush's proposal to test every student in grades 3 through 8 could cost States as much as $7 billion over the next 7 years, the National Association of School Boards of Education says."

Mr. Chairman, finally, we need to address the potential inappropriate use of the tests: By using them to make high-stake decisions to punish students. Two recent New York Times articles documented that States and localities are increasingly using tests for purposes for which they are not designed and making high-stake decisions to punish students based on one single test. Tests will be given, but there is nothing in H.R. 1 to prohibit inappropriate use of those tests.

For those reasons, Mr. Chairman, I urge my colleagues to support the amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the Hoekstra-Frank amendment. I rise in support of it for at least three major reasons:

Number one, we already test too much. Federal law mandates three tests already, and this bill doubles that requirement. I hope my colleagues understand that. The Hoekstra-Frank amendment simply says we will continue with the tests that are currently mandated but do not double the number of tests that are required.

Now, how do I come to that conclusion? Well, my wife is a teacher, both of my sisters are teachers, and my niece is a teacher, and I have talked to them about this bill extensively, over and over again, and not a single one of them says that either they or their peers believe that teaching will be benefitted by more testing.

As the gentleman from Virginia just pointed out, you do not fatten the pig by weighing it; you do not improve education by mandating more tests. Federal law mandates three tests already, and yet only 11 out of 50 States comply with this current demand.

The reality is more mandated Federal tests will take up more time. The courts have already reported on this. There is too much testing at this point. The President is right, we should have accountability; he was wrong, we should mandate a doubling of the number of tests.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. McKEON), a subcommittee chairman on the Committee on Education and the Workforce.

Mr. McKEON. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong opposition to this amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Massachusetts (Mr. FRANK) to remove the annual testing provisions in H.R. 1.

The gentleman who spoke just before me is right, we do test. We test in the third grade and we test in the eighth grade. But what happens in those years in between is why the President's proposal for annual testing is truly the centerpiece of his education reform plan. His reasoning is very simple. If you do not test, you cannot measure.

I was an animal husbandry student in college, and I learned that they did weigh hogs before they took them to market. You have to test to find out how things are doing, and you had to weigh the hogs to find out if what you were feeding them was appropriate.

With annual testing and appropriate reports to parents and teachers, problems can be found before it is too late to fix them. In other words, without assessments, schools cannot be held accountable for improving student performance. And without assessment information, parents are powerless to choose a better performing school. With assessments, there will be improvements in instruction and in learning by focusing on outputs; year-to-year progress, and student achievement, instead of inputs, such as dollars, teachers or textbooks.

In closing, I urge all of my colleagues to oppose this amendment, and instead support our President, and more importantly, the children of this country.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentlewoman from Minnesota (Ms. McCOLLUM).

Ms. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time.

As a mother, I held my children's schools accountable; as a former teacher, I was held accountable; as a Member of Congress, Minnesotans hold me accountable. I do support fair, accurate, and reasonable testing, but I oppose the testing in H.R. 1.

This provision is an unfunded mandate. The funding authorized will not even begin to cover the cost of current testing. Last year, we had problems with testing in Minnesota. 336 high school seniors were denied diplomas on graduation day because of a vendor error. Minnesota expects a testing program that is accountable and is funded, with control at the local level.

I oppose any new unfunded mandated testing, and I urge my colleagues to support this amendment. We can do better for our schools and for our children.

Mr. HOEKSTRA. Mr. Chairman, how much time is left?

The CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) has 7 minutes remaining, the gentleman from Ohio (Mr. BOEHNER) has 2½ minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 3¼ minutes remaining.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time, and I urge my colleagues to vote for the Hoekstra-Frank amendment.

The portion of the bill that we are debating now represents, in my judgment, the quintessential example of the principle of unintended consequences. Teaching to the test has become the norm in many States. It definitely has become the norm in the State of Maryland.

In a system where high stakes and dollars are involved, this is almost always the inevitable consequence. We do not want to build on the current system because the current system of testing our children is failing. H.R. 1 would buttress a system that is failing, further erode creativity and diversity in the classroom, it would literally tenure incompetence, especially in school administrators, eliminate a professional ethic in the educational field, and enhance vindictive behavior with people who are working to make their schools look good at any cost.

We all know tests and assessments are necessary to find out what the progress is. But for the Federal Government to get into creating a testing criteria for tests, and then obliquely refer to it as accountability, is wrong. Teachers receive degrees. They are licensed to teach in a State. They are professionals. They represent the broad diversity of the country. Now we summarily assume that the aristocracy of Washington and the State capitals are smarter and wiser.

The Federal Government endorsing more tests will not make schools better. They will make them less knowledge-based and turn teachers into technicians. By encroaching on the ability of individual teachers to be unique, we show aversion for the independent thinker, and self-reliance drifts away. Nothing is at last sacred but the integrity of our own mind.

I encourage my colleagues to vote for the amendment that simply takes us back to current law.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. ISAKSON), a member of the committee.

Mr. ISAKSON. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time, and I rise for three reasons:

As a former board chairman for the State of Georgia, who implemented mandatory testing for diagnosis purposes, and saw the ability to raise expectations of all children, I oppose this amendment and support the President's plan.

As one who believes that if we do the same thing over and over and over again, it is unrealistic to expect any other result, I show my colleagues this graph. This is $120 billion in 35 years doing the same thing in title I over and over again. And average reading scores of title I students remain today where they were years ago, at the lowest 35th percentile.

Do not be fooled by those who oppose this amendment. The heart of the President's proposal is to hold us accountable for the investment of our taxpayers' dollars and the achievement of our children. If this amendment fails, the President's proposal will have failed and we will continue to do what we have always done and have less than satisfactory results. I encourage my colleagues to oppose the amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, for the last several months I have gotten an earful from parents, students, and teachers in Florida who are concerned that standardized educational testing has run amuck there. Today, on behalf of hundreds of thousands of school children in Florida, I rise in support of this amendment.

I am not opposed to testing students every year, but I believe the principal purpose of testing should be diagnostic. Testing should determine where my third grader is at the beginning of the year and what he needs to do to get to where he needs to be at the end of the school year. Testing should tell my child, my wife and I, and the teacher, what my child's needs are and how to help meet those needs.

I also support accountability. I want to know how my child's schools are doing in relation to other schools. In the Florida legislature, I chaired a subcommittee that wrote our accountability law. But unfortunately, through the FCAT standardized test in Florida, the governor and the legislature have turned that law on its head and are using testing as a public relations tool.

Florida already tests reading and math in the third through the tenth grades. However, teachers, principals, and students receive no information that helps them identify the needs of children and what they need to help those children learn. Teachers and students in Florida are not stupid. They have figured out this testing system does nothing to help teachers teach and children learn. They have figured out this is testing designed by the politicians for the politicians. Teachers set aside their lesson plans and teach the test to help their schools earn the financial reward and to avoid the stigma of being graded as a failing school.

Last week, Florida reached a new inevitable low in testing run amuck. Two Hernando County middle schools bribed their students by offering up to $150 each for a high standardized test score. As one of the principals pointed out, the State is using this same form of bribery with the schools that the schools are now using with the children. One of the student recipients of this financial reward said, it may be a small bribe, but at least it is something for going through the test.

□ 1445

I disagree completely with Florida's Commissioner of Education who says that he does not have a problem with this form of bribery. I think it is wrong, and needs to be stopped now. The standardized testing situation in Florida is a growing disgrace.

Mr. Chairman, let me close by saying I have repeated these concerns to the Secretary of Education. This bill should be written to clearly state the principal purpose of testing should be diagnostic. Until it does, I urge adoption of the amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Chairman, I stand in support of this amendment. I am a former middle-school math teacher. I started teaching back in the early 1970s. In 1978, the State of Florida put in an assessment, a diagnostic test that said we are going to test children at 3rd, 5th, 8th and 10th grade. We are not doing it to test how we are doing nationally, we are not doing it to test how we are doing from school to school. We are trying to find out what the individual student knows or does not know. We started it in October. We did it so that we could look at the student and find out where his or her weaknesses were, and to allow those to be taken care of through remediation. Nothing in this bill does that.

Mr. HOEKSTRA. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I stand in favor of this particular amendment. In Massachusetts we have plenty of testing going on already. This idea by the President simply raises the quantity of testing, while doing nothing about the quality. Beyond that, we have the issue of bringing the testing procedure up to scale. The New York Times articles on Sunday and Monday indicate that this industry is not ready to produce the kind of quality tests and have them designed and administered and corrected in an appropriate way. We need to go back to the drawing board and make sure that this is done not as a mandate that will not be funded, but as a way to be actually used as a diagnostic tool for our children.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, for six years this Congress has insisted and held firm that there should be no national test. We have heard it said that the heart of the President's proposal was to find a national test. I do not believe this is true. The heart of the President's proposal is this: Find out what schools were performing, then provide assistance for two to three years to help them improve. Then if they did not improve, give the parents and the children the flexibility to find a school that does improve.

Mr. Chairman, we have taken out the final thing, which was the heart of the proposal, to give the parents flexibility. Now we say if your school is failing, you are trapped. Furthermore, there is nothing to say that the State tests and the local tests are not sufficient to know whether the schools are accountable.

This amendment says we trust the local teachers, principals, and school boards. We trust our governors. We do not need a national test coming out of Washington, which is one national standard that potentially will reach into every school, into private schools and home schools.

Mr. Chairman, we heard it is only reading and math. But the truth is it can go anywhere. It can be anything because once Washington gets control of this test, we do not know where it is going to go. We will no longer have the local control that we currently have.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what this legislation says is that we shall annually measure the proficiency of students in the academic subjects in which States have adopted challenging academic content and student performance and standards.

We shall try and make a determination of how the students are doing in meeting that academic standard and content. We are kind of down to the point where we can make a choice. We can do business as usual, hold onto the status quo and we can just continue to see a system that has passed children from grade to grade, not knowing whether or not those children can read, not knowing whether they can compute, not knowing whether those children can reason or whether they have mastered the language arts. Social promotion.

Mr. Chairman, the gentleman from Nebraska (Mr. OSBORNE), a former coach, talked about it in his remarks. He found as he looked at his new recruits, even though they had a diploma and grades, they could not master the work in college.

We know it from our own school districts. We know it from parents that have talked to us. I teach in a continuation high school, and I see children which have been passed through from grade to grade. We want to stop that. We owe it to those children and parents to stop that. We owe it to the taxpayers of this Nation to stop that.

As the gentleman from Georgia (Mr. ISAKSON) said, $120 billion later, we have not gotten the results that we believe that these children and their families are entitled to, and we have not gotten the results that the taxpayers are entitled to, so we have asked for a system of accountability. We have asked for a system of accountability to determine how our children are doing so then local districts will have the ability to target the resources, target the resources of summer school, target the resources of after-school tutoring and mentoring, to target the resources of Saturday school so that these children will be able to get the help that they need.

Mr. Chairman, one of my colleagues said we do not fatten a pig by weighing them. Yes, one does. One wants to make a determination whether the pig is being fed the right thing, because pigs are sold by the pound. If the pig is sick, one wants to know that. That is why that assessment is made.

People say we test in 8th and 10th grade. In our poor school districts, if a student falls behind in second or third grade, in all likelihood they will drown before they can be helped because the resources are not there.

Mr. Chairman, we want to make an assessment of how these children are doing. Are they performing at age-appropriate levels and grade-appropriate levels, are they mastering the subject matter; and we want to provide the resources to those schools to improve those schools, to keep them from failing, to turn them around. But we need to have that assessment.

This is the heart of accountability. One cannot just say they are for accountability. Someday my colleagues have to step up to the plate and make that determination.

Let me say in closing, Motorola requires a high school education before an individual can make application to their corporation. And I think they turn away about 50 percent of their applicants because they cannot read or perform at 12th grade levels. We owe better to our students; and we certainly owe better to the poorest of our students.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to clarify some of the perceptions of what has been said today. But before I do that, I want to thank my colleagues on the other side of the aisle, in particular the gentleman from Massachusetts (Mr. FRANK), for joining me in bringing this amendment forward.

Mr. Chairman, the Federal Government put in place a mandate to local schools and States to implement testing, to be implemented for 2001. That is this year. We have that mandate in place, and now as local school districts are implementing that mandate, we are saying we are not really serious, the $400 million that has been spent, we have moved the bar and changed the playing field.

The role of the Federal Government should be to audit the results. We should not mandate on a yearly basis what will be going on in our local school districts.

Our local school districts have had enough of unfunded Federal mandates: IDEA, unfunded. Testing, underfunded. Testing is not yet ready for prime time.

Mr. Chairman, I encourage my colleagues to support this amendment and stick with the agreement in the mandate that we put in place for 2001. Let us not pull the rug out from under that mandate and create a new mandate.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Members know we have worked hand in glove across the aisle since January to produce the bill that we have on the floor before us today. This is a very good bill. But we have all known at the essence of it, the core of this bill is to require real accountability from every school in America that gets Federal dollars.

We have spent $120 billion over the last 35 years, and we have not gotten results. We have spent $80 billion over the last 10 years in the heart of the school reform movement and have gotten no results. How many more hundreds of billions of dollars are we going to spend here in Washington without asking our schools to give us real results.

What do we say to the lost generation of Americans that we have over the last 25 years because we passed them through grade after grade, year after year, and never asked whether they could read or write? Is that fair? No.

And to my African American colleagues in this Chamber and to my Hispanic colleagues in this Chamber, and to my colleagues in this Chamber who represent low-income communities, they should be demanding more than any of us that we have testing year by year because it is the students in those schools who get short-changed year after year because no one knows what is really happening.

Mr. Chairman, I would say to all of my colleagues, it is time to have accountability. It is time to stand up and show the courage that it takes to bring real results to our schools and to take our heads out of the sand and quit ignoring incompetence and quit ignoring the fact that some of our kids, and too many of them, are not learning.

Mr. DAVIS of Florida. Mr. Chairman, for the last several months, I have been getting an earful from parents, teachers and students who are concerned that standardized educational testing in Florida has run amuck. Today, on behalf of hundreds of thousands of Florida public school students subjected to these tests, I rise in support of the Hoekstra/Frank amendment.

I am not opposed to testing our students every year, but I believe the principle purpose of testing should be diagnostic. Testing should determine where my child is at the beginning of the school year and what he needs to work on to get where he should be at the end of that school year. Testing should tell my child, his teacher, my wife and me what we need to know to help him improve as a student.

I also support accountability. I want to know how my child's school is doing in comparison to other schools. In fact, while I served in the Florida House of Representatives, I chaired the Subcommittee that wrote Florida's Accountability law. Unfortunately, the Governor has turned that initial law on its head and is now using testing as a public relations tool rather than a true measure of students' academic abilities.

As many of you know, Florida is already testing students in grades three through eight in reading and math. The Florida Comprehensive Assessment Test, FCAT, also tests writing in grades four, eight and ten. Unfortunately, as I stated above, the purpose of the FCAT is to grade our schools and implement high stakes penalties or rewards based on their scores, NOT to see where our students need help to boost their performance.

That's right. Under the FCAT, teachers, principals, parents and students get no information from the test identifying the needs of individual students and how to help them improve.

Teachers and students in Florida aren't stupid. They have figured out this testing system does not help teachers teach or students learn. It is, instead, testing by the politicians, for the politicians with an end result of pitting school against school.

In response, teachers set aside their lesson plans and teach to the test to help their school earn a high test score in hopes of earning financial rewards and avoiding the stigma of being labeled a failing school.

As a result, last week in Florida, we reached the inevitable new low in testing run amuck. In Hernando County, Florida, two middle schools are paying kids for good scores on the FCAT. That's right. These schools are bribing their students with up to $150 for high scores on the reading, math or writing portions of the FCAT. Again, the FCAT is not designed to help students. Because the test does not motivate students to learn, these schools feel they have no alternative but to use financial rewards to encourage students to do well on the FCATs. The Principal of one of these middle schools pointed out that the State is using this same type of bribe to help the schools perform better on the tests, and the school has merely passed that bribe on to its students. As this Principal asked the Governor, "What's the difference?"

One of the student recipients of a monetary reward said the following, "I thought it was pretty good. It's a little bribe. That way, it's not just a pain-in-the-butt test, you actually have something."

The reaction of Florida's Commissioner of Education to the bribe was, ". . . I don't have a problem with it. . . . It's legal, it's not unethical. . . ."

Well, I disagree completely with the Commissioner. The last time I checked, bribery was illegal. This is wrong, and it should be halted now.

The standardized testing situation in Florida is a growing disgrace. If we allow it to continue and spread to other states, it will be a national disgrace for which this Congress will be responsible. Worse yet, by allowing standardized testing to run amuck, we will only aggravate the increasing teacher shortage that is currently plaguing our schools. Over the next decade our nation's schools will lose more than 65 percent of their teaching faculty. This percentage can only increase if we do not address these testing problems.

I have repeatedly expressed my concerns that the principal purpose of testing should be diagnostic to the Secretary of Education and the President's Chief Advisor on his education proposal. Both of them told me that they agreed with me.

This bill must be rewritten to clearly state that the principal purpose of standardized testing should be diagnostic—to help teachers teach and children learn. Because this bill is silent on this point, I urge my colleagues to support the Hoekstra/Frank Amendment.

Mr. BAIRD. Mr. Chairman, I rise today to express a number of serious reservations about the testing provisions of HR 1.

I commend the committee chair, the ranking member, and all those who have worked in a truly bipartisan basis to bring this legislation to the floor today, but I am afraid that some provisions of the bill as written have the potential to harm, rather than improve, our educational system.

The problem to which I am referring is the mandate for annual testing. I know that many of those who support annual testing do so because they believe we must set high standards in order to motivate our students, faculty, and administrators to achieve. I strongly agree with that goal, but I also disagree with how this legislation seeks to accomplish it.

As a licensed clinical psychologist before coming to Congress, I may bring a unique perspective to this debate. In addition to administering, scoring and interpreting hundreds of tests in my own professional career, I also taught graduate level courses dealing with the design, uses, and potential abuses of tests and test results. So I know something about the matter of testing.

Based on that experience, and a careful reading of this legislation, let me raise the following concerns:

First, this legislation represents an enormous unfunded mandate with absolutely no information provided regarding the cost of implementation or the benefits as compared to other options. I find it surprising that those who so often complain about unfunded federal mandates and bureaucracy elsewhere in our government so enthusiastically support legislation that even by a conservative estimate will require hundreds of millions of dollars of expenditures every year. It is true that this legislation authorizes money to help states design their testing, but the legislation before us includes nothing to fund the actual annual testing that it requires.

Since there is no money in this bill or in the budget to fund the testing process itself, we must ask ourselves how those costs will be borne by our states and local school districts. How many teachers or teachers aides could be paid for with the money to be spent on testing? What level of school repair or numbers of textbooks will go unrenewed because of the money spent on testing? How might those alternative expenditures benefit students more than the money to be spent on testing? And, finally, what is the opportunity cost to our system as teachers and students spend time and resources preparing for the tests rather than engaging in other valuable educational activities?

Secondly, while the legislation purports to require standards, it is clear that there really is no consistent or common standard required. In fact, by leaving the proposed achievement standards up to the states, albeit with some level of federal review, it is quite possible that schools in some states will meet their internal standards while others will fail, but the standards that are met may be entirely different from state to state. This leaves open the possibility that federal dollars will be restricted from some schools where there is actually higher achievement but given to others where achievement is lower but the state standards are also lower. As I read this legislation, there will be every incentive for schools to set low standards on their tests in order to meet the federal requirements and not lose funding. Isn't this precisely what the authors of the legislation hoped to avoid? And isn't the alternative—the micro-management of state testing by the federal government—equally undesirable?

Third, an additional problem with the standards referred to in the bill is that it seems to be legislating the so-called Lake Wobegon effect, in which all the students are above average. The legislation requires all students to meet or exceed the "State's proficient level of academic performance." But the legislation apparently fails to recognize that proficiency standards can be set in several ways. For example, a standard could be a bare minimum level of competency, or it could be a level set by the average student of a given grade. If the average level of proficiency is taken as the standard, by definition of average, not all students can meet that level. Conversely, if proficiency is to be set at a relatively high level, which it should be if the term "proficient" is to mean anything important, then we can expect that the natural variations in student skills and development will leave many students coming close to, but not reaching full proficiency.

Like it or not, Congress cannot legislate the repeal of the laws of statistics, and the normal distribution of abilities will be with us regardless of how appealing a law may sound on the surface. This fundamental ambiguity alone should be reason enough to withhold the testing requirement until we have clear answers to the question of what exactly is meant by the requirement of the legislation.

Fourth, even if the questions addressed above could be answered, the logic of using annual testing to evaluate school performance and compare districts is severely flawed. In my Congressional district some districts have turnover rates higher than 40% per year. In many districts there are literally dozens of different non-English languages spoken in the homes. Still other districts have not passed funding levys in years. How can any comparison between these schools and schools with more homogenous or stable populations of students or with greater funding resources be meaningful? And how can the yearly progress or lack of progress of a school be meaningful if 40% of the students turnover every year?

One of the most important lessons I used to teach my graduate students was this—tests, per se, cannot be said to be valid or invalid in and of themselves. Rather, validity is a relative term whose meaning depends on the usage to be made of the test. The point made here is that there will be inherent limitations on the meaning of the scores across schools or across years. In other words, tests of individual student achievement may be designed to fairly and accurately assess the achievements of those individual students and to monitor individual student progress, but use of aggregate data to determine overall educational efficacy of a school, in the face of the other variables that influence aggregate scores, is not a valid use. It would not be unlike mixing together the blood samples from many different patients to measure average health. The mixing of samples defeats the purpose and vitiates the meaning of the findings.

As many of the students I have taught will attest, I believe with all my heart in setting high standards for students and faculty and then providing the resources and opportunities to help them succeed. I also believe that when standards are not met, there should be consequences.

But the testing provision in the legislation before us today, however positive its intent, proposes the wrong solution to the right problem. It will be tremendously costly to local schools to implement, it provides no funding for the annual testing itself, it offers a false premise as a basis for comparing schools and allocating funding, it includes inherent ambiguities in meaning that will produce unintended and paradoxical consequences, and it may well impede rather than enhance the ability of teachers and schools to help students achieve our overall educational goals.

Mrs. THURMAN. Mr. Chairman, as a math teacher in Dunnellon, Florida when the State of Florida mandated the state assessment tests, I started the first remediation classes for math at the High School. The diagnostic testing that was performed allowed educators to address the weaknesses of students before they progress to a higher grade. Recently, I was at a wedding where one of the students who was in my program came up to me and said that he would not have passed math without the remedial work I did with him.

Mr. Chairman I share this story with the House because it is critical that testing be used as a diagnostic process to help students in areas where they are underperforming and not just to collect statistics.

Mr. Chairman, we hear constantly about the federal government getting too heavily involved in state matters. I believe this is a priority we should leave to the states. I also wonder why we are using federal money to duplicate programs already being performed by the states when we should be using the Federal dollars to reduce the class size for our children.

Mr. MORAN of Kansas. Mr. Chairman, I support Representative HOEKSTRA's amendment. The federal government's role in education should be to support proven state and local reform efforts rather than create additional requirements for our local schools. By mandating new testing requirements on every child, every year from grades 3 through 8, this plan will take teachers and students out of class; take dollars out of state and local education budgets; and undermine successful reform efforts already under way in states like my own.

In Kansas, state assessments already take students away from the classroom 6 to 7 days per year. If the assessment provisions pass as proposed, Kansas would have to add 10 new assessments. As a result, Kansas would be administering 21 assessments on an annual basis. H.R. 1 means even more time testing and less time learning.

These new federal mandates are too expensive at a time when education budgets are already stretched paper-thin. In Kansas, the cost of administering state tests would rise from approximately $1.7 million to $9 million. Before the federal government starts tacking on expensive new requirements, it should work to fully fund existing mandates such as special education.

Requiring more tests, will interfere with a 10-year educational improvement effort already under way in Kansas. Kansans have established a system that accurately measures yearly progress of our state, our schools, and our students. Our system holds schools accountable and provides reports to parents. Under H.R. 1's testing requirements, not only will states be required to develop new assessments, but local school districts will have to redesign their curriculums to meet the new assessments. The bottom line: Kansas is making progress, and we should not be forced to abandon a program that is working.

Reform initiatives should come from the parents, teachers and local boards of education, and not be imposed by the federal government in a one-size-fits-all manner. I remain committed in my belief that the educational needs of a community are best known by that community. I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announces that, pursuant to clause 6 of rule XVIII, proceedings will resume on amendment No. 3 offered by the gentlewoman from Washington (Ms. DUNN) immediately after this vote and that a vote on amendment No. 3, if ordered, will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—ayes 173, noes 255, not voting 5, as follows:

[Roll No. 130]

AYES—173

Ackerman
Akin
Baca
Baird
Baldwin
Barcia
Barrett
Bartlett
Barton
Becerra
Bereuter
Berkley
Berry
Bilirakis
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Cantor
Capuano
Chabot
Clay
Clayton
Clyburn
Coble
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
Doolittle
Doyle
Duncan
Evans
Farr
Fattah
Filner
Flake
Frank
Frost
Ganske
Gephardt
Gilchrest
Gilman
Gonzalez
Goode
Graham
Green (TX)
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hill
Hilliard
Hinojosa
Hoekstra
Holden
Honda
Hostettler
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kennedy (MN)
Kerns
Kilpatrick
Kleczka
LaFalce
Langevin
Larson (CT)
Lee
Lewis (GA)
Lowey
Lucas (OK)
Luther
Manzullo
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Phelps
Pickering
Pitts
Pombo
Ramstad
Rangel
Reyes
Riley
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Shadegg
Sherman
Smith (MI)
Solis
Souder
Stearns
Strickland
Stupak
Tancredo
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Velázquez
Vitter
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Wexler
Woolsey
Wu

NOES—255

Aderholt
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Bass
Bentsen
Berman
Biggert
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clement
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (CA)
Davis, Tom
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ferguson
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gillmor
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hinchey
Hobson
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Israel
Issa
Jenkins
John
Johnson (CT)
Johnson (IL)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Maloney (CT)
Maloney (NY)
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Moore
Moran (VA)
Morella
Nadler
Nethercutt
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pelosi
Peterson (PA)
Petri
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Sandlin
Saxton
Schiff
Schrock
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stark
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Abercrombie
Cubin
Hansen
Moakley
Rogers (KY)

☐ 1518

Messrs. KIRK, HUNTER and MALONEY of Connecticut changed their vote from "aye" to "no."

Messrs. HILLIARD, KERNS, BLAGOJEVICH, CONYERS, PICKERING, BARTLETT of Maryland and BARCIA, and Ms. McKINNEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. DUNN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington (Ms. DUNN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 3, not voting 9, as follows:

[Roll No. 131]

AYES—420

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hillary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—3

Johnson, Sam
Schaffer
Souder

NOT VOTING—9

Abercrombie
Cubin
Ford
Granger
Hansen
Moakley
Peterson (MN)
Rodriguez
Rogers (KY)

□ 1527

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 107-69.

□ 1530

AMENDMENT NO. 7 OFFERED BY MR. DOOLEY OF CALIFORNIA

Mr. DOOLEY of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. DOOLEY of California:

In section 1111(h)(1)(D) of the Elementary and Secondary Education Act of 1965, as amended by section 104 of the bill, after clause (i), insert the following (and redesignate subsequent provisions accordingly):

"(ii) information that provides a comparison between the actual achievement levels of each group of students described in subclauses (I) and (II) of subsection (b)(2)(C) to the State's annual numerical objectives for each such group of students on each of the assessments required under this part;

In section 1111(h)(1)(D) of the Elementary and Secondary Act of 1965, as amended by section 104 of the bill—

(1) after clause (v), strike "and";

(2) at the end of clause (vi), strike the period and insert "; and"; and

(3) add at the end the following:

"(viii) a clear and concise description of the State's accountability system, including: a description of the criteria by which the State evaluates school performance, and the criteria that the State has established, consistent with (b)(2)(B), to determine the status of schools regarding school improvement, corrective action, and reconstitution.".

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from California (Mr. DOOLEY) and a Member opposed will each control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent, although I do not oppose the amendment, to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I yield myself such time as I may consume.

First off, I want to complement the gentleman from Ohio (Chairman BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Michigan (Mr. KILDEE), and the gentleman from Indiana (Mr. ROEMER) for the terrific work they have done in putting together what is truly a bipartisan education reform bill.

I represent a region of California, the Central Valley, which is one of the most low-income areas of the Nation, an area populated by a lot of farmworker families. It is these children that this bill has the greatest promise of helping, because it is important for us to have our schools ensuring that they are providing the academic programs that are ensuring that these students are going to have the skills that allow them to compete and win in our economy and our society today.

Mr. Chairman, this legislation holds a promise, by providing for greater accountability, to really empower communities, families, students, as well as schools, to really be able to understand what they need to be doing in order to improve the programs they are providing to enrich the academic performance of their schools.

What is also important for us, and that is the crux of this amendment, is that we ensure that that information that we are gathering, through this accountability process, will be easily understood by parents, teachers, as well as the community.

The thrust of this legislation is really truth in accountability. We need to be able to assure that we can provide this data and this information in a manner which really can be utilized and understood by the families so that they can understand what they have to do to see how they can improve the schools, how they can ensure that they are working together as partners with our teachers and schools.

In many ways, this amendment can also be viewed as a sunshine amendment by ensuring once again that when we ask schools to adopt these accountability standards, that they are providing this information in a manner which is easily understood.

This amendment I think will go a long way to ensure that the thrust and the focus of this legislation, which is to provide greater academic performance in our schools through this greater accountability, that will make sure we can translate this information in a way that will empower parents to have a better understanding of what needs to be done and how their school is actually performing.

Mr. Chairman, I ask all my colleagues to support this.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding time to me.

First of all, I want to thank my dear friend, the gentleman from California (Mr. DOOLEY), for all his hard work on the education bill, but also in helping the New Democrats up to 2 years ago formulate policy and position and substance on accountability and flexibility and resources to help these children.

I know the gentleman, with his district and State, is greatly concerned about this for all his students and for his Hispanic population. I just want to thank the gentleman for all his hard work on the education issue. The New Democrats, as he knows, came out with a bill with Senator LIEBERMAN and Senator BAYH a couple of years ago. I think the President saw that bill, saw a good bill, and decided to campaign on it. That is basically the heart and soul of much of the bipartisanship that we form today.

I want to thank the gentleman for his work from the New Democratic position, and as we work through this bill on the floor and into conference, that we continue to work on many of the things that the New Democrats have seen as vital to reforming education with new ideas since almost 2½ years ago.

I thank the gentleman for his hard work and for his amendment here today. I encourage support for the amendment.

Mr. DOOLEY of California. Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me congratulate my good friend, the gentleman from California (Mr. DOOLEY). He and I have sat on the Committee on Agriculture for the last 10 years and worked very closely on agricultural policy and trade policy, as well.

The amendment that he brings forward I think is helpful to the bill, because I think the amendment empowers parents. It gives them information that explains in concise terms the academic accountability system used by the State and the progress in reaching the numeric goals for each of our students.

In order to be effective and credible, accountability systems must be easily understood by parents and educators, and I think this amendment will help ensure that that happens.

Mr. POMEROY. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding, and for working with us on this matter.

The matter I would like to address in this colloquy involves section 117 of the Carl D. Perkins Act. This section authorizes funding for tribally controlled postsecondary, vocational, and technical institutions.

Under prior law and regulation, the funds under this program were awarded to institutions not authorized to receive assistance under the Tribally Controlled College or University Assistance Act, or the Navajo Community College Act.

As such, these funds are critical to the support of two institutions that have for many years provided training consistent with the act and are urgently needed by the students of these schools.

However, the Department of Education has indicated changes in the 1998 Perkins Act amendments modified the eligibility criteria for these funds. This poses a direct threat to the ongoing viability of these two schools.

It was not the intent of Congress to alter the eligibility for section 117 funding. It was not the intent of Congress to cause an end to these schools. Therefore, a legislative clarification is necessary.

Mr. Chairman, if, as we expect, this issue arises in conference, I ask for Members' support to restore the intended eligibility requirement for this program.

Mr. BOEHNER. Mr. Chairman, I thank my colleague for bringing this crucial issue to my attention. I recognize the importance of this program for those institutions that have received funds under section 117.

During conference negotiations with the Senate, I will work with my colleagues to restore eligibility for funding under section 117 of the Perkins Act to its original purpose.

Mr. MCKEON. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from California.

Mr. MCKEON. Mr. Chairman, as the chairman of the Subcommittee on 21st Century Competitiveness, which has authority over the Perkins Act, I, too, want to express my support for restoring section 117 of the act to its original purpose. I understand the importance of these funds to these schools and appreciate the gentleman bringing it to our attention.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I am happy to yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, I thank the gentleman from Ohio (Chairman BOEHNER) and the subcommittee chairman, the gentleman from California (Mr. MCKEON), for their comments and commitment to work to address this issue.

Additionally, I would like to point out that the American Indian Higher Education Consortium, which represents 32 tribal colleges and universities, worked closely with Congress to create the program under section 117 to ensure a source of core operational funding for vocational educational opportunities.

Dr. Jim Shanley, President of the American Indian Higher Education Consortium, has sent a letter in support of this effort. I appreciate the Chairman's cooperation during negotiations with the Senate.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding to me.

I would like to echo the comments of the gentleman from Ohio (Chairman BOEHNER) regarding this program. Congress did not intend to make eligibility changes in section 117 of the Carl Perkins Act. I will work with my colleagues to address this issue in conference.

Mr. BOEHNER. Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think this is an excellent amendment. I think it is important that we understand that this whole legislation and what we do at the Federal Government is basically aimed at helping children who are having problems, who are disadvantaged in some way or another.

By disaggregating this information, as this amendment does, we really do that. By making it simpler, as this amendment does, we make sure the parents, schools, and students themselves understand exactly what is expected, what they have achieved, and where we are going in the direction of education. That is what it is all about.

Having a rising tide will help all children. I think this amendment does it. I compliment the sponsor of it.

Mr. DOOLEY of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from California for his amendment and applaud him for his efforts. It is an important addition to this bill.

I would also like to commend the chairman and ranking member of the Committee on Education and the Workforce on this landmark legislation.

I had intended to offer an amendment that would have helped ensure that children arrive at school with all the tools that they need for success. I will instead engage the gentleman from Ohio (Chairman BOEHNER) and the ranking member, the gentleman from Michigan (Mr. KILDEE), in a colloquy.

On the basis of a growing body of scientific study, there is an increasing recognition that the foundations for learning are laid in a child's earliest years. Both the President's proposal and the bipartisan bill crafted by the committee took notice of this knowledge in providing for the Early Reading First Initiative to help the development of literacy skills in pre-school age children.

My amendment would complement the Early Reading First Initiative by promoting young children's emotional and social development, as well as their literacy skills, so they will be prepared for success when they begin school.

This approach was recommended by the National Academy of Sciences, and also urged by kindergarten teachers. It is a proven method to reduce special education placements, grade retention, juvenile arrests, and school dropouts.

The CHAIRMAN. The time of the gentleman from California (Mr. DOOLEY) has expired.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. That request must be for equal time on both sides.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent that we have 10 additional minutes on this amendment, equally split between both sides.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, this is part of a strategy to improve test scores and academic achievement. It has been proven to work. I know the chairman and ranking member of the Committee share my commitment to ensuring that children enter school with all the tools they need. Their dedication to the educational needs of our youth is evidenced by their hard work on this bill.

I would ask if the gentleman from Ohio (Chairman BOEHNER) would be willing to work with me in conference to address the goals of this amendment in the final legislation.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from Rhode Island for his kind words.

Congress has a history of supporting programs that promote school readiness for young children. In the 105th Congress, we reformed the Head Start program to ensure better school readiness programs for pre-schoolers.

We have the Individuals with Disabilities Education Act part C program that provides early intervention services for infants and toddlers with disabilities. Just last year we created a new program for children ages 0 through 6, or I guess one day through 6, called Early Learning that addresses these same issues.

I support the goal of this amendment, helping children to be fully ready to enter elementary school and ready to learn. I believe we can best achieve this goal by working within existing programs and systems. We should encourage providers in the existing programs to address all aspects of school readiness.

I want to thank the gentleman from Rhode Island (Mr. KENNEDY) for his thoughtful addition to this debate. I would be happy to work with him to help achieve this goal.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, I have spoken with the gentleman from Rhode Island about this amendment. I think we should work to address this issue in conference, Mr. Chairman. It is sound policy to help put at-risk children on a healthy trajectory earlier in their lives. Helping families and communities build children's emotional skills in the early years will lead to increased academic achievement.

This amendment is a strong proposal to do just that, and I will support the efforts of the gentleman from Rhode Island (Mr. KENNEDY) to address this issue in conference.

Mr. KENNEDY of Rhode Island. Mr. Chairman, If the gentleman from California will continue to yield, I thank the gentleman from Michigan.

Mr. DOOLEY of California. Mr. Chairman, I yield myself such time as I may consume.

In closing, I urge all my colleagues to support this amendment. Once again, I want to compliment the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for their terrific work on this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHNER. I urge my colleagues to support the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DOOLEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 107–69.

□ 1545

AMENDMENT NO. 8 OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. VITTER:

In part E of title VIII of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 801 of the bill, after section 8519, insert the following (and redesignate succeeding paragraphs, and any cross-references thereto, accordingly):

"SEC. 8520. ARMED SERVICES RECRUITING.

"Any secondary school that receives Federal funds under this Act shall permit regular United States Armed Services recruitment activities on school grounds, in a manner reasonably accessible to all students of such school.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Louisiana (Mr. VITTER) and a Member opposed each will control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. GEORGE MILLER)?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to speak in favor of the Vitter-Sessions amendment to H.R. 1. This amendment will prevent discrimination against armed services recruiters and will simply offer them fair access to secondary schools that accept Federal funding.

Mr. Chairman, top Department of Defense manpower officials, as well as the actual military recruiters on the ground, in the trenches, if you will, face daunting challenges in beefing up our military with good, new, young recruits. That is particularly true in a flourishing economy.

What I find truly dismaying and alarming, however, is that the Pentagon estimates there are some 2,000 schools nationally that actually have policies banning recruiters from their campuses.

Should we discriminate against our national interests of a strong armed services by restricting which youth have access to choose a career in the U.S. military?

Recruiters have stated that in many cases they have been denied access simply and solely because of school administrators' own personal antimilitary bias or lack of familiarity with the positive aspects of military service.

What is going on clearly, Mr. Chairman, is pure, old-fashioned bad political correctness and antimilitary ideology being shoved down the throats of our young people.

This amendment simply states that secondary educational institutions that receive Federal funding must allow the same Armed Forces that are sworn to protect and defend the lives of students and teachers access to students in those educational institutions, just like college recruiters, university recruiters, and employment recruiters are given access on those campuses.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know of no real opposition to this amendment. There are some who obviously think that this is a decision school boards ought to be making. They are elected by the people in the community; if that is the view of the people in the communities, then maybe they ought to reflect that. But I know of no real opposition here.

Mr. Chairman, I yield back the balance of my time.

Mr. VITTER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I thank the gentleman from Louisiana (Mr. VITTER) for yielding me the time.

This Vitter-Sessions amendment is very important for the Armed Forces of this country. We have heard today how school boards all across this country and up to 2,000 schools nationally have banned military recruiters from coming on their campus.

It is of the utmost importance that the American military have the opportunity to not only come and tell their story about the military, but also to attract some of the brightest and best of our young people.

Mr. Chairman, see, many times there are people who have no other opportunities, whether it be college or other directions, and the military stands as a fabulous, not only career, but an opportunity for public service that young men and young women all across our country, and they might not have that opportunity simply because a school board or a school superintendent or principal might have a bias against the military.

I was on the U.S.S. *John C. Stennis*, which is one of our largest aircraft carriers, just a few weeks ago and spoke with person after person, young persons from all across this country, and many of them expressed to me that the vision and idea that they had not only about serving our Nation came from a member of the military who visited their campus, but also from a loved one who perhaps served in the military.

Mr. Chairman, I will tell my colleagues this amendment to H.R. 1 of allowing the military the opportunity to recruit on school campuses all across America is not only in the best interests of America, but it is in the best interests of every one of our students.

Mr. Chairman, I thank the gentleman from Louisiana (Mr. VITTER) for his leadership.

Mr. VITTER. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I want to thank the gentleman from California (Mr. GEORGE MILLER) for his kind words.

Earlier today we debated the World War II memorial and remembered those who served. For schools to accurately depict history, they have to talk about those who served.

Serving in the military is honorable. Military service increases self-esteem, discipline, devotion to duty, selfless service, and love of country. That is not too bad. No recruiters; no money.

Let us open the door to those who serve our young men and women and allow them to serve this great Nation. We, as a Nation, will not be disappointed.

Mr. VITTER. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I enthusiastically support the Vitter-Sessions amendment. It is hard to believe that recruiters do not have access to our young men and women, but this is an opportunity for character education.

It is an opportunity for national security. This brings to our schools, through ROTC, character, honesty, integrity, core values of the military. I appreciate the gentleman bringing this to our attention, and I strongly support the Vitter-Sessions amendment and recommend my colleagues do the same.

Mr. DEFAZIO. Mr. Chairman, I intend to vote against the Vitter amendment not because I personally believe military recruiters should be excluded from school grounds but because I strongly support the ability of local communities to determine what is best for their schools and their children.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. VITTER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. VITTER) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider Amendment Number 9 printed in House Report 107–69.

AMENDMENT NO. 9 OFFERED BY MR. TIBERI

Mr. TIBERI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. TIBERI:

At the end of the provision proposed to be added by section 701 of the bill, add the following:

"PART C—LOCAL FLEXIBILITY DEMONSTRATION

"SEC. 7301. SHORT TITLE.

This part may be cited as the "Local Flexibility Demonstration Act".

"SEC. 7302. PURPOSE.

"The purpose of this part is to create options for local educational agencies—

"(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;

"(2) to improve teacher quality and subject matter mastery, especially in mathematics, reading, and science;

"(3) to empower parents and schools to effectively address the needs of their children and students;

"(4) to give local educational agencies maximum freedom in determining how to boost academic achievement and implement education reforms;

"(5) to eliminate Federal barriers to implementing effective local education programs;

"(6) to hold local educational agencies accountable for boosting the academic achievement of all students, especially disadvantaged children; and

"(7) to narrow achievement gaps between the lowest and highest performing groups of students so that no child is left behind.

"SEC. 7303. AGREEMENTS TO PROVIDE LOCAL FLEXIBILITY.

"(a) AUTHORITY.—Except as otherwise provided in this part, the Secretary shall enter into performance agreements—

“(1) with local educational agencies that meet their State's definition of adequate yearly progress, that submit approvable performance agreement proposals, and that are selected under paragraph (2); and

“(2) under which the agencies may consolidate and use funds as described in section 7304.

“(b) Selection of Local Educational Agencies.—

“(1) In general.—Subject to paragraph (2), the Secretary shall enter into performance agreements under this part with not more than 100 local educational agencies. Each such local educational agency shall be selected from among those local educational agencies that—

“(A) submit a proposed performance agreement to the Secretary and demonstrate, to the satisfaction of the Secretary, that the agreement)

“(i) has substantial promise of meeting the requirements of this part; and

“(ii) describes a plan to combine and use funds (as authorized under section 7304) under the agreement to meet the State's definition of adequate yearly progress);

“(B) provide information in the proposed performance agreement regarding how the local educational agency has notified the State of the local educational agency's intent to submit a proposed performance agreement; and

“(C) have consulted and involved parents and educators in the development of the proposed performance agreement.

“(2) Geographic distribution.—

“(A) In general.—

“(i) Initial agreements.—During the period of time that expires 3 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary may enter into not more than 2 performance agreements under this part with local educational agencies in each State.

“(ii) Subsequent agreements.—After the expiration of the 3-year period beginning on the date of enactment of the No Child Left Behind Act of 2001, the Secretary may enter into performance agreements under this part with any number of local educational agencies in each State until the total number of such agreements equals 100.

“(B) Urban and rural areas.—If more than 2 local educational agencies in a State submit approvable performance agreements under this part, the Secretary shall select local educational agencies for performance agreements under this part in a manner that ensures an equitable distribution among such agencies serving urban and rural areas.

“(c) Required Terms of Performance Agreement.—Each performance agreement entered into with the Secretary under this part shall have each of the following terms:

“(1) Term.—The performance agreement shall be for a term of 5 years.

“(2) Application of program requirements.—The performance agreement shall provide that no requirements of any program described in section 7304(b) and included by the local educational agency in the scope of the agreement shall apply to the agency, except as otherwise provided in this part.

“(3) List of programs.—The performance agreement shall list which of the programs described in section 7304(b) are included in the scope of the performance agreement.

“(4) Use of funds to improve student achievement.—The performance agreement shall contain a 5-year plan describing how the local educational agency intends to combine and use the funds from programs included in the scope of the performance agreement to advance the education priorities of the State and the local educational agency, meet the general purposes of the included programs, improve student achievement, and narrow achievement gaps.

“(5) Local input.—The performance agreement shall contain an assurance that the local educational agency will provide parents, teachers, and schools with notice and an opportunity to comment on the proposed terms of the performance agreement in accordance with State law.

“(6) Fiscal responsibilities.—The performance agreement shall contain an assurance that the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the performance agreement.

“(7) Civil rights.—The performance agreement shall contain an assurance that the local educational agency will meet the requirements of applicable Federal civil rights laws in carrying out the agreement and in consolidating and using the funds under the agreement.

“(8) Private school participation.—The performance agreement shall contain an assurance that the local educational agency agrees that in consolidating and using funds under the performance agreement—

“(A) the local educational agency will provide for the equitable participation of students and professional staff in private schools; and

“(B) that sections 8504, 8505, and 8506 shall apply to all services and assistance provided with such funds in the same manner as such sections apply to services and assistance provided in accordance with section 8503.

“(9) Annual reports.—The performance agreement shall contain an assurance that the local educational agency agrees that not later than 1 year after the date on which the Secretary enters into the performance agreement, and annually thereafter during the term of the performance agreement, the local educational agency shall disseminate widely to parents and the general public, transmit to its State educational agency and the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes a detailed description of how the local educational agency used the funds consolidated under the agreement to improve student academic achievement and reduce achievement gaps.

“(c) Approval.—Not later than 60 days after the receipt of a proposed performance agreement submitted by a local educational agency under this part, the Secretary shall approve the performance agreement or provide the local educational agency with a written determination that such agreement fails to satisfy the requirements of this part.

“(d) Amendment to Performance Agreement.—

“(1) In general.—In each of the following circumstances, the Secretary shall agree to amend a performance agreement entered into with a local educational agency under this part:

“(A) Reduction in scope of performance agreement.—Not later than 1 year after entering into the performance agreement, a State seeks to amend the agreement to remove from the scope any program described in section 7304(b).

“(B) Expansion of scope of performance agreement.—Not later than 1 year after entering into the performance agreement, a State seeks to amend the agreement to include in its scope any additional program described in section 7304(b) or any additional achievement indicators for which the State will be held accountable.

“(2) Approval of amendment.—

“(1) In general.—Not later than 60 days after the receipt of a proposed amendment to the performance agreement submitted by a local educational agency, the Secretary shall approve the amendment or provide the agency with a written determination that the amendment fails to satisfy the requirements of this part.

“(B) Treatment as approved.—Each amendment for which the Secretary fails to take the action required in subparagraph (A) in the time period described in such subparagraph shall be considered to be approved.

“(3) Treatment of program funds withdrawn from agreement.—Beginning on the effective date of an amendment executed under paragraph (1)(A), each program requirement of each program removed from the scope of a performance agreement shall apply to the local educational agency's use of funds made available under the program.

“SEC. 7304. CONSOLIDATION AND USE OF FUNDS.

“(a) In General.—

“(1) Authority.—Under a performance agreement entered into under this part, a local educational agency may consolidate, subject to subsection (c), Federal funds made available to the agency under the provisions listed in subsection (b) and use such funds for any educational purpose permitted under this Act.

“(2) Program requirements.—Except as otherwise provided in this part, a local educational agency may use funds under paragraph (1) notwithstanding the program requirements of the program under which the funds were made available to the State.

“(b) Eligible Programs.—Funds made available under programs under each of the following provisions of this Act may be consolidated and used under subsection (a):

“(1) Title II.

“(2) Part A of title IV.

“(3) Subpart 1 of part A of title V.

“(4) Part B of title V.

“SEC. 7305. LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.

“Each local educational agency that has entered into a performance agreement with the Secretary under this part may use for administrative purposes not more than 4 percent of the total amount of funds allocated to the agency under the programs included in the scope of the performance agreement.

“SEC. 7306. PERFORMANCE REVIEW AND PENALTIES.

“(a) Midterm Review.—The Secretary may not enter into a performance agreement under this part unless the agreement includes a provision permitting the Secretary, after notice and an opportunity for a hearing, to terminate the agreement if, during the term of the agreement, the local educational agency that is party to the agreement fails to make adequate yearly progress for 3 consecutive years.

“(b) Final Review.—If, at the end of the 5-year term of a performance agreement entered into under this part, a local educational agency that is party to the agreement has not met the achievement goals contained in the performance agreement, the Secretary may not renew the agreement under section 7307 and, beginning on the date on which such term ends, the local educational agency shall be required to comply with each of the program requirements in effect on such date for each program included in the performance agreement.

"SEC. 7307. RENEWAL OF PERFORMANCE AGREEMENT.

"(a) In General.—Except as provided in section 7306(b) and in accordance with this section, the Secretary shall renew for 1 additional 5-year term a performance agreement entered into under this part if the State that is party to the agreement has met or has substantially met, by the end of the original term of the agreement, the achievement goals contained in the agreement.

"(b) Notification.—The Secretary may not renew a performance agreement under this part unless, not less than 6 months before the end of the original term of the agreement, the local educational agency seeking the renewal notifies the Secretary of its intention to renew.

"(c) Effective Date.—A renewal under this section shall be effective at the end of the original term of the agreement or on the date on which the local educational agency seeking renewal provides to the Secretary all data required under the agreement, whichever is later.

"SEC. 7308. REPORTS.

"(a) Transmittal to Congress.—Not later than 60 days after the Secretary receives a report described in section 7303(c)(9), the Secretary shall make the report available to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

"(b) Limitation.—A State in which a local educational agency that is party to a performance agreement entered into under this part is located may not require such local educational agency to provide any application information with respect to the programs included within the scope of such performance agreement other than that information that is required to be included in the report described in section 7303(c)(9).

"SEC. 7309. DEFINITIONS.

"In this part, the following definitions apply:

"(1) Adequate yearly progress.—The term 'adequate yearly progress' means the adequate yearly progress determined by the State in which a local educational agency is located pursuant to section 1111(b)(2)(C).

"(2) All students.—The term 'all students' means all students attending public schools or charter schools that are participating in the State's accountability and assessment system.".

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Ohio (Mr. TIBERI) and the gentleman from California (Mr. GEORGE MILLER) will each control 15 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first would like to thank the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce, and the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform, for their fine work on this piece of legislation and for their support for the amendment that I am offering at this time.

Mr. Chairman, this amendment expands upon what is already in this bill, which is a good bill; and it will make this bill a better bill.

Under this amendment sponsored by myself and the gentleman from Delaware (Mr. CASTLE), local school districts could sign performance agreements with the Secretary of Education to allow them to consolidate non-title I formula grant programs together.

Only two districts per State in all 50 States, for a total of 100 school districts, may do this. If approved by the Secretary, districts could be relieved of the requirements of those Federal programs that they consolidate.

If a school district is a failing school district, they may not apply. School districts that fail to make progress during the performance agreement contract may not continue to participate, thus the Secretary may cancel the agreement.

This piece of legislation is supported by the National School Boards Association, the Association of School Administrators, and the Council of Great City Schools. It offers local flexibility, local accountability, which will equal results.

Let us pass this amendment. Let us give additional tools to our locally elected school board members, to our local superintendents, so they can help the young men and women in our classroom.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. I think basically the core problem with this amendment is that, in fact, the block grant, the manner in which it is constructed and the school districts that would, in fact, qualify for it really stands accountability on its head.

In fact, you have the ability of a school district to be failing, if you will, essentially almost 4 years out of 5 years, and at the same time receive the ability to do this.

Mr. Chairman, I realize that the amendment suggests if you make inadequate yearly progress, you can then have the block grant approach. But the fact of the matter is, you can fail to meet adequately yearly progress for 2 years, you could meet it a 3rd year or you could be back again in 2 years and you continue to get the block grant approach.

I think that that takes away much of the accountability that we have sought to have in this legislation. I think allowing the school districts to use these grants eliminates the very purpose of which we establish these priorities.

Why would we want to have a district eliminating spending on teacher quality when we continue to have large numbers of uncertified and unqualified teachers? Clearly in the legislation before us, we allow for greater flexibility. We also recognize that there is a purpose and a reason for these priorities. That is why we do not go to a block grant.

We try to provide that flexibility, but we also try to make sure that the purposes for which that money was sent is maintained by allowing school districts to move some of that money back and forth across those lines, but not too to engage in the block grant approach.

So for those reasons, Mr. Chairman, I oppose this amendment and would ask my colleagues to oppose this amendment.

I think that the arrangement that we have arrived at within the current legislation that is before us, that the gentleman from Indiana (Mr. Roemer) and others worked on to provide a substantially greater level of flexibility for districts, is a better answer than to provide these block grants.

Mr. Chairman, I reserve the balance of my time.

Mr. TIBERI. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Ohio (Mr. TIBERI), the sponsor of the amendment, for yielding the time to me.

Mr. Chairman, I join in support of it.

Before I speak to that, I would like to point out something which is very important. We are actually talking about an amendment to something else that was really created by the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, the gentlewoman from Hawaii (Mrs. MINK), who is here on the floor right now, and various others, which is something called local Straight A's, which we have never had before.

I think it is very important that all of us understand what we are dealing with here, because I think local Straight A's was actually an ingenious concept to really introduce flexibility in the use of Federal dollars with respect to State and local governments which so many of us have talked about for so long.

First of all, it is open to all districts and States, local flexibility. Second, it is automatic flexibility. You can do it, you do not have to get approval. You just go about doing it.

You can transfer up to 50 percent of the funds in any of the various Federal programs with the exception of title I. Money can only be transferred into title I, and you still must meet the program requirements.

You can transfer up to 50 percent of the money and it coexists with other proposals, such as education flexibility. It is something that virtually all of us in the committee, once it was shaped, agreed upon as something which is a vast improvement to what we have now. I would hope that all of us in this Congress would understand that and would support it.

Mr. Chairman, turning to the program at hand, which is, for lack of a better term, superlocal flexibility, this is an extension beyond that. The gentleman from Ohio (Mr. TIBERI) has very carefully thought this out and deserves a lot of credit for it. And my colleagues heard the description of it here.

But there are certain things we need to understand. First of all, this is a pilot program which can only apply to 100 districts in 50 States, no more than two per State across our country. So we are not dealing with all the States.

Second, this program, unlike the local flexibility, would be subject to the approval of the Secretary. So you would have to enter into an agreement with the Secretary in order to make sure that you are carrying out your educational purposes correctly.

Next, the school district would have to make adequate, clear progress or they cannot apply for this. So they would have to be able to demonstrate that. It does include a variety of programs, the Teachers Program in title II; the title IV(A), block grant; the title V(A), safe and drug free schools; the technology programs and certain of the bilingual programs.

□ 1600

But the title I accountability remains and is still part of the underlying concepts of what every school district has to do. The schools must meet the general purposes of the program.

I believe, because of the limitation on it, it is a pilot program, because of the Secretarial approval, because title I is still protected, that giving this extension to those schools who feel they can go this far, and I am not sure there are that many who feel they can, but up to these 100 districts is worthwhile.

I happen to believe in pilot programs when I think it can extend the good purpose of what we are trying to do in education. I believe that is a concept that is embodied in the super-local flexibility program which we have here before us. Remember, no school has to participate.

So I would encourage everyone to look at it to consider supporting it, hopefully supporting it, and joining in giving us more flexibility as we give more money back to the State and local education areas.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from California for yielding me this time. I, as a member of the Committee on Education and the Workforce, reluctantly rise in opposition to the amendment.

Mr. Speaker, I have been a strong proponent for greater flexibility at the local school level and in the course of drafting H.R. 1, working in a bipartisan fashion, for the need for greater consolidation of the Federal programs. H.R. 1 contains that consolidation and flexibility.

But with that consolidation comes incredible flexibility already built into the core bill. In fact, between the various titles, excluding title I, the targeted title for disadvantaged students, the rest of the titles on H.R. 1 have 50 percent flexibility in the transfer of funds from title to title. Therefore, I really do not see the need for this amendment.

As the gentleman from Delaware (Mr. CASTLE) pointed out, I doubt there are going to be many school districts that are in a position to take advantage of it or willing to take advantage, because I believe there are merits to having some specific titles with specific goals and purposes underneath those titles.

In an era in which we are facing a 2.2 million teacher shortage over the next 10 years, it does not really make sense to allow flexibility of taking money out of the recruitment and retention and investing it in quality teaching programs when we have such a shortfall.

At a time when most of us, especially parents with kids in the school district already who are very concerned about school safety issues and the bullying that is taking place on the school grounds, whether or not schools should be taking money out of school safety programs or after-school programs, for instance, I just do not think this is a judicious use of the amendment process in asking for complete flexibility, even though it is in a limited fashion, even though it is targeted at the local school districts, because we have already built in in the underlying bill an incredible amount of flexibility that we are giving local school districts.

I do not think many of us really want to be able to answer back to the constituents who we represent and the taxpayers when it comes to accountability issues.

I think the gentleman from California (Mr. GEORGE MILLER) did point out a glaring weakness in the amendment, and that is in overriding accountability provisions that are contained in H.R. 1. We are going to deviate from that aspect with this amendment. So I encourage my colleagues to oppose this and vote for the underlying bill.

Mr. TIBERI. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Chairman, I thank the gentleman from Ohio (Mr. TIBERI) for bringing this amendment to the floor. I rise in support of it because I recognize there are unique circumstances where this type of flexibility ought to be available to our systems.

Rather than making a general speech, I would like to use two specific examples, the city of Dalton public schools in Georgia and the city of Gainesville public schools in Georgia.

Ten years ago, both these systems had a Hispanic population that was less than a fraction of a percent. Today, in the city of Dalton, the percentage of Hispanic students is almost 60 percent, as it is in the city of Gainesville.

This amendment recognizes that there are certain circumstances where the uniqueness of challenges that confront a system are overriding.

To let my colleagues know how pressing that is, in the city of Dalton, a gentleman by the name of Erwin Mitchell, 7 years ago, started something called the Georgia Project, a project that exchanges teachers from Georgia with the University of Monterey in Mexico to teach Hispanic-speaking teachers English and English-speaking teachers Spanish so when they exchange those students, and they come to Georgia, that we have the ability to train children from their primary language of Spanish to the language of English in a rapid period of time.

This type of a circumstance directly addresses the gentleman's amendment. Those two systems could apply to the Secretary and say we have unique circumstances to which we aspire to perform. But we must and need to move resources earmarked for one program into our programs to speakers of other languages other than English.

It is a 5-year agreement. It is performance based. It allows a system that has very unique circumstances, but circumstances that are entirely troubling, to address them and confront them and use Federal funds to do so.

So I think the gentleman from Ohio (Mr. TIBERI) and the gentleman from Delaware (Mr. CASTLE) have recognized that there are places and there are times and there are circumstances where maximum flexibility should and ought to be granted. It should be based on the Department's willingness to approve the application of the local system and a contract between the two parties to address specifically the problem that they are confronted with.

I think the gentleman from Ohio (Mr. TIBERI) and the gentleman from Delaware (Mr. CASTLE) have recognized we have unique circumstances, that this local flexibility allows us to address those; and I commend the amendment to the body.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I had the privilege of serving on the working group. From the moment that the two sides, the majority and minority met, there were two things which we laid on the table and said from the viewpoint of the minority we could not possibly ever accept. One had to do with vouchers and the other had to do with the block grants that we refer to as Straight A's. There was absolutely no possibility that our position could have been misunderstood.

So as we worked our way through all of the other matters that we were confronted with in trying to develop a core bill, to the very end we were absolutely certain that we would not accept a block grant provision.

What has been written into the bill is not a block grant position at all. It has to do with the transferability of funds from one program, keeping the identified program restrictions. One could move from teacher development into technology or into school safety, but if one did transfer the funds from one project to another, one had to be sure that the program restrictions were completely adhered to. That is not a block grant. That is not Straight A's. That was the commitment that we made on both sides in order to dispose of the possibility that we could really engage in a debate on block grants.

Yet, here we are in developing this particular debate today, struck with a block grant provision which is exactly the antithesis of what we said we were going to come out and defend on the floor.

This is a pilot program. Certainly that is what it is. Two school districts in every State is a modest beginning. It is a pilot program. But without question, it is a block grant because it completely obliterates the program definitions. One could just take the money and spend it for whatever one wanted to. That certainly obliterates the function of accountability for this Chamber.

We are accountable to taxpayers. It is our job to define what the needs of our school districts are. We have defined it as teacher quality being very, very important, the necessity to upgrade our school systems so that they can meet the challenges of the future and technology, school safety, and so forth.

We allow transferability. We are not being stiff about it. But certainly we can see this before us without all the camouflage that this is nothing more than a Straight A's on a pilot program designed to go into the States and give to school districts the opportunity to spend this particular title money for anything that they please. That is certainly not accountability for us.

If we are demanding accountability on the schools and on the teachers, on the principal, we ought to be accountable for defining how monies are to be spent and not allow it to go for a block grant kind of distribution.

Mr. TIBERI. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in strong support of the Tiberi-Castle amendment.

For many years, the most dreaded words school board members would hear is we are from Washington D.C. and we are here to help you. Why? Because they only get 7 cents on every educational dollar from Washington, D.C., yet over half of the red tape that they have to fill out because of us. They wanted dramatic red-tape relief and flexibility.

Right now, the bill as is is pretty good. They can use up to 50 percent of their non-title I money any way they want, switching it around. But what we are saying in this particular amendment to 100 school districts is we are going to give you a chance to put your money where your mouth is. We are going to give complete flexibility to the first 100 districts who take us up on it, other than their title I money, to use it however they want, however they see fit in exchange for accountability.

That means, if a particular school does not have a problem with teacher development or have a problem with drug prevention, but they do not have computers wired to the Internet, then they can switch the money they had from teacher development and wire the computers to the Internet.

Similarly, if another school is completely wired to the Internet, but they do not have enough money to hire new teachers or teacher development, they can switch that money.

Complete flexibility, giving them the opportunity to do what is best. No longer will we have a situation, we are here from Washington and we are here to help. This gives them flexibility. It provides local control. It is a positive step to improving our children's education.

If a school district does not believe that this is in their best interest, then they certainly do not have to apply for it. I suspect that we will have 100 school districts promptly apply to this.

I urge all my colleagues to vote yes on the Tiberi-Castle amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. TIBERI) and do so for three reasons.

One reason is because we are here in this body to legislate and to write substantive legislation in order to improve education for children, not to respond with bumper sticker slogans like Straight A's that make appeals to politics.

I am afraid that this proposal that we have offered is Straight A's, plain and simple. It may be camouflaged. It may be Straight A's ultra-lite, but it is block grants.

I encourage my colleagues, I implore my colleagues to read the bill that we have worked on for 5 months. The bill we have worked on for 5 months sends Federal dollars directly to the classroom. Under this amendment, one could divert up to 4 percent of the money for administrative costs. We want the kids and the teachers getting the money.

Secondly, the priorities are set by the communities, the local community, the LEA, not the State, not a State plan, not a Governor, our local communities.

Thirdly, it targets funds to the students that need it, the poor students, the title I.

Lastly, it provides flexibility and local control.

That is all in the bill. Why do we want to change that for a bumper sticker solution like Straight A's.

The second reason we should defeat this amendment is because it flies in the face of accountability. Everything we are trying to do in this bill is trying to attach accountability and better results with flexibility. But under this amendment, one can have a school fail to meet adequate yearly progress for 4 out of 5 years, that is a failing school; and one still gets rewarded for that failure.

One is still able to divert funds to administrative costs or do other things with the money instead of improving it for those children that are not performing adequately.

Lastly, the Achilles heel of this bill is teacher quality. That is something this Congress is going to have to continue to work on for a decade to come. I do not think this bill adequately solves and looks in innovative ways to solve that problem. This amendment exacerbates that problem even more by allowing one to transfer money out of teacher quality as well, too.

The base bill is strong. It allows transferability of up to 50 percent of funds as one meets adequate yearly progress. It is flexible. It targets money to the poorest kids. It emphasizes teacher quality.

Do not succumb to the bumper-sticker solution to complicated education problems in our communities. Vote down this amendment. Keep with the bipartisan bill.

Mr. TIBERI. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I rise in strong support of the Tiberi-Castle amendment.

I visit a school almost every week in my district; and I talk to a lot of teachers, parents, administrators, and, yes, school board officials, too. I have always believed in strong local control, that the folks at the local level know best what they need to do for their students and their teachers and their systems.

This is not a mandate. This amendment allows the school district to participate if they choose to participate. It is their decision, not some boilerplate language that comes down from on high.

□ 1615

Now, as I have been listening to the debate for the last few minutes, I hear a number of Members on the other side of the issue in fact saying these words. They talk about we need to look at and define what the needs of our school districts are; "we" being, I guess, the Federal Government. No, the locals need to decide what is best for the needs of their school districts, and that is exactly what this amendment does. The school districts themselves determine what their needs are. They alone decide whether they want to participate or not, and whether it be teacher training or the Safe and Drug Free School Act, technology training, or all those things.

No, they cannot steal money from title I, but they can put some of this money into title I to expand that program. The flexibility is there. If my colleagues are for local control, if they want those decisions made at the local level, they need to vote for the Tiberi-Castle amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from California for yielding me this time, and I rise in support of the bipartisan agreement to this bill and in respectful opposition to this amendment.

I understand the rationale of those who support this amendment; that local school decision-makers more often than not make good decisions on behalf of their students, and I agree with that conclusion. But I believe that the flaw in this amendment is its misunderstanding of the historical reasons why we have separate Federal programs for educational needs. These programs are not borne out of a conclusion that Washington knows best. They are borne out of the historical reality that very often States and localities do not address, for a variety of reasons, particular local needs.

Two of the areas in this proposal that are of particular concern are teacher quality and technology. Many of us have read the recent research studies which show that there will be an acute and severe teacher shortage in our country in the years to come. Certainly we do not have all the answers as to how to address that demand for teacher quality, but we do know that very often, teacher quality ranks toward the bottom of concerns of local school districts because of other political considerations that are understandable. If they want to get rid of varsity football, there will be 500 parents at a school board meeting; but if they want to get rid of sabbaticals or summer programs for the teachers, probably no one will show up.

In the area of technology, a similar argument applies. If the school district decides it wants to get rid of the marching band or the drama club, dozens of parents will come out and understandably protest against such a decision; but if there is a decision to cut back on the software contract or a decision not to upgrade the computers in the learning resource center quite as quickly, we very often find no one cares.

So I believe that the importance of defeating this amendment is the recognition of the historical reality that Federal programs here are to serve a discrete and necessary purpose that still compels and demands our support. For that reason, I would ask my colleagues to join with the bipartisan consensus of this bill and defeat the amendment.

Mr. TIBERI. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague from Ohio and congratulate him on this amendment, along with his partner, the gentleman from Delaware (Mr. CASTLE).

Now, our friends across the aisle, who we have worked closely with through this whole process, are right, they do not like this, and it is why we do not have Straight A's in the bill, that is why we do not have 50 States, and that is why we do not have seven States. Now we are down to 100 school districts in America as a demonstration project for one reason, to let innovation shine.

Now, I think all my colleagues understand that title I is protected under this demonstration project. Bilingual education programs are protected. All of the targeting of resources going to school districts is protected. All of the accountability standards that we have in our bill still exist. But what it does say is that for 100 districts in America, two in every State, we are going to give them an opportunity, if they would like, in exchange for a higher-accountability standard, to have more increased flexibility.

Now, think about this for a moment. What happened in American industry over the last 15 years? They began to empower their workers, and as they began to empower their workers, guess what happened? We got all kinds of new productivity in the economy. Every good company in America today does everything they can to empower every one of their workers.

What we are saying with this amendment is let us empower 100 school districts in America to bring to Washington their best innovative ideas about how they can better educate the children in their school district in exchange for more flexibility and more accountability.

I think this is an opportunity to try. This is not the camel's nose under the tent. This is an opportunity to say let us see what is happening in America. Let us give them an opportunity to see how high they can set the bar and to see what they can accomplish. It is a good amendment and it deserves our support.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. WU).

The CHAIRMAN. The gentleman from Oregon is recognized for 2½ minutes.

Mr. WU. Mr. Chairman, I want to say this as respectfully as I possibly can to all my friends in the Chamber. For the folks who just passed a huge, huge mandate on local schools, mandatory national testing, I find this flip-flop of positions absolutely breathtaking. It is one of the striking things we can do in this Chamber.

We debated block grants in the First Congressional District of Oregon, and the decision was pretty darn clear. Not only do Oregonians, and I think most Americans, want some accountability for public dollars spent for public purposes, that is the least that we can do for Federal funds that are spent for identifiable purposes in this bill.

Also, I think Oregonians and most Americans can recognize that block grants are step one of a cynical two-step process. First, you muddy up the waters so that you cannot identify where the money is going anymore; and then the second step is you cut. You cut the support. It is like stretching out a chicken's neck. That is step one. And then the chop comes down.

Step two. It is a cynical two-step process to cut Federal support for education. That was the debate we had in Oregon. The perspective I have on this prevailed in that debate, and I hope it does today.

I urge opposition respectfully to the gentleman's amendment.

Mr. TIBERI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for 2½ minutes.

Mr. TIBERI. Mr. Chairman, in Ohio, we have 611 school districts. Within my Congressional District, I have urban, suburban, and rural public school districts. I know of at least one school district, the one I happened to graduate from, that would not be eligible to even apply for this program.

The point of the matter is, out of those rural, suburban, and urban school districts, those superintendents and school board members of those public schools within my district have told me what their problems are, and their problems with respect to Federal funding are, in many cases, quite different. What we are doing today with this amendment, Mr. Chairman, is giving them the elected school boards in public schools throughout America, the ability to decide how to spend the dollars that they send to Washington, D.C.

I urge this House to support the amendment.

Mr. PETRI. Mr. Chairman, I rise in support of the Tiberi-Castle amendment, which would place academic results instead of rules and regulations at the center of federal education programs.

Since enactment of the Elementary and Secondary Education Act 36 years ago, our approach to helping schools has been very inflexible and heavy-handed. We have set strict regulations as to what communities can and cannot do with federal education dollars, and what priorities they have to set.

It has become clear that this approach hasn't worked. After all the billions of dollars spent by the federal government since 1965, we haven't seen a narrowing of the rich-poor educational gap, schools are neither safe nor drug-free, and it seems that much of the "professional development" money is wasted. It's far past time to try another approach.

I have strongly supported previous proposals to give states and localities more flexibility in the use of federal funds, in return for real accountability, such as the "Straight A's" bill in the last Congress and the President's "Charter States" proposal in the original version of H.R. 1.

I think the Tiberi-Castle amendment is also a step forward in this regard.

Building on the "Local A's" provision in the Committee-reported bill, up to 100 school districts can enter into performance agreements with the Secretary of Education and consolidate programs, freeing themselves from requirements, regulations, and paperwork associated with many federal programs, and allocating resources to more closely fit local needs.

Participation is completely voluntary, and no school district will have their federal funding reduced by one penny for participating.

This amendment will apply the central premise of charter schools—freedom in return for academic results—to local educational agencies, and allow them to spend more time and resources on teaching and less on meeting requirements of various federal programs.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TIBERI).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announces that, pursuant to clause 6 of rule XVIII, proceedings will resume on amendment No. 8 offered by the gentleman from Louisiana (Mr. VITTER) immediately after this vote, and that a vote on amendment No. 8, if ordered, will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—ayes 217, noes 209, not voting 6, as follows:

[Roll No. 132]

AYES—217

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
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Wicker
Wilson
Wolf
Young (AK)
Young (FL)

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Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Abercrombie
Cubin
Frank
Granger
Hansen
Moakley

☐ 1646

Messrs. GORDON, LARSEN of Washington, and SCHIFF changed their vote from "aye" to "no."

Mr. HORN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. GRANGER. Mr. Chairman, on rollcall Nos. 131 and 132 I was unavoidably detained. Had I been present, I would have voted "yea" on both amendments.

AMENDMENT NO. 8 OFFERED BY MR. VITTER

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. VITTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 366, noes 57, not voting 9, as follows:

[Roll No. 133]

AYES—366

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
King (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—57

Baldwin
Berkley
Blumenauer
Brady (PA)
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
Farr
Fattah
Filner
Gilchrest
Gutierrez
Hinchey
Holt
Honda
Hooley
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren
Lowey
Markey
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Nadler
Neal
Oberstar
Pastor
Paul
Payne
Pelosi
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Schakowsky
Scott
Slaughter
Solis
Stark
Thompson (CA)
Tierney
Velazquez
Waters
Watt (NC)
Weiner
Woolsey
Wu

NOT VOTING—9

Abercrombie
Conyers
Cubin
DeMint
Frank
Hansen
Meek (FL)
Moakley
Olver

☐ 1655

Mr. GILCHREST changed his vote from "aye" to "no."

Mrs. DAVIS of California, Messrs. SERRANO and SMITH of Washington changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BOEHNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, proceedings will now resume on the motion to suspend the rules on which further proceedings were postponed yesterday.

SMALL BUSINESS LIABILITY PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1831.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GILLMOR) that the House suspend the rules and pass the bill, H.R. 1831, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 13, as follows:

[Roll No. 134]

YEAS—419

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Coble
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner

Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Clyburn
Collins
Cubin
DeMint
Frank
Graham
Hansen
Hoyer
Moakley
Rangel
Rush
Solis

☐ 1721

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GARY MILLER of California. Mr. Speaker, yesterday on rollcall vote 127 I was electronically recorded as voting "yes" on H.R. 1885. I intended to vote "no."

CONGRATULATING DETROIT AND ITS RESIDENTS ON THE TRICENTENNIAL OF THE CITY'S FOUNDING

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 80) congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Ohio?

Mr. DAVIS of Illinois. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio (Mr. LATOURETTE) to explain the bill.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, this resolution congratulates the city of Detroit and its residents on the city's tricentennial. It is fitting that the Congress chooses to honor Detroit's three centuries, rich in culture, ethnic diversity, natural resources, commerce, and industry.

Detroit, which began in 1701 as a French community known for its fur trade, is now the tenth most populous city in the United States. Throughout its history, Detroit has served as a strategic staging area during the French and Indian War, an important stop for the Underground Railroad, and as the city that made automobiles affordable for people of all walks of life.

Detroit also has a rich sports tradition and unique cultural attractions. Several centers of cultural excellence are located in Detroit, including the Lewis College of Business, the only institution in Michigan designated as an historically black college.

Throughout its history, Detroit has provided America with many great artists, including Berry Gordy, who created the musical genre known as the Motown Sound.

Mr. Speaker, on behalf of Congress, I would like to congratulate the city of Detroit and its residents for their important contributions to the economic, social, and cultural developments of the United States. This year Detroit is 300 years old.

Mr. DAVIS of Illinois. Mr. Speaker, continuing to reserve the right to object, I would say that the gentlewoman from Michigan (Ms. KILPATRICK) introduced this resolution to congratulate Detroit and its residents on the 300th anniversary of the city's founding.

The city of Detroit, founded in 1701, incorporated as a city in 1815, has many great attributes, but none greater than the people who contribute to the cultural and economic diversity of the city.

During the 19th century, it took brave and courageous people to make Detroit a vocal center of antislavery advocacy, and for more than 40,000 individuals seeking freedom in Canada, it was an important stop on the Underground Railroad.

Detroit is known as the automotive capital of the Nation, and an international leader in automobile manufacturing and trade because of the workers and laborers who worked on the assembly line, and continue to do so.

It is fitting that the Detroit Historical Museum, in recognition of Detroit's 300th anniversary, honor 30 Detroiters who dared to make a difference. The exhibit features the biographies of Detroiters who have made a difference in various ways over three centuries. It is not meant to choose or display the most important people. Rather, the names selected illustrate the diversity of Detroit's history by telling lesser-known stories.

I certainly want to congratulate the city of Detroit.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Ms. KILPATRICK. Mr. Speaker, reserving the right to object, I thank the chairman, the gentleman from Ohio (Mr. LATOURETTE), and the gentleman from California (Mr. WAXMAN) of the full committee for allowing us to have the full debate this afternoon, and to bring House Concurrent Resolution 80 forward.

The city of Detroit was established in 1701. We will be celebrating our 300th anniversary with ceremonies in July, at which time we will have people coming forth to our city, and over 1 million residents there, honoring our great heritage.

I am very thankful to the committee, its chairmanship, the ranking members, as well as my colleagues, the gentleman from Illinois (Mr. DAVIS) and our senior member, the gentleman from Ohio (Mr. LATOURETTE), for allowing us to have this debate today.

As has been mentioned, from Motown Sound to the motor cars, Detroit has been in the forefront of development for our country. We have been there for this country, and we appreciate all that the citizens of the city of Detroit have done in their own right and for the Nation as a whole.

I appreciate the cooperative record of the Michigan delegation. Each member of our Michigan delegation has signed onto this resolution. We appreciate them in a bipartisan way for acknowledging the city of Detroit.

Again, on July 24, we will make this special presentation to the city founders and the city followers, as well as the city residents. I appreciate this Congress allowing us to pass today House Concurrent Resolution 80.

Mr. Speaker, continuing to reserve the right to object, I yield to the gentleman from Detroit, Michigan (Mr. CONYERS), our senior colleague.

Mr. CONYERS. Mr. Speaker, I thank my colleague, the gentlewoman from Detroit (Ms. KILPATRICK), for bringing this special resolution to the attention of the House of Representatives.

Mr. Speaker, I would like to just talk about the great events that occurred as I was watching the civil rights movement develop; that is, with the coming of Dr. Martin Luther King, Detroit became a base for civil rights activity, and frequently there were fundraisers and church events that were attended by Dr. King, Reverend Andrew Young, Reverend Ralph Abernathy, and many others.

Detroit became, along with New York and Los Angeles, a great center for support for Dr. King, which led to his civil rights march in Detroit down our main street, Woodward Avenue, in 1963, which had been the largest freedom march that had been held up until the March on Washington.

There, we were treated in Detroit to hearing Dr. Martin Luther King's "I have a dream" speech, which was in its formative stages there, but one cannot fail to pick that up. I was pleased to have been there.

My interest in the civil rights movement, as one who went South, was emphasized by the coming on later of a young lady from Montgomery, Alabama, named Rosa Parks, who came forward and chose, for reasons I cannot explain, Detroit as her home after she led the bus march, the bus protests, in Alabama which had called Dr. King to its leadership and thrust him into prominence in the civil rights movement.

□ 1730

Mr. Speaker, the civil rights activity was very, very important.

The other thing that seems to me to be important is not only the development of the automobile industry in Detroit, where all the then three largest manufacturers had their headquarters, but was the development of the collective bargaining movement in which the United Automobile Workers organized members.

It was after Flint General Motors was organized they immediately came to Detroit, where the Chrysler plant on Jefferson Avenue was organized. My father was then a strong supporter of the labor movement and worked in that plant, and there was great excitement and a great amount of tension, and there was a great struggle.

Finally, after GM was organized in Flint, Chrysler was organized in Detroit, and then they went out to the workers in the plants, continued to go to Ford. Ford Motor Company in Dearborn, Michigan, where they had the great battle of the overpass in which it was a very bloody confrontation.

There is still pictures of Walter Ruther and others, R.J. Thomas perhaps and Addis and Frankenstein to earlier people that worked with Walter Ruther, walking towards all these people. The company had a practice of hiring people who were known for their proclivities towards violence.

There was violence. There were injuries. Police were called in, but it was finally organized, and the UAW went on to become one of the largest unions in the AFL-CIO. So there was this tremendous excitement that has always characterized Detroit. We unfortunately had race riots in 1943 and 1967.

I remember then-President Lyndon Johnson called me at my home to tell me who he was sending in as a special emissary. We worked with them in terms of bringing order back into Detroit.

Mr. Speaker, at the same time that was coming up was the election of people of color, and one person in particular that has to be mentioned in this tricentennial observation who was the first African American mayor, Mayor Coleman Alexander Young, who was himself a labor organizer, he came back and became a constitutional convention member in Michigan in 1958.

Then he went on to become a State senator himself, and then helping me in my attempts to come to the Congress. Shortly thereafter, ran for mayor of the City of Detroit himself, where he was the Mayor for probably more than 15 years, many terms in which we saw the blooming of many people who went on to other prominent positions who worked for the city, including Conrad Mallett who became not only a justice of the supreme court of Michigan but the chief justice of the supreme court.

Then we had earlier, at an earlier period another attorney that worked with Mayor Young who was a lawyer working with him, he became a member of the supreme court; that was Dennis Archer, who then later became the mayor who ultimately replaced Mayor Young. He is currently the Mayor of the City of Detroit.

I close with a comment and observation in remembrance about our cultural contributions, because there were two cultural forces operating, one was the traditional rhythm and blues sound that was developed by Barry Gordy and his sister Esther Gordy. As a matter of fact, the whole Gordy family, some of whom are still members of the district of the gentlewoman from Michigan (Ms. KILPATRICK), they created the unique Motown sound of Stevie Wonder, the Supremes, the Temptations, the Everythings.

The music became a national trend, Philadelphia picked it up, and developed it in another direction.

The other current that was going on was the contribution of progressive jazz called be-bop, which Charlie Parker, Dizzy Gillespie, and it just so happened that there was one drummer there named J. C. Heard, who with Norman Grand started jazz at the Philharmonic, and artists poured in, Dizzy Gillespie, all the great artists came through Detroit. It became a jazz mecca and then produced its own generation, the next generation of jazz artists, Milt Jackson, Donald Byrd, Yusef Lateef, Barry Harris. It goes on and on.

It became a great center and still is where now we have artists like Donald Walden, a great tenor saxophone player who is a resident professor in jazz at the University of Michigan. Jon Hendricks of the Lampert, Hendricks and Ross trio is a professor of jazz at the University of Toledo.

Wayne State University has an accredited jazz center. Of course, that piqued my interests, because it was jazz musicians that urged me to go to law school, because I tried to play.

So we have all had wonderful continuing relationships with the musical artists of both genres from one end of the country to the other.

It is out of this struggle in civil rights, the struggle in collective bargaining, the development of our culture that we have enjoyed such wonderful experiences from a great and diverse population that makes this remembrance and recollection that other Members will contribute to one of great personal privileges for me to participate.

Mr. Speaker, I thank the gentlewoman from Michigan (Ms. KILPATRICK) for bringing this to our congressional and national attention.

Mr. Speaker, Detroit was founded in 1701 by French settlers, and named their new home Fort Panchutrain de De Troit, meaning "at the straits." This frontier outpost in the wilderness was and remained "the frontier" for the next hundred years. The site was a natural selection, located along the banks of what is now the Detroit River, a narrow strait separating what is now the United States and Canada, and connecting Lakes Erie, St. Clair, and Lake Huron. The river provided a source of food and an easy means of transporting goods, an activity that remains a vital piece of the Mid-West's economic health.

As a frontier settlement, Detroit passed from the control of the French to the British and finally to American hands in 1760. Detroit was incorporated as a city in 1802, and named capital of Michigan Territory in 1805. In the summer of 1805 Detroit burned to the ground, but the site was not abandoned. The British recaptured Detroit in the War of 1812, but was recovered by Gen. William Henry Harrison in 1813.

As the United States expanded westward, Detroit began its change from frontier outpost to regional center. The completion of the Erie Canal transformed the Great Lakes into the largest inland waterway, one of the single greatest influences on Detroit and Michigan's development.

The Detroit River and the proximity to Canada made Detroit a major stop on the Underground Railroad to freedom for many escaped slaves. Many recently freed slaves migrated north to Detroit in search of better living conditions and job opportunity.

An early carriage industry created the economic opportunity that soon became synonymous with Detroit. In 1897, Ransom Old opened the first automobile factory, followed closely by Henry Ford. Ford's introduction of the Model T, and the production techniques of mass production, created the perfect blend of affordable transportation and economic opportunity, that has, continued to supply Michigan's and the nation's economy for much of the last century. In 1913 Henry Ford created the $5 day. This policy doubled the average daily wage while cutting working hours down to an eight hour day.

Between 1910 and 1930 Detroit's population ballooned to 4th-largest in the United States. The rising population and stark economic reality of the Great Depression contributed to the atmosphere in the city that culminated in 1936 and 1937 "Sit Down" strikes and the growth of the labor movement. The United Auto Workers now represent over 700,000 auto workers and have improved the lives and working conditions of millions of Americans.

World War II brought renewed prosperity to Detroit, "the arsenal of democracy", as Detroit's factories produced tanks, jeeps, bombers, and liberty ships. The round-the-clock production also helped to speed women's transition into the work force. The increasing numbers of women in both offices and labor positions helped to spawn a new sense of equality throughout the United States.

Detroiter's have long called for greater equality, both among the sexes, but also among the races. In 1963, the largest civil right's event to that time took place on June 23, the Great March to Freedom, where 125,000 people marched down Woodward Avenue singing "We Shall Overcome". We marched to Cabo Hall where the Reverend Martin Luther King introduced his "I Have a Dream" speech.

Detroit elected Coleman Young its first African-American mayor in 1973. Coleman Young served for twenty years fully integrating the city police and fire departments, as well as other city departments and agencies, opening doors for both African-Americans and women.

Detroit is a frontier outpost turned industrial city, but the people of Detroit have created a cultural center equal of any in the world. Detroit's orchestra is world class. We have more theater seats than every other American city except for New York. We have the Detroit Institute for Arts, the Charles H. Wright Museum of African-American History, and the Detroit Science Center. We have major universities and research centers.

Detroit has also spawned its own music style, forever leaving its mark on pop culture and on Detroit. Berry, Gwen, and Esther Gordy founded Motown Records in 1957, creating the Motown sound and giving Detroit a new name. Artists such as Temptations, the Supremes, Stevie Wonder, Marvin Gaye, Smoky Robinson and the Miracles, Gladys Knight and the Pips, The Four Tops, The Commodores, Rick James, Martha Reeves and the Vandellas, and the Jackson Five emerged from Motown's music scene.

Detroit's influence was not limited to pop music however. Jazz musicians such as Milt Jackson, Donald Byrd, Tommy Flanagan, Hank, Alvin and Thad Jones, Yusef Lateef, Kenny Burrell, and Berry Harris began their illustrious careers in Detroit's jazz clubs such as the Flame Show Bar and the Greystone Ballroom.

And Detroit has most recently helped spawn the distinctive techno sound. Techno and electronica's popularity has spread worldwide, with electronic music festivals being held annually in Berlin, London, and Detroit.

Detroit has three hundred years of culture and history to look back on and be proud of. But Detroit's greatest asset, the one that will guarantee Detroit's success, is the people of Detroit. The people of Detroit have struggled with nature, with race and class, with economic hardship, and the people of Detroit will continue to struggle, to bring the best and brightest possible future to Detroit over the next three hundred years.

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for that very eloquent historical trail for the city of Detroit as we celebrate our 300th anniversary.

Mr. Speaker, further reserving the right to object, I yield to our final speaker, the gentleman from Michigan (Mr. BONIOR), who is to the east of the city of Detroit, a leader and soon to be another leader in the State of Michigan.

Mr. BONIOR. Mr. Speaker, I thank the gentlewoman from Michigan (Ms. KILPATRICK) for yielding to me and for her comments this evening and for her leadership.

The gentlewoman from Detroit has talked, as well as the gentleman from Michigan (Mr. CONYERS) have talked about the great history of the city. I join with them today in congratulations for 300 wonderful productive enlightening years.

Mr. Speaker, 300 years ago a fellow by the name of Cadillac left from up in what we call the upper straits, which was at that time kind of the heart of not only the economic but the populated cultural part of the upper Midwest. It was around the Macanaw Island, Macanaw Straits area, and he came down by water craft to found Detroit.

He came through what is called the Straits, the Detroit River, de Troit, and set in motion something that we celebrate after 300 years.

As we have heard, it is the oldest major city in the Midwest. It is the tenth most populated city in our Nation. I have had the honor of being born and raised in and out of the city. I have watched its great ethnic diversity grow and prosper through these many years on the East side. We have the Belgium population and the Polish population and the Ukrainian population and, of course, the great African American population that the gentleman from Michigan (Mr. CONYERS) has illuminated and has given us such a rich cultural history in the area of music and science and education.

Then on the West side of the city, again, an African American community, the Latino community, the Jewish community. It is that kind of strength and that diversity of the city that makes it a special place in our history. It is that kind of diversity that makes our country a special place.

Mr. Speaker, the history of our great community, as the gentlewoman from Michigan (Ms. KILPATRICK) has mentioned, was the center of the underground railroad where literally thousands and thousands of slaves would migrate north and would cross in Detroit over to Canada, or when the slave owners would come and try to block the crossing in Detroit, they had to migrate up to where my district is now, spend some time, and then cross north about 30 miles across the St. Clair River into Canada.

Detroit is the automotive vehicle capital of the world. The home, as we have heard, of the great automobile companies which has changed our planet and our way of life in a most dramatic way. But as we have also heard this evening, it is the home of one of the great and I, perhaps, think the greatest labor movement and labor unions to enter the movement, the United Automobile Workers of America.

They changed not only the conditions in which workers labored in this country, but they created for Detroit and for Michigan and for the country a pattern that enabled the middle class to thrive and to grow and to set in motion the standards by which all workers are now measured, at least in our State and in a great many other places around the globe.

It is a cultural center, as the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from Michigan (Ms. KILPATRICK) have talked to us tonight. Not only do we have the Detroit Institute of Art, one of the greatest institutes of art in the world today, but we also have the Charles H. Wright Museum of African American history.

We have great universities, like Wayne State University and the University of Detroit and, of course, the Lewis College of Business that was mentioned by my friend from, I believe it was Ohio.

Detroit has played a central role in the economic and social and cultural development of not only Michigan, but the entire Nation, and we have had great political leadership. And what we have not heard tonight, and I will say it is people like the gentlewoman from Michigan (Ms. KILPATRICK) and the gentleman from Michigan (Mr. CONYERS) that have enriched our city, because of their leadership, not only in serving in this Congress, but the many years that they have contributed to public service.

We have great Members of Congress that have come out of our city, but the two that I have just mentioned at the top are people like George Crockett. For those of my colleagues who did not serve with George Crockett, he was an immensely impressive man of great integrity and great stature and great demeanor. One of the most just and fair people that you would ever want to serve with.

Of course, I believe the district of the gentlewoman from Michigan (Ms. KILPATRICK) is the district that he had, and the gentlewoman not only fills those shoes of one of the great leaders that I have ever served with in my great public life, but she leads beyond that in her own special way and in the directions that make not only our State but our city a very special place.

☐ 1745

Detroit is on its way back in many, many respects. It has had difficulties, the rebellion of 1943 and 1967, as the gentleman from Michigan (Mr. CONYERS) has indicated. But there is a new spirit there. There is a spirit of can-do, that we cannot only create the liveliness of the central city, but we can redo our neighborhoods in the special ways that will enable us to have decent transportation and education and all the infrastructure that makes our communities worth living in.

So I want to join with the gentlewoman from Detroit, Michigan (Ms. KILPATRICK), today in congratulating the city on 300 wonderful years and wish the celebration that will occur in July to be as successful as these 300 years.

To the mayor, Dennis Archer, and the city council and all the elected officials, we congratulate them, we thank them, and we look forward to making Detroit continue to be the great place that it is.

Ms. KILPATRICK. Mr. Speaker, further reserving my right to object, just briefly in closing, I want to thank the gentleman from Michigan (Mr. BONIOR), our leader, for his excellent remarks as well.

Since July 1701, when Cadillac founded the city, right through the Underground Railroad, the Civil Rights movement, the auto industry which has brought to this country another whole era, right through Rosa Parks, as was mentioned, who now lives in the city of Detroit, from the United Auto Workers to the brotherhood of the Teamsters, to the mayor, Mayor Archer, who has given his notice that he will not seek reelection, we wish him the best, to our city council, Wayne State University, one of the premier universities in our region, as well as the 30 miles of international waterway that separates Detroit from the country of Canada, we say thank you to the House of Representatives for acting quickly on H. Con. Res. 80.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 80

Whereas Detroit is the 10th most populous city in the United States and the most populous city in Michigan;

Whereas Detroit is the oldest major city in the Midwest, and 2001 is the 300th anniversary of Detroit's founding;

Whereas Detroit began as a French community on the Detroit River when Antoine de la Mothe Cadillac founded a strategic garrison and fur trading post on the site in 1701;

Whereas Detroit was named Fort Pontchartrain de' Etroit (meaning "strait") at the time of its founding and became known as Detroit because of its position along the Detroit River;

Whereas the Detroit region served as a strategic staging area during the French and Indian War, became a British possession in 1760, and was transferred to the British by the peace treaty of 1763;

Whereas the Ottawa Native American Chieftain Pontiac attempted a historic but unsuccessful campaign to wrest control of the garrison at Detroit from British hands in 1763;

Whereas in the nineteenth century, Detroit was a vocal center of antislavery advocacy and, for more than 40,000 individuals seeking freedom in Canada, an important stop on the Underground Railroad;

Whereas Detroit entrepreneurs, including Henry Ford, perfected the process of mass production and made automobiles affordable for people from all walks of life;

Whereas Detroit is the automotive capital of the Nation and an international leader in automobile manufacturing and trade;

Whereas the contributions of Detroit residents to civilian and military production have astounded the Nation, contributed to United States victory in World War II, and resulted in Detroit being called the Arsenal of Democracy;

Whereas residents of Detroit played a central role in the development of the organized labor movement and contributed to protections for workers' rights;

Whereas Detroit is home to the United Auto Workers Union and many other building and service trades and industrial unions;

Whereas Detroit has a rich sports tradition and has produced many sports legends, including Ty Cobb, Al Kaline, Willie Horton, Hank Greenberg, Mickey Cochrane, and Sparky Anderson of the Detroit Tigers; Dick "Night Train" Lane, Joe Schmidt, Billy Sims, Dutch Clark, and Barry Sanders of the Detroit Lions; Dave Bing, Bob Lanier, Isaiah Thomas, and Joe Dumars of the Detroit Pistons; Gordie Howe, Terry Sawchuk, Ted Lindsay, and Steve Yzerman of the Detroit Red Wings; boxing greats Joe Louis, Sugar Ray Robinson, and Thomas Hearns; and Olympic speed skater Jeanne Omelenchuk;

Whereas Detroit's cultural attractions include the Detroit Institute of Arts, the Charles H. Wright Museum of African-American History (the largest museum devoted exclusively to African-American art and culture), the Detroit Historical Museum, the Detroit Symphony, the Michigan Opera Theater, the Detroit Science Center, and the Dossin Great Lakes Museum;

Whereas several centers of educational excellence are located in Detroit, including Wayne State University, the University of Detroit Mercy, Marygrove College, Sacred Heart Seminary College, the Center for Creative Studies—College of Art and Design, and the Lewis College of Business (the only institution in Michigan designated as a "Historically Black College");

Whereas residents of Detroit played an integral role in developing the distinctly American sounds of jazz, rhythm and blues, rock 'n roll, and techno; and

Whereas Detroit was the home of Berry Gordy, who created the musical genre that has been called the Motown Sound, and many great musical artists, including Aretha Franklin, Anita Baker, and the Winans family: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONGRATULATING DETROIT AND ITS RESIDENTS.

The Congress, on the occasion of the tricentennial of the founding of the city of Detroit, congratulates Detroit and its residents for their important contributions to the economic, social, and cultural development of the United States.

SEC. 2. TRANSMITTAL.

The Clerk of the House of Representatives shall transmit copies of this resolution to the Mayor of Detroit and the City Council of Detroit.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 80.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING FEDERAL GOVERNMENT EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I come to the floor today to recognize and to commend the work of our public servants and those individuals who do the work of the Federal Government every single day. Our Federal employees are not thanked enough for their service to our country. They do the work that keeps this country moving. Yet they are not given the compensation and the benefits that they deserve for the work that they do. Instead of receiving wages comparable to the private sector, instead of receiving affordable health care benefits, Federal workers are attacked by my colleagues often on the other side of the aisle.

Recently a friend of mine handed me a letter that I found deeply disturbing. The letter is a fund-raising appeal sent out on behalf of a private organization and signed by a distinguished Member on the other side of the aisle.

Unfortunately, the letter does more than argue for Tax Code changes. It condemns the work of thousands of dedicated employees of the IRS. The letter says that, by establishing a flat tax, and I quote, "We will effectively dismantle the Internal Revenue Service which in addition to being the most burdensome, intrusive and aggressive Federal agency, is also considered one of the most wasteful." It goes on to discuss how people believe the IRS is grinding this country to a halt and jeopardizing the future opportunities for the next generation.

Mr. Speaker, I believe these kinds of blanket attacks on a Federal agency and its workers are unjustified, they are unfair, and they are offensive. While no one would argue that our tax system is perfect, we certainly cannot blame Federal employees for its shortfalls. After all, the IRS employees are only doing their jobs, enforcing our Nation's laws.

In all my years of representing the people of Michigan, I have found Federal employees to be some of the most dedicated, hard-working and honest workers that I have ever met. They are our public servants. They come to work every day to make sure our seniors get their Social Security checks, our schools get funds to teach our children, and our communities get the resources to protect their environment.

They come to work every day knowing they are being paid on an average 30 percent less than the private sector counterparts and struggling to afford Federal health insurance premiums that have soared 36 percent over the past 4 years.

They come to work every day unsure of their jobs, whether they will be contracted out to private companies the next time the Bush administration gets a chance.

We depend on our Federal employees, and they deserve our recognition and respect for the hard work that they do. After all, no matter how much we may simplify our Tax Code or any other regulation, we still need public servants to enforce our laws and do the people's work.

While we consider policy changes that affect Federal agencies and their workers, it is my hope that we will stay focused on the policy. We have had enough scapegoating of the people who we have given the responsibility to enforce and implement these policies. Our Federal workers do a phenomenal job with the task we put before them. They deserve to be applauded, not attacked for their service to our country.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 27. An act to amend the Federal election Campaign Act of 1971 to provide bipartisan campaign reform.

READINESS FACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I decided to come to the floor tonight to talk about the military readiness of our men and women in uniform.

Last week, I happened to hear the gentleman from Missouri (Mr. SKELTON), who is a ranking member of the Committee on Armed Services, on the floor talking about this same issue that I am going to be talking about tonight.

Then last night, the gentleman from Pennsylvania (Mr. WELDON), who is chairman of the Subcommittee on Military Readiness, also came to the floor. I am a member of the Committee on Armed Services. I am also a member of the Subcommittee on Military Readiness.

I just wanted to come on the floor to remind my colleagues, as well as this administration, that our men and women in uniform who are willing to give their lives for this country have a lot of need that we need to start addressing.

I am very hopeful that the administration will soon be working with the Congress to submit an emergency supplemental. There is a dire need by our military.

I certainly want to commend the Secretary of Defense. I think he was right in requesting this top-to-bottom review. But in addition to what he is doing, we also need to make sure that our men and women in uniform are ready to defend the national security interest of this country.

What is beginning to happen is that the accounts are becoming very low of money, and they are beginning to have some serious problems. Let me give my colleagues a few examples on this.

The Navy Flying Hour Program is short over $450 million for fiscal year 2001. Since the end of the Cold War, the average age of Air Force aircraft has risen 58 percent. The Army is more than $3 billion short of basic ammunition. Although improving, separate spare parts problems caused the mission-capable rates of both the AV–8B Harrier and the CH–53 helicopter to drop below 40 percent last year.

Mr. Speaker, in addition, the Coast Guard has projected a fiscal year 2001 shortfall reaching almost $100 million. Let me also share with my colleagues, Mr. Speaker, the military health care plan is expected to be $1.4 billion short in the same year.

I wanted to be on the floor tonight because this is a very unsafe world that we live in. We certainly know about the unrest and the problems of the Middle East; but we also know that Iran, Iraq, and these countries are not friendly towards the American Government. In addition, I think of North Korea. In addition, China. All these countries that I mention are spending a great deal of their gross national product on building their military.

So I wanted to come to the floor tonight to join the gentleman from Missouri (Mr. SKELTON), as well as the gentleman from Pennsylvania (Mr. WELDON), and there are many others on both sides of the political aisle on the Committee on Armed Services that feel like I, as well as the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Missouri (Mr. SKELTON), that we need to move forward now with this emergency supplemental.

So I will tomorrow be sending my second letter. My first letter went to the President of the United States, asking him to please start the movement forward on this emergency supplemental for our military.

I intend tomorrow to write a letter to Mitch Daniels, the OMB director, and say that we do not need to continue to wait, that we need to prepare this legislation, that we need to put this legislation in just as soon as we return after the Memorial Day recess.

So, Mr. Speaker, I want to say to all the men and women in uniform that I thank them for their service to this

Nation. May God bless them and may God bless America.

CONFUSING DAY FOR REPUBLICANS AND CONSERVATIVES

The SPEAKER pro tempore (Mr. GRUCCI). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, first let me, too, congratulate, as a fellow Midwesterner, the city of Detroit. We had many escaping slaves go through the Underground Railroad through Detroit. We provide many auto parts. Unfortunately, our beloved Pistons used to be the Fort Wayne Pistons, and they, too, moved to Detroit; and I wish they would win as many games in Detroit as they used to win in Fort Wayne.

But today has been a confusing day for Republicans and conservatives. We had a handout during the amendment of the gentleman from Michigan (Mr. HOEKSTRA) to eliminate the national testing that came from the Republicans.

It said that, if one voted to eliminate national testing, one would wipe out the President's cornerstone of accountability. Without assessment, schools cannot be held accountable for improving student achievement. Without annual assessment information, parents are powerless to choose a better-performing school. For over 35 years, there has been little or no academic accountability in K–12 education programs. We need more accountability for Federal tax dollars, not less.

This is really confusing. It is a Republican handout.

Now, let us apply this to economics. Without the cornerstone of accountability, without assessments, business cannot be held accountable for improving business achievement. Without annual assessment information, workers are powerless to choose a better-performing business. For over 35 years, there has been little or no business accountability in ergonomics programs. We need more accountability for Federal tax dollars, not less.

Now, let us try health insurance. Without assessments, businesses cannot be held accountable for improving health insurance. Without annual assessment information, workers are powerless to choose a better-performing business. For over 35 years, there has been little or no business accountability in health insurance programs. We need more accountability for Federal tax dollars, not less.

This is a disturbing trend. Since when did the Republican Party stand for national accountability when we have always argued for local responsibility and accountability. It is not a question of accountability, it is accountability to whom. That is really what we have been arguing over today.

I am curious what is happening to our party. A few minutes ago, a group of conservative Republicans had been hauled down to the White House for a combination of persuasion and subtle threats. I hope that the people in this body can still vote their conscience, and we have not handed over our voting cards to the deals developed with Senator KENNEDY in the Senate, with veto power for the House Democrats.

My friend from South Carolina is under heavy pressure not to even offer his minimal State flexibility for a mere seven States because it might upset the Democrats. This scaled down Straight A's was accepted by Senator KENNEDY. Apparently, we must stay to his left, and then what is to guarantee that we can even hold that in conference. It used to be that the House was the conservative body. Now, apparently, it is Senator KENNEDY who is the conservative.

President Bush is a great President. I agree with him on almost everything, and I am so enthusiastic about his leadership. But on this issue, he has chosen to go with Democrats and a liberal bill. About every major conservative organization in America, including Dr. Dobson, Rush Limbaugh, the home schoolers, the Family Research Council, over 40, I think now, 50 conservative organizations oppose this bill.

Maybe there is only going to be 5 or 10 or even 20 Members with the courage to vote no in the end. The pressures are great on us. Forty-nine Republicans today stood up to the President on national testing. Last year, we probably had over 220. Interestingly, this year, the Democrats kind of switched sides, because previously the Democrats had been for national testing. That is partly why people are distrustful of politicians, because it appears that one does not take an ideological position and stick with it, it is more a party position. It is a very upsetting trend in America.

□ 1800

Part of my concern is that there will not always be a President Bush. We do not know who is going to be the next president. And when we pass things that mandate national testing, we are taking a risk that the next president will not be George W. Bush and, instead, we may have someone who is going to ram this stuff down our throat, and we may regret and rue the day that we passed a bill with less flexibility, more money, more bureaucracy, and now national testing.

BUSH ADMINISTRATION NATIONAL ENERGY POLICY

The SPEAKER pro tempore (Mr. GRUCCI). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, this is a continuing discussion of the so-called national energy policy of the Bush administration. Buried way back in the back of this report, under appendix one, under summary of recommendations, on an unnumbered page, is a recommendation that the Federal Government and, of course, the States' rights party, my Republican friends, should mandate that every State in America adopt energy deregulation.

Now, if it was working somewhere, that might be a good idea, but we have all seen the extraordinary disaster in California. The disaster in California is spreading across the western United States. It is extracting billions, billions of dollars from residential ratepayers, small businesses and large businesses, and upstreaming that money to a few special companies. It happens that three or four of them are based in Houston, Texas, in particular, one really outstanding corporate citizen named Reliant Energy.

Now, Reliant saw its profits go from $27 million last year to over $500 million in 1 year. What great new thing did they invent or provide? Nothing. What they managed to do was buy cheap a couple of energy plants in California and begin the most sophisticated gaming of the energy market as reported in Sunday's San Francisco Chronicle, and all of us in the west are paying. In fact, in the Pacific Northwest, we are paying higher average wholesale prices than are the people of California.

This manipulation is spreading across the entire western United States, and now the Bush administration thinks this is such a great thing, we should spread it across the entire United States with a new mandate that every State adopt this. Now, my colleagues may say, ah, well, the California system is flawed. Well, I tell my colleagues, take out the flaws of the California system and go to Montana. You will find that all the large manufacturers in Montana are closing down because Pennsylvania Power & Light bought their generation, gaming them, and they cannot afford the power any more.

Or let us go to New England. In New England, PGE of California, that says they are broke in California, sent the money to the parent company. The parent company created a new company, which is PGE of New England. And PGE of New England is manipulating the market there and has raised the prices substantially.

This is the great new thing the Bush administration wants to bring to all of America: more profits, rolling blackouts, price gouging, and a mandate from the Republican administration that every State be subject to this sort of case.

Now, this is because of the undue influence of Enron, the largest energy conglomerate in the world. In fact, the CEO of Enron has personally, personally, over the years, given George Bush $2 million to run for office, and has personally chosen the two new appointees to the Federal Energy Regulatory Commission to make certain that his interests are protected. And he is the only person that Vice President DICK CHENEY could name when he said he had been meeting with lots of people, lots of people, outside of certain special interests. In fact, he mentioned Ken Lay, Enron. Of course, he does happen to be the head of the largest energy conglomerate in the world, and they are profiting well.

But let us get back to Reliant for a moment. Here is what came out in the paper. They are cycling their plants up and down, destroying the plants, in fact, causing additional maintenance and long-term outages and long-term deterioration to game the market in 10-minute increments. They have a direct phone line from Houston, Texas, to their plant operators in California. And the guys in Texas are not looking to see whether the lights are on or off or the people need the juice or the businesses need the electricity. They are looking to see what the price is. And when the price starts to go down, they call the plant and they say, shut it down. They shut down. They watch, they watch, and 10 minutes later, if the price starts to go up, crank it up, we can make more money. This is the future.

I thought that the key for electricity was reliability, affordability and service. We were promised that deregulation would be more reliable, more affordable with better service. And instead we find that deregulation is rife with market manipulation, profiteering, and unreliable service, with rolling blackouts and brownouts, bankrupting businesses and residential consumers alike. And now the Bush administration thinks that is so spiffy that everybody in America should be subject to that.

That is definitely one part of their plan that has to go when this Congress acts on the so-called national energy policy.

TRIBUTE TO JUDGE FIDENCIO M. GUERRA, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I rise today in our Nation's capital to render a salute to State District Judge Fidencio M. Guerra, Sr., of McAllen, Texas, on behalf of the citizens of the Fifteenth Congressional District of Texas and in honor of his outstanding service and dedication to the Judiciary in the State of Texas.

Judge Guerra was born on a small ranch in Jim Hogg County, Texas, on August the 6th, 1909. Like my father, he grew up in a time where few, if any, Hispanics held leadership positions in the community or the government. He graduated from McAllen High School and went on to the University of Texas where he completed his law degree in 1940. The following year he married Estela Margo, a high school teacher.

During World War II, he was quick to volunteer to serve his country and was assigned to the State Department's legal office. In this capacity, he was sent by special assignment to the U.S. embassy in Bogota, Colombia, and the U.S. Embassy in Madrid, Spain, where he helped negotiate several international cases, including the disposition of Axis war assets in Colombia and assisting the Spanish government in dealing with war refugees.

After the war, he returned to McAllen, Texas, and continued his practice of law. In 1949, Judge Guerra was appointed Assistant Attorney General for the State of Texas where he was instrumental in presenting the State's case against the U.S. government over offshore mineral rights claims. The case ultimately reached the Supreme Court. As one of the first Hispanics to serve in the Texas State Judiciary, he was a role model to my generation and showed us that we too could succeed and hold public office.

During the 1950s, Judge Guerra and his wife Estela became leader in protecting and expanding educational opportunities for Hispanic students. Estela, who passed away in 1999, was a Spanish language teacher at Edinburg High School and also at McAllen High School for 20 years before her retirement in 1977. She received numerous awards for her dedicated service to the children of south Texas, including the American Association of Spanish and Portuguese Servantes Award.

In 1952, Judge Guerra was appointed as the presiding judge of the newly created 139th District Court at the new Hidalgo County Courthouse in Edinburg, Texas. He was successful in his bid to retain his post in the 1956 election, and until his retirement in 1980 ran unopposed in every single election. Even retirement did not slow down Judge Guerra. He continued to serve as a senior visiting judge until the early 1990s.

Judge Guerra has always been willing to answer the call to service both from his government and his community. He remains active in various community organizations, such as Our Lady of Sorrow Catholic Church, the Knights of Columbus, and the McAllen Rotary Club.

Judge Guerra and Estela raised seven children and taught them the value of staying in school and completing their education. Their children have followed their example and are professionals and community leaders. Diane Maria was a teacher; Robert is a retired teacher; Carlos is an attorney; Fidencio, Jr. is an attorney and former State district judge; Brenda is a teacher; Judy is a special education teacher; and Daniel is a doctor. They continue Judge Guerra's legacy by teaching today's children that anything is possible if you work hard, you have integrity and follow your dreams.

In conclusion, Judge Guerra's dedicated commitment to the Hispanic community in the State of Texas is an inspiration and challenge for us all. At age 91, he remains active in the community of McAllen. He truly exemplifies the values to which we all should aspire. Texas is a better place because of his many contributions. And as his Congressman, I wish him continued good health and good fortune. Thank you, Judge Guerra, Sr.

ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, before I begin the speech I had planned, I would like to comment on some of the comments made by other speakers.

I want to add my voice to the gentleman from Michigan (Mr. BONIOR) when he spoke about how Federal employees, particularly those at the IRS, are doing the work of this country and doing it in a professional manner. He quoted from a rather vicious attack that proposes that somehow if we have a flat tax, that all problems of tax administration will be solved and the IRS could be dismantled.

Mr. Speaker, I headed the organization that collects the largest flat tax in America, the California sales tax, and let me assure my colleagues that flat taxes involve some of the same contentiousness, some of the same enforcement concerns as does any other tax or a progressive tax. And the IRS employees were professional and responsible, just as were our auditors, just as were our tax collectors with the California State Board of Equalization.

Let me also comment about the speech of my friend, the gentleman from Oregon (Mr. DEFAZIO), where he said that one company, Reliant, that made $500 million, increased its profit by 2,000 percent. The gentleman from Oregon said, well, they did not do anything creative to raise that money. I have to disagree. Reliant, along with some of its sister corporations, invented a new definition for the term "the plant is closed for maintenance." "Closed for maintenance" means closed to maintain an outrageous price for each kilowatt. A new definition and true creativity.

They invented new ways to gouge California consumers, and they invented new ways to seek power here in Washington so that they would have the impunity to turn off the power in

California. It is this inventiveness that led to Reliant's 2,000 percent increase in its profit.

Mr. Speaker, last night, several Members from the other side of the aisle came down to this floor to attack me personally, and that needs no response, and to attack my State. They came down here to say that the problems California faces are our own fault; that we prevented the building of electric plants in California, which is totally false and which has not one scintilla of evidence behind it.

They talked about how our opposition to offshore oil drilling is somehow responsible for electrical shortages in California without even knowing that we do not use oil to generate electricity in California, nor are we about to, nor do any of the other States with similar air pollution problems. They came down here in total ignorance of what is happening in California.

Now, I do not blame them for their ignorance. After all, I am not terribly knowledgeable of what is happening in all the other States. But what bothers me is that someone with so little knowledge of what is happening in California would come down here and say that our misery represents justice and that our efforts to solve our own problems should be barred by Federal law.

□ 1815

But of course that is what is happening when Federal law prevents California from imposing even the most reasonable of regulations on the price of these independent energy producers.

Mr. Speaker, imagine that your home is burning down. The gentleman might have a neighbor who for one reason or another does not help. That might be okay. But imagine the most malevolent of neighbors who seizes the hose while the house is burning, and then gives a lecture how it is the gentleman's fault because the house is on fire, while continuing to hold onto the hose.

Mr. Speaker, California is burning and the hose is the right to regulate the price of electric generation, and the hose is being held captive here in Washington, DC. We have an administration which is hosing us down with self-righteous declarations that our misery is our own fault.

Mr. Speaker, if you want to know where something is made, check the tag on the bottom. California consumers are going to look at their electric bill, they will look at the tag, and it will say "Made in Texas under license from Washington, DC."

NATIONAL ENERGY POLICY

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Wisconsin (Mr. KIND) is recognized for 60 minutes as the designee of the minority leader.

Mr. KIND. Mr. Speaker, some of my colleagues who will be joining us this evening will continue our discussion that we had last week in regards to our national energy policy.

Mr. Speaker, most of the Nation and the world realizes that the Bush administration has come out with a detailed plan that they announced last week. The Members of the new Democratic Coalition in the House have an energy plan that we announced last week, announcing principles, values, and policy statements that we want to work on as we move forward in this session of Congress to try to find some long-term solutions to our 21st century energy challenges. We do face challenges as we start this new century; and hopefully we will find some solutions to these challenges.

That is why we in the Democratic Coalition believe that the best approach is one that calls for balance. We are not going to turn our short-term energy needs and dependence on fossil fuel and the burning of fossil fuels, turn that around overnight, but any sensible and reasonable long-term energy policy, and hopefully we will enact in legislation later this year, is going to be looking at the development and use of modern technology, the use and greater reliance on alternative and renewable energy sources, the importance of investing in the current energy infrastructure that we have in this country which has become very outdated, and trying to figure out how we can move energy more efficiently and cost effectively in areas of surplus to areas of deficits.

Mr. Speaker, these are some of the areas that we hope to elevate in the national debate and engage the American people on. I also want to take exception to a couple of proposals that the Bush administration announced last week. They said all of the right words, and there is a lot of good statements in the energy plan that they sent up to the Hill in book form, National Energy Policy.

A couple of concerns that I personally have is that they are relying a tremendous amount in their energy solution on the development of more exploration and more drilling in one of the last pristine places in the United States, the Arctic National Wildlife Refuge, ANWR.

I am ranking member on the Subcommittee on Energy and Mineral Resources in the Committee on Resources here in Congress. We have had eight hearings already on energy resources on public lands. Many Members in this Chamber would be surprised to learn that roughly 95 percent of our public lands are already open and available for energy exploration. In fact, we had one of the largest expansions of public land access over the last 8 years in the Clinton administration.

Instead of trying to develop those resources that are already available and that the infrastructure needs to be developed in order to extract, the new administration wants more, more drilling and more drilling in one of the most protected and pristine places in the United States, the ANWR.

In the energy plan, the administration also says the right things in regard to the need to develop alternative renewable energy sources. When you look at the details of the energy proposal, that investment would only occur after oil is drilled and extracted from the Arctic National Wildlife Refuge. In fact, it is from the oil royalties collected from the drilling of oil in ANWR that would then be used, at least partially, in order to fund the alternative and renewable energy research and development that needs to take place in this country. I find that a little disheartening.

Mr. Speaker, Republicans are trying to convince the American people that we are for this, too; but only after we have more reliance on the fossil fuel development, more reliance on the drilling of oil up in the Arctic National Wildlife Refuge, rather than treating it as a stand-alone part of the puzzle that it deserves to be.

In fact, if you were to match the administration's record on their energy proposal with the priority that they established in the budget that they submitted to the Congress earlier this year, the rhetoric, quite frankly, does not match the action. In fact, when one looks at the energy efficiency program at the Department of Energy, the new administration is proposing a $20 million cutback from the previous year's level.

On the R&D programs at the DOE, there is roughly $41 million or a 23 percent cutback on the R&D programs at the DOE. These R&D cuts include a $48 million cut in buildings, research and standards programs; a $12 million cut in the Federal energy management programs; a $61 million cut in the industry programs; a $16 million cut in transportation programs; over $3 million in policy and management of alternative and renewables.

When you look at the energy program that exists, the administration is calling for roughly a 36 to 50 percent cut across the board in most of these programs: 48 percent less with the wind-power program; 48 percent less with the geothermal power program; 48 percent less in the development of hydrogen energy sources; 86 percent less for concentrating solar power.

Obviously there is a mismatch between the rhetoric and the administration's energy plan and what they submitted in the course of their budget proposal this year in Congress. We are hoping to work with them.

Mr. Speaker, energy should not be a partisan issue. We need to find a bipartisan solution to an issue that affects all regions of the country, whether East Coast or West Coast or middle of America which I represent. This is having an impact on people with fixed incomes and on economic growth in this country.

California, if they were a stand-alone country, would be the fourth largest economy in the entire world; and yet that State is experiencing rolling blackouts. It is going to take a concentrated effort at the local, State, and Federal level to find some long-term solutions.

That is why we in the Democratic Coalition are advocating both balance in our energy approach but also greater reliance on the technology that is available and being developed today and the potential of increased energy efficiency, whether in our homes, businesses or cars that we use to get around this country.

That is the type of bipartisan, balanced approach that we are hoping to be able to work with our colleagues across the aisle in this session of Congress, with the new administration. The energy plan that they submitted last week, albeit a starting document, has a lot of good features in it, but also a lot of features which require more scrutiny and closer debate, not the least of which is giving the FERC eminent domain power to force States in where they are going to locate their transmission lines.

I personally am reluctant to give that eminent domain authority to a Federal agency, basically dictating the States and localities where their energy lines are going to have to run. That is going to require extensive debate at the local level to find the best route for many of these transmission lines that most of us agree are needed to meet the long-term energy needs. We are hoping during the course of the next hour to get varying viewpoints and different ideas.

Mr. Speaker, let me recognize the gentleman from Connecticut (Mr. LARSON), one of the foremost thinkers when it comes to fuel cell potential in this country, someone who has been working in a bipartisan fashion with a very good piece of legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I could not agree more with the gentleman's idea of balance.

I think it is also important that, as the gentleman from Wisconsin (Mr. KIND) indicated, it is important not only that we do this in balance, but we do this bipartisanly. Certainly energy is not a partisan concern. It is something that we all share.

Mr. Speaker, I believe that it starts with the concept of becoming independent: becoming independent from the foreign suppliers of our energy. And so in seeking to become energy independent, we have to move to alternative sources. We have to be willing to embrace conservation at the very core of what we are going to do, understanding that it is very hard in principle and that there are limited resources throughout the world and that we have an overriding responsibility, being large consumers of energy ourselves, to conserve here in this Nation.

We also have a responsibility to make sure that we are moving forward technologically in the most efficient manner. It seems to me with the over preoccupation and the emphasis on more drilling, that we are fighting yesterday's wars and yesterday's battles. What we need to do is move forward aggressively and embrace the technology that can truly make us energy independent.

President Kennedy was able to establish a goal for this Nation. He said back in 1960 that we ought to be able to put a man on the moon in 10 years. With American ability, intellect and know-how, we were able to achieve that goal. We need to establish the same goal here in this country by simply stating that we will be energy independent from foreign sources in the next 10 years, so that by 2011 we will no longer be dependent upon OPEC nations.

Coincidentally as we have seen in the past, when Americans embrace alternative and renewable energy, and we put the full weight of this Nation behind a concept and an idea, the price will automatically be driven down in terms of the current cost of oil.

We find ourselves in an awful situation, not only on the West Coast, but all across this Nation as we look at the price of oil. When my colleagues consider just in 1999 that the cost of oil was $60 billion annually to this country, it now costs this Nation $120 billion.

Mr. Speaker, I am proposing that we invest 1–120th of that, $1 billion, into fuel cell research. Why fuel cells? Fuel cells are just a small part of the larger picture, along with conservation, along with nuclear power, along with making sure, as the gentleman from Wisconsin (Mr. KIND) pointed out, that we take advantage of existing drilling opportunities that are in this country and not open up new, virgin territories and virgin land, but focus on a technology that can provide us independence from foreign competitors and inefficiencies that we see in the old economy, and also independence from the awful effects that happen from pollution.

Fuel cells, for example, can relieve the atmosphere of more than 2 million pounds annually of CO_2 that are currently spewing into the environment. They can also remove more than 40,000 pounds of noxious pollutants that are unnecessarily being spewed into this atmosphere. It is our moral responsibility to make sure that we are stepping forward to do this.

If we do not embrace the plan, if we do not make the investment, as the gentleman from Wisconsin pointed out, those moneys to fund this cannot come from expansive drilling in the ANWR, they have to be the commitment of the United States Congress.

□ 1830

We are the appropriators. We should be making sure that we are making this investment now to be energy independent, to be more efficient and to protect our environment by embracing technologies like this that will allow us to move forward in the future, so that we will find our senior citizens, as the gentleman pointed out, in Wisconsin and California and in Connecticut that do not have to make the decision between the food they are going to put on their table, the prescription drugs that their doctors have asked them to take, and the energy that they need to heat and cool their homes and propel their automobiles.

This technology, with fuel cells, we can get 80 miles to the gallon in an SUV. We can run silent. We can run clean, the by-product of which is vapor. So with the green energy, with this new technology, with the willingness for us to roll up our sleeves and invest in a new technology that is both clean, efficient, and will provide us with this independence that we need from foreign sources is the way for this Nation to go.

We have started down this path before with respect to renewables. Coincidentally, when the Nation moves forward aggressively and starts to embrace these alternatives, what we see is the market respond by the lowering of the cost of oil and its production.

I believe the best way to lower costs immediately is to aggressively pursue those kinds of policies; but this time the United States must be committed to achieving that goal by the year 2011 of being energy independent, and if we stick to that course not only will we drive down the costs in the short term but in the long term we will be independent of our reliance on foreign products. We will be independent of the old inefficiencies that have hurt our economy, and we will be independent of the disastrous effects that have enveloped our entire environment.

I thank the gentleman again for his leadership and look forward to working with him, and compliment my other colleagues.

Mr. KIND. May I ask a question before the gentleman leaves?

Mr. LARSON of Connecticut. Yes.

Mr. KIND. Am I correct in stating that the space shuttle is already being fueled by fuel cells?

Mr. LARSON of Connecticut. The gentleman is absolutely correct. This is a technology that has been around for more than 40 years. We all know that the Apollo was powered by fuel cells; that we have the ability to go to the Moon and Mars and beyond. And certainly if we have the technology to go to the Moon and Mars and beyond, we have the technology available to get back and forth to work and to heat and cool the buildings that we live in and the buildings that we use.

This is not something that has to be created. This is something that we need to make sure we are producing more of. By utilizing the Federal Government and State and local municipalities through pilots and saying, look, we will provide the incentives to power the fleets of automobiles, to make sure that the school buses, the military buses, the mail trucks are powered by fuel cells, to have alternative sources and backups of fuel cell power buildings where we know that the energy shortage cannot afford to be derailed at all but there must be continuous operation, that the fuel cell is the most dependable way for us to achieve this goal.

There are other alternatives out there. The gentlewoman from California (Ms. LOFGREN), one of our colleagues, has introduced legislation on fusion. There are other great sources of renewables. Combined, together, I think we have a great opportunity to achieve that goal by 2011.

Mr. KIND. The gentleman mentioned the by-product of fuel cell use is hydrogen and oxygen. Basically, it is water vapor?

Mr. LARSON of Connecticut. Basically it is water vapor. The newest technology with respect to fuel cells is taking advantage of our most abundant element, making sure we are taking advantage of hydrogen. It is the most abundant element we have here in our universe, so let us capitalize on that, let us utilize it in a scientific manner and apply the great American know-how of turning this around.

Our foreign competitors in both Japan and Germany are already further along in terms of automobile production, especially in the use of fuel cells, but give America the research and development opportunities, provide our great research universities, provide our great corporate entities with the opportunity to get not only the backing of R&D dollars but the commitment of the Federal Government to produce so that we can streamline activities and drive the cost of production down in the long term, and then we will wean ourselves off of dependency on foreign governments.

Mr. KIND. Reclaiming the time, I want to thank my friend, the gentleman from Connecticut (Mr. LARSON), for his insight and the leadership he has shown on this and many other areas of energy policy. Hopefully, we will get enough support with the legislation he has introduced so we will have serious policy enacted in this Congress in the further development of fuel cell, the potential that fuel cell holds for our long-term energy needs.

Mr. LARSON of Connecticut. I look forward to continuing to work with the gentleman from Wisconsin (Mr. KIND) in his outstanding efforts in the area of energy, conservation, and making sure that this environment is one that is livable and safe for all of us. These are the citizens that we were sworn to serve and protect. I think it is incumbent upon Congress, it is a moral responsibility as much as it is a legislative responsibility, for us to move forward along these lines. I commend the gentleman for the leadership he has provided.

Mr. KIND. Mr. Speaker, I thank the gentleman from Connecticut (Mr. LARSON) for his comments.

Mr. Speaker, next I would like to recognize another colleague of mine who has been living and been experiencing some of the most difficult energy challenges we face in the country today. Of course I am referring to the gentleman from California (Mr. SHERMAN), whose State and constituents have been experiencing from time to time the rolling blackouts. In fact, some of our economic development coordinators in the upper Midwest are kind of targeting the businesses in California with the slogan, "We may experience an occasional whiteout in Wisconsin but never a rolling blackout." That is really what is at stake right now is the further economic growth and development in the State of California, and I recognize the gentleman from California (Mr. SHERMAN) for his comments tonight.

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. KIND) for yielding.

I agree about the importance of bipartisanship. I came to this floor last night with intensity, as any of us would have intensity if we were living through what California is and soon will be living through.

What was missed was I was here chiefly to support a bill submitted by the gentleman from California (Mr. HUNTER), from the San Diego area, one of the more conservative Members on the other side of the aisle. This is a bipartisan Hunter-Eshoo bill. We need it passed only for one reason, and that is the repeated pleas of our Governor and our entire State government to the Federal Energy Regulatory Commission have been ignored.

We have asked the Federal Energy Regulatory Commission, look, since we are prohibited by Federal law from imposing reasonable costs-plus-profit regulation on what is being charged at the wholesale level, they, as is required by law, should do it.

FERC has closed their eyes to what is happening, and we in California have been FERCed. Instead, we need a Federal Energy Regulatory Commission that does its job or a Congress that is willing to make sure that California gets the kind of regulation that so many other States already have; that we in California had for about 100 years successfully; that we have made the mistake of going away from and that we need to get back to for a couple of years. That is why the Hunter bill simply provides that for a temporary period California will get the same kind of rate regulation that so many of our States are enjoying now.

Instead, we are being told that California should be crucified on an altar of near-religious zeal, near-religious dedication to a deregulated market. We are told that if the wholesale price of electricity is regulated, we will get less of it. This is true if one has only taken Economics 101. Economics 101 would say if one pays more for something they will get more of it, more will be produced. But one has to take the upper division courses as well, and they have to learn the policies of those with monopoly power, and then they discover that sometimes what is supposed to happen does not happen.

In fact, the California Public Utilities Commission determined that because we have this enormously high price, this deregulated price, plants are being closed for maintenance. Why? Well, think about it. If one has regulated production and they can make a megawatt for $30 and sell it for $50, they would say, I want to do that all day every day as much as I can, make $20 on every transaction. But what if they have a deregulated market where it costs $30 to create a megawatt and instead of producing all that can be produced and making all the $20 profits that could be made, the production is suppressed? Then the price goes not to $50 a megawatt but $500 a megawatt.

Obviously, the incentive is to withhold production under this deregulated system with monopoly power; and that is why virtually all elements of California society, including not only a majority of the delegation from California but some prominent Republican conservatives, have urged that we have this temporary regulation.

Instead, we are told Washington knows best; they have to be told that it is their problem, solve it, but they will be tied up by Federal preemption law that does not allow them to solve it; and in that way they will have this enormous transfer of wealth.

We paid $7 billion for electric generation in our State in 1999. In 2000, we used the same amount of electricity. We paid $32.5 billion. This year, we are going to be charged $70 billion for the same amount of electricity that we paid $7 billion for in 1999. All that is going to a few very large corporations which happen to be based in Texas.

I do have a couple more comments. I will ask the gentleman from Wisconsin (Mr. KIND) whether it is appropriate to continue, and he is nodding, yes, because I want to talk about conservation a bit and how important it is.

We are told by the Vice President that conservation may be a personal virtue, but it is not a sufficient basis for a comprehensive energy policy. We have to respond. Environmental degradation and enormous energy company profits may be politically profitable, but they also are not a sufficient basis for a comprehensive energy policy.

The gentleman from Wisconsin (Mr. KIND) went through the list of how this administration's budget cuts money for renewables, for conservation, for research.

I want to point out that those cuts that he enumerated so clearly, those very deep cuts, are a cut of the current year's fiscal budget. But what about the prior years? In each of the 6 years of Republican Congresses, President Clinton's budget request for conservation, for renewables, for research was cut by this Congress. So we start with 6 years of research lost, 6 years of opportunity behind. Then we get to the current year, and we get a budget that slashes from even the depressed levels of the current year. Then after that budget resolution is passed, we get a glossy pamphlet from the administration saying that they are now in favor of spending money, billions of dollars, on research, on conservation. Where is that money supposed to come from?

The budget resolution does not provide it. The appropriations bills will not provide it, and we are in a situation where perhaps we have an administration that has a reason to hope for blackouts because in the light of day it is obvious that one cannot claim they are in favor of something and put out a glossy pamphlet describing how they are going to do something if they will not budget for it and they will not appropriate for it.

Mr. KIND. Mr. Speaker, reclaiming my time. That is one of the great ironies of the Bush administration's energy plan is they, first of all, came to power this year claiming this was not their responsibility; it was because of a deficient energy policy over the last 8 years; and yet many of the recommendations that are contained now in their energy proposal they released last year are carbon copies of what the Clinton administration was advocating during the 8 years but stymied by the Congress and action was not taken.

In fact, when we take a look at the detailed budget proposal that the Bush administration submitted, obviously when one has a 48 percent cut in the photovoltaic area, 48 percent in wind, 48 percent in geothermal, 48 percent in hydrogen, there was not a lot of energy or thought being given into these cuts. Otherwise, one just would not have straight-across-the-board 48 percent reductions in all of these alternative and renewable programs.

□ 1845

So it is a little bit troubling.

But what I would like to do right now, since I know the gentleman has been waiting and has to leave for another meeting, is recognize the gentleman from North Carolina (Mr. ETHERIDGE), my good friend, who is one of the more thoughtful thinkers when it comes to energy policy and our long-term energy needs in this Congress. I yield to the gentleman.

Mr. ETHERIDGE. Mr. Speaker, I thank my friend from Wisconsin. I thank the gentleman for having this Special Order tonight because I think this is one of the issues, along with the issue we were debating today on education, these are two of the most important issues that we will be dealing with in this Congress.

I, like the previous speakers, will try not to plow some of that ground again, as my folks in North Carolina say, but the truth is, the gentleman has articulated very eloquently the issues before us and the problems we face. Let me touch on it a little differently, because I was very disappointed as I went through that document last week, the energy plan the President put forward. It was light on efficiency and conservation and heavy on drilling. We all know we are going to need more capacity. There is no question about that. I think we acknowledge that jointly. But the issue is, how do we get balance in it?

As an example, in this country, certainly in my State, in the Southeast, natural gas prices have gone up 400 percent in the last 18 months. There is nothing in this plan to talk about how we are going to deal with that in the short run. What are we going to do for the people who are hurting?

I stopped to get gas last weekend at the service station. A guy pulled up behind me and he recognized me, and he said, Congressman, what are you going to do about these gas prices? I said, well, in the short run, it is really up to the executive branch. The President is the one who can go to the Strategic Oil Reserves.

I remember when Governor Bush was running for President, he called on the President to pick up the phone and call the people in OPEC to open the spigots for the short term. We went over there in the sands of the Middle East and recovered the oil wells from Saddam Hussein. I believe if he picked up the phone, he could make that call.

Now, I do remember reading this week that the Vice President said he did not want to make that call, he did not want to beg. Well, the people in my district do not care how he gets the gas, they want it. That is not begging. I think it is just folks reminding them that they have an obligation to help keep the prices down.

Let me tell my colleagues what this will do for the people not just in North Carolina and across the Southeast, but all across America, because gasoline prices have gone up more, more than what the average taxpayers are going to get back out of this tax bill that they have been pushing all year. The increase in gasoline prices will soak up a $300 to $400 increase per individual for an automobile if they have to drive to work on one tank a week, and the tank costs $25.

In my part of the country, a lot of people commute to work. They do not have the benefit of mass transit. They do not have the opportunity of alternative ways to travel. I just think it is important that we look at the short run as well as the long run. We need to look at the alternative energy sources.

Mr. Speaker, I serve on the Committee on Science, as does the gentleman from Connecticut (Mr. LARSON), who talked earlier. I will only repeat one part of what he said, because I think it bears repeating here when he talked about the fuel sales, but it is bigger than that. It really is our commitment to really be serious about this issue. If we are not going to spend the money on R&D, on the things that we know we can make a difference within the long run, I do not know that we can ever have enough drilling in the future to provide the energy resources we need, unless we are willing to find the alternatives, to find the efficiencies and do the important things we need to do.

The farmers I have talked with back home are now out in the field, as I am sure they are in Wisconsin and California and other parts of this country. They are facing a tough summer because the energy costs have gone up for equipment, for irrigation. We know the problems in agriculture today. Commodity prices are down, and they are going to be squeezed all over again. But this year, it will be everyone who is going to be squeezed. Small business people, large businesses and others are being squeezed.

Last winter I know we had one fertilizer company who sold their natural gas, and guess what happened to the cost? So they were not making fertilizer, they waited until later to do it, and guess what happens to nitrogen prices this summer? The prices went up, so the farmer got caught twice.

One other point I want to make as we talk about this whole energy piece, and I am sticking mostly to gasoline and transportation, since my colleagues have talked about the other pieces, we tend to forget sometimes what this means to the public purse. Let me just use North Carolina as an example, because we have a State public transportation system for our children going to school. The State operates that system and buys the gasoline. Now, normally they buy it a year in advance on contract. However, it has gone up dramatically, and that is going to affect State treasurers all across this country; whether they are private or public, it will send the cost up.

What we are really doing is driving the cost up of everything we purchase, and eventually it is going to show up in the marketplace of all of the products we have that are petroleum-based, and that will have an impact on our overall economy and could have a negative impact.

So I call on the administration not only to look at the long term, but let us look at the short-term things, the efficiencies, the economies we can do, encourage people to conserve where they can, do the carpooling we need to do. It is going to take a concerted effort. But we need to spend the R&D money to find the new ideas to make the big difference down the road in the long run.

I thank the gentleman for his time, and I thank him for taking time to bring this to our attention tonight, and I appreciate having an opportunity to join my colleagues.

Mr. KIND. Mr. Speaker, I thank my friend from North Carolina for his comments and insight today and for his participation in this discussion. He raises a lot of valid points. Those who are most adversely affected by the increased energy costs, whether it is in the western part of the State or the eastern, are small business owners, operating on the margin and people on fixed incomes. When they see an energy blip, it has a huge impact on their family budgets. It is the farmers who are getting hit with not only increased energy costs, but also increased fertilizer costs, which is a terrible problem for them.

That is why we need a comprehensive, long-term solution and not something short term that calls for more drilling, and that is going to take about a decade before we get the increased reserves to the marketplace to make a real difference.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman would yield on that point, the point the gentleman just made, we will be back on this floor in the next month or so, and we will see substantial increases in LIHEAP funding for people on fixed incomes over the winter, and I predict that that number will go up and it will have to go up again if this continues, if we do not deal with the short-term issues. I thank the gentleman. He is absolutely right.

Mr. KIND. Mr. Speaker, I thank the gentleman for participating tonight.

I think the overall theme in tonight's discussion is we are looking for 21 century solutions to the challenges we are facing in this century and not a throwback plan that would be better suited for the 19th century or the first part of the 20th century.

In fact, what was striking about the Bush administration's energy plan that came out last week was how similar it was to the plan that was actually proposed under the Reagan administration. In fact, former Interior Secretary James Watt was recently quoted in the Denver Post in regards to the similarity of the plans they were pursuing back in the early 1980s compared to what the new administration is talking about today in 2001. This is what former Secretary of the Interior James Watt had to say, and I quote: "Everything Cheney is saying, everything the President is saying, they are saying exactly what we were saying 20 years ago, precisely. Twenty years later, it sounds like they have just dusted off the old work."

Yet, there has been a lot of progress that has been made in the advancement of technology and energy efficiency over the last couple of decades, and it is an area, it is a policy area that we, within the new Democratic coalition, want to emphasize more, want to use and rely upon more as we are trying to increase energy efficiency and conservation as a part of the long-term solution.

Now I would like to yield to the gentleman from Washington (Mr. INSLEE), who has been sitting patiently for a while, a colleague of mine who serves on the Subcommittee on Energy of the Committee on Natural Resources.

Mr. INSLEE. Mr. Speaker, I appreciate the gentleman's leadership on this. I just have something to report for a moment. In our Subcommittee on Natural Resources today, members of the energy industry came to us and testified and reported that they were happy, tickled pink, is the way I would characterize it, about the administration's alleged plan to deal with energy. I guess it is really not a great surprise that they would be very, very pleased.

I think one of the reasons, although it was unstated, is that this plan is one of total inaction in dealing with the crisis in the western United States of wholesale electrical prices. Because while the prices we have to pay in the west for wholesale electricity have gone up 500 percent, 1,000 percent in some circumstances, this administration willfully, and in what I think is a pretty amazing display of casual indifference to the plight on the West Coast, has said they are going to do nothing about those prices.

To the people I represent, people who, like a fellow who told me he has conserved half of his energy in his house to respond to the need for conservation, but his energy bill has gone up. The Bush administration's message to him is real simple: tough luck.

To the small business operator in Shoreline, Washington that has an ice rink who is going to have to curtail their hours of operation and reduce their small profits, to try to keep their mom-and-pop operation going, the Bush administration has one simple answer to them: tough luck.

To the Edmonds school district, which is having to have hundreds of thousands of dollars now going to large energy generators, instead of hiring teachers and textbooks, the Bush administration has a real simple message: tough luck. And the message of tough luck is one that, although it has been music to the ears of the energy companies when they come testify to us on the Committee on Natural Resources, the message of tough luck is not one that is being well received by my constituents, who are in very, very tough shape.

I go to food banks now and I talk to family after family and they say they have never been to a food bank before until they have been hit with these energy prices, and yet the administration is refusing to do anything about it. I just want to report to my colleagues that it is terribly upsetting to us that this administration will fail to do anything about price mitigation plans that have been proposed with at least several Republicans in this Chamber who are supporting an effort to bring these incredible prices under control.

This weekend, I read an article that I thought was salient, because the administration has argued that they do not want to do anything about these prices, because they are afraid it will act as a disincentive to the creation of a new generating capacity. We need the President to read the San Francisco Chronicle this weekend.

I want to read a couple paragraphs from an article from this Sunday's San Francisco Chronicle that leads with this paragraph: "Large power companies have driven up electricity prices in California by throttling their generators up and down to create artificial shortages, according to dozens of interviews with regulators, lawyers and energy industry workers."

It goes on to say that "According to the accounts of three plant operators," a Corporation X, I am not going to expose them right now, my colleagues can buy the newspaper, "Generator X operation schedulers on the energy trading floor ordered them to repeatedly decrease, then increase output at the 1,046 megawatt at plant X. This happened as many as 4 or 5 times an hour. Each time the units were ramped down and electricity production fell, plant employees watched on a control room computer screen as spot market energy prices rose. Then came the phone call to ramp the units back up. Quote: They would tell us what to do and we would do it, closed quote, said one of the men, who only agreed to speak on condition they would not be identified because they feared being fired. Quote: Afterward, we would just sit there and watch the market change."

Well, they sure did watch the market change. They watched these prices go up 1,000 percent.

Now, if we want this diminution of power to continue, if we want the continued reduction of power as much as

30 percent in the California market, up to 30 percent of the generators right now have their plants turned off, for goodness sakes. At the time we have blackouts in California, at the time we are paying 1,000 percent more for energy, these people have turned off 30 percent of their plants.

□ 1900

Now, if we want that to continue, it would seem to me we would want the status quo, which is what the Bush administration has proposed. They are going to do nothing.

We already have a disincentive for power in California, Oregon, and Washington. That is the existing dysfunctional market, because these folks can turn off their plants and jack up prices 1,000 percent.

We want to create a market condition that is an incentive to bring these plants online. That is a cost-based system, where at least for the next 2 years we can have a short-term time-out of this dysfunctional market, have a cost-based system, give these generators the cost of producing their power plus a reasonable degree of profit, and bring some sanity back to this market.

We could give these generators the highest profit margin since Bonnie and Clyde were in operation and we would still cut these prices in half. That is what we ought to do. That is what we are calling on this administration to do.

So we are going to continue on this effort to ask this administration to get off the dime, do its job, tell FERC, the Federal Energy Regulatory Commission to do its job, and get some short-term cost-bid pricing.

Mr. KIND. Mr. Speaker, I thank the gentleman from Washington State for his comments this evening, and for the work the gentleman is doing on the Subcommittee on Energy and Mineral Resources with myself and others here in Congress.

This is an important issue. The gentleman mentioned the profits that are currently taking place in the oil and gas industry. It is astounding, seeing the triple-digit increase in profits in the first quarter of this year alone, 350 to 400 percent profit margins.

Seven of the ten Fortune 500 companies in the entire world are oil and gas companies. In fact, if we just go through the list of the profit statements over the last fiscal year, we have ExxonMobil, for instance, with a 124 percent profit increase from the previous year; we have Chevron, with a 151 percent increase of profit last year; CONOCO, with a 156 percent increase in profit from the previous year.

Yet, in the first quarter of this year alone, ExxonMobil is realizing a $5 billion profit in just the first quarter of this year. BP Amoco, BP now, is at $4 billion profit in the first quarter of this year; Chevron, a $1.6 billion profit in the first quarter of this year; CONOCO, with a $700 million profit already in just the first few months of 2001.

So obviously they are making a hefty profit. They are covering their costs. They are laughing to the bank, quite frankly. I think they have to answer to this, why there is such a huge increase over the last year alone in the profit statements of their individual companies, and yet we see the consumers paying a triple-digit increase in the energy costs, primarily on the West Coast right now.

Mr. INSLEE. If the gentleman would continue to yield for one comment, we believe profits are American. There is nothing wrong with profits. But when demand for electricity in the State of California has gone down since last year, and demand has actually gone down from last year, supplies have gone down as much as 30 percent on a given day, but then they have a way to game the system to jack their prices up 1,000 percent, something is rotten not just in the state of Denmark, it is rotten in the State of California, and Oregon, and Washington. We are losing 43,000 jobs in my State because of this rampant gaming that is going on. We are going to continue to try to fix that. I thank the gentleman.

Mr. KIND. I thank the gentleman for his participation this evening. I am not sure about my colleague from Washington State, but one of the most surprising facts I learned as ranking member on the Subcommittee on Energy and Mineral Resources this year was the incredible access and availability of these oil and gas companies on most of our public lands already throughout the country. Roughly 95 percent of the public lands they have access to. Granted, there may be things we can streamline in regards to the permitting process and some of the regs that surround those, but 95 percent.

In fact, there was a story that broke yesterday in the Anchorage Daily News where Phillips Alaska Company up in Alaska announced that they discovered three oil and gas fields on the North Slope of Alaska that was newly opened, the National Petroleum Reserve up in Alaska.

This was a reserve that the Clinton administration actually permitted out to the oil and gas industry. They now have discovered a tremendous oil and gas reserve to the tune of 429 million barrels of oil up in the North Slope, which is the largest energy find, energy resource find, in over the last decade.

So obviously there is access already with public lands in the country, some that the Clinton administration worked closely with the industry to gain them access. That is why we have to question the need right now to go into the Arctic National Wildlife Refuge, one that was specifically set aside for the protection of the pristine place and the ecosystem and the animal and bird species that exist up there, when we have discoveries like this being made already on the public lands.

As I mentioned earlier, perhaps one of the most cynical aspects of the energy plan is they are saying us, too, when it comes to renewable and energy sources, ". . . but only after we drill in the Arctic National Wildlife Refuge and we are able to collect the oil royalties from these oil companies."

But we also know in recent months that we have been having difficulty collecting a fair market price for the oil royalties. In fact, U.S. News on May 14 of this year just released a big article titled "Making Them Pay: How Big Oil Companies Shortchange Taxpayers on Royalties."

Apparently they have been cooking the books. They have been understating the actual market value of the oil that they are extracting from public lands, and some of the companies actually are storing the oil supplies in the summer, where the prices are lower. They are selling in the winter when the prices are higher. Yet, they are quoting the summer prices, the lower price, in regard to the royalties they are now responsible for.

Chevron, Texaco, BP have been forced recently to spend nearly $8 billion to settle underpayment lawsuits with the Federal government and with seven other States, according to a project on government oversight.

There is a recent jury verdict in Alabama holding ExxonMobil liable for $88 million of underreported oil royalties, and also assessing a $3.4 billion punitive claim on them because, in the words of one of the jurors, "We were sending a message: If you cheat, you will be punished."

Yet, here we have an administration that is going to be relying on financing of alternative and renewable programs through oil royalties, when we know we have a problem in collecting the fair share of oil royalties that these companies agreed to pay in order to have access to the public lands in order to alleviate some of the burden on taxpayers.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield for another moment, the gentleman has alluded to this point. I want to make sure that Members who are aware of this proceeding tonight are aware of exactly what the administration has said.

They have held the environment hostage, because what they have said in their budget is unless we give up the protection of the Arctic National Wildlife Refuge and allow drilling there, we are not going to spend one single dime on these conservation and new technology renewable efforts.

To me, if they are going to hold somebody hostage, the last person they should hold hostage is Mother Nature. That is who they have held hostage on this. To say that unless they get their way, unless these major oil companies get their way, the real party in interest here, to me it is an incredibly shortsighted approach to take, particularly since, as the gentleman knows, if we increase our mileage 3 miles a gallon, if the administration would yield to our efforts to increase our CAFE standards, our average miles, if we increase it 3 miles a gallon, we will save more oil just by that one step, without stepping a foot in that refuge, than we will ever get out of the wildlife refuge.

That is the route we ought to be going. We hope at some point the administration will see the light in that regard.

Mr. KIND. Reclaiming my time, Mr. Speaker, I think we need to be thoughtful and deliberative in regard to increasing access to the public lands. Obviously, we have a lot of access already. I think it would behoove us to spend a little bit of time trying to improve the safety and environmentally-friendly measures of being able to extract some of these resources that already exist, because we also have problems in that.

Again, I hate to keep plugging the Anchorage Daily News, but on April 17 this year they reported a huge pipeline leak up in the North Slope of Alaska, which is one of the largest spills to occur in the last 10 years. Some 92,000 gallons of salt water and crude oil leaked from a pipeline at Kuparuk Oil Field in April.

The pipeline burst, and this is a problem we have with current infrastructure when it comes to the extraction of gas and oil is we have a very old infrastructure with the eroding and corroding pipes that are leaking.

In fact, there have been four major oil spills in the North Slope of Alaska within the last 6 months alone. Yet, I think the administration is trying to sell the American public on the idea that we can go into these public lands and the refuges and the national parks, be able to extract these fossil fuels in an environmentally-friendly manner, when in fact the new stories belie that type of argument, because we know there are problems and oil leaks occurring, which has a devastating environmental impact.

Mr. SHERMAN. If the gentleman will yield, I will point out that we on the Democratic side of the aisle, while we are opposed en masse to drilling in the National Wildlife Refuge in Alaska, this does not mean that we are not looking for more production. In fact, our side of the aisle, and not the other side of the aisle, is pushing to bring the natural gas from Prudhoe Bay, the part of Alaska that has already been developed.

They are bringing the oil down, and if there is a leak in an oil pipeline, it causes the environmental problems that the gentleman talks about. The natural gas that is being produced from that already-developed field is being reinjected back into the Earth.

Instead, our plan, the Democratic plan, calls for building a pipeline, even providing an incentive to build that pipeline, so that we bring that natural gas to market.

Why is this so important? The price for oil is going to be set at the same price that OPEC is selling its oil. There is a world price for oil. We move oil from one continent to the other. A little bit of production by destroying the ANWR is not going to have any effect that helps consumers. A couple of oil companies might get rich on a big project, but it will not have any effect for consumers.

In contrast, natural gas does not move from continent to continent. The North American market is based upon North American supply and North American demand. If we can bring the natural gas that is already there at Prudhoe Bay, we can reduce prices that are paid by American consumers, by California consumers, by electric consumers whose electricity is generated by the burning of natural gas, as well as people who use natural gas in their homes.

So there is a project in Alaska that will reduce the price paid by consumers has no support in the President's plan, but there is this project that will despoil the environment and have no effect on world prices. Perhaps this administration, as has been asserted by us, has forgotten that they do not work for the energy industry anymore; at least, they are not supposed to.

Mr. KIND. Mr. Speaker, what is also not stated in this debate on the Arctic National Wildlife Refuge is even if the authority is given and they start drilling, it is a 10-year period before they bring the product to market, so obviously that is not going to be any short-term answer to the crisis we now have on the West Coast or in other parts of this country in regard to rising prices.

Unquestionably, we need to modernize the infrastructure. We need to invest in more refineries. In fact, many of the industry experts in the economy say this is not really a supply problem we are facing. This is not the 1970s, when OPEC decided to turn off the spigots and hold us hostage by reducing oil production or selling oil in the country. We had the lines backing up at the service stations with escalating gas prices in the 1970s.

That is not the situation we face now. OPEC has, as a group, been able to keep their per barrel price of oil within the reasonable range of $25 to $30 a barrel, which they said was their target range. They have been staying true to that. It is really an infrastructure challenge we face right now, and refinery capacity. I believe Members on both sides of the aisle recognize that.

Mr. SHERMAN. If it is an infrastructure bottleneck, it is also a cause for antitrust investigation, because there has been an explosion in the profit margin that refiners are generating. It may be that, as we have seen problems in the generation of electricity, that we may also have supply being artificially constrained.

I would say that OPEC is probably charging 10 cents to 20 cents a gallon more than is fair, and that is a problem. But when we are paying $2 a gallon, as they do in my State, the 20 cents that is going to OPEC, which, after all, foreign countries are relatively hard to control, is not necessarily the focus of our attention.

Of course, when President Bush was running for office, he said that a United States President who was strong could get OPEC to cut their prices just by lifting up the phone. Obviously, he has changed his mind on the definition of strength, and, as other speakers have pointed out, has been unwilling to make that call.

I would like to comment on a few of the other points that have been made, if the gentleman will continue to yield.

We have talked about the importance of conservation. I should point out that America has produced four times more energy through efficiency, conservation, and renewables than we have from all other new sources of energy over the last 20 years. Over the last 20 years, we have saved $180 billion on our energy bills because of this conservation. That is more than $200 for every dollar of Federal money spent on developing renewables and developing conservation measures.

Mr. KIND. On that point, this is actually a perfect segue into a map that I brought with me this evening talking about the potential of the renewable and alternative energy sources that already exist within our own country.

In the upper left corner here we show the potential for biomass and biofuel resources throughout the country, albeit more predominant in the eastern part of this country and also the West Coast, but nevertheless, a tremendous potential.

It is one of the farm industry criticisms of the Bush energy plan is how little attention or interest they have in developing the biomass and biofuel resources that we have in the country. It could be a win for the consumer; it could also be a win for the farm producers that exist throughout the country. Lord knows, they are looking for a win at this point. But also there could be solar energy potential, too. In some regions the potential is much greater than other regions, but virtually every region of this country can certainly develop solar power potential to a much greater extent than we have today.

□ 1915

Geothermal resources, the Bureau of Land Management released this map showing the geothermal potential that exists in the country. There are a lot of uses of it already in Nevada, Utah, California, Hawaii, in particular, but there is also potential in the middle States of the country.

The small country of Kenya in Africa is moving aggressively with this geothermal power, and they are anticipating 35 percent of their energy needs over the next decade will be generated by geothermal power.

Then finally wind resources, which basically covers the map as well, and there is where we have seen some of the greatest efficiency in recent years. They have gone in the last 3 years from 30 cents per kilowatt hour in producing wind power to roughly 3 cents to 5 cents per kilowatt hour making it very market competitive.

These are some of the ideas that many of us are calling for in the development of alternative and renewable energy sources that should be a part of the overall energy solution, rather than increased reliance and dependence on the extraction of fossil fuels and the burning of fossil fuels in this country.

Mr. Speaker, I yield to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I know we have limited time, but just in closing, I want to say that California is building 14 electrical generation plants now. Under our prior Republican governor, we built not one, but the private sector was not trying to build plants in our State until last year.

We need help only in the form of being allowed to go back to the regulation system that we had before. We do not need billions of aid from the rest of the country, but we need the ropes untied from our hands.

Mr. KIND. Mr. Speaker, I thank the gentleman from California (Mr. SHERMAN), my friend, for his comments tonight and for joining us in this important discussion. Obviously, this is the beginning of a long discussion and a much needed debate in this country trying to develop a 21st century energy policy to meet the challenges that exist today.

Again, if we can bring balance, if we can utilize the technology that is available, increase energy, efficiency and conservation, I think that is going to be the best long-term solution.

BOATING AND CARBON MONOXIDE: THE SILENT SERIAL KILLER

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, I would say to the gentleman from California (Mr. SHERMAN), my colleague, I look forward not today but perhaps on the floor here where we can engage in a debate. In fact, I would savor the opportunity to engage in a debate with the gentleman.

Unfortunately, this evening I am not going to be able to rebut the comments that the gentleman has made. Obviously, there is strong disagreement and maybe next week or some week we can make an arrangement where the gentleman and I could show up here on special orders and both sides can yield a little and have a discussion. I would look forward to that.

Mr. Speaker, I yield to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. If there is a particular time, I am available either now or at some other time that the gentleman suggests.

Mr. McINNIS. I will suggest something to the gentleman tomorrow and maybe we can engage as early as tomorrow evening. Unfortunately, this evening, as the gentleman will soon see, I am going to leave the subject of energy completely and talk about a family in Colorado. But aside from that, perhaps we could contact each other tomorrow.

I think it would be healthy, Mr. Speaker, for us to have this kind of discussion, because certainly I think some of the statements made on that side are inaccurate. I am sure that the Democrats, especially the liberal Democrats, would find some of my comments inaccurate.

But that is not my point for being here this evening. My point here this evening is I want to tell a story. It is a story of great tragedy. It is a tragedy that did not have to happen. It is a tragedy that could have been avoided. It is a tragedy that was brought about in part because of inattentiveness of a governmental agency.

It is a tragedy that has ruined a family, maybe not ruined a family, but certainly marred this family's life.

Mr. Speaker, I hope that my colleagues will pay close attention to the story that I am about to tell this evening. It is about a serial killer. We have all heard about serial killers. We have had a lot of publicity lately about a serial killer. But this is a serial killer that could have easily been brought under control.

This is a serial killer that we could have captured, so to speak, very early in the game. But because of the fact that this serial killer who was known to be a serial killer, who was ignored by the system, this serial killer has resulted in many, many deaths.

My story again this evening will focus on two of those deaths, two young boys, two young boys who had no idea they were in the midst of a serial killer, two young boys whose lives were snuffed out in a matter of a few seconds.

The young boys' families and the young boys' friend's family who were also in the vicinity, how their life has been marred forever because of the fact that attention was not given to the ramifications of a serial killer. In fact, the episode itself was almost by design.

What am I talking about? Let me put it up. I would ask my colleagues and I ask, Mr. Speaker, to stick with me for the next 30 minutes or 40 minutes. This is the serial killer.

I say to my colleagues I hope each and every one pay attention to this, because this could have ramifications to any of my colleagues' constituents that may be recreating as the boating season begins, that may be recreating on a houseboat.

I hope, at the conclusion of my remarks, that one of the first things that my colleagues do when my colleagues return to their districts is that my colleagues speak at town meetings and so on. Take an opportunity to tell your constituents if they have a houseboat, watch out for the serial killer. I am going to tell my colleagues all about the serial killer.

This evening, I am going to spend a few minutes telling this story; and, fortunately, by telling this story, the family of these two young men through a lot of soul searching have had enough courage to step forward and allow me to talk about their tragedy. In fact, they had enough courage to come to Capitol Hill last week and to testify in front of committees.

As the mother of these two children said, she brought to Washington, D.C. a broken heart. That is what she delivered to Washington, D.C., a broken heart. It takes a lot of gumption for some folks to really come out and tell that.

Let us talk a little more about that. I will get into that later on. But let us look at boating and carbon monoxide, the silent serial killer. Let me repeat that, the silent serial killer. Right there, the back of that boat on the swimming platform.

This tragedy, by the way, occurred last August. Let us take a look at The Arizona Republic's article. It was published on December 31, 2000. Frankly, it is one of the best news accounts of a story that I read in my professional career.

It was by Maureen West and Judd Slivka, I hope that is the correct pronunciation of the author. It is August 2, and the sun is shining on the white paint of the houseboat named the Canyon Explorer. That is the name of the houseboat, the Canyon Explorer. Who wants to go skiing and who wants to go tubing, Ken Dixey, the father asks the nine kids on the 55-foot houseboat. Only two of his sons, Dillon, 11, and Logan, 8, want to go.

A pause in the story. There is Dillon. There is Logan. By the way, there is Ken. My colleagues will hear that name during the story. When I refer during the article, I will refer to Ken and his wife, Bambi. By the way, they are from Parker, Colorado. Dillon was 11 years old. Logan is 8.

Let us go back to the article. Who wants to go skiing and who wants to go tubing, Ken Dixey asks the nine children on the 55-foot houseboat, only two of his sons, Dillon, 11, and Logan, 8, want to go. Anybody else want to ski? But there are no other takers.

So Ken and Bambi Dixey of Parker, Colorado take their two youngest out alone on the fifth day of their annual houseboat vacation, with so many other people around, a total of nine children and four adults, there has not been much time to spend with one particular person.

The Dixeys have been coming out to Lake Powell for 15 years with their friends, Mark and Polly Tingey of Fort Collins, Colorado. At first, the couple went alone, but then as their children grew out of diapers and into swim trunks, they took them along.

At first, the children lived in life jackets on board the boat, but as they got older, all of the children turned into excellent swimmers as if born to water. Logan, in fact, wanted to be a Navy SEAL.

In 1994, Ken Dixey and Mark Tingey secretly bought a share of a privately owned houseboat as a present to their wives. The boat was named the Canyon Explorer, and it was a 55-foot Stardust Cruiser.

Every year, they reserved the first week of August on that boat. for the past 12 years, they had taken the same route on the lake: leave Bullfrog Marina in Utah, putter along to Iceberg Canyon, spend a night there, and then move on to Neskahi Wash, which stands off an isolated still inlet that is perfect for skiing.

The inlet has a natural diving board too, a rock shelf that is natural for kids to catapult themselves off it. They nicknamed the place Jump Rock, and it became a tradition to visit there. Even after Logan hit the water the wrong way the year before, Logan banged himself up but he kept jumping anyway.

Another tradition was the first day safety lecture that the fathers gave their children: no running or playing tag on the boat, always swim with a buddy, the buddy system.

With the children getting older and more independent, Mark added something to his safety lesson this year. If we ever lost anyone, he told the kids, it would change our lives forever. So the father says to his two sons, as well as to the other children on the boat, if we ever lost any one of you, it would change our lives forever. So pay attention to these safety rules.

It is now 5 days later after the first day, August 2, a good day, and the safety lecture seems to be far away. Beneath the blazing sun, Logan masters the art of slaloming and skiing on one ski. He had tried it a few times before, but something had always gone wrong.

On this day, something finally clicks, he nails it. Logan, remember, the rock jumper, is fearless. When one of his friends could not haul in a fish, he jumped in and tackled it, hooks and all.

He loses one of his front teeth on this day. It is a baby tooth, and his mother, Bambi, promises that she will hide it that night for the Tooth Fairy. Although Logan is an adventurer, Dillon has persistence, refusing to let go of the tow bar cutting back and forth through the ski boat's wake.

He sings as he skis, and he talks to the rocks as he zips by. Let go, his father yells playfully, but 11-year-old Dillon does not listen. It is too much fun skimming along the lake.

Though he suffers from an occasional migraine headache, Dillon is confident. He is a little league pitcher at the top of his game. The last time out before this trip, he actually pitched a no-hitter. He is going to be a baseball star, he says. Then he is going on to become an actor. I have got plans he tells everyone. Nobody doubts him.

Logan, always a cuddler, sits on his dad's lap, while Ken drives the boat. When Bambi's attention is elsewhere, Ken lets Logan, 8, steer the boat and shows him how to work the clutch on the boat.

Logan is the aggressive and outgoing one who would crack jokes with the adults at a party. While the other kids goofed around with Nintendo downstairs, Dillon is the sweet kid, the boy who told the girl who had just gotten glasses that she looked nice when she did not want to go into her classroom.

□ 1930

When they make it back to the Canyon Explorer, Logan is fired up and tells the other kids about his skiing accomplishments and about the tooth fairy's impending visit.

The parents start the grill for dinner. Normally it is chicken and burgers, but tonight it is steak. After dinner, the adults wash dishes while the kids play on the boat. The kids are itching to go in the water for a swim. It is a nightly tradition.

The adults turn the houseboat's generator on to power the television and run the air conditioner. Temperatures are falling, but it is still in the 80-degree area. Outside it is getting darker. The moon is a milky silver in the sky. Someone flips the back lights on, illuminating the water. It is shortly before 9 o'clock in the evening. A thunderhead is gathering strength on the horizon, dark against the darkening sky.

The adults walk to the front of the houseboat to get candy bars out of the freezer. With this crowd, we need all the energy we can get, they joke; and they hear splashes from the back of the boat.

Dillon sticks his head out of the houseboat cabin and looks at the adults. His mother looks back at Dillon. Dillon cocks his head, mugs for her, and then walks away.

About 5 minutes later, the serial killer strikes. It is Connor, the Dixie's 14-year-old son, running up the side of the houseboat screaming something about Dillon and Logan, something about Dillon flopping in the water. Everyone thought he was joking around, and then he was gone. All the kids now are screaming.

Ken and Mark run to the stern of the boat. The children are back there pointing at the water. Dillon and Logan went down. They have not come back up. Up front, Bambi has a flash of a thought. Dillon's migraine headaches. It must be something else, something worse. Epilepsy? But Logan is missing, too. Both of them are missing.

They were swimming, and they ducked beneath the boat, surfacing in the cavity beneath the swim deck, precisely where the serial killer laid in wait. That is where the generator vents its odorless, colorless carbon monoxide gas.

It is hot, the children hear Dillon say. Moments later, moments later, Dillon's body appears 15 feet off the side of the houseboat, twitching, the children said. Then Dillon disappears.

At the same time, the Tingeys' 13-year-old son Mark, Jr., is on his knees on the graded swim platform. He sees Logan bumping his head against the platform. Tingey reaches under it. He tries to grab the 8-year-old, but Logan sinks and he sinks too quickly for Mark, Jr., to grab him.

Ken and the elder Tingey, Mark, dive into the water. Tingey looks beneath the water, but it is too silty. He grabs a pair of swim goggles and looks again. Nothing. An accomplished SCUBA diver, Ken Dixey, the father, dives towards where the children last saw Dillon's bubbles, but he cannot reach the lake bed.

He manages to make it to the bottom closer to the water's edge, but he runs out of air, and he has to surface. On a good day, the father can dive free-dive to 40 feet. For some reason, he cannot do that today. He comes up for air, and he ducks down again.

They turn out the lights, and they turn off the generator, thinking that the boys' disappearance might have something to do with fumes. But there is no light at all, and quickly the lights and the generator go back on.

About 15 minutes after the first scream, Tingey and Dixey bump into each other alongside the ship's side. In 20 years, in 20 years of knowing Dixey, Tingey has not seen a thing that this man cannot do. But his face, his face now says it all. They are gone. "I will never see my boys alive again."

Bambi is up front trying to raise someone, anyone on the ship's VHF radio. But she cannot raise anybody. She keeps trying.

The two men make a plan. Ken, Ken will dive deep to reach the boys. Tingey will swim to the rear where they were last seen beneath the swim deck, a place that the kids discovered a few days earlier while untangling a rope.

Tingey swims to the houseboat's stern and slips under the swim deck, but there are no children under the swim deck. He begins to feel lightheaded and sick. Something clicks in his head. I am in danger. Something else. The fumes, it had something to do with what happened to the boys.

Tingey struggles out from beneath the platform. Cole, the Dixeys' 16-year-old son pushes him to the swim deck where he and others congregate, shouting the missing boys names: Logan. Dillon. Logan. Logan. Dillon. Dillon.

It is 15 minutes until Tingey feels normal again. As soon as he does, he grabs his cell phone, and he gets in his ski boat to race out of the canyon where the signal can register on the local cell phone. He dials 911. It is now 10:20 in the evening Utah time, a little more than an hour after both of these young boys disappeared.

Ken, the father, is still diving. He is bumping into rocks. He is grabbing anything under water that has form, anything that could be one of his sons. Bambi is swimming around the sides of the boat to see if the children have somehow gotten stuck.

When the boys' parents finally get out of the water, they begin walking along the water's edge crying, looking to see if their boys have washed up onshore. It is a gruesome vigil made worse by the night that was still darkening.

On the boat, the children are on their knees, the rest of the children are on their knees; and they are praying, and they are crying.

Out on the lake Tingey is calling Bambi's best friend in Parker. "You need to come out here now," he says. "You need to help the Dixeys get back home when this is all over."

Ken, worried about Tingey since his experience on the swim platform, comes out in a ski boat to check on his friend. The phone call is done. The two men head back to the houseboat, each in their own boat.

Now, why did I this evening go through this story with all of my colleagues? Why relate such a horrific incident to my colleagues here? Why did I go into the detail about the father and the mother yelling for Logan, yelling for Dillon? Why did I talk about these two young people? The reason is simple. This thing is a serial killer right here.

Do my colleagues know what, how many more Logans and how many more Dillons are going to be out there in one of these boats? We are just starting the boating season this year. How many more of these tragedies are going to occur? If we do our job, if the Coast Guard does its job, if parents do their job now, the parents that have found out from us, if we can all team together, and that is exactly what the Dixeys have asked us to do and the Tingeys have coordinated an effort to do, we think we can save a lot of lives.

Do my colleagues know something, that life might be one's own child. It might be one's life. Listen to me carefully about the defect on this boat. Listen to me carefully about what happens on fumes on houseboats. This could have been avoided.

The whole reason I am talking about Logan tonight, the whole reason that I am talking about Dillon tonight is because these deaths, these two young men, one of them wanted to be an actor, the other was well thought of, both expert swimmers. These deaths could have been avoided, and these families want to avoid any other deaths.

Is it just restricted to these two young men? We do not think so. We know on Lake Powell alone that there are at least nine other confirmed deaths that we know of in the past, they were classified as drowning deaths or swimming accidents. It is this tragedy, it is this tragedy last summer that brought to the attention of several interested people, hey, something is out there. There is a serial killer out there.

What a coincidence, a tragic coincidence that two young boys, brothers, died within seconds of each other. Something on that boat, something on that boat led to those deaths. That is when the investigation really got some momentum.

Now, let me tell my colleagues that, years ago, 1995, there was a letter written to the Coast Guard by an expert in this field saying, Coast Guard, be aware, there is a silent killer in existence on houseboats throughout this country, not just Lake Powell. Let me tell my colleagues here, we are not just talking about a lake in the West. These houseboats are distributed nationwide.

They sent a letter to the Coast Guard. They said there is a silent killer out there. We have got the proof. There is no question about the defect on the boat. There is a defect on these houseboats. They are not being repaired by the houseboat manufacturers. We have got to educate the public.

There was a letter written to this, basically to this problem. Unfortunately, it got filed away. The Coast Guard ignored the letter. It was 5 years ago, well, well, well before the deaths of these two young men.

Now, that said about the Coast Guard. Let me tell my colleagues that the Coast Guard now, under its current admiral, under the vice admiral and the people in the Coast Guard, are completely cooperative. They have been, I think what one would classify as a good partner. They are becoming tenacious, not only in their educational campaign so that we do not have another death like Dillon and like Logan. They are also tenacious in the recall effort that we have tried to put together.

We have got quite an effort back here in Capitol Hill to try and make sure that we never again have to experience what some of my colleagues here on the floor, what some of us experienced last week when we listened to the tragedy of the Dixey family. Hopefully, there will not be another family like the Dixey family as a result of one of these silent killers on the houseboat.

Let us take a look at a little more detail exactly why this houseboat is a silent killer, why it is a serial killer.

First of all, carbon monoxide. Let us talk. Now we all know about carbon monoxide. We are around carbon monoxide all the time. If one walks down the sidewalk, and a car goes by here in Washington, D.C. or Denver, Colorado, or San Francisco, or Miami or New York, or wherever one wants to go, there are lots of cars; and we have carbon monoxide. But we have been raised to believe that carbon monoxide is not dangerous in an open area.

Carbon monoxide. All of us know, it is deadly if one starts a car in the garage and one runs the engine, the carbon monoxide accumulates in the garage. There is nowhere for it to go. It is fatal. We know that.

We know that if one sticks a hose on the exhaust and one starts to breathe it, within a few seconds, one is going to be dead. We know that.

What this tragic incident of the Dixeys brought to light is that this silent killer can kill in the open. That is exactly what happened here.

Let us go over it, because part of my effort this evening is to educate all of us so that we can go back to our constituents and tell our constituents what to look out for, to help in this educational effort that the Dixeys and the Tingeys have really spearheaded. That is their purpose in coming back and sharing this horrible, horrible tragedy with us, because they want to educate other people about how to avoid that serial killer that found them early that evening.

Be aware of these kind of symptoms. Carbon monoxide, it is colorless. It is an odorless gas. Now, we have heard that. One does not know it is around. It has no color to it. It has no odor to it. One does not know that one is inhaling carbon monoxide gas.

Incomplete combustion of carbon chemicals, it is the leading cause of poisonings in our country. If one looks across our country, that is the number one cause of poisonings. As I said, it is a silent killer.

Here is what is important, symptom progression. First of all, one starts to get dizzy. One gets a headache. One becomes nauseous, disoriented. One can have convulsions, one will have convulsions, coma and death. Of course the order and the length of how long this goes is totally dependent on the quantity that one takes into one's body.

Now, for any of my colleagues that have a houseboat or have any of their constituents who have a houseboat, please, please, please pay attention to me now for the next few moments. Let me show my colleagues where the serial killer rests. Let me show my colleagues what results in almost instantaneous death if one is within the reach of that serial killer.

Here it is. This is the back of a houseboat. Any of my colleagues that have been on a houseboat will recognize this is the back of the houseboat. This is the canvas that goes around. Right in this area is where one's TV is, one's living quarters, and so on. This is the swimming platform. One can see the houseboat, by design, has a step down right here. One steps from this deck on to this small deck.

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That is the swimming platform. Here you can see they have a slide that actually goes right off. This area right here, this entire area, is designed to be a swim platform. That is where you do the swimming. They do not want you swimming in the front of the houseboat. They did not design the houseboat for you to swim on the side of it, they designed it right here. So you swim right there. There is the ladder. That is the swim ladder right there.

Guess what is happening? Some of these houseboats, including the houseboat, the Canyon Explorer that the Dixeys and the Tingeys were on, unbeknownst to them, had the generator which turns the lights and the air-conditioning on, not a big engine, small motor, not the motor that drives the boat, but a generator that provides electricity and power within the living quarters, it has its exhaust exit right in here and right over here.

Now, let me show my colleagues what happens to it. Again, take a close look at this. This is the back. Here is our problem. This is where the arms of the silent killer are. There is where they are going to reach out, anywhere within either side of this ladder.

Here is what begins to happen. You go inside the houseboat. Now, here is the glass sliding door. You go in the houseboat, turn on the generator in there, here is the swimming platform and the swim ladder right here, and so you turn on your generator, and this is what begins to happen with the exhaust. Now, remember, when you just take a look at the exhaust, you see mere exhaust. You do not see the carbon monoxide. You can see the exhaust, you just do not see the content of the carbon monoxide. You see more smoke coming out of a car that has not been tuned up down here on Main Street.

So here, when they start it up, there is a little tiny exit valve right here, right on this side, and there is a small one right over here. And what begins to happen is the exhaust goes out into an open area. Again, this case brought to our attention that you can get carbon monoxide poisoning in an open area. That has not been our assumption. It has all changed as a result of those tragic deaths.

What begins to happen is that gas does not come out into the open. Because of the chamber that is created right underneath the swim deck, where logically you would swim, frankly I would swim under there, it begins to turn in circles and it begins to circulate within that cavity. It is not exiting the cavity with any kind of velocity. It is locked into that cavity right there. When you jump in the water, as you go down the ladder, you are within inches. Your face is within inches of that silent killer.

Let us take a look at what the measurements are. We had some scientists that went in on this. We had some people that went in and did the expert work on this. Take a very careful look at what happens. This is carbon monoxide. The only important thing we need to remember here is its parts per million. It just gives us some kind of measurement so that we can get an idea of what is going on underneath this deck. So the numbers are parts per million, and I am just going to give you an idea of the intensity that is building up in this deck.

Let us look. Okay, 35 parts per million. Thirty-five is the maximum exposure allowed by the EPA in outside air for a 1-hour period of time. So our Federal regulations, through the EPA, say that the maximum exposure that we will allow to be polluted for a 1-hour period of time is 35. Thirty-five is also the maximum exposure allowed by OSHA in the workplace over an 8-hour period of time. So over an 8-hour period of time, when OSHA comes in and inspects a workplace, it is a violation if they find an amount or a concentration over 35.

At 200 parts per million, you begin to feel some symptoms of carbon monoxide poisoning. One, you begin to have a mild headache, you begin to feel fatigue, you have nausea, dizziness, and you become confused. That is at 200. At 400, you begin to have a serious headache.

Now, remember, 35 is what EPA said really ought to be the maximum over an hour. At 400, you begin to get a serious headache. Other symptoms intensify within a 1- to 2-hour period of time; 2½ to 3½ hours at 400 and you collapse in danger of death. So doubling that, at 800, we are doubling that, at 800 dizziness, nausea, convulsions. Within 45 minutes, you are dead. In 2 hours, at 800, you are dead in 2 hours.

Now, let us begin to take a look: 1,200. 1,200. Remember, 35 is the maximum EPA wants out there over an hour period. Now, 1,200 exposure considered to be immediately dangerous to life and health. If you have a measurement of 1,200 parts per million of carbon monoxide, death is impending. The danger is immediate. You are in an emergency situation.

Let us go on from that emergency situation. We have measured in the back of boats, and I am not talking about below the swim deck, I am talking about this area right here. Up here, in this area right here on a houseboat. If that generation is going, we have measured carbon monoxide, not locked underneath, but carbon monoxide on these decks in this category right here, in excess of 1,200; the amount measured in open air near the rear end of several boats that were examined. So several of the boats they found a level, not in the water, not next to the generator, in an open arena, exposure considered to be immediately dangerous to life and health.

Let us go on. If you go to 3,200 parts per million, 3,200 parts per million, you will be dead in 30 minutes. If you go to 6,400 parts per million, you will be dead in 10 to 15 minutes. That is at 6,400. Now, look at 10,000. In 6,400, you are dead in 10 to 15 minutes. Boom, it is over. Ten thousand, the amount that was measured in open air on or near the swim platform of several boats.

So at 6,400, 6,400, around there, if you are exposed to that, you are dead in 10 minutes. What they found out in this area right here, this area right here, are measurements of 10,000. Ten thousand. Remember, it is has always been the assumption that if the carbon monoxide gets out, it dilutes so quickly that it is not harmful to humans. Ten thousand was the measurement in the back of the boat.

At 12,000, it is immediate death. Death is immediate at 12,000. Seven thousand to 30,000. Remember, 12,000 is immediate. Thirty thousand is the amount measured on houseboats on Lake Powell under the swim platform. Thirty thousand is the measurement underneath this swim platform if your generator exhaust comes out underneath it. And several houseboats on Lake Powell today and several houseboats on lakes throughout this country have a measurement of 30,000, and 10,000 is instant death.

You want to know what happened to the Dixeys' sons? That is exactly what happened to the Dixeys' sons. You want to know a death that was avoidable? They knew that was in existence. You think these houseboat manufacturers repaired those boats? They did not repair them. They knew about them. They knew there was a problem. The Coast Guard knew there was a problem.

You wonder about how the Dixeys felt when they knew about this? I mean, what gives? Do we know we have a silent killer; do we know we have a serial killer?

Now, again I want to come back and tell you that the Coast Guard is now tenacious. We all wish they would have done it 5 years ago. But I will tell you, it bothers me with the manufacturers of these boats. What do you think when you put an exhaust out underneath a swim platform? That is exactly where this exhaust comes out.

You can see here on this picture, I hope, colleagues, you can see on this picture the haze in there. That is where it exits. What kind of rocket scientist would tell you that on a swim platform that might be where the people do their swimming. Of course it is where they do their swimming. That is where you must have an expectation that people will be in that water; that people will be within inches of that exhaust.

You need to know something? There are lots of people today, in fact, there may be some today as I am now speaking to my colleagues, there may be some out there today who have children now currently swimming off the back of their boat. It is boating season. I hope not. Because if it is happening, we stand to have another horrible, horrible tragedy like the Dixey family went through.

We are trying to do everything we can with this. First of all, the Arizona Republic, to their credit, they have done an excellent job in trying to get that story out. Of course, Arizona is a big boating State. 48 Hours is going to do a story on it. USA Today has done a story on it. New York Times has done a story. All the Denver Press, the Colorado Press, the Grand Junction Daily Sentinel has done excellent stories, Associated Press is getting that story out, and local TV news is getting it out.

We are starting to get word out where that serial killer is located. Because if we know where it is located, and we educate the public where this serial killer hides out, we can avoid the kind of tragedies that we saw with the Dixey family. It is our obligation to try and be as tenacious as we can be, to be as determined as we can be to get the message out. When you get on a houseboat this summer, you should say this to your constituents; when you get on a houseboat this summer, for God sakes, take a look at the back by the swim platform. Where does that generator exhaust come out?

And if you are renting a boat, you should insist it have a carbon monoxide detector inside the boat. And if the carbon monoxide detector goes off, pay attention to it. I went down to Lake Powell not long ago, and I was talking to the maintenance guy down there on rental boats. They have carbon monoxide detectors on those houseboats at Lake Powell that are rented by the concessionaire. And by the way, they have revented, or they do not vent on the back on those houseboats that are rented. But I asked him, I said, well, what do you find about these carbon monoxide detectors? The guy said most of the time these detectors come back disconnected because the people who have rented the boat think the thing is malfunctioning because it is going off. Do not do that. You have just invited the serial killer into your bedroom if you think that carbon monoxide detail detector is not working.

Now, why? Why am I so intense this evening? And why do I continue to reiterate the tragedy that the Dixey and the Tingey family suffered at Lake Powell in August of last year? Am I against the houseboat manufacturers, as some might suggest? Of course not. I love being out on Lake Powell. Water sports generally are very safe if you are responsible, as the Dixey family was. They lectured their kids. They sat all these kids down, gave them a safety lecture before they did that. When they were young, they were in life jackets. As they grew older, they took swimming lessons, et cetera, et cetera, et cetera. Responsible safety lessons are necessary.

But what is sad about this situation, and the reason that I get so worked up about it, is no matter how many swimming lessons the Dixeys would have given these two young men, no matter how much, no matter how much time Ken, or no matter how much time Bambi spent with these two boys on swimming lessons, no matter how many safety lectures they would have given them, if they would have been 5 feet away from these young boys, and by the way, they were not much further away than that, nothing could have saved those boys.

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Why? Because the killer that got them, that carbon monoxide under the swim platform where people expect people to swim was instant death. That is exactly what happened. That is why I get worked up about it.

Is it avoidable? You bet. One, you can vent this carbon monoxide straight up. What does it mean? It means it is going to cost a little money. Last week in our committee hearing, we had a committee hearing, the Dixey family and the Tingey family were willing to come to Washington and spill all of their sadness. The mother brought a broken heart. The father in his testimony in front of our committee last week said, "As a father, I feel I have an inherent responsibility. Probably the ultimate charge, an inherent responsibility, to protect my family. As my boys were drowning, I know that they thought and they expected that I would rescue them."

Well, Mr. Dixey, you never had a chance. You and Bambi could have done everything possible, but because of the fact you did not know about that serial killer lurking underneath the swim platform of your houseboat, you had no chance.

Frankly for a couple like that, Mr. Speaker, for a couple like that to have these guilty feelings about what they could have done, there is nothing they could do. But somebody could have done something about it. First of all, the Coast Guard back in 1995; and again, they are doing something about it now. The boat manufacturers, and I should add now that the boat manufacturers, now that we have a recall, I went to the Coast Guard and I said, "Put a recall."

The Coast Guard said, "We are not sure we can." They do their research, and they can put a recall. Now we have cooperation from the boat manufacturers, but that cooperation did not start until we had a recall. We did not get cooperation 5 years ago. Some of these boat manufacturers I think knew what was happening.

It should have been fixed. And if it would have been fixed, we would have two young men in our presence today. They would be alive, Dillon and Logan, and Bambi and Ken, they would not be in this kind of situation.

So colleagues, what do I want the message to be to you tonight? Try and educate. Have town meetings if you have an opportunity. We have a Memorial Day break coming up. We know on Memorial Day a lot of people go to the water. This is an opportunity for you, too. I want to do it. This is an opportunity for you to tell the story that I am relaying to you tonight, for you to tell the Dixey story and relate as the Dixeys have prayed ever since they lost their two wonderful children, as they have prayed as someone might, for you to go out and tell their story so no other family suffers as the Dixey family has.

That is if you have a houseboat, for gosh sake's, be aware of the danger of carbon monoxide. If you have got a houseboat, when you go to rent a houseboat, or if you are going to use a houseboat and it has carbon monoxide, it has generators, this is not the engines that drive the propellers, this is the generator that keeps the lights on inside the cabin.

If you rent a houseboat this weekend, Mr. Speaker, take a look at the back. If the generator exhaust comes out the back, tell the owner of that houseboat, number one, you are not going to rent it. And number two, he should not rent it to anybody. Tell him he has a silent serial killer on his hands, and his responsibility is to put a lock and key on that boat and until that boat is refitted, not let anybody touch it. If you do not, some of our constituents are going to suffer the same horrible tragedy which creates a nightmare every night of the Dixeys' life. I am asking for my colleagues to help this evening.

Mr. Speaker, this evening I was ready to talk about the budget. I wanted to talk about energy. I wanted to rebut the previous comments that were made obviously attacking President Bush I think unfairly. But sometimes there is a priority. My priority tonight was to put aside the discussion on the budget, to put aside the discussion on our energy problem, to try and relay a message about how deadly and how dangerous these houseboats are, and how important it is for us, Mr. Speaker, and how important it is for everyone that we come in contact with when we go out on our Memorial Day break, to know exactly what the danger of these houseboats are. It is very, very important.

Mr. Speaker, in conclusion, let me just thank specifically the gentleman from New Jersey (Mr. LOBIONDO), the gentleman called a hearing on boating safety, and to thank my colleagues that have given us the time and their energy to get this message out. I do want to issue a deep appreciation to the families and so on who are willing to help us get this message out.

I wish Mr. Speaker and all of my colleagues a safe Memorial Day weekend.

QUALITY OF AMERICAN DEMOCRACY

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes.

Mr. SANDERS. Mr. Speaker, I am delighted to be joined this evening by the gentleman from Oregon (Mr. DEFAZIO), my good friend.

Mr. Speaker, I want to begin, as the first Independent elected to Congress in 40 years and I have been here now for 11 years, I want to talk about some issues that are often not addressed by my colleagues in the House or the Senate and some issues that are not talked about on television or radio with our corporate media but issues that need to be discussed and debated and thought about.

The first issue that I want to talk about is the most important issue. That is the quality of American democracy.

Mr. Speaker, we have an American flag behind us, and the American flag reflects the struggle and the deaths of so many Americans who fought and died to preserve our democracy. Democracy is a big deal. It means that the people, ordinary people, working people, low-income people, people who are not wealthy and powerful, but ordinary people having the right to control their own lives and making the decisions which impact on their children and on the future of the country, that is a big deal and something that we kind of take for granted.

What I am extremely concerned about, that the quality of our democracy and our democratic traditions are deteriorating, and that more and more people are giving up on our democratic process or not paying attention to what is going on and believe for many very good reasons that this institution, that Washington, D.C., is controlled by big money interests who do not pay attention to the lives and struggles of ordinary people, to the middle class. People are saying why should I bother to vote, why should I bother to participate. The deck is stacked against me, big money controls both political parties, big money controls the agenda.

Let me just say a word about what goes on in this country in terms of money. Let me quote if I can, Mr. Speaker, from today's Washington Post. "Vice President CHENEY held a reception at his official residence last night for $100,000 donors to the Republican Party, giving the Democrats, after years of enduring GOP criticism of their use of the perks of office for fund-raising a chance to accuse Republicans of engaging in the same practices. CHENEY's hospitality was a prelude to tonight's Presidential gala, a black-tie dinner that is expected to raise at least $15 million for the Republican National Committee, and will mark President Bush's post-inaugural debut as a major fund-raising draw for his party."

Mr. Speaker, we ended our debate over education kind of early this evening, about 5:00, for a very special occasion. And the occasion was because many of our Republican colleagues were racing out to this $15 million fund-raising dinner.

In my State of Vermont and all over this country, people sit back and they cannot believe it. They cannot believe that there are people who go to fund-raising dinners for $25,000 a plate, Republican dinners and Democratic dinners, people who contribute hundreds of thousands of dollars to both political parties. People say, "What is going on in this country. That is not what democracy is supposed to be."

Now, what people also understand is that folks do not go to fund-raising dinners like the one that the Republicans are holding tonight and do not contribute hundreds of thousands of dollars to the Republican Party or the Democratic Party because they believe in the democratic process. No one thinks that.

The reason that people contribute huge sums of money, the reason that corporate America is throwing hundreds of millions of dollars into the political process is that when you contribute, you gain access to the people who make the decisions, and they make decisions that benefit you.

Does anybody think that at tonight's fund-raising dinner for the Republican Party the major donors are coming up to the President and saying, "Mr. President, you have got to raise the minimum wage, because American workers cannot make it on $5.15 an hour."

Does anyone think that is what is being discussed tonight? Do you think that the donors of the Republican Party are saying, "Mr. President, what are we going to do about the fact that 43 million Americans have no health insurance, and many more are underinsured? Mr. President, we have to move that issue." I do not think so.

I think what is happening tonight is the President is taking some bows for his tax proposal which will give hundreds of billions of dollars in tax breaks to the wealthiest 1 percent of the population, people who make a minimum income of $375,000; and that is why people contribute to the political process.

Mr. Speaker, I would say the major issue as a Nation we have got to face is how do we revitalize American democracy. How do we go from having the lowest voter turnout of any major industrialized Nation to the highest voter turnout.

In next year's election, 2002, the estimate is 36 percent of the American people are going to vote. Almost two-thirds of the American people are saying, "I am not going to participate in terms of who is going to the Congress, Senate, who is going to be the governor of my State. It does not matter."

What is even scarier is that the voter turnout for young people is even lower, which portends very badly for the future of this country in terms of democratic participation.

I hope tonight, along with the gentleman from Oregon (Mr. DEFAZIO), we will be exploring the role that big money plays in the political process, in terms of energy, tax breaks, in terms of our environment, and I think there is a lot to be discussed in that respect.

Mr. Speaker, I yield to a gentleman who has played a fantastic role in this Congress in taking on the big oil companies and fighting for an energy policy that makes a lot of sense to working Americans, rather than just Exxon and the big oil companies.

Mr. DeFAZIO. Mr. Speaker, I thank the gentleman. Just in following up on that train of thought, there is 1 billion, "b" as in billion, that is 1,000 million dollars spent by candidates for Congress in this last cycle; by far a new record, more than a $200 million increase.

I have to say sadly most of that money came from powerful special interests whose interests is not good public policy, not universal health care, not how to rein in the outrageous cost of prescription drugs, not how to have a sustainable energy policy for the United States of America that benefits small business, big business and residential ratepayers and working people alike, but no, they are narrow special interests.

Mr. Speaker, I would like to read sort of a roll call here from the energy industry of their contributions. Now, number one, it is hard to choose. I do not know whether to go to Enron because the CEO of Enron is Mr. Ken Lay, who is the largest single contributor to George Bush, $2 million over George Bush's political lifetime, and all of his company executives were required to give substantial funds to President Bush, and they raised millions of dollars. This is one company.

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What is at stake for them? Well, last year, they had a billion dollars of income or a billion dollars of revenue and $100 million of income, a lot of it through manipulating energy markets. They do not produce things. They just manipulated energy markets.

So I am going to give them the number one spot, as I said, $2 million from the CEO of Enron. When Mr. CHENEY, who wrote our national energy policy, was asked to name people who he had met with, he said, well, I met with lots of people, lots of people; but the only one he could name, the only person that CHENEY in that press conference, Vice President CHENEY, could name, was Ken Lay, the head of Enron, because he said they have a different take on things.

That is right. They do not produce oil and gas. They do not produce electricity. What they produce is money by speculating on these markets, driving up the price and manipulating the markets to extract the money from consumers, but they do not add anything productive to the mix.

It was reported by the Wall Street Journal last Friday that Mr. Lay of Enron chose two key regulators who he had to call over to the White House to get appointed to be on the Federal Energy Regulatory Commission to make certain that policies that benefit his billion dollar company are put in place.

Number two, close behind Enron, they could have been number one, is ExxonMobil; ExxonMobil, $15.9 billion in profits in the last year. It is a 100 percent increase. Americans are seeing it every day at the pump; and they are also seeing it in their homes, because Mobil has very substantial interests in the natural gas market which has been manipulated to extraordinary new highs.

They are kind of pikers, though. With that $15.9 billion of profits far outstripping the billion dollars of profits of Enron, they only gave $1.2 million to George Bush's election. They could have done a little better, but hopefully they are downtown tonight and they are making up for that deficit because certainly this so-called national energy policy which we received, this glossy, wonderful thing last week, in fact James Watt said that they dusted off his work from 20 years ago. I actually kind of think it was probably written more like 50 years ago in terms of how enlightened it is in moving us beyond the petroleum, coal, and nuclear economy. They certainly would do very well under that.

Let us go to number three here. Looks like number three goes to Chevron, $5.1 billion of profits; 150 percent increase. Total pikers, less than a million dollars to the Republican Party, only $770,000. I am certain, again, that they are making up for that tonight.

There is a direct linkage between this so-called national energy policy and massive, massive contributions from the energy industry in this country. It is just scandalous what is going on, the influence we have, two people from Texas, although Mr. CHENEY did move his residency to Wyoming in order to meet constitutional requirements, where he had formerly lived; but they both lived in Texas up until the election; both working previously for oil companies, Mr. CHENEY for Halliburton, and Mr. Bush a long history with the industry.

People wonder what is this big runup in prices at the pump? What is going on with energy deregulation in California? How can the price of the electricity sold in California in 2 short years go from $7 billion to $70 billion? The same amount of electricity will be sold in California this year as 2 years ago. Despite what one reads in the press, they are conserving. They will consume probably as much or a little bit less than they did 2 years ago, and the price has gone up by 1,000 percent; 1,000 percent.

Every small business, every big business, every residential ratepayer is paying through the nose for the same essential commodity that keeps these lights on in this so-called deregulated market; and this national energy policy says this is such a great plan it is working so well, so well in the State of California that according to an unnumbered page in the summary of recommendations, in appendix one of President Bush's and Vice President CHENEY's national energy policy, that every State in the Union, despite, of course, the normal States' rights position of my colleagues on the other side of the aisle, should be required to implement California-like deregulation because it would be unbelievably profitable for Enron.

It is such a great deal. The lights go out. You do not know if you can afford your bill, but they think this is a model for the future and we should model this in every State in the union.

It has failed every place it has been tried.

Mr. SANDERS. Let me just pick up on the point of the gentleman from Oregon (Mr. DEFAZIO). All over this country people are driving to work. In the State of Vermont, we are one of the most rural States in the country. People put a lot of miles on their car, and what they are noticing is that the price that they are paying for gas at the pump is zooming upward.

What they should also notice is that the profits of the major oil companies have expanded enormously. During the last year, ExxonMobil saw a 102 percent increase in their profits; Chevron, a 150 percent increase in their profits; Texaco, 116 percent increase in their profits; Conoco, a 155 percent increase in their profits; Phillips Petroleum did really good, a 205 percent increase; and on and on it goes.

So while working people all over this country are paying more and more at the pump, while people are scared to death about what the heating bills will be in States like Vermont next winter, the oil companies are enjoying huge profits. Some of us think that it might be appropriate, as radical an idea as it might be, for the United States Congress to stand up for the working people, for the middle class, for those people whose heating bills and whose oil bills and gas prices are moving upward, rather than for the oil companies who have contributed so much money to the Republican Party. I know that that is a radical idea, but some of us think maybe it is long overdue that we begin to do that.

I do not know if my friend, the gentleman from Oregon (Mr. DEFAZIO), wants to go there yet; but there is another issue that he has alerted me to awhile back that I think is a fascinating issue. It deals obviously with energy. It deals with trade. It deals with money and politics. And that is the issue of OPEC.

I must confess to my colleagues and to the American people that I am not a great fan of unfettered free trade. I voted against NAFTA. I voted against GATT. I am strongly opposed to the Most Favored Nation status, or PNTR, with China. We will talk about that in a little while.

What is interesting is a majority of the Members of the House, a majority of the Members of the Senate and the President of the United States, they disagree with me. They say free trade is just a wonderful, wonderful thing and that everybody does well when we have no limitations to production, to distribution, products go in and out of people's countries. That is the way we have to go.

I have a question and I want to credit my friend from Oregon for raising this issue a couple of months ago or longer than that, and that is everybody in the world understands that OPEC, the oil-producing countries, are a cartel. That is why they are in existence. In fact, in a couple of weeks they are going to be meeting, as they do periodically, to decide as to how much oil they will produce and what the price, in fact, of oil will be on the world market. It is a cartel. Their existence, their reason for existence, is to control oil production.

I find it amazing, and I would like my friend from Oregon to comment on it, how it could be that the representative from the United States Trade Department, operating under the Secretary of the Treasury, has not raced off to Geneva, Switzerland, where the WTO is and raised the complaint about OPEC's policies being a clear violation of international trade. I find it amazing that all of the proponents of free trade, who think it is a great idea that corporations run to China and hire workers there at 20 cents an hour when they throw Americans out on the street, that is great. Where are they when it comes to taking on OPEC and the oil industry that works with OPEC?

Mr. Speaker, I would yield to my friend from Oregon for some comments on that.

Mr. DEFAZIO. The gentleman raises a very interesting point. In fact, I consulted with experts at the Congressional Research Service. Like the gentleman, I opposed the formation of the World Trade Organization; I opposed NAFTA; opposed Most Favored Nation status for China, and unfortunately and pathetically the Clinton administration was as bad as the Reagan administration, the Bush I administration and the Bush II administration on these issues. There seems to be sort of a thread that runs through there.

I was concerned when I read about Mr. Chavez, the President of Venezuela, who is head of OPEC, saying, we can squeeze them. All we have to do is constrain production.

I thought, well, wait a minute. What about this free trade stuff that I hear from President Clinton and I am hearing now from President Bush? They are all for rules-based free trade. That is why we are going to have the WTO and put China in there. We are going to have rules, by God; we are going to have rules. Well, I checked out the rules.

I am not a lawyer, but it is pretty clear when I read the rules that OPEC cannot do what they are doing under the rules. So I consulted with the Congressional Research Service, and I said I am not a lawyer and I read this stuff and it kind of looks to me like OPEC, the seven countries in OPEC now, I did raise this issue with Vice President CHENEY and he looked at me very smugly and said did I not know that Saudi Arabia was not in OPEC?

I said, well, Mr. Vice President, I know that Saudi Arabia is not in OPEC, but the seven members who are in OPEC are members of the World Trade Organization. Saudi Arabia is an observer nation, and they want to be in the WTO so they have to follow the rules, too. Did not have much of a rejoinder to that.

I have sent a letter to President Bush and Vice President CHENEY and their trade representative asking them on behalf of the consumers of the United States, who are footing the bill every day when they pull up to the gas pump, to file a complaint for illegal constraint of trade and production under the World Trade Organization agreement and GATT by the OPEC nations. There has been a resounding silence.

I think what is really going on here is one finds that the American oil companies use the constriction of production by OPEC as an excuse to raise the price even more. I mean, we go back to the ExxonMobil profits, that $15.9 billion, that is $159,000 million in profits, a 102 percent increase by ExxonMobil. It had to come from somewhere.

It came from two places. Mobil was manipulating and constricting gas supply to drive up the price across the country to people who use natural gas to produce energy to heat their homes or run their business; and Exxon, specializing on the other side of the equation, and Mobil to some extent, was using the excuse of constricted supply from OPEC to drive up the price twice as much as OPEC had and increase their profits.

So it appears that the Bush administration, no big surprise given their oil background, will not use the rules-based trade that they want us to be in. In fact, they want to expand this to a giant super NAFTA which covers the entire western hemisphere. They will not use the rules of that to file a complaint against the OPEC countries, a complaint that according to the legal resources I have contacted the United States would win recouping billions of dollars of refunds for U.S. consumers.

Now, why will they not do that? If I were President of the United States and I had an opportunity to go out against foreign nations who are manipulating a product that is essential to my economy, I would do it in a second; and I would refund that money to all the American consumers who had been gouged by this manipulation. Strangely enough, the Bush administration will not do that.

As I say, to be fair, the Clinton administration before them would not do it either. It is a pathetic comment.

Mr. SANDERS. The bottom line here is very clear, that when free trade works for the benefit of the multinationals, it is a process to be touted; it is an ideology to be cheered on. But when breaking up a cartel, which is ripping off the American people and people all over the world, that when taking on this cartel would hurt corporate America's interest, suddenly the silence is deafening.

I want to applaud the gentleman from Oregon (Mr. DEFAZIO) for raising this issue. I am going to stay on this issue.

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I think the American people want the United States Trade Representative to go to Geneva and demand free trade in terms of the production of oil. We are concerned not only about what the rising price of oil and gas at the pumps means for people who are driving, but for the state of our whole economy and, clearly, Congress and the White House have to take some action on that.

Let me switch gears for a moment.

Mr. DEFAZIO. Mr. Speaker, just before we do that, just to go after this WTO thing for a moment, one of the concerns I have had about the WTO, and we are part of it, and I led the Democratic side with the gentleman from Texas (Mr. PAUL) leading the Republican side, on a vote to withdraw from the WTO last fall, and we were defeated resoundingly; I do not think we even got 100 votes, and people around the country should check out their Members of Congress and see how many of them voted to withdraw from this manipulated trade organization, which is set up for multinational corporations, not for consumers, not for the environment, not for people who consume energy, not for people concerned about working conditions, but for the corporations; that the U.S. has changed laws, weakened laws because the WTO has found against us because we wanted to protect dolphins; the WTO has found against the United States for clean air. We have to import dirty gasoline from overseas under WTO rules from Venezuela because they found our clean air restrictions were an illegal international trade constraint.

Under NAFTA, the horrible pollution of our water table about the substance called MTBE, the United States may have to pay Canada hundreds of millions of dollars under NAFTA to stop the production and the introduction of MTBE into poisoning our water supply, because of that trade agreement, and the U.S. accedes to all of these things. We pay the penalties, we repeal the laws. Not myself, but other Members of Congress vote for these things because they bow to the World Trade Organization and to the NAFTA tribunals.

But somehow, when it comes to the American consumers, when it comes to people pulling up to the pump in their cars, when it comes to people from my rural areas pulling up, and we hear a lot about Americans and their brand-new SUVs and the bad gas mileage, but I have a heck of a lot more people in my district who are driving their beat-up pickup trucks to the pump in the few rural gas stations we have left in my State, they are getting gouged twice as much as some of the big city folks, and somehow, the United States of America, the President of the United States cannot stand up for them in the World Trade Organization and against OPEC. I find that absolutely pathetic.

I would trace it back to the Rollcall I was reading before. The profits: Exxon-Mobil, $15.9 billion; Chevron, $5.1 billion; Texaco, $2.5 billion; Conoco, $1.9 billion; Philips Petroleum, $1.9

billion; Duke Energy, $1.8 billion; I am sorry, we are getting into electricity; maybe we will get to that later. Occidental Petroleum, $1.6 billion; and so on and so on. The list goes on and on. I think that has a little bit more to do with it than the fact that American consumers are getting gouged.

Mr. SANDERS. Mr. Speaker, while we are on the issue of trade, I want to touch on an issue, talk about amazing issues, we talked about the WTO and OPEC. This one, in many respects, is even more amazing, and that is the Permanent Normalized Trade Relations with China. Let us talk a little bit about that and talk about it in two respects. Number one, what is going on?

Well, for a start, it seems to me that overall, our trade policy is almost by definition a disaster. Today, the United States has over a $400 billion trade deficit, which means that products that used to be manufactured in the United States by workers here who are making a living wage are now being manufactured in China, Mexico, many other countries around the world where people are being paid 20 cents or 30 cents an hour. Now, I find it very hard to talk about "free trade" and fairness in trade when American workers are being asked to compete against desperate people in China who make 20 cents an hour, who cannot form a union, who, if they stood up and asked for the most basic, elemental, democratic rights, they would be thrown in jail, and that is our competition.

Now, what is also very interesting about what is going on in terms of our relationships to China is how little we are hearing from the media on this issue.

If we look at our relations to China, and I am not anti-China, anti-Chinese, I do not want a Cold War with China, I want to see China integrated into the world economy. China has a fantastic history, and so forth and so on. I am not anti-Chinese. But why would we want to continue a trade policy with a country in which we have an $84 billion trade deficit, record-breaking trade deficit with China? If one is in Vermont, if one is in any State of the country, walk into the local department store and look at the labels of the products that we are buying, and we are not talking about cheap 50 cent products?

We are talking about a wide variety of products, some of them very, very good quality. One of the most important economic realities that has taken place in this country in the last decade is that the major multinational corporations have, to a significant degree, stopped investing in New England, stopped investing in the Midwest and many other sections of our country, but instead are investing billions and billions of dollars building state-of-the-art factories in China. And the reason for their doing that is, I guess, China is a great place to do business. Workers are forced to work for starvation wages, they cannot form unions, they cannot stand up for their rights; environmental regulations are weak or nonexistent.

What a fantastic place to do business. You can bribe government officials all over the place. It is a fantastic place. Why would one want to invest in the United States, pay workers here a living wage, have to obey environmental regulations and so forth and so on?

So what we are seeing is a huge amount of investment in China. And the support of this trade agreement, which has been a disaster for American workers by corporate America and their representatives in the United States Congress.

Now, what I found very interesting is that after we opened up our market to China, and we said to the American companies and so forth that are doing business in China, come on in, you could be Nike, you can pay your workers 20 cents an hour, you can sell your sneakers in this country for $100, great idea, no problem. Well, in the midst of all of this, a funny thing happened. A couple of months ago, as everybody knows, an American plane was collided with by a Chinese pilot. As a result of the heroic efforts of the American pilot, 24 service people were able to stay alive as their plane crash landed in China.

Now, one would think, one might think that given the fact that we have granted permanent normalized trade relations with China, that we have allowed them to sell products into our market which results in the loss of hundreds of thousands of American jobs, lowering of the wages of American workers, one might think that in the midst of all of that, what the Chinese government might say is, we are sorry for the accident.

Obviously, we are going to release the 24 American servicemen who crash landed, and you are going to get your plane back as soon as you possibly can. That would seem to me to be the logical response of a government which now has complete access to the American market, which has been granted Permanent Most Favored Nation status. Instead, this country held prisoner 24 American service people for 11 days and still has our airplane. Where is the outrage? Where is the outrage?

Well, in fact, as my colleague from Oregon knows, in a couple of months, within a couple of months, there will be another vote on Most Favored Nation status with China. The big money people are pouring huge amounts of money into the political process, and despite the recent outrage, my expectation is that MFN with China will, once again, be passed, and that we will not revoke PNTR, as I think we should.

So let me conclude my remarks in that regard by saying, I am not anti-Chinese. I do not want a Cold War with China. I want trade with China. But it has got to be trade based on principles that are fair for the American worker, not just corporate America, and a policy which results in a positive political relationship between China and the United States, which clearly the recent incident with the airplane indicates is not the case.

I yield to my friend for any thoughts he has on that issue.

Mr. DeFAZIO. Well, Mr. Speaker, certainly, big news in the Pacific Northwest recently was that the Boeing Company, after about a half a century, has moved its headquarters out of Seattle, and the rumor, and I have to unfortunately think it is true, is that the Boeing executives wanted to get out of town before they shipped the jobs to China. They have already outsourced some manufacturing to China. We know they would like to outsource more of their manufacturing of their planes to China. The CEO of the company has said he cannot wait until the day that he does not have to say it is an American corporation, that it is something else, a stateless company, and we know that they can get labor much cheaper in China. They are producing significant components of their planes there.

So the pressure on this administration, as the last administration, from the biggest corporations in this country, Boeing, Nike, IBM, Westinghouse, we can go down the list, is no matter what the Chinese do, so what if they sold nuclear weapons to terrorists, so what if they held our men and women hostage, so what if they are the most unfair trading nation on earth and they are stealing our jobs.

A few companies are making a little bit of money over there, and that is what drives U.S. policy and, unfortunately, and pathetically, this administration is going to be no different than the last, the Clinton administration no different than Bush I and Reagan on this issue; that is, whatever the dictators, the bloody dictators in Beijing want, they will get, no matter how high the price.

Last year the price was an $83.8 billion deficit with China, the most unfair trading nation on earth.

Pick up the report of the U.S. Trade Representative. It is about this thick, and read page after page after page after page of the ways that the Chinese have discriminated against U.S. manufactured goods. They are not buying our goods, except when they want to make copies of them. That is the only time they buy them. They are very studiously developing a market in the U.S. and avoiding U.S. goods coming into their country.

Last year, the wheat farmers from eastern Oregon came in to see me and they were just hysterical about the idea that they could get into China if we just only gave them permanent, Most Favored Nation status, and I said, I disagree. I gave them transcripts of radio talks by the Chinese agriculture minister saying there is no way we are going to allow our country to become dependent upon imports of food.

In fact, we intend to be exporting wheat and other goods. We only want access to their markets. And in trade we have to say nice things, but that is not what we mean and we are really going to do something totally different. I gave them the transcripts. They said, no, that is not true.

In fact, just before we voted here in this House of Representatives, a majority of our colleagues voted to give the Chinese everything they could ever dream of and, despite all of their misbehavior, they took in a boatload of wheat. Guess what? It is the last one they ever took. In fact, the same farmers came in to see me this year, they sat down quietly, and we were just sitting there on opposite sides of the office and they said, well, are you going to say it? I said, say what? They said, are you going to say you were right? I said yes, I was right, but what are we going to do about it?

Mr. Speaker, group after group of Americans has been snookered on this free trade rhetoric. They believe, and they are good Americans and they are hard-working Americans and they care about their family farms and their small businesses or their industrial small manufacturing plants. Group after group after group has come to me over the years on these trade issues and said, no, Congressman, they tell us it is going to benefit us, and group after group after group has come back 1 or 2 or 3 years later and said, we have been devastated. They are doing exactly the opposite of what they told us, and exactly the opposite has happened to our wheat folks. Not a grain of Oregon wheat has gone into China since that agreement was penciled.

Now, maybe they will take another boatload this spring because they need to get another vote here in this Congress; or maybe it will be apples from Washington or maybe it will be who-knows-what. It is a pretty cheap price to them when they are running an $83.8 billion unfair trade surplus with the U.S.

By the Commerce Department's own numbers, that is $1,660,000 U.S. manufacturing jobs that are gone to China. They always want to talk about oh, hey, every billion dollars of trade is 20,000 jobs. The only thing is they never talk about the net. We sent like $16 billion worth of stuff to China and we imported over $100 billion of stuff from China. That is the net number.

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That is our job loss. Why will they not talk about that?

Mr. SANDERS. That is only half of the story. That is job loss. The other half of the story is what our trade policy with China means in terms of driving wages down in this country.

Every worker in this country knows that if we stand up and fight for decent wages, decent benefits, we have a boss there to say, "Hey, you are lucky that you have this job because I could go to Mexico, I could go to China. Look at that factory down the road, what they did last year."

So the presence of a huge labor market in China where people are forced to work for horrendous wages has not only resulted in the loss of huge numbers of jobs, but has certainly had an impact in lowering the real wages of American workers.

The fact is, one of the things that we hear in the media, and I want to say a word about the media, because I have found media coverage of this whole issue very, very interesting.

Mr. DEFAZIO. Very interesting, or nonexistent?

Mr. SANDERS. Both; interesting for its nonexistence. We should ask ourselves why, when we look, for example, at Fox Television, owned by the right-wing billionaire Rupert Murdoch, he is making a huge effort to get into the Chinese market. He is very clear. He has said it and his family has said it, that they do not want to disturb the Chinese government and they do not want to raise these types of issues.

General Electric, which owns NBC, has significant investments in China. Westinghouse, Disney, et cetera, et cetera, many of the major multinationals who own the media in the United States, are also investing in China. The last thing they want to see is the Congress rethink its trade agreements with China.

I think not only on that issue but on the issue of media in general, the American people should do a whole lot of hard thinking as to why we hear what we hear and why we do not hear what we do not hear. I would say that the example of coverage regarding China is a perfect example about the biases of corporate media in terms of what we hear.

I would also like to touch on an issue regarding the media and what is going on in our economy. When we do hear the media for the last 10 years, what we have been hearing over and over again is a drumbeat which says, "The economy is booming; America, you have never had it so good," over and over.

I go back to Vermont. I hold many town meetings around the State. What I invariably do is say, "I just read in the newspaper or saw on TV that the economy is booming. You have never had it so good. Please raise your hand if you think that is true."

I do remember at a meeting of several hundred farmers, one guy did raise his hand. He thought the economy was going very well. Overwhelmingly, the vast majority of the people understand the reality of their lives; that is, that in many instances the middle class is working longer hours for lower wages.

Yes, the economy is booming for all of the people who are millionaires and billionaires. In fact, they have never had it so good. But if one is in the middle class, then what one runs into is that, everything being equal, we are now working a lot more hours than we used to.

If there is a family member who would prefer to stay home with the kids and raise the kids in the house, increasingly that is becoming impossible because families now need two breadwinners in order to pay the bills.

There was a study that came out I think from the International Labor Organization several years ago in which the United States claimed the very dubious distinction of having surpassed Japan for now working longer hours than the workers of any other major country on Earth.

So it seems to me that if real wages have declined, if people are working longer and longer hours, in my State of Vermont it is not uncommon not only for people to work two jobs, sometimes they work three jobs, and often these are part-time jobs, jobs without benefits.

We have 43 million Americans who have no health insurance, tens of millions of Americans who are underinsured. We have families going deeply into debt in order to figure out how they can pay for their kids' college education. We have elderly people who are not eating adequately because they have to pay the exorbitant prices that the drug companies are demanding from us for prescription drugs. On and on it goes.

I want to know, in the midst of all of that context, where the richest 1 percent of the population owns more wealth than the bottom 99 percent, where the CEOs of major corporations now earn 500 times what their employees earn, in the midst of all that, how can the media continue to talk about the booming economy?

Let us look at reality here and what is happening to the middle class in this country.

I yield to the gentleman from Oregon.

Mr. DEFAZIO. Just to follow up on that, Mr. Speaker, the point about the extraordinary, galloping increase in CEO salaries, whether or not the corporations are profitable, and absent the whole dot.com craziness, the gentleman is right, it is more than 500 times the average line worker's salary, up from a mere 20 years ago, when it was 27 times the average line worker's salary.

Just to break that down, in 365 days in a year, though people do not work that many days, say 220, basically a CEO earns more in one-half of one day than their line workers who work day in and day out 50 weeks a year, 40 hours a week. Something is a little bit wrong with that equation, the people who are producing the wealth.

What is the answer we get? We hear a lot of talk about the so-called surplus here in Washington, D.C., which is based upon some pretty funny budget estimates. I fear that we will be like Texas. Two years ago the legislature cut taxes twice at the behest of then Governor Bush in Texas. Now they are down there saying, hey, what were we thinking? What were we smoking? They have a $700 million deficit, and they are going to raise taxes.

This group here, should they jam through these tax cuts, particularly these tax cuts so heavily tilted towards the people who earn over $373,000 a year, and 43 percent of the benefits go to people who earn over that, will be in a very similar situation.

The programs for everybody else, student loans for their kids, prescription drug benefits for seniors, the Coast Guard, I had the Coast Guard come in and they said, we have to cut patrols 20 percent. The Corps of Engineers are saying, we are cutting back on flood controls. I asked, are they not part of the Bush administration? Do we not have a surplus? How come they were telling me about the cuts they are going to make?

Those were the orders from the White House: cut, cut, cut. Programs that serve the American people are being cut. Then the big bonus goes to this tiny fraction of people at the top. The American people are supposed to be happy with the crumbs they get at the table.

We cannot replace for $400 a year the cuts in Pell grants, the cuts in services to one's parents or oneself in Medicare; or when we are out there and the boat sinks and the Coast Guard says, "Well, sorry, we had to cut back 20 percent of the patrols because the budget is tight because we had to have the tax cuts for the wealthy," and by the way, they have crews and lifeboats on their yachts, and so we are out there in our dingy boat and we sink, that is too bad.

Mr. SANDERS. The gentleman makes a very important point. Not only is the President's tax proposal grossly unfair, and the statistics that I have seen are even higher than that, that the wealthiest 1 percent end up getting 50 percent of the tax breaks.

Mr. DEFAZIO. I was being conservative, 43.

Mr. SANDERS. That is, remember, people with a minimum income of $373,000. Meanwhile, one could be a mother raising two kids making $22,000 a year. Do Members know what that tax cut is? Zero, not one nickel.

So it seems to me not only is the Bush tax proposal grotesquely unfair, giving huge tax breaks to the people who need it the least, but it is absolutely irresponsible.

President Bush, the gentleman from Oregon (Mr. DEFazio), myself, the American people, do not know what the economy will be next year, in 5 years, and certainly not in 10 years. Nobody knows.

For years and years, our conservative friends have been saying, we cannot spend money we do not have. We have to be cautious with the taxpayers' money. But they have decided to give out at minimum $1.3 trillion or probably a lot more over a 10-year period. Meanwhile, back in Vermont and throughout this country, young people who graduate from a 4-year college are ending up at $19,000 in debt, on average. Lower-income kids are ending up even more in debt, and that does not count the debt incurred by the young man's or woman's parents.

For the first time in many years, a lot of low-income high school graduates are thinking twice about whether or not they want to go to college. Meanwhile, Pell grants and other student aid programs for college students have in no way kept pace with the escalating cost of college, putting enormous stress on the middle class.

Yes, we have hundreds of billions of dollars available for tax breaks for the richest 1 percent; no, we cannot significantly increase Pell grants and other student aid programs for the middle class.

Just last Saturday in South Royalton, Vermont, I held a town meeting on an issue which needs an enormous amount of discussion and awareness, an increase in awareness, in public consciousness. That is the absolute crisis that exists in child care in this country today.

I find it appalling that there are people who would come up to this podium and talk about family values and their love of children and working families, and continue to ignore the crisis in child care which goes on in America today.

The reality, in my State and virtually all across this country, is that working families cannot find quality, affordable child care. It is much too expensive. Meanwhile, child care workers themselves are working for horrendously low wages. If they are running their own home centers, in some cases they are making below the minimum wage.

The turnover among child care workers is extremely high. People are not getting the training that they need.

Study after study demonstrates what common sense tells us, that the first 5 years of a child's life are the most formative years. What kind of Nation are we when we are ignoring the needs of millions of children? The end result is that while we do not put money in the front end in terms of child care, what we are doing certainly is putting money in the back end when these kids fail out of high school and end in jail, and we are spending $25,000 for them in jail, but we are not paying attention to their needs in child care.

The reality in child care is that huge numbers of women are now in the work force. They need help. As a society we have to pay attention. I think it makes a lot more sense to put money into child care, put money into financial aid for college students, rather than give tax breaks to people who do not need it.

I yield to my friend, the gentleman from Oregon.

Mr. DEFAZIO. Remember, as we are having this conversation, that the Republicans adjourned the House earlier today so they could go down to a $15 million, $25,000 a plate fundraiser. I have to say, most of the issues we are talking about here tonight are not very well represented at that event.

If I could just go back to tax cuts for a moment, one thing, of all the strange things this administration has said recently, or of this 1950s energy policy they gave us, which is just a tremendous windfall for the oil, gas, and coil industry, was one where the administration said, well, we are putting an immediate stimulus, so-called, into the tax cut, around $100 million, and that money can be spent by the American people to pay the higher fuel bills.

First off, of course, approximately half of that is going to go to the people at the top who are not noticing the higher prices. Then when we divide up the rest of that among all the other Americans, it is not going to pay for a tank of gas at this inflated price-gouging we are seeing at the gas pump, let alone what we are seeing with the thousand percent run-up in electric prices in the West.

It is almost kind of like a Marie Antoinette "Let them eat cake" kind of thing; we are giving them some crumbs, what is their problem? They are going to get a little bit of money back. So what if they are being gouged at the pump by Enron, Dynegy, Synergy, all these other companies, Reliant, of course, being my favorite.

Just a minute on that. I have to refer to the fact that the Reliant Energy Company, based in Houston, Texas, according to the San Francisco Chronicle on Sunday, was gaming the California energy market on 10-minute increments. That is, they actually had their plant operators in the two crummy plants they bought in California at a very cheap price, old plants, they actually had them on the line to their traders on the floor in Houston.

The traders on the floor in Houston, as soon as they saw energy prices go down, would tell them to shut the plants down. As soon as they saw energy prices go up, they would tell them to crank the plants up. Of course, this wears the plants out quickly, causes them to go down, and hurts the energy supply.

But Reliant and Enron and Dynegy and Synergy and Exxon-Mobil and all the others, they are downtown eating caviar, popping very expensive champagne, and having a good old time with the President, and the Americans are being told, do not worry, there is a tax bill moving through Congress that will help you pay for a tank of gas.

□ 2100

Now, of course, you buy more than one tank a year. You are going to be kind of netted out on this issue.

Well, we cannot do anything about that. That is the free market. It is not the free markets. It is market manipulation. It is price gouging. It is lack of action against the OPEC cartel.

It is lack of action by the Bush Federal Energy Regulatory Commission to reign in what their own staff has said are unjustifiable prices in the wholesale energy.

The pattern here just runs through everything and it all comes back to follow the money. The money runs straight down to 1500 Pennsylvania Avenue, or whatever the address is at the White House there. That is where it is going and that is where it is flowing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISSA). The Chair must caution Members against casting personal innuendo toward the President or the Vice President of the United States.

The gentleman may continue.

Mr. DEFAZIO. Well, I thank the Chair.

Mr. Speaker, I certainly did not impugn any motive to them. I am just stating a fact. The fact, and I can read the facts here of the contributions, Exxon-Mobil, $1.2 million to the Republican Party in the last election cycle; Chevron, $770,000; Enron, $1.7 million; these are all from the Federal Election Commission, El Paso Energy, $787,000; Arco Petroleum, $439,000; Edison International, $503,000; Williams Company, $288,000; Reliance, $642,000; Dynergy, $305,000.

Those are facts that that money went to Bush-Cheney for their election. It is a fact, and I would regret if anybody found that that was somehow impugning pecuniary motives to this administration.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will clarify.

Remarks in debate may fairly criticize the President's positions or policies, but they may not level personal characterizations or accusations of impropriety.

To imply a cause-and-effect relationship between political contributions and actions by the President or the Vice President is not in order.

Mr. DEFAZIO. Well, I would certainly be chastened by the Chair, and I just listed the millions of dollars that flowed to candidates CHENEY and Bush. I would just observe that they are at a $25,000 plate fund-raiser downtown where they are going to collect a minimum of $15 million, and many of these same companies that are doing so well in this energy policy will be present tonight.

However, I certainly would not link in any way those contributions to policy decisions by this administration. Any such linkage is merely certainly beyond the bounds of this Member to impugn.

Mr. SANDERS. Mr. Speaker, I would agree with the gentleman from Oregon (Mr. DEFAZIO), it is hard to imagine that the millions and millions of dollars that come in have any influence in public policy.

It is probably that the oil companies are concerned about the quality of our democracy and just want to get more debate and political interest out there.

We are running out of time here, and I just want to say a few words in closing, and, that is, I think what is very sad about what is going on in this country is we are, in fact, a very great Nation of great people.

We have enormous productivity. We have great wealth. We have great energy. Given that reality, this Nation today has the capability of providing a good quality of life and a decent standard of living for every man, woman, and child.

It is no longer Utopian to talk about every American having good quality health care through a national health care system as a right of citizenship. That is not Utopian. That, in fact, exists in virtually every other major country. We are the only Nation on Earth that does not guarantee health care to all people as a right of citizenship.

It is not Utopian today to say that every person in this country, regardless of income, should be able to get all of the education that they are capable of absorbing, rather than seeing so many of our young people going deeply into debt as they have to figure out a way to pay for the high costs of college education. That is not Utopian.

It is not Utopian to say that we can do, as France does, for example, and have universal high-quality child care for all of our people. It is not Utopian to say that we can provide the health care that our veterans who put their lives on the line defending this country are entitled to. That is not Utopian.

It is not Utopian to say that we can produce the energy that this country requires in an environmentally sound way rather than contributing to global warming or to acid rain or to other environmental degradation. That is not Utopian. The technology is here today.

It seems to me that what we as a Nation have to do is revitalize American democracy, get people actively involved in the political process, get people to stand up for their rights, for the rights of their children. If we do that, we can, in fact, take back this country for the big money interests who have so much power over us today.

Mr. Speaker, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, if I can make a quick sentence on the energy policy. What we are putting forward is a really grand 1953 energy policy, dig, drill, burn, build, and profit, profit, profit. I would just reflect, it is time to move beyond that. We have the technology and the capability of becoming the most energy-efficient and most well-fed, housed, clothed and heated Nation on Earth with new technologies.

We just need to invest in it. The Stone Age did not end because they ran out of rocks. They evolved. We need to evolve here in the United States of America.

Mr. SANDERS. Mr. Speaker, I want to thank the gentleman from Oregon (Mr. DEFAZIO), my friend, for joining me this evening.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. HINOJOSA, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.
Mrs. EMERSON, for 5 minutes, May 24.
Mr. SOUDER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 27. An act to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; to the Committee on House Administration, in addition to the Committee on the Judiciary and the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1696. An act to expedite the construction of the World War II memorial in the District of Columbia.

OMITTED FROM THE CONGRESSIONAL RECORD OF MONDAY, MAY 21, 2001

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 18, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 428. Concerning the participation of Taiwan in the World Health Organization.

H.R. 802. To authorize the Public Safety Officer Medal of Valor, and for other purposes.

ADJOURNMENT

Mr. DEFAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 6 minutes p.m.), the House adjourned until Wednesday May, 23, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2042. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Decreased Assessment Rates [Docket No. FV01-930-1 FIR] received May 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2043. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cyfluthrin; Pesticide Tolerances for Emergency Exemptions [OPP-301126; FRL-6781-8] (RIN: 2070-AB78) received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2044. A letter from the Chairman, Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting the 2000 Annual Report, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2045. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Attorney General's 2000 Annual Report, pursuant to the Equal Credit Opportunity Act Amendments of 1976; to the Committee on Financial Services.

2046. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Consumer Protections for Depository Institution Sales of Insurance; Change in Effective Date (RIN: 3064-AC37) received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2047. A letter from the Acting Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Teacher Quality Enhancement Grants Program (RIN: 1840-AC65) received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2048. A letter from the Acting Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Gaining Early Awareness and Readiness for Undergraduate Programs—received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2049. A letter from the Acting Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Minority Science and Engineering Improvement Program—received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2050. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 169-0238; FRL-6980-4] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2051. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York; Nitrogen Oxides Budget and Allowance Trading Program [Region II Docket No. NY48-221; FRL-6979-2] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2052. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Nitrogen Oxides Budget and Allowance Trading Program [Region II Docket No. NJ44-220; FRL-6979-1] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2053. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Repeal of Petroleum Refinery Regulations [MD116-3067a; FRL-6979-6] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2054. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Distilled Spirits Facilities [MD112-3066a; FRL-6979-3] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2055. A letter from the Attorney-Advisor, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 [CC Docket No. 96-98] Intercarrier Compensation for ISP-Bound Traffic [CC Docket No. 99-68] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2056. A letter from the Associate Bureau Chief, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96-262] Reform of Access Charges Imposed by Competitive Local Exchange Carriers—received May 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2057. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Eugene, Oregon) [MM Docket No. 01-16; RM-10029] received May 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2058. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Brighton and Stowe, Vermont) [MM Docket No. 00-134; RM-9922; RM-10023] received May 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2059. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Aberdeen, Elma, and Montesano, Washington) [MM Docket No. 00-13; RM-9679] received May 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2060. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Albuquerque, New Mexico) [MM Docket No. 01-28; RM-10043] received May 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2061. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wickenburg, Bagdad, and Aguila, Arizona) [MM Docket No. 00-166; RM-9951; RM-10015; RM-10016] received May 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2062. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Lubbock, Texas) [MM Docket No. 01-17; RM-10037] received May 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2063. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Establishment of a Class A Television Service [MM Docket No. 00-10] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2064. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Reexamination of the Comparative Standards for Noncommercial Educational Applicants [MM Docket No. 95-31] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2065. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's staff report entitled, "Hydroelectric Licensing Policies, Procedures, and Regulations Comprehensive Review and Recommendations," pursuant to section 603 of the Energy Act of 2000; to the Committee on Energy and Commerce.

2066. A letter from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption And Water Use Of Certain Home Appliances And Other Products Required Under The Energy Policy And Conservation Act ("Appliance Labeling Rule")—received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2067. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in Kosovo; (H. Doc. No. 107–74); to the Committee on International Relations and ordered to be printed.

2068. A letter from the Chairman, Broadcasting Board of Governors, transmitting a draft of proposed legislation to authorize appropriations for Fiscal Years 2002 and 2003 for the Broadcasting Board of Governors; to the Committee on International Relations.

2069. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2070. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97-25; Introduction—received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2071. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's 2001 draft legislation to reauthorize the Board for an additional five years; to the Committee on Government Reform.

2072. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 010112013–1013–01; I.D. 042701A] received May 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2073. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Observer Program [Docket No. 000301054–1054; I.D. 053000D] (RIN: 0648–AN27) received May 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2074. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 010112013-1013–01; I.D. 042701B] received May 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2075. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 010112013–1013–01; I.D. 050101A] received May 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2076. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Corrections; Trip Limit Adjustments [Docket No. 001226367–0367–01; I.D. 121500E] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2077. A letter from the Deputy General Counsel, FBI, Department of Justice, transmitting the Department's final rule—National Instant Criminal Background Check System Regulation; Delay of Effective Date [AG Order No. 2425–2001; FBI 105F] (RIN: 1110–AA02) received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2078. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 2001–34] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2079. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definitions Relating to Corporate Reorganizations [Rev. Rul. 2001–26] received May 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2080. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—FOIA administrative appeals—received May 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2081. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Federal Equal Opportunity Recruitment Program (FEORP) Accomplishments Report for Fiscal Year 2000; jointly to the Committees on Government Reform and International Relations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BRADY of Texas (for himself, Mr. DOGGETT, Mr. SHAW, Mr. FOLEY, Mrs. THURMAN, and Mr. THOMPSON of Mississippi):

H.R. 1930. A bill to reauthorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself, Mr. ORTIZ, Mrs. CAPPS, Mrs. MEEK of Florida, Mr. SMITH of Texas, Mr. SHAW, Mr. ENGLISH, Mr. FOLEY, Mr. CALVERT, Mr. DAVIS of Florida, Mr. LUCAS of Oklahoma, Mr. MCINNIS, and Mrs. THURMAN):

H.R. 1931. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 1932. A bill to preserve and protect archaeological sites and historical resources of the central Mississippi Valley through the establishment of the Mississippi Valley National Historical Park as a unit of the National Park System on former Eaker Air Force Base in Blytheville, Arkansas; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA (for himself, Mr. COMBEST, Mr. STENHOLM, Mr. REYES, Mr. SKEEN, Mr. THORNBERRY, and Mr. UDALL of New Mexico):

H.R. 1933. A bill to amend the Internal Revenue Code of 1986 to provide for nonrecognition of gain on dispositions of dairy property which is certified by the Secretary of Agriculture as having been the subject of an agreement under the bovine tuberculosis eradication program, and for other purposes; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. MATSUI, Mr. RAMSTAD, Mr. BLUNT, Mr. DEAL of Georgia, Mr. CUNNINGHAM, Mr. LEWIS of Georgia, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. REYNOLDS, Mr. SESSIONS, Mr. DOOLITTLE, Mr. GORDON, Mr. BERMAN, Mr. PAUL, Mr. ISAKSON, Mr. SAM JOHNSON of Texas, Ms. LOFGREN, Mr. MORAN of Virginia, Ms. DELAURO, Mr. UDALL of Colorado, Mr. COX, Mr. SUNUNU, Mr. DOYLE, Mr. BLAGOJEVICH, Mr. EHRLICH, Mrs. THURMAN, Mr. HERGER, and Mr. GOODLATTE):

H.R. 1934. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. SPENCE, Mr. HINCHEY, Mr. WELDON of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. MCKEON, Ms. MCKINNEY, Mrs. WILSON, Mr. BLAGOJEVICH, Mr. SCARBOROUGH, Mr. LANGEVIN, Mr. RYUN of Kansas, Ms. SANCHEZ, Mr. KIRK, Mrs. TAUSCHER, Mr. SCHROCK, Mrs. DAVIS of California, Mr. SIMMONS, Mr. BERMAN, Mr. BURTON of Indiana, Mr. DAVIS of Illinois, Mr. HYDE, Mr. RUSH, Mr. SOUDER, Mr. SANDERS, Mr. QUINN, Mr. WEINER, Ms. HART, Mr. STENHOLM, Mr. WELLER, Mr. CRAMER, Mr. FOSSELLA, Mrs. JONES of Ohio, Mr. KOLBE, Mr. FILNER, Mr. SCHAFFER, Mr. ROTHMAN, Mr. ENGLISH, Mr. SESSIONS, and Mr. WOLF):

H.R. 1935. A bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War; to the Committee on Armed Services.

By Mr. GOODLATTE (for himself, Mr. GOSS, and Mr. OSBORNE):

H.R. 1936. A bill to amend title 36, United States Code, to designate the oak tree as the national tree of the United States; to the Committee on the Judiciary.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. INSLEE, and Mr. SMITH of Washington):

H.R. 1937. A bill to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington; to the Committee on Resources.

By Mr. MORAN of Kansas (for himself, Mr. COOKSEY, Mr. HAYES, and Mr. PICKERING):

H.R. 1938. A bill to extend and expand conservation programs administered by the Department of Agriculture; to the Committee on Agriculture.

By Mr. MORAN of Virginia (for himself, Mr. TOM DAVIS of Virginia, Mr. DAVIS of Illinois, Mr. WYNN, Ms. NORTON, and Mr. CUMMINGS):

H.R. 1939. A bill to amend chapter 84 of title 5, United States Code, to allow individuals who return to Government service after receiving a refund of retirement contributions to recapture credit for the service covered by that refund by repaying the amount that was so received, with interest; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. WELLER, Ms. SCHAKOWSKY, Mr. LATOURETTE, Mr. WEINER, Mr. CARDIN, Mr. BERMAN, Mr. ENGEL, and Mr. WAXMAN):

H.R. 1940. A bill to provide that no Federal income tax shall be imposed on amounts received by victims of the Nazi regime or their heirs or estates, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE (for himself and Mr. HORN):

H.R. 1941. A bill to amend the Federal Power Act to provide the Federal Energy Regulatory Commission with authority to order certain refunds of electric rates, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota:

H.R. 1942. A bill to amend title 49, United States Code, to require the National Transportation Safety Board to investigate all fatal railroad grade crossing accidents; to the Committee on Transportation and Infrastructure.

By Mr. PICKERING (for himself, Mr. LATOURETTE, Mr. POMBO, Mrs. THURMAN, and Mr. HILLIARD):

H.R. 1943. A bill to amend the Public Health Service Act to establish scholarship and loan repayment programs regarding the provisions of veterinary services in veterinarian shortage areas; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself, Mr. HOEKSTRA, Mr. DEMINT, Mr. TANCREDO, Mr. ROYCE, Mr. GRAVES, Mr. RYUN of Kansas, Mr. HILLEARY, Mr. MANZULLO, Mr. ROGERS of Michigan, Mr. DOOLITTLE, Mr. WELDON of Florida, Mr. ADERHOLT, Mr. BURTON of Indiana, Mr. SHADEGG, Mr. TOOMEY, Mr. BARR of Georgia, Mr. HERGER, Ms. HART, Mr. BRADY of Texas, Mr. HOSTETTLER, Mr. VITTER, Mr. TERRY, Mr. HAYWORTH, Mr. SESSIONS, Mr. CHABOT, Mr. LEWIS of Kentucky, Mr. TIAHRT, Mr. SAM JOHNSON of Texas, Mr. PENCE, and Mr. NORWOOD):

H.R. 1944. A bill to provide dollars to the classroom; to the Committee on Education and the Workforce.

By Mr. QUINN (for himself, Mr. MEEHAN, and Mr. DOYLE):

H.R. 1945. A bill to amend the Federal Power Act and the Internal Revenue Code of 1986 to encourage the development and deployment of innovative and efficient energy technologies; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG:

H.R. 1946. A bill to require the Secretary of the Interior to construct the Rocky Boy's/North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes; to the Committee on Resources.

By Ms. SCHAKOWSKY (for herself and Ms. BERKLEY):

H.R. 1947. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that fragrances containing known toxic substances or allergens be labeled accordingly; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself, Mr. JACKSON of Illinois, Mr. BILIRAKIS, and Mr. BROWN of Ohio):

H.R. 1948. A bill to amend the Public Health Service Act with respect to the shortage of medical laboratory personnel; to the Committee on Energy and Commerce.

By Mr. THUNE (for himself, Mr. HINCHEY, Ms. KAPTUR, Mr. BOSWELL, Ms. BALDWIN, Mr. WYNN, Mr. OBERSTAR, Mr. BRADY of Texas, Mr. BEREUTER, Mrs. EMERSON, Ms. SLAUGHTER, Mr. SHIMKUS, Mr. RAMSTAD, Ms. MCCOLLUM, Mr. COOKSEY, and Mr. BOUCHER):

H.R. 1949. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WICKER (for himself, Mr. GARY G. MILLER of California, Mr. PENCE, Mr. RYUN of Kansas, Mr. HINOJOSA, and Mrs. NORTHUP):

H.R. 1950. A bill to amend the National Apprenticeship Act to provide that applications relating to apprenticeship programs are processed in a fair and timely manner, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WYNN:

H.R. 1951. A bill to prohibit certain transfers or assignments of franchises, and to prohibit certain fixing or maintaining of motor fuel prices, under the Petroleum Marketing Practices Act; to the Committee on Energy and Commerce.

By Mr. SABO (for himself, Ms. MCCOLLUM, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. LUTHER, Mr. KENNEDY of Minnesota, Mr. GUTKNECHT, and Mr. RAMSTAD):

H. Con. Res. 140. Concurrent resolution congratulating the University of Minnesota and its faculty, staff, students, alumni, and friends, on the occasion of the 150th anniversary of the founding of the University of Minnesota, for outstanding teaching, research, and service to Minnesota, the Nation, and the world; to the Committee on Education and the Workforce.

By Mr. HAYES:

H. Res. 145. A resolution honoring the service and sacrifice of the United States Armed Forces military working dog teams for the part they have played in the Nation's military history; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

74. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 42 memorializing the United States Congress to take steps to reduce the waiting lists that have developed over the last several years and end the unfortunate delay of benefits that have been earned by the deserving veterans of our United States military services; to the Committee on Veterans' Affairs.

75. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 54 memorializing the United States Congress to strongly support voluntary, individual, unorganized, and nonmandatory prayer in the public schools of this nation; jointly to the Committees on Education and the Workforce and the Judiciary.

76. Also, a memorial of the Legislature of the State of Maine, relative to a Joint Resolution memorializing the United States Congress to impose a moratorium on major airline industry mergers in order to fully and carefully consider all consequences; jointly to the Committees on Transportation and Infrastructure and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SPRATT introduced a bill (H.R. 1952) for the relief of the R.E. Goodson Construction Company, Incorporated; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. HYDE, Mr. CHABOT, and Mr. SMITH of Texas.

H.R. 64: Mr. UPTON, Mrs. MORELLA, Mr. GILLMOR, Mr. GILMAN, Mr. HOUGHTON, Ms. GRANGER, Mr. BASS, Mr. GILCHREST, Mr. GREEN of Wisconsin, Ms. HART, Mr. HYDE, Mr. ABERCROMBIE, and Mr. BARCIA.

H.R. 98: Mr. ETHERIDGE, Mr. CONDIT, Mr. RADANOVICH, Mr. SIMPSON, and Mr. CALVERT.

H.R. 100: Mr. MATHESON.

H.R. 101: Mr. MATHESON.

H.R. 102: Mr. MATHESON.

H.R. 111: Mr. BENTSEN.

H.R. 162: Mr. BLUMENAUER, Mr. BERMAN, Ms. BROWN of Florida, Mr. MOLLOHAN, Ms. PELOSI, and Mr. QUINN.

H.R. 168: Mr. MORAN of Kansas.

H.R. 224: Mr. LUCAS of Oklahoma.

H.R. 236: Mr. ORTIZ and Mr. GRAHAM.

H.R. 265: Mr. GUTIERREZ and Ms. MCCARTHY of Missouri.

H.R. 303: Mr. KERNS.

H.R. 331: Mr. BEREUTER and Mr. FLETCHER.

H.R. 361: Mr. ROTHMAN.

H.R. 500: Ms. DEGETTE and Ms. WATERS.

H.R. 519: Ms. DELAURO.

H.R. 534: Mrs. THURMAN and Mrs. WILSON.

H.R. 551: Mrs. CHRISTENSEN.

H.R. 572: Mr. BACHUS, Mr. BORSKI, and Mr. DUNCAN.

H.R. 582: Mr. PITTS.

H.R. 599: Mr. HORN, Mr. NADLER, Mr. LEACH, Mr. MOLLOHAN, and Ms. RIVERS.

H.R. 608: Mr. AKIN.

H.R. 612: Mr. BARTLETT of Maryland.

H.R. 667: Mr. PLATTS.

H.R. 668: Mr. DEUTSCH, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, and Mr. SANDERS.

H.R. 694: Mr. GOODLATTE.

H.R. 730: Mr. SHERMAN.

H.R. 770: Mr. ISRAEL and Ms. BERKLEY.

H.R. 786: Mr. MCGOVERN.

H.R. 823: Mr. BENTSEN.

H.R. 853: Mr. PETERSON of Minnesota.

H.R. 917: Mr. BORSKI.

H.R. 940: Mr. STENHOLM.

H.R. 972: Mr. KUCINICH and Mr. HINCHEY.

H.R. 981: Mr. YOUNG of Florida.

H.R. 984: Mr. WELDON of Florida.

H.R. 1014: Ms. SOLIS, Mr. WAXMAN, Mr. HOEFFEL, Ms. MILLENDER-MCDONALD, Mr. HONDA, Mr. OWENS, Ms. MCKINNEY, Mr. KUCINICH, Ms. ESHOO, Ms. PELOSI, Mr. THOMPSON of Mississippi, Mr. LANTOS, and Mr. MORAN of Virginia.

H.R. 1035: Mr. FILNER and Mr. RUSH.

H.R. 1073: Mr. ISAKSON, Mr. STARK, Ms. DEGETTE, Mr. DEUTSCH, Mr. MARKEY, Ms. ESHOO, and Mr. GUTIERREZ.

H.R. 1090: Mr. KUCINICH, Ms. RIVERS, Mr. KILDEE, and Mr. BONIOR.

H.R. 1093: Mr. RUSH.

H.R. 1094: Mr. RUSH.

H.R. 1161: Mr. DAVIS of Illinois and Mr. COSTELLO.

H.R. 1187: Mr. GOSS.

H.R. 1200: Ms. WOOLSEY.

H.R. 1266: Mr. BLAGOJEVICH and Mr. SHAYS.

H.R. 1291: Mr. BALDACCI.

H.R. 1305: Mr. MEEKS of New York.

H.R. 1316: Mr. UPTON, Mr. HUTCHINSON, Mr. BRYANT, and Mr. SANDERS.

H.R. 1338: Mr. LAMPSON.

H.R. 1340: Mrs. MORELLA.

H.R. 1354: Mr. GUTIERREZ and Mr. ENGEL.

H.R. 1357: Mr. BAKER.

H.R. 1360: Mr. HOEFFEL and Mrs. DAVIS of California.

H.R. 1363: Mr. TOOMEY, Mr. GRUCCI, Mr. KELLER, Mr. TIAHRT, and Mr. PETRI.

H.R. 1365: Mr. HOLT and Ms. RIVERS.

H.R. 1375: Mr. GOODLATTE.

H.R. 1377: Mr. STUMP.

H.R. 1388: Mr. DEFAZIO, Mr. HULSHOF, Mr. BLUMENAUER, and Mr. BLUNT.

H.R. 1406: Mr. SANDERS.

H.R. 1427: Mr. FROST and Mr. GONZALEZ.

H.R. 1431: Ms. SOLIS and Ms. BERKLEY.

H.R. 1433: Mr. MCGOVERN.

H.R. 1434: Mr. CLAY, Mr. BLAGOJEVICH, and Ms. KILPATRICK.

H.R. 1443: Mr. MCGOVERN, Ms. SANCHEZ, and Mr. KUCINICH.

H.R. 1459: Ms. MCCARTHY of Missouri, Mr. GOODLATTE, Mr. BURTON of Indiana, and Mr. SCHAFFER.

H.R. 1463: Mr. HAYWORTH.

H.R. 1465: Mr. SHERMAN, Mr. PRICE of North Carolina, Mr. LANTOS, Mr. FRANK, Ms. WOOLSEY, and Ms. LEE.

H.R. 1469: Ms. MCKINNEY, Ms. SOLIS, Mrs. THURMAN, Mr. TIAHRT, Mrs. CHRISTENSEN, Mr. EHRLICH, and Mr. MCGOVERN.

H.R. 1508: Mr. BAIRD.

H.R. 1510: Mr. OSBORNE, Mr. SENSENBRENNER, Mr. BUYER, and Mr. BEREUTER.

H.R. 1511: Mr. SCHROCK, Ms. MCKINNEY, Mr. MORAN of Kansas, Mr. THORNBERRY, Mr. HOSTETTLER, Mr. FRANK, Mr. JONES of North Carolina, and Mr. BARTLETT of Maryland.

H.R. 1524: Mr. BUYER and Mr. KIRK.

H.R. 1536: Mr. BONIOR, Ms. SCHAKOWSKY, and Mr. RODRIGUEZ.

H.R. 1541: Mr. MCGOVERN.

H.R. 1567: Mr. CLAY and Mr. LEACH.

H.R. 1581: Mr. BAKER and Mr. CHABOT.

H.R. 1592: Mr. PETERSON of Pennsylvania.

H.R. 1597: Mr. SABO.

H.R. 1601: Mr. BLUNT.

H.R. 1609: Mr. HOLDEN and Mr. STENHOLM.

H.R. 1624: Mr. EVANS, Mrs. MEEK of Florida, Mr. KENNEDY of Rhode Island, Mr. DEFAZIO, Mr. FRELINGHUYSEN, Mr. SPENCE, Mr. MCDERMOTT, Mr. SIMMONS, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. HYDE, Mr. PUTNAM, Mr. KIRK, Mrs. MALONEY of New York, and Mr. STUPAK.

H.R. 1636: Mr. LAHOOD.

H:R. 1644: Mr. WHITFIELD, Mr. COSTELLO, Mr. PUTNAM, Mr. POMBO, and Mr. DREIER.

H.R. 1645: Mr. GOODLATTE, Mr. HONDA, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1651: Mr. RUSH and Ms. HART.

H.R. 1656: Mr. GUTIERREZ.

H.R. 1663: Ms. RIVERS.

H.R. 1667: Mr. SANDERS.

H.R. 1676: Mr. HOEFFEL.

H.R. 1692: Mr. SOUDER and Mr. WATKINS.

H.R. 1699: Mr. BLUMENAUER, Mrs. JO ANN DAVIS of Virginia, Mr. GILLMOR, Mr. LANTOS, Mr. NETHERCUTT, Mr. SMITH of New Jersey, and Mr. WELLER.

H.R. 1711: Mr. HASTINGS of Washington.

H.R. 1713: Mr. LANTOS, Ms. ROS-LEHTINEN, and Mr. FARR of California.

H.R. 1717: Mr. PAUL, Ms. MCKINNEY, Mr. FROST, Mr. FRANK, Mr. MCDERMOTT, and Ms. LEE.

H.R. 1718: Mr. MATSUI, Mr. GILCHREST, Ms. DEGETTE, Mr. MOORE, Ms. SCHAKOWSKY, Ms. ROS-LEHTINEN, Mr. SERRANO, Mr. VISCLOSKY, Mr. GEORGE MILLER of California, Mr. BERMAN, Mr. COX, Ms. MCCARTHY of Missouri, Mr. STUPAK, and Mr. LARSEN of Washington.

H.R. 1723: Mr. ROEMER, Mr. KLECZKA, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. KERNS, and Mr. NADLER.

H.R. 1746: Mr. FOSSELLA, Mr. BARTLETT of Maryland, Mr. RYUN of Kansas, and Mr. GRAHAM.

H.R. 1750: Mr. DEUTSCH and Mr. BAIRD.

H.R. 1751: Mr. DEUTSCH and Mr. BAIRD.

H.R. 1759: Ms. KILPATRICK, Mr. MCNULTY, Mr. GOODLATTE, Mr. GOODE, and Mr. MCGOVERN

H.R. 1770: Mr. SPENCE, Mr. PITTS, and Mr. RAMSTAD.

H.R. 1771: Mr. WYNN, Ms. WOOLSEY, Mr. BOUCHER, Mrs. MORELLA, Mr. NADLER, and Mr. RUSH.

H.R. 1786: Mr. BACHUS, Mr. ENGLISH, Mr. GOODE, Ms. EMERSON, and Mr. BAIRD.

H.R. 1824: Mr. MORAN of Virginia and Mr. MCGOVERN.

H.R. 1827: Mr. BARR of Georgia and Mr. LUCAS of Oklahoma.

H.R. 1842: Ms. MCKINNEY, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, and Mr. STARK.

H.R. 1861: Mr. UDALL of New Mexico, Mr. SPRATT, Mr. SANDLIN, and Ms. SOLIS.

H.R. 1864: Mr. UPTON.

H.R. 1873: Mrs. WILSON.

H.R. 1879: Mr. HOUGHTON.

H.R. 1881: Mr. PETRI, Ms. BALDWIN, and Mr. EHLERS.

H.R. 1907: Ms. VELÁZQUEZ.

H.R. 1908: Mr. DUNCAN.

H.R. 1921: Mr. FRANK.

H.R. 1929: Mr. UNDERWOOD, Mr. FALEOMAVAEGA, Mr. CONYERS, Ms. LEE, Mr. KIND, Mr. SMITH of Washington, and Mr. KILDEE.

H.J. Res. 6: Mr. COYNE.

H.J. Res. 15: Mrs. CAPITO.

H.J. Res. 20: Mr. COLLINS.

H.J. Res. 36: Mr. LAMPSON.

H. Con. Res. 23: Mr. GOODLATTE.

H. Con. Res. 36: Mr. MCINTYRE, Ms. RIVERS, and Mr. LEACH.

H. Con. Res. 61: Mr. GRAHAM.

H. Con. Res. 116: Mr. PITTS.

H. Con. Res. 137: Mr. WOLF, and Mr. ENGLISH.

H. Con. Res. 139: Mrs. MORELLA, Mrs. ROUKEMA, Mr. HONDA, Mr. KNOLLENBERG, Mr. DINGELL, Mr. BLAGOJEVICH, Ms. HART, Mr. SWEENEY, Mr. HOEFFEL, Mr. MCGOVERN, Mr. COSTELLO, Mr. MCNULTY, Ms. MCKINNEY, Mr. SHERMAN, Mr. SAXTON, Mr. CROWLEY, Mrs. NAPOLITANO, Mr. HOLT, Mr. BILIRAKIS, Mr. SOUDER, Mr. PALLONE, Mr. SCHIFF, Mr. PICKERING, Mr. BACA, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. RADANOVICH, Mr. TIAHRT, Mr. HOYER, Mr. GALLEGLY, Mrs. MALONEY of New York, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. ROHRABACHER, Mr. COX, Ms. BERKLEY, Mr. MCKEON, and Mr. BONIOR.

H. Res. 14: Ms. RIVERS.

H. Res. 120: Mr. MCGOVERN and Mr. FOSSELLA.

H. Res. 123: Mr. CULBERSON.

PETITIONS, ETC.

Under clause 3 of rule XII,

15. The SPEAKER presented a petition of the Council of the City of Mansfield, Ohio, relative to Resolution 01-091 petitioning the United States Congress to take all actions that are necessary to stop the dumping of foreign steel in the United States, including the amendment of existing foreign trade laws or the enactment of new foreign trade law to address the crisis in the steel industry; to the Committee on Ways and Means.

SENATE—*Tuesday, May 22, 2001*

The Senate met at 9:33 a.m. and was called to order by the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this planet within this universe among universes, by Your plan and power the Earth has revolved around the Sun, and You have blessed us with a new day. Today will be like no other day past or to come. We praise You for the privilege of being alive. Help us to trust You with all of the challenges and opportunities ahead of us today. We commit them to You. Go before us to prepare the way. We want to be so in tune with You that what we do and say will accomplish Your will.

May we sense Your presence and make this day one of constant inner conversation with You. As the Senators practice Your presence, help them to trust You to guide their thinking. Give them a special measure of wisdom, insight, and discernment to tackle the problems that arise today. May this be a productive day as they hear and accept the psalmist's prescription for peace: *Cast your burden on the Lord, and He shall sustain you.*—Psalm 55:22. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 22, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. LINCOLN D. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

SCHEDULE

Mr. HELMS. Mr. President, I announce on behalf of the majority leader, today the Senate will resume voting on final amendments to the reconciliation bill. Consecutive votes will occur throughout the morning and will include final passage of the bill. It is hoped the Senate will complete action as soon as possible in order to resume consideration of the education bill. There are amendments pending to the education bill, and others will be offered during today's session. There will be many votes throughout the day, and Senators are encouraged to stay in the Senate Chamber during final votes on this tax bill.

On behalf of the majority leader, I thank my colleagues for their cooperation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RESTORING EARNINGS TO LIFT INDIVIDUALS AND EMPOWER FAMILIES (RELIEF) ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 1836, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

Pending:

Collins/Warner amendment No. 675, to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials.

Feingold/Kohl amendment No. 724, to eliminate the Medicaid death tax.

Feingold amendment No. 725, to increase the income limits applicable to the 10 percent rate bracket for individual income taxes.

Feingold motion to commit the bill to the Committee on Finance with instructions to report back within three days.

Feingold amendment No. 726, to preserve the estate tax for estates of more than $100 million in size and increase the income limits applicable to the 10 percent rate bracket for individual income taxes.

Reid (for Harkin) amendment No. 727, to delay the effective date of the reductions in the tax rate relating to the highest rate bracket until the enactment of legislation that ensures the long-term solvency of the Social Security and Medicare trust funds.

Lincoln amendment No. 711, to eliminate expenditures for tuition, fees, and room and board as qualified elementary and secondary education expenses for distributions made from education individual retirement accounts.

Kerry amendment No. 721, to exempt individual taxpayers with adjusted gross incomes below $100,000 from the alternative minimum tax and modify the reduction in the top marginal rate.

Lieberman/Daschle amendment No. 693, to provide immediate tax refund checks to help boost the economy and help families pay for higher gas prices and energy bills and to modify the reduction in the maximum marginal rate of tax.

Gramm amendment No. 736, to ensure debt reduction by providing for a mid-course review process.

Corzine motion to commit the bill to the Committee on Finance with instructions to report back within 3 days.

Baucus (for Conrad) amendment No. 743, to increase the standard deduction and to strike the final two reductions in the 36 and 39.6 percent rate brackets.

Baucus (for Conrad) amendment No. 744, to increase the standard deduction and to reduce the final reduction in the 39.6 percent rate bracket to 1 percentage point.

Reid (for Carper) amendment No. 747, to provide responsible tax relief for all income taxpayers, by way of a $1,200,000,000,000 tax cut, and to make available an additional $150,000,000,000 for critical investments in education, particularly for meeting the Federal Government's commitments under IDEA, Head Start, and the bipartisan education reform and ESEA reauthorization bill.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

AMENDMENT NO. 721

Mr. FEINGOLD. Mr. President, my amendment would repeal the Medicaid Estate Recovery Program, the real "death tax" for many elderly Americans.

When nursing home bills force a person onto Medicaid, the Medicaid Estate Recovery Program allows the government to put a lien on the family house and, upon the death of the spouse, recover the amount that Medicaid spent on nursing care.

This Medicaid death tax does not affect the wealthy. In order to qualify for Medicaid, a person has to pay down assets, and the spouse can only keep so much under the spousal impoverishment provisions. But the Medicaid death tax effectively imposes a 100 percent estate tax on these vulnerable Americans.

My amendment would repeal this Medicaid death tax. It offsets the cost by shaving back ever so slightly the reductions in the estate tax rates for the very largest estates.

I urge colleagues to support the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the amendment by my good friend from Wisconsin. Medicaid spend-down is a large problem. All who have studied this know it needs to be dealt with. This amendment was offered in committee and defeated in committee. It is not germane to this bill. This is a tax bill, not a Medicaid bill. I urge Senators not to support it.

The pending amendment is not germane. Therefore, I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. FEINGOLD. Pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of the act for consideration of my amendment and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 58, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—41

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
McCain
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone

NAYS—58

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—1

Stevens

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Wisconsin.

AMENDMENT NO. 725

Mr. FEINGOLD. Mr. President, this amendment is about fairness.

The bill before us is tilted heavily toward high-income taxpayers. The highest-income 1 percent of taxpayers would receive 35 percent of the benefits, while the majority of taxpayers in the bottom three-fifths of the population would get only a little more than 15 percent of the bill's benefits.

My amendment would strike the cut in the top tax rate, and use the savings to increase the amount of income covered by the 10 percent income tax bracket. It would thus reduce the already large benefits to that less than 1 percent of the population with incomes of more than $297,000, and use the savings to give tax cuts to all income taxpayers.

This amendment would restore a modicum of fairness to this bill, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Feingold amendment goes directly against one of the key pillars of this bipartisan tax bill now before the Senate.

This amendment rejects the principle that we should have rate reductions in all marginal rates and do it at all levels. I strongly urge my colleagues to vote against the amendment that goes against the bipartisan agreement.

In addition, we have higher marginal tax rates for businesses of the self-employed at 39 percent then for corporations at 35 percent. We believe there ought to be a closer relationship between the two.

Lastly, I plead with my colleagues, how many times do we have to vote on the same amendment—time after time after time—just offered in a little different way but by different Members? We have worked hard to put together a bipartisan budget agreement, and we also wanted to bring some civility to the process. What we did last night detracts from that.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 725.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 725 by the Senator from Wisconsin.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—46

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—53

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Stevens

The amendment (No. 718) was rejected.

MOTION TO RECOMMIT

The PRESIDING OFFICER. The next vote is on Feingold amendment No. 726.

The Senator from Wisconsin.

Mr. GRASSLEY. What is the number of the amendment?

The PRESIDING OFFICER. The amendment is No. 726, Feingold amendment No. 726.

The Senate will come to order. Senators will take their conversations off the floor to the Cloakroom.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the estate tax provisions are a major source of the unfairness in this bill. But even within the estate tax provisions themselves, this bill tilts to the very wealthiest.

The bill would increase the unified credit exemption up to $4 million a person, or $8 million a couple. This change alone will exempt all but the very wealthiest.

But the bill would also reduce the rate of taxation that the few extremely wealthy families who still have to pay the estate tax would pay. It thus focuses tax cuts on the very pinnacle of wealth.

My motion would spread the estate tax relief in this bill more broadly. My motion would recommit the bill to committee to strike all the estate tax rate reductions in the bill and use the savings to expand the amounts of the estate tax unified credit exemption amounts.

Thus under my amendment, more relatively smaller estates would be exempted from taxation altogether. This would allow the unified credit to increase to $5 million, or $10 million a couple.

I urge colleagues to support the amendment.

Mr. President, I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair will clarify. This is a motion to recommit, not a vote on an amendment.

Mr. GRASSLEY. I think we need a clarification. The Chair told me it was amendment No. 726. I want to know what we are voting on.

The PRESIDING OFFICER. It is a motion to recommit.

Mr. GRASSLEY. Is it still his amendment No. 726?

The PRESIDING OFFICER. No. It is a motion to recommit the bill to the Finance Committee.

Mr. FEINGOLD. Mr. President, No. 726 is next.

The PRESIDING OFFICER. This is a motion to recommit the bill to the Finance Committee.

Mr. GRASSLEY. Mr. President, I would like to have the motion read.

The PRESIDING OFFICER. The clerk will read the motion.

The legislative clerk read as follows:

> The Senator from Wisconsin, Mr. FEINGOLD, moves to commit the bill to the Committee on Finance with instructions that the committee report back within 3 days changes that would strike all the estate tax rate reductions in the bill and use the savings to expand the amounts of the estate tax unified credit exemption amounts.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. First of all, our bipartisan bill before us uses the entire $145 billion to fund the increases in the unified credit. We have $1 million, $2 million, $3 million, all by the year 2005, and that is where Senator FEINGOLD's money went. We still found more for a $4 million credit by the year 2009.

This action undoes a very carefully crafted bipartisan effort by Senator LINCOLN, Senator KYL, Senator BAUCUS, and myself. I see this as one other effort—amendment after amendment—trying to destroy particularly the most easily crafted part of this bill, one mostly agreed to, by Senator LINCOLN and Senator KYL. I hope we can get away from these efforts to destroy this bipartisan compromise.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the motion to recommit. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—30

Akaka
Biden
Boxer
Byrd
Cantwell
Carnahan
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Graham
Harkin
Hollings
Inouye
Kennedy
Kohl
Levin
Lieberman
Murray
Reed
Reid
Rockefeller
Sarbanes
Stabenow
Wellstone

NAYS—69

Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerry
Kyl
Landrieu
Leahy
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—1

Stevens

The motion was rejected.

AMENDMENT NO. 726

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, my next amendment eliminates the estate tax repeal for estates larger than $100 million and uses the savings to give tax cuts to all income-tax payers. Last year, the Treasury Department said for 1998, 35 estates amounted to more than $100 million. Thirty-one of those estates paid $1.4 billion in taxes or 7 percent of all estate taxes. Repealing the estate tax for those estates would have given those estates a tax cut averaging $45 million each.

My amendment by contrast would preserve the estate tax for these very wealthy estates and apply the savings to an across-the- board tax cut for all taxpayers by expanding the amount of income subject to the 10-percent tax bracket. Too often the choices we have to weigh here are heartbreakingly difficult. This is not one of those cases.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, all who have been voting to change the estate tax provisions, listen to what is wrong with his amendment. Every one of you who wants to tax people in the estates that we believe should not be taxed will vote against his amendment. His amendment seems too good to be true. It is too good to be true. It strikes repeal and adds a $100 million unified credit. That ought to be enticing to anybody, even anybody who is a Republican.

But remember, in our bill, when the estate tax is done away with, the capital gains tax is applied to gains above a very low extended-up basis for everybody. This bill before the Senate allows an extended-up basis to $100 million. There would be no capital gains applied to any of the growth. So you are ignoring a principle that we want all money to be taxed at least once, by capital gains or by income tax.

I ask that Members not let $100 million of growth in an estate not be allowed to be taxed at least once.

The PRESIDING OFFICER (Mr. ENZI). All time has expired.

The question is on agreeing to the Feingold amendment No. 726.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—48

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Hutchison
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
McCain
Mikulski
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Torricelli
Wellstone

NAYS—51

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cleland
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Jeffords
Kyl
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—1

Stevens

The amendment (No. 726) was rejected.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Democratic leader is recognized.

CELEBRATING WITH SENATOR ROBERT C. BYRD

Mr. DASCHLE. Mr. President, it was approximately 42 years ago that our colleague, the senior Senator from West Virginia, cast his first vote. It was in January of 1959. He has cast votes consistently, virtually without missing a vote, for now more than four decades. ROBERT C. BYRD just cast his 16,000th vote. I congratulate our senior colleague from West Virginia.

(Applause, Senators rising.)

Mr. President, I also note it is a week from today that he will be celebrating his 64th wedding anniversary as well, so there is much to celebrate. But we congratulate Senator BYRD, we congratulate Senator and Mrs. Byrd on their anniversary a week from today, and we thank him for his great service to America.

I yield the floor.

AMENDMENT NO. 727

The PRESIDING OFFICER. The question is on agreeing to amendment No. 727 offered on behalf of the Senator from Iowa, Mr. HARKIN.

Mr. GRASSLEY. Mr. President, Senator HARKIN asked me if we could pass over his amendment temporarily and go on to another amendment.

AMENDMENT NO. 711

The PRESIDING OFFICER. The question is on agreeing to amendment No. 711 offered by Senator LINCOLN.

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, if we are truly serious about not leaving any child behind, this amendment is essential. The amendment I am offering strikes the provision within the education savings accounts language that covers only the tuition, fees, room and board expenses for K–12 by still permitting the ESA tax savings for other educational-related expenses for all students including K–12. This amendment will create a level playing field by providing the same tax benefits to all parents regardless of where they send their children to school.

Under my amendment, all parents will be able to take advantage of ESA accounts for K–12-related expenses to buy computers, uniforms, other items—afterschool programs for their children—to use to supplement or further their education. It treats all parents equally.

Using ESA accounts for private school tuition is simply vouchers by another name. While I strongly believe in a parent's right to choose a public school education or private school education for their children, I am concerned that providing a tax incentive to pay private school tuition will divert the critical resources needed to improve our public schools.

The PRESIDING OFFICER. The Senator from Arkansas, Mr. HUTCHINSON.

Mr. HUTCHINSON. Mr. President, the amendment by my colleague from Arkansas tears the very heart out of the Coverdell ESA that previously passed this Chamber by large bipartisan majorities. This is by no means vouchers, by any stretch of the imagination. These are education IRAs, and the rights of parents should be preserved to have the maximum flexibility in their use. In fact, studies indicate that 75 percent of the parents who have used these ESAs have their children in public schools.

It harms the bipartisan nature of the chairman's mark, the agreement that was reached on education savings accounts, and to prohibit the use of ESA moneys for tuition and fees or room and board as proposed by the Senator from Arkansas would mean that the ESAs could only finance tutoring, enrichment courses, and postsecondary education costs. It would, in Arkansas, eliminate 26,645 children and their parents from participation in the use of these education savings accounts.

This is a bipartisan measure. It has been agreed upon. It is not vouchers by any stretch. I ask my colleagues to oppose this amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Bingaman
Boxer
Cantwell
Carnahan
Carper
Chafee
Clinton
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—58

Allard
Allen
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cleland
Cochran
Collins
Conrad
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kohl
Kyl
Lieberman
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—1

Stevens

The amendment (No. 711) was rejected.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 727

Mr. HARKIN. Mr. President, I call up amendment No. 727.

The PRESIDING OFFICER. The amendment is now pending under the previous agreement.

The Senator has 1 minute.

Mr. HARKIN. Mr. President, everyone in this body stated their commitment to keeping Social Security and Medicare solvent. What this amendment does is it says we are going to stick to that commitment before we put in place certain tax policy changes.

This amendment is very simple and straightforward. It simply delays—does not do away with—the implementation of the cut in the top rate for the wealthiest of Americans until we have passed, and the President has signed, legislation that OMB certifies will assure the long-term solvency of both Social Security and Medicare.

The bill before us sets us back in our effort to ensure Social Security and Medicare solvency. In order to pay for these tax cuts, which go disproportionately to the wealthy few, and then also to meet our basic needs such as health care and law enforcement, in future years Social Security and Medicare would be raided. This is unacceptable. We need to strengthen these programs as we prepare the baby boomers to retire and not raid them to give tax breaks to a very wealthy few.

Again, this amendment simply says we delay the cut in the top rate until we secure Social Security and Medicare.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I think we went through similar debate and a vote yesterday on an approach by the senior Senator from West Virginia. So here we are again.

In March, we heard from people on the other side of the aisle that we need an economic stimulus immediately. And now we see an amendment—and it isn't just this amendment; it is amendment after amendment—seeking to delay the tax reduction.

This is another attempt to delay a tax cut until other programs are passed. We are working on making sure that Social Security and Medicare are solvent. Our budget agreement of 2 weeks ago speaks to that. And that does not mean we cannot provide tax relief for American taxpayers, and do it right now.

I strongly urge the defeat of the amendment.

Mr. President, this amendment is not germane to the provisions of the reconciliation bill before us. I raise a point of order against the amendment under section 305(b)(2) of the Budget Act.

Mr. HARKIN. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—45

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—54

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—1

Stevens

The PRESIDING OFFICER. On this vote the yeas are 45, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

CHANGE OF VOTE

Mr. BIDEN. Mr. President, I ask unanimous consent to change my vote on rollcall vote No. 137 from nay to aye. This will not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for 1 minute.

AMENDMENT NO. 721

Mr. KERRY. Mr. President, I call up amendment No. 721 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, all of us know that in this bill there is an alternative minimum tax problem. What my amendment seeks to do is address that problem to the best of our ability by providing an exemption to all taxpayers at the income level of $100,000 or less from being put into the alternative minimum tax.

Today, there are 1.3 million Americans in the alternative minimum tax who paid it last year. Because of this bill and the lack of indexing for inflation, the result will be that almost 17 million Americans will pay about $40 billion by the year 2010 as a consequence of being pushed into a new bracket.

So we are telling people they are going to get a tax cut, but in effect they are not because there is a serious alternative minimum tax problem. I ask colleagues to help make it a fair tax bill for all Americans.

Mr. GRASSLEY. Mr. President, I rise in opposition to the amendment. Every Member of this Congress knows that we ought to do more about the alternative minimum tax than we do in this bill, or that is possible to do at all. It is a major problem that needs to be addressed. We have made good steps to address it by having the child credit be credited permanently against the AMT and, secondly, by increasing the AMT exemption to $2,000 for singles and $4,000 for joint returns.

These are good steps that will mean millions of Americans will not be subject to the AMT. These efforts in the bill go far to address the concerns raised in this amendment—specifically, that those making less than $100,000 should not be subject to the AMT. I think we have achieved a good balance in this bill on the AMT with other priorities, and this amendment would upset this balance and this bipartisan bill.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—46

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—53

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Stevens

The amendment (No. 721) was rejected.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The next amendment is the Lieberman amendment No. 693.

Mr. GRASSLEY. Mr. President, I rise to make a unanimous consent request.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this is for the information of all of my colleagues. A number of Senators, obviously, will want to take a break for a quick lunch. I ask unanimous consent that we continue to vote another time or two until we approach 1 o'clock and then recess for 30 minutes until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, also, as a matter of procedure, we are getting down to five or six amendments. I hope the minority whip or somebody on that side has a list of amendments that may be proposed but have not been seen on this side. I ask if we can have that shared with us so we can get a better idea of what we have left to do.

Quite frankly, for Senator BAUCUS and me, it is a little difficult to manage all these amendments when we do not know what they are or when they are coming up. I would also like to pursue an agreement to finalize a list so we can get our work done.

I wonder if somebody on the other side of the aisle can help us with that?

In that regard I know there are people who think this bill came up too soon after it came out of committee, but the leader was asking me Tuesday night to bring this up Wednesday, after we voted it out of committee. I thought that was too soon. Senator BAUCUS said he did not want to bring it up that early. I just took it upon myself to say I would not file the papers until it came up on Thursday so we would have an opportunity for people to have access to the language of the bill to write amendments.

I hope we will have the courtesy, then, of seeing the amendments that might come up and know how many there are. I see the distinguished Democratic whip, and I wonder if he can respond to my request. My request is, if there is a list of amendments, could we have that list of amendments so we know what our work is going to be.

Mr. REID. Mr. President, I say to my friend from Iowa, who has worked so hard on this legislation, that we have a general idea of amendments, and we have been working this morning. I have a list of them in my pocket. We have quite a few. With the time we are going to have between 1 p.m. and 1:30 p.m., we will be able to have a more definitive list. Maybe even at 1 o'clock we can come up with—it will not be a complete list—a list so Senator GRASSLEY can have an idea of who is offering amendments and the subject matter of the amendments. We will work on that.

Was that the question the Senator asked?

Mr. GRASSLEY. Yes. I appreciate very much what the Senator said. I hope we can have such a list. We need to proceed in the bipartisan spirit under which Senator BAUCUS and I have been working and try to bring this bill to finality.

We have been able to defeat most amendments that have come before us. We know what this bill is going to look like for final passage and that we ought to get to final passage.

AMENDMENT NO. 693

The PRESIDING OFFICER. Who yields time on the Lieberman amendment? The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I call up amendment No. 693 and ask for the yeas and nays.

The PRESIDING OFFICER. That is the pending amendment. The yeas and nays have been ordered.

Mr. LIEBERMAN. I thank the Chair. Mr. President, this amendment aims at dealing with the current uncertainty in our economy and, in fact, obviously the intention of the Members of the Senate during debate on the budget resolution last month where, on a bipartisan basis, we adopted a stimulus package that was fair, fast, and fiscally responsible.

Unfortunately, the so-called stimulus plan in this bill that came out of the Finance Committee is not fair, fast, or fiscally responsible.

Simply put, the stimulus package in this plan will be hundreds of days late and hundreds of millions of dollars short of what America's families need, and that is a real economic stimulus now. The Federal Reserve recognized that again a few days ago in lowering interest rates.

That is why we have to do this in Congress. That is why this amendment will replace the semistimulus that is in the tax bill. It will offer cash, $300 to every American taxpayer, payroll and income tax. I urge its adoption.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, common sense tells me we cannot have it both ways, on the one hand telling the country we need an immediate tax cut stimulus and on the other hand vote after vote delaying this bill.

To pay for these checks, the Joint Tax Committee estimates the Secretary of Treasury will have to increase taxes on small business owners by about $24 billion.

This amendment is also unconstitutional from the standpoint that article I, section 7, gives Congress the taxing powers, not the Secretary of Treasury.

If we can pass this bill today, I believe we could be on our way to putting more cash in families' hands by July 1 with the changes in W–2s that will result with the 10-percent rate going into effect January 1 this year.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 693. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Carnahan
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—56

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Stevens

The amendment (No. 693) was rejected.

Mr. GRAMM. I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 736, WITHDRAWN

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. My amendment is now pending, and in order to try to in some small way expedite getting on with the business of the American people, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO RECOMMIT

Mr. CORZINE. Mr. President, this motion would recommit H.R. 1836 to the Finance Committee and direct the committee to report back promptly with an amendment that eliminates any income tax cut for those earning more than $500,000 a year, and uses the savings—approximately $24 billion a year, once fully effective, to establish a tax credit to help families afford the costs of long-term care.

Over 12 million senior and disabled Americans need long-term care today. That number will double over the next 10 years.

I believe that no one should have to spend down to Medicaid to afford long-term care, and no family should bear the burden alone.

A tax credit, as I propose, would provide much-needed relief to the families who provide long-term care for their loved ones, and is surely a better and fairer use of the surplus.

This is not about class warfare. This is about providing relief for our elderly and for the overburdened families who care for them. I thank Senators GRASSLEY, GRAHAM and BAYH for their leadership on this issue, and I hope my colleagues will agree that we should not provide a windfall for those earning more than half a million dollars a year, while ignoring the needs of so many families and the loved-one they struggle to care for.

I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. I thank Senator CORZINE for recognizing some of our work regarding long-term health care financing challenges. However, in addition to this amendment, we have had others that don't seem to recognize the Senate Finance Committee's function. We have held hearings on this very subject.

As I said, I am very committed to working at finding solutions to long-term financing challenges. In fact, I have introduced such a bill with Senator GRAHAM of Florida. The impending retirement of baby boom generations presents a great incentive to act soon.

What this motion doesn't recognize is that we do taxes one time and we will do long-term health care another time. We can do both. This bill is not the appropriate vehicle. This amendment will delay the tax reduction for working families.

I hope we can defeat this motion. I see it as a continuing effort to kill the bill.

I raise a point of germaneness. The amendment is not germane to the provisions of the reconciliation measure. I therefore raise a point of order against the amendment under section 305(b)(2) of the Budget Act.

Mr. CORZINE. I move to waive the Budget Act for consideration of the motion. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—43

Akaka
Bayh
Boxer
Byrd
Cantwell
Carnahan
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—56

Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Stevens

The PRESIDING OFFICER. On this vote the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, it is my understanding, under the previous order, we will now be in recess for a half hour. The next amendment we have scheduled will be amendment No. 743, the Conrad amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 1:30 p.m.

Thereupon, the Senate, at 12:59 p.m., recessed until 1:30 p.m. and reassembled when called to order by the Presiding Officer (Ms. SNOWE).

RESTORING EARNINGS TO LIFT INDIVIDUALS AND EMPOWER FAMILIES (RELIEF) ACT OF 2002—Continued

AMENDMENT NO. 743

The PRESIDING OFFICER. Under the previous order, time will now be divided on the amendment offered by the Senator from North Dakota, Mr. CONRAD.

The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I am constrained to ask for another quorum call. Senator GRASSLEY is someone who has been here the entire time, and I would not feel right in going ahead without him. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

On the question of the Conrad amendment, who yields time?

If no one yields time, time will be charged equally on both sides.

The Senator from North Dakota.

Mr. CONRAD. Madam President, this amendment is about fairness and simplification. Under the bill before us, the very wealthiest taxpayers get the biggest percentage point reduction in their marginal rates, but the vast majority of taxpayers, the 70 million, who represent 70 percent of the taxpayers in this country, get no rate reduction.

This chart I show you tells the story. The 15-percent rate, which is where the vast majority of American taxpayers are, get no rate reduction. Those at the very top get the biggest rate reduction.

My amendment reduces the unfairness. It reduces the size of the tax cut for the top 3 percent of income earners. Specifically, my amendment leaves in place the first percentage point reduction for the top two tax rates but cancels the next two scheduled reductions, and it uses the savings from this change to increase the standard deduction by $1,500 for singles; for couples the standard deduction will be increased by twice this amount, or a full $3,000 when fully phased in.

This amendment is about fairness and simplification. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, not only is this amendment a bad amendment but the information just given out is erroneous. It is wrong. It is bad.

Every taxpayer who pays income tax gets a marginal rate tax cut under this bill. Let's make that clear. Every taxpayer gets a tax reduction.

I do not know how many amendments we have had on this bill to kill the marginal rate tax reductions we have. We have had a flood of amendments from the other party. Not one amendment from the other party has been adopted yet. And I have to wonder, what has happened to bipartisanship? Is bipartisanship dead and buried, when just 5 months ago we talked so much about it? If so, I and Senator BAUCUS have not been invited to the funeral. I urge the defeat of this amendment.

The PRESIDING OFFICER. The time has expired on the Conrad amendment.

The question is on agreeing to the amendment that has been offered by the Senator from North Dakota.

Mr. REID. Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No, they have not.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—46

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—53

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Stevens

The amendment (No. 743) was rejected.

Mr. GRASSLEY. Madam President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 744

The PRESIDING OFFICER. The question is on agreeing to amendment No. 744 offered by the Senator from North Dakota.

Mr. CONRAD. Madam President, this amendment is about fairness and simplification. If we look at the bill before us, it gives the biggest rate reduction to the highest income-tax payers of all.

Only seven-tenths of 1 percent of the taxpayers are in the 39.6-percent bracket, but they get 20 percent more rate reduction than the 36-percent bracket, than the 31-percent bracket, than the 28-percent bracket. And in the 15-percent bracket, where the vast majority of taxpayers are in this country, 70 percent of the taxpayers get no rate relief—none.

My amendment simply takes the additional rate relief that the very wealthiest receive, the additional six-tenths of 1 percent—that is 20 percent more than the other brackets—and shifts it to the lowest 70 percent of the tax filers in this country. It says: Let's give fairness when we are giving tax relief.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I urge my colleagues to vote against the amendment. I am going to offer the rest of my time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I think we have been through some very excellent debate and discussion and votes. I urge all my colleagues to recognize it is now time for us to move on. We can vote well into the night or tomorrow or into the weekend, but I think we all recognize that with a sufficient number of votes now, the issues are pretty well decided. I hope we can bring this issue to closure and get back to the education bill.

We have fought a good fight here, those of us who have some differing views or different positions, but it is time to move on.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 744 offered by the Senator from North Dakota.

Mr. CONRAD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—47

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—52

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Stevens

The amendment (No. 744) was rejected.

AMENDMENT NO. 747

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 747, the Carper amendment. The Chair advises the Senator from Delaware that there are 2 minutes equally divided on his amendment.

Mr. CARPER. I thank the Chair.

Mr. President, this bipartisan alternative reduces taxes by $1.2 trillion over the next 10 years while making available $150 billion for underfunded education proposals that work.

Our measure provides for modest reductions in each of the marginal tax rates while establishing retroactively a new 10-percent bracket.

This amendment provides for estate tax relief but not for its elimination.

We double the child credit and make it partially refundable.

Unlike the committee bill, our proposal makes permanent the R&D credit.

We extend popular expiring tax breaks and speed up marriage penalty relief.

We provide greater AMT protection and fund a number of energy production and conservation incentives now, not later.

I thank Senator CHAFEE for joining me in offering this comprehensive alternative. I yield to him.

Mr. BUNNING. Mr. President, can we have a copy of the amendment, please. We do not have a copy of the amendment.

Mr. REID. Mr. President, the amendment, I say to my friend from Kentucky, was filed last night. It has been on file since sometime yesterday evening.

The PRESIDING OFFICER. There is an amendment at the desk.

The remainder of the time has been yielded to the Senator from Rhode Island, Mr. CHAFEE.

Mr. CHAFEE. Mr. President, the central tenet of this bill is reducing the tax cut down to $1.2 trillion. We would devote the other $150 billion towards educational initiatives.

How many of us have heard from our constituents about the high cost of the property taxes? The main contribution to these high property taxes is the cost of special education, and that is a Federal mandate.

Let us right now reduce the tax cut and put it towards IDEA and property tax relief.

I urge adoption of the Carper-Chafee property tax relief amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DASCHLE. Mr. President, I commend the Senator from Delaware for his substitute amendment and urge my colleagues to support it. While in my view both the underlying bill and the substitute cut taxes more deeply than this nation can afford, the Carper substitute is far preferable to the underlying bill. It is simply fairer than the underlying bill. It provides a marginal rate cut for the 72 million middle class taxpayers who were skipped over in the underlying bill. It includes immediate marriage penalty relief and permanent deductibility of college tuition. And so, although I would not support enacting a tax cut of $1.25 trillion, Senator CARPER's amendment deserves our support because it illustrates a far better and more balanced approach to tax and budget policy.

Mr. GRASSLEY. Mr. President, I urge my colleagues to vote against this amendment. This is another effort to cut our marginal tax rate cuts by $150 billion. I defer to the Senator from Oregon for further comment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, we have had many votes taken on the issue of the tax bill. We know how people are going to vote. We know the outcome. It is time to vote on this tax cut so we can get to education and deal with some of the issues Senators have identified.

For the sake of the American people, it is time to vote.

Mr. CARPER. I ask for the yeas and nays.

Mr. GRASSLEY. Mr. President, the amendment is not germane to the provisions of the reconciliation bill. I, therefore, raise a point of order against the amendment under section 305(b)(2) of the Budget Act.

Mr. CARPER. Mr. President, I move to waive the relevant section of the Congressional Budget Act for consideration of this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

Mr. REID. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Carnahan
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Levin
Lieberman
Mikulski
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—55

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—2

Leahy
Stevens

The PRESIDING OFFICER. On this question, the yeas are 43, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

Mr. GRASSLEY. I ask to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I think we have a copy of the next amendment, so I am not speaking about the next amendment that will be up, but I will plead with the people on the other side who are stalling to keep us from voting on this bill to at least, within the spirit of how Senator BAUCUS and I have run the Finance Committee, be very open and transparent with us on what these amendments are going to be. We cannot expect 100 Members of the Senate to vote yes or no on an amendment unless we know what that amendment is.

The pattern I set in the Senate Finance Committee is best illustrated by something I told each of the other 19 members when I went to their offices to visit with them about how they saw the committee ought to function and how we ought to do business. That is, No. 1, transparency; and, No. 2, communication. The bottom line was I told every member if they wanted to know what was going on in this committee, all they had to do was ask and they would get an answer. If they didn't get an answer, at least they were entitled to know why they couldn't get an answer. And 99.9 percent of the time I figure everybody is entitled to know what everybody else is doing.

Now we reach a point where the product of this bipartisan effort is in this Chamber, and I hope in the very same way we can communicate with each other, we can be very transparent. But most important, on the issue of what amendments we are going to vote on, we ought to have those amendments at the desk so we can study them while we are debating other amendments.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will use my leader time to respond to the distinguished Senator from Iowa as well as to make a couple of comments about the next amendment.

I think the Senator from Iowa is absolutely right. We have no intention of denying him the opportunity to look at the amendments. I ask our assistant Democratic leader if he could take responsibility for ensuring that we would have not only the list of amendments, which we would be happy to share with the Senator, but the text of the amendments as well. I know he has a copy of the amendment about to be offered, and we will do our utmost to ensure copies are made available, as well as the list and the sequence of the amendments to be offered next.

AMENDMENT NO. 722

I now ask that amendment No. 722 be considered at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DASCHLE] proposes an amendment numbered 722.

Mr. DASCHLE. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is located in today's RECORD under "Amendments Submitted and Proposed.")

Mr. DASCHLE. Mr. President, many Members have said for some time while we strongly support a tax cut, we have been very concerned about the flaws in this tax cut, concerned because it is based on projections we have grave doubts will ever be realized, budget projections that will be changed as early as July of this year; concerned about the magnitude, the size of the tax cut, and what we know it will do to Social Security and Medicare and how it will take away funds from those extraordinarily important commitments we made to our seniors; concerns we have about our ability to pay down the public debt; concerns we have about our ability to pay for prescription drug benefits or fully fund our education commitments.

We have a great number of concerns given the magnitude of this tax cut. We also are concerned about its fairness. This tax cut could be best described as devoting a third, a third, and a third to three very distinct categories of taxpayers. This tax cut gives one-third of the entire benefit to the top 1 percent of all taxpayers. Roughly a third goes to the next 19 percent of all taxpayers. And somewhat less than a third goes to the bottom 80 percent of all taxpayers. That is ultimately, in the second ten-year period, $4 trillion divided into a third, a third, and a third—a third for the top 1 percent, a third for the next 19 percent, and a third for the bottom 80 percent.

The tax bill before us also provides reductions in the tax rates—that is, to every rate except the 15 percent rate under which 72 million American taxpayers fall. Those 72 million Americans—including 250,000 South Dakota taxpayers—are denied a marginal tax rate cut in this bill.

We think we can do better than that. Our country deserves better than that. So we offer our alternative. Our alternative is fiscally responsible. It dedicates $900 billion to a tax cut, provides adequate resources for us to continue the effort to pay down the debt, and leaves adequate resources for us to meet the other obligations we have in health care, education, and Social Security and Medicare.

This amendment also recognizes the need for fairness. It provides a tax cut for everybody, but it also provides marriage penalty relief that starts next year, not in 5 years; a $1,000 child tax credit that extends to working families with incomes over $8,000; estate tax relief, providing up to $4 million for couples and $8 million for farms and small businesses; and it provides a tuition tax deduction for middle class Americans who send their children to college.

It provides savings incentives to encourage small businesses to provide pensions for their employees, and a permanent R&D tax credit. It eliminates the alternative minimum tax for incomes up to $80,000 and provides for energy conservation and efficiency tax incentives for more energy efficient homes, appliances, and cars.

I will not belabor this. I will simply say this is the Democratic approach to meaningful tax relief this year, tax relief that can be realized this year, not 7 or 8 years from now, tax relief that recognizes we also have other very important priorities, priorities involving paying down the debt, priorities involving ensuring our commitment to education, health, Social Security, and other priorities that recognize the importance of fairness. I urge its adoption and yield the floor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There will be 2 minutes equally divided. Who yields time?

The Senator from Texas.

Mr. GRAMM. Mr. President, obviously the minority leader has a right to offer this amendment, even at this late hour and even as thick as it is. We all know under the rules of reconciliation you can offer amendments forever.

But I want to remind my colleagues that in 1993 when we were on the floor of the Senate and we were considering, under reconciliation, a massive tax increase that was proposed by then-President Clinton, we could have followed the same strategy. We could have offered amendments endlessly. We hated that tax increase as much as some of your colleagues hate this tax cut. But I think wiser heads prevailed, recognizing that in doing that we were trying to do two things that were bad: First, we were corroding the basic structure of the Senate in using our rights in ways that really undercut how the system works in reconciliation; and, second, we were trying to win on the floor of the Senate what we had lost in the election.

I ask unanimous consent for 1 minute under the leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. I think, second, we would have been trying to win on the floor of the Senate what we had lost in the election.

I am no happier about the Clinton tax increase today than I was 8 years ago. But I believe we did the right thing 8 years ago and I would just like to say to my colleagues, the Senate has worked its will. We know in the end what the outcome is going to be. We voted on virtually every amendment that can be imagined, at least by the minds of Senators—maybe not the mind of man but Senators.

I ask my colleagues to let us bring this to a conclusion and to have the vote. That is the plea. I simply ask people look at where we are and ask are we serving our institution and are we, in the process here, really abusing a right that every Senator has. Nobody is saying they do not have it. Nobody is saying this is foul play. I just think what goes around comes around.

I urge my colleagues to remember, 8 years ago when we did not do this, when you had a President and when you were taking the country in a different direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent for 3 minutes to answer the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask for 3 minutes on each side. I think Senator GRAMM somewhat responded to Senator DASCHLE.

The PRESIDING OFFICER. Without objection, 3 minutes on each side.

Mr. CONRAD. Mr. President, I remind colleagues 1993 was fundamentally different than this year. In 1993 we were using the reconciliation process for the reason intended. The reason intended for the reconciliation process was to reduce deficits. That was a plan to reduce deficits.

This is a plan that many of us believe is totally outside the reconciliation process, totally outside of what was intended for reconciliation. This is not a deficit reduction package; this is a tax cut. It ought to be handled in the way other legislation is handled, with Senators having the right to debate and to amend.

We are under a very truncated process that takes away the minority's fundamental rights in this body. If we want to talk about the institution and what is critical for the functioning of this institution, and the fairness towards the minority and minority rights, then that is right at the heart of what is occurring here today because the rights of the minority have been truncated. The rights of the minority have been abridged. The rights of the minority have been left out.

That is why we are in a process in which the only way we can express ourselves is to offer amendment after amendment so we can make the case that we believe holds against this tax bill.

There is a fundamental and profound difference between what is happening today and 1993, when reconciliation was used for deficit reduction. That was precisely what reconciliation was designed to be used for. It is not and was never designed to be used for a tax cut.

The rights of the minority have been, in our view, limited. All of us will pay a price in the future if we allow ourselves to be turned into a House of Representatives where Senators lose their fundamental right to debate, their fundamental right to amend.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. We have 3 minutes?

Mr. President, fellow Senators, let me first say that in 1974 we changed the law that applies to the Senate with reference to how long you take on a budget resolution and what kind of amendments you can offer in a reconciliation bill. That was a law changed because we decided for the first time in the history of our country we would have a budget. We didn't have budgets before then, believe it or not. That budget process was invented then by that statute and the Senate, by an incredibly high vote—I think it was everybody but one—voted for that, including those who do not think we ought to use reconciliation to raise taxes and lower taxes both. This was voted in.

You will find since then that on three occasions the Senate has spoken on the issue of whether or not you can cut taxes in reconciliation. Three times we voted that that is appropriate. We have, on this process, this year. There was a vote in this body where Senators voted on whether we would use reconciliation in this bill for tax cuts. The whole argument was presented against it, on which my good friend Senator BYRD took a long time and presented all the history on it. I did the opposite. We voted. By a 51–49 vote we said let's use reconciliation and let's use it to cut taxes. Then we voted a resolution that said how much the taxes should be cut, and we told the Finance Committee to return the bill, which is now before us.

I do not know how you can claim we are violating anybody's rights. We have voted on those issues. They are the law of the land. When you want to repeal or change the 1974 law, do so. It might need amending. It might need changing.

Three times we voted on a reconciliation bill to cut taxes—three times. This is the fourth time. But this time we even took up the issue: Should we do it or not? And we said yes.

With that in mind I must say to my friends on the other side, it looks to me like, when we have spent a total of 31 and a half hours including the votes on this bill, and we have had 32 votes and only 1 passed. It was kind of irrelevant—a good amendment; a Senator on this side offered it, good amendment but actually it had nothing to do with the budget, the one that passed.

I think everybody in America should know this bill is going to get a significant majority, bipartisan, of U.S. Senators under this particular set of facts that I just described.

So, if we have not debated it enough, how long should it be debated? If we have not done everything can you do on this bill to make the two major points the Democrats want to make, I don't know how many more votes, how much more time you need?

I yield the floor.

Mr. GRASSLEY. Point of order, Mr. President. This amendment that we are supposed to know was here overnight, has a point of order against it. The amendment is not germane to the provisions of the reconciliation measure. I therefore raise a point of order against the amendment under section 305(b)(2) of the Budget Act.

Mr. DASCHLE. Mr. President, I move to waive the relevant sections of the budget act.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The yeas and nays resulted—yeas 41, nays 58, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—41

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—58

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carnahan
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—1

Stevens

The PRESIDING OFFICER (Mr. CRAPO). On this vote the yeas are 41, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. DASCHLE. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. Unless consent is granted, we will call up amendment No. 675.

Mr. REID. The Collins amendment?

The PRESIDING OFFICER. Amendment No. 675, unless it is agreed to be set aside.

The Senator from Utah.

Mr. HATCH. I ask unanimous consent that the amendment be set aside.

Mr. REID. I could not hear the Senator from Utah.

Mr. CONRAD. Could we have order in the Chamber, Mr. President.

The PRESIDING OFFICER. The Senator from Utah asked unanimous consent that the Collins amendment be set aside.

Without objection, it is so ordered.

Mr. HATCH. As I understand it, the next amendment is Mr. CONRAD's, the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

MOTION TO RECOMMIT

Mr. CONRAD. Mr. President, anybody who knows and cares about Social Security reform, knows that it costs money.

The PRESIDING OFFICER. Will the Senator suspend so the clerk can report.

Mr. CONRAD. I am pleased to do so.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] moves to recommit H.R. 1836 to the Committee on Finance with instructions to report back within 3 days with the following changes: (1) reduce the marginal rate cuts in the top brackets and estate tax cuts by a total of $350,000,000,000 over the total of fiscal years 2002 through 2011; and (2) add the following new section:

SEC. . STRATEGIC RESERVE FUND FOR SOCIAL SECURITY REFORM AND DEBT REDUCTION.

If legislation is reported by the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, or an amendment thereto is offered or a conference report thereon is submitted, that would strengthen Social Security, extend the solvency of the Social Security Trust Funds, maintain progressivity in the Social Security benefit system, and continue to lift more seniors out of poverty, the Chairman of the appropriate Committee on the Budget shall revise the aggregates, functional totals, allocations, and other appropriate levels and limits in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002, by an amount not to exceed $350,000,000,000 for the total of fiscal years 2002 through 2011, as long as that legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any of fiscal years 2002 through 2011.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, every single plan to strengthen Social Security that has been proposed by any Member on either side of the aisle costs money. Unfortunately, we don't have the money in this budget.

This bill is dramatically backloaded. It costs $1.3 trillion this decade. It costs more than $4 trillion next decade, at the very time the massive surpluses now turn to substantial deficits then.

My amendment says: Take $350 billion out of this tax cut and reserve it to strengthen Social Security. We all know it costs money. We ought to reserve it now. We ought to strengthen Social Security for the future.

I urge my colleagues' support.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we have had 8 years where we haven't had any strengthening of Social Security, while there was a Democrat President. There is no question we need to do that, but there is also no question that this is a tax bill and we are trying to reduce taxes so we can stimulate the economy and keep our economy going.

When I got here this year, I thought we were surely going to have more bipartisanship, but here we go again. This is another in a long list of amendments meant to slow down and stop this bill. When is this partisanship going to end?

I urge the defeat of this amendment. The pending amendment is not germane under the provisions of the reconciliation measure. I therefore raise a point of order against the amendment under section 305(b)(2) of the Budget Act.

Mr. CONRAD. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections for consideration of the pending motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

The yeas and nays resulted—yeas 41, nays 57, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—41

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—57

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—2

Jeffords
Stevens

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the motion falls.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 765

Mr. REID. Mr. President, I call up amendment 765.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. DORGAN, and Mr. GRAHAM, proposes an amendment numbered 765.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes)

On page 314, after line 21, add the following:

SEC. . NEW GUARANTEED MINIMUM PRIMARY INSURANCE AMOUNT WHERE ELIGIBILITY ARISES DURING TRANSITIONAL PERIOD.

(a) IN GENERAL.—Section 215(a) of the Social Security Act (42 U.S.C. 415(a)) is amended—

(1) in paragraph (4)(B)—

(A) by inserting "(with or without the application of paragraph (8))" after "would be made"; and

(B) in clause (i), by striking "1984" and inserting "1989"; and

(2) by adding at the end the following:

"(8)(A) In the case of an individual described in paragraph (4)(B) (subject to subparagraphs (F) and (G) of this paragraph), the amount of the individual's primary insurance amount as computed or recomputed under paragraph (1) shall be deemed equal to the sum of—

"(i) such amount, and

"(ii) the applicable transitional increase amount (if any).

"(B) For purposes of subparagraph (A)(ii), the term 'applicable transitional increase amount' means, in the case of any individual, the product derived by multiplying—

"(i) the excess under former law, by

"(ii) the applicable percentage in relation to the year in which the individual becomes eligible for old-age insurance benefits, as determined by the following table:

"If the individual become eligible for such benefits in:	**The applicable percentage is:**
1979	55 percent
1980	45 percent
1981	35 percent
1982	32 percent
1983	25 percent
1984	20 percent
1985	16 percent
1986	10 percent
1987	3 percent
1988	5 percent

"(C) For purposes of subparagraph (B), the term 'excess under former law' means, in the case of any individual, the excess of—

"(i) the applicable former law primary insurance amount, over

"(ii) the amount which would be such individual's primary insurance amount if computed or recomputed under this section without regard to this paragraph and paragraphs (4), (5), and (6).

"(D) For purposes of subparagraph (C)(i), the term 'applicable former law primary insurance amount' means, in the case of any individual, the amount which would be such individual's primary insurance amount if it were—

"(i) computed or recomputed (pursuant to paragraph (4)(B)(i) under section 215(a) as in effect in December 1978, or

"(ii) computed or recomputed (pursuant to paragraph (4)(B)(ii) as provided by subsection (d). (as applicable) and modified as provided by subparagraph (E).

"(E) In determining the amount which would be an individual's primary insurance amount as provided in subparagraph (D)—

"(i) subsection (b)(4) shall not apply;

"(ii) section 215(b) as in effect in December 1978 shall apply, except that section 215(b)(2)(C) (as then in effect) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 61, plus the 3 calendar years after such period for which the total of such individual's wages and self-employment income is the largest; and

"(iii) subdivision (I) in the last sentence of paragraph (4) shall be applied as though the words 'without regard to any increases in that table' in such subdivision read 'including any increases in that table'.

"(F) This paragraph shall apply in the case of any individual only if such application results in a primary insurance amount for such individual that is greater than it would be if computed or recomputed under paragraph (4)(B) without regard to this paragraph.

"(G)(i) This paragraph shall apply in the case of any individual subject to any timely election to receive lump sum payments under this subparagraph.

"(ii) A written election to receive lump sum payments under this subparagraph, in lieu of the application of this paragraph to the computation of the primary insurance amount of an individual described in paragraph (4)(B), may be filed with the Commissioner of Social Security in such form and manner as shall be prescribed in regulations of the Commissioner. Any such election may be filed by such individual or, in the event of such individual's death before any such election is filed by such individual, by any other beneficiary entitled to benefits under section 202 on the basis of such individual's wages and self-employment income. Any such election filed after December 31, 2001, shall be null and void and of no effect.

"(iii) Upon receipt by the Commissioner of a timely election filed by the individual described in paragraph (4)(B) in accordance with clause (ii)—

"(I) the Commissioner shall certify receipt of such election to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay such individual, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000, in 4 annual lump sum installments of $1,250, the first of which shall be made during fiscal year 2002 not later than July 1, 2002, and

"(II) subparagraph (A) shall not apply in determining such individual's primary insurance amount.

"(iv) Upon receipt by the Commissioner as of December 31, 2001, of a timely election filed in accordance with clause (ii) by at least one beneficiary entitled to benefits on the basis of the wages and self-employment income of a deceased individual described in paragraph (4)(B), if such deceased individual has filed no timely election in accordance with clause (ii)—

"(I) the Commissioner shall certify receipt of all such elections received as of such date to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay each beneficiary filing such a timely election, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000 (or, in the case of 2 or more such beneficiaries, such amount distributed evenly among such beneficiaries), in 4 equal annual lump sum installments, the first of which shall be made during fiscal year 2002 not later than July 1, 2002, and

"(II) solely for purposes of determining the amount of such beneficiary's benefits, subparagraph (A) shall be deemed not to apply in determining the deceased individual's primary insurance amount.".

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) APPLICABILITY OF AMENDMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall be effective as though they had been included or reflected in section 201 of the Social Security Amendments of 1977.

(B) APPLICABILITY.—No monthly benefit or primary insurance amount under title II of the Social Security Act shall be increased by reason of such amendments for any month before July 2002. The amendments made in this section shall apply with respect to benefits payable in months in any fiscal year after fiscal year 2005 only if the corresponding decrease in adjusted discretionary spending limits for budget authority and outlays under section 3 of this Act for fiscal years prior to fiscal year 2006 is extended by Federal law to such fiscal year after fiscal year 2005.

(2) RECOMPUTATION TO REFLECT BENEFIT INCREASES.—Notwithstanding section 215(f)(1) of the Social Security Act, the Commissioner of Social Security shall recompute the primary insurance amount so as to take into account the amendments made by this Act in any case in which—

(A) an individual is entitled to monthly insurance benefits under title II of such Act for June 2002; and

(B) such benefits are based on a primary insurance amount computed—

(i) under section 215 of such Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(ii) under section 215 of such Act as in effect prior to January 1979 by reason of subsection (a)(4)(B) of such section (as amended by the Social Security Amendments of 1977).

(c) OFFSET PROVIDED BY PROJECTED FEDERAL BUDGET SURPLUSES.—Amounts offset by this section shall not be counted as direct spending for purposes of the budgetary limits provided in the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) REVENUE OFFSET.—The Secretary of the Treasury shall adjust the highest rate of tax under section 1 of the Internal Revenue Code of 1986 (as amended by section 101 of this Act) to the extent necessary to offset in each fiscal year beginning before October 1, 2011, the decrease in revenues to the Treasury for that fiscal year resulting from the amendments made by this section.

Mr. REID. Mr. President, this amendment is offered on behalf of myself, Senator DORGAN, and Senator GRAHAM of Florida.

Notch babies, listen. This amendment helps dissolve the unfair notch for those born beginning in 1917. Townhalls, e-mails, letters, casual conversations—Senators, this is your opportunity to say "yes" to the notchers. A "no" vote is a stab in the back of America's greatest generation. Vote "yes" to restore dignity to these people who deserve it. Notch babies are to be protected today.

Mr. GRASSLEY. Mr. President, I rise in opposition to this amendment. While I understand how important the notch issue is to millions of senior citizens, this is neither the time nor the place to address this issue.

The bill before us today provides much needed tax relief to hard working Americans. The amendment offered by Senator REID is not germane to this bill.

This amendment has never been reviewed by any committee of jurisdiction, nor scored by the Congressional Budget Office. No one has any idea how much it would cost or what new benefit inequities it would create. In addition, the proposed offset contained in the amendment is an unconstitutional delegation of legislative authority to the Secretary of the Treasury. This is not a serious amendment.

If Congress is going to seriously consider this issue, it must be done in the context of overall Social Security reform so we can carefully consider the costs and benefits of any proposed change.

Mr. HATCH. Mr. President, we oppose this amendment. I yield to the Senator from Maine.

Ms. COLLINS. Mr. President, I rise in opposition to the amendment. The Senator has raised an important issue dealing with the appropriate treatment of those who are known as the notch babies.

We all know this is not the bill on which to resolve this issue. We need to take up that issue in the context of modernizing our Social Security system, and this is just another attempt to delay final passage of the tax bill. So I encourage my colleagues to oppose this amendment regardless of their views on the underlying issue, and let's get on with the vote and approve this bill.

Mr. REID. Mr. President, I will use 1 minute on leader time. If this is not the time to help notch babies, when is it? Some of them are approaching 84 years of age. Are we going to wait until next year until more die, or the year after? People go home and say nice things about the notch babies. Well, let's vote a nice thing for them today. Today is the day. There is no other day. This is our opportunity to take the notch unfairness out of our law.

Mr. HATCH. Mr. President, I will use 1 minute out of leader time. We just lived through 8 years of a Democratic President, and no one effort was successful—or even tried, as far as I can recall—to help the notch babies. I have always voted in favor of helping the notch people, but the pending amendment is not germane and those on the other side know it. They are getting a great kick out of bringing this up. It is not germane.

I raise a point of order against the amendment under 305(b)(2) of the Congressional Budget Act.

Mr. REID. Mr. President, under all applicable rules of the Senate and the law, I ask that there be a waiver of the Budget Act, and I further say, explain to the notch babies that you are voting on some point of order.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I claim 1 minute under the procedure to speak on the motion.

The PRESIDING OFFICER. The order provides for only 1 minute on each side.

Mr. HATCH. I ask unanimous consent that the Senator from Maryland be given 1 minute, and that we have 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized for 1 minute.

Mr. SARBANES. Mr. President, on more than one amendment it has been said that for 8 years we had a Democratic President and we didn't do anything about this issue. We spent most of those 8 years working ourselves out of the deficit box into which we have been placed by the previous administrations.

It is only now when we have some surpluses that we can start talking about doing something about these issues. How were you going to do something when you had a deficit? This is a very worthy cause for using some of those surpluses that we now have. I urge support for the Reid amendment.

Mr. HATCH. Mr. President, I will use 1 more minute. Well, it seems a little odd to me that after all these years, all of a sudden on a tax cut bill where we are trying to stimulate the economy, we get this issue. It is time to vote to reduce taxes. It is time to reduce the games. It is time to quit the partisanship. It is time to end this bill and get a vote up or down. If you can win, you win. If you can't win, you don't win.

Let's vote on this bill and quit playing partisan politics.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Domenici
Dorgan
Edwards
Ensign
Feingold
Feinstein
Graham
Harkin
Hollings
Hutchinson
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Specter
Stabenow
Torricelli
Warner
Wellstone
Wyden

NAYS—43

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Durbin
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Thurmond
Voinovich

NOT VOTING—2

Jeffords
Stevens

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 756

(Purpose: To require the Secretary of the Treasury to adjust the reduction in the highest marginal income rate if the discretionary spending level is exceeded in fiscal year 2002)

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I call up amendment No. 756.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 756.

On page 314, after line 21, add the following:

SEC. . ADJUSTMENT TO RATES IN RESPONSE TO BREACH OF LIMITS.

If, in fiscal year 2002, the discretionary spending level assumed in the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83) for such year is exceeded, the Secretary of the Treasury shall adjust the reduction in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a), for taxable years beginning in calendar years after such fiscal year as necessary to offset the decrease in the Treasury resulting from such excess.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wanted the amendment to be read because it is a short amendment. It is a fairly straightforward amendment. It is a modest effort at making the bill a little more fiscally responsible.

The amount of the tax cut is set forth in the budget resolution. That same budget resolution sets a cap for domestic discretionary spending. We are not waiting, as we should, to see how big a tax cut we should put in place to see whether or not we are going to live under those caps which the budget resolution sets for domestic discretionary spending.

This amendment says if Congress breaks the spending caps in the budget resolution, then this 1-percent reduction in the upper bracket, which is provided for in this fiscal year, will not go into effect to the extent that it is necessary to pay for the excess in domestic discretionary spending for which the Congress votes. Otherwise, we are dipping into the Medicare surplus.

This is an amendment for fiscal responsibility. It is modest and will help make this bill more fiscally responsible.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Utah.

Mr. HATCH. I yield to the Senator from Ohio.

Mr. DEWINE. Mr. President, this is the Senate. We do believe in free and open debate and amendments. But we go on hour after hour after hour. I have not counted the number of amendments on which we have voted. We are probably over 40 amendments. It seems we need to move on; we need to pass this bill and we need to move forward.

This is a bill that has been debated; it has been compromised. I think the Senate needs to work its will. I know the amendments keep coming, but at some point we need to pass it and get to conference and send it to the President.

Mr. HATCH. The Levin amendment is not germane to the provisions of the reconciliation measure. I, therefore, raise a point of order against the amendment under section 305(b)(2) of the Budget Act.

Mr. LEVIN. Mr. President, I move to waive the relevant sections of the act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 58, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—41

Akaka
Biden
Bingaman
Boxer
Cantwell
Carnahan
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—58

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—1

Stevens

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 767

Mrs. BOXER. Mr. President, I send an amendment to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for Mr. NELSON of Florida, for himself and Mrs. BOXER, proposes an amendment numbered 767.

Mrs. BOXER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To aid public health and improve water safety by providing tax-exempt bond authority to water systems to comply with the 10 parts per billion arsenic standard recommended by the National Academy of Sciences and adopted by the World Health Organization and European Union)

On page 314, after line 21, add the following:

SEC. . TAX-EXEMPT BOND AUTHORITY FOR TREATMENT FACILITIES REDUCING ARSENIC LEVELS IN DRINKING WATER.

(a) IN GENERAL.—Section 142(e) (relating to facilities for the furnishing of water) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(2) by striking "For purposes" and inserting the following:

"(1) IN GENERAL.—For purposes", and

(3) by adding at the end the following:

"(2) FACILITIES REDUCING ARSENIC LEVELS INCLUDED.—Such term includes improvements to facilities in order to comply with the 10 parts per billion arsenic standard recommended by the National Academy of Sciences.".

(b) FACILITIES NOT SUBJECT TO STATE CAP.—Section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "and" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting ", and", and

(3) by inserting after paragraph (4), the following new paragraph:

"(5) any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).".

(c) EXEMPT FROM AMT.—Section 57(a)(5)(C) (relating to tax-exempt interest of specified private activity bonds) is amended by adding at the end the following new clause:

"(v) EXCEPTION FOR CERTAIN WATER FACILITY BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).".

(d) REVENUE OFFSET.—The Secretary of the Treasury shall adjust the highest rate of tax under section 1 of the Internal Revenue Code of 1986 (as amended by section 101 of this Act) to the extent necessary to offset in each fiscal year beginning before October 1, 2011, the decrease in revenues to the Treasury for that fiscal year resulting from the amendments made by this section.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

Mrs. BOXER. Mr. President, in my minute I hope I can convince colleagues on both sides of the aisle to support this amendment. Just this past weekend, President Bush called for a war on poverty. This amendment is a step in that direction. It is offered in that spirit. What we do is help 1.5 million veterans who are now living in poverty by giving a tax credit to those employers who hire them. This idea was proposed and is supported by the National Coalition for Homeless Veterans and the Noncommissioned Officers Association. Veterans groups tell me the current tax credit, Welfare To Work, is not working for veterans because they are not on welfare. They need this tax credit.

So we send our people into harm's way and sometimes they come back and they really are having a tough time integrating into society, getting a meaningful job. This will reward employers who give them a job. And, by the way, we pay for it by bringing that top rate down to, not 36 percent but 36.05 percent. Let's do this for our veterans.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I say to the Senator from California, she does not have a bad amendment. I think in the proper time and place, such as on the Work Opportunity Training Act or things of that nature, it would be a good thing to do and for us to take a look at it. I will be glad to take a look at it. But at this point I am going to have to ask the amendment be defeated.

I raise a point of order, but it needs to be defeated because of the changes it makes in the tax rates. We are working on a tax bill. We have a well-balanced, well-crafted bipartisan bill. We have had 40 votes on amendments. There is too much effort, regardless of the good faith of this person in offering a good idea, to stall, stall, stall. I think we have to get this bill passed and get tax relief to the American people.

I raise a point of order. The point of order is against the amendment under section 305(b)(2) of the Budget Act.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am not trying to stall. I am trying to make this a better bill for our people, including our veterans.

I move we waive the Budget Act.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—49

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—50

Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Stevens

The PRESIDING OFFICER. On this vote the yeas are 49, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. DASCHLE. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Democratic leader.

AMENDMENT NO. 768

(Purpose: To limit the reduction in the 39.6 rate bracket to 1 percentage point and to increase the maximum taxable income subject to the 15 percent rate)

Mr. DASCHLE. Mr. President, I have amendment No. 768 at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself and Mr. MCCAIN, proposes an amendment numbered 768.

Mr. DASCHLE. I ask unanimous consent reading of the amendment be dispensed with.

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will read the amendment.

The legislative clerk read as follows:

On page 9, in the matter between lines 11 and 12, strike "37.6%" in the item relating to 2005 and 2006 and insert "38.6%" and strike "36%" in the item relating to 2007 and thereafter and insert "38.6%".

On page 13, between lines 15 and 16, insert:

SEC. 104. INCREASE IN MAXIMUM TAXABLE INCOME FOR 15 PERCENT RATE BRACKET.

(a) IN GENERAL.—Section 1(f) (relating to adjustments in tax tables so that inflation will not result in tax increases), as amended by section 302, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D),

(B) by inserting after subparagraph (A) the following:

"(B) in the case of the tables contained in subsections (a), (b), (c), and (d), by increasing the maximum taxable income level for the 15 percent rate bracket and the minimum taxable income level for the next highest rate bracket otherwise determined under subparagraph (A) (after application of paragraph (8)) for taxable years beginning in any calendar year after 2004, by the applicable dollar amount for such calendar year,", and

(C) by striking "subparagraph (A)" in subparagraph (C) (as so redesignated) and inserting "subparagraphs (A) and (B)", and

(2) by adding at the end the following:

"(9) APPLICABLE DOLLAR AMOUNT.—For purposes of paragraph (2)(B), the applicable dollar amount for any calendar year shall be determined as follows:

"(A) JOINT RETURNS AND SURVIVING SPOUSES.—In the case of the table contained in subsection (a)—

"Calendar year:	**Applicable Dollar Amount:**
2005	$1,000
2006	$2,000
2007	$3,000
2008	$4,000
2009 and thereafter	$5,000.

"(B) OTHER TABLES.—In the case of the table contained in subsection (b), (c), or (d)—

"Calendar year:	**Applicable Dollar Amount:**
2005	$500
2006	$1,000
2007	$1,500
2005	$2,000
2009 and thereafter	$2,500.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect one day after the date of the enactment of this Act.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, this amendment is offered on behalf of the senior Senator from Arizona and myself, Mr. MCCAIN. It simply says that, instead of cutting the top marginal rate to 36 percent, cut the top rate to 38.6 percent. In turn, the savings would be devoted to expanding the 15 percent income tax bracket. The idea is to make this bill more fair by shifting more of its benefits to middle class people.

This is an amendment for which there has been some debate. This amendment is similar to the amendment offered by Senator MCCAIN earlier. This amendment ought to be adopted and ought to be made a part of the pending bill. I ask for its adoption.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GRAMM. I object.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The objection is heard.

Mr. GRAMM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment No. 768. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—50

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—50

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The amendment (No. 768) was rejected.

Mr. GRAHAM. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 748

Mr. NELSON of Florida. Mr. President, I call up amendment No. 748.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 748.

The amendment is as follows:

(Purpose: To provide a proportionate reduction in the credit for State death taxes before repeal, thereby allowing for responsible full estate tax repeal)

On page 66, before line 2, insert the following:

"(C) COORDINATION WITH CREDIT FOR STATE DEATH TAXES.—

"(i) IN GENERAL.—Rules similar to the rules of subparagraph (A) shall apply to the table contained in section 2011(b) except that the Secretary shall prescribe percentage point reductions which maintain the proportionate relationship (as in effect before any reduction under this paragraph) between the credit under section 2011 and the tax rates under this subsection.".

(d) REVENUE OFFSET.—The Secretary of the Treasury shall adjust the highest rate of tax under section 1 of the Internal Revenue Code of 1986 (as amended by section 101 of this Act) to the extent necessary to offset in each fiscal year beginning before October 1, 2011, the decrease in revenues to the Treasury for that fiscal year resulting from section 2001(c)(2)(C) of the Internal Revenue Code of 1986 (as added by the amendments made by subsection (c)).

Beginning on page 70, line 20, strike all through page 79, line 6.

Mr. NELSON of Florida. Mr. President, this is an amendment everybody can vote for because you want to protect your States. The bill phases out the estate tax for the State portion much quicker than it phases out the entire estate tax. It is going to put a real financial burden on our States. Under the existing bill, the State portion would be repealed much faster, not leaving our States enough time to prepare and plan for the loss of revenue. That is unfair to our State governments.

This amendment, sponsored by Senator GRAHAM and myself, would result in the full repeal of the estate tax but would phase out the State estate tax portion at a rate consistent with the repeal of the Federal portion and would pay for it through a temporary reduction in the top marginal rate cuts.

This would provide for a responsible full repeal of the estate tax while leaving time for our States to plan for this loss of revenue to the States.

I yield back the time, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this is another one of those amendments. It has just a little change from what we voted on last night.

This delegates to the Secretary of the Treasury the setting of tax rates. I think this very much is an affront to the constitutional requirement that all revenue measures shall originate in the House.

Senator NELSON's amendment strikes at the heart of the principal jurisdiction over taxation held by the House Ways and Means Committee and the Senate Finance Committee. Every year, for 10 years, he delegates the top marginal income tax rate to the Secretary of the Treasury to determine.

This amendment sacrifices the American taxpayer for the convenience of the State treasuries. I urge defeat of the amendment.

I have a point of order I want to raise. The amendment is not germane to the provisions of the reconciliation measure. That point of order is, as you have heard so many times: I raise a point of order that the amendment violates section 305(b)(2) of the Budget Act.

Mr. NELSON of Florida. Mr. President, I was not aware that a point of order would lie on this. I would like to know what the Parliamentarian says.

The PRESIDING OFFICER. The Chair will rule on the Senator's point of order if he wishes.

The amendment is not germane.

Mr. NELSON of Florida. I am sorry, I could not hear.

The PRESIDING OFFICER. The amendment is not germane. The point of order is sustained.

Mr. NELSON of Florida. Then, Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purpose of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to waive is too late at this point. The Chair has ruled.

Mr. GRASSLEY. Then we are done. Let's move on to the next amendment.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. If this is appropriate, I ask unanimous consent that the Senator from Florida be allowed to put in his request for a waiver of the germaneness rule and have a vote on it.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. NELSON of Florida. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purpose of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question now is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—42

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone

NAYS—57

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—1

Kohl

The PRESIDING OFFICER (Mr. VOINOVICH). On this vote the yeas are 42, and the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 770

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 770.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To accelerate the increase in exemption amount for estates and reduce the reduction in the 39.6 percent marginal tax rate).

Beginning on page 68, strike line 12 and all that follows through page 70, line 19, and insert the following:

(a) IN GENERAL.—Subsection (c) of section 2010 (relating to applicable credit amount) is amended by striking the table and inserting the following new table:

"In the case of estates of decedents dying during:	**The applicable exclusion amount is:**
2002 through 2010	$4,000,000.".

(b) LIFETIME GIFT EXEMPTION INCREASED TO $1,000,000.—

(1) FOR PERIODS BEFORE ESTATE TAX REPEAL.—Paragraph (1) of section 2505(a) (relating to unified credit against gift tax) is amended by inserting "(determined as if the applicable exclusion amount were $1,000,000)" after "calendar year".

(2) FOR PERIODS AFTER ESTATE TAX REPEAL.—Paragraph (1) of section 2505(a) (relating to unified credit against gift tax), as amended by paragraph (1), is amended to read as follows:

"(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were $1,000,000, reduced by".

(c) GST EXEMPTION.—

(1) IN GENERAL.—Subsection (a) of 2631 (relating to GST exemption) is amended by striking "of $1,000,000" and inserting "amount".

(2) EXEMPTION AMOUNT.—Subsection (c) of section 2631 is amended to read as follows:

"(c) GST EXEMPTION AMOUNT.—For purposes of subsection (a), the GST exemption amount for any calendar year shall be equal to the applicable exclusion amount under section 2010(c) for such calendar year.".

(d) REPEAL OF SPECIAL BENEFIT FOR FAMILY-OWNED BUSINESS INTERESTS.—

(1) IN GENERAL.—Section 2057 is hereby repealed.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (10) of section 2031(c) is amended by inserting "(as in effect on the day before the date of the enactment of this parenthetical)" before the period.

(B) The table of sections for part IV of subchapter A of chapter 11 is amended by striking the item relating to section 2057.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to estates of decedents dying and gifts and generation-skipping transfers made after December 31, 2001.

(2) SUBSECTION (b)(2).—The amendments made by subsection (b)(2) shall apply to gifts made after December 31, 2010.

(f) REVENUE OFFSET.—The reductions in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, are eliminated to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section as compared to the amendments made by section 521 of the Restoring Earnings To Lift Individuals and Empower Families (RELIEF) Act of 2001 as reported by the Finance Committee of the Senate on May 16, 2001.

Mr. LEVIN. Mr. President, this is similar to amendment No. 759 at the desk, but it has been redrafted to avoid the germaneness point of order which could have rested against it based on giving authority to the Secretary of the Treasury. It eliminates that authority. It just sets the rates.

What we do with this amendment is make the changes in the unified estate taxes immediate instead of waiting 10 years for that $4 million unified exemption, which is so important to making sure that small businesses are not caught by the estate tax. This amendment says we should do that now. We should bring forward these exemptions, these unified exemptions that are important to eliminate small businesses and farms from being caught in the estate tax. Ninety percent of the small businesses that would be caught by the estate tax will not be caught once we have a $4 million unified exemption. This brings forward that exemption and pays for it by eliminating the upper bracket reduction. A lot more people will be benefited—a lot more small businesses.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

The clerk will call the roll.

Mr. REID. Mr. President, unanimous consent for what?

I didn't hear the unanimous consent agreement.

The PRESIDING OFFICER. There was a quorum call requested by the Senator from Alaska.

Mr. REID. I don't understand.

Mr. KENNEDY. Was all the time used up, Mr. President? I thought there was time on each side. The time hasn't all been used up.

The PRESIDING OFFICER. The time has not been used up. That is why it required unanimous consent.

Mr. REID. I object.

Mr. MURKOWSKI. Mr. President, I believe the unanimous consent was granted by the Chair.

Mr. REID. You can't grant something if you can't hear him. Reserving the right to object, we have spent now, this afternoon, probably close to 2 hours in quorum calls. There is going to come a time shortly when we are going to be blamed. We haven't held anything up. We didn't suggest the quorum call and here we are again. I have no problem with a quorum being called, but we have 30-some amendments left to vote on and I want to make sure we can't be blamed for not moving the bill forward.

Mr. MURKOWSKI. Mr. President, I would like clarification. I believe I suggested the absence of a quorum. The President asked if there were any objections. I believe the quorum call was in order; is that correct?

The PRESIDING OFFICER. The Senator from Alaska is correct.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, this amendment costs billions, and Senator LEVIN plans to pay for it by slashing any rate relief at the top rate. He proposes no estate tax and no capital gains tax on estates, and he pays for it with a denial of any tax break at all to the top rate.

This simply is not fair. This amendment will require a tax increase of billions of dollars, according to the Joint Tax Committee. It will increase taxes tens of thousands on small businessowners, and these folks throughout the country are the ones who create the jobs.

I urge everyone to vote against this amendment. Once again, I raise the point that this is probably the second, third, or fourth time we have voted on similar amendments. At some time, we ought to say enough is enough. I think now is time to say enough is enough.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Michigan.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—42

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—57

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—1

Kohl

The amendment (No. 770) was rejected.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 771

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 771.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make the maximum amount of the deduction for higher education expenses fully effective immediately, to repeal the termination of such deduction, and to provide an offset for revenue loss)

On page 314, after line 21, add the following:

SEC. . ACCELERATION OF FULL IMPLEMENTATION OF TUTITION DEDUCTION AND REPEAL OF TERMINATION.

(a) DEDUCTION FOR HIGHER EDUCATION EXPENSES.—

(1) MAXIMUM AMOUNT OF DEDUCTION.—Section 222(b)(2) (relating to applicable dollar amount), as added by section 431(a) of this Act, is amended to read as follows:

"(2) APPLICABLE DOLLAR LIMIT.—

"(A) IN GENERAL.—The applicable dollar limit shall be equal to—

"(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed $65,000 ($130,000 in the case of a joint return), $5,000,

"(ii) in the case of a taxpayer not described in clause (i) whose adjusted gross income for the taxable year does not exceed $80,000 ($160,000 in the case of a joint return), $2,000, and

"(iii) in the case of any other taxpayer, zero.

"(B) ADJUSTED GROSS INCOME.—For purposes of this paragraph, adjusted gross income shall be determined—

"(i) without regard to this section and sections 911, 931, and 933, and

"(ii) after application of sections 86, 135, 137, 219, 221, and 469.".

(2) REPEAL OF TERMINATION.—Section 222(e) (relating to termination), as added by section 431(a) of this Act, is repealed.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2001.

(c) REVENUE OFFSET.—The reductions in 2005 and 2007 in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, are eliminated to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section.

Mr. LEVIN. Mr. President, when one looks at the deduction for college tuition in the bill, one finds, at least to my amazement, that it does not get fully phased in until 2004 and then it sunsets; it gets wiped out in 2006.

We should do a lot better than that for this important deduction, and this amendment will provide the full deduction immediately and pays for it by using part of the top tax bracket reduction.

An awful lot of people will benefit from this amendment helping to get students through college by having a real college tuition deduction, not just rhetoric but real, and be available now and not sunsetted 2 years after it is fully phased in.

I ask that the Senator from New York be recognized, if I have any time on my minute.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this is an important amendment for those who care about paying for college.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. We should make it permanent, and I urge support of the amendment.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Michigan described his amendment. I am not going to go back through that. We have a very good package of educational assistance, tax incentives in our bill, of which the deduction of tuition is a major portion, and that major portion was put in to make this a more bipartisan bill, particularly under the leadership of Senator TORRICELLI.

What is wrong with this amendment is not that it does not do more but the fact that it increases billions of dollars for small business men and women. The revenue loss for the tuition deduction in our bill is $11 billion. We don't have this one scored, but this would be much higher.

Once again, I plead with people. We have a bipartisan bill. How many times do we have to defeat the same amendment? It has been 37 times now.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. HUTCHINSON). Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 771.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I annouce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas, 44, nays 55, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—44

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—55

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Kohl

The amendment (No. 771) was rejected.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, I believe I have 1 minute. Is that correct?

The PRESIDING OFFICER. Is the Senator calling up an amendment?

AMENDMENT NO. 699

Mr. KENNEDY. Yes. I call up amendment No. 699.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 699.

Mr. KENNEDY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To condition the reductions in the 39.6 percent rate in 2002, 2005, and 2007 on the Federal Government funding certain increases in the maximum Federal Pell Grant amounts)

On page 9, between lines 14 and 15, insert:

"(4) REDUCTION IN TOP RATE CONTINGENT ON INCREASES IN FEDERAL PELL GRANT FUNDING.—Notwithstanding paragraph (2), the reductions in the 39.6 percent rate bracket which (without regard to this paragraph) would take effect for taxable years beginning in 2002, 2005, or 2007 shall not take effect at all unless the Secretary of Education certifies to the Secretary of the Treasury before November 1, 2001, November 1, 2004, or November 1, 2006, whichever is applicable, that during the fiscal year ending in 2001, or during each of the 2 fiscal years ending in 2003 and 2004 or 2005 and 2006, whichever is applicable, the Federal Government honored its commitment to fund the Federal Pell Grant program under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) in an amount sufficient to increase the maximum Federal Pell Grant amounts awarded under such program to—

"(A) $4,250 for the 2002-2003 school year,
"(B) $4,650 for the 2003-2004 school year,
"(C) $5,050 for the 2004-2005 school year,
"(D) $5,450 for the 2005-2006 school year,
"(E) $5,850 for the 2006-2007 school year,
"(F) $6,250 for the 2007-2008 school year,
"(G) $6,650 for the 2008-2009 school year,
"(H) $7,050 for the 2009-2010 school year, and
"(I) $7,450 for the 2010-2011 school year.".

Mr. KENNEDY. Mr. President, we hear a great deal during the discussion that we can afford the tax cut. We can also afford investments in education. This debate is really about choices. In this instance, we are offering the choice of getting the full funding of the Pell grants and deferring the reduction at the highest tax rate until we have the full funding.

This Nation made enormous progress through the GI bill. That was paid $8 paid back for every dollar that was put in. We made great progress in the cold war GI bill after the Korean war. In 1972, we enacted the Pell grant. The average Pell grant goes to a family with an income of $14,500. At the beginning of the Pell grant it paid for 80 percent of a public education and 40 percent of a private education. Today it is 40 percent of a public education and 18 percent of a private education. This will bring it up to 50 percent and 20 percent, in terms of public and private.

It is the best investment we can make in our Nation's future. I hope we will have support for expanding the Pell Grant Program.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Can we afford? Can we afford? How come we always hear the question, can we afford the tax cut? but we never hear, can you afford when it comes to spending money?

Mr. President, this may be a very well-intentioned amendment. It is very appropriate to bring up these educational issues. But it is not appropriate on a bipartisan tax reduction bill that this Senate requested in the budget resolution adopted 2 weeks ago. I urge my colleagues to reject this amendment.

The Kennedy amendment finances the increase in Pell grants by delaying marginal rate reductions if the Secretary of Education determines that Pell grants are not fully funded.

So this is not germane. I raise this point then: The amendment is not germane because it should not be on a reconciliation measure. The point of order against the amendment is under section 305(b)(2) of the Budget Act.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional

Budget Act of 1974, I move to waive applicable sections of the act on the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—45

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—54

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Kohl

The PRESIDING OFFICER. On this vote the yeas are 45, the nays are 54. Three fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 700

Mr. KENNEDY. Mr. President, I call up amendment No. 700, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 700.

Mr. KENNEDY. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To condition the reductions in the 39.6 percent rate in 2005 and 2007 on the Federal Government sufficiently funding Head Start to enable every eligible child access to such program)

On page 9, between lines 14 and 15, insert:

"(4) REDUCTION IN TOP RATE CONTINGENT ON HEAD START FUNDING.—Notwithstanding paragraph (2), the reductions in the 39.6 percent rate bracket which (without regard to this paragraph) would take effect for taxable years beginning in 2005 or 2007 shall not take effect at all unless the Secretary of Education certifies to the Secretary of the Treasury before November 1, 2004, or November 1, 2006, whichever is applicable, that during each of the 2 fiscal years ending in 2003 and 2004 or 2005 and 2006, whichever is applicable, the Federal Government honored its commitment to fund the Head Start Act in an amount sufficient to enable every eligible child access to such program.".

Mr. KENNEDY. Mr. President, this is another amendment about priorities. We are now funding half the eligible children for Head Start. This amendment says, after we fund the rest of the children who are eligible for the Head Start program, then the top rate can be lowered from 39.6 percent to 36 percent.

We have had three Carnegie Commission studies that talked about the importance of investing in Head Start. We had a report issued in January of last year by the National Science Foundation entitled "From Neurons to Neighborhoods." It is an evaluation of all the Early Head Start Programs, saying this is the best investment that we can make in terms of helping children develop their brains.

In a few days, we are going to deal with the education bill. This may very well be more important to the children of this country than that legislation. Let's say we believe in investing in our future, investing in our children. Let's fund the Head Start Program.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arizona.

Mr. KYL. Mr. President, I am pleased to stand in for the chairman of the committee.

This amendment for full funding of Head Start has no place in this bill. The chairman has made the point over and over again that this bill is carefully constructed to include a variety of interests on both sides of the aisle. Each of these amendments is an attempt to upset that balance, in many cases, as in this one, with no estimate of the cost whatsoever. As a result, of course, a point of order lies, a point of order which I will make in just a moment.

It ought to be clear to everyone that this is boiling down to a question of who is for tax cuts and who isn't. Time after time, amendments are presented on that side of the aisle, and they are defeated by this side of the aisle. I think it ought to become clear to people after a while what is really occurring on. It is a stall tactic, and it really defines who is for tax cuts and who isn't.

Mr. President, because of the point I made, the pending amendment is not germane to the provisions of the reconciliation measure. I, therefore, raise a point of order against the amendment under section 305(b)(2) of the Budget Act.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the Budget Act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—45

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—54

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Kohl

The PRESIDING OFFICER. On this vote the yeas are 45, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. KYL. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay in the Table was agreed to.

AMENDMENT NO. 698

Mr. DURBIN. Mr. President, Senator KENNEDY has authorized me to offer amendment No. 698.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. KENNEDY, proposes an amendment numbered 698.

Mr. DURBIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow the Hope Scholarship Credit for all costs of attendance and to decrease the reduction in the 39.6 rate)

On page 9, strike the matter between lines 11 and 12, and insert:

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2002, 2003, and 2004 ..	27%	30%	35%	39%
2005 and 2006	26%	29%	34%	38.2%
2007 and thereafter	25%	28%	33%	36.6%

On page 62, between lines 7 and 8, insert:

SEC. . HOPE SCHOLARSHIP CREDIT AVAILABLE FOR COSTS OF ATTENDANCE.

(a) IN GENERAL.—Section 25A(f)(1) is amended by adding at the end the following subparagraph:

"(D) COSTS OF ATTENDANCE.—For purposes of determining the amount of the Hope Scholarship Credit under subsection (b), such term shall include the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll), as in effect on the date of enactment of this subparagraph) of the eligible student at an eligible educational institution."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. DURBIN. Mr. President, Members of the Senate, this is an amendment I am offering for Senator KENNEDY. The HOPE scholarship tax credit is valuable to students but not to those who are attending community colleges and public universities. It is limited to tuition and fees.

This amendment expands the reach of the HOPE scholarship tax credit to include other costs of college, such as transportation, daycare, cost of computers, books, and the like. This will mean the HOPE scholarship tax credit will help children of limited means from families who aren't wealthy receive a college education.

I hope Members of the Senate will consider a change in the upper tax rates to bring it to the same level as all other tax rate reductions, the benefits of that savings going to the kids in community colleges so they can qualify for the HOPE scholarship tax credit.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, compared to the bill that is before us, this amendment is a tax increase for a large segment of middle America. Families making $50,000, $60,000 a year would not see rates reduced.

Relative to the bill, the rates are effectively increased. We believe it would be a very expensive addition to a $30 billion package of education proposals already included in the bill. As a result, obviously, it not only upsets the bipartisan agreement that has been crafted between Senator BAUCUS and Senator GRASSLEY and the committee but in fact would represent a huge revenue loss —the estimate not being before us.

As I said before, what we are seeing is amendment after amendment being presented which do not pass but which clearly make the point that there are some folks here who are for tax cuts and some folks who are not for tax cuts.

This is the 43rd amendment on which we have voted. Of those presented today, almost half of them have not even been relevant. It is time to call this to a stop. I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The PRESIDING OFFICER. (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—56

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Kohl

The amendment (No. 698) was rejected.

The PRESIDING OFFICER. The Senator from Minnesota.

MOTION TO RECOMMIT

(Purpose: To provide for a fully refundable HOPE education tax credit)

Mr. WELLSTONE. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] moves to recommit H.R. 1836 to the Finance Committee, with instructions that the Committee on Finance report the bill to the Senate within three days, with the following amendments that:

Provide a fully refundable HOPE tax credit beginning in 2002; and

Strike the reductions in the 39.6% bracket.

Mr. WELLSTONE. Mr. President, this cuts the tax cut from the top .7 percent and instead puts the money into the HOPE Scholarship Program which would make it refundable. It would make a refundable tax credit, which means your community college students, who are about the hardest working group of students one will ever find—many are going back to school; many of them are men and women in their thirties and forties with children—would then be able to afford this.

Right now, if their income is below $26,000, $27,000 a year, they do not get any benefit unless it is refundable.

We could not do anything more important for higher education, especially if you care about the working class, these community college students. I hope there will be great support for this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, the Senator from Minnesota has well described his amendment. It is very similar to the last amendment, but this is a motion to recommit. There is no estimate of the revenue loss of the proposal, though it will be huge.

The bill already, as we all know, has a $30 billion package of education tax incentives. Given the amount of money available for the various pieces of relief within the bill, we think that is quite generous.

The proposal, obviously, will raise the taxes of individuals and small businesses by the billions that would be necessary to pay for it.

It is almost 8:30 p.m. This is the third day we have been taking up amendments. We have now considered 44. This will be 45. Almost half of them today have not been relevant. Why do we keep having the same amendments over and over? This is virtually the same amendment as the last one.

I appreciate those on both sides of the aisle who have supported the committee bill. It is important we continue to do that. This all boils down to who supports tax relief and who does not. If you support tax relief, vote no on this crippling proposal.

Mr. WELLSTONE. Mr. President, I ask for the yeas and the nays, and I say to colleagues, all this does is cut the tax cut for the top .7 percent. I do not know where my colleague gets these figures. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—39

Akaka
Bayh
Biden
Boxer
Byrd
Cantwell
Carnahan
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Mikulski
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—60

Allard
Allen
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Kohl

The motion was rejected.

Mr. LOTT. I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 730

Mr. HARKIN. Mr. President, on behalf of myself and Senator JOHNSON, I call up amendment No. 730.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. JOHNSON, proposes an amendment numbered 730.

Mr. HARKIN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to adjust the income tax rates and to provide a credit to teachers and nurses for higher education loans)

At the end of subtitle D of title IV, add the following:

SEC. . CREDIT FOR CERTAIN HIGHER EDUCATION LOANS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits), as amended by section 432, is amended by inserting after section 25B the following new section:

"SEC. 25C. CERTAIN HIGHER EDUCATION LOANS.

"(a) ALLOWANCE OF CREDIT.—In the case of a qualified individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest and principle paid by the taxpayer during the taxable year on any qualified education loan.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a qualified individual shall not exceed $2,000.

"(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

"(d) DEFINITIONS.—For purposes of this section—

"(1) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

"(2) NURSE.—The term 'nurse' means—

"(A) an individual who is—

"(i) licensed or certified by a State to provide nursing or nursing-related services, and

"(ii) employed to perform such services on a full-time basis for at least 6 months in the taxable year in which the credit described in subsection (a) is claimed, or

"(B) any other licensed or certified health professional practicing in a health profession shortage area, as defined in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)).

"(3) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(e)(1).

"(4) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means a teacher or a nurse.

"(5) TEACHER.—The term 'teacher' means—

"(A) a certified individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in any State, Federal, or tribally licensed elementary or secondary school on a full-time basis for an academic year ending during a taxable year, or

"(B) a head start teacher in a licensed head start program recognized by the Secretary of Health and Human Services.

"(f) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section if any amount of interest or principle on a qualified education loan is taken into account for any deduction or credit under any other provision of this chapter for the taxable year.

"(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Certain higher education loans.".

(c) REVENUE OFFSET.—The Secretary of the Treasury shall adjust the highest rate of tax under section 1 of the Internal Revenue Code of 1986 (as amended by section 101 of this Act) to the extent necessary to offset in each fiscal year beginning before October 1, 2011, the decrease in revenues to the Treasury for that fiscal year resulting from the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made under subsection (a) and (b) shall apply to any qualified education loan (as defined in section 25C(d)(3) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after December 31, 2001, but only with respect to any loan interest or principle payment due in taxable years beginning after December 31, 2001.

Mr. HARKIN. Mr. President, the Health Committee heard testimony last week by 2010 there will be a shortage of 725,000 nurses. This will grow to 1.2 million nurses by 2020 as the baby boom generation retires and needs more care.

Many other crucial professions are also in short supply. The number of unfilled pharmacist positions in community practice nationally rose from 2,700 vacancies in February of 1998 to over 7,000 by February of 2000.

Relative to education, over the next 10 years we must hire 2.2 million new teachers to replace those who are retiring or leaving the classroom.

My amendment will go a long way to improving the supply of teachers, nurses, and other health professionals. It would provide a 50-percent tax credit of up to $2,000 a year for the cost of repaying educational loans for nurses, teachers, and other health professionals who serve in federally designated health professional shortage areas.

It would be paid for by eliminating the huge tax break for the wealthiest of Americans provided in this bill. It would strike the reduction in the top rate. Again, that is precisely what this amendment does.

I ask unanimous consent to have printed in the RECORD a letter from the NEA.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, May 21, 2001.

Senator HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: On behalf of the National Education Association's (NEA) 2.6 million members, we would like to express our support for your amendment to the tax bill that would provide a tax credit to offset the costs of teachers' student loan payments.

As you know, providing every child the opportunity to excel requires ensuring a highly qualified teacher in every classroom. To meet this goal, America must meet the challenges posed by record public school enrollments, the projected retirements of thousands of veteran teachers, and critical efforts to reduce class sizes. Given these favors, public schools will need to hire an estimated 2.2 million new teachers by 2009.

Despite these urgent needs, recruitment of high-quality teachers remains a significant challenge—one exacerbated by low salaries. A recent NEA report found that during the decade from 1989-90 to 1999-2000, average salaries for public school teachers increased by less than one percent, in constant dollars. Often, therefore, talented individuals facing high student loan costs simply cannot afford to enter or remain in the teaching profession.

By providing a tax credit to offset student loan payments, your amendment will help attract and retain high-quality teachers. We thank you for your leadership in addressing this important issue.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it is now 8:45. I believe this will be the 46th amendment we will have considered. This amendment also deals with the subject that about half of the recent amendments have dealt with—education—which I have already discussed we have done a lot about in the bill already.

There is a point at which I think our colleagues are going to have to conclude that the continued offering of these amendments over and over and over again is for the purpose of dragging this out and preventing the Senate from passing an important bill for tax relief for the American people. It also depends upon whether you are for tax relief or not. For those who continue to offer these amendments, it is apparent that they are not for the bill, they are not going to support the bill, they continue to try to drag this out so we won't complete this bill before the Memorial Day recess.

The amendment is not germane to the provisions of the reconciliation measure, and therefore I raise a point of order against the amendment under section 305(b)(2) of the Budget Act.

Mr. HARKIN. Pursuant to section 904 of the Congressional Budget Act, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ENZI). Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—56

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Kohl

The PRESIDING OFFICER. On this vote the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. KYL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the next amendment in order will be that of the Senator from North Dakota, Mr. CONRAD, the ranking member on the Budget Committee.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 781

Mr. CONRAD. Mr. President, this amendment improves our debt reduction by ending the repeal of the estate tax. The estate tax is ended just before we begin the second decade, right at the time the baby boomers start to retire and the cost of this tax bill then explodes to about $4 trillion.

My amendment is simple. It continues all of the provisions to increase the unified credit so that a couple could pass $8 million with no estate tax.

In addition, we preserve stepped up basis so that you pay future taxes on the basis of the value of the property when you inherit it, not on the basis of what your grandfather paid or what your father paid.

I believe this is a sound amendment and one that deserves the support of our colleagues.

The PRESIDING OFFICER. The Senator's time has expired.

Is the Senator going to send up the amendment?

Mr. CONRAD. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 781.

The amendment is as follows:

(Purpose: to reduce debt by eliminating the repeal of the estate tax)

Strike the following sections of the bill: Sections 501, 541, and 542.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, it is a bit confusing when these amendments are taken out of order. At the moment, if I could ask for my colleagues' indulgence, we do not have a copy of this amendment. We may have to get it from the sponsor of the amendment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. KYL. Mr. President, it appears that we have not been given this amendment. I know that my colleagues on the other side have made it clear that it was their intent that we receive all copies of all amendments prior to the time of their presentation. As of right now, in any event, it does not appear we have this amendment.

I would ask for my colleagues' indulgence for a moment. If the Senator from North Dakota wishes to offer the amendment, then we are going to have to have an opportunity to review it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator's time has expired.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent to make a statement for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to publicly thank my great friend and long-time companion, Senator INOUYE, for his kindness in pairing with me on two votes during the last 2 days. I had made a commitment to my granddaughter to be present at her graduation from high school, and I decided to keep that commitment. But we knew there would be close votes. I talked to my good friend, and he gave me this commitment he would pair on votes on which my absence might make a difference.

There are few friendships in this world that are stronger than my love for my great friend from Hawaii, a committed and dedicated American, and one who has been recognized by our country for his heroism at war. But he showed last night, once again, that he is a true friend as far as I am concerned.

I publicly thank him for that.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Alaska is certainly one to talk about friendship. I say that very seriously. When I was a Member of the House of Representatives, a man by the name of Alan Bible, who was 20 years a Senator here, died. And, of course, the procedure was that an airplane was supplied to Members of Congress to go to Nevada for the funeral.

The only person on that airplane, other than me, was Senator Ted Stevens. He was there as a result of his friendship with Alan Bible. Particularly, one vote that Senator STEVENS remembers was very hard for Alan Bible to cast. As a result of that, Senator STEVENS traveled 1 day 6,000 miles to repay what he felt was a debt he owed to a dead man. So Senator STEVENS is gracious in extending compliments to Senator INOUYE, which Senator INOUYE deserves. But Senator STEVENS, in my book, is someone who knows what friendship means.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, there is an amendment pending. I believe that we have a copy of it now. We should be ready to go to the vote momentarily. It would be our intent, on both sides of the aisle, to make this the last vote tonight and resume voting again in the morning at 9:30, at which point I am hoping that Senator DASCHLE and I can work together and get an agreement as to how we would proceed in the morning and as to how we would complete action on this legislation.

I am not going to propound a unanimous consent request now, but we want Senators to know this will be the last vote of the night. We will be back at 9:30. Our intent is to work together to find a way to successfully complete action on this legislation.

Mr. BYRD. May we have order.

Mr. LOTT. I would be glad to yield to Senator BYRD or to Senator REID.

Mr. BYRD. May we have order.

The PRESIDING OFFICER. The Senate will please be in order.

Cease all conversations.

Mr. REID. I say to the majority leader——

The PRESIDING OFFICER. The Senate is not in order yet.

Mr. REID. I say to the majority leader, in the morning at 9:30 we would intend to vote first on amendment No. 780 offered by Senator DURBIN.

Mr. LOTT. I believe we have other amendments that would be in order. I believe Senator SNOWE has indicated that she will have one in the morning.

Mr. REID. I believe it is your turn.

Mr. LOTT. If we do not have one ready to go at 9:30, we would go to the Durbin amendment, and then one—have we offered one today?

Mr. REID. Three days ago.

Mr. LOTT. We might want to have one every other day until we can complete action.

I yield the floor.

Mr. KYL. Mr. President, I would like to take the minute now in opposition to the amendment. We have had an opportunity to review it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Thank you.

Mr. President, this amendment uses repeal of the death tax to pay down the debt further. We already defeated amendments which would help with HOPE scholarships and Head Start and a variety of other things. This now would use it to pay down the debt. Obviously, it is something we have considered and rejected in the past.

I urge my colleagues to reject it again. This would make, I believe, something like the 46th amendment. There does not appear to be anything new under the Sun here, and, as a result, I hope my colleagues will join me in defeating the amendment.

The PRESIDING OFFICER. Does the Senator yield back time?

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to Conrad amendment No. 781.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Mikulski
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone

NAYS—57

Allard
Allen
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—1

Kohl

The amendment (No. 781) was rejected.

Mr. KYL. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BALANCE OF POWER

Mr. BYRD. Mr. President, during the course of this week's debate, several amendments have been offered that would direct the Treasury Secretary to adjust marginal tax rates in a way that would provide the necessary savings to fund particular tax benefits.

I opposed these amendments because the U.S. Constitution explicitly vests that power in the legislative branch. It is the responsibility of the Congress—the people's representatives—to determine the appropriate level of taxation and, consequently, the proper marginal rates. By delegating such duties to the Treasury Secretary, the Congress would continue a dangerous pattern of recent years of ceding congressional responsibilities to the executive branch. Placing these powers in the legislative branch was part of the Framers' carefully crafted constitutional design, comprised of an intricate system of checks and balances and separation of powers.

I hope that the Senate will continue to protect the balance of powers by rejecting any amendment that would attempt to transfer its Constitutional responsibilities to the executive.

AMENDMENT NO. 695

Mr. NELSON of Florida. Mr. President, I rise to speak of my opposition to the amendment offered yesterday by Senator DODD, which would replace the estate tax repeal in order to partially pay for nontransportation infrastructure programs and save for debt reduction. I strongly support responsible tax cuts and a full repeal of the estate tax.

Even though paying down the national debt is one of my top priorities, I could not support an amendment that does not reflect my position of support for total repeal of the estate tax. I opposed this amendment because the revenue offset did not meet this criterion.

VOTE ON AMENDMENT NO. 747

Mr. LEAHY. Mr. President, I was absent for rollcall vote No. 143. If I had been present, I would have voted in favor of the motion to waive the Budget Act on amendment No. 747 offered by Senator CARPER.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. RELATIONS WITH TAIWAN

Mr. BAUCUS. Mr. President, last night, I spoke by phone to Taiwan President Chen Shui-bian shortly after he arrived in New York on a so-called "transit stop" on his way to Latin America. I told him how pleased I was the he was able to make this visit and that I regretted that I could not travel to New York to meet with him personally because of the tax bill now on the Senate floor.

I strongly opposed the restrictions placed on President Chen when he passed through Los Angeles last summer and was not permitted to meet with members of Congress. That is no way to treat the democratically elected President of Taiwan.

We are in a different era than in the 1970s when Richard Nixon opened up China, the three Communiques were produced, and the Taiwan Relations Act was passed.

On the one hand, we still honor the one China policy. The American message to Beijing and Taipei continues to be that they must negotiate together to resolve their differences by peaceful means. We are determined that neither side should be able to take unilateral steps that would fundamentally change the situation.

But, on the other hand, we need to understand that Taiwan now has a government that is as accountable to its people as is our own government. Although Taiwan had an authoritarian system until the late 1980s, today it is an active democracy based on a market economy. With U.S. support, Taiwan made this transformation into a free market democracy. We should be looking at Taiwan as one of the great success stories of America's foreign policy.

And that means we need to treat Taiwan differently than in the past. It is the 12th largest economy in the world. Taiwan is our 7th largest export market. In fact, we sold more goods and services to Taiwan last year than we did to China.

Once Taiwan joins the World Trade Organization, and I hope it is soon, I believe that we should begin work on a free trade agreement with Taiwan. I will shortly introduce legislation to provide fast track negotiating authority for such a negotiation.

Taiwan has taken many measures to liberalize its economy in recent years, especially in response to negotiations with the United States. While they await formally accession to the WTO, they are working hard to bring their laws and regulations into compliance with WTO requirements. They still have a lot of work to do to complete their liberalization efforts. Sectors such as telecommunications, financial services, and electronic commerce need to be freed up significantly. Protection of intellectual property needs to be improved. But a free trade agreement would help lock in the important economic changes already made, and it would also encourage continuing liberalization.

A free trade agreement with Taiwan would provide an even better market for American goods, services, and agricultural exports. It would reward Taiwan for the dramatic political and economic progress it has made. And it would benefit our economy, enhance our security, and promote global growth.

China would probably object to a US-Taiwan free trade agreement. But there would be no legal or diplomatic basis for such a protest. Taiwan is joining the WTO as a "separate customs territory" and will have all the rights and obligations of every other WTO member, including Beijing. We have been negotiating with Taiwan for years on market access, trade, and regulatory issues. Taiwan is a member of APEC, the Asia-Pacific Economic Cooperation forum. We must determine what will be U.S. policy toward Taiwan.

I recognize that this is an unusual proposal. I don't expect negotiations on a free trade agreement to start right away. But it is a vision toward which we should all work.

To conclude, I hope that President Chen has a useful stay in New York. I also hope that we will see a meeting between President Chen and Chinese President Jiang Zemin at the APEC summit in Shanghai in October. The dialogue that should emerge from such a meeting could help ensure peace across the Taiwan Strait.

ECONOMIC ASSISTANCE FOR EAST TIMOR

Mr. LEAHY. Mr. President, last week, the Standard Times of New Bedford, MA, published an op-ed piece by Senator KENNEDY on the situation in East Timor, in which he discussed the legislation on East Timor that he introduced with Senator CHAFEE, which is also cosponsored by myself and Senators FEINGOLD, HARKIN, KERRY, JEFFORDS, and REED. This legislation recently passed the House of Representatives as part of the Foreign Relations Authorization Act.

Senator KENNEDY's legislation would provide additional economic assistance for East Timor, which is struggling to overcome the violence and destruction perpetrated by Indonesian militias, with the support of the Indonesian military, after the vote for independence in August 1999. It would also provide for scholarships for East Timorese students, funding for the Peace Corps to start a program there, and other initiatives.

This legislation outlines a comprehensive approach to a new, positive relationship between the United States and East Timor, including the establishment of full diplomatic relations as soon as independence takes place.

As one who, like Senator KENNEDY, has admired the courage and determination of the East Timorese people and their capable leaders, Xanana Gusmao and Jose Ramos-Horta, I commend him for this legislation and ask unanimous consent that his op-ed piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New Bedford, MA Standard Times, May 16, 2001]

PREPARE NOW FOR THE NEW EAST TIMOR

Two leaders of the East Timor independence movement are in Washington, D.C., this week for the first time since the people of East Timor voted overwhelmingly for independence in August 1999. Nobel Prize winner Jose Ramos-Horin spent 24 years in exile rallying support for East Timor's independence and will be foreign minister in the new government. Xanana Gusmao led the domestic opposition and will be a prominent figure in an independent East Timor. The goal of their visit is to obtain the support of the Bush Administration and Congress for their new country, and they deserve to receive it.

East Timor's road to independence has been long and violent. Portugal ruled East Timor for 550 years before pulling out in August 1975. East Timor was independent for four months before it was invaded by Indonesia in December that year. The U.N. General Assembly and Security Council strongly condemned the invasion, and never recognized Indonesian sovereignty over East Timor.

After two decades of unrest, former Indonesian President B. J. Habibie finally agreed to a referendum in January 1999. In August that year, the people of East Timor voted overwhelmingly in favor of independence from Indonesia, and they did so at great personal risk. Before, during and after the vote, the Indonesian military and anti-independence militia groups killed more than a thousand people and displaced thousands more, hoping to intimidate the independence movement.

Although the militias succeeded in destroying 70 percent of East Timor's infrastructure, they failed to derail East Timor's desire for freedom.

On August 30 this year, looking to America as an example, East Timor will elect a constituent assembly to decide which form of democratic government to adopt.

It is a process that reminds us of our own Constitutional Convention and would make our founders proud. A few months after that, East Timor, which is currently governed by the United Nations, will formally declare its independence. After years of hardship, violence and death, a new democracy will take its rightful place in the world. The new nation is a great success story, but it is far from complete.

East Timor is rebuilding itself from ashes following 24 years of Indonesian rule, and it needs international assistance. It remains one of the poorest countries in Asia. The annual per capita gross national product is $340. As many as 100,000 East Timorese refugees languish in militia-controlled refugee camps in West Timor, which is still part of Indonesia and where there has been a sharply reduced international presence since militias murdered three U.N. workers last September.

In the aftermath of the violence in East Timor, the United States has provided important humanitarian aid and assistance for nation-building. But our assistance has been provided on an ad hoc basis. We have made no commitment to a longterm political investment in a newly independent East Timor, and we should do so.

We should leave no doubt in the minds of any government officials in Indonesia that the United States will recognize and support the new nation of East Timor.

To advance this objective, I, along with Sen. Chafee, have introduced legislation in the Senate to facilitate East Timor's transition to independence.

Reps. Tom Lantos and Chris Smith have introduced similar legislation in the House of Representatives. Its purpose is to lay the groundwork for establishing a strong relationship with East Timor, including a bilateral and multilateral assistance program. Our legislation encourages President Bush, the Overseas Private Investment Corporation, the Trade and Development Agency and other U.S. agencics to put in place now the tools and programs necessary to create a reliable trade and investment relationship with East Timor.

It provides a three-year commitment of $30 million in U.S. assistance, including $2 million for a Peace Corps presence and $1 million for a scholarship fund for East Timorese students to study in the United States, and supports economic assistance through international financial institutions.

To help professionalize the army, it authorizes the president to provide excess defense materials and international military education and training, if the president certifies that doing so is in the interest of the United States and will help promote human rights in East Timor and the professionalization of East Timor's armed forces. Our bill also supports efforts to ensure justice and accountability for past atrocities in East Timor.

The bill specifically calls on the State Department to establish diplomatic relations with East Timor as soon as independence takes place. It took President Truman 10 minutes to establish diplomatic relations with Israel in 1948. President Bush should be able to do the same with East Timor in 2001.

The people of East Timor have chosen democracy, and the United States has a golden opportunity to help them create their new democracy. We must prepare for that day now. The great faith in the democratic process they showed by voting for independence under the barrel of a gun must not go unrewarded.

We should put U.S. governmental programs and resources in place now to prepare for the reality of an independent East Timor. If we wait until East Timor declares its independence before we do the preliminary work, we will lose vital time and do a disservice to both the United States and East Timor. We must not miss this unique opportunity to help.

MIDDLE EAST VIOLENCE

Mr. SMITH of New Hampshire. Mr. President, on May 18th, yet another grave terrorist attack occurred in Netanya, the fifth such attack this year. Six Israelis were killed and over one hundred wounded in the bombing.

The target of the attack was innocent civilians, targeted solely because they were Israelis. The recent bludgeoning to death of 14-year old Jewish boys in a cave demonstrates a new level of barbarism and inhumanity.

The Palestinian Authority is obligated, according to agreements it concluded with the State of Israel, to prevent terrorism and to cease incitement in the areas under its jurisdiction.

Regrettably, the Palestinian Authority has abandoned its obligations and is committing acts of terrorism and inciting violence against Israelis, both in Palestinian controlled media and in the curriculum taught to its school-age children. With such hatred and venom spewed by Palestinian Government organs, it is hard to imagine there is any true desire for peace, rather, there appears to be a deliberate attempt to destroy any foundation for peace that is necessary among the Palestinian people.

The Israeli Government has made a renewal of peace negotiations with the Palestinians its foremost goal. But negotiations cannot take place until there is a cessation of the violence.

The Government of Israel has repeated its desire to move forward in accordance with the four phases detailed in the recent report of the Mitchell Fact Finding Committee:

A. A complete cessation of violence; B. A substantial cooling-off period, accompanied by confidence building measures—together with proof on the part of the PA that it intends to maintain the calm (arresting terrorists, ending incitement, etc.); C. The implementation of signed agreements; D. The conduct of negotiations on all outstanding issues.

As Secretary Powell and the U.S. State Department prepare to re-enter the difficult world of Israeli-Palestinian negotiations, we can make a few observations about the recent brutality and violence by the PA.

First, the attack puts the lie to the claim that Palestinian violence is directed against so-called Israeli "occupation."

Second, we can question the effectiveness of peace negotiations with a group that embraces terrorism—and which belies the U.S. policy, that is, policy for the United States, that we do not negotiate with terrorists, while the Palestinian Authority was removed from the annual U.S. list of terrorists, it continues to commit acts of terrorism and we have helped to reinvent the PA as a "negotiating partner" for the Israelis. This looks hypocritical, dishonest and unrealistic.

Secretary Powell and the Department of State have an enormous undertaking in trying to find common ground between Israelis and Palestinians. The conflict appears intractable, and peace, despite decades of efforts, remains elusive. Yet we can only keep trying—trying to stop the bloodshed that seems synonymous with the Middle East and trying to seek stability in such an important and strategic part of the world.

THE SUPREME COURT'S DECISION IN ALEXANDER v. SANDOVAL

Mr. LEAHY. Mr. President, there are a great many important policy issues that divide Democrats and Republicans. When we find certain common sense principles that we agree on, however, we should seize the opportunity and act on them.

I believe that we have such an opportunity today. On April 24, 2001, the Supreme Court issued its latest in the never-ending sequence of 5-to-4 "State's rights" decisions, Alexander v. Sandoval. I rise to urge my colleagues to reaffirm our shared values by passing legislation to reverse the Court's decision in this case. By doing so, we can reinstate what was always Congress's intent, and reaffirm our nation's commitment to civil rights for all Americans. Let me explain.

Let's start with the principle of cooperative federalism. Every year, we in Congress send billions of Federal taxpayer dollars to the States to help fund education systems, health care, motor vehicle departments, law enforcement and other government services that every American is entitled to enjoy, no matter which State he or she lives in.

That is the essence of federalism: helping to fund the States to perform government functions that are best performed at the local level. It is not Republican, and it is not Democratic; it is common sense.

The Federal Government and Federal taxpayers count on the States to use those Federal funds in a lawful manner, and most everyone would agree that the States should be accountable for doing so. President Bush has made accountability the central guiding principle of his education proposals. We have some immensely important differences of view on how to achieve accountability. But we should not lose sight of what unites us.

Republicans believe in accountability, and so do Democrats. We here in Washington owe the American people a duty, when we send their tax dollars to State and local authorities, to ensure that the people get a chance to hold those authorities accountable for using their money for the public good, for the benefit of all the people, and in accordance with the law of the land. That is not politics; it is common sense.

What has all this got to do with the Supreme Court? Well, 37-years ago, Congress enacted perhaps the most important piece of legislation of the postwar era, the Civil Rights Act of 1964. Title VI of the Civil Rights Act is an accountability provision pure and simple. It prohibits discrimination on the basis of race, color, or national origin, in any program or activity that receives Federal funds.

The Congress that passed the Civil Rights Act was committed to full and strong enforcement of civil rights. It recognized that discrimination comes in many forms. Governmental practices may be intentionally discriminatory or, more commonly, they may be discriminatory in their effect, because they have a disparate or discriminatory impact on minorities. To catch this more subtle but no less harmful form of discrimination, Congress authorized the Federal agencies that were responsible for awarding federal grants and administering federal contracts to adopt regulations prohibiting Federal grantees and contractees from adopting policies that have the effect of discriminating.

There has never been any serious question about Congress's intent in this matter. Before Sandoval, the Federal Courts of Appeals had uniformly affirmed the right of private individuals to bring civil suits to enforce the disparate-impact regulations promulgated under Title VI. The Supreme Court itself, in a 1979 case called Cannon v. University of Chicago, had concluded that Title VI authorized an implied right of action for victims of race, color, or national origin discrimination. And as Justice Stevens noted in his dissenting opinion in Sandoval, the plaintiff in Cannon had stated a disparate-impact claim, not a claim of intentional discrimination.

I will not attempt in these brief remarks to go over all the reasons why Sandoval was incorrectly decided as a matter of Supreme Court precedent. Justice Stevens does an excellent job in his dissent of demonstrating how the activist conservatives on the Court rejected decades of settled laws.

I will say this: The holding in Sandoval makes no sense as a matter of national policy. The lower courts in Sandoval found that the defendant, the Alabama Department of Public Safety, was engaged in a discriminatory practice in violation of Federal regulations. The Supreme Court did not challenge that finding, and also accepted that the regulations at issue were valid. Yet the Court's conservative majority held that the victims of the discrimination had no right to sue to enforce the Federal regulations. You do not have to be liberal, and you do not have to be conservative, to be troubled by the notion that a State can engage in unlawful discrimination and yet not be accountable in any court.

The good news is that the Sandoval holding is based on statutory interpretation and not constitutional law. The Congress is therefore free to overturn it, and we should do so at the very first opportunity. By doing so, we will fully preserve what I have called cooperative federalism. We will continue to provide funding assistance to the States. At the same time, we will prove that we are serious about the right of the American people to hold their government accountable in the most basic sense, accountable for obeying the law. And we will prove that we are as serious about the civil rights of minorities as the groundbreaking Congress that passed the Civil Rights Act of 1964.

Fixing what the Court has broken should be a bipartisan undertaking. This is not about being a Republican or a Democrat; it is about reaffirming the will of the people as expressed by the Congress, reaffirming that the American people are entitled to have a government that is accountable, and reaffirming that in America, discrimination is not acceptable, whether it is done openly and crassly, or more invidiously and subtly. The unfair effects are the same and deserve redress.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a heinous crime that occurred April 25, 2000 in Germantown, MD. According to the victim, she and her partner and their 11-year-old daughter have been the victims of repeated anti-gay slurs. The victims have had rocks and other items thrown at their home because they are gay and some neighbors "wanted us out of the neighborhood." The incident in question occurred after a verbal altercation between the victim's child and the perpetrator's child, culminating in the victim's attack by the perpetrator. When police arrived on the scene, the victim was lying on the ground; her hand was bleeding; she had been kicked repeatedly in the head by the perpetrator and his 12-year-old son (while the son was allegedly yelling, "I'm going to kill you, dyke b---h."); her face was swollen; she had footprints on her shirt; and marks on her neck and chest which required overnight hospitalization. Despite this, the police did not handle the incident as a hate crime and said that it was against their regulations to arrest the perpetrator because they had not witnessed the attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

KIRK O'DONNELL MEMORIAL LECTURE

Mr. HOLLINGS. Mr. President, I had the pleasure of attending the Kirk O'Donnell Memorial Lecture on American Politics last month to hear our distinguished former colleague, Daniel Patrick Moynihan. No one worked harder on public policy or served with a more distinguished record than he. His lecture offered an enlightening perspective on current discussions about Social Security and I ask unanimous consent that it be reprinted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A THRIFT SAVINGS COMPONENT FOR SOCIAL SECURITY: BIPARTISANSHIP BECKONS

(By Daniel Patrick Moynihan)

I have entitled this lecture "A Thrift Savings Component for Social Security: Bipartisanship Beckons." I have done so not without a measure of unease. For it was our own Kirk O'Donnell who famously declared Social Security to be "the third rail of politics." But then Kirk was ever one to take a dare. And I would note that the third rail was first installed on the I.R.T. subway in Manhattan, the Big Dig of its day, which Charles Francis Murphy had built as a favor for a friend.'

But allow me a brief explanation for such reckless abandon at a time in life when serenity ought properly be one's object.

The end of the cold war did it!

On December 7, 1988 Mikhail Gorbachev went before the General Assembly of the United Nations to declare in effect that the Soviet "experiment" was over. The French Revolution of 1789, he said, and the Russian Revolution of 1917 had had a powerful impact "on the very nature of the historic process." But, "today a new world is emerging and we must look for new ways." That was then, now was different. "This new stage," he continued, "requires the freeing of international relations from ideology." The world should seek "unity through diversity." Then this: "We in no way aspire to be the bearer of the ultimate truth."

But of course since 1917 and before the essence of Marxist-Leninism had been the claim to be the bearers of "the ultimate truth." No longer; it was all over. And indeed in short order the Soviet Union itself would vanish.

For someone of the generation that had been caught up in the second world war and the cold war that followed, Gorbachev's address could fairly be described as one of the extraordinary events of the twentieth century. All but unimaginable at mid-century. I had been in the Navy toward the end of World War II and was briefly called back during the Korean War. I was in London at the time. Early one morning we mustered in Grosvenor Square and by late afternoon were crossing Holland on our way to the naval base at Bremerhaven. Partly, well mostly, for show, I had brought along a copy of Hannah Arendt's newly published The Origins of Totalitarianism. I opened to the first page, read the first paragraph to myself, then read it aloud.

"Two world wars in one generation, separated by an uninterrupted chain of local wars and revolutions, followed by no peace for the victor have ended in the anticipation of a third World War between the two remaining world powers. This moment of anticipation is like the calm that settles after all hopes have died."

Silence. At length the senior officer present allowed: "There must be a bar car somewhere on this train."

That war never came and soon there were signs of instability in the Soviet empire. In 1975 I returned from a spell in India convinced that the Czarist/Soviet imperium would soon break up, as had all the other European dominions following that Second World War. Shortly thereafter I was at the United Nations when the Soviet Under Secretary for Security Council Affairs defected to the United States. The diplomat, a man of great intelligence, had simply ceased to believe any of the things he was required to say. Doctrine was receding even as ethnicity was rising.

Then there was Moscow in 1987. I was there on a mission of possible importance. Was treated with great courtesy, including a tour of Lenin's apartment in the Kremlin. Behind his desk was a small bookcase, with two shelves of French language and two of English language authors. They could well have been Lenin's or possibly were put there for the delectation of visiting intellectuals in the 1930s. No matter. I found that I had personally met three of the writers. Next day I called on Boris Yeltsin, then Mayor of Moscow. Our excellent ambassador introduced me, recounting the authors I had recognized. It was clear Yeltsin had never heard of any of them. Could care less. After a pause he looked at me, and through a translator declared, "I know who you are and where you come from. And what I want to know is how the hell am I supposed to run Moscow with 1929 rent controls?"

Housing. Fairly basic, and in desperate short supply. At the other end of the consumer spectrum, as we were leaving what was still Leningrad, I told our KGB handler that some constituents in New York had given me the names of relatives,. hoping I might call them. But it seemed there was no telephone book in our room. Perhaps he could find one for me. He went off; came back. There was no telephone book in Leningrad. None that is available to the public.

In the years preceding and the years following this brief adventure it appeared to me that ethnicity was the central conceptual flaw of Marxism-Leninism. The workers of the world were not going to unite. The Red Flag, red being the color of the blood of all mankind, was not going to fly atop the capitols of all the world. I continue to think that, and to suppose that the 21st century will see even more ethnic division. But I have added to my views a further component to the failure of communism which is nothing more mundane than consumerism.

It serves to recall the fixed belief of the early Marxists that free markets—capitalism in that ugly French term—would bring about a steady lowering of living standards, from which a politicized proletariat would rise in revolt. In John Kenneth Galbraith's phrase, "The prospect of the progressive immiseration of the masses, worsening crises and . . . bloody revolution." But as a new generation of Soviet leaders ventured abroad, they came to realize that nothing of the sort was happening in the West. While at home . . . In the end they simply gave up.

Let us see if these two categories can be related in terms of our future as the one remaining world power, to use the phrase of the moment. Which will not necessarily or may not be current two or three generations hence. Unless, in my view, we ought to tend to certain domestic issues very soon now.

Begin with ethnicity. It would be just forty years ago that Nathan Glazer and I finished *Beyond the Melting Pot*. Our subject was "The Negroes, Puerto Ricans, Jews, Italians and Irish of New York City," but we had something more in mind. Marxist theory predicted, you might say, that these groups would meld together as a united and militant mass, as espoused by assorted left-wing organizations. We argued that nothing of the sort had happened, or would; if anything, groups tended to become rather more distinctive with time.

We wrote that ours was a beginning book, and after forty years I can report that a more than worthy successor has come along.

In yet another remarkable achievement, *The New Americans: How the Melting Pot Can Work Again*, Michael Barone, drawing in part on our earlier paradigm finds parallels with new immigrant groups, notably Latins and Asians, members of the largest wave of immigration in our history. Demography is a kind of destiny. If there are any parallels in history, and there are, should we not look to a new era of inequality, competition, and conflict of the sort we experienced in the late 19th and early 20th century? I would think we ought, and would further contend that we got through that earlier time in our history in considerable measure through the social provision made by governments of that era, culminating in the New Deal of the 1930s. I would add, gratuitously if you like, that much of that social contract began with New York Governor Alfred E. Smith, who rose out of the quintessential melting pot, the lower east side of Manhattan.

Here, then is a proposition. Our response to the end of the cold war has been singularly muted, both in foreign and domestic affairs. In particular there has been no domestic legislation of any consequence. Neither as reward or precaution. (The G.I. Bill of Rights of 1944 was a bit of both. A reward to the veterans, and a measure to moderate the anticipated return of high unemployment.) I can envision a similar combination, albeit in reverse order.

In a word, unless we act quickly, we are going to lose Social Security established in that first era as a guaranteed benefit for retired workers, widowed mothers, and the disabled and their dependents.

We have just fifteen years before outlays of Social Security exceed income. This after eighty years of solvency and surplus. Again, demography. Social Security began as a pay-as-you-go system. The population cohort in the work force paid taxes that provided pensions for the population cohort that had retired. A Social Security card was issued to each worker, with the faint suggestion that there was a savings account of some sort somewhere in the system. Franklin D. Roosevelt famously told Luther C. Gulick, a member of his committee on government organization, that while it might indeed be a bit deceptive, that account number meant that "no damned politician" could ever take his Social Security away. But all understood the reality.

Problem is that in the early years there were thirty odd workers providing benefits for one retiree. No longer. Today there are three. By 2030 there will be two.

To repeat, as the Trustees now calculate, by 2016 the system will pay out more money than it takes in. There is nominally a trust fund representing surpluses accumulated over the years, but to redeem the bonds will require general revenue. The system is no longer self-financing, with all that implies.

Obviously we ought to forestall insolvency. But would it not be well, at the same time, to address the matter of intergenerational transfer. This was well and good when there were so few retirees. No longer. Would it not then be prudent to enable workers within the Social Security system to accumulate savings of their own to be used as they see fit during retirement?

I will argue that we have to do the first, and if we do, in the process we would be enabled to do the second.

The workings of such a system are not complex, or so I would contend. Mentored by David Podoff, I introduced a bill in the 105th Congress. With some refinements I reintroduced it in the last Congress, the 106th, as S. 21, a first day bill. Senator BOB KERREY of Nebraska, a fellow member of the Finance Committee, was a co-sponsor.

Four measures are required to ensure solvency:

First. Social Security benefits are tied to the Consumer Price Index compiled by the Bureau of Labor Statistics. Some forty years ago as an Assistant Secretary of Labor I was nominally in charge of the B.L.S. where, in the aftermath of a study carried out for the National Bureau of Economic Research, it was agreed that the C.P.I. overstates inflation. It can't be helped; it is in the nature of the beast. It simply needs to be corrected. A 0.8 percentage point drop would do it nicely. We need normal taxation of benefits; as with other pensions.

Second. We need to bring all newly-hired State and local employees into the system. (It is still optional, a holdover from the 1930s when the Supreme Court would probably have ruled that the Federal Government could not tax State governments or subdivisions thereof.) Well down the line we will need to raise the retirement age once again. We did this in 1983, providing a gradual ascent to age 67 by 2027. This will one day need to rise by similar small steps to, say, 70 at mid-century. But consider; we estimate that persons who retire at age 70 in the year 2060 will on average live another 17 years. Surely a goodly spell. And note that the majority of today's beneficiaries retire before reaching 65. Benefits are lower, but the option is there and most persons take it. (It would be well for the now freestanding Social Security Administration to do some survey research to sort out the different reasons folk take this option.)

Third. We should tax benefits in the same way other retirement payments are taxed. We began partial taxation in 1983.

Fourth. We would increase the maximum computation period over time from 35 to 38 years, and by stages increase the OASDI contribution and benefit base to $99,900.

Now to a thrift savings plan. The payroll tax began in 1935 at 1 percent for employee and employer. It rose by degrees until in 1977 it was set at a combined rate of 12.4 percent, scheduled to take place in 2011. However, a combination of miscalculation, the Consumer Price Index, and misfortune, a sharp inflation owing to oil price increases, led to a sudden crisis. In 1982 the revered Robert J. Myers judged that under the existing law "the OASDI trust fund will very likely be unable to pay benefits on time beginning in July, 1983." A Presidential Commission was created, and in the end it succeeded. Deficit was avoided. But the date that the maximum rate of 12.4 percent to kick in was advanced to 1990. Hence the current surplus.

We argue, however, that with the adjustments I have outlined, the earlier 10.4 percent payroll tax will provide present retirement benefits for the required 75-year period.

This is crucial. We must absolutely guarantee that the present benefit structure will continue in place before we start devising a thrift savings component. To do otherwise is to invite the most shrill protests of raiding a sacred trust for the benefit of Wall Street, and so on.

However, we can do both. And oughtn't we? At this point in time our income tax system is remarkably progressive. The top 5 percent of taxpayers pay 53.8 percent of income tax. The bottom 50 percent pay 4.2 percent. But Social Security is paid on the first dollar of income however low that income might be.

We could, of course, repeal the 1977 increase. It would mean some money in people's pockets, but not so much as you'd notice.

Or we could start thrift savings accounts for the work force at large, much along the lines of the Federal government program begun in the 1980s. An add on, not a "carve out." Employees would choose among a number of plans, from government securities to market funds, and switch about from time to time. It is not unreasonable to forecast that such funds would double every ten years; making for a sizable portfolio after, say, forty years. A third to half a million dollars. As much a twice that for two-earner families.

An argument up front for doing this is that it would immediately affect the Personal Savings Rate which literally vanished in the 1990s. In 1980 annual personal saving as a percent of disposable personal income was 10.2 percent. By 1990, 7.8 percent. By 2000, −0.1 percent. Last February −1.3 percent.

I don't claim to understand this, but surely it needs attention. And I assume a national thrift savings plan would help.

Why, then, has our proposal been so little welcomed in, well, the Democratic Party and organizations with similar political and social perspectives? A possible partial explanation is that in the early 1970s conservative economists began talking up the so-called "Chilean model" in which all social insurance funds are invested in private securities. Not a good idea, I would think. But an idea withal. And we need ideas.

I would hope we could be spared a left-right imbroglio here. The risk, as Kenneth S. Apfel, the first Commissioner, 1997–2001, of the newly freestanding Social Security Administration, has recently written that if we do we will end up in a "stand off." Which is to say we will do nothing, until there is nothing to be done. The system goes into deficit and becomes politicized beyond recognition.

Apfel makes four proposals. First, those "on the left side of the political spectrum" have to give up the notion that "future Social Security benefits can never be reduced even modestly." Our bill would have done that modestly. (Although a C.P.I. correction only reduces the rate of growth.) Second, he continues, those on the left must need to give up the stand "That mandatory retirement savings proposals are out of the question." That I fear is now doctrine of the old cadre of Social Security administrators. But why persons on the left would oppose providing workers with a measure of wealth would seem a mystery. (But, alas, may not be.) Respected economists such as Martin Feldstein have proposed investment accounts as an extension of what is already going on with the various private retirement savings plans already in place and widely in practice.

As for the "right," Apfel argues that first they must give up the notion "That private savings accounts should be carved out of Social Security benefits." He means that money be diverted from providing the existing benefit schedule. To which I surely agree. To say again, we propose an add on, not a carve out. Secondly, he contends the right must give up the notion "That future Social Security revenues should never be increased even modestly." Again, agreed.

As for the current surplus in the funds, Apfel is more adventurous than I might be, or my colleague, David Podoff. President Clinton briefly mentioned the idea of investing some of the surplus in private equities. I suspect that would have been Apfel's idea, and he holds to it. Keep in mind that between now and 2015 we will accumulate a surplus of near $5 trillion. If it is not invested outside government, it will be spent on other things. And so a respectful hearing is in order, withal I would be cautious. We have learned to manage private and public pension funds without interfering with markets. But direct Federal investment poses temptation. Or invites blunder.

But what really are the prospects of such a transformation in our Social Security system? I know we could do it, for we have done. In the early 1980s we were on the edge of insolvency. A bipartisan Presidential Commission was stalemated, but solutions were worked out in a final two weeks of intense, albeit secret negotiations. In his account of the events, *Artful Work*, Paul Light cites my observation at the time: "Only by defining the problem as manageable, can you manage it." It may also be worth noting, as recorded in an article in the current issue of Foreign Affairs, Germany, France, Spain, and Italy are evidently going to have to move from pay-as-you-go state pension systems to investment in securities.

The 2000 election campaign may have seen a breakthrough. The Republican candidate called for a thrift savings component. Let it be clear that there was no mention, has been no mention, of the preconditions I set forth earlier. Still. The Democratic candidate dismissed the idea as "risky." And more. William Galston, a professor of government associated with Democratic politics later observed, with professorial candor, "He [Governor Bush] touched the third rail of politics. We turned on the juice. Nothing happened." Indeed polling during the campaign showed voters approved the program by fair to considerable margins. And so in his first address to a Joint Session of Congress, now President Bush called for a thrift savings component to Social Security that would provide "access to wealth and independence" for all. Again, no mention of the unpleasant preliminaries. Even so, let it be recorded that the 21st century began with an avowedly conservative president espousing perhaps the most progressive social insurance measure since the New Deal. Come to think, though, Theodore Roosevelt might have liked it. Even those early 20th century British conservatives who called for a "property owning democracy."

We are not to expect that anything like this will happen soon. But it is scarcely too soon to get serious about the subject.

In a typically concise article in The Wall Street Journal of April 26, Albert R. Hunt described "An Electorate Up for Grabs." Looking at recent polls he finds "The bottom line: Neither party commands a comfortable majority." He cites Robert Teeter: "Right now . . . neither side has the makings of a governing coalition." Then James A. Johnson, a Democratic counsel, who concludes: "If both realize that, it'll drive them to bipartisan solutions."

Could that be a Thrift Savings Component for Social Security?

COMMENDING BOSTON MEDICAL CENTER AND DR. BARRY ZUCKERMAN FOR THEIR ADVOCACY ON BEHALF OF POOR CHILDREN

Mr. KENNEDY. Mr. President, for the past 8 years, the Boston Medical Center has had a unique program in place to give legal help to disadvantaged children and their families. Under the leadership of Dr. Barry Zuckerman, the hospital's chief of pediatrics, the Family Advocacy Program was established to fight the legal and administrative problems that doctors often face when trying to improve children's health in ways that "pills and surgery cannot." Dr. Zuckerman believes that we must impact the whole child. As he puts it, "you can't separate out a child's organ functions from the rest of his body and the context of his environment." That is why at Boston Medical Center, the hospital that treats more poor people than any other in Massachusetts, Dr. Zuckerman and fellow pediatricians decided to get their own lawyers to advocate on behalf of these poor children and families.

The three lawyers in the program do what they can to pressure negligent landlords to improve living conditions, help families apply for food stamps, pressure insurance companies to pay for baby formula and other things to help prevent child illness. Recently, the New York Times did a story on the program, recognizing the good it has done for the disadvantaged families of Massachusetts. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 16, 2001]

BOSTON MEDICAL CENTER TURNS TO LAWYERS FOR A CURE

(By Carey Goldberg)

BOSTON, May 15—A doctor gets very tired of this kind of thing: sending a child with asthma home to an apartment full of roaches and mold; telling the parents of an anemic toddler to buy more and healthier food when they clearly do not have a cent; seeing babies who live in unheated apartments come in again and again with lung ailments.

At Boston Medical Center, the hospital that treats more poor people than any other in Massachusetts, pediatricians got so tired of it that they decided to try a radical solution: getting their own lawyers.

That is, a staff of three lawyers, right in the hospital—and on "walk-in Mondays," right in the pediatrics clinic—now fights the legal and administrative battles that the doctors deem necessary to improve children's health in ways that pills and surgery cannot. The program, which goes far beyond the social work that hospitals customarily provide, is all but unique nationwide; but doctors here say they hope it becomes a model.

"We're trying to think out of the box," said Dr. Barry Zuckerman, the hospital's chief of pediatrics. "I want an impact on the whole child, since you can't separate out a child's organ functions from the rest of his body and the context of his environment."

That means that the lawyers of the Family Advocacy Program at the hospitals do things like pressuring recalcitrant landlords, helping families apply for food stamps and persuading insurance companies to pay for baby formula. With more than 300 referrals a year, they cannot go to court much, but they can help poor families navigate the administrative byways. And they can help doctors make phone calls or write letters to get their small patients what they need.

Among other things, "we help doctors put things in legalese," said Ellen Lawton, a staff lawyer and project director. "They don't teach that in medical school."

That helps the doctors, and the doctors help the lawyers through the medical heft they can throw behind a legal or administrative request.

When a doctor writes a letter about a child's need for, say, special education classes or a mold-free apartment, "it's not as confrontational," Ms. Lawton said. "It's like, 'This is what the kids need for their health,' and who's going to argue with that?"

The Boston Medical Center lawyers knew of just one other full-fledged program like theirs, a new one in Hartford run at Connecticut Children's Medical Center, in partnership with the Center for Children's Advocacy at the University of Connecticut Law School. There, said the advocacy center's director, Martha Stone, "it took a while for medical personnel to exactly understand the concept of the medical-legal partnership project, because lawyers make people nervous."

"So," Ms. Stone said, "they had to overcome the bias that we were in there looking at malpractice issues. We were in there doing poverty issues which would affect health outcomes. So it's taken a lot of education on the part of the lawyer to have the medical staff understand."

At Boston Medical Center, where the Family Advocacy Program has run since 1993, the program is well accepted by now but is still exploring ways to help poor families and looking for ways to expand. The walk-in lawyers' hours began just this winter, for example, and have found plenty of takers.

One recent Monday, the mother of a diabetic girl stopped in to see Pamela C. Tames, a staff lawyer, about an administrative hearing scheduled for the next day on whether her daughter should qualify for federal disability money. The girl's diabetes was still poorly regulated, said the mother, who would not let her name be used, and she frequently had to miss school and stay in bed when her blood-sugar levels went bad. The mother, who is on welfare, had no lawyer of her own and had been denied requests for disability.

"They say being diabetic is not a disability," she said, "I think it is a disability if a mother has to stay at home and come get the child from school if the child constantly gets sick."

She came to the law clinic, the mother said, "because I need to know how to represent my case."

Ms. Tames told her how, beginning with the suggestion that she get an extension from the judge so she could present her case better.

In many ways, the lawyers at the medical center act as typical legal services lawyers, but they describe various forms of synergy with the doctors they help. For one thing, doctors, they say, have become more willing to ask patients questions like, "Do you have enough food?" now that they have lawyers who can help if the answer is no.

Before, Ms. Lawton said, "they didn't want to screen for something they could do nothing about."

The Family Advocacy Program said its director, Jean Zotter, is meant to work as preventive medicine; it can catch problems early because patients' families are more likely to confide troubles to doctors than to agency bureaucrats, and to trust the information they receive in a clinic, she said.

"Traditional medicine can treat the effects of poverty," Ms. Zotter said, "but this is a program that hopes to intervene so that poverty won't have the effects it has on children's health."

The greatest challenge for would-be imitators of the program, its lawyers say, is probably getting financing for such a hybrid organism. The Boston program costs about $175,000 a year; it is paid for mainly by city money for welfare-to-work transitions, because it helps many families trying to cross that bridge. The Connecticut program, which has one staff lawyer,' got a three-year, $260,000 grant from the Hartford Foundation for Public Giving.

But Dr. Zuckerman has been known to unleash national phenomena before. He founded Reach Out and Read, a program beloved of the Clinton and Bush White Houses alike, which makes books a part of pediatric care. It gives children a new book at each checkup and has spread to hundreds of pediatric clinics around the country.

"I don't see what I'm doing with these nontraditional programs as just add-ons," Dr. Zuckerman said. "What I'm trying to do is change pediatric care so it can have more of an impact."

RETIREMENT OF COMMANDER THOMAS K. RICHEY, UNITED STATES COAST GUARD

Mr. KERRY. Mr. President, I rise today to offer my congratulations to a fine Coast Guard officer, Commander Thomas K. Richey, who is retiring this month after more than 20 years of dedicated service to this country. Commander Richey served as a Legislative Fellow in my personal office from 1996 to 1998. During that time he was responsible for maritime, transportation and environmental issues that fell under the jurisdiction of the Senate Commerce, Science, and Transportation Committee. In 1998 he accompanied me to Kyoto, Japan during the negotiations of the Kyoto Protocol for controlling greenhouse gases.

Throughout his long and distinguished career Commander Richey has demonstrated superb managerial and leadership skills. Tom has served in a variety of demanding billets including Operations Officer of Coast Guard Group Mobile, Alabama, Commanding Officer of Coast Guard Station Atlantic City, New Jersey and Deputy Program Manager for acquisition of Cutter and station boats. Along the way Tom has been awarded five Coast Guard Commendation Medals with Operational Distinguishing Device and one Coast Guard Achievement Medal with the "O" device and numerous other team and unit commendations.

When Tom left my personal office in 1998 he became the Commandant's Liaison to the United States Senate. This is a top billet reserved for only the finest the service has to offer. His performance in both my personal office and the Senate has been outstanding. As many of my colleagues know, Tom was always quick to respond to any of our questions or concerns and was an invaluable tool in helping us respond to our constituents whenever a Coast Guard issue arose. I am grateful for having had the opportunity to work so closely with Tom.

I offer again my congratulations to Commander Richey and his lovely wife Maureen who reside in Maryland with their two children Patricia and Tommy. I expect great things of this outstanding officer in the future. Mr. President, I yield the balance of my time to my colleagues, Senators BREAUX and DEWINE who wish to express their appreciation as well to Commander Richey for his dedicated service to this country.

Mr. BREAUX. I am honored to join today Senator KERRY on the occasion of Commander Thomas Richey's retirement from the United States Coast Guard.

Senator KERRY and I both serve on the Oceans and Fisheries Subcommittee, and in fact we have sat next to each other for years during committee executive sessions, hearings and other subcommittee fora. It was during these occasions that I first came to know Commander Richey. I would classify the period of 1996–1998 as a very busy time for the subcommittee. During this period, Tom was instrumental in advising Senator KERRY and subcommittee members in general on crucial oceans and fisheries, and maritime issues.

On a more personal note, I sincerely appreciate Tom's assistance and diligent follow through in support of the issues and concerns of my constituents.

It brings me and all Americans great pride in knowing that the Coast Guard is represented by individuals with such high ideals, integrity and dedication to duty. I know of the sacrifices made by Commander Richey and his family and offer my congratulations and personal thanks for a job well done. I wish Tom the best of luck in all future endeavors.

Mr. DEWINE. I commend and congratulate Commander Thomas Richey of the United States Coast Guard for his more than 20 years of service to our country. Commander Richey has had a distinguished career of public service in defense of our great nation. I greatly appreciate all he has done to assist me and my staff over the past three years with maritime transportation issues on the Great Lakes.

Additionally, Commander Richey played a vital part in helping me gain a better understanding of the varied and critical role our Coast Guard plays in the war on drugs. I've been fortunate to travel with Commander Richey, where I had the opportunity to observe, first-hand, Coast Guard drug interdiction efforts off the coast of the island of Hispanola and Puerto Rico.

Commander Richey's accomplishments have been great and his presence here on Capitol Hill will be sorely missed. I thank him for his dedication and his service to our nation. I wish him and his family all my best.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 21, 2001, the Federal debt stood at $5,654,596,844,308.03, five trillion, six hundred fifty-four billion, five hundred ninety-six million, eight hundred forty-four thousand, three hundred eight dollars and three cents.

Five years ago, May 21, 1996, the Federal debt stood at $5,115,827,000,000, five trillion, one hundred fifteen billion, eight hundred twenty-seven million.

Ten years ago, May 21, 1991, the Federal debt stood at $3,463,097,000,000, three trillion, four hundred sixty-three billion, ninety-seven million.

Fifteen years ago, May 21, 1986, the Federal debt stood at $2,030,373,000,000, two trillion, thirty billion, three hundred seventy-three million.

Twenty-five years ago, May 21, 1976, the Federal debt stood at $607,263,000,000, which reflects a debt increase of more than $5 trillion, $5,047,333,844,308.3, five trillion, forty-seven billion, three hundred thirty-three million, eight hundred forty-four thousand, three hundred eight dollars and three cents during the past 25 years.

ADDITIONAL STATEMENTS

SALUTING AMERICA'S VOLUNTEERS

• Mrs. LINCOLN. Mr. President, I want to take this opportunity to bring special attention to an area of service that I find particularly important, volunteerism. As we tackle, some of our nation's most pressing needs and problems, we should be promoting and encouraging volunteer activities in our communities.

The importance of volunteering was taught to me as a child. I want to ensure now that we all are mindful of the lessons that volunteering teaches, such as a sense of community and compassion for others. I believe we should remind ourselves of the important role that volunteers play in the delivery of human services.

Volunteers provide an invaluable service to our communities and our citizens. Their presence and contributions put the "caring" back into caregiving. Nowhere is this better illustrated than in the contributions volunteers make to long-term care for our nation's seniors.

For example, the Robert Wood Johnson Foundation, a philanthropic health care organization, has been supporting the creative delivery of health care and health systems for years. In my home state of Arkansas, we are working with the Johnson Foundation in a program entitled "Faith in Action."

"Faith in Action" is a faith-based initiative that encourages volunteerism as a strategy for meeting the needs of the chronically ill. This program provides seed money to fund partnerships between interfaith coalitions and other community organizations, such as Area Agencies on Aging, senior centers, and hospitals. All of these organizations share a common goal—to provide volunteer care to their neighbors in need.

These groups provide a variety of services, including organizing outreach to the homebound; training group leaders who oversee outreach ministries; locating homebound people who have lost touch with their communities; recruiting volunteers from church congregations and communities; connecting with local medical and social services; and providing emotional support services to community members.

The efforts of this dedicated group have brought much-needed support back into our Arkansas communities and are changing the lives of thousands of Arkansans. We are eternally grateful to leaders like Bishop Kenneth W. Hicks of United Methodist Church and Mr. Will Dublin, who have made a tremendous commitment to fostering and sustaining Faith In Action programs in Arkansas.

Next week, these men and many other Arkansas community leaders and volunteers will join me in Little Rock for a special event entitled "Caring Across the Continuum," where we will consider new strategies to promote and encourage volunteer services to assist the aging. With their contributions and energy, I believe we can make a real difference in the quality of care we extend to our state's population of seniors.

I commend these volunteers for their efforts, and I encourage them to continue setting the example for us as we seek legislative remedies for our nation's needs. If there is one thing I have come to appreciate about public policy and planning, it is that we are incapable of paying for everything that we need as a nation. Nor should we expect to do so.

Volunteers play a vital role in filling the gaps in our health care and social services systems. The mere act of volunteering encourages us to look outside ourselves, which in turn nurtures the growth of caring communities. Let's encourage the rest of our nation to consider such efforts as we look to the future and seek to re-weave the moral fabric of our country with the qualities of volunteerism.•

TRIBUTE TO ROBERT H. FOSTER, PUBLISHER AND MODEL CITIZEN

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Robert H. Foster of Dover, NH, publisher of the distinguished New Hampshire newspapers Foster's Daily Democrat and the Laconia Citizen, and a number of other papers, in honor of his 80th birthday which he celebrated on May 17. The newspaper is the longest continually managed and owned periodical by direct descendants of its founder with the family name in its banner.

I have known Bob for nearly 20 years. He is man of impeccable character, commitment to his community, and devotion to his family. His dedication to journalistic excellence has won him the respect of many politicians in the Granite State, no matter what philosophy or party affiliation. Robert Foster is known for his fairness, and for impressing upon his writers and editors that "integrity matters."

Robert and his wife, Terri, have been the driving force behind the success of the newspaper. Foster's Daily Democrat is rich in history dating back to the founding father of the newspaper, Joshua Lane Foster. On June 18, 1873, Joshua published the first edition of the Dover area newspaper. Robert assumed ownership of the newspaper upon the death of his father, Frederick Foster, on November 7, 1956. Robert has worked diligently to ensure that the newspaper continually maintains a standard of professionalism.

Today, as in 1873, Robert understands the importance of keeping the citizens of his community abreast of information which affects the quality of life in the Seacoast and the Lakes Region. Robert and Foster's Daily Democrat are a mainstay in the community, providing the latest news and information to their readers.

As members of the greater Dover community, Robert and Terri have been generous benefactors. Among other accolades, they have been honored as "Citizens of the Year" in Dover.

Robert, a World War II and Korean conflict veteran, has also served on the Board of Governors with the New England Newspaper Association and is a former Trustee at the University of New Hampshire.

Bob and Terri have three children: Catherine Hayward, Patrice Foster and Robert F. Foster. They are also proud grandparents of Catherine and Gregg Hayward and Samuel and Joshua Foster.

I commend Robert Foster for his numerous contributions to his community and our state. He is an exemplary leader who has gained the respect of those who know him. It is an honor and a privilege to represent him in the U.S. Senate, and I am proud to call him my friend.●

SMALL BUSINESS ADMINISTRATION AWARDS

● Mr. LEAHY. Mr. President, I rise today to congratulate Susan Dollenmaier of Tunbridge who was chosen as the Vermont Small Business Person of the Year. She has shown extraordinary innovation and vision in building a successful business in Vermont.

Ms. Dollenmaier is the president and co-founder of Anichini Inc., an importing and manufacturing company that designs, wholesales, and retails linens and textiles from Italy, India, the Far East, and Eastern Europe. Anichini also has a furniture division and a line of products for infants. A former social worker for the state of Vermont, Dollenmaier and her ex-business partner, Patrizia Anichini, launched the company about 20 years ago with only a $600 investment. This year, sales of Anichini's linens are expected to top $10 million. Besides it's outlet store in West Lebanon, New Hampshire—a site she hopes to move to the Vermont side of the Connecticut River very soon—and a new one slated to open in Manchester, Vermont, Anichini operates retail stores in Beverly Hills and Dallas, along with a boutique in New York City. Susan makes sure that some of the cash flow from her wealthy and demanding clientele finances flex time, day care stipends, generous vacations and holidays, a profit-sharing plan and other benefits—as well as better-than-average wages—for her largely female work force of 45 employees. We are very happy Susan chose to start and maintain her business in Vermont.

I commend Susan and all of her employees for receipt of this prestigious award.

I ask that a copy of an April 15, 2001, article in the Valley News outlining Ms. Dollenmaier's achievements be printed in the RECORD.

The article follows:

SBA HONORS TURNBRIDGE'S ANICHINI INC.

(By Bob Piasecki)

TURNBRIDGE.—Most people drive right past the yellow farmhouse off Route 110 that contains Anichini Inc.'s offices, and that's just fine with Susan Dollenmaier.

Dollenmaier, president and co-founder of Anichini, the importer, manufacturer, wholesaler and retailer of linens and textiles for the rich and famous, prefers to keep a low profile.

That explains why there isn't a sign outside Anichini's headquarters or its warehouse farther down the road—and why there never will be, as long as Dollenmaier is running the company.

"I'm not into being a celebrity," says Dollenmaier, dressed casually in black leggings and a gray cable-knit sweater. "I just want us to get recognition because of our products."

That won't be possible for much longer because Dollenmaier was just named Vermont's Small Businessperson of the Year by the state's Small Business Administration.

Some of Dollenmaier's employees went ahead and nominated their boss for the prestigious award without telling her, and she ended up winning.

The selection put Dollenmaier in the running for being named the national Small Business Person of the Year award, which will be announced next month in Washington D.C.

The SBA singled out Dollenmaier and Anichin for "seamlessly blending economic success with socially conscious business practices."

Deborah Mathews, who has worked with Dollenmaier virtually since the day Anichini was launched, said she was willing to reduce her salary and make other painful cuts when times were tough.

"Susan's focus on the needs of her staff and the community in which she lives and works made her an ideal recipient for this honor," added Matthews.

"Susan has a profound gift for recognizing hidden potential, and she knows how to bring it out in the open," said Kenneth Silvia, director of the SBA's office in Vermont. "It's manifest not only in her choice of Anichini's product line, but in the people who work at the company—the majority of whom are Vermonters."

A former social worker for the state of Vermont, Dollenmaier and her ex-partner, Patrizia Anichini, launched the company about 20 years ago with a paltry $600 investment. This year, sales of Anichini's linens are expected to top $10 million.

Besides it's outlet store in the Powerhouse Mall in West Lebanon, and a new one slated to open this summer in Manchester, Vt, Anichini operates retail stores in Beverly Hills and Dallas, along with a boutique in New York City. Its regular clientele includes celebrities such as Oprah Winfrey, Sharon Stone and Tom Cruise.

Not bad for the daughter of an electrical salesman who grew up in Libertyville, Ill., a small agricultural town 45 miles northwest of Chicago.

Dollenmaier said she always had a thing for beautiful textiles, but doesn't quite know where that fascination came from. "That's something to figure out with a therapist," she jokes. But she suspects it probably has something to do with her grandmother, a dressmaker who also made her own quilts.

She sewed her own clothes as a teenager, and began collecting antique fabrics of all styles and types, never thinking it was ever going to turn into a business.

After graduating from Southern Illinois University, where she earned a degree in design and studied under R. Buckminster Fuller—the inventor of the geodesic dome—Dollenmaier bounced around for a while.

Her life changed in the early 1970s, when she came to south Royalton from Los Angeles to visit her sister, whose husband was attending Vermont Law School at the time, and fell in love with the area.

"It was spring. It was so green and there was so much water," Dollenmaier recalled, sitting at an enormous wooden table in Anichini's spacious conference room.

"It was so refreshing, I turned to my sister and said, 'this has got to be one of the most beautiful places in the world,' and essentially I never left after that."

She got a job as a social worker for the state of Vermont, and helped set up several programs including Meals on Wheels in Tunbridge and many of the other towns along the First Branch of the White River. At the same time, Dollenmaier continued to go to tag sales, flea markets and estate sales, collecting antique fabrics for her burgeoning collection. After she sold part of her cache in New York City, Dollenmaier decided it was time for a major life change.

"It finally dawned on me that I wanted more challenges, and that I was headed toward running some government program in Washington, D.C., if I continued to be a social worker," she says.

So she quit after seven years, and with her partner, rented a loft in Manhattan on 20th Street. "We lived there hand-to-mouth," she said buying, selling and swapping antique linens.

She remembers driving an old, unheated bread truck filled with their wares back and forth from New York and Vermont, where she also kept an apartment in Tunbridge. The duo got their first big break when Barney's, the upscale New York department store, agreed to sell some of their material in its home furnishings store, which was just opening.

During a trip to Venice with her husband, glassblower Robin Mix, Dollenmaier got the idea of making and selling new, heirloom quality textiles, which is essentially what Anichini does today.

"In Italy I found women who were still making the same kind of textiles I was buying and selling," she says. "That's really where the seed of the business was formed."

Soon after that, Anichini caught another break when one of Italy's premier textile weavers took a chance on the fledgling company and agreed to give it $50,000 worth of materials on consignment.

The business sold all $50,000, and was on its way. It grossed $100,000 in its first year, and has continued to expand and grow. Dollenmaier and Anichini eventually sold their loft in New York, and used the proceeds to buy the buildings the company still owns in Tunbridge.

The partners went their separate ways a few years ago, when Dollenmaier bought out Anichini's share in the business.

Today, Anichini has a furniture division, a line of products for infants and is widening its scope to include fabrics and designs from India, the Far East, Eastern Europe and other countries. It no longer bills itself as simply an purveyor of Italian, Dollenmaier says.

The company recently worked out an agreement with a weaver in India who is trying to keep some of the country's old techniques alive.

Dollenmaier acknowledges that the 2,000 or so women who make textiles for Anichini in India are, at least by Western standards, poor. Asked how this squares with Anichini's Ben & Jerry's-style commitment to social responsibility, Dollenmaier says she has thought deeply about this question.

"I guess I'd say they've got to be working doing something, and they are making a lot more money making stuff for us as opposed to someone else."

One thing is certain, Anichini's 60 employees in the United States are treated quite well. The company provides profit sharing, which has averaged more than 10 percent of the employee's salary over the past five years, 11 paid holidays, five weeks vacation after five years of service, and paid membership in gym.

Dollenmaier hopes to eventually move Anichini's outlet store in West Lebanon across the river to the Route 4 corridor in Vermont. Long-range, she also plans to consolidate all of Anichini's operations in a new facility in Tunbridge that will be even harder to find than its existing buildings.

Looking back on her life and how she has parlayed a hobby and passion into a highly successful business, Dollenmaier says: "I'm really doing exactly what I want. I really have very few regrets."●

TRIBUTE TO MAJOR GENERAL MICHAEL W. DAVIDSON

● Mr. McCONNELL. Mr. President, today I rise to pay tribute to a great American, Major General Michael W. Davidson for his 32 years of meritorious service to our Nation. On June 16, 2001, Major General Davidson will retire from the service, and I know my colleagues join me in expressing our gratitude for his many contributions.

Major General Davidson began his career as an enlisted member of the Army 32 years ago. Since that beginning, he served his Nation in the Active Duty Army, U.S. Army Reserve, and the Army National Guard. His diligence and commitment to the United States Army did not go unnoticed, he was eventually promoted to the rank of two-star General Officer. In this capacity, General Davidson served a three year term as the first ever Assistant to the Chief Joint Chiefs of Staff for National Guard Matters.

During his tenure as Assistant to the Chief Joint Chiefs of Staff for National Guard Matters, Major General Davidson provided considerable insight and made lasting contributions regarding the integration of the Nation's Reserve Component forces into the planning and strategies of the United States Armed Forces. Major General Davidson's comprehensive knowledge of the Reserve Component and its capabilities as well as insightful analysis of our national security concerns were invaluable assets and set the tone for this new position. I am confident that all who follow Major General Davidson will benefit tremendously from his example.

Perhaps even more than his distinguished service, Major General Davidson is justifiably proud of his loving family. He and his wife Jo Ann have three children, twins Megan and Claire, both 22, and Brian, age 15. General Davidson and his family make their home in my hometown of Louisville, KY. Although he lives and was educated in Louisville, Major General Davidson's true allegiance is a few miles down the road in Lexington, or perhaps more specifically, Rupp Arena. Like so many others in the Bluegrass, The General is a huge supporter and fan of Kentucky Wildcat Basketball and I can hope that the next phase of his life will afford him many opportunities to enjoy the Wildcats in person.

In addition to catching as many Big Blue games as possible, Major General Davidson plans to busy himself with consultation work and teaching at the college level. Clearly, his commitment to service will endure.

Michael Davidson's time in uniform may be drawing to a close, however his record of dedicated service will continue for many years to come. On behalf of this body, I thank him for his dedication and contributions to this nation, and sincerely wish him and the entire Davidson family the very best in his retirement.●

NORTHWEST GEORGIA GIRL SCOUT GOLD AWARD WINNERS

● Mr. MILLER. Mr. President, I am proud to announce that 53 girls from Northwest Georgia have achieved the Girl Scout Gold Award for the year 2001. The Gold Award is the highest honor a Girl Scout can accomplish, and each girl has endured a rigorous process during the last three years of the Scouting program.

The many lessons learned through the Girl Scout program will serve each girl well in the years to come. Setting and accomplishing goals, becoming effective leaders, and making a commitment to help others are among the many experiences each girl has had that set them apart from their peers. The special skills that the girls developed will be a tremendous asset to them as they finish their education and progress onto greater experiences.

Over the previous 3 years, each girl has illustrated tremendous dedication, effort, and hard work to achieve this prestigious award. However their success could not have been achieved without the support and encouragement of their family, friends, teachers, and troop leaders. On the quest for the Gold Award, each girl has endured challenges and hardships that would not have been overcome without the assistance of their community. As we recognize the achievement of these 53 girls, let us not forget to acknowledge the sacrifice that each family went through to help them reach their goal.

Below are the young ladies from the Girl Scout Council of Northwest Georgia who have achieved the 2001 Gold Award.

The list follows:

Anna Maria Arias, Atlanta, Georgia; Elizabeth Anne Baynes, Conyers, Georgia; Meredith Jane Bridges, Stone Mountain, Georgia; MeChelle A. Brown, East Point, Georgia. Whitney Suzanne Calhoun, Stone Mountain, Georgia; Lauren Catchpole, Roswell, Georgia; Lisa Collins, Lawrenceville, Georgia; Erin E. Conboy, Roswell, Georgia; Katherine Davis, Lawrenceiville, Georgia; and Amiris Duckwyler-Watson, College Park, Georgia.

Jennifer MaryAlice Ellis, Smyrna, Georgia; Valerie Jaye Elston, Alpharetta, Georgia; Catherine Anne Farrington, Lithonia, Georgia; Courtney Lashan Foster, Ellenwood, Georgia; Elizabeth K. Gilbert, Powder Springs, Georgia; Kara Renita Greene, Fairburn, Georgia; Lindsey B. Harris, Roswell, Georgia; Elizabeth Hollis, College Park, Georgia; and Amanda Katie Lillian Honea, Woodstock, Georgia.

Sharon Ashley Johnson, Stone Mountain, Georgia; Katherine Kauffman, Lilburn, Georgia; Katherine Killebrew, Marietta, Georgia; Adrienne Janiece Lee, Atlanta, Georgia; Catrina Marie Madore, Lilburn, Georgia; Laura Emily Cuvo, Lawrenceville, Georgia; Leanna Jane Dailey, Dalton, Georgia; Maire M. Daly, Roswell, Georgia; Amanda Suzanne Mullis, Marietta, Georgia; and Mai-Lise Trinh Nguyen, Dunwoody, Georgia.

Natalie Nicole Parks, Jonesboro, Georgia; Virginia LaShea' Powell, Fayetteville, Georgia; Jessica Ransom, Riverdale, Georgia; Jennifer C. Rausch, Norcross, Georgia; Charlotte Anne Grover, Lawrenceville, Georgia; Ashley Nicole Haney, Atlanta, Georgia; Farrah Leah Harden, Atlanta, Georgia; Joyce Elizabeth Reid, Conyers, Georgia; and Sarah Ellen Sattlemeyer, Stone Mountain, Georgia.

Courtney Laurette Simmons, Atlanta, Georgia; Caroline Elizabeth Smith, Dalton, Georgia; Katherine Leigh Smith, Dalton, Georgia; Natalie Stone, Lilburn, Georgia; Tiffany Nicole

Meriweather, East Point, Georgia; Lauren K. Meyers, Lilburn, Georgia; Margaret Ayers Miller, Dalton, Georgia; Stephanie D. Taylor, Riverdale, Georgia; Chandra L. Teddleton, Decatur, Georgia; Katherine DeAnn Weisz, Stone Mountain, Georgia; Bethany Wiethorn, Lawrenceville, Georgia; and Brooke Wiggins, Lilburn, Georgia.•

DOUGLASS W. COOPER—OHIO TEACHER OF THE YEAR

• Mr. DEWINE. Mr. President, as we continue to debate the education reform legislation and the importance of teachers, in particular, I would like to recognize and congratulate an outstanding teacher from my home state, Mr. Douglass W. Cooper, who has been named the Ohio Teacher of the Year for 2001.

Nothing is as important to our children's education than the quality of their teachers. My own high school principal, Mr. Malone, once told me that when it comes to education in our schools, only two things really matter, a student who wants to learn and a teacher who can teach. Mr. Malone was right 35 years ago, and he's still right today!

A good teacher has the power to fundamentally change the course of a child's life. I'm sure that each of us can recall at least one great teacher who inspired us, or motivated us and changed our lives. These teachers guided us then and continue to influence us today.

Douglass Cooper is one of those teachers. He is the kind of teacher who has a life-lasting impact on his students. And, as Ohio Teacher of the Year, Mr. Cooper is being recognized for this and for his outstanding dedication and leadership in the classroom, school, and community.

Mr. Cooper, who received both a bachelor's and a master's degree from Wright State University, is currently a social studies teacher in Clinton County, Ohio, and has been teaching in the Wilmington School System for the last ten years. He serves as the chair of the social studies department at Wilmington High School. Mr. Cooper is a member of the Wilmington Local Professional Development Committee and serves his school as a mentor for entry-year teachers. He is a National Board Certified teacher and received the Ohio Governor's Educational Leadership Award in 1999.

Additionally, Mr. Cooper has spent much of his free time volunteering in his community. He is involved in the Clinton County Kids Voting Steering Committee and serves as Scoutmaster of Boy Scout Troop 909.

I commend Douglass Cooper for his exceptional service and his unending dedication to his students and community. He is a great role model for our young people in school, as well as for his colleagues in the teaching profession. Ohio is honored to have him as a representative this year for teachers all over our State.•

IN CELEBRATION OF SANTA CLARA UNIVERSITY'S 150TH ANNIVERSARY

• Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate my thoughts on the 150th Anniversary of Santa Clara University.

Santa Clara University, located in the heart of California's Silicon Valley, became California's first school of higher learning in 1851. The college is celebrating its sesquicentennial this year on the same Santa Clara Valley campus it has occupied continuously since its founding. At the center of campus is the beautiful Mission Santa Clara de Asis, the eighth of the original 21 California missions.

Santa Clara University brings the intellectual rigor, respect for scholarship, and spiritual vision of its Jesuit founders to students of all backgrounds and beliefs. In the fall of 1961, women were accepted as undergraduates and Santa Clara University became the first coeducational Catholic University in California. The college is committed to the diversity that distinguishes California and the United States throughout the world and its student body includes more than 35 percent minority group members.

Santa Clara University's unique community events, undergraduate and nationally recognized graduate programs greatly inform and enrich communities in the Silicon Valley and the State of California. The sesquicentennial of Santa Clara University is a time for celebration by us all. •

TRIBUTE TO WILLIAM HAZELETT

• Mr. LEAHY. Mr. President, I rise today to congratulate William Hazelett of Colchester who was chosen as the United States Small Business Administration National Exporter of the Year. Bill has shown extraordinary innovation and vision in building a very successful business in Vermont.

Bill Hazelett and his wife Dawn are old friends of mine and Marcelle's. Bill is the president of Hazelett Strip-Casting Corp., a manufacturing firm that designs and makes continuous metal casting machines designed to produce long sheets of metal and wire for everything from pennies to aluminum siding to automobile bodies. Hazelett Strip-Casting now employs 145 people. Foreign business accounts for 70 percent of its $23 million in annual sales, and Hazelett Strip-Casting has clients all around the world, including much of Europe, Canada, Indonesia, Japan, China, Saudi Arabia, Brazil and Chile. Bill moved his company to Vermont from Connecticut in 1957 because, as he says, "I wanted to ski." We are very happy he came and decided to stay.

I commend Bill and Dawn for receipt of this prestigious award.

I ask that a copy of a May 9, 2001, article in the Burlington Free Press outlining Bill Hazelett's achievements be printed in the RECORD.

The article follows:

[From the Burlington Free Press, May 9, 2001]

COLCHESTER MAN NAMED SBA'S NATIONAL EXPORTER OF THE YEAR

R. William Hazelett of Colchester on Tuesday received the U.S. Small Business Administration's National Exporter of the Year award from President George W. Bush in a White House ceremony. Hazelett, 82, president of Hazelett Strip-Casting Corp., was honored for building a manufacturing firm for which foreign business accounts for 70 percent of its $23 million in annual sales.

Hazelett had a simple reason for the recognition. "We have a technology that is superior to any other technology in fabricating sheet metal," he said. "My business was selected (for the award) as being very, very good at creating exporting business for the United States." The company designs and makes continuous metal casting machines, behemoths designed to produce long sheets of metal and wire that can weigh as much as 120 tons and cost $15 million. The machines produce sheet metal for everything from pennies to aluminum siding to auto bodies, Hazelett said.

Clients are scattered all over the world, including much of Europe, Canada, Indonesia, Japan, China, Saudi Arabia, Brazil and Chile, he said. Earlier this year, a Hazelett representative was part of the trade mission that traveled to Argentina with Gov. Howard Dean. Though no sale was made on the trip, it started a process that will lead to a sale, Hazelett said. "You don't sell one of these machines overnight because a machine might cost $15 million," he said. "You've got a whole plant that might cost $150 million that they go into. It's a very long-term consideration." Hazelett was confident a deal would be signed. "We will get the business because we are the best in the world," he said.

Hazelett, which does all of its engineering and manufacturing in Vermont, employs 145 people. The company moved here in 1957 from Connecticut because, Hazelett said, "I wanted to ski."

In naming Hazelett for the honor, the SBA noted his company's "stellar success in export marketing." "Bill Hazelett's contribution to Vermont's stature as a world-class exporter center is absolutely outstanding," said Kenneth Silver, director of the SBA's Vermont district office.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:51 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1696) to expedite the construction of the World War II memorial in the District of Columbia.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 495. an act to designate the Federal building located in Charlotte Amalie, St. Thomas, United States Virgin Islands, as the "Ron de Lugo Federal Building."

H.R. 1801. An act to designate the United States courthouse located at 501 West 10th Street in Fort Worth, Texas, as the "Eldon B. Mahon United States Courthouse."

H.R. 1885. An act to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

H. Con. Res. 76. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

H. Con. Res. 79. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 87. Concurrent resolution Authorizing the 2001 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

H. Con. Res. 109. Concurrent resolution honoring the services and sacrifices of the United States merchant marine.

The message also announced that pursuant to section 1092(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), the Speaker has appointed the following members on the part of the House of Representatives to the Commission on the Future of the United States Aerospace Industry: Mr. F. Whitten Peters of Washington, D.C. and Mrs. Tillie Fowler of Jacksonville, Florida.

The message further announced that pursuant to the Congressional Award Act (2 U.S.C. 801), as amended by Public Law 106–533, the Speaker has appointed the following Members of the House of Representatives to the Congressional Recognition for Excellence in Arts Education Awards Board: Mr. MCKEON of California and Mrs. BIGGERT of Illinois.

ENROLLED BILL SIGNED

At 5:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1696. An act to expedite the construction of the World War II memorial in the District of Columbia.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 495. An act to designate the Federal building located in Charlotte Amalie, St. Thomas, United States Virgin Islands, as the "Ron de Lugo Federal Building"; to the Committee on Environment and Public Works.

H.R. 1801. An act to designate the United States courthouse located at 501 West 10th Street in Fort Worth, Texas, as the "Eldon B. Mahon United States Courthouse"; to the Committee on Environment and Public Works.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 109. Concurrent resolution honoring the services and sacrifices of the United States merchant marine; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. LUGAR for the committee on Agriculture, Nutrition, and Forestry.

Lou Gallegos, of New Mexico, to be an Assistant Secretary of Agriculture.

Mary Kirtley Waters, of Virginia, to be an Assistant Secretary of Agriculture.

Eric M. Bost, of Texas, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

William T. Hawks, of Mississippi, to be Under Secretary of Agriculture for Marketing and Regulatory Programs.

J. B. Penn, of Arkansas, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BYRD, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 924. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 925. A bill to amend the title XVIII of the Social Security Act to provide a prescription benefit program for all medicare beneficiaries; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. HELMS, Mr. SCHUMER, Mr. HOLLINGS, and Mrs. FEINSTEIN):

S. 926. A bill to prohibit the importation of any article that is produced, manufactured, or grown in Burma; to the Committee on Environment and Public Works.

By Mr. CORZINE:

S. 927. A bill to amend title 23, United States Code, to provide for a prohibition on use of mobile telephones while operating a motor vehicle; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FEINGOLD):

S. 928. A bill to amend the Age Discrimination in Employment Act of 1967 to require, as a condition of receipt or use of Federal financial assistance, that States waive immunity to suit for certain violations of that Act, and to affirm the availability of certain suits for injunctive relief to ensure compliance with that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON:

S. 929. A bill to amend the National Labor Relations Act to preserve charitable giving; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 930. A bill to authorize the Secretary of the Interior to set aside up to $2 per person from park entrance fees or assess up to $2 per person visiting the Grand Canyon National Park to secure bonds for capital improvements, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CLELAND:

S. 931. A bill to require certain information from the President before certain deployments of the Armed Forces, and for other purposes; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. SMITH of Oregon, Mr. JOHNSON, Mr. DASCHLE, Mr. LEAHY, Mr. SCHUMER, Mr. DORGAN, Mr. DAYTON, Mrs. CLINTON, Ms. STABENOW, Mr. KENNEDY, Mr. KOHL, Mr. KERRY, Mr. SARBANES, Mr. WELLSTONE, Mr. DURBIN, and Mrs. BOXER):

S. 932. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Mrs. CLINTON, Mr. LEAHY, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 933. A bill to amend the Federal Power Act to encourage the development and deployment of innovative and efficient energy technologies; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 934. A bill to require the Secretary of the Interior to construct the Rocky Boy's North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes; to the Committee on Indian Affairs.

By Mrs. BOXER:

S.J. Res. 14. A joint resolution providing for congressional disapproval of the rule submitted by the Environmental Protection Agency relating to the delay in the effective date of a new arsenic standard; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S.J. Res. 15. A joint resolution providing for congressional disapproval of the rule submitted by the Department of Energy relating to the postponement of the effective date of energy conservation standards for central air conditioners; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. Res. 93. A resolution congratulating the University of Minnesota, its faculty, staff, students, alumni, and friends, for 150 years of outstanding service to the State of Minnesota, the Nation, and the World; considered and agreed to.

By Mr. STEVENS:

S. Con. Res. 41. A concurrent resolution authorizing the use of the Capitol grounds for the National Book Festival; considered and agreed to.

ADDITIONAL COSPONSORS

S. 283

At the request of Mr. MCCAIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Ms. CANTWELL), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 284

At the request of Mr. MCCAIN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 538

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 538, a bill to provide for infant crib safety, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 565

At the request of Mr. DODD, the names of the Senator from New York (Mr. SCHUMER), the Senator from Georgia (Mr. CLELAND), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Mr. BREAUX), the Senator from North Dakota (Mr. CONRAD), the Senator from West Virginia (Mr. BYRD) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

S. 603

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect , and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 657

At the request of Mr. LUGAR, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Colorado (Mr. ALLARD), the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Idaho (Mr. CRAIG), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Michigan (Ms. STABENOW), the Senator from Nebraska (Mr. NELSON), the Senator from Louisiana (Mr. BREAUX), the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Mr. DAYTON), and the Senator from Mississippi (Mr. COCHRAN) were added as a cosponsors of S. 657, a bill to authorize funding for the National 4-H Program Centennial Initiative.

S. 706

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 736

At the request of Mr. ALLARD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 736, a bill to amend title 10, United States Code, to provide for the appointment of a Chief of the Veterinary Corps of the Army in the grade of brigadier general, and for other purposes.

S. 786

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 786, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 847

At the request of Mr. DAYTON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 862

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 862, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program.

S. 876

At the request of Mr. INHOFE, the names of the Senator from Delaware (Mr. CARPER) and the Senator from New Jersey (Mr. CORZINE) were added as a cosponsors of S. 876, a bill to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act:, to establish the John H. Chafee Memorial Fellowship Program and the Theodore Roosevelt Environmental Stewardship Grant Program, to extend the programs under that Act, and for other purposes.

S. 894

At the request of Mr. HELMS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 894, a bill to authorize increased support to the democratic opposition and other oppressed people of Cuba to help them regain their freedom and prepare themselves for a democratic future, and for other purposes.

S. RES. 89

At the request of Mr. TORRICELLI, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Virginia (Mr. ALLEN), and the Senator from Maine (Ms. SNOWE) were added as a cosponsors of S. Res. 89, a resolution expressing the sense of the Senate welcoming Taiwan's President Chen Shui-bian to the United States.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

AMENDMENT NO. 653

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 653 intendent to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 674

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 674 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 677

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 677 intendent to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 684

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 684 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 694

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 694 intendent to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 695

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 695 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 698

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 698 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 699

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 699 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

At the request of Ms. CANTWELL, her name was added as a cosponsor of amendment No. 699 proposed to H.R. 1836, supra.

AMENDMENT NO. 700

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 700 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 707

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 707 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 711

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 711 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 711 proposed to H.R. 1836, supra.

AMENDMENT NO. 717

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 717 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 719

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 719 intendent to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 721

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 721 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 722

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 722 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 724

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 724 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 725

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 725 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 726

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 726 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 727

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 727 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 729

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 729 intendent to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 729 intendent to be proposed to H.R. 1836, supra.

AMENDMENT NO. 730

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 730 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 730 proposed to H.R. 1836, supra.

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 730 proposed to H.R. 1836, supra.

AMENDMENT NO. 731

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 731 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 731 intended to be proposed to H.R. 1836, supra.

AMENDMENT NO. 733

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 733 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 740

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 740 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 742

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 742 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 743

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 743 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 744

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 744 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 746

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 746 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 747

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 747 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 748

At the request of Mr. NELSON of Florida, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Florida (Mr. GRAHAM) were added as a cosponsors of amendment No. 748 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 748 proposed to H.R. 1836, supra.

AMENDMENT NO. 753

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 753 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 756

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 756 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 757

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 757 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 758

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 758 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 759

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 759 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 760

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 760 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 761

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 761 intended to be proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BYRD, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 924. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, authority for the community policing program has expired, and I rise today to introduce legislation to extend that hugely successful program for another six years.

We created this program in 1994 as part of that year's crime bill. The COPS program has worked better than any of us could have hoped. Crime has gone down every year since the program has been in existence. We have invested over $7.5 billion to make our streets safer. 115,000 officers will be funded by the end of this fiscal year. 73,600 of those officers are on the beat today, over 200 of them in my own state of Delaware. Grants have been issued to more than 12,400 law enforcement agencies. Big cities and small towns have benefitted, and more than 82 percent of all COPS grants have gone to departments serving populations of 50,000 or less.

Community policing methods are taking hold across the country. A recent Justice Department study revealed that the number of community police officers nationwide increased by 400 percent between 1997 and 1999. Schools are benefitting: by the end of this fiscal year COPS will have funded almost 5,000 school resource officers. These are specially trained officers who work in schools to prevent crimes before they occur, mentor students, and assist school administrators in creating a safe learning environment. Since COPS started funding school resource officers, their numbers across the country have shot up more than 40 percent.

When we passed the crime bill in 1994, we set a goal of funding 100,000 officers by 2000. That goal has been met. But the need for more officers, for technology to help those officers do their job more efficiently, and for more prosecutors so the cases investigated by the police can effectively be brought, continues unabated. The Justice Department reports that in the last two fiscal years, demand for new police hiring grants has outstripped available funds by a factor of almost three to one. To meet this need, the legislation I introduce today authorizes $600 million per year over the next 6 years, enough to hire up to 50,00 more officer. We have made this portion of the program more flexible: up to half of these hiring dollars can be use to help police departments retain those community police officers currently on payroll. In another change from current law, portion of these funds can be used for officer training and education.

The legislation also provides funding for new technologies, so law enforcement can have access to the latest high-tech crime fighting equipment to keep pace with today's sophisticated criminals. Also included are funds to help local district attorneys hire more community prosecutors. These prosecutors will expand the community justice concept and engage the entire community in preventing and fighting crime. The statistics we have on community prosecutions are quite promising, and we should increase the funds available to local prosecutors, a piece of our criminal justice puzzle that has too often gone overlooked.

We need to pass this bill. Already the administration has announced its intention to end the police hiring program, to dramatically scale back the community prosecution program, and to cut other critical state and local law enforcement programs. That is not the right approach. Crime is down, but it will not stay down. Preliminary FBI crime reports for 2000 indicate that we may be reaching the end of our eight straight years of decreasing crime. Last December, the FBI reported that crime was down in most big cities, but up in cities of less than 50,000 people. It was up 1.2 percent in the South, the nation's most populous region. Several of our largest cities have reported increases in their murder rates. Crime will not stay down, unless we dedicate the resources necessary for state and local law enforcement to do their job effectively.

This bill has the support of every major law enforcement organization in the country. Fifty senators are original cosponsors of the legislation, including five Republicans. I want to pay a special tribute to my friends on the other side of the aisle and thank them for listening to their mayors, police chiefs, and officers who told them this is the right thing to do. We should not play politics with public safety, and I hope we can pursue common-sense crime-fighting proposals without regard to party.

I would like to thank the men and women of law enforcement for their service and heroism in bringing about the longest lasting decrease in crime in this nation's history. Let's build on that success, and let's continue to give them the support they deserve, by reauthorizing the COPS program.

I ask unanimous consent that the text of the bill, as well as several letters supporting its introduction, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training In Our Neighborhoods Act of 2001" or "PROTECTION Act".

SEC. 2. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS Program.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by—

(1) inserting "and prosecutor" after "increase police"; and

(2) inserting "to enhance law enforcement access to new technologies, and" after "presence,".

(b) Hiring and Redeployment Grant Projects.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after "Nation" the following: ", or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community policing efforts"; and

(ii) by striking "and" at the end;

(B) in subparagraph (C), by—

(i) striking "or pay overtime"; and

(ii) striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) promote higher education among inservice State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education."; and

(2) in paragraph (2) by striking all that follows Support Systems.—" and inserting "Grants pursuant to—

"(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

"(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

"(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.".

(c) Additional Grant Projects.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "integrity and ethics" after "specialized"; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (7) by inserting "school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;";

(4) in paragraph (10) by striking "and" at the end;

(5) in paragraph (11) by striking the period that appears at the end and inserting "; and"; and

(6) by adding at the end the following:

"(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.".

(d) Technical Assistance.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting "use up to 5 percent of the funds appropriated under subsection (a) to" after "The Attorney General may";

(B) by inserting at the end the following: "In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.";

(2) in paragraph (2) by inserting "under subsection (a)" after "the Attorney General"; and

(3) in paragraph (3)—

(A) by striking "the Attorney General may" and inserting "the Attorney General shall";

(B) by inserting "regional community policing institutes" after "operation of"; and

(C) by inserting "representatives of police labor and management organizations, community residents," after "supervisors,".

(e) Technology and Prosecution Programs.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by—

(1) striking subsection (k);

(2) redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) striking subsection (e) and inserting the following:

"(e) Law Enforcement Technology Program.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

"(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

"(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

"(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

"(f) Community-Based Prosecution Program.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

"(1) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

"(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

"(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.".

(f) Retention Grants.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by inserting at the end the following:

"(d) Retention Grants.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).".

(g) Definitions.—

(1) Career law enforcement officer.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended by inserting after "criminal laws" the following: "including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.".

(2) School resource officer.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(B) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;"; and

(C) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(h) Authorization of Appropriations.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) $1,150,000,000 for fiscal year 2002;

"(ii) $1,150,000,000 for fiscal year 2003;

"(iii) $1,150,000,000 for fiscal year 2004;

"(iv) $1,150,000,000 for fiscal year 2005;

"(v) $1,150,000,000 for fiscal year 2006; and

"(vi) $1,150,000,000 for fiscal year 2007."; and

(2) in subparagraph (B)—

(A) by striking "3 percent" and inserting "5 percent";

(B) by striking "1701(f)" and inserting "1701(g)";

(C) by striking the second sentence and inserting "Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.";

(D) by striking "85 percent" and inserting "$600,000,000"; and

(E) by striking "1701(b)," and all that follows through "of part Q" and inserting the following: "1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).".

Police Executive Research Forum,
Washington, DC, May 17, 2001.

Hon. Joseph Biden, Jr.,
U.S. Senate,
Washington, DC.

Dear Joe: On behalf of the members of the Police Executive Research Forum (PERF), a national organization of police professionals who serve more than 50 percent of our nation's population, I wish to express our continued support of your plans to adequately fund and reauthorize the COPS Office and its many critical programs.

The COPS program has been a highly successful crime-fighting initiative. The vast majority of COPS grant recipients have put those funds to unprecedented good use. With COPS funding, PERF members have hired more officers, purchased critical technology, implemented innovative problem-solving programs, and received valuable training and technical assistance, all of which have played an important role in advancing community policing across the country. But the COPS Office's work is far from over.

Providing the citizens in our jurisdictions with safe communities requires resources beyond local reach. The COPS program's sole mission is to respond to the needs of local law enforcement and it has delivered much-needed resources in the fight against crime. Through this partnership with the federal government, we have made tremendous advances in community policing. We have always called for multi-year reauthorization and full funding for this critical program.

PERF would welcome the opportunity to work with you to increase the flexibility of COPS hiring funds and otherwise ensure the COPS programs' long-term success. We thank you for your tireless support of law enforcement.

Sincerely,

CHUCK WEXLER,
Executive Director.

NATIONAL ASSOCIATION OF POLICE
ORGANIZATIONS, INC.,
Washington, DC, May 3, 2001.

Hon. JOSEPH R. BIDEN, JR.,
U.S. Senate,
Washington, DC.

DEAR JOE: Please be advised that the National Association of Police Organizations (NAPO) will be strongly supporting your reintroduction of S. 1760, the "PROTECTION Act." NAPO, representing 4,000 unions and associations and 230,000 sworn law enforcement officers, truly appreciates your effort to reauthorize and continue the success of the COPS program.

As you know, NAPO strongly supported the passage of the 1994 Crime bill creating the COPS program. Since its inception the COPS program has funded grants for over 110,000 community police officers. Most law enforcement officials and the public recognize the benefits of putting more cops on the street. The steady decline of violent crime over the last few years is evidence of the success of this program.

We support your legislation that will extend the COPS program for another six years and put up to 50,000 more police officers on our streets and in our neighborhoods to continue the success of community policing. We also strongly support the funding of educational scholarships for active law enforcement officers and new technology to help fight crime.

NAPO is cognizant of the fact that we must not become complacent with our past success. There is still a lot of work to be done and we will continue to fight with you for the resources needed to serve our communities adequately. NAPO's position is that the declining crime rate is not an excuse to disband the COPS program, but an opportunity to hire more officers to further fight and decrease violent crime that still permeates many of America's communities.

If I can be of assistance on this or any other matter, please have your staff contact me at (202) 842–4420.

Sincerely,

ROBERT T. SCULLY,
Executive Director.

INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS,
Alexandria, VA, May 4, 2001.

Hon. JOE BIDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BIDEN: On behalf of the entire membership of the International Brotherhood of Police Officers (IBPO), I want to thank you for introducing legislation to reauthorize the Community Oriented Policing Services (COPS) program.

As the author of the 1994 Crime Bill you understand the significance of the COPS program. Every crime statistic available shows that America is a safer place to live since we implemented the COPS program. The COPS program enables communities to combat crime in the most effective way possible—by putting more officers on the street.

I understand that they are opponents to the COPS program. I urge them to talk to police officers in their states. The IBPO believes that public safety is far too important to be caught up in political debate. It would be a tragedy to cut back on any efforts to fight crime at this critical juncture.

As the largest police union in the AFL–CIO, we have first hand knowledge of what a success the COPS program is. We look forward to working with you on this most important piece of legislation.

Sincerely,

KENNETH T. LYONS,
National President.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, May 21, 2001.

Hon. JOSEPH BIDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BIDEN: I am writing to you regarding the Community Oriented Policing Services (COPS) program and your bill, the Protection Act. We at the National Sheriffs' Association (NSA) support COPS and we appreciate the commitment made to law enforcement by Congress.

As you may know, sheriffs around the nation depend on the COPS program to supplement their law enforcement capabilities. Sheriffs need the additional funding provided so that they can better protect and serve their communities. The COPS program has been an overwhelming success and has had a tangible and positive impact on crime reduction. Nearly two-thirds of the sheriffs offices in the Nation have benefited from grant funding from this program and the added funding has made a significant difference in how we enforce the law. A sheriff with a COPS grant can fight and control crime while a sheriff without a grant is at the mercy of the criminal. With the added capability that a COPS grant provides, we have reduced crime, streets are safer and honest law-abiding people feel secure in their communities.

NSA supports a flexible COPS program that allows sheriffs to determine their own needs and apply for funds accordingly. Sheriffs have overwhelming technology needs that can be addressed through the COPS technology grant programs. These programs have helped sheriffs purchase state-of-the-art computer technology and communications equipment. In this information age, it is more important than ever that we strive to achieve telecommunications and systems compatibility among criminal justice agencies, improve our forensic sciences capability at the state and local level and encourage the use of technologies to predict and prevent crime. All of these will give law enforcement the advantage over criminals. The total package of law enforcement support that COPS provides is an integral part of crime control in America.

In our view, COPS is a program that is vital to effective law enforcement and to sheriffs in both rural and urban jurisdictions. Without COPS, I firmly believe our communities would be a little less safe and a little more dangerous. Thank you again for your commitment to reducing crime. Know that NSA will do our part in the fight against crime and given the proper resources, we can truly make a difference.

Sincerely,

JERRY "PEANUTS" GAINES,
President.

By Mr. WELLSTONE:

S. 925. A bill to amend the title XVIII of the Social Security Act to provide a prescription benefit program for all medicare beneficiaries; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise to introduce long overdue legislation that will bring affordable prescription drugs to all Medicare beneficiaries. This legislation is the Medicare Extension of Drugs to Seniors, MEDS, Act of 2001.

For a good period of the time that I have been a Senator, the Federal Government has operated with budget deficits. The goal during that period was deficit reduction, while protecting the programs that are important for people. I had hoped that when the economy began to do better, and we began to see surpluses, that finally, as a Senator from Minnesota, I would be able to do really well for people. It would not just be stopping the worst, it would be doing the better.

Unfortunately, what we have this year in Washington instead is a choice. Either you are in favor of Robin-Hood-in-reverse tax cuts, with as much as 40 percent of the benefits going to the top 1 percent of earners. Or you are in favor of making an investment above and beyond reducing the debt and protecting Social Security and Medicare. I am one who favors making investments in people, for making sure that there is opportunity for all, quality education for all our children and young people, quality and affordable housing, that we honor our commitments to our veterans, that we reform mental health and achieve parity for mental health and addiction treatment services, that we help women out of domestic violence. And that we make sure that the senior citizens who built this country are able to afford prescription drugs.

Everyone in Congress knows there is a need for more affordable prescription drugs. Everyone in Congress knows that the surplus is large enough to afford both a fair tax cut and better prescription drug coverage for seniors. The surplus is largely thanks to sound budget decisions made in the early 1990s, which promoted economic growth and greatly expanded tax revenues. Those surpluses now make it not only possible, but imperative that we address the prescription drug cost crisis. We must remember that Congress also made mistakes during the 1990s. The Balanced Budget Act of 1997 brought cuts in Medicare spending, cuts that I opposed and that will total over $600 billion. It is only fair, now that there is a surplus, to return those cuts in health care spending back into the health care system where there is need. And I don't have to tell colleagues about the need. We all know it from our own families and our constituents.

When Medicare was first enacted in 1965 the program "mimicked" typical private insurance which often did not include outpatient prescription drugs. Times have changed, but in that regard Medicare has not. Virtually all employment based insurance now includes outpatient prescription drug coverage. Fully 99 percent of state and local government employees have this coverage. The federal employees program requires all plans to cover out patient prescription drugs, and Medicaid in every state does the same. Its time to bring Medicare up to date with a prescription drug plan available to all beneficiaries.

You don't have to tell people that prescription drugs are the largest out-of-pocket health care cost for seniors. They know. Over 85 percent of Medicare beneficiaries take at least one prescription medicine, and the average senior citizen fills eighteen prescriptions per year. Nationally, more than half of the cost of these drugs comes directly out of seniors' pockets. In Minnesota the number is even higher. Seniors who cannot afford drug coverage often do not take the drugs their doctors prescribe. One of every eight senior citizens at some time is forced to choose between buying food and buying medicine. That's not right.

Charles Van Guilder, a Minnesota senior, was faced with the devastating option of having to divorce his wife in order to protect their assets which might be stripped away by high-rising Medicare HMO costs. Struggling with Parkinson's Disease, she was faced with an $850 monthly charge for prescription drugs and home health premiums.

Rose Grigsby was faced with a choice of living in Arizona where because of disparities in Medicare + Choice reimbursements she payed $17.50 a month for her healthcare including prescription drugs and even a health club membership and moving back home to Minnesota where she would have to pay $270 a month for 80 percent drug coverage. Despite wanting to be with family, she couldn't afford to move. Where's the fairness in that? It is time we add prescription drug coverage to Medicare so it is available on an equal basis to every senior in every state.

The drug industry America's most profitable has never wanted a prescription drug benefit included in Medicare. The industry is interested in protecting its very large profits. The most recent annual Fortune 500 report on American business showed once again as it has in each of the last 19 years that the pharmaceutical industry ranks first in profits. In the words of the editors of Fortune Magazine, "Whether you gauge profitability by median return on revenues, assets or equity, pharmaceuticals had a Viagra kind of year."

Where the average Fortune 500 industry in the United States returned 5 percent profits as a percentage of revenue, the pharmaceutical industry returned 18.6 percent. Where the average Fortune 500 industry returned 3.8 percent profits as a percentage of their assets, the pharmaceutical industry returned 16.5 percent. Where the average Fortune 500 industry returned 15 percent profits as a percentage of shareholders equity, the pharmaceutical industry returned 36 percent.

The richest pharmaceutical company, Merck, pulled in nearly $6 billion in profits, more than the entire Fortune 500 airline industry and registered twice the profits of the engineering construction industry. The 12 major companies of the pharmaceutical industry made $10 Billion more in total profits than the 24 companies of the motor vehicle and parts industry, including Ford, GM and others.

Those record profits are no surprise to America's senior citizens. Medicare beneficiaries without prescription drug coverage are being gouged every day of the week by a pharmaceutical industry that charges higher prices in the United States than in any other country of the world. So, America's seniors know where those record profits come from—they come from their own pocketbooks.

Year after year, the pharmaceutical industry rakes in record profits, much at the expense of America's most vulnerable citizens: the elderly, frail and ill. The high price of drugs forces seniors to chose between food and life preserving medications. Last year, when a Medicare prescription drug benefit available to all Senior Citizens seemed within reach, the pharmaceutical industry dipped into its coffers and forked over millions of dollars to fund a stealth campaign to defeat any such proposal.

Nowhere in its campaign against a Medicare prescription drug benefit did the pharmaceutical industry tell people that it was the prescription-drug companies that were paying for the campaign. The industry's front organization is called Citizens for Better Medicare. That is like Foxes for Better Chickens. A more accurate description would be Pharmaceutical Companies for Higher Profits. But drug companies would rather hide behind a false shield, count their profits and count the ways they can continue to extract high profits from the American public, especially from the elderly.

Indeed, according to a report from the Boston University School of Public Health, the pharmaceutical industry has encouraged the spread of seven interlocking myths that have "permeated, paralyzed and poisoned" public discourse of prescription drug policy. Let me just share 2 of those myths:

Myth #1: High prices and profits are bestowed on the drug industry by a legitimate and bountiful free market. In reality, little of a free market is present in the world of patented prescription drugs. Today's prices and profits are therefore not justified by a legitimate free market.

Myth #2: If government interferes with today's high price and profits, "The lights go out in the labs, and there is no R&D," according to PhRMA, the drug industry's lobbying arm. As the Boston University researchers noted, that is like saying "give us all of your money or we'll let you die." The researchers call that PhRMA's Fog of Fear. But the reality is the drug makers' profit-maximization is not to increase research. The facts are: Analysis of 1999 data shows that the six major drug makers spent 11 percent of their revenue on research and development, while 16 percent went to profits and 31 percent went to marketing and administration. These data closely parallel those collected in earlier years. Looking at the main task of drug company employees, as of June 1998: Fully 35 percent of drug makers' employees were engaged in marketing, with an additional 13 percent in administration. Producing and developing drugs each occupied only about one-quarter of employees. Looking at changes in employment of PhRMA members, from 1995 to 1999: The number of production workers fell, research workers rose slightly, while marketing employment rose by one-third.

The fact is there is plenty of room for the pharmaceutical industry to make a good profit without gouging the American consumer.

The fact also is that with each passing year, the need for Medicare prescription drug coverage has become more acute. The reasons are well known.

First, the cost of prescription drugs has skyrocketed in recent years. Direct to consumer advertising has increased demand, and drug companies have responded by raising prices and putting life saving drugs even further out of reach of the average senior citizen. Last year alone drug prices increased an estimated 17 percent. And there is no relief in sight. This year drug costs will increase another 18 percent.

Second, these increases hit seniors disproportionately: A 1998 study by the minority staff of the House Government Reform Committee found that older Americans without prescription drug insurance pay on average twice as much as the discounted prices drug companies offer large scale purchasers like HMOs and government agencies. The PRIME Institute, headed by Steve Schondelmeyer, at the University of Minnesota found what Minnesota seniors already know, that pharmaceutical prices overseas are far less then we pay in the United States. Statistics say that for every dollar we spend in the United States, Canadians spend on average just 64 cents; Italians spend just 51 cents; the English 65 cents and Swedes 68 cents. They say statistics often lie. Well, from what I have seen and heard, the drugs seniors need most are even more expensive in the United States than those statistics tell us. Even more astounding than the average figures are some specific comparisons: Synthroid for thyroid disease costs seniors 14 times the discounted price to favored customers; and Micronase for diabetes costs over 3½ times as much. So not only are seniors forced the pay out of pocket for these drugs, but the price they are charged is a national disgrace.

Furthermore, prescription drug spending accounts for 19 percent of the out of pocket costs for senior citizens and is the largest spending category after premium payments. Beneficiaries were projected to spend an average of $480 out-of-pocket on prescription drugs in 2000. Average out-of-pocket prescription drug spending is even higher for beneficiaries in poor health, $685, those without drug coverage, $715, and those who are severely limited in their activities of daily living, $725.

The high cost of drugs puts Americans in all income groups at risk. Of those seniors with incomes below 250 percent of poverty about 38 percent, 7.6 million, lack Rx drug coverage. Of those with higher incomes 28 percent, 5.4 million, have no drug coverage.

The increase in drugs cost and utilization is far outpacing the overall increase in the cost of living. A national study by Brandeis University and PCS Health Systems published in May 2000 found that prescription drug expenditure trends were even higher than previously estimated. They found that: Prescription drug costs grew at an annual rate of 24.8 percent per year from 1996 to 1999. Prescriptions per enrollee grew 14 percent per year. And not surprisingly, the number of prescriptions per person is rising fastest in the 65+ age group, from an average of 16 prescriptions in 1996 to an average of 23 by 1999.

Rural Americans are hardest hit of all. In June 2000 the National Economic Council published a report on prescription drug coverage for rural Medicare beneficiaries. Among its findings: Rural beneficiaries are over 60 percent more likely to fail to get needed prescription drugs due to cost. A greater proportion of rural elderly spend a greater percent of their income on prescription drugs. Rural beneficiaries use nearly 10 percent more prescriptions. Rural beneficiaries pay over 25 percent more out-of-pocket for prescription drugs than urban beneficiaries but they are 50 percent less likely to have any prescription drug coverage.

For Minnesotans, the lack of a Medicare prescription drug benefit hits especially hard because there are few alternatives. Only 19 percent of Minnesota firms offer retiree health insurance and the number has been dropping. Medicare's HMO reimbursement in Minnesota is so low that no basic Medicare Managed Care Plans can include Rx Drug coverage. Even with the increased Medicare + Choice capitation payment floor we voted in last year, it is not enough for these plans to offer prescription drug coverage. When a comprehensive benefit without a cap is available, the costs become prohibitive—up to $130 per month, just for the pharmacy benefit. The cost of prescription drug coverage under the average Medigap policy in Minnesota is $90 per month, and that is only for limited benefits. Because of this, in Minnesota, 65 percent of seniors have no prescription drug coverage. That's twice the national average. But the fact is over half of the Seniors in the United States have either no prescription drug coverage or totally inadequate coverage.

Both the high cost of drugs and lack of coverage have severe consequences. People discontinue their medications against medical advice, thereby placing themselves at risk for problems like heart attacks, cancer recurrence, depression and complications of diabetes. People lower the dose they take to make their prescriptions last longer. When I was in Duluth, Minnesota, meeting with seniors to discuss this very issue, one of my constituents told me about a neighbor who cut his pills in quarters because he couldn't afford to refill the prescription and wound up with an unnecessary hospitalization. People take their medicines as prescribed but then skimp on food and other necessities. Ray Erlandson, a retired steel worker from West Duluth was at that meeting in Duluth. Ray was spending about $300 a month for prescription drugs for he and his wife. He had nearly run out of savings. What does Ray say? "People have to choose between food and buying their drugs. That shouldn't happen in this country. It's a dirty rotten shame. I'd like to ask the VIPs of the drug companies, Do you go to church? Do you know what you are doing to the elderly people?"

How can the richest country on earth force its senior citizens to choose between the medicines they need to survive and the foods they need to stay healthy? We shouldn't allow it. The answer is to provide a prescription drug benefit for all seniors that includes a pricing policy that keeps costs affordable.

In the 1960s when barely half the nation's senior citizens could afford health insurance, and far more were at risk for the loss of their life savings, we as a country responded and created Medicare.

Today, at the beginning of a new century, when only half the nation's seniors—at best—have close to adequate prescription drug coverage, we are again called upon as a nation to respond. The beauty of it all is that we have a surplus that allows us to respond with a prescription drug program that we can all be proud of. The tragedy of it all is that we are not doing it. We have an administration that is more concerned with giving huge tax cuts to the wealthiest 1 percent of Americans than it is with providing the life sustaining medications our seniors need. We have a pharmaceutical industry that is more concerned with maximizing profits and making campaign contributions than it is with maximizing access to life saving medications and making prescription drugs affordable.

The administration's prescription drug proposal is a clear demonstration of just where their priorities are. Republicans want to give $550 billion in tax cuts just to the wealthiest 1 percent of American families, leaving a pittance for Medicare prescription drugs. And the effect of those priorities will be seen in their as yet undisclosed plan: high premiums for beneficiaries; high deductibles, up to $2000; high co-pay; or a benefit available to only a fraction of the seniors who need it. In short, a benefit that isn't worth much. Millions of seniors will be left still holding the bag. You can't provide the kind of Medicare Rx Drug benefit that everyone on Medicare deserves with a tin-cup budget.

Any meaningful prescription drug benefit passed by this Congress should reflect key principles: universality; low cost to beneficiaries; and serious efforts to reduce the price of prescription drugs. To remedy the high cost of prescription drugs and to provide comprehensive coverage, I am proud to introduce the Medicare Extension of Drugs to Seniors, MEDS, Act of 2001.

Specifically, under this proposal, seniors and the disabled would have a 20-percent co-pay on all prescription drugs and a small, $24 monthly premium. Every person would receive the same voluntary benefit, regardless of income or geographical location. Under the MEDS plan, no beneficiary would ever have to spend more than $2,000 out-of-pocket on their medications. Low-income beneficiaries would have no out-of-pocket expense. By contrast, other plans that have been proposed would have seniors paying up to $6,000 a year. Still, they would not necessarily cover everyone currently eligible for Medicare

How can the MEDS plan provide such a strong benefit without busting the budget? By including provisions which seriously address the outrageously high prices that Americans are forced to pay for prescription drugs.

First, the MEDS plan includes strong, loophole-free language to allow American pharmacists, wholesalers and distributors to purchase FDA-approved prescription drugs at the lower prices charged abroad. Last year, a version of this legislation passed both Houses of Congress with solid bipartisan majorities. Unfortunately, at the last minute, the pharmaceutical industry was successful in adding loopholes to the bill that essentially make it unworkable. With strong reimportation language like that included in the MEDS plan, Americans would save 30–50 percent on the price of prescription drugs without any government subsidy.

Second, the MEDS plan includes a provision, originally proposed by Representative TOM ALLEN, that would permit Medicare beneficiaries to purchase their prescription drugs at the same price other government agencies such as the VA does. MEDS also creates a so-called "global budget" which would allow Medicare to negotiate on behalf of all Medicare beneficiaries and work to restrain costs in the long term.

Finally, the MEDS plan would ensure that when taxpayers foot the bill for research and development of a prescription drug, the pharmaceutical industry must offer that drug at a fair and reasonable price. Today, the federal government spends billions of dollars a year on research and development of medicines. Most often, this R&D is then given over to the pharmaceutical industry, which charges Americans any price they want for the final product. If we change this absurd system, we would ensure that new medicines would be affordable in the years ahead.

You can expect the pharmaceutical industry to protest loudly. And you can expect the industry to increase its campaign contributions, which totaled $19 million last year alone, its lobbying spending, which reached $91 million in 1999, and its advertising budget.

It is interesting. One pharmaceutical company executive recently said that no senior citizen should be forced to choose between his or her prescription and other vital needs. But the high prices his company charges and the high-priced lobbyists who do its bidding on Capitol Hill are forcing that very choice on many senior citizens. While paying lip service to seniors, according to a published news story, that same executive was earning over $6 million in salary, plus stock options worth more than $10 million.

The drug companies will say that reductions in price will dry up research. I believe that is nonsense. Drug companies put billions more dollars into profits, marketing and administration than they do into research, based on information in their own annual reports. Just how hard would this most profitable of American industries be hit if we enacted a universal Medicare prescription drug benefit that required the drug companies to offer seniors the best price they now offer other Federal government programs? According to Merrill Lynch, only by about 3 percent.

In a June 23, 1999 report entitled A Medicare Drug Benefit: May Not Be So Bad, Merrill Lynch debunked the notion that a Medicare prescription drug benefit would seriously damage the pharmaceutical industry's profitability. Merrill Lynch's analysis concludes that the toughest proposal on the table in Washington, the Prescription Drug Fairness for Seniors Act, (The Allen Bill), the provisions of which are included in this bill, and which provides a 40 percent discount on drug costs for all 39 million Medicare beneficiaries, would cut just 3.3 percent from total pharmaceutical industry revenues because volume increases would offset much of the lost revenue due to the lower prices. According to Merrill Lynch: Volume is more important than price in driving pharmaceutical company sales growth. Between 1994 and 1998, the impact of volume on sales growth outpaced price by better than a 4-to-1 ratio. Medicare beneficiaries who either lack or have inadequate drug coverage underutilize prescription drugs because they cannot afford them. With a 40-percent price discount, the one-third of beneficiaries who lack any drug coverage would increase their consumption by 45 percent, and the two-thirds with some coverage would see a 10-percent increase in drug purchases. This increased utilization reduces the lost revenue that would otherwise result from a 40-percent price discount for Medicare beneficiaries by almost one-half. Without adjusting for volume increases, a 40-percent price discount for Medicare beneficiaries would reduce total pharmaceutical industry revenues by 5.9 percent. But after adjusting for increased utilization, the net drop in sales is just 3.3 percent. And that is from just a reduction in price, not an increase in coverage. If you factor in the coverage provided by the MEDS Act which all Seniors will have, drug company revenues will increase.

It is time to get our priorities straight. Millions of hard-working Americans go to work every day and pay their taxes so that when they hit 65, they can retire in a country they can be proud of, a country that offers basic security for all an even better life for their children. Each day they read in the paper about scientific breakthroughs: the genome project and new advances in the treatment of cancer, heart disease, and diabetes, all being carried out at the National Institutes of Health, one of our nation's jewels. They turn on the television and see drug company advertisements that extol new and expensive medications. But what good is that medical research and those expensive drugs if they are unaffordable and out of reach of millions of Americans. That is the situation we have today. And it is unacceptable!

The time has come to support a comprehensive, affordable, 20-percent copay, $2000-cap, prescription drug benefit for all seniors, a plan that does not favor the health insurance or pharmaceutical industries over our own parents and grandparents. The MEDS Act provides such a benefit, and I ask my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Extension of Drugs to Seniors (MEDS) Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Prescription medicine benefit program.

"PART D—PRESCRIPTION MEDICINE BENEFIT FOR THE AGED AND DISABLED

"Sec. 1860. Establishment of prescription medicine benefit program for the aged and disabled.
"Sec. 1860A. Scope of benefits.
"Sec. 1860B. Payment of benefits; benefit limits.
"Sec. 1860C. Eligibility and enrollment.
"Sec. 1860D. Premiums.
"Sec. 1860E. Special eligibility, enrollment, and copayment rules for low-income individuals.
"Sec. 1860F. Prescription Medicine Insurance Account.
"Sec. 1860G. Administration of benefits.
"Sec. 1860H. Employer incentive program for employment-based retiree medicine coverage.
"Sec. 1860I. Promotion of pharmaceutical research on break-through medicines while providing program cost containment.
"Sec. 1860J. Appropriations to cover Government contributions.
"Sec. 1860K. Prescription medicine defined.".
Sec. 4. Substantial reductions in the price of prescription drugs for medicare beneficiaries.
Sec. 5. Amendments to program for importation of certain prescription drugs by pharmacists and wholesalers.
Sec. 6. Reasonable price agreement for federally funded research.
Sec. 7. GAO ongoing studies and reports on program; miscellaneous reports.
Sec. 8. Medigap transition provisions.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Prescription medicine coverage was not a standard part of health insurance when the medicare program under title XVIII of the Social Security Act was enacted in 1965. Since 1965, however, medicine coverage has become a key component of most private and public health insurance coverage, except for the medicare program.

(2) At least ⅔ of medicare beneficiaries have unreliable, inadequate, or no medicine coverage at all.

(3) Seniors who do not have medicine coverage typically pay, at a minimum, 15 percent more than people with coverage.

(4) Medicare beneficiaries at all income levels lack prescription medicine coverage,

with more than ½ of such beneficiaries having incomes greater than 150 percent of the poverty line.

(5) The number of private firms offering retiree health coverage is declining.

(6) Medigap premiums for medicines are too expensive for most beneficiaries and are highest for older senior citizens, who need prescription medicine coverage the most and typically have the lowest incomes.

(7) All medicare beneficiaries should have access to a voluntary, reliable, affordable, and defined outpatient medicine benefit as part of the medicare program that assists with the high cost of prescription medicines and protects them against excessive out-of-pocket costs.

SEC. 3. PRESCRIPTION MEDICINE BENEFIT PROGRAM.

(a) In General.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following new part:

"Part D—Prescription Medicine Benefit for the Aged and Disabled

"ESTABLISHMENT OF PRESCRIPTION MEDICINE BENEFIT PROGRAM FOR THE AGED AND DISABLED

"Sec. 1860. There is established a voluntary insurance program to provide prescription medicine benefits, including pharmacy services, in accordance with the provisions of this part for individuals who are aged or disabled or have end-stage renal disease and who elect to enroll under such program, to be financed from premium payments by enrollees together with contributions from funds appropriated by the Federal Government.

"SCOPE OF BENEFITS

"Sec. 1860A. (a) In General.—The benefits provided to an individual enrolled in the insurance program under this part shall consist of—

"(1) payments made, in accordance with the provisions of this part, for covered prescription medicines (as specified in subsection (b)) dispensed by any pharmacy participating in the program under this part (and, in circumstances designated by the Secretary, by a nonparticipating pharmacy), including any specifically named medicine prescribed for the individual by a qualified health care professional regardless of whether the medicine is included in any formulary established under this part if such medicine is certified as medically necessary by such health care professional (except that the Secretary shall encourage to the maximum extent possible the substitution and use of lower-cost generics), up to the benefit limits specified in section 1860B; and

"(2) charging by pharmacies of the negotiated price—

"(A) for all covered prescription medicines, without regard to such benefit limit; and

"(B) established with respect to any drugs or classes of drugs described in subparagraphs (A), (B), (D), (E), or (F) of section 1927(d)(2) that are available to individuals receiving benefits under this title.

"(b) Covered Prescription Medicines.—

"(1) In general.—Covered prescription medicines, for purposes of this part, include all prescription medicines (as defined in section 1860K(1)), including smoking cessation agents, except as otherwise provided in this subsection.

"(2) Exclusions from coverage.—Covered prescription medicines shall not include drugs or classes of drugs described in subparagraphs (A) through (D) and (F) through (H) of section 1927(d)(2) unless—

"(A) specifically provided otherwise by the Secretary with respect to a drug in any of such classes; or

"(B) a drug in any of such classes is certified to be medically necessary by a health care professional.

"(3) Exclusion of prescription medicines to the extent covered under part A or B.—A medicine prescribed for an individual that would otherwise be a covered prescription medicine under this part shall not be so considered to the extent that payment for such medicine is available under part A or B, including all injectable drugs and biologicals for which payment was made or should have been made by a carrier under section 1861(s)(2) (A) or (B) as of the date of enactment of the Medicare Extension of Drugs to Seniors (MEDS) Act of 2001. Medicines otherwise covered under part A or B shall be covered under this part to the extent that benefits under part A or B are exhausted.

"(4) Study on inclusion of home infusion therapy services.—Not later than 1 year after the date of enactment of the Medicare Extension of Drugs to Seniors (MEDS) Act of 2001, the Secretary shall submit to Congress a legislative proposal for the delivery of home infusion therapy services under this title and for a system of payment for such a benefit that coordinates items and services furnished under part B and under this part.

"PAYMENT OF BENEFITS; BENEFIT LIMITS

"Sec. 1860B. (a) Payment of Benefits.—

"(1) In general.—There shall be paid from the Prescription Medicine Insurance Account within the Supplementary Medical Insurance Trust Fund, in the case of each individual who is enrolled in the insurance program under this part and who purchases covered prescription medicines in a calendar year—

"(A) with respect to costs incurred for covered prescription medicine furnished during a year, before the individual has incurred out-of-pocket expenses under this subsection equal to the catastrophic out-of-pocket limit specified in subsection (b), an amount equal to the applicable percentage (specified in paragraph (2)) of the negotiated price for each such covered prescription medicine or such higher percentage as is proposed under section 1860G(b)(7); and

"(B) with respect to costs incurred for covered prescription medicine furnished during a year, after the individual has incurred out-of-pocket expenses under this subsection equal to the catastrophic out-of-pocket limit specified in subsection (b), an amount equal to 100 percent of the negotiated price for each such covered prescription medicine.

"(2) Applicable percentage.—The applicable percentage specified in this paragraph is 80 percent or such higher percentage as is proposed under section 1860G(b)(7), if the Secretary finds that such higher percentage will not increase aggregate costs to the Prescription Medicine Insurance Account.

"(b) Catastrophic Limit on Out-of-Pocket Expenses.—

"(1) In general.—The catastrophic limit on out-of-pocket expenses specified in this subsection for—

"(A) for each of calendar years 2003 and 2004, $2,000; and

"(B) subject to paragraph (2), for calendar year 2005 and each subsequent calendar year is equal to the limit for the preceding year under this paragraph adjusted by the sustainable growth rate percentage (determined under section 1861I(b)) for the year involved.

"(2) Rounding.—Any amount determined under paragraph (1)(E) that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

"ELIGIBILITY AND ENROLLMENT

"Sec. 1860C. (a) Eligibility.—Every individual who, in or after 2003, is entitled to hospital insurance benefits under part A or enrolled in the medical insurance program under part B is eligible to enroll, in accordance with the provisions of this section, in the insurance program under this part, during an enrollment period prescribed in or under this section, in such manner and form as may be prescribed by regulations.

"(b) Enrollment.—

"(1) In general.—Each individual who satisfies subsection (a) shall be enrolled (or eligible to enroll) in the program under this part in accordance with the provisions of section 1837, as if that section applied to this part, except as otherwise explicitly provided in this part.

"(2) Single enrollment period.—Except as provided in section 1837(i) (as such section applies to this part), 1860E, or 1860H(e), or as otherwise explicitly provided, no individual shall be entitled to enroll in the program under this part at any time after the initial enrollment period without penalty, and in the case of all other late enrollments, the Secretary shall develop a late enrollment penalty for the individual that fully recovers the additional actuarial risk involved providing coverage for the individual.

"(3) Special enrollment period for 2003.—

"(A) In general.—An individual who first satisfies subsection (a) in 2003 may, at any time on or before December 31, 2003—

"(i) enroll in the program under this part; and

"(ii) enroll or reenroll in such program after having previously declined or terminated enrollment in such program.

"(B) Effective date of coverage.—An individual who enrolls under the program under this part pursuant to subparagraph (A) shall be entitled to benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

"(c) Period of Coverage.—

"(1) In general.—Except as otherwise provided in this part, an individual's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

"(2) Part D coverage terminated by termination of coverage under parts A and B.—In addition to the causes of termination specified in section 1838, an individual's coverage under this part shall be terminated when the individual retains coverage under neither the program under part A nor the program under part B, effective on the effective date of termination of coverage under part A or (if later) under part B.

"PREMIUMS

"Sec. 1860D. (a) Annual Establishment of Monthly Premium Rates.—

"(1) In general.—The Secretary shall, during September of 2002 and of each succeeding year, determine and promulgate a monthly premium rate for the succeeding year in accordance with the provisions of this subsection.

"(2) Initial premiums.—For months in 2003, the monthly premium rate under this subsection shall be—

"(A) $24, in the case of premiums paid by an individual enrolled in the program under this part; and

"(B) $32, in the case of premiums paid for such an individual by a former employer (as defined in section 1860H(f)(2)).

"(3) SUBSEQUENT YEARS.—

"(A) IN GENERAL.—For months in a year after 2003, the monthly premium under this subsection shall be (subject to subparagraph (B)) the monthly premium (computed under this subsection without regard to subparagraph (B)) for the previous year increased by the annual percentage increase in average per capita aggregate expenditures for covered outpatient medicines in the United States for medicare beneficiaries, as estimated and published by the Secretary in September before the year and for the year involved.

"(B) ROUNDING.—The monthly premium determined under subparagraph (A) shall be rounded to the nearest multiple of 10 cents if it is not a multiple of 10 cents.

"(C) PUBLICATION OF ASSUMPTIONS.—The Secretary shall publish, together with the promulgation of the monthly premium rates under this paragraph, a statement setting forth the actuarial assumptions and bases employed in arriving at the monthly premium under subparagraph (A).

"(b) PAYMENT OF PREMIUMS.—

"(1) PAYMENTS BY DEDUCTION FROM SOCIAL SECURITY, RAILROAD RETIREMENT BENEFITS, OR BENEFITS ADMINISTERED BY OPM.—

"(A) DEDUCTION FROM BENEFITS.—In the case of an individual who is entitled to or receiving benefits as described in subsection (a), (b), or (d) of section 1840, premiums payable under this part shall be collected by deduction from such benefits at the same time and in the same manner as premiums payable under part B are collected pursuant to section 1840.

"(B) TRANSFERS TO PRESCRIPTION MEDICINE INSURANCE ACCOUNT.—The Secretary of the Treasury shall, from time to time, but not less often than quarterly, transfer premiums collected pursuant to subparagraph (A) to the Prescription Medicine Insurance Account from the appropriate funds and accounts described in subsections (a)(2), (b)(2), and (d)(2) of section 1840, on the basis of the certifications described in such subsections. The amounts of such transfers shall be appropriately adjusted to the extent that prior transfers were too great or too small.

"(2) DIRECT PAYMENTS TO SECRETARY.—

"(A) ADDITIONAL PAYMENT BY ENROLLEE.—An individual to whom paragraph (1) applies (other than an individual receiving benefits as described in section 1840(d)) and who estimates that the amount that will be available for deduction under such paragraph for any premium payment period will be less than the amount of the monthly premiums for such period may (under regulations) pay to the Secretary the estimated balance, or such greater portion of the monthly premium as the individual chooses.

"(B) PAYMENTS BY OTHER ENROLLEES.—An individual enrolled in the insurance program under this part with respect to whom none of the preceding provisions of this subsection applies (or to whom section 1840(c) applies) shall pay premiums to the Secretary at such times and in such manner as the Secretary shall by regulations prescribe.

"(C) DEPOSIT OF PREMIUMS.—Amounts paid to the Secretary under this paragraph shall be deposited in the Treasury to the credit of the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund.

"(c) CERTAIN LOW-INCOME INDIVIDUALS.—For rules concerning premiums for certain low-income individuals, see section 1860E.

"SPECIAL ELIGIBILITY, ENROLLMENT, AND COPAYMENT RULES FOR LOW-INCOME INDIVIDUALS

"SEC. 1860E. (a) STATE AGREEMENTS FOR COVERAGE.—

"(1) IN GENERAL.—The Secretary shall, at the request of a State, enter into an agreement with the State under which all individuals described in paragraph (2) are enrolled in the program under this part, without regard to whether any such individual has previously declined the opportunity to enroll in such program.

"(2) ELIGIBILITY GROUPS.—The individuals described in this paragraph, for purposes of paragraph (1), are individuals who satisfy section 1860C(a) and who are—

"(A)(i) eligible individuals within the meaning of section 1843; and

"(ii) in a coverage group or groups permitted under section 1843 (as selected by the State and specified in the agreement); or

"(B) qualified medicare medicine beneficiaries (as defined in subsection (e)(1)).

"(3) COVERAGE PERIOD.—The period of coverage under this part of an individual enrolled under an agreement under this subsection shall be as follows:

"(A) INDIVIDUALS ELIGIBLE (AT STATE OPTION) FOR PART B BUY-IN.—In the case of an individual described in subsection (a)(2)(A), the coverage period shall be the same period that applies (or would apply) pursuant to section 1843(d).

"(B) QUALIFIED MEDICARE MEDICINE BENEFICIARIES.—In the case of an individual described in subsection (a)(2)(B)—

"(i) the coverage period shall begin on the latest of—

"(I) January 1, 2003;

"(II) the first day of the third month following the month in which the State agreement is entered into; or

"(III) the first day of the first month following the month in which the individual satisfies section 1860C(a); and

"(ii) the coverage period shall end on the last day of the month in which the individual is determined by the State to have become ineligible for medicare medicine cost-sharing.

"(4) ALTERNATIVE ENROLLMENT METHODS.—In the process of enrolling low-income individuals under this part, the Secretary shall use the system provided under section 154 of the Social Security Act Amendments of 1994 for newly eligible medicare beneficiaries and shall apply a similar system for other medicare beneficiaries. Such system shall use existing Federal Government databases to identify eligibility. Such system shall not require that beneficiaries apply for, or enroll through, State medicaid systems in order to obtain low-income assistance described in this section.

"(b) SPECIAL PART D ENROLLMENT OPPORTUNITY FOR INDIVIDUALS LOSING MEDICAID ELIGIBILITY.—In the case of an individual who—

"(1) satisfies section 1860C(a); and

"(2) loses eligibility for benefits under the State plan under title XIX after having been enrolled under such plan or having been determined eligible for such benefits;

the Secretary shall provide an opportunity for enrollment under the program under this part during the period that begins on the date that such individual loses such eligibility and ends on the date specified by the Secretary.

"(c) STATE OPTION TO BUY-IN DUALLY ELIGIBLE INDIVIDUALS.—

"(1) COVERAGE OF PREMIUMS AS MEDICAL ASSISTANCE.—For purposes of applying the second sentence of section 1905(a), any reference to premiums under part B shall be considered to include a reference to premiums under this part.

"(2) STATE COMMITMENT TO CONTINUE PARTICIPATION IN PART D AFTER BENEFIT LIMIT REACHED.—As a condition of additional funding to a State under subsection (d), the State, in its State plan under title XIX, shall provide that in the case of any individual whose eligibility for medical assistance under title XIX is not limited to medicare cost-sharing and for whom the State elects to pay premiums under this part pursuant to this section, the State will purchase all prescription medicines for such individual in accordance with the provisions of this part without regard to whether the benefit limit for such individual under section 1860B(b) has been reached.

"(3) MEDICARE COST-SHARING REQUIRED FOR QUALIFIED MEDICARE BENEFICIARIES.—In applying title XIX, the term 'medicare cost-sharing' (as defined in section 1905(p)(3)) is deemed to include—

"(A) premiums under section 1860D; and

"(B) the difference between the amount that is paid under section 1860B and the amount that would be paid under such section if any reference to '80 percent' in subsection (a)(2) of such section were deemed a reference to '100 percent' (or, if the Secretary approves a higher percentage under such section, if such percentage were deemed to be 100 percent).

"(d) PAYMENT TO STATES FOR COVERAGE OF CERTAIN MEDICARE COST-SHARING.—

"(1) IN GENERAL.—The Secretary shall provide for payment under this subsection to each State that provides for—

"(A) medicare cost-sharing described in section 1905(p)(3)(A)(ii) for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds the income level established by the State under section 1905(p)(2) and is at least 120 percent, but less than 135 percent, of the official poverty line (referred to in such section) for a family of the size involved and who are not otherwise eligible for medical assistance under the State plan; and

"(B) medicare medicine cost-sharing (as defined in subsection (e)(2)) for qualified medicare medicine beneficiaries described in subsection (e)(1).

"(2) AMOUNT OF PAYMENT.—The amount of payment under paragraph (1) shall equal 100 percent of the cost-sharing described in such paragraph, except that, in the case of an individual whose eligibility for medical assistance under title XIX is not limited to medicare cost-sharing or medicare medicine cost-sharing, the amount of payment under paragraph (1)(B) shall be equal to the Federal medical assistance percentage described in section 1905(b)) of amounts as expended for such cost-sharing.

"(3) METHOD OF PAYMENT; RELATION TO OTHER PAYMENTS.—Amounts shall be paid to States under this subsection in a manner similar to that provided under section 1903(d). Payments under this subsection shall be made in lieu of any payments that otherwise may be made for medical assistance provided under section 1902(a)(10)(E)(iv).

"(4) TREATMENT OF TERRITORIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), this subsection shall not apply to States other than the 50 States and the District of Columbia.

"(B) PAYMENTS.—In the case of a State (other than the 50 States and the District of Columbia) that develops and implements a plan of assistance for pharmaceuticals provided to low-income medicare beneficiaries, the Secretary shall provide for payment to the State in an amount that is reasonable in relation to the payment levels provided to other States under paragraph (2).

“(e) Definitions; Special Rules.—For purposes of this section:

“(1) Qualified medicare medicine beneficiary.—The term ‘qualified medicare medicine beneficiary’ means an individual—

“(A) who is entitled to hospital insurance benefits under part A (including an individual entitled to such benefits pursuant to an enrollment under section 1818, but not including an individual entitled to such benefits only pursuant to an enrollment under section 1818A);

“(B) whose income (as determined under section 1612 for purposes of the supplemental security income program, except as provided in section 1905(p)(2)(D)) is above 100 percent but below 150 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; and

“(C) whose resources (as determined under section 1613 for purposes of the supplemental security income program) do not exceed twice the maximum amount of resources that an individual may have and obtain benefits under that program.

“(2) Medicare medicine cost-sharing.—The term ‘medicare medicine cost-sharing’ means the following costs incurred with respect to a qualified medicare medicine beneficiary, without regard to whether the costs incurred were for items and services for which medical assistance is otherwise available under a State plan under title XIX:

“(A) In the case of a qualified medicare medicine beneficiary whose income (as determined under paragraph (1)) is less than 135 percent of the official poverty line—

“(i) premiums under section 1860D; and

“(ii) the difference between the amount that is paid under section 1860B and the amount that would be paid under such section if any reference to ‘50 percent’ therein were deemed a reference to ‘100 percent’ (or, if the Secretary approves a higher percentage under such section, if such percentage were deemed to be 100 percent).

“(B) In the case of a qualified medicare medicine beneficiary whose income (as determined under paragraph (1)) is at least 135 percent but less than 150 percent of the official poverty line, a percentage of premiums under section 1860D, determined on a linear sliding scale ranging from 100 percent for individuals with incomes at 135 percent of such line to 0 percent for individuals with incomes at 150 percent of such line.

“(3) State.—The term ‘State’ has the meaning given such term under section 1101(a) for purposes of title XIX.

“(4) Treatment of drugs purchased.—The provisions of section 1927 shall not apply to prescription drugs purchased under this part pursuant to an agreement with the Secretary under this section (including any drugs so purchased after the limit under section 1860B(b) has been exceeded).

“PRESCRIPTION MEDICINE INSURANCE ACCOUNT

“Sec. 1860F. (a) Establishment.—There is created within the Federal Supplemental Medical Insurance Trust Fund established by section 1841 an account to be known as the ‘Prescription Medicine Insurance Account’ (in this section referred to as the ‘Account’).

“(b) Amounts in Account.—

“(1) In general.—The Account shall consist of—

“(A) such amounts as may be deposited in, or appropriated to, such fund as provided in this part; and

“(B) such gifts and bequests as may be made as provided in section 201(i)(1).

“(2) Separation of funds.—Funds provided under this part to the Account shall be kept separate from all other funds within the Federal Supplemental Medical Insurance Trust Fund.

“(c) Payments From Account.—The Managing Trustee shall pay from time to time from the Account such amounts as the Secretary certifies are necessary to make the payments provided for by this part, and the payments with respect to administrative expenses in accordance with section 201(g).

“ADMINISTRATION OF BENEFITS

“Sec. 1860G. (a) Through HCFA.—The Secretary shall provide for administration of the benefits under this part through the Health Care Financing Administration in accordance with the provisions of this section. The Administrator of such Administration may enter into contracts with carriers to administer this part in the same manner as the Administrator enters into such contracts to administer part B. Any such contract shall be separate from any contract under section 1842.

“(b) Administration Functions.—In carrying out this part, the Administrator (or a carrier under a contract with the Administrator) shall (or in the case of the function described in paragraph (9), may) perform the following functions:

“(1) Participation agreements, prices, and fees.—

“(A) Negotiated prices.—Establish, through negotiations with medicine manufacturers and wholesalers and pharmacies, a schedule of prices for covered prescription medicines.

“(B) Agreements with pharmacies.—Enter into participation agreements under subsection (c) with pharmacies, that include terms that—

“(i) secure the participation of sufficient numbers of pharmacies to ensure convenient access (including adequate emergency access);

“(ii) permit the participation of any pharmacy in the service area that meets the participation requirements described in subsection (c); and

“(iii) allow for reasonable dispensing and consultation fees for pharmacies.

“(C) Lists of prices and participating pharmacies.—Ensure that the negotiated prices established under subparagraph (A) and the list of pharmacies with agreements under subsection (c) are regularly updated and readily available to health care professionals authorized to prescribe medicines, participating pharmacies, and enrolled individuals.

“(2) Tracking of covered enrolled individuals.—Maintain accurate, updated records of all enrolled individuals (other than individuals enrolled in a plan under part C).

“(3) Payment and coordination of benefits.—

“(A) Payment.—

“(i) Administer claims for payment of benefits under this part and encourage, to the maximum extent possible, use of electronic means for the submissions of claims.

“(ii) Determine amounts of benefit payments to be made.

“(iii) Receive, disburse, and account for funds used in making such payments, including through the activities specified in the provisions of this paragraph.

“(B) Coordination.—Coordinate with other private benefit providers, pharmacies, and other relevant entities as necessary to ensure appropriate coordination of benefits with respect to enrolled individuals, including coordination of access to and payment for covered prescription medicines according to an individual’s in-service area plan provisions, when such individual is traveling outside the home service area, and under such other circumstances as the Secretary may specify.

“(C) Explanation of benefits.—Furnish to enrolled individuals an explanation of benefits in accordance with section 1806(a), and a notice of the balance of benefits remaining for the current year, whenever prescription medicine benefits are provided under this part (except that such notice need not be provided more often than monthly).

“(4) Rules relating to provision of benefits.—

“(A) In general.—In providing benefits under this part, the Secretary (directly or through contracts) shall employ mechanisms to provide benefits economically, including the use of—

“(i) formularies (consistent with subparagraph (B));

“(ii) automatic generic medicine substitution (unless the physician specifies otherwise, in which case a 30-day prescription may be dispensed pending a consultation with the physician on whether a generic substitute can be dispensed in the future);

“(iii) tiered copayments (which may include copayments at a rate lower than 20 percent) to encourage the use of the lowest cost, on-formulary product in cases where there is no restrictive prescription (described in subparagraph (D)(i)); and

“(iv) therapeutic interchange.

“(B) Requirements with respect to formularies.—If a formulary is used to contain costs under this part—

“(i) use an advisory committee (or a therapeutics committee) comprised of licensed practicing physicians, pharmacists, and other health care practitioners to develop and manage the formulary;

“(ii) include in the formulary at least 1 medicine from each therapeutic class and, if available, a generic equivalent thereof; and

“(iii) disclose to current and prospective enrollees and to participating providers and pharmacies, the nature of the formulary restrictions, including information regarding the medicines included in the formulary and any difference in cost-sharing amounts.

“(C) Construction.—Nothing in this subsection shall be construed to prevent the Secretary (directly or through contracts) from using incentives (including a lower beneficiary coinsurance) to encourage enrollees to select generic or other cost-effective medicines, so long as—

“(i) such incentives are designed not to result in any increase in the aggregate expenditures under the Federal Medicare Prescription Medicine Trust Fund;

“(ii) the average coinsurance charged to all beneficiaries by the Secretary (directly or through contractors) shall seek to approximate (but in no case exceed) 20 percent for on-formulary medicines;

“(iii) a beneficiary’s coinsurance shall be no greater than 20 percent if the prescription is a restrictive prescription; and

“(iv) the reimbursement for a prescribed nonformulary medicine without a restrictive prescription in no case shall be more than the lowest reimbursement for a formulary medicine in the therapeutic class of the prescribed medicine.

‘‘(D) RESTRICTIVE PRESCRIPTION.—For purposes of this section:

‘‘(i) WRITTEN PRESCRIPTIONS.—In the case of a written prescription for a medicine, it is a restrictive prescription only if the prescription indicates, in the writing of the physician or other qualified person prescribing the medicine and with an appropriate phrase (such as ‘brand medically necessary’) recognized by the Secretary, that a particular medicine product must be dispensed based upon a belief by the physician or person prescribing the medicine that the particular medicine will provide even marginally superior therapeutic benefits to the individual for whom the medicine is prescribed or would have marginally fewer adverse reactions with respect to such individual.

‘‘(ii) TELEPHONE PRESCRIPTIONS.—In the case of a prescription issued by telephone for a medicine, it is a restrictive prescription only if the prescription cannot be longer than 30 days and the physician or other qualified person prescribing the medicine (through use of such an appropriate phrase) states that a particular medicine product must be dispensed, and the physician or other qualified person submits to the pharmacy involved, within 30 days after the date of the telephone prescription, a written confirmation from the physician or other qualified person prescribing the medicine and which indicates with such appropriate phrase that the particular medicine product was required to have been dispensed based upon a belief by the physician or person prescribing the medicine that the particular medicine will provide even marginally superior therapeutic benefits to the individual for whom the medicine is prescribed or would have marginally fewer adverse reactions with respect to such individual. Such written confirmation is required to refill the prescription.

‘‘(iii) REVIEW OF RESTRICTIVE PRESCRIPTIONS.—The advisory committee (established under subparagraph (B)(i)) may decide to review a restrictive prescription and, if so, it may approve or disapprove such restrictive prescription. It may not disapprove such restrictive prescription unless it finds that there is no clinical evidence or peer reviewed medical literature that supports a determination that the particular medicine provides even marginally superior therapeutic benefits to the individual for whom the medicine is prescribed or would have marginally fewer adverse reactions with respect to such individual. If it disapproves, upon request of the prescribing physician or the enrollee, the committee must provide for a review by an independent contractor of such decision within 48 hours of the time of submission of the prescription, to determine whether the prescription is an eligible benefit under this part. The Secretary shall ensure that independent contractors so used are completely independent of the contractor or its advisory committee.

‘‘(5) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE.—Have in place effective cost and utilization management, drug utilization review, quality assurance measures, and systems to reduce medical errors, including at least the following, together with such additional measures as the Administrator may specify:

‘‘(A) DRUG UTILIZATION REVIEW.—A drug utilization review program conforming to the standards provided in section 1927(g)(2) (with such modifications as the Administrator finds appropriate).

‘‘(B) FRAUD AND ABUSE CONTROL.—Activities to control fraud, abuse, and waste, including prevention of diversion of pharmaceuticals to the illegal market.

‘‘(C) MEDICATION THERAPY MANAGEMENT.—

‘‘(i) IN GENERAL.—A program of medicine therapy management and medication administration that is designed to assure that covered outpatient medicines are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

‘‘(ii) ELEMENTS.—Such program may include—

‘‘(I) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means; and

‘‘(II) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means.

‘‘(iii) DEVELOPMENT OF PROGRAM IN COOPERATION WITH LICENSED PHARMACISTS.—The program shall be developed in cooperation with licensed pharmacists and physicians.

‘‘(iv) CONSIDERATIONS IN PHARMACY FEES.—There shall be taken into account, in establishing fees for pharmacists and others providing services under the medication therapy management program, the resources and time used in implementing the program.

‘‘(6) EDUCATION AND INFORMATION ACTIVITIES.—Have in place mechanisms for disseminating educational and informational materials to enrolled individuals and health care providers designed to encourage effective and cost-effective use of prescription medicine benefits and to ensure that enrolled individuals understand their rights and obligations under the program.

‘‘(7) BENEFICIARY PROTECTIONS.—

‘‘(A) CONFIDENTIALITY OF HEALTH INFORMATION.—Have in effect systems to safeguard the confidentiality of health care information on enrolled individuals, which comply with section 1106 and with section 552a of title 5, United States Code, and meet such additional standards as the Administrator may prescribe.

‘‘(B) GRIEVANCE AND APPEAL PROCEDURES.—Have in place such procedures as the Administrator may specify for hearing and resolving grievances and appeals, including expedited appeals, brought by enrolled individuals against the Administrator or a pharmacy concerning benefits under this part, which shall include procedures equivalent to those specified in subsections (f) and (g) of section 1852.

‘‘(8) RECORDS, REPORTS, AND AUDITS.—

‘‘(A) RECORDS AND AUDITS.—Maintain adequate records, and afford the Administrator access to such records (including for audit purposes).

‘‘(B) REPORTS.—Make such reports and submissions of financial and utilization data as the Administrator may require taking into account standard commercial practices.

‘‘(9) PROPOSAL FOR ALTERNATIVE COINSURANCE AMOUNT.—

‘‘(A) SUBMISSION.—The Administrator may provide for increased Government cost-sharing for generic prescription medicines, prescription medicines on a formulary, or prescription medicines obtained through mail order pharmacies.

‘‘(B) CONTENTS.—The proposal submitted under subparagraph (A) shall contain evidence that such increased cost-sharing would not result in an increase in aggregate costs to the Account, including an analysis of differences in projected drug utilization patterns by beneficiaries whose cost-sharing would be reduced under the proposal and those making the cost-sharing payments that would otherwise apply.

‘‘(10) OTHER REQUIREMENTS.—Meet such other requirements as the Secretary may specify.

The Administrator shall negotiate a schedule of prices under paragraph (1)(A), except that nothing in this sentence shall prevent a carrier under a contract with the Administrator from negotiating a lower schedule of prices for covered prescription medicines.

‘‘(c) PHARMACY PARTICIPATION AGREEMENTS.—

‘‘(1) IN GENERAL.—A pharmacy that meets the requirements of this subsection shall be eligible to enter an agreement with the Administrator to furnish covered prescription medicines and pharmacists' services to enrolled individuals.

‘‘(2) TERMS OF AGREEMENT.—An agreement under this subsection shall include the following terms and requirements:

‘‘(A) LICENSING.—The pharmacy and pharmacists shall meet (and throughout the contract period will continue to meet) all applicable State and local licensing requirements.

‘‘(B) LIMITATION ON CHARGES.—Pharmacies participating under this part shall not charge an enrolled individual more than the negotiated price for an individual medicine as established under subsection (b)(1), regardless of whether such individual has attained the benefit limit under section 1860B(b), and shall not charge an enrolled individual more than the individual's share of the negotiated price as determined under the provisions of this part.

‘‘(C) PERFORMANCE STANDARDS.—The pharmacy and the pharmacist shall comply with performance standards relating to—

‘‘(i) measures for quality assurance, reduction of medical errors, and participation in the drug utilization review program described in subsection (b)(3)(A);

‘‘(ii) systems to ensure compliance with the confidentiality standards applicable under subsection (b)(5)(A); and

‘‘(iii) other requirements as the Secretary may impose to ensure integrity, efficiency, and the quality of the program.

‘‘(D) DISCLOSURE OF PRICE OF GENERIC MEDICINE.—A pharmacy participating under this part shall inform an enrollee of the difference in price between generic and nongeneric equivalents.

‘‘(d) SPECIAL ATTENTION TO RURAL AND HARD-TO-SERVE AREAS.—

‘‘(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries have access to the full range of pharmaceuticals under this part, and shall give special attention to access, pharmacist counseling, and delivery in rural and hard-to-serve areas (as the Secretary may define by regulation).

‘‘(2) SPECIAL ATTENTION DEFINED.—For purposes of paragraph (1), the term ‘special attention’ may include bonus payments to retail pharmacists in rural areas and any other actions the Secretary determines are necessary to ensure full access to rural and hard-to-serve beneficiaries.

‘‘(3) GAO REPORT.—Not later than 2 years after the implementation of this part the Comptroller General of the United States shall submit to Congress a report on the access of medicare beneficiaries to pharmaceuticals and pharmacists' services in rural and hard-to-serve areas under this part together with any recommendations of the Comptroller General regarding any additional steps the Secretary may need to take to ensure the access of medicare beneficiaries to pharmaceuticals and pharmacists' services in such areas under this part.

"(e) Incentives for Cost and Utilization Management and Quality Improvement.—The Secretary is authorized to include in a contract awarded under subsection (b) with a carrier such incentives for cost and utilization management and quality improvement as the Secretary may deem appropriate, including—

"(1) bonus and penalty incentives to encourage administrative efficiency;

"(2) incentives under which carriers share in any benefit savings achieved;

"(3) risk-sharing arrangements related to initiatives to encourage savings in benefit payments;

"(4) financial incentives under which savings derived from the substitution of generic medicines in lieu of nongeneric medicines are made available to carriers, pharmacies, and the Prescription Medicine Insurance Account; and

"(5) any other incentive that the Secretary deems appropriate and likely to be effective in managing costs or utilization.

"EMPLOYER INCENTIVE PROGRAM FOR EMPLOYMENT-BASED RETIREE MEDICINE COVERAGE

"Sec. 1860H. (a) Program Authority.—The Secretary shall develop and implement a program under this section called the 'Employer Incentive Program' that encourages employers and other sponsors of employment-based health care coverage to provide adequate prescription medicine benefits to retired individuals and to maintain such existing benefit programs, by subsidizing, in part, the sponsor's cost of providing coverage under qualifying plans.

"(b) Sponsor Requirements.—In order to be eligible to receive an incentive payment under this section with respect to coverage of an individual under a qualified retiree prescription medicine plan (as defined in subsection (f)(3)), a sponsor shall meet the following requirements:

"(1) Assurances.—The sponsor shall—

"(A) annually attest, and provide such assurances as the Secretary may require, that the coverage offered by the sponsor is a qualified retiree prescription medicine plan, and will remain such a plan for the duration of the sponsor's participation in the program under this section; and

"(B) guarantee that it will give notice to the Secretary and covered retirees—

"(i) at least 120 days before terminating its plan; and

"(ii) immediately upon determining that the actuarial value of the prescription medicine benefit under the plan falls below the actuarial value of the insurance benefit under this part.

"(2) .Other requirements.—The sponsor shall provide such information, and comply with such requirements, including information requirements to ensure the integrity of the program, as the Secretary may find necessary to administer the program under this section.

"(c) Incentive Payment.—

"(1) In general.—A sponsor that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall have payment made by the Secretary on a quarterly basis (to the sponsor or, at the sponsor's direction, to the appropriate employment-based health plan) of an incentive payment, in the amount determined as described in paragraph (2), for each retired individual (or spouse) who—

"(A) was covered under the sponsor's qualified retiree prescription medicine plan during such quarter; and

"(B) was eligible for but was not enrolled in the insurance program under this part.

"(2) Amount of incentive.—The payment under this section with respect to each individual described in paragraph (1) for a month shall be equal to ⅔ of the monthly premium amount payable from the Prescription Medicine Insurance Account for an enrolled individual, as set for the calendar year pursuant to section 1860D(a)(2).

"(3) Payment date.—The incentive under this section with respect to a calendar quarter shall be payable as of the end of the next succeeding calendar quarter.

"(d) Civil Money Penalties.—A sponsor, health plan, or other entity that the Secretary determines has, directly or through its agent, provided information in connection with a request for an incentive payment under this section that the entity knew or should have known to be false shall be subject to a civil monetary penalty in an amount equal to $2,000 for each false representation plus an amount not to exceed 3 times the total incentive amounts under subsection (c) that were paid (or would have been payable) on the basis of such information.

"(e) Part D Enrollment for Certain Individuals Covered by Employment-Based Retiree Health Coverage Plans.—

"(1) Eligible individuals.—An individual shall be given the opportunity to enroll in the program under this part during the period specified in paragraph (2) if—

"(A) the individual declined enrollment in the program under this part at the time the individual first satisfied section 1860C(a);

"(B) at that time, the individual was covered under a qualified retiree prescription medicine plan for which an incentive payment was paid under this section; and

"(C)(i) the sponsor subsequently ceased to offer such plan; or

"(ii) the value of prescription medicine coverage under such plan is reduced below the value of the coverage provided at the time the individual first became eligible to participate in the program under this part.

"(2) Special enrollment period.—An individual described in paragraph (1) shall be eligible to enroll in the program under this part during the 6-month period beginning on the first day of the month in which—

"(A) the individual receives a notice that coverage under such plan has terminated (in the circumstance described in paragraph (1)(C)(i)) or notice that a claim has been denied because of such a termination; or

"(B) the individual received notice of the change in benefits (in the circumstance described in paragraph (1)(C)(ii)).

"(f) Definitions.—In this section:

"(1) Employment-based retiree health coverage.—The term 'employment-based retiree health coverage' means health insurance or other coverage of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

"(2) Employer.—The term 'employer' has the meaning given to such term by section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of 2 or more employees).

"(3) Qualified retiree prescription medicine plan.—The term 'qualified retiree prescription medicine plan' means health insurance coverage included in employment-based retiree health coverage that—

"(A) provides coverage of the cost of prescription medicines whose actuarial value to each retired beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the program under this part; and

"(B) does not deny, limit, or condition the coverage or provision of prescription medicine benefits for retired individuals based on age or any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

"(4) Sponsor.—The term 'sponsor' has the meaning given the term 'plan sponsor' by section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

"PROMOTION OF PHARMACEUTICAL RESEARCH ON BREAK-THROUGH MEDICINES WHILE PROVIDING PROGRAM COST CONTAINMENT

"Sec. 1860I. (a) Monitoring Expenditures.—The Secretary shall monitor expenditures under this part. On October 1, 2003, the Secretary shall estimate total expenditures under this part for 2003.

"(b) Establishment of Sustainable Growth Rate.—

"(1) In general.—The Secretary shall establish a sustainable growth rate prescription medicine target system for expenditures under this part for each year after 2003.

"(2) Initial computation.—Such target shall equal the amount of total expenditures estimated for 2003 adjusted by the Secretary's estimate of a sustainable growth rate (in this section referred to as an 'SGR') percentage between 2003 and 2004. Such SGR shall be estimated based on the following:

"(A) Reasonable changes in the cost of production or price of covered pharmaceuticals, but in no event more than the rate of increase in the Consumer Price Index for all urban consumers for the period involved.

"(B) Population enrolled in this part, both in numbers and in average age and severity of chronic and acute illnesses.

"(C) Appropriate changes in utilization of pharmaceuticals, as determined by the Drug Review Board (established under subsection (c)(3)) and based on best estimates of utilization change if there were no direct-to-consumer advertising or promotions to providers.

"(D) Productivity index of manufacturers and distributors.

"(E) Percentage of products with patent and market exclusivity protection versus products without patent protection and changes in the availability of generic substitutes.

"(F) Such other factors as the Secretary may determine are appropriate.

In no event may the sustainable growth rate exceed 120 percent of the estimated per capita growth in total spending under this title.

"(3) Computation for subsequent years.—In October of 2004 and each year thereafter, for purposes of setting the SGRs for the succeeding year, the Secretary shall adjust each current year's estimated expenditures by the estimated SGR for the succeeding year, further adjusted for corrections in earlier estimates and the receipt of additional data on previous years spending as follows:

"(A) Error estimates.—An adjustment (up or down) for errors in the estimate of total expenditures under this part for the previous year.

"(B) Costs.—An adjustment (up or down) for corrections in the cost of production of prescriptions covered under this part between the current calendar year and the previous year.

"(C) Target.—An adjustment for any amount (over or under) that expenditures in the current year under this part are estimated to differ from the target amount set for the year. If expenditures in the current year are estimated to be—

"(i) less than the target amount, future target amounts will be adjusted downward; or

"(ii) more than the target amount, the Secretary shall notify all pharmaceutical manufacturers with sales of pharmaceutical prescription medicine products to medicare beneficiaries under this part, of a rebate requirement (except as provided in this subparagraph) to be deposited in the Federal Medicare Prescription Medicine Trust Fund.

"(D) Rebate determination.—The amount of the rebate described in subparagraph (C)(ii) may vary among manufacturers and shall be based on the manufacturer's estimated contribution to the expenditure above the target amount, taking into consideration such factors as—

"(i) above average increases in the cost of the manufacturer's product;

"(ii) increases in utilization due to promotion activities of the manufacturer, wholesaler, or retailer;

"(iii) launch prices of new drugs at the same or higher prices as similar drugs already in the marketplace (so-called 'me too' or 'copy-cat' drugs);

"(iv) the role of the manufacturer in delaying the entry of generic products into the market; and

"(v) such other actions by the manufacturer that the Secretary may determine has contributed to the failure to meet the SGR target.

The rebates shall be established under such subparagraph so that the total amount of the rebates is estimated to ensure that the amount the target for the current year is estimated to be exceeded is recovered in lower spending in the subsequent year; except that, no rebate shall be made in any manufacturer's product which the Food and Drug Administration has determined is a breakthrough medicine (as determined under subsection (c)) or an orphan medicine.

"(c) Breakthrough Medicines.—

"(1) Determination.—For purposes of this section, a medicine is a 'breakthrough medicine' if the Drug Review Board (established under paragraph (3)) determines—

"(A) it is a new product that will make a significant and major improvement by reducing physical or mental illness, reducing mortality, or reducing disability; and

"(B) that no other product is available to beneficiaries that achieves similar results for the same condition at a lower cost.

"(2) Condition.—An exemption from rebates under subsection (b)(3) for a breakthrough medicine shall continue as long as the medicine is certified as a breakthrough medicine but shall be limited to 7 calendar years from 2003 or 7 calendar years from the date of the initial determination under paragraph (1), whichever is later.

"(3) Drug review board.—The Drug Review Board under this paragraph shall consist of the Commissioner of Food and Drugs, the Directors of the National Institutes of Health, the Director of the National Science Foundation, and 10 experts in pharmaceuticals, medical research, and clinical care, selected by the Commissioner of Food and Drugs from the faculty of academic medical centers, except that no person who has (or who has an immediate family member that has) any conflict of interest with any pharmaceutical manufacturer shall serve on the Board.

"(d) No Review.—The Secretary's determination of the rebate amounts under this section, and the Drug-Review Board's determination of what is a breakthrough drug, are not subject to administrative or judicial review.

"APPROPRIATIONS TO COVER GOVERNMENT CONTRIBUTIONS

"Sec. 1860J. (a) In General.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Prescription Medicine Insurance Account, a Government contribution equal to—

"(1) the aggregate premiums payable for a month pursuant to section 1860D(a)(2) by individuals enrolled in the program under this part; plus

"(2) one-half the aggregate premiums payable for a month pursuant to such section for such individuals by former employers; plus

"(3) the benefits payable by reason of the application of paragraph (2) of section 1860B(a) (relating to catastrophic benefits).

"(b) Appropriations To Cover Incentives for Employment-Based Retiree Medicine Coverage.—There are authorized to be appropriated to the Prescription Medicine Insurance Account from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for payment of incentive payments under section 1860H(c).

"PRESCRIPTION MEDICINE DEFINED

"Sec. 1860K. As used in this part, the term 'prescription medicine' means—

"(1) a drug that may be dispensed only upon a prescription, and that is described in subparagraph (A)(i), (A)(ii), or (B) of section 1927(k)(2); and

"(2) insulin certified under section 506 of the Federal Food, Drug, and Cosmetic Act, and needles, syringes, and disposable pumps for the administration of such insulin.".

(b) Conforming Amendments.—

(1) Amendments to federal supplementary health insurance trust fund.—Section 1841 of the Social Security Act (42 U.S.C. 1395t) is amended—

(A) in the last sentence of subsection (a)—

(i) by striking "and" after "section 201(i)(1)"; and

(ii) by inserting before the period the following: ", and such amounts as may be deposited in, or appropriated to, the Prescription Medicine Insurance Account established by section 1860F";

(B) in subsection (g), by inserting after "by this part," the following: "the payments provided for under part D (in which case the payments shall come from the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund),";

(C) in the first sentence of subsection (h), by inserting before the period the following: "and section 1860D(b)(4) (in which case the payments shall come from the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund)"; and

(D) in the first sentence of subsection (i)—

(i) by striking "and" after "section 1840(b)(1)"; and

(ii) by inserting before the period the following: ", section 1860D(b)(2) (in which case the payments shall come from the Prescription Medicine Insurance Account in the Supplementary Medical Insurance Trust Fund)".

(2) Prescription medicine option under medicare+choice plans.—

(A) Eligibility, election, and enrollment.—Section 1851 of the Social Security Act (42 U.S.C. 1395w-21) is amended—

(i) in subsection (a)(1)(A), by striking "parts A and B" and inserting "parts A, B, and D"; and

(ii) in subsection (i)(1), by striking "parts A and B" and inserting "parts A, B, and D".

(B) Voluntary beneficiary enrollment for medicine coverage.—Section 1852(a)(1)(A) of such Act (42 U.S.C. 1395w-22(a)(1)(A)) is amended by inserting "(and under part D to individuals also enrolled under that part)" after "parts A and B".

(C) Access to services.—Section 1852(d)(1) of such Act (42 U.S.C. 1395w-22(d)(1)) is amended—

(i) in subparagraph (D), by striking "and" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(F) the plan for prescription medicine benefits under part D guarantees coverage of any specifically named covered prescription medicine for an enrollee, when prescribed by a physician in accordance with the provisions of such part, regardless of whether such medicine would otherwise be covered under an applicable formulary or discount arrangement.".

(D) Payments to organizations.—Section 1853(a)(1)(A) of such Act (42 U.S.C. 1395w-23(a)(1)(A)) is amended—

(i) by inserting "determined separately for benefits under parts A and B and under part D (for individuals enrolled under that part)" after "as calculated under subsection (c)";

(ii) by striking "that area, adjusted for such risk factors" and inserting "that area. In the case of payment for benefits under parts A and B, such payment shall be adjusted for such risk factors as"; and

(iii) by inserting before the last sentence the following: "In the case of the payments for benefits under part D, such payment shall initially be adjusted for the risk factors of each enrollee as the Secretary determines to be feasible and appropriate. By 2006, the adjustments would be for the same risk factors applicable for benefits under parts A and B.".

(E) Calculation of annual medicare+choice capitation rates.—Section 1853(c) of such Act (42 U.S.C. 1395w-23(c)) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting "for benefits under parts A and B" after "capitation rate";

(ii) in paragraph (6)(A), by striking "rate of growth in expenditures under this title" and inserting "rate of growth in expenditures for benefits available under parts A and B"; and

(iii) by adding at the end the following new paragraph:

"(8) Payment for prescription medicines.—The Secretary shall determine a capitation rate for prescription medicines—

"(A) dispensed in 2003, which is based on the projected national per capita costs for prescription medicine benefits under part D and associated claims processing costs for beneficiaries under the original medicare fee-for-service program; and

"(B) dispensed in each subsequent year, which shall be equal to the rate for the previous year updated by the Secretary's estimate of the projected per capita rate of growth in expenditures under this title for an individual enrolled under part D.".

(F) Limitation on enrollee liability.—Section 1854(e) of such Act (42 U.S.C. 1395w-

24(e)) is amended by adding at the end the following new paragraph:

"(5) Special rule for provision of part D benefits.—In no event may a Medicare+Choice organization include as part of a plan for prescription medicine benefits under part D a requirement that an enrollee pay a deductible, or a coinsurance percentage that exceeds 20 percent.".

(G) Requirement for additional benefits.—Section 1854(f)(1) of such Act (42 U.S.C. 1395w–24(f)(1)) is amended by adding at the end the following new sentence: "Such determination shall be made separately for benefits under parts A and B and for prescription medicine benefits under part D.".

(3) Exclusions from coverage.—

(A) Application to part D.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended in the matter preceding paragraph (1) by striking "part A or part B" and inserting "part A, B, or D".

(B) Prescription medicines not excluded from coverage if appropriately prescribed.—Section 1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)) is amended—

(i) in subparagraph (H), by striking "and" at the end;

(ii) in subparagraph (I), by striking the semicolon at the end and inserting ", and"; and

(iii) by adding at the end the following new subparagraph:

"(J) in the case of prescription medicines covered under part D, which are not prescribed in accordance with such part;".

SEC. 4. SUBSTANTIAL REDUCTIONS IN THE PRICE OF PRESCRIPTION DRUGS FOR MEDICARE BENEFICIARIES.

(a) Participating Manufacturers.—

(1) In general.—Each participating manufacturer of a covered outpatient drug shall make available for purchase by each pharmacy such covered outpatient drug in the amount described in paragraph (2) at the price described in paragraph (3).

(2) Description of amount of drugs.—The amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy is an amount equal to the aggregate amount of the covered outpatient drug sold or distributed by the pharmacy to medicare beneficiaries.

(3) Description of price.—The price at which a participating manufacturer shall make a covered outpatient drug available for purchase by a pharmacy is the price equal to the lowest of the following:

(A) The lowest price paid for the covered outpatient drug by any agency or department of the United States.

(B) The manufacturer's best price for the covered outpatient drug, as defined in section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)).

(C) The lowest price at which the drug is available (as determined by the Secretary) through importation consistent with the provisions of section 804 of the Federal Food, Drug, and Cosmetic Act.

(b) Special Provision With Respect to Hospice Programs.—For purposes of determining the amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy under subsection (a), there shall be included in the calculation of such amount the amount of the covered outpatient drug sold or distributed by a pharmacy to a hospice program. In calculating such amount, only amounts of the covered outpatient drug furnished to a medicare beneficiary enrolled in the hospice program shall be included.

(c) Administration.—The Secretary shall issue such regulations as may be necessary to implement this section.

(d) Reports to Congress Regarding Effectiveness of Section.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall report to Congress regarding the effectiveness of this section in—

(A) protecting medicare beneficiaries from discriminatory pricing by drug manufacturers; and

(B) making prescription drugs available to medicare beneficiaries at substantially reduced prices.

(2) Consultation.—In preparing such reports, the Secretary shall consult with public health experts, affected industries, organizations representing consumers and older Americans, and other interested persons.

(3) Recommendations.—The Secretary shall include in such reports any recommendations they consider appropriate for changes in this section to further reduce the cost of covered outpatient drugs to medicare beneficiaries.

(e) Definitions.—For purposes of this section:

(1) Participating manufacturer.—The term "participating manufacturer" means any manufacturer of drugs or biologicals that, on or after the date of enactment of this Act, enters into a contract or agreement with the United States for the sale or distribution of covered outpatient drugs to the United States.

(2) Covered outpatient drug.—The term "covered outpatient drug" has the meaning given that term in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2)).

(3) Medicare beneficiary.—The term "medicare beneficiary" means an individual entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title, or both.

(4) Hospice program.—The term "hospice program" has the meaning given that term under section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

(5) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(f) Effective Date.—The Secretary shall implement this section as expeditiously as practicable and in a manner consistent with the obligations of the United States.

SEC. 5. AMENDMENTS TO PROGRAM FOR IMPORTATION OF CERTAIN PRESCRIPTION DRUGS BY PHARMACISTS AND WHOLESALERS.

Section 804 of the Federal Food, Drug, and Cosmetic Act (as added by section 745(c)(2) of Public Law 106–387) is amended—

(1) by striking subsections (e) and (f) and inserting the following subsections:

"(e) Testing; Approved Labeling.—

"(1) Testing.—Regulations under subsection (a)—

"(A) shall require that testing referred to in paragraphs (6) through (8) of subsection (d) be conducted by the importer of the covered product pursuant to subsection (a), or the manufacturer of the product;

"(B) shall require that, if such tests are conducted by the importer, information needed to authenticate the product being tested be supplied by the manufacturer of such product to the importer; and

"(C) shall provide for the protection of any information supplied by the manufacturer under subparagraph (B) that is a trade secret or commercial or financial information that is privileged or confidential.

"(2) Approved labeling.—For purposes of importing a covered product pursuant to subsection (a), the importer involved may use the labeling approved for the product under section 505, notwithstanding any other provision of law.

"(f) Discretion of Secretary Regarding Testing.—The Secretary may waive or modify testing requirements described in subsection (d) if, with respect to specific countries or specific distribution chains, the Secretary has entered into agreements or otherwise approved arrangements that the Secretary determines ensure that the covered products involved are not adulterated or in violation of section 505.";

(2) by striking subsections (h) and (i) and inserting the following subsections:

"(h) Prohibited Agreements; Nondiscrimination.—

"(1) Prohibited agreements.—No manufacturer of a covered product may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products imported pursuant to subsection (a).

"(2) Nondiscrimination.—No manufacturer of a covered product may take actions that discriminate against, or cause other persons to discriminate against, United States pharmacists, wholesalers, or consumers regarding the sale or distribution of covered products.

"(i) Study and Report.—

"(1) Study.—The Comptroller General of the United States shall conduct a study on the imports permitted under this section, taking into consideration the information received under subsection (a). In conducting such study, the Comptroller General shall—

"(A) evaluate importers' compliance with regulations, determine the number of shipments, if any, permitted under this section that have been determined to be counterfeit, misbranded, or adulterated; and

"(B) consult with the United States Trade Representative and United States Patent and Trademark Office to evaluate the effect of importations permitted under this section on trade and patent rights under Federal law.

"(2) Report.—Not later than 5 years after the effective date of final regulations issued pursuant to this section, the Comptroller General of the United States shall prepare and submit to Congress a report containing the study described in paragraph (1).";

(3) in subsection (k)(2)—

(A) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively; and

(B) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

"(A) The term 'discrimination' includes a contract provision, a limitation on supply, or other measure which has the effect of providing United States pharmacists, wholesalers, or consumers access to covered products on terms or conditions that are less favorable than the terms or conditions provided to any foreign purchaser of such products.";

(4) by striking subsection (m); and

(5) by inserting after subsection (l) the following subsection:

"(m) Funding.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year.".

SEC. 6. REASONABLE PRICE AGREEMENT FOR FEDERALLY FUNDED RESEARCH.

(a) In General.—If any Federal agency or any non-profit entity undertakes federally funded health care research and development and is to convey or provide a patent or other exclusive right to use such research and development for a drug or other health care technology, such agency or entity shall not make such conveyance or provide such patent or other right until the person who will receive such conveyance or patent or other right first agrees to a reasonable pricing agreement with the Secretary of Health and Human Services or the Secretary makes a determination that the public interest is served by a waiver of the reasonable pricing agreement provided in accordance with subsection (c).

(b) Consideration of Competitive Bidding.—In cases where the Federal Government conveys or licenses exclusive rights to federally funded research under subsection (a), consideration shall be given to mechanisms for determining reasonable prices which are based upon a competitive bidding process. When appropriate, the mechanisms should be considered where—

(1) qualified bidders compete on the basis of the lowest prices that will be charged to consumers;

(2) qualified bidders compete on the basis of the least sales revenues before prices are adjusted in accordance with a cost-based reasonable pricing formula;

(3) qualified bidders compete on the basis of the least period of time before prices are adjusted in accordance with a cost-based reasonable pricing formula;

(4) qualified bidders compete on the basis of the shortest period of exclusivity; or

(5) qualified bidders compete under other competitive bidding systems.

Such competitive bidding process may incorporate requirements for minimum levels of expenditures on research, marketing, maximum price, or other factors.

(c) Waiver.—No waiver shall take effect under subsection (a) before the public is given notice of the proposed waiver and provided a reasonable opportunity to comment on the proposed waiver. A decision to grant a waiver shall set out the Secretary's finding that such a waiver is in the public interest.

SEC. 7. GAO ONGOING STUDIES AND REPORTS ON PROGRAM; MISCELLANEOUS REPORTS.

(a) Ongoing Study.—The Comptroller General of the United States shall conduct an ongoing study and analysis of the prescription medicine benefit program under part D of the medicare program under title XVIII of the Social Security Act (as added by section 3 of this Act), including an analysis of each of the following:

(1) The extent to which the administering entities have achieved volume-based discounts similar to the favored price paid by other large purchasers.

(2) Whether access to the benefits under such program are in fact available to all beneficiaries, with special attention given to access for beneficiaries living in rural and hard-to-serve areas.

(3) The success of such program in reducing medication error and adverse medicine reactions and improving quality of care, and whether it is probable that the program has resulted in savings through reduced hospitalizations and morbidity due to medication errors and adverse medicine reactions.

(4) Whether patient medical record confidentiality is being maintained and safeguarded.

(5) Such other issues as the Comptroller General may consider.

(b) Reports.—The Comptroller General shall issue such reports on the results of the ongoing study described in subsection (a) as the Comptroller General shall deem appropriate and shall notify Congress on a timely basis of significant problems in the operation of the part D prescription medicine program and the need for legislative adjustments and improvements.

(c) Miscellaneous Studies and Reports.—

(1) Study on methods to encourage additional research on breakthrough pharmaceuticals.—

(A) In general.—The Secretary of Health and Human Services shall seek the advice of the Secretary of the Treasury on possible tax and trade law changes to encourage increased original research on new pharmaceutical breakthrough products designed to address disease and illness.

(B) Report.—Not later than January 1, 2003, the Secretary shall submit to Congress a report on such study. The report shall include recommended methods to encourage the pharmaceutical industry to devote more resources to research and development of new covered products than it devotes to overhead expenses.

(2) Study on pharmaceutical sales practices and impact on costs and quality of care.—

(A) In general.—The Secretary of Health and Human Services shall conduct a study on the methods used by the pharmaceutical industry to advertise and sell to consumers and educate and sell to providers.

(B) Report.—Not later than January 1, 2003, the Secretary shall submit to Congress a report on such study. The report shall include the estimated direct and indirect costs of the sales methods used, the quality of the information conveyed, and whether such sales efforts leads (or could lead) to inappropriate prescribing. Such report may include legislative and regulatory recommendations to encourage more appropriate education and prescribing practices.

(3) Study on cost of pharmaceutical research.—

(A) In general.—The Secretary of Health and Human Services shall conduct a study on the costs of, and needs for, the pharmaceutical research and the role that the taxpayer provides in encouraging such research.

(B) Report.—Not later than January 1, 2003, the Secretary shall submit to Congress a report on such study. The report shall include a description of the full-range of taxpayer-assisted programs impacting pharmaceutical research, including tax, trade, government research, and regulatory assistance. The report may also include legislative and regulatory recommendations that are designed to ensure that the taxpayer's investment in pharmaceutical research results in the availability of pharmaceuticals at reasonable prices.

(4) Report on pharmaceutical prices in major foreign nations.—Not later than January 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report on the retail price of major pharmaceutical products in various developed nations, compared to prices for the same or similar products in the United States. The report shall include a description of the principal reasons for any price differences that may exist.

SEC. 8. MEDIGAP TRANSITION PROVISIONS.

(a) In General.—Notwithstanding any other provision of law, no new medicare supplemental policy that provides coverage of expenses for prescription drugs may be issued under section 1882 of the Social Security Act on or after January 1, 2003, to an individual unless it replaces a medicare supplemental policy that was issued to that individual and that provided some coverage of expenses for prescription drugs.

(b) Issuance of Substitute Policies if Prescription Drug Coverage Is Obtained Through Medicare.—

(1) In general.—The issuer of a medicare supplemental policy—

(A) may not deny or condition the issuance or effectiveness of a medicare supplemental policy that has a benefit package classified as "A", "B", "C", "D", "E", "F", or "G" (under the standards established under subsection (p)(2) of section 1882 of the Social Security Act, 42 U.S.C. 1395ss) and that is offered and is available for issuance to new enrollees by such issuer;

(B) may not discriminate in the pricing of such policy, because of health status, claims experience, receipt of health care, or medical condition; and

(C) may not impose an exclusion of benefits based on a preexisting condition under such policy,

in the case of an individual described in paragraph (2) who seeks to enroll under the policy not later than 63 days after the date of the termination of enrollment described in such paragraph and who submits evidence of the date of termination or disenrollment along with the application for such medicare supplemental policy.

(2) Individual covered.—An individual described in this paragraph is an individual who—

(A) enrolls in a prescription drug plan under part D of title XVIII of the Social Security Act; and

(B) at the time of such enrollment was enrolled and terminates enrollment in a medicare supplemental policy which has a benefit package classified as "H", "I", or "J" under the standards referred to in paragraph (1)(A) or terminates enrollment in a policy to which such standards do not apply but which provides benefits for prescription drugs.

(3) Enforcement.—The provisions of paragraph (1) shall be enforced as though they were included in section 1882(s) of the Social Security Act (42 U.S.C. 1395ss(s)).

(4) Definitions.—For purposes of this subsection, the term "medicare supplemental policy" has the meaning given such term in section 1882(g) of the Social Security Act (42 U.S.C. 1395ss(g)).

By Mr. HARKIN (for himself, Mr. Helms, Mr. Schumer, Mr. Hollings, and Mrs. Feinstein):

S. 926. A bill to prohibit the importation of any article that is produced, manufactured, or grown in Burma; to the Committee on Environment and Public Works.

Mr. HARKIN. Mr. President, the people of Burma continue to suffer at the hands of the world's most brutal military dictatorship which cynically calls itself the State Peace and Development Council, (SPDC). Now more than ever, as a nation committed to internationally-recognized human rights and worker rights, democracy, and freedom, America must heed the call of the International Labor Organization, (ILO), and support stronger, coordinated multilateral actions against Burma's repressive regime. In the face of overwhelming evidence of continued, systematic use of forced labor, including forced child labor in Burma, we must do all we can to deny any material support to the military dictators who rule that country with an iron fist.

Furthermore, there is no clear and tangible evidence that the latest informal, closed-door dialogue between the Burmese generals on one side and Aung San Suu Kyi and the other duly-elected leaders of the pro-democracy movement on the other side is bearing fruit. Therefore, we must demonstrate anew to the Burmese people our recognition of their nightmarish plight as well as our support for their noble struggle to achieve democratic governance.

In 1997, a strong, bipartisan majority of the Congress enacted some sanctions and former President Clinton issued an Executive Order in response to a prolonged pattern of egregious human rights violations in Burma. At the heart of those measures is the existing prohibition on U.S. private companies making new investments in Burma's infrastructure. Many other national governments, as well as scores of city and State governments in the U.S. followed suit and adopted their own sanctions.

Nevertheless, the ruling military junta in Burma has clung to power and continues to blatantly violate internationally-recognized human and worker rights. The 1999 State Department Human Rights Country Report on Burma cited "credible reports that Burmese Army soldiers have committed rape, forced porterage, and extrajudicial killing." It referred to arbitrary arrests and the detention of at least 1300 political prisoners.

The following excerpts from the most recent 2000 State Department Human Rights Country Report paint an even more disturbing reality:

> The Burmese Government's extremely poor human rights record and longstanding severe repression of its citizens continued during the year. Citizens continued to live subject at any time and without appeal to the arbitrary and sometimes brutal dictates of the military regime. Citizens did not have the right to change their government. There continued to be credible reports, particularly in ethnic minority areas, that security forces committed serious human rights abuses, including extrajudicial killings and rape. Disappearances continued, and members of the security forces tortured, beat, and otherwise abused prisoners and detainees.
>
> The judiciary is not independent and there is no effective rule of law.
>
> The Government continued to restrict worker rights, ban unions, and use forced labor for public works and for the support of military garrisons. Forced labor, including forced child labor, remains a serious problem. The use of forced labor as porters by the army—with attendant mistreatment, illness, and sometimes death—remain a common practice. In November, 2000 the International Labor Organization ILO Governing Body judged that the Government had not taken effective action to deal with 'widespread and systematic' use of forced labor in the country and, for the first time in its history, called on all ILO members to apply sanctions to Burma. Child labor is also a problem and varies in severity depending on the country's region. Trafficking in persons, particularly in women and girls to Thailand and China, mostly for the purposes of prostitution, remain widespread.
>
> As of September, 2000, the International Committee of the Red Cross had visited more than 35,000 prisoners in at least 30 prisons, including more than 1,800 political prisoners. The ICRC also has begun tackling the problem of the roughly 36,000 persons in forced labor camps.
>
> The Government continued to infringe on citizens' privacy rights, and security forces continued to monitor citizens' movements and communications systematically, to search homes without warrants, and to relocate persons forcibly without just compensation or due process.
>
> The SPDC continued to restrict severely freedom of speech, press assembly, and association. It has pressured many thousands of members to resign from the National League for Democracy, NLD, and closed party offices nationwide. Since 1990 the junta frequently prevented the NLD and other pro-democracy parties from conducting normal political activities. The junta recognizes the NLD as a legal entity; however, it refuses to accept the legal political status of key NLD party leaders, particularly the party's general secretary and 1991 Nobel Laureate, Aung San Suu Kyi, and restrict her activities severely through security measures and threats.

Furthermore, Human Rights Watch/Asia reports that children from ethnic minorities are forced to work under inhumane conditions for the Burmese Army, lacking adequate medical care and sometimes dying from beatings.

Last year, the UN Special Rapporteur on Burma, in a chilling and alarming account, puts the number of child soldiers at 50,000, the highest in the world. Sadly, the children most vulnerable to recruitment into the military are orphans, street children, and the children of ethnic minorities.

The same UN report also discusses the dire state of minorities in Burma who continue to be the targets of violence. Specifically, it details that the most frequently observed human rights violations aimed at minorities include extortion, rape, torture and other forms of physical abuse, forced labor, "portering", arbitrary arrests, long-term imprisonment, forcible relocation, and in some cases, extrajudicial executions. It also cites reports of massacres in the Shan state in the months of January, February, and May of 2000.

A 1998 International Labor Organization Commission of Inquiry determined that forced labor in Burma is practiced in a "widespread and systematic manner, with total disregard for the human dignity, safety, health and basic needs of the people."

Last August, California District Court Judge Ronald Lew found in one high-profile court case "ample evidence in the record linking the Burmese Government's use of forced labor to human rights abuses."

In sum, the Burmese military junta continues to commit such horrific and appalling human rights and worker rights violations that we have no choice but to unite with other nations around the world and take stronger action.

Even though the Burmese military junta has been terrorizing the 48 million people of Burma since it came to power in 1988 and has vowed to destroy the National League for Democracy, NLD, Aung San Suu Kyi, a remarkably courageous leader and very brave woman, manages to stand steadfast, like a living Statue of Liberty, in her undaunted quest and that of the Burmese people for democracy. We must never forget that she and her NLD colleagues won 392 of 485 seats in a democratic election held in 1990. But they have never been allowed to take office.

Aung San Suu Kyi, the 1991 Nobel Peace Prize winner, and countless others are denied freedom of association, speech and movement on a daily basis. Last summer, she came under renewed threats and intimidation. For example, her vehicle was forced off the road last August by Burmese security forces when she tried to travel outside Rangoon to meet with her NLD colleagues. She sat in her car on the roadside for a week until a midnight raid of 200 riot police forced her back to her home and placed her under house arrest until September 14, 2000. Nevertheless, she tried again on September 21st, but she was prevented from boarding a train. The pathetic excuse from the authorities for abridging her freedom to travel within Burma, on that occasion, was that all tickets had been sold out.

This Congress must answer anew the cry of the Burmese people and their courageous freedom-fighters. That is why I am introducing bipartisan legislation today, along with Senator JESSEE HELMS and several of our colleagues, to ban soaring imports from Burma, most of which are apparel and textiles sold by many brand-name American retailers. I am equally pleased that U.S. Congressman TOM LANTOS from California is introducing the companion bill in the U.S. House of Representatives this week.

Most Americans think that a trade ban with Burma already exists. Nothing could be further from the truth. When I began investigating U.S. trade with Burma last summer in concern with the National Labor Committee, I was chocked and alarmed to discover skyrocketing U.S. apparel and textile imports for example.

Last November I requested cable traffic between the U.S. Embassy in Burma and the U.S. State Department at Foggy Bottom to see exactly what officials in Washington, D.C. knew about soaring imports from Burma. It took nearly four months for me to get this unclassified cable traffic. But now I know why. Its contents are very troubling. It constitutes irrefutable evidence that current U.S. sanctions with Burma are far more apparent than real. They are far more bluster than bite.

Consider the fact that the U.S. Government currently provides the Burmese military junta with very easy access to the U.S. apparel market because 95 percent of their exports are under no practical import restrictions at all.

Due to rising imports of apparel and textiles from Burma alone, more than $400 million dollars are now flowing into the coffers of the Burmese military dictatorship. These ruthless military dictators and their drug-trafficking cohorts are spending this hard currency to purchase more guns from China and to buy loyalty among their troops to continue their policy of extreme repression and human cruelty.

In other words, American consumers are unwittingly helping to sustain the repressive military junta's grip on power when buying travel and sports bags, women's underwear, jumpers, shorts, tank tops and towels made in the Burmese gulag. It is outrageous that many brand-name U.S. apparel companies such as FILA, Jordache, and Arrow Golf are making more and more of their clothes in the Burmese gulag where many workers earn as little as 7 cent/hour or $3.23/week and where production is non-stop—24 hours/day and 7 days/week.

Make no mistake about it. U.S. apparel imports from Burma are providing the SPDC with a growing source of critically-needed hard currency, because the military dictators directly own or have taken de facto control of production in many apparel and textile factories. They are further enriched by a 5 percent export tax. As I said earlier, this hard currency is used to finance the purchase of new weapons and ammunition from China and elsewhere, thus helping to underwrite the perpetuation of modern-day slavery, forced labor and forced child labor in Burma.

But you don't have to take my work for it. U Maung Maung, the General Secretary of the Federation of Trade Unions in Burma, decried at a recent news conference in Washington, D.C., that "the practice of purchasing garments made in Burma extends the continued exploitation of my people, including the use of slave labor by the regime, by further delaying the return of democratic government in Burma." At grave personal risk, he and other NLD leaders have disclosed the growing importance of exports to America and other foreign markets in helping sustain the Burmese military junta in power.

Some may question whether a ban on Burmese trade, including apparel and textile imports, might not harm American companies and consumers? Nothing could be further from the truth. Currently, U.S. apparel and textile imports from Burma account for less than one-half of one percent of total U.S. apparel and textile imports.

Others may assert that enactment of this legislation would violate WTO rules. Yes, Burma does belong to the WTO. Accordingly, the SPDC would have the standing technically to bring a formal complaint when this legislation is enacted. But our response to such a development should be bring it on. Let the Burmese generals argue before the WTO that they have the right to export products made by forced labor and child slaves and in flagrant violation of other internationally-recognized worker rights. This would clearly bring into focus the folly of writing rules for global trade that don't include enforceable worker rights, thus compelling workers in civilized trading nations to have to compete for their jobs de facto with forced labor in Burma.

America must answer the clarion call of the ILO and take a stronger stand in solidarity with the Burmese people and in defense of universal human rights and worker rights in that besieged nation. A trade ban with Burma will reaffirm the belief of the American people that increased trade with foreign countries must promote respect for human rights and worker rights as well as property rights. It will also signal American readiness to join in a new and stronger course of coordinated, multilateral action that is designed to force the Burmese generals from power once and for all and to satisfy the yearning of the Burmese people for democratic, self-government.

In closing, I also ask unanimous consent that the text of the bill be printed in the RECORD and that four recent editorials from the Washington Post, the New York Times, and the Boston Globe calling attention to the profound and prolonged suffering of the Burmese people and the need for stronger action in the U.S. and around the world also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The International Labor Organization (ILO), invoking an extraordinary constitutional procedure for the first time in its 82-year history, adopted in 2000 a resolution calling on the State Peace and Development Council to take concrete actions to end forced labor in Burma.

(2) In this resolution, the ILO recommended that governments, employers, and workers organizations take appropriate measures to ensure that their relations with the State Peace and Development Council do not abet the system of forced or compulsory labor in that country, and that other international bodies reconsider any cooperation they may be engaged in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced or compulsory labor.

SEC. 2. UNITED STATES SUPPORT FOR MULTILATERAL ACTION TO END FORCED LABOR AND THE WORST FORMS OF CHILD LABOR IN BURMA.

(a) TRADE BAN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to Congress that Burma has met the conditions described in paragraph (2), no article that is produced, manufactured, or grown in Burma may be imported into the United States.

(2) CONDITIONS DESCRIBED.—The conditions described in this paragraph are the following:

(A) The State Peace and Development Council in Burma has made measurable and substantial progress in reversing the persistent pattern of gross violations of internationally-recognized human rights and worker rights, including the elimination of forced labor and the worst forms of child labor.

(B) The State Peace and Development Council in Burma has made measurable and substantial progress toward implementing a democratic government including—

(i) releasing all political prisoners; and

(ii) deepening, accelerating, and bringing to a mutually-acceptable conclusion the dialogue between the State Peace and Development Council (SPDC) and democratic leadership within Burma (including Aung San Suu Kyi and the National League for Democracy (NLD) and leaders of Burma's ethnic peoples).

(C) The State Peace and Development Council in Burma has made measurable and substantial progress toward full cooperation with United States counter-narcotics efforts pursuant to the terms of section 570(a)(1)(B) of Public Law 104–208, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997.

(b) EFFECTIVE DATE.—The provisions of this section shall apply to any article entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

[From the New York Times, May 11, 2001]

MYANMAR'S INCORRIGIBLE LEADERS

A few months ago it looked as if the military junta in Myanmar might ease its repressive rule slightly. The regime was talking with the country's courageous pro-democracy leader, Daw Aung San Suu Kyi, and there even seemed to be a possibility that she would be liberated from the prolonged house arrest the government has enforced. But those hopes have all but vanished. If the Bush administration means to speak out against human rights abuses abroad and pressure governments to treat their citizens humanely, Myanmar would be a fine place to start.

The military leaders of Myanmar, formerly called Burma, are among the world's cruelest violators of human rights. The junta has tortured and executed political opponents, exploited forced labor and condoned a burgeoning traffic in heroin and amphetamines. In the clearest indication that the regime has little intention of reforming, the United Nations special envoy who acted as a catalyst for the talks between the government and Mrs. Aung San Suu Kyi has been denied permission to visit the country since January. Also, an anticipated release of political prisoners has failed to materialize, as has a pledge by the junta that Mrs. Aung San Suu Kyi's party, the National League for Democracy, would be allowed to resume activity.

Earlier this year the junta released 120 mostly youthful members of the party who had been imprisoned the previous year, but it is still believed to be holding as many as 1,700 political prisoners, including 35 people who were elected to Parliament in 1990. Mrs. Aung San Suu Kyi's party won more than three-quarters of the seats in that election, but the junta annulled the results.

The United States and the European Union have cooperated to isolate Myanmar, and in 1997 the Clinton administration banned new American investments there. But some Asian countries have been reluctant to join in sanctions. China, in particular, has helped sustain the junta with military aid. Regrettably, last month Japan broke ranks with a Western-led 12-year ban on non-humanitarian assistance to Myanmar by approving a $29 million grant for a hydroelectric dam.

Last year the International Labor Organization, responding to concerns about forced labor, voted to urge governments and international donors to impose further sanctions on Myanmar. Washington should consider a ban on imports from that nation, including textiles. Myanmar is rapidly increasing apparel exports to the United States. Mrs. Aung San Suu Kyi's allies have argued that the hard-currency earnings primarily benefit the military, not the laborers who make the garments. Washington should certainly be using its influence with Japan and other Asian countries to deter any further nonhumanitarian assistance.

[From the Boston Globe, May 7, 2001]

BURMA SANCTIONS' VALUE

When it comes to the military dictatorship ruling Burma, President Bush has an opportunity he should welcome to demonstrate the realism his advisers commend and, simultaneously, a firm commitment to America's democratic ideals.

The Burmese junta stands condemned by much of the world for its horrendous abuse of human rights, its complicity in the trafficking of heroin and methamphetamines, and its thwarting of the democratic government that was elected with 80 percent of the seats in Parliament in Burma's last free election, in 1990.

Currently, there are varying sanctions on the junta. The International Labor Organization, for the first time in its 81-year history, asked its members to sanction the regime for the continuing, brutal imposition of forced labor on Burmese and minority ethnic groups.

There are also European Union sanctions and restrictions imposed by the Clinton administration that prohibit new U.S. investment in Burma and ban senior officials in the regime from obtaining visas to enter the United States.

Although it is far from clear that the junta intends to permit a revival of democracy, there is little doubt that it has engaged in talks with Nobel Peace Prize winner Aung San Suu Kyi—who is held under virtual house arrest in Rangoon—in large part because of the unremitting pressure of sanctions.

As a result of sanctions, the officers in power cannot disguise their bankrupting of what had been one of Asia's most literate and resource-rich countries. Even the junta's principal sponsor for membership in the Association of Southeast Asian Nations, Prime Minister Mahathir Mohammad of Malaysia, has counseled Burma's ruling officers to ease the embarrassment of their fellow ASEAN members by opening a dialogue with Suu Kyi.

In a letter last month to Bush, 35 senators including Edward Kennedy and John Kerry made a strong case for maintaining sanctions, noting that "the sanctions have been partially responsible for prompting the regime to engage in political dialogue with Aung San Suu Kyi and her supporters." The letter also said there is "strong evidence directly linking members of the regime to" the trafficking of "the heroin which plagues our communities."

Bush should insist that the junta take measurable steps toward the retrieval of democracy in Burma, and not merely for altruistic reasons. Next to the regime in North Korea, the Burmese junta has been Beijing's chummiest ally, permitting China to project its burgeoning power into the Bay of Bengal, to the dismay of India.

Were a democratic government to replace the junta, neighboring Thailand, which is now suffering from an influx of drugs from Burma, would join India and the rest of the region in breathing a sigh of relief.

[From the Washington Post, Nov. 26, 2000]

A REBUKE TO FORCED LABOR

Not in 81 years had the International Labor Organization imposed such sanctions; but Burma is a special case. The ILO, a United Nations arm in which unions, businesses and governments participate, found that the Asian nation also known as Myanmar has so flagrantly violated international norms that sanctions had to be imposed. In particular, its ruling generals were found guilty of encouraging forced and slave labor in "a culture of fear."

Burma is a special case in part because its dictators cannot even pretend to reflect the will of their people. In 1990, they permitted a national election. A pro-democracy party headed by Aung San Suu Kyi, daughter of Burma's hero of independence, won four out of five parliamentary seats. But parliament never met; the generals refused to accept the results. Aung San Suu Kyi, who won the Nobel peace prize in 1991, is under house arrest; most of her party colleagues are in prison. The generals grow more corrupt while Burma grows ever poorer.

The ILO sanctions approved last week are, as AFL-CIO president John Sweeney said, "only a starting point." Nations are "urged to halt any aid, trade or relationship that helps Burmese leaders remain in power," he said. The United States already has imposed restrictions on investment, but that hasn't stopped companies such as Unocal from mounting major efforts in the country. Nor has it prevented trade, much of which enriches only the generals.

Companies that do business in Burma now more than ever will have to explain themselves. So will nations that sought to water down the ILO action, including fellow autocracies like Malaysia and China and, more surprisingly, democracies like India and Japan. Those nations, though, found themselves very much in the minority, just as Burma finds itself more isolated than ever.

[From the New York Times, Nov. 19, 2000]

THE RUIN OF MYANMAR

The Southeast Asian nation of Myanmar is a case study in repression and misgovernment. For 12 years a secretive military junta has ground down the liberties and living standards of 50 million people. By banning most contact with the outside world and buying off the leadership of restive ethnic minorities, the junta has deflected serious challenges to its rule, despite the dismal failure of its economic policies and spreading social ills.

The military has ruled Myanmar since 1962, when it was known as Burma. After the violent suppression of democracy movement in 1988, an even more ruthless set of generals took charge. They permitted elections in 1990, then ignored the results when democratic forces led by Daw Aung Sang Suu Kyi won an overwhelming victory. She has spent 6 of the past 11 years under house arrest. Other leaders of her party have been relentlessly persecuted, university students have been relocated from the cities, and unions and civic associations have been prohibited. The junta has banned computer modems, e-mail and the Internet and made it a crime for people to invite foreigners into their homes.

The Times's Blaine Harden recently reported that Myanmar, which a half-century ago had one of Asia's best health care systems and highest literacy rates, is now near the bottom in these and many other measures of development as government spending has been diverted from schools and health care to the military. Most people now live on less than a dollar a day. Drug smuggling and AIDS have grown explosively and threaten to spill over to neighboring countries like China and Thailand.

The United States has led international efforts to isolate Myanmar through economic sanctions, including a ban on new investment. But other Asian countries have been reluctant to apply pressure. China, in particular, has helped sustain the junta through military aid. But an increasing number of countries are losing patience. Last week the 175-member International Labor Organization took the unusual step of condemning the junta's use of forced labor and invited member countries to impose sanctions. A good start would be restricting trade and investment in areas of the economy that profit from forced labor. Washington too should consider additional steps like encouraging disinvestment by American companies. Myanmar's people deserve international support in their struggle against a destructive tyranny.

By Mr. CORZINE:

S. 927. A bill to amend title 23, United States Code, to provide for a prohibition on use of mobile telephones while operating a motor vehicle; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, today I am introducing a bill, the Mobile Telephone Driving Safety Act of 2001, to enhance highway safety by encouraging States to restrict the use of cell phones while operating a motor vehicle.

The cell phone is an important and valuable type of technology that has grown increasingly popular throughout our nation. But as cell phone use has grown, so has a related problem, the increasing number of traffic accidents caused by drivers who are distracted by cell phone use.

The risks of driving while talking on the phone were made very clear to many Americans when on April 29, 2001 a car containing model Nikki Taylor crashed into a utility pole. The driver of the car admitted that he had been distracted from operating the car when he tried to answer his cellular telephone. That few second distraction was all that was necessary to cause the crash. As a result, Ms. Taylor suffered severe and life-threatening injuries.

Unfortunately, Ms. Taylor's case is just the most visible recent example of a much broader problem. Several studies have established that using a cell phone while driving substantially increases the risk of an accident. One, published in the New England Journal of Medicine, concluded that "use of cellular telephones in motor vehicles is associated with a quadrupling of the risks of a collision during the brief period of a call". The study goes on to say "this relative risk is similar to the hazard associated with driving with a blood alcohol level at the legal limit".

In response to the growing problem of cell phone use while driving, counties and municipalities around the country, including two municipalities in my own State of New Jersey, have banned the use of cell phones while driving on their roads. Just recently, Governor Pataki of New York endorsed similar statewide legislation. Yet, at this point, no State has actually enacted such a law. Many cite strong industry resistance to explain the failure of state legislatures to act.

While some wireless industry representatives may resist cell phone driving safety legislation, the American people strongly support the idea. A recent poll by Quinnipiac University showed that 87 percent of New York voters support such a ban. This survey echoes the results from other surveys taken nationwide.

In addition to preventing accidents and saving lives, a ban on cell phone use while driving also would help lower the cost of auto insurance. That is especially important to me because I represent a state in which insurance premiums are among the highest in the nation.

The Mobile Telephone Driving Safety Act of 2001 is structured in a manner similar to other Federal laws designed to promote highway safety, such as laws that encourage states to enact tough drunk driving standards. Under the legislation, a portion of Federal highway funds would be withheld from States that do not enact a ban on cell phone use while driving. Initially, this funding could be restored if states act to move into compliance. Later, the highway funding forfeited by one state would be distributed to other states that are in compliance. Experience has shown that the threat of losing highway funding is very effective in ensuring that states comply.

To meet the bill's requirements, States would have to ban cell phone use while driving. However, such a ban need not be absolute. It could include an exception where there are exceptional circumstances, such as the use of a phone to report a disabled vehicle or medical emergency. In addition, if a state makes a determination that the use of "hands free" cell phones does not pose a threat to public safety, such use could be exempted from the ban, as well.

This is a necessary bill to keep our streets and highways safe. I urge my colleagues to support this legislation.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FEINGOLD):

S. 928. A bill to amend the Age Discrimination in Employment Act of 1967 to require, as a condition of receipt or use of Federal financial assistance, that States waive immunity to suit for certain violations of that Act, and to affirm the availability of certain suits for injunctive relief to ensure compliance with that Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. JEFFORDS. Mr. President, I am pleased to be here today to introduce legislation that will restore to state employees the ability to bring claims of age discrimination against their employers under the Age Discrimination and Employment Act of 1967. The Older Workers Rights Restoration Act of 2001 seeks to provide state employees who allege age discrimination the same procedures and remedies as those afforded to other employees with respect to ADEA.

This legislation is needed to protect older workers like Professor Dan Kimel, who has taught physics Florida State University for nearly 35 years. Professor Kimel testified at a recent hearing before the Senate Health, Education, Labor and Pensions Committee that, despite his years of faithful service, in 1992 he was earning less in real dollars than his starting salary. To add insult to injury, his employer was hiring younger faculty out of graduate schools at salaries that were higher than he and other long-service faculty members were earning. In 1995, Professor Kimel and 34 colleagues brought a claim of age discrimination against the Florida Board of Regents.

Dan Kimel and his colleagues brought their cases under the Age Discrimination and Employment Act of 1967, ADEA. In 1974, Congress amended the ADEA to ensure that state employees, such as Dan Kimel had full protection against age discrimination. I stand before you today because this past year the Supreme Court ruled that Dan Kimel and other affected faculty do not have the right to bring their ADEA claims against their employer. The Court in Kimel v. Florida Board of Regents, held that Congress did not have the power to abrogate state sovereign immunity to individuals under the ADEA. As a result of the decision, state employees, who are victims of age discrimination, no longer have the remedies that are available to individuals who work in the private sector, for local governments or for the federal government. Indeed, unless a state chooses to waive its sovereign immunity or the Equal Employment Opportunity Commission decides to bring a suit, state workers no longer have a federal remedy for their claims of age discrimination. In effect, this decision has transformed older state employees into second class citizens.

For a right without a remedy is no right at all. Employees should not have to lose their right to redress simply because they happen to work for a state government. And a considerable portion of our workforce has been impacted. In Vermont, for example, the State is one of our largest employers. We cannot and should not permit these state workers to lose the right to redress age discrimination.

This legislation will resolve this problem. The Older Workers Rights Restoration Act of 2001 will restore the full protections of the ADEA to Dan Kimel and countless other state employees in federally assisted programs. The legislation will do this by requiring the states to waive their sovereign immunity as a condition of receiving federal funds for their programs or activities. The Older Workers Rights Restoration Act of 2001 follows the framework of many other civil rights laws, including the Civil Rights Restoration Act of 1987. Under this framework, immunity is only waived with regard to the program or activity actually receiving federal funds. States are not obligated to accept such funds; and if they do not they are immune from private ADEA suits. The legislation also confirms that these employees may bring actions for equitable relief under the ADEA.

I urge all my colleagues to join me in supporting this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Workers' Rights Restoration Act of 2001".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since 1974, the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) has prohibited States from discriminating in employment on the basis of age. In EEOC v. Wyoming, 460 U.S. 226 (1983), the Supreme Court upheld Congress' constitutional authority to prohibit States from discriminating in employment on the basis of age. The prohibitions of the Age Discrimination in Employment Act of 1967 remain in effect and continue to apply to the States, as the prohibitions have for more than 25 years.

(2) Age discrimination in employment remains a serious problem both nationally and among State agencies, and has invidious effects on its victims, the labor force, and the economy as a whole. For example, age discrimination in employment—

(A) increases the risk of unemployment among older workers, who will as a result be more likely to be dependent on government resources;

(B) prevents the best use of available labor resources;

(C) adversely effects the morale and productivity of older workers; and

(D) perpetuates unwarranted stereotypes about the abilities of older workers.

(3) Private civil suits by the victims of employment discrimination have been a crucial tool for enforcement of the Age Discrimination in Employment Act of 1967 since the enactment of that Act. In Kimel v. Florida Board of Regents, 120 S. Ct. 631 (2000), however, the Supreme Court held that Congress lacks the power under the 14th amendment to the Constitution to abrogate State sovereign immunity to suits by individuals under the Age Discrimination in Employment Act of 1967. The Federal Government has an important interest in ensuring that Federal financial assistance is not used to subsidize or facilitate violations of the Age Discrimination in Employment Act of 1967. Private civil suits are a critical tool for advancing that interest.

(4) As a result of the Kimel decision, although age-based discrimination by State employers remains unlawful, the victims of such discrimination lack important remedies for vindication of their rights that are available to all other employees covered under that Act, including employees in the private sector, local government, and the Federal Government. Unless a State chooses to waive sovereign immunity, or the Equal Employment Opportunity Commission brings an action on their behalf, State employees victimized by violations of the Age Discrimination in Employment Act of 1967 have no adequate Federal remedy for violations of that Act. In the absence of the deterrent effect that such remedies provide, there is a greater likelihood that entities carrying out programs and activities receiving Federal financial assistance will use that assistance to violate that Act, or that the assistance will otherwise subsidize or facilitate violations of that Act.

(5) Federal law has long treated nondiscrimination obligations as a core component of programs or activities that, in whole or part, receive Federal financial assistance. That assistance should not be used, directly or indirectly, to subsidize invidious discrimination. Assuring nondiscrimination in employment is a crucial aspect of assuring nondiscrimination in those programs and activities.

(6) Discrimination on the basis of age in programs or activities receiving Federal financial assistance is, in contexts other than employment, forbidden by the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.). Congress determined that it was not necessary for the Age Discrimination Act of 1975 to apply to employment discrimination because the Age Discrimination in Employment Act of 1967 already forbade discrimination in employment by, and authorized suits against, State agencies and other entities that receive Federal financial assistance. In section 1003 of the Rehabilitation Act Amendments of 1986 (42 U.S.C. 2000d–7), Congress required all State recipients of Federal financial assistance to waive any immunity from suit for discrimination claims arising under the Age Discrimination Act of 1975. The earlier limitation in the Age Discrimination Act of 1975, originally intended only to avoid duplicative coverage and remedies, has in the wake of the Kimel decision become a serious loophole leaving millions of State employees without an important Federal remedy for age discrimination, resulting in the use of Federal financial assistance to subsidize or facilitate violations of the Age Discrimination in Employment Act of 1967.

(7) The Supreme Court has upheld Congress' authority to condition receipt of Federal financial assistance on acceptance by the States or other recipients of conditions regarding or related to the use of that assistance, as in Cannon v. University of Chicago, 441 U.S. 677 (1979). The Court has further recognized that Congress may require a State, as a condition of receipt of Federal financial assistance, to waive the State's sovereign immunity to suits for a violation of Federal law, as in College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board, 527 U.S. 666 (1999). In the wake of the Kimel decision, in order to assure compliance with, and to provide effective remedies for violations of, the Age Discrimination in Employment Act of 1967 in State programs or activities receiving or using Federal financial assistance, and in order to ensure that Federal financial assistance does not subsidize or facilitate violations of the Age Discrimination in Employment Act of 1967, it is necessary to require such a waiver as a condition of receipt or use of that assistance.

(8) A State's receipt or use of Federal financial assistance in any program or activity of a State will constitute a limited waiver of sovereign immunity under section 7(g) of the Age Discrimination in Employment Act of 1967 (as added by section 4 of this Act). The waiver will not eliminate a State's immunity with respect to programs or activities that do not receive or use Federal financial assistance. The State will waive sovereign immunity only with respect to suits under the Age Discrimination in Employment Act of 1967 brought by employees within the programs or activities that receive or use that assistance. With regard to those programs and activities that are covered by the waiver, the State employees will be accorded only the same remedies that are accorded to other covered employees under the Age Discrimination in Employment Act of 1967.

(9) The Supreme Court has repeatedly held that State sovereign immunity does not bar suits for prospective injunctive relief brought against State officials, as in Ex parte Young, 209 U.S. 123 (1908). Clarification of the language of the Age Discrimination in Employment Act of 1967 will confirm that that Act authorizes such suits. The injunctive relief available in such suits will continue to be no broader than the injunctive relief that was available under that Act before the Kimel decision, and that is available to all other employees under that Act.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide to State employees in programs or activities that receive or use Federal financial assistance the same rights and remedies for practices violating the Age Discrimination in Employment Act of 1967 as are available to other employees under that Act, and that were available to State employees prior to the Supreme Court's decision in Kimel v. Florida Board of Regents, 120 S. Ct. 631 (2000);

(2) to provide that the receipt or use of Federal financial assistance for a program or activity constitutes a State waiver of sovereign immunity from suits by employees within that program or activity for violations of the Age Discrimination in Employment Act of 1967; and

(3) to affirm that suits for injunctive relief are available against State officials in their official capacities for violations of the Age Discrimination in Employment Act of 1967.

SEC. 4. REMEDIES FOR STATE EMPLOYEES.

Section 7 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626) is amended by adding at the end the following:

"(g)(1)(A) A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by an employee of that program or activity under this Act for equitable, legal, or other relief authorized under this Act.

"(B) In this paragraph, the term 'program or activity' has the meaning given the term in section 309 of the Age Discrimination Act of 1975 (42 U.S.C. 6107).

"(2) An official of a State may be sued in the official capacity of the official by any employee who has complied with the procedures of subsections (d) and (e), for injunctive relief that is authorized under this Act. In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).".

SEC. 5. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to another person or circumstance shall not be affected.

SEC. 6. EFFECTIVE DATE.

(a) Waiver of Sovereign Immunity.—With respect to a particular program or activity, section 7(g)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(g)(1)) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(b) Suits Against Officials.—Section 7(g)(2) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(g)(2)) applies to any suit pending on or after the date of enactment of this Act.

Mr. KENNEDY. Mr. President, I am honored today to join Chairman JEFFORDS and Senator FEINGOLD to introduce the Older Workers' Rights Restoration Act of 2001. Our goal is to restore to older state government workers the right to seek remedies for age discrimination. A recent decision by the Supreme Court took that right away. State workers now have fewer federal protections against age discrimination than other employees in the country. This bill will remedy that injustice.

In 1967, Congress outlawed age discrimination in employment in the private sector by passing the Age Discrimination in Employment Act. In 1974, recognizing that employees of state government agencies were also often subject to pervasive and arbitrary age discrimination, Congress extended the Act to cover state governments. For more than 25 years, state employees were protected from age discrimination, and had the same remedies as all other employees covered by this law.

But in Kimel v. Florida Board of Regents, decided last year, the Supreme Court held that Congress lacked the power to subject states to suits under the federal age discrimination laws. As a result, unless a state agrees to allow suits against its agencies in such cases, state employees cannot seek relief on their own behalf to remedy age discrimination.

In a recent hearing before the Labor Committee, I was privileged to hear the eloquent testimony of Dr. J. Daniel Kimel, the plaintiff in the Supreme Court case. Dr. Kimel has been a professor of physics at Florida State University for 35 years and is paid less than younger faculty. Because of the Supreme Court's ruling, Dr. Kimel has been unable to seek any remedy at all for this age-based salary discrimination.

Large numbers of State employees, those who work for State colleges and universities, State police forces, State departments of transportation, State environmental protection agencies and many other State agencies, lack effective Federal remedies for age discrimination. That result is unfair. These State workers are vulnerable to age discrimination, which wastes valuable talent and adversely affects morale.

No worker should be subject to discriminatory hiring, firing, or other job action based on age or any other characteristic that has nothing to do with job performance. We must act to see that workers are adequately protected against this threat.

The bill that Chairman JEFFORDS, Senator FEINGOLD and I are introducing today is in the best tradition of the nation's civil rights laws. It provides that when a State program receives Federal tax dollars, the program must permit its employees to seek remedies under the Federal age discrimination law. The courts have long recognized that Congress can act to see that Federal funds are not used to subsidize discrimination, and this is what our bill will do. In fact, all of the scholars who testified in our Committee hearing agree that this is an appropriate and constitutional use of Congress' power.

This important bill will help to ensure that all Americans are protected from age discrimination in employment. I urge my colleagues to join me in supporting this needed legislation.

By Mr. HUTCHINSON:

S. 929. A bill to amend the National Labor Relations Act to preserve charitable giving; to the Committee on Health, Education, Labor, and Pensions.

Mr. HUTCHINSON. Mr. President, I rise today to introduce the Preserve Charitable Giving Act. I am proud of this legislation but am profoundly saddened that it has become necessary.

Aggressive union organizing tactics have made this legislation necessary because those tactics have forced many of our nation's largest retailers who allow charities to solicit donations on their premises to also give unions access to their premises for the express purpose of organizing or face a flurry of unfair labor practice charges. When faced with this situation, these retailers are thus forced to deny access to everyone, resulting in a loss of charitable donations. The magnitude of this loss cannot be overstated, as charitable donations raised through Wal*Mart alone are over $127 million annually. This means that there are now fewer hot meals for the hungry, fewer toys for poor children, and less clothing and shelter for the homeless.

This is unacceptable. Companies should not be forced to choose between furthering charity or increasing union membership. The Preserve Charitable Giving Act will clarity the National Labor Relations Act so that retailers who choose to allow access to their premises for charitable solicitations will not also be forced to give access for union organizing purposes. Thus, I ask my colleagues to preserve charitable giving by helping to enact this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserve Charitable Giving Act".

SEC. 2. PROPERTY ACCESS.

Section 8(a)(1) of the National Labor Relations Act is amended by adding after "section 7" the following: "*Provided*, That in the case of a published, written, or posted no solicitation or no access rule, an exception for charitable, eleemosynary, or other beneficent purposes shall not be grounds for finding an unfair labor practice".

By Mr. McCAIN:

S. 930. A bill to authorize the Secretary of the Interior to set aside up to $2 per person from park entrance fees or assess up to $2 per person visiting the Grand Canyon National Park to secure bonds for capital improvements, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr. President, I rise today to introduce legislation that will authorize the Secretary of Interior to develop and implement a bonding program to help finance capital improvement projects at the Grand Canyon National Park in Arizona.

For the past few years, I have worked on legislation to implement a national parks bonding program to benefit the National Parks system by proposing a unique public-private partnership mechanism to finance capital improvements through bond revenues. This legislation has received substantial support by many of the organizations working with the National Parks system. The legislation I am introducing today is similar to the National Parks Capital Improvements Act of 2001, but it specifically authorizes a park-specific bonding program for the Grand Canyon National Park in my home state of Arizona.

This park-specific proposal is similar to actions taken back in the late 1980's to legislate a solution to the air traffic and noise pollution problems affecting the Grand Canyon National Park caused by overflights over the canyon. Congress enacted legislation to require specific measures to mitigate air traffic through the National Parks Overflights Act. Once a framework for the Grand Canyon National Park was established, it became clear that broader legislation was necessary to address similar overflights issues to promote safety and quiet in the entire national parks system.

Much in the same way, I am proposing to allow the Secretary of Interior to utilize the bonding mechanism at the Grand Canyon National Park, in partnership with a supporting organization. Bonding has worked well in other governmental sectors to leverage additional financing for local projects where federal or state resources are not otherwise sufficient or available.

This bonding legislation, as well as the broader national parks bonding bill, would allow the Grand Canyon National Park to utilize up to $2 of its existing fee structure to dedicate to securing bonds to finance capital improvement projects. For example, based on current visitation rates at the Grand Canyon, a $2 surcharge would enable us to raise $100 million from a bond issue amortized over 20 years. That is a significant amount of money which could be used to accomplish many critical park projects. With approximately 1.2 million acres to protect, this type of financial tool would go far to help redress the backlog of needed repairs, maintenance and other approved projects at the Grand Canyon National Park.

I remain committed to broader legislation to implement a park-wide bonding program. However, I am proposing that we should also consider testing this innovative approach by authorizing its use to help protect one of the nation's largest and most magnificent parks, the Grand Canyon.

I ask unanimous consent to print the text of this bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Grand Canyon Capital Improvements Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Fundraising organization.
Sec. 4. Memorandum of agreement.
Sec. 5. Park surcharge or set-aside.
Sec. 6. Use of bond proceeds.
Sec. 7. Report.
Sec. 8. Regulations.

SEC. 2. DEFINITIONS.

In this Act:

(1) FUNDRAISING ORGANIZATION.—The term "fundraising organization" means an entity authorized to act as a fundraising organization under section 3(a).

(2) MEMORANDUM OF AGREEMENT.—The term "memorandum of agreement" means a memorandum of agreement entered into by the Secretary under section 3(a) that contains the terms specified in section 4.

(3) PARK.—The term "Park" means the Grand Canyon National Park.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. FUNDRAISING ORGANIZATION.

(a) IN GENERAL.—The Secretary may enter into a memorandum of agreement under section 4 with an entity to act as an authorized fundraising organization for the benefit of the Park.

(b) BONDS.—The fundraising organization for the Park shall issue taxable bonds in return for the surcharge or set-aside for the Park collected under section 5.

(c) PROFESSIONAL STANDARDS.—The fundraising organization shall abide by all relevant professional standards regarding the issuance of securities and shall comply with all applicable Federal and State law.

(d) AUDIT.—The fundraising organization shall be subject to an audit by the Secretary.

(e) NO LIABILITY FOR BONDS.—The United States shall not be liable for the security of any bonds issued by the fundraising organization.

SEC. 4. MEMORANDUM OF AGREEMENT.

The fundraising organization shall enter into a memorandum of agreement that specifies—

(1) the amount of the bond issue;

(2) the maturity of the bonds, not to exceed 20 years;

(3) the per capita amount required to amortize the bond issue, provide for the reasonable costs of administration, and maintain a sufficient reserve consistent with industry standards;

(4) the project or projects at the Park that will be funded with the bond proceeds and the specific responsibilities of the Secretary and the fundraising organization with respect to each project; and

(5) procedures for modifications of the agreement with the consent of both parties based on changes in circumstances, including modifications relating to project priorities.

SEC. 5. PARK SURCHARGE OR SET-ASIDE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may authorize the Superintendent of the Park—

(1) to charge and collect a surcharge in an amount not to exceed $2 for each individual otherwise subject to an entrance fee for admission to the Park; or

(2) to set aside not more than $2 for each individual charged the entrance fee.

(b) SURCHARGE IN ADDITION TO ENTRANCE FEES.—The Park surcharge under subsection (a) shall be in addition to any entrance fee collected under—

(1) section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a);

(2) the recreational fee demonstration program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134; 110 Stat. 1321–156; 1321–200; 16 U.S.C. 4601–6a note); or

(3) the national park passport program established under title VI of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5991 et seq.).

(c) LIMITATION.—The total amount charged or set aside under subsection (a) may not exceed $2 for each individual charged an entrance fee.

(d) USE.—A surcharge or set-aside under subsection (a) shall be used by the fundraising organization to—

(1) amortize the bond issue;

(2) provide for the reasonable costs of administration; and

(3) maintain a sufficient reserve consistent with industry standards, as determined by the bond underwriter.

SEC. 6. USE OF BOND PROCEEDS.

(a) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), bond proceeds under this Act may be used for a project for the design, construction, operation, maintenance, repair, or replacement of a facility in the Park.

(2) PROJECT LIMITATIONS.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the Park; and

(C) the general management plan for the Park.

(3) PROHIBITION ON USE FOR ADMINISTRATION.—Other than interest as provided in subsection (b), no part of the bond proceeds may be used to defray administrative expenses.

(b) INTEREST ON BOND PROCEEDS.—Any interest earned on bond proceeds may be used by the fundraising organization to—

(1) meet reserve requirements; and

(2) defray reasonable administrative expenses incurred in connection with the management and sale of the bonds.

SEC. 7. REPORT.

(a) IN GENERAL.—Not later than 2 years after the promulgation of regulations under section 8, the Secretary shall submit to Congress a report on the bond program.

(b) REQUIREMENTS.—The report shall include—

(1) a review of the bond program carried out under this Act at the Park; and

(2) recommendations to Congress on whether to establish a bond program at all units of the National Park System.

SEC. 8. REGULATIONS.

The Secretary, in consultation with the Secretary of Treasury, shall promulgate regulations to carry out this Act.

By Mr. HARKIN (for himself, Mr. SMITH of Oregon, Mr. JOHNSON, Mr. DASCHLE, Mr. LEAHY, Mr. SCHUMER, Mr. DORGAN, Mr. DAYTON, Mrs. CLINTON, Ms. STABENOW, Mr. KENNEDY, Mr. KOHL, Mr. KERRY, Mr. SARBANES, Mr. WELLSTONE, Mr. DURBIN, and Mrs. BOXER):

S. 932. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the Conservation Security Act of 2001, a bill that represents a fresh bipartisan farmer-friendly approach to farm policy and agricultural conservation. I am pleased to be joined by my colleague Senator GORDAN SMITH from Oregon, as well as Senators DASCHLE, LEAHY, DORGAN, JOHNSON, DAYTON, SCHUMER, CLINTON, STABENOW, KOHL, SARBANES, KERRY, KENNEDY, WELLSTONE, DURBIN, and BOXER.

America's farmers and ranches produce a bountiful, safe, and nourishing food supply, and they also protect our natural resources, environment and wildlife habitat. Farmers and ranches have a long history of stewardship of private lands. They are the key to enhancing conservation of resources for future generations.

Private land conservation became a national priority in the days of the Dust Bowl, leading to the creation in the 1930s of the Soil Conservation Service, (now the Natural Resources Conservation Service), at the Department of Agriculture. With the very foundation of our food supply at risk, the federal government stepped forward with billions of dollars in assistance to help farmers conserve their precious soils.

Since that time, total federal spending on conservation has steadily declined in inflation-adjusted dollars. Funds for lands in production have been especially hard hit. Yet today, agriculture faces a wide range of environmental challenges, from overgrazing and manure management to cropland runoff and air quality impairment. Urban and rural citizens alike are increasingly interested in supporting conservation on agricultural lands.

Farmers and ranchers pride themselves on being good stewards of the land, but they are limited by financial constraints. Every dollar spent on constructing a filter strip or developing a nutrient management plan is a dollar unavailable for other purposes. And even in better times, there is a lot of competition for each dollar in a farm's budget.

Who benefits from conservation on agricultural lands? As much or more than farmers, all of us, depend on the careful stewardship of our air, water, soil and other natural resources. Farmers and ranchers tend not only to their crops and animals, but also to our nation's natural resources.

Since all Americans share in these benefits, it is only right that we contribute to conserving private lands. It is time to enter into a true conservation partnership with farmers and ranchers to help ensure hat conservation is an integral and permanent part of our agricultural policy nationwide.

In the 1985 farm bill, we required farmers who wanted to participate in

USDA farm programs to develop soil conservation plans for their highly erodible land. This provision helped put new conservation plans in place for our most fragile farmlands. In the most recent farm bill, we streamlined conservation programs and established new cost-share and incentive payments for certain practices. These measures have helped enhance the environment and natural resources, but we still have more to do.

The Conservation Security Act of 2001 builds on our past successes and takes a bold step forward in farm and conservation policy.

The Conservation Security Act would establish a universal and voluntary incentive payment program, the Conservation Security Program, to support and encourage conservation activities by farmers and ranchers. Under this program, farmers and ranchers could receive as much as $50,000 a year inconservation payments by entering into 5- to 10-year agreements with USDA and carrying out eligible conservation practices. Moreover, the program is designed to encourage implementation of practices that address local conservation priorities. Payments are based on the number and types of practices and level of conservation carried out on their lands in agricultural production. Farmers and ranchers may choose to implement practices from one or more of the following three tiers of practices.

In Tier I, participating farmers would adopt or maintain basic individual practices, including nutrient management, soil conservation, and wildlife habitat management on part or all of their operation. Tier I plans are for 5-year periods. Based on enrolled acreage, practices and the level of conservation, farmers or ranchers in Tier I would receive annual payments that could reach as much as $20,000. A one-time advance payment could be made of the greater of $1,000 or 20 percent of the annual payment.

Farmers or ranchers in Tier II would implement more extensive conservation practices on their working lands. They could choose from Tier I practices and II practices, including controlled rotational grazing, partial field practices like buffers, strips and windbreaks, wetland restoration and wildlife habitat enhancement, for a period of 5 to 10 years, at the farmer's discretion. The practices adopted in Tier II must address at least one resource of concern (i.e. water quality, air quality, soil quality, wildlife habitat, etc.) for the entire operation. For adopting or maintaining Tier II practices, farmers or ranchers would receive up to $35,000 a year with access to a one-time advance payment of the greater of $2,000 or 20 percent of the annual payment.

To qualify under Tier III, farmers and ranchers would adopt a comprehensive set of conservation practices on the entire operation. The Practices would address all resources of concern on the operation, including air, land, water and wildlife. For carrying out a Tier III plan of practices, farmers and ranchers would receive up to $50,000 a year with access to a one-time advance payment of the greater of $3,000 or 20 percent of the annual payment.

Again, I emphasize, the Conservation Security Program would be totally voluntary. Farmers and ranchers would decide if they want to participate and to what extent they want to participate. The more conservation they do, the greater the payment. Many farmers are already using many of these practices, but they receive little or no financial support. This legislation changes that by rewarding those farmers and ranchers who have already implemented these practices through payments for maintaining them.

In addition, the Conservation Security Act provides a strong incentive to go beyond the farm's current level of conservation. And it does so in a way that is compatible with our international trade obligations. The payments received under the Conservation Security Program would fit into the "Green Box" under the WTO Uruguay Round.

Payments received under the Conservation Security Program are not linked to participation in commodity programs, and farmers don't have to participate in the Conservation Security Program to be eligible for commodity payments. Further, the Conservation Security Act, which focuses on land in production, complements and does not interfere with the existing conservation programs. A farmer or rancher may participate in these programs, including the Conservation Reserve Program, the Wetlands Reserve Program, and the Farmland Protection Program and still participate in the Conservation Security Program. We need to support these and the other conservation programs, but to truly benefit agriculture and address the public's desire to enhance the environment, natural resources and wildlife habitat on agricultural land we must also address conservation needs on land in production.

Farmers and ranchers across our country want to take actions to enhance the environment, but they need financial and technical assistance. The Conservation Security Act provides that needed assistance. Further, the Conservation Security Act was crafted to include opportunities for all producers nationwide, including producers of fruits, vegetables, speciality crops, row crops and livestock to participate in the Conservation Security Program.

Our private lands are a national treasure, and conservation on farm and ranchlands provides environmental benefits that are just as important as the production of abundant and safe food. The Conservation Security Act will help secure the economic future of our farmers and ranchers by providing them the means to increase their income while conserving our natural resources, the environment, and wildlife habitat for today and for future generations.

I thank the Chair.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation Security Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) in addition to producing food and fiber, agricultural producers can contribute to the public good by providing improved soil productivity, clean air and water, fish and wildlife habitat, landscape and recreational amenities, and other natural resources and environmental benefits;

(2) agricultural producers in the United States have a long history of embracing environmentally friendly conservation practices and desire to continue those practices and engage in new and additional conservation practices;

(3) agricultural producers that engage in conservation practices—

(A) may not receive economic rewards for implementing conservation practices; and

(B) should be encouraged to engage in good stewardship, and should be rewarded for doing so;

(4) despite significant progress in recent years, significant environmental challenges on agricultural land remain;

(5) since the 1930's, when agricultural conservation became a national priority. Federal resources for conservation assistance have declined over 50 percent, when adjusted for inflation;

(6) existing conservation programs do not provide opportunities for all interested agricultural producers to participate;

(7) a voluntary, incentive-based conservation program open to all agricultural producers that qualify and desire to participate would—

(A) encourage greater improvement of natural resources and the environment;

(B) address the economic implications of conservation practices in a manner consistent with international obligations of the United States;

(C) enable United States farmers and ranchers to produce food for a growing world population; and

(D) encourage conservation practices that provide a public benefit while not infringing on the freedom of an agricultural producer to manage agricultural operations as the agricultural producer chooses;

(8) total farm conservation planning can help producers increase profitability, enhance resource protection, and improve quality of life;

(9) on-farm practices may help deter invasive species that jeopardize native species or impair agricultural land of the United States; and

(10) a conservation program described in paragraph (7) would help achieve a better balance between Federal payments supporting conservation on land used for agricultural production and Federal payments for the purpose of retiring agricultural land from production.

SEC. 3. CONSERVATION SECURITY PROGRAM.

(a) IN GENERAL.—Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended by adding at the end the following:

"CHAPTER 6—CONSERVATION SECURITY PROGRAM

"SEC. 1240P. DEFINITIONS.

"In this chapter:

"(1) CONSERVATION PRACTICE.—The term 'conservation practice' means a land-based farming technique that—

"(A) requires planning, implementation, management, and maintenance; and

"(B) promotes 1 or more of the purposes described in section 1240Q(a).

"(2) CONSERVATION SECURITY CONTRACT.—The term 'conservation security contract' means a contract described in section 1240Q(e).

"(3) CONSERVATION SECURITY PLAN.—The term 'conservation security plan' means a plan described in section 1240Q(c).

"(4) CONSERVATION SECURITY PROGRAM.—The term 'conservation security program' means the program established under section 1240Q(a).

"(5) NUTRIENT MANAGEMENT.—The term 'nutrient management' means management of the quantity, source, placement, form, and timing of the land application of nutrients on land enrolled in the conservation security program and other additions to soil—

"(A) to achieve or maintain adequate soil fertility for agricultural production; and

"(B) to minimize the potential for loss of environmental quality, including soil, water, fish and wildlife habitat, and air quality impairment.

"(6) RESOURCE OF CONCERN.—The term 'resource of concern' means a conservation priority of the State and locality under section 1240Q(c)(3).

"(7) RESOURCE-CONSERVING CROP.—The term 'resource-conserving crop' means—

"(A) a perennial grass;

"(B) a legume grown for use as forage, seed for planting, or green manure;

"(C) a legume-grass mixture;

"(D) a small grain grown in combination with a grass or legume, whether interseeded or planted in succession; and

"(E) such other plantings, including trees and annual grasses, as the Secretary considers appropriate for a particular area.

"(8) RESOURCE-CONSERVING CROP ROTATION.—The term 'resource-conserving crop rotation' means a crop rotation that—

"(A) includes at least 1 resource-conserving crop;

"(B) reduces erosion;

"(C) improves soil fertility and tilth; and

"(D) interrupts pest cycles.

"(9) RESOURCE MANAGEMENT SYSTEM.—The term 'resource management system' means a system of conservation practices and management relating to land or water use that is designed to prevent resource degradation and permit sustained use of the land and water, as defined in the Natural Resource Conservation Service technical guidance handbooks.

"SEC. 1240Q. CONSERVATION SECURITY PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a conservation security program to assist owners and operators of agricultural operations to promote, as is applicable for each operation—

"(1) conservation of soil, water, energy, and other related resources;

"(2) soil quality protection and improvement;

"(3) water quality protection and improvement;

"(4) air quality protection and improvement;

"(5) soil, plant, or animal health and well-being;

"(6) diversity of flora and fauna;

"(7) on-farm conservation and regeneration of biological resources, including plant and animal germplasm;

"(8) wetland restoration, conservation, and enhancement;

"(9) wildlife habitat management, with special emphasis on species identified by the Natural Heritage Program of the State;

"(10) reduction of greenhouse gas emissions and enhancement of carbon sequestration;

"(11) systems that protect human health and safety;

"(12) environmentally sound management of invasive species; or

"(13) any similar conservation purpose (as determined by the Secretary).

"(b) ELIGIBILITY.—

"(1) ELIGIBLE OWNERS AND OPERATORS.—To be eligible to participate in the conservation security program (other than to receive technical assistance under subsection (h)(6) for the development of conservation security contracts), an owner or operator shall—

"(A) develop and submit to the Secretary, and obtain the approval of the Secretary of, a conservation security plan that meets the requirements of subsection (c)(1); and

"(B) enter into a conservation security contract with the Secretary to carry out the conservation security plan.

"(2) ELIGIBLE LAND.—

"(A) IN GENERAL.—Except as provided in subparagraph (C)(iii), private agricultural land (including cropland, rangeland, grassland, and pasture land) that is entirely used as part of the agricultural operation of an owner or operator on the date of enactment of this chapter shall be eligible for enrollment in the conservation security program.

"(B) FORESTED LAND.—Private forested land shall be eligible for enrollment in the conservation security program if the forested land is integrated into the agricultural operation, including land that is used for—

"(i) alleycropping;

"(ii) forest farming;

"(iii) forest buffers;

"(iv) windbreaks;

"(v) silvopasture systems; and

"(vi) such other uses as the Secretary may determine appropriate.

"(C) EXCLUSIONS.—

"(i) CONSERVATION RESERVE PROGRAM.—Land enrolled in the conservation reserve program under subchapter B of chapter I shall not be eligible for enrollment in the conservation security program except for land enrolled in partial field conservation practice enrollment options.

"(ii) WETLANDS RESERVE PROGRAM.—Land enrolled in the wetlands preserve program established under subchapter C of chapter 1 of subtitle D shall not be eligible for enrollment in the conservation security program.

"(iii) TOLERANCE LEVEL.—The Secretary shall promulgate regulations to ensure that land shall not be eligible for enrollment in the conservation security program if the land—

"(I) is initially used for the production of an agricultural commodity after the date of enactment of this chapter; and

"(II) cannot be used for the production of an agricultural commodity without resulting in the loss of soil at a level that exceeds the soil loss tolerance level.

"(c) CONSERVATION SECURITY PLANS.—

"(1) IN GENERAL.—A conservation security plan shall—

"(A) identify the resources and designated land to be conserved under the conservation security plan;

"(B) describe the tier of conservation practices, and the particular conservation practices to be implemented, maintained, or improved, in accordance with subsection (d) on the land covered by the conservation security contract for the specified term;

"(C) contain a schedule for the implementation, maintenance, or improvement of the conservation practices described in the conservation security plan during the term of the conservation security contract;

"(D) meet the requirements of the highly erodible land and wetland conservation requirements of subtitles B and C; and

"(E) contain such other terms as the Secretary determines to be appropriate.

"(2) COMPREHENSIVE PLANNING.—The Secretary shall encourage owners and operators that enter into conservation security contracts—

"(A) to undertake a comprehensive examination of the opportunities for conserving natural resources and improving the profitability, environmental health, and quality of life in relation to their entire agricultural operations;

"(B) to develop a long-term strategy for implementing, monitoring, and evaluating conservation practices and environmental results in the entire agricultural operation;

"(C) to participate in other Federal, State, local, or private conservation programs;

"(D) to maintain the agricultural integrity of the land; and

"(E) to adopt innovative conservation technologies and management practices.

"(3) STATE AND LOCAL CONSERVATION PRIORITIES.—To the maximum extent practicable and in a manner consistent with the conservation security program, each conservation security plan shall address the conservation priorities of the State and locality in which the agricultural operation is located (as determined by the State conservationist in consultation with the State technical committee established under subtitle G and the local working groups of the State technical committee).

"(d) CONSERVATION PRACTICES.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT OF TIERS.—The Secretary shall establish 3 tiers of conservation practices that are eligible for payment under a conservation security contract.

"(B) ELIGIBLE CONSERVATION PRACTICES.—

"(i) IN GENERAL.—The Secretary shall make eligible for payment under a conservation security contract land management, vegetative, and structural practices that—

"(I) are necessary to achieve the objectives of the conservation security plan; and

"(II) primarily provide for and have as the primary purpose resource protection and environmental improvement.

"(ii) DETERMINATION.—

"(I) IN GENERAL.—In determining the eligibility of a practice described in clause (i), the Secretary shall require the lowest cost alternatives be used to fulfill the objectives of the conservation security plan.

"(II) LIMITATION.—Notwithstanding subclause (I), the adoption of innovative technologies shall, to the maximum extent practicable, not be limited.

“(2) SUSTAINABLE ECONOMIC USES.—With respect to land enrolled in the conservation security program, including all land use adjustment activities specified under Tier II, the Secretary shall permit economic uses of the land that—

“(A) maintain the agricultural nature of land;

“(B) achieve the natural resource and environmental benefits of the plan; and

“(C) are approved as part of the conservation security plan.

“(3) ON-FARM RESEARCH AND DEMONSTRATION.—With respect to land enrolled in the conservation security program that will be maintained using a Tier II or Tier III conservation practice established under paragraph (5), the Secretary may approve a conservation security plan that includes on-farm research and demonstration activities, including innovative approaches to—

“(A) total farm planning;

“(B) total resource management;

“(C) integrated farming systems;

“(D) germplasm conservation and regeneration;

“(E) greenhouse gas reduction and carbon sequestration;

“(F) agro-ecological restoration and wildlife habitat restoration;

“(G) agro-forestry;

“(H) invasive species control;

“(I) energy conservation and management; or

“(J) farm and environmental results monitoring and evaluation.

“(4) USE OF HANDBOOK AND GUIDES.—

“(A) IN GENERAL.—In determining eligible conservation practices under the conservation security program, the Secretary shall use the National Handbook of Conservation Practices and the field office technical guides of the Natural Resources Conservation Service.

“(B) CONSERVATION PRACTICE STANDARDS.—To the maximum extent practicable, the Secretary shall establish guidance standards for implementation of eligible conservation practices that shall include measurable goals for enhancing and preventing degradation of resources.

“(C) ADJUSTMENTS.—After providing notice and an opportunity for public participation, the Secretary shall make such adjustments to the National Handbook of Conservation Practices as are necessary to carry out this chapter.

“(D) PILOT TESTING.—

“(i) IN GENERAL.—Under any of the 3 tiers of conservation practices established under paragraph (5), the Secretary may approve requests by an owner or operator for pilot testing of new technologies and innovative conservation practices and systems.

“(ii) INCORPORATION INTO STANDARDS.—After evaluation by the Secretary and provision of notice and an opportunity for public participation, the Secretary may incorporate new technologies and innovative conservation practices and systems into the standards for implementation of conservation practices established under paragraph (1)(C).

“(5) TIERS.—To carry out this subsection, the Secretary shall establish the following 3 tiers of conservation practices:

“(A) TIER I.—

“(i) IN GENERAL.—A conservation security plan for land enrolled in the conservation security program that will be maintained using Tier I conservation practices shall—

“(I) if applicable, address at least 1 resource of concern to the particular agricultural operation;

“(II) apply to the total agricultural operation or to a particular unit of the agricultural operation;

“(III) cover both—

“(aa) conservation practices that are being implemented as of the date on which the conservation security contract is entered into; and

“(bb) conservation practices that are newly implemented under the conservation security contract; and

“(IV) meet applicable standards for implementation of conservation practices established under paragraph (4);

“(ii) CONSERVATION PRACTICES.—Tier I conservation practices shall consist of, as appropriate for the agricultural operation of an owner or operator, 1 or more of the following basic conservation activities:

“(I) Soil conservation, quality, and residue management.

“(II) Nutrient management.

“(III) Pest management.

“(IV) Invasive species management.

“(V) Irrigation water conservation and water quality management.

“(VI) Grazing, pasture, and rangeland management.

“(VII) Fish and wildlife habitat management, with special emphasis on species identified by the Natural Heritage Program of the State or the appropriate State agency.

“(VIII) Fish and wildlife protection and enhancement.

“(IX) Air quality management.

“(X) Energy conservation measures.

“(XI) Biological resource conservation and regeneration.

“(XII) Worker health and safety protection measures.

“(XIII) Animal welfare management.

“(XIV) Plant and animal germplasm conservation, evaluation, and development.

“(XV) Contour farming.

“(XVI) Strip cropping.

“(XVII) Cover cropping.

“(XVIII) Sediment dams.

“(XIX) Recordkeeping.

“(XX) Monitoring and evaluation.

“(XXI) Any other conservation practice that the Secretary determines to be appropriate and comparable to other conservation practices described in this clause.

“(iii) TIER II PRACTICES.—A conservation security plan for land enrolled in the conservation security program that will be maintained using Tier I conservation practices may include Tier II conservation practices.

“(B) TIER II.—

“(i) IN GENERAL.—A conservation security plan for land enrolled in the conservation security program that will be maintained using Tier II conservation practices shall—

“(I) address at least 1 resource of concern as specified in the conservation security plan covering the total agricultural operation;

“(II) cover both—

“(aa) conservation practices that are being implemented as of the date on which the conservation security contract is entered into; and

“(bb) conservation practices that are newly implemented under the conservation security contract; and

“(III) meet applicable resource management system criteria for the chosen resource of concern of the agricultural operation;

“(ii) CONSERVATION PRACTICES.—Tier II conservation practices shall consist of, as appropriate for the agricultural operation of an owner or operator, any of the Tier I conservation practices and 1 or more of the following land use adjustment or protection practices:

“(I) Resource-conserving crop rotations.

“(II) Controlled, rotational grazing.

“(III) Conversion of portions of cropland from a soil-depleting use to a soil-conserving use, including production of cover crops.

“(IV) Partial field conservation practices (including windbreaks, grass waterways, shelter belts, filter strips, riparian buffers, wetland buffers, contour buffer strips, living snow fences, crosswind trap strips, field borders, grass terraces, wildlife corridors, and critical area planting appropriate to the agricultural operation).

“(V) Fish and wildlife habitat protection and restoration.

“(VI) Native grassland and prairie protection and restoration.

“(VII) Wetland protection and restoration.

“(VIII) Agroforestry practices and systems.

“(IX) Any other conservation practice involving modification of the use of land that the Secretary determines to be appropriate and comparable to other conservation practices described in this clause.

“(C) TIER III.—

“(i) IN GENERAL.—A conservation security plan for land enrolled in the conservation security program that will be maintained using Tier III conservation practices shall—

“(I) address all resources of concern in the total agricultural operation;

“(II) cover both—

“(aa) conservation practices that are being implemented as of the date on which the conservation security contract is entered into; and

“(bb) conservation practices that are newly implemented under the conservation security contract; and

“(III) meet applicable resource management system criteria;

“(ii) CONSERVATION PRACTICES.—Tier III conservation practices shall consist of, as appropriate for the agricultural operation of an owner or operator—

“(I) appropriate Tier I and Tier II conservation practices; and

“(II) development, implementation, and maintenance of a conservation security plan that, over the term of the conservation security contract—

“(aa) integrates a full complement of conservation practices to foster environmental enhancement and the long-term sustainability of the natural resource base of an agricultural operation; and

“(bb) improves profitability and quality of life associated with the agricultural operation.

“(e) CONSERVATION SECURITY CONTRACTS.—

“(1) IN GENERAL.—On approval of a conservation security plan of an owner or operator, the Secretary shall enter into a conservation security contract with the owner or operator to enroll the land covered by the conservation security plan in the conservation security program.

“(2) TERM.—Subject to paragraphs (3) and (4)—

“(A) a conservation security contract for land enrolled in the conservation security program that will be maintained using 1 or more Tier I conservation practices shall have a term of 5 years; and

“(B) a conservation security contract for land enrolled in the conservation security program that implements a conservation security plan that meets the requirements of subparagraph (B) or (C) of subsection (d)(5) shall have a term of 5 to 10 years, at the option of the owner or operator.

“(3) MODIFICATIONS.—

“(A) OPTIONAL MODIFICATIONS.—

"(i) IN GENERAL.—An owner or operator may apply to the Secretary to modify the conservation security plan in a manner consistent with the purposes of the conservation security program.

"(ii) APPROVAL BY THE SECRETARY.—Any modification under clause (i)—

"(I) shall be approved by the Secretary; and

"(II) shall authorize the Secretary to redetermine, if necessary, the amount and timing of the payments pursuant to the conservation security contract under subsection (h)(2)(C).

"(B) OTHER MODIFICATIONS.—

"(i) IN GENERAL.—The Secretary may in writing require an owner or operator to modify a conservation security contract before the expiration of the conservation security contract if the Secretary determines that a change made to the type, size, management, or other aspect of the agricultural operation of the owner or operator would, without the modification, significantly interfere with achieving the purposes of the conservation security program.

"(ii) PAYMENTS.—The Secretary may adjust the amount and timing of the payment schedule under the conservation security contract to reflect any modifications required under this subparagraph.

"(iii) DEADLINE.—The Secretary may terminate a conservation security contract if a modification required under this subparagraph is not submitted to the Secretary in the form of an amended conservation security contract by the date that is 90 days after the date of receipt of the written request for the modification.

"(iv) TERMINATION.—An owner or operator that is required to modify a conservation security contract under this subparagraph may, in lieu of modifying the contract—

"(I) terminate the conservation security contract; and

"(II) retain payments received under the conservation security contract, if the owner or operator fully complied with the obligations of the owner or operator under the conservation security contract.

"(4) RENEWAL.—

"(A) IN GENERAL.—At the option of an owner or operator, the conservation security contract of the owner or operator may be renewed, for a term described in subparagraph (B), if—

"(i) the owner or operator agrees to any modification of the applicable conservation security contract that the Secretary determines to be necessary to achieve the purposes of the conservation security program;

"(ii) the Secretary determines that the owner or operator has complied with the terms and conditions of the conservation security contract, including the conservation security plan; and

"(iii) in the case of a conservation security contract for land previously enrolled at the tier I level in the conservation security program, the owner or operator shall increase the level of conservation treatment on lands enrolled in the conservation security program by—

"(I) adopting new conservation practices; or

"(II)expanding existing practices to meet the resource management systems criteria.

"(B) TERMS OF RENEWAL.—Under subparagraph (A)—

"(i) a conservation security contract for land enrolled in the conservation security program that will be maintained using a Tier I conservation practice may be renewed for 5-year terms;

"(ii) a conservation security contract for land enrolled in the conservation security program that will be maintained using a Tier II or Tier III conservation practice may be renewed for 5-year to 10-year terms, at the option of the owner or operator; and

"(iii) previous participation in the conservation security program does not bar renewal more than once.

"(f) NO VIOLATION FOR NONCOMPLIANCE DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF THE OWNER OR OPERATOR.—The Secretary shall include in the conservation security contract a provision, and may modify a conservation security contract under subsection (e)(3)(B), to ensure that an owner or operator shall not be considered in violation of a conservation security contract for failure to comply with the conservation security contract due to circumstances beyond the control of the owner or operator, including a disaster or related condition.

"(g) DUTIES OF OWNERS AND OPERATORS.—Under a conservation security contract, an owner or operator shall agree, during the term specified under the conservation security contract—

"(1) to implement the applicable conservation security plan approved by the Secretary;

"(2) to keep appropriate records showing the effective and timely implementation of the conservation security plan;

"(3) not to engage in any activity that would interfere with the purposes of the conservation security plan;

"(4) at the option of the Secretary, to refund all or a portion of the payments to the Secretary if the owner or operator fails to maintain a conservation practice, as specified in the conservation security contract; and

"(5) on the violation of a term or condition of the conservation security contract—

"(A) if the Secretary determines that the violation warrants termination of the conservation security contract—

"(i) to forfeit all rights to receive payments under the conservation security contract; and

"(ii) to refund to the Secretary all or a portion of the payments received by the owner or operator under the conservation security contract, including an advance payment and interest on the payments, as determined by the Secretary; or

"(B) if the Secretary determines that the violation does not warrant termination of the conservation security contract, to refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate.

"(h) DUTIES OF THE SECRETARY.—

"(1) ADVANCE PAYMENT.—At the time at which a person enters into a conservation security contract, the Secretary shall make an advance payment to the person in an amount not to exceed—

"(A) in the case of a contract to maintain Tier I conservation practices described in subsection (d)(5)(A), the greater of—

"(i) $1,000; or

"(ii) 20 percent of the value of the annual payment under the contract, as determined by the Secretary;

"(B) in the case of a contract to maintain Tier II conservation practices described in subsection (d)(5)(B), the greater of—

"(i) $2,000; or

"(ii) 20 percent of the value of the annual payment under the contract, as determined by the Secretary; or

"(C) in the case of a contract to maintain Tier III conservation practices described in subsection (d)(5)(C), the greater of—

"(i) $3,000; or

"(ii) 20 percent of the value of the annual payment under the contract, as determined by the Secretary.

"(2) ANNUAL PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (F), under a conservation security contract, the Secretary shall, in amounts and for a period of years specified in the conservation security contract and taking into account any advance payments, make an annual payment to the person in an amount not to exceed—

"(i) in the case of a contract to maintain Tier I conservation practices described in subsection (d)(5)(A), $20,000;

"(ii) in the case of a contract to maintain Tier II conservation practices described in subsection (d)(5)(B), $35,000; or

"(iii) in the case of a contract to maintain Tier III conservation practices described in subsection (d)(5)(C), $50,000.

"(B) INFLATION ADJUSTMENT.—The Secretary may periodically, including at the time at which a conservation security contract is renewed, adjust the payment and payment limitations under subparagraph (A) to reflect changes in the Prices Paid by Farmers Index.

"(C) TIME OF PAYMENT.—The Secretary shall provide payment under a conservation security contract as soon as practicable after October 1 of each calendar year.

"(D) CRITERIA FOR DETERMINING AMOUNT OF PAYMENTS.—Subject to subparagraphs (A) and (F), the Secretary shall establish criteria for determining the amount of an annual payment to a person under this paragraph that—

"(i) shall be as objective and transparent as practicable; and

"(ii) shall be based on—

"(I) to the maximum extent practicable, outcome-based factors related to the natural resource and environmental benefits that result from the adoption, maintenance, and improvement in implementation of the conservation practices carried out by the person;

"(II) practice-based factors, including—

"(aa) the number of eligible practices established or maintained;

"(bb) the schedule for the conservation practices described in subsection (c)(1)(C);

"(cc) the cost of the adoption, maintenance, and improvement in implementation of conservation practices that are newly implemented under the conservation security contract;

"(dd) the extent to which compensation will ensure maintenance and improvement of conservation practices that are or have been implemented;

"(ee) the extent to which the conservation security plan meets applicable resource management system standards;

"(ff) the extent to which the conservation security plan addresses State and local conservation priorities as provided for under subsection (c)(3); and

"(gg) the extent of activities undertaken beyond what is required to comply with any applicable Federal agricultural law;

"(III) additional cost factors, including—

"(aa) the income loss or economic value forgone by the person due to land use adjustments resulting from the adoption, maintenance, and improvement of conservation practices;

"(bb) the costs associated with any on-farm research, demonstration, or pilot testing components of the conservation security plan; and

"(cc) the costs associated with monitoring and evaluating results under the conservation security plan; and

"(IV) such other factors as the Secretary determines to be appropriate to encourage participation in the conservation security program and to reward environmental stewardship.

"(E) BONUS PAYMENT.—Subject to subparagraph (A), the Secretary shall offer bonus payments based on—

"(i) participation in a watershed or regional resource conservation plan involving at least 75 percent of landowners in the targeted area; and

"(ii) the special considerations associated with an owner or operator that is a qualified beginning farmer or rancher (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))).

"(F) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, if an owner or operator has land enrolled in another conservation program administered by the Secretary and has applied to enroll the same land in the conservation security program, the owner or operator may elect to—

"(I) convert the contract under the other conservation program to a conservation security contract, without penalty, except that this subclause shall not apply to a long-term permanent conservation or easement; or

"(II) have each annual payment to the owner or operator under this paragraph reduced to reflect payment for practices the owner or operator receives under the other conservation program, except that the annual payment under this paragraph may include incentives for qualified practices that enhance or extend the conservation benefit achieved under the other conservation program.

"(ii) PAYMENT LIMITATIONS.—If an owner or operator has identical land enrolled in the conservation security program and one or more other conservation programs administered by the Secretary, the Secretary shall include all payments, other than easement or rental payments, from the conservation security program and the other conservation programs in applying the annual payment limitations under subparagraph (A).

"(iii) PAYMENT FROM NON-FEDERAL AGRICULTURAL PROGRAMS.—Payments received from a Federal program administered by the Secretary, or any State, local, or private agricultural program, shall not be considered an annual payment for purposes of the annual payment limitations under subparagraph (A).

"(G) WASTE STORAGE OR TREATMENT FACILITIES.—An annual payment to an owner or operator under this paragraph shall not be provided for the purpose of construction or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations.

"(3) REGULATIONS.—

"(A) IN GENERAL.—The Secretary shall issue regulations—

"(i) defining the term 'person' for the purposes of this chapter—

"(I) which regulations shall conform, to the extent practicable, to the regulations defining the term 'person' issued under section 1001; and

"(II) which term shall be defined so that no individual directly or indirectly may receive payments exceeding the applicable amount specified in paragraph (1) or (2);

"(ii) providing adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis; and

"(iii) prescribing such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under paragraphs (1) and (2).

"(B) PENALTIES FOR SCHEMES OR DEVICES.—

"(i) IN GENERAL.—If the Secretary determines that a person has adopted a scheme or device to evade, or that has the purpose of evading, the regulations issued under subparagraph (A), the person shall be ineligible to participate in the conservation security program for the year for which the scheme or device was adopted and each of the following 5 years.

"(ii) FRAUD.—If the Secretary determines that fraud was committed in connection with the scheme or device, the person shall be ineligible to participate in the conservation security program for the year for which the scheme or device was adopted and each of the following 10 years.

"(4) TERMINATION.—

"(A) IN GENERAL.—Subject to subsection (g), the Secretary shall allow an owner or operator to terminate the conservation security contract.

"(B) PAYMENTS.—The owner or operator may retain any or all payments received under a terminated conservation security contract if—

"(i) the owner or operator is in full compliance with the terms and conditions, including any maintenance requirements, of the conservation security contract; and

"(ii) the Secretary determines that retention of payment will not defeat the goals enumerated in the conservation security plan of the owner or operator.

"(5) TRANSFER OR CHANGE OF INTEREST IN LAND SUBJECT TO CONSERVATION SECURITY CONTRACT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the transfer, or change in the interest, of an owner or operator in land subject to a conservation security contract shall result in the termination of the conservation security contract.

"(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if, not later than 60 days after the date of the transfer or change in the interest in land, the transferee of the land provides written notice to the Secretary that all duties and rights under the conservation security contract have been transferred to the transferee.

"(6) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—For each fiscal year, the Secretary shall use such sums as are necessary from funds of the Commodity Credit Corporation to provide technical assistance to owners and operators for the development and implementation of conservation security contracts.

"(B) TECHNICAL ASSISTANCE PROVIDED BY PERSONS NOT EMPLOYED BY THE DEPARTMENT OF AGRICULTURE.—

"(i) IN GENERAL.—Under subparagraph (A), subject to clause (ii), technical assistance provided by qualified persons not employed by the Department of Agriculture, including farmers, ranchers, and local conservation district personnel, may include—

"(I) conservation planning;

"(II) design, installation, and certification of conservation practices;

"(III) training for producers; and

"(IV) such other activities as the Secretary determines to be appropriate.

"(ii) OUTSIDE ASSISTANCE.—

"(I) IN GENERAL.—The Secretary may contract directly with qualified persons not employed by the Department of Agriculture to provide technical assistance.

"(II) PAYMENT BY SECRETARY.—The Secretary may provide a payment or voucher to an owner or operator enrolled in the conservation security program if the owner or operator chooses to contract with qualified persons not employed by the Department of Agriculture.

"(iii) COORDINATION BY THE SECRETARY.—The Secretary shall provide overall technical coordination and leadership for the conservation security program, including final approval of all conservation security plans.

"(7) EDUCATION, OUTREACH, MONITORING, AND EVALUATION.—

"(A) IN GENERAL.—

"(i) FUNDING.—In addition to the amounts made available under paragraph (6), for each fiscal year, the Secretary shall use such sums as are necessary from funds of the Commodity Credit Corporation to carry out education, outreach, monitoring, and evaluation activities in support of the conservation security program, of which not less than 50 percent of the sums shall be used for monitoring and evaluation activities.

"(ii) AMOUNT.—For each fiscal year, the amount made available under clause (i) shall be not less than 40 percent of the amount made available for technical assistance under paragraph (6) for the fiscal year.

"(B) USE OF PERSONS NOT AFFILIATED WITH DEPARTMENT OF AGRICULTURE.—

"(i) IN GENERAL.—In carrying out activities described in subparagraph (A), the Secretary may use persons not employed by the Department of Agriculture, including networks of agricultural producers operating in a small watershed, local conservation district personnel, or other appropriate local entity.

"(ii) EDUCATION, OUTREACH, AND MONITORING.—The Secretary may contract with private non-profit, community-based organizations, and educational institutions with demonstrated experience in providing education, outreach, monitoring, evaluation, or related services to agricultural producers (including owners and operators of small and medium-size farms, socially disadvantaged agricultural producers, and limited resource agricultural producers).

"(C) INCLUDED ACTIVITIES.—Activities described in subparagraph (A) may include innovative uses of computer technology and remote sensing to monitor and evaluate resource and environmental results on a local, regional, or national level.

"(8) SOCIALLY DISADVANTAGED AND LIMITED RESOURCE OWNERS AND OPERATORS.—The Secretary shall provide outreach, training, and technical assistance specifically to encourage and assist socially disadvantaged owners and operators to participate in the conservation security program.

"(9) PROGRAM EVALUATION.—The Secretary shall maintain data concerning conservation security plans, conservation practices planned or implemented, environmental outcomes, economic costs, and related matters under this section.

"(10) CONFIDENTIALITY.—To maintain confidentiality, the Secretary shall not release or disclose publicly the conservation security plan of an owner or operator under this chapter unless the Secretary—

"(A) obtains the authorization of the owner or operator for the release or disclosure;

"(B) releases the information in an anonymous or aggregated form; or

"(C)(i) is otherwise required by law to release or disclose the plan and;

"(ii) releases the plan in an anonymous or aggregated form.

"(11) MEDIATION AND INFORMAL HEARINGS.—If the Secretary makes a decision under this chapter that is adverse to an owner or operator, at the request of the owner or operator, the Secretary shall provide the owner or operator with mediation services or an informal hearing on the decision.

"(i) REPORTS.—Not later than 18 months after the date of enactment of this chapter and at the end of each 2-year period thereafter, the Secretary shall submit to Congress a report evaluating the results of the conservation security program, including—

"(1) an evaluation of the scope, quality, and outcomes of the conservation practices carried out under this section; and

"(2) recommendations for achieving specific and quantifiable improvements for each of the purposes specified in subsection (a).

"(j) FUNDING.—Of the funds of the Commodity Credit Corporation, the Corporation shall make available to carry out this chapter such sums as are necessary, to remain available until expended.

"(k) EXEMPTION FROM AUTOMATIC SEQUESTER.—Notwithstanding any other provision of law, no order issued for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall affect any payment under this chapter.".

(b) ADMINISTRATION.—Section 1243(a) of the Food Security Act of 1985 (16 U.S.C. 3843(a)) is amended—

(1) in paragraph (1)(C), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the conservation security program established under chapter 6 of subtitle D.".

(c) STATE TECHNICAL COMMITTEES.—Section 1262(c)(8) of the Food Security Act of 1985 (16 U.S.C. 3862(c)(8)) is amended by striking "chapter 4" and inserting "chapters 4 and 6".

SEC. 4. REGULATIONS.

The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this Act and the amendments made by this Act.

By Mr. JEFFORDS (for himself, Mrs. CLINTON, Mr. LEAHY, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 933. A bill to amend the Federal Power Act to encourage the development and deployment of innovative and efficient energy technologies; to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, I rise today to introduce, with Senators CLINTON, LEAHY, LIEBERMAN, and SCHUMER, the Combined Heat and Power Advancement Act of 2001. This legislation ensures that highly efficient sources of electricity, such as combined heat and power systems, are able to interconnect nationwide with the electricity grid by establishing uniform and nondiscriminatory interconnection standards. Enabling these innovative, clean, and efficient technologies to come online will reduce energy costs and help protect public health and the environment.

Last week, President bush released the National Energy Policy Development Group's comprehensive energy plan. I am pleased this plan includes recommendations related to increasing energy conservation and efficiency. Specially, the plan recommends the development of well-designed combined heat and power, CHP, systems.

I am heartened that President Bush recognizes the positive impact that CHP systems can have on our nation's energy needs. These innovative systems produce both electricity and steam from a single fuel source in a facility located near the consumer. By recovering and utilizing waste heat, these systems save fuel that would otherwise be needed to produce heat or steam in a separate unit. CHP systems can reach energy efficiency levels in excess of 80 percent. This is well above the 33 percent average for conventional electrical generation technologies. In short, the U.S. can obtain more than twice the power from the same amount of energy by widely implementing combined heat and power technologies and applications.

Unfortunately, several regulatory and policy barriers block the widespread use of these innovative technologies. The bill would ensure that CHP systems and other innovative technologies can interconnect with a local distribution utility and that the costs of such interconnections shall be just reasonable, and not unduly discriminatory.

Currently, there are roughly 50 Gigawatts, GW, of energy produced from CHP systems annually. If this barrier is removed, 50 GW of additional CHP electrical generating capacity could be brought to market by 2010. To illustrate the magnitude of potential savings to the entire nation, the result of this additional capacity is equal to all the energy needed to power Massachusetts. Most of these systems are targeted for industry, where thermal and electrical needs are most often located close together. However, there is also tremendous potential for CHP in homes. Fifty GW of CHP could light and heat 50 million homes, or 43 percent of all U.S. homes, for the same energy that the central station plans could only light the homes. With removal of regulatory barriers, these efficient systems may begin to be economical at the small sizes suitable for homes.

We cannot solve today's energy problems with yesterday's solutions. CHP represents an innovative approach to expanding energy supply by maximizing energy efficiency. These systems will encourage technological innovations, reduce energy prices, spur economic development, enhance productivity, increase employment, improve environmental quality, and advance energy security and reliability in the United States.

I invite my colleagues to join me in my efforts to promote combined heat and power by co-sponsoring this important legislation. I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combined Heat and Power Advancement Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) the removal of barriers to the development and deployment of combined heat and power technologies and systems, an example of an array of innovative energy-supply and energy-efficient technologies and systems, would—

(A) encourage technological innovation;

(B) reduce energy prices;

(C) spur economic development;

(D) enhance productivity;

(E) increase employment; and

(F) improve environmental quality and energy self-sufficiency;

(2) the level of efficiency of the United States electricity-generating system has been stagnant over the past several decades;

(3) technologies and systems available as of the date of enactment of this Act, including a host of innovative onsite, distributed generation technologies, could—

(A) dramatically increase productivity;

(B) double the efficiency of the United States electricity-generating system; and

(C) reduce emissions of regulated pollutants and greenhouse gases;

(4) innovative electric technologies emit a much lower level of pollutants as compared to the average quantity of pollutants generated by United States electric generating plants as of the date of enactment of this Act;

(5) a significant proportion of the United States energy infrastructure will need to be replaced by 2010;

(6) the public interest would best be served if that infrastructure were replaced by innovative technologies that dramatically increase productivity, improve efficiency, and reduce pollution;

(7) financing and regulatory practices in effect as of the date of enactment of this Act do not recognize the environmental and economic benefits to be obtained from the avoidance of transmission and distribution losses, and the reduced load on the electricity-generating system, provided by onsite, combined heat and power production;

(8) many legal, regulatory, informational, and perceptual barriers block the development and dissemination of combined heat and power and other innovative energy technologies; and

(9) because of those barriers, United States taxpayers are not receiving the benefits of the substantial research and development investment in innovative energy technologies made by the Federal Government.

SEC. 3. PURPOSE.

The purpose of this Act is to encourage energy productivity and efficiency increases by removing barriers to the development and deployment of combined heat and power technologies and systems.

SEC. 4. INTERCONNECTION.

(a) DEFINITIONS.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended—

(1) by striking paragraph (23) and inserting the following:

"(23) TRANSMITTING UTILITY.—The term 'transmitting utility' means any entity (notwithstanding section 201(f)) that owns, controls, or operates an electric power transmission facility that is used for the sale of electric energy."; and

(2) by adding at the end the following:

"(26) APPROPRIATE REGULATORY AUTHORITY.—The term 'appropriate regulatory authority' means—

"(A) the Commission;

"(B) a State commission;

"(C) a municipality; or

"(D) a cooperative that is self-regulating under State law and is not a public utility.

"(27) GENERATING FACILITY.—The term 'generating facility' means a facility that generates electric energy.

"(28) LOCAL DISTRIBUTION UTILITY.—The term 'local distribution utility' means an entity that owns, controls, or operates an electric power distribution facility that is used for the sale of electric energy.

"(29) NON-FEDERAL REGULATORY AUTHORITY.—The term 'non-Federal regulatory authority' means an appropriate regulatory authority other than the Commission.".

(b) INTERCONNECTION TO DISTRIBUTION FACILITIES.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

"(e) INTERCONNECTION TO DISTRIBUTION FACILITIES.—

"(1) INTERCONNECTION.—

"(A) IN GENERAL.—A local distribution utility shall interconnect a generating facility with the distribution facilities of the local distribution utility if the owner of the generating facility—

"(i) complies with the final rule promulgated under paragraph (2); and

"(ii) pays the costs of the interconnection.

"(B) COSTS.—The costs of the interconnection—

"(i) shall be just and reasonable, and not unduly discriminatory, as determined by the appropriate regulatory authority; and

"(ii) shall be comparable to the costs charged by the local distribution utility for interconnection by any similarly situated generating facility to the distribution facilities of the local distribution utility.

"(C) APPLICABLE REQUIREMENTS.—The right of a generating facility to interconnect under subparagraph (A) does not—

"(i) relieve the generating facility or the local distribution utility of other Federal, State, or local requirements; or

"(ii) provide the generating facility with transmission or distribution service.

"(2) RULE.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, the Commission shall promulgate a final rule to establish reasonable and appropriate technical standards for the interconnection of a generating facility with the distribution facilities of a local distribution utility.

"(B) PROCESS.—To the extent feasible, the Commission shall develop the standards through a process involving interested parties.

"(C) ADVISORY COMMITTEE.—The Commission shall establish an advisory committee composed of qualified experts to make recommendations to the Commission concerning development of the standards.

"(D) ADMINISTRATION.—

"(i) BY A NON-FEDERAL REGULATORY AUTHORITY.—Except where subject to the jurisdiction of the Commission pursuant to provisions other than clause (ii), a non-Federal regulatory authority may administer and enforce the rule promulgated under subparagraph (A).

"(ii) BY THE COMMISSION.—To the extent that a non-Federal regulatory authority does not administer and enforce the rule, the Commission shall administer and enforce the rule with respect to interconnection in that jurisdiction.

"(3) RIGHT TO BACKUP POWER.—

"(A) IN GENERAL.—In accordance with subparagraph (B), a local distribution utility shall offer to sell backup power to a generating facility that has interconnected with the local distribution utility to the extent that the local distribution utility—

"(i) is not subject to an order of a non-Federal regulatory authority to provide open access to the distribution facilities of the local distribution utility;

"(ii) has not offered to provide open access to the distribution facilities of the local distribution utility; or

"(iii) does not allow a generating facility to purchase backup power from another entity using the distribution facilities of the local distribution utility.

"(B) RATES, TERMS, AND CONDITIONS.—A sale of backup power under subparagraph (A) shall be at such a rate, and under such terms and conditions, as are just and reasonable and not unduly discriminatory or preferential, taking into account the actual incremental cost, whenever incurred by the local distribution utility, to supply such backup power service during the period in which the backup power service is provided, as determined by the appropriate regulatory authority.

"(C) NO REQUIREMENT FOR CERTAIN SALES.—A local distribution utility shall not be required to offer backup power for resale to any entity other than the entity for which the backup power is purchased.

"(D) NEW OR EXPANDED LOADS.—To the extent backup power is used to serve a new or expanded load on the distribution system, the generating facility shall pay any reasonable costs associated with any transmission, distribution, or generation upgrade required to provide such service.".

(c) INTERCONNECTION TO TRANSMISSION FACILITIES.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended by inserting after subsection (e) (as added by subsection (b)) the following:

"(f) INTERCONNECTION TO TRANSMISSION FACILITIES.—

"(1) INTERCONNECTION.—

"(A) IN GENERAL.—Notwithstanding subsections (a) and (c), a transmitting utility shall interconnect a generating facility with the transmission facilities of the transmitting utility if the owner of the generating facility—

"(i) complies with the final rule promulgated under paragraph (2); and

"(ii) pays the costs of the interconnection.

"(B) COSTS.—

"(i) IN GENERAL.—Subject to clause (ii), the costs of the interconnection—

"(I) shall be just and reasonable and not unduly discriminatory; and

"(II) shall be comparable to the costs charged by the transmitting utility for interconnection by any similarly situated generating facility to the transmitting facilities of the transmitting utility.

"(ii) EFFECT OF FERC LITE.—A non-Federal regulatory authority that, under any provision of Federal law enacted before, on, or after the date of enactment of this subparagraph, is authorized to determine the rates for transmission service shall be authorized to determine the costs of any interconnection under this subparagraph in accordance with that provision of Federal law.

"(C) APPLICABLE REQUIREMENTS.—The right of a generating facility to interconnect under subparagraph (A) does not—

"(i) relieve the generating facility or the transmitting utility of other Federal, State, or local requirements; or

"(ii) provide the generating facility with transmission or distribution service.

"(2) RULE.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, the Commission shall promulgate a final rule to establish reasonable and appropriate technical standards for the interconnection of a generating facility with the transmission facilities of a transmitting utility.

"(B) PROCESS.—To the extent feasible, the Commission shall develop the standards through a process involving interested parties.

"(C) ADVISORY COMMITTEE.—The Commission shall establish an advisory committee composed of qualified experts to make recommendations to the Commission concerning development of the standards.

"(3) RIGHT TO BACKUP POWER.—

"(A) IN GENERAL.—In accordance with subparagraph (B), a transmitting utility shall offer to sell backup power to a generating facility that has interconnected with the transmitting utility unless—

"(i) Federal or State law (including regulations) allows a generating facility to purchase backup power from an entity other than the transmitting utility; or

"(ii) a transmitting utility allows a generating facility to purchase backup power from an entity other than the transmitting utility using—

"(I) the transmission facilities of the transmitting utility; and

"(II) the transmission facilities of any other transmitting utility.

"(B) RATES, TERMS, AND CONDITIONS.—A sale of backup power under subparagraph (A) shall be at such a rate, and under such terms and conditions, as are just and reasonable and not unduly discriminatory or preferential, taking into account the actual incremental cost, whenever incurred by the local distribution utility, to supply such backup power service during the period in which the backup power service is provided, as determined by the appropriate regulatory authority.

"(C) NO REQUIREMENT FOR CERTAIN SALES.—A transmitting utility shall not be required to offer backup power for resale to any entity other than the entity for which the backup power is purchased.

"(D) NEW OR EXPANDED LOADS.—To the extent backup power is used to serve a new or expanded load on the transmission system, the generating facility shall pay any reasonable costs associated with any transmission, distribution, or generation upgrade required to provide such service.".

(d) CONFORMING AMENDMENTS.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended—

(1) in subsection (a)(1)—

(A) by inserting "transmitting utility, local distribution utility," after "electric utility,"; and

(B) in subparagraph (A), by inserting "any transmitting utility," after "small power production facility,";

(2) in subsection (b)(2), by striking "an evidentiary hearing" and inserting "a hearing";

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking "and" at the end and inserting "or"; and

(C) by adding at the end the following:

"(D) promote competition in electricity markets, and"; and

(4) in subsection (d), by striking the last sentence.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 934. A bill to require the Secretary of the Interior to construct the Rocky Boy's North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes; to the Committee on Indian Affairs.

Mr. BURNS. Mr. President, I am pleased today to join my colleague from Montana, Senator BAUCUS, in introducing the Rocky Boy's/North Central Montana Regional Water System Act of 2001. The purpose of this bill is to authorize a regional water delivery system which will serve both the Rocky Boy's Reservation and the surrounding region in north central Montana. For the last few years I have been working on this bill with the members of the Chippewa Cree Tribe, the citizens of the six towns affected, and the users of the eight water districts who have joined together to bring clean, safe drinking water to their families. More than 30,000 people would be serviced by this rural water system.

This bill is needed now for a number of reasons. First, it will provide a means to import water to the Rocky Boy's Reservation for drinking and for other everyday needs. Over the last decade, the population of the Rocky Boy's Reservation has grown by 40 percent, leaving existing water infrastructure insufficient. Secondly, there are three small water systems in the region which are currently operating out of compliance with the EPA's Surface Water Treatment Rule. Others are nearing non-compliance, and one has been issued an administrative rule by the Montana Department of Environmental Quality to begin water treatment as soon as possible.

This bill helps us to realize that simply maintaining a small town or district's water system can be so expensive and filled with red tape that its users can hardly afford it. Under current law even if small systems are able to be developed, they must be continually monitored and the results reported. That may not be a problem in a larger community with a sizeable tax base and a labor pool, but in a rural setting those expenses and responsibilities are spread between so few people that it can quickly become a major problem. I know rural Montana. I can tell you our very smallest towns are hurting. They are deeply affected by a lagging agricultural economy, and the inability to provide water for any number of reasons could be enough to shut a small town down. Is that what we want? I don't think so. One of the ways we can address that problem is with the development of regional water systems, which are more efficient, and easier to manage.

I truly believe it is time to stand up and face our commitments to Indian Country and rural America head on. This bill is the perfect opportunity for that, because it uses the teamwork of committed citizens and builds on the system they have developed. This is a very good example of cooperation between tribal and non-tribal entities, and of what happens when people come to the table ready to find a solution.

This project has been a long time coming. The State of Montana committed to it in 1997 with a promise of $10 million for construction, and by providing technical assistance through the Montana Department of Environmental Quality. Initial federal assistance followed in the form of an appropriation of $300,000 for engineering and planning for fiscal year 2000. The report was completed and the preliminary engineering is complete. With the passage of the water compact settling the water rights between the Chippewa Cree Tribe and Montana, P.L. 106–163 signed by President Clinton in 1999, the stage was set for this project to be built.

All the bases have been covered and it is time to authorize this project. There is a real need for a less burdensome way to manage the water needs of the area. The Rocky Boy's Reservation is in need of an expanded water source and system, and smaller water districts and municipalities are also struggling to stay in operation. The best way to solve both these problems at once is to build an efficient regional water system. I propose we do just that and show our commitment to rural America.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 93—CONGRATULATING THE UNIVERSITY OF MINNESOTA, ITS FACULTY, STAFF, STUDENTS, ALUMNI, AND FRIENDS, FOR 150 YEARS OF OUTSTANDING SERVICE TO THE STATE OF MINNESOTA, THE NATION, AND THE WORLD

Mr. WELLSTONE (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 93

Whereas the University of Minnesota, the land-grant university of the State of Minnesota and a major research institution, with its 4 campuses and many outreach centers, is one of the most comprehensive and prestigious universities in the United States;

Whereas since its inception the University of Minnesota has awarded more than 537,575 degrees, including more than 24,728 Ph.D.s;

Whereas 13 faculty members and alumni have been awarded Nobel Prizes, including the Nobel Peace Prize;

Whereas the faculty, staff, and students of the University of Minnesota have made a significant impact on the lives of people throughout the world through accomplishments that include—

(1) establishing the leading kidney transplant center in the world;

(2) developing more than 80 new crop varieties that greatly increase food production around the world;

(3) developing the taconite process;

(4) inventing the flight recorder (commonly known as the black box) and the retractable seat belt;

(5) eradicating many poultry and livestock diseases;

(6) inventing the heart-lung machine used during the first open-heart surgery in the world;

(7) isolating uranium-235 in a prototype mass spectrometer;

(8) inventing the heart pacemaker; and

(9) developing the Minnesota Multiphasic Personality Inventory (MMPI);

Whereas the University of Minnesota conducts more than 300 different programs serving children and youth;

Whereas the University Extension Service has contact with 700,000 Minnesota residents every year in areas ranging from crop management to effective parenting;

Whereas the University of Minnesota makes significant contributions to the artistic and cultural richness of the region through its faculty, students, and curriculum as well as its galleries, museums, concerts, dance theater, theater productions, lectures, and films;

Whereas the University of Minnesota library system is the 17th largest in North America;

Whereas the alumni of the University of Minnesota, including 370,000 living alumni, have played a major role in building the economic health and vitality of Minnesota; and

Whereas the alumni of the University of Minnesota have created more than 1,500 technology companies that employ more than 100,000 Minnesotans and add $30,000,000,000 to the annual economy of the State: Now, therefore, be it

Resolved, That the Senate congratulates the University of Minnesota and its faculty, staff, students, alumni, and friends for a tradition of outstanding teaching, research, and service to Minnesota, the Nation, and the world on the occasion of the 150th anniversary of the founding of the University of Minnesota.

SENATE CONCURRENT RESOLUTION 41—AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL BOOK FESTIVAL

Mr. STEVENS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR NATIONAL BOOK FESTIVAL.

(a) IN GENERAL.—The Library of Congress (in this resolution referred to as the 'sponsor'), in cooperation with the First Lady, may sponsor the National Book Festival (in this resolution referred to as the 'event') on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on September 8, 2001, or on such other date as the Senate Committee on Rules and Administration and the Speaker of the House of Representatives jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event authorized under section 1 shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may cause to be placed on the Capitol Grounds such stage, seating, booths, sound amplification and video devices, and other related structures and equipment as may be required for the event, including equipment for the broadcast of the event over radio, television, and other media outlets.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds in connection with the event.

AMENDMENTS SUBMITTED AND PROPOSED

SA 763. Mr. GRAHAM (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table.

SA 764. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table.

SA 765. Mr. REID (for himself, Mr. DORGAN, Mr. GRAHAM, Ms. STABENOW, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra.

SA 766. Mr. NELSON, of Florida (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 767. Mrs. BOXER (for herself and Mr. NELSON, of Florida) proposed an amendment to the bill H.R. 1836, supra.

SA 768. Mr. DASCHLE proposed an amendment to the bill H.R. 1836, supra.

SA 769. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 770. Mr. LEVIN proposed an amendment to the bill H.R. 1836, supra.

SA 771. Mr. LEVIN proposed an amendment to the bill H.R. 1836, supra.

SA 772. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 773. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 774. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 775. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 776. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 777. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 778. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 779. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 780. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 781. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra.

SA 782. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 783. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 784. Mr. HARKIN (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 763. Mr. GRAHAM (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 9, in the last column of the table between lines 11 and 12, strike "38.6%", "37.6%", and "36%" and insert "39.6%", "38.6%", and "37.6%", respectively.

On page 314, after line 21, add the following:

Subtitle B—Long-Term Care and Retirement Security

SEC. . TREATMENT OF PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions), as amended by this Act, is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable percentage of the amount of eligible long-term care premiums (as defined in section 213(d)(10)) paid during the taxable year for coverage for the taxpayer, his spouse, and dependents under a qualified long-term care insurance contract (as defined in section 7702B(b)).

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a)—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the applicable percentage shall be determined in accordance with the following table based on the number of years of continuous coverage (as of the close of the taxable year) of the individual under any qualified long-term care insurance contracts (as defined in section 7702B(b)):

"If the number of years of continuous coverage is—	**The applicable long-term care percentage is—**
Less than 1	60
At least 1 but less than 2	70
At least 2 but less than 3	80
At least 3 but less than 4	90
At least 4	100.

"(2) SPECIAL RULES FOR INDIVIDUALS WHO HAVE ATTAINED AGE 55.—In the case of an individual who has attained age 55 as of the close of the taxable year, the following table shall be substituted for the table in paragraph (1).

"If the number of years of continuous coverage is—	**The applicable long-term care percentage is—**
Less than 1	70
At least 1 but less than 2	85
At least 2	100.

"(3) ONLY COVERAGE AFTER 2000 TAKEN INTO ACCOUNT.—Only coverage for periods after December 31, 2000, shall be taken into account under this subsection.

"(4) CONTINUOUS COVERAGE.—An individual shall not fail to be treated as having continuous coverage if the aggregate breaks in coverage during any 1-year period are less than 60 days.

"(c) COORDINATION WITH OTHER DEDUCTIONS.—Any amount paid by a taxpayer for any qualified long-term care insurance contract to which subsection (a) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 162(l) or 213(a).".

(b) LONG-TERM CARE INSURANCE PERMITTED TO BE OFFERED UNDER CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.—

(1) CAFETERIA PLANS.—Section 125(f) (defining qualified benefits) is amended by inserting before the period at the end "; except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract".

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 (relating to contributions by an employer to accident and health plans) is amended by striking subsection (c).

(c) CONFORMING AMENDMENTS.—

(1) Section 62(a), as amended by this Act, is amended by inserting after paragraph (18) the following new item:

"(19) PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.—The deduction allowed by section 223.".

(2) The table of sections for part VII of subchapter B of chapter 1, as amended by this Act, is amended by striking the last item and inserting the following new items:

"Sec. 223. Premiums on qualified long-term care insurance contracts.

"Sec. 224. Cross reference.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2002.

SEC. . CREDIT FOR TAXPAYERS WITH LONG-TERM CARE NEEDS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits), as amended by this Act, is amended by inserting after section 25C the following new section:

"SEC. 25D. CREDIT FOR TAXPAYERS WITH LONG-TERM CARE NEEDS.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable credit amount multiplied by the number of applicable individuals with respect to whom the taxpayer is an eligible caregiver for the taxable year.

"(2) APPLICABLE CREDIT AMOUNT.—For purposes of paragraph (1), the applicable credit amount shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable credit amount is—
2001	$1,000
2002	1,500
2003	2,000
2004	2,500
2005 or thereafter	3,000.

"(b) LIMITATION BASED ON ADJUSTED GROSS INCOME.—

"(1) IN GENERAL.—The amount of the credit allowable under subsection (a) shall be reduced (but not below zero) by $100 for each $1,000 (or fraction thereof) by which the taxpayer's modified adjusted gross income exceeds the threshold amount. For purposes of the preceding sentence, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

"(2) THRESHOLD AMOUNT.—For purposes of paragraph (1), the term 'threshold amount' means—

"(A) $150,000 in the case of a joint return, and

"(B) $75,000 in any other case.

"(3) INDEXING.—In the case of any taxable year beginning in a calendar year after 2001, each dollar amount contained in paragraph (2) shall be increased by an amount equal to the product of—

"(A) such dollar amount, and

"(B) the medical care cost adjustment determined under section 213(d)(10)(B)(ii) for the calendar year in which the taxable year begins, determined by substituting 'August 2000' for 'August 1996' in subclause (II) thereof.

If any increase determined under the preceding sentence is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.

"(c) DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE INDIVIDUAL.—

"(A) IN GENERAL.—The term 'applicable individual' means, with respect to any taxable year, any individual who has been certified, before the due date for filing the return of tax for the taxable year (without extensions), by a physician (as defined in section 1861(r)(1) of the Social Security Act) as being an individual with long-term care needs described in subparagraph (B) for a period—

"(i) which is at least 180 consecutive days, and

"(ii) a portion of which occurs within the taxable year.

Such term shall not include any individual otherwise meeting the requirements of the preceding sentence unless within the 39½ month period ending on such due date (or such other period as the Secretary prescribes) a physician (as so defined) has certified that such individual meets such requirements.

"(B) INDIVIDUALS WITH LONG-TERM CARE NEEDS.—An individual is described in this subparagraph if the individual meets any of the following requirements:

"(i) The individual is at least 6 years of age and—

"(I) is unable to perform (without substantial assistance from another individual) at least 3 activities of daily living (as defined in section 7702B(c)(2)(B)) due to a loss of functional capacity, or

"(II) requires substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment and is unable to perform, without reminding or cuing assistance, at least 1 activity of daily living (as so defined) or to the extent provided in regulations prescribed by the Secretary (in consultation with the Secretary of Health and Human Services), is unable to engage in age appropriate activities.

"(ii) The individual is at least 2 but not 6 years of age and is unable due to a loss of functional capacity to perform (without substantial assistance from another individual) at least 2 of the following activities: eating, transferring, or mobility.

"(iii) The individual is under 2 years of age and requires specific durable medical equipment by reason of a severe health condition or requires a skilled practitioner trained to address the individual's condition to be available if the individual's parents or guardians are absent.

"(2) ELIGIBLE CAREGIVER.—

"(A) IN GENERAL.—A taxpayer shall be treated as an eligible caregiver for any taxable year with respect to the following individuals:

"(i) The taxpayer.

"(ii) The taxpayer's spouse.

"(iii) An individual with respect to whom the taxpayer is allowed a deduction under section 151 for the taxable year.

"(iv) An individual who would be described in clause (iii) for the taxable year if section 151(c)(1)(A) were applied by substituting for the exemption amount an amount equal to the sum of the exemption amount, the standard deduction under section 63(c)(2)(C), and any additional standard deduction under section 63(c)(3) which would be applicable to the individual if clause (iii) applied.

"(v) An individual who would be described in clause (iii) for the taxable year if—

"(I) the requirements of clause (iv) are met with respect to the individual, and

"(II) the requirements of subparagraph (B) are met with respect to the individual in lieu of the support test of section 152(a).

"(B) RESIDENCY TEST.—The requirements of this subparagraph are met if an individual has as his principal place of abode the home of the taxpayer and—

"(i) in the case of an individual who is an ancestor or descendant of the taxpayer or the taxpayer's spouse, is a member of the taxpayer's household for over half the taxable year, or

"(ii) in the case of any other individual, is a member of the taxpayer's household for the entire taxable year.

"(C) SPECIAL RULES WHERE MORE THAN 1 ELIGIBLE CAREGIVER.—

"(i) IN GENERAL.—If more than 1 individual is an eligible caregiver with respect to the same applicable individual for taxable years ending with or within the same calendar year, a taxpayer shall be treated as the eligible caregiver if each such individual (other than the taxpayer) files a written declaration (in such form and manner as the Secretary may prescribe) that such individual will not claim such applicable individual for the credit under this section.

"(ii) NO AGREEMENT.—If each individual required under clause (i) to file a written declaration under clause (i) does not do so, the individual with the highest modified adjusted gross income (as defined in section 32(c)(5)) shall be treated as the eligible caregiver.

"(iii) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of married individuals filing separately, the determination under this subparagraph as to whether the husband or wife is the eligible caregiver shall be made under the rules of clause (ii) (whether or not one of them has filed a written declaration under clause (i)).

"(d) IDENTIFICATION REQUIREMENT.—No credit shall be allowed under this section to a taxpayer with respect to any applicable individual unless the taxpayer includes the name and taxpayer identification number of such individual, and the identification number of the physician certifying such individual, on the return of tax for the taxable year.

"(e) TAXABLE YEAR MUST BE FULL TAXABLE YEAR.—Except in the case of a taxable year closed by reason of the death of the taxpayer, no credit shall be allowable under this section in the case of a taxable year covering a period of less than 12 months.".

(b) CONFORMING AMENDMENTS.—

(1) Section 6213(g)(2) is amended by striking "and" at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting ", and", and by inserting after subparagraph (L) the following new subparagraph:

"(M) an omission of a correct TIN or physician identification required under section 25D(d) (relating to credit for taxpayers with long-term care needs) to be included on a return.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 25C the following new item:

"Sec. 25D. Credit for taxpayers with long-term care needs.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. . ADDITIONAL CONSUMER PROTECTIONS FOR LONG-TERM CARE INSURANCE.

(a) ADDITIONAL PROTECTIONS APPLICABLE TO LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (B) of section 7702B(g)(2) (relating to requirements of model regulation and Act) are amended to read as follows:

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to any contract if such contract meets—

"(i) MODEL REGULATION.—The following requirements of the model regulation:

"(I) Section 6A (relating to guaranteed renewal or noncancellability), and the requirements of section 6B of the model Act relating to such section 6A.

"(II) Section 6B (relating to prohibitions on limitations and exclusions).

"(III) Section 6C (relating to extension of benefits).

"(IV) Section 6D (relating to continuation or conversion of coverage).

"(V) Section 6E (relating to discontinuance and replacement of policies).

"(VI) Section 7 (relating to unintentional lapse).

"(VII) Section 8 (relating to disclosure), other than section 8F thereof.

"(VIII) Section 11 (relating to prohibitions against post-claims underwriting).

"(IX) Section 12 (relating to minimum standards).

"(X) Section 13 (relating to requirement to offer inflation protection), except that any requirement for a signature on a rejection of inflation protection shall permit the signature to be on an application or on a separate form.

"(XI) Section 25 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

"(XII) The provisions of section 26 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4).

"(ii) MODEL ACT.—The following requirements of the model Act:

"(I) Section 6C (relating to preexisting conditions).

"(II) Section 6D (relating to prior hospitalization).

"(III) The provisions of section 8 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4).

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) MODEL PROVISIONS.—The terms 'model regulation' and 'model Act' mean the long-term care insurance model regulation, and the long-term care insurance model Act, respectively, promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000).

"(ii) COORDINATION.—Any provision of the model regulation or model Act listed under clause (i) or (ii) of subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision.

"(iii) DETERMINATION.—For purposes of this section and section 4980C, the determination of whether any requirement of a model regulation or the model Act has been met shall be made by the Secretary.".

(b) EXCISE TAX.—Paragraph (1) of section 4980C(c) (relating to requirements of model provisions) is amended to read as follows:

"(1) REQUIREMENTS OF MODEL PROVISIONS.—

"(A) MODEL REGULATION.—The following requirements of the model regulation must be met:

"(i) Section 9 (relating to required disclosure of rating practices to consumer)."

"(ii) Section 14 (relating to application forms and replacement coverage).

"(iii) Section 15 (relating to reporting requirements), except that the issuer shall also report at least annually the number of claims denied during the reporting period for each class of business (expressed as a percentage of claims denied), other than claims denied for failure to meet the waiting period or because of any applicable preexisting condition.

"(iv) Section 22 (relating to filing requirements for marketing).

"(v) Section 23 (relating to standards for marketing), including inaccurate completion of medical histories, other than paragraphs (1), (6), and (9) of section 23C, except that—

"(I) in addition to such requirements, no person shall, in selling or offering to sell a qualified long-term care insurance contract, misrepresent a material fact; and

"(II) no such requirements shall include a requirement to inquire or identify whether a prospective applicant or enrollee for long-term care insurance has accident and sickness insurance.

"(vi) Section 24 (relating to suitability).

"(vii) Section 29 (relating to standard format outline of coverage).

"(viii) Section 30 (relating to requirement to deliver shopper's guide).

The requirements referred to in clause (vi) shall not include those portions of the personal worksheet described in Appendix B relating to consumer protection requirements not imposed by section 4980C or 7702B.

"(B) MODEL ACT.—The following requirements of the model Act must be met:

"(i) Section 6F (relating to right to return), except that such section shall also apply to denials of applications and any refund shall be made within 30 days of the return or denial.

"(ii) Section 6G (relating to outline of coverage).

"(iii) Section 6H (relating to requirements for certificates under group plans).

"(iv) Section 6I (relating to policy summary).

"(v) Section 6J (relating to monthly reports on accelerated death benefits).

"(vi) Section 7 (relating to incontestability period).

"(C) DEFINITIONS.—For purposes of this paragraph, the terms 'model regulation' and 'model Act' have the meanings given such terms by section 7702B(g)(2)(B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to policies issued more than 1 year after the date of the enactment of this Act.

SA 764. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 314, after line 21, insert the following:

SEC. . DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS INCREASED.

(a) IN GENERAL.—Section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents."

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SA 765. Mr. REID (for himself, Mr. DORGAN, Mr. GRAHAM, Ms. STABENOW, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; as follows:

On page 314, after line 21, add the following:

SEC. . NEW GUARANTEED MINIMUM PRIMARY INSURANCE AMOUNT WHERE ELIGIBILITY ARISES DURING TRANSITIONAL PERIOD.

(a) IN GENERAL.—Section 215(a) of the Social Security Act (42 U.S.C. 415(a)) is amended—

(1) in paragraph (4)(B)—

(A) by inserting "(with or without the application of paragraph (8))" after "would be made"; and

(B) in clause (i), by striking "1984" and inserting "1989"; and

(2) by adding at the end the following:

"(8)(A) In the case of an individual described in paragraph (4)(B) (subject to subparagraphs (F) and (G) of this paragraph, the amount of the individual's primary insurance amount as computed or recomputed under paragraph (1) shall be deemed equal to the sum of—

"(i) such amount, and

"(ii) the applicable transitional increase amount (if any).

"(B) For purposes of subparagraph (A)(ii), the term 'applicable transitional increase amount' means, in the case of any individual, the product derived by multiplying—

"(i) the excess under former law, by

"(ii) the applicable percentage in relation to the year in which the individual becomes eligible for old-age insurance benefits, as determined by the following table:

"If the individual becomes eligible for such benefits in:	**The applicable percentage is:**
1979	55 percent
1980	45 percent
1981	35 percent
1982	32 percent
1983	25 percent
1984	20 percent
1985	16 percent
1986	10 percent
1987	3 percent
1988	5 percent.

"(C) For purposes of subparagraph (B), the term 'excess under former law' means, in the case of any individual, the excess of—

"(i) the applicable former law primary insurance amount, over

"(ii) the amount which would be such individual's primary insurance amount if computed or recomputed under this section without regard to this paragraph and paragraphs (4), (5), and (6).

"(D) For purposes of subparagraph (C)(i), the term 'applicable former law primary insurance amount' means, in the case of any individual, the amount which would be such individual's primary insurance amount if it were—

"(i) computed or recomputed (pursuant to paragraph (4)(B)(i)) under section 215(a) as in effect in December 1978, or "(ii) computed or recomputed (pursuant to paragraph (4)(B)(ii)) as provided by subsection (d), (as applicable) and modified as provided by subparagraph (E).

"(E) In determining the amount which would be an individual's primary insurance amount as provided in subparagraph (D)—

"(i) subsection (b)(4) shall not apply;

"(ii) section 215(b) as in effect in December 1978 shall apply, except that section 215(b)(2)(C) (as then in effect) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 61, plus the 3 calendar years after such period for which the total of such individual's wages and self-employment income is the largest; and

"(iii) subdivision (I) in the last sentence of paragraph (4) shall be applied as though the words 'without regard to any increases in that table' in such subdivision read 'including any increases in that table'.

"(F) This paragraph shall apply in the case of any individual only if such application results in a primary insurance amount for such individual that is greater than it would be if computed or recomputed under paragraph (4)(B) without regard to this paragraph.

"(G)(i) This paragraph shall apply in the case of any individual subject to any timely election to receive lump sum payments under this subparagraph.

"(ii) A written election to receive lump sum payments under this subparagraph, in lieu of the application of this paragraph to the computation of the primary insurance amount of an individual described in paragraph (4)(B), may be filed with the Commissioner of Social Security in such form and manner as shall be prescribed in regulations of the Commissioner. Any such election may be filed by such individual or, in the event of such individual's death before any such election is filed by such individual, by any other beneficiary entitled to benefits under section 202 on the basis of such individual's wages and self-employment income. Any such election filed after December 31 2001, shall be null and void and of no effect.

"(iii) Upon receipt by the Commissioner of a timely election filed by the individual described in paragraph (4)(B) in accordance with clause (ii)—

"(I) the Commissioner shall certify receipt of such election to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay such individual, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000, in 4 annual lump sum installments of $1,250, the first of which shall be made during fiscal year 2002 not later than July 1, 2002, and

"(II) subparagraph (A) shall not apply in determining such individual's primary insurance amount.

"(iv) Upon receipt by the Commissioner as of December 31, 2001, of a timely election filed in accordance with clause (ii) by at least one beneficiary entitled to benefits on the basis of the wages and self-employment income of a deceased individual described in paragraph (4)(B), if such deceased individual has filed no timely election in accordance with clause (ii)—

"(I) the Commissioner shall certify receipt of all such elections received as of such date to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay each beneficiary filing such a timely election, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000 (or, in the case of 2 or more such beneficiaries, such amount distributed evenly among such beneficiaries), in 4 equal annual lump sum installments, the first of which shall be made during fiscal year 2002 not later than July 1, 2002, and

"(II) solely for purposes of determining the amount of such beneficiary's benefits, subparagraph (A) shall be deemed not to apply in determining the deceased individual's primary insurance amount.".

(b) Effective Date and Related Rules.—

(1) Applicability of amendments.—

(A) In general.—Except as provided in paragraph (2), the amendments made by this Act shall be effective as though they had been included or reflected in section 201 of the Social Security Amendments of 1977.

(B) Applicability.—No monthly benefit or primary insurance amount under title II of the Social Security Act shall be increased by reason of such amendments for any month before July 2002. The amendments made in this section shall apply with respect to benefits payable in months in any fiscal year after fiscal year 2005 only if the corresponding decrease in adjusted discretionary spending limits for budget authority and outlays under section 3 of this Act for fiscal years prior to fiscal year 2006 is extended by Federal law to such fiscal year after fiscal year 2005.

(2) Recomputation to reflect benefit increases.—Notwithstanding section 215(f)(1) of the Social Security Act, the Commissioner of Social Security shall recompute the primary insurance amount so as to take into account the amendments made by this Act in any case in which—

(A) an individual is entitled to monthly insurance benefits under title II of such Act for June 2002; and

(B) such benefits are based on a primary insurance amount computed—

(i) under section 215 of such Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(ii) under section 215 of such Act as in effect prior to January 1979 by reason of subsection (a)(4)(B) of such section (as amended by the Social Security Amendments of 1977).

(c) Offset Provided by Projected Federal Budget Surpluses.—Amounts offset by this section shall not be counted as direct spending for purposes of the budgetary limits provided in the congressional Budget Act of 1974 and the Balanced Budget and emergency Deficit Control Act of 1985.

(d) Revenue Offset.—The Secretary of the Treasury shall adjust the highest rate of tax under section 1 of the Internal Revenue Code of 1986 (as amended by section 101 of this Act) to the extent necessary to offset in each fiscal year beginning before October 1, 2011, the decrease in revenues to the Treasury for that fiscal year resulting from the amendment made by this section.

SA 766. Mr. NELSON of Florida (for himself and Mrs. Boxer) submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 the concurrent resolution of the budget for fiscal year 2002; which was ordered to lie on the table;

On page 9, in the table between lines 11 and 12, strike "38.6%" and insert "38.7%", strike "37.6%" and insert "37.7%", and strike (in the line which begins "2007 and thereafter") "36%" and insert "36.1%".

On page 314, after line 21, add the following:

SEC. . TAX-EXEMPT BOND AUTHORITY FOR TREATMENT FACILITIES REDUCING ARSENIC LEVELS IN DRINKING WATER.

(a) In General.—Section 142(e) (relating to facilities for the furnishing of water) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(2) by striking "For purposes" and inserting the following:

"(1) In general.—For purposes", and

(3) by adding at the end the following:

"(2) Facilities reducing arsenic levels included.—Such term includes improvements to facilities in order to comply with the 10 parts per billion arsenic standard recommended by the National Academy of Sciences.".

(b) Facilities Not Subject To State Cap.—Section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "and" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting ", and", and

(3) by inserting after paragraph (4), the following new paragraph:

"(5) any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).".

(c) Exempt From AMT.—Section 57(a)(5)(C) (relating to tax-exempt interest of specified private activity bonds) is amended by adding at the end the following new clause:

"(v) Exception for certain water facility bonds.—For purposes of clause (i), the term 'private activity bond' shall not include any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).".

(d) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SA 767. Mrs. BOXER (for herself and Mr. Nelson of Florida) proposed an amendment to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; as follows:

On page 314, after line 21, add the following:

SEC. ___. TAX-EXEMPT BOND AUTHORITY FOR TREATMENT FACILITIES REDUCING ARSENIC LEVELS IN DRINKING WATER.

(a) In General.—Section 142(e) (relating to facilities for the furnishing of water) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(2) by striking "For purposes" and inserting the following:

"(1) In general.—For purposes", and

(3) by adding at the end the following:

"(2) Facilities reducing arsenic levels included.—Such term includes improvements to facilities in order to comply with the 10 parts per billion arsenic standard recommended by the National Academy of Sciences.".

(b) Facilities Not Subject To State Cap.—Section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "and" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting ", and", and

(3) by inserting after paragraph (4), the following new paragraph:

"(5) any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).".

(c) EXEMPT FROM AMT.—Section 57(a)(5)(C) (relating to tax-exempt interest of specified private activity bonds) is amended by adding at the end the following new clause:

"(v) EXCEPTION FOR CERTAIN WATER FACILITY BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).".

(d) REVENUE OFFSET.—The Secretary of the Treasury shall adjust the highest rate of tax under section 1 of the Internal Revenue Code of 1986 (as amended by section 101 of this Act) to the extent necessary to offset in each fiscal year beginning before October 1, 2011, the decrease in revenues to the Treasury for that fiscal year resulting from the amendments made by this section.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SA 768. Mr. DASCHLE proposed an amendment to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; as follows:

On page 9, in the matter between lines 11 and 12, strike "37.6%" in the item relating to 2005 and 2006 and insert "38.6%" and strike "36%" in the item relating to 2007 and thereafter and insert "38.6%".

On page 13, between lines 15 and 16, insert:

SEC. 104. INCREASE IN MAXIMUM TAXABLE INCOME FOR 15 PERCENT RATE BRACKET.

(a) IN GENERAL.—Section 1(f) (relating to adjustments in tax tables so that inflation will not result in tax increases), as amended by section 302, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D),

(B) by inserting after subparagraph (A) the following:

"(B) in the case of the tables contained in subsections (a), (b), (c), and (d), by increasing the maximum taxable income level for the 15 percent rate bracket and the minimum taxable income level for the next highest rate bracket otherwise determined under subparagraph (A) (after application of paragraph (8)) for taxable years beginning in any calendar year after 2004, by the applicable dollar amount for such calendar year,", and

(C) by striking "subparagraph (A)" in subparagraph (C) (as so redesignated) and inserting "subparagraphs (A) and (B)", and

(2) by adding at the end the following:

"(9) APPLICABLE DOLLAR AMOUNT.—For purposes of paragraph (2)(B), the applicable dollar amount for any calendar year shall be determined as follows:

"(A) JOINT RETURNS AND SURVIVING SPOUSES.—In the case of the table contained in subsection (a)—

"Calendar year:	Applicable Dollar Amount:
2005	$1,000
2006	2,000
2007	3,000
2008	4,000
2009 and thereafter	5,000.

"(B) OTHER TABLES.—In the case of the table contained in subsection (b), (c), or (d)—

"Calendar year:	Applicable Dollar Amount:
2005	$500
2006	1,000
2007	1,500
2005	2,000
2009 and thereafter	2,500.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect one day after the date of the enactment of this Act.

SA 769. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CIRCUIT BREAKER.

(a) IN GENERAL.—In any fiscal year beginning with fiscal year 2004, if the level of debt held by the public at the end of that fiscal year (as projected by the Office of Management and Budget sequestration update report on August 20th preceeding the beginning of that fiscal year) would exceed the level of debt held by the public for that fiscal year set forth in the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress), any Member of Congress may move to proceed to a bill that would make changes in law to reduce discretionary spending and direct spending (except for changes in Social Security, Medicare and COLA's) and increase revenues in a manner that would reduce the debt held by the public for the fiscal year to a level not exceeding the level provided in that concurrent resolution for that fiscal year. The motion to proceed shall be voted on at the end of 4 hours of debate.

(b) CONSIDERATION OF LEGISLATION.—A bill considered under subsection (a) shall be considered as provided in section 310(e) of the Congressional Budget Act of 1974 (2 U.S.C. 641(e)).

(c) PROCEDURE.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report, pursuant to this section, that contains any provisions other than those enumerated in section 310(a)(1) and 310(a)(2) of the Congressional Budget Act of 1974. This point of order may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members duly chosen and sworn. An affirmative vote of three-fifths of the Members duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

SA 770. Mr. LEVIN proposed an amendment to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; as follows:

Beginning on page 68, strike line 12 and all that follows through page 70, line 19, and insert the following:

(a) IN GENERAL.—Subsection (c) of section 2010 (relating to applicable credit amount) is amended by striking the table and inserting the following new table:

"In the case of estates of decedents dying during:	**The applicable exclusion amount is:**
2002 through 2010	$4,000,000.".

(b) LIFETIME GIFT EXEMPTION INCREASED TO $1,000,000.—

(1) FOR PERIODS BEFORE ESTATE TAX REPEAL.—Paragraph (1) of section 2505(a) (relating to unified credit against gift tax) is amended by inserting "(determined as if the applicable exclusion amount were $1,000,000)" after "calendar year".

(2) FOR PERIODS AFTER ESTATE TAX REPEAL.—Paragraph (1) of section 2505(a) (relating to unified credit against gift tax), as amended by paragraph (1), is amended to read as follows:

"(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were $1,000,000, reduced by".

(c) GST EXEMPTION.—

(1) IN GENERAL.—Subsection (a) of 2631 (relating to GST exemption) is amended by striking "of $1,000,000" and inserting "amount".

(2) EXEMPTION AMOUNT.—Subsection (c) of section 2631 is amended to read as follows:

"(c) GST EXEMPTION AMOUNT.—For purposes of subsection (a), the GST exemption amount for any calendar year shall be equal to the applicable exclusion amount under section 2010(c) for such calendar year.".

(d) REPEAL OF SPECIAL BENEFIT FOR FAMILY-OWNED BUSINESS INTERESTS.—

(1) IN GENERAL.—Section 2057 is hereby repealed.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (10) of section 2031(c) is amended by inserting "(as in effect on the day before the date of the enactment of this parenthetical)" before the period.

(B) The table of sections for part IV of subchapter A of chapter 11 is amended by striking the item relating to section 2057.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to estates of decedents dying and gifts and generation-skipping transfers made after December 31, 2001.

(2) SUBSECTION (b)(2).—The amendments made by subsection (b)(2) shall apply to gifts made after December 31, 2010.

(f) REVENUE OFFSET.—The reductions in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, are eliminated to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section as compared to the amendments made by section 521 of the Restoring Earnings To Lift Individuals and Empower Families (RELIEF) Act of 2001 as reported by the Finance Committee of the Senate on May 16, 2001.

SA 771. Mr. LEVIN proposed an amendment to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; as follows:

On page 314, after line 21, add the following:

SEC. . ACCELERATION OF FULL IMPLEMENTATION OF TUTITION DEDUCTION AND REPEAL OF TERMINATION.

(a) DEDUCTION FOR HIGHER EDUCATION EXPENSES.—

(1) MAXIMUM AMOUNT OF DEDUCTION.—Section 222(b)(2) (relating to applicable dollar amount), as added by section 431(a) of this Act, is amended to read as follows:

"(2) APPLICABLE DOLLAR LIMIT.—

"(A) IN GENERAL.—The applicable dollar limit shall be equal to—

"(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed $65,000 ($130,000 in the case of a joint return), $5,000,

"(ii) in the case of a taxpayer not described in clause (i) whose adjusted gross income for the taxable year does not exceed $80,000

($160,000 in the case of a joint return), $2,000, and

"(iii) in the case of any other taxpayer, zero.

"(B) Adjusted gross income.—For purposes of this paragraph, adjusted gross income shall be determined—

"(i) without regard to this section and sections 911, 931, and 933, and

"(ii) after application of sections 86, 135, 137, 219, 221, and 469.".

(2) Repeal of termination.—Section 222(e) (relating to termination), as added by section 431(a) of this Act, is repealed.

(b) Effective Date.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2001.

(c) Revenue Offset.—The reductions in 2005 and 2007 in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, are eliminated to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section.

SA 772. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 314, after line 21, insert the following:

SEC. 803. REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

(a) Restoration of Prior Law Formula.—Subsection (a) of section 86 is amended to read as follows:

"(a) In General.—Gross income for the taxable year of any taxpayer described in subsection (b) (notwithstanding section 207 of the Social Security Act) includes social security benefits in an amount equal to the lesser of—

"(1) one-half of the social security benefits received during the taxable year, or

"(2) one-half of the excess described in subsection (b)(1)."

(b) Repeal of Adjusted Base Amount.—Subsection (c) of section 86 is amended to read as follows:

"(c) Base Amount.—For purposes of this section, the term 'base amount' means—

"(1) except as otherwise provided in this subsection, $25,000,

"(2) $32,000 in the case of a joint return, and

"(3) zero in the case of a taxpayer who—

"(A) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and

"(B) does not live apart from his spouse at all times during the taxable year."

(c) Conforming Amendments.—

(1) Subparagraph (A) of section 871(a)(3) is amended by striking "85 percent" and inserting "50 percent".

(2)(A) Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (Public Law 98–21) is amended—

(i) by striking "(A) There" and inserting "There";

(ii) by striking "(i)" immediately following "amounts equivalent to"; and

(iii) by striking ", less (ii)" and all that follows and inserting a period.

(B) Paragraph (1) of section 121(e) of such Act is amended by striking subparagraph (B).

(C) Paragraph (3) of section 121(e) of such Act is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(D) Paragraph (2) of section 121(e) of such Act is amended in the first sentence by striking "paragraph (1)(A)" and inserting "paragraph (1)".

(d) Maintenance of Transfers to Hospital Insurance Trust Fund.—

(1) Appropriation.—There are hereby appropriated to the Hospital Insurance Trust Fund established under section 1817 of the Social Security Act amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this section.

(2) Transfer.—Amounts appropriated under paragraph (1) shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this section not been enacted.

(e) Revenue Offset.—The Secretary of the Treasury shall adjust each of the corresponding percentages for the 39.6% rate which are contained in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986 (as added by section 101 of this Act) to the extent necessary to offset in each fiscal year beginning before October 1, 2011, the decrease in revenues to the Treasury for that fiscal year resulting from the amendments made by this section.

(f) Effective Date.—

(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) Subsection (c)(1).—The amendment made by subsection (c)(1) shall apply to benefits paid after December 31, 2000.

(3) Subsection (c)(2).—The amendments made by subsection (c)(2) shall apply to tax liabilities for taxable years beginning after December 31, 2000.

SA 773. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC.   . COMMUTER BENEFITS EQUITY.

(a) Uniform Dollar Limitation for All Types of Transportation Fringe Benefits.—

(1) In general.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking "$65" and inserting "$175".

(2) Conforming amendment.—Section 9010 of the Transportation Equity Act for the 21st Century is amended by striking subsection (c).

(3) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2001.

(b) Clarification of Federal Employee Benefits.—Section 7905 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(C) by inserting "and" after the semicolon;

(B) in paragraph (3) by striking "; and" and inserting a period; and

(C) by striking paragraph (4); and

(2) in subsection (b)(2)(A), by amending subparagraph (A) to read as follows:

"(A) a qualified transportation fringe as defined in section 132(f)(1) of the Internal Revenue Code of 1986;".

(d) Revenue Offset.—The Secretary of the Treasury shall adjust the reduction in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, as necessary to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section.

SA 774. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 314, after line 21, add the following:

SEC.   . 5-YEAR EXTENSION OF CERTAIN EXPIRING PROVISIONS.

(a) Five-Year Extension of Certain Expiring Provisions.—

(1) Adoption credits.—

(A) Children without special needs.—Section 23(d)(2)(B) (defining eligible child) is amended by striking "2001" and inserting "2006".

(B) Adoption assistance programs.—Section 137(f) (relating to termination) is amended by striking "2001" and inserting "2006".

(2) Nonrefundable personal credits under AMT.—So much of section 26(a)(2) as precedes subparagraph (A) is amended to read as follows:

"(2) Special rule for calendar years 2000 through 2006.—For purposes of any taxable year beginning during calendar years 2000 through 2006, the aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—".

(3) Work opportunity credit.—

(A) Temporary extension.—Section 51(c)(4)(B) (relating to termination) is amended by striking "2001" and inserting "2006".

(B) Effective date.—The amendment made by this paragraph shall apply to individuals who begin work for the employer after December 31, 2001.

(4) Welfare-to-work credit.—

(A) Temporary extension.—Section 51A(f) (relating to termination) is amended by striking "2001" and inserting "2006".

(B) Effective date.—The amendments made by this paragraph shall apply to individuals who begin work for the employer after December 31, 2001.

(5) Electricity from certain renewable resources.—Subparagraphs (A), (B), and (C) of section 45(c)(3) (defining qualified facility) are each amended by striking "2002" and inserting "2007".

(6) Delay in effective date of requirement for approved diesel or kerosene terminals.—Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 is amended by striking "January 1, 2002" and inserting "January 1, 2007".

(7) Qualified zone academy bond program.—Section 1397E(e)(1) (relating to national limitation) is amended by striking "1998, 1999, 2000, and 2001" and inserting "each of years 1998 through 2006".

(8) Employer provided educational assistance.—Section 127(d) (relating to termination) is amended by striking "2001" and inserting "2006".

(9) Income limit for percentage depletion.—Subparagraph (H) of section 613A(c)(6)

is amended by striking "January 1, 2002" and inserting "January 1, 2007".

(10) Subpart F exemption.—

(A) Temporary extension.—Section 953(e)(10) is amended—

(i) by striking "January 1, 2002" and inserting "January 1, 2007", and

(ii) by striking "December 31, 2001" and inserting "December 31, 2006".

(B) Conforming amendment.—Section 954(h)(9) is amended by striking "January 1, 2002" and inserting "January 1, 2007".

(11) Parity in the application of certain limits to mental health benefits.—

(A) Temporary extension.—Subsection (f) of section 9812 is amended by striking "on or after September 30, 2001" and inserting "after September 30, 2006".

(B) Effective date.—The amendments made by this paragraph shall apply to benefits for services furnished after September 30, 2001.

(12) Phaseout of deduction for clean-fuel vehicles and certain refueling property.—

(A) Temporary extension of phaseout.—Subsection (b)(1)(B) of section 179A is amended—

(i) in the matter preceding clause (i), by striking "December 31, 2001' and inserting "December 31, 2006",

(ii) in clause (i), by striking "2002" and inserting "2007",

(iii) in clause (ii), by striking "2003" and inserting "2008", and

(iv) in clause (iii), by striking "2004" and inserting "2009".

(B) Extension of termination date.—Section 179A(f) is amended by striking "December 31, 2004" and inserting "December 31, 2009".

(C) Effective date.—The amendments made by this paragraph shall apply to property placed in service after December 31, 2001.

(13) Phaseout of credit for electric vehicles.—

(A) Temporary extension of phase out.—Section 30(b)(2) is amended—

(i) in the matter preceding subparagraph (A), by striking "December 31, 2001" and inserting "December 31, 2006",

(ii) in subparagraph (A), by striking "2002" and inserting "2007",

(iii) in subparagraph (B), by striking "2003" and inserting "2008", and

(iv) in subparagraph (C), by striking "2004" and inserting "2009".

(B) Extension of termination date.—Section 30(e) is amended by striking "December 31, 2004" and inserting "December 31, 2009".

(C) Effective date.—The amendments made by this paragraph shall apply to property placed in service after December 31, 2001.

(14) Generalized system of preferences.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "September 30, 2001" and inserting "December 31, 2006".

(15) Andean trade preference.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended to read as follows:

"(b) Termination of Duty-Free Treatment.—No duty-free treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2006.".

(16) Temporary increase in amount of rum excise tax covered over to Puerto Rico and Virgin Islands.—Section 7652(f)(1) (relating to limitation on cover over of tax on distilled spirits) is amended to read as follows:

"(1) $10.50 ($13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2007), or".

(b) Effective Date.—Except as otherwise provided in this section, the amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

(c) Revenue Offset.—The Secretary of the Treasury shall adjust the reduction in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, as necessary to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section.

SA 775. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 9, in the table between lines 11 and 12, strike "36%" and insert "37%".

On page 54, between lines 4 and 5, insert the following:

"(C) 2006 through 2011.—

"(i) In general.—In the case of a taxable year beginning in 2006, 2007, 2008, 2009, 2010, or 2011, the applicable dollar amount shall be equal to the applicable dollar amount determined in the table contained in clause (ii), reduced (but not below zero) by the amount determined under clause (iii).

"(ii) Applicable dollar amount.—

"Taxable year beginning in:	Applicable dollar amount:
2006 or 2007	$10,000
2008, 2009, 2010, or 2011	$12,000

"(iii) Amount of reduction.—The amount determined under this clause for any taxable year is the amount which bears the same ratio to the applicable dollar amount determined in the table contained in clause (ii) for such taxable year as—

"(I) the excess of—

"(aa) the taxpayer's adjusted gross income for such taxable year, over

"(bb) $65,000 ($90,000 in the case of return filed by a head of household (as defined in section 2(b)), and $130,000 in the case of a joint return), bears to

"(II) $10,000 ($20,000 in the case of a joint return).

On page 59, line 3, strike "$500" and insert "$1,000".

SA 776. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 54, between lines 4 and 5, insert the following:

"(C) 2006 through 2011.—

"(i) In general.—In the case of a taxable year beginning in 2006, 2007, 2008, 2009, 2010, or 2011, the applicable dollar amount shall be equal to the applicable dollar amount determined in the table contained in clause (ii), reduced (but not below zero) by the amount determined under clause (iii).

"(ii) Applicable dollar amount.—

"Taxable year beginning in:	Applicable dollar amount:
2006	$10,000
2007	10,000
2008	12,000
2009	12,000
2010	12,000
2011	12,000.

"(iii) Amount of reduction.—The amount determined under this clause for any taxable year is the amount which bears the same ratio to the applicable dollar amount determined in the table contained in clause (ii) for such taxable year as—

"(I) the excess of—

"(aa) the taxpayer's adjusted gross income for such taxable year, over

"(bb) $65,000 ($90,000 in the case of return filed by a head of household (as defined in section 2(b)), and $130,000 in the case of a joint return), bears to

"(II) $10,000 ($20,000 in the case of a joint return).

On page 59, line 3, strike "$500" and insert "$1,000".

SA 777. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 314, after line 21, add the following:

SEC. . INDIVIDUAL ALTERNATIVE MINIMUM TAX INDEXING; EXTENSION OF CERTAIN EXPIRING PROVISIONS.

(a) Alternative Minimum Tax Relief.—Section 701(a) of this Act is amended to read as follows:

(a) In General..—Section 55(d) (relating to exemption amount) is amended by adding at the end the following new paragraph:

"(4) Inflation adjustment.—

"(A) In general.—In the case of any taxable year beginning after 2000, the dollar amounts referred to in paragraph (1) shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '1999' for '1992'.

"(B) Rounding.—If any amount as adjusted under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.".

(b) One-year Extension of Certain Expiring Provisions.—

(1) Adoption credits.—

(A) Children without special needs.—Section 23(d)(2)(B) (defining eligible child) is amended by striking "2001" and inserting "2002".

(B) Adoption assistance programs.—Section 137(f) (relating to termination) is amended by striking "2001" and inserting "2002".

(2) Nonrefundable personal credits under AMT.—So much of section 26(a)(2) as precedes subparagraph (A) is amended to read as follows:

"(2) Special rule for 2000, 2001, and 2002.—For purposes of any taxable year beginning during 2000, 2001, or 2002, the aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—".

(3) Work opportunity credit.—

(A) Temporary extension.—Section 51(c)(4)(B) (relating to termination) is amended by striking "2001" and inserting "2002".

(B) Effective date.—The amendment made by this paragraph shall apply to individuals who begin work for the employer after December 31, 2001.

(4) Welfare-to-work credit.—

(A) Temporary extension.—Section 51A(f) (relating to termination) is amended by striking "2001" and inserting "2002".

(B) Effective date.—The amendments made by this paragraph shall apply to individuals who begin work for the employer after December 31, 2001.

(5) Electricity from certain renewable resources.—Subparagraphs (A), (B), and (C) of section 45(c)(3) (defining qualified facility) are each amended by striking "2002" and inserting "2003".

(6) Delay in effective date of requirement for approved diesel or kerosene terminals.—Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 is amended by striking "January 1, 2002" and inserting "January 1, 2003".

(7) Qualified zone academy bond program.—Section 1397E(e)(1) (relating to national limitation) is amended by striking "and 2001" and inserting "2001, and 2002".

(8) Employer provided educational assistance.—Section 127(d) (relating to termination) is amended by striking "2001" and inserting "2002".

(9) Income limit for percentage depletion.—Subparagraph (H) of section 613A(c)(6) is amended by striking "January 1, 2002" and inserting "January 1, 2003".

(10) Subpart F exemption.—

(A) Temporary extension.—Section 953(e)(10) is amended—

(i) by striking "January 1, 2002" and inserting "January 1, 2003", and

(ii) by striking "December 31, 2001" and inserting "December 31, 2002".

(B) Conforming amendment.—Section 954(h)(9) is amended by striking "January 1, 2002" and inserting "January 1, 2003".

(11) Parity in the application of certain limits to mental health benefits.—

(A) Temporary extension.—Subsection (f) of section 9812 is amended by striking "on or after September 30, 2001" and inserting "after September 30, 2002".

(B) Effective date.—The amendments made by this paragraph shall apply to benefits for services furnished after September 30, 2001.

(12) Phaseout of deduction for clean-fuel vehicles and certain refueling property.—

(A) Temporary extension of phaseout.—Subsection (b)(1)(B) of section 179A is amended—

(i) in the matter preceding clause (i), by striking "December 31, 2001' and inserting "December 31, 2002",

(ii) in clause (i), by striking "2002" and inserting "2003",

(iii) in clause (ii), by striking "2003" and inserting "2004", and

(iv) in clause (iii), by striking "2004" and inserting "2005".

(B) Extension of termination date.—Section 179A(f) is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(C) Effective date.—The amendments made by this paragraph shall apply to property placed in service after December 31, 2001.

(13) Phaseout of credit for electric vehicles.—

(A) Temporary extension of phase out.—Section 30(b)(2) is amended—

(i) in the matter preceding subparagraph (A), by striking "December 31, 2001" and inserting "December 31, 2002",

(ii) in subparagraph (A), by striking "2002" and inserting "2003",

(iii) in subparagraph (B), by striking "2003" and inserting "2004", and

(iv) in subparagraph (C), by striking "2004" and inserting "2005".

(B) Extension of termination date.—Section 30(e) is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(C) Effective date.—The amendment made by this paragraph shall apply to property placed in service after December 31, 2001.

(14) Generalized System of Preferences.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "September 30, 2001" and inserting "December 31, 2002".

(15) Andean Trade Preference.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended to read as follows:

"(b) Termination of Duty-Free Treatment.—No duty-free treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2002.".

(16) Temporary increase in amount of rum excise tax covered over to Puerto Rico and Virgin Islands.—Section 7652(f)(1) (relating to limitation on cover over of tax on distilled spirits) is amended to read as follows:

"(1) $10.50 ($13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2003), or".

(c) Effective Date.—Except as otherwise provided in this section, the amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) Revenue Offset.—The Secretary of the Treasury shall adjust the reduction in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, as necessary to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section.

SA 778. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 314, after line 21, add the following:

SEC. EXTENSION OF CERTAIN EXPIRING PROVISIONS.

(a) One-year Extension of Certain Expiring Provisions.—

(1) Adoption credits.—

(A) Children without special needs.—Section 23(d)(2)(B) (defining eligible child) is amended by striking "2001" and inserting "2002".

(B) Adoption assistance programs.—Section 137(f) (relating to termination) is amended by striking "2001" and inserting "2002".

(2) Nonrefundable personal credits under AMT.—So much of section 26(a)(2) as precedes subparagraph (A) is amended to read as follows:

"(2) Special rule for 2000, 2001, and 2002.—For purposes of any taxable year beginning during 2000, 2001, or 2002, the aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—".

(3) Work opportunity credit.—

(A) Temporary extension.—Section 51(c)(4)(B) (relating to termination) is amended by striking "2001" and inserting "2002".

(B) Effective date.—The amendment made by this paragraph shall apply to individuals who begin work for the employer after December 31, 2001.

(4) Welfare-to-work credit.—

(A) Temporary extension.—Section 51A(f) (relating to termination) is amended by striking "2001" and inserting "2002".

(B) Effective date.—The amendments made by this paragraph shall apply to individuals who begin work for the employer after December 31, 2001.

(5) Electricity from certain renewable resources.—Subparagraphs (A), (B), and (C) of section 45(c)(3) (defining qualified facility) are each amended by striking "2002" and inserting "2003".

(6) Delay in effective date of requirement for approved diesel or kerosene terminals.—Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 is amended by striking "January 1, 2002" and inserting "January 1, 2003".

(7) Qualified zone academy bond program.—Section 1397E(e)(1) (relating to national limitation) is amended by striking "and 2001" and inserting "2001, and 2002".

(8) Employer provided educational assistance.—Section 127(d) (relating to termination) is amended by striking "2001" and inserting "2002".

(9) Income limit for percentage depletion.—Subparagraph (H) of section 613A(c)(6) is amended by striking "January 1, 2002" and inserting "January 1, 2003".

(10) Subpart F exemption.—

(A) Temporary extension.—Section 953(e)(10) is amended—

(i) by striking "January 1, 2002" and inserting "January 1, 2003", and

(ii) by striking "December 31, 2001" and inserting "December 31, 2002".

(B) Conforming amendment.—Section 954(h)(9) is amended by striking "January 1, 2002" and inserting "January 1, 2003".

(11) Parity in the application of certain limits to mental health benefits.—

(A) Temporary extension.—Subsection (f) of section 9812 is amended by striking "on or after September 30, 2001" and inserting "after September 30, 2002".

(B) Effective date.—The amendments made by this paragraph shall apply to benefits for services furnished after September 30, 2001.

(12) Phaseout of deduction for clean-fuel vehicles and certain refueling property.—

(A) Temporary extension of phaseout.—Subsection (b)(1)(B) of section 179A is amended—

(i) in the matter preceding clause (i), by striking "December 31, 2001' and inserting "December 31, 2002",

(ii) in clause (i), by striking "2002" and inserting "2003",

(iii) in clause (ii), by striking "2003" and inserting "2004", and

(iv) in clause (iii), by striking "2004" and inserting "2005".

(B) Extension of termination date.—Section 179A(f) is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(C) Effective date.—The amendments made by this paragraph shall apply to property placed in service after December 31, 2001.

(13) Phaseout of credit for electric vehicles.—

(A) Temporary extension of phase out.—Section 30(b)(2) is amended—

(i) in the matter preceding subparagraph (A), by striking "December 31, 2001" and inserting "December 31, 2002",

(ii) in subparagraph (A), by striking "2002" and inserting "2003",

(iii) in subparagraph (B), by striking "2003" and inserting "2004", and

(iv) in subparagraph (C), by striking "2004" and inserting "2005".

(B) EXTENSION OF TERMINATION DATE.—Section 30(e) is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(C) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to property placed in service after December 31, 2001.

(14) GENERALIZED SYSTEM OF PREFERENCES.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "September 30, 2001" and inserting "December 31, 2002".

(15) ANDEAN TRADE PREFERENCE.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended to read as follows:

"(b) TERMINATION OF DUTY-FREE TREATMENT.—No duty-free treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2002.".

(16) TEMPORARY INCREASE IN AMOUNT OF RUM EXCISE TAX COVERED OVER TO PUERTO RICO AND VIRGIN ISLANDS.—Section 7652(f)(1) (relating to limitation on cover over of tax on distilled spirits) is amended to read as follows:

"(1) $10.50 ($13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2003), or".

(c) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) REVENUE OFFSET.—The Secretary of the Treasury shall adjust the reduction in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, as necessary to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section.

SA 779. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 9, between lines 14 and 15, insert the following:

"(4) DELAY OF TOP RATE REDUCTION.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), with respect to a calendar year, no percentage described in that paragraph shall be substituted for 39.6 percent until the requirement of subparagraph (B) is met.

"(B) FULLY FUNDING BASIC EDUCATION SERVICES.—The requirement of this paragraph is that legislation is enacted that appropriates funds for Title I of the Elementary and Secondary Education Act, as amended, at or above the levels that were authorized by the Senate when it passed Senate Amendment 365 (107th Congress; as offered by Senators Dodd and Collins), on a vote of 79 to 21 to provide Title I supports to 100 percent of economically disadvantaged children by 2011, rather than the 33% who are aided today under such title.".

SA 780. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 314, after line 21, insert the following:

SEC. 803. REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

(a) RESTORATION OF PRIOR LAW FORMULA.—Subsection (a) of section 86 is amended to read as follows:

"(a) IN GENERAL.—Gross income for the taxable year of any taxpayer described in subsection (b) (notwithstanding section 207 of the Social Security Act) includes social security benefits in an amount equal to the lesser of—

"(1) one-half of the social security benefits received during the taxable year, or

"(2) one-half of the excess described in subsection (b)(1)."

(b) REPEAL OF ADJUSTED BASE AMOUNT.—Subsection (c) of section 86 is amended to read as follows:

"(c) BASE AMOUNT.—For purposes of this section, the term 'base amount' means—

"(1) except as otherwise provided in this subsection, $25,000,

"(2) $32,000 in the case of a joint return, and

"(3) zero in the case of a taxpayer who—

"(A) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and

"(B) does not live apart from his spouse at all times during the taxable year."

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 871(a)(3) is amended by striking "85 percent" and inserting "50 percent".

(2)(A) Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (Public Law 98-21) is amended—

(i) by striking "(A) There" and inserting "There";

(ii) by striking "(i)" immediately following "amounts equivalent to"; and

(iii) by striking ", less (ii)" and all that follows and inserting a period.

(B) Paragraph (1) of section 121(e) of such Act is amended by striking subparagraph (B).

(C) Paragraph (3) of section 121(e) of such Act is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(D) Paragraph (2) of section 121(e) of such Act is amended in the first sentence by striking "paragraph (1)(A)" and inserting "paragraph (1)".

(d) MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.—

(1) APPROPRIATION.—There are hereby appropriated to the Hospital Insurance Trust Fund established under section 1817 of the Social Security Act amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this section.

(2) TRANSFER.—Amounts appropriated under paragraph (1) shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this section not been enacted.

(e) REVENUE OFFSET.—Notwithstanding any other provision of this legislation, each of the corresponding percentages for the 39.6% rate which are contained in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986 as added by section 101 of this Act shall remain at 39.6% for taxable years beginning before calendar year 2009. In calendar year 2009 and thereafter, they shall be 38.6%.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) SUBSECTION (c)(1).—The amendment made by subsection (c)(1) shall apply to benefits paid after December 31, 2000.

(3) SUBSECTION (c)(2).—The amendments made by subsection (c)(2) shall apply to tax liabilities for taxable years beginning after December 31, 2000.

SA 781. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, as follows:

Strike the following sections of the bill: sections 501, 541, and 542.

SA 782. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 280, line 25, strike "one-participant" and insert "eligible".

On page 281, line 5, strike "ONE-PARTICIPANT" and insert "ELIGIBLE".

On page 281, line 7, strike "one-participant" and insert "eligible".

On page 281, strike lines 10 through 13 and insert the following:

(i) covered only an individual or an individual and the individual's spouse and such individual (or individual and spouse) wholly owned the trade or business (whether or not incorporated); or

On page 281, on lines 14 and 15, strike "one or more partners (and their spouses)" and insert "the partners or the partners and their spouses".

On page 281, line 24, strike "the employer (and the employer's spouse)" and insert "the individuals described in subparagraph (A)(i)".

Beginning on page 288, strike line 1 and all that follows through page 299, line 24, and insert the following:

Subtitle G—Other ERISA Provisions

SEC. 681. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsection:

"(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

"(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to, this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 682. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.".

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

"(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

"(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans established after December 31, 2001.

SEC. 683. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

"(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

"(I) 0 percent, for the first plan year.

"(II) 20 percent, for the second plan year.

"(III) 40 percent, for the third plan year.

"(IV) 60 percent, for the fourth plan year.

"(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.".

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 682(b), is amended—

(1) by striking "The" in subparagraph (E)(i) and inserting "Except as provided in subparagraph (G), the", and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

"(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2001.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2001.

SEC. 684. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking "(b)" and inserting "(b)(1)", and

(2) by inserting at the end the following new paragraph:

"(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 685. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

"(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(i) owns the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

"(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

"(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

"(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.".

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking "section 4022(b)(5)" and inserting "section 4022(b)(5)(B)".

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking "(5)" in paragraph (2) and inserting "(4), (5),", and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking "as defined in section 4022(b)(6)", and

(B) by adding at the end the following new subsection:

"(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(1) owns the entire interest in an unincorporated trade or business,

"(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

"(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).".

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking "section 4022(b)(6)" and inserting "section 4021(d)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2001, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on January 1, 2002.

SEC. 686. PERIODIC PENSION BENEFITS STATEMENTS.

(a) IN GENERAL.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025 (a)) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2)—

"(A) the administrator of an individual account plan shall furnish a pension benefit statement—

"(i) to a plan participant at least once annually, and

"(ii) to a plan beneficiary upon written request, and

"(B) the administrator of a defined benefit plan shall furnish a pension benefit statement—

"(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

"(ii) to a plan participant or plan beneficiary of the plan upon written request.

"(2) A pension benefit statement under paragraph (1)—

"(A) shall indicate, on the basis of the latest available information and reasonable estimates—

"(i) the total benefits accrued, and

"(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

"(B) shall be written in a manner calculated to be understood by the average plan participant,

"(C) shall include a statement that the summary annual report is available upon request, and

"(D) may be provided in written, electronic, or other appropriate form.

"(3)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

"(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i).".

(b) CONFORMING AMENDMENTS.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

"(b) In no case shall a participant or beneficiary of a plan be entitled to more than one statement described in subsection (a)(1)(A) or (a)(1)(B)(ii), whichever is applicable, in any 12-month period.".

(c) MODEL STATEMENTS.—The Secretary of Labor shall develop a model benefit statement, written in a manner calculated to be understood by the average plan participant, that may be used by plan administrators in complying with the requirements of section 105 of the Employee Retirement Income Security Act of 1974.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after December 31, 2001.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply, with respect to employees covered by any such agreement, for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment), or

(ii) January 1, 2002, or

(B) January 1, 2003.

SEC. 687. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation—

(1) in the case of an employee who, after commencement of payment of benefits under the plan, returns to service for which benefit payments may be suspended under such section 203(a)(3)(B) shall be made during the first calendar month or payroll period in which the plan withholds payments, and

(2) in the case of any employee who is not described in paragraph (1)—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2001.

SEC. 688. STUDIES.

(a) REPORT ON PENSION COVERAGE.—Not later than 5 years after the date of the enactment of this Act, the Secretary of the Treasury, jointly with the Secretary of Labor, shall submit a report to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor and Pensions of the Senate a report on the effect of the provisions of the Restoring Earnings to Lift Individuals and Empower Families Act of 2001 on pension coverage, including—

(1) any expansion of coverage for low- and middle-income workers;

(2) levels of pension benefits;

(3) quality of pension coverage;

(4) worker's access to and participation in plans; and

(5) retirement security.

(b) STUDY OF PRERETIREMENT USE OF BENEFITS.—

(1) IN GENERAL.—The Secretary of the Treasury, jointly with the Secretary of Labor, shall conduct a study of—

(A) current tax provisions allowing individuals to access individual retirement plans and qualified retirement plan benefits of such individual prior to retirement, including an analysis of—

(i) the extent of use of such current provisions by individuals; and

(ii) the extent to which such provisions undermine the goal of accumulating adequate resources for retirement; and

(B) the types of investment decisions made by individual retirement plan beneficiaries and participants in self-directed qualified retirement plans, including an analysis of—

(i) current restrictions on investments; and

(ii) the extent to which additional restrictions on investments would facilitate the accumulation of adequate income for retirement.

(2) REPORT.—Not later than January 1, 2003, the Secretary of the Treasury, jointly with the Secretary of Labor, shall submit a report to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor and Pensions of the Senate containing the results of the study conducted under paragraph (1) and any recommendations.

SEC. 689. ANNUAL REPORT DISSEMINATION.

(a) REPORT AVAILABLE THROUGH ELECTRONIC MEANS.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by adding at the end the following new sentence: "The requirement to furnish information under the previous sentence shall be satisfied if the administrator makes such information reasonably available through electronic means or other new technology".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to reports for years beginning after December 31, 2000.

SEC. 690. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) IMPOSITION AND AMOUNT OF PENALTY MADE DISCRETIONARY.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking "shall" and inserting "may", and

(2) by striking "equal to" and inserting "not greater than".

(b) APPLICABLE RECOVERY AMOUNT.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

"(2) For purposes of paragraph (1), the term 'applicable recovery amount' means any amount which is recovered from any fiduciary or other person (or from any other person on behalf of any such fiduciary or other person) with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation, whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under paragraph (2) or (5) of subsection (a). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence.".

(c) OTHER RULES.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraph:

"(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

"(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(2) TRANSITION RULE.—In applying the amendment made by subsection (b) (relating to applicable recovery amount), a breach or other violation occurring before the date of enactment of this Act which continues after the 180th day after such date (and which may have been discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

SEC. 690A. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) EXPANSION OF PERIOD.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Subparagraph (A) of section 417(a)(6) is amended by striking "90-day" and inserting "180-day".

(B) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)-1, 1.411(a)-11(c), and 1.417(e)-1(b).

(2) AMENDMENT OF ERISA.—Section 205(c)(7)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(7)(A)) is amended by striking "90-day" and inserting "180-day".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1)(A) and (2) and the modifications required by paragraph (1)(B) shall apply to years beginning after December 31, 2001.

(b) CONSENT REGULATION INAPPLICABLE TO CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) MODEL STATEMENT.—The Secretary of the Treasury shall develop a model statement, written in a manner calculated to be understood by the average plan participant, regarding participants' rights to defer receipt of a distribution and the consequences of so doing, that may be used by plan administrators in complying with the requirements of this section.

(3) EFFECTIVE DATE.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2001.

(c) DISCLOSURE OF OPTIONAL FORMS OF BENEFITS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Section 417(a)(3) (relating to plan to provide written explanation) is amended by adding at the end the following:

"(C) EXPLANATION OF OPTIONAL FORMS OF BENEFITS.—

"(i) IN GENERAL.—If—

"(I) a plan provides optional forms of benefits, and

"(II) the present values of such forms of benefits are not actuarially equivalent as of the annuity starting date,

then each written explanation required to be provided under subparagraph (A) shall include the information described in clause (ii).

"(ii) INFORMATION.—A plan to which this subparagraph applies shall include sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow the participant to understand the differences in the present values of the optional forms of benefits provided by the plan and the effect the participant's election as to the form of benefit will have on the value of the benefits available under the plan. Any such information shall be provided in a manner calculated to be reasonably understood by the average plan participant."

(2) AMENDMENT OF ERISA.—Section 205(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(3)) is amended by adding at the end the following:

"(C)(i) If—

"(I) a plan provides optional forms of benefits, and

"(II) the present values of such forms of benefits are not actuarially equivalent as of the annuity starting date,

then such plan shall include the information described in clause (ii) with each written explanation required to be provided under subparagraph (A).

"(ii) A plan to which this subparagraph applies shall include sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow the participant to understand the differences in the present values of the optional forms of benefits provided by the plan and the effect the participant's election as to the form of benefit will have on the value of the benefits available under the plan. Any such information shall be provided in a manner calculated to be reasonably understood by the average plan participant."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 690B. AMENDMENTS REGARDING NATIONAL SUMMIT ON RETIREMENT SAVINGS.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking "2001 and 2005 on or after September 1 of each year involved" and inserting "2001 or 2002, and 2005 and 2009. Such Summit shall be convened in the calendar year 2001 or the first calendar quarter of 2002 and shall be convened on or after September 1 of each year thereafter";

(2) in subsection (b), by adding at the end the following new sentence: "To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.).";

(3) in subsection (e)(2)—

(A) by striking "Committee on Labor and Human Resources" in subparagraph (D) and inserting "Committee on Health, Education, Labor, and Pensions";

(B) by striking subparagraph (F) and inserting the following:

"(F) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;";

(C) by redesignating subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

"(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

"(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

"(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and";

(4) in subsection (e)(3)(A)—

(A) by striking "There shall be no more than 200 additional participants." and inserting "The participants in the National Summit shall also include additional participants appointed under this subparagraph.";

(B) by striking "one-half shall be appointed by the President," in clause (i) and inserting "not more than 100 participants shall be appointed under this clause by the President,", and by striking "and" at the end of clause (i);

(C) by striking "one-half shall be appointed by the elected leaders of Congress" in clause (ii) and inserting "not more than 100 participants shall be appointed under this clause by the elected leaders of Congress", and by striking the period at the end of clause (ii) and inserting "; and"; and

(D) by adding at the end the following new clause:

"(iii) The President, in consultation with the elected leaders of Congress referred to in subsection (a), may appoint under this clause additional participants to the National Summit. The number of such additional participants appointed under this clause may not exceed the lesser of 3 percent of the total number of all additional participants appointed under this paragraph, or 10. Such additional participants shall be appointed from persons nominated by the organization referred to in subsection (b)(2) which is made up of private sector businesses and associations partnered with Government entities to promote long term financial security in retirement through savings and with which the Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.";

(5) in subsection (f)(1)(C), by inserting ", no later than 90 days prior to the date of the commencement of the National Summit," after "comment" in paragraph (1)(C);

(6) in subsection (g), by inserting ", in consultation with the congressional leaders specified in subsection (e)(2)," after "report";

(7) in subsection (i)—

(A) by striking "1997" in paragraph (1) and inserting "2001"; and

(B) by adding at the end the following new paragraph:

"(3) Reception and Representation Authority.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions accepted in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph.

"(4) Funds Available.—Of the funds appropriated to the Pension and Welfare Benefits Administration for fiscal year 2001, $500,000 shall remain available without fiscal year limitation through September 30, 2002, for the purpose of defraying the costs of the National Summit."; and

(8) in subsection (k)—

(A) by striking "shall" and inserting "may" ; and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001 or 2002, and 2005, and 2009".

On page 310, strike lines 10 and 11 and insert the following:

Subtitle I—Plan Amendments

SEC. 692. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 or section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) Amendments to Which Section Applies.—

(1) In general.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2005.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2007" for "2005".

(2) Conditions.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

Subtitle J—Compliance With Congressional Budget Act

SA 783. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV add the following:

SEC. . EXCLUSION FROM INCOME OF CERTAIN AMOUNTS CONTRIBUTED TO COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) In General.—Section 127 (relating to education assistance programs), as amended by section 411(a), is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Qualified Coverdell Education Savings Account Contributions.—

"(1) In general.—Gross income of an employee shall not include amounts paid or incurred by the employer for a qualified Coverdell education savings account contribution on behalf of the employee.

"(2) Qualified coverdell education savings account contribution.—For purposes of this subsection—

"(A) In general.—The term 'qualified Coverdell education savings account contribution' means an amount contributed pursuant to an educational assistance program described in subsection (b) by an employer to a Coverdell education savings account established and maintained for the benefit of an employee or the employee's spouse, or any lineal descendent of either.

"(B) Dollar limit.—A contribution by an employer to a Coverdell education savings account shall not be treated as a qualified Coverdell education savings account contribution to the extent that the contribution, when added to prior contributions by the employer during the calendar year to Coverdell education savings accounts established and maintained for the same beneficiary, exceeds $500.

"(3) Special rules.—

"(A) Contributions not treated as educational assistance in determining maximum exclusion.—For purposes of subsection (a)(2), qualified Coverdell education savings account contributions shall not be treated as educational assistance.

"(B) Self-employed not treated as employee.—For purposes of this subsection, subsection (c)(2) shall not apply.

"(C) Adjusted gross income phaseout of account contribution not applicable to individual employers.—The limitation under section 530(c) shall not apply to a qualified Coverdell education savings account contribution made by an employer who is an individual.

"(D) Contributions not treated as an investment in the contract.—For purposes of section 530(d), a qualified Coverdell education savings account contribution shall not be treated as an investment in the contract.".

(E) FICA exclusion.—For purposes of section 530(d), the exclusion from FICA taxes shall not apply.

(b) Reporting Requirement.—Section 6051(a) (relating to receipts for employees) is amended by striking "and" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting ", and", and by adding at the end the following new paragraph:

"(12) the amount of any qualified Coverdell education savings account contribution under section 127(d) with respect to such employee.".

(c) Conforming Amendment.—Section 221(e)(2)(A) is amended by inserting "(other than under subsection (d) thereof)" after "section 127".

(d) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2001.

SA 784. Mr. HARKIN (for himself and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, add the following:

SEC. . ABOVE-THE-LINE DEDUCTION FOR QUALIFIED EMERGENCY RESPONSE EXPENSES OF ELIGIBLE EMERGENCY RESPONSE PROFESSIONALS.

(a) Deduction Allowed.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals), as amended by this Act, is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:.

"SEC. 224. QUALIFIED EMERGENCY RESPONSE EXPENSES.

"(a) Allowance of Deduction.—In the case of an eligible emergency response professional, there shall be allowed as a deduction an amount equal to the qualified expenses paid or incurred by the taxpayer during the taxable year.

"(b) Definitions.—For purposes of this section—

"(1) Eligible emergency response professional.—The term 'eligible emergency response professional' includes—

"(A) a full-time employee of any police department or fire department which is organized and operated by a governmental entity to provide police protection, firefighting service, or emergency medical services for any area within the jurisdiction of such governmental entity,

"(B) an emergency medical technician licensed by a State who is employed by a State or non-profit to provide emergency medical services, and

"(C) a member of a volunteer fire department which is organized to provide firefighting or emergency medical services for any area within the jurisdiction of a governmental entity which is not provided with any other firefighting services.

"(2) Governmental entity.—The term 'governmental entity' means a State (or political subdivision thereof), Indian tribal (or political subdivision thereof), or Federal government.

"(3) Qualified expenses.—The term 'qualified expenses' means unreimbursed expenses for police and firefighter activities, as determined by the Secretary.

"(c) DENIAL OF DOUBLE BENEFIT.—

"(1) IN GENERAL.—No other deduction or credit shall be allowed under this chapter for any amount taken into account for which a deduction is allowed under this section.

"(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.

"(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2006.".

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) (relating to adjusted gross income defined), as amended by this Act, is amended by inserting after paragraph (19) the following new paragraph:

"(20) QUALIFIED PROFESSIONAL, DEVELOPMENT EXPENSES.—The deduction allowed by section 224.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 86(b)(2), 135(c)(4), 137(b)(3), and 219(g)(3), as amended by this Act, are each amended by inserting "224," after "221,".

(2) Section 221(b)(2)(C), as amended by this Act, is amended by inserting "224," before "911".

(3) Section 469(i)(3)(E), as amended by this Act, is amended by striking "and 223" and inserting ", 223, and 224".

(4) The table of sections for part VII of subchapter B of chapter 1, as amended by this Act, is amended by striking the item relating to section 223 and inserting the following new items:

"Sec. 224. Qualified emergency response expenses.

"Sec. 225. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, May 22, at 1:30 p.m., in the President's Room, to conduct a full committee markup of the nominations of Ms. Mary Waters, Mr. J.B. Penn, Mr. Lou Gallegos, Mr. Eric Bost, and Mr. William Hawks for the U.S. Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 22, 2001, at 2 p.m., SD–419, to hold a hearing, as follows: Mr. Lorne W. Craner, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor, to be introduced by the Honorable JOHN MCCAIN (R-AZ); the Honorable Donald Burnham Ensenat, of Louisiana, to be Chief of Protocol, with Rank of Ambassador, to be introduced by the Honorable JOHN B. BREAUX (D-LA); Mr. Carl W. Ford, Jr., of Arkansas, to be Assistant Secretary of State for Intelligence and Research, to be introduced by the Honorable John Glenn (D-OH), former Member, U.S. Senate; the Honorable Ruth A. Davis, of Georgia, to be Director General of the Foreign Service; and Mr. Paul Vincent Kelly, of Virginia, to be Assistant Secretary of State for Legislative Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMERCE AND TOURISM

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 22, 2001, at 2:30 p.m., on prescription drugs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on Tuesday, May 22, 2001, at 2 p.m., in SD–226.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic leader, pursuant to Public Law 106–554, appoints the Senator from Massachusetts (Mr. KERRY) to the Board of Directors of the Vietnam Education Foundation.

The Chair, on behalf of the President pro tempore, upon the recommendation of the majority leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, reappoints Michael K. Young, of Washington, DC, to the United States Commission on International Religious Freedom.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to the consideration of the following nominations: Nos. 43, 79, 80, 81, 82, 86, 89, 90, 91, 92, 93, 94, and 95.

In addition, I ask unanimous consent that the nomination of William Hansen (PN 274) be discharged from the HELP Committee and, further, that the Senate proceed to its consideration as well.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Lincoln P. Bloomfield, Jr., of Virginia, to be an Assistant Secretary of State (Political-Military Affairs).

DEPARTMENT OF ENERGY

Bruce Marshall Carnes, of Virginia, to be Chief Financial Officer, Department of Energy.

David Garman, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

Francis S. Blake, of Connecticut, to be Deputy Secretary of Energy.

Robert Gordon Card, of Colorado, to be Under Secretary of Energy.

DEPARTMENT OF DEFENSE

Gordon England, of Texas, to be Secretary of the Navy, vice Richard Danzig.

SELECTIVE SERVICE SYSTEM

Alfred Rascon, of California, to be Director of Selective Service, vice Gil Coronado, resigned.

AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Van P. Williams, Jr., 9389

DEPARTMENT OF AGRICULTURE

Lou Gallegos, of New Mexico, to be an Assistant Secretary of Agriculture.

Mary Kirtley Waters, of Virginia, to be an Assistant Secretary of Agriculture.

Eric M. Bost, of Texas, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

William T. Hawks, of Mississippi, to be Under Secretary of Agriculture for Marketing and Regulatory Programs.

J.B. Penn, of Arkansas, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

DEPARTMENT OF EDUCATION

William D. Hansen, of Virginia, to be Deputy Secretary of Education, vice Frank S. Hollerman III, resigned.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate action on Executive Calendar Nos. 79 to 82 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

CONGRATULATING THE UNIVERSITY OF MINNESOTA FOR 150 YEARS OF OUTSTANDING SERVICE TO MINNESOTA

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 93, submitted earlier today by Senators WELLSTONE and DAYTON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 93) congratulating the University of Minnesota, its faculty, staff, students, alumni, and friends for 150 years of outstanding service to the State of Minnesota, the Nation, and the world.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WELLSTONE. Mr. President, it is my privilege today to commend the University of Minnesota, its students, staff faculty, alumni and supporters for its long history of excellence and accomplishments. The University of Minnesota celebrates its 150th anniversary this year as one of the Nation's great public universities.

The University was established in 1851, six years prior to the founding of Minnesota as a state. It began as a small preparatory school and operated without State or Federal funding.

During the Civil was the University went through a series of trying financial times, but was greatly lifted when Congress passed the Morril Land Grant Act in 1862.

Signed by President Abraham Lincoln, this act gifted over 100,000 acres of land for public use in Minnesota, and called for the creation of a perpetual public fund.

The interest on this fund was to go towards, in the historic words of the document, "the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and mechanical arts . . . in order to promote the liberal and practical education of the industrial classes in several pursuits and professions in life."

In 1869 William Watts Folwell was inaugurated as the first president of the University. At that time there were only nine faculty members and 18 students. Today the University of Minnesota system is home to nearly 60,000 undergraduate and graduate students under the direction of President Mark Yudof.

As a land-grant institution, the University of Minnesota with its campuses in Crookston, Duluth, Morris and the Twin Cities has earned distinction as one of the most prestigious and competitive public university systems in the nation.

Since the first two bachelors of arts degrees were awarded in 1873, the university has granted over 549,000 undergraduate degrees and 25,000 Ph.D.'s in over 373 fields of study. Such rich academic diversity has allowed for students to walk in step with their dreams.

The University of Minnesota has fostered an environment for high-standards of education, academic achievement, and public service. It conducts some 300 programs serving children and youth, and students and staff of the University work with over 700,000 Minnesotans every year on issues ranging from agricultural research, health and medical sciences, to social development. The University of Minnesota is also a major source of employment, providing work for more than 100,000 Minnesotans.

As a major research institution the University has produced scholars of national and international distinction, including 13 faculty members and alumni who have been awarded Nobel Prizes, including the Nobel Peace Prize.

Alumni, faculty and staff have also developed a strong tradition of giving back to the University, beginning with historic philanthropist and University Regent, John Sargent Pillsbury in 1867, and continuing today. Private donations, grants and scholarship funds, along with Federal and State funds help the University of Minnesota to provide students with the necessary resources for a world-class education.

As a Senator from Minnesota I take pride in congratulating the University of Minnesota, with its solid and colorful academic history, on its 150th year of excellence. The State of Minnesota and the nation shall continue to benefit greatly from the efforts of this fine public university.

Mr. DAYTON. Mr. President, I join the senior Senator from Minnesota, PAUL WELLSTONE in honoring the 150 year anniversary of the University of Minnesota. The many milestones so aptly described by Senator WELLSTONE illustrate the distinguished history of one of America's great land grant schools. From the most humble beginnings in 1851, before Minnesota could call itself a State, the University established itself, as a small preparatory school. Today, it is a premier land grant University, with a major medical school, an Institute of Technology, School of Agriculture and three campuses in greater Minnesota. The University serves nearly 60,000 undergraduate and graduate students.

The value of any great learning institution is measured both within its hallowed, academic halls as well as beyond the geographic borders of a central campus. The University of Minnesota Twin Cities has long been considered one of the Nation's top 25 public research universities. The University also serves a large and diverse state by reaching young people through the campuses at Morris, Crookston, and Duluth. In addition, the University has formed a unique partnership with the Rochester Community and Technical College, and Winona State University to form the University Center at Rochester.

Each of these campuses has its own identity, and adds a unique dimension to the University, and to the State. Rochester, the newest campus, is a joint venture with three different institutions and two academic systems. Because of this partnership, a student attending the University Center at Rochester can pursue a doctorate program or certificate. Established in 1959, the University of Minnesota, Morris is today considered one of the top three public liberal arts institutions in the country. University of Minnesota, Crookston attracts nearly 3,000 students, earning one of U.S. News and World Report's Best College rankings and Wired Magazine's Most Wired Campus Designation. And, the University of Minnesota Duluth, ranked as one of the 12 best Midwest regional public universities, serves the academic needs of the State with a comprehensive undergraduate and graduate program. Equally important, UMD is a vitally active partner in the economic development of Northern Minnesota.

We celebrate the University's Sesquicentennial by looking back through the long lens of a history rich with the achievements that have informed the people of our great State. These are the accomplishments in which the University of Minnesota played a key role. They include helping Minnesotans develop a strong agricultural economy, building a global reputation in medical sciences, establishing the relationship between the University's intellectual resources and community service, and forging an academic base, providing the brainpower that has carried Minnesotans into the new millennium. While we celebrate the University's past, we recognize that it is a part of our present and our future. It educates our children, grows our economy, and evaluates our decisions with sound research and good science.

I join all Minnesotans in celebrating the University of Minnesota's 150th anniversary. I know there will be many more productive years to come.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 93) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under "Submitted Resolutions.")

NATIONAL EMERGENCY MEDICAL SERVICES WEEK

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 40, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 40) expressing the sense of the Congress regarding the designation of the week of May 20, 2001, as "National Emergency Medical Services Week."

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 40) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 40

Whereas emergency medical services are a vital public service;

Whereas the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, 7 days a week;

Whereas access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury;

Whereas providers of emergency medical services have traditionally served as the safety net of America's health care system;

Whereas emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others;

Whereas approximately two-thirds of all emergency medical services providers are volunteers;

Whereas the members of emergency medical services teams, whether career or volunteer, undergo thousands of hours of specialized training and continuing education to enhance their lifesaving skills;

Whereas Americans benefit daily from the knowledge and skills of these highly trained individuals; and

Whereas injury prevention and the appropriate use of the emergency medical services system will help reduce health care costs: Now, therefore, be it

(Resolved by the Senate (the House of Representatives concurring), That—

(1) the week of May 20, 2001, is designated as "National Emergency Medical Services Week";

(2) the President should issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

AUTHORIZING THE USE OF THE EAST FRONT OF CAPITOL GROUNDS FOR PERFORMANCES SPONSORED BY THE KENNEDY CENTER

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE WASHINGTON SOAP BOX DERBY

AUTHORIZING THE 2001 DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN ON CAPITOL GROUNDS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of House Concurrent Resolutions 76, 79, and 87, which are at the desk.

I announce that these three concurrent resolutions authorize the use of the Capitol grounds for three separate events.

The PRESIDING OFFICER. The clerk will report the resolutions by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 76) authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

A concurrent resolution (H. Con. Res. 79) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

A concurrent resolution (H. Con. Res. 87) authorizing the 2001 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

There being no objection, the Senate proceeded to consider the concurrent resolutions en bloc.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the resolutions be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (H. Con. Res. 76, H. Con. Res. 79, and H. Con. Res. 87) were agreed to.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 41, submitted earlier today by Senator STEVENS.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 41) authorizing the use of the Capitol Grounds for the National Book Festival.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 41) was agreed to.

(The text of the concurrent resolution is located in today's RECORD under "Submitted Resolutions.")

FALLEN HERO SURVIVOR BENEFIT FAIRNESS ACT OF 2001

Mr. GRASSLEY. Mr. President,I ask unanimous consent that the Senate proceed to the consideration of H.R. 1727, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1727) to amend the Taxpayer Relief Act of 1997 to provide consistent treatment of survivor benefits for public safety officers killed in the line of duty.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing the Fallen Hero Survivor Benefit Fairness Act.

Last night, I voted for the Smith amendment to add the Fallen Hero Survivor Benefit Fairness Act to the reconciliation tax package, and I am proud to cosponsor the Senate companion bill, S. 881, introduced by the senior Senator from Utah. Since the House of Representatives passed the Fallen Hero Survivor Benefit Fairness Act, H.R. 1727, on May 15, 2001, by a vote of 419–0, I am hopeful that this legislation to support the families of our nation's public safety officers will soon become law.

This legislation extends present-law treatment of survivor annuities for public safety officers killed in the line of duty on or before December 31, 1996. It is needed to correct a harsh inequity in the tax code that treats some survivors of slain public safety officers differently than others based on the date of the officer's death. That is unconscionable.

The Taxpayer Relief Act of 1997 provided that a survivor annuity paid on account of the death of a public safety officer who is killed in the line of duty is excluded from income for individuals dying after December 31, 1996. The survivor annuity must be provided under a government plan to the surviving spouse of the public safety officer or to a child of the officer. Public safety officers include law enforcement officers, firefighters, rescue squad or ambulance crew. But the family members of public safety officers killed before January 1, 1997 are fully taxed on their survivor annuities.

I believe that survivors of public safety officers killed in the line of duty should all receive the same tax treatment. We should do all we can to support the families of public safety officers killed in the line of duty. Basic fairness demands it.

I look forward to the Fallen Hero Survivor Benefit Fairness Act becoming law. It is only right that our Nation's tax laws support the families of public safety officers who gave the ultimate sacrifice to make America a safer place.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1727) was read the third time and passed.

ORDERS FOR WEDNESDAY, MAY 23, 2001

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 23. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the tax reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will continue voting on reconciliation amendments as we have done for the past 19½ consecutive Senate hours. Votes will occur every 10 to 15 minutes until otherwise notified. It is hoped the Senate can pass this important tax bill early tomorrow so we can resume consideration of the education bill in a timely manner. Votes can be expected throughout the week.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator GRASSLEY and Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIPARTISANSHIP

Mr. GRASSLEY. Mr. President, we voted on 3 amendments last week, 17 amendments yesterday, 27 amendments today. That is an awful lot of amendments on a bill that should have been done after 20 hours, plus a few votes.

We have had a flood of amendments, and almost all of them have come from the other party. Not one amendment from the other party has passed yet. That is after 3 last week, 17 yesterday, and 27 today. When is enough enough?

I ask this question in the spirit of bipartisanship that Senator BAUCUS and I have worked on since the first of the week and the entire work of the Senate Finance Committee, in the spirit of how the Finance Committee has always worked, and also in the spirit of the bipartisanship talked about 5 months ago in the new Congress. Why in the new Congress? Because it is the first time in 120 years the Senate has been evenly divided.

I hope that bipartisanship is not dead. But if bipartisanship is dead and buried within the last 5 months of this new Congress, I have not been invited to the funeral, and I don't think Senator BAUCUS was invited either. Senator BAUCUS and I have been working on this tax bill since January. That was right around the time the leaders of this body worked out power sharing. We all knew from the beginning that shared power brings shared responsibility. Where is the responsibility to get the people's work done? Where is the responsibility to finish legislation that has been worked upon for months by a committee of this Senate, one of the most powerful committees of this Senate? Where is the responsibility to finish legislation that is the product of the bipartisanship that is known to be a product of the Finance Committee or the bipartisanship that was asked for in January? Where is the responsibility to finish legislation that has ample bipartisan support to pass?

When this bill finally gets to that final rollcall vote, people are going to be shocked how many people are going to vote for this bill on final passage. Bipartisan, again.

Then, in the meantime, we are putting up with 27 rollcalls today, 17 rollcalls yesterday, 3 rollcalls last Thursday. Three long days of work on this bill, and we still do not see light at the end of the tunnel because there are stalling tactics that for some reason or another go beyond the protection of a minority within the Senate.

I don't argue with that protection of the minority. There is only one political institution in the United States Government where minority views are protected. Those are in the Senate of the United States. There are all sorts of rules to protect the minority. But there also can be abuse of the protection that is granted the minority, way beyond what was ever intended by the people who wrote our Constitution or established the traditions and the rules of the Senate. There is a time when statesmanship has to be above pure politics meant to kill tax relief for American taxpayers, a tax relief that is the third greatest in the last 50 years and the greatest in the last 20 years.

There has to be a time when examples of bipartisanship have to be followed by those who are calling for bipartisanship. I think Senator BAUCUS and I have established a good tradition of bipartisanship, a tradition of bipartisanship that I hope will not only help get a bipartisan vote on this bill tomorrow or the next day, a bipartisan vote on a product coming out of conference but, more importantly, as I said in my opening remarks last Thursday on this bill, a bipartisanship that will continue for many important issues that this Senate has to work on the rest of this year and next year. There is a long list of trade legislation our committee must produce. There is the issue that was most important in the Presidential campaign of both candidates: prescription drugs for seniors and how that impacts upon the whole Medicare program. There are the problems of dealing with the uninsured, the people who do not have health insurance. That is something that was involved in candidate Gore's campaign and Candidate Bush's campaign with which we must deal.

There are issues of helping with tax incentives for people to save and to have better opportunities for pensions. There are the issues dealing with tax credits for higher education and the issue of education savings accounts.

You can go on and on. But most of the major issues were part of the Presidential campaign, and for the most part to some degree or another were part of the campaigns of each candidate for President in the last election. Consequently, they have a right to be on the agenda. We have a responsibility to make sure they are not only on the agenda but are carried out.

So I hope what Senator BAUCUS and I have been working on since the first of the year will help produce further agreements. Some of them may be even more important than this tax bill.

I yield the floor.

RELIEF ACT

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I know the hour is late. I am deeply appreciative of the floor staff of this body. They worked late last night and late again today. We started some 12 hours ago, so I will try to keep these remarks relatively brief, if I can.

It has been a little frustrating for this Member, and I suspect others over the past day or so, as we have dealt with what arguably would be the most significant piece of legislation we are likely to deal with for the next decade. And that legislation is the tax bill that is before us. So I wanted to take a few minutes to review the bidding, if I could, over what has happened over the last couple of days. I'd like to review where we are and why there are so many of us who have expressed our concerns about the direction of this legislation, its substance, and its priorities.

It is not that those of us here object to a tax cut. In fact, the overwhelming majority of Democrats and Republicans support a tax cut. That is not the issue. The issue is the makeup of this tax cut. The issue is the fairness of it, its distribution, and its size. And one of the most significant issues is the inability to predict with any certainty what economic conditions will look like 5 years from now, 3 years from now, let alone 10 years from now, where much of this bill is backloaded and when the effects of it will be felt the most.

I want to spend a few minutes and just go over, if I could, some of the amendments we have considered today.

First of all, let me point out that it has been said by some that we have had stalling amendments—27 amendments considered today, 17 yesterday, 3 the day before. We had a total of 20 hours of debate on this bill, less than 1 calendar day of actual debate on this bill. You were allowed to have 1 minute to explain an amendment and 1 minute to rebut that amendment. So as we have considered some 47 amendments over the last 3 days, there has hardly been the kind of deliberative debate one normally associates with the U.S. Senate.

There has been this abbreviated, truncated approach because that is all you are allocated under a reconciliation bill that gives you 20 hours: 20 hours to debate what arguably may be the single most important piece of economic legislation that this or succeeding Congresses will deal with for the coming decade or beyond. Twenty hours, less than 1 day.

I am one of a handful of people in this Chamber who was present 20 years ago. I see my friend from Delaware in the Chamber. He was present in the Chamber 20 years ago when we considered a tax cut of equal magnitude but of far less divisiveness. In fact, I think there were 10 or 11 of us who voted against that tax bill for the reasons that it would contribute to expanding the size of the national debt; would result in consumers paying higher interest rates for automobiles, for college loans, for homes; that we would end up in the red ink; and that our Nation would suffer economically.

At least back in 1981 we had 12 days of debate—not 20 hours. We had 12 days of debate on that bill.

Mr. BIDEN. Will the Senator yield on that one point?

Mr. DODD. I will be happy to yield.

Mr. BIDEN. The Senator, if I am not mistaken, was one of only 10 or so who voted no. The Senator from Delaware voted yes on that amendment. I have cast over 10,000 votes as a U.S. Senator. It was one of the two votes I most regret ever having cast. The other one was voting for a fine, decent man, Supreme Court Justice Scalia. I regret that because his view turned out to be so fundamentally different than my view of the Constitution.

One of the reasons why I think what the Senator is saying is so important is it took the Senator from Connecticut and the Senator from Delaware—you doing the right thing in the first instance, me making a mistake—it took us almost 20 years to bail out. I have the scars on my back, as does the Senator. He did not deserve them, I do—for the efforts we had to undertake to put the budget back in shape.

We did that at a time when we had expanding productivity, when we had a lot of unmet capacity in the country, when, in fact, we were moving—there was a chance to rectify it. There will be no chance because when this kicks in—and I am going to sit down—when this kicks in, because it is the same time guys like the Senators from Connecticut and Delaware, the baby boom generation, are going to be retiring.

Mr. DODD. That is right.

Mr. BIDEN. We are going to be in real trouble.

So I hope, I say to the new Senators on the floor, they do not make the same mistake this senior Senator did almost 20 years ago; that is, vote for something such as this. We will pay a dear price in this country for this vote.

I compliment the Senator on his comments tonight, as well as his vote in the 1980s. I wish I had the foresight he had to know what was going to happen.

Mr. DODD. I thank my colleague for those comments. Out of those 10,000 votes he cast, by far, there were many more good ones. I appreciate his comments this evening.

Mr. President, I stood in that debate. I remember the debate well. When you compare this week's debate to that debate of 20 years ago when we had something like 115 or 116 amendments, maybe more, they were fully debated amendments. We had the give and take, back and forth over the wisdom or demerits of the various proposals. That is not what has taken place here today.

Imagine what it looks like to the American public as they watched these last couple of days. We were placed in a situation of allowing only 20 hours of debate under a reconciliation process that never contemplated that a tax cut proposal would be a part of it. Reconciliation was used and designed to reduce deficits, not to add to them.

So by choosing the limitation of 20 hours, you have then forced Members of this body to offer votes in what they call a vote-arama; that is, no time for debate, just offer the amendment and vote.

So it has been tremendously distressing for Members who believe this bill needs to be modified substantially before it would enjoy the kind of truly broad bipartisan support of which the chairman of the committee speaks. That has not occurred. So we have had 20 hours of debate, that is it, on a bill of such magnitude and such significance that will crowd out our ability to invest intelligently in the needs of this country.

Let me just briefly describe this tax bill. More than one-third of a $4 trillion tax cut over the next 10 years will go primarily to the top 1 percent of income earners in America. The second one-third goes to the top 9 percent of income earners in America. But if you are in the 15-percent tax bracket, you get no relief. Of all the brackets that exist that is the one that gets no tax cut at all. Mr. President, that is 72 million middle-income Americans. So if you are watching this evening or listening to this discussion and you fall into that category, this tax debate has nothing to do with you.

Two-thirds of this tax debate involves the top 9 percent of income earners in America. As a result of wasting $4 trillion, here are the things we are deciding are of less significance, just so you know. Most Americans were working today probably did not have the chance to tune into this debate. So let me just review for them what happened.

These are some of the amendments that this body considered today. This is what some of these amendments asked: Can we reduce the size of this tax cut for the most affluent Americans by 1 percentage point in order to fund a prescription drug benefit for the millions of seniors in this country who are being swamped by the cost of prescription drugs?

This body said: No, we think providing a tax cut for the top 1 percent of income earners is of a higher priority than providing the prescription drug benefit for Americans.

We asked how about doing something to protect Social Security and Medicare, because as my colleague from Delaware just absolutely correctly pointed out, the baby boom generation retires when the very worst aspects of this bill kick in. This body said no.

This bill is like a time-release capsule. You have all heard of time-release medicines. You take the medication, and nothing happens in the first 5 hours, or very little happens. Then, in the second 5 hours, the time release produces the kind of benefits that would attack whatever problem you are suffering from.

That is what this tax bill is. The first 5 years are relatively modest, in terms of their impact. It is when the second 5 years kick in, that this tax cut becomes overwhelming in its impact on our budget. That is exactly the time that you will have an overwhelming majority of baby boomers retiring and who will need Social Security and Medicare.

It is not by accident that this tax bill was written that way. It was designed specifically to create the train wreck between the retiring baby boom generation and this tax cut. This is not coincidental. This is what we have been trying to say over and over, with 1 minute discussions of these amendments. It is not the fault of the American public. How do you get to understand the impact of an amendment when you only have 60 seconds to describe the long-term effects of it?

Consider, if you will, the full funding for the Elementary and Secondary Education Act. We have debated over and over the importance of full funding for elementary and secondary education.

Mr. President, I ask unanimous consent to proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, is so ordered.

Mr. DODD. Mr. President, I want to respond to some of the things that were said earlier, just to kind of bring this to closure from this Senator's perspective, if I may, and I ask for an additional 10 minutes.

The PRESIDING OFFICER. The Chair will not object.

Mr. BIDEN. Will the Senator yield for a very brief question. Will the Senator agree with me that if you want to know what a country values, you should take a look at what its Tax Code says—who it makes pay, and what its budget is. I respectfully suggest that everything the Senator is saying—and I hope he continues to speak—reflects a fundamental difference in values—not just priorities, a fundamental difference in values between those who support this bill—they are not bad votes. It is not good and evil; it is a different value judgment. This tax bill neither reflects my priorities nor my values.

The Senator has laid out a number of items. He is going to lay out more. How do we explain that everybody in the Tax Code who is in a certain income tax bracket gets relief except people in the 15-percent tax bracket? How do you do that? It is a value judgment.

I assume our friends think, if you give the wealthier people a cut, and not the middle-income people and the little guy, that somehow that is going to trickle down. That is a value judgment, a fundamental value judgment.

How do we stand around and say, somebody who receives $100 million in inheritance should get a tax break when, at the same time, it is going to be paid for out of Social Security and Medicare surpluses? This is about values.

So I guess it is less a question than a statement. I hope the Senator lays out every one of these things because I think it is important the public understand so they can make clear choices. What do they value the most? This is a value judgment.

My friends on the other side always talk about values. Well, let me tell you, this is where the rubber meets the road. This reflects our values. I am where the Senator from Connecticut is. I hope he continues to educate me and the public about it. Make no mistake about it. It is not just priorities; it is about our basic values, what we value most.

Mr. DODD. I thank my colleague.

Mr. President, if I may, I ask unanimous consent for 10 minutes at this point to complete my thoughts.

The PRESIDING OFFICER. With great indulgence, the Chair consents.

Mr. DODD. I thank the Chair.

Mr. President, to continue with these charts behind me, I mentioned the rate cut for 72 million Americans, from 15 to 14 percent. We cut the top rate of income earners at the very top of the income brackets of America, and every bracket on down, except the lowest one, which affects 72 million Americans.

You go on down the list. College tuition deductibility: The Senator from New York, Mr. SCHUMER, suggested, why not provide deductibility of the high cost of college tuition? That amendment was rejected.

You go on down the list. Immediate marriage penalty relief: How often have we heard about the penalties of the marriage penalty tax? We want to provide immediate relief for that. We are told no.

So offering these amendments during the day in this Chamber is not dilatory. These are not amendments that are designed to stall at all. Twenty hours of debate on a bill of this size, of this importance, is inadequate. This is not the House of Representatives. This is not some chamber in which just a handful, if you will, even a slight majority, should be able to dictate entirely what they will at the expense of those who have other points of view—even if it were only one. But when the points of view reflect almost 50 percent of this body, shouldn't those points of view be taken into consideration? We have been told repeatedly throughout consideration of this bill that we have to get this done. I don't disagree. But I don't think that we should rush action on this important legislation without taking thoughtful consideration of its potential impact on the future health and growth of our economy. I do not think that is quite right.

Some of the most important debates we have had in this Chamber have been lengthy. They have been unfettered with time constraints on offering amendments over a 60-second period. We had a debate a few weeks ago on campaign finance reform. It took 2 weeks. Most Members, I think, recognize it as one of the better debates in this Chamber. We did not do it in 20 hours. We did it in 2 weeks.

We have had debates in the past on any number of issues that have taken days. That is the unique nature of this body. That is the role of the Senate: not to act as some body where it is only a question of getting it done as fast as you can. This is the middle of May. It is not the end of the session. We have had a new administration in town for 16 weeks. This is a bill that we are considering that will have impacts for 10 years.

So when Members bring up these alternative ideas of fair and fiscally responsible tax cuts, the answer has been no. When we say, Social Security reform and debt reduction are important, the answer has been no. When we say we want to take care of spending caps, veterans benefits, middle-class tax benefits, the answer has been no.

That is not being frivolous. That is not being petulant. That is not being people who are in a tantrum, as someone said today. This is not about Democrats and Republicans. It is not a battle about the Presidency and the Senate Democrats here. It is about the American public. They are the ones who will live with the circumstances and the decisions that we make in this body over the next few days for many, many years to come. They are the ones who we have to keep in mind as we draft this legislation.

There is no argument about having a tax cut. There is room in this surplus for a tax cut. But there ought to be room, as well, to reduce the national debt.

We pay $220 billion a year in interest payments on the national debt. Think how many classrooms could be built, how many people who could be made healthy, how many houses could be constructed, how many water systems or sewage systems could be repaired or built with the $220 billion that goes to interest payments on the national debt. It does not construct anything. It does not help anybody. All it does is pay down on our financial obligations.

There is a great risk with the adoption of this tax proposal that we will be back in red ink and in debt again. Interest rates will begin to climb just as we saw in the 1980s. As those interest rates go up, the cost of an automobile, the cost of a home, the cost of a child going on to college, goes up. Then remember this debate and remember what this body did. This body has acted in a way, in my view, that is irresponsible and unmindful of the cost to this society.

That is why it is important for us to take some time and think about what we are doing, and offer some alternative ideas that can improve the quality of life for people.

So when it comes to prescription drugs, the Patients' Bill of Rights, elementary and secondary education, Medicare, Social Security, the infrastructure of this country, the defense needs of America, the environmental needs of America, there will be no room in the budget of the United States if this tax proposal is adopted.

I am alone in this Senate Chamber this evening, with the exception of the Presiding Officer. It is late. It has been a long day. I am tired, as my colleagues are. But I wanted to take these few minutes to review, as I said, what occurred here today and yesterday because I think it is so fundamentally and profoundly important.

My hope is that people might speak up in the remaining 24 or 48 hours that we have before we vote on final passage of this bill and leave for the recess. I hope that people can express themselves and ask their Members to think twice before they adopt a $4 trillion tax cut, the effects of which are cloudy at best, and is predicted by many to have dire consequences 10 years down the road. Who can say in 10 years what the economy will look like?

There is an energy crisis looming on the horizon. What will be the impact of that on this economy? We are told the administration wants to increase defense spending by as much as $100 billion or $200 billion. What is the impact of that on this economy? And here we are adopting a $4 trillion tax cut. All of these events are coming together, and yet we are also told we need to invest in education, in health care, and the infrastructure of America. But where are the resources going to come from?

It just doesn't add up. The math isn't there. We are told under the Elementary and Secondary Education Act that we are going to have a math test for every third, fourth, fifth, sixth, seventh and eighth grader. I suggest we need a math test here because these numbers don't add up. A third, fourth, fifth or sixth grader would tell you that: Add these numbers, and they don't produce a balanced budget or a surplus. They put this country in great economic peril.

That is why I take the floor this evening, to express my outrage and concern about what we are doing: 20 hours of debate, and then a vote-a-rama with 1 minute to describe or offer some explanation of an amendment that might make a difference on prescription drugs, on education, on Medicare, on middle-income Americans, 1 minute.

These amendments and these votes will not be forgotten. They will not be forgotten.

It has been said by philosophers that those who fail to remember the mistakes of history are doomed to repeat them, or words to that effect. Not unlike Cassandra of mythological note, for those of us who were here 20 years ago, I beg and beseech my colleagues who are relatively new: We don't tell you these things out of some sense of nostalgia. Twenty years ago, I heard the same arguments being made about the wisdom of a tax cut that was too big, too excessive. The overwhelming majority of our colleagues in the Senate and in the other Chamber disregarded those warnings and voted for a tax proposal that ultimately put this economy in a tailspin. As the Senator from Delaware has noted, it has only been during the last few years that we have recovered from it.

I deplore what is occurring here. I plead with my colleagues: Modify this tax cut proposal. There is room for a decent, strong tax cut that would provide benefits to almost all Americans while also providing room to pay down the debt and to invest in the needed investments of our country in education and health care and the infrastructure of America, to mention just three. There ought to be room to do all three of those things.

Adopting a tax cut that is too big is not unlike adopting a spending program that is too big. Imagine what we would be saying here today if someone were talking about a spending program of $4 trillion over the next 10 years. We would be saying: How do you know whether or not we can afford it 10 years from now? What will the economic conditions be in America 10 years from now?

It would be foolish to commit the resources of this country without having some idea of what the economic circumstances would be in our Nation.

Is it any less foolish to commit ourselves to a $4 trillion tax cut unknowing of what the economic circumstances will be 2, 3, 4, or 5 years from now? The answer is obvious.

For those reasons, I hope Americans across this country will raise their voices, will let Members know how they feel about this proposal, will express their worry that we may be adopting a proposal that will cause this country serious harm.

I apologize for taking a few minutes this evening, but we have not had time today to engage in debate. All we have had is 1 minute to offer amendments.

There are now recorded votes on where people stand on the issue of health care, education, Medicare, Social Security, transportation, and a variety of other issues about which the American public cares.

For those reasons, I urge my colleagues to rethink this proposal. It is only May. Step back, rethink this, develop a truly bipartisan proposal. Come back and ask us to rethink how we might fashion a proposal that would provide tax cuts for Americans as well as leave room for the other necessities of this Nation: Its defense needs, its educational needs, its health care needs. Those needs contribute to the long-term security of America as well. Leaving them to be crowded out, as we are on this day in May, this early on in this new century, is a mistake of historic proportions.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. on Wednesday, May 23, 2001.

Thereupon, the Senate, at 10:13 p.m., adjourned until Wednesday, May 23, 2001, at 9:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate May 22, 2001:

EXPORT-IMPORT BANK OF THE UNITED STATES

EDUARDO AGUIRRE, JR., OF TEXAS, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2005, VICE JACKIE M. CLEGG, TERM EXPIRED.

FEDERAL DEPOSIT INSURANCE CORPORATION

DONALD E. POWELL, OF TEXAS, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF FIVE YEARS, VICE DONNA TANOUE.

DONALD E. POWELL, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS, VICE DONNA TANOUE, TERM EXPIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JANET HALE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JOHN JOSEPH CALLAHAN, RESIGNED.

DEPARTMENT OF STATE

WENDY JEAN CHAMBERLIN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

WILLIAM S. FARISH, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

FRANCIS XAVIER TAYLOR, OF MARYLAND, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE MICHAEL A. SHEEHAN.

DEPARTMENT OF THE INTERIOR

NEAL A. MCCALEB, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE KEVIN GOVER.

DEPARTMENT OF JUSTICE

THOMAS L. SANSONETTI, OF WYOMING, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE LOIS JANE SCHIFFER, RESIGNED.

THE JUDICIARY

LAVENSKI R. SMITH, OF ARKANSAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE RICHARD S. ARNOLD, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN A. VAN ALSTYNE, 2238

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BYRON S. BAGBY, 3934
COL. LEO A. BROOKS JR., 5819
COL. SEAN J. BYRNE, 2057
COL. CHARLES A. CARTWRIGHT, 2898
COL. PHILIP D. COKER, 7623
COL. THOMAS R. CSRNKO, 1332
COL. ROBERT L. DAVIS, 2604
COL. JOHN DE FREITAS III, 7924
COL. ROBERT E. DURBIN, 9354
COL. GINA S. FARRISEE, 7084
COL. DAVID A. FASTABEND, 5081

COL. RICHARD P. FORMICA, 7015
COL. KATHLEEN M. GAINEY, 4227
COL. DANIEL A. HAHN, 0301
COL. FRANK G. HELMICK, 8189
COL. RHETT A. HERNANDEZ, 7009
COL. MARK P. HERTLING, 3917
COL. JAMES T. HIRAI, 5860
COL. PAUL S. IZZO, 1942
COL. JAMES L. KENNON, 4010
COL. MARK T. KIMMITT, 8655
COL. ROBERT P. LENNOX, 8104
COL. DOUGLAS E. LUTE, 2691
COL. TIMOTHY P. MCHALE, 0796
COL. RICHARD W. MILLS, 9267
COL. BENJAMIN R. MIXON, 7168
COL. JAMES R. MORAN, 2618
COL. JAMES R. MYLES, 2299
COL. LARRY C. NEWMAN, 6949
COL. CARROLL F. POLLETT, 9096
COL. ROBERT J. REESE, 3946
COL. STEPHEN V. REEVES, 2272
COL. RICHARD J. ROWE JR., 5346
COL. KEVIN T. RYAN, 4755
COL. EDWARD J. SINCLAIR, 9044
COL. ERIC F. SMITH, 3800
COL. ABRAHAM J. TURNER, 5542
COL. VOLNEY J. WARNER, 3024
COL. JOHN C. WOODS, 4554
COL. HOWARD W. YELLEN, 3205

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. EDMUND P. GIAMBASTIANI JR., 8318

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 22, 2001:

DEPARTMENT OF STATE

LINCOLN P. BLOOMFIELD, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS).

DEPARTMENT OF DEFENSE

GORDON ENGLAND, OF TEXAS, TO BE SECRETARY OF THE NAVY.

SELECTIVE SERVICE SYSTEM

ALFRED RASCON, OF CALIFORNIA, TO BE DIRECTOR OF SELECTIVE SERVICE.

DEPARTMENT OF AGRICULTURE

LOU GALLEGOS, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

MARY KIRTLEY WATERS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

ERIC M. BOST, OF TEXAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

WILLIAM T. HAWKS, OF MISSISSIPPI, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS.

J. B. PENN, OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

DEPARTMENT OF EDUCATION

WILLIAM D. HANSEN, OF VIRGINIA, TO BE DEPUTY SECRETARY OF EDUCATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. VAN P. WILLIAMS JR., 9389

EXTENSION OF REMARKS

TO HONOR MS. GEMA DUARTE LUNA AS A RECIPIENT OF THE ARIZONA STATE UNIVERSITY YOUNG ALUMNI ACHIEVEMENT AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to bring attention to the achievements of a great woman who was recently presented with the Arizona State University (ASU) Young Alumni Achievement Award. This award is bestowed upon an alum who has excelled early in his or her profession and has served the community with distinction. She is a native Arizonan, devoted wife, loving mother of two, and I am proud to know her as my friend. Mr. Speaker, I speak of Ms. Gema Duarte Luna of Phoenix, Arizona.

Raised in the small town of Superior, Arizona, Gema graduated from ASU in 1984 with a Bachelor of Science degree and was the first in her family to receive a college degree. She has had many triumphs in the fields of business, management, and local politics including appointments to many civic committees, such as the Mayor's Fiscal Capacity Committee and the City of Phoenix Transit Tax Citizen's Committee, due to her extensive involvement in issues affecting the community.

She also serves as a board member for KAET Channel 8 (a public television station), Xicanindio Artes, an organization that provides youth programs and promotes Chicano and Native American artists, the National Conference for Community and Justice, a diversity program for high school students, and serves as a member of the ASU Cesar Chavez Institute, a youth leadership program.

Gema served as chairwoman of the Arizona Hispanic Chamber of Commerce and is the current chair of the chamber's annual spring black and white ball which is the largest banquet and fund-raising activity of the Hispanic business community.

While working as the Affinity Marketing Manager for Bank of America she received the prestigious "LEND" award for her commitment to improve the efforts that target low and moderate families and neighborhoods. Currently, she serves as the market segment manager for the Arizona Republic and through her ongoing development and supportive measures, she has been instrumental in the funding of the ASU foundation, a non-profit organization that acts as the principal agent through which gifts are made to benefit the university.

As my colleagues can see, she is a role model to all Arizonans and young Latinas throughout the nation. Her involvement in the community is truly an inspiration and a testament to her dedication and commitment. Her strong presence and proven leadership skills have earned her the respect of her peers and she continues to be a well respected voice in the Valley's Hispanic community. Therefore, please join me today in honoring my friend, Ms. Gema Duarte Luna.

RECOGNIZING THE GUAM POLICE DEPARTMENT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. UNDERWOOD. Mr. Speaker, as we observe National Police Week, I would like to take this opportunity to recognize members of the Guam Police Department who have distinguished themselves during the past year. On the island of Guam, the highest honors are usually reserved for the Police Officer of the Year and the Civilian of the Year—awards presented annually to the top employees of the Guam Police Department (GPD). For the year 2001, Police Officer II Patrick J. Santos was named Police Officer of the Year while Ms. Yolanda M. Crisostomo was honored as Civilian of the Year.

Assigned to the Homicide Unit as a Special Agent, Officer Patrick J. Santos has proven his knowledge and abilities in the field of law enforcement. Officer Santos has displayed diversified skills in investigating some of the most complex cases required in police work. With sixteen years of experience in the field, he has participated and investigated in several homicide cases, cleared 119 felony cases, 101 misdemeanor cases and 113 death cases involving suicides, accidents and death by natural causes. In the pursuit of his chosen career, he had been made to sacrifice time away from his family. Often on call without regard to the time of the day, he has selflessly devoted many hours investigating and working on sensitive, complex, and time consuming cases. For his efficiency, dedication and professionalism, the Guam Police Department has chosen to award Officer Santos its highest honor for the year 2001.

GPD's Civilian of the Year is a Clerk Typist II assigned to the Legal Affairs Section. While the department underwent a critical personnel shortage, Yolanda M. Crisostomo was left to manage GPD's Legal Affairs Section. As the sole employee assigned to the section, Ms. Crisostomo tended to duties normally distributed among six staff members. Within the period of one year, she was able to personally generate 7,837 minutes of transcription that converted to 237 investigative reports and a total of 4,740 pages of typewritten legal documents. This is in addition to her collateral duties as a claims representative and a lay representative in adverse actions—duties that entailed legal research and normally assigned to paralegals. Her efficiency and good judgement in the performance of her duties have earned her the coveted honor of being GPD's Civilian of the Year for 2001.

On behalf of the people of Guam, I congratulate Patrick and Yolanda for having been named as GPD's Police Officer and Civilian of the Year. Through their diligence and dedication to their duties at the Guam Police Department, they have made great contributions towards the safety and protection of our island's residents.

I additionally wish to submit for the RECORD, the names of units, police officers, and civilian employees who were also recognized for their services to the department and to the people of Guam. I urge them to keep up the good work!

UNIT CITATION FOR EXCELLENCE

Criminal Investigations Section; Special Programs Section

LIFESAVING AWARD

POI Seigfred D.R. Mortera; POI Juan LG Diaz, Jr.; POI Donny J. Tainatongo; POI Mark A. Nelson; Detention Officer Anthony P. Quichocho; CVPR Mario L. Laxamana.

DISTINGUISHED SERVICE MEDAL

Capt. Ricardo M. Leon Guerrero; Sgt. I Eric D. Fisher; Sgt. I M.J.Q. Sayama; POIII Robert A. Rasaian; POIII Jesse N. Camacho; POIII Joseph S. Carbullido; POIII Paul V. Sayama; POIII Rafael E. Pellacani; POIII Manuel R. Chong; POIII Dennis A.O. Santos; POIII Carlos Roman; POII Lydia C. Ogo; POII Thomas B. Manibusan; POII Jihn S. Tyquiengco; POII Jojo T. Garcia; POII Troy B. Lizama; POII Kenneth S. Espinosa; POII Barry K. Flores; POII Bryan J. Cruz; POII Vincent D.C. Nueva; POII Carl J. Nesmith; POI Francisco R. Cepeda; POI Donna L. Gomez; POI Gabriel T. Cruz; POI Virgilio A. Antonio; POI Peter A.R. Ada; Detention Leader Percy R. Manley; Civ. Rose Fejeran; Civ. Ovita A. Nauta; Civ. Erlinda T. Valencia; Civ. Monica P. Ada; Civ. Zenobia D. Lynn; Civ. Felisa Mae H. Pineda; Civ. Julie R.B. Paulino; Civ. Susan C. Reyes; Civ. Cynthia E. Ige; Civ. Elizabeth I. Barcinas; Civ. Albina E. Buccat; Civ. John F. Taitano; CVPR Dewey L. Castro; CVPR Jesus P. Angoco; CVPR Dean D. Delgado; CVPR Leo S. Diaz; CVPR Joey A. Terlaje; CVPR Mike L. Elliot; CVPR Michael A. Reyes.

MERITORIOUS SERVICE MEDAL

POIII James A. Buccat; POIII Raul Q. Atento; POIII Anthony V. Chaco; POIII Michael Q. Aguon; POIII Kenneth J.Q. Castro; POIII Mark A.B. Torre; POIII Jovito T. Jasmin; POIII Robert J.C. Santos; POIII Erfel O. Matanguihan; POIII Kenneth D. Mantanona; POIII John N. Quinatnilia; POIII John C. Aguon; POIII Eric A. Toves; POIII Anthony W.C. Taijeron; POIII Joseph I. Cruz; POIII Darren J. Caldwell; POII Gilbert J. Mondia; POII Glen S. Topasna; POII Jason P. Flickinger; POII Darryl L. Quitugua; POII Gilbert R.C. Quichocho; POII Anthony J. Kamminga; POII Michael S. Taitague; POII Ronny A. Barcinas; POII Craig C. Chong; POII Anthony V. Camacho; POII Robert J. Fejeran; POII David A. Brantley; POII Ray N. Quintanilla; POII Jesse J. Mendiola; POII

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

John G. Gamboa; POII David Q. Manila; POII Norbert K. Sablan; POII Tracey Volta; POII Frank R. Santos; POII Daniel B. Anciano; POII Jason P.B. Aguon; POII Anthony J. Arriola; POII Chris Anthony M. Dangan; POII Anna I. Eustaquio; POII Steven F. Munoz; POII Timothy E. Certeza; POII Thomas H. Alger; POII Natanya R. Wolfe; POI Daniel D. Cepeda; POI Maria Lourdes O. Sumang; POI Ray C. Alcantara; POI Burt C. Carbuilido; POI Matthew C. Charfauros; POI Frankie E. Smith; POI Ephraim E. Amaguin; POI Danny J. Gonzales; POI William A.K. Salisbury; POI Peter C. Guerrero; POI Felixberto M. Camacho, Jr.; POI Juan L.G. Diaz, Jr.; Civ. Harvey F.T. Candaso; Civ. Eleanor E. Atoigue; Civ. Angela G. Flores; Civ. Tanya L. Chargualaf; Civ. Silvano L. Uribe; CVPR Jose Munoz; CVPR Mark D. Aguon; CVPR Philip F. Paulino; CVPR Mario L. Laxamana

CERTIFICATE OF COMMENDATION

POIII Jovito Jasmin; POII James G. Santos; POIII Michael A. Arcangel; POII John P. Aguon; POIII Ronald S. Taitano; POIII Michael A. Aguon; POII Scott G. Wade; POIII Richard A. Cress; POIII Joseph P. Leon Guerrero; POIII John A. Bagaforo; POIII Edward D. Charfauros; POII Arthur W.J. Paulino; POII John C. Castro; POII John V. Sablan; POII Samuel S. Bersamin, Jr.; POII Peter A. Pascua; POII Jesus T. Leon Guerrero; POII Darrylle C. Masnayon; POII Sean M. Untalan; POII Derrick J. Anderson; POII Roy N. Henricksen; POII Roque S. Cruz; POII Christopher S. Dawson; POII Tommy J. Salas; POII Orion J. Mendiola; POI David J. Munoz; POI Carl E.D. Castro; POI Edgar Z. Tiamzon; POI Tommy M. Benevente; POI Jerry A. Santos; POI Restituto J. Guevarra; POI James R. Nakamura; POI Sigfredo M. Pilipina; POI Paul N. Moore; POI Rogelio T. Retizo; POI Donald D. Nakamura; POI Sang Q. To; POI Edgar J. Orallo; POI Marvin Desamito; Civ. Helen E. Eustaquio; Civ. Miriquita S. Palacios; CVPR Victor M. Camacho; CVPR James N. Muna; CVPR Anthony J. Demapan; CVPR Randy A. Patague; CVPR Andrew R. Patague; CVPR Jose S.A. Lizama; CVPR Miguel C. Camacho; CVPR Ronaldo L. Delfin; CVPR Jeremiah DeChavez; CVPR Richard B. Veluz; CVPR Brian D. Awa; CVPR Orly I. Imanil; CVPR George F. Mendiola; CVPR Christopher W. Delucia; CVPR Frank M. Cassares; CVPR Josef F. Sablan; CVPR Joel R. Verango; CVPR Anthony J. Pangelinan, Jr.; CVPR John J. Balbin; CVPR Paul S.N. Tapao; CVPR Peter D. Wolford; CVPR Rodney P. Verango; CVPR Allan G. Estella; CVPR Albert G. Piolo; CVPR Mark I. Patricio; CVPR James T. Flores; CVPR Charles J. McDonald; CVPR Reynante G. Ponce.

RECOGNITION FOR TWO OUTSTANDING TEACHERS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to two teachers, Jack Ganse and Micheal Matassa of Superior, Colorado. Jack and Michael are eighth grade science and math teachers at Eldorado K–8 school. They have initiated a program in which their classes will work together to study how the tremendous population growth Superior has experienced effects the quality of the air, land, and water.

In this program, Jack and Michael have found a way to engage our children in a meaningful educational experience. This experience will engage the students in an issue that our civic leaders must wrestle with on a continuous basis. It will be an education in math and science and civics all at the same time.

As in many parts of the country, urban sprawl has become a great concern to the citizens of Colorado. Superior has grown from a small, rural town of 250 residents in the mid-1980's to a community of nearly 9,000 residents according to the 2000 census. It holds the title of Colorado's fastest growing town. Jack and Michael and their students are going to investigate the effects of this growth on everything from wildlife to possible local climate change from all the new concrete. In addition to posting their findings on the school's web site, the classes will also provide the information to the town board, so that it can then be used to assist in municipal decisions.

Jack and Michael are two of only 55 pairs of teachers nation wide to earn a $15,000 grant from Verizon to fund their project. This project will continue each year with each succeeding class picking it up and adding to the database.

At a time when unchecked growth is having detrimental impacts on our natural resources and environment, these two individuals are connecting our students' energies and knowledge to a pressing community need. They are teaching them that their studies can have a practical application, an application that will benefit the entire community.

Mr. Speaker, I would like to personally thank Jack Ganse and Michael Matassa for their selfless dedication to their community and to the education of the students to whom we entrust to them.

TRIBUTE TO INA SINGER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to Ina Singer, an American patriot and dedicated public servant, who retires on May 30, 2001, from the Department of Housing and Urban Development (HUD).

I first met Ina in 1969 when she came to the Coastal Bend of Texas after a hurricane. She was detailed to the Corpus Christi-Robstown, Texas, area to set up temporary housing for people who lost homes in the hurricane. It was the beginning of a long and beautiful friendship and professional relationship.

Ina is widely recognized as one of the best managers in the federal government. She is leaving the Directorship of Multifamily Housing in Baltimore, after a long and distinguished career in public service. Ina is a smart, tough motivator of people, and she has applied her considerable talents to improving public housing in the mid-Atlantic area since 1969.

Prior to her present position, Ina has held the following positions with HUD: Associate Deputy Assistant Secretary for Multi-family Housing, Director of the Housing Management Division in the Baltimore Office, and a variety of positions in the mid-Atlantic area that provided her with a foundation of understanding asset management and property disposition, the staples of the work HUD does.

She is an extraordinary leader who motivates people and gets the job done. High performance ratings have followed Ina throughout her career at HUD, and her team consistently exceeds their goals. She is one of the "go-to" people at HUD when trouble pops up. She has been detailed all over the country to deal with troubled offices.

Ina has taken her no-nonsense attitude about the disposition of taxpayers' money and applied that to programs at HUD. Anybody can say yes, but Ina is the rare government creature who is unafraid to say "no" to people who would be bad partners or who would sell bad property.

In her current position, she expanded her responsibility from the Chesapeake Bay area to include other Maryland counties and the District of Columbia, forming valuable community partnerships and creating a virtual office in the greater Maryland-District of Columbia area.

In addition to all the work she does for HUD, she also gives of her time to national roles she views as important to furthering the mission at the Department. In 1990, Ina was awarded HUD's Distinguished Service Award for consistently going above and beyond the call of duty. She leaves HUD with the respect of her colleagues both locally and nationally.

Ina has a beautiful family: her husband Jon, and their children Meredith and Michael. I ask my colleagues to join me today in paying tribute to Ina Singer as she completes a distinguished lifetime of service to the United States as a tremendous steward of the public trust.

A TRIBUTE TO LEE QUARNSTROM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. FARR of California. Mr. Speaker, I am in the habit of paying tribute on this floor to constituents and persons who have made extraordinary contributions to our community. But words fall me when it comes to describing the life of one of Santa Cruz's finest newspaper columnists, Lee Quamstrom. Consequently, Mr. Speaker, I ask your indulgence in my sharing with the House the observations of Mr. Quamstrom's journalism colleagues on the event of his retirement:

Whereas, Lee Quamstrom has toiled for the San Jose Mercury News for nearly 20 years, covering daily events in Santa Cruz County, Monterey County as well as the great American West, and during that time has written literally more than a dozen news stories; and

Whereas, Lee has covered three generations of Santa Cruz County politicians, simultaneously indulging and insulting them; and

Whereas, Lee is the only man in Santa Cruz County to have made the psychedelic journey from Merry Prankster to Cranky Curmudgeon; and

Whereas, Lee has acted as a selfless champion of homeless rights, giving even the poorest among us the special privilege to call themselves "bums"; and

Whereas, Lee has been voted "Man of the Year" by the Santa Cruz Bicycling Club for his columns that have come flat out against capital punishment for cyclists; and

Whereas, Lee is the longest-standing member of the local journalistic community's honorary, limited organization, "The Three Biggest Jerks in Santa Cruz County," serving along with such notables as Dick Little, Steve Shender, Tom Honig, Bob Smith, Greg Beebe, Lane Wallace and Don Wilson; and

Whereas, Lee has been a friend, an advocate and an intellectual voice for all that is good about journalism, Santa Cruz County and for all who ply their trade just trying to get a story in the paper without the copy desk screwing it up. He's funny, appropriately disrespectful and—perhaps the greatest praise of all—never boring to have around.

Now, therefore, be it resolved that Lee Quamstrom has been the most memorable Santa Cruz resident ever and thus shall be allowed to dismantle the Santa Cruz lighthouse, brick by brick, and take it to the real Surf City, Huntington Beach in Orange County, Calif. As his buddy and former fellow columnist, James Trotter, put it:

"He might as well take the lighthouse because without Lee Quamstrom, Santa Cruz will never be the same place again."

HONORING BILL AND JULIE ESREY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor two of my constituents from Kansas City who recently have been recognized for their outstanding contributions to their community.

William T. Esrey, Chairman and CEO of Sprint Corporation, and his wife Julie Esrey have been awarded the 2001 Star Award by the Kansas City Starlight Theater. The Starlight Theater is Kansas City's largest and oldest performing arts organization and is the second largest theatre of its kind in the United States. Founded in 1950, the Starlight Theatre is now in its 51st season.

This distinguished Star Award was presented the Esreys, who are Honorary Co-Chairs for the 15th Annual Starlight Theatre Benefit Gala on Saturday, May 19, 2001. The Star Award is given to honor those individuals who have made outstanding contributions and dedicated long-time service to Kansas City, making a difference in the community. The Esreys are honored with this award through countless hours worked in the community to help benefit an extensive list of community service organizations.

Under Bill Esrey's leadership, the Sprint Foundation has been a major benefactor of The Starlight Theater. Additionally over the past five years alone, Sprint has donated more than $17 million in Sprint Foundation contributions and matching grants to organizations in greater Kansas City. Mr. Esrey also spearheaded the drive that raised millions of dollars for the rehabilitation of Union Station and the development of Science City, including $9 million in Sprint contributions since 1991.

Julie Esrey has worked both for Exxon and as an international economist for the Federal Reserve Bank of New York, as well as serving on the boards of Bank IV (Kansas), Duke University and Brown Shoe. In Kansas City, she has served as honorary Chairman, American Cancer Society Gala; Honorary Chairman, Lyric Opera Ball; Chairman, Children's Mercy Golf Classic; Chairman, March of Dimes Gourmet Gala; and Honorary Chairman, KCPT Speaking of Women's Health for 2001, as well as serving on the Central Governing Board of Children's Mercy Hospital from 1989 through 1995.

During Bill Esrey's tenure as CEO, Sprint has grown into a $23 billion worldwide communications force and was named the most admired communications company in Fortune Magazine's survey of corporate reputation. Business Week named Esrey as one of the "Top 25" business executives in the world in 1997. Bill Esrey joined Sprint, then known as United Telecommunications, Inc., in 1980 as Executive Vice President of Corporate Planning. In 1984, Esrey led the effort to fundamentally reposition the company by entering the long distance market and building the nation's first all-digital fiber optic network. Today Sprint is a leader in the communications industry, which has emerged as one of the growth engines for the overall U.S. economy. Currently, Bill Esrey serves on the boards of Exxon-Mobil Corporation, Duke Energy Corporation and General Mills, Inc. He also is chairman of the Business Council and a member of The Business Roundtable.

In addition to their dedication to the community and their careers, Bill and Julie are dedicated to each other and their family. Married since 1964, they have two grown children, Bill Jr. and John, who have participated in many local activities and follow in their parent's footsteps in giving back to the community.

Mr. Speaker, I ask you to join me in congratulating Bill and Julie Esrey on receiving the 2001 Star Award. Their dedication to the Kansas City community and their family is an example to all of us of the difference individuals can achieve who have dedicated their lives to making the world a better place. Thank you Bill and Julie.

FERS REDEPOSIT ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. MORAN of Virginia. Mr. Speaker, there is no debate over whether the federal government is facing a crisis—it is. Reports indicate that about 30 percent of the government's 1.6 million full-time employees will be eligible to retire within five years, and an additional 20 percent could seek early retirement. Furthermore, 65 percent of the Senior Executive Service will be eligible for retirement by 2004.

One hearing has been held and numerous editorials have been written about the impending workforce shortage, but very few specific policy changes have been suggested. Today I am introducing legislation that takes a step in the right direction. The FERS Redeposit Act would allow individuals who left the federal government and received a refund of their Federal Employees Retirement System (FERS) contributions to reenter government service without losing their accrued annuity. Instead of forfeiting credit earned during their prior service, returning employees would be able to redeposit their cashed out annuity upon reentrance. This benefit is already available to federal employees who are registered under the older Civil Service Retirement System (CSRS).

Retiring federal employees represent the institutional knowledge and expertise needed to run the government, and we must pro-actively address this drain on our human capital. Creating incentives for federal employees who left for the private sector to return to government service is one way to address this problem. Studies indicate that a key trait of younger workers, who are covered by FERS, is their increased professional mobility. FERS's design implicitly acknowledges this fact by incorporating a portable private sector-style Thrift Savings Plan and 401(K) plan. It is ironic that those federal workers who are in CSRS—most of whom have worked their entire careers in the federal government—have a redeposit option while the younger FERS employees do not.

As more and more FERS employees leave the federal government and later wish to reenter federal service, a redeposit option would provide the incentive needed to bring these individuals back to the government.

I urge my colleagues to join me in this effort to make federal service more attractive by cosponsoring this important legislation.

RECOGNIZING THE CONTRIBUTIONS OF AGRICULTURAL RESEARCH

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. SCHAFFER. Mr. Speaker, today I rise to recognize the value of agriculture research and the contribution it makes to the lives of U.S. producers and consumers.

Over the past few months, American livestock producers have closely followed the latest international news. We have watched nervously as foot-and-mouth disease (FMD) has ravaged the United Kingdom's livestock community, and as it has marched into the European mainland, the Middle East, Asia and South America.

To date, around 1,560 sites in Britain have been hit by the highly contagious virus. Now, Brazil is the latest country suspected of hosting the disease. Moreover, FMD has cost the world's cattle, hog and sheep industries billions of dollars. Britain's meat industry estimates the highly-contagious disease has cost it $12 million a week in lost sales leaving the

UK with a bill of more than $4.3 billion just to halt and destroy the disease.

All of this begs the question: How do we best protect American livestock from animal ailments such as FMD and mad cow disease?

In the new global market, it is only a matter of time before the rest of the world's diseases come knocking on America's door. Considering my district—Colorado's Fourth District—is a leader in livestock sales, and that the U.S. livestock industry generates $55 billion a year, we must be able to defend our livestock from threats like FMD by means of science and technology, instead of relying only on border checks, federal agents and good luck.

Nor is new legislation the answer for the long term. The real key to prevention lies in agricultural research and development. It makes sense to take a proactive approach in protecting and improving America's livestock. Such research leads to the discovery of new uses for ag products, which in turn boosts demand.

I was surprised to learn that even though agriculture receives less than two percent of the federal research budget, productivity in the ag sector grows four-to-ten times faster than in other sectors. And while the federal government provides about 24 percent of funding for ag research, the private sector pays more than 60 percent of the bill, proving ag research is one of government's best buys.

Much of agriculture's most innovative research is conducted in my home of Colorado. Research excellence is perhaps best exemplified at Colorado State University's Center for Economically Important Infectious Animal Diseases. The center provides America's livestock producers with the latest knowledge, and technology in the fight against diseases. A leader in livestock research, the center also plays a key role in food concerns.

Another example is the National Beef Cattle Evaluation Consortium (NBCEC). Comprised of renowned scientists from CSU and other leading universities, as well as local cattlemen, the NBCEC is bolstering the competitiveness of U.S. beef by maximizing genetic research and returning the advantage to U.S. cattle producers.

The USDA's research budget has barely grown in real terms over two decades. But the recent livestock epidemics have provided an overdue wake up call, and we can expect Congress to advance a substantial increase in funding for ag research. If planned properly, such support will secure long-term solutions for the producers and consumers of today and tomorrow.

With more than one million individual farms and ranches comprising the U.S. livestock industry, investing in knowledge and prevention is one of the best ways policy makers can stand by American agriculture. It is a matter of national security. After all, at stake is America's capacity to feed itself and the rest of the world.

I ask the House to join me in supporting America's producers by doing everything possible to better the country's agricultural research.

20TH ANNIVERSARY OF GUMA' MAMI

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. UNDERWOOD. Mr. Speaker, this year marks the 20th anniversary of Guma' Mami, which means "Our House" in the native language of the people of Guam. Guma' Mami is a non-profit corporation whose mission is to facilitate the full inclusion and integration of adults with developmental disabilities or mental retardation into their communities through individual and family support. Their success stem from ensuring the highest quality of services to support, enhance and improve the quality of life of adults with cognitive and other developmental disabilities.

Guma' Mami began in May 1981 by providing individual and family support and planning a housing support program. Until recently, the organization operated three housing support programs—the Independent Group Home, the Mary Clare Home and a transition home. The Mary Clare Home, which was opened in memory of a young woman in need of positive behavior support, and the Independent Group Home accommodates 11 individuals. These homes are staffed 24-hours a day, 7-days a week by Community Living Counselors and supervised by a Housing Support Manager with the ultimate goal for these individuals to transition into a home of their choice with the support services they need. To date Guma' Mami has successfully helped 18 persons from its housing support program to homes of their own—from dependency to autonomy. The third home, a transition or emergency shelter, served as temporary housing for homeless developmentally disabled individuals as well as those soon to be homeless. The housing support program successfully ran its eighteen-month funding cycle and transferred clients to homes of their choice. It was funded by the Guam Housing and Urban Renewal Authority through the U.S. Department of Housing and Urban Development Community Development Block Grant.

Guma' Mami also assists individuals who live in the community by providing supportive services through its Comprehensive Case Management Program. Three Case Managers and a Program Coordinator in this section provide services and support for up to 104 individuals in the community. Case Managers monitor the progress of consumers by conducting consumer-driven needs assessment on an on-going basis and coordinate linkages with community resources, such as respite care, day programs, employment, psychological services, medical and dental services, as well as recreation and leisure, and emergency shelter when needed.

Other services provided by Guma' Mami include assisting clients by advocating for rights and training in self advocacy efforts; crisis intervention by providing coping skills for daily living, supportive counseling especially in time of crisis, positive behavior support and family training; and transportation services. Home visits and other personal contacts are made to assist with social integration, budget management, mobility training and personal hygiene. Guma' Mami is the legal guardian of some of the individuals with more significant disabilities. As legal guardian, Guma' Mami attends to the needs of these individuals, such as medical matters and living arrangements.

One of the hallmarks of Guma' Mami has been its ability to take on an active leadership role in the community. Today, the island community looks to Guma' Mami not only for the provision of housing options, but also for leadership in the planning and development of policy reform. Guma' Mami is represented in the Guam Developmental Disabilities Council, the Guam System for Assistive Technology, the University Affiliated Program on Developmental Disabilities, the Rehabilitation Council and the Statewide Independent Living Council. Guma' Mami takes pride in programs that are driven by the preference and choices of individuals it supports.

Twenty years later the organization continues to exist as a highly regarded professional service provider and this year they adopted the slogan, "IT'S ALL ABOUT CARE" to emphasize the basic human value that drives their mission of inclusion and integration of adults with developmental disabilities into their communities through individual and family support. The organization has implemented its three-year plan, "Guma' Mami: Millennium 2000," and has taken steps to begin meeting the goals and objectives as delineated in its plan.

In celebration of their 20th anniversary, and its continuous efforts to breakdown barriers, erase negative stereotypes of persons with developmental and mental disabilities, and educate the public, the Governor of Guam will proclaim the week of May 27 to June 2 as "Guma' Mami Week" in Guam. The Guam Legislature will also adopt a resolution in support of Guma' Mami's efforts.

The Guma' Mami Board of Directors, its staff and management have planned many activities for the week-long celebration. The celebration will begin with a Mass at Santa Teresita Church in Mangilao, the village where the organization's homes are located. Awareness activities include placing a banner along Guam's main highway, inviting the community to visit the Mary Clare and Independent Group Homes and to watch a series of interviews with Guma' Mami clients and staff during the nightly TV news program. Guma' Mami Week will culminate with a luncheon at which clients and persons in the community who have been of great support to Guma' Mami will be recognized.

Mr. Speaker, I share this story with you and my colleagues as a proud member of the Guma' Mami organization, and because its success is a reflection of the selflessness, the generosity and the caring nature of the people of my district. I lend my support in the form of financial contributions and by always being vigilant on the availability of federal grants with which the organization may improve the quality of its services. I ask my colleagues to join me in recognizing and congratulating the staff and management of Guma' Mami, headed by Executive Director Peter Blas, for their tireless efforts to provide a positive and pro-active impact in the lives of persons with disabilities through community involvement, service excellence, and advocacy efforts.

Congratulations are also in order for the Board of Directors under the guidance and leadership of President James Denney for their significant contribution to the Guam community, most especially to individuals with developmental disabilities and their families enabling them to become active and contributing members of the community.

TRIBUTE TO LAURIE MATTHEWS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the service of Laurie Matthews. For the past decade Laurie has directed the Colorado State Parks through a period of transition that has resulted in the system becoming a "national model." Overseeing forty state parks with an annual budget of $40 million, Laurie has become one of the most valued leaders in outdoor recreation in the nation.

When Laurie took charge of the state parks system, it consisted of 190,000 acres with a maintenance backlog that experts said would take over forty years to clear up. Under her leadership the state park system in Colorado expanded by 25,000 acres worth $54 million and completely erased the maintenance backlog. Her dedication to the outdoors showed in her bolstering of environmental education and interpretation by adding 19 new visitor centers and 30 new seasonal interpreters to better assist the public.

Laurie also serves on the Board of Directors for the National Association of State Park Directors, Volunteers for Outdoor Colorado, and Leave No Trace. She has been highly praised for her dedicated service to the State of Colorado by Gov. Bill Owens and the Executive Director of the Department of Natural Resources, Greg Walcher. Today I would like to add my voice to this praise. Laurie's service to the people and the lands of Colorado has been outstanding. The quality of life in our State has been enhanced by her commitment.

She leaves Colorado to join her husband in the Himalayan Dental Relief Project in Nepal. During my travels and mountain climbing experiences in that country, I have come to know and appreciate the people of Nepal and I know that Laurie will be of tremendous service to them. I wish Laurie and her husband the best possible luck there. If she has even a fraction of the amount of success there that she has had in Colorado then the people of Nepal will indeed be extremely fortunate.

Mr. Speaker, I am attaching a recent article and editorial from the Denver Post, and want to personally thank Laurie Matthews for her years of dedicated service.

[From the Denver Post]

HEAD OF COLORADO STATE PARKS TO STEP DOWN

(By Theo Stein)

Tuesday, April 17, 2001.—Ten years ago, Laurie Matthews inherited a Colorado State Parks system that had 190,000 acres, a $6 million annual budget and a maintenance program so far behind that officials said it would take 44 years to catch up.

On Monday, Matthews announced she is leaving her position as director after a decade that saw park officials erase the maintenance backlog and add 25,000 acres of new holdings to a system that now counts 11 million visitors a year.

Under her tenure, sought-after lands were added under the park system's "crown jewel" initiative, and acquisitions around three urban-area parks, Castlewood, Roxborough and Barr Lake, provided important buffers.

"State parks have flourished under her leadership, and we will miss her greatly," said Edward Callaway, parks board chairman. "I have absolutely the highest regard for that woman." Matthews said she's resigning effective June 20 to spend several months in Nepal helping her husband, dentist Andrew Holeck, with the nonprofit Himalayan Dental Relief project they cofounded. "For five years, we've gone over to Nepal and gradually have done more and more of the clinics," she said.

While she's excited about the challenge, Matthews also said she has mixed feelings about leaving. "It's been a wonderful 10 years, the system is positioned beautifully, but, yeah, it's difficult," said Matthews. "What I'll miss most are the wonderful people who work for Colorado State Parks."

Matthews said three developments provided the footing necessary to make the gains of the past 10 years. First came the legislation enabling Great Outdoors Colorado, which earmarked state lottery money to help parks and recreation.

Second was a bill championed by the state's congressional delegation that allowed federal agencies to join cost sharing partnerships with states to renovate aging parks.

Finally, the state legislature approved park fee increases.

Matthews also focused on environmental education in the parks, adding 19 new visitor centers and 30 seasonal interpreters to assist the public.

CONTINUE PARKS LEADERSHIP

(By Denver Post Editorial Board)

MONDAY, APRIL 23, 2001.—In the past decade, Colorado's state parks have truly blossomed—and just at the right time. As our state's population grows, more people need more places for outdoor recreation. And our 40 state parks (with more slated to open in the next few years) offer just such opportunities to 11 million visitors each year.

Such a diverse system demands the excellence in leadership it has enjoyed for the past 10 years under state parks Director Laurie Matthews.

Now, however, the 48-year-old Matthews is leaving to help her husband run a new, nonprofit group that will provide free dentistry to Nepal's impoverished children.

Matthews' contribution to Colorado conservation cannot be overstated. She has been a tireless advocate for public recreation, environmental education, wildlife habitat preservation and open-space preservation. She has created good will between her agency and the state legislature—no easy task, given lawmakers' skepticism toward bureaucracies—and fostered cooperation among local, state and federal public-land managers. She has also lent her energy to numerous outdoor organizations, building community ties even as she helped build trails.

There's no replacing Matthews, but the state now must find a successor.

Whether Gov. Bill Owens' administration chooses someone inside or out of the state system, the next parks director must posses certain key qualities.

Foremost is solid leadership, including the ability to think strategically and envision what the state parks system should be five to 10 years hence. Indeed, protecting the parks from development pressures, while respecting the rights of surrounding property owners, is one of the toughest juggling acts the new director will face.

The director also must work collegially with other state agencies, while having the gumption to stand up for the best, long-term interests of the parks system.

Matthews certainly brought such admirable traits to her job. The Owens administration should search for a successor with equal attributes.

TRIBUTE TO THE LAKEVIEW HIGH SCHOOL KEY CLUB, BATTLE CREEK, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. SMITH of Michigan. Mr. Speaker, as a former president of the Key Club in my hometown of Addison, Michigan, it gives me great pleasure to rise today to honor the members of the Lakeview/Urbandale Kiwanis Club in Battle Creek, Michigan and the over 40 students from Lakeview High School who will gather on May 22, 2001 to celebrate the chartering of the community's first Key Club.

Key Club is an international service club for high school students which operates under the sponsorship of a local Kiwanis Club, and is designed to aid students in developing leadership skills, initiative and good citizenship through interaction with business and professional leaders in the community.

The Key Club constitution promotes daily living of the Golden Rule in all human relationships; the adoption and application of higher standards in scholarship, sportsmanship, and social contacts and providing a practical means to form enduring friendships, to render unselfish service, and to build better communities.

The history of Key Club dates to May 1925 with the chartering of the first chapter at Sacramento High School in California by the Kiwanis Club of Sacramento. The club was originally formed to provide vocational guidance to young, high school males and to serve as an alternative to high school fraternities and secret organizations. Today, Key Club is the largest high school service organization in the country, with more than 200,000 members in over 4,500 clubs throughout North America, Europe and the Caribbean.

The impeccable reputation of Kiwanis International is well documented and well deserved. Countless individuals worldwide have been assisted through the organization's commitment to community service and helping those in need. I am honored to recognize the members of the Lakeview/Urbandale Kiwanis Club for tireless efforts on behalf of the greater Battle Creek area and for their willingness to serve as mentors and role models to area youth. I congratulate the Lakeview High School Key Club on the receipt of its charter and wish the group much success in its inaugural year.

WORCESTER—AN ALL-AMERICAN CITY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. McGOVERN. Mr. Speaker, it gives me great pleasure to inform my colleagues that the City of Worcester, Massachusetts has won the National Civic League's All America City Award five times in the history of the fifty-one year program: 1949, 1960, 1965, 1981, and 2000. Worcester is a city that the National Civic League credits with being able to solve community problems.

On Thursday, May 24th the city will host an All-America City Celebration in Worcester City Hall when city officials and community partners will unveil five permanently-mounted plaques to commemorate this achievement.

The Worcester City Council, Worcester School Committee, Superintendent Dr. James Caradonio, the Central Massachusetts Legislative Delegation, All America City Delegates, municipal department heads, and community partners will be invited to participate in this event. Reverend Richard Wright and Mrs. Shirley Wright, Community Co-Chairs for the City's successful bid for the Award one year ago, will serve as moderators for the occasion. The event will include a brief speaking program, refreshments, and music by the Worcester Firefighters Pipe and Drum Brigade. It should be quite a party.

As Tom Hoover, Worcester's City Manager, noted: "I am very proud of our collective work to improve the lives of others and ultimately this community; it is the right thing to do!"

Mr. Speaker, I know all of my colleagues join me in congratulating the people of Worcester for this remarkable achievement.

RECOGNIZING JUDY JAMES FOR HER OUTSTANDING SERVICE TO THE SONOMA COUNTY FARM BUREAU

HON. MIKE THOMPSON

OF CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. THOMPSON of California. Mr. Speaker, we rise today to recognize Judy James, who is retiring after twelve years of service as the Executive Director of the Sonoma County Farm Bureau.

In the past twelve years, agriculture in Sonoma County has undergone profound changes. New pests and diseases have threatened production, farmers and ranchers have had to resist urban encroachment and development pressures, and environmental regulations have restricted some agricultural practices. The Farm Bureau, under the leadership of Ms. James, has successfully guided its members by adapting to these changing times.

Ms. James has always been a creative and dedicated advocate for Sonoma County agriculture.

She developed the Government Executive Institute program to educate local policy makers about the challenges faced by Sonoma County farmers and ranchers. The Sonoma County Farm Bureau received the first of its three national awards from the American Farm Bureau Federation for this program.

Ms. James also created the Ag-Education Contribution Fund that is supported by Farm Bureau members. Funds raised through this program are used to promote Sonoma County agriculture in the local schools.

Under her direction, the Bureau's annual Crab Feed grew from serving 100 people to serving more than 600 people, thereby generating more than $15,000 annually for Farm Bureau activities.

Although Ms. James is retiring from a leadership role in the Farm Bureau, she will continue to be an active member. She will help her husband run the family vineyard, assist her children on their 4-H livestock projects, and teach agriculture classes at Santa Rosa Junior College.

Mr. Speaker, because of Judy James' many contributions to the Sonoma County Farm Bureau and to her community, it is fitting and proper to honor her today.

INTRODUCING THE FATAL GRADE CROSSING ACCIDENT INVESTIGATIONS ACT

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. PETERSON of Minnesota. Mr. Speaker, today I am introducing the "Fatal Grade Crossing Accident Investigations Act" to require the National Transportation Safety Board to investigate all crashes between a train and a road vehicle that result in a fatality.

The NTSB is currently charged with investigating a variety of transportation and pipeline accidents, some of which result in no loss of life or even injury. However, freight trains and cars collide 4,000 times a year resulting in 400 deaths. The NTSB gathers these statistics from the Federal Railroad Administration and feels that its work is done. Meanwhile, the NTSB is the only agency with the authority to fully investigate these fatal crashes, and its failure to do so leaves a vacuum where families have to fight with railroad companies for answers and local law enforcement agencies are powerless to help them. In some cases, the family of a lost loved one must sue the railroad for the train engine's data recorder or results of toxicology tests that railroads conduct on employees involved in a crash. The NTSB has the authority to collect this information—if it chooses to investigate the accident. My bill requires the National Transportation Safety Board to put its resources to work where a loss of life occurs on any railroad crossing.

I am offering this bill with support from a group called Citizens Against Railroad Tragedies which brought to my attention the serious gap that exists in car-train accident investigations. I encourage all Members of the House to hear the concerns of their constituents who are associated with this group and to help us eliminate railroad crossing accidents by increasing the safety at intersections and investigating the crashes that tragically still occur everyday across our country.

HONORING DR. WILLIAM WILKINSON

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mrs. NAPOLITANO. Mr. Speaker, I am extremely proud to rise today to honor a very special man—Dr. William Wilkinson, a long time physician and former Chairman of the Board of Directors of Beverly Hospital in Montebello, California. Today, in recognition of Dr. Wilkinson's numerous contributions to the hospital and community at large, a record of achievements and service spanning more than 40 years, Beverly Hospital will dedicate its new Senior Resource Center in his name and establish the "Dr. William Wilkinson Nursing Education Fund."

Dr. Wilkinson has a long litany of accomplishments which speak to his sense of duty and responsibility to the sick, to his profession and to the community that is so much a part of his life. He has been on the Beverly Hospital Board of Directors since 1971 and also served as its President; was an official physician for the 1984 Olympics in Los Angeles; a member of the Founding Board of Directors of MERCI—Mentally and Emotionally Retarded Children (1962); a Clinical Instructor for the Department of Family Medicine at the University of California at Irvine (1974–1988); an Assistant Professor of Family and Community Medicine at the University of Southern California beginning in 1980; and a Trustee on the Beverly Hospital Foundation Board. In addition, Dr. Wilkinson was awarded the Outstanding Volunteer Teacher of the Year (1986–1987) while at the University of California at Irvine.

Mr. Speaker, I would like all my colleagues to join me in saluting Dr. William Wilkinson for his selfless and untiring efforts on behalf of others. His devotion to his work and his commitment to others—the needy, the poor, the sick, the young and old alike—have endeared him to so many of his fellow medical professionals and to the countless people who have received his comfort, advice and professional care. It is indeed fitting today that we honor Dr. Wilkinson for all he has done to make life better for so many.

POWER TEAM WEEK, KENNESAW, GEORGIA

HON. BOB BARR

OF GEORGIA

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. BARR of Georgia. Mr. Speaker, the dates Monday, May 28th through Sunday, June 3rd, 2001, will be recognized by the City of Kennesaw, Georgia as, "Power Team Week." During this week young people from all walks of life will have the opportunity to be motivated, encouraged and inspired by their awesome displays of strength, and powerful, values based motivational message.

In Congress we struggle every day with serious issues and problems facing the youth of our country. It is encouraging to know John Jacobs and his Power Team, are motivated by a quote from Mr. Jacobs himself, "today's young people are tomorrow's future." He is absolutely correct, and for more than 20 years, he and The Power Team have been taking the message of "saying no" to drugs and alcohol, the importance of high moral standards in one's life, and striving for academic excellence, directly to the youth of America.

We commend John Jacobs and The Power Team for their continued work on behalf of America's young people, and for the City of Kennesaw for recognizing May 28th through June 3rd, 2001 as "Power Team Week."

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate Asian Pacific American Heritage Month this May 2001. Almost two decades ago, President Jimmy Carter signed a joint resolution declaring the first Asian Pacific American Heritage Week as May 4–10, 1979. Then, a decade ago, the celebration was extended to the entire month. Finally, Public Law 102–450 approved on October 23, 1992, designated May of each year as Asian Pacific American Heritage Month.

I am proud that the region I represent in Congress is a diverse one and is home to many people of Asian Pacific heritage. So many of my constituents have distinguished themselves through their accomplishments in education, business, medicine and science, and other forms of public and private sector involvement, and through a strong and successful family life. To commemorate Asian Pacific American Heritage Month, I would like to briefly highlight the remarkable accomplishments of three distinguished Asian Pacific American civic leaders who represent constituents from California's 27th Congressional District, which I am proud to serve in the U.S. House of Representatives.

John Chiang has shown a deep and genuine commitment to public service as Vice Chair of the California Board of Equalization. Elected as the representative of the Fourth District of the Board of Equalization in 1998, Mr. Chiang has promoted public-private community outreach and taxpayer-education initiatives to better serve his more than 8 million constituents in Los Angeles County. Mr. Chiang organized the first joint Board of Equalization, Franchise Tax Board, and Internal Revenue Service seminar for nonprofit organizations and joined with the Los Angeles County Assessor's Office to hold a tax seminar for religious organizations. He has also organized business and labor forums on fighting tax evasion in the "underground economy" and sponsored state legislative reforms to enhance the California Taxpayers' Bill of Rights. John is the son of Judy Chiang, a generous and committed community volunteer, and Dr. Mutong Thomas Chiang, a thoughtful and dedicated scholar.

Carol Liu has a long-standing record of community leadership, culminating with her election last year as the representative of California's 44th Assembly District. Assemblymember Liu's top priority is to restore California's public education system to be among the very best in the nation. Prior to her election to the State Assembly, Ms. Liu's work in education included serving as a PTA President, President of the Pasadena City College Foundation Board, and Co-Chair of the Pasadena City College capital campaign to fund construction of a new physical education and sports complex. In addition, Liu sits on the Board of Trustees of the U. C. Berkeley Foundation. She also served her community as a civic leader, with her election to the La Canada Flintridge City Council in 1992, re-election in 1996 and her terms as Mayor in 1996 and 1999. Liu has been honored for her contributions to the community with the La Canada Flintridge Educational Spirit of Outstanding Service Award and the Second Baptist Church Outstanding Service Award. In 1998, when I served as a State Senator in California, I was proud to designate her as the 21st Senatorial District Woman of the Year. Liu is married to Mike Peevey, a businessman and entrepreneur, and they are the proud parents of three grown children, Jed, Maria, and Darcie, and even prouder grandparents of three grandchildren.

Matthew Y.C. Lin, M.D., is the first Asian American elected to serve as a Member of the City Council of the City of San Marino, California. Dr. Lin, a board-certified orthopedic surgeon, has an extensive record of community service. His volunteer activities include leadership positions with the San Marino Schools Foundation, Pasadena Symphony, Chinese Club of San Marino, United Way of the San Gabriel Valley and Luke Christian Medical Mission. He has sought to improve the lives of our children through his service at the West San Gabriel Valley Boys and Girls Club, Asian Youth Center, and by coaching AYSO soccer and serving as assistant coach for the San Marino High School Judo Club. He has taken part in voluntary medical missions to aid the victims of disasters, responding to the Taiwan earthquake in September 1999 and the earthquake in El Salvador in January 200 1. Dr. Lin and his wife, Joy, are the proud parents of four adult children, Jenny, George, Tim and Jerry.

I am proud to recognize the community and civic accomplishments of Councilman Lin, Assemblywoman Liu and Board of Equalization Member Chiang as we celebrate Asian Pacific American Heritage Month. They are truly remarkable leaders who through their service to our communities are an inspiration to us all.

AMERICA'S NATIONAL TREE—THE OAK

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. GOODLATTE. Mr. Speaker, it is my pleasure today to introduce legislation recognizing the people's selection of the oak tree as America's national tree. This past Arbor Day, April 27, Members of Congress, Agriculture Secretary Veneman, Interior Secretary Norton, and EPA Administrator Whitman joined the National Arbor Day Foundation in a ceremonial unveiling of a young oak on the Capitol grounds. Selected by the American public over a four-month long open voting process using the Internet (http://www.arborday.org/NationalTree/ntResults.html), the oak earned the title of America's Chosen National Tree. To recognize this distinction, I and Mr. GOSS of Florida along with Mr. OSBORNE of Nebraska are introducing legislation today granting the oak official status as America's national tree. The junior Senator from Nebraska, Mr. NELSON, has already introduced companion legislation, S. 811.

As a member of Congress representing a heavily forested district in Virginia, I fully understand and appreciate how trees add to an individual's quality of life. As chairman of the House Agriculture Subcommittee responsible for forestry, I know how trees and forests enhance the environment, add recreational opportunities and provide for the livelihoods of 1.4 million working individuals in the $262 billion dollar forest industry. Whether one is enjoying the myriad of products generated from a forest, or the simple satisfaction of laying under a shaded giant, trees contribute to all Americans. This is why I am here today and why it is appropriate to recognize the Oak as the National tree chosen by the American public.

I would also like to commend the National Arbor Day Foundation for its use of the Internet as the primary communication tool in this endeavor to name America's National tree. As co-chair of the Congressional Internet Caucus, I applaud the powerful role the Internet played in this historic vote. Not only did this medium make possible easy, broad-based participation in the vote, but it also offered many educational opportunities for those who checked out arborday.org online. Having been a member of the Foundation for 16 years, I am impressed with their work in promoting trees in our communities across the country, and I am also pleased that they are using the capabilities of the Internet to educate the American public about the proper care and benefits of trees.

Along with other well-known national emblems, the oak is a most fitting selection as America's National tree. The stately oak not only surrounds us here on the Capitol ground, but also is a part of our daily lives as wood products in our homes, our offices and places of gathering. Common to all fifty states, the oak has played a huge role in America's history as a valuable resource. It helped our founding fathers establish a new nation, supplying building materials for the expanding original thirteen colonies. It further greeted pioneers as they traveled across the new republic to the West Coast. And to this day it has remained an enduring, valuable, and highly-prized raw material. Its use as beautifully crafted furniture, sturdy door and window framing, ornate flooring and paneling, all reinforce the sensible selection of the oak. This majestic tree, which has long been a part of our national heritage and strength, fully merits this distinction.

I want to personally thank those who took part in the vote for America's national tree, and I applaud Arbor Day for its dedication to the future for which the oak represents. I look forward to working with my colleagues to designate the oak as America's national tree.

PRINTED CIRCUIT INVESTMENT ACT OF 2001

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. CRANE. Mr. Speaker, I rise today and join my good friend and colleague, Bob Matsui of California, to introduce the Printed Circuit Investment Act of 2001. This simple and straightforward bill allows manufacturers of printed wiring boards and printed wiring assemblies, known as the electronic interconnect industry, to depreciate their production equipment in three years rather than the five years in current law. Printed wiring boards are those ubiquitous little green boards loaded with tiny wires and microchips that are the nerve centers of electronic items from television sets to computers to mobile phones and electronic organizers.

The interconnecting industry, like so much of the electronics industry, has changed dramatically in just the last decade. This industry, which has $44 billion in annual sales, was once dominated by large companies. Now it consists overwhelmingly of small firms. The rapid pace of technological advancement today makes interconnecting manufacturing equipment obsolete in 18 to 36 months. This makes the interconnecting industry very capital intensive. In fact, capital expenditures last year totaled more than $3 billion and continue to grow.

The depreciation rules found in the tax code have not kept pace with the realities of this dynamic market. The industry currently relies on tax law passed in the 1980s, that was based on 1970s era electronics technology. US competitors in Asia, however, enjoy much more favorable tax treatment as well as direct government subsidies,

The Printed Circuit Investment Act of 2001 will provide necessary tax relief to the interconnect industry and the 400,000 Americans whose jobs directly rely on the success of this industry. I urge my colleagues to join Congressman MATSUI and I in supporting this important legislation.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 126, H. Con. Res. 56, Expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day. Had I been present for this vote I would have voted in favor of H. Con. Res. 56.

I was also unavoidably detained for rollcall No. 127, H.R. 1885, To expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes. Had I been present for this vote I would have voted against H.R. 1885.

WELCOMING PRESIDENT CHEN SHUI BIAN TO THE U.S.

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. RYUN of Kansas. Mr. Speaker, a distinguished visitor, President Chen Shui Bian of the Republic of China will be stopping briefly in New York before heading to Central America later this month.

This is the first visit by Mr. Chen to New York as a head of state. President Chen has just completed his first year in office as the Tenth President of the Republic of China on Taiwan. As the former mayor of Taiwan's capital, President Chen has served as a dedicated leader to this island democracy.

President Chen's visit will undoubtedly serve to strengthen the warm friendship between the United States and the Republic of China. I hop my colleagues will join me in extending a word of welcome to President Chen during his visit to the United States.

THE INTRODUCTION OF H.R. 1692, TO SIMPLIFY AND MAKE MORE EQUITABLE THE TAX TREATMENT OF SETTLEMENT TRUSTS ESTABLISHED PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. YOUNG of Alaska. Mr. Speaker, on May 3, 2001, eighteen of our colleagues from both sides of the aisle and I introduced H.R. 1692, a bill to simplify and make more equitable the tax treatment of Settlement Trusts established pursuant to the Alaska Native Claims Settlement Act.

I am very pleased today to add the names of two of our distinguished colleagues, Representative WES WATKINS, a cosponsor from last Congress and Member of the Ways and Means Committee to which the bill was referred, and Representative MARK SOUDER.

Also, in my statement upon introduction of the bill, there were two items that need correcting. First, Representative FROST, Representative BONO, and Representative STUPAK should have been referred to as "Representative" as were the other cosponsors. And, in the last paragraph of the statement, the word "vetted" was inadvertently transcribed in the RECORD to read "vetoed." With that edit, that paragraph should have read:

> A version of this bill was included by the Ways and Means Committee in legislation last Congress that was vetoed and a version of it passed the Senate as well. This current version of the bill we are introducing today has been vetted over the past several years with the tax writing committees of Congress in the House and Senate, the Joint Committee on Taxation and the Department of Treasury. It addresses the key deficiencies in the current law. I urge that it be included in tax-related legislation considered by the House in this session of the 107th Congress and that our colleagues join the co-sponsors of the bill in supporting this meritorious legislation.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. ALLEN. Mr. Speaker, during the weeks of May 7, and May 14, 2001, I was unavoidably absent for seven rollcall votes, due to the illness and death of a family member.

Had I been present I would have voted "yea" on rollcall votes 109, 110, 111, 112, and 113, and voted "nay" on rollcall votes 107 and 108.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. PASCRELL. Mr. Speaker, I was unavoidably detained due to a personal issue and was unable to be present last night for floor votes.

If I had been present, I would have voted in the affirmative on H. Con. Res. 56 and H.R. 1885.

TO HONOR MS. TERRI CRUZ AS THIS YEAR'S RECIPIENT OF THE JEWELL AWARD WHICH HONORS THOSE THAT HAVE GIVEN GENEROUSLY AND SELFLESSLY FOR THE BETTERMENT OF THEIR COMMUNITY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. PASTOR. Mr. Speaker, I stand before you today to pay tribute to a great woman who has been an influential force in assisting Arizonans in need. The woman of whom I speak is Ms. Terri Cruz, a woman whose accomplishments in life are reflected in the success of her community and its members.

Ms. Cruz has touched the lives of many citizens of Arizona through her active community involvement. In 1985 she was appointed by former Governor Bruce Babbitt to the Nursing Care Institution Administrators Board, while concurrently serving as the National Chairman of the Hispanic Senior Citizen Foundation Board. Other boards Ms. Cruz has served on are the YWCA, Maricopa County and Phoenix Human Resource Commissions and the Mayor's Commission for the Aging. In addition, she served as President of the West Phoenix LULAC (League of United Latin American Citizens) Council.

Ms. Cruz's work as a Job Developer for Operation S.E.R. provided training for high school students in clerical skills, general office procedures, and other areas, giving young people who may not otherwise have had the opportunity to gain these valuable skills become productive members of their communities.

Currently Ms. Cruz is the Social Services Counselor for Chicanos Por La Causa, Inc., based in Phoenix. Her primary responsibility is providing social services to clients. She helps solve problems they may be having with Social Security, food stamps, health agencies, and landlord/tenant problems. Many of these problems may have gone unchecked if it were not for caring individuals such as Ms. Cruz. As a tribute, Chicanos Por La Causa named one of their buildings after Ms. Cruz for all her work in helping individuals gain job skills and obtain employment.

Because of her lifelong dedication to helping others, Ms. Cruz recently was honored with a Jewell Award. This is an award that annually recognizes "a woman who has given generously and selflessly for the betterment of our community," in metropolitan Phoenix. Her extensive background in job training and development, her commitment to working within business, industry, social and community organizations and government to help others truly has made her deserving of this award.

Therefore, Mr. Speaker, I ask that you and my colleagues join me today in honoring this giving and caring individual, my friend, Ms. Terri Cruz.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, I was unable to be here yesterday due to my daughter's grade school graduation in Oklahoma, and missed Recorded Votes No. 126 (Motion to suspend the rules and pass H. Con. Res. 56—National Pearl Harbor Remembrance Day), and No. 127 (motion to suspend the rules and pass H.R. 1885—extending section 245(i) of the Immigration and Nationality Act).

Had I been present, I would have voted yea on both of the above motions.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. NEY. Mr. Speaker, on May 21, 2001 my flight was extremely delayed by over three hours. As a result I missed rollcall vote No. 126 and No. 127. Please excuse my absence from this vote. If I were present, I would have voted yea in support of H. Con. Res. 56 the Pearl Harbor Remembrance Day Resolution.

THE STORY OF EMILY ROSS

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. LATOURETTE. Mr. Speaker, I rise today to honor a courageous young woman from Westlake, OH, who recently contacted me to share her story and the need for increased funding for Muscular Dystrophy research. Emily, a sophomore at Westlake High School, has Friedreich's Ataxia, one of the many neuromuscular diseases that fall under the umbrella of Muscular Dystrophy. Emily was diagnosed when she was five.

Emily's parents, Charlie and Carolyn Ross, shared with me two articles Emily wrote about her daily struggle with Muscular Dystrophy and how she is overcoming the challenges the disease places before her. The first was written when Emily was in eighth grade, "A Day in the Life of Emily Ross." The second, "Onward and Outward!" was published in the April 2001 edition of The Bay Press. I am submitting the writings of Emily Ross into the CONGRESSIONAL RECORD so they will become a part of the official record of the U.S. House of Representatives.

Mr. Speaker, Emily believes that God chose her to have Muscular Dystrophy because he needed someone to help find a cure. I applaud her courage and grace, and hope that others will be as touched by her story as I was.

A DAY IN THE LIFE OF EMILY ROSS

(By Emily Ross)

When I wake up in the morning, I shut off my alarm and begin my day by stopping to think how I am going to walk across my bedroom floor. Attempting to go into the bathroom is scary because my feet are stiff, my balance is terrible and I manage to bang into every piece of furniture in my bedroom! I get downstairs to the kitchen for breakfast by scooting down on my behind step by step. Going into the kitchen for breakfast I have trouble opening the peanut butter jar, pouring a glass of milk or getting any cereal into my mouth because my hands shake. I hope my teeth are clean because I cannot squeeze the toothpaste. Buttons, zippers and socks are a challenge. I'm already tired but off to school I go with my Mom and my dog, Oats.

At school, my Mom helps me to the door because my feet trip easily on the uneven sidewalk. I cannot open the heavy doors by myself. Once inside, I hop on my battery-powered scooter and go to my locker. If I'm not shaking too badly I can get my combination lock opened in three tries! Headed to my first class I face crowded hallways, funny looks from other kids and hurtful comments like "there goes the cripple." Sometimes some of the kids will lie on the floor pretending that I have hit them with my scooter which really hurts my feelings. I'm constantly being asked to move out of the way because they say my scooter takes up too much room. After class I'd like a drink of water but the water fountains are too high. At lunchtime I never buy a school lunch because I cannot reach the food on the shelves or get my scooter through the narrow gate. I tried to walk through the lunch line several times but everyone is pushing and I'm scared I'll lose my balance. I dropped my tray once and believe me, once is enough!

It's now sixth period and I'm starting to get really tired and I have two more class periods to go. The bell rings and school is finally over. It's pretty tricky getting my scooter down the hallway with everyone pushing and shoving their way out to the buses. I finally get to my locker, hope I can get it open in time so I don't miss my bus, grab my coat and panic when I can't zip up my backpack. All my papers fall out all over the floor. I frantically stuff them back inside my backpack, park my scooter, and struggle past 800 other kids waiting to catch their bus rides home. My bus finally arrives and I gratefully sit down for my ride home. An aide helps me up to the side door of my house and helps hold my hands steady so I can aim my key in the lock and she also helps me to turn the doorknob so I can get safely inside. Once inside I let my backpack and coat drop on the floor and I fall onto the couch where I am grateful to God that I have made it another day. Oats, my dog, is the only one I can talk to when I get home from school, she always understands me.

My name is Emily Ross. I am 13 years old and in the eight grade. I have Friedreich's Ataxia which is one of forty neuromuscular diseases listed under Muscular Dystrophy. It is a hereditary degenerative nerve disease which affects the hands and feet resulting in fatigue and loss of feeling and balance. I was diagnosed when I was 5. I thank God allowed me to have MD because he needed someone to help find a cure. He's chosen me and has led me to a team of doctors that have asked to take a biopsy of muscle and nerve tissue in a "one of a kind" research program which The Muscular Dystrophy Society is sponsoring. They are hoping to determine how they can replace or regenerate the protein that is missing in the cells of all Friedreich's patients. Even if a cure is years away, this study may allow for a medicine that could help me and many others to stop shaking and stop our muscles from weakening anymore.

Not all of my days are stressful because I have the love of my family and many good friends who help me throughout each day. My Mom, Dad and my brother, Hunter, help me squeeze the toothpaste, open the peanut butter jar and button my clothes. My school has allowed me to start my school day one hour later than everyone else and when my friends see me coming up to the door, they hold them open for me. Sometimes it's even a really cute boy which makes my day start off pretty darn good!!! My scooter is sometimes being used by my crazy science teacher but she always comes zooming down the hall just in time for me to get to English. My teachers have been wonderful with kind understanding and a willingness to adapt to my special needs. because of my school's support, I am a straight A student. And, if my feelings are hurt by some kids, I have many more good friends that support me in many different ways. Sometimes I think the entire school knows my locker combination because they are always helping me to open it. They help me carry my books, write my lessons for me, copy homework assignments, take notes off the board, stand in the lunch line to get me a chicken patty sandwich and help me make it through a Friday night canteen in the auditorium in one piece!!! god must have really been looking out for me after school because I have the oldest living bus driver in the world who is late every single day. For me, this is a blessing.

I am proud to say I am going on the 8th grade Washington, D.C. trip this June for four days, I plan on attending M.D. Camp for the second year, I help elementary kids to read at our Library's summer program and if she'll hire me again, I'd like to help Mrs. Peterson at our church this summer in the Family Life Ministry office.

So I guess you could say that I'm quite a lucky girl. God has blessed me with a special challenge that lets me look at the world in a lot of different ways. When I grow up I hope to help make the world an easier place to be for all special people. Thank you for listening to me today and I hope you will see people with special needs through different eyes—God's eyes.

[From the Bay Press, April 2001]

ONWARD AND OUTWARD!

AN UPDATE FROM EMILY ROSS

(By Emily Ross)

Two years ago I shared "A Day in The Life of Emily Ross" with our congregation. I was very touched when recently many of you asked how I am doing now that I am in high school and faced with a new set of challenges. I'm proud to say that I am doing well, accepting the challenge Heaven has asked of me, Muscular Dystrophy is a silent, progressive disease, and Friedreich's Ataxia, the type I have, robs me of the ability to store energy in my cells. I have noticed a loss of touch and hearing, as well as slurred speech over the years, but I've become quite clever at managing my daily activity.

I am now a sophomore at Westlake High School, maintaining a 3.2 grade average, carrying a full class schedule, and even hosting a five-minute broadcast segment called "This Week in Science" through WHBS, our school's television broadcasting system. I am no longer able to walk by myself, so my new leg braces, along with the use of a scooter, help me to my classes. The school purchased a special locker for me that opens with a magnetic key, so I no longer have to worry about combination locks; they even remodeled certain areas to accommodate my scooter. I have full use of the school's elevator and front row seating in all of my classrooms. Some teachers are compassionate and understanding, some strict and unbending, but isn't that the way it is for all students? By evening, my hands are usually too tired to hold a pencil, so someone in my family writes my homework for me as I dictate. My mom is very good at not telling me if the answer I am saying is correct, she just keeps writing no matter what!

Every year, a few students stare and whisper as I drive by in my scooter, but most of the kids have known me since elementary school, and I now fit in almost effortlessly. I have concerns that boys will be judgmental, seeing only the wheelchair and not the girl seated in it. I will admit to having days filled with self-pity at not being able to walk, dance, or run but they soon pass when I realize all the things I am capable of and have already accomplished. I actually like going to school because it's something I can manage independently, and I feel comfortable surrounded by my teachers and friends.

I am a bit more cautious, though, in the world outside my high school. I am trying very hard to leave the security of familiar surroundings and make an attempt to be seen at more school and community functions. It took me a long time to learn that if people do not see you at school events, the mall, or the movies (like a normal teenager), then they assume that you do not wish to be included. Many teenagers have never even been close to a wheelchair, or think that because my body is weak then my mind

One of my personal challenges this past year was saying yes to a movie and dinner with my friends. It meant not being ashamed to be seen in my wheelchair, which may not sound like a big thing to an adult, but it was a scary first step for me. To help me accomplish this, God blessed me with two guardian angels, my friends Stephanie and Britney. Stephanie, my best friend for six years now, proudly pushes me through the mall, across parking lots, or up to jewelry counters. We have an understanding that when she pushes, I hold all our packages, frozen cokes, and purses. Stephanie has always treated me with dignity, great compassion, and honesty, and I thank her for that, Britney is a girl I met at Muscular Dystrophy Camp last summer, and she is fighting her own form of the disease. She is also a sophomore living in Alliance. Having someone to talk to who truly knows how you are feeling because they are going through the same experience is a one-in-a-lifetime gift from Heaven. The two of us together at the mall is a team adventure with both of us counting on the other for balance or for a steady hand when trying on a new lipstick.

God has also given me a wonderful family, who has taught me how lucky I am. I can tell my mom anything, and I do. She always listens when I need to vent my frustrations. She makes the jerking muscles relax the fevers subside, the exhaustion feel comfortable. She makes me laugh. My dad brings breakfast upstairs to me every day before school so I don't waste any energy going downstairs into the kitchen. He has remodeled, rewired, and redesigned our entire house to accommodate me and carries my wheelchair up and down the steps hundreds of times per week. He makes me safe. My brother has gone off to college this past year, and surprisingly, I miss him! He used to look out for me when we were in high school together, and he still calls to see if I need anything. He makes me normal. My dog, Oats, is always glad to see me and cares about me in a dog sort of way. Somehow she can predict when I'm going to fall and has actually sacrificed herself as a sort of cushion between me and the floor. She follows me from room to room, stares up at me adoringly and loves to eat potato chips while I tell her about my day.

So I'm learning with daily "help me get through this" prayers, to look at the world with the following in mind: If I need to create solutions to my unique challenges during my teenage years, then I also need to actually "get out there" to experience them. Considering all the things I hope to accomplish within the next few years, I'm going to need all the "out there" experience I can muster! You see, I plan on driving within the next year, which will mean special testing, special adaptive devices, and, hopefully, a ramped van. My biggest dream is to have my own motorized wheelchair within the next year and enjoy the freedom to wheel around unassisted. The grandest of all will be attending college upon graduation from high school.

With the continued support from everyone around me and God's graceful hands holding me up, I will write to you again a few years from now with news of my adventures on a campus somewhere, running for class president.

TO HONOR THE TORREZ FAMILY AS RECIPIENTS OF THE 2001 ARIZONA HISPANIC CHAMBER OF COMMERCE ENTREPRENEURS OF THE YEAR AWARD.

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. PASTOR. Mr. Speaker, today I rise before you to pay tribute to not one person, but an entire family in my district which has established itself as a beacon of accomplishment. The family I speak of is the Torrez Family, owners of the great Azteca Plaza in Phoenix.

The Torrezes have been a benevolent part of our community for over 56 years. Adolfo Torrez and the late Kay Anne Torrez set a standard not only with their commitment to their business and customers, but also with the values and ethics that they installed in their children Raoul, Royna, and Gregory.

Azteca Café was first started by Adolfo and Kay Torrez in 1946. Soon they added a small bar which they named Azteca Bar. These two businesses flourished at the corner of Third and Washington streets. Over the next few years, the Torrez family would expand their property and their businesses to include a flower shop, furniture store, bridal store, formal clothing retailer, and even a dry cleaning company.

The three Torrez children would work side by side with their parents learning from their versatility and passion for hard work. Today Gregory, Raoul, and Royna, continue in their parents footsteps, managing Azteca Plaza and are proving to their community that they are as ethical and driven as their parents, and as compassionate and caring for their community.

The Torrez family recently received the 2001 Arizona Hispanic Chamber of Commerce Entrepreneurs of the Year Award for their work not only as business people, but for their contributions to society.

Mr. Speaker and all my colleagues, please join me today in paying respect to this incredible family, my friends, the Torrezes of Phoenix.

UNIVERSAL DECLARATION OF PUPIL RIGHTS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. HINCHEY. Mr. Speaker, a group of students from Kingston, New York have spent a good part of the past couple of years working with a students from St. Petersburg, Russia to draft a document that catalogs a set of universal rights of students. The program from which they are working is administered by the Center for Civic Education, which promotes worldwide community participation.

The students in my district have been communicating with the students in St. Petersburg mostly by Internet, but have had personal exchanges as well, both in Russia and in New York. In comparing their educational stories, the students found that they shared similar experiences and held common opinions about problems that young people were faced with at either ends of the world. They decided it was time to document certain rights that they believed to be applicable to students around the world. The end result is the Universal Declaration of Pupil Rights.

The students will soon be meeting with representatives of the United Nations to present their document. In recognition of the efforts that were put into creating this important document and because I firmly believe that all young people should be afforded certain rights that guarantee an appropriate education, I would like to take this opportunity, Mr. Speaker, to submit the Universal Declaration of Pupil Rights in the Record so that it may receive an appropriate level of attention.

UNIVERSAL DECLARATION OF PUPIL RIGHTS

PREAMBLE

Recognizing the fact that educational institutions are necessary to prepare pupils to become positive, confident, and efficient members of society,

Taking in due account the importance for the child to receive education in a manner conducive to the child's harmonious development,

Bearing in mind that pupils are to be taught in the spirit of the ideals proclaimed by the United Nations and in particular in the spirit of peace, dignity, tolerance, freedom, equality, and solidarity,

Considering the fact that the opportunity to receive better education will help countries better uphold their obligations under the Charter of the United Nations, thus promoting universal respect for human rights and freedoms,

Recognizing past indifference to and disrespect for pupil rights have resulted in inhumane treatment and aggression towards pupils from persons and nations,

Due to the fact that the school is considered to be a special territory where the child's rights are not applicable, resulting in the regular violation of the rights already established in other United Nations documents,

Understanding that the enumeration in the Declaration shall not be construed to deny or disparage other rights retained by the people,

The UN General Assembly proclaims this Declaration of the pupil's rights as a standard of achievement for all peoples and all nations in order to secure the pupil's rights and freedoms at school and in its territory.

Article 1

For the purposes of the present Declaration, a pupil shall mean every individual, without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, who is attending a sanctioned institution of learning. Hereinafter referred to as the school, for the purpose of acquiring knowledge.

Article 2

1. Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

2. Every pupil shall have the freedom to exercise his rights provided he does not offend public moral, religious, and other feelings, violate the rights of other people, damage their health, or hamper the learning process.

Article 3

1. Every pupil shall have the right to freedom of thought, opinion, and speech.

2. Every pupil shall have the right to freedom of belief and religion. No pupil can be forced to participate in religious or other ceremonies. Every pupil shall have the right to exercise his religious ceremonies when that does not hamper his studies.

3. Every pupil shall have the right of free-dom of self expression, including:

(a) The right to decide his appearance;

(b) The right to freedom of creativity.

4. Every pupil shall have the right to freedom from exploitation. Nobody can use either physical or intellectual labour of a pupil without his consent.

Article 4

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

2. Every pupil shall have the right to receive high-quality and complete education, including:

(a) The right to be taught by certified teachers;

(i) Standards for certification shall be set by the State;

(b) Free access to informational resources, including textbooks granted by the state;

(i) Textbooks must contain accurate and reasonably up-to-date information;

(c) Equal access to the technological resources available in the school that are designated for student use;

(d) The right to study the mother tongue;

(e) Assistance to foreign pupils with learning the new language and help with coursework in this language;

(f) Knowledge of the State's minimum compulsory educational requirements;

3. Every pupil shall have the right to attend the school on all school days and to attend all lessons, unless disciplinary action has to be taken requiring the removal of the pupil from the school day.

Article 5

Every pupil shall have the right to receive education in the conditions that are required for healthy, adequate, and high-quality education. Therefore, the following is to be provided:

1. A healthy atmosphere in the school, which shall include:

(a) High quality and timely medical aid, which is to be:

(i) Available to every pupil free of charge;

(ii) Available during all school hours;

(iii) Provided by a professional, licensed practitioner;

(b) Cleanliness of the educational premises and its territory;

(c) Sufficient natural and artificial lighting;

(d) Maintenance of a low noise level;

(e) Maintenance of a comfortable air temperature;

(f) Healthy and high-quality catering and adequate time intervals for eating;

(i) It should be available at reduced cost for pupils with financial difficulties;

2. A structurally sound building, including:

(a) The absence of harmful substances that are integrated within the building in levels that is detrimental to the pupil's health;

(b) Working System to dispose of waste;

(i) Lavatory facilities are to be designed for private or individual use and with the health of the user in mind

(c) An adequate ventilation system;

If the school cannot observe any of these terms within reason, the school administration is to bring forward for discussion the matter of suspending studies until the problem is resolved

3. A safe environment:

(a) States Parties shall take all appropriate measures, including legislative, administrative, racial and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances in the learning environment.

(b) States Parties shall take all appropriate measure, including legislative, administrative, social and educational measures, to protect children from the illicit use of weapons.

(c) States Parties undertake to protect the children from all forms of sexual exploitation and sexual abuse. For theses purposes, States Parties shall in particular take all appropriate national, bilateral, and multilateral measures to prevent:

(i) The inducement or coercion of a pupil to engage in any unlawful sexual activities;

(ii) The exploitative use of children in prostitution or other unlawful sexual practices

(iii) The exploitative use of children in pornographic performances and materials

(d) School officials must ensure that no unauthorized solicitation occurs on school grounds.

(e) School officials must take all possible measures to prevent physical harassment or abuse.

(f) School officials must take all possible measures to prevent verbal harassment or abuse.

Article 6

1. Every pupil shall have the right to safety and protection of his property in the territory of the school.

2. Every pupil shall have the right to be present at the examination, search and/or confiscation of his personal property;

(a) The procedure for these actions shall be established by the school and conducted only by authorized persons;

(b) There is to be an accurate list of items, which can be confiscated, including weapons, alcohol, drugs, and other items dangerous to the well being of others. Pupils and their guardians shall be made aware of the specifications of this list.

3. Under any other circumstances it is to be forbidden to examine, search, and/or confiscate the pupil's property in the territory of the school.

Article 7

1. Every pupil shall have the right to be treated with respect for his personality without:

(a) Public or private degradation which might have physical, mental, or other impacts on the pupil;

(b) The discussion of the pupil's personality of his behavior.

2. Every pupil shall have the right to the confidentiality of his private life, including:

(a) The right to the confidentiality of his correspondence;

(b) The right not to give public explanations;

(c) The right to maintain friendly relations with any other pupil;

(i) School faculty may not prohibit pupil's social interactions provided the learning process is not interrupted;

(d) The right to have the assessment and content of his work remain private unless the pupil gives consent.

Article 8

Every pupil shall have the right to rest and leisure, including:

1. The right to reasonable limitation of the number of lessons per day;

(a) Duration of intervals between lessons is not to be reduced by teachers;

2. The right to periodic holidays.

Article 9

Pupils shall have the right to set up and distribute mass media. Mass media shall be independent and shall have the right from freedom of speech and press.

Article 10

1. Every pupil shall have the right to participate in the school government, as well as the right to participate in the development of the school rules and a student bill of rights specific to their school.

2. The pupils shall have the right to establish a school council, and every pupil shall have the right to participate in its activity. The school council shall be formed through the election of representatives from every form.

3. Every pupil and his parents or guardian shall have the right to be informed about all rules which regulate school life, including:

(a) Criteria under which school marks are given;

(b) Attendance policies;

(c) Requirements to the content and execution of subject matter.

4. Pupils shall have the right to the freedom of peaceful meetings and associations. Nobody can be forced to join an organization.

Article 11

1. All pupils shall have the right to learn about world history from an unbiased perspective.

2. Pupil's curriculum is not to include propaganda.

Article 12

All pupils shall have the right to personal, professional, and academic counseling.

(a) Information imparted during counseling session is to remain confidential between pupil and counselor, unless the safety of the pupil or another person is in question;

(b) Counselors shall meet standards of certification set by State.

Article 13

Pregnant pupils, pupils who are parents, or pupils responsible for younger children have the right to continue their education.

(a) State and school shall provide assistance with childcare.

Article 14

1. All pupils shall have the right to select courses of study outside of the mandatory curriculum if such courses and/or activities exist.

2. Supplementary courses recommended by the teacher shall not become mandatory, shall not affect final grades, and shall be free.

(a) All compulsory material shall be taught during compulsory classes.

Article 15

1. Every pupil shall have the right to be treated without discrimination by the teachers, school administration, pupils and their parents, and school employees, irrespective of the pupil's or his family member's race, sex, age, religion, political or other opinion, property status, state of health, or other circumstances.

2. Every pupil with physical and/or mental disabilities shall have the right to attend the same school as pupils who do not share their disabilities. The school must provide for their needs accordingly.

3. Every pupil shall have the right to equal, unprejudiced, and fair treatment when marks are given, and benefits and duties distributed.

Article 16

All pupils shall have the right to a just disciplinary procedure.

1. All pupils shall have the right to due process;

2. Every student has the right to an appeals process.

Article 17

Every pupil shall have the right to be informed of his rights, including but not limited to those stated in such documents as the Universal Declaration of Human Rights, the European Convention on the Rights of the Child, the Convention on the Rights of the Child, the constitution of his own country, and this Declaration of the Pupil's Rights.

Article 18

Nothing in the present Declaration shall affect any provisions which are more conducive to the realization of the rights of the pupil and which may be contained in:

1. The law of a State party;

2. International law in force for that State.

THE U.S. INTERNATIONAL POLICY ON SUSTAINABLE USE

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. POMBO. Mr. Speaker, through professional and scientific management, this nation currently enjoys stable and healthy wildlife and marine resource populations. Sadly, there were excessive harvests of wildlife in the 17th and 18th centuries, but that circumstance is history never to be repeated. Today, through appropriate laws and reasoned regulations, the future of these resources is assured for generations to come.

Given this background of successful management and wise use of these renewable resources, I am dismayed when government representatives of this nation participate in international conventions, treaties and bilateral and multi-lateral conservation agreements concerning the sustainable use of wildlife and marine resources, a different agenda seems to be in place; specifically, that agenda rejects science and favors anti consumptive use of those renewable resources.

For example, policy positions taken by the United States Delegations at the Conference of the Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Annual Meetings of the International Whaling Commission (IWC) of the International Convention for the Regulation of Whaling (ICRW) reflect a political agenda rather than a science-based policy. Through the past leadership of the United States at CITES and IWC, several nations have followed this flawed and imprudent policy to the detriment of various wildlife and marine species.

Mr. Speaker, I was pleased to note President Bush's recent remarks to the Environmental Youth Award winners regarding this Administrations foundation for environmental policy. He affirmed that it will be "based on sound science, not some environmental fad of what may sound good—that we're going to rely on the best evidence before we decide [on policy]." Currently, the United States is developing its position for the upcoming 53rd Annual Meeting of the IWC.

Due to the significance of the event, I recently sent a letter to the Secretary of Interior, the Secretary of State and the Secretary of Commerce concerning the background of United States policy at the IWC meetings. Mr. Speaker, at this time I hereby submit to the RECORD for my colleagues consideration the letters (referenced above) to the Bush administration.

I believe the time has come for the United States to truly reflect an international commitment to the sustainable use of renewable wildlife and marine resources based on science. As I stated in my letters, this conservation policy should be followed whether the subject species are elephants, turtles, whales, or trees. Such leadership by the United States is the responsible and ethical policy that must be pursued for the benefit of renewable wildlife, marine resources and humankind itself.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 3, 2001.

Hon. GALE NORTON,
Secretary, U.S. Department of Interior,
Washington, DC.

DEAR SECRETARY NORTON: I am writing to express my strong support for the need for science to be the fundamental guide in United States participation in international conservation commitments as legally recognized under the Uruguay Round Agreements of the General Agreements on Tariffs and Trade (GATT).

Unfortunately, the United States policy under the former-Clinton administration acted contrary to this legal concept under the tenets of the International Convention for the Regulation of Whaling (ICRW). Specifically, it did so by continued opposition and obstructionist positions on the resumption of limited and managed whaling by island and coastal nations.

Although it is true that there was over exploitation of certain whale stocks in the 18th and 19th centuries for commercial oil products, this is not the case today. In fact, no whale stocks were ever threatened by whale harvests for human food consumption. The Scientific Committee of the governing body of the ICRW and the International Whaling Commission (IWC) has found that limited harvests would have no adverse impact on population stocks.

However, in the past, the United States and other nations have consistently opposed the resumptions of limited whaling on what amounts to purely a political agenda. For instance, the United States supported the adoption of the Southern Ocean Sanctuary for whales without any scientific basis for such a position. Further, the United States is supporting the adoption of a Pacific Ocean Sanctuary where there is no scientific basis for the establishment of such a sanctuary. Even after the Bush administration took office, the Department of State has opposed legal trade in whale products between Norway and Japan. I would sincerely urge the Bush administration to carefully review the United States policy in terms of science and law.

I must say, I was extremely pleased to note President Bush's recent remarks to the Environmental Youth Award winners about environmental policy. As you know, the President stated that decisions regarding environmental matters in his Administration would be, and I quote, "based upon sound science, not some environmental fad or what may sound good—that we're going to rely on the best evidence before we decide [on policy]."

After representing the Congress at two Conferences of the Parties (COP) to Convention on International Trade in Endangered Specie of Wild Fauna and Flora (CITES), as well as having chaired several hearings in the Congress about the sustainable use or renewable resources on the international level, I know the United States is certainly a nation that supports the consumptive use of renewable wildlife and marine resources under scientific management.

As such, I respectfully request that any future policy regarding various species—whether the subject species are elephants, whales, turtles, or trees—be based on sound science and the legal ramifications of the Uruguay Round Agreements of GATT.

I appreciate your attention to this request, and I look forward to your response. Please do not hesitate to contact me should you have questions or comments.

Sincerely,

RICHARD W. POMBO,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 3, 2001.

Hon. COLIN POWELL,
Secretary, U.S. Department of State,
Washington, DC.

DEAR SECRETARY POWELL: I am writing to express my strong support for the need for science to be the fundamental guide in United States participation in international conservation commitments as legally recognized under the Uruguay Round Agreements of the General Agreement on Tariffs and Trade (GATT).

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RICHARD W. POMBO,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 3, 2001.

Hon. DON EVANS,
Secretary, U.S. Department of Commerce,
Washington, DC.

DEAR SECRETARY EVANS: I am writing to express my strong support for the need for science to be the fundamental guide in United States participation in international conservation commitments as legally recognized under the Uruguay Round Agreements of the General Agreement on Tariffs and Trade (GATT).

Unfortunately, the United States policy under the former-Clinton administration acted contrary to this legal concept under the tenets of the International Convention for the Regulation of Whaling (ICRW). Specifically, it did so by continued opposition and obstructionist positions on the resumption of limited and managed whaling by island and coastal nations.

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However, in the past, the United States and other nations have consistently opposed the resumption of limited whaling on what amounts to purely a political agenda. For instance, the United States supported the adoption of the Southern Ocean Sanctuary for whales without any scientific basis for such a position. Further, the United States is supporting the adoption of a Pacific Ocean Sanctuary where there is no scientific basis for the establishment of such a sanctuary. Even after the Bush administration took office, the Department of State has opposed legal trade in whale products between Norway and Japan. I would sincerely urge the Bush administration to carefully review the United States policy in terms of science and law.

I must say, I was extremely pleased to note President Bush's recent remarks to the Environmental Youth Award winners about environmental policy. As you know, the President stated that decisions regarding environmental matters in his Administration would be, and I quote, "based upon sound science, not some environmental fad or what may sound good—that we're going to rely on the best evidence before we decide [on policy]."

After representing the Congress at two Conferences of the Parties (COP) to Convention on International Trade in Endangered Specie of Wild Fauna and Flora (CITES), as well as having chaired several hearings in the Congress about the sustainable use or renewable resources on the international level, I know the United States is certainly a nation that supports the consumptive use of renewable wildlife and marine resources under scientific management.

As such, I respectfully request that any future policy regarding various species—whether the subject species are elephants, whales, turtles, or trees—be based on sound science and the legal ramifications of the Uruguay Round Agreements of GATT.

I appreciate your attention to this request, and I look forward to your response. Please do not hesitate to contact me should you have questions or comments.

Sincerely,

RICHARD W. POMBO,
Member of Congress.

ERADICATION OF TUBERCULOSIS ON A WORLD-WIDE BASIS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. REYES. Mr. Speaker, as you know, infectious diseases are needlessly killing millions of people every year and cost the global community billions in healthcare costs and lost revenue. Diseases such as Tuberculosis (TB) are on the rise around the world, and due to their infectious properties, are threatening the health and welfare of Americans. TB cannot be stopped at our national borders and the only way to eliminate TB here at home is to control it abroad. In fact, according to the National Intelligence Council, new and reemerging infectious diseases will pose a rising global health threat and will complicate U.S. and global security over the next twenty years. We must take action to address these dangers now.

I feel strongly that Congress should make a significant investment in low-cost, high-impact programs like TB control. Mr. Speaker for just $20 to $100 invested in a quality TB program, a life can be saved. This is one of the most cost-effective health interventions available today. In FY2001, Congress provided $60 million for international TB control, a solid step towards addressing this killer. More must be done this year. Fifteen million people in the U.S. are infected with the TB bacteria, and nearly two million people perish world-wide each year. In addition, eight million people are afflicted with this disease annually and every second of every day, someone in the world is infected with the disease.

TB is the biggest killer of people with AIDS, and TB rates have skyrocketed in sub-Saharan Africa due to the AIDS/TB co-epidemics. Direct Observed Therapy treatment or "Dots" is one of the most cost-effective ways to prolong and improve the lives of people with HIV. As we increase resources for HIV and AIDS, it makes sense to increase funding for TB control as well.

If we do not act promptly, new deadly drug-resistant strains of TB and rising HIV rates will make TB very difficult or impossible to control. I have asked that we provide $200 million in the FY2002 foreign aid budget for the international TB control program.

Mr. Speaker, as a member of Congress from an international border city, I know the importance of combing TB at our borders. Now is the time to combat tuberculosis and eradicate this horrible disease before it begins more impacting on our population.

HONORING METRO SCHOOLS DIRECTOR, DR. BILL M. WISE, ON THE OCCASION OF HIS RETIREMENT FROM THE METROPOLITAN NASHVILLE-DAVIDSON COUNTY PUBLIC SCHOOL SYSTEM

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to honor Metro Schools Director, Dr. Bill M. Wise, on the occasion of his retirement from the Metropolitan/Davidson County/Nashville, Tennessee school system after 31 years of outstanding service to students, teachers, and personnel.

Dr. Wise is to be commended for the impact he has made on the local, state, and national levels through his tireless work to achieve unity during legal battles over court-ordered desegregation busing. His leadership proved pivotal in the successful resolution of this important matter. Leaders from across the Nation have sought his advice and expertise in this area and he has offered consultations and hope in times of crisis to schools in Texas, South Carolina, Mississippi, Georgia, Kentucky, North Carolina, and Alabama. Wise is also recognized nationally for his successful management skills and expertise in school facilities management.

His philosophy has always focused on what is best for students and student achievement including improving physical conditions in school facilities and fostering morale. Because of his strong leadership skills combined with character and courage, Wise's efforts have proven extremely fruitful.

A native Tennessean, Bill Wise was educated at the University of North Alabama in Florence, where he received a Bachelor of Science in 1963, and a Master's Degree in 1965. He continued his education at the University of Tennessee in Knoxville, earning a Doctorate of Education in 1970.

Wise began his career as an Alabama school teacher in 1963 working for the Florence City School system and later moving to the university level as an instructor and coach at the University of North Alabama until 1968.

After a two-year stint as a Ford Foundation Fellow at the University of Tennessee, Wise was named Assistant Superintendent for the Metropolitan Nashville-Davidson County Public School System in 1970. He was promoted to Deputy Superintendent, where he served from 1994–1997. He then became Interim Director of Schools and nine months later was named Director of Schools.

As Director of Schools, Wise has been responsible for an operating budget upwards of $300 million and a capital budget of nearly $100 million, while implementing and overseeing The Strategic Plan for the Metropolitan Nashville Public School District. The school district includes more than one hundred twenty-five public schools with thousands of students from all walks of life.

Wise has been honored numerous times by his peers. Recent awards include: the Council of the Great City Schools First Annual Bill Wise Award in 2000; the National Football Foundation and College Hall of Fame, Middle Tennessee Chapter, Distinguished American Award in 2001; and the Tennessee School Plant Management Association's Superintendent of the Year for 2001.

Additionally, he has been active in numerous professional organizations including: the American Association of School Administrators; the Tennessee Association for Supervision and Administration; the Council of the Great City Schools, Business Officials Group; the Southeastern Association of School Business Officials; Phi Delta Kappa; Iota Lambda Sigma; and Council of Educational Facility Planners.

His civic contributions include involvement on the Board of Directors for the following organizations: Green Hills YMCA; Nashville Chapter of the American Red Cross; National Kidney Foundation of Middle Tennessee (Past President); Nashville Institute for the Arts; Cumberland Science Museum; Boy Scouts of America's Middle Tennessee Council; Junior Achievement of Middle Tennessee, Inc.; and Metropolitan Nashville Public Education Foundation.

With the obvious challenges and changes that Wise has faced during his career in public education, I am pleased to honor him for facing adversity with courage and using the tools available in an imperfect system to craft a successful educational program for students in our community. I respect his philosophy of focusing on learning, support systems and appropriate settings for equity and excellence for all students and promoting change as positive and necessary for continual personal improvement.

In closing, Dr. Wise is to be commended for building a solid foundation for those who will follow in his footsteps and strive to meet the goal of improving educational opportunities for all Tennesseans. I have no doubt that his dedication and service to our community, our state, and our nation, will be remembered for many years to come.

SECTION 245(i) EXTENSION ACT OF 2001

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. GALLEGLY. Mr. Speaker, yesterday, I voted in favor of H.R. 1885, a bill sponsored by Immigration and Claims Subcommittee Chairman GEORGE GEKAS, which will extend by four months the time illegal immigrants may apply for legal residence while remaining in the United States. The measure requires illegal immigrants who utilize Section 245(i) of the immigration law to have been in the United States as of December 21, 2000. In addition, H.R. 1885 requires that the family relationship or employment existed by April 30, 2001. These two important provisions contained in H.R. 1885 will ensure that the extension of Section 245(i) does not provide future incentives for illegal immigration or punish legal immigrants waiting in line for their applications to be processed.

I supported this short-term extension of Section 245(i) because it will assist those immigrants who were eligible to apply for a green card as of April 30, but were unable to meet the deadline due to administrative problems, such as the INS not issuing regulations on Section 245(i) until March of this year. At the same time, H.R. 1885 will not reward those who enter illegally with the hope of becoming legal without first returning to their native country. Most importantly, it will send the message that legal immigrants, who waited in line and obeyed our immigration laws, should get first priority in the processing of immigration applications.

Although I supported this four-month extension of Section 245(i) for the reasons discussed above, I will not support any extension beyond this time period. This is not the first time that this ill-conceived provision has been extended. Section 245(i) was first added to the immigration law in 1994. Since that time, it has been extended on numerous occasions, including most recently in December of last year. This has provided persons who wanted to apply for permanent residency status more than enough time to submit their application to INS.

A longer extension than the period of time contained in H.R. 1885 will further encourage illegal immigration and punish legal immigrants waiting for their application to be processed. Also, because U.S. State Department consular officers are better suited than INS employees to determine if the illegal immigrant has a criminal background, a longer extension of Section 245(i) will undermine the important law enforcement goal of preventing criminal aliens from remaining in our country.

CONGRATULATING JOSE DE ESCANDON ELEMENTARY SCHOOL ON BEING NAMED A "BLUE RIBBON SCHOOL"

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. HINOJOSA. Mr. Speaker, I rise today to congratulate the Jose De Escandon Elementary School in the La Joya Independent School District in my South Texas district on being named a "Blue Ribbon School."

Quality education is the passport to a successful future and Escandon Elementary has been relentless in its pursuit of educational excellence. This award truly symbolizes the many successful futures this school has forged for its students.

La Joya is not a wealthy school district. The majority of the students are Hispanic and many live below the poverty level. It is in an isolated, rural community along the Texas-Mexico border. Despite these seeming disadvantages, under the leadership of Superintendent Dr. Robert Zamora and principal Benita Salazar, Escandon has demonstrated what can be achieved when parents, teachers, school officials and the community join together to utilize every resource to its fullest potential. In addition to the Blue Ribbon Award. Escandon has been recognized by the State of Texas as an Exemplalry Elementary School, having over 90 percent of its students pass the 3rd grade Texas Assessment of Academic Skills test.

Blue Ribbon Awards are exclusive in nature and are presented to only 264 elementary schools across the country including both public and private institutions. Schools receiving the award must demonstrate strong leadership; a clear vision and sense of mission; high-quality teaching; challenging up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; solid evidence of family involvement; evidence that the school is helping ALL students achieve high standards; and a commitment to share best practices with other schools.

On Monday, I will be visiting Escandon Elementary to celebrate its great achievement. The citizens of La Joya are fiercely proud of their town and their school. This award is not only a reflection of the exemplary work that the children have done, but also a reflection of the values and dedication of the whole community. I would encourage every locality to follow La Joya's example. When the entire community works together and commits to helping every child succeed, it will happen and all of our children will receive the quality education they deserve.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, because my flight to Washington was delayed, I was unable to vote yesterday evening on rollcall No. 126, concerning a resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day. Had I been present, I would have voted "aye."

CONCERNING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. REYES. Mr. Speaker, I rise in support of H.R. 428, a bill which calls for Taiwan's participation in the World Health Organization (WHO). I would also like to commend the author of the legislation, my friend and colleague from Ohio, Mr. SHERROD BROWN, for his leadership on this issue. I am proud to join as a co-sponsor of this important bipartisan legislation.

Mr. Speaker, as you know, the World Health Organization is the most important international health organization in the world. In its charter, the WHO sets forth the crucial objective of attaining the highest possible level of health for all people, yet today the 23 million citizens of Taiwan are denied appropriate and meaningful participation in the international health forums and programs conducted by the WHO. Currently, there are over 190 participants in the WHO; Taiwan is not one of them. What this means is that Taiwan is not permitted to receive WHO benefits.

Access to the WHO ensures that the highest standards of health information and services are provided, facilitating the eradication of disease and improvement of public health on a world-wide basis. The work of the WHO is particularly crucial today given the tremendous volume of international travel, which has heightened the transmission of communicable diseases between borders. Lack of access to WHO protections has caused people of Taiwan to suffer needlessly.

Mr. Speaker, there is no good reason why Taiwan should be denied observer status with the World Health Organization. As a strong democracy and one of the world's most robust economies, Taiwan should participate in the health services and medical protections offered by the WHO. In addition, the WHO stands to benefit significantly from the financial and technological contributions that Taiwan has to offer.

Mr. Speaker, I strongly urge my colleagues to vote in favor of this legislation.

COMMENDING JUDY BELL—FIRST LADY OF GOLF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise to direct the attention of my Colleagues to Hasbrouck Heights, New Jersey where this evening one of golf's legends will be honored. The Professional Golf Association (PGA) will honor Judy Bell as recipient of this year's "First Lady of Golf Award". The PGA First Lady of Golf Award, inaugurated in 1998, is presented to a woman who has made significant contributions to the promotion of the game of golf.

With interest and participation in golf growing to new heights every year, it is appropriate that the stewards of the game honor those who laid a strong foundation for today's success.

Judy Bell's golf career—which spans the 50's, 60's, 70's 80's, 90's and has now reached into the new millennium—has been marked by one outstanding achievement after another. She has made significant contributions as a champion player, Rules official and an industry leader. Her lifetime record of service to the golf industry includes becoming the first woman to be elected president of the United States Golf Association. Bell was elected the USGA's 54th president from 1996–97. Today, the 64-year-old Bell is in her 34th year of service to the USGA, and is consulting director of the USGA Foundation.

Bell is a 1961 graduate of Wichita State University, where she was a two-time NCAA runner-up during a prolific amateur career. She won three Kansas State Amateur championships, and competed at age 14 in the 1950 U.S. Women's Open, which would be the first of 38 USGA championship appearances. She was a two-time Curtis Cup Team member (1960, '62) and a two-time Curtis Cup Team Captain (1986, '88). She is the only individual to captain both a men's and women's U.S. World Amateur Team, leading the women in Stockholm, Sweden in 1988, and the men in Badsarrow, Germany in 2000. In addition, Judy Bell has been a USGA Rules official since the 1970s and has worked both the U.S. Open and U.S. Women's Open.

Judy Bell has been a source of inspiration to all she meets. By her work, by her words and by her example, she has brought a countless men, women and youngsters into the game. I urge my Colleagues to join me in paying tribute to Judy Bell—this year's recipient of the PGA's "First Lady of Golf" award.

A TRIBUTE TO MICHAEL V. FINLEY, YELLOWSTONE NATIONAL PARK SUPERINTENDENT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to the 30-year-public service career of Michael V. Finley, the superintendent of Yellowstone National Park. After providing leadership in parks ranging from Yosemite in California to the Everglades in Florida. Superintendent Finley will retire in June for a new career in private industry.

Starting with his first ranger position at Big Bend National Park, Michael Finley has worked a rich and varied career helping keep America's National Park system beautiful and educational for our citizens and visitors from around the world. He actually began his life in our parks in 1965 as a seasonal fire control aide, working throughout the West for the next six years.

Over the years, Michael Finley has developed an expertise in inter-governmental relations, working with state and local governments and on Native American issues. He has directed legislative efforts, research projects, law enforcement operations, museums and cultural facilities, engineering and maintenance programs and oversight of mining and mineral uses in the parks. He has worked extensively with the media and public interest groups, and is an international expert on conservation efforts.

His awards have included the National Park Service Superior Performance Award, the Department of Interior's Meritorious Service Award, and national recognition for public service by conservation groups.

Californians have been among those who have most benefited from Superintendent Finley's expertise. He was a ranger in Pinnacles National Monument and Redwood National Park, as well as ranger and superintendent of Yosemite from 1989–1994. He also served as a federal liaison and trainer in the development of seven state parks in the Santa Cruz Mountains of California. He was also superintendent of Assateague Island National Seashore in Maryland and as associate regional director for 13 parks in the Alaska region. Before taking over as Yellowstone superintendent in 1994, he was acting associate director of operations for the park service.

In his role as chief of the crown jewel of American parks, Superintendent Finley has successfully managed a staff of 800 and a budget of $25 million. He helped create the Yellowstone Park Foundation to solicit private support for the world's first national park, and set Yellowstone on a course that will preserve its natural heritage, while providing the best possible experience for the 3 million people who visit each year.

Mr. Speaker, Michael Finley is leaving the park service to become president of the Turner Foundation in Atlanta, Georgia, one of the most dynamic philanthropic organizations in the nation. Please join me in thanking him for his years of service to our nation's parks, and wishing him and his wife, Lillie, continued success in their new endeavors.

INTRODUCING LEGISLATION CONGRATULATING THE UNIVERSITY OF MINNESOTA ON ITS 150TH ANNIVERSARY

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. SABO. Mr. Speaker, today, along with my colleagues from Minnesota, I am introducing legislation congratulating the University of Minnesota and its faculty, staff, students, alumni, and friends on the occasion of its 150th anniversary.

Mr. Speaker, the University of Minnesota is a land grant institution established in 1851, seven years before the state of Minnesota was accepted into the Union. Since its creation, the University of Minnesota has become one of the most comprehensive and prestigious universities in the United States, and is a major research institution spanning four campuses and outreach centers statewide.

During its first 150 years, the University of Minnesota has awarded more than 537,575 degrees, including more than 24,728 doctoral degrees. Among the University of Minnesota's accomplished faculty and alumni are 13 Nobel Prize winners.

The University of Minnesota's faculty, staff, and students have made significant contributions to our nation, and our world, which include the establishment of the world's leading kidney transplant center, as well as the invention of the flight recorder (commonly known as the "black box"), retractable seat belt, and the heart-lung machine used in the world's first open-heart surgery.

The University of Minnesota has also made contributions in other areas such as agriculture, manufacturing, and physical sciences, including the creation of more than 80 new crop varieties, the development of the taconite process, and the isolation of uranium-235.

The University of Minnesota reaches across the state with its Extension Service, which has contact with 700,000 Minnesotans each year. With program areas ranging from crop management to effective parenting, all Minnesotans benefit from the University of Minnesota Extension Service.

Mr. Speaker, the University of Minnesota is an esteemed institution of higher learning, and as we mark its 150th Anniversary, I invite my colleagues to join me, and my fellow Minnesota colleagues, in honoring this remarkable university and its contributions to us all.

TRIBUTE TO BECKY TRINKLEIN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor Becky Trinklein as she prepares to celebrate twenty-five years of dutiful service as an educator, the past twenty years of which she spent at Immanuel Lutheran School in Frankenmuth, Michigan. Becky's faithfulness and dedication in sharing the good news of God's love in Christ with her students and others has made her an invaluable part of Lutheran education in her community.

A native of Frankenmuth, Becky is the only child of Victor and Marguerite Trinklein. The love and support of her family has carried her through every facet of her career and molded her into the unique, caring woman that she is today.

Becky holds a bachelor's degree in education with a special concentration in art education and a master's degree in education with a focus on early childhood education from Concordia Teacher's College. Her strong faith and adherence to God's will led her from St. John Lutheran School of Edgerton, Wisconsin, where she taught kindergarten and preschool for five years, to a similar job at Immanuel Lutheran School in the fall of 1981.

While Becky's teaching ministry has been distinguished, her noteworthiness extends far beyond the classroom walls. She has held leadership positions in the Michigan District Early Childhood Educators Conference, the North and East Lutheran Schools Early Childhood Educators Conference, and the Bay-Midland Lutheran Teachers Conference. The Michigan Region Five Odyssey of the Mind Board and the Bay Arenac Skill Center Advisory Committee have also benefited from her time and attention to service. Immanuel Lutheran has flourished from the commitment of this exceptional teacher and her presence has graced many committees and projects.

Finally, Mr. Speaker, I wish to praise Becky for her continued adherence to excellence in education. The early school years put an indelible stamp on children and Becky Trinklein's strong influence has helped instill in them a sense of self-worth and pride that will carry them far in achieving success in life. I ask my colleagues to join me in expressing gratitude to Ms. Trinklein for her dedicated service to the children and in wishing her continued success.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. OWENS. Mr. Speaker, due to an emergency in my district I unexpectedly missed two votes yesterday. If present I would have voted "yea" on rollcall votes No. 126 and No. 127.

WELCOME TO NEWARK, OTUMFUO OSEI TUTU II, SIXTEENTH ASANTEHENE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. PAYNE. Mr. Speaker, on Tuesday, May 22, my home city of Newark, New Jersey will have the privilege of hosting Otumfuo Osei Tutu II, sixteenth Asantehene, direct successor to Opemsuo Osei Tutu I from Ghana. I would like to ask my colleagues here in the United States House of Representatives to join me in welcoming the leader of Ghana to New Jersey. Our nation has a special relationship with Ghana, which in 1957 became the first country in colonial Africa to achieve independence. Kwame Nkrumah, the first president of the Republic of Ghana, earned a college degree from Lincoln University in Pennsylvania in 1939, creating a close bond between the people of Ghana and African Americans. When I had the great honor of accompanying President Clinton on his historic trip to Africa, we received a warm and enthusiastic welcome when over 500,000 Ghanaians came out to greet us.

Otumfuo Osei Tutu II has won admiration for the unique leadership he has provided the people of Asante and Ghana in general since he assumed the high office of Asantehene and the heavy responsibilities that go with the position. This dynamic, personable king has succeeded in refocusing the attention of the Asante nation and Ghana, on the development of the country's most valuable resource—its people. It is for this reason that his vision encompasses education, health and industry. A healthy people equipped with the requisite technical and scientific skill and knowledge constitute an invaluable asset to any community, any nation that aspires to achieve maximum industrialization.

Born on the 6th of May 1950 and named Barima Kwaku Duah, Otumfuo Osei Tutu II is the youngest of the five children of Nana Afua Kobi Scrwaa Ampem II, Asantchemaa (Queen Mother of Asante). Under his Majesty's leadership and direction numerous and very drastic efforts have been made to assess and redefine traditional roles, integrating some into global standards based in practicality, sustainability and functionality. What has emerged is a much better administrative design of six strategically functional and articulate units of the system.

As part of mobilization efforts to relax some aspects of Asante culture to embrace development and progress, Otumfuo has embarked on a drastic overhaul of the Kingdom and its logistics to enable the Manhyia Palace to better equip and prepare itself and its traditional leaders to accommodate the impeding challenges of development. By liberalizing various aspects of the Kingdom, Otumfuo has enhanced governance and emphasized development.

HONORING CAPTAIN WILLIAM W. COPPERNOL

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to share with my colleagues an accomplishment by a young man serving in the United States Army. Captain William W. Coppernol, who is from Burlington, Wisconsin, has received the General Douglas MacArthur Leadership Award. This award is given to those Army officers who embody the leadership ideals of General MacArthur. After my meeting with him this afternoon, I can certainly see why he was chosen for this prestigious award.

Captain Coppernol is an excellent example of the American military servicemember. He grew up in a city not far from me in southern Wisconsin. His family is still there, with his father working in Milwaukee for the FAA and his mother working at Burlington Catholic Central High School. Captain Coppernol is now stationed in Minnesota, which he is happy about because his parents can see their grandson, William, more often.

While Captain Coppernol is a family man, he is also an Army man. He is a bright man who plans to make a career out of the Army, and our country should be thankful for it. This "Army of One" is a true asset to the United States of America. I congratulate Captain Coppernol on receiving the General Douglas MacArthur Leadership Award.

VETERINARY HEALTH ENHANCEMENT ACT FOR UNDER-SERVED AREAS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. PICKERING. Mr. Speaker, many rural and inner city areas of the United States lack proper veterinary care within their communities. As a result, the health of both animals and humans in these areas is at risk. In many cases, veterinarians, upon graduating from a school of veterinary medicine, opt to practice in prosperous urban settings which often provide opportunities for higher standings of living. The result is a lack of animal health care professionals in hundreds of communities and rural regions.

Rural areas of the United States are going through a unique transformation. Thousands of small-town, agrarian communities are literally vanishing. These agricultural communities are dependent upon livestock veterinarians to help ensure the well-being of their rural economies. Unfortunately, lower earning potential, long hours, unfavorable weather conditions, danger, and fewer farmers are making livestock veterinarians remarkably scarce in these agrarian communities.

In the same respect, inner-city areas have also noticed a shortage of animal health care professionals within their communities. These areas are potential hotbeds for dangerous diseases carried by rodents and stray animals. These diseases can be easily transmitted to residents, particularly more highly-susceptible children. Veterinarians may often be the key in preventing the spread of such diseases in highly-populated, inner-city areas.

In response to the growing number of under-served areas that are lacking animal health care professionals, I am introducing the "Veterinary Health Enhancement Act for Under-served Areas" to meet the health care needs of these communities. Under this proposal, veterinary students will be provided scholarships and tuition debt relief if they choose to choose to practice in under-served areas for an agreed upon period of time. The result of having veterinarians provide their services to these communities will improve animal health, will ensure that the risk of disease transfer from animals to humans is minimal, and will improve economic opportunities for agriculture producers who depend on livestock veterinarians.

This is non-controversial legislation that will provide benefits to the entire country. I urge my colleagues to show their commitment to communities throughout their respective districts which lack proper veterinary care by lending their support for the "Veterinary Health Enhancement Act for Under-Served Areas".

HONORING MRS. EDDIE LEE EDWARDS MCPHERSON ON HER BIRTHDAY

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. KINGSTON. Mr. Speaker, it is my distinct honor and pleasure to rise today on behalf of a very special person who resides in my district. On Saturday, May 26th, Mrs. Eddie Lee Edwards McPherson will be celebrating her 80th birthday along with her friends and family. I would like to join with the many in congratulating her upon this significant milestone.

Eddie Lee was born to the late Samuel P. M. Rhodes and the late Florence Hagins Rhodes in 1921 in Bulloch County, GA; and was united in marriage to the late Joseph Sterling Edwards, Sr. with whom she was blessed with her six children, four daughters and two sons. She is currently married to Leroy McPherson who graced her with four stepchildren, three daughters and one son. Throughout her life, though, the Lord bestowed upon her the love of even more sons and daughters-in-law, numerous grandchildren and great-grandchildren, as well as other embraced children.

Mrs. McPherson graduated from Savannah State College with a degree in Elementary Education. Throughout her career, Eddie Lee was given the opportunity to reach many young children at Perry Elementary, Viola Burroughs Elementary, C.B. Greer Elementary and Ballard Elementary. She has also served faithfully in the community and at local churches.

This remarkable lady is an encourager, a disciplinarian, a dear friend to many and an indomitable matriarch. Her faith, courage and kindness are an inspiration to all who have been touched by her. God blessed us when he gave us Mrs. Eddie Lee Edwards McPherson. May God bless her on her 80th birthday.

PERSONAL EXPLANATION

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. TIBERI. Mr. Speaker, on Monday, May 21, 2001, my plane was delayed in arriving due to bad weather. As a result, I was not present for Roll Call Vote #126, Expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day and Roll Call Vote #127, the 245(i) Extension Act of 2001.

Had I been present, I would have voted "yea" on Roll Call Vote #126 and #127.

"A TRIBUTE TO COMMANDER JAMES F. STADER"

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize an outstanding Marine Corps Officer, Major Stewart H. Holmes, who served with distinction and dedication for two and a half years for the Secretary of the Navy, Commandant of the Marine Corps and under the Assistant Secretary of the Navy (FM&C) as the Marine Corps Appropriations Liaison Officer in the Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the United States Marine Corps, the Department of the Navy, the Congress, and our nation.

During his tenure in the Appropriations Matters Office, which began in December of 1998, Major Holmes has provided members of the House Appropriations Committee, Subcommittee on Defense as well as our professional and associate staffs with timely and accurate support regarding Marine Corps plans, programs and budget decisions. His valuable contributions have enabled the Defense Subcommittee and the Marine Corps to strengthen its close working relationship and to ensure the most modern, well-trained and well-equipped marine forces attainable for our nation's defense.

Mr. Speaker, Stewart Holmes and his wife Deborah have made many sacrifices during his marine career, and his distinguished service has exemplified the Marine motto "Semper Fidelis." As they depart the Appropriations Matters Office to embark on yet another great Marine adventure, I call upon colleagues to wish them both every success.

HONORING RYAN PATTERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor one of the bright young minds of western Colorado. Central High School junior Ryan Patterson, amazed people for the second year in a row at a science fair for creating a compact device capable of digitally translating sign language onto a small electronic readout.

Ryan is no stranger at science fairs. He was the winner of last years science fair and went on to win first place and nearly $10,000 at the Intel International Science and Engineering Fair in Detroit. In total, Ryan has won numerous science awards, $192,000 in scholarships, $15,750 in cash, two lap-tops, and two trips to Stockholm, Sweden, for the Nobel Prize ceremonies. Seventeen year-old Ryan recently won the top award in the International Science Fair in San Jose, California.

The device that brought young Ryan all this fame is a glove that translates American Sign Language into digital information that can be read on a portable screen. The device will assist those with speaking disabilities communicate anywhere without a translator. Ryan came up with this while in a Burger King. "I was in Burger King when I saw some people ordering their food in sign language with someone else translating for them," "So I thought something like this would help them become more independent by being able to communicate easier."

"For me, it's been an incredible journey," said John McConnell, a retired physicist. "I'm 70 years old and he's one of the greatest joys of my life." Tests for the device were promising enough that Ryan plans on seeking a patent and he hopes to manufacture it.

Mr. Speaker, Ryan has a bright future ahead of him, and I would like to congratulate him on behalf of Congress and wish him the best of luck in his future endeavors. Ryan's family, classmates, and Western Colorado can be proud of Ryan for his accomplishments.

RECOGNITION OF NATIONAL MARITIME DAY 2001

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. HORN. Mr. Speaker, I rise to recognize today, May 22, 2001, as National Maritime Day. In 1933 the 73rd Congress passed Senate Joint Resolution 7 designating May 22nd as National Maritime Day. Since that time every President starting with Franklin Roosevelt has issued an annual proclamation declaring May 22nd as National Maritime Day. I am pleased that President Bush has continued that proud tradition again this year.

With yesterday's passage of House Concurrent Resolution 109, this body took a positive step toward recognizing the significant contributions of the United States Merchant Marine to our maritime defense and national security. This resolution acknowledges the critical role played by vessels of the U.S. Merchant Marine fleet in transporting equipment, supplies, and personnel to support the nation's defense and recognizing the historical significance of May 22nd as National Maritime Day. It encourages the American people and appropriate government agencies to recognize the services and sacrifices of the U.S. Merchant Marine through ceremonies. And it requests that all U.s. ships prominently display the American flag on this day. As a co-sponsor of this legislation, I am pleased to see its passage in the House.

It is fitting to honor the past and present members of the U.S. Merchant Marine. To this end, I introduced legislation in the last Congress to authorize additional federal funding for the Merchant Marine Memorial Wall in San Pedro, California. This provision has been incorporated into broader legislation, H.R. 1098 and I am pleased with the legislative progress of the Maritime Policy Improvement Act of 2001 thus far. The House passed this measure in March by a bi-partisan vote of 415 to 3. The Senate Committee on Commerce recently approved this legislation. It is my hope that the full Senate will act soon on H.R. 1098 and that we will send this legislation to the President shortly.

I am proud to acknowledge the U.S. maritime fleet on National Maritime Day. Each day U.S. mariners diligently transport tons of imports and exports from ports around the country, many working in my district at the Ports of Los Angeles and Long Beach. On this day, we thank those people civilian and military, who spend their days on the water serving the American people.

THANKING JEAN HULL FOR HER YEARS OF VOLUNTEER WORK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment and say thank you to a resident of Glenwood Springs, Colorado. For 45 years, Jean Hull has volunteered her time with the hospital auxiliary. Throughout these 45 years, Jean has been a warm, friendly face for not only visitors but hospital employees as well.

Jean started out volunteering at the information desk in 1956 when the Valley View Hospital Auxiliary was formed. "She has lent her support for literally the entire existence of Valley View," said Gary Brewer, the Hospital Administrator. "Her gentle, competent and positive presence is valued by the hospital, and by our patients and families." Jean now volunteers every Thursday in the gift shop, where she is known as a very persuasive seller. Jean also helps with fund-raisers.

Other groups have benefited from Jean's willingness to volunteer her time. Jean was part of the Parent-Teacher Association. She is an active member of the First Presbyterian Church of Glenwood Springs, and for the past 28 years, she has been a member of the P.E.O., which raises money to help young women finish their education. "It's a tremendous way for someone just moving into Glenwood to become acquainted. It's a wonderful way of doing something worthwhile. You feel like you're doing something for the community."

During the month of May, Valley View Hospital named Jean "Volunteer of the Year". "I was just overwhelmed, and very flattered of course," Jean said. "Many volunteers have many more hours than I do."

Mr. Speaker, I hope that you and Congress will join me in congratulating Jean on her award and thank her for all she has done for the community of Glenwood Springs.

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. ROGERS of Kentucky. Mr. Speaker, I was unavoidably detained for several rollcall votes on May 21st and May 22nd due to flight delays and cancellations. The votes were on passage of H. Con. Res. 56, and on adoption of several amendments to H.R. 1, to Leave No Child Behind Act of 2001. If I had been present, I would have voted the following: rollcall vote No. 126—"yea"; rollcall vote No. 128—"yea"; rollcall vote No. 129—"yea"; rollcall vote No. 130—"nay"; and rollcall vote No. 131—"yea".

In particular, I want to voice my strong support for H. Con. Res. 56, a resolution recognizing National Pearl Harbor Remembrance Day. This resolution pays tribute to the roughly 2,400 American citizens who died in the attack that day, and to the more than 12,000 members of the Pearl Harbor Survivors Association. The story of Pearl Harbor will always invoke tragic memories for all of us, and it is appropriate that we pay special tribute and respect towards the military men and women who have paid the ultimate price to preserve the freedoms we Americans enjoy to this day.

TRIBUTE TO WATERSHED PIONEER LYNDON V. "LINDY" GRANAT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. McINNIS. Mr. Speaker, a most respected member of Western Colorado passed away on May 12, 2001. Lyndon V. "Lindy" Granat was a pioneer in Western Colorado, and I would like Congress to pause a moment and recognize Lindy for his years of work and dedication to the community. Everyone who knew him will sorely miss him.

Lindy was born in Eagle Bend, Minnesota, and in 1920 at the age of seven he moved to Palisade, Colorado in 1920 with his family. He graduated from Palisade High School in 1930 and three years later he met his future wife, Violet Wolverton. He and Violet married in 1935. Lindy was a peach rancher until his retirement in 1978. According to his family, "Lindy had a lifelong love of Palisade, calling it 'God's Country' and Palisade is richer efforts."

Lindy spent a lifetime booster the town, fighting for every cause. During his life he belonged to countless organizations like the Peach Board of Control and the United Fruit Growers Association where he served on the board of directors. He was a lifetime member of the NRA and the Western Colorado Horticulture Society.

Lindy is best known for helping to build the Palisade Watershed along with George Nesbitt, Ray Denison, and Bob Flockhart. As a result, Lindy was often the unofficial tour guide. In 1995 the Town of Palisade named the Granat Reservoir in his honor because of his intimate knowledge of the watershed's development. The Palisade Watershed is how the town receives its water from the Grand Mesa.

"He was a true gentle giant because his heart overflowed with love—love for his family, friends and his town. He was loyal, the kind of man you could count on, no matter what the need," said the Palisade Tribune.

Mr. Speaker, Lyndon V. "Lindy" Granat deserves the thanks and praise of Congress for all of his work for the Town of Palisade throughout his life. The memory of Lindy will last forever with wife and his sons Gary and Roger, his daughter Ruth and his grandchildren.

SENATE—*Wednesday, May 23, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF SESSIONS, a Senator from the State of Alabama.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, His Holiness Catholicos Karekin the Second, Catholicos of All Armenians, Holy Etchmiadzin, Republic of Armenia.

PRAYER

The guest Chaplain, Catholicos Karekin the Second, offered the following prayer:

Almighty God and Lord, we come together from different places, cultures, and traditions on a unique day You have created. We rejoice and are glad in it. Help us walk together in Your light.

Thank You for our diversity and the richness this brings when we share our lives. Help us understand each other through our differences and recognize what we have in common. Thank You for democracy, which gives such dignity to each person and reflects Your sense of human worth. Please nurture our democracies—America, which has grown strong over two centuries, and Armenia, a new democracy with strong hopes. In this year, when we recognize the 1700th anniversary of Armenia's conversion to Christianity, may we grow stronger in faith and remember the importance of being true to the vision You give.

We join the prayer of St. Nersess the Graceful and ask You for wisdom so we may always think, speak, and do what is good in Your sight, and to save us from evil thoughts, words, and deeds. Please give us wisdom in our decisions and dealings with each other, staff, constituents, and those seeking our help. Thank You for placing us in positions of influence. Help us make the Nation and our world better.

Holy Father, I ask You to bless the Senators, the American Government and people, and Armenian people and nation. I pray for the unity of churches and peoples and ask You to bless the clergy of this Nation. We know that You alone are God. To You be glory, power, and honor, now and always and unto the ages of ages. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF SESSIONS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 21, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF SESSIONS, a Senator from the State of Alabama, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. SESSIONS thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. SARBANES. I ask unanimous consent to proceed as in morning business for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUEST CHAPLAIN KAREKIN II

Mr. SARBANES. Mr. President, I know I speak for all of my colleagues in thanking His Holiness, Catholicos Karekin the Second, the Supreme Patriarch and Catholicos of All Armenians, for leading the Senate in prayer this morning. His prayer, I must say, was inspiring. I hope all of us took to heart particularly his admonition that we should show wisdom in our dealings with one another.

His Holiness is the world leader of the Armenian Church, which traces its roots to the first century preaching of Jesus' Apostles, Saint Thaddeus and Saint Bartholomew. The Armenian Church is among the Orthodox churches, which, along with the Catholic and Protestant Churches, constitutes one of three branches of Christianity.

The Catholicos was elected democratically by an assembly of clergy and lay delegates from around the world in October 1999. He is the 132nd in a continuous line of catholicoi. He sits in Armenia and administers the Armenian Church from the Mother See of Holy Etchmiadzin and has authority over Dioceses on five continents.

In the United States, there are well over 1 million Armenian Americans who live in all parts of our country. They have made very important contributions to all aspects of American life.

His Holiness is well known not only for his spiritual leadership but his charitable works to help the needy, his educational programs, and his management skills. He is also recognized in the international religious community, where he sought to draw churches closer together. He has met with John Paul II and will be meeting in September with Pope John Paul II when he comes to visit Armenia.

The Catholicos is visiting the United States to celebrate the 1700th anniversary of the conversion of Armenia to Christianity. He is meeting with U.S. religious leaders and the Armenian-American communities. The theme of his visit is "Walking Together in the Light of the Lord."

Mr. President, we are pleased and honored that he is here with us today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will resume voting—and voting—on amendments to the reconciliation and tax relief bill, and consecutive votes will occur throughout the morning. It is hoped—hope springs eternal—that final passage on the tax relief and reconciliation bill will occur during today's session. If passage occurs as expected, the Senate will resume consideration of the education bill. There will be additional votes all throughout the day, and Senators are encouraged to stay in the Senate Chamber after the final votes on the tax bill. I thank my colleagues for their consideration and cooperation.

Mr. President, I yield the floor.

Mr. REID. Mr. President, before we hear from our friend, I wish to indicate to the Senate that we have six amendments lined up. We are confident that the two leaders can work something out during the day. We hope maybe there can be some end to the debate on this bill, but that will be up to the two leaders. We have shared the first amendment with the majority. We have five others we will give to them briefly.

We are hopeful things will move along well today, and especially, if we stick to our 10-minute voting, I think we can go through the first six amendments at an accelerated rate.

Mr. ROBERTS. I say that is splendid news.

RESTORING EARNINGS TO LIFT INDIVIDUALS AND EMPOWER FAMILIES (RELIEF) ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 1836, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1836) to provide the reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

Pending:

Collins/Warner amendment No. 675, to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Maine.

AMENDMENT NO. 741

Ms. SNOWE. Mr. President, I send up amendment No. 741 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for herself, Mrs. LINCOLN, Mr. JEFFORDS, Mr. CHAFEE, Mr. DEWINE, Mr. KERRY; Mr. DODD, Mr. ROCKEFELLER, Ms. COLLINS, Mr. DOMENICI, and Mr. SMITH of Oregon, proposes an amendment numbered 741.

Ms. SNOWE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the modifications to the child tax credit contained in section 201 should be part of the final tax package)

On page 18, between lines 14 and 15, insert:

SEC. 202. SENSE OF THE SENATE ON THE MODIFICATIONS TO THE CHILD TAX CREDIT.

(a) FINDINGS.—

(1) There are over 12,000,000 children in poverty in the United States—about 78 percent of these children live in working families.

(2) The child tax credit was originally designed to benefit families with children in recognition of the costs associated with raising children.

(3) There are 15,400,000 children whose families would not benefit from the doubling of the child tax credit unless it is made refundable and another 7,000,000 children live in families who will not receive an increased benefit under the bill unless the credit is made refundable.

(4) A person who earns the Federal minimum wage and works 40 hours a week for 50 weeks a year earns approximately $10,300.

(5) The provision included in section 201 would give families with children the benefit of a partially refundable child tax credit based on 15 cents of their income for every dollar earned above $10,000.

(6) For a family earning $15,000 that is an additional $750 to help make ends meet.

(7) Doubling the child tax credit to $1,000 and making it partially refundable will benefit over 37,000,000 families with dependent children.

(8) The expansion of the child tax credit included in section 201 is a meaningful and a responsible effort on the part of the Senate to address the needs of low income working families to promote work and such an expansion would provide the benefit of a child tax credit to 10,700,000 more children than the provision passed by the House of Representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the "10–15" child tax credit provision included in section 201 is a worthy start, and should be maintained as part of the final package.

Ms. SNOWE. Mr. President, I rise today to offer a sense of the Senate amendment in support of the provisions in the bill that expand and extend the child tax credit to millions of working families. I am joined in offering this amendment by Senators LINCOLN, JEFFORDS, CHAFEE, DEWINE, KERRY, DODD, ROCKEFELLER, COLLINS, DOMENICI, SMITH of Oregon, and WELLSTONE.

The RELIEF Act doubles the maximum child tax credit from $500 to $1,000 per child and extends it by making it partially refundable for 15 cents on every dollar earned above $10,000. These provisions were incorporated in the bill during the Senate Finance Committee markup on a bipartisan basis and, together, these provisions will extend the benefits of the child tax credit to more than 55 million children nationally, as well as 37 million families. Without refundability, almost 16 million of these children would not be eligible for an increased benefit. The overwhelming majority of these children—almost two-thirds—live in working families.

This amendment demonstrates our commitment to the child tax credit provisions in this package. I urge support of the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. Mr. President, I know of no opposition to this amendment. We yield back our time.

The PRESIDING OFFICER. All time is yielded back.

Ms. SNOWE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—94

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—4

Enzi
Gramm
Kyl
Nickles

NOT VOTING—2

Helms
McCain

The amendment (No. 741) was agreed to.

AMENDMENT NO. 769, AS MODIFIED

Mr. NELSON of Nebraska. Mr. President, I call up my amendment No. 769 and ask unanimous consent to modify it.

The PRESIDING OFFICER. The Senator has that right. Without objection, the amendment is modified. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 769, as modified.

Mr. NELSON of Nebraska. I ask unanimous consent reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, is so ordered.

The amendment is as follows:

(Purpose: To provide a circuit breaker for tax cuts if debt levels are not reduced as provided in the budget resolution for fiscal year 2002)

At the appropriate place, insert the following:

SEC. . CIRCUIT BREAKER.

(a) IN GENERAL.—In any fiscal year beginning with fiscal year 2004, if the level of debt held by the public at the end of that fiscal year (as projected by the Office of Management and Budget sequestration update report on August 20th preceding the beginning of that fiscal year) would exceed the level of debt held by the public for that fiscal year set forth in the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress), any Member of Congress may move to proceed to a bill that would make changes in law to reduce discretionary spending and direct spending (except for changes in Social Security, Medicare and COLA's) and increase revenues in a manner that would reduce the debt held by the public for the fiscal year to a level not exceeding the level provided in that concurrent resolution for that fiscal year.

(b) CONSIDERATION OF LEGISLATION.—A bill considered under subsection (a) shall be considered as provided in section 310(e) of the Congressional Budget Act of 1974 (2 U.S.C. 641(e)).

(c) PROCEDURE.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report, pursuant to this section, that contains any provisions other than those enumerated in section 310(a)(1) and 310(a)(2) of the Congressional Budget Act of 1974. This point of order may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members duly chosen and sworn. An affirmative vote of three-fifths of the Members duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

Mr. NELSON of Nebraska. This amendment is a circuit breaker as opposed to a trigger. Nothing automatically kicks in as in the case of the trigger amendments that have been offered in the past but it does, in fact, create an opportunity for a privileged motion that deals with spending or tax cuts in the event the debt reduction targets are not being met.

Mr. BAUCUS. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will please come to order.

Mr. NELSON of Nebraska. Mr. President, this circuit breaker does not specify any action to be taken if the midcourse review legislation is not enacted into law. What it does is it simply permits any Senator to bring up a privileged motion that deals with spending or tax cuts but exempts Social Security, Medicare, and COLA's from being subject to any potential spending cuts in the midcourse correction.

I hope my colleagues will support this amendment. I ask they do so.

Mr. GRASSLEY. Mr. President, I am not going to use my 1 minute. With this modification, I ask unanimous consent the amendment be agreed to; if not, then by voice vote.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. GRASSLEY. I do.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 769), as modified, was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the list we gave to the majority lists Senator DURBIN being next but we want to flip that and have Senator GRAHAM's amendment be next in order.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

AMENDMENT NO. 784

Mr. HARKIN. Mr. President, I call up amendment No. 784 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. JOHNSON, proposes an amendment numbered 784.

Mr. HARKIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a deduction for unreimbursed expenses related to certain public activities of emergency response professionals)

At the end of subtitle D of title IV, add the following:

SEC. . ABOVE-THE-LINE DEDUCTION FOR QUALIFIED EMERGENCY RESPONSE EXPENSES OF ELIGIBLE EMERGENCY RESPONSE PROFESSIONALS.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals), as amended by this Act, is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

"SEC. 224. QUALIFIED EMERGENCY RESPONSE EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an eligible emergency response professional, there shall be allowed as a deduction an amount equal to the qualified expenses paid or incurred by the taxpayer during the taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE EMERGENCY RESPONSE PROFESSIONAL.—The term 'eligible emergency response professional' includes—

"(A) a full-time employee of any police department or fire department which is organized and operated by a governmental entity to provide police protection, firefighting service, or emergency medical services for any area within the jurisdiction of such governmental entity,

"(B) an emergency medical technician licensed by a State who is employed by a State or non-profit to provide emergency medical services, and

"(C) a member of a volunteer fire department which is organized to provide firefighting or emergency medical services for any area within the jurisdiction of a governmental entity which is not provided with any other firefighting services.

"(2) GOVERNMENTAL ENTITY.—The term 'governmental entity' means a State (or political subdivision thereof), Indian tribal (or political subdivision thereof), or Federal government.

"(3) QUALIFIED EXPENSES.—The term 'qualified expenses' means unreimbursed expenses for police and firefighter activities, as determined by the Secretary.

"(c) DENIAL OF DOUBLE BENEFIT.—

"(1) IN GENERAL.—No other deduction or credit shall be allowed under this chapter for any amount taken into account for which a deduction is allowed under this section.

"(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.

"(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2006.".

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) (relating to adjusted gross income defined), as amended by this Act, is amended by inserting after paragraph (19) the following new paragraph:

"(20) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—The deduction allowed by section 224.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 86(b)(2), 135(c)(4), 137(b)(3), and 219(g)(3), as amended by this Act, are each amended by inserting "224," after "221,".

(2) Section 221(b)(2)(C), as amended by this Act, is amended by inserting "224," before "911".

(3) Section 469(i)(3)(E), as amended by this Act, is amended by striking "and 223" and inserting ", 223, and 224".

(4) The table of sections for part VII of subchapter B of chapter 1, as amended by this Act, is amended by striking the item relating to section 223 and inserting the following new items:

"Sec. 224. Qualified emergency response expenses.

"Sec. 225. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. HARKIN. First, I thank my colleagues, the chairman of the committee, Senator GRASSLEY, and the ranking member, Senator BAUCUS, for helping work out this amendment. They have done a great job. I really appreciate it. But I also believe all of our policemen and our firefighters and our volunteer firefighters are going to appreciate it even more because what happens right now is a lot of our law enforcement officers, firefighters, and volunteer firefighters spend a lot of money out of their own pockets for work-related expenses. This amendment would help cover their out-of-pocket expenses for their guns, bulletproof vests, uniforms, some transportation costs, and equipment for volunteer firefighters.

Just to give you an example of what I am talking about, police officers in Altoona, IA, pay for their own guns, which can cost up to $800. In Des Moines, they have to pay for their guns, ammunition, shoes and boots, and part of the cost of their $600 bulletproof vests. For some police, when they go to training, the training is paid for but the transportation to get there is not paid for, so they have to pay for that out of their own pocket.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I ask unanimous consent for just 30 seconds more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. For these men and women, who earn an average of $28,000 to $40,000 a year and have families to support, those expenses add up, especially for new officers. This amendment would help provide a deduction for these people when they pay for those expenses out of their own pocket.

Again, I thank Senator GRASSLEY and Senator BAUCUS for being willing to work out this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this amendment is similar to one we did in another profession on another amendment that is being worked out. We accept this amendment, look favorably on it. I ask if we can have a voice vote.

I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question occurs on agreeing to amendment No. 784.

The amendment (No. 784) was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

MOTION TO RECOMMIT

Ms. STABENOW. Mr. President, I call up my motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Ms. STABENOW) moves to recommit the bill H.R. 1836, as amended, to the Committee on Finance with instructions to report the same back to the Senate forthwith with an amendment that—

(1) ensures that the provisions of this bill do not result in any fiscal year in an on-budget surplus for that fiscal year that is less than the surplus for that year in the Federal Hospital Insurance Trust Fund; and

(2) establishes a 60-vote point of order prohibiting any bill, resolution, amendment, motion, or conference report that uses funds in such Trust Fund for any purpose other than for providing part A benefits under the Medicare program.

Ms. STABENOW. Mr. President, I ask my colleagues to join me in this motion to recommit and to join with Senator BOB GRAHAM, who has been such a leader in protecting Medicare, and my colleague from Minnesota, Senator DAYTON, who has been such a champion on Medicare and prescription drugs.

This is a very simple, straightforward motion. No. 1, it says we will not use the Medicare Part A trust funds in order to pay for this tax cut. We have seen in the numbers from the final conference committee on the budget that every single year Medicare trust funds are used for this tax cut. This says no to that practice. It puts into place a 60-vote point of order in the future for any other attempts to use the Medicare trust fund.

We believe strongly that we need to update Medicare. We need to provide prescription drugs and strengthen Medicare. We ought not to be using it for other purposes.

We ask colleagues to join us, to say strongly that when it comes to Medicare, we want to update it, not raid it.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, everything the Senator from Michigan said, I agree with. I would just do it in a different way. I would do it according to the budget resolution that was adopted.

In that budget resolution, we fully protect Part A. It is a commitment on the part of this party, this Congress, and the President of the United States to only use Medicare money for Medicare, nothing else. That is what we will do.

This amendment is not needed because of the budget and the planning on this tax bill. This issue comes up every time we are trying to spread out the tax reductions over the next 10 years. It is very basic to every decision we make that we not go into the Medicare trust fund.

I ask Members not to vote for the amendment because it is not needed.

I raise a point of order on germaneness. That point of order is based upon section 305(b)(2) of the Budget Act.

Ms. STABENOW. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—46

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—54

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The PRESIDING OFFICER. On this vote there are 46 yeas and 54 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the motion falls.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 763

(Purpose: To allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs)

Mr. GRAHAM. Mr. President, I call up amendment No. 763.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 763.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is located in the RECORD of Tuesday, May

22, 2001, under "Amendments Submitted and Proposed.")

Mr. GRAHAM. Mr. President, one of the dramatic announcements of the 2000 census was the fact that one of the fastest growing components of our population is Americans over the age of 80. This is just the first ripple of what will be a tidal wave of Americans over the age of 80 as we move into the 21st century.

This amendment goes to exactly that issue by first recognizing the care that is currently being given to older Americans by caregivers by providing a $3,000 tax credit to those persons who are tending to the needs of a frail elderly member of their family, and second, to encourage Americans to purchase long-term care insurance for their own protection when they might reach the point where they require institutional care.

This is an extremely important amendment for preparation of the future of millions of Americans. I urge its adoption.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we know of the need to recognize the contribution of 22 million family caregivers in the United States. We know the need to encourage people to save for long-term care through tax credits for long-term health care.

Following a hearing I held last month on long-term care, Senator GRAHAM and I introduced legislation to do what this amendment creates. He and I worked jointly on a similar bill last year and pressed hard for its passage.

As I stated at the hearing, I am committed to addressing the pressing financial long-term care challenges that accompany the retirement of the baby boom generation. However, I cannot support the inclusion of his amendment in the bill since it raises taxes on people to pay for it.

I will be offering a second-degree amendment. I yield back my time.

The PRESIDING OFFICER. The Senator's time has expired.

AMENDMENT NO. 786 TO AMENDMENT NO. 763

Mr. GRASSLEY. Mr. President, I have a second-degree amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 786 to amendment No. 763.

On page 1, line 2, strike all after the word "strike" through the end of page 1, line 3.

On page 20, strike lines 14 and 15 and insert the following:

"This section shall apply to policies issued after January 1st 2006."

Mr. GRASSLEY. Mr. President, this amendment, rather than raise taxes, will be paid for out of the budget surplus.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, what is the time limit for debate on second-degree amendments?

The PRESIDING OFFICER. One minute each. The Senator yielded back his time. The Senator from Florida has 1 minute.

Mr. GRAHAM. The amendment that is offered proposes to pay for this by making a 1-percent reduction in the marginal rate cut for the highest income Americans. The second-degree amendment pays for it by blowing the budget cap of $1.35 trillion and going above that for the purposes of this very important amendment.

I believe strongly in this amendment, but I also believe in fiscal discipline. I am afraid the course being suggested by the second-degree amendment is the course that is going to be suggested for the remaining months of this session of Congress; that is, every time we have a new tax idea, let's do it by increasing the total amount of tax and not be faithful to the commitment we have made to limit the total tax authority to $1.35 trillion.

Mr. President, on policy grounds, I strongly oppose the second-degree amendment. I raise a point of order.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Mr. President, I raise the point of order that the pending second-degree amendment violates section 311(a)(2)(B) of the Congressional Budget Act of 1974.

Mr. GRASSLEY. Mr. President, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 49, nays 51, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—49

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER. On this vote the yeas are 49, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, am I correct the second-degree amendment has failed?

The PRESIDING OFFICER. It failed.

Mr. GRAHAM. By virtue of the waiver of the point of order not having received 60 votes, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GRASSLEY. Mr. President, I have a point of order that the pending amendment is not germane to the provisions of the reconciliation bill. I make that under section 305(b)(2) of the Budget Act.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask the budget point of order be waived. I will ask for the yeas and nays, but before doing so I would like to use my 1 minute to speak against the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, what we have raised in this one amendment are two of the most basic questions that this overall tax bill raises. One is fiscal discipline. We had a vote, and I am pleased more than a majority of Senators voted not to break the $1.35 trillion cap. That was what we were being asked to do, to add $50 billion beyond the current tax cut authority through the amendment that was offered by the Senator from Iowa.

The second issue we are now facing is one of priorities. Upon which do you put the higher priority, assisting Americans prepare for their old age, helping families who are providing care for a frail, elderly family member through a $3,000 tax credit—is that a higher priority than delaying the 1-percent decrease for the highest income-tax payers in America, the rate reduction which is in this underlying bill? Those are the choices. Which is more important to you? What are your priorities?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for equal time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise to support my point of order and to say I agree on the need for long-term care insurance, a need to encourage family care giving through tax credits. The Senator and I have introduced legislation to accomplish that. Also, people need to remember that senior citizens who pay income taxes are going to benefit from our tax reduction as well.

The second and last point I will make is: This, again, is one more time of, I will bet, dozens of times over the last 4 days that we have had amendments from the other side to break up the rate structure, the bipartisan compromise in this bill. I ask we vote against waiving the point of order.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 53, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—47

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—53

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The PRESIDING OFFICER. On this vote the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 777

Mr. SCHUMER. Mr. President, I call up amendment No. 777, the good luck amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. Schumer] proposes an amendment numbered 777.

Mr. SCHUMER. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide alternative minimum tax relief for individuals, extend certain expiring tax provisions, and to provide an offset for revenue loss)

On page 314, after line 21, add the following:

SEC. . INDIVIDUAL ALTERNATIVE MINIMUM TAX INDEXING; EXTENSION OF CERTAIN EXPIRING PROVISIONS.

(a) Alternative Minimum Tax Relief.—Section 701(a) of this Act is amended to read as follows:

(a) In General.—Section 55(d) (relating to exemption amount) is amended by adding at the end the following new paragraph:

"(4) Inflation adjustment.—

"(A) In general.—In the case of any taxable year beginning after 2000, the dollar amounts referred to in paragraph (1) shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '1999' for '1992'.

"(B) Rounding.—If any amount as adjusted under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.".

(b) One-year Extension of Certain Expiring Provisions.—

(1) Adoption credits.—

(A) Children without special needs.—Section 23(d)(2)(B) (defining eligible child) is amended by striking "2001" and inserting "2002".

(B) Adoption assistance programs.—Section 137(f) (relating to termination) is amended by striking "2001" and inserting "2002".

(2) Nonrefundable personal credits under AMT.—So much of section 26(a)(2) as precedes subparagraph (A) is amended to read as follows:

"(2) Special rule for 2000, 2001, and 2002.—For purposes of any taxable year beginning during 2000, 2001, or 2002, the aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—".

(3) Work opportunity credit.—

(A) Temporary extension.—Section 51(c)(4)(B) (relating to termination) is amended by striking "2001" and inserting "2002".

(B) Effective date.—The amendment made by this paragraph shall apply to individuals who begin work for the employer after December 31, 2001.

(4) Welfare-to-work credit.—

(A) Temporary extension.—Section 51A(f) (relating to termination) is amended by striking "2001" and inserting "2002".

(B) Effective date.—The amendments made by this paragraph shall apply to individuals who begin work for the employer after December 31, 2001.

(5) Electricity from certain renewable resources.—Subparagraphs (A), (B), and (C) of section 45(c)(3) (defining qualified facility) are each amended by striking "2002" and inserting "2003".

(6) Delay in effective date of requirement for approved diesel or kerosene terminals.—Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 is amended by striking "January 1, 2002" and inserting "January 1, 2003".

(7) Qualified zone academy bond program.—Section 1397E(e)(1) (relating to national limitation) is amended by striking "and 2001" and inserting "2001, and 2002".

(8) Employer provided educational assistance.—Section 127(d) (relating to termination) is amended by striking "2001" and inserting "2002".

(9) Income limit for percentage depletion.—Subparagraph (H) of section 613A(c)(6) is amended by striking "January 1, 2002" and inserting "January 1, 2003".

(10) Subpart F exemption.—

(A) Temporary extension.—Section 953(e)(10) is amended—

(i) by striking "January 1, 2002" and inserting "January 1, 2003", and

(ii) by striking "December 31, 2001" and inserting "December 31, 2002".

(B) Conforming amendment.—Section 954(h)(9) is amended by striking "January 1, 2002" and inserting "January 1, 2003".

(11) Parity in the application of certain limits to mental health benefits.—

(A) Temporary extension.—Subsection (f) of section 9812 is amended by striking "on or after September 30, 2001" and inserting "after September 30, 2002".

(B) Effective date.—The amendments made by this paragraph shall apply to benefits for services furnished after September 30, 2001.

(12) Phaseout of deduction for clean-fuel vehicles and certain refueling property.—

(A) Temporary extension of phaseout.—Subsection (b)(1)(B) of section 179A is amended—

(i) in the matter preceding clause (i), by striking "December 31, 2001' and inserting "December 31, 2002",

(ii) in clause (i), by striking "2002" and inserting "2003",

(iii) in clause (ii), by striking "2003" and inserting "2004", and

(iv) in clause (iii), by striking "2004" and inserting "2005".

(B) Extension of termination date.—Section 179A(f) is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(C) Effective date.—The amendments made by this paragraph shall apply to property placed in service after December 31, 2001.

(13) Phaseout of credit for electric vehicles.—

(A) Temporary extension of phase out.—Section 30(b)(2) is amended—

(i) in the matter preceding subparagraph (A), by striking "December 31, 2001" and inserting "December 31, 2002",

(ii) in subparagraph (A), by striking "2002" and inserting "2003",

(iii) in subparagraph (B), by striking "2003" and inserting "2004", and

(iv) in subparagraph (C), by striking "2004" and inserting "2005".

(B) Extension of termination date.—Section 30(e) is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(C) Effective date.—The amendment made by this paragraph shall apply to property placed in service after December 31, 2001.

(14) GENERALIZED SYSTEM OF PREFERENCES.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "September 30, 2001" and inserting "December 31, 2002".

(15) ANDEAN TRADE PREFERENCE.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended to read as follows:

"(b) TERMINATION OF DUTY-FREE TREATMENT.—No duty-free treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2002.".

(16) TEMPORARY INCREASE IN AMOUNT OF RUM EXCISE TAX COVERED OVER TO PUERTO RICO AND VIRGIN ISLANDS.—Section 7652(f)(1) (relating to limitation on cover over of tax on distilled spirits) is amended to read as follows:

"(1) $10.50 ($13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2003), or".

(c) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) REVENUE OFFSET.—The Secretary of the Treasury shall adjust the reduction in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, as necessary to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. SCHUMER. Mr. President, this is a simple amendment. We have had two worries mainly about this tax bill. One is that the dollars go too much to the wealthiest people and not enough to the middle class, and we have had a lot of amendments thereon. The second is that it breaks fiscal discipline. This amendment deals with that second category.

What is missing in this tax bill bothers me as much as what is in it, maybe more. We do not do any of the tax extenders which we know we will do later this year. We do not change the alternative minimum tax hardly at all, which will catch 39 million people by the time this 10-year bill is finished.

This amendment includes both of those so we do not have to come back and do them and break the $1.35 trillion that we said we will keep and lowers the top rate to make room for those.

It is a fiscally responsible amendment. I would challenge anyone who wants to vote against it to make a pledge that they will not vote at a later time outside the budget cap for these two issues.

I thank you, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

Mr. GRAMM. Mr. President, this amendment raises the whole extender question, something the Finance Committee will be looking at later this year. The bipartisan bill before us does not address this issue.

This amendment is nongermane to the bill, and I raise a point of order that it is nongermane.

Mr. SCHUMER. Mr. President, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—46

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—54

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

RECESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now stand in recess until 1:30.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, may I inquire of the distinguished floor leaders, the Collins-Warner amendment has been pending. We have been very deferential to the leadership. Can we get an idea of when that might be disposed?

Mr. GRASSLEY. Let me be perfectly candid with the Senator from Virginia. If the Senator from Virginia and the Senator from Maine still want a rollcall on their amendment, we will do that at 1:30.

Mr. REID. Mr. President, reserving the right to object, I have worked hard over here today with people wanting to offer amendments. Some have been on file since last week. I hope this doesn't start another string of amendments.

Mr. WARNER. I am not hearing the soft, wonderful voice of my great friend. Can he raise it a bit?

Mr. REID. We have about 40 amendments over here that have been filed. Through various means, the amendments are not going to be brought up. I hope the managers can work something out as to the amendment of the Senator from Virginia without another rollcall vote. I am afraid this may start a series of rollcall votes.

Mr. WARNER. Mr. President, might I say to the distinguished Democratic leader and the managers of the bill that there has been an ongoing negotiation with regard to this amendment, and my distinguished colleague from Maine and I have been very forthcoming with our managers. Our bill was up and we got the yeas and nays when this matter first hit the floor. We have acceded to their requests day after day to delay it. We think the time has come now.

I assure the Senator we were in the front of the queue. Amendment after amendment has been filed at the desk subsequent to ours. We were here day 1, hour 1. We have cooperated with our distinguished managers to this point. I hope our distinguished Democratic whip will allow us to bring up this amendment.

Mr. REID. Senator BAUCUS and I will work to see that we have no more rollcall votes. If you have to have this one, I guess you do. But I hope we don't have to have another one also. We will do our best to see that there will not be any more.

Ms. COLLINS. Mr. President, if the Senator will yield, I point out to the Senator that the yeas and nays were ordered on the Collins-Warner amendment last Thursday night when it was first debated for a half hour on the Senate floor. This isn't a new amendment or a new request. The yeas and nays were, in fact, ordered last week. I wanted to clarify that for the record.

Mr. WARNER. Mr. President, I advise our distinguished Democratic leader that Senators MIKULSKI, DODD, and HARKIN have worked with us right along, so it is a bipartisan effort. I am sure if they were present, they would join us in this request.

Mr. REID. That is my point. It sounds as if you have a good bipartisan amendment. I can't understand why we need a rollcall vote.

Mr. WARNER. I say to my good friend, I guess I reached down in the 23 years of experience in managing many bills and being in many conferences. There is a certain feeling about this legislation. It is for teachers. It is simple——

Mr. REID. If the Senator will withhold, if the managers will agree, we will work to see what needs to be done.

Mr. GRASSLEY. I believe Senator BAUCUS would agree with me. I have been asked now if we can do it this way. We will recess until 1:30, but we would vote on the amendment by the Senator from Virginia and the Senator from Maine just prior to final passage. So we would have this rollcall vote and then final passage.

The PRESIDING OFFICER. The Chair asks the Senator from Iowa, is he making that part of his unanimous consent request?

Mr. WARNER. I so request, Mr. President.

Mr. GRASSLEY. Mr. President, I make that as part of my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, will the Senator from Iowa allow the recess to end at 1:40?

Mr. GRASSLEY. Mr. President, I change my unanimous consent request that the Senate stand in recess now until the hour of 1:40.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Thereupon, the Senate, at 12:38 p.m., recessed until 1:40 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

RESTORING EARNINGS TO LIFT INDIVIDUALS AND EMPOWER FAMILIES (RELIEF) ACT OF 2001—Continued

AMENDMENT NO. 789

Mr. GRASSLEY. Madam President, I send a managers' amendment to the desk. It has been agreed to by the two managers. I ask unanimous consent the amendment be agreed to, the motion to reconsider be laid upon the table, and any statements regarding these amendments be printed in the RECORD.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. BAUCUS, proposes an amendment numbered 789.

Mr. GRASSLEY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted and Proposed.")

Mr. LEAHY. Madam President, I am pleased the managers' amendment includes language identical to S. 694, the Artist-Museum Partnership Act, I introduced with Senator BENNETT earlier this year. I would like to thank Senator BENNETT for his leadership on this issue and also would like to thank Senators BINGAMAN, COCHRAN, DASCHLE, DODD, DOMENICI, JEFFORDS, JOHNSON, KENNEDY, LIEBERMAN, LINCOLN, REID, and WARNER for cosponsoring this bill.

This bipartisan legislation will enable our country to keep cherished art works in the United States and preserve them in our public institutions, while erasing an inequity in our Tax Code that currently serves as a disincentive for artists to donate their works to museums and libraries. Our bill would allow artists, writers and composers who donate works to museums and libraries to take a tax deduction equal to the fair market value of the work. This is something that collectors who make similar donations are already able to do.

There is an inequality in the current tax law where artists who donate self-created works are only able to deduct the cost of supplies such as canvas, pen, paper, ink. This is unfair to artists and it hurts museums and libraries, large and small, that are dedicated to preserving works for posterity.

In my State of Vermont, we are incredibly proud of the great works produced by hundreds of local artists who choose to live and work in the Green Mountain State. Displaying their creations in museums and libraries helps develop a sense of pride among Vermonters and strengthens a bond with Vermont, its landscape, its beauty and its cultural heritage. Anyone who has gazed at a painting in a museum or examined an original manuscript or composition, and has gained a greater understanding of both the artist and the subject as a result, knows the tremendous value of these works. I would like to see more of them, not fewer, preserved in Vermont and across the country.

I thank the Chairman and ranking member of the Finance Committee for including this legislation in the managers package. I hope that the provision will be retained by the Conference Committee.

Mr. NELSON of Florida. Madam President, the Boxer-Nelson of Florida amendment seeks to safeguard public health and improve our nation's drinking water by aiding water companies to secure tax-exempt bond to comply with the 10 parts per billion arsenic drinking water standard.

Ironically, we offer this amendment today, May 23, 2001, one day after Environmental Protection Agency finalized its decision to delay implementation of a new arsenic standard until February 22, 2002.

Thus, the 1942 arsenic standard of 50 parts per billion, a standard put in place before arsenic was known to cause cancer, remains the standard for our nation's drinking water.

This is true despite the scientific data which shows that the 50 parts per billion standard could result in one additional case of cancer for every 100 people consuming drinking water.

The EPA knows arsenic is dangerous. In fact, the EPA has found another danger associated with arsenic in addition to cancer: genetic alteration of our DNA. In April of this year, a team of EPA scientists published a report in "Chemical Research Toxicology" that demonstrates that in addition to causing cancer, arsenic can induce genetic alterations to human DNA.

The risks associated with arsenic are widely known not just in this country, but throughout the world. For that reason, the European Union and the World Health Organization have endorsed the 10 parts per billion standard.

Costs did not prevent the European Union or the World Health Organization from protecting their citizenry from the risks associated with arsenic. Costs should not prevent the United States either.

Mr. CRAIG. Mr. President, I am very pleased that the tax reconciliation package we have passed today contains an amendment that I offered along with Senator LANDRIEU. That amendment is the text of the Hope for Children Act, which we introduced back in January as S. 148.

I greatly appreciate the consideration this amendment has received from Chairman GRASSLEY, who has long been a leader in the area of adoption and foster care. He and Senator BAUCUS, along with the staff of the Finance Committee, have been extremely responsive to me and my staff as we worked through this amendment, and I thank them for their support of America's adopting families.

As my colleagues know, this legislation will continue and improve on two current tax provisions that are helping so many Americans who seek to form families through adoption: the adoption tax credit and the exclusion for employer-provided adoption benefits. These provisions are due to expire at the end of this year, and the Hope for Children Act will remove that sunset. It will also double the basic tax credit and exclusion, to $10,000. For a family adopting a child with special needs, the current credit of $6,000 will rise to $10,000; perhaps more important to these families, their credit will no longer be tied to cumbersome and inflexible IRS regulations that exclude a wide range of legitimate adoption expenses related to children with special needs. Our legislation will also make it possible for more families to qualify for the full credit and exclusion, by lifting the cap on income eligibility.

These are sound, necessary measures that truly help families. The Senate should be proud they are a part of our tax reconciliation package, and I hope they will be preserved in the upcoming conference with the House of Representatives. It is important to note that just last week, the House unanimously passed its version of the Hope for Children Act, H.R. 622. While that action suggests there is a consensus supporting the adoption tax credit, I strongly believe the Senate's version of that language is preferable, and I encourage the Senate's conferees to work to keep the Senate language intact.

Mr. President, there are still hundreds of thousands of children in this country and around the world who are waiting for permanent, safe, loving families. It is these children who are the focus of the Hope for Children Act, and it is on behalf of these children that I thank all my colleagues for supporting an amendment that will help make the promise of adoption a reality. I look forward to seeing this language preserved by the conference, adopted by the House and Senate, and sent to President Bush to be signed into law.

Mr. GRASSLEY. I renew my request, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 789) was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRASSLEY. Madam President, I ask unanimous consent no additional amendments to the pending reconciliation bill be in order other than consideration of the Collins-Warner amendment. I ask further consent that, following the disposition of the amendment described above, the bill be advanced to third reading, and a vote occur on passage, all without any intervening action, motion, or debate.

Finally, I ask, following the vote, the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, those conferees being: Senators GRASSLEY, HATCH, MURKOWSKI, NICKLES, GRAMM, BAUCUS, ROCKEFELLER, DASCHLE, and BREAUX.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRASSLEY. I have one more unanimous-consent request, Madam President. I ask unanimous consent that, following that, on Wednesday, following the passage of H.R. 1836, there be 1 hour of morning business equally divided between the two leaders or their designees. I further ask consent that, following that time, the Senate then proceed to executive session and the Committee on Foreign Relations be discharged from further consideration of the nomination of Senator Howard Baker to be Ambassador to Japan. I further ask consent that the Senate then proceed to its consideration and there then be up to 2 hours for debate on the nomination, to be equally divided between the chairman and ranking member of the committee.

Finally, following the use or yielding back of time, that the Senate proceed to a vote on the nomination and, following that vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Did I understand the last request to be that the nomination of Howard Baker to be Ambassador to Japan take place tomorrow?

Mr. GRASSLEY. Today.

Mr. BYRD. Very well. I was going to make the recommendation it be done today.

I thank the Senator.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

There are now 2 minutes evenly divided on the Collins-Warner amendment No. 675.

Who yields time?

The Senator from Maine.

AMENDMENT NO. 675, AS MODIFIED

Ms. COLLINS. Madam President, on behalf of Senator WARNER and myself, I send a modification of amendment No. 675 to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Amendment No. 675, as modified, is as follows:

(Purpose: To provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials)

At the end of title IV, add the following:

Subtitle E—Miscellaneous Education Provisions

SEC. 441. SHORT TITLE.

This subtitle may be cited as the "Teacher Relief Act of 2001".

SEC. 442. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals), as amended by section 431(a), is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an eligible educator, there shall be allowed as a deduction an amount equal to the qualified professional development expenses paid or incurred by the taxpayer during the taxable year.

"(b) MAXIMUM DEDUCTION.—The deduction allowed under subsection (a) for any taxable year shall not exceed $500.

"(c) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELIGIBLE EDUCATORS.—For purposes of this section—

"(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

"(I) directly related to the curriculum and academic subjects in which an eligible educator provides instruction,

"(II) designed to enhance the ability of an eligible educator to understand and use State standards for the academic subjects in which such educator provides instruction,

"(III) designed to provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

"(IV) designed to provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (III) to learn,

"(ii) is tied to—

"(I) challenging State or local content standards and student performance standards, or

"(II) strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible educator,

"(iii) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible educator in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible educator and the educator's supervisor based upon an assessment of the needs of the educator, the students of the educator, and the local educational agency involved, and

"(iv) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

"(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this section.

"(2) ELIGIBLE EDUCATOR.—

"(A) IN GENERAL.—The term 'eligible educator' means an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in an elementary or secondary school for at least 900 hours during a school year.

"(B) ELEMENTARY OR SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.

"(d) DENIAL OF DOUBLE BENEFIT.—

"(1) IN GENERAL.—No other deduction or credit shall be allowed under this chapter for any amount taken into account for which a deduction is allowed under this section.

"(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified professional development expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.''.

(b) Deduction Allowed in Computing Adjusted Gross Income.—Section 62(a), as amended by section 431(b), is amended by inserting after paragraph (18) the following new paragraph:

''(19) Qualified professional development expenses.—The deduction allowed by section 223.''.

(c) Conforming Amendments.—

(1) Sections 86(b)(2), 135(c)(4), 137(b)(3), and 219(g)(3) are each amended by inserting ''223,'' after ''221,''.

(2) Section 221(b)(2)(C) is amended by inserting ''222,'' before ''911''.

(3) Section 469(i)(3)(E) is amended by striking ''and 221'' and inserting '', 221, and 223''.

(4) The table of sections for part VII of subchapter B of chapter 1, as amended by section 431(c), is amended by striking the item relating to section 223 and inserting the following new items:

''Sec. 223. Qualified professional development expenses.

''Sec. 224. Cross reference.''.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, and shall expire on December 31, 2005.

SEC. 442. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

''(a) Allowance of Credit.—In the case of an eligible educator, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

''(b) Maximum Credit.—The credit allowed by subsection (a) for any taxable year shall not exceed $250.

''(c) Definitions.—

''(1) Eligible educator.—The term 'eligible educator' has the same meaning given such term in section 223(c).

''(2) Qualified elementary and secondary education expenses.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible educator in the classroom.

''(3) Elementary or secondary school.—The term 'elementary or secondary school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

''(d) Special Rules.—

''(1) Denial of double benefit.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

''(2) Application with other credits.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(e) Election To Have Credit Not Apply.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.''.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, and shall expire on December 31, 2005.

Ms. COLLINS. The modifications have been agreed to by the amendment sponsors and the Chair and ranking member of the Committee on Finance, whom we thank for their valuable assistance. I understand there are now 2 minutes divided?

The PRESIDING OFFICER. The Senator is correct.

Ms. COLLINS. I would appreciate being notified when I have used 30 seconds, so Senator Warner, the coauthor of this amendment, can have the remaining 30 seconds.

The PRESIDING OFFICER. The Senator will be notified.

Ms. COLLINS. Mr. President, the Collins/Warner teacher relief amendment would support the expenditures of teachers who strive for excellence beyond the constraints of what their schools can provide. Our amendment enjoys the bipartisan support of several of our colleagues, including Senators Landrieu, Cochran, Allen, Gordon Smith, Harkin, Mikulski, Jack Reed, DeWine, Hutchinson, Dodd, and Enzi as well as the endorsement of the National Education Association, American Federation of Teachers, American Association of School Administrators, National School Boards Association, National Association of State Boards of Education, Council for Exceptional Children, National Center for Learning Disabilities, and the National Board for Professional Teaching Standards support the Collins/Warner Teacher Relief Amendment of 2001. I ask unanimous consent these support letters be printed in the Record.

There being no objection, the material ordered to be printed in the Record, as follows:

National Education Association,
Washington, DC, May 16, 2001.

Senator Susan Collins,
U.S. Senate,
Washington, DC.

Dear Senator Collins: On behalf of the National Education Association's (NEA) 2.6 million members, we would like to express our support for your amendment to the Senate tax bill to provide tax benefits for educators' professional development and classroom supply expenses.

As you know, teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that teachers stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21st century. Your proposed tax deduction for professional development expenses will make a critical difference in helping educators access quality training.

We are also very pleased that your amendment would provide a tax credit for educators who reach into their own pockets to pay for necessary classroom materials, including books, pencils, paper, and art supplies. A 1996 NEA study found that the average K–12 teacher spent over $400 a year out of personal funds for classroom supplies. For teachers earning modest salaries, the purchase of classroom supplies represents a considerable expense for which they often must sacrifice other personal needs.

We thank you for your leadership in introducing this important amendment and look forward to continuing to work with you to support our nation's educators.

Sincerely,
Mary Elizabeth Teasley,
Director of Government Relations.

National Board for Professional
Teaching Standards™,
Arlington, VA, May 21, 2001.

Hon. Susan Collins,
U.S. Senate,
Washington, DC.

Dear Senator Collins: The National Board for Professional Teaching Standards (NBPTS) is pleased to lend its support to the Teacher Relief Act of 2001 as an amendment to H.R. 1836, the Tax Reconciliation Bill. As you know, National Board Certification is one of the most demanding and prestigious voluntary professional development programs available to our nation's teachers. The tax deductions proposed in the Teacher Support Act of 2001 would provide much needed financial relief to teachers seeking to improve their teaching practice.

National Board Certified Teachers (NBCTs) are the best example of quality teaching and National Board Certification reflects the highest standards in professional development and assessment. Allowing teachers to deduct professional development expenses, such as those associated with National Board Certification, is an important supplement to the policies and programs of states and school districts that support the mission of the NBPTS to establish high and rigorous standards for what accomplished teachers should know and be able to do.

We look forward to continuing our work with you in promoting the vital link between high quality professional development and higher student achievement.

Sincerely,
Betty Castor,
President.

National Association of
State Boards of Education,
Alexandria, VA, May 21, 2001.

Hon. Susan Collins,
U.S. Senate,
Washington, DC.

Dear Senator Collins: We are writing to applaud your efforts to provide tax benefits for elementary and secondary school teachers through the Teacher Relief Act, which will be offered as an amendment to S. 1, the Better Education for Students and Teachers Act (BEST). Teachers are the most influential school-based factor in a student's academic success. Your legislation will not only facilitate better trained teachers, but reward teachers for their classroom investments.

Quality professional development activities can significantly increase student learning and improve teaching practice. Allowing

K-12 teachers a $500 annual tax deduction for professional development expenses is a straightforward solution to help promote ongoing teacher training that is individually directed and designed. It is one important element in realizing the ultimate goal of effective and comprehensive professional development programs.

In addition to their time, teachers also pay for a significant amount of their classroom and instructional materials out of their own pockets. Because these expenses are frequently not reimbursed, they constitute an educational donation that is too often overlook. Your proposal addresses this fact by providing teachers with a 50% tax credit (up to $250 annually) for out of pocket classroom expenses that will financially reimburse teachers and enrich students' classroom settings.

We appreciate your efforts and attention to address this critical situation. NASBE looks forward to working with your office to enact federal initiatives benefiting the instructional needs of America's teachers.

Sincerely,

DAVID GRIFFITH,
Director of Governmental Affairs.

AMERICAN ASSOCIATION
OF SCHOOL ADMINISTRATORS,
May 17, 2001.

Senator SUSAN COLLINS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the American Association of School Administrators, representing more than 14,000 public school superintendents and school system leaders, we would like to express our strong support for the Collins/Warner/Landrieu teacher tax credit amendment (amendment #675).

Passage of the Teacher Relief Act would provide teachers with two well-deserved benefits: a tax deduction for professional development and a tax credit for out-of-pocket classroom expenses. Together with Senators John Warner and Mary Landrieu you have outlined a solution to a critical problem facing teachers and educational professionals: the lack of reimbursement for excess expenses incurred by teachers. All too often schools lack the funds to provide teachers with adequate classroom supplies or continuing education. Dedicated teachers frequently opt to pay for books, paper, supplies, and professional development with their own money. Ideally we should not be asking our teachers to make such a burdensome financial sacrifice; the least we can do is make sure that those teachers are partially reimbursed for their expenses.

The Collins/Warner/Landrieu amendment should not be thought of as a tax benefit for teachers; it should be thought of as educational reform. The Teacher Relief Act helps guarantee that America's children are taught by qualified professionals in well-equipped classrooms. Thank you for your continuing support of public education.

Sincerely,

JORDAN CROSS,
Legislative Specialist.

In fact, the tax deductions proposed in the Teacher Support Act of 2001 would provide much-needed financial relief to teachers seeking to improve their teaching practice through advanced course work, and assist those teachers seeking advanced certification, such as the National Board or additional educational endorsements.

In the midst of the education and tax debates, we are asking our colleagues in the Senate now to overlook the selfless efforts of teachers and the financial sacrifices they make to improve their instructional skills and the classrooms in which they teach.

Senator WARNER deserves enormous credit for focusing the Senate's attention, through a sense-of-the-Senate resolution to the education bill, on the need to provide tax relief for our teachers.

Senator WARNER's sense-of-the-Senate resolution which I was proud to cosponsor, passed by a vote of 95–3.

Our amendment would first allow teachers, teacher's aides, principals, and counselors to take an above-the-line tax deduction for their professional development expenses.

Second, the bill would grant educators a tax credit of up to $250 for books, supplies, and equipment they purchase for their students. The tax credit would be established at 50 percent of such expenditures, so for every dollar in supplies a teacher spent, the teacher would receive 50 cents of tax relief.

I greatly admire the many educators who have voluntarily reached deep into their pockets to pay for additional training and course work for themselves, and also to finance additional supplies and materials for their students. By enacting these modest changes to our Tax Code, we can encourage educators to continue to take the formal course work in the subject matter which they teach and to avail themselves of other professional development opportunities.

The relief that our Tax Code now provides to teachers is simply not sufficient. By and large, most teachers do not benefit from the current provisions that allow for limited deductibility of professional development and classroom expenses. Teachers, out of their own generosity, are reaching deep into their pockets to improve their teaching.

Now, under the current law, the problem is that teachers do not reach a sufficient level to be able to deduct the costs of their professional development and classroom supplies. By allowing teachers to take the above-the-line deduction for professional development expenses and a credit for classroom expenses paid out of pocket, our amendment takes a fair, progressive approach that will provide a modicum of relief to our Nation's schoolteachers.

I should note that most of our colleagues have already voted for very similar legislation. Last year, Senator KYL, Senator Coverdell, and I offered a similar amendment to the Affordable Education Act, which was adopted unanimously.

President Bush has eloquently stated: "Teachers sometimes lead with their hearts and pay with their wallets."

Our amendment makes it a priority to reimburse educators for just a small part of what they invest in the futures of our children.

I hope our colleagues will join us in support of this important legislation.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Virginia.

Mr. WARNER. I join my distinguished colleague from Maine in a bipartisan effort with Senators DODD, MIKULSKI, HARKIN, and others. They have joined with us. This is not political. This is an amendment done for persons who teach our children. They simply take dollars out of their pocket and expend them for necessities in the classroom. All we are doing—it is not tax relief, a tax break—is returning those dollars to their pockets.

The education of our children can be no stronger than those to whom we entrust that educational responsibility. Let us recognize them with this very simple yet, I think, straightforward and heartfelt expression of the Senate.

I thank the managers. I believe they are about to say they are accepting the amendment. Could we have a rollcall vote for it?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRASSLEY. Mr. President, Senators have modified their amendment considerably from its original language. We urge Members on both sides of the aisle to vote aye.

I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. The yeas and nays are ordered. The clerk will call the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Feingold Nickles

The amendment (No. 675), as modified, was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Montana is recognized.

AMENDMENT NO. 787

Mr. BAUCUS. Mr. President, on behalf of Senator KERRY, I offer amendment No. 787. We neglected to put it in the package. It promotes tax simplification by expanding the current IRS demonstration project which combines State and Federal employment tax for reporting on a single form.

I ask unanimous consent that the amendment be taken up and adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. KERRY, proposes an amendment numbered 787.

Mr. BAUCUS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit the disclosure of certain tax information by the Secretary of the Treasury to facilitate combined Federal and State employment tax reporting, and for other purposes)

On page 314, after line 21, add the following:

SEC. . DISCLOSURE OF TAX INFORMATION TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.

Section 6103(d)(5) is amended to read as follows:

"(5) DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.—The Secretary may disclose taxpayer identity information and signatures to any agency, body, or commission of any State for the purpose of carrying out with such agency, body, or commission a combined Federal and State employment tax reporting program approved by the Secretary. Subsections (a)(2) and (p)(4) and sections 7213 and 7213A shall not apply with respect to disclosures or inspections made pursuant to this paragraph.".

THE PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 787) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

THE EITC

Mrs. LINCOLN. Mr. President, I rise to engage the chairman of the Finance Committee in a colloquy regarding the earned income tax credit otherwise known as the EITC. I thank the Chairman for including my provisions expanding the EITC in the tax bill. It has come to my attention, however, that the EITC has a detrimental impact on the small U.S. Territories that are subject to tax laws that automatically mirror our Federal tax laws. As a result, these small Territories, like the U.S. Virgin Islands, end up absorbing the entire cost of the EITC, which they can ill afford. The burden of this unfunded Federal mandate is exacerbated because these small Territories will also lose needed revenues as a result of the mirror effect of the income tax rate reductions mandated by this bill.

However, the problem can be mitigated by an agreement between the Treasury Department and the interested territorial governments to permit these governments to require that employers advance 60 percent of EITC payments to employees as currently permitted under Section 3507 of the Internal Revenue Code and the allow the employer to deduct these advance payments from FICA taxes the employer currently remits to the U.S. Treasury, as permitted by Section 3507, not from withholding taxes the employer remits to the territorial government. The remaining 40 percent of the EITC payments would continue to be paid by the territorial governments upon filing of an eligible employee's tax return. I believe that no substantive amendment to the Internal Revenue Code is necessary to allow for such an agreement.

I would like the chairman of the Finance Committee to include report language in the final tax conference report that directs the Treasury Department to enter into such an agreement with any territorial government that would like to do so.

Mr. GRASSLEY. I understand the concerns raised by the Senator from Arkansas and will attempt to address this issue in conference.

TAXATION OF SPECIAL NEEDS TRUSTS FOR THE DISABLED

Mr. FRIST. Mr. President, I had intended to introduce an amendment to modify the taxation of so-called "special needs trusts" for disabled persons. The problem that cries out for change was first brought to my attention by a Tennessee constituent who has been contributing funds annually to a special trust for a disabled child. Under current law, the income from such trusts is taxed at very high rates because the tax writers were concerned about possible abusive use of such trusts. After discussion with the two managers of the bill, I am persuaded that we can work together to craft a better solution to this problem than the one I was prepared to propose. Therefore, with the understanding that we can work together in coming months to develop a better answer, I will not seek a vote on my amendment at this time.

Mr. GRASSLEY. Mr. President, I thank the Senator from Tennessee for his willingness to work with us to craft a solution to a very real problem. He shares with the Ranking Member and I a long history of concern for American taxpayers struggling with the overwhelming expense and other demands of severely disabled relatives. As the Senator knows, Special Needs Trusts, also known as Supplemental Needs Trusts, are a common estate planning tool for assisting in the planning for the long-term financial needs of the disabled.

The Senator and others have helped bring to our attention the fact that these trusts are unduly burdened by the current trust tax requirements of Section 1(e) of the Internal Revenue Code. We recognize that these Special Needs Trusts will receive some relief under the Relief Act of 2001, but that more help is necessary. Therefore, I commit myself to the Senator from Tennessee to work with him and others to craft a solution to reduce the income tax burden imposed on special needs trusts and, simultaneously, to improve the lot of affected disabled Americans.

Mr. BAUCUS. Mr. President, I look forward to joining my colleagues from Tennessee and Iowa in working on this matter. I also hope our effort will give us an opportunity to address the problem of structured settlements, which are also funding mechanisms for the disabled. As the chairman knows, I have been trying to fix the structured settlement problem for a long time, and I welcome this chance to fix the two matters together.

Mr. TORRICELLI. Mr. President, I rise to bring my colleagues' attention to an important issue which affects the men and women who are charged with enforcing our nation's tax laws. While I am withdrawing my amendment to the tax reconciliation bill which affects Section 1203 of the IRS Restructuring and Reform Act, I hope that bringing this issue to the attention of the Senate, will allow us to address this important issue at a later time.

Section 1203 of the IRS Restructuring and Reform Act outlines 10 infractions for which IRS employees must be removed from employment. These areas of misconduct have become known as the "Ten Deadly Sins". As of last year, a total of 109 violations of any of the ten infractions outlined in Section 1203 had been substantiated. Of those 109 infractions, 102 were of Section 1203(b)(8), which subjects employees to mandatory termination for failure to file their federal tax return on time.

I believe that all IRS employees should be required to file their tax returns on time and abide by the IRS Rules of Conduct. I also strongly believe that those who do not abide by the Rules of Conduct should be held accountable for their actions. However, it would seem that mandatory dismissal, rather than supervisory discretion in applying penalties for these infractions, is unduly harsh. This point becomes clear when we learn that IRS employees have been and continue to face the loss of their jobs for filing their income tax returns late, even when they have a tax refund coming to them. There are no other taxpayers who are subject to any penalty for the late filing of a tax return with a refund due.

Close to a thousand charges have been filed against IRS employees under section 1203(b)(6), which subjects employees to mandatory terminations for "harassment of, or retaliations against, a taxpayer." The latest data available shows that of the 830 investigations of these charges completed by the Inspector General for Tax Administration, none have been substantiated. Yet even though it appears that the overwhelming majority of these charges filed have been unfounded, the employees themselves must live under the constant fear of losing their jobs for sometimes more than a year, while the investigation of these charges goes on.

It would not be an overstatement to say that Section 1203 is having a chilling effect on the ability of employees at the IRS to perform their jobs. This notion is reflected in the fact that there has been a steadily declining audit-rate of non-compliant taxpayers. Making a minor change in the current law, as my amendment does, will do much to enable the overwhelming majority of honest, hardworking IRS agents to perform their duties in an efficient and professional manner.

I believe that my proposal strikes a reasonable balance which will permit IRS employees to do their jobs better, but will also maintain termination as a punishment for an employee who willfully harasses a taxpayer. As we continue to debate this reconciliation bill, which will make hundreds of changes to the tax code, I hope that we will make sure that the employees who we entrust to enforce these new laws are given the tools to do what they need to do.

While I now withdraw my amendment, I hope that this issue can be discussed by this chamber in the very near future.

Mr. FEINGOLD. Mr. President, I regret that I opposed a number of amendments to this legislation that I might otherwise support because they are not adequately offset.

The legislation before us already puts us at risk of raiding the Medicare and Social Security Trust Funds. We spent much of the past 8 years working to climb out of a deficit ditch, and this bill steers us right back toward it.

This is not authorizing legislation subject to the further scrutiny of an appropriations process. Unlike other measures that come before us, this bill and the amendments to it have a direct and immediate impact on our budget.

A number of amendments have been offered to this measure that, while laudatory in their goals, further aggravate the fiscal position in which the underlying bill puts us. Without language offsetting the cost of the proposal, the amendments only add to the already fiscally irresponsible cost of the bill.

For that reason, I have opposed many otherwise worthy amendments.

Mr. LIEBERMAN. Mr. President, I was pleased to cosponsor Senator SCHUMER's amendment which was offered last week to help families with the cost of college tuition. Although the amendment did not pass, I wanted to state for the record the reasons for my support.

The decisions we make today must reflect the enduring values we hold as a society. Two of those values are the ideas of opportunity and equality for every citizen. In today's complicated society, opportunity and equality depend in large part upon the level of a person's education. In other words, the more and the better an education one gets, the greater the chances that person will succeed economically. The College Board tells us that "while the cost of college may be imposing to many families, the cost associated with not going to college is likely to be much greater." Indeed, over a lifetime, the gap in earning potential between a high school diploma and a college degree exceeds $1 million.

In addition, higher education is absolutely central to our ability to maintain our nation's global competitiveness. Highly trained, skilled workers making good wages are the engine that powers our economy, both because of the work they do and the revenue they generate as buyers and sellers of goods and services.

Yet, the cost of higher education is an increasing burden for American families. Since 1980, tuition at both public and private four-year colleges has increased on average more than 115 percent over inflation. A middle-income family spends an average of 17 percent of its annual income to send a child to a four-year public college today. If the family sends a child to a private college, the cost increases to an average of 44 percent of the family's income.

A family's financial status should not be the determining factor in whether a young person joins society with the advantages of higher education or not. Yet, families are understandably anxious about whether they will be able to provide their children with that educational advantage. They are similarly anxious about the debt burden their children may have to bear after graduation to pay off student loans.

America's families need help. This is why I introduced S. 888, the College Tuition Assistance Act of 2001, which is designed to provide tax relief to middle and lower income families who are struggling to pay these costs, both while a student is in school and after graduation when student loans come due.

Senator SCHUMER's amendment is an important step toward providing families with this type of help compared to what is now in the Finance Committee's bill. It increases the size of the tax deduction families may take to offset the burden of tuition payments. Senator SCHUMER's amendment also provides a larger tax credit for graduates paying interest on their student loans. Although the amendment failed, it recognized a critical issue.

Educational costs are difficult to bear, even for families who make a decent living. My bill would provide more relief to middle income families and would also extend a hand to lower income families, whose needs are far greater than the aid they receive to put their children through college. My bill also would provide relief sooner. So, I was pleased to support Senator SCHUMER's amendment and I intend to continue to fight for these provisions which would make a real difference for America's families.

Mr. NELSON of Florida. Mr. President, we have been down this road before. As a Congressman in 1981, I supported the Reagan tax cuts that were promoted as a cure-all for the economic ailments of that era. Instead, they led to year after year of increasing deficits, exploding national debt, and a series of tax increases enacted to stem the tide of red ink.

With fiscal discipline and a growing economy, we reversed that tide just 3 years ago. Since 1998, we have enjoyed surpluses instead of deficits. And we have been paying down the debt, reducing the massive interest costs that have burdened America's taxpayers.

But now the Government is about to dig into our pockets, pull out our credit cards again, and go stumbling down that road toward economic calamity. And—with smoke and mirrors—some are trying to hide the costs we'll incur along the way. By manipulating the starting and phase-in dates for the various tax cuts—and setting unlikely expiration dates on some of them—this bill is jury-rigged to fit within the $1.35 trillion allotted for tax cuts over 11 years in the Senate's budget resolution.

But, the fact is, it won't fit once we consider other tax breaks already in the pipeline and spending priorities such as defense, education and prescription drug benefits. And this bill does not guarantee to pay down the national debt.

Every Senator in this Chamber believes we will enact additional tax relief, and provide for our Nation's most pressing needs over the next decade. The additional untold story of this legislation is that—even if that were possible—the cost of this tax plan would triple in the next decade. Unless you believe we are simply going to take back the tax cuts we are promising today, you are talking about a price tag exceeding $4 trillion in the decade from 2012 to 2022—when the baby boomers will all be retired.

Is that how we are going to provide for prescription drugs under Medicare and shore up Social Security? By raiding their trust funds?

Is that how we are going to protect our environment, improve our Nation's schools and strengthen our military? By giving them fewer resources, instead of more, in the years to come?

And is that how we are going to keep our economy growing and prospering? By returning to deficit spending, ever-increasing national debt, and costly interest payments on that debt?

That is the road we are headed down. I have been down it before, and I'm convinced it's the wrong road. I am choosing instead to take the conservative road of fiscal responsibility.

I strongly support responsible tax cuts of nearly $1 trillion that would give Americans the relief they deserve. I voted for such cuts as some of us tried to amend both this bill and the earlier budget resolution. Specifically, I support tax cuts that meet four criteria—tax cuts that (1) do not raid Social Security; (2) do not raid Medicare; and (3) provide relief from the marriage tax penalty now, not later; and (4) pay down the national debt.

Instead we are left with a tax package that is fiscally irresponsible.

With all due respect to Senators GRASSLEY and BAUCUS, we are about to vote on a tax bill that largely promises future relief based on future surpluses that may not materialize. It poses a serious threat to our economy because it will use up what surplus there is so we cannot pay down the national debt. And it seriously threatens our Medicare and Social Security trust funds—not only in 2012 but beginning next year.

I promised the people of Florida I would do everything in my power to enact a substantial tax cut, which is balanced, in order to protect those trust funds and to continue paying down the national debt. I promised I would fight for a prescription drug benefit, and that I would work for better schools, a clean environment and a strong defense. I intend to keep those promises, and I must vote against this bill.

Ms. MIKULSKI. Mr. President, I rise today in opposition to the tax bill currently being debated on the floor today. Everybody agrees that we need tax relief. But we must do it in a way that is affordable, responsible, and ensures that we are on sound fiscal footing. Unfortunately, the Republican tax cut does none of these things. I will vote against this tax cut for three reasons: It is irresponsible, premature, and it does not meet the compelling needs of our Nation.

The Republican tax cut is irresponsible because it mortgages our future for lavish tax cuts. It is premature, there is no way to guarantee that the Republican tax cut will be here today and that the American people can count on it tomorrow.

Unfortunately, the size of this tax cut will put an extra strain on this country's cashflow just when we will need it the most, when baby boomers will retire.

Finally, this tax bill makes it impossible to meet the compelling needs of our Nation. It does not have an economic stimulus in 2001; the size of the tax cut will make it difficult to make balloon payments coming due on Social Security and Medicare; and it will be extremely unlikely that the money will be there to create a meaningful and reliable Medicare prescription drug benefit.

I support the Democratic alternative because it ensures that we are meeting the day to day needs of our constituents and the long range needs of our country. What does the democratic alternative provide? First, Democrats want to put $300 in your checkbook right away, today, this year. Or $600 per family. This would provide an immediate economic stimulus and help all Americans who are struggling to pay for skyrocketing gasoline and energy prices.

Democrats would also provide tax cuts for all income taxpayers by reducing the 15 percent tax bracket to 10 percent on the first $6,000 income. Additionally, we include significant marriage penalty and estate tax relief, we raise IRA and 401(k) contribution limits, double the child tax credit, make college tuition tax deductible and provide resources to schools and communities modernize and build new facilities. I am also pleased that our bill includes an extension of the adoption tax credit and makes permanent the Research and Development tax credit. The democratic plan is balanced, fiscally prudent, and leaves resources so we can continue to pay down our debt, and make the balloon payments coming due on Social Security and Medicare.

Unfortunately, the Republican tax plan papers over the fiscal realities of our country. We need to get back to basics, to save lives, save communities, and save America. What do I mean by this? Well, while we are in the midst of debating bloated tax cuts, we have Marines who are on food stamps. I don't see how we can meet our national security commitment, do a $1.35 trillion tax cut, and have Marines on food stamps. The Marines say "semper fi," "always faithful." They are faithful to the United States and we have to be always faithful to the Marine Corps and to the military. That's why we must ensure that we have the resources to invest in core infrastructure programs, like the military, that will pay dividends in the future.

Democrats want to put money in people's pocketbooks, but we want to do it is a way that it is here today and in people's checkbooks tomorrow. We believe we're on the side of people who are middle class and those who are working their heart out to be able to get there.

I hope that my colleagues will join me in opposing the Republican tax cut. We should do what's responsible, honest, and allows us to meet the compelling human need in our nation today. The democratic alternative will put us on the right track to doing just that.

Mr. JOHNSON. Mr. President, I had intended to offer an amendment to H.R. 1836, the Reconciliation Tax Act, that would have called for a $1.7 billion increase in veterans health care funding. Senators BINGAMAN, WELLSTONE, DURBIN, and DORGAN supported my amendment. While I will refrain from offering my amendment today, I will nonetheless continue to fight for improved health care for our Nation's heroes.

In a few short days, Members of Congress will return home to participate in Memorial Day services around the country. There is no shortage of rhetoric to go around Congress in support of veterans benefits and veterans health care.

However, when the time comes for real decisions to be made on the prioritization of veterans issues in the budget, too many Members of this body are missing in action. A case in point occurred during debate of the budget resolution. Despite bipartisan support for increased funding for veterans health care in both the House and the Senate, the budget conference report include funding levels below that proposed by the administration.

Last week, I spoke with veterans from South Dakota who expressed their concern that the current level of funding in the budget conference report could mean long waits for appointments and reductions or cuts in vital services. These situations are not unique to my State and affect every VA hospital and clinic in the country.

When the current level of funding in the budget conference, the VA could be forced to delay and even deny needed care and slash vital programs. Long term care and other provisions authorized under the Millennium Health Care Act must be fully funded in order to be carried out. The VA is faced with salary increases and inflation which alone consume over $1 billion of health care dollars.

The Paralyzed Veterans of America, PVA, noted that the budget conference report "pays a grave disservice to the sacrifice of the men and women who have served this Nation. By providing fewer resources than was provided in the House-passed version, or the Senate-passed version, the conference report breaks faith with veterans. By providing fewer dollars than even the Administration's inadequate request for health care and benefits delivery programs, the conference report calls into question the commitment of this Congress to sick and disabled veterans."

The Veterans of Foreign Wars, VFW, described the budget conference report as "sadly inadequate" and unable to cover "uncontrollable expenses such as health-care cost inflation, implementation of the congressionally mandated Millennium Health Care Act and other pressing initiatives." The Disabled American Veterans, DAV, and AMVETS noted that an additional $1.7 billion would provide necessary resources to meet the needs of the men and women who have served our nation and rely upon the VA for the health care they need.

With an additional $1.7 billion, we will have the resources for a VA veterans health care budget that can adequately offset years of underfunding, the higher costs of medical care caused by consumer inflation, medical care inflation, wage increases, and legislation passed by Congress. Only with this additional funding will the VA be able to address the treatment of Hepatitis C, emergency medical services, increased cost due to medical inflation, and long-term care initiatives.

The Independent Budget, coauthored by AMVETS, the DAV, PVA, and the VFW, highlights the need to increase funding in a number of important health care initiatives including: an additional $523 million needed for mental health care; and additional $848 million necessary for long-term care; and additional $25 million needed to restore the Spinal Cord Injury program; and an additional $75 million to help homeless veterans.

The budget conference report is clearly inadequate to meet the needs of sick and disabled veterans. It is unacceptable that while the House provided an increase, and the Senate truly met the needs of the VA, we are left with a figure that is below the amount found in either resolution, below the amount recommended by the Senate Committee on Veterans' Affairs, below the amount initially requested by VA Secretary Principi, and far below the amount recommended by the Independent Budget.

The amount in the conference report fails to meet mandatory salary increases due to inflation, fails to meet medical care inflation, and returns us to the days of inadequate budgets to meet the needs of veterans. Our country's heroes deserve better, and I encourage my colleagues to honor their service by supporting increased funding for veterans health care.

I ask unanimous consent that letters of support for increased veterans health care be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Veterans of Foreign Wars
of the United States,
Washington, DC, May 17, 2001.

Hon. Tim Johnson,
U.S. Senate,
Washington, DC.

Dear Senator Johnson: It is my understanding that you will be offering an amendment to secure an additional $1.7 billion in funding for Department of Veterans Affairs' Medical Programs. On behalf of the 2.7 million members of the Veterans of Foreign Wars and our Ladies Auxiliary, I would like to take this opportunity to express our support for your amendment.

In partnership with other major Veterans Service Organizations, we produced the annual Independent Budget for VA where have identified the need for a minimum increase of $2.6 billion in VA's medical care account over FY 2001. The budget resolution for FY 2002 adopted by Congress has seen fit to prescribe a sadly inadequate $1 billion increase. If allowed to stand the VA medical care account would not even be able to cover uncontrollable expenses such as health-care cost inflation, implementation of the congressionally mandated Millennium Health Care Act and other pressing initiatives.

Your amendment would allow the VA to carry out its mission of providing timely access to quality healthy care for America's sick and disabled veterans.

We of the VFW, thank you for efforts on behalf of our nation's veterans.

Sincerely,

Robert E. Wallace,
Executivee Director.

Disabled American Veterans,
Washington, DC, May 17, 2001.

Hon. Tim Johnson,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

Dear Senator Johnson: On behalf of the more than one million members of the Disabled American Veterans (DAV), I am writing to you to express our support for your amendment that would increase Department of Veterans Affairs (VA) health care funding to the level recommended by the Independent Budget (IB) for fiscal year (FY) 2002.

The Congressional Budget Resolution, H. Con. Res. 83, provides a discretionary spending increase of $1 billion. This recommended amount would not even cover the costs of mandated salary increases and the effects of inflation. The IB has identified an increase for VA health care of $2.6 billion over the amount provided in FY 2001. This recommended increase would provide the resources necessary for the VA to meet the needs of the men and women who have served our nation, and rely upon the VA for the health care they need.

Thank you for your efforts on behalf of our nation's sick and disabled veterans. Again, we strongly support your amendment to increase the amount available for VA health care up to the level recommended in the IB.

Sincerely,

Armando C. Albarran,
National Commander.

American Veterans,
Lanham, MD, May 18, 2001.

Hon. Tim Johnson,
U.S. Senate,
Washington, DC.

Dear Senator Johnson: AMVETS fully supports your proposed amendment to increase funding for veterans hospital care and medical services.

Your proposed amendment would increase the budget for veterans health care by $1.7 billion above the Fiscal Year 2002 Budget proposed by the administration. It meets the level of funding suggested by The Independent Budget as necessary for the VA to live up to our country's commitment to veterans and their families.

Without an increase in VA health care, resources will be insufficient to meet the needs of the men and women who have served our Nation, and reply upon the VA for the health care they need.

Thank you for your continuing efforts to support our nation's veterans. We believe the price is not too great for the value received.

Sincerely,

David E. Woodbury,
Executive Director.

Paralyzed Veterans of America,
Washington, DC, May 18, 2001.

Hon. Tim Johnson,
U.S. Senate,
Washington, DC.

Dear Senator Johnson: On behalf of the Paralyzed Veterans of America (PVA) I am writing to offer our support of your amendment to H.R. 1836 that would add $1.7 billion for veterans' health care. This amount, when added to the $1 billion provided in discretionary funding in the recently passed budget resolution, would bring veterans' funding close to the $2.7 billion recommended by the Independent Budget, which is co-authored by PVA.

The health care requirements of veterans were not met in the budget resolution. After realizing increases above the Administration's request in the House of Representatives, and achieving increases in the Senate that would have matched the Independent Budget's request, veterans' funding was cut back down to the level advocated by the Administration. This amount is simply not enough to meet the health care needs of sick and disabled veterans.

That is why your amendment is so essential—it would begin the process of meeting the true needs of the health care system dedicated to veterans. Again, PVA thanks you for offering this important amendment.

Sincerely,

Joseph L. Fox, Sr.,
National President.

Mr. REED. Mr. President, I am in strong opposition to the tax cut bill that the Senate has been considering over the past few days. I am sorry to say that this legislation fails the basic tests of responsible government. It is fiscally irresponsible to use $1.35 trillion of the surpluses projected over the next 10 years to pay for a tax cut, since these estimated surpluses may never materialize. Even the Congressional Budget Office, CBO, acknowledges that there is considerable uncertainty in their forecasts. In fact, within the CBO's estimates, they suggest that even a 1 percent per year slower growth in GDP would reduce the 10-year surplus by $2.4 trillion. With that much uncertainty, this tax cut is too large and risks squandering the fiscal discipline that has been so hard fought and earned over the past several years. With these excessive revenue losses, we will certainly sacrifice our ability to adequately provide for critical programs in the areas of health care, education, the environment, transportation infrastructure, defense and further paying down of the national debt. Now, many of the supporters of this legislation also tout the theory that government should be run like a business. However, no chief executive of a corporation would allow dividends to be locked in for 10 years, when earnings forecasts are so unclear. In addition, no corporation would ever submit a budget that would have critical elements missing, such as is the case with defense spending in this budget.

The tax cut also fails the test of responsible budgeting. The bill before the Senate is so backloaded that the full costs don't appear in the 10-year estimates provided by the Senate Finance Committee. Analysis by the CBO and the General Accounting Office, GAO, shows that the retirement of the baby boom generation will put enormous pressure on the budget starting a little over a decade from now. This is at the exact time when the full cost of the tax cut will be felt and will almost surely aggravate the deficits that many analysts expect to emerge at that point. Simply put, this bill is far more expensive than it appears. For example, 60 percent of the costs in the legislation don't occur until the second half of this decade. Some of the most expensive provisions, such as the full repeal of the estate tax, don't appear until the last year, so their real costs are truly masked. Other provisions expire in 5 years, such as Alternative Minimum Tax relief and tuition tax deduction, so their full cost is hidden. The effect of these sunset provisions also ensure that these issues will have to be considered again by a future Congress. Some analysts have also suggested that if all of the provisions in the bill were effective immediately, the full cost over 10 years would likely be over $2 trillion, while the costs in the next 10 years could exceed $4 trillion. Lastly, this legislation is a sham as it purports to include a complete tax package for the next decade, when realistically, many more tax items that are expiring shortly, otherwise known as "extenders," will have to be added down the road. Again, far too much money is in play here while budgetary gimmicks and tricks are dictating the process.

This tax cut is also markedly unfair. Cuts in marginal tax rates above the 15 percent bracket and repeal of the estate tax benefit a small group of taxpayers who have experienced remarkable growth in income and wealth over the past 5 years. However, the legislation appears to neglect one important group of people: those taxpayers in the 15 percent bracket. Although the proponents of this bill would suggest that most taxpayers are in the 28 percent bracket or higher, the facts are otherwise. Research by the Democratic staff of the Joint Economic Committee and the Budget Committee point out that an overwhelming majority of those who pay income tax are in the 15 percent bracket, close to 75 percent, and would get no benefit from the upper bracket rate cuts in this bill. Now, the bill does provide a tax cut for everyone who pays income tax by creating a new 10 percent tax bracket immediately, albeit a minuscule one for those in the lowest bracket. In addition, the bill makes the child credit refundable, and in a manner that reduces marginal tax rates for many working families with children. Both of those provisions are worthwhile and should in fact be expanded. Nonetheless, Citizens for Tax Justice, CTJ, has provided an analysis of the legislation's rate cuts, and many of its findings are disturbing, to say the least. Some of these include: the top one percent of all taxpayers, with income of $373,000 or more, would receive one-third of the entire tax cut; the top one percent would receive an average yearly tax cut of over $20,000, while the bottom 20 percent would receive an average yearly cut of $64; and the middle 20 percent of taxpayers, incomes ranging from $27,000 to $44,000, would receive 9 percent of the tax cut, an average of about $600 per year.

One prominent example of the unfairness in this tax bill is the repeal of the estate tax. Supporters of this legislation perpetuate the myth that the estate tax is a "death tax." The truth is that 98 percent of Americans face no tax liability under the estate tax when they die. In fact, the repeal of the estate tax takes away budget resources that could be used to pay down the debt and increase national saving, and it uses those resources to benefit a tiny group of very wealthy taxpayers. The effect on the Treasury will be astounding: although the Finance Committee estimates the estate tax portion of the bill to cost $146 billion over 10 years, because this provision is backloaded, the real costs will come after full repeal in 2011, costing almost $1 trillion over the next 10 years. The impact on states will also be overwhelming. A majority of the states use a "pickup" system for their estate tax, whereby they essentially receive a portion of the Federal estate tax receipts. I know that in my State of Rhode Island, the estate tax accounted for $34.2 million in state revenue for fiscal year 2000. What can $34.2 million pay for? In fact, it can pay for 681 more police officers, or 729 more firefighters, or 575 more elementary school teachers. If the estate tax is repealed, States like Rhode Island will no doubt have to make up the shortfall in revenue by raising State taxes or cutting their budgets. Total State revenue loss when the estate tax is fully repealed could exceed $9 billion. Toward what end is this repeal aimed? In 1999, Rhode Island had 134 estates that were subject to the estate tax, 15 of which were estates of $5 million or more. That is out of a total of about 486,000 taxpayers. Although the numbers for other States will fluctuate based on their size, we are again talking about a very small proportion of our whole population. That is why I have supported an alternative that would reform, rather than repeal the estate tax system. By raising the tax exemption levels to $4 million for individuals and $8 million for couples, almost all family-owned farms and businesses will be erased from the estate tax rolls. However, the tax would remain on the largest estates that have the ability, and the responsibility, to pay for the enormous wealth they have been fortunate enough to acquire.

To put things into perspective, the supporters of this bill and the Bush administration are hoping to pass a huge tax cut and increase military spending, while relying on rosy estimates of our economy 10 years down the line. Much of this debate recalls an earlier era during which Congress and the Reagan Administration attempted to do the same thing. Why are we rushing to pass a tax cut that is even more irresponsibly constructed than the 1981 tax cut; a tax cut which caused spiraling deficits and mounting debt in the 1980s and early 1990s? This bill takes the wrong approach and it is irresponsible. There is an approach we can take to provide meaningful and targeted tax relief to hard working American families, while ensuring that we have the resources to pay down the debt and invest more fully in our nation's environment, health care, education and other critical priorities. Sadly, the legislation before us rejects that balanced approach and embraces a policy which will threaten our prosperity and undermine our ability to respond to the needs of working American families.

Mr. KOHL. Mr. President, I rise to support this tax cut bill, though not with great enthusiasm and not without great trepidation. It is clear that a balanced tax cut is justified given the massive budget surplus we are experiencing. Whether this is that tax cut is a different question.

We have heard much this week about not letting the perfect be the enemy of the good. We have gone beyond that point with this bill. The debate now is whether we will let the good be the enemy of the acceptable.

The booming economy of the last few years has resulted in exploding tax revenues and growing budget surpluses. These surpluses present great opportunity and great risk. There is the opportunity to invest in unmet national needs: education, health care, retirement security, agriculture, child care. And there is opportunity to return some tax dollars to the hard working families whose productivity has driven our solid economic performance. As Federal Reserve Chairman Alan Greenspan has stated, a tax cut gets resources to those who know best how to take care of their families, the taxpayers themselves.

But with these opportunities come great risks. We are at risk of putting too much faith in multi-year projections of ever-growing surpluses. We are at risk of locking in revenue losses and deficits with which future Congresses and generations will have to grapple. The $1.35 trillion tax cut comes dangerously close to threatening the trust fund surpluses that protect Social Security and Medicare. That is why I cosponsored an amendment to put in place a "trigger" that would delay scheduled tax cuts if the trust fund surpluses were violated. That is also why I supported several attempt to bring the total tax cut number down and reserve some of those funds for spending priorities or debt reduction. Unfortunately, none of these amendments was accepted.

What was accepted, at the insistence of a groups of Democratic and Republican moderate Senators, was a sunset that ends all the tax cuts instituted in this bill after 10 years. At minimum, that will force Congress to reexamine the wisdom of the policies we put in place today and adjust them to fit with the economic and budget circumstances of tomorrow.

The other risk we face is passing a tax bill that tilts too much toward those who already have so much. I would have preferred a bill that included more relief for middle and lower income tax payers, and I supported numerous amendments to expand the tax benefits for these working families. None of those amendments passed.

That is not to say that this bill does not contain significant tax relief for these families. The provisions that expand and make refundable the child tax credit will make a real difference in the lives of millions of children struggling now in families living at or near the poverty line. These are gains that were not included in the House passed bill and that must be retained in the Conference Report to make the final bill acceptable. In addition, the Senate bill includes significant tax incentives for those who send their children to college and those trying to save for retirement. These too must be retained.

And finally, the bill contains a small provision on which I have worked for several years, the Child Care Infrastructure Tax Credit. This gives a modest tax incentive to employers who choose to invest in child care for their employees. This Nation clearly faces a crisis level shortage in quality child care—and quality child care is often the difference between work and welfare, between healthy children and struggling families. We win as a Nation and as an economy when we get employers involved in creating and supporting early childhood teachers and facilities.

These are all good reasons to vote for this bill. But there is another reason that overwhelms these all.

I am a Democrat who supports tax cuts. I am a moderate at a time when political power is wobbling from right to left. It is a certainty that a tax bill will be signed into law this year. If those like myself say "no" now, and push away from the table, we may be able to make some lofty political statements in time for the six o'clock news. But we take Democratic principles and the interests of working families with us. And I am not ready to do that.

So I vote in favor of this bill today with the hope and expectation that it remains a bill that benefits working families, students, retirees, and children tomorrow. And I commend Chairman GRASSLEY and the ranking member, Senator BAUCUS, for the clear effort and good faith with which they put together this bill.

Mr. ROCKEFELLER. Mr. President, I support a meaningful tax cut that provides all Americans with financial relief as quickly as possible, but I can not in good conscience support the bill before us today. The decision the Senate is faced with is not whether we should have a tax cut—no one can doubt that Democrats and Republicans alike want a tax cut. Rather, the question is how can we create a tax cut that is fair to the majority of working people and still have enough resources for other critical national priorities?

During the Senate's consideration of this bill, I supported a $900 million tax package that provides broad relief to all Americans—across the income spectrum—while ensuring sufficient funds for continued debt reduction and important programs like a Medicare prescription drug benefit. Unfortunately, the tax bill that we are on the brink of passing here today is significantly too large and is heavily skewed toward the most wealthy. If budget surpluses fail to materialize as projected, this bill will threaten our ability to fund urgent national priorities such as education and road construction, and could force us to dip into the Medicare and Social Security Trust Funds in the coming year just as the Baby Boomers begin to retire.

Mr. President, this bill is simply too large, given the enormous uncertainty of long-term budget projections. I believe that both President Bush's $1.6 trillion plan and this $1.35 trillion plan jeopardize our economic future and the long-term solvency of the Medicare and Social Security Trust Funds.

The facts are stark: Social Security payments will exceed income in 2015, and Medicare payments exceed income in 2010. We will be forced to tap into the Social Security Trust Fund principal in 2025 and the Medicare Trust Fund principal in 2017. In 2037, the Social Security Trust Fund will be exhausted, and the Medicare Trust fund will be exhausted even earlier, in 2025. I believe this tax bill jeopardizes the long-term solvency of Social Security and Medicare. These programs are fundamental for our seniors, and we have an obligation to ensure that both the Social Security and Medicare Trust Funds are protected before enacting massive tax cuts.

This tax bill is even larger than it appears, because it is backloaded in order to keep the real cost of the overall package hidden. Estate tax repeal does not occur until 2011, so its full cost is not included in the Budget Resolution numbers. Marriage penalty relief—which to me should be a higher priority than estate tax repeal because it helps all married taxpayers across-the-board—does not begin to phase in until 2006. Because of these late phase-ins, the true cost of this tax plan will not be apparent until the second 10 years. While the cost of the tax plan in the first 10 years is an estimated $1.35 trillion, the cost explodes in the second 10 years to $4 trillion.

The simple question we must ask is this: If we cannot afford these tax cuts now, then how will we afford them in the following decade, just as the Baby Boomers enter their retirement years?

There are other gimmicks in the tax bill designed to make the tax cut's impact look smaller than it actually is. For example, the tuition deduction sunsets in 2005, in order to keep the cost of the overall bill within the $1.35 trillion limit. But we all know from experience that the Congress will certainly renew this popular deduction in 2005 when it expires, so the relatively limited price tag for this provision is intentionally misleading.

This bill also fails to address the need to reform the alternative minimum tax (AMT). AMT was designed to make sure the very richest people paid their fair share of taxes, but as a result of this bill, almost 40 million mostly middle income taxpayers will actually pay substantially more in AMT by the end of the decade. This is a problem that will have to be dealt with in the next few years, or much of the tax relief in this bill will be nullified. Real AMT reform will cost several hundred billion dollars—an expense which is not accounted for in this tax bill.

Further, the majority has already asserted that it intends to pass additional corporate tax cuts this session. As large as this tax package is, the final figure will surely grow.

Another fundamental problem with this bill is that the lion's share of the tax relief it contains goes to the wealthiest Americans. Estate tax repeal was included in the bill, despite the fact that 98 percent of Americans who die are not subject to the estate tax and pass their estate on to their heirs tax free. Indeed, only 47,000 taxpayers in the entire country even pay the estate tax each year, and half of all estate taxes are paid by the wealthiest 0.1 percent of Americans. According to Responsible Wealth, the estate tax is repealed under this bill in 2011 at a cost of $60 billion—which effectively means we will need to tap into the Medicare Trust Fund in order to meet our obligations.

State and local taxes may need to be raised to make up for the loss of state estate tax revenues, which are also eliminated by this tax bill. Under the federal estate tax, taxpayers are allowed a credit up to a certain amount for payment of estate taxes, and many states, like West Virginia, tax up to the amount of the credit. If the estate tax is repealed, the credit will be eliminated as well, and West Virginia would lost over $20 million in revenue a year that is being used to fund critical state programs.

Another way this tax bill benefits the very wealthy is the cut in the top rate from 39.6 percent to 36 percent. The Joint Committee on Taxation estimates that the cost of this cut will be $114 billion. This is one of the more expensive provisions in the bill—but the top rate only takes effect at $297,000. So very few taxpayers, including only 0.3 percent of West Virginians, actually receive any benefit from it.

The Senate version of the tax plan does make some improvements in terms of fairness of the distribution of tax cuts. I strongly supported a provision to expand the Earned Income Tax Credit, so that families earning between $13,000–$16,000 a year will get the full EITC assistance. I also cosponsored Senator SNOWE'S amendment to give partial refundability of the enhanced child credit so that families with children can benefit from this tax cut. The bill gives families earning over $10,000 a 15 percent child credit, making the child credit partially refundable.

Both of these provisions are improvements, but they do not make up for a tax package that is otherwise unfair to our state, and an unnecessary bonanza for only the wealthiest. The provisions for low-income families and children account for just 5 percent of the $1.35 trillion package.

In addition, the low income improvements of this bill don't even benefit all families with children. Nearly 68,000 children in West Virginia won't be helped by the partial refundability provision because with incomes of less than $10,000 their families still do not "earn enough."

West Virginia taxpayers without children would receive little tax relief under the tax bill, according to Citizens for Tax Justice. The bill does nothing to relieve the real federal tax burdens faced by average West Virginians, who pay not only income taxes, but high payroll taxes and federal excise taxes.

During the Senate consideration of this bill, I offered an amendment to put a Medicare prescription drug benefit on equal footing with the tax cut for the wealthiest Americans—those in the uppermost income bracket. My amendment required that we enact a universal and affordable Medicare outpatient prescription drug benefit before the income tax cuts for the very wealthiest go into effect. The amendment was defeated 48–51, on a mostly party-line vote.

I sincerely believe my amendment would have put positive pressure on Congress to enact the Medicare prescription drug benefit we all promised our constituents. The vote tells me that many Members understand very well that the size of this tax cut threatens our ability to pass a Medicare prescription drug benefit.

In sum, the overall size of this tax package jeopardizes our economic future and the future solvency of Society Security and Medicare for today's workers and for our children. While the Senate version of the tax bill is an improvement over the House and Bush plan, too much of the tax cut still goes to the wealthiest, while hardworking West Virginia taxpayers—seniors, families with children, married couples, and singles—receive little or virtually no benefit. For these reasons, I cannot support this legislation.

Mr. FEINGOLD. Mr. President, I will vote against this tax bill because it is not fiscally responsible. This enormous tax cut may end up raiding the Medicare and Social Security Trust Fund balances. It risks a return to the annual budget deficits Congress worked so hard to eliminate. It will cause our Nation to miss what may be a once-in-a-lifetime opportunity to put our fiscal house in order by paying down debt, strengthening Social Security, and modernizing Medicare. And it does not fairly distribute its benefits. For these reasons, I must oppose it.

This is the most momentous budgetary vote in two decades. For with this vote, Congress appears poised to turn its back on 8 years of fiscal responsibility. With this vote, Congress appears willing to return to the deficit spending days of the 1980s.

I do believe that taxpayers deserve tax relief. With the favorable surpluses before us, we should cut taxes. I supported Senator CONRAD'S proposal to cut taxes by $745 billion over the next 10 years. With its associated interest costs, that package would have devoted roughly $900 billion to tax relief.

But the tax cut in this conference report is too large relative to the surpluses that economists have projected. It seeks to devote $1.35 trillion to this one purpose. Interest costs could add another $400 billion to the cost.

We should not commit to tax cuts of this size before the projections of future surplus dollars have proved real, before we have ensured the long-term solvency of the vital Medicare system, before we have brought that program up-to-date with needed prescription drug and long-term-care benefits, and before we have done one single thing to prepare the vital Social Security safety net for the impending retirement of the baby boom generation.

With this bill, the Congress appears headed toward repeating the fiscal mistake it committed in 1981. Recall that back in 1981, they had surplus projections, too. In President Reagan's first budget, incorporating his major tax cut, the administration projected a $28 billion surplus in the fifth year, 1986. In the actual event, the Federal Government ran up a $221 billion deficit in 1986.

The 1980s saw the accumulation of more than $1.5 trillion in deficits and the tripling of the Federal debt held by the public. The Congress's decision to cut taxes too deeply in 1981 thus robbed the Nation of fiscal policy tools, and unduly constrained the Federal Reserve Bank in its monetary policy.

We risk committing that same error again today. As I have noted, the bill before us will cost at least $1.35 trillion in its first 10 years. And during this bill's second 10 years, the Center on Budget and Policy Priorities estimates that it will cost more than $4 trillion.

And those costs will come just as the Nation faces growing costs for Medicare and Social Security with the retirement of the baby boom generation. In their 2001 annual report, concluded under the Bush administration, the Trustees of the Medicare Hospital Insurance trust fund project that its costs will likely exceed projected revenues beginning in the year 2016. The Trustees say: "Over the long range, the HI Trust Fund fails by a wide margin to meet our test of financial balance. The sooner reforms are made the smaller and less abrupt they will have to be in order to achieve solvency through 2075."

Similarly, Social Security's Trustees remind us again this year that when the baby-boom generation begins to retire around 2010, "financial pressure on the Social Security trust funds will rise rapidly." The Trustees project that, as with Medicare, Social Security revenues will fall short of outlays beginning in 2016. The Trustees conclude: "We should be prepared to take action to address the OASDI financial shortfall in a timely way because, as with Medicare, the sooner adjustments are made the smaller and less abrupt they will have to be."

This bill robs the nation of resources to deal with these important challenges.

As well, the bill before us is tilted heavily toward high-income taxpayers. According to Citizens for Tax Justice, when this bill's tax cuts are fully phased in, the highest-income one percent of taxpayers would receive 35 percent of the benefits of the bill. The majority of taxpayers in the bottom three-fifths of the population would get only a little more than 15 percent of the bill's benefits.

When this bill's tax cuts are fully phased in, the one percent of taxpayers with the highest incomes would receive an average tax cut of more than $44,000, while taxpayers in the middle fifth of the population would receive an average tax cut of less than $600.

This is not a balanced bill. It is not balanced fiscally. And it is not fairly balanced in its benefits. I will therefore vote against it, and I urge my colleagues to vote against it as well.

Mr. KERRY. Mr. President, as we near completion of debate over this tax bill, I want to commend the Chairman of Finance Committee, Senator GRASSLEY, and the Ranking Democrat, Senator BAUCUS, for their good faith efforts to craft a tax bill and move it through the Finance Committee, that is no easy task, and I have enormous respect for their hard work and the extent to which they each listened to members from both sides of the aisle. I am particularly grateful to see that the Finance Committee included a proposal advocated by myself, Senator SNOWE, and Senator LINCOLN which would extend the child tax credit to perhaps as many as an additional 16 million children. The legislation's new child credit refundability provision amounts to nearly $70 billion in expanded relief for working families with children. That is truly an accomplishment.

Nevertheless, today we are considering more than a tax bill—and much more than a number of individual tax pieces. What we do here has consequence. Nothing happens in a policy vacuum, nothing happens that doesn't affect everything else we do for this economy, the choices we can and can not make for this country. This is more than just a tax bill. It is a blueprint for the next several years, and, as such, I am sorry to say it is a blueprint that jeopardizes the fiscal discipline that has been the foundation of the long-term economic growth our country has enjoyed in recent years.

This tax cut is one of the great lost opportunities of the last twenty years in American politics. I want a broad-based tax cut that reaches every American and I want it done in a way that's fiscally responsible. I'm not alone. We could have had that, instead, we have a tax cut that's based on projections that won't hold up and which I fear will, as a consequence, bring us back to deficit economics again in this country. It didn't have to be this way. No business in America pays out dividends to shareholders based on ten year profit projections—neither should the government.

As someone who worked hard to put the budget in the black, from Gramm-Rudman Hollings deficit reduction in 1986 when "balanced budget" was a dirty word for Democrats, to the tough vote in 1993, to the balanced budget in 1997, I can't stress enough how this vote takes the country in the wrong direction on the question of fiscal discipline.

President Bush has said over and over, it's your money, not the government's money. It's also your debt. Under the tax cut that's about to be sent to the floor all it takes is one dip in the economy, one blip in surplus projections, and we've returned to the days of deficit economics, and that means higher interest rates on student loans, on car loans, and on mortgages. It means we slow the economy. That's not fiscally responsible policy-making, and it's a departure from the course of fiscal conservatism that brought us the growth and prosperity of the last eight years.

We could have made a different choice. We could have had a one, a two, or a three year tax cut. We could have stimulated growth. If surpluses were here after that, we could have cut taxes again, and I've never seen a Congress that didn't like to cut taxes. But that's not what's happening here. Tax politics is trumping fiscal discipline and honest economic policy.

We know the history here, and we know what a departure this represents. In 1993, the Senate cast a difficult vote to commit the Congress and the country to getting the deficit under control. This tax bill, if passed, could well be the vote that casts away that fiscal discipline.

Last week, we voted on a budget resolution. That budget resolution is nonbinding. But it gives us a framework for understanding how all the different pieces—the tax bill, discretionary spending, Social Security, Medicare, and debt reduction, will fit together. In so doing, the budget resolution made certain assumptions, assumptions regarding the economy and assumptions regarding spending.

First, the budget resolution is based on CBO's ten-year economic projections which are, overly optimistic and, by definition, hopelessly unreliable, as I will explain. Second, it assumes that nondefense spending will be held slightly below the rate of inflation for the next 10 years. We have not held spending to that level in decades. Third, it assumes that no additional funds will be needed for Social Security reform. I have yet to see a viable Social Security reform plan which did not need additional funds to address transitional costs. Fourth, although it did assume certain funds for Medicare, funding for a prescription drug benefit will have to compete with funding for overall Medicare reform. Finally, although it created a defense reserve fund, there was no money in the budget allocated for this purpose. It will have to compete with all other spending priorities.

Clearly, each of these assumptions deserves close scrutiny because they are the foundation for the tax cut we are considering.

A little over three years ago, in January of 1998, the Congressional Budget Office projected that the federal government would accumulate a 10-year unified surplus of $660 billion. While the January CBO report appeared only a few short months after the Asian financial crisis of 1997, its authors were careful to note that their ten-year projections were based not on cyclical effects, but rather on certain beliefs regarding the long-term prospects for the United States economy. The surplus estimates were driven by trends in underlying factors—important issues such as the demographics of the labor force, the rate of national savings, and growth of productivity levels in output per worker.

This January, once again, our Congressional Budget Office produced new estimates on what to expect over the next ten years. The economists projected the economy would grow at a rate of 2.4 percent in 2001, a full half a point higher than CBO had anticipated for 2001 in its budget outlook written only three years ago. Nevertheless, we find ourselves dealing with ten-year surplus projections not of $600 billion, but $5.6 trillion. From 1998 to 2001, the Congressional Budget Office increased its ten-year surplus projections by 5 trillion dollars. Allow me to repeat that statement. In three short years, the Congressional Budget Office has increased its ten-year surplus projections by 5 trillion dollars.

It begs the question, what has led the Congressional Budget Office to increase surplus projections by such a tremendous amount over the last three years? Is it the result of deficit reduction measures? Absolutely not. Over the past three years, discretionary spending has grown by an average rate of well over 4 percent. The Balanced Budget Act of 1997 slowed the growth of Medicare, but Social Security and Medicaid spending continue to increase.

Today, the same economists that predicted a 10-year surplus of $600 billion in 1998 have changed their assumptions regarding the economy's ability to grow. They assume that productivity growth will continue at levels far exceeding levels attained from the mid-1970s through the mid-1990s. They assume that productivity growth will be well above its average over the last 50 years.

Yet, productivity levels already show signs of weakening. Productivity has dropped steadily since last summer. In the first quarter of this year, productivity recorded its first decline since 1995.

A surplus projection centered on an assumption that productivity growth will hold at the levels achieved over the last five years is not a conservative projection, and it is certainly not the stone on which Congress should engrave the largest nominal tax cut it has ever contemplated and bet the future of the US economy.

Indeed, the Congressional Budget Office acknowledges as much in their report. Their economists go to great lengths to warn of the pitfalls and dangers of budget forecasting. The January report devotes 24 pages to this very topic. Under one specific scenario modeled by CBO, their economists examine what would happen if the economy reverted to pre-1996 conditions, specifically, if: (1) productivity growth averages its historical rate of 1.5 percent, (2) Medicare and Medicaid spending grow a mere 1 percent faster than the baseline, and (3) increases in personal tax liabilities from phenomena such as recent capital gains realizations gradually fall to historical levels. In this instance, they estimate the budget surplus would fall from $5.6 trillion to $1.6 trillion. A full, four trillion dollars would be eliminated.

That scenario is far from a "doomsday" scenario. It simply assumes that productivity growth falls to historic levels, Medicare and Medicaid spending increase 1 percent, and capital gains realizations fall to historic levels. And it reduces the surplus by four trillion dollars.

Now I say to my colleagues, there is another piece of the surplus puzzle that just doesn't fit and that is the spending assumptions. Over the past 20 years, the difference in projected spending in the Congressional budget resolution for the next fiscal year and the actual amount of spending for the next fiscal year has averaged 3.3 percent. In other words, spending for fiscal year 2002 will probably be off by about 3.3 percent from the level anticipated in the budget resolution. Thus, with a $1.9 trillion budget, we're likely to be off by about $60 billion. And that's just next year.

Looking at the out-years, spending assumptions can be wildly inaccurate. Medicare spending is rising again, it increased by 3 percent in 2000. According to CBO, "Historically, Medicare's growth rate has varied widely, and such fluctuations are likely to continue." In 2000, Medicaid grew 2 percent faster than CBO projected. In addition, minor upturns in inflation can result in major spending increases because many mandatory program benefits, such as Social Security, are linked to the consumer price index. And we have yet to adequately address all of the problems the Balanced Budget Act of 1997 created for Medicare.

On the discretionary side, since the end of President Reagan's last term, domestic nondefense outlays have increased at a rate of 6 percent a year, those are our investments in education, the environment, transportation, children and other priorities. Much of that increase was balanced by declining defense expenditures. That's about to change. Does anyone really believe that a budget resolution which assumes that discretionary spending will rise at the rate of inflation over the next ten years is honest budgeting? Judging by the votes during Senate floor consideration of the budget resolution, it's not about to begin today.

Now let's take a look at what happens to the surplus if we make a much more realistic assumption about spending. For example, maybe we will lower nondefense spending growth from the 6 percent averaged since the end of Reagan's term to 5 percent. Let's give ourselves the benefit of the doubt and assume that the defense build-up leads to increases in defense of only 5 percent per year. Thus, discretionary spending increases 5 percent a year over the next 10 years. In effect, with lost interest savings, we would wipe out more than $1.1 trillion of the projected surplus.

So first we have a potential situation in which our 10-year surplus, due to faulty economic assumptions, has fallen from $5.6 trillion to $1.6 trillion. When we then figure in honest and realistic projections regarding spending growth, our actual 10-year surplus has now been reduced from 5.6 trillion to $500 billion. We have wiped out all of the Medicare surplus and we have wiped out about 80 percent of the Social Security surplus, and we still have not calculated the cost of the tax cut or Social Security reform.

Now combine that scenario with the tax cut before us. We are about to enact a $1.35 trillion tax cut and at the same time, we have done nothing to deal with fundamental issues resulting from mandatory spending and the retirement of the Baby Boom generation. Moreover, there exists the very real possibility that we will return to the days of deficit spending and ballooning federal debt.

And while it may make a nice sound bite to say that if we don't send the surplus back to the American people in a tax cut, Congress will waste it, no one can make that argument with a straight face unless they are willing to set forth a real plan to deal with the fundamental issues facing Social Security and Medicare. Our President has yet to submit a Social Security or Medicare reform plan and I don't see one on the schedule in the Ways and Means Committee or the Finance Committee.

Social Security's trustees reported in March that Social Security's tax income will fall short of Social Security's benefit payments beginning in 2016. Medicare's tax income will fall short of Medicare spending the same year. Social Security and Medicare's problems are related to the aging of the labor force. In the not-to-distant future, there will be too few workers in the workforce to maintain Social Security and Medicare as pay-as-you-go programs. These are not small problems.

In the case of Social Security, Congress will have to either reduce Social Security benefits, raise Social Security taxes, or find a third alternative. Individual accounts, partial privatization, or investment of Social Security funds in the stock market, even under the best of circumstances, regardless of how they are structured, will require use of large-scale additional funds to ensure that current and near retirees will not be penalized. But under the scenario I have outlined, there would be no General Treasury funds available and Social Security surpluses over the next ten years would be eliminated.

The same issues apply to Medicare. The Congressional budget resolution sets aside $300 billion in a Medicare Reserve Fund. However, that $300 billion is needed just to finance a decent prescription drug benefit. In addition, there will be substantial costs associated with reforming Medicare. This year's Trustees' Report showed that health care costs per capita will rise. But as I have demonstrated, the tax cut would place Medicare surpluses in jeopardy.

Dealing with the Social Security and Medicare's financial problems sooner rather than later minimizes the pain for beneficiaries and workers by allowing the government to address transitional costs before the problem reaches the breaking point.

Congress should be acting in a fiscally responsible way by addressing Social Security and Medicare's long-term problems while we have the opportunity, while the Federal government is operating under surpluses and not deficits.

Turning to the actual tax cut before us, regardless of how you feel about the bill's specific provisions, one glaring problem flows from the fact that most of the bill's provisions will not take effect for several years.

According to the Joint Committee on Taxation, the cost of the bill in 2011 will exceed the cost of the tax bill in the first three years combined. By the time we reach 2011, the cost of the Chairman's proposed tax cut will approach nearly $200 billion per year.

The most obvious example is the bill's estate tax relief provisions. Over the next five years, the bill would provide a total of $36 billion in estate tax relief. However, the bill does not actually repeal the estate tax until the year 2011, and, therefore, the revenue hit resulting from repeal of the estate tax will not actually occur until 2012, so its impact does not even appear in the revenue tables.

Thus, the bill repeals the estate tax in the same year that the Baby Boom generation will begin retire. Is that fiscal responsibility? The stark reality is that the cost of the tax cut will arrive just when we are least able to afford it.

The same problem applies throughout the legislation.

To make matters worse, because many of the bill's provisions will not take effect until the second five years, the costs of the tax bill escalates at a time when surplus estimates are the most unreliable, towards the end. And by back-loading the bill, we are ensuring that the costs of the tax cut will rise just when surpluses are most unreliable and our fiscal problems related to the aging of the population are truly emerging.

Finally, I say to my colleague, by passing this tax cut, we are effectively ensuring that the Federal debt will stop falling and start rising again. Under the Congressional Budget Office's January baseline, Federal debt, i.e., debt held by the public as well as debt owed to Federal trust funds such as Social Security and Medicare, will fall in each of the next five years. However, under the budget resolution Congress passed last week, Federal debt would soon be on the rise again. Even if you accept their assumptions about spending and the economy, after five years, Federal debt will be $600 billion higher than the CBO baseline. Over the full ten years of the budget resolution, Federal debt would increase by over $1 trillion, from $5.6 trillion in 2001 to $6.7 trillion in 2011.

And by using unrealistic economic and spending assumptions, as I have shown, they are ensuring that debt held by the public will rise. From 1969 to 1997, debt held by the public increased every year. Over the past three years, we reversed that trend. From 1997 through 2000, the Federal government retired $360 billion of debt held by the public. In the early 1990s, by enacting a real deficit reduction program, we were able to completely change the course of interest rates, inflation, and the economy.

Reducing publicly held debt means the government is buying back bonds, thereby freeing capital in private sector financial markets. As Federal Reserve Chairman Greenspan noted in Congressional testimony earlier this year, "a declining level of Federal debt is desirable because it holds down long-term real interest rates, thereby lowering the cost of capital and elevating private investment." Paying down publicly held debt results in lower interest rates and lower inflation. The result is lower home mortgage rates and lower auto loan rates for every American.

Paying down debt has also helped finance a high level of private sector investment at a time when personal savings rates are declining. By buying back bonds, more capital is available in domestic markets. It is that simple.

But under the tax cut we have before us today, the ability to reduce publicly held debt will be strained. Their numbers make unrealistic assumptions about the economy and unrealistic assumptions about spending. While only time will tell, I fear we are moving down the wrong path, one that reverses the progress made over the last eight years.

I acknowledge that the Chairman and Ranking Member have made great strides to ensure that their bill will benefit a broad spectrum of Americans. I particularly appreciate the fact that they included a $70 billion provision that Senators SNOWE, LINCOLN and I requested which will ensure that an additional 16 million children benefit from the expanded child credit.

Nevertheless, for all of the reasons I have outlined, I believe the evidence is clear, the long-term consequences of the proposed tax reduction will set back our economy and our nation. I want tax relief, but I don't believe in doing it at the expense of fiscal discipline. And that is why I would urge my colleagues to vote against this agreement, we can and should do better.

Mr. SARBANES. Mr. President, I rise today in opposition to the tax reconciliation legislation pending before the Senate. Unfortunately, this tax bill spends vast sums of money, based on shaky economic forecasts, and disguises its true cost by phasing in most of its tax relief far into the future. As a result, this legislation poses a real risk to our Nation's fiscal health without providing the tax relief Americans have been promised for years to come.

Let me begin by clearly stating that I am not opposed to responsible tax relief. I believe we can craft a fiscally responsible tax cut that does not endanger our economy and provides meaningful tax relief, including targeted measures, a component of across-the-board reductions, and an economic stimulus package.

That being said, I must oppose the massive tax bill before the Senate today for several reasons. Foremost among them is my deep concern that, if we pass this legislation, we will be repeating the mistake we made in 1981 and squandering the fiscal security we have worked so hard to achieve. In 1981, Congress complied with the President's request for a large tax cut. The Nation felt the negative effects of that tax cut for more than a decade, as Federal deficits grew and the national debt exploded. It took the country nearly 20 years to recover from that tax cut, and move from a period of record budget deficits, to economic prosperity and budget surpluses.

Today, we again have an opportunity to shape the course of our country for the better, and part of that course should include responsible tax cuts. I have supported proposals to devote a full third of our projected non-Social Security surplus, approximately $900 billion, to tax relief. It is my strong belief that we should devote a full third of the surplus to paying down our national debt. Simply put, if we don't take measures to reduce the debt in times of surplus, when will we? The remaining third of the surplus is needed to address the priorities I hear from the Marylanders I meet every day, access to healthcare, education, a prescription drug benefit in Medicare, protecting Social Security, enforcing our Nation's laws, addressing rising energy costs, and on and on.

A $1.35 trillion tax cut will not allow us to act on these crucial areas, particularly when it is based on a highly speculative ten-year forecast of our Nation's future revenues. This bill is based on economic projections of a $2.6 trillion non-Social Security surplus. That surplus is not cash-in-hand being held by the Federal Government, it is a prediction that in the future this money will materialize. Based on that prediction, the tax bill would spend $1.35 trillion over the next ten years, despite a national debt of more than $5.6 trillion, or $20,227.19 for every man, woman, and child in our country.

I believe it is unwise to base such a massive tax cut on projected income that may never come to pass. The serious limitations of economic projections are clearly illustrated by recent experience: just six years ago, in January 1995, the Congressional Budget Office projected that we would finish the year 2000 with a $342 billion deficit. Instead, we saw a surplus of $236 billion, a swing of $578 billion. In fact, most of the projected surplus over the next 10 years is expected to occur in the out-years, when projections are the most uncertain: Almost 70 percent of the non-Social Security surplus is projected to occur in 2007–2011, the last 5 years of the projection period. I believe it would be the height of folly to commit these uncertain surpluses to large, permanent tax cuts, as this tax bill does.

While I am concerned about tax reductions amounting to $1.35 trillion, the cost of the tax bill this decade, I am even more disturbed by the exploding cost of these tax measures in years to come. The authors of this legislation have employed a variety of tactics to disguise the true cost of the bill. Most significantly, the various tax cuts provided by this legislation are slowly phased in over ten years to keep costs under the $1.35 trillion maximum dictated by the budget resolution. Other provisions granting tax relief actually expire in the middle of the ten-year period covered by the bill.

I am opposed to such shell games that hide the true cost of this legislation for two reasons. First, the American public is being promised tax relief and likely doesn't understand that the changes which may benefit them the most will not arrive for years to come. Whatever your own tax cut priority, odds are it will not be realized for a long time. Marriage penalty relief does not begin until the year 2005. The final rate cut in the upper income tax brackets does not occur until 2007. The increase in the child credit to $1,000 does not take effect until 2011. The full increase in IRA contribution limits and the repeal of the estate tax do not take effect until 2011.

In addition to this extreme backloading of costs, this tax legislation actually "sunsets" several important provisions in order to hold down costs. Most of the alternative minimum tax, or "AMT", relief provided in the bill is actually eliminated in 2006. As a result, the number of taxpayers affected by the AMT would explode this decade to nearly 40 million taxpayers by 2011, more than 25 times the number of Americans now affected by the AMT. Provisions aimed at encouraging small businesses to fund employee pensions expire in 2006. And deductions for education expenses end in 2005.

The American people have been sold this bill as providing all of this relief, and have not been told how long they are going to have to wait to get it, and that it is not actually permanent relief. Even more importantly, such accounting gimmicks disguise the real cost that this legislation will impose on our Nation. The true cost of this package will rise to anywhere from $3.5 trillion to $4 trillion over ten years once it is fully implemented, which coincidentally occurs right at the time the baby boomers retire. If we enact this drastic cut, where will we find the resources to meet the needs of an aging population? How will we invest in national priorities like education, a well-prepared military, and a prescription drug benefit in Medicare? I strongly believe that we cannot enact such a huge tax cut, based on shaky economic forecasts, that will consume such a vast amount of resources just as our Nation's need is the greatest.

Finally, I believe it is worth noting who receives the benefits of this tax reconciliation bill. As I have said before, I am not opposed to a component of across-the-board tax relief. For example, the new 10 percent tax bracket created in this bill would benefit all Americans who pay taxes, including those with the highest incomes in our country. I would also support legislation to ease the marriage penalty and significantly increase the estate tax exemption so that our families can pass on more to future generations.

However, a disproportionate percentage of the benefits of this legislation is given to the wealthiest in our country. According to Citizens for Tax Justice, thirty-five percent of the benefits of this tax bill goes to the richest one percent of taxpayers—who have an average income of $1,117,000. While they get 35 percent of the benefits of this bill, that top one percent of taxpayers pays only 20 percent of all Federal taxes.

In contrast, this legislation fails to provide tax relief for many of our Nation's hardest-working taxpayers. The tax bill we are considering today provides no tax relief to the many American families who pay no income taxes, but who pay substantial payroll taxes. These low-income workers have not benefitted from our Nation's booming economy in recent years. Between 1992 and 1998, the bottom 95 percent of Americans experienced an eight percent rise in their after-tax incomes, while the top one percent of taxpayers saw their after-tax income increase by 47 percent. We should find some way to give those workers who have not participated in our recent economic prosperity, but still pay substantial payroll taxes, the relief they so desperately need.

Nonetheless, some will argue that wealthy Americans pay more taxes and, therefore, deserve a larger tax cut. That may be true if only the dollar amount of the tax cut is considered, but the tax bill we are debating gives a larger percentage of its tax cuts to high-income Americans. According to the Center on Budget and Policy Priorities, this tax bill, when fully phased in, will increase the after-tax income of the richest one percent of Americans by an average of five percent. In contrast, the bill will increase the after-tax income of the middle fifth of American taxpayers by only 2.2 percent, and the poorest 20 percent of families in our country will see their income increase by only 0.8 percent. Therefore, this legislation would increase the after-tax income of our richest Americans more than twice as fast as those in the middle class, and six times faster than families in the bottom 20 percent of the income scale. Clearly, this bill denies middle-class and lower-income Americans tax relief in order to benefit the wealthiest in our country.

I believe that by passing this tax bill we will throw away an unprecedented opportunity to develop a sound fiscal policy for our Nation. We have an unparalleled opportunity to pay down the Nation's debt, to invest in our future, and to shore up vital programs. If we act prudently, we can ensure that the Federal government will have the resources to meet our obligations after the baby boomers retire and beyond. We can do a reasonable tax cut in response to the problems confronting working families all across the Nation, and we can do all this in a very balanced way. Because this legislation would squander our best chance for investing in America's future, lifting the debt burden off the next generation, and providing a reasonable tax cut for our working families, I strongly oppose this excessive tax bill and I urge my colleagues to do the same.

Mr. LEAHY. Mr. President, I rise today to oppose the tax reconciliation bill being considered by the Senate today. I believe Vermonters and all Americans deserve tax relief, but we need to have a fiscally responsible tax package that benefits everyone. We do not need one that is so large, so likely to result once again in budget deficits, so full of budgetary gimmicks, and so skewed toward the wealthy.

If we are serious about passing a tax cut bill to provide needed relief to all Americans we should be lowering the tax rate for low- and medium-income people, making the child tax credit fully refundable, eliminating the marriage penalty tax immediately, creating an R&D tax credit, increasing IRA and pension contributions, and allowing for greater college tuition credits. Unfortunately, we are delaying all of these important tax relief components in order to shoehorn a massive rate reduction for the wealthiest Americans into this bill. It also pays for this massive tax plan at the expense of needed investments in Social Security, Medicare, education, the environment, and paying off the national debt.

I am one of five Senators still in the Senate who voted against the Reagan tax plan in 1981. We saw what happened there: We had a huge tax cut, defense spending boomed, and the national debt quadrupled. The tax plan was popular but it was wrong. America should not move backward in that direction.

This tax plan is too large. I voted for a responsible tax cut plan targeted to help the low- and medium-income people of this country who need tax relief the most. The $900 billion alternative I supported offered immediate tax refund checks to help boost the economy and help Americans pay for higher gasoline and energy prices, rate reductions for all income taxpayers, marriage penalty relief to start immediately, a partially refundable child tax credit, tuition tax deductibility to make college more affordable for middle class families and a major effort to modernize our public schools, a comprehensive package of retirement savings incentives to increase IRA and pension contributions and encourage small business to set up pension funds for their employees, a permanent extension of the $10,000 adoption tax credit, health insurance deduction for the self-employed, responsible estate tax relief, a permanent R&D tax credit, and elimination of the alternative minimum tax, AMT, for people with income up to $80,000. Unfortunately, the majority refused to seriously consider this offer to provide reasonable tax relief to working men and women and their families.

This tax plan is not fiscally responsible. We should keep in mind the inherent risks of forecasting budget surpluses ten years into the future. The President has argued that the surplus will be around $1.6 trillion and that all of that should go toward tax cuts. And most of the tax cuts in this bill come in the second 5 years of the 10-year plan. Setting aside the argument of how to spend that much money, is it really available? The predictions used to calculate $1.6 trillion were based on the U.S. economy expanding at an annual rate of 4 percent from 2000–2010. I think we know from the current economic slowdown that our economy is growing nowhere near 4 percent, if at all, right now. That is a big yellow flag that these assumptions are wrong. Focusing on budget predictions 10 years in the future is exceptionally risky and does not allow businesses and individuals to properly plan long-term.

This tax plan does not address our enormous Federal debt. Whatever surplus our Nation now enjoys should be used to pay down the $5.7 trillion gross Federal debt burden our country still carries. The Federal Government has to pay almost $900 million in interest every working day on this national debt. Paying off our debt will help sustain our sound economy by keeping interest rates low. I want to leave a legacy for our children and grandchildren of a debt-free Nation.

This tax plan is slanted toward the wealthiest among us. The original tax plan proposed by the President provides nearly half of that $1.6 trillion tax cut to the wealthiest in our country. We are sacrificing real tax relief to working families in this country for rate reductions to the wealthy. We should focus on enacting a responsible plan that will benefit the broadest number of people by reducing taxes to low- and medium-income people. By focusing only on income tax rate reductions, this tax cut plan leaves out millions of taxpayers who do not pay Federal income taxes but who do pay payroll taxes. In Vermont, there are 23,000 families who do not pay Federal income taxes. But 82 percent of those families do pay payroll taxes. For the vast majority of taxpayers, payroll taxes generate the largest tax burden, and yet this plan does not touch payroll taxes.

This tax plan has not been thoroughly reviewed and is full of budgetary gimmicks designed to mask the true effects of the bill. There are many unforeseen consequences of this tax bill that we should take into account before enacting this massive tax cut. However, with Republicans pushing to get this bill done by Memorial Day, there is great pressure to ram through a $1.35 trillion tax cut without a full review of all the proposals.

The New York Times has reported that one unanticipated effect of full repeal of estate tax may be greater capital gains taxes for most estates. After 2011, when the estate tax will be repealed, capital gains taxes would be owed on everything inherited above $1.3 million. As the Times reporter said:

> Presumably, the drafters of the legislation did not worry if all the pieces did not fit together in a coherent package because they were primarily interested in getting a bill on the table for debate.

States that tie their State tax returns to Federal returns are going to be hurt by the lost Federal revenues. Vermont's tax system is one of three in the nation in which taxpayers use their Federal tax bill to calculate their State income taxes. It is a simple system, but it is affected by every little tax change at the Federal level. In effect, a massive Federal tax cut leads to a massive State tax cut. According to Vermont State economists, the State stands to lose $506 million over the next ten years because of this tax bill. In FY 2002 alone, Vermont will lose $35.7 million. The conservative Heritage Foundation has estimated that Vermont may lose up to $1.5 billion because of this huge tax cut. This is a very large amount of money for a State whose population is only 609,000. How will the State make up these lost revenues?

Vermont was hurt 20 years ago when Congress last considered a massive tax cut. Those rewrites to the Federal Tax Code put the State in red ink for years. As the red ink grew, an emergency tax study group assembled by the Governor found that between 1982 and 1987 the State stood to lose $300 million because of the Reagan tax cut. Now we will be putting Vermont back in a similar situation. As our Governor has already warned, without raising State taxes to make up for Federal loses, Vermont will once again see major deficits.

This tax bill also asks States to pay for repealing the Federal estate tax by abruptly ending payments from Federal estate tax revenue that are now shared with the States. This bill will cut by half the Federal credit that States receive for the Federal estate taxes that are collected and will deny States between $50 billion and $100 billion over 10 years, or as much as two-thirds of the cost of the estate tax repeal in the bill.

Another anomaly of this bill is the way the AMT is calculated. While Democrats hoped to exempt people who make under $100,000 from AMT permanently, Republicans only want to slightly increase the exemption for 4 years from 2002 to 2006. The Republican plan would cause 39.6 million taxpayers to be subject to the AMT by 2011. Clearly this flies in the face of the original intent of the AMT, which was to ensure that wealthy taxpayers cannot make use of tax breaks to eliminate much or all of their tax liability. The tax bill will force more and more middle-class taxpayers to pay a tax that was meant to reach very few, well-off taxpayers.

I do not like the marriage penalty and think it is poor public policy. While this bill does contain two provisions designed to provide marriage penalty relief, it makes couples wait 5 years for that relief. While the rate cuts in upper-income tax brackets take effect next year, married couples will have to wait until 2005 to get relief and until 2010 until full repeal is fully phased in. This is 3 years after the upper income bracket rate cuts are fully effective.

After years of hard choices, we have balanced the budget and started building surpluses. Now we must make responsible choices for the future. Our top priorities should be paying off the national debt, saving Social Security, creating a real Medicare prescription drug benefit, protecting domestic spending programs, and passing a fair and responsible tax cut.

This tax bill falls far short of these priorities. It uses gimmicks to hide the bill's true costs. It provides no marriage penalty relief for five years. It contains no immediate tax refund to stimulate the economy. It has a hidden tax increase on the middle-class through the AMT. And its costs explode after 10 years, just as the baby boom generation begins to retire. For the sake of our economy and the working families of America, I will vote against this tax cut bill.

Mr. LEVIN. Mr. President, the budget resolution, including the tax bill which has passed the Senate, will almost surely push us back into the deficit ditch. The tax bill was rushed through before the President makes his request for additional defense funds, before the tax writing committees adopt additional provisions which we all know are forthcoming to extend current tax provisions, before the tax writing committees act to avoid the calamity which will befall 40 million people who will be forced to pay an alternative minimum tax as a result of this tax bill. That's twice the number that will be paying alternative minimum taxes by 2011 under current law. This fiscally irresponsible tax bill was pushed through before the review of the projected surplus which is due in August, and also before the appropriations bills are reported, which everyone here knows will exceed the domestic discretionary spending cap provided for in the budget resolution. The final result of all this fiscal irresponsibility will almost surely be the raiding of the Medicare surplus and a return to the deficit days of the 1980s.

Our future economic health took a blow today.

I support a tax cut, a reduction in taxes which is modest enough to be fiscally responsible, swift enough to provide an economic stimulus, and fair to all Americans, including working families who are so shortchanged by the Republican proposal. The bill passed today is the opposite. Its large size makes it fiscally irresponsible, it actually delays tax relief, and it provides most of its benefit to the upper income Americans. It is based on long-term surplus projections which history shows to be highly speculative making this bill dangerous to our economic future. Finally, it is being catapulted through the Senate, exploiting a process which severely limits debate and which was never intended for tax reduction legislation of this size.

Although this bill is advertised as a $1.35 trillion tax bill, it's true cost is closer to $2 trillion. It fails to account for the cost of real Alternative Minimum Tax (AMT) reform. In fact, under this legislation, by 2011, nearly 40 million taxpayers will have to pay the AMT, including many middle income taxpayers. It ignores the fact that tens and perhaps hundreds of billions of dollars worth of additional spending, over ten years, will be required to live up to the President's goals for defense and education, and to provide for urgent domestic needs this Senate knows it is going to support.

This tax bill takes us back to the bad old days of backloaded tax breaks whose real costs explode several years after enactment. Although it technically sunsets its provisions in 2011 to meet the requirements of the Byrd Rule, the changes in the tax code which it makes, such as the repeal of the estate tax, are clearly intended to be permanent. The cost of these changes explode immediately beyond the ten-year "window". In fact, the bill's claimed $1.35 trillion price tag could triple in the second ten years. This budgetary time bomb is set go off at roughly the same time as the bill begins to come due for Medicare and Social Security. That is the time the "baby boomers" begin to retire and we must begin to draw down the Social Security Trust fund.

This tax bill is based on highly speculative long-term projections. Projections are always risky. We have seen many Federal budget estimates, and we know well that as quickly as these surpluses appeared, they could disappear. This bill is based on projections of surpluses for ten years downstream. History has shown that CBO projections for even five years into the future have been off over the past decade by an average of more than 100 percent.

The massive tax cut which the Senate has passed threatens to lead us back into the deficit ditch. We just climbed out of that ditch. And we shouldn't head there again, particularly when the country is saddled with a national debt that resulted from the last binge of deficits. The current national debt is $5.6 trillion. Based on the Budget Resolution which the Senate recently adopted and based on this tax cut, the national debt at the end of the next ten years will have increased to $6.7 trillion. If the projected surpluses do in fact materialize, we should be using them mainly to pay down the national debt instead of increasing that debt with a big tax cut.

In 1981, President Ronald Reagan introduced his Economic Recovery Tax Act which included huge tax cuts and predictions that the budget would be balanced by 1984. In 1981, I opposed that supply side economic approach because I was convinced that it would lead to huge deficits. We did indeed pay dearly for the debt which resulted from that legislation. In 1992, the annual deficit in the federal budget had reached $290 billion. The remarkable progress which since then has brought us to our current surpluses came about in large part as a result of the deficit reduction package which President Clinton presented in 1993, and which the Senate and House each passed by a margin of one vote. We should not now be passing an imprudent tax bill like the one before us, and head back toward new future deficits.

Although the tax cut is irresponsibly large, the economic impact will be remarkably small, because the bill before us does not contain the $85 billion economic stimulus adopted in the Senate-passed budget resolution. Only $33 billion is allocated for tax relief this year. The bill is extensively back-loaded: it doesn't start marriage penalty relief—the doubling of the standard deduction and the expansion of the 15 percent bracket—until 2006. IRA contribution limits aren't fully phased in until 2011. The Child Credit isn't fully phased in until 2011. The delay in relief actually shifts the responsibility of paying for our excess onto the next generation.

The relief provided in the bill isn't equitable. There is no tax relief for the 25 million taxpaying Americans that pay their federal taxes through the payroll tax. And it means too little to taxpayers in the 15 percent bracket, who will see no reduction in their marginal tax rate, while those in the top 1 percent receive nearly $40,000 worth of relief. In fact overall, the top 1 percent, earning an average of more than a million dollars a year, will receive about 35 percent of the benefits under this tax legislation.

I am also deeply troubled by the process which has brought us to this point. We considered this legislation under special rules contained in the Budget Act for a process called "reconciliation". This process is being misused to steamroll this bill through the Senate. By restricting a Senator's right to fully debate and amend this bill—no more than twenty hours of debate is permitted and the amendment process is severely constrained—the majority puts the Senate in a straightjacket. A similar oppressive tactic was used earlier when the majority bypassed the Budget Committee to bring the Budget Resolution to the Senate floor and when they excluded Democrats from the Conference Committee in order to write the reconciliation instructions which are being used to shield this legislation from full debate and amendment. This process is a rush to judgment which does damage to the institution of the Senate and its reputation for deliberation. And, it does this damage to promote a massive tax bill which will negatively affect the economic well-being of Americans for decades to come.

This Administration argues that the projected surplus should be returned to the tax payers because it is their money. Of course it is their money. But the economy is all of ours too. Social Security belongs to all of us. The Medicare program belongs to all of us. Our education program and helping people through college, belongs to all of us. And, of course, the national debt belongs to all of us as well. We owe it to the American people to reject this imprudent tax cut in order to pay down that national debt and to strengthen our commitment to those programs that the American people want. We can do that consistent with a targeted, modest, prudent tax cut. Unless it is improved in the Conference with the House, which is not likely, we should defeat this massive, unfair, imprudent tax cut bill when it returns to the Senate.

Mr. KENNEDY. Mr. President, it is unfortunate that the Republican leadership has interrupted the Senate's action on landmark education reform legislation in order to expedite action on their massive tax cut bill. It demonstrates once more that education is not a real priority for our Republican colleagues. Their only priority is tax cuts, tax cuts and more tax cuts.

The Republican position could not be clearer: Education can wait while we rush to give away hundreds of billions of dollars in tax breaks for the wealthy. In Republican priorities, the needs of the wealthiest taxpayers for new tax breaks rank far higher than the needs of America's school children.

Across America, 12 million children are disadvantaged in our education system, but we currently provide the full range of title I Federal education services to only one in three of these children. The rest are left to fend for themselves, with the most overcrowded classrooms, the least amount of quality teacher time, the most outdated textbooks and learning tools, and the most inadequate facilities.

Students with disabilities suffer from the same federal neglect. The Federal Government has long promised to fund 40 percent of special education. Yet it still only funds 17 percent, less than half of what was promised. Parents of millions of disabled children are forced to struggle in the States every year for the education that their children deserve. For years, states have called on the Federal Government to live up to its commitment to students with special needs. Yet the Republican budget, and the tax cut that follows from it, say no.

Instead, one of every three dollars of the tax breaks in the bill before us will go to the wealthiest 1 percent of taxpayers. Once the tax breaks are fully implemented, the richest 1 percent will receive an average tax cut of $37,000 each year—more than most families take home from work in an entire year.

Mr. President, $37,000 a year could pay the salary of a new teacher in most school districts. But if this tax bill passes, there won't be funds for new teachers. Our Republican colleagues in Congress have decided that wealthy taxpayers need the money more.

The tax cut is clearly excessive. It is neither fair nor affordable. No wonder the Republican leadership is attempting to force a final vote in Congress as soon as possible, before public outrage builds.

Through the use of smoke and mirrors and budget gimmicks, the bill technically complies with the mandate of the budget resolution to report a tax bill costing $1.35 trillion over eleven years. But the real costs are far higher. The real costs of this bill explode in the outyears. It does not conform with the clear intent expressed by a majority of Senators to substantially reduce the size of the Bush tax cut.

Most disturbing of all is the extreme use of backloading to conceal the enormous cost of these tax cuts when they take full effect. The rate reduction is not fully implemented until the year 2007. Marriage penalty tax relief does not even begin until the year 2005. The amount of the child credit does not reach the full $1000 until the year 2011. The estate tax is not repealed until the year 2011 as well, so that almost none of the cost of the repeal shows up until the year 2012.

These tactics are the height of fiscal irresponsibility. The excessive cost of the tax breaks in the first 10 years is bad enough. But that cost will triple in the following 10 years. A $1.35 trillion tax cut in the first 10 years will mushroom to more than $4 trillion in the next 10 years, precisely when the Nation will confront unprecedented additional costs for Medicare and Social Security because of the retirement of the baby boom generation. Funds urgently needed to strengthen these basic programs are being denied by these reckless tax cuts.

Democrats support a substantial tax cut, one that would cost nearly a trillion dollars over the next 10 years, and that would give working families a fair share of the tax benefits. But this Republican bill does not deserve to be enacted. It is far too costly, and it fails to provide significant tax relief to those who need help the most.

It is clear that the nation cannot afford this tax cut without seriously neglecting America's most important priorities, including education. To meet our basic education needs, I will propose an amendment making reduction in the top marginal income tax rate contingent upon funding education at the levels that the Senate has already voted to support during our consideration of the Elementary and Secondary Education Act. If we do not have adequate resources to provide all students with a quality education, then we certainly do not have the resources needed to provide new tax breaks for the wealthiest Americans.

Fewer than 1 percent of taxpayers have incomes high enough to be affected by the top income bracket. These are the richest men and women in America. The $120 billion in tax breaks contained exclusively for them in this misguided bill should not take priority over the support for education that the Senate has already agreed is necessary. Support for basic education deserves higher priority than lavish new tax breaks for the wealthiest citizens.

Mr. BIDEN. Mr. President, Americans deserve a tax cut. They deserve a large tax cut. And in this time of budget surpluses, we can afford hundreds of billions of dollars of tax relief.

But Americans deserve other things at least as much. They deserve honesty in budgeting. They deserve a government that will face up to the fundamental choices that have to be made in writing a ten-year budget plan.

Americans deserve a strong national defense, safe streets, effective schools, world-class health care, clean air and water, a safe and efficient transportation system.

I must vote against this tax bill because it does not honestly face the serious choices that still confront us in this era of surpluses, because it sacrifices virtually all other priorities—and some of our fundamental values—to the single-minded pursuit of cutting taxes.

Despite what some would have us believe, we cannot afford to do everything for everybody all at the same time. We cannot cut taxes by nearly 2 trillion dollars in the next ten years—a number that actually doubles in the following decade—and continue to provide the fundamental governmental functions that Americans need and deserve.

If we are honest about the real costs of this tax cut, Mr. President, we would admit that on top of the $1.35 trillion sticker cost, we have to add $300 billion in additional interest payments that come from not paying down the national debt.

If we admit that we will have to reform the Alternative Minimum Tax that will soon hit millions of Americans, we have to add another $300 billion to its cost. Because history shows that we will extend the Research and Development tax credit and other popular and useful breaks that we have always supported in the past, we can add another $100 billion to the size of the tax cut.

Those calculations put the full cost of the tax cut and the real, foreseeable, inevitable tax issues that will face us in the next decade at over $2 trillion.

Two trillion—again, a number that will at least double in the ten years after the coming decade.

But we are told that there is a surplus that will cover the costs of this and all of the other things we will want and need. Money in the bank. Not to worry.

There is an old saying to the effect that something that sounds too good to be true, probably is too good to be true. This big tax cut certainly sounds good. It certainly would be appealing to go along and vote for it.

But that would not be honest because the numbers that we have in front of us right now tell us that we simply can't afford it.

The surpluses available to us in the next decade, if we agree not to spend money from the Social Security and Medicare Trust Funds, is supposed to be about $2.5 trillion. That sounds like a lot of money, and it would be, if it were real.

But it is not real for two reasons.

First, it is based on some assumptions we all know are just not true. If we can, let's just leave aside for a moment how well we can project the future of this economy—that problem alone has proved every other long-term surplus projection we have ever made wrong by hundreds of billions of dollars.

But even if we could know for sure that the economy will continue to grow at the high rates of investment and productivity we need to match the forecasts behind those projections—which we don't—those projections simply ignore some basic facts.

Only if we ignore those facts can we believe that the tax cuts in this bill make sense.

Here are some of the facts that make those surplus forecasts more likely wrong than right. They assume we will have no wars, no hurricanes, no floods, no earthquakes—no national security emergencies or natural disasters that would subtract billions of dollars from the projected surpluses.

The second reason the projections have to be wrong is that they assume we will cut the size of government in our country by 25 percent over the next ten years. As a share of the economy, our federal government is already the lowest it has been since 1960. There are plenty of reasons to believe that we will not be able to cut it by another 25 percent.

Our surplus projections do not account for increases in our population or increases in the cost of living over the next decade—incredible as it may sound, they do not. If we put those two basic budgeting concepts back into our assumptions, that subtracts as much as $640 billion from the surpluses.

Subtract that $640 billion from the $2.5 trillion estimated surplus, the tax cut is greater than the surplus remaining. Basic honesty in budgeting shows that we cannot afford a tax cut this big.

And the surplus projections ignore new spending priorities that everyone wants to address, on top of just keeping up with current levels.

The Administration has called for both a radical overhaul of our national defenses, and a new anti-ballistic missile program. We have no clear idea what those programs might cost, but I have added up just the six best known weapons modernization programs, and they add up to over $380 billion.

The new defense plan could add perhaps $250 billion, and a full-blown missile defense plan that covered every option the President has expressed an interest in covering could be another $100 billion. So prudence suggests we should show some of those costs in the budgets for the next ten years.

But we don't. That is hundreds of billions of dollars that will have to come out of the supposed surpluses, but we have no place for them in our discussions of this tax bill or in our budget calculations.

The President says that he wants to spend more for education, even though his budget includes no new spending for it. So far here in the Senate, we have passed $150 billion in new education spending, on a priority that all Americans share.

With just the spending that we know about in defense and education, virtually all of the non-Social Security, non-Medicare surplus is gone—and then some—with nothing left for improvements to our aging roads, bridges, sewers, dams, or docks.

No money for additional air traffic controllers or airports, no money to break the gridlock on our highways with a national high-speed passenger rail system.

No money for new policemen on the beat, for after-school programs to prevent juvenile crime, no money for drug interdiction or drug treatment programs.

With the huge additional burdens on Social Security and Medicare coming in the years just beyond the decade covered by this tax plan, there is no money left for the fundamental reforms of those programs. If we follow the Administration's approach to Social Security reform, we will need an additional trillion dollars. But there will be no money left.

Why are we left with so little for so many of our fundamental needs? Why, when we have finally brought our budgets into balance after years of deficits, can we not afford to pay for these essential priorities that we all agree deserve our support?

Because this tax cut was not designed as part of a comprehensive budget plan. If it becomes law for the next decade, it will be the only real priority in our budget. Every other priority, from defense to education—and even, I am afraid, balanced budgets—will be only an afterthought.

That is why I will vote against this tax bill. It costs too much; it depends too much on wishful thinking; it ignores realities that are staring us in the face over the next ten years.

We tried to amend this bill to fix the problems I have discussed. Senator MCCAIN offered an amendment to scale back the size of the tax cut to make room in our budget for the projected increases in defense spending. That prudent statement of our national priorities was voted down.

Senator HARKIN offered an amendment to simply hold off on a piece of the tax cut until we could certify that we can meet the long-term obligations of Social Security and Medicare. Once we could make that certification, every bit of the tax cut would go forward. That basic commitment to the promises we have made was voted down.

I offered an amendment to scale back the size of the tax cut to make room for a tuition tax deduction to help pay for college. That important priority of middle-class families was voted down.

Senator ROCKEFELLER offered an amendment to make sure we can afford to provide a prescription drug benefit for seniors before we cut taxes. It would not prevent a cent of the tax cut from going out—as long as we could pay for a prescription drug benefit. That bipartisan priority, shared by the President, was voted down.

Senator FEINGOLD offered an amendment to scale back the size of the tax cut so that surviving spouses will not have to give up their earthly possessions to pay for nursing home care received by deceased Medicaid patients. That small gesture toward fairness was voted down.

In every case the tax cut came first; every other priority—every other value—was left behind.

We can afford major tax relief for all Americans. And we can afford to provide the national security, the world-class education, the health care and the other priorities Americans have a right to expect. We can even afford a little fairness in the distribution of the many blessings we enjoy. We can afford to act on our values.

But not if we pass this tax bill.

We are indeed a blessed nation, at an historic peak in our prosperity and in our influence in the world. We have the resources to prudently manage the challenges and opportunities before us. But we are not immune to the basic laws of budgeting—we have to make choices.

This tax cut, by its sheer size—a size selected without consideration of any other priority—refuses to face honestly those fundamental choices. It refuses to recognize any other values.

I cannot support it.

Mr. MCCAIN. Mr. President, I commend Senators GRASSLEY and BAUCUS for their dedication and hard work in completing this Reconciliation bill.

During the debate on the tax reconciliation bill, I have had serious reservations about some of the priorities contained in this bill.

First, after years of neglect, our military forces need to be significantly strengthened and it won't be cheap. But in the wake of large tax cuts, nondefense spending initiatives, and uncertain surplus projections, we cannot be sure how much money will remain to fund such defense priorities as National Missile Defense, force modernization, spare parts, flight hours, overdue facility maintenance, training programs, and the care of our service members. As of yet, we have not received from the Administration a request for defense spending increases. I hope their request, when it comes, is adequate to meet the needs of our national security, which, as I observed, are many and serious. If that request is not adequate to our needs, I will fight as hard as I can to increase it.

With the adoption of the Reconciliation bill both the Administration and Congress are going to have to make some very hard choices to find the resources to fund our national defense priorities. There's no way around it. We cannot take money from the Social Security and Medicare Trust Funds, so that means we will have to cut other spending programs or adjust the tax cuts to support our military forces. Those are very hard choices, indeed, and we don't like to make hard choices in Congress very often.

But, Mr. President, we are going to have to make them because our first duty, is and always will be the nation's security, and the defense of American interests and values in the world. And those members who believe we have been derelict in our duty lately, will have to take our case to the public, inform them of the hard choices before us and urge them to urge us to do the right and necessary thing, even if it requires us to take on a few sacred cows around here.

Mr. President, while I hoped for even more tax relief to middle income Americans, I do want to commend Senate Grassley for moving in that direction by insisting that the top rate should be cut to only 36 percent. I wish we could have made even greater progress by increasing the 15 percent bracket to include more middle class taxpayers. But the Senate has decided otherwise, and, recognizing what progress has been made by Senator GRASSLEY, I will not register my disappointment by voting against the bill. Neither do I wish to vote against the President's first, important success in the Senate. But I do want to make clear my firm opposition to any increases in benefits to the top tax rate payers at the expense of the majority of Americans who are in much greater need of tax relief. Should further reductions in the top tax rates be made in conference, I will vote against the conference report without hesitation.

Mr. NELSON of Nebraska. Mr. President, I would like to express my support for the tax cut bill. Simply stated, the time has come for a sensible tax cut. The American people deserve it; the budget can support it. Now, it's time for Congress to authorize it.

I sincerely believe this legislation will serve as an efficient delivery vehicle for responsible tax relief that will benefit all Americans. While I support this tax cut plan for several reasons, the most concise justification for my position is that the $1.35 trillion in tax cuts over 11 years provided in the bill will cut taxes without cutting hope.

Since the beginning of this debate, I have repeatedly and consistently voiced my support for a substantial tax cut, as long as it would not interfere with our ability to fund our domestic budgetary priorities. I am pleased that this tax cut plan will not sap our resources for important obligations like agriculture and defense. It is reassuring to know that implementation of this plan will not be at the expense of our critical responsibilities. This legislation will provide across-the-board tax relief for the people of Nebraska, as well as all Americans, without interfering with Social Security and Medicare or hampering our efforts to pay down the national debt. Clearly, the cornerstone of this bill is responsible tax relief.

Perhaps even more significant in this bill's eleven-year, $1.35 billion tax cut package is the inclusion of a $100 billion up-front stimulus package. This two-year economic stimulus package will have an immediate impact on our economy, which has been showing all the symptoms of a slow-down. Such tangible, instant relief is precisely what is needed to counteract the threat of an economic recession.

While the reduction of personal income tax rates and the economic stimulus package are the highlights of this bill, I would like to emphasize the fact that there are several other components of this legislation contributing to its overall efficacy. This bill includes raising the exemption for estate tax relief followed by a gradual repeal of the estate tax, a doubling of the childcare tax credit by 2010, the dissolution of the so-called marriage penalty tax, and pension reform that will allow larger contributions to IRAs and 401(k) plans. I know Nebraskans have supported these initiatives for quite some time, so it brings me great satisfaction to know that they will soon be implemented.

I commend Senators GRASSLEY and BAUCUS for their efforts to achieve substantial bipartisan support for this tax cut bill. Their work has resulted in legislation that skillfully and responsibly addresses many of the major points of contention among the members of the Senate. It is in that same spirit of bipartisanship that I hope the Conference Report will be crafted. If the Conference Committee will follow the Senate Finance Committee's lead and work to build bipartisan support for the Conference Report, I am confident that the American people will finally receive the tax relief they deserve.

Ms. LANDRIEU. Mr. President, I rise today to support the Restoring Earnings to Lift Individuals and Empower Families Act of 2001. This tax package provides some needed tax relief to the people of Louisiana. In addition, it represents a bipartisan compromise by the committee members. I would like to thank the chairman of the committee, the distinguished Senator from Iowa, and the ranking member, from Montana, for their hard work in developing a tax relief package that tries to address the concerns and priorities of the people of our Nation.

While there is not a consensus on how to provide tax relief, there is consensus that the American people deserve a tax cut in the face of large projected surpluses. This package provides marginal income tax rate reductions, marriage penalty and estate tax relief, expands provisions for the child tax credit, encourages savings, and rewards adoption. The benefits of these provisions are not balanced in the way that I would like to see, but, of course, that is the nature of compromise. However, some of the tax cut initiatives included provide real relief to people who really need it, working families, struggling to make ends meet.

Louisianians work hard to provide for their families. Our State has an average income of $30,000 a year. In addition, 90 percent of all Louisiana households earn less than $75,000. I believe that the proposal before us now, the Senate RELIEF package, distributes benefits more fairly to the average taxpayer and middle-income families than the tax plan initially proposed by President Bush, and far better than the bills supported by the House Leadership.

This bill has many of the elements that will make a real difference to many Americans and Louisianians. Among these compromise elements are marriage penalty relief, and reform and eventual repeal of the estate tax, which I have voted for in the past and continue to support. In addition, this package provides necessary broad-based income rate reductions including the creation of a new 10 percent rate, and a doubling of the child tax credit to $1,000, to strengthen families.

When fully phased-in, the average Louisianian can expect to receive a tax cut anywhere from $300 to $500 a year. But more importantly, the effect of the new refundable child credit could offset much of the payroll and excise taxes that affect many Louisiana families. For example, a married couple with two children earning $20,000 could receive a tax benefit of as much as $2,000. That is a real saving that could make a substantial difference for many families.

In representing the people of Louisiana, my commitment has been to fiscal discipline, tax code fairness, debt reduction, and tax relief. Louisianians and Americans of all income levels deserve the significant tax relief included in the $1.35 trillion tax cut package now being considered by Congress. So, while I support tax cuts, I also support an amendment that provides an insurance policy against returning to deficit spending, a trigger mechanism. Federal Reserve Chairman Alan Greenspan repeatedly has stated in recent months his support for a trigger mechanism.

Through this trigger mechanism, the goal is to enact tax relief in a fiscally responsible way that protects against the depletion of the Social Security and Medicare surpluses, and allows for true debt reduction. The trigger creates a safety mechanism to address the possibility of either fiscally irresponsible tax cuts or "budget busting" Federal spending increases that would lead the nation back to a period of budget deficits and mounting public debt. Under such a trigger, tax relief would continue to be phased-in while specified debt reduction targets are met. If Congress falls short of those targets, the trigger would delay the implementation of new spending and tax reduction proposals until those debt reduction targets are back on schedule. The trigger mechanism will not cancel out or hamper the $1.35 trillion tax cut package. It will instead strengthen and increase the certainty of the tax relief by ensuring fiscal discipline.

I have also offered an amendment on behalf of myself and Senator CRAIG. The adoption tax credit amendment will truly encourage parenthood through adoption, and in the long run, reduce the costs to taxpayers. It provides a permanent expansion of the credit to $10,000 for both special needs and non-special needs adoptions for families with incomes up to $190,000. Removing children from long term foster care is a great benefit to society because it reduces the possibility that these children will develop costly social problems; such as drug dependence or criminal involvement. This delinquency comes at a high cost to the taxpayer. Our amendment enjoys wide bipartisan support, and should be included in the final package passed by the Senate.

While I support many of the measures in this tax relief package, I should add that there are provisions that I find very troubling. This tax cut is back loaded, with many of the costs exploding after the 10-year budget window. The repeal of the estate tax, only one provision of this tax bill, has been estimated to cost at least $145 billion in the eleventh year alone. In the long run, over the next 15 to 20 years, the revenue cost of the total tax package could be as high as $5 trillion. This is an enormous drain on Federal revenues, greatly reducing our ability to pay down our debt and provide strategic investments necessary for our economic growth.

Another concern is the lack of immediate marriage penalty relief, a provision that would benefit many families in Louisiana. This is unfortunate, because married couples treated unfairly by the tax code deserve a speedy remedy. In addition, Education Savings Accounts established in the tax bill are costly and, in my opinion, are an inefficient use of these funds given the great need of new investments necessary to support essential education reform efforts underway in Louisiana and across the Nation. We need to target more of our federal revenue to poorer, moderate-income, and disadvantaged school districts to the level the playing field of opportunity and to truly ensure that no child is left behind.

Despite these concerns, the package does provide tax relief that is warranted due to the large projected surplus. That is why I rise to support this compromise tax relief package.

Mrs. FEINSTEIN. Mr. President, I rise to support the reconciliation bill currently pending before the Senate.

Although this bill is far from perfect, I do not think there is a member of the Senate who would not have drafted a different bill giving different weight to different provisions if given the opporutnity. It represents a compromise on a very difficult set of issues and does, in some areas, make progress.

While it does not provide the immediate economic stimulus I would like, for example, it does afford a wage earner providing for his or her family who makes less than $45,000 a tax cut of $300 this year, and $600 next year. Additionally, although not phased-in as fast as I would like, the changes this bill makes to the marriage penalty and the child tax credit provisions will allow a working couple to avoid paying the marriage penalty simply for getting married, and provide them with child tax credits when they have children.

The President requested a $1.6 trillion tax cut over ten years. This reconciliation bill will cost $1.35 trillion, still a sizable amount, over 11 years, including $100 billion for economic stimulus.

This bill contains several provisions which I believe are important to assure the continued long-term economic health of the American economy and which will benefit many hard-working American families: It contains the creation of a new, retroative, 10-percent tax bracket which has the effect of benefitting every single American who pays income taxes. Most of the benefit of the 10 percent bracket goes to people who earn less than $75,000 a year. It contains an across-the-board tax cut, including reductions in the upper brackets. Significantly, this legislation does not go as far as the President's proposal. The 39.6 percent bracket, for example, will fall only to 36 percent, not the 33 percent the President wanted. This is a fair compormise. It provides significant marriage penalty relief although that does not go into effect until 2005. Marriage penalty makes sense for social reasons: It reinforces the important institutions of family and marriage. It eliminates what many of us see as a vast inconsistency in our tax law. The marriage penalty simply makes no sense: Two people should not find that they pay more in taxes if they are married than if they stay single. Although not phased-in as quickly as many of us would like, this bill will eliminate this problem for many couples who now find they face a marriage penalty. I hope that the Conference Committee would find a way to implement this reform earlier than 2005.

It provides significant estate tax reform and repeal. I have long held that people should not be forced to pay a tax simply because of the death of a parent or spouse. In all too many instances under the current estate tax families are forced to sell a primary residence or go deeply into debt to hold on to a family farm or business simply because of the estate tax triggered by the death of a loved one. This legislation will first raise the unified credit to $4 million and lower estate tax rates and, then, in 2011, repeal the estate tax. Estate assets will not escape taxation under this approach. Rather they will be taxed at a stepped-up capital gains rate of 20 percent if and when a family chooses to sell them. This will allow families to keep the family home, business, or farm and, I believe, represents real progress on this issue.

This is especially important for California because of high land and property costs. Under the present estate tax, the heir of a $3 million estate which includes a home or business or farm could pay $700,000, or 45 percent of the taxable estate value of $1.7 million in estate taxes, due immediately. In future years, because of astronomic increases in land and property values, this will affect many more Californians than in the past. A child who does not have the cash to pay the tax may be forced to sell the family home, business, or farm. I cannot support a tax where rates are so high that they force an heir to sell their inheritance simply to pay the tax on it, especially in the case of farms or businesses where taxes have already been paid on the income which was used to purchase the asset.

This reconciliation bill expands the tax credit for families with children from $500 to $1,000 per child; increases the amount of the credit that is partly refundable so lower income families can benefit; and it expands and simplifies the earned-income tax credit so it is available to many more low-income working families than it is today. For example, under the current rules a family with one child would have to earn at least $14,000 to have a fully refundable credit of $600. This bill will extend the credit to families with incomes of $10,000.

It provides incentives for parents to set aside money for their children's future education by expanding the education savings accounts contribution limit from $500 to $2,000; extends the employer-provided tuition assistance credit to encourage employers to help employees continue their education; and helps college students pay off their student loans by eliminating the 60-month limit on deductibility of student loan interest.

It includes pension provisions to provide an incentive for people to save for their retirement, including increasing the contribution limits for IRAs from $2,000 to $5,000 by 2011; increasing 401(k) contribution limits from $10,500 to $15,000 in 2010; and includes provisions to help provide retirement fairness for women, including allowing "catch up" contributions to retirement plans for individuals over age 50.

It includes a down payment towards fixing the Alternative Minimum Tax, AMT, problem, an issue that is projected to mushroom by 2010. More needs to be done to make sure that middle class families do not find that because of the AMT they do not receive the benefits promised under this tax cut package. But I am pleased that in taking this first step the Senate has recognized that this is a big problem, especially for states like California, and I look forward to continuing to work with my colleagues in the years ahead to fix this problem before it develops into a genuine crisis.

I have had two concerns about this approach taken in this legislation, however. First, that the costs of this tax bill after 2011 may be quite high—as much as $3 to $4 trillion by some estimates.

That is why it was critical, for me to be able to support this legislation, that the "sunset" provisions remained in place and that the provisions included in this bill expire in 2011.

Although I fully expect that Congress will extend many, if not all, of these provisions, this provides us a critical opportunity to make a mid-course correction if, 10 years from now, a different approach on these issues is called for.

Second, I want to make sure that the tax cuts we are considering here today will not endanger the projected surpluses or undo the hard work and hard choices of the past decade which have allowed us to eliminate deficits and pay down the debt.

That is why I supported the amendment offered by Senators BAYH and SNOWE to create a "trigger mechanism" which will allow us to slow-down the phase in of some of these tax provisions should we not meet our debt reduction goals. Although this bipartisan amendment narrowly failed, I think that it sends an important message about our commitment to fiscal responsibility.

On the whole I think that the bill pending before the Senate today represents a fair compromise on a most contentious issue.

Today we are voting on a $1.35 trillion package, some $150 billion more than the Senate approved in the budget amendment last month with 65 votes, but still a fair package with many positive elements. So let there be no mistake: This is a large bill, and represents a major change in the tax system. As this reconciliation bill goes to conference, it is my sincere hope that the conferees understand that for myself, and, I believe, many of my colleagues, the package that we are voting on here today represents what we consider to be fair and balanced, and that we would have considerable difficulty supporting any changes which may threaten to upset this balance.

I urge my colleagues to join me in support of this reconciliation bill.

Mr. FITZGERALD. Mr. President, I rise to speak about the Holocaust Victims Tax Fairness amendment, No. 670, to H.R. 1836, which I offered last Thursday, and which was approved by the Senate yesterday by voice vote.

I would like to thank Senators SCHUMER, JEFFORDS, CLINTON, MCCAIN, TORRICELLI, DOMENICI, ALLEN, DURBIN, GORDON SMITH, SPECTER, BILL NELSON, BINGAMAN, CORZINE, DEWINE, LEAHY, COLLINS, and FEINSTEIN for cosponsoring my amendment.

This year we mark the 56th anniversary of the end of the Holocaust. There are as many as 10,000 Holocaust survivors in my home state of Illinois, and over 100,000 in the entire United States, with an average age over 80. It is imperative that Congress act as soon as possible to prevent the federal government from attempting to tax any restitution obtained by Holocaust survivors and their families because of their persecution by the Nazis.

Holocaust survivors and their families have lived through unspeakable horrors. Three weeks ago, I attended a Holocaust Memorial Service at a synagogue in Skokie, Illinois. After the formal proceedings were over, I spoke with a number of survivors of concentration camps, and heard what they were able to tell me about their dreadful experiences. One survivor of Auschwitz told me things she had never told her children. Why? Because I was a United States Senator, and she felt she had to tell me so that the Holocaust would never be forgotten, even though remembering these horrors caused her indescribable pain.

The accounts of these survivors remind all of us that America has an obligation to continue to pursue justice and compensation for Holocaust victims and their families.

My amendment, the Holocaust Victims Tax Fairness Act of 2001, would prevent the Federal Government from imposing the Federal income tax on Holocaust restitution or compensation payments that victims or their heirs may receive.

The IRS has indicated in various private letter rulings that certain restitution money is exempt from the Federal income tax, but these rulings apply only to the specific individuals who received them, or to specific settlement funds, not to all recipients of compensation and restitution.

The U.S. Treasury Department has made clear that Federal legislation is needed to ensure that all compensation and restitution payments are protected from unfair taxation. In fact, the Bush Administration Treasury Department supports my legislation, as did the Clinton Administration last year. The Holocaust Victims Tax Fairness Act of 2001 will provide certainty for elderly Holocaust survivors, thereby sparing them from having to navigate complex legal and bureaucratic processes.

More than 50 years after the end of World War II, many banks and companies in Europe are beginning to return stolen assets to survivors of the Holocaust and their heirs. In August of 1998, two of the largest banks in Switzerland agreed to distribute $1.25 billion as restitution for assets wrongfully withheld during the Nazi reign. And in February of 1999, the German government agreed to establish a fund to compensate victims of the Holocaust.

This amendment ensures that the beneficiaries of these settlements and other Holocaust restitution or compensation arrangements can exclude the proceeds from taxable income on their Federal income tax forms. The measure also ensures that survivors and their families do not lose their eligibility for federal or federally assisted need-based programs when they receive Holocaust-related restitution or compensation payments.

Those of us too young to have lived in those times can never know the pain of the survivors. But we must learn from them. We who were born after the war must commit ourselves to try our best to shoulder the responsibility the survivors have carried for so long. While the restitution settlements pale in comparison to what they have lost, this legislation ensures that survivors and their families can keep all that is returned to them without being unnecessarily burdened by taxes or excluded from need-based programs.

The Congress must send a clear message that to allow the federal government to tax away any reparations obtained by Holocaust survivors or their families because of their persecution by the Nazis or their sympathizers is simply unacceptable. Given that the average age of Holocaust survivors now exceeds 80 years of age, we believe it is imperative that the Congress act now to prevent the Federal Government from attempting to tax this money.

Similar legislation was agreed to by the Senate as an amendment to the Taxpayer Refund Act of 1999. The provision was retained in conference, but the final bill was vetoed, preventing this important measure regarding Holocaust restitution from becoming law.

My amendment improves significantly upon bills on this issue that were introduced in the 106th Congress. For example, this amendment is more carefully crafted to encompass all possible types of restitution and compensation that Holocaust survivors or their heirs may receive in the coming years.

Furthermore, unlike previous versions, my legislation ensures that survivors and their families do not lose their eligibility for Federal or federally assisted need-based programs when they receive Holocaust-related restitution or compensation payments; this provision expands upon a 1994 law that protected only victims, not their heirs, from losing benefits from need-based programs because of restitution payments. My legislation corrects this unfortunate omission in the 1994 law.

Finally, unlike previous versions, my amendment provides that the initial tax basis of property returned to Holocaust victims or their heirs will be the fair market value of the property on the date of recovery. This provision ensures that Holocaust survivors who receive in-kind, rather than cash, restitution do not have to pay tax on capital gains if they immediately sell the property. Survivors should not be unfairly penalized because they receive in-kind restitution; and the Federal Government should not make one dime on Holocaust restitution, whether the restitution is in cash or in kind.

This legislation has strong bipartisan support in Congress. Twenty Senators have already cosponsored S. 749, a bill I introduced last month that is identical to this amendment.

Many organizations that work to assist Holocaust survivors have endorsed the Holocaust Victims Tax Fairness Act of 2001, including the Conference on Jewish Material Claims, the Anti-Defamation League, B'nai B'rith International, the American Jewish Committee, and the American Gathering of Jewish Holocaust Survivors—the largest organization of American Holocaust survivors.

After over 50 years of injustice, Holocaust survivors and their families are reclaiming what is rightfully theirs. Even as we support these efforts to reclaim stolen property, we must do our part in protecting the proceeds. I thank my colleagues in joining me in supporting this amendment.

Mr. CAMPBELL. Mr. President, today I express my support for H.R. 1836, the Tax Reconciliation Act of 2001. This bill is the largest income tax relief bill in 20 years and I believe the American taxpayers deserve and desire this legislation.

The Tax Reconciliation Act goes a long way to relieve taxpayers of an unfair tax burden. This bill provides: broad-based tax relief by reducing tax rates; family tax relief by addressing the Marriage Penalty Tax and by immediately increasing the Child Credit to $600; $150 billion to Estate Tax Relief and by repealing the Estate Tax by 2011; $30 billion in education benefits and $40 billion in retirement and pension benefits, and by extending the availability of the child credit under the Alternative Minimum Tax (AMT) and by increasing the AMT exemption amount.

I am particularly interested in the estate tax relief because again this year I introduced the Estate and Gift Tax Rate Reduction Act of 2001, S. 31. Estate and gift taxes remain an unfair burden on American families, particularly those who pursue the American dream of owning their own business. Why should family-owned businesses and farms be hit with the highest tax rate when they are handed down to descendants—often immediately following the death of a loved one? These taxes, and the financial burdens and difficulties they create come at the worst possible time. Making a terrible situation worse is the fact that the rate of this estate tax is crushing, reaching as high as 55 percent for the highest bracket. That is higher than even the highest income tax rate bracket of 39 percent.

Furthermore, the tax is due as soon as the business is turned over to the heir, allowing little time for financial planning or the setting aside of money to pay unscheduled tax bills. Estate and gift taxes right now are one of the leading reasons why the number of family-owned farms and businesses are declining. Quite simply, the burden of this tax is just too much.

This tax sends the troubling message that families should either sell the business while they are still alive in order to spare their descendants this huge tax after their passing, or allow the value of the business to decline, so that it won't make it into their higher tax brackets. Whichever the case may be, it hardly seems to encourage private investment and initiative, which have always been such a strong part of our American heritage.

I am pleased that the bill before us takes the important step of addressing this unfair burden. I will continue to work with my colleagues for the complete elimination of the death tax.

I have heard people say that the cost of this bill is too great—that we can't afford it at this time. But I think since we now have a balanced budget and a significant surplus, then the American people deserve this tax relief and they deserve it now. The American people have earned this tax relief.

I know that $1.35 trillion is a lot of money, but we have over a $3 trillion surplus and one reason we have a $3 trillion surplus is the taxpayers got their taxes raised too much. If the American people overpaid, then the American people should get their money back—that is just fair.

The Tax Reconciliation Act of 2001 is the largest middle-class tax relief in twenty years and I think it is high time the hard-working taxpayer get this relief. I support this legislation and I urge my colleagues to do the same.

Mr. MURKOWSKI. Mr. President, we have engaged in a very hard-fought battle on the Senate floor since last Thursday. Some would say that this has been a partisan battle, and in many ways it has been a good partisan battle. If you look at the series of amendments that we have considered these past few days, you will see a fundamental philosophical division between the majority of both parties in the Senate.

The Republicans have stood firmly for the proposition that the American people have been overtaxed and deserve a partial refund of the huge $5.6 trillion surplus that is expected to accumulate over the next 10 years. We are not saying all of the surplus should be returned to the American taxpayer, but a modest portion—25 percent deservedly belongs to hard working American families. The remainder will be used to preserve and protect Social Security; enhance Medicare and pay down the national debt.

On the other hand, the Democrats have come up with dozens of amendments that reduce the size and scope of tax cut in order to promote more federal spending. In fact, I think one amendment offered by the senior Senator from Michigan, Mr. LEVIN, pretty much sums up the philosophy of the Democratic Party. That amendment provided that if Government discretionary spending went beyond the amounts set forth in the budget resolution, then the Secretary of the Treasury would be required to raise the top marginal rates paid by individuals.

In other words, let the Congress spend as much of the taxpayers' money as it pleases, with no discipline, no limits and then pay for that spending with administrative tax increases. Thus if Congress spends $200 billion more than budgeted, the Treasury Secretary simply can push a button and the top marginal rate could be 50 percent or 60 percent of whatever it takes to pay for wasteful spending.

Fortunately, that unconstitutional amendment was defeated, though 41 of the 50 Democrats supported the concept of this unconstitutional delegation of taxing authority and the lifting of all discipline or spending.

That said, the final bill before us is a bipartisan measure that will bring much needed tax relief to nearly every taxpayer in the country. And for more than 10 million individuals and families with no income tax liability, they will receive a rebate of payroll taxes; 19 million of the 64 million individuals and families with a top income tax rate of 15 percent will now have a top rate of 10 percent. And that tax cut is immediate and retroactive to January 1, of this year.

More than 30 million families will benefit from the increased child credit, 10 million of whom will receive a refundable child credit. Over more than 40 million couples will benefit from the marriage penalty relief contained in the bill and small businesses, the engine of growth in this country, will now be able to preserve their family assets without the threat that the government will force the business' break-up because of the punitive death tax.

For Alaska Natives, the bill contains a provision that will allow Alaska Native Corporations to establish settlement trusts. This is only fair. These tribal corporations, unlike lower-48 tribes, are required to pay income taxes. Settlement trusts will allow them to invest some of their earnings for the future social benefit of their members.

And for the many employees who work in the building and construction trades, the bill includes a provision that will allow them to receive pensions that better reflect the pension agreements their unions negotiated as part of multi-employer agreements.

This is a fair and balanced tax cut. I would have preferred we would have cut taxes even more, as the President proposed. But the step we take tonight marks the first major tax cut for all Americans in 20 years. I commend the chairman of the Finance Committee, Senator GRASSLEY, and the ranking member, Senator BAUCUS, for their diligence and hard work in achieving this important relief for the American taxpayer.

Mr. ENZI. Mr. President, I rise in support of S. 896, the Restoring Earnings to Lift Individuals and Empower Families, or RELIEF Act of 2001. It is time we ease the tax burden on all American taxpayers and return part of the surplus to the people who created it.

The legislation before us will benefit American taxpayers and improve our Nation's economy. The provisions of the RELIEF Act of 2001 include across-the-board rate reductions for all Americans, repeal of the death tax, reduction of the marriage penalty, doubling of the child credit, and increased incentives for retirement savings and education. This legislation incorporates some good principles of tax policy, such as encouraging investment, strengthening families, and rewarding savings. It takes an important step in the right direction toward a tax policy more worthy of a great nation.

The RELIEF Act of 2001 will encourage economic growth and productivity by strengthening America's small businesses. Small businesses are the backbone of the American economy. They represent over 99 percent of all employers in America and employ half of America's private workforce.

Small business creates 80 percent of all new jobs in America and accounts for bout 38 percent of the gross domestic product and half of the gross business product. Because of their ability to adapt quickly to changing market conditions, small businesses are nearly the sole source of job growth during times of economic recession. In short, if we want to provide a stimulus to the present economy, we should do all we can as soon as we can to help America's small businesses.

The legislation before us will greatly help small businesses. First, it kills the death tax. It should come as no surprise to anyone that the death tax is one of the most destructive taxes to small businesses. In one foul swoop, this tax can demolish the work of several generations of entrepreneurs.

The death tax rewards savings and investment with crippling tax rates that all too often force families to sell off their businesses just to pay their bill to the IRS. The death tax is a punitive tax on families by penalizing them for trying to pass on their life's labor to their children. I am pleased that this legislation axes the death tax and sends it to its grave where it belongs.

Secondly, the RELIEF Act of 2001 will help stimulate the economy by empowering small businesses in their effort to provide more jobs, invest in their physical facilities, and develop new products that will benefit American consumers and our Nation as a whole. it is important for everyone to understand that most small business owners file their taxes as individuals. Most do not file as traditional C-corporations, but rather organize as sole proprietorships, partnerships, S-corporations or some other structure that allows them to file their taxes using the tax rates for individuals. Each and every one of these "flow through" businesses that has positive income will benefit from the tax relief before us.

I would like to give my colleagues and the American people an idea of the number of small-business owners who would benefit under the rate reductions in the legislation before us.

There are nearly 17½ million individuals who had income from sole proprietorships in 1999, the last year for which we have complete data. Each one of these 17½ million people will receive tax relief under this legislation. These might be retailers, dentists, general contractors, accountants, or people employed in any other number of occupations that provide the goods and services that we use every day.

I should mention that these numbers only include taxpayers who had income from non-farm sole proprietorships and does not include business owners who may organize using other business entities, such as partnerships or S-Corporations. If we added in the people who file the schedule F for farm income and those who file schedule E for partnership income, the total would probably be in the neighborhood of 24 million. Since we don't have that data broken down by States, we will consider those small business owners who file as sole proprietorships. Keep in mind that the 17½ million is really the floor rather than the ceiling of small business owners who will benefit from the rate reductions in this bill.

To give people an idea of how this tax bill will benefit their constituents, I would like to share some of the numbers from individual States. In my home State of Wyoming, there were 38,000 people with small business income in 1999. By passing this tax relief, each and every one of these business owners would have more money to put into their businesses and benefit the economy as a whole.

Here is how this often works in the real world. Many of these businesses have a profit on paper which effectively puts these business owners into the highest tax bracket for any given year. If they didn't have to pay 40 percent of their income to the Federal Government, they would use this invest this money into their business by buying more inventory, building, remodeling, or re-tooling their physical facilities.

Many of these businesses would use this money for testing, research and development of new products and technology which would in time greatly benefit the economy as a whole. In my home State of Wyoming, each of our 38,000 business owners are making a great contribution to our local communities and it is time we let them keep a little more of their own money so they can grow their businesses rather than grow the pork in the Federal budget.

If you look at the other States, you will find that they also have significant number of small business owners who will benefit under the tax relief before us.

Montana has 76,000 business owners who would benefit from this tax relief. Like Wyoming, many of these are Main Street businesses which form the backbone of the economy in our small towns and help perpetuate the western way of life.

Colorado has 329,000 business owners who would benefit from this tax relief. Nebraska has 117,000 small business owners who would see their incomes rise from this tax relief. When you include the number of small business owners who operate farms, I expect this number would be considerable higher.

Similarly, 486,000 small business owners in Georgia would find more money in their pockets if we pass the RELIEF Act of 2001.

I have heard the criticism from some on the other side of the aisle that this tax cut is too tilted toward the rich. Some have said that the President's proposal would give millionaires the money to buy a new Lexus while it would only allow middle income people money to buy a new muffler. I really don't know what world they are living in, but I find it interesting that most of the people who are making these claims don't have any experience owning or operating a small business.

I have heard a number of my colleagues on the other side of the aisle express great concern about the number of mega-mergers between multinational corporations over the past several years. They have argued that these businesses continue to swallow up their smaller competitors in many of our communities and all too often have the effect of eliminating any real local competition. As a former small business owner, I am very sympathetic to these concerns.

My experience has taught me that the small, locally owned family businesses are much more likely to be active in their community. These are the businesses that constantly donate their goods and services to local charities, schools, and civic organizations in an effort to make their towns better places to live. Small business owners live in the same communities where they sell their products or offer their services and this is generally not true of the large, multinational corporations. Since most small businesses pay taxes under the individual rates, this legislation takes an important step in leveling the playing field with their large competitors.

In short, if members of the U.S. Senate want to take one action this year that can greatly aid in the survival of

America's more than 17½ million small businesses, they should vote for this tax relief legislation. Members will not have a better opportunity this year to register their support for America's Main Street business owners than the RELIEF Act of 2001.

It is important to understand that we need to lower all the marginal rates to benefit our small businesses. According to treasury data, nearly two-thirds of the taxpayers who would benefit from lowering the top income tax rate are small business owners and entrepreneurs. Contrary to the stereotypes too often painted by the far left, most of the taxpayers in the top income tax bracket are not the idle rich.

Now I have a little experience in owning and operating a small business. I owned operated a Main Street shoe store in Gillette, WY, for 26 years with my wife and our three children. Let me tell you, when I got a tax cut, I did not go out and buy a Lexus. I would take that money and make improvements to my store so that my business would be more successful in the future and I would be better able to provide the services and products that would benefit my family and my community.

I wonder how these 17½ million small-business owners would feel if we told them "you can't have a tax cut, because we don't trust you to spend your own money. You might just waste that tax cut on a luxury car. You better let us keep that money in Washington so we can continue to increase the size and scope of the Federal Government and have a little more control over every aspect of your lives." I don't know who my colleagues are talking with, but I trust the more than 38,000 small-business owners in my State to use their own money as they see fit.

America's taxpayers are long overdue for a return of their surplus. Americans are shouldering the highest peacetime tax burden in our Nation's history. Both the level of taxation and our underlying tax policy are unjust and in desperate need of reform. For too long, we have punished marriage and savings, discouraged innovation and job growth, and punished the same small business owners that deserve much of the credit for our economic success over the past decade.

It is time we listen to the more than 17½ million small business owners spread throughout our States, and our communities. It is they who will benefit from the RELIEF Act of 2001, and they in turn will help us by providing many of the goods and services that we will use every day.

The RELIEF Act of 2001, will benefit every American taxpayer by allowing them to keep some of their own money. It will stimulate the American economy by rewarding entrepreneurship and job creation. It respects marriage and the family. It encourages savings and investment. It gives Americans greater freedom over their incomes and their futures. I applaud Chairman GRASSLEY and Senator BAUCUS for their hard work in writing this legislation and bringing it before the Senate today. We should enact this legislation with all deliberate speed. I urge my colleagues to join me in supporting the RELIEF Act of 2001.

Ms. SNOWE. Mr. President, I rise in support of the bipartisan tax cut package which passed the Finance Committee on Tuesday.

I first want to thank and commend Chairman GRASSLEY and Ranking Member BAUCUS for working so closely together to build a principled consensus, one that not only brings this pressing issue to the floor in a timely fashion, but will also ultimately benefit the people of this nation. They have worked tirelessly for a fair and balanced tax cut bill, and I believe they have achieved that goal.

Inevitability, none of us will agree with everything in this bill. Some will wish we had done more, some less. But that is the sign of true compromise.

It is not about any one of us getting everything we would like. It's about making a judgment as to whether the preponderance of the measures in a given bill works for the good of the country. That is how the process should function—however difficult that process may be, and however much it may require us as individuals to compromise on facets of the bill we would prefer to be different.

We cannot allow the gears of the deliberative process to become jammed with the monkey-wrench of absolutism. This is not the time to retreat into the false haven of ideological absolutes. Especially in these perilous economic times, we cannot let personal or partisan differences get in the way of passing a fair and meaningful tax cut. Of course we have an obligation to speak our minds and to make changes where and when we can. But we also have an obligation to heed the warning signs our economy is sending.

I think everyone has probably had the opportunity to read at least a number of the myriad articles on the state of the economy. One Business Week article spoke of a terrible first quarter, stating that "the earnings of the 900 companies on Business Week's Corporate Scoreboard plummeted 25 percent from a year earlier . . . The first quarter profit plunge was the Scoreboard's sharpest quarterly drop since the 1990–91 recession."

Productivity fell at a 0.1 percent annual rate in the first quarter—the first quarterly drop in 6 years. And layoffs are at their highest levels since they were first tracked in 1993, with major corporations announcing more than 572,000 job cuts this year. Little wonder, then, that the unemployment rate has risen to 4.5 percent, with April's job loss the largest since February 1991.

Even more ominous is Business Week's recent observation that if wide layoffs of high wage earners continue, the likelihood of recession becomes even greater.

And the Washington Post noted recently that Federal Reserve cuts in interest rates have been the most aggressive since the second quarter of 1982—the worst recession since the Great Depression—and that observation came before the most recent half-percent rate cut. We cannot ignore these economic storm clouds that may portend negative consequences for American workers as well as our economic future.

And while it is true that a tax cut may not actually prevent a recession, if one is in the offing, I well remember the words of Federal Reserve Chairman Alan Greenspan, who came before the Finance Committee in January.

Chairman Greenspan stated that tax cuts; while perhaps not having an immediate effect, could act as "insurance" should our recent downturn prove to be more than an inventory correction . . . that it could soften the landing and shorten the duration of any recession should it occur. Again, there are ominous clouds on the horizon, and let's keep this in mind as well—"blue chip" economists have indicated just this week that they are factoring the tax cut in their projections.

In fact, if there is one concern I have with this package, it's that, given our growing economic uncertainty and the grim repercussions it could have; we need to do even more this year to get money into the hands of taxpayers and to get the economy back on track.

I know there is an ongoing discussion about whether the best way to do this is to adjust the withholding tables as this bill envisions, or to issue checks directly to taxpayers. In the end, I think that whatever method best gets this into taxpayers hands—be it accelerated withholding, sending checks, or a combination of the two—is an imperative and I would urge the conferees to develop such a plan as they craft the conference report.

The fact of the matter is, the case for cuts has never been more compelling—it's an issue of our economic health and well-being, and it's an issue of fairness for the American taxpayer—who shouldered the burden of the debt and created the surplus in the first place.

As a percent of GDP, Federal taxes are at their highest level, 20.6 percent, since 1944—and all previous record levels occurred during time of war or during the devastating recession of the early-1980s, when interest rates exceeded 20 percent and the highest marginal tax rate was 70 percent.

The fact of the matter is, it would be irresponsible not to return a reasonable portion of the surplus—which is really just an overpayment in the form of taxes—to the American taypayer. And there should be no mistake—if we fail to pass a meaningful relief package, we will fail both working families and the economy upon which their work depends.

And let us not forget that this package is nearly 25 percent smaller than was proposed by President Bush in his budget. Let us not forget that it will utilize less than one-half of the projected surplus over the coming 10 years, 45.7 percent, excluding both Social Security and Medicare surpluses.

In fact, even with a $1.25 trillion tax cut over the coming ten years, we will still have about $1.5 trillion available for other priorities, including the funding of a new prescription drug benefit and additional debt reduction. Mr. President, this package is neither unreasonable nor irresponsible.

As to the issue that's been raised of "backloading" the tax cuts in this bill, as the chart behind me demonstrates, the structure of the tax package is phased-in to reflect the flow of surpluses projected to accrue over the coming ten years.

Specifically, during the first 5 years, when the non-Social Security and non-Medicare surpluses are smaller, the tax cut is also smaller. In later years, as the surpluses grow, the tax cut grows as well. The alternative is to phase-in the tax cuts more rapidly and dip into the Social Security and Medicare surpluses—not an option at all in my book.

Just as importantly, many of us fought hard to ensure that the benefits of this tax cut package will be weighted toward those who need relief the most—middle and lower-income taxpayers.

We have before us a thoughtful proposal that addresses concerns I, myself, had with the distributional effects of the original package. And it does so in a variety of meaningful ways—retroactively creating a new "10 percent" bracket . . . providing much-needed AMT relief for middle-income families . . . and ensuring marriage penalty relief for all couples while bolstering the Earned Income Tax Credit program by providing $22.5 billion over the duration of the package.

And we didn't stop there. The bipartisan education package that the Finance Committee reported in March is included in this bill, along with a new deduction of up to $5,000 for higher education tuition paid, and a new credit of up to $500 for interest paid on student loans—provisions that I have sought along with Senators TORRICELLI and SCHUMER.

With the cost of college quadrupling over the past 20 years—a rate nearly twice as fast as inflation—and with students borrowing as much during the 1990s as during the 1960s, 1970s, and 1980s combined, these provisions will provide critical assistance to individuals and families grappling with higher education costs.

It also includes the bipartisan IRA and pension package—introduced separately by Senators GRASSLEY and BAUCUS that will not only strengthen and improve access to pensions and IRAs, but also enhance fairness for women who frequently leave the workforce during prime earnings years, and suffer from reduced retirement savings accordingly.

And finally, no package could truly be said to produce fairness without including a refundable child tax credit. That is why I worked with Senators LINCOLN, JEFFORDS, KERRY, and BREAUX—as well as both the chairman and ranking member—to include a provision that builds on the President's proposal to double the $500 per child tax credit by making it refundable to those earning $10,000 or more, retroactive to the beginning of this year.

This is introducing a wholly new concept with respect to that child tax credit, and one that is most assuredly warranted. For the first time we will provide and expand benefits to minimum wage earners.

How will this help? In its original form, the tax relief plan would not have reached all full-time workers—the tax reduction would have disappeared for wage-earners with net incomes of less than about $22,000. Indeed, without refundability, there are almost 16 million children whose families would not benefit from the doubling of the Child Tax Credit. To give an idea of how many children we're really talking about, that is about twice the population of New York City or about 13 times the entire population of my home state of Maine.

Thanks to the changes we have made, the bill now provides a substantial tax credit to a total of 37 million families and 55 million children nationwide who might otherwise have gained no benefit from the proposal to simply double the per-child credit.

Many of these are families earning minimum wage, struggling to make ends meet in addition to paying their share of State and local taxes, payroll taxes, gasoline taxes, phone taxes, sales taxes, and property taxes. All told, the average full-time worker earning the minimum wage pays more than $1,530 in payroll taxes, and more than $300 in Federal excise taxes.

This is no small burden to working families already living on the fiscal edge. In fact, despite America's strong economy, one in six children live in poverty, and the number of low-income children living with a working parent continues to climb. My provision that is included in this bill to make the child tax credit refundable will give these families a hand up as they strive for self-sufficiency, and give these kids the hope of a childhood without poverty.

The partially refundable credit will provide a benefit of up to 15 cents for every dollar earned above a $10,000 per year threshold. In real terms, this year, a working family with one child and an income of $13,000 would be eligible for a refundable credit of $450; and a family with an income of $14,000 would qualify for the full $600 credit.

As tax reductions and the child tax credit are phased in over 10 years, the maximum allowable refundable credit will rise from $500 to $600 this year, increasing to $1,000 by 2011. Families with more than one child would also receive a refundable credit based on their income.

Will this tax relief solve all the financial problems faced by eligible families? No. But it will help to purchase essentials, like groceries, heating fuel, or electricity. And it sends an important message of encouragement that we want those who work hard and strive to improve their lives to succeed. Refundability shows that tax relief is for all full-time working families.

With these kinds of adjustments, we take a critical first step in ensuring that the balance of this package in its totality will help lower and middle income taxpayers.

In fact, in looking at the various analyses of the changes we made to the package, the Joint Tax Committee estimates that those earning less than $50,000 will see their share of Federal taxes drop from 14.3 percent under current law to 13.8 percent in 2006.

Indeed, the largest reductions in the effective tax rates will apply to those in the $20,000 to $40,000 range. Conversely, in 2006—the fifth year of implementation—the share of federal taxes paid by those with incomes of $100,000 or more will increase from 58.4 percent to 59 percent.

Moreover, as a result of the refundability of the child tax credit, according to Joint Tax, those in the $10,000 to $20,000 income range will see their share of federal taxes reduced from 1.5 percent to 1.3 percent—a reduction of $3 billion. And by 2006, this level is down to 1.1 percent.

If you look at upper income brackets, and I know there are those who still have concerns with the top one percent, according to Citizens for Tax Justice, this gives 19 percent of tax cuts to the top one percent who pay 37 percent of taxes, as opposed to 31 percent in the President's original package.

And in terms of the overall package, it is worth noting that creation of the new 10 percent bracket alone accounts for $438.6 billion, while reductions in all other brackets amount to $397.3 billion—that's 52 percent of the cuts going to the lowest bracket, with 48 percent going to all others.

At the same time, the share of federal taxes paid by those with incomes of $50,000 to $100,000 will fall from 27.3

percent to 27.1 percent—and from 14.3 percent to 13.8 percent for those earning under $50,000. So yet again we've seen a shift in the weighting of the bill away from benefits for the higher income brackets.

As for the compromise we developed that results in a reduction of the uppermost bracket from 39.6 to 36 percent, it is worth noting that many individuals in that bracket are small business owners whose business-related income is taxed as personal income.

According to the Treasury Department, in 2006, 63 percent of the tax returns that would benefit from reducing marginal rates in the top two brackets would be reporting some income or loss from a business. And in my home state of Maine, for example, about 97 percent of all businesses are small business.

The reality is, small businesses have played a central role in our nation's economic expansion. From 1992 to 1996, for example, small firms created 75 percent of new jobs—up 10.5 percent—while large-company employment grew by 3.7 percent. So why—when we're talking about such a tremendous impact on individuals and the economy . . . when the top corporate tax rate is 35 percent—why should we continue making small business men and women pay so much more?

I think the American public often thinks about tax cuts the way they would think of winning the lottery it would be great if it really happened, but it in reality it really only happens for "the other guy" . . . that tax cuts will only apply to someone else . . . and if they do happen, they'll be so small as to have no appreciable effect on everyday life.

Well, the American people should know that this tax cut applies to everyone, and especially those who could use the break the most. And that's true not just on paper, but in reality—in the real world.

For example, a married couple with two children and $15,000 in income will pay no income tax. They will receive $4,008 from the earned income tax credit—an increase of $402—and a benefit from the expanded per-child tax credit of $600. That is over $1,000 extra in their pocket—that's going to mean a lot to that family making $15,000 a year.

The point is, this is no phantom tax cut—this is real, this is balanced, and this is fair. And what this all comes down to is, if you are really serious about cutting taxes, you should support this package that begins the process of providing some relief given, once again, the status of our economy and the tax burden on the American people.

We know we are never going to get unanimity on an issue of this magnitude. But we can have progress and we can come to some kind of consensus. This package represents a bipartisan effort that, in the aggregate, is good for our future and good for the American taxpayer today. And it deserves our support.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—62

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carnahan
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—38

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Kennedy
Kerry
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

The bill (H.R. 1836), as amended, was passed.

Mr. LOTT. Mr. President, I move to reconsider that vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, parliamentary inquiry: Do we have an agreement to be in morning business?

The PRESIDING OFFICER. Yes. If the leader will permit, under the previous order, the Senate insists on its amendments and requests a conference with the House of Representatives.

Under the previous order, the Chair now appoints Mr. GRASSLEY, Mr. HATCH, Mr. MURKOWSKI, Mr. NICKLES, Mr. GRAMM of Texas, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. BREAUX conferees on the part of the Senate.

Mr. LOTT. Mr. President, even though the distinguished managers of this legislation have just left the Chamber, I want to say once again, as I have earlier, I think we should congratulate our two managers, the chairman of the Finance Committee, Senator GRASSLEY, and the ranking Democrat on the Finance Committee, MAX BAUCUS. They have done yeoman's work. There are a lot of us who say that the chairman and ranking member of committees should always reach out and try to work together and find a way to have a bipartisan agreement. In this case, these two gentlemen have done it.

Perhaps there is not a total happiness with their agreement on either side. But this is the way it should work. I think they have come up with a good package and they should be commended. We didn't set a record with a number of votes on a package of this nature, but we did do 54 votes on amendments. We went through a lot of hours, having votes basically every 15 minutes. We stayed right with it. They are exhausted, but they are also exhilarated, as they should be, because this is a real good day's work.

I know this legislation is going to be good for America, good for job security, and economic growth for working families of America and for their children. It does have the core components the President asked for but also other areas, such as education, pension savings, and the alternative minimum tax.

So they have done good work, and I am glad we have passed this tax relief package. They now have to go to conference and that, too, will be a challenge. I am sure they are up to it, and they are going to work to make sure the interested parties in the House and the Senate, on both sides of the aisle, are included.

So this has been a real lift to get it completed. I know it has been difficult on both sides of the aisle. I know Senator REID has been here through the long hours—12 hours, I believe, yesterday alone. Senator DASCHLE and I talked many times to try to find a way to bring it to a conclusion. We have been able to achieve that.

The vote speaks for itself; 62 Senators voted aye for tax relief for America. I am very happy that this hurdle has been jumped and now we go to the final stage.

With that, I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to make a few comments about the tax bill. Let me first begin by congratulating the distinguished chairman and the ranking member. While I differ with the outcome, I certainly do not differ with the manner in which they worked together. I appreciate the bipartisan spirit in which they worked, and I hope we can see more of that in the future.

I do hope we can see a different result in the future as we face these critical questions. I believe with all my heart that we will regret the day this passes and is sent to the President for his signature. I think we will regret it, in part, because it is based on projections that are very faulty. We will not realize a $5.7 trillion surplus. I think we can predict that safely. We also recognize that, with the uncertainty of the budget and all of the economic conditions that we will face, to commit to a tax cut of more than $4 trillion in its entirety over a 10-year period of time is not in keeping with the fiscal responsibility that we have all said we are so proud of—the fiscal responsibility that actually brought about surpluses over the course of the last 3 years.

So our first concern has been, and continues to be, that it is based on faulty projections. Our second concern is that it will crowd out all other priorities that we hold, in some cases, in both parties. We say we are for reducing the public debt. I believe that as a result of the passage of this legislation there will be no further reduction of public debt. We all have indicated a willingness to support prescription drug benefits. I predict that as a result of this we will be told we can't afford prescription drug benefits.

We all indicated that we advocate strongly protecting Medicare and Social Security. This bill will force us to tap into the Medicare fund, the Social Security fund, and deny the protection and the kind of viability in those trust funds that we have counted on these last several years. This bill will not allow us to provide the kind of resources for investment in education that we have all said is important to both parties and this country. So across the board, this legislation crowds out and, in some cases, eliminates our opportunity to address America's priorities in a balanced and meaningful way.

The third concern I have is one of fairness. We can do better than this. We ought to do better than this. When we provide a third of a $4 trillion tax cut to the top 1 percent, a third to the next 19 percent, and a third to the bottom 80 percent, that doesn't say much about the balance and our sensitivity and empathy for working families all across this country.

There is only one group of taxpayers who will not receive any marginal rate reduction in this bill, and that is the 72 million taxpayers who will still pay the 15-percent rate. That is wrong. We ought to do better than that. We ought to be sending a clear message that we understand they deserve a tax rate cut like everybody else. But that is not what this bill says. So I am concerned about the fairness. I am concerned about the imbalance that this legislation represents.

Mr. President, for all of those reasons, I regret the fact that we passed this legislation today with the vote that we did. I suspect we will be back addressing budgetary and other implications for many years to come. I hope in the future we will remember our promise, our commitment to fiscal responsibility, our commitment to the other issues that we have all said are important not only to us, but to the country. I hope, in a bipartisan way, our judgment in the future will reflect those commitments more accurately than the one we have just made today.

I yield the floor.

MORNING BUSINESS

A PROCEDURAL TRAVESTY

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, just a couple words. The fact is, Mr. President—and I speak advisedly—this is a travesty; it is a travesty economically and, more than that, a travesty procedurally with respect to the Senate. I speak as having served on the Budget Committee since its institution—and as having been its chairman—and I have never seen such a gross abuse of the process.

Specifically, Mr. President, in 1993, which has been compared by the present chairman of the Budget Committee to the action just recently on the floor, in 1993, President Clinton presented his budget. We had hearings on that budget, and we had a markup within the Budget Committee under the rules. There were some 30 votes—and 1 more vote for final passage. Thereafter, when we brought it to the floor of the Senate, we had an additional 52 votes on amendments. Compare this with the majority leader's bragging now about 54 votes—like that was really a task.

The truth of the matter is we didn't get to reconciliation until August. At that particular time, they were really gloating with glee at the passage of the bill and reconciliation, stating that when we increased taxes on Social Security, they were going to hunt us down in the street like dogs and shoot us. They said, when we passed that bill, it was going to cause a depression. The distinguished chairman of the Finance Committee, Senator Packwood, said if this procedure worked back in 1993, which we voted for without a single Republican vote either in the House or in the Senate, that he would give us his home downtown here in the District. And Congressman Kasich, later chairman of the Budget Committee on the House side said, if this thing worked, he would change parties. I want to be a good memory.

I will never forget a conversation once with Bernie Baruch, when he talked about President Truman. He said Truman had a good memory, but he said he had a good, bad memory. That crowd over there has a good, bad memory for the simple reason that they know it is an abuse. They rammed it. Instead of the President presenting a budget, we in the Budget Committee went through make-work hearings—just blather. They could not hear on the President's budget because the President would not submit it.

Of course, when we debated the so-called budget on the floor of the Senate, it was merely a tax cut. It wasn't a budget. The President had yet to submit his budget. It had not been submitted when they voted on it in the House; it had not been submitted when they voted on it in the Senate.

Then, of all things, we did get appointed to the conference committee—only to be told: Get out, we are not going to confer. So we got out.

Then, of all things, they abused the reconciliation process, bringing the tax bill to the floor—not to reconcile, not to lower the deficit, as was intended—and I know because I helped write it—the reconciliation process was used as an abuse to ram it. I know of one Parliamentarian who said it could not be used that way, and then I know of that same Parliamentarian who changed his mind. Oh, yes. Anything to go along and ram it through and give us the bum's rush, and then have the unmitigated gall to call us bums. They have been putting it out that we are just delaying and delaying. But we're not delaying. This is our first opportunity on this bill to financially discuss education, housing, defense, which are all important matters; we are trying to get some break in this bum's rush from leadership.

When I turned on the Republican Policy Committee's channel, channel 2, they said, "Votes will continue ad nauseam." The votes were just nauseous. I have never seen such arrogance. I have been here 34 years, and it is the worst that we have ever experienced. I can tell you that.

But, more importantly, Mr. President, this is a travesty economically. Of course, they make no bones about it. When we did increase Social Security taxes, they complained, but you don't find a decrease of Social Security taxes now. When we increased the gasoline tax, they complained, but you don't find a decrease of the gasoline tax now.

You do not find anything in this bill for working Americans only paying payroll taxes. Instead, they are indirectly increasing the burden on these people by giving everyone but them relief and taking away Government resources.

We approached the budget process in 1993 in a very deliberate fashion. We said: Look at these rising deficits in the national debt and the interest costs on the debt. In 1992, President Bush ran a $403.6 billion deficit. Ergo, the Government was spending over $400 billion more than it was taking in, and, yes, we are for tax cuts.

I have been in politics for a long time, and I have not found a politician yet who was not for tax cuts. But we said the way to give a better tax cut was to lower these long-term interest payments. Alan Greenspan can play around with the short-term, but only the fiscal policy of this Senate can change the long term.

In the 1993 package, we downsized the Government by reducing the federal workforce by almost 300,000; we cut spending by $250 billion; and we increased taxes by slightly less than $250 billion—and it resulted in the greatest prosperity in the history of the entire Nation for an 8-year period.

The reason why the present President Bush cannot sell tax cuts—he has been to over half of the States in America trying to sell them and giving us the bum's rush—is because the people know, the financial markets know, the bankers know, the automobile salesmen know that government borrowing will explode, and everybody is uptight.

This is not a wonderful thing that has occurred in this Chamber and to be congratulated. Economically, it is a travesty. We did it before in 1981. Yes, we picked up 38 votes today. We only had 11 votes then. We had one Republican, Mack Mathias of Maryland, but we did have, as they call now with even one vote—we had a bipartisan opposition. I say that with tongue in cheek, but that was all, just 11 votes, against so-called Reaganomics which the first President Bush called voodoo. Now, Mr. President, you have voodoo II.

There is no education in the second kick of a mule. That first kick within 4½ years put the economy into the dumps. That is when we had no resources and we were trying to hold on, and we were cutting spending under President Reagan.

I know, yes, during the Reagan administration we increased defense, and I supported those increases. But after eight years of Reagan's domestic cuts and four years of cuts under President Bush, we ran enormous deficits because of the $750 billion revenue loss from the Reagan tax cut.

Now we are on course for at least a $1.35 trillion tax cut, but they say after the alternative minimum tax, after the interest costs, that this ought to be in excess of $2 trillion, compared to $750 billion.

There it is. We passed the bill and everybody is going to champion it. We have agreed on this side that it will be conferenced and it will go to the President, but let's not have a third kick of the mule, with more of these coming across the deck as if we had the resources.

Look at the public debt to the penny today on the Treasury Web site and you'll see that currently we are running a $19 billion surplus. However, this tax cut means at least $10 billion in lost revenues this year—with defense, under Secretary Rumsfeld, asking for an additional $10 billion, and agriculture, $10 billion. Then, June comes and we make the big interest payments to the trust funds, the likes of $79 billion. Instead of bringing Government back down to the black, like under the Democrats with President Clinton for 8 years, we are now starting back up today with this vote. Somewhere in the CONGRESSIONAL RECORD there ought to be registered that what we have done, in essence, is increased taxes and not lowered them because we are going to increase the debt and we are going to increase the interest costs, already at $366 billion, which are taxes for nothing.

If I pay a gas tax, I get a highway. If I pay a sales tax, I get a schoolhouse. If I pay interest taxes, just profligacy, absolute waste.

I will never forget last year when President Clinton was giving his State of the Union Address, the distinguished majority leader remarked: That man is costing us a billion dollars a minute. He talked for an hour-and-a-half. That was $90 billion.

President Bush wants to cut taxes $90 billion a year. We can pay for the Clinton and the Bush programs, $180 billion, and still have $186 billion left over to increase defense, to increase research at the National Institutes of Health.

We are spending the money, and no one is talking about it. We are not getting anything for it.

In 1968–1969, when we balanced the budget last under President Lyndon Johnson, the interest cost was only $16 billion. We have increased the interest costs without the cost of a war incidentally—$350 billion a year. We cannot afford it.

When the Budget Committee meets, first, before we tackle defense and anything else in the budget, we have to immediately spend $366 billion. The economy is cool, people are not going to be able to save enough money to send their kids to college, they are not going to make their house payments, and we in the Government are thinking that what we have done is really good—the Government is too big, the money belongs to the people and all that childish gibber.

Come on. What we have done has, by gosh, sidelined the people and sidelined this Government and, in essence, politically bought the vote. I do not know where my friend Senator MCCAIN is, but he ought to hasten to the Chamber because the biggest campaign finance abuse has just been voted through the Senate. The majority has bought the people's vote because they would not go back home and explain to the people what is going on here. They went along with the singsong—the money belongs to the people, surplus, surplus, surplus.

We cannot find a surplus. We have not had one in 40 years, and we will not have one this year, and if anybody believes differently, tell them to come see me and we will make the bet and give them the odds. I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Florida.

THE RELIEF ACT

Mr. GRAHAM. I thank the Chair.

Mr. President, I voted no on the tax bill that passed the Senate. I recognize there are some positive provisions in that legislation. I will speak to two of them. One was in the area of education. There were a number of features which will make it easier for families to send their children to college, the provisions which will make it easier for local school districts to finance the construction of new and to rehabilitate older school buildings. Those are positive features. I also had supported the provisions that dealt with estate tax reform by raising the level of the exemption; that is, the amount of dollars one can exclude before a person calculates the estate tax obligations. By raising those exemptions, we have substantially diminished the number of Americans who will pay any estate tax.

On the whole, I found much more that was disturbing, much more that I considered to be a failure of vision, than I found to be worthy in this legislation. I hope I am wrong. I hope the comments I am going to make prove to be inaccurate in the history we will write in the aftermath of this legislation. Frankly, my experience leads me to doubt that I will be wrong.

I believe in life we are constantly forced to make choices. Those in politics like to avoid making choices. We are very good at telling people what we think they want to hear, even if the cumulative effect of all the things we have told the people we want is incompatible.

For instance, most Members have told the people we want to strengthen Social Security. Most Members have told the people we want to strengthen, reform, and add a prescription drug benefit to Medicare. The fact is, I believe what we have just done is going to make it impossible to deliver on either of those commitments. I hope I am wrong, but I doubt it.

I believe while what we say is not necessarily a true reflection of our choices, how we spend our money is a true reflection of how we will make our choices. I believe there was a metaphor earlier this morning. We had before the Senate legislation that would have provided substantial assistance to individual Americans and American families in dealing with the reality of the aging of our population. One of the lessons of many that we learned from the 2000 census is that America is getting older. I know that well from my own State where almost 19 percent of our population is over the age of 65 and where an increasing percentage of our population is over the age of 85.

Florida is a State of the future. The United States of America will be like Florida in another generation. Yet with the legislation that would have provided immediate assistance to families that were rendering care to an elderly grandparent, an elderly uncle or aunt, some loved one in the family, or to those Americans who are thinking about their own future and are considering the purchase of long-term care insurance so they will not be a burden on their children and grandchildren when they reach advanced age, we had a choice: We could have voted for an amendment that would have made a substantial commitment of the Federal Government to encourage and recognize those kinds of sacrifices, or we could have maintained for a 3-year period the structure of the bill which provides one-third of the tax benefits to 1 percent of the American people.

We would have been asking the 1 percent of the most affluent Americans to have slightly deferred a portion of the benefits from this legislation in order to have been able to pay for substantial incentives for tens of millions of Americans to prepare for their today or future consequences of aging.

I regret to say we chose when we made a decision today. The decision was, it was more important to provide that benefit for the 1 percent of the most wealthy Americans than it was to assist tens of millions of Americans to prepare for their aging families and for their own future. I think that is a real choice that demonstrates real values. Frankly, I am disappointed the Senate made such a selection of values.

Analyzing this bill, I say it fails on three counts, which can all be denominated through the calendar. It failed on a long-term basis; it failed on a short-term basis; and it failed today.

On a long-term basis, there is no greater challenge facing this Nation than the one which that amendment to which I just alluded represents; that is, the aging of America. When Social Security was established in the 1930s, for every person who was in retirement in the United States or was of retirement age, we had some 15 to 20 active people in the labor force, people who were providing the means by which those older Americans of the 1930s could be supported. In just a few years, when the large number of Americans born immediately after World War II reach retirement age, we will be down to fewer than four working Americans for every person retiring.

We have contracts outstanding called Social Security and Medicare Part A hospitalization. These are contracts for which Americans are paying every time they get their paycheck. They look down at the allocation of the dollars they have just worked hard to earn and they see the subtractions. A big part of those subtractions of the dollars is taken out of every paycheck for Social Security. Another part of those subtractions is the part taken out of every paycheck for the hospitalization component of Medicare.

Why are Americans tolerating this reduction from their immediate income? They are tolerating it because they have confidence in the contract which exists between them and the U.S. Government. That contract is that once they reach the age of eligibility for Social Security and Medicare, the services for which they are paying every paycheck are going to be delivered. It is going to be our challenge to see that those contracts are maintained.

Today we are not in a position to say with confidence that those contracts will be able to be honored because both the Social Security trust fund and the Medicare hospitalization trust fund, by any actuarial standard, are seriously under water.

We had an opportunity this year, an opportunity unique in the history of this country with the enormous economic growth and surpluses it has brought, to be able to say to the American people that for the next three generations we will place ourselves in a position to honor those contracts. From now until the year 2075, we will be in a position to say we have the resources, we have made the proper preparations to honor our contractual responsibilities. We would have started that by an aggressive program to pay down the national debt so that as we entered the period of greater demands on Social Security and Medicare, we would have been in the best possible national financial position. We would have done it by supplementing the funds going into the Social Security and Medicare trust funds with a portion of the savings in national interest, about which Senator HOLLINGS spoke so eloquently, that we are going to gain because we are paying down the national debt. A portion of those savings should have gone to strengthen the Social Security and the Medicare trust funds.

The decision we made a few minutes ago by passing what I consider to be an engorged, excessive tax bill will deny us the opportunity to pay down the national debt as fully as we should. We will miss the mark by approximately $750 billion to $1 trillion in the next 10 years—what we could have done to have strengthened our Nation's finances. We are not going to be in the position to make the kind of investments for these trust funds for Social Security and Medicare that we should have made.

I hope I am wrong. I hope I am unduly pessimistic. But, frankly, I doubt that I am.

So we have failed the calendar in the long run. We have also failed the calendar in the short run.

If there is a phrase we have heard too much of in the last few months and have honored too little, it is the phrase "economic stimulus." What would happen if the economy, after a long run of booming, expanding economic growth, suddenly began to turn soft and unemployment levels reached a level we had not seen since the early 1990s?

We all read about substantial layoffs in companies that we thought were invulnerable to those kinds of economic reversals. We have seen the stock market first decline, then come back, then generate a level of uncertainty, unpredictability. All those things were signals of an uncertain but potentially seriously declining economy. So we said: Let's buy an economic insurance policy. Let's not just rely on what the Federal Reserve Board can do with short-term interest rates. Let's adopt a fiscal policy that will help stimulate the economy.

We turned to some of the best experts in the country. They said what the Congress could do would be to give an immediate tax cut to the American people, target that tax cut at those Americans who were most likely to spend it because the essential diagnosis of this economic softening is on the demand side. People are losing confidence in their own economic futures and therefore are less willing to make that downpayment for a new refrigerator, are less willing to buy a new pair of shoes for the children, less willing to plan for a vacation in Florida.

We want to reverse those senses of insecurity and give them an immediate sense of confidence, both by putting more dollars in their pockets as well as giving them a sense that they will have a greater stream of funds available to them to meet their family needs into the future.

So plans were developed for a serious economic stimulus right here on the Senate floor. We will all recall it was not very many days ago that we voted for an $85 billion economic stimulus in the year 2001—$85 billion. What was the economic stimulus in the bill we just passed? Less than $10 billion—anemic, pathetic, not worthy of the phrase "economic stimulus."

So I hope I am wrong. I hope some of the signs we have seen in recent days that maybe the economy is turning around will prove to be a harbinger of a bright summer for America. We all hope so. But just as a person might hope their house doesn't burn down, that still doesn't keep them from buying fire insurance so, in the unlikely event it does burn down, they will have some dollars to start the rebuilding process.

Mr. President, I ask for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. We should be buying an economic insurance policy against the possibility that the bright summer may turn into an arid fall. In the short term, on the No. 1 economic issue facing America, in my judgment we have failed. I hope I am wrong but I doubt that I am.

On the calendar, we failed in the long run; we failed in the short run; we have even failed today. This bill has too much of what I would call bait and switch, where you say this is what you are going to get done. Then when the actual product arrives it is something different.

We have said $1.35 trillion is going to be the outer limits, outer perimeters of tax cuts—not for May of 2001, not even for the year 2001, but for the next 11 years. We have just committed the totality of what we have said is a prudent amount of tax cuts for the next 11 years. Yet at the same time we said that, we had over half of our Members willing to vote to add $50 billion more, beyond the $1.35 trillion, in a debate earlier this morning.

We know we are soon going to get a recommendation from the President and the Secretary of Defense for substantial increases in what it will cost to defend America. Senator McCAIN of Arizona spoke fulsomely about that yesterday. Yet no dollars are in our economic plan for that assured request for additional spending on national defense.

We know we are going to have to spend some more money on Social Security, either the way I suggested, by paying down the debt and putting some of the savings of interest costs directly into the Social Security trust fund, or even a way I do not happen to support but at least it is a way, and that is to begin the process of partial privatization of Social Security. There is a $1 trillion cost over the next 10 years to implement that plan. There is no money in the budget plan to do either of those.

We have had a number of areas in the Tax Code where it is clear we are going to have to have some additional funds. If we do nothing but pass the bill that has just left the Senate, we are going to increase the number of Americans who have to pay the alternative minimum tax from today's approximately 1.5 million to almost 40 million 10 years from now. That is not going to happen. We are going to find some way to moderate the effect of the alternative minimum tax, and that is likely to have a price tag of $200 to $300 billion. Not a penny of that is provided for.

We also know there are going to be a number of extenders required. Extenders are tax provisions that are in the code but only for a short period of time. One of those we passed today, which was to provide an expanded deductibility for families who pay tuition for their child to go to college. We start it in a couple of years and then end it 3 or 4 years later. The reality is we are not going to end it 3 or 4 years later. Once we commence this program of allowing deductibility of the cost of college tuition, which is a good idea, we are going to continue it. Yet we do not have the resources in this budget for that known reality with which we are going to contend.

Today we are poking a very sharp stick in the eye of our fellow Members of this federalist system. Without any consultation, without any consideration of the impact that it will have on their ability to meet basic obligations such as to educate our children, we have just taken $10 billion a year out of the budgets of our 50 State partners in this American system of federalism. Half of that money is going to come out approximately beginning the first of January of the year 2002, well into the budget year that most States will start as of July 1 of this year, running until June 30 of 2002. In the case of my State, our Governor has indicated he is going to have to find somewhere in the range of $150 to $200 billion in the next period to pay for the hole we have just created in his budget beginning in January of 2002.

So by the long-term calendar, the short-term calendar, or today's watch, this is a deficient tax bill. It is a deficient fiscal plan. I hope I am wrong. I hope America will be strong enough, resilient enough to avoid the kind of difficulties we have just given them as our legacy of action today.

I hope I am wrong. But, frankly, I doubt that I am.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we have just passed a massive tax cut bill. I opposed that legislation. I opposed it because I believe it is fiscally irresponsible. It is not just a conclusion that I reach, but the New York Times said that overall it amounts to another gross abdication of fiscal responsibility. I wish that were not the case. I wish we could have passed a tax cut that I could have supported.

I proposed a tax cut of $900 billion in the context of a budget resolution that would have preserved every penny of the Social Security surplus for Social Security, every penny of the Medicare trust fund for Medicare, that would have taken the remainder and divided it in thirds: One-third for a tax cut; one-third for high-priority domestic needs, including a prescription drug benefit, money to strengthen our national defense, and resources to improve education. And even with that additional funding for domestic priorities, we would have continued to reduce the role of the Federal Government.

This $900 billion plan was not a tax-and-spend proposal. It would have continued to take down the role of the Federal Government from 18 percent of our national income to 16.5 percent of our national income—the lowest level of Federal spending as a share of our national income since 1951.

Then, with the final third, we would have used that money to strengthen Social Security for the future because we know it is not enough just to save the Social Security trust fund money for Social Security. We also need additional resources to strengthen Social Security for what is to come because every Member in this Chamber knows, when the baby boomers start to retire, the story changes from surpluses to deficits.

One reason I believe this bill is fiscally irresponsible is that it is back-end loaded: It goes from a $1.35 trillion tax cut in this decade to a $4 trillion tax reduction in the second decade, right at the time the baby boomers begin to retire.

I predict now that what we have put in place today will not stand. It will not stand because it is part of an overall budget approach that does not add up. It is going to have to be changed.

I opposed this bill not only because it is fiscally irresponsible, but because it is fundamentally unfair. The top 1 percent of income earners in this country, people who, on average, earn $1.1 million a year, get 33 percent of the benefits. Contrast that with the bottom 60 percent of American taxpayers who get half as much. That does not strike me as fair.

Additional evidence of unfairness is contained in what was done in the rate reductions that are part of this legislation.

We have five income tax brackets in current law. This bill would reduce the rates for four of the five brackets. The one bracket that would get no rate relief is the bracket that applies to the vast majority of the American taxpayers. Seventy percent of the American taxpayers are in the 15-percent bracket, and they get no rate relief, none. I do not know how one justifies that.

In addition to that—in addition to being fiscally irresponsible, in addition to being unfair—this bill flunks the test of stimulus. The senior Senator from Florida made the case, I think, very powerfully and very persuasively. We know the economy is weak now. We ought to provide fiscal stimulus now. Fiscal stimulus can be in the form of either tax reduction or expenditure. But what did we do? We have only $10 billion of fiscal stimulus in this year. In the Senate, we passed $85 billion of fiscal stimulus for this year. Somewhere the vast majority of it got left on the cutting room floor. It makes no economic sense. You provide fiscal stimulus when the economy is weak.

And the economy is weak now. We ought to provide fiscal stimulus now. This bill does not do it.

The final point I want to make is on the alternative minimum tax because currently only 1.5 million—actually somewhat less than 1.5 million—taxpayers are affected by the alternative minimum tax. That is something we passed years ago to make certain the super rich did not avoid taxes altogether. Now we are going to see, under this legislation, nearly 40 million people affected by the alternative minimum tax.

As I have said before, boy, are these people in for a surprise. They thought they were getting a tax reduction, and they are going to wake up and find that not only do they not get a tax reduction, they are getting a tax increase. Under the bill passed today more than 1 in every 4 taxpayers in America are going to be swept up into the alternative minimum tax.

This is not going to happen. It is not going to happen because it cannot happen, just like much of the rest of this bill is not going to happen. It is not going to happen because it is part of an overall budget that does not add up. That is the unfortunate reality of what has happened today. It is part of an overall budget plan that simply does not pass the fiscal responsibility test. I regret that.

I think we could have passed responsible tax reduction, tax reduction that is fair, that is weighted more toward middle-income people in this country than toward the wealthiest among us. And I want to be quick to say, I have nothing against those with great wealth. That is a great opportunity that exists in America. That is part of what makes this country economically strong. But when we are taking the people's money, we have to make judgments about where it should go.

I do not think it is fair to take the people's money and give a third of what is provided for in this tax cut to people who, on average, are earning $1.1 million a year. That is not fair. That is not right. I especially do not think it is fiscally responsible to put in place a tax cut of this magnitude in light of the obvious flaws in the budget that serves as a basis for it.

That basis is a 10-year forecast, a 10-year projection that everybody in this Chamber knows is not going to come true. Even the people who made the forecast say it is not going to come true. They wrote an entire chapter in the book saying there is only a 10-percent chance it is going to come true; a 45-percent chance it is going to be less money. That forecast was written 10 weeks ago, and since then the economy has weakened.

This is unwise. This is not the way we ought to do business. We ought not to lock in a 10-year plan based on a 10-year projection whose makers tell us is highly unlikely to occur. It makes no sense.

This Congress meets every year. We should have passed a more modest tax cut and reserved more money for long-term and short-term debt reduction, so we could be certain we are keeping on course to reduce this national debt.

Unfortunately, the gross national debt of the United States will not be reduced at the end of this 10-year period. It will not be. According to the Congressional Budget Office, the gross debt of the United States is going to be increased under this 10-year plan, from $5.6 trillion today to $6.7 trillion 10 years from now.

That is an increase in the gross indebtedness of the United States. That is not the direction we should be taking.

We ought to have embarked on a policy not only to pay down our short-term debt, the publicly held debt that is paid down under this scenario, but to pay down our long-term debt, our gross debt.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I thank all Senators for their patience and for their goodwill. This has not been easy. This has been a debate that has been conducted under difficult circumstances. I thank Senators. I commend them. Some were justifiably frustrated, as I was, at the short time constraints of this process. But I think, by and large, we have conducted this debate in a dignified way, and I deeply appreciate that.

I most especially thank our chairman, Senator GRASSLEY. He has reached out with me to craft a very fair, bipartisan compromise. He has made all the difference in the world.

I especially thank the assistant Democratic leader, Senator REID. He has been at his post throughout the debate, keeping us on track. I deeply appreciate his fairness, his ability. We were able to pass this bill fairly expeditiously in large part because of the efforts of the Senator from Nevada.

Let me turn to the bill and make the case one more time. Some Senators might say—and they have said—that the tax cut is too large. With deepest respect, I say to those Senators that that issue has been decided in the budget resolution. I also note that we have added a "circuit breaker" to this bill. This provision allows us to make changes to the tax cut if our budget targets are not met.

Some will say the tax cut is unfair. I disagree. This tax cut is very fair. I take issue with many of the statements made on the floor. Some are not entirely accurate.

In the first place, our tax cut is much more fair on a distributional basis than the President's proposal. But forget about the President's proposal for a minute and compare it with current law. If you set aside changes to the estate tax, which virtually every Senator supports, this bill is significantly more progressive than current law. Taxpayers earning less than $100,000 will pay a smaller share of the overall tax burden. Taxpayers earning more than $100,000 will pay a larger share of the overall tax burden. In other words, we make the income tax more progressive, not less. Our income tax system is made more progressive compared with current law, not less.

Let me also remind Senators of some provisions of the bill that are very important. We create a new 10-percent bracket that replaces part of the 15-percent bracket in current law—the single largest piece of the bill. It cuts income taxes for every American who pays income taxes, including everyone in the 15-percent bracket, and it reduces the marginal rate from 15 percent to 10 percent for 19 million low-income taxpayers. That is a rate reduction of one-third.

We double the child credit, and we make it partly refundable. Thirty million families get a higher child tax credit. For 10 million, the credit is refundable.

We expand and simplify the earned income credit. This will help 4 million low-income working families. We include a $35 billion package of education incentives, including a new provision that makes up to $5,000 worth of tuition payments deductible. We expand IRAs; we expand 401(k)s. We create new incentives to help low-income earners save for retirement. We reduce the marriage penalty to the benefit of 40 million couples and, of course, we address the estate tax.

Of course, this bill is not perfect, but it is balanced. It is bipartisan. It is good for taxpayers. It is good for working families, and it is good for the economy. It is good for the country.

Now comes the conference. That is going to be difficult. We want to come back with a bill that is balanced and that is fair; that is, a bill very close to the Senate position. After all, the Senate is 50/50, and it is going to be difficult to come back with a conference report that gets at least 51 votes in the Senate. We will be more likely to attain that the more it adheres to the Senate position. A strong vote for final passage will certainly strengthen our hand, and we did receive a strong vote of 62 Senators.

I respectfully ask my colleagues, especially on this side of the aisle, for their forbearance and for their help as we work on, and work to adopt, the conference report.

I add my deepest thanks and gratitude to the people who did the real work; that is, our staff.

I will begin with John Angell, who is the Democratic staff director, Mr. Calm and Collected, keeping things all nice and even when otherwise people are frenetically running here and there. That is what a good staff director does. Democratic staff director John Angell filled that bill. Mike Evans, deputy staff director, he is our "points of order" guy. He knows more about Senate rules or at least as much as the Parliamentarian. I might say, I deeply relied on him as we worked out points of order. Then there is Mr. Everything, Mr. Russ Sullivan, chief tax counsel. Russ knows this Code as well as anybody I can think of. He is out negotiating. He is advising me. He is helping put amendments together. He has done a heck of a job.

Cary Pugh is our amendments maven. She was making sure all the amendments were worked out and in order. Pat Heck is Mr. R&D and knows that subject more than I care to admit. Maria Freese handled our estate tax matters as well as pension provisions. Mitchell Kent really has helped so much in crafting the child care provisions of the bill, one heck of a job.

We have our Brookings fellows: Luis Rivera and Frank Rodriguez, my thanks to them. Our law clerks: Jonathan Selib and Todd Smith. Jonathan came to work for us last Monday—his baptism by fire. He has worked so hard, such late nights, as has everyone. My deepest thanks to them. They are not getting paid.

Our office manager, Josh LeVasseur, has done a heck of a job. Josh is sort of our home base manager. He keeps our office organized. Our office assistant, Jewel Harper, is always upbeat, always cheerful. And our interns: Lindsay Crawford; Emilie Klein; and Annabelle Bartsch, who has been a numbers cruncher; she did one great job. Our "budgeteer," Alan Cohen. Alan knows more about debts and budgets than I care to admit. Liz Fowler, our chief health counsel, has helped so much with health matters. Tom Klouda, who works on Social Security. And then, of course, Michael Siegel in my personal office has done a super job dealing with the press, and many others in my personal office.

I also commend Senator CONRAD's Budget Committee staff. Senator CONRAD has had about six or seven staff on the floor at all times, probably to carry all those charts he brings over here. I don't know anybody who has more charts than the Senator from North Dakota. They have been very instructive, very helpful.

There is the staff of the Joint Committee on Taxation. They are the ones who really are not honored enough and do so much work. And I thank the entire floor staff and all the pages.

On the other side of the aisle, I thank Kolan Davis, Mark Prater, Dean Zerbe, Elizabeth Paris, Ed McClellan, Diann Howland, Brig Pari, Leah Shimp, Jeanne Haggerty, and Gina Falconio.

I save my greatest thanks to those who really have the hardest job of all; that is, our leader, Senator DASCHLE, Democratic leader. Senators from both sides of the aisle pummel him with their requests, with their demands, with what they want. It is an impossible job to be leader in this body. I thank Senator LOTT as well. I have the highest regard and respect for the Senator from South Dakota as well as the Senator from Mississippi. They have done one heck of a job. I wish more Americans knew how hard they tried to corral and herd 100 Senators together to reach a result that is good for our country.

In summary, my heartfelt thanks and gratitude for all the people who have worked so hard. We have other issues ahead of us, more amendments, more bills, but thus far, they have been just great.

I thank, finally, my good friend from Iowa, CHUCK GRASSLEY. Many times I have told the world of the high regard I have for him. It is pretty hard to say much more. He is such a great guy. Deep down, nobody is more salt of the earth, a straight shooter who tells it like it is and is dependable, honest, and direct—making him very popular—my good friend, CHUCK GRASSLEY.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I thank the Senator from Montana for his kind remarks. More important, I thank him for the cooperation that has been going on since day 1 of this year that we have been working together, bringing to culmination this vote and, eventually, a conference report that we hope will successfully pass the Senate a second time and go to the President with the largest tax cut for working men and women in our country.

In addition to that, this is within the tradition of how the Senate Finance Committee works. I think I have served in the Senate when we had as many as 55 Republicans and as little as 42 Republicans; and in any of those circumstances, the products of the Senate Finance Committee, whatever party controlled it, for the most part, were overwhelmingly bipartisan. On the other hand, if it were not that way, there would not be much chance of getting a bill through this body with 100 Members of the Senate.

I thank the number of people who voted for this bill on final passage. I am not sure I expected that large a number of votes. I expected a sizable number of Democrats, but many more voted than I anticipated. Quite frankly, I didn't expect to get every Republican vote, which we did in the final analysis. I thank all of my colleagues who voted for the bill. Those who didn't vote for it, I thank them very much for their cooperation in letting this come to final passage, even though they did not like it.

So with passage of the RELIEF Act, I feel that struggling families will have more money to make ends meet. Parents and students will be able to more easily afford the cost of a college education. A successful businesswoman will be able to expand and hire more people. A father finally getting a good paycheck after years of work will be able to provide for his aging mother. A farmer won't have to worry about passing on to his children the family farm without selling half of the land, maybe, for estate taxes. The examples are endless, but the great benefits that we realize when we give tax relief to working men and women are great.

I thank many members of the committee staff, both Republican and Democrat. Most of all, I think we have to thank the members of the Finance Committee—each one—for sitting through 10 hours of debate. Roughly a week ago now, we worked day and night to get that bill through. I thank my Finance Committee staff, Mark Prater, with me here, our chief tax counsel; and other tax counsels, including Ed McClellan, Brig Pari, Elizabeth Paris, who is here with me; Dean Zerbe, as well as Diann Howland. These individuals have been the workhorses of the committee, keeping the lights burning long into the night to make this final product the statutory language that it is and the perfection that statutory language must have.

I also thank the entire staff support, particularly Gina Falconio, Leah Shimp, Jeanne Haggerty, and Carla Martin. Lastly, on my side, I thank Kolan Davis and Ted Totman, the committee staff director and deputy staff director, for riding herd on all of this work.

This is a bipartisan bill. It would not have been possible without the close work and cooperation at the staff level. So as chairman of the committee, I have to appreciate and thank the minority staff for their good work, particularly Russ Sullivan, chief tax counsel; as well as Cary Pugh, Pat Heck, Maria Freese, Frank Rodriguez, and Mitchell Kent. In addition, I thank John Angell and Mike Evans for their time and hard work as leaders of the staff for the Democrats.

Let me extend my thanks as well to a person who is not very public—Lindy Paull and her staff at the Joint Committee on Taxation, who probably want to be known for their anonymity. They provide a great deal of extensive knowledge and guidance to this effort, particularly not only in writing but also in their analysis of the cost of legislation—what different policies add up to particular income into the Federal Treasury or less income into the Federal Treasury.

Then I think we should not forget the Assistant Secretary for Tax Policy, Mark Weinberger, and his staff for their assistance because even though they don't have a vote on Capitol Hill, there is a lot of expertise at the U.S. Department of Treasury that this committee—the Senate Finance Committee—has on a regular basis called upon for analysis for their opinions, and also to some extent to give us a view of the executive branch of Government as one more issue in consideration that we ought to have.

My thanks also goes to Jim Fransen and Mark Mathiesen and their capable staff and legislative counsel for taking our ideas and drafting them into statutory language.

Then, finally, as Senator BAUCUS has done, I thank people on his side of the aisle who worked so hard as leaders of the Senate Finance Committee or Senate Budget Committee. I also believe that we would not be here if we had not had a successful budget resolution passed to make room for this third largest tax cut in 50 years, the largest tax cut in the last 20 years. So I thank Senator PETE DOMENICI and his staff director, Bill Hoagland, and the entire Budget Committee staff for their assistance. They were assistants to me during this deliberation, as Senator CONRAD was for Senator BAUCUS, but also that sort of leadership provided the budget resolution.

This is a historical bill for historical times, and I am honored and privileged to be a part of it. Once again, as Senator BAUCUS has said so often, and I have said often, I hope this spirit of bipartisanship continues, as it has, as a tradition in the Finance Committee through our leadership but will also be a standard for other work we do in the Finance Committee: more importantly, that it is something which is contagious, and that there will be closer working relationships and more bipartisanship between all Senators and the products of the Senate.

We go to conference now, and there again we are going to have to produce legislation that hopefully gets the same bipartisan support this bill did. If it is something a little less than that, it can't be much less. I don't want to be gambling that we will get 51 votes when we come to the floor of the Senate after the negotiations are done. I want to make sure that when we come to the floor, we come to the floor in a way that, before we bring the bill up, we have bipartisanship.

The fact is there aren't a lot of Democrats voting for this bill. We can't take for granted the 62 people who have voted for it already.

I wish we could. It would make for a very easy conference. We go there now to negotiate with the other body. I thank the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I congratulate my colleagues from Iowa and Montana for the great job they have done. It was a tremendous amount of work, a tremendous amount of patience. I congratulate them.

VITAL DRUG SHORTAGE

Mr. DEWINE. Mr. President, I rise today to discuss an emergency situation facing many of our hospitals across the country. It is an emergency that faces our hospitals, many of our doctors but, much more importantly, it is an emergency that faces the tiniest members of our society, and they are babies who are about to be born and premature babies.

Right now, we have a drastically short supply of a vital drug that is used to help save the lives of babies who are born prematurely. Let me explain.

There is a drug called betamethasone, commonly known as Celestone, which is given to mothers who are about to deliver their child early. The drug is designed to help the premature baby's lungs develop more fully and more completely and to help reduce the risk of bleeding in the baby's brain.

This drug is absolutely essential to giving these tiny newborns a chance to live and grow into healthy children.

An obstetrician at Riverside Hospital in Columbus, Dr. Tracy Cook, contacted me about the current shortage of this very necessary drug. From what I understand, many hospitals no longer have a supply of the drug on hand at all, and others have only a few day's worth left in stock. In fact, I have taken a survey around Ohio, and I suspect what I found in Ohio is true across the country, that doctors and hospitals are running low, many are out, some will be out in just a few days.

I have contacted the Secretary of HHS, Mr. Tommy Thompson, as well as the FDA, to enlist their help in getting emergency supplies of the drug shipped to hospitals as soon as possible. The FDA tells us there are some manufacturing problems with the drug which is causing this shortage.

Whatever the delay, I believe it is absolutely critical that we get these drugs to our hospitals so that no lives are lost, no matter what the cause is for this delay. This is a problem which has to be dealt with.

This drug is critical to the health and future of premature babies. I urge my colleagues to support me in urging the FDA to take whatever action is necessary to resolve this problem. The lives of so many newborns hang in the balance.

This is a problem the FDA must address immediately. We have contacted the FDA, and the response we get back is: These are manufacturing problems. That does not tell us what the exact problem is, nor does it tell us what the FDA is doing and what the manufacturer is doing to resolve this problem.

We need some answers from the FDA. This is something that cannot wait 2 weeks or 1 month or 6 months. This problem has to be resolved over the next few days. It is critical for the safety of these newborn children.

I thank the Chair. I yield the floor.

TAX RELIEF

Mr. THOMAS. Mr. President, we have been spending all of our time this week on taxes. I am delighted the tax bill has passed. Certainly there are different views on how to do it. There will always be different views when one raises the question of taxes or spending. There are different points of view. Much has to do with the priorities of people. Much has to do with the philosophy of what one thinks the appropriate role of the Federal Government is, what kinds of programs should be funded by the Federal Government. Those are the broad issues.

I was very pleased when we did follow through, and the House, of course, passed tax relief in the amount of approximately $1.6 trillion, which is what the President requested. The bill that passed the Senate is something less than that. It is still a huge amount of money. Most of us cannot conceive what $1.3 trillion is, but nevertheless it is very close to the same amount and I think deals with the same principles that are so important.

Taxes are one of the highest priorities for this Congress and, indeed, should be. Taxes are high priorities for this Congress because of the fairness question. It is a question of adequately funding appropriate programs.

It is a high priority for the American people for much the same reason in that no one wants to pay more taxes than they have to, but most of us are willing to pay taxes. It is necessary to do that. Fairness is an issue. This is one of the President's first priorities.

Interestingly enough, this and education are the two highest priorities, and soon we deal with the energy issue. Those are the three things that have been talked about the most in the last several months, so it is appropriate this Congress has focused on and made progress in those areas.

The Senate will be going to conference with the House, and hopefully we will have it down to the President perhaps before this week is over. That is an excellent performance.

On the tax bill we went through 50-some votes on amendments, which gave everybody a good opportunity to talk about the different issues. Yet the bill survived pretty much as it was reported out of committee. I congratulate the committee and the leaders.

There are a number of principles involved. We talk about amount always but limited Government is part of it.

One of the reasons for a return of taxes is because the citizens, the American people have paid more taxes than are necessary, and we have a surplus. Clearly, it should go back to the people who paid it.

Quite frankly, my experience is if we have a surplus for very long, we will find a way to spend it even though it may not be one of the highest priorities. The principles of limited Government are very much a part of what we do.

There are questions as to, when one projects out 10 years, how close the projections will come to the actual surpluses. I think any economic projection for 10 years has some variability in it. However, I believe all the professionals who have made this projection indicate it is a very modest projection and, indeed, it is very likely the surpluses will, in fact, even be higher.

It is a time, too, when it is necessary to stimulate the economy. This is one of the ways the economy is stimulated—by letting people spend more of their own money. It is true it takes a while for all of this to kick in, but there will be some immediate impact, and that is vital to the economy.

Fairness in the Tax Code is very important, and we have a hard time with fairness in the Tax Code. This bill provides more fairness in the marriage penalty where two single people who earn a certain amount of money marry, and their tax on the same amount of money is increased. That is a fairness issue and needs to be changed.

It is something we need to do. We talk a lot about the simplicity of the Tax Code.

We didn't do much about that. We are always wanting to give tax credits, so the Tax Code keeps getting larger.

Mr. President, I yield the floor.

AGAINST WITHDRAWAL FROM BOSNIA

Mr. BIDEN. Mr. President, I rise today to take strong issue with remarks by Secretary of Defense Donald Rumsfeld as summarized in the Washington Post on May 18 and subsequently reproduced in their entirety on the paper's website, that he is "pushing" to pull U.S. troops out of Bosnia. According to Secretary Rumsfeld, "the military job [in Bosnia] was done three or four years ago."

I firmly believe that Secretary Rumsfeld's analysis of the situation in Bosnia is incorrect, and that his policy prescription would be seriously detrimental to the national security interests of the United States.

First, let me turn to Mr. Rumsfeld's statement that the "military job was done three or four years ago." It is true that IFOR, and then SFOR, successfully separated the largely exhausted warring parties without much difficulty. But to assert that this separation spelled the end of our troops' mission is to define "military" in such a narrow way so as to make it nearly meaningless in the Balkan context.

Putting it in other terms, Secretary Rumsfeld seems to belong to the school that begins talking about so-called "exit strategies" as soon as troops are committed. Of course we need an "exit strategy," and we have had one. The Clinton Administration early on outlined ten detailed benchmarks for Dayton implementation that need to be met before we can say "mission accomplished" and honorably withdraw. These are not secrets. The U.S. Embassy in Sarajevo hands out a list of the benchmarks to all visitors. I must assume that Secretary Rumsfeld is familiar with them, so it seems that he either believes they no longer apply, or that our troops no longer have anything to do with most aspects of Dayton implementation.

From Secretary Rumsfeld's published remarks, I get the impression that he sees anything short of actual combat or the separating of warring parties as inappropriate tasks for our soldiers. If he does, I disagree with him. In fact, his view strikes me as the old syndrome of "preparing to fight the last war." The last two so-called "Strategic Concepts" of NATO have made clear that the most likely security challenges of the twenty-first century will be ethnic and religious strife, trans-national crime, terrorism and the like—rather than a frontal attack on the territory of alliance members.

The details bear examination. Little more than two years ago in this city, NATO celebrated its fiftieth anniversary. At that Washington Summit, NATO issued the latest version of its Strategic Concept. I would like to quote several parts of the Strategic Concept in order to show that we and our allies have clearly understood that the military's function is not bound in a narrow straightjacket.

The document, agreed upon by all nineteen NATO members on April 23 and 24, 1999, declares in Article 20 that "large-scale conventional aggression against the Alliance is highly unlikely." It goes on to say the following: "Ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states can lead to local and even regional instability."

It then graphically outlines the possible ramifications of such developments: "The resulting tensions could lead to crises affecting Euro-Atlantic stability . . . [and] could affect the security of the Alliance by spilling over into neighboring countries, including NATO countries, or in other ways, and could also affect the security of other states."

Moreover, Article 25 of the 1999 Strategic Concept specifically states that "The Alliance is committed to a broad approach to security, which recognizes the importance of political, economic, social and environmental factors in addition to the indispensable defense dimension."

How can these factors be addressed? Article 29 mentions the "Alliance's ability to contribute to conflict prevention and crisis management through non-Article 5 crisis response operations."

So, clearly NATO, including the United States, is on record as seeing the threats of this new century as being new, complex, and calling for a variety of responses. In that context the marvelous men and women of our armed forces serving in Bosnia and in Kosovo have taken on many tasks that military people of earlier generations, trained to stop the Red Army from pouring through Germany's Fulda Gap, either do not understand or believe are beneath the dignity of regular troops.

But our troops understand their mission and believe in it. I have spoken at length with our soldiers in SFOR in Bosnia and in KFOR in Kosovo, and the overwhelming majority of them think that their broadly defined pacification activities are making a contribution to lessening the very threats that NATO's Strategic Concept describes.

Skeptics may think that I have gained impressions that I wanted to get. Fair enough, I'm only human. But statistics don't lie. Every year the Pentagon issues re-enlistment targets for troops based abroad. When I stayed at Camp Bondsteel in Kosovo this past winter, I was told that the re-enlistment figures for our Army troops in KFOR were one hundred forty-two percent of target—the highest for any foreign-based units in the entire world. Re-enlistment rates in SFOR in Bosnia are also high. So obviously our troops in the field in the Balkans seem to grasp what Secretary Rumsfeld apparently does not: that what they are doing is important to the security of the United States and is not beneath the dignity of soldiers.

I might also add that the charge that our Balkan-based troops lose their fighting ability has been shown to be another canard used to dress up neo-isolationist ideology. In fact, the U.S. Army has a well thought out program to restore so-called "HIC" or high intensity conflict skills to troops rotating out of the Balkans in a short amount of time. Equally important is the universally accepted fact that the troops who have served in SFOR and KFOR have acquired leadership skills through the missions frowned upon by Secretary Rumsfeld, which they never could have gotten sitting in bases in Germany or elsewhere outside the Balkans.

I understand full well that non-military police forces also have a role to play. That is why several years ago I began calling for the creation of a "gendarmerie" force for crowd pacification and assistance to refugees returning to their homes. In fact, so-called "MSUs" or Multinational Specialized Units were created in Bosnia. Unfortunately, though, their strength has been allowed to decrease. U.S. General Mike Dodson, Commander of SFOR, told me that while he once had nineteen MSU units under his control, the number has shrunk to eleven. They should be beefed up to their former strength.

In addition, new local police forces have been created both in the Federation and in the Republika Srpska. Some of them are functioning well, others not so well.

But neither the MSUs, nor the local police forces, have the clout or inspire the fear in the ultra-nationalists that the regular SFOR troops do. We may not like this situation, but we have to face the facts: Bosnia is not yet fully pacified, and the recipe for curing the unrest is exactly the opposite from talking of withdrawing American troops.

A few months ago, I stood here and said that we are at a critical juncture in Bosnia. The moderate, non-nationalist forces embodied in the "Alliance for Change" political coalition had just made important, even extraordinary, gains by winning, in free and fair elections, control of both the national and the Federation parliaments.

The hardline ultra-nationalist HDZ Bosnian Croat party has violently refused to yield to its democratic defeat. Rather, it announced that it was creating its own "self administration" and withdrew its troops from the Muslim-Croat Federation Army and from cantonal police forces. An international operation that seized the bank through which the HDZ conducted its nefarious activities prompted a violent riot in Mostar in which serious bloodshed was only narrowly averted. After extreme pressure from the West the Bosnian Croat ultra-nationalists have indicated that they may resume participation in government institutions, but the situation remains precarious.

In the Republika Srpska the hardliners who owe their allegiance to indicted war criminal Radovan Karadzic and who are at least rhetorically supported by Yugoslav President Vojislav Kostunica have been up to their old caveman tactics.

Two weeks ago they broke up a ceremony in Banja Luka in which the cornerstone was to have been laid to rebuild the great Ferhadija Mosque, destroyed by Bosnian Serbs in the early 1990s. They trapped two hundred Bosnian and international officials for several hours before they were rescued. As a nice reminder of their lofty cultural level, the Bosnian Serb thugs burned Muslim prayer rugs and let a pig loose on the mosque grounds. Incidentally, although President Kostunica criticized this barbarity, he added that the reconstruction of such buildings was a provocation!

Ultra-nationalists have also rioted in Trebinje and elsewhere against returning refugees.

In short, the situation in Bosnia and Herzegovina is hardly pacified. It is a time of great opportunity, for the hardline Serbs and Croats are reacting to their dwindling power. But it is also a time fraught with danger.

For example, one strictly military task remaining to be accomplished is the amalgamation of the rival armies. If the U.S. forces, and SFOR, would withdraw before this occurs, renewed warfare would almost certainly break out. Instead of publicly musing about exit strategies, we need to be stressing our country's commitment to helping Bosnia and Herzegovina move once and for all beyond the domination of the corrupt ultra-nationalist parties.

Moreover, rather than setting artificially limited goals for our military and then congratulating ourselves on fulfilling them, we need to utilize SFOR to kill the serpent that continues to poison Bosnian life: by apprehending the more than three dozen individuals indicted by The International Criminal Tribunal at The Hague for war crimes who are currently living with impunity in the Republika Srpska. This rogues' gallery includes, above all, Karadzic and General Ratko Mladic—who, according to Carla Del Ponte, the Chief Prosecutor of The Hague War Crimes Tribunal, enjoys the protection of a security detail that is paid for by the Yugoslav army.

SFOR claims that it doesn't know where Karadzic and Mladic are. Well, Mrs. Del Ponte, with whom I met earlier this month, has offered to use her tribunal's capabilities to locate Karadzic and Mladic for SFOR. I think we should take her up on her offer. As long as these two mass murderers are on the loose, there will be no definitive peace in Bosnia. Our British allies have not been squeamish about undertaking risky operations to nab individuals indicted for war crimes. We must get Karadzic and Mladic, and, if necessary, the U.S. Army should be involved.

The linchpin to the strategy of pacifying and democratizing Bosnia and Herzegovina is a continued robust U.S. military presence in SFOR.

Secretary Rumsfeld's comments are bound to boost the spirits of the ultra-nationalist hardliners who, according to a recent report published by the State Department's Bureau of Intelligence and Research, "are gambling . . . that [if] they can intimidate or just outlast the international community, they may still succeed in dividing Bosnia into ethnic states."

Moreover, I am certain that the Secretary's comments have reignited concerns among our European allies that they will be left holding the bag in Bosnia.

In the Washington Post interview, Secretary Rumsfeld stressed that there was no friction between him and Secretary of State Colin Powell on this issue.

His comments, however, appear to directly undercut Secretary's Powell's repeated assurances to our European allies during the past several months that the United States "will not cut and run" from the Balkans, and that "we went in together with our allies and we'll go out together."

What on earth is going on here?

Just as Secretary Powell has spent the last six months trying to undo the damage done by similarly ill-considered unilateralist comments in a New York Times interview by Condoleeza Rice, now the President's National Security Advisor, so the Bush Administration spin-doctors were quick to try to explain away the Rumsfeld interview by asserting that his proposals were only part of a process by which we intend to use NATO's Six Month Reviews to reduce our combat troops in Bosnia.

Well, if that's the case, we have a case of "choose your poison." One possibility is that the Bush Administration is, once again, internally out of control as President Bush showed by cutting off EPA Chief Christine Todd Whitman at the knees on carbon dioxide and Secretary Powell on his sensible support of South Korea's "sunshine policy."

The other possibility is that Secretaries Powell and Rumsfeld are, indeed, on the same page, and that "in together, out together" really means that the United States intends to use its unparalleled influence within NATO to force our allies to join us in a precipitous withdrawal before the mission in Bosnia is successfully completed.

Given the choice, I'd opt for poison number one, and wait for this Administration to finally get its act together. But I fear that poison number two is the more likely scenario.

If my fears prove correct, and we withdraw our troops, I predict that renewed fighting in Bosnia is just a matter of time. This next round would be bloody, and, inevitably, we would have to go back in again, at much greater cost in men and materiel. Because no matter how much my neo-isolationist friends salivate at the idea of sitting on the sidelines while the European Union's European Security and Defense Policy rapid-reaction force takes care of things—they will be sorely disappointed, because for the foreseeable future ESDP will need massive American support to function.

You know, I think this town has a great many very intelligent individuals, and Secretary Rumsfeld is one of the brightest of the bunch. It's difficult for me to understand how even the most Asia-centered, or missile defense-centered person, can believe that their new foreign policy emphases have a chance of succeeding if Europe is not stable. And with the Balkans still erupting, Europe will not be stable.

So let's all reread NATO's Strategic Concept and not view our military's tasks through a twentieth century prism. Let's listen to our men and women on the ground in the Balkans. Let's listen to our diplomats who know full well that a stepped up, resolute effort at Dayton implementation—backed up by a still robust SFOR—is what is called for. Let's stop talking about accelerated exit strategies before the mission is successfully accomplished.

NOMINATION ANNOUNCEMENT

Mr. HATCH. Mr. President, in accordance with the provisions of Senate Resolution 8, I would announce to the Senate that the Committee on the Judiciary failed to report the nomination of Ted Olson to be Solicitor General of the United States by a tie vote of 9–9.

NATIONAL MISSING CHILDREN'S DAY AND THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

Mr. LEAHY. Mr. President, today I recognize National Missing Children's Day and the great work of the National Center for Missing and Exploited Children, NCMEC. The NCMEC has made an unmatched contribution in the area of missing children recovery.

At their annual Congressional Breakfast this morning, the NCMEC honored law enforcement officers from around the country for their exemplary performance in recovering missing children and in apprehending child sex offenders. Last year, we honored a Vermonter at this event for his extraordinary work in tracking down a child exploitation offender.

In 1999, I helped pass legislation that authorized funding for the National Center for Missing and Exploited Children and I am pleased to see its continued success. Since 1984, when the Center was established, it has handled more than 1.4 million calls through its national Hotline 1–800–THE–LOST; trained more than 161,728 police and other professionals; and published more than 20 million publications that are distributed free of charge. The Center has worked with law enforcement on more than 75,283 missing child cases, resulting in the recovery of 50,605 children.

In 1998 the Center launched the CyberTipline which allows Internet users to report suspicious or illegal activity, including child pornography and online enticement of children for sexual exploitation. Since its launch in 1998, the CyberTipline has received close to 37,000 leads with many of those leading to arrests.

I applaud the ongoing work of the Center, its President, Ernie Allen, and all those dedicated employees and volunteers who make this good work possible. I wish them continued success in the area of missing children recovery.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a heinous crime that occurred May 17, 2000 in Holbrook, Massachusetts. A grand jury indicted a 17-year-old high school student on seven charges for attacking a fellow student he believed to be gay. For five months prior to the attack, the perpetrator allegedly harassed the victim. In the attack, which occurred in the school cafeteria, the perpetrator hit the victim five or six times in the head before knocking him to the floor. The attack left the victim with a punctured eardrum and internal bleeding.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

MUSCULAR DYSTROPHY

Mr. HOLLINGS. Mr. President, S. 805, introduced on May 1, is a vital step toward the day when advanced research will find ways to halt, and even to cure, the maladies of muscular dystrophy.

Muscular dystrophy is a genetic disorder, actually, nine separate genetic disorders, that cause wasting of muscle tissue throughout the body. A quarter of a million Americans of all ages suffer from the disease. One form of it, Duchenne's, strikes young boys, and usually takes their lives before they reach their twentieth birthday. All forms of it are disabling and costly.

Many millions of Americans know about muscular dystrophy and contribute to its relief because since 1966 the entertainer Jerry Lewis has conducted a telethon on Labor Day, calling the nation's attention to muscular dystrophy, and asking help for its victims and their families. The Muscular Dystrophy Association, which Jerry Lewis chairs, has raised hundreds of millions of dollars for the treatment and relief of this disease. It supports over two hundred clinics, and makes wheelchairs and braces available to people suffering from muscular dystrophy.

Part of the money the association raises, about $30 million yearly, goes to support research projects. But if the breakthroughs are to occur that will enable scientists not just to treat, but to halt the disease, research funding must be substantially increased. This is the purpose of S. 805.

It calls upon NIH and the Centers for Disease Control to establish Centers of Excellence, in which intensified clinical research can be conducted that will speed the discovery of cures for the various forms of muscular dystrophy.

It provides the Director of the NIH, and the Directors of the several institutes within NIH where research into muscular dystrophy is being conducted, with authority and responsibility to concentrate and intensify that research effort, with the funds needed to conduct clinical trials. In short, it gives NIH the organization and the mandate to exploit recent advances in gene therapy. The goal is the swiftest possible rescue for children and adults whose lives will otherwise be lost or badly damaged by muscular dystrophy.

I commend my colleagues for introducing S. 805, and I ask that my name be added as a co-sponsor of the bill at its next printing.

UNBORN VICTIMS

Mr. INHOFE. Mr. President, today I rise to recognize a group of people who are often overlooked—the unborn. Recently, the House has passed legislation that would protect this defenseless group from violent attacks. The Unborn Victims of Violence Act of 2001 would make it a crime to assault or murder an unborn child.

Recently, I have come across several compelling stories that show the importance of this legislation. One such story is of Tracy Marcinlak of Wisconsin. On February 8, 1992, Tracy was pregnant with her son, Zachariah, who was due to be born in four days. That night, Tracy's husband, Glendale Black, brutally beat her and refused to let her get help. Eventually relenting, her husband let her call an ambulance and Tracy was rushed to the hospital. Little Zachariah was delivered by an emergency Caesarean section. It was too late. He had bled to death from blunt-force trauma.

Unfortunately, in 1992, Wisconsin did not have an unborn victims law and state prosecutors were unable to convict Tracy's husband under a law that required them to prove that he intended to kill Zachariah. He was only convicted of assaulting Tracy. Glendale Black, who murdered his own son, is already eligible for parole.

In response to violent acts such as this, the Wisconsin legislature passed one of the nation's strongest unborn victims laws in 1998. However, even today, there is no federal law to prosecute criminals who kill unborn children. The Unborn Victims of Violence Act of 2001 would correct this injustice. Under this law, people like Glendale Black, who kill their unborn children, will be prosecuted in the same manner as if they had murdered someone who is already born.

I applaud my colleagues in the House for passing this important legislation as it will give unborn children a fundamental right—the right to live. Many of our forefathers fought and died to make this a basic right for all Americans. Today, the fight continues. I hope my colleagues in the Senate will join me in this fight and vote yes to the Unborn Victims of Violence Act of 2001.

ROCKY BOY/NORTH CENTRAL MONTANA WATER SYSTEM

Mr. BAUCUS. Mr. President, I rise to voice my support for the Rocky Boy/North Central Montana Regional Water System Act of 2001. I join Senator BURNS, Representative REHBERG, and Governor Martz in recognizing the problem that the Chippewa Cree Tribe and other Montana residents in the surrounding area face in getting clean, affordable drinking water. The population of the Rocky Boy Reservation, which grew by over 40 percent in the last decade, is dangerously underserved. Many other residents in the North Central Montana area are completely without water service, and the problem is worsening because of the drought conditions plaguing our State. Many families must haul in their own water, or pay to have it delivered. This is just unacceptable.

Within the region, many homes can turn on the faucet in the kitchen or bathroom and see a black liquid come pouring out. Others are exposing their families to dangerously high levels of arsenic. I ask my colleagues if they would be willing to subject their husbands, wives, and children to these water quality issues? The situation has become so desperate that the current area water systems have "qualified" for the EPA's Significant Non-compliance list. I say again, this is unacceptable.

Without a reliable, accessible safe drinking water source, North Central Montana cannot diversify its economy or encourage future economic growth.

The Rocky Boy/North Central Montana Regional Water System Act would address these important water needs by constructing a Regional Water System. The system would involve fifteen participants, eight water districts, and six municipalities. It would cover a six-county region, and its service area would span more than 10,000 miles. By allowing current water systems to cooperate under a larger regional framework, the proposal will allow for more efficient management.

For the Chippewa Cree Tribe, the Act would represent the fulfilment of a Water Compact which was ratified by the Montana Legislature and signed by President Clinton in December, 1999. The Compact guaranteed the Tribe a 10,000 acre feet water allocation from the Tiber Reservoir south of Chester. In order to honor this agreement, the Act authorizes the construction of a water treatment plant at Tiber Reservoir, along with the 50 miles of pipeline necessary to connect the Reservoir and the Reservation.

The Rocky Boy/North Central Montana Regional Water System Act is also extremely important to other Montana households as well in the area, in fact, it is important to over 7000 additional households. Fourteen off-reservation towns and counties have expressed their interest in the program by signing an Interlocal Agreement to create the North Central Montana Regional Water Authority. The Authority is the legal entity, required under Montana law, that will administer the non-tribal components of the regional system.

This project is important to me and to North Central Montana. Water is life and without it our communities cannot continue to flourish and grow. This region in Montana is economically very important to our state. But, if they don't have clean, safe water to drink, their economic future looks uncertain. How will their business continue to expand? How can you build new houses? The answer is simple. They will not and you cannot. Without water, all growth and progress stops.

That is why I will do everything I can to see that this project is authorized and funded.

THE SAVINGS OPPORTUNITY AND CHARITABLE GIVING ACT OF 2001

Mr. SANTORUM. Mr. President, today, I rise on behalf of legislation which I have introduced with Senator JOE LIEBERMAN, S. 592, The Savings Opportunity and Charitable Giving Act of 2001. Other bipartisan cosponsors of the underlying bill include Senators HUTCHINSON, DURBIN, BROWNBACK, LANDRIEU, LUGAR, BAYH, DEWINE, MILLER, KYL, JOHNSON, BOB SMITH, SESSIONS, and COCHRAN. The amendment number is 655.

I am disappointed that we have not included in H.R. 1836 the key tax relief provisions of the President's Faith-Based Initiatives to expand charitable giving opportunities and incentives for all Americans and expansion of savings opportunities through Individual Development Accounts (IDAs) which President Bush also endorsed in his campaign and included in his budget. Just yesterday, in a speech at Notre Dame University, President Bush reaffirmed his vision and support for these initiatives in the effort to enable the community renewal and poverty alleviation efforts throughout this country. I will continue to work with the President and my colleagues to create additional opportunities to advance this initiative this year.

Representatives J.C. WATTS, Jr. and TONY HALL have introduced a similar measure in the House of Representatives along with Speaker HASTERT, H.R. 7, the "Community Solutions Act of 2001." Charitable or Beneficiary Choice expansion, charitable donations liability reform, and other provisions will be introduced in the Senate, but on a separate track from the tax provisions which have already been introduced in S. 592 and reflect two-thirds of the President's initial faith-based proposals.

Success in today's new economy is defined less and less by how much you earn and more and more by how much you own—your asset base. This is great news for the millions of middle-class homeowners who are tapped into America's economic success, but it is bad news for those who are simply tapped out—those with no assets and little hope of accumulating the means for upward mobility and real financial security. This widening asset gap was underscored in a report issued earlier this year by the Federal Reserve. The Fed found that while the net worth of the typical family has risen substantially in recent years, it has actually dropped substantially for low-income families.

Statistics: For families with annual incomes of less than $10,000, the median net worth dipped from $4,800 in 1995 to $3,600 in 1998. For families with incomes between $10,000 and $25,000, the median net worth fell from $31,000 to $24,800 over the same period. The rate of home ownership among low-income families has dropped as well. For families making less than $10,000, it went from 36.1 percent to 34.5 percent from 1995 to 1998; for those making between $10,000 and $25,000, it fell from 54.9 percent to 51.7 percent.

How do we reverse this troubling trend? IDAs are the unfinished business of the Community Renewal and New Markets Empowerment initiatives which became law in December of 2000 and will increase job opportunities and renew hope in what have been hopeless places. But to sustain this hope, we must provide opportunities for individuals and families to build tangible assets and acquire stable wealth.

Our legislation is aimed at fixing our nation's growing gap in asset ownership, which keeps millions of low-income workers from achieving the American dream. Most public attention focuses on our growing income gap. Though the booming American economy has delivered significant income gains to the nation's upper-income earners, lower-income workers have been left on the sidelines. This suggests to some that closing this divide between the have-mosts and the haveleasts is simply a matter of raising wages. But the reality is that the income gap is a symptom of a larger, more complicated problem.

How do we do this? We believe that the marketplace can provide such opportunity. Non-profit groups around the country have launched innovative private programs that are achieving great success in transforming the "unbanked"—people who have never had a bank account—into unabashed capitalists. Through IDAs, banks and credit unions offer special savings accounts to low-income Americans and match their deposits dollar-for-dollar. In return, participants take an economic literacy course and commit to using their savings to buy a home, upgrade their education or to start a business.

Thousands of people are actively saving today through IDA programs in about 250 neighborhoods nationwide. In one demonstration project undertaken by the Corporation for Enterprise Development (CFED), a leading IDA promoter, 1,300 families have already saved $329,000, which has leveraged an additional $742,000.

While the growth of IDAs has been encouraging, access to IDA programs is still limited and scattered across the nation. The IDA provision of this legislation will expand IDA access nationwide by providing a significant tax credit to financial institutions and community groups that offer IDA accounts. This credit would reimburse banks for the first $500 of matching funds they contribute, thus significantly lowering the cost of offering IDAs. Other state and private funds can also be used to provide an additional match to savings. It also benefits our economy, the long-term stability of which is threatened by our pitiful national savings rate. In fact, according to some estimates, every $1 invested in an IDA returns $5 to the national economy.

What are IDAs? IDAs are matched savings accounts for working Americans restricted to three uses: (1) buying a first home; (2) receiving post-secondary education or training; or (3) starting or expanding a small business. Individual and matching deposits are not co-mingled; all matching dollars are kept in a separate, parallel account. When the account holder has accumulated enough savings and matching funds to purchase the asset (typically over two to four years), and has completed a financial education course, payments from the IDA will be made directly to the asset provider.

Financial institutions (or their contractual affiliates) would be reimbursed for all matching funds provided plus a limited amount of the program and administrative costs incurred (whether directly or through collaborations with other entities). Specifically, the IDA Tax Credit would be the aggregate amount of all dollar-for-dollar matches provided (up to $500 per person per year), plus a one-time $100 per account credit for financial education, recruiting, marketing, administration, withdrawals, etc., plus an annual $30 per account credit for the administrative cost of maintaining the account. To be eligible for the match, adjusted gross income may not exceed $20,000 (single), $25,000 (head of household), or $40,000 (married).

Supporters: President Bush has expressed support for IDAs in his campaign and included them in his budget and we are working with the Administration to coordinate efforts. Supporting groups include the Credit Union National Association, the Financial Services Roundtable, the Corporation for Enterprise Development, the National Association of Homebuilders, the National Center for Neighborhood Enterprise, the National Federation of Community Development Credit Unions, the National Council for La Raza, and others.

Individual Development Accounts, combined with other community development and wealth creation opportunities, are a first step towards restoring faith in the longstanding American promise of equal opportunity. That faith has been shaken by stark divisions of income and wealth in our society. With the leadership of President Bush and Speaker HASTERT, I am hopeful, along with our other cosponsors, that Congress will take this first step toward restoring the long-cherished American ideals of rewarding hard work, encouraging responsibility, and expanding savings opportunity this year.

The charitable giving incentives provision will initially allow non-itemizers to deduct 50 percent of their charitable giving, after they exceed a cumulative total of $500 in annual donations ($1,000 for joint filers). The deduction will be phased into a 100 percent deduction over the course of 5 years in 10 percent increments. Under current law non-itemizers receive no additional tax benefit for their charitable contributions.

More than 84 million Americans cannot deduct any of their charitable contributions because they do not itemize their tax returns. In contrast, there are 34 million Americans who itemize and receive this benefit. For example, in Pennsylvania, there are nearly 4 million taxpayers who do not itemize deductions while slightly more than 1.5 million taxpayers do itemize.

While Americans are already giving generously to charities making a significant positive impact in our communities, this provision provides an incentive for additional giving and allows non-itemizers who typically have middle to lower middle incomes to also benefit from additional tax relief. In fact, non-itemizers earning less than $30,000 give the highest percentage of their household income to charity. It is estimated that restoring this tax relief provision to merely 50 percent which existed in the 1980's would encourage more than $3 billion of additional charitable giving a year. The phased in increase to 100 percent will result in even more additional giving. The floor is included because the standard personal deduction encompasses initial contributions.

One important dimension of promoting charitable efforts helping to revitalize our communities, empower individuals and families, and enhance educational opportunities is encouraging charitable giving. This legislation is a great opportunity to lower the tax burden on the many Americans who have not received any tax relief for their charitable contributions since 1986.

The IRA charitable rollover allows individuals to roll assets from an IRA into a charity or a deferred charitable gift plan without incurring any income tax consequences. The donation would be made to charity directly without ever withdrawing it as income and paying taxes on it.

The rollover can be made as an outright gift, for a charitable remainder annuity trust, charitable remainder unitrust or pooled income fund, or for the issuance of a charitable annuity. The donor would not receive a charitable deduction. This incentive should assist charitable giving in education, social service, and religious charitable efforts.

Food banks are finding it increasingly difficult to meet the demand for food assistance. In the past, food banks have benefitted from the inefficiencies of manufacturing, including the overproduction of merchandise and the manufacturing of cosmetically-flawed products. However, technology has made businesses and manufacturers significantly more efficient. Although beneficial to the company's bottomline, donations have lessened as a result. The fact is that the demand on our nation's church pantries, soup kitchens and shelters continues to rise, despite our economy.

According to an August 2000 report on Hunger Security by the U.S. Department of Agriculture, 31 million Americans (around 10 percent of our citizens) are living on the edge of hunger. Although this number has declined by 12 percent since 1995, everyone agrees that this figure remains too high.

Unfortunately, many food banks cannot meet this increased demand for food. A December '99 study by the U.S. Conference of Mayors found that requests for emergency food assistance increased by an average of 18 percent in American cities over the previous year and 21 percent of emergency food requests could not be met. Statistics by the United States Department of Agriculture show that up to 96 billion pounds of food goes to waste each year in the United States. If a small percentage of this wasted food could be redirected to food banks, we could make important strides in our fight against hunger. In many ways, current law is a hindrance to food donations.

The tax code provides corporations with a special deduction for donations to food banks, but it excludes farmers, ranchers and restaurant owners from donating food under the same tax incentive. For many of these businesses, it is actually more cost effective to throw away food than donate it to charity. The hunger relief community believes that these changes will markedly increase food donations—whether it is a farmer donating his crop, a restaurant owner contributing excess meals, or a food manufacturer producing specifically for charity.

This bipartisan legislation was introduced separately by Senators LUGAR and LEAHY with 13 additional cosponsors including myself. It has been endorsed by a diverse set of organizations, including America's Second Harvest Food Banks, the Salvation Army, the American Farm Bureau Federation, the National Farmers Union, the National Restaurant Association, and the Grocery Manufacturers of America.

Under current law, when a corporation donates food to a food bank, it is eligible to receive a "special rule" tax deduction. Unfortunately, most companies have found that the "special rule" deduction does not allow them to recoup their actual production costs. Moreover, current law limits the "special rule" deduction only to corporations, thus prohibiting farmers, ranchers, small businesses and restaurant owners from receiving the same tax benefits afforded to corporations.

This provision would encourage additional food donations through three changes to our tax laws:

Expand Deduction to All Business Taxpayers: This bill will extend the "special rule" tax deduction for food donations now afforded only to corporations to all business taxpayers, including farmers and restaurant owners.

Enhance Deduction for Food Donations: This legislation will increase the tax deduction for donated food from basis plus ½ markup to the fair market value of the product, not to exceed twice the product's basis.

Codify Lucky Stores Decision: This bill will codify the Tax Court ruling in Lucky Stores, Inc. v. IRS, in which the Court found that taxpayers should base the determination of fair market value of donated product on recent sales.

I encourage my colleagues to join me in this important bipartisan effort to increase savings opportunities for lower income working Americans, to encourage the charitable giving of all Americans, to provide additional resources for the charitable organizations which serve their communities, and to encourage additional donations of food to alleviate hunger. I would also like to thank President Bush for his leadership in this critical area.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 22, 2001, the Federal debt stood at $5,658,520,030,420.14, five trillion, six hundred fifty-eight billion, five hundred twenty million, thirty thousand, four hundred twenty dollars and fourteen cents.

One year ago, May 22, 2000, the Federal debt stood at $5,673,858,000,000, five trillion, six hundred seventy-three billion, eight hundred fifty-eight million.

Five years ago, May 22, 1996, the Federal debt stood at $5,117,440,000,000, five trillion, one hundred seventeen billion, four hundred forty million.

Ten years ago, May 22, 1991, the Federal debt stood at $3,464,163,000,000, three trillion, four hundred sixty-four billion, one hundred sixty-three million.

Fifteen years ago, May 22, 1986, the Federal debt stood at $2,030,146,000,000, two trillion, thirty billion, one hundred forty-six million, which reflects a debt increase of more than $3.5 trillion, $3,628,374,030,420.14, Three trillion, six hundred twenty-eight billion, three hundred seventy-four million, thirty thousand, four hundred twenty dollars and fourteen cents during the past 15 years.

ADDITIONAL STATEMENTS

RECOGNITION OF LARRY SINCLAIR

• Mr. GRASSLEY. Mr. President, since 1963, the month of May has helped the nation focus on the contributions and achievements of America's older citizens. Fewer people over the age of 65 require nursing home care and more are living on their own, with little or no outside help. Older Americans increasingly redefine modern maturity, re-shape cultural boundaries and dispel age-related stereotypes associated with getting older. They are leaders in our families, in our workplaces and in our communities.

One of these leaders is a 71-year-old man from Davenport, Iowa. Larry Sinclair understands the value of helping others. Through his initiative, compassion, and commitment, he has touched the lives of many in the Davenport community.

Originally from Maine, Mr. Sinclair and his wife, Sylvia, moved to Davenport in 1959. A 33-year veteran of the Rock Island Arsenal, Mr. Sinclair became involved with helping seniors after his retirement. At the time, his mother in Maine was suffering from Alzheimer's Disease and the distance prevented Mr. Sinclair from helping his sister care for her on a regular basis.

After hearing a presentation at church about respite assistance for caregivers, Mr. Sinclair decided it was time to get involved. Although he couldn't go to Maine to give his sister the respite she needed, he could provide help to caregivers in Davenport. For eight years, Mr. Sinclair volunteered up to 10 hours a week to provide relief to caregivers in the community. Although he is no longer actively involved in the program, he still keeps in touch with several of families that he worked with over the years.

Mr. Sinclair's commitment to seniors in the community has been instrumental in the success of one of the few all-volunteer congregate meal sites in Iowa. Eleven years ago, Mr. Sinclair helped establish the meal site at his church. Every Tuesday, he and his wife spend the their day serving a meal to 25–30 seniors. Mr. and Mrs. Sinclair do everything from meal pick-up in the morning to clean-up in the afternoon. Although Mr. Sinclair has the formal title of meal site manager, he gives much of the credit to his wife. He says the two of them make a "pretty good team."

Mr. Sinclair also is highly active in the Great River Bend Area Agency on Aging. He has been a member of the agency's policy board for the past six years, serving as its president last year and vice president this year. As an Operation Restore Trust volunteer he makes presentations to various senior groups, nursing homes and assisted living facilities about Medicare fraud and abuse. He has served as a delegate to aging association meetings in Washington, DC, and he is a member of the agency's nutrition committee and services committee.

In 1959, Mr. Sinclair became a charter member of the West Park Presbyterian Church and he is still actively involved in serving the congregation. Friends know that if they need help, Mr. Sinclair is the first one to call. He serves as an elder in the church and chairman of the committee that is responsible for programming church activities and fundraisers. Mr. Sinclair says he feels it is important for people like him, who have the time to help, to do what they can to keep the church growing for younger members.

A devoted family man, Mr. Sinclair has been married to his wife Sylvia for 50 years. The couple has three daughters, four grandchildren and one great-grandchild. Mr. Sinclair stays physically active by walking with his wife three miles a day. In addition, he enjoys golfing and biking.

With all of these activities, Mr. Sinclair's friends sometimes wonder if he is one of those people who just can't say no. But, Mr. Sinclair refutes that characterization, saying he chooses not to say no because he enjoys what he does.•

I want to thank Mr. Sinclair for his contributions to the Davenport community. His initiative and compassionate concern for others is an example to us all that we should always be willing to help others, no matter what our age.●

DR. J. ROBERT SCHRIEFFER

● Mr. GRAHAM. Mr. President, I rise today to recognize a distinguished Floridian, and noted scientist, Dr. J. Robert Schrieffer.

On May 31, 2001, Dr. Schrieffer will celebrate his 70th birthday, and I would like to join his many friends and colleagues in extending my best wishes on this special day.

Dr. Schrieffer is a graduate of Eustis High School in Florida, whose studies took him to the University of Illinois, the University of Pennsylvania, and the University of California in Santa Barbara. In 1972, he won the Nobel Prize in Physics for his research on superconductivity.

We welcomed Dr. Schrieffer back to Florida in 1991 when he became the Chief Scientist of the National High Magnetic Field Laboratory at Florida State University in Tallahassee. His dedication has meant that this laboratory has become one of the world's preeminent sites for high magnetic field research.

Dr. Schrieffer also serves as a University Eminent Scholar at Florida State. He received the National Medal of Science in 1984. He has been a member of the Council of the National Academy of Science since 1990. He served as President of the American Physical Society in 1996, and was the recipient of the prestigious Oliver E. Buckely Solid State Physics prize in 1968.

The State of Florida, and the Magnetic Laboratory, are fortunate to have Dr. Schrieffer's expertise and enthusiasm. I join Dr. Schrieffer's many friends and colleagues who will undoubtably be wishing him all the best on May 31st of this year.●

RETIREMENT OF CAROL HURT

● Mr. BOND. Mr. President, I rise to make a few comments on the retirement of Carol Hurt and her 25 years of dedication to Missouri.

On June 1, 2001, Carol Hurt will retire from the State of Missouri. Her long and varied career has spanned more than 25 years, beginning at the Department of Revenue in 1976. Since then she has held the position of Assistant Director of Administration in the Attorney Generals office and Director of Administration in the State Auditors office. As Governor, I had the privilege to work with Carol Hurt when she was Office Manger for the Governor's office, as did my successor John Ashcroft.

Carol currently serves as a member of the Professional Advisory Board for the Business and Public Administration department for the University of Missouri, the Missouri Institute of Public Administrators and the Association of Governmental Accountants. She has also served the community as a board member for the Greater Missouri Women's Leadership Foundation, Homemaker Heath Care and Rotary International.

Carol will complete her distinguished career of dedication and service at the Missouri Department of Transportation where she is a Senior Human Resource Specialist.

I would like to thank Carol Hurt for her commitment to the state of Missouri and for all her hard work. I join with her family, friends, and colleagues in congratulating her on this outstanding accomplishment and wish her the best in all her future endeavors.●

DEPARTURE OF JAMES A. HARMON FROM THE U.S. EXPORT-IMPORT BANK

● Mrs. CLINTON. Mr. President, I would like to recognize the accomplishments of James A. Harmon, the outgoing Chairman of the Export-Import Bank of the United States. When Chairman Harmon steps down from this position on May 25, he will have served Ex-Im Bank for 4 years, one of the longest terms as Chairman in the Bank's history.

Chairman Harmon came to Ex-Im Bank in 1997 after a distinguished 38-year career as an investment banker in New York. He brought his wealth of private sector experience to Washington and immediately set about the task of enhancing Ex-Im Bank's ability to achieve its important mission, supporting U.S. jobs through exports.

One of the early challenges he had to face was the global financial crisis that hit Asia and other emerging markets in 1997–98. Recognizing the important role Ex-Im Bank could play in this crisis, Chairman Harmon directed the Bank to extend much needed credit to many of the impacted Asian nations to keep trade flowing between this region and the United States. Perhaps the most dramatic example was in South Korea, where Ex-Im Bank provided $1 billion of short-term export credit insurance for South Korean banks that allowed South Korean businesses to purchase urgently needed raw materials and equipment from the United States. Ex-Im Bank supported more than 2,400 transactions in South Korea during this crucial period, compared to less than 60 the prior year. Ex-Im Bank also worked to shore up the struggling Asian markets by coordinating assistance for the region from the other major export credit agencies. Ex-Im Bank's aggressive response to the Asian financial crisis helped stabilize these economies and keep U.S. goods and services flowing to the region until commercial financing was once again available.

Under Chairman Harmon's leadership, Ex-Im Bank forged into new markets in an effort to increase opportunities for U.S. exporters. I am particularly pleased to cite the Bank's expanded involvement in Africa. During Chairman Harmon's tenure, Ex-Im Bank unveiled new programs for facilitating U.S. exports to sub-Saharan Africa and expanded the number of countries in this region for which financing support is available. Notably, Chairman Harmon demonstrated his personal commitment to sub-Saharan Africa by traveling to the region three times, becoming the first Ex-Im Bank Chairman to visit southern Africa. The results of these efforts have been dramatic. Ex-Im Bank support for transactions in sub-Saharan Africa rose from $50 million in 1998 to nearly $1 billion in 2000. I know from my own visits to sub-Saharan Africa the vital importance of increased U.S. trade with the region and I commend Chairman Harmon for his efforts.

Ex-Im Bank also enhanced its presence in Russia and the New Independent States, developing innovative financing structures that allowed U.S. exporters to capitalize on the vast opportunities of this market. In June 2000, Ex-Im Bank launched a Southeast Europe Initiative to develop U.S. trade opportunities in Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Macedonia and Romania, an initiative that can help foster the development of these emerging market economies as well as benefit U.S. exporters.

While working to support exports to new markets abroad, Chairman Harmon also pushed Ex-Im Bank to reach out to new groups of exporters here at home. During Chairman Harmon's tenure, Ex-Im Bank implemented program changes and marketing efforts aimed at expanding its support for women- and minority-owned businesses, two groups that have traditionally had difficulty accessing export financing. Chairman Harmon also made environmental exports a top priority, recognizing both the potential export opportunities for U.S. producers of environmental goods and services and the importance of promoting environmentally sound development. At the same time, Chairman Harmon championed the need for greater environmental responsibility in export financing, urging his G–7 and other major export credit agency counterparts to adopt uniform, meaningful environmental standards for the projects they finance.

Jim Harmon has worked tirelessly at Ex-Im Bank to create high-paying export-related jobs here at home by expanding opportunities for U.S. exporters abroad. I am pleased to welcome him back to New York after four years of distinguished service to Ex-Im Bank and the Nation.●

TRIBUTE TO KAHUKU HIGH AND INTERMEDIATE SCHOOL

• Mr. INOUYE. Mr. President, I rise in tribute to Kahuku High and Intermediate School located in Kahuku, Hawaii, for its outstanding performance in the "We the People . . . The Citizen and the Constitution" national finals held on April 21–23, 2001, in Washington, DC.

The following Kahuku students competed in the Competition: Brooke Barker, Chenoah Couvillion, Daniel Ditto, James Hayes, Erin Hickman, Dana Ishii, Mostaffah Karodia, Rachael Kekaula, Justin Keys, Losaline Lautaha, Vaueli Ma 'Sun, Brad Makaiau, Brenda McCallum, Melodie Navalta, Kauilania Ostrem, Travis Ostrem, Jill Peterson, Andrew Pontti, Karess Purcell, Florangelie Ramirez, Dylan Small, Savani Toluta'u, Talahiva Tuifua, Masina Tutor, Jake Whetten, and Melissa Zolkeply.

I commend these young scholars for their remarkable understanding of the fundamental ideals and values of America's constitutional government. Their hard work, sacrifice, and diligence have earned them national distinction, and I join their family and friends in applauding their efforts. These students are our Nation's future leaders, and they someday may be seated on this floor as Senators. Please join me in recognizing them for they are a source of pride, not only for their school and their home State, but also for our Nation.•

TRIBUTE TO FRED KOCHER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Fred Kocher of Portsmouth, New Hampshire, on being honored as the 2001 Journalist of the Year by the Small Business Administration.

Fred has been the host of New Hampshire's Business for eight years. Every week he reports on the local, regional and national business environment analyzing companies, business trends and economic indicators.

Fred has enhanced the awareness of the issues that face business owners in our state, region and country. He has worked diligently to benefit the business community and has also been a strong advocate on behalf of small business entrepreneurs in New Hampshire.

He is a former small business owner who helped create the New Hampshire International Trade Resource Center in Portsmouth. Fred is currently the Director of Corporate Communications and Investor Relations for NEON Communications, Inc.

Fred has been a contributor to his community serving as president of the New Hampshire High Technology Council and he also served as president of the New Hampshire International Trade Association. Fred is the creator and chairman of the "Politics & Eggs" statewide breakfast series that allows members of the business community to hear directly from presidential candidates every four years.

Fred Kocher has served the citizens of New Hampshire with selfless dedication. I commend him for his contributions to the business community of our state. It is an honor and a privilege to represent him in the United States Senate.•

TRIBUTE TO MARIE MEUNIER-BOUCHARD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Marie Meunier-Bouchard of Conway, New Hampshire, on being honored as the 2001 Small Business Exporter of the Year by the Small Business Administration.

Marie is the owner of Wild Things, Inc. which designs and manufactures state-of-the-art lightweight climbing equipment and clothing for expedition and mountain climbing. The business sells its products domestically and has also increased export sales to over $3 million. The largest overseas accounts for Wild Things, Inc. includes companies in Korea, Singapore and Hong Kong.

Marie has worked with selfless dedication to the success of her business. She has provided quality products to both the domestic and international markets resulting in impressive financial achievement for the company.

She is a native of France and graduate of the University of Geneva in Switzerland, and is an accomplished mountain climber. Her company was founded in 1981 and sales have grown to $4 million in 2001. Wild Things, Inc. has 15 employees in North Conway and Gorham, and contracts other manufacturing jobs in Chatham and Silver Lake, New Hampshire.

Marie is a proven business leader in the New Hampshire community. I commend her for her selfless dedication to the betterment of her company and the business community in our state. It is an honor and a privilege to represent her in the United States Senate.•

TRIBUTE TO CHARLES W. KELLER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Charles W. Keller of Meredith, New Hampshire, for the honor of receiving the 2001 New Hampshire Small Business Person of the Year Award from the Small Business Administration.

Charles is the president and CEO of C.W. Keller & Associates, Inc., of Plaistow, New Hampshire. His firm manufactures high-end retail display fixtures and executive office furnishings.

He started his business in his garage in the early 1970's as a one-person business. Since then, his firm has experienced steady growth and now employs 35 people, grosses more than $5 million annually, and has expanded its operation projects in Boston, New York, Washington, Los Angeles and the Middle East.

Charles has been recognized by the Small Business Administration as an outstanding business owner who has worked diligently and successfully at building his firm. His talented staff and quality products have attributed to the success of C.W.Keller & Associates, Inc.

Charles has been a strong supporter of the community at large and has served as a director with the New England Chapter of the Architectural Woodwork Institute, for five years. He is also a member of the National Association of Store Fixture Manufacturers. His company contributes to many charitable organizations including the American Cancer Society and the Diabetes Foundation.

Charles Keller has served the citizens of New Hampshire with dedication and charity. I commend him for his success in his business and for his generosity to the charitable organizations in our state. It is an honor and a privilege to represent him in the United States Senate.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE GOVERNMENT OF LIBERIA—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to expand the scope of an existing national emergency in response to the unusual and extraordinary threat posed to the foreign policy of the United States by the Government of Liberia's complicity in the illicit trade in diamonds from Sierra Leone by the insurgent Revolutionary United Front of Sierra Leone (RUF) and by the Government of Liberia's other forms of support for the RUF. I also have exercised my statutory authority to issue an Executive Order that prohibits the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia. These actions are mandated in part by United Nations Security Council Resolution 1343 of March 7, 2001.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations in exercise of my authorities under the IEEPA and the United Nations Participation Act, 22 U.S.C. 287c, to implement this prohibition. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive Order.

I am enclosing a copy of the Executive Order I have issued. The Order was effective at 12:01 a.m. eastern daylight time on May 23, 2001.

I have authorized these measures in furtherance of Executive Order 13194 of January 18, 2001, and in response to the Government of Liberia's continuing facilitation of and participation in the RUF's illicit trade in diamonds from Sierra Leone and its other forms of support for the RUF. The Government of Liberia's actions in this regard constitute an unusual and extraordinary threat to the foreign policy of the United States because they directly challenge United States foreign policy objectives in the region and the rule-based international order that is crucial to the peace and prosperity of the United States.

In Executive Order 13194, President Clinton responded to the RUF's illicit arms-for-diamonds trade that fuels the brutal, decade-long civil war in Sierra Leone by declaring a national emergency and, consistent with United Nations Security Council Resolution 1306, by prohibiting the importation into the United States of all rough diamonds from Sierra Leone except for those importations controlled through the certificate of origin regime of the Government of Sierra Leone. In a report issued on December 14, 2000, the United Nations Panel of Experts established pursuant to resolution 1306 found that diamonds represent a major and primary source of income for the RUF to sustain and advance its military activities; that the bulk of the RUF diamonds leaves Sierra Leone through Liberia; and that such illicit trade cannot be conducted without the permission and involvement of Liberian government officials at the highest levels. The Panel recommended, among other things, a complete embargo on all diamonds from Liberia until Liberia demonstrates convincingly that it is no longer involved in the trafficking of arms to, or diamonds from, Sierra Leone.

On March 7, 2001, the Security Council unanimously adopted resolution 1343 to impose sanctions against the Government of Liberia. The resolution determined that the Government of Liberia's active support for the RUF in Sierra Leone and other armed rebel groups in neighboring countries constitutes a threat to international peace and security in the region and decided that all states shall impose an immediate arms embargo on Liberia and also shall impose travel and diamond bans on Liberia on May 7, 2001, unless the Council determined before that date that the Government of Liberia had ceased its support for the RUF and for other armed rebel groups and, in particular, had taken a number of concrete steps identified in the resolution. In furtherance of this resolution, the Secretaries of State, Commerce, and Defense have taken steps, under their respective authorities, to implement the arms embargo.

With regard to the travel ban and diamond embargo, the Government of Liberia has failed, notwithstanding the two-month implementation period granted by resolution 1343, to honor its commitments to cease its support for the RUF and other armed rebel groups. As a result, the Security Council did not determine that Liberia has complied with the demands of the Council.

In Proclamation 7359 of October 10, 2000, President Clinton suspended the entry as immigrants and nonimmigrants of persons who plan, engage in, or benefit from activities that support the RUF or that otherwise impede the peace process in Sierra Leone. The application of that Proclamation implements the travel ban imposed by resolution 1343.

Finally, for the reasons discussed above and in the enclosed Executive Order, I also have found that the Government of Liberia's continuing facilitation of and participation in the RUF's illicit trade in diamonds from Sierra Leone and its other forms of support for the RUF contribute to the unusual and extraordinary threat to the foreign policy of the United States described in Executive Order 13194 with respect to which the President declared a national emergency. In order to deal with that threat, and consistent with resolution 1343 and this finding, I have taken action to prohibit the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated there, in order to contribute to the international effort to bring a prompt end to the illicit arms-for-diamonds trade by which the RUF perpetuates the tragic conflict in Sierra Leone. This action, as well as those discussed above, also expresses our outrage at the Government of Liberia's ongoing contribution to human suffering in Sierra Leone and other neighboring countries, as well as its continuing failure to abide by international norms and the rule of law.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 23, 2001.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1946. A communication from the Assistant Director for Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Navy; to the Committee on Armed Services.

EC–1947. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, International Security Policy; to the Committee on Armed Services.

EC–1948. A communication from the Assistant Director for Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Air Force; to the Committee on Armed Services.

EC–1949. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary of Defense, Acquisition, Technology and Logistics; to the Committee on Armed Services.

EC–1950. A communication from the Acting Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report relative to establishing and adjusting schedules of compensation; to the Committee on Banking, Housing, and Urban Affairs.

EC–1951. A communication from the Secretary of the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule" (RIN3084–AA74) received on May 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1952. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Two-Step Stock Acquisitions" (Rev. Ruls. 2001–26, –23) received on May 15, 2001; to the Committee on Finance.

EC–1953. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense, Force Management Policy, received on May 17, 2001; to the Committee on Armed Services.

EC–1954. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison of the Personnel Computer Support function at Randolph Air Force Base, Texas; to the Committee on Armed Services.

EC–1955. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, a report relative to a cost comparison to reduce the cost of Heat Plant function at Whiteman Air Force Base, Missouri; to the Committee on Armed Services.

EC–1956. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States" (RIN115–AG17) received on May 17, 2001; to the Committee on the Judiciary.

EC–1957. A communication from the General Counsel of the United States Marshal Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Revision to United States Marshals Service Fees for Services" (RIN1105–AA64) received on May 17, 2001; to the Committee on the Judiciary.

EC–1958. A communication from the Secretary of the Judicial Conference of the United States, transmitting, a draft of proposed legislation entitled "Federal Courts Improvement Act of 2001" received on May 10, 2001; to the Committee on the Judiciary.

EC–1959. A communication from the Chairman of the Broadcasting Board of Governors of the United States, transmitting, pursuant to law, a draft of proposed legislation entitled "International Broadcasting Authorization Act, Fiscal Years 2002 and 2003" received on April 25, 2001; to the Committee on Foreign Relations.

EC–1960. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report under the National Defense Authorization Act for calendar year 1999; to the Committee on Foreign Relations.

EC–1961. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2001–13, relative to the Palestine Liberation Organization; to the Committee on Foreign Relations.

EC–1962. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2001–14, relative to Ireland; to the Committee on Foreign Relations.

EC–1963. A communication from the Deputy Director and Senior Agency Official of the Institute of Museum and Library Services, transmitting, pursuant to law, the annual Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–1964. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Records Disposition; Technical Amendments" (RIN3095–AB02) received on May 17, 2001; to the Committee on Governmental Affairs.

EC–1965. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 97–25" (FAC 97–25) received on May 15, 2001; to the Committee on Governmental Affairs.

EC–1966. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a draft of proposed legislation entitled "Merit Systems Protection Board Reauthorization Act of 2001" received on May 17, 2001; to the Committee on Governmental Affairs.

EC–1967. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerance" (FRL6784–7) received on May 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1968. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)" (FRL6782–1) received on May 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1969. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus AF36; Extension of Temporary Exemption from the Requirement of a Tolerance" (FRL6781–7) received on May 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1970. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyfluthrin; Pesticide Tolerances for Emergency Exemptions" (FRL6781–8) received on May 16, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1971. A communication from the Acting Administrator of the Livestock and Seed Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Beef Promotion and Research Rules and Regulations" (Doc. No. LS–98–005) received on May 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1972. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the State of Michigan, et al.; Decreased Assessment Rates" (Doc. No. FV01–930–1 FIR) received on May 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1973. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a draft of proposed legislation relative to authorization of appropriations for Fiscal Year 2002; to the Committee on Environment and Public Works.

EC–1974. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule for Endangered Status for Astragalus pycnostachyus var. lanosissimus (Ventura marsh milk-vetch)" (RIN1018–AF61) received on May 15, 2001; to the Committee on Environment and Public Works.

EC–1975. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation; Administrative Amendments" (FRL6955–3) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1976. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Allocation of Drinking Water State Revolving Fund Monies" (FRL6978–7) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1977. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Revisions to Stage II Vapor Recovery Regulations for Southwest Pennsylvania" (FRL6981–5) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1978. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Distilled Spirits Facilities" (FRL6979–3) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1979. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Repeal of Petroleum Refinery Regulations" (FRL6979–6) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1980. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Coconino County, Mohave County, and Yuma County" (FRL6916–2) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1981. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Nitrogen Oxides Budget and Allowance Trading Program" (FRL6979–1) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1982. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York; Nitrogen Oxides Budget and Allowance Trading Program" (FRL6979–2) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1983. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL6980–4) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1984. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Special Regulations for the Preble's Jumping Mouse (Zapus hudsonius preblei)" (RIN1018–AF30) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1985. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of West Virginia; Control of Emissions from Existing Municipal Solid Waste Landfills" (FRL6983–6) received on May 17, 2001; to the Committee on Environment and Public Works.

EC–1986. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption; Alpha-Acetolactate Decarboxylase Enzyme Preparation" (Doc. No. 92F–0396) received on May 21, 2001; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–67. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to a comprehensive national energy policy; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 43

Whereas, the nation needs an effective, comprehensive national energy policy which will have an enduring impact on the supply and demand for energy in a manner that will help sustain the strength of the U.S. economy and improve the quality of life in this nation and around the world; and

Whereas, a national energy policy can help ensure that there are energy supplies sufficient to support economic growth with an eye towards improving the quality of life for people the world over; and

Whereas, a national energy policy should encourage responsible use of energy and responsible development of energy resources and efficiencies in order to meet the nation's expectations for secure energy sources while preserving and protecting the nation's environmental health through performance-based regulations founded on sound science; and

Whereas, a national energy policy should support basic and applied scientific research to improve energy availability, conservation, utilization, and environmental performance and should encompass the development, availability, and use of a multitude of different energy sources and fuels; and

Whereas, a national energy policy should incorporate and encourage the significant advances in technology through the past several years which can improve energy production and delivery practices and should incorporate new discoveries and developments of energy resources, particularly those which will cause minimal environmental impact; and

Whereas, recent undesirable experiences with the inability to obtain sufficient energy in some states in this great nation are a good indication of the drastic consequences of a lack of preparation for the ever-changing and rapidly expanding universe of energy development, production, and consumption; and

Whereas, the oil and gas industry has developed technology which reduces the footprint of oil and gas development to a minimum and the industry mitigates this minimal wetlands impact with offsetting environmental enhancements in accordance with Louisiana's no net loss of wetlands policy; and

Whereas, the oil and gas industry has demonstrated its ability to develop outer continental shelf (OCS) resources in a manner which is environmentally responsible and technologically state of the art, resulting in minimal offshore environmental impact and extraordinary hydrocarbon production in the Gulf of Mexico; and

Whereas, Lease Sale 181 offers an area of the Gulf of Mexico with significant oil and gas potential which can be developed with minimal environmental risk, and it is responsible to include the potential of this sale in any national energy plan; and

Whereas, the Coastal Zone Management Act, reauthorization of which is currently pending in congress, contains certain provisions which have been applied in an unreasonable manner to the detriment of securing OCS energy, and congress should be urged, as a matter of national energy policy, to use the pending legislation to reform such provisions and to reform coastal zone management policies generally: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the U.S. Congress to adopt a national energy policy which will prepare our nation for the future through a comprehensive plan for the development, production, delivery, conservation, and consumption of all manner of sources of energy, for a future that includes economic growth and development which allow a better quality of life for all people of the world. Be it further

Resolved, That this policy should specifically include strong support for Lease Sale 181 and for reform of the Coastal Zone Management Act to reflect the original intent of the Act to encourage multiple-use and energy development in an environmentally responsible way. Be it further

Resolved, That a copy of this Resolution be transmitted to each member of the Louisiana congressional delegation and to the presiding officer of each house of the U.S. Congress. Be it further

Resolved, That a copy of this Resolution be transmitted to the President and Vice President of the United States.

POM–68. A concurrent resolution adopted by the House of the Legislature of the State of Hawaii relative to Pacific Basin Agricultural Research Center; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 87

Whereas, the Legislature in partnership with local citizens, the Department of Agriculture, the University of Hawaii, the United States Department of Agriculture, certain Hawaii and other states' congressional offices, the United States Army, through the Hawaii office of the Small Business Administration, the Rural Economic Transition Assistance—Hawaii Program, and after reviewing selected farming and business research over the last several years concluded that Hawaii's physical, biotic, cultural, and social environment is capable of serving the country's chocolate food needs by establishing a uniquely aligned full continuum of cacao farming and chocolate industry in Hawaii; and

Whereas, work by the private industry and state and federal governments to date has resulted in the scientific selection and planting of cacao trees of different varieties to match Hawaii's unique multi-climate environment and soil conditions that is conducive to growing high quality varieties of cacao trees all year long; and

Whereas, it is recognized that Hawaii's unique geographic location, climate, and biotic environment qualifies it as the nation's only state that can grow different varieties of cacao all year long; and

Whereas, there are forty seven cacao growing countries worldwide that currently harvest 3,000,000 metric tons of cacao beans annually to supply the world's growing chocolate industry worth $50,000,000,000 in annual sales; and.

Whereas, our nation's current and growing dependency on foreign cacao sources will now be partially relieved by Hawaii's high quality, sub-sector premium commodity priced cacao beans; and

Whereas, the United States is domestically growing a new agricultural product that is an important food for our nation's citizens and a food that incorporates other U.S. farm products, such as sugar, milk nuts, and others, to manufacture chocolate; and

Whereas, the United States Department of Agriculture historically and currently funds foreign cacao farming research, including cacao germplasm centers, pests and disease control work, and flavor testing; and

Whereas, by virtue of this Concurrent Resolution, Hawaii announces its intent to compete for such federal funds to shift certain existing funding and other support to Hawaii; and

Whereas, Hawaii will attract world attention to its cacao farming practices and its chocolate manufacturing work, which is aligned with its growing recognition as a high technology, knowledge-based industry state with a broad range of unique human, capital and other resource capabilities; and

Whereas, cacao farming in Hawaii provides a new domestic farming opportunity for Hawaii-based private industry to establish a full continuum of chocolate production including manufacturing, marketing, selling, and commodity trading of cacao beans and chocolate products for Hawaii, the mainland, and the rest of the world's markets; and

Whereas, the enactment of Act 188, Session Laws of Hawaii 2000 that provided $10,000,000 to facilitate construction of new manufacturing facilities in Hawaii county significantly helped launch a new Hawaii-based $22,000,000 (initial capitalization), high technology chocolate manufacturing industry that is fully integrated with multi-island private sector cacao nursery and farming operations located on former sugar cane lands in communities where there is high unemployment and underemployment of farmers and manufacturing workers; and

Whereas, these displaced plantation workers are ideally suited for the continuing employment available through the cacao industry; and

Whereas, Hawaii recognizes the establishment of the new $55,000,000 investment in the Pacific Basin Agricultural Research Center in Hilo, Hawaii, which significantly advances the work by the Center in the following areas:

(1) Tropical plant genetic resource management;

(2) Tropical plant physiology, disease and production;

(3) Tropical plant pests research;

(4) Post harvest tropical commodities research; and

(5) Tropical aquaculture management; and

Whereas, cacao farming and chocolate manufacturing in Hawaii is a generational opportunity given the thirty-plus year life of the cacao tree coupled with the additional value of cacao processing and chocolate manufacturing facilities; and

Whereas, cacao farming is a globally valuable food industry that can contribute to a healthy commercial economy that in turn materially contributes to the overall health and well-being of Hawaii; and

Whereas, continuous quality improvement from cacao seed to chocolate sale, over the full continuum of cacao farming, chocolate manufacturing, marketing and sales work, is at the center of Hawaii's national and global private and public operating strategies; and

Whereas, both the United States and Europe each annually consume about one-third of the $50,000,000,000 in global chocolate industry production with the remaining third consumed in the growing Asian Pacific, South and Central American and other countries; and

Whereas, except for Hawaii, major world chocolate manufacturing facilities are located in temperate climate zones that cannot farm cacao; and

Whereas, only forty-seven countries located within twenty degrees of the equator can grow cacao with Hawaii predicting that it can grow approximately five per cent of the world's cacao production within a decade at which time it will rank in the top ten of cacao producing countries in the world; and

Whereas, certain cacao growing foreign countries also farm plants that supply the raw material for the growing worldwide of illegal drug crops; and

Whereas, the federal government funds initiatives to encourage these foreign countries to concentrate their farming efforts on new crops such as cacao farming instead of illegal drugs; and

Whereas, the county of Hawaii, the State, the United States Department of Agriculture, the Pacific Basin Agricultural Research Center, and Hawaii's congressional delegation have received solid synergistic encouragement and endorsement from the Chocolate Manufacturers Association, the National Confectioners Association, and the American Cocoa Research Institute to establish a world class U.S. Department of Agriculture—Pacific Basin Agricultural Research Center managed cacao germplasm center in Hawaii; and

Whereas, all of these organizations note that a Hawaii-based cacao germplasm center will provide high quality and professional cacao research in Hawaii, which is environmentally sound and historically safe from natural disasters and social turmoil; and

Whereas, support from the chocolate industry for Hawaii's cacao farming and chocolate enterprises was significantly advanced as a result of the authorization to issue $10,000,000 in state special purpose revenue bonds to assist Hawaii Gold Cacao Tree, Inc., with the construction of its chocolate and cacao manufacturing facility in Hawaii; and

Whereas, the special purpose revenue bonds demonstrated Hawaii's commitment to cacao farming and to securing a U.S. Department of Agriculture—Pacific Basin Agricultural Research Center-managed cacao germplasm center: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, the Senate concurring, That the Congress and the U.S. Department of Agriculture are urged to establish and fund a U.S. Department of Agriculture—Pacific Basin Agricultural Research Center-managed cacao germplasm center in Hawaii; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Secretary of the U.S. Department of Agriculture, and to the members of Hawaii's congressional delegation.

POM–69. A resolution adopted by the House of the Legislature of the State of Hawaii relative to children with disabilities; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 38

Whereas, under Title 20, section 1411(a) of the United States Code, the maximum amount of federal funds that a state may receive for special education and related services is the number of children with disabilities in the State who are receiving special education and related services multiplied by forty per cent of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, since the enactment of the Education for all Handicapped Children Act of 1975 and its subsequent amendments, including the Individuals with Disabilities Education Act of 1990, Congress has appropriated funds for a maximum of ten per cent of special education and related services for children with disabilities when federal law authorizes the appropriation of up to forty per cent; and

Whereas, the Hawaii Department of Education received approximately $23,500,000 in federal funds during fiscal year 1999–2000 for what was then referred to as "education of the handicapped". If this figure represented an appropriation of funds for ten per cent of special education and related services for children with disabilities, then an appropriation of forty per cent would have equaled $94,000,000; and

Whereas, the difference between an appropriation of forty per cent and an appropriation of ten per cent for "education of the handicapped" would amount to $70,500,000 just for the Department of Education. If the number of students receiving special education and related services equaled 22,000 during fiscal year 1999–2000, then the difference would have amounted to approximately $3.200 per student; and

Whereas, the State of Hawaii, through the Felix consent decree, is being compelled by the federal district court to make up for more than twenty years of insufficient funding for special education and related services—funding that should have been borne substantially by Congress, which enacted the Education for All Handicapped Children Act of 1975 and the Individuals with Disabilities Education Act of 1990; and

Whereas, if Congress is going to mandate new programs or increase the level of service under existing programs for children with disabilities, and if it is going to give the federal courts unfettered power to enforce these mandates through the imposition of fines and the appointment of masters, then Congress should provide sufficient funding for special education and related services: Now, therefore, be it

Resolved, By the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2001, that the United States Congress is requested to appropriate funds for forty per cent of special education and related services for children with disabilities; and be it further

Resolved, That certified copies of this Resolution be transmitted to the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate, the Vice-President of the United States, and the members of Hawaii's congressional delegation.

POM-70. A resolution adopted by the Senate of the Legislature of the Commonwealth of Kentucky relative to the Railroad Retirement and Survivors' Improvement Act; to the Committee on Finance.

RESOLUTION NO. 70

Whereas, the Railroad Retirement and Survivors' Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including the entire Kentucky delegation to Congress; and

Whereas, more than 80 United States Senators, including both Kentucky Senator Mitch McConnell and Kentucky Senator Jim Bunning, signed letters of support for this legislation in 2000; and

Whereas, the bill now before the 107th Congress modernizes the railroad retirement system for its 748,000 beneficiaries nationwide, including over 16,600 in Kentucky; and

Whereas, railroad management, labor, and retiree organizations have agreed to support this legislation; and

Whereas, this legislation provides tax relief to freight railroad, Amtrak, and commuter lines; and

Whereas, this legislation provides benefits improvements for surviving spouses of rail workers who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, all changes will be paid for from within the railroad industry, including a full share by active employees: Now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. This honorable body hereby urges the United States Congress to support the Railroad Retirement and Survivors' Improvement Act in the 107th Congress.

Section 2. That the Clerk of the Senate is hereby directed to transmit a copy of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of the Kentucky Congressional delegation, and to the United Transportation Union, 3904 Bishop Lane, Suite #5, Louisville, KY 40218.

POM–71. A resolution adopted by the City Counsel of Napavine, Washington relative to the Memorial Day holiday; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 581: A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies

Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

S. 378: A bill to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center."

S. 468: A bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building."

S. 757: A bill to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse."

S. 774: A bill to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

Alphonso R. Jackson, of Texas, to be Deputy Secretary of Housing and Urban Development.

Romolo A. Bernardi, of New York, to be an Assistant Secretary of Housing and Urban Development.

John Charles Weicher, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Richard A. Hauser, of Maryland, to be General Counsel of the Department of Housing and Urban Development.

By Mr. MURKOWSKI for the Committee on Energy and Natural Resources.

Lee Sarah Liberman Otis, of Virginia, to be General Counsel of the Department of Energy.

Patrick Henry Wood III, of Texas, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2005.

J. Steven Griles, of Virginia, to be Deputy Secretary of the Interior.

Nora Mead Brownell, of Pennsylvania, to be a Member of the Federal Energy Regulatory Commission for a term expiring June 30, 2006.

Nora Mead Brownell, of Pennsylvania, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2001.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Jessie Hill Roberson, of Alabama, to be an Assistant Secretary of Energy (Environmental Management).

By Mr. SMITH for the Committee on Environment and Public Works.

Stephen L. Johnson, of Maryland, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

Linda J. Fisher, of the District of Columbia, to be Deputy Administrator of the Environmental Protection Agency.

James Laurence Connaughton, of the District of Columbia, to be a Member of the Council on Environmental Quality.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THOMPSON for the Committee on Governmental Affairs.

John D. Graham, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Stephen A. Perry, of Ohio, to be Administrator of General Services.

Angela Styles, of Virginia, to be Administrator for Federal Procurement Policy.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Maurice A. Ross, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Erik Patrick Christian, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed.)

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Foreign Relations pursuant to the order of May 23, 2001:

Howard H. Baker, Jr., of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Howard H. Baker, Jr.

Post: U.S. Ambassador to Japan.

Contributions, Amount, Date, and Donee:

1. Self, Howard H. Baker, Jr.: 8/25/00, Frist 2000—General Election (In-kind contribution), $1,550.00; 8/21/00, Frist 2000 General Election (In-kind contribution), $300.00; 4/13/01, Frist 2000 Refund for In-kind contribution, −$850.00; 9/25/00, Duncan for Congress—General Election, $1,000.00; 6/9/00, Hal Rogers for Congress, $1,000.00; 5/8/00, Henry J. Hyde for Congress Committee, $100.00; 3/23/00, Friends of Guiliani Exploratory Committee, $1,000.00; 3/23/00, Tennessee Republican Party, $3,000.00; 10/25/99, Henry J. Hyde for Congress Committee, $1,000.00; 9/24/99, Duncan for Congress—Primary Election, $1,000.00; 8/24/99, Elizabeth Dole for President Exploratory Committee Inc., $1,000.00; 8/9/99, Orrin Hatch Presidential Exploratory Committee Inc., $1,000.00; 8/5/99, George W. Bush for President, Inc., $1,000.00; 8/3/99, McCain 2000 Inc., $1,000.00; 7/21/99, Friends of George Allen, $1,000.00; 7/10/99, Van Hilleary for Congress (In-kind contribution) ($1,000 was attributed to primary and $1,000 was attributed to the general election. Remainder was refunded.), $4,873.73; 9/22/99, Van Hilleary for Congress Refund for In-kind Contribution, −$2,873.73; 6/28/99, Alexander for President, $1,000.00; 6/7/99, Tennessee Republican Party, $3,000.00; 3/16/99, Ed Bryant for Congress (In-kind contribution), $300.00; 12/10/98, Frist 2000 Inc., $1,000.00; 10/8/98, Van Hilleary for Congress, $1,000.00; and 3/10/98, Tennessee Republican Party, $3,000.00.

2. Spouse, Nancy Kassebaum Baker: 1/26/00, McCain 2000, $1,000.00; 9/30/99, Greg Musil for Congress Committee, $1,000.00; 6/17/99, WISH List, $200.00; and 2/25/99, WISH List, $250.00.

3. Children and Spouses: Cynthia Baker (daughter), 10/30/00, Van Hilleary for Congress, $1,000.00; Darek D. and Karen Baker (son and daughter-in-law), none; Bill and Jennifer Kassebaum (stepson & stepdaughter-in-law), none; John and Elizabeth Kassebaum (stepson & stepdaughter-in-law), none; Richard Kassebaum (stepson), None; Maurice and Linda Johnson (stepdaughter & stepson-in-law), none.

4. Parents: Dora Ladd Baker, deceased; Howard H. Baker, Sr., deceased; Irene Bailey Baker (stepmother), deceased.

5. Grandparents: Christopher Ladd, deceased; Lillie Cox Ladd, deceased; James Baker, deceased; Helen Keen Baker, deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Mary Stuart (sister), None; Roger Stuart (brother-in-law) 3/10/99, Friends of George Allen, $500.00; Beverly and Mike Patestides (sister & brother-in-law), none.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 935. A bill to authorize the negotiation of a Free Trade Agreement with the Commonwealth of Australia, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mr. ALLARD (for himself, Mr. JOHNSON, and Mr. THOMAS):

S. 936. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. WARNER, Mr. LEVIN, Mr. KENNEDY, Mr. REED, Ms. LANDRIEU, Mrs. CARNAHAN, Mr. DAYTON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 937. A bill to amend title 38, United States Code, to permit the transfer of entitlement to educational assistance in the Montgomery GI Bill by members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JEFFORDS (for himself, Mr. DODD, Mr. FITZGERALD, and Mr. BROWNBACK):

S. 938. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 939. A bill to amend the Immigration and Nationality Act to confer citizenship automatically on children residing abroad in the legal and physical custody of a citizen parent serving in a Government or military position abroad; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. KENNEDY, and Mr. WELLSTONE):

S. 940. A bill to leave no child behind; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 941. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. HUTCHINSON, Mr. BREAUX, Mr. ENSIGN, Mr. BAUCUS, Mrs. LINCOLN, and Mr. THOMPSON):

S. 942. A bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002; to the Committee on Finance.

By Mr. BAUCUS:

S. 943. A bill to authorize the negotiation of a Free Trade Agreement with New Zealand, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mr. BAUCUS:

S. 944. A bill to authorize the negotiation of a Free Trade Agreement with the Republic of Korea, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mrs. BOXER):

S. Con. Res. 42. A bill condemning the Taleban for their discriminatory policies and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. BYRD, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 228

At the request of Mr. AKAKA, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 228, a bill to amend title 38, United States Code, to make permanent the Native American veterans housing loan program, and for other purposes.

S. 229

At the request of Mr. HAGEL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 229, a bill to amend Federal banking law to permit the payment of interest on business checking accounts in certain circumstances, and for other purposes.

S. 281

At the request of Mr. HAGEL, the names of the Senator from California (Mrs. BOXER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 413

At the request of Mr. COCHRAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 472

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 472, a bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States.

S. 497

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 497, a bill to express the sense of Congress that the Department of Defense should field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems and that the United States should end its use of such mines and join the Convention on the Prohibition of Anti-Personnel Mines as soon as possible, to expand support for mine action programs including mine victim assistance, and for other purposes.

S. 583

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 598

At the request of Mr. BREAUX, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 598, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 621

At the request of Mr. HAGEL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 621, a bill to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.

S. 677

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 690

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 694

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 790

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 845

At the request of Mr. CRAPO, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource.

S. 913

At the request of Ms. SNOWE, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 920

At the request of Mr. BREAUX, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 92

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Rhode Island (Mr. REED), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. Res. 92, a resolution to designate the week beginning June 3, 2001, as "National Correctional Officers and Employees Week."

AMENDMENT NO. 741

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 741 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 741 proposed to H.R. 1836, supra.

AMENDMENT NO. 763

At the request of Mr. GRAHAM, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Florida (Mr. NELSON of Florida) were added as cosponsors of amendment No. 763 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 784

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 784 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 935. A bill to authorize the negotiation of a Free Trade Agreement with the commonwealth of Australia, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mr. BAUCUS:

S. 943. A bill to authorize the negotiation of a Free Trade Agreement with New Zealand, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mr. BAUCUS:

S. 944. A bill to authorize the negotiation of a Free Trade Agreement with the Republic of Korea and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise to send three separate bills to the desk, S. 935, S. 943, and S. 944. The bills I am introducing provide authority to negotiate bilateral free trade agreements with three important trading partners: New Zealand, Australia, and the Republic of Korea.

Over the next several months, the Senate will turn its attention to international trade. As we do so, we find ourselves under serious scrutiny. Will we be able to reach consensus? Will we be able to break the impasse?

I don't know the answers to these questions. I have been working hard to find common ground on issues like labor and the environment, and on ensuring the strength of our trade laws. I will continue to do so. But we have a long way to go.

As we think about these issues, though, there is another, more subtle logjam within the trade agenda. Right now, our vision of the future seems locked in on sweeping, multilateral agreements, Free Trade for the Americas, the launch of a new round of global trade negotiations under the WTO.

These are enormous and complicated undertakings. These agreements are also major opportunities for trade liberalization, and we should continue to work hard to get agreements that are good for our workers, farmers, and companies.

But it is interesting to listen to the rhetoric. Why can't we advance labor and environment issues in the WTO? Some say developing countries simply would not allow it. Why can't we agree that our fair trade laws are not for sale in FTAA negotiations? Some say Brazil will never relent.

Indeed, our trade policy seems to have become so focused on sweeping multilateral agreements, that we ignore other avenues to trade liberalization—much to the detriment of U.S. competitiveness.

Take a closer look at this so-called trade impasse: The U.S.-Jordan Free Trade Agreement contains extensive and enforceable provisions on labor and the environment. Our free trade agreement with Canada and Mexico also addresses labor and environmental issues, with potential recourse to trade sanctions. We are moving towards completing an agreement with Chile—a country we know is open to labor and environment issues because they just recently struck a free trade agreement with Canada that includes enforceable provisions on both.

What's the moral of this story? It's simple. These agreements demonstrate we can break the impasse on trade.

Indeed, we must move forward where we can, whenever we can. If not fast track for all, then fast-track for some, specifically, those countries where we have strategic commercial and political interests. Those countries that will share our commitment to open markets, and our values for environmental quality and labor rights.

Today, I am introducing legislation that would authorize trade negotiations with Australia, New Zealand, and the Republic of Korea. It would grant fast track consideration for these agreements, while also establishing a general policy framework for future negotiations.

Trade agreements must address the full range of issues, from guaranteeing national treatment and market access, to protecting intellectual property. From promoting electronic commerce to ensuring that countries do not gain unfair advantage by lowering labor and environmental standards. And these agreements must not weaken our fair trade laws.

I believe there are many countries ready to take that deal. Australia and New Zealand are two countries eager to negotiate free trade agreements. We must continue to build our economic alliances in the Asia-Pacific region, and both countries have been strong partners in trade. We must also be realistic. An FTA would present tremendous opportunities, but we must recognize where there are differences. One such difference is the operation of the Australian wheat board, which, despite recent reforms, still works to distort world markets. Agriculture negotiations with both countries would require careful treatment, but should allow us to better work together to reduce unfair trade barriers in other parts of the world.

A trade agreement with Korea will take more time, as the issues are more difficult to resolve. For example, Korea maintains very high tariffs on beef, hurting ranchers in my home state of Montana. High tariffs, high taxes, and other trade-restrictive practices in Korea, reduce the competitiveness of American automobiles from Michigan and Ohio. Government subsidies in Korea undercut American semiconductor manufacturers in Idaho and Utah.

But we must not wait to negotiate agreements until all these problems are solved. Rather, we should use FTA negotiations as part of the solution. And with Korea, there are benefits that extend well beyond trade. An FTA would help lock in Korea's economic and political progress, and would also be an important part of our strategic interests in Asia.

The bottom line is this: while America hesitates on trade liberalization, and while many reject trying to reach a bipartisan consensus, the rest of the world continues to move forward. Regional trade arrangements in Europe, Latin America, and Asia put U.S. exporters at a competitive disadvantage. We lose overseas markets to foreign competitors who enjoy trade preferences for which our farmers, manufacturers, and service providers are ineligible.

I hope this legislation will send a strong signal to the rest of the world: America intends to continue its leadership in the global trading system.

By Mr. ALLARD (for himself, Mr. JOHNSON, and Mr. THOMAS):

S. 936. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Finance.

Mr. ALLARD. Mr. President, today I am pleased to introduce legislation that will expand and improve Subchapter S of the Internal Revenue Code. I am joined in this effort by Senators TIM JOHNSON and CRAIG THOMAS. I have introduced this legislation over the last few years and I am hopeful that this year we can get this important tax legislation enacted.

The Subchapter S provision of the Internal Revenue Code reflect the desire of Congress to eliminate the double tax burden on small business corporations. Pursuant to that desire, Subchapter S has been liberalized a number of times, most recently in 1996. This legislation contains several provisions that will make the Subchapter S election more widely available to small businesses in all sectors. It also contains several provisions of particular benefit to community banks that may be contemplating a conversion to Subchapter S. Financial institutions were first made eligible for the Subchapter S election in 1996. This legislation builds on and clarifies the Subchapter S provisions applicable to financial institutions.

I ask unanimous consent that the text of the bill and an explanation of the provisions of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business and Financial Institutions Tax Relief Act of 2001".

SEC. 2. EXPANSION OF S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE IRAS.

(a) IN GENERAL.—Section 1361(c)(2)(A) of the Internal Revenue Code of 1986 (relating to certain trusts permitted as shareholders) is amended by inserting after clause (v) the following:

"(vi) A trust which constitutes an individual retirement account under section 408(a), including one designated as a Roth IRA under section 408A.".

(b) TREATMENT AS SHAREHOLDER.—Section 1361(c)(2)(B) of the Internal Revenue Code of 1986 (relating to treatment as shareholders) is amended by adding at the end the following:

"(vi) In the case of a trust described in clause (vi) of subparagraph (A), the individual for whose benefit the trust was created shall be treated as a shareholder.".

(c) SALE OF STOCK IN IRA RELATING TO S CORPORATION ELECTION EXEMPT FROM PROHIBITED TRANSACTION RULES.—Section 4975(d) of the Internal Revenue Code of 1986 (relating to exemptions) is amended by striking "or" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; or", and by adding at the end the following:

"(16) a sale of stock held by a trust which constitutes an individual retirement account under section 408(a) to the individual for whose benefit such account is established if such sale is pursuant to an election under section 1362(a).".

(d) CONFORMING AMENDMENT.—Section 512(e)(1) of the Internal Revenue Code of 1986 is amended by inserting "1361(c)(2)(A)(vi) or" before "1361(c)(6)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to trusts which constitute individual retirement accounts on the date of the enactment of this Act in taxable years beginning after December 31, 2001.

SEC. 3. EXCLUSION OF INVESTMENT SECURITIES INCOME FROM PASSIVE INCOME TEST FOR BANK S CORPORATIONS.

(a) IN GENERAL.—Section 1362(d)(3)(C) of the Internal Revenue Code of 1986 (defining passive investment income) is amended by adding at the end the following:

"(v) EXCEPTION FOR BANKS; ETC.—In the case of a bank (as defined in section 581), a bank holding company (as defined in section 246A(c)(3)(B)(ii)), or a qualified subchapter S subsidiary bank, the term 'passive investment income' shall not include—

"(I) interest income earned by such bank, bank holding company, or qualified subchapter S subsidiary bank, or

"(II) dividends on assets required to be held by such bank, bank holding company, or qualified subchapter S subsidiary bank to conduct a banking business, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 4. INCREASE IN NUMBER OF ELIGIBLE SHAREHOLDERS TO 150.

(a) IN GENERAL.—Section 1361(b)(1)(A) of the Internal Revenue Code of 1986 (defining small business corporation) is amended by striking "75" and inserting "150".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 5. TREATMENT OF QUALIFYING DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 of the Internal Revenue Code of 1986 (defining s corporation) is amended by adding at the end the following:

"(f) TREATMENT OF QUALIFYING DIRECTOR SHARES.—

"(1) IN GENERAL.—For purposes of this subchapter—

"(A) qualifying director shares shall not be treated as a second class of stock, and

"(B) no person shall be treated as a shareholder of the corporation by reason of holding qualifying director shares.

"(2) QUALIFYING DIRECTOR SHARES DEFINED.—For purposes of this subsection, the term 'qualifying director shares' means any shares of stock in a bank (as defined in section 581) or in a bank holding company registered as such with the Federal Reserve System—

"(i) which are held by an individual solely by reason of status as a director of such bank or company or its controlled subsidiary; and

"(ii) which are subject to an agreement pursuant to which the holder is required to dispose of the shares of stock upon termination of the holder's status as a director at the same price as the individual acquired such shares of stock.

"(3) DISTRIBUTIONS.—A distribution (not in part or full payment in exchange for stock) made by the corporation with respect to qualifying director shares shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received.".

(b) Conforming Amendments.—

(1) Section 1361(b)(1) of the Internal Revenue Code of 1986 is amended by inserting ", except as provided in subsection (f)," before "which does not".

(2) Section 1366(a) of such Code is amended by adding at the end the following:

"(3) Allocation with respect to qualifying director shares.—The holders of qualifying director shares (as defined in section 1361(f)) shall not, with respect to such shares of stock, be allocated any of the items described in paragraph (1).".

(3) Section 1373(a) of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and adding at the end the following:

"(3) no amount of an expense deductible under this subchapter by reason of section 1361(f)(3) shall be apportioned or allocated to such income.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 6. BAD DEBT CHARGE OFFS IN YEARS AFTER ELECTION YEAR TREATED AS ITEMS OF BUILT-IN LOSS.

The Secretary of the Treasury shall modify Regulation 1.1374-4(f) for S corporation elections made in taxable years beginning after December 31, 1996, with respect to bad debt deductions under section 166 of the Internal Revenue Code of 1986 to treat such deductions as built-in losses under section 1374(d)(4) of such Code during the entire period during which the bank recognizes built-in gains from changing its accounting method for recognizing bad debts from the reserve method under section 585 of such Code to the charge-off method under section 166 of such Code.

SEC. 7. INCLUSION OF BANKS IN 3-YEAR S CORPORATION RULE FOR CORPORATE PREFERENCE ITEMS.

(a) In General.—Section 1363(b) of the Internal Revenue Code of 1986 (relating to computation of corporation's taxable income) is amended by adding at the end the following new flush sentence:

"Paragraph (4) shall apply to any bank whether such bank is an S corporation or a qualified subchapter S subsidiary.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 8. C CORPORATION RULES TO APPLY FOR FRINGE BENEFIT PURPOSES.

(a) In General.—Section 1372 of the Internal Revenue Code of 1986 (relating to partnership rules to apply for fringe benefit purposes) is repealed.

(b) Partnership Rules To Apply for Health Insurance Costs of Certain S Corporation Shareholders.—Paragraph (5) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(5) Treatment of certain S corporation shareholders.—

"(A) In general.—This subsection shall apply in the case of any 2-percent shareholder of an S corporation, except that—

"(i) for purposes of this subsection, such shareholder's wages (as defined in section 3121) from the S corporation shall be treated as such shareholder's earned income (within the meaning of section 401(c)(1)), and

"(ii) there shall be such adjustments in the application of this subsection as the Secretary may by regulations prescribe.

"(B) 2-percent shareholder defined.—For purposes of this paragraph, the term '2-percent shareholder' means any person who owns (or is considered as owning within the meaning of section 318) on any day during the taxable year of the S corporation more than 2 percent of the outstanding stock of such corporation or stock possessing more than 2 percent of the total combined voting power of all stock of such corporation.".

(c) Conforming Amendment.—The table of sections for part III of subchapter S of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 1372.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 9. EXPANSION OF S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE FAMILY LIMITED PARTNERSHIPS.

(a) In General.—Section 1361(b)(1)(B) of the Internal Revenue Code of 1986 (defining small business corporation) is amended—

(1) by striking "or an organization" and inserting "an organization", and

(2) by inserting ", or a family partnership described in subsection (c)(7)" after "subsection (c)(6)".

(b) Family Partnership.—Section 1361(c) of the Internal Revenue Code of 1986 (relating to special rules for applying subsection (b)) is amended by adding at the end the following:

"(7) Family partnerships.—

"(A) In general.—For purposes of subsection (b)(1)(B), any partnership or limited liability company may be a shareholder in an S corporation if—

"(i) all partners or members are members of 1 family as determined under section 704(e)(3), and

"(ii) all of the partners or members would otherwise be eligible shareholders of an S corporation.

"(B) Treatment as shareholders.—For purposes of subsection (b)(1)(A), in the case of a partnership or limited liability company described in subparagraph (A), each partner or member shall be treated as a shareholder.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 10. ISSUANCE OF PREFERRED STOCK PERMITTED.

(a) In General.—Section 1361 of the Internal Revenue Code of 1986 (defining s corporation), as amended by section 5(a), is amended by adding at the end the following:

"(g) Treatment of Qualified Preferred Stock.—

"(1) In general.—For purposes of this subchapter—

"(A) qualified preferred stock shall not be treated as a second class of stock, and

"(B) no person shall be treated as a shareholder of the corporation by reason of holding qualified preferred stock.

"(2) Qualified preferred stock defined.—For purposes of this subsection, the term 'qualified preferred stock' means stock which meets the requirements of subparagraphs (A), (B), and (C) of section 1504(a)(4). Stock shall not fail to be treated as qualified preferred stock solely because it is convertible into other stock.

"(3) Distributions.—A distribution (not in part or full payment in exchange for stock) made by the corporation with respect to qualified preferred stock shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received.".

(b) Conforming Amendments.—

(1) Section 1361(b)(1) of the Internal Revenue Code of 1986, as amended by section 5(b)(1), is amended by striking "subsection (f)" and inserting "subsections (f) and (g)".

(2) Section 1366(a) of such Code, as amended by section 5(b)(2), is amended by adding at the end the following:

"(4) Allocation with respect to qualified preferred stock.—The holders of qualified preferred stock (as defined in section 1361(g)) shall not, with respect to such stock, be allocated any of the items described in paragraph (1).".

(3) Section 1373(a)(3) of such Code, as added by section 5(b)(3), is amended by inserting "or 1361(g)(3)" after "section 1361(f)(3)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 11. CHARITABLE CONTRIBUTIONS STOCK BASIS ADJUSTMENT.

(a) Stock Basis Adjustment.—Paragraph (1) of section 1367(a) of the Internal Revenue Code of 1986 (relating to adjustments to basis of stock of shareholders, etc.) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following:

"(D) the excess of the deductions for charitable contributions over the basis of the property contributed.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 12. CONSENT TO ELECTIONS.

(a) 90 Percent of Shares Required for Consent to Election.—Section 1362(a)(2) of the Internal Revenue Code of 1986 (relating to all shareholders must consent to election) is amended—

(1) by striking "all persons who are shareholders in" and inserting "shareholders holding at least 90 percent of the shares of", and

(2) by striking "ALL SHAREHOLDERS" in the heading and inserting "AT LEAST 90 PERCENT OF SHARES".

(b) Rules for Consent.—Section 1362(a) of the Internal Revenue Code of 1986 (relating to election) is amended by adding at the end the following:

"(3) Rules for consent.—For purposes of making any consent required under paragraph (2) or subsection (d)(1)(B)—

"(A) each joint owner of shares shall consent with respect to such shares,

"(B) the personal representative or other fiduciary authorized to act on behalf of the estate of a deceased individual shall consent for the estate,

"(C) one parent, the custodian, the guardian, or the conservator shall consent with respect to shares owned by a minor or subject tc a custodianship, guardianship, conservatorship, or similar arrangement,

"(D) the trustee of a trust shall consent with respect to shares owned in trust,

"(E) the trustee of the estate of a bankrupt individual shall consent for shares owned by a bankruptcy estate,

"(F) an authorized officer or the trustee of an organization described in subsection (c)(6) shall consent for the shares owned by such organization, and

"(G) in the case of a partnership or limited liability company described in subsection (c)(8)—

"(i) all general partners shall consent with respect to shares owned by such partnership,

"(ii) all managers shall consent with respect to shares owned by such company if management of such company is vested in 1 or more managers, and "(iii) all members shall consent with respect to shares owned by such company if management of such company is vested in the members.".

(c) Treatment of Nonconsenting Shareholder Stock.—

(1) In general.—Section 1361 of the Internal Revenue Code of 1986 (defining s corporation), as amended by section 10(a), is amended by adding at the end the following:

"(h) Treatment of Nonconsenting Shareholder Stock.—

"(1) In general.—For purposes of this subchapter—

"(A) nonconsenting shareholder stock shall not be treated as a second class of stock,

"(B) such stock shall be treated as C corporation stock, and

"(C) the shareholder's pro rata share under section 1366(a)(1) with respect to such stock shall be subject to tax paid by the S corporation at the highest rate of tax specified in section 11(b).

"(2) Nonconsenting shareholder stock defined.—For purposes of this subsection, the term 'nonconsenting shareholder stock' means stock of an S corporation which is held by a shareholder who did not consent to an election under section 1362(a) with respect to such S corporation.

"(3) Distributions.—A distribution (not in part or full payment in exchange for stock) made by the corporation with respect to nonconsenting shareholder stock shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received.".

(2) Conforming amendment.—Section 1361(b)(1) of the Internal Revenue Code of 1986, as amended by section 10(b)(1), is amended by striking "subsections (f) and (g)" and inserting "subsections (f), (g), and (h)".

(d) Effective Date.—The amendments made by this section shall apply to elections made in taxable years beginning after December 31, 2001.

SEC. 13. INFORMATION RETURNS FOR QUALIFIED SUBCHAPTER S SUBSIDIARIES.

(a) In General.—Section 1361(b)(3)(A) of the Internal Revenue Code of 1986 (relating to treatment of certain wholly owned subsidiaries) is amended by inserting "and in the case of information returns required under part III of subchapter A of chapter 61" after "Secretary".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

Small Business and Financial Institutions Tax Relief Act of 2001—Summary

This legislation expands Subchapter S of the IRS Code. Subchapter S corporations do not pay corporate income taxes, earnings are passed through to the shareholders where income taxes are paid, eliminating the double taxation of corporations. By contrast, Subchapter C corporations pay corporate income taxes on earnings, and shareholders pay income taxes again on those same earnings when they pass through as dividends. Subchapter S of the IRS Code was enacted in 1958 to reduce the tax burden on small business. The Subchapter S provisions have been liberalized a number of times over the last two decades, significantly in 1982, and again in 1996. This reflects a desire on the part of Congress to reduce taxes on small business.

This S corporation legislation would benefit many small businesses, but its provisions are particularly applicable to banks. Congress made S corporation status available to small banks for the first time in the 1996 "Small Business Job Protection Act" but many banks are having trouble qualifying under the current rules. The proposed legislation:

Permits S corporation shares to be held as Individual Retirement Accounts (IRAs), and permit IRA shareholders to purchase their shares from the IRA in order to facilitate a Subchapter S election.

Clarifies that interest and dividends on investments maintained by a bank for liquidity and safety and soundness purposes shall not be "passive" income. This is necessary because S corporations are restricted in the amount of passive investment income they may generate.

Increases the number of S corporation eligible shareholders from 75 to 150.

Provides that any stock that bank directors must hold under banking regulations shall not be a disqualifying second class of stock. This is necessary because S corporations are permitted only one class of stock.

Permits banks to treat bad debt charge offs as items of built in loss over the same number of years that the accumulated bad debt reserve must be recaptured (four years) for built in gains tax purposes. This provision is necessary to properly match built in gains and losses relating to accounting for bad debts. Banks that are converting to S corporations must convert from the reserve method of accounting to the specific charge off method and the recapture of the accumulated bad debt reserve is built in gain. Presently the presumption that a bad debt charge off is a built in loss applies only to the first S corporation year.

Clarifies that the general 3 Year S corporation rule for certain "preference" items applies to interest deductions by S corporation banks, thereby providing equitable treatment for S corporation banks. S corporations that convert from C corporations are denied certain interest deductions preference items for up to 3 years after the conversion, at the end of 3 years the deductions are allowed.

Provides that non-health care related fringe benefits such as group-term life insurance will be excludable from wages for "more-than-two-percent" shareholders. Current law taxes the fringe benefits of these shareholders. Health care related benefits are not included because their deductibility would increase the revenue impact of the legislation.

Permits Family Limited Partnerships to be shareholders in subchapter S corporations. Many family owned small businesses are organized as Family Limited Partnerships or controlled by Family Limited Partnerships for a variety of reasons. A number of small banks have Family Limited Partnership shareholders, and this legislation would for the first time permit those partnerships to be S corporation shareholders.

Permits S corporations to issue preferred stock in addition to common. Prohibited under current law which permits S corporations to have only one class of stock. Because of limitations on the number of common shareholders, banks need to be able to issue preferred stock in order to have adequate access to equity.

Facilitates charitable giving by S corporation shareholders by providing a basis increase for the excess of the charitable contribution deduction over the basis of property contributed. Current law penalizes a shareholder who makes a charitable contribution through an S corporation by limiting the charitable deduction that flows through to the shareholder to the basis of the donated property. This means that the shareholder is unable to benefit from the full fair market value deduction when the basis does not reflect the appreciation in the property. This differs from the full value deduction afforded the taxpayer who donates property in an individual capacity or through a partnership, instead of through an S corporation.

Reduces the required level of shareholder consent to convert to an S corporation from unanimous to 90 percent of shares.

Clarifies that Qualified Subchapter S Subsidiaries (QSSS) provide information returns under their own tax id number. This can help avoid confusion by depositors and other parties over the insurance of deposits and the payer of salaries and interest.

By Mr. CLELAND (for himself, Mr. Warner, Mr. Levin, Mr. Kennedy, Mr. Reed, Ms. Landrieu, Mrs. Carnahan, Mr. Dayton, Mr. Bingaman, and Mr. Lieberman):

S. 937. A bill to amend title 38, United States Code, to permit the transfer of entitlement to educational assistance in the Montgomery GI bill by members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CLELAND. Mr. President, I come before you today to introduce legislation that addresses the educational needs of our men and women in uniform and their families. I appreciate the support of my colleagues who have supported my provisions to enhance the GI bill, Senators Levin, Kennedy, Bingaman, Reed, Dayton, Landrieu, and Carnahan. I also like to recognize the Chairman of the Senate Armed Services Committee, Senator Warner, who himself went to school on the GI bill. I want to thank him for his cosponsorship, support and encouragement in improving the GI bill for military personnel and their families.

I call this measure the HOPE, Help Our Professionals Educationally, Act.

In 1999, Time magazine named the American GI as the Person of the Century. That alone is a statement about the value of our military personnel. They are recognized around the world for their dedication and commitment to fight for our country and for peace in the world. This past century has been filled with strife and conflict. During this period, the American GI has fought in the trenches during the first World War, the beaches at Normandy, in the jungles of Vietnam, in the deserts of the Persian Gulf, and most recently in the Balkans and Kosovo.

The face of our military and the people who fight our wars has changed. The traditional image of the single, mostly male, drafted, and disposable soldier is gone. Today we are fielding the force for the 21st century. This new force is a volunteer force, filled with men and women who are highly skilled, married, and definitely not disposable.

Gone are the days when quality of life for a GI included a beer in the barracks and a three-day pass. Now, we know we have to recruit a soldier and retain a family.

We have won the cold war, this victory has changed the world and our military. The new world order has given us a new world disorder. The United States is responding to crises around the globe, whether it be strategic bombing or humanitarian assistance, and our military is the our most effective response. In order to meet these challenges, we are retooling our forces to be lighter, leaner and meaner. This is a positive move. Along with this lighter force, our military professionals must be highly educated and highly trained.

Our Nation has recently experienced the longest running peacetime economic growth in history. This economic expansion has been a boom for our Nation. However, there is a negative impact of this growing economy. With the enticement of quick prosperity in the civilian sector it is more difficult than ever to recruit and retain our highly skilled force.

The services have increased their budgets for advertising and refocused attention on recruiting. However, we still face problems in retaining some of the key skills that our service men and women possess—skills that our new economy is demanding. The highly trained technical skilled personnel are leaving the military to seek a better quality of life for their family outside of our military.

As I have heard so often, the decision to stay in the military is made at the dinner table. It was the wisdom of a young enlisted soldier at Schofield Barracks who noted, when the choice is 'stay in the military or stay married,' the soldier opts to stay married. In my travels across Georgia, around the country, and abroad, I have found that our men and women in uniform want to do what is right, for themselves and the country. However, our benefits systems have not kept pace and forcing our personnel to choose between family and service.

In talking with our military personnel, we know that money alone is not enough. Education is the number one reason service members come into the military and the number one reason its members are leaving. In recent years the Senate began to address this issue by supporting improved education benefits for military members and their families.

My amendment will improve and enhance the current educational benefits and create the GI bill for the 21st century and beyond.

One of the most important provisions of my amendment would give the Service Secretaries the authority to authorize a service member to transfer half of his or her basic MGIB benefits to family members. Many service members tell us that they really want to stay in the service, but do not feel that they can stay and provide an education for their families. This will give them, in affect, an educational savings account, so that they can stay in the service and still provide an education for their spouses and children. This will give the Secretaries a very powerful retention tool.

The measure would allow the Services to authorize transfer of unused basic GI bill benefits of a servicemember who has been in the military for 6 years. The spouse would be able to use these benefits immediately upon authorization by the services. This provision is designed to assist the spouse of a military member in pursuing their own education or assist them in gaining the necessary skills to prepare for an occupation in the new economy.

The measure also includes language that permits a servicemember with ten years of service to transfer GI bill benefits to a dependent child. This provision is designed to help a servicemember with the expected costs of a child's education. It could be used to help with secondary expenses as well as with college costs.

I believe that the Services can use this much like a reenlistment bonus to keep valuable service members in the service. It can be creatively combined with reenlistment bonuses to create a very powerful and cost effective incentive for highly skilled military personnel to stay in the Service. In talking with service members upon their departure from the military, we have found that the family plays a crucial role in the decision of a member to continue their military career. Reality dictates that we must address the needs of the family in order to retain our soldiers, sailors, airmen, and marines.

Another enhancement to the current MGIB would extend the period in which the members of Reserve components can use this benefit. Currently they lose this benefit when they leave the service or after 10 years of service. They have no benefit when they leave service. My amendment will permit them to use the benefit up to 5 years after their separation. This will encourage them to stay in the Reserves for a full career.

I believe that this is a necessary next step for improving our education benefits for our military members and their families. We must offer them credible choices. If we offer them choices, and treat the members and their families properly, we will show them our respect for their service and dedication. Maybe then we can turn around our current retention statistics. This GI bill is an important retention tool for the services. I believe that education begets education. We must continue to focus our resources in retaining our personnel based their needs.

By Mr. JEFFORDS (for himself, Mr. DODD, Mr. FITZGERALD, and Mr. BROWNBACK):

S. 938. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, I am introducing today a bill that will simplify and make more fair the tax treatment of foster care payments. The bill will eliminate unnecessary distinctions drawn by the Internal Revenue Code in the treatment of payments received by people who open their homes to foster children and adults. I introduced this same bill in the 106th Congress, and it was passed by both Houses as part of a larger tax bill that was subsequently vetoed by the President. I am re-introducing the bill now, as I believe that this issue should not be overlooked as we debate tax reform this year. This bill not only simplifies the tax treatment of foster care payments, it will also remove inequities and uncertainties inherent in current law.

In my home State of Vermont, we are proud that we have been able to reduce our reliance on the institutional care of children and adults. We have accomplished this by developing an array of services that can be provided in typical family homes, in a cost-effective and fiscally responsible manner. I believe that this is not only good public policy, but that whenever possible we should encourage these alternatives. Equal tax treatment for all tax families that provide foster care services should provide some encouragement.

Under current law, foster care families are required to include foster care payments in income. They can offset this income with deductions for the expenditures they incur. Families must maintain detailed records to substantiate these deductions. In lieu of detailed record keeping, Section 131 of the Internal Revenue Code allows certain foster care families to exclude from income the payments they receive for providing foster care. Eligibility for this exclusion depends upon a complicated analysis of three factors: the age of the person in foster care; the type of foster care placement agency; and the source of the foster care payments. For children under age 19 in foster care, Section 131 permits families to exclude payments when a State, or one of its political subdivisions, or a tax-exempt charitable placement agency places the individual in foster care and makes the foster care payments. For persons age 19 and older, Section 131 permits families to exclude foster care payments from income only when a State, or one of its political subdivisions, places the individual and makes the payments.

This bill is designed to provide tax fairness; it will simplify the anachronistic tax rules by amending the tax code's current exclusion to include foster care payments for all persons in foster care, regardless of age. The exclusion will also be available when the foster care placement is made by a private foster care placement agency and even when the foster care payments are received through a private foster care placement agency, rather than directly from a State. To ensure appropriate oversight, the bill requires that the placement agency be either licensed or certified by a State.

A qualified foster care payment under this bill must be made pursuant to a foster care program run by a State or county. My intention is for this bill to cover the wide variety of foster care programs developed by States. Recognizing foster care as an effective approach to provide support within the community to people with mental retardation and other disabilities, these programs place children, and in some cases adults, in homes of unrelated families who provide foster care on a full-time basis. Families providing foster care give those in their care the daily support and supervision typically given to a family member. Like traditional families, foster care families ensure that foster children and adults have a healthy physical environment, get routine and emergency medical care, are adequately clothed and fed, and have satisfying leisure activities. Foster families provide those in their care with stimulation and emotional support all too often lacking in large congregate and institutional settings.

In some State, the State itself administers both child and adult foster care programs. Many States, however, are increasingly entrusting administration of these programs to private placement agencies, approved through licensing or certification procedures, or to government-designated intermediary tax-exempt organizations. Through the approval process, private placement agencies are accountable for their use of funds and for the quality of services they provide. This bill is intended to cover governmental foster care programs funded solely by State or political subdivision monies, and, especially in the case of adult foster care, programs funded by the federal government, typical through a State's Medicaid Home and Community-Based Waiver program.

While foster care for children has been in existence for decades, foster care for adults is a more recent phenomenon. Sometimes referred to as "host homes" or "developmental homes," adult foster care facilities have proven to be an effective alternative to institutional care for adults with disabilities. In 1993, Vermont closed the State institution for people with developmental disabilities, choosing instead to rely on foster families. Under this approach, Vermonters with developmental disabilities can live in homes and participate in the routines of daily life that most of us take for granted. Vermont's approach has provided people with disabilities a cost-effective opportunity for successful lives in communities, with valued relationships with their foster families.

Vermont authorizes local developmental disability service organizations to act as placement agencies and contract with families willing to provide foster care in their homes. The current tax law's disparate tax treatment of foster care payments impedes these types of arrangements. Persons providing foster care for individuals placed in their homes by the government can exclude foster care payments from income, while foster care families receiving the same payments through private agencies under contract with State or local governments are not eligible for this exclusion, unless the individual in foster care is under age 19 and the placement agency is a nonprofit organization. Because of the complexity of current law, families often receive conflicting advice from tax professionals regarding the proper tax treatment of foster care payments. In addition, the law's complex rules discourage willing families from providing foster care in their homes to persons placed by private agencies, reducing the availability of care alternatives.

This bill will advance the development of family-based foster care services, a highly valued alternative to institutionalization. My home State of Vermont is proud of having closed its institutions and leading the nation in developing other support systems. The use of foster care services has facilitated this effort. I believe this represents good policy and is something to be encouraged. We should be removing disincentives and barriers to quality support for people with disabilities in our communities. I urge my colleagues to support this bill.

By Mrs. HUTCHISON:

S. 939. A bill amend the Immigration and Nationality Act to confer citizenship automatically on children residing abroad in the legal and physical custody of a citizen parent serving in a Government or military position abroad; to the Committee on the Judiciary.

Mrs. HUTCHISON. Mr. President, I am pleased to offer legislation on an issue important to many of our military and government families assigned overseas. Currently, if one of these families adopts a child who is a citizen of the United States, that child is not automatically eligible for citizenship. Current law allows U.S. citizens residing in the United States to adopt children from overseas and to automatically confer citizenship on these children who are residing in the legal and physical custody of the citizen parent. My bill would allow U.S. military and government employees who are stationed overseas and adopt a child to enjoy the same ability to have citizenship automatically conferred.

Today many of our service members and government employees are stationed overseas serving their country. Some of these families want to offer their home and their hearts to children needing a good, loving family. The opportunity is often missed by these families because of this oversight in the current law. This amendment will ensure that those who are serving our nation and our government overseas are not penalized when adopting children during their tour.

By Mr. DODD (for himself, Mr. KENNEDY, and Mr. WELLSTONE):

S. 940. A bill to leave no child behind; to the Committee on Finance.

Mr. DODD. Mr. President, on behalf of myself, Senator KENNEDY, and Senator WELLSTONE, I rise today to introduce the Leave No Child Behind Act, legislation that will address the needs of our nation's children to deliver them from poverty, violence, abuse, neglect, and poor education.

This measure combines the best public and private ideas, policies, and practices into a comprehensive measure to improve the lives of all children. Not just poor children. But all children.

Many Members of Congress have contributed to this legislation, adding their ideas and their thoughts, including: Senator KENNEDY, Senator JEFFORDS, Senator ROCKEFELLER, Senator DEWINE, Senator HARKIN, Senator STEVENS, Senator BIDEN, Senator SNOWE, Senator BOXER, Senator GRASSLEY, Senator DASCHLE, Senator GORDON SMITH, Senator REED, Senator CHAFEE, Senator WELLSTONE, Senator KERRY, Senator DURBIN, Senator FEINSTEIN, Senator KOHL, Senator TORRICELLI, Senator SCHUMER, and Senator BAYH. A number of Members of the House have also contributed to this legislation. It is without hesitation that I say that this bill would not have been possible without the help of so many of my colleagues.

For the first time in more than a generation, our budget is in balance. Indeed, we have a surplus. At long last, we can talk about meeting the needs of the future, rather than paying off the debts of the past. For the first time in decades, we have an opportunity to put children first, to move them out of poverty, to end their hunger, to heal their wounds, to enrich and inform their minds.

We are on the verge of doing what many of us have long dreamed of doing for America's young people.

The legislation we are introducing today represents a vision for children in the 21st century.

It's more than a bill. More than pages of legislative language. It's a covenant that we are entering into today. Not only with each other, but with those who will stand in this place long after we have gone.

It's a declaration that we need to put children first, and that we intend to put children first. In doing so, we put America first.

A question that we must all ask ourselves and ask this country, is, what should our highest priority be? When I ask this question, the response I most often receive is our children.

Children are one-quarter of our population. But they are one hundred percent of our future.

Despite that fact, they are getting a fraction of our attention and a fraction of our resources.

Having languished in budget deficits for years, we now have the largest projected Federal budget surpluses in the history of this Nation. We have witnessed unprecedented prosperity. We are so lucky to live in this free and dynamic society, a Nation at peace, of such great wealth.

But some are not so lucky. Some families struggle through each day. They live paycheck to paycheck. Their children are hungry. They're cold. They might have difficulty following the teacher's instructions on the blackboard because they can't see it clearly. But their parents haven't taken them to the doctor because they don't have health insurance.

Over 12 million children live in poverty.

Nearly 11 million children have no health coverage.

About 7 million children go home alone each week after school.

This is America, too.

The legislation we are introducing today is called, "An Act to Leave No Child Behind". We are committed to one principle beyond all others. Not just as a slogan, but as a means to define an urgent national priority.

Regrettably, however, for some those words are slogans, and nothing more. There are those who utter the words "Leave No Child Behind" in front of microphones and television cameras. They have adopted the words as a political mantra, repeating it endlessly during "photo-ops" with children and in press conferences with reporters.

We need to make sure that we not only talk about leaving no child behind, but that we actually take steps to do so. Introducing this bill is the first step.

Every word on every page is focused on the same purpose—lifting our children up, giving each child an opportunity, helping each child to have a safe and rewarding life.

Under the Act to Leave No Child Behind, every child in America would have health coverage. No child in America would go to bed at night aching from hunger. We would use our tax code to lift millions of children out of poverty.

It's time to ensure that every American child has an opportunity to attend Head Start, Pre-K, or child care to begin a lifetime of learning. That every American child can read by 4th grade, and read at grade level. It's time to take dramatic new steps to address the needs of children who are abused and neglected every year.

Those who are truly committed to leaving no child behind will support this bill. It's about priorities. It's about values.

As we speak, Congress is considering how to spend our nation's surplus.

Sadly, a disproportionate share of that surplus will not go to our nation's children, but to those who least need our help and attention.

Most of the surplus will go to the tax cut. And, most of the tax cut will go to those who are doing the best in our society, those who least need a helping hand or a step up.

Are those the values that we want to instill in our children? That as a Nation we care not for those who need our help most?

It's time to take a stance for children.

It's time to invest in the needs of our children. Not in a token way, but in a real way. A meaningful way that will make a difference in a child's life.

We have the resources. The time is right.

If we join together, we can transform this Nation and give each and every child his God-given right to grow and flourish to all he can be. To grow to his or her fullest potential. We want an America where all children can realize their dreams.

I ask unanimous consent that a summary of the Act to Leave No Child Behind be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ACT TO LEAVE NO CHILD BEHIND—DETAILED SUMMARY, MAY 23, 2001

TITLE I. HEALTHY START—EVERY UNINSURED CHILD SHOULD HAVE COMPREHENSIVE HEALTH COVERAGE.

Section A. Children's health insurance

Create a new federal health program with comprehensive benefits similar to Medicare for uninsured children, who are not covered by existing programs.

Section B. Children's health insurance eligibility expansion and enrollment improvements

Expand existing federal children's health programs (CHIP/Medicaid) up to 300% of poverty through age 21 and require states to allow families above 300% of poverty to buy into the program for their uninsured children on a sliding scale premium basis.

Give states the option of providing coverage under CHIP and Medicaid to legal immigrant children and legal immigrant pregnant women.

Give states the option to allow families with too much income to qualify for Medicaid to purchase coverage for their disabled children.

Simplify outreach and enrollment for CHIP and Medicaid and enroll all children at birth.

Section C. Improving access to care

Establish Children's Access To Care Commission that shall make recommendations for improving children's access to care, removing barriers to care, and improving children's health status.

Strengthen the care of children under HMO's.

Require DHHS to collect data from states participating in the Medicaid program on the delivery of services to children through the early and Periodic Screening, Diagnosis and Treatment component of the program, in order to document the delivery of services through all service delivery arrangements.

Section D. Reducing public health risks for children

Appropriate $50 million per year for grants to state to develop programs to prevent, treat and manage children asthma.

Implement an aggressive youth smoking cessation and education program and provide the FDA authority to regulate the marketing of tobacco products to children.

Increase funding for HUD's Lead-Based Paint Hazard Control grants and Healthy Homes grants.

All private insurance policies would be required to pay for immunizations as a benefit of coverage.

Section E. Reducing environmental health risks for children.

Require testing of chemicals to determine safe exposure levels for children.

Reduce the use of toxic chemicals in schools.

TITLE II. HEALTHY START—ALL PARENTS DESERVE HELP TO SUPPORT THEIR CHILDREN'S HEALTHY DEVELOPMENT

Promote State and Local Parenting Support and Education Programs. Provide grants to state parenting support and education councils to develop and expand local activities to help parents appropriately care for and respond to their children's needs, without having to wait until problems develop.

Extend Supports for Parents Caring for Children. Expand the Family and Medical Leave Act to apply to employers with 25 or more employees, rather than 50 as in current law.

Paid Family Leave. Establish demonstration projects with paid leave for new parents so that they are able to spend time with a new infant or newly adopted child.

Extend Health Care to Uninsured Parents. Expand the federal children's health programs, CHIP and Medicaid, to cover uninsured parents of children who are eligible for CHIP or Medicaid and to pregnant women.

Help Parents Reduce Environmental Health Risks for their Children. Strengthen consumer right-to-know laws to ensure that parents are fully aware of the presence of potentially harmful substances in products to which their children are exposed.

Encourage Support from Non-Custodial Parents. Provide grants to localities or non-profit providers for services to low-income non-custodial parents so that they can contribute financially, emotionally and in other positive ways to their children's development.

TITLE III. HEAD START—ALL CHILDREN SHOULD ENTER SCHOOL READY TO LEARN AND REACH THEIR HIGHEST POTENTIAL WHILE IN SCHOOL

Section A. Infants and toddlers

Increase the Early Head Start set-aside for infants and toddlers from 10 percent to 40 percent.

Allocate 5% of total CCDBG funds in FY 2003 to improve and expand infant child care, rising to 10% in FY 2007.

Section B. Child care access

Increase funding proportionately each year to ensure that every child eligible for assistance under the Child Care and Development Block Grant (CCDBG) receives assistance by 2011.

Require that states make children in foster care an eligible category for CCDBG.

Require states to pay not less than the 100th percentile of the market rate for child care, with higher rates for higher quality care, hard-to-find care, care for children with special needs, and care in low-income and rural communities. States would also be required to adjust rates by inflation between market surveys.

Require that the CCDBG agency coordinate with the TANF agency to ensure that child care assistance staff are located on-site at TANF offices. Require that state CCDBG plans describe how they will ensure that TANF and other low-income working families are aware of their eligibility for child care assistance as part of their consumer education strategy.

Require no more than annual eligibility determination.

Section C. Child care quality improvements

Create a program to improve wages and skills of child care staff.

Improve child care quality by increasing the CCDBG quality set aside from 4 to 12 percent.

Require every state to have a state-based office that is charged with developing a system of local resource and referral agencies to provide parents with information and support, collect data on the supply and demand of child care in the community, develop linkages to businesses, and help to build the supply of quality child care.

Require child care centers operated on federal or legislative property to comply with either state and local child care operation and safety laws or similar safety rules established by the General Services Administration.

Provide $500 million per year to support the construction of new child care facilities.

Expand the existing national 1% CCDBG set-aside to 2%. This set-aside will be used for training and technical assistance to states, communities, and CCDBG grantees.

Require all providers receiving CCDBG, or who work in programs receiving CCDBG, to have training in early childhood development.

Require at a minimum two annual unannounced visits for each facility accepting CCDBG funding.

Section D. Head Start and Early Head Start access

Increase funds proportionately each year to ensure that every three and four-year-old eligible for Head Start may participate by 2006 and 25% of eligible infants and toddlers may participate in Early Head Start by 2011.

Expand investments in the Early Learning Opportunities Act to provide increased resources to communities for early learning initiatives.

Section E. Education improvements

Early learning

Provide grants to states to ensure access to pre-kindergarten for families who choose to participate.

Amend the Reading Excellence Act to require that states support early literacy efforts in child care, pre-kindergarten, and Head Start programs.

Create a book stamp program that would enable proceeds from a children's literacy postage stamp to support a system to expand books in the homes of low income children that are enrolled in child care programs.

Authorize $30 million in ESEA for the Education Excellence Act, which would provide professional development for early childhood educators in high poverty communities.

Increased accountability

Amend Title I of the Elementary and Secondary Education Act (ESEA) to require states and local school districts to establish specific goals and performance benchmarks aimed at improving the performance of all students, to strengthen requirements mandating corrective actions for failing schools such as school reconstitution and transfers to other public schools, and to require states to issue report cards detailing the performance of individuals schools.

Reduce class size

Provide funding to help local school districts recruit, train, and hire additional teachers to reduce class size in grades K through 3.

Quality teaching and leadership

Provide incentives to teachers to obtain certification from the National Board for Professional Teaching Standards.

Improve student loan forgiveness program for aspiring teachers.

Provide support to recruit, prepare and place career-changing professionals as teachers.

Award competitive grants to establish programs for teacher quality improvement.

Provide for professional development services to increase leadership skills of school principals.

School construction

Provide new tax incentives for school construction/modernization bonds.

Establish a grant program to assist LEA's to increase the involvement of parents, teachers, students, and others in the planning and design of new and renovated elementary and secondary schools.

Community schools

Encourage communities to foster school-based or school-linked family centers.

TITLE IV. FAIR START—LIFTING ALL CHILDREN OUT OF POVERTY—TAX RELIEF TO ASSIST LOW-INCOME WORKING FAMILIES

Increase the child tax credit from $500 to $1000 and make if fully refundable.

Expand the EITC for families with three or more children and reduce the marriage penalty for families eligible for the EITC.

Expand the Dependent Care Tax Credit to increase the slide to 50%, make it refundable, and annually index income phase-outs and cost of care for inflation.

TITLE V. FAIR START—ENSURE THAT CHILDREN AND FAMILIES RECEIVE SUPPORTS TO PROMOTE WORK AND REDUCE POVERTY

Section A. Ensure children and families receive all supports for which they are eligible

Initiate a Gateways Program that provides grants to states, localities, and/or community based organizations to (a) train caseworkers about available support programs and their eligibility requirements; (b) expand outreach about available support assistance; (c) improve automation and application procedures; and (d) track the extent to which low-income families receive the benefits and services for which they are eligible.

Section B. Support from both parents

Improve child support collections and let families keep the money collected for their children; provide federal incentives for states to pass through payments collected for families receiving Temporary Assistance for Needy Families (TANF); and require families who have left TANF to receive any support collected through IRS intercepts.

Provide funding for child support assurance demonstration projects.

Section C. Fair wages and unemployment insurance

Increase the federal minimum wage to $6.65 over three installments and index it for inflation.

Implement "living wage" policy for employees of federal contractors or subcontractors.

Make Unemployment Insurance more accessible to low income families with children, including more favorable counting of wages for the purpose of determining eligibility, expanding benefits to part-time workers, and making domestic violence and lack of child care causes for separation from employment.

Section D. Helping low income parents get and keep jobs with above poverty income

Add poverty reduction as a goal of the TANF program.

For those families who are working and playing by the rules, the TANF time limit is interrupted.

Allow a broader range of education and training to count as work activities under TANF.

Initiate a TANF poverty reduction bonus for states.

Require state and local TANF officials to participate in the Workforce Investment Boards.

Section E. Create incentives to serve families effectively

The Secretary of Health and Human Services shall develop model training materials for caseworkers.

TANF funds used by states to provide caseworker bonuses and new state initiatives to break down barriers to work shall not count towards the 15 percent administrative cap.

Strengthen Individual Responsibility Plans.

Section F. Addressing work barriers

Expand funding for the Department of Transportation's Access to Jobs program to allow parents better access to jobs and child care.

Require caseworkers with adequate training to identify work barriers of TANF recipients, including domestic violence, mental health, drug or alcohol problems, homelessness, or disability and to provide appropriate services to address these barriers.

Allow states to exempt families with severe barriers to employment from TANF time limits, even if the total exempted exceeds 20 percent of the current caseload.

Section G. Protections for families in need

Earn back months of TANF assistance for months worked.

Hold agencies accountable for ensuring that families who are unable to comply with complex TANF rules are afforded a real conciliation process.

Section H. TANF reauthorization

Reauthorize TANF.

Prohibit supplantation of state funding for programs serving needy families with children with federal TANF funds.

TITLE VI. FAIR START—ALL FAMILIES WITH CHILDREN SHOULD RECEIVE THE SUPPORT THEY NEED TO LIVE ABOVE POVERTY—NUTRITION

Section A. Child care nutrition

Allow for-profit child care centers to participate in the Child and Adult Care Food

Program (CACFP) if 25 percent of their enrolled children are eligible for free and reduced-priced lunch.

Allow youth in after-school programs up to age 19 to participate in CACFP if they are enrolled in community-based programs including those outside of low-income areas.

Provide a dinner for after-school programs.

Standardize the categorical eligibility requirements for income determination in the family child care portion of CACFP.

Increase the CACFP sponsors' administrative reimbursement rate to reflect the increased administrative burden of the means test system.

Section B. Food stamp program

Restore Food Stamp eligibility to legal immigrants.

Provide six months of transitional food stamp benefits to those who leave TANF.

Index the standard deduction for family size and inflation.

Eliminate the cap on excess shelter costs for families with children.

Include child support in earnings disregard.

Increase funding for The Emergency Food Assistance Program (TEFAP).

Reduce burden on eligible families in renewing benefits.

Improve incentives for states to serve low-income working families better.

TITLE VII. FAIR START—ALL FAMILIES SHOULD RECEIVE THE SUPPORTS THEY NEED TO LIVE ABOVE POVERTY—HOUSING

Provide 1 million new Section 8 vouchers over 10 years.

Establish a Voucher Success program for communities experiencing problems utilizing Section 8 vouchers.

Redirect surplus generated by federal housing programs into National Affordable Housing Trust to help alleviate the housing crisis by funding new construction of affordable rental housing.

Promote preservation of affordable housing units by providing matching grants to states that have developed and funded programs for preservation of privately owned housing that is affordable to low-income families.

TITLE VIII. SAFE START—ENSURING EVERY CHILD A SAFE, NURTURING, AND PERMANENT FAMILY

Section A. Promoting permanency for children

Enhance the likelihood that the goals for children in the Adoption and Safe Families Act will be met by offering states funding for preventive, protective, and crisis services for children and parents who come to the attention of the child welfare system, permanency services for families whose children end up in foster care, independent living services for young people transitioning from foster care, and post-permanency services for children who are reunited with their families, adopted, or placed permanently with relatives or other legal guardians.

Improve the quality of services for children by extending funding for training of staff of private child welfare agencies, judges and other court staff, and other children's service providers that serve abused and neglected children.

Offer kinship guardianship assistance payments to grandparents and other relatives who commit to care permanently for children for whom they have legal guardianship and that they have cared for in foster care.

Eliminate current federal disincentives to ensure that children who have been abused or neglected or are at risk of maltreatment receive the services and supports they need.

Eliminate current federal disincentives to promote adoption for children with special needs.

Support young people aging out of foster care by offering them increased opportunities for supervised living arrangements and tuition assistance to help them pursue a range of educational opportunities.

Increase accountability within the child welfare system to improve outcomes for children and services available to children and families.

Expand opportunities for Indian tribes to offer foster care and adoption assistance to Indian children.

Section B. Promoting safe and stable families

Reauthorize and increase funding for the Promoting Safe and Stable Families Program.

Section C. Social services block grant

Restore funding for the Social Services Block Grant, which supports a range of services for abused, neglected and other children, and also provides help for persons with disabilities, senior citizens, and other special populations.

Section D. Child protection and alcohol and drug partnerships

Address the treatment needs of families with alcohol and drug problems who come to the attention of the child welfare system by giving state child protection and alcohol and drug agencies incentives to offer joint screening, assessment, comprehensive treatment and after care services, and training.

Section E. One-time permanency grants

Offer one-time assistance to state child welfare agencies to help move children who were in foster care when the Adoption and Safe Families Act was passed, and will not be returning home, into adoptive families or other permanent placements with kin.

Section F. Helping children exposed to domestic violence

Promote multi-system partnerships to respond to the needs of children who have been exposed to domestic violence.

Promote cross-training for staff of child welfare agencies and domestic violence service providers about domestic violence and its impact on children and relevant child welfare policies.

Enhance research and data collection on the impact of domestic violence on children.

Offer grants to elementary and secondary schools and early care and education programs to help prevent domestic violence and its impact on its adult and child victims.

Support training for law enforcement and court personnel about domestic violence and its impact on children.

Section G. Enhancing healthy emotional development in young children

Assist networks of early childhood, child welfare, substance abuse, and/or domestic violence programs to promote the mental health and healthy emotional development of the young children they serve.

TITLE IX. SUCCESSFUL TRANSITIONS TO ADULTHOOD—YOUTH DEVELOPMENT

Section A. Youth development: Strengthening 21st Century Community Learning Centers

Increase funding for the 21st Century Community Learning Centers Program.

Allow community-based organizations to apply for 21st Century funds.

Create a 3 percent set-aside for training and technical assistance.

Section B. Youth development: Promoting positive activities for America's youth

Creation of a comprehensive program (the proposed Younger Americans Act) to mobilize and support communities in carrying out youth development activities.

Increase funding for Americorps, Youthbuild, Job Corps, and the Workforce Investment Act youth employment programs to open up more employment opportunities for teens.

TITLE X. SAFE START—EVERY CHILD SHOULD HAVE A SAFE ENVIRONMENT IN WHICH TO LEARN AND TO LIVE—JUVENILE JUSTICE

Amend the Juvenile Justice and Delinquency Prevention Act (JJDPA) by adding the definition of a "juvenile" as an individual less than 18 years of age.

Amend the JJDPA to mandate that not less than 75 percent of title V funds be used solely for the purposes of carrying out section 505. Increase funding for Title V to $250 million for fiscal year 2002.

Disproportionate Minority Confinement (DMC)—Strengthen accountability standards for states to take action to address the disparate treatment of minorities at all stages of the juvenile justice system, including intake, arrest, detention, adjudication, disposition and transfer.

Create a fifth core protection for juveniles by requiring that states provide every adjudicated juvenile with reasonable safety and security, with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care, including necessary mental health services.

Increase funding for the JJDPA Title II, Part B formula grants, to raise the small state minimum to $750,000, create a 3% set-aside for the establishment of state juvenile justice coalitions and (include language that coalitions include participation of youth), and a 3% set aside for states to carry out state plans with respect to the DMC core requirement.

Repeal Part H of JJDPA (juvenile boot camps).

Amend title II of the JJDPA by adding Access to Mental Health and Substance Abuse Treatment, a grant program encouraging states to invest in and coordinate with other systems to provide appropriate treatment and other services for incarcerated juvenile offenders.

Fund Services for Youth Offenders at $40 million for fiscal year 2002, providing funding for after care or wrap-around services for youth discharged from the adult criminal or juvenile justice system.

Authorize the Juvenile Accountability Block Grant, which would authorize and significantly modify the Juvenile Accountability Incentive Block Grant (JAIBG) to provide incentives to: build and maintain smaller juvenile facilities, including separate units within juvenile facilities for juveniles tried as adults; require all staff, whether supervising juveniles adjudicated in the adult or juvenile system, are trained appropriately; develop and utilize accountable community-based alternatives to incarceration; risk assessment; and enact Child Access Prevention (CAP) laws.

In order to receive funds under the new block grant, states are prohibited from applying the death penalty to juvenile offenders.

Increase funding for the Runaway and Homeless Youth Act to $120 million for fiscal year 2002.

TITLE XI. SAFE START—EVERY CHILD SHOULD HAVE A SAFE ENVIRONMENT IN WHICH TO LEARN AND TO LIVE—GUN SAFETY

Close the gun show loophole by applying the Brady background check to gun sales conducted through private dealers at events where 50 or more firearms are offered for sale.

Require mandatory safety locks with the sale of all handguns and establish consumer safety standards for such safety locks.

Ban the importation of large capacity ammunition clips capable of holding more than 10 rounds.

Ban the possession of assault weapons by juveniles.

Require FTC study on marketing practices of gun industry.

Ban the possession of handguns by individuals under 21 years of age.

One-gun-a-month purchase limitation.

Regulation of internet sales of firearms.

ENFORCE—enhancements (both authorizing and appropriation) to strengthen enforcement of gun laws.

TITLE XII. MISCELLANEOUS

Direct the Secretary of HHS to establish a blue-ribbon commission to identify and highlight family-friendly practices that the private sector and other employers can promote.

Provide for collection and dissemination of data on the status of children and families who are or have been recipients of government assistance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 941. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce legislation to add approximately 5,000 acres of pristine natural land to the Golden Gate National Recreation Area in San Mateo County. This addition will protect the sweeping views of the San Mateo Coast and ensure the protection of rich farmland, several miles of public trails, and incredible array of wildlife and vegetation. I am happy to be joined by Senator BOXER in sponsoring this legislation.

The property to be added is one of the most visible and important pieces of land on the San Mateo coast north of Half Moon Bay. The largest parcel to be added is a 4,262 acre stretch of land known as the Rancho Corral de Tierra. The Rancho Corral de Tierra is one of the largest undeveloped tracts remaining on the San Mateo Coast and is constantly under threat of development.

The mountainous property, which surrounds the coastal towns of Moss Beach and Montara, was previously purchased by the Peninsula Open Space Trust. The Trust has agreed to transfer the land to the Federal Government for about half of the purchase cost. It is this type of public-private partnership that Congress needs to support in our efforts to preserve open space.

The Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Act of 2001 has the support of the entire Bay Area Congressional Delegation. Similar legislation is being introduced today in the House of Representatives by TOM LANTOS with co-sponsors ANNA ESHOO, NANCY PELOSI, GEORGE MILLER, LYNN WOOLSEY, ELLEN TAUSCHER, PETER STARK, MIKE THOMPSON, BARBARA LEE, MIKE HONDA, and ZOE LOFGREN.

The addition of the Rancho Corral de Tierra property will result in the protection of all or part of four watersheds, and several endangered species such as the peregrine falcon, San Bruno elfin butterfly, San Francisco garter snake, and the red-legged frog. Moreover, due to the coastal marine influence and dramatic altitude changes, plants grow on the property that are found nowhere else in the world.

This legislation will also reauthorize the Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission for another 20 years. The Advisory Commission was established by Congress in 1972 to provide for the free exchange of ideas between the National Park Service and the public. The Commission holds open and accessible public meetings monthly at which the public has an opportunity to comment on park-related issues.

I have always felt that protecting our nation's unique natural areas should be one of our highest priorities. The Golden Gate National Recreation Area is one of our Nation's most heavily visited urban national parks as it is in close proximity to millions of people. I invite my colleagues to join me in supporting this legislation.

By Mr. GRAHAM (for himself, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. HUTCHINSON, Mr. BREAUX, Mr. ENSIGN, Mrs. LINCOLN, and Mr. THOMPSON):

S. 942. A bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002; to the Committee on Finance.

Mr. GRAHAM. Mr. President, I rise today on behalf of Senators HUTCHISON, BINGAMAN, HUTCHINSON, BREAUX, ENSIGN, BAUCUS, LINCOLN, THOMPSON, and myself to introduce a piece of legislation which will extend the Temporary Assistance for Needy Families supplemental grants for one year. This grant program has been critical to the success of welfare reform in our States.

The TANF block grant, as it is commonly known, was established in the 1996 welfare law. These were modest supplemental grants for 17 relatively poor or rapidly growing States. The grants were intended to reduce the very large disparity in welfare funding between poorer and wealthier States that resulted from the basic TANF funding formula. The TANF supplemental grants have afforded States, like ours a more adequate opportunity to achieve TANF goals. While TANF is scheduled to be reauthorized in 2002, the supplemental grants included in the 1996 law were authorized only through October 2001.

If the grants expire, 17 States will lose as much as 10 percent of their TANF funding beginning in October 1 of this year. Wealthy, low-growth States will experience no reduction.

These grants are not supplemental in the sense of being add-ons. They were designed as an integral part of the TANF allocation formula and are critical to the success of the TANF programs in the States that receive them. The decision to end the grants a year before reauthorizing the entire program was not a policy consideration, only a financial one. It was done in order to ensure a balanced budget by 2002.

The 2001 budget resolution, passed by both the House and the Senate, provides $319 million for a one-year extension of these important grants. This provision acknowledges the Senate's commitment to maintaining the tools that many of our States require to continue efforts to help people move from welfare to work, from jobs to careers.

Since the passage of the welfare reform law in 1996, more is expected of state welfare systems that ever before. TANF agencies provide a broad range of social services that include job training and employment counseling, reducing out-of-wedlock births and promoting family formation, and addressing individual challenges such as domestic violence—just to name a few. Without the TANF supplemental grants, impacted states will find themselves unable to provide many of the programs that have enabled their citizens to successfully move from public assistance to independence.

Given the significant costs of work supports, many of the 17 States that receive supplemental TANF grants are now spending more TANF funds each year than they receive from their basic TANF grant. In fiscal year 2000, for example, TANF expenditures in nine of the 17 States that receive TANF supplemental grants exceeded 100 percent of their basic TANF allocation. These States are my own home State of Florida, Alaska, Arizona, Arkansas, Idaho, New Mexico, North Carolina, Tennessee, and Texas.

For these reasons, we are requesting that a one year extension of the TANF supplemental grants. This step will help to ensure that high-growth States can continue their welfare reform efforts and will enable the supplemental grants to be considered as part of the overall TANF reauthorization next year.

Support for the extension of this program should come from all Senators who want to see the goals of welfare reform fulfilled. Whether or not one comes from a State that receives

TANF supplemental grant dollars, support for this bill will send a loud and clear message that the United States Senate adheres to the goal of ensuring that all States have the means to provide the services necessary to help all Americans, regardless of where they live, to move from dependence to independence.

That is a goal worth fighting for and I encourage all of my Senate colleagues to cosponsor this important piece of legislation.

Mr. BAUCUS. Mr. President, I am glad to cosponsor this bill from my colleagues Senators GRAHAM and HUTCHISON. It's an important matter for those of us who represent less prosperous States. I have worked hard to promote economic development in Montana. It is crucial to providing a better future for the children of my great State. Until the economy improves in Montana, I will advocate for measures such as this one, which help alleviate the difficulties that stem from our circumstances.

When we enacted welfare reform in 1996, a law I am glad to have supported, there was much discussion here about the appropriate way to allocate welfare funds among States. The old funding formula had produced wide disparities, especially between high per capita income States and low per capita income States. In the end it was resolved to provide additional funding in the form of "TANF supplemental grants" to certain states which were poorer or had high growth rates or both. However, the funding was only provided through fiscal year 2001, while the rest of the welfare funds were provided through fiscal year 2002, as part of an effort to balance the budget.

Well, the budget is in surplus now. And we need to continue the TANF supplemental grants for one more year, as this legislation would do, so that we can assess it as a part of the policy on overall welfare funding during next year's reauthorization of the 1996 welfare reform law. The TANF supplemental grants represent a substantial source of welfare funds in several states. Failing to continue this funding would mean, in effect, a 10 percent reduction in the allocations for states such as Georgia, North Carolina, Florida, and Louisiana. My own state of Montana received $1 million last year. I assure you we can use those funds to help poor children in Montana, especially the many who have low-income working parents, the kind who hold down two or three part-time minimum wage jobs, which is all too common in my State.

I thank my colleagues for their leadership and look forward to working with them on this bill.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 42—A BILL CONDEMNING THE TALEBAN FOR THEIR DISCRIMINATORY POLICIES AND FOR OTHER PURPOSES

Mr. BROWNBACK (for himself and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 42

Whereas the Taleban militia took power in Afghanistan in 1996, and now rules over 90 percent of the country;

Whereas, under Taleban rule, most political, civil, and human rights are denied to the Afghan people;

Whereas women, minorities, and children suffer disproportionately under Taleban rule;

Whereas, according to the United States Department of State Country Report on Human Rights Practices, violence against women and girls in Afghanistan occurs frequently, including beatings, rapes, forced marriages, disappearances, kidnapings, and killings;

Whereas Taleban edicts isolate Muslim and non-Muslim minorities, and will require the thousands of Hindus living in Taleban-ruled Afghanistan to wear identity labels on their clothing, singling out these minorities for discrimination and harsh treatment;

Whereas Taleban forces have targeted ethnic Shiite Hazaras, many of whom have been massacred, while those who have survived, are denied relief and discriminated against for their religious beliefs;

Whereas non-Muslim religious symbols are banned, and earlier this year Taleban forces obliterated 2 ancient statues of Buddha, claiming they were idolatrous symbols;

Whereas Afghanistan is currently suffering from its worst drought in 3 decades, affecting almost one-half of Afghanistan's 21,000,000 population, with the impact severely exacerbated by the ongoing civil war and Taleban policies denying relief to needy areas;

Whereas the Taleban has systematically interfered with United Nations relief programs and workers, recently closing a new hospital and arresting local workers, closing United Nations World Food Program bakeries providing much needed food, and closing offices of the United Nations Special Mission to Afghanistan in 4 Afghan cities;

Whereas, as a result of those policies, there are more than 25,000,000 persons who are internally displaced within Afghanistan, and this year, contrary to past practice, the Taleban rejected a United Nations call for a cease-fire in order to bring assistance to the internally displaced;

Whereas, as a result of Taleban policies, there are now more than 2,200,000 Afghan refugees in Pakistan, and 500,000 more refugees are expected to flee in the coming months unless some form of relief is forthcoming;

Whereas Pakistan has closed its borders to Afghanistan, and has announced that Pakistani and United Nations officials will begin screening refugees in June with a view toward forcibly repatriating all those who are found to be staying illegally in Pakistan;

Whereas the Taleban leadership continues to give safe haven to terrorists, including Osama bin Laden, and is known to host and provide training ground to other terrorist organizations; and

Whereas the people of Afghanistan are the greatest victims of the Taleban, and in recognition of that fact, the United States has provided $124,000,000 in relief to the people of Afghanistan this year: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the harsh and discriminatory policies of the Taleban toward Muslims, Hindus, women, and all other minorities, and the attendant destruction of religious icons;

(2) urges the Taleban to immediately reopen United Nations offices and hospitals and allow the provision of relief to all the people of Afghanistan;

(3) commends President George W. Bush and his administration for their recognition of these urgent issues and encourages President Bush to continue to respond to those issues;

(4) recognizes the burdens placed on the Government of Pakistan by Afghan refugees, and calls on that Government to facilitate the provision of relief to these refugees and to abandon any plans for forced repatriation; and

(5) calls on the international community to increase assistance to the Afghan people and consider granting asylum to at-risk Afghan refugees.

AMENDMENTS SUBMITTED AND PROPOSED

SA 785. Ms. STABENOW (for herself and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table.

SA 786. Mr. GRASSLEY proposed an amendment to amendment SA 763 submitted by Mr. GRAHAM and intended to be proposed to the bill (H.R. 1836) supra.

SA 787. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra.

SA 788. Mr. CORZINE (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 789. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 1836, supra.

TEXT OF AMENDMENTS

SA 785. Ms. STABENOW (for herself and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 63, strike line 4 and all that follows through page 64, line 16.

On page 65, line 12, strike "and before 2011".

On page 66, in the table between line 1 and line 2, strike "2007, 2008, 2009, and 2010" and insert "2007 and thereafter".

On page 68, in the table between line 14 and line 15, add after the item relating to 2010 the following:

"2011 and thereafter $20,000,000.".

On page 106, after line 6, insert the following: "(g) Notwithstanding any other provision of law; this subtitle shall not apply to property subject to the estate tax."

At the end of subtitle A of title VIII, add the following:

SEC. . ENSURING FUNDING FOR PRESCRIPTION DRUGS.

(a) In General.—Notwithstanding any other provision of this Act—

(1) except for section 1(i)(1) of the Internal Revenue Code of 1986, as added by section 101 of this Act, and any necessary conforming amendments, title I of this Act shall not take effect; and

(2) any provision of title V of this Act that takes effect after 2006 shall not take effect.

(b) Strategic Reserve Fund for Long-Term Debt and Needs.—Subtitle B of title II of H. Con. Res. 83 (107th Congress) is amended by inserting at the end the following:

"SEC. 219. STRATEGIC RESERVE FUND FOR PRESCRIPTION DRUG BENEFITS.

If legislation is reported by the Committee on Finance of the Senate or the Committee on Energy and Commerce or the Committee on Ways and Means of the House of Representatives, or an amendment thereto is offered or a conference report thereon is submitted, that would provide prescription drug benefits, the chairman of the appropriate Committee on the Budget shall, upon the approval of the appropriate Committee on the Budget, revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution for that measure by not to exceed $55,000,000,000 for the total of fiscal years 2002 through 2011, as long as that measure will not, when taken together with all other previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution.".

SA 786. Mr. GRASSLEY proposed an amendment to amendment SA 763 submitted by Mr. Graham and intended to be proposed to the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; as follows:

On page 1, line 2, strike all after the word "strike" through the end of page 1, line 3.

On page 20, strike lines 14 and 15 and insert the following:

"This section shall apply to policies issued after January 1 2006."

SA 787. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; as follows:

On page 314, after line 21, add the following:

SEC. . DISCLOSURE OF TAX INFORMATION TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.

Section 6103(d)(5) is amended to read as follows:

"(5) Disclosure for combined employment tax reporting.—The Secretary may disclose taxpayer identity information and signatures to any agency, body, or commission of any State for the purpose of carrying out with such agency, body, or commission a combined Federal and State employment tax reporting program approved by the Secretary. Subsections (a)(2) and (p)(4) and sections 7213 and 7213A shall not apply with respect to disclosures or inspections made pursuant to this paragraph.".

SA 788. Mr. CORZINE (for himself and Mr. Kerry) submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 47, between lines 3 and 4, insert the following:

SEC. . EXCLUSION FROM INCOME OF CERTAIN AMOUNTS RECEIVED BY AMERICORPS PARTICIPANTS.

(a) In General.—Section 117 of the Internal Revenue Code of 1986 (relating to qualified scholarships) is amended by adding at the end the following:

"(e) Qualified National Service Educational Awards.—

"(1) In general.—Gross income for any taxable year shall not include any qualified national service educational award.

"(2) Qualified national service educational award.—For purposes of this subsection—

"(A) In general.—The term 'qualified national service educational award' means any amount received by an individual in a taxable year as a national service educational award under section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12604) to the extent (except as provided in subparagraph (C)) such amount does not exceed the qualified tuition and related expenses (as defined in subsection (b)(2)) of the individual for such taxable year.

"(B) Determination of expenses.—The total amount of the qualified tuition and related expenses (as so defined) which may be taken into account under subparagraph (A) with respect to an individual for the taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

"(C) Exception to limitation.—The limitation under subparagraph (A) shall not apply to any portion of a national service educational award used by such individual to repay any student loan described in section 148(a)(1) of such Act or to pay any interest expense described in section 148(a)(4) of such Act".

(b) Effective Date.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2001.

SA 789. Mr. GRASSLEY (for himself and Mr. Baucus) proposed an amendment to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, as follows:

On page 18, between lines 14 and 15, insert the following:

SEC. 202. EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) In General.—

(1) Adoption credit.—Section 23(a)(1) (relating to allowance of credit) is amended to read as follows:

"(1) In general.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter—

"(A) in the case of an adoption of a child other than a child with special needs, the amount of the qualified adoption expenses paid or incurred by the taxpayer, and

"(B) in the case of an adoption of a child with special needs, $10,000.".

(2) Adoption assistance programs.—Section 137(a) (relating to adoption assistance programs) is amended to read as follows:

"(a) In General.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program. The amount of the exclusion shall be—

"(1) in the case of an adoption of a child other than a child with special needs, the amount of the qualified adoption expenses paid or incurred by the taxpayer, and

"(2) in the case of an adoption of a child with special needs, $10,000.".

(b) Dollar Limitations.—

(1) Dollar amount of allowed expenses.—

(A) Adoption expenses.—Section 23(b)(1) (relating to allowance of credit) is amended—

(i) by striking "$5,000" and inserting "$10,000",

(ii) by striking "($6,000, in the case of a child with special needs)", and

(iii) by striking "subsection (a)" and inserting "subsection (a)(1)(A)".

(B) Adoption assistance programs.—Section 137(b)(1) (relating to dollar limitations for adoption assistance programs) is amended—

(i) by striking "$5,000" and inserting "$10,000", and

(ii) by striking "($6,000, in the case of a child with special needs)", and

(iii) by striking "subsection (a)" and inserting "subsection (a)(1)".

(2) Phase-out limitation.—

(A) Adoption expenses.—Clause (i) of section 23(b)(2)(A) (relating to income limitation) is amended by striking "$75,000" and inserting "$150,000".

(B) Adoption assistance programs.—Section 137(b)(2)(A) (relating to income limitation) is amended by striking "$75,000" and inserting "$150,000".

(c) Year Credit Allowed.—Section 23(a)(2) (relating to year credit allowed) is amended by adding at the end the following new flush sentence:

"In the case of the adoption of a child with special needs, the credit allowed under paragraph (1) shall be allowed for the taxable year in which the adoption becomes final.".

(d) Repeal of Sunset Provisions.—

(1) Children without special needs.—Paragraph (2) of section 23(d) (relating to definition of eligible child) is amended to read as follows:

"(2) Eligible child.—The term 'eligible child' means any individual who—

"(A) has not attained age 18, or

"(B) is physically or mentally incapable of caring for himself.".

(2) Adoption Assistance Programs.—Section 137 (relating to adoption assistance programs) is amended by striking subsection (f).

(e) Adjustment of Dollar and Income Limitations for Inflation.—

(1) Adoption credit.—Section 23 (relating to adoption expenses) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Adjustments for Inflation.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsection (a)(1)(B) and paragraphs (1) and (2)(A)(i) of subsection (b) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.".

(2) ADOPTION ASSISTANCE PROGRAMS.—Section 137 (relating to adoption assistance programs), as amended by subsection (d), is amended by adding at the end the following new subsection:

"(f) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsection (a)(2) and paragraphs (1) and (2)(A) of subsection (b) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.".

(f) LIMITATION BASED ON AMOUNT OF TAX.—

(1) IN GENERAL.—Section 23(c) (relating to carryforwards of unused credit) is amended by striking "the limitation imposed" and all that follows through "1400C)" and inserting "the applicable tax limitation".

(2) APPLICABLE TAX LIMITATION.—Section 23(d) (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) APPLICABLE TAX LIMITATION.—The term 'applicable tax limitation' means the sum of—

"(A) the taxpayer's regular tax liability for the taxable year, reduced (but not below zero) by the sum of the credits allowed by sections 21, 22, 24 (other than the amount of the increase under subsection (d) thereof), 25, and 25A, and

"(B) the tax imposed by section 55 for such taxable year.".

(3) CONFORMING AMENDMENTS.—

(A) Section 26(a) (relating to limitation based on amount of tax) is amended by inserting "(other than section 23)" after "allowed by this subpart".

(B) Section 53(b)(1) (relating to minimum tax credit) is amended by inserting "reduced by the aggregate amount taken into account under section 23(d)(3)(B) for all such prior taxable years," after "1986,".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

At the end of subtitle A of title VIII add the following:

SEC. . DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS INCREASED.

(a) IN GENERAL.—Section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents.".

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) (relating to other coverage) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

On page 314, after line 21, insert the following:

SEC. ___. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS INCREASED.

(a) IN GENERAL.—Section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents."

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) (relating to other coverage) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

On page 41, strike line 15 and all that follows through line 18, and insert the following:

"(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall not apply to any transfer if such transfer occurs within 12 months from the date of a previous transfer to any qualified tuition program for the benefit of the designated beneficiary.", and

On page 18, between lines 14 and 15, insert the following:

SEC. 202. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

Any payment considered to have been made to any individual by reason of section 24 of the Internal Revenue Code of 1986, as amended by section 201, shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following month, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

On page 31, lines 3 and 4, strike "computer equipment (including related software and services)".

On page 31, line 10, strike "and".

On page 31, line 17, strike the end period and insert ", and".

On page 31, between lines 17 and 18, insert:

"(iii) expenses for the purchase of any computer technology or equipment (as defined in section 170(e)(6)(F)(i)) or Internet access and related services, if such technology, equipment, or services are to be used by the beneficiary and the beneficiary's family during any of the years the beneficiary is in school. Such terms shall not include computer software involving sports, games or hobbies unless the software is educational in nature.

At the end of the bill, add the following:

TITLE —SECTION 527 POLITICAL ORGANIZATION REPORTING REQUIREMENTS

SEC: 01. EXEMPTION FOR STATE AND LOCAL CANDIDATE COMMITTEES FROM NOTIFICATION REQUIREMENTS.

(a) EXEMPTION FROM NOTIFICATION REQUIREMENTS.—Paragraph (5) of section 527(i) (relating to organizations must notify Secretary that they are section 527 organizations) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end the following:

"(C) which is a political committee of a State or local candidate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by Public Law 106–230.

SEC. ___02. EXEMPTION FOR CERTAIN STATE AND LOCAL POLITICAL COMMITTEES FROM REPORTING AND ANNUAL RETURN REQUIREMENTS.

(a) EXEMPTION FROM REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 527(j)(5) (relating to coordination with other requirements) is amended by striking "or" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", or", and by adding at the end the following:

"(F) to any organization described in paragraph (7), but only if, during the calendar year—

"(i) such organization is required by State or local law to report, and such organization reports, information regarding each separate expenditure and contribution (including information regarding the person who makes such contribution or receives such expenditure) with respect to which information would otherwise be required to be reported under this subsection, and

"(ii) such information is made public by the agency with which such information is filed and is publicly available for inspection in a manner similar to reports under section 6104(d)(1).

An organization shall not be treated as failing to meet the requirements of subparagraph (F)(i) solely because the minimum amount of any expenditure or contribution required to be reported under State or local law is greater (but not by more than $100) than the minimum amount required under this subsection.".

(2) DESCRIPTION OF ORGANIZATION.—Section 527(j) is amended by adding at the end the following:

"(7) CERTAIN ORGANIZATIONS.—An organization is described in this paragraph if—

"(A) such organization is not described in subparagraph (A), (B), (C), or (D) of paragraph (5),

"(B) such organization does not engage in any exempt function activities other than activities for the purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any State or local public office or office in a State or local political organization, and

"(C) no candidate for Federal office or individual holding Federal office—

"(i) controls or materially participates in the direction of such organization,

"(ii) solicits any contributions to such organization, or

"(iii) directs, in whole or in part, any expenditure made by such organization.".

(b) EXEMPTION FROM REQUIREMENTS FOR ANNUAL RETURN BASED ON GROSS RECEIPTS.—Paragraph (6) of section 6012(a) (relating to persons required to make returns of income) is amended by striking "organization, which" and all that follows through "section)" and inserting "organization—

"(A) which has political organization taxable income (within the meaning of section 527(c)(1)) for the taxable year, or

"(B) which—

"(i) is not a political committee of a State or local candidate or an organization to which section 527 applies solely by reason of subsection (f)(1) of such section, and

"(ii) has gross receipts of—

"(I) in the case of political organization described in section 527(j)(5)(F), $100,000 or more for the taxable year, and

"(II) in the case of any other political organization, $25,000 or more for the taxable year".

(c) Effective Date.—The amendments made by this section shall take effect as if included in the amendments made by Public Law 106–230.

SEC. 03. NOTIFICATION OF INTERACTION OF REPORTING REQUIREMENTS.

(a) In General.—The Secretary of the Treasury, in consultation with the Federal Election Commission, shall publicize—

(1) the effect of the amendments made by this title, and

(2) the interaction of requirements to file a notification or report under section 527 of the Internal Revenue Code of 1986 and reports under the Federal Election Campaign Act of 1971.

(b) Information.—Information provided under subsection (a) shall be included in any appropriate form, instruction, notice, or other guidance issued to the public by the Secretary of the Treasury or the Federal Election Commission regarding reporting requirements of political organizations (as defined in section 527 of the Internal Revenue Code of 1986) or reporting requirements under the Federal Election Campaign Act of 1971.

SEC. 04. WAIVER OF PENALTIES.

(a) Waiver of Filing Penalties.—Section 527 is amended by adding at the end the following:

"(k) Authority To Waive.—The Secretary may waive all or any portion of the—

"(1) tax assessed on an organization by reason of the failure of the organization to give notice under subsection (i), or

"(2) penalty imposed under subsection (j) for a failure to file a report,

on a showing that such failure was due to reasonable cause and not due to willful neglect.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to any tax assessed or penalty imposed after June 30, 2000.

At the end of subtitle A of title II insert the following:

SEC. . DEPENDENT CARE CREDIT.

(a) Increase in Dollar Limit.—Subsection (c) of section 21 (relating to expenses for household and dependent care services necessary for gainful employment) is amended—

(1) by striking "$2,400" in paragraph (1) and inserting "$3,000",

(2) by striking "$4,800" in paragraph (2) and inserting "$6,000",

(b) Increase in Applicable Percentage.—Section 21(a)(2) (defining applicable percentage) is amended—

(1) by striking "30 percent" and inserting "40 percent", and

(2) by striking "$10,000" and inserting "$20,000".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

At the end of subtitle B of title IV add the following:

SEC. . EXCLUSION FROM INCOME OF CERTAIN AMOUNTS CONTRIBUTED TO COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) In General.—Section 127 (relating to education assistance programs), as amended by section 411(a), is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Qualified Coverdell Education Savings Account Contributions.—

"(1) In general.—Gross income of an employee shall not include amounts paid or incurred by the employer for a qualified Coverdell education savings account contribution on behalf of the employee.

"(2) Qualified Coverdell education savings account contribution.—For purposes of this subsection—

"(A) In general.—The term 'qualified Coverdell education savings account contribution' means an amount contributed pursuant to an educational assistance program described in subsection (b) by an employer to a Coverdell education savings account established and maintained for the benefit of an employee or the employee's spouse, or any lineal descendent of either.

"(B) Dollar limit.—A contribution by an employer to a Coverdell education savings account shall not be treated as a qualified Coverdell education savings account contribution to the extent that the contribution, when added to prior contributions by the employer during the calendar year to Coverdell education savings accounts established and maintained for the same beneficiary, exceeds $500.

"(3) Special rules.—

"(A) Contributions not treated as educational assistance in determining maximum exclusion.—For purposes of subsection (a)(2), qualified Coverdell education savings account contributions shall not be treated as educational assistance.

"(B) Self-employed not treated as employee.—For purposes of this subsection, subsection (c)(2) shall not apply.

"(C) Adjusted gross income phaseout of account contribution not applicable to individual employers.—The limitation under section 530(c) shall not apply to a qualified Coverdell education savings account contribution made by an employer who is an individual.

"(D) Contributions not treated as an investment in the contract.—For purposes of section 530(d), a qualified Coverdell education savings account contribution shall not be treated as an investment in the contract.".

(E) FICA Exclusion.—For purposes of section 530(d), the exclusion from FICA taxes shall not apply.

(b) Reporting Requirement.—Section 6051(a) (relating to receipts for employees) is amended by striking "and" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting ", and", and by adding at the end the following new paragraph:

"(12) the amount of any qualified Coverdell education savings account contribution under section 127(d) with respect to such employee.".

(c) Conforming Amendment.—Section 221(e)(2)(A) is amended by inserting "(other than under subsection (d) thereof)" after "section 127".

(d) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2001.

On page 18, between lines 14 and 15, insert the following:

SEC. 202. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by sections 619 and 620, is further amended by adding at the end the following:

"SEC. 45G. EMPLOYER-PROVIDED CHILD CARE CREDIT.

"(a) In General.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) 25 percent of the qualified child care expenditures, and

"(2) 10 percent of the qualified child care resource and referral expenditures,

of the taxpayer for such taxable year.

"(b) Dollar Limitation.—The credit allowable under subsection (a) for any taxable year shall not exceed $150,000.

"(c) Definitions.—For purposes of this section—

"(1) Qualified child care expenditure.—

"(A) In general.—The term 'qualified child care expenditure' means any amount paid or incurred—

"(i) to acquire, construct, rehabilitate, or expand property—

"(I) which is to be used as part of a qualified child care facility of the taxpayer,

"(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

"(III) which does not constitute part of the principal residence (within the meaning of section 121) of the taxpayer or any employee of the taxpayer,

"(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees, to scholarship programs, and to the providing of increased compensation to employees with higher levels of child care training, or

"(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer.

"(B) Fair market value.—The term 'qualified child care expenditures' shall not include expenses in excess of the fair market value of such care.

"(2) Qualified child care facility.—

"(A) In general.—The term 'qualified child care facility' means a facility—

"(i) the principal use of which is to provide child care assistance, and

"(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 121) of the operator of the facility.

"(B) Special rules with respect to a taxpayer.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

"(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

"(ii) if the facility is the principal trade or business of the taxpayer, at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

"(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(3) Qualified child care resource and referral expenditure.—

"(A) In general.—The term 'qualified child care resource and referral expenditure' means any amount paid or incurred under a contract to provide child care resource and referral services to an employee of the taxpayer.

"(B) NONDISCRIMINATION.—The services shall not be treated as qualified unless the provision of such services (or the eligibility to use such services) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	The applicable recapture percentage is:
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

"(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(f) NO DOUBLE BENEFIT.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle—

"(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

"(B) CERTAIN DISPOSITIONS.—If, during any taxable year, there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

"(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following:

"(14) the employer-provided child care credit determined under section 45G.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following:

"Sec. 45G. Employer-provided child care credit."

(3) Section 1016(a) of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ", and", and by adding at the end the following:

"(28) in the case of a facility with respect to which a credit was allowed under section 45G, to the extent provided in section 45G(f)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

On page 18, between lines 14 and 15, insert the following:

SEC. 202. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by sections 619 and 620, is further amended by adding at the end the following:

"SEC. 45G. EMPLOYER-PROVIDED CHILD CARE CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) 25 percent of the qualified child care expenditures, and

"(2) 10 percent of the qualified child care resource and referral expenditures,

of the taxpayer for such taxable year.

"(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $150,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD CARE EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified child care expenditure' means any amount paid or incurred—

"(i) to acquire, construct, rehabilitate, or expand property—

"(I) which is to be used as part of a qualified child care facility of the taxpayer,

"(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

"(III) which does not constitute part of the principal residence (within the meaning of section 121) of the taxpayer or any employee of the taxpayer,

"(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees, to scholarship programs, and to the providing of increased compensation to employees with higher levels of child care training, or

"(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer.

"(B) FAIR MARKET VALUE.—The term 'qualified child care expenditures' shall not include expenses in excess of the fair market value of such care.

"(2) QUALIFIED CHILD CARE FACILITY.—

"(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

"(i) the principal use of which is to provide child care assistance, and

"(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 121) of the operator of the facility.

"(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

"(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

"(ii) if the facility is the principal trade or business of the taxpayer, at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

"(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(3) QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified child care resource and referral expenditure' means any amount paid or incurred under a contract to provide child care resource and referral services to an employee of the taxpayer.

"(B) NONDISCRIMINATION.—The services shall not be treated as qualified unless the provision of such services (or the eligibility to use such services) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	**The applicable recapture percentage is:**
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

"(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(f) NO DOUBLE BENEFIT.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle—

"(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

"(B) CERTAIN DISPOSITIONS.—If, during any taxable year, there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture), shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

"(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following:

"(14) the employer-provided child care credit determined under section 45G.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following:

"Sec. 45G. Employer-provided child care credit."

(3) Section 1016(a) of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ", and", and by adding at the end the following:

"(28) in the case of a facility with respect to which a credit was allowed under section 45G, to the extent provided in section 45G(f)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

On page 314, after line 21, add the following:

SEC. 803. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subsection (b)(1)(A),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

"(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

"(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

"(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

"(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

"(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

"(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

“(F) Copyright treated as separate property for partial interest rule.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).”.

(b) Effective Date.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

At the end of subtitle A of title VIII insert the following:

SEC. . WAIVER OF STATUTE OF LIMITATION FOR TAXES ON CERTAIN FARM VALUATIONS.

If on the date of the enactment of this Act (or at any time within 1 year after the date of the enactment) a refund or credit of any overpayment of tax resulting from the application of section 2032A(c)(7)(E) of the Internal Revenue Code of 1986 is barred by any law or rule of law, the refund or credit of such overpayment shall, nevertheless, be made or allowed if claim therefor is filed before the date 1 year after the date of the enactment of this Act.

At the end of subtitle A of title VIII insert the following:

SEC. . RESEARCH CREDIT.

(a) Permanent Extension of Research Credit.—

(1) In general.—Section 41 (relating to credit for increasing research activities) is amended by striking subsection (h).

(2) Conforming Amendment.—Paragraph (1) of section 45C(b) is amended by striking subparagraph (D).

(3) Effective Date.—The amendments made by this subsection shall apply to amounts paid or incurred after the date of the enactment of this Act.

(b) Increases in Rates of Alternative Incremental Credit.—

(1) In General.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking “2.65 percent” and inserting “3 percent”,

(B) by striking “3.2 percent” and inserting “4 percent”, and

(C) by striking “3.75 percent” and inserting “5 percent”.

(2) Effective Date.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

At the end of the matter proposed to be inserted, add the following:

SEC. . CREDIT FOR MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES AGAINST WIDESPREAD DISEASES.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 620, is amended by adding at the end the following new section:

“SEC. 45G. CREDIT FOR MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES AGAINST WIDESPREAD DISEASES.

“(a) General Rule.—For purposes of section 38, the vaccine research credit determined under this section for the taxable year is an amount equal to 30 percent of the qualified vaccine research expenses for the taxable year.

“(b) Qualified Vaccine Research Expenses.—For purposes of this section—

“(1) Qualified vaccine research expenses.—

“(A) In general.—Except as otherwise provided in this paragraph, the term ‘qualified vaccine research expenses’ means the amounts which are paid or incurred by the taxpayer during the taxable year which would be described in subsection (b) of section 41 if such subsection were applied with the modifications set forth in subparagraph (B).

“(B) Modifications; increased incentive for contract research payments.—For purposes of subparagraph (A), subsection (b) of section 41 shall be applied—

“(i) by substituting ‘vaccine research’ for ‘qualified research’ each place it appears in paragraphs (2) and (3) of such subsection, and

“(ii) by substituting ‘100 percent’ for ‘65 percent’ in paragraph (3)(A) of such subsection.

“(C) Exclusion for amounts funded by grants, etc.—The term ‘qualified vaccine research expenses’ shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

“(2) Vaccine research.—The term ‘vaccine research’ means research to develop vaccines and microbicides for—

“(A) malaria,

“(B) tuberculosis,

“(C) HIV, or

“(D) any infectious disease (of a single etiology) which, according to the World Health Organization, causes over 1,000,000 human deaths annually.

“(c) Coordination With Credit for Increasing Research Expenditures.—

“(1) In general.—Except as provided in paragraph (2), any qualified vaccine research expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 41 for such taxable year.

“(2) Expenses included in determining base period research expenses.—Any qualified vaccine research expenses for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

“(d) Special Rules.—

“(1) Limitations on foreign testing.—No credit shall be allowed under this section with respect to any vaccine research (other than human clinical testing) conducted outside the United States.

“(2) Pre-clinical research.—No credit shall be allowed under this section for pre-clinical research unless such research is pursuant to a research plan an abstract of which has been filed with the Secretary before the beginning of such year. The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe regulations specifying the requirements for such plans and procedures for filing under this paragraph.

“(3) Certain rules made applicable.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

“(4) Election.—This section (other than subsection (e)) shall apply to any taxpayer for any taxable year only if such taxpayer elects to have this section apply for such taxable year.

(b) Inclusion in General Business Credit.—

(1) In general.—Section 38(b), as amended by section 620, is amended by striking “plus” at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting “, plus”, and by adding at the end the following new paragraph:

“(16) the vaccine research credit determined under section 45G.”.

(2) Transition rule.—Section 39(d), as amended by section 620, is amended by adding at the end the following new paragraph:

“(12) No carryback of section 45G credit before enactment.—No portion of the unused business credit for any taxable year which is attributable to the vaccine research credit determined under section 45G may be carried back to a taxable year ending before the date of the enactment of section 45G.”.

(c) Denial of Double Benefit.—Section 280C is amended by adding at the end the following new subsection:

“(d) Credit for Qualified Vaccine Research Expenses.—

“(1) In general.—No deduction shall be allowed for that portion of the qualified vaccine research expenses (as defined in section 45G(b)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45G(a).

“(2) Certain rules to apply.—Rules similar to the rules of paragraphs (2), (3), and (4) of subsection (c) shall apply for purposes of this subsection.”.

(d) Deduction for Unused Portion of Credit.—Section 196(c) (defining qualified business credits) is amended by striking “and” at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting “, and”, and by adding at the end the following new paragraph:

“(10) the vaccine research credit determined under section 45G(a) (other than such credit determined under the rules of section 280C(d)(2)).”.

(e) Technical Amendments.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “or from section 45G(e) of such Code,” after “1978,”.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 620, is amended by adding at the end the following new item:

“Sec. 45G. Credit for medical research related to developing vaccines against widespread diseases.”.

(f) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

On page 55, strike line 8 and insert the following:

529(c)(1), or 530(d)(2). For purposes of the preceding sentence, the amount taken into account in determining the amount excluded under section 529(c)(1) shall not include that portion of the distribution which represents a return of any contributions to the plan.

On page 52, between lines 11 and 12, insert the following:

SEC. 423. TREATMENT OF BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.

(a) In General.—Section 145 (defining qualified 501(c)(3) bond) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

“(e) Bonds Issued To Acquire Renewable Resources on Land Subject to Conservation Easement.—

"(1) In general.—If—

"(A) the proceeds of any bond are used to acquire land (or a long-term lease thereof) together with any renewable resource associated with the land (including standing timber, agricultural crops, or water rights) from an unaffiliated person,

"(B) the land is subject to a conservation restriction—

"(i) which is granted in perpetuity to an unaffiliated person that is—

"(I) a 501(c)(3) organization, or

"(II) a Federal, State, or local government conservation organization,

"(ii) which meets the requirements of clauses (ii) and (iii)(II) of section 170(h)(4)(A),

"(iii) which exceeds the requirements of relevant environmental and land use statutes and regulations, and

"(iv) which obligates the owner of the land to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction,

"(C) a management plan which meets the requirements of the statutes and regulations referred to in subparagraph (B)(iii) is developed for the conservation of the renewable resources, and

"(D) such bond would be a qualified 501(c)(3) bond (after the application of paragraph (2)) but for the failure to use revenues derived by the 501(c)(3) organization from the sale, lease, or other use of such resource as otherwise required by this part,

such bond shall not fail to be a qualified 501(c)(3) bond by reason of the failure to so use such revenues if the revenues which are not used as otherwise required by this part are used in a manner consistent with the stated charitable purposes of the 501(c)(3) organization.

"(2) Treatment of timber, etc.—

"(A) In general.—For purposes of subsection (a), the cost of any renewable resource acquired with proceeds of any bond described in paragraph (1) shall be treated as a cost of acquiring the land associated with the renewable resource and such land shall not be treated as used for a private business use because of the sale or leasing of the renewable resource to, or other use of the renewable resource by, an unaffiliated person to the extent that such sale, leasing, or other use does not constitute an unrelated trade or business, determined by applying section 513(a).

"(B) Application of bond maturity limitation.—For purposes of section 147(b), the cost of any land or renewable resource acquired with proceeds of any bond described in paragraph (1) shall have an economic life commensurate with the economic and ecological feasibility of the financing of such land or renewable resource.

"(C) Unaffiliated person.—For purposes of this subsection, the term 'unaffiliated person' means any person who controls not more than 20 percent of the governing body of another person.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to obligations issued after January 1, 2002, and before January 1, 2005.

At the end of subtitle A of title VIII add the following:

SEC. . ACCELERATION OF BENEFITS OF WAGE TAX CREDITS FOR EMPOWERMENT ZONES.

(a) In General.—Section 113(d) of the Community Renewal Tax Relief Act of 2000 is amended by striking "December 31, 2001" and inserting "the earlier of—

"(1) the date of the enactment of the Restoring Earnings To Lift Individuals and Empower Families (RELIEF) Act of 2001, or

"(2) July 1, 2001".

At the end of subtitle D of Title IV add the following:

SEC. . CONTRIBUTIONS OF BOOK INVENTORY.

(a) In General.—Section 170(e)(3) (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new subparagraph:

"(D) Special rule for contributions of book inventory for educational purposes.—

"(i) Contributions of book inventory.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether or not—

"(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

"(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

"(ii) Qualified book contribution.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books, but only if the contribution is to an organization—

"(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

"(II) described in section 501(c)(3) and exempt from tax under section 501(a) which is organized primarily to make books available to the general public at no cost or to operate a literacy program.".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

At the appropriate place, insert the following:

SEC. . TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) In General.—Subparagraph (C) of section 514(c)(9) (relating to real property acquired by a qualified organization) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; or", and by adding at the end the following new clause:

"(iv) a qualified hospital support organization (as defined in subparagraph (I)).".

(b) Qualified Hospital Support Organizations.—Paragraph (9) of section 514(c) is amended by adding at the end the following new subparagraph:

"(I) Qualified hospital support organizations.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

"(i) more than half of its assets (by value) at any time since its organization—

"(I) were acquired, directly or indirectly, by gift or devise, and

"(II) consisted of real property, and

"(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term 'eligible indebtedness' means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.".

(c) Effective Date.—The amendments made by this section shall apply to indebtedness incurred after December 31, 2003.

On page 314, after line 21, add the following:

SEC. . TAX-EXEMPT BOND AUTHORITY FOR TREATMENT FACILITIES REDUCING ARSENIC LEVELS IN DRINKING WATER.

(a) In General.—Section 142(e) (relating to facilities for the furnishing of water) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(2) by striking "For purposes" and inserting the following:

"(1) In general.—For purposes", and

(3) by adding at the end the following:

"(2) Facilities reducing arsenic levels included.—Such term includes improvements to facilities in order to comply with the 10 parts per billion arsenic standard recommended by the National Academy of Sciences.".

(b) Facilities Not Subject To State Cap.—Section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "and" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting ", and", and

(3) by inserting after paragraph (4), the following new paragraph:

"(5) any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).".

(c) Exempt from AMT.—Section 57(a)(5)(C) (relating to tax-exempt interest of specified private activity bonds) is amended by adding at the end the following new clause:

"(v) Exception for certain water facility bonds.—For purposes of clause (i), the term 'private activity bond' shall not include any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).".

(d) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

Beginning on page 19, line 21, strike all through page 22, line 1, and insert:

"(7) Applicable percentage.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
2005	174
2006	184
2007	187
2008	190

"For taxable years beginning in calendar year—	The applicable percentage is—
2009 and thereafter	200.".

(c) TECHNICAL AMENDMENTS.—

On page 21, line 2, strike "2005" and insert "2004".

On page 21, strike the table following line 21, and insert:

"For taxable years beginning in calendar year—	The applicable percentage is—
2005	174
2006	184
2007	187
2008	190
2009 and thereafter	200.

At the end of subtitle A of title VIII, insert:

SEC. . TIME FOR PAYMENT OF CORPORATE ESTIMATED TAX PAYMENTS DUE IN 2011.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, the amount of any required installment of any corporate estimated tax payment due under such section in July, August, or September of 2011 shall be equal to 170 percent of the amount of such installment determined without regard to this section.

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to review the implementation of the Recreation Fee Demonstration Program and to review efforts to extend or make the program permanent.

The hearing will take place on Thursday, June 14, 2001, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD-354, Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Shane Perkins of the Committee staff at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on May 23, 2001, to conduct a markup on the nomination of Mr. Alphonso R. Jackson, of Texas, to be Deputy Secretary of Housing and Urban Development; Mr. Richard A. Hauser, of Maryland, to be General Counsel of the Department of Housing and Urban Development; Mr. John Charles Weicher, of the District of Columbia, to be Assistant Secretary of Housing and Urban Development and serve as the Federal Housing Commissioner; and the Hon. Romolo A. Bernardi, of New York, to be Assistant Secretary of Housing and Urban Development for community planning and development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 23, 2001, at 9:30 a.m., on boxing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 23, for purposes of conducting a business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business, as follows:

Agenda Item No. 1—S. 507—To implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

Agenda Item No. 5—Nomination of Patrick henry Wood III to be a Commissioner of the Federal Energy Regulatory Commission.

Agenda Item No. 6—Nomination of Nora Mead Brownell to be a Commissioner of the Federal Energy Regulatory Commission.

Agenda Item No. 7—Nomination of Lee Sarah Liberman Otis to be General Counsel of the Department of Energy.

Agenda Item No. 8—Nomination of Jesse Hill Roberson to be Assistant Secretary of Energy for Environmental Management.

Agenda Item No. 9—Nomination of J. Steven Griles to be Deputy Secretary of the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 23, immediately following the committee business meeting to conduct a hearing. The committee will receive testimony regarding the administration's National Energy Policy Report.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on May 23, 2001, at 11:30 a.m., for a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 23, 2001, at 10:30 a.m. and 2:30 p.m., to hold two hearings as follows:

10:30 a.m., room S-116—Nominee: The Honorable Howard H. Baker, Jr., of Tennessee, to be Ambassador to Japan, to be introduced by the Honorable Fred Thompson, the Honorable Bill Frist, and the Honorable Robert C. Byrd.

2:30 p.m., room SD-419—Witnesses: Dr. Norbert Vollertsen, Volunteer, German Emergency Doctors, Germany; Mr. Chuck Downs, Former Defense Policy Analyst, House Republican Policy Committee; and Consultant, McLean, VA; the Honorable James T. Laney, cochair, Council on Foreign Relations Korea Task Force, Atlanta, GA; the Honorable Robert L. Gallucci, Dean, Georgetown University, Edmund A. Walsh School of Foreign Service, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, May 23, 2001, at 9:30 a.m., for a business meeting to consider pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, May 23, 2001, at 10 a.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 23, 2001, at 2 p.m., on carbon sequestration.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWNBACK). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF HOWARD H. BAKER, JR., OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Howard H. Baker, Jr. The nomination will be stated.

The bill clerk read the nomination of Howard H. Baker, Jr., of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

The Senate proceeded to consider the nomination.

The PRESIDING OFFICER. There are 2 hours equally divided for consideration of the nomination. Who yields time? The Senator from Wyoming.

Mr. THOMAS. Mr. President, I do want to talk a moment about the nomination of Howard Baker to be Ambassador to Japan. I am chairman of the Subcommittee on Asia and the Pacific Rim. We held a hearing today for Howard Baker. Fortunately, we were able to move it today so that his nomination can be voted on for confirmation.

Mr. President, I am pleased to accept Howard Baker as Ambassador to Japan. I am chairman of that subcommittee on Asia and the Pacific rim. Certainly one of the most important countries in that area is Japan, a country with which we have worked closely for a very long time. We have had some of our highest profile Ambassadors in Japan, people in the past who had come from the Senate, also including a Speaker of the House and a majority leader of the Senate several years ago.

Now we have the opportunity—and I was very pleased to be able today to hold that hearing—to have Howard Baker as our nominee whom the President nominated to this important task. We are very proud to pass it on. We thank the leader for being able to bring it to the floor today so we can get our Ambassador in place in Japan.

Japan is key, of course, to much of what we do in the Asian area, and it is key to what we do in Korea, particularly North Korea and the Korean peninsula. We need to work with Japan to do that. The same is true with Taiwan and China. Japan is our partner.

Of course, they are the largest economy in that area and continue to have some economic problems, particularly banking problems. We have some things we have to work out with them with regard to our Armed Forces being in Okinawa and work out things to see if we can reduce the deficit we have in trade.

I cannot think of a better person to represent us. He has great experience and great compassion. He worked in the White House, in the Senate, and has been the Senate floor leader. He has done all things in public. I am delighted Howard Baker is our nominee.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I see other Senators who are here to speak on behalf of former Senate Majority Leader Howard Baker to be Ambassador to Japan. I will not be too long. I am delighted to have this opportunity. I think this is such a great selection for this very important position as Ambassador to Japan.

I feel a personal relationship with Howard Baker for a lot of reasons. First of all, I think Howard Baker was the first live Republican I actually saw up close in my life. When I was growing up in Pascagoula, MS, there was none. Then I had the good fortune of going to the great center of learning, Oxford, MS. There I saw this outstanding and very calming and articulate spokesman, Howard Baker, on Memphis television. I was impressed. And he was a Republican. I started listening to him and watching him and had occasion to meet him one time when he came down to the university.

Of course, this outstanding man from a small town in Tennessee ran for the Senate. He didn't go through the State legislature and through the House of Representatives and eventually to the Senate. He went straight to the Senate.

Of course, it is of interest that his mother and his father had also served in the House of Representatives. I believe his mother had been the sheriff of the county in Tennessee. I think that is accurate. He had a pedigree of knowledge, the people of Tennessee and of governments. So it was a natural for him to go straight to the Senate.

His wife, of course, was the daughter of Everett Dirksen. He of the melodious voice, a legend in his own time, his portrait hangs on the majority leader's conference wall. He had that influence.

Immediately, he drew attention and respect. Immediately, he started to seek leadership in the Senate. He was not successful the first time. I think the Senator from Alaska can remember the details of that. He very quickly, comparatively speaking, became the leader of the Republicans of the Senate and then of course, in 1980, after the election, became the majority leader.

I remember watching him from my perch on the House side of the Capitol as the Republican whip at the time and having meetings with him in his room where he always had the fireplace going. I was always impressed. There were a couple of difficult issues with which we had to deal—the settling of AWAC, the Panama Canal. I can remember not agreeing with the position he took on at least one of those.

I watched how masterful he was. I remember coming over and watching one of the votes. We were standing in the back of the Chamber. As I recall, he sat on the corner of the table, and it seemed to have an influence on voters just because he was sitting there. Though both those motions prevailed, and they were in many ways unpopular, I remember sending him a handwritten note at the time how impressed I was at how he pulled those issues together in a bipartisan way.

Soft spoken; intellectual, actually. A lot of people would be surprised that an intellectual could rise to that kind of position, but he did.

Now I have an even greater respect for his leadership since I have for the past 5 years been able to serve as majority leader. I remember telling my immediate predecessor, Bob Dole: I thought your job was a piece of cake. Why wasn't it that way when I got here? This job is a challenge, every day. You have people who disagree with you around you, your friends on both sides of the aisle, and you try to give some direction to get some result. I truly now have a renewed and greater respect for the majority leader and the majority leader's position, and for Howard Baker in particular.

Of course, he went on to run for President. In fact, I think almost every majority leader except George Mitchell and Trent Lott have been candidates for President. I might note, none of them has been successful, although Lyndon Johnson did manage to come in sort of through the back door, after being selected to be Vice President. He did a wonderful job.

Then he showed even greater wisdom. He said: I've done that job; I'm out of here. And he went back to the private sector. And did he disappear into the hills of Tennessee? No, though that is where he seeks refuge to this very day. He went into the private sector, went to a law firm. He is involved and thoughtful. He returned to public service as Chief of Staff to President Reagan.

Probably his greatest stroke of recent years is his marriage to the fine former Senator from Kansas, Nancy Kassebaum. What a duo that is.

Just a year or so ago in our continuing Leader's Lecture Series, Howard Baker was one of the speakers. It was extremely interesting. He gave us a Baker's dozen of suggestions of being in the Senate. That is 13, for those who are not from the South or who don't know a baker's dozen is 13. It was a great list, and he did a wonderful job.

Now he has been selected for this position. I received a call a couple weeks ago from none other than Senator BYRD who said: This is our colleague. We know him well. He was our majority leader. He wasn't just a member or just a leader; he was majority leader at a very tough, difficult time.

He worked with Senator BYRD across the aisle.

We don't have to wait for weeks or months for an investigation. We know this man. Let's move it. Let's expedite it.

The committee had its hearing today, and the Senate will vote tonight. We will vote to confirm Howard Baker, and he will be an Ambassador, very similar to the ones who have preceded him, former Majority Leader Mike Mansfield and former Speaker of the House Tom Foley.

Japan, I hope, recognizes and appreciates that we send them as our Ambassador the very best. That tradition continues with Howard Baker. I am delighted we are moving expeditiously. We will get this confirmation done. Senator Baker and his helpmate, Senator Kassebaum, will be great diplomats for America. They will be a tremendous asset for all who get to know him in Japan. I thank all of my Senate colleagues for agreeing to move this nomination expeditiously.

I invite Senator Baker to join us in about an hour and a half to hear the next Leader's Lecture presentation from former President of the Senate, former House Member, Gerald Ford.

The PRESIDING OFFICER. The Senator from the great State of Alaska.

Mr. STEVENS. Mr. President, I am delighted to follow our leader, speaking about our former majority leader, Howard Baker, and his lovely lady, Senator Kassebaum. As one whose home is closer to Tokyo than it is to Washington, DC, I welcome this appointment.

This is the century of the Pacific. If one really studies geopolitical affairs in this world, they can only come to the conclusion that the Pacific is going to be the region of great interest to the world, of great potential, and of great strife if we are not careful.

I am delighted the President has chosen Howard Baker to become the Ambassador to Japan. He has shown his leadership on the floor of the Senate and in activities he has participated in around the world since he left the Senate. His wife, as we know, is one of the distinguished leading ladies of this country. The President is very smart. He gets two Ambassadors for the price of one.

We will welcome him going to Alaska on his way to Japan and on his way back because he is a great friend. It was my privilege to serve with Howard Baker. During the 8 years he was the leader I was assistant leader, and I consider him one of the finest Americans who has ever lived. I am glad to see he continues being willing to serve our country, and I shall vote for him.

I yield the floor.

Mr. WARNER. Mr. President, I rise today in strong support of the nomination of my good friend and former colleague Senator Howard Baker to be U.S. Ambassador to Japan. I can think of no finer individual to serve in this important post, for no finer person ever served in the U.S. Senate.

Having an Ambassador to Japan with Senator Baker's experience, knowledge, and statesmanship is crucial during this important period in U.S.-Japan relations. It is vital to America's goals for peace in this region. The overall security situation in Asia is of utmost importance. Having Senator Baker representing the United States in Japan will be a tremendous asset as we work to maintain security and stability in that vital region.

He proudly served as a sailor—P.T. boat sailor—who knows how to navigate rough seas.

Senator Baker's past service to the nation has been exemplary. He represented his home State of Tennessee for three terms in the Senate, from 1967 until 1985. Over the course of his final four years in the Senate, Howard Baker served with distinction as the Senate majority leader. After leaving the Senate, Senator Baker went on to serve the Nation as former President Reagan's Chief of Staff and as a member of the President's Foreign Intelligence Advisory Board.

Senator Baker, of all people, fully understands the demands and sacrifices we ask of our public officials and their families. His willingness to take on this challenge and once again return to public service is greatly appreciated. By his side, indeed a partner, will be his lovely wife, our former colleague, Nancy Kassehaum Baker.

Mr. President, I have been fortunate, to have worked with Senator Baker for many years. I have the great privilege to now be in my fourth term because of his help, and, above all, his advice and friendship The Nation, the Senate wish them both good fortune.

Mr. HATCH. Mr. President, the Presidents of this country long ago established a tradition of nominating the most eminent of our political leaders to be ambassadors to Japan. Former Senators Mansfield and Mondale, and most recently, Speaker Tom Foley have maintained that tradition of diplomatic excellence and service to our country up until this day.

When President Bush nominated my old friend, Howard Baker, to be our next ambassador to our most important Asian ally, he kept the highest standards of this important tradition. That is why I fully expect my colleagues today will concur in supporting this nomination. And while we will all miss the presence in Washington of our dear friend and his wife, another esteemed former colleague, Nancy Kassebaum Baker—who herself established a well-deserved reputation in this Senate as one of our most thoughtful leaders on foreign policy—what we will lose will be more than offset, once again, by the contribution that they will make for our country.

Howard Baker has been a public servant all of his life. It is an honor to serve in the Senate, not least because one serves with such distinguished and admirable colleagues, but I must say I have always considered myself particularly fortunate that my career overlapped in part with the three terms the distinguished Senator from Tennessee served here. I was particularly honored to have worked with him during the time he served as our party's majority leader. And as my colleagues well know, Senator Baker never really retired. He left the Senate and became the chief of staff to former President Reagan, serving that great President in an outstanding manner. While it would take too long to enumerate all of the contributions rendered since then by this exceptional public servant, it serves to note that he most recently was a leader of an important commission that conducted an essential review of our nuclear cooperation programs with Russia. The recommendations of that bipartisan commission were key in the new administration's policy review of this very important component of this important bilateral relationship. Now Howard Baker will go to serve another of America's important bilateral relations, as our Ambassador to Tokyo.

I have been saying for years that the strategic partnership American must nurture in Asia is not with China, but with Japan. President bush clearly recognizes this reality, and he has demonstrated this with his appointments of Japan experts at the State Department, Pentagon and the National Security Council. The President has capped these selections by choosing Howard Baker as our Ambassador. I commend the President on his strategic thinking, and I think the President could not have made a better selection in filling this post.

Howard Baker brings to this position his long experience in the Senate, in the White House and in the corporate sector. All aspects of this experience will be beneficial to his efforts to represent the United States to our Japanese ally. For the Japanese leadership, which has warmly welcomed this nomination, former Senator Baker will bring an appreciation of all of aspects of American society, and a deep respect for Japanese society and culture. The new Japanese leadership of Junichiro Koizumi could not begin its relationship with Washington on a more auspicious note.

I have personally known Howard Baker for nearly a quarter of a century. I know him for his steady, calm presence and for his wise counsel. I know him for his love of country, and for his deep understanding of how the world beyond our borders works. He and his dear wife, former Senator Nancy Kassebaum, will be missed in Washington. But we can rest assured that our country's interests in Japan are superbly represented by this exceptionally dedicated and talented couple. I know that my colleagues concur and join me in wishing Howard Baker Godspeed.

Mr. FEINGOLD. Mr. President, I rise today to add my support to the nomination of Howard H. Baker, Jr., to be the U.S. Ambassador to Japan.

Howard Baker has an outstanding record of serving the people of the United States as an officer in the U.S. Navy, as a Senator, as White House Chief of Staff to President Reagan, and as a member of numerous Presidential Advisory Boards. During the nearly 20 years that he represented Tennessee in the U.S. Senate, he served as both the minority and majority leader, earning the respect of his colleagues and a reputation as a talented, fair leader, and consensus builder. Senator Baker also served on the Foreign Relations Committee and was a Congressional Delegate to the United Nations General Assembly.

The experience and the skill that Senator Baker has developed as a long time public servant will be valuable as he takes on the important role of working to strengthen U.S. relations with Japan. Howard Baker succeeds a long and illustrious line of envoys to Japan including former House Speaker Tom Foley, former Vice President Walter Mondale, Michael Hayden Armacost, and former Majority Leader Mike Mansfield. I am sure that he will represent the United States with honor, in a manner that reflects well upon his predecessors.

I am also especially pleased that the United States will benefit from the wisdom and expertise of Nancy Kassebaum Baker, our former colleague, who will accompany her husband in this important endeavor. I had the pleasure of working with Senator Kassebaum on many issues and know that America is getting a truly excellent team to represent our country in Japan.

Mr. ROCKEFELLER. Mr. President, I would like to state how delighted I am that the President has nominated a statesman of such skill and integrity to serve as our Ambassador in Japan. Senator Baker had just completed three terms when I entered this body, including terms as majority and minority leader. He was well known as a man of courtesy and thoughtfulness, who managed difficult political battles with grace and good humor. He took those traits with him to the White House, where as Chief of Staff he played a key role in rebuilding public confidence in a presidency that was racked by foreign policy scandal. Throughout his career Senator Baker has often been called into service to help heal the ruptures created by difficult issues like Watergate, the Panama Canal and Iran-Contra; and he has repeatedly played a key role in forging the bipartisan consensus necessary to move our government and our nation forward.

There is no relationship more important for the U.S. than Japan. The vicissitudes of our difficult relationship with an emerging China, or the ongoing frictions on the Korean Peninsula, tend to attract most of the media attention devoted to Asia. But it is in fact Japan that is the indispensable country to the U.S. in Asia. Even after a decade of slow growth, Japan has by far the largest economy in Asia, and is the largest overseas market for U.S. products. Japan is an important investor in the United States, including in my state of West Virginia. Japan hosts the largest number of American troops in Asia, and is an important ally in our efforts to promote peace, prosperity and democracy throughout Asia.

The nomination of Senator Baker as Ambassador to Tokyo—the most recent in a series of senior statesman to serve in that critical post—will send confirmation to our Japanese allies the tremendous importance the United Sates attaches to our partnership with Japan. I know he will work with the new Government of Prime Minister Koizumi to express support for measures that will restart the Japanese economy, and enable Japan to resume its part as one of the locomotives of global growth. I know he will work with Japan to continue to re-invigorate our security alliance, which plays such an important role in maintaining peace in Asia. And I know he, by his very presence in Tokyo, will dispel Japanese perceptions that America is "Japan-passing." Having followed U.S.-Japan relations for the past 40 years, I am confident that U.S. relations with Japan are not moribund but in fact mature.

I commend the President for his excellent selection of a representative for this critical post, and add how pleased I am that his wonderful and talented wife, our former colleague, Senator Nancy Kassebaum, will be in Tokyo with him. I can think of no one better to join him on this mission than my dear and most admired former colleague.

I will vote to support the nomination.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise today also in enthusiastic and strong support for the nomination of Senator Howard Baker to be U.S. Ambassador to the nation of Japan. In fact, Mr. President, I can think of no person who could represent America with more honor and more distinction than my fellow Tennessean, Howard Baker, a truly extraordinary man and an extraordinary leader in this body, in his community, and this Nation.

As we all know, Senator Baker served as the United States Senator from the great State of Tennessee for three terms. He served as minority leader, majority leader, and he served President Ronald Reagan as White House Chief of Staff.

More important than all of that, which we know, he has served America long and well, with unfailing grace, with inexhaustible courage, and with integrity; never hesitating, as we just heard from the majority leader, in taking on the tough tasks, the tough assignments, never failing to shoot straight with us, to call it like it is. Whether it was winning over, in Tennessee, traditional Democrats, union members, to become the first Republican in the history of Tennessee to be elected to the Senate and teaming up with Senators to pass monumental and historic clean air and water bills without a single dissenting vote, or lobbying his colleagues to allow the televising of Senate proceedings, which are routine today, or supporting plans to end the draft, or to provide for the direct election of the President, or give 18-year-olds the right to vote, or investigating a President of his own party, or forging a foreign policy consensus to check Soviet cold war expansion, Howard Baker never flinched from the tough decisions.

He always put principle before politics. He was not just a good Senator; he wasn't just a good leader; but he was a good mentor and friend to me personally.

What is remarkable as we hear people in this body talking about him, is his ability to build coalitions, his ability to disarm his opponents with compromise that addressed both the concerns of supporters and limited the problems of dissenters, bringing them together, addressing concerns from groups who would not normally be together—leaving all sides in good spirits.

I mentioned the personal reflection of being a good mentor and a good friend. Again, this comes from my own experience when 10 years ago I was trying to make a decision of how best to enter public service. I went by to see Senator Baker, someone whom I did not know, someone whom I had not met—sitting down with that person in conversation—and you know it is a conversation he has had with hundreds and hundreds of people thinking about public service—sitting down for an hour and listening to what not only a campaign would be like but what the privilege of serving the United States of America in this body was all about.

Over the next year and a half I made three more appointments with him and took my wife Karen to listen to him, to talk to him. Indeed, he seemed to listen more to us than we did to him, in the thoughtful way of introspection and then comment. Yes, ultimately, after those conversations I decided, in large part based on those conversations, to run for the Senate.

At the height of his political power, Howard Baker stunned Washington by making a decision to leave the Senate, following his own advice of term limits, of the citizen legislator, only to be called back by President Reagan who tapped him as the White House Chief of Staff. He served President Reagan well.

The majority leader, a few minutes ago, mentioned that that legacy lives on. It was 2 years ago that he did come and give the lecture series—we will hear President Ford later tonight—and the title of that talk 2 years ago was "On Herding Cats," talking about his experience in this body, each of the little points of the "Bakers Dozen," of the 13 points I remember, as I listened in awe, as I listened in pride to my fellow Tennessean.

"Listen more often than you speak," was one of the 13;

"Be patient," another;

"Tell the truth, whether you have to or not," was another;

"Be civil, and encourage others to do the same."

So his story continues to unfold. Tonight, as we come together both to praise him and to support his nomination, we recognize that he remains an informal and trusted adviser, a model to which all politicians in Tennessee aspire, a friend to freedom, to democracy, a defender of principle, a man of honesty, integrity, and courage, who will represent America well.

His wife Nancy Kassebaum Baker has been mentioned, a friend to all of us. Together they make an experienced team, a knowledgeable team; together, a tremendous asset to the United States of America.

It is, indeed, with honor and pleasure, and I should say pride as a Tennessean, that I close in my support for Howard H. Baker, Jr., for the post of U.S. Ambassador to Japan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I rise in support of the nomination of Howard Baker for Ambassador to Japan. I, first of all, compliment my colleague, Senator FRIST, for his eloquent remarks which encapsulated Senator Baker's career and his character. It is very gratifying to hear so many favorable remarks about someone whom we hold so dear.

This was the case this morning as we had the hearing on Senator Baker. We heard so many from both sides of the aisle—Senator BIDEN, Senator BYRD—say so many nice things about the Senator. It is a very personal matter to me in many respects.

Many years ago, I, with shaky hand, dialed a telephone number in order to return a call from Senator Howard Baker. He had asked me to come up as counsel to the Watergate committee when he served as minority leader of that committee. Today that is the telephone number of my office because I have the privilege of occupying the chair. As I said earlier today, no one will be able to fill the shoes of Howard Baker, but I am privileged to occupy what we call the Howard Baker seat. I am sure others who have held that seat would not begrudge me referring to it in that way.

I would probably not be in politics were it not for Howard Baker. I left a job I dearly loved as assistant U.S. attorney many years ago, as a young lawyer, to go and manage middle Tennessee for Howard Baker, as if anyone could manage him, or as if he needed managing.

A young lawyer by the name of Lamar Alexander, later to be Governor of Tennessee, came to me and suggested this to me and suggested it to him and put us together. I asked how much the job paid and they said nothing. So with my usual business sense, I said that sounded good to me. I took on the job. Of course, he was the first popularly elected Republican in the history of Tennessee.

During Watergate, I had an opportunity that I know no other young man or young lawyer has ever had; that is, to sit at the right hand, literally and figuratively, of a man such as Howard Baker during the most tumultuous time in our generation and in American history. I saw him and the difficulties he encountered. We were dealing with a President of the United States who was a friend of Senator Baker. We were dealing with members of the Cabinet such as John Mitchell, who were friends of Senator Baker. I saw the agony that he went through as he tried to be fair. But he also tried to be steadfast to the Constitution of the United States. He walked that line and he showed the ethical and moral dimensions of his character.

He gave an example not only to this young lawyer at the time but to all of America of what it meant to be a statesman. In fact, I think the word "statesman" was coined for individuals such as Howard Baker because he demonstrated to all of us that it matters not only what you do but how you do it.

It is a great pleasure to see how revered he is by those who served with him, not the least of which, of course, is Senator BYRD of West Virginia, who served as the majority leader when Senator Baker served as minority leader. I heard them talk earlier today. I am looking forward to hearing Senator BYRD again on the floor, but I sat there and thought what two strong men, what two great men, oftentimes disagreeing but working together for the benefit of their country, what an example they set for us doing their job with mutual respect and only one thing in their minds—ultimately, serving their States and their country.

Senator Baker said earlier today that essentially, after all is said and done, he is a man of the Senate. Of course, the same could be said of Senator BYRD.

I compliment President Bush for making this appointment. Senator Baker—I assume; I have never really talked to him about it—was not an intimate of the Bush campaign, although I know he was a hard worker for it. I assume; looking back on it, that former President Bush and he were somewhat friendly competitors, as they were coming along about the same time. President Bush, the current President, obviously, has the good judgment to reach out and get the best for this most serious appointment.

This is a troubled part of the world. It is probably going to create more trouble for us in the years to come. We have a very unusual, ambiguous relationship with the country of China right now; as in many respects China is progressing in terms of its economy and in terms of its economic openness, while at the same time it is increasing its military might and has 300 missiles along its coast pointed toward Taiwan. It, clearly, has designs on being the predominant player in that part of the world, whether it be Taiwan or the South China Sea islands or various other parts of that area of the world.

It is extremely important that we maintain the best of relations with our friends and our allies in that area. There is none more important than the country of Japan.

Japan is undergoing its own internal changes that at this point we are attempting, while not being an overbearing friend, to be a helpful friend, whether it be with regard to reform of their banking system or the other aspects of their economy, and to go through those tough changes, that we and other countries have had to go through, to get to where they need to get. It is a very delicate time. They are undergoing a change in their leadership right now.

For all of these reasons, it is going to take a wise person, a steady hand representing us in that part of the world. Thank goodness we have a man such as Howard Baker to take on that job.

We make it very difficult nowadays for people to come in and serve their country. Our nomination process takes too long. It is too intrusive. The rewards oftentimes do not outweigh the benefits. But, thank God, we still have people such as Howard Baker and so many others who are willing to give a portion of their time to serve their country.

I am totally content that Senator Baker is going to serve as another in a long line of illustrious predecessors who have held this job and made America proud. America and the world will be better because he has served.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the Senate will soon vote on the nomination of former Senator Howard Baker to be the next U.S. Ambassador to Japan. This will be a vote I will long remember and of which I will long be proud. It will be one of those proud moments in the history of the Senate.

I have voted on many nominations, and I have cast 16,027 votes as of now. This will be one of the best votes I have ever cast. I have no doubt that this former colleague, with whom I worked so closely, will be an excellent representative of the United States to the Japanese Government and the Japanese people.

Senator Howard Baker served his home State of Tennessee in this Chamber for three terms, from 1967 to 1985. As the country began to recover from the scandal of Watergate, Howard Baker was chosen to lead the other side of the aisle as minority leader while I served as majority leader, positions that we would later exchange. Senator Baker distinguished himself as a man of strong character, sound judgment, and good humor. Having followed his father, with whom I served in the House of Representatives, his stepmother, and his father-in-law in Congress—again, speaking of his father-in-law, I can see Everett Dirksen standing in his place. I can see his unruly hair. I can see him gesturing and uttering the most beautiful phrases. He could paint word pictures, Everett Dirksen—

Senator Baker comes with great credentials in many ways. He had a deep and abiding understanding of and respect for the legislative branch. There was no doubt in Howard Baker's mind as to where the legislative branch stood. He knew of the Constitution. He knew about the separation of powers and the checks and balances. He was one who would always uphold those principles. His love for the Senate, his love for his country always came before partisan imperatives.

Senator Baker was often a voice of reason in challenging times. As the ranking Republican on the select committee that investigated the Watergate affair, his stated intent for the hearings was to determine the answer to the memorable question, as he put it: What did the President know and when did he know it?

I think everyone in this country has heard those words and probably most of us will remember having heard them.

Senator Baker and I joined together on a number of major initiatives that were important to the country as well as to the Senate. I can remember the Panama Canal treaties. I was majority leader. I was against the treaties to begin with. Howard Baker was against the treaties. I went to Panama and took with me six other Senators: Senator SARBANES, Senator Metzenbaum, Senator Matsunaga, Senator Riegle. There were seven, I believe.

We went to Panama. We talked to Americans living there. We talked to our military people. We talked with our State Department people. We talked with the representatives of the Government of Panama, including General Torrijos. I read all about the history of the Panama Canal by David McCullough, "The Path Between the Seas." It is fascinating. Anything David McCullough writes is fascinating. I changed my mind about it.

Both Howard Baker and I knew we were swimming uphill, so to speak. The polls showed that the great majority of the American people were against those treaties. There were two of them. They were against those treaties. A majority of the Members of the Senate were against the treaties. So we had an uphill battle. We both came to the conclusion that it was in the best interest of the United States to ratify those treaties. It was a difficult task.

I can remember coming in here on a Sunday and meeting with the Panamanian Ambassador to the United States and with our own State Department people right down the hall to my right here, in room 207, which was and is named the Mansfield Room. I remember our meeting; and then in the room there, which was formerly the room of the Presidents pro tempore of the Senate, we met to hammer out some differences.

Howard Baker and I formulated two amendments to the treaty, and but for those two amendments—which we called the leadership amendments because the two leaders were joining—but for the leadership amendments, the treaties would not have been approved.

What I am saying is this. Here was a man who stood above party and voted for what he thought was in the best interests of the country, realizing that in the next election he would pay a price for that. I am still paying a price in West Virginia. There are still those who remember my votes for the treaties and continue to write to me about them to remind me. But he was in a far more difficult position than I. The Democrats controlled the Senate. We had at that time a Democratic President, President Jimmy Carter. So it was more difficult for Howard Baker.

But notwithstanding the difficulties, notwithstanding the politics of the matter, which were adverse to the position we took, Howard Baker proudly took that position, stating it clearly, articulately, and effectively; and because he joined in approving the treaties, we were successful. We ended up, on both treaties, getting a vote of two-thirds of the Senate plus one vote. We had one vote to spare. So we joined together on that occasion. I can't forget that.

I have said many times—and I said it this morning in the Foreign Relations Committee hearing on the nomination—that there are several medallions in the Senate reception room just off the floor here, and in five of those medallions we find the pictures of Webster, Calhoun, Clay, La Follette, and Taft of Ohio. I have stated one day this Senate will determine the names of other Senators whose pictures and names will go in those remaining medallions. The Senate has already made a decision, I believe, with regard to the next medallion or so.

But at some point in time Howard Baker's picture—it is my hope—will appear in those medallions. So today, for the RECORD—although I won't be here, I am sure, when that decision is made—I nominate Howard Baker because he was a Senator who stood above the fog in public duty and in private thinking and took a hard position. It was hard for him and hard for his party, more so than mine. He provided invaluable support in that instance, as I say. And he also joined me in my effort to bring television coverage to the floor of the Senate.

In later years, he served well. You see, he served as minority leader first with me when I was majority leader, and then I served as minority leader while he was majority leader. Always, I found Howard Baker to be a very agreeable, down-home, homespun person, a person who had great common sense, which is so often absent in the halls of Government—common sense, and a man of good humor, very intelligent, exceedingly knowledgeable, highly articulate, a man of the people.

He served as President Reagan's Chief of Staff at a time when mature counsel and moderate leadership in the White House were needed.

In a 1998 address to the Members of this body, Senator Baker recalled the lessons that helped him as majority leader from 1981 to 1985. This is what he said:

> What really makes the Senate work—as our heroes knew profoundly—is an understanding of human nature, an appreciation of hearts as well as minds, the frailties as well as the strengths, of one's colleagues and one's constituents.

That is bringing it right down to the common understanding, bringing it right down to earth. I suggest that this lesson will continue to serve him well in his role as Ambassador to Japan.

Over the years, the United States has sent some of its finest citizens to Japan to act as the President's representative, most recently Tom Foley, former Speaker of the House of Representatives; and prior to him there was Walter Mondale, former Vice President of the United States, and Mike Mansfield, former majority leader of the Senate. The appointment of Senator Baker to this position will again demonstrate the importance of our relationship with Japan, the most prosperous country in Asia, and, more importantly, allow our Government to regain the services of a very talented individual who has spent more than half of his life in the service of this country.

As Senator THOMPSON mentioned a little while ago, Nancy Kassebaum, a former Senator, will be there likewise. Howard Baker and his wife Nancy will be a great team. She could well serve as U.S. Ambassador to Japan in her own right.

Japan will be a vital partner to the United States in what many are calling "the Pacific century." Senator Baker will represent our country in a nation of great importance, in a region of great change, in a world in transition. I am confident that he will work to the best of his considerable abilities to ensure a prosperous, peaceful, and productive relationship with Japan.

I don't know of anyone, Democrat or Republican, I would be happier to stand on this floor and recommend to the people of the United States as Ambassador of Japan, or anyone who could serve more ably, or one who would be more effective. There isn't anyone who would be more patriotic and dedicated to the service of his country than Howard Baker.

I came to the floor immediately after the hearing and urged the majority leader to bring this nomination up today. There is no point in waiting. Bring it up today. I asked my own leader on this side of the aisle if we could do this nomination today. Of course, they had already made up their minds to do it today.

I have looked forward to this moment. I am proud of my service with Howard Baker. I am proud of Howard Baker because he typifies to me a true Senator, a Senator who understands the importance of party, political party, but a Senator who puts the Senate and the Constitution and his country above political party. I know because I was here when he did it.

As my former colleague prepares to journey to Tokyo following his confirmation, Erma and I will be wishing him and Nancy, his lovely wife, the best and a very successful tenure in that office.

Mr. President, I close by those words first written by Horace Greeley because they typify what I think is best about Howard Baker and basically what is most needed by every statesman who serves in government, whether at the national or local level, and basically what distinguishes one individual from another perhaps:

> Fame is a vapor, popularity an accident, riches take wing. Only one thing endures, and that is character.

This man has it. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from West Virginia on a characteristically extraordinary statement. He speaks for all of us. He spoke eloquently, sincerely, and truthfully.

Senator Mike Mansfield once called America's relationship with Japan our most important bilateral relationship. How right he was.

Combined, our two countries account for more than 40 percent of the world's gross domestic product. When our nations work together, we can make and have made Asia more stable, Japan stronger, and America more secure.

Today, during this time of transition in Asia, our alliance with Japan is more important than ever. I can think of no individual better equipped than Senator Howard Baker to ensure that our two countries continue to work together and succeed together.

As our distinguished Senator from West Virginia noted, Senator Baker served not only as the Republican leader, as the minority leader of the party, but also as the majority leader at a time when America faced challenges at home and the monumental challenge of the cold war. He worked with his colleagues in the Senate without regard to party affiliation to lead us through countless legislative challenges, and he proved to be a statesman without equal.

By confirming Senator Baker's nomination, we are sending Japan more than an outstanding Ambassador. We are sending a message that we believe Senator Mansfield's observation is truer today than it has ever been. The alliance between our two great nations is so important that it demands an Ambassador of the caliber of Senator Howard Baker, and I am certain that Japan will recognize, by receiving Senator Baker and Senator Nancy Kassebaum, that America is clearly sending its very best.

I join with my colleagues this afternoon in expressing heartfelt congratulations to Howard and Nancy, to express a sentiment I know is shared by every Member of this body in our pride and admiration for them and in our hope that they continue to enjoy public service and our thanks for serving their country so well. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in strong support of the nomination of Howard Baker to be U.S. Ambassador to Japan. I must say, and I am merely here speaking to the Japanese, I think this nomination is yet again a clear indication of the importance the United States attaches to the relationship with Japan.

For now what will be a quarter of a century, we have sent Senator Mike Mansfield, Speaker Tom Foley, and now Senator Howard Baker as our representatives to the Japanese Government and to the Japanese people. I hope it is fully appreciated in Japan—and I think it is—exactly what this means in terms of how highly we value this relationship, how important we think it is to the course of events internationally and, of course, how much it reflects the very strong conviction on the part of all of us here that Howard Baker and his wife Nancy will do an outstanding job representing us.

I have taken the floor of the Senate on occasion to oppose ambassadorial nominations, particularly non-career ambassadorial nominations. I do not take the position that all Ambassadors should come out of the career service because I think we can draw from outside of the career service to bring people who can make a real contribution—and there is something of a tradition of that in our country—although I think it is very important that the large majority of the positions go to career people in part to help maintain the morale of the Foreign Service, so someone going into the Foreign Service at a young age and committing a career to the Foreign Service, who has an opportunity to rise and become an Ambassador, is not cut off as they move up the ladder because the Ambassadors are all brought in from outside. That would have a very harmful impact on the morale of the Foreign Service, and I think having a Foreign Service with high morale is a very important thing in contributing to America's interests and objectives around the world.

If someone were to come to me and say, "You have admitted you would accept non-career people; you do not have an absolutely rigid position on that; what kind of people is it you are looking for in terms of non-career people to become Ambassadors," I would start right off by saying I would be looking for someone like Howard Baker. This can be the mold, in a sense, of what we are looking for from outside the career foreign service.

We have all known Howard well in the Senate. We hold him in enormous respect. He is a man of great wisdom and judgment, of never-failing courtesy. All here who have dealt with him always sensed the respect he extended to others which, of course, evoked a respect from others back towards him. We need to remember that lesson around here sometimes.

Over the years we saw him exercise power with a sensitivity and a responsibility that is a real tribute to him as a leader. We have a lot of difficult issues that arise from time to time with Japan.

We ought not let those issues cause us to lose sight of how important having a strong positive relationship is with that country. I am sure Howard Baker, as his predecessors, Tom Foley and Mike Mansfield, have done, will be able to communicate that to the Japanese people and communicate back to Members of the Congress the situation that exists.

One of the things that both Ambassador Mansfield and Ambassador Foley did was maintain contacts with Members of Congress. Having come out of the institution, they appreciated the role it plays in these relationships. I think that is one of the strengths that Howard Baker will bring to this ambassadorship. Second, he served in the White House as chief of staff, so he knows the workings of the executive branch. He can bring that expertise also to bear as he assumes this very important responsibility.

I think Nancy Baker will be an extremely important dimension to this ambassadorship. I know at one point there was talk of a co-ambassadorship. I don't quite see how you do that, given the direct responsibilities on an Ambassador, but I am sure she will add a very significant and extra dimension to this representation that our country will have in Japan.

I am pleased to take the floor, along with my other colleagues, in support of this nomination. I thank the distinguished Senator from West Virginia for his very eloquent statement about Howard Baker, about their relationship in the Senate, and about his character.

This is a man of character. This is a man of wisdom. This is a man of judgment. This is a man of civility. I am delighted he will be our Ambassador to Japan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to support the nomination as well of Senator Howard Baker to be Ambassador to Japan, and of Nancy Kassebaum, a good friend of mine, a former Senator from Kansas, to go along, as well.

Senator Baker I have gotten to know better. I have not served in this body with him.

I have known Nancy Kassebaum very well over the years, her political history in Kansas. Her family has great leadership in my State. Her dad, Alf Landon, was a Presidential nominee, and in 1936 was Governor of Kansas. Senator Kassebaum followed in his footsteps as a very able, qualified, wholesome, and dignified public servant. She did an excellent job. She will do an excellent job in Japan, as well.

Senator Howard Baker I have gotten to know later in life. Sometimes he has come to Kansas State University football games. A great fan—and he picks a great team to support. When we play Tennessee, I understand they have a family dispute between Kansas and Tennessee and he stays with Tennessee, while Senator Kassebaum stays with Kansas State University.

This is an important nomination for reasons already noted, but I will reiterate; that is, the significance of the stature of the Ambassador we are sending to represent us in Japan. Japan is a key ally of the United States. Japan is in a region that will draw increasing focus from the United States in the future and has in recent times even more so. So we are sending to Japan a man of stature from our Nation to represent us in a part of the world on which we will increasingly focus.

We have had difficulties recently in Asia, particularly in our relationship with China. We are expanding our relationship with other nations throughout Asia. We are expanding our relationship with India and South Asia. This entire region of the world is growing in significance globally and growing in significance to the United States.

It is important we send this level of leadership to this region in the form of Senator Baker, for him to be able to represent our interests and our thoughts at this time of expanded U.S. activity and engagement throughout that area.

I wholeheartedly endorse his nomination as a member of the Committee on Foreign Relations. I am delighted the United States will have this individual involved in its foreign affairs. He will make an outstanding representative, an outstanding Ambassador. Nancy Kassebaum will be a co-Ambassador. I think she will be dearly loved by the Japanese people, the same way she was loved by the people of Kansas. While she served in the Senate, there was no politician in the country who had a higher approval rating on a statewide basis than Nancy Kassebaum. There are some who say she ranked just below the sunset and the wheat harvest in her approval ratings in our State. She had a lofty stature, and she will carry that along with her to Japan. This is a great nomination that I wholeheartedly support.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from North Carolina.

Mr. HELMS. I ask it be in order for me to deliver my brief remarks seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I made some remarks this morning at the time of the reporting out of the Committee on Foreign Relations the very wise nomination of Howard Baker to be the U.S. Ambassador to Tokyo. I said then, and I repeat, there is not one Senator who ever served with the distinguished former majority leader of this Senate—and I see where he sat right there—not one Senator who would not be honored to join in paying his or her respects to one of the most respected Senators ever to serve in the Senate.

All of us have fond memories of our relationship with Senator Baker, and all of us like him and respect him and admire him for his intelligence and his legislative skills and his ability to broker meaningful compromises and for being just a darn nice guy.

I must confess, my affection for Howard is because he has been so gracious to my grandchildren, and that is the way to any man's heart. I recall that on one occasion, the day after one of my granddaughters was born, Howard was going to North Carolina with me for a little adventure. He called me before we left and he said: JESSE, who is going to meet us at the airport?

I said: I don't know, but I will find out.

He said: I just wondered if I could take a trip.

I said: You can go anywhere you want to go.

He said: I would like to go to the hospital where that young one of yours was born yesterday.

I said: Howard, you don't need to do that.

And he said: No, I like grandchildren, and I would like to go, if you don't mind.

I said: Fine.

He said: As long as I'm going, can I take my camera with me?

A lot of people don't know that he is an accomplished photographer and has published two or three books of pictures that are outstanding. He took pictures of that young one just born 24 hours earlier, and her mama and proud daddy and granddaddy and all the nurses in the hospital.

Fast forward about 4 or 5 years and Katie Stuart visited us and Howard found out about it. He was then the chief of staff for the President of the United States at the White House, President Ronald Reagan. He called me up and said: We need to update that picture that we took at the hospital. So we went down to the White House and he had all the lights set up and he said: Now, JESSE, I want you to get Katie in your arms and I want to photograph the proudest granddaddy and the sweetest granddaughter I ever saw. And he took that picture. That picture is on my wall to this good day.

Howard Baker will make a great Ambassador. On his own hook he would be great, but he has a second advantage, and that is a lady named Nancy Kassebaum Baker, who sat right back there, as a great Senator herself. And as someone said this morning, Nancy herself would make a good Ambassador anywhere she was sent.

I could go on and on, but suffice it to say that Howard Baker's experience and personal qualities and those of Nancy Kassebaum Baker will serve him and her and them well. The United States relationship with Japan is critical in this new era. In sending an Ambassador such as Howard Baker, President Bush has chosen a superbly qualified American to represent the American people in Japan, an outstanding ally of our country, the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise in support of Howard Baker. I realize this is unusual; the chairman of the committee should be the one to close. I apologize. I didn't know you were speaking. I think I am the last to speak and I will be brief.

Howard Baker is one of the few men or women nominated for Ambassador that it would be warranted not to be briefed about because there is so much to say about Howard Baker. The distinguished senior Senator from Hawaii, standing in the well, knows him as well as I do—and maybe a little better. I have been here 28 years. He was as fine a leader of the Senate as we had in either party. He is a man who, as I said this morning, possessed not only good judgment but a strong dose of wisdom.

Howard Baker has a piece of the country lawyer in him, the country lawyer who knows how to cut through difficult circumstances in a way that resolves a situation and at the same time does no harm or damage to either the egos and/or positions of either of the parties. That is the mark of a leader. It seems to me that is the primary ingredient that an Ambassador should possess.

The appointment of Howard Baker to be Ambassador to Japan is the single strongest signal that the people of Japan could have that we value this relationship with Japan.

Senator HELMS and I have been here the same length of time, Senator INOUYE longer, but I doubt whether there is any country to which we have sent more distinguished men and women—men in this case—than to Japan. He goes in the tradition of some truly great Americans. That sounds like a trite thing to say, "great Americans," but Mike Mansfield, "iron Mike," from Montana had more integrity in his little finger than most have in their whole body, a man whom everyone admired, a distinguished Speaker of the House of Representatives, Tom Foley, a distinguished colleague of ours, and on the opposite side of my friend from North Carolina, but respected, Fritz Mondale, a man who graced this place—and I mean that literally, graced this body—and Howard Baker. And I am leaving out others of consequence as well.

Let me say it is not hyperbole to suggest, as I did this morning, and the Senator referenced it, that Senator Nancy Kassebaum, all by herself, would be fully capable of dispatching the responsibilities of the Ambassador to Japan. Really, as we always say, the Senator from North Carolina and I, because of our responsibilities on the Foreign Relations Committee and confirming all Ambassadors—we always say the spouse of the nominee is someone who makes a sacrifice as well as who makes a contribution. It is almost always true, in some cases more than others.

This is a combination of political leadership, diplomacy, knowledge, and access—access to the corridors of power in the White House—that I think is unparalleled.

I join with my colleagues in saying that Howard Baker is a fine choice. More than that, he is a truly fine man.

As I said this morning, he and I have been on opposite sides of things—more together than on opposite sides—but I truly consider him a friend. It is presumptuous of me to say of a man of his stature that I am a friend. He was a man of consequence long before I arrived. I don't mean to be presumptuous in saying we are close friends. We are different in generations and different in age. But we are friends. I admire him. I admire him very much, and I compliment the President.

I will close with what I have always thought to be and I believe to be an old Anglo-Saxon expression. It says: Character is little more than the lengthened shadow of a man.

Howard Baker casts a very long shadow. He has great character. He will serve this Nation well at what I believe to be the single most critical time in U.S.-Japanese and U.S.-Asian affairs since the end of World War II. Words matter; Howard Baker chooses his well, and I know of no place more than Japan where words, decorum, and diplomacy matter more.

No better choice could be made. I compliment the President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Let me commend President Bush on his appointment of former Senator Howard Baker as the Ambassador to Japan. I guess, since we came to the Senate together, I know him about as well as any. I have traveled with him. I have seen him in action on trips. I have his photography in my home. I visited in his home at Huntsville, TN, with his former wife Joy and, since he lost Joy, he is now married to our great friend and distinguished former Senator from Kansas, Nancy Kassebaum.

They are a wonderful family, Nancy's son, daughter-in-law, the grandchildren. They are right down there in my hometown of Charleston, so I get to see them fortunately from time to time.

There is an old wag about coming to the Senate. You wonder how in the world, when you first get here, you got into this exclusive body. Then after a couple of years, you lose all humility and you wonder how the rest of them got here.

You observe them. Everyone here has a talent, all of high intellect and experience or they would not have been selected by their several States.

But what I really look for is that judgment. There is no question, more than a balanced budget we need balanced Senators around here, and that was Howard Baker. When I ran for President, I know no one remembers that——

Mr. BIDEN. I do.

Mr. HOLLINGS. You and I were out there together—to be forgotten.

We were asked that question, when you get along to a stage in your campaign, who would you select as Secretary of State? This is back in the early 1980s. And I said Howard Baker because of his sense of history, his capacity for reasoned judgment, and his intellect. He knows the world. He knows Japan. He knows our defense needs, our security needs in the Pacific rim, our trade problems and opportunities there and everything else.

Since others are here and ready and I take it we are ready to vote, let me simply say I am enthused about this particular appointment. I think the country is very fortunate to have him as our Ambassador.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, on behalf of the majority leader, I yield the remainder of the time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. NELSON of Florida. Will the chairman allow me to say one short thing?

Mr. HELMS. I defer the question.

Mr. NELSON of Florida. I just wanted to say as a member of the Foreign Relations Committee, to the chairman and my ranking member, as a new Member, I was quite struck today at the testimony taken with regard to Senator Baker.

First of all, I saw the deep respect that Senator BIDEN and Senator HELMS had for him. And then I heard the testimony from Senator Dole as well, and Senator BYRD.

What struck me was Senator BIDEN's words, when he referred to Senator Baker as a man of the Senate. Before I came here, I would not have known the depth of feeling in that statement. But as I have had the privilege of getting to know all of you, and to interact with you on a daily basis, I now understand the respect that you accorded to Senator Baker by referring to him as a man of the Senate: Someone whose word can be counted on; someone who has principles; someone whose sense of integrity other people recognize. Isn't that what we need in our Government these days?

So it is with a feeling of great privilege that, as a new Senator, I join with all of you supporting Senator Baker to be our Ambassador to this very important country, to further the interests of the United States of America.

Mr. HELMS. Mr. President, I renew my request.

The PRESIDING OFFICER. All time having expired, the question is, Will the Senate advise and consent to the nomination of Howard H. Baker, Jr., of

Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan?

The yeas have and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—99

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Ensign

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR THURSDAY, MAY 24, 2001

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, May 24. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Senators speaking therein for up to 5 minutes each, with the following exceptions: Senator THOMAS, or his designee, from 10 a.m. to 10:45 a.m., and Senator DURBIN, or his designee, from 10:45 to 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANTORUM. Mr. President, for the information of all Senators, the Senate will be in a period of morning business beginning at 10 a.m. tomorrow. Senators should be aware that votes may occur during tomorrow afternoon's session and throughout the remainder of the week. The Senate may consider the conference report to accompany the reconciliation bill and any executive or legislative items available for action prior to the Memorial Day recess.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Thursday, May 24, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2001:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RONALD ROSENFELD, OF MARYLAND, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, VICE KEVIN G. CHAVERS, RESIGNED.

DEPARTMENT OF THE INTERIOR

WILLIAM GERRY MYERS III, OF IDAHO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE JOHN D. LESHY, RESIGNED.

DEPARTMENT OF STATE

ROBERT D. BLACKWILL, OF KANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

ANTHONY HORACE GIOIA, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

DEPARTMENT OF JUSTICE

J. ROBERT FLORES, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, VICE SHELDON C. BILCHIK.

THE JUDICIARY

WILLIAM J. RILEY, OF NEBRASKA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE CLARENCE A. BEAM, RETIRED.

CONFIRMATION

Executive Nomination Confirmed by the Senate May 23, 2001:

DEPARTMENT OF STATE

HOWARD H. BAKER, JR., OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

HOUSE OF REPRESENTATIVES—*Wednesday, May 23, 2001*

The House met at 10 a.m.

His Holiness Karekin II, Supreme Patriarch and Catholicos of all Armenians, Etchmiadzin, Armenia, offered the following prayer:

Almighty Lord and God, light to all nations, help us walk in Your light to advance the cause of freedom and human dignity in America, where democracy has grown strong over two centuries, and in Armenia, a new republic with strong hopes, and to make wise decisions of law on behalf of real people and real pain.

Lord, bless the American people and their servants who bear the privilege and burden of leadership. Also bless the Armenian people who are celebrating the 1700th anniversary of their ancestors' proclamation of Christianity as a state religion in Armenia. Unite the diverse peoples of the world into one sacred family, that we might share our stories and dreams in Your Holy Name.

For to You is glory, power, and honor, always and unto the ages of ages. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 1727. An act to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.

H. Con. Res. 76. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

H. Con. Res. 79. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 87. Concurrent resolution authorizing the 2001 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 40. Concurrent resolution expressing the sense of Congress regarding the designation of the week of May 20, 2001, as "National Emergency Medical Services Week".

S. Con. Res. 41. Concurrent resolution authorizing the use of the Capitol Grounds for the National Book Festival.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, reappoints Michael K. Young, of Washington, D.C., to the United States Commission on International Religious Freedom.

The message also announced that pursuant to Public Law 106–554, the Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, appoints the Senator from Massachusetts (Mr. KERRY) to the Board of Directors of the Vietnam Education Foundation.

WELCOME TO HIS HOLINESS KAREKIN II

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I am honored to come to the floor today and help welcome His Holiness Karekin II, the Supreme Patriarch and Catholicos of all Armenians. Welcome to the U.S. House of Representatives.

I thank His Holiness for offering such a wonderful prayer. I also want to thank the House chaplain for allowing the opportunity to celebrate this very special occasion.

His Holiness Karekin II is the 132nd in a continuous line of pontiffs of the Armenian Church dating back to the 4th century. As the chief shepherd of the world's 7 million Apostolic Christians, Catholicos Karekin II administers the Armenian Church from the Mother See of Holy Etchmiadzin located in the Republic of Armenia.

This year marks the 1700th anniversary of Armenia's conversion to Christianity. Armenians throughout America have waited with great anticipation for this special visit in celebration of this extraordinary anniversary.

Mr. Speaker, I join all Armenian Americans and Armenian supporters throughout the United States in thanking His Holiness for making this trip to America and being with us here today.

ARMENIA'S 1700TH ANNIVERSARY OF PROCLAIMING CHRISTIANITY AS OFFICIAL RELIGION

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I also would like to thank His Holiness Karekin II for providing this morning's prayer and for helping this House celebrate the 1700th anniversary of the world's first Christian nation, Armenia. It was 1700 years ago that the leader of the Kingdom of Armenia, the pagan King Drtad III, was baptized as a Christian and made the historic decision to proclaim Christianity as the official religion of the Armenian kingdom. It is the anniversary of this event that brings His Holiness to the United States this month.

I will be fortunate to join him at what should be one of the largest gatherings of Armenian Americans in New York City's Central Park this upcoming Memorial Day weekend.

His Holiness will also be the honored guest at an ecumenical prayer service next week at the National Shrine of the Immaculate Conception here in Washington.

Mr. Speaker, I want to thank His Holiness for gracing this House with his presence this morning and for making this trip to the United States. It not only means a lot to me but to the millions of diaspora Armenians and Americans of other faiths who will have the opportunity to hear his words during this visit.

A CHILD'S SUCCESS IS DEPENDENT ON ABILITY TO READ

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, a child's success in school and, indeed, in life is dependent upon his or her ability to read. Unfortunately, reading scores in most States have remained flat or even

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dropped over the last 8 years, and the reading achievement gap between white students and minority students has widened even further.

These disappointing results are yet more evidence that simply spending more money on education does not necessarily improve student achievement.

President Bush's Reading First Initiative gives States both the funds and the tools they need to eliminate the reading deficit. It focuses on effective proven methods of reading instruction based on proven scientific research.

Research continues to show that reading failure has devastating effects on self-esteem, social development, and opportunities for advanced education and meaningful employment. By funding effective reading instruction programs, President Bush's plan, H.R. 1, ensures that more children will receive the help they need before they fall further behind.

CHINA SHOULD OPEN DIALOGUE WITH TIBET

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, Monday evening a bipartisan group of us went to New York to welcome the democratically-elected President of Taiwan Chen Shui-Bian. What a joy it was to see the leader of a country that was destitute and dictatorial just a few decades ago, and it is now a political democracy and one of the most successful economies on the face of this planet.

This morning, Mr. Speaker, I welcome on behalf of scores of our colleagues across both sides of this aisle His Holiness the Dhali Lama, a man of remarkable moral authority, who speaks truth to power. I call on the Chinese Government in Beijing to begin a dialogue with this great leader so that the Tibetan people at long last can live, preserving their cultural and religious heritage.

The Dhali Lama honors us with his presence and all of us in this body are delighted to welcome him to the United States.

FATHER EMIL KAPAUN, A TRUE AMERICAN HERO

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I rise today to honor a true American hero, a priest, soldier and POW, Chaplain Emil Kapaun. Today, we remember that 50 years ago Father Kapaun died in a Communist POW camp during the Korean war.

A chaplain in the United States Army's Eighth Cavalry Regiment, Father Kapaun and his unit found themselves in a perilous situation on the Korean battlefield. A wounded soldier lay completely exposed and could not be accessed because of intense machine gun and small arms fire.

With total disregard for his personal safety, Father Kapaun went after the wounded man and successfully evacuated him, saving his life. Later, captured and as a prisoner of war, Father Kapaun continued to minister to his flock of fellow POWs. He encouraged and inspired others by his peaceful, courageous demeanor. He continually risked his health and life by giving all he had to his fellow soldiers.

Ultimately, these acts of selflessness contributed to his own untimely death.

So today on the 50th anniversary of his death, we honor his courage and reflect on the heroism and the spiritual devotion of this great man.

WITHOUT GOD HONORED BY OUR NATION, EVEN THE DECLARATION OF INDEPENDENCE WILL NOT SAVE US

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Arizona public schools will begin each day by reciting the Declaration of Independence. I applaud Arizona, but it is not enough.

America was founded on religious freedom, guaranteeing that there would not be one state-sponsored religion, but the Founders never intended to outlaw, to prohibit and to kill school prayer.

The Declaration of Independence was drafted to ensure rights, not to limit rights. All schools in America should have the right to allow school prayer if they should choose to do so, period. And America, without God, will not be saved by the Declaration of Independence.

I yield back the rape, murder, drugs, guns, and violence in America's schools.

MILLIONS IN AMERICA SUFFER FROM BLINDNESS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, over 1 million Americans are legally blind and 80 million Americans are at risk for developing diseases that potentially can cause blindness. Currently, more than 6 million Americans suffer from retinal degenerative diseases. In my State of Florida, an estimated 1 million people are affected by these problems.

My constituents, Ilana Lidsky and her husband Patrick McGuinn, have traveled to our Nation's Capitol today to learn about recent gene therapy that has actually given sight to Lancelot, a Briard dog born with a blinding genetic mutation. This recent National Eye Institute-supported research that has given sight to Lancelot holds promise for children born blind and for persons like Ilana and her siblings who suffer from retinitis pigmentosa, a disease that may lead to blindness.

□ 1015

Today, eye and vision disorders cost society $38 billion every year, and this cost will escalate unless existing research opportunities are vigorously pursued.

The Alliance for Eye and Vision Research and the Foundation Fighting Blindness are to be congratulated for their gene therapy research that will soon find a cure for blindness.

IN HONOR OF CAPTAIN G. RUSSELL BROWN

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I rise today to recognize Captain G. Russell Brown, a native of Astoria, Queens, New York. After almost 40 years of service, Captain Brown is retiring from serving our Nation in the United States Navy. During the course of his career, Captain Brown has been willing to make tremendous sacrifices for his country. He has given his life to service of his country in our Navy.

He entered the Navy in 1962 and began to work at the Hospital Corps School 2 years later. He served our Nation in Vietnam and after his return, he served posts in the Navy throughout the world. During the last 30 years, Captain Brown has served in California, Germany, Italy and Midway Island. Throughout that entire time, he has always been willing to sacrifice for his country.

Captain Brown, along with his wife, the former Gillian Ann Collett of Reading, England, has 2 daughters, Rebecca Evelyn and Heather Ann.

On behalf of the people he has served for so many years, I would like to thank him for his service to our Navy and our country. I would also like to offer his family the best of luck as he moves into life outside of our Armed Forces.

PEACE AND PROSPERITY FOR INDONESIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to urge the government of Indonesia to ensure that the roots of democracy are firmly established so the Indonesian people can enjoy peace and prosperity now and in the future. President Wahid should be commended for the steps he has taken to help build a foundation for democracy, and other leaders in Indonesia should be encouraged to build on that foundation.

Unfortunately, there are individuals and organizations who desire to foment violence, bloodshed and destruction in communities in the Malukus, Aceh, Irian Jaya, Padang and other regions. I urge the government of Indonesia to bring to justice those responsible for recent and past criminal attacks against the Indonesian people and to assure that those criminal leaders are prosecuted, especially Malaskar Jihad, who committed violence against Muslims and Christians in the Malukus.

Mr. Speaker, I urge the government of Indonesia to ensure that perpetrators of crime in Indonesia are punished for their crimes and brought to justice.

ENERGY CRISIS LOOMS AS REPUBLICAN ADMINISTRATION DOES NOTHING

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, we are today, I think, at about the 120th day of the Republican energy follies play in this House.

When the President became President in January, everybody knew there was a crisis in California and on the West Coast generally. We met with the Vice President, who has been appointed as the Energy Czar, and explained the problems. Republicans and Democrats sat with him. The Vice President looked us in the eye and said, this is not a national problem, this is a State problem. We are not going to do anything.

Now, they have come out with a sort of weak, namby-pamby plan for energy that is going to go on 10 years from now, but does not deal with the crisis now.

The Senate has now entered the stage, stage left or stage right, if you will. They have come on the stage and they have said, we are going to pass tax cuts. The President says we need those tax cuts because we have the energy crisis. What they mean is, we are going to reduce the taxes so that people can pay more to energy companies.

Mr. Speaker, it is wrong. We should stop them.

NOMINATION OF TED OLSON SHOULD PROCEED WITHOUT DELAY

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, just as with Robert Bork, Clarence Thomas and most recently John Ashcroft, Washington's blood sport of lies, rumors and innuendo is in full throttle.

Aided by their liberal friends at The Washington Post, many Democrats have, once again, cast the truth aside and are focused on destroying the name and reputation of a fine American. In their eyes, Solicitor General nominee Ted Olson is guilty of one thing: He is conservative. The fact that he is perhaps the most qualified and well-respected individual ever nominated for this important post becomes irrelevant. His attackers are intent on punishing Ted Olson for his work on the Florida recount case, on destroying the spirit of bipartisanship promoted by President Bush, and on regaining the majority in Congress through fear and intimidation. They must not succeed.

Mr. Speaker, the American people deserve to have a Justice Department that they can trust to faithfully execute and uphold the laws of the land. We need men like John Ashcroft and Ted Olson to revitalize and restore the luster to this most important department. Let us call off the attack, calm the waters and allow the nomination of this fine American citizen to proceed without delay.

THE NORTHERN MARIANAS DELEGATE ACT

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, the House prides itself on being the House of the people and all of the people, and, indeed, all Americans are represented here, most fully through representatives, some 435, and the rest, somewhat, through delegates, numbering five. But there is one group of Americans that is not represented at all, and those are the people of the Northern Marianas.

Today, I am reintroducing the Northern Marianas Delegate Act, an Act to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Marianas. It is important that the Commonwealth of the Northern Marianas be accorded representation in Congress, not just for fair and just representation of an American community, whose interests are directly affected by the actions of Congress, but more importantly, for what the people of the CNMI can contribute to the Nation through their delegate. A delegate for the Northern Marianas will advance their cause and work to resolve situations and conditions as they develop, not subsequently.

We should leave no other citizens behind or alienate them from a lawmaking and policymaking process. Perpetual denial of a delegate for the CNMI is a denial of the basic right to represent oneself.

THE TIME IS NOT FOR PARTISAN SNIPING

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, liberal extremists in Washington want to adopt the California approach on energy and make it national policy. That is kind of a head-in-the-sand approach. They do not like coal, they do not like oil, they do not like nuclear power. They want everybody to be driving cars that have windmills on top of them or something like that. I am not exactly sure where their reality lands.

But the reality is, in California, demand for energy exploded over 30 percent, and yet they would not allow new power plants to be built. As a result, they had the same pollution-causing, outdated power plants now owned by the government. Well, does that not make us feel comfortable?

Mr. Speaker, the time is not for partisan sniping. The time is to say, gee whiz, maybe California did make some mistakes. It is probably not good to model national policy after them. Let us be realistic. We do need alternative energy sources. We do need research. We do need conservation. But guess what? We cannot get off of oil tomorrow. We have to keep refineries open.

Mr. Speaker, I hope that the Democrats will join the Bush administration in looking for a solution.

TRIBUTE TO RICHARD ROMERO

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise to honor an individual, a friend, and pay tribute to the late Richard Romero from the Inland Empire, a businessman, a philanthropist, a dreamer, a community leader. Richard was a pillar of the Inland Empire. From his humble beginning in New Mexico, Richard received great success in business and in life, but Richard's greatest satisfaction came from helping others.

Recently I talked to his wife, and she said that one of the most important things about Richard was that he cared about people in the community. He felt that it was important for people to learn about reading, writing and arithmetic. Richard touched the lives of many individuals in the community by giving unselfishly.

He rescued the University of Laverne from the brink of extinction; he turned it around and helped the University of Laverne in southern California. I know, because my son will be graduating from Laverne University on Saturday of this week, and I want to thank Richard for taking the leadership and helping the University of Laverne, a private institution.

Mr. Speaker, Richard Romero reached out and touched the lives of many individuals in the Inland Empire, contributing to a variety of programs to support education of the disadvantaged. Many times he had events at his dealership. He continued to do that. The Romero dealership continues to provide scholarships for students. The Romero family is here, his son, R.J. Romero is here, and I am sure that they will continue the same tradition to improve the quality of life for all Americans.

INACTION OF BUSH ADMINISTRATION WORSENS ENERGY CRISIS IN CALIFORNIA

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, the gentleman from Georgia (Mr. KINGSTON) had it exactly wrong. The fact of the matter is that in California, we are using less energy than we did in 1998. In 1998, we paid $7 billion for that energy and today, we are paying 70, 7-0, $70 billion, ten times as much. Why? Because the Bush administration refuses to tell the Federal Energy Commission to enforce the Federal law for just and reasonable wholesale prices.

So the people of California who have an energy shortage because of a bad deregulation plan, because we have not built as many generators as we should, and because of a drought in the northwest, are now open to price gouging and profiteering by the energy companies.

The Federal Energy Commission has made that finding. It is not my finding, it is their finding, that these prices are not just and reasonable, but they refuse to enforce the law to put caps on at a just and reasonable price so that the energy companies will get their 15 or 20 percent return. They simply will not get to continue to gouge the people of California, the small businesses, the large businesses, people in hospitals who are having the lights go out, their life support systems turned off because of the Bush administration's inaction.

MORE FLEXIBILITY FOR SCHOOL DISTRICTS

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute.)

Mr. HOEKSTRA. Mr. Speaker, technology can be a powerful means of increasing student achievement. State and local school districts are already experimenting with promising technology programs from on-line research services to distance learning initiatives. Such innovations, telecommunications and information technology programs at school libraries, for example, should be encouraged and bolstered by Federal funding.

One of the things that we know is that school districts need flexibility. Later on today as we consider the President's education plan, I will offer an amendment to allow school districts more flexibility to move money between programs. One of the programs that they will be able to move more money into is the technology area.

Mr. Speaker, I hope that my colleagues will support this flexibility for our local school districts.

ELECTION REFORM IS A PRIORITY FOR AMERICANS

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, election reform is a priority for the American people and it should be a priority for this Congress. We should never forget that 180,000 uncounted ballots were cast in Florida last November. Florida has not forgotten.

Unfortunately, election reform is not a priority with the Bush administration. The President's administration has shown no interest whatsoever in the issue of election reform. In fact, the budget that President Bush submitted to Congress provided no funds whatsoever to help States update their voting equipment.

We send people all over the world to monitor elections. If this Congress fails to act on election reform, we will forever lose our standing as the world democracy. Shame on us, Mr. Speaker.

□ 1030

A CONTINUING ENERGY CRISIS

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I want to talk about the energy issue we have before us. Remember back in 1973, when we had long lines at gas pumps? People were very upset. We engaged in a desperate effort to reduce our energy consumption and to do a better job of using our resources, but once the crisis was over, we forgot about it. Today we are facing a similar situation. If we do not get control of it, once again we will have long gas lines and high prices.

It is very important for us to remember a few things. Let me just speak as a physicist for a moment.

Energy is hard to understand. It is intangible. We cannot see or touch it. But two important things we have to remember throughout this crisis.

Number 1, energy is our most basic natural resource. Without energy, we cannot use any other natural resource. We cannot dig iron or copper out of the ground. We cannot smelt it or fabricate it unless we have energy. Energy is crucial to our economy.

The second major point to remember is that energy is our only nonrecyclable resource. We must conserve energy. Once we use it, it is gone. We cannot consume all our resources and just assume the problem will go away.

SUPPORTING AMENDMENTS TO RESTORE FLEXIBILITY PORTIONS OF THE PRESIDENT'S EDUCATION PLAN

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, in just a few minutes the House will bring back up H.R. 1, the House version of the education proposal that was originally proposed by our President. In this document, Leave No Child Behind, it is a good document that the President proposed, a good balance with respect to how we should reform our schools for America.

What the President proposed was school choice, the hallmark of the Republican message on education, and also flexibility, and also, additional testing mandates. All that is left in the bill, however, at this point, as the House considers it, is really the testing mandates and some additional spending.

But today we have a unique opportunity here on the floor. That is to restore the core portions of the President's bill that have been taken out prior to the bill's arrival here on the House floor. We will have a chance to vote on amendments to allow children trapped in failing schools to escape those schools and go to institutions that offer more promise and opportunity, and we will have an opportunity to vote on a few amendments that restore some of the flexibility portions that the President had originally proposed.

I hope those amendments pass, because if we fail to add those important amendments back to the President's plan, we will have delivered him a substantive defeat. I am hopeful that Republicans can pull together and deliver our President the victory he deserves.

NO CHILD LEFT BEHIND ACT OF 2001

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to House Resolution 143 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 1033

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, May 22, 2001, amendment No. 9 printed in House Report 107–69 offered by the gentleman from Ohio (Mr. TIBERI) had been disposed of.

It is now in order to consider amendment No. 10 printed in House Report 107–69.

AMENDMENT NO. 10 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, pursuant to the rule, I offer amendment No. 10.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HOEKSTRA:

In section 701 of the bill, in subparagraph (A) of section 7203(b)(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 701), strike "may transfer" and all that follows through the end of such subparagraph and insert the following:

may transfer—

"(i) not more than 50 percent of the funds allocated to it under each of the provisions listed in paragraph (2) for a fiscal year to 1 or more of its allocations for such fiscal year under any other provision listed in paragraph (2); or

"(ii) not more than 75 percent of the funds allocated to it under each of the provisions listed in paragraph (2) for a fiscal year to 1 or more of its allocations for such fiscal year under any other provision listed in paragraph (2), if the local educational agency obtains State approval before making such transfer.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed will each control 10 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise not claimed in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I yield myself 1 minute.

Currently, H.R. 1 gives local school districts a new opportunity to use some of their Federal funds in a way that will benefit their students. This transferability option will allow school districts to transfer up to 50 percent of the money they receive from four Federal programs, grant programs. They can move these monies between the programs or into Title I.

This is an important step forward in giving local education officials, those who know the names of their students, the ability to spend Federal funds the way they believe will improve student achievement, not the way a bureaucratic in Washington tells them to.

Transferability is a positive way to give school districts some flexibility in how they spend their money. I believe that we should go even further. That is why I have offered this amendment. This amendment will allow a school district to go above the current 50 percent gap and give them the option to transfer up to 75 percent of their Federal formula grant funds between programs if they receive approval from their States.

I hope my colleagues will agree that this is an important step forward in flexibility, and I encourage them to support this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to this amendment. This legislation and this bipartisan agreement, and it is bipartisan reporting from the committee, takes an unprecedented step in expanding the transferability at the local level so that local school districts can make a determination about the application of those resources.

But this legislation also understands that these programs are not about some Washington bureaucrat. These programs are about the Congress of the United States saying these are areas that we believe there should be an important commitment of resources: safe and drug-free schools, teacher quality improvement, innovative strategies and technology.

These are articulations of the congressional will on a bipartisan basis certainly over the last 10 or 15 years that these are either emerging areas that need attention and the Federal dollars ought to be applied there, because there are areas where there are deficits, but at the same time in this legislation we have taken the unprecedented step to say that we can have transferability of 50 percent of the money, because in some instances it makes sense to allow them to double up the resources on a short-term basis to improve the quality of teachers, or to purchase technology so they can ramp it up and get it running and get on their way.

But the Hoekstra amendment is simply an amendment that goes too far. It is violative of the bipartisan agreement we have. It is violative of the vote in the committee reporting this to the floor. It recognizes the tension between a full-blown block grant and the notion that we ought to have improved flexibility at the local level.

That is what we decided on doing. That is what we decided on as a committee to do, to see whether or not over the next 5 years we could see how this transferability takes place.

We ought to honor that agreement. It is a rational agreement and makes sense. It also keeps faith with the congressional priorities that this Congress has determined we ought to be using Federal dollars for in the poorest schools with the poorest performing children, because, after all, that is a program that we have before us today to help make up those deficits in teacher qualifications in the poorer schools, in lacking technology in the poorer schools.

I would hope that the Congress and the House would stay with the bipartisan agreement that we have.

Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague, the gentleman from Michigan, for offering the amendment. I do understand the concern of some on each side of the aisle over giving local districts more flexibility, but let us go and look at why we have this in the bill today.

As was pointed out, we make sure that the money gets to the schools under the targeting that is already in the bill. Then we make sure that under Title I, which is the largest chunk of money, that we could transfer money into title 1 but could not transfer any money out of it.

Secondly, we also wall off, under the current bill, the bilingual education money and programs. So we are talking about basically four funding streams that we are giving local districts, every local district, the opportunity to move at least half of the money in those four funding streams between programs or into Title I.

The amendment before us says, let us allow a local district to transfer up to 75 percent of the funds, again, just among those four funding streams. Why do we want to give districts this flexibility? Because we have teacher and professional development monies, we have technology money, we have an innovative grant program, and we have to spend the money today in those particular funding streams.

Under the 50 percent local flexibility, we have some ability to transfer, but I think the amendment offered by the gentleman from Michigan is a good one. It says we can do 75 percent. Why is this good? Because let us say that we want to put computers in every classroom, so we can take the technology money and do that, but if we do not have teachers who are equipped to teach their students how to use the computers, maybe the first step ought to be to do the teacher training and the professional development.

What in fact that would do, we might want to be able to transfer money out of technology into the teacher training part to make sure that they are trained before we get the equipment. This kind of local flexibility we think will produce much better results.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), the ranking member of the subcommittee.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I believe this amendment would cross the line between preserving focused educational priorities and eliminating national areas of need. I ask Members to oppose it.

Currently, this bipartisan bill allows school districts to transfer up to 50 percent of a program's allocation. This maintains the bipartisan priorities identified in the ESEA. By allowing transfers of 75 percent, the significant focus on the areas of school safety, teacher quality, and technology will be diluted.

Mr. Chairman, the bill's current provisions allowing for a 50 percent transfer from a program strikes the right balance between flexibility and accountability. I would urge Members to reject this amendment. We have worked very, very carefully, and this is a very important part of the bipartisan agreement. I would urge Members to recognize that. This 75 percent amendment really, to my mind, violates the bipartisan effort that we have put into this bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman for yielding time to me. I appreciate the debate that is taking place on this amendment.

Mr. Chairman, I rise in support of this amendment. Of course, this amendment really addresses a small part of the bill that provides a little bit of flexibility to school districts.

Now, the President and his plan, Leave No Child Behind Act of 2001, proposed something much bigger. He said that what he had suggested was that under his program, States and districts would be free from categorical program requirements in return for submitting 5-year performance agreements.

This portion of the President's plan, of course, has been left out of the bill. But what we have instead is a portion that allows a tiny little bit of Federal funds to be transferred between some programs at the district level, and in those programs, only 50 percent of the dollars that are allocated, just 50 percent.

This does not include Title I, which is where the real money is in Federal funds back to States. So we are really talking here, Mr. Chairman, about probably 1 percent or less of the dollars that go to local districts, and we are having a debate over whether they should be able to shift 50 percent of that tiny percentage, or, as the gentleman from Michigan (Mr. HOEKSTRA) has proposed in his amendment, 75 percent.

This is a debate about minutiae, frankly, but it is a good debate because it is a small step in the right direction. But the tenor of the debate I think speaks volumes about why so much of the President's bill has been left behind here on the floor, because as my colleague, the gentleman from California, stated in his arguments against the amendment, he said this was a bad amendment because it violates the bipartisan agreement that we have here between Republicans and Democrats.

So we define the merits of the legislation based on which group of politicians have agreed to the underlying bill that is before us. If the amendment violates this agreement among politicians, then it is a bad amendment.

Mr. Chairman, this amendment benefits children. At some point during today's debate, we ought to think about them. I have to tell the Members, my friends back home in Colorado, school board administrators and others, they do not care whether there is an agreement between politicians, what they want is the flexibility to spend dollars on the priorities that help kids. That is what this amendment does, and why I ask for its adoption.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), chairman of the subcommittee.

☐ 1045

Mr. CASTLE. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding the time to me.

Mr. Chairman, I rise in reluctant but very strong opposition to this amendment. This legislation as it stands right now with the amendments in it has as much flexibility as one could possibly handle probably for years to come.

In addition to the education flexibility that we passed last year, we have great consolidation of a lot of the programs that exist at the Federal level into one block grant-type program.

We do have the local Straight A's or the local flexibility, if you will, which allows each district without permission from anybody to transfer up to 50 percent of their funds as long as it is not in title I. They can transfer into title I all of the Federal funds; that is tremendous flexibility. That is the best we can possibly do with respect to that.

The gentleman from Ohio (Mr. TIBERI) and I had an amendment yesterday which passed which allows 100 school districts to apply to the Secretary to waive statutory requirements and consolidate certain program funds at the local level.

This is unprecedented flexibility. The problem with going from 50 percent to 75 percent is that this percentage, the original percentage reflects our shared desire to ensure that the funds that we have remain available to some extent to carry out the program requirements as they are not waived by the flexibility program.

Mr. Chairman, I am just afraid if we go above 50 percent, it is going to be impossible to do this. So I believe that with all the flexibility that has been entered into this legislation, and it really truly is unprecedented, that we have gone far enough.

I am reluctant to oppose it, because of the distinguished record of the gentleman from Michigan (Mr. HOEKSTRA) sponsoring it, but the bottom line is that the flexibility is there, it is what we should do. I would encourage all of us to oppose the amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman from Michigan (Mr. HOEKSTRA) for yielding me the time.

Mr. Chairman, I especially thank the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce, for his support of this amendment and his yeoman's efforts in this education bill.

Mr. Chairman, I rise today as a proud member of "HOEKSTRA's heroes," a band of my colleagues who over the past several days have rallied around the gentleman from Michigan (Mr. HOEKSTRA) and his heroic effort to preserve the vision of State and local control of education in America.

It is said that without a vision, the people perish. And the vision of Washington, D.C., the vision of the founders of this country was a vision of limited government that left things like education to those who could govern best at the State level.

Mr. Chairman, this amendment will allow local school districts to transfer more funds to specific programs and better utilize their resources for the benefits of students. Let me repeat that, this marginal increase in transferability is for the benefit of students. By increasing the transferability cap, this body permits Federal dollars to be targeted to the areas that most help students.

Mr. Chairman, the people of east central Indiana did not send me to Washington, D.C. to increase the Federal Government's role over education or education resources. They sent me to help students by promoting innovation and reform.

Mr. Chairman, this amendment will help us modestly innovate and reform by raising the transferability cap; and I urge my colleagues, all of my fellow HOEKSTRA heroes, and all Hoekstra hero "wannabes" on both sides of the aisle to support this fine amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER), my friend, for yielding me the time.

Mr. Chairman, I oppose the amendment. The amendment makes a modest quantitative change but a significant and negative qualitative change.

First of all, we ought to remind ourselves that States and localities can do whatever they see fit with 100 percent of their State and local money, 100 percent. This is about the very small amount of money that comes to local school districts from the Federal budget.

We are in the process of collectively making a judgment about some spending priorities that help children. We believe it helps children to encourage school districts to spend money on the latest technology so there are computers in classrooms.

We believe it helps children to bring police officers and teachers together to teach children the evils and dangers of drugs and alcohol under the safe and drug free schools section.

We believe it helps children to afford teachers the opportunity to retool and relearn their craft on a regular basis, and we believe it helps children to find some extra money for the unusual and innovative ideas that usually do not find its way into the regular school budget.

We believe that each one of those things ought to be done with at least 50 percent, at least 50 percent of the very modest amount of Federal money that is being sent to local school districts. If you reduce that 50 percent to 25 percent, I believe you reduce these priorities to the point of dilution. You reduce them to the point where nothing really gets done in these four important areas at all.

Mr. Chairman, I fully embrace and support the right of local school districts to spend their own money, raised through their own taxing authorities completely as they see fit, subject to the laws and constitutional provisions that they must live under, but I think that when we make a national judgment about the importance of technology, of teacher training, of safe and drug free schools and of innovative strategies, we ought to stick to it.

This amendment does not do that. It should be defeated.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan is recognized for 3½ minutes.

Mr. HOEKSTRA. Mr. Chairman, when the President came to Washington, he announced a bold plan, a bold plan to reform education, by giving more flexibility to the States, by holding the schools accountable for results and by empowering parents.

Over the last 3 months, that plan has slowly been whittled away. Much of the flexibility that the President had envisioned for States to target their spending towards the needs of their kids is gone.

This amendment is an attempt to give the States and local school districts just a little bit more flexibility for that 1 percent of their money that comes to their local school districts.

Parental empowerment is basically gone.

Accountability, it is interesting the President's plan said we are going to get rid of process accountability. We are going to move away from these categorical programs that tell school districts exactly what to do with every Federal dollar and then audits them to make sure that the dollars are spent for each of these programs creating a huge bureaucratic and programmatic nightmare.

He said we are going to come back and we are going to focus not on process accountability, but we are going to focus on results accountability; move away from process accountability, go to results accountability. Let us test whether our kids are actually going to be able to read and to do math. The process accountability has stayed alive. The bureaucracy has won on all of those counts. School districts will be given money. They will be told how to spend it, and now they will also have the results accountability.

We will now be telling school districts what to do and exactly what results they will be expected to achieve, and if they do not achieve those results, here is what will happen.

It is all laid out in the bill. It is all very clear. This ends up being the most significant takeover of our local schools since the creation of the Department of Education.

It is disappointing that we do not trust the individuals who know the names of our kids to do what is best for our children. Go to your local school districts. I spent a tremendous amount of time in school districts in my hometown, my district and around the country, and if there is one impassioned plea that you consistently hear, it is free us from the bureaucracy, free us from the paperwork, free us from the mandates so that instead of focusing on Washington and what you are telling us to do, we can focus on the needs of our kids.

This amendment is just one small step in trying to bring some more freedom to the folks who know our kids' needs, but, more importantly, they know our kids' names and they can bring those things together.

There is such a tremendous diversity in the needs of our children and the needs of our school districts that we ought to trust our local school officials to do the right things, to trust our State officials. They do not need another Federal mandate.

As a matter of fact, they have a Federal mandate that comes into effect in 2001 on testing. We are throwing that out, putting a massive new mandate in place. Let us trust the folks back home to do the right thing with a small portion of this money.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I was proud to stand with the gentleman from Michigan (Mr. HOEKSTRA) to oppose additional Federal mandates yesterday, and it is a value that we share.

This debate that we are having today, I agree with the gentleman and the gentleman from Colorado (Mr. SCHAFFER) that this should not be about agreements between politicians. It should be about learning. This debate should be about priorities.

This debate should be about responsibility. We have a responsibility to bring the best learning we can to our school children, and we have a responsibility to spend tax dollars wisely. We have a responsibility to bring focus priorities to these programs that we are talking about: school safety, teacher quality and class size reduction, school technology.

These are important priorities that we have set at a national level, and we have agreed to reduce bureaucracy and to increase transferability to the 50 percent mark. But why not raise it to 75 percent? Why not raise it to 100 percent?

I believe the answer is we should not raise it to 100 percent; and it is, I admit, a difficult matter to set where the line should be, but as we negotiate these lines and move them toward the 100 percent, I believe that we abdicate responsibility. Our responsibility is to spend tax dollars wisely and to focus on efforts that help our school children.

Mr. Chairman, I agree with the gentleman that we need to give local flexibility; and we have set the right amount in this bill. I oppose the Hoekstra amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 11 printed in House Report 107–69.

AMENDMENT NO. 11 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. MEEK of Florida:

In section 501 of the bill, in section 5501(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), strike "adult".

In section 501 of the bill, in section 5502(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), strike "adult" and insert "individual".

In section 501 of the bill, in section 5503(a)(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), after "responsible adults" insert "or students in secondary school".

In section 501 of the bill, in section 5503(c)(1)(C) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), strike "adult".

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from Florida (Mrs. MEEK) and a Member opposed will each control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time not otherwise taken in opposition to this.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. BOEHNER)?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment seeks to make a small, modest change to the Osborne Mentoring Program so that both adults and qualified, trained and motivated high school students can become mentors.

During the Committee on Education and the Workforce's consideration of H.R. 1, the gentleman from Nebraska (Mr. OSBORNE) offered a noncontroversial amendment which the committee adopted by voice vote that established a mentoring program.

I commend the initiative of the gentleman from Nebraska (Mr. OSBORNE). His program is well-intended and also well designed. Presently this bill only allows adults to be mentors.

My amendment seeks to make a modest change so that qualified, trained and motivated high school students can also become mentors.

Mr. Chairman, I want to make it very clear that neither the Osborne Mentoring Program or my amendment would require that local educational agencies offer mentoring programs.

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This is strictly an option that the school district can or cannot take. Like the bill, my amendment would preserve local option. Local school districts would have the choice whether or not to start a mentoring program.

When the mentor is an older student, not too far in age from the mentee, it appears that this transforming relationship affects both young people. For example, a study recently conducted by Pediatrics Magazine pointed out that the benefits of peer monitoring are very, very good. The researchers compared children who were involved in an inner-city mentoring program with demographically matched children who were not. Mentors were age 14 to 21, while mentees were children 7 to 13.

Both mentees and mentors involved in a community-based peer mentoring program were found to benefit from such interactions by acting with greater maturity and more responsibility in their daily lives.

In my years as a college instructor, I often witnessed the transforming power of peer relationships. Younger students sometimes perceive adults as authority figures who are out of touch or all too ready to preach; whereas, a child may come to confide in his or her slightly-older peer because they perceive their peer to have a greater capacity to understand and identify with what they are going through.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank the gentlewoman from Florida for her amendment to a program that was put in the bill in committee by the gentleman from Nebraska (Mr. OSBORNE).

The gentleman from Nebraska (Mr. OSBORNE), as we all know, had a very successful career in winning three national championships during his years as coach of Nebraska. During his years, though, in Nebraska, he was very involved in mentoring programs of many sorts and brought an amendment to the committee and added to this bill a mentoring program that I think will be very helpful to all of the disparate and independent mentoring programs that are going on around the country.

I think the amendment offered by the gentlewoman from Florida (Mrs. MEEK) is very well done because in many high schools around the country today we have mentoring programs where older young adults in schools are working with their peers. I know in my own local high school at home, they have a peer-counseling program, peer-mentoring program that I think has been very successful. So I would encourage my colleagues to support the gentlewoman's amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I would like to speak in favor of the Meek amendment, the mentoring success component of H.R. 1. Traditionally, many mentoring programs involve adults, but there are a great many around the country, as the gentleman from Ohio (Chairman BOEHNER) mentioned, that do use secondary school students to work with younger children.

So as the initial introducer of the mentoring component, I certainly support the gentlewoman's amendment, and we hope very much that our colleagues will vote in favor of this amendment. We think it has great merit. We look forward to working with the conference committee to possibly also include younger college-age students in mentoring endeavors.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume and wish to enter into a colloquy with the gentleman from Maryland (Mr. HOYER) and the gentlewoman from Kentucky (Mrs. NORTHUP).

Mr. Chairman, I am happy to yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentlewoman from Florida (Mrs. MEEK) for her willingness to yield to me, and I thank the gentleman from Ohio (Chairman BOEHNER) for yielding to me.

Mr. Chairman, I rise to enter a colloquy with the distinguished gentleman from Ohio (Chairman BOEHNER). First, I would like to thank the gentlewoman from Florida (Mrs. MEEK), as I said, for being willing to yield me time. I would also like to thank the gentleman from Ohio (Chairman BOEHNER) for his outstanding leadership on the committee, along with the gentleman from California (Mr. GEORGE MILLER), who has worked so hard to bring a good bill to the floor.

The education of our children should be our top priority, which is why we are especially pleased that this bill is truly the result of a bipartisan effort. During the debate, we have discussed at great length the need for standards and improved achievement. However, many of our schools do not have access to research-based reading programs developed by NICHD. This bill includes report language that discusses research-based reading programs. But I do not feel we are doing enough to make sure that our teachers have access to this innovative research.

Mr. Chairman, at this time I would like to have a colloquy with the distinguished gentlewoman from Kentucky (Mrs. NORTHUP), my colleague on the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations, who shares my concern and interest in this area.

Mr. BOEHNER. Mr. Chairman, I am happy to yield to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, first of all, let me thank my colleagues who have spent many hours listening to NIH testimony and getting quite an appreciation for the research they have done on reading, and to the gentlewoman from Florida (Mrs. MEEK), who is my cochair in the Reading Caucus that seeks to bring focus on what reading programs work.

Mr. Chairman, the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations on which both the gentleman from Maryland (Mr. HOYER) and I sit has had a number of discussions about the recommendations of the National Reading Panel, a report compiled by the National Institute of Child Health and Human Development and the Department of Education.

The National Reading Panel was charged with conducting a comprehensive review of the evidence-based research on reading and assessing the effectiveness of different approaches. As my colleagues know, NICHD has conducted scientific research and identified the steps required for all children to become effective readers. Armed with that research and knowledge, we now need to take the next step, putting research into practice.

We are pleased that the President's Reading First Initiative has been shaped by the findings of the National Reading Panel. Reading is a fundamental building block of education. That is why it is crucial that our students receive the best reading instruction.

Mr. Chairman, the dismal statistics of illiteracy simply do not have to exist. We are optimistic that with the National Reading Panel's findings as our guide, we can achieve much better results.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to the gentleman from Ohio (Chairman BOEHNER), I think that this particular program of instituting mentoring into the lives of the children is absolutely essential. The fact that reading has been shown as an extreme good component of this entire spectrum, I welcome the fact that we now see the importance of reading. It also further strengthens the fact that having mentors working with the mentee will be most efficient.

Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I am pleased to discuss this important issue with the gentleman from Maryland (Mr. HOYER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentlewoman from Florida (Mrs. MEEK).

In April, I visited a demonstration project at Independence Elementary School in Liberty Township, Ohio, which is in my district. Independence Elementary is successfully utilizing the host reading program that promotes the practices recommended by the National Reading Panel and the National Research Council. The HOST model utilizes about 60 mentors, age 16 to 84, to tutor approximately 50 first-through-third graders at the school in one-on-one sessions.

The Ohio Reads program, which is supported by Governor Taft, funds the HOST programs in Ohio. In fact, the Governor and Mrs. Taft both are volunteers for this program, and I think it is a very worthy endeavor. I think that the efforts by the gentleman from Maryland (Mr. HOYER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentlewoman from Florida (Mrs. MEEK) are certainly in order.

Mr. HOYER. Mr. Chairman, reclaiming my time, there are at least five schools with HOST programs in my district as well, all of which are demonstrating improved results.

We look forward to working with the gentleman from Ohio (Chairman BOEHNER) and the President on implementing the recommendations of the National Reading Panel and the gentleman from California (Mr. GEORGE MILLER) as well.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I just want to say we obviously strongly support the amendment of the gentlewoman from Florida (Mrs. MEEK). On behalf of the gentleman from Virginia (Mr. MORAN), the gentleman from Washington (Mr. MCDERMOTT), and myself, we all support the amendment.

Mr. HOYER. Mr. Chairman, I hope people can follow how this happened.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Mrs. MEEK).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 107-69.

AMENDMENT NO. 12 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ROGERS of Michigan:

In the matter proposed to be inserted as part E of title VIII of the Elementary and Secondary Education Act of 1965 by section 801 of the bill, insert after section 8520 the following:

"SEC. 8521. ENCOURAGE EDUCATION SAVINGS.

"To the extent practicable, the Secretary shall promote education savings accounts in States that have qualified State tuition programs (as defined in section 529 of the Internal Revenue Code of 1986).

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, late last year, I was getting ready to address a very dignified group of community leaders. As I was preparing my remarks, I asked my first-grade daughter what she thought I ought to tell these fairly important people. She thought about it for a minute. She looked up. She said, "Dad, you can tell them that I got the best lower case A's in the entire first-grade class." I thought about that a minute, and I tell my colleagues what, Mr. Chairman, I told my very distinguished group that my daughter had the best lower case A's in the entire first-grade class.

I want every daughter in America and every son in America in the first grade to be worried about those lower case A's. I want every parent to have to understand and have the ability to understand that, not only do we have to worry about their lower case A's, but we have got to worry about their future and what happens. In just a few short years, they will be ready to go to college or technical training school.

What this amendment does is embrace the 50 States who have 529 prepaid tuition or college savings plans for parents. Costs are going up, and we are not a Nation that saves. We have about a 1 percent savings rate in America.

There are five Federal programs to help people offset the costs of getting college education, of technical training that will cover not as many as it will not cover. There will be more families out there struggling to borrow money to get their kids to go to school than there will be receiving a grant or a scholarship or tuition from another source.

What we are trying to do here, Mr. Chairman, is allow parents to get connected and understand the value of time and compounding with these State savings plans.

In Michigan, I offered a bill last year that would allow State tax-free money in and tax-free money out to defray the costs of getting an education. The time and compounding value of that is immense. We need to get parents connected as soon as we can and take the middle class from the borrowing class to the saving class.

This is an important element in offsetting those increasing costs, Mr. Chairman. I urge this body's support so that parents can go back to saving a little money and worrying about those lower case A's.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have no opposition to this amendment. We support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I yield to the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I think that the amendment offered by the gentleman from Michigan (Mr. ROGERS) is a very good amendment. The gentleman from Michigan, during his years in the State senate, authored the college tuition savings program in Michigan. I think his ongoing efforts here as a new Member of this body to encourage the Secretary, to the extent practicable, to promote these programs is of great benefit for the American people.

We all know that the cost of going to college continues to rise; and we believe by the end of this year, some 48 States will have such programs. We want to make sure that they are working well and provide the avenue by which many more of our middle- and lower-income students will be able to attend an ongoing college, university or some type of training program once they graduate from high school.

Mr. Chairman, I support the amendment. The gentleman should be congratulated.

Mr. ROGERS of Michigan. Mr. Chairman, today I rise in support of an amendment that would authorize the Secretary of Education to work with state administrators to promote and advocate the use and establishment of state-sponsored college savings plans during a student's elementary years.

In recent years, most states have created either a prepaid tuition or college savings plan to help parents save for ever-increasing post-secondary education costs. The 1980s saw the first developments in state-created tuition plans as states attempted to meet the growing concerns about the affordability of college. In 1986, Michigan was the first state to establish a prepaid college tuition plan, and last year our state added a savings plan. Currently, all 50 states offer some form of Qualified State Tuition Programs within Section 529 of the tax code as Georgia and South Dakota became the last two states to establish plans earlier this year.

As the author of Michigan's post-secondary education savings account plan while a member of the Michigan State Senate, I believe that education is central to our prosperity as a nation. However, too often the educational opportunities for our students and families are limited by tuition costs or the prospect of a crushing debt-load. The best answer to this dilemma is to encourage advance family savings—starting to save during a student's elementary years.

Please allow me to briefly describe the benefits of saving under Michigan's recently-enacted Michigan Education Savings Program. Under this program, which was launched in November, 2000, any individual interested in investing for a college or a vocational education can open an account and contribute on behalf of any beneficiary for as little as $25 up-front. Furthermore, individuals can also contribute as little as $15 per savings account per pay period by using payroll deduction through participating employers.

Michigan's program has been a great success in its first six months, as more than 16,000 accounts have been opened with over $34 million in investments. In fact, Money magazine recently named the Michigan Education Savings Program one of the best state-operated college savings programs in the country.

The power of compounding makes these plans especially appealing to families who can save only in smaller increments. For example, families can put away as little as $10 a week over the first 18 years of child's life and, based at a conservative earnings rate of 8 percent, have about $20,000 by the time he or she is ready for college or technical school. Over a period of time, families can save enough to provide the kind of future we all want for our children without having to run up a huge debt to get an education.

An example of the need to create a saving class was highlighted in a recent Washington Post column titled: "Colleges Where the Middle Class Need Not Apply." The lead paragraph touched upon the fact ". . . the poor and middle class at least try college for a year, although for many of them, even the modest cost of state schools quickly becomes burdensome."

When it comes to saving for college and vocational training we need to help our families turn from a borrowing class into a saving class. To encourage such saving, all 50 states have established prepaid tuition or college savings plans and this amendment empowers the Secretary of Education to work with those states to advocate the benefits of these plans to elementary school parents and the importance of establishing an account as soon as possible.

I believe we all can agree that the federal government should foster policies encouraging families to save for educational expenses instead of relying on debt or government aid programs. My amendment to H.R. 1 would authorize the Secretary of Education to work together with the 50 states that have Section 529 savings programs to advocate and promote the use of these valuable educational tools to encourage parents to enroll in their state's plan during their children's elementary years.

Promoting the use of savings at the elementary level will allow the dynamic of time and interest produce significant savings that will help the families of today's kindergartners shoulder the financial burden of tomorrow's education costs. I urge my colleagues to support this amendment promoting the use of these valuable tools during the elementary years.

Mr. CAMP. Mr. Chairman, today, I rise in strong support of the amendment offered by my colleague and friend MIKE ROGERS from the State of Michigan. As we debate this historic education reform legislation, H.R. 1, one aspect that should not be overlooked is that too often the educational opportunities of our students and families are limited by tuition costs and overwhelming debts.

We need to encourage low- and middle-class families to turn from borrowing to a saving. The best time to encourage parents to start saving for tuition costs is when their children are in elementary school. Today, all 50 States, including my home State of Michigan, have established prepaid tuition or college savings plans under section 529 of the Federal Tax Code.

This amendment will empower the Secretary of Education to work with the States to advocate the benefits of these plans to elementary school parents and stress the importance of establishing an account as soon as possible. I thank the gentleman for offering this amendment and for his leadership in the State of Michigan on this important issue.

I encourage my House colleagues to leave no child behind and support this amendment to encourage families to save early for their children's educational expenses.

Mr. ROGERS of Michigan. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

□ 1115

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 107-69.

AMENDMENT NO. 13 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Mr. Chairman, pursuant to the rule, I offer amendment No. 13.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. NORWOOD:

At the end of part A of title V of the Elementary and Secondary Education Act of 1965, as amended by section 501 of the bill, add the following:

"SEC. 5155. DISCIPLINE OF CHILDREN WITH DISABILITIES.

"(a) Authority of School Personnel.—Each State receiving funds under this Act shall require each local educational agency to have in effect a policy under which school personnel of such agency may discipline (including expel or suspend) a child with a disability who—

"(1) carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency;

"(2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at a school, on school premises, or at a school function, under the jurisdiction of a State or a local educational agency; or

"(3) commits an aggravated assault or battery (as defined under State or local law) at a school, on school premises, or at a school function, under the jurisdiction of a State or local educational agency, in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

"(b) Rule of Construction.—Nothing in subsection (a) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) or (2) of subsection (a) from asserting a defense that the carrying or possession of the weapon, or the possession or use of the illegal drugs (or the sale or solicitation of the controlled substance), as the case may be, was unintentional or innocent.

"(c) Free Appropriate Public Education.—

"(1) Ceasing to provide education.—Notwithstanding any other provision of Federal law, a child expelled or suspended under subsection (a) shall not be entitled to continue educational services, including a free appropriate public education, required under Federal law during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(2) Providing education.—Notwithstanding paragraph (1), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under paragraph (1) may choose to continue to provide educational services or mental health services to such child. If the local educational agency so chooses to continue to provide the services—

"(A) nothing in any other provision of Federal law shall require the local educational agency to provide such child with any particular level of service; and

"(B) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(d) Definitions.—In this section:

"(1) Controlled substance.—The term 'controlled substance' has the meaning given the term in section 5151.

"(2) Illegal drug.—The term 'illegal drug' means a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of Federal law.

"(3) Weapon.—The term 'weapon' has the meaning given the term 'dangerous weapon' under subsection (g)(2) of section 930 of title 18, United States Code.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 10 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, as it stands now, Federal law requires schools to have two different discipline policies for those who bring a weapon to school or engage in aggravated assault, one policy for special needs students and another for nonspecial needs students. A special needs student receives preferential treatment when it comes to being punished for outrageous behavior.

For all practical purposes, a special needs student could be suspended for no longer than 55 days, for all practical purposes, and even then must be provided educational services. Nonspecial needs students, on the other hand, can be and often are suspended for longer periods of time, and then without educational services.

My amendment will finally change that. It gives schools the authority to have a consistent discipline policy for all students. It allows special needs students to be disciplined under the same policy as nonspecial needs students in the exact same situation.

My amendment also contains safeguards. My amendment contains safeguards to ensure that no special needs student is unjustly punished or singled out. This amendment sends clear messages that weapons and violent assaults at school will not be tolerated. My colleagues, let's send that message today by passing this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. Mr. Chairman, I was one of the original sponsors, coauthors and authors of the IDEA Act when I first came to Congress in 1975. I have very strong feelings about our obligations to educate students with disabilities. I was also the first author of the Act who said that you would expel students from schools if they brought guns to schools. I have very strong feelings that our schools are a place of learning, they ought to be a sanctuary, and the streets ought not to come into our schools. But these two values clash.

My concern is this: The suggestion is somehow that children with handicaps are privileged; that children with handicaps have preferential treatment. No, what we do under the law is recognize that children with handicaps, with disabilities, in many instances, must be treated differently because of those disabilities. And what we do in this is suggest that we cannot, under the Federal law, deny them continued education if they are suspended, because we understand the problems of educating some of these children, many of whom have multiple handicaps, multiple disabilities; that if we stop the educational services, in many instances, it is very difficult to start or to have that child catch up.

There is nothing in the Federal law that says that that child must return to school. A decision must be made in 55 days, but there is nothing that says the child must return to school. The gentleman from Georgia and the committee, when we were deliberating this, handed out an article from the Orlando Sentinel and he said that this child should not be back in school. But when we read the article, it makes very clear that the school authorities are educating the child while he is in a juvenile detention center. The school authorities make it very clear that this child will never return to his school. This child will not go back to school. They do not want to return him home, but they are going to continue to educate him because that is what the law requires.

By the same token, the law does not require that that student be returned to school. It says we cannot have a secession of the educational program. And we should not change that law today. We should not change that law today.

Mr. NORWOOD. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I want to thank the gentleman from Georgia for his work on this amendment.

Mr. Chairman, creating a safe learning environment must be a top priority for our schools. Unfortunately, the discipline provisions in IDEA make it impossible for educators to address the needs of all students in the classroom. The safety and the learning opportunities of all students are jeopardized by the rules that require that a dangerous and disruptive student remain in the classroom.

I believe when it comes to the issue of weapons, illegal drugs and assaults, we cannot afford to gamble with the safety of our students, with our teachers and staff. Ensuring the safety of all students must be our first goal. The Federal bureaucracy cannot second-guess our local educators, who must make difficult decisions about the safety in their classrooms. Doing such will unnecessarily put the safety of our students at risk.

This amendment will allow schools to discipline all students that bring weapons, sell illegal drugs or commit aggravated assault or battery at school in the same manner. Schools will not be able to discriminate against students with disabilities, but they will have the flexibility under this amendment to make sure that all violent students are removed from the classroom.

Simply put, this amendment will remove the roadblocks that Congress has put in the path of good school administrators, parents, teachers, and local school boards who merely want to keep their classrooms safe.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the amendment.

When we reauthorized IDEA in 1997, in a bipartisan way, we took steps so that schools could ensure a safe and orderly environment for all students. The 1997 amendments specifically allow schools to immediately remove IDEA children from the classroom for discipline violations and place children in alternative educational settings when they commit infractions dealing with guns, drugs, or are likely to injure themselves or others.

What IDEA in 1997 also stated was that troubled, disabled children should not be kicked out of school onto the streets without educational services, since this will lead only to additional juvenile crime.

Unfortunately, my concern over this amendment has already become reality in the tragic incident of school violence in Springfield, Oregon, 2 years ago. Kip Kingle, the shooter in the Springfield incident, although not an IDEA student, was suspended when he brought a gun to school. He was sent home without counseling or educational services and proceeded to shoot and kill his parents and go on a shooting rampage at his school. This incident is the perfect example of why cutting educational services off for children can lead to disastrous circumstances.

I fully believe, as do all of us here, that our schools should be safe for all children. Now, those children who engage in dangerous activities should be dealt with through such means as immediate removal from the classroom. This is something we can really agree upon: Dangerous children must be removed from the classroom, absolutely and immediately. However, ceasing educational services for these children, or for any child, is not the answer, since it will only lead to more juvenile crime and possible situations similar to the horrific incident in Springfield.

I taught school for 10 years, and we had incidents where we had to have that child removed, not necessarily an IDEA child, a child in our regular programs, but we did provide in Michigan alternative programs for that child. I know children who were involved in that fashion and did get alternative education who are now working and are productive citizens in Flint, Michigan, because we gave them that alternative. I think all children should have some possibility of alternative services when they commit such incidents as these.

Mr. NORWOOD. Mr. Chairman, it is my pleasure to yield 1½ minutes to the gentleman from Mississippi (Mr. Wicker).

Mr. WICKER. Mr. Chairman, in my home State, four students were caught bringing a gun to a school-sponsored event. They were passing the gun among themselves. After a disciplinary hearing, three of the students were expelled for possession of a gun, but the child who actually brought the gun to the event was given only 45 days in an alternative program. Why this unequal result? Because the child who brought the gun was classified as learning disabled under IDEA.

Now, Mr. Chairman, when I travel throughout my district and talk to parents and teachers and administrators, they are concerned about this dual system of school discipline. They want school discipline returned to the schools. A safe productive learning environment is a key element to providing all students with a good education.

There is no hidden agenda here. There is no attempt to deny disabled students the ability to be educated. It is simply a matter of safety in schools and order in schools and discipline in schools.

It was the academic community who encouraged me during the last Congress to introduce a bill to restore disciplinary decisions to State and local administrators. I was pleased when the amendment of the gentleman from Georgia (Mr. NORWOOD), similar to my bill, was approved in the 106th Congress during consideration of the Juvenile Justice Act.

We cannot tolerate students bringing guns or drugs to school or assaulting other students. It does not matter who the student is, the danger to the other students remains the same.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, under current law, a child with a disability who is expelled from the regular classroom for any reason is still entitled to a free and appropriate education. I know of no public policy benefit which can be achieved by sending these children to the streets without any educational services, even when they are involved with serious offenses. In fact, I see no benefit to the public for depriving any child of an education, whether they have a disability or not. It is difficult for any child who is expelled to catch up and graduate from school, and it is especially hard for disabled children.

We learned, during hearings on youth crime, that there is a strong link between dropping out of school and subsequent crime. For children with disabilities, these correlations are even stronger. Research shows that children with disabilities who are put out of school without educational services are less likely than other children to ever catch up; they are less likely to graduate from high school or get a GED; they are less likely to be employed, and they are substantially more likely to be involved in crime.

Some talk about a deterrent effect. Let me read a letter from the National Coalition of Police Chiefs, Prosecutors, and Crime Victims from 2 years ago. They said: "We urge you to oppose any amendment that would deny educational services to kids who are expelled or suspended from schools. Schools can already immediately expel a student who brings weapons to schools. But giving a gun-toting kid an extended vacation from school and from all responsibility is soft on offenders and dangerous for everyone else.

Please don't give those kids who most need adult supervision the unsupervised time to rob, become addicted to drugs, and get their hands on other guns to threaten students when the school bell rings."

Mr. Chairman, during the last Congress we had a bipartisan task force on juvenile crime lasting several weeks. We met for several weeks, heard from dozens of witnesses, and not one witness had anything good to say about kicking kids out of school without continuing services. Some said take them out of the regular classroom, but continue their education. Not one witness had anything good to say about kicking them out without any services.

The IDEA program is premised on the recognition that children with disabilities need more support than other students to enable them to obtain a decent education. There is nothing to suggest that less support is needed when they have disciplinary problems, even when they are serious disciplinary problems.

School systems should not be allowed to send uneducated children with discipline problems onto the streets and endanger the public. For those reasons, Mr. Chairman, I strongly urge my colleagues to reject this amendment.

□ 1130

Mr. NORWOOD. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, the previous opponent of this amendment, the learned gentleman from Virginia, has illustrated graphically the sorry state in which our schools are finding themselves. According to the gentleman from Virginia, we ought to feel guilty, schools ought to feel guilty, teachers ought to feel guilty, if they try and protect the students in their schools.

The gentleman says schools should not turn these students out because they commit acts of violence. After all, then it is the school's fault for those kids being on the street. That sort of reverse thinking is what this amendment and piece of legislation tries to correct. It tries to bring back some rationality to the process of educating and protecting our children.

No longer, if this amendment is adopted and signed into law by the President, would our schools be held hostage by claiming that an act of intimidation, an act of assault cannot be punished, that students cannot be removed from the school, that the taxpayers should not continue to support them simply because that act of violence, that act of drug dealing, that act of assault might be a manifestation of a disability.

Our teachers and our administrators tasked by the government of this country, by our local government and by millions upon millions of parents, have an obligation to teach our students. They cannot fulfill that obligation if those students under their care are in fear.

Mr. Chairman, this will remove that fear and provide flexibility to our schools to do what we have asked them to do.

Mr. KILDEE. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT.)

Mr. SCOTT. Mr. Chairman, I did not say that we wanted to keep children in the classroom. If children have committed a serious offense, maybe they do need to be taken out of the classroom. What this amendment will do, if it passes, it will put those children out on the streets without any services; and all of the studies show the crime rate will go out.

Mr. Chairman, that is why not a single witness on our bipartisan task force had anything good to say about this amendment. They all said we have to continue educational services if we want to protect our children.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, the real debate here should be about school choice, allowing parents to choose the school that is safe for their children. The President proposed school choice in his package No Child Left Behind, but that provision was left out of the bill. So it is incumbent upon us now to discuss the safety of the children who are left in those schools and trapped in government-owned schools throughout the country.

Mr. Chairman, this dual standard that the gentleman from Georgia (Mr. NORWOOD) has put his finger on is one that is painfully understood by every teacher in America, many parents, but it is also understood by a certain number of children.

Children under the IDEA program are no more likely to be involved in discipline problems than anyone else, but the dual standard is one that does play a disproportionate role in classrooms because it sends a mixed signal in the whole context of classroom discipline.

Schools should be safe. Teachers deserve to be in classroom settings where their safety is secure as well, and where their expertise is respected and honored. This amendment that the gentleman from Georgia (Mr. NORWOOD) has proposed is a good amendment; it is one that we should adopt. It moves us in the proper direction in the context of empowering parents and teachers and making our classrooms safer.

Mr. NORWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, who has worked so hard on this education bill.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from Georgia (Mr. NORWOOD) for bringing this amendment to the floor. As many of the members of the Committee on Education and the Workforce know, there was great interest in dealing with this subject in the Committee on Education and the Workforce. At my request, the gentleman from Georgia (Mr. NORWOOD) saved this amendment for today's debate, and we did not engage in this fight in the committee process.

Mr. Chairman, we all know that IDEA was an important step in terms of allowing more of our children to receive the same educational opportunities as those without disabilities. But we all know and we have all heard from every one of our superintendents and school board members that there have been significant problems. Many of us believe that there is a two-tier policy in many of our schools when it comes to the possession of a weapon, the possession of drugs, or the commission of an aggravated assault against other students, against teachers, and school personnel when it comes to IDEA students.

Mr. Chairman, I think the amendment that the gentleman from Georgia (Mr. NORWOOD) brings makes it very clear that the policies that would be appropriate in a school for non-DEA students ought to apply to IDEA students as well in these three particular areas. Most people around America would say this makes common sense and we ought to do it, and we ought to support the gentleman's amendment.

Mr. Chairman, having said that, we all know there are other issues having to deal with IDEA, and that bill is up for reauthorization next year. It likely will be a rather contentious debate in the Committee on Education and the Workforce and on the floor. By and large, we would like to leave most of these issues until next year.

Mr. Chairman, I think the amendment, though, is a commonsense amendment. We ought to support it.

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to point out to the gentleman from Virginia who said that there is no good public policy that can be achieved by this amendment; and I would like to say that and tell that to the family of Linda Hendrick, 52 years old, who was stabbed repeatedly in 1999 by a special ed student that could not be removed from the classroom.

I think there is very good public policy that can occur here. It has been pointed out by the other side that there are some students, I think Down's syndrome was mentioned, that this would apply to. But it also applies to so many other students who are in special education today for various and sundry reasons who actually do know the difference, and we need to give people like the gentleman from Michigan (Mr. KILDEE), who was a teacher for 10 years, the superintendents back home, we need to give them some discretion to make some decisions about when a student should or should not be in a school.

Mr. Chairman, they say schools can eliminate a student from special education for however long you like. That is simply not true because the process is so cumbersome, the process is so expensive it effectively does not work.

Mr. Chairman, I want to encourage my colleagues to take this opportunity to give people like the gentleman from Michigan (Mr. Kildee) an opportunity to do this at home.

Mr. KILDEE. Mr. Chairman, I yield the balance of the time to the gentleman from New Jersey (Mr. ANDREWS).

The CHAIRMAN. The gentleman from New Jersey is recognized for 2 minutes.

Mr. ANDREWS. Mr. Chairman, opposition to this amendment is not based upon an expression of guilt, it is based upon an exercise of common sense. I do not think that any violent student should spend one more hour in any classroom in this country. Under the existing law and under this bill, they need not. This bill says if a student engages in an act of violence and present law says if a student engages in an act of violence, they can be removed from the classroom.

Mr. Chairman, the amendment before us says after they are removed from the classroom, that is the end of their education: That is it if the State so chooses.

I oppose this amendment because it does not answer this question: With respect to this violent student, once they are removed from the classroom, as they should be, what happens next?

This amendment does not deal with the very real problem of violence in our schools. It just moves it from our schools to somewhere else, to our streets or to our neighborhoods or to other social institutions.

I for one minute would not stand for the proposition that we should coddle or discriminate in favor of people who commit violent crimes. But I know this: That pretending that they are just going to go away will not work. Pretending that they will disappear from the rest of the community will not work. And understanding if we get people that are prone to violence back on a positive track by offering them an education, they are a lot less likely to commit another violent offense.

Mr. Chairman, it is very alluring to say we should just pull the plug on the education of those that commit violence. It is also completely counterproductive. It is a guarantee that many of those same young men and women will never get an education, never become contributing members of society, and will commit even more heinous and terrible crimes. This amendment should be defeated.

The CHAIRMAN. All time for debate has expired.

Mr. KILDEE. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. Without objection, each side will control 2 additional minutes.

There was no objection.

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will close this up by making an appeal to the good folks on the other side. I know that they are big defenders of the disability education program, as well they should be. This program was passed by Congress to address real and serious problems. Special needs students were often not given an opportunity to get an education in this country. The Disabilities Education Act fixed that. It does not mean that it is perfect, but it takes a step in the right direction. But that is yesterday's problem that we did take the right step.

Mr. Chairman, today's problem with disciplining special needs students is just as real. In fact, it is causing a growing backlash against IDEA. My teachers and superintendents are pleading for relief here. Nonspecial need parents are seriously questioning special and unequal treatment of students regarding discipline. There is a backlash here.

Mr. Chairman, I appeal to my colleagues, in their zeal to protect the legacy of this program, do not overlook this problem by supporting this reasonable change. My colleagues will do much to stop this growing backlash against IDEA without hurting education for special needs students.

Let me assure my colleagues, this amendment will not encourage schools to engage in mass expulsions of special needs students. This amendment has solid safeguards to make sure this does not happen. Let me be very clear. If a teacher is trying to unjustly kick a special needs student out of their class, this amendment requires parents and local officials to have the authority to stop such a thing.

Mr. Chairman, we can and should pass this amendment. We passed a very similar amendment in this Congress last year with 300 votes. This is something we as Federal legislators can do, something we actually can do that will make life better for our teachers back home.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today in strong opposition to the amendment by the gentleman from Georgia (Mr. NORWOOD). I do not think that there is anybody here in this Chamber that disagrees that a student that is causing disruption in a classroom should be removed. But let us remember something very clearly. We are talking about children with special needs. Right there, special needs.

Mr. Chairman, anyone who disrupts the classroom should be removed, but they have to have an alternative place to go. One of the things that we are not doing in this Chamber and not providing to children with special needs is to give it to them: Alternative schools. We have seen children removed and sent to alternative schools, and we have seen them do very well in small classrooms with specialized care for them. These are children that have special needs.

Mr. Chairman, I came to Congress to reduce gun violence in this country, and I certainly stand by that. So of course anyone that is carrying a gun to a school should be removed. But to put students out on the street and have them come back the next day and fire among their classmates, that is the wrong way to go, too.

Mr. KILDEE. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, this amendment is not about safety. No one supports a policy that allows a violent or dangerous student to stay in the classroom. This amendment is about having an alternative program for children with special needs. Not having that contained in this amendment is wrong.

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What is even more wrong is the fact that this was the only amendment made in order dealing with one of the most pressing challenges facing schools districts; how to meet the challenge of educating children with special education needs.

The gentlewoman from Oregon (Ms. HOOLEY) and I offered an amendment that talked about getting the Federal Government to live up to its 40 percent cost share of special education expenses. Unfortunately, that amendment was not made in order. We should have that debate on the floor as a part of the elementary and secondary education bill because every Member can bring anecdotal evidence to this Chamber that shows the pressing financial costs that school districts are facing because we are only funding our responsibility of special education at slightly less than 15 percent when we promised to fund it at 40 percent. We need to help school districts stop pitting student against student because the limited resources that they have available for one of the fastest growing expenses in school budgets, meeting the needs of special students in the classroom. That's the debate we should be having today instead of an amendment that will make it easier to punish those students.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) will be postponed.

It is now in order to consider amendment No. 14 printed in House Report No. 107–69.

AMENDMENT NO. 14 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer amendment No. 14.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. TIAHRT:

Before part B of title IX of the bill, insert the following:

Subpart 3—General Education Provisions

SEC. 916. INFORMATION ACCESS AND CONSENT.

(a) IN GENERAL.—Section 445 of the General Education Provisions Act (20 U.S.C. 1232h) is amended by—

(1) redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by striking subsections (a) and (b) and inserting the following:

"(a) ACCESS TO INFORMATION.—No funds shall be made available under any applicable program to any educational agency or institution that has a policy of denying, or that effectively prevents, the parent of an elementary school or secondary school student served by such agency or at such institution, as the case may be—

"(1) the right to inspect and review any instructional material used with respect to the educational curriculum of the student. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the instructional material. The granting of each such request shall be made in a reasonable period of time, but shall not exceed 45 days, after the date of the request;

"(2) the right to inspect and review a survey, analysis, or evaluation that is subject to subsection (c)(7) before the survey, analysis, or evaluation is given to a student.

"(b) Restriction on Seeking Information From Minors.—

"(1) In general.—Notwithstanding any other provision of Federal law, no funds shall be made available under any program administered by the Secretary to any educational agency or institution that administers or provides a survey, analysis, or evaluation to a student without the prior, informed, written consent of the parent or guardian of a student concerning—

"(A) political affiliations or beliefs of the student or the student's parent;

"(B) mental or psychological problems potentially embarrassing to the student or the student's family;

"(C) sex behavior or attitudes;

"(D) illegal, antisocial, or self-incriminating behavior;

"(E) appraisals of other individuals with whom the minor has a familial relationship;

"(F) relationships that are legally recognized as privileged, including those with lawyers, physicians, and members of the clergy; and

"(G) religious practices affiliations or beliefs.".

"(2) Explanation.—In seeking the consent of the parent an educational agency or institution must provide an accurate explanation, in writing, of the types of items listed in subparagraphs (A) through (G) of paragraph (1) that are contained in the survey and the purpose, if known, for including those items.

"(c) Restriction on Medical Testing and Treatment of Minors.—

"(1) Consent required.—Except as provided in paragraph (2), no funds shall be made available under any applicable program to an educational agency or institution that requires or otherwise causes the student without the prior, written, informed consent of the parent or a guardian of a minor to undergo medical or mental health examination, testing, treatment, or immunization (except in the case of a medical emergency).

"(2) Exception.—Paragraph (1) shall not apply to medical or mental health examinations, testing, treatment, or immunizations of students expressly permitted by State law without written parental consent.

"(3) Definitions.—For the purpose of this section, the term 'educational agency or institution' means any elementary, middle, or secondary school, any school district or local board of education, and any State educational agency that is the recipient of funds under any program administered by the Secretary, except that it does not apply to postsecondary institutions.

"(4) Instructional material.—In this subsection the term 'instructional material' means a textbook, audio/visual material, informational material accessible through Internet sites, material in digital or electronic formats, instructional manual, or journal, or any other material supplementary to the education of a student.

"(5) Rules of construction.—(A) Nothing in this section shall be construed to supersede the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

"(B) The term 'instructional material' does not include academic tests or assessments.

"(6) Application.—

"(A) Certain surveys, analysis, and evaluations.—Subsection (b) shall not apply to surveys, analysis, or evaluations administered to a student as part of the Individuals with Disabilities Act (20 U.S.C. 1400 et seq.).

"(B) Parental consent.—Nothing in subsection (c) shall be construed to supersede or otherwise affect the parental consent requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(C) Student rights.—The rights provided parents under this Act transfer to the student once the student turns 18 years old or is an emancipated minor at any age.

"(7) State law exception.—Educational agencies and institutions residing in a State that has a law that provides parents rights comparable to the rights contained herein may seek exemption from this Act by obtaining a waiver from the office designated by the Secretary to administer this Act. This office may grant a waiver to educational agencies and institutions upon review of State law.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Kansas (Mr. Tiahrt) and a Member opposed each will control 10 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. Tiahrt).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of parental rights. Today, we will be passing legislation to ensure that no child is left behind in our education system. As a Nation and as a government, we have a duty to make sure that our public school system is held accountable; but our schools should not only be accountable to the government, but parents as well. Ultimately, it is the families who should have the most say in how their children are educated.

The Parental Freedom of Information amendment is based on the need to provide concerned, active parents with information that is vital for them to exercise their right to guide the upbringing of the children.

Educators have often said that involved parents are the most important thing public schools need to help students learn. I believe involved parents must be informed parents.

The current hodgepodge of State and Federal laws simply does not provide parents of public school children with the clear-cut right to access information regarding their child's education.

The goal of this amendment is to plainly and unambiguously define the rights parents have under the law.

Specifically, parents will have the right to access the curriculum to which their children are exposed. Parents will also have the right to give informed written consent prior to any student being required to undergo nonemergency medical or mental health examinations, testing or treatment, while at school; and finally, they will be afforded the right to inspect surveys and questionnaires seeking personal information before they are given to students.

This legislation in no way seeks to influence the content of curricula or tests. It simply allows parents to access the basic information which involved parents need to guide the education of their children.

There may be some attempt to argue that there is no need for this amendment. However, the increasing amount of litigation to determine what rights are guaranteed to parents under current Federal law is evidence to the contrary. Plain and simple, parents should not have to go into a courtroom to find out what is going on in the classroom.

Parents provide both tax dollars to fund our public education system as well as children who participate. Why should we as parents be denied the right to see how schools are using our tax dollars to educate our children? We need this legislation to clarify that parents have this right to be involved.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, if I might ask either of the authors a question about the amendment because we have no opposition to the amendment. I think we fully understand the problems and the concerns that the authors are trying to address, but we would like to clarify obviously some concern of, very often, school teachers. Under State law, in a number of instances, teachers are required to react to their concerns about whether or not a child has been abused or not, and they must make some inquiries of that child. My understanding is this amendment would not impact in any way the ability of those school officials to engage in that sometimes, unfortunately, necessary activity.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I believe that is correct. We have no intent of preventing anyone from trying to stop child abuse. I think that is an awful situation that we currently have in America that we need to stop, so our efforts would be to do the same as the intent of the gentleman from California.

Mr. GEORGE MILLER of California. We raise this concern, and I thank the gentleman for his answer. We raise this concern because obviously, again in very tragic and unfortunate situations, many times the child abuse is within the home and the parent cannot be notified that the teacher wants to ask questions of the child, and we just want to make sure that this does not get in the way.

Some of the groups have raised that concern. I do not think the amendment does that, but I would certainly like, if it is possible, that we could continue to work on this if that problem somehow materializes so that does not happen.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Kansas.

Mr. TIAHRT. It is our intent to work with the gentleman to make sure there is no confusion about this.

I would also like to remind the gentleman this does not supersede State laws. Those States that have made initiatives in this area to stop child abuse, it would not interfere with that process at all.

Mr. GEORGE MILLER of California. I thank the gentleman for his response.

Mr. Chairman, I reserve the balance of my time.

Mr. TIAHRT. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, I appreciate the gentleman from Kansas (Mr. TIAHRT) yielding me this time.

Mr. Chairman, I have enjoyed working with the gentleman on this amendment. It is often said that knowledge is power, and what we are trying to do is make sure that informed and caring parents know what is going on at school in an appropriate way. What the gentleman from California (Mr. GEORGE MILLER) raised, I want to assure him it is not my intent, nor the intent of anyone, to supersede State law that requires teachers or medical personnel to report suspected child abuse, because we do not want to do anything that is going to undermine protecting children. I think we have drafted an amendment that will accomplish that.

We are trying to empower parents in three key areas. We want to make sure that parents have some knowledge of what is going on in terms of the curriculum being taught at the school and that they have some information up front, and that they can be informed by the appropriate authorities to know what their child is being taught and have some input.

We want to make sure that the parents have access to school material that is going to be taught to their child.

Second, if a child is being surveyed about their personal family life, about whether they use drugs, or mental health issues, that we want parents to know what is going on and get parental consent there when a survey is being done because we believe it is important for parents to know what is being asked of their children.

Third, we want to make sure that in emergency situations, guidance-counseling situations in its normal fashion, that there is no impediment there. But we do believe that when it comes time to perform medical exams or part of a treatment regime that a school counseling team may come up with, that parents are informed about what is going to happen to their child medically and any mental health counseling that is a result of the normal counseling process.

Knowledge is power. We believe this will give parents more knowledge about what goes on in their school. It will create a better relationship between administrators and parents, and we are going to make sure that we do not do anything to impede the right to protect children who are being abused at home.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

Mr. TIAHRT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA) for the purposes of a colloquy.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman from Kansas (Mr. TIAHRT) for yielding me this time.

Mr. Chairman, I want to have this colloquy with the gentleman from Kansas (Mr. TIAHRT) and the other author, but first let me make a point clear. I speak on this subject about parental consent with a little bit of experience that my husband is a psychiatrist not only in private practice but also as a psychiatric consultant to a number of school systems over the years on these issues.

With that as background, I want to say that I agree with the gentleman's amendment; but I want to be sure that we are not having unintended consequences here. So I want to make clear what the language does.

Specifically with the section on restrictions on medical testing and treatment of minors, these initial contacts are vital. As a primary proponent of school-based mental health services, as the author of that provision that is in the bill, I want to be very sure that we are talking about the same things here.

My understanding here is that under the gentleman's amendment a child in trouble would be first referred to a school guidance counselor, as is presently the case, under all State law; no signed permission for this initial contact is needed. Is that correct?

Mr. TIAHRT. That is also my understanding, yes.

Mrs. ROUKEMA. Then the child's case is referred to a child study committee, and the social worker that is a member of that child's study committee then is required to have parental consent or make the contact with the parent before that evaluation. Is that correct?

Mr. TIAHRT. That is also my understanding.

Mrs. ROUKEMA. Then, of course, we get to the question of the mental health counselors that are provided for in this bill. It is again my understanding, and there is no ambiguity about this, that mental health counselors would then assess the treatment needs but would again require parental consent with specificity?

Mr. TIAHRT. That is also my understanding.

Mrs. ROUKEMA. That is also the understanding of the gentleman.

I want to thank the gentleman because this is a very important portion of this bill. I want to make the particular point for all of our colleagues that we need this clarification to ensure that the children and families are able to receive the best possible treatment but not eroding the rights of the parents in these cases.

Mr. Chairman, I thank the gentleman from Kansas (Mr. TIAHRT) for his amendment.

Mr. TIAHRT. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman from Kansas (Mr. TIAHRT) for yielding me this time and would urge the adoption of the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

Mr. Chairman, this is a good amendment because at its core it empowers parents, and that really should be what we are all about here in Congress, is finding ways to empower parents to the greatest extent possible. This empowers them through information and putting parents in the driver's seat when it comes to administering various psychological and psychiatric examinations, nonemergency medical examinations and tests that might be required at school.

Giving parents the authority to make these decisions is just one strategy to do two things: one, to make parents a more integral part of the academic and learning experience of their children; but, secondly, to allow parents to be in a position where they have a better opportunity to protect their children from different examinations, procedures, different experiments that take place in America's government-owned schools that are somehow different than the academic mission that most parents assume these institutions are all about.

That is, in fact, what these institutions should be about, and that should be our goal here in the House, is to focus to the greatest extent possible the mission of our public schools on the mission of teaching, on education. Pure and simple. It is important to empower them through the Tiahrt amendment because the options to empower parents further have really not become a part of this bill nor have those amendments been permitted to even be discussed.

The President, in his plan to leave no child behind, had suggested that parents should have the full authority to move their children out of government-owned institutions and into private schools at some point if those public schools have failed to deliver an academic product that was in the best interest of their children. That core provision of the President's bill has been left behind, ironically, and is not part of H.R. 1; but this amendment here is critical and I think addresses that deficiency in the overall legislation to some degree because it does significantly empower parents in a very important area of their child's academic experience and makes sure that their focus is on education and academics and not on experimentation and psychological testing.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first took up the fight to guarantee parental rights when I encountered resistance in trying to obtain information about my own children's curriculum. Since then, I have learned that 11-year-olds have been given surveys asking about explicit sexual practices. School counselors have conducted counseling sessions for treatments that they were not qualified to give, and other abuses have been occurring across the United States.

In closing, let me once again state that my intent with this amendment is to simply clear up the confusion that already exists in Federal law. Any teacher will say parental involvement is imperative to the success of a child during their educational career.

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This amendment states unequivocally, parents have the right to be involved in a child's education. It is pro-family, it is pro-education, and I urge its adoption.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 107–69.

AMENDMENT NO. 15 OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. ARMEY:

In section 104 of the bill, in paragraph (13) of section 1112(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 104), strike "public".

In section 106 of the bill, in clause (ii) of section 1116(b)(7)(A) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), strike subclause (II) and insert the following:

"(II) make funds available—

"(aa) to the economically disadvantaged child's parents to place the child in a private school in accordance with subsection (d)(2); or

"(bb) make funds available for supplementary educational services, in accordance with subsection (d)(1); and

In section 106 of the bill, in paragraph (8) of section 1116(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), after "paragraph (6)(D)(i)" insert ", (7)(A)(ii)(II)(aa),".

In section 106 of the bill, in subparagraph (A) of section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), strike "public".

In section 106 of the bill, in subsection (d) of section 1116 of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106)—

(1) in paragraph (1) strike "(1) In" and insert the following:

"(1) SUPPLEMENTAL INSTRUCTIONAL SERVICES.—"

"(A) In

(2) strike "this paragraph" each place it appears and insert "this subparagraph";

(3) in paragraph (2) strike "paragraph (1)" and insert "subparagraph (A)";

(3) in paragraph (3)—

(A) strike "paragraph (2)" and insert "subparagraph (B)"; and

(B) redesignate subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and indent accordingly);

(4) in paragraph (5)—

(A) in subparagraph (B), strike "paragraph (6)" and insert "subparagraph (F)"; and

(B) redesignate subparagraphs (A) through (E) as clauses (i) through (v), respectively, (and indent accordingly);

(5) in paragraph (6)—

(A) strike "paragraph (5)(c)" insert "subparagraph (E)(iii)"; and

(B) redesignate subparagraphs (A) through (D) as clauses (i) through (iv), respectively (and indent accordingly);

(6) in paragraph (7)—

(A) in subparagraph (B), strike "subparagraph (A)" and insert "clause (i)"; and

(B) redesignate subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and indent accordingly);

(7) in paragraph (10)—

(A) in subparagraphs (C) and (D), redesignate clauses (i) and (ii) as subclauses (I) and (II), respectively (and indent accordingly);

(B) redesignate subparagraphs (A) through (D) as clauses (i) through (iv), respectively (and indent accordingly);

(8) redesignate paragraphs (2) through (11) as subparagraphs (B) through (K), respectively (and indent accordingly);

(9) at the end, insert the following:

"(2) PARENTAL CHOICE.—

"(A) IN GENERAL.—In any case described in section 1116(b)(7)(A)(ii)(II)(aa) the local educational agency shall permit the parents of each eligible child defined in paragraph (7)(A) to—

"(i) receive, from the agency, the child's share of funds allocated to the school under this part, calculated under subparagraph (B); and

"(ii) Notwithstanding any other provision of this Act, use those funds to pay the costs of attending a private school that agrees to—

"(I) assess the student in mathematics and reading and language arts each year during grades 3 through 8 and at least once during grades 10 through 12, using academic assessments that are comparable in what they measure to the academic assessments used by the State; and

"(II) provide the results of those assessments to the student's parents.

"(B) PER-CHILD AMOUNT.—The amount of a school's allocation under this part that it shall make available to the parents of an eligible child under subparagraph (A)(ii) is equal to the amount of the school's allocation under subpart 2 of this part divided by the number of eligible children enrolled in the school.

"(C) LIMITATION.—The amount of funds provided to the parents of a child under this paragraph shall not exceed the actual costs of the parents for sending the child to a private school and providing transportation to such school.

"(D) DURATION.—The local educational agency shall continue to provide funds to parents of a child attending a private school under this section until the child completes the grade corresponding to the highest grade offered at the public school the child previously attended.

"(E) NONDISCRIMINATION.—

"(i) IN GENERAL.—A private school participating in the choice program under this paragraph shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this paragraph.

"(ii) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

"(I) APPLICABILITY.—With respect to discrimination on the basis of sex, clause (i) shall not apply to a private school that is controlled by a religious organization if the application of clause (i) is inconsistent with the religious tenets of the private school.

"(II) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in clause (i) shall be construed to prevent a parent from choosing, or a private school from offering, a single-sex school, class, or activity.

"(III) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in clause (i) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

"(iii) CHILDREN WITH DISABILITIES.—Nothing in this subsection shall be construed to alter or modify the provisions of the Individuals with Disabilities Education Act or the Rehabilitation Act of 1973.

"(iv) RULE OF CONSTRUCTION.—

"(I) IN GENERAL.—Nothing in this paragraph shall be construed to prevent any private school which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the private school is established or maintained.

"(II) SECTARIAN PURPOSES.—Nothing in this paragraph shall be construed to prohibit the use of funds made available under this subsection for sectarian educational purposes, or to require a private school to remove religious art, icons, scripture, or other symbols.

"(F) DEFINITIONS.—As used in this paragraph, the term 'eligible child' means a child from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).".

In section 401 of the bill, in section 4131(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 401)—

(1) strike "and" at the end of paragraph (14);

(2) strike the period at the end of paragraph (15) and insert "; and"; and

(3) insert the following:

"(16) activities to promote, implement, or expand private school choice for disadvantaged children in failing public schools.

In section 501 of the bill, in subparagraph (P) of section 5115(b)(2) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), after "including a public charter school," insert "or a private school if no safe public school or public charter school can accommodate the student,".

In section 801 of the bill, in section 8507 of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 801)—

(1) insert "(a) IN GENERAL.—" before "Nothing"; and

(2) add at the end the following:

"(b) INAPPLICABILITY.—Subsection (a) shall not be construed to prohibit the use of funds made available to parents of eligible children for sectarian educational purposes under private school choice provisions of this Act, or to require an eligible private institution to remove religious art, icons, scripture, or other symbols.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Texas (Mr. ARMEY) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment, which is offered by myself, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from Texas (Mr. DELAY). With the consent of the gentleman from Michigan (Mr. KILDEE), I will just make a few comments and then yield to the gentleman from Ohio (Mr. BOEHNER) for his comments.

Mr. Chairman, this amendment represents the language that was first introduced in the President's bill as he sent it up to the House and represents that very important component of his education package and education philosophy, which is parental involvement in school choice. It is, in my estimation, just the most minimal introduction of the right to choose a school on the part of a parent that is concerned about the performance of the school relative to the child's life, and it is certainly something that this Congress should take under consideration and, in my estimation, we should pass without hesitation.

Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, this amendment that we have before us reinstates the private school choice provisions into the bill, and I think will help rescue children who are trapped in chronically failing schools. I would like to thank the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY) for sponsoring this amendment with me.

This issue is about fairness. It is about equity. It is about providing a safety valve for disadvantaged students.

Mr. Chairman, under H.R. 1, the bill expands choices for parents, but we need to expand it even further by giving parents the option of private school choice in cases where their children are trapped in failing schools. This was part of the President's original plan and, while far from the only part, it is a very important part.

The amendment would restore all the private school choice provisions that were struck in the bill in committee, except for the demonstration program. Specifically, the amendment would restore private school choice as an option for disadvantaged students who have attended failing schools for at least 3 years. It would restore private school choice as a local use of funds under title IV of the Innovative Education Grants for Disadvantaged Students. It restores private school choice for students who are stuck in unsafe schools and where there are no other public schools to which they could transfer. And, it restores private school choice for students who have been victims of crime on school premises and where there are no other public schools to which they could transfer.

Mr. Chairman, I think it is common knowledge that we already have school choice in this country, except for poor children. Suburban parents, including many members of this body, are more likely to have the financial means to send their children to private schools, but low-income parents cannot afford this option. While we would continue to deny parents with children in failing schools the opportunity that Members of Congress enjoy, I just do not know.

We are told that providing poor children a way out of failing schools will siphon away money from the public school system. Quite frankly, I do not think this argument holds water.

Mr. Chairman, a couple of years ago, Matthew Miller, writing for the Atlantic Monthly, asked Bob Chase, who is the president of the National Education Association, if the NEA would support vouchers in exchange for tripling per-pupil spending for inner city kids, and guess what? Jay said, "no."

This is not about money, even assuming, which we should not, that spending more money automatically increases student achievement. This is about an education bureaucracy that is resistant to change and mired in habit. This about powerful lobbies that refuse to accept any change in the status quo.

Where it has been tried, school choice works. Harvard University's Jay Green found that Florida students' test scores have improved across the board since the implementation of Florida's A-Plus program, similar to the plan that we would see in this amendment. And a September 1999 report conducted by the Indiana Center for Evaluation found that participants in Cleveland's scholarship program scored up to 5 percentile points higher than their public school counterparts in language and science assessments.

Disadvantaged students have the most to gain from school choice. Consider the characteristics from those who benefit from Milwaukee's Parental School Choice plan: Fifty-four percent receive Aid to Families with Dependent Children money, they come from families with an average income of $11,600; 76 percent come from single-parent homes, and more than 96 percent are from ethnic minorities.

Mr. Chairman, this is a good amendment. These are good provisions. They will help parents and they will help children stuck in failing schools.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SCHAFFER) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

NO CHILD LEFT BEHIND ACT OF 2001

The Committee resumed its sitting.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, vouchers are a hotly debated topic throughout our Nation. The Michigan and California members of this House are very aware of this debate, having just had major ballot initiatives on private school vouchers recently defeated in their respective States.

In my home State of Michigan, in fact, our private school voucher proposition was opposed by over two-thirds of the Michigan voters, with a similar vote in California. The people of those two States, which are quite a cross-section of America, have spoken very clearly on this issue.

In committee, all private school voucher provisions were removed from the bill with bipartisan support. I believe that the passage of this amendment does jeopardize the many months of bipartisan work that have gone into producing this legislation. I would hope that the House would preserve the bipartisan support for this legislation and reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Armey-Boehner-DeLay amendment because school choice is about one thing. It is about educational opportunity for all Americans, regardless of their race or socioeconomic status. The parents of children trapped in our most dangerous and failing schools are having to challenge a status quo that opposes those opportunities to them.

This debate, Mr. Chairman, between the status quo and the needs of largely minority students is not new. Decades ago, the defenders of the status quo stood in the schoolhouse door and said to some, you may not come in. Now, the defenders of the status quo stand in the schoolhouse door and say to the grandchildren of many of those same Americans, you may not come out.

I strongly rise in support of the Armey-Boehner-DeLay amendment in so much as it is part and parcel of restoring the dream of boundless educational opportunity for all Americans.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I rise in strong opposition to this amendment. I do so because the very heart and soul of this bill includes not only public school choice in the first year of a failing school where students taking their tests in April and finding that they are failing that test in the summertime are then afforded immediate public school choice that September.

We are expanding in this bill public school choice, charter schools, magnet schools, and then further on in the process, even opening up public school choice more than that for schools that go into the school improvement category.

So we have full public school choice. We are looking with new vision and new boldness to open up more options and empower our parents to make more choices within the public school system.

But this bill is also about accountability. We are saying for the first time in 30 years that schools must be accountable, that failure is no longer an option, whether it be for inner city school kids or suburban kids, and we are requiring them to take tests, and we are saying, we will invest more money to remediate the kids if they fail a test, but we want to know where they are with these tests. We are going to strengthen accountability.

This amendment has no accountability in it. We take the money with the voucher from the public school to a private school, and then there is no accountability there. No test, no trail, no nothing. As a student, as somebody who went to Catholic schools, I am not sure that we want those Catholic schools having to be accountable to the government for curriculum, for testing, for other things.

So on accountability, this amendment fails. I think in terms of public school choice, we are opening that up, I think this amendment fails.

Finally, this amendment would allow us the per-pupil expenditure under title I. That would be the whopping figure of about $639 for a voucher. Now, we defeated $1,500 in committee. This would be less than half that and would really not even get you in the classroom, let alone the front door of the school.

Mr. Chairman, I urge bipartisan defeat of this amendment.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume for just a moment's comment to the previous speaker.

The amendment does, in fact, have accountability tests in several of the crucial academic areas. But, the gentleman is right, we do not ask the Catholic schools to be accountable to the government, we ask them to be accountable to the parents, the parents that love their child enough to find out how the school is doing by my child, care enough about the child to move the child, and certainly are more interested in that child's well-being than anybody in this government throughout the remainder of that child's life. That school will be accountable to that parent, and the gentleman can comment on that.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Texas for yielding, and I thank him for bringing forward this amendment.

I think the debate and the discussion that I just heard really does crystallize the exact debate as to where we need to hold and what accountability really is.

The President's plan originally talked about flexibility, it talked about accountability, and the accountability was to the Federal Government. What this amendment says is that there is another accountability. It is the accountability of schools, teachers, to parents. To claim that there is not accountability there, this amendment is absolutely false.

☐ 1215

This is empowering parents and will force schools to be accountable not to a bureaucrat in Washington, not to a bureaucrat in the Department of Education, and not to a bureaucratic test that is mandated out of Washington.

We know a lot about this Department of Education. If we talk about accountability, we are talking about holding schools in Holland, Michigan, in my district, accountable, when at the same time Congress continues to back away from holding the Department of Education accountable for their $40 billion that they cannot get a clean audit on, and were not willing to allow parents to make the decisions about their kids.

Let us recognize through this process that by empowering parents we are moving accountability to exactly where it should be. We are moving it away from the Department of Education, we are moving it away from Washington, we are moving it away from our State capitals, we are moving it around the kitchen table, where parents can make the decision as to what school and what school environment most effectively meets the needs of their children.

I encourage my colleagues to support this amendment.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this amendment. I agree, and it has been a priority of mine, to improve American schools; and it should be our top priority. I truly believe in the title of this bill, which is to leave no child behind. This amendment goes in absolutely the opposite direction.

Mr. Chairman, the bill before us, as has been noted, does improve our Nation's schools without vouchers. It includes several additional options for students in schools that fail to improve, including public school choice, access to after-school supplemental tutoring services.

In addition, the schools that fail to improve will be subject to consequences. That may include turning the school into a charter school or a takeover by the State. These provisions ensure that no child will be left behind in a failing school, and that scarce educational resources will be used effectively and efficiently to improve schools, and I want to stress this, for all students, not a small, select few.

If this amendment passes, our ability to help public schools improve will be significantly hindered. It will be taking money away from the system; and even worse, the vast majority of the students will be left behind in failing public schools.

How can we in good conscience select a few people from the failing schools to receive vouchers and leave the rest of the children behind? While, I am not a lawyer; aside from the unfairness of this, I would also say that if this amendment were ever to pass and this were in the bill, I am very confident that there would be court cases denying this because of discrimination and the limitations on the voucher system. This would then ultimately become an "entitlement."

The bottom line is that vouchers will reduce financial support for the vast majority to support only a select few and will definitely open up significant legal obstacles. I say, leave no child behind.

Mr. ARMEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Armey-Boehner-DeLay amendment to H.R. 1, the No Child Left Behind Act of 2001.

But before I speak about this amendment, I want to commend President Bush for keeping another of his promises by making education reform a top priority in his administration.

I also want to thank the gentleman from Ohio (Chairman BOEHNER) for his hard work on House Resolution 1 in keeping education a priority in this 107th Congress. In addition, I want to thank those members of the Committee on Education and the Workforce for their hard work.

Many of the provisions of H.R. 1 are good, particularly those that would increase flexibility for the State and local school districts, the families, the parents; reduce the Federal bureaucracy; encourage and improve teacher quality; and ensure that the basic math, science, and literacy tests are adequately funded.

H.R. 1 would also allow parents the option of transferring their children out of public schools that refuse to improve failing performances and to other public schools within the same district, a measure I support.

However, decisions as important as educating our youth should not be restricted only to public schools. Lower-income American families concerned about the quality and safety of their children in public schools should not be left behind. Just as many families who can afford it, they should be allowed to send their children to schools of their choice, whether it be public, private, or religious.

National opinion polls show that the vast majority of Americans support private school choice. The Armey-Boehner-DeLay amendment would do just that, if a school fails to make adequate yearly progress for 3 years in a row.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I oppose this amendment because it provides a disingenuous solution to an indisputable problem.

It is indisputable that there are many children attending subpar schools throughout this country, but I want Members to think about the solution this amendment proposes. It says that children who go to a school where most of the kids fail a test year after year after year can eventually leave that school and take a bit of money with them and then attend a private school where the same testing will not be imposed.

Now, this amendment says there will be comparable tests, but not the same one. See, it is okay to justify people leaving a public school with public money to go to a private school because they could not perform on a standardized test, but then the amendment says that we will not give that same standardized test once the child gets to the private school. It only has to be comparable.

This amendment is an invitation to school fraud, not school choice. It will create a marketplace of fly-by-night institutions posing as legitimate schools simply to sop up this new Federal voucher that will be out there. It will degrade the well-earned reputation of legitimate private schools sponsored by religious and other organizations around the country.

The real solution is what is in the underlying bill: evaluate schools, find out what they are doing wrong, improve what they are doing wrong, and ultimately, replace the managers who will not make the changes that will make the schools better.

I urge opposition to this amendment.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

My daughter is about to turn 1 year old. It reminds me how fleeting childhood is, how brief is that moment in a child's life to have the opportunity to get the education that a child needs to have the opportunity to live a good life and to have all the opportunities to build a better life that we take for granted.

Mr. Chairman, this amendment today really is not for our kids. It is not for affluent children growing up in affluent homes. They have choice. They can move to the school district of their choice; and if they do not like that, they can afford to pay their property taxes and pay a tuition for the private school of their choice.

This amendment is for the majority of kids, our constituents who grow up in families where they do not have the luxury that that wealth provides. They have the fewest opportunities. They have the most disadvantages.

All this amendment says is if those children are stuck in a school that is chronically failing, if they are languishing in a school for 3 years that is not teaching them, then those parents ought to be free to move that child to a school that will work.

It is amazing to me that opponents of this amendment can say that a poor child with few opportunities who is stuck and languishing in a school that is not teaching him will force him to stay in that school. That is what the opponents are saying. I just do not know how we can do that, with good conscience.

I know there are powerful special interests that have personal stakes in maintaining the monopoly that they currently have. They do not want any kind of competition to upset what they have going. But frankly, the special interests are not the children's interests.

I just have to ask my colleagues not to block the schoolhouse door from the kids who do not have access to the educational opportunities that they deserve.

I want to thank the gentleman from Texas (Mr. ARMEY) for offering this amendment, and I urge all my colleagues to think about all those kids that are in schools that are failing. There are great public schools, but we know there are a lot of schools that are not working. There are a lot of kids that are not getting the education they need and deserve. This amendment would help the kids who need that help the most. I would like to urge my colleagues to vote for this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for his courtesy in yielding time to me, Mr. Chairman.

There has been a lot of talk on the floor about access; but unlike public schools, which serve all children, private schools are not obligated to accept any student. Students that are the most vulnerable and the more difficult and expensive to educate are left out.

In fact, the Department of Education report shows that if required to accept special needs students, 85 percent of the private schools said they would not even participate in a voucher program. It is wrong to divert critical funding from our public schools, especially when all children will not have equal access.

Now, in the areas, the cities that have had voucher programs like Milwaukee and Cleveland, the effectiveness has been inconclusive, at best, in terms of the results for the student achievement. However, what these cities have shown is that vouchers have led to greater class and race segregation in the classrooms, they are draining significant financial resources from public schools, and are primarily serving students already in the private school system.

This committee has labored to provide more accountability and more public school choice. It is a dramatic step backward to adopt voucher amendments. I strongly urge the House to reject them both.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent that each side have the debate time extended by 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Armey school choice amendment. I will tell the Members why. As Members of Congress, we already have private school choice, that is, if our children are trapped in a failing public school, we have the resources to get them out.

Why is it that the D.C. public schools are not good enough for the children of Al Gore and Bill Clinton, but somehow they are good enough for the low-income African American kids trapped in these failing schools? It defies common sense and logic.

This is not a complex issue at all. The opponents of school choice say it will bankrupt the public schools. The supporters of school choice say no, it will cause public schools to improve. Who is right there?

All I can tell the Members is that in Florida in 1998, we passed almost the identical law under Governor Jeb Bush. What happened as a result? We went from 78 F-rated schools to only four F-rated schools. One of the schools in my district, Orlo Vista, went from 30 percent of the kids passing the standardized test to 79 percent of the kids passing. Another school district, Dixon Elementary, went from 28 percent of the kids passing to 94 percent in 1 year. It improved public schools by competition.

I urge my colleagues to vote yes on the Armey school choice amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from Texas (Mr. ARMEY). At a time when public schools are struggling to rebuild antiquated and crumbling school facilities and deal with a record enrollment of over 52 million students, we should not be considering proposals that divert scarce taxpayer dollars from our public school systems to subsidize private and religious schools.

While school vouchers may benefit a small minority of children who have the option of attending a private or parochial school, school vouchers will ultimately condemn the vast majority of our children to an inferior education as a result of the shift in tax dollars from public education to private.

This voucher proposal provides a select few a way out of the public school system while abandoning the vast majority of our children to underfunded and overcrowded schools. The hardest hit will be low-income, inner-city children who are already suffering from a lack of quality educational opportunity.

Rather than defunding public schools, we need to be reinvesting in public schools. Our children's future success in the Information Age will depend on their ability to receive a quality education, and school vouchers are a nonanswer to that challenge.

□ 1230

School vouchers are an attack against public education and an attack against our children. I strongly urge all of my colleagues to vote against this amendment.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Chairman, I thank the gentleman from Texas (Mr. ARMEY) for yielding me the time.

Mr. Chairman, I rise today in strong support of the Armey amendment, which restores all private school choice provisions back into H.R. 1. We are about to start testing our schools to gauge their success at educating our children. But what is the impetus for them to change if parents cannot take their children to better schools?

Many of America's children are stuck in failing schools and are being deprived of a better future because they have nowhere else to go. This amendment provides the means for parents to rescue their children from failing schools and send them to institutions that will successfully equip them for the future.

School choice is the heart of this educational reform, and it is successful as Milwaukee's school choice program has proven. Yet opponents of school choice are kowtowing to teacher unions and thus sacrificing the future of our children on the altar of politics.

Support the Armey amendment and rescue our children from failing schools that are depriving them of successful lives.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the Committee on Education and the Workforce.

Ms. WOOLSEY. Mr. Chairman, a sound public school system is the backbone of our Nation, and it is the way to prepare all children for the high-skill, high-wage jobs that will ensure America's leadership in the world marketplace and will prevent at the same time dependency on welfare here at home.

Public education is the backbone of our country. It is why we are a great Nation. Public education is available to all. It does not discriminate, and it must be strengthened, not weakened.

Why is it that voucher supporters go on and on about our poor-performing public schools and do not have a plan to make all schools the best in the world? Instead, they support vouchers that take precious education dollars out of our public school system and give them to private and religious schools.

I have no quarrel with private schools, but we cannot forget that private schools are allowed to self-select their student body, while public schools educate all students.

Mr. Chairman, I am proud to speak up for public education in America. Sure, it is not perfect. Democratic amendments would have helped in this bill, amendments that were not made in order. These amendments would have improved the public school system by reducing class size and repairing old school buildings.

This amendment does not improve public education. It should be defeated. If it passes, then H.R. 1 must be defeated.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, this amendment is the only provision that would offer hope to low-income children trapped in failing schools.

The underlying bill will provide, in my opinion, only marginal improvement, if any, to public education.

Public schools are a monopoly, and they face little to no consequences for failure.

If I brought a bill to this floor proposing we put restaurants and supermarkets in the control of the government, nobody would support it, because everybody knows quality would go down.

We have a serious quality problem in the public education system in many of our poor neighborhoods and inner cities, and we are going to just throw a little bit more money at it; a little bit of competition would go much, much further to help the problem.

We have seen what happened in Florida with Governor Jeb Bush's A+ program. We need to have it throughout our own whole country. It is the best hope for poor families trapped in failing school systems. It is not a little more testing, a little more money.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chairman, I stand in strong opposition to this voucher educational amendment. We have the responsibility to educate every one of our children. We have the responsibility to make sure that all of our children have access to education and not to deny children.

This does not guarantee that a child will have access to private schools. What it will do, it will simply drain our resources from those schools most in need of help, while providing minimum benefits to students.

It will raid the system, bleeding and hemorrhaging, when we should be funding education at the highest level. I say we have that responsibility to make sure that every child receive that education. We owe it to our children.

This voucher system will not guarantee that. There are different standards that are being proposed. Standards that are being proposed to the public schools that are asking us to give a test; at the private schools, they will not be held.

When we talk about accountability, there will be accountability in our public schools. When we talk about accountability in our private schools, there will not be accountability.

When we say that the parents have accountability, parents have the same accountability to be involved in our public schools, to make sure that our public schools are the best schools in the systems. We have that responsibility.

Mr. Chairman, I urge everyone to vote against the voucher system because we want to make sure that every child has access and ability to go to school and learn and be all they want, and it can only happen by providing assistance, helping our schools become a lot better.

Let us help our public schools. Let us improve our public schools. Let us get involved with public schools. Let us make them the best. Let us make sure that everybody has the same quality of life to enjoy, to be all they want to be, and we can only do that by affording that every child has access to our schools.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from Texas (Mr. ARMEY), the majority leader, for yielding me this time.

Mr. Chairman, I stand in support of this amendment. I have no doubt that every Member of this body, Mr. Chairman, wants to improve education for every child in America. I know people have devoted their lives to try to achieve that goal, and there is no doubt that there are many great educators, teachers, principals across the country who want nothing but the best for our kids.

Just a couple of days ago I was on PS 3 on Staten Island, a great school, great kids, you can see the enthusiasm, not only in themselves and their eyes, but the teachers who want the best for those kids. But that is not the issue. The issue is not those kids. The issue is not getting access to good schools, because that is what we want and we guarantee.

The issue that you have to ask yourself or present to yourself is, if your child is going to a failing school day after day, year after year, and I want to change that and someone tells you you cannot, that your pride and joy, your child, is forced to endure, this offers hope.

This tells those low-income families out there that they have a choice; that they now have an opportunity; that they now will have freedom; and that they can now get a better education where they are not getting it now.

The bottom line here, Mr. Chairman, to those families who have little or no hope and are forced to endure, the families who are working, the parents who have two and three jobs just to pay a mortgage or the rent or to pay the car bill, they have no choice; all we are saying is give those families some hope. Give them that opportunity to send that child to a better school.

I do not know what is so radical about that. What is so bad about that? What is so un-American about that? If anything, Mr. Chairman, I think what indeed is American is to provide freedom to those who do not have it right now.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. RIVERS), a member of the Committee on Education and the Workforce.

Ms. RIVERS. Mr. Chairman, as a former school board member, I rise in opposition to this amendment and to the contention that a voucher program will improve public schools.

Two hundred or 300 years ago in this country, we had a practice, a medical practice called bleeding. And the way it worked was when someone got sick, we would put leeches on the body and let blood be taken out. If they did not get better, we added more leeches and more leeches and took out more and more blood. Not surprisingly, not many patients got better.

Now, this procedure was done with all the best of intentions, but a lot of patients died, and finally the procedure was abandoned. What finally helped patients move forward was new technologies and new treatments.

We devoted effort and resources that ultimately produced pharmaceutical breakthroughs. We developed a knowledge of preventive behavior, things like better nutrition and healthier lifestyles.

Mr. Chairman, instead of bleeding the public school patient dry and condemning it to never getting better, we should do with education as we did in medicine and devote our resources to new technologies, new intervention models and preventive programs like Head Start, title I and teacher instruction. After all, we want our patient to live.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I rise in support of the amendment, and I find it interesting that those who claim to support the children and have an interest in the children are standing up here today in support of a system, they are standing up here in support of a system called the public school system. Unfortunately, it is a very inconsistent system.

My goal, and I think the goal of those who support this amendment, is to support the children, to give the children the best opportunity to have the tools that they have been given by God to be developed as much as they can be.

If their parents believed that they can be developed better in a different school, other than the one that they live in, then they should have that opportunity. This is America. This is the country where parents and families should have the ultimate decision and opportunity to decide how best to use their resources and to succeed.

We spend a lot of money on our public schools; and, unfortunately, the one that seems to be failing the most are the ones on which we spend the most dollars. We would actually save the taxpayers' money and save the children if we would direct a small portion of that money towards a school choice voucher.

Mr. Chairman, I rise in support of this amendment. I support the children, and I believe my colleagues who support this amendment do as well.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK), a member of the Committee on Education and the Workforce.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to this amendment. The whole purpose of our debate on this bill, H.R. 1, is to reform and improve the public school system.

We have spent a lot of time in the last few minutes talking about the failing schools and how by a voucher system we are going to improve the failing schools because we will essentially give parents the choice to get out.

What is wrong with the whole system is that once we identify the failing schools, we do not provide enough resources.

I argue that the tests that we are going to now require of these schools is simply going to target the schools that are failing with more bad news and insufficient resources to help them build back up and to becoming adequate school systems. The whole purpose of the Congress ought not to be in a punitive stance to try to punish these schools. Listen, this is tax dollars we are talking about, Federal tax dollars, that are going into our targeted schools that need help.

Why should the taxpayers of America be sitting here saying that the Congress ought to be giving away their tax dollars to private schools? That is the issue. If we have public tax dollars to improve our school systems, it ought to be designed to pour money into the failing schools, give them qualified teachers, give them the resources they need, buy them the textbooks, improve the school structure, so it is a friendly environment for the students, give them the technology that they need.

provide them with the total resources of support.

That is what we need in order to reform our system, not to send these dollars out to private schools where there will be absolutely no accountability.

□ 1245

I oppose this amendment because it is a cop-out. It is a surrender. We ought to be saying we are committed, as the President has said, no child will be left behind in the public school system. Keep them there. Improve these failing schools. Add the resources so that every child can have real opportunity in America.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, I am happy to help dispel this myth that school choice is going to destroy our public schools.

The evidence shows that existing schools, the programs that participate in them, whether they are vouchers, charter schools or tax credits, have had a significant and positive impact on both the public schools and the children that they assist.

Time and again, from Wisconsin to Florida, schools and cities with choice have larger improvements on their standardized test scores than similar schools that do not face competition. While choice gives parents the ability to choose where their children go to school, it also gives failing schools the incentive to improve.

This is a win-win situation for all children, but especially poor children who do not have the means to switch to better schools as some parents do today.

I believe that school choice has, at its heart, just one simple idea, and that is quality education for everyone. As the gentlewoman from Hawaii (Mrs. MINK), the speaker before me, just said, no child should be left behind. It is a concept that I will continue to work for as a public official, as a parent, and as a grandparent.

Mr. Chairman, I urge my colleagues to support this worthwhile amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California has 6 minutes remaining. The gentleman from Texas (Mr. ARMEY) has 5½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I would like to note first that this amendment represents blazing guns of an ambush of what was supposed to have been a bipartisan compromise. This is a partisan ambush, this amendment.

We agreed several years ago that a good alternative to public schools, if one wanted to test them out and try to make them more accountable or more innovative, was charter schools. Charter schools was supposed to be the alternative, and not vouchers.

Vouchers are a waste. Vouchers are fraud really. It misleads parents in the most frustrating situations. Nobody wants vouchers except frustrated parents in inner-city communities who want to have a better education for their children, and they have been sold this bill of goods. They have been swindled into thinking that vouchers are the answer.

Most of them think that vouchers are going to pay the full tuition. They are not told that vouchers will only pay a small part of it. I think at most vouchers, under this system, will be able to contribute maximum of $1,500 in some situations, in most situations less. Tuition is far greater than that. The parents do not know.

There was a woman who came before the committee who testified from New York. She thought she would get $8,000 per child through the voucher system because New York estimates it costs $8,000 per child in the public school system. She will not get anything near $8,000 if her child is in this voucher system. It is a fraud. It is a swindle. Frustrated parents are being victimized by high-pressure publicity about vouchers.

The best way to go is charter schools. That is the noble compromise. Charter schools. But they do not want to go that way because charter schools need money for building and construction. They need the money for capitalization. They need the same kind of effort that we need for public schools. They need resources.

This is a shortcut to get away from providing adequate resources for public education. We want to make everybody accountable except the States, the cities, and the Federal Government to provide resources. This is not the answer. Resources are the answer. We should be honest with parents and tell them that.

Mr. ARMEY. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I am grateful to the majority leader for yielding, but even more so for bringing this amendment to us.

As everyone here knows, this portion of the President's plan was taken out of the bill by the Committee on Education and the Workforce. What the majority leader is proposing to do here is restore what really is the heart and core of the President's Leave No Child Behind proposal.

In fact, if one looks closely at the way the President had proposed even the testing provisions, those testing provisions are predicated on this particular provision that is here before us now. Because real accountability is a matter, not of government taking tests and telling us what the answers are, but it is a matter of empowering the parents who love their children more than anybody here in this city, and by empowering those parents to place their child, when armed with the data derived from testing, into a school that earns their confidence and offers more promise and more hope for their child. That is what we should be about.

Mr. Chairman, just the latest reports crossed our desk within the last few days. Now, there are some who I suppose would not want to read them for the data that is contained. These are reports about voucher programs that exist in a variety of cities in New York and Dayton and D.C.

Here is what the latest report says: "After 2 years, African American students who used a voucher to enroll in a private school scores 6.3 percentage points higher than African American students who remained in public schools." That is in New York.

If one goes to Charlotte, here are the results in Charlotte: "After 1 year, the results show that students who used a scholarship to attend a private school scored 5.9 percentile points higher on the math section of the ITBS than comparable students who remained in public schools. Choice students scored 6.5 percentile points higher than their public school counterparts in reading after 1 year."

In the District of Columbia, the results are also the same. The report says that the results "represented a net positive swing of 17 percentile points from 1 year to the next. An additional year of private schooling, in other words, is estimated to produce a staggering gain of about 0.9 standard deviation."

Remarkable gains in academic achievement from students who attend private schools with the help of vouchers, much the way the author of this amendment envisions.

Then there is the other report that crossed our desk. I imagine most Members did not want to read this. This is the one from the Program on Education Policy and Governance at Harvard University. This report suggests that the most obvious explanation for these findings is that an accountability system with vouchers as the sanction for repeated failure really motivates schools to improve. That is, the prospect of competition and education reveals competitive effects that are normally observed in the marketplace. Free market schooling is a good idea, and it should be applied to those who suffer from the worst effects of failing schools.

This is the core provision of the President's bill. Failure to restore it really leaves little for us to support.

The CHAIRMAN. The Chair advises Members that the gentleman from California (Mr. GEORGE MILLER), the ranking member, has the right to close on this debate.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I want all my colleagues to hear and understand that, make no mistake about it, this is a make-or-break amendment. It is a make-or-break amendment as to whether all children in America will get access to a quality education or not. It is a make-or-break amendment as to whether we are going to have a truly bipartisan bill or whether this is going to be straight down party lines and the same old partisan thing.

I urge strong opposition to this amendment for two very important reasons: it is bad policy, and it is so deceptive that it borders on the fraudulent. It is bad policy because this amendment would propose to strip-mine public resources away from public schools and give them to private institutions. I think that is wrong.

It is deceptive because, right out here on the House steps, I was asked by someone, Why will you not support vouchers? I want to take a voucher and go to a private school. I asked that person, Well, are you in poverty? Because if you are not, then you are not going to be eligible for this program.

I want my colleagues to know something else. Under the program as authorized, one would get $1,500. Under the program that is probably appropriate, one is going to get $500 or $600. That will pay for perhaps 10 percent of a parochial education. It would probably pay for less than 5 percent of a fully loaded private education in my hometown.

It is very, very deceptive to think that this measure will create any real choices for the people that we are talking about today. It is deceptive. It is wrong.

I urge all my colleagues to maintain the best bipartisan bill we can and oppose this amendment today.

Mr. ARMEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we are a great Nation. We should be so proud of ourselves. We have taken so seriously as a Nation, as a government, as State governments, local governments, local school boards, principals, superintendents, teachers, and parents our sacred trust. The most important thing we do in our culture is teach our children.

It is so important to us, we spend hundreds of billions of dollars providing for our children's education. We spend hundreds of millions of man hours, legislating, dictating, describing, proscribing, mandating, determining what these little ones will get in the classroom, organizing our unions, administering our schools, electing our school boards, writing our regulations to make sure that we know that they will get exactly what we think is best for their children.

It works out pretty good for most of us. There is a couple of ugly spots here, 6,000 chronically failed schools registered with the Department of Education right now, 6,000 schools that never seem to get it right, 6,000 schools worth of children where all of our attention, all our billions, all our mandating and proscribing, legislating and posturing is not doing them much good. But they are there. We try not to notice that part.

See, Mr. Chairman, there is an awful lot of school choice going on in America. Talk to any relocation office in any business in America, and they will tell us, when they decide between Dallas, Texas and Chicago, Illinois, the schools available for their employees is one of their first and most important considerations. It makes a difference where we create the jobs, how good the schools are, and we move on that basis.

Talk to any realtor, and they will tell us one of the first things mom and dad ask about when they look about moving in a neighborhood is what are the schools like here, what are the schools like there. They never choose to buy the house, when they are free to choose, where the schools are bad. They always buy them where the schools are good.

Good for you, mom and dad. We love our babies. When we can, we do choose the better school. Talk to an awful lot of people that have got the ways and means, and they take their children out of that public school. They may put them in private school. Lord, have mercy, they put them in religious schools. Holy mackerel. Can one imagine a government that will tolerate people putting their children where they are teaching the Bible? But they do it if they can afford it because it is important to them, and they love their babies, and they want it done right, and that is what they believe.

Sometimes they get so frustrated with the alternatives, they teach their children at home. They do it. They are free to choose. We applaud them. Well, we have got some people here that just do not seem to have that good job, the college education that allows them to teach their own children, the opportunity for a better chance to move. They are stuck, and they are stuck in those schools that are registered with the Department of Education right now, as they have been for 10 years, as schools that are chronic failures.

What we have said with this amendment, for the most distressed children in those most distressed schools, take your title I money which is allocated for distressed students, and let the parents find the better place. We walked away from these children in every regard. We never fix those schools. They are always there.

This bill says, Mom, after your baby has been there for 3 years, you have a chance to do what the rich folks do. Move your child.

Where is the heart? We give a lot of respect to ourselves. We brag about our good intentions. We give a great deal of deference to the unions. We pay a lot of regard to the school board, and we respect and love the teachers. But in the end, there is not a school in America that is about any one of them. The school is not about the kid. The school is about nothing.

□ 1300

I tell my colleagues that there is no mother in America that should be made to say to her baby, look, I know that school will never get it right, you have been there for 3 years and it is not getting any better, but you have got to go back. To say to your child, I know you had an act of violence committed against you in that school, I know you are frightened, but you have got to go back.

I would not say that. There is nobody in this Chamber that would say that to their child. But here we are saying, if we vote against this amendment, we are telling that heartbroken mother that has to look at our baby and say, honey, go back and make the best of it, because that is all I am able to do, that we have nothing to offer her.

Now, I know that mother. I have talked to that mother. I have seen that mother when she has looked at her baby and said, honey, there is nothing I can do, I just cannot find it. And I have seen that mother when she has gotten just a little tiny scholarship, one that did not pay it all but one that said to her, if I get a second job, I can make up the difference and I can put my baby in a better school.

And I have seen that mother look at her baby with the love that mothers have for their children, and I have seen her say, honey, we have just gone from despair to hope because somebody is willing to share.

I do not ask much from this Chamber. I am not asking for a great deal. I am just saying for that most concerned mother, that most distressed child, stuck in the most failed school, chronically, for 3 years, and feels frightened, scared, neglected and abused, that today has no hope whatsoever, give them that chance to choose as we have chosen, to take their baby from harm's way and put their baby in front of a ray of hope with loving teachers.

And if those teachers be nuns, that is fine with me. Because the nuns know something that most of the public schools should learn, and that is, that if you love a child, you can discipline a child; and if you love and discipline a child, you can teach a child; and you can grow from a baby, boy, a man, who will be happy and successful in their own life and a blessing in the lives of others.

This amendment is about that dream. If there is a mother in this Chamber who does not hold that dream for their baby first, then let that mother vote "no" on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from California has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, America does something that no other country in the world does: It makes a commitment to a child born in this Nation that we will provide them a public education. A free education. We have been doing it throughout most of the history of this country, and we have done a remarkable job. Not a perfect job, not a job that is acceptable to all of us, but we have done a remarkable job. No other country in history has attempted to do what we do here, to take children from any background, to take children of any status and say we commit to them that we are going to provide them an education.

What has been the result of that basic foundation of American society? The basic foundation of American society. The result is the greatest economy in the history of the world; more patents, more inventions than any country in the world, the freest country in the world, the greatest democracy in the world, a public discourse, and more tolerance than any other country in the world. That is not to suggest the landscape in America is perfect; that it does not have its problems; that we do not have our pockets of trouble. We do. We do.

But to come along now and to suggest that we are going to start draining the resources from the public school education system in this country so that we can hold out to somebody the idea that they are going to go and take that $500, and they are going to get a private school education is simply to mislead those individuals. It is simply to mislead those individuals. The harm it does is in draining the resources that are necessary.

We recognize in this legislation; the President of the United States recognizes in this legislation, Democrats recognize in this legislation, and Republicans recognize in this legislation that there are schools that are failing. We make a commitment to fix the failing schools; not run away from them, not leave children behind in those schools, but to fix those schools. That is our obligation. That is the bedrock of this Nation. That is what distinguishes us in so many ways. We should not give up on that now and turn tail and run.

In this bill we provide the resources so that we can fix those schools. That is what this President has said he wanted to do. This Congress took him at his word. Those resources were put into this legislation. And now we are going to find out, because governors are on notice and school boards are on notice and parents are on notice.

We should not give up on a system that has done something that no other country in the world has done, and has given us what America enjoys and benefits from today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ARMEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. ARMEY) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 107–69.

AMENDMENT NO. 16 OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer amendment No. 16.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. ARMEY:

After part C of title IV of the Elementary and Secondary Education Act of 1965, as amended by section 421 of the bill, add the following:

PART D—EDUCATIONAL OPPORTUNITY FUND

SEC. 431. EDUCATIONAL OPPORTUNITY FUND.

Title IV is amended by adding at the end the following:

"PART D—EDUCATIONAL OPPORTUNITY FUND

"SEC. 4411. PURPOSE.

"The purpose of this part is to determine the effectiveness of school choice in improving the academic achievement of disadvantaged students and the overall quality of public schools and local educational agencies.

"SEC. 4412. PROGRAM AUTHORIZED.

"The Secretary is authorized to make competitive awards to eligible entities to carry out and evaluate, through contracts or grants, not more than 5 research projects that demonstrate how school choice options increase the academic achievement of students, schools, and local educational agencies.

"SEC. 4413. ELIGIBLE ENTITIES.

"For purposes of this part an eligible entity is—

"(1) a State educational agency;

"(2) a county agency;

"(3) a municipal agency;

"(4) a local educational agency;

"(5) a nonprofit corporation; or

"(6) a consortia thereof.

"SEC. 4414. APPLICATIONS.

"Each eligible entity desiring an award under this part shall submit an application to the Secretary that shall include—

"(1) a description of the proposed research project, including a designation from which local educational agency or agencies eligible students will be selected to participate in a choice program;

"(2) a description of the annual costs of the project;

"(3) a description of the research design that the eligible entity will employ in carrying out the project;

"(4) a description of the project evaluation that will be conducted by an independent third party entity, including—

"(A) the name and qualifications of the independent entity that will conduct the evaluation; and

"(B) a description of how the evaluation will measure the academic achievement of students participating in the program, parental satisfaction and the effect of the project on the schools and agencies designated in paragraph (1);

"(5) a description of how the eligible entity will ensure the participation of students selected for the control group;

"(6) a description of the assessment that the eligible entity will use to assess annually the progress of participants in the research project in grades 3 through 8 in mathematics and reading and how it is comparable to assessments used by the agency or agencies described under paragraph (1);

"(7) an assurance that the eligible entity will assess all students that are participating in the program or in the control group at the beginning of the project;

"(8) an assurance that the eligible entity will report annually to the Secretary on the impact of the project on student achievement, including a discussion of the meaning and an attestation of validity of the achievement data;

"(9) an assurance that, if the number of students applying to participate in the project is greater than the number of students the project can serve, participants will be selected by lottery;

"(10) a description of how the amount that will be provided directly to students for tuition, fees, transportation, or supplemental services will be determined;

"(11) an assurance that schools participating under this part will abide by the nondiscrimination requirements set forth in section 4419;

"(12) an assurance that eligible students receiving assistance under this part will not be defined by reference to religion and that grants will be allocated on the basis of neutral, secular criteria that neither favor nor disfavor religion, and will be made available to children attending secular and nonsecular institutions on a nondiscriminatory basis; and

"(13) an assurance that no private school will be required to participate in the project without its consent.

"SEC. 4415. PRIORITIES.

"In awarding grants under this program, the Secretary shall give priority to applications that—

"(1) provide students and families with the widest range of educational options;

"(2) target resources to students and families that lack the financial resources to take advantage of available educational options;

"(3) are of sufficient size to have a significant impact on the public and private schools of the community that the project serves;

"(4) propose using rigorous methodologies and third party evaluators with experience in evaluating school choice proposals; and

"(5) propose serving students of varying age and grade levels.

"SEC. 4416. USE OF FUNDS.

"(a) In General.—A grantee may reserve up to 10 percent of its award for research and evaluation activities, of which not more than 2 percent may be used for administrative purposes.

"(b) Grants to Students.—A grantee shall use at least 90 percent of its award to provide grants to eligible students, who shall use the grants to—

"(1) pay the eligible educational expenses, including tuition, fees, and transportation expenses required to attend the school of their choice, but in no event more than $5,000 per student; or

"(2) purchase supplemental educational services.

"(c) Assistance.—All grants provided to students under this part shall be considered assistance to students rather than to schools.

"SEC. 4417. ELIGIBLE STUDENTS.

"For purposes of the activities funded under this part, an eligible student is defined as a student who—

"(1) is eligible for a free or reduced-price lunch subsidy under the National School Lunch program; and

"(2) attended a public elementary or secondary school or was not yet of school age in the year preceding participation in this program.

"SEC. 4418. REPORTING REQUIREMENTS.

"(a) In General.—Each grantee receiving an award under this program shall, beginning with the second year of the project, report annually to the Secretary regarding—

"(1) the activities carried out during the preceding 12 months with program funds; and

"(2) the results of the assessments given to students participating in the program and students selected for the control group.

"(b) Performance Reports.—In addition, each grantee shall, in the third year of the research project, report annually to the Secretary regarding—

"(1) the academic performance of students participating in the project; and

"(2) parental satisfaction; and

"(3) changes in the overall performance and quality of public and private elementary and secondary schools affected by the project, as well as other indicators such as teacher quality, innovative reforms, or special programs.

"(c) Report to Congress.—The Secretary shall submit to the appropriate congressional committees an annual report on the findings of the reports submitted under subsections (a) and (b), and include the comments of the independent review panel in accordance with section 4420(c)(2).

"SEC. 4419. NONDISCRIMINATION.

"(a) In General.—A private school participating in the scholarship program under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

"(b) Applicability and Construction With Respect to Discrimination on the Basis of Sex.—

"(1) Applicability.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a private school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the private school.

"(2) Single-sex schools, classes, or activities.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a private school from offering, a single-sex school, class, or activity.

"(3) Construction.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

"(c) Children With Disabilities.—Nothing in this part shall be construed to alter or modify the provisions of the Individuals with Disabilities Education Act or the Rehabilitation Act of 1973.

"(d) Rule of Construction.—

"(1) In general.—Nothing in this part shall be construed to prevent any eligible institution which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the private school is established or maintained.

"(2) Sectarian purposes.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a private school to remove religious art, icons, scripture, or other symbols.

"SEC. 4420. INDEPENDENT REVIEW PANEL.

"(a) Establishment.—The Secretary shall establish an independent review panel to advise the Secretary on technical and methodological issues and in overseeing the activities funded under this part.

"(b) Membership.—The Secretary shall appoint members of the independent review panel from among qualified individuals who are—

"(A) specialists in school choice research, as well as experts in statistics, evaluation, research, and assessment; and

"(B) other individuals with technical expertise who will contribute to the overall rigor and quality of the evaluations.

"(c) Powers.—The independent review panel shall consult with and advise the Secretary—

"(1) to ensure that the evaluations funded under this part adhere to the highest possible standards of quality with respect to research design and statistical analysis; and

"(2) to evaluate and comment on the degree to which annual reports submitted in accordance with section 4418 meet the requirements under paragraph (1) with such comments included with the report submitted to the appropriate Congressional committees.

"SEC. 4421. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Texas (Mr. Armey) and the gentleman from California (Mr. George Miller) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. Armey).

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

Let me just say, Mr. Chairman, that we will have the votes on both these amendments later. I fully expect and hope with all my heart that this Chamber will have the heart to pass amendment No. 15. But should this Chamber simply not rise to that occasion, if we should find a lack of love in this body with respect to that amendment, I would offer this amendment.

This amendment solves the concerns we have about the money and introduces $50 million worth of new money to set up five demonstration programs where school systems can voluntarily decide would they like to try a choice program, a scholarship program, and families within those school districts can voluntarily decide would they like to participate. The amendment allows a chance to study the success of children who have this opportunity, to see if they do better when their parents exercise that influence over their educational life.

We have had a lot of debate. I have heard an awful lot of opinion. There are a great many people that oppose the opportunities of freedom and choice in public education, who think my arguments are full of hot air; and there are a lot of arguments I heard against my great ideas that I think are hogwash. But in an academic setting, the logical thing to do is put it to the test. Let us have five small demonstration projects, $50 million worth of new money, and an opportunity to see the one question that we need to see: Does it work for the children? Because in the end, Mr. Chairman, it does not matter, except that it works for the children.

Again, I will say if education in America is not for the children, education in America is lost. Do we dare, do we dare test an idea on behalf of children in America, an idea that says, little one, we dare to respect your parents?

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. Payne).

Mr. PAYNE. Mr. Chairman, I rise in strong opposition to the previous amendment and to this small $50 million project. Vouchers are simply bad business. It is bad policy for our Nation's schools.

It is ironic that the sponsors of this legislation are fighting for voucher provisions while the title of the bill is Leave No Child Behind. If we take dollars continually out of the public school system, we are going to leave many, many children behind.

My objection to the voucher plans are multilayered and logical. First, there is an important question of accountability for the public expenditure of public money.

Secondly, the dollar amount that the President requests would average about only $1,500 per student to spend on alternative education. This is far from enough money. We would be better off fixing the schools that are failing so that all of the students would benefit, not just a handful here and a handful there.

Third, the results from current voucher plans are mixed. I heard the other side talk about how great they were and everybody were winners. For example, a State-sponsored independent review of Cleveland's voucher program found there was no significant advancement made between the students who used the vouchers and students who did not. So this panacea that we are talking about may not be what we hear on this other side.

Lastly, a serious question of the constitutionality of using public money for religious schools surfaces in this debate, Mr. Chairman. We would be much better off using this time to discuss proven, effective ways to educate our children, like the Harriet Tubman School in Newark that I know about, and the Ann Street School in Newark that are public schools that are working so that we can lower class size, improve teaching quality, and have more Federal resources for improving the physical structure of our schools. We want to have school modernization.

As a former teacher, I strongly oppose vouchers.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI), a cosponsor of the amendment.

Mr. LIPINSKI. Mr. Chairman, I thank the majority leader for yielding me this time, and I rise today in strong support of the Armey-DeLay-Watts-Lipinski amendment to H.R. 1. This amendment creates a school choice demonstration research program that would research how effective school choice is in improving the academic performance of low-income disadvantaged students.

I first became interested in school choice in 1979, when, as chairman of the Chicago City Council's Education Committee, African American Aldermen brought this issue to my attention. They told me that the only true way to reform the poorly performing schools was to provide for school choice.

The heightened national popularity for school choice has led more and more school districts and more and more State legislatures to consider various parental choice proposals. This amendment would allow five educational agencies to voluntarily participate in school choice research programs. I stress that the amendment builds upon the success of current school choice programs, not by taking funds away from public schools, but by authorizing new funds.

This amendment will allow some students to move from failing schools to safe and academically sound schools. I do sincerely believe that the competition that choice will provide will motivate the public school system to do a better job across the board for the well-being of all students.

Vote for this amendment and my colleagues will be able to bear witness to disadvantaged students succeeding because of school choice.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I rise in opposition to the voucher proposal that has just been addressed, and also to the pilot proposals that are with us right now.

We have to ask ourselves why would we have a pilot program? And when we have pilot programs, we do want to demonstrate that there is merit to them. And we often want to demonstrate that there is merit in going beyond a particular community or a particular charismatic leader who puts together a program.

□ 1315

Mr. Chairman, I would suggest to my colleagues that if we are really trying to bring the pilot to scale that is being proposed here today, we have to look at the communities and the communities in which they will realistically be brought to scale.

If I can offer San Diego for a moment, we surveyed the number of private school slots available in San Diego, and we surprisingly found a realistically good number: 1,666 slots. Out of that, 1,300 were religious schools. The rest were identified as nonreligious, but we are looking at a unified school district of 132,000 students. Yes, it sounds innocent to have a pilot program; but would we ever be able to bring that up to scale? You can probably demonstrate that it has merit. I do not question that. You can do that in select areas.

Mr. Chairman, we are trying to go beyond that. We are trying to truly leave no child behind. Bringing a pilot program to scale in communities that really do not have the resources is unrealistic; and I believe it is unfair to the population that we are trying to reach.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent that the debate on this amendment be extended by 5 minutes on each side.

Mr. CHAIRMAN. Without objection, each side will control 5 additional minutes.

There was no objection.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in strong, strong, strong support of the Armey-DeLay-Watts-Lipinski amendment to H.R. 1. Given the importance of education to our Nation's future prosperity and security, I think it is vital, absolutely vital, to try new, competitive approaches to improving the education of all schools, but particularly public education in this country. If we want to be sure we are leaving no children behind, we must at the very least research the effectiveness of school choice programs.

We need to study whether they improve the academic performance of low-income disadvantaged students; or whether they do not. In my judgment, instituting a national school choice pilot program is a modest but important step. This program in no way reduces our current commitment to public education. I believe it enhances it.

For years Congress has debated the benefit of school voucher programs, yet there is insufficient evidence on the cost-benefit of these programs. Today we have an opportunity to establish five demonstration programs that allow us to measure the performance of students who receive these choice scholarships.

Why would anyone oppose an opportunity to scientifically measure choice benefit programs? Why would we oppose it? Measure it. We may be right; we may be wrong. Measure it. We need this amendment to pass in order to have this opportunity.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong opposition to the amendments on vouchers. I speak as a representative of South Texas, a representative who has served on local school boards, on the Texas State Board of Education, and now here in the Committee on Education and the Workforce.

I want to talk about the myths and facts about school vouchers. School vouchers are going to hurt the vast majority of kids who get left behind in the public schools. I am talking about students in special population programs that include bilingual education students, limited English proficiency students. I am talking about migrant students who need special programs. I am talking about the challenged and disabled students and the gifted and talented students not given challenging programs and trained teachers in their field, teachers who are not teaching in their major of study.

There are many myths about vouchers, and in the area that I come from in South Texas, $1,500 does not pay a year of private school attendance in the private schools that I have in South Texas.

Many of these schools charge tuition fees far more than the $1,500 average that is being offered. The American public has consistently opposed voucher proposals. Not one single statewide voucher proposal has passed. One does not need to be a nuclear scientist to figure this out. Every poll in the past 30 years has shown that the public is opposed to vouchers.

When President Bush came in, he listened to hundreds of leaders in education throughout the country; and he learned very quickly that vouchers were not the answer to raise the level of education attainment.

Mr. Chairman, I urge my colleagues that we all get together and oppose the two amendments regarding vouchers.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. WATTS), a sponsor of the amendment.

Mr. WATTS of Oklahoma. Mr. Chairman, 4 years ago I stood here on the floor of the House and voted for an amendment that would have given opportunity scholarships to parents whose kids were in failing schools. Regrettably, that did not pass.

I do not know how many boys and girls since then have been failed by poor schools. I do not know how many dropouts would be graduating today with a good education had those scholarships been there to help them.

Today we have an opportunity to offer parents a choice and students a chance. This amendment sets up five demonstration programs with parental choice which would help kids get out of violent and failing schools which have a monopoly on many of our children. Children in failing schools deserve better than the status quo.

Mr. Chairman, I remind my colleagues that their constituents support parental choice. Once more, African Americans overwhelmingly support parental choice, three out of four in some polls. So, too, should my colleagues on both sides of the aisle support the modest proposal to allow parents to choose what school works best for their children.

Frederick Douglass said, "Some people know the importance of education because they have it." He said, "I know the importance of education because I did not have it."

Let us not force some kids to come to that sad reality. Let us pass this amendment.

Mr. Chairman, I urge my colleagues to vote for this amendment, give parents a choice and give students a chance.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I heard the gentleman on the other side of the aisle refer to this money as new money. Well, this is not new money. This is money that is not being appropriated for the modernization of our schools, it is not being appropriated for smaller classrooms so there can be better discipline and the children can get more personal attention. It is not being appropriated for more teacher recruitment or mentoring or professional development so that all of the things that we know really would improve the education of our children in public schools could be done. Those are the things that work.

That is what my colleagues tell us vouchers will do, is get those kinds of circumstances, yet they are unwilling to make the commitment in our public schools to see that happen. They would rather privatize education.

Mr. Chairman, we have had privatized education before. It was pre-Horace Mann. What we got as a result was some very exclusive people that could afford an education and many who could not. One of my colleagues on the other side said the only hope for America is this voucher program passing.

Mr. Chairman, I do not think that is close to correct. What hope is in this country is a free public education for all Americans, whatever their social and economic background. That is where we ought to be focusing our attention. False hope is a solution that gives out too little money to pay for tuition, that selects only a few and gives them that too little money, that does not guarantee them a place in any particular school, that does not have them go to a school that has standards to which they are held. Just because at Yale the President is preaching mediocrity in education is a virtue does not mean we have to fulfill that promise here.

In 10 different voucher petitions across this country, the concept did not just get beat, it got hammered. When the American public understands that these voucher proposals do not pay for full tuition, do not guarantee them a school where they want to go, and does not fulfill the promise, they vote against it.

If we want hope for our children, let us make sure that all of our public schools have all of the resources they need to do the things that we know work: Modernize the buildings that they are in; give them smaller classrooms; give them good teachers with good recruitment and good professional development programs.

Mr. Chairman, I urge my colleagues to reject this voucher proposal.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Chairman, I have to ask my colleagues: What do we have to fear? This is a program of $50 million of new money, and the money will not come from any public schools, that says let us pick out five cities in America and let us give them a chance to try private school choice. And then let us study the issue. Let us study what happens in those five cities, and let us learn from it. That is all it is. It is very simple.

The bill that we have before us aims to improve public education. I think it is a bold plan. I think it will in fact improve public education. What do we have to fear in allowing five cities an opportunity to try private school choice to empower parents?

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. What do we have to lose by actually modernizing our schools? But my colleagues were not willing to do that. What do we have to lose by having more classrooms?

Mr. BOEHNER. Mr. Chairman, reclaiming my time, the point is the bill we have before us will improve public schools. And we have got all types of innovations that will help public schools, but we should not fear this.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. I am still waiting to hear the answer. What does the gentleman fear about modernizing the public schools that exist? What does the gentleman fear about making smaller classrooms in the public schools that exist?

Mr. BOEHNER. Mr. Chairman, reclaiming my time, all of that will in fact happen under the bill that we have before us; but I do not think that we have anything to fear with an amendment like this.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I can answer the question what do we have to lose. Primarily what we have to lose is this country's basic commitment to the little red schoolhouse. That is what America was built on. As communities organized, they formulated the public community school. It opened the doors of opportunity.

And as the slaves were freed, and even before so, they knew that education was a key element to their success, and they moved themselves to the little red schoolhouses and other schoolhouses that were promoted by local governments. As immigrants came, they were able to improve their status in life as we opened the doors of education.

Mr. Chairman, what this legislation does, and what the Cox amendment does that wants to cut $3.5 billion, it takes away our serious commitment to education.

I believe in public schools and private schools. You can get a good education in private schools; but you can get a very good education in public schools. What we should be focusing on now is smaller class sizes, increased teacher salaries, and recognizing that every one of our children can learn.

Mr. Chairman, why not an amendment to increase parental involvement? Do not give up on your public schools. Get involved in the State boards of education and your local boards. Get involved in the local PTAs, but if you begin to dismantle the public school system, what we are built on, what the European greatness is built on, what the South American greatness is built on, we do not see them abandoning their public schools, then we begin to undermine and misrepresent to the American public that we can siphon off $2 and $3 and get a good education.

Mr. Chairman, I am offended by the advertisements that are on television that show that single parents can open the doors of opportunity for their children with a voucher worth about $10.

What we need to do is invest in our public schools: Build beautiful, brilliant public schools; recruit excellent teachers; have smaller class sizes, and again to analyze.

If we look at existing voucher programs, we can study all we want. The Milwaukee program exists. We do not need any pilot programs to know whether vouchers work. We need an actual commitment to closing the digital divide, of enhancing the teaching and the intellect of our young people, of putting them all in the same boat. When they are all in the same boat, that boat rises together.

Mr. Chairman, I am disappointed that we spend our time doing this. I know the intentions are good, but I believe our commitment to America's greatness is a commitment to America's public schools.

Mr. Chairman, I rise in strong opposition to public school vouchers because they are not the solution to fixing public schools. Vouchers divert scarce funds away from public schools—which 90% of all students in this country attend. Siphoning off limited public school funds from low-performing schools leaves the children in those schools with even fewer resources. Further, vouchers benefit those students already attending private schools. Almost no private schools have tuition rates lower than the amounts provided by vouchers.

Vouchers will only be an experiment, not something that we know will improve the education of our children. We need to understand what makes a school successful, and not simply assume that market forces of performance bonuses and penalties will make the necessary difference in our schools.

Those who look at what makes a good school, whether it is public or private, have noticed that they have a lot in common. A successful school has high academic standards and a challenging curriculum for all children; a safe and orderly environment; qualified teachers; and parent involvement.

If we want to improve our nation's schools, we should provide resources to reduce classroom size, facilitate academic training for teachers, create mental health clinics, and boost parent involvement in their child's education.

There is a long tradition in the United States that supports the notion of a free public education for all of our nation's children. By instituting school vouchers we would be placing a price tag on the cost of education for those in our society who are least able to afford the penalty.

I am a vocal advocate on the behalf of our nation's children, because they are also our nation's future. As leaders of this great nation must keep our focus on what is best for our children—by rejecting the idea of public vouchers.

School vouchers are not a fix for what is wrong with our nation's education system. School vouchers to some may seem like a relatively benign way to increase the options that poor parents have for educating their children. In fact, vouchers pose s serious threat to values that are vital to the health of American democracy. These programs subvert the constitutional principle of separation of church and state and threaten to undermine our system of public education.

The Houston Independent School District (HISD) is the largest public school system in Texas and the seventh largest in the United States. Our schools are dedicated to giving every student the best possible education through an intensive core curriculum and specialized, challenging instructional and career programs. HISD is working hard to become Houstonians' K–12 school system of choice, constantly improving and refinishing instruction and management to make them as effective, productive, and economical as possible.

As long as there exist a disparity in funding among school districts within states, and a disparity of education funding K–12 among the states there will continue to be disparities in the education of disadvantaged youth especially taking into consideration the socioeconomic limitations of these communities to augment the educational experience of their children. This must and should be acknowledged by the education reform legislation that we pass and send to the President's desk. We know the realities of education in the United States are that many children are left behind, not at the discretion of the teacher, school district, parent or child, but under the pressures presented by a lack of adequate funding and teacher training.

The fact that this bill is actually increasing the budget expenditure for education should not make us forget that the budgets for education in the past were woefully underfunded. This pattern of underfunding education has existed not only in the budget for education, but in the smaller specific appropriations measures designed to address reduced and free lunch, support the education of individuals with disabilities, and compensation for teachers.

I would like to encourage my colleagues to reject school vouchers for our nation's children and vote against any vouchers being added to this bill.

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Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I thank the gentleman from Texas (Mr. ARMEY) for yielding me this time.

Mr. Chairman, not too long ago a gentleman was testifying in front of a committee here in this Congress, a gentleman by the name of Al Shanker, late president of the AFT, American Federation of Teachers. When asked by the committee why the AFT was not doing more to help children, why was it not doing more to bring about reform, he said something that was very candid and was almost incredible. He said, when children start paying union dues, I will start representing the interests of children.

Now, everybody got upset about that. A lot of people attacked him. I said right on, because of course he was being very honest. That is exactly what the AFT and the NEA care about. They are unions.

Now, would it not be nice to have this debate framed on the basis of our true feelings about this issue and why we are going to vote one way or the other on vouchers, on school choice? Is it because we really have the interest of kids at heart, or is it because we know the system, the NEA, the AFT, the PTA, the NASB and all the other organizations I have listed there on that chart, we know they are opposed to vouchers but in our hearts do we not believe, every single one of us in here, in our hearts do we not believe that giving those kids an opportunity, a key to the lock that may be on the door to stop them from getting a good quality education, is where we should be? That is what we should be casting a vote on here, not the system.

Mr. Chairman, I have right here, this is title XX of the U.S. Code, 3,200 pages of school law that Federal Government has passed, and we are going to add another 1,000 pages to it pretty soon.

We are going to probably pass another part of this adding another 1,000 pages. All of it to do what? To tell schools how to be good schools, how to provide quality education; 4,000 pages of rules. This does not count the regulations. We could not even fill this room with all the regulations written about it when we could do one thing instead to actually provide true accountability, and that is to pass this one amendment. It could take the place of all the rest of this because we put accountability into the right hands, into the hands of parents. They will make the decision about what is the good school, not us.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I would like to thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in opposition of the two vouchers proposals that are before us today. In our committee on the Committee on Education and the Workforce, we, I thought, came to an agreement where we were not going to put forward these kinds of projects. Obviously, this is not what is occurring before us today, and I am saddened because the people that I represent in my district, the 31st Congressional District, most of whom are low-income, bilingual, Asian and Latino students, are crying out right now for education as a priority.

No deja ningun estudiante detras (do not leave any student behind), and that means those children I represent in my district. Those children want better schools. They want smaller class size. They want parental involvement. Those initiatives are not before us in this education proposal, and I have to say that in my first year or first few months here as a Member of the committee I thought that perhaps there could be an agreement on a bipartisan level here, and I thought that we would be able to realize that reality here on the floor.

I see what is happening that somehow Members on the other side have become captive to another voice, and that voice is saying "deja estos ninos, dejalos." That means "leave these kids behind." And I am saying that the American public, the American public, those voters that I represent, do not want to be left behind. They want to see a better tomorrow. They want to see more funding for our schools that are crippled right now, that do not have adequate teachers, that do not have enough textbooks, that do not have maybe one single computer in their classroom.

In my district, L.A. Unified, where maybe 30 students are there in the fourth grade learning English but do not have the luxury of taking home a book because there are not enough supplies and materials to do that, private schools is not the answer. There are not enough private or parochial schools in my district to facilitate the room. We cannot even find land that is not contaminated to build a school, and my colleagues probably have heard about that debacle in Los Angeles, the Belmont Learning Center. We need to expand educational opportunities for all. That is the American dream for my constituents. That is the American dream para todos los ninos (for all children).

Mr. ARMEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, the opponents of this choice amendment vehemently oppose five demonstration projects, and instead they want a lot of new Federal programs and money for careful education reform. There is just one little flaw in that approach, and that flaw is that we have been passing new Federal education programs for careful education reform over the last 35 years.

We have been tinkering with the public education system over the last 35 years. We have been increasing money at the Federal and State and local level over the last 35 years, and student achievement has been declining over those same last 35 years.

There are some other constants in those 35 years. American public education remains an enormous monopoly. It used to be the second biggest monopoly on earth after the Soviet state. Now it is the biggest monopoly.

What is another constant? That parents, poor parents, have no choice about where to send their kids to school.

Mr. Chairman, after 35 years of failure, why do we not simply try something fundamentally new, in a careful, pilot-demonstration-project sort of way?

The gentlewoman from Texas (Ms. JACKSON-LEE) asked for an amendment for increased parental involvement. This is it. What better way to get increased parental involvement than, once and for all, to empower parents over the system, the education bureaucracy? This is empowering parents.

So let us try something new and try to turn that declining student achievement around.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, this is a very special day in the House of Representatives when those who support this amendment are overwhelmed with compassion for the parents of low-income children. That is not the case when we bring a tax bill to the floor and they refuse to make their tax credit refundable so low-income families can have it. That is not the case on a normal day on this floor, when no legislation to provide health insurance to the 44 million uninsured people of America is brought to this floor.

That compassion is sorely lacking when there has been a commitment by the majority not to move a bill to raise the minimum wage of many of those parents that we are talking about today. This is a very special day when compassion for those families seems to come to the forefront. A year-long, a life-long commitment to that compassion would defeat this amendment and pass legislation that would provide health care and housing and jobs and real opportunity for those families we hear about from the proponents of the amendment. Defeat this amendment for real compassion.

Mr. ARMEY. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I think that the important point here is that we are trying to find ways to improve public school systems. I sat for 2 years with the gentleman from Michigan talking about dollars to the classroom.

They are right, we have to get the dollars to the classroom. Let us remember that the Federal dollars are only about 7 or 8 percent of the total budget. Ninety-two percent comes from the local district.

We ought to have confidence in the local school districts to provide the education that these youngsters need.

Why do we want to spend this limited amount of Federal dollars that we are trying to allocate to these poor districts and spend it out in the private sector, into private schools? If the private entities want to participate in the education of our poor, disadvantaged children, they can do it now. They can take State dollars. They can go in and take local dollars. There is no prohibition. They are free to do it, and they are welcome to do it. They can experiment all they want to. They can set up demonstration projects, but for heaven's sakes do not take the limited Federal dollars that we are trying to allocate for these poor districts.

Mr. ARMEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, here I am again. There is a great song by Johnny Cash and Ray Charles, a song titled, "I am Like a Crazy Old Soldier Fighting a War on My Own." I feel that way sometimes on this question of scholarships for children.

I fight this fight, it seems, every year. Sometimes we win. Sometimes we lose. A couple of years ago, we got it through the House, we got it through the Senate, got it to the President. Bless his little old heart, he could not find it in his heart to sign that legislation. It would have given an opportunity to some youngsters here in D.C.

I keep asking myself, why do I keep fighting this fight? It is not about children in my district. Certainly it is not my children in my family. It is mostly about children I will probably never see, but it is about some youngsters I have seen working with the Washington Scholarship Fund. I, for several years now, have kept 15 or so little ones on scholarship, managed to get folks to chip in and watch them, watch the brightness in their mamas' eyes when they see the hope, the chance to get a little guy out.

I remember one little fellow, Kenny. He came to us. Darryl Green brought him over and introduced him. Poor little guy was scared half to death, over weight, unhappy, shy. We got him a scholarship. He got out of the school where he was frightened. He got into another school. The nuns were a little tough on him I heard, but they loved him and he learned.

I saw him about a year later. He was the life of the party. He was a happy boy. I saw school choice work in that child's life.

I also saw it work when he got a scholarship from the best private high school in Washington, D.C., a high school that people from his neighborhood rarely get a chance to attend. Probably got a lot of congressional children there, but they do not have very many people from Kenny's neighborhood. I have seen his mama watch her boy have something she never thought she had in her life, a chance.

We saw Ted Forstmann and John Walton try the same idea all over America, and we saw the families line up, the parents line up. I saw the disappointment in one mama's eyes in Chicago and right here in D.C., when the money that Forstmann and Walton brought to town was not enough and there just was one scholarship short for her child.

We saw the sadness and, bless his heart, I saw Ted Forstmann reach into his own wallet and bring out enough money so that baby could have a scholarship, too. We saw it work in those lives.

We saw it work when Virginia Gilder tried it in Albany, New York. We saw it work in California. We saw it work in Milwaukee. Wherever we have seen children with a chance, we have seen it work in the lives of the children. But it is more than that. We have seen the schools improve, as one superintendent said, when they had a choice program, privately funded.

His exact words were, we have to get better or we will lose our children. It is a wake-up call for some of those 6,000 schools up there that are always on the Education Department's list of failed schools. It is a chance.

Now, since none of these programs I am talking about were sponsored by the government, we are free to ignore them, pretend they are not there. Do not look at the evidence. Do not accept the facts. They are something special. We do not need to pay regard to that evidence. We can keep our opinions pure and free from any adulteration from facts and keep our allegiances strong to those who fear freedom and choice and prefer control and mandating.

Yes, my heart is in this. It is not an idea with me. It is about children, children that capture the heart, children whose faces shine because they got a chance, and mothers with hope. And I am tired. I am tired of the baloney. I am tired of the hogwash. I am tired about the masquerade. I am tired of the fear.

Hope is a wonderful thing. I have seen it work in the lives of babies and children. I have seen it work to the improvement of schools.

Fear is a horrible thing. I am hoping this time it will be different. I am hoping this time when we take that card out of our pocket and we face an amendment on this one very small effort, shucks, this government even in the Education Department itself will waste $50 million before the sun sets on this day. We know that. One small effort, where we would find it impossible to ignore the facts of the matter. That is what the fear is about.

□ 1345

The fear is that if we really have a government program where we really give it a legitimate test and it is run through the Department of Education, we will not be able to ignore the fact that it works in the schools and it works for the children. That is a mighty frightening thing, to be afraid of the truth, should it come out. Of course, if one is afraid of freedom, one should fear the truth.

So I ask my colleagues, all of them: we have a chance today to vote on this. Take this card out of your pocket and look at that card. For once, just once in our lives in a congressional career, put the special interests aside, put the idealogical high-boundness aside, put the institutional considerations aside. Just once, just give me a vote for the kids, just once. Let us put the kids ahead of all the rest of us. That is what this is about. It is only about the children. Bless their little hearts. They try so hard and we can be so damnably callous.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, for purposes of closing the debate, I yield the balance of my time to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I am glad to follow my colleague from Texas, because we could not be any more different, I guess.

I have two children that went to public schools and they did very well. They did not come to D.C., but they went to schools in my own district in urban Houston.

This is a good bipartisan bill. It raises the authorization levels to amounts that we hope to be able to match, and I hope that next year we will do it and this year, with the appropriations.

Vouchers go the opposite way of the intent of this bill. It takes money away from public schools. Public education is not a monopoly. We as parents already have that choice. The statement I heard that there has been a monopoly for 35 years and the failure of the public school system is outrageous. Who do we think has been running this country for the last 35 years? The 95 percent of the people who went to public schools in this country. The product of our public schools are the ones who run it.

This amendment is a slap in the face of thousands of educators and parents who believe in public schools every day and work hard. I have been to every public school in my district and I will take my colleagues to the depths of the inner city in Houston and show them quality education in the public schools.

There is another country western song my colleague may remember. The teachers and the parents and everyone who works hard every day to make our public schools work, they may want to say, "take this job and shove it."

Mr. BLUMENAUER. Mr. Chairman, since coming to Congress my goal has been to ensure that the federal government is a better partner in building more livable communities. Access to quality public education is a key component of a community that is safe, healthy and economically secure.

The public knows and has demonstrated at the ballot box and public opinion surveys that not only the federal government must make investment in our public schools its top priority, but providing private school vouchers undercutting precious resources for our public schools is not the way to improve education.

Unlike public schools, which serve all children, private schools are not obligated to accept any student. Students who are most vulnerable and are often more difficult and expensive to educate are left out. In fact, a Department of Education report showed that if required to accept special needs students, 85% of private schools said they would not participate in a voucher program. When all students do not have equal access to education, it is work to divert critical funding from our public schools.

In the two cities that have voucher programs, Milwaukee and Cleveland, their effectiveness has been inconclusive. Milwaukee's program, after 10 years, has shown little or no improvement in student achievement relative to comparable public school students. However, what these cities have shown is that vouchers have led to greater class and race segregation in classrooms, they are draining significant financial resources from public schools, and are primarily serving students already in the private school system. In Milwaukee, two-thirds of voucher recipients were already in private schools or just beginning kindergarten, in Cleveland, three-fourths of recipients were already enrolled in private schools or just beginning kindergarten.

The Committee has labored to provide more accountability and more public school choice in this legislation. Reject the amendments for vouchers—they are a step in the wrong direction on both counts.

Mr. BROWN of South Carolina. Mr. Chairman, the foundation upon which every American child's future is based begins with a quality education. This amendment provides a vehicle to ensure this ideal becomes a reality. Every child deserves a good education, not just those whose parents can afford to send them to a different school.

In the past, the solution to America's education problem has been to simply throw money at it. While the federal government has spent billions of dollars on education, there are still countless children trapped in failing school systems. This amendment acknowledges that money alone does not provide for a quality education, but instead requires strengthening the framework of America's schools; in other words, fundamental reform.

To achieve this vision for reform, it is essential to close the achievement gap and provide disadvantaged students with the same opportunities as other children. In recent years, society has increasingly forgotten those children who have not been afforded the basic needs with which to fulfill their dreams. It is unacceptable that in the twenty-first century nearly 70 percent of inner city and rural fourth-graders cannot read at a basic level. Illiteracy has far-reaching consequences that affect social development and opportunities for successful employment.

Many lawmakers, including myself, want to involve parents more on education. Why shouldn't parents have the right to send their children to the school of their choice? Students need opportunity and parents need options. This amendment is the first step in giving parents choice and students hope. Unfortunately, many of my colleagues are against this type of parental choice. Let me address three of their concerns.

First, parental choice opponents say this option would take federal funds away from the public schools that most need the money. Let me be clear—the last thing we want to do is take money away from public schools that need to improve. This amendment does not take money away from public schools; instead, the amendment includes an additional authorization of $50 million to fund the demonstration projects and the related research. $50 million is a small price to pay for the opportunity to test the effectiveness of this type of parental choice.

Second, parental choice opponents say we don't know if private school choice contributes to improved education, either for those who go to the private school or for those left in the public school. Let's change that; let's increase our level of knowledge. Let's do a demonstration that will provide the research data we need to make this determination. If there is any possibility that this type of parental choice will improve education, then can we afford not to try?

Intuitively, of some disadvantaged students transfer from a failing public school to a private school, and the failing public school still receives the same funding, the result is increased per student funding and smaller class sizes in the public school. Therefore, school choice should contribute to improvements in education, not only for students who transfer to a private school, but also for the students remaining in the public school. Let's test this theory to make sure it really happens. This amendment provides the accountability, measuring, and research we can rely on to make future parental choice program decisions.

Finally, parental choice opponents claim that the majority of the American people are against private school choice. Even if that is true, don't we have the obligation to provide a voluntary demonstration project for those who support private school choice; those who don't have any other choices? This amendment provides for up to five demonstration projects. The projects are completely voluntary. Therefore, we may have five demonstration projects going, on a first come, first served basis. On the other hand, if no one wants the private school choice option, we will have zero demonstration projects going. Let's not base our entire policy on what opponents say the majority believes, if we have another option. This amendment provides that option.

The political reality is that H.R. 1 will not pass if complete private school choice is included in the bill. However, the other part of the political reality is that H.R. 1 may not pass if some type of private school choice is not included. This amendment is our last chance to include private school choice to make final passage of H.R. 1 more likely. We need education reform. We need to pass an elementary and secondary reauthorization bill. We need H.R. 1. I urge my colleagues to vote for this amendment; it might make the difference between education success and education failure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ARMEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. ARMEY) will be postponed.

The point of no-quorum is considered withdrawn.

It is now in order to consider amendment No. 17 printed in House Report 107–69.

AMENDMENT NO. 17 OFFERED BY MR. AKIN

Mr. AKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. AKIN:

In section 104 of the bill, at the end of section 1111(b)(4) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 104), add the following:

"(L) be tests of objective knowledge, based on measurable, verifiable, and widely accepted professional testing and assessment standards, and shall not assess the personal opinions, attitudes, or beliefs of the student being assessed.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the purpose of this amendment is to deal with this question of accountability. We have talked about it. Of course the reason that testing is in the bill is because we care about accountability. I do think there is a problem and that is that there is no way to have accountability without objective test questions. So our amendment simply requires that the test questions be objective, that they be based on measurable and verifiable data.

In other words, if we had five educated people take a look at a particular test question and they read it over, what they would say is that the answer is clearly A and it is not B, C, or D. So that is the purpose of this amendment, is simply to say, if we want accountability, we need objective questions.

Now, there are some questions that appear in tests sometimes, one might think that they are all objective, but some are not. Here is an example. Do you think that this is a good story, or how interesting did you think the story was? Those are subjective questions and we are saying that those are not a good basis for trying to do accountability. They are not objective. These questions did actually appear on some various tests from different States.

Our amendment goes also to a second point, and that is that the amendment prohibits the assessing of personal opinions, attitudes or beliefs. I do not believe there is anybody who thinks it is reasonable for us to be testing a kid and measuring them up or down based on what their religious persuasion is or their political persuasion or things that are personal attitudes or beliefs, and so we do prohibit that type of question.

The amendment also allows for a full range of testing strategies.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. AKIN. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I would like to ask the gentleman whether or not his amendment would prohibit essay tests.

Mr. AKIN. Mr. Chairman, it is not my intent to prohibit essay, short answer or any other types of questions on the test.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for that response.

Mr. AKIN. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume. We have no opposition to this amendment with the gentleman's explanation that he just gave that there is no intent here to prohibit essay or short responses on test questions, and we support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time. I welcome the fact that we are able to find some agreement amidst what could be contentious, because when we discuss the issue of education reform in any district with someone of any political party, the one thing that keeps coming up is the notion of accountability. Yesterday, this House went on record saying that we would have sufficient measurements of accountability.

What the gentleman from Missouri, my friend, does with this amendment is reaffirm the objective criteria which should be the watchword for this.

The Federal Government should not micromanage nor try to evaluate feelings, perceptions, opinions. What we seek to do here is use objective criteria to maintain that sense with this House on the record with this amendment, and I welcome this unanimity, if you will, with reference to the amendment, and I commend the gentleman from Missouri for bringing the amendment to our attention. I urge its passage.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER), a member of the committee.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California (Mr. MILLER) for yielding me the time.

I want to take us back to yesterday's key vote on maintaining the testing provisions in this bill that really are the guts, the soul of this bill, in terms of accountability, in terms of trying to fairly and objectively measure these children's performances, find out the weaknesses, and then remediate those weaknesses.

We had a strong bipartisan vote yesterday to maintain these tests. But I think many of us, as the author of this amendment must have, many of us have reservations about these tests. I want to continue to say as we go forward that one, these tests need to be diagnostic in nature. They should not be high stakes tests, they should not drive teachers to necessarily always teach to a test; they need to be motivated and aligned with standards so that we find and remediate problems that children have and try to help them solve those problems so that they can be promoted to the next grade level. Diagnostic is key in all of this, and I hope we work on this in conference.

The second concern for me will be the appropriation level. This authorization is good, it is healthy, and we are going to have a vote later on on the Cox amendment, and we are going to see in this body how many members, when they talk about their concern for the poor, their concern for title I students, their compassion, their compassionate conservatism, we are going to really see if they want to spend this money on new ideas to remediate children, or if really they would rather spend the money on repealing the estate tax for the wealthiest people. We want to reform the estate tax, but there are a lot of people that would repeal it for everybody. So that will be a key amendment, and that will be a key as to how we allocate our resources around here in the future.

So again, to conclude, diagnostic tests that help children and do not result in high-stakes teaching to tests, and sufficient appropriations to match this authorization level opposition to the Cox amendment later on that would cut $2 billion out of this authorization level.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, this is an important amendment and one that I am encouraged will be adopted, because it does make absolutely clear and moves us in the direction of insisting upon testing that is objective in nature, that which relies on, or is oriented toward academic skills and proficiency on core academic subjects. It underscores the reality that I think we all need to be aware of, and that is that testing does have a direct impact on curriculum ultimately, and if we are capable of narrowing the content of testing to those skills that are the subjective components of classroom learning, it makes it more likely that curriculum will not be simply built only according to the tests.

But ultimately, this testing data needs to be useful to someone. It needs to be useful either to the government, which is what H.R. 1 that is before us suggests, or it will be useful to parents, and which the amendments that will be voted on a little later and perhaps maybe in another time from now, we will be able to get closer to the President's vision and his Leave No Child Behind plan that parents will have the ability to use this important testing data to choose a school that that is in the best interest of their child.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume just to say that we have no opposition to this, but I would like just for a second to follow up on what the gentleman from Indiana (Mr. ROEMER) said, because I think as we try to determine the role, the proper role, if you will, for testing, I think that the gentleman from Indiana made some very good points. We ought not to be, and I think that the concern of people who voted against testing in many instances, in talking to them, was that we were trying to use tests for things that they were not properly designed for.

The States are controlling this, but I think they clearly have to start thinking about, does this test accurately give us a picture that allows us to make some assessments, or is that an improper use of that exam, and what vehicles could we use to do the diagnostic work that the gentleman talked about so that we could then concentrate the resources on a child that is struggling with math or with reading and get that child up to speed.

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The test does not necessarily tell us that, so we would hope that in this consideration of the proper role of testing that the States would think that through, because obviously, as we see around the country, there are many communities, many parents, many educators who are very, very concerned about the valid use of testing.

I certainly believe that is a key component of the accountability provisions of this law, and I think this amendment helps us in that regard.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank my colleague for yielding.

I congratulate the gentleman from Missouri (Mr. AKIN) for his amendment, and thank him for his willingness to work with Members on both sides of the aisle to bring about an amendment that gets us to truly objective tests, that provides safeguards to make all of us as policymakers more comfortable with the steps we are taking in this bill.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I thank the gentleman from Missouri for his amendment, because if we truly want to measure objective improvements, then testing must be done on an objective basis.

Is it not common sense to require test questions which measure what a student knows, rather than how he feels? Requiring a student to share personal opinions, attitudes, and beliefs does little to measure how he is doing and what he has learned in school.

Most troubling is that subjective test questions lack a verifiable right answer. Who determines what the correct answer is?

Here is an example: After reading a paragraph on a test, how would one answer this question: "Do you think this is a good story? You have three choices. A is yes, B is no, and C is I don't know." Would we get the right answer?

This question actually took place on a test, and it tells us nothing about the student's knowledge or understanding of the subject.

I urge my colleagues to support this amendment and require testing to cover only objective knowledge.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 107–69.

AMENDMENT NO. 18 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. STEARNS:

In section 1116(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill, insert after paragraph (5) the following and redesignate any subsequent provisions accordingly:

"(6) ADDITIONAL NOTIFICATION.—Not less than once each year, each State educational agency shall provide the Secretary with the name of each school identified for school improvement under this subsection.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. STEARNS. Mr. Chairman, the amendment that I am offering to H.R. 1 would require that the State educational agencies make known in the form of a report to the Department of Education those schools that States identify as not making adequate progress in educating our children.

The Department of Education would then be required to send a report to Congress with this same information. This information would be a valuable resource, both to the Department of Education in carrying out its responsibilities, and, of course, to Congress in determining the level of funding needed.

A school enters an improvement status when it fails to meet those State targets for improving student performance. These targets, of course, vary from State to State. Once identified for improvement, schools, with support from their districts, are given assistance and resources to improve student achievement.

The number of title I schools across the country identified as needing improvement may be over 8,000. I say they may be, because we do not actually know which schools the States have identified as failing our children. Numbers alone do not tell us how long individual schools have been in improvement status.

Under current law, the Department of Education is prevented from gathering this valuable information, which greatly hampers them in determining the needs of a low-performing school so they can better support State and local reform efforts.

Instead of this creating more work for the local educational agency, this amendment, Mr. Chairman, actually relieves them of the burdensome task of having to respond to individual requests from the many programs that use this information. In effect, it streamlines the efforts of all who are involved in the effort to provide the best education to our children.

Specific information on those schools identified is important so that we can assess which schools are not meeting State improvement goals. The information will also provide a baseline for determining the number of schools that improve.

Mr. Chairman, $23 billion is a large amount of money, so it is imperative that in this body we are responsible and fully aware as to how this money improves our local schools and, of course, if it exceeds our expectations.

The President's plan involves great accountability. This amendment is only an extension of that principle. This amendment is insistent upon requiring that all schools be held accountable by name. Individual schools will no longer hide behind an anonymous number. If we are sincere in wanting to "leave no child behind," we must first know those children who are at risk.

This is by no means an effort by the Federal Government to garner greater control of the local schools. Rather, Mr. Chairman, it is about facilitating access to very important information.

So this is a simple idea and a very simple amendment. It shines the light of day on those schools in greatest need. My amendment lifts the veil on those schools that are found to be failing and enables the Department of Education and, yes, the United States Congress, to address those needs.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have examined the amendment. We have no opposition to it.

Mr. Chairman, I yield back the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, on that I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

It is now in order to consider amendment No. 19 printed in House Report 107–69.

AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. TRAFICANT:

In the matter proposed to be inserted as part E of title VIII of the Elementary and Secondary Education Act of 1965 by section 801 of the bill, insert after section 8520 the following:

"SEC. 8521. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE; USE OF AMERICAN-MADE STEEL.

"(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

"(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

"(c) USE OF AMERICAN-MADE STEEL.—A school system receiving financial assistance under this Act for construction shall use American-made steel for such construction and shall comply with the requirements of the Buy American Act.".

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed will each control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition not otherwise taken.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I have been offering buy-American amendments in this Congress for a number of years. I believe this is a good bill; and I want to commend my colleague and friend, the gentleman from Ohio (Mr. BOEHNER), and one of the fine leaders on our side of the aisle, the gentleman from California (Mr. GEORGE MILLER), for a good bill.

Certainly there can be some improvements. However, there are some concerns that I have and some recommendations that I want to make. I want to make this to the Republican leadership, even though I know there are other complicating issues that would surround the issue of construction.

I believe the gentleman from Michigan (Mr. KILDEE) and the gentleman from New York (Mr. OWENS) are exactly right. We in Congress have built a number of prisons, and I do not demean the Congress for such action. But, Mr. Chairman, we have put but little money into construction of school facilities.

I do not believe we have to put a ton of money into it, Mr. Chairman. It could be a 20 percent participatory matching thing if local money and State money is available. But I think in conference or in some mechanism, the Republican leadership should look at that issue.

What the Traficant amendment says is that, number one, on any funds expended under this bill, it is the sense of Congress that when making purchases, they shall buy and we should buy American-made products. But it also says that a notice shall be given of same by the Secretary when awards are made.

There is one last provision. It deals with the hope and what I think is the righteousness of placing some construction money in with attachments, even if it is just 10 percent, 15 percent, for those hard-pressed communities that cannot afford to build new schools, where they have trailers outside, Mr. Chairman.

It says when they make such construction, if they receive money under this bill, they shall use American-made steel in such construction.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the author of the amendment, the gentleman from Ohio (Mr. TRAFICANT), has a very good amendment. We certainly do not have any problem with it. Certainly I support the buy-American amendments that the gentleman from Ohio has offered over the years.

To the extent some money in this bill could be used for school construction, I certainly do not have any problem with the gentleman's amendment and will accept it.

Mr. Chairman, on an unrelated issue I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, it was my intention later today to offer an amendment to allow for a Straight A's pilot program to give States additional flexibility to demonstrate how they could achieve better student performance by replacing Federal programs with innovative programs at the State or local level.

However, I will not be offering the DeMint Straight A's amendment today. Yesterday, I met with the President and the Vice President, and we agreed that the State and local flexibility provision will remain a top priority for the final bill, but that this important idea would be best served if I withdraw the amendment at this time or did not offer it.

I want to thank the President for his assurance that he will use all the resources available to him to make sure that Straight A flexibility for States and local school districts is a part of the final education reform bill.

I also shared with the President that without the Straight A's language, I would be unable to support the current bill on the floor today. While I am reluctant to not vote for the bill, I feel I must, given the absence of key education reform provisions on flexibility and choice.

It is my hope and expectation that this important Straight A's flexibility provision will be included in the House-Senate conference bill. Mr. Chairman, Straight A's is a good education reform policy, and the pilot program is worthy of inclusion in the final education package.

The DeMint Straight A's amendment would have allowed seven States and 25 local school districts the option of entering into a performance agreement with the Secretary of Education. Under approved, results-oriented contracts, State and local school districts would be able to combine funds from a few or all of the eligible Federal formula grant programs that they administer at the State level and would be free from most of the administrative costs of those individual programs.

In exchange for this flexibility, participating States and local schools would have to meet their performance objectives for improving student academic achievement.

Mr. Chairman, this House has already passed an even less restrictive version of Straight A's last year, so most of us have already confirmed that we believe the flexibility provided in Straight A's is exactly what America needs.

I know we all want the same outcome: excellent schools all across the country which provide all children access to a solid education. In order for that to happen, we cannot continue the status quo. We need to declare failure as unacceptable, challenge the status quo, and provide the mechanisms necessary for positive change to occur.

This amendment would not have required any State or school district to participate. It would be a pilot program to give a few States and local school districts around the country the opportunity to break the mold, to be innovative in their approach to education.

Under Federal law, all they run into is red tape. This would give them the open door to truly meet the needs of their students and work to close the achievement gap in the manner that best suits their State and local districts.

The bottom line is that States and local schools must show that their students are learning, not that the bureaucrats are checking the right boxes to continue Federal funds. The freedom would be refreshing.

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Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER), my distinguished friend.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding me the time.

We on our side of the aisle, Mr. Chairman, support the sense of the Congress amendment to both buy American steel and also conform to the Buy American Act.

We wish we would have had the opportunity to have a school construction amendment on the floor so that this amendment would even mean more.

Mr. Chairman, with regard to the colloquy that just took place with the gentleman from South Carolina (Mr. DEMINT), I want to continue to say that I strongly support this bipartisan bill.

However, with the inroads towards removing some flexibility at the local level and delivering dollars directly to the classroom yesterday with the Tiberi amendment, I am glad that we will not go any further on the DeMint amendment and that this conference, I hope, will not go any further.

I think if we continue to go through a Straight A's sloganeering, bumper sticker approach that we will lose bipartisan support for this bill left and right and that the tight middle that has held this bipartisan agreement together could erode very quickly.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to close with these comments. I have served with the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, now for a number of terms. The gentleman is one of the more distinguished Members from the State of Ohio.

I say to the gentleman from Ohio, I am making an appeal to the gentleman. I do not care if it is 10 percent, 15 percent, I think it is not just good for America, it is good for Democrats, it is good for Republicans, it is good for all of our schools to have at some point in conference some money put in for construction.

I know there are other issues concerned with it, but we need to handle those issues, even if it is just a 10 percent commitment. But when the local tax people, the local residents are raising taxes to build schools and some of them are impoverished, like in my community, and when the States are willing to help, we should be a participant in that process.

There should be no trailers outside of schools that are dangerous to our children.

Mr. Chairman, with the fine job the gentleman from Ohio (Mr. BOEHNER) has done, I am going to support the bill; and I commend the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER).

I am asking the gentleman from Ohio (Mr. BOEHNER) to give that consideration.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I congratulate the gentleman from Ohio (Mr. TRAFICANT) on his amendment. No one in America wants their child to go to a bad school. We know the difficulties of building new school buildings across the country are very different.

In our home State of Ohio, the State government was never involved in the building of school buildings until recently. As the gentleman knows, in Ohio, the State government now has a pool of funds to help needy districts build the school buildings they need.

I and many of our colleagues have believed for some time that allowing school construction to remain the purview of local school districts and States is the appropriate role for them and not the appropriate role for us.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, the only thing I would like to say is to qualify for that money, my impoverished city, the major city, Youngstown, already hard-strapped, did go ahead and raise $134 million. They destroyed every other option they had. Certainly, some participatory construction money from the Federal Government would not hurt us. After all, we are building prisons in those same cities.

Mr. Chairman, I am asking the gentleman and his leadership just to consider that. It may not need to be a big percentage, but I think in good faith there should be some participatory involvement by the Federal Government in the construction of safe schools.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 15 offered by the gentleman from Texas (Mr. ARMEY);

Amendment No. 16 offered by the gentleman from Texas (Mr. ARMEY);

Amendment No. 10 offered by the gentleman from Michigan (Mr. HOEKSTRA);

Amendment No. 13 offered by the gentleman from Georgia (Mr. NORWOOD);

Amendment No. 18 offered by the gentleman from Florida (Mr. STEARNS); and

Amendment No. 19 offered by the gentleman from Ohio (Mr. TRAFICANT).

The Chair will reduce to 5 minutes the time for any electronic vote after the second vote in this series.

AMENDMENT NO. 15 OFFERED BY MR. ARMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. ARMEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 273, not voting 5, as follows:

[Roll No. 135]

AYES—155

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Everett
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Northup
Norwood
Nussle
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Portman
Putnam
Radanovich
Riley
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Young (AK)

NOES—273

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Graves
Green (TX)
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Platts
Pombo
Pomeroy

Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Sherman
Shimkus
Shows
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walden
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wilson
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—5

Cubin
John
Moakley
Tanner
Visclosky

☐ 1442

Messrs. SAXTON, DEFAZIO, FARR of California, ISSA and Mrs. NAPOLITANO changed their vote from "aye" to "no".

Mr. NETHERCUTT changed his vote from "no" to "aye".

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. ARMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. ARMEY) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 241, not voting 6, as follows:

[Roll No. 136]

AYES—186

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bilirakis
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Reynolds
Riley
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—241

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Gekas
Gephardt
Gilman
Gonzalez
Gordon
Graves
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Shuster
Skeen
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Cubin
Hutchinson
Kennedy (RI)
Moakley
Tanner
Visclosky

☐ 1500

Mr. LEWIS of California changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time during which a vote by electronic device will be taken on each further amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 10 OFFERED BY MR. HOEKSTRA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 236, not voting 5, as follows:

[Roll No. 137]

AYES—191

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom

Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—236

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shaw
Sherman
Shows
Simmons
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Woolsey
Wu
Wynn

NOT VOTING—5

Cubin
Hutchinson
Kennedy (RI)
Moakley
Visclosky

□ 1510

Mr. GOSS changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. NORWOOD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 181, not voting 5, as follows:

[Roll No. 138]

AYES—246

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Flake
Fletcher
Foley
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Holt
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McInnis
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Shadegg
Shaw
Shays
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—181

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Dreier
Engel
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilman
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)

Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sessions
Sherman
Slaughter
Solis
Souder
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—5

Cubin
Hutchinson
Moakley
Sherwood
Visclosky

□ 1519

Mr. SMITH of Washington changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore (Mr. BONILLA). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 67, not voting 4, as follows:

[Roll No. 139]

AYES—361

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—67

Bachus
Bereuter
Bilirakis
Blumenauer
Blunt
Boehlert
Bonilla
Bryant
Cannon
Coble
Collins
Conyers
Cooksey
Cox
Culberson
Davis, Jo Ann
Davis, Tom
Duncan
Everett
Flake
Fossella
Frank
Gilchrest
Gillmor
Goode
Graham
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hostettler
Jenkins
Johnson, Sam
Jones (NC)
Kerns
King (NY)
Kolbe
Largent
Manzullo
Mica
Moran (KS)
Myrick
Nethercutt
Paul
Pence
Petri
Pickering
Putnam
Ramstad
Rogers (MI)
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shuster
Stump
Tancredo
Thornberry
Tiahrt
Toomey
Walden
Walsh
Wamp
Waters
Watts (OK)
Whitfield

NOT VOTING—4

Cubin
Hutchinson
Moakley
Visclosky

□ 1529

Messrs. CANNON, DUNCAN, HAYWORTH, JENKINS and COX changed their vote from "aye" to "no."

Messrs. FORD, BROWN of Ohio and KENNEDY of Minnesota changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 9, not voting 8, as follows:

[Roll No. 140]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior

Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—9

Armey
Barton
Crane
Dreier
Flake
Kolbe
Paul
Shadegg
Stark

NOT VOTING—8

Baker
Cubin
Gilman
Hutchinson
John
Kennedy (RI)
Moakley
Visclosky

□ 1537

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GILMAN. Mr. Chairman, earlier today, I was unavoidably delayed during the vote on the Traficant Amendment to H.R. 1. Accordingly, I was unable to vote on rollcall No. 140. If I had been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Chairman, on rollcalls Nos. 136, 137, and 140, I was at a subcommittee on Appropriations hearing. Had I been present, I would have voted "nay" on 137, "nay" on 136, and "yea" on 140.

The CHAIRMAN pro tempore (Mr. BONILLA). It is now in order to consider amendment No. 20 printed in House Report 107–69.

AMENDMENT NO. 20 OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. BRADY of Texas:

Strike part D of title II of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 203 of the bill, and insert the following:

"PART D—TEACHER LIABILITY PROTECTION

"SEC. 2301. SHORT TITLE.

"This part may be cited as the 'Paul Coverdell Teacher Liability Protection Act of 2001'.

"SEC. 2302. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

"(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

"(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

"(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

"(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

"(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

"(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

"(b) PURPOSE.—The purpose of this part is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

"SEC. 2303. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

"(a) PREEMPTION.—This part preempts the laws of any State to the extent that such laws are inconsistent with this part, except that this part shall not preempt any State law that provides additional protection from liability relating to teachers.

"(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This part shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

"(1) citing the authority of this subsection;

"(2) declaring the election of such State that this part shall not apply, as of a date certain, to such civil action in the State; and

"(3) containing no other provisions.

"SEC. 2304. LIMITATION ON LIABILITY FOR TEACHERS.

"(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

"(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

"(2) the actions of the teacher were carried out in conformity with local, State, and Federal laws, rules and regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

"(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

"(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

"(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

"(A) possess an operator's license; or

"(B) maintain insurance.

"(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

"(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

"(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

"(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

"(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

"(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

"(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

"(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

"(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

"(1) IN GENERAL.—The limitations on the liability of a teacher under this part shall not apply to any misconduct that—

"(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

"(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

"(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

"(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect subsection (a)(3) or (d).

"SEC. 2305. LIABILITY FOR NONECONOMIC LOSS.

"(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

"(b) AMOUNT OF LIABILITY.—

"(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

"(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

"SEC. 2306. RULE OF CONSTRUCTION.

"Nothing in this part shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.

"SEC. 2307. DEFINITIONS.

"For purposes of this part:

"(1) ECONOMIC LOSS.—The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

"(2) HARM.—The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

"(3) NONECONOMIC LOSSES.—The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

"(4) SCHOOL.—The term 'school' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.

"(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

"(6) TEACHER.—The term 'teacher' means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.

"SEC. 2308. APPLICABILITY.

"This part applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from Texas (Mr. BRADY) and the gentleman from Michigan (Mr. KILDEE) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, I yield myself 3 minutes.

Safe schools for students and teachers concerns us all, and from the shootings in Columbine to the recent shootings at Santana High School, all of us debate in this Chamber how to make our schools safer, how to make sure that our teachers and students are safe and return home safely each year. While we may disagree on some of the ways to do that, we are, in a bipartisan way, strongly supportive of returning order and discipline to our classrooms, and that is what this amendment is about: protecting teachers and schools from frivolous lawsuits when they responsibly maintain order and discipline in the classroom.

Schools are becoming more and more dangerous. Teachers tell us they do not feel safe in their own school. They tell us they are afraid to discipline unruly students, afraid to stop fights among those students, afraid to even defend themselves. The reason is that teachers may face an expensive and career-damaging lawsuit by overzealous lawyers. And, worse yet, there is a good chance they will be humiliated again when their responsible decision to maintain order in the classroom is not backed up by the principals and the school boards who face constant threats of expensive, frivolous, harassing lawsuits. In the end, it is the children who suffer.

As the American Federation of Teachers have said in their report on how to prevent violence in our schools, it is low-performing schools who suffer from the lack of safe and orderly learning environments. Teaching and learning are almost impossible to achieve in an environment of disorder, disrespect and fear. As our teachers tell us, no one has ever learned in the classroom where one or two kids take up 90 percent of the time through disruption, violence or threats of violence. That is why in poll after poll, educators rank discipline and safety high on their list of education concerns. So do we as parents, and so do the students.

This is what this bill does. This bill ensures that dedicated teachers trying to maintain a safe classroom are not afraid of being hauled into court for doing the responsible thing. This measure establishes a national shield to protect teachers, principals and other education professionals, including our school boards, who take responsible actions. The amendment does not protect educators or school boards when they engage in willful, reckless or criminal misconduct, when they engage in criminal acts, in violations of State or Federal civil rights laws, inappropriate use of drugs or alcohol, or behave with a conscious, flagrant indifference to the rights or safety of an individual harmed. We preserve States' rights with an easy opt-out, and we do not affect State law or local rules regarding corporal punishment.

Let me tell my colleagues what one teacher from Houston wrote me. "In another classroom," he wrote, "two girls had a fight today. The teacher got knocked down, was hit twice in the head and when he fell to the ground, was kicked twice by the girls. This teacher could not touch these girls to separate them. We have been told over and over again, do not touch the students, even to defend yourself. It is recommended that you do not touch the child. Seven little letters tell us why: Lawsuit." This teacher wrote, "Do they have any idea what teachers go through on a daily basis? We only want to be protected. Is a little peace of mind in the classroom too much to ask?"

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I rise in opposition to the amendment.

This amendment is advertised as providing liability protection for teachers, but the amendment defines "teacher" to include not only those that my colleagues and I might think of as teachers, but also any individual who works in a school, any member of the school board, any employee of a local education agency, as well as the school board and local education entity itself.

Immunizing every responsible individual and then immunizing the school system itself, as the Brady amendment would do, means that nobody would be responsible to a parent when a child is injured by a negligent act or omission at the school. The Brady amendment would ensure that schools will virtually never be accountable to parents regarding the safety and discipline for their children.

For example, the Brady amendment would eliminate accountability for negligent hiring decisions and would place schools and children at risk. Often, we have people who are hired as professional hall guards or monitors. This amendment would immunize principals and administrators who fail to make proper background checks and hire a violent or sexual predator as disciplinarian. Because the school administration is also immunized, nobody would be responsible.

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There would be immunity for school administrators who single out African American students or members of another protected class for discipline and punishment in violation of their civil rights, or a school employee who negligently restrains a student, and the student is injured or dies as a result. Then no one would be responsible, so no one will take precautions to make sure that these things do not happen.

School boards and educational agencies owe the highest duty to our schoolchildren. They ultimately are responsible for every teacher or principal's decision regarding discipline or punishment of students. This bill would not only shield teachers, but also school boards and local governments from any responsibility.

The theme throughout the reauthorization of ESEA has been accountability of schools to parents and children. This amendment would violate that goal by providing immunity to school administrators, school personnel, school boards, and local education agencies for actions that harm the health and welfare of our children that they owe a duty to protect. I ask that Members vote no on this amendment.

I would also point out that the National Education Association has come out against this amendment. They say that the amendment provides for immunity for every responsible party in the school and the school system itself. The amendment would eliminate all responsibility to parents when a child is injured by disciplinary actions.

Mr. Chairman, I include for the RECORD the letter from the National Education Association.

The letter is as follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, May 21, 2001.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Education Association's (NEA) 2.6 million members, we urge your opposition to the Brady amendment to the ESEA reauthorization bill (H.R. 1) that would in effect remove all accountability for disciplinary actions that result in harm to the health or welfare of students.

NEA does not oppose efforts to strengthen liability protections for education employees. Unlike the McConnell amendment in the Senate ESEA bill (S. 1), however, the Brady amendment provides immunity for every responsible party in a school and the school system itself—including the school board and local education agency as entities. This amendment would eliminate all responsibility to parents when a child is injured by disciplinary actions.

Immunizing school boards and local education agencies will not improve discipline in the classroom. Instead, the amendment will place students at risk, while undermining the focus on accountability to parents and children central to the ESEA bill.

We urge your opposition to this dangerous amendment.

Sincerely,
MARY ELIZABETH TEASLEY,
Director of Government Relations.

Mr. BRADY of Texas. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, this bill holds all teachers, all school boards, all educators equally accountable for willful, reckless, criminal misconduct, criminal acts, negligence, gross negligence, violations of State and Federal laws.

I would point out, it is endorsed by our secondary school principals, our elementary school principals, and many teachers and parents.

Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for his amendment, and for yielding time to me.

One of the chronic complaints we hear about public education is a lack of discipline. In fact, I hear more about that than any other single issue from our public schools today, and the concerns expressed by teachers that they might be sued if they attempt to discipline students.

In fact, their concerns are not unfounded. Thirty-one percent of all high schools have faced lawsuits or out-of-court settlements in the past 2 years. Teachers are not only wary of intervening physically in student confrontations, but there are times when teachers have to make judgment calls about disciplining a child whose behavior is distracting rather than dangerous.

Some teachers err, frankly, on the side of leniency. The result has been a steady erosion of the teachers' ability to maintain order in the classroom. This addresses this problem by freeing teachers, principals, and school board members from meritless Federal lawsuits when they enforce reasonable rules.

The amendment language is very modest and narrowly tailored. The amendment only deals with Federal causes of action that might be brought against teachers or principals who act in a reasonable way to maintain order and discipline in the classroom. There is absolutely no protection for reckless or criminal misconduct.

Also, the amendment does not protect teachers when they violate State or local law. For instance, the teacher immunity provided under this amendment would not override State law towards claims such as negligence, assault, or battery as they are governed by State law.

I strongly believe school officials must be protected if we are serious about helping them maintain a school environment where teachers can teach and students can learn. I urge an aye vote on the amendment.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding time to me.

Mr. Chairman, I rise in opposition to what is clearly a well-intended amendment that I believe will create significant confusion.

No one can dispute the need or desirability of reinforcing the notion of teachers and other school professionals that they need to maintain order in the classroom. I think the gentleman's point that there are some frivolous lawsuits is indisputable.

My concern about this amendment is that I think it fundamentally misunderstands the role of the courts versus the role of this Congress. This amendment would impose a hard and fast and rigid set of rules upon virtually every classroom situation, and do so in a way that could not foresee certain circumstances. As a result of this, I believe it would actually breed litigation.

Let me give two examples. I do not believe it is inherently obvious from this language as to whether or not an act of slander or libel by a teacher or by a school professional is or is not actionable under this provision.

Secondly, the definition of "school" or "within the scope of employment" is a bit curious. What about a driver's education instructor who is behind the wheel of a car and negligently operates the car in the process of teaching a student how to drive?

I do not know what the answer to those cases should be, but I do know this, that this House as a legislative body is ill-equipped and ill-prepared to answer one of those questions on a case-by-case basis in advance of the incident's taking place.

I think the gentleman's intention to protect the ordinary carrying-out of school disciplinary measures is quite laudable and quite desirable, but I think the ambiguity of language in suggesting which causes of action would be preempted or excluded by this amendment and which would not, and the ambiguity of language in suggesting what the "scope of employment" means, means that this very well-intentioned attempt to avoid litigation would in fact wind up creating it.

In summary, I believe we should defeat this amendment because of those ambiguities.

Mr. BRADY of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Brady amendment to add teacher liability protection to the President's No Child Left Behind Act of 2001. This is a commonsense reform that protects teachers from frivolous lawsuits when they take steps to maintain order and discipline in the classroom.

For example, imagine a scenario where we have a disruptive student, and the teacher tells him to go to the principal's office. The student says, "I am not going to do what you want. I am going to do whatever I want. You are not going to tell me what to do. I will sit here all day if I want."

Under that scenario, the teacher would probably go get another teacher and have no choice but to physically remove the child from the classroom as he was being disruptive and take him to the principal's office. Under that scenario, those same teachers could then be subjected to a frivolous suit for unlimited compensatory and punitive damages.

This is a problem that happens all too often. I think our teachers deserve better. Interviews with public school teachers reveal a common theme. It is always a small percentage of the students who cause virtually all of the problems.

Two-thirds of our public school teachers say discipline is a serious problem in the schools. Eighty-eight percent of those same teachers say academic achievement would improve substantially if the troublemakers were removed.

Teaching is a noble profession. We ask a lot of them. We pay them nothing. The least we can do is protect them from frivolous lawsuits. I urge my colleagues to vote yes on the Brady amendment.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a letter from the National Education Association, which represents 2.6 million members in this country, they urge defeat of the Brady amendment. Just let me read from that letter.

"On behalf of the National Education Association's 2.6 million members, we urge your opposition to the Brady amendment to the ESEA reauthorization bill, H.R. 1, that would in effect remove all accountability for disciplinary actions that result in harm to the health or welfare of students."

It goes on to say, "Immunizing school boards and local education agencies will not improve discipline in the classroom." Instead, the amendment will place students at risk while undermining the focus on accountability to parents and children central to the ESEA bill. We urge your opposition to this dangerous amendment."

I would commend these word to the Members.

Mr. BRADY of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Chairman, I thank my colleague for yielding time to me and for sponsoring this amendment.

As part of our broader efforts to make schools safer, H.R. 1 provides limited civil litigation immunity from civil causes of action for teachers, principals, and other school administrators who take reasonable actions to maintain school discipline. This will allow teachers to remove violent and persistently disruptive students from the classroom without fear of legal repercussions.

The amendment before us strengthens the bill by providing teachers, administrators, and school board members immunity from State causes of action as well, and if a State does not want the immunity protections to apply, then State legislatures may in fact opt out of these provisions.

While it may seem like common sense that teachers should be able to take reasonable efforts to keep their classrooms under control, the idea of disciplining students has come under fire over the years. In light of recent school tragedies, it is even more important than ever to support teachers who take reasonable actions to maintain order and discipline.

Nearly 65 percent of public school teachers have suggested that discipline is a serious problem in their schools, and about 88 percent think that student achievement would improve if chronic troublemakers were removed from the class.

As I noted earlier, the idea behind this provision is to make schools safer. The President's plan also includes more funding for safety and drug prevention programs, as well as after-school activities. It also requires States to report to parents on whether a school is safe, and the bill nearly triples funding for character education programs that try to instill values like honesty, respect for others, and responsibility into the curriculum.

This amendment will save schools from having to waste money on frivolous lawsuits, and ensure that taxpayers' dollars go where they should go, to the classroom, not to a bunch of lawyers.

I congratulate my colleague, and urge the adoption of the amendment.

Mr. BRADY of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. GRAVES), one of our newer Members interested in safe and orderly schools.

Mr. GRAVES. Mr. Chairman, too many teachers have told me that they are afraid to discipline unruly students for fear that they may face an expensive, career-ending lawsuit. It is time to take the lawyers out of the classroom.

Mr. Chairman, it is time to shield those responsible educators from frivolous lawsuits so our children may learn in a safe school. Responsible teachers should not be afraid of violent bullies with intimidating attorneys. Teachers should not fear a lawsuit because they attempt to break up a fight in gym class or on the playground. Teachers must be able to control the classroom to keep their students safe.

I have introduced legislation that, like this amendment, would provide legal protections to teachers who make reasonable actions to maintain order and discipline in the classroom. I rise today in strong support of this amendment that will protect our teachers and empower them to do what they were hired to do; that is, teach our students.

I would like to commend the gentleman from Texas on his great work on this amendment.

Mr. BRADY of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have passed this exact language twice through this House, Republicans and Democrats. We have protected equally from frivolous lawsuits our teachers, our principals, our educators, and our school boards. Our principals and teachers tell us that is so important, because if the school board does not back up the principals and teachers, all we have done is open a loophole for more violence, more bullying, more threats, and more harassing lawsuits.

At a time when we always fear another Columbine, the last thing we need is an open loophole, an invitation to harassing lawsuits against the educators who need to maintain order in their classroom.

Let me close with this. Members of Congress are often asked: "What are you doing to stop school violence? What are you doing to make our schools safer?" Today we have the opportunity to answer, because today we have a clear choice, a choice between dedicated teachers and students who want to learn, or threatening, disruptive bullies and their reckless attorneys.

It is time to take the lawyers out of the classroom and to restore order and discipline so our teachers can teach, our children can learn, in truly safe schools. That is the right choice.

Mr. KILDEE. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT).

The CHAIRMAN pro tempore (Mr. BONILLA). The gentleman from Virginia is recognized for 4 minutes.

Mr. SCOTT. Mr. Chairman, the Senate passed an amendment similar to this, but it had a significant difference. The Senate amendment, while providing liability protection to teachers, principals, and educators as individuals, it never thought to provide immunity to school boards and local education authorities as entities.

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Immunizing every responsible party in a school and then immunizing the school system itself, as this amendment would do, means that no one will be responsible to a parent when a child is injured by an act or an omission with regard to discipline.

This amendment would ensure that the schools would virtually never be accountable to parents regarding the discipline and safety of their children.

So, Mr. Chairman, if no one is responsible for injuries negligently inflicted upon our children, no one will have an incentive to protect children from negligent acts.

This amendment will not improve school safety and it should therefore be defeated.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BONILLA). All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. BRADY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. KILDEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. BRADY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 21 printed in House Report 107-69.

AMENDMENT NO. 21 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mrs. MINK of Hawaii:

In subparagraph (A) of section 1116(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by section 106 of the bill—

(1) strike "and" at the end of clause (vii);

(2) strike period at the end of clause (viii) and insert "; and"; and

(3) add at the end the following:

"(ix) ensure that a mentoring program is available to teachers in the school who have been in the teaching profession for 3 years or less, which provides mentoring to beginning teachers from exemplary veteran teachers with expertise in the same subject matter that the beginning teachers will be teaching, to the extent practicable be school-based, and provides mentors time for activities such as coaching, observing, and assisting the teachers who are mentored.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition not otherwise taken.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is offered out of my very great concern that what we have established by law and what we have built upon in H.R. 1 is a formula for the determination of when schools are deemed not to be providing adequate education to the children. They are referred to in a wide variety of ways as failing schools or schools that are not performing up to the standards.

Consistent with this policy of trying to bring in accountability to the provision of Federal funds, we have provided for an additional number of tests from third grade to eighth grade, in an effort to try to maintain a steady pool of information as to whether the schools are failing or not.

There are processes developed in H.R. 1 to promote efforts that we feel would help to bring these schools up to standard and allow the children to proceed and to achieve in the basic courses of reading and literacy and in math and science.

One of the things that we have always discussed in our deliberations about failing schools is that it is the lack of resources in most cases that compound the problems, not just the lack of funding, but the fact that they cannot attract into these schools qualified teachers. They are not connected with the Internet. They lack the assistance of various resource teachers. They do not have the textbooks. They are in remote areas which compounds the problems.

What happens in these remote areas is that there is a constant turnover of the teachers, and what we often find in my schools in the remote areas is that graduates that are just out of the colleges of education are the ones that are sent to teach in these schools that are already having a difficult time.

Mr. Chairman, these teachers fresh out of the college of education are highly motivated. They have gone through a very rigorous course of education, but when they hit the classroom itself, many of them tell me that they need assistance. That is exactly what my amendment seeks to provide. It says in the case of failing schools, there should be a mentoring program which is made available to the teachers that are assigned to these failing schools that have been teaching for 3 years or less.

The principals from 14 schools met with me recently and they identified this as one of the major benefits they want for their schools. If they had the assistance of an additional teacher or a mentor it would help to build confidence in the new teacher. The mentor could come from within the school system and would be paid an additional amount of money to provide help, support, confidence-building by going over the lesson plans to bring these teachers along.

This will contribute enormously to the retention factor, too. These young teachers assigned to the remote areas, to the failing schools are the ones who tend to leave immediately after their 3-year probation period comes about. With support instead of moving into the bigger cities where they prefer to live, they could be encouraged to stay.

Mr. Chairman, I think that this amendment will go a long way to helping the children, bringing these schools up to par, helping to retain the teachers by giving these new teachers the confidence that what they have sought in their careers is important and that we are providing this additional service because they are important.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me congratulate the gentlewoman from Hawaii (Mrs. MINK) for all of her efforts this year as we have gone through the development of the bill that we have before us.

I can tell my colleagues as a member of the negotiating team on the other side, she was a fierce advocate for the positions that she has taken for many years. I can tell my colleagues that as someone who has less experience in these areas than the gentlewoman from Hawaii (Mrs. MINK), her service to our group was invaluable.

The amendment that she brings to us today is an important one. Under the current bill that we have before us, H.R. 1, it does require schools that have been designated as low-performing to develop a 2-year plan for how they will turn the school around.

The plan must include scientifically based research strategies, high-quality professional development, numerical goals for progress and other matters which improve the academic quality of the school.

The amendment would ensure that mentoring is made available for teachers who have been in the teaching profession for 3 years or less. I think this is a valuable addition to the plan that we have before us, and I would ask all of my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE), my colleague who has been a member of our working group.

Mr. KILDEE. Mr. Chairman, I appreciate this display of bipartisanship also. I think for those who are concerned that Title I should perform better, this amendment would certainly help teachers, especially the newer teachers, to enhance their skills; and I urge its adoption.

Mrs. MINK of Hawaii. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Hawaii (Mrs. MINK)?

There was no objection.

The CHAIRMAN pro tempore. The gentlewoman from Hawaii (Mrs. MINK) is granted an additional 1 minute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I want to thank the gentlewoman from Hawaii (Mrs. MINK) for presenting this amendment.

Professional development for educators is an important strength of this reauthorization act. We know that studies repeatedly show that the quality of teachers is the single most important predictor of student success.

In California, we instituted a beginner teacher support program that provides the exact kind of support proposed in this amendment. My district in San Diego County initiated such peer-teacher mentoring in the 1980s, and years of experience have shown that it does two very important things.

It makes the new teacher more effective from the first week in the classroom, and it increases retention of new teachers beyond the 5-year burnout that is a cause of our undersupply of trained teachers. And in addition, where midcareer teachers are recruited under alternative credentialing, consistent on-site peer coaching is a necessity to their success.

Mr. Chairman, I urge an aye vote on this proven program. Again, I thank the gentlewoman from Hawaii (Mrs. MINK) for presenting it.

Mrs. MINK of Hawaii. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK.)

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 22 printed in House Report 107–69.

AMENDMENT NO. 22 OFFERED BY MR. WAMP

Mr. WAMP. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. WAMP:

In section 501 of the bill, strike section 5302 of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501) and insert the following:

"SEC. 5302. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from Tennessee (Mr. WAMP) and a Member opposed each will control 5 minutes.

Mr. ETHERIDGE. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. WAMP.)

Mr. WAMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, character education makes a difference. Character education works because it teaches time-tested principles like honor, respect, responsibility, and courage. It teaches children to become not only future business professionals, doctors and technicians, but good citizens and decent human beings as well.

President Bush clearly recognizes the importance of values in our society and is committed to seeking a better education for our Nation's children. The President has included our character education initiative in his reform proposals.

Mr. Chairman, a valueless education is no education at all. At the foundation of all knowledge, there must exist a fundamental set of principles that distinguishes right from wrong and good from bad. As a matter of fact, academia used to believe in a value-neutral or a value-free education, and now many people in academia say that we must have a value-based educational system so that knowledge can rest on the difference between right and wrong.

Character education is taught in all 50 States. Thirty-two States have passed legislation either mandating or encouraging the teaching of character education in school. However, some schools do not have enough money to add this important curriculum, and this amendment will give them this capability.

Mr. Speaker, I am proud to say that the character-education movement has grown out of my hometown, Chattanooga, Tennessee. Today, the Center for Youth Issues Inc., a 501(c)(3) nonprofit organization, provides materials and/or programs on character education to more than 26,000 schools Nationwide and impacts more than 10 million students in all 50 States.

Since 1981, this organization, working through its school-based organizations, STARS, Students Taking a Right Stand, has found acceptance and great success in public school systems across America. My wife and I have been involved in STARS, and we really believe in its work.

Education experts know well if we teach character and build good citizens, we will not need metal detectors at school entrances, bars on the windows or other measures that are more appropriate for the penal system than for the school system.

Yesterday, I participated in a Court TV program on bullying in schools. And, frankly, this character trait of respect, if all of our students embraced it and learned it and know to respect others throughout the educational process, we would not have the youth violence problem that is surfacing in so many schools.

Congress must act to support character education. To provide that support, the gentleman from North Carolina (Mr. ETHERIDGE) and myself introduced H.R. 228, the Character Counts for the 21st Century Act.

Mr. Chairman, this is very similar to the language in H.R. 1 which will authorize the U.S. Education Department to provide grants to promote character education.

Our amendment before us today is bipartisan. The gentleman from North Carolina (Mr. ETHERIDGE) is a champion of strong public education. Character education is backed by a diverse coalition ranging from Miss America Angela Perez Baraquio to President Bush.

I laud the bill of the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, that includes $25 million annually for character education. But by doubling it to $50 million, we will double the number of schools that might qualify. Our amendment raises it to $50 million per year.

There are 53 million children in our schools. Spending less than a dollar on each child so they learn right from wrong and good from bad is the right thing to do. Much has been asked of American education, and the Congress should settle for nothing less. Improving education has become a priority of both political parties.

Mr. Chairman, I want to thank the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, and their excellent staffs.

Mr. Chairman, I reserve the balance of my time.

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Mr. ETHERIDGE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to thank the chairman of the committee and the ranking member for their support and the gentleman from Tennessee (Mr. WAMP) for working together in this bipartisan manner on this very important measure, doubling this bill's funding for character education.

Last Congress, the gentleman from Tennessee and I had the opportunity, along with 22 other Members in this body, to serve on the Speaker's Bipartisan Working Group on Youth Violence that really addressed this issue after the Columbine tragedy. This came out as one of the unanimous recommendations of that commission as a way to prevent violence among our young people.

As a former State superintendent of my State schools, I understand firsthand that character education really works. In a number of schools in my district, in Wake County, Johnston and Nash, it is providing leadership.

This amendment will build on those efforts and provide more of our young people with the education on the basic values.

Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from North Carolina (Mr. MCINTYRE), another proponent of character education.

Mr. MCINTYRE. Mr. Chairman, I rise today in support of this amendment by the gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from Tennessee (Mr. WAMP).

John Whitehead once said that "children are the living messages we send to a time that we will not see." We have to ask ourselves what kind of messages are we sending through our children. Yes, of course they need the knowledge and skills in the classroom to prepare for the global economy; however, we must remember that schools also serve as an important tool to help build citizenship.

As one who has volunteered the last 20 years in the classroom myself long before I came up here to Washington, I know that we have an opportunity, a golden one, to work with our teachers and educators to help our children. Children spend about 1,500 hours a year in front of the television, 900 hours a year in school.

This is a golden opportunity for us to help develop good character and support what our schools can do to help our children. Character is developed over time by teaching by example, by learning, and by practice. It is developed through character education.

I strongly support this amendment and urge all my colleagues to do so.

Mr. ETHERIDGE. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Chairman, I stand here before my colleagues today as the proud son of public school educators, as the father of two children growing up in the Prescott public schools back in my hometown. I stand here in support of character education.

I have talked a lot about safer schools and smaller class sizes, about the need to put respect for teachers and discipline back into the classroom; and, yes, I have talked a lot about the need for more character education. We must focus more through character education on things like respect and citizenship. I think we need to get back to some of the basics in education. We need to teach our children. We must strive for them to do academically, but we must also strive to help them become good citizens and future leaders for all of us.

I am pleased to stand here today in support of this bipartisan amendment. I hope it demonstrates that a lot of us are truly trying to put our children and are truly trying to put progress before partisanship.

Mr. ETHERIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close for our side on this debate by saying that this House has a chance to make character education work all across America. It works in those schools that we now have it in because it teaches our children to view the world through a moral lens and to understand that their actions really do have consequences.

Character education works to improve order, discipline and the respect in our classroom, and to reduce the incidence of violence. The research we have done in North Carolina for schools that have it, violence goes down and academics go up.

It teaches children to become not only successful children and students, but also good citizens and decent human beings as well. We must not only educate our children's minds, but their hearts as well.

I believe if we can seize this moment and provide a national commitment to character education for our children, then we will not need metal detectors, bars on the windows, or other punitive measures that are more appropriate for a penal system than for our school system.

Mr. Chairman, I encourage my colleagues to vote yes on the Wamp-Etheridge amendment.

Mr. WAMP. Mr. Chairman, I yield the balance of the time to the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce and a man who has come up with an excellent work product in this bill.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from Tennessee for yielding me this time.

Mr. Chairman, I thank both the gentleman from Tennessee (Mr. WAMP) and the gentleman from North Carolina (Mr. ETHERIDGE) and others for supporting this because I do think that character education is a valuable effort that needs to happen in our schools.

When we grew up, we had two parents at home by and large teaching us character, teaching us the valuable lessons that we needed to be good citizens, to be good students, and to respect one another. All of those values were reinforced in the schools that we went to.

But today, unfortunately, we do not have mom and dad both at home raising their children. We have a different society than we had when many of us grew up. For a lot of children, especially children in poorer school districts, they may never see their parents.

The kind of values that we are talking about and the kind of character education that this plan would call for I think has to happen, because if we do not intercept these children in school and help them develop these values, they will never develop those values because they are not being reinforced at home like when we were all growing up.

It is a good amendment. We ought to vote for it.

The CHAIRMAN pro tempore (Mr. BONILLA). The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Chair understands that amendment No. 23 will not be offered. Therefore, it is now in order to consider amendment No. 24 printed in House Report 107–69.

AMENDMENT NO. 24 OFFERED BY MR. HILLEARY

Mr. HILLEARY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. HILLEARY:

After part A of title IX of the bill, insert the following (and redesignate provisions accordingly):

PART B—EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES

SEC. 921. SHORT TITLE.

This part may be cited as the "Boy Scouts of America Equal Access Act".

SEC. 922. EQUAL ACCESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any public elementary school, public secondary school, local educational agency, or State educational agency, if the school or a school served by the agency—

(1) has a designated open forum; and

(2) denies equal access or a fair opportunity to meet to, or discriminates against, any group affiliated with the Boy Scouts of America or any other youth group that wishes to conduct a meeting within that designated open forum, on the basis of the membership or leadership criteria of the Boy Scouts of America or of the youth group that prohibit the acceptance of homosexuals, or individuals who reject the Boy Scouts' or the youth group's oath of allegiance to God and country, as members or leaders.

(b) TERMINATION OF ASSISTANCE AND OTHER ACTION.—

(1) DEPARTMENTAL ACTION.—The Secretary is authorized and directed to effectuate subsection (a) by issuing, and securing compliance with, rules or orders with respect to a public school or agency that receives funds made available through the Department of Education and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (a).

(2) PROCEDURE.—The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

(3) JUDICIAL REVIEW.—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 603 of that Act (42 U.S.C. 2000d–2). Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of that Act.

(c) DEFINITIONS AND RULE.—

(1) DEFINITIONS.—In this section:

(A) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms "elementary school", "local educational agency", "secondary school", and "State educational agency" have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (as in effect after the effective date of this Act).

(B) SECRETARY.—The term "Secretary" means the Secretary of Education, acting through the Assistant Secretary for Civil Rights of the Department of Education.

(C) YOUTH GROUP.—The term "youth group" means any group or organization intended to serve young people under the age of 21.

(2) RULE.—For purposes of this section, an elementary school or secondary school has a designated open forum whenever the school involved grants an offering to or opportunity for 1 or more youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

SEC. 923. EFFECTIVE DATE.

Notwithstanding section 5, this part takes effect 1 day after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from Tennessee (Mr. HILLEARY) and the gentlewoman from California (Ms. WOOLSEY) each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. HILLEARY).

Mr. HILLEARY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud to be before this House today with an amendment in support of one of our most revered institutions, the Boy Scouts of America. I find it interesting that this amendment comes immediately after the previous amendment regarding character education, because the Boy Scouts of America have been in the business of character education for many, many years.

My amendment is very simple. It states that, if a school allows groups open access to its facilities, it must allow equal access to the Boy Scouts. All over the country the Boy Scouts are under attack and being thrown out of public facilities that are open to other similarly situated groups. From Florida to California, the Boy Scouts are being removed, not because they support an illegal right, but as retribution for the Supreme Court's ruling in the Boy Scouts of America versus Dale.

The Boy Scouts won this case, but they have repeatedly once again defended this right in court. Thus far, the courts upheld the Boy Scouts' first amendment rights in assembly and speech and overturned their removal from public meeting areas such as schools. However, more and more schools continue to act, and the Scouts repeatedly have to get an injunction in court.

This amendment is designed to stop this wasteful cycle in litigation and harassment. If one allows for an open forum for other groups to meet, it is only fair to allow equal access to the Boy Scouts.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my objection is not because I object to the Boy Scouts. My objection is to intolerance. Since the Boy Scouts of America fought all the way to the Supreme Court for the right to discriminate, school districts, county governments, businesses and charitable groups like the United Way chapters have been breaking their ties with the Boy Scouts of America.

This effort to stand up to the Boy Scouts' discriminatory policy is not a fringe movement; it is part of the mainstream belief that intolerance in any form is un-American.

It is amazing to me that the proponents of this amendment support intolerance by revoking Federal funds unless a school or school district supports discriminatory policy and at the same time would take local control away from a school or a school district.

Whether one agrees with the Boy Scouts or not, anyone who believes that local communities should have local control over their own schools will surely want to vote against this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HILLEARY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would just say that this is not unprecedented, this sanction in this amendment. We do this also with regard to school prayer. We do it with regard to military recruiters if schools decide to discriminate against the military and not allow them in. This sanction is not without precedence.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the important amendment of the gentleman from Tennessee (Mr. HILLEARY) to protect the freedom of association of the Boy Scouts of America that is inherent in the Constitution of the United States of America.

Mr. Chairman, it is a sad, sad day in this country when the Boy Scouts of America, an institution recognized as a pillar of moral strength, is increasingly denied access to school facilities based on its membership or leadership criteria.

Mr. Chairman, in an era where the headlines have been graced with atrocious incidents of kids killing kids, the rise of drugs and violence in our schools, it is shocking that this Congress would stand by those who point to the Boy Scouts and order them out of our schools.

High school students in the State of Indiana can be asked to watch MTV programs to fulfill a course requirement, but the prospect of allowing the Boy Scouts of America to meet in the same building is somehow offensive to the Constitution of this great land.

The Boy Scouts of America is a model of integrity, strong ethics, devotion to God and the public good. Closing school doors to them is at minimum misguided, and at the most it is extremism.

The Founders of this Nation fought for one Nation under God. The phrase "In God we trust," Mr. Chairman, graces the walls of this very Chamber as testimony to this historic truth. Let us in this place by this amendment make it possible for the next generation of Americans to embrace those same timeless values.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to comment that, if those words are believed by the gentleman from Indiana (Mr. PENCE) on the other side of the aisle, then it would make sense that all boys, not just some boys can be members of Scouting.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, let us be clear. This amendment does nothing, nothing for the Boy Scouts. They are already well protected, not by some statute, but by the Constitution. That constitutional principle is already well established.

Under the first amendment, they cannot be denied for the use of any public forum that is made available to other groups. For example, back in 1968, a Federal Court of Appeals upheld the right of the Ku Klux Klan to use a high school gym for a Klan meeting. In this past March, a Federal District Court applied the same principle to the Boy Scouts when a school board in Florida attempted to deny them the use of school facilities. So my colleagues do not have to worry about the Boy Scouts. They are well protected now.

The reality is that this amendment is not about the Boy Scouts. It is about a conservative social agenda that holds passionate views about sexual orientation. The Boy Scouts' policy on sexual orientation is well known. That is fine. The gentleman is entitled to his views, and the Boy Scouts' are entitled to their views. But they ought not to be entitled to use the Congress of the United States to make a political statement that promotes intolerance and discrimination.

Vote no on the Hilleary amendment.

□ 1630

Mr. HILLEARY. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman for yielding me this time.

During the last series of votes, 68 Republicans voted against the President on the most important provision of his Leave No Child Behind plan, and that was the portion that would have allowed students to be educated in private institutions if their public institution had failed them. That is unfortunate, because that was the heart of the bill.

And since we are not going to allow students to go to private institutions, it makes perfect sense that we should now adopt this amendment to at least allow the private institutions to come into the schools and help educate children. In this case, we are talking about the Boy Scouts of America, which, as we just heard from the previous speaker, there are some here in Washington who are willing to associate the word "intolerance" with the Boy Scouts of America, which, of course, is just absurd.

The Boy Scouts of America are anything but that. They are extremely tolerant and extremely open and they are a fine organization that has a long history in helping to provide guidance and support and education to the young boys of America who will ultimately become some of America's best leaders, many of whom serve right here in the United States House of Representatives and over across the Capitol.

Mr. Chairman, this amendment is an important one, because it does really level the playing field and it speaks specifically to an organization that deserves our support here in the Congress, and one that has been the target of an unfortunate and pernicious kind of discrimination. This amendment is very much consistent with the President's plan. Consistent amendments to the President's plan have been kind of in short supply this afternoon, but this is one I think we can wholeheartedly endorse, and I hope the House does.

The CHAIRMAN pro tempore (Mr. BONILLA). The Chair advises that the gentleman from Tennessee (Mr. HILLEARY) has 15 seconds remaining and the gentlewoman from California (Ms. WOOLSEY) has 1½ minutes remaining.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just say first that the Boy Scouts, I think, reflect the standards, of course, that we hope for in terms of all young men in our country, and so that is why I believe that this amendment would be dangerous in terms of restricting the use of Federal funds from schools and school districts that choose to stand against the Boy Scouts' discriminatory policies.

Now, this amendment is really unnecessary. It is an unwarranted intrusion into a local school district's ability to set standards for the use of their own facilities. I am very concerned that Congress would eliminate vital funds for our children's schools simply because their school system stands up against discrimination. It also bestows upon the Boy Scouts and other youth groups unique rights that are not available to other student-led groups.

The first amendment already guarantees the Boy Scouts the right to use any school or public facility to the same extent and in the same manner as any other group allowed to use those facilities. So the Hilleary amendment will transform these schools into open forums requiring them to allow anti-gay groups to use school premises regardless of a local school board's decision on the matter. So I urge a "no" vote on this amendment.

Mr. HILLEARY. Mr. Chairman, I yield myself the balance of my time and finish by saying that the Boy Scouts are not protected. They are the target of many, many votes of harassment, in my view, and this is simply to point out they should not have to use their precious resources to claim their constitutional rights in court, nor should the school systems have to use up their precious resources defending against the Boy Scouts in court. This just sets it right for them, and I urge all my colleagues to vote for this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield myself the balance of my time and, in closing, I would like to point out I have a letter before me that has been signed by 22 organizations, such as the National PTA, the National School Boards Association, the National Association of Secondary School Principals, and the National Rural Education Association, among many others.

Mr. Chairman, we should vote against this because it is not necessary in the first place, but a vote against this amendment would be a vote telling our children that all children are important, not just some children.

Mr. Chairman, the letter I referred to earlier is submitted for the RECORD as follows:

MAY 22, 2001.

DEAR REPRESENTATIVE: We are writing today to urge you to reject the "Boy Scouts of America Equal Access Act" which was offered as an amendment to the Leave No Child Left Behind Act of 2001 (H.R. 1). This amendment would deny all Federal education funding to any school district or state education agency that has been found to "discriminate" against the Boy Scouts of America, or any other youth group that denies membership to gays and lesbians.

The Hilleary amendment is an unnecessary, unwarranted intrusion into a local school district's ability to set standards for the use of their own facilities, and bestows uopn the Boy Scouts and other youth groups unique rights that are not available to student-led groups.

The amendment is unnecessary because the First Amendment already guarantees the Boy Scouts the right to use public school facilities, to the same extent and in the same manner as any other group allowed to use those facilities.

At the same time, the amendment is an unwarranted intrusion into the decision-making of local school boards because it mandates the creation of an "open forum" any time a school lets one community group use their facilities. The Hilleary amendment decrees that such an action transforms the school into an "open forum," therefore requiring the institution to allow the Boy Scouts and any other anti-gay youth group to use school facilities or premises—regardless of the school's intention or the local school board's decisions on the matter.

We, the undersigned organizations, strongly urge you to oppose this amendment. If you have any questions or require additional information, please contact Nancy Zirkin, Director of Public Policy and Government Relations—American Association of University Women (AAUW) or Jamie Pueschel, Government Relations Manager—AAUW.

Sincerely,

American Association of School Administrators
American Association of University Women
American Counseling Association
American Federation of State, County and Municipal Employees, AFL–CIO
American Federation of Teachers
American Psychological Association
Americans for Democratic Action
Anti-Defamation League
Council of the Great City Schools
Council of Chief State School Officers
Leadership Conference on Civil Rights
Myra Sadker Advocates
National Association of Black School Educators
National Association of School Psychologists
National Association of Secondary School Principals
National Association of Social Workers
National Association of Girls and Women in Sport
National Council of Jewish Women
National Council of La Raza
National Education Association
National Federation of Filipino American Associations
National PTA
National Rural Education Association
National School Boards Association
National Women's Law Center
New York City Board of Education
New York State Education Department
NOW Legal Defense and Education Fund
People For the American Way
School Social Work Association of America
Unitarian Universalist Association of Congregations
United Church of Christ Justice and Witness Ministries

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee (Mr. HILLEARY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 25 printed in House Report 107–69.

AMENDMENT NO. 25 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Ms. Velázquez:

In section 501 of the bill, in section 5123(h) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), insert after paragraph (2) the following:

"(3) IN-KIND CONTRIBUTIONS.—Each State that requires an eligible entity to match funds under this subsection shall permit such entity to provide all or any portion of such match in the form of in-kind contributions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to take the time in opposition, since no one is here to take it.

The CHAIRMAN pro tempore. Without objection, the gentleman from Ohio (Mr. BOEHNER) will control the 5 minutes in opposition.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

First and foremost, Mr. Chairman, I would like to recognize the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), as well as the members of the Committee on Education and the Workforce for all their hard work on the bill we have before us today.

The amendment I am offering will make it easier for needy schools to obtain 21st Century Community Learning Grants. 21st Century Community Learning Grants provide funding to schools in disadvantaged communities that, in collaboration with other public and non-profit agencies and organizations, run before- and after-school programs designed to improve academic achievement. The services they provide include tutoring, technology training, expanded library services, arts and music education, recreational activities, and programs to promote parental involvement and prevent drug use and violence.

These services can mean all the difference to a struggling student or a failing school. However, H.R. 1, as currently drafted, permits States to require grant recipients to provide matching funds equal to the amount of grant. Although the bill also requires States that choose to implement such a matching requirement, to do so on a sliding fee scale, this still is a burdensome requirement on prospective grantees that lack access to fund, the same prospective grantees that are most in need of 21st Century Community Learning Programs.

By only allowing monetary contributions to be used to meet the matching requirements, we eliminate many neighborhoods from eligibility and we underestimate the value of in-kind contributions. These centers serve some of our poorest communities, and this language has the potential to cripple plans for those schools located in States with matching requirements. Obviously, this is a risk we cannot afford.

My amendment will make it easier for the neediest grantees to put together competitive applications by allowing them to count in-kind contributions toward a matching requirement. Although many grantees in disadvantaged communities lack access to funds, they do not lack access to resources. By allowing grantees to count in-kind services, such as volunteer time and donated equipment, we will not only be providing an opportunity to a needy school, we will also be encouraging investment and support from the surrounding community.

I hope my colleagues will support this amendment's efforts to eliminate obstacles to much-needed funding for disadvantaged schools and communities. Let us give all students the tools they need to strive for excellence. Let us make sure no child is left behind.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank the gentlewoman from New York for her contribution to this bill. As we all know, the 21st Century Community Learning Center Program is one that does, in fact, require a local match. For some smaller communities or some faith-based or community-based programs, their ability to come up with the matching funds to do these programs is somewhat limited.

I do think that allowing in-kind services as part of the match does provide more flexibility for these programs at the local level. It is a very good amendment, and I am happy to support it.

Mr. Chairman, I yield back the balance of my time.

Ms. VELAZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 26 printed in House Report 107–69.

AMENDMENT NO. 26 OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. KIRK:

At the end of title VI of the bill, add the following:

SEC. 607. SENSE OF CONGRESS RELATING TO FULL FUNDING OF THE IMPACT AID PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) More than 90 percent of resources for school districts in the United States are raised from State and local property taxes.

(2) School districts that are affected by the presence of the Federal government, such as Federal property that is not subject to taxation, must still provide educational services to children who are federally connected by such activities of the Federal government.

(3) To mitigate this loss of funding, Congress has made "impact aid" payments to local educational agencies to reimburse the agencies for the costs of educating federally connected children.

(4) From 1950 to 1969, Congress provided full funding for the impact aid program to help defray the costs of educating federally connected children.

(5) For fiscal year 2000, Congress provided only 46 percent of the costs of educating federally connected children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the House of Representatives, Senate, and Administration should work together to provide full funding for the impact aid program in future fiscal years in order to meet the needs of school districts affected by a Federal presence; and

(2) the full funding of the impact aid program will ensure that federally connected children will continue to receive a quality education.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from Illinois (Mr. KIRK) and a member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this amendment is about Impact Aid. If we are concerned about military pay, if we are concerned about military housing, if we are concerned about military health care, we also need to be concerned about the children of military personnel. That is why we support Impact Aid.

The average school district in America, the $10 million school district, gets $9 million from local resources and only $1 million from the Federal Government. But what happens if we cannot tax that housing? In many military districts, Indian reservations, and other facilities, kids flood into the school districts, but we have no dollars attached. The Impact Aid program makes up the difference, but it has made up the difference in an inadequate way.

From 1950 to 1969, the Federal Government fully funded the Impact Aid program, but now only 46 percent of the needs of military kids and other kids are met. This amendment is the start of a process where we will build consensus behind the Impact Aid program. For us, we make a statement today that the needs of military kids and other kids must be met by fully funding Federal Impact Aid.

Mr. Chairman, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am actually in support of this measure.

The CHAIRMAN pro tempore. Without objection, the gentlewoman from California (Mrs. DAVIS) will control the 5 minutes.

There was no objection.

Mrs. DAVIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Impact Aid is a program that is over 50 years old, yet for the last 30 years Congress has failed to fund the program fully. This program is designed to offset the losses school districts suffer in property taxes when Federal lands reduce their tax rolls but provide many children to be educated. This funding is critical to balance the local school district income so that the educational programs for all the students of the affected district is not diminished.

The issue, Mr. Chairman, is one of fairness. The level at which Impact Aid is currently funded does not begin to offset the costs for educating a child. Generations of military families have been based in San Diego and Coronado in my district, and developments of federally-owned housing are home to children throughout the area. We are very proud of the opportunity to serve the children of our military forces. Congress should be equally proud of providing the full funding that it promised half a century ago.

Mr. Chairman, I also want to thank the gentleman from Illinois (Mr. KIRK) for bringing this forward.

Mr. Chairman, I reserve the balance of my time.

Mr. KIRK. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. LARSEN), my Democratic colleague and partner in this effort.

Mr. LARSEN of Washington. Mr. Chairman, I thank the gentleman for yielding me this time and for bringing this important issue to the attention of Congress.

Mr. Chairman, just last month I attended a ceremony, a welcome home ceremony in Oak Harbor, Washington, in my district; a welcome home ceremony for the 24 crew members of the plane that was downed in China. Oak Harbor has been the home of Naval Air Station Whidbey Island for many years, and 7,000 people turned out for this homecoming event, showing the commitment that the town of Oak Harbor has made to the presence of Naval Air Station Whidbey in my district.

This amendment today, Mr. Chairman, would express the sense of Congress that the Federal Government must recognize that commitment, must recognize the sacrifice that communities all over our country are making. This sense of Congress amendment would say that the Impact Aid program should have guaranteed funding for districts that so desperately need it.

□ 1645

Whether it is Oak Harbor or Marysville, which is the home to the Tulalip Indian Reservation, these communities depend heavily upon funding; and I ask this body to support this amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise today in strong support of this amendment offered by the gentleman from Illinois (Mr. KIRK) and the gentleman from Washington (Mr. LARSEN) to fully fund Impact Aid. I am proud to join them in this amendment and I commend these two freshman Members for their initiative and commitment to education for their constituencies.

While many of us know Impact Aid is the Federal Government assistance program to local school districts where there is a large Federal presence, many of my colleagues may not know what Impact Aid means to cities such as New York City, my home city.

$5.8 million goes to New York City annually in Impact Aid funding to help improve the quality of education for over 70,000 children who live in public housing. As representative of the largest public housing complex in the U.S. and of thousands of working New York families who make minimum wage and send their children to public schools, full funding for Impact Aid is critical to make sure that America provides educational opportunities to all of our children, no matter where they live and no matter what their income level is.

While I thank the Committee on Education and the Workforce for recognizing the importance of Impact Aid to communities throughout the country, there is more that can be done. Last year $900 million was allocated for Impact Aid when the true need is closer to $1.5 billion.

Mr. Chairman, I urge my colleagues to adopt this amendment and urge my colleagues to fight for full funding of Impact Aid in conference with the Senate.

Mr. KIRK. Mr. Chairman, I yield 1 minute to the gentlewoman from New

York (Mrs. KELLY) representing West Point.

Mrs. KELLY. Mr. Chairman, I rise today in strong support of the Kirk-Larsen amendment expressing the sense of Congress that Impact Aid programs should be fully funded.

I join my colleagues in their efforts to ensure that children in federally impacted school districts receive quality education. Like many of my colleagues, I represent a highly impacted, actually the most highly impacted school district in the United States of America. Adjacent to West Point, the Highland Falls-Fort Montgomery School District exists between Federal land, State land, and the Hudson River. This unique positioning means that over 90 percent of the land in the school district is nontaxable. Without Impact Aid, this school district is unable to raise the revenue necessary to educate its students.

The increase in funding for section 8002, which applies to land-impacted districts, has helped the Highland Falls-Fort Montgomery School District undertake capital improvements, hire new teachers, tutors, and reinstate the college advanced placement courses which they had to cut.

However, this section and the entire Impact Aid program is still not fully funded. As we continue to debate improvements to our children's education, we absolutely must not forget those military children sitting in classrooms in federally impacted school districts. We rely on Impact Aid funds for a quality education. Support the Kirk amendment and support full funding for Impact Aid.

Mr. Chairman, I rise today in strong support of the Kirk-Larsen amendment expressing the Sense of Congress that the Impact Aid Program should be fully funded.

I join my colleagues in their efforts to ensure that children in federally impacted school districts receive a quality education.

Created in 1950, the Impact Aid Program addresses the increased burden felt by school districts that host military children or have non-taxable federal lands.

On behalf of the 1,500 school districts and 1.5 million federally connected students across the country who rely upon the Impact Aid funds for a good education, I urge all my colleagues to join me in supporting this amendment.

The Impact Aid program is equally important to an additional 17.5 million children whose education is linked to the eligibility of their school, or their classmates, to receive Impact Aid funding.

Like many of my colleagues, I represent the most highly impacted school district in the U.S. that relies upon the Impact Aid Program.

Adjacent to West Point, the Highland Falls-Fort Montgomery School District, in Orange County, NY exists between federal land, state land, and the Hudson River.

This unique positioning means that over 90 percent of the land in the school district is non-taxable.

Without Impact Aid, this school district is unable to raise the revenue necessary to educate its students.

The increase in funding for Section 8002, which applies to land impacted districts, has helped the Highland Falls-Fort Montgomery School District undertake capital improvements, such as hiring new teachers, tutors and reinstating College Advanced Placement courses.

This is quite a contrast to prior years when they were faced with the possibility of closing their doors.

However, this section and the entire Impact Aid Program is still not fully funded.

As we continue to debate improvements to our children's education, we must not forget those military children sitting in classrooms in federally impacted school districts.

We rely on Impact Aid funds for a quality education.

Support the Kirk amendment and support full funding of the Impact Aid Program.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in support of the Kirk amendment which expresses the sense of Congress that the Impact Aid program should be fully funded. Fully funding the Impact Aid program will greatly help the vast numbers of local school districts which have lost tax revenue as a result of a large Federal presence in their district.

This especially holds true of my congressional district in New Mexico which has a large number of schools which depend on Impact Aid funding and who educate a large number of Native American students.

The last time this program was fully funded was 1950 through 1969. Since that time, the funding levels for Impact Aid have not kept up with the amount required to cover the Federal Government's obligation to this program.

Mr. Chairman, I cannot stress how important this program is to the more than 1,500 school districts and 1.5 million children across the country who depend on this program for a quality education. I urge all of my colleagues to support this amendment.

Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree with everything that the gentleman said, except that I think it should be called the Kirk, Larsen, Davis, Udall, Crowley, Hayworth, Kelly, Edwards and Hayes amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), chairman of the committee.

Mr. BOEHNER. Mr. Chairman, I want to thank the gentleman from Illinois for bringing this sense of Congress to the floor today.

Mr. Chairman, as a Member who does not have Impact Aid in my district, when I came to Congress, I was wondering what is this and why do we do it. Over the years, Members who have large military and civilian Federal employee impact in their district, do in fact receive funds because we do not as the Federal Government pay taxes in those communities.

I want to congratulate the gentleman from Illinois for bringing this resolution here. I think in the few months he has been here he has done a great job in making sure I am fully aware of how important Impact Aid is to his district and how important it is to other Members' districts. It is a good resolution. We ought to push the appropriators, including Mr. Chairman, that we should in fact fully be funding Impact Aid.

Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to conclude on this amendment, I want to salute the bipartisan leadership on this. We have an equal number of Democrats and Republicans concerned.

Under the Constitution, the number one mission of our government is national security; but I think education also comes as a top priority, and it is the education of military kids, Indian kids, and kids coming off of Federal property that is a key Federal responsibility.

We have fallen behind, Mr. Chairman. We used to fully fund this program. We now only fund 46 percent. So by adopting this amendment, I think we can unscore the achievement and begin the consensus building that we need to fully fund the needs of military, Indian and other related kids for Impact Aid.

Mr. Chairman, the children of military families are the most likely to be joining the military in the future. So for our country's own national defense, making sure that quality education is available on or near military, Indian reservations, and other Federal facilities is critical. I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been a pleasure for me to join with the gentleman from Illinois (Mr. KIRK) and our colleagues on both sides of the aisle on this issue. As a school board member in San Diego from 1983 to 1992, I felt like we were always going to lobby on behalf of these students. We always had to make a case for these students. It does not seem right that we had to make a case for the children of the families who were fighting for this Nation's security.

Mr. Chairman, I am very pleased that we are working together on this today, and I certainly hope all of my colleagues will join us on a strong "aye" vote.

Mr. HAYES. Mr. Chairman, Impact Aid is a crucial element of the basic financial support for schools in my Congressional District in

North Carolina. Just as local taxes support other school districts, Impact Aid bridges the gap in counties where the Federal Government is a major landowner. In some cases, Impact Aid supplies a significant portion of school districts' operating budgets.

As one of the over 150 members of the Impact Aid Coalition, one of the largest bipartisan coalitions in Congress, we have worked together to support our local school systems. Full funding for this program will fulfill the federal government's commitment not only to our local school systems but the families of our military men and women and those citizens who are affected by Federal properties. I will continue to work with the appropriators for full funding for this crucial education program and I commend my colleague from Illinois for continuing to support this program.

Mr. SHROCK. Mr. Chairman, I rise today in support of this amendment which recognizes the importance of Impact Aid. In the Commonwealth of Virginia, over 60,000 students of military families attend federally impacted schools. Their parents make many sacrifices to support our national defense. We must provide these students with the quality education that they deserve. By making the Impact Aid an entitlement, the Federal Government will once again become a full partner with the taxpayers in federally connected districts as they, together, provide the revenue needed to deliver a free public education not only military to dependent students, Native American students and other eligible students, but to all students enrolled in federally connected school districts. I urge each Member of Congress to recognize its intent by supporting this bipartisan effort to fully fund the Impact Aid Program.

Mrs. DAVIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BONILLA). All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. KIRK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. KIRK) will be postponed.

It is now in order to consider amendment No. 27 printed in House Report 107–69.

AMENDMENT NO. 27 OFFERED BY MR. HOEFFEL

Mr. HOEFFEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. HOEFFEL:

In section 5214(b)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, add at the end the following: "Such a description may include how the applicant will provide release time for teachers (which may include the provision of a substitute teacher).".

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from Pennsylvania (Mr. HOEFFEL) and a Member opposed each will control 5 minutes.

Mr. BOEHNER. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for their support for my amendment.

This amendment would add new flexibility to the Federal funds provided in this bill in the enhancing education through technology program to clarify that our school districts on their own initiative can use these funds to provide for the associated cost of leave time so that teachers can be trained in technology.

When I was first elected, Mr. Chairman, I wanted to make sure I knew as much about the public schools in my district as I could. I wanted to hear from the educators in my district about their needs. I sent out a survey to each of the school districts. I started and continue to hold regular education round tables open to parents and teachers, principals and superintendents. I learned a lot about my district and the schools in my district. They obviously put a high priority on educating children, and they want to use the highest and best technology.

I represent a suburban district. We are fortunate to have the resources so that most of my school districts have a good amount of hardware, of computers and so forth, so they are able to provide computers for teachers and students. But I discovered that the biggest problem in my district was getting the teachers trained on technology and to keep them up to date on technology.

Mr. Chairman, the training courses are available to the teachers, but it is difficult in many cases for the school districts to make the time to get teachers out of the classroom in order to be trained.

This amendment would make it clear that school districts can use this Federal money as part of their application for funding under the enhancing education through technology program to apply for leave time and other associated costs to make sure they can get their teachers out of the classroom on a regular basis as they see fit at the local level to keep them trained and updated on technology.

This amendment will go a long way to help the professional development of teachers. While in this bill we are determined to leave no child behind, let us make sure we leave no teacher behind as well. I ask my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank the gentleman from Pennsylvania for his contribution on the technology assistance for local schools. The amendment brought to us by the gentleman from Pennsylvania (Mr. HOEFFEL) would increase local flexibility for how they can use the technology money. I think it is a valuable addition, and urge Members to adopt it.

Mr. Chairman, I yield back the balance of my time.

Mr. HOEFFEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) for his leadership and his support on this particular bill and his hard work in the committee to bring forward this excellent bill. I thank again the gentleman from California (Mr. GEORGE MILLER), the ranking member.

Mr. HONDA. Mr. Chairman, I rise today in support of the Hoeffel Amendment because I believe that in order for schools to perform at 21st century levels, we must provide them with 21st century technology and training.

Our teachers and administrators must be better trained if we are to maximize the use of computers and the Internet in schools. The Hoeffel Amendment will ensure that while classroom teachers seek out advanced technology training that their districts will support them. This amendment truly reflects our willingness to put our money where our mouth is. This amendment says we support our teachers.

Through my experience as a high school teacher and principal, I know that high achievement is dependent upon the learning environment. That means up-to-date, safe buildings, high quality teachers, and goods tools to promote learning.

We need to work with teachers and high tech businesses to integrate technology into classroom curriculum. We also need to encourage high tech businesses to lend their employees to our schools in order to ensure the most up-to-date technology skills.

I urge my colleagues to support the Hoeffel Amendment.

Mr. HOEFFEL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOEFFEL).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 28 printed in House Report 107–69.

AMENDMENT NO. 28 OFFERED BY MR. COX

Mr. COX. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. COX:

In part E of title VIII of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 801 of the bill—

(1) redesignate section 8520 as section 8521 (and correct any cross-references accordingly); and

(2) insert after section 8519 the following:

"SEC. 8520. AGGREGATE INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002 EQUAL TO 11.5 PERCENT.

"Notwithstanding any other provision of this Act—

"(1) for fiscal year 2002, the aggregate amount of funds authorized to be appropriated under this Act shall be **$20,528,782,360** (representing an increase of 11.5 percent over the aggregate amount appropriated for programs under this Act for fiscal year 2001); and

"(2) for each subsequent fiscal year covered by this Act, the aggregate amount of funds authorized to be appropriated under this Act shall be the amount appropriated for the preceding fiscal year, increased by 3.5 percent.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from California (Mr. COX) and the gentleman from Michigan (Mr. KILDEE) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is to more closely conform the spending levels in H.R. 1 to the budget that has been adopted by the Congress and by this House and to the budget that has been submitted to us by the President.

□ 1700

In their letter of support for this legislation, the administration, on May 15, 2001, wrote as follows: "The administration supports House passage of H.R. 1, which reflects the themes of no child left behind, the President's comprehensive proposal to reform the Elementary and Secondary Education Act of 1965.

"The administration urges the House to refine the committee bill; to maintain fiscal discipline. The bill," the administration says, "contains excessive appropriation authorization levels."

Here is what the letter says specifically about that: "The total appropriation," according to the Office of Management and Budget, "contained in H.R. 1 as reported exceeds the President's total request by over nearly $5 billion for fiscal year 2002. The administration has produced a responsible budget that includes significant increases for key education programs, while also maintaining fiscal discipline government-wide. The administration urges the House to pass a bill that is closely aligned with the President's budget."

This amendment will implement President George W. Bush's commitment to an 11.5 percent increase in funding for education. This amendment provides that the total of all the funding increases in this bill, in the first year, will represent an 11.5 percent increase over fiscal year 2001.

This is a rate of growth proposed for all Department of Education programs by the President. In fact, this amendment authorizes more funding than the President proposed in his budget and certainly more funding than we proposed in our budget.

This 11.5 percent increase authorized in this amendment will authorize approximately $1.5 billion more for fiscal year 2002 than did H.R. 1 as introduced. For all subsequent years, the amendment authorizes further increases in aggregate funding of 14 percent. This increase in subsequent years is in line with President Bush's original budget request for K–12 education programs.

This amendment more than triples the percentage increase in K–12 funding in our budget resolution. This amendment guarantees that increases in education spending and increases for the Department of Education will make it the most significant recipient of additional funds of any cabinet agency. This is the largest increase in Federal spending for any cabinet agency.

Mr. Chairman, the Bush administration is urging amendment of H.R. 1 to more closely conform to the President's budget. Our choice is to spend a great deal more, 11.5 percent, or to in fact bust the budget so much to make this bill so unrecognizable that we are jeopardizing other education programs that are not covered by this bill if we intend to live within the overall projection of an 11.5 percent increase in funding for education.

I, therefore, urge adoption of this amendment, which is a very moderate approach to resolving the problem, because it is a much bigger increase in spending than was proposed by the administration. It is a bigger increase than was proposed in our own budget. It is a bigger increase than was in H.R. 1 as introduced. It is consistent with the 11.5 percent increase across the board for education that the administration proposes; and yet it maintains fiscal discipline, something we should be teaching our children as we act here in Congress responsibly with a very good bill to improve education.

It is important to live within a budget. Certainly an 11.5 percent increase in these programs, the largest increase of any cabinet agency, is something that we should all be very, very proud of. I urge adoption of this amendment, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have always believed that education, the education dollar, is really an investment dollar. It should really be part of our capital budget. It is a very important area of our national life, and we worked closely on these figures within the committee and reached bipartisan support for these figures in the committee, not without the knowledge of the White House.

Now, the White House submitted the budget, but White Houses are even permitted to adjust figures. We worked closely with Sandy Kress from the White House as we, in a bipartisan way, crafted what we figured were figures that should be the authorization levels for these programs.

Now, albeit we will have to fight for the appropriations for these things, I have always said that the authorization is much like a get-well card. If I have a friend who is ill, I will send my friend a get-well card indicating my sentiment and the value of my friend; but what my friend really needs is the Blue Cross card to pay the bills.

This is what the committee, the authorizing committee, agreed upon were figures that would address the needs of education in this country. We did not do this in a vacuum in secret from the White House. Mr. Sandy Kress was with us most of those times as we discussed this. So I would assume the White House certainly wants this bill to be passed. I know they have been working very, very hard on both sides of the aisle to get this bill passed.

So let us give the White House a chance in some informal way to adjust its figures that it had in its budget.

What did we do in the committee? We did double the title I program over 5 years to $17.2 billion to raise the academic achievement of our low-income children. We have all talked about the importance of title I.

We increased resources for teacher quality by $1.3 billion to $3.6 billion. We have school districts throughout this country that have what I call "bus stop" teachers. They have teachers who are not qualified, they are not certified, not qualified to teach in their field. That is unfair to our students so we increased money for teacher quality.

We set aside $500 million to turn around our low-performing schools. We have to identify those low-performing schools by having some standards and some good assessment, and we will turn those schools around hopefully with these dollars.

We invest $750 million for students with limited English proficiency, a $290 million increase. The gentleman from Texas (Mr. HINOJOSA) worked very hard on that issue. It increases an area that is very, very important for our national life.

It increases education technology to $1 billion, an increase of $128 million.

These figures were arrived at in the full light of the day with the awareness of the White House, and the White House in the last few days has been pushing for enactment of this bill. I would urge that this amendment be turned down.

Mr. Chairman, I reserve the balance of my time.

Mr. COX. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, I rise today in support of the amendment offered by the gentleman from California (Mr. COX). The Cox amendment is responsible public policy to allow for an 11.5 percent increase in elementary and secondary education funding over last year's level. This amendment authorizes more money for K-12 programs than did H.R. 1, "leave no child behind" legislation as introduced.

By standing here today and supporting the Cox amendment others may make claims that this is a gutting or cutting amendment of the whole bill; that this for some reason would make me less of a pro-child or pro-education Member of Congress.

Let me be clear on a couple of things. First, this amendment allows for a significant amount of increased spending for education over the current appropriation levels.

Secondly, it is not as if money alone will put us on the path to education reform in this country. We all know that we have spent over $120 billion Federal dollars on title I programs for disadvantaged children since the program began in 1965, with $80 billion in the last decade. We have little improvement to show for all of this spending.

The achievement gap has not closed. In fact, despite increased spending, test scores remain stagnant.

We should not subsidize failure. We should not pour more money into the status quo. As we provide for more funding, we should ask for results.

In my life before Congress, I was a quality consultant, and we worked a lot on improving qualities in corporations; and we found that just putting more money or energy behind the current processes seldom improved very much at all. It was only when we let the people who were actually on the front lines have the flexibility and authority to actually change things that quality could actually be improved. Measuring output and setting minimum standards did very little to improve quality.

America, in just about every other segment, has understood that changing the process can improve the quality.

I know we all desire the same outcome. We want better schools and better education for all of our children across this land. To secure the future for our children, I believe that the answer is not money alone but that embracing some real reform concepts that we have talked about here today.

I believe that when we give teachers and principals and parents more flexibility and authority at the local level, we can actually change things. And until we do, just flooding the system with more money is not going to work.

We have a very responsible proposal by the gentleman from California (Mr. COX) to increase funding over a level last year that was also substantially increased. Let us give time for our reforms to work. Let us fund it at an 11.5 percent increase, more money for reading and all the critical programs we have talked about, and then review in a year or two and see how we can continue to improve.

I urge all of my colleagues to support the Cox amendment as a practical measure.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Without objection, the gentleman from California (Mr. GEORGE MILLER) will control the time in opposition.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend, the gentleman from California (Mr. GEORGE MILLER), for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. There is a basic agreement in this bill that would be completely rejected and violated if this amendment were enacted. And the agreement is this: many of us who frankly have some misgivings about annual testing held together yesterday and with a bipartisan majority rejected an amendment that would have removed annual testing from this bill. Here is what the annual testing will tell us: schools that are overcrowded, that have minimal parental involvement, that have teachers teaching out of field, in dilapidated facilities, that are not safe, will have low test scores. That is what the annual testing is going to tell us.

What we also know is that fixing that problem will require better teachers teaching in field to smaller classes with better technology in more modern, safer facilities, with greater parental involvement, with breakfast programs, with after-school programs, with tutoring and summer school, and all of the other elements that make a school successful. That costs money.

If we do not follow up on the other part of this agreement and provide for the doubling of title I funding that is authorized by this bill, then this bill is nothing but a cruel hoax on the lagging schools and the struggling students of this country.

The amendment does a public service, I must say. It points out the difference between the rhetoric of the administration and the reality of the budget resolution approved by this House and by the other body. Perhaps by the rules we are bound by that resolution, but by our commitment to better education and by our commitment to the principles that underlie this bill we are not. We should reject this amendment and adhere to this deal.

Mr. COX. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. Over my 10 years in Congress, I have often come down on this floor to argue for a balanced budget, to argue for a line item veto, to argue against a space station that is now an additional $4 billion over budget, as someone who believes that money is not the answer to all of our problems.

□ 1715

In this bill, we have crafted a bipartisan agreement that says, very carefully, we will test more children and diagnostically use those tests to try to help remediate many of these children in title I schools in some of the poorest areas of America, in schools where some of these children do not have computers, where they have textbooks with missing pages that are 30 years old. They have roofs falling down on top of them, and they have schools that sometimes are delayed opening by 3 and 4 weeks because of plumbing problems.

Now, I would love to be a political consultant and put commercials together in the next election which would kind of say on these votes coming up, here was a vote to put $3 billion toward the poorest children in America and help in a bipartisan way get them a good education, or another vote to give the taxpayers of this country a $1.35 trillion tax cut. We did not have enough room to help the poorest kids in America, but we sure had plenty to go even higher than a $1.35 trillion tax cut.

Mr. Chairman, this is a bipartisan agreement to help on bipartisan testing, to help remediate in diagnostic ways the poorest kids in the poorest districts. Let us defeat this amendment and move forward to conference with a bipartisan bill.

Mr. COX. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield the remaining time for the purposes of closing to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman from California for yielding me this time.

What I think this House needs to bear in mind as we consider this very, very important amendment is that the structure that we have put forth is a formula which really puts the Federal

Government into the position of elaborating very strict standards that the school districts that are eligible for this funding under title I and other titles must meet in order to receive the funding. And then, on top of that, pursuant to the President's recommendation, we have now said that the schools have to test these children in every grade from 3 to 8. Why are we doing all of this testing if we are not going to help these children and the schools meet their requirements of success? Leave no child behind. We cannot test, evaluate, have standards, require the schools to meet them and not come up with the necessary resources.

So I urge this House to keep faith with what the President has said, leave no child behind, keep faith with what the bipartisan committee has done in recommending H.R. 1, and it was a very difficult task; there are lots of things that I would like to see in this bill, school construction, smaller classrooms and other things, but we came together with a core agreement. The Republicans had to make some concessions, the Democrats made concessions, but we have an understanding that this is what it takes to reform education in America, to make sure that the poorest among us have an opportunity.

Mr. Chairman, we have lifted up the hope and faith of the people of this country, the teachers and the families who believe that what we are doing means something when we double the funding for title I. It is not an empty phrase, it is not a percentage over what we did last year. This is a new thrust to try to meet the responsibilities of this country. Yes, local school districts and the States have the primary responsibility for education, but the Federal Government is saying, we want to help. Do not diminish that promise of help by cutting before we even get to the table to negotiate with the appropriators on the money necessary to produce equal opportunity for our kids in this country.

Mr. COX. Mr. Chairman, I ask unanimous consent that the debate be extended by 5 minutes on each side.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman for yielding me this time.

Our schools are important enough and our children matter enough that we ought to be willing to spend a lot of money, frankly, on education, if that spending comes along with real, meaningful reform that has the promise, offers the promise of improving our schools.

The President proposed meaningful reform, and he also proposed spending 11.5 percent in increases over last year's spending on education. Now, the reform has been ripped out of the bill. The choice has been taken out of the bill. The President proposed school choice in his Leave No Child Behind provision; that is gone. The flexibility provisions are not even going to be brought up on the floor. That is gone. What we have are some testing provisions, all of which can fit easily within the 11.5 percent increase that the President proposed for the whole plan. H.R. 1 now is just a fraction of the plan, yet we are spending even more money than the President proposed.

In an effort to try to be consistent and at least stick to what the President originally had suggested this Congress do, he stood right here in front of us, he brought this plan with him and described it, he brought his budget proposals and suggested that the government should grow at a rate of 4 percent, but he made the exception with the Department of Education, that the Department of Education should grow at a rate of 11.5 percent over the next year, nearly 3 times more than the rest of government.

Those reforms, I believe, were important, and I regret that they are no longer part of H.R. 1. But the Committee on Education and the Workforce prepared this chart and I would refer Members to it. It shows that way back in 1990, we had an expenditure of about $18.6 billion. That has grown this year to $42.1 billion. This is a huge escalation in growth and spending in the size of the education bureaucracy, yet test scores in the country remain stagnant.

The message here is that throwing more money at the education problem clearly has no impact whatsoever on the improvement of academic performance of our students; reform does. However, we decided reform is not important in H.R. 1. Let us at least give the President a victory on his spending proposals. Let us adopt the Cox amendment at 11.5 percent.

Mr. COX. Mr. Chairman, I yield myself 15 seconds.

I want to again focus our attention on the fact that the amendment that is before us calls for an 11.5 percent increase over last year in funding for the programs covered by this legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my colleagues on this side of the aisle have already laid out the situation that we find ourselves in. Passage of this amendment, in fact, breaks the arrangement and the deal that we have with respect to this legislation.

Let us look at why we have added the increases that we have in this legislation. We have added the increases in this legislation because we think they are important to bringing about the reforms that many in this Congress have said, many on both sides of the aisle, but also what clearly this President of the United States has said that he wants to achieve in terms of the results. Yes, that chart that was just held up by the gentleman from Colorado (Mr. SCHAFFER), and earlier held up a number of times by the gentleman from Georgia (Mr. ISAKSON), tells us a story that we are not particularly proud of. But that is because in the past, generally, when we have authorized this legislation, we have not put in the accountability provisions that are in this bill.

So these school districts that have among the highest percentages of poor children of any school districts in the Nation, very often they are also the poorest school districts because they do not have very high assessed evaluations, so certainly they are not receiving the resources that are necessary that they receive, or we would not have this program, because the States have already made the determination to not provide them the equalized funding.

But among these, the poorest school districts with the poorest children, as the President will point out, and the poorest performing children, under this legislation, within 4 years they are going to have to have a qualified teacher in every classroom. Today they have teachers on emergency credentials. Today they have teachers on provisional credentials. They are going to have to get those teachers trained, certified and qualified to teach in the subject matter in which they are teaching. That does not come free. They are going to be held accountable, not just for the average, how the average child is doing in the school district, but they are going to be held accountable for every poor child, for every minority child, for every limited English-speaking child in that school district. They are going to have to have the results that suggest that they are making the yearly progress. They are going to be held to yearly standards on making that progress according to the standards selected by the States.

That is why we need new resources. That is why it is not a question of whether it is 11 percent or not, it is a question of whether or not we are adequately prepared to fund and to provide these kids an opportunity and a first class education. Because even with this effort, almost all of these children will not have the financial resources available to them that many of our children have had available to them in the schools where they have gone. That is why they are among some of the least performing schools in our system.

So let us understand that this is a very different arrangement than what the Congress has done in the past. There is a huge lobby in this town that is against this bill, because they are for the status quo. They are not for testing. They are not for accountability. They are just for Federal dollars. And what we have said in this legislation is we are not going there again. We are not going to have this, the first education bill of the millennium. We are not going to have this, when we just put the money on the table. As the gentleman from Michigan (Mr. KILDEE) says, they just come by and take it. No, if you want to sign up for this, you are going to be held accountable and you have to have first class programs for all of the children, all of the children, and they deserve them.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), the chairman of the Republican Study Committee.

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to first associate myself with the remarks of the gentleman from Colorado (Mr. SCHAFFER), who pointed out that it is regrettable that much of the reforms that were in this legislation that would have improved education across America are gone. But I really want to focus my remarks now on the Cox amendment and why I think it is such a good amendment.

The gentlewoman from Hawaii (Mrs. MINK) who spoke before the last speaker on the other side, in her remarks, said that we should not begin this process by cutting; indeed, that that would be a serious mistake. Well, make no mistake about it: there is no cutting going on in this bill or in the Cox amendment, nor is there any cutting going on in education spending.

Since the Republican Party became the majority in this Congress, we have more than doubled the funding for K-through-12 education. Indeed, we have increased it by 109 percent. That is not a cut of spending by any stretch. In the Cox amendment, we triple funding. As a matter of fact, as this chart shows, we triple the rate of funding increase from the original H.R. 1 for K-through-12 education. We go to the President's proposal of an 11.5 percent spending increase next year, the highest of any cabinet level agency in the country. So for someone to talk about cutting, they are simply not getting the facts straight. A tripling of the rate of spending is not cutting. This is a fiscally responsible amendment, which I urge my colleagues to adopt.

□ 1730

Let us look at some of the other facts.

The Cox amendment matches the President's Department of Education budget request. The Cox amendment authorizes more funding for K through 12 education programs than did H.R. 1, as introduced. The Cox amendment authorizes more funding for K through 12 programs than the President's budget.

On top of that, the Cox amendment guarantees that the Department of Education will receive the single largest increase in spending of any cabinet agency.

This is a reasonable amendment. It is a fiscally prudent amendment. To call it cutting is to misrepresent the facts. I urge my colleagues to join me in passing the Cox amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Let me say this about this amendment to cut these education monies for the poorest children in our society and the poorest school districts in our society.

Mr. Chairman, we have to put it in context. We have to put it in context. We are going to finish this bill in the next hour. Then we are going to have a motion to go to conference on a tax bill, a $1.3 trillion tax bill that is going to spend 13 times as much on the top 1 percent of taxpayers in this country than we are going to spend in all of this legislation.

Some on that side of the aisle would think that the rich do not have enough money and the poor have too much. This money is absolutely essential in this bill if in fact we are going to bring about the reforms that almost every Member in this body has said that he or she wants for their school districts, for the children who reside in those school districts, and if we are in fact going to have those reforms result in the results that we all say we want in terms of the performance of our students.

They can chop the money, but they should not come telling me they want the same results. They cannot bring about these reforms on the cheap. They cannot do that. So if we put it in the context of what else this Congress is doing, we tried to explain, it would be difficult to do a first class job on education and also to have a $1 trillion tax cut, but they have made those choices.

However, we ought not now, in the same night we are going to do the $1 trillion tax cut, take away from the poorest children in this country their one chance at education, opportunity, and accountability that they have been denied for so very long. That is what we have to understand.

That is why we have got to reject the Cox amendment and stay with the bill that was reported from the committee, that was reported out with overwhelmingly bipartisan support.

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the ranking member, the gentleman from California (Mr. GEORGE MILLER), for his hard work on this legislation. I intend to vote for it. I support the accountability that is in this bill. I support the President's aim to make sure that no child is left behind. I support the whole of the President's request, including in particular the President's request to this House that we amend this bill as it was reported to committee to make it more closely conform with the President's budget and our own budget.

The President has proposed an 11.5 percent increase in education programs. Our own budget proposed a 3.2 percent increase in funding for the K through 12 programs that are the subject of this bill.

My amendment increases H.R. 1 as introduced, increases the budget that has already been passed by this House so that the total of programs funded by this bill are increased next year by 11.5 percent. If we do not adopt this amendment, the rate of increase will be 23.5 percent.

I have school-aged kids. They are in second grade, first grade, and preschool. I care a lot about their future, which is why I am so supportive of this big increase in support for education, continuing the major increases in funding that we have experienced over the last several years.

But I worry about their future, not just in education but also in Social Security and in Medicare. I want the future for them to be just as great in the job market as it has been recently during the 1990s. I hope we can have some tax relief so those jobs will be there.

If we go way beyond the 3.2 percent increase in our budget, way beyond even the 11.5 percent that is called for in this amendment, then our appropriators, my colleagues on the other side of the aisle and on this side of the aisle who are striving to maintain our responsible budget, will have to cut other education programs that are not covered by this bill. That is not what anyone here wants.

Mr. Chairman, let us honor the President's request to more closely conform this bill to his and our own budget. Let us live within a budget. Let us honor our children. Let us honor their future. Vote yes on the Cox amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from California (Mr. COX).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. COX) will be postponed.

PREFERENTIAL MOTION OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. GEORGE MILLER of California moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of my motion. I do so to once again outline the accomplishments of this legislation, and to buy a bit of time for some of our Members who are currently in a meeting.

Mr. Chairman, we are bringing to a close here the debate on H.R. 1. I want to begin by thanking certainly all of the Members that have participated in that debate on this floor, on both sides of the aisle. It has been a spirited debate from time to time, but that is because we have very strongly-held views in this House about education, and we have different views about how that education should be carried out, and the Federal role and involvement in education in this country.

It is honorable and it is important that this House allow that kind of debate, and I appreciate the fact that the Committee on Rules did in fact make in order the amendments that they did. I wish they would have made in order more of the amendments from this side of the aisle so we could have debated school construction and class size reduction, but we were not able to do that.

However, I think, as Members can see from the debate over the last 2 days, it is very clear that this subject matter captures the interest and the imagination of the Members of Congress. They all have very strong feelings on it.

All of us have spent a great deal of time when we were back in our districts visiting schools, talking to schoolteachers, talking to parents, talking to children, going through the process over and over again at all different levels.

It is clear that this is the foundation of our society. This legislation is tough. This legislation is comprehensive. This legislation is controversial. However, I think in fact that the work product that we have put together here is one that we can all be proud of, and I think as we bring about this first reauthorization of the Elementary and Secondary Education Act of this millenium, that we truly are setting out on a different course.

We are setting out on a different course because the President wants to change the direction, and because Members of Congress on a bipartisan basis want to change the direction of the use of Federal dollars and the purposes for which they are used.

This legislation has called together a coalition, again from both sides of the aisle, but even within our own caucus. Some of the suggestions made here, and some of, in fact, the key suggestions, were brought to us in our caucus by the New Democrats, who helped us reach agreement with the Republicans on flexibility, something we have talked about for many years.

It has been very controversial, there has been great resistance to it, but in this legislation in fact we have worked it out. I want to thank those Members for that.

I also want to make clear that I do not want to overlook, as we get to the end, the work that has been done by the staff. The members of the working group spent a lot of time talking about this legislation, but our staff spent much, much more time, as did the staff of all of the Members of the Committee, in bringing about this agreement.

We worked on Tuesdays, Wednesdays, and Thursdays on this legislation, and the staff worked Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, and Sundays on this legislation, and very often late at night. I think the work product reflects that. This committee is very fortunate to have people with a great deal of institutional memory and with a great deal of skills and talent and knowledge about this subject matter.

We have warred over some of these topics and we have agreed on some of these topics, but I think that is why in fact we again were able to produce this work product in this Congress this rapidly, and with this level of agreement.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 20 offered by the gentleman from Texas (Mr. BRADY);

Amendment No. 26 offered by the gentleman from Illinois (Mr. KIRK);

Amendment No. 28 offered by the gentleman from California (Mr. COX).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 20 OFFERED BY MR. BRADY OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BRADY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 189, not voting 4, as follows:

[Roll No. 141]

AYES—239

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Matheson
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dingell
Doggett
Doyle
Edwards
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—4

Cubin
Dooley
Moakley
Visclosky

☐ 1804

Messrs. TERRY, WEINER, GUTIERREZ, NADLER, GEPHARDT, SERRANO, DIAZ-BALART, ENGLISH, Ms. ROS-LEHTINEN, Mr. McINTYRE and Mr. PASCRELL changed their vote from "aye" to "no."

Mr. PHELPS and Mr. HOLDEN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 26 OFFERED BY MR. KIRK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 3, not voting 4, as follows:

[Roll No. 142]

AYES—425

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—3

Obey
Sensenbrenner
Upton

NOT VOTING—4

Cubin
Hutchinson
Moakley
Visclosky

☐ 1812

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 28 OFFERED BY MR. COX

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. COX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 101, noes 326, not voting 5, as follows:

[Roll No. 143]

AYES—101

Akin
Armey
Baker
Barr
Bartlett
Barton
Blunt
Bono
Brady (TX)
Bryant
Burton
Camp
Cannon
Cantor
Chabot
Coble
Combest
Cox
Crane
Crenshaw
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Duncan
Ehrlich
Flake
Foley
Goode
Goodlatte
Graham
Granger
Gutknecht
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Issa
Istook
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kerns
Kingston
Knollenberg
Largent
Larson (CT)
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCrery
McInnis
Mica
Miller (FL)
Miller, Gary
Myrick
Norwood
Nussle
Otter
Pascrell
Paul
Pence
Pitts
Pombo
Portman
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Weldon (FL)
Young (AK)

NOES—326

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Buyer
Callahan
Calvert
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hayes
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—5

Cubin
Hutchinson
Moakley
Rush
Visclosky

☐ 1819

Mr. CALVERT changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LARSON of Connecticut. Mr. Chairman, on rollcall No. 143, the Cox of California amendment, I inadverently voted "yea" on rollcall No. 143. I intended to vote "nay."

The CHAIRMAN pro tempore. There being no further amendments in order under the rule, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. SCHAFFER. Mr. Speaker, I submit for the RECORD "An Evaluation of the Florida A-Plus Accountability and School Choice Program." The report was prepared by Jay P. Greene, Ph.D., Senior Fellow, The Manhattan Institute for Policy Research and research associate, Program on Education Policy and Governance, Harvard University.

ABOUT THE AUTHOR

Jay P. Greene is a senior fellow at the Manhattan Institute for Policy Research and a research associate at Harvard University's Program on Education Policy and Governance (PEPG). He has conducted evaluations of school choice programs in Milwaukee, Cleveland, Charlotte, and San Antonio. He has also investigated the effects of school choice on civic values and integration. His publications include the chapters, "Civic Values in Public and Private Schools," and "School Choice in Milwaukee: A Randomized Experiment," in the book, Learning from School Choice, published by the Brooking Institution in 1998; "The Effect of Private Education on Political Participation, Social Capital, and Tolerance," in the Fall 1999 issue of The Georgetown Public Policy Review; and "The Texas School Miracle Is for Real," in the Summer 2000 issue of City Journal. He has been a professor of government at the University of Texas at Austin and the University of Houston. He received his Ph.D. from the Government Department at Harvard University in 1995. Dr. Greene lives with his family in Weston, Florida.

AUTHOR'S ACKNOWLEDGEMENTS

This report was prepared under contract with Florida State University as part of a grant from the Florida Department of Education to evaluate the A-Plus Program. Additional support was provided by Harvard University's Program on Education Policy and Governance (PEPG). Professors Richard Feiock and Tom Dye of Florida State University and Professor Paul Peterson, Director, PEPG, Harvard University, served as principal investigators on this project. Rob Fusco and Tom Dye provided valuable research assistance.

EXECUTIVE SUMMARY

By offering vouchers to students at failing schools, the Florida A-Plus choice and accountability system was intended to motivate those schools to improve their academic performance. Under this plan, each public school in Florida is assigned a grade, A through F, based on the proportion of its students passing the Florida Comprehensive Assessment Test (FCAT). Students attending schools that receive two "F" grades in four years are eligible to receive vouchers that enable them to attend private schools or to transfer to another public school.

This report examines whether schools that faced the prospect of having vouchers offered to their students experienced larger improvements in their FCAT scores than other schools.

The results show that schools receiving a failing grade from the state in 1999 and whose students would have been offered tuition vouchers if they failed a second time achieved test score gains more than twice as large as those achieved by other schools. While schools with lower previous FCAT scores across all state-assigned grades improved their test scores, schools with failing grades that faced the prospect of vouchers exhibited especially large gains.

The report also establishes that the FCAT math and reading results are highly correlated with the results from a nationally recognized standardized test, the Stanford 9, which suggests that the FCAT is a reliable measure of student performance.

This report shows that the performance of students on academic tests improves when public schools are faced with the prospect that their students will receive vouchers. These results are particularly relevant because of the similarities between the Florida A-Plus choice and accountability system and the education initiatives proposed by President George W. Bush.

The Purpose of the Study

The Florida A-Plus Program is a school accountability system with teeth. Schools that receive two failing grades from the state during a four-year period have vouchers offered to their students so that those students can choose to leave for a different public or private school. The theory behind such a system is that schools in danger of failing will improve their academic performance to avoid the political embarrassment and potential loss in revenues from having their students depart with tuition vouchers.

Whether the theory behind the A-Plus Program is supported by evidence is the issue addressed in this evaluation. While it is plausible that the incentives provided by an accountability system with teeth should be an impetus for reform, it is also plausible that the A-Plus system would not produce meaningful academic improvement. Perhaps schools would develop strategies for improving the grade they received from the state without actually improving the academic performance of students. Perhaps schools would not have the resources of policy flexibility to adopt necessary reforms even if they had the incentives to do so. Perhaps the incentives of the accountability system interact with the incentives of schools politics to produce unintended outcomes. In short, whether the A-Plus system is successful in improving student achievement is a matter that cannot be resolved without reference to evidence.

The evidence presented in this report suggests that the A-Plus Program has been successful at motivating failing schools to improve their academic performance. In addition, the evidence presented in this report suggests that we should have confidence that the improvement in academic achievements is a real improvement and not merely a manipulation of the state's testing and grading system.

A Brief Description of the A-Plus Program

The Florida A-Plus Program assigns each public school a grade based on the performance of its students on the Florida Comprehensive Assessment Tests (FCAT) in reading, math, and writing. Reading and writing FCATs are administered in 4th, 8th, and 10th grades, while the math FCAT is administered in 5th, 8th, and 10th grades. The scale score results from these tests are divided into five categories. The grade that each school receives is determined by the percentage of students scoring above the thresholds established by these five categories or levels. If a school receives two F grades in a four-year period, its students are offered vouchers that they can use to attend a private school. They are also offered the opportunity to attend a better-performing public school.

The FCAT was first administered in the spring of 1998. Following the second administration of the exam in 1999, only two schools in the state had received two failing grades. Both of those schools, located in Escambia County, had vouchers offered to their students. Nearly 50 students and their families from those two schools chose to attend one of a handful of nearby private schools, most of which were religiously affiliated. When the FCAT was administered in 2000, no additional schools had their students offered tuition vouchers because none had failed for a second time.

Additional information on the FCAT and A-Plus Program can be found at the Florida Department of Education's FCAT web site at http://www.firn.edu/doe/sas/fcathome.htm or its home page at http://www.firn.edu/doe/.

Other Research on Voucher and Accountability Systems

Many states have testing and accountability systems. Some, such as the New York Regents Exam, date back many years. Others, such as the Michigan Educational Assessment Program, are relatively new. States also vary in the difficulty of the tests they administer, the grades to which tests are administered, whether passage is required for promotion or graduation, and whether sanctions or rewards are attached to student and/or school performance.

Despite the increasing prominence of testing and accountability systems as a tool for education reform, the effectiveness of those systems has been the subject of limited systematic research. Additional research in this area is particularly important given the centrality of accountability systems in many state and federal education reform proposals. The attractiveness of such proposals would be increased if stronger empirical evidence were produced to show that widespread testing and grading of schools provided incentives to schools to improve their performance. Evidence on the effects of using vouchers as a sanction for chronically failing schools would speak to whether accountability systems are likely to be more effective at inspiring improvement if vouchers were part of the program. On the other hand, evidence that widespread accountability testing produced results that were subject to manipulation or failed to inspire improvement would argue against the adoption of such policies. And if the evidence failed to show special gains produced by the prospect of vouchers at failing schools then a voucher component of the policy would be less desirable.

The greatest amount of research attention has been devoted to evaluations of the accountability system in Texas. The Texas Assessment of Academic Skills (TAAS) has been in existence for a decade and is the most comprehensive of the state testing systems. Students in Texas are tested in 3rd through 8th grades in math and reading. In addition, passage of an exam that is first offered in 10th grade is required for graduation. The state is also phasing-in requirements that students pass exams in order to be promoted to the next grade.

The extensiveness of TAAS, its centrality in education policy in Texas, and the fact that the governor was a candidate for president attracted considerable attention to the program. Linda McNeil and Angela Valenzuela of Rice University and the University of Texas, respectively, issued a report with a series of theoretical and anecdotal criticisms of TAAS, but presented no systematic data on the educational effectiveness of the program.[1] Walter Haney of Boston College has written about the relationship between TAAS and minority dropout rates, but again has not systematically evaluated the effect of TAAS on educational achievement.[2]

The most systematic research on TAAs has appeared in two, somewhat contradictory, reports from the Rand Corporation. The first report, with David Grissmer as its chief author, was released in July of 2000.[3] It analyzed scores from the National Assessment of Educational Progress (NAEP), a test administered by the U.S. Department of Education, to identify state policies that may contribute to higher academic performance. It found that states like Texas and North Carolina, with extensive accountability systems, had among the highest and most improved NAEP scores after controlling for demographic factors. The report featured a lengthy comparison of student performance in California and Texas to highlight the importance of TAAS in improving academic achievement, as measured by the NAEP.

The second report, with Stephen Klein as its chief author, was released in October of 2000. It cast doubt upon the validity of TAAS scores by suggesting that the results do not correlate with the test results of other standardized tests Because the other standardized tests are "low stakes tests," without any reward or punishment attached to student or school performance, there are few incentives to manipulate the results or cheat. It is therefore reasonable to assume that the low stakes test results are likely to be a reliable indication of student performance.[4] Schools and students, however, might have incentives and opportunities to manipulate the results of high stakes tests, like the TAAS. Because Klein finds that the results of the TAAS do not correlate very well with the results of the low stakes standardized tests, he and his colleagues suggest that the TAAS scores do not represent the true academic performance of students.

Klein, however, cannot rule out alternative explanations for the weak correlation between TAAS results and the results of low stakes standardized tests. It is possible that the TAAS, which is based on the mandated Texas curriculum, tests different skills than those tested by the national, standardized tests. Both could produce valid results and be weakly correlated to each other if they are testing different things. It is also possible that the pool of standardized tests available to Klein is not representative of Texas as a whole. The standardized test results that were compared to TAAS results were only from 2,000 non-randomly selected 5th grade students from one part of Texas. If this limited group of students were not representative of all Texas students, then it would be inaccurate to draw any conclusions about TAAS as a whole.

In addition to comparing TAAS and standardized test results, Klein and his colleagues also analyzed NAEP results in Texas. Contrary to the findings of Grissmer and his colleagues whose Rand report was only released a few months earlier, Klein concluded that the NAEP performance in Texas was not exceptionally strong. This finding contradicted Grissmer's finding that strong NAEP performance in Texas confirmed the benefits of a high stakes testing system, like TAAS.[5]

A third examination of NAEP scores in Texas published in City Journal supports Grissmer's claim and refutes Klein's by finding that NAEP improvements were exceptionally strong in Texas while the TAAS accountability system was in place.[6] The fact that these studies differ while all examining NAEP and TAAS results can be explained by the different time periods examined, the grade levels that are compared, and the presence or absence of controls for student demographics. Without discussing these issues at length, it is sufficient to say that there is some ambiguity regarding any conclusions that can be drawn from a comparison of NAEP and TAAS results. This ambiguity is created in part by the fact that the NAEP is administered infrequently and in only certain grade levels.

In addition to ambiguous research results, our expectations for A-Plus based on the experience of TAAS are further limited by the fact that the two accountability systems differ in one very important respect. The A-Plus Program is unique in that it uses vouchers as the potential sanction for low-performing schools, while the accountability systems in Texas, North Carolina, and elsewhere at most threaten schools with embarrassment or reorganization as the sanction for low performance. The incentives for schools to improve when faced with embarrassment or reorganization may not be the same as the incentives produced by the prospect of vouchers.

We could try to look at recent research on school choice to learn more about whether the prospect of vouchers motivates schools to improve. Unfortunately, while there have been several high-quality studies on the effects of vouchers on the recipients of those vouchers, there has been relatively little research on whether school choice provides the proper incentives to improve academic achievement in an entire educational system.[7] Recent work by Caroline Minter-Hoxby and by the Manhattan Institute attempt to address whether vouchers would improve academic achievement in the education system as a whole by examining variation in the amount of choice and competition currently available in the United States.[8] Some states and metro areas have more school districts, more charter schools, and other types of choice than others. The findings of both studies suggest that areas with more choice and competition experience better academic outcomes than areas with less choice and competition. While these results support the contention that voucher systems would improve the quality of education for the entire educational system, they are not definitive because they involve argument by analogy. It is possible that competition and choice that currently exist contribute to academic achievement while expanding choice and competition would not have similar benefits. A more direct examination of the effects of expanding choice and competition would address the question more definitively.

The Design of the Current Study

The Florida A-Plus Program offers a unique opportunity to researchers to examine the effects of an accountability system as well as the effects of expanding choice and competition. Because the A-Plus Program involves a system of testing with sanctions for failure, we can examine whether such a program motivates schools to improve. And because the sanction that is applied is the prospect of offering choice to families and competition to public schools, we can examine whether the prospect of choice and competition are effective motivators.

To address these issues we will conduct two types of analyses. First, we will want to determine whether the test that is used to determine school grades in the A-Plus accountability system is a valid test of student performance. Given the concerns raised by the Klein study regarding the validity of the TAAS in Texas, we will examine the validity of the Florida Comprehensive Assessment Test (FCAT) using the same analytical technique used by Klein. That is, we will identify the correlation between FCAT results and the results of low stakes standardized tests administered around the same time in the same grade.[9]

During the spring of 2000, Florida schools administered both the FCAT and a version of the Stanford 9, which is a widely used and respected nationally normed standardized test. Performance on the FCAT determined a school's grade from the state and therefore determined whether students would receive vouchers. Performance on the Stanford 9 (or the FCAT Norm Referenced Test as the state refers to it) carried with it no similar consequences. It is therefore reasonable to assume that schools and students had little reason to manipulate or cheat on the Stanford 9. If the results of the Stanford 9 correlate with the results of the FCAT, then we should have confidence that the FCAT is a valid measure of academic achievement. If the two tests do not correlate, one possible explanation for the low correlation would be that the FCAT results were manipulated so that they were no longer valid measures of student performance. Confirming the validity of the FCAT is important for ruling out the concerns raised by Klein and others before proceeding with other analyses.

Second, we will examine whether the prospect of having to compete to retain students who are given vouchers inspires schools to improve their performance. We would expect that the schools that had already received one F grade from the state and whose students would become eligible for vouchers if they received a second F to make the greatest efforts to improve their academic achievement. That is, if the prospect of choice and competition motivates schools to improve, then the schools that are in the greatest danger of having their students receive vouchers should experience greater test-score improvement than schools for which that prospect is not so imminent.

To test this proposition we examine the average FCAT scale score improvements for schools broken out by the grade they received the year before. If the A-Plus Program is effective, schools that had previously received an F should experience greater gains on the FCAT than schools that had previously received higher grades.

In short, the design of this study is to verify the validity of the FCAT results and then to determine whether those schools that most imminently face the prospect of having to compete to retain their students who have been offered vouchers experience the greatest gains in their FCAT scores.

Data Examined

The FCAT results examined were from the spring of 1999 and spring of 2000. The Stanford 9 results were from the spring of 2000. The Stanford 9 was not administered statewide in 1999. All test results were obtained from the Florida Department of Education.[10] The FCAT was administered in 4th, 5th, 8th, and 10th grades, but not in all subjects. The Stanford 9 (or FCAT NRT, as it is described on the web site) was administered in 3rd through 10th grades, but the reading results from 10th grade were discarded because the state determined that there was a difficulty with their design. Because both kinds of tests were not available in all subjects in all grades, our analyses are confined to those grades and subjects for which results were available.

The Results of Correlating FCAT and Stanford 9 Results

It appears as if the FCAT results are valid measures of student achievement. Schools with the highest scores on the FCAT also have the highest scores on the Stanford 9 tests that were administered around the same time in the spring of 2000. It is also the case that schools with the lowest FCAT scores also tended to have the lowest Stanford 9 scores. We can know this because the school level results from both tests are highly correlated with each other.

If the correlation were 1.00, the results from the FCAT and Stanford 9 test would be identical. As can be seen in Table 1, the correlation coefficient is 0.86 between the 4th grade FCAT and Stanford 9 reading test results. In 8th grade the correlation between the high stakes FCAT and low stakes standardized reading test is 0.95.[11] This demonstrates an extremely high level of correlation between the tests.

TABLE 1.—VERIFYING THE VALIDITY OF THE FCAT RESULTS

Correlation between	Grade level			
	4	5	8	10
FCAT reading and Stanford 9 reading	0.86	na	0.95	na
FCAT math and Stanford 9 math	na	0.90	0.95	0.91
Number of schools	1,514	1,514	508	356

All correlations are statistically significant at $p < .01$.
na=not available.

The math results of the two tests are also highly correlated. In 5th grade the correlation coefficient is 0.90. In 8th grade the FCAT and Stanford 9 school level results are correlated at 0.95. In 10th grade the correlation between the results of the two math tests is 0.91.

It is not possible to verify the validity of the FCAT writing test with this technique because there was no Stanford 9 writing test administered.

In the second Rand Corporation study of TAAS in Texas, Stephen Klein and his colleagues never found a correlation of more that 0.21 between the school level results from TAAS and the school level results of a low stakes standardized tests. In this analysis we never found a correlation between FCAT and standardized tests below .86. All of these correlations in Florida are statistically significant, meaning that the strong relationship between the results of the two tests is very unlikely to have been produced by chance.

While we cannot check the validity of the FCAT writing results, these analyses strongly support the validity of the FCAT reading and math results. Schools in Florida perform on the high stakes FCAT similarly to how they perform on the low stakes Stanford 9. Since schools would have little incentive to manipulate the results of the low stakes test, the fact that they confirm the high stakes test results is important confirmation that the FCAT measures are cedible.

FCAT Improvements by State-Assigned Grade

Now that we have confirmed the validity of the FCAT results, is it the case that schools facing the imminent prospect of competing to retain their students experienced the greatest improvement in FCAT results to avoid that prospect? In fact, the incentives appear to operate as expected. Schools that had received F grades in 1999 and were in danger of having their students offered vouchers if they repeated their failure made the largest gains between their 1999 and 2000 FCAT results.

As can be seen in Table 2, the year-to-year changes in FCAT results for schools do not really differ among schools that received A, B, or C grades from the state. Schools that had received D grades and were close to the failing grade that could precipitate vouchers being offered to their students appear to have achieved somewhat greater improvements than those achieved by the schools with higher state grades. But schools that received F grades in 1999 experienced increases in tests scores that were more than twice as large as those experienced by schools with higher state-assigned grades.

TABLE 2.—COMPARING TEST SCORE GAINS BY SCHOOL GRADE

School grade given by State in 1999	Change in FCAT Scores from 1999 to 2000		
	Reading	Math	Writing
A	1.90 (202)	11.02 (202)	.36 (202)
B	4.85 (308)	9.30 (308)	.39 (308)
C	4.60 (1223)	11.81 (1223)	.45 (1223)
D	10.02 (583)	16.06 (583)	.52 (583)
F	17.59 (76)	25.66 (76)	.87 (76)

The change for F schools compared to schools with higher grades is statistically significant at $p < .01$.

Math and reading scales are from 100 to 500.

The writing scale is from 0 to 6.

Number of schools is in the parentheses.

On the FCAT reading test, which uses a scale with results between 100 and 500, schools that had received an A grade from the state in 1999 improved by an average of 1.90 points between 1999 and 2000. Schools that had received a B grade improved by 4.85 points. Those that had a C in 1999 increased by 4.60 points. But schools that had a D grade in 1999 improved by 10.02 points. And schools that had F grades in 1999 showed an average gain of 17.59 points. The lower the grade that the school received from the state, the greater the improvement it made the following year. This improvement was especially large for schools that had received a D or F grade the previous year.[12]

Examination of the FCAT math results shows a similar pattern. Schools that had received an A grade experienced an average 11.02 point gain on a scale that ranged between 100 and 500. Schools that had a B gained by 9.30 points. Schools that had received C grades in 1999 showed 11.81 point gains, on average, between 1999 and 2000. While D schools had improved by 16.06 points from 1999 to 2000 on the FCAT math exam, schools that had received an F grade in 2000 made gains of 25.66 points. Again, the year-to-year gains achieved by schools that had previously received a D or F grade were significantly larger than those experienced by higher grade schools. The improvements realized by schools that had previously received an F grade were especially large.[13]

The FCAT writing exam, which has scores that go from 0 to 6, also shows larger gains for schools that had received an F grade. Schools that had received an A grade in 1999 improved by .36 on the writing test. Schools with a B grade had an average gain of .39. For C schools the improvement from 1999 to 2000 was .45. And for schools that had received a D grade, the improvement was .52 points on the FCAT writing exam. However, schools that had received an F in 1999 demonstrated an average gain of .87 points, about double the improvements for the other schools.[14]

The larger improvements achieved by schools that had received an F and were in danger of having vouchers offered to their students are all statistically significant. That is, the gains observed in the F schools differed from those in the other schools by an amount that is very unlikely to have been produced by chance.

A Hard Test of the Voucher Effect

To what extent were the gains produced by failing schools the product of the prospect of vouchers and to what extent were those improvements the product of the pressures of low performance?[15] One technique for isolating the extent to which gains were motivated by the desire to avoid having students offered vouchers is to compare the improvements achieved by higher-scoring F schools to those realized by lower-scoring D schools. The idea behind this comparison is that high-scoring F schools and low-scoring D schools were probably very much alike in many respects.[16] Both groups of schools had low previous scores and faced pressures simply to avoid repeating a low performance. Schools in both groups were also likely to face similar challenges in trying to improve their scores. It is also likely that a fair number of schools near the failing threshold could easily have received a different grade by chance. That is, random error in the testing may have made the difference between receiving a D or F grade for at least some of these schools. To the extent that chance is the only factor distinguishing those schools just above the failing line and those schools just below the failing line we are approximating a random assignment experiment, like those used in medical research.

While the low-scoring D schools and the high-scoring F schools may be alike in many respects and some may only be distinguishable by chance, schools in each category faced very different futures if they failed to improve. The schools with the F grade faced the prospect of having vouchers offered to students at their school if they failed to improve significantly while D schools did not face a similar pressure. A comparison of the gains achieved by low-scoring D schools and high-scoring F schools should help us isolate the gains that are attributable to the prospect of vouchers unique to those with the failing label. This comparison is a hard test for the effect of vouchers in motivating schools to improve because we are not considering all of the failing schools who faced that pressure and we are comparing against D schools that might have experienced some pressure from the prospect of vouchers to the extent that they anticipated the consequences of their experiencing a decline in future performance.

As can be seen in Table 3, the gains realized by high-scoring F schools were greater than the gains realized by low-scoring D schools.[17] The improvement achieved by higher-scoring F schools on the reading test was 2.65 points greater than that achieved by higher-scoring F schools on the reading test was 2.65 points greater than that achieved by lower-scoring D schools, although this difference fell short of being statistically significant. On the math test the higher-scoring F schools made gains that were 6.09 point greater than those produced by lower-scoring D schools. The difference between the two groups of schools on the writing test was .16, keeping in mind that the scale for the writing test goes from 0 to 6 instead of from 100 to 500 as is the case for the reading and math exams. The differences between these groups on the math and writing tests were statistically significant at $p < .01$ meaning that we can have high confidence that these differences were not produced by chance.

These gains made by the higher-scoring F schools in excess of what were produced by the lower-scoring D schools are what we can reasonably estimate as the effect of the unique motivation that vouchers posed to those schools with the F designation. Given that the higher-scoring F schools were very much like the lower-scoring D schools, the fact that those schools that faced the prospect of vouchers made larger gains suggests that vouchers provide especially strong incentive to public schools to improve.

The excess gains that we can attribute to the prospect of vouchers can be reported in terms of standard deviations, as is conventional in education research. The improvement on the reading FCAT attributable to the prospect of vouchers was a modest 0.12 standard deviations and fell short of being statistically significant. The voucher effect on math scores was larger 0.30 standard deviations, which was statistically significant. And the prospect of vouchers improved school performance on the writing test by 0.41 standard deviations, an effect that is also statistically significant.

To put the size of these effects in perspective, education researchers generally consider effect sizes of 0.1 to 0.2 standard deviations to be small, effects of 0.3 to 0.4 standard deviations as moderate, and gains of 0.5 or more standard deviations are thought of as large. For comparison, the effect size of reducing class sizes from an average of 25 students to an average of 17 students according to the Tennessee Star study was .21 standard deviations.[18] The motivational benefits of the prospect of vouchers were larger than this class size reduction effect, at least on math and writing scores.

TABLE 3.—ISOLATING THE EFFECT OF THE PROSPECT OF VOUCHERS

	Gains in reading	Math	Writing
Lower-Scoring D Schools	12.87 (251)	18.15 (272)	0.59 (296)
Higher-Scoring F Schools	15.52 (42)	24.24 (41)	0.75 (35)
Voucher Effect	2.65	6.09	0.16
Voucher Effect Measured in Standard Deviations	0.12	0.30	0.41

Number of schools is in the parentheses.

The math and writing results are significant at $p. < .01$

Discussion

The most obvious explanation for these findings is that an accountability system with vouchers as the sanction for repeated failure really motivates schools to improve. That is the prospect of competition in education reveals competitive effects that are normally observed in the marketplace. Companies typically anticipate competitive threats and attempt to make appropriate responses to retain their customers before the competition fully materializes. Similarly, it appears as if Florida schools that foresee the imminent challenge of having to compete for their students take the necessary steps to retain their students and stave off that competition.

While the evidence presented in the report supports the claims of advocates of an accountability system and advocates of choice and competition in education, the results cannot be considered definitive. First, the A-Plus Program is still relatively new and its effects might change, for the better or worse, as the program matures. Second, only two schools in the state have actually had vouchers offered to their students because the schools had received two failing grades. It remains to be seen whether the number of schools where students are eligible for vouchers grows in future years. If the number does not grow, it is possible that the prospect of having vouchers offered to students will not seem so imminent to schools and they will not face the same incentives to improve.

Third, one could offer alternative explanations for the results reported in this study. For example, critics might suggest that the findings reported in this study might be produced by manipulation of FCAT results that may be localized among schools that faced the prospect of receiving a second failing grade. That is, perhaps the high correlation between FCAT and Stanford 9 results does not verify the validity of the FCAT among F schools who may face particularly strong incentives to cheat or manipulate results. If one breaks out the correlations between the FCAT and Stanford 9 results by state-assigned grade and grade level of the test, however, we find that the correlations generally remain high even if we only examine F schools. As can be seen in Table 4, the correlation on the reading score is never lower than 0.77 and never below 0.79 on the math scores for F schools. And the correlations for the F schools are comparable to the correlations for schools with higher state-assigned grades. Focusing on correlations between the FCAT and Stanford 9 results only among F schools tends to refute the claim that cheating or manipulation may be localized among failing schools.

TABLE 4.—VERIFYING THE VALIDITY OF THE FCAT RESULTS FOR EACH STATE-ASSIGNED GRADE

Correlation between	Grade Level			
	4	5	8	10
A SCHOOLS				
FCAT reading and Stanford 9 reading	0.71	na	0.89	na
FCAT math and Stanford 9 math	na	0.82	0.94	0.98
Number of Schools	121	121	68	8
B SCHOOLS				
FCAT reading and Stanford 9 reading	0.48	na	0.91	na
FCAT math and Stanford 9 math	na	0.74	0.94	0.89
Number of Schools	207	207	89	12

TABLE 4.—VERIFYING THE VALIDITY OF THE FCAT RESULTS FOR EACH STATE-ASSIGNED GRADE—Continued

Correlation between	Grade Level			
	4	5	8	10
C SCHOOLS				
FCAT reading and Stanford 9 reading	0.62	na	0.86	na
FCAT math and Stanford 9 math	na	0.79	0.89	0.87
Number of Schools	684	684	254	277
D SCHOOLS				
FCAT reading and Stanford 9 reading	0.74	na	0.87	na
FCAT math and Stanford 9 math	na	0.83	0.89	0.90
Number of Schools	436	436	92	55
F SCHOOLS				
FCAT reading and Stanford 9 reading	0.77	na	0.99	na
FCAT math and Stanford 9 math	na	0.79	0.98	0.99
Number of Schools	66	66	5	4

All correlations are statistically significant at $p<.01$.
na=not available.

As another alternative explanation critics might suggest that F schools experienced larger improvements in FCAT scores because of a phenomenon known as regression to the mean. There may be a statistical tendency of very high and very low-scoring schools to report future scores that return to being closer to the average for the whole population. This tendency is created by non-random error in the test scores, which can be especially problematic when scores are "bumping" against the top or bottom of the scale for measuring results. If a school has a score of 2 on a scale from 0 to 100, it is hard for students to do worse by chance but easier for them to do better by chance. Low-scoring schools that are near the bottom of the scale are very likely to improve, even if it is only a statistical fluke.

In the case of the FCAT results, however, regression to the mean is not a likely explanation for the exceptional improvement displayed by F schools because the scores for those schools were nowhere near the bottom of the scale for possible results. The average F school reading score was 254.70 in 1999, far above the lowest possible score of 100. The average math score for F schools was 272.51 on the 1999 FCAT, also far above the lowest possible score of 100. And on the FCAT writing exam the average F score received a 2.40 on a scale from 1 to 6, also not likely to cause a bounce against the bottom. Given how far the F schools are from the bottom of the scale, regression to the mean does not appear to be a likely explanation of the gains achieved by F schools.

Another way to test for regression to the mean is to isolate the gains achieved by the schools with the very lowest scores from the previous year. If the improvements made by F schools were concentrated among those F schools with the lowest previous scores, then we might worry that the improvements were more of an indication of regression to the mean (or bouncing against the bottom) than an indication of the desire to avoid having vouchers offered to the students in failing schools. We can test this proposition by constructing a simple regression model that predicts the improvement in FCAT scores for those F schools with previous test scores below average for F schools, for those F schools with previous test scores above average for F schools, and for all schools based on how low their previous scores were. The below average F schools are our proxy for a regression to the mean effect. If their gains are not significantly greater than higher-scoring F schools, then we can reasonably exclude regression to the mean as a likely explanation. All F schools should have experienced a similar motivation to improve to avoid vouchers. But if regression to the mean were operating, then the lowest-scoring F schools should have made significantly greater improvements because they would be more likely to be bouncing against the bottom of the scale.

As can be seen in Table 5, the gains achieved by low-scoring F schools are not greater than the gains achieved by higher-scoring F schools. For analyses of the reading, math, and writing results the higher-scoring F schools experienced gains comparable to those gains experienced by low-scoring F schools. This means that all F schools, whether they were "bounding" against the bottom of the scale or not, produced similar improvements. According to these models, schools that faced the prospect of vouchers by virtue of having received an F grade made improvements on their reading FCAT that were approximately 4 points higher than would be expected simply from how low their previous score was. The exceptional gain achieved by F schools on the math FCAT was approximately 8 points and the exceptional gain on the writing FCAT was approximately one-quarter of a point on a 6-point scale. All of these results are statistically significant. These results are also consistent with the voucher effect estimated using the analyses reported in Table 3.

It was a general pattern that schools with lower previous scores made larger improvements. This effect of simply having an accountability system in place to put pressure on lower-performing schools operated across all grades, inspiring low-scoring A, B, C, and D schools to improve. But F schools made gains that were even larger than would have been expected simply given how low their previous scores were. The exceptional incentive that existed for schools that had an F grade was the desire to avoid the prospect of vouchers. We might therefore attribute this improvement realized by F schools beyond what would be expected given their low previous score as their "voucher" gain. Because higher-scoring and lower-scoring F schools experienced comparable exceptional improvements, we can have some confidence that this is a voucher effect and not a regression to the mean effect. And all schools, across all grades, faced some motivation to improve lower scores simply by virtue of having an accountability system in place.

It therefore appears as if two forces were in effect to motivate schools to improve. Schools had some motivation to improve simply to avoid the embarrassment of low FCAT scores. This motivation operated across all state-assigned grades. But schools with F scores had a second and very strong incentive to improve to avoid vouchers.

While one cannot anticipate or rule out all plausible alternative explanations for the findings reported in this study, one should follow the general advice to expect horses when one hears hoof beats, not zebras. The most plausible interpretation of the evidence is that the Florida A-Plus system relies upon a valid system of testing and produces the desired incentives to failing schools to improve their performance.

TABLE 5.—REGRESSION ANALYSES OF THE EFFECT OF PRIOR SCORES AND FAILING STATUS ON FCAT SCORE IMPROVEMENTS

Variable	Reading		Math		Writing	
	Effect	P-Value	Effect	P-Value	Effect	P-Value
Lower Previous Score	0.19	0.00	0.15	0.00	0.14	0.00

TABLE 5.—REGRESSION ANALYSES OF THE EFFECT OF PRIOR SCORES AND FAILING STATUS ON FCAT SCORE IMPROVEMENTS—Continued

Variable	Reading		Math		Writing	
	Effect	P-Value	Effect	P-Value	Effect	P-Value
Higher-Scoring F Schools	3.92	0.02	7.93	0.00	0.23	0.00
Lower-Scoring F Schools	2.93	0.11	7.24	0.00	0.39	0.00
Constant	61.67	0.00	59.28	0.00	0.89	0.00
Adjusted R-Square	0.16		0.12		0.12	
Number of Schools	2,392		2,392		2,392	

The dependent variable is the change in FCAT scores from 1999 to 2000. P-values below .05 are generally considered statistically significant.

NOTES

1. "The Harmful Impact of the TAAS System of Testing in Texas: Beneath the Accountability Rhetoric," May 1, 2000. Available at http://www.law.harvard.edu/groups/civilrights/conferences/testing98/drafts/mcneil valenzuela.html. Accessed most recently on December 20, 2000.

2. "The myth of the Texas miracle in education," Education Policy Analysis Archives, 8(41), August 19, 2000. Available at http://epaa.asu.edu/epaa/v8n41. Accessed most recently on December 20, 2000.

3. "Improving Student Achievement: What NAEP State Test Scores Tell Us," by David W. Grissmer, Ann Flanagan, Jennifer Kawata, and Stephanie Williamson, The Rand Corporation, June 25, 2000. Available at http://www.rand.org/publications/MR/MR924/. Accessed most recently on December 20, 2000.

4. Although low stakes also introduce the danger that students or schools will not devote sufficient effort to demonstrating their true level of performance.

5. For a critique of the Klein and Grissmer reports see Eric Hanushek, "Deconstructing RAND," Education Matters, Spring 2001. The article is available on-line at www.edmatters.org.

6. "The Texas School Miracle is for Real," by Jay P. Greene, City Journal, Summer 2000. Available at http://www.city-journal.org/html/10 3 the texas school.html. Accessed most recently on December 20, 2002.

7. For a summary of recent research see "A Survey of Results from Voucher Experiments: Where We Are and What We Know," by Jay P. Greene, Civic Report 11, The Manhattan Institute for Policy Research, July 2000. Available at http://www.manhattan-institute.org/html/cr 11.htm. Accessed most recently on December 20, 2000.

After that summary was written two important voucher studies were released. One is "Test-Score Effects of School Vouchers in Dayton, Ohio, New York City, and Washington D.C.: Evidence from Randomized Field Trials," by William G. Howell, Patrick J. Wolf, Paul E. Peterson and David E. Campbell, August 2000. Available at: http://www.ksg.harvard.edu/pepg/. The other is "The Effect of School Choice: An Evaluation of the Charlotte Children's Scholarship Fund," by Jay P. Greene, Civic Report 12, The Manhattan Institute for Policy Research, August, 2000. Available at http://www.manhattan-institute.org/html/cr 12a.htm.

8. See "Does Competition Among Public Schools Benefit Students and Taxpayers?" by Caroline Minter-Hoxby, The American Economic Review, December 2000; and "The Education Freedom Index" by Jay P. Greene, Civic Report 14, The Manhattan Institute for Policy Research, September 2000.

9. This technique addresses what is technically known as the concurrent validity of the FCAT. It does not address whether the letter grades assigned by the state are based on appropriate cutoff points in the test results. That is, this report does not address whether schools given an A in Florida truly deserve an A or whether D schools should really receive an F. To use a metaphor familiar to most students, this report only examines the validity of the test, not the validity of the curve used to assign grades.

10. The Florida Department of Education also has FCAT scores on its web site at http://www.firn.edu/doe/cgi-bin/doehome/menu.pl. However the web site only has scores for standard curriculum students in 1999 and all students in 2000. This study used scores for standard curriculum students in both years. Earlier analyses on these results from the web site do not produce results that are substantively different from those reported here. This suggests that the inlcusion or exclusion of test scores from special needs students have little bearing on the conclusions of this evaluation.

11. The correlation between results of test averages for a school will be higher than correlations between the results of individual student test scores. Nevertheless, these school-level correlations are quite high.

12. The within sample standard deviation for the FCAT reading scores is 21.94, making the gain achieved by the F schools equivalent of .80 standard deviations.

13. The within sample standard deviation for the FCAT math scores is 20.59, making the gain achieved by the F schools the equivalent of 1.25 standard deviations.

14. The within sample standard deviation for the FCAT writing scores is .39, making the gain achieved by the F schools the equivalent of 2.23 standard deviations.

15. For a case study that documents the extent to which improvements at failing schools can be attributed to the prospect of vouchers, see Carol Innerst, "Competing to Win: How Florida's A-Plan Has Triggered Public School Reform," Urban League of Greater Miami, Inc., The Collins Center for Public Policy, Floridians for School Choice, The James Madison Institute, and the Center for Education Reform, April, 2000.

16. In fact, the high-scoring F schools had slightly higher average test scores from the previous year than did the low-scoring D schools. This is possible because the state-assigned grade is determined by the percentage of students above certain thresholds on the test score, not by the average test score for the school.

17. High-scoring F schools are those with previous scores that were above average for F schools. Low-scoring D schools are those with previous scores below average for their grade.

18. Finn, J.D., and C.M. Achilles (1999), "Tennessee's Class Size Study: Findings, Implications, and Misconceptions," Education Evaluation and Policy Analysis, 21(2): 97–109.

Mr. LEVIN. Mr. Speaker, I rise in support of H.R. 1 as reported by the Committee on Education and the Workforce. This bipartisan legislation strengthens education in this country.

As good as the bill before us is, it won't mean much if Congress does not provide the funding at the levels promised in H.R. 1. All of us need to understand what we're doing here. We are pledging a significant increase in federal resources to elementary and secondary education in this country. In exchange, local school districts will increase the emphasis on educational standards and academic results. Under this bill, school districts will be held accountable for doing so.

There is an old saying that you can't have your cake and eat it too. I am concerned that this is precisely what a majority of this House has in mind when they promise increased federal funding for education today, only to vote to lock in an oversized tax cut later this week. This is a risky gamble. The increased aid for education we're voting for today, as well as the $1.35 trillion tax cut we will vote on later, are both predicated on future budget surplus projections that are anything but certain. The Congressional Budget Office has cautioned us that these surplus estimates are not written in stone. If we lock in an oversized tax cut, and the budget surplus evaporates down the line, there will not be enough money left to meet the promises we are making today to fund education.

Even if the surplus numbers turn out to be correct, the size of the tax cut would still threaten education funding since all of us know that the defense budget is still tentative pending completion of the Administration's strategic review. It's a near certainty that defense spending will rise by hundreds of billions of dollars beyond what is currently budgeted. The tax cut makes no allowance for this. We will have had our cake, but left our schools with crumbs and yet another unfunded federal mandate. This is the last thing we should do to our children.

Again, I urge all my colleagues to support education today by voting for H.R. 1. Just as importantly, I urge you to support education later this week when you are casting your vote on the tax cut.

Ms. KILPATRICK. Mr. Speaker, it was with great reservation that I will vote yea on final passage of H.R. 1, the Elementary and Secondary Education Act. The children of this country deserve the best education that is available, regardless of whether they attend a public or private school. I believe that there are parts of this bill that will serve these children and others that could see some improvement.

I am very pleased that this bill will double the authorization level for Title I over the next five years to $17.2 billion. This increase in funding will assist our schools in closing the achievement gap for disadvantaged students, something which is of vital importance to the children living in cities such as Detroit. This increase will be targeted to improve low performing schools through the investment of additional help and resources. I am also encouraged by the fact that this bill will permit parents of children in low performing schools to use Title I funds to provide supplemental educational services such as tutoring, after-school programs and summer school.

My reservations in voting for the passage of this bill stem from the fact that this bill does not include funds for new school construction. There are too many schools in this country that are falling into disrepair. Our children are crammed into overcrowded classrooms, and this bill does nothing to help resolve this problem.

I am also very concerned about the provision in this bill that requires annual math and reading testing of students in grades three through eight. I agree that testing is one way to assess the abilities of a student; however, I fear that these tests will be used to undermine schools in the inner city. Low test scores may very well lead to the closing of schools, when instead we should be providing these students with additional resources. Every child should be provided with the resources that will help them to excel academically. We must provide these children and their teachers with additional assistance and opportunities. I hope that these test results will serve to show us what schools and specific students need our assistance, and will not serve only as a reason to close down much needed schools.

In closing, I reiterate my support for the increase in Title I funding. The students in my district will directly benefit from these funds. I thank my colleagues for their support of this bill, and hope that in the future we will recognize the importance of funding new school construction as well.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of H.R. 1 and the technical changes to the Impact Aid program. Impact Aid compensates local educational agencies for the substantial and continuing financial burden resulting from federal activities.

Impact Aid is one of the only federal education programs where the funds are sent directly to the school district, so there is almost no bureaucracy. In addition, these funds go into the general fund, and may be used as the local school district decides. As a result, the funds are used for the education of all students.

Last year, the Defense Authorization Conference Report included the Department of Education Impact Aid Reauthorization Act of 2001 which contained a small school provision that addressed some of the concerns that small school districts have had with regard to funding levels. It was the intent of the provision to recognize two public school finance facts: (1) that small schools are significantly more expensive to operate; and (2) that the changes in the proration of available funds in the 1994 Impact Aid Reauthorization devastated small schools. The small school provision provided a funding floor for small school districts with fewer than 1,000 children who have a per pupil average lower than the state average. It also guaranteed these schools receive a foundation payment of no less than 40% of what they would receive if the program were fully funded.

However, there was an oversight on the part of the framers of the current law. The option to select the higher of the state or national average was not recommended for the current law. For this reason, I support the minor modification to the small school provision. The concept of a school district having the choice between the "higher of the state average or the national average" is already used in the payment calculation for the basic impact aid support payment and the heavily impacted district payment. Therefore, this technical correction is consistent with already existing Impact Aid laws.

By increasing its support of the Impact Aid program, the federal government can assist these schools in providing a quality education to thousands of children across the country. Therefore, I urge my colleagues to join me in supporting this bill. Millions of students depend on the Impact Aid program for a quality education. Let's not disappoint them.

Mr. BENTSEN. Mr. Speaker, I rise in support of this legislation, which provides for reauthorization of the Elementary and Secondary Education Act. While I support the underlying bill, I opposed the rule, which prevented consideration of key amendments—including School Modernization and Class Size Reduction. In addition, the rule authorized consideration of several flawed proposals, including the Armey/Boehner/DeLay school voucher amendment, the DeMint Straight A's amendment, and the Cox amendment to drastically reduce the bill's authorization levels.

This bipartisan bill represents a compromise negotiated between Congressional Democrats, Congressional Republicans, and the Bush Administration, and contains important bipartisan provisions to improve the accountability of schools and school districts. As an original cosponsor of the "3R's" legislation, I believe this compromise legislation is rightly focused on developing and implementing high standards in the core academic subject areas, while also holding schools accountable for academic achievement. This legislation also provides substantial new resources, totaling $4 billion in additional funds for elementary and secondary education in exchange for higher standards and tough accountability rules. To ensure higher academic achievement, H.R. 1 requires students in grades three through eight to be tested annually in math and reading. While testing is not a panacea and can be counterproductive in some instances, I believe we must ensure that parents, teachers and school administrators have a reliable gauge of student development. Testing must, however, be matched with sufficient resources to ensure children who do not score well can get the assistance they need to learn. This bill moves in that direction. If a school does not make adequate progress after one year, it would have to allow students to transfer to other public schools and the school would have to pay the students' transportation costs. I believe that each of these initiatives are vital to improve public schools and student achievement, and critical components to effective school reform.

While H.R. 1 takes a positive step towards helping students achieve academically, I believe we must also reject any amendments to divert public funds to private schools and provide block grant funding to the states. I strongly oppose any attempts to divert federal funds away from public schools and to private or parochial educational institutions. Vouchers would undermine the accountability for student achievement that is a strong component of H.R. 1. Furthermore, there is no evidence that vouchers will improve achievement for disadvantaged students. Vouchers do not increase parental choice, since the choice for admission would rest with private schools. Most importantly, I believe federal funding must be invested in proven public schools that help all students.

I am also opposed to any attempt to add Straight A's provisions to this bill, which regardless of its name, would undermine the federal role in education and would institute bad public policy. Essentially, the Straight A's proposal would block grant federal programs and erode meaningful involvement of parents and other school officials. The Straight A's provisions would take away any real accountability for how federal money is spent and severely weaken local control over the use of federal education dollars. The Straight A's proposal would allow states to block grant and use for other purposes federal funds that are now dedicated to specific national concerns, such as improving education for disadvantaged children, enhancing teacher quality, reducing class sizes and promoting high standards. Block granting federal funds will direct resources away from low income students with the greatest needs, and undermine accountability in education. I urge my colleagues to reject the Straight A's amendments offered today.

I also oppose passage of the Cox amendment, which would cut $2.3 billion from Fiscal Year 2002 authorized funding levels and prevent any real increases above inflation in future years. Mr. Speaker, if we are to consider a reduction in spending levels, we should do so through the appropriations process, not through consideration of this bill. Instead, we should support the bipartisan authorization levels provided in H.R. 1, which includes $5.4 billion for critical investments in ESEA programs. Without adequate resources, schools will be unable to provide real results and our Nation's children will suffer as a result.

Mr. Speaker, with passage of the underlying bill, we can strengthen our commitment to improving education through support for successful and cost-effective education programs. H.R. 1 strikes an appropriate balance in improving public schools and student achievement. I urge my colleagues to support H.R. 1 as offered today, and reject the Straight A's and school voucher amendments.

Mr. REYES. Mr. Speaker, I rise today in strong opposition to any amendment that would allow block granting of federal education programs, including Title I. There are various problems associated with some of the amendments that my colleagues are offering to H.R. 1, legislation that would reauthorize the Elementary and Secondary Education Act (ESEA). As you know, Title I of the ESEA provides targeted federal resources to help ensure that disadvantaged students have access to a quality education. The block granting of programs under Title I and other titles of the bill dilutes targeting for special needs populations. This would result in significant funding shifts among localities and would weaken accountability of federal funds.

For example, in Title III of H.R. 1, the current Bilingual Education Act (BEA), Emergency Immigrant Education Program (EIEP), and the Foreign Language Assistance Program (FLAP) are consolidated into one formula driven state grant. I oppose consolidation of these three programs because it would dilute federal resources to serve three distinct and separate student populations. Given the rising number of limited English proficient (LEP) students and the diverse needs of recent immigrant students, local schools need a targeted amount of federal resources to provide adequate services to each group.

BEA provides startup funds for schools to develop quality services for LEP students, whereas EIEP reimburses schools for the extra costs associated with helping newly arrived immigrant students succeed in school—services that go far beyond language classes. Finally, the third program to be consolidated under Title III is FLAP, which helps native English speaking students learn a foreign language. Consolidation ignores the distinctiveness of each of these programs and dilutes the funds available to students in need.

Mr. Speaker, while I applaud the bipartisan support for this legislation, I ask my colleagues to oppose any amendments that would consolidate federal funds into state block grants.

Mr. CRANE. Mr. Speaker, I want to praise President Bush for putting forth an education plan that offered children in failing schools a chance to get a better education. It is too bad that Democrats and supporters of the failing status quo were allowed to gut the legislation, H.R. 1, at the Committee level to remove any chance for failing schools to successfully improve their performance or to let parents have the option to move their children to better schools.

I believe that control of education should be retained at the local level. Last year, Illinois high school students led the nation in Advanced Placement scores. With a few exceptions we have good schools in the 8th District and I don't want to force local parents, school boards, and teachers into a one-size fits all approach that might work in New York City or Atlanta but not in Barrington or Wauconda.

One of the reasons I support tax relief, including eliminating the marriage tax penalty and doubling the child tax credit, is because it lets 70,000 married couples and families with 125,000 children in the 8th District of Illinois keep $162 million per year in their pockets. That is $162 million per year that families could spend in our district on education if they chose to do so.

When we send a dollar to the federal government from Illinois, we only get 73 cents back. In my district, we send more than $2 to Washington and only get a dollar back. With a return like this, it is easy to see why I support letting taxpayers keep more of their hard earned money and having parents decide locally how their money should be spent on education.

I believe the best way to improve education is to return dollars and decisions back home to the parents and teachers who know our children's names and their educational needs. That is why I am a cosponsor of The Dollars to the Classroom Act, a bill that directs federal elementary and secondary education funding for 31 programs directly to public school classrooms of this country.

Federal education funding is at an all-time high, and H.R. 1 increases it by a huge amount, yet student achievement continues to lag. Most Republicans in Congress want to give local schools more freedom to use new models to solve old problems while maintaining high accountability standards. H.R. 1 in its current form does not come close to accomplishing this worthy goal.

Former President Ronald Reagan, in a March 12, 1983 radio address to the nation on education, said, "Better education doesn't mean a bigger Department of Education. In fact, that Department should be abolished. Instead, we must do a better job teaching the basics, insisting on discipline and results, encouraging competition and, above all, remembering that education does not begin with Washington officials or even State and local officials. It begins in the home, where it is the right and responsibility of every American."

The legislation now before the House heads in the other direction. it continues increasing the amount of taxpayer money sent to the bureaucrats at the Department of Education while, as President Reagan said in his radio address, "our traditions of opportunity and excellence in education have been under siege. We've witnessed the growth of a huge education bureaucracy. Parents have often been reduced to the role of outsiders."

One concept that has strong support from parents is President Bush's proposal to improve public education by testing children in reading and math in grades three through eight once each year. Under President Bush's proposal, schools would be held accountable for either improving scores within three years or losing their federal money, which accounts for seven cents of every education dollar. The rest comes from states and localities.

I voted against the amendment co-sponsored by Congressmen PETER HOEKSTRA and BARNEY FRANK to remove President Bush's test requirement from the bill. The tough new testing regimen designed to identify failing public schools—an idea at the heart of President Bush's education plan—survived when the amendment failed. But the rest of the President's plan to give local schools more control to make the changes necessary to improve and to give parents the option to move their children to a better school were stripped out of the bill.

For the reasons I have outlined, I decided to vote against H.R. 1. I want to praise President Bush for his leadership in proposing creative solutions to improving the education of our children. I encourage him to continue to move the federal government out of the way and to give schools more flexibility and parents more choices for their children.

Mr. STARK. Mr. Speaker, I rise today in support of H.R. 1, the No Child Left Behind Act of 2001.

I want to commend Representative GEORGE MILLER and the Committee on Education and the Workforce for reporting out a bill that will help to improve this Nation's elementary and secondary education system by making students a priority, by providing school accountability and by giving financial support to our schools to train and recruit quality teachers.

H.R. 1 provides a clear signal that this Congress has prioritized children's education. It provides $5.5 billion of valuable new resources in Fiscal Year 2002 over the previous year for elementary and secondary education. More specifically, it builds upon the Federal commitment to ensure that children from disadvantaged families get an opportunity to receive a quality education by doubling the funding for the Education for the Disadvantaged Program over the next 5 years.

The bill also maintains the Federal commitment to expand quality after school programs by increasing funding for the 21st Century Learning Center After School program. Furthermore, it provides additional funding to help our children learn in safe school environments by authorizing more funding for the Safe and Free Drug Schools.

H.R. 1 helps to create a strong school accountability system by providing new funds to states to develop statewide educational standards and standardized student tests. These standards and tests will give parents information so that they can measure the quality of education that the school system is providing for their children. Parents are also empowered to monitor the quality of their children's education through this bill's requirement that states, local school agencies and schools must issue report cards to parents on aspects of school performance and teacher's qualifications.

This legislation signals to teachers that the federal government supports their efforts to educate our children by providing almost $2 billion in new resources for teacher training, recruitment and school class size reduction next year.

I also support this bill for the provisions that are left out. I am pleased that this Congress made the wise decision to reject private school vouchers. At the moment, public schools are underfunded. Diverting resources to a few students so that they can go to private schools does not resolve the issue of creating an excellent educational system for all students. At best, the capacity of private schools can only accommodate a small proportion of students' educational needs at the expense of fewer resources for all students.

Although this bipartisan bill is encouraging, I am concerned that the legislation that Congress passes today will not get the necessary appropriated funds for schools to implement it. A few weeks ago, the Majority passed a Budget Resolution that only increased education by $0.9 billion for next year. This amount is far short of the $5.5 billion of additional resources authorized for this legislation next year. I hope that my colleagues in the Majority who vote for this bill put their money where their mouths are by appropriating the necessary funds to implement this bill. Otherwise, this bill will become another hollow promise.

I urge my colleagues to support H.R. 1 and help to create an education system that puts students first, creates strong school accountability and provides valuable financial support to improve teacher quality.

Mr. MOORE. Mr. Speaker, I rise today to express both my support and concern for provisions of H.R. 1, the Leave No Child Behind Act.

Since taking office, President Bush has made education reform legislation a centerpiece of his administration's domestic policy. I sincerely believe that the President has the very best of intentions to address real problems in our nation's schools.

The legislation before us today represents a great departure from current federal education policy—a policy that contains more than 50 duplicative programs and funding streams and burdens our administrators with paperwork. H.R. 1 provides unprecedented flexibility to local school districts, while retaining the overall purpose behind federal funding by targeting it to the students and districts that need them the most. It reduces the paperwork burden currently imposed by federal programs so that school administrators have time to do what they were hired to do—educate our kids.

I am extremely concerned, however, with the provision of the bill mandating yearly testing in grades 3 through 8. Administrators, parents and teachers in my district have expressed concern to me regarding the testing provisions of H.R. 1. They point out that Kansas currently tests students in order to determine progress and close the achievement gap. I understand that the President believes that yearly testing is absolutely essential to tracking student performance and promoting accountability. I share his belief that we should closely track the progress of students, but I am very concerned that this bill does not include adequate funding for school districts to implement the tests yearly. I understand that administering these tests could cost the state of Kansas nearly $10 million per year, a sum that is not adequately provided for in this bill or in the President's budget.

Recently, the Kansas State Legislature completed its business for the year, having faced a revenue shortfall of over $200 million, directly resulting in a lack of adequate funding for Kansas schools. Even Governor Graves, reflecting on large tax cuts of previous years, recommended a tax increase to meet the revenue shortfall for education funding. Unfortunately, the Governor's proposal failed and the State Legislature has still not adequately funded education in Kansas.

Like the Individuals with Disabilities Education Act, I am extremely concerned that this bill, although well-meaning, will shift an additional unfunded financial burden to local school districts that are already struggling. We in Congress need to accept that real education reform will require a substantial investment on the federal level, and not a cost-shifting strategy that leaves local school districts holding the bag.

A serious dialogue needs to begin, between Congress, the public, and those concerned with the quality of education about the value and efficacy of testing, the frequency of testing and the need for local authority for testing. We in Congress should listen to the concerns of teachers, administrators and parents about "over-testing" and incentives to "teach to the test." These concerns are often easily dismissed, but I believe that they are valid and have not been adequately addressed by those who support yearly testing.

The White House has made it clear that without the testing component, this bill would not be signed into law. Knowing this, I voted against the Hoekstra/Frank amendment to strip the testing provisions from the bill, despite grave reservations about the testing component. I am supporting this bill because I believe that it is fundamentally sound and bipartisan. It greatly improves current law by providing increased flexibility to local school districts while maintaining the federal focus on disadvantaged students. I support, and wish to encourage, the efforts of the President and the Democratic and Republican leaders who have worked together on this legislation. Drafting legislation is a very difficult process, and I doubt that all parties involved will ever be completely satisfied with the final product. The bill is not perfect, but it is extremely good, and I think it would be a mistake to sacrifice the careful balance of the underlying bill and go back to the drawing board.

I believe that this bill can be further improved, before it arrives on the President's desk, by addressing the valid concerns that I have mentioned. I will continue to work with my colleagues on the conference committee to ensure that the concerns of my school administrators, teachers and parents are addressed.

Mr. LANGEVIN. Mr. Speaker, I rise to commend my colleagues on the Education and the Workforce Committee for crafting a bill that contains landmark investments in education and prioritizes disadvantaged children and low-performing schools.

In total, H.R. 1 authorizes $22.8 billion, about $5 billion more than was appropriated in fiscal year 2001. This bill creates new accountability systems that hold our schools responsible for delivering the first-rate education that our children deserve. It tackles the problem of illiteracy by creating two new reading programs and authorizing them at three times the level of past programs. H.R. 1 gives children more personal attention and improves teacher quality by almost doubling funding for class size reduction and professional development for teachers. It authorizes $11.5 billion for Title I in 2002 with increases over five years that amount to almost twice the 2001 level. Finally, H.R. 1 rejects both vouchers, which would drain resources from public schools. and 'Straight As,' which would politicize education and deny critical funding to the students who need the money most.

In sum, H.R. 1 is a remarkable measure. My only fear is that the budget we were forced to vote on last week so binds our hands that we will not be able to keep our promises. By enacting a $1.35 trillion tax cut and a four percent cap on discretionary spending increases, we have virtually guaranteed that we will not adequately fund all the programs we are about to authorize. Mr. Speaker, reforms without resources will not produce results.

I ask my colleagues to vote in favor of H.R. 1. However, we must all remember that our job is not over until we meet these obligations during the appropriations process.

Mr. GRAHAM. Mr. Speaker, today the House of Representatives passed H.R. 1, the No Child Left Behind Act. After having voted against this legislation in the Education and Workforce Committee, today I supported President Bush, Chairman BOEHNER, and Ranking Member MILLER and voted in favor of this legislation.

I remain concerned that H.R. 1 does not grant local school districts, teachers and parents the degree of flexibility originally contained within President Bush's education plan. Yet, I also feel this legislation was honestly debated and voted upon on the House floor. I am hopeful that through the continuing work of Congress and the Conference Committee on H.R. 1, that certain aspects of the President's original plan will be reinforced or reinserted.

I look forward to working with the President and Members of Congress to further improve this legislation.

Mr. BLUMENAUER. Mr. Speaker, today, I will vote against two amendments to H.R. 1, the Leave No Child Behind Act. In a bill that is heralded for promoting greater local decision making authority, both of these amendments are efforts to impose federal mandates and place strings on schools districts eligible for precious federal dollars.

Mr. Vitter's amendment to mandate that public schools receiving ESEA dollars allow military recruiting is currently playing out at the local level in my district. Last night, the Portland School Board voted to continue a ban on military recruiters on schools grounds. Military service is a rewarding career and vital to our national interests. The information recruiters provide can be very helpful to many students. But, it's local school districts and their locally elected school boards, not politicians 3000 miles away, that should decide whether or not the military should be allowed to recruit on school grounds.

Similarly, the Hilleary Amendment seeks to overturn school district decisions to deny access to organizations that discriminate by mandating that schools which receive Federal funding allow Boy Scouts to meet on their premises. Personally, I agree with the decisions of local school districts to ban organizations that engage in discriminatory practices from school grounds, but, more importantly, I will vote against this amendment because these types of decisions should be made by local government entities, not the Federal Government.

Mr. Speaker, today I will, however, vote in favor of H.R. 1, the Leave No Child Behind Act. Since coming to Congress my goal has been to ensure that the Federal Government is a better partner in building more livable communities. Access to quality public education is a key component of a community that is safe, healthy and economically secure.

While not perfect, H.R. 1, as passed out of the House Education Committee, represents a bipartisan agreement that will move us in the right direction to providing more support and investment for public education. While I support the overall framework that the bill provides, there are several amendments that I do not support.

I am deeply concerned with amendments to block grant federal education funds or to provide taxpayer dollars for private schools through a voucher system. Both proposals threaten precious Federal funding for public schools, most harshly impacting the schools that are the most vulnerable. We can reform and improve our public education system without diverting funds from our already financially strapped public schools.

Although this bill is an important step forward, there is still unfinished business to address if we are sincere about proving education in this country. One of the most glaring omissions is the lack of funding for school construction. In my state of Oregon, 96 percent of schools need to be upgraded or repaired. In the Northwest alone, 25,000 schools need major repairs or outright replacement. Schools can serve a vital function in the community, both as places for our children to learn and grow and as a center for community activity, but only if our schools are safe places for students and adults to learn on modern technology and equipment. Investment in renovation of existing schools can significantly enhance community livability.

H.R. 1 also provides no additional funding for Individuals with Disabilities in Education Act (IDEA). In the 94th Congress, we mandated special education access for children with severe learning disabilities. Along with that mandate came a promise that the federal government would pay 40 percent of the cost, this was the right thing to do given the increased costs that are often required to teach children with special needs. Unfortunately, the Federal Government has yet to fulfill its commitment to IDEA. We have missed yet another opportunity today to provide full funding for this critical program.

Education, like livable communities, is for all of us—not just a select few. The Federal Government should lead by example in offering the best possible public education to our nation's children. H.R. 1 is a good start, but we have a long way to go.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, pursuant to House Resolution 143, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OWENS

Mr. OWENS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OWENS. At this point I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OWENS moves to recommit the bill H.R. 1 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendment:

Page 926, after line 12, insert the following (and redesignate provisions and conform the table of contents accordingly):

TITLE IX—SCHOOL IMPROVEMENT PROGRAMS

SEC. 901. SCHOOL IMPROVEMENT PROGRAMS.

The Elementary and Secondary Education Act of 1965, as amended by this Act, is further amended by adding at the end the following:

“TITLE IX—SCHOOL IMPROVEMENT PROGRAMS

“PART A—SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION; ASSISTANCE FOR CHILDREN WITH DISABILITIES; TECHNOLOGY ACTIVITIES

“SEC. 9101. GRANT PROGRAM.

“(a) GRANTS TO NATIVE AMERICAN SCHOOLS AND STATE EDUCATIONAL AGENCIES.—

“(1) ALLOCATION OF FUNDS.—Of the amount made available to carry out this section for any fiscal year, the Secretary shall allocate—

“(A) $75,000,000 for grants to impacted local educational agencies (as defined in paragraph (3)) for school repair, renovation, and construction;

“(B) $3,250,000 for grants to outlying areas for school repair and renovation in high-need schools and communities, allocated on such basis, and subject to such terms and conditions, as the Secretary determines appropriate;

“(C) $25,000,000 for grants to public entities, private nonprofit entities, and consortia of such entities, for use in accordance with part B; and

“(D) the remainder to State educational agencies in proportion to the amount each State received under part A of title I for the previous fiscal year, except that no State shall receive less than 0.5 percent of the amount allocated under this subparagraph.

“(2) DETERMINATION OF GRANT AMOUNT.—

“(A) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the grant amounts under paragraph (1)(A) for any fiscal year, the Secretary shall determine the results obtained by the computation made under section 6003 with respect to children described in subsection (a)(1)(C) of such section and computed under subsection (a)(2)(B) of such section for such year—

“(i) for each impacted local educational agency that receives funds under this section; and

“(ii) for all such agencies together.

“(B) COMPUTATION OF PAYMENT.—The Secretary shall calculate the amount of a grant to an impacted local educational agency by—

“(i) dividing the amount described in paragraph (1)(A) by the results of the computation described in subparagraph (A)(ii); and

“(ii) multiplying the number derived under clause (i) by the results of the computation described in subparagraph (A)(i) for such agency.

“(3) DEFINITION.—For purposes of this section, the term ‘impacted local educational agency’ means, for any fiscal year—

“(A) a local educational agency that receives a basic support payment under section 6003(b) for such fiscal year; and

“(B) with respect to which the number of children determined under section 6003(a)(1)(C) for the preceding school year constitutes at least 50 percent of the total student enrollment in the schools of the agency during such school year.

“(b) WITHIN-STATE ALLOCATIONS.—

“(1) ADMINISTRATIVE COSTS.—

“(A) STATE EDUCATIONAL AGENCY ADMINISTRATION.—Except as provided in subparagraph (B), each State educational agency may reserve not more than 1 percent of its allocation under subsection (a)(1)(D) for the purpose of administering the distribution of grants under this subsection.

“(B) STATE ENTITY ADMINISTRATION.—If the State educational agency transfers funds to a State entity described in paragraph (2)(A), the agency shall transfer to such entity 0.75 of the amount reserved under this paragraph for the purpose of administering the distribution of grants under this subsection.

“(2) RESERVATION FOR COMPETITIVE SCHOOL REPAIR AND RENOVATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D), the State educational agency shall distribute 75 percent of such funds to local educational agencies or, if such State educational agency is not responsible for the financing of education facilities, the agency shall transfer such funds to the State entity responsible for the financing of education facilities (referred to in this section as the ‘State entity’) for distribution by such entity to local educational agencies in accordance with this paragraph, to be used, consistent with subsection (c), for school repair and renovation.

“(B) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(i) IN GENERAL.—The State educational agency or State entity shall carry out a program of competitive grants to local educational agencies for the purpose described in subparagraph (A). Of the total amount available for distribution to such agencies under this paragraph, the State educational agency or State entity, shall, in carrying out the competition—

“(I) award to high poverty local educational agencies described in clause (ii), in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such local educational agencies received under part A of title I for the previous fiscal year bears to the aggregate amount received for such fiscal year under such part by all local educational agencies in the State;

“(II) award to rural local educational agencies in the State, in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such rural local educational agencies received under part A of title I for the previous fiscal year bears to the aggregate amount received for such fiscal year under such part by all local educational agencies in the State; and

“(III) award the remaining funds to local educational agencies not receiving an award under subclause (I) or (II), including high poverty and rural local educational agencies that did not receive such an award.

“(ii) HIGH POVERTY LOCAL EDUCATIONAL AGENCIES.—A local educational agency is described in this clause if—

“(I) the percentage described in subparagraph (C)(i) with respect to the agency is 30 percent or greater; or

“(II) the number of children described in such subparagraph with respect to the agency is at least 10,000.

“(C) CRITERIA FOR AWARDING GRANTS.—In awarding competitive grants under this paragraph, a State educational agency or State entity shall take into account the following criteria:

"(i) The percentage of poor children 5 to 17 years of age, inclusive, in a local educational agency.

"(ii) The need of a local educational agency for school repair and renovation, as demonstrated by the condition of its public school facilities.

"(iii) The fiscal capacity of a local educational agency to meet its needs for repair and renovation of public school facilities without assistance under this section, including its ability to raise funds through the use of local bonding capacity and otherwise.

"(iv) In the case of a local educational agency that proposes to fund a repair or renovation project for a charter school or schools, the extent to which the school or schools have access to funding for the project through the financing methods available to other public schools or local educational agencies in the State.

"(v) The likelihood that the local educational agency will maintain, in good condition, any facility whose repair or renovation is assisted under this section.

"(D) POSSIBLE MATCHING REQUIREMENT.—

"(i) IN GENERAL.—A State educational agency or State entity may require local educational agencies to match funds awarded under this subsection.

"(ii) MATCH AMOUNT.—The amount of a match described in clause (i) may be established by using a sliding scale that takes into account the relative poverty of the population served by the local educational agency.

"(3) RESERVATION FOR COMPETITIVE IDEA OR TECHNOLOGY GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D), the State educational agency shall distribute 25 percent of such funds to local educational agencies through competitive grant processes, to be used for the following:

"(i) To carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(ii) For technology activities that are carried out in connection with school repair and renovation, including—

"(I) wiring;

"(II) acquiring hardware and software;

"(III) acquiring connectivity linkages and resources; and

"(IV) acquiring microwave, fiber optics, cable, and satellite transmission equipment.

"(B) CRITERIA FOR AWARDING IDEA GRANTS.—In awarding competitive grants under subparagraph (A) to be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), a State educational agency shall take into account the following criteria:

"(i) The need of a local educational agency for additional funds for a student whose individually allocable cost for expenses related to the Individuals with Disabilities Education Act substantially exceeds the State's average per-pupil expenditure.

"(ii) The need of a local educational agency for additional funds for special education and related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(iii) The need of a local educational agency for additional funds for assistive technology devices (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) or assistive technology services (as so defined) for children being served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(iv) The need of a local educational agency for additional funds for activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in order for children with disabilities to make progress toward meeting the performance goals and indicators established by the State under section 612(a)(16) of such Act (20 U.S.C. 1412).

"(C) CRITERIA FOR AWARDING TECHNOLOGY GRANTS.—In awarding competitive grants under subparagraph (A) to be used for technology activities that are carried out in connection with school repair and renovation, a State educational agency shall take into account the need of a local educational agency for additional funds for such activities, including the need for the activities described in subclauses (I) through (IV) of subparagraph (A)(ii).

"(c) RULES APPLICABLE TO SCHOOL REPAIR AND RENOVATION.—With respect to funds made available under this section that are used for school repair and renovation, the following rules shall apply:

"(1) PERMISSIBLE USES OF FUNDS.—School repair and renovation shall be limited to one or more of the following:

"(A) Emergency repairs or renovations to public school facilities only to ensure the health and safety of students and staff, including—

"(i) repairing, replacing, or installing roofs, electrical wiring, plumbing systems, or sewage systems;

"(ii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

"(iii) bringing public schools into compliance with fire and safety codes.

"(B) School facilities modifications necessary to render public school facilities accessible in order to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(C) School facilities modifications necessary to render public school facilities accessible in order to comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(D) Asbestos abatement or removal from public school facilities.

"(E) Renovation, repair, and acquisition needs related to the building infrastructure of a charter school.

"(2) IMPERMISSIBLE USES OF FUNDS.—No funds received under this section may be used for—

"(A) payment of maintenance costs in connection with any projects constructed in whole or in part with Federal funds provided under this section;

"(B) the construction of new facilities, except for facilities for an impacted local educational agency (as defined in subsection (a)(3)); or

"(C) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

"(3) CHARTER SCHOOLS.—A public charter school that constitutes a local educational agency under State law shall be eligible for assistance under the same terms and conditions as any other local educational agency.

"(4) SUPPLEMENT, NOT SUPPLANT.—Excluding the uses described in subparagraphs (B) and (C) of paragraph (1), a local educational agency shall use Federal funds subject to this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for school repair and renovation.

"(d) SPECIAL RULE.—Each local educational agency that receives funds under this section shall ensure that, if it carries out repair or renovation through a contract, any such contract process ensures the maximum number of qualified bidders, including small, minority, and women-owned businesses, through full and open competition.

"(e) PUBLIC COMMENT.—Each local educational agency receiving funds under paragraph (2) or (3) of subsection (b)—

"(1) shall provide parents, educators, and all other interested members of the community the opportunity to consult on the use of funds received under such paragraph;

"(2) shall provide the public with adequate and efficient notice of the opportunity described in paragraph (1) in a widely read and distributed medium; and

"(3) shall provide the opportunity described in paragraph (1) in accordance with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public.

"(f) REPORTING.—

"(1) LOCAL REPORTING.—Each local educational agency receiving funds under subsection (a)(1)(D) shall submit a report to the State educational agency, at such time as the State educational agency may require, describing the use of such funds for—

"(A) school repair and renovation (and construction, in the case of an impacted local educational agency (as defined in subsection (a)(3)));

"(B) activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); and

"(C) technology activities that are carried out in connection with school repair and renovation, including the activities described in subclauses (I) through (IV) of subsection (b)(3)(A)(ii).

"(2) STATE REPORTING.—Each State educational agency shall submit to the Secretary, not later than December 31 of each year (beginning with 2003), a report on the use of funds received under subsection (a)(1)(D) by local educational agencies for—

"(A) school repair and renovation (and construction, in the case of an impacted local educational agency (as defined in subsection (a)(3)));

"(B) activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); and

"(C) technology activities that are carried out in connection with school repair and renovation, including the activities described in subclauses (I) through (IV) of subsection (b)(3)(A)(ii).

"(3) ADDITIONAL REPORTS.—Each entity receiving funds allocated under subparagraph (A) or (B) of section (a)(1) shall submit to the Secretary, not later than December 31 of each year (beginning with 2003), a report on its uses of funds under this section, in such form and containing such information as the Secretary may require.

"(g) APPLICABILITY OF PART B OF IDEA.—If a local educational agency uses funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), such part (including provisions respecting the participation of private school children), and any other provision of law that applies to such part, shall apply to such use.

“(h) Reallocation.—If a State educational agency does not apply for an allocation of funds under subsection (a)(1)(D) for any fiscal year, or does not use its entire allocation for any fiscal year, the Secretary may reallocate the amount of the State educational agency's allocation (or the remainder thereof, as the case may be) to the remaining State educational agencies in accordance with subsection (a)(1)(D).

“(i) Participation of Private Schools.—

“(1) In general.—Section 4142 shall apply to subsection (b)(2) in the same manner as it applies to activities under subpart 1 of part A of title IV, except that—

“(A) such section shall not apply with respect to the title to any real property renovated or repaired with assistance provided under this section;

“(B) the term ‘services’ as used in section 4142 with respect to funds under this section shall be provided only to private, nonprofit elementary or secondary schools with a rate of child poverty of at least 40 percent and may include for purposes of subsection (b)(2) only—

“(i) modifications of school facilities necessary to meet the standards applicable to public schools under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

“(ii) modifications of school facilities necessary to meet the standards applicable to public schools under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

“(iii) asbestos abatement or removal from school facilities; and

“(C) notwithstanding the requirements of section 4142(b), expenditures for services provided using funds made available under subsection (b)(2) shall be considered equal for purposes of such section if the per-pupil expenditures for services described in subparagraph (B) for students enrolled in private nonprofit elementary and secondary schools that have child poverty rates of at least 40 percent are consistent with the per-pupil expenditures under this section for children enrolled in the public schools in the school district of the local educational agency receiving funds under this section.

“(2) Remaining funds.—If the expenditure for services described in paragraph (1)(B) is less than the amount calculated under paragraph (1)(C) because of insufficient need for such services, the remainder shall be available to the local educational agency for renovation and repair of public school facilities.

“(3) Application.—If any provision of this section, or the application thereof, to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the section and the application to other persons or circumstances shall not be affected thereby.

“(j) Definitions.—For purposes of this section:

“(1) Charter school.—The term ‘charter school’ has the meaning given such term in section 4210(1).

“(2) Poor children and child poverty.—The terms ‘poor children’ and ‘child poverty’ refer to children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which data satisfactory to the Secretary are available.

“(3) Rural local educational agency.—The term ‘rural local educational agency’ means a local educational agency that the State determines is located in a rural area using objective data and a commonly employed definition of the term ‘rural’.

“(4) State.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(k) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.

“PART B—CREDIT ENHANCEMENT INITIATIVES TO ASSIST CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION

“SEC. 9201. PURPOSE.

“The purpose of this part is to provide one-time grants to eligible entities to permit them to demonstrate innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.

“SEC. 9202. GRANTS TO ELIGIBLE ENTITIES.

“(a) In General.—The Secretary shall use 100 percent of the amount available to carry out this part to award not less than three grants to eligible entities having applications approved under this part to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(b) Grantee Selection.—The Secretary shall evaluate each application submitted, and shall make a determination of which are sufficient to merit approval and which are not. The Secretary shall award at least one grant to an eligible entity described in section 9210(2)(A), at least one grant to an eligible entity described in section 9210(2)(B), and at least one grant to an eligible entity described in section 9210(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

“(c) Grant Characteristics.—Grants under this part shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

“(d) Special Rule.—In the event the Secretary determines that the funds available are insufficient to permit the Secretary to award not less than three grants in accordance with subsections (a) through (c), such three-grant minimum and the second sentence of subsection (b) shall not apply, and the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).

“SEC. 9203. APPLICATIONS.

“(a) In General.—To receive a grant under this part, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(b) Contents.—An application under subsection (a) shall contain—

“(1) a statement identifying the activities proposed to be undertaken with funds received under this part, including how the applicant will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

“(2) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

“(3) a description of the applicant's expertise in capital market financing;

“(4) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools;

“(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

“(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding they need to have adequate facilities; and

“(7) such other information as the Secretary may reasonably require.

“SEC. 9204. CHARTER SCHOOL OBJECTIVES.

“An eligible entity receiving a grant under this part shall use the funds deposited in the reserve account established under section 9205(a) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“SEC. 9205. RESERVE ACCOUNT.

“(a) Use of Funds.—To assist charter schools to accomplish the objectives described in section 9204, an eligible entity receiving a grant under this part shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this part (other than funds used for administrative costs in accordance with section 9206) in a reserve account established and maintained by the entity for this purpose. Amounts deposited in such account shall be used by the entity for one or more of the following purposes:

“(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 9204.

“(2) Guaranteeing and insuring leases of personal and real property for an objective described in section 9204.

“(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

“(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

“(b) Investment.—Funds received under this part and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(c) Reinvestment of Earnings.—Any earnings on funds received under this part shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.

"SEC. 9206. LIMITATION ON ADMINISTRATIVE COSTS.

"An eligible entity may use not more than 0.25 percent of the funds received under this part for the administrative costs of carrying out its responsibilities under this part.

"SEC. 9207. AUDITS AND REPORTS.

"(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this part shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

"(b) REPORTS.—

"(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this part annually shall submit to the Secretary a report of its operations and activities under this part.

"(2) CONTENTS.—Each such annual report shall include—

"(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

"(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

"(C) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this part in leveraging private funds;

"(D) a listing and description of the charter schools served during the reporting period;

"(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 9204; and

"(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this part during the reporting period.

"(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to the Congress on the activities conducted under this part.

"SEC. 9208. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

"No financial obligation of an eligible entity entered into pursuant to this part (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this part.

"SEC. 9209. RECOVERY OF FUNDS.

"(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

"(1) all of the funds in a reserve account established by an eligible entity under section 9205(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this part, that the entity has failed to make substantial progress in carrying out the purposes described in section 9205(a); or

"(2) all or a portion of the funds in a reserve account established by an eligible entity under section 9205(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 9205(a).

"(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in section 9205(a).

"(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

"(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

"SEC. 9210. DEFINITIONS.

"In this part:

"(1) The term 'charter school' has the meaning given such term in section 4210(1).

"(2) The term 'eligible entity' means—

"(A) a public entity, such as a State or local governmental entity;

"(B) a private nonprofit entity; or

"(C) a consortium of entities described in subparagraphs (A) and (B).".

Mr. BOEHNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes in support of his motion to recommit.

Mr. OWENS. Mr. Speaker, this motion to recommit adds a vital component that has been left out of our deliberations so far. We were not allowed to offer an amendment on the floor dealing with school construction, renovation or modernization, and this motion to recommit includes instructions to continue the school renovation program, which is now in its first year, and increase that funding to $2 billion.

My colleagues will recall that last year we did agree on a $1.2 billion school repair, renovation bill. We would like to at least raise that to $2 billion. It is a small amount compared to the need. We know that in 1994, the General Accounting Office said we needed $110 billion at that time for school renovation, construction, and repairs. The NEA did a survey last year which said we need about $320 billion for school construction, repair, and renovation across the whole Nation. The $2 billion was merely to make a beginning on emergency repairs and is still very important.

It is important we say to the children in the public schools of America, 53 million children, that we care about more than just testing them. Accountability means more than accountability of the students and school and the massive testing we have proposed. Accountability also means we will stand up and make certain that those tools that they need to work with are there, especially the infrastructure, the facilities.

In a religion we would never propose to proceed without the temple, the infrastructure, the physical building being in tip-top shape to begin with. We cannot propose to have decent education if we are going to neglect the actual infrastructure, the buildings and the facilities, that children are to receive their education in.

So this is a modest proposal, a mere $1.2 billion at this time. We want to raise that to $2 billion to take care of emergency repairs and renovations, and we ought to continue this. I hope every Member will vote for this.

Mr. HOLT. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding to me. America's schools are in a State of disrepair, and that is interfering with the education of today's students. On average, schools were built about 50 years ago to meet the oncoming demand of the baby boom generation, and they are now in disrepair.

The General Accounting Office reports that now one-third of our public schools are in need of extensive repair or replacement. Nearly 60 percent of schools need new roofs, walls, plumbing and heating systems or electric and power systems. Over half pose environmental concerns, such as poor ventilation, flaking paint, crumbling plaster, and nonfunctioning toilets.

Leave no child behind; is that the phrase the President has appropriated for his use? How can we expect to reform education and improve student achievement when so many schools are crumbling? Why do we keep ignoring this growing problem? We cannot relegate it to the back burner. We must ensure that our schools are safe and modern and that we have modern technology.

Too often I hear the argument this is a problem for the local school districts to handle.

□ 1830

Mr. Speaker, too often I hear the argument that this is a problem for the local school districts to handle. However, local school districts cannot handle this problem alone. Property tax payers are beleaguered by the costs of a growing student population. The repairs are just too expensive. According to the GAO, the cost of needed repairs is on order of $127 billion.

Mr. Speaker, with this motion to recommit, we are asking for merely a fraction of that amount, $2 billion to help our schools most in need. This will not kill the bill. That is not our intent.

Mr. Speaker, I am a strong supporter of the bill and intend to vote for final passage; but, I urge my colleagues to support this very important motion to recommit so we can deal with this pressing national problem.

Mr. OWENS. Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Ohio is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, with all due respect to the gentleman from New York (Mr. OWENS) and the gentleman from New Jersey (Mr. HOLT), I think that a motion to recommit that would bring an additional $2 billion worth of authorization to this bill, a 10 percent increase over the current level in the bill, is unwise.

Mr. Speaker, when we talk about school construction and the need for school buildings in America, the gentleman from New Jersey and the gentleman from New York could be no more right. There is a great need. But we all know that school construction has been a province of State and local governments since our inception.

As a matter of fact, State governments over the last 10 years or so have increased funding for school construction by some 39 percent, and today every State has a huge budget surplus.

In my own State, Ohio, from a State standpoint, never got involved in school construction until the last several years, and the State has been helping low-income districts in my State to provide this.

But I do not think that at this point in time we ought to do this. Here is one big reason: All of the programs that we have agreed to and the funding levels that we have agreed to in the base bill are there. If we expect to work with our appropriators to get most of those authorizations funded, the last thing we want to do is to open it up for more disparate funding.

We have a serious education proposal on the floor which has been put together on a bipartisan basis. Let us reserve the precious funds that we can get out of the appropriation process to fund that program to ensure that it works. Where does that money go? It goes to low-income schools and high-poverty students who need this money the most.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. ISAKSON) who has worked on this proposal in the past.

Mr. ISAKSON. Mr. Speaker, as we are poised to make a substantial improvement in public education, let us not end by making a hollow promise to public education.

The gentlemen are correct that their proposal represents but a fraction, and I mean a fraction, of the need.

But if the Congress of the United States ever sent the message to the public we will take care of that construction, we will do more damage to public education. Voters will not pass bond referendums. Local options, sale taxes will not be passed, and the capital investments will not be made by the local schools.

Let us leave no child behind. Let us make sure that the poorest and the most disadvantaged have the advantage of this bill. Let us reject the motion to recommit. Instead of making this hollow promise, let us make a promise to the children of America and improve their education forever. I urge my colleagues to vote "no" on the motion to recommit.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OWENS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 223, not voting 3, as follows:

[Roll No. 144]

AYES—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Cubin
Moakley
Visclosky

□ 1852

Messrs. PETERSON of Minnesota, RADANOVICH, GILMAN and SCHAFFER changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERMISSION FOR CHAIRMAN AND RANKING MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE TO ADDRESS THE HOUSE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that it be in order for the Chair to recognize myself and the gentleman from California (Mr. GEORGE MILLER) to address the House each for 5 minutes.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to begin by thanking everybody in the House for their patience as we deliberated this bill. I also want to begin by thanking staffs on both sides of the aisle for all of their very difficult and hard work. We have spent 2 days deliberating this bill on the floor. The staff of this committee has spent 4 months, along with members of the working group on both sides of the aisle.

I want to thank the Members of the working group on our side of the aisle, the gentleman from Michigan (Mr. KILDEE), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Indiana (Mr. ROEMER), for all of their help on this and on the other side, the gentleman from California (Mr. MCKEON) and the gentleman from Georgia (Mr. ISAKSON), the gentleman from Colorado (Mr. TANCREDO) and the gentleman from Delaware (Mr. CASTLE) for all of their effort to bring the Members together to talk about whether or not there was a possibility of getting the legislation that, in fact, would reflect what many Members in this House have said they wanted for our education system, for the Federal participation in our education system, for many years, but we have not achieved.

Some 35 years ago, we set out to see whether or not the Federal Government could help the poorer children in this Nation residing in the poorer school districts in this Nation. We have spent $120 billion, and in many instances we have changed the lives of those children and their education, but we have not achieved all that we have wanted to achieve. We have made a difference in many ways, but we have also had our disappointments.

This effort and this legislation is an effort to do it in a different fashion, to hold schools more accountable; and I do not mean accountable just in the sense of testing or just in the sense of money, but accountable for results. We are no longer going to ask schools how is the average child doing in their district. In this legislation, we are going to ask how each and every child in that district is doing, how is each Hispanic child, every African American child, every rich child, poor child, limited English-proficient child, how are they doing.

We are also going to ask them whether or not the gap is being closed that exists today in education between the majority and minority in America.

That question has not been asked. We have put out the money there to get the results, but we never asked them whether or not it was taking place; and in fact, the gap to some extent has widened.

We also said we are going to hold them accountable because we are going to ask for annual testing and annual assessment, a diagnostic effort so if a child is falling behind in second or third grade in reading we know the resources that we can attach that that child needs. Do they need a Saturday school? Do they need after-school? Do they need a mentor? Do they need a tutor? So that, in fact, children do not fall behind.

Many on my side of the aisle said that is all well and good and we have always been for that; but if we do not have the resources, we cannot obtain it. So we also made a commitment in this legislation, through a very lot of hard and very difficult negotiations, that, in fact, the resources would be there; that the resources would be there to fix the failing schools and not abandon them; the resources would be there to help align the test to the curriculum and improve many of the tests in States today that are not acceptable to challenge our children; to improve the curriculum. Those are the efforts we would make, and we just reconfirmed those figures on this floor on a huge bipartisan vote of 324 in support of those resources being there. That is a commitment to this legislation. We are not going to try to reform this system on the cheap.

Some on this side of the aisle said we have to have more flexibility, we have to have Straight A's down to the States. We thought, why would we give money to the States? Why can it not go locally? I could not work it out, probably because I am very much against that kind of effort. But the gentleman from Indiana (Mr. ROEMER), the gentleman from California (Mr. DOOLEY), the gentleman from Delaware (Mr. CASTLE), the gentleman from Georgia (Mr. ISAKSON) and others got together and the staffs got together; and they hammered out something that I think is superior.

We said, fine, we will give local districts flexibility, and we have increased the flexibility ten times what it is in current law so that they can set some priorities about whether they want to train the teachers first to become proficient in computers and then buy the computers, or whether they want to buy the computers and then train the teachers. That is their decision. They can combine these monies based upon their local needs and priorities. Ten times the flexibility that we have ever experienced in Federal law.

I think it is an experiment, and we will see. Other people are very confident about it. Anyway, that is what a compromise is. That is what a compromise is.

□ 1900

There are some places we could not go. Clearly, this caucus was not going to go for vouchers and it was not going to go straight As, and we did not go there. But we have tried to provide alternatives and responses to that. We have said that if a school is failing, a parent can, in fact, go out and purchase, purchase those services to tutor a child, to provide the kind of remedial help that may be necessary, and they go out in the community and get those services from private vendors. That is an important change. It is a very important change, especially when we see what technology is bringing to bear for the educational problems of our children, the technology that the private sector is developing. We have to call those resources in and make them available to the parents, and that is what this legislation does.

If I just might, Mr. Speaker, if I just might add that I think this is legislation that does very well by America's children. It is not everything I would do, it is not a bill I would write and it is certainly not a bill that the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee would write, but it is a bill that we were capable of writing, trying to keep in mind what all of us have said when we go home to our districts.

We are not all going to be happy and we have a long way to go before the end of this road. But I think this is a very good beginning for a House of Representatives as a statement of where we should be on education.

Finally, I want to thank the gentleman from Ohio (Mr. BOEHNER), our chairman, who provided exceptional leadership. He acted with honor. His word was his bond and he opened up lines of communication that we have not had available to us before. I want to say how much I appreciate that and I thank him very much for that effort.

Mr. Speaker, I encourage all of my colleagues to support this bill.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Ohio (Mr. BOEHNER) is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, I thank my colleagues for their patience as we have gone through what really has been, I think, an extraordinary process. It all started last December when our new President-elect invited a bipartisan, bicameral group of Members to Austin, Texas to talk about his desire for dealing with the issue of education in an honorable, up-front and positive way. It was a step that many of my colleagues on our side of the aisle were somewhat uncomfortable with, a step that many of my colleagues on the other side were uncomfortable with as well. But the President laid out his agenda in great detail, and the Members of the House and the Senate that were there all had their opportunity to put their fingerprints on how this path was going to be started, and they did it in Austin, Texas.

Mr. Speaker, the gentleman from California (Mr. GEORGE MILLER) was not on the list to be invited, but he ended up on the list at my insistence, because if the President was serious about having a new tone in Washington and if the President was serious about working together in a bipartisan way, it was right for the President to invite the gentleman from California (Mr. GEORGE MILLER) to Austin, Texas, and he did. And after the President spoke, all of the Members spoke, and the gentleman from California (Mr. GEORGE MILLER) was the last person to speak. The gentleman stood up and said, Mr. President, I think you are serious about helping underprivileged children in America. And if you are serious about helping underprivileged children in America, and you are willing to stand up and fight for accountability, I am going to be standing right there with you, and he has, each and every step along the way, and I want to say to the gentleman from California, "thank you."

Now, as the gentleman from California (Mr. GEORGE MILLER) pointed out, there were people who helped, there were a lot of people who helped. The gentleman from Delaware (Mr. CASTLE); the gentleman from California (Mr. MCKEON), the subcommittee chairman; the gentleman from Georgia (Mr. ISAKSON); and even the gentleman from Colorado (Mr. SCHAFFER), my good friend, who is hiding way in the back, were Members on our side who sat in rooms for months, as well as the gentleman from Michigan (Mr. KILDEE) and the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Indiana (Mr. ROEMER), and all of our staffs who have done a very good job. I really do want to thank them for all of what they have done.

Mr. Speaker, we stand here at this moment on the threshold of the most significant change in Federal education policy in 35 years. We all know the money that we have spent, we all know the results that we have gotten, but we have a problem in America, and every one of us knows it; every one of us. We have an achievement gap that exists between Anglo students and their minority peers that has widened over the last 10 years, while we have had the best economy in the history of our country.

We have a growing achievement gap that exists between middle income and upper income schools than our minority and lower income schools. Good schools have gotten better over the last 10 years. Middle income schools have gotten better over the last 10 years. Our worst schools, unfortunately, have gotten worse.

We as a society cannot turn a blind eye to this problem. The President has made it perfectly clear over the last 4 months that we have to act. So, we have acted, and we have done it in a way that we can work together on both sides of the aisle to address all of the Members' concerns. This truly is a bipartisan bill. There are issues that my Democrat colleagues do not like in this bill, I know that, and I can tell my colleagues that there are problems with my guys on this side of the aisle, and I can show my colleagues the wounds of my back to prove it. But bipartisanship means working together for the benefit of the whole, and I can tell my colleagues that the bill that we have before us today is a solid achievement for this House. It is a solid achievement that will improve the lives of the neediest children in our country.

Those who are at the bottom of the economic ladder who today are not getting a good education in our society will suffer if we do not step up and have the courage, the courage to take this step, and that is really what this bill today is all about. Do we have the courage as conservative Republicans to stand up and take a step in the direction that some of us are a bit uncomfortable with? And, to my colleagues on the other side of the aisle, do they have the courage to stand up today and to take a step toward bipartisanship, toward an effort that truly will help the neediest students in our country.

I have talked to virtually all of my colleagues over the last several months about this bill. Everyone has had their opportunity for input. Yes, some are disappointed. But I think each and every one of my colleagues know that unless we exhibit courage today, that this will not happen. We need it to happen. We need to exhibit the courage and show the American people that we can work together to solve the problems that we have in this country. Remember, when we vote today, this is not about the House, and it is not about this bill, it is about the neediest children in America who are counting on us today.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 384, noes 45, not voting 4, as follows:

[Roll No. 145]

AYES—384

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan

Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—45

Akin
Bartlett
Conyers
Crane
DeMint
Doolittle
Duncan
Filner
Flake
Frank
Gilchrest
Goode
Hefley
Herger
Hilliard
Hoekstra
Hostettler
Johnson, Sam
Jones (NC)
Kerns
Lewis (KY)
Manzullo
Moran (KS)
Paul
Payne
Pence
Pitts
Pombo
Rivers
Rohrabacher
Ryun (KS)
Sabo
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Souder
Stearns
Stump
Tancredo
Waters
Watt (NC)
Weldon (FL)

NOT VOTING—4

Cubin
Larson (CT)
Moakley
Visclosky

☐ 1925

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, for Roll Call Vote No. 145, on final passage of H.R. 1, I was present in the Chamber and engaged in the debate on this bill as indicated by my previous vote on the Motion to Recommit (Roll Call Vote No. 144) and subsequent vote on the Motion to Instruct Conferees on H.R. 1836. Although I intended to vote "aye" on final passage of this bill, my vote was not registered.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

Mr. UPTON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1836. An act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1836) "An Act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002" requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. GRASSLEY, Mr. HATCH, Mr. MURKOWSKI, Mr. NICKLES, Mr. GRAMM, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. BREAUX, to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

Mr. MCDERMOTT. Mr. Speaker, reserving the right to object, President Bush has said that this bill, which is the tax bill, should be rushed through the Congress to, first, stimulate the economy; and then, more recently, has been offered as a means by which we can deal with the energy crisis in this country.

Now, unfortunately, this bill does not meet the President's request, because it gives no tax relief whatsoever to the people in the bottom part of the Tax Code, those people who do not pay income tax; those people who will be paying $3 a gallon for gasoline, and who are paying enormous rates for electricity in California, Washington, and Oregon.

☐ 1930

Now, in the Committee on Ways and Means, we tried to offer amendments on a windfall profits tax, because in the fall and in the winter, people are not going to be able to pay their utility bills.

It is my view that there ought to be conservation rebates in this bill. There ought to be a whole series of energy-related issues taken up in this bill since this is going to be the tax bill of the session.

There is no more money left. This is it. We have been told $1.3 trillion. It is out the door, and there is no chance to come back on energy. There is no chance to come back on any of the problems related to the economy because of the energy crisis in this country.

It is my belief that we ought to be dealing with that now. It is a crisis. The California Assembly is suing FERC, the Federal Energy Regulation Commission, because they will not impose price caps. You have a situation where you have price gouging all over the West.

Energy companies in Texas have gotten 400 percent profit in the last 6 months. I mean, we all believe in the free enterprise system, but 10 percent, 15 percent, that is enough, I should think, 400 percent being put on the backs of people who are not going to get a penny out of this tax bill.

This bill deals with people like us and above. It does not deal with people who are making $25,000 a year for a family of four. They get absolutely nothing out of this bill. I think that the President is being done a disservice by this House by us not dealing with energy in this piece of legislation.

Mr. Speaker, I, for that reason, have raised the objection that I think we ought to stop the process, go back to committee and work it out. We do not need to go rushing to the conference committee. It will be rushed back tomorrow. There will not be a soul in this House who knows what is in the bill.

We can get on those planes tomorrow at 5 p.m., everybody is going to say we passed a tax cut; and they are not going to know what they did. It is my view that the crisis in energy in this country that is beginning in California, it is going to cover the entire country

Anybody who does not believe that, they should go to Los Angeles, walk around for a week, and you will see what is going to happen in the rest of the United States.

Some of my colleagues are already facing places where gasoline prices are up over $2, $2.50 in some parts of this country this last weekend.

Think of those people who have to commute 30 miles, 40 miles, 50 miles, 60 miles a day in an SUV that gets 10 miles, 12 miles, 15 miles to the gallon. It is going to be expensive, and my colleagues are going to hear about it. My colleagues will have passed the only tax bill of this session without ever dealing with energy.

Mr. FILNER. Mr. Speaker, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from California.

Mr. FILNER. Mr. Speaker, the motion is to go to conference, because the tax bill has got to get out before Memorial Day. I wish the majority party, the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means, would say we need to get out a bill to help California and the West before Memorial Day.

Why are we rushing on this before Memorial Day when California is being bled dry? The gentleman from California (Chairman THOMAS) knows what is going on in California. We are paying as a State now $3 million an hour for electricity. We are paying $70 million, sometimes $90 million a day, over $3 billion a month.

No State, even if it is the sixth biggest economy in the world, can survive that kind of bleeding.

Mr. Speaker, 65 percent of the business in San Diego County by a report that came out by the Chamber of Commerce, 65 percent of the small businesses in San Diego County are facing bankruptcy this year because of energy. They cannot survive given the costs of electricity.

We have social service organizations for our children who we are not going to leave behind after the last vote closing up half the time because of the overhead in electricity.

We have schools who cannot teach because of the overhead in electricity. We have libraries that cannot buy books because of the overhead in electricity. We are bleeding in California and in Oregon and in Washington and in New Mexico and Wyoming and Montana. In Rhode Island, I heard the prices have just doubled.

We need to act as a Congress on this; yet, my colleagues want to rush through a tax bill by Memorial Day.

Mr. Speaker, I think my colleagues ought to rush through by Memorial Day a bill to give us some relief in San Diego and California and the West.

My colleagues are looking at me now as if they do not know what I am talking about. My colleagues are going to have the same prices and the same crisis very soon. We need to put cost-based rates on electricity in the West.

The Federal Energy Regulatory Commission, which is FERC in California, has said that they have found that these prices are illegal. They are illegal, Mr. Speaker, and yet we continue to have to pay them.

Mr. Speaker, I thank the gentleman from Washington (Mr. McDERMOTT) for his reservation. We ought to be acting on the crisis that exists in this Nation and not get out of here to save those who make a million or more a year on their tax bills for the coming year.

Mr. Speaker, I ask the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, to do something for California.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I appreciate the reservation of objection of the gentleman from Washington (Mr. McDERMOTT), because this is truly the wrong moment to be dealing with this issue when we have a crisis of such enormity.

Let us talk about the amount of action that our friends on the Republican aisle want us to take in light of this crisis, which is zero, to the people who have cut their energy use by 40 percent in some instances to conserve electricity in the State of Washington but whose bills have gone up nonetheless.

The message of this bill is tough luck. Mr. Speaker, we need to continue our effort.

Mr. THOMAS. Mr. Speaker, I withdraw my unanimous consent request.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from California withdraws his unanimous consent request.

MOTION TO GO TO CONFERENCE ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. THOMAS. Mr. Speaker, pursuant to section 2 of House Resolution 142, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. THOMAS moves that the House take from the Speaker's table H.R. 1836, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the request of the Senate for a conference thereon.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no problem at all debating the issue of energy. My understanding was we had an agreement in which one individual and then a second individual was going to be allowed to participate. No one communicated to this side of the aisle that there were going to be additional people participating.

My understanding is that this place can only function when people operate on the agreements that they reach.

Mr. Speaker, I have more than a willing opportunity to discuss any issue under the motion to instruct in which time is divided equally on either side, but under a reservation on a unanimous consent, the agreement that we had reached was violated by the other side. I believe we should move forward.

Ms. KILPATRICK. Mr. Speaker, today, I rise in opposition to the motion to go to conference on H.R. 1836 the so-called reconciliation measure considered last week. In the House this measure was considered with little notice, without the consultation with, nor input from, the Democratic Party. This measure was crafted in the dead of the night, behind closed doors and now we are instructed to vote to send it to Conference.

I say vote no on the motion to go to conference on H.R. 1836. This measure was reintroduced under the cover of a reconciliation bill in order to deprive the power of the minority in the Senate. The American people should ask themselves: Why couldn't the Republicans Leadership bring this bill up under normal procedures? Why did they resort to procedural tricks in order to thwart the will of the Senate minority? Then, in order to aggravate the situation, the rule passed in the House was a closed one, allowing for only one Democratic Amendment and a motion to recommit. Why was the Republican Leadership in the House afraid of an honest and open debate on this measure?

It is clear that despite Republican claims to the contrary, this reconciliation-bill won't be the only tax cut bill sent to the President this year. Although the budget resolution provided for $1.35 trillion in tax cuts, the Republican wish list includes a total of $2.4 trillion in tax expenditures. Including the interest cost, the total drain on the budget surplus from these tax cuts over ten years would be nearly $3.0 trillion, more than the $2.7 trillion available in the projected surpluses outside Social Security and Medicare.

This bill is essentially the same as H.R. 3, which this Chamber passed earlier in the year. I voted "no" then and I will vote "no" now. The Joint Tax Committee estimated the cost at nearly $1.0 trillion over ten years, excluding interest, with the wealthy receiving the lion's share of the benefits. According to an analysis by Citizens for Tax Justice, 44 percent of the tax cuts would go to those in the top 1 percent, while the 60 percent of families with incomes of $44,000 or less would get a mere 16.5 percent of the tax cuts. The bill does make a portion of the new bottom 10 percent tax bracket effective in 2001. However, the bill disregards the need for immediate economic stimulus, providing only $5.6 billion in 2001. In a budget of $10 trillion, $5.6 billion is a drop in the bucket and there will be no trickle down economic stimulus resulting from this tax cut.

Democrats offered an alternative tax cut that gave everyone that pays federal income or payroll taxes a tax cut, and provides approximately $60 billion immediate economic stimulus through a rebate of $300 for married couples.

Our alternative was reasonable and fiscally responsible because it left money to address other problems facing our nation. Our tax cut protected Social Security and Medicare and invested in education and prescription drug coverage in Medicare for all seniors.

President Bush ran on the issue of a strong defense, the price of which we have not yet seen. This budget, however, does not even consider the cost of the changes he has advocated to our defense infrastructure. While he deals in theory, our budget dealt with reality. A realistic tax cut that left enough money in the budget to ensure a strong defense.

Democrats believe in tax cuts, but not at any cost. Our tax cut fixed the problem of the Alternative Minimum Tax (AMT) that the Republican bill ignores. It creates a new 12 percent tax rate bracket and expands the Earned Income Tax Credit (EITC). Our alternative even gives marriage penalty relief to couples who use the standard deduction.

Yet our alternative did this at a realistic cost. Our alternative cost $585 billion over ten years, with a total cost of $750 billion including interest.

So, Mr. Speaker, I urge my colleagues to vote no on the Republican tax trick. Vote against the motion to go to conference on H.R. 1836.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS).

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. STARK

Mr. STARK. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. STARK moves that, to the maximum extent permitted within the scope of the conference, the conferees on the part of the House in the conference on H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act of 2001, be instructed to produce a Conference Report in which—

1. The revenue losses and associated debt service costs do not grow as a percentage of gross domestic product on either a long or short term basis. In order to do so—

A. The Conference Report shall not include phase-ins longer than 5 years, delayed effective dates, or sunsets.

B. The Conference Report shall include provisions on all of the following issues: marriage penalty relief, increasing per-child tax credit, estate tax relief, pension reform legislation, and permanent extension of the research credit.

C. The Conference Report shall adjust the current law alternative minimum tax so that it does not disallow the benefits of the tax reductions contained in the bill.

2. The Conference Report shall be designed so that its revenue loss and associated debt service costs for each fiscal year do not exceed the projected non-Social Security/non-Medicare surplus for such fiscal year. For purposes of the preceding sentence, the projected non-Social Security/non-Medicare surplus for any fiscal year is the projected amount of the surplus for such year determined by disregarding the receipts and disbursements of the Social Security and Medicare Trust Funds and by reducing the projected surplus for any year by its ratable portion of $300 billion over the 10-year budget period.

3. The Conference Report provides benefits to every family with children that has income or payroll tax liability and the Conference Report includes inflation adjustments so that the benefits provided to families with children are not reduced over time.

4. The conference committee shall be required to meet in preparing the Conference Report pursuant to House Rule 22.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. STARK. Mr. Speaker, if the gentleman from California would yield, I think it is almost complete.

The SPEAKER pro tempore. The Clerk will continue to read.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FILNER. Mr. Speaker, I reserve the right to object.

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Speaker, I am sorry, how long is the motion that we are not wanting to read? How long is that reading?

The SPEAKER pro tempore. Is the gentleman from California addressing a parliamentary inquiry to the Chair?

Mr. FILNER. Yes.

The SPEAKER pro tempore. The Chair would inform the gentleman that the Clerk is close to finishing reading the motion.

Mr. FILNER. Mr. Speaker, I just again want to register my opinion that this House should be taking up the crisis of electricity in California where my constituents are dying.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. THOMAS. Mr. Speaker, I withdraw the unanimous consent request.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) withdraws his request.

The Clerk will continue to read.

Mr. STARK. Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. THOMAS. Mr. Speaker, reserving the right to object, and I will not object.

Mr. STARK. Mr. Speaker, if the gentleman will yield, under the reservation of objection of the gentleman from California (Mr. THOMAS), I wanted to say that I felt that the gentleman was correct in his first statement. There was an agreement and the gentleman was absolutely correct. We intruded on his good nature by extending the courtesy that he had offered to us.

Mr. Speaker, I wanted to say that the gentleman was correct in his assumption and his statement of the facts.

Mr. Speaker, I hope we can now get on with the motion to instruct and debate it as we agreed.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for that explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from California (Mr. STARK) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not sure where the Clerk had quite finished, but I would just read the last section or two here, the conference report does provide benefits to every family with children that has income or payroll tax liability, and the conference report includes inflation adjustments so that the benefits provided to families with children are not reduced over time, this is required in our motion to instruct, and that the conference committee shall be required to meet in preparing the conference report pursuant to House Rule 22.

This motion to instruct does have three basic directions, and they deal with constraining the exploding revenue costs.

The motion to instruct requires that the conference report would preserve the funds necessary for Medicare and Social Security which the current bills do not, and it should provide benefits to all families with children that have income or payroll tax liability.

Mr. Speaker, we do, as I mentioned in the last paragraph, require an open conference as provided in the House rules.

Since this tax bill has been written by the Senate, compliance with the House rules is necessary so that there is some input from House Members on the conference report. We should not completely abandon the House's constitutional role on tax legislation.

Both the Senate bill and the various tax bills passed by the House this year affect or create exploding revenue costs.

The revenue costs of the second 5 years in the bill is approximately twice the costs in the first 5 years, and some press estimates have suggested that we could be spending $4 trillion over the next 10 years.

These outyear revenue costs will come at the same time as the retirement of the baby-boom generation, and it will create demands on Medicare and Social Security systems that we will not be able to afford.

□ 1945

The bill is based on rather uncertain surplus protections, but it ignores the certainty of the demographic pressures on the Medicare and Social Security systems.

The bill has gimmicks that artificially reduce the cost of the bill in the 10-year budget window, but blow away the ranch dramatically after the 10-year period. These gimmicks include delayed effective dates, long phase-ins and sunsets. Very few provisions of the Senate bill are fully effective at all times during the budget window.

The conference report uses the current law minimum tax to disallow many of the benefits promised in the big print of the bill. We all know that we will enact legislation addressing the minimum tax, legislation that could increase the cost of this bill by hundreds of billions of dollars.

I am most concerned personally, Mr. Speaker, with protecting Medicare and Social Security. The motion to instruct requires the conferees to construct a conference report that does not invade the Medicare and Social Security surpluses and that reserves funds for a prescription drug benefit. We have committed to preserving Medicare and Social Security surpluses, and there is broad bipartisan support for a Medicare prescription drug benefit. This aspect of the motion to instruct merely requires the conferees to preserve fiscal resources to meet our commitments.

Finally, the motion requires that all families with children that have payroll or income tax liability should receive benefits under the conference report. It is clear that the Republicans will guarantee that the wealthiest segment of our society will receive large benefits from the conference report.

It is only fair that families with payroll tax liability should not be ignored. It is within that context that our motion to instruct conferees is offered and that we ask support for it.

I suspect that the conferees, as few as there are from this side of the Capitol, will meet late into the night. I further suspect that many agreements have been struck in private and have been agreed to even as we talk here this evening.

So as this runs through in a rush to judgment for tomorrow's get-away day, I would hope that this instruction would be taken to heart and imposed upon the conferees to protect some of the frail elderly, the people who depend on Medicare, the lowest-income families in our country who are trying to raise their children in today's turbulent economy.

Mr. Speaker, I urge the adoption of our motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as is usually the case with motions to instruct, it contains a number of phrases which seem controlling in nature. For example, under the first point and the A section, "shall not include"; B, "shall include provisions"; C, "shall adjust".

The fact of the matter is that the motion to instruct has no binding capability whatsoever. In fact, if one goes up to the very first line and reads the motion to instruct it says, "Mr. Stark moves that, to the maximum extent permitted," which means any time one reads "shall" under here, it has no consequence whatsoever.

However, we should not let this opportunity go by without correcting some of the factual misstatements that have already occurred, not just about the bill that we have in front of us, but about the bills that the House has voted on in terms of modifying the tax obligation of citizens of the United States.

In the bill that the House passed dealing with the child tax credit, which seems to be the thrust of point number three of the listed points in terms of providing benefits to every family with children that has income tax on payroll tax liability, the answer is simple. The bill that passed the House provided for the ability to utilize a refundable credit to cover payroll taxes beyond income taxes.

I would also tell my colleagues it is a factual statement that, on the Senate finance bill which just passed the floor of the Senate by a vote of 62 to 38, not only did they provide a tax credit on a refundable basis to those individuals who do not have income tax liability, but who have also exceeded their payroll tax exposure. So notwithstanding the statements that this is not being done, the fact of the matter is it simply is not true.

As we go through and examine the other structures, we have to remember that this tax conference is being conducted under the budget resolution which passed both the House and the Senate, which said we must pay down the public debt, we must protect the Medicare or HI Trust Fund, we must protect the Social Security Trust Fund, and we are to set aside $300 billion for a prescription drug modernization in Medicare, and there is an additional $500 billion fund which is available for other discretionary programs as the Congress may determine. All of that with an inclusion of a $1.350 trillion tax bill that is the reason for us being here tonight.

So not withstanding the lamentations, the concerns and the wringing of hands, this motion to instruct, which has no binding effect whatsoever, outlines a number of concerns that have already been taken into consideration and are being dealt with.

I believe that the concern of many of my colleagues on the other side of the aisle is to see the Senate move in a bipartisan way with 62 Senators supporting the Senate product and are moving now to a conference.

I am reminded of our days in the minority when the phrase is risky or rushing to judgment, because, frankly, if anybody has bothered to turn on the TV and watch the Senate floor, to describe the Senate rushing to judgment with more than 100 amendments over the last 4 days in which every item was examined and voted on could hardly be described by most people being neutral as rushing to judgment.

Conferences are a unique animal around here. When the House passes a bill that is different than the Senate and the Senate passes a bill different than the House, under the Constitution we are required to reconcile the differences in the bill. That is called going to conference. If it takes an hour, it takes an hour. If it takes a week, it takes a week. The job of the House and the Senate conferees is to reconcile the two bills to be presented back to each House in the same form to be voted up or voted down.

I will tell my colleagues that, if one does not like the product produced out of the bipartisan bicameral conference committee on permanently reducing taxes of hard-working Americans by a $1.350 trillion over the next decade, one has every right and obligation, I believe, to vote no, just as some of your colleagues on the other side of the aisle did.

So let us wait until we have a product before we condemn it; for example, the argument that we do not supply tax relief to those individuals who have no income tax obligation or payroll tax obligation. The product that came from the Senate in fact meets both of those criteria. The product that came from the House met one of them.

Let us kind of turn the flame down until one has an honest actual target to shoot at. This motion to instruct is a gun with no bullets. Wait until we have the product in front of us. If my colleagues do not like it, they can vote no. I think they will find, based upon the House and the Senate coming together, the product will be overwhelmingly accepted, voted on, and signed by the President.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to make a sweeping prediction here to the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, that before I have seen the final product, I am not going to like it. I can assure my colleagues I am not going to like that final product.

This motion to instruct conferees contains many good elements. As the chairman has acknowledged, this is one of the tools of the minority to make a point. I recall the distinguished majority leader of the House now when he was the, I believe, minority second person in command on the Republican side, when he said that the Clinton budget would be fiscal Armageddon; and I recall when the former chairman of the Committee on the Budget, Mr. KUCINICH, the gentleman from Ohio, indicated that we were headed toward a depression with the Clinton budget agreement in 1997. So there are tools that the minority employs from time to time to make a point around here.

The key point of this motion is that the conference report should not include phase-ins longer than 5 years. This limits the ability of each party to push costs we cannot afford now out into the future. It also means that whatever we enact into law would probably stick.

It also is fair to acknowledge that this is truth-in-advertising for the House of Representatives tonight. Nor is it unheard of. As the current chairman of the Committee on Ways and Means has said many times, and I agree with him, the House works off of a 5-year projection. So to ask that this bill is fully phased in within 5 years is simply consistent.

The motion to instruct also asks that the alternative minimum tax be adjusted so that none of the benefits in this bill is reversed by AMT. Again, taxpayers get what they have been promised. Another truth-in-advertising provision.

I would add my personal plea to the leadership on the other side, however, that we explore how to solve, even on a temporary basis, the incentive stock option issue with the alternative minimum tax. As the chairman knows, the interaction of the regular tax treatment of incentive stock options and AMT treatment leads to a tax trap to individuals in a declining market. I have a number of letters on my desk from people who know that right now.

The gentleman from California (Chairman THOMAS) has said to me consistently, and I believe him, that he wants to resolve the AMT issues as they arise and to look at the whole issue sometime in the future. AMT is a serious issue that we have to take up, and I have been on it consistently for a couple of years. I appreciate his sentiments, but this issue is one that taxpayers are facing today. They are filing for bankruptcy, and we cannot wait to resolve this issue in the next year or the year after.

So I request the chairman to seek at least a temporary solution in conference such as removing incentive stock options from the alternative minimum tax for last year and this year while we decide how to permanently resolve the many problems of alternative minimum tax in which I will remind this body multiply and get worse day after day after day.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to show my colleagues the seriousness of the minority's offer on the motion to instruct and the gentleman from Massachusetts (Mr. NEAL), in terms of the statement that he just made, especially in dealing with the part A provision that says that it shall not include a phase-in longer than 5 years, I think it would be instructive if some of my friends on the other side of the aisle would revisit the Democrat tax plan which was offered on three separate occasions on the floor of the House which contains on its estate tax structure a 10-year relief period.

So I find it interesting that they are attempting to impose on the conference a standard of time limit which they chose not to impose on themselves in bills that they offered.

That should give my colleagues just one example of the seriousness of the approach of our friends on the other side of the aisle.

Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the chairman for yielding me this time, and I appreciate all the hard work and time he has put into putting this tax plan together.

As I look at the motion to instruct conferees, I know that the actual motion to instruct violates the very Democrat plan that has been offered here on the floor previous times, as the chairman just mentioned. So not only does it violate the earlier Democratic substitutes that we have seen, it also backs us off of the very important commitments that we have achieved in the budget resolution that we are achieving in this tax bill.

Number one, what we are accomplishing here with this conference report as we roll this through is to put the details into the tax provision of the budget resolution. We have a vision which is the 10-year budget, which has very important priorities but in that budget has very strict provisions that do these things: pays off our public national debt as fast as possible to a very negligible, almost zero dollar amount by the end of this decade.

□ 2000

Two, once and for all, once and for all, for the first time in 30 years, we will stop the raid on the Social Security and Medicare Trust Funds by making sure that we apply those dollars to those very programs, and to pay off the national debt, which helps us with those programs on top of that.

And, third, we see that the American taxpayer, the hard-working families of America, continue to overpay their taxes. After we pay down our debt, after we improve Medicare and Social Security, people are still overpaying their taxes. And that is why we are taking a very important step by giving people some of their money back. We are putting money back into the paychecks of the very hard-working taxpayers who gave us this surplus in the first place.

So what is important to watch is that as we take a look at this motion to instruct, it actually dilutes those commitments. It actually takes us off of the very commitments we seek to achieve, on hopefully a bipartisan basis, which is protecting Social Security and modernizing Medicare, and we have a $300 billion provision to modernize Medicare with a prescription drug benefit; paying down our national public debt; and, yes, as people overpay their taxes, giving them some of their money back. And we are doing it in such a way that it will help stimulate the economy, create jobs in this country and do it, yes, fast enough to make a difference.

Now, as to the criticism that this bill is being rushed through, that just simply is not the case. Take a look at the Senate. We can see they are clearly not rushing things. As the chairman mentioned, amendment after amendment, 110 hours of debate over this bill. Since January, we have been working on this provision. And, as a matter of fact, on these very provisions that we will hopefully be achieving in this bill we have been working on for 3 years. Vote after vote in Congress, bill after bill has been passing Congress. This is the crescendo effort to finally give people some of their money back. It is a bipartisan-bicameral effort.

Mr. Speaker, I urge a "no" vote on the motion to instruct.

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the committee.

Mr. LEVIN. Mr. Speaker, these bills are not sound tax policy, they are not sound economic policy, and they are not sound social policy.

The conference committee is going to try to put together two bills. In this case, two minuses cannot make a plus. These bills are built on the sands of uncertain estimates. The preceding speaker talks as if the money is in the bank. It is not there. It is not there. These bills will not help in the present. If so, very little. And what they are going to do is to risk our future.

Much of the relief will be backloaded, my colleagues can be assured of that. Most of it will be in the second 5 years. And then, when we project beyond those second 5 years, it will explode in the later years.

Where is the money going to be for the education bill that we just passed? Not raiding Medicare? The plans I have seen for prescription drugs take money out of Medicare, and there is no plan here on the majority side to find it anywhere else.

The chairman of the committee says, well, a conference committee can be 1 hour, 2 hours, 3 days, 4 days. I would bet this is going to be a few hours in a back room without full bipartisan participation: Democrats, Republicans, House and Senate.

Essentially, this bill will not help hardworking Americans. So much of the money goes to the wealthiest. We do not know the percentage yet, but when we see the final product, my colleagues can be sure that it will not overwhelmingly go to hard-working middle-and low-income families.

I urge we support the instruction.

Mr. STARK. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

This motion is an attempt to improve a bill that is probably insusceptible to improvement. Indeed, it has always been challenging in discussing this tax measure whether to focus on its fundamental inequity or to consider its gross fiscal irresponsibility, because this measure has embodied so many aspects of both.

It need not have been that way. There has been strong bipartisan support in this Congress for reasonable tax relief. But reason does not seem to be in vogue in Washington this year. Take, for example, the matter of correcting the marriage penalty tax. We could have done that the day after the Inauguration and done it on a unanimous basis in this Congress. Democrats tried in 1995 to implement the so-called Contract on America, but Republicans had higher priorities and they rejected any correction of the marriage penalty in the Committee on Ways and Means.

Again this year, we find very much the same set of priorities. Because the bill that comes to us tonight from the United States Senate does not provide one cent of relief to those Americans who thought they were going to receive marriage penalty correction during this year. They have deferred the entire thing for another 5 or 6 years. So all these pretty photos of married couples and the discrimination they face, they need to know that if we approve the bill that was just approved over at the United States Senate, they will not get a penny of relief out of this bill.

It need not have been that way. The priorities could have been different. A bipartisan moderate approach to resolve the major inequities could have been accomplished, but instead, things like the marriage tax penalty were used as political ploys instead of as a basis for coming about with reasonable reform.

As the Senate Committee on Finance chairman said of the bill this week, quote, one criticism is that this bill's tax cuts are backloaded for high-income taxpayers. In other words, high-income taxpayers receive a lot of relief toward 2011 instead of 2001. This is a true fact, but not a valid criticism. That is some real double-speak.

What it really means is they are loading up these tax cuts in a way that at the very time more people are making their demands felt as they retire as baby boomers, there will not be the resources there to meet those needs. Need increases, the ability to meet those needs decreases.

And this is part of an overall plan of this administration and those within this Congress. This weekend, the Secretary of the Treasury gave an interview to a paper in London where he called for the total abolition of the corporate income tax. We will see one measure after another. As one of our Republican colleague said, there is another bill pending here. And the special interest lobbyists seeking tax breaks are swarming around it like ants at a picnic. This bill is presented to us tonight as a great picnic for the American people. But all they will get out of it is one series of stings after another.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. Once again, I appreciate the presentation of my colleague from Texas. It is always enjoyable.

There were 62 votes for that tax package today. There were 12 Senators of the gentleman's party who voted for it. And I would urge my friends from California, who just made an impassioned plea about dealing with energy in California, perhaps they should spend a little more time with their Democratic Senators on the other side of the aisle, holding their hands, because the Senator from California, Mrs. Feinstein, voted in favor of the package.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of this simple motion calling for some truth in advertising and fiscal honesty in the tax bill.

While we can have honest differences of opinion about the size and structure of the tax cut, we should all be able to shoot straight with the American people about the cost. Unfortunately, it appears that this tax bill will use every budget gimmick in the book, and possibly invent a few more, in order to hide its true cost.

This motion very reasonably asserts that the cost of all tax cuts should be shown honestly and be phased in within 5 years so the costs do not increase dramatically and surreptitiously in later years. The tax bill passed by the other body would delay full implementation of the five most expensive components until 2009 and 2011. More than 70 percent of these costs occur in the second 5 years.

Even worse, the cost of this bill would explode to $4.1 trillion in the next decade, at the very time that the Social Security and Medicare programs will begin to face severe financial challenges with the retirement of the baby boom generation.

This tax bill bets the ranch on surplus projections continuing to grow. If those projections are off just a bit, we will be forced to dip into Medicare trust funds before we even start dealing with the increases for defense or other needs as yet not addressed.

By passing a large backend-loaded gimmick-filled tax cut, we risk returning to the era when deficit spending placed a tremendous drag on our economy and ran up $5.7 trillion worth of debt. Even though I would be delighted to be wrong, I fear we are also squandering our opportunity to strengthen Social Security and Medicare and pay down our national debt.

I do not want my grandchildren to look back 20 years from now and ask why I left them with the tab for tax cutting we will politically enjoy today. I used to think no one else in this body would want to do that either, but I was wrong. The least we owe our grandchildren and the rest of our constituents is a little honesty, and that is what this motion to recommit is all about.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), a gentleman on the Committee on Ways and Means, lest someone believe that the entire State of Texas, based upon the number of speakers who have come to the mike on the other side of the aisle, is all on one side. I would also hasten to indicate that both the Senators representing the great State of Texas voted for the measure that passed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would remind all Members that while it is permissible to comment on a vote in the Senate, it is not permissible, under the precedents of the House and clause 1 of rule XVII, to refer to a particular Senator's vote.

The Chair recognizes the gentleman from Texas (Mr. BRADY) for 3 minutes.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding this time to me.

I think the President is taking, and this Republican Congress is taking a very responsible approach to tax relief in America today. The tax relief under this proposal starts slow and it builds. It grows. As we pay off more and more of the public debt, and as the surplus grows, tax relief grows with it. We do not have a budget surplus in Washington, because I guarantee my colleagues that Washington will spend every dime the taxpayers send up here, but we do have an actual tax surplus because people are paying too much into government for what they are getting for it.

There are people I think in Washington who are still out of touch with the real world, who think we just do not tax people enough, and if we did, that would solve everything. But look at the way real families are taxed in America: When they start their day, they get up in the morning and get a roll or a coffee and pay a sales tax; step in the shower, pay a water tax; jump in the car to go to work, pay a fuel tax.

At work, at the office, they pay an income tax and a payroll tax. At the end of the day, they get back and drive to their home, on which they pay property taxes. They open the door, flip on the light and pay an electricity tax; turn on the television, pay a television tax; pick up the phone, pay a telephone tax. If they are married, when they kiss their spouse good night, they pay a marriage penalty tax, and on and on, until at the end of their life, they die and pay a death tax.

No wonder people have such a hard time making it, why there is not enough money left at the end of the month just to meet the needs of their children, just to provide for retirement, for college, and the day-to-day necessities. Washington needs to get out of the way to give people back more of what they have earned, not what Washington has earned. We need to give them the power to make their decisions for their children, for their schools, for their health care, because we are overtaxing real families in America.

In fact, Tax Freedom Day was just a week or so ago, May 3. That means for most of our families, they worked from New Year's Day to May 3 just to pay their taxes, and then they started working for themselves. So they have worked 5 months into the year before they start working for their children, their family, their own American dream.

The Republican tax relief plan, the President's tax relief plan is a responsible one, one that has more faith in our families than in Washington to squander those dollars. I am convinced, and I am a new member of the committee, that our Tax Code is too complex. I do not agree with the instructions here dictating what that bill will do, because I think bipartisan Members from the House and Senate ought to sit down and ought to work through the complexities of this. This is not the time to dictate. This is not the time to destroy the bipartisanship. This is like getting to the end of the marriage vows and the minister starts making things up.

□ 2015

Mr. Speaker, this ought not be the time we do that. Let us keep a strong, steady path and come forward with a bipartisan tax relief bill that we can all be proud of.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN) and see if he can explain what the Senate representation from Maryland did, without violating House rules.

Mr. CARDIN. Mr. Speaker, I am sorry the gentleman will not be able to refer under the Speaker's admonition how my two Senators voted on this bill; but I think the gentleman will find that they did the right thing.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from California.

Mr. THOMAS. If the gentleman would indicate his intention on the vote on final passage, we might be able to anticipate a comparison between what his Senators did and what the gentleman is doing.

Mr. CARDIN. Mr. Speaker, it would be very consistent with my Senators.

Mr. THOMAS. Mr. Speaker, I thank the gentleman.

Mr. CARDIN. Mr. Speaker, reclaiming my time, budget reconciliation is supposed to be to reconcile this bill with the budget resolution. And our budget resolution spells out a 10-year number that is available for tax relief.

Our motion to instruct basically says let us be honest about that. Let us be sure that the tax provisions are phased in in a way that it is not backloaded. By backloaded, we mean estate tax relief when it does not take effect for 10 years and then explodes in cost at the same time we have problems in funding the Social Security system and the Medicare system because of the babyboom generation reaching the age of 65.

Mr. Speaker, this motion is basically truth in advertising. Let us put the provisions in and not backload it and have to pay later.

The second thing is that this reconciliation bill ought to speak to our priorities; and I do not think that our priorities ought to be tax cuts today and tax cuts tomorrow and nothing else. We should speak to the fact that we want to pay down the national debt, that we want to preserve Social Security and Medicare and yes, put more money into education like the overwhelming majority of this body voted to do.

Yet if we do not pass this motion, I am afraid that the reconciliation bill will do what the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, said. That is, he wants to put 15 pounds of sugar in a 10-pound bag. It is going to be 30 pounds of sugar in a 10-pound bag. It will squeeze out our ability to do anything else.

Mr. Speaker, I urge my colleagues to support the motion to instruct.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Maryland was not in the room when it was pointed out, notwithstanding his eloquence on the provision, that the phase-in should not exceed longer than 5 years. I do want to remind the gentleman that three times on the floor of the House the Democrats presented a tax plan, and I can provide my colleagues, for example, with some of the numbers. Under the estate tax relief, the language of the Democratic plan said in 2002, relief would be at $2 million; in 2003 and 2004, $2.1 million; in 2005 and 2006, $2.2 million; in 2007 and 2008, $2.3 million; in 2009, $2.4 million; and in 2010 and thereafter, $2.5 million.

Mr. Speaker, I appreciate the gentleman asking us to meet a standard higher than they impose on themselves. I happily accept that challenge. But to indicate that we should meet a standard that the Democratic party did not meet in the Democrat's own program is just a little much to take; and, frankly, it brings into question the sincerity of the motion to instruct and the criteria that are placed in that motion to instruct, which is in fact to hold us to a standard the Democrats chose not to hold their plan to.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, if the gentleman looks at the Democratic substitute, the gentleman will find that 95 percent of the provisions take effect within the 5-year window. I think that is pretty good. If the gentleman would agree to live up to that 95 percent standard, I think we would be glad to amend our motion.

Mr. Speaker, the point is that we do not want to have the overwhelming majority of revenue hit when we are in the last years of the bill, and the proposals we are talking about may do that. The Democratic substitutes never do.

Mr. THOMAS. Mr. Speaker, continuing on my time, if the gentleman would look at the Democratic tax plan presented on the floor on three different occasions, the single largest dollar amount under one of the major provisions occurred in 2010; the second largest amount in 2009; the third largest amount in 2008, et cetera.

The point is the Democratic substitute is structured similar to everyone else's. The motion to instruct requires us to meet a standard the other side of the aisle chose not to meet themselves on virtually every one of the items they have in their bill.

Mr. Speaker, I understand their desire and what they want. All I am saying is when the other side of the aisle chooses to impose a standard on the majority, I would hope that the minority would have already honored that standard.

Mr. Speaker, if the gentleman would like to be refreshed on what the Democratic tax plan is, it is here and available.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. CARDIN. My recollection is the gentleman is referring to the provisions concerning the estate tax relief. The other provisions were all phased in within the 5-year window, and the dollar amounts in the estate tax in the last few years was a minor amount in the overall effect of the bill.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would tell our distinguished chairman that the Democrats are entitled to one mistake, for instance, the Senate vote from the State of California today; and we had one provision that phases out over 5 years, and I think almost every provision in the chairman's bill phases out over 10 years. I would give him one free kick if that will solve that issue.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, focusing on these phase-ins, if only the Republican bill, if only the gentleman would promise that he would come as close to not backend loading the ultimate bill, as we did in our Democratic plan, he would get my vote against this motion. In fact, instead the House bills explode in the second 10 years to a cost of $4.1 trillion.

We need standards and rules for a unipartisanship-led conference dedicated to such extreme mispackaging of a tax bill.

I want to talk to my Republican colleagues and say this motion to instruct could save a lot of heartache back in their districts because there is a new regime in the Senate. There may be 41 Senators opposed to any further tax cuts. If they let a bill go through that is widely publicized as providing constituents with tax relief, and then they open up their tax booklets at the end of the year and they see that you did not take care of the AMT, and the AMT takes back all of the benefits talked about in the speeches, if they see there is no marriage penalty relief or pension reform and their IRA is still $2,000, and if they see the R&D tax credit has been allowed to expire, they are going to ask why was that allowed to occur? Why did we celebrate a tax bill that did not deal with those provisions? And only a vote for this motion to instruct can be my colleague's defense.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means, and a significant contributor to a number of key issues, including the pension and Individual Retirement Account legislation.

Mr. PORTMAN. Mr. Speaker, just looking at the motion to instruct, I find it interesting that the other side is instructing the conferees to include provisions that were not in the Democratic substitute. I have the Democratic substitute in front of me. There is a requirement twice here that the conference report shall include increasing the per child tax credit, for instance, which was not in the Democratic substitute.

We just heard that we need to add all of these things, and yet when the Democrats offered their own tax bill, it was not included.

I see a permanent extension of the research credit must be included. That is an instruction to the conferees, yet the Democrats have no research and development tax credit in their plan.

There is a discussion here of the AMT saying we shall adjust the current law AMT tax so it does not disallow benefits. That is in the House-passed bill in conference. That is something that this House took up as part of the legislation.

It has a number of provisions here saying we must be sure that the revenue laws and associated debt service costs do not exceed Social Security and Medicare in the HI Trust Fund. That is included in our budget resolution and included in the House-passed version. And as the chairman said in the Senate-passed bill today, it does not in fact do that.

Mr. Speaker, I would make the suggestion that the motion to instruct is not consistent with the Democrat's own tax plan that they came forward with.

I would make the further point that despite what we have heard here today on the floor, the budget resolution under which this tax provision is provided does provide for tax relief, but only after taking care of Social Security and Medicare in ways this House has never done.

Mr. Speaker, my colleague is shaking his head, but I have spent 8 years here, and I have watched us raid the Social Security and Medicare Trust Fund. We are setting aside all of those trust fund surpluses for those programs in ways that we have not done before.

We are also providing for debt relief in ways that are unprecedented. We will relieve the country of more of our national debt than we have done ever in this House. All of the available debt will be relieved. We also have increases in spending where appropriate: education spending, defense spending.

Yet after all of that, Social Security and Medicare are being preserved, after the debt being handled in a way that is unprecedented and is appropriate, and after increasing domestic discretionary spending, still because there is a $5.6 trillion tax surplus building up in Washington, there is some room left for the folks paying the bills. That is the roughly 25 or 26 or 27 percent of the surplus that is provided for in the tax relief measure that the Senate passed today.

Incidentally, the Senate passed that bill with 12 Democrat Senators supporting it. And in the House, we had tax bills go through which are part of the larger bill with 58, 68 up to 186 Democrats supporting some of the tax provisions in this underlying legislation which we will have an opportunity to vote on in the next day in the House.

Mr. Speaker, the motion to instruct conferees is not consistent with the Democrats' own tax plan; and it seems to be inappropriate to be instructing conferees to be doing something that was not considered appropriate when the Democrats had an opportunity to offer their own plan.

Mr. Speaker, this does fit within the budget nicely. It provides some tax relief to the hard-working Americans that created every cent of that surplus. It is not only reasonable, it has been bipartisan. Twelve senators supported it today. We have votes here in the House that have been bipartisan on most of the provisions that are in the tax bill before us.

Mr. Speaker, I urge that we defeat the motion to instruct and move on to provide the American people with needed tax relief.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know what the House rules say about wagering on the House floor, but if the rules were silent, I would be inclined to offer the Republican proponents and my opponents a wager. I would give them, whoever wanted to accept this wager, $1,000 every year that they meet their projected 10-year budget proposal if they would in turn be willing to give me $1,000 for every year in the next 10 years that they do not meet the budget proposal.

□ 2030

I would like to have that memorialized in the CONGRESSIONAL RECORD and hope that I could collect every year for the next 10, and I think I might leave that open for a while.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, the President offers this tax cut plan as his energy plan. He refuses to do anything about prices of energy, which has gone up a thousand percent on the wholesale electrical market in the State of Washington, but instead offers a few dollars in the tax cut plan. As a short-term response to our energy crisis, this is an abject failure; and I will say why and I will say how.

We live in interesting times. Tomorrow we cannot say who is going to control the U.S. Senate, but we know the oil and gas industry is going to control the White House. As a result of that, every single dollar, every single dollar that my constituents might get next year back from this tax cut, maybe 15 bucks a month for a middle-class family, is going to be eaten up several fold by energy companies. They are going to take that couple bucks from Uncle Sam, and they are going to ship it in their envelope to the energy companies, many of them who happen to be the President's political allies.

Now, at a townhall meeting a guy told me he was cutting his energy use, but his prices were skyrocketing. And he said, JAY, that plan, that tax cut plan, sort of reminds me of a money-laundering operation. One just takes the money, launders it through the taxpayers and gives it over to the President's political allies in the energy industry. Why not just cut out the middleman and just give it all to the energy industry, just cut out the middleman?

That would be wrong because we have people losing jobs today in the State of Washington, 43,000 people losing jobs, and the President and the Republican Party will not act on this. It is a travesty. We should be doing a price cap, a price mitigation plan tonight instead of this bill.

Mr. STARK. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, the gentleman from Washington (Mr. INSLEE) showed the truth of this tax bill. The GOP majority, GOP, gas oil and pollution, is going to make sure that when we leave for our recess we have passed a tax bill 40 to 45 percent of which goes to the wealthiest 1 percent of our population.

The people who live in my district in San Diego, California, will get very little out of this tax bill; and whatever they get, as the gentleman from Washington (Mr. INSLEE) said, is going to go directly to Exxon or to Enron or to any one of those energy companies that is bleeding California dry.

We are going to leave town with that tax bill, but we are going to leave town without doing anything for the people in San Diego or the rest of California or the rest of the West.

The chairman of the committee is from California. He knows we are being bled dry. He knows we are paying $70 billion this year for electricity, whereas 2 years ago we paid $7 billion. The demand has not increased significantly. The costs have not increased significantly. Where is that 10-fold increase going? It is going into the 800 percent, 900 percent, 1,000 percent increase in profits by the major oil companies and the major electricity generators of this country, and yet this Congress is not going to act on the issues confronting California.

The people of California ought to be telling the chairman of the Committee on Ways and Means, solve our crisis. Stop the bleeding in California. Give us a reasonable cost for electricity, and then we can go home and enjoy our vacations.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to do two things: one, to respond to the offer of a wager of the gentleman from California (Mr. STARK), and I would tell the gentleman that I would be more than willing to risk $1,000 a year over the next 10 years with one proviso. The gentleman is concerned about whether or not we will honor our budgetary numbers and live within our means. I will tell the gentleman that if he makes sure that the Republicans are in the majority for each of those 10 years, I have no question at all that the gentleman would owe me $1,000 a year.

If, however, included in his wager that the gentleman's party regains the majority, I can assure him the American people are going to lose far more than $1,000 each for the rest of their lives.

So, if the gentleman will assure me of a continued majority of the responsible party that has produced a surplus that we have now, that is not a wager; that is an investment.

I will also tell the gentleman from California (Mr. FILNER), who has repeated this several times, that he is pleading on the floor to stop the bleeding in California, I have to tell my friend, the gentleman from California (Mr. FILNER), it is pretty hard to do it from here because, frankly, the bleeding is a self-inflicted wound.

The gentleman ought to go to Sacramento. His party controls the lower house of the legislature, the upper house of the legislature, and the gubernatorial mansion; and if his party would address supply and demand rather than assuming it is a rock and roll band on the question of delivering energy, California can address its significant level. If California wants to maintain air standards higher than the national level and plead for us to assist them when, in fact, the national level is unsatisfactory for Californians, then I would tell the gentleman once again that this bleeding he cries out for in California is self-inflicted.

Mr. FILNER. The gentleman is here. Would the gentleman from California (Mr. THOMAS) yield to talk about the bleeding in California?

Mr. THOMAS. No, I have no interest in yielding.

Mr. FILNER. * * *

Mr. THOMAS. Mr. Speaker.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman will suspend. Does the gentleman from California (Mr. THOMAS) yield to the other gentleman from California (Mr. FILNER)?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, I am not yielding. I am trying to make a statement in conclusion.

Mr. FILNER. * * *

The SPEAKER pro tempore. The gentleman will suspend. The gentleman is out of order. The time is controlled by the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, in conclusion, as was pointed out by the gentleman from Ohio (Mr. PORTMAN), the majority is always willing to look at motions to instruct if they are, in fact, useful and appropriate. What we have seen during the course of this debate is that the motion to instruct offered by the other side attempts to hold the conference to a time-year standard that they would not hold themselves to, and that beyond that the requirements stated of having to be in this particular tax package are items that they did not hold themselves to.

So it would seem to me that one of the basic standards in examining a motion to instruct to see if it, in fact, is serious and ought to be considered by the majority is to contain provisions which the minority lived up to in its own measure presented on the floor. We found it to be deficient in a number of areas; and, therefore, I would reluctantly urge my colleagues, notwithstanding, I am sure, the meritorious and positive attempt to provide a help to the conference, that we reject this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. STARK. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think this debate is about several issues; and, frankly, it is about crafting a conference process by this motion to instruct that would allow us to do some of the things that we say in this House we are committed to.

It is interesting that we just voted on an education bill, leave no child behind; but, frankly, with a $1.6 trillion tax bill out of this House we will leave many children behind.

I want to work with my colleagues from California because I need to say to this House the energy crisis, the energy problem, is not a California problem; it is a national problem. Some of us believe that it is important to have short-term relief, and that short-term relief some agree and some disagree may be to eliminate on a temporary basis the gasoline tax that we have and provide dollars to the highway trust fund in substitute of what we are paying out to the richest Americans in this country.

So the motion to instruct might allow us to craft a tax bill that, one, is addressed in the first 5-year period and, two, protects Social Security and Medicare.

I would hope my colleagues would listen to the fact that we cannot spend a bunch of money and try and solve America's problems. This is a good motion to instruct, and we should bring the tax bill down. It should be a reasonable bill. We need to address the energy problem; and if we do so, we need it with the monies that are now being expended in a wasteful manner, giving away to rich people, rich tax dollars, and not helping those who are in need.

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of the Committee on the Budget, to close the debate.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for yielding me this time.

Mr. Speaker, I do not have a large chart. I simply have this piece of paper which I previously have put in the RECORD. On this one sheet of paper, we show the consequences of the conference agreement that we adopted on the budget and the consequences in particular of the tax cut that we are about to send to conference.

This tax cut will have a cost in the area of $1.3 trillion. When one factors into the budget all of the puts and takes, one starts with $5.610 trillion, it seems that everything is possible. My lord, $5.610 trillion. But if we back out the Social Security surplus and then back out the Medicare surplus, the available surplus for policy actions before tax cuts is substantially less than that. It is about $2.6 trillion.

When one backs out the tax cut, we end up with, after interest adjustments, a contingency reserve of $504 billion. There is $504 billion for policy initiatives, for estimating errors, over a period of 10 years. Now that, too, sounds like a lot of money until we look at the bottom line and see that in the first 5 or 6 years that cushion for errors, that contingency reserve, ranges between $12 billion and $30 billion; never a big number, particularly when we consider this: in the puts and takes that I have just mentioned, in getting to this so-called contingency reserve, this cushion fund, there is no calculation for an increase in education, inflation only. No real spending increase in education at all.

More seriously, more importantly, we have in this budget a placeholder number for national defense. It is $325 billion next year, but everybody knows that Mr. Rumsfeld is now transforming our military and will soon be on the Hill, after this is all done, with a request ranging anywhere from $20 billion to $35 billion next year, and probably $250 billion to $350 billion over the next 10 years at a minimum. Nobody disputes that.

I showed this chart today to Mr. Rumsfeld when he testified before our committee. I told him that what we assumed is that he would be up here next year for at least a $20 billion increase.

□ 2045

Each year thereafter, it was staircased by $5 billion until it reached $50 billion. He did not demur to those numbers.

Here is what happens when we factor in defense at that level and when we also factor in to these calculations, emergency spending, which is at the historic average of about $5 billion to $6 billion a year. Next year, the contingency reserve in 2002 is $12 billion. Defense and emergencies alone will need $15 billion. That means we are back in the red again. In 2003, defense and emergencies will need $24 billion. The contingency reserve is $19 billion. In 2004, defense and emergencies will need $31 billion. The reserve is $24 billion. That is how thin the ice gets as a result of this budget and, primarily, as a result of the proposed tax cuts. That is the risk we are taking.

Furthermore, for those who want to say there is still money left for education, there is no money in here for education over and above inflation. That is already factored into the equation. Once we do the defense budget, there is no room left for policy initiatives. There is nothing set aside for Social Security and Medicare, other than what they will accumulate in their own trust funds.

That is why I am opposed to this budget. It comes too close to the margin, too close for comfort, and leaves no room for error. I think everybody should bear that in mind, because this motion to recommit tonight at least says, let us take the tax bill and try to make it as well-contained as we can within the parameters of the budget we have here. That is the least we can do, is send our conferees to the conference committee and tell them, do a better job than either House has yet done in fitting this tax bill into a budget reality.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to instruct.

The question is on the motion to instruct offered by the gentleman from California (Mr. STARK).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. STARK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 198, nays 210, not voting 24, as follows:

[Roll No. 146]

YEAS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Radanovich
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—210

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Castle
Chabot
Coble
Collins
Combest
Condit
Cooksey
Cox
Crane
Crenshaw
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Young (FL)

NOT VOTING—24

Becerra
Bereuter
Cannon
Chambliss
Clement
Cubin
Culberson
Dicks
Dooley
Frost
Graham
LaHood
Largent
Moakley
Murtha
Oxley
Rahall
Scarborough
Shaw
Smith (WA)
Visclosky
Whitfield
Wilson
Young (AK)

☐ 2108

Messrs. GOODLATTE, WATTS of Oklahoma, ISSA, BUYER, and BALLENGER changed their vote from "yea" to "nay."

Mr. HOLT changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the Chair appoints the following conferees: Messrs. THOMAS, ARMEY, and RANGEL.

There was no objection.

GENERAL LEAVE

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1836.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report on the resolution (H. Res. 147) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

WELCOMING HIS HOLINESS KAREKIN II, SUPREME PATRIARCH AND CATHOLICOS OF ALL ARMENIANS, ON HIS VISIT TO UNITED STATES AND COMMEMORATING 1700TH ANNIVERSARY OF ACCEPTANCE OF CHRISTIANITY IN ARMENIA

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 139) welcoming His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States and commemorating the 1700th anniversary of the acceptance of Christianity in Armenia, and I ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. LANTOS. Mr. Speaker, reserving the right to object, and I will not object, I would like to make a few observations concerning this resolution.

Mr. Speaker, I am pleased to join my colleague, the gentleman from Mississippi (Mr. WICKER) and others in extending a warm and sincere welcome to His Holiness, Karekin II, Supreme Patriarch and Catholicos of All Armenians.

His Holiness' visit to the United States is a monumental occasion for the American Armenian community and for Armenians everywhere. His visit marks the 1,700th anniversary of Christianity in Armenia. I want to congratulate the Armenian people on carrying this proud tradition through 17 centuries.

This important resolution shows the support and good will that the United States Congress has towards the Armenian people everywhere and here in this country.

I believe that this resolution spells out important positions of the U.S. Congress. It commends the richness of the Armenian heritage, and it celebrates the contribution of Armenian Americans to the cultural diversity of our Nation.

I want to note the strength and the perseverance of this tradition. For over 70 years, the Armenian Christian faith was suppressed in the Soviet Union, and Armenian religious leaders were imprisoned or exiled. Today, after more than 70 years of Communist rule, Armenians in Armenia have been able to return to practicing their faith.

I want to thank my colleague for introducing this resolution, and I urge all of my colleagues to join me in supporting it.

Mr. WICKER. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I thank my friend, the gentleman from California, for yielding to me.

Mr. Speaker, I am also pleased to rise in favor of House Concurrent Resolution 139, which I introduced only a few days ago with strong bipartisan support.

☐ 2115

Mr. Speaker, I would also like to thank the leadership for recognizing the importance of this resolution and ensuring its speedy consideration.

We welcome his Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States. We commemorate the 1700th anniversary of Armenia's acceptance of Christianity.

The Catholicos' visits and upcoming commemoration of the United States provides the ideal opportunity for the House to bring attention to the shared values and ideals of the United States, Armenia, and the Armenian church.

The Armenian people have lived in their homeland for more than 3,000 years, creating a unique civilization rich in culture. The Christian world's links to the past are intertwined with the Armenian church.

In fact, two of Jesus' disciples, Saint Thaddeus and Saint Bartholomew introduced Christianity in Armenia and were among the original founders of the Armenian Church.

In 301 AD, Saint Gregory the Illuminator brought Christianity to the entire country, leading Armenia to declare Christianity the official religion, making it the first Christian state in the world.

The Armenian Church has made great contributions often during times of strife and oppression as my friend from California (Mr. LANTOS) has pointed out, over the last 17 centuries.

Armenian Church leaders opened schools, cared for the sick and needy, and created an alphabet for Armenia and the Republic of Georgia in order to make scriptures more accessible to the people.

Armenians' devotion to God led them to create distinctive styles of manuscript illumination, architecture, sculpture, and textiles that are recognized as masterpieces of Christian art and as major contributions to world art. The Armenian Church continues to make significant contributions today through its ministry at home and its active participation in ecumenical bodies uniting Christians of all denominations throughout the world.

Mr. Speaker, in the coming days, more than 100 communities around the United States will be celebrating this great anniversary with special worship and ecumenical services. Mr. Speaker, I am pleased to author this resolution welcoming the Catholicos to the United States and honoring the 1700th anniversary of Christianity in Armenia.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution and affirming our strong ties and relationship with Armenia and the Armenian Church.

Mr. BONIOR. Mr. Speaker, it gives me great pleasure to welcome the world leader of the Armenian Church, Catholicos Karekin II, Supreme Patriarch and Catholicos of All Armenians, to celebrate the 1700th anniversary of Armenia's conversion to Christianity. His Holiness is a great moral and spiritual leader and it is an honor to have him as a guest in our country.

In 301 A.D., Armenia became the first Christian state in the world. At the time, Saint Gregory the Illuminator Christianized the entire country of Armenia, was consecrated the first Catholicos of Armenia, and baptized King Drtad of Armenia as a Christian. Consequently, King Drtad declared Christianity to be the official religion of Armenia.

Throughout our nation, Armenian communities will celebrate the 1700th anniversary of the coming of Christianity in Armenia with special worship and ecumenical services. On this day, we join the Armenian community, and His Holiness in celebrating the ideals and values shared by the people of the United States, the people of Armenia, and the Armenian Church in America.

It is truly a rare opportunity to have an important world religious leader such as His Holiness here with us to share his wisdom. His Holiness is accompanied by a large delegation consisting of the Supreme Council's members and high-ranking clergy. Mr. Speaker, I'm sure you join me in wishing His Holiness Karekin II, and the delegation, the best on his first official pontifical tour of the United States.

Mr. LANTOS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 139

Whereas the Armenian people have lived in their homeland for more than 3,000 years and created a unique civilization;

Whereas two of Jesus Christ's own disciples, Saint Thaddeus and Saint Bartholomew, introduced Christianity in Armenia and were the original founders of the Armenian Church;

Whereas in 301 A.D., Saint Gregory the Illuminator Christianized the entire country of Armenia, was consecrated the first Catholicos of Armenia, and baptized King Drtad of Armenia as a Christian;

Whereas in 301 A.D., King Drtad declared Christianity to be the official religion of Armenia, making it the first Christian state in the world;

Whereas Armenian Church leaders opened schools, cared for the sick and needy, and created alphabets for Armenia and Georgia to make the Scriptures more accessible to the people;

Whereas Armenians' devotion to God led them to create distinctive styles of manuscript illumination, architecture, sculpture, and textiles, that are recognized as masterpieces of Christian art and as major contributions to world art;

Whereas the Armenian Church has persevered in its faith throughout the past 17 centuries in cultures that were hospitable to it and others that were hostile;

Whereas the Armenian Church actively participates in ecumenical bodies and movements, uniting Christians of all denominations world-wide;

Whereas more than 100 communities throughout the United States will celebrate the 1700th anniversary of the acceptance of Christianity in Armenia with special worship and ecumenical services;

Whereas in celebration of the 1700th anniversary, His Holiness Karekin II will visit the United States;

Whereas the 1700th anniversary is an appropriate occasion to celebrate the ideals and values shared by the people of the United States, the people of Armenia, and the Armenian Church in America;

Whereas representatives of the Christian, Jewish, and Muslim faiths, including representatives of the Armenian Church, the National Conference of Catholic Bishops, and the National Council of Churches of Christ in the U.S.A., will celebrate an ecumenical prayer service on May 30, 2001, at the Catholic Basilica of the National Shrine of the Immaculate Conception on the occasion of the 1700th anniversary;

Whereas the Armenian Church, the National Conference of Catholic Bishops, and the National Council of Churches of Christ in the U.S.A. have chosen the theme "Walking Together in the Light of Our Lord" as the message to embrace the ecumenical spirit of brotherhood on the occasion of the 1700th anniversary; and

Whereas the Armenian Church has established parishes throughout the United States and has contributed to the quality of religious life in this Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the Republic of Armenia on the occasion of the 1700th anniversary of the acceptance of Christianity in Armenia;

(2) welcomes His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States; and

(3) joins with the people of Armenia, the Armenian Church in America, and His Holiness Karekin II in celebrating the ideals and values they share with the people of the United States.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WICKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 139.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ADDITIONAL MEASURES WITH RESPECT TO PROHIBITING THE IMPORTATION OF ROUGH DIAMONDS FROM SIERRA LEONE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–75)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to expand the scope of an existing national emergency in response to the unusual and extraordinary threat posed to the foreign policy of the United States by the Government of Liberia's complicity in the illicit trade in diamonds from Sierra Leone by the insurgent Revolutionary United Front of Sierra Leone (RUF) and by the Government of Liberia's other forms of support for the RUF. I also have exercised my statutory authority to issue an Executive Order that prohibits the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia. These actions are mandated in part by United Nations Security Council Resolution 1343 of March 7, 2001.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations in exercise of my authorities under the IEEPA and the United Nations Participation Act, 22 U.S.C. 287c, to implement this prohibition. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive Order.

I am enclosing a copy of the Executive Order I have issued. The Order was effective at 12:01 a.m. eastern daylight time on May 23, 2001.

I have authorized these measures in furtherance of Executive Order 13194 of January 18, 2001, and in response to the Government of Liberia's continuing facilitation of and participation in the RUF's illicit trade in diamonds from Sierra Leone and its other forms of support for the RUF. The Government of Liberia's actions in this regard constitute an unusual and extraordinary threat to the foreign policy of the United States because they directly challenge United States foreign policy objectives in the region and the rule-based international order that is crucial to the peace and prosperity of the United States.

In Executive Order 13194, President Clinton responded to the RUF's illicit arms-for-diamonds trade that fuels the brutal, decade-long civil war in Sierra Leone by declaring a national emergency and, consistent with United Nations Security Council Resolution 1306, by prohibiting the importation into the United States of all rough diamonds from Sierra Leone except for those importations controlled through the certificate of origin regime of the Government of Sierra Leone. In a report issued on December 14, 2000, the United Nations Panel of Experts established pursuant to resolution 1306 found that diamonds represent a major and primary source of income for the RUF to sustain and advance its military activities; that the bulk of the RUF diamonds leaves Sierra Leone through Liberia; and that such illicit trade cannot be conducted without the permission and involvement of Liberian government officials at the highest levels. The Panel recommended, among other things, a complete embargo on all diamonds from Liberia until Liberia demonstrates convincingly that it is no longer involved in the trafficking of arms to, or diamonds from, Sierra Leone.

On March 7, 2001, the Security Council unanimously adopted resolution 1343 to impose sanctions against the Government of Liberia. The resolution determined that the Government of Liberia's active support for the RUF in Sierra Leone and other armed rebel groups in neighboring countries constitutes a threat to international peace and security in the region and decided that all states shall impose an immediate arms embargo on Liberia and also shall impose travel and diamond bans on Liberia on May 7, 2001, unless the Council determined before that date that the Government of Liberia had ceased its support for the RUF and for other armed rebel groups and, in particular, had taken a number of concrete steps identified in the resolution. In furtherance of this resolution, the Secretaries of State, Commerce, and Defense have taken steps, under their respective authorities, to implement the arms embargo.

With regard to the travel ban and diamond embargo, the Government of Liberia has failed, notwithstanding the two-month implementation period granted by resolution 1343, to honor its commitments to cease its support for the RUF and other armed rebel groups. As a result, the Security Council did not determine that Liberia has complied with the demands of the Council.

In Proclamation 7359 of October 10, 2000, President Clinton suspended the entry as immigrants and nonimmigrants of persons who plan, engage in, or benefit from activities that support the RUF or that otherwise impede the peace process in Sierra Leone. The application of that Proclamation implements the travel ban imposed by resolution 1343.

Finally, for the reasons discussed above and in the enclosed Executive Order, I also have found that the Government of Liberia's continuing facilitation of and participation in the RUF's illicit trade in diamonds from Sierra Leone and its other forms of support for the RUF contribute to the unusual and extraordinary threat to the foreign policy of the United States described in Executive Order 13194 with respect to which the President declared a national emergency. In order to deal with that threat, and consistent with resolution 1343 and this finding, I have taken action to prohibit the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated there, in order to contribute to the international effort to bring a prompt end to the illicit arms-for-diamonds trade by which the RUF perpetuates the tragic conflict in Sierra Leone. This action, as well as those discussed above, also expresses our outrage at the Government of Liberia's ongoing contribution to human suffering in Sierra Leone and other neighboring countries, as well as its continuing failure to abide by international norms and the rule of law.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 23, 2001.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A LOOK BACK AT THE BATTLE OF IWO JIMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, everybody knows about Iwo Jima and the horrible battle that took place there back in 1945.

This weekend an organization called Freedom Alliance is going to have a number of specials on this on the Fox News Channel, and I hope all of my colleagues have a chance to see this.

The Freedom Alliance founder and Honorary Chairman, Lieutenant Colonel Oliver North, will be hosting a 60-minute documentary this weekend on the Fox News channel outlining the bloody battle, Iwo Jima during World War II.

He will interview survivors from Iwo Jima and Marines who played crucial roles in the pivotal battle in the Pacific for the special which is entitled War Stories with Oliver North.

This will air three times on the Fox News channel over Memorial Day weekend. I urge all of my colleagues to watch. The times and dates are as follows: on Saturday, May 26 at 10 p.m. Eastern; 7 p.m. Pacific it will be on; Sunday, May 27, 8 p.m. Eastern; 5 p.m. Pacific; and Monday, May 28, noon Eastern, 9 a.m. Pacific.

The battle for Iwo Jima which was fought during February and March of 1945 was one of the bloodiest battles of World War II, nearly 7,000 U.S. military personnel lost their lives and 16,000 were wounded. Most of them were Marines.

Mr. Speaker, when the island was secured on February 23, 1945, five Marines and one Navy Corpsman raised the Stars and Stripes on Mt. Suribachi, the highest point on the island. Associated Press photographer Joe Rosenthal captured the historic moment on film and the Marines Corps War Memorial, which now stands at the north end of Arlington National Cemetery in Washington, was sculpted from that famous photograph.

This fascinating and informative television special this weekend is worth all of our time. I hope my colleagues will watch it.

On this Memorial Day, Oliver North and the Freedom Alliance salute all the men and women of our Armed Forces whose lives were taken in the defense of America's liberty. We continue to pray also for the safety of our soldiers, sailors, airmen and Marines who serve today.

Mr. Speaker, I hope all of my colleagues will take the time this weekend to watch this very important.

REBUTTING ARGUMENTS OF MOTION TO INSTRUCT ON H.R. 1836

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Madam Speaker, I rise to use these 5 minutes to rebut some of the recent comments of the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means.

He stood here and he urged that the House not vote for the motion to instruct put forward by the Democratic side. His argument was that that motion committed this House to provide for alternative minimum tax relief, marriage penalty relief, R&D credit extension, and that the Democratic tax alternative had not provided for each of those items.

Let me put it into context. The Democrats came here with an alternative that provided only $750 billion. It sounds odd, only $750 billion, but that is a much smaller sum than the $1.35 trillion that the Republican tax bill provides.

My colleagues can be certain that if we Democrats had thought the country could afford a $1.35 trillion tax cut, that we would not have left out AMT relief, and we would never come to this floor and give with the right hand income tax relief and then take it back with the alternative minimum tax, the portions of the Internal Revenue Code that do not apply to many Americans today, but will apply under the tax bill brought forward by the majority.

We Democrats would not come with a $1.35 trillion tax cut that left out pension reform or left out the R&D tax credit. A number of Republicans did not vote for that motion to instruct, but I urge them to work behind the scenes to make sure that the conference follows those instructions, otherwise that conference will be tempted to put virtually all of that $1.35 trillion in tax relief in the hands of the wealthiest 1 percent of Americans and to leave out pension reform, to leave the IRAs at a mere 2K instead of the $5,000 that should be allowed.

That conference committee will be tempted to leave out marriage penalty relief or to leave ordinary working families subject to an alternative minimum tax that was never designed to apply to them. That conference committee may be tempted to do so because they will believe that they can provide $1.35 trillion in tax relief to the very wealthy and then come back again with another tax cut bill for the AMT and another tax cut bill to extend the R&D tax credit, but beware, the Senate may be in other hands very soon.

We may have a majority leader who says that $1.35 trillion is all the tax relief that America can afford. We may have 41 Senators not willing to end debate on any bill that expands that tax cut to way beyond what is prudent. So the tax bill my colleagues vote for today or tomorrow or at the end of this week may be the only tax relief bill you vote for. If that bill provides only huge cuts to the very wealthy and does not deal with the AMT and the R&D tax credit, does not provide any estate tax relief, although I think my colleagues can be pretty sure it will in that one area, if that one bill leaves the IRA at a mere 2K, then my colleagues' constituents will say we heard about the big tax cut, where is ours?

My colleagues will have to say I did not vote for the Democratic motion to instruct, and we ended up with a $1.3 trillion tax cut that left you out. I could have done something about it, but I did not because I wanted to stick with my party.

We may only have one tax cut bill this year. We may have only one tax cut bill this Congress, and I hope that those on the other side will work behind the scenes, will have access to the unipartisan conference that is really drawing the tax bill, and will say do not leave these critical elements out and do not assume that you can feast on appetizers now and eat the meal later.

The diet only provides for $1.35 trillion in tax cuts, but then the gentleman from Kern County went on to make some statements not about the motion to recommit but rather about the energy crisis in California. And I am sure he will be here tomorrow to explain or retract his remarks, but he said that California should not get any relief because our wounds are self-inflicted.

Do not join the California haters, allow California to regulate the wholesale price of electricity and do not say that our people should suffer on the theory that our wounds are self-inflicted. We will be back an hour from now to detail this energy crisis and explain how the wounds of California are inflicted upon us by mega-corporations based in Texas and the only mistake we made was to trust, to trust those companies who are now taking advantage of this situation.

□ 2130

COMMENDING WESTERN WISCONSIN COMMUNITY VOLUNTEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Madam Speaker, I am pleased to rise this evening to honor the many flood relief volunteers who have worked tirelessly these past few weeks throughout my home congressional district along the Mississippi River in western Wisconsin. Through their many acts of selfless dedication, they rose as one to meet the challenges of adversity brought on by the flooding waters.

In fact, Madam Speaker, Tawni and I are kind of redefining the term "feel your pain," because on Easter morning, Tawni and I and our two little boys, Johnny and Matt, woke up to discover that the Mississippi River was to the east of us rather than to the west of us. We thought now may be a good time to load the boys in a canoe and paddle to high ground to seek safe shelter elsewhere. In fact, many of the church bulletins on Easter morning read "He has risen and so has the river."

While some of us had to temporarily leave our houses and others lost possessions, I believe all of us gained something very valuable being witness to the extraordinary efforts made by friends, neighbors and strangers alike, all helping each other in a shared time of need.

Madam Speaker, I would like to specifically commend both the American Red Cross, who provided over 10,000 meals to residents, emergency workers, and volunteers, as well as providing much-needed temporary shelter for those displaced from their homes, as well as the Salvation Army, who provided additional assistance by preparing meals for weary workers and residents.

In addition, I wish to recognize the men and women of Wisconsin's fire departments, police departments, the National Guard, and all other emergency personnel who worked unceasingly to pump the water out and man the barriers to stem the force of the flooding.

Madam Speaker, lastly, the faith I have always had in our Nation's youth proved to be well founded when the students from the Challenge Academy at Fort McCoy, Fountain City High School, Winona High School, Boscobel and Prairie du Chien High School, as well as students at the University of Wisconsin La-Crosse, Winona State University, and a number of other schools spent their time and, for some, their spring breaks to help fill and stack sandbags and man the dikes and levees during this time of need.

Madam Speaker, the multitude of ways residents of western Wisconsin found to help each other was truly inspiring. It is at times like these when one better appreciates what Wisconsin people are all about. There is still work to be done to recover from this year's flooding and to assure that we are well prepared if such events occur in the future, but we know that the community spirit fostered by the acts of generosity and the selflessness by people of Wisconsin's Third Congressional District will be long remembered long after the mighty Mississippi returns to its gentle and peaceful pace.

I wish to also extend thanks to community leaders who reacted quickly and effectively to control the flooding and provide aid to those directly affected by it.

Special thanks need to go out to the mayors of these water communities, as well as county emergency government officials, who made advanced flood preparation and coordinated relief efforts as possible.

I especially want to recognize a few individuals by name: Crawford County Emergency Government Director Roger Martin; Grant County Emergency Director Steve Braum; La Crosse County Emergency Director Al Spalding; La Crosse Public Works Director Pat Caffrey; Trempealeau County Emergency Government Director William Zagorski, who had just started the job 2 weeks prior to the flooding. Talk about getting your feet wet in a new position. Buffalo County Emergency Director Monica Herman, Pierce County Emergency Director Myrna Larrabee, Vernon County Management Director Cindy Ackerman, St. Croix Emergency Management Director Jack Colvard, and Pepin Emergency Management Director John Egli.

All served the people of western Wisconsin extremely well, and I extend my gratitude to them.

Much appreciation and thanks go out to the members of the community and of the region who pulled together during the time of need. It truly was inspiring seeing how people in a particular region can really come together for a common cause.

PEACE OFFICER DEATHS IN HARRIS COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, I rise today with a heavy heart to talk about recent events in my hometown of Houston. On Tuesday, May 22, while we were in session, the law enforcement community suffered several tragedies.

First, during routine investigation of a dispute over damage to a car between a brother and sister, Harris County Sheriff's Deputy Joseph Dennis was killed. Deputy Dennis, while responding to the complaint, was informed that the brother had just driven through the area. He proceeded to pursue the young man, and, in the process of apprehending him, was shot while attempting to handcuff the assailant.

The suspect fled the scene, but was tracked down later in the evening and arrested with the murder weapon, the deputy's weapon, and the handcuffs still in place on his left wrist.

Later that evening, Houston Police Officers Albert Vasquez and Enrique Duharte-Tur, two of several officers working off-duty jobs as security guards at an apartment complex, were shot while apprehending five suspects in drug-related charges.

Officer Vasquez was killed instantly while Officer Duharte-Tur remains hospitalized in critical condition. The suspect in this killing was also wounded and apprehended at the scene.

Additionally, last Sunday, May 19, HPD Officer Carlton Jones was killed when his vehicle flipped over while on a routine patrol in my congressional district.

These deaths are in addition to the loss of Harris County Deputies Oscar Hill, J. C. Risley, and Barret Hill, all of whom were killed in separate incidents in the line of duty over the last 11 months in Harris County.

Harris County, where Houston is located, is leading the Nation in the grim category of peace officers killed according to the National Law Enforcement Officers' Fund.

This recent spate of fatalities comes a week after Congress highlighted the dangers that the men and women of law enforcement face every day with National Police Officers' Week and National Peace Officers' Memorial Day. It serves as a reminder of the bravery and dedication of those who put their lives on the line to protect our families, our homes, and our communities.

Peace officers and their families know better than anyone the perils and risks involved in their job. Yet every day, they put on a badge and make our Nation a safer place.

While we should never forget these officers, we also need to remember their spouses, their children and friends who miss them dearly. Our hearts go out to those survivors who are trying to cope with saying goodbye to a loved one. We are indebted to the survivors for the courage of these officers, and we share their grief and offer kind words knowing that it is a poor substitute for their loss.

Every day, ordinary men and women make an extraordinary commitment when they put on a badge that symbolizes the oath they take to protect and serve. The badge also makes them a target. Every day, they leave their families behind not knowing if they will come home tonight.

Madam Speaker, I invite my colleagues to join me as a cosponsor of H.R. 94, the Law Enforcement Officers' Flag Memorial Act of 2001. This legislation seeks to honor slain law enforcement officers by providing their families a Capitol-flown U.S. flag.

In the meantime, Congress should continue to make sure that we keep our commitment to the law enforcement community by providing funding for more officers, better equipment, and advanced training. It not only saves the lives of officers, but it makes our families, our homes, and our neighborhoods a safer place.

GLOBAL WARMING AND THE KYOTO PROTOCOL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Madam Speaker, I thank the Speaker for this opportunity to address the House and join my colleagues to talk about global warming, to talk specifically about the Kyoto Protocol and the language that is currently in the bill of the Committee on International Relations, the authorizing bill for the State Department to implement the Kyoto Protocol.

I am disappointed that there was not an amendment on the floor to take that particular amendment out of this legislation, because I think the consequences of implementing the Kyoto Protocol are so dramatic that it deserves a discussion before this House. That is why we have joined in this special hour to talk about the consequences if America was to implement the Kyoto Protocol. It is a bad deal for America, and the conferees should examine the implementation language in this bill.

Let me just say that, under this protocol, by 2008 to 2012, the U.S. would be required to slash emissions of greenhouse gases to 7 percent below the 1990 level. That level was last achieved in 1979. Based on projections of the future growth in U.S. energy use, this would require a real cut in emissions of over 30 percent. In the meantime, major greenhouse gas emitters, such as China, India, Mexico, Brazil, would be able to continue business as usual.

Let me just review the numbers of the total income in this country. The GDP in 1979, it was four trillion eight hundred sixty-nine. Today the GDP, or the total income, the total production of this country is nine trillion one hundred ninety-three.

So based on that kind of efficiency that we had back in 1979, we would have to cut the gross domestic product, the output of this country in half. Of course we have increased our energy efficiency a little bit so, not totally half. But a dramatic change.

So what we are going to be discussing tonight is how scientific is the evidence of global warming, how good is the scientific evidence of how much man contributes to that global warming.

Madam Speaker, I yield to the gentleman from Texas (Mr. BARTON), one of the experts in this area who is the chairman of the Subcommittee on Energy and Air Quality to start off our discussion tonight.

Mr. BARTON of Texas. Madam Speaker, I sincerely appreciate the gentleman from Michigan having this Special Order at the request of the leadership. I think it is important to air the issue, so to speak, as we get into this debate.

I am an official observer to the Council of Parties operating under the auspices of the United Nations. I was in Kyoto. I was in Buenos Aires. I was in Hague. I am planning at the moment to be in Bonn, Germany in July.

I think there are some things that we need to make sure that the American people know about this. First of all, the economy that will be most affected in the entire world community, if we would implement this, is the United States economy.

As the gentleman from Michigan pointed out, China, whose VOC emissions will exceed the United States within the next 10 years, would have to make no reductions. Mexico, which is a growing economy and our partner in NAFTA, would not have to make any reductions because they are considered to be a developing nation. India, the second most populous nation in the world, again with growing VOC emissions, would have to make no reductions because they are considered again to be a developing nation.

So when we get right down to it, the Western European community, because the collapse of communism occurred after the base year that they are using to calculate the reductions, would make few, if any, because they have shut down the old coal plants in the Soviet Union and in behind the Iron Curtain. In Western Europe, they have gone more and more to nuclear power. So they have to make no reductions in their economy. It would be the good old U.S. of A. that would have to make these reductions.

Under the protocol, a steel plant operating in Pennsylvania or in Illinois or in Indiana that would have to be shut down under the protocol, one could take it bolt by bolt, piece by piece, dismantle it, ship it to China or ship it to Mexico, put it back together, that same plant with the same emissions, and would be perfectly legal under the Kyoto Protocol.

For that reason, it is not just Republicans like the gentleman from Michigan and I that oppose this. Good solid labor union Democrats like the gentleman from Michigan (Mr. DINGELL) strongly oppose this. In fact, when they did the Byrd-Hagel amendment in the United States Senate, it passed 98 to 2 that we cannot implement Kyoto unless certain changes are made so that it does not negatively affect the United States economy.

Second thing that the citizens of the United States need to understand about Kyoto is that the science is not settled. In fact, 2 years ago, 15,000 of the most eminent environmental scientists in the United States signed their names to a letter that I believe was sent to the President. It may have been sent to the Members of Congress. Fifteen thousand scientists said do not implement Kyoto because the science is not settled.

Just within the last 6 months, research based on actual data in the Atlantic Ocean has come out that says the whole concept of global warming may be exactly wrong, could be totally 180 degrees wrong.

□ 2145

So there are all kinds of reasons for us to take a go-slow approach on this. And I think that President Bush, when he said the Kyoto agreement would not be ratified, did exactly the right thing. I think the President and Secretary of State are going to work with Environmental Protection Agency and the Department of Energy to develop a new mechanism for environmental negotiations, not based on Kyoto, but based on sound science and based on economic interests of the United States vis-a-vis the rest of the world.

I would think within the next year or so we will come up with a different mechanism that actually will enhance the environment and will enhance the world community. But the Kyoto agreement, as it is currently structured, is totally flawed. It would be very disadvantageous to the United States. And unless we want to go back to the economy like it was in the 1970s, as the gentleman pointed out, this is exactly the wrong agreement and should not be implemented in this country.

Mr. SMITH of Michigan. I joined the gentleman from Texas at the Hague, and what the Kyoto Protocol did is it left a lot of the details of implementation to further negotiations. One of the questions at the Hague was the so-called "sinks," the sequestration of the CO_2, and this chart, I think, demonstrates why the United States was trying to insist that sinks be a consideration in emissions. As we see by this chart, this is North America, and the red indicates the amount of CO_2 emissions. The blue at the bottom displays the sequestration, or the sinks, how much of the CO_2 we capture by our corn and our sorghum and our field crops and our woodlands. And when we compare that with Europe and the whole Eurasian and North African area, we can see that the amount of emissions of CO_2 greatly exceeds the amount they sequester.

It seems to me this was one of the reasons that Europe said, well, no, we cannot allow you any credit for sequestering those.

Mr. BARTON of Texas. If the gentleman will continue to yield, this whole concept of sinks was something that back in the mid 1990s, when we began to negotiate Kyoto, was not even a variable. People had not even thought of this. And then, when it became apparent that our forestlands and our grasslands actually consumed CO_2 and that we could be a country that on a net basis emitted no CO_2 because we had large pinewood forests in the south and hardwood forests in the north and the grasslands and the cornfields in the Midwest, this caused consternation in the international environmental community, because under the very mechanism that they had negotiated, the United States, in their mind, walked away free.

So as the gentleman pointed out, at the Hague this was the subject of intense negotiations to minimize the impact of sinks. But again, the sink is an issue that, using their terminology and their models and their variables, the United States should get tremendous amounts of credit, which is, again, one of the reasons this is a flawed process, because they have not really thought the science through.

Mr. SMITH of Michigan. It seems to me that rather than negotiating in good faith, a lot of the countries of the world, but maybe particularly in Europe, seemed to be more willing to use the treaty as a way to reduce our competitive position. Do you think there is merit there to that?

Mr. BARTON of Texas. There is a train of thought that this would be a surrogate system to put the United States at a competitive disadvantage vis-a-vis the rest of the world.

Now, do not hold me specifically to these numbers, because I do not have some of my briefing books before me as we engage in this special order, but my recollection is that of all the nations in the world that are involved in the Kyoto agreement, and it is around 160 to 170, there would be only 13 that would have to make any significant reductions in their emissions, and of that, the United States would be a huge majority.

So nations like Iceland would have to make some reduction, Japan, Great Britain, Australia, the United States, there were a total of 13 out of 162, but over half the reduction would come from the United States economy.

I have to exit, but I want to tell the gentleman I appreciate his taking this special order, and I think it is very timely and very important that the American people understand some of the facts and figures the gentleman is going to present.

Mr. SMITH of Michigan. Let me add my birthday wishes to your daughter, where I understand you are going.

Mr. BARTON of Texas. Kristen Barton is 19 today. Her birthday party is going on as I speak. I thank the gentleman.

Mr. SMITH of Michigan. The gentleman from Texas mentioned that a lot of individuals, Republicans and Democrats, questioned moving ahead with the Kyoto Protocol. In fact, in July of 1997, before the Kyoto Protocol was agreed to, the U.S. Senate passed what they called the Byrd-Hagel resolution, which says that the U.S. should not be signing any treaty that, one, would mandate reductions in greenhouse gas emissions for developed countries but not developing countries; and, two, would result in a serious economic harm to the Nation. And of course the Kyoto Protocol moves in both of these directions. It does not include countries for any reduction, such as China, India, Mexico, Brazil, and many other developing countries. It seems to me this common sense resolution, which was approved by a Senate vote of 95 to 0, set the minimal parameters for Senate ratification of any treaty.

And with no realistic idea that a treaty was going to be signed and eventually ratified by the Senate, which it has to be ratified for it to work, the Bush administration said let us move ahead and make sure we reduce our CO_2 emissions, reduce our greenhouse gases, but let us be very careful about signing on to a treaty that is demanding almost the impossible. And although many European governments have expressed bitter disappointment about the U.S. decision, it should be pointed out that Romania is the only developed country in the whole world that so far has ratified the treaty.

At this time, Madam Speaker, I am going to yield to another leader in this area, the gentleman from Pennsylvania (Mr. PETERSON), who was a leader in trying to introduce an amendment to take this language out of this particular authorizing legislation for the State Department.

Mr. PETERSON of Pennsylvania. I thank the gentleman from Michigan and am delighted to join him here this evening. This has been an interesting issue, because during the last administration, and my friend from Michigan will agree with this, each and every department of government almost had a budget to promote global warming in the Kyoto Treaty. It was very cleverly done. Billions of dollars were spent selling the concept of global warming; that it was a fact, when, in reality, it has been based on computer models. It has not been sound science.

But just to back up for a few years, in 1977, when we were at the height of some cold weather, there is an article here in Newsweek, about seven or eight pages long, called "The Deep Freeze." They talk in here about the beginning of the Ice Age. Because we had a couple of real cold winters in a row, they were talking and they were predicting here that by the year 2000 how the colder climate was going to be moving further south and limiting agricultural ability in this country. The same people are now the ones that are screaming global warming and the oceans will rise as the ice melts and all will be catastrophe.

It is interesting in the last couple of years, and we know most Americans get their news from television, but according to a recent media study, the major networks are biased in their coverage on this subject. And if we think about it, they really are. The study of Media Research Center's Free Market Project states for the three big networks' nightly newscasts, not a single comment from a global warming skeptic for 3 months. That is beyond bias, because this issue has been getting a lot of ink. The numbers clearly show that, with the exception of Fox News Channel, the nightly newscasts have become advocates for the environmental extremist cause. Our findings come as scientists with impeccable credentials, and no particular political axe to grind, such as Dr. Sally Baliunas of Harvard, Smithsonian Center for Astrophysics, or Dr. Richard Lindzen of MIT, concur that the science of global warming is very much unsettled, flawed, and, in many cases, exaggerated.

During this same time, I am pleased that two people from my district have written me in the month of May. A gentleman here who says, "I am not sure whether or not you have taken a position on this matter, but my letter is to ask you to give support to the administration's decision to withdraw U.S. support from the Kyoto Protocol to help protect the country's citizens, including those who are retired and on fixed incomes. We already have an energy mess that is crippling the economy in California. Enacting the Kyoto Protocol would have put the whole country in danger of a California-style crisis."

He goes on and discusses that there is not agreement in this country. And that is true.

Another gentleman I know quite well, Mr. Sam Smith, the Whip of the House in Pennsylvania government, wrote me another letter: "The Kyoto Treaty would devastate mining communities unnecessarily because it really attacks the use of coal."

I am here to say that if we are going to deal with the energy crisis in this country, and we own 40 percent of the world's coal and 2 percent of the world's oil, clean coal technology needs to be a very strong part of our future energy policy.

It says here, "Mr. Bush got a lot of flack recently for opting to pull out of the Kyoto Treaty, but it was the correct decision and he did it for some very good reasons. Tens of thousands of those good reasons work in American coal fields and in our factories every day. The harsh realities of the treaty drawn up by international bureaucrats in Japan in 1987 would have its most devastating impact on small towns in States like Pennsylvania, West Virginia, and Kentucky."

And it goes on here to talk about many of the things that have already been spoken about, that countries like China and our competitors, who have already stolen a lot of our light manufacturing, would force us to give them our heavy manufacturing, because that would be the only place in the world you could do it.

Let me come back to another issue that has been talked about a lot, the scare tactics of the ice melting and the oceans rising. Here is what it says. "As many know, the United Nation's Panel on Climate Change publishes a report on global climate change every 5 years. Chapter 11 of the most recent report addresses sea level rise, a favorite scare scenario of the media and radical climate warmers. Professor Morner is president of the International Commission representing the scientific community of sea level researchers. These are the best scientists in the world on this subject. This is what he had to say about Chapter 11 and the dire predictions made about catastrophic sea level rise:

"The IPCC Chapter 11 is a very inferior product, written by 33 persons in no way being specialists on the task. The real sea level specialists would never give these statements, figures, and interpretations." He says, "I have finished a seven-page review report. It is most shocking reading. Lots of modeler wishes but very little hard facts based on real observational data by true sea level specialists. I allow myself a few quotations from the report. It seems that the authors involved in this chapter were chosen not because of their knowledge on this subject, but rather because they would say the climate model that had been predicted.

This chapter has a low and unacceptable standard. It should be completely rewritten by a totally new group of authors chosen among the group of true sea level specialists. My concluding position is to dismiss the entire group of persons responsible for this chapter, form a new group based on real sea level specialists, let this group work independently of a climate modeler."

So much of this global warming concept has been computer models, and we know what they can do with computer models.

Mr. SMITH of Michigan. If the gentleman from Pennsylvania would yield, there is no question, and I totally agree the treaty lacks a firm scientific basis. And while there is no disagreement that carbon dioxide and other greenhouse gases are in our atmosphere, before the industrial revolution they were there, they are there now, but scientists disagree about the extent of man-made gases and how much they contribute to global warming.

□ 2200

The amount of warming or if the planet is warming at all, and like the gentleman from Pennsylvania suggests, some scientists have even come to the conclusion that maybe we are in a cooling-off period.

I think nowhere is this more evident than in the divergence between atmospheric conditions, the data collected from satellites and weather balloons, and surface temperature data collected from ships which tell a different story. Highly accurate satellite measurements do not note any warming over the past 2 decades.

What we have in the red, for those individuals that can make out the small details, the red is the surface temperature. The blue is the satellite-measured temperatures, and lower are the balloon-measured temperatures. If you take the satellite along with the weather balloon temperatures, they are almost on an even keel, and they show no global warming. The only global warming that is portrayed is the surface temperatures, and they could be caused by a lot of changes, such as expanded populations in some of the areas.

In terms of the potential contributions of ocean, you see a big peak over here in 1998. That was actually credited to the impact of El Nino. I think the gentleman from Pennsylvania is totally correct. These and other shortcomings make climate models unreliable tools for predicting future climate change and for making energy policy.

Mr. Speaker, I yield to the gentleman.

Mr. PETERSON of Pennsylvania. Mr. Speaker, the gentleman is absolutely right. In debates I have had with people who believe opposite of I, I say give me data. Give me facts and true measurements, and they cannot. They keep using these models. We have cycles of weather, but if my memory was correct, there was not much talking about global warming when we had the coldest temperature months in a hundred years this past winter. Temperature hours, we had a cold year overall. But you do not hear people talking about that.

A year or so ago when we had unusually warm summers brought on by El Nino and other air currents, everything was global warming.

I think it is very important that we also mention about the sinks that were earlier discussed. A lot of our scientists are amazed when our air currents hit the ocean after crossing the eastern part of the country because from Michigan to Pennsylvania we have tremendous forests that are great sinks that suck up the carbon dioxide, and when the air currents reach the ocean, they have a lot less carbon dioxide than when they left because of the combination of farm country and our forests. This country may not be a contributor because of our sinks, as indicated on the charts that here.

Mr. SMITH of Michigan. Let me put that chart back up. Just to review, Europe and the North Africa area, the red indicates the amount of CO_2 that they are putting into the air. The blue at the bottom indicates how much they sequester or capture of CO_2. And of course all living organisms live on CO_2. Our plants collect that as part of their growing.

Because our agriculture is so intense and expansive in the United States and our forest lands are so abundant, we capture about the same amount of CO_2 as we emit. Unlike the European countries, as you see on the right, the tropics and the southern hemisphere capture more because of the forests and the growth of biological products in that area. We see a great sequestering.

But the point needs to be made strongly that that has to be part of the consideration. And it has to be part of our research in the future. How do we increase our ability with technology to capture some of that CO_2 just in case it might be causing a greenhouse gas out there.

I am chairman of the Subcommittee on Research in the Committee on Science, and all of the scientists in the field on this issue agree that we need more research on global warming because there is so much that we do not know. We are basing so many conclusions on incomplete research. There is a lot of shooting from the hip. If we are going to make this dramatic change such as what is described in the Kyoto treaty, I think it behooves us to move ahead more aggressively with the same kind of scientific research and that is what we are going to do in the Committee on Science and that is what this administration has suggested.

Mr. PETERSON of Pennsylvania. The Kyoto treaty, that chart says it all about this country. If the Kyoto protocol was implemented, would it reduce global warming if it were a proven fact? The answer is "no" because it would only restrict emissions in our country. It has minimal impact in Europe and all of the developing countries that are stealing our manufacturing, like Mexico and China, who would not be living up to any agreement. They would be doing nothing.

So we would be pushing manufacturing out of a country that has the best pollution control equipment in the world, taking that manufacturing to parts of the world that have little or no control over emissions, and would actually be adding to air pollution in the world.

The Kyoto treaty was not written by a friend of the United States. It is probably one of the worst documents signed and brought back to this country because it would destroy our economic base. If global warming was a fact of life, it would do little or nothing.

Mr. SMITH of Michigan. Mr. Speaker, I think it is fair to at least mention the tremendous political influence that some of the environmental community has. We all want a cleaner environment. We are all going to move ahead to develop renewable-type resources that can minimize the CO_2 emissions, but a tremendous political influence that I think has caused maybe some in the previous administration to agree to these kinds of protocols because it was so strongly supported by a strong political group.

I think the bottom line is that if we are going to make reasonable policy decisions, we are going to have to get emotion away from that policy table and scientific evidence on the table to make the kind of decisions that are going to have a tremendous impact on the economy of this and other countries.

Mr. PETERSON of Pennsylvania. One of the things that I have found distressing, the scientists that have had the courage to speak out on this issue have often been called to task by the college presidents by saying we want you to tone down your discussion of this issue. We are going to lose research dollars.

Mr. Speaker, that is not what science is about. Science should be seeking the truth and the facts. When you have a university president telling real scientists that they should not be talking about their findings in a real scientific way, you are cooking the books. In my view, a lot of that happened in the last few years. There was a huge influence from the White House and the Vice President's office, and there was intimidation at the university level that if you wanted grants and further studies, you better give them the message that they want.

When you buy scientific information and you tell them what you want to be in the answer, you are not getting anything for your money because all you are getting is somebody to state what you want stated.

Mr. Speaker, real science is about searching for the scientific facts. I think a lot of that was veered from in the last recent years.

Mr. SMITH of Michigan. There is no question that making sense of climate variability is a hugely complex challenge, but one that we can make progress on, at least before we commit to onerous regulations.

In a 1999 study, the National Research Council made recommendations for a research strategy focusing on unanswered scientific questions. The NRC identified over 200 questions that need answers if we are to understand and predict climate change. That is exactly what the gentleman from Pennsylvania is suggesting; we need real science and real answers to some of these questions.

But in the meantime, there are things that we can do to reduce greenhouse gas emissions. We can improve energy efficiency, and we are doing that. We are developing new energy sources, sources that do not emit CO_2; and certainly the research to expand the sequestration of CO_2 must be encouraged, I have one chart that I think is dramatic. This is a model by the UC National Center for Atmospheric Research. What this diagram shows, the red line is what is going to happen to global warming without the Kyoto treaty. The orange line that we see coming up slightly underneath it in the years 2040 to 2050, represents the possible reduction in temperature. And even if all of the Kyoto treaty was implemented, the reduction in climate is 0.07 degrees centigrade, almost unmeasurable in its extent. We still have scientists that came before me in my pursuit of what is the right answer suggesting that a little global warming might be good for agricultural expansion in this country. So with that small a degree in warming, I think it is very important that the Members of this Chamber, Madam Speaker, understand that we could go into grave consequences by the implementation of this. That is why I certainly want to encourage the negotiators on the conference committee that are taking up this State Department authorization bill to review this.

I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Another factor, around 1440, there was 7 degrees of warming temperature. The negative impact was the agricultural belt in this country expanded immensely. They were growing grapes further north than ever grown before. The food basket grew. There was no measured real evil force from the temperature rising 7 degrees, which has not happened in recent centuries.

Mr. SMITH of Michigan. Mr. Speaker, the historical consequences of such a modest warming, I mentioned have shown to be beneficial. An example I was looking at was during the Medieval climate optimum. During that optimum period of slightly warming temperatures from 800 to 1200 A.D., improved agricultural production linked to warmer weather led to economic expansion throughout Europe.

There are many things that we need to give priority to to get answers to the 200 questions that the scientific community have suggested that we need answers to before we proceed in this type of venture.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I welcome scientific facts, not computer models, but the real facts. That is what we need to deal with. I think it is very important that we do get this language taken out. We have had enough promotion and sales pitch on global warming and the Kyoto protocol in the last 8 years. It is time to get back to sound science.

Mr. SMITH of Michigan. Mr. Speaker, I put the last chart up to show some of the accomplishments that we have achieved in the last 35-40 years especially in terms of increased energy efficiency.

The top black line represents the energy use at constant 1972 GDP. How much GDP does one unit of energy achieve.

What has happened is our actual energy use to achieve this greater GDP, which has almost doubled since 1979, is way down below what we have expected. That shows this country has been very aggressive in trying to achieve the greater economy. It takes 30 percent less energy to produce a dollar of GDP than it did in 1970. So we are moving ahead.

That greater efficiency means less emissions. That greater efficiency means less energy use that is also compounding our problem right now.

It is an appropriate time to discuss this issue of the Kyoto protocol when we are looking at high energy prices because if we were to follow that protocol and reduce our energy use back to the 1979 levels, we would have to ration the amount of home heating fuel and gasoline and coal; and the way to ration it would be dramatically increasing price or some kind of law that says you can use only so much.

□ 2215

Either way, there is a dramatic implication on the economy of this country, and that means on the standard of living of this country, because what other companies are going to do if energy prices were to go up in the United States, they are going to look at these countries like China and Mexico and the other ones that were impacted by this protocol and look at the energy price there that is going to be much lower, and they will say, hey, we are going to move our business and our factories and our production to those other countries. Of course, when that happens and those other countries start developing, it is very unlikely that they are going to sign a similar protocol some time in the future to impede their economy. So I think it behooves us all to make sure that we think very carefully before we emotionally move ahead on something that might cause more damage than it does good.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I think it is pretty outstanding when we have been increasing the efficiency of manufacturing and processing by more than a percent a year. The gentleman talked about 30 percent. I was reading something today that was 40 percent, I do not know what the time span was, but we have made tremendous progress in the efficient use of energy.

Now, it is my belief that the reason we are in an energy crunch today is number one, we did not have an energy policy and we had very cheap oil and very cheap gas for an extended period of time that kind of shifted us in the wrong direction. But, there was a real move in this country away from coal, away from nuclear, and the Kyoto protocol concept had us trying to phase out fossil fuels with a false assumption.

Now, we are all for renewables, but when we look at the charts, and I have read all the charts recently of energy usage in this country and growth, and when they are projecting into 2010 and 2020, renewables are still a very narrow line. I mean, there is not a lot of growth there whether it is solar or whether it is wind, and, of course, hydro has been stuck at the same amount. The chart showed, hydro, questionable in the ability to relicense; nuclear, questionable in the ability to relicense.

Those are discussions we are going to have to have. Because the phaseout of the use of fossil fuels, the phaseout of coal, except for power generation, has put a heavy load on other energies and has us in a position where we are very dependent on oil from foreign countries that are not our friends. I have a personal fear at the moment, and I heard on this floor just a couple of nights ago why we were even thinking of building coal power plants when we can build these clean natural gas ones. I believe personally we have overloaded natural gas.

I do not think we can drill wells fast enough, because what we are going to do is we are going to endanger home heating costs. We are going to have people who now mostly depend on gas for their home heating; most of our factories, our schools, our hospitals use gas. We are going to have a huge shortfall of gas in this country.

Gas prices doubled last winter. I am afraid they could double again this winter. If that is the case, we are going to have people unable to pay their energy bills, seniors unable to stay warm. When we talk about a ripple effect in our economy, natural gas will make one far worse than gasoline, because when we drive, we can drive the vehicle that gets the best mileage, we can drive a little less, give up the pleasure trips. But when it comes to heating a home and running a business, there are not too many options.

Mr. SMITH of Michigan. Mr. Speaker, I think the gentleman opened the door to a short discussion as we conclude on energy. Let me briefly go through a couple of the charts that I think describe the predicament that we are facing in energy.

This chart simply shows the top red line is energy consumption, and the bottom green line is energy production at the 1990–2000 growth rates, and so the middle is the projected shortfall. That means we are becoming more and more dependent, like the gentleman said, on other countries, especially OPEC countries.

In 1970, I was asked to go on the Presidential Oil Policy Commission, and so we went over to the White House with Bill Simon every morning at 6:30 to find out where the available supplies were and how we could distribute them. At that time we were very nervous because we were in a Cold War situation, so we gave agriculture a top priority for fuel.

So two decisions were made. Number one, put a price ceiling on the price that could be charged for gas and petroleum products. Number two, give agriculture a top priority. I was assigned the task of sort of substituting for the market economy in trying to find out what farmers were low on fuel.

So we set up a computer in every county of the United States, every agricultural county of the United States, and they would call in if they were out of fuel and we would go down to the chart and say, look, under law, you are required to deliver to this area so this farmer can have fuel. We learned then that price controls, from the long gas lines to the fact that we were doing a very poor job in allocating this scarce resource; computers were not good enough then, they are not good enough now, so rationing is a predicament, but this chart shows the increased dependency, and most of this is on the OPEC countries, as the gentleman from Pennsylvania suggested, that we need to not only expand, reduce our dependency totally, but certainly we need to look at some of those other countries, the Caspian area countries and others that might have a better attitude towards the United States.

This chart shows an average of what goes into a gallon of gasoline. So the crude oil price, which is what has usually been the basis, 58 cents of the price of $1.81 which was May 1, I think; 18 cents Federal tax, State tax is 27 cents, refining costs, 58 cents; distributing and marketing costs, 20 cents. Gasoline has gone up.

Mr. Speaker, I introduced a bill to suggest that the Department of Energy review all the regulations, especially the boutique fuel regulations. This chart shows the 15 different boutique fuel regulations in different parts of the United States, and if we multiply that by 3 for the regular, the midgrade and the premium, one can understand, with all of those different fuels, the tremendous inefficiency that is required by complying with those kinds of regulations. So we have to have separate holding tanks, separate pipelines, or we have to clean out our pipelines before we ship another variety through, so we need to review those. This is old data. We need to make sure that we can protect the environment, but review these kinds of regulations to see what the new technology can contribute.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I think we will find where we see those bright colors where the prices have been in the last year or two where we had spikes in the central part of the country; the year before in California; two years ago was up the East Coast where truck fuel prices were exorbitantly high. But where these special fuels are, our national system of pipelines does not work, because we have a different type of fuel than most of the country is using, and if one of our refineries goes down, then there is just not enough to go around, and so the price is going to go up for that marketplace. So this has really complicated the gasoline and truck fuel delivery system.

Mr. SMITH of Michigan. Mr. Speaker, this chart shows, I think, something that we can be very proud of. The increase in gross domestic product in this country has been plus 147 percent, where U.S. coal consumption has increased 100 percent, but U.S. energy consumption in total has only gone up 42 percent, and the key air emissions have actually gone down 31 percent.

Mr. Speaker, the United States is leading the world in terms of pushing the kind of research that is going to reduce CO_2 emissions, but whether it is CO_2 or whether it is vapor emissions going into those greenhouse gases, or whether it is the kind of new technology where we can develop new energy sources, the United States is moving ahead probably more aggressively than any other country, and we need to do that, but we do not need to sign and agree to the Kyoto protocol, which is not based on complete science and which would be a punishment to the United States.

Mr. PETERSON of Pennsylvania. Mr. Speaker, if the gentleman will yield, I think the head of our energy policy, as Mr. Bush and Mr. CHENEY have shared with us, is we have to conserve, we have to use energy efficiently and be more cautious that we are not wasting energy. I think we still have lots of progress we can make there. And we must continue to do that. But that is down to every American citizen who can contribute there. It does not need to be some new law, it does not need to be some strict regulation, but I think leadership from the White House is going to help Americans be much more conscious.

Of course, prices makes us much more conscious. As prices go up, we are going to turn lights out when we are not using them. We are not going to turn our thermostats to be quite as high. We will not drive quite as fast and waste fuel. We might take a little shorter trip. We may look at the next car we buy to be more fuel efficient. Those are all things we can do individually, but they should be personal choices. They should be incentives, not strict government rules and not a heavy hand from government. The American people all need to realize that we are all in this together.

However, on top of that, we cannot conserve our way out of this crisis. We have been phasing out production, and $10 oil certainly killed production in this country and $1 gas stopped all drilling. There are a lot of people thinking there are just thousands of wells out there capped, ready to let gas out. That is not true today. The pipeline system is inadequate to get the gas from one part of the country to the other. The grid that moves electricity is inadequate to get where there is excess electricity to parts of the country where there is a shortage. We need an investment in our total system. But when we have all energies in a greater amount available in inventory, that is what stabilizes prices.

Mr. SMITH of Michigan. And the market system works. I think we have a responsibility at the Federal level to make sure as best we can that there is competition, and there is not the kind of gouging. But if last year, the crude oil prices got for a little while over $30 a barrel, I think now they are around $26, but still if we were to say, you cannot sell crude oil for over the $8 a barrel that was a low point several years ago, I mean there would not be exploration. They would not be coming into Pennsylvania and Michigan doing some wildcatting. They would not be acidizing some of the old wells to drain them dry of oil, and there would not be the kind of research that can make sure that we can be environmentally friendly in the smaller drilling in the fact that we can now sit on one site and go for 4 miles in all directions to capture some of the oil down below, rather than having the congestion that we saw back in the 1940s and 1950s maybe in Oklahoma and Texas. So technology is a huge change.

Mr. PETERSON of Pennsylvania. Mr. Speaker, we helped fund research that they felt very close to working using ultrasound, one type of ultrasound to clean out the old well bore, the other kind to go out and loosen the oil from the rock crevices and let it flow into the well. They have successfully increased production with ultrasound. Now it is a matter of the next study is going to put it out into the field in a number of wells, and if that works, we will be able to get more oil. But those are the sorts of things we need to do.

I was at Penn State recently. They have a project there that has been completed in the laboratory, and now it is moving into the refinery where they are going to take western Pennsylvania coal and make jet fuel and have a carbon product that will be used by Pennsylvania's famous carbon industry. So they will take coal and turn it into two carbon items. One is jet fuel and the other one a carbon product that will be used in manufacturing, and they also have a fluidized bed boiler that can be implemented and could be used by hospitals, could be used by schools, could be used by factories, that can burn any fuel. Because the fluidized bed process is what we are using in this country to burn our high sulfur waste coal, in Pennsylvania we are using it, because they use a crushed limestone slurry that takes the sulfur and unites with it instead of sending it up to stack into the air and helps it burn it cleanly, and they are claiming that if it can burn coal and wood waste, it could burn coal and animal waste, it could burn coal and animal fat, it could burn natural gas, it could burn number 10 oil or fuel oil.

□ 2230

This kind of burner would then give a manufacturing plant or a university the ability to buy the cheapest energy that year.

When we get that kind of competition going out there we will not be stuck, because this winter we are going to have businesses and people owning homes stuck on high-priced natural gas because this country moved strictly to making all the new power plants gas without adequate inventory to back it up, in my view.

Mr. SMITH of Michigan. I think it is worth mentioning that over the last 8 years, we have been so conscientious or the administration was so conscientious on the environment that we ended up closing down about one-third of our refineries in this country with regulations and increased costs. We ended up stopping a lot of the clean coal mining in this country.

Right now I think the estimate is something around 250 to 300 years' worth of energy from coal, if we move ahead on that kind of technology. Or if we use some of technology that we have now, the administration and President Bush is suggesting another $2 billion over the next 10 years to do research on clean coal technology to even do a much better job of the nitrates and sulfur dioxide emission, besides the particle pollution that is happening.

We are able to do a lot of that now. With a little more effort, we can make this kind of a fuel a very efficient contribution to a continuing strong economy in this country.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I asked the question recently on why the question mark on relicensing hydro. Someone said, remember, these hydro plants, where water runs through a pipe coming out of a dam and turns a turbine, there is no environmental downside, these dams were built without adequate environmental impact statements, and we might want to have to tear them down.

That is where we are coming from on this whole issue. That is at a time when we are looking at shortages.

There are some very new interesting pebble bed nuclear plants that are built in small units that can be built right alongside of existing plants that have very little fuel waste and solve a lot of problems. They are being built all over the world.

Our whole energy issue, if we want to become more self-sufficient and not dependent, the thing we must not forget, the Far East countries that are providing so much of our oil today, and that is just one of our energy sources, they could double the prices again tomorrow by just restricting how much they will give us. They set the price. They have the ability, because of the amount we are buying from them, they can set the price.

If we can lower that, that is why some of us are even supporting ANWR drilling, because we need to do anything we can do to take away that control that these countries that are unfriendly to us have over us, because they could cause us to have $40 oil in the next month.

Mr. SMITH of Michigan. Mr. Speaker, the gentleman talks about the national security of this country, of our country. Certainly there is power that a few countries in the world now have over our ability to produce.

And look, we have changed. We are a new world. We are not where we were back in the thirties. We now have high-rise office buildings where we need the elevator to get up to that 15th or 20th floor; where the windows do not open, so we need the air conditioning in hot weather and we need some warming up in cold weather. We are a new society.

We have got so many older individuals that are on the kind of life support system where it is actually a matter of life and death. We cannot be a government that accepts brownouts, certainly not blackouts, as a regular order of business.

That means moving ahead aggressively with conservation, but conservation cannot do it all. It means expanding, and I am biased as chairman of the Subcommittee on Research, but it means dramatically expanding our research efforts.

Mr. PETERSON of Pennsylvania. I just talked to my local school district, who paid $2.80 for gas last year. They have now purchased this winter's gas for $5.40. Last year they paid as high as $12 one month because they had not purchased ahead.

When people this winter start paying $10 per thousand for gas, they may think, is it smart to lock up the whole West Coast for gas drilling? Is it smart to lock up the whole East Coast for gas drilling? Is it smart to lock up all of our shoreline except Texas and Louisiana? Those are the only two places I believe they are allowing drilling to happen. Is the environment compromised there? I do not think so.

We have the technology to get gas out of the ground today in a very environmental-friendly way. In a country like Norway, they drill all the way around themselves. They do not have their coastlines ruined. They have not ruined their environment. But natural gas is what they use, and I am told they have the model system of drilling offshore.

We are going to have to look at all of those things. Prices will force people to take a broader look at this issue, because $10 gas will be painful when we are heating our homes.

Mr. SMITH of Michigan. As we conclude this special order session, certainly I would like to thank the gentleman from Texas (Mr. BARTON) and the gentleman from Pennsylvania (Mr. PETERSON).

If the gentleman from Pennsylvania would like to give a wrap-up conclusion.

Mr. PETERSON of Pennsylvania. I just say to the American public, to Members, and to those listening, I just believe that we need to support the President's comprehensive energy plan. There is no quick fix to our energy needs.

As we talked, I think a lot of it has been brought up by the hysteria of the Kyoto Protocol and the concept that the Kyoto was something special that we had to do. If global warming was a fact of life, the Kyoto Protocol was not something that made it better. It was a bad deal for this country, and would not have changed what the situation was in the world, because it would have allowed all the countries to steal our employment, steal our factories, where they do not have strict pollution laws.

In this country, where we have the strictest and the best technology, we would have lost the business, so it would not have improved the world's atmosphere, it would have destroyed the economic base. The poor people in America would have lost their jobs.

That, and the energy issue as a whole is one that the American people had better be very wise about. I think the Bush-Cheney administration on the Kyoto Protocol made the right decision, and having a broad-based energy where we improve our ability to have the energy we need for this country, and allow the marketplace then to work from supply, not from shortages, is what is needed.

I thank the gentleman tonight for allowing me to join in on his special hour.

Mr. SMITH of Michigan. I thank the gentleman from Pennsylvania. In the authorizing bill for the State Department that went through the Committee on International Relations, there was an amendment in there, and that is what we have been talking about tonight, to go ahead with implementation of the Kyoto Protocol.

It is interesting, that vote was very close. I think it was 20 to 22 that the amendment succeeded in going on that bill with something like 14 members absent, so it is a real question that needs debate.

I would certainly encourage the conferees from the House and Senate, when they meet to reconcile the differences between the House and Senate, that they seriously look at the consequences of that language and consider removing it from the final bill.

THE ENERGY CRISIS IN CALIFORNIA AND THE WEST

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. FILNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. FILNER. Mr. Speaker, we are going to spend the next hour or so speaking about the crisis in California and the West, and spreading to other parts of this country.

Apparently, this Congress is going to adjourn tomorrow or the next day passing a tax cut for the wealthiest of Americans but refusing, refusing to do anything about the electricity crisis in California.

We just heard how good the President's energy plan was. Yet, out of the 105 recommendations made by the President in his energy plan, not one, not one addresses the problems of California and the West.

Those problems are severe. California's economy is teetering on the edge. If California's economy goes, so goes the rest of the Nation.

What is the source of the problem in California and the West, and what actions should we take to solve it? That is what we want to spend some time tonight in dealing with, and we have colleagues who will testify that this issue is not just confined to California but to other parts of the West, the Midwest, and the eastern parts of our Nation.

The roots of this crisis go back to last summer. California passed a deregulation law a couple of years ago. It put the path to deregulation that our utilities in the State would have to go. San Diego, California, which I represent, was the very first by the terms of the deregulation act to fully deregulate its wholesale and retail prices.

I think San Diego was the first place in the Nation, certainly in the State of California, to fully deregulate in this way. We found out in retrospect that that deregulation law was badly flawed. It allowed deregulation of a basic commodity, the oxygen of our economy, when there was no market, no competitive market, to allow the reduction of rates that were promised by the law. Yet, we went ahead and deregulated, and boy, did we find out what a mistake it was.

When my constituents in San Diego opened their bills last June, they were completely shocked to see that their prices had literally doubled. Even worse, the next month the prices had gone up another level, tripled from the original pre-deregulation rate.

Now, if one was a senior on a fixed income paying $50 a month and the bill went to $150 or $200 without any explanation, without any reason, and without any end in sight for the increases, that person was panicky, wondering how they can air condition their apartment or heat it when necessary.

If one was a small business and paying $800 a month for electricity and the bill went to $1,500 and then to $2,500, even $3,000, how could that business stay in business? How could they survive with those rates? Scores of my constituents had to close their doors in that first just 60 days of deregulation in San Diego.

Now, San Diegans found out and learned pretty quickly what the reason was that this occurred. It was not any hotter a summer in 2000 than it was in 1999. Demand did not go up in California or in San Diego. The cost of producing a kilowatt of electricity, which is a couple of cents, did not increase.

Yet, their prices tripled in 60 days. It was clear that there was a manipulation of the market; that the few companies who controlled electricity in California were jacking up the prices, gouging people, and taking enormous, enormous profits. Those profits, Mr. Speaker, have amounted to $20 billion over the last year in California.

Now, all the politicians reacted to the panic, to constituents who came in and said they were going bankrupt. We looked death in the eye literally in San Diego last summer. We said that this price increase, these price increases, were caused by manipulation of the market by a whole number of means which we became aware of and submitted to the Federal Energy Regulatory Commission, FERC.

FERC investigated what we had supplied them and they reported last November that, yes, we were right, the price was manipulated, the market was manipulated in San Diego, California, and the prices were unjust and unreasonable. That is the term in the law. Therefore, they were illegal.

I believe, Mr. Speaker, that the true crisis in California started the day that that report was issued by FERC, when they admitted or they revealed that the prices were illegal, yet they did nothing to stop the wholesalers and generators who were charging these prices.

What FERC said by not applying any sanctions to these wholesalers was "Go and rob the State blind, because we are not going to do anything about it." Boy, did they ever.

My friend, the gentleman from Sherman Oaks, California, the most well-named city in America, is here with me. We have representatives from Chicago and the Midwest. I hope the gentleman from California (Mr. SHERMAN) will pick up the story of what occurred when they said, "Go rob the State blind" to the energy wholesalers, and what they did to the State of California in the year 2001.

□ 2345

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from San Diego, California (Mr. FILNER) whose home county was ground zero for the consumer being directly affected by this Statewide and now regionwide rip-off.

In 1999, California paid $7 billion for electricity generation. The next year, in the year 2000, we actually used less electricity at peak times, but for the same basic amount of electricity we paid $32½ billion. This year we will use the same amount of electricity as we used in the prior 2 years, and we will be charged $70 billion, from $7 billion to $70 billion, no more electrons, just more price. A transfer this year, if it continues, of $63 billion from the consumers of California to a few megacorporations coincidently based in Texas.

The entire State said okay, we did not do the right thing with our deregulation. We want to reverse it. We want to regulate these same plants that used to be owned by our regulated local utilities and have been sold off to these big outfits based in Texas, and then we are told by the Federal Government, you cannot regulate these same plants that you regulated before, Federal law prevents it and we, the Federal Government, although the statute tells FERC that they are required, are required to insist upon fair and reasonable rates, they have decided to go AWOL.

So the effect is to move $63 billion of wealth from consumers in California to megacorporations chiefly in Texas. Now, in order to justify or hide this incredible rip-off, what we are told by many of our Republican colleagues is that this is not a rip-off. It is a morality play. California is immoral and should be punished by a just God who should transfer money to their political supporters.

Keep in mind, first, even if California made some mistakes in its environmental policy or its regulatory policies, it is hardly any reason for the Federal Government to tie our hands and prevent reasonable regulation, but it is also not true. California did not prevent the construction of these power plants.

First of all, in 1999, we were exporters of electricity many months during the year, exported it to the Pacific Northwest to other States, no one really wanted to build power plants in California. Nobody filed a serious application.

In fact, the private sector was able to buy the existing plants at bargain prices. They had no particular interest in building more, but let us say they have such an interest and let us say environmentalists somehow prevented them from building in California, two great leaps of imagination, physicists have informed me that electrons do not know when they cross a State border.

We have one electric grid for the West. You can build a plant in Arizona.

Nevada, Oregon and Washington and save the same market. If you are interested in selling electricity in the West, it does not matter which side of the State boundary you are.

They were not building plants in Nevada, and they were not building plants in Arizona until a year ago. We had a Republican governor in California who in his 8-year term did not grant a single permit, because none was seriously requested. Now we have 14 plants under construction.

The City of Los Angeles has no shortage because we have public power. We are exporting power from the City of Los Angeles to the other parts of the West.

The reason we have this shortage is because a few megacorporations have discovered a new definition for "closed for maintenance"; that is to say, the plant is closed to maintain an outrageous price for each kilowatt. That is what is happening.

Mr. FILNER. Mr. Speaker, I want to continue with the California story and what our recommendations are to solving it, but I want our colleagues to know that this is not just a California problem. This is not just a western problem. This is a national problem. That is why only the Federal Government can step in.

Mr. Speaker, the gentleman from Chicago, Illinois (Mr. RUSH) would like to tell us what is happening in his home State and home city in Chicago.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. RUSH)

Mr. RUSH. First of all, I want to thank the gentleman from California (Mr. FILNER) for not only his convening this special order for this evening, but for all the outstanding work that he has done on the issue of energy prices throughout America.

I certainly want to thank the gentleman from California (Mr. FILNER) and the gentleman from California (Mr. SHERMAN) for their outstanding contributions.

Tonight, I just want to rise to discuss the endless stream of energy problems suffered by consumers within the City of Chicago. This is indeed not just a California problem. It is not just an Illinois problem.

It is a problem that America faces, but in order to paint a picture of what is happening in Illinois, I want to zoom in on Chicago. In the summer of 1999, Chicago experienced almost daily electricity blackouts; the following summer, the summer of the year 2000, Chicago consumers were subject to gasoline prices which soared above national averages.

Then during the winter of 2000, Chicagoans faced 300 percent to 400 percent increases in their gas bills over the previous winters.

As if that stream of emergencies was not enough, today this very day while thousands of Chicago residents are digging their way out of the winter national gas debts, they have been slammed by yet another seasonal energy crisis.

With an average regional price of $1.80 per gallon of gasoline in the Midwest, Chicagoans have been paying up to an astonishing $2.40 per gallon for gasoline which represents the most dramatic increases in gasoline prices within this entire Nation.

If we would just consider the following: taking a snapshot of 10 major metropolitan areas nationwide during the month of April, Chicago's spike, and that is indicated by the bar in red, Chicago's spike in gasoline prices dwarfs the cities on this chart and all cities nationwide, all cities nationwide.

The chart says that the average gasoline price increase was 12.8 percent average across the Nation; but in Chicago, it was in excess of 22 percent. Simply put, these recent and drastic price increases are more than my constituents can bear.

For example, there exists in my district a man who owns a grocery store who delivers foods and goods to the people in the neighborhood. Because of the recent hikes in gasoline prices, this man, this breadwinner for his family, this business owner is forced to factor the increased costs of gasoline into his delivery charges. And as a result, many of the elderly customers who live on fixed income must bear the weight of the current crisis.

These are people who have no other means of income, except what they get from their fixed income checks, their Social Security and other types of fixed income checks on a monthly basis.

Indeed, the effects of extreme gasoline prices does not only affect individuals, but entire bodies of local governments. For example, last summer, I convened a Chicago delegation hearing on that summer's exorbitant gasoline prices. And at the hearing, we heard from a gentleman from the district of my colleague from Illinois (Mr. DAVIS), who you will hear from later. We heard from Chief Gregory Moore of the Village of Bellwood Police Department in suburban Chicago.

During the hearing, Mr. Moore testified to the fact that the costs of operating police vehicles jeopardized the solvency of the police department's budget. That was just one indication of the impact on local governments. The list of the local impacts goes on and on and on.

What adds insult to injury in the current situation is the fact that while consumers nationwide struggle with gasoline and other energy prices, the big oil and gas companies are realizing greater and greater profits.

For example, in the summer of 1999, the average spread between the spot price of crude oil and gasoline was 8 cents per barrel. During the following summer, that spread rose to 15 cents per barrel. Shockingly during the month of April 2001, we saw that spread hit an all-time high of 34 cents per barrel.

What this dramatic increase means is that despite relative stability and refining costs, the profit margin for refiners has skyrocketed. This is only one example of how big energy continues to profit while consumers continue to pay unreasonable high prices.

Many industry experts and insiders, including President Bush and Vice President CHENEY argued that the recent windfalls in big energy profits is simply a result of national market reactions to constrained supply and energy across the board. But when gasoline companies in the Midwest and natural gas companies in the West walk the fine legal line and intentionally reduce the output, market forces are not at work, Mr. President. When unchecked merchant mania strangles competition in the petroleum industry, I would argue that market forces are not at work, Mr. President, and Mr. Vice President. When Midwestern petroleum refiners maliciously failed to make the investment in refineries in an effort to turn the public against locally produced clean burning fuel additives, market forces are certainly not at work, Mr. President and Mr. Vice President.

What makes matters worse is that in this feverish desire to pump up the free market, the President and the Vice President have forgotten about the very people that the market is supposed to benefit, the little people. And this fact was made perfectly clear in the nomination of Timothy J. Muris to the Federal Trade Commission.

□ 2300

Mr. Muris is a man who has been excessively critical of the very purpose, the mission, the object of that body, the Federal Trade Commission, which is singly to investigate unfair and deceptive corporate practices. Well, this certainly reminds me of the proverbial fox guarding the hen house.

Clearly, the President's National Energy Policy, which I quote, is "designed to help bring together business, government, local communities and citizens", is really designed to bring the big energy barons closer to the pockets of our beleaguered citizenry.

So in response to the administration's energy plans which sets a series of long-term goals for "strengthening the market", I challenge the President to remember that his constituency extends beyond big business. I also challenge the President to talk to the needy, the informed, the struggling, and the elderly about where our energy prices will be in 10 years. I challenge the President to tell the leaders of local government, municipalities who are on the verge of budget crisis that they will have to ride out volatile markets for the next 10 years.

So in closing, let me say that, as long as energy markets in this country remain unpredictable, consumers will be forced to suffer unexpected and undue hardship. We in Congress, and those in the White House, must find some way to level the playing field so that consumers are not forced to pay for the necessity of energy as though it was a luxury.

Unfortunately, the President's vague, uninspired and one-dimensional energy plan with its blind faith in the market shows that the administration has turned a blind eye to the current needs of the American people, to the right-now needs of the American consumer.

I want to thank again the gentleman from California (Mr. FILNER) for this opportunity, and I want to commend him again and exalt him and lift him up, because he has done such a magnificent job on this issue and other issues as we attempt to try to correct an insane, incentive, callous energy plan that the White House has come up with.

Mr. FILNER. Mr. Speaker, I thank the gentleman from Illinois (Mr. RUSH) for telling us what is going on in Chicago. It sounds like Chicagoans have learned the same lesson as San Diegans.

This is not a crisis of supply and demand. This is not a crisis of environmental regulation or overregulation. This is a manipulation of the market by incredibly big firms and just a few of them who, whether it is gasoline or natural gas or electricity, have earned record, record profits from 500 percent to 1,000 percent per quarter higher than the previous quarter, while our people on fixed income, our small businesses, our big businesses are suffering, and the profits flow at the expense of our people.

Mr. Speaker, the best metaphor I have heard on this issue was from a Republican colleague in California who had said what is happening here is as if you were scheduled for a life-and-death operation in a hospital at 3 p.m., and you were getting prepared for that operation, and at 5 to 3:00, the administrator to the hospital comes in and says now how much were you willing to pay for that oxygen."

This is not a question of lack of supply. This is not a question of cost of production. This is a question of control of a basic commodity at the very moment that it is needed. If one is not moral and if one is interested only in gouging and if one does not care about the people involved, one can charge whatever the market will bear.

We have also learned that the President's policy does nothing to help the situation.

So I thank the gentleman from Illinois (Mr. RUSH) for helping us here understand the issue. We are learning that the high prices are not the result of any market supply and demand curve. We are learning from the profit reports how much these multinational corporations are making.

Now, the issue becomes what are we as a society, what are we as a Congress going to do about it. The President has not given us an answer. The President has what I call a faith-based energy policy. He is praying to the markets. But I say to the President, there is no market here. There is no competition. There is withholding of supply. There is manipulation of statistics. There is gaming the system, and we are suffering.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS), another Member from the Chicago area who is with us to tell us about what is going on in the Midwest.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from California (Mr. FILNER) for yielding to me. I am pleased to join with him and the gentleman from California (Mr. SHERMAN), the gentleman from Illinois (Mr. RUSH), and large numbers of other people throughout the country who recognize that America, the world's most powerful economic engine, is suffering from a severe energy crisis. That means big trouble, big trouble for the American economy, but also big trouble for the world economy.

When the energy supply of an engine suddenly becomes erratic, unstable or insufficient, one can expect that the impact will be felt and felt soon. Well, the impact of our energy crisis is being felt from California to Illinois. America's families and America's small businesses all over the country are facing energy shutdowns and back-breaking prices for gasoline, natural goods, and electricity.

Suddenly, even middle-class families are facing the choice between paying their energy bills or paying their mortgages or car payments. Suddenly small businesses are being forced to cut back or, in some cases, even close. At the same time when most American corporations are reporting reduced earnings, energy companies are reporting record profits.

I remember Shakespeare saying one time that there was something rotten here, and I suspect that it is. Americans want to know what is going on, who is to blame. They deserve an answer, an honest answer.

What do we do? We know that California, for instance, has enough electrical generation capacity to meet their needs but that, under deregulation, power producers have strong incentives not to run plants at full capacity or even to shut them down to manipulate prices.

We know that, despite allegations of the difficulty in getting environmental permits to build new plants in California, nine major new power projects have been approved in the last 2 years, six of which are under construction.

We know that much of the high cost of gasoline in the Midwest and Illinois in particular has been attributed to the cost of additives for the summer reformulation of gas. Of course we know that we do not use those additives in Chicago. We use ethanol in plentiful and cheap supply even as gas prices jolted to well over $2 per gallon and remain there at most stations.

We know that more drilling for oil has been touted as a major fix for our energy crisis even though we have enough gasoline for the summer driving season. Even though California uses no oil to produce electricity and even though the drillers have targeted one of our national treasurers for drilling, the Arctic National Wildlife Refuge. We know that America, which ruthlessly demands productivity from its workers, which justifies the mass layoffs of workers in the name of productivity, squanders its energy and powers pollutants, greenhouse gases, acids and particulates in the air and water.

We also know that the administration has proposed reducing spending on energy efficiency and renewable energy by 15 percent and appears ready to repeal energy efficiency standards implemented in the 106th Congress. Those regulations, which would increase the efficiency of new washers and air conditioners, can meet 5 percent of our energy needs by 2020. That translates into about 60 fewer power plants than we would otherwise need.

By the way, these more efficient appliances would also save their owners money for the life of the appliance. We know that, according to Public Citizen, that nine power companies and a trade association that stand to gain most from Federal energy policy decisions affecting California contributed more than $4 million to one party alone. Three of those companies gave $1.5 million.

So it has become something of a mantra among those here in Washington not to try and solve problems by simply throwing money at them. So I am amazed that here we are with a raging fire consuming our Nation with the inability of people to get the basic energy that they need. There is no real plan coming from our administration.

□ 2310

I say, and we say, that something must be done and it must be done now. And that is why I am pleased to be associated with individuals who are willing to act, who understand that inaction is not the way to solve problems, who recognize that we cannot stick our heads in the sand like an ostrich but who know that the American people are waiting, looking, seeking, and expecting that their government will act.

If deregulation has been the answer, it must have been an answer that I have not seen, or it must have been an answer that millions of other consumers have not seen. And so I think it is time to step in to act, and I thank the gentleman from California (Mr. FILNER) for acting this evening by organizing this opportunity for all of us to discuss this tremendous issue, and I yield back to the gentleman.

Mr. FILNER. I thank the gentleman from Illinois. I, like you, find it just inexplicable that we are going to be leaving for our Memorial Day recess and this majority refuses to act on this crisis.

Mr. DAVIS of Illinois. It is incredible, it is unbelievable, and I do not know how we can have a good holiday knowing that whatever it is that we are about to use just might not work.

Mr. FILNER. I thank the gentleman, and we appreciate hearing from the Midwest.

Mr. Speaker, my colleague, the gentleman from California (Mr. SHERMAN), and I, are going to try to discuss in the time that we have left the short-term and long-term solutions to this problem.

It is clear that the prices are bleeding us dry in California; my colleague from California told us in 2 years from $7 billion to $70 billion. The short-term answer involves getting down those prices. The long-term answer, and we will discuss what the Governor of California is doing and what the President of the United States is not doing, is to make sure that we diversify our resources of energy, get into alternative and renewable sources, and begin the discussion of public power, which, as the gentleman knows, Los Angeles is very familiar with, and have so avoided our problems in the rest of the State.

The prices have driven us to near bankruptcy in the State. Our major utilities are bankrupt. Sixty-five percent of the small businesses in San Diego County face bankruptcy this year. What should we do about these prices?

Mr. SHERMAN. The answer is simple and long in coming. The answer is established by Federal law and ignored by a Federal regulatory agency. Our law says that the price being charged by wholesale generators, those who bought the plants from our local utilities and are operating them, chiefly big companies based in Texas, that they should only charge fair and reasonable rates. And the Federal Energy Regulatory Commission, FERC, is there to make sure that they only charge reasonable rates. Well, California has been FERC'd.

The Federal Energy Regulatory Commission refuses to do its job. So we here in Congress need to force them to do their job. Alternatively, it would be just as good if we simply allowed California to do the job. It really is a multi-state market, but most of the plants that supply California are in California. Some might say, well, why can California not solve the problem by imposing fair, regulated price on these plants located in our State? The power of the Federal Government through preemption stands on our neck and watches our pockets being picked.

Mr. FILNER. It is amazing that an administration which stresses States' rights and wants to keep the government off our backs will not allow us to do that.

It costs 2 or 3 cents a kilowatt to produce electricity. We are paying in California anywhere from 30 cents to 50 cents to $1. It went up to $2 last week. Could go to $5, who knows. The cost of production has no relationship to what they are charging us nor to the amount of electricity available.

And the same for natural gas, by the way. Turns out that the El Paso Gas Company, which controls the pipeline into California, kept the pipeline empty to drive up the prices. So the guys who charge us for electricity say, we have to charge you more for electricity, the price of natural gas went up. Well, the price of natural gas went up because the cartel, which is a subsidiary of the same electric companies that are saying they have to pay this, shot up the prices arbitrarily also. It is the prices, stupid, to coin a phrase.

Mr. SHERMAN. We have an adequate supply of pipeline space into California. It would be good to have some more. But the supply of pipeline capacity to move the natural gas from Texas and Colorado into California is just tight enough, not so that there is a shortage, but tight enough so that you can create a shortage. And as the gentleman pointed out, that is exactly what several of these companies, based in Texas, close friends just down the street at 1600 Pennsylvania Avenue, that is what these companies have done.

That is why the cost of moving natural gas from Texas to California has gone up by 1,200 percent for the same pipelines. No new pipelines have been built. No new investment. Just a 1,200 percent increase in the price. And that is why it costs more to move a unit of natural gas from Texas to California than the value of the natural gas. So Californians are paying for this natural gas, which has gone up nationwide; and then we are paying to move the natural gas in an amount in excess of the value of that increased price that the rest of the country is paying for natural gas. And then that then flows in.

So these independent electric utilities are in an interesting circumstance. If they want to generate electricity, they have to pay for the natural gas to generate it. If they operate all out, they will produce enough electricity so they will have to sell it for a reasonable profit. But if they restrict production, they need less natural gas to produce less electricity which they can sell for a lot more money. Withholding supply.

Mr. FILNER. This is the irony of the situation and the answer to our critics when we say we need what is called cost-based rates, established by the Federal Government, to get these prices under control. Cost-based rates means the generator of electricity can get the cost of production plus a reasonable profit. That is what it was under regulation, and it worked for 100 years. We want to return to that.

Interestingly enough, when there are no caps on the price, there is, as the gentleman has described, an incentive to withhold production.

Mr. SHERMAN. Now, I should point out that that incentive exists only when things are close to shortage. There are States that have passed similar laws to California, but those are States that have been losing population, or at least losing relative population to the rest of the country. They are old and established States, the Internet has not touched them as much; and so those States have a significant oversupply, well over 15 percent oversupply of electric generating capacity.

It is not that this system can never work. It is just if you do it in a booming State, and California has been booming for a couple of years, you end up with a situation where you are close enough to shortage so they can smell the opportunity and get you.

Mr. FILNER. And they certainly took that opportunity.

So we need cost-based rates. We have legislation to do it. This Congress can take it up today, tomorrow, and pass it and bring some relief to people in California.

The Governor of California is doing everything he can to get out of the situation that the gentleman described, out of the tight supply situation. We have a dozen power plants online and getting into production. He is doing everything he can to encourage conservation with rebate programs and tax incentives to do this.

□ 2320

The governor of California, however, has no authority to regulate the wholesale price, only the Federal Government can do so.

So the Governor is working overtime. The legislature is working overtime, but they cannot bring down the prices because it is the Federal Government's responsibility. That is where we need to pass the legislation.

Mr. SHERMAN. It is not the 14 plants that have just been approved, four or five of them are going to be on-line this summer, many more will be on-line by next summer. Californians are working overtime in conservation. We are second only to Rhode Island in using less electricity per person. When new statistics are available, I am sure we will be first. Even the President of the United States praised California's efforts at conservation. Although, frankly, it was kind of back-handed. He was not doing it to praise California, he was doing it to insult conservation, on the theory that anything being done in California was unworthy of being embraced as national policy.

We are doing all we can except for this huge blockage, and that is a Federal Government that will not let us regulate the price at the wholesale level, and will not regulate the price itself and huge transfers of wealth to a few big corporations.

Mr. FILNER. I have heard it said never has so much money been transferred from so many people to so few in so short a time. We are being killed by the prices. The Federal Government must act or the whole economy is threatened. It is these same corporations that control this that have prevented real research and development and implementation of alternative sources of energy because they cannot control those sources. It is decentralized and one that is out of their power.

So through photovoltaic and solar sales and wind power, we can in fact have energy sufficiency and independence without relying on these corporations; and we have to move in that direction. Yet this President not only does not do anything for California, in his plan, but in his budget cuts research into alternative energy sources and cuts conservation programs.

What is he doing for us. I cannot figure out whether it is a political attack, one out of ignorance or just plain, hey, my friends in Texas are telling me what to do and I am just going to do it.

Mr. SHERMAN. I take up that issue about conservation research and renewables. The President's budget which then passed the floor of this House cut those areas by a third. We are in the middle of an energy crisis, but we cut our research on renewables conservation. It is absolutely absurd.

Then the President, realizing that the whole country wants research into renewables and conservation, issued this glossy report in which he says he is going to provide $2 billion in tax credits for clean coal, billions more for those who buy energy-efficient appliances. Billions and billions, except for one thing, he cut the money in the budget. So which is the law of the land, the budget we pass here? The glossy booklet that they put out of the White House press office; it is unfortunately, in this case, the law.

That is why the President needs a blackout because in the light of day it becomes apparent what he is advocating on the one hand out of the press office, which there is no money in the budget for, there will be no money appropriated for, it will never happen; but it will be talked about.

Mr. FILNER. There is a myth that our colleague, the gentleman from California, the chairman of the Committee on Ways and Means said earlier today in a debate, California inflicted this upon ourself. Our environmental wackos overregulated and prevented plants from being built, and now we are suffering for it.

I want to talk about something that is going on in San Diego that will put a lie to that. I have a friend in San Diego who was a builder of power plants around the country. He is retired. He received environmental awards from all over the Nation for his ability to build power plants, but in both an architecturally and environmentally sensitive fashion.

He said last summer, I can build you a power plant, follow the environmental regulations, and it can be up and running in a fairly short amount of time. I can charge you what is called a cost-based rate which is roughly a nickel a kilowatt, and I will make money on it. I will make a profit, as I have always done. I will make sure that the people of San Diego have reasonably priced electricity. I will follow the environmental regulations.

We are in the process of trying to get that implemented. We are calling it the San Diego community power project. It puts a lie to this argument that California did this to itself because of environmental rules. We can respect the environment. We can have reasonably priced electricity if we have people like the builder of this plant, who understand that they can make money without gouging families and businesses in California.

Mr. SHERMAN. As I was talking about before, the private sector was not anxious to build plants in California. A few years ago they bought the existing plants at bargain prices, which is proof that there is no pent-up demand or desire to build plants. You can serve San Diego or Los Angeles with plants built in Nevada or Arizona or Oregon, and nobody was anxious to build plants in those States either, either to serve Las Vegas, a booming market, or California.

By the way, the electrons do not know when they pass a State boundary. The private sector did not want to build plants in the West. Now that we have these huge prices, a few companies are coming in to build, thank God.

If we have a moment, I would like to illustrate why it is that economics 101, which we are being fed by the White House office, is entirely wrong. If you only take one course in economics, you are told if you pay more for electricity, if you let the price go up and up, you will get more. Supply meeting demand. Then you have to take the advanced courses to learn what happens when somebody has monopoly power. If we had a regulated market, you could make the electricity, and you are talking about kilowatts, I will talk with megawatts, which are a thousand times as large. You make a megawatt for $30, sell it for $50, and you have no reason to withhold supply. Every megawatt you make, you make $20 on.

Mr. FILNER. And that is 66 percent profit.

Mr. SHERMAN. That is a good profit.

But if you have monopoly power and the White House is there to make sure that you do not get regulated, you produce less. Why produce a megawatt for $30 and sell it for $50 when by producing half as many, you can drive up the price to $500. You will sell fewer megawatts, but you will make an enormous profit on each one.

That is what is happening in California, and it is that simple to explain. With monopoly power, with the absence of regulation, with a White House that prevents us from proposing that regulation ourself, with a White House commission that refuses to follow the law and impose that regulation, and with a House Republican leadership that refuses to tell the Federal Government to impose that regulation, the way you make the obscene profits is you produce a lot less electricity and you sell each megawatt for a fortune.

Mr. FILNER. There is a power plant in my district in southern San Diego County, the biggest power plant in my area, and in January during a stage-3 emergency that we had, stage-3 alerts, the biggest generator of their four at this plant, a 250-megawatt generator, was somehow removed from service. This was at a time of a stage 3-alert.

Mr. SHERMAN. And the other turbines in the same plant were generating electricity and selling it for prices 50 and 100 times the rates being charged.

Mr. FILNER. Exactly. Not only were they making profits, I had thousands of people at plants in San Diego being sent home because their places of employment were blacked out or they had certain agreements with the utilities that they had to turn down their power during a stage-3 alert.

□ 2330

So we have the incredible situation of blackouts in San Diego and other parts of the State, almost fatal collisions, by the way, at intersections as the lights went out, possible health fatalities, businesses. I had the biggest business in my district, one of the biggest businesses in my district come to me recently and say, they are going to have to leave San Diego and California because they cannot live with this uncertainty.

So we have the power. The power is there. By the way, when we asked them why they did not produce, a TV station had talked to one of the people working there, and they revealed the logs and they said, they just turned it off. First they told me, well, we turned it off because there was environmental problems, restrictions, and we went to the air quality board and they said, that is a lie, there is no restrictions. They said there were mechanical problems, but the mechanics there said there were none. Then they said the system operator in the State did not ask them; it turned out that they did.

So we have this incredible situation.

Mr. SHERMAN. Mr. Speaker, a stage-3 alert is a desperate situation where we are asking everybody to conserve and produce.

Mr. FILNER. And, the blackouts occurred at a time when our capacity for production theoretically is 45,000 megawatts, the demand in the wintertime when air-conditioning is not on is about 30,000, so we have a 30,000 megawatt demand, we have a 45,000 capacity. Economics 101 says there ought to be sufficient supply at a reasonable price. We had blackouts, and we had blackouts because of the situation that the gentleman described earlier.

I wonder if the gentleman might share with us also the experience of those with public power; that is, there are 3,000 communities around this country that have public power. The City of Los Angeles, which the gentleman knows very well, produces its own power and distributes it. The City of Sacramento I think has its own power supply. Those cities and those municipalities, those areas that have public power are not under the control, for the most part, of this energy cartel. Does it work?

Mr. SHERMAN. Mr. Speaker, it works just fine. In the City of Los Angeles, and I live within the city limits, the prices are the same, no blackouts; we have no problems. Our city produces a little bit more electricity than it needs and sells it to the gentleman's city and others in the west. Occasionally, somebody will say, maybe L.A. is charging San Diego too much or too little, and somebody will write a story about it on page 6 of the newspaper. But the overwhelming story, the headline story is, no story here.

Mr. Speaker, regulated electricity, that is to say privately owned but subject to rate regulation, costs plus profit, worked fine in our State and virtually every other State for 80 to 100 years. Something even more regulated, that is to say the government actually owning the means of production and selling the electricity itself, works fine in Sacramento, the City of Los Angeles, the City of Burbank.

Unregulated power seems to work well in some of the States where their economy is not growing at all and their population relative to the rest of the country is contracting. But in a State like ours that is growing a bit, surrounded by other States that are also experiencing growth, an unregulated market is an invitation to be gouged. The theorists may not have realized that at the time. It seems apparent now. When we try something and it does not work, we should go back to what we had before that was working pretty well.

Mr. Speaker, the Federal Government will not let us. We get lectures from the White House, lectures about how, if only we had elected Republicans, this would not have happened. But we are having a hard time hearing the lecture, because we are bound and gagged by Federal law that will not allow us to go back to the same system that worked so well for us.

Mr. FILNER. Mr. Speaker, if I can sum up from my perspective and then give the gentleman a similar chance, California is being bled dry by a cartel of energy wholesalers. We are being charged at a rate of $3 billion a month, and the State is purchasing that because the utilities are bankrupt. Our first job is to get down those prices. We have legislation which virtually all of the Democrats and some Republicans from the States of California, Washington, and Oregon are supporting, which establishes cost-based rates for electricity in the western region. That will bring down the prices and stop the hemorrhaging, while the governor is programmed to build new plants and conserve more has its effect. We must bring down those prices. This Congress has refused to act and is going home for its Memorial Day recess without doing that.

We have to move in addition, for the long range, and it really comes back to the same problem, because these cartels will not do the research for renewable resources, for sustainable energy. We could in California be pretty self-sufficient with photovoltaic cells if we brought down the cost and purchased in mass. We have to do more work in that. San Diego, as are other regions in the State, are moving toward a public power authority so we can have our own plant like the one that I described earlier. We can build and have some leverage in the system. We do not have to expropriate the San Diego gas and electric distribution system. At their rate, they will be very happy to do it. But we need some leverage of our own electricity and our own capacity so we can take control of our own future from this cartel.

Whether we looked at gasoline in Chicago or whether we looked at electricity in California or natural gas as it flows, as the gentleman described, from Texas into California, the economic situation is the same. There is no competition, there is no market, there is a manipulated and controlled situation by a small group of major corporations. We must bring them under control, and we as different communities must establish our own sources to get out of their control.

So I thank the gentleman, and I will give him the last word in the few minutes that we have left.

Mr. SHERMAN. Mr. Speaker, the gentleman is right to bring up the natural gas prices.

As I indicated, the price of moving natural gas went up by 1,200 percent. That happened right after the Federal Energy Regulatory Commission, the same culprit as in the other situation, deregulated the pipelines and allowed them to charge, through a loophole, to charge as much as they wanted to charge. Imagine your home is burning down. You might have one neighbor who, for some reason, does not help you. But only the most malevolent of neighbors would seize your hose, watch your home burn down, hold on to your hose and lecture you about how it is your fault, you should not let the fire break out to begin with.

California is burning. The Federal Government is holding our hose, and we are being hosed by Washington, which will not give us the rate regulation that virtually all Californians want, and will not let us do it ourselves.

Mr. FILNER. Mr. Speaker, we call on the President and this Congress to act today. I thank the gentleman from California, and I thank our colleagues from Illinois.

□ 2340

PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 22 minutes.

Mr. GANSKE. Mr. Speaker, we are about ready to head home on recess, so I want to speak to my colleagues about something that I think that we should address when we come back from this recess. That is the issue of patient protection legislation.

We have been dealing with this for several years. I have just a few minutes left before we close down for the evening.

This is a really important issue. HMOs are making hundreds of thousands if not millions of decisions each day that can adversely affect the health and lives of the people who are supposed to get their insurance from them.

Mr. Speaker, remember a few years ago the movie As Good as It Gets? We had Helen Hunt talking to Jack Nicholson during the movie about her son who had asthma and was not getting the proper authorization for treatment by her HMO.

She then went into a long string of expletives about her HMO, and I saw something happen in a movie theater I never saw happen at any other time. People stood up, applauded, and clapped for the sentiment that Ms. Hunt was expressing about her HMO.

In fact, we know the sentiment is widespread when we start to see humor, even if it is black humor. Here we have a cartoon about HMOs. We have a doctor at an operating table. We have the HMO bean counter next to him. The doctor says, "scalpel." The HMO bean counter says "pocket knife." The doctor says "suture." The HMO bean counter says "bandaid." The doctor says, "Let's get him to an intensive care unit." The doctor says, "call a cab."

Now, Members may think that is just a joke, it is just funny, except for the fact that down in Texas there was a suicidal man. His doctor recommended that he stay in the hospital. The HMO said, "No, we are going to make the medical judgment that he does not need to be in the hospital. If he stays, we are not going to pay for it."

The families, like most families, they cannot afford an out-of-pocket expense like a hospitalization, so they took this poor patient home. That night, sure enough, he drank half a gallon of anti-freeze and he committed suicide.

That HMO should be liable. They did not even follow the Texas law, which says that in that type of case, they ought to get an expedited external review.

That is why, for instance, stories appear all across the country every so often, things like in the New York Post, "HMO's cruel rules leave her dying for the doc she needs."

Here is another cartoon. The doctor is reading to a patient. The HMO physician says, "Your best option is cremation, $359 fully covered," and the patient says, "This is one of those HMO gag rules, isn't it, Doctor?"

Mr. Speaker, 5 years ago now, Members co-signed a bill that I wrote, 300-plus bipartisan cosponsors, that would ban those HMO gag rules, the rules that would keep a doctor from telling a patient all of their treatment options.

Do Members know what? We could not get the leadership to bring it to the floor, even though I had been promised, even though we could have brought it to the floor under suspension with no amendments, and it would have passed overwhelmingly. We could not get it to the floor. Why? Because the HMO industry is a powerful special interest group.

How about this headline: "What his parents didn't know about HMOs may have killed this baby." Maybe that headline, that real-life headline, spawned this cartoon. We have the maternity hospital. We have a drive-through window. "Now only 6-minute stays for new moms." Remember those HMO rules, drive-through deliveries? The hospital technician says, "Congratulations. Would you like French fries with that?" as mom and dad are pulling out with newborn baby.

How about this cartoon. HMO Claims Department: "No, we don't authorize that specialist. No, we don't cover that operation. No, we don't pay for that medication." Then the HMO reviewer hears something over the telephone and ends up saying, "No, we don't consider this assisted suicide."

Do Members know what? That joke may be funny to some, but it is not funny to this family, this little girl and boy and the father. Because the HMO did not inform their mom that they were putting screws on one of the health centers not to provide her necessary treatment, she ended up dying. This case ended up being covered on the front cover of one of the national news magazines as an example of HMO abuse.

Now, this is really black humor. Here we have an HMO receptionist saying, "Cuddly Care HMO. How can I help you? You are at the emergency room and your husband needs an approval for treatment? Oh, he is gasping, writhing, eyes rolled back in his head? Doesn't sound that serious to me. Clutching at his throat? Turning purple? Uh-huh." Then the reviewer says, "Well, have you heard about an inhaler?" Then the next one is "He is dead?" And the next one says, "Well, then he certainly doesn't need treatment." And finally, the reviewer looks at us and says, "People are always trying to rip us off."

How about the case where this young woman fell 40 feet off a cliff about 70 miles from Washington, D.C. She had to be evacuated to an emergency room and intensive care. She had a broken pelvis, a fractured skull, a broken arm. Her HMO would not pay her bill. She had not phoned ahead for prior authorization. I guess she was supposed to know she was going to fall off a cliff.

Gee, it would be just like that prior cartoon, the HMO saying, "Those patients, they are always trying to rip us off."

Speaking about emergency care, this little boy, when he was 6 months old and needed emergency care in the middle of the night, he had a temperature of about 105, 104, 105, mom phoned the 1-800 number and was told to take him to one specific hospital, the only one the HMO contracted with. Mom said, "Where is it?" The answer on the telephone, "I don't know. Find a map." It turned out it was 70 miles away. "But we are only going to authorize that one hospital."

So they passed several other hospitals, not knowing how sick their little boy is. He has a cardiac arrest. En route, they are lucky, they manage to keep him alive. His mom leaps out of the car carrying the little baby. When they finally get to the emergency room, they put an IV in. They save his life, but they do not save all of this little baby, because he ends up with gangrene of both hands and both feet, which have to be amputated, because that HMO made a medical judgment.

Instead of saying, "Take that little boy to the nearest emergency room right away," they said, "We do not think it is that important. Take him to this one that is 70 miles away, because we can save money that way. We have got a contract with that emergency room."

Before coming to Congress, I was a reconstructive surgeon. I took care of little babies with cleft lips and pallates like this baby. Guess what, 50 percent of the surgeons in this country that do this kind of surgery in the last 2 years have had cases denied like this because this is, according to the HMO, a cosmetic condition.

How did we get to this sorry state? We got to this because 25 years ago, Congress passed a law called the Employee Retirement Income Security Act, which was primarily a pension law meant to be for the benefit of the employee. But somehow or other, health plans got included in this, and along came managed care, which was much more intrusive, and all of a sudden we now have a situation where, under employer plans, health plans do not have to follow any State regulations.

Furthermore, they are not liable or responsible for any of their decisions. Think about this. As far as I know, there is only one group of people or an institution in this country that is free of responsibility for their decisions, that is foreign diplomats, except for the HMOs and employer health plans.

That little boy who lost both hands and his feet, under Federal law that plan is responsible for nothing except the cost of his amputations.

That, unfortunately, has led employer health plans to cut corners. Not all of them. Some plans try to do the right thing. But some plans have definitely cut corners in order to save money, in order to satisfy their stockholders.

□ 2350

That has resulted in unfair processes and unfair denials. And, furthermore, under this Federal law, it basically says that a health plan can define medical necessity in any way they want to.

They can say in their contract that we define medical necessity as the cheapest, least expensive care. That means, for instance, that the little child that had the cleft lip that I just showed my colleagues would not be able to get that. The HMO could deny a surgical correction which is standard of care. Maybe we would just put a piece of plastic in the roof of his mouth, because after all that would be the cheapest least expensive care.

Mr. Speaker, that is the way it works under this Federal law, which took away the oversight from States where it had resided for 200-plus years in this country.

I think that is unconstitutional. I think that is an abridgement of the

10th amendment, but it is incumbent on Congress to fix that, because it was Congress that created this problem 25 years ago.

Now, I am not the only one who thinks this. The Federal judiciary thinks this, too. In fact, Judge Pickering, the father of one of our colleagues here in the House, told me that he thinks we need to fix this. He has come up against cases like this. Here we have a statement from Judge Arbis in Pomeroy v. John Hopkins. He says the prevalent system of utilization review now in effect in most health care programs may warrant a reevaluation of ERISA by Congress so that its central purpose of protecting employees may be reconfirmed.

Another judge, Judge Gorton, in Turner v. Fallon says even more disturbing to this court is the failure of Congress to amend a statute that, due to the changing realities of the modern health care system, has gone conspicuously awry from it original intent.

We are talking about ERISA. We are talking about messages coming to us from the Federal bench.

Judge Bennett says in Prudential Insurance v. National Park Medical Center, if Congress wants the American citizens to have access to adequate health care, then Congress must accept its responsibility to define the scope of ERISA preemption and to enact legislation that will ensure every patient has access to that care.

The Supreme Court has looked at this and the Federal courts are working their way towards this goal case by case modifying this ERISA law, because they are seeing gross inequities, but it is a slow process.

Mr. Speaker, what are the courts doing? They are remanding these medical judgment cases back to the States.

The Supreme Court in Pegram v. Herdrich said decisions involving benefits stay in ERISA, but decisions involving medical judgment should go to the States where they have traditionally resided, where we have 200 years of case law. That is what they should be doing. That is what is in the Ganske-Dingell bill, the McCain-Edwards bill that should come before the House and before the Senate.

But there is an alternative. The alternative is, oh, let us just move all of that into the Federal courts. I cannot believe that Republicans would propose federalizing an entire area of health care.

Are we not the party that traditionally says this should be a purview for States? There are about how many States, there are now nine States that have passed HMO accountability laws, Arizona, California, Georgia, Louisiana, Maine, Oklahoma, Texas, the home State of President Bush, Washington, and West Virginia.

They have all enacted legislation that permits injured patients or their estates to hold health plans responsible for negligent decisions.

You know what? One of the bills on the other side of the Capitol, the House rules prevent me from naming names, not the McCain-Edwards bill, let us just say the Breaux-Frist bill, the Breaux-Frist bill would move all of that jurisdiction into Federal courts. That is a bad idea. It is unconstitutional if my colleagues care about the 10th amendment. But more than that, there are a lot of other reasons.

Let us look at them. We need to decide, should the proposed legislation, is it within the core functions of the Federal system? I am going to talk about that. Whether Federal courts have the capacity to take on that new business without additional resources; whether the Federal courts have the capacity to form their core functions and to fulfill their mandate for just, speedy and inexpensive determination of actions.

Chief Justice Rehnquist said this, the principle was enunciated by Abraham Lincoln in the 19th century. Dwight Eisenhower in the 20th century, matters that can be handled adequately by the States should be left to them; matters that cannot be handled should be undertaken by the Federal Government.

In a proposal for a long-range plan for the Federal courts, Rehnquist has said, Congress should commit itself to conserving the Federal courts as a distinctive judicial forum. Civil and criminal jurisdiction should be a sign to the Federal courts only to further clearly define justified national interests leaving to the State courts the responsibility for adjudicating all other matters, and that means specifically health care.

Federal courts are not the appropriate forum for deciding cases from HMO negligent decisions.

Just last year, the Judicial Conference of the United States stated "personal injury claims arising from the provision or denial of medical treatment have historically been governed by State tort law and suits on such claims have traditionally and satisfactorily been resolved primarily in the State system."

The State courts have significant experience in personal injury claims and would be an appropriate forum to consider personal injury actions pertaining to health care treatment. Federal courts cannot handle this. They already have a huge number of judicial vacancies under Federal law.

They are obligated to give priority to criminal cases. Criminal case filings go up every year. You could not get a speedy resolution to these types of decisions, especially if we are coupling this with a review system.

I say to my colleagues we are going to have this debate soon. The gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), I, and others, we have modified our bill. We have taken language from Senator NICKLES. We have taken language from the gentleman from Tennessee (Mr. HILLEARY). We have taken language from the gentleman from Arizona (Mr. SHADEGG).

We have made a good-faith effort to come up with a bill that includes a lot of ideas from other people. We have significant protections for employers. Employers cannot be responsible unless they directly participate in a decision.

The vast majority of employers do not want to have anything to do with a medical decision. They do not even want to know what is going on medically with their employees. It is a matter of privacy, and their employees do not want the employers to know.

So those are real and solid protections. The cost factor for our bill in terms of liability would be less than $2 per month per employee. That is less than the cost of a Big Mac meal.

We should remand these medical judgment decisions back to the States. We should fix the ERISA portion, and we should make sure that people get a fair shake from their HMOs.

This is something, Mr. Speaker, that I expect will come up shortly in the Senate and then come shortly to the House. I implore my colleagues to do the right thing, become familiar with the provisions of our bill, the Ganske-Dingell Bipartisan Patient Protection Law of 2001.

Let us pass this finally and let us do something for all of our constituents, all of them have experience with this through either a friend, a family member, a fellow worker. Eighty-five percent of the country has indicated that they think that Congress should pass a law to protect patients from HMO abuses.

Let us get this done finally, and let us put it on the President's desk. Our bill satisfies the President's principles. It is modeled after Texas law, and it would be a great victory for our constituents and the people who get their health care from their employers.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VISCLOSKY (at the request of Mr. GEPHARDT) for today on account of attending a friend's funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. WICKER) to revise and extend their remarks and include extraneous material:)

Mr. SCHAFFER, for 5 minutes, today and May 24.

Mr. HORN, for 5 minutes, May 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAFICANT, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $5,019.

Mr. SCHAFFER, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,674.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 41. Concurrent resolution authorizing the use of the Capitol Grounds for the National Book Festival; to the Committee on Transportation and Infrastructure.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1727. An act to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.

BILL PRESENTED TO THE PRESIDENT

Mr. Trandahl, Clerk of the House, reported that on this day he presented to the President, for his approval, a bill of the House of the following title:

H.R. 1696. To expedite the construction of the World War II memorial in the District of Columbia.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, May 24, 2001, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and an amended report concerning the foreign currencies and U.S. dollars utilized for official foreign travel, by Committees of the House of Representatives, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the first quarter of 2001 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO NETHERLANDS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 27 AND MAR. 29, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Abigail Shannon	3/27	3/29	Netherlands		157.00		6,079.14				6,236.14
Committee total											6,236.14

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ABIGAIL SHANNON, Apr. 4, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO INDIA AND PAKISTAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 25, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ed Royce	2/15	2/16	Greece		100.00						100.00
	2/16	2/22	India		1,830.00		3,392.00				5,222.00
Hon. David Benior	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		350.00				1,870.00
	2/21	2/24	Pakistan		677.00						677.00
	2/24	2/25	Greece		122.00						122.00
Hon. Jim McDermott	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		350.00				1,870.00
	2/21	2/24	Pakistan		677.00						677.00
	2/24	2/25	Greece		122.00						122.00
Hon. Joe Pitts	2/15	2/16	Greece		100.00						100.00
	2/16	2/20	India		1,520.00		275.00				1,795.00
	2/20	2/23	Pakistan		653.00						653.00
Thomas P. Sheehy	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		434.00				1,954.00
	2/21	2/24	Pakistan		677.00		54.00				731.00
	2/24	2/25	Greece		122.00						122.00
Scott Paul	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		350.00				1,870.00
	2/21	2/24	Pakistan		677.00						677.00
	2/24	2/25	Greece		122.00						122.00
Chris Dumm	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		307.00				1,827.00
	2/21	2/24	Pakistan		677.00						677.00
	2/24	2/25	Greece		122.00						122.00
Michelle Lo	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		307.00				1,827.00
	2/21	2/24	Pakistan		677.00		20.00				697.00
	2/24	2/25	Greece		122.00						122.00
Committee total					18,717.00		5,839.00				24,556.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ED ROYCE, Chairman, Mar. 23, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO BELGIUM, FRANCE, TURKEY, ITALY, AND PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 26, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Marge Roukema	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Porter Goss	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Paul Gillmor	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Roy Blunt	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Norm Sisisky	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. John Tanner	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Nick Lampson	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Tom Udall	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. John Shimkus	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00		627.97				2,299.97
Hon. Robert Borski	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00		2,747.97				4,419.97
Susan Olson	2/15	2/20	Belgium		1,212.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/25	Portugal		67.00		2,220.80				4,493.80
Robin Evans	2/15	2/20	Belgium		1,212.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00		3,738.15				5,944.15
Jo Weber	2/15	2/20	Belgium		1,212.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00		3,738.15				5,944.15
John Herzberg	2/15	2/20	Belgium		1,212.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00		3,738.15				5,944.15
Walker J. Roberts	2/15	2/20	Belgium		1,212.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00		3,738.15				5,944.15
David Fite	2/17	2/20	Belgium		696.00		4,902.97				5,598.97
Committee total					33,974.00		25,452.31				59,426.31

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Chairman, Apr. 4, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TO LITHUANIA, ITALY, AND LUXEMBOURG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEEN MAR. 22 AND MAR. 26, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
The Speaker	3/22	3/24	Lithuania		447.00		(3)				447.00
Hon. Rob Portman	3/22	3/24	Lithuania		447.00		(3)				447.00
Charlie Johnson	3/22	3/24	Lithuania		447.00		(3)				447.00
Scott Palmer	3/22	3/24	Lithuania		447.00		(3)				447.00
Chris Walker	3/22	3/24	Lithuania		447.00		(3)				447.00
Bill Livingood	3/22	3/24	Lithuania		447.00		(3)				447.00
Dr. Eisold	3/22	3/24	Lithuania		447.00		(3)				447.00
Paige Ralston	3/22	3/24	Lithuania		447.00		(3)				447.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TO LITHUANIA, ITALY, AND LUXEMBOURG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEEN MAR. 22 AND MAR. 26, 2001—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
The Speaker	3/24	3/25	Italy		157.00		(3)				157.00
Hon. Rob Portman	3/24	3/25	Italy		157.00		(3)				157.00
Charlie Johnson	3/24	3/25	Italy		334.00		(3)				334.00
Scott Palmer	3/24	3/25	Italy		334.00		(3)				334.00
Chris Walker	3/24	3/25	Italy		334.00		(3)				334.00
Bill Livingood	3/24	3/25	Italy		334.00		(3)				334.00
Dr. Eisold	3/24	3/25	Italy		334.00		(3)				334.00
Paige Ralston	3/24	3/25	Italy		334.00		(3)				334.00
The Speaker	3/25	3/26	Luxembourg		245.00		(3)				245.00
Hon. Rob Portman	3/25	3/26	Luxembourg		245.00		(3)				245.00
Charlie Johnson	3/25	3/26	Luxembourg		245.00		(3)				245.00
Scott Palmer	3/25	3/26	Luxembourg		245.00		(3)				245.00
Chris Walker	3/25	3/26	Luxembourg		245.00		(3)				245.00
Bill Livingood	3/25	3/26	Luxembourg		245.00		(3)				245.00
Dr. Eisold	3/25	3/26	Luxembourg		245.00		(3)				245.00
Paige Ralston	3/25	3/26	Luxembourg		245.00		(3)				245.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, May 2, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO NETHERLANDS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 26 AND MAR. 29, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Abigail Shannon	3/27	3/20	Netherlands		67.00		6,079.14				6,213.14
Committee total											6,213.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ABIGAIL SHANNON, Apr. 3, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 29 AND APR. 1, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	3/29	4/1	Italy		895.00						895.00
Hon. Ralph Regula	3/29	4/1	Italy		895.00						895.00
Hon. Robert Borski	3/29	4/1	Italy		895.00						895.00
Susan Olson	3/29	4/1	Italy		895.00						895.00
Committee total					3,580.00						3,580.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Chairman, May 1, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL TO SENEGAL, NIGERIA, GHANA, AND MOROCCO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 6 AND APR. 11, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. J.C. Watts, Jr	4/6	4/7	Senegal	117,710	158.00		(3)			117,710	158.00
Hon. Michael McNulty	4/6	4/7	Senegal	117,710	158.00		(3)			117,710	158.00
Hon. Peter Hoekstra	4/6	4/7	Senegal	117,710	158.00		(3)			117,710	158.00
Hon. Wes Watkins	4/6	4/7	Senegal	117,710	158.00		(3)			117,710	158.00
Hon. John Cooksey	4/6	4/7	Senegal	117,710	158.00		(3)			117,710	158.00
Hon. Bob Schaffer	4/6	4/7	Senegal	117,710	158.00		(3)			117,710	158.00
Elroy Sailor	4/6	4/7	Senegal	117,710	158.00		(3)			117,710	158.00
Christine Iverson	4/6	4/7	Senegal	117,710	158.00		(3)			117,710	158.00
Jon Vanden Heuvel	4/6	4/7	Senegal	117,710	158.00		(3)			117,710	158.00
Hon. J.C. Watts, Jr	4/7	4/9	Nigeria	128,619	1,037.25		(3)			128,619	1,037.25
Hon. Michael McNulty	4/7	4/9	Nigeria	91,420	737.25		(3)			91,420	737.25
Hon. Peter Hoekstra	4/7	4/9	Nigeria	91,420	737.25		(3)			91,420	737.25
Hon. Wes Watkins	4/7	4/9	Nigeria	91,420	737.25		(3)			91,420	737.25
Hon. John Cooksey	4/7	4/9	Nigeria	91,420	737.25		(3)			91,420	737.25
Hon. Bob Schaffer	4/7	4/9	Nigeria	91,420	737.25		(3)			91,420	737.25
Elroy Sailor	4/7	4/9	Nigeria	91,420	737.25		(3)			91,420	737.25
Christine Iverson	4/7	4/9	Nigeria	91,420	737.25		(3)			91,420	737.25
Jon Vanden Heuvel	4/7	4/9	Nigeria	91,420	737.25		(3)			91,420	737.25
Hon. J.C. Watts, Jr	4/9	4/10	Ghana	1,610,460	230.00		(3)			1,610,460	230.00
Hon. Michael McNulty	4/9	4/10	Ghana	1,610,460	230.00		(3)			1,610,460	230.00
Hon. Peter Hoekstra	4/9	4/10	Ghana	1,610,460	230.00		(3)			1,610,460	230.00
Hon. Wes Watkins	4/9	4/10	Ghana	1,610,460	230.00		(3)			1,610,460	230.00
Hon. John Cooksey	4/9	4/10	Ghana	1,610,460	230.00		(3)			1,610,460	230.00
Hon. Bob Schaffer	4/9	4/10	Ghana	1,610,460	230.00		(3)			1,610,460	230.00
Elroy Sailor	4/9	4/10	Ghana	1,610,460	230.00		(3)			1,610,460	230.00
Christine Iverson	4/9	4/10	Ghana	1,610,460	230.00		(3)			1,610,460	230.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL TO SENEGAL, NIGERIA, GHANA, AND MOROCCO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 6 AND APR. 11, 2001—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jon Vanden Heuvel	4/9	4/10	Ghana	1,610,460	230.00		(3)			1,610,460	230.00
Hon. J.C. Watts, Jr	4/10	4/11	Morocco	2,662	242.00		(3)			2,662	242.00
Hon. Michael McNulty	4/10	4/11	Morocco	2,662	242.00		(3)			2,662	242.00
Hon. Peter Hoekstra	4/10	4/11	Morocco	2,662	242.00		(3)			2,662	242.00
Hon. Wes Watkins	4/10	4/11	Morocco	2,662	242.00		(3)			2,662	242.00
Hon. John Cooksey	4/10	4/11	Morocco	2,662	242.00		(3)			2,662	242.00
Hon. Bob Schaffer	4/10	4/11	Morocco	2,662	242.00		(3)			2,662	242.00
Elroy Sailor	4/10	4/11	Morocco	2,662	242.00		(3)			2,662	242.00
Christine Iverson	4/10	4/11	Morocco	2,662	242.00		(3)			2,662	242.00
Jon Vanden Heuvel	4/10	4/11	Morocco	2,662	242.00		(3)			2,662	242.00
Committee total					12,605.25						12,605.25

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

J.C. WATTS, JR., Chairman, Apr. 23, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH AFRICA, KENYA, TUNISIA, AND NIGERIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 6 AND APR. 18, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Sherwood L. Boehlert	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Jerry F. Costello	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Robert E. Cramer	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Jennifer Dunn	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. E.B. Johnson	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. John L. Mica	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Richard W. Pombo	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Deborah Pryce	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Bobby L. Rush	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Paul Ryan	4/7	4/11	South Africa		511.00		(3)				511.00
Scott Palmer	4/7	4/11	South Africa		511.00		(3)				511.00
Susan Hirschmann	4/7	4/11	South Africa		511.00		(3)				511.00
Chris Walker	4/7	4/11	South Africa		511.00		(3)				511.00
Christy Surprenant	4/7	4/11	South Africa		511.00		(3)				511.00
Ted VanDerneid	4/7	4/11	South Africa		511.00		(3)				511.00
Cassandra Q. Butts	4/7	4/11	South Africa		511.00		(3)				511.00
Dwight Comedy	4/7	4/11	South Africa		511.00		(3)				511.00
Bill Livingood	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. J. Dennis Hastert	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Sherwood L. Boehlert	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Jerry F. Costello	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Robert E. Cramer	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Jennifer Dunn	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. E.B. Johnson	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. John L. Mica	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Richard W. Pombo	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Deborah Pryce	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Bobby Rush	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Paul Ryan	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Scott Palmer	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Susan Hirschmann	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Chris Walker	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Christy Surprenant	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Ted VanDerMeid	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Cassandra Q. Butts	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Dwight Comedy	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Bill Livingood	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. J. Dennis Hastert	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Sherwood L. Boehlert	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Jerry F. Costello	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Robert E. Cramer	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Jennifer Dunn	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. E.B. Johnson	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. John L. Mica	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Richard W. Pombo	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Deborah Pryce	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Bobby L. Rush	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Paul Ryan	4/14	4/17	Tunisia		552.00		(3)				552.00
Scott Palmer	4/14	4/17	Tunisia		552.00		(3)				552.00
Susan Hirschmann	4/14	4/17	Tunisia		552.00		(3)				552.00
Chris Walker	4/14	4/17	Tunisia		552.00		(3)				552.00
Christy Surprenant	4/14	4/17	Tunisia		552.00		(3)				552.00
Ted VanDerMeid	4/14	4/17	Tunisia		552.00		(3)				552.00
Cassandra Q. Butts	4/14	4/17	Tunisia		552.00		(3)				552.00
Dwight Comedy	4/14	4/17	Tunisia		552.00		(3)				552.00
Bill Livingood	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. J. Dennis Hastert	4/17	4/17	Nigeria		0		(3)				
Hon. Sherwood Boehlert	4/17	4/17	Nigeria		0		(3)				
Hon. Jerry F. Costello	4/17	4/17	Nigeria		0		(3)				
Hon. Robert E. Cramer	4/17	4/17	Nigeria		0		(3)				
Hon. Jennifer Dunn	4/17	4/17	Nigeria		0		(3)				
Hon. E.B. Johnson	4/17	4/17	Nigeria		0		(3)				
	(4)	(4)	(4)		(4)		(4)				
Hon. Richard W. Pombo	4/17	4/17	Nigeria		0		(3)				
Hon. Deborah Pryce	4/17	4/17	Nigeria		0		(3)				
Hon. Bobby Rush	4/17	4/17	Nigeria		0		(3)				
Hon. Paul Ryan	4/17	4/17	Nigeria		0		(3)				
Scott Palmer	4/17	4/17	Nigeria		0		(3)				
Susan Hirschmann	4/17	4/17	Nigeria		0		(3)				
Chris Walker	4/17	4/17	Nigeria		0		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH AFRICA, KENYA, TUNISIA, AND NIGERIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 6 AND APR. 18, 2001—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Christy Surprenant	4/17	4/17	Nigeria		0		(3)				
Ted VanDerMeid	4/17	4/17	Nigeria		0		(3)				
Cassandra Q. Butts	4/17	4/17	Nigeria		0		(3)				
Dwight Comedy	4/17	4/17	Nigeria		0		(3)				
Bill Livingood	4/17	4/17	Nigeria		0		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Congressman Mica departed on other travel and did not continue with congressional delegation.

J. DENNIS HASTERT, Chairman, May 3, 2001.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2082. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers; Amendment to the Capital Charge on Unsecured Receivables Due From Foreign Brokers (RIN: 3038–AB54) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2083. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Options Transactions—received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2084. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bacillus thuringiensis Cry3Bbl and Cry2Ab2 Protein and the Genetic Material Necessary for its Production in Corn and Cotton; Exemption from the Requirement of a Tolerance [OPP–301123; FRL–6781–6] (RIN: 2070–AB78) received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2085. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Procedural Rules for DOE Nuclear Activities; General Statement of Enforcement Policy—received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2086. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities; New York [Region 2 Docket No. NY46–217a, FRL–6977–2] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2087. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of New Hampshire [FRL–6978–8] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2088. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [FRL–6950–2] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2089. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast [FRL–6978–5] (RIN: 2060–AF30) received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2090. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors [FRL–6978–4] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2091. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Arizona State Implementation Plan Revision, Coconino County, Mohave County, and Yuma County [AZ 094–0027a; FRL–6916–2] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2092. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Allocation of Drinking Water State Revolving Fund Monies [FRL–6978–7] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2093. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Revisions to Stage II Vapor Recovery Regulations for Southwest Pennsylvania [PA157–4112a; FRL–6981–5] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2094. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 2002; to the Committee on Energy and Commerce.

2095. A letter from the District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

2096. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation; Administrative Amendments [FRL–6955–3] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2097. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Special Regulations for the Preble's Meadow Jumping Mouse (RIN: 1018–AF30) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2098. A letter from the Fisheries Biologist, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Designated Critical Habitat: Critical Habitat for Johnson's Seagrass [Docket No. 991116305–0083–02; I.D. No. 110599D][A] (RIN: 0648–AL82) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2099. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2001 Management Measures [I.D. 042401D] (RIN: 0648-AO49) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2100. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001–27] received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2101. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxable Fuel Measurement [TD 8945] (RIN: 1545–AY85) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 819. A bill to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building" (Rept. 107–75). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 147. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107–76). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1407. A bill to amend title 49, United States Code, to permit air carriers to meet and discuss their schedules in order to reduce flight delays, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than July 9, 2001, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 107–77, Pt. I).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Ms. Eshoo, Ms. Pelosi, Mr. George Miller of California, Ms. Woolsey, Mr. Stark, Mrs. Tauscher, Mr. Thompson of California, Ms. Lee, Mr. Honda, and Ms. Lofgren):

H.R. 1953. A bill to revise the boundaries of Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Resources.

By Mr. GILMAN (for himself, Mr. Berman, Mr. Armey, Mr. Gephardt, Ms. Pryce of Ohio, Mr. Lantos, Mr. Cox, Mr. Ackerman, Mr. Blunt, Mr. Waxman, Mr. Aderholt, Mr. Andrews, Mr. Baca, Mr. Baird, Mr. Baker, Ms. Baldwin, Mr. Bass, Mr. Becerra, Mr. Bentsen, Ms. Berkley, Mr. Boehlert, Mrs. Biggert, Mr. Bilirakis, Mr. Blagojevich, Mr. Bonilla, Mrs. Bono, Mr. Borski, Mr. Boyd, Mr. Brown of Ohio, Mr. Brown of South Carolina, Mr. Bryant, Mr. Burton of Indiana, Mr. Buyer, Mr. Callahan, Mr. Cantor, Mrs. Capps, Mr. Carson of Oklahoma, Mr. Capuano, Mr. Cardin, Mr. Coble, Mr. Condit, Mr. Costello, Mr. Crenshaw, Mr. Crowley, Mr. Davis of Florida, Mrs. Jo Ann Davis of Virginia, Mrs. Davis of California, Mr. Tom Davis of Virginia, Ms. DeGette, Mr. Deutsch, Mr. Diaz-Balart, Mr. Doolittle, Mr. Doyle, Mr. Ehlers, Mr. Engel, Ms. Eshoo, Mr. Etheridge, Mr. Evans, Mr. Ferguson, Mr. Filner, Mr. Flake, Mr. Foley, Mr. Ford, Mr. Fossella, Mr. Frank, Mr. Frelinghuysen, Mr. Frost, Mr. Ganske, Mr. Gallegly, Mr. Gekas, Mr. Gilchrest, Mr. Gillmor, Mr. Gonzalez, Mr. Gordon, Mr. Goss, Mr. Graham, Ms. Granger, Mr. Graves, Mr. Grucci, Mr. Gutierrez, Mr. Hastings of Florida, Ms. Harman, Ms. Hart, Mr. Hayes, Mr. Hayworth, Mr. Hilleary, Mr. Hoeffel, Mr. Holt, Mr. Holden, Mr. Honda, Ms. Hooley of Oregon, Mr. Horn, Mr. Hoyer, Mr. Hunter, Mr. Hutchinson, Mr. Israel, Mr. Issa, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. King, Mr. Kingston, Mr. Kirk, Mr. Knollenberg, Mr. Langevin, Mr. Lampson, Mr. Larson of Connecticut, Mr. LaTourette, Mr. Leach, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Mr. Lipinski, Mr. LoBiondo, Mrs. Lowey, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. McCrery, Mr. McGovern, Mr. McInnis, Mr. McKeon, Mr. McNulty, Mrs. Maloney of New York, Mr. Markey, Mr. Mascara, Mr. Matsui, Mr. Meeks of New York, Mr. Menendez, Mr. Mica, Ms. Millender-McDonald, Mr. Miller of Florida, Mr. George Miller of California, Mrs. Morella, Mr. Murtha, Mrs. Myrick, Mr. Nadler, Mrs. Northup, Mr. Norwood, Mr. Ose, Mr. Otter, Mr. Owens, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Ms. Pelosi, Mr. Phelps, Mr. Pitts, Mr. Platts, Mr. Putnam, Mr. Ramstad, Mr. Rehberg, Mr. Reynolds, Mr. Riley, Ms. Rivers, Mr. Rodriguez, Mr. Rohrabacher, Mr. Rogers of Michigan, Ms. Ros-Lehtinen, Mr. Rothman, Mrs. Roukema, Mr. Ryun of Kansas, Mr. Sabo, Mr. Sandlin, Mr. Saxton, Mr. Scarborough, Ms. Schakowsky, Mr. Schiff, Mr. Schrock, Mr. Sessions, Mr. Shaw, Mr. Shadegg, Mr. Sherman, Mr. Shows, Mr. Simmons, Mr. Skelton, Ms. Slaughter, Mr. Smith of New Jersey, Ms. Solis, Mr. Souder, Mr. Spence, Mr. Stearns, Mr. Stump, Mr. Stupak, Mr. Sweeney, Mr. Tanner, Mrs. Tauscher, Mr. Tauzin, Mr. Terry, Mr. Thompson of California, Mrs. Thurman, Mr. Tiberi, Mr. Udall of New Mexico, Mr. Underwood, Mr. Visclosky, Mr. Vitter, Mr. Wamp, Mr. Weiner, Mr. Weldon of Florida, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Wexler, Mr. Wicker, Ms. Woolsey, Mr. Wu, and Mr. Young of Alaska):

H.R. 1954. A bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006; to the Committee on International Relations, and in addition to the Committees on Financial Services, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. Duncan, and Mr. DeFazio):

H.R. 1955. A bill to redesignate the Raystown Lake located on the Raystown Branch of the Juniata River in Pennsylvania, as the "Bud Shuster Lake"; to the Committee on Transportation and Infrastructure.

By Mr. PICKERING (for himself, Mr. Combest, Mr. Simpson, Mr. Otter, Mrs. Thurman, and Mr. Hayes):

H.R. 1956. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Ms. Berkley, Mr. Filner, Ms. Brown of Florida, Mr. Rodriguez, Mr. Udall of New Mexico, Ms. McKinney, Mr. Faleomavaega, Mr. Frost, Ms. Pelosi, Mr. Sanders, and Mr. Wynn):

H.R. 1957. A bill to amend title 38, United States Code, to expand the list of diseases presumed to be service connected in the case of radiation-exposed veterans and to expand the circumstances deemed to have been radiation-risk activities for members of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. ABERCROMBIE (for himself, Mrs. Tauscher, Ms. McKinney, Mr. Bartlett of Maryland, Mr. Hansen, Mr. Filner, Mrs. Mink of Hawaii, Mr. Kucinich, and Mr. Ortiz):

H.R. 1958. A bill to amend title 38, United States Code, to permit the transfer of entitlement to educational assistance the Montgomery GI Bill by members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 1959. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income to individuals for expenses paid in using mass transit facilities; to the Committee on Ways and Means.

By Mr. BEREUTER:

H.R. 1960. A bill to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Financial Services.

By Mr. BLUNT (for himself, Mr. Green of Texas, Mrs. Emerson, Ms. Brown of Florida, Ms. Kilpatrick, Mr. Isakson, Mr. Davis of Illinois, Mr. McCrery, Mr. Oxley, Ms. McCarthy of Missouri, Mrs. Maloney of New York, Mr. Bonior, Mr. Filner, Mr. Brown of Ohio, Mr. Gonzalez, Mr. McNulty, Ms. Jackson-Lee of Texas, and Ms. Carson of Indiana):

H.R. 1961. A bill to promote research to identify and evaluate the health effects of breast implants; to ensure that women receive accurate information about such implants and to encourage the Food and Drug Administration to thoroughly review the implant manufacturers' standing with the agency; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Mr. Taylor of Mississippi):

H.R. 1962. A bill to amend title 10, United States Code, to modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance; to the Committee on Armed Services.

By Mr. COSTELLO:

H.R. 1963. A bill to amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System; to the Committee on Resources.

By Mr. DEFAZIO (for himself, Mr. Barton of Texas, Mr. Burr of North Carolina, Mr. Evans, Mr. Frank, Mr. Paul, Mr. Royce, Mr. Sanders, and Mr. Wynn):

H.R. 1964. A bill to allow patients access to drugs and medical devices recommended and provided by health care practitioners under strict guidelines, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEKAS:

H.R. 1965. A bill to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOSTETTLER (for himself, Mr. Stearns, Mr. Sessions, Mr. Stump, Mr. Schaffer, Mr. Boucher, and Mr. Jones of North Carolina):

H.R. 1966. A bill to establish certain uniform legal principles of liability with respect to manufacturers of products; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. Bonior, Mr. Visclosky, Ms. McKinney, Mr. Sanders, Mr. Filner, Mr. Hall of Ohio, Mr. Sherman, Ms. Lee, Ms. Woolsey, Mr. Kanjorski, Mr. Davis of Illinois, Ms. Carson of Indiana, and Mr. McGovern):

H.R. 1967. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to allow an income tax credit for purchases of fuel-efficient passenger vehicles, and to allow grants for mass transit; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. Boehlert, Mr. Capuano, Mr. Gilchrest, Mr. Wynn, Mr. McHugh, Mr. Green of Texas, Mr. Rangel, Mr. McDermott, Mrs. Thurman, Mr. Gordon, Ms. McCarthy of Missouri, Mr. Jefferson, Mr. Davis of Illinois, Mr. Frost, Mr. Roemer, Mr. Dooley of California, Mr. Evans, Mr. Blagojevich, Ms. Norton, Mr. Abercrombie, Ms. Jackson-Lee of Texas, Mrs. Christensen, Mr. Stenholm, Mr. McNulty, Mr. Sanders, Mr. Frank, Mr. Conyers, Mrs. Mink of Hawaii, Mr. Tierney, Ms. McKinney, Ms. Baldwin, Mr. Cummings, Mrs. Jones of Ohio, Mr. Baird, Mr. Nadler, Mr. McGovern, and Mr. Phelps):

H.R. 1968. A bill to amend the Public Health Service Act and the Internal Revenue Code of 1986 with respect to the National Health Service Corps; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 1969. A bill to amend the Internal Revenue Code of 1986 to provide an interest-free source of capital to cover the costs of installing residential solar energy equipment; to the Committee on Ways and Means.

By Mr. MCNULTY (for himself, Mr. Evans, Mr. Leach, and Mr. Sweeney):

H.R. 1970. A bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances; to the Committee on Armed Services.

By Mrs. MEEK of Florida:

H.R. 1971. A bill to amend the National Voter Registration Act of 1993 to require States to give notice and an opportunity for review prior to removing individuals from the official list of eligible voters in elections for Federal office by reason of criminal conviction, and for other purposes; to the Committee on House Administration.

By Mr. NORWOOD:

H.R. 1972. A bill to provide for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 1973. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mr. OSE (for himself and Mr. Horn):

H.R. 1974. A bill to amend the Federal Power Act to provide the Federal Energy Regulatory Commission with authority to order certain refunds of electric rates, to require the Commission to expand its market mitigation plan, and to provide the Secretary of Energy with authority to revoke the market mitigation plan under certain circumstances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Ms. Dunn, Mr. Pomeroy, Mr. Gordon, Mr. Pickering, Mr. Foley, Mr. Terry, Mr. Kirk, Mr. Lewis of Kentucky, Mr. Tancredo, Mr. Buyer, Mr. Tanner, and Mr. Pence):

H.R. 1975. A bill to modify the deadline for initial compliance with the standards and implementation specifications promulgated under section 1173 of the Social Security Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. Hefley):

H.R. 1976. A bill to clarify the authority of the Secretary of Defense to respond to environmental emergencies; to the Committee on Armed Services.

By Mr. UNDERWOOD (for himself and Mr. Schaffer):

H.R. 1977. A bill to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

By Ms. WATERS (for herself, Ms. Brown of Florida, Ms. Carson of Indiana, Mrs. Christensen, Mr. Clay, Mrs. Clayton, Mr. Conyers, Mr. Cummings, Mr. Fattah, Mr. Frank, Mr. Hastings of Florida, Mr. Hinchey, Mr. Jackson of Illinois, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Ms. Kilpatrick, Mr. McGovern, Mr. Meeks of New York, Mrs. Mink of Hawaii, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Rangel, Mr. Rush, Mr. Scott, Mr. Thompson of Mississippi, Mrs. Jones of Ohio, Mr. Wynn, Ms. McKinney, and Mr. Watt of North Carolina):

H.R. 1978. A bill to concentrate Federal resources aimed at the prosecution of drug offenses on those offenses that are major; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WICKER:

H.R. 1979. A bill to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA (for herself, Mr. LaFalce, Mrs. Morella, Mr. Grucci, Mr. Duncan, Mr. Coyne, Mr. Lampson, Ms. DeLauro, Mr. Pascrell, Mr. Capuano, Mr. Mascara, Mr. Davis of Illinois, Mr. Bonior, Mr. English, Mr. DeFazio, Mr. Doyle, and Mr. Mica):

H. Con. Res. 141. Concurrent resolution expressing the sense of the Congress that the entertainment industry should stop the negative and unfair stereotyping of Italian-Americans, and should undertake an initiative to present Italian-Americans in a more balanced and positive manner; to the Committee on Energy and Commerce.

By Mr. SAXTON (for himself, Mr. Jones of North Carolina, Mr. King, Mr. McIntyre, Mr. Nadler, Mr. Pallone, Mrs. Roukema, Mr. Smith of New Jersey, Ms. Solis, Mr. Castle, Mr. Grucci, Mr. English, Mr. LoBiondo, and Mr. Lampson):

H. Con. Res. 142. Concurrent resolution expressing the sense of Congress that Federal participation in the funding of Corps of Engineers projects for shore protection and beach replenishment should not be reduced; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H. Res. 146. A resolution providing for consideration of the bill (H.R. 1076) to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

77. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 87 memorializing the United States Congress to establish and fund a U.S. Department of Agriculture—Pacific Basin Agricultural Research Center-managed cacao germplasm center in Hawaii; to the Committee on Agriculture.

78. Also, a memorial of the Legislature of the State of Nevada, relative to Joint Resolution No. 1 memorializing the President and

the United States Congress to increase federal funding for special education to 40 percent level authorized by the Individuals with Disabilities Education Act so that the State of Nevada and other states can fully meet the needs of children with disabilities; to the Committee on Education and the Workforce.

79. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 38 memorializing the United States Congress to appropriate funds for forty per cent of special education and related services for children with disabilities; to the Committee on Education and the Workforce.

80. Also, a memorial of the General Assembly of the State of Missouri, relative to a Resolution memorializing the United States Congress, that before considering any other education initiatives, the Individuals with Disabilities Education Act (IDEA) receive prompt and full funding, and the reporting requirements of IDEA be significantly reduced; to the Committee on Education and the Workforce.

81. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 27 memorializing the United States Congress to authorize the Governor of the State of Hawaii, or designee, to take all necessary actions to establish a sister-state affiliation with the Province of Thua Thien-Hue; to the Committee on International Relations.

82. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 14 memorializing the United States Congress to adopt legislation that dedicates the Old Spanish Trail and the Antonio Armijo Route of the Old Spanish Trail as a National Historic Trail; to the Committee on Resources.

83. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 2 memorializing the United States Congress to oppose the designation of a national monument by the President of the United States without obtaining the approval of each state and local government in which the national monument is located; to the Committee on Resources.

84. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 56 memorializing the United States Congress to support the acquisition of Kahuku Ranch by the United States National Park Service for expansion of the Hawaii Volcanoes National Park; to the Committee on Resources.

85. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 50 memorializing the United States Congress and Hawaii's congressional delegation to support legislation to equalize reparations for Japanese of Latin American ancestry interned during World War II; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Gillmor and Mr. Hefley.

H.R. 13: Mr. Ross, Ms. DeLauro, Ms. Pryce of Ohio, and Mr. Kildee.

H.R. 17: Mr. Frank.

H.R. 94: Mr. Wolf.

H.R. 168: Mr. Pence, Mr. Knollenberg, and Mr. Pascrell.

H.R. 179: Mr. Sununu, Mr. Grucci, and Mr. Hilliard.

H.R. 184: Mrs. Clayton and Mrs. Emerson.

H.R. 189: Mr. Cunningham.

H.R. 303: Mr. Grucci and Mr. Ose.

H.R. 380: Ms. Velázquez.

H.R. 415: Ms. Millender-McDonald, Ms. McKinney, Mr. Boucher, Mr. Stupak, and Mr. Gutierrez.

H.R. 425: Mr. Thompson of Mississippi, Mr. Tierney, Mr. Brown of Ohio, Mrs. Maloney of New York, Mr. Conyers, and Mr. Engel.

H.R. 440: Mrs. Christensen.

H.R. 442: Mrs. Christensen and Mr. Hinojosa.

H.R. 475: Mr. Watts of Oklahoma.

H.R. 500: Ms. Woolsey, Mr. Blumenauer, and Ms. Baldwin.

H.R. 526: Mr. Horn, Ms. Velázquez, Mr. Watt of North Carolina, Ms. Pelosi, Ms. DeGette, and Mr. Meeks of New York.

H.R. 534: Mr. Brady of Texas.

H.R. 548: Mr. Kingston, Mr. Fletcher, Mr. Gibbons, Mr. Blagojevich, Mrs. Morella, Mr. DeMint, Mr. Hayworth, Mr. Vitter, Mr. Akin, Mrs. Johnson of Connecticut, Mr. Brown of Ohio, Mr. Udall of New Mexico, Mr. Smith of Washington, Mr. Cramer, Mr. Boswell, Mr. Edwards, Mr. Bryant, Mr. King, Mr. Green of Texas, Mr. Collins, Mr. Wolf, Mr. Israel, Mr. Hefley, and Mr. McNulty.

H.R. 563: Mr. Issa.

H.R. 572: Mr. Kildee, Ms. Woolsey, Mr. Menendez, and Mr. Brown of Ohio.

H.R. 600: Mr. Sandlin, Mr. Crane, Mr. Quinn, and Mrs. Maloney of New York.

H.R. 606: Mr. Schrock.

H.R. 634: Mr. Goodlatte, Mr. Crenshaw, and Mr. Schrock.

H.R. 635: Mr. Shuster.

H.R. 664: Ms. Eshoo and Mr. Markey.

H.R. 699: Mr. Norwood and Mr. Paul.

H.R. 705: Mr. Peterson of Pennsylvania.

H.R. 730: Ms. Sanchez.

H.R. 746: Mr. Udall of New Mexico.

H.R. 762: Ms. Lee.

H.R. 781: Ms. DeGette.

H.R. 804: Mr. Watts of Oklahoma and Mr. Ramstad.

H.R. 818: Mr. Quinn.

H.R. 826: Mr. Gibbons.

H.R. 865: Mrs. Christensen.

H.R. 876: Mr. Meehan, Mr. Gutierrez, Mr. George Miller of California, Mr. Bereuter, Mr. Barton of Texas, Mrs. Tauscher, Mr. Calvert, Mr. Weldon of Florida, Mr. Neal of Massachusetts, Mr. Manzullo, and Mr. Stupak.

H.R. 877: Mr. Rogers of Michigan, Mr. Burton of Indiana, and Mr. Hall of Texas.

H.R. 912: Mr. Tom Davis of Virginia.

H.R. 938: Mr. Sawyer and Mr. Cummings.

H.R. 964: Mr. Tierney.

H.R. 978: Mr. Sanders and Mr. Isakson.

H.R. 1072: Ms. Waters.

H.R. 1079: Mr. Rogers of Kentucky.

H.R. 1090: Mr. Cardin.

H.R. 1101: Mrs. Capito.

H.R. 1140: Mr. Calvert, Mr. Shuster, Mr. Greenwood, and Mr. Maloney of Connecticut.

H.R. 1170: Mr. Stupak and Mr. Gutierrez.

H.R. 1185: Mr. Owens.

H.R. 1186: Mr. DeFazio.

H.R. 1192: Mr. Sabo, Mr. Schiff, Mr. Condit, and Mr. Watts of Oklahoma.

H.R. 1198: Mr. Rahall, Ms. Schakowsky, Ms. Eshoo, and Mr. Etheridge.

H.R. 1202: Mr. Souder, Ms. Hooley of Oregon, Mr. Smith of New Jersey, Mr. Sandlin, Ms. Berkley, Mr. Bonior, Ms. Kilpatrick, Mr. Deutsch, Mr. Holden, Mr. McNulty, and Mr. Goodlatte.

H.R. 1211: Mr. Hall of Texas, Mr. Filner, and Mr. Radanovich.

H.R. 1220: Mr. Lampson, Mr. Ehrlich, and Mr. Aderholt.

H.R. 1232: Mr. Hinojosa and Mr. Baldacci.

H.R. 1242: Mr. Sabo.

H.R. 1262: Mr. Pastor, Mr. Gutierrez, Mr. Udall of New Mexico, Mr. Rush, Mr. Holden, Ms. Velázquez, Mrs. Capps, and Mr. McNulty.

H.R. 1280: Mr. Wynn and Mr. Sandlin.

H.R. 1289: Ms. Jackson-Lee of Texas, Mr. Hastings of Florida, Mr. LaFalce, Ms. Schakowsky, and Mr. Meeks of New York.

H.R. 1296: Mrs. Jo Ann Davis of Virginia, Mr. Hayes, Mr. Kleczka, Mr. Gibbons, Ms. Baldwin, Mr. Collins, Mr. Jefferson, Mr. Stenholm, Mr. Lewis of Georgia, Mr. Rahall, Mr. Thompson of Mississippi, and Mr. Hansen.

H.R. 1305: Mr. Kleczka, Mr. Baker, Mr. Pascrell, and Ms. Sanchez.

H.R. 1307: Mrs. Maloney of New York, Ms. Rivers, and Mr. Engel.

H.R. 1329: Ms. Hart and Ms. Sanchez.

H.R. 1330: Ms. Waters.

H.R. 1331: Mr. Platts, Mr. Jones of North Carolina, and Mr. Thompson of Mississippi.

H.R. 1343: Mr. Doyle, Mr. Ferguson, and Mr. Barcia.

H.R. 1401: Mr. McIntyre, Mr. McDermott, Mr. Farr of California, Mr. Strickland, Mr. Allen, Mr. Weldon of Florida, Mr. Baird, Mr. Jones of North Carolina, Mr. Mascara, Mr. Quinn, and Mr. Bartlett of Maryland.

H.R. 1405: Mr. Coyne.

H.R. 1408: Mr. Norwood.

H.R. 1421: Mr. Capuano, Mr. Moran of Virginia, Mr. Farr of California, Mr. Davis of Illinois, Mr. Costello, Mr. Sherman, Mr. Wynn, Mr. Waxman, Mr. Kennedy of Rhode Island, and Ms. Solis.

H.R. 1441: Mr. Sununu.

H.R. 1451: Mr. Gordon.

H.R. 1487: Mr. Calvert, Mr. Wolf, and Mr. Frank.

H.R. 1494: Mrs. Maloney of New York and Mr. Andrews.

H.R. 1506: Mr. Berry.

H.R. 1525: Mr. Sandlin, Ms. Schakowsky, Ms. Waters, Mr. Waxman, Ms. Eshoo, Mrs. Davis of California, Mrs. Morella, Ms. McCarthy of Missouri, Mr. Pascrell, Mr. Clement, Mr. Boucher, Mr. Blagojevich, Mr. Rahall, Ms. Carson of Indiana, Mr. Bishop, and Ms. McKinney.

H.R. 1541: Ms. Pelosi.

H.R. 1543: Mr. Tancredo and Mr. Norwood.

H.R. 1553: Mr. Calvert.

H.R. 1556: Mr. Oxley, Mr. Pascrell, Mr. LaTourette, and Mr. Brady of Pennsylvania.

H.R. 1585: Mr. Conyers.

H.R. 1586: Mr. Meehan.

H.R. 1587: Mr. Towns.

H.R. 1597: Mr. Foley.

H. R. 1604: Mr. Luther, Mr. Watkins, and Ms. Baldwin.

H.R. 1609: Mr. Brady of Pennsylvania.

H.R. 1623: Mr. Brown of Ohio.

H.R. 1628: Mr. Turner.

H.R. 1629: Mr. McHugh, Mr. Filner, Mr. Kennedy of Rhode Island, Mr. Gutierrez, Ms. Velázquez, and Ms. Carson of Indiana.

H.R. 1644: Mr. Herger, Mr. Shimkus, Mr. Watkins, Mr. Manzullo, Mr. Rehberg, Mr. McCrery, Mr. Hall of Texas, Mr. Rahall, and Ms. Ros-Lehtinen.

H.R. 1651: Ms. Sanchez.

H.R. 1657: Ms. Dunn and Mr. Jefferson.

H.R. 1661: Mr. Inslee.

H.R. 1662: Mr. Simmons, Mr. Green of Wisconsin, Mr. Dingell, and Mr. Gallegly.

H.R. 1672: Mr. Reyes, Mr. Rodriguez, Mrs. Napolitano, Mr. Gutierrez, Mr. Becerra, Ms. Velázquez, Ms. Solis, Mr. Pastor, Ms. McCarthy of Missouri, and Mr. Gallegly.

H.R. 1677: Mr. McHugh and Ms. Hart.

H.R. 1683: Mr. BLAGOJEVICH.

H.R. 1688: Mr. HULSHOF.

H.R. 1700: Mr. BEREUTER.

H.R. 1713: Mr. WU and Ms. BALDWIN.

H.R. 1715: Mr. GONZALEZ, Mr. SANDLIN, Mr. ORTIZ, Mr. BACA, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. LAMPSON, Mr. GREEN of Texas, Mr. FROST, Mr. BRADY of Texas, Ms. GRANGER, Mr. HALL of Texas, Mr. SAM JOHNSON of Texas, Mr. CULBERSON, Mr. STENHOLM, Mr. EDWARDS, and Ms. JACKSON-LEE of Texas.

H.R. 1716: Mr. BARTLETT of Maryland.

H.R. 1782: Ms. JACKSON-LEE of Texas.

H.R. 1786: Mrs. THURMAN.

H.R. 1793: Ms. RIVERS.

H.R. 1809: Ms. MCKINNEY, Mr. ALLEN, Ms. DEGETTE, Mr. RUSH, and Mr. BLAGOJEVICH.

H.R. 1810: Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, Ms. RIVERS, Mrs. MCCARTHY of New York, and Mr. COSTELLO.

H.R. 1819: Ms. SANCHEZ.

H.R. 1825: Mr. LUTHER, Mr. HINCHEY, Mr. FRANK, Mr. HINOJOSA, Mr. TIERNEY, and Ms. BALDWIN.

H.R. 1837: Mr. LAFALCE.

H.R. 1839: Mr. MCHUGH.

H.R. 1861: Mr. KANJORSKI and Mr. OSE.

H.R. 1892: Mr. BACA, Mr. HONDA, Mr. SESSIONS, Mr. PASTOR, and Mr. SCHIFF.

H.R. 1907: Mr. CONYERS.

H.R. 1941: Mr. ROYCE.

H.R. 1943: Mr. SHOWS.

H.R. 1944: Mr. SCHAFFER and Mr. CRANE.

H.J. Res. 36: Mr. BONILLA, Mr. DOOLITTLE, Mr. SPENCE, Mr. BENTSEN, Mr. MASCARA, Mr. MCHUGH, Mr. MENENDEZ, Mr. MORAN of Kansas, Mr. SKEEN, Mr. WHITFIELD, and Mr. BASS.

H. Con. Res. 17: Mr. PAYNE and Mr. HASTINGS of Florida.

H. Con. Res. 33: Mr. HOEKSTRA, Ms. SANCHEZ, Mr. CONDIT, Mr. KENNEDY of Minnesota, Mr. RYUN of Kansas, Mr. COMBEST, Mr. LOBIONDO, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, Mr. WHITFIELD, Mr. MCKEON, Mr. WAMP, Mr. JONES of North Carolina, Mr. WELDON of Pennsylvania, Mr. SPENCE, and Mr. GOODE.

H. Con. Res. 42: Mr. WATT of North Carolina and Mr. ENGEL.

H. Con. Res. 116: Mr. ROGERS of Michigan, Mrs. KELLY, and Mr. GILMAN.

H. Con. Res. 139: Mr. LANTOS, Mr. GILMAN, Ms. ROS-LEHTINEN, Ms. ESHOO, Mr. ENGEL, Mr. KUCINICH, Mr. LOBIONDO, Mr. JACKSON of Illinois, and Mr. KIRK.

H. Res. 75: Mr. FOLEY, Mr. PAUL, and Mr. RAHALL.

EXTENSIONS OF REMARKS

TRIBUTE TO ROUNDSTONE ELEMENTARY SCHOOL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. ROGERS of Kentucky. Mr. Speaker, today I rise to recognize, and offer my congratulations to, Roundstone Elementary School of Mt. Vernon, Kentucky. This year Roundstone Elementary was one of four Kentucky public schools to be recognized by the Department of Education and the National Association of State Title I Directors as a Title I Distinguished School. I was exceedingly glad to learn of this award, and would like to take this time to recognize all the students, teachers, parents, and administrators of Roundstone Elementary for this outstanding achievement.

Title I is the largest federal education program and was established to provide funding for low-income schools. But funding alone does not ensure success at any level. It is how you use the funds that count. As one Roundstone teacher said, "Some people have the misconception that schools with students from low-income families or high-poverty areas will not achieve, but we never think of those factors. We just love students, have high expectations for them, and focus on giving them the best education possible." This year recipients are being recognized for their effective use of Title I funds by providing students with quality instruction, for achieving academic progress, and meeting high standards.

At Roundstone, a small elementary school in rural southeastern Kentucky, the students are achieving results and exceeding expectations. This is a result not only of the student's hard work, but the dedication of their teachers. They realized that the first step toward success was creating an environment in which all students, no matter their ability, can effectively learn. Second, they have designed a curriculum in which students are encouraged to learn and think critically, to delve into science and mathematical problems, and to write creatively. Lastly, the parents of the students are involved throughout the process. It is critically important that parents have proper consultation on their children's curriculum, and the parents at Roundstone have been integral to the program's success.

It is clear that education has become one of the most important issues to concerned citizens of this nation. Parents, teachers, and public policy makers at the state and national levels know that the wisest investment we as a nation can make is ensuring that our children are given an education to meet the challenges ahead. I, too, share this concern, as do all members of this body. It is a challenge from which we must not shy away.

Again, I want to say congratulations to the students, teachers, and parents of Roundstone Elementary on being recognized as a Title I Distinguished School. In a time when we talk about results and accountability, Roundstone has proven to be a model for other public schools across this nation. We should all be proud of their accomplishments, and I wish them every success in the coming years.

HONORING KATHY FARLEY ON HER RETIREMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the career of one of Southern Colorado's leading citizens. Kathy Farley resigned from her position as executive director of the Southern Colorado Family Foundation so she can spend more time with her grandchildren and family. The work that Kathy has done over the years helping the community has earned her the thanks of Congress.

A Colorado native, Kathy graduated from Denver East High School in 1955. She received a Bachelors of Art in history and education from the University of Colorado at Boulder in 1959. Through out her career, Kathy served on many boards including serving as a Pueblo County Commissioner from 1991–1995. She is also a member and past president of the Pueblo Conservancy District as well as the vice-president of the State Board of Parks and Recreation.

Kathy is also the co-founder and trustee of distinction of the Sangre de Cristo Arts Center. In 1990, Kathy was named the Business Women's Network Women of the Year and in 1985 she was given the Outstanding Woman Award by the Pueblo Girls Club.

Kathy and her husband are original donors to the Southern Colorado Family Foundation. The foundation was created for the purpose of helping the citizens of the region create enduring, yet flexible charitable contributions that enhance the quality of life in their communities. "I am proud to have served as the foundation's first executive director. . .We have a stable foundation. The future is secure." Under Kathy's leadership, the foundation raised $825,000 in cash and pledges and will most likely reach its goal of $1 million by mid-year. "We have worked hard to achieve goals and to support the causes the community believes in."

Mr. Speaker, Kathy Farley deserves the thanks and praise of Congress for her work both in and for the community. I would like to wish Kathy good luck during her well-deserved retirement.

You have earned it Kathy!

IN HONOR OF PAT COLLINS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the late John Patrick Collins, best known simply as Pat. A prolific businessman with an insatiable appetite for public service and an insurmountable sense of humility, Pat Collins was an individual who touched the lives of many and made a true difference in his community.

Pat entered the automotive sales industry in the early sixties, and became the general manager of a dealership before the age of 30. His ambitions knew no horizons. He eventually bought, helped turn around, and prospered from a failing dealership in northern Virginia. With those profits, he was often found working behind the scenes, donating resources to several organizations, often anonymously, to causes which he felt were important.

Pat's early life was impacted by living in a large, close-knit family of nine children where everyone looked out for one another, especially his brother Brian who was born with Down Syndrome. From this life experience, Pat became an outspoken advocate of the mentally impaired and fought to assure their equal rights. When it was discovered that a local facility was neglecting patient care, Pat devoted his time and energy to help bring about changes to remedy conditions for current and future patients. He was constantly speaking out for those who could not speak out for themselves.

Those who knew Pat best will always remember him as an incredibly bright man whose intellect was surpassed only by his generosity. Pat's departure leaves a significant void in the community where he was well known for his uncanny ability to cut directly to the heart of a matter and craft a commonsense solution. Pat Collins played an important role in the lives of many individuals who relied greatly on his counsel, advice, and mentoring to assist in running businesses, operating community projects, or putting together deals and programs to improve a community. As a philanthropist, Pat generously gave to several organizations, including Gonzaga College High School, St. Mary's Ryken High School, Calvert Hospice, and the Calvert County Chapter of the American Cancer Society.

Pat Collins is survived by his wife Ann; three children, John R., Daniel E. Collins, and Mary Mulford, all of St. Leonard; two sisters, Margaret Mary O'Brien of Rockville and Sheila Cotter of Annapolis; three brothers, Paul of Ocean City, Edward of Silver Spring, and Terence of Arnold; and three granddaughters.

Mr. Speaker, I was always impressed by Pat's energy and ability to get things done

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

during his lifetime. He will be missed by many. Fortunately for us, his contributions of his time, energy, and money will benefit the entire southern Maryland community for decades to come. Pat Collins was a giant who was successful in life, but who never forgot his roots and always gave back to his community. I ask my colleagues to join me in honoring this great American who leaves behind a loving family and many admirers who will miss him greatly.

INTRODUCTION OF THE "MERIT SYSTEM PROTECTION BOARD ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 2001"

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GEKAS. Mr. Speaker, today I have introduced the "Merit Systems Protection Board Administrative Dispute Resolution Act of 2001." Support for ADR enjoys a rare consensus among those knowledgeable with formal litigation and administrative dispute processes. Resulting savings redound to the benefit of those involved and more broadly, to the taxpayers at large.

The MSPB is an independent adjudicatory body that hears appeals from Federal agency personnel disputes. MSPB judges hear a broad range of complex cases that affect thousands of Federal employees and the agencies for which they work. Over the last decade, MSPB judges have seen their jurisdiction steadily increase without a corresponding increase in resources. Last year, the Board handled nearly 8,000 cases with a staff of only 71 administrative judges. This bill would help reduce this caseload by establishing a pilot, three year early intervention ADR program at the Board. A chief strength of the program is that it makes ADR available to parties before their positions harden in preparation for formal litigation before the Board.

Until 1990, MSPB judges received compensation equivalent to that provided Immigration, Social Security and Administrative Law Judges. Since 1990, however, the wage disparity between MSPB judges and other administrative judges has detrimentally affected the Board's ability to attract and retain top judges. Over the last four years alone, the Board has lost nearly 20 percent of its judges to other adjudicatory agencies.

The Conference Report to the 1999 Omnibus Appropriations Act recognized the need to accord pay equity to MSPB, Immigration, and Administrative Law Judges. Last year, I introduced, and the House passed legislation to address this recognized inequality. Like the previous legislation, the current bill restores a measure of fairness to MSPB judge compensation vis-a-vis Immigration, Social Security and Administrative Law Judges.

Passage of the MSPB Administrative Dispute Resolution Act of 2001 will combat debilitating MSPB attrition rates and reduce costs to taxpayers by ensuring the success of the early intervention ADR program. Support for ADR is broad and its benefits are clear, and I urge prompt passage of the bill.

TRIBUTE TO JOYCE KEIL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying well-deserved tribute to Joyce Keil, the Founder and Artistic Director of the nationally acclaimed Ragazzi: The Peninsula Boys Chorus.

Under Ms. Keil's leadership Ragazzi has grown since its inception in 1987 into an internationally renowned chorus, successful in both live and recorded performance. Popular with audiences throughout the Bay Area and beyond, Ragazzi has its own concert series and also performs regularly with the San Francisco Opera, the San Francisco Symphony and numerous other outstanding musical groups. Ragazzi concerts are eagerly anticipated by its devoted and ever widening audience of music lovers, who are constantly thrilled by Ms. Keil's superb direction.

Mr. Speaker, Joyce Keil's extraordinary musical artistry is evident in Ragazzi's repertoire of selections from a variety of different cultures sung in many different languages and dialects. Ragazzi is about to embark on a celebrated fifth international tour where the chorus will travel to the British Isles in order to perform in England and Wales. This tour will include the participation of the chorus in the prestigious Llangollen International Musical Festival in Wales.

Ragazzi; The Peninsula Boys Chorus has also performed in Canada, Russia, Eastern Europe, Japan and in the Basilica of San Marco in Venice and St. Peter's Basilica in Rome. Joyce Keil has enriched the lives of over 450 boys and young men, who since the inception of this group have sung and been educated in vocal technique, music theory and performance skills in training for Ragazzi and it's laureate program, Ragazzi: Young Men's Ensemble.

Mr. Speaker, Ms. Keil's preeminence in the music world is demonstrated in her numerous appearances as a guest conductor, adjudicator and panelist for choirs and music teachers throughout the Western United States. She has been nationally recognized for her music program at Lick-Wilmerding High School in San Francisco. The Lick-Wilmerding Choruses received the gold medal in the 1998 Heritage Music Festival and captured second place in the 1997 Prague International Choral Festival.

Ms. Keil has served as Western Division Chair of the Boychoir Committee for the American Advanced Placement Music Exams. Formerly on the faculty of Holy Names College, Ms. Keil has also been a faculty member of the College of Notre Dame. Joyce Keil has often expressed her firm belief that choral music educates the whole person. She has made an outstanding contribution to the academic enrichment of hundreds of students fortunate enough to enjoy her tutelage.

Mr. Speaker, the Hillbarn Theatre is honoring Joyce Keil with its prestigious 2001 BRAVO! Award. I join the Hillbarn Theatre and urge all of my colleagues to join me in commending Ms. Keil's exceptional talent, generosity and commitment to our community. I also want to wish Ragazzi: The Peninsula Boys Chorus and Ms. Keil many more years of richly deserved success and artistic fulfillment.

A SPECIAL RECOGNITION OF MR. FRED FABRIZIO ON HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding individual from the State of Ohio. Mr. Fred Fabrizio, a physical therapist, is celebrating 39 years of distinguished service to his community in Tiffin and throughout Ohio.

Mr. Fabrizio, originally a Youngstown native, attended Heidelberg College in Tiffin prior to entering The Ohio State University, College of Physical Therapy. After graduating in 1962, he and his wife, Carmella moved to Peoria, IL. After only a short year they moved back to the town where they first met and fell in love.

Over a small kitchen table at home on Coe Street, Fred made a very important decision to partner with Pat Therriault, PT. After seven years of hard work, perseverance and success, Fred and Pat formed P.T. Services Inc. Since 1972 P.T. Services has grown to provide rehabilitation services, physical therapy, occupational therapy, speech therapy, aquatic therapy, corporate wellness and athletic training throughout the State of Ohio. Their dedication to their patients is an example for all healthcare professionals across the country.

Mr. Fabrizio has utilized this strong work ethic and dedication in his personal life. He is an avid runner, swimmer and bicyclist. He has competed and finished the prestigious Hawaiian Ironman Triathlon twice. He has also competed in America's top cross county ski race, the Birkebeiner, over 10 times. At present, Mr. Fabrizio is training for a 100-mile ultra-marathon in Leadville, CO.

Mr. Speaker, Mr. Fabrizio's dedication and service have earned him the highest regard for his character as a husband to his charming and dedicated wife, Kathy, father, grandfather, and physical therapist. At this time I ask my colleagues to join me in wishing Mr. Fabrizio and his family all the best in his retirement and future endeavors.

MEMORIAL DAY 2001: COURAGE AND HEARTACHE

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. DELAHUNT. Mr. Speaker, for millions of Americans, this weekend's Memorial Day observance carries deep and personal significance. For two residents of southeastern Massachusetts, Lucy Duffy and Jim Cadigan, the solemn occasion will echo with courage and heartache, seared with the pain and pride of sacrifice on behalf of a grateful Nation.

HEADING THE CALL

When young Americans heeded President Woodrow Wilson's call to arms, one of those who crossed the Atlantic in the name of freedom was Sgt. Charles De Vries, an Army medic stationed at the Camp Mars-Sur-Allier, one of the largest American base hospitals in Europe.

During World War I, the French village of Saint Parize le Châtel and its neighboring hamlet of Moiry was home to this 44,000-bed facility. Day and night, Sgt. De Vries and his colleagues would tend to the wounded and dying.

In war's shadow, Sgt. De Vries met Rebecca Goethe, a young French girl from a nearby town. They were married and, after the Armistice, returned to the United States to start a new life and family.

This weekend, eight decades later, the daughter of that doughboy and village girl will represent the United States at ceremonies honoring Camp Mars-Sur-Allier—and the men and women who served and died there.

On Saturday and Sunday, Lucy Duffy of Brewster, Massachusetts, will represent the United States as the Cercle Culturel d'Entradide Généalogique dedicates a permanent exhibit to the hospital.

The people of the towns of St. Parize le Châtel and Moiry have never forgotten those who gave so unselfishly of themselves in the name of world peace. Located at the site of national cemetery where 2,000 victims of the Great War are buried, the memorial is inscribed with these moving words: Aux Américains Morts Pour la France, Le Droit et La Liberté 1916–1918 (To the Americans who died for France, Right, and Liberty).

AN AMERICAN HERO

Jim Cadigan of Hingham, Massachusetts, is a genuine American hero. Like an entire generation of Americans, he assumed the responsibility of our combat commitment in World War Two.

On February 26, 1945, Second Lieutenant Cadigan, a member of Company C, 20th Armored Infantry Battalion, 10th Armored Division, led a platoon advancing on the German town of Zerf. Upon hearing that a second platoon had been ambushed and was pinned down by enemy fire, he charged fortified enemy positions perched on high ground and, without concern for his own safety, single-handedly wiped out two German machine gun nests.

Dozens of witnesses have testified that Lt. Cadigan killed or wounded 50 Germans and took 85 prisoners. The trapped US platoon was able to escape and reorganize, saving scores of American lives.

Without Jim Cadigan's heroism, it's likely that none of those men, or their children, would be alive today. To this day, at annual reunions, his comrades from that battlefield long ago in Zerf gather to swap old stories and meet new grandchildren; each year, his comrades travel long distances to salute a man who, quite literally, saved their lives.

Jim Cadigan is a legend in his home town of Hingham as well. This weekend, he'll serve as Grand Marshal of the Hingham Memorial Day Parade. People of all ages, from WW2 vets to elementary school kids, will have the opportunity to greet the brave soldier form down the street who has inspired such pride and respect.

HEARTS OF MEN

In cities and towns all across America, Memorial Day will be marked with parades down Main Street, patriotic speeches on the town square, backyard barbecues and Little League games in the park. In many ways, this reflects the distinctly American values that Sgt. De Vries and Lt. Cadigan went overseas to fight to protect.

For Cadigan and Duffy families, and countless others, Memorial Day is also a time for a quiet pilgrimage to cemeteries and memorials, for personal remembrance and reflection that stand the test of time.

More than 20 centuries ago. Pericles offered a tribute to fallen Greek warriors that echoes to us through antiquity: "Not only are they commemorated by columns and inscriptions, but there dwells also an unwritten memorial of them, graven not on stone but in the hearts of men."

TRIBUTE TO MARCIA THOMPSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. SKELTON. Mr. Speaker, I take this means to honor Marcia Thompson, of Lexington, MO, for being chosen as the Lexington R–5 school district's Teacher of the Year.

Mrs. Thompson has dutifully devoted 28 years of her life to educating America's children, the last 16 serving the youth of Lexington. She is a computer and business instructor. Mrs. Thompson was chosen at the 2001 teacher appreciation dinner, sponsored by the Lexington Lion's Club. The award's winner is chosen from the five schools in the Lexington R–5 district.

Mrs. Thompson has been a member of many organizations and received numerous awards. She has served on the Central District Business Educator's Association board as Chairperson, Secretary, Treasurer and President-Elect. She has also been named to Who's Who Among Missouri Business Educators.

Mr. Speaker, Marcia Thompson dedicated 28 years to educating our youth, serving with honor and distinction. As she continues her role in the development of America's future, I am certain that the Members of the House will join me in wishing her all the best.

TO HONOR OUTGOING CHAIRMAN OF THE BOARD FOR THE CITY OF UPLAND, CA CHAMBER OF COMMERCE, JAMES P. ANDERSON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GARY MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of Mr. James P. Anderson of Upland, California.

Mr. Anderson is the outgoing Chairman of the Board for the City of Upland Chamber of Commerce. According to his peers, Mr. Anderson has demonstrated personal and civic leadership in his role as Chairman and was actively involved in his community. He was always willing to accept multiple tasks and had a vast knowledge and experience in the Chamber's business operations and programs. Mr. Anderson showed great commitment to serving the Chamber and was truly dedicated to serving as Chairman.

Besides serving as Chairman of the Board for the Upland Chamber of Commerce, Mr. Anderson is a founding member of the Leadership Connection and an Advisory Council member for the San Bernardino County Community Credit Unions. He is also a past board member of the West End Executive Association and the United Way.

Mr. Anderson's tenure as Chairman of the Board of the Upland Chamber of Commerce brought great leadership in the development of strong economic development programs and public policy. He has achieved an impressive record of career and civic accomplishments and, in doing so, has earned the admiration and respect of those who have the privilege of working with him. I would like to congratulate him on these accomplishments and thank him for his service to his community.

INTRODUCTION OF THE NATIONAL HEALTH SERVICE CORPS REINVESTMENT ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mrs. MALONEY of New York. Mr. Speaker, I am proud to join with my good friends SHERRY BOEHLERT, MIKE CAPUANO and many other of my distinguished colleagues to introduce the National Health Service Corps Reinvestment Act.

Signed into law by President Nixon, the National Health Service Corps (NHSC) has placed more than 22,000 health care professionals in rural and urban areas across the country. Launched in 1972 to combat the growing number of communities without a health care provider, the Service Corps is a critical element of our nation's health care safety net.

The National Health Service Corps Reinvestment Act of 2001 will reauthorize the National Health Service Corps for five years and increases its funding by 50 percent. In addition, this legislation amends the tax code, making the loan repayment and the scholarship program tax exempt. Today, the scholarships and loan payments are considered taxable income. This measure would eliminate the federal tax requirement on both of these programs. By cutting taxes for students and practitioners, it removes the tax burden on these health care professionals and allows more money to be reinvested into the Service Corps.

Adding needed flexibility, the National Health Service Corps Reinvestment Act of

2001 also establishes a demonstration project to allow the NHSC scholarship and loan repayment programs recipients to fulfill their commitment on a part-time basis.

Lastly, this legislation includes two additional measures to simplify the application process for both the National Health Service Corps and community health centers.

Today, more than 2,400 Service Corps clinicians serve in every state, the District of Columbia, Puerto Rico and the Pacific Basin. In 1999, in my great state of New York, 240 National Health Service Corps practitioners provided essential health services to thousands of New Yorkers in need (specifically, 131 primary care physicians, 32 physician assistants, 27 nurse practitioners, 27 dentists and oral health clinicians, 13 certified nurse midwives, and 10 mental and behavioral health professionals served in the NHSC in New York).

For many Americans, community health centers provide their only access to a doctor, a dentist, a nurse midwife, or a mental health professional. In many instances, the treatment offered in these health clinics is provided by a Service Corps clinician. The National Health Service Corps saves lives every day by providing early, preventive health care to those in poor, rural, urban, or otherwise medically underserved communities.

Nearly two million individuals in over 4,000 health shortage areas receive their health care through the National Health Service Corps. Unfortunately, only about 12 percent of the overall need is being met by the program. In 1999, the Corps had to turn away one-half of the underserved communities that requested a provider, because of a lack of funds.

Communities depend on these Service Corps clinicians, so we must strengthen the NHSC. Unfortunately, the authorization for this successful program expired in 2000. Illustrating the urgent need for congressional action, last year we were faced with press accounts such as "Cuts in Loan Program Squeeze Doctors Who Work With Poor," [The New York Times, 7/30/00] and "Shortchanging Young MDs" [Boston Globe, 8/1/00]. M.J. Murphy, a nurse practitioner and constituent of mine, was included in the New York Times story. Ms. Murphy works at a health clinic which lost its eligibility last year due to a lack of Service Corps funding.

As a representative of nearly a dozen teaching hospitals and several nursing, dental and medical schools, a modernized National Health Service Corps is important for the constituents of my district. Beyond my district, a healthy and strengthened National Health Service Corps will continue to meet the medical needs of underserved and vulnerable populations across the country, as it has for nearly thirty years.

So, on behalf of the millions of Americans receiving quality health care from Service Corps clinicians, I urge my fellow colleagues to join me in support of the National Health Service Corps Reinvestment Act.

TRIBUTE TO ATHENS-LIMESTONE HOSPITAL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. CRAMER. Mr. Speaker, I rise today to honor Athens-Limestone Hospital on fifty years of outstanding service to their community. I congratulate Athens-Limestone on this accomplishment and I believe their excellence is reflected in the countless patients that have received top-of-the-line medical care and caring attention during their stay with the hospital.

Since the people of Limestone County came together in 1945 and began planning this hospital and since it opened its doors on May 28, 1951, Athens-Limestone has been a role model for other communities on how to be successful in keeping its neighbors healthy.

I congratulate the board members, administrative staff, medical staff and service personnel—for they are the real key behind the hospital's success for the past half a century. Athens-Limestone has grown and expanded to their current status with over one hundred patient beds, sixteen out-patient surgery beds, eleven new born nursery beds and many more specialized services.

This is a special anniversary for the Hospital and I congratulate them on their accomplishments. On behalf of the people of the 5th District of Alabama and the House of Representatives, I share my gratitude to Athens-Limestone for their good work these past fifty years and I wish them many, many more anniversaries like this one.

SALUTE TO CLIVE DAVIS

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to a man who is equally famous for his many contributions to the music industry as he is for his dedication to public service.

I speak of course, of industry legend Clive Davis.

From Radio and Records Magazine's "Most Influential Record Executive of the Past Twenty Years" and multiple Grammy Award winner to the Congress of Racial Equality's "Martin Luther King, Jr. Humanitarian of the Year," Clive Davis' gifts to American culture are great.

He has personally helped launch the careers of some of our country's most cherished artists including Janis Joplin, Billy Joel, Bruce Springsteen, Whitney Houston, Barry Manilow, Carlos Santana, Herbie Hancock and Pink Floyd just to name a few.

The only person ever to receive the T.J. Martell Foundation's "Humanitarian of the Year" award twice, Clive Davis is also committed to helping his fellow man. He's given much of himself and his money to support HIV/AIDS research.

Mr. Speaker, please let the RECORD reflect this Congress' appreciation for his efforts.

TRIBUTE TO RETIRING DISTRICT JUSTICE LEONARD M. McDEVITT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, on May 31st Darby Township will be seeing the last of Leonard "Lenny" McDevitt as their district justice. He will be retiring after many years of faithful service on the bench, but will no doubt remain involved in the community he loves so much.

District Justice Leonard M. McDevitt has been an indispensable part of the justice system in Darby Township since 1974. Justice McDevitt has shown outstanding service and dedication to his community for almost three decades. For example, while Justice McDevitt had the choice of rotating nights with other justices, he voluntarily worked from 4:30 p.m. to 10:30 p.m. for the last 27 years. His dedication and selflessness made life easier for dozens of his colleagues on the bench. A man who has shown such dedication to his community deserves the respect of all who know him. His good work has impacted more people than he could ever realize.

Replacing a man like Justice McDevitt will be difficult indeed. I salute Justice McDevitt for being a man of faithful dedication and as someone who truly helped the community he resides in. He is someone to be admired and respected for the dedication that he has shown over the past 27 years.

I am proud to represent Leonard McDevitt in Congress, and prouder still to have known him and worked with him on issues of concern to our local communities. The 7th district is a better place because of Justice McDevitt.

IN SPECIAL RECOGNITION OF CHRISTINA M. QUILLEN ON HER APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Christina M. Quillen of Sandusky, Ohio, has been offered an appointment to attend the United States Air Force Academy, Colorado Springs, Colorado.

Mr. Speaker, Christina's offer of appointment poises her to attend the United States Air Force Academy this fall with the incoming cadet class of 2005. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Christina brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force Academy cadets.

Currently, she is a freshman at the University of Notre Dame. During her high school years she attended Perkins High School in Sandusky where she was named valedictorian with a grade point average of 4.6. Christina was a member of the National Honor Society and has earned the Goldfish Award that is granted to the top female student athlete for excellence.

Outside the classroom, Christina has distinguished herself as an excellent student-athletic and performing artist. On the fields of competition, Christina has earned letters in varsity softball and cheerleading. While in high school, Christina was a member of the marching band, wind ensemble, SADD, Student Council, Together Today for Tomorrow, Future Homemakers of America, Future Career and Community Leaders of America. At her first year at Notre Dame, Christina participated in Air Force ROTC, Arnold's Air Society, Honor Guard and Rifle Team.

Mr. Speaker, I am proud to rise today to pay special tribute to Christina M. Quillen. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Christina will do very well during her career at the Air Force Academy and I ask my colleagues to join me in wishing her well as she begins her service to the nation.

IN MEMORY OF HERSCHEL J. GADDY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Herschel J. Gaddy, of rural Marshall, Missouri. He was 81.

Herschel Gaddy, a son of Homer and Effie Treon Gaddy, was born in Fair Grove, Missouri, on July 23, 1919. He graduated from Missouri University, where he was a member of FarmHouse fraternity, in 1941. Herschel married Dona Nella Stiles on February 1, 1941. After graduating from college he joined the U.S. Army and was stationed in Missouri, Oklahoma and Oregon. He then served as Lieutenant Colonel in Sicily and North Africa during World War II.

After completing his tour of duty, Herschel served as Assistant County Agent in Saline County, for the University of Missouri Extension in Bethany and as Saline County Agricultural Agent. Mr. Gaddy also spoke about agriculture issues on a weekly radio show on KMMO radio in Marshall. Herschel completed his Masters degree from Missouri University in 1969. He was then appointed Area Agronimist for Saline, Chariton and Carroll counties. When Herschel retired in 1975, he had served the area for 27 years.

Herschel was also a member of many local clubs. He served as president of Marshall's Chamber of Commerce and was a 50-year member of the Trilumina Lodge, Number 205 of the Order of Masons, the Order of Eastern Star Marshall Chapter 408. He was also involved in the local American Legion and Veterans of Foreign Wars. Herschel was a longtime volunteer for the Friends of Arrow Rock and was commander of the historic reenactment group, the First Brigade, First Regiment, Missouri Militia.

As a longtime member of the First Christian Church, Herschel taught Sunday school and served as chairman of the church board. He was a board member of the Missouri School of Religion's Center for Rural Ministry. Herschel also served as county campaign manager for many of my elections.

Mr. Speaker, Herschel Gaddy will be greatly missed by all who knew him. I know that Members of the House will join me in extending heartfelt condolences to his family.

THE UPCOMING MARRIAGE OF STEVE HOWELL AND KYRA FISHBECK

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GARY MILLER of California. Mr. Speaker, it is with heartfelt joy that I rise to offer my best wishes for the upcoming marriage of Steve Howell and Kyra Fishbeck.

Steve Howell has worked in my Capitol Office for approximately a year and a half. During this time, I have witnessed his great love for Kyra. It is obvious to anyone who knows Steve that his bride-to-be, Kyra, is the true joy in his life.

On Saturday, Steve and Kyra will take their wedding vows, pledging to love one another for the rest of their lives. These are words that should not be uttered lightly or taken without serious thought and consideration. However, I know that Steve and Kyra have prepared for this moment and are anxiously anticipating this special day.

Having been married to my lovely bride for 28 years, I know that marriage is a wonderful institution. It is my hope that Steve and Kyra will be a blessing to one another, helpmates in all aspects of life, and forever cognizant of the love they feel today.

Mr. Speaker, I ask this 107th Congress to join me in congratulating Steven Howell on having found the woman of his dreams and wishing this young couple a lifetime of happiness together.

THE BUSH ADMINISTRATION—SERVING THE NEEDS OF THE ENERGY INDUSTRY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my extreme disbelief that the Bush Administration has once again turned its back on the American people and sided with the interests of big gas and oil. I would think that after calling for more environmental rollbacks than any other Administration in the 21st century, the Bush Administration would not want to harm the environment more than it already has when writing its energy policy. I would also think that after neglecting the needs of working class families and pushing a tax cut that benefits the wealthiest one percent of tax payers, the Bush Administration might take into account the needs of the American people when writing its energy policy. But as we can see from the Bush Energy Plan, I would be wrong to think these things. As we can see from the Bush Energy Plan, I would be wrong to think that this Administration has any plans or desire to represent the interests and needs of the American people.

For 117 days, the Bush Big Oil Team met behind closed doors to write an energy policy that it claimed would provide a long-term solution to America's energy woes. Unfortunately, it is clear that the Administration's energy proposal is nothing more than a hand tool of the already profiting energy industry. The only long-term plan the Bush Big Oil Team came up with is one that fills the pockets of the Administration's closest friends, the oil and gas companies. Even more, the plan neglects to address the need for immediate consumer relief. Americans are paying more for energy today than they have ever paid. It is time to provide them with relief and the Bush Energy Plan does not.

One month ago, I came to the floor and asked, "What exactly is the Bush energy plan?" Today, I come to the floor and now ask, "How is the Bush energy plan going to work?" The energy plan released by the Administration last week relies heavily upon drilling in some of our country's most pristine areas and does not focus on the exploration of renewable energy sources. If we do not consider a long-term energy plan that includes the exploration of renewable resources, then we are just wasting our time.

From drilling in the ANWR to drilling off of Florida's Panhandle, the Administration is once again neglecting the responsibility we have to protect our environment for nothing more than a short-term solution. It is widely accepted that roughly 3.2 billion barrels of economically recoverable oil can be found under the ANWR. Those 3.2 billion barrels, however, represent a mere six-month supply of oil in the United States, hardly enough to build an effective energy policy. The overall effect that drilling in the Gulf of Mexico could have in the U.S. is even less significant. The 396 million barrels of oil the Administration claims "can play an important role in our national energy strategy," barely represent a three-week supply of oil in the United States. The 2.9 trillion of oil in the natural gas represent less than a two-month supply of natural gas in the United States. You do not need to be an energy expert to recognize that this plan does not even begin to address a long-term solution to our country's energy crisis.

Finally, the Administration's energy plan fails to address the immediate need for consumer relief. In the past three weeks, the average cost of gas per gallon has increased by more than 9.5 cents to an all time high of $1.77 a gallon! Some drivers in the U.S. are paying more than $2.00 a gallon. At a time oil company profits are up more than 40 percent from this time last year, consumers are paying more at the pumps and in their homes. In failing to address this lopsided consumer-supplier relationship, the Administration has endorsed the oil industry's gauging of gas prices.

Mr. Speaker, there is little question that America is faced with an energy crisis of an enormous magnitude. Our country needs to look at new ways of creating energy. If current trends continue, Americans will use more energy in the coming years than ever. The Administration's idea to drill wherever an oil well will fit, however, will simply continue to fill the pockets of oil and gas industry executives and never actually solve our current crisis. If we are going to get serious about solving our energy woes, then we need to pursue research and development programs that examine energy efficiency, renewable energy, and types of energy, including solar, biomass, hydrogen, geothermal, and hydropower. At the same time, America's energy policy cannot neglect the responsibility Americans have to the environment. I will not support the exploration of a new energy policy at unnecessary costs to the environment and public health. It is time to get serious about America's energy policy. So far, however, the Bush Administration has done nothing more than turn its back on the American people.

TRIBUTE TO TONI AND JOHN A. SCHULMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. BERMAN. Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in paying tribute to Toni and John Schulman, my good friends who will be honored this evening by the American Jewish Committee. They will be presented with the prestigious 2001 Social Concern Award for their many contributions and tireless efforts to help others, especially children.

The American Jewish Committee is dedicated to the protection of civil and religious rights worldwide and its members take pride in honoring individuals who actively participate and generously give their time to this effort. The AJC's Social Concern Award recognizes the contributions and accomplishments of individuals who dedicate their time and good works to improve the lives of people in their community. Toni and John Schulman embody the spirit of this award and are role models for all of us.

Toni and John have given their love, energy and devotion to better the quality of life for children of all religious, racial and ethnic backgrounds. They are people of enormous integrity, great generosity and myriad accomplishments. I have had the pleasure of knowing the Schulmans for many years and have worked with John on a number of issues of concern to Warner Bros., where he serves as Executive Vice President and General Counsel.

John is a member of the Board of Directors of Bet Zedek Legal Services, California Legal Corps and the Constitutional Rights Foundation, and is involved with the Youth Law Center. All of these organizations provide free services, legal counseling and many other beneficial services for children.

Toni is a Trustee of both United Friends of the Children and the Alliance for Children's Rights. United Friends annually helps thousands of Los Angeles children who are victims of abuse, abandonment or neglect. The Alliance is the City's only free legal service organization devoted entirely to helping children living in poverty.

Toni and John are, to put it simply, wonderful people who give unstintingly to others. I am honored to express the gratitude of the community for their tireless service and to congratulate them on this recognition of their outstanding work. Please join me in saluting Toni and John Schulman for their many important and praiseworthy endeavors.

IN SPECIAL RECOGNITION OF EMILY C. WILLIAMS ON HER APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Emily C. Williams of Sandusky, Ohio, has been offered an appointment to attend the United States Naval Academy at Annapolis, Maryland.

Mr. Speaker, Emily's offer of appointment poises her to attend the United States Naval Academy this fall with the incoming USNA class of 2005. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Emily brings an enormous amount of leadership, service and dedication to the incoming class of Naval Academy Midshipmen. While attending Perkins High School in Sandusky, Emily has attained a grade point average of 4.37, which places her eighth in a class of one hundred seventy-nine students. Emily is a member of the National Honor Society and has earned several Scholar-Athlete awards.

Outside the classroom, Emily has distinguished herself as an excellent student-athlete and performing artist. On the fields of competition, Emily has earned letters in volleyball, basketball and softball. Also, Emily is an accomplished member of the marching band, wind ensemble, and pit orchestra.

Mr. Speaker, I am proud to rise today to pay special tribute to Emily C. Williams. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Emily will do very well during her career at the Naval Academy and I ask my colleagues to join me in wishing her well as she begins her service to the nation.

PERSONAL EXPLANATION

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HOBSON. Mr. Speaker, I was unavoidably detained on May 21, 2001, due to a delayed flight; therefore I missed rollcall votes 126 and 127. If I had been present, I would have voted "yes" for both H. Con. Res. 56 and H.R. 1885, rollcall votes 126 and 127 respectively.

MINOR ANIMAL SPECIES HEALTH ACT OF 2001

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. PICKERING. Mr. Speaker, I rise today in order to bring attention to a problem faced by livestock and food animal producers, animal and pet owners, zoo and wildlife biologists, and the animals themselves, which unfortunately goes largely unnoticed except by those who are directly affected.

There currently exists a severe shortage of approved animal drugs for use in minor animal species. These minor animal species include those animals other than cattle, horses, chickens, turkeys, dogs, and cats. In addition, there exists a similar shortage of pharmaceutical medicines for major animal species for diseases that occur infrequently or which occur only in limited geographic areas. Due to the lack of availability of these minor use drugs, millions of animals go either untreated for illnesses or treatment is delayed. This results not only in unnecessary animal suffering but may threaten human health as well.

Because of limited market opportunity, low profit margins, and enormous capital investment required, it is generally not economically feasible for drug manufacturers to pursue research and development and then approval for medicines used in treating minor species and infrequent conditions and diseases.

In addition to the animals themselves, without access to these necessary minor use drugs, farmers and ranchers also suffer. An unhealthy animal that is left untreated can spread disease through an entire stock of its fellow species resulting in severe economic losses and hardships to agriculture producers.

For example, Mr. Speaker, sheep ranchers lost nearly $45 million worth of livestock alone in 1999. The sheep industry estimates that if it had access to effective and necessary minor use medicines, grower reproduction costs for these animals would be cut by upwards of 15%. In addition, feedlot deaths would be reduced 1–2% adding approximately $8 million of revenue to the industry.

The catfish industry, a top agriculture sector in my home state of Mississippi which generates enormous economic opportunities for our people, especially within the Mississippi Delta, estimates its losses at $60 million per year attributable to minor diseases for which drugs are not available. The U.S. aquaculture industry overall, including food as well as ornamental fish, produces and raises over 800 different species. Unfortunately, the industry has only five drugs approved for use in treating aquaculture diseases. The result is tremendous economic hardship and animal suffering within the industry.

Mr. Speaker, joined with my colleagues, Mr. COMBEST of Texas, Mr. POMBO of California, Mr. OTTER of Idaho, Mr. SIMPSON of Idaho, and Ms. THURMAN of Florida, I resolve to correct this unfortunate situation by introducing the Minor Animal Species Health Act of 2001. This legislation will allow companies the opportunity to develop and approve minor use drugs which are of vital interest to a large number of animal industries. Our legislation incorporates the major proposals of the FDA's Center for Veterinary Medicine to increase the availability of drugs for minor animal species and rare diseases in all animals.

The Animal Drug Availability Act of 1996 required the Food and Drug Administration to provide Congress with a report, describing administrative and legislative proposals to improve and enhance the animal drug approval process for minor uses and minor species of new animal drugs. This report by FDA, delivered to Congress in December of 1998, laid out nine proposals. Eight of the FDA's proposals required statutory changes. The bill I am introducing today reflects the changes called for in the Agency's minor species/minor use report. The Act creates incentives for animal drug manufacturers to invest in product development and obtain FDA marketing approvals. Furthermore, it creates a program very similar to the successful Human Orphan Drug Program that has, over the past twenty years, dramatically increased the availability of drugs to treat rare human diseases. Mr. Speaker, besides providing benefits to livestock producers and animal owners, this measure will develop incentives and sanctioning programs for the pharmaceutical industry while maintaining and ensuring public health.

The Minor Animal Species Health Act of 2001 is supported by the Food and Drug Administration, the American Farm Bureau Federation, the Animal Health Institute, the American Veterinary Medical Association, and virtually every organization representing all genres of minor animal species. This is vital legislation which is desperately needed now. The Act will alleviate much animal suffering, it will promote the health and well-being of minor animal species while protecting and promoting human health, it will benefit pets and improve the emotional security of their owners, benefit various endangered species of aquatic species, and will reduce economic risks and hardships to farmers and ranchers. This is common-sense legislation which will benefit millions of Americans from farmers and ranchers to pet owners. I call on all my colleagues in the House to support the Minor Animal Species Health Act of 2001.

HONORING MUSEUM MAGNET IN SAINT PAUL, MINNESOTA AS A RECIPIENT OF THE BLUE RIBBON SCHOOL AWARD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Ms. McCOLLUM. Mr. Speaker, I rise today to honor and celebrate the great achievement of Museum Magnet School in Saint Paul, Minnesota for being named a Department of Education Blue Ribbon School. Blue Ribbon Schools are selected by the Department of Education because they have been judged particularly effective in meeting local, state and national goals. These schools display the qualities of excellence that are necessary to prepare our young people for the challenges of the new century. Blue Ribbon status is awarded to schools that have strong leadership, a clear vision and sense of mission, high quality teaching, and challenging, up-to-date curriculum. Further, these schools have policies and practices that ensure a safe environment conducive to learning, solid evidence of family involvement, evidence that the school helps all students achieve to high standards, and a commitment to share best practices with other schools.

The Museum Magnet School's mission is to develop creative, independent thinkers who can work cooperatively to solve problems. Their partnership with the Science Museum of Minnesota allows the school to apply the technology, creativity and excitement of museums to the achievement of academic excellence. The students at Museum Magnet use their strong academic skills to create exciting new exhibits in a school museum and share their findings with other students. This community/public partnership creates a nurturing, stimulating environment for teachers, parents and students.

I am so proud of the accomplishments of Museum Magnet and applaud the leadership of the administrators, teachers and students in the pursuit of excellent, community-based education for Minnesota's children.

TRIBUTE TO CHIEF OF POLICE RUSSELL J. BOND

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Chief of Police Russell J. Bono for his thirty years of service with the Borough of Norristown Police Department in Montgomery County, Pennsylvania. His dedication to the citizens of Norristown has been exemplary and without peer.

Russell Bono began his tenure in 1971 as a patrol officer. He quickly advanced to a K–9 Officer and then to detective. He was promoted to sergeant and then to captain in 1996, before being made Chief of Police in 1998. Chief Bono has served in all of the positions in the department. For three years he has also been the Acting Public Safety Director for the Borough of Norristown. He is responsible for all public safety including the police, fire and code enforcement.

Chief Bono has furthered his education as well as his career. He graduated Magna Cum Laude from Montgomery County Community College with an Associate Degree in Criminal Justice in 1977. In 1995 he graduated from the FBI National Academy.

He has been active in his community as a member of the County Revitalization Board and the Mannechoir Club. He and his wife Linda have been married for thirty years and are the parents of three daughters.

It is a privilege to honor the contributions and the public service of Chief Russell Bono. I wish him continued success in all of his endeavors.

MONSIGNOR JOHN J. EGAN, 1916–2001

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to celebrate the life of Monsignor John J. Egan, a man who never wavered in his mission to promote justice and to better the lives of so many people. He struggled on behalf of the poor and working men and women, gave voice to the voiceless, and cared for those pushed aside by our society.

I personally called him a friend and am proud to have worked with him for many years. He was also a friend of every man, woman or child who needed a helping hand, a voice, or simply a sympathetic ear.

Monsignor Egan, a leader who has spoken so eloquently against racism and bigotry, was among the first Catholic priests to join the civil rights movements. He marched in Alabama in the 1960s for equal rights for all people. He was a man who led by example. Monsignor Egan was also instrumental in saving countless families from eviction and life on the streets. He understood that being poor should not translate to being homeless. He stood on many picket lines supporting workers struggling for their right to organize and improve their working conditions.

People throughout the nation knew Monsignor Egan. He was admired by so many from a wide cross section of our society. He has left a lasting impression on those he has met during his years. He received a religious leaders award from Rainbow/PUSH and was honored by the Chicago chapter of the American Jewish Committee, the Travelers and Immigrants Aid, Citizen Action of Illinois to name only a few. Those awards are a testament to his effective social activism.

In honor of his life, I urge that we continue to follow in his steps, learn from his example, and organize for public policies that are fair and equitable. I urge all my colleagues to read the following accounts from the Chicago Tribune, Chicago Sun-Times, and New York Times celebrating Monsignor Egan's life.

[From the Chicago Tribune, May 20, 2001]

MONSIGNOR JOHN EGAN 1916-2001; PRIEST WAS "CONSCIENCE" OF THE CITY

(By Noah Isackson)

Monsignor John "Jack" Egan, a priest whose battles for social justice made him one of Chicago's most influential religious leaders, died Saturday, May 19, in the rectory of Holy Name Cathedral.

"A great priest has gone back to God," said Cardinal Francis George, Catholic archbishop of Chicago.

An archdiocese spokeswoman said Egan, 84, died of cardiovascular disease.

Egan served the Roman Catholic Church for 58 years, bringing his ecumenical approach to Chicago's grittiest haunts and the nation's toughest social problems.

"He was eager to help people," said Bishop Timothy J. Lyne, a friend for more than 65 years. "Especially people who were treated unjustly."

Egan was born in New York but moved to Chicago early and grew up in the Ravenswood neighborhood. He attended DePaul University, then studied for the priesthood at St. Mary of the Lake Seminary in Mundelein. He was ordained in 1943.

In 1965, Egan marched with Rev. Martin Luther King Jr. in Selma, Ala. Later, a photo of him walking with King and other protesters became a call for clergymen across the country to join the civil rights movement.

As director of the Archdiocesan Office of Urban Affairs from 1958 to 1969, Egan became a powerful voice in promoting subsidized housing as a way to fight urban segregation. Later, Egan became an outspoken opponent of public housing and called Cabrini-Green "a concrete monument to the city's racism."

From 1970 to 1983, he was the special assistant to the president at the University of Notre Dame. He returned to Chicago in 1983 as the archdiocese's director of human relations and ecumenism.

"He was the city's conscience," said Rev. Robert McLaughlin, pastor of Holy Name Cathedral. "He was a conscience not only to the politicians and the people, but the church as well, a man who dared to be a gadfly and raise important issues."

"He really had a way of challenging people on very serious moral issues without alienating them," said Rev. John Minogue, president of DePaul University. "And with that, he kept the dialogue open so that change could actually happen."

Egan had headed DePaul's Office of Community Affairs for four years at the time of his death. The university honored Egan by naming its urban think tank and community service organization after him, calling it the Egan Urban Center.

In 1993, thousands of people attended a celebration at Holy Name Cathedral marking the 50th anniversary of Egan's ordination to the priesthood. Plumbers hosted a similar celebration at Plumbers Hall on the West Side. Buses were chartered to bring the monsignor's admirers to and from the event.

He is survived by his sister, Kathleen Egan Martin.

His body will lie in state at Holy Name Cathedral from 3 to 9 p.m. Monday and Tuesday. Mass will be said at 10 a.m. Wednesday at the cathedral.

[From the Chicago Tribune, May 22, 2001]

PRIEST RECALLED AS TIRELESS FIGHTER; HIS KINDNESSES ARE REMEMBERED

(By Kevin Lynch)

When Mary Louise Kurey moved to Chicago four months ago, she was overwhelmed by the size of the city and the scope of its social problems.

But then Monsignor John Egan delivered a sermon one Sunday encouraging parishioners at Holy Name Cathedral to take an active approach to their religion.

Within a few weeks, Kurey had joined the fight against Chicago's social ills, starting with a single boy. She began tutoring a 4th grader at St. Joseph School, and she now can't imagine life without their weekly study sessions.

"I was new to the city, and I felt a little shy about getting involved," said Kurey, 26. "He made me feel very much at home . . . and inspired me to reach out like he did in his life."

Kurey was one of hundreds at Holy Name Monday to pay respects to Egan, 84, who died Saturday in the church rectory.

His body lay in state Monday during visitation, which will continue Tuesday from 3 to 9 p.m. A funeral mass will be said at 10 a.m. Wednesday in the cathedral.

Mayor Richard Daley said the city has lost "one of its most courageous moral and spiritual leaders." Egan "never wavered in his commitment to the poor and underprivileged and to equal rights for all," Daley said in a statement.

"Jack Egan didn't just talk about social change; he worked hard for social change for his entire life, and he helped make Chicago a better city."

Though Egan was best known for championing desegregation and organized labor and improving education and housing for the city's poor, many who filed past his casket Monday remembered his small acts of kindness.

"I bumped into him in the hall one day and introduced myself," said Dan Ursini, 48, a library clerk at DePaul University, where Egan headed the Office of Community Affairs since 1997. "He was a very approachable, down-to-earth person. I doubt that he would have remembered my name, but whenever I saw him after that, he'd take the time to chat."

It was Egan's seemingly inexhaustible dedication to social causes that set him apart from other activists, Ursini said.

"It's one thing to see a person help engineer an important social change during one part of his life, but to see him keep it up 20 or 30 years later, that's even more impressive. In that way, he was a deeply inspiring individual" Ursini said.

Last year, Egan decided to take on the payday loan industry after meeting a parishioner who became trapped in a long cycle of debt after borrowing $100, said Rev. Robert McLaughlin, pastor of Holy Name and a longtime friend of Egan's.

His efforts led to a bill introduced in Springfield this year that would set caps on payday loan interest rates.

[From the Chicago Sun-Times, May 21, 2001]

HOLY NAME MOURNS EGAN

(By Maureen O'Donnell)

Reflecting on his life, Monsignor John J. Egan would say: "You know, I didn't leave any enemies behind."

And then, with a little smile: "They all died before me."

"Jack" Egan was remembered Sunday at Holy Name Cathedral by some of the people who knew him best as a man of courage, compassion and wit.

Usher Bob Gowrylow, 64, marched for civil rights alongside Egan in the 1960s.

"They threw rocks at us and called us the 'n'-word," said Gowrylow. "It was the most frightening thing."

Bystanders spat on marching priests and nuns, but Egan never faltered.

"He kept walking, linking arms, walking together," Gowrylow said. "He never would falter in anything. The man was unbelievable."

Egan, who died Saturday at age 84, was part of a group of priests whose commitment to justice and civil rights made the Chicago priesthood one of the most exciting in the country, said Father Jack Farry, associate pastor at Holy Name. The monsignor became a hero to Farry while he was in the seminary.

"Before that, priests and sisters kind of stayed out of things," Farry said. "But he made it very clear to people this was something we needed to be involved in."

Egan's commitment to the poor kept him an activist until the end, as he campaigned against payday loan operations. His interest in the issue was stirred when a woman came to Holy Name for help. She couldn't get out from under her debt because of excessive interest.

Egan hopped on a bus to pay off her loan.

"Here's this little 83-year-old guy going to the West Side on a bus with somebody he didn't even know to help them out," said parishioner Ralph Metz, 46, an investigator with the Cook County Public Defender's office.

But he wasn't just a big-picture priest, friends and associates said. A rapt listener, he made each person he spoke with feel like they were the only person in the world.

He used the same conversational starter for everyone, be they a celebrity or everyday Chicagoan: "So, where did you come from?"

People would launch into stories of their childhoods and where they grew up and where they went to school, said Peggy Roach, his administrative assistant of 35 years.

Soon after asking actor Joe Mantegna "Where do you come from?" he had his whole life story, Roach said. He and the actor became fast friends.

Egan would even start conversations on elevators, said Margery Frisbie, who wrote a book about Egan titled An Alley in Chicago: The Ministry of a City Priest.

He made Holy Name feel like a home.

"He used to stop mass to say, 'Hey, you in the back, there's a seat up here,'" said Florence Agosto. "He didn't take it too seriously, even though it was a cathedral. He was an old-time, wonderful priest."

Even when it was 10 below, he was out on the steps in his fedora and topcoat shaking people's hands, said Beverly Todhunter, 73, a downtown retiree.

Sister Anne Marie Dolan remembered his kindness to the homeless people he met on the street.

"I don't think he ever passed any one of them without giving them a donation," she said.

Egan loved classical music and chocolate milk, which enabled him to get all his medications down, Roach said.

Until the very end of his life he interceded on behalf of others. On the day he died he was in great pain, but he knew there were ordinations going on at Holy Name. Despite his discomfort, Roach recounted, Egan asked God to help the new priests:

"'Lord, I want to pray for the 10 men being ordained today. Give them courage.'"

Visitation will be at Holy Name from 3 to 9 p.m. today and Tuesday. His funeral will be at 10 a.m. Wednesday at the cathedral, with burial at All Saints Cemetery in Des Plaines.

[From the New York Times, May 22, 2001]

JOHN J. EGAN, PRIEST AND RIGHTS ADVOCATE, IS DEAD AT 84

(By Peter Steinfels)

Msgr. John J. Egan, a Roman Catholic priest in Chicago whose work on issues of civil rights, changing neighborhoods and poverty shaped church efforts in those areas nationally, died on Saturday in Chicago in the rectory of Holy Name Cathedral. He was 84.

An influential figure for over four decades in both the religious life and neighborhood politics of Chicago, Monsignor Egan exerted an influence that stretched far beyond that city.

His work in the 1960's with Saul Alinsky and Mr. Alinsky's Industrial Areas Foundation laid the groundwork for what is now a national pattern of community organizing projects based on interfaith coalitions of congregations.

Ordained a priest in 1943, Monsignor Egan directed the Cana Conference of Chicago from 1947 to 1958. The conference was a ministry to married couples that developed a marriage preparation program, Pre-Cana, that has also been influential nationally.

From 1958 to 1969, Monsignor Egan directed the Chicago Archdiocesan Office of Urban Affairs, where he became deeply engaged in struggles over racial integration and urban renewal.

In 1965, despite his doctor's orders to avoid stress to a damaged heart, he responded to the Rev. Dr. Martin Luther King Jr.'s appeal to members of the clergy to march in Selma, Ala.

He was already known for publicly criticizing the effects of urban renewal projects and public housing on established neighborhoods. He tangled with Mayor Richard J. Daley of Chicago, challenged the University of Chicago's neighborhood renewal plans and complained of "the dictatorial powers" of urban planners like Robert Moses in New York City.

Some proponents of urban renewal and integrated housing attacked Monsignor Egan in turn as a self-interested defender of largely white Catholic neighborhoods. Conservatives, including some pastors, recoiled at his working partnership with Mr. Alinsky, a self-styled radical agitator.

Eventually, Cardinal John Cody disbanded the Office of Urban Affairs in 1969, and Monsignor Egan spent the years from 1970 to 1983 at the University of Notre Dame. There he directed the Institute for Pastoral and Social Ministry, and with Peggy Roach, another veteran of struggles for racial justice, he continued his work of recruiting and advising leaders in community organizations.

Many of those he influenced called him a "surrogate bishop" for Catholics engaged in social and political struggles.

Brought back to Chicago in 1983 by Cardinal Joseph Bernardin to direct the archdiocese's Office of Human Relations and Ecumenism, in 1987 Monsignor Egan became head of the Office of Community Affairs at DePaul University in Chicago, a position he held until his death.

John McGreevy, a historian at Notre Dame and the author of "Parish Boundaries" (University of Chicago Press, 1996), a prize-winning study of the Catholic Church's handling of racial issues in Northern cities, compared Monsignor Egan to "the classic parish priests early in the century who were great politically skilled organizers." But Monsignor Egan, Professor McGreevy said, "made the transition to organizing outside the church as well as within it."

Monsignor Egan did not shy from internal church controversies. In the 1960's he led a group of reform-minded priests in Chicago, and recalled painfully a single year in Cardinal Cody's tenure when no fewer than 45 priests came to tell him about their decisions to leave the priesthood.

A month ago, he circulated for publication a plea for the church to ordain women and married men and give women leading roles in the Vatican.

"Why are we not using to the fullest the gifts and talents of women who constitute the majority of our membership throughout the world?" he wrote. "I realize that even to raise aspects of this question, I label myself a dissenter. Yet prayerful, responsible dissent has always played a role in the church."

Despite his deep identification with Chicago, Monsignor Egan was born in Manhattan, on 134th Street in what was then an Irish section of Harlem. His father, a bus driver, and his mother, a dressmaker, were immigrants from Ireland, and moved to Chicago when John was 6.

He is survived by a sister, Kathleen Egan Martin of Rockford, Ill.

INTRODUCTION OF INTERNATIONAL ENVIRONMENTAL DEFENSE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the International Environmental Defense Act of 2001.

The purpose of this bill is to clarify the authority of the Secretary of Defense to respond to environmental emergencies. It is cosponsored by my colleague from Colorado, Representative JOEL HEFLEY. I greatly appreciate his support.

In times of natural disaster or other emergencies, the United States for decades has come to the aid of those in need—whether the crisis is the result of an earthquake in Turkey, an erupting volcano in South America, or deadly floods in some other part of the world.

When the need arises, the U.S. government provides humanitarian assistance through the U.S. Agency for International Development, the State Department, the Defense Department, and other federal agencies. It also contracts with private voluntary agencies to provide such assistance and coordinates the U.S. response with that of other countries.

The American military has an outstanding record of participation in these activities. All Americans take pride in the humanitarian assistance provided by the men and women of our armed services.

I strongly support this policy. It is the right thing to do, and in the best interests of our country as well as of people everywhere. Humanitarian assistance is critical to help communities or regions or whole countries recover from devastating natural or man-made events.

But global emergencies come in other forms as well—including environmental emergencies such as oil or chemical spills or other similar occurrences. They may not have the immediate impact on people of homes destroyed in an earthquake or of crops lost to drought. But by polluting waterways, killing fish or other species, or contaminating the air, water, or land, environmental disasters can have devastating effects on the health and well-being of people, wildlife, and ecosystems.

So, wherever they occur, environmental emergencies have the potential to affect the national interests of the United States. And our government—including our military forces—should have the same ability to respond as in the case of other emergencies.

Current law authorizes the Department of Defense to use its funds for the transport of humanitarian relief, allowing U.S. military personnel to help provide foreign countries with emergency assistance such as helicopter transport, temporary water supplies, and road and bridge repair. For example, U.S. military personnel were part of the U.S. response to Hurricane Mitch in Central America and to this year's earthquakes in El Salvador and India.

But when it comes to environmental emergencies, under current law the military now has less ability to help. Those are the situations that are addressed by the bill I am introducing today.

The International Environmental Defense Act would fill a gap in current law so U.S. military transport could be used not only for humanitarian, but also for environmental emergencies. The bill does not require that this be done—but it would authorize the Defense Department to do so, just as current law authorizes but does not require the transport of humanitarian assistance to respond to other emergencies.

As an illustration of the limitations of the current law, consider a recent case about which I have first-hand knowledge.

Earlier this year, as all our colleagues will recall, there was a very serious oil spill in the Pacific Ocean that threatened to contaminate the Galapagos Islands. The government of Ecuador and people everywhere were very concerned that this could imperil the world-famous wildlife of the islands and the rest of that unique ecosystem. They hastened to organize a response.

As part of that response, the Ecuadoran government was in contact with a company in Colorado that makes a product to absorb oil from sea water. But complications arose, and the company contacted my office to see if we could help resolve them.

As we explored the situation, we learned that while the government of Ecuador was interested in acquiring the Colorado company's product, they also wanted to arrange for the United States to transport it to Ecuador by military aircraft, because that would be quicker and cheaper than other alternatives. But when we contacted the Defense Department to see if there was a possibility that it could be arranged, we learned about the limitations of current law. In short, we learned that while military transport might be possible to provide humanitarian relief, that option was not available to respond to an environmental emergency.

The bill I am introducing today would change that—not by requiring the military to provide transport in such a case, but by providing that option in case the U.S. government should decide it would be appropriate.

So, Mr. Speaker, this is not a far-reaching bill. But I think it would provide useful authority for our country to respond to environmental problems that, ultimately, can affect us and the rest of the world.

PAYING TRIBUTE TO RYAN MILLER, RECIPIENT OF THE HOBEY BAKER AWARD

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Ryan Miller of East Lansing, Michigan, for being named the top college hockey player in America in 2001. Ryan Miller, a Michigan State University sophomore, received the Hobey Baker Award, only the second time in history a goalie has earned this prestigious honor.

Ryan's brilliant 2001 season included leading the nation in four key statistical categories, the most spectacular being 10 shutouts in 39 games, bringing him to an NCAA career record with 18 shutouts as goalie for the MSU Spartans. Ryan also was named CCHA Defensive Player of the Week five times during the regular season.

Born and raised in East Lansing, the home of MSU, Ryan comes from a hockey family. His grandfather, father, uncle and five cousins all played hockey for the Spartans, and a cousin, Kip Miller, won the Hobey in 1990. In addition to his hockey legacy, Ryan also deserves recognition for his academic achievements both in high school and at MSU.

I urge my colleagues in the U.S. House of Representatives to join me in congratulating Mr. Ryan Miller for his achievements, in particular for receiving the Hobey Baker Award. We wish him well in his future endeavors.

TRIBUTE TO MR. TOM SCHEPERS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Ms. McCOLLUM. Mr. Speaker, I rise today in celebration of the tremendous achievement by a constituent of mine from South St. Paul, Minnesota, Mr. Tom Schepers.

Last November, on Veterans' Day, the Washington, D.C. area welcomed Tom Schepers, as he completed his 5-month, 3,300 mile run in support of the World War II Veterans Memorial. Beginning at Camp Pendelton, California on D-Day, June 6th, 2000, Mr. Schepers covered 25 miles a day, 6 days a week through the Mojave Desert, thin Rocky Mountain air and other extreme conditions. This was no ordinary run. While many Americans would struggle to complete even a single day of such an exhaustive journey, Mr. Schepers completed it while carrying an American flag and a POW/MIA flag on a 10-foot flagpole as well as a 10 lb weight belt, representing the emotional weight borne by the World War II Veterans for over 50 years.

Mr. Schepers heroic story is a tribute to the will and determination of our nation's Veterans. A decorated Vietnam Marine Veteran, earning the Purple Heart and Bronze Star, Mr. Schepers was shot through the leg and foot while saving a fallen comrade. He was not expected to ever walk again, let alone run. But through commitment, sheer determination and pushing himself to his physical limits, he battled back to health. Today, he devotes much of his time assisting ailing Veterans and working to raise awareness to issues of importance for all Veterans. He has logged over 3,500 miles while running for both Vietnam, and Korean War Veterans, in between working as a registered nurse and keeping-up with his three grown children, Melissa, Jennifer and Matthew.

Although Mr. Schepers' story may be news to many, the plight of our World War II Veterans is too frequently forgotten. According to the Veterans of Foreign Wars, of the 16 million Americans that served in World War II, 672,000 were injured and 406,000 died. Each day of freedom we live, we owe to them. Mr. Schepers' tribute to this great American generation is a welcome sight, and one that all Americans must not take for granted.

As the spouse of a Vietnam Veteran, it is both a privilege and an honor to recognize Mr. Schepers for his dedication to our nation's Veterans and for his unwavering commitment to our country. All Veterans deserve our full, undivided respect and admiration for the sacrifices they have made to preserve our freedom. Tom Schepers is a hero for his service as well as for the gratitude he has demonstrated for those who have served our country.

TRIBUTE TO COACHES VS. CANCER FUNDRAISERS JULI AND JIM BOEHEIM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. WALSH. Mr. Speaker, seven years ago, a group of NCAA basketball coaches gathered to create Coaches vs. Cancer, an effort dedicated to reducing the risk of cancer in youth and raising funds to assist in the research, patient services, advocacy, and prevention programs of the American Cancer Society. Since its inception, Coaches vs. Cancer, now a formalized partnership between the National Association of Basketball Coaches and the American Cancer Society, has raised millions of dollars nationally.

In Central New York, Syracuse University Men's Basketball Coach Jim Boeheim began his longtime involvement in the effort during the 1995–1996 season. In its first year of existence, Coach Boeheim's group raised a record for first year programs nationally and finished second in local contribution totals across the country. In its second season, the Syracuse program became the national effort's largest local fundraiser, an honor the Central New York program holds even to this day. Coach Boeheim currently serves as National Chair of the Coaches vs. Cancer Council.

In addition to Coach Boeheim's advocacy and support, the Syracuse chapter owes its success to the work of Juli Boeheim. Since beginning her involvement, Juli Boeheim has chaired numerous fundraising and public awareness events, including creating the Coaches vs. Cancer Basket Ball Black Tie Gala, which has netted over $350,000 over the past two years. Both Jim and Juli Boeheim have traveled regionally and nationally on behalf of the organization and assist in recruiting additional coaches and their spouses to become involved. They have filmed public service announcements, made numerous hospital visits, and attended dozens of public awareness events on behalf of the organization.

Jim and Juli Boeheim's leadership has allowed the Syracuse University Coaches vs. Cancer program to raise close to $2 million for the local programming of the American Cancer Society. As the Home Builders Association of Central New York prepares to honor the Boeheims for their longtime work at its annual Parade of Homes Preview Party on May 31st, it is my privilege to recognize Jim and Juli Boeheim for their leadership—on both a national and local level—within the Coaches vs. Cancer organization.

TRIBUTE TO MR. IRV REFKIN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HUNTER. Mr. Speaker, I rise today to recognize a good friend from the San Diego area, Mr. Irv Refkin. Irv will be celebrating his 80th birthday next month and I wanted to take this time to say congratulations.

Irv has lived in Coronado for 20 years and has always been a great supporter of the San Diego community and all its causes. He has never been afraid to speak his mind and when you ask his opinion, you better be prepared to get it.

For five decades, Irv has been involved with the U.S. Navy and several aspects of shipbuilding and repair. Since 1976, Irv has been President of Pacific Defense Systems, a very important ship repair company in National City, California, where he is responsible for all operations. Throughout his service, I can always count on Irv to come up with innovative ideas that help the little guys.

I enjoy working and knowing Irv. He is a world traveler, having just returned from a trip to South Africa, Rome and Madrid, knows how to enjoy fine dining, and is a tremendous asset to the San Diego community. Happy 80th birthday Irv.

HONORING THE 60TH ANNIVERSARY OF ROY AND FERN BARNES

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Roy and Fern Barnes of Pasadena, Texas as they celebrate their 60th Wedding

Anniversary on June 6, 2001. Roy and Fern have exhibited the finest principles in their service to their community and their family.

Roy Barnes was born in McAlester, Oklahoma, on April 30, 1920. He graduated from Henryetta High School in Henryetta, Oklahoma in 1938. Fern Barnes was born in Hannah, Oklahoma, on January 27, 1922 and was named Ruth Fern Painter. She graduated from Henryetta High School in 1938 and met Roy in 1940.

They eloped in 1941 and were married by a Justice of the Peace in Holdenville, Oklahoma. Roy and Fern later moved to California so Roy could work in a shipyard. He joined the U.S. Army in 1944 to serve his country. After his service in World War II, he sought work in Texas and found it in 1947 at the Shell Chemical Company in Deer Park.

Roy joined the Oil, Chemical, and Atomic Workers International Union in 1948. Actively involved in union affairs, Roy was elected as President of OCAW Local 4–367 in 1963. In 1970, he was elected to the full-time position of Secretary-Treasurer, a position he held for fourteen years, until he retired in 1984. He also served at the national level of the OCAW, as a member of the Executive Board, from 1975 to 1983.

Roy was also active in community affairs, such as serving on the Salvation Army Advisory Board. He was elected to the Harris County Democratic Executive Committee and served as Judge of Precinct 170 for twenty years.

Fern was a full-time homemaker and mother. As her three children grew older, she participated more in local civic activities. She was a volunteer in several hospitals including Southmore, Veterans and Ben Taub for many years. She and Roy have been active in the Golden Acres Civic Club, where Fern has served in every office, including President. Fern was also appointed a member of the Harris County Appraisal District Appeals Board, serving for three years. She was also a member of the Pasadena Independent School District Equalization Board. She was also Assistant Precinct Judge in Precinct 170 for twenty years. She is still active today, currently serving as the Treasurer of the OCAW 4–367 Retirees Club.

Roy and Fern have contributed many efforts to improve our community. They are lifelong Democrats who have always upheld the principles of fairness, honesty and compassion. As part of their legacy, they raised three children who were taught that they have a duty to do that which was right, without concern for whether it was convenient or not. Each of the children became an active member of the community, one as a lawyer, one who became Secretary-Treasury of OCAW 4–367, following his father's example, and one who taught American Government for 29 years at San Jacinto College.

Throughout 60 years of marriage, Roy and Fern Barnes have exhibited a loving relationship which has been an example of how a good marriage can work for the two people and their community. I want to congratulate Roy and Fern Barnes on this special occasion of celebrating their 60th Wedding Anniversary.

CONGRATULATING DETROIT AND ITS RESIDENTS ON THE TRI-CENTENNIAL OF THE CITY'S FOUNDING

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. DINGELL. Mr. Speaker, I rise today in support of H. Con. Res. 80, a concurrent resolution congratulating the city of Detroit and its residents on the 300th anniversary of its founding. Detroit has a proud history and has played an important role in the development of the United States. I am pleased that I, and my father before me, have had the opportunity to represent Detroit and the Detroit area for many years.

Detroit was founded in 1701 by French explorer Antoine de La Mothe Cadillac and originally called Ville d'Etroit which means "city of the strait." Detroit is the oldest major city in the Midwest, older than Cleveland, Cincinnati, Chicago, and Minneapolis.

Most Americans know Detroit as the automobile capital of the world. However, it has a storied past and has done more than just put the world on wheels. Detroit was the last station before Canada on the Underground Railroad. It was also an important battleground in the fight for organized labor and is still home to several unions including the United Auto Workers.

Detroit was named "Arsenal of Democracy" for its contributions to the U.S. war efforts during World Wars I and II. It has played an integral role in developing jazz, rhythm and blues, and the Motown Sound. Additionally, it continues to be an important gateway to Canada.

Throughout its history, Detroit has been the focal point for many other important developments. The mile-long Detroit-Windsor tunnel under the Detroit River was the first automobile traffic tunnel built between two nations. It was in Detroit that Elijah McCoy invented the first practical automatic lubricating cup for trains resulting in the phrase "the real McCoy." You may be interested to know that the "sippy cup," a must have for parents with small children, also was invented in Detroit by Edward Olsen.

Detroit has faced many challenges in its history, from the fire of 1805 that destroyed all but one of its 200 structures to its push to move from an economy dependent on heavy manufacturing to one that is more diverse and focused on the advanced technologies of the future. Detroit has overcome many difficulties and has prospered.

Mr. Speaker, Detroit is the tenth largest U.S. city. It is a metropolis that is vibrant, diverse, and of a world-class caliber. Accordingly, I congratulate its residents on the 300th anniversary of its founding.

INTRODUCTION OF H.R. 1953, THE "RANCHO CORRAL DE TIERRA GGNRA BOUNDARY ADJUSTMENT ACT OF 2001"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. LANTOS. Mr. Speaker, with the introduction of H.R. 1953, the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act of 2001" today we have an incredible opportunity to add over 5,000 acres of pristine natural land to the Golden Gate National Recreation Area (GGNRA), one of our nation's most visited national parks. Furthermore, we have a unique opportunity to do this through a public-private partnership.

The Rancho Corral de Tierra addition to the GGNRA includes one of the largest undeveloped parcels on the San Mateo coast south of San Francisco, and it contains rugged land that is unparalleled in other areas of the park. These lands consist of some of the last undeveloped acreage adjacent to existing parkland in the Bay Area. Permanent protection of these open spaces will protect and preserve unique coastal habitats of threatened, rare and endangered plant and animal species, curb future disruptive development along the coast, and provide important scenic and recreation opportunities for Bay Area residents and visitors to our area.

Mr. Speaker, I urge my colleagues to join me in seizing this unique, exciting and significant opportunity for a public-private-partnership to preserve open space by supporting the adoption of H.R. 1953. Similar legislation is being introduced today in the Senate by Senator DIANNE FEINSTEIN and Senator BARBARA BOXER. The "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act of 2001" has the support of the entire Bay Area Congressional Delegation. Joining me as co-sponsors of this legislation are my distinguished colleagues ANNA ESHOO, NANCY PELOSI, GEORGE MILLER, LYNN WOOLSEY, ELLEN TAUSCHER, PETE STARK, MIKE THOMPSON, BARBARA LEE, MIKE HONDA, and ZOE LOFGREN.

H.R. 1953 will add three new areas to the GGNRA. These lands are critically situated between existing parkland and would connect national parklands with State parkland and San Mateo County parklands. Adding these lands to park areas in the City of Pacifica would help round out the uneven boundary along the Pacific coast and create a logical and appropriate entrance to the GGNRA for visitors from the south. The lands will also provide important regional trail links between the existing parklands, and would link the congressionally-mandated Bay Area Ridge Trail with the California Coastal Trail. The lands would also provide a wildlife corridor for the diverse array of wildlife that inhabit Montara Mountain.

Mr. Speaker, the largest parcel of land included in this bill is comprised of 4,262 acres, and it is known as the Rancho Corral de Tierra. This parcel shares three miles of boundary with the GGNRA as well as with a California state park and a San Mateo County park. Its relatively untouched upper elevations preserve habitat for several threatened and endangered plant and animal species. This property also contains four important coastal watersheds, which provide riparian corridors for steel head trout, coho salmon and other aquatic species.

When the owner of Rancho Corral de Tierra recently put this property on the market the Peninsula Open Space Trust (POST) negotiated to purchase the property. POST acquired the site for $29.75 million to save the site from development, to preserve this important natural area, and to donate, through private contributions, a substantial amount for the federal acquisition of Rancho Corral de Tierra.

Mr. Speaker, POST is a local land conservancy trust in the San Francisco Bay Area. It has a remarkable track record in working with and assisting the federal government with the protection of other important open space in the Bay Area. In 1994, POST negotiated acquisition of the Phleger Estate in Woodside and its inclusion in the GGNRA. This provided local residents some 1,300 acres of pristine second-growth redwood forest, and the area has become a primary hiking destination in the mid-Peninsula area. I introduced the legislation which added this important parcel to the GGNRA, and I worked closely with my neighbor and colleague, Congresswoman ANNA ESHOO, who took the lead in securing the federal funding of one-half of the purchase price. In this case, POST also provided one half of the purchase price through private donations. POST also assisted the federal government with the protection and acquisition of Bair Island, an important wildlife refuge in San Francisco Bay, which is now managed by the U.S. Fish and Wildlife Service. Congresswoman ESHOO played a key role in the Bair Island acquisition.

H.R. 1953 will also authorize the National Park Service to include within its boundaries an additional 525 acres of land in the Devil's Slide section of Coastal Highway 1, which is the scenic highway that winds its way along the entire California coast. The Devil's Slide properties are also adjacent to the Rancho Corral de Tierra property. It is my understanding that the California Department of Transportation (Caltrans) will acquire these lands when it builds the Devil's Slide tunnel. This legislation includes the five properties which border the highway alignment that will be abandoned when the tunnel is completed. Since these properties will have no access once the Devil's Slide road is abandoned, Caltrans will purchase these properties from their current owners. It is my understanding that Caltrans will donate these properties to a state park agency for open space use. Caltrans will also relinquish the abandoned Highway 1 alignment to San Mateo County, which will transfer these properties to a park agency after the tunnel is completed.

I want to make something particularly clear, Mr. Speaker. It is not the intention of this legislation to give the federal government any responsibility for the acquisition of land or the construction or completion of the Devil's Slide tunnel. This legislation has nothing to do with the matter of the highway and tunnel construction. This legislation will simply make it possible for Caltrans to donate these properties to the National Park Service when the Devil's Slide tunnel is completed and when the National Park Service has determined the acquisition of these lands is appropriate.

Mr. Speaker, H.R. 1953 also includes within the GGNRA boundary the Caltrans-owned Martini Creek-Devil's Slide Bypass right-of-way, which was originally purchased by Caltrans for the purpose of building a highway across Montara Mountain. When San Mateo County voters overwhelmingly decided in a local referendum in favor of the Devil's Slide tunnel rather than the Martini Creek Bypass in 1996, this right-of-way became obsolete. This property, which covers approximately 300 acres, bisects the proposed additions to the GGNRA and will provide important recreation access to the surrounding parklands. It is my understanding that once the GGNRA boundary is adjusted to include this right-of-way, Caltrans will be able to donate this property to the National Park Service.

Mr. Speaker, H.R. 1953 will also reauthorize the Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission for 20 years. The GGNRA and Point Reyes Advisory Commission was established by Congress in 1972 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice from members of the public on problems pertinent to the National Park Service Parks or sites in Marin, San Francisco, and San Mateo Counties. The Advisory Commission holds open and accessible public meetings monthly at which the public has an opportunity to comment on park-related issues.

The Advisory Commission is an invaluable resource for park management. It provides an important forum for the gathering and receipt of public input, public opinion and public comment and allows the park to maintain constructive and informal contacts with both the private sector and other federal, state and local public agencies. The Advisory Commission aids in strengthening the spirit of cooperation between the National Park Service and the public, encourages private cooperation with other public agencies, and assists in developing and ensuring that the park's general management plan is implemented.

As part of its regular monthly hearing process, the Advisory Commission will hold public hearings next month on this legislation in Half Moon Bay, California. Advisory Commission members will be hearing public comment on the boundary study for the "Rancho Corral de Tierra GGNRA Boundary Adjustment Act of 2001" which was produced by Peninsula Open Space Trust in consultation with the National Park Service. All Advisory Commission meetings are open to the public and an official transcript of each meeting is on record and available to the public. The activities and contributions of the Advisory Commission are critical to the efficient operation and management of the two adjoining national park units of Point Reyes National Seashore and the Golden Gate National Recreation Area.

Mr. Speaker, preserving our country's unique natural areas must be one of our highest national priorities, and it is one of my highest priorities as a Member of Congress. We must preserve and protect these areas for our children and grandchildren today or they will be lost forever. Adding these new lands in San Mateo County to the GGNRA will allow us to protect these fragile areas from development or other inappropriate use which would destroy the scenic beauty and natural character of this key part of the Bay Area. I urge my colleagues to take advantage of this unique opportunity to preserve these important lands for addition to our national parks. I ask my colleagues to support passage of H.R. 1953, the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act of 2001".

HONORING WORLD WAR II VETERAN HAROLD EMICK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. McINNIS. Mr. Speaker, I am extremely proud to rise today to honor a very special man—World War II Veteran Harold Emick, a resident of Olathe, Colorado. Harold spent three years in the Army, fighting the Germans in Europe. Because of what Harold saw and what he went through in WWII, I would like to thank him for his bravery and courage on behalf of this Congress.

Harold joined the Army in 1943 at the age of 18. In December of 1944 Harold was assigned to the Army's 70th Infantry Division under General Alexander Patch. The 7th Army traveled north through a wintry France. "They Killed us, we killed them. In the end, we won because we killed more of them," Harold said. Harold's first battle was at a farmhouse near Nancy, France. "It was about 3 o'clock in the morning when the German Panzer tank opened up on our sleeping platoon at point-blank range. There was death and chaos everywhere, and when it was finally over, those of us who had survived had gone from green kids in uniform to soldiers."

The 70th Infantry Division fought its way through more death and according to Harold, it grew more personal, as the division lost men to snipers, land mines and armed women and children. In May of 1945 after the Germans had surrendered, Harold's unit was sent back to the States to prepare for the possible invasion of Japan. After the war had ended Harold left the military and attended the University of Tennessee where he received his degree in engineering and business.

Harold spent 38 years with the Burough Corporation in a number of positions until he retired in 1983. He then moved to the Uncompahgre Plateau about 17 miles outside of Olathe. Harold received the World War II Victory Medal, the American Service Medal, and the European African Middle Eastern Service Medal with bronze stars for the Rhineland, Central Europe and Ardennes campaign. The 70th Infantry Division earned the Presidential Citation with two stars for its valor.

Mr. Speaker, it is with great appreciation that I ask Congress to recognize and honor Harold Emick for all that he did for this country in World War II. Harold was just a boy when he was thrust into battle, but his bravery and the bravery of those who fought and died for this country will forever be etched in our minds.

THE ILSA RENEWAL ACT OF 2001—H.R. 1954

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GILMAN. Mr. Speaker, I rise to note that earlier today I introduced H.R. 1954, the ILSA Extension Act of 2001, which will extend the provisions of the Iran-Libya Sanctions Act for an additional five years.

I have introduced the bill together with my colleague, the gentleman from California, Mr. HOWARD BERMAN as the lead cosponsor, and with nearly 200 additional original cosponsors.

Among those original cosponsors are members of the House leadership on both sides of the aisle, including, notably, our Majority Leader, DICK ARMEY, DEBORAH PRYCE, CHRIS COX, ROY BLUNT, and Committee Chairmen, PORTER GOSS, SHERRY BOEHLERT, JIM SAXTON, CHRIS SMITH, and DON YOUNG. On the other side of the aisle we have leaders such as MARTIN FROST and BOB MENENDEZ, the Chairman and Vice Chairman of the Democratic Caucus, TOM LANTOS, the ranking Democrat on our House International Relations Committee, and GARY ACKERMAN, the ranking Member on our Middle East Subcommittee.

We are advocating that ILSA remain in effect for another five years because Iran continues to threaten the national security of the United States, as President Bush certified to Congress in March. Although Libyans stand convicted of killing Americans, British, and others by bringing down Pan Am Flight 103, the Libyan government has failed to take responsibility for its actions in this matter, as required by the U.N. Security Council. Without ILSA these countries would be more dangerous still.

It was the intent of the supporters of the Iran-Libya Sanctions Act, five years ago, that either Iran would change its behavior so that it would gain access to investments from around the world or that, absent a change in behavior, it would be hampered in its efforts to promote terror and obtain weapons of mass destruction. It is regrettable that Iranian behavior has not changed for the better.

In fact, it seems to be getting worse—in its training of terrorists, in its production of chemical and biological weapons and the production of long range missiles. But that is no reason to give up our struggle to deprive Iran of the means to use violence to achieve its aims. There is ample evidence that ILSA has delayed exploitation of Iran's energy resources and made their development more difficult and more expensive. And that is exactly what the Iran Libya Sanctions Extension Act will continue to do.

In Iran we are confronted with a regime whose national security aims include the destruction of the State of Israel and a desire to threaten the United States. So it is left to us to do what the Iranian people cannot do for themselves, which is to contain the existing regime as best we can. And that is all that our legislation does.

ILSA does not affect any of our American companies. It is aimed solely at foreign companies which take advantage of our executive-order ban on investment in Iran or Libya.

It even provides that it would not have any further effect if Iran and Libya conform to acceptable standards of behavior for members of the world community. But they have not done so thus far.

Our Subcommittee on the Middle East and South Asia received testimony on May 9 about the impact of ILSA. We believe, based on that testimony and on other information we have received over the years, that ILSA has been effective in slowing down investment in Iran. It has helped to slow Iran's development of the means to threaten the United States and its friends. Iran, however, has been taking actions that threaten the United States. To prevent Iran from doing further harm, we are asking our colleagues in the Congress to renew ILSA.

Mr. Speaker, for the convenience of our colleagues, I am inserting into the RECORD a copy of the bill and a list of its original cosponsors.

H.R. 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ILSA Extension Act of 2001".

SEC. 2. EXTENSION OF IRAN AND LIBYA SANCTIONS ACT OF 1996.

Section 13(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note; Public Law 104-172) is amended by striking "5 years" and inserting "10 years".

ILSA CO-SPONSORS

Benjamin A. Gilman, Howard L. Berman, Dick Armey, Tom Lantos, Deborah Pryce, Gary L. Ackerman, Christopher Cox, Henry A. Waxman, Robert B. Aderholt, Robert E. Andrews, Joe Baca, Brian Baird, Richard H. Baker, Tammy Baldwin, Charles Bass, Xavier Becerra, Ken Bentsen, Shelly Berkeley, Sherwood L. Boehlert, Judy Biggert, Michael Bilirakis, Rod R. Blagojevich, Roy Blunt, Henry Bonilla, Mary Bono, Robert A. Borski, Allen Boyd, Sherrod Brown, Ed Bryant, Dan Burton, Steve Buyer, Sonny Callahan, Eric Cantor, Lois Capps, Brad Carson, Michael E. Capuano, Benjamin L. Cardin, Howard Coble, Gary A. Condit, Jerry F. Costello, Ander Crenshaw.

Joseph Crowley, Jim Davis, Jo Ann Davis, Susan A. Davis, Tom Davis, Diana DeGette, Peter Deutsch, Lincoln Diaz-Balart, John T. Doolittle, Michael F. Doyle, Vernon Ehlers, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Lane Evans, Mike Ferguson, Jeff Flake, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Greg Ganske, Elton Gallegly, George W. Gekas, Wayne T. Gilchrest, Paul E. Gillmor, Charles A. Gonzales, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Felix J. Grucci, Jr., Luis V. Gutierrez, Alcee L. Hastings, Jane Harman, Melissa A. Hart, Robin Hayes, J.D. Hayworth, Van Hillery, Joseph M. Hoeffel.

Rush D. Holt, Michael M. Honda, Stephen Horn, Steny H. Hoyer, Duncan Hunter, Asa Hutchinson, Steve Israel, Darrel E. Issa, Sue W. Kelly, Patrick J. Kennedy, Peter T. King, Jack Kingston, Mark Steven Kirk, Joe Knollenberg, James R. Langevin, Nick Lampson, John B. Larson, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, John Lewis, William O. Lipinski, Frank A. LoBiondo, Nita M. Lowey, Carolyn McCarthy, Karen McCarthy, Jim McCrery, James P. McGovern, Scott McInnis, Howard P. "Buck" McKeon, Michael R. McNulty, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Robert T. Matsui, Gregory W. Meeks, Robert Menendez, John L. Mica, Juanita Millender-McDonald, Dan Miller, George Miller.

Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Anne M. Northup, Charlie Norwood, Doug Ose, C.L. "Butch" Otter, Major R. Owens, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Nancy Pelosi, David D. Phelps, Joseph R. Pitts, Todd Russell Platts, Adam H. Putnam, Jim Ramstad, Dennis R. Rehberg, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Dana Rohrabacher, Mike Rogers, Ileana Ros-Lehtinen, Steven R. Rothman, Marge Roukema, Jim Ryun, Martin Olav Sabo, Max Sandlin, Jim Saxton, Joe Scarborough, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, Pete Sessions, E. Clay, Shaw, Jr., John B. Shadegg, Brad Sherman, Ronnie Shows, Rob Simmons, Ike Skelton, Louise McIntosh Slaughter, Christopher H. Smith.

Hilda L. Solis, Mark E. Souder, Floyd Spence, Cliff Stearns, Bob Stump, Bart Stupak, John E. Sweeney, John S. Tanner, Ellen O. Tauscher, W.J. (Bill) Tauzin, Lee Terry, Mike Thompson, Karen L. Thurman, Patrick J. Tiberi, Tom Udall, Robert A. Underwood, Peter J. Visclosky, David Vitter, Zach Wamp, Anthony D. Weiner, Dave Weldon, Curt Weldon, Jerry Weller, Robert Wexler, Roger F. Wicker, Lynn C. Woolsey, David Wu, Don Young.

HONORING PRISCILLA DONER REETZ OF BREWSTER, MASSACHUSETTS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. DELAHUNT. Mr. Speaker, on Saturday, May 12, family and friends gathered at the Museum of Natural History on Cape Cod to celebrate the memory of our colleague, Priscilla Reetz.

For 10 years in our Hyannis office—with Representative Studds, then Representative DELAHUNT, she worked each day to help people in need across the cape and islands, with a heart of gold and joyousness to spare. Actress, entrepreneur, novelist, kayaker—Priscilla touched countless lives, including ours, with irresistible zest.

We are deeply saddened by her death, and will miss her dearly. Our thoughts and prayers are with her four children and seven grandchildren.

It is with respect and admiration for this remarkable friend and coworker that I commend to you the obituary for Ms. Reetz that appeared in the Cape Cod Times on Thursday, May 10, 2001:

PRISCILLA DONER REETZ, 72

CASEWORKER FOR REP. STUDDS, DELAHUNT; STORYTELLER; KAYAKER

BREWSTER.—Priscilla Doner Reetz, 72, a resident of Brewster, died unexpectedly Monday in Brewster.

She was the wife of the late Donald Reetz for 25 years.

Mrs. Reetz was born in Watertown, N.Y., and received an associate's degree from Rochester Institute of Technology. She raised her family in Rochester, N.Y., and in the Finger Lakes region. At age 49, she began a career as a commercial actress in the Boston area.

She moved to Brewster in 1982. She was the proprietor of a small antiques business, and was a fixture behind the counter at the Brewster General Store for many years. She was a storyteller at the Brewster Ladies Library and the Brewster Book Store.

Mrs. Reetz was a caseworker in the Hyannis office of U.S. Rep. Gerry Studds, and later Bill Delahunt, for nearly 10 years.

"Priscilla loved her work because she got so much satisfaction from helping people in need," Delahunt said. "From working with the disabled to those in need of housing, she moved mountains every day for countless Cape Codders."

Mrs. Reetz was very interested in Chinese and American history. She was at work on a collection of poetry for children and a novel at the time of her death.

She was an avid kayaker and loved kayaking on the bays and creeks of the Cape. She also hiked frequently with the Appalachian Mountain Club.

She is survived by three sons, David Reetz of Santa Cruz, Calif., Garin Reetz of Dallas, Texas, and Allan Reetz of Meriden, N.H.; a daughter, Sarah Reetz of New York, N.Y.; and seven grandchildren.

A memorial service will be held at 5:15 p.m. Saturday at the Cape Cod Museum of Natural History, Route 6A, Brewster.

Memorial donations may be made to the Cape Cod Museum of Natural History, Route 6A, Brewster, MA 02631; or to Safe Harbor, c/o Community Action Committee of the Cape and Islands, P.O. Box 954, Hyannis, MA 02601.

IN HONOR OF JOAN RIVERS ON THE OCCASION OF HER BEING NAMED A WOMAN OF THE YEAR BY THE USO OF METROPOLITAN NEW YORK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Ms. Joan Rivers, a distinguished resident of the 14th Congressional District which I represent and an internationally renowned entertainer, who will be honored by the USO of Metropolitan New York tomorrow at its Women of the Year Luncheon.

The USO is currently in its sixtieth year of existence, dedicated to improving the morale and welfare of our uniformed military personnel. For more than half a century, the USO has been providing a "touch of home" to our men and women in uniform overseas.

The USO Woman of the Year award has been given to an impressive list of past honorees including such luminaries as Barbara Bush, Lady Bird Johnson, and Mamie Eisenhower. One of the greatest entertainers of our time, and a highly successful author and businesswoman, Ms. Rivers is a fitting choice for this distinguished honor.

Joan Rivers is currently acclaimed for her witty and engaging commentary on E! Entertainment Television's Fashion Reviews and E!'s live pre-shows for the Academy Awards. Her signature question, "Can we talk?" has become so well known that the United States government agreed to register it as a federal trademark.

An accomplished comedienne, Ms. Rivers worked her way up through small clubs and lounges, where she often relief on tips in lieu of a salary, to the international celebrity she has reached today. In 1983, "The Tonight Show" with Johnny Carson broke tradition to name Ms. Rivers its sole permanent guest hostess.

A prolific writer, John Rivers has authored nine books, and for three years wrote a thrice-weekly syndicated column for the "Chicago Tribune." Joan Rivers' volumes have been invariably successful; her first book alone sold over four million copies. Ms. Rivers' 1986 autobiography reached number four on the "New York Times" bestseller list in only two weeks. The sequel, Still Talking, published in 1991, was a Book-of-the-Month selection.

Mindful of her incredible success, Joan Rivers has been a role model in her charitable deeds. Ms. Rivers played the voice of the Honest Boy's Mother for an audio version of The Emperor's New Clothes benefiting the Starbright Foundation. In 1982, Ms. Rivers was the first celebrity to call attention to the impending AIDS crisis when she hosted and headlined the first AIDS benefit. Along with many other contributions, Ms. Rivers has also participated in the "Comic Relief" fund-raiser to end homelessness.

I am delighted that the USO has chosen to honor Joan Rivers. I ask my fellow members of Congress to do likewise by joining me in tribute to this truly outstanding woman.

HONORING CAPTAIN KENT ROMINGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Del Norte's Kent V. Rominger for his induction into the Colorado Aviation Hall of Fame at the Air Force Academy in Colorado Springs. The 44-year-old Colorado native is one of those lucky few that has had the privilege of traveling into the final frontier. I would like to thank him for all that he has done for the space program and to congratulate him on his introduction into the Hall of Fame.

Captain Rominger has served in the U.S. Navy since receiving his commission through the Aviation Reserve Officer Candidate Program in 1979. His Naval service included assignments with the Fighter Squadron Two aboard the USS *Ranger* and the USS *Kitty Hawk* and Fighter Squadron Two Hundred Eleven aboard the USS *Nimitz*. Kent is now a NASA Astronaut and Shuttle Commander. He is the first to have commanded two shuttle dockings with the International Space Station Alpha. He holds the record for the most earth orbits and the most time in space.

Kent has traveled into space five times and has logged over 1,500 hours in space. He has piloted the STS–73 in 1995, the STS–80 in 1996 and the STS–85 in 1997 and has served as crew commander twice, on the STS–96 in 1999 and STS–100 this year. His last mission, the STS–100 on the Space Shuttle *Endeavour* was on April 19. The mission involved installing the Space Stations robotic arm.

Mr. Speaker, Captain Kent Rominger is an American Hero. Many kids grow up dreaming that they will one day be an astronaut, Kent is living that dream. I would like Congress to join me in congratulating Kent on his achievements and wish him good luck on future missions to space.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. UDALL of New Mexico. Mr. Chairman, Dr. James E. Shanley, President, American Indian Higher Education Consortium, urges us to support an amendment to the Elementary and Secondary Education Act (ESEA).

AMERICAN INDIAN
HIGHER EDUCATION CONSORTIUM,
Alexandria, VA, May 16, 2001.

Hon. JOHN A. BOEHNER,
Chairman, Education and the Workforce Committee, House of Representatives, Washington, DC.

Hon. GEORGE MILLER,
Ranking Member, Education and the Workforce Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN BOEHNER AND RANKING MEMBER MILLER: On behalf of the 32 Tribal Colleges and Universities, I am writing to request your support for an amendment that is being proposed in the Senate to the Elementary and Secondary Education Act (ESEA), S. 1. The amendment addresses a serious matter involving two tribally-controlled postsecondary vocational institutions, United Tribes Technical College (UTTC) and Crownpoint Institute of Technology (CIT).

It is our understanding that the House of Representative's ESEA reauthorization bill has already been reported from your committee, and consequently a similar amendment may not be offered. Therefore, we ask that consideration be given to rectifying this serious issue either through an amendment on the House Floor or during any Conference session that occurs with the Senate on the ESEA reauthorization bill.

CIT and UTTC were founded to provide much needed vocational education opportunities to the American Indian students in their respective tribal communities. Because these two institutions are not eligible to receive funding under the Tribally Controlled College or University Assistance Act and are vocational in nature, Section 117 of the Carl Perkins Act was created in 1990, to offer them a source of core operational support and is key to their existence.

The proposed Senate amendment (numbered 426) reaffirms the original intent of section 117, to provide institutional support for these two tribally controlled vocation institutions. While increased funding for Indian vocational education programs is greatly needed, section 117 is not the appropriate vehicle to address this funding disparity.

AIHEC directly advocated for the creation of section 117 and herein state our intent to do everything possible to continue to protect its original purpose.

Thank you for your attention and consideration of this serious issue. We look forward to working with you on this and other issues that impact our tribal colleges.

Dr. JAMES E. SHANLEY,
President, AIHEC Board of Directors and Fort Peck Community College, Poplar, MT.

IN HONOR OF CONGRESSMAN RALPH REGULA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor my distinguished colleague in the Ohio Congressional Delegation, Congressman RALPH REGULA for dedicating more than 45 years in public service.

Congressman REGULA started his distinguished public career early in life as an Ohio State Representative in 1964 and then State Senator. He moved on to serve as a member of the United States House of Representative where he now serves as the Subcommittee Chairman of the House Appropriations Committee.

Before entering public life, Representative REGULA served as a school teacher and principal with Stark County schools and later served on the Ohio Board of Education. Representative REGULA recognizes the value of a good education and continues to support education on the federal level as the chairman of the Appropriations Subcommittee for the Departments of Labor, Health and Human Services and Education. He has received many honors for his work in education such as the Stark State College of Technology Founder Award and is a trustee at Mount Union College. He has recently been inducted into the Ohio Federation of Independent Colleges Hall of Excellence.

Representative REGULA has also been dedicated to advocating on behalf of the elderly as Co-Chair of the Older Americans Caucus. In 1994 he was recognized by the Administration on Aging as the first recipient of the Older Americans Month Congressional Award for his work such as extending flu shot coverage under Medicare and authoring legislation to provide coverage for preventative services to the elderly.

Representative REGULA has been a friend and a colleague for many years. I have tremendous respect for him as a legislator. It gives me great pleasure to publicly recognize the achievements of Representative REGULA.

CELEBRATING THE 75TH ANNIVERSARY OF CHARLES H. MILBY HIGH SCHOOL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today to celebrate the 75th Anniversary of Milby High School. This is a school in East End Houston named after Charles H. Milby who was an important advocate for the creation of the Houston Ship Channel.

Charles H. Milby was born in Indianola, Texas on August 29, 1852, the seventh and youngest child of William P. and Mary Y. Milby. Charles' father was a member of the Texas Congress from 1842 to 1844. Throughout his life, Charles H. Milby was always concerned about improving the economy and welfare of his community. He served as a member of the original committee that presented the U.S. Federal Government with the idea of a deep-water port for Houston. Mr. Milby died on July 1925 and in 1926, Charles H. Milby High School was named in honor of his many contributions to the East End area.

In 1926, Milby High School opened its doors with 212 students and 13 teachers. Today Milby High School has over 3,000 students and is considered the oldest and largest school in the Houston Independent School District. With its proud colors of blue and gold, and its mascot of the fighting buffalo, Milby High School has educated hundreds of alumni veterans who fought in World War II, Vietnam, and the Korean War.

Today, Milby is known for their legendary basketball coach, Boyce Honea, class of 1959. He has been with the school for nearly 25 years, has won many district championships, and 9 victories in the annual 32-team J. C. Tournament. Their school spirit is also evident in their cheerleading squad which participates in yearly competitions and is sponsored by two national cheerleading companies. Most notable, however is Milby's Science and Engineering Magnet Program which attracts many students each year from all over Houston.

Mr. Speaker, in celebration of Milby's 75th Anniversary, there will be a 21-gun salute for the veterans and former students who died in World War II, the Korean War, and the Vietnam War, on June 2 at 1601 Broadway. A 4-foot-by-16-foot granite memorial wall will be donated in their honor by the Milby Anniversary Alumni Association.

Mr. Speaker, I am proud to congratulate Milby High School on its 75th Anniversary. I would also ask that my colleagues in the House join me in congratulating the dedicated teachers, administrators, some of whom are alumni, parents and students for 75 years of work and dedication to the East End and our Houston community.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. LEVIN. Mr. Speaker, I was unavoidably absent on Monday and missed rollcall votes No. 126 and 127. Had I been here I would have voted "yea" on both rollcall 126 and 127.

A TRIBUTE TO ALVIN M. PETERSEN: THE INSPIRATION BEHIND CAMPUS MINISTRY AT THE UNIVERSITY OF NEBRASKA

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. FILNER. Mr. Speaker, today I want to pay tribute to Pastor Alvin M. Petersen and to the legacy he built: the Lutheran Student Center at the University of Nebraska, Lincoln (UNL).

Even though the University of Nebraska is not in my Congressional District and even though it is a long way from California, I want to honor Pastor Petersen, because he is the father of my Senior Legislative Assistant, a woman who has worked on my staff for almost twenty years.

This coming June 9th and 10th, a celebration will be held in Lincoln, Nebraska to commemorate the 50th birthday of the Lutheran Student Center and the work of "Pastor Pete", as he has been called for decades by the university students. Also honored are his wife, Edel, also known as "Mom Pete", who was an integral part of the Center, and the three subsequent pastors: Bruce Berggren, Roger Sasse, and the current pastor, Larry Meyer, who completed his seminary internship serving under Pastor Pete.

The Lutheran Campus Ministry at UNL was begun, with Pastor Pete at the helm, in 1940. Through his diligent efforts, money was raised to build the current building, which opened in 1951, in the center of the UNL campus. In 1958, a chapel was added to the original structure, and Mom Pete lovingly wove banners that still hang over the altar.

The Lutheran Student Center provides worship services, a place for students to belong and to matter in a large university setting, and a training ground for future pastors. The Center has the largest Evangelical Lutheran Church of American (ELCA) worshipping community on any state university campus in the nation.

The Sunday morning worship services and mid-week Vespers are at the heart of the ministry. Bible study, counseling, participation in the choir, fun and fellowship with movie nights, the spring break ski trip, retreats, volleyball and softball are all available to students.

In the past five years, an extensive renovation project was undertaken to bring the building into the 21st century. After $400,000 was raised by Pastor Meyer, the current minister, so that there would be no debt, the Center has been updated, remodeled, and made completely accessible with the addition of an elevator. A new Outreach Program at Southeast Community College in Lincoln has begun, so that students at this community college also feel they are part of a campus ministry program.

The building—the Lutheran Student Center—is the symbol and the physical setting for a ministry that cannot be measured in words. Many a lonesome freshman has found friendships at the Center. Many students with counseling needs, or doubts, or problems have found help at the Center. Many couples have met and married at the Center. Many a faith has been strengthened through worship at the Center.

I am honored to pay tribute to the Lutheran Student Center and to a lifetime of work and love and concern by Pastor Pete—Pastor Alvin Petersen. One person truly can make a difference in this world!

IN HONOR OF REV. FR. DENNIS R. O'GRADY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. KUCINICH. Mr. Speaker, today I rise to honor Rev. Fr. Dennis R. O'Grady on the 40th Anniversary of his Ordination as Priest, and also on his 20th Anniversary as Pastor of St. Michael's Church in Cleveland, Ohio.

Rev. O'Grady began his distinguished and proud career shortly after his Ordination on May 20, 1961. In June of that same year he became the Assistant at St. Vincent Parish in Akron, Ohio where he spent five years before becoming Assistant at St. Michael's in June of 1966. Rev. O'Grady's honored service to the community continued by becoming a Member of the Diocesan Pastoral Team For the Spanish-speaking and serving in the Hispanic Ministry as Associate Pastor at Blessed Sacrament Parish in Cleveland, Ohio. Throughout his forty years of service, Rev. O'Grady has accomplished great feats within his religion. His tremendous faith and giving nature has brought hope and joy to the lives of thousands.

Mr. Speaker, Rev. O'Grady represents the very best of Cleveland, and his outstanding service to mankind deserves the highest of praise.

I ask my distinguished colleagues to join in rising to celebrate the incredible accomplishments of Rev. O'Grady, and honor his forty years of service to his church, his faith, and the community.

HONORING COUNCILMAN GENE 'IGGY' GARISON

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor Pasadena City Councilman Gene "Iggy" Garison and to thank him for his distinguished service. Councilman Garison was first elected to the Pasadena City Council in 1993, served as Mayor Pro Tem from 1996 to 1997 and is currently serving his fourth two-year term. He is a dedicated and committed public servant, and his constituents are fortunate to have him as their representative.

Councilman Garison was born in 1942 and has lived in Pasadena for nearly 30 years. Despite recent health problems, he continues to be a driving force in Pasadena. He has touched the lives of so many people and has made numerous civic contributions, As a small gesture of the communities appreciation, the San Jacinto Day Foundation recently decided that the city's annual Strawberry Festival would be dedicated to Iggy Garison.

As a member of the City Council, Garison has been responsible for many improvements in Pasadena, His accomplishments include the revitalization of North Pasadena, the Capitan Theatre and the Corrigan Center, During his tenure, he has worked hard to reduce crime and to improve the city's infrastructure, particularly streets, sidewalks and sewer lines. Councilman Garison has also promoted the demolition of abandoned and deteriorated structures and continues his efforts to reduce flooding.

Iggy Garison has always welcomed opportunities to be of service to his country and his community. He served in the United States Air Force and the Air National Guard. He was a valuable member of the Pasadena Police Department. He was a distinguished volunteer firefighter. And he was an investigator for Constable George Larkin.

Councilman Garison is a member of the Houston Fire Museum board, the San Jacinto Foundation, the American Legion, the Elks Lodge, the National Guard Association, the Harris County Mayor and Council Association, the National League of Cities, the Texas Municipal League, the Association of Federal, State and Municipal Employees Local 1550, and the 100 Club.

Mr. Speaker, on behalf of the citizens of Pasadena, I would like to thank Gene "Iggy" Garison, as well as his wife, Susie; his son, John, his stepdaughter, Tammy; his stepson, Sam; and his grandson, Tyler for their dedication, service and commitment to the City of Pasadena. I ask my colleagues to join me in honoring this distinguished man.

HONORING THE BAYSIDE JEWISH CENTER'S 75TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to ask all my colleagues to join me in honoring the Bayside Jewish Center on the occasion of its 75th Anniversary.

It was in late 1926 that a small number of Jewish residents in the Bayside West community of Queens, NY, began to meet in a store on 32nd Avenue near 201st Street, made available by Isaac Muss, father of past Honorary President Charles J. Muss. Around the same time, a group of Jewish residents in the central Bayside area rented a loft and began to meet on the third floor above some stores on Bell Boulevard.

During the next seven years, the activities and participation grew steadily. In 1934, Rabbi Ariol Hyams became the spiritual leader of the Bayside West Jewish Center. Because interest had increased substantially, the space available to the members was no longer sufficient. Thus, they joined together with the group at the Center on Bell Boulevard to found and incorporate the Bayside Jewish Center. This was 1935.

It was not until 1960, after many trials and tribulations in respect to finding a permanent place for the center, when the traditional and formal dedication of the new Bayside Jewish Center building was held. Immediately following the dedication of the facility, the Bayside Jewish Center became the main center of community service, a veritable beehive of activity.

Many great personalities have attended meetings and functions at the Center including President Jimmy Carter, Vice President Hubert Humphrey, Senator Jacob Javitz, Senator Wayne Morse, Mayor John Lindsay, Mayor Robert Wagner, numerous Members of the House of Representatives, First Lady Eleanor Roosevelt, Cantor Moshe Kousavitsky and President Norman Lamm of Yeshiva University.

The Center supported many well known causes such as the United Jewish Appeal, Bonds for Israel, Yeshiva University, and other worthy institutions. The Center was the founder of several local organizations as well, such as the Clergy Club of Bayside and the Council of Churches and Synagogues.

One of the great accomplishments of the Bayside Jewish Center was the founding of the Etz Chayim Youth Organization. This organization has brought together over two hundred teenagers to hold their Sabbath Services in the Junior Ballroom of the Center, followed by lunches on each Sabbath or holiday. Etz Chayim can also take credit for weekend Shabbatons, sponsored by Yeshiva University on an annual basis and attended by over three hundred young people from many communities throughout the United States, which have become well-established events. To this day, hundreds of its members are active leaders of many synagogues and Jewish organizations throughout the world.

Mr. Speaker, I ask all my colleagues to join me in honoring the 75th Anniversary of the Bayside Jewish Center and all of the people whose lives it has touched.

HONORING THE LATE COL. JAMES NEIL HICKOK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. McINNIS. Mr. Speaker, I stand before you today to honor the memory of one of Western Colorado's leading citizens, Colonel James Neil Hickok. James was an active member of the community and was a member of the "Great Generation". He passed away on March 19, 2001 after a long 13-year battle with cancer. Everyone that knew him will truly miss him.

Neil was born in October of 1919 in Chicago Illinois. Neil joined the US Army when he was 16. His first assignment was to protect railroads and missionaries in China. After his tour he returned home to graduate from high school. He received degrees in Military Science from the University of Maryland and degrees in Anthropology and Geology from the University of Colorado. James re-entered the Army at the start of World War II and served in the Pacific Theatre. Neil also served in the Korean War and had three tours of duty in Vietnam.

Neil was a devoted family man. He loved his wife Carol, his son James and daughters Sharron and Dorothy. He also loved his home, which over looks the south fork of the South Platte River. His family said he had a wonderful sense of humor and genuine care for others. Neil served as the chairman of the Park County Republican Party for many years and helped Lake George get their park, library, community center and emergency medical service.

Mr. Speaker, a great friend, father and hero has left us, but his memory will always be with us. I'm asking Congress to pause a moment in remembrance of Col. James Neil Hickok and thank him for all that he has done for his family, community and country.

SCHOOL SAFETY

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. DEFAZIO. Mr. Speaker, we've spent the day on a very important issue, our children's education. But, the whole picture is not complete. How about the kids who are not prepared for school or are disruptive in class. The kids that, at least, have run-ins with authorities and drop out of school, at most, end up committing violent crimes, sometimes against their own classmates.

The safety of our schools continues to be a major concern as evidenced by a CNN/USA Today/Gallup poll in which 43 percent of parents said they fear for their child's safety at school. One in three parents believes that it is "very likely" that a Columbine-type shooting could happen in their community. While the number of children hurt by violent crime has declined significantly in the last six years, we can't escape the reality of the shootings at Thurston High, Columbine and most recently in Santee, California.

As many of my colleagues know, following the tragic shootings at Thurston High School, I introduced legislation to help combat the growing problem of youth violence in America. The Youth Violence Prevention Package is based on needs identified by my community and is designed to prevent youth from turning to violence by providing adequate crisis intervention and support services.

After a decade of record economic growth and decreasing crime rates, America has the opportunity to invest aggressively in proven violence prevention and youth development activities to ensure that children and families are able to thrive. Targeted investment in prevention efforts that give children and families what they need to stay on track works.

That's why I'm so disappointed by the priorities set by President Bush and Congress in the budget blueprint.

—The Bush budget abandons a commitment made in past budgets to give one million children access to Head Start by fiscal year 2002. Under the Administration's own estimates, the Head Start program will fall 84,000 students short of that goal. The Bush budget actually results in the elimination of Head Start services for 2,500 children.

—In addition, the Bush budget reduces resources for existing Child Care and Development Block Grant projects by $200 million.

Specifically, my legislation would increase the authorization for Head Start programs to $11.5 billion. And, it would create a national child care provider scholarship program to further the goals, of child care provider recruitment, training, credentialing, and retention.

—The Bush budget cuts grants to help states investigate and prevent child abuse and neglect by $16 million—a 47% reduction. Furthermore, most other child welfare service programs are frozen at the fiscal year 2001 level.

—Also, general juvenile justice and delinquency prevention grants are cut by $44 million, gang-free schools and communities grants by $6 million, mentoring grants by $7 million, incentive grants for local delinquency prevention by $25 million and drug reduction grants by $12 million.

On the other hand, legislation I've introduced would increase authorization for Community Based Family Resources and Support Programs, like Relief Nurseries, by $44 million. In addition, it would increase the authorization for Title V incentive grants for local delinquency programs—like, parent assistance, antitruancy, and court schools.

Providing parents with the skills and treatment they need to be better parents is critical. A comprehensive prevention approach that looks at the entire family and identifies the specific needs of the child within that family can reduce the incidence of aggressive and risky behavior that often leads to delinquency. In 1998, there were approximately 1 million confirmed cases of child abuse or neglect. Research indicates that children who experience some form of violence in their homes are more likely to behave violently throughout adolescence and into adulthood. Any comprehensive approach to curb juvenile delinquency and promote positive youth development must consider the impact of domestic violence, abuse, and neglect on a child's development and respond to the interplay between these factors.

—The Bush budget slashes discretionary spending on state and local law enforcement assistance by $1 billion. Specifically, funding of the Edward Byrne Memorial state and local law enforcement program is reduced.

My package includes legislation that would expand discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program by $31 million. Contrary to popular perception, the vast majority of children involved in the juvenile justice system are non-violent offenders. Less than 10 percent of young people who come in contact with the juvenile justice system are serious, habitual, violent offenders. The challenge with all juvenile offenders—both violent and non-violent—is to determine what leads children to make bad choices, to identify those children at high risk for serious delinquent or risky behavior, and to provide appropriate interventions. A 1998 study suggests that the lifetime cost associated with a child who drops out of high school and enters the criminal justice system can reach $1.5 million.

The Bush budget freezes funds for the 21st Century Community Learning Centers after school program at the fiscal year 2002 level.

Furthermore, the Bush budget eliminates a $60 million grant program to the Boys and Girls Clubs of America to operate clubhouses in public housing projects and high-crime areas in cooperation with local police.

My legislation would also expand after school crime prevention programs by providing matching grant funds to private and public programs involved in effective after school juvenile crime prevention. According to the U.S. Census Bureau, nearly 7 million children are left home alone after school each week. It has been well-documented that after school programs help to curb delinquent behavior when it most frequently occurs—between the hours of 3 p.m and 6 p.m. However, these programs do more than just make communities safer, they also help to ensure positive youth development. Youths who participate in after-school and youth development programs are less likely to use drugs, drink alcohol, or become sexually active, and are more likely to have stronger interpersonal skills, higher academic achievement, and healthier relationships with others. Quality after-school programs also have a lasting impact on children's attitudes, values, and skills.

My Youth Violence Prevention Package is designed to prevent youth from turning to violence by supporting prevention efforts, crisis intervention and support services and limiting opportunities for troubled kids to obtain firearms. I ask my colleagues to support this legislative package and to continue efforts to provide needed funds for these critical programs.

We all must work together to protect children and ensure their healthy development.

IN HONOR OF UNITED SERVICE ORGANIZATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the United Service Organization for 60 years of service to be celebrated on May 19, 2001 at the USO Military Ball.

The USO, created in 1941 as a merger among six private organizations, began serving to handle the on-leave recreation needs for the members of the Armed Forces. By 1944, USOs were found in over 3,000 locations nationwide. Early on, the entertainment industry supported the USO in beginning the "Camp Shows" with the entertainers waiving pay and working conditions to bring live entertainment to the troops at US bases in America.

After WWII, the USO also provided entertainment for service men and women internationally, opening up service in North Korea, Vietnam and Thailand. During the 1970s, outreach programs increased as did the number of military families worldwide. Since this time, the USO was signed into law as a United States Charter.

Most recently, the USO has provided services in Saudi Arabia, Dubai, Bahrain, Somalia, Bosnia and Hungary. The USO's commitment to be a link to our service men and women continues world wide with the same determination and dedication which first created this organization. My dear colleagues, please join me in celebrating the 60th Anniversary of the United Service Organization.

RECOGNIZING PRESIDENT CHEN SHUI-BIAN'S SUCCESSFUL FIRST YEAR

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. SCARBOROUGH. Mr. Speaker, little more than one year ago, Mr. Chen Shui-bian became the tenth President of the Republic of China. During the first twelve months of President Chen's administration, he sustained the hallmark political and economic reforms that position Taiwan among the most democratic and prosperous places in Asia.

President Chen demonstrated sincerity when seeking meaningful dialogues with his counterparts in the People's Republic of China, and worked hard to maintain peace and stability in the Taiwan Strait. Today, President Chen hopes to improve Taiwan's situation within the global community, and I support his efforts. In the end, his persistence will yield great rewards.

For these reasons, Mr. Speaker, I sincerely congratulate President Chen Shui-bian on a successful first year. As we look forward to an even brighter future, I encourage him to keep up the good work.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. ABERCROMBIE. Mr. Speaker, on Monday, May 21 and Tuesday, May 22 I was unavoidably not able to be present for votes on Roll Call numbers 126 through 134. Had I been present, I would have voted:

Rollcall 126: National Pearl Harbor Remembrance Day, "yea".

Rollcall 127: H.R. 1185, Extension of Section 245(i) of the Immigration Act, "yea".

Rollcall 128: Capps amendment to H.R. 1, "yea".

Rollcall 129: Graves amendment to H.R. 1, "yea".

Rollcall 130: Hoekstra amendment to H.R. 1, "yea".

Rollcall 131: Dunn amendment to H.R. 1, "yea".

Rollcall 132: Tiberi amendment to H.R. 1, "no".

Rollcall 133: Vitter amendment to H.R. 1, "yea".

Rollcall 134: Passage of H.R. 1831, Relief for Small Businesses Under the Comprehensive Environmental Response, Compensation and Liability Act, "yea".

HONORING THE NEWARK BOYS CHORUS SCHOOL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. PAYNE. Mr. Speaker, tonight the Kennedy Center will feature as part of its Millennium Stage State Days series a very talented group of students from the Tenth Congressional District of New Jersey whom I was privileged to nominate, the Newark Boys Chorus School. I am so proud of these outstanding young performing artists who have traveled to Washington to share their gift of song at one of America's most prestigious theaters.

Known as Newark's "Finest Ambassadors," The Newark Boys Chorus has been heard throughout the world. The chorus has performed with the Baltimore Symphony Orchestra, the American Symphony Orchestra, the Cathedral Symphony and the New Jersey Symphony Orchestra. Locations where they have performed include the Lincoln Center, the New Jersey Performing Arts Center, Carnegie Hall and the White House. With over forty concerts each season, television appearances, tours to Japan, Italy, China, Czechoslovakia, Australia, New Zealand and South Africa, the boys have become symbols of Newark's renaissance. The chorus sings for CEOs, Governors and Mayors; they sing in corporate settings, in country clubs and concert halls. They visit museums and libraries, attend plays and symphonies and engage in recreational activities such as skiing, hiking and swimming.

Training for the Chorus School requires hard work and discipline as the boys continue to maintain academic excellence. These outstanding students are sought after by such selective secondary schools as Blair Academy, Peddie, Milton Academy, Pingry School, St. George's, Seton Hall Prep and Science High. The school encourages these students from Newark neighborhoods to reach for the stars. Not only are they outstanding students and performers, they learn to be good citizens with a respect for their community and their environment.

Mr. Speaker, these outstanding youngsters represent the best and brightest of a new generation. Please join me in honoring them as they make their debut at the Kennedy Center.

HONORING THE LATE SGT. CHRISTOPHER RYAN LAIR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. McINNIS. Mr. Speaker, on May 18, 2001 Sergeant Christopher Ryan Lair of Parachute, Colorado died before his time. The 22-year-old Marine died in a civilian aircraft near San Diego, California. I stand before Congress to ask that we all pause a moment in honor of Sgt. Lair.

Chris was born in Wheatridge, Colorado in 1979. Chris and his family moved to Parachute, where he graduated from Grand Valley High School in 1997. After graduation, he enlisted in the U.S. Marine Corps. He was stationed at Camp Pendelton, California, where he was Crew Chief in VMLA-169, a Huey/Cobra helicopter squadron.

On May 1, 2001, Chris was promoted to the rank of Sergeant. During his enlistment, Chris had been awarded the Good Conduct Medal, the Humanitarian Service Medal, the Sea Service Deployment Medal, and the Navy Achievement Medal.

Flying was his greatest joy. He grew up around airports as his parents owned and operated an avionics shop at Garfield County Airport. He received his pilot's license at the age of 18 and completed his multi-engine certificate in May 2001. He flew every opportunity he had and his goal was to become a commercial pilot after serving in the military.

Mr. Speaker, Sgt. Christopher Lair was truly one of our 'few good men'. It's a tragedy that he died so young and at something he loved to do. I ask that Congress pause a moment to honor him and thank him for his service to our country.

IN HONOR OF THE SISTERS SERVANTS OF MARY IMMACULATE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor The Sisters Servants of Mary Immaculate on the 25th anniversary of its Ministry to the Aged in the Diocese of Cleveland on this 26th day of May.

Though the Sisters Servants of Mary Immaculate came to Cleveland in 1976, they were founded over 100 years ago in Poland. The Sisters were founded on the principles of apostolic works and have given their time selflessly to the sick, aged, forgotten, and lonely. Their ministry eventually expanded to the United States, and a headquarters was built in Maryland where the Sisters established and managed a home for the sick and elderly.

After arrival in Cleveland, the Sisters quickly clarified their purpose and mission: to minister to the spiritual needs of the elderly of the Polish families and their corporal needs as far as possible; and to educate the families and the community to understand the needs of the elderly and to recognize their respective responsibilities to the elderly.

The Sisters have done just that and so much more. The Sisters current work is their Special Ministry to the Aged under the auspices of Catholic Charities. This ministry provides and arranges for basic human needs such as food, shelter, health care, and social services. The ministry is staffed by five sisters with professional backgrounds in nursing, social work, and occupational therapy, 24 hours a day. The Sisters have also developed a "Phone Companion Reassurance Program" where volunteers are trained and connected to homebound elderly who have little or no family support.

The Sisters have served Cleveland selflessly and are an incredible asset to the entire community. They have come to serve and be a presence to many poor and frail elderly. Please join me in honoring the Sisters Servants of Mary Immaculate on this very special occasion.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my district on Monday, May 21, 2001, and I would like the RECORD to indicate how I would have voted had I been present.

For rollcall vote No. 126, the resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day, I would have voted "yea".

For rollcall vote No. 127, the Section 245(i) Extension Act, I would have voted "yea".

HONORING A MAN OF GREAT ABILITY JAMES E. HAUN—AN EXEMPLARY LIFE AND MAN

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. WAMP. Mr. Speaker, I rise to talk about an exceptional man in my district, James E. Haun. Jim has served as an electrician for 40 years, with unwavering dedication. Throughout his outstanding career, Jim has demonstrated remarkable ability not only to perform the duties of an electrician but also to motivate others to reach their potential, winning the unbridled respect and admiration of his peers and superiors. He was born in Harriman, Tennessee on November 16, 1935 and moved his family to Oak Ridge, Tennessee where he graduated from the Oak Ridge High School in 1955. He enlisted in the United States Air Force following graduation and served four years as a jet engine technician. He also served a tour of duty in French Morocco.

Following his discharge, Jim decided to enter the electrical field. Terrell Electric hired him in September of 1959, as an Electrician's Helper. Jim became a member of the International Brotherhood of Electrical Workers (IBEW) Local 175 located in my district. He served a five-year apprenticeship and graduated as an Inside Wireman in 1966. Because of his outstanding abilities, he was offered a position as a 2nd Year Instructor with the Apprenticeship School and he remained in that position until he accepted the position of School Training Director in 1992. Jim has served Local 175 in many capacities including the title of Treasurer from January 1992 to October 1992 and held membership on the I.B.E.W. Credit Union Committee.

Jim's dedication to his family, country, community and his profession is exemplary of the type of character and spirit he possesses. He is truly a remarkable man. I am very honored to represent Jim Haun in the Third Congressional District of Tennessee.

Mr. Speaker, I am honoring Jim Haun today in honor of his retirement from a full life well lived. On behalf of a very proud district, I extend to him my very best wishes for continued success in his future endeavors.

HONORING THE ARNOLD ENGINEERING DEVELOPMENT CENTER ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HILLEARY. Mr. Speaker, I rise today in honor of the United States Air Force's Arnold Engineering Development Center at Arnold Air Force Base, Tennessee, which celebrates its 50th Anniversary on June 25, 2001.

The test center is named after 5-star General Henry 'Hap' Arnold, World War II commander of the Army Air Corps, and the father of the United States Air Force. In 1944, General Arnold asked Dr. Theodore von Karman to form a scientific advisory group to chart a long-range research and development program for the Air Force. After World War II, members of this group visited Germany to view its research and development facilities. They were disturbed to find that the German scientists were years ahead of the United States in the development of aerospace technology. Fortunately for us, Germany had made these technological advances too late in the war, and had to surrender before it could take full advantage of them. Even today, it is chilling to think what might have happened if the Axis powers had been able to hold out just a little longer.

General Arnold knew that America was unlikely to be that fortunate again, and determined that in order to keep America's Air Force prepared to fight and win our nation's wars, we needed a first class flight simulation test facility. In 1949, Congress authorized $100 million for the construction of such a facility at the Army's old Camp Forrest between Tullahoma and Manchester, Tennessee. On June 25, 1951, President Harry S Truman himself dedicated AEDC, declaring that, "Never again will the United States ride the coat tails of other countries in the progress and development of the aeronautical art."

In the 50 years since, the world's largest and most complex collection of flight simulation test facilities has made good on that promise, AEDC's wind tunnels, jet and rocket altitude test cells, space chambers and ballistic ranges have played a vital role in the development and sustainment of every American high performance aircraft, missile and space system in use today. Twenty-seven of the center's 58 test facilities are unique in the United States. Fourteen can be found nowhere else in the world. But what makes AEDC special can't be measured simply in nuts and bolts. It also lies in the unsurpassed quality of the engineers, scientists, technicians, craftsmen and support personnel who work there.

Thanks in part to the tireless efforts of these dedicated men and women, the Cold War that President Truman and General Arnold prepared for has been won. But now, America faces an uncertain world of emerging threats, requiring the development of an advanced American space and missile defense, and a new generation of manned and unmanned aircraft. As it has since its inception, AEDC will lead the way in the U.S. Air Force's efforts to protect American liberty by remaining the world's preeminent aerospace power.

I salute the hard work of the men and women of AEDC, both past and present, and look forward to AEDC's next 50 years as America's premier flight simulation test facility.

TRIBUTE TO CHARLES FRANCIS FITE

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. DOOLITTLE. Mr. Speaker, today I wish to recognize and honor the life of Mr. Charles Francis Fite of Fair Oaks, California. I was blessed to have known Charlie for a number of years, and am truly grateful to have counted him a friend. Charlie Fite passed away on May 10, 2001, at the age of 89—leaving behind his loving wife of nearly 70 years, Hazel, two children, five grandchildren, and eleven great-grandchildren.

Born in Paris, Arkansas, Charles Fite's life is a shining example of the American dream. As a young man, Mr. Fite toiled in the coalmines of northwestern Arkansas and contributed to the war effort as a master electrician in the naval shipyards of Long Beach. Later, Mr. Fite immersed himself in the world of finance and banking. Mr. Fite was instrumental in the founding of the world's first fast food franchise, Dairy Queen, where he served as president.

After retiring from Dairy Queen, he and Hazel moved to the Sacramento area in 1969. In 1970, he and his son Bruce entered into real estate development along with grandson, Chet Fite. In 1980, he founded HCF, Inc., and continued real estate development with his daughter, Barbara, and grandson, Greg Hardcastle.

Charlie's work has left an indelible mark on the Sacramento area and has been instrumental in the region's development and positive growth. The business enterprises and projects for which Charlie is responsible are too numerous to name, but one of his more recognizable projects is the Sacramento Sportsplex on Highway 50.

Charlie Fite's accomplishments are many and great, but his life could never be defined by business acumen alone. Instead, Charlie will be remembered most for his honesty, integrity, and generosity. He will be revered and honored not for what he made for himself but for what he selflessly gave to others. Charles Fite was not simply a boss, he was a mentor; he was not just a father, he was a dad. His motto always was, "It's not a good deal unless it's a good deal for everybody." Charlie was a man of great inspiration, and he had an innate ability to lift those up who were around him.

Charles was also a man of deep Christian faith. He helped found Warehouse Christian Ministries and served on the board of Capital Christian Center. Charlie Fite both professed and lived his Christian faith. He was a compassionate and a wise friend whose life will be cherished and remembered by generations yet unborn. He will be profoundly missed, but he certainly will not be forgotten.

May you rest in peace, Charlie.

HISTORY OF THE WEST PALM BEACH VETERANS ADMINISTRATION MEDICAL CENTER

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. MICA. Mr. Speaker, the West Palm Beach Department of Veterans Affairs Medical Center in Florida was inspired by the life, military service and death of Pfc. John Mica. Army Corpsman Mica was born on April 3, 1915 in Binghamton, NY, served as a private in the U.S. Army from 1943–44, and died July 16, 1972 in a crowded veterans hospital in Miami, Florida.

Because of the circumstances of John Mica's death in that veterans facility, which was strained to capacity, his son Daniel A. Mica made construction of a new South Florida veterans hospital one of his goals when elected to the U.S. Congress. From 1978 to 1988, Congressman Daniel Mica, a member of the House Veterans Committee, cited the need for additional veterans medical facilities in Florida at every meeting of that Congressional panel over the decade of his service.

Congressman Daniel Mica, on February 8, 1983 during the 98th Congress, introduced H.R. 1348, "A bill to construct a new Veterans Administration hospital in the State of Florida." Construction of the Palm Beach County Veterans' Hospital was completed in 1994.

This history has been submitted into the CONGRESSIONAL RECORD by Congressman JOHN L. MICA in memory of his father, Pfc. John Mica, and also in recognition of his brother Daniel's contribution to the veterans of the State of Florida.

MINI OLYMPICS A CREDIT TO MOUNT CARMEL AREA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the participants and volunteers in the Mount Carmel Mini Olympics for People with Special Needs, which has grown in each of its seven years. This year's Mini Olympics will be held on June 2.

Last year, I had the opportunity to witness first-hand the dedication of the athletes and the generosity of the many volunteers who make this event possible.

A group of friends initiated the Mini Olympics to allow local special needs athletes the opportunity to participate that might not otherwise be possible due to the travel distance, lodging expenses and commitment of time that are sometimes necessary for the state or national Special Olympics. Building on that success, the Mini Olympics have become an annual event. The number of participants has grown from 44 at the beginning to 184 last year.

Led by Chairman Ron Tanney, the Mount Carmel Mini Olympics for People with Special Needs Committee organizes this inspiring event with the help of many volunteers and community donors too numerous to list them all here.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives this extraordinary event and the people who make the Mini Olympics possible, and I wish them all the best as they continue with their many endeavors.

I would now like to insert for the record an editorial from the Shamokin News-Item commending the volunteers and participants in last year's Mini-Olympics, words which I am sure will apply equally well this year.

TWO 'CLASS' EVENTS THAT MAKE US PROUD

[Shamokin News-Item Editorial, June 6, 2000]

Two annual events, both held this past weekend, show the class of area volunteers and the generosity of our area's residents.

The two events, of course, are the Mount Carmel Mini-Olympics for People with Special Needs and the Relay for Life sponsored by the American Cancer Society.

Seldom do we witness the level of unselfishness and the concern for fellow human beings that is so apparent at these two programs.

This was the sixth annual Mini-Olympics and the program keeps getting better every year. Thanks to a cadre of dedicated volunteers who plan the day out of love, those who help out at the events and the generous businesses, individuals, organizations and government officials who support it, the Mini-Olympics is a high point in the lives of the participants and their families. Indeed, the lives of all who are in the stadium are enriched because of the Mini-Olympics. It is truly a celebration of life.

So too is the annual Relay for Life, in which people throughout the region join forces to fight a terrible killer and give moral support to those who fought their own personal fights and to the families of those whose personal battles are over. The camaraderie and unity of purpose exhibited by Relay teams should serve as an inspiration for those of us who make the mistake of trying to "go it alone" in tough times.

When cynics claim that this area is "dying," we need only point to the Mini-Olympics and the Relay for Life, events which affirm our love for life and our commitment to each other. These are events that should make us proud to be residents of the Shamokin-Mount Carmel area.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 24, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 5

9:30 a.m.
Armed Services
To hold hearings on the nomination of Douglas Jay Feith, of Maryland, to be Under Secretary of Defense for Policy; and the nomination of Jack Dyer Crouch, II, of Missouri, to be an Assistant Secretary of Defense.
Room to be announced

JUNE 6

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.
SD–138

Judiciary
To hold hearings to examine the legal issues surrounding faith based solutions.
SD–226

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

JUNE 14

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the implementation of the Recreation Fee Demonstration Program and to examine efforts to extend or make the program permanent.
SD–354

JUNE 15

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the growing problem of cross border fraud, which poses a threat to all American consumers but disproportionately affects the elderly. The focus will be on the state of binational U.S.-Canadian law enforcement coordination and cooperation and will explore what steps can be taken to fight such crime in the future.
SD–342

Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD–138

POSTPONEMENTS

JUNE 6

10 a.m.
Judiciary
To hold hearings to examine the legal issues surrounding faith based solutions.
SD–226

HOUSE OF REPRESENTATIVES—*Thursday, May 24, 2001*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You glory in Your people even more than the artisan or craftsman delights in the work of their hands. More than a parent takes joy in the graduation of a son or daughter, do You glory in us as Your children.

May we in turn prove worthy of Your love and attention by listening and caring for one another and the generation to come. May this House and this Nation prove truly responsive to present needs and responsible for future results. Guide us by the spirit of freedom so that we may prove to be Your model for other nations.

We call out to the world to rejoice with us and to learn from us.

O praise the Lord, all you nations; acclaim Him, all you peoples. Strong is His love for us; He is faithful forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I; I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Dakota (Mr. POMEROY) come forward and lead the House in the Pledge of Allegiance.

Mr. POMEROY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONGRATULATIONS TO ELLEN KEMPLER ON HER SELECTION FOR INDUCTION INTO NATIONAL TEACHERS HALL OF FAME

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to congratulate Ms. Ellen Kempler, a teacher at MAST Academy in my congressional district, who was one of five exceptional educators recently inducted into the 2001 National Teachers Hall of Fame.

As a former teacher, I know that no reward is greater than impacting the lives of students.

It is evident that Ms. Kempler has been an inspiration to her students. As one student stated, she has the gift of finding talent and academic strength in every student and inspires them to express it in a positive way.

Ms. Kempler, presently a 9th grade English and a 12th grade ethics and leadership teacher, is committed to excellence in education. She states, "Life is a huge relay race. I am alive and carrying the baton now. The future depends on me as surely as my generation depended on our teachers and their teachers and their teachers."

Ms. Kempler is an exemplary educator and a role model whom her students should hope to emulate. I ask that my congressional colleagues join me in commending Ms. Ellen Kempler for her success and for having been selected for induction into the National Teachers Hall of Fame.

A COMMITMENT TO ONE PERSON, ONE VOTE

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Speaker, some people believe election reform is a dead issue, but I stand here today to state that it is alive and I have taken the first step. I have taken the first step in recognizing that during the 2000 presidential election, the principle of one person, one vote was abandoned, resulting in the disenfranchisement of thousands of citizens. I have taken a first step in recognizing that our current doctrines and laws, namely our Constitution and the Voting Rights Act, provide guarantees against many of the discriminatory violations that occurred during the election. I have taken the first step, Mr. Speaker, by introducing a resolution, H. Res. 139, which confirms this body's commitment to these doctrines and calls for their vigorous enforcement.

What better way to restore the American people's faith in government and the principle of one person, one vote than to confirm our commitment to our current laws as a foundation to election reform. This is the first step.

I urge my colleagues to take the first step with me. Cosponsor H. Res. 139 and confirm their commitment to the principle of one person, one vote.

MEMORIAL DAY MEMORIAL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this week we will be returning back to our home districts for the Memorial Day District Work Period. Today I wanted to take this opportunity to thank those men and women for whom we celebrate Memorial Day every year. Most other national holidays would have no meaning if it were not for the sacrifices we honor on Memorial Day. This day of recognition represents why so many sons and daughters of our land and other lands have dreamed of being Americans. No other nation has sacrificed so much to secure not only its freedom but that of other nations.

We honor those who made the ultimate sacrifice for freedom, not only out of respect and gratitude but because heroes will always be needed and treasured. Younger generations need to know the price our heroes have paid, and the souls of those who have paid that price need to know it was not made in vain.

Mr. Speaker, I proudly salute our heroes.

OUR TRADE PROGRAM BEARS THE LABEL, MADE IN CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China is now taking $100 billion in trade surplus from America. Even our trade program bears the label, made in China. What is even worse, China considers America the enemy and China actually held Americans hostage. Now if that is not enough to scare Freddy Krueger, recent reports say China illegally bought U.S. microchips to build new

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

missiles and to aim them at the United States of America.

Mr. Speaker, beam me up. The American taxpayers are funding World War III, so help me God.

I yield back the fact that the nature of a dragon is not to negotiate with its prey. The nature of a dragon is to kill its prey.

FEDERAL EMPLOYEES WHO USE WORK COMPUTERS TO VISIT SEX SITES, GAMBLE, TRADE STOCKS AND VISIT CHAT ROOMS ARE UNDERWORKED, OVERPAID AND SHOULD BE FIRED

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, a few days ago a front page story in the Washington Times reported that IRS employees used about half their on-line time at work to visit sex sites, gamble, trade stocks and visit chat rooms. I know that people say it is dangerous to criticize the IRS, but this is ridiculous.

This article by the Scripps Howard News Service did not come from some enemy of the IRS. This report came from the office of the IRS's own inspector general. No wonder we read that almost half the advice the IRS itself gives out is wrong.

There is no good reason why our Federal Tax Code should be nearly as complicated, convoluted and confusing as it is. For years, liberal elitists have cried, take the politics out of everything, and the people have lost control over their own government.

Federal bureaucrats know they can get away with almost anything, but Federal employees who use work computers to visit sex sites, gamble, trade stocks and visit chat rooms are underworked, overpaid and should be fired.

CALIFORNIA ENERGY CRISIS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise this morning in outrage, outrage that the White House is working on a tax cut for the wealthiest people in this Nation, while my constituents in Marin and Sonoma Counties in California are still dealing with rolling blackouts and skyrocketing energy bills; while the greedy power companies are raking in record profits.

The White House can and must take action and they must protect California consumers from runaway prices, but despite repeated and urgent requests from the Democratic California delegation, President Bush refuses to order FERC to impose wholesale cost-based rates in California and the western region.

With two oilmen in the White House, it is no surprise that this administration has not turned their back in the direction of the consumer, has instead turned their back on the consumer by siding with the oil special interests.

This is not acceptable. It sets a precedent nationwide and not only threatens California's economy but also threatens our Nation's economy.

MEMORIAL DAY TRIBUTE TO MEN AND WOMEN IN U.S. ARMED FORCES

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in observance of the upcoming Memorial Day holiday to pay tribute to the men and women of the U.S. armed services. For the past 226 years, our military forces have repeatedly answered the Nation's call to protect the freedom we all cherish today.

During our Nation's formative years, brave Americans fought to win freedom for all. World Wars I and II, Korea, Vietnam and the Persian Gulf saw new generations of dedicated men and women fight to preserve the hard-earned freedom for our Nation and our allies abroad. Today Americans around the world enjoy the security that comes from knowing their freedom is protected by those currently serving in the U.S. Armed Forces.

Mr. Speaker, it is with great pride that I stand and recognize the honor, courage and commitment that has defined the men and women of our Nation's Armed Forces and to thank those who sacrificed their lives to ensure that future generations may enjoy the blessings of freedom.

WE NOW KNOW WHO IS IN CONTROL HERE IN WASHINGTON

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, we now know who is in control here in Washington, D.C. In the House, the Republicans are in control. In the Senate, the Democrats are in control. In the White House, the oil and gas industry is in control.

The fact that this line came from a famous talk show host does not mean it is any less true because while wholesale electrical rates from the energy industry have gone up 500 to 1,000 percent on the west coast, while my constituents' energy costs have doubled, this White House has done nothing, absolutely nothing, to help the energy crisis in the short-term in the Western United States.

This White House should listen to the people they ought to be working for, the people whose hard-earned money is going to these energy costs. I will say, every single dollar any American may get from this tax cut in the next 2 years, I will say exactly where it is going, it is going to the energy costs and enormous spikes in these costs that this White House is doing nothing about.

We call on this President to adopt a cost-based system. We call on this President to not sit on his hands. We call on him to do something with FERC.

H.R. 1954, THE ILSA EXTENSION ACT OF 2001

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, yesterday along with 200 of my congressional colleagues, I introduced H.R. 1954, the ILSA Extension Act of 2001, which extends the provisions of the Iran-Libya Sanctions Act for an additional 5 years.

This measure is aimed at dissuading foreign companies from investing in Iran and Libya and does not affect any of our American companies. In Iran, we are confronted with a regime which continues to threaten the national security of the United States and the destruction of Israel. The Libyan government has failed to take responsibility for its actions in a terrorist attack in bringing down Pan Am Flight 103, killing Americans, British and others. ILSA has been effective in slowing down any investment in Iran and in Libya. The ILSA Extension Act will enable our Nation to continue our efforts to pressure Iran and Libya to conform to acceptable standards of behavior within the international community. I invite our colleagues to join us in this important issue.

REAL TAX RELIEF IS NEEDED

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, House and Senate conferees are grinding away on a massive budget reconciliation act, rushing to try and complete business before we leave for the Memorial Day recess.

I believe there are three questions we can appropriately raise about the tax relief proposed in this act. Is it fair? Is it timely? Does it allow for other priorities?

First, is it fair? In the Senate version, the top 1 percent of wage earners in this country get 35 percent of the relief. The top 10 percent, most affluent 10 percent, get half, 54 percent, of the relief. The lowest paid 40 percent of us in this country get 7 percent under this tax bill. The bottom 20 percent get a single percent of the relief.

□ 1015

Is it timely? It is not phased in for years. The phase-in on the marriage penalty relief does not even begin until 4 years from now. That is not marriage penalty relief, that is a distant anniversary present, much less than is represented in the tax bill.

Finally, is there room for other priorities? There is not a dollar of additional defense spending as soon to be recommended by the Secretary of Defense contained in this budget. It raises the prospect that we will be raiding the trust funds, and the tax bill should be defeated.

ENERGY CRISIS IN CALIFORNIA

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, my colleagues on the other side spoke about the California energy problem. There is a desperate problem in California and all over the West Coast.

However, I want to tell my colleagues, special interests have kept us from building power plants in the State of California for over 20 years. While our population growth has increased, our ability to produce our own power has reduced. They have stopped nuclear power, they have stopped new generating power, and now we are facing the biggest crisis in decades. At a time when most of our power generators in California were forced to be outside the State because of these special interest groups, Governor Gray Davis, exercised no responsibility for the newly deregulated energy market place, and that put us in the situation we are in right now, especially for San Diego, because San Diego Gas & Electric is a private industry and cannot buy inexpensive public power.

There were two natural gas power generators, two different types, built to be environmentally safe. The President offered to help Gray Davis obtain these generators. Gov. Davis said, we do not need them. Another company upgraded its energy plant and went to get the operating license from Gray Davis, our governor said, if you unionize this plant, I will give you your license.

The biggest problem we face in California is the governor of California, he has failed us in his handling of this energy crisis.

CALIFORNIA NEEDS IMMEDIATE RELIEF FROM ENERGY COSTS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, as a representative from the great State of California, I have to tell my colleagues that my constituents are angry. We have had to sit through blackouts; we have had to see the increase in our gasoline prices, and a loaf of bread, by the way, has gone up as well. People are suffering. They are crying out for this government, for FERC to do something, the Federal Energy Regulatory Commission. We are waiting for their action. We are not seeing anything.

Last year, California had to pay $30 per megawatt hour. This time, it is almost $2,000 an hour. People in my district whose average income is about $31,000 cannot afford to live through this summer. We need immediate action; we need relief. We do not want to see drilling. We want to see clean water, we want to see our energy restored. We do not have a problem with the supply, as was stated earlier by my colleague. What we see here in California is the very fact that energy producers from out of State, from Texas, who are now making these policy decisions on energy, are the ones that are robbing our consumers in California.

I ask for my colleagues to vote down this proposal on energy and also this infamous tax cut that will not benefit the residents in my district.

SAY NO TO BIG OIL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, America's families are struggling with high energy costs, but the Bush administration is more interested in catering to the needs of big oil and energy companies, rather than helping the working- and middle-class families that need their relief now.

We need long-term solutions that encourage exploration, increase refining capacity, and help Americans conserve energy. But, in the short term, we need to aggressively protect consumers, investigate price fixing, and consider releasing oil from the Strategic Petroleum Reserve to moderate the effects of price spikes. The administration has rejected these options out of hand.

What is their solution? What does the President say? Drill in the Arctic National Reserve and relax clean water and air standards.

Last week, the President suggested that his tax cut will solve the energy crisis, a bizarre and a disconnected idea. That hard-earned refund, my friends, should not go into the pockets of the energy executives who are already making outrageous profits at the expense of hard-pressed American families.

I call on the President to say "no" to his big oil and big energy friends. Say "yes" to America's families that need help with rising gas and energy prices.

POLITICS AND THE ENERGY CRISIS

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, a short while ago Senator JIM JEFFORDS announced he was changing his registration to be an Independent and not be a Republican anymore and, in that statement, he also talked about the differences of opinion he has with the administration in regards to energy and the environment.

I first want to say how pleased I am with Senator JEFFORDS' decision and how well regarded he is as someone who is very thoughtful and fair and very much a public servant, and with the public interests in mind. We in New England appreciate that.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all Members that debate in the House may not include personal references to Senators. The gentleman may proceed.

Mr. BALDACCI. Mr. Speaker, we recognize that the interest of the public have not been represented.

If we look at this proposal that has been put forward by the administration where it talks about just the supply, it talks about drilling in the Arctic National Wildlife Refuge. Had this Congress and the leadership in this House not earmarked out raising the fuel efficiency standards, we would not need to be doing that drilling, because we would be getting twice as much oil out of the fuel efficiency and out of the savings we would have gotten from conservation. This administration has eliminated the scientific research and development so that we could be able to better generate more energy efficiency, both in our automobiles and vehicles and in our manufacturing and small businesses.

We must reject this. It represents the special interests and not the public interest, and many public servants throughout this country are signing on.

TAX CUT EATS UP ENERGY COSTS

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, President Bush and Vice President CHENEY have turned their backs on the people of California. What we need them to do is to step up to the plate and swing the bat.

Millions are suffering because of their indifference, their protection of oil big businesses versus the people of California. We need to protect our consumers. Instead of making out-of-State generators play fair, they are letting them lead America.

We are hemorrhaging. Our seniors should not have to choose between electricity and food. Our schools and factories should not have to suffer or close their doors.

This is about children in San Bernardino crosswalks. This is about protecting jobs, having the lights turned on. This is about working families. This is about individuals who are suffering because President Bush has failed to take on the responsibilities.

It was said earlier that it was Governor Gray Davis. No, deregulation was started by Pete Wilson who actually had the State of California deregulate. We are suffering because the Republican Party thought there would be enough energy. We do not have the energy. We need the President to step up to the plate. A tax cut will not make up for the skyrocketing bills. Let us put on a price cap.

FUTURE HOLDS EXPLODING EXPENDITURES AND DEFICITS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, in 1981, we ushered in a decade of profligate spending and exploding deficits. In 1990, we passed a budget bill that was tough and it helped bring down those deficits and bring us a surplus. In 1993, we took another action which was tough and helped bring down those deficits and create the surpluses. In 1997, in a bipartisan way, we passed a bill that was tough and helped bring down deficits and create surpluses. We now wait on a conference report that will again, as we did 20 years ago, usher in a decade of exploding expenditures and exploding deficits. That is irresponsible.

We passed a personal bankruptcy bill that said we expected each citizen of America to be personally responsible. Mr. Speaker, it is equally important that we be collectively responsible and reject this bad policy for America.

PRESIDENT BUSH SHOULD STOP SUPPORTING BIG OIL AND SUPPORT THE AMERICAN PEOPLE

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeFAZIO. Mr. Speaker, the chairman of the Federal Energy Regulatory Commission, hand-picked by President George Bush, Mr. Hebert, has chosen to turn a blind eye toward the price gouging and market manipulation which is enriching a few huge energy companies, several of which happen to be based in Houston, Texas, at the expense of tens of millions of people in the Western United States.

It is not only Californians who are suffering. We are paying a higher average price in the wholesale market in Oregon and Washington than they are in California, and it is not necessary. It is manipulated.

Let us look at one company, Reliant Power. Profits up by 1,800 percent in one year. Is that not grand, from $27 million to $482 million. But on Sunday, the San Francisco Chronicle revealed that they are blatantly manipulating the market. They have phone lines between their traders and their trade rooms and their plant operators in California, and when the price of energy drops, they shut the plants off and turn the lights out.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DeFAZIO. And then when the price skyrockets, they turn them back on. They are destroying the plants, they are destroying the economy, and the Bush administration and their hand-picked chair of the Federal Energy Regulatory Commission are refusing to take the actions required under the law to stop unjust and unreasonable price gouging and market manipulation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DeFAZIO. It is past time for the Bush administration to stop supporting the energy companies and support the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would appreciate it if the Members would abide by the 1-minute time limit.

FERC MUST INSTITUTE PRICE CAPS

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, at a time when my home State of California and more and more States in this country are dealing with the most severe energy crisis in the past several decades, I believe it is really the height of irresponsibility to pass huge tax cuts for the very wealthy while, at the same time, not even providing any assistance in the budget for the Low-Income Home Energy Assistance Program. Also, cutting funding for renewable energy research and also neglecting to get a national energy policy in place to help consumers. This is the height of irresponsibility.

The LIHEAP program helps low-income Americans pay their utility bills. It is severely underfunded, so we must fight for an increase in LIHEAP funding this year for our senior citizens and our low-income residents.

Finally, this energy crisis has gotten so bad that many of our California State legislators and the city of Oakland have joined together to file a lawsuit to make sure that the Federal Energy Regulatory Commission establish just and reasonable prices. It is unconscionable that the price gouging continues to go on, and that our residents in California are going to face a very serious hot summer.

Mr. Speaker, we must move forward with price caps. We must insist that our Federal Government insist that the FERC do this, and we must do this right away.

BLIND CHOICES

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the spirit of Tiananmen Square, blind and extreme, has invaded decisions about energy policies in California. The same spirit of the tanks in Tiananmen Square has invaded the latest decisions with respect to Vieques in Puerto Rico. Both the Navy and a Federal judge are blindly pursuing a policy which rules out the choices of the people, refuses to recognize the choices of the people, and have resorted to measures like putting people in jail for 90 days.

One New York leader, Al Sharpton, has now been sentenced to 90 days in jail in Puerto Rico, and several other political leaders have been sentenced to 40 days in jail.

□ 1030

This kind of extremism will only make martyrs of people and also will call for an invasion of Vieques. The Navy does not need Vieques that badly. We should listen to the will of the people, not have a blind eye similar to the tanks that rolled over the will of the people at Tiananmen Square.

Mr. Speaker, judges have done enough harm also in this generation and should stop seeking their 15 minutes of fame. This judge is wrong. These sentences are wrong. Vieques should be set free.

RISE IN ENERGY PRICES

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I have been enjoying some of the rhetoric I have been hearing from some of my friends on the other side of the aisle today. Clearly, when it comes to a rise in energy prices, the policies of my friends on the left side of the aisle is very simple, and that is called pass the buck.

They talk about the California energy crisis. Who has been in charge in California? A Democratic governor, a Democratic State legislature. Who prevented the power plants from being built over the last decade? A Democratic governor, a Democratic State legislature.

Of course, we at the national level in Chicago are seeing over $2 gasoline. Why? Because a Democratic administration in the White House failed for 8 years to do anything about energy.

We have a new President that has been in office now for 4½ months, 5 months. He inherited clearly serious energy problems. He has now come forward with an energy proposal which deserves bipartisan support.

The bottom line is we need to conserve. We need to find new domestic sources, and we must reduce our independence on imported oil.

ENERGY CRISIS REQUIRES ACTION

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, we definitely have an energy crisis in this country. There is no question about it, and it is time for us to find a solution.

It does us no good to try to blame each other. The President and the Republicans put forth their energy policy last week. It calls for more production. We agree with that. It is a partial solution.

We know we are going to have to have increased production. I was disappointed that it did not call for increased production from the OPEC countries on the short term.

We are the greatest economic power on the face of the Earth. And if we can be held hostage by OPEC in this time, then we are not the greatest economic power on the face of the Earth; and we should recognize that and deal with it appropriately.

We know that conservation is the cheapest and quickest way to help our situation. We know that alternative energy sources are important and should be researched and developed as is appropriate. We know that the Federal Energy Regulatory Commission should do the responsible thing.

FREEDOM IS NOT FREE

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, like many Americans, I like to go around bragging about how we live in the freest and most open democracy on the face of the Earth, but freedom is not free.

We paid a tremendous price for it. I try not to let a day go by without remembering with gratitude all of those who, like my brother Bill, made the supreme sacrifice, to remember all of those who, like some of the people I am looking at in this Chamber right now, were willing to put their lives on the line for all that we hold dear.

As we approach Memorial Day in the year 2001, I am going to try to continue to keep my priorities straight and to do every day what I am doing this morning. I thank God for my life. I thank veterans for my way of life.

TRANSPORTATION CONGESTION

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, I would like to thank the gentleman from Alaska (Mr. YOUNG) for his diligent work this week in addressing the increasing problem of transportation congestion in our Nation.

As a Member of Congress who represents a suburban district that has experienced a great deal of growth, I see the importance of a well-maintained and modern transportation system on a daily basis.

The residents of the 10th Congressional District of Illinois consistently ranked transportation needs as one of the primary challenges facing our way of life. Our region is gripped by highway gridlock and exacerbated by continued outward expansion of residential and commercial properties.

Mr. Speaker, our Nation's transportation infrastructure is critical to our social and economic vitality. We must continue to improve local commuter rail lines that will bring thousands of automobiles off congested roadways.

It will also help us meet the mandates of the Clean Air Act; and, additionally, we need to invest in high-speed rail that will give an alternative to congested airports.

Mr. Speaker, I look forward to working with the gentleman from Alaska on this matter and thank him for the commitment this week to fighting congestion.

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8, rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 336, nays 71, answered "present" 1, not voting 24, as follows:

[Roll No. 147]

YEAS—336

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Latham
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez

Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stearns
Stump
Sununu
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn

NAYS—71

Aderholt
Baird
Baldacci
Bonior
Borski
Brady (PA)
Brown (OH)
Capuano
Condit
Costello
Crane
Crowley
DeFazio
Doggett
English
Filner
Gephardt
Green (TX)
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hilliard
Hinchey
Hoekstra
Hulshof
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Lee
Levin
LoBiondo
McDermott
McGovern
McNulty
Meeks (NY)
Miller, George
Mink
Moore
Neal
Oberstar
Olver
Pallone
Peterson (MN)
Phelps
Pomeroy
Ramstad
Rangel
Riley
Sabo
Schaffer
Schakowsky
Scott
Slaughter
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Turner
Udall (NM)
Visclosky
Waters
Weller

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—24

Becerra
Burton
Cubin
Diaz-Balart
Gillmor
Hall (OH)
Hinojosa
Jackson-Lee (TX)
Larson (CT)
LaTourette
Manzullo
McCrery
Meek (FL)
Menendez
Moakley
Murtha
Nadler
Nethercutt
Rahall
Souder
Velázquez
Wexler
Young (AK)
Young (FL)

□ 1058

Mr. MEEKS of New York changed his vote from "yea" to "nay."

Mr. McINNIS changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1100

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, this is to advise the Members of the schedule for the rest of the day and the remainder of the week.

Obviously, we are all very excited. We are very pleased about what we did in this Chamber last night with respect to the education of our children. We have an opportunity now, in the final moments of completing a conference report on a tax reduction that is anticipated by the whole Nation, for which we have a commitment by both bodies and the White House, to get that work done this weekend. The Members, of course, are anxious about their own plans with respect to their pending District Work Period time with their constituents and with their families. So let me tell you what I can tell you now.

We will soon be reconvening the conference between our body and the other body. It is, of course, all of our hopes that that can go smoothly and expeditiously, but one can never know. So as it is now, I will be returning to that conference, we will be keeping the Members as posted as we can, as timely as we have any information that might be helpful to you in making your plans. We will get that out to you through our whip notices or otherwise.

It would be my effort to come back to this floor at 5 o'clock with another update, so that at least if we do not have any definitive information before then, you can get some information at that time about what it is we hope to do. Members should be advised, I think as of now, definitely there will be no votes before 7 o'clock tonight. If things go well, it is possible we could return and complete the work on the tax bill this evening. If it is not done this evening, we will get that information to you as quickly as possible and then we would find ourselves looking for and hoping for a chance to complete the work tomorrow.

I would hope, as you all do, that we could do that tomorrow, but we have been through these things before and it is a very big bill. There are many Members in both bodies that have heartfelt interests in the bill. The conference could, in fact, take some time to work all those things out.

So what I would ask the Members to do is, one, be of good cheer. We are doing something important for the Nation. It is difficult, but we are called upon in this body at times to make difficult personal sacrifices.

We will go to the conference, commence with the conference, move as quickly as we can and keep you as well informed as possible. But I can say now you will not expect a vote in this Chamber before 7 o'clock. We will get you updated information by 5 o'clock and you ought to be prepared to remain.

Let me just make the point that it is very clearly the intention of this body and of the other body to not adjourn for the Memorial Day District Work Period until this work is done, the conference is completed in both bodies and sent to the President. So that could mean we would be here throughout the weekend. I do not believe it will come to that, but we obviously all need to be prepared for that possibility.

Mr. RANGEL. Mr. Speaker, will the distinguished majority leader yield?

Mr. ARMEY. I am happy to yield to the gentleman from New York.

Mr. RANGEL. When the majority leader refers to the conference, is he talking about the conference that the Speaker selected, you, me, and my chairman, to attend?

Mr. ARMEY. I believe, obviously, I am referring to the conference that was appointed in both bodies to consider the final disposition of the reduction in taxes.

Mr. RANGEL. Will the majority leader yield further?

Mr. ARMEY. I am happy to yield to the gentleman.

Mr. RANGEL. So when you are talking about the conference, that includes me?

Mr. ARMEY. I believe the gentleman from New York was appointed from the Chair just yesterday.

Mr. RANGEL. Will the majority leader yield further?

Mr. ARMEY. I am happy to yield to the gentleman from New York.

Mr. RANGEL. Then last night, the meeting that took place as relates to the Senate and House bill, we would not call that a conference, now, would we?

Mr. ARMEY. We would call that a meeting where we hoped to get things done. And, obviously, when it becomes time to complete the work, there will be, I am sure, some formal meeting of the conferees, their signatures will be attached, it will be announced to the body, and we will be happy to come back here and make our votes in favor of it and move on to go home and celebrate our good deeds with our constituents back home.

Mr. RANGEL. If the gentleman will yield further, I am just trying to clear up when we are having conferences with Republicans and when we are having conferences as designated by the Speaker, because since you do not intend to really tell us what is going on as a body until 5 o'clock, if the legislative conference is going to take place at 5 o'clock, then I would like to know while you have your conferences leading up to that.

Mr. ARMEY. I thank the gentleman for his comments.

Mr. RANGEL. Well, you did not answer, though.

RECESS

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LaHood) at 5 o'clock and 1 minute p.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–80) on the resolution (H. Res. 149) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–81) on the resolution (H. Res. 150) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, let me say, first of all, the discussions on the very important tax reduction bill that the Nation is so excited about are continuing.

Members should be advised, Mr. Speaker, that we would expect no votes on the floor of the House before 4 p.m. tomorrow. Members should be here ready to vote by 4 p.m. in the afternoon tomorrow.

Members should be prepared, when they present themselves here at 4 p.m., to remain here in town available for votes throughout the evening and throughout Saturday. Hopefully, it will not be necessary beyond that, but Members should return for those votes and be prepared to stay here in town to complete the work through the remainder of the day, the evening and through Saturday.

Mr. Speaker, I would encourage Members if they are planning on traveling at all, if they are planning on taking a short jaunt back home, and I hope they can, that they check with the Whip's office or with the cloakroom so that we are able to notify you.

In any event, we will be on the floor. We will be doing business at 4 p.m. tomorrow, and it is the intention of the House and the other body for us to then continue the work until it is completed in both bodies throughout whatever period of time after 4 p.m. tomorrow it takes to complete the work.

Mr. Speaker, I want to thank Members for their cooperation and, I might add, their good humor. These are difficult times. We all have important things we would like to do back home that we have been planning to do at home. We have, of course, time with our family that is so important to all of us.

The Members on this occasion are being called upon to do, as it were, extra, difficult work, extra, difficult hours, the reward being, of course, to all the tax-paying constituents in their district.

Mr. Speaker, I, for one, would like to just appreciate everybody for their good humor and their good work.

HOUR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Office of the Clerk,
House of Representatives,
Washington, DC, May 24, 2001.

Hon. J. Dennis Hastert,
Speaker, House of Representatives,
Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 24, 2001 at 2:58 p.m.

That the Senate passed with amendments H.R. 801.

With best wishes, I am

Sincerely,

Jeff Trandahl,
Clerk of the House.

VETERANS OPPORTUNITIES ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 801) to amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Veterans' Survivor Benefits Improvements Act of 2001".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.
Sec. 3. Eligibility for benefits under CHAMPVA for veterans' survivors who are eligible for hospital insurance benefits under the medicare program.
Sec. 4. Family coverage under Servicemembers' Group Life Insurance.
Sec. 5. Retroactive applicability of increase in maximum SGLI benefit for members dying in performance of duty on or after October 1, 2000.
Sec. 6. Expansion of outreach efforts to eligible dependents.
Sec. 7. Technical amendments to the Montgomery GI Bill statute.
Sec. 8. Miscellaneous technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. ELIGIBILITY FOR BENEFITS UNDER CHAMPVA FOR VETERANS' SURVIVORS WHO ARE ELIGIBLE FOR HOSPITAL INSURANCE BENEFITS UNDER THE MEDICARE PROGRAM.

Subsection (d) of section 1713 is amended to read as follows:

"(d)(1)(A) An individual otherwise eligible for medical care under this section who is also entitled to hospital insurance benefits under part A of the medicare program is eligible for medical care under this section only if the individual is also enrolled in the supplementary medical insurance program under part B of the medicare program.

"(B) The limitation in subparagraph (A) does not apply to an individual who—

"(i) has attained 65 years of age as of the date of the enactment of the Veterans' Survivor Benefits Improvements Act of 2001; and

"(ii) is not enrolled in the supplementary medical insurance program under part B of the medicare program as of that date.

"(2) Subject to paragraph (3), if an individual described in paragraph (1) receives medical care for which payment may be made under both this section and the medicare program, the amount payable for such medical care under this section shall be the amount by which (A) the costs for such medical care exceed (B) the sum of—

"(i) the amount payable for such medical care under the medicare program; and

"(ii) the total amount paid or payable for such medical care by third party payers other than the medicare program.

"(3) The amount payable under this subsection for medical care may not exceed the total amount that would be paid under subsection (b) if payment for such medical care were made solely under subsection (b).

"(4) In this paragraph:

"(A) The term 'medicare program' means the program of health insurance administered by

the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

''(B) The term 'third party' has the meaning given that term in section 1729(i)(3) of this title.''.

SEC. 4. FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) INSURABLE DEPENDENTS.—(1) Section 1965 is amended by adding at the end the following new paragraph:

''(10) The term 'insurable dependent', with respect to a member, means the following:

''(A) The member's spouse.

''(B) The member's child, as defined in the first sentence of section 101(4)(A) of this title.''.

(2) Section 101(4)(A) is amended in the matter preceding clause (i) by inserting ''(other than with respect to a child who is an insurable dependent under section 1965(10)(B) of such chapter)'' after ''except for purposes of chapter 19 of this title''.

(b) INSURANCE COVERAGE.—(1) Subsection (a) of section 1967 is amended to read as follows:

''(a)(1) Subject to an election under paragraph (2), any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure the following persons against death:

''(A) In the case of any member of a uniformed service on active duty (other than active duty for training)—

''(i) the member; and

''(ii) each insurable dependent of the member.

''(B) Any member of a uniformed service on active duty for training or inactive duty training scheduled in advance by competent authority.

''(C) In the case of any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title—

''(i) the member; and

''(ii) each insurable dependent of the member.

''(2)(A) A member may elect in writing not to be insured under this subchapter.

''(B) A member may elect in writing not to insure the member's spouse under this subchapter.

''(3)(A) Subject to subparagraphs (B) and (C), the amount for which a person is insured under this subchapter is as follows:

''(i) In the case of a member, $250,000.

''(ii) In the case of a member's spouse, $100,000.

''(iii) In the case of a member's child, $10,000.

''(B) A member may elect in writing to be insured or to insure the member's spouse in an amount less than the amount provided for under subparagraph (A). The member may not elect to insure the member's child in an amount less than $10,000. The amount of insurance so elected shall, in the case of a member or spouse, be evenly divisible by $10,000.

''(C) In no case may the amount of insurance coverage under this subsection of a member's spouse exceed the amount of insurance coverage of the member.

''(4)(A) An insurable dependent of a member is not insured under this chapter unless the member is insured under this subchapter.

''(B) An insurable dependent who is a child may not be insured at any time by the insurance coverage under this chapter of more than one member. If an insurable dependent who is a child is otherwise eligible to be insured by the coverage of more than one member under this chapter, the child shall be insured by the coverage of the member whose eligibility for insurance under this subchapter occurred first, except that if that member does not have legal custody of the child, the child shall be insured by the coverage of the member who has legal custody of the child.

''(5) The insurance shall be effective with respect to a member and the insurable dependents of the member on the latest of the following dates:

''(A) The first day of active duty or active duty for training.

''(B) The beginning of a period of inactive duty training scheduled in advance by competent authority.

''(C) The first day a member of the Ready Reserve meets the qualifications set forth in section 1965(5)(B) of this title.

''(D) The date certified by the Secretary to the Secretary concerned as the date Servicemembers' Group Life Insurance under this subchapter for the class or group concerned takes effect.

''(E) In the case of an insurable dependent who is a spouse, the date of marriage of the spouse to the member.

''(F) In the case of an insurable dependent who is a child, the date of birth of such child or, if the child is not the natural child of the member, the date on which the child acquires status as an insurable dependent of the member.''.

(2) Subsection (c) of such section is amended by striking the first sentence and inserting the following: ''If a person eligible for insurance under this subchapter is not so insured, or is insured for less than the maximum amount provided for the person under subparagraph (A) of subsection (a)(3), by reason of an election made by a member under subparagraph (B) of that subsection, the person may thereafter be insured under this subchapter in the maximum amount or any lesser amount elected as provided in such subparagraph (B) upon written application by the member, proof of good health of each person (other than a child) to be so insured, and compliance with such other terms and conditions as may be prescribed by the Secretary.''.

(c) TERMINATION OF COVERAGE.—(1) Subsection (a) of section 1968 is amended—

(A) in the matter preceding paragraph (1), by inserting ''and any insurance thereunder on any insurable dependent of such a member,'' after ''any insurance thereunder on any member of the uniformed services,''; and

(B) by adding at the end the following new paragraph:

''(5) With respect to an insurable dependent of the member, insurance under this subchapter shall cease—

''(A) 120 days after the date of an election made in writing by the member to terminate the coverage; or

''(B) on the earliest of—

''(i) 120 days after the date of the member's death;

''(ii) 120 days after the date of termination of the insurance on the member's life under this subchapter; or

''(iii) 120 days after the termination of the dependent's status as an insurable dependent of the member.''.

(2) Such subsection is further amended—

(A) in the matter preceding paragraph (1), by striking '', and such insurance shall cease—'' and inserting ''and such insurance shall cease as follows:'';

(B) by striking ''with'' after the paragraph designation in each of paragraphs (1), (2), (3), and (4) and inserting ''With'';

(C) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''thirty-one days—'' and inserting ''31 days, insurance under this subchapter shall cease—'';

(ii) in subparagraph (A)—

(I) by striking ''one hundred and twenty days'' after ''(A)'' and inserting ''120 days''; and

(II) by striking ''prior to the expiration of one hundred and twenty days'' and inserting ''before the end of 120 days''; and

(iii) by striking the semicolon at the end of subparagraph (B) and inserting a period;

(D) in paragraph (2)—

(i) by striking ''thirty-one days'' and inserting ''31 days,'';

(ii) by striking ''one hundred and twenty days'' both places it appears and inserting ''120 days''; and

(iii) by striking the semicolon at the end and inserting a period;

(E) in paragraph (3)—

(i) by inserting a comma after ''competent authority'';

(ii) by striking ''one hundred and twenty days'' both places it appears and inserting ''120 days''; and

(iii) by striking ''; and'' at the end and inserting a period; and

(F) in paragraph (4), by inserting ''insurance under this subchapter shall cease'' before ''120 days after '' the first place it appears.

(3) Subsection (b)(1)(A) of such section is amended by inserting ''(to insure against death of the member only)'' after ''converted to Veterans' Group Life Insurance''.

(d) PREMIUMS.—Section 1969 is amended by adding at the end the following new subsections:

''(g)(1)(A) During any period in which a spouse of a member is insured under this subchapter and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary as the premium allocable to the pay period for providing that insurance coverage. No premium may be charged for providing insurance coverage for a child.

''(B) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and the spouse of the member is insured under a policy of insurance purchased by the Secretary under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary (which shall be the same for all such members) as the share of the cost attributable to insuring the spouse of such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.

''(2)(A) The Secretary shall determine the premium amounts to be charged for life insurance coverage for spouses of members under this subchapter.

''(B) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

''(C) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary in advance of that policy year.

''(h) Any overpayment of a premium for insurance coverage for an insurable dependent of a member that is terminated under section 1968(a)(5) of this title shall be refunded to the member.''.

(e) PAYMENTS OF INSURANCE PROCEEDS.—Section 1970 is amended by adding at the end the following new subsection:

''(i) Any amount of insurance in force on an insurable dependent of a member under this subchapter on the date of the dependent's death

shall be paid, upon the establishment of a valid claim therefor, to the member or, in the event of the member's death before payment to the member can be made, then to the person or persons entitled to receive payment of the proceeds of insurance on the member's life under this subchapter.".

(f) CONVERSION OF SGLI TO PRIVATE LIFE INSURANCE.—Section 1968(b) is amended by adding at the end the following new paragraph:

"(3)(A) In the case of a policy purchased under this subchapter for an insurable dependent who is a spouse, upon election of the spouse, the policy may be converted to an individual policy of insurance under the same conditions as described in section 1977(e) of this title (with respect to conversion of a Veterans' Group Life Insurance policy to such an individual policy) upon written application for conversion made to the participating company selected by the spouse and payment of the required premiums. Conversion of such policy to Veterans' Group Life Insurance is prohibited.

"(B) In the case of a policy purchased under this subchapter for an insurable dependent who is a child, such policy may not be converted under this subsection.".

(g) EFFECTIVE DATE AND INITIAL IMPLEMENTATION.—(1) The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

(2) Each Secretary concerned, acting in consultation with the Secretary of Veterans Affairs, shall take such action as is necessary to ensure that during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) each eligible member—

(A) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section; and

(B) is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

(3) For purposes of paragraph (2):

(A) The term "Secretary concerned" has the meaning given that term in section 101 of title 38, United States Code.

(B) The term "eligible member" means a member of the uniformed services described in subparagraph (A) or (C) of section 1967(a)(1) of title 38, United States Code, as amended by subsection (b)(1).

SEC. 5. RETROACTIVE APPLICABILITY OF INCREASE IN MAXIMUM SGLI BENEFIT FOR MEMBERS DYING IN PERFORMANCE OF DUTY ON OR AFTER OCTOBER 1, 2000.

(a) APPLICABILITY OF INCREASE IN BENEFIT.—Notwithstanding subsection (c) of section 312 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1854), the amendments made by subsection (a) of that section shall take effect on October 1, 2000, with respect to any member of the uniformed services who died in the performance of duty (as determined by the Secretary concerned) during the period beginning on October 1, 2000, and ending at the close of March 31, 2001, and who on the date of death was insured under the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code, for the maximum coverage available under that program.

(b) DEFINITIONS.—In this section:

(1) The term "Secretary concerned" has the meaning given that term in section 101(25) of title 38, United States Code.

(2) The term "uniformed services" has the meaning given that term in section 1965(6) of title 38, United States Code.

SEC. 6. EXPANSION OF OUTREACH EFFORTS TO ELIGIBLE DEPENDENTS.

(a) AVAILABILITY OF OUTREACH SERVICES FOR CHILDREN, SPOUSES, SURVIVING SPOUSES, AND DEPENDENT PARENTS.—Paragraph (2) of section 7721(b) is amended to read as follows:

"(2) the term 'eligible dependent' means a spouse, surviving spouse, child, or dependent parent of a person who served in the active military, naval, or air service.".

(b) IMPROVED OUTREACH PROGRAM.—(1) Subchapter II of chapter 77 is amended by adding at the end the following new section:

"§ 7727. Outreach for eligible dependents

"(a) In carrying out this subchapter, the Secretary shall ensure that the needs of eligible dependents are fully addressed.

"(b) The Secretary shall ensure that the availability of outreach services and assistance for eligible dependents under this subchapter is made known through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.".

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 7726 the following new item:

"7727. Outreach for eligible dependents.".

SEC. 7. TECHNICAL AMENDMENTS TO THE MONTGOMERY GI BILL STATUTE.

(a) CLARIFICATION OF ELIGIBILITY REQUIREMENT FOR BENEFITS.—

(1) IN GENERAL.—Clause (i) of section 3011(a)(1)(A), as amended by section 103(a)(1)(A) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1825), is amended by striking "serves an obligated period of active duty of" and inserting "(I) in the case of an individual whose obligated period of active duty is three years or more, serves at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose obligated period of active duty is less than three years, serves".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(b) ENTITLEMENT CHARGE FOR OFF-DUTY TRAINING AND EDUCATION.—

(1) IN GENERAL.—Section 3014(b)(2) is amended—

(A) in subparagraph (A), by striking "(without regard to" and all that follows through "this subsection"; and

(B) by adding at the end the following new subparagraph:

"(C) The number of months of entitlement charged under this chapter in the case of an individual who has been paid a basic educational assistance allowance under this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of such educational assistance allowance paid the individual by the full-time monthly institutional rate of educational assistance which such individual would otherwise be paid under subsection (a)(1), (b)(1), (c)(1), (d)(1), or (e)(1) of section 3015 of this title, as the case may be.".

(2) CONFORMING AMENDMENTS.—(A) Section 3015 is amended—

(i) in subsections (a)(1) and (b)(1), by inserting "subsection (h)" after "from time to time under"; and

(ii) by striking the subsection that was inserted as subsection (g) by section 1602(b)(3)(C) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–359) and redesignated as subsection (h) by 105(b)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1829).

(B) Section 3032(b) is amended—

(i) by striking "the lesser of" and inserting "the least of the following:";

(ii) by striking "or" after "chapter,"; and

(iii) by inserting before the period at the end the following: ", or (3) the amount of the charges of the educational institution elected by the individual under section 3014(b)(1) of this title".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(c) INCREMENTAL INCREASES FOR CONTRIBUTING ACTIVE DUTY MEMBERS.—

(1) ACTIVE DUTY PROGRAM.—Section 3011(e), as added by section 105(a)(1) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended—

(A) in paragraph (2), by inserting ", but not more frequently than monthly" before the period;

(B) in paragraph (3), by striking "$4" and inserting "$20"; and

(C) in paragraph (4)—

(i) by striking "Secretary. The" and inserting "Secretary of the military department concerned. That"; and

(ii) by striking "by the Secretary".

(2) SELECTED RESERVE PROGRAM.—Section 3012(f), as added by section 105(a)(2) of such Act, is amended—

(A) in paragraph (2), by inserting ", but not more frequently than monthly" before the period;

(B) in paragraph (3), by striking "$4" and inserting "$20"; and

(C) in paragraph (4)—

(i) by striking "Secretary. The" and inserting "Secretary of the military department concerned. That"; and

(ii) by striking "by the Secretary".

(3) INCREASED ASSISTANCE AMOUNT.—Section 3015(g), as added by section 105(b)(3) of such Act, is amended—

(A) in the matter preceding paragraph (1), by inserting "effective as of the first day of the enrollment period following receipt of such contributions from such individual by the Secretary concerned," after "by section 3011(e) or 3012(f) of this title,"; and

(B) in paragraph (1)—

(i) by striking "$1" and inserting "$5";

(ii) by striking "$4" and inserting "$20"; and

(iii) by inserting "of this title" after "section 3011(e) or 3012(f)".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 105 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828).

(d) DEATH BENEFITS.—

(1) IN GENERAL.—Paragraph (1) of section 3017(b) is amended to read as follows:

"(1) the total of—

"(A) the amount reduced from the individual's basic pay under section 3011(b), 3012(c), 3018(c), 3018A(b), 3018B(b), 3018C(b), or 3018C(e) of this title;

"(B) the amount reduced from the individual's retired pay under section 3018C(e) of this title;

"(C) the amount collected from the individual by the Secretary under section 3018B(b), 3018C(b), or 3018C(e) of this title; and

"(D) the amount of any contributions made by the individual under section 3011(c) or 3012(f) of this title, less".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as of May 1, 2001.

(e) CLARIFICATION OF CONTRIBUTIONS REQUIRED BY VEAP PARTICIPANTS WHO ENROLL IN BASIC EDUCATIONAL ASSISTANCE.—

(1) CLARIFICATION.—Section 3018C(b), as amended by section 104(b) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended by striking "or (e)".

(2) TREATMENT OF CERTAIN CONTRIBUTIONS.—Any amount collected under section 3018C(b) of title 38, United States Code (whether by reduction in basic pay under paragraph (1) of that section, collection under paragraph (2) of that section, or both), with respect to an individual who enrolled in basic educational assistance under section 3018C(e) of that title, during the period beginning on November 1, 2000, and ending on the date of the enactment of this Act, shall be treated as an amount collected with respect to the individual under section 3018C(e)(3)(A) of that title (whether as a reduction in basic pay under clause (i) of that section, a collection under clause (ii) of that section, or both) for basic educational assistance under section 3018C of that title.

(f) CLARIFICATION OF TIME PERIOD FOR ELECTION OF BEGINNING OF CHAPTER 35 ELIGIBILITY FOR DEPENDENTS.—

(1) IN GENERAL.—(A) Section 3512(a)(3)(B), as amended by section 112 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1831), is amended to read as follows:

"(B) the eligible person elects that beginning date by not later than the end of the 60-day period beginning on the date on which the Secretary provides written notice to that person of that person's opportunity to make such election, such notice including a statement of the deadline for the election imposed under this subparagraph; and".

(B) Section 3512(a)(3)(C), as so amended, is amended by striking "between the dates described in" and inserting "the date determined pursuant to".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000.

SEC. 8. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Effective as of November 1, 2000, section 107 is amended—

(A) in the second sentence of subsection (a), by inserting "or (d)" after "subsection (c)";

(B) by redesignating the second subsection (c) (added by section 332(a)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419)) as subsection (d); and

(C) in subsection (d), as so redesignated, by striking "In" in paragraph (1) and inserting "With respect to benefits under chapter 23 of this title, in".

(2) Section 1710B(c)(2)(B) is amended by striking "on the date of the enactment of the Veterans Millennium Health Care and Benefits Act" and inserting "November 30, 1999".

(3) Section 2301(f) is amended—

(A) in the matter in paragraph (1) preceding subparagraph (A), by striking "(as" and all that follows through "in section" and inserting "(as described in section"; and

(B) in paragraph (2), by striking "subparagraphs" and inserting "subparagraph".

(4) Section 3452 is amended—

(A) in subsection (a)(1)—

(i) by striking "or" at the end of subparagraph (A); and

(ii) by striking "clause (B) of this paragraph" in subparagraph (C) and inserting "subparagraph (B)";

(B) in subsection (a)(2)—

(i) by striking "paragraph (1)(A) or (B)" and inserting "subparagraph (A) or (B) of paragraph (1)"; and

(ii) by striking "one hundred and eighty days" and inserting "180 days";

(C) in subsection (a)(3), by striking "section 511(d) of title 10" and inserting "section 12103(d) of title 10"; and

(D) in subsection (e), by striking "chapter 4C of title 29," and inserting "the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.),".

(5) Section 3462(a) is amended by striking paragraph (3).

(6) Section 3512 is amended—

(A) in subsection (a)(5), by striking "clause (4) of this subsection" and inserting "paragraph (4)"; and

(B) in subsection (b)(2), by striking "willfull" and inserting "willful".

(7) Section 3674 is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (A)—

(I) by striking ", effective at the beginning of fiscal year 1988,"; and

(II) by striking "section 3674A(a)(4)" and inserting "section 3674A(a)(3)";

(ii) in subparagraph (B), by striking "paragraph (3)(A)" and inserting "paragraph (3)"; and

(iii) in subparagraph (C), by striking "section 3674A(a)(4)" and inserting "section 3674A(a)(3)"; and

(B) in subsection (c)—

(i) by striking "on September 30, 1978, and"; and

(ii) by striking "thereafter,".

(8) Section 3674A(a)(2) is amended by striking "clause (1)" and inserting "paragraph (1)".

(9) Section 3734(a) is amended—

(A) by striking "United States Code," in the matter preceding paragraph (1); and

(B) by striking "appropriations in" in paragraph (2) and inserting "appropriations for".

(10) Section 4104 is amended—

(A) in subsection (a)(1)—

(i) by striking "Beginning with fiscal year 1988," and inserting "For any fiscal year,";

(ii) by striking "clause" in subparagraph (B) and inserting "subparagraph"; and

(iii) by striking "clauses" in subparagraph (C) and inserting "subparagraphs";

(B) in subsection (a)(4), by striking "on or after July 1, 1988"; and

(C) in subsection (b)—

(i) by striking "shall—" in the matter preceding paragraph (1) and inserting "shall perform the following functions:"

(ii) by capitalizing the initial letter of the first word of each of paragraphs (1) through (12);

(iii) by striking the semicolon at the end of each of paragraphs (1) through (10) and inserting a period; and

(iv) by striking "; and" at the end of paragraph (11) and inserting a period.

(11) Section 4303(13) is amended by striking the second period at the end.

(12) Section 5103(b)(1) is amended by striking "1 year" and inserting "one year".

(13) Section 5701(g) is amended by striking "clause" in paragraphs (2)(B) and (3) and inserting "subparagraph".

(14)(A) Section 7367 is repealed.

(B) The table of sections at the beginning of chapter 73 is amended by striking the item relating to section 7367.

(15) Section 8125(d) is amended—

(A) in paragraph (1), by striking "(beginning in 1992)";

(B) in paragraph (2), by striking "(beginning in 1993)"; and

(C) by striking paragraph (3).

(16) The following provisions are each amended by striking "hereafter" and inserting "hereinafter": sections 545(a)(1), 1710B(e)(1), 3485(a)(1), 3537(a), 3722(a), 3763(a), 5121(a), 7101(a), 7105(b)(1), 7671, 7672(e)(1)(B), 7681(a)(1), 7801, and 8520(a).

(b) PUBLIC LAW 106–419.—Effective as of November 1, 2000, and as if included therein as originally enacted, the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419) is amended as follows:

(1) Section 111(f)(3) (114 Stat. 1831) is amended by striking "3654" and inserting "3564".

(2) Section 323(a)(1) (114 Stat. 1855) is amended by inserting a comma in the second quoted matter therein after "duty".

(3) Section 401(e)(1) (114 Stat. 1860) is amended by striking "this" both places it appears in quoted matter and inserting "This".

(4) Section 402(b) (114 Stat. 1861) is amended by striking the close quotation marks and period at the end of the table in paragraph (2) of the matter inserted by the amendment made that section.

(c) PUBLIC LAW 102–590.—Section 3(a)(1) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking ", during,".

Amend the title so as to read: "An Act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes.".

Mr. SMITH of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Jersey?

Mr. EVANS. Mr. Speaker, reserving the right to object, I do not plan to object, but reserve my right to object.

Mr. Speaker, I rise in strong support of H.R. 1801, the Veterans' Survival Benefits Improvements Act of 2001, and I encourage all Members of the House to support this measure.

The measure now before the House is derived from legislation approved by this body earlier this year. This legislation contains several important provisions contained in the House-passed bill, an important healthcare provision proposed by the other body, and several technical amendments.

Mr. Speaker, I would prefer that all the provisions contained in H.R. 801 as approved by the House earlier this year were included in the measure before us now, but that is not the case. Mr. Speaker, I am committed, as I know the gentleman from New Jersey (Mr. SMITH) is, to pursuing the enactment of all the provisions contained in the bill as originally approved by the House.

The legislation includes a number of important provisions which deserve the support of this House. These include increasing from $200,000 to $250,000, effective October 1, 2000, the maximum Servicemembers' Group Life Insurance Benefit for survivors of servicemen who died in the performance of duty and who were previously insured for the maximum benefits.

Mr. Speaker, I thank the gentleman from Texas (Mr. REYES) for his determined leadership on this important issue requiring the VA to ensure that eligible dependents are made aware of VA services through media and veterans' publications. This provision is derived from the legislation authored by the gentleman from Pennsylvania (Mr. DOYLE), a committed advocate for veterans and their dependents and survivors; and I want to salute the gentleman for his successful leadership for VA outreach to the dependents.

It also includes coverage under the Servicemembers' Group Life Insurance and provides for benefits under CHAMPVA for veterans' survivors and those eligible for hospital insurance benefits under Medicare.

Mr. Speaker, I thank everyone who has contributed to this measure. This is a good piece of legislation. Mr. Speaker, I encourage all of my Members to support it.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS), my good friend, for yielding to me.

Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I am very proud to bring to the floor today H.R. 801, as amended, the Veterans' Survivor Benefits Improvements Act of 2001.

It is fitting that we consider this legislation shortly before the Memorial Day period, a day on which we remember all of those who died while serving in our Nation's Armed Forces.

This bill is a reminder of what we have owed to the survivors of our servicemen and women. And although much remains to be done by this Congress, it is the harbinger of what we can accomplish to keep our commitment to veterans and to their families.

Mr. Speaker, those who have been following this particular bill may be a little bit surprised that it does not contain all of the provisions that were in the bill when we originally passed it in the House late March. Mr. Speaker, I want to ensure my colleagues that those provisions that were stricken by the Senate amendment remain the subject of a very active conversation between our colleagues over on the Senate side. We expect that the Senate will hold hearings on most, if not all, of those provisions later this year and we will be reintroducing them as well.

Virtually all of those who have testified before our Subcommittee on Benefits earlier this year expressed support for the provision of H.R. 801; and I anticipate that when the Senate holds its hearings, they will have the input from the VSOs and will be supportive of those provisions.

Mr. Speaker, I also want to encourage the Senate to give favorable consideration to H.R. 811, the Veterans Hospital Emergency Repair Act; and I just remind my colleagues that we passed that last March as well.

Mr. Speaker, at this time I would like to provide a very brief explanation of the provisions being considered today. When Congress created the Civilian Health and Medical Program, Veterans Affairs program nearly 30 years ago, it intended CHAMPVA to provide services for certain severely disabled veterans' families that were similar to the benefits furnished to retired families under CHAMPUS.

Over the years, however, CHAMPUS changed from a simple fee-basis reimbursement program to a managed care activity now known as TRICARE. Last year, TRICARE became entwined with Medicare as a secondary payer for military retired families under the "TRICARE for Life" extension approved by the Floyd Spence National Defense Authorization Act for Fiscal Year 2001.

What we are doing today with H.R. 801 is an effort to make the two programs comparable once again by authorizing benefits similar to those under the TRICARE for Life.

H.R. 801 also directs VA to improve outreach services of spouses, surviving spouses, children and dependent parents of veterans and requires the VA to ensure that eligible dependents are made aware of veterans' services through the media and veterans' publications.

As amended, H.R. 801 retains the House provision to expand the Servicemembers' Group Life Insurance program to provide coverage for the spouse and children of a servicemember enrolled in the insurance program. This is a very family-friendly provision, and I am glad it survived over on the Senate side.

Finally, Mr. Speaker, within the last few years, we have lost a number of servicemembers to plane crashes, training accidents, and, of course, to acts of terrorism at sea. Last year, the Congress approved legislation to increase the maximum amount of the Servicemembers' Group Life Insurance from $200,000 to $250,000. Even though the bill was signed into law on November 1 of 2000, this particular provision did not go into effect until April of this year. The Senate amendment to H.R. 801 leaves unchanged the House proposal to provide an increase retroactive to October 1, 2000 for survivors of servicemembers who died during the performance of their duty and had previously elected maximum insurance amount.

Mr. Speaker, I want to thank the gentleman from Texas (Mr. REYES), the gentlewoman from Virginia (Mrs. JO ANN DAVIS), along with Senator JOHN WARNER, for working with the full committee and for working so very hard on this provision.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. EVANS) for the gentleman's steadfast leadership, not just for this provision, but for all of the contents of this bill and for working in a very bipartisan way on so many of these issues that we have and will continue to bring to the floor.

Mr. EVANS. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, as an original cosponsor and strong supporter of H.R. 801, the Veterans' Survivor Benefits Improvements Act of 2001, I am pleased that we will have an opportunity to address some of its provisions before this Memorial Day. It is our deeds, as well as our words, that should be used to measure the respect that we pay our departed servicemembers.

Mr. Speaker, I want to acknowledge the cooperation of the gentleman from New Jersey (Chairman SMITH) and the gentleman from Illinois (Mr. EVANS), the ranking member, as well as the gentleman from Arizona (Mr. HAYWORTH), in working with the other body to move this legislation forward. I hope that we will have an opportunity to address the provisions of H.R. 801 not included in the Senate amendment in the very near future.

Mr. Speaker, I particularly want to highlight the insurance provisions of this bill. I am very pleased that the bill retains the provision inserted at my request to make the beginning of fiscal year 2001 the effective date for the increase in the maximum amount of Servicemembers' Group Life Insurance from $200,000 to $250,000 for those who have lost their lives during the performance of military duties.

□ 1715

As a Vietnam veteran, I know the dangers of combat. Since October 1, 2000, we have sadly lost a number of uniformed service members during the performance of military training exercises. As I emphasized during the subcommittee hearing on H.R. 801, I was particularly concerned that those who lost their lives in the terrorist attack on the U.S.S. *Cole* as well as those, such as Specialist Rafael Olvera Rodriguez, who was an El Paso native and died in the Black Hawk helicopter crash over Hawaii, would qualify for increased maximum benefits.

Since the Cole attack, others performing official duties have died in North Carolina, Georgia, and Kuwait. Two Coast Guardsmen died after an accident while on patrol; two pilots died when their Army plane crashed in Germany; and two Air Force planes disappeared from Scotland with the loss of life.

The effective date of October 1, 2000, is intended to provide the maximum benefit of $250,000 for SGLI insured members, such as those who have lost their lives in the performance of their duty and who were insured for the maximum benefit at the time of their deaths. I know that the families of the SGLI members will certainly support this benefit.

I also support the provision allowing family members to be covered under the SGLI program. This is a needed improvement and will put our service members on par with other persons who have access to commercial insurance.

I strongly support the provisions for outreach to veterans' dependents suggested by the gentleman from Pennsylvania (Mr. DOYLE), a very strong advocate for our Nation's veterans. Those who are entitled to veterans' benefits must have appropriate information in order to access them.

Finally, the technical amendments in the bill clarify important provisions of law and will improve the administration of educational benefits.

I cannot think of a better way for us to send a clear message this Memorial Day than to support H.R. 801. I urge all Members to support this bill.

Mr. MORAN of Kansas. Mr. Speaker, I want to recognize Chairman SMITH, Ranking Member EVANS, Health Subcommittee Ranking Member FILNER, as well as Chairman SPECTER and Ranking Member ROCKEFELLER of the Senate Committee on Veterans' Affairs, for their leadership and support for this bill, H.R. 801, the "Veterans' Survivor Benefits Improvements Act of 2001."

Mr. Speaker, passage of this bill is a good reminder of why the Nation celebrates Memorial Day. There are many ways that people choose to honor our veterans. A number of veterans' organizations choose to honor the brave men and women who have given their lives for this country by observing a moment of silence. Others choose to visit one of the many memorials built in honor of veterans, and touch the engraved names of their departed loved ones, to feel their presence once again. Those of us here today on the floor of the House have the rare opportunity to honor not only our veterans, but also their dependents and survivors as well, with the passage of this legislation before us today.

Often on this floor Members recognize Americans who gave of themselves because of love of country. Today I speak not only in praise of our Nation's veterans but also in praise of their families and their survivors. Throughout our history as a nation, the fight to protect and preserve our freedoms has not only been met on the battlefield. It has also been a struggle in the homes of our veterans—by mothers, fathers, sons, and daughters, who carried on despite facing the illness, injury, or loss of a loved one.

The "Veterans' Survivor Benefits Improvements Act of 2001," legislation that we are approving today and sending to the President, is a written acknowledgement of our debt. It establishes, in the CHAMPVA program, health coverage equal to that of "TRICARE for Life" for military families. Under H.R. 801, any beneficiary covered by CHAMPVA, who becomes eligible for Medicare, will automatically be covered by CHAMPVA for "out-of-pocket" costs not paid by Medicare or other insurance. In effect, CHAMPVA will become a secondary-payer for these Medicare beneficiaries.

While we can never expect to balance the scales to pay back the enormous debt we owe to our Nation's veterans and their families, we can ensure our veterans and their families will have a better tomorrow. As we approach another Memorial Day, let us pass this legislation to show our commitment to all Americans who, in President Lincoln's phrase, have "borne the battle" for this country.

Again, I thank the Chairman for his leadership, and urge my colleagues to support this important legislation.

Mr. EVANS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 801.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 24, 2001 at 3:00 p.m. and said to contain a message from the President whereby he submits copies of a notice extending the Yugoslavia emergencies.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

CONTINUATION OF EMERGENCY WITH RESPECT TO FEDERAL REPUBLIC OF YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–76)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)") in 1992 and with respect to Kosovo in 1998, are to continue beyond May 30, 2001, and June 9, 2001, respectively. The most recent notice continuing these emergencies was published in the *Federal Register* on May 26, 2000.

With respect to the 1992 national emergency, on December 27, 1995, President Clinton issued Presidential Determination 96–7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the FRY (S&M) and to continue to block property previously blocked until provision of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), as an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the "Peace Agreement").

Sanctions against both the FRY (S&M) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that those blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that the 1992 emergency, and the measures adopted pursuant thereto, must continue beyond May 30, 2001.

With respect to the 1998 national emergency regarding Kosovo, on January 17, 2001, President Clinton issued

Executive Order 13192 in view of the peaceful democratic transition begun in the FRY (S&M); the continuing need to promote full implementation of the United Nations Security Council Resolution 827 of May 25, 1993, and subsequent resolutions calling for all states to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY); the illegitimate control over FRY (S&M) political institutions and economic resources or enterprises exercised by former President Slobodan Milosevic, his close associates and other persons, and those individuals' capacity to repress democracy or perpetrate or promote further human rights abuses; and the continuing threat to regional stability and implementation of the Peace Agreement. The order lifts and modifies, with respect to future transactions, most of the economic sanctions imposed against the FRY (S&M) in 1998 and 1999 with regard to the situation in Kosovo. At the same time, the order imposes restrictions on transactions with certain persons described in section 1(a) of the order, namely Slobodan Milosevic, his close associates and supporters and persons under open indictment for war crimes by ICTY. The order also provides for the continued blocking of property or interests in property blocked prior to the order's effective date due to the need to address claims or encumbrances involving such property.

Because the crisis with respect to the situation in Kosovo and with respect to Slobodan Milosevic, his close associates and supporters and persons under open indictment for war crimes by ICTY has not been resolved, and because the status of all previously blocked property has yet to be resolved, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that the emergency declared with respect to Kosovo, and the measures adopted pursuant thereto, must continue beyond June 9, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 24, 2001.*

PERSONAL EXPLANATION

Mr. VISCLOSKY. Mr. Speaker, on May 23, 2001, I was unavoidably absent due to my attendance at a funeral in my district for Ms. Helen Savinski, a very dear and personal friend.

Had I been present, I would have voted "yea" on rollcall votes 138, 139, 140, 141, 142, 144, 145, 146 and 147, and voted "nay" on rollcall votes 135, 136, 137 and 143.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2001.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 24, 2001 at 3:00 p.m. and said to contain a message from the President whereby he submits a periodic six-month report on the Yugoslavia emergencies.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT ON NATIONAL EMERGENCIES WITH RESPECT TO FEDERAL REPUBLIC OF YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–77)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Yugoslavia (Serbia and Montenegro) emergency declared in Executive Order 12808 on May 30, 1992, and with respect to the Kosovo emergency declared in Executive Order 13088 on June 9, 1998.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 24, 2001.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WORKING FAMILIES FLEXIBILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, today I rise to introduce a bill entitled the Working Families Flexibility Act. This bill has several components. First of all, the Working Families Flexibility Act allows employees to choose, through a written agreement with their employer, entered into knowingly and voluntarily by the employee, to receive paid time off instead of cash wages for overtime. A compensatory time agreement may not be a condition of employment, and an employee could withdraw from a compensatory time agreement at any time.

As with cash overtime pay, compensatory time would accrue at a rate of 1½ times the employees regular rate of pay for each hour worked over 40 within a 7-day period. The legislation would not affect the 40-hour workweek or the calculation of overtime.

Employees could accrue up to 160 hours of compensatory time each year. An employer would be required to pay cash wages for any unused, accrued time at the end of the year or within 30 days after receiving a written request from an employee.

Employers must provide employees with at least 30 days' notice prior to cashing out any accrued compensatory time or discontinuing a compensatory time program. An employer may, however, only cash out accrued time in excess of 80 hours.

Employees may use accrued compensatory time within a reasonable time after making the request.

All of the enforcement remedies, including action by the Department of Labor and individual law suits, under current law will apply if an employer fails to pay wages to an employee for accrued compensatory time or refuses to allow an employee to use accrued compensatory time.

Employers who coerce employees into choosing compensatory time instead of overtime wages or using accrued compensatory time will be liable to the employee for double damages.

One would think that providing working men and women with more control over their work schedules is a no-brainer, but private sector employees and employers alike are bound by the Fair Labor Standards Act, or FLSA, which does not permit such flexibility.

I think it is fair to say that this law which was enacted during the Depression and established a workweek of 40 hours in overtime pay was designed to be effective in a different day and age and needs to be updated.

Over the past 60-plus years, the America workplace has undergone a dramatic change in composition, character, and demands. What was once a static, agriculture-and-manufacturing-based economy with a primarily male workforce has evolved into a fast-paced, working environment based on global services and high technology with nearly equal numbers of women as well as men in the workforce.

Workers today, more than ever, need and do face a difficult dilemma: how to balance the demands of a job while having adequate time for family, friends, and outside commitments. This situation has become even more pronounced because many families now rely on two incomes to survive. While this conflict weighs most heavily on women, all workers, regardless of gender experience, conflict between work and the family and between watching their child's baseball game or going through a stack of papers on their desk.

The Working Families Flexibility Act will help to ease these pressures by providing the flexibility that working parents need to spend quality time with their families.

Before I go any further, I would like to stress that nothing in this legislation would require employees to take comp time instead of overtime pay, nor could employers force employees to take comp time. Rather, now they are given the choice of comp time or overtime. This bill does not relieve employers of any obligation to pay overtime. I want to stress that this bill does not affect the standard 40-hour workweek.

The legislation contains numerous safeguards to ensure that employees could not be coerced into choosing comp time over cash wages. The legislation requires an employer to annually pay cash wages for any unused comp time accrued by the employee. Employees may withdraw from a comp time agreement at any time and request a cash-out of any or all of his or her accrued unused comp time.

Mr. Speaker, comp time makes good policy; and it also has another benefit, making employees happy. There will always be working men and women who want and need the extra pay that comes from working overtime hours. But for many workers, having the additional time off is a far more attractive option, and that is an option they should have.

Comp time is also good for business because smart companies know how flexibility can help to recruit and retain top-notch employees. In sum, Mr. Speaker, the Working Families Flexibility Act is good for workers. It is good for women and is especially good for families.

Mr. Speaker, I rise today to introduce the Working Families Flexibility Act, which allows employers to offer American workers the option of voluntarily taking compensatory time off in lieu of taking overtime pay. I am pleased that 33 of my colleagues have joined me as original cosponsors of this pro-family, pro-worker, pro-women legislation.

One would think that providing working men and women with more control over their work schedules is a "no brainer", but private sector employees and employers alike are bound by the Fair Labor Standards Act of FLSA, which does not permit such flexibility. I think it's fair to say that this law, which was enacted during the depression and established a work week of 40 hours, and overtime pay, was designed to be effective in a different day and age and needs to be updated.

Over the past 60-plus years, the American workplace has undergone a dramatic change in composition, character, and demands. What once was a static, agriculture- and manufacturing-based economy with a primarily male workforce has evolved into a fast-paced, working environment based on global services and high technology with nearly equal numbers of women and men in the workforce.

Workers today, more than ever before, face a difficult dilemma: how to balance the demands of a job while having adequate time for family, friends and outside commitments. This situation has become even more pronounced because many American families now rely on two incomes to survive. And while this conflict weights most heavily on women, all workers—regardless of gender—experience conflict between work and the family, between watching their child's baseball game or going through that stack of papers on their desk.

The Working Families Flexibility Act will help to ease these pressures by providing the flexibility that working parents need to spend quality time with their families. This legislation, which mirrors a bill passed by the House during the 105th Congress, amends the FLSA to allow private sector employees to access something that their colleagues working in federal, state and local governments have had for many years—the option of choosing either cash wages or paid time off as compensation for working overtime hours.

Before I go any further, I want to stress that nothing in this legislation would require employees to take comp time instead of overtime pay. Nor could employers force employees to take comp time. Rather they now can be given the choice of comp time or overtime. This bill does not relieve employers of any obligation to pay overtime. I also want to stress that this bill does not affect the standard 40-hour workweek.

Now, here is what the bill does do: under this legislation, employers will be able to offer comp time as an option for employees. Employees would then have a choice, through an agreement with the employer, to opt for overtime pay in the form of paid time off. As is currently the case with overtime pay, comp time hours would accrue at a rate of one and one-half hours of comp time for each hour of overtime worked. Employees could accrue up to 160 hours of comp time within a 12-month period.

This legislation contains numerous safeguards to ensure that employees could not be coerced into choosing comp time over cash wages. The legislation requires an employer to annually pay cash wages for any unused comp time accrued by the employee. Employees may withdraw from a comp time agreement at any time and request a cashout of any or all of his or her accrued, unused comp time. The employer has 30 days in which to comply with the request. The legislation also requires an employer to provide the employee with at least 30 days notice prior to cashing out any accrued time in excess of 80 hours or prior to discontinuing a policy of offering comp time.

Employees are able to use their accrued comp time at anytime, so long as its use does not unduly disrupt the operations of the business—this is the same standard used in the public sector and under the Family and Medical Leave Act. Employers also would be prohibited from requiring employees to take accrued time solely at the convenience of the employer. Again, I want to reiterate that this legislation has no effect on the traditional 40-hour workweek or the way in which overtime is calculated.

Mr. Speaker, comp time makes for good policy and it also has another benefit—making employees happy. There always will be working men and women who want and need the extra pay that comes from working overtime hours. But for many workers, having the additional time off is a far more attractive option, and that's an option they should have.

Comp time also is good for business because smart companies know how flexibility can help efforts to recruit and retain top-notch employees. Concerns over the well-being of the family often force parents to leave jobs that do not fit their family needs or forego jobs that would put stress on home lives.

In sum, Mr. Speaker, The Working Families Flexibility Act is good for workers, it is good for women, and it is especially good for families. The bill updates an outdated law designed for the 1930s workplace and makes it relevant for today's workforce.

Today's working men and women want increased flexibility and choices regarding scheduling and compensation, yet federal law prevents them from having such options. I trust my colleagues agree that employees and employers should not be prevented from making mutually agreeable arrangements that meet both personal and business needs.

I think the time and circumstances are right for us to pass this much-needed legislation. I urge my colleagues to join this effort to pass a strong comp time bill that will be good for workers, businesses, the economy, and America's families.

Let me take a moment to recognize Congressman CASS BALLENGER for his dedicated and untiring work on the comp time issue and to the Chairman of the House Subcommittee on Workforce Protections, Representative CHARLIE NORWOOD, for his strong commitment to this issue. Finally, let me thank the Chairman of the full Committee on Education and the Workforce, JOHN BOEHNER, for his support of America's working men and women.

☐ 1730

CALIFORNIA ENERGY CRISIS

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHERMAN. Mr. Speaker, I thank the Democratic leader for assigning me this hour of time. I hope very much that several of my colleagues from California and other western States will come and join me on this floor so that we can discuss together the energy crisis, the electric crisis, the natural gas crisis affecting California and the adjoining States.

In the event that some of my colleagues do not come down and join me, I do not know whether I will spend a full hour speaking about our electric crisis. I will go off and do several other subjects involving foreign policy and my service on the Committee on International Relations; but it is my hope, my expectation that this full hour will be devoted to the electric and natural gas crisis in the West and that several of my colleagues from western States will join me as it proceeds.

I have come to this floor every evening this week to try to eliminate and dispel some of the misinformation about what is going on in California and the West and how we got into this situation. I want to take some time to describe the situation and to describe that some of the insults hurled at the State of California are manifestly not only malicious but false.

What is the situation in California? In 1999, in the year 2000, and again this year, California will use virtually the exact same amount of electricity. In fact, in the year 2000, during the key peak hours, we used less electricity than we did in the prior year. Yet while we are getting the same amount of electricity, we are paying exorbitant prices. In 1999, for this amount of electricity, California paid $7 billion; last year, for the same amount, $32.5 billion; and this year, as things are shaping up, it will be $70 billion, ten times as much money for the same number of electrons.

We have had blackouts in California that we are told are a result of insufficient electric generation capacity; and, in fact, this summer our capacity may run a little bit below demand. But this last winter we used roughly 33,000 megawatts of electricity, the prior summer, the summer of 1999, we used 45,000 megawatts. None of the plants that existed, when we produced 45,000 megawatts at reasonable prices, was closed down; and yet in the winter we face blackouts, shutdowns. Why?

The answer is that certain plants have been closed for maintenance. I finally found out what "closed for maintenance" means. It means the plant has been closed to maintain a sky-high price for every megawatt. The number of plants closed for maintenance month after month after month over the last 9 months has been double, triple, sometimes quadruple the number of plants shut down in that same month 12 months earlier, or the prior year. Somehow, plants are closed for maintenance.

Keep in mind that one would expect during an energy crisis that the whole world is aware of plants would be closed for maintenance less because they would bring in crews to bring those plants back online. Folks would work overtime to get the electricity that the State needs. I have seen how quickly things can be repaired or maintained after our 1994 earthquake in my region of California. Yet now, when we need to maintain the most, we need the maintenance to take place the quickest, plants are shut down three times as much and huge chunks of what would be the supply of electricity are unavailable. Closed for maintenance.

As a result, the price is enormous. And that enormous and outrageous price is not for all the electricity we buy. Sixty percent of the electricity, roughly, in California, is still subject to rate regulation and fair prices are being paid. So that enormous, huge, unjustified transfer, the $63 billion extra we will pay for what a couple of years ago we called $7 billion of electricity, that all goes to roughly 40 percent of the producers. Those are the producers who came into our State and bought our electric plants from our local utilities as part of the wildly touted deregulation plan over the last several years. So we are paying 10 times the price, and almost all of the extra profits are going to 40 percent of the producers.

This is a deregulation experiment that has not worked. We might ask, how did California get into this? There are a few things: first, we did not expect that these private companies would close certain plants for maintenance in order to charge 10 times the going price for the electricity they did produce in other plants. We did not expect the gougers to prevail. And, second, we expected that if this deregulation did not work, we would reverse it.

Every experiment carries with it the possibility of a mistake; and time and time again when we try something out, we may have to reverse the situation. What we found, instead, was a power in the White House capable of using Federal law to prohibit California from going back to the regulated market that had served us relatively well for over 80 years. So we have a situation not where California does not have the generation capacity it needs. Frankly, we ought to have more. We ought to have a margin for safety, a surplus of available electricity. But no one thought that just because supplies were a bit tight that we would be paying 10 times, 20 times the fair price for the kilowatts provided to us by these independent companies, many of which are based in Texas. And we certainly did not believe that if this system did not work that we would be prohibited by Federal law from going back.

Now, what is the effect that this has had on California? Business bankruptcy, layoffs, and blackouts. And I do want to point out that up until recently, and I think even this summer, the blackouts are relatively modest compared to the news reports. A blackout is reported often when only one out of 100 or maybe one out of 30 of our homes loses power for 1 or 2 or 3 hours. But we expect that this summer there will be 30 to 50 days when one out of 30 or one out of 100 of our homes loses power; one out of 30 or one out of 100 of our businesses loses power.

It is not just the physical effect of the blackouts; it is also the psychological and business effect. How is our State supposed to attract business? How are we supposed to inspire our current businesses to expand? How are we supposed to be the driving force in this national economy when people see and talk about or are preoccupied with the blackouts in electricity? And even if there was not a single minute of blackout for a single consumer, the prices are enormous and the price effect would, by itself, cause a steep economic problem for the State of California.

Now, when a State is suffering not one but three disasters, a disaster because of blackouts, a disaster because of a decline in investment in our State, and, most significantly, enormous bills, three disasters, one would think that a representative from that State would be here before the Federal Government pleading for Federal money, money from all of my colleagues' districts to help the people in my district. I am not here to do that. That is not what California needs most. And, in fact, with a little bit of change in law, we would not need it at all.

I am not asking for electricity from my colleagues' districts. Except for the western States, it is impossible to send electricity into California. Do not mail us your batteries. Even in the western States, we are not asking for any other State to experience blackouts or shortages in order to supply California. I am not even here to ask for sympathy. It would not hurt; but, yet again, that is not what California needs. What California needs is to have our hands untied. Do not take the right to regulate these prices away from us, bring that right to the Federal level and then refuse to allow the regulation.

Yet that is what Federal law does. Federal law says that these independent generators, because they do not have retail customers, are not subject to our regulation. But that is okay, because the Federal Energy Regulatory Commission is supposed to do the job. The law says that they are supposed to assure fair and reasonable rates. And they have determined that California is being gouged. Yet they have decided to do absolutely nothing about it but sit back and smile and watch as billions of dollars, perhaps this year as much as $63 billion, are transferred from California consumers into the treasuries of a dozen very wealthy corporations, most of them based in the home State of the person who happens to control this administration and the Federal Energy Regulatory Commission.

We have a dereliction of duty in this administration. What do we do about it? First, we expose it, and we urge that the President get on the phone and demand that the Federal Energy Regulatory Commission finally do its job. Second, we turn to Congress, and we ask what about a piece of legislation requiring the Federal Government to do its job. Either of those would accomplish the task. A third possibility is that Federal law would simply be modified and say as long as we are going to sit here and say California has a problem, California ought to solve it. If the Federal Government is going to do nothing to help us, the least that could be done is to transfer the authority to regulate these generators back to California State government and then we will do the job.

Why are none of these things being done? Well, I have alluded to it. There is tremendous support in this administration for the rape of California. Some have said that is because California did not vote for this administration. I think, instead, it is because the beneficiaries of this rape have such close ties to the administration. Some have pointed out that not only is there a huge flow of money from California to these dozen or so corporations, but then there is a huge flow of money from those corporations to the party of the present administration and that these companies were instrumental in funding the Presidential campaign of this administration.

□ 1745

There is perhaps a third reason, or at least a pretext. What does this administration do for California with regard to regulating these energy rates? They lecture us. The lecture goes something like this:

You are suffering. There is nothing we are going to do to help you. We are going to continue to tie your hands, and you are going to like it because we are going to tell you the economic theory that tells you why you should be happy why there is no regulation. We will make the decision for you, but we will not suffer any of the consequences of this decision.

How does this lecture go? It goes something like this:

It is based on economics 101 at every college in this country. It says if you want more electricity, you have the price unregulated. You have the price go up. And if the price goes up, people will use less and the producers will produce more.

Let us examine that. It makes perfect sense unless there is monopoly power. But in our market there is that monopoly power, and that is why economics 101 is not enough and lectures and condescending comments to California are not enough.

First, as far as using electricity, California is second on the list, second only to Rhode Island in terms of conserving electricity, and those statistics were before we began our Statewide conservation plan. Californians today are conserving, and we are going to conserve more. We do not have to bankrupt our businesses to inspire conservation.

But what about the main part of the argument? The argument is if you allow the price to go up and up and up, producers will produce more. Now that is certainly true where there is no monopoly power. If the price of iceberg lettuce went to up $2, more farmers would find more land on which they could plant iceberg lettuce and there would be more production. But that is because there are tens of thousands of small producers or farms that could be producing iceberg lettuce, or any other farm commodity. That is what 101 economics is all about, those markets where you have thousands of small producers.

That is not our market for electricity. Keep in mind the electric grid for California extends only to the adjacent States, all of which are smaller in population and economy than we are, even when combined. So we cannot import electricity from the other States. The market is only the western States.

Second, electricity gets used up as you transmit it. You lose about 10 percent of the electricity for every 300–400 miles that you transmit it; so even if we did have electric grids connected, you would lose well over half the power in trying to move it that far. So the market is limited to those who can produce electricity in the western States.

There you have a few producers who have seen that they have market power. They have seen that even if all of the electricity is produced from the plants that are owned by our local utilities, and all of the electricity is produced from the Pacific Northwest hydroelectric plants, which cannot produce very much this year because of a drought, and all of the electricity is produced that can be produced from our municipal electric companies, there is still a need for virtually all of their plants to be on-line.

If they can shut down 10 or 20 percent of their plants, the price skyrockets. So let us bring it down to numbers. If we had regulation of these private producers, then let us say a plant that could produce electricity for $30 a megawatt could sell it for $50, the company that owned that plant would say, we make $20 for every megawatt, the more megawatts we make, the more profit we make. Lets maximize production. Regulated price would lead to maximized production.

But let us say it still costs $30 a megawatt to produce electricity, but the owners of these plants realize if they shut down a couple of turbines, and a couple of their buddies shut down a couple of their turbines, that the price will go not to $50 a megawatt but to $500 a megawatt.

Then they realize by producing a little bit less, they make a whole lot more. By creating a situation where we have to blackout 1 or 2 percent of the State, they are getting the maximum price for every megawatt they produce.

So that is why lectures based on the most simplistic models of a free market economy do nothing but a disservice. I do not know if this is a mere pretext at the White House and they know full well that their reasoning is suspect, or whether the White House is dominated by those who only took the basic course in economics and they feel passionately that somehow their imprisoning of California, them taking the decision-making power away from California, they may believe that it is somehow in our interest. Certainly facts have proven them wrong.

We have the same demand in California that we had a couple of years ago. Pretty much the same demand as a couple years before that. We know that price regulation works, gives us reasonable bills, gives us reliable power. The current situation is obviously a failure.

So only if you close your eyes to any advanced division courses in economics, and close your eyes to everything actually happening in the West, can you reach the conclusion that the absence of rate regulation on these private utilities is helping California. Yet that is what we are told.

In an effort to distract us from how abysmal Federal policy is in this circumstance, they have come up with another argument. That argument is that there is something evil about California and California deserves to be punished, it is all their fault. Every bit of suffering by every Californian is somehow the fault of some divinely ordained morality play, and has nothing to do with the economic regulation or lack therefore that comes from Washington.

This is, of course, a distraction. It makes no sense. Even if you think that California made tragic mistakes in its decision-making process, that is no reason not to regulate the price at which electricity is sold by these independent generators. Even if you say these wounds are self-inflicted, that is no reason to let the patient die when you know how to cure him. But the fact of the matter is that all of the attacks on California are not only insulting, they are also false.

The biggest attack against California is that our environmentalists prevented private industry from building plants in California when private industry knew that those plants were needed.

Mr. Speaker, there are five reasons why it is absolutely provable why California environmentalists and California decision-making is not in any way at fault, did not prevent the building of plants in California. I can prove that with five different independent reasons.

Mr. Speaker, I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, while many are trying to make this out as a California problem, it is my belief as an American that this is a problem for America, and we must not only address the California situation, but we also should be addressing this as a long-term policy and energy policy really for the United States.

Mr. Speaker, I think there are a lot of great States. All 50 States are great. Hawaii is beautiful. I was just down in Florida, it has great beaches. Who would not be envious of the New York Stock Exchange or the Blue Ridge Mountains or Aspen in Colorado? There are a lot of great things around our Nation.

Sometimes I think that people think because California is a wonderful place and we have had a great and strong economy for the past 8 years, we should be punished because something is happening in our State. The reality is that California is the sixth largest economy if it were a stand-alone Nation in the world. In a sense, we are even a larger part of what happens in the United States.

One of the reasons that we have been very successful with respect to our economy is that we are a part of America. We have this ability to trade across all of the State lines. We have an ability for people to move between the 50 States. We share ideas. We get people who come to our universities from other States. We are connected as a country.

Mr. SHERMAN. Absolutely.

Mr. Speaker, there are 50 great States. Some listening to my earlier remarks maybe thought that I thought there were only 49 great States, and I was somehow criticizing Texas. Texas is also a great State. I talk to my colleagues from Texas, and they are almost as upset as you and I are, that a dozen companies or half a dozen companies, many based in their State, are jacking up the prices. That does not reflect on the ethics of the average Texan; and it is of no benefit to the people of Texas.

We have 50 great States with great people in every one of those States.

Ms. SANCHEZ. Mr. Speaker, where goes California, so goes the rest of the Nation. Other States should take notice of these problems because other States will face these problems also.

What has happened, our economy has expanded so greatly, we never imaged that this type of energy draw would be required in California. Many say Californians are environmentalists and did not build plants. We can take a look and know it was not because of environmental regulations we have in California that we were not getting some of these plants on-line, part of it is a wider problem that happens with a lot of infrastructure, and that is the not-in-my-backyard problem that happens with so many things, whether it is a jail or an airport or a utility plant.

I think the rest of the States need to understand we need to fix this in California and in the western States because when it is your turn, you want to learn from us about how not to head into this problem.

Mr. SHERMAN. Mr. Speaker, I would point out that I think we have saved quite a number of States from disaster. How many of our Members have said to me, my State was thinking of deregulation. Boy, we stopped that one in a hurry.

I would point out that yes, there are situations where people say build it somewhere else, not in my backyard; but if you look at generating facilities, that was not really the case in California. There are other important facilities where you and I are aware that it ought to be done somewhere, and we cannot quite agree where.

But in the case of generation facilities, it was not either local communities saying not in my backyard nor environmentalists saying do not do it anywhere in the State, it was the absence of any private company that really wanted to build a plant.

I cannot find a single Member from anywhere in California that said that a company wanted to build a plant in my community, and they were prevented for this or that reason. They made this try, they worked with local people, and then they had to go away. We can all mention other facilities or things that they thought of doing in our districts because people did not want it.

□ 1800

Electric facilities are not on that list.

Ms. SANCHEZ. These facilities, as the gentleman knows, of course we have a couple coming online, one even as soon as the end of this summer.

Another problem that we have had is the transmission or the grid process by which we are able to transmit this energy. In fact, if one does not see it, one probably does not think about it. Think about all the people who were just used to flipping on the switch at home and never thought that electricity really came from somewhere. It was never given a second thought. There are many cases like this.

I think of the water problems that our country will face in the near future or sewage problems, for example, that we see many of our cities now where their underground piping has worn out, and there is not the money to replace that unless we do it at a Federal level or with some grant process or with a real thought to what is happening underground.

So I think a lot of times we get calls about fix the transportation system, or I am stuck in traffic or my plane was left on the tarmac for too long; but these other issues of will the electricity come on, will the water flow, are things that if one does not see it, we are not asked to fix it. We are not necessarily working or putting the political clout or the monies behind that.

I think as a Nation we need to understand that these problems are all of our problems, and we need to come together with good policies to fix this.

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman from California (Ms. SANCHEZ) for her comments.

Mr. Speaker, I will share the five proofs that there were no bars toward building plants in California.

The first is it is simply not true. We are elected officials, some would say politicians. When a private company wants to build something big and they run into problems, that becomes an issue; and we all become aware of it. One of the first things they do is seek a meeting with whatever Members of Congress are in that area, with our friends in local government and State government; and sometimes we might support a project, sometimes we might think it is a bad project, but there is never a situation where there is a huge controversy over whether government will allow a big plant to be built and no politician knows about it.

One cannot have a governmental controversy without having elected officials know about it. We know that there was not a situation where people wanted to build power plants and were not allowed to.

The second proof is that for the 8 years of the prior Republican Governor, who, after all, served until just a couple of years ago, 8 years of a man who was often compared to then-Governor, now-President George Bush, not one plant was even applied for, not one, in a serious way. Not one application was approved by that Republican Governor for 8 years. That is not because Governor Pete Wilson was an environmental crackpot, because he was not. That was because nobody wanted to build plants in California.

How do I know nobody wanted to build plants in California? During the last several years, our local utilities had been selling off their existing plants, and they tried to get a good price for them. They really did not get a very good price for them. Why would anybody say I am desperate to build a new plant, but the California environmentalists will not let me if they will not pay a decent price for a plant that already exists?

We know that when something cannot be created because of environmental regulations, the old ones sell for more.

I am proud to represent Malibu. It is beautiful. A lot of people would like to live on the beach in Malibu. Now there you have environmentalists who will not let, you build a beach house in Malibu and will not let you build a big beach house in Malibu, and will not let you build a tall beach house in Malibu.

One can be sure that they cannot buy an existing tall, big beach house in Malibu at a bargain price. One cannot buy it at a bargain because they cannot make any more. There is a shortage of beach houses in Malibu compared to the people who want them. There was not a shortage of power plants compared to those who wanted to buy them or build them.

In addition, and I have talked to some of the top scientists about this, an electron does not know when it crosses a State boundary. So if one is going to build a power plant, they are not building it to serve California. They are building it to serve everything within about 400 or 500 miles of that power plant, maybe a bit further. They are connecting it to the western grid, which includes every State from New Mexico to the State of Washington. That is the grid electricity can be sent on, and one can build anywhere in those States in order to supply those States.

So for us to believe that there were these companies that desperately wanted to build power plants and the evil California environmentalists would not let them, one has to believe that the evil environmentalists of Nevada would not let them build. I mean, when was the last time we were told that Nevada State government was in the hands of environmental crackpots? That is not what we hear.

So, in fact, there was no major effort to build plants anywhere in the West, both where environmentalists are strong and where environmentalists are not particularly strong, and there was no tremendous desire to own a power plant that already existed because even today if it had not been for a drought, an unexpected drought in the Pacific Northwest, there would not be a shortage. In fact, up until today I am not sure that there was a single day that the existing power plants were not capable of generating all the electricity that was demanded.

The reason for the shortage is not that plants were not built. The reason plants were not built was because there was not considered to be the likelihood of a shortage. Instead, the reason there is a shortage is that by creating an artificial shortage, they are able to drive the prices higher.

So I do not know if my colleague from Orange County has additional comments.

Ms. SANCHEZ. One of the other myths that we have heard is somehow that Californians are just these consumption hogs with respect to electricity. I think we were looking at some statistics the other day that showed that of the 50 States, we are behind Rhode Island, number two in the least amount consumed per person in any State as far as the electricity that we use.

So when people say we all are just consuming too much and leave all the lights on and we are just not paying attention to what is going on, we are actually one of the best States with respect to consumption of electricity per person in the entire United States. So I would like to dispel that myth where people are saying we just use too much energy, or we use more than the energy we should use.

Also going back to the fact that this is a concern for America, there are plenty of times, and we have seen these numbers over and over, where we send a lot of tax dollars to Washington and we are what one calls a donor State. We never get as much money as we send to Washington back into California. It is usually put in the pot out here; and when relief is going on for floods in areas or droughts in areas or tornadoes in areas, our money usually goes to help other States who are in need.

I would just say again that from a California perspective we are a team player. We want to be a part of the overall economy in the United States; and what has, I think, really angered some Members who are from California and the Pacific Northwest, and also many Californians, is that we have had an administration here in Washington who has basically said you all fix it; it is nobody else's problem. I think that is a very short view of what is really happening out in California.

Mr. SHERMAN. I do want to point out that those who say it is your problem, you go fix it, are the same ones who have tied our hands behind our backs, because it is Federal law that says we are not allowed to impose rate regulation on these independent utilities. So they sit there. We can almost hear the muffled laughter as they say it is your problem, go fix it, and, oh, let me strengthen those ropes just to make sure they are tight. Let me gag you as well so you cannot complain about those ropes.

I would give you an analogy here. Imagine that your home is burning down. Now, you might have one neighbor on one side of you that does not help you. Okay. But then you have the most malevolent neighbor who goes in, grabs your hose, impounds it, and then gives you a lecture about how it is your fault your house is burning, you should have read the 12 points about fire safety while your house is becoming a cinder.

California is burning. The hose is the right to regulate the wholesale price of electricity. That hose is being impounded by Washington, D.C.; and those who impound it are lecturing us. They are saying you do not need a hose to put out a fire. You need a lecture about how this fire is your fault.

Needless to say, this summer Californians will be getting those electric bills. Now, with other products, when I want to know where something was made, I pick it up and look for the tag on the back. Well, Californians are going to grab their electric bill, they are going to look for the tag on the back, and it is going to say, made in the corporate suites of Houston, under license from Washington, D.C. That is not the way this should happen.

That is why the bill that I am down here to speak for, a bill that many of us, I believe the gentlewoman has, have cosponsored was put forward by our colleague, the gentleman from California (Mr. HUNTER), one of the most conservative Members of the House; cosponsored by the gentleman from California (Mr. CUNNINGHAM). I cannot even characterize how conservative the gentleman from California (Mr. CUNNINGHAM) is. When was the last time you cosponsored a bill from the gentleman from California (Mr. CUNNINGHAM)?

Ms. SANCHEZ. I am from conservative Orange County.

Mr. SHERMAN. Excuse me. Excuse me.

My colleague, the gentleman from California (Mr. GALLEGLY), with whom I represent Ventura County, why are conservative Republicans sponsoring this bill? Because it is the right thing to do.

In the Senate, the bill is Feinstein-Smith. So there is bipartisan legislation, bicameral legislation blocked by the White House, while the problem continues.

Ms. SANCHEZ. One of the things that we have really asked for is sort of a time-out, a time to set some prices where we can take a look at were supplies really artificially taken off the markets in order to increase the price that we have had to pay in California. What is the real demand that we are facing now and the demand that we will face in the near future, and what suppliers do we really have, and will that be enough and what will be a time line? Really a time-out to make a plan of what happened, what is currently happening and what we must do for the future.

One of the things that we have asked for is maybe about a year's worth of some caps so that we can take the time to really understand the problem, rather than to try to legislate off the cuff, without enough information, which might make us have the situation worsen for California and for others. We are not asking for price caps for the next 10 years. We are just asking for some time in which we can understand the situation and with some bright minds sit down and think of the solution for this problem.

Mr. SHERMAN. I might add, in describing the bill that we both support, it is indeed temporary; just a couple of years. It is being called price caps. It is actually something that is less opposed than price caps by those that oppose it.

It is cost-plus-profit regulation. So it is not like we turn to every producer and say you cannot sell for more than $50 a megawatt. If you have a wind farm that was expensive to build and it cost you $80 a megawatt, 8 cents a kilowatt, we will let you sell for $90 or $100. So it is cost plus profit and that cost includes depreciation of your equipment. So it is a fair price for each producer, plus a generous profit.

Also the bill does call for investigation. We do need to investigate what has happened and how we have been gouged.

I would point out that the California Public Utilities Commission has done an investigation already. Not that we do not need to investigate more. They concluded that, yes, supply was withheld in order to move up the price.

There is another element to this bill and another element of the crisis that I do want to mention, and that is the natural gas crisis.

Now, throughout North America the price of natural gas has more than doubled, and that doubling is tough on many people around the country; and yet it is hard to say that that results from monopoly power.

□ 1815

There are thousands of producers of natural gas, and natural gas is a wonderful fuel. Its prior price had it cheaper than oil; now it is equal with oil in terms of the Btus it produces, and it burns clean. But in addition to this doubling of the North American price, the cost of moving natural gas from Texas and New Mexico and Colorado, where it is found, to California, went up by a factor of 12. So we pay more to move natural gas 800 or 900 miles than is the value of the natural gas. The shipping costs exceed the product cost. 12 cents.

Why did that happen? Again, the Federal Energy Regulatory Commission came up with a bright idea. They punched a giant loophole in their regulation of the four big pipeline companies. Talk about market power. There are only four of these companies that have major pipelines bringing natural gas to all of California. Big loophole. They jacked up their price. Amazing. The FERC.

It is no surprise that many Californians say, we have been FERC'd. This bill, and it makes an awful lot of sense, will provide for a resumption of what we have had in this country for decades, and it has worked well for decades, and that is cost-plus-profit regulation of these pipelines, because we can have tens of thousands of producers of Iceberg lettuce. We can have thousands of producers of natural gas in various wells around the country, but it is simply natural that we are only going to have three or four major pipelines going from one particular location to another, or three or four pipeline companies. So that is why we need regulation. That is why for decades and decades we have had it. When we lost that regulation, we end up paying a huge amount.

Now, not only does that hurt us in our natural gas bills. I cook with natural gas, heat with natural gas, the bill goes out of sight. But also, it is built into the price of electricity, because that is the fuel that we burn in those fossil fuel plants that generate electricity in our State. So it creates a higher price for electricity and it also creates an incentive, as if an extra incentive was needed, for some of those companies to withhold production. When they withhold production, they burn less natural gas, and they jack the price up. If they operate at full tilt, they have to pay for that natural gas at those monopoly transportation prices.

So we do need to regulate natural gas transportation charges. We do need to investigate what has happened in the markets. We do need temporary cost-plus-profit regulation of those who generate electricity in the west.

Ms. SANCHEZ. Mr. Speaker, again, I would caution the rest of the country that if this can happen to California, which is one of the largest economies around, imagine that it could happen to someone else's State also. We really need to step back. This, I think, is an emergency in California, in particular, in the next 4 or 5 months during the hot summer of California. But this is a bill about stepping back and taking a look and learning from this so that we can, in an overall plan for the United States, make an energy policy that works for each State and for all business people and homeowners across the Nation.

Mr. SHERMAN. Mr. Speaker, I want to shift just a little bit, because we are so preoccupied, quite naturally, with the short term in our own State, and talk a little bit about conservation and how important it is.

Now, the problem we have is that the President's budget and, frankly, this Congress, over its last 6 years of Republican control, has underfunded research, renewables and conservation; that, in fact, we have seen a tremendous savings of energy in this country due to our limited success in those areas. Even with that limited success, we have saved, I think the figure is a couple hundred billion dollars worth of energy, because we use renewables, because we have done the research, because we have conservation and greater efficiency.

So what did the Congress do during the 6 fiscal years it was in control while President Clinton was in the White House? Every single year, the amount spent on conservation efficiencies, renewables and research was cut. The total cuts probably meant that during the 6 years, we did 4 years' worth of the research, at least the amount provided for in President Clinton's budget. But then, starting with that lower amount that is in fiscal year 2001, the President submits a budget that shows a one-third reduction from that lower amount in the amount spent on research, renewables, conservation and efficiency.

Not good. So then, realizing that the country realizes that we have an energy crisis, that we need money spent on renewables and research and conservation, the President issues his energy plan. His energy plan was a beautiful, slick book put out by his press office, a wonderful press document, and in that plan he has $2 billion for clean coal, he has tax credits for conservation, he has money for research. It is all there in the pamphlet.

Ms. SANCHEZ. But it is not in the budget.

Mr. SHERMAN. But the pamphlet is not the law. The budget he submitted slashes the money. Then that budget is the basis of the tax cut that they are going to have us pass tomorrow, the next day, whenever they get it written. So that is going to cut the revenue available. And they are going to leave out of that tax cut several other important tax cuts that are necessary to make that tax cut work, so they are going to come back with a second tax cut bill, and then they are going so say, well, fine, we will agree to spend the money on clean coal as long as you take the money out of the Social Security Trust Fund.

Mr. Speaker, that is a nonstarter. There is no money in the budget for these conservation, research and renewable programs. The budget will be locked in with the tax bill, and there will be no money appropriated. That is perhaps why the White House needs to see blackouts, because in the light of day, there is an obvious contrast between telling people you are in favor of conservation and renewables and research and efficiency, and then, in the dark of night, passing the budget and tax bills that make it absolutely impossible to effectuate what you claim you want to do.

Ms. SANCHEZ. Mr. Speaker, is the gentleman telling me that this tax cut that we are going to see voted on by the end of this week would really take away our ability to fund or put into the budget, really fund programs in the coming year, as we do our work, the programs that his slick booklet talked about? These booklets of energy, of fuel cell, these research and development programs for cleaner technologies? We know that his original budget coming here to us cut significantly, had a very paltry sum, and that when his administration, President Bush's administration said, cutting back on consumption is not really the way to do this, and people were upset that he did not look at conservation and new technologies; that he turned around and talked about these, but the reality is, his budget and the numbers that are reflected by that budget and what we have here is documents and working documents tells a different story.

Mr. SHERMAN. Mr. Speaker, that is exactly what I am saying. We do not know what is in that tax bill. As I understand it, there is no Democrat in the room where the tax bill is being written, although they call it a conference committee. But we do know that when they emerge, one-third to one-half the benefits will go to income tax reductions to the wealthiest 1 percent of Americans. That is not in return for that group or any other group investing in clean coal or conservation; that is just a tax cut.

So while the President's plan calls for tax credits for conservation, for renewables, there is nothing in the tax bill that provides the tax credits that the President does the press conference about. That is why perhaps the real view of this administration, one that they have back-peddled from when it hit a fire storm, but their view was reflected in the comments well-known by the Vice President when he said, conservation may be a personal virtue, but it is not the sufficient basis for a comprehensive energy policy.

I think we need to respond. And that is, excessive energy company profits and environmental despoliation and destruction is not a sufficient basis for a comprehensive energy policy. What we need short-term for California are those rate regulations, and what we need in addition to some of the infrastructure improvements that the President talks about is a real dedication to conservation, to research, renewables, and "real" means you put it in the budget and you appropriate money for it. Not a real good pamphlet, but a real good law.

Ms. SANCHEZ. Mr. Speaker, being from California or going to New York or these research institutions where they are doing the research, these people are so optimistic, the researchers. They are looking at fuel cells and alternative fuels and different ways, rather than to use fossil fuel for the future. I mean, when we think of our country and this whole new technology and new economy that we are going through. I think if, in 1960, President Kennedy could say, we need to get a man to the moon and we could develop that technology that did that by July of 1969.

I am very familiar with that, of course, because it came out of the area that we represent, that certainly, with all of the new technology, with the research, if we just put money into that and let these people go at it, that in 5 or 6 years, we would completely change the type of energy that we use to run our cars and run our businesses and our homes.

Mr. SHERMAN. Mr. Speaker, if I can just add some of the statistics to back this up. Earlier we were talking about getting plants permitted. During the 8 years in which we had a Republican governor, we had zero plants permitted. Just in the last 2 years under a Democratic governor, 14 plants permitted, seven are under construction, four of them are going to be on line this summer, another four or five will be on line before we hit the problems of next summer. We will have 8,500 megawatts on line. That is moving forward.

But getting back to renewables and research, as I said, the budget put forward by the President cuts renewables and research and energy efficiency by about a third. We were talking about how successful energy conservation has been. Americans have saved 4 times more energy through efficiency, conservation and renewables over the last 20 years than has been produced from new sources, new finds, of fuel in the United States.

And Americans have saved $180 billion, I might have thought it was $200 billion earlier, $180 billion over the last 20 years. That is just because we are using less energy than we would have, because we have got this technology and that is saving $200 for every dollar that the United States has invested in developing these renewables, developing conservation systems. If we go up to a wildlife refuge and we drill for oil, we get the oil, we destroy the environment, and then the oil is gone. If we invest in the technology that allows us to use less oil, we use that technology this year and next year, the technology is never gone, the technology, if anything, is improved year after year. That is why if we are looking for a long-term solution, we cannot get it unless we have a real dedication, not just a press office dedication, to renewables, to conservation, and to research.

Ms. SANCHEZ. Mr. Speaker, I want to thank my colleague from California for taking this hour to discuss and to dispel some of the myths that people around the country have heard about Californians and about what we are facing there. I hope that many of them will take the time to read the real information and to understand that where California goes, so does the rest of the Nation. I want to thank my colleague for the time given.

□ 1830

Mr. SHERMAN. Mr. Speaker, I want to thank my colleague from Orange County for participating in this special order. I think we have covered the subject well.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. OSBORNE) laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 24, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1092(b) of the Floyd D. Spence National Defense Authorization Act, I hereby appoint the following individual for appointment to the Commission on the Future of the United States Aerospace Industry: R. Thomas Buffenbarger of Brookeville, Maryland.

Yours Very Truly,
RICHARD A. GEPHARDT.

IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise this evening to talk about an issue that I care very much about and one I hope that will garner the attention of this House during the 107th Congress. It is an issue that is seldom discussed, unfortunately, although I consider it to be one of the most significant problems, one of the most significant issues facing the United States from a domestic policy standpoint, and that issue is massive immigration into this country. I hope that we can demonstrate tonight to everyone, to my colleagues and to those listening, the numerical realities of mass immigration and some of the burdens that come with it.

Mr. Speaker, since 1970 more than 40 million foreign citizens and their descendants have been added to the local communities of the United States of America. Just last month, The New York Times reported that the Nation's population grew by more in the 1990s than in any other decade in the United States history. For the first time since the 19th century, the population of all 50 States increased, with 80 percent of America's counties experiencing growth. Demographic change on such a massive scale inevitably has created winners and losers here in America. It is time that we ask ourselves, what level of immigration is best for America and what level of immigration into America is best for the rest of the world?

Now, as we have witnessed, Mr. Speaker, the previous speaker spent some time discussing the problems of energy in California specifically, or I should say the lack thereof. Of course this is a monumental problem facing the Nation. Something almost unbelievable is happening to us, a Nation, the richest Nation on the face of the Earth is now experiencing, in one of the richest States of that Nation, rolling blackouts, energy shortages. How can this be? The previous speaker had some idea as to why it occurred. But, of course, it is only a symptom, Mr. Speaker. All of the problems experienced by California and that will most certainly be experienced by other places around this Nation, the problem with not enough resources, not enough energy to supply the needs of the population, goes back to a much deeper root. It is not just the inability of the bureaucracy to move quickly for the approval of power plants or the number of companies that are transporting the product from place to place.

It is, in fact, numbers. It is people. California has experienced, as well as the rest of the Nation, an incredible increase in population over the last couple of decades. That population increase naturally forces all kinds of other things to occur: Great demands on our natural resources.

We wonder when we look around, all of us, is it not interesting that every single day as we come to work and we recognize how difficult it is, how many more cars there are on the road and how much longer it takes to get to work and we say to ourselves, gee, where are all these people coming from? Believe me, in Colorado, my home State, we are experiencing a dramatic, almost incredible growth rate. And where are these people coming from? Is it the natural growth rate of the population, the indigenous population of this country? No, sir it is not. It is, in fact, immigration, massive immigration, the size of which, the numbers we have never experienced before in this Nation's history.

Now, we have for a long time found it difficult to wrestle with this question of immigration. People are concerned about coming forward and actually debating this point. The reason, of course, is that there is always a taint associated with it. When you start talking about the problems of massive immigration, opponents of those of us who want to limit immigration always want to use race cards in the discussion. They always want to talk about this as being a racial issue. But I assure my colleagues, from my point of view, it has nothing to do whatsoever with race. It is simply a matter of numbers.

It is difficult to talk about it when we see nostalgic images of Ellis Island and we know that our own families, all of us here, have come to the United States, probably most of us, I should say, through that particular port of entry. We all recognize that that is our heritage. We all know someone, an immigrant who is here, who is struggling and striving to achieve the American dream, and we think about them nostalgically and we think about them as admirable people, and they are.

Mr. Speaker, I have absolutely nothing against those folks who come here, and I would be doing exactly the same thing if I were living in their condition, in their situation. I would be looking for the way to get into the country. But, in fact, we have a responsibility in the United States, and the Federal Government has a unique responsibility here. It is something the States cannot deal with on their own. We constantly fight this battle about what is the appropriate Federal role and the appropriate State role, but in this case with the issue of immigration, there is no question, it is a Federal role.

Only the Federal Government has the role and responsibility to establish immigration policy. And so it is only appropriate that we should be discussing this tonight, and I hope many more evenings and many more days on the floor of this House in the 107th Congress, because, Mr. Speaker, it is about time somebody brought this up. It is an issue that underlies so many of the things that we discuss here that are really in a way the veneer.

We just passed an education bill out of this House increasing the Department of Education's budget by some $20 billion to $22 billion. There was a lot of discussion about the need to build more schools. We are quite concerned about our Nation's schools, and we are forced to come here to the floor of the House of the United States Congress to deal with education which of course is not even in the Constitution as a role and function of this body. But we do it because the pressure is building out there across the land for something and somebody to do something because education is a problem.

Let me again suggest that one significant aspect of this education problem in America is massive immigration. In California alone, to meet the demands imposed upon that State by the massive number of people that are coming in there, immigrants, and, by the way, we are only so far talking about legal immigration. We are not even discussing for the moment the numbers of people who come here every single year illegally and actually stay here, become part of the population, do not return to their country of origin. I am just talking about legal immigration and the pressure that legal immigration puts on this country.

Specifically, the State of California would have to build a school a day for the next several years in order to meet the demands being placed upon it because of the population growth in that particular State. It is not unique. We are seeing this happen all over. These are tough questions but they can no longer be avoided, Mr. Speaker. As we enter the fourth decade of the highest immigration we have ever experienced in this country and we struggle with its impact, we must discuss it.

Some people express shock that Americans could consider cutting immigration and thereby violating what they claim to be the country's tradition of openness. But they truly misunderstand U.S. history. It is actually the high levels of immigration during the last three decades that have violated our immigration tradition. From the founding of the Nation in 1776 until 1976, immigration has varied widely but the average was around 236,000 people per year. Now, this was a phenomenal flow into any single country. It was unmatched by any country on the face of the Earth. It should be noted that during these times, the United States had vast expanses of virtually open land and was certainly much better able to handle 236,000 newcomers annually.

Then suddenly in the 1970s and 1980s at the very time the majority of Americans were coming to the conclusion that the United States population had grown large enough, due to changes in our immigration laws, immigration soared above traditional American levels, rising to an average of more than 500,000 a year. We averaged around 1 million a year during the 1990s. The cumulative effect of years of high immigration has taken a while for Americans to comprehend. But many have awakened to a rather startling realization that the unrelenting surge of immigration above traditional levels is changing their communities, changing communities throughout the United States into something oftentimes the residents do not like, do not recognize even as their own.

I am joined on the floor by my dear colleague and friend the gentleman from Virginia (Mr. GOODE), who has I know some great concerns about the issue because he is a member of our caucus, a caucus we started last year called the Immigration Reform Caucus. I would like to now turn to the gentleman from Virginia (Mr. Goode) for his comments on this issue and thank him very much for joining us this evening.

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from Colorado for addressing immigration and for pointing out the figures that are impacting the Fifth District of Virginia and most every House district in this country.

One piece of legislation that I would like to see addressed by this Congress would establish English as the official language of the United States. I am not advocating that all in this country should speak English only. In fact, I would encourage all students to learn other languages. I have encouraged my daughter in her efforts to learn French and Spanish and to be fluent in both of those languages. We should try to learn other languages and other cultures, and I believe that our President is a stronger President because of his fluency in Spanish. But we need to have English as the language of this country. Having one common language is a unifying force for a nation. We will be stronger as a nation with one language which all persons in this great country share and which all could use in communicating with persons all across the United States.

We can avoid the Canadian situation. In Canada, they have held several referenda to break apart that country. The French-speaking Quebec province has sought several times to split from Canada. In the last referendum, there was a very close vote and the separatists almost prevailed. If we drift into a situation in this Nation where all persons in a region speak and use only a non-English language, then the separatist spirit may arise in the United States. I do not want to see a situation in this country develop like that in Canada.

□ 1845

By adopting English, we can avoid certain other problems. We can avoid the need to have multilingual highway signs. Can one imagine the cost on each State if we had to adopt multilingual signs. If all of our governments had to adopt forms and papers in the various languages, it would be a huge cost on the Federal Government and the individual State governments. We can prevent a separatist spirit from arising here by choosing English as our official language now.

Mr. Speaker, I want to thank the gentleman from Colorado (Mr. TANCREDO) for his focus on this important issue.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODE) for joining us this evening and for his comments. The gentleman from Virginia (Mr. GOODE) brings out a number of issues specifically related to the problems that we confront in the nature of when we have pressures brought in our schools to teach children in languages other than English, in our businesses to have forms in the language other than English, in our politics to go to the polls. At a time, there were probably half of the counties in Colorado that actually, by law, had to have ballots written in two different languages. There are still counties who do that. There are still places throughout the country that require that.

Now, let us think about what that really means. If, in fact, one cannot understand English, and at the point in time that one comes to vote, one has to be given a ballot in a different language, does that not mean that one is also most likely unable to understand the debate that occurred prior to the decision one makes to vote?

All of the discussion of the issues were inevitably in English. All of the candidates speaking, let us say 90 percent of the time anyway, were speaking and telling us their particular positions, their attitudes, their ideas in English. But if one cannot understand that, and one goes to the polls to vote, on what basis does one make these decisions if one cannot understand English and have to be given a different ballot?

But that is just one point that we have addressed this evening that I have mentioned before as being many facetted, many, many different problems that we confront as a Nation as a result of massive immigration.

Many Americans have awakened to a startlingly realization, Mr. Speaker; that is, that the unrelenting surge of immigration above the traditional levels, as I said earlier, is changing our communities and, as the gentleman from Virginia (Mr. GOODE) mentioned, in ways that we find distracting.

The unprecedented flow of immigration has dramatically reshaped the social and ecological landscape all over America. None of this, none of this has been inevitable. Legal immigration into this country has quadrupled over the traditional American level for one reason and one reason only. Congress and the various Presidents for the last several years have made it happen.

I do not know if anyone ever intended for such an onslaught to take place when the immigration laws were changed in 1965, but for nearly three decades during various efforts to control illegal immigration, Congress has stood by as the much larger legal immigration numbers have soared and citizen opposition has risen correspondingly.

It is common when discussing negative trends from high mass immigration to focus on individual immigrant skills, education morals, their country of origin, culture and race. If one side points out that some immigrants are prone to crime and destructive behavior, the others note that most immigrants arrive with high motives, good character, and laudable behavior.

Some observers fear that the volume of nonEuropean immigration threatens to swamp America's cultural heritage. Others welcome an evermore multicultural society. Nonetheless, the chief difficulties that America faces because of current immigration are not triggered by who the immigrants are but how many they are. That is the point we have to focus on. It is the numbers.

The task before the Nation is setting a fair level of immigration, and it is not about race. It is not about some vision of a homogenous America. It is about protecting and enhancing the United States' unique experiment in democracy for all Americans, including recent immigrants regardless of their particular ethnicity.

It is time for us to confront the true costs and benefits of immigration numbers. They have skyrocketed beyond our society's ability to handle them successfully. These huge nontraditional numbers have led to many unwanted consequences.

Every single committee I sit on, the three committees I sit on, deal with some aspects of this. I am on the Committee on Resources, and almost every single hearing, we are confronted by the problems that the citizens of this country face when trying to actually even access on a recreational basis the beautiful places in this Nation that are available to them.

The other day, we were talking about Yellowstone National Park, and there is a great concern because of the numbers of people presently trying to visit that park every single year. We are talking about making reservations, having people make reservations to visit any of the national parks, sometimes years in advance because we cannot accommodate the numbers.

We are talking about what happens to the deserts of this country by the many people who are trying to exercise, again, their rights to recreate. We understand that. It is a constant balance, a constant tug of war between the desire to get out there and experience this great and wonderful land on the one hand and the recognition that the numbers of people that we have trying to do that will eventually lead to the complete elimination of those valuable resources. It certainly will lead to their almost immediate degradation.

Why? It is because of the numbers. Everything we face, it seems like every time we turn around in this Congress, we are faced with numbers. We keep looking at the symptoms. We try to figure out a way to allow people to get into the national parks and, like I say, making reservations for them years and years in advance and saying one can only use snowmobiles on certain trails, one can only walk on certain trails, one cannot drive one's car off the road here. We keep trying to figure out ways to contain the numbers of people.

What happens, of course, is that the quality of life declines for all of us, not just those who want to seek the pleasures of a pristine America, but those who live in cities where all of the services in that city, the demands for services grow astronomically, almost exponentially. The demands for schooling, the demands for sewage treatment facilities, the demands for streets and highways all grow beyond our ability to actually deal with them successfully because of the numbers.

The huge number of people that are coming into this country as immigrants have created for us a significant problem. There is another aspect of this. Mass immigration has depressed the wages of many an average American worker. Despite two decades of economic boom, the wages of our most vulnerable working Americans have remained relatively flat or even declined. This sorry recent record contrasts markedly with the rapidly rising wages of all Americans during the two decades after World War II.

Before 1965, the Congress wisely pursue a supplied-side labor policy of managed immigration that limited the number of immigrants to the traditional and historic level of around 200,000 a year.

During that age of managed immigration, tens of millions of Americans rose from poverty into the middle class. A supply-side labor policy demonstrably works. Mass immigration does not. To protect America's middle class and help more people at the bottom move up to the middle class, it is time to end America's experiment with mass immigration.

Immigration, massive immigration and the numbers that we are watching here has endangered American education. Children native-born and foreign-born are not achieving the educational standards that are certainly possible and necessary for them to eventually go on and get a slice of the American dream.

So these children are not only threatened by the depressed wages of many of their parents, but they are menaced by the decline of America's public schools. It is a decline not made because of immigration, but it is exacerbated by mass immigration.

The poverty level for America's children is growing, a phenomenon none of like to imagine. How can this be happening in the United States, in the richest country in the world?

Let us look specifically, if we look closer at the problem, as is so often the case with this issue, we see that it is in fact growing but growing among only a particular group of people. These are the children of immigrants, both legal and illegal.

Now, these problems that confront this country again, we will try to deal with here. We will pass massive budget increases. We have been doing it every single year for Health and Human Services. We will actually in 5 years, of course, double the appropriations for the National Institutes of Health, and I have voted for that.

I understand the concerns that we have and that we have to address it. But the reality is, where is this coming from? Why are we facing these problems in a way that has never before confronted the United States? I tell my colleagues, Mr. Speaker, I believe with all my heart it is the numbers.

I mentioned earlier that the massive overcrowding that is plaguing America's public schools can be blamed specifically, it goes directly back to immigration. Mass immigration also harms recent immigrants. It is the recent immigrants themselves who are most at risk on America's default on its commitment to a middle-class society. It is the children of recent immigrants, many of whom cannot speak English, whose future has been put at risk by the damage mass immigration has done to America's schools.

We hear more and more about a disturbing trend involving immigrants who cannot speak English holding society liable for their inability. The other day, I was reading an article in the Denver Post relating to a story that the ambulance drivers were being forced to hire a Spanish speaker to ride along to communicate with non-English speakers being treated by them, primarily, of course, illegal immigrants.

These teams felt obligated to retain these foreign speakers for one reason, to protect themselves from the rash of lawsuits being filed by non-English speakers against emergency medical teams who could not understand them when the ambulance arrived.

The gentleman from Virginia (Mr. GOODE) alluded to another aspect of this where products being made, manufacturers of various products are being threatened with suits because their products were misused by the people who could not read the instructions in English that accompanied them.

According to the New York Times, the product liability consultants have begun to advise companies to provide warnings in foreign languages or that at least include Spanish on warning labels because "it may be thought to be necessary by some judges and juries in certain jurisdictions".

Mr. Speaker, with over 140 languages being spoken in America, the issue of warning labels leads down a very slippery path. How many are necessary? If one opens a box and cannot read the instructions or the warning label, how many languages should that be printed in, in order for one not to have the possibility of being sued?

How many street signs do we need to change into how many languages so that the people driving down the street will not sue the city if someone runs into them because they are going down the wrong way on a one-way street? But they say, hey, that sign was in English. I could not read it.

As bizarre as this sounds, as incredible as this sounds, this is happening. Police now are having to hire, not just medical teams, but police are having to hire these people to go with them also on their rounds.

Well, okay, maybe one can handle this. Maybe the cost of this can be borne by one's local community if one is just one language other than English that one has to be concerned about. But what happens when there is, in my own school district, when there are literally hundreds of languages that are being spoken?

How many people need to go with the cop to the door to answer the domestic dispute call? It could be in a variety of languages. Will they be held liable, will the police be held liable if they cannot understand the language of the person at the door?

There are other recent newspaper articles demonstrating the problems with and attendant to a massive immigration. Monday in the Denver Post was a printed story about just how overtaxed Amercians enforcement mechanisms have become. In Durango, Colorado recently a group of illegal immigrants were detained in a motel because the Immigration and Naturalization service had no other place to hold them.

□ 1900

The illegal immigrants, of course, escaped out the window of their motel room, perhaps never to be seen again. But of course the numbers, again, these are the numbers we are talking about, massive, 1 million a year, legally. Then we add to that about another 300,000 or 400,000 who come here under a different category all together but still legally. Refugee status that is called. Some people estimate even double that number all together, 2- or 3 million that we gain every single year, net gain, of illegal immigrants.

And what does that do to all of the mechanisms that I have described here? Enforcement mechanisms that are at our Nation's border have become a farce. Another news outlet recently reported the Mexican government has begun providing "survival kits" to 200,000 people planning to head north illegally. The kits contain medicine, condoms, cans of tuna, granola, and information about crossing the desert. This is at a time when the Mexican government is telling the United States Government that they want to act to discourage illegal immigration.

But, Mr. Speaker, I put it to you that there is no desire whatsoever on the part of the government of Mexico or several other countries to discourage immigration because we are their safety valve. That border, an open border, is their safety valve. And, Mr. Speaker, it would be one thing if we only had to be concerned about the quality of life in Mexico, but it is also our responsibility to be concerned about the quality of life in the United States.

Now let us take a closer look at the demographic effects of these decades of mass immigration. From 1924 to 1965, approximately 178,000 immigrants annually are brought into the United States. At no other time in history was the country so positive about immigration or did immigrants assimilate so quickly or were they so welcomed.

In 1965, Congress changed the law. Democrats promised that our immigration numbers would not rise by more than 40,000 a year, but that quickly rose by hundreds of thousands a year, and Democrats have fought all efforts to correct the mistake. So during the 1990s, we averaged not 178,000 a year, but 1 million legal immigrants each year. That is why there is so much concern about immigration out there. It is not that everyone has turned mean-spirited and not that we have suddenly changed our minds about immigrants or the foreign born. It is just that the numbers have gotten so high at the very time most Americans had decided they wanted to stabilize the population like the rest of the world.

Now, there is actually quite a bit of ambiguity on the part of Americans on the topic of the population. Polls show that most Americans, when asked, like the immigrants they know. In general, they say they are hard-working and add some things to America individually. I would certainly say that if asked. But a majority also say there are simply too many.

I am now going to show something that I believe is most important in the context of understanding the immigrant issue that is before us. In fact, I do not believe any immigration decision should be made in this country without referring to this or how they relate to the charts I am going to show you. The chart in the well there is U.S. population growth since 1970 in millions.

In 1970, we had 203 million people in the country. A small number down there in the circle, left-hand side of the chart: 203 million. The green part of that chart represents the growth in U.S. population that lived here in 1970. You can see now that there was a baby boom. It is called on the chart the baby boom echo. So there was an increase in the number of people who lived here. Now, we are not talking about immigration, just indigenous population at that time, from 203 to 243 million people recently.

Around 1970, American people, through personal choices, decided to start having small families. As a result, we ended up with a fertility rate that was just below replacement level. We still had growth, because even though the baby boomers had small families, there were so many baby boomers that we kept on growing in population, but by less and less. Demographers have taken a look to see what the growth will be in the rest of the century from 1970-based American population.

As you can see from the green, the baby boom echo will add for a while and then actually, about 2030, it stops. That baby boom growth stops, and then it begins to recede back to the 1970 levels.

Now, does the green assume a zero immigration level? The answer is no. This is actually replacement level immigration. Because it assumes the same number of immigrants coming into the country as Americans are leaving it, at about, by the way, 200,000 a year. But look at the red on the left-hand side. It represents every immigrant above the replacement level who came here since 1970, plus their descendants, minus the death from both groups. Now, that means that there has been more population growth from immigration as there has been from natural growth from 1970 stock population.

So where it says 281 million, that is where we are now. And what it shows is the growth in the immigrant, the legal immigrant remember, legal immigrant population into the United States which matched the growth of this country naturally. That means that in this period of time since 1970 to today we have had to double all of the additional infrastructure expenditures we have had for the country. We have had to build twice as many schools, twice as many sewage treatment plants, twice as many roads and streets. All of this additional needs of this country have doubled because t' e Federal Government has quadrupled immigration.

Now, let us look at where we are headed according to the U.S. Census Bureau numbers. The Census Bureau tells us that this will be the future if immigration continues at today's rates. This is what we will bequeath to our children and our grandchildren this century. This is not conjecture, this is not speculation, it is not subjective, this is not what might happen, this is what will happen if Congress keeps immigration four times higher than traditional levels.

If Americans are feeling overwhelmed by congestion, the traffic, the overcrowded schools and the sprawl at this level, down there at the 2000 level, when you go to school, when you go to work every single day and everything around you, you see all the land being consumed, of what was yesterday a beautiful farm is today beginning to sprout houses, and what was a pasture not too long ago is now an industrial park, and you keep saying where is this coming from? I do not understand it. It is surprising because I just did not think the natural population of this growth of this country was creating this, well, you are right, it is not the natural population growth of the country that is creating it. It is the massive numbers of immigration of immigrants into this country, both legal and illegal, that is causing the problem.

Remember, this chart, the red you see on that chart, does not reflect illegal immigrants. It is just what would happen if we keep our immigration policy today at the same legal number. So if you think we are crowded today, if you think that it is harder and harder to find a place to go and recreate, harder and harder to get out to the mountains and get away from it all, to find a place where there is nobody around, and how many times have we wished we could be in that situation, just be alone for a while, when it is harder and harder to be alone for a while today, what do you think it is going to be like in 2050 or at the end of the century at these levels?

We have some of our coastal areas even today showing signs of societal breakdown, at this present level of immigration. As I started out with my whole discussion this evening, I was reflecting upon the previous speaker's concerns about California. Well, California is just a microcosm of where this Nation will be in the not-too-distant future. And not just in terms of its energy problems, but in terms of the population growth and all of the other problems that are attendant to massive population growth.

There are people who suggest that it is our responsibility to bring these people in because, of course, they are poor, they are impoverished, and we need to help them out. Please understand this. Even if we continued to take a million a year legally, we cannot even put a dent, not even the slightest dent into the world population of poor. Every single week, every single year, millions upon millions are added to the number of poor people in the world. And that is a terrible shame. Every year, 80 million. We take one. We are adding 80 million a year impoverished all over the world to the already 3 billion people who fit that category.

What can America do about that? How many can we take to make a difference? I suggest that if we truly wanted to be concerned about and show concern about the people in other countries, do not allow those governments off the hook, do not allow Mexico, for instance, to use the United States as their escape valve. Force them to deal with their problems internally. Force them to improve the quality of life for their own residents. That is the only way that we even can remotely hope to improve the quality of life for people around the world. We cannot do it by taking them in here. We will bring both ships down.

A lot of people wonder if immigration will be brought down to something in the more traditional level. Well, I do not have a crystal ball, but I can say that I believe the pressure for us to do something will grow, and I believe that this Congress will act. I do not know if it will be today. I hope it is today. But my gut tells me that it will not be. That it will be some time before we will ever have the courage to actually address this problem of immigration.

Let us be realistic about it, there are people in this body who look at this problem and look at this issue from political vantage points and suggest that massive numbers of people coming into the country will benefit one particular party over another. And it is, I suggest, their own very shortsighted, very political point of view that has prevented us in this body from doing anything about limiting going immigration now for some time. There is a political advantage to be gained by one party over another by having high levels of immigration. But look at what it is going to do to the rest of the Nation and to the immigrants themselves. It is not the best thing.

Massive immigration is not the best thing for immigrants, it is not the best thing for America. Do we act now, while we have the strength to help the rest of the world, or do we wait until years from now when we are in such a situation of disintegration and turmoil that we can only look inward? Do we cut the numbers now, while most Americans still have favorable feelings about the foreign-born Americans living with us? Those are the options we face as Americans. It is why it is urgent and important that every American make sure that their own Member of Congress is working towards something like this rather than what the majority is now doing, giving us something like that on the chart.

There are really two immigrant debates taking place in America today: the numbers debate and the characteristics debate. There are those who argue that we should either increase or decrease the total level of immigration and others who argue we should increase immigration based on the characteristics of the immigrants themselves. I believe that the second debate cannot take place independently of the first. After all, every immigrant that we admit to the United States has specific skills or good characteristics, and that contributes to a huge overall number of immigrants that I spoke of earlier.

I want my colleagues to understand I am not anti-immigrant. I am anti-mass immigration. I firmly believe that we must take overall numbers into account in any immigration debate and look at the impact of those numbers and how they affect our communities.

□ 1915

Mr. Speaker, I hope that we have begun the process even tonight of establishing a dialogue and a debate on this issue. It has for too long been held in secret even around the halls of Congress. For too long there has been a fear to address the issue of immigration for fear that people will attack those of us who are attempting to deal with it and use all kinds of spurious arguments against it.

I encourage us all to think about the need to once again gain control of our own borders, reduce the number to a level that is the more traditional level of 175,000 to 200,000 a year legally coming into this country and then try our best to deal with the illegals who are coming at a rate of 1 or 2 million into the country, a net gain to the country. We have to address it. The States cannot do it.

Mr. Speaker, it is our responsibility and ours alone. It is time to take that responsibility. Stand up, take the heat. There will be plenty of it. Mr. Speaker, I can guarantee that tomorrow, and probably tonight, the phones are ringing off the hook. The racial epithets; we have been through this before.

I am willing to take the heat and be called the names because I believe that this problem is a significant, perhaps the most significant, serious domestic problem we face as a Nation. Whether it is resource allocation, schools, buildings, hospitals, or just the quality of life, it is the numbers, Mr. Speaker. It is the numbers.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family medical reasons.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) after 12:00 p.m. today on account of personal business in the district.

Mr. GILLMOR (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. ENGEL, for 5 minutes, today.
Mr. UNDERWOOD, for 5 minutes, today.
Mr. SHOWS, for 5 minutes, today.
Mr. HONDA, for 5 minutes, today.
Mr. SKELTON, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. REYNOLDS) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.
Mr. PAUL, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 801. Veterans' Survivor Benefits Improvements Act of 2001.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, May 25, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2102. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Changes in Reporting Levels for Large Trader Reports (RIN: 3038–ZA10) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2103. A letter from the Acting Deputy Under Secretary, Department of Agriculture, transmitting the Department's final rule—Rural Business Enterprise Grants and Television Demonstration Grants (RIN: 0570–AA32) received May 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2104. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mandatory Inspection of Ratites and Squabs [Docket No. 01–045IF] (RIN: 0583–AC84) received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2105. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thiamethoxam; Pesticide Tolerance [OPP–301132; FRL–6784–7] (RIN: 2070–AB78) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2106. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP–301124; FRL–6782–1] (RIN: 2070–AB78) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2107. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Aspergillus flavus AF36; Extension of Temporary Exemption From the Requirement of a Tolerance [OPP–301124; FRL–6781–7] (RIN: 2070–AB78) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2108. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Eligibility and Scope of Financing (RIN: 3052–AB90) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2109. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, pursuant to 31 U.S.C. 1517(a)(2); to the Committee on Appropriations.

2110. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1341(a); to the Committee on Appropriations.

2111. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1341(a); to the Committee on Appropriations.

2112. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of Elmendorf Air Force Base (AFB), Alaska, has conducted a cost comparison to reduce the cost of the Base Supply function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2113. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of Patrick Air Force Base, Florida, has conducted a cost comparison to reduce the cost of the Supply and Transportation functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2114. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting the annual report on the number of waivers granted to aviators who fail to meet operational flying duty requirements; to the Committee on Armed Services.

2115. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2116. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Government Securities Act Regulations: Definition of Government Securities (RIN: 1505–AA82) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2117. A letter from the Secretary, Department of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 2000, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Financial Services.

2118. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2119. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2120. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-D–7509] received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2121. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2122. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology-Urology Devices; Classification of Tissue Culture Media for Human Ex Vivo Tissue and Cell Culture Processing Applications [Docket No. 01P–0087] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2123. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Colorado's Petition To Relax the Federal Gasoline Reid Vapor Pressure Volatility Standard For 2001 [FRL–6984–7] received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2124. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Promulgation of Attainment Date Extension for the Fairbanks North Star Borough Carbon Monoxide Nonattainment Area, Alaska [Docket No. AK–01–003b; FRL–6986–4] received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2125. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN126–1a; FRL–6986–2] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2126. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California and Arizona State Implementation Plans, Antelope Valley Air Pollution Control District and Maricopa County Environmental Services Department [CA 224–0279a: FRL–6982–6] received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2127. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of Funds for Source Water Protection [FRL–6984–2] received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2128. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring: Delay of Effective Date [WH-FRL–6983–8] (RIN: 2040–AB75) received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2129. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of West Virginia; Control of Emmissions from Existing Municipal Soild Waste Landfills [WV–042–6011a; FRL–6983–6] received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2130. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal of Direct Final Rule; Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations and National Secondary Drinking Water Regulations; Methods Update [FRL–6974–7] (RIN: 2040–AD59) received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2131. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan Louisiana; Nonattainment Major Stationary Source Revision [LA40–1–7338a; FRL–6988–4] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2132. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment of the 1–Hour Ozone Standard for the Phoenix Metropolitan Area, Arizona and Determination Regarding Applicability of Certain Clean Air Act Requirements [AZ–098–0025; FRL–6989–1] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2133. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Clarifying Revisions to 9 VAC 5 Chapter 40 Fuel Burning Equipment [VA107–5049; FRL–6987–9] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2134. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN132–1a; FRL–6985–3] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2135. A letter from the Associate Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—In the Matter of 2000 Biennial Regulatory Review—Review of Policy and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers; Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, First Report and Order, CC Docket No. 00–257 and Fourth Report and Order, CC Docket No. 94–129, FCC 01–156—received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2136. A letter from the Director, Lieutenant General, USAF, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 01–11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2137. A letter from the Director, Lieutentant General, USAF, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to France for defense articles and services (Transmittal No. 01–10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2138. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Sweden [Transmittal No. DTC 033–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2139. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy and France [Transmittal No. DTC 032–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2140. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance Agreement with Mexico and Canada [Transmittal No. DTC 061-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2141. A letter from the Chairman, Commission on International Religious Freedom, transmitting an Addendum to the May 1, 2001 Annual Report, covering Egypt and Saudi Arabia; to the Committee on International Relations.

2142. A letter from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations of Specially Designated Narcotics Traffickers and Removal of Specially Designated National of Cuba—received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2143. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the United States Macau Policy Act; to the Committee on International Relations.

2144. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination that eight countries are not cooperating fully with U.S. antiterrorism efforts: Afghanistan, Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria; to the Committee on International Relations.

2145. A letter from the Secretary, Department of Health and Human Services, transmitting the Semiannual Report to Congress for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2146. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2147. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2148. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2149. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2150. A letter from the Chair, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report on Resolution and Order Concerning the Fiscal Year 2001 Supplemental Budget Request Act of 2001; to the Committee on Government Reform.

2151. A letter from the Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2152. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97-25; Introduction—received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2153. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

2154. A letter from the Assistant Secretary, Lands and Minerals Management, Department of the Interior, transmitting the Department's final rule—Application Procedures [WO-850-1820-XZ-24-1A] (RIN: 1004-AD34) received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2155. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Abandoned Mine Land (AML) Fee Collection and Coal Production Reporting On the OSM-1 Form (RIN: 1029-AB95) received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2156. A letter from the Acting Assistant Secretary for Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting the Department's final rule—Small Refiner Administrative Fee (RIN: 1010-AC70) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2157. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Riverside Fairy Shrimp (RIN: 1018-AG34) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2158. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States, Atlantic Sea Scallop Fishery; Framework Adjustment 14 [Docket No. 010410087-1087-01; I.D. 031401B] (RIN: 0648-AO07) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2159. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery [Docket No. 010413094-1094-01; I.D. 032101A] (RIN: 0648-AP10) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2160. A letter from the Acting Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Improved Individual Fishing Quota Program [Docket No. 001108316-1083-02; I.D. 060600B] (RIN: 0648-AK50) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2161. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States, Atlantic Herring Fisheries; 2000 Specifications; Adjustment; Closure [Docket No. 000105004-0260-02; I.D. 120400A] (RIN: 0648-AI78) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2162. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by the Offshore Component in the Western Regulatory Area in the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 051401A] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2163. A letter from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Naval Activities [Docket No. 000218048-1095-03; I.D. 013100A] (RIN: 0648-AN59) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2164. A letter from the Acting Chief, Marine Mammal Conservation Division, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 001128334-0334-01; I.D. 101800A] (RIN: 0648-AN88) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2165. A letter from the Acting Chief, Marine Mammal Conservation Division, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations; Remove and Reserve Gear Marking Requirements for Northeast U.S. Fisheries [Docket No. 991222346-0312-03; I.D. 111300E] (RIN: 0648-AN40) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2166. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for North Carolina [Docket No. 010208032-1109-02; I.D. 050801D] received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2167. A letter from the Acting Chief, Marine Mammal Conservation Division, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 010510119-1119-01; I.D. 050901B] (RIN: 0648-AP27) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2168. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 043001B] received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2169. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects in Chesapeake Bay to Strenghten, Develop and/or Improve the Stock Conditions of the Chesapeake Bay Fisheries [Docket No. 010412091-1091-01; I.D. 040501D] (RIN: 0648–ZB05) received May 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2170. A letter from the Director for Financial Management and Deputy Chief Financial Officer, Department of Commerce, transmitting the Department's final rule—Civil Monetary Penalties; Adjustment for Inflation [Docket No. 001024293–0293–01] (RIN: 0690–AA31) received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2171. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule— Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States [INS No. 2122-01] (RIN: 1115–AG17) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2172. A letter from the General Counsel, U.S. Marshals Service, Department of Justice, transmitting the Department's final rule—Revision to United States Marshals Service Fees for Services [USMS No. 100F; AG Order No. 2316–2000] (RIN: 1105–AA64) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2173. A letter from the Acting Secretary of the Army, Department of Defense, transmitting the Final Feasibility Report and Environmental Impact Statement Navigation Study for Jacksonville Harbor, Duval County, Florida, pursuant to Section 101 (a)(17) of the Water Resources Development Act (WRDA) of 1999; to the Committee on Transportation and Infrastructure.

2174. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Chillicothe, MO [Airspace Docket No. 01–ACE–4] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2175. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cabool, MO [Airspace Docket No. 01–ACE–3] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2176. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Monroe City, MO [Airspace Docket No. 01–ACE–1] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2177. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Olathe, KS [Airspace Docket No. 01–ACE–5] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2178. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of a Class E Enroute Domestic Airspace Area, El Centro, CA [Airspace Docket No. 01–AWP–1] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2179. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Sugar Land, TX [Airspace Docket No. 2001–ASW–03] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2180. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Farmington, NM [Airspace Docket No. 2001–ASW–08] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2181. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bethel, AK [Airspace Docket No. 00–AAL–20] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2182. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30248; Amdt. No. 2051] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2183. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30247; Amdt. No. 2050] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2184. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30243; Amdt. No. 2046] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2185. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30245; Amdt. No. 2048] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2186. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30246; Amdt. No. 2049] received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2187. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310–324, A310–325, and A300 B4–622R Series Airplanes Equipped with Pratt & Whitney PW4000 Series Engines [Docket No. 2001–NM–68–AD; Amendment 39–12210; AD 2001–09–05] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2188. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–243, –341, –342, and –343 Series Airplanes Equipped with Rolls Royce Trent 700 Series Engines [Docket No. 2000–NM–389–AD; Amendment 39–12221; AD 2001–09–14] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2189. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca S.A. Arrius Models 2B, 2B1, and 2F Turboshaft Engines [Docket No. 2000–NE–12–AD; Amendment 39–12191; AD 2001–08–14] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2190. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerostar Aircraft Corporation Models PA–60–600 (Aerostar 600), PA–60–601 (AeroStar 601), PA–60–601P (Aerostar 601P), PA–60–602P (Aerostar 602P), and PA–60–700P (Aerostar 700P) Airplanes [Docket No. 2000–CE–31–AD; Amendment 39–12187; AD 2001–08–10] (RIN:2120–AA64) received May 21,2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2191. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200 and –300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental Type Certificate (STC) SA2969SO [Docket No. 2000–NM–295–AD; Amendment 39–12184; AD 2001–08–07] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2192. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes [Docket No. 2001–NM–94–AD; Amendment 39–12201; AD 2001–08–24] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2193. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–7–100, –101, –102, and –103 Series Airplanes [Docket No. 2000–NM–181–AD; Amendment 39–12182; AD 2001–08–05] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2194. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and EMB–145 Series Airplanes [Docket No. 2001–NM–123–AD; Amendment 39–12226; AD 2001–10–01] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2195. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412 Helicopters and Agusta S.p.A. Model AB412 Helicopters [Docket No. 99–SW–27–AD; Amendment 39–12217; AD 2001–09–11] (RIN: 2120–AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2196. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 206H and T206H Airplanes

[Docket No. 2000-CE-75-AD; Amendment 39-12211; AD 2001-09-06] (RIN: 2120-AA64) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2197. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Shaw Cove, CT [CGD01-01-046] (RIN: 2115-AE47) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2198. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Charleston Harbor, S.C. [CGD07-01-023] (RIN: 2115-AE46) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2199. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Taunton River, MA [CGD01-01-037] (RIN: 2115-AE47) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2200. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: San Diego Crew Classic [CGD11-01-004] (RIN: 2115-AE46) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2201. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT [CGD01-01-034] (RIN: 2115-AE46) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2202. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Lake Pontchartrain, LA [CGD08-01-008] (RIN: 2115-AE47) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2203. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Tampa Bay, Florida [COTP Tampa 00-054] (RIN: 2115-AA97) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2204. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Kennebec River, ME [CGD01-01-023] (RIN: 2115-AE47) received May 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2205. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category; OMB Approval Under the Paperwork Reduction Act: Technical Amendment; Correction [FRL-6987-5] (RIN: 2040-AD14) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2206. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Chesapeake Bay Program FY 2002 Request for Proposals—received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2207. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Public Assistance Program and Community Disaster Loan Program (RIN: 3067-AD20) received May 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2208. A letter from the Acting Administrator, Small Business Administration, transmitting the Annual Report on Minority Small Business and Capital Ownership Development for Fiscal Year 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2209. A letter from the Chief, Regulations Office, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Rev. Proc. 2001-33] received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2210. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions [TD 8903] (RIN: 1545-AY03) received May 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2211. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Federal Employment Tax Deposits—De Minimis Rule [TD 8946] (RIN: 1545-AY47) received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2212. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund; determination of correct tax liability [Rev. Proc. 2001-37] received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2213. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Coverage of Employees of State and Local Governments; Office of Management and Budget Control Number (RIN: 0960-AE69) received May 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2214. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting a copy of the Board's Consumer Price Index Report; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

2215. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft of proposed legislation entitled, "Federal Courts Improvement Act of 2001"; jointly to the Committees on the Judiciary, Education and the Workforce, and Government Reform.

REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 691. A bill to extend the authorization of funding for child passenger protection education grants through fiscal year 2003 (Rept. 107-78). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1699. A bill to authorize appropriations for the Coast Guard for fiscal year 2002 (Rept. 107-79). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 149. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107-80). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 150. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107-81). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1140. A bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; with an amendment (Rept. 107-82 Pt. 1). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1542. A bill to deregulate the Internet and high speed data services, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than June 18, 2001, for consideration of such provisions of the bill and amendment recommended by the Committee on Energy and Commerce as propose to narrow the purview of the Attorney General under section 271 of the Communications Act of 1934 (Rept. 107-83, Pt. 1.).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1140. Referral to the Committee on Ways and Means extended for a period ending not later than July 12, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HYDE:

H.R. 1980. A bill to amend the Internal Revenue Code of 1986 to reduce the highway gasoline excise tax rate by 6.8 cents per gallon, the rate that originally was enacted to reduce the deficit but which remains in effect as a source of funding for the Highway Trust Fund; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. Reyes):

H.R. 1981. A bill to make emergency supplemental appropriations for fiscal year 2001 for the Department of Veterans Affairs; to the Committee on Appropriations.

By Mrs. BIGGERT (for herself, Mr. Ballenger, Mr. Norwood, Ms. Dunn, Mr. Boehner, Mr. Stenholm, Ms. Granger, Mrs. Roukema, Ms. Pryce of Ohio, Mrs. Myrick, Mr. Greenwood, Mrs. Northup, Mrs. Bono, Mr. Sam Johnson of Texas, Mr. Hoekstra, Mr. McKeon, Mrs. Jo Ann Davis of Virginia, Mr. Graham, Mr. Hilleary, Mr. Tancredo, Mr. DeMint, Mr. Isakson, Mr. Goodlatte, Mr. Culberson, Mr. Keller, Mr. Ehrlich, Mr. Taylor of North Carolina, Mr. Smith of Michigan, Mr. Miller of Florida, Mr. Riley, Mr. Cunningham, Mr. Pitts, Mr. Kolbe, and Mr. Reynolds):

H.R. 1982. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Education and the Workforce.

By Mr. BALLENGER (for himself, Mr. Stump, Ms. Waters, Mr. Radanovich, Mr. Schrock, Mr. Calvert, Mr. Duncan, Mr. Condit, Mr. Rahall, Mr. Paul, Mr. Mica, Mr. Sessions, Mr. Traficant, Mr. Sununu, Mrs. Myrick, Mr. Schaffer, Mr. Pickering, and Mr. Ehrlich):

H.R. 1983. A bill to amend title 10, United States Code, to revise the rules relating to the court-ordered apportionment of the retired pay of members of the Armed Forces to former spouses, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia (for himself, Mr. Hall of Texas, Mr. Jenkins, Mr. Shows, and Mr. Coble):

H.R. 1984. A bill to reaffirm English as the official language of the United States, to establish an uniform English language rule for naturalization,and to avoid misconstructions of the English language texts of the Laws of the United States, pursuant to Congress' powers to provide for the General Welfare of the United States and to establish an uniform Rule of Naturalization under Article I, Section 8, of the Constitution; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. Condit, Mr. Radanovich, Mrs. Napolitano, Mr. Ose, Mr. Dooley of California, Mr. Thomas, Mr. Schiff, Mr. Dreier, Ms. Millender-McDonald, Mr. Doolittle, Ms. Sanchez, Mr. Gallegly, Mrs. Davis of California, Mr. McKeon, Mr. Filner, Mr. Horn, Mr. Royce, Mr. Lewis of California, Mr. Baca, Mr. Gary G. Miller of California, Mrs. Bono, Mr. Issa, Mr. Hunter, Mr. Cox, Mr. Rohrabacher, and Mr. Pombo):

H.R. 1985. A bill to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, as well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS (for himself, Mr. Lewis of Georgia, Mr. McCrery, Mr. Shaw, Mr. John, Mr. Spratt, Mr. Lucas of Kentucky, Mrs. Thurman, Mr. Lewis of Kentucky, Mr. Foley, Mr. Cooksey, Ms. McKinney, Mr. Tanner, Mr. Whitfield, Mr. Isakson, Mr. Aderholt, Mr. Bryant, Mr. Kingston, Mr. Chambliss, Mr. Linder, and Mr. Deal of Georgia):

H.R. 1986. A bill to amend the Internal Revenue Code of 1986 to allow the proceeds from bonds to be used for prepayments for natural gas; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Neal of Massachusetts, Mr. Sam Johnson of Texas, Mr. English, Mrs. Johnson of Connecticut, Mr. Chambliss, Mr. Barr of Georgia, Mr. Jefferson, Ms. Dunn, and Mr. Hobson):

H.R. 1987. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. Cardin, Mr. Houghton, and Mr. Levin):

H.R. 1988. A bill to amend United States trade laws to address more effectively import crises; to the Committee on Ways and Means.

By Mr. GILCHREST:

H.R. 1989. A bill to reauthorize various fishery conservation management programs; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mr. Gilman, Mr. Sanders, Mr. Kildee, Mrs. Morella, Mr. Scott, Mrs. Davis of California, Mr. Stark, Ms. Norton, Mr. Frank, Mrs. Mink of Hawaii, Mr. Bonior, Ms. Brown of Florida, Ms. DeLauro, Mr. Cummings, Mr. LaTourette, Mr. Kucinich, Mr. Kennedy of Rhode Island, Mr. Bishop, Mr. Hinojosa, Mr. Jackson of Illinois, Mr. Rodriguez, Ms. Jackson-Lee of Texas, Ms. Schakowsky, Mr. Gutierrez, and Mr. Owens):

H.R. 1990. A bill to leave no child behind; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 1991. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISAKSON (for himself, Mr. Boehner, Mr. McKeon, Mr. Castle, and Mr. Goodlatte):

H.R. 1992. A bill to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications; to the Committee on Education and the Workforce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Thomas, Mrs. Thurman, Mr. Crane, Mr. Shaw, Mr. McCrery, Mr. Camp, Mr. Ramstad, Mr. Sam Johnson of Texas, Ms. Dunn, Mr. English, Mr. Hayworth, and Mr. Foley):

H.R. 1993. A bill to amend title XVIII of the Social Security Act to delay from July 1 to the third Monday in September the deadline for Medicare+Choice organizations to report plan information, including information on the adjusted community rates; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Edwards, Ms. Jackson-Lee of Texas, Mrs. Meek of Florida, Mr. Owens, Mr. Scott, Mrs. Clayton, Mr. Clay, Mr. Jackson of Illinois, Mr. Thompson of Mississippi, Mr. Cummings, Mrs. Jones of Ohio, Mr. Hilliard, Mr. Lewis of Georgia, Mr. Watt of North Carolina, and Ms. Lee):

H.R. 1994. A bill to waive the time limitation specified by law for the award of certain military decorations in order to allow the posthumous award of the congressional medal of honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Mr. JONES of North Carolina (for himself and Mr. Simmons):

H.R. 1995. A bill to advance the current timetable for the elimination of out-of-pocket housing costs for members of the uniformed services entitled to the basic allowance for housing for military housing areas inside the United States; to the Committee on Armed Services.

By Mr. LEWIS of Georgia (for himself, Mr. Houghton, Mr. Abercrombie, Mr. Andrews, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Ms. Carson of Indiana, Mr. Coyne, Mr. Cummings, Mr. Dingell, Mr. Frost, Mr. Jackson of Illinois, Mr. Jefferson, Ms. Kilpatrick, Ms. Lee, Mr. McDermott, Ms. McKinney, Mr. McNulty, Mrs. Mink of Hawaii, Mr. Rahall, Ms. Rivers, Ms. Schakowsky, Mr. Scott, Mr. Thompson of Mississippi, Mr. Tierney, and Mr. Wynn):

H.R. 1996. A bill to prohibit racial or other discriminatory profiling relating to detentions and searches of travelers by the United States Customs Service, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself and Mr. Reynolds):

H.R. 1997. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. MANZULLO:

H.R. 1998. A bill to provide standards for the enactment of Federal crimes, to sunset those Federal crimes that do not meet those standards, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE:

H.R. 1999. A bill to amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether as a fuel additive, to require Federal vehicles to use ethanol fuel, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE:

H.R. 2000. A bill to encourage the use of agricultural products in producing renewable energy; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARCIA (for himself, Mr. Hunter, Mr. Camp, Mrs. Thurman, Mr. Ryan of Wisconsin, Mr. Tanner, Mr. Shaw, Mr. Collins, Mr. Ramstad, Mr. Foley, Mr. McInnis, Mr. Watkins, Ms. Dunn, Mr. Isakson, Mr. Dicks, Mr. Cannon, Mr. John, Mr. Cunningham, Mr. Moran of Kansas, Mr. Smith of Texas, Mr. Boswell, Mr. Rogers of Michigan, Mr. Rehberg, and Mr. Peterson of Minnesota):

H.R. 2001. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Ways and Means.

By Mr. POMBO (for himself and Mr. Peterson of Minnesota):

H.R. 2002. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA (for herself, Mr. Smith of New Jersey, Mr. Ferguson, Mr. Saxton, Mr. LoBiondo, Mr. Frelinghuysen, and Mr. Pascrell):

H.R. 2003. A bill to amend title XVIII of the Social Security Act to provide that geographic reclassifications of hospitals from one urban area to another urban area do not result in lower wage indexes in the urban area in which the hospital was originally classified; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H.R. 2004. A bill to provide for the establishment of a Department of Agriculture research program to enhance and develop the nitrogen-fixing ability of legumes and other commercial crops; to the Committee on Agriculture.

By Mr. STARK (for himself and Mr. Moakley):

H.R. 2005. A bill to amend the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, and the Public Health Service Act to extend the basic period for health care continuation coverage from 18 months to 5 years, to permit a further extension of continuation coverage for individuals age 55 or older, and to provide for a 50 percent refundable tax credit towards premiums for COBRA continuation coverage; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. Smith of New Jersey, Mr. Stump, Mr. Bilirakis, Mr. Buyer, Mr. Pickering, Mr. Pitts, Mr. LaTourette, Mr. Foley, Mrs. Thurman, Ms. Hart, Mrs. Jo Ann Davis of Virginia, and Mr. McKeon):

H.R. 2006. A bill to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2007. A bill to assist poor communities with public elementary and secondary school construction; to the Committee on Education and the Workforce.

By Mr. WATT of North Carolina (for himself, Mrs. Christensen, Mr. Jones of North Carolina, Mr. McGovern, Ms. Solis, and Mr. Udall of Colorado):

H.R. 2008. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the International Civil Rights Center and Museum, located in Greensboro, North Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. WEINER (for himself, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Baldacci, Ms. Baldwin, Mr. Barrett, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Blagojevich, Mr. Bonior, Mr. Borski, Mr. Brady of Pennsylvania, Mr. Boucher, Ms. Brown of Florida, Mr. Brown of Ohio, Mrs. Capps, Mr. Capuano, Mr. Cardin, Mr. Carson of Oklahoma, Ms. Carson of Indiana, Mrs. Christensen, Mrs. Clayton, Mr. Clement, Mr. Conyers, Mr. Costello, Mr. Coyne, Mr. Cramer, Mr. Crowley, Mr. Davis of Illinois, Mr. Davis of Florida, Mrs. Davis of California, Ms. DeGette, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Deutsch, Mr. Dicks, Mr. Dingell, Mr. Doggett, Mr. Dooley of California, Mr. Doyle, Mr. Edwards, Mr. Engel, Ms. Eshoo, Mr. Etheridge, Mr. Evans, Mr. Farr of California, Mr. Filner, Mr. Frank, Mr. Frost, Mr. Gephardt, Mr. Gonzalez, Mr. Gordon, Mr. Green of Texas, Mr. Hall of Ohio, Ms. Harman, Mr. Hastings of Florida, Mr. Hinchey, Mr. Hoeffel, Mr. Holt, Mr. Honda, Ms. Hooley of Oregon, Mr. Hoyer, Mr. Inslee, Mr. Israel, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. John, Mrs. Jones of Ohio, Mr. Kanjorski, Ms. Kaptur, Mr. Keller, Mr. Kennedy of Rhode Island, Mr. Kleczka, Mr. Kucinich, Mr. LaFalce, Mr. Langevin, Mr. Larsen of Washington, Mr. Larson of Connecticut, Mr. Leach, Ms. Lee, Mr. Lewis of Georgia, Ms. Lofgren, Mrs. Lowey, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Matheson, Mr. Matsui, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McDermott, Mr. McGovern, Mr. McIntyre, Ms. McKinney, Mr. McNulty, Mr. Meehan, Mr. Meeks of New York, Mr. Menendez, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Moakley, Mr. Moore, Mr. Moran of Virginia, Mr. Murtha, Mr. Nadler, Ms. Norton, Mr. Olver, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Ms. Pelosi, Mr. Peterson of Minnesota, Mr. Pomeroy, Mr. Quinn, Mr. Rahall, Mr. Reyes, Ms. Rivers, Mr. Rodriguez, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Ms. Sanchez, Mr. Sanders, Mr. Sandlin, Mr. Sawyer, Ms. Schakowsky, Mr. Schiff, Mr. Schrock, Mr. Scott, Mr. Serrano, Mr. Sherman, Ms. Slaughter, Ms. Solis, Mr. Spratt, Mr. Stupak, Mrs. Tauscher, Mr. Tierney, Mr. Thompson of Mississippi, Mrs. Thurman, Mr. Thompson of California, Mr. Towns, Mr. Turner, Mr. Udall of New Mexico, Mr. Visclosky, Mr. Wexler, and Mr. Wynn):

H.R. 2009. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

By Mr. RUSH (for himself, Mr. Hilliard, Mr. Sanders, Ms. Carson of Indiana, Ms. McKinney, Mr. Gonzalez, Mr. Rangel, Ms. Kilpatrick, Mr. Ross, Mr. Filner, Mrs. Clayton, Mr. Cummings, Ms. Norton, Mr. Clyburn, Ms. Schakowsky, Mr. Clay, Mr. Holt, Mr. McGovern, Ms. Eddie Bernice Johnson of Texas, Mr. Bonior, Mr. Towns, Mrs. Jones of Ohio, Ms. Brown of Florida, Mr. Thompson of Mississippi, Mr. Wynn, Mr. Fattah, Mr. Hinchey, Mr. Blagojevich, Mr. Johnson of Illinois, Mr. Engel, Mr. Davis of Illinois, Mr. Frost, Mr. Ford, Mr. Jefferson, Mr. Owens, Mr. Pallone, Mr. Shimkus, Ms. Lee, Mr. Udall of Colorado, Ms. Jackson-Lee of Texas, Mr. Meeks of New York, Mr. Costello, Mr. Lipinski, Mr. Jackson of Illinois, Mr. Conyers, Mr. Brady of Pennsylvania, Mr. Payne, Mr. Kucinich, Mr. Barrett, Mr. Serrano, Ms. Solis, Ms. DeLauro, Mrs. Mink of Hawaii, Mr. Stark, Mr. Lampson, Mr. Gutierrez, Mrs. Morella, Mr. McNulty, Mr. Honda, Mr. Andrews, Mrs. Christensen, Mr. Borski, Mr. Lewis of Georgia, Mr. Nadler, Mr. Watt of North Carolina, and Ms. Waters):

H. Con. Res. 143. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Paul Leroy Robeson; to the Committee on Government Reform.

By Mr. KILDEE (for himself and Mr. Upton):

H. Con. Res. 144. Concurrent resolution expressing the sense of Congress regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY:

H. Res. 148. A resolution electing Members to serve on the Joint Committee on Printing and the Joint Committee of Congress on the Library; to the Committee on House Administration.

By Mr. WELLER (for himself and Mr. Matsui):

H. Res. 151. A resolution expressing the sense of the House of Representatives on the importance of promoting fair, efficient, and simple cross-border tax collection regimes that maintain market neutrality and promote free trade on all sales distribution channels within a globally networked economy; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Mr. Borski, Mr. Brown of Ohio, Mr. Gephardt, Mr. Towns, Mr. Holden, Mr. Dingell, Mr. Filner, Mr. Rodriguez, Mr. Lipinski, Mr. Pascrell, Mr. Baca, Mr. Honda, Mr. Baldacci, Mr. Quinn, Ms. Berkley, Mr. Clement, Mr. Rahall, Mr. Cramer, Mr. DeFazio, Mr. Cummings, Mr. Costello, Ms. Eddie Bernice Johnson of Texas, Mr. Nadler, Mr. Sandlin, Mr. McGovern, Ms. Millender-McDonald, Mr. Matheson, Mr. Larsen of Washington, Mr. Berry, Mrs. Davis of California, and Mr. Mascara):

H. Res. 152. A resolution urging the President to continue to delay granting Mexico-domiciled motor carriers authority to operate in the United States beyond the commercial zone until the President certifies that such carriers are able and willing to comply with United States motor carrier safety, driver safety, vehicle safety, and environmental laws and regulations; that the United States is able to adequately enforce such laws and regulations at the United States-Mexico border and in each State; and that granting such operating authority will not endanger the health, safety, and welfare of United States citizens; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

86. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 97 memorializing the United States Congress to obtain funding for forty percent of the cost of special education and related services for children with disabilities; to the Committee on Education and the Workforce.

87. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 47 memorializing the United States Congress to appropriate funds for forty per cent of special education and related services for children with disabilities; to the Committee on Education and the Workforce.

88. Also, a memorial of the Legislative of the State of Missouri, relative to House Concurrent Resolution No. 12 memorializing the United States Congress to consider establishing a strong remedial federal energy policy that delegates emergency powers to individual state; to the Committee on Energy and Commerce.

89. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 149 memorializing the United States Congress to request the United Nations to consider the establishment of a center for the health, welfare, and rights of children and youth in Hawaii; to the Committee on International Relations.

90. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution 18 memorializing the United States Congress and the President to formally recognize the bicentennial anniversary of the Lewis and Clark Expedition and actively plan for and support appropriate celebrations of events commemorating the Expedition, an adventure that is unprecedented in America's history; to the Committee on Government Reform.

91. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 84 memorializing the United States Congress to recognize federally the Hawaiian people as an indigenous group, with all the rights to which that status is entitled; to the Committee on Resources.

92. Also, a memorial of the House of Representatives of the State of Ohio, relative to House Concurrent Resolution No. 35 memorializing the Ohio Congressional Delegation to support and work to pass a tax relief plan and, in doing so, give due consideration of the plan offered by President Bush; to the Committee on Ways and Means.

93. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to a Resolution memorializing the United States Congress to conduct a comprehensive study concerning the ways and means by which the Government of Puerto Rico may help in the development, promotion and implementation of the expansion of the Free Trade Zone of the Americas; to the Committee on Ways and Means.

94. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 98 memorializing the United States Congress and the United Nations to review the actions taken in 1959 relevant to Hawaii's Statehood; jointly to the Committees on International Relations and Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL:

H.R. 2010. A bill for the relief of Kadiatou Diallo, Laouratou Diallo, Ibrahima Diallo, Abdoul Diallo, and Mamadou Bobo Diallo; to the Committee on the Judiciary.

By Ms. WOOLSEY:

H.R. 2011. A bill for the relief of Zhenfu Ge; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Ms. Velázquez.

H.R. 36: Mr. Schrock, Mrs. Tauscher, and Mrs. Capito.

H.R. 123: Mr. Boehlert, Mr. Cantor, Mr. Doolittle, and Mr. Johnson of Illinois.

H.R. 154: Mr. Baldacci.

H.R. 162: Mr. Olver, Mr. Moran of Virginia, Mr. Conyers, Mr. Ford, and Mr. Ross.

H.R. 173: Ms. Velázquez.

H.R. 174: Ms. Velázquez.

H.R. 185: Mr. McGovern.

H.R. 218: Mr. McHugh, Mr. Largent, Mr. Collins, Mr. Thompson of Mississippi, Ms. Hart, and Mr. John.

H.R. 236: Mr. Stump and Mr. Sensenbrenner.

H.R. 239: Mr. Isakson.

H.R. 244: Mr. Baird.

H.R. 257: Mr. Paul and Mr. Flake.

H.R. 281: Mr. Phelps.

H.R. 288: Mr. Rush.

H.R. 303: Ms. Pelosi.

H.R. 322: Mr. Gibbons.

H.R. 326: Mr. LaTourette.

H.R. 353: Mr. Wamp, Mr. Goode, and Mr. Cantor.

H.R. 448: Mr. Calvert.

H.R. 475: Mr. Rogers of Kentucky.

H.R. 510: Mr. Moakley.

H.R. 526: Mr. Thompson of Mississippi and Mr. Wexler.

H.R. 572: Mr. Lipinski.

H.R. 599: Mr. Ross.

H.R. 602: Mrs. Jo Ann Davis of Virginia and Mr. Regula.

H.R. 611: Mr. Brown of Ohio and Mr. Tanner.

H.R. 612: Mr. Grucci, Ms. Woolsey, Mr. Horn, Mr. Diaz-Balart, and Mr. Doolittle.

H.R. 630: Mr. Platts.

H.R. 662: Mr. Barton of Texas and Mr. Isakson.

H.R. 721: Mr. Clay, Mr. Bishop, Mr. Lucas of Kentucky, Mr. Jackson of Illinois, Mr. Lipinski, Mrs. Capps, Ms. Kaptur, Mr. Capuano, Mrs. Davis of California, Mr. Pastor, Mr. Maloney of Connecticut, Mr. Nadler, Mr. Neal of Massachusetts, Mr. Udall of New Mexico, Mr. Markey, Mr. Berman, Mr. Phelps, Mr. Olver, Mr. Carson of Oklahoma, and Mr. Hinojosa.

H.R. 760: Ms. Lee.

H.R. 808: Mr. Pomeroy, Mr. Neal of Massachusetts, Mr. Edwards, Mr. Ackerman, Mr. Ferguson, Mr. Borski, Mr. Larson of Connecticut, Mr. Ortiz, Mr. Baldacci, Mr. Markey, Mr. Gilman, and Mr. Hunter.

H.R. 848: Ms. Rivers, Mr. Lantos, Mr. McHugh, Mr. King, Ms. Eshoo, and Ms. Sanchez.

H.R. 868: Ms. McCollum, Mr. Radanovich, Mr. Maloney of Connecticut, Mr. Kirk, Mr. Gonzalez, Mr. Bereuter, and Mr. Burton of Indiana.

H.R. 870: Mr. Platts.

H.R. 908: Mr. Kucinich and Ms. Sanchez.

H.R. 937: Mr. Platts.

H.R. 943: Mr. Sawyer, Mr. Thompson of California, Mr. Frost, Mr. DeFazio, and Ms. Roybal-Allard.

H.R. 948: Mr. Oberstar, Mr. Sabo, Mr. Blagojevich, Mr. Pomeroy, and Mrs. Lowey.

H.R. 951: Mr. Bonior, Mr. Spratt, Mr. Platts, Mr. Lantos, Mr. Doyle, Mr. Watts of Oklahoma, Mr. Thompson of Mississippi, Mr. Rogers of Kentucky, Mr. Coyne, and Mr. Wicker.

H.R. 981: Mr. Hyde, Mr. Kolbe, and Mr. LaHood.

H.R. 1021: Mr. Deal of Georgia and Mr. Bartlett of Maryland.

H.R. 1024: Mrs. Capito, Mr. Brady of Texas, Mr. Young of Alaska, Mr. Tanner, and Mr. Blunt.

H.R. 1030: Mr. Collins, Mr. Deal of Georgia, Mr. Mascara, Mr. Blunt, Mr. Lucas of Kentucky, Mr. Mica, Mr. Bartlett of Maryland, Mr. Sununu, Mr. Crane, Mr. Duncan, Mr. BALDACCI, Mr. DEFAZIO, Ms. MCKINNEY, Mr. SMITH of Washington, Mr. DREIER, Mr. PUTNAM, Mr. RUSH, Mr. CHABOT, Mr. KILDEE, and Mr. KIND.

H.R. 1073: Ms. BROWN of Florida, Mr. INSLEE, Mr. PASTOR, and Mr. PETERSON of Minnesota.

H.R. 1089: Mr. WELLER.

H.R. 1092: Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Mr. PLATTS, Ms. RIVERS, and Mr. BLAGOJEVICH.

H.R. 1097: Mr. SANDERS.

H.R. 1110: Mr. PRICE of North Carolina, Mr. FRELINGHUYSEN, and Mr. BROWN of South Carolina.

H.R. 1134: Mr. HALL of Ohio and Mr. LATOURETTE.

H.R. 1140: Mrs. LOWEY and Mr. OBEY.

H.R. 1170: Mr. CARDIN.

H.R. 1172: Mr. LANGEVIN, Mr. HUTCHINSON, Ms. DEGETTE, Mr. PETERSON of Pennsylvania, Mr. WHITFIELD, Mr. SMITH of New Jersey, Mr. WAMP, Mr. TURNER, Mr. MOORE, Mr. KING, Ms. MCCARTHY of Missouri, Mr. HAYES, Mr. HORN, Mr. JENKINS, Mr. DIAZ-BALART, Mr. NETHERCUTT, Mr. SPRATT, Mr. SUNUNU, Mr. SESSIONS, and Mr. GILLMOR.

H.R. 1195: Mr. MCGOVERN, Mr. FILNER, and Mr. ROTHMAN.

H.R. 1212: Mr. BROWN of South Carolina and Mr. WATT of North Carolina.

H.R. 1234: Mrs. CHRISTENSEN.

H.R. 1254: Mr. PLATTS and Mrs. ROUKEMA.

H.R. 1266: Mr. FARR of California, Mr. ROGERS of Michigan, and Mr. PLATTS.

H.R. 1271: Ms. DUNN.

H.R. 1280: Ms. WOOLSEY and Mr. BOUCHER.

H.R. 1291: Mr. GRUCCI and Mr. PLATTS.

H.R. 1298: Mr. PRICE of North Carolina.

H.R. 1305: Mr. DOYLE and Mrs. THURMAN.

H.R. 1308: Mr. SOUDER.

H.R. 1317: Mrs. THURMAN.

H.R. 1331: Mr. GREENWOOD.

H.R. 1338: Mr. WYNN and Mr. TURNER.

H.R. 1340: Mr. KIND and Ms. KILPATRICK.

H.R. 1344: Ms. LEE.

H.R. 1402: Mr. WALDEN of Oregon.

H.R. 1403: Mr. WALDEN of Oregon.

H.R. 1404: Mr. WALDEN of Oregon.

H.R. 1405: Mr. CARDIN.

H.R. 1435: Ms. SCHAKOWSKY.

H.R. 1436: Mr. MOORE, Ms. MCKINNEY, Mr. ANDREWS, Mr. MCDERMOTT, Mr. BERMAN, Mr. GONZALEZ, Ms. LEE, Mr. HASTINGS of Florida, Mr. NEAL of Massachusetts, Mr. SCHIFF, Ms. RIVERS, Mr. HORN, Ms. LOFGREN, Mr. GORDON, Mr. BARCIA, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Ms. KAPTUR, Mr. GILLMOR, Mr. PLATTS, and Mr. ALLEN.

H.R. 1452: Ms. LOFGREN.

H.R. 1465: Mr. CARSON of Oklahoma, Ms. SLAUGHTER, and Mr. TIERNEY.

H.R. 1514: Mr. WELLER and Mr. LANGEVIN.

H.R. 1544: Mr. ENGLISH.

H.R. 1594: Mr. SANDERS, Ms. SCHAKOWSKY, Mrs. LOWEY, Mr. BLUMENAUER, and Mr. TIERNEY.

H.R. 1596: Mr. CALVERT, Mr. KENNEDY of Rhode Island, Mr. FOSSELLA, Mr. BILIRAKIS, Mr. BENTSEN, and Mr. REYES.

H.R. 1598: Mr. BENTSEN.

H.R. 1600: Mr. EHRLICH, Mr. SIMMONS, Mr. DAVIS of Florida, and Mr. JACKSON of Illinois.

H.R. 1609: Mr. PETERSON of Minnesota.

H.R. 1636: Mr. SCHAFFER and Mr. NUSSLE.

H.R. 1638: Mr. ISRAEL and Mr. KING.

H.R. 1642: Mr. LANTOS, Mr. BLUMENAUER, and Mr. SERRANO.

H.R. 1644: Mr. KINGSTON, Mr. DIAZ-BALART, Mr. WATTS of Oklahoma, and Mr. HANSEN.

H.R. 1645: Ms. WOOLSEY and Mr. GONZALEZ.

H.R. 1663: Mr. OWENS.

H.R. 1674: Mr. VITTER, Mr. BAIRD, Mr. NADLER, Mr. BROWN of Ohio, and Ms. LOFGREN.

H.R. 1681: Mr. TANCREDO, Mr. PITTS, Mr. CHABOT, Mr. SOUDER, Mr. PENCE, Mr. PAUL, and Mr. HILLEARY.

H.R. 1690: Mr. GUTIERREZ.

H.R. 1699: Mr. MCHUGH, Mr. FOLEY, Mr. TAYLOR of Mississippi, and Mr. SOUDER.

H.R. 1700: Mr. SOUDER.

H.R. 1713: Mr. LAMPSON.

H.R. 1718: Mr. KUCINICH, Mr. EDWARDS, Mr. OLVER, Mr. SIMMONS, Mr. WAMP, Mr. UPTON, Mr. DELAY, and Mr. COSTELLO.

H.R. 1731: Mr. RILEY, Mr. DEMINT, Mr. PAUL, Mr. FROST, Mr. BARR of Georgia, Mr. CALVERT, Mrs. EMERSON, Mr. CRENSHAW, Ms. HART, Mr. HORN, Mr. FLAKE, and Mr. SOUDER.

H.R. 1734: Ms. HART, Ms. MCKINNEY, Mr. WALSH, and Mr. OWENS.

H.R. 1754: Mr. LAFALCE, Mr. PAUL, Mr. GOODE, Mr. BALDACCI, Mr. SAWYER, Mr. FRANK, Mr. RAHALL, Mr. MCGOVERN, Mr. SESSIONS, and Mrs. THURMAN.

H.R. 1760: Mr. PALLONE.

H.R. 1779: Mr. BLUMENAUER, Mrs. MINK of Hawaii, Mr. RAHALL, Mr. CAPUANO, Mr. KENNEDY of Rhode Island, Mr. WAXMAN, Ms. RIVERS, Ms. DELAURO, Ms. LEE, Mr. WELDON of Pennsylvania, Ms. ROS-LEHTINEN, Ms. ESHOO, and Ms. CARSON of Indiana.

H.R. 1781: Mr. SIMPSON, Ms. BALDWIN, and Mr. SHIMKUS.

H.R. 1786: Mr. SENSENBRENNER and Mr. HOLDEN.

H.R. 1804: Mr. FROST and Mr. SANDLIN.

H.R. 1808: Mr. FOSSELLA, Mr. CROWLEY, Ms. MCKINNEY, Mr. EVANS, Mr. ENGLISH, Mr. FROST, Mr. FILNER, Mr. MCHUGH, Ms. PELOSI, and Mr. FRANK.

H.R. 1810: Mr. LUTHER.

H.R. 1814: Mr. UDALL of New Mexico and Mr. SIMMONS.

H.R. 1815: Mr. HORN.

H.R. 1829: Ms. NORTON, Mr. MALONEY of Connecticut, and Mr. GUTIERREZ.

H.R. 1835: Mr. LUCAS of Kentucky and Mrs. THURMAN.

H.R. 1842: Mr. LAFALCE and Mr. CONYERS.

H.R. 1896: Mr. SCHIFF and Ms. PELOSI,

H.R. 1910: Mr. FOLEY, Ms. ROS-LEHTINEN, Mr. SESSIONS, and Mrs. THURMAN.

H.R. 1922: Mrs. MALONEY of New York and Mrs. LOWEY.

H.R. 1936: Mr. PETERSON of Pennsylvania.

H.R. 1938: Mr. SCHAFFER.

H.R. 1948: Mr. BLAGOJEVICH and Mr. BOSWELL.

H.R. 1971: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, Ms. KILPATRICK, Mrs. CLAYTON, Mr. FORD, Ms. PELOSI, Mrs. NAPOLITANO, Mr. BACA, Mr. ROTHMAN, Mr. KANJORSKI, Mr. MEEKS of New York, Mr. DEUTSCH, Mr. RUSH, Mr. MATSUI, Mrs. MALONEY of New York, Mr. JACKSON of Illinois, Mr. BLAGOJEVICH, Mr. HOYER, Mr. LIPINSKI, Mr. PHELPS, Ms. ROYBAL-ALLARD, Mr. TURNER, Mr. BERRY, Mr. SPRATT, Ms. MCCARTHY of Missouri, Mr. BOUCHER, Mr. CROWLEY, Mr. LAMPSON, Mr. RODRIGUEZ, Ms. KAPTUR, Mr. KUCINICH, Ms. HOOLEY of Oregon, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. SANCHEZ, Mr. HOLT, Mrs. MINK of Hawaii, Mr. MCDERMOTT, Ms. BERKLEY, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. CONDIT, Mr. FARR of California, Mr. BLUMENAUER, Mr. OWENS, Mr. UDALL of Colorado, Mr. MCNULTY, and Mr. NADLER.

H.J. Res. 6: Mr. GILMAN and Mr. MCNULTY.

H.J. Res. 23: Mr. LAHOOD.

H.J. Res. 36: Mr. MALONEY of Connecticut, Mr. WYNN, Mr. COLLINS, Mr. FERGUSON, Mr. LATOURETTE, Mr. BURR of North Carolina, Mr. LAHOOD, Mr. BOSWELL, Mr. CHAMBLISS, Mr. PORTMAN, Mr. KNOLLENBERG, Ms. KAPTUR, and Mr. KELLER.

H. Con. Res. 22: Mr. ISAKSON, Mr. SKEEN, and Mr. RYUN of Kansas.

H. Con. Res. 42: Mr. ROTHMAN.

H. Con. Res. 46: Mr. FILNER, Mr. CRANE, Mr. EVANS, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. MALONEY of Connecticut, Mr. COSTELLO, Mr. DOOLITTLE, and Mr. KANJORSKI.

H. Con. Res. 60: Mr. BONIOR, Mr. GUTIERREZ, and Mr. GOODE.

H. Con. Res. 89: Mr. BENTSEN.

H. Con. Res. 102: Mr. MOAKLEY, Mr. ALLEN, Mr. BROWN of Ohio, Mr. CONYERS, and Mr. BLAGOJEVICH.

H. Con. Res. 116: Mr. BLUNT, Mr. BEREUTER, Mr. FLAKE, and Mr. KING.

H. Con. Res. 136: Mrs. MEEK of Florida, Mr. BONIOR, Mr. LARSEN of Washington, Mr. MARKEY, Ms. SANCHEZ, and Mr. CONDIT.

H. Con. Res. 137: Ms. KAPTUR, Mr. FRANK, Ms. MCKINNEY, and Mr. KIRK.

H. Res. 120: Ms. MCCOLLUM.

H. Res. 132: Mr. BLAGOJEVICH, Mr. KIRK, Mrs. LOWEY, and Ms. SANCHEZ.

H. Res. 139: Ms. SANCHEZ.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

16. The SPEAKER presented a petition of the Council of the City of Mansfield, Ohio, relative to Resolution No. 01-091 petitioning the United States Congress to take all actions necessary to stop the dumping of foreign steel in the United States, including the amendment of the existing foreign trade laws or the enactment of new foreign trade law to address the crisis in the steel industry; to the Committee on Ways and Means.

17. Also, a petition of the City Council of Strongsville, Ohio, relative to Resolution No. 80 petitioning the United States Congress to repond to the crisis facing the domestic steel industry; jointly to the Committees on Ways and Means and Financial Services.

SENATE—*Thursday, May 24, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable MICHAEL D. CRAPO, a Senator from the State of Idaho.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, Lord of the ups and downs of life, Lord of the seeming triumphs and supposed disappointments, Lord who does not change in the midst of change, we come to You for Your strength and Your power. Make us hopeful people who expect great strength from You and continue to attempt great strategies for You. Today especially, we ask You to fill this Chamber with Your presence and each Senator—Democrat, Republican, Independent—with Your special resiliency. Replenish our wells with Your peace that passes understanding. We claim Your promise through Isaiah—*Fear not, for I am with you. Be not dismayed, I am your God. I will strengthen you; yes, I will help you; and I will uphold you with My righteous right hand.* Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL D. CRAPO led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 24, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL D. CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will be in a period for morning business until 11:30 a.m., with Senators THOMAS and DURBIN in control. Following morning business, the Senate may begin consideration of any legislative or executive items available for action. The conference report to accompany the tax reconciliation bill is expected to be available no later than Friday. Therefore, we expect votes throughout the remainder of the week.

I thank my colleagues for their attention.

CONFERENCE REPORT PROGRESS

Mr. REID. Will the Senator from Wyoming yield?

Mr. THOMAS. Absolutely.

Mr. REID. I see the chairman of the Finance Committee. I ask him if we made progress on the conference.

Mr. THOMAS. The chairman is going to take a few minutes.

Mr. REID. The reason I say that, it is Thursday morning early, but we have already been getting calls on this side about people wanting to make parades on Saturday and things of that nature. I hope the Senator will be good enough this morning and during the day to keep us posted on how the conference is proceeding so we are better equipped to answer the phone calls we get.

Mr. THOMAS. I yield to the chairman of the Finance Committee.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I thank the distinguished Democratic leader for asking the question. I hope I can answer it. Remember, I have tried to conduct the work of the Finance Committee in a very transparent way and with open communication with everybody. So there will not be anything about this conference committee, except the specific negotiations, that will be kept from anybody.

Last night there were some—well, yesterday over the course of the afternoon and evening there were three informal meetings, and they are going to continue this morning, probably in just a few minutes. There have not been any decisions made yet, but the normal give and take that has to be done before settling down to serious negotiation is done and out of the way.

What I can best inform you about is that at the trail end of our visiting yesterday the Speaker of the House came to our meeting and he informed all conferees that he had instructed the House of Representatives that they would stay in session into the weekend until this conference report was adopted. That does not mean we have to be in on the weekend.

There has to be a realization that there has to be a slot of give and take. There is good spirit about the conference at this point, and we will just have to work our way through it. That is all I can tell the Senator. I will be glad to keep him informed anytime he wants to ask, and even if he does not ask, I know I have a responsibility to keep him informed, and I will try to do that.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 5 minutes.

Under the previous order, the time until 10:45 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, is the Senator from Wyoming finished?

Mr. THOMAS. I yield to the Senator.

NOMINATION OF DAVID CHU

Mr. GRASSLEY. Mr. President, I want to speak about something I have often spoken about in this Chamber. My colleagues have not heard me speak about this for a couple months. I try to follow on a very regular basis what is going on in the Defense Department because I want to make sure our defense dollars are spent wisely.

I come to this Chamber today to explain my opposition to a Department of Defense nomination. This is the nomination of Dr. David Chu to be Under Secretary of Defense for Personnel and Readiness.

On Friday, May 18, I placed a hold on Dr. Chu's nomination. It happens that Dr. Chu is a very talented person. Those people who know him may wonder why I have some question about him filling this position because he is so highly educated, holding a Ph.D. from Yale University. He has a very impressive resume, and he has an extensive management and analytical background. He is currently vice president at the prestigious Rand Corporation.

In most ways, he is qualified for the position for which he has been nominated. I emphasize, he is qualified in most ways, but in a most important one—the matter of integrity—I am not 100-percent certain.

I have some unresolved questions about Dr. Chu's approach to telling it like it is—one might say his honesty. I am hoping these can be cleared up through negotiations.

My questions about Dr. Chu's integrity go back 20 years, I am sorry to say, to 1982, an incident I had that involved the Director of the Office of Program Analysis and Evaluation. This is commonly called PA&E—program, analysis, and evaluation.

PA&E was a very important office in the Pentagon in those days, and it was staffed with a very impressive cast of characters. It was set up in the 1960s to act as a devil's advocate for the Secretary of Defense.

PA&E was supposed to help the civilian Secretary of Defense separate the wheat from the chaff. PA&E was supposed to ferret out questionable programs and help the Secretary eliminate those that were not necessary.

From time to time, PA&E has to tangle with the brass at the Pentagon, and it took a very special person to do that. I think Secretary Rumsfeld is coming to grips with that very same problem right now.

Over the years, PA&E developed a ruputation for being very hardnosed, but also being very smart. In the old days, PA&E put the fear of God in the hearts and minds of admirals and generals worried about their pet projects.

Over the years, PA&E earned a solid reputation and well-deserved respect. That is how it came to be known as the home for the famous Pentagon "whiz kids." One of the modern-day whiz kids is one I came to know quite well—Franklin C. Spinney, Chuck Spinney for short.

Chuck Spinney worked for Dr. Chu in PA&E's tactical air division, where he still works this very day. Chuck Spinney's immediate boss was Tom Christie. Tom Christie is another distinguished PA&E alumnus. President Bush has just nominated him to be the next Director of Operational Test and Evaluation.

Tom Christie deserves a lot of credit for protecting Chuck Spinney. He provided a sanctuary where Chuck Spinney could speak freely. He provided an environment where Chuck Spinney could do the kind of work that PA&E had always done. Unfortunately, this kind of work became increasingly unpopular during the Reagan defense build-up.

That's when I met Chuck Spinney—in the early stage of the Reagan defense build-up. I came to know him as the author of a very controversial report entitled "The Plans/Reality Mismatch."

The Plans/Reality Mismatch was an explosive piece of work. It was so explosive because it undermined the credibility of the Reagan defense build-up.

Chuck Spinney's Plans/Reality Mismatch set the stage for an unprecedented hearing held in February 1983. This was a joint hearing between the Armed Services and Budget Committees that was held largely at my request.

And Chuck Spinney, his Plans/Reality Mismatch, and stack of famous spaghetti charts were the centerpiece of the hearing. This was a hearing characterized by high drama. It was held in the Senate Caucus Room under the glare of television lights and intense media coverage.

Chuck Spinney gained instant notoriety as the "maverick Pentagon analyst." He appeared on the cover of the March 7, 1983 issue of Time magazine.

My questions about Dr. Chu's integrity grew out of Chuck Spinney's Plans/Reality Mismatch.

Leading up to the hearing, Dr. Chu withheld information about the Spinney report. He didn't tell us the whole story. He tried to keep it from me, Senator Gorton, and Senator Kassebaum.

Mr. President, that's the bottom line: Dr. Chu was not forthright and honest with me.

I laid out the entire matter in much greater detail in a letter I wrote to the chairman of the Budget Committee, my friend from New Mexico, Senator PETE DOMENICI.

My letter to Senator DOMENICI is dated January 19, 1995.

I wrote the letter because Dr. Chu was being considered as a possible Director of the Congressional Budget Office. I opposed his appointment to that position.

My letter about Dr. Chu has remained a closely guarded secret for the past six years. Until recently, only Senator DOMENICI had seen the letter—and no one else.

When I heard that Dr. Chu was being considered for a top-level post in the Pentagon, I shared the letter with the Director of White House Personnel. That was on March 8.

Clearly, the existence of this letter has caused some heartburn in both the White House and Pentagon. It has generated a number of phone calls to my office.

I continue to have strong reservations about Dr. Chu's nomination.

When I was contacted by the White House about Dr. Chu, I made my position crystal clear:

If Secretary Rumsfeld wants to make Dr. Chu the Under Secretary of Personnel and Readiness, then Secretary Rumsfeld will need a strong, independent Inspector General (IG).

That's my position on the Chu nomination.

One of the IG's toughest jobs is the investigation of allegations of misconduct by senior Pentagon officials. He will need a hard-nosed individual with plenty of hands-on experience to succeed at that job.

I don't see the Pentagon moving in that direction—yet.

Mr. President, I may have much more to say about Dr. Chu at a later date.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

SENATE BUSINESS

Mr. THOMAS. Mr. President, I take a few minutes this morning to talk about a topic to which we will soon be moving. We have properly spent a good deal of time on the budget. We spent a good deal of time on taxes, although that is not finished yet. I congratulate the chairman on his excellent work on the tax bill. It sounds as if we will be able to present that to the President and successfully give tax relief to the American people.

We also have been heavily involved in education. We have not finished that area yet. We will soon be returning to it.

Those have been the most current topics and perhaps, indeed, among Members the most important topics.

There is another topic that is very important to everyone and one to which we are moving, and that is energy and energy policy. After having an energy policy, we will begin to implement that policy so we can make sure we can provide the necessary energy in a way that is careful and watchful about the environment. I think we can do this.

One of the important things that has happened is there is now an energy policy from the White House that will be open, of course, to great debate and great discussion in the Congress and in the whole country.

The fact is we have not had a policy on energy for a very long time. That is one of the reasons we find ourselves in the position we are in now. We have not looked ahead and we have not responded to the market messages that were sent in California. When we have consumption rising and production going down, there is a problem.

In the case of energy, as is the case of most other industries, it takes a good deal of time to implement some change. I am very pleased we are moving in that direction and we will continue to move. I applaud the President and Vice President CHENEY for the emphasis put by the White House on the energy issue and, specifically, the White House task force that completed its work in a rather short time. Of course, we have that energy package now. I think it will be the basis of our activities over the next several months, a very extensive booklet of issues pertaining to energy and the maintenance of our energy availability.

I applaud particularly the Vice President for working in this working group and including more than energy. The involvement of the Department of the Interior and the involvement of the Environmental Protection Agency are equally important, as in the involvement of the Energy Department itself. The things they do, the land they manage, the rules they promulgate certainly are as important as anything else that affects energy.

One of the real problems we have had is we have become more and more dependent on imported oil and foreign countries to produce what we need. Obviously, there will be an effort to increase domestic production. That is certainly the proper goal.

There has been some criticism that this study was not a public affair. However, the Vice President did talk to 265 different groups. This was not a public decisionmaking; this was the White House putting it out. How the Congress and the public will be involved. That is the proper way for the President to handle policy.

Chairman MURKOWSKI, from the Energy and Natural Resources Committee, or which I am member, has a broad bill that deals with many issues. There is a hearing going on as we speak, and the Secretary of Energy is talking to the committee about this report and his ideas for implementation.

The recommendations are extremely interesting and extremely important. Task force recommendations encourage fuel diversity—something we clearly need—and to utilize all of our domestic resources rather than relying on a particular resource. We need to talk about coal, which is now producing 52 percent of the electricity used in this country. Our reserves of coal are greater than probably any other fossil fuel. There is great opportunity for their use in the future.

There is also in this proposition, I think properly, a good deal of effort and money oriented towards continued developing technology and research in clean coal. I think that is something we ought to do.

There is also recognition and support for renewables, whether it is wind energy or solar energy or, in fact, hydro. We do that now. We have been working at that for some time. Frankly, renewables now produce only about 1 percent of our energy requirements but, nevertheless, there are opportunities for them to be a much larger part as we do research.

I come from the State of Wyoming. We have the highest coal production of any State and I think the largest resources of coal. We also have a considerable amount of wind and have some wind farms producing energy. Probably there will be a great deal more.

I remember, a number of years ago, a meeting in Casper, WY, on energy. This was 10 or 15 years ago. A speaker—I think from Europe—pointed out we have never run out of a fuel; we changed because we found one that was more efficient or more effective. We didn't run out of wood. We started using coal. We didn't run out of coal; we moved on to other things. I am confident we will move on, whether it is to hydrogen or solar or whatever, but I think we will be looking in that direction.

As we look at our automobiles and our travel plans for this holiday weekend, oil and gas has to be one of the things most important to us. Those volumes need to be improved. Our biggest problem at the moment is not crude oil amounts; it is really refining. We are up to 98 percent of capacity. So we need to do some things in that area.

I mentioned hydro. Along with that clean energy source, of course, is nuclear. Interestingly enough, most people do not recognize about 20 percent of our electric generation right now is nuclear. It is the most clean source, certainly of electric generation. It has difficulties. One of them is the waste, what to do with nuclear waste. We have been trying to deal with that for some time. We have the question of permanent storage out at Yucca Mountain, NV. We have spent billions getting into that place and have more to spend. We now find resistance from the State. They didn't resist spending the billions of dollars there, I might add. In any event, we have to do something there, perhaps take advice from France and Scandinavia, where they recycle this and have less waste than we do.

With Hydro, again, there are some paradoxes. Some of the environmental groups are critical if there is not enough emphasis on hydro but, interestingly enough, those are the same people who, a couple of years ago, were talking about tearing down the dams, the ones that generate the hydro. So there is always conflict in these things.

We have to take into account, on the economic end, environmental factors. We need to find a way to produce more clean energy and more secure energy in our future. So our strategy ought to be, and generally is here in this policy book, to repair and expand the Nation's antiquated infrastructure.

That is difficult. There is always a great deal of concern about electric transmission lines, of course. I suppose nobody really wants one in their backyard. On the other hand, if you are going to have electricity in California, you have to have a transmission line to get it there. We need to find a way to do that more expediently. We need to find a way to do that, frankly, with more respect for people's private property. The same with gas pipelines, we have to have an infrastructure to do that.

We are still often dealing with outdated equipment, particularly in the area of gasoline refineries. There have not been any new refineries built for a very long time, so the ones we have, of course, are old. There have been some rules from EPA that have made it difficult to upgrade refineries. They have the new source rule, which says if you make it more efficient, or update the old refinery, you have to meet the environmental standards of a new plant. That has discouraged upgrading the plants we have now.

Another thing we ought to be doing—and, again, it is in this report—is conservation. That is a choice you and I have to make. There is no question but what we can conserve. Look around your house. There are lots of times when we can be using less electricity than we are. The same is true, of course, with gasoline. We have to find more efficient use of this resource, and we can do that. I don't know if it always has to be a legislative question. I think we have some personal responsibility in that area of conservation.

Boost supply, of course, alternative sources, encourage new technology—those are things we can do and must do.

In the West, one of our greatest challenges is access to public lands and care for those public lands. In my State of Wyoming, about 50 percent of the State belongs to the Federal Government. In some States, it is even higher than that. I think Nevada is almost 86-percent federally owned lands. So there are rules and regulations about access to those lands. Indeed, there should be. But the fact is, they are a resource that belongs to the American people and there ought to be an opportunity for access to these lands for all kinds of uses, whether it is hiking, hunting, grazing, mineral exploration. I think we can do that in a way that is consistent with preserving these resources. Indeed, we should.

We have been developing energy for a very long time in Wyoming. For the most part, it has turned out quite well. We reclaim coal mines and the land recovers. When they are through, the land probably is more productive than it was before they started. You can see the deer and antelope come around to those places because there is more grass than there was before. We can do that.

We have to recognize there are different kinds of public lands. There is a great deal of difference between a national park, which is limited in its uses, and should be—we are not going to produce energy in Yellowstone National Park unless it is out of hot water or something; we are not going to do that and should not.

Wilderness—wilderness is set aside for singular uses. But most of the public land in Bureau of Land Management land that was never set aside for anything. It was there. It was there after they closed down the Homestead Act and these lands were unclaimed so they became Bureau of Land Management lands. They are available, in my view, and in most cases they are for multiple uses. We need to ensure that is happening.

However, since 1983, access to mineral reserves in the West has declined by about 65 percent. Less than 17 percent of the total mineral estate is leased as compared to 72 percent in 1983. I do not suggest we return to that, but we do have to take a look at accessibility. We have to take a look at good environmentally sound ways of exploring and extracting minerals. We can do that. The Bush-Cheney plan addresses this problem. Not only how to do it, but it talks about renewables. If talks bout the environment and issues we need to talk about.

We have a great deal to do, but we have some great opportunities to do it. Here are a few of the things that are in the Bush-Cheney national energy policy. We help consumers in the short run. We increase LIHEAP funding to $1.7 billion. LIHEAP is for low-income people whose home energy bills went up. We double the weatherization funding, work with Governors to encourage regional energy planning, and work with FEMA so the emergency agency can respond to energy emergencies.

There is a good deal of emphasis on conservation, increasing efficiency. Indeed, it is made a national priority in this book.

We need to expand DOE's appliance standards programs to make standards higher. We need to take a look at the mileage standards on vehicles, and this plan provides incentives for fuel-efficient technologies. These things are all in this plan, and I think are a very important part of it.

We need to increase the supply of conventional fuels. We can do that. I know there is great controversy about ANWR. Whether or not we end up in ANWR is not the issue; the issue is whether there is access to those lands that should be available for exploration and production. There are a great many of those lands. We have already extensive gas production. We need to increase the infrastructure there and have a natural gas pipeline; provide royalty relief for deep water and enhance that recovery, as well as low production wells. We can do that which would increase considerably production of energy here.

There are a lot of things to do. We need to extend renewables and alternative fuels. This is a good one. As I mentioned, it currently only produces less than 2 percent—a little over 1 percent—of the total, but it has the potential to do a great deal more. And it is very clean energy. That is what a lot of people would like to do.

It streamlines the hydroelectric licensing process. It expands tax credits, again, for the production of electricity from renewable sources.

We hear from environmentalists that all that is talked about is more production of oil. That is not true. This book contains all these areas, with a considerable amount of emphasis on conservation, and with a considerable amount of emphasis on renewables. So we can do that.

Obviously, one of the difficult things to do is strengthening and increasing the infrastructure so we can move energy. There is a good deal of talk in my State, again, about mine mouth generation. It is very efficient. But then you have to move it. You have to move it on a transmission line or a gas pipeline. We can do that. I think we have done some research to reduce the line loss that is in that kind of transportation. But that is probably our most available source of electric generation. It needs to be moved to where the market will be. We can do that.

There needs to be a considerable amount of work done on refining. One happy thought is that there is a surplus of gas that is beginning to build up. I think we see a leveling off of the price. I met with some refiners the other day, and they say there is likely to be a turnaround here, probably after this weekend. It will not be a great rush, but we will see it at least not move up as it has in the past.

Finally, I am a strong proponent of the environment. I grew up in a place right outside Yellowstone Park, where the environment is very close. In our plan, as we look forward to where we want this country to be in the next 20 years, in the next 50 years, we need a strong economy. And if we want a strong economy, we need jobs.

We also need energy so we can provide for this economy and do the things we need to do, which includes the military and military defense. At the same time, we want to have an environment with a certain amount of open space protecting this environment so that we end up preserving the mountains in Teton Park, so that we end up preserving the open spaces in Nevada, so that we end up preserving the trees and the mountains and the hills in Vermont because those are very close to all of us and very important.

So I think we have a great opportunity now. We have to move quickly because it is something that affects everyone. And it is starting to affect us now, of course.

There is always this question of needing to do something today. We need to put in price caps. We need to do this. It is very difficult. Obviously, price caps have not been an asset in terms of causing things to happen over the long term, to cause investments to take place so that we do solve the problems.

We took oil out of SPR, out of storage last time, and it had no overall impact. So we are going to have to sit down, probably look for conservation in the short term, and take a look at what we can do with infrastructure, with sources to develop our fuels for the future.

I think we have a great opportunity to do that. We have guidelines for doing it in President Bush's and Vice President CHENEY's national energy policy.

VETERANS OPPORTUNITIES ACT OF 2001

Mr. THOMAS. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 801 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 801) to amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 790

Mr. THOMAS. Mr. President, Senators SPECTER and ROCKEFELLER have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. THOMAS), for Mr. SPECTER, for himself and Mr. ROCKEFELLER, proposes an amendment numbered 790.

(The text of the amendment is printed in the RECORD under "Amendments Submitted and proposed.")

Mr. SPECTER. Mr. President, I have sought recognition to comment on the "Veterans' Survivor Benefits Improvement Act of 2001," a measure which I ask be approved by the Senate as a substitute amendment to H.R. 801. H.R. 801 is a bill which was passed by the House of Representatives on March 27, 2001, and subsequently referred to the Senate Committee on Veterans' Affairs. In my capacity as Chairman of the Veterans' Affairs Committee, I am pleased to offer this amendment with my colleague, the Ranking Member of the Committee, Senator ROCKEFELLER.

In keeping with the spirit of the upcoming Memorial Day holiday—a day intended to memorialize the service of those who lost their lives while in service to the Nation—the Veterans' Survivor Benefits Improvements Act of 2001 would retroactively increase insurance benefits provided to, and guarantee additional health coverage for, the survivors of service members killed in the line of duty. The Act would also expand health care coverage to the spouses of veterans who have permanent and total disabilities due to military service, as well as the spouses of veterans who have died as a result of wounds incurred in service. Further, the Act extend life insurance benefits to service members' spouses and children, and would authorize, and direct, the Department of Veterans Affairs to conduct outreach efforts to contact these survivors, and other eligible dependents, to apprize them of the benefits to which they are entitled. Finally, the Act would make technical improvements to Montgomery GI Bill education benefits, and make other purely technical amendments to title 38, United States Code.

As part of the "Floyd D. Spense National Defense Authorization Act for Fiscal Year 2001" (Public Law 106–398), Medicare-eligible military retirees and their spouses became eligible for lifetime health care coverage under the Department of Defense (DOD) TRICARE program. Under the new law, TRICARE acts as a "Medigap" policy, paying for those health care services, such as prescription drugs, not covered under Medicare. Prior to enactment of Public Law 106–398, military retirees lost TRICARE eligibility upon becoming eligible for Medicare.

Mr. President, we can do no less for the survivors of service members who have died wearing our Nation's uniform than we have already done for spouses of military retirees. Therefore, Section 3 of the Act—building on legislation introduced by Senator ROCKEFELLER (S. 564) and consistent with the principles set out in the "TRICARE-for-life" program expansion for military retirees—would extend lifetime health coverage under the Civilian Health and Medical Program of the VA (CHAMPVA) program. That program—similar to TRICARE—provides medical services to the surviving spouses of service members who died while on active duty, to the surviving spouses of veterans who died after service from injuries sustained while on active duty, and to the spouses of veterans who have survived service but who had service-related injuries which are permanent and total in nature.

Under the Act—similar to provisions applicable under the TRICARE expansion enacted in Public Law 106–398—CHAMPVA benefits will be extended to spouses even after they gain Medicare eligibility, and CHAMPVA will pay for what Medicare does not. Full CHAMPVA benefits will be extended to eligible survivors who were eligible for Medicare on the date of enactment, and for those survivors who became Medicare-eligible after enactment, full CHAMPVA benefits will be extended upon enrollment in Medicare Part B.

As part of the "Veterans Benefits and Health Care Improvement Act of 2000" (Public Law 106–419), signed into law on November 1, 2000, Congress authorized an increase, from $200,000 to $250,000, in the maximum amount of Servicemembers Group Life Insurance (SGLI) coverage available to participating service members. However, Congress did not make the increased maximum death benefit effective until April 1, 2001. Sadly, the Nation's Armed Forces have suffered a series of tragic losses over the past several months. From the terrorist attack on the U.S.S. *Cole* on October 12, 2000, to the accidental bombing of our own service members in Kuwait on March 12, 2001, many brave Americans have lost their lives in defense of freedom during the period between enactment and the effective date of these increased benefits. As a symbol of gratitude to the survivors of those killed in the performance of duty, section 5 of the Act would allow retroactive application of the increased SGLI amount for those service members who died in the performance of duty between October 1, 2000, and March 31, 2001, and who had the maximum amount of available SGLI coverage in effect at the time of death. This would amount to a $50,000 payment for eligible beneficiaries, a small token of thanks for a sacrifice so large. I thank my colleague from Virginia, Senator WARNER, who authorized the legislation (S. 546) from which this provision was derived.

Another provision in the Act would enhance SGLI benefits for the spouses and dependent children of active duty service members. The provision would permit service members to purchase a maximum of $100,000 in SGLI coverage for their spouses and would extend $10,000 of life insurance coverage automatically to their children. These added enhancements to the SGLI program are common features provided by many commercial policies; they should be made available to our fighting men and women. A similar provision was approved by the Senate during the 106th Congress, but was not acted upon by the House.

In order to ensure that veterans' family members are made aware of the various VA benefits to which they are entitled, section 6 of the Act authorizes and instructs VA to conduct enhanced outreach efforts to veterans' spouses, surviving spouses, children, and dependent parents. The Act also specifies that such efforts are to be undertaken with the use of the internet, media, and veterans' publications to reach as wide a beneficiary audience as possible. Awareness of available benefits is critical if VA is to meet its statutory responsibilities.

Lastly, the Act makes several technical improvements to the Montgomery GI Bill (MGIB) education program. The first improvement would clarify eligibility requirements for MGIB benefits. Current law, as amended under the "Veterans Benefits and Health Care Improvement Act of 2000" (Public Law 106–419), could be interpreted as requiring more active duty service than is actually necessary to qualify for MGIB benefits. The clarifying language removes any ambiguity as to the service obligation required for eligibility.

A second improvement would change the method by which a veteran's MGIB entitlement is charged in cases where an active duty service member uses a portion of his or her MGIB benefit entitlement during service to supplement costs not covered under Tuition Assistance Reimbursement programs run by the armed service branches. The new method would be simpler for VA to administer, easier for veterans to understand, and more beneficial for a veteran wishing to maximize his or her utilization of the MGIB benefit.

A third improvement would simplify administration of the new MGIB "buy-up" opportunity created by the "Veterans Benefits and Health Care Improvement Act of 2000" (Public Law 106–419). Under that law, a service member who contributes up to $600 while in service may receive an additional $150 per month in additional monthly MGIB benefits for a total of 36 months. The improvement would set minimum monthly in-service contribution amounts of $20 and would limit the frequency of contributions to once per month. DOD requested these modifications to ensure the smooth and efficient operation of the "buy-up" program.

A fourth improvement would clarify and extend current provisions of law providing for the reimbursement of contributions made to secure eligibility for MGIB benefits in cases where the service member has died before he or she could utilize those benefits. Current law neglects to specify explicitly that the reimbursement provision applies in certain circumstances. This provision remedies that oversight.

Finally, a fifth improvement would clarify that service members who wish to convert from Veterans Educational Assistance Program (VEAP) benefits to MGIB eligibility—an option made possible by a provision of the "Veterans Benefits and Health Care Improvement Act of 2000" (Public Law 106–419)—need only contribute $2,700 to exercise that option. Due to a drafting error, current law could be read as requiring that a servicemember interested in converting pay $3,900, an additional contribution amount that was not intended.

Mr. President, I urge my colleagues to support the adoption of the "Veterans' Survivor Benefits Improvement Act of 2001." In doing so, we honor the memories of our fallen heroes by providing for those loved ones left behind. I yield the floor.

Mr. ROCKEFELLER. Mr. President, I am very pleased that the Senate is considering the Veterans' Survivor Benefits Improvements Act of 2001.

It is fitting that we will enact this bill in time to commemorate Memorial Day, the day we, as a nation, remember and pay tribute to the brave members of the American military who died to ensure our freedom. That is why the theme of the bill is especially appropriate. Although not broad in scope, H.R. 801 attempts to improve the ways in which we relate to the survivors of servicemembers and veterans, the families of those who have sacrificed so much for their country.

I am enormously pleased that the bill before us contains my legislation to extend health care protections to CHAMPVA beneficiaries over the age of 65.

Last year, Congress finally enacted legislation to restore the promise of providing lifetime health care to military retirees, by allowing military retirees to retain coverage through TRICARE, rather than having to shift to Medicare at age 65. TRICARE for Life, as it is known, was a great benefit for retirees, but CHAMPVA beneficiaries were not included in this new benefit.

The Civilian Health and Medical Program of the Department of Veterans Affairs, CHAMPVA, provides health care coverage to several categories of individuals: Dependents of veterans who have been rated by VA as having a total and permanent disability; survivors of veterans who died from VA-rated service-connected conditions; and survivors of servicemembers who died in the line of duty. As such, CHAMPVA provides a measure of security to a group of persons who have undeniably already sacrificed a great deal for our country. Under current law, CHAMPVA beneficiaries lose their eligibility for coverage when they turn 65 and have to shift to Medicare.

The TRICARE for Life law passed last year specifically allows military retirees and their dependents to remain in the TRICARE program after they turn age 65, as long as they are enrolled with Part B of Medicare. TRICARE will cover those expenses not covered under Medicare. It also provides for retail and mail-order pharmaceutical coverage for Medicare-eligible military retirees.

Title 38, United States Code, reflects the view that TRICARE and CHAMPVA should operate in similar ways. However, with the enactment of TRICARE for Life, that linkage was broken and a modification in law is needed to make CHAMPVA consistent with TRICARE.

The provisions in this bill simply clarify that the CHAMPVA and TRICARE programs should continue to operate in a similar manner, with similar eligibility. This would mean that Medicare-eligible CHAMPVA beneficiaries who enroll in Part B of Medicare would retain secondary CHAMPVA coverage and receive the same pharmacy benefit as CHAMPVA beneficiaries who are under age 65.

The failure of Congress to enact prescription drug coverage under Medicare only magnifies the need to enact this CHAMPVA reform. Incredible advances in drug therapy, combined with staggering inflation in prescription drug costs, have made the need for affordable prescription drug coverage absolutely critical. CHAMPVA beneficiaries who have sacrificed so much already should not be forced to forego other necessities of life to purchase needed prescription drugs.

I recently heard from a couple from Alderson, WV, who represent a classic example of why this legislation is so necessary. The husband is a veteran of the Korean war. They wrote to me when they learned that the wife lost all of her CHAMPVA benefits when she turned 65. As a result, she was forced to pay more than $300 per month for her diabetes and heart medications, in addition to all the other new costs for care not covered by Medicare. With Social Security and disability compensation as their only income, this couple is struggling to absorb this enormous new expense in their modest budget. My bill would relive them of that burden.

I thank the Gold Star Wives Association and the Consortium for Citizens with Disabilities for their dedication in bringing this issue to my attention. We must never forget that the costs of military service are borne not by the servicemember alone, but by their families as well.

Section 4 of H.R. 801 addresses a shortcoming in the current insurance coverage provided to servicemembers, the Servicemembers' Group Life Insurance, SGLI. Currently, dependents, spouses and children, are not eligible for insurance coverage under the servicemember's policy and must secure outside commercial coverage. This bill would extend coverage to dependents, giving great peace of mind to servicemembers with many other worries as they train and prepare for deployment, and especially when they are sent into harm's way.

Servicemembers can elect to participate in a VA-administered group life insurance program, SGLI. Government insurance for servicemembers was created in 1917 to provide insurance to soldiers going off to war, because they were unable to purchase commercial life insurance that would cover death resulting from an act of war. That need still exists today.

Coverage is available in $10,000 increments up to a maximum of $250,000 unless the servicemember declines coverage or elects coverage at a reduced amount. Veterans can opt to continue VA insurance, VGLI, after leaving the service, although generally the rates are not as competitive as commercial policies. As of last September, the SGLI premium was $.08 per month per $1,000 of coverage, and there was 2,307,000 SGLI policies in force. However, there is no VA or DoD sponsored insurance for the families of these servicemembers, who are often overseas, which makes securing U.S. commercial insurance difficult.

Last year, the Senate passed S. 1810, which would have provided an opportunity to provide similar coverage to spouses and children to SGLI-insured servicemembers. The House did not accept this provision in conference, and it was dropped from the final omnibus veterans bill.

This year, the House passed a provision that essentially mirrors last year's Senate provision to allow coverage for dependents. Dependents' coverage would be automatic unless it is declined. The amount of coverage for a spouse would be equal to the coverage of the insured servicemember, up to a maximum of $100,000. The lives of a covered servicemember's dependent children would be insured for $10,000. Premiums are to be set by VA to cover the costs of providing the insurance coverage.

Section 5 of H.R. 801 also addresses an apparently small discrepancy that may make a great different in the lives of some servicemembers' survivors. In Public Law 106–419, Congress increased the maximum coverage for servicemembers' group life insurance from $200,000 to $250,000, but delayed the effective date to the "first day of the first month that begins more than 120 days after the date of the enactment of [this] Act." The bill was signed by the President on November 1, 2000.

However, between passage of the law in Congress and the prospective implementation of the increase, the nation has been shocked by several high profile incidents resulting in loss of servicemembers' lives, such as the tragic bombing of the U.S.S. *Cole*.

This provision would make the increase retroactive back to October 1, 2000, to cover those servicemembers who died in the line of duty in the last several months. There are no costs associated with this provision, nor will there be any increase in premiums to the insured. It is simply the right thing to do for our men and women in uniform.

Finally, section 6 of H.R. 801 would require VA to expand outreach efforts to veterans' dependents and survivors, by requiring the Secretary of Veterans Affairs to ensure that the availability of services and assistance for eligible dependents is made known through a variety of means, including the Internet, announcements in veterans' publications, and announcements to the media.

The most recent survey conducted by VA indicated that less than half of the veterans contacted were aware of certain benefits they were entitled to receive. For survivors of veterans, there is even a lower level of awareness. Currently, VA is mandated to perform outreach to servicemembers and veterans, but not to eligible dependents, a spouse, surviving spouse, child, or dependent parent of a person who served on active duty.

It is critical that we reach out to these survivors and dependents. They should know that VA has many services to assist them in the difficult time following a servicemember's death and in transitioning through that period with insurance, compensation, education, and health care.

In closing, I urge all my colleagues to support H.R. 801 as a tribute to our deceased servicemembers, not just on the day we have selected to honor them, but on every day throughout the year.

Mr. THOMAS. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment (No. 790) was agreed to.

Mr. THOMAS. I ask unanimous consent the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

The bill (H.R. 801), as amended, was read the third time and passed.

Mr. THOMAS. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

CHANGING SENATE LEADERSHIP

Mr. DURBIN. Mr. President, this is a historic day in the Senate. The announcement this morning by Senator JIM JEFFORDS of Vermont that he is going to become an Independent and organize the Senate with the Democratic caucus means a change in leadership in this important institution of government. It is not the first time that a Member of the Senate has changed political parties. I reflected as I came to the floor that there were four Members on the Republican side who were formerly Democrats at some point in their career. Senator THURMOND was a Democrat from South Carolina and made a decision to become a Republican, I believe, in the 1970s. Senator PHIL GRAMM was a Democratic Congressman from Texas who changed his party allegiance and ran for reelection before he was elected to the Senate as a Republican. Senator BEN NIGHTHORSE CAMPBELL switched parties from Democrat to Republican and now sits on the Republican side. In addition, Senator RICHARD SHELBY of Alabama made the same transition from Democrat to Republican.

Of course, it is different in this circumstance in a 50/50 Senate. Any change of party has historic consequences. The decision of Senator JEFFORDS to organize with the Democratic caucus means there will be a rather substantial change in terms of the leadership of the Senate.

For the last several months, since the election of President Bush, many have given speeches and made statements about the need for bipartisanship. Now we will be put to the test if we have a Democrat-organized Senate, a Republican House, and, of course, a Republican in the White House. Literally, the agenda for the country and the fate of our country will be in the hands of bipartisanship. I think we can rise to that challenge. I hope we will.

I have the greatest confidence in the man who will be the Democrat majority leader, TOM DASCHLE of South Dakota. I have worked with him for almost 20 years in public life, in both the House and the Senate. He is not only very talented; he is an honest person, as hard working as any Member of this Chamber, and his word is good. President Bush, as well as Speaker HASTERT, I am sure, will find him to be an excellent person with whom to work.

I also hope we can develop a common agenda, a bipartisan agenda for the Senate. We have dealt with important budget and tax matters. There are other issues that need to be resolved, not just the 13 spending bills that fund our Federal Government but important issues which, frankly, have not received the attention they deserve. One of those is the Patients' Bill of Rights, to make certain the families across America can have peace of mind that they can go to the best doctors and the best hospitals and rely on medical decisions being made by medical professionals rather than by insurance company clerks. Too often, good medical decisions are being overridden by those who work for insurance companies who have a profit motive in mind rather than the best interests in a person's health. I think a Patients' Bill of Rights should be high on our agenda.

Second, of course, we will move into the area of education. This is an area we were debating before the tax bill arrived, and that most Americans agree is absolutely critical to the future of our country. We have to make a commitment in our agenda to public education and the education of all children across America. The schools of today face extraordinary challenges which my generation could not have even imagined. Children are coming to school now with greater problems than they have had in the past, and we are expecting more out of the school in terms of training and education than we ever did in the past. We have to make the investment in quality teachers and accountability, in safe classrooms, in modern classrooms, and technology so our kids have a fighting chance to lead America into the 21st century. That should be high on our list of priorities.

In addition to that, the President has asked us to look at questions related to energy. That is an important issue in my home State of Illinois where people have gone from recordbreaking heating bills because of the cost of natural gas to the recordbreaking cost for gasoline at the pump. It is important to not only find new sources of energy that are environmentally sound and make certain they are delivered to the people who need them but to also talk about conservation, a responsibility that is not only one we have as individuals but as the Government. We have to do our part as consumers to buy more fuel-efficient vehicles. Government has to do its part to encourage Detroit to catch up with Japan which already has these duel-use, duel-energy vehicles on the street that are in great demand. Unfortunately, Detroit has not come up with an alternative to compete. They should.

In addition, we have to look at the marketplace for energy in America. Some people think it is simply a supply-and-demand market. It is hard to imagine there is real competition of supply and demand when you drive around Chicago or Springfield, IL, and see all of the prices at the gasoline stations going up in lockstep and coming down, trickling down, in lockstep to believe there is real competition. It is hard to find anybody who is selling at a low price in order to entice consumers.

Sadly, despite the high energy prices and the fact some say it is a market situation, these energy companies are having the highest profits in many years. It is one of the industries that can guess wrong for consumer demand and make higher profits. That is something that has occurred.

We also need to address the question of the minimum wage for workers across America. There was a tax bill passed yesterday that leaves behind over 70 million Americans who do not get a reduction in their tax rate, those at the 15-percent rate, the lowest rate, and those are the same people in many cases who are working for a minimum wage. We have not touched the minimum wage in years in this country.

We have in my State over 400,000 people who go to work every single day at the minimum wage. If we are serious about giving mothers and fathers more time at home with their kids so they can have some leisure time and an opportunity to work with their kids on education, taking a look at the minimum wage is an important element so they don't have to work two or three jobs to try to make ends meet.

There is an important agenda ahead of us. I have touched on only a few items I hope we will consider. Now that we have this change in leadership in the Senate, it is important we address it on a bipartisan basis. It is a unique day in the history of the Senate. It is a unique challenge to all to rise above partisanship and put our country first.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. BUNNING). Without objection, it is so ordered.

RECESS

Mr. WARNER. Mr. President, on behalf of the majority leader, TRENT LOTT, I ask unanimous consent that the Senate stand in recess until the hour of 1 o'clock.

There being no objection, at 12 noon, the Senate recessed until 1:02 p.m., and reassembled when called to order by the Presiding Officer (Mr. BUNNING).

The PRESIDING OFFICER. In my capacity as a Senator from Kentucky, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF THEODORE BEVRY OLSON, TO BE SOLICITOR GENERAL OF THE UNITED STATES—MOTION TO DISCHARGE

Mr. LOTT. Mr. President, pursuant to the provisions of S. Res. 8, I now move to discharge the Judiciary Committee of the nomination of Ted Olson, to be Solicitor General of the United States.

The PRESIDING OFFICER. Under the provisions of S. Res. 8, the motion is limited to 4 hours of debate, to be equally divided between the two leaders.

Mr. LOTT. Mr. President, I note that the chairman of the Judiciary Committee, Senator HATCH, is here and ready to proceed. Therefore, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as you know, we have been trying to make sure that the Justice Department has its full complement of leaders because if there is a more important Department in this Government, I don't know which one it is. There may be some that would rate equally but that Department does more to help the people of this country than any other Department.

One of the most important jobs in that Department is the Solicitor General's job. The Solicitor General is the attorney for the people. He is the attorney for the President. He is the attorney for the Department. He is the attorney who is to argue the constitutional issues. He is the attorney who really makes a difference in this country and who makes the primary arguments before the Supreme Court of the United States of America.

In addition, he has a huge office with a lot of people working to make sure this country legally is on its toes.

In the case of Ted Olson, I am very pleased that we are able to have this motion up at this time. I am pleased that we have colleagues with good faith on the other side who are willing to see that this is brought to a vote today because we should not hold up the nomination for the Solicitor General of the United States of America.

We have had all kinds of Solicitors General. We have had some who have been very partisan but have been great Solicitors General, and we have had some who have hardly been partisan at all and have been weak Solicitors General. We have had some not very partisan at all who have been great Solicitors General. You would have to make an analysis yourself to determine how your own personal philosophy fits.

But in terms of some great ones, there was Archibald Cox, who was never known for conservative politics. He was not very partisan by most Republicans' standards, but he turned out to be an excellent Solicitor General of the United States. We could go on and on.

But let me just say this, that it is interesting to me that Ted Olson has the support of some of the leading attorneys and law professors in this country who have the reputation of being active Democrats.

Let me just mention a few. And I really respect these gentlemen for being willing to come to bat for Ted Olson. Laurence Tribe, the attorney for former Vice President Gore, in Bush v. Gore, on March 5, 2001, said:

> It surely cannot be that anyone who took that prevailing view—

He is referring to Bush v. Gore—

> and fought for it must on that account be opposed for the position of Solicitor General. Because Ted Olson briefed and argued his side of the case with intelligence, with insight, and with integrity, his advocacy on the occasion of the Florida election litigation, as profoundly as I disagree with him on the merits, counts for me as a plus in this context, not as a minus. If we set Bush v. Gore aside, what remains in Ted's case is an undeniably distinguished career as an obviously exceptional lawyer with an enormous breadth of directly relevant experience.

I have known Laurence Tribe for a long time. I have a great deal of respect for him. I do not always agree with him, but one time he asked me to review one of his books. Looking back on that review, I was a little tough on Larry Tribe to a degree. But I spent time reading his latest hornbook just this last week, read it through from beginning to end—I think it was something like 1,200 pages—it was very difficult reading, and I have to say I came away after reading that hornbook with a tremendous respect for the legal genius of Larry Tribe.

Although I disagree with a number of his interpretations of constitutional law, there is no doubt about the genius and effectiveness of this man, and I think it is a tribute to him that he was willing to stand up for Ted Olson and write it in a letter.

Walter Dellinger is the former Clinton Solicitor General. He is one of the great lawyers of this country. He is a liberal and some thought he was extremely partisan, although I questioned that personally, just like I question those who say Ted Olson is partisan. No question that Walter Dellinger is a very strong and positive Democrat, a very aggressive Democrat. But he also is a man of great intelligence and integrity.

On February 5, 2001, Mr. Dellinger said that when Olson served in the Justice Department as the head of the Office of Legal Counsel, he "was viewed as someone who brought considerable integrity to the decisionmaking."

Virtually everybody who worked with Ted Olson at the Office of Legal Counsel—in fact, all that I know of—said he was a man of integrity who called them the way he saw them, who abided by the law and did not allow partisan politics to enter into any thinking. There are two offices where partisan politics could work to the detriment of our country.

One is the Office of Legal Counsel, which he handled with distinction, with ability, with fairness, in a nonpartisan way. The other is the Office of the Solicitor General, which I assert to this body he will handle in the same nonpartisan way. He will certainly try to do what is constitutionally sound and right. And he will represent the Congress of the United States in these battles. He may not always agree with the Congress of the United States when we are wrong, but you can at least count on him doing what is right and trying to make the best analysis and do what he should.

Now, Beth Nolan is a former Clinton White House counsel and Reagan Department of Justice, Office of Legal Counsel attorney. Beth is a considerable Democrat, and she is someone I respect. We have had our differences, but I have to say that she deserves respect. In a September 25, 1987, letter signed by other Department of Justice lawyers she had this to say:

> We all hold Mr. Olson in a very high professional and personal regard because we believe he made his decisions with integrity after long and hard reflection. We cannot recall a single instance in which Mr. Olson compromised his integrity to serve the expedience of the Reagan administration.

That is high praise coming from Beth Nolan, a strong Democrat who has served both in the White House Counsel's office and at Justice in the office of Legal Counsel.

One of the most esteemed first amendment lawyers in the country, a strong Democrat, one of the men I most respect with regard to first amendment interpretations and first amendment constitutional challenges, is Floyd Abrams—again, I submit, a liberal Democrat.

On March 4, 2001, he had this to say about Ted Olson:

> I have known Ted since we worked together on a Supreme Court case, Metro Media v. San Diego, 20 years ago. I have always been impressed with his talent, his personal decency, and his honor. He would serve with distinction as a Solicitor General.

This is one of the greatest lawyers in the country, a man of distinction himself who has great judgment, who is a leading trial lawyer in this country.

And that is what Floyd Abrams had to say about Ted Olson.

These are all Democrats. How about Harold Koh, former Clinton administration Assistant Secretary of State. On February 28, 2001, he had this to say:

> Ted Olson is a lawyer of extremely high professional integrity. In all of my dealings with him I have seen him display high moral character and a very deep commitment to unholding the rule of law.

That is high praise from a former Clinton administration high-level employee. All of these are Democrats, leading Democrats, some partisan Democrats, but who have found Ted Olson to be a man of honor and integrity.

One of the greatest lawyers in the country is Robert Bennett, attorney for former President Clinton. Robert Bennett is known by virtually everybody in this body for having been an independent counsel himself, and having done his jobs with distinction. Nobody doubts he is one of the greatest lawyers in this country. Nobody doubts that the two Bennett brothers are personalities about as compelling as you can find.

Well, Robert Bennett happens to be a Democrat, and a leading Democrat, one of the great attorneys in this country. And here is what the attorney for former President Clinton had to say on May 15, 2001:

> While I do not have any personal knowledge as to what role if any Mr. Olson played in the Arkansas Project or the full extent of his relationship with the American Spectator, what I do know is that Ted Olson is a truth teller and you can rely on his representations regarding these matters. He is a man of great personal integrity and credibility and should be confirmed.

I am submitting to this body that people of good will, that people who want good government, people who want the best of the best in these positions at the Justice Department, ought to vote for Ted Olson regardless of their political affiliation, regardless of the fact that Ted Olson handled Bush v. Gore and won both cases before the Supreme Court—something that some of my colleagues bitterly resent. They should vote for him regardless of the fact that, yes, he has been a strong Republican—some think too partisan of a Republican. But he has a reputation of being a person who calls them as he sees them, an honest man of integrity. This is backed up by these wonderful Democratic leaders at the legal bar, Laurence Tribe, Walter Dellinger, Beth Nolan, Floyd Abrams, Harold Koh, Robert Bennett, just to mention six terrifically strong Democrats. If anybody wants to know, they ought to listen to people in the other party who have every reason to be partisan on nominations in some ways, but who are not allowing partisanship to enter into hurting the career or hurting the opportunity of Ted Olson to serve as Solicitor General.

I personally know Ted Olson. I have known him for many years. I have seen him courageously take on client after client across the ideological spectrum and do a great job in each case for his clients. This is an exceptional lawyer. He is one of the exceptional people in our country. He has the capacity and the ability to be a great, and I repeat great, Solicitor General of the United States. He is respected by the Supreme Court before whom he has appeared at least 15 times.

And for those who might not remember, he was the attorney for George W. Bush in Bush v. Gore, and made two arguments before the Supreme Court, both of which he handled with dexterity, with skill, with decency, and with intelligence.

I have to say he deserves this job, he deserves not having people play politics with this position. In my opinion, he will make a great Solicitor General of the United States. Let me just dispel some of the allegations surrounding this nomination and explain why I believe further delay is unwarranted.

First, there have been allegations that Mr. Olson has misled the committee concerning his involvement in something called the Arkansas Project and his representation of David Hale. Let me say that I listened to my colleagues on the committee when the Washington Post article first appeared, and delayed a vote, against my better judgment actually, until we weighed the allegations because it was fair to do so.

My colleagues wanted that, they deserved that, and we delayed it so we could weigh those allegations. Then I took several days and extensively reviewed the testimony during the hearings, his answers to written questions, and his subsequent letter. I am convinced that those responses showed no inconsistencies or evidence that Mr. Olson misled or was less than truthful to the committee anyway. Rather, they show him to be forthright and honorable.

Although I have not seen any discrepancies or inconsistencies in Mr. Olson's testimony and answers, I have tried to respect the concerns of other members of this committee and joined the distinguished ranking Democratic member in looking further into this matter and asking further clarifying questions from the Office of the Independent Counsel. We look into some insinuations against Mr. Olson concerning his involvement with the Arkansas Project and his legal representation of David Hale.

In order to verify Mr. Olson's statements, the committee has had access to a great volume of materials, including all relevant portions of the Shaheen Report that could be provided by law, letters from key individuals involved with the Arkansas Project, and just yesterday, at Senator LEAHY's request, a copy of David Hale's testimony at another trial, and more information from the Office of Independent Counsel. These together simply confirm Mr. Olson's statements and show that there is no need for additional investigations.

Now, I would like to relate some of my findings in investigating the record and alleged inconsistencies. With regard to the Arkansas Project, Mr. Olson repeatedly stated that he learned about the project while he was a member of the board of directors and that he did not know about it prior to his service on that board. He also consistently stated that he learned of the project in 1997. In an early response he stated that he became aware of it in "1998, I believe." He later clarified that it was in 1997 and has consistently maintained that he learned of the project in 1997. Each of the quotations used by Senator LEAHY in his so-called "summary of discrepancies" confirms this fact and does not provide, despite the title of the document, any real discrepancies in Mr. Olson's testimony.

Key individuals intimately involved with the Arkansas Project have written letters to the committee confirming Mr. Olson's account of events. These individuals include James Ring Adams, Steven Boynton, Douglas Cox, Terry Eastland, David Henderson, Michael Horowitz, Wladyslaw Pleszczynski, and R. Emmett Tyrell.

From their different positions, each person corroborates the fact that Mr. Olson was not involved with the origination or management of the Arkansas Project. R. Emmett Tyrell, the editor-in-chief of the magazine, stated unequivocally that Mr. Olson's statements with regard to his involvement with the project are "accurate and thus truthful."

Terry Eastland, former publisher of the American Spectator, conducted a review of the project and stated he "found no evidence that Mr. Olson was involved in the project's creation or its conduct." Other letters make similar statements about Mr. Olson's lack of involvement before 1997. All of them are consistent with his testimony, and they are not rebutted by any other credible evidence.

Mr. President, let me summarize for my colleagues. We have Mr. Olson's sworn testimony along with the statements of key players in the project and numerous letters by Democrats and Republicans who praise Mr. Olson's integrity and honesty, against the lukewarm allegations of one former staffer who has recently backed away from his remarks. Even if Mr. Brock's factual allegations were true, they do not contradict Mr. Olson's testimony.

Now the second possible allegation against Mr. Olson is that, contrary to his testimony, he might have received payment for his representation of David Hale. Mr. Olson has repeatedly answered questions about this representation. He testified that he received no money for this representation, although he had expected to be paid.

Then in a letter of May 9, 2001, in response to further questions, he again stated that he received no payments for his representation of David Hale. He wrote, "Neither I nor my firm has been compensated by any other person or entity for those services—although I am not aware of any legal prohibition against another person or entity making such a payment." He have this report and I urge my colleagues to read it. I have extra copies of this and other recent material with me, if any colleague cares to further review it.

Now, I have seen no, let me repeat, no evidence suggesting this testimony is not accurate. Mr. Olson responded to questions about these issues at his hearing and in three sets of written questions—each time his answers have been clear and consistent.

But you don't just have to take Mr. Olson's word for it. His answers are clearly supported by the conclusions reached by Mr. Shaheen and reviewed independently by two respected retired federal judges. Under a process jointly approved by the Independent Counsel and Attorney General Janet Reno, Mr. Shaheen was appointed to review the allegations concerning alleged payments to David Hale.

In order to get all the facts, Mr. Shaheen was given authority to utilize a grand jury to compel production of evidence and testimony. In addition, another important element of this independent review process was that the results of the investigation were to receive a final review—not by the Independent Counsel or Attorney General Reno—but by two former federal judges Arlin Adams and Charles Renfrew. At the conclusion of their review, they issued a statement on July 27, 1999, in which they concurred with the conclusions of the Shaheen Report that "many of the allegations, suggestions and insinuations regarding the tendering and receipt of things of value were shown to be unsubstantiated or, in some cases, untrue."

And if the Shaheen Report was not sufficient, Senator LEAHY requested a transcript of David Hale's testimony at the trial of Jim Guy Tucker and Jim and Susan McDougal, apparently because of accounts of that testimony in Joe Conason and Gene Lyons' book, "The Hunting of the President." The Office of the Independent Counsel has graciously made David Hale's trial transcript available to the committee in response to Senator LEAHY's May 14, 2001 letter. A review of the transcript clearly shows further that Mr. Olson's testimony was accurate.

In the transcript, David Hale testified that Ted Olson was retained to represent him before a congressional committee. When asked, "Who pays Mr. Olson to represent you?" Mr. Hale replied, "I do." Mr. Hale did not say that he or anyone on his behalf actually paid Mr. Olson.

The transcript of the trial is fully consistent with Mr. Olson's testimony regarding the Hale representation—namely that he never received payment for the representation, that Mr. Hale intended to pay for these services, and that no one else was responsible for the payments. Mr. Hale also testified that he first contacted Mr. Olson in 1993 in connection with a possible congressional subpoena, and that Olson did represent him in 1995–1996. Mr. Olson wrote in his letter (May 9, 2001) that he was "ultimately engaged by Mr. Hale and undertook that representation sometime in late 1995 or early 1996."

Thus, with regard to David Hale, there is no evidence from any source that Mr. Olson received payment for this representation. Mr. Olson's testimony, David Hale's testimony, the Independent Counsel report, and review of the matter by two former federal judges all confirm that Mr. Olson received no payment for his brief representation of David Hale. I should also note that we send further questions on this matter to the Office of the Independent Counsel, whose responses have been completely consistent with Mr. Olson's testimony.

Again, let me say that I appreciated and respected the need for members of this committee to satisfy themselves about the integrity of executive branch nominees. That is why I had delayed an initial committee vote. The committee had ample opportunity to verify the statements of Mr. Olson—no discrepancies have appeared, nor is there any credible evidence to refute any part of his testimony.

We have the statements of individuals involved with the Arkansas project. Staff members of the committee have been able to view the Shaheen report and the trial testimony of David Hale. I know that internal information has been requested from the American Spectator magazine, but I am concerned that such demands may tread on precious first amendment prerogatives of the press that we should all be careful to protect, even though it frustrates all of us from time to time. And I know that Democratic staff have interviewed Mr. Brock.

I believe that the extensive and decisive record before us shows that Mr. Olson has been truthful and forthright on all counts.

The facts and conclusions I have just discussed—that there are no discrepancies between Ted Olson's statements and Senator LEAHY's allegations—beg the question: What is all this fuss really about?

Perhaps it is because some may believe that Mr. Olson is too partisan to serve as the Solicitor General. Nothing could be further from the truth. Ted Olson's career has been as broad as it has been deep. Mr. Olson has advocated for a wide variety of organizations and has associated with people of many different political ideologies.

While it is true that Mr. Olson has performed legal work for the conservative American Spectator, to focus myopically on that is to ignore Mr. Olson's distinguished work for many other media organizations including the New York Times, the Washington Post, Times-Mirror, the Los Angeles Times, Dow Jones, LA magazine, NBC, ABC, CNN, Fox, Time-Warner, Newsday, Metromedia, the Wall Street Journal, and Newsweek. What does this list show about Ted Olson? Is this the kind of clientele that would seek after a single-issue zealot? No way. This list demonstrates clearly that smart people with a variety of views on public matters turn to—and trust—Ted Olson.

Similarly, it is possible to pay too much attention to one person's apparent dissonant opinion when there is a chorus of other harmonized voices.

Now, I have to concede that Ted Olson's supporters include a lot of well-known partisans.

For example, President Clinton's lawyer, Bob Bennett, said that "Ted Olson is a truth-teller" and he is "confident that [Ted Olson] will obey and enforce the law with skill, integrity and impartiality." A similar sentiment was expressed by President Clinton's White House Counsel, Beth Nolan. And Vice President Al Gore's lawyer, Laurence Tribe, has publically announced his support for Ted Olson's confirmation as Solicitor General. Floyd Abrams, who has known Ted Olson for 20 years, and who is no right-wing conspirator, said he has "always been impressed with [Ted Olson's] talent, his personal decency and his honor." President Clinton's Assistant Secretary of State for Democracy, Human Rights and Labor, Harold Koh, called Ted Olson "a lawyer of extremely high professional integrity." And William Webster said Ted Olson is "honest and trustworthy and he has my full trust."

These names demonstrate that Ted Olson's experience, character and associations have a tremendous breadth and depth. It is time for this body to do the right thing and favorably vote to confirm Mr. Olson as the Solicitor General.

Mr. President, I would also like to make a few more brief comments on Mr. Olson's nomination to set the record straight.

First, there has been repeated insinuation and accusation that Mr. Olson has misled the committee concerning his involvement with the so-called Arkansas Project and his representation of David Hale.

I, responding to concerns by some Democrats, listened and delayed the vote May 10 until the committee reviewed the record and weighed the allegations.

Since the Washington Post story broke, I and my staff have extensively reviewed Mr. Olson's testimony during his hearing, his answers to written questions, and his subsequent letters. I am convinced that these responses show no inconsistencies or evidence that Mr. Olson misled or was less than truthful to the committee in any way. Rather they show him to be forthright and honest.

In order to verify Mr. Olson's statements, the committee has had access to a great volume of materials, including all relevant portions of the Shaheen Report that could be provided by law, letters from key individuals involved with the Arkansas Project, and at Senator LEAHY's request, a copy of David Hale's testimony at another trial.

We have had access to more material from the Office of the Independent Counsel, a number of questions that Senator LEAHY and I jointly asked that office and have received the responses. All of this material, and the overwhelming evidence already on the record, continue to support Mr. Olson's veracity and complete candor before the committee. There are none, nor has there been, any specific evidence supporting allegations against Mr. Olson.

Key individuals intimately involved with the Arkansas Project have written letters to the committee confirming Mr. Olson's account of events. A host of respected and distinguished lawyers, judges, private and public figures who have worked with Ted Olson have written in and/or called the committee with their support for Mr. Olson's nomination and have vouched for his integrity and candor. These include the two respected attorney's who argued against Mr. Olson in each of the two Supreme Court arguments in Bush v. Gore.

From their different positions, each person corroborates the fact that Mr. Olson as not involved with the origination or management of the Arkansas Project. R. Emmett Tyrell, the editor-in-chief of the magazine, stated unequivocally that Mr. Olson's statements with regard to his involvement with the project are "accurate and thus truthful." Terry Eastland, former publisher of the American Spectator, conducted a review of the project and stated he "found no evidence that Mr. Olson was involved in the project's creation or its conduct."

The only evidence that appears to have any possible conflict with Mr. Olson's sworn testimony and the written communications of the key players in the Arkansas Project comes from David Brock, a former writer for the American Spectator, who in last Wednesday's New York Times, appeared to tone down his original account, saying, "It was my understanding that all of the pieces dating back to 1994 that dealt with investigating scandals pertaining to the Clintons, particularly those that related to his time in Arkansas, were all under the Arkansas Project." He did not say that he was sure, or that Mr. Olson knew about the project. Indeed, on a television program last Thursday evening, Mr. Brock said he had no specific recollection about speaking specifically about the Arkansas Project in the presence of Mr. Olson.

Moreover, Mr. Brock apparently suggested to one paper that James Ring Adams would have a similar view. But Mr. Adams, one of the lead writers for the project, wrote the committee that "Mr. Olson had absolutely no role in guiding my development of stories for the magazine or in managing my work."

So, we have Mr. Olson's sworn testimony along with the statements of key players in the project and numerous letters by Democrats and Republicans who praise Mr. Olson's integrity and honesty, against the luke-warm allegations of one former staffer who has recently backed away from his remarks. Even if Mr. Brock's factual allegations were true, they do not contradict Mr. Olson's testimony.

The other allegation against Mr. Olson is that, contrary to his testimony, he might have received payment for his representation of David Hale. He testified that he received no money for this representation, although he had expected to be paid.

There is no evidence suggesting this testimony is not accurate. Mr. Olson responded to questions about these issues at his hearing and in three sets of written questions—each time his answers have been clear and consistent.

His answers are clearly supported by the conclusions reached by Mr. Shaheen and reviewed independently by two respected retired federal judges. Under a process jointly approved by the Independent Counsel and Attorney General Janet Reno, Mr. Shaheen was appointed to review the allegations concerning alleged payments to David Hale. At the conclusion of their review, they issued a statement noting "many of the allegations, suggestions and insinuations regarding the tendering and receipt of things of value were shown to be unsubstantiated or, in some cases, untrue." I released the redacted portion of this Shaheen report which relates to Mr. Olson to the public. Read the report and its conclusions—and the Independent Counsel's responses to the numerous questions we have sent him regarding the report—it speaks for itself. This is not even a case revolving on the definition of what "is" is. There simply is no "there" there.

As I have noted before, we are at a period where we need to rebut the public's beliefs that we only engage in politics and don't care about the merits of nominee qualifications. We need to gain the public's trust in our government back. I am deeply concerned that what has been happening here might appear to be an effort to paint Mr. Olson's occasional political involvement as the entirety of his career and character, and as reported in the press, possibly as retribution for the man who argued and won the Supreme Court case in Bush v. Gore.

Now, I don't think that that is true. I know my colleagues and respect their views. But, I hope that we can begin debating the merits of this nomination and take all of the support and testimony on this man's obvious and overwhelming qualifications and his high integrity into account as we determine our votes for his confirmation.

Mr. President, I urge my colleagues to judge the record. Judge the man for his qualifications and integrity. And I urge my colleagues to listen to Lawrence Tribe, to David Boies, to read the Shaheen report and responses from the Office of the Independent Counsel, to listen to Robert Bennett—President

Clinton's lawyer, to everyone who has worked with and known Ted Olson. I urge you to vote to confirm our next Solicitor General.

Mr. President, let me say a few words about Mr. Olson's qualifications.

Ted Olson is one of the most qualified people ever nominated to be Solicitor General. He has had an impressive 35-year career as a lawyer—including four years as the Assistant Attorney General in charge of the Justice Department's Office of Legal Policy under Ronald Reagan.

The job of the Solicitor General is to make litigation policy decisions. The Solicitor General represents the United States in all cases before the United States Supreme Court, and it is up to the Solicitor General to approve all appeals taken by the United States from adverse decisions in the lower federal courts. It is important to have a skillful and competent advocate in that position.

Ted Olson has argued 15 cases in the U.S. Supreme Court. For most lawyers, a single Supreme Court argument would be considered the zenith of their career.

Ted Olson has a reputation for considering all viewpoints before making decisions. Walter Dellinger, who served as acting Solicitor General under President Clinton, told the Washington Post that, "If Ted runs the SG's office the way he ran OLC, he will give deference to views other than his own in making his final decision."

Ted Olson's Supreme Court arguments concerned issues of great importance to our country, including limits on excessive jury verdicts, the effect of statutes of limitations, caps on punitive damages, the meaning of the Federal False Claims Act, racial and gender classifications, and whether telecommunications companies must provide surveillance capabilities to law enforcement agencies.

In addition to his role representing clients, Ted Olson has also worked to reform our civil justice system by writing and speaking on various topics, and he helped advise the government of Ukraine on drafting a new Constitution in the mid-1990's.

Ted Olson also has superb academic qualifications. He graduated from the Boalt Hall School of Law at the University of California at Berkeley, where he earned a spot in the prestigious Order of the Coif and was a member of the law review.

I have no doubt that Ted Olson will prove to be one of the best Solicitor Generals our country has ever had. Given the extraordinary quality of the people who have held that post, this is no small compliment.

With that, I yield the floor and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. I thank the Chair. Mr. President, I thank the Senator from Utah, the chairman of the Judiciary Committee.

If I can have the chairman's attention just for a moment, I assume we are not looking for specific times and speakers on this matter but will go back and forth in the usual fashion as people arrive. Is that agreeable?

Mr. HATCH. That is agreeable. It is my understanding we have 4 hours equally divided. Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has used 29 minutes.

Mr. LEAHY. Mr. President, for anybody who wants to speak, following the normal unofficial procedure, as people are available, we can go back and forth, side to side.

I note that I have no objection to proceeding to the motion to discharge the nomination of Ted Olson to be Solicitor General. I mention this because I want Senators to understand. We had a divided vote in the committee, and with a divided vote in the committee, because of the procedures of the Senate, I am sure we could have either bottled it up for some time in committee or for some time here. I do not want to do that. I think there should be a vote one way or the other. We have had too many examples in the past few years of nominations being bottled up that way.

On this one, I have concerns about Mr. Olson, but I am agreeable to having a vote up or down on his nomination. In fact, I say to my friend, the distinguished chairman of the Senate Judiciary Committee, that we also have before us the nominations of Mr. Dinh to be head of the Office of Policy Development of the Justice Department and Mr. Chertoff to be head of the Justice Department's Criminal Division. I am perfectly agreeable to rollcall votes on them, too, and will, to notify Senators, vote for them as I did in committee. Of course, that is something that has to be scheduled.

Mr. HATCH. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. HATCH. I, for one, am grateful because they are good people. I missed what the Senator said. He wants to have a vote?

Mr. LEAHY. I want to have a vote on all three of these. I realize that is entirely up to the body. I am perfectly willing to have votes on all three of them. I point out, with respect to Mr. Dinh and Mr. Chertoff, I voted for them in committee, even though, as everybody knows, they are very conservative Republicans and were heavily involved in a congressional investigation of the former President and of matters in Arkansas.

Mr. HATCH. If the Senator will yield, I do not mean to keep interrupting. I want to express my gratitude that he is willing to go ahead with this and the Senate can vote on these nominees because I want to get that Justice Department—and I know the distinguished Senator from Vermont does also—up and running in the fullest sense we can. That is my only interest in this, other than I do like all three of these nominees. I thank my colleague. Forgive me for interrupting.

Mr. LEAHY. I appreciate the compliment.

Mr. Dinh and Mr. Chertoff were heavily involved in what I thought was a misguided investigation, not by them but by Members of Congress who conducted it against former President Clinton and others in Arkansas. However, I believe they followed the directions of Members of Congress, many of whom are no longer here, for a number of reasons. I will vote for them and urge their confirmation when the time comes.

I mention this because there seems to be some in the public, some among what I call the more conservative editorialists, who think there is going to be some kind of payback on the Democrats' part for the number of nominees who were held up during the Clinton administration by the Republican majority. I think it makes far more sense to look at nominations one by one on the merits.

There is no question if the roles were reversed, if somebody of Mr. Dinh's and Mr. Chertoff's background had been appointed by the last administration following their investigations of Republican Presidents and my understanding and what I have seen in the last few years, they would have been held up. I do not believe in doing that.

I told Attorney General Ashcroft—in fact, I told him earlier today— we intend to move these forward. We are moving forward most of the nominations in the Department of Justice a lot faster than they were 4 years ago in the Clinton administration by the same Senate but under different control.

I hope this may be an indication that things will move forward on their merits and not on partisanship. I urge all Senators who wish to debate to come to the floor without delay and participate.

After the motion to discharge and proceed to the nomination, I expect the Senate will proceed to vote promptly on the Olson nomination. I know Senator LOTT and Senator DASCHLE have been working toward that goal. I agree with them on it.

I will, however, express, as every Senator has a right to express his or her feelings towards or against each of these three nomination nominees, why I will vote against Ted Olson.

The Solicitor General fills a unique position in our Government. The Solicitor General is not merely another legal advocate whose mission is to advance the narrow interests of a client or merely another advocate of the President's policies. The President has people appointed on his staff or in his Cabinet to advance his policies. That is absolutely right. That is the way it should be. Whoever is President should have somebody who can advance his positions no matter whether they are partisan or not, and there are positions provided—in fact, hundreds of millions of dollars' worth of positions are provided to the President to do that.

The Solicitor General is different. The Solicitor General is not there to advance the partisan position of anybody, including somebody who is President. The Solicitor General is there to advance the interests of the United States of America, of all of us—Republican, Democrat, or Independent.

The Solicitor General must use his or her legal skills and judgments to higher purposes on behalf of the laws and the rights of all the people of the United States.

The Solicitor General does not advance a Republican or Democratic or Independent position. The Solicitor General advances the positions of the United States of America. In fact, at his hearing, Mr. Olson acknowledged—and I will use his words:

> The Solicitor General holds a unique position in our government in that he has important responsibilities to all three branches of our government. . . . And he is considered an officer of the Supreme Court in that he regularly and with scrupulous honesty must present to the Court arguments that are carefully considered and mindful of the Court's role, duty, and limited resources. As the most consistent advocate before the Supreme Court, the Solicitor General and the lawyers in that office have a special obligation to inform the Court honestly and openly. The Solicitor General must be an advocate, but he must take special care that the positions he advances before the Court are fairly presented. As Professor Drew Days said to this committee during his confirmation hearing 8 years ago, the Solicitor General has a duty towards the Supreme Court of "Absolute candor and fair dealing."

Those words of Ted Olson's are words that I totally agree with. He has stated the position of the Solicitor General. He has stated it accurately. We must look at his record to see, having talked the talk, whether he walked the walk.

The Senate must carefully review nominations to the position of Solicitor General to ensure the highest levels of independence and integrity, as well as legal skills. Indeed, the Solicitor General is the only government official who must be, according to the statute, "learned in the law." We appoint a lot of people, we confirm a lot of people, but nothing in the law says they have to be "learned in the law," but for the Solicitor General it says that. The Solicitor General must argue with intellectual honesty before the Supreme Court and represent the interests of the Government and the American people for the long term, and not just with an eye to short-term political gain.

The Senate must determine whether a nominee to the position of Solicitor General understands and is suited to this extraordinary role.

It is with the importance of this position in mind that I approached the nomination of Ted Olson to serve as Solicitor General of the United States. From my initial meeting with him in advance of the April 5, 2001, hearing and thereafter, I have been assessing this nomination against the responsibilities of that important office.

At the outset, I raised with Mr. Olson my concern that his sharp partisanship over the last several years might not be something that he could leave behind. After review of his testimony both orally and in answers to written questions, I have become doubly concerned that Mr. Olson has not shown a willingness or ability to be sufficiently candid and forthcoming with the Senate so that I would have confidence in his abilities to carry out the responsibilities of the Solicitor General and be the voice of the United States before the United States Supreme Court. In addition, I am concerned about other matters in his background.

I will lay out in a much more lengthy statement for the RECORD, my concerns, but let me talk more briefly now about my concerns about Mr. Olson's candor before the committee about his involvement with the American Spectator and the Arkansas Project. His initial responses to my questions at his hearing prompted concern that the committee might not have heard a candid and complete accounting from Mr. Olson.

Rather than respond directly and say all that he did do in connection with those matters, Mr. Olson chose to respond by misdirection and say what he did not do. Frankly, in this case, and under the questions he was asked, there is a world of difference between what he did not do and what he did do. He initially described his role as extremely limited as a member of the board of directors of the American Spectator Educational Foundation and implied that he was involved only after the fact, when that board conducted a financial audit and terminated the Arkansas Project activities in 1998.

Mr. Olson has modified his answers over time, his recollection has changed, and he has conceded additional knowledge and involvement. His initial minimizing of his role appears not to be consistent with the whole story. Because his responses over time left significant questions and because of press accounts that contradicted the minimized role to which he initially admitted, I wanted to work with Senator HATCH before the Judiciary Committee voted on this nomination to have the committee perform the bipartisan factual inquiry needed to set forth the facts and resolve all questions and concerns about Mr. Olson's answers.

I wanted to have us do the bipartisan fact finding that we always do when such issues come up.

Indeed, Senator HATCH postponed one committee vote on Mr. Olson's nomination on May 10 and admitted that "some legitimate questions" have arisen and that "legitimate issues" were involved. He said that after an article in the Washington Post indicated that Mr. Olson's role at American Spectator and the activities of the Arkansas Project were more than just as a member of the board of directors in 1998 to which a financial audit was provided.

My friend from Utah did not agree to that limited inquiry before the committee voted on Mr. Olson's nomination, but with the constructive assistance of the leaders and their staff, we were able to make progress over the last week.

Let me describe just a few of the discrepancies in Mr. Olson's evolving statements to this committee. These are discrepancies that give me pause.

First, Mr. Olson has minimized his knowledge of the Arkansas Project and its activities through—well, word games and definitional ploys. At the hearing, I asked him the direct question: "Were you involved in the so-called Arkansas Project at any time?" Mr. Olson responded by saying what he did not do, and with reference to his membership on the board of directors:

> As a member of the board of directors of the American Spectator, I became aware of that. It has been alleged that I was somehow involved in that so-called project. I was not involved in the project in its origin or its management. . . . I was on the board of the American Spectator later on when the allegations about the project were simply that it did exist.

A carefully crafted answer, like somebody spoiling or somebody maneuvering a kayak through the rocks in a whitewater rapids.

Over the past several weeks and several rounds of questions, Mr. Olson has expanded his initial response to admit that he and his firm provided legal services in connection with the matter, that he had discussions in social settings with those working on Arkansas Project matters, and that he himself authored articles for the magazine paid for out of Scaife's special Arkansas Project fund.

Mr. Olson and his supporters then began to engage in a word game over what the meaning of "Arkansas Project" is. His law partner Douglas Cox told the Post that Olson testified that he, "did not know there was this special fund set up by Scaife to finance this Arkansas fact work."

That might have explained Mr. Olson's testimony if he had said that at the time he was writing the articles and giving legal advice and talking about these matters with the staff, he had been unaware that those conversations were in connection with what came to be known as the Arkansas Project. In other words, writing and giving legal advice and talking about it, he didn't know what it was for. I think he is far too good a lawyer for that. But that is not what Mr. Olson testified. In fact, he admitted that he became aware of the Arkansas Project at least by 1998, and then changed that testimony to sometime in 1997.

He said he was a member of the board that received an audit of the Scaife funds. So by 2001, his knowledge of the Arkansas Project and the funding by Scaife was undeniable.

Second, evidence uncovered during the committee's limited bipartisan inquiry following the committee vote, raises serious question about whether Mr. Olson accurately denied any role in the "origin" of the Arkansas Project by failing to respond correctly to direct questions about a meeting in his law office held in late December, 1993 when this project was getting organized. Not in 2001 but 1993.

Third, Mr. Olson has apparently downplayed his involvement in the development and direction of Arkansas Project stories, perhaps to avoid any inconsistency with his initial representation to the committee that he was not involved in the management of this project.

According to a published report in the Washington Post on May 20, 2001, the report to which Senator HATCH referred when he indicated that "legitimate questions" had been raised, David Brock told Post reporters that "Olson attended a number of dinner meetings at the home of R. Emmett Tyrrell, Jr., president and chairman of the Spectator, which were explicitly brainstorming sessions about the Arkansas Project.

While Mr. Olson refused to respond to this allegation, his law partner, Douglas Cox, who worked on the Spectator account, conceded that Olson attended such dinners, but that "did not mean that he was aware of the scope of the Arkansas Project and the Scaife funding."

David Brock has also indicated that Mr. Olson was "directly involved in the Arkansas Project, participating in discussions about possible stories and advising the magazine whether to publish one of its most controversial stories, about the death of Clinton White House deputy counsel Vincent Foster." According to the account in the Post, Mr. Olson told Mr. Brock that, "while he didn't place any stock in the piece, it was worth publishing because the role of the Spectator was to write Clinton scandal stories in hopes of 'shaking scandals loose.'"

That is an interesting position for a lawyer to take: Print a story you know not to be true, hoping that by printing untruths you will somehow bring forward truths. That is not what I was taught in law school; certainly not in our legal ethics courses.

In his response to Senator HATCH, Mr. Olson did not deny Mr. Brock's account head on.

Instead, he wrote that he told Mr. Brock that the article did not appear to be libelous or to raise any legal issues that would preclude its publication, and that he was not going to tell the editor-in-chief what should appear in the magazine.

The Washington Post also reported that others said that project story ideas, legal issues involving the stories, and other directly related matters were discussed with Mr. Olson by staff members and at dinner parties of Spectator staff and board members. The reaction from Mr. Olson's supporters was swift. On May 15, 2001, Chairman HATCH shared with the committee a letter he obtained from the two men quoted denying the specific words in the Post story but not denying that they talked to the Post reporters.

In a blatant effort to undermine Mr. Brock's powerful, first hand recollection of Mr. Olson's participation in and contributions to the activities of the Arkansas Project, Mr. Tyrrell also submitted a statement that Mr. Brock was not a part of the Arkansas Project.

Mr. Brock, in reply, submitted strong contradictory evidence to the Tyrrell statement and supplied the committee with multiple Arkansas Project expense reports, expense reports, I might note, which remain unrefuted and which Mr. Brock states, "clearly show that I was reimbursed thousands of dollars by the Project for travel, office supplies, postage, and the like."

Taken as a whole, Mr. Olson was clearly involved and participating both professionally and socially in the work of the American Spectator and its Arkansas Project. There is absolutely nothing illegal about this involvement and participation, which makes me wonder, why not be forthcoming and honest about it? But it shows a larger role in these activities than Mr. Olson initially portrayed.

Mr. Olson also minimized his role in the Arkansas Project and the American Spectator by failing to give complete information about the amount of remuneration he has received for his activities on their behalf when he was first asked. He told us on April 19 that he was paid from $500 to $1,000 for his articles that appeared in the American Spectator magazine. Yet, we find out in the Washington Post on May 10 that his firm was paid over $8,000 for work that was used in just one of those articles.

In addition, the Post reported that over $14,000 was paid to Mr. Olson's law firm and attributed to the Arkansas Project.

When he was asked during his hearing about an article he had coauthored that was published under the pseudonym—I want to make sure I get this right—"Solitary, Poor, Nasty, Brutish and Short" in the magazine he did not indicate that "the magazine hired [his] firm to prepare" such materials and to perform legal research on the theoretical criminal exposure of the President and Mrs. Clinton based on press accounts of their conduct. I, for one, thought Mr. Olson had defended his writings as matters of personal first amendment political expression, an absolute right that he and all of us have. Certainly, I had no idea from his testimony at his confirmation hearing that this article was part of his and his firm's ongoing legal representation of American Spectator Educational Foundation, that it was a commissioned piece of legal writing, paid for by a grant from conservative billionaire Richard Mellon Scaife.

I am now left to wonder whether his article that was so critical of the Attorney General and the Justice Department was as he described them at his hearing the "statements of a private citizen," or another richly paid for political tract.

Again, he, like all of us, can write any kind of a political tract he wants. He, like all of us, can make statements critical of anybody he wants. He can even make outlandish charges. But let's be honest about what we have done when testifying under oath before the Judiciary Committee.

His supporters repeat the mantra that even if he was paid with Arkansas Project funds, Mr. Olson would not have known that. What they leave out is a necessary qualifier "at the time he received the payment." By the time he came to the committee and testified, in answer to direct questions, he had become privy to the internal audit of the Arkansas Project. In fact, he says he became privy to that 3 years ago in 1998. That audit and his knowledge as a board member of the extent of the Arkansas Project that it revealed rendered Mr. Olson's testimony in April, 2001, less than complete.

Having now conceded his involvement in these matters, something he did not do initially, the question arises: How extensive was that involvement as a lawyer? That is why I asked at least for production of his firm's billing records for legal services rendered to the American Spectator, but I was stonewalled on that request. Mr. Olson asserted attorney-client privilege; but he did not offer to cooperate by producing nonprivileged copies of those records.

Every lawyer in this place knows what is privileged and what is not, what falls under attorney-client privilege and what does not. And he did not even want to produce those things that clearly fall outside the attorney-client privilege. In fact, such nonprivileged records have been produced in connection with other Government inquiries. Certainly in the last 6 years, documents have been produced by the bushel to the same Judiciary Committee during other investigations.

As part of the bipartisan inquiry undertaken after the committee vote on this nomination, we became aware of this fact. The independent counsel review and report we were able to read—that was only a small part of it—indicates that requests were made to Mr. Olson and his law firm for billing records for any client that had received Scaife foundation grants between 1992 and 1998 in order to ascertain whether there had "been an indirect method to compensate (the law firm) for its unpaid representation of Hale." That would be David Hale.

Just as here, Mr. Olson's law firm initially invoked attorney-client privilege but realized that ultimately they had to give what were nonprivileged billing records for Mr. Olson. And they showed Mr. Olson's representation of both David Hale and the American Spectator. But the independent counsel was unable to forward those records in response to the bipartisan, joint request for them by Senator HATCH and myself.

So Senator HATCH and I then sent a joint request to Mr. Olson's firm requesting information about the total amount of fees paid by the American Spectator to the firm. Remember, the implication was there really was not anything there. Today, we were informed that the amount paid was not $500 to $1,000 per article the committee was first told by Mr. Olson. Instead, it was for legal services performed $94,405.

I am not a bookkeeper. I was a middling math student. But like most Vermonters, I can count. There is quite a bit of difference between $500 to $1,000 and $94,405.

Mr. Olson has tried to distance himself from the most controversial aspects of the Arkansas Project in its activities to publicize allegations of wrongdoing about the Clintons in Arkansas. Mr. Olson stated that he "represented the American Spectator in the performance of legal services from time to time beginning in 1994 * * * those legal services were not for the purpose of conducting or assisting in the conduct of investigations of the Clintons."

Yet, we find out he was paid over $8,000 to prepare a chart outlining the Clintons' criminal exposure as research for a February 1994 article Mr. Olson co-authored against the Clintons entitled, "Criminal laws Implicated by the Clinton Scandals: A partial list."

Finally, Mr. Olson has testified he simply does not recall who contacted him to represent David Hale.

This is a man who has as sharp a mind as just about anybody I have met around here, but he does not recall who contacted him to represent David Hale, a central part of this whole inquiry.

So when I asked Mr. Olson at his April 5 hearing how he came to represent Mr. Hale he started by saying, "[t]wo of [Hale's] then lawyers contacted me and asked . . ." A few seconds later Mr. Olson said:

> [o]ne of his lawyers contacted me—I can't recall the man's name—and asked whether I would be available to represent Mr. Hale in connection with that subpoena here in Washington, D.C. They felt that they needed Washington counsel with some experience dealing with a congressional investigation. I did agree to do that. Mr. Hale and I met together.

Even in his May 9 letter, Mr. Olson asserts that he, "cannot recall when [he] was first contacted about the possibility of representing Mr. Hale." He indicates that he believes, "that [he] was contacted by a person or persons whose identities [he] cannot presently recall sometime before then regarding whether I might be willing to represent Mr. Hale if he needed representation in Washington."

The Washington Post reported that David Henderson said that he introduced Hale to Olson. Interestingly, David Henderson apparently signed a statement on May 14 indicating that in his view he broke no law while implementing the Arkansas Project. But what he does not say and what he does not deny is that he was the person who introduced David Hale to Mr. Olson.

The role that David Henderson played in introducing David Hale to Mr. Olson is apparently corroborated by several other witnesses who have spoken to the American Prospect in a story released today.

It now strikes me as strange that a man as capable as Mr. Olson with his vast abilities of recall could not remember the name of David Henderson, if Mr. Henderson was, in fact, involved in setting up that representation.

And it strikes me as doubly strange when the bipartisan inquiry conducted after the committee vote on this nomination uncovered evidence that Mr. Olson was able to recall who introduced him to David Hale just a couple of years ago when he was asked the same question.

The Hale independent counsel report indicates that in 1998 Mr. Olson could supply the name of the person who referred David Hale to him for legal representation.

It leads one to easily wonder whether Mr. Olson's failure to recall the name, David Henderson, in the year 2001 had something to do with him not wanting to indicate the connection to such a central figure in the Arkansas project.

Some would say, what importance is there to this? Does it really matter whether Mr. Olson accurately and fully described his role in the American Spectator and the Arkansas project? This nomination is for the office of Solicitor General. It is important for two reasons, both of which go to the fitness of the nominee to serve as Solicitor General.

The principal question raised by the nomination of Mr. Olson to this particular position—remember, this is a position that is supposed to be nonpolitical, nonpartisan, representing all Americans of whatever political allegiance they have, or whether they have none. The question is whether his partisanship over the last several years in connection with so many far-reaching anti-Clinton efforts to mark Mr. Olson as a thorough-going partisan who will not be able to check his partisan political instincts at the door to the Office of the Solicitor General.

Now, the reason I ask that is we have another nominee before us, Michael Chertoff, and we asked some of these same questions about Michael Chertoff. In that case, the questions were answered, the doubts dissipated. Instead of a 9–9 vote, Mr. Chertoff, had a rollcall vote in committee and it was unanimous; Republicans and Democrats across the political spectrum voted for him. There were Doubts, but the questions about Mr. Chertoff disappeared. But the doubts and questions about Mr. Olson have grown over time.

Had Mr. Olson been straightforward with the committee, had he conceded the extent of his involvement in anti-Clinton activities and given the kinds of assurances that Mr. Chertoff did about his upcoming responsibilities, I could very easily be supporting his confirmation.

Actually, when I first met with Mr. Olson, and even at his hearing before we had a chance to go through all of his answers and see the areas where they didn't show consistency, I had hoped and expected to be supporting him. In fact, I remember saying to someone in my office at that time that I assumed I would be supporting him. I expected to be able to give him the benefit of the doubt.

In light of the deference I normally accord a President's executive branch nominees, I fully expected to be voting for this nomination, just as I voted for so many by the five previous Presidents, both Republican and Democrat.

In the wake of the hearing, the series of supplemental responses we have received, and the unanswered questions now in the public record about Mr. Olson's involvement in partisan activities like the Arkansas project, I have many doubts.

We also have a question of candor and straightforwardness. I have not had the sense from his hearing onward that Mr. Olson has been truly forthcoming with either me or with the committee. My sense is that for some reason he chose from the outset to try to minimize his role in connection with the activities of the American Spectator, that he has sought to characterize it in the most favorable possible light, that he has sought to conclude for us rather than provide us with the facts and let us conclude how to view his activities.

As I review the record and the initial nonresponsiveness, lack of recall, corrections when confronted with specifics, I am left to wonder what happened to "absolute candor and fair dealing," the touchstone that Mr. Olson himself says is necessary for a Solicitor General. In concluding my May 4, 2001, letter to Mr. Olson, I noted:

> The credibility of the person appointed to be the Solicitor General is of paramount importance. When arguing in front of the Supreme Court on behalf of the United States Government, the Solicitor General is expected to come forward with both the strengths and weaknesses of the case, to inform the Court of things it might not otherwise know, and to be honest in all his or her dealings with the Court. I expect that same responsiveness and cooperation from nominees before this Committee.

My expectation had been to support him. Please understand, this is not the role of a lawyer advocate in our legal system. I have been an advocate of the court, both at the trial level and at the appellate level. I have been there both for the prosecution and for the defense. In private practice, I was there both for the plaintiffs and defendants. You fight like mad. You make as strong a case for your client as you can. That is fine.

The Solicitor General is different. The Solicitor General is sometimes referred to as the tenth justice. He is expected to tell the Court these are the strengths of my case, but let me tell you also where the weaknesses are of my case. If a matter is left out, or there might be a weakness in the case, he is duty-bound to bring it forward to the Court's knowledge because, if confirmed, Mr. Olson is not a lawyer advocate for just one client because that client is the United States of America—all 270 million of us. I want to be sure that our Nation's top lawyer will see the truth and speak the truth fully to the Supreme Court and represent all of our best interests in the matters over which the Solicitor General exercises public authority.

I have confidence that Mr. Olson is an extremely capable lawyer. Of course, I do. Do I have confidence that he can set aside partisanship to thoroughly and evenhandedly represent the United States of America before the Supreme Court? I do not have such confidence, and I cannot vote for him.

Mr. President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. There are 76 minutes remaining.

Mr. LEAHY. Mr. President, the Solicitor General fills a unique position in our Government. The Solicitor General is not merely another legal advocate whose mission is to advance the narrow interests of a client, or merely another advocate of his President's policies. The Solicitor General is much more than that. The Solicitor General must use his or her legal skills and judgment for higher purposes on behalf of the law and the rights of all the people of the United States.

At his hearing, Mr. Olson acknowledged that:

> The Solicitor General holds a unique position in our Government in that he has important responsibilities to all three branches of our Government. . . . And he is considered an officer of the Supreme Court in that he regularly and with scrupulous honesty must present to the Court arguments that are carefully considered and mindful of the Court's role, duty, and limited resources. As the most consistent advocate before the Supreme Court, the Solicitor General and the lawyers in that office have a special obligation to inform the Court honestly and openly. The Solicitor General must be an advocate, but he must take special care that the positions he advances before the Court are fairly presented. As Professor Drew Days said to this committee during his confirmation hearing 8 years ago, the Solicitor General has a duty towards the Supreme Court of "absolute candor and fair dealing."

Republicans and Democrats have carefully reviewed nominations to the position of Solicitor General to ensure the highest levels of independence and integrity, as well as legal skills. Indeed, the Solicitor General is the only government official who must be, according to the statute, "learned in the law." The Solicitor General must argue with intellectual honesty before the Supreme Court and represent the interests of the Government and the American people for the long term, and not just with an eye to short-term political gain. I ask unanimous consent to have printed in the Record a recent article by Professor Lincoln Caplan on the role of the Solicitor General.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, May 18, 2001]

The President's Lawyer, and the Court's

(By Lincoln Caplan)

New Haven.—The job of solicitor general is one of the most eminent in American law. Part advocate, the S. G. as he is called, represents the United States before the Supreme Court, where the federal government is involved in about two-thirds of all cases decided on the merits (as opposed to procedural grounds). Part judge, he chooses when the government should appeal a case it has lost in a lower court, file a friend-of-the-court brief, or defend an act of Congress. Most S.G.'s have influenced rulings in landmark cases; many have become judges; four have risen to the Supreme Court. Yet for most of this tiny office's history since it was created in 1870, the S.G. drew little public or even scholarly attention.

Today, however, the nomination of Theodore Olson to be S.G. is headline news, as is evident from the attention to the Senate Judiciary Committee's 9-9 vote on it yesterday, a split along party lines. In the past 40 years, the courts have become forums for resolving social questions, and the docket of the Supreme Court has become defined by the most divisive issues. During the past 15 years, especially, as the line between law and politics has been increasingly hard to draw, the choice of a solicitor general has become more important politically than that of any legal figure except for the attorney general or a Supreme Court justice.

The choice of Mr. Olson makes this point sensationally because his legal accomplishments are so marked by ideology. As a young Justice Department official under Ronald Reagan, he made his name as an adamant defender against Democrats in Congress who were trying to probe a Republican environmental scandal. He has litigated matters like a major anti-affirmative-action case in Texas, brought by conservative activists to overturn liberal precedents. He has served on the board of the conservative American Spectator magazine, for which he wrote biting, anonymous criticism of Bill and Hillary Clinton. He has helped lead the Federal Society, a conservative legal organization that is now a formidable force in the Bush Administration. Most significantly, he was the winning attorney in the Supreme Court case of Bush v. Gore. During Mr. Olson's Senate confirmation hearing, Richard Durbin, Democrat of Illinois, said to him, "I can't find any parallel in history of anyone who was as actively involved in politics as you and went on to become solicitor general."

For the S.G.'s office, the Olson nomination frames a debate that was sparked during the Reagan years and remains undecided.

The traditional view holds that the solicitor general has a unique role in American law and functions as "the 10th justice." Justice Lewis Powell, for example, argued that the S.G. has a "dual responsibility"—to represent the president's administration but also to help the Supreme Court develop the law in ways that serve the long-term interests of the United States. (To some experts, the S.G.'s duty to defend federal statutes amounts to a third responsibility, to Congress.) Rex Lee, the first solicitor general in the Reagan administration, was an unequivocal conservative. Yet he was forced to quit by colleagues who thought he was too restrained in his advocacy of the president's social agenda. Famously, he said that it would have been wrong for him to "press the administration's policies at every turn and announce true conservative principles through the pages of my briefs." He was, he stated, "the solicitor general, not the pamphleteer general."

A more recent view is that the S. G. should act as a partisan advocate for policies of the president, not as the legal conscience of the government. Rather than defending a position of independence within the administration, Mr. Lee's successor, Charles Fried, told the Senate that "it would be peevish and inappropriate for the solicitor general to be anything but cheerful" while supporting the views and interests of the president who appointed him.

The latter outlook is much easier to defend. The separation of powers among the three branches of government makes it simplest to regard the solicitor general as a spokesman for the executive branch: the concept of a dual responsibility (or a triple one) confounds the notion of checks and balances.

Yet for decades the former outlook prevailed, and it is supported in the only official statement about the S. G.'s role, issued in 1977 by the Justice Department. The Supreme Court has bestowed on the solicitor general a special status—seeking the S. G.'s advice in many cases where the government isn't even a party. And the S. G. has reciprocated by fulfilling a special role in court.

If a private lawyer wins a case he thinks he should have lost, he accepts his victory in judicious silence. But when the solicitor general prevails on grounds that he considers unjust (for example, when evidence supporting a criminal verdict is slight), he may "confess error" and recommend that the Supreme Court overturn the decision. To Archibald Cox, one of the country's admired S. G.'s, surrendering victory in some cases helps justify the reliance that the Supreme Court places on the solicitor general: this practice demonstrates that the solicitor general's approach to arguing the government position is likely to be developed with the nation's long-term interests in mind.

Both views of the role require candor in the S. G. That's why last week the Senate Judiciary Committee postponed its vote on Mr. Olson after reports surfaced that he had given misleading testimony, during his confirmation hearing, about his role in a project run by The American Spectator to find damaging information about the activities of the Clintons in Arkansas. The question of misleading testimony is reminiscent of a rebuke to Mr. Olson by an independent counsel who investigated whether he had lied to Congress in testimony during his days as a Reagan defender. While "literally true," the counsel stated, that testimony was "potentially misleading."

Whether he is approved as solicitor general by the full Senate or the Bush administration must choose someone else for the post, a deeper question endures: Is it now acceptable to define the job as that of an outright partisan? Or should the S. G. remain an advocate for the nation's long-term interests whose duty to the rule of law goes beyond allegiance to the political views of the administration?

Mr. LEAHY. The Senate must determine whether a nominee to the position of Solicitor General understands and is suited to this extraordinary role. From Benjamin Bristow in 1870, to William Howard Taft and Charles Evans Hughes, Jr., from Robert Jackson to Archibald Cox, Thurgood Marshall and Erwin Griswold, we have had extraordinary people serve this country as our Solicitors General. It is with the importance of this position in mind that I approached the nomination of Ted Olson to serve as Solicitor General of the United States. From my initial meeting with him in advance of the April 5, 2001, hearing and thereafter, I have been assessing this nomination against the responsibilities of that important office.

Initial Concerns. At the outset, I raised with Mr. Olson my concern that his sharp partisanship over the last several years might not be something that he could leave behind. After review of his testimony both orally and in answers to written questions, I have become doubly concerned that Mr. Olson has not shown a willingness or ability to be sufficiently candid and forthcoming with the Senate so that I would have confidence in his abilities to carry out the responsibilities of the Solicitor General and be the voice of the United States before the United States Supreme Court. In addition, I am concerned about other matters in his background.

I will detail below the source of my concerns about Mr. Olson's candor before the Committee about his involvement with the American Spectator and the "Arkansas Project." His initial responses to my questions at his hearing prompted concern that the Committee might not have heard a candid and complete accounting from Mr. Olson. Rather than respond directly and say all that he did do in connection with those matters, Mr. Olson chose to respond by misdirection and say what he did not do. He initially described his role as extremely limited as a member of the Board of Directors of the American Spectator Educational Foundation and implied that he was involved only after the fact, when that Board conducted a financial audit and terminated the "Arkansas Project" activities in 1998.

Need for Committee Inquiry. Mr. Olson has modified his answers over time, his recollection has changed, and he has conceded additional knowledge and involvement. His initial minimizing of his role appears not to be consistent with the whole story. Because his responses over time left significant questions and because of press accounts that contradicted the minimized role to which he initially admitted, I wanted to work with Senator HATCH before the Judiciary Committee voted on this nomination to have the Committee perform the bipartisan factual inquiry needed to set forth the facts and resolve all questions and concerns about Mr. Olson's answers.

Indeed, Senator HATCH postponed one Committee vote on Mr. Olson's nomination on May 10 and admitted that "some legitimate questions" have arisen and that "legitimate issues" were involved. He said that after a May 10 article in the Washington Post indicated that Mr. Olson's role at American Spectator and the activities of the "Arkansas Project" were more than just as a member of the Board of Directors in 1998 to which a financial audit was provided.

When I did not hear from Senator HATCH about how he wished to proceed to resolve those legitimate questions, I sent him a letter on May 12 proposing a course of action to avoid any undue delay. After I sent my proposal, Senator HATCH and I talked about it. He said he would be getting back to me and I held out hope that we would be able to proceed in a fair and bipartisan way to get to the facts and let all Members of the Committee make their own assessment before they voted upon the nomination.

Instead, Senator HATCH was apparently just waiting for a letter from Mr. Olson, which arrived accompanied by short, solicited statements from a few selected supporters so that he could unilaterally declare the matter closed. None of these statements could serve as a substitute for the Committee doing its job, and, instead of playing catch-up to the press, exercising the due diligence that the American people expect from the Judiciary Committee in our review of a nominee for a position sometimes called the "Tenth Supreme Court Justice." In essence, the question I wished to examine was whether Mr. Olson fully informed the Committee in response to direct questions about his role in the American Spectator and the "Arkansas Project." This was never a question of whether there was illegal conduct.

Committee Vote. Rather than proceed in a bipartisan way to establish the factual record needed to evaluate Mr. Olson's characterization of his activities, Senator HATCH rejected even an inquiry of limited duration that would have involved jointly interviewing seven individuals, who had already been quoted or referred to by the press, with contemporaneous knowledge from the time in question, and gathering relevant background documents, which had also been referred to in the press. He pressed forward with a vote in Committee on this nomination that resulted in a 9–9 tie vote.

While usually a nomination on such a vote would not be reported to the Senate, circumstances have changed that prompt me to give my consent for Mr. Olson's nomination to be considered. With the constructive assistance of both Leaders and their staffs, we were able over the past week to conduct a limited, bipartisan inquiry on the matters of concern raised by Mr. Olson's responses to the Committee.

Limited Bipartisan Inquiry: Following the 9–9 vote on this nomination in the Judiciary Committee on May 17, 2001, Senator HATCH and I released a joint statement the next day indicating that we were discussing how to move forward on the nomination and to address specific concerns that Members might have prior to the confirmation vote. As part of this inquiry, Committee staff reviewed, on a bipartisan basis, a heavily-redacted version of the report of the Office of Special Review (OSR), prepared by Michael Shaheen and May 21, 2001 responses by Independent Counsel Robert W. Ray, including to questions posed jointly by Senators HATCH and me. One of these letters is in response to a query from Senator HATCH sent unilaterally and without notice to me. On May 22, Senator HATCH and I jointly released for review by all the members of the Senate the two May 21 letters received from Mr. Ray and the redacted OSR report—with additional redactions to remove the names of specific individuals other than the nominee.

In addition, Senator HATCH released a May 22 letter to colleagues that included 71-pages of American Spectator-related records, which were anonymously delivered to my Judiciary Committee and which shed light on how the

"Arkansas Project" came about. I should note that within minutes of discovery of these documents, copies were made and delivered to Senator HATCH's Judiciary Committee office.

Finally, the Committee staff made efforts to conduct an interview of Ronald Burr, the former publisher of the American Spectator and a key witness to the events in question. In fact, Mr. Burr was the person at the magazine instrumental in obtaining the grant funds from conservative billionaire Richard Mellon Scaife. Among the anonymous-source documents released by Senator HATCH is a December 2, 1993 letter from Richard M. Scaife to R. Emmett Tyrrell, as President and Chairman of the American Spectator Educational Foundation, stating that "[t]his grant is in response to Ron Burr's October 13, 1993 letter and various conversations with us." In addition, Mr. Burr was the person to whom Mr. Olson sent his February 18, 1994 letter confirming the terms of his representation of the American Spectator and his January 30, 1996 letter confirming his acceptance of a membership on the board of the American Spectator Educational Foundation. Unfortunately, Committee staff were unable to speak to Mr. Burr, despite his willingness to do so because the American Spectator refused to release him from the confidentiality provision in his severance agreement for purposes of Mr. Burr's cooperation with the Committee's inquiry.

CONTRADICTIONS AND DISCREPANCIES

Let me describe just a few of the discrepancies in Mr. Olson's evolving statements to this Committee. These are discrepancies that give me pause.

First, Mr. Olson has minimized his knowledge of the "Arkansas Project" and its activities through word games and definitional ploys. At the hearing, I asked him the direct question: "Were you involved in the so-called Arkansas Project at any time?" Mr. Olson responded by saying what he did not do, and with reference to his membership on the Board of Directors: "As a member of the board of directors of the American Spectator, I became aware of that. It has been alleged that I was somehow involved in that so-called project. I was not involved in the project in its origin or its management. . . . I was on the board of the American Spectator later on when the allegations about the project were simply that it did exist." (Tr. at pp. 200–01).

Why is there reason to suspect that Mr. Olson's role was not limited to that of a Member of the Board to which a financial audit was provided in 1998? A good deal of the basis is provided by subsequent answers provided by Mr. Olson himself. In April, 2001, his testimony was initially that he was not involved, except as a Member of the Board. Over the past several weeks and several rounds of questions, Mr. Olson has expanded his initial response to admit that he and his firm provided legal services in connection with the matter, that he had discussions in "social" settings with those working on "Arkansas Project" matters, and that he himself authored articles for the magazine paid for out of Scaife's special "Arkansas Project" fund.

Compare, for example, Mr. Olson's initial response with his subsequent responses in which he modified his original answer. In his May 9, 2001 letter to me, he stated: "First, I will address again your questions concerning my involvement in the 'Arkansas Project.' My only involvement in what has been characterized as the 'Arkansas Project' was in connection with my service to the Foundation *as a lawyer and* member of its Board of Directors." [Underlining added for emphasis.] Mr. Olson initially left out any reference to his role a lawyer.

Mr. Olson and his supporters then began to engage in a word game over what the meaning of "Arkansas Project" is. His law partner Douglas Cox told the Post that Olson testified that he, "did not know there was this special fund set up by Scaife to finance this Arkansas fact work." That might have explained Mr. Olson's testimony if he had said that at the time he was writing the articles and giving legal advice and talking about these matters with the staff, he had been unaware that those conversations were in connection with what came to be known as the "Arkansas Project." But that is not what Mr. Olson testified. In fact, he admitted that he became aware of the "Arkansas Project" at least by 1998, and then changed that testimony to sometime in 1997. He said he was a Member of the Board that received an audit of the Scaife funds. So by 2001, his knowledge of the "Arkansas Project" and the funding by Scaife was undeniable.

On this particular definitional point, Mr. Olson has minimized his role in and his knowledge of how the Scaife money was spent by the Foundation, even though he was on the board. It strains credulity that he did not know given the size of the Scaife grants—especially when another board member has described briefings to the board on the Arkansas Project and its financing as "routine." [Peter Hannaford, Washington Post, May 15, 2001]. Moreover, board minutes for a meeting on May 19, 1997, which were included in the anonymous-source documents released by Senator HATCH on May 22, indicate that the board—at least at that meeting—discussed a number of financial matters, such as the foundation's equity holdings, operating reserves, employment contracts, and commitments from the Scaife Foundation. (Doc. pp. 44–46).

This is certainly not the first occasion that Mr. Olson has played this word game. Independent Counsel Robert W. Ray notes in response to a request from Senator HATCH, that in a memoranda of interview, Mr. Olson acknowledged that "he may have been asked questions by [names redacted] about things that they were doing in Arkansas, but Olson did not know anything about the "Arkansas Project" and "he was not involved in the direction of funding of that project." Mr. Olson was precise in his denial of knowledge and involvement to refer to the term "Arkansas Project." One unnamed person interviewed by the OSR investigation stated, however, that "the 'Arkansas Project' was not a term used by [name redacted] or anyone else at the American Spectator to his knowledge." (May 21 Ray Letter, n. 2).

But even accepting Mr. Olson's strict definition of the "Arkansas Project," which apparently requires knowledge of the Scaife funding source, rather than the broader use of the term to describe the general activities of Clinton scandal mongering underway at the American Spectator from 1993 through 1998, his involvement was more than he described. On Friday, May 11, 2001, the New York Times reported that Mr. Olson said that when he joined the Board of Directors of the American Spectator the "Arkansas Project" was underway and that when he found out about it, he helped shut it down. In fact, Mr. Olson's testimony to the Committee was that he was on the Board, "when the allegations about the project were simply that it did exist. The publisher at the time, under the supervision of the board of directors, hired a major independent accounting firm to conduct an audit to report to the publisher and therefore to the board of directors with respect to how that money was funded. . . . As a result of that investigation, the magazine, while it felt it had the right to conduct those kind of investigations, decided that it was not in the best interest of the magazine to do so. It ended the project. It established rules to restrict that kind of activity in the future. . . ."

In a subsequent written response, Mr. Olson wrote: "Neither the report by Mr. [Terry] Eastland nor the Board found anything unlawful about the manner in which funds had been spent, which as I recall, had all been for the purpose of investigating and reporting information of legitimate public interest regarding a high level public official. However, because of the controversy surrounding the matter, and issues regarding whether the journalistic products that resulted had been worth the amount spent, the project was ended and the Board adopted new guidelines to govern investigative journalistic efforts in the future."

The letter is interesting on these points, but only adds to the questions rather than resolving what in fact happened. Mr. Eastland adds another perspective and indicates a much more active role for Mr. Olson than had previously been acknowledged in representations to the Committee. Mr. Eastland writes that in June, 1997, disagreements arose between the magazine's "then publisher" and Richard Larry, the executive director of the Scaife foundations.

Mr. Eastland continues: "At that time, Mr. Tyrrell, who was also chairman of the board, asked Mr. Olson, a board member since 1996, for his assistance in resolving the dispute." This role has never previously been acknowledged by Mr. Olson or Mr. Tyrrell. Mr. Eastland then asserts that "Mr. Olson agreed that a review of the project was necessary." He continues: "Throughout my review, which included an accounting of the monies spent on the project as well as an examination of its management, methods, and results, I had Mr. Olson's strong support." So, according to Mr. Eastland, Mr. Olson had a much more extensive role in deciding how the American Spectator would "resolve" the dispute, contributed to the decision to conduct a review and played a strong supportive role in the review.

If Mr. Olson is now taking credit for finding out about the "Arkansas Project" and for shutting it down, as reported by the New York Times on May 11, 2001, that would be a modification of those responses and his initial response that he was not involved in the project, "in its origin or its management," to his later formulation that he did, "not recall giving any advice concerning the conduct of the 'Project' or its origins or management," to his later formulation that he was not involved in its, "inception, organization or ongoing supervision," or alternatively, that his, "only involvement in what has been characterized as the 'Arkansas Project' was in connection with my service to the Foundation as a lawyer and member of its Board of Directors."

Of course, there is much left unsaid by Mr. Eastland on this and other topics. For example, he does not indicate how he came to be the publisher of the American Spectator and replaced Ronald Burr in November 1997 or whether Mr. Olson had a role in his recruitment or in that action of replacing the publisher. In this regard, Mr. Olson did not indicate to the Committee in his submitted responses to our questionnaire that he had been an officer at the American Spectator Educational Foundation. In written follow up questions, I drew his attention to passages in The Hunting of the President (Id.) in which the authors of that published work indicate that Mr. Olson was named an officer of the organization on October 1997. Mr. Olson's response is uncertain and equivocal indicating that he had a, "vague recollection that [he] served as a temporary secretary for the purpose of that meeting, and perhaps a subsequent one, something that I did not recall at the time I answered the initial written questions."

Second, evidence uncovered during the Committee's limited bipartisan inquiry following the Committee vote, raises serious question about whether Mr. Olson accurately denied any role in the "origin" of the "Arkansas Project" by failing to respond correctly to direct questions about a meeting in his law office held in late December, 1993 when this project was getting organized.

The anonymous-source documents released by Senator HATCH reveal that following requests by the American Spectator as early as October 13, 1993, Richard M. Scaife on December 2, 1993 "approved a new grant to The American Spectator Educational Foundation, Inc." and forwarded the first installment of the grant. (Doc. p. 19). Thus, by late December 1993, the Scaife funding was in place at the American Spectator to support the activities that would come to be called the "Arkansas Project."

With the Scaife funding secured, the OSR Report confirms that Mr. Olson met in his office in late December 1993 with people associated with the American Spectator—Ronald Burr, maybe David Henderson, Stephen Boynton and David Hale. (OSR Report, pp. 78, 82, 90; May 21, Joint Q. 5). "[A]t least seven individuals were identified as having possibly been in attendance." (Id.) Mr. Olson recalled this meeting in 1998 during the OSR investigation, stating that "in approximately December 1993" he hosted a meeting in his office, that the meeting was "about the possibility that he provide counsel to the magazine," that David Hale attended this meeting, and that "the participants may have discussed Hale's need for a 'Washington lawyer' to represent him if he was called to testify before any congressional committees." (OSR Report, pp. 28, 78).

While the description of what discussions may have taken place at this meeting is "incomplete and inconsistent" with "inconsistencies not resolved by the Shaheen investigation" (May 21 Ray Response to Joint Q. 5), the OSR report contains the following descriptions from other participants in the meeting: "while Hale may have been a topic of conversation during this meeting, no one requested Olson to represent Hale" (p. 82); "[Redacted] recalled meeting with attorneys Theodore Olson and [redacted] to discuss the representation of David Hale, . . ." (P. 90). Mr. Ray has identified these references likely to be to the same December 1993 meeting. (May 21 Ray Response to Joint Qs. 5, 7, 9).

In addition to these limited descriptions in the OSR Report, Independent Counsel Ray reviewed the underlying memoranda of interviews of three participants in the December 1993 meeting in Mr. Olson's office and summarized their statements in a May 21 letter responding to a question sent unilaterally by Senator HATCH. According to Mr. Ray, whose cooperation during this bipartisan inquiry has been exemplary and helpful, Mr. Olson admitted that at this meeting David Hale's need for counsel was discussed and that this meeting was "the commencement of [my] relationship with the American Spectator magazine" but he declined to describe the substance of that discussion, claiming the attorney/client privilege." (Id., p. 2). It is difficult to see, however, how the meeting could be covered by attorney/client privilege when David Hale, who had no formal affiliation with the Spectator, was present.

One unnamed participant confirms part of Mr. Olson's recollection, stating, "the purpose of the meeting was to get Olson to represent Hale." Another unnamed participant appears to confirm the other part of Mr. Olson's recollection regarding the second purpose of the meeting about American Spectator activities, stating: "The subject of this meeting was Bill and Hillary Clinton and the need for the Spectator to investigate and report on numerous alleged Clinton scandals." (Emphasis supplied).

Having seen the OSR Report and a statement submitted by Michael Horowitz, I am led to wonder whether the account of a late 1993 or early 1994 meeting in the Washington law office of Gibson, Dunn & Crutcher attended by David Henderson, Steve Boynton, John Mintz, Ronald Burr, Ted Olson and Michael Horowitz in The Hunting of the President (J. Conason & G. Lyons, 2000) is more accurate than we have been led to believe by Mr. Olson. At his hearing, I had asked Mr. Olson whether there had been any meetings of the "Arkansas project" in his office and he responded without reservation: "No, there were none."

I followed up with a written question asking in particular about the time frame of 1993 and 1994, and Mr. Olson answered that he was, "not aware of any meeting organizing, planning or implementing the 'Arkansas Project' in my law firm in 1993 or 1994." I then followed up by drawing his attention to a passage out of The Hunting of the President (Id.) in which the authors of that book wrote that a meeting did take place at which the topic was using Scaife funds and the American Spectator to, "mount a series of probes into the Clintons and their alleged crimes in Arkansas." in response to that written question, Mr. Olson was less assertive and categorical. He did not deny that a meeting took place but disputed the characterization of the topic of the meeting. Hedging his testimony, he noted that he did, "not recall the meeting described."

With respect to Mr. Olson's initial categorical denial of meeting at Gibson Dunn's offices, in response to another written follow up question derived from a passage in The Hunting of the President (Id.), I asked whether there had, in fact been meetings not only in 1993 and 1994 but also in July 1997 at the offices of Mr. Olson's law firm to discuss allegations that money for the "Arkansas Project" had been misallocated. Confronted with the specific reference to the public record, Mr. Olson modified his earlier categorical denial by conceding: "I do recall meetings, which I now realize must have been in the summer of 1997 in my office regarding allegations regarding what became known as the 'Arkansas Project' and questions concerning whether expenditures involved in that project had been properly documented."

Third, Mr. Olson has apparently down-played his involvement in the development and direction of "Arkansas Project" stories, perhaps to avoid any inconsistency with his initial representation to the Committee that he was not involved in the management of this project.

Yet, according to a published report in the Washington Post on May 10, 2001, the report to which Senator HATCH referred when he indicated that "legitimate questions" had been raised, David Brock told Post reporters that "Olson attended a number of dinner meetings at the home of R. Emmett Tyrrell, Jr., president and chairman of the Spectator, which were explicitly 'brainstorming' sessions about the Arkansas Project." While Mr. Olson refused to respond to this allegation, his law partner, Douglas Cox, who worked on the Spectator account, conceded that Olson attended such dinners, but that "did not mean that he was aware of the scope of the 'Arkansas Project' and the Scaife funding."

David Brock has also indicated that Mr. Olson was "directly involved in the Arkansas Project, participating in discussions about possible stories and advising the magazine whether to publish one of its most controversial stories, about the death of Clinton White House deputy counsel Vincent Foster." Washington Post, May 11, 2001. According to the account in the Post, Mr. Olson told Mr. Brock that, "while he didn't place any stock in the piece, it was worth publishing because the role of the Spectator was to write Clinton scandal stories in hopes of 'shaking scandals loose.'" In his response to Senator HATCH, Mr. Olson did not deny Mr. Brock's account head on. Instead, he wrote that he told Mr. Brock that the article did not appear to be libelous or to raise any legal issues that would preclude its publication, and that he was not going to tell the editor-in-chief what should appear in the magazine.

The Washington Post also reported that both R. Emmett Tyrrell and Wladyslaw Pleszczynski said that project story ideas, legal issues involving the stories, and other directly related matters were discussed with Mr. Olson by staff members and at dinner parties of Spectator staff and board members. The reaction from Mr. Olson's supporters was swift. On May 15, 2001, Senator HATCH shared with us a letter he obtained from Messrs. Tyrrell and Pleszczynski denying the specific words in the Post story but not denying that they talked to the Post reporters. Indeed, the Post story quotes Mr. Tyrrell, a quote he does not disavow, as saying he did not recall, but it was a possibility that he talked to Ted Olson about the stories about the Clintons. "I would say it was a possibility, just as it was a possibility that Roosevelt would have discussed Pearl Harbor on December 8 with his secretary of state." Tyrrell and Pleszczynski also say that Mr. Olson's carefully worded disclaimer was technically accurate as far as it went.

In a blatant effort to undermine Mr. Brock's powerful, first-hand recollection of Mr. Olson's participation in and contributions to the activities of the "Arkansas Project," Mr. Tyrrell also submitted a statement that Mr. Brock was not a part of the "Arkansas Project." Mr. Brock, in reply, submitted strong contradictory evidence to the Tyrrell statement and supplied the committee with multiple Arkansas Project expense reports which remain unrefuted and which Mr. Brock states, "clearly show that I was reimbursed thousands of dollars by the Project for travel, office supplies, postage, and the like."

Over the course of the past few weeks, Mr. Olson has downplayed any significance of discussions in social settings about the stories that were the product of the "Arkansas Project." In his May 9, 2001, letter, Mr. Olson acknowledged: "Your previous questions asked about contacts that I may have had with people involved in the project. My answer was and is that I had dealings with the editors of the magazine and some of its reporters and staff, some social, some in connection with legal work. This was during a time when those persons were involved in one form or another with the investigative journalistic efforts which the magazine was contemporaneously pursuing. I was, of course, aware, along with the public generally, that the magazine was writing articles about the Clintons, but I did not know that there was a special source of funding for these efforts."

In his May 14, 2001, letter to Senator HATCH, he writes: "It was also true that in social settings, the magazine's editorial staff and writers spoke of the articles that they were involved in writing and publishing. I was among scores of people from time to time included in such social events, but nothing about these social discussions involved organizing, supervising or managing the project—they were simply discussions of subjects of contemporaneous interest to the magazine's editors and writers."

Yet, taken as a whole, Mr. Olson was clearly involved and participated both professionally and socially in the work of the American Spectator and its "Arkansas Project." There is absolutely nothing illegal about this involvement and participation, but it shows a larger role in these activities than Mr. Olson initially portrayed.

Fourth, Mr. Olson minimized his role in the "Arkansas Project" and the American Spectator by failing to give complete information about the amount of remuneration he has received for his activities on their behalf when he was first asked. He told us on April 19 that he was paid from $500 to $1,000 for his articles that appeared in the American Spectator magazine. Yet, we find out in the Washington Post on May 10 that his firm was paid over $8,000 for work that was used in just one of those articles. In addition, the Post reported that over $14,000 was paid to Mr. Olson's law firm and attributed by American Spectator to the "Arkansas Project."

When he was asked during his hearing about an article he had coauthored that was published under the pseudonym "Solitary, Poor, Nasty, Brutish and Short" in the American Spectator magazine he did not indicate that "the magazine hired [his] firm to prepare" such materials and to perform legal research on the theoretical criminal exposure of the President and Mrs. Clinton based on press accounts of their conduct. I, for one, thought Mr. Olson had defended his writings as matters of personal First Amendment political expression. I had no idea from his testimony at his confirmation hearing that this article was part of his and his firm's ongoing legal representation of American Spectator Educational Foundation, that it was a commissioned piece of legal writing, paid for by a grant from conservative billionaire Richard Mellon Scaife. I am now left to wonder whether his article that was so critical of the Attorney General and the Justice Department was as he described them at his hearing the "statements of a private citizen," or another richly paid for political tract.

Mr. Tyrrell and Mr. Pleszcynski do not deny that Mr. Olson was paid for the chart speculating on the Clintons' potential criminal exposure. Instead, they merely repeat the mantra that even if he was paid with "Arkansas Project" funds, Mr. Olson would not have known that. What they leave out is a necessary qualifier, "at the time he received the payment." They and Mr. Olson became privy to the internal audit of the "Arkansas Project" by 1998. That audit and his knowledge as a Board Member of the extent of the "Arkansas Project" it revealed render Mr. Olson's testimony in April, 2001, less than complete.

I have inquired of Mr. Olson what his and his firm's legal representation of the American Spectator entailed. In response he has been extremely general, vague and unspecific and, at times, has cloaked his nonresponsiveness in allusions to the attorney-client privilege. In fact, his law partner, Douglas Cox, has acknowledged that he and Mr. Olson worked on legal matters for the American Spectator, including legal research that was incorporated into the article that was published in 1994 in the American Spectator, under a fictitious name, that argues that the President was facing up to 178 years in prison and Mrs. Clinton had a criminal exposure of 47 years in prison. He then proceeds to undercut any claim of attorney-client privilege for these activities by indicating that they did not rely on any communications with anyone at American Spectator.

Having now conceded his involvement in these matters, something he did not do initially, the question arises: how extensive was that involvement as a lawyer? That is why I asked at least for production of his firm's billing records for legal services rendered to the American Spectator, but was stonewalled on that request. Mr. Olson asserted attorney-client privilege; he did not offer to cooperate by producing non-privileged copies of those records. (April 25 Response, Q.4; May 9 Response, p. 3). Such records have been produced in connection with other government inquiries.

As part of the bipartisan inquiry undertaken after the Committee vote on this nomination, we became aware of this fact. The May 28, 1999 transmittal letter for the December 9, 1998 OSR Report indicates that request were made to Mr. Olson and his law firm, Bigson Dunn & Crutcher (GD&C) for billing records for any client that had received Scaife foundation grants between 1992–1998 in order to ascertain whether there had "been an indirect method to compensate GD&C for its unpaid representation of Hale." Just as here, GD&C initially invoked attorney-client privilege but ultimately non-privileged billing records for Mr. Olson's and GD&C's representation of both David Hale and the American Spectator were produced. (May 21 Ray Response to Joint A. 1). However, the independent counsel was unable to forward those records in response to the bipartisan, joint request for them from Senator HATCH and myself.

Accordingly, Senator HATCH and I then sent a joint request to Mr. Olson's firm requesting information about the total amount of fees paid by the American Spectator to the firm. On May 24, Mr. Cox informed us by letter that the amount paid over the course of five and one-half years for legal services performed is $94,405. That is a far different number than the $500 to $1,000 per article the Committee was first told by Mr. Olson.

Fifth, Mr. Olson has tried to distance himself from the most controversial aspects of the "Arkansas Project" in its activities to publicize allegations of wrongdoing about the Clintons in Arkansas. Mr. Olson stated that he "represented the American Spectator in the performance of legal services from time to time beginning in 1994 . . . those legal services were not for the purpose of conducting or assisting in the conduct of investigations of the Clintons." (April 25th Responses, Q. 4). Yet, we find out he was paid over $8,000 to prepare a chart outlining the Clintons' criminal exposure as research for a February 1994 article Mr. Olson coauthored against the Clintons entitled, 'Criminal laws Implicated by the Clinton Scandals: A partial list.'

Finally, Mr. Olson has testified he simply does not recall who contacted him to represent David Hale. When I asked Mr. Olson at his April 5 hearing how he came to represent Mr. Hale he started by saying, "[t]wo of [Hale's] then lawyers contacted me and asked . . . ." A few seconds later Mr. Olson said, "[o]ne of his lawyers contacted me—I can't recall the man's name—and asked whether I would be available to represent Mr. Hale in connection with that subpoena here in Washington, D.C. They felt that they needed Washington counsel with some experience dealing with a congressional investigation. I did agree to do that. Mr. Hale and I met together."

Even in his May 9 letter, Mr. Olson asserts that he, "cannot recall when [he] was first contacted about the possibility of representing Mr. Hale." He indicates that he believes, "that [he] was contacted by a person or persons whose identities [he] cannot presently recall sometime before then regarding whether I might be willing to represent Mr. Hale if he needed representation in Washington. As I recall, I indicated at the time that I might be able to do so, but only in connection with a potential congressional subpoena, not with respect to legal matters pending in Arkansas. . . . I believe that this meeting was inconclusive because Mr. Hale did not at that time need representation in Washington."

The Washington Post reported that David Henderson said that he introduced Hale to Olson when Hale came to Washington to find a lawyer who could help him deal with a subpoena from the Senate Whitewater committee, and sat in on a meeting between the two men. Interestingly, David Henderson apparently signed a statement on May 14 indicating that in his view he broke no law while implementing the "Arkansas Project." What he does not say and what he does not deny is that he was the person who introduced David Hale to Mr. Olson. The role that David Henderson played in introducing David Hale to Mr. Olson is apparently corroborated by several other witnesses who have spoken to the American Prospect in a story released on May 24.

It now strikes me as strange that a man as capable as Mr. Olson with his vast abilities of recall could not remember the name of David Henderson, if Mr. Henderson was, in fact, involved in setting up that representation. It strikes me as doubly strange when the bipartisan inquiry conducted after the Committee vote on this nomination uncovered evidence that Mr. Olson was able to recall who introduced him to David Hale just a couple of years ago when asked the same question.

The OSR Report indicates that in 1998 Mr. Olson recalled who referred David Hale to him for legal representation, stating: "Hale became a client of Olson's firm around November 1995. Olson believes that Hale may have been referred to him by [redacted]." (OSR Report, p. 79).

It leads one to wonder whether Mr. Olson's failure to recall the name David Henderson had something to do with his not wanting to indicate the connection to such a central figure in the "Arkansas Project." Indeed, it has been reported that when Mr. Olson became a Member of the Board of Directors of the American Spectator his January 1996 letter accepting the position was addressed to the publisher Ronald Burr with copies sent to Messrs. Tyrrell and Henderson. Mr. Henderson says in his recent statement that he served for a while on the Spectator Board. But why was he, in particular, sent a copy? One explanation is that Mr. Olson has a selective memory and that he did not recall Mr. Henderson as the person who contacted him to represent David Hale because that would simply be another tie to the "Arkansas Project." But we may never know for sure.

On this point regarding how Mr. Olson came to represent Mr. Hale, and Mr. Olson's testimony to the Committee about it, Michael J. Horowitz submitted a statement that says that he, Mr. Horowitz, "attended one meeting in Mr. Olson's presence at which the matter discussed was legal representation for David Hale, who was facing Congressional testimony and was in need of distinguished Washington counsel. At that meeting—at which no mention I know of was made of the 'Arkansas Project' or any term like it—the subject under discussion was whether Mr. Olson's firm would serve as counsel to Mr. Hale."

It is entirely unclear in what capacity Mr. Horowitz was attending such a meeting, but it may not have been quite as simple as one or two lawyers then representing Mr. Hale approaching a high profile Washington lawyer and his instantaneous agreement to accept the representation for a client without a retainer and without much prospect of being paid after. According to Mr. Olson, he and Mr. Hale "met together" and Mr. Hale agreed to pay [Gibson, Dunn & Crutcher's] fees." In the end, Mr. Hale could not pay the $140,000 in legal fees he owned Mr. Olson.

Fitness to be Solicitor General. Some have said, why is this important? Does this matter whether he accurately and fully described his role in the American Spectator and the "Arkansas Project"? It is important for two reasons, both of which go to the core of the fitness of the nominee to serve as Solicitor General. The principle question raised by the nomination of Mr. Olson to this particular position is whether his partisanship over the last several years in connection with so many far reaching anti-Clinton efforts mark Mr. Olson as a thoroughgoing partisan who will not be able to check his partisan political instincts at the door to the Office of the Solicitor General. Similar questions were raised by the nomination of Michael Chertoff. In that case the questions were answered and the doubts dissipated. In connection with the Olson nomination, those doubts have grown over time.

Had Mr. Olson conceded the extent of his involvement in anti-Clinton activities and given the kinds of assurances that Mr. Chertoff did about his upcoming responsibilities, I would be supporting his confirmation. Indeed, when I met with Mr. Olson and at his hearing, I hoped and expected that to be my position. I expected to be able to give him the benefit of the doubt and, in light of the deference I would normally accord a President's Executive Branch nominees, I fully expected to be voting for this nomination.

In the wake of the hearing, the series of supplemental responses we have received and the unanswered questions now in the public record about Mr. Olson's involvement in partisan activities like the "Arkansas Project," I still have my doubts.

Second is the question of candor and straightforwardness. I have not had the sense from his hearing onward that Mr. Olson has been truly forthcoming with me or with the Committee. My sense is that for some reason he chose from the outset to try to minimize his role in connection with the activities of the American Spectator, that he has sought to characterize it in the most favorable possible light, that he has sought to conclude for us rather than provide us with the facts and let us conclude how to view his activities.

I will cite another example of nonresponsiveness from the record. I asked Mr. Olson in light of his testimony at the hearing that he was not involved in the origins or management of the 'Arkansas Project': "Were you involved in advising anyone who was involved in the origins or management of the project? If so, what advice did you provide? Were you at meetings or social events with anyone involved in the project as an originator, manager, reporter, or source for the project? If so, what role did you play at these meetings or social events?"

Mr. Olson's response was, as follows:

> "I did not realize that a Project of any sort was underway except to the extent that I have indicated. I was in contact at social events with reporters for the magazine and members of the editorial staff, individuals whom I regard as personal friends. I have been at countless social events at which one or more of such persons may have been present. I have not kept records of such meetings, or the nature of the conversations that may have occurred at such meetings that might have involved President Clinton or his contemporaneous or past conduct. I was not playing any particular role at those social events, except that I was probably a host of events at which persons who wrote for or performed editorial services for the American Spectator may have been present. To the extent that it is relevant to your inquiry, I was the best man at the wedding of the editor-in-chief of the American Spectator. I recall that he was also present at my wedding. He is a personal friend and we have had numerous social meetings. He has written at least two books about former President Clinton. I do not interpret your inquiry as asking for the substance of conversations at social events. And I do not recall giving any advice concerning the conduct of the 'Project' or its origins or management.

Literally true? Probably. Responsive? Hardly. At the time of his hearing and his answer, Mr. Olson was well aware of the activities of the "Arkansas Project," which was operated by the organization for which he acted as lawyer, author and contributor, Board Member and officer. He had been presented with an audit and played a pivotal role in reviewing the examination of its management, methods and results, according to Mr. Eastland. His answer, however, steers clear of perjury without responding to the concerns being raised. It relies on a lack of recollection and is an attempt at distraction.

Conclusion. As I review this record and the initial nonresponsiveness, lack of recall, corrections when confronted with specifics, I am left to wonder what happened to "absolute candor and fair dealing." In concluding my May 4, 2001, letter to Mr. Olson I noted: "The credibility of the person appointed to be the Solicitor General is of paramount importance. When arguing in front of the Supreme Court on behalf of the United States Government, the Solicitor General is expected to come forward with both the strengths and weaknesses of the case, to inform the Court of things it might not otherwise know, and to be honest in all his or her dealings with the Court. I expect that same responsiveness and cooperation from nominees before this Committee." My expectations have been disappointed.

I understand the role of a lawyer-advocate in our legal system, and I did not intend to oppose this nomination merely because of Mr. Olson's clients and his clients' activities. If confirmed, however, Mr. Olson's next client will be the United States of America—and all of us. I want to be sure that our nation's top lawyer will see the truth and speak the truth fully to the Supreme Court and represent all of our best interests in the weighty matters over which the Solicitor General exercises public authority. Based upon what I have seen I do not have the requisite confidence in Mr. Olson to be able to support his nomination. I will vote no.

I reserve the remainder of my time.

Mr. HATCH. Mr. President, I agree with my colleague from Vermont that the Solicitor General must be a person of the highest integrity. This is very important if the Solicitor General is to represent the interests of all Americans and to be a valuable assistant to the Supreme Court. Mr. Olson himself acknowledged this high standard in his testimony to the committee.

I believe that Mr. Olson has exemplified this high level of candor and integrity in all of his dealings with the committee.

Some of my colleagues have alleged that Mr. Olson misdirected the committee in his answers. But this is simply untrue. Mr. Olson told us what he did with the American Spectator and the Arkansas Project. He wrote several articles for that magazine—copies of these articles were all provided to the committee with Mr. Olson's questionnaire. Mr. Olson also told us that he was on the board of the magazine and became aware of the Arkansas Project in 1997. He has not attempted to hide any of these activities from the committee. Rather he has cooperated fully, submitting numerous responses to questions from members of the Judiciary Committee.

Mr. Olson enjoys the support of many prominent liberal scholars and lawyers, as I have detailed already. Many of his colleagues at the Office of Legal Counsel have attested to his fairness and his consummate ability to serve as a government lawyer in a nonpartisan manner.

Indeed, many of the allegations against Mr. Olson have arisen from reports in The Washington Post. But the Post has advocated the confirmation of Mr. Olson.

Mr. Olson is one of the most qualified nominees ever for the position of Solicitor General. I hope that this body will confirm him today so that he can begin his important work litigating on behalf of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD the following letters we have received in support of Mr. Olson. These include letters from Robert Bennett, Larry

Simms, Michael Horowitz, James Ring Adams, Terry Eastland, Floyd Abrams, Laurence Tribe, William Webster, R. Emmett Tyrell, Wladyslaw Pleszczynski, Douglas Cox, David Henderson, and Stephen Boynton. These letters demonstrate the depth and breadth of the support for Mr. Olson's nomination.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Skadden, Arps, Slate, Meagher
& Flom LLP,
Washington, DC, May 15, 2001.

Hon. Orrin G. Hatch,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

Dear Senator Hatch: I write this letter in support of the appointment of Ted Olson as Solicitor General of the United States.

Our country is blessed with many wonderful lawyers of all political persuasions. In making judgments about their selection for high office, we must look beyond their political labels and pick the best qualified. The Ted Olson that I know and respect would be a great Solicitor General. I am confident that he will obey and enforce the law with skill, integrity and impartiality. The American people would be most fortunate to have such a skillful and honest advocate representing the United States before the Supreme Court.

Several years ago when I was the State Chair of the American College of Trial Lawyers for the District of Columbia, it was my responsibility to help select for admission to the College the very best advocates—those who were the most skilled, dedicated and honest. At the top of my list was Ted Olson. Ted, because of his stellar qualifications and reputation for integrity, sailed through the selection process. Those who supported him were liberals, moderates and conservatives of all stripes.

While I do not have any personal knowledge as to what role, if any, Mr. Olson played in the "Arkansas Project" or the full extent of his relationship with the American Spectator, what I do know is that Ted Olson is a truth-teller and you can rely on his representations regarding these matters. Moreover, I agree with Senator Leahy that the credibility of the individual appointed to be Solicitor General is of paramount importance. In my view, based on the many years I have known him, Ted Olson is such an individual. He is a man of great personal integrity and credibility and should be confirmed.

Sincerely,

Robert S. Bennett.

Gibson, Dunn & Crutcher, LLP,
Washington, DC, May 15, 2001.

Re the nomination of Theodore B. Olson to be the Solicitor General of the United States

Hon. Orrin Hatch,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. Patrick J. Leahy,
Ranking Minority Member, Senate Judiciary Committee, Washington, DC.

Dear Senators Hatch and Leahy: This letter is being sent to the Committee in connection with the nomination of Theodore B. Olson to become the Solicitor General of the United States. It is written in the context of an apparent controversy regarding the truthfulness of particular testimony given by Mr. Olson at his confirmation hearing before the Committee. I have had no involvement whatsoever in Mr. Olson's preparation for that hearing, I have not reviewed a transcript of that hearing, and I have not discussed the substance of this controversy with Mr. Olson or anyone who may be assisting Mr. Olson in this matter. Indeed, my universe of asserted facts regrading this controversy is limited to my review of two or possibly three articles printed recently in The Washington Post that were brought to my attention by a former associate of Gibson, Dunn in a purely social communication. This letter has not been, nor will it be, reviewed or seen by anyone other than word processing personnel before it is delivered to the Committee, although I am providing a copy of it to Mr. Olson as a matter of courtesy.

I understand the central concern of the Committee to be the truthfulness and integrity that Mr. Olson would bring to the presentation of the position of the United States in cases brought before the Supreme Court or other cases within the ambit of the authority of the Solicitor General. I share the view that there should be no doubt about the ability and integrity of any nominee to this position to present the Government's position with honesty and integrity. When this sort of issue arises in this town, it is customary for the record to be filled, often to overflowing, with letters extolling the integrity of the nominee whose ability to serve with the requisite integrity has been challenged. I doubt that such testimonials are particularly helpful to the Committee, I would, instead, like to bring to the attention of the Committee three instances in which I worked with Mr. Olson on matters that demanded precisely the kind of intellectual integrity that should be displayed by any Solicitor General and in which Mr. Olson displayed that integrity under what can only be characterized as battlefield conditions. First, I should provide the Committee with some relevant information about myself.

I graduated from the Boston University School of Law in 1973, having spent four years as an officer in the U.S. Navy after my graduation from Dartmouth College in 1966. I grew up in Tennessee, campaigned for the late Senator Albert Gore, Sr. in his last campaign in 1970, and I am a Democrat. In 1973–74, I served as a law clerk to Circuit Judge James L. Oakes of the Second Circuit. In 1974–75, I served as law clerk to Associate Justice Byron R. White of the Supreme Court. In 1975–76, I served as Counsel to the Reporters Committee for Freedom of the Press and began teaching a First Amendment seminar as a adjunct professor of the Georgetown Law Center, a course I taught until 1985. In June 1976, I was hired by Antonin Scalia, then the Assistant Attorney General in charge of the Office of Legal Counsel of the Department of Justice ("OLC"), as an attorney-adviser. In 1979, I was appointed Deputy Assistant Attorney General in OLC by Attorney General Bell. I was the only remaining Deputy Assistant in OLC when the first Reagan Administration took office in January, 1981, and I continued to serve in that capacity until February 1985. Mr. Olson was the Assistant Attorney General in charge of OLC from his confirmation in 1981 through the fall of 1984. We worked closely together on many issues, and I came to know him well both at the professional and personal level. I joined Gibson, Dunn as an associate in February 1985, became a partner in 1988 and have practiced appellate law with the firm for sixteen years.

Mr. Olson's handling of three major issues during his tenure as the head of OLC stands out as exemplary of his intellectual integrity. First, and as this Committee is well aware, the courts had not at that time determined the constitutionality of the legislative veto device. In addition, the Republican plank endorsed by President Reagan openly supported the legislative veto device. When he became head of OLC, Mr. Olson studied the question of the constitutionality of the legislative veto device, discussed that question at great length with me and other OLC lawyers, and concluded that legislative veto devices were, root and branch, unconstitutional. He so advised Attorney General Smith, who in turn advised President Reagan and members of the President's staff—many of whom were strongly supportive of legislative veto devices. Mr. Olson convinced the Attorney General that the issue involved was a legal issue, not a political issue, and that the law, not the plank of the Republican Party, had to be followed by everyone involved, including the President himself. This story is chronicled in Chadha: The Story of an Epic Constitutional Struggle by Professor Barbara Hankinson Craig of Wesleyan University, and I strongly commend that book to the Committee as it considers Mr. Olson's nomination.

Second, and as this Committee is also aware, there was much discussion in the early years of the first Reagan Administration about the enactment of legislation to curb the jurisdiction of the Supreme Court of the United States. Much of that discussion was initiated by the new Republican majority on this Committee. Once again, Mr. Olson was put under substantial pressure to "play ball" with the Administration and clear the Administration to endorse such legislation. Once again, he studied the issue, discussed it extensively with me and other OLC lawyers, and concluded that such legislation would probably be held unconstitutional. That opinion was reduced to writing and served as the Administration's response. No such legislation, so far as I can recall, was ever seriously considered after the Administration's position was communicated to Congress.

Third, in late 1981, I was preparing to travel to The Hague on business when I was asked by Mr. Olson for my views on the substantive issues raised in what ultimately became the famous Bob Jones case. Although I did not have much time to study those substantive issues, I advised Mr. Olson orally that I feel that the Government's position taken in that case was correct and would be vindicated by the Supreme Court. I also advised Mr. Olson that I felt strongly that the Office of the Solicitor General had an obligation to defend the statute involved in that case in the Supreme Court. By the time I returned from The Hague, the Bob Jones fiasco was playing itself out, with a decision having been made—over Mr. Olson's strong objections—that the statute would not be defended by the Solicitor General. The Supreme Court ultimately appointed William Coleman to defend the statute in that court, and Mr. Olson's position was vindicated by, as I recall, an almost unanimous decision.

This letter is written off the top of my head, so the Committee will have to forgive me for any error in any of the facts stated above that I may have made, but there is no error in my conclusion that these three examples paint the portrait of a lawyer scrupulously devoted to the law and having the personal and intellectual integrity to place the law above the politics of Washington at considerable personal risk. It is that quality, after all, that it seems to me one should look for in considering the nomination of any person to be the Solicitor General of the United States. Mr. Olson is a fierce advocate, but he is an honest advocate and a person whose integrity and devotion to the law and the rule of law have survived challenges to which very few public servants are ever subjected.

Very truly yours,

LARRY L. SIMMS.

STATEMENT OF MICHAEL J. HOROWITZ TO THE SENATE JUDICIARY COMMITTEE

I am a Senior Fellow and Director of the Project for Civil Justice at the Hudson Institute. I served as General Counsel of OMB under President Reagan. I have known Ted Olson for 20 years and have the highest regard for him and for his professionalism, intelligence and integrity.

In fact, I have always found Mr. Olson's word to be absolutely reliable. I have disagreed with Mr. Olson from time to time on issues of policy, but I have never met a person more meticulously scrupulous on matters of principle or honesty.

Never.

I have read Mr. Olson's testimony in response to Senator Leahy's question regarding the "Arkansas Project," delivered during Mr. Olson's confirmation hearing. His testimony to Senator Leahy was, in all respects that I am aware, wholly accurate. Specifically, I know of no respect in which Mr. Olson was involved in the Project's "origin or its management."

I attended one meeting in Mr. Olson's presence at which the matter discussed was legal representation for David Hale, who was facing Congressional testimony and was in need of distinguished Washington counsel. At that meeting—at which no mention I know of was made of the "Arkansas Project" or any term like it—the subject under discussion was whether Mr. Olson's firm would serve as counsel to Mr. Hale. Put otherwise, I have never heard Mr. Olson discuss or imply that he was involved in managing or directing either anything called the Arkansas Project or any of the investigative journalistic inquiries of his client, the American Spectator Magazine.

In making the above statement, I note that I am aware of nothing to suggest that the American Spectator violated the law. Likewise, I believe it clear that the American Spectator's journalistic and investigative activities were and are fully protected by the First Amendment.

I was hired in late 1993 by the American Spectator to be the lead writer for what has come to be known as the "Arkansas Project." I originally started as a free-lance writer, but was hired onto the staff of the magazine in 1994, where I remained until January 1, 1999. My numerous articles in the Spectator, based largely on my personal reporting in Arkansas, analyzed many different aspects of Whitewater and related controversies. Over the four years or so that I worked for the Spectator, I traveled to Arkansas on roughly a monthly basis.

I understand that David Brock, who for a period was another writer for the magazine, has alleged that Mr. Theodore Olson directed or supervised the "Arkansas Project." As stated above, I was the lead writer on the Project, and Mr. Olson had absolutely no role in guiding my development of stories for the magazine or in managing my work. Indeed, I believe I only spoke to Mr. Olson once during the years in question, at the end of a widely attended dinner at a Washington, D.C. hotel, sometime in 1998, I believe. I sought him out to ask a general question about recent, publicly reported developments in the Webster Hubbell legal case. It was my impression at the time that he did not recognize me, and I had to explain who I was; we spoke only for about five minutes. Given that we had no other meetings, conversations or other communications about my work, it is false and wrong to assert that Mr. Olson had any role whatsoever in managing or directing what is referred to as the "Arkansas Project."

May 14, 2001.

JAMES RING ADAMS.

MCLEAN, VA, May 14, 2001.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I am writing to comment on matters of possible relevance to President Bush's nomination of Theodore B. Olson to be Solicitor General.

I became publisher of The American Spectator in November 1997. I was authorized by the board of directors to conduct a review of what has been called the "Arkansas Project." I completed the review in 1998 and reported my findings to the board. I also assisted investigators working under the Whitewater independent counsel, who were charged with looking into certain issues involving the project.

As I discovered soon after I began my review, the project was conceived in the fall of 1993 by Editor-in-Chief R. Emmett Tyrrell, Jr., and Richard Larry, then the executive director of the Scaife foundations. The point of the project was to place in Arkansas individuals who would look into allegations involving then Governor Bill Clinton and relate their findings to the magazine's editors and writers for their review. The project contemplated the publication of investigative pieces. Two Scaife foundations were prepared to underwrite the project, which in grant correspondence was called "the editorial improvement project."

The project was commenced in November 1993. Individuals were duly retained to conduct the "on-the-ground" researches in Arkansas, and the first editorial result of the project was an article on an aspect of Whitewater, which was published in February 1994. The project continued through the early fall of 1997, and it produced a total (by my count) of eight articles. The Scaife foundations contributed a total of approximately $2.3 million, more than $1.8 million of which underwrote the work of the individuals in Arkansas.

In my review, I found no evidence that Mr. Olson was involved in the project's creation or its conduct. My own sense is that Mr. Olson did not become aware of the project until June 1997, when disagreements arose between the magazine's then publisher and Mr. Larry over project expenditures. At that time, Mr. Tyrrell, who was also chairman of the board, asked Mr. Olson, a board member since 1996, for his assistance in resolving the dispute. When I came aboard as publisher, Mr. Olson agreed that a review of the project was necessary. Throughout my review, which included an accounting of the monies spent on the project as well as an examination of its management, methods, and results, I had Mr. Olson's strong support.

Finally, I should add that, based upon my knowledge of the magazine's financial records in general and those of the Scaife-funded project in particular, Mr. Olson never received any payments from The American Spectator for his' representation of David Hale.

I hope these observations are of assistance.

Sincerely yours,

TERRY EASTLAND.

CAHILL GORDON & REINDEL,
New York, NY, March 4, 2001.

Re Ted Olson

Hon. PATRICK J. LEAHY,
Russell Senate Office Building,
Wahsington, DC.

DEAR PAT: I'm not sure if Ted Olson needs a boost from the other side or not for Solicitor General, but I did want to offer one. Ted is just as conservative as his writings and clientele suggest. But on the assumption that Larry Tribe is not high on the appointment list for this Administration, I did want to say that I've known Ted since we worked together on a Supreme Court case—Metromedia v. San Diego—20 years ago and that I've always been impressed with his talent, his personal decency and his honor. He would serve with distinction as Solicitor General.

Sincerely,

FLOYD ABRAMS.

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, MA, March 5, 2001.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR PAT: As one who knows Ted Olson and disagrees with him on many important issues, I nonetheless write in support of his confirmation as Solicitor General.

An explanation may be called for. After all, Ted was the oral advocate who opposed me in the United States Supreme Court in the first of the two arguments between Vice President Gore and now President (then-Governor) Bush, and Ted's were the briefs that I sought to defeat in the briefs I wrote and filed for Vice President Gore in both of the two Bush v. Gore cases. Ted's views of equal protection, of Article II, and of 3 U.S.C. §5, were views I believed, and continue to believe, are wrong. Although his views of Article II and of 3 U.S.C. §5 ultimately convinced only three Justices, his overall approach to the case won the presidency for his client. It surely cannot be that anyone who took that prevailing view and fought for it must on that account be opposed for the position of Solicitor General. Because Ted Olson briefed and argued his side of the case with intelligence, with insight, and with integrity, his advocacy on the occasion of the Florida election litigation—profoundly as I disagree with him on the merits—counts for me as a "plus" in this context, not as a minus. That his views coincide with those of a current Court majority on a number of vital issues as to which my views differ deeply should not rule him out.

I am willing to believe that the five Justices who in essence decided the recent presidential election thought they were genuinely acting to preserve the rule of law and to protect the constitutional processes of democracy from being undermined by a post-election recount procedure that they viewed as chaotic, lawless and essentially rigged. I believe that view was profoundly misguided and that the Court's majority deserves severe criticism not only for its misconception of reality but also for its breathtaking failure to explain its legal conclusions in terms that could at least make sense to an informed but detached observer. But I do not lay that failing at Ted Olson's feet; he acted as a responsible (if also misguided) advocate. The blunder was the Court's own doing.

If we set Bush v. Gore aside, what remains in Ted's case is an undeniably distinguished career of an obviously exceptional lawyer with an enormous breadth of directly relevant experience. Although part of that career has been devoted to causes with which I disagree, his briefs and arguments have treated the applicable law and the underlying facts honestly and forthrightly, not disingenuously or deceptively. Ted seems to me capable of drawing the clear distinction that any Solicitor General who has been on the ramparts on various contentious issues must draw between his or her own aspirations for the directions in which the law should be pushed, and his or her best understanding of where the law presently is and where the Supreme Court ought to be nudging it, applying criteria less personal and more inclusive than those driving any individual advocate. Put simply, I write this letter in Ted Olson's support in the expectation, and on the understanding, that his testimony during his confirmation hearing, and the other evidence that the Senate Judiciary Committee will gather, will show him to be both able and willing not simply to articulate the Administration's or his own legal philosophy but to represent well the United States of America as his ultimate client before the Supreme Court, keeping a firm grip on what is best for that client and for the Constitution, not simply for the President's philosophical agenda.

Of course, any Solicitor General must speak for the Administration he or she represents and must, within limits, espouse its views. And any advocate must, to some degree, draw on his or her own views in deciding what to argue and how. But the special responsibility of the Solicitor General, both to the Court and to the country, requires an advocate with the capacity and the character, on crucial occasions, to rise above his or her Administration's pet theories and to advise the Court in ways that may not always advance the political priorities of the government. Sometimes the Solicitor General must defend the actions of Congress even when those actions were opposed by the Executive Branch. Sometimes the Solicitor General must decline to defend the actions of Congress, even when supported by the Executive, when they plainly conflict with the Constitution. Myriad examples could be given, but the general point is simple: Some advocates are too bound up in their own views, and in their duty to their immediate clients narrowly conceived, to act as counsel in this broader and higher sense. Some are too blinded by their own perspectives to see beyond them. Having observed Ted Olson in a number of situations, and having watched his career from afar, I would not expect him to be in that troublesome category. I would expect him, rather, to have the open-mindedness and breadth of perspective to meet the higher standard I am articulating here. My letter of support, at any rate, is premised on that expectation, and on the belief that the confirmation hearings will bear out that optimistic prediction.

In the end, only Ted Olson's performance in the role of Solicitor General will prove whether I am right or wrong in this hopeful evaluation. My strong sense, however, based on what I now know, is that, as Solicitor General, Ted Olson will perform his role with honor, and with distinction.

Best wishes always,

LAURENCE H. TRIBE.

WASHINGTON, DC, *May 14, 2001.*

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Minority Member, Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH AND RANKING MINORITY MEMBER LEAHY: I write in support of the nomination of Theodore B. Olson by President Bush to be Solicitor General of the United States. I do so having the utmost confidence in his ability, his loyalty to country, his fidelity to the Constitution and his personal integrity.

My professional and personal association with Ted Olson began 20 years ago when he joined the Reagan administration and served as Assistant Attorney General, Office of Legal Counsel under Attorney General William French Smith. I was, at that time, Director of the Federal Bureau of Investigation. Few positions in our government are more sensitive or important to our government and the administration of justice than is the O.L.C. Ted carried out his responsibilities with a calm and steady hand, reflecting legal acumen and common sense, both important attributes for the "Attorney General's lawyer". In staff meetings his input and advice seemed consistently sound.

In private practice I have had occasion to work with Ted on some matters of common interest and have found the same high level of competence and judgment. He is one of our nation's foremost appellate advocates and has earned widespread admiration for his analytical and advocacy skills. If he is confirmed, he will serve his country and the cause of equal justice under law with great dedication.

Ted has been a member of the Legal Advisory Committee of the National Legal Center for the Public Interest, which I chair. His periodic review of the work of the Supreme Court has been insightful and helpful.

On a more personal note, I have known Ted as a thoughtful and caring friend for many years. I believe him to be honest and trustworthy and he has my full trust. He is the kind of person I would want to turn to for help, professional or otherwise, in time of need.

Having survived five Senate confirmations of my own, I have a full awareness of the Senate's solemn responsibility to advise and consent in these matters. I do hope you will give some weight to the opinions of those who know and respect Ted Olson. The President's choice is a very good one. I would not have written this letter if I did not firmly believe this to be true.

Respectfully,

WILLIAM H. WEBSTER.

THE AMERICAN SPECTATOR,
ARLINGTON, VA, *May 14, 2001.*

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: Contrary to the Washington Post's May 11 story by Thomas B. Edsall and Robert G. Kaiser, we never "said that [Arkansas] project story ideas, legal issues involving the stories produced by the project and other directly related matters were discussed with Olson by staff members, and at dinner parties of Spectator staffers and board members." Apparently they got the idea from David Brock, Edsall's main source on the Olson matter, and an individual who has repeatedly acknowledged his deep bias against Olson and his former employer The American Spectator. In quoting him, the reporters might have mentioned his compromised credentials.

Although Mr. Brock has lately claimed to have been part of the so-called Arkansas Project, he was not. The record on that is indisputable. During his time at the magazine it was clear to everyone concerned—he was very public about this—that he was not part of the project. His well-known "Troopergate" story originated and was completed before any such project existed. If he spoke to Mr. Olson during those years it was as a reporter pursuing his own stories and not as a representative of a "project" he distanced himself from. Pleszczynski made that clear to Edsall. Brock's present claim that he was calling Olson as part of the "project" is a deceit.

What is more, if Mr. Olson's firm, Gibson, Dunn and Crutcher, was paid from project funds (like all recipients of checks from The American Spectator), the firm would not have known which internal account the magazine used for its payments. For all Gibson, Dunn and Crutcher knew, the magazine was paying it from funds derived from general income.

Mr. Olson's statements that he was "not involved in the project in its origin or its management" and that he was "not involved in organizing, supervising or managing the conduct of [the magazine's investigative] efforts" are accurate and thus truthful.

One final point, the precedent set by politicians seeking to probe the methods of payment and of reportage practiced by journalists has a chilling effect on the First Amendment. We would hope other journalists would recognize this danger to journalistic endeavors.

Sincerely,

R. EMMETT TYRRELL, Jr.,
Editor-in-Chief.
WLADYSLAW PLESZCZYNSKI,
Editor, The American Spectator Online.

I am a partner in the law firm of Gibson, Dunn & Crutcher LLP. I became affiliated with the firm, originally as an "of counsel" employee, in 1993. Starting in 1994, I worked with Theodore Olson on certain legal matters for the firm's client, the American Spectator. That legal work included legal research regarding criminal laws potentially implicated by allegations of certain conduct by public officials, including President and Mrs. Clinton, as reported in the major media. That research was incorporated into an article that the American Spectator published in 1994. The magazine published the article under the by-line of "Solitary, Poor, Nasty, Brutish and Short," an obviously fictional law firm drawn from the famous quote from Hobbes, that the magazine had listed for many years on its masthead as its legal counsel. It was, however, widely known that Mr. Olson and I had prepared the material in the article.

In addition to periodic legal work for the client, Mr. Olson and I over the years co-wrote similar satiric pieces involving legal aspects of various matters involving the Clinton Administration. Some, but not all, of those pieces appeared under the "Solitary, Poor" by-line.

During my work with Mr. Olson for the American Spectator, I never heard the phrase "Arkansas Project" until it had become the subject of media reporting. I am not aware of any fact that would support or in any way credibly suggest that Mr. Olson was involved in the origin, management or supervision of the investigative journalism projects funded by one of the Scaife foundations that became know as the "Arkansas

Project." In drafting our articles, I never spoke with anyone at the American Spectator to obtain any facts, relying instead on already-published media reports, and legal resources such as statutes, congressional reports, and the like.

I met David Brock years ago, and in the early 1990s on occasion I would see and speak to him at parties in the Washington, DC area. I have not spoken to Mr. Brock for years. Starting some time ago, Mr. Brock developed a marked, publicly-expressed animus toward Mr. Olson and his wife.

I chose to become affiliated with Gibson, Dunn primarily because of Mr. Olson. Although I did not know Mr. Olson personally before I interviewed with the firm, he has a reputation as one of the best lawyers in Washington, a rigorous and demanding lawyer with a record of unflinching devotion to principle. In the years since I became affiliated with the firm, I have worked closely with Mr. Olson, including participation on numerous cases for the firm's clients. I can personally vouch for his extremely high professional standards; for his refusal to accept second-best efforts from himself or anyone around him; and for his fairness. I can also vouch, without reservation, for his great integrity.

In my view, he will make an excellent Solicitor General, and the Members of the Judiciary Committee should vote to confirm him with confidence.

DOUGLAS R. COX.

We were the two individuals charged by the American Spectator with implementing what has come to be called the "Arkansas Project," an effort to support investigative journalism in Arkansas that was specially funded by Richard Mellon Scaife. (Dave Henderson also served for a while on the Spectator Board.)

In connection with our investigative research for this journalistic project, we made numerous trips to Arkansas and elsewhere to speak first-hand to witnesses. Nothing that we did in connection with the "Arkansas Project" broke the law. Mr. Shaheen, a special counsel, reached the same conclusion after an extended investigation. Rather, we were conducting the same kind of investigative journalism, talking to witnesses, reviewing documents, that many journalists do every day. Such activities were not only lawful, but encouraged in an open and free democracy, and fully protected by the First Amendment. There was nothing at all improper about the investigative fact work that we performed for the American Spectator.

In performing our investigative work for the American Spectator, we were not directed or managed in any way by Theodore Olson. He did not participate, nor was he asked to participate, in either the planning or conduct of the "Arkansas Project." Contrary assertions, made by those lacking personal knowledge and with a political or personal agenda, are simply false.

May 15, 2001.

DAVID W. HENDERSON.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, on behalf of Senator HATCH, I yield time to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank my colleague from Alabama for yielding time to me. I have sought recognition to support the nomination of Theodore Olson to be Solicitor General of the United States.

Mr. Olson comes to this position with an excellent academic and professional background. He received his law degree from the University of California at Berkeley in 1965 after having received a bachelor's degree from the University of the Pacific in 1962. He practiced law with the distinguished firm of Gibson, Dunn, and Crutcher from 1965 to 1971 as an associate, and then as a partner for almost a decade, until 1981. And then from 1984 to the present time—he was Assistant Attorney General, legal counsel, for the Department of Justice from 1981 to 1984. He came in with the administration of President Reagan.

I was elected in the same year, and I knew of his work, having served on the Judiciary Committee beginning immediately after taking my oath of office after the 1980 election.

He is a real professional. He has argued some of the most important cases before the Supreme Court of the United States.

On December 11, 2000, he argued the landmark case of Gov. George W. Bush v. Vice President Albert Gore where the decision of the Supreme Court of the United States essentially decided the conflict on the Florida election. I was present that day to hear that historic argument and can attest personally to his competency and his professionalism.

There have been some concerns about his partisanship. I am confident Mr. Olson can separate partisanship from his professional responsibilities as Solicitor General of the United States. It is not surprising that President Bush would appoint a Republican to be Solicitor General, nor is it surprising that President Bush would appoint Ted Olson to this important position in light of Mr. Olson's accomplishments, his demonstration of competency, and his assistance to President Bush on that major case.

Some questions have been raised as to some answers Mr. Olson gave at the confirmation hearing. A request was made to have an investigation of some of what Mr. Olson did. I took the position publicly in interviews and then later in the Judiciary Committee executive session when we considered Mr. Olson's nomination, saying I was prepared to see and support an investigation if there was something to investigate but that there had not been any allegation of any impropriety on Mr. Olson's part in terms of any specification as to what he was supposed to have said that was inconsistent or what he was supposed to have said that was not true.

I am not totally without experience in investigative matters. But a starting point of any investigation has to be an allegation, something to investigate. That was not provided. I called at that hearing for some specification. If you make a charge, even in a civil case, there has to be particularity alleged, there has to be some specification as to what the impropriety was, let alone wrongdoing in order to warrant an investigation.

I said at the hearing, although there was a certain amount of interest in moving the nomination ahead last Thursday, that I would support an investigation and would not rush to judgment if there was something to investigate. But nothing was forthcoming to warrant an investigation. One of the Judiciary Committee members said, well, Mr. Olson was not forthcoming at the Judiciary Committee hearing. I attended that hearing in part, and there were very few Senators there. But if there was some concern that Ted Olson wasn't forthcoming, the time to go into it was at the hearing or, if not at the hearing, Mr. Olson was available thereafter.

I asked the Senator who raised the question about his not being forthcoming if he had talked to Mr. Olson, and the answer was that he had not. So based on the record, it is my conclusion that any of the generalized charges as to Mr. Olson haven't been substantiated at all, haven't been raised to the level of specification to warrant any proceeding or any investigation.

I dare say that if those on the other side of the aisle had sought to block this nomination from coming up today, there were ample procedural opportunities for them to do just that.

So on this state of the record, on the state of Ted Olson's excellent academic and professional record, and his established expertise as an advocate before the Supreme Court of the United States, and understanding the difference between partisanship when he is in a partisan context as opposed to professionalism when he is representing the United States of America before the Supreme Court, I intend to support this nomination and vote aye.

I thank the Chair. I thank my friend from Alabama, the distinguished Senator from Alabama. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Pennsylvania for his outstanding remarks. He does, indeed, have a passion for truth and he pursues those he believes are not telling the truth aggressively in his examination and defends those he thinks are being unfairly accused. I have seen his skill in committee hearings many times. Senator SPECTER raised a number of questions about the allegations that were made about Mr. Olson. But his questions concerning the merit of the allegations against Mr. Olson were never answered. In fact, he simply asked: "Precisely what is it you say he was testifying falsely about?" And I don't believe a satisfactory answer to this day has been given to that question.

Mr. President, I support Ted Olson's nomination to be the next Solicitor General. I commend Senators LEAHY, DASCHLE, HATCH, and LOTT for reaching an agreement to have the Olson nomination voted on today. Certain charges were made, but they have been investigated and, in my view, have been found wholly without merit. The charges were raised in a newspaper article in the Washington Post the day that the vote was scheduled on Mr. Olson's nomination. Some of the Senators questioned the article.

Subsequently, after the facts were examined, the Washington Post endorsed Ted Olson for this position. Nonetheless, Senator HATCH agreed to delay further and allow the matter to be examined even more thoroughly. That is why we are here today. Now that most of the partisan rhetoric has receded, I am glad the Senate will follow the moderate and wise voices of Professor Laurence Tribe, Robert Bennett, Beth Nolan, Floyd Abrams, and Senator ZELL MILLER in moving this nomination to confirmation.

The Solicitor General is the most important legal advocate in the country. The job has been called the greatest lawyer job in the world. As U.S. attorney for almost 15 years, I had the honor of standing up in court on a daily basis to say: "The United States is ready, Your Honor." I spoke for the United States in its Federal district court normally in the Southern District of Alabama. But what greater thrill could there be, what greater honor than to stand before the great U.S. Supreme Court and represent the greatest country in the history of the world and be the lawyer for that country in that great Court? Ted Olson is worthy of that job. He and his subordinates will shape the arguments in cases that come before the Federal appellate courts and, most importantly, before the Supreme Court of the United States. In this fashion, law is shaped slowly and carefully one case at a time over a period of years.

I note, however, that I have a slight disagreement with my distinguished colleague from Vermont on the question of this being an extraordinarily more sensitive a position than others. While it is a position that requires great skill and legal acumen, the truth is that the Solicitor General does not do a lot of things independently. Basically, the Solicitor General asks the Supreme Court, or perhaps some other lesser court if he chooses, to rule one way or the other. He is not making decisions independently about policies or procedures such as an FBI Director would make or the Deputy Attorney General or the Attorney General. He is basically in court constrained by the justices before whom he appears. And it is, as everyone knows, critical that a Solicitor General maintain over a period of years credibility with the Supreme Court. Ted Olson, as a regular practitioner before the Supreme Court of the United States, understands that and will carefully husband his credibility with that Court as he has always done.

The Solicitor General must be a constitutional scholar of the first order, a lawyer and legal advocate with broad and distinguished legal experience, and must possess unquestioned integrity. Ted Olson excels in each of these categories.

First, Mr. Olson is a constitutional scholar of the highest order. He has studied and written about the Federalist Papers, the Framers, and the Constitution. He earnestly believes in the Constitution's design of limited and separated powers. He sincerely and deeply believes that the States cannot deny any person equal protection of the laws. He understands that history and theory of our fundamental law. There is no doubt about that, in my opinion. And he has been involved with it all of his professional career—in Government and out of Government, including many successful years as a partner in one of the great law firms in the country: Gibson, Dunn & Crutcher.

Second, Mr. Olson's distinguished experience as a lawyer demonstrates his understanding that the Constitution has real and meaningful impact on the lives of ordinary Americans. He has applied constitutional theory as an Assistant Attorney General for the Office of Legal Counsel. That is a critical position in the Department of Justice that provides legal counsel in the Department of Justice and to all governmental agencies, usually including the President of the United States. He held that office in previous years. He has done this in his own practice when advocating before the courts, including the Supreme Court of the United States.

In Aetna Life Insurance Company v. Lavoie, he advocated the due process rights of litigants who faced a judge who had a conflict of interest in the case but would not recuse himself. He represented those litigants to ensure that they would get a fair judge. In Rice v. Cayetano, he advocated the voting rights of those excluded because of their race. And in Morrison v. Olson, he advocated the position that the separation of powers principle required prosecutors to be appointed by the executive branch, a position that this entire Congress has now come to embrace many years later. That was a courageous position he took. Ultimately, Mr. Olson won because his position was validated by subsequent events.

Mr. Olson had a legal career which has, to a remarkable degree, placed him as a key player in many of the important legal battles of our time. It is remarkable, really. These cases, many intense, have enriched him. They have enhanced his judgment and wisdom. I can think of no one better prepared to help the President of the United States and the Attorney General deal with complex, contentious, and important cases that are surely to come as the years go by.

When he was before the Judiciary Committee, I asked him: "Mr. Olson, are you prepared to tell the President of the United States no?"

Presidents get treated grandly, like corporate executives and Governors, and they want to do things, and they do not want a lawyer telling them they cannot do it. But sometimes there has to be a lawyer capable of telling the President "no." "No, sir, you cannot do that. The law will not allow that. I am sorry, Mr. President, we will try to figure out some other way for you to do what you want to do; you cannot do that."

I believe, based on Ted Olson's experience, his closeness to the President, the confidence the President has in him, he will be able to do that better than any person in America.

Finally, Mr. Olson is a man of unquestioned integrity. For example, when asked on numerous occasions to criticize the justices of the Florida Supreme Court in Bush v. Gore litigation, he always declined. He always respected the justices and their court, and even if he disagreed with their legal opinion—and his position was later validated by the U.S. Supreme Court. Mr. Olson's conduct in the most famous case of this generation, as well as his reputation, won him the endorsement of his adversary, Professor Laurence Tribe the famed and brilliant advocate for Al Gore.

Indeed, a President assembles an administration, and he is entitled to have around him people in whom he has great confidence, people whom, in the most critical points of his administration, he trusts to give him advice on which he can rely and make decisions.

What greater validation is there than perhaps the greatest lawsuit of this century for the Presidency of the United States, to be decided by the Court, and whom did President Bush, out of all the lawyers in America, choose? Did he want someone who was purely a political hack, someone who was a political guru, or did he want the best lawyer he could get to help him win the most important case facing the country maybe of the century? Whom did he choose? Isn't that a good reflection on Ted Olson's reputation that the President chose him, and it is not surprising that Al Gore chose someone of the quality of Laurence Tribe, two great, brilliant litigators in the Supreme Court that day.

Mr. Olson has written and he has thought deeply about constitutional law. He is not a professor, however, as many of our Solicitors General have been. He has been a lawyer involved in Government in all kinds of issues. During that time, he has gained extraordinary insight, skill, and knowledge about how Government works. He has incredibly unique and valuable qualities to bring to this office.

There is simply no better lawyer and no better person to fulfill the awesome responsibilities of the Solicitor General of the United States than Ted Olson. It is my privilege to support him and advocate his nomination.

I know there are a number of questions people will raise and have raised, but I believe, as Senator SPECTER pointed out in our hearings, we have to see where the beef is, what is the substance of the complaints against him.

One of the issues that came up was that he minimized his involvement in the "Arkansas Project" and that he did not tell the truth before the committee. I have the transcript of the testimony he gave.

This is what happened at the committee. He was sitting right there in the room testifying before us. Senator LEAHY went right to the heart of the matter, as he had every right to do. This was his question: "Were you involved in the so-called Arkansas Project at any time?"

The answer:

> Mr. Olson: As a member of the board of directors of the American Spectator, I became aware of that. It has been alleged that I was somehow involved in that so-called project. I was not involved in the project in its origin or its management.

No one found fault with that. That statement has not been disputed to this day. There is certainly no evidence to say otherwise.

He stated:

> I was not involved in the project in its origin or its management. As I understand it, what that was was a contribution by a foundation to the Spectator to conduct investigative journalism. I was on the board of the American Spectator later on when the allegation about the project was simply that it did exist. The publisher at that time, under the supervision of the board of directors, hired a major independent accounting firm to conduct an audit to report to the publisher and, therefore, to the board of directors with respect to how that money was funded. I was on the board at that time.

Mr. Olson was on the board when they conducted an investigation that the board decided to do.

Mr. Olson continued his answer in Committee:

> As a result of that investigation, the magazine, while it felt it had the right to conduct these kinds of investigations, decided that it was not in the best interest of the magazine to do so. It ended the project. It established rules to restrict that kind of activity in the future.

Senator LEAHY interrupted him there. If he did not say enough, Senator LEAHY had every opportunity to ask him more questions. He was still talking about it when Senator LEAHY interrupted him and stopped him. The transcript shows:

> . . . to restrict activities of the kind in the future and put it—
>
> Senator LEAHY:

And Senator LEAHY asked some other questions about the same matter which Mr. Olson answered and that I do not think have been credibly disputed either. I submit that the man told the truth absolutely, indisputably.

I really believe, as Senator SPECTER said in Committee, we ought to be responsible around here. We ought to be careful about alleging that a nominee for a position such as Solicitor General of the United States is not being honest or is somehow being dishonest about what he says. I do not believe there are any facts to show that. That is why I care about how we proceed, and I am glad an agreement was reached that the matter could come forward.

On the question of Mr. Olson's integrity, we have a number of people who vouch for him. Let's look at these Democrats.

Laurence Tribe, the professor who litigated against him in Bush v. Gore, said:

> It surely cannot be that anyone who took the prevailing view [in Bush v. Gore] and fought for it must on that account be opposed for the position of Solicitor General. Because Ted Olson briefed and argued his side of the case with intelligence, with insight, and with integrity, his advocacy on the occasion of the Florida election litigation—profoundly as I disagree with him on the merits—counts for me as a "plus" in this context, not a minus. If we set Bush v. Gore aside, what remains in Ted's case is an undeniably distinguished career of an obviously exceptional lawyer with an enormous breadth of directly relevant experience.

I certainly agree with that. That is from Al Gore's lawyer.

Walter Dellinger, former Solicitor General under President Clinton, said when Ted Olson was at the Office of Legal Counsel he "was viewed as someone who brought considerable integrity to the decision-making."

Beth Nolan, former Clinton White House counsel and Reagan Department of Justice Office of Legal Counsel attorney in a letter said:

> [W]e all hold Mr. Olson in a very high professional and personal regard, because we believe that he made his decisions with integrity, after long and hard reflection. We cannot recall a single instance in which Mr. Olson compromised his integrity to serve the expedients of the [Reagan] administration.

Floyd Abrams, esteemed first amendment lawyer, stated in March 2001:

> I've known Ted since we worked together on a Supreme Court case—Metromedia v. San Diego—20 years ago and . . . I've always been impressed with his talent, his personal decency and his honor. He would serve with distinction as Solicitor General.

Harold Koh, former Clinton Administration Assistant Secretary of State in February of this year:

> Ted Olson is a lawyer of extremely high professional integrity. In all of my dealings with him, I have seen him display high moral character and a very deep commitment to upholding the rule of law.

Robert Bennett, attorney for former President Bill Clinton during a lot of this litigation and impeachment matters also supports Mr. Olson's nomination. He is a well-known defense lawyer and certainly very close to President Clinton. He came to the markup when we voted on this in committee and sat throughout the markup. This is what he wrote to the Committee:

> While I do not have any personal knowledge as to what role, if any, Mr. Olson played in the "Arkansas Project" or the full extent of his relationship with the American Spectator, what I do know is that Ted Olson is a truth-teller and you can rely on his representations regarding these matters. . . . He is a man of great personal integrity and credibility and should be confirmed.

So, then-Governor Bush chose a man to represent him in the biggest case in his life. He chose a man who had a reputation of this kind among opposing lawyers, lawyers who do not agree with him politically. That is what they say about him.

He is uniquely qualified for the job, and he has the unique confidence of the President of the United States. This is what we ought to do: We ought to give the President whomever he wants in his administration if we can justify doing so. If there is some serious problem, we have a right to inquire into that. That has been inquired into and no legitimate basis has been developed on which to oppose the nomination.

Then the question is: "Should a nominee be confirmed?" And the presumption is that he should unless there is a problem.

There were a number of "charges" suggested. I will mention briefly that Mr. Olson wrote articles for the American Spectator and received some pay for some of them. He admitted that before the hearings. When he was asked to produce what he published, he submitted those articles to the Committee. Everybody knew that. After the hearing, Senator KENNEDY said he was going to vote for him. He was satisfied. There was no dispute about his involvement with the magazine.

His opponents said Mr. Olson played word games. Mr. Olson clearly responded that he wasn't involved in the management or the origin of this so-called Arkansas Project, but that when he was at dinners and he talked about the public Clinton scandals over dinner. Anybody knows if you are at a luncheon and you are talking, or at a dinner with an editor and he is writing political articles of this kind, you are going to talk about it. But it doesn't mean he originated the project or managed the project in any way, and that is what he said, "I did not do."

With respect to Mr. Olson's representation of David Hale, he plainly said that he was not compensated for that work. He said he had helped Hale from the beginning, but that he was never paid for it—he never got paid for representing him. He never denied representing David Hale, being asked by another lawyer, I believe he said, to help him. This was supported by the Independent Counsel Ray who has stated that the Shaheen Report on whether Mr. Hale was paid to testify found no evidence of any improprieties here.

With respect to an American Spectator article on Vince Foster's death, Mr. Olson did not write it. He told the magazine employees that he didn't put much stock in it, but it was all right for the magazine to publish it. The First Amendment generally protects the press when it publishes articles on public figures. It is a free country. I do not believe that the magazine was sued over it. Mr. Olson didn't put much stock in it, but if the magazine wanted to publish it, fine. That is what I understood his statement to be. That is very different from the nominee writing the article or submitting it in a brief to a court.

There were questions raised about a chart that he prepared that showed the federal and state criminal offenses that the Clintons could have violated if public allegations were proven in a court of law. He gave the chart to the Committee before we even had the hearing. That was something he had written and produced. We all knew about that.

I would just say this. A man's professional skill, his integrity, is determined and built up over a period of years. We in this body, as Senators, know we can make a speech here and we can misspeak, and we have one of our staff, if they have a little time, go back and read it and correct the record.

A nominee cannot do that. What Ted Olson said, he said under oath. I don't see he made a mistake at all. We never apologize around here. We make mistakes. We misstate facts. I have done it. I try not to. As a former prosecutor, I always try not to misstate the facts. I work at it very hard. I still find when I leave the floor sometimes I have misspoken. But are you going to call a press conference and try to apologize? We just do it and get away with it. This man told the truth. I don't see where he told anything that was a lie.

I know there are some activists who do not want to see the man who handled the Bush v. Gore case confirmed. They don't want to see confirmed a man who gave legal advice to the American Spectator, who thought there was something rotten in Arkansas and went out and investigated it. How many of them went to jail over it? Some of them are still in the bastille, perhaps for crimes they committed that this magazine investigated. What is wrong with that? Isn't this America? I don't see anything wrong with Mr. Scaife giving money, legally, to investigate a stinking mess. That is what we had in Arkansas.

The Independent Counsel investigations and the impeachment were tough times for this country. Those matters are behind us. We are at a point now where we have a new administration that is building its team. It is time that the President be able to have his top constitutional adviser on board, be able to do his duty.

I am glad we can have this debate. Some see this nomination differently. I respect their views. Ultimately, however, there is no dispute based on facts in the record. I am glad this nomination is being moved forward and that we can have an up-or-down vote on it.

I believe Mr. Olson will be confirmed. I think he should be. I am honored to cast my vote for him. I urge others to do so likewise.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that any time used in the quorum call subsequent to this be charged against both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I congratulate Senator HATCH and Senator LEAHY for bringing the nomination of Ted Olson to be Solicitor General to the floor of the Senate. I am delighted we are going to have a vote on Mr. Olson. I know him well. I think he will be an outstanding Solicitor General not only for this President and this administration but for our country as well.

Mr. Olson's qualifications are beyond reproach. He was an undergraduate at the University of the Pacific and received his law degree from the University of California at Berkeley. He has been a partner at Gibson, Dunn & Crutcher, one of the nation's leading law firms, from 1965 to 1981, and also from 1984 until the present time. He served as Assistant Attorney General from 1981 to 1984, providing legal advice to President Reagan and Attorney General William French Smith and other executive branch officials.

He has handled a lot of very important cases. Probably the best known case was Bush v. Gore. No matter which side of that case you supported, you had to admire the skill with which he argued a very complicated and, needless to say, very important case. In addition, he has argued numerous other very significant cases before the Supreme Court and other federal and state courts. I will include for the RECORD a highlight of seven of these important cases.

Ted Olson has been on both sides of the courtroom battles. He has defended the Government and counseled the President. As Assistant Attorney General, he dealt with limiting government power as well. In private practice, he has defended private interests against the Government. In his arguments on both sides of the courtroom, he has presented factual cases and positions in both Federal and state courts, arguing for the government and against the Government. That type of experience is almost unequaled in a nominee for Solicitor General.

He will be an outstanding credit to the administration and to the country. His nomination is supported by liberals and conservatives, by individuals such as Robert Bork, Robert Bennett and Laurence Tribe. Different people with different viewpoints have reached the same conclusion I have reached: Ted Olson will be an outstanding Solicitor General, and he should receive our very strong support. I am delighted we will be confirming him as the next Solicitor General of the United States.

I ask unanimous consent to print the list of cases to which I referred in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEADING CASES TED OLSON ARGUED

Ted Olson has argued or been the counsel of record in some of the leading cases before the Supreme Court:

Rice v. Cayetano (2000)—Counsel of record for the prevailing party in this case in which the Court struck down as a violation of the Fifteenth Amendment. Hawaiian legislation restricting voting in certain elections to citizens based on racial classifications.

U.S. v. Commonwealth of Virginia (1996)—Whether Virginia Military Institute male-only admissions policy violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Mr. Olson was counsel of record for the Commonwealth of Virginia and Virginia Military Institute.

Garcia v. San Antonio Metropolitan Transit Authority (1985)—Whether the Tenth Amendment's reservation of powers to the states precluded application of the minimum wage and other employment standards of the Federal Fair Labor Standards Act to wages paid by the City of San Antonio to municipal transit workers. Mr. Olson was counsel of record for the United States.

Immigration and Naturalization Service v. Chadha (1983)—Striking down as unconstitutional legislative veto devices by which Congress reserved to itself or some component of Congress the power to reverse or alter Executive Branch actions without enacting substantive legislation. Mr. Olson was counsel on the briefs for the United States.

OTHER LEADING CASES

Hopwood v. Texas (5th Circuit)—Holding that University of Texas School of Law admissions policies violate Fourteenth Amendment to the Constitution of the United States. Mr. Olson is counsel of record for students denied admission under law school admission policy which discriminated on the basis of race and ethnicity.

In Re Oliver L. North (D.C. Circuit)—Attorneys fee awarded to former President Ronald Reagan in connection with Iran-Contra investigation. Mr. Olson represented former President Ronald Reagan in connection with all aspects of Iran-Contra investigation including fee application.

Wilson v. Eu (California Supreme Court)—Upholding California's 1990 decennial reapportionment and redistricting of its congressional and legislative districts. Mr. Olson was counsel to California Governor Pete Wilson.

Mr. NICKLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, is it in order for me to speak now on a matter not connected with this nomination?

The PRESIDING OFFICER. It would take unanimous consent.

Mr. STEVENS. I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. STEVENS are located in today's RECORD under "Morning Business.")

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that all time be yielded back on the motion and the motion be agreed to. I further ask consent that the Senate now proceed to the consideration of the nomination and that the vote occur on the confirmation of the nomination with no intervening action or debate. I also ask unanimous consent that following the vote on the confirmation of the Olson nomination, the Senate then proceed to two additional votes, the first vote on the confirmation of Calendar No. 83, Viet Dinh, to be followed by a vote on the confirmation of Calendar No. 84, Michael Chertoff. Finally, I ask consent that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. So I understand, the first vote would be on the Olson nomination immediately?

Mr. HATCH. That is correct.

Mr. LEAHY. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion was agreed to.

Mr. HATCH. For the information of all Senators, under this agreement, there will be three consecutive rollcall votes on these nominations.

I ask for the yeas and nays on the Olson nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I ask unanimous consent it be in order for me to ask for the yeas and nays on the other two votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask for the yeas and nays on those votes.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

NOMINATION OF THEODORE BEVRY OLSON, OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The assistant legislative clerk read the nomination of Theodore Bevry Olson, of the District of Columbia, to be Solicitor General of the United States.

Mr. WARNER. Mr. President, I rise today in support of the nomination of a Virginian, Theodore "Ted" Olson, to serve as the Solicitor General of the United States.

Article II, Section 2 of the Constitution provides that the President:

> shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court, and all other Officers of the United States. . . .

Thus, the Constitution provides a role for both the President and the Senate in this process. The President has the power to nominate, and the Senate has the power to render advice and consent on the nomination.

In fulfilling the constitutional role of the Senate, I have, throughout my career, tried to give fair and objective consideration to both Republican and Democratic Presidential nominees at all levels.

It has always been my policy to review nominees to ensure that the nominee has the qualifications necessary to perform the job, to ensure that the nominee will enforce the laws of the land, and to ensure that the nominee possesses the level of integrity, character, and honesty that the American people deserve and expect from public office holders.

Having considered these factors, I have come to the conclusion that Ted Olson is fully qualified to serve as our great Nation's next Solicitor General.

The Solicitor General's Office supervises and conducts all Government litigation in the U.S. Supreme Court. The Solicitor General helps develop the Government's positions on cases and personally argues many of the most significant cases before the Supreme Court.

Given these great responsibilities, it is no surprise that the Solicitor General is the only officer of the United States required by statute to be "learned in the law."

Mr. Olson's background in the law is impressive. He received his law degree in 1965 from the University of California at Berkeley where he was a member of the California Law Review and graduated Order of the Coif.

Upon graduation, Mr. Olson joined the firm of Gibson, Dunn, & Crutcher in 1965, becoming a partner in 1972. During this time, Mr. Olson had a general trial and appellate practice as well as a constitutional law practice.

In 1981, Mr. Olson was appointed by President Reagan to serve as Assistant Attorney General, Office of Legal Counsel in the U.S. Department of Justice. During his 4 years in this position, Mr. Olson provided counsel to the President, Attorney General, and heads of the executive branch departments.

After serving in the Reagan administration, Mr. Olson returned to private practice. He has argued numerous cases before the Supreme Court, including one that we are all familiar with related to this past election and the Florida election results. His vast experience in litigating before the Supreme Court will serve him well as Solicitor General.

Based on this extensive experience in the law, it goes without saying that Mr. Olson is "learned in the law." Mr. Olson is obviously extremely well-qualified to serve as our next Solicitor General.

Mr. THURMOND. Mr. President, I am very pleased to support Mr. Ted Olson today to be Solicitor General.

Mr. Olson is one of the most qualified people ever nominated for this position. He has had an extensive and impressive legal career, specializing in appellate law. He has argued many cases of great significance in the Federal courts, including 15 cases before the U.S. Supreme Court. He also has written extensively and testified before the Congress on a wide variety of legal issues.

In addition, he served admirably as Assistant Attorney General in the Office of Legal Counsel under President Reagan. He provided expert, nonpartisan advice based on the law. I am confident he will do the same as Solicitor General. For example, he has assured the Judiciary Committee that he will defend laws of Congress as long as there is any reasonable argument to support them.

Over the years, he has earned a distinguished reputation in the legal community. In fact, he has been endorsed for this position by a wide variety of people in the profession, including Harvard Law Professor Laurence Tribe.

Mr. Olson is a decent, honorable man, and a person of high character and integrity. He is one of the most capable and distinguished attorneys practicing law today.

Many allegations have been raised about Mr. Olson, but there is no merit to these charges. The fact that allegations are raised does not mean they are true or that they have any significance. Based on reservations raised by Democrats, the Judiciary Committee has closely reviewed these matters. Throughout the process, Mr. Olson has been very cooperative and straightforward with the committee. It is true that he wrote in the American Spectator about the scandals of the Clinton administration, and spoke with people involved with the magazine about these matters. After all, the Clintons were a major focus of the magazine, and there were many scandals to report about. This does not mean that Mr. Olson misled the committee about his knowledge of the Arkansas Project or anything else. There is nothing to show that he has done anything wrong, and there is no reason to keep searching.

The Washington Post, which is the primary newspaper in which the allegations were raised and is not known for conservative editorials, concluded that Mr. Olson should be confirmed. It stated that "there's no evidence that his testimony was inaccurate in any significant way."

As chairman of the Constitution Subcommittee, I know that the Justice Department needs the Solicitor General to be confirmed as soon as possible. The representative for the United States to the Supreme Court is an extremely important position that has been vacant for months. For the sake of justice, it is critical that the Senate acts on this nomination.

I urge my colleagues to support Mr. Olson today. He deserves our support. I recognize that members have the right to vote against a nominee for any reason. But, if they do, I firmly believe they will be voting against one of the finest and most able men we have ever considered for Solicitor General.

Mr. FEINGOLD. Mr. President, I have so far voted for all of President Bush's nominees for positions in the Department of Justice and other executive branch departments. As I have explained before, I believe that the President's choices for executive positions are due great deference by the Senate. I am very reluctant to vote against a qualified nominee for such a position. I have been criticized for some of my votes on this President's nominations, including my vote for Attorney General Ashcroft, and I'm sure I will take criticism for some of my votes in the future.

But, I have never said I will vote for every executive branch nominee, and today I must vote "No" on the nomination of Theodore Olson to be Solicitor General of the United States.

I am disappointed that the Senate is moving so quickly to a vote on this nomination. I believe that serious questions exist about Mr. Olson's candor in his testimony before the Senate Judiciary Committee. Although there has been some further inquiry about these matters in the past week, after the Judiciary Committee voted 9–9 on Mr. Olson's nomination, the Senate has not had time to review and digest even the limited additional information that the inquiry uncovered. Without further time to resolve the questions that our committee's work has raised, I cannot in good conscience vote for Mr. Olson.

Simply put, I am concerned that Mr. Olson was not adequately forthcoming in his testimony before the Judiciary Committee particularly on the issue of his involvement with the so-called "Arkansas Project," which was an effort to unearth scandals involving former President Clinton and his wife, undertaken by the American Spectator magazine with funding from Richard Mellon Scaife. Let me emphasize that I am not alleging that Mr. Olson committed perjury or told an out and out lie. But it seems to me that Mr. Olson was attempting to minimize his participation in the Arkansas Project and portray it in the least objectionable light to those of us on the Democratic side, rather than simply answering the questions forthrightly and completely. As the dispute developed, Mr. Olson's supporters have gone to great lengths to argue that he answered truthfully when he said: "I was not involved in the project in its origin or its management." But Senator LEAHY did not ask if he was involved in the origin or management of the Arkansas Project. He asked: "Were you involved in the so-called Arkansas Project at any time." Mr. Olson was not adequately forthcoming in his answer to that question.

The Solicitor General of the United States is an extremely important position in our government. It is not only the third ranking official in the Justice Department, it is the representative of the executive branch before the Supreme Court of the United States. I want the person in that position to be not just technically accurate and truthful in answering the questions of the Justices, but to be forthcoming. I want the Solicitor General to answer the Justices' questions not as a hostile witness would, narrowly responding only to the question asked and revealing as little information as possible, but as a trusted colleague would, trying to give as much relevant information as possible in response not only to the question as framed, but to the substance of the question that the Justice might have been asking, but might not have precisely articulated.

That is also how I want nominees before Senate committees to answer questions. Our questions at nominations hearings are not a game of "gotcha." We are not trying to trap nominees. We are attempting to elicit information that is relevant to our decision as to whether a nominee should serve in the office to which he or she has been nominated. We deserve forthcoming and complete answers, not just technically truthful answers. We shouldn't have to frame our questions so precisely as to preclude an evasive or disingenuous answer. We are not in a court of law. We don't ask leading questions of nominees in order to pin them down to "yes" or "no" answers. We want and expect nominees to give us complete and open answers, to put on the record all the information they have at their disposal that will help us exercise our constitutional duty to advise and consent.

Many Senators were concerned about Mr. Olson's highly partisan writings about the previous Administration, and particularly about the Department of Justice under the previous Attorney General. They were concerned about Mr. Olson's association with an organized and well-funded attempt to dig up dirt on the President of the United States. They asked questions to find out what Mr. Olson did, and what he knew. It was not just a question of whether Mr. Olson did something illegal or improper. Each Senator was and is entitled to make his or her own judgment about whether Mr. Olson's involvement with the Arkansas Project, whatever it was, is relevant to his fitness to serve as Solicitor General. We were entitled to complete and forthcoming answers to the questions that were asked. We did not get them.

Mr. Olson's failure to be forthcoming in his testimony has led me to have concern about his ability to serve as Solicitor General, especially given the special duties of that office. I would not vote against him simply because of his conservative views and record. I am concerned about his fitness to be Solicitor General.

Mr. Olson testified that the Solicitor General owes the Supreme Court "absolute candor and fair dealing." I think that nominees owe Senate committees that same duty when they testify at nominations hearings. I do not think that Mr. Olson met that standard and I don't think the process surrounding this nomination has allowed Senators adequately to consider this important exercise of their duty to advise and consent. I therefore, with regret, must oppose his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Theodore Bevry Olson, of the District of Columbia, to be Solicitor General of the United States? On this question the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 167 Ex.]

YEAS—51

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—2

Jeffords
Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that when the next votes begin, which will be momentarily, they be 10-minute rollcalls.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, as I stated at the beginning of this debate, of course I respect the will of the Senate and the vote of every Senator.

I hope now that Mr. Olson has been confirmed as Solicitor General, he will listen very carefully to the debate and handle that position with the nonpartisanship and candor the office requires. I congratulate him on his confirmation and wish him and his family well.

I yield the floor.

NOMINATION OF VIET D. DINH TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The legislative clerk read the nomination of Viet D. Dinh of the District of Columbia to be an Assistant Attorney General.

Mr. HATCH. Mr. President, I strongly support the nominations of Michael Chertoff to be Assistant Attorney General for the Criminal Division and Viet Dinh to be Assistant Attorney General for the Office of Policy Development.

Both nominees have outstanding qualifications. Mr. Chertoff graduated with honors from both Harvard College and Harvard Law School, then served as a law clerk for Justice Brennan of the U.S. Supreme Court. He also served as an Assistant U.S. Attorney for the Southern District of New York, and as the U.S. Attorney for the District of New Jersey. In 1994, Mr. Chertoff served as Special Counsel for the U.S. Senate Special Committee to Investigate Whitewater and Related Matters. Most recently he has worked as a partner at the prestigious law firm of Latham & Watkins, where he is national chair of the firm's white collar criminal practice. He was also appointed Special Counsel by the New Jersey Senate Judiciary Committee in its inquiry into racial profiling by state police. As his distinguished career illustrates, Mr. Chertoff is well suited to lead the Department of Justice Criminal Division—which explains why his nomination has received significant bipartisan support.

Viet Dinh is likewise eminently qualified for the position of Assistant Attorney General for the Office of Policy Development. As Mr. Dinh told us during his confirmation hearing, he came to this country from Vietnam when he was ten years old under extraordinarily difficult circumstances. He went on to graduate from Harvard College and then Harvard Law School with honors. Mr. Dinh completed two federal clerkships, one for Judge Laurence Silberman on the U.S. Court of Appeals for the D.C. Circuit, and the other for Justice Sandra Day O'Connor on the Supreme Court. He then served as Associate Special Counsel to the Senate Special Committee to Investigate Whitewater. In 1996, he became a professor at Georgetown University Law Center, where he received tenure last year. His academic writings evince a sharp legal mind and keen judgment—attributes that are essential to lead the Office of Policy Development.

Both Mr. Dinh and Mr. Chertoff have distinguished themselves with hard work and great intellect. I am confident that they will do great service to the Department of Justice and the citizens of this country, and I support their nominations wholeheartedly.

Mr. DOMENICI. Mr. President, I rise today in support of Viet Dinh, the President's nominee to be Assistant Attorney General for the Office of Policy Development. I have had the pleasure of knowing him both professionally and personally over the past several years and cannot imagine a more qualified candidate for this position.

Professor Dinh's journey began 23 years ago on a small fishing boat off the coast of Vietnam. For 12 days, the ten-year-old Viet and 84 others fought storms, hunger, and gunfire as their boat drifted in the South China Sea. Fortunately, Viet, his mother, and six siblings, reached a refugee camp after coming ashore in Malaysia. After being admitted to the United States Viet's family arrived in Oregon and later moved to California, where Viet became a U.S. citizen.

Those early years presented many challenges for Viet and his family. They had little money and worked long hours in the berry fields. Moreover, Viet's father had been incarcerated in Vietnam because of his role as a city councilman. It was not until 1983 that they were finally reunited after his father's successful escape from Vietnam.

Despite this tumultuous beginning, Dinh persevered. More than that, he excelled. Perhaps those early obstacles hardened Viet's resolve and fueled his rapid ascent through the legal profession.

Viet graduated *magna cum laude* from both Harvard College and Harvard Law School, where he was a class marshal and an Olin Research Fellow in law and economics. He served as a law clerk to Judge Laurence H. Silberman of the U.S. Court Appeals for the D.C. Circuit and to U.S. Supreme Court Justice Sandra Day O'Connor.

Shortly after Viet completed his Supreme Court clerkship, he came to work for the U.S. Senate, where I had the opportunity to work with him for the first time. He quickly demonstrated his outstanding legal ability, superb professional judgment, and fine character.

Professor Dinh's record of achievement continued in academia. Viet currently is a professor of law at Georgetown University, where he is the deputy director of the Asian Law and Policy Studies Program. In addition to his expertise in Asian law, Professor Dinh is accomplished in constitutional law, corporate law, and international law. He has also served as counsel to the special master mediating lawsuits by Holocaust victims against German and Austrian banks.

Since he left the Senate, I have called on him from time to time for counsel on constitutional issues. On each occasion, Viet exhibited a comprehensive knowledge of the law and extraordinary energy.

In closing, I believe that Professor Dinh's character, along with his distinguished academic and professional accomplishments, make him uniquely qualified to serve in the Department of Justice. It is, thus, with great pleasure that I will vote for his confirmation.

Mr. LEAHY. Mr. President, I am prepared to vote in favor of Professor Dinh's nomination to be the Assistant Attorney General for the Office of Policy Development at the Department of Justice. I do so, however, with reservations.

Like other members of the committee, I admire Professor Dinh and his family for the courage they displayed during their extraordinary journey to this country from Vietnam. I also do not question Professor's Dinh's obvious intelligence or his academic achievements. If we were evaluating a nominee for a teaching position, I would vote for him without hesitation.

However, I am concerned by Professor Dinh's relative lack of experience for the position in the Department of Justice for which he has been nominated. One of the major responsibilities of the Office of Policy Development at the Department of Justice, which Professor Dinh has been nominated to head, is the evaluation of the qualifications and fitness of candidates for the Federal judiciary. Yet Professor Dinh, as he concedes, has never appeared as an attorney in a court of law. Aside from being a law clerk and an academic, Professor Dinh's principal real-world experience since graduating from law school in 1993 has been as associate counsel to the Republicans in the Senate Whitewater investigation of President Clinton. While that was no doubt an excellent introduction to the world of partisan politics, it hardly provides a model of the apolitical and unbiased pursuit of justice that ought to characterize the operations of the United States Department of Justice.

I am also concerned by Professor Dinh's testimony about his involvement with the Federalist Society. In answer to questions by Senator DURBIN, Professor Dinh testified that he did not know whether the Federalist Society had a stated philosophy and that he viewed it simply as "a forum for discussion of law and public policy from both sides." (Tr. 71, 73). Yet the Federalist Society itself states quite prominently on its internet website that it is "a group of conservatives and libertarians interested in the current state of the legal order" and concerned with the alleged domination of the legal profession "by a form of orthodox liberal ideology which advocates a centralized and uniform society." I do not, of course, suggest that membership in the Federalist Society should disqualify someone from public office, any more than should membership in other organizations such as the American Civil Liberties Union that seek to promote a particular political philosophy or agenda. Nevertheless, it is simply not accurate to portray the Federalist Society as a non-partisan debating society.

In his writings, Professor Dinh, like other members of the Federalist Society, has condemned what is sometimes called "judicial activism." However, when I asked Professor Dinh in my written questions to cite some specific cases where courts that had occurred, the only example he provided was a California decision from 1854 that dealt with the disqualification of persons of Chinese ancestry from testifying in court. While obviously no one would disagree with Professor Dinh's condemnation of that odious decision, his answer is not particularly enlightening as to what he views as the proper limits on the role of the judiciary in the 21st century. Many legal scholars regard the Supreme Court's decision in Bush v. Gore as a recent and obvious example of a court's overstepping its role and improperly injecting itself into the political arena. Yet, when I asked Professor Dinh specifically about that case in my written questions, he stated that, in his opinion, the Supreme Court Justices had "exercised their judgment in a thoughtful and prudent manner given the nature of the case, the rulings below and the constraints of time."

Despite my misgivings, I have decided to vote in favor of Professor Dinh's nomination. I believe that he has answered the Committee's questions. I am giving him the benefit of all doubts and giving deference to the President's decision with respect to this appointed policy position. Moreover, regardless of Professor Dinh's political views and associations, I credit his assurances that he will exercise his judgment based upon the merits of legal positions and judicial candidates he is called upon to evaluate rather than on political ideology.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Viet D. Dinh, of the District of Columbia, to be an Assistant Attorney General? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 168 Ex.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Clinton

NOT VOTING—3

Jeffords
Kohl
Rockefeller

The nomination was confirmed.

NOMINATION OF MICHAEL CHERTOFF TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The assistant legislative clerk read the nomination of Michael Chertoff, of New Jersey, to be an Assistant Attorney General.

Mr. CORZINE. Mr. President, I am pleased to support the nomination of Michael Chertoff to be Assistant Attorney General for the Criminal Division. Mr. Chertoff has ably served the citizens of New Jersey in numerous capacities, as well as the Department of Justice and indeed the Nation. We will all be fortunate to have his tremendous skills at the helm of the Criminal Division.

Mr. Chertoff has impeccable credentials, not the least of which is being a native New Jerseyan. He attended Harvard College, then Harvard Law School, where he was Editor of the Harvard Law Review. He then served as a Supreme Court law clerk. In both private practice and public service since then he has developed a reputation as a brilliant, tough, fair, and truly world class litigator, and earned the respect of his peers and adversaries. Indeed, one New Jersey paper has even suggested he might be New Jersey's "Lawyer Laureate." While I should acknowledge that we might not agree on every issue, I consider Mr. Chertoff to be one of the finest lawyers my State has to offer.

From 1990 to 1994, Mr. Chertoff served New Jersey exceptionally well as our U.S. Attorney, where he tackled organized crime, public corruption, health care fraud and bank fraud. Unlike his predecessors, as U.S. Attorney he continued to try cases himself, and his long hours and unending commitment to the job and the citizens of New Jersey were legendary. He tackled the highest-profile cases in a serious and thoughtful manner, and, despite being one of the youngest U.S. Attorneys in the Nation, raised the profile and reputation for excellence of the U.S. Attorney's Office in Newark.

More recently, Mr. Chertoff has played a critical role in helping the New Jersey State legislature investigate racial profiling. As Special Counsel to the State Senate Judiciary Committee, he helped the committee probe how top state officials handled racial profiling by the State Police. His work was bipartisan and thoroughly professional, and helped expose the fact that for too long, state authorities were aware that statistics showed minority motorists were being treated unfairly by some law enforcement officials, and yet ignored the problem.

Mr. Chertoff is one of our Nation's most competent and respected lawyers, with a very distinguished record of public and private service. I urge my colleagues to join me in support of his nomination.

Mr. LEAHY. Mr. President, I am voting in favor of Mr. Chertoff's nomination to be the Assistant Attorney General for the Criminal Division at the Department of Justice.

I have been concerned that Mr. Chertoff, like several of the President's other nominees for top positions in the Department of Justice, has a history of partisan political activities. Mr. Chertoff was special counsel to the Republicans in the Senate Whitewater investigation of President Clinton, which hardly provided a model for the apolitical and unbiased search for justice that ought to characterize the operations of the United States Department of Justice.

Fortunately, however, Mr. Chertoff also has an established track record as a Federal prosecutor apart from his involvement with the Whitewater Committee. More importantly, he has answered the committee's questions about his political activities and has given appropriate assurances that he will not allow partisanship to influence the exercise of his judgment on the legal merits of questions he will address as the Assistant Attorney General for the Criminal Division. I credit his assurances, and for that reason I am voting for his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael Chertoff, of New Jersey, to be an Assistant Attorney General? On this question the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Tennessee (Mr. FRIST) are necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 169 Ex.]

YEAS—95

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Clinton

NOT VOTING—4

Frist
Jeffords
Kohl
Rockefeller

The nomination was confirmed.

• Mr. ROCKEFELLER. Mr. President, I was absent from this afternoon's three confirmation votes on Justice Department officials because of a family funeral. I regret that I was absent for these unanticipated rollcall votes.•

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I see a number of Members who may want to speak. I am going to use about 10 minutes. If my colleague has a short statement, or the Senator from Alaska does, I don't want to keep them.

Mr. SESSIONS. Mr. President, I have about a 5-minute statement, but I am pleased to allow the Senator from Connecticut to go first.

Mr. DODD. I thank the Senator.

Mr. SESSIONS. If the Senator will yield, I ask unanimous consent to be recognized after the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

A CHANGE IN THE SENATE

Mr. DODD. Mr. President, I rise for a couple of minutes to briefly discuss the change that occurred today in the Senate and to share some thoughts, if I may.

First, I think I can safely speak for virtually all of us in this Chamber on both sides of the aisle in expressing our affection for our colleague from Vermont. He has been a friend to us for many years. He is known in this body as a good and decent man. I have no doubt that the high esteem in which he has been held will continue.

Secondly, I think it bears mentioning that despite the change in the caucus ratio that will soon occur, the Senate is going about its business today much as it did yesterday and much as I am confident it will in the days to come. That is how this institution functions, and whether ratios change by 1 or 2 in one direction or the other is certainly big political news for some, I guess. My guess is that the substantive work will continue much as it has, with us having to work out differences and compromise to benefit the public at large.

This conduct of business according to established and familiar routines is a good sign that the Senate will to a large degree continue to operate on a bipartisan basis to accomplish the work the American public sent us here to do.

This change will, without a doubt, have an impact on committee ratios, on the subject of hearings and witnesses, and on the substance of legislation we will consider, to some degree. However, just as important, it should—and I believe will—cement the need for bipartisanship in how we conduct our business and in how we govern together with the administration and the other body.

We in the Democratic Caucus now share a new responsibility with our Republican friends for addressing and advancing, as equal partners, the interests of the larger American public. I know of nobody in our caucus who shrinks from or shirks that responsibility. Indeed, I think we all welcome it.

Likewise for our Republican friends, bipartisanship will now become as much a necessity for them as it has been for us Democrats.

Perhaps most importantly, it will not be enough any longer to embrace bipartisanship in word; we will from now on have to demonstrate it in deeds as well. I look forward to beginning this new chapter in the Senate's history with all of our colleagues.

On that score, allow me to say that I hope one of the first orders of business we will take up after reorganizing will be election reform. I realize we have many important matters to consider regarding education, a Patients' Bill of Rights, prescription drugs, energy, the environment, environmental protection, minimum wage, and foreign and defense policies. The list is rather long and tremendously worthwhile.

But I submit to our colleagues that election reform is also an issue that deserves our early consideration in the Senate. It is an issue of fundamental importance for the simple reason that it concerns the most fundamental of American rights, the right to vote. I know a number of our colleagues on both sides of the aisle have given various opinions on this matter, and even drafted legislation. These include my colleague from Arizona, Senator MCCAIN, Senator HOLLINGS, Senator MCCONNELL of Kentucky, Senator SCHUMER, Senator BROWNBACK, Senator TORRICELLI, and others.

There are a lot of ideas kicking around on how we might improve the electoral process in this country. The list reflects a widespread and bipartisan recognition that the events of last November—not just in Florida and not just last November, but ones that have been ongoing for a number of years—illustrate that our electoral system is in need of repair and reform. With only one-half of all the eligible voters in this country participating in a Presidential election and one-quarter of those eligible voters choosing the President of the United States, then I think all of us recognize that, if we do nothing else, there is need for reform that would make this process more inclusive, to reach out to every American who is not participating in this process.

I hope we will act in that recognition in the weeks to come, and I hope we will pass legislation which ensures that many of the mistakes and wrongs, if you will, in the electoral process will forever be events of the past, never to be repeated.

Congressman JOHN CONYERS of Michigan and I have introduced legislation that will establish some minimum national requirements to ensure that voters, on Presidential races and races involving the National Legislature, regardless of race, disability, or language minority, will not be turned away from the polls in the next Presidential election. This legislation has well over 100 cosponsors in the House of Representatives, the other body, and 50 cosponsors in this Chamber.

This bill would establish three commonsense requirements:

First, that all voting machines and systems used in Federal elections, starting in the year 2004, conform to uniform, nondiscriminatory standards to ensure that no voter will be disenfranchised because of race; that blind and disabled voters can vote with independence and privacy; language minorities can read ballots and instructions in their native language; and all of us can vote with the assurance that our vote will not be canceled because of overvotes, undervotes, or outdated machinery.

Second, the bill requires that all States provide for provisional voting so that no voter who goes to the polls is told he or she cannot vote because their name is not on a registration list or their identification is not good enough.

Third, and lastly, the bill provides that all voters receive a copy or sample ballot with instructions on how to vote, including their rights as voters.

In this Senator's view, with any legislation that doesn't include these three national requirements is simply unacceptable.

Bills that only offer, on a voluntary basis, funding for States to take certain actions will not ensure that Americans—African Americans, Hispanic Americans, Asian Americans, the blind and disabled, and many others—working men and women across the country, can exercise their most precious right to vote and to have their vote counted.

Forty-seven years ago this month, the Supreme Court issued its landmark decision in the case of Brown v. Board of Education. On that May day, the Court did not rule that States could desegregate their classrooms. It ruled that they would do so "with all deliberate speed," in the now famous words of that decision.

Thirty-seven years ago, when we wrote the Civil Rights Act, the Congress did not say that restaurants, stores, hotels, and other public accommodations could desegregate their facilities. We decreed that they would do so, and do so without delay.

When, in 1965, we passed the Voting Rights Act, the Congress did not say States could, if they so chose, do away with barriers to voting such as poll taxes and literacy tests. We said they had to do away with it because the right to vote was far too precious and too vital to be in any way denied to any American citizen based on race or ethnicity.

Lastly, when in 1990 Bob Dole and President George Bush joined with George Mitchell, TED KENNEDY, and others to enact the Americans with Disabilities Act, we did not leave it to chance as to whether public facilities would be accessible to the disabled. We decided as a country that the time had come to remove those barriers to access.

At critical moments, whether it was to go to a restroom or a restaurant or to have access to a hotel or any other public accommodation, we said that people had the right to be there, and in the case of a voting booth, it certainly ought to hold no less a status than a restaurant, restroom, hotel, or any other public accommodation. People ought to have the right to be in that voting booth, to cast their vote and have it counted.

At critical moments in our history, such as those I just enumerated, our Nation has been resolved in advancing the cause of equality and freedom. We have not settled for voluntary measures when fundamental rights were at stake. I believe the same resolve is called for at this moment in our history when we know that so many Americans, perhaps millions, were denied the right to vote and the right to have their vote counted. With the same resolve demonstrated in times past, we can assure that will never happen again in America as it was so unjustly denied to many in the previous elections.

I urge my colleagues to take a look at the proposed legislation. When we return after the break, I invite any comments, thoughts, and ideas on how this bill can be improved, but I hope there will be strong bipartisan support for this effort. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

RETIREMENT OF NANCY BRIANI

Mr. SESSIONS. Mr. President, I rise today to recognize a member of my staff, Nancy Briani, who will be retiring from the Senate at the end of this month. She will be sorely missed by me and all who have had the opportunity to work with her.

Nancy began her career in the Senate 25 years ago when she joined the staff of Senator Jim Pearson of Kansas as a receptionist.

Following Senator Pearson's retirement in 1978, Nancy became office manager for his successor—Senator Nancy Landon Kassebaum. From the setting up of that freshman Senator's office to closing down operations and turning in the keys 18 years later, Nancy was there and remains a very close friend of Senator Kassebaum.

She has approached her job as office manager in a diligent and methodical fashion. She recognizes that well-organized support functions are a critical foundation in the hectic and fast-paced environment of a Senate office. Nancy has consistently brought to her work a quiet, but firm, determination to see that things are done properly. She stayed, as we were taught many years ago, until it was done right.

During her tenure in the Senate, Nancy helped guide her coworkers through the transition from 3-color carbon sets to the computer age, and she is a good manager of computers. It fell upon her to determine how to file the "yellows" in a post-carbon era and how to assure that documents were not "lost in space" due to haphazard filing and forgotten file names.

Her proofreading skills are not limited to catching typos. Rather, she brings to bear the full force of her early experience and training as a teacher. One of the most well thumbed cards in her Rolodex is that of the Grammarphone—a grammar hotline operated by Frostburg State Universtity—to make sure our material goes out correctly. After all, a Senator ought to know how to punctuate correspondence.

Shortly after my election to the Senate in 1996, I had the good fortune of bringing Nancy onto my staff after Nancy Kassebaum retired. Her years of experience and her solid professionalism proved invaluable to me in putting together my office here in Washington.

Her effective management of the day-to-day operations of my office has made a real difference in my ability to serve the people of Alabama.

The work that Nancy has done in her 25 years of service in the Senate does not produce headlines in the newspaper or segments on TV talk shows. Indeed, this is the first time in her 25 years that she has come on to the floor of the Senate Chamber. Young staff members get to do that if they are working on legislation, but she has been doing her job managing the work product in our office.

In fact, the best mark of success for an office manager is that the smooth operation of an office is taken for granted. In that, Nancy has excelled.

The truth is that Nancy lives by the greatest American virtues. She is directly honest, she is exceedingly diligent in her work, always taking care to ensure that things are completed and done right. I have greatly admired her frugality, a trait that has fallen from favor but which is much needed today. She watches every penny of the taxpayers' money in a way I greatly admire.

In a host of ways, Nancy has lived by these great American values and has taught them to hundreds of young people who have worked with her as interns and young staffers over the years. Such richness of contribution simply cannot be replaced.

As Nancy leaves the Senate to start a new chapter in her life, she can take great pride and satisfaction in the accomplishments she has made and the respect she has earned.

Just today, staff people from all over this Senate were in our office expressing their admiration for her as she had a reception this afternoon. I am grateful for her efforts and the dedication as a member of my staff. I wish her and her husband, Vince, who retired a few years ago after a career with NASA—he was with NASA during the glory days of the space age—I wish Nancy and her husband, Vince, all the best in their future years. We look forward to seeing you both on a regular basis and thank you again for the great contributions you have made to the success of our office and to the people of the United States.

VETERANS HISTORY PROJECT

Mr. STEVENS. Mr. President, I call to the attention of the Senate the Veterans History Project that is currently being developed by the Library of Congress.

This is a project that is dear to the hearts of all Americans and a project to which the Congress gave our unanimous support when we passed Public Law 106-380 last fall. Jut as a new memorial on the Mall will honor our WW II veterans, a living memorial to all our war veterans will be created by the Veterans History Project. This project, which is part of the American Folklife Center at the Library of Congress, will collect oral histories, along with letters, diaries, photographs, and other papers from veterans of World War I, World War II and the Korean, Vietnam, and Persian Gulf wars, as well as from those who served in support of them. The Veterans History Project will create this national collection by creating partnerships and encouraging participation from a wide range of veterans' organizations, military installations, civic groups, museums, libraries, historical societies, students and teachers, colleges and universities, and citizens and the families of our veterans nationwide.

This is an important national project and one that we should continue to support. Of the 19 million war veterans living in our Nation today, nearly 1,500 of them die each day—1,100 of them having served in World War II. While their own monument is under construction, we can build a lasting national collection that will preserve their wartime memories, actions and experiences. Through this national project we have to encourage local projects and local archives that will collect oral histories of all our war veterans for our children and our children's children.

This is a project worthy of consideration by all Senators as they return home for Memorial Day. That is the reason I come to the Chamber.

I thank our colleagues in the Senate, Senator CHUCK HAGEL and Senator MAX CLELAND for bringing this opportunity to us and to the citizens of our great Nation—a lasting democracy due to the sacrifices of the men and women honored by the Veterans History Project.

I will support funding for this project and for the operations of the Library's American Folklife Center, where the veteran's collections will be preserved and shared with all. Nearly all of us have worked closely with the American Folklife Center. Many of you will recall the recent Local Legacies Project, done for the Library of Congress bicentennial last year, and other programs it has undertaken over the years.

As we approach Memorial Day I ask the Senate to reaffirm our commitment to our veterans and show our support for the Veterans History Project. As a grateful nation, we must preserve and honor their memories for generations to come.

A VICTORY FOR PEOPLE WHO CARE ABOUT KIDS

Mr. LEVIN. Mr. President, at the beginning of this year, the State of Michigan enacted a "shall issue" law that makes it easier to obtain a concealed carry permit and will increase the number of guns on our streets. The law, which was scheduled to go into effect on July 1, 2001, takes discretion away from local gun boards and requires authorities to issue a license to carry a concealed weapon to any applicant who meets basic eligibility requirements.

Most law enforcement groups in Michigan reject the proliferation of concealed weapons in our communities and warn that this law will move our State in a dangerous direction. Similarly, gun safety groups, including the Michigan Partnership to Prevent Gun Violence and the Michigan Million Mom March, have voiced their concerns that the expected ten-fold increase in the number of concealed weapons on Michigan's streets would jeopardize the safety of our children. These and other groups that oppose the "shall issue" law joined together to form the coalition of People Who Care About Kids and successfully collected more that 230,000 signatures on a petition calling for a referendum on the law.

Last week, the Michigan State Court of Appeals came down on the side the voters of the State, agreeing that they should be able to decide on the law in a referendum. The appeals panel stated that "the overarching right of the people to their 'direct legislative voice' " overrides a constitutional prohibition against referenda for laws that include spending provisions. Unless the decision is overturned by the Michigan Supreme Court, the voters of Michigan will be able to voice their opinions on the "shall issue" law in a referendum in November 2002.

This unanimous decision by the State Court of Appeals panel is not only a victory for the voters of Michigan, but also for the safety of our children and the security of our communities. I am convinced the people of Michigan want to find ways to decrease the amount of gun violence in our communities, not remove discretion from local gun boards with the goal of increasing the number of guns on our streets. I am pleased that they will have a say in this important issue that so directly impacts their lives.

FINAL PASSAGE OF THE TAX BILL

Mr. LIEBERMAN. Mr. President, this is a sad day for the U.S. Senate and America's economic future. Yesterday we rushed through an unbalanced, backloaded, overbloated tax-cut that we literally cannot afford, that runs a substantial risk of driving us back into the ditch of deficits and higher interest rates, and in the end could affect our long-term prosperity which we have worked so hard to build. And for what purpose? To meet the arbitrary deadline of passing a bill by Memorial Day.

This bill and the whole process for considering it is a case study in irresponsibility, not just fiscally but governmentally. By squandering the surplus this way, we are squandering an historic opportunity to meet a number of national needs and to strengthen our economic security in the coming years. We lost an opportunity to pass not just a tax plan but a prosperity plan, geared to long-term economic growth. We lost an opportunity to pay down the debt and keep interest rates low.

We may well have lost an opportunity to pass a strong prescription drug benefit and strengthen the long-term stability of Medicare and Social Security for the retirement of the baby boom generation. And we may have lost an opportunity to make strategic investments in education, job training, scientific research—all of which we know are critical to expanding the winners' circle in this innovation economy. In short, we lost an opportunity to make the surplus work for us. Instead, we have given it all away in a tax cut tilted to give the most help to those who need it least.

I support tax cuts, and have voted for tax cuts, but they should be cuts we can afford. Some of the tax reductions for which I have advocated were included in this bill as part of the manager's amendment. Specifically, this amendment makes the R&D tax credit permanent, an issue on which I have been working for many years, makes a start on college tuition deductibility, and accelerates the wage credits for Round II Enterprise Zones, a program I have supported from its inception. These provisions, however, do not make up for the fiscal irresponsibility and lack of vision this bill represents.

I cautioned earlier this year that ten years from now, we will be judged by the decisions we make today. People will ask, did we fully understand the awesome changes taking place in our economy and in our society? Did we create a plan to assure our ongoing prosperity? Did we direct our unprecedented surpluses into investments with the greatest returns? Did we give our workers the tools they needed to seize the opportunities an innovation economy offers? And, were we guided by the fiscal discipline and values that had brought us so far in the past decade? Much to my chagrin, I am no longer confident that these questions will be answered affirmatively.

Indeed, we have passed a bill that relies heavily on a surplus whose size six months down the road is unclear, to say nothing of its dimensions ten years from now. The inflated size of this tax cut may well force us to set discretionary spending at levels that don't keep pace with inflation. We may be forced to return to the fiscally-destructive practice of deficit spending by borrowing from the Social Security and Medicare trust funds. Additionally, this tax cut pays nothing but lip service to reducing the national debt, the very step that has proven to be so valuable to the health of our economy in recent years by keeping the cost of capital and interest rates low. In fact, this bill crowds our ability to devote a single dollar, aside from funds already committed to the Medicare and Social Security Trust Funds, toward debt reduction.

I am especially concerned that the idea of an immediate economic stimulus has been abandoned. During the debate on the budget resolution last month, we Democrats argued that the economy needed a jump-start and our colleagues on both sides of the aisle agreed to adopt a stimulus package. Our plan was fair. It was fast. And it was fiscally responsible. It was fair because it was directed at every American who paid any taxes—payroll or income. It was fast because it would go into effect immediately, with rebate checks being cut within weeks. And not least of all, it was fiscally responsible because it fit into a balanced budget that did not spend money we do not have. Unfortunately, the so-called stimulus included in the tax bill we just passed does none of those things.

This bill may prove to be nothing but a one trick pony, and, if so, it's a bad trick to play on the American people. No matter the well-intentioned claims of my colleagues, this bill promises something we cannot deliver. It abandons fiscal discipline, fails to invest the wealth our Nation has earned over the past eight years, and may send us back down the road to debt, higher interest rates, and higher unemployment. It is not what the American people deserve, nor is it what they expected it to be.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a heinous crime that occurred July 25, 2000 in Barron, Wisconsin, Raymond C. Welton, 33, was charged with a hate crime in the murder of Michael Hatch, a 22-year-old hearing-impaired, disabled man on October 20. Prosecutors contend that Hatch was robbed and beaten to death with a tire iron in part because his assailants thought he was gay. Three perpetrators allegedly lured Hatch from a bar because one of them had gone to school with him and thought he was gay. They allegedly shouted gay slurs during the beating.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADOPTION TAX CREDIT

Ms. LANDRIEU. Mr. President, I would like to take this opportunity to thank the Chairman from Iowa, and the Ranking Member from Montana for their distinguished leadership on the tax cut bill. Their support of the adoption tax credit amendment made the crucial difference in its being accepted as part of the manager's package. Both are true friends to children and families and should be commended for their willingness to ensure that this bill reflects the needs of adoptive parents. I would also like to thank Senators LINCOLN, LIEBERMAN, JOHNSON, MIKULSKI, BOXER, DASCHLE, DEWINE, HARKIN, SANTORUM, SHELBY, STEVENS, COCHRAN, DAYTON, DURBIN, HUTCHINSON, KOHL, SESSIONS, SMITH of New Hampshire, and FITZGERALD.

This is not the first time that I have come to this floor to urge my colleagues to support efforts to strengthen and extend the adoption tax credit. In fact, each and every time that this body considered the issue of tax relief, the senior Senator from Idaho and I have come before the Senate to argue that the adoption tax credit should be included. And while this is not the first time that this important measure has been successfully adopted as part of a tax bill, I am hopeful that it will be the last.

Because of our action here, 60,000 plus children will find their "forever families" in the year to come. Parents who have long dreamed about adopting will finally have the help necessary to make those dreams a reality. I could be wrong, but I would guess that few parts of the tax code can compare to the impact had by the adoption tax credit. Each time a child finds a loving home, we have not only saved children and strengthened a family, but we have also saved billions of taxpayer's dollars.

I believe that there is no such thing as an unwanted child, merely unfound families. This tax credit will help to find more families for more children. I would like to commend my colleagues for their support in passing this important amendment. With it, we will be yet another step closer to the day when no child goes to bed feeling alone, unloved or unwanted.

LYME DISEASE

Mr. SANTORUM. Mr. President, I rise to join my colleague, Senator CHRIS DODD of Connecticut, in lending support to the pressing cause of addressing the ruinous effects of America's most common tick-borne illness, Lyme disease.

I thank the senior Senator from Connecticut for his long involvement and leadership on this most important public health issue. With thousands of Americans contracting Lyme disease each year, it is critical that we work aggressively to wage a comprehensive fight against this devastating tick-borne illness, which costs our country dearly in the way of medical expenditures and human suffering. The current lack of physician knowledge about Lyme and the inadequacies of existing detection methods are particularly problematic, and only serve to compound this growing public health hazard.

Approximately one year ago, I joined with Senator DODD, and Representatives SMITH of New Jersey, PITTS and GOODE to request of the U.S. General Accounting Office a report on some of the current concerns surrounding public and private efforts dedicated to Lyme. We asked about the past and present funding trends within the NIH and CDC and to what projects these resources are being devoted, and we asked about possible conflicts of interest within government agencies related to decisions about the diagnosis, treatment and prevention of Lyme.

Although we have not yet received the official report of the GAO, we have received some preliminary findings that Senator DODD and I believed merited the development of new legislation that we are introducing today the Lyme and Infectious Disease Information and Fairness in testing "LIIFT" Act to build upon the solid foundation laid by the Lyme Disease Initiative of 1999.

The GAO's preliminary findings suggest that the CDC and NIH have lost sight of what ultimately matters to the people living with Lyme: Accurate diagnostic tools, access to effective treatment and ultimately a cure. Needless to say, the patient community is not well-served if these areas are not given proper priority at the CDC and NIH.

Between 1991 and 1999, the annual number of reported cases of Lyme disease increased by an astonishing 72 percent. Even as the dramatic increase took place, according to the GAO, funding for Lyme disease at the CDC has increased by only 7 percent over the past 10 years.

Whereas we applaud NIH for its work and we are pleased to see that Congress' efforts to double NIH funding have directly benefited Lyme research, poor coordination and the lack of proper funding at the CDC has left too many questions unanswered. Senator DODD and I share the frustration of the patient community; why hasn't all of this research translated into better treatment? We similarly believe that the CDC's lack of proper funding and attention to tick-borne disease has stalled progress in the development of more accurate diagnostic tests for Lyme disease.

The LIIFT Act will seek to remedy these issues by ensuring that the proper collaboration is taking place on the Federal level the proper collaboration between the Federal Government and the people it serves. Our bill will also address the funding imbalances for Lyme disease activities at the CDC that has inhibited the development of accurate detection methods and treatment for Lyme.

With this new legislation we are calling for the formation of a Department of Health and Human Services Advisory Committee that will bring Federal agencies, such as the CDC and the NIH, to the table with patient organizations, clinicians, and members of the scientific community. This Committee will report its recommendations to the Secretary of HHS. It will ensure that all scientific viewpoints are given consideration at NIH and the CDC and will give a voice to the patient community which has often been left out of the dialogue.

The LIIFT Act will also provide an additional $14 million over the next two years to the CDC to ensure that the Centers work with researchers around the country to develop better diagnostic tests and to increase its efforts to educate the public about Lyme disease. We also call upon the NIH to place an emphasis on funding the neurologic and vascular aspects of Lyme disease and to recruit a larger pool of researchers.

In addition, this legislation authorizes an additional $7 million to fund the extraordinary research and eradication efforts already underway at the U.S. Army Center for Health Promotion and Preventive Medicine located in the Aberdeen Proving Ground in Maryland.

I sincerely hope that our colleagues will join Senator DODD and me in this most worthy cause and cosponsor the LIIFT Act. Lyme disease patients and their families have waited too long for a responsive plan of action to address their suffering and needs.

The Tireless efforts of the Lyme patient and advocacy community have been instrumental in raising awareness and mobilizing support for this issue, and for this both Senator DODD and I thank them. I look forward to working with them, Senator DODD, and our colleagues to synthesize the best ideas from last session's Lyme Disease Initiative and the new LIIFT Act, and to enact into law strong legislation to help correct the mistakes of the past, and to give greater hope for the future by ensuring patients that the Federal Government is doing everything in its power to provide better treatments and ultimately, a cure.

WORLD WAR II MEMORIAL

Ms. LINCOLN. Mr. President, in anticipation of Memorial Day, I rise to honor the 1.1 million Americans who have given their lives for this country. Their lasting legacy is freedom, both here and abroad.

I hope this Memorial Day will be a special one for the World War II generation. Earlier this week, the Senate cleared the way for the construction of the World War II Memorial on the National Mall. The brave men and women of this generation will finally receive the national recognition they deserve.

I want to take time today to acknowledge the contributions of the nearly four million veterans of the Korean War. This issue is a personal one for me. My father is a veteran of the Korean War and I know his generation made tremendous sacrifices. During the course of the war, over 36,000 Americans lost their lives and over 90,000 were wounded.

My father served in Korea as an enlisted man. He left for the 38th Parallel shortly after graduating from high school. When he returned, he married my mother and went to college at the University of Arkansas where he joined the ROTC. Upon graduation, his ROTC unit was activated and Dad left for the Azores for a 12 month assignment.

Like many members of the military, my father didn't endure the sacrifice of service alone. My mother boarded a military flight to the Azores when my sister Mary was only 6 months old to join my father. The military didn't provide housing for married service members on the island and so my father had to make alternative arrangements before my mother and sister could join him. Once reunited, they lived as normal a life as possible in a trailer on an island in the Atlantic thousands of miles from home.

Seldom do we properly recognize the contribution and sacrifice spouses and other family members make when a loved one joins the Armed Forces. So while we honor our nation's veterans on Memorial Day, let us also salute the spouses and other family members who share the sacrifice and burdens of military service.

To commemorate this Memorial Day, I urge my colleagues and all Americans to watch the PBS documentary Korean War Stories. It will air in the evening on Sunday May 27th. This documentary has been sponsored by the Disabled American Veterans as a tribute to those who served during the Korean War.

Our Korean War veterans served this nation with honor, dignity, and dedication, and, in the end, they preserved freedom on the Korean peninsula.

I have the highest respect for the men and women who have served our nation in the Armed Forces, especially those who gave their lives to protect the freedoms we enjoy today. Their sacrifice on behalf of our country is commendable and I extend my sincere appreciation for the honorable service they have given.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 23, 2001, the Federal debt stood at $5,658,410,674,620.47, five trillion, six hundred fifty-eight billion, four hundred ten million, six hundred seventy-four thousand, six hundred twenty dollars and forty-seven cents.

One year ago, May 23, 2000, the Federal debt stood at $5,676,154,000,000, five trillion, six hundred seventy-six billion, one hundred fifty-four million.

Five years ago, May 23, 1996, the Federal debt stood at $5,120,584,000,000, five trillion, one hundred twenty billion, five hundred eighty-four million.

Ten years ago, May 23, 1991, the Federal debt stood at $3,463,998,000,000, three trillion, four hundred sixty-three billion, nine hundred ninety-eight million.

Fifteen years ago, May 23, 1986, the Federal debt stood at $2,030,039,000,000, two trillion, thirty billion, thirty-nine million, which reflects a debt increase of more than $3.5 trillion, $3,628,371,674,620.47, three trillion, six hundred twenty-eight billion, three hundred seventy-one million, six hundred seventy-four thousand, six hundred twenty dollars and forty-seven cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR HARRY A. AMESBURY, JR.

• Mr. CRAIG. Mr. President, today I pay tribute to Major Harry A. Amesbury, Jr. who after 29 years is finally being returned home to his family. On April 26, 1972, Harry was the commander of a C-130E aircraft on a night emergency resupply mission to the besieged city of An Loc, Republic of Vietnam. He knew there was a concentration of enemy anti-aircraft defenses because he made the flight the night before. His aircraft was struck by the intense enemy fire and shot down. He has been missing in action since that date, but not forgotten. An Idaho resident and career Air Force officer with over sixteen years of service to his country, he was survived by his parents Dr. and Mrs. Harry A. Amesbury, Sr., who are now deceased, his wife Mary Amesbury Predoehl, and four sons: Harry Kurt Amesbury, David John Amesbury, Robert Stephen Amesbury, and Alan Keith Amesbury. He is also survived by David's wife Marjan, their son Brendan, and the twins Cameron and Shannon, as well as, Stephen's wife Mary and their sons Ryan and Connor. I know I speak for all my colleagues in the Senate in expressing my profound sorrow to the Amesbury family for their loss.

In a letter to his parents on 15 April 1972, just eleven days before his death, Harry wrote: "I want you to know that if something should happen to me, that I am doing what needs to be done and I am doing what I think is right". He was a thorough professional who believed in his country and his duties as an Air Force Officer. He knew that his fellow service members needed his help, so he didn't hesitate when called on to make that final flight.

Harry received the Silver Star for his valor in attempting the mission to An Loc. He also received the Distinguished Flying Cross for a mission the previous day, when his aircraft was heavily damaged by enemy anti-aircraft fire. These final acts of courage, following days and years of courageous acts, demonstrate the commitment that Major Harry Amesbury had for military service, his dedication to our country, and the importance he placed on performing his duty. Unfortunately, this tragedy reminds us once again of the painful costs of answering the call of service to our country, and the sacrifices our military members make for others who need help. We will never know how many lives in An Loc were saved because of the valor of Major Harry Amesbury, but as we pay homage to his memory, let us rededicate ourselves in the days and months ahead to the ideals of our great nation, and keep faith with all brave Americans who choose to wear the uniform and ensure that their sacrifices were not made in vain.

I hope it is of some comfort to the family that Major Harry Amesbury, Jr. is finally returning home to Idaho. It was always his plan to return to the State after completing his Air Force career, and even bought land overlooking the Snake River, near Marsing, where he planned to build his retirement home.

On Memorial Day at Mountain Home AFB, there will be an official ceremony which will include the rendering of military honors and one final opportunity to express appreciation for his service and his sacrifice. His family will then travel into the mountains, to a place that he loved to go with his children, and say goodbye in their own way.

I am very proud to recognize Major Harry A. Amesbury, Jr. and tell him and his family, Thank You.•

TRIBUTE TO JANE ELLEN STRITZINGER

• Mr. SHELBY. Mr. President, today I pay tribute to one of this country's great educators as she retires after over 30 years of teaching English in my home state of Alabama. This week marks the end of an outstanding career for Jane Ellen Stritzinger as she retires from Demopolis High School. Mrs. Stritzinger has taught thousands of students to write well and motivated many to pursue higher education. I join her family, friends, fellow teachers and the students she has guided in congratulating and wishing her well in retirement. Her devoted service to the young people of Alabama has made both the state and the nation better places. Her leadership and teaching will be sorely missed.

Mrs. Stritzinger's awards, activities and leadership positions are far too numerous to list exhaustively, yet a few bear special mention. She was selected as the Alabama State Teacher of the Year, District V winner for 1999–2000. Mrs. Stritzinger has also received the University of West Alabama College of Liberal Arts Alumni Achievement Award, the Tombigbee Girl Scout Council Outstanding Educator Award and the Alabama Council of Teachers of English Distinguished Service Award. She has also been recognized three times by the National Endowment for the Humanities with Awards allowing her to attend special seminars. In addition to her support of educational efforts, Mrs. Stritzinger has played active roles in numerous community organizations including historical, alumni and religious organizations.

Mrs. Stritzinger spent most of her career teaching English and literature to twelfth grade students at Demopolis High School where she has been responsible for the Advanced Placement, Honors and College-bound English classes. In addition, she has served as the Chairperson of the English Department at Demopolis High School for twenty years and of both the English Curriculum Development and the English Textbook Committees. Early in her career, she taught English at Uniontown High School and remedial reading at Westside School and served as Assistant Director of the Alabama Consortium for the Development of Higher Education. She has helped mold the minds of students as they prepared for college and for life. Her focus on encouraging and recognizing academic excellence extended beyond her classroom to the numerous activities and organizations she helped coordinate including founding the local chapter of the National Honor Society.

Mrs. Stritzinger holds a strong belief in encouraging students to improve their reading abilities and develop strong writing skills. She championed using the Accelerated Reader Program and applied for her school to become an Alabama Reading Initiative Demonstration site. She devoted countless hours over the years to the Alabama Penman Creative Writing Contest, the Gulf Coast Writing Conference, the Program to Recognize Excellence in High School Literary Magazines, a tutorial program for high school students and the Beta Club. Mrs. Stritzinger participated in a program on writing instruction filmed by the State Department of Education for Alabama Public Television.

Strong schools foster strong students and Mrs. Stritzinger worked diligently to improve the quality of our Alabama schools. She was selected as Chairperson of the Ten Year Study for Demopolis High School for Southern Association accreditation and as Teachers' Representative to the Demopolis Educational Foundation. She served as chairperson of the Grants Committee for the Educational Foundation and coordinated a system-wide meeting for reading and language teachers on improving test scores. Mrs. Stritzinger represented Demopolis High School on the Mid-South Humanities Project, the University of Alabama Bio-Prep Workshops and a School Improvement Workshop. She also served on an Alabama State Department of Education Evaluation Team to accredit Judson College. Central to her effort to improve our schools was her twenty years as a Cooperating Teacher providing guidance to student teachers seeking classroom experience. She also played an active role in encouraging the use of technology in the classroom including through the use of the Internet.

Mrs. Stritzinger earned both Masters and Bachelors degrees in English and maintains affiliations with numerous education associations. She has been married to Pete Stritzinger for 36 years and while pursuing this busy career raised two daughters—Ann and Gloria. Mrs. Stritzinger's commitment to Demopolis Schools continues a tradition begun by her mother Lucille Lewis who was also a long serving public school teacher.

No one can begin to quantify the amazing impact that a teacher of Mrs. Stritzinger's ability has had on her students and on her community. The success stories are myriad and many of Mrs. Stritzinger's students have risen to become pillars of their communities. Often her students have been inspired by Mrs. Stritzinger's teaching to pursue careers as teachers or careers which depend upon the critical thinking and strong writing skills fostered by her classes.

As you can tell from my description of her career, Mrs. Stritzinger's involvement in the Demopolis City School System will be hard to replace. Although I am sure she will stay involved with the schools and the community after retirement, she has begun a legacy of success that is sure to be continued. I am confident that her former students and fellow teachers will continue to rise to the challenges that Mrs. Stritzinger posed to them.

Congratulations again Mrs. Stritzinger on such an outstanding career.●

TRIBUTE TO REVEREND MARK HURLEY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Reverend Mark J. Hurley, the former bishop of the Catholic Diocese of Santa Rosa, California. Bishop Hurley passed away on Monday, February 5, 2001, after undergoing surgery for an aneurysm. Mark Hurley was one of two priests born to a proud Irish Catholic family. His brother, Francis Hurley, is the Archbishop of Anchorage, Alaska.

I had the great fortune to make the acquaintance of Mark Hurley several years ago while traveling in California. He was a deeply religious man, as you would expect, and a very learned individual and the author of several books. He lectured about the tragedy of abortion and wrote extensively about medical and genetic research and individual privacy. But he will be remembered most of all for his extraordinary work as the bishop of the six-county North Coast diocese from 1969–1986.

Pope Paul VI appointed Mark Hurley second bishop of the Santa Rosa diocese in 1969. Prior to his appointment, he was a teacher and administrator for Catholic high schools in San Francisco, Marin and Oakland and served as vicar general of the Archdiocese of San Francisco. He would become Santa Rosa's longest-serving bishop since the diocese was created. Most importantly, Bishop Hurley was credited with saving the diocese from financial ruin. When he took office the diocese was over $12 million in debt, including $7 million owed to parishes and other organizations within the diocese. By imposing strict spending limits, a building moratorium and other cutbacks he was able to orchestrate the financial recovery that was so desperately needed.

After his tenure, Pope John Paul II rewarded Reverend Hurley's efforts by transferring him to the Vatican where he was consular to the Sacred Congregation for Catholic Education and a member of the Secretariat for Non-Believers. He returned to the United States and retired in San Francisco, the same city in which he was born on December 13, 1919.

He was acknowledged by many as an intellectual and a world leader on religious matters, but it was his successful tenure as bishop of Santa Rosa for which he will be remembered most. Santa Rosa's current bishop, Daniel Walsh, said of Mark Hurley, "I believe his most esteemed role and responsibility was that of Bishop of Santa Rosa. He labored here from November 1969 to April 1986. He made a great impact on the diocese and we are all beneficiaries of his ministry here."

With the death of bishop Hurley the Lord has lost a dutiful servant, the Catholic faith has lost a pillar of virtue and our nation has lost a loving soul that quietly touched and improved the lives of many. I know I speak for all my colleagues in extending our condolences to his brother, Bishop Francis Hurley, his sister Phyllis Porter of San Francisco and to the rest of his family and friends. May he rest in peace.●

MARY HARMON WEEKS ELEMENTARY SCHOOL

● Mr. BOND. Mr. President, I rise to make a few comments to congratulate the Mary Harmon Weeks Elementary School in Kansas City, Missouri, on receiving 3rd place in the 18th "Annual Set a Good Example School Competition."

The "Set a Good Example Campaign" is popular with students and teachers alike because it motivates, recognizes and awards student-designed and run projects. It has proven to be a very successful and inspirational method for pulling together business people, educators, youth counselors, parents and students behind the effort to eradicate illegal drugs, crime and violence from our nation's schools.

The students at Mary Harmon Weeks Elementary School successfully put to work 21 precepts from a common sense moral code booklet titled The Way to Happiness including, “Try to treat others as you would want them to treat you.”

I would like to applaud the students of Mary Harmon Weeks Elementary School and their teacher Gilbert Lowe for the outstanding accomplishment. Sometimes it is very hard for young people to stand out from the crowd and not give in to peer pressure. The choices the students at Mary Harmon Weeks Elementary School have made to stay away from drugs and to promote a safe school environment is a mature and responsible decision. It will not only benefit them as individuals but will bring numerous benefits to the school and community as well.•

RECOGNITION OF MR. KENNETH HOOD

• Mr. COCHRAN. Mr. President, today Mr. Kenneth Hood of Gunnison, MS, will conclude his term as President of Delta Council.

Delta Council is an economic development organization representing eighteen counties of Northwest Mississippi. Organized in 1935, Delta Council brings together the agricultural, business, and professional leadership of the area to solve common problems and promote the economic development of the Mississippi Delta region.

As President of Delta Council, Mr. Hood has been an articulate spokesman and leader in the effort to define an effective agriculture policy, and to confront the needs for better schools, water resources, and transportation.

Kenneth Hood has been committed to Mississippi agriculture since he first began farming in 1960. He is president of Hood Gin Company and Chief Executive Officer of Perthshire Farms, a family farm operation. He is also president of Hood Equipment Company, an agricultural and construction equipment dealer located in Batesville and Bruce, MS.

Mr. Hood has served also as the President of the Mississippi and National Association of Farmer Elected Committeemen, a member of the Board of Directors of Stapicotn, a founding director of Delta Wildlife, a past chairman of the National and Southern Cotton Ginners Association, and Chairman of the Mississippi Boll Weevil Management Corporation. He has recently been chosen as the new Chairman of the National Cotton Council. I am confident that Mr. Hood will be an important source of information and advice for Congress as we draft a new farm bill.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCIES WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) AND KOSOVO—MESSAGE FROM THE PRESIDENT—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Yugoslavia (Serbia and Montenegro) emergency declared in Executive Order 12808 on May 10, 1992, and with respect to the Kosovo emergency declared in Executive Order 13088 on June 9, 1998.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 24, 2001*.

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERVIA AND MONTENEGRO) THE BOSNIAN SERBS, AND KOSOVO—MESSAGE FROM THE PRESIDENT—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) (the “FRY (S&M)”) in 1992 and with respect to Kosovo in 1998, are to continue beyond May 30, 2001, and June 9, 2001, respectively. The most recent notice continuing these emergencies was published in the *Federal Register* on May 26, 2000.

With respect to the 1992 national emergency, on December 27, 1995, President Clinton issued Presidential Determination 96–7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the FRY (S&M) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the “Resolution”), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the “Peace Agreement”).

Sanctions against both the FRY (S&M) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that those blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that the 1992 emergency, and the measures adopted pursuant thereto, must continue beyond May 30, 2001.

With respect to the 1998 national emergency regarding Kosovo, on January 17, 2001, President Clinton issued Executive Order 13192 in view of the peaceful democratic transition begun in the FRY (S&M); the continuing need to promote full implementation of United Nations Security Council Resolution 827 of May 25, 1993, and subsequent resolutions calling for all states to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY); the illegitimate control over FRY (S&M) political institutions and economic resources or enterprises exercised by former President Slobodan Milosevic, his close associates and other persons, and those individuals' capacity to repress democracy or perpetrate or promote further human rights abuses; and the continuing threat to regional stability and implementation of the Peace

Agreement. The order lifts and modifies, with respect to future transactions, most of the economic sanctions imposed against the FRY (S&M) in 1998 and 1999 with regard to the situation in Kosovo. At the same time, the order imposes restrictions on transactions with certain persons described in section 1(a) of the order, namely Slobodan Milosevic, his close associates and supporters and persons under open indictment for war crimes by ICTY. The order also provides for the continued blocking of property or interests in property blocked prior to the order's effective date due to the need to address claims or encumbrances involving such property.

Because the crisis with respect to the situation in Kosovo and with respect to Slobodan Milosevic, his close associates and supporters and persons under open indictment for war crimes by ICTY has not been resolved, and because the status of all previously blocked property has yet to be resolved, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that the emergency declared with respect to Kosovo, and the measures adopted pursuant thereto, must continue beyond June 9, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 24, 2001*.

MESSAGE FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 80. Concurrent resolution congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding.

H. Con. Res. 139. Welcoming His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States and commemorating the 1700th anniversary of the acceptance of Christianity in Armenia.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, and agrees to the conference asked by the Senate on the disagreeing votes of the two houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. THOMAS, Mr. ARMEY, and Mr. RANGEL.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1727. An act to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 80. Concurrent resolution congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1987. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the report of a document entitled "Wisconsin Clarification of Codification of Approved State Hazardous Waste Program for Wisconsin" (FRL6983–2) received on May 21, 2001; to the Committee on Environment and Public Works.

EC–1988. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the report of a document entitled "Best Management Practices for Lead at Outdoor Shooting Ranges, Region 2" received on May 21, 2001; to the Committee on Environment and Public Works.

EC–1989. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extraterritorial Exclusion Elections" (Rev. Proc. 2001-37) received on May 21, 2001; to the Committee on Finance.

EC–1990. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Assets Transfers to Regulated Investment Companies and Real Estate Investment Trusts" (RIN1545–AW92) received on May 21, 2001; to the Committee on Finance.

EC–1991. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law , the report of a rule entitled "Credit by Brokers and Deals; List of Foreign Margin Stocks" received on May 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1992. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law , the Annual Report relative to the Preservation of Minority Savings Institutions for 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–1993. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Changes in Reporting Levels for Large Trader Reports" (RIN3038–ZA10) received on May 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1994. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Foreign Futures and Option Transactions" received on May 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1995. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers; Amendments to the Capital Charge on Unsecured Receivables Due From Foreign Brokers" (RIN3038–AB54) received on May 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1996. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Eligibility and Scope of Financing" (RIN3052–AB90) received on May 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1997. A communication from the Assistant Secretary for Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Small Refiner Administrative Fee" (RIN1010–AC70) received on May 21, 2001; to the Committee on Energy and Natural Resources.

EC–1998. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Abandoned Mine Land (AML) Fee Collection and Coal Production Reporting on the OSM–1 Form" (RIN1029–AB95) received on May 22, 2001; to the Committee on Energy and Natural Resources.

EC–1999. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of nomination confirmed for the position of Deputy Attorney General; to the Committee on the Judiciary.

EC–2000. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Office of Legislative Affairs; to the Committee on the Judiciary.

EC–2001. A communication from the Chief Financial Officer of the Paralyzed Veterans of America, transmitting, pursuant to law, a report relative to consolidated financial statements for 1999 and 2000; to the Committee on the Judiciary.

EC–2002. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, General Service Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 97–25" received on May 18, 2001; to the Committee on Governmental Affairs.

EC–2003. A communication from the Director of Selective Service, transmitting, pursuant to law, the System's Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–2004. A communication from the Chair of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, a report relative to the District of Columbia Supplemental Budget Request; to the Committee on Governmental Affairs.

EC–2005. A communication from the Managing Director, Financial Management and

Assurance, General Accounting Office, transmitting, the Congressional Award Foundation's Financial Statements for Fiscal Year 1999 and 2000; to the Committee on Governmental Affairs.

EC–2006. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2007. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Lake Ponchartrain, LA" ((RIN2115–AE47)(2001–0030)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2008. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Charleston Harbor, South Carolina" ((RIN2115–AE46)(2001–0009)) received on May 21, 2001 ; to the Committee on Commerce, Science, and Transportation.

EC–2009. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulation; SLR; Harvard-Yale Regatta, Thames River, New London, CT" ((RIN2115–AE46)(2001–0008)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2010. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Shaw Cove, CT" ((RIN2115–AE47)(2001–0028)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2011. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Tauton River, MA" ((RIN2115–AE47)(2001–0029)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2012. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulation: Tampa Bay, Florida" ((RIN2115–AA97)(2001–0010)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2013. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; San Diego Crew Classic" ((RIN2115–AE46)(2001–0007)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2014. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Kennebec River, ME" ((RIN2115–AE47)(2001–0031)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2015. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (76)" ((RIN2120–AA65)(2001–0028)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2016. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Enrute Domestic Airspace Area, El Centro, CA" ((RIN2120–AA66)(2001–0085)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2017. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Sugar Land, TX" ((RIN2120–AA66)(2001–0086)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2018. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Farmington, NM" ((RIN2120–AA66)(2001–0087)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2019. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standards Instrument Approach Procedures; Miscellaneous Amendments (66)" ((RIN2120–AA65)(2001–0029)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2020. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (47)" ((RIN2120–AA65)(2001–0030)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2021. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (33)" ((RIN2120–AA65)(2001–0031)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2022. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (45)" ((RIN2120–AA65)(2001–0032)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2023. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Cabool, MO" ((RIN2120–AA66)(2001–0090)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2024. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Lathe, KS" ((RIN2120–AA66)(2001–0089)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2025. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Bethel, AK" ((RIN2120–AA66)(2001–0088)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2026. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A310–324, –325, and A300 B4–622R Series Airplanes Equipped with P and W PW 4000 Series Engines" ((RIN2120–AA64)(2001–0212)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2027. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Chillicothe, MO" ((RIN2120–AA66)(2001–0092)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2028. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron, INC Model 412 Helicopters and Agusta SpA Model AB412 Helicopters" ((RIN2120–AA64)(2001–0214)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2029. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Models 206H and T206H Airplanes" ((RIN2120–AA64)(2001–0213)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2030. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737 Series Airplanes" ((RIN2120–AA64)(2001–0215)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2031. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 7 100, 101, 102 and 103 Series Airplanes" ((RIN2120–AA64)(2001–0218)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2032. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330–243, –341, –342, and –343 Series Airplanes Equipped with Rolls Royce Trent 700 Series Engines" ((RIN2120–AA64)(2001–0216)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2033. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-200 and 300 Series Airplanes Equipped with Main Deck Cargo Door Installed in Accordance with Supplement Type Certificate SA2969SO" ((RIN2120-AA64)(2001-0219)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2034. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca SA Arrius Models 2B, 2B1, and 2F Turboshaft Engines" ((RIN2120-AA64)(2001-0220)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2035. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerostar Aircraft Corp Models PA 60 600, PA 60 601, PA 60 601P, PA 60 602P, and PA 60 700P Airplanes" ((RIN2120-AA64)(2001-0222)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2036. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileria de Aeronautica SA Model EMB 135 and EMB 145 Series Airplanes" ((RIN2120-AA64)(2001-0217)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2037. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance for Research and Development Projects in Chesapeake Bay to Strengthen, Develop and/or Improve the Stock Conditions of the Chesapeake Bay Fisheries" (RIN0648-ZB05) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2038. A communication from the Acting Chief of the Marine Mammal Conservation Division, National Marine Fisheries Service, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Area and Gear Restrictions" (RIN0648-AP27) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2039. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for North Carolina" received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2040. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2001 Management Measures" (RIN0648-AO49) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2041. A communication from the Acting Division Chief of the Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Shock Testing the USS WINSTON S. CHURCHILL by Detonation of Conventional Explosives in the Offshore Waters of the U.S. Atlantic Coast." (RIN0648-AN59) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2042. A communication from the Acting Chief of the Marine Mammal Conservation Division, National Marine Fisheries Service, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (RIN0648-AN88) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2043. A communication from the Acting Chief of the Marine Mammal Conservation Division, National Marine Fisheries Service, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations; Remove and Reserve Gear Marking Requirements for Northeast U.S. Fisheries" (RIN0648-AN40) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2044. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closure for Hook-and-Line Gear Groundfish Fishing, Gulf of Alaska (except for sablefish or demersal shelf rockfish in the Southeast Outside District)" received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2045. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Monroe City, MO" ((RIN2120-AA66)(2001-0091)) received on May 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2046. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated May 1, 2001; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; the Budget; and Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-72. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to appropriated funds for children with disabilities; to the Committee on Appropriations.

SENATE RESOLUTION NO. 47

Whereas, under Title 20, section 1411(a) of the United States Code, the maximum amount of federal funds that a state may receive for special education and related services is the number of children with disabilities in the State who are receiving special education and related services multiplied by forty percent of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, since the enactment of the Education for All Handicapped Children Act of 1975 and its subsequent amendments, including the Individuals with Disabilities Education Act of 1990, Congress has appropriated funds for a maximum of ten per cent of special education and related services for children with disabilities when federal law authorizes the appropriation of up to forty per cent; and

Whereas, the Hawaii Department of Education received approximately $23,500,000 in federal funds during fiscal year 1999-2000 for what was then referred to as "education of the handicapped". If this figure represented an appropriation of funds for ten per cent of special education and related services for children with disabilities, then an appropriation of forty per cent would have equaled $94,000,000; and

Whereas, the difference between an appropriation of forty per cent and an appropriation of ten per cent for "education of the handicapped" would amount to $70,500,000 just for the Department of Education. If the number of students receiving special education and related services equaled 22,000 during the fiscal year 1999-2000, then the difference would have amounted to approximately $3,200 per student; and

Whereas, the State of Hawaii, through the Felix consent decree, is being compelled by the federal district court to make up for more than twenty years of insufficient funding for special education and related services-funding that should have been borne substantially by Congress, which enacted the Education for All Handicapped Children Act of 1975 and the Individuals with Disabilities Education Act of 1990; and

Whereas, if Congress is going to mandate new programs or increase the level of service under existing programs for children with disabilities, and if it is going to give the federal courts unfettered power to enforce these mandates through the imposition of fines and the appointment of masters, then Congress should provide sufficient funding for special education and related services; now, therefore, be it

Resolved by the Senate of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2001, That the United States Congress is requested to appropriate funds for forty per cent of special education and related services for children with disabilities; and be it further

Resolved, That certified copies of this Resolution be transmitted to the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate, the Vice-President of the United States, and the members of Hawaii's congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 88: A resolution expressing the sense of the Senate on the importance of membership of the United States on the United Nations Human Rights Commission.

S. Con. Res. 35: A concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

S. Con. Res. 42: A concurrent resolution condemning the Taleban for their discriminatory policies and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. REED for the Committee on Armed Services.

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Fred F. Castle Jr., 7019

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James Sanders, 8595
Brig. Gen. David E. Tanzi, 1976

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Kevin P. Chilton, 6603
Brig. Gen. John D. W. Corley, 9553
Brig. Gen. Tommy F. Crawford, 8769
Brig. Gen. Charles E. Croom Jr., 6468
Brig. Gen. David A. Deptula, 6792
Brig. Gen. Gary R. Dylewski, 7306
Brig. Gen. Michael A. Hamel, 2699
Brig. Gen. James A. Hawkins, 6268
Brig. Gen. Gary W. Heckman, 6559
Brig. Gen. Jeffrey B. Kohler, 6994
Brig. Gen. Edward L. LaFountaine, 5918
Brig. Gen. Dennis R. Larsen, 3094
Brig. Gen. Daniel P. Leaf, 9223
Brig. Gen. Maurice L. McFann Jr., 9309
Brig. Gen. Richard A. Mentemeyer, 6097
Brig. Gen. Paul D. Nielsen, 2184
Brig. Gen. Thomas A. O'Riordan, 0904
Brig. Gen. Quentin L. Peterson, 7151
Brig. Gen. Lorraine K. Potter, 9945
Brig. Gen. James G. Roudebush, 9187
Brig. Gen. Mary L. Saunders, 9530
Brig. Gen. Joseph B. Sovey, 2815
Brig. Gen. John M. Speigel, 5018
Brig. Gen. Craig P. Weston, 3970
Brig. Gen. Donald J. Wetekam, 0322
Brig. Gen. Gary A. Winterberger, 7009

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Michael A. Hamel, 2699

The following named United States Air Force Reserve officer for appointment as Chief of Air Force Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 8038 and 601:

To be lieutenant general

Maj. Gen. James E. Sherrard III, 6641

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Gregory B. Gardner, 6945
Brig. Gen. Robert I. Gruber, 3888
Brig. Gen. Craig R. McKinley, 8368
Brig. Gen. James M. Skiff, 1243

To be brigadier general

Col. Richard W. Ash, 2052
Col. Thomas L. Bene Jr., 7944
Col. Philip R. Bunch, 1228
Col. Charles W. Collier Jr., 5754
Col. Ralph L. Dewsnup, 6575
Col. Carol Ann Fausone, 9044
Col. Scott A. Hammond, 1613
Col. David K. Harris, 6248
Col. Donald A. Haught, 0924
Col. Kencil J. Heaton, 6998
Col. Terry P. Heggemeier, 5899
Col. Randall E. Horn, 6293
Col. Thomas J. Lien, 7847
Col. Dennis G. Lucas, 9054
Col. Joseph E. Lucas, 2263
Col. Frank Pontelandolfo Jr., 9346
Col. Ronald E. Shoopman, 9650
Col. Benton M. Smith, 0099
Col. Homer A. Smith, 2189
Col. Annette L. Sobel, 0183
Col. Robert H. St. Clair III, 1938
Col. Michael H. Weaver, 0191
Col. Lawrence H. Woodbury, 2693

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles W. Fox Jr., 1622

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Roy E. Beauchamp, 7025

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David C. Harris, 8198

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Lawrence J. Johnson, 8824

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James L. Pruitt, 4524

To be brigadier general

Col. Timothy C. Barrick, 5041
Col. Claude A. Williams, 0702

The following named Army National Guard of the United States officer for appointment as Director, Army National Guard and for appointment to the grade indicated under title 10, U.S.C., sections 10506 and 601:

To be lieutenant general

Maj. Gen. Roger C. Schultz, 5293

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Johnny M. Riggs, 1680

The following named United States Army Reserve officer for appointment as Chief, Army Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 3038 and 601:

To be lieutenant general

Maj. Gen. Thomas J. Plewes, 3930

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John C. Atkinson 8232
Brig. Gen. Danny B. Callahan, 7162
Brig. Gen. Robert C. Hughes, Jr., 4532
Brig. Gen. James H. Lipscomb III, 5514
Brig. Gen. Charles L. Rosenfeld, 2361
Brig. Gen. Ronald S. Stokes, 9217

To be brigadier general

Col. Roger L. Allen, 3971
Col. Edward H. Ballard, 0250
Col. Bruce R. Bodin, 7436
Col. Gary D. Brays, 8305
Col. Willard C. Broadwater, 4722
Col. Jan M. Camplin, 8992
Col. Julia J. Cleckley, 0470
Col. Stephen D. Collins, 7407
Col. Bruce E. Davis, 3294
Col. John L. Enright, 2878
Col. Joseph M. Gately, 2253
Col. John S. Gong, 7107
Col. David E. Greer, 6131
Col. John S. Harrel, 1252
Col. Keith D. Jones, 6195
Col. Timothy M. Kennedy, 9442
Col. Martin J. Lucenti, 5655
Col. Buford S. Mabry Jr., 2958
Col. John R. Mullin, 8819
Col. Edward C. O'Neill, 1135
Col. Nicholas Ostapenko, 8512
Col. Michael B. Pace, 3358
Col. Marvin W. Pierson, 3373
Col. David W. Raes, 0084
Col. Thomas E. Stewart, 1399
Col. John L. Trost, 1542
Col. Stephen F. Villacorta, 8901
Col. Alan J. Walker, 5017
Col. Jimmy G. Welch, 0674
Col. George W. Wilson, 5766
Col. Jessica L. Wright, 7216
Col. Arthur H. Wyman, 0312
Col. Mark E. Zirkelbach, 5128

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Gary A. Quick, 3573

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William J. Lennox Jr., 1093

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Alfred G. Harms Jr., 7295

The following named Naval Reserve officer for appointment as Chief of Naval Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 5143 and 601:

To be vice admiral

Rear Adm. John B. Totushek, 7850

The following named Naval officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert Magnus, 6252

The following named United States Marine Corps Reserve officer for appointment as Commander, Marine Forces Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 5144 and 601:

To be lieutenant general

Maj. Gen. Dennis M. McCarthy, 8685

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William L. Nyland, 8595

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Wallace C. Gregson Jr., 5925

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. REED. Mr. President, for the Committee on Armed Services, I report favorably the following nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Roy V. Bousquet, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on May 2, 2001.

Air Force nominations beginning JEFFREY E. FRY and ending GEORGE A. MAYLEBEN, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 16, 2001.

Army nominations beginning LARRY J. CIANCIO and ending FREDRIC D. SHEPPARD, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Army nominations beginning CARLTON JACKSON and ending RICHARD D. MILLER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Army nominations beginning CHARLES R. BARNES and ending JOSEPH WELLS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 8, 2001.

Army nominations beginning JOHN R. MATHEWS and ending KARL C. THOMPSON, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 16, 2001.

Navy nomination of Dale J. Danko, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Navy nomination of Delbert G. Yordy, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Navy nomination of Alexander L. Krongard, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 2001.

Navy nominations beginning ROBERT M. ABUBO and ending ERIC D. WILLIAMS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 26, 2001.

Marine Corps nominations beginning RONALD H. ANDERSON and ending JOHN H. WILLIAMS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 9, 2001.

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

Donna R. McLean, of the District of Columbia, to be an Assistant Secretary of Transportation.

Sean B. O'Hollaren, of Oregon, to be an Assistant Secretary of Transportation.

Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Timothy J. Muris, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 1994.

Bruce P. Mehlman, of Maryland, to be Assistant Secretary of Commerce for Technology Policy.

Kevin J. Martin, of North Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2001.

Kathleen B. Cooper, of Texas, to be Under Secretary of Commerce for Economic Affairs.

Kathleen Q. Abernathy, of Maryland, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1999.

Michael Joseph Copps, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2000.

Michael K. Powell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2002.

By Mr. GRASSLEY for the Committee on Finance.

Piyush Jindal, of Louisiana, to be an Assistant Secretary of Health and Human Services.

Claude A. Allen, of Virginia, to be Deputy Secretary of Health and Human Services.

James Gurule, of Michigan, to be Under Secretary of the Treasury for Enforcement.

Thomas Scully, of Virginia, to be Administrator of the Health Care Financing Administration.

Peter R. Fisher, of New Jersey, to be an Under Secretary of the Treasury.

By Mr. HELMS for the Committee on Foreign Relations.

Thelma J. Askey, of Tennessee, to be Director of the Trade and Development Agency.

A. Elizabeth Jones, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (European Affairs).

Walter H. Kansteiner, of Virginia, to be an Assistant Secretary of State (African Affairs).

Peter S. Watson, of California, to be President of the Overseas Private Investment Corporation.

Lorne W. Craner, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Near Eastern Affairs).

Ruth A. Davis, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Carl W. Ford, Jr., of Arkansas, to be an Assistant Secretary of State (Intelligence and Research).

Christina B. Rocca, of Virginia, to be Assistant Secretary of State for South Asian Affairs.

Stephen Brauer, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.) Nominee: Stephen F. Brauer.

Contributions, amount, date, and donee:

Date, amount, recipient:

1/31/2001, $2,000, Roy Blunt
9/2/2000, $1,000, Akin, W. Todd
8/22/2000, $5,000, Republican Natl Comm, Fed Acct
7/28/2000, $1,000, Rick Lazio
6/27/2000, $1,000, Shimkus, John M.
6/20/2000, $1,000, Graves, Sam
6/7/2000, $1,000, Federer, William J.
3/28/2000, $1,000, NcNary, Gene
3/22/2000, $1,000, Giuliani, Rudolph
12/13/99, $1,000, Blunt, Roy
12/9/99, $1,000, Abraham, Spencer
11/15/99, $1,000, Emerson, JoAnn
11/4/99, $250, Federer, William J
6/8/99, $5,000, HECO PAC
4/7/99, $1,000, John Ashcroft
3/17/99, $380, Ehlmann, Steven E.
3/17/99, $1,000, Bush, George W.
10/23/98, $500, Inglis, Bob
10/19/98, $250, Federer, William J.
10/14/98, $1,000, Talent, James M.
9/22/98, $1,000, Emerson, JoAnn
6/17/98, $500, Fitzgerald (IL Sen)
4/29/98, $5,000, HECO PAC
4/7/98, $2,000, Kit Bond
12/30/97, $1,000, Specter, Arlen
12/23/97, $5,000, The Leadership Alliance
12/1/97, $1,000, Talent, James M.
9/30/97, $500, Voinovich, George V.
5/11/97, $5,000, Spirit of America PAC

Note: Between 1997 and 2000 Mr. Brauer has made contributions to the following organizations which are non federal contributions: RNC/Republican National State Elections Committee; 1999 State Victory Fund Committee, Ashcroft Victory Committee, non federal; NRSC/non federal; Missouri Republican State Committee; Republican National Committee; Spirit of America PAC.

Camilla T. Brauer (Wife)

Date, amount, recipient:

8/22/00, $1,000, Rick Lazio
8/10/00, $10,000, MO Republican Party Fed Acct
8/10/00, $5,000, RNC Federal Acct.
8/10/00, $1,000, Lazio 2000
3/28/00, $1,000, McNary, Gene
3/23/00, $1,000, Giuliani, Rudolph
11/15/99, $1,000, Emerson, JoAnn
4/7/99, $1,000, John Ashcroft
3/17/99, $1,000, Bush, George W.
12/21/98, $2,000, Ashcroft, John
10/14/98, $1,000, Talent, James
4/7/98, $2,000, Kit Bond
12/1/97, $1,000, Talent, James
5/12/97, $5,000, Spirit of America PAC
2/6/97, $1,000, Bond, Christopher

A.J. Brauer, III (Brother)

Date, amount, recipient:

11/01/00, $1,000, Aschroft, John
9/28/98, $250, Bond, Christopher
3/31/98, $1,000, McCain, John

Blackford F. Brauer (Son)

Date, amount, recipient:

6/16/99, $1,000, Bush, George W.

Stephen F. Brauer, Jr. (Son)

Date, amount, recipient:
6/16/99, $1,000, Bush, George W.

Rebecca R. Brauer (Daughter)

Date, amount, recipient:
6/16/99, $1,000, Bush, George W.

A. Bryan MacMillan (Stepfather)

Date, amount, recipient:
4/23/98, $1,000, Kit Bond

Mrs. Lee Hunter (Mother)

Date, amount, recipient:
5/11/00, $2,000, George Bush
9/22/99, $1,000, Gene McNary
6/25/99, $1,000, Gene McNary
6/23/99, $1,000, John Ashcroft

Paul Vincent Kelly, of Virginia, to be an Assistant Secretary of State (Legislative Affairs).

Donald Burnham Ensenat, of Louisiana, to be Chief of Protocol, and to have the rank of ambassador during his tenure of service.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably the following nomination lists which were printed in the Records of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning Laron L. Jensen and ending Karen L. Zens, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2001.

Foreign Service nominations beginning Ralph K. Bean and ending Richard Oliver Lankford, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2001.

By Mr. SPECTER for the Committee on Veterans' Affairs.

Maureen Patricia Cragin, of Maine, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

Leo S. Mackay, Jr., of Texas, to be Deputy Secretary of Veterans Affairs.

Robin L. Higgins, of Florida, to be Under Secretary of Veterans Affairs for Memorial Affairs.

Jacob Lozada, of Puerto Rico, to be an Assistant Secretary of Veterans Affairs.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 945. A bill to amend the Internal Revenue Code of 1986 to repeal the recognition of capital gain rule for home offices; to the Committee on Finance.

By Ms. SNOWE (for herself, Ms. Mikulski, and Mr. Harkin):

S. 946. A bill to establish an Office on Women's Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mr. Inhofe):

S. 947. A bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirement for reformulated gasoline, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself and Mr. Kerry):

S. 948. A bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 949. A bill for the relief of Zhengfu Ge; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire (for himself and Mr. Reid):

S. 950. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. Kerry, Mr. McCain, Mr. Hollings, Mr. Breaux, Mr. Lott, Mr. Murkowski, and Mr. DeWine):

S. 951. A bill to authorize appropriations for the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GREGG (for himself, Mr. Kennedy, Mr. DeWine, and Mr. Bayh):

S. 952. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCONNELL (for himself, Mr. Schumer, Mr. Torricelli, Mr. Brownback, Mr. Allard, Mr. Akaka, Mr. Allen, Mr. Bayh, Mr. Bennett, Mrs. Boxer, Mr. Bunning, Mr. Breaux, Mr. Burns, Ms. Cantwell, Mr. Campbell, Mr. Chafee, Mr. Cleland, Ms. Collins, Mrs. Clinton, Mr. Craig, Mr. Conrad, Mr. Crapo, Mr. Corzine, Mr. DeWine, Mr. Daschle, Mr. Domenici, Mr. Dayton, Mr. Ensign, Mr. Durbin, Mr. Enzi, Mr. Edwards, Mr. Frist, Mr. Graham, Mr. Gramm, Mr. Inouye, Mr. Gregg, Mr. Johnson, Mr. Hatch, Mr. Kennedy, Mr. Helms, Mr. Kerry, Mrs. Hutchison, Mr. Kohl, Mr. Jeffords, Ms. Landrieu, Mr. Lott, Mr. Leahy, Mr. Lugar, Ms. Mikulski, Mr. Nelson of Nebraska, Mr. Murkowski, Mr. Nelson of Florida, Mr. Roberts, Mr. Rockefeller, Mr. Santorum, Mr. Wellstone, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Warner, Mrs. Carnahan, Mr. Thurmond, and Mr. Grassley):

S. 953. A bill to establish a Blue Ribbon Study Panel and an Election Administration Commission to study voting procedures and election administration, to provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

By Mr. TORRICELLI (for himself and Mr. Corzine):

S. 954. A bill to amend title XVIII of the Social Security Act to provide that geographic reclassifications of hospitals from one urban area to another urban area do not result in lower wage indexes in the urban area in which the hospital was originally classified; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Graham, Mr. Leahy, Mr. Kerry, Mr. Wellstone, Mr. Dodd, Mr. Inouye, Mr. Durbin, Mr. Feingold, and Mr. Akaka):

S. 955. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigration Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. CORZINE:

S. 956. A bill to amend title 23, United States Code, to promote the use of safety belts and child restraint systems by children, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WELLSTONE (for himself, Mr. Dayton, Mr. Byrd, and Ms. Stabenow):

S. 957. A bill to provide certain safeguards with respect to the domestic steel industry; to the Committee on Finance.

By Mr. REID (for himself and Mr. Ensign):

S. 958. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes; to the Committee on Indian Affairs.

By Mr. BAUCUS:

S. 959. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to consider the impact of severe weather conditions on Montana's aviation public and establish regulatory distinctions consistent with those applied to the State of Alaska; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. Craig, Mr. Cochran, Ms. Collins, Mr. Daschle, Mr. Dorgan, Mr. Ensign, Mrs. Murray, Ms. Stabenow, and Mr. Warner):

S. 960. A bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases; to the Committee on Finance.

By Mrs. BOXER:

S. 961. A bill to promote research to identify and evaluate the health effects of breast implants; to ensure that women receive accurate information about such implants and to encourage the Food and Drug Administration to thoroughly review the implant manufacturers' standing with the agency; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON:

S. 962. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Governmental Affairs.

By Mr. DURBIN:

S. 963. A bill for the relief of Ana Esparza and Maria Munoz; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CLELAND (for himself, Mr. MCCAIN, Mr. LEVIN, Mrs. HUTCHISON, Mr. BIDEN, Mr. JEFFORDS, Ms. LANDRIEU, Mr. BENNETT, Mr. MILLER, Mrs. MURRAY, Mr. JOHNSON, Mrs. CARNAHAN, Mr. DAYTON, Mr. CONRAD, Mr. KENNEDY, Mr. DURBIN, Mr. HATCH, Mrs. CLINTON, Mr. SESSIONS, Mr. ALLEN, and Mr. NELSON of Nebraska):

S. Res. 94. A resolution expressing the sense of the Senate to designate May 28, 2001, as a special day for recognizing the members of the Armed Forces who have been killed in hostile action since the end of the Vietnam War; considered and agreed to.

By Mr. LEVIN (for himself and Mr. VOINOVICH):

S. Con. Res. 43. A concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 37

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 37, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 41

At the request of Mr. HATCH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 155

At the request of Mr. BINGAMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 155, a bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

S. 170

At the request of Mr. REID, the names of the Senator from Utah (Mr. BENNETT) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 217

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 217, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 291, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 410

At the request of Mr. CRAPO, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 410, a bill to amend the Violence Against Women Act of 2000 by expanding legal assistance for victims of violence grant program to include assistance for victims of dating violence.

S. 452

At the request of Mr. MURKOWSKI, the names of the Senator from Missouri (Mr. BOND) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

At the request of Mr. ALLARD, his name was added as a cosponsor of S. 452, supra.

S. 494

At the request of Mr. FRIST, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 494, a bill to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 596

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 596, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes.

S. 597

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 597, a bill to provide for a comprehensive and balanced national energy policy.

S. 656

At the request of Mr. REED, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 657

At the request of Mr. LUGAR, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. MILLER), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 657, a bill to authorize funding for the National 4-H Program Centennial Initiative.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 677

At the request of Mr. HATCH, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

At the request of Mr. BREAUX, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 677, supra.

S. 686

At the request of Mrs. LINCOLN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 694

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 697

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 742

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 742, a bill to provide for pension reform, and for other purposes.

S. 776

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 776, a bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002.

S. 781

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 781, a bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve.

S. 788

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 788, a bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry that works in conjunction with State organ and tissue donor registries, to create a public-private partnership to launch an aggressive outreach and education campaign about organ and tissue donation and the Registry, and for other purposes.

S. 830

At the request of Mr. CHAFEE, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 850

At the request of Mr. CHAFEE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 850, a bill to expand the Federal tax refund intercept program to cover children who are not minors.

S. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 856

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 856, a bill to reauthorize the Small Business Technology Transfer Program, and for other purposes.

S. 866

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 906

At the request of Mr. ENZI, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. THOMAS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 906, a bill to provide for protection of gun owner privacy and ownership rights, and for other purposes.

S. RES. 90

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 90, a resolution designating June 3, 2001, as "National Child's Day."

S. CON. RES. 34

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 34, a concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 945. A bill to amend the Internal Revenue Code of 1986 to repeal the recognition of capital gain rule for home offices; to the Committee on Finance.

Mr. BOND. Mr. President, in 1997 Congress made an important change in the tax code for small businesses by restoring the home-office deduction. That change opened the door for millions of Americans to operate successful small businesses from their homes. Now the home-based financial planner or landscape can use an extra bedroom or a basement to conduct her business without the cost of commercial office space. In many cases, these home offices also allow today's entrepreneurs to spend more time with their family by avoiding the added time and expense of day-care and commuting.

With the restoration of the home-office deduction, however, came a significant new complexity for home-based businesses, depreciation recapture. If a home-based medical transcriber elects to claim the home-office deduction, she will deduct the expenses relating to her home office, such as a portion of her home-owners insurance, utilities, repairs, and maintenance. She is also entitled to depreciate a portion of the cost of her house relating to the home office. But there is a big catch. When the home-based business owner sells her home, she must recapture all of the depreciation deductions and pay income taxes on them, even though her house qualifies for the exclusion from tax for the sale of a principal residence.

The specter of depreciation recapture has several significant ramifications. First, it requires additional recordkeeping for home-based business owners, on top of the enormous burdens that the tax code already imposes on a small business. Second, when the home-based business owner decides to sell his home, he must struggle with the complexities of calculating the depreciation recapture or, as is too often the case, he must hire a costly tax professional to undertake the calculations and prepare the required tax forms.

Additionally, the depreciation-recapture requirement creates a disincentive for home-based business owners to claim the home-office deduction in the first place. In fact, I have heard from accountants and tax advisors in my home State of Missouri that they frequently advise their clients to forego the home-office deduction simply to avoid the recordkeeping and complexities associated with recapturing the depreciation. That is clearly not what Congress intended when it restored the home-office deduction in 1997.

In light of this problem, I rise today to introduce the "Home-Office Deduction Simplification Act of 2001." This bill simply repeals the depreciation-recapture requirement and the disincentive for home-based businesses to utilize the home-office deduction. At a time when the Nation's small businesses are feeling real pain from the current economic slow down, this bill will provide real relief, not only when they sell their homes, but today by giving them the benefit of the home-office deduction that Congress intended.

It is my pleasure to be working with Congressman DONALD MANZULLO, Chairman of the House Committee on Small Business, to raise this issue in both Chambers. I urge my colleagues in the Senate to support this legislation and make the home-office deduction as simple and accessible as possible. Our home-based businesses across the nation deserve nothing less.

I ask unanimous consent that the text of the bill and a description of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home-Office Deduction Simplification Act of 2001".

SEC. 2. REPEAL OF RECOGNITION OF GAIN RULE FOR HOME OFFICE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by striking paragraph (6) and redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) EXCEPTION TO TREATMENT AS GAIN FROM DISPOSITION OF PRINCIPAL RESIDENCE.—Subsection (d) of section 1250 of the Internal Revenue Code of 1986 (relating to gain from dispositions of certain depreciable realty) is amended by adding at the end the following new paragraph:

"(9) HOME OFFICE.—Subsection (a) shall not apply to property described in section 280A(c)(1) which is a portion of the principal residence (within the meaning of section 121) of the taxpayer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges occurring after December 31, 2000.

HOME-OFFICE DEDUCTION SIMPLIFICATION ACT OF 2001—DESCRIPTION OF PROVISIONS

The bill repeals section 121(d)(6) of the Internal Revenue Code. Currently, this provision requires individuals who claim depreciation deductions with respect to a home-office to recapture such deductions upon the sale of their home. As a result, the amount of the recaptured depreciation deductions is subject to income taxation without the benefit of the income-tax exclusion for the sale of a principal residence or the capital-gains tax rates in cases where the exclusion does not apply.

By repealing the depreciation-recapture requirement, the bill eliminates the paperwork and compliance burdens that frequently prevent home-based business owners from claiming the home-office deduction. The bill will be effective for sales or exchanges of homes occurring after December 31, 2000.

By Ms. SNOWE (for herself, Ms. MIKULSKI, and Mr. HARKIN):

S. 946. A bill to establish an Office on Women's Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Women's Health Office Act of 2001 and I am pleased to be joined on this legislation by my friends and colleagues Senators MIKULSKI and HARKIN. Companion legislation to this bill has been introduced in the House by Congresswomen CONNIE MORELLA and CAROLYN MALONEY.

The Women's Health Office Act of 2001 provides permanent authorization for Offices of Women's Health in five Federal agencies: the Department of Health and Human Services, HHS; the Centers for Disease Control and Prevention, CDC; the Agency for Health Care Research and Quality, AHRQ; the Health Resources and Services Administration, HRSA; and the Food and Drug Administration, FDA.

Currently, only two women's health offices in the Federal Government have statutory authorization: the Office of Research on Women's Health at the National Institutes of Health, NIH, and the Office for Women's Services within the Substance Abuse and Mental Health Services Administration, SAMHSA.

For too many years, women's health care needs were ignored or poorly understood, and women were systematically excluded from important health research. One famous medical study on breast cancer examined hundreds of men. Another federally funded study examined the ability of aspirin to prevent heart attacks in 20,000 medical doctors, all of whom were men, despite the fact that heart disease is a leading cause of death among women.

Today, Members of Congress and the American public understand the importance of ensuring that both genders benefit equally from medical research and health care services.

Throughout my tenure in the House and Senate, I have worked hard to expose and eliminate this health care gender gap and improve women's access to affordable, quality health services. As cochairs of the Congressional Caucus for Women's Issues, CCWI, Representative Pat Schroeder and I, along with Representative Henry Waxman, called for a GAO investigation, in the beginning of 1990, into the inclusion of women and minorities in medical research at the National Institutes of Health.

This study documented the widespread exclusion of women from medical research, and spurred the Caucus to introduce the first Women's Health Equity Act, WHEA, in 1990. This comprehensive legislation provided Congress with its first broad, forward-looking health agenda designed to redress the historical inequities that face women in medical research, prevention and services.

Three years later, Congress enacted legislation mandating the inclusion of women and minorities in clinical trials at NIH through the National Institutes of Health Revitalization Act of 1993, P.L. 103-43. Also included in the NIH Revitalization Act was language establishing the NIH Office of Research on Women's Health, language based on my original Office of Women's Health bill that was introduced in the 101st Congress.

Yet, despite all the progress that we have made, there is still a long way to go on women's health care issues. Last May, the GAO released a report, a 10-year update, on the status of women's research at NIH, "NIH Has Increased Its Efforts to Include Women in Research". This report found that since the first GAO report and the 1993 legislation, NIH had made significant progress toward including women as subjects in both intramural and external clinical trials.

However, the report noted that the Institute had made less progress in implementing the requirement that certain clinical trials be designed and carried out to permit valid analysis by sex, which could reveal whether interventions affect women and men differently. The GAO found that NIH researchers would include women in their trials—but then they would either not do analysis on the basis of sex, or if no difference was found, they would not publish the sex-based results.

NIH has done a good job of improving participation of women in clinical trials and has implemented several changes to improve the accuracy and performance for tracking and analyzing data, but our commitment to women's health is not about quotas and numbers. It is about real scientific advances that will improve our knowledge about women's health. At a time when we are on track to double funding for NIH, it is troubling that the agency has still failed to fully implement both its own guidelines and the Congressional directive for sex-based analysis. And as a result, women continue to be shortchanged by Federal research efforts.

The crux of the matter is that NIH's problems exist despite that fact that it has an Office of Women's Health that is codified in law. If NIH is having problems, imagine the difficulties we will have in continuing the focus on women's health in offices that do not have this legislative mandate, and that may change focus with a new HHS Secretary or Agency Director.

Offices of Women's Health across the Public Health Service are charged with coordinating women's health activities and monitoring progress on women's health issues within their respective agencies, and they have been successful in making Federal programs and policies more responsive to women's health issues. Unfortunately, all of the good work these offices are doing is not guaranteed in Public Health Service authorizing law. Providing statutory authorization for federal women's health offices is a critical step in ensuring that women's health research will continue to receive the attention it requires in future years.

Codifying these offices of women's health is important for several reasons. First, it re-emphasizes Congress's commitment to focusing on women's health. Second, it ensures that agencies will enact congressional intent with good faith. Finally, it ensures that appropriations will be available in future years to fulfill these commitments.

By statutorily creating Offices of Women's Health, the Deputy Assistant Secretary for Women's Health will be able to better monitor various Public Health Service agencies and advise them on scientific, legal, ethical and policy issues. Agencies would establish a Coordinating Committee on Women's Health to identify and prioritize which women's health projects should be conducted. This will also provide a mechanism for coordination within and across these agencies, and with the private sector. But most importantly, this bill will ensure the presence of offices dedicated to addressing the ongoing needs and gaps in research, policy, programs, education and training in women's health.

I urge my colleagues to join Senators MIKULSKI, HARKIN, and me in supporting this legislation to help ensure that women's health will never again be a missing page in America's medical textbook.

Ms. MIKULSKI. Mr. President, I rise to join Senator SNOWE and Senator HARKIN to introduce the Women's Health Office Act of 2001. I am pleased to introduce this bill with my colleagues because it establishes an important framework to address women's health within the Department of Health and Human Services, HHS.

Historically, women's health needs have been ignored or inadequately addressed by the medical establishment and the government. A 1990 General Accounting Office, GAO, report stated that: the National Institutes of Health, NIH, had made little progress in implementing its own inclusion policy on women's participation in clinical trials, NIH inconsistently applied this policy, and NIH had done little to implement analysis of research findings by gender. This was unacceptable. Women make up half or more of the population and must be adequately included in clinical research. That's why I fought to establish the Office of Research on Women's Health, ORWH, at the NIH 11 years ago. We needed to ensure that women were included in clinical research, so that we would know how treatments for a particular disease or condition would affect women. Would men and women react the same way to a particular treatment for heart disease? We can't answer this question unless both men and women are being included in clinical trials.

While the ORWH began its work in 1990, I wanted to ensure that it stayed at NIH and had the necessary authority to carry out its mission, part of which is to ensure that women are included in clinical research. That's why I authored legislation in 1990 and 1991 to formally establish the ORWH in the Office of the Director of NIH. These provisions were later enacted into law in the NIH Revitalization Act of 1993.

In 1999, Senator HARKIN, Senator SNOWE, and I requested that GAO examine how well the NIH and the ORWH were carrying out the mandates under the NIH Revitalization Act of 1993. The results were mixed. While NIH had made substantial progress in ensuring the inclusion of women in clinical research, it had made less progress in encouraging the analysis of study findings by sex. This means that women are being included in clinical trials, but we are not able to fully reap the benefits of inclusion if the analysis of how interventions affect men and women is not being done or not being reported. While the NIH and others are taking steps to address this, we may be missing information from research done over the last few years about how the outcomes varied or not for men and women.

NIH is but one agency in HHS. Other agencies in HHS do not even have women's health offices. How are these other agencies addressing women's health? Only NIH and the Substance Abuse and Mental Health Services Administration, SAMHSA, have authorizations in law for offices dedicated to women's health. In 1993, I requested language that accompanied the Fiscal Year 1994 Senate Labor, Health and Human Services Appropriations bill and the Agriculture Appropriations bill to establish and provide funding for Offices of Women's Health in the Centers for the Disease Control and Prevention, CDC, the Food and Drug Administration, FDA, the Health Resources and Services Administration, HRSA, and the Agency for Health Care Policy and Research, AHCPR, now the Agency for Healthcare Research and Quality, AHRQ. Today, there are offices of women's health in HHS, FDA, CDC, and HRSA. AHRQ has a women's health advisor. These offices and advisors are important advocates within the agency for women's health research, programs, and activities. A recent HHS report to Congress describes their roles, responsibilities, and future plans. The degree of support for these offices, in terms of staff and financial resources, varies widely across HHS. This can mean inadequate and inconsistent attention to women's health needs within an agency.

I believe we need a consistent and comprehensive approach to address the needs of women's health in the HHS. This bill would do just that. The Women's Health Office Act of 2001 would authorize women's health offices in HHS, CDC, FDA, AHRQ, and HRSA.

This legislation establishes an important framework and builds on existing efforts. Under the bill, the HHS Office on Women's Health would take over all functions which previously belonged to the current Office of Women's Health of the Public Health Service. The HHS Office would be headed by a Deputy Assistant Secretary for Women's Health who would also chair an HHS Coordinating Committee on Women's Health. The responsibilities of the HHS Office would include establishing short and long-term goals, advising the Secretary of HHS on women's health issues, monitoring and facilitating coordination and stimulating HHS activities on women's health, establishing a National Women's Health Information Center to facilitate exchange of and access to women's health information, and coordinating private sector efforts to promote women's health.

Under this legislation, the Offices of Women's Health in CDC, FDA, HRSA, and AHRQ would be housed in the office of the head of each agency and be headed by a Director appointed by the head of the respective agency. Responsibilities of the offices include: an examination of current women's health activities, the establishment of short-term and long-term goals for women's health, the coordination of women's health activities, and the establishment of a coordinating committee on women's health within each agency to identify women's health needs and make recommendations to the head of the agency. The FDA office would also have specific duties regarding women and clinical trials. The director of each office would serve on HHS's Coordinating Committee on Women's Health. The bill authorizes appropriations for all the offices through 2006.

I believe that this bill will establish a valuable and consistent framework for addressing women's health in the Department of Health and Human Services. It will help to ensure that women's health research will continue to have the attention and resources it needs in the coming years. This bill is a priority of the Women's Health Research Coalition. The Coalition is comprised of academic medical, health and scientific institutions, as well as other organizations interested in and supportive of women's health research. The Women's Research and Education

Institute recently released a list of 15 high-impact actions Congress could take to improve the health of midlife women, including the establishment of permanent offices of women's health at HHS and related federal agencies. This bill is supported by over 45 other organizations including the YWCA, the Society for Women's Health Research, the National Partnership for Women and Families, Hadassah, and the American Physical Therapy Association. I encourage my colleagues to cosponsor and support this important legislation, and I ask unanimous consent that a letter of support for this bill be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WOMEN'S HEALTH RESEARCH COALITION,
Washington, DC, May 14, 2001.

Hon. BARBARA MIKULSKI,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR MIKULSKI: As organizations representing millions of patients, health care professionals, advocates and consumers, we thank you for your leadership in introducing the "Women's Health Office Act of 2001." We enthusiastically support this legislation and look forward to its passage.

Historically, women's health has not been a focus of study nor has there been adequate recognition of the ways in which medical conditions solely or differently affect women and girls. In the decade since attention began to focus on disparities between the genders, scientific knowledge has accumulated alerting us to the importance of considering the biological and psychosocial effects of sex and gender on health and disease.

We support the work of the offices of women's health in ensuring that women and girls benefit equitably in the advances made in medical research and health care services. The legislation will provide for the continued existence, coordination and support of these offices so that they analyze new areas of research, education, prevention, treatment and service delivery.

We appreciate your firm commitment to improving the health of women throughout the nation.

Sincerely,

Women's Health Research Coalition; Society for Women's Health Research; American Association of University Women; American Medical Women's Association; American Osteopathic Association; American Physical Therapy Association; American Psychological Association; American Urological Association; Association for Women in Science; Association of Women Psychiatrists; Association of Women's Health, Obstetric and Neonatal Nurses; Center for Ethics in Action.

Center for Reproductive Law and Policy, Center for Women Policy Studies, Church Women United, Coalition of Labor Union Women, General Board of Church and Society, the United Methodist Church; Girls Incorporated; Hadassah; Jewish Women's Coalition, Inc.; McAuley Institute; National Abortion Federation; National Association of Commissions for Women; National Center on Women and Aging; National Coalition Against Domestic Violence; National Council of Jewish Women; National Organization for Women; National Partnership for Women and Families; National Women's Health Network; National Women's Health Resource Center; National Women's Law Center; NOW Legal Defense and Education Fund.

Organization of Chinese American Women; OWL; Religious Coalition for Reproductive Choice; Society for Gynecologic Investigation; Soroptimist International of the Americas; The General Federation of Women's Clubs, The Woman Activist Fund, Inc.; Voters for Choice Action Fund; Women Employed; Women Heart: The National Coalition for Women with Heart Disease; Women Work!; Women's Business Development Center; Women's Health Fund at University of Minnesota; Women's Institute for Freedom of the Press; Women's Research and Education Institute; YWCA of the U.S.A.

By Mrs. FEINSTEIN (for herself and Mr. INHOFE):

S. 947. A bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirements for reformulated gasoline and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I am pleased to be joined by Senator JAMES INHOFE of Oklahoma today in introducing a bill to allow the governor of a State to waive the oxygenate content requirement for reformulated or clean-burning gasoline. The bill retains all other provisions of the Clean Air Act to ensure that there is no backsliding on air quality.

We introduce this bill to address the widespread contamination of drinking water by MTBE in California and at least 41 other States.

On April 12, 1999, California Governor Gray Davis asked Carol Browner, who was the Administrator of the U.S. Environmental Protection Agency, for a waiver of the 2 percent oxygenate requirement. I have written and called former Administrator Browner and the current Administrator Christine Todd Whitman and both former President Clinton and President Bush, urging approval of the waiver. And we are still waiting. It has been two years.

Today, yet again I call on EPA and the Administration to act. In the meantime, I will push Congress to act.

MTBE, Methyl Tertiary Butyl Ether, has been the oxygenate of choice by many refiners in their effort to comply with the Clean Air Act's reformulated gasoline requirements. California Governor Davis has ordered a phase-out in our State, but the Federal law requiring two percent oxygenates remains, putting our State in an untenable position.

This is because the most likely substitute for MTBE to meet the two percent requirement is ethanol, but there is not a sufficient supply of ethanol to meet the demand in California and the rest of the country with the two percent law in place.

With inadequate supplies, we can expect disruptions and price spikes during the peak driving months of this summer, at a time when there are predictions that retail gasoline prices may climb to an unprecedented $3.00 per gallon or more.

The California Energy Commission reports that without relief from the two percent oxygenate mandate, California consumers will pay 3 to 6 cents more per gallon than they need to. This adds up to $450 million a year.

The Clean Air Act requires that cleaner-burning reformulated gasoline, RFG, be sold in so-called "non-attainment" areas with the worst violations of ozone standards: Los Angeles, San Diego, Hartford, New York Philadelphia, Chicago, Baltimore, Houston, Milwaukee, Sacramento. In addition, some States and areas have opted to use reformulated gasoline as way to achieve clean air.

Second, the Act prescribes a formula for reformulated gasoline, including the requirement that reformulated gasoline contain 2.0 percent oxygen, by weight.

In response to this requirement, refiners have put the oxygenate MTBE in over 85 percent of reformulated gasoline now in use. But, there is a problem: increasingly, MTBE is being detected in drinking water. MTBE is a known animal carcinogen and a possible human carcinogen, according to U.S. EPA. It has a very unpleasant odor and taste, as well.

The Feinstein-Inhofe bill would allow governors, upon notification to U.S. EPA, to waive the 2.0 percent oxygenate requirement, as long as the gasoline meets the other requirements in the law for reformulated gasoline.

On July 27th, 1999, the non-partisan, broad-based U.S. EPA Blue Ribbon Panel on Oxygenates in Gasoline recommended that the two percent oxygenate requirement be "removed in order to provide flexibility to blend adequate fuel supplies in a cost-effective manner while quickly reducing usage of MTBE and maintaining air quality benefits."

In addition, the panel agreed that "the use of MTBE should be reduced substantially." Importantly, the panel recommended that "Congress act quickly to clarify federal and state authority to regulate and/or eliminate the use of gasoline additives that pose a threat to drinking water supplies."

The bill we are introducing today, while not totally repealing the two percent oxygenate requirement, moves us in that direction. It gives States that choose to meet Clean Air requirements without oxygenates the option to do so. It allows States that choose an oxygenate, such as ethanol, to do so. Areas required to use reformulated gasoline for cleaner air will still be required to use it. The gasoline will have a different but clean formulation. Areas will continue to have to meet clean air standards.

MTBE has contaminated groundwater at over 10,000 sites in California, according to the Lawrence Livermore Laboratory. Of 10,972 sites groundwater sites sampled, 39 percent had MTBE, according to the State Department of Health Services. Of 765 surface water sources sampled, 287, 38 percent, had MTBE.

Nationally, one EPA-funded study of 34 States found that MTBE was present more than 20 percent of the time in 27 of the States. A U.S. Geological Survey report had similar findings. An October 1999 Congressional Research Service analysis concluded that at least 41 states have had MTBE detections in water.

In California, Governor Davis concluded that MTBE "poses a significant risk to California's environment" and directed that MTBE be phased out in California by December 31, 2002. There is not a sufficient supply of ethanol or other oxygenates to fully replace MTBE in California, without huge gasoline supply disruptions and price spikes.

In addition, California can make clean-burning gas without oxygenates. Therefore, California is in the impossible position of having to meet a federal requirement that is 1. contaminating the water and 2. is not necessary to achieve clean air.

A major University of California study concluded that MTBE provides "no significant air quality benefit" but that its use poses "the potential for regional degradation of water resources, especially ground water. . . ." Oxygenates, say the experts, are not necessary for reformulated gasoline.

California has developed a gasoline formula that provides flexibility and provides clean air. Refiners use an approach called the "predictive model," which guarantees clean-burning RFG gas with oxygenates, with less than two percent oxygenates, and with no oxygenates. Several refiners, including Chevron and Tosco, are selling MTBE-free gas in California, for example.

Under this bill, clean air standards would still have to be met and gasoline would have to meet all other requirements of the federal reformulated gasoline program, including the limits on benzene, heavy metals, and the emission of nitrogen oxides.

This bill will give California and other States the relief they need from an unwarranted, unnecessary requirement. It will give state officials flexibility to determine whether to use oxygenates in their gasoline. The bill does not undo the Clean Air Act. The bill does not degrade air quality.

The two percent oxygenate requirement creates an unnecessary federal "recipe" for gasoline. It causes contamination of groundwater. It adds to the price of gasoline unnecessarily, and it will probably trigger disruptions in gasoline supplies this summer.

I call on this Congress to enact this legislation promptly. Californians do not need to have MTBE -laced drinking water to enjoy the benefits of cleaner air. It is that simple.

I ask unanimous consent that an editorial from the Sacramento Bee describing the MTBE problem in California be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Apr. 23, 2001]

REMEMBER MTBE?—POLITICAL INATTENTION MAY FUEL PRICE SPIKES

It was a poison brew that sent California into an electricity swoon: rising demand, stagnant supplies and missed political opportunities. Unfortunately, President Bush may be about to stir up virtually the same potion with another source of energy, gasoline. Like the electricity crunch, this gasoline problem can be averted with timely political action.

Under federal law, gasoline in dirty air basins must contain an additive known as an oxygenate. These additives produce cleaner-burning fuel. The primary additive in California is the infamous MTBE; a byproduct of the refinery process. It can cause drinking water to smell like turpentine at minute concentrations, so the state plans to phase out MTBE by the end of 2002.

Refiners say that can produce clean-burning gasoline without an oxygenate but farm politics has kept the requirement in law. For now, the only alternative to MTBE is ethanol, which is made from corn and other grains.

That threatens California with the kind of imbalance between supply and demand that could push up gasoline prices.

Switching from MTBE to ethanol as the additive of choice in California would increase the nation's consumption of ethanol by perhaps 800 million gallons a year. This represents about a 50 percent jump in demand. California produces only 9 million gallons of ethanol a year. That means that the folks who produce ethanol, who are concentrated in Iowa, may be able to extort California with the same vigor as Texas-based electricity marketers.

The seeds of this crisis were planted in some revisions of the federal Clean Air Act, which combined the laudable goal of cleaning up the skies with some unwise restrictions on the legal recipes for fuel. Gov. Gray Davis has been asking for federal government to waive this mandated recipe for the fuel, letting the state meet its air-quality goals in a less expensive way.

Yet with its seven precious electoral votes at stake, Iowa made ethanol a litmus test for any and all presidential candidates, and candidates Bush, like most others, said he would stick to the recipe for gas that favors ethanol.

Is this now the policy of President Bush as well? Bush must say something, and soon.

Ideally, he should use his administrative powers to waive the oxygenate mandate and let various fuel recipes compete on their costs and air-quality benefits. But he must say something. His silence is preventing companies from building ethanol (which could be produced from corn kernels or rise straw) plants in California, if that is what must be done to replace MTBE.

California can't afford the uncertainty on gasoline any more than it can afford uncertainty about whether power plants can be built. For a president who preaches the gospel of sending clear signals to markets, Bush's silence on MTBE and ethanol is an expensive sin.

By Mr. LOTT (for himself and Mr. KERRY):

S. 948. A bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LOTT. Mr. President, the history of the geographic expansion of our great Nation is closely tied to the development of our network of railroad lines. Cities and towns sprang up and grew around the railroad tracks that provided transportation vital to their survival and economic future. While the development of modern automobiles, trucks and airplanes have provided alternate forms of transportation, railroads still fulfill important cargo and passenger transportation requirements across the Nation.

However, in many cities and towns across our country, the increased need for motor vehicle transportation, and the road infrastructure to facilitate it, have led to increasing conflicts between railroads, motor vehicles, and people for the use of limited, and increasingly congested, space in downtown areas. Highway-rail grade crossings, even properly marked and gated ones, increase the risk of fatal accidents. Many rail lines cut downtown areas in half while serving few, if any, rail customers in the downtown area. Heavy rail traffic can cut off one side of a town to vital emergency services, including fire, police, ambulance, and hospital services. Downtown rail corridors can hamper economic development by restricting access to bisected areas.

This situation is not the fault of the railroads. They own and have invested heavily to maintain their existing rail lines. These conflicts are due to economic and technological changes that occur faster and more easily than railroads can economically adjust. In 1998, the Congress enacted a landmark surface transportation bill, called TEA–21. While TEA–21 provides some flexibility in the use of the Highway Trust Fund to enable States to address some of these concerns, it is primarily focused on solving transportation problems by building or modifying roads, including road overpasses and underpasses, as it should be. However, in many situations, this highway-rail conflict can not, or should not, be fixed by cutting off or modifying a roadway. The answer is often to relocate the rail line. I know of at least five such situations in my home State of Mississippi, so there must be many more in other States.

To address this need, I, along with Senator KERRY, today introduce the Community Rail Line Relocation Assistance Act of 2001. The bill would authorize the Secretary of Transportation to provide grants to States or communities to pay for the costs of relocating a rail line where this solution makes the most sense. In those cases where the best solution is to build a railroad tunnel, underpass, or overpass, or even reroute the rail line around the downtown area, this bill will enable these cities and towns to afford to undertake such a significant infrastructure project.

Our bill would authorize grants to fund rail line relocation projects that: (1) mitigate the adverse effects of rail traffic on safety, motor vehicle traffic flow, or economic development; (2) involve a lateral or vertical relocation of the rail line in lieu of the closing of a grade crossing or the relocation of a road; and (3) provide at least as much benefit over the economic life of the project as the cost of the project. The DOT would fund 90 percent of the cost of these rail line relocation projects out of the general fund of the Treasury. The State or local government would be required to pay the remaining 10 percent, but would be allowed to cover this cost through appropriate in-kind contributions or dedicated private contributions.

In awarding these grants, the Secretary of Transportation would have to consider: (1) the ability of the State or community to fund the project without Federal assistance; (2) the equitable treatment of various regions of the country; (3) that at least 50 percent of the available funding be spent on projects costing less than $50 million; and (4) that not more than 25 percent of the available funding may be spent on any single project. The bill would authorize $250 million in grants during the first year, and $500 million over each of the following five years.

I understand that some may ask "why don't the railroads pay for these relocation costs?" As I noted earlier, the railroad has the right of way and has no legal obligation to move. However, I know the railroads to be concerned about maintaining good relations with the communities they serve and pass through. They want to cooperate in solving this problem. That is why the Association of American Railroads and the Short Line and Regional Railroad Association support this bill. The bill is also supported by the Railway Progress Institute and the National Railroad Construction and Maintenance Association. This proposal has been enthusiastically received by several State and local government associations, and I hope to have their endorsements of the bill soon. I ask my Senate colleagues to review the needs of their own States and support this bill and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Rail Line Relocation Assistance Act of 2001".

SEC. 2. RAIL LINE RELOCATION GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) AUTHORITY.—Chapter 2 of title 23, United States Code, is amended by inserting after section 206 the following:

"§ 207. Capital grants for rail line relocation projects

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out a grant program to provide financial assistance for local rail line relocation projects.

"(b) ELIGIBILITY.—A State is eligible for a grant under this section for any project for the improvement of the route or structure of a rail line passing through a municipality of the State that—

"(1) is carried out for the purpose of mitigating the adverse effects of rail traffic on safety, motor vehicle traffic flow, or economic development in the municipality;

"(2) involves a lateral or vertical relocation of any portion of the rail line within the municipality to avoid a closing of a grade crossing or the construction of a road underpass or overpass; and

"(3) meets the costs-benefits requirement set forth in subsection (c).

"(c) COSTS-BENEFITS REQUIREMENT.—A grant may be awarded under this section for a project for the relocation of a rail line only if the benefits of the project for the period equal to the estimated economic life of the relocated rail line exceed the costs of the project for that period, as determined by the Secretary considering the following factors:

"(1) The effects of the rail line and the rail traffic on motor vehicle and pedestrian traffic, safety, and area commerce if the rail line were not so relocated.

"(2) The effects of the rail line, relocated as proposed, on motor vehicle and pedestrian traffic, safety, and area commerce.

"(3) The effects of the rail line, relocated as proposed, on the freight and passenger rail operations on the rail line.

"(d) CONSIDERATIONS FOR APPROVAL OF GRANT APPLICATIONS.—In addition to considering the relationship of benefits to costs in determining whether to award a grant to an eligible State under this section, the Secretary shall consider the following factors:

"(1) The capability of the State to fund the rail line relocation project without Federal grant funding.

"(2) The requirement and limitation relating to allocation of grant funds provided in subsection (e).

"(3) Equitable treatment of the various regions of the United States.

"(e) ALLOCATION REQUIREMENTS.—

"(1) PROJECTS UNDER $20,000,000.—At least 50 percent of all grant funds awarded under this section out of funds appropriated for a fiscal year shall be provided for rail line relocation projects that have an estimated project cost of less than $20,000,000 each.

"(2) LIMITATION PER PROJECT.—Not more than 25 percent of the total amount available for carrying out this section for a fiscal year may be provided for any one project in that fiscal year.

"(f) FEDERAL SHARE.—The total amount of a grant awarded under this section for a rail line relocation project shall be 90 percent of the shared costs of the project, as determined under subsection (g)(4).

"(g) STATE SHARE.—

"(1) PERCENTAGE.—A State shall pay 10 percent of the shared costs of a project that is funded in part by a grant awarded under this section.

"(2) FORMS OF CONTRIBUTIONS.—The share required by paragraph (1) may be paid in cash or in kind.

"(3) IN-KIND CONTRIBUTIONS.—The in-kind contributions that are permitted to be counted under paragraph (2) for a project for a State are as follows:

"(A) A contribution of real property or tangible personal property (whether provided by the State or a person for the State).

"(B) A contribution of the services of employees of the State, calculated on the basis of costs incurred by the State for the pay and benefits of the employees, but excluding overhead and general administrative costs.

"(C) A payment of any costs that were incurred for the project before the filing of an application for a grant for the project under this section, and any in-kind contributions that were made for the project before the filing of the application, if and to the extent that the costs were incurred or in-kind contributions were made, as the case may be, to comply with a provision of a statute required to be satisfied in order to carry out the project.

"(4) COSTS NOT SHARED.—

"(A) IN GENERAL.—For the purposes of subsection (f) and this subsection, the shared costs of a project in a municipality do not include any cost that is defrayed with any funds or in-kind contribution that a source other than the municipality makes available for the use of the municipality without imposing at least one of the following conditions:

"(i) The condition that the municipality use the funds or contribution only for the project.

"(ii) The condition that the availability of the funds or contribution to the municipality is contingent on the execution of the project.

"(B) DETERMINATIONS OF THE SECRETARY.—The Secretary shall determine the amount of the costs, if any, that are not shared costs under this paragraph and the total amount of the shared costs. A determination of the Secretary shall be final.

"(h) MULTISTATE AGREEMENTS TO COMBINE AMOUNTS.—Two or more States (not including political subdivisions of States) may, pursuant to an agreement entered into by the States, combine any part of the amounts provided through grants for a project under this section if—

"(1) the project will benefit each of the States entering into the agreement; and

"(2) the agreement is not a violation of a law of any such State.

"(i) REGULATIONS.—The Secretary shall prescribe regulations for carrying out this section.

"(j) STATE DEFINED.—In this section, the term 'State' includes, except as otherwise specifically provided, a political subdivision of a State.

"(k) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated from the general fund of the Treasury for carrying out this section for fiscal years and in amounts as follows:

"(1) For fiscal year 2001, $250,000,000.

"(2) For fiscal year 2002, $500,000,000.

"(3) For fiscal year 2003, $500,000,000.

"(4) For fiscal year 2004, $500,000,000.

"(5) For fiscal year 2005, $500,000,000.

"(6) For fiscal year 2006, $500,000,000.".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 206 the following:

"207. Capital grants for rail line relocation projects.".

(b) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than December 31, 2001, the Secretary of Transportation shall issue temporary regulations to implement the grant program under section 207 of title 23, United States Code, as added by subsection (a). Subchapter II of chapter 5 of title 5, United States Code, shall not apply to the issuance of a temporary regulation under this paragraph or of any amendment of such a temporary regulation.

(2) FINAL REGULATIONS.—Not later than October 1, 2002, the Secretary shall issue final regulations implementing the program.

By Mrs. FEINSTEIN:

S. 949. A bill for the relief of Zhenfu Ge; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to offer today, legislation to provide lawful permanent residence status to Zhenfu Ge. Mrs. Ge is the grandmother of two U.S. citizen children who face the devastation of being separated from their grandmother after losing their mother just last month.

Mrs. Ge came to the United States in 1998 to help care for her two grandchildren while her U.S. citizen daughter Yanyu Wang and her son-in-law John Marks worked. Shortly afterwards, Mrs. Ge's daughter filed an immigration petition on her behalf. She was scheduled for an April 26 Immigration and Naturalization Service, INS, interview, which is the last step in the green card process. The family anticipated that the interview would result in Mrs. Ge's gaining a green card.

In a tragic turn of events, Mrs. Ge's daughter was diagnosed with a rare and deadly form of lymphoma and given only 7 months to live. As Mrs. Wang's health quickly declined, she asked her mother to care for her 3-year-old daughter and 12-year-old son after her death. Mrs. Ge promised her daughter she would care for her grandchildren and quickly became the most active maternal figure in their lives.

On April 15 of this year, 11 days before Mrs. Ge's scheduled INS interview, her daughter died. Because current law does not allow Mrs. Ge to adjust her status without her daughter, Mrs. Ge now faces deportation.

This family has certainly felt the pain of a significant tragedy. With the death of Yanyu Wang, her family must begin to rebuild their lives and face a future without their loved one. Losing a grandmother to deportation will only further the grief and compromise the emotional health of her two young grandchildren, who are still mourning the loss of their mother. According to her son-in-law, John Mark, Mrs. Ge "represents continuity and a tie to their mother for our children, and her presence will allow me to continue to successfully support my family.

Mrs. Ge has done everything she could to become a permanent resident of this country. But for the tragedy of her daughter's untimely death, she likely would have attained that status.

I hope my colleagues will support this private legislation so that we can help Mrs. Ge, her grandchildren, and son-in-law begin to rebuild their lives in the wake of their family tragedy and allow Mrs. Ge to keep the promise she made to her daughter.

I ask for unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that the letter from Mr. Marks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR ZHENGFU GE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Zhenfu Ge shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Zhengfu Ge enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Zhenfu Ge, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

SAUSALITO, CA,
April 19, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I write to appeal for your help in an exceptional immigration case regarding my mother-in-law, Zhenfu Ge (United States Immigration & Naturalization Service reference #A78192014.)

Mrs. Ge came to the United States from her native Shanghai, China in 1998 after our daughter was born. The purpose of her immigration was to care for our infant and for our nine-year-old son to enable my wife and me to work. I have lived in California most of my life and I work for Kaiser Permanente in San Rafael; my wife, Yanyu Wang, was a research scientist for Onyx Pharmaceuticals in Richmond, and a naturalized citizen of the United States.

We had applied for naturalization for Mrs. Ge to allow her to remain in the United States to care for her grandchildren indefinitely. We had every expectation that the INS hearing set for April 26 (see correspondence enclosed) would result in the successful completion of her application.

My wife had learned that she was suffering from lymphoma in 1999. Unfortunately, despite every possible medical intervention, she died on April 15, eleven days before her mother's hearing for naturalization. We are advised by our attorney that absent her daughter, Mrs. Ge's case will be dismissed out-of-hand, and she will be forced to return to China.

I hope you will agree that Mrs. Ge's presence in our family is even more important following the death of my wife. She is the only maternal figure for our children, she represents continuity and a tie to their mother for our children, and her presence will allow me to continue to successfully support my family notwithstanding the reduction of our income to a single salary.

Before she died, my wife implored her mother to do everything possible to remain in the United States to ensure that our children would be raised with her care and love. I ask for your help in enabling this to happen.

Thank you for your consideration in this matter.

Sincerely yours,

JOHN MARK.

By Mr. SMITH of New Hampshire (for himself and Mr. REID):

S. 950. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Mr. President, by now everyone knows of the damage that the gasoline additive, MTBE, has done to our nation's drinking water supply, including in the state of New Hampshire. MTBE has been a component of our fuel supply for two decades. In 1990, the Clean Air Act was amended to include a clean gasoline program. That program mandated the use of an oxygenate in our fuel, MTBE was one of two options to be used. The problem with MTBE is its ability to migrate through the ground very quickly and into the water table. Several states have had gasoline leaks or spills lead to the closure of wells because of MTBE. MTBE is not a proven carcinogen, but its smell and taste does render water unusable. Many homes in New Hampshire and across the nation have lost use of their water supply because of MTBE contamination.

Today I am introducing a bill with my friend Senator REID, who is the Ranking Member on the committee that I chair, the Environment & Public Works Committee. This bill addresses the problems associated with MTBE, but will not reduce any environmental benefits of the Clean Air program. Briefly, this bill will: Authorize $400 million out of the Leaking Underground Storage Tank Fund (LUST Fund) to help the states clean up MTBE contamination, address the integrity of Underground Storage Tanks and the program; Ban MTBE four years after enactment of this bill; Allow Governors to waive the gasoline oxygenate requirement of the Clean Air Act; Preserve environmental benefits on air toxics, and; Provide funds to help transition from MTBE to other clean, safe fuels.

The funding for cleanup and transition is provided out of a sense of fairness. Since a Federal mandate caused the pollution, it would be irresponsible for the Federal Government not to bear some of the financial burden associated with the clean up and the transition to a less destructive alternative fuel.

This is a very complex issue that the Environment and Public Works Committee has struggled with for months. It has always been my intent to craft a solution that was direct and balanced. There are many competing interests and a number of solutions have been offered. Most of the competing interests are based on regional differences and preferences.

Some prefer a simple ban of MTBE, this approach would make gas dramatically more expansive and more dirty. Some would like a stand alone mandate of Ethanol, that too has many problems associated with it. Ethanol would bring with it both cost and smog concerns, particularly in states like New Hampshire. Simply eliminating the RFG mandate does not work either. Under this scenario, MTBE would continue to be used and wells would continue to be contaminated.

I am also very pleased that this bill is consistent with the President's National Energy Policy because it will reduce the intra-regional patchwork of what are known as "boutique" fuels. This bill will allow for the use of one fuel blend to meet RFG requirement in many regions that currently require multiple boutique fuels. This will ease the burden on refineries and fuel supply, which in turn will reduce the risk of increased gas prices for the consumer. The fuel suppliers recognize this benefit and I am very pleased that this bill has the support of the American Petroleum Institute. While they have raised some minor technical concerns that I am committed to addressing prior to passage, I am pleased to have their support.

I believe that this bill provides for a workable solution to both our MTBE problem as well as addressing the "boutique" fuels problems in this country. We will clean up our nation's drinking water and preserve the environmental benefits of RFG without undue added cost to the consumers. I am convinced this is the right approach.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reformulated Fuels Act of 2001".

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF MTBE CONTAMINATION.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraphs (1), (2), and (12)"; and

(B) by inserting "and section 9010(a)" before "if"; and

(2) by adding at the end the following:

"(12) REMEDIATION OF MTBE CONTAMINATION.—

"(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9011(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health, welfare, or the environment.

"(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

"(i) in accordance with paragraph (2); and

"(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).".

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

"Funds made available under section 9011(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

"(1) by a State (pursuant to section 9003(h)(7)) acting under—

"(A) a program approved under section 9004; or

"(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle; and

"(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

"In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund—

"(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2002, to remain available until expended; and

"(2) to carry out section 9010—

"(A) $50,000,000 for fiscal year 2002; and

"(B) $30,000,000 for each of fiscal years 2003 through 2007.".

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention and compliance.
"Sec. 9011. Authorization of appropriations.".

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking "sustances" and inserting "substances".

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9001(2).".

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

SEC. 3. AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.

(a) IN GENERAL.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting "fuel or fuel additive or" after "Administrator any"; and

(B) by striking "air pollution which" and inserting "air pollution, or water pollution, that";

(2) in paragraph (4)(B), by inserting "or water quality protection," after "emission control,"; and

(3) by adding at the end the following:

"(5) BAN ON THE USE OF MTBE.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall ban use of methyl tertiary butyl ether in motor vehicle fuel.".

(b) NO EFFECT ON LAW REGARDING STATE AUTHORITY.—The amendments made by subsection (a) have no effect on the law in effect on the day before the date of enactment of this Act regarding the authority of States to limit the use of methyl tertiary butyl ether in gasoline.

SEC. 4. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) IN GENERAL.—Not later than November 15, 1991,"; and

(2) by adding at the end the following:

"(B) WAIVER OF OXYGEN CONTENT REQUIREMENT.—

"(i) AUTHORITY OF THE GOVERNOR.—

"(I) IN GENERAL.—Notwithstanding any other provision of this subsection, a Governor of a State, upon notification by the Governor to the Administrator during the 90-day period beginning on the date of enactment of this subparagraph, or during the 90-day period beginning on the date on which an area in the State becomes a covered area by operation of the second sentence of paragraph (11)(D), may waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

"(II) OPT-IN AREAS.—A Governor of a State that submits an application under paragraph (6) may, as part of that application, waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

"(ii) TREATMENT AS REFORMULATED GASOLINE.—In the case of a State for which the Governor invokes the waiver described in clause (i), gasoline that complies with all provisions of this subsection other than paragraphs (2)(B) and (3)(A)(v) shall be considered to be reformulated gasoline for the purposes of this subsection.

"(iii) EFFECTIVE DATE OF WAIVER.—A waiver under clause (i) shall take effect on the earlier of—

"(I) the date on which the performance standards under subparagraph (C) take effect; or

"(II) the date that is 270 days after the date of enactment of this subparagraph.

"(C) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—

"(i) IN GENERAL.—As soon as practicable after the date of enactment of this subparagraph, the Administrator shall—

"(I) promulgate regulations consistent with subparagraph (A) and paragraph (3)(B)(ii) to ensure that reductions of toxic air pollutant emissions achieved under the reformulated gasoline program under this section before the date of enactment of this subparagraph are maintained in States for which the Governor waives the oxygenate requirement under subparagraph (B)(i); or

"(II) determine that the requirement described in clause (iv)—

"(aa) is consistent with the bases for performance standards described in clause (ii); and

"(bb) shall be deemed to be the performance standards under clause (ii) and shall be applied in accordance with clause (iii).

"(ii) PADD PERFORMANCE STANDARDS.—The Administrator, in regulations promulgated under clause (i)(I), shall establish annual average performance standards for each Petroleum Administration for Defense District (referred to in this subparagraph as a 'PADD') based on—

"(I) the average of the annual aggregate reductions in emissions of toxic air pollutants achieved under the reformulated gasoline program in each PADD during calendar years 1999 and 2000, determined on the basis of the 1999 and 2000 Reformulated Gasoline Survey Data, as collected by the Administrator; and

"(II) such other information as the Administrator determines to be appropriate.

"(iii) APPLICABILITY.—

"(I) IN GENERAL.—The performance standards under this subparagraph shall be applied on an annual average importer or refinery-by-refinery basis to reformulated gasoline that is sold or introduced into commerce in a State for which the Governor waives the oxygenate requirement under subparagraph (B)(i).

"(II) MORE STRINGENT REQUIREMENTS.—The performance standards under this subparagraph shall not apply to the extent that any requirement under section 202(l) is more stringent than the performance standards.

"(III) STATE STANDARDS.—The performance standards under this subparagraph shall not apply in any State that has received a waiver under section 209(b).

"(IV) CREDIT PROGRAM.—The Administrator shall provide for the granting of credits for exceeding the performance standards under this subparagraph in the same manner as provided in paragraph (7).

"(iv) STATUTORY PERFORMANCE STANDARDS.—

"(I) IN GENERAL.—Subject to subclause (IV), if the regulations under clause (i)(I) have not been promulgated by the date that is 270 days after the date of enactment of this subparagraph, the requirement described in subclause (III) shall be deemed to be the performance standards under clause (ii) and shall be applied in accordance with clause (iii).

"(II) PUBLICATION IN FEDERAL REGISTER.—Not later than 30 days after the date of enactment of this subparagraph, the Administrator shall publish in the Federal Register, for each PADD, the percentage equal to the average of the annual aggregate reductions in the PADD described in clause (ii)(I).

"(III) TOXIC AIR POLLUTANT EMISSIONS.—The annual aggregate emissions of toxic air pollutants from baseline vehicles when using reformulated gasoline in each PADD shall be not greater than—

"(aa) the aggregate emissions of toxic air pollutants from baseline vehicles when using baseline gasoline in the PADD; reduced by

"(bb) the quantity obtained by multiplying the aggregate emissions described in item (aa) for the PADD by the percentage published under subclause (II) for the PADD.

"(IV) SUBSEQUENT REGULATIONS.—Through promulgation of regulations under clause (i)(I), the Administrator may modify the performance standards established under subclause (I) to require each PADD to achieve a greater percentage reduction than the percentage published under subclause (II) for the PADD.".

SEC. 5. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking "may also" and inserting "shall, on a regular basis,"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and"; and

(2) by adding at the end the following:

"(4) ETHYL TERTIARY BUTYL ETHER.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

"(i) conduct a study on the effects on public health, air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

"(I) ethyl tertiary butyl ether; and

"(II) other ethers, as determined by the Administrator; and

"(ii) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study.

"(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities.".

SEC. 6. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

"(o) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

"(1) ANTI-BACKSLIDING ANALYSIS.—

"(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Federal Reformulated Fuels Act of 2001.

"(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this subsection, the Administrator shall publish the analysis in final form.

"(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of fuel characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.".

SEC. 7. ELIMINATION OF ETHANOL WAIVER.

Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

SEC. 8. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking "(6) OPT-IN AREAS.—(A) Upon" and inserting the following:

"(6) OPT-IN AREAS.—

"(A) CLASSIFIED AREAS.—

"(i) IN GENERAL.—Upon";

(2) in subparagraph (B), by striking "(B) If" and inserting the following:

"(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If";

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking "subparagraph (A)" and inserting "clause (i)"; and

(B) in the second sentence, by striking "this paragraph" and inserting "this subparagraph"; and

(4) by adding at the end the following:

"(B) NONCLASSIFIED AREAS.—

"(i) IN GENERAL.—In accordance with section 110, a State may submit to the Administrator, and the Administrator may approve, a State implementation plan revision that provides for application of the prohibition specified in paragraph (5) in any portion of the State that is not a covered area or an area referred to in subparagraph (A)(i).

"(ii) PERIOD OF EFFECTIVENESS.—Under clause (i), the State implementation plan shall establish a period of effectiveness for applying the prohibition specified in paragraph (5) to a portion of a State that—

"(I) commences not later than 1 year after the date of approval by the Administrator of the State implementation plan; and

"(II) ends not earlier than 4 years after the date of commencement under subclause (I).".

SEC. 9. MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.

Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) (as amended by section 3(a)(3)) is amended by adding at the end the following:

"(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

"(A) IN GENERAL.—The Administrator may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (B) to the production of other fuel additives that—

"(i) will be consumed in nonattainment areas;

"(ii) will assist the nonattainment areas in achieving attainment with a national primary ambient air quality standard;

"(iii) will not degrade air quality or surface or ground water quality or resources; and

"(iv) have been registered and tested in accordance with the requirements of this section.

"(B) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

"(i) is located in the United States; and "(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

"(I) beginning on the date of enactment of this paragraph; and

"(II) ending on the effective date of the ban on the use of methyl tertiary butyl ether under paragraph (5).

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2002 through 2004.".

Mr. REID. Mr. President, I am pleased to join with the Senator from New Hampshire, the Chairman of the Environment and Public Works Committee, in introducing legislation to address the water resource problems that have been caused in Lake Tahoe and around the country by MTBE contamination.

As my colleagues may know, the oxygenate requirement that Congress included in the 1990 Clean Air Act Amendments for certain nonattainment areas was met by most fuel providers and refiners with significantly increased production of MTBE. While this additive has proven beneficial in meeting air quality goals and reducing toxic air pollution, its enhanced production and usage has led to major drinking and surface water contamination, largely because of leaking underground storage tanks, spills and watercraft releases.

Our bill seeks to deal with the MTBE problem and prevent such unintended consequences from occurring again, while still protecting air and water quality. This measure embodies several of the major recommendations of the EPA's Blue Ribbon Panel on Oxygenates in Gasoline.

We are proposing to significantly enhance state authority and resources to deal with remediation of MTBE releases from leaking underground storage tanks, and to improve compliance and prevent additional releases at these sources. Four years after enactment, MTBE would be banned from the fuel supply. The bill would amend the Clean Air Act to ensure that additives added to the fuel supply in the future undergo regular testing and review of public health and water quality impacts.

Our legislation allows Governors to waive out of the oxygenate requirement imposed by the Act's reformulated gasoline, RFG provisions and, for the RFG areas in those states, refiners and fuel providers would have to ensure that there would be continued overcompliance with toxics reductions performance standards based on regional averages. In recognition of the industry investments made to comply with the oxygenate requirement, the bill authorizes grants to American companies making MTBE for domestic consumption in RFG areas if they opt to convert to production of replacement additives that do not degrade water quality, as well as continuing to improve public health and air quality. Finally, the bill allows the EPA to improve on its mobile source toxics rule and afford better protection to more sensitive and exposed populations from these harmful substances.

This is a sensible bill that prevents backsliding on air quality and is designed to improve water resource protection. I am hopeful that the Committee and Congress will be able to act swiftly to resolve the MTBE problems facing so many communities across the nation and in Nevada.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. BREAUX, Mr. LOTT, Mr. MURKOWSKI, and Mr. DEWINE):

S. 951. A bill to authorize appropriations for the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2001.

The Coast Guard provides many critical services for our nation. Dedicated Coast Guard personnel save an average of more than 5,000 lives, $2.5 billion in property, and assist more than 100,000 mariners in distress. Through boater safety programs and maintenance of an extensive network of aids to navigation, the Coast Guard protects thousands of other people engaged in coastwise trade, commercial fishing activities, and recreational boating.

The Coast Guard enforces Federal laws and treaties related to the high seas and U.S. waters. This includes marine resource protection and pollution control. As one of the five armed forces, the Coast Guard provides a critical component of the nation's defense strategy. The Coast Guard has joined with the Navy under the National Fleet Policy Statement to integrate their complementary offshore assets and enhance our national defense.

The Coast Guard Authorization Act of 1998 was enacted on November 13, 1992 and authorized the Coast Guard through Fiscal Year 1999. Last year, I spend a considerable amount of time trying to enact meaningful legislation to reauthorize the Coast Guard. To that end, the Commerce Committee and the Senate unanimously passed the Coast Guard Authorization Act of 2000 in July of 2000. Unfortunately, final enactment of the bill was derailed by one provision that had nothing to do with the Coast Guard itself and was outside the jurisdiction of the Subcommittee on Oceans and Fisheries. As a result, the dedicated and hard-working men and women in uniform were penalized.

The Coast Guard deserves more. By introducing the Coast Guard bill today, I intend to give them my full support, and I hope my colleagues will work with me to provide the Coast Guard with the support that they have so clearly earned.

For the second year in a row, the Coast Guard has announced that it will reduce routine non-emergency operations by at least 10 percent. The Administration's Budget request for fiscal year 2002 would leave the Coast Guard $250 million short in critical operating funds. This shortfall will necessitate operations cutbacks to include decommissioning ships and aircraft. The budget authorized in this bill would restore those funding shortfalls and prevent the need for operational cutbacks.

The bill my colleagues and I introduce today authorizes funding and personnel levels for the Coast Guard in fiscal years 2000 through 2002. The bill authorizes funding for FY 2002 at $5.2 billion. This represents a 9.3 percent increase over the levels contained in last year's Senate-passed bill authorization and a 14 percent increase over the funds appropriated for fiscal year 2001. The bill also contains several provisions to provide greater flexibility on personnel management matters and critical readiness concerns within the Coast Guard.

The Coast Guard bill contains a new initiative on fishing vessel safety training. Commercial fishing is one of the most dangerous professions in the United States. Over the last three years, over two hundred fishermen have died at sea and even more fishing vessels have been lost. Last year, the Maine fleet tragically lost ten fishermen. This bill authorizes the Coast Guard to work with and support local organizations that promote or provide fishing vessel safety training. Under this proposal, active duty Coast Guard personnel, Coast Guard Reserve, and members of the Coast Guard Auxiliary could serve as instructors for training and safety courses; assist in the development of curricula; and participate in relevant advisory panels. This new initiative allows discretionary participation by the agency on a not-to-interfere basic with other Congressionally mandated missions.

A major part of the Coast Guard's law enforcement mission remains interdicting illegal narcotics at sea. In 2000, the Coast Guard seized 56 vessels and arrested 201 suspects transporting illegal narcotics headed for our shores. The U.S. Coast Guard set a cocaine seizure record for the second consecutive year by stopping 132,920 pounds of cocaine from reaching American streets, playgrounds, and schools. The Coast Guard also seized 50,463 pounds of marijuana products, including hashish and hashish oil. At $4.4 billion, the street value of the drugs seized last year nearly matched the entire Coast Guard budget.

In 2000, the Coast Guard also introduced the highly successful Operation New Frontier force package, including specially armed helicopters, over-the-horizon pursuit boats, and the use of non-lethal tools to stop go-fast type smuggling boats. Operation New Frontier forces documented an unprecedented 100 percent success rate by seizing all six of the go-fast trafficking boats detected.

This bill provides funding to maintain many of the new drug interdiction initiatives of the past few years. The Coast Guard has proven time and again its ability to efficiently stem the tide of drugs entering our nation through water routes.

The Coast Guard is the lead Federal agency for preventing and responding to major pollution incidents in the coastal zone. It responds to more than 17,000 pollution incidents in the average year. The recent oil spill in the fragile Galapagos Islands is an example where our investment in the Coast Guard reaped international rewards. Within 24 hours of the spill, a team of Coast Guard oil spill professionals were on transport aircraft en route to the spill scene with cleanup equipment. Their presence limited the ecological damage of this potentially horrific environmental tragedy.

One provision that deserves particular mention relates to icebreaking services. The FY 2000 budget request included a proposal to decommission 11 WYTL-class harbor tugs. These tugs provide vital icebreaking services throughout the Great Lakes and northeastern states, including my home state of Maine. While I understand that the age of this vessel class may require some action by the agency, it would be premature to decommission these vessels before the Coast Guard has identified a means to assure their domestic icebreaking mission requirements are fulfilled. The Coast Guard has identified seven waterways within Maine that would suffer a meaningful degradation of service if these tugs were decommissioned. These waterways provide transport routes for oil tankers, commercial fishing vessels, and cargo ships. The costs would be excessive to the local communities should that means of transport be cut off. As we have seen during recent winters, ready access to home heating fuel in Maine and elsewhere in the Northeast is a necessity. As such, the bill I am introducing today includes a measure that would prevent the Coast Guard from removing these tugs from service unless adequate replacement assets are in place.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. Of the 39 worldwide naval fleets, the United States Coast Guard has the 37th oldest fleet of ships and aircraft. This year the Coast Guard will embark on a major recapitalization for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the "system-of-systems" procurement strategy the Coast Guard has proposed. This bill authorized funding for the first year of this critical long-term recapitalization program.

This is a good bill that enjoys bipartisan support on the Commerce Committee. I am pleased that so many of my colleagues have joined me in sponsoring this bill. I know that my cosponsors, Senators KERRY, MCCAIN, HOLLINGS, BREAUX, LOTT, MURKOWSKI, and DEWINE, also look forward to moving the bill to the Senate floor at the earliest opportunity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2001".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. LORAN-C.
Sec. 104. Patrol craft.
Sec. 105. Caribbean support tender.

TITLE II—PERSONNEL MANAGEMENT

Sec. 201. Coast Guard band director rank.
Sec. 202. Coast Guard membership on the USO Board of Governors.
Sec. 203. Compensatory absence for isolated duty.
Sec. 204. Suspension of retired pay of Coast Guard members who are absent from the United States to avoid prosecution.
Sec. 205. Extension of Coast Guard housing authorities.
Sec. 206. Accelerated promotion of certain Coast Guard officers.
Sec. 207. Regular lieutenant commanders and commanders; continuation on failure of selection for promotion.
Sec. 208. Reserve officer promotion
Sec. 209. Reserve Student Pre-Commissioning Assistance Program.

TITLE III—MARINE SAFETY

Sec. 301. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.
Sec. 302. Icebreaking services.
Sec. 303. Modification of various reporting requirements.
Sec. 304. Oil Spill Liability Trust Fund; emergency fund borrowing authority.
Sec. 305. Merchant mariner documentation requirements.
Sec. 306. Penalties for negligent operations and interfering with safe operation.
Sec. 307. Fishing vessel safety training.
Sec. 308. Extend time for recreational vessel and associated equipment recalls.

TITLE IV—RENEWAL OF ADVISORY GROUPS

Sec. 401. Commercial Fishing Industry Vessel Advisory Committee.
Sec. 402. Houston-Galveston Navigation Safety Advisory Committee.
Sec. 403. Lower Mississippi River Waterway Advisory Committee.
Sec. 404. Navigation Safety Advisory Council.
Sec. 405. National Boating Safety Advisory Council.
Sec. 406. Towing Safety Advisory Committee.

TITLE V—MISCELLANEOUS

Sec. 501. Modernization of national distress and response system.
Sec. 502. Conveyance of Coast Guard property in Portland, Maine.
Sec. 503. Harbor safety committees.
Sec. 504. Limitation of liability of pilots at Coast Guard Vessel Traffic Services.

TITLE VI—JONES ACT WAIVERS

Sec. 601. Repeal of special authority to revoke endorsements.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000 the following amounts:

(1) For the operation and maintenance of the Coast Guard, $2,853,000,000, of which $300,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $999,100,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $730,327,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001 the following amounts:

(1) For the operation and maintenance of the Coast Guard, $3,483,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $868,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $16,700,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,500,000, to remain available until expended.

(c) AUTHORIZATION FOR FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002, as follows:

(1) For the operation and maintenance of the Coast Guard, $3,633,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $660,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $876,350,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,500,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 40,000 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2001.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(e) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(f) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,050 student years.

SEC. 103. LORAN-C.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $25,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) FISCAL YEAR 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $44,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 104. PATROL CRAFT.

(a) TRANSFER OF CRAFT FROM DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC–170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to $100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

SEC. 105. CARIBBEAN SUPPORT TENDER.

The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

TITLE II—PERSONNEL MANAGEMENT

SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking "commander" and inserting "captain".

SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) the Secretary of Transportation, or the Secretary's designee, when the Coast Guard is not operating under the Department of the Navy; and".

SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

"§ 511. Compensatory absence from duty for military personnel at isolated duty stations

"The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

"511. Compensatory absence from duty for military personnel at isolated duty stations.".

SEC. 204. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

Section 633 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) is amended by redesignating subsections (b), (c), and (d) in order as subsections (c), (d), and (e), and by inserting after subsection (a) the following:

"(b) APPLICATION TO COAST GUARD.—Procedures promulgated by the Secretary of Defense under subsection (a) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under this section.".

SEC. 205. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

Section 689 of title 14, United States Code, is amended by striking "2001." and inserting "2006.".

SEC. 206. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

"(c)(1) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

"(2) A selection board may not make any recommendation under this subsection before the date the Secretary publishes a finding that implementation of this subsection will improve Coast Guard officer retention and management.

"(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committée on Commerce, Science, and Transportation of the Senate.";

(2) in section 260(a), by inserting "and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title" after "promotion"; and

(3) in section 271(a), by inserting at the end thereof the following: "The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.".

SEC. 207. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION ON FAILURE OF SELECTION FOR PROMOTION.

Section 285 of title 14, United States Code, is amended—

(1) by striking "Each officer" and inserting "(a) Each officer"; and

(2) by adding at the end the following new subsections:

"(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

"(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

"(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b), is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed."

SEC. 208. RESERVE OFFICER PROMOTIONS.

(a) Section 729(i) of Title 14, United States Code is amended by inserting "on the date a vacancy occurs, or as soon thereafter as practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system," after "grade".

(b) Section 731 of title 14, United States Coast Code, is amended by striking the period at the end of the sentence in section 731, and inserting ", or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

(1) 2 years in the grade of lieutenant (junior grade);

(2) 3 years in the grade of lieutenant;

(3) 4 years in the grade of lieutenant commander;

(4) 4 years in the grade of commander; and

(5) 3 years in the grade of captain.".

(c) Section 736(a) of title 14, United States Code, is amended by inserting "the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event" after "subchapter," in the first sentence in Section 736(a).

SEC. 209. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 21 of title 14, United States Code, is amended by inserting after section 709 the following new section:

"§ 709a. Reserve student pre-commissioning assistance program

"(a) The Secretary may provide financial assistance to an eligible enlisted member of the Coast Guard Reserve, not on active duty, for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to-

"(1) a baccalaureate degree in not more than 5 academic years; or

"(2) a doctor of jurisprudence or bachelor of laws degree in not more than 3 academic years.

"(b)(1) To be eligible for financial assistance under this section, an enlisted member of the Coast Guard Reserve must-

"(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

"(B) enter into a written agreement with the Coast Guard described in paragraph (2).

"(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees-

"(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

"(B) to serve on active duty for up to five years; and

"(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Coast Guard Reserve until the eighth anniversary of the date of the appointment.

"(c) Expenses for which financial assistance may be provided under this section are-

"(1) tuition and fees charged by the institution of higher education involved;

"(2) the cost of books;

"(3) in the case of a program of education leading to a baccalaureate degree, laboratory expenses; and

"(4) such other expenses deemed appropriate by the Secretary.

"(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $25,000 for any academic year.

"(e) Financial assistance may be provided to a member under this section for up to 5 consecutive academic years.

"(f) A member who receives financial assistance under this section may be ordered to active duty in the Coast Guard Reserve by the Secretary to serve in a designated enlisted grade for such period as the Secretary prescribes, but not more than 4 years, if the member"

"(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

"(2) fails to complete the academic requirements of the institution of higher education involved; or

"(3) fails to maintain eligibility for an original appointment as a commissioned officer.

"(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, the financial assistance shall be terminated. The member shall reimburse the United States in an amount that bears the same ratio to the total cost of the education provided to such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty.

"(2) The Secretary may waive the service obligated under subsection (f) of a member who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or medical condition that was not the result of the member's own misconduct or grossly negligent conduct.

"(h) As used in this section, the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709:

"709a. Reserve student pre-commissioning assistance program".

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking "United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended." and inserting "United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

SEC. 302. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

SEC. 303. MODIFICATION OF VARIOUS REPORTING REQUIREMENTS.

(a) TERMINATION OF OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.—

(1) IN GENERAL.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101-892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to the Congress.

(2) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(A) striking subsection (a); and

(B) striking "(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—".

(b) PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) COAST GUARD OPERATIONS AND EXPENDITURES.—Section 651 of title 14, United States Code.

(2) SUMMARY OF MARINE CASUALTIES REPORTED DURING PRIOR FISCAL YEAR.—Section 6307(c) of title 46, United States Code.

(3) USER FEE ACTIVITIES AND AMOUNTS.—Section 664 of title 46, United States Code.

(4) CONDITIONS OF PUBLIC PORTS OF THE UNITED STATES.—Section 308(c) of title 49, United States Code.

(5) ACTIVITIES OF FEDERAL MARITIME COMMISSION.—Section 208 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118).

(6) ACTIVITIES OF INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e)).

SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting "To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.".

SEC. 305. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) INTERIM MERCHANT MARINERS' DOCUMENTS.—Section 7302 of title 46, United States Code, is amended—

(1) by striking "A" in subsection (f) and inserting "Except as provided in subsection (g), a"; and

(2) by adding at the end the following:

"(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

"(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

"(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

"(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.".

(b) EXCEPTION.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

"(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and".

SEC. 306. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Section 2302(a) of title 46, United States Code, is amended by striking "$1,000." and inserting "$5,000 in the case of a recreational vessel, or $25,000 in the case of any other vessel.".

SEC. 307. FISHING VESSEL SAFETY TRAINING.

(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

(1) assistance in developing training curricula;

(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;

(3) sharing of appropriate Coast Guard informational and safety publications; and

(4) participation on applicable fishing vessel safety training advisory panels.

(b) NO INTERFERENCE WITH OTHER FUNCTIONS.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

SEC. 308. EXTEND TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.

Section 4310(c)(2) of title 46, United Sates Code, is amended in subparagraphs (A) and (B) by striking "5" wherever it appears and inserting "10" in its place.

TITLE IV—RENEWAL OF ADVISORY GROUPS

SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting "**Safety**" in the heading after "**Vessel**";

(2) by inserting "Safety" in subsection (a) after "Vessel";

(3) by striking "(5 U.S.C App. 1 et seq.)" in subsection (e)(1)(I) and inserting "(5 U.S.C. App.)"; and

(4) by striking "of September 30, 2000" and inserting "on September 30, 2005".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

"4508. Commercial Fishing Industry Vessel Safety Advisory Committee.".

SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended by striking "September 30, 2000." and inserting "September 30, 2005.".

SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended by striking "September 30, 2000" in subsection (g) and inserting "September 30, 2005".

SEC. 404. NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "September 30, 2000" in subsection (d) and inserting "September 30, 2005".

SEC. 405. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended by striking "September 30, 2000" in subsection (e) and inserting "September 30, 2005".

SEC. 406. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled "An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation" (33 U.S.C. 1231a) is amended by striking "September 30, 2000." in subsection (e) and inserting "September 30, 2005.".

TITLE V—MISCELLANEOUS

SEC. 501. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

(a) REPORT.—The Secretary of Transportation shall prepare a status report on the modernization of the National Distress and

Response System and transmit the report, not later than 60 days after the date of enactment of this Act, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) CONTENTS.—The report required by subsection (a) shall—

(1) set forth the scope of the modernization, the schedule for completion of the System, and provide information on progress in meeting the schedule and on any anticipated delays;

(2) specify the funding expended to-date on the System, the funding required to complete the system, and the purposes for which the funds were or will be expended;

(3) describe and map the existing public and private communications' coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

(4) identify areas of high risk to boaters and Coast Guard personnel due to communications gaps;

(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea;

(6) identify the number of VHF-FM radios equipped with digital selective calling sold to United States boaters;

(7) list all reported marine accidents, casualties, and fatalities associated with existing communications gaps or failures, including incidents associated with gaps in VHF-FM coverage or digital selective calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels;

(8) identify existing systems available to close identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF-FM digital selective calling distress signal; and

(9) identify actions taken to-date to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01.

SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) CONDITION OF CONVEYANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) IDENTIFICATION OF LEASED PREMISES.—The Administrator, in consultation with the Commandant, may identify and describe the leased premises and rights of access, including the following, in order to allow the Coast Guard to operate and perform missions from and upon the leased premises:

(A) The right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to Coast Guard vessels and performance of Coast Guard missions and other mission-related activities.

(B) The right to berth Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense.

(C) The right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes.

(D) The right to occupy up to 3,000 gross square feet at the Naval Reserve Pier property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(E) The right to occupy up to 1,200 gross square feet of offsite storage in a location other than the Naval Reserve Pier property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(F) The right for Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than 30 vehicles shall be located on the Naval Reserve Pier property.

(3) RENEWAL.—The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) LIMITATION ON SUBLEASES.—The United States may not sublease the leased premises to a third party or use the leased premises for purposes other than fulfilling the missions of the Coast Guard and for other mission related activities.

(5) TERMINATION.—In the event that the Coast Guard ceases to use the leased premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) IN GENERAL.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) FURTHER IMPROVEMENTS.—In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the leased premises during the lease term, at the United States sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTENANCE OBLIGATIONS.—

(1) UTILITIES.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) MAINTENANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the leased premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this Act or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term "aid to navigation" means equipment used for navigational purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term "Corporation" means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 503. HARBOR SAFETY COMMITTEES.

(a) STUDY.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) EFFECT ON EXISTING PROGRAMS AND STATE LAW.—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term "harbor safety committee" means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

SEC. 504. LIMITATION OF LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.

(a) IN GENERAL.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

"§ 2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots

"Any pilot, acting in the course and scope of his duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice or communication assistance shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

"2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots".

TITLE VI—JONES ACT WAIVERS

SEC. 601. REPEAL OF SPECIAL AUTHORITY TO REVOKE ENDORSEMENTS.

Section 503 of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 note) is repealed.

Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Authorization Act of 2001. Charged with maintaining our national defense and the safety of our citizens, the Coast Guard is a multi-mission agency. The Coast Guard is a branch of the U.S. Armed Forces, but it is also a unique instrument of national security, responsible for search and rescue services and maritime law enforcement. Daily operations include drug interdiction, environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety.

Recently the Coast Guard has been forced to reduce its services and cut its operations as a result of funding shortfalls. Earlier this year, for the second year in a row, the Coast Guard reduced its non-emergency operations by over 10 percent due to a shortfall in operating appropriations. Mr. President, the Coast Guard and the American people deserve better, and the bill I am proud to cosponsor today authorizes funding at levels which would restore the Coast Guard to the full operational level. Additionally, the bill provides necessary funding for cutter and aircraft maintenance including the elimination of the existing spare parts shortage.

This bill provides the funding necessary to maintain the level of service and the quality of performance that the United States has come to expect from the Coast Guard. I commend the men and women of the Coast Guard for their honorable and courageous service to this country. The bill authorizes $4.63 billion in FY 2000, $4.83 billion in 2001, and $5.22 billion in FY 2002.

One critical goal of this bill is to provide parity with the Department of Defense on certain personnel matters. We should ensure that the men and women serving in the Coast Guard are not adversely affected because the Coast Guard does not fall under the DOD umbrella. This bill provides parity with DOD for military pay and housing allowance increases, Coast Guard membership on the USO Board of Governors, and compensation for isolated duty.

In today's strong economy, the Armed Services are seeing an exodus of experienced officers and enlisted personnel. Additional funding in this bill provides for recruiting and retention initiatives, to ensure that the Coast Guard retains the most qualified young Americans. In addition, it addresses the current shortage of qualified pilots and authorizes the Coast Guard to send more students to flight school. New programs will offer financial assistance to bring college students into the Service and bring retired officers back on active duty to fill temporary experience gaps.

The Coast Guard is the lead federal agency in maritime drug interdiction. Therefore, they are often our nation's first line of defense in the war on drugs. This bill authorizes the Coast Guard to acquire and operate up to seven ex-Navy patrol boats, thereby expanding the Coast Guard's critical presence in the Caribbean, a major drug trafficking area. With the vast majority of the drugs smuggled into the United States on the water, the Coast Guard must remain well equipped to prevent drugs from reaching our schools and streets. I was gratified to learn that just a few weeks ago, the Coast Guard made the largest single maritime cocaine seizure in history; more than 13 tons of illegal drugs bound for U.S. streets are instead bound for an incinerator.

Environmental protection, including oil-spill cleanup, is an invaluable service provided by the Coast Guard. Under current law, the Coast Guard has access to a permanent annual appropriation of $50 million, distributed by the Oil Spill Liability Trust Fund, to carry out emergency oil spill response needs. Over the past few years, the fund has spent an average of $42 to $50 million per year, without the occurrence of a major oil spill. Clearly these funds would not be adequate to respond to a large spill. For instance, a spill the size of the Exxon Valdez could easily deplete the annual appropriated funds in two to three weeks. This bill authorizes the Coast Guard to borrow up to an additional $100 million, per incident, from the Oil Spill Liability Trust Fund, for emergency spill responses. In such cases, it also requires the Coast Guard to notify Congress of amounts borrowed within thirty days and repay such amounts once payment is collected from the responsible party.

The 1999 President's Interagency Task Force on U.S. Coast Guard Roles and Missions reported "The Coast Guard provides the United States a broad spectrum of vital services that will be increasingly important in the decades ahead." It further found that "the nation must take action soon to modernize and recapitalize Coast Guard forces, if the Service is to remain Semper Paratus—Always Ready." Mr. President, that modernization is just beginning and I am proud to support the Administration's request for $338 million in Fiscal Year 2002 to fund the Integrated Deepwater System project. The bill I am cosponsoring today authorizes full funding for the first year of this multi-year project to replace more than 115 old ships and 165 aircraft that will soon reach their service lives. I support the Coast Guard's groundbreaking procurement process that stresses life cycle cost efficiency and not just lowest procurement cost.

This bill represents a thorough set of improvements which will make the Coast Guard more effective, improve the quality of life of its personnel, and facilitate their daily operations. I would like to thank Senators SNOWE and KERRY for their bipartisan leadership on Coast Guard issues, as well as my fellow co-sponsors Senators HOLLINGS, BREAUX, LOTT, MURKOWSKI, and DEWINE for their longstanding support of the Coast Guard.

By Mr. GREGG (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. BAYH):

S. 952. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today, I am pleased to be joined by Senators KENNEDY, DEWINE, and BAYH in introducing the Public Safety Employer-Employee Cooperation Act of 2001. This legislation would extend to firefighters and police officers the right to discuss workplace issues with their employers.

With the enactment of the Congressional Accountability Act, State and local government employees remain the only sizable segment of workers left in America who do not have the basic right to enter into collective bargaining agreements with their employers. While most States do provide some collective bargaining rights for their public employees, others do not.

The lack of collective bargaining rights is especially troublesome in the public safety arena. Firefighters and police officers take seriously their oath to protect the public safety, and as a result, they do not engage in work stoppages or slowdowns. The absence of collective bargaining denies these workers any opportunity to influence the decisions that affect their lives or livelihoods.

Studies have shown that communities which promote such cooperation enjoy much more effective and efficient delivery of emergency services. Such cooperation, however, is not possible in the 18 States that do not provide public safety employees with the fundamental right to bargain with their employers.

The legislation I am introducing today recognizes the unique situation and obligation of public safety officers. First, we create a special collective bargaining right outside the scope of other Federal labor law and specifically prohibit the use of strikes, work stoppages or other actions that could disrupt the delivery of services. Second, this legislation utilizes the procedures and expertise of the Federal Labor Relations Authority to help resolve disputes between public safety employers and employees. This bill simply requires that each State provide minimum collective bargaining rights to their public safety employees in whatever manner they choose. It outlines certain provisions that must be included in state laws, but leaves the major decisions to the state legislatures. States that already have the minimum collective bargaining protections as outlined in this legislation would be exempt from the Federal statute. And third, the bill specifically prohibits strikes, lockouts, sickouts, work slowdowns or any other job action which will disrupt the delivery of emergency services.

Labor-management partnerships, which are built upon bargaining relationships, result in improved public safety. Employer-employee cooperation contains the promise of saving the taxpayer money by enabling workers to give input as to the most efficient way to provide services. In fact, States that currently give firefighters the right to discuss workplace issues actually have lower fire department budgets than states without those laws.

The Public Safety Employer-Employee Cooperation act of 2001 will put firefighters and law enforcement officers on equal footing with other employees and provide them with the fundamental right to negotiate with employers over such basic issues as hours, wages, and workplace conditions.

I urge its adoption and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Employer-Employee Cooperation Act of 2001".

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term "Authority" means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms "employer" and "public safety agency" mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term "firefighter" has the meaning given the term "employee engaged in fire protection activities" in section 3(y) of the Fair Labor Standards Act (29 U.S.C.203(y)).

(5) LABOR ORGANIZATION.—The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" has the meaning

given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT AUTHORITY.—The term "management employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term "public safety officer"—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term "substantially provides" means compliance with the essential requirements of this Act, specifically, the right to form and join a labor organization, the right to bargain over wages, hours and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term "supervisory employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators; and

(6) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act; or

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section 4(b)(3).

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. KENNEDY. Mr. President, I am honored today to join my colleagues, Senators GREGG, DEWINE, and BAYH, to introduce the "Public Safety Employer-Employee Cooperation Act of 2001."

For more than 60 years, collective bargaining has enabled labor and management to work together to improve job conditions and increase productivity. Through collective bargaining, labor and management have led the way on many important improvements in today's workplace—especially with regard to health and pension benefits, paid holidays and sick leave, and workplace safety.

Collective bargaining in the public sector, once a controversial issue, is now widely accepted. It has been common since at least 1962, when President Kennedy signed an Executive Order granting these basic rights to federal employees. Congressional employees have had these rights since enactment of the Congressional Accountability Act almost a decade ago. It is long since time to give state and local government employees federal protection for the basic right to enter into collective bargaining agreements with their employers.

The act we are introducing today extends this protection to firefighters, police officers, paramedics and emergency medical technicians. The bill guarantees the fundamental rights necessary for collective bargaining—the right to form and join a union; the right to bargain over hours, wages and working conditions; the right to sign legally enforceable contracts; and the right to a resolution mechanism in the event of an impasse in negotiations. The bill also accomplishes its goals in a reasonable and moderate way.

The benefits of this bill are clear and compelling. It will lead to safer working conditions for public safety officers. These valued public employees serve in some of the country's most dangerous, strenuous and stressful jobs. Every year, more than 80,000 police officers and 75,000 firefighters are injured on the job. An average of 160 police officers and nearly 100 firefighters die in the line of duty each year. Because these men and women serve on the front lines in providing firefighting services, law enforcement services, and emergency medical services, they know what it takes to create safer working conditions. They deserve the benefit of collective bargaining to give them a voice in decisions that can literally make a life-and-death difference on the job.

Our bill will also save money for states and local communities. Experience has shown that when public safety officers can discuss workplace conditions with management, partnerships and cooperation develop and lead to improved labor-management relations and better, more cost-effective services. A study by the International Association of Fire Fighters shows that states and municipalities that give firefighters the right to discuss workplace issues have lower fire department budgets than states without such laws. When workers who actually do the job are able to provide advice on their work conditions, there are fewer injuries, better morale, better information on new technologies, and more efficient ways to provide the services.

It is a matter of basic fairness to give these courageous men and women the same rights that have long been enjoyed by other workers. They put their lives on the line to protect us every day. They deserve to have an effective voice on the job, and improvements in their work conditions will benefit their entire community.

I urge my colleagues to support this important measure.

By Mr. MCCONNELL (for himself, Mr. SCHUMER, Mr. TORRICELLI, Mr. BROWNBACK, Mr. ALLARD, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Ms. CANTWELL, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mrs. CLINTON, Mr. CRAIG, Mr. CONRAD, Mr. CRAPO, Mr. CORZINE, Mr. DEWINE, Mr. DASCHLE, Mr. DOMENICI, Mr. DAYTON, Mr. ENSIGN, Mr. DURBIN, Mr. ENZI, Mr. EDWARDS, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. INOUYE, Mr. GREGG, Mr. JOHNSON, Mr. HATCH, Mr. KENNEDY, Mr. HELMS, Mr. KERRY, Mrs. HUTCHISON, Mr. KOHL, Mr. JEFFORDS, Ms. LANDRIEU, Mr. LOTT, Mr. LEAHY, Mr. LUGAR, Ms. MIKULSKI, Mr. NELSON of Nebraska, Mr. MURKOWSKI, Mr. NELSON of Florida, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. WELLSTONE, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon,

S. 953. A bill to establish a Blue Ribbon Study Panel and an Election Administration Commission to study voting procedures and election administration, to provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCONNELL. Mr. President, when election reform emerged on the nation's agenda last winter, as chairman of the Senate Rules Committee, the committee of jurisdiction over election law, I resolved to keep the issue from getting bogged down in the partisan morass. The furor and fervor surround the last election has finally given way to a constructive bipartisan consensus. Today it is a distinct pleasure to join with Senators SCHUMER, TORRICELLI, and BROWNBACK in advancing bipartisan legislation to restore faith in American elections.

Even more remarkable is the support in the endeavor of two reform groups with whom I have been engaged over the years in something less than a mutual admiration society, to say the least: Common Cause and the League of Women Voters. Ours is perhaps the most curious alliance since Bob Dole teamed up with Britney Spears to push Pepsi. And only slightly less jarring.

Nearly as discombobulating was opening the New York Times editorial page and seeing my name in print in the lead editorial applauding the McConnell/Schumer/Torricelli/Brownback bill. My wife, the Secretary of Labor, subsequently performed the Heimlich maneuver, lest I choke on the New York Times' praise. No doubt the editorial writer experienced similar bewilderment, as Darth Vader suddenly became Luke Skywalker overnight.

As this alliance indicates, election reform must transcend partisanship and result in real and lasting achievement by ensuring what I call, the three A's of election reform: Accuracy, Access and Accountability. This is the essence of this bill.

Our bill will establish, for the first time in our Nation's history, a permanent Election Administration Commission. This new permanent commission will bring focused expertise to bear on the administration of elections, and, importantly, award matching grants to States and localities to improve the accuracy and integrity of our election system.

Accuracy. The last election produced outcries over inaccurate voter rolls where some cities actually had more registered voters than the voting age population. And, of course, we've all heard the stories of both pets and dead people being registered to vote, and, in some instances, actually voting.

This legislation will require accurate voter rolls to ensure that those who vote are legally entitled to do so, and do so only once.

Access. This legislation also seeks to ensure that never again will our men and women in uniform be denied the opportunity to vote. The bill will merge the Department of Defense's Office of Voting Assistance into the new permanent commission. Moreover, the bill will increase the ability of disabled voters to both register and vote.

Accountability. The new Election Administration Commission will dramatically increase accountability by awarding grants only to those states and localities who ensure accurate and accessible voting.

Again, I applaud Senators SCHUMER, TORRICELLI, AND BROWNBACK for their principled and diligent work on this effort over the past six months. I believe this bill is the first, best step toward meaningful election reform.

By Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. KERRY, Mr. WELLSTONE, Mr. DODD, Mr. INOUYE, Mr. DURBIN, Mr. FEINGOLD, and Mr. AKAKA):

S. 955. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigration Responsibility Act of 1996; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, I am honored to join my colleagues, Senators GRAHAM, LEAHY, KERRY, WELLSTONE, DODD, INOUYE, AKAKA, FEINGOLD, and DURBIN in introducing the Immigrant Fairness Restoration Act. This legislation will restore the balance to our immigration laws that was lost when Congress amended the immigration laws in 1996.

The changes made in 1996 went too far. They have had harsh consequences that punish families and violate individual liberty, fairness and due process. Families are being torn apart. Persons who present no danger to their communities have been left to languish in INS detention. Individuals are being summarily deported from the United States, to countries they no longer remember, separated from all that they know and love.

The bill we are introducing will undo many of these harsh consequences. It will eliminate the retroactive application of the 1996 changes. Permanent residents who committed offenses long before the enactment of the 1996 laws should be able to apply for the relief from removal under the law as it existed when the offense was committed.

Current immigration laws too often punish permanent residents out of all proportion to their crimes. Relatively minor offenses are turned into aggravated felonies. Permanent residents who did not have criminal convictions or serve prison sentences are blocked from all relief from deportation.

Our proposal restores the discretion that immigration judges previously had and responsibly exercised to evaluate cases on an individual basis and grant relief from deportation to deserving persons. Currently, immigration judges are precluded from granting such relief to many permanent residents, regardless of the circumstances or equities in the cases. As a result of the 1996 laws, the judges' hands are tied, even in the most compelling cases. This legislation will allow immigration judges to return to their proper role.

Our bill will also end mandatory detention. The Attorney General will have the authority to release from detention persons who do not pose a danger to the community and are not a flight risk. Detention is an extraordinary power that should only be used in extraordinary circumstances. A judge should have the discretion to release from detention persons who are not a danger to the community and who do not pose a flight risk.

Clearly, dangerous criminals should be detained and deported. But indefinite detention must end. No public purpose is served by wasting valuable resources detaining non-dangerous individuals, many of whom have lived in this country with their families for many years, established strong ties to their communities, paid taxes, and contributed in other ways to the fabric of our Nation.

The 1996 laws also stripped the Federal courts of any authority to review the decisions of the INS and the immigration courts. Under present law, harsh determinations are often made at the unreviewable discretion of INS officers. Fundamental decisions are made on the basis of a brief review of a few pages in a file, or a perfunctory administrative hearing, without judicial review. Our proposal will restore such review. Immigrants deserve their day in court.

Americans are proud of our heritage and history as a nation of immigrants. It is long past time for Congress to correct the laws enacted in 1996.

Many heart-wrenching stories could be cited about the "nightmares" created by the 1996 laws and the people caught by its provisions.

Consider the case of Carlos Garcia, who fled from his native land of El Salvador in 1978 during the civil war. Upon arriving in the United States, he became fluent in English and attended a local community college, and in 1982, he became a permanent resident. All of his family live in this country, including his U.S. citizen parents.

In 1993, he pleaded guilty to taking $200 from a department store where he worked. He was sentenced to two years of probation, with a suspended jail sentence, and he completed his probation early. Apart from this single offense, he has no criminal history. For years, he has worked as a caterer, holding a security clearance, since his employer handled functions in Congress, the State Department and White House. He regularly attends church and participates in a bone marrow transplant program to help children.

In 1998, the INS placed Carlos in removal proceedings after he returned from a four-day vacation cruise. Because the 1996 laws made his crime an aggravated felony, the immigration judge no longer had discretion to consider evidence of his positive contributions to his community, his family ties, or the potential hardship that severing those ties may cause.

Or consider the case of Claudette Etienne, who fled from Haiti at the age of 23, and was a legal resident of the United States for 20 years. She had two young U.S. citizen children and lived with her husband in Miami. One day, during an argument, Claudette threatened her husband with a broken bottle, and was sentenced to a year of probation. In June 1999, she was found guilty of selling a small amount of cocaine and was sentenced to another year of probation. When she was summoned to see her probation officer in February 2000, INS officers arrested her and placed her in deportation proceedings under the 1996 immigration laws. She was imprisoned in an INS detention center for the next seven months, and in September was taken by U.S. Marshals and put on a flight to Haiti.

Upon arriving in Haiti, the police immediately jailed her in a cell that was pitch black. The air was thick with the stench of human sweat and waste, and the temperature reached 105 degrees. Claudette had to rely on the compassion of prisoners and guards for food, since the jail provided none. During her imprisonment in Haiti, she became sick with fever, stomach pains, diarrhea, and constant vomiting from drinking tap water. She died in the jail a few days later.

Surely, Congress cannot ignore such abuses. Even many proponents of the 1996 laws now admit that these changes went too far and need to be corrected as soon as possible. The Immigrant Fairness Restoration Act will help to protect families, assure fairness and due process, and restore the integrity of our immigration laws, and I urge all my colleagues to support it.

Mr. GRAHAM. Mr. President, I am pleased to join my colleagues, Senators KENNEDY, DODD, DURBIN, INOUYE, KERRY, LEAHY, AKAKA, and WELLSTONE to introduce the Immigrant Fairness Restoration Act of 2001. This legislation brings balance back to the legal system. It rights some of the wrongs of the 1996 immigration law. It restores fairness and justice to everyone in our country.

As it stands today, the immigration laws violate those core American principles.

The original aim of the 1996 immigration bill was to control illegal immigration. In practice, the law hurts legal permanent residents and others who entered, or wanted to enter, the United States legally.

The 1996 laws, Illegal Immigration Reform and Immigrant Responsibility Act, IIRAIRA, and Antiterrorism and Effective Death Penalty Act, AEDPA, mandated deportation of legal aliens for relatively insignificant crimes. For the most part, these are crimes for which they have already served their punishment. They have restricted access to legal counsel and virtually no recourse in the courts.

This violates the tradition of our country. It also violates the essence of our legal system. Our constitution demands that no person shall be deprived of life, liberty or property without due process of law. This fundamental right applies to all persons, regardless of their paperwork or where they were born.

Our legal system should be about granting people their day at court, to provide a second chance, to keep the rules of the game fair.

When we think about fairness, or lack of fairness, we should think about personal stories. John Gaul, formerly from Tampa, FL, has been punished twice for his mistakes. John was adopted from Thailand by his U.S. citizen parents when he was 4 years old. As a teenager, he was convicted of car theft and credit card fraud, two nonviolent offenses for which he served 20 months in jail. John does not remember Thailand. He does not speak Thai, nor does he know of relatives there. None of that mattered. John was deported to Thailand and may never be allowed to return to his parents in the United States.

Was it fair to threaten Carolina Murry of Neptune Beach with deportation for voting, even though she never knew she was not a U.S. citizen? Carolina's father told her that she had become a U.S. citizen shortly after she moved with him from the Dominican Republic at the age of 3. Only in 1998, when she applied for a passport, did she learn that in fact she was not. In the process of becoming a citizen, INS officials asked her if she ever voted in a U.S. election. She replied she had, because she takes her civic duties seriously. As a consequence, INS not only denied her application but also told her that she faced criminal prosecution and deportation for voting illegally. Only after the case caught media attention and raised a lot of public protest did the charges get dropped.

Would it be fair to separate Aarti Shahani, a U.S. citizen, from her father, a legal permanent resident in the United States since 1984? Her father, a small businessman, is facing deportation to India. As early as next week he will be transferred to INS detention following a State sentence relating to his failure to report taxable business earnings. Aarti has taken a leave from the University of Chicago to help support her family. She and her two U.S. citizen siblings continue to fight for their father's right to stay in the United States. They are fighting to keep the family together.

Earlier this month, President Bush urged Congress to establish immigration laws that recognize the importance of families and that help to strengthen them. The Immigrant Fairness Restoration Act does exactly that. Right now, our immigration laws tear families apart. The laws are harsh and offer no chance for review or appeal.

I strongly believe that criminals should be punished. They should repay their debt to society by incarcertaion, monetary restitution or other sanctions. But I also believe that everyone deserves a chance at a fresh start after the debts are paid. No one should be punished twice.

The 1996 law went too far. It is time to eliminate retroactivity. It is time to restore a system that punishes legal residents in proportion to their crimes. It is time to restore discretion so immigration judges can evaluate cases individually and grant relief to those deserving. It is time to ensure legal residents are not needlessly jailed or imprisoned.

We need legislation that lives up to our nation's legacy as a country of immigrants. I urge my colleagues to support the Immigrant Fairness Restoration Act to grant everyone equal protection under the law.

By Mr. CORZINE:

S. 956. A bill to amend title 23, United States Code, to promote the use of safety belts and child restraint systems by children, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to introduce the Child Passenger Safety Act, a bill to ensure that our children are adequately restrained and protected in cars. I am pleased to join my colleague Congressman FRANK PALLONE of New Jersey, who has introduced this legislation in the House and who has a longstanding interest in child safety. I also want to recognize Senator PETER FITZGERALD's commitment to child safety. His recent hearing on the subject of child passenger safety laws shed important light on the need to encourage States to strengthen their laws, and I look forward to working with him to address this issue.

No child should be placed at risk by a simple trip to the local grocer. No child should be in danger on a family trip to the beach. No child should be placed in jeopardy in the daily ride to school. Yet unfortunately, every year almost 1,800 children aged 14 and under die in motor vehicle crashes, and more than 274,000 kids are injured. In fact, traveling in a car without a seatbelt is the leading killer of children in America.

Despite this compelling statistic, the lack of reasonable safety measures for kids in this country is staggering. We know that children who are not restrained are far more likely to suffer severe injuries or even death in motor vehicle crashes, yet approximately 30 percent of children ages four and under ride unrestrained, and of those who do buckle up, four out of five children are improperly secured. Only five percent of four- to eight-year-olds ride in booster seats.

Unfortunately, States have done too little to protect child passengers, a conclusion documented in a recent study of child car safety laws by the non-profit National Safe Kids Campaign. This report rated the effectiveness of each State's laws in protecting children from injury in traffic accidents, and twenty-four of the fifty States received a failing grade, while only two States, Florida and California, received grades higher than a C. My own State of New Jersey's laws were ranked dead last in the survey, because the State does not require any protection for children aged five or older riding in the back seat.

Among the study's alarming findings: no State fully protects all child passengers ages 15 and under, no States require children aged 6–8 to ride in booster seats, 34 States allow child passengers to rider unrestrained due to exemptions, and in many States, children are legally allowed to ride completely unrestrained in the back seat of a vehicle.

Statistics like these make it clear that we need new Federal legislation. States are simply not doing enough to protect children in car accidents, especially older children. That is why today I am introducing a bill that would help ensure that all children are safely secured in cars, no matter where they live. The Child Passenger Safety Act would encourage States to enact laws requiring that children up to age eight are properly secured in a child car safety seat or booster seat appropriate to the child's age or size. The legislation also would encourage States to ensure that children up to the age 16 are restrained in a seatbelt, regardless of where they are sitting in the vehicle.

States that do not meet these critical goals would be subject to the loss of Federal transportation funds, the same approach used to encourage States to establish strong drunk driving standards.

We cannot sit idly by while so many of our children are exposed to unnecessary danger on our nation's roads. I ask my colleagues to join me in support of the Child Passenger Safety Act.

By Mr. WELLSTONE (for himself, Mr. DAYTON, Mr. BYRD, and Ms. STABENOW)

S. 957. A bill to provide certain safeguards with respect to the domestic steel industry; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, today I am pleased to introduce, on behalf of myself and Senators DAYTON, BYRD, and STABENOW, the Steel Revitalization Act of 2001. This is the companion measure to H.R. 808, which, as of this moment, has 189 cosponsors in the House. The measure represents a comprehensive approach to the serious crisis facing our domestic iron ore and steel industry.

I want to note that several of the provisions contained in the Act are ones that my colleagues in the bi-partisan Steel Caucus here in the Senate and our counterparts in the House have been working on for some time. I want to publicly acknowledge and thank, in particular, Senators ROCKEFELLER and SPECTER for their work in co-chairing the Caucus, and Senator BYRD for his unflinching support of the entire steel industry and his creative efforts on behalf of the industry's working families.

The Steel Revitalization Act includes the following four components: 1. A five-year period of quantitative restrictions on the import of iron ore, semi-finished steel, and finished steel products. Import levels would be set for each product line at the average level of penetration that occurred during the three years prior to the onset of the steel import crisis in late 1997. 2. Creation of a Steelworker Retiree Health Care Fund to be administered by a Steelworker Retiree Health Care Board at the Department of Labor which would be accessible by all steel companies that provide health insurance to retirees at the time of enactment. The Fund would be underwritten through a 1.5 percent surcharge on the sale of all steel products in the United States, both imported and domestic. 3. Enhancement of the current Steel Loan Guarantee program to provide steel companies greater access to funds needed to invest in capital improvements and take advantage of the latest technological advancements. Among other things, the Act would (a) increase the current Steel Loan Guarantee authorization from $1 billion to $10 billion, (b) increase the loan coverage from 85 percent to 95 percent, and (c) extend the duration of financing from 5 to 15 years. 4. Creation of a $500 million grant program at the Department of Commerce to help defray the cost of environmental mitigation and restructuring as a result of consolidation. Companies which have merged will be eligible to apply for such funds if their grant application outlines a merger that will retain 80 percent of the domestic blue-collar workforce and production capacity for 10 years after the merger.

The recent economic conditions facing the U.S. iron ore and steel industry are of particular concern to those in my home state of Minnesota. We are extremely proud of our state's history as the nation's largest producer of iron ore. The iron ore and taconite mines, located on the Iron Range in Minnesota and in our sister state of Michigan, have provided key raw materials to the nation's steel producers for over a century.

You will not find a harder working, more committed group of workers anywhere in this country than you find in the iron ore and taconite industry. This is a group of people who work under the toughest of conditions, are absolutely committed to their families, and who now face dire circumstances, through no fault of their own, because of the effects of unfairly traded iron ore, semi-finished steel, and finished steel products.

Earlier this year, for example, citing poor economic conditions, LTV Steel Mining Company halted production at the Hoyt Lakes, Minnesota mine, leaving 1,400 workers out of good-paying jobs and affecting nearly 5,000 additional workers as well. These are people who believe in the importance of a strong domestic steel industry to the economic and national security of our country.

The Steel Revitalization Act is a comprehensive measure designed to address the multiplicity of needs facing the iron ore and steel industry today. It provides import relief, industry-wide sharing of the huge retiree health care cost burdens resulting from massive layoffs during the 1970's and 1980's, improved access to capital, and assistance for industry consolidation that protects American jobs.

It is imperative that we act and that we act soon. Failing economic conditions, huge health care legacy cost burdens, and staggering levels of iron ore, semi-finished steel, and finished steel imports pose immense threats to this essential industry. I urge my colleagues in the Senate to join in helping to pass this critical legislation at the earliest possible date. Relief for this essential industry is long overdue. We cannot afford to delay.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY—STEEL REVITALIZATION ACT

In mid-January, the United States Steelworkers of America presented a proposal for a comprehensive steel revitalization package. The results is H.R. 808, the Steel Revitalization Act, outlined below. This was introduced on March 1, 2001 by Congressional Steel Caucus Vice Chairman Peter Visclosky, with 84 other original cosponsors, including Congressional Steel Caucus Chairman Jack Quinn and Congressional Steel Caucus Executive Committee Chairman Phil English and Vice Chairman Dennis Kucinich. The measure currently has 172 cosponsors.

TITLE I—Import Relief

This title will mirror H.R. 975, the Steel Import Quota Bill, which was approved by the House in the 106th Congress, but failed to achieve cloture in the Senate.

PROVISIONS OF TITLE I

Provides import relief by imposing 5-year quotas on the importation of steel and iron ore products into the U.S.

The quotas will limit import penetration to the average pre-crisis (1994 to 1997) levels (i.e., the import levels allowed in will be linked to the percentage of domestic consumption of foreign steel in the years preceding the import crisis).

CHANGES FROM H.R. 975

H.R. 975 based quotas on tonnage, not percentage of penetration. Because the market is weakening, we expect tonnage imported to decrease anyway. Therefore, we will link quota numbers to penetration to account for expected decreases in imported tonnage. However, due to differences in statistical methodology, iron ore, semifinished steel and coke product quotas will be determined by tonnage.

H.R. 975 did not include stainless and specialty steel products. This provision will include those products.

This measure will include a short supply clause to ensure that sufficient supplies of steel products are available and to prevent overpricing in some product areas.

TITLE II—Legacy Cost Sharing

This title will address the overwhelming cost many steel companies face in retiree health care due to massive downsizing and restructuring in the 1980s.

PROVISIONS OF TITLE II

Imposes a 1.5 percent surcharge on the sale of steel and iron ore in the U.S. The average cost of a ton of steel is about $500, translating to a $7.50 per ton payment. With an average of 130 million tons of steel sold in the U.S. per year, the fund should generate approximately $880 million per year.

Revenues will be placed in a Steelworker Retiree Health Care Trust Fund, to be administered by the Department of Labor through a newly established Steel Retiree Health Care Board.

The Board will accept applications from steel and iron ore companies for access to the Fund to defray the cost of retiree health care benefits.

Eligible retirees will have retired prior to enactment of the bill.

The fund will be available to defray up to 75 percent of the cost of health care per individual, based on benefits available at the time of enactment adjusted for inflation in the health care market. New benefits negotiated by the union or offered by the company will not be eligible for increased funding.

If there are insufficient funds to cover all eligible health care rebates, the funds will be divided equally on a per-beneficiary basis. The funds will not be divided based on benefit costs.

After the first year the level of the tax will be adjusted annually based on the size of the fund and projected outlays, until the tax sunsets automatically. The tax will never exceed 1.5 percent.

TITLE III—Steel Loan Guarantee Adjustments

This title will address problems with the Steel Loan Guarantee program, which has proven ineffective in finalizing loans. Currently, 7 loans have been approved, but only one has actually resulted in financing for a steel company (Geneva Steel). Steel companies are finding it almost impossible to raise capital through other sources, especially due to plummeting stock prices and decreasing demand. This portion of the bill was hammered out with the help of Senator Byrd's office.

PROVISIONS OF TITLE III

The authorization of the program will be increased from $1 billion to $10 billion.

The guarantee will cover 95 percent of the loan, up from 85% under the current program.

The duration of the loan guarantee will be extended from 5 to 15 years.

The period between application to the Board and determination of a guarantee will be set at 45 days.

The Board will be composed of the Secretaries of Treasury, Commerce, and Labor, or their designees, with the Chairmanship held by the Commerce Secretary. Currently the Board includes the Fed and SEC Chairmen, who have limited experience with the steel industry.

The funds made available from loans will be limited to capital expenditures, and will not be used to service existing debt.

TITLE IV—Incentives for Consolidation

This title will encourage the responsible consolidation of the steel industry, which is currently deeply fragmented.

PROVISIONS OF TITLE IV

A $500 million grant program at the Department of Commerce will be created.

Any time up to 1 year after a merger is completed, an eligible company, as defined as a producer of products protected under the Quota portion of the bill, will be able to apply for up to $100 million in grants to defray costs associated with the merger.

The Department of Commerce will review the merger proposal to determine if the merger will promote the retention of jobs and production capacity.

If the merger meets certain thresholds in employment and production capacity retention (retention of 80 percent of the workforce and at least 50 percent of the workforce of the acquired company and 80 percent of production capacity, not utilization), the company applying will be awarded up to $100 million in funds to defray the costs of environmental mitigation. There is clear language stating that the intent of the measure is to promote the MAXIMUM retention of workers, regardless of the 80 percent cutoff.

The applicant will also be given access to the Steelworker Retiree Health Care Trust Fund for new retirees created by the merger, if the merger occurs prior to 2010.

Requirements for employment must be met for ten years to avoid penalties. Penalties for violation of the grant agreements will be weighted more heavily in the first five years, then will gradually phase out during the following five years.

Mr. DAYTON. Mr. President, I join with the senior Senator from Minnesota and all my colleagues from steel states, in making every effort to revitalize this important and basic American industry.

There are thirty-four Senators representing twenty-four States in the Steel Caucus, and we all agree that without immediate relief from the flood of foreign steel, the future of the United States steel industry is in jeopardy. The provisions of the Steel Revitalization Act will give our domestic steel industry the time it needs to recover from the import surges of the past three years.

This bill also acknowledges the highly integrated process of making steel. It provides import relief for steel products that include iron ore and semi-finished steel. Minnesota and Michigan are the two leading states in the production of taconite. Taconite is essentially pelletized iron ore that is melted in blast furnaces and then blown with oxygen to make steel. Every ton of imported, semi-finished steel displaces 1.3 tons of iron ore in basic, domestic steel production. This means reduced production, cutbacks, and plant closings, causing devastating economic uncertainty in critical regions of these states.

This bill will provide much needed help to the hardworking people and their families who live in the Iron Range regions of Northeastern Minnesota and Northern Michigan. The bill also helps the steelworkers and the steel-making communities of West Virginia, Pennsylvania, Indiana, Ohio, to name only a few. In this crisis, we are all one family. We are people who believe that America's steel industry is a basic industry, essential to the economic and national security of our country.

Yesterday, the Department of Labor informed 1,400 workers from the LTV Steel Mining Company in Hoyt Lakes, Minnesota that they are eligible for trade adjustment assistance because of the increase in imported steel products. Last December, LTV declared bankruptcy, making these workers permanently unemployed. Trade adjustment assistance will help with extended unemployment benefits, training and relocation. I know that these workers are grateful for this assistance, but it is help that comes after LTV has closed its doors forever.

The bill we introduce today will give the industry time to restructure and provide needed capital to companies through the Steel Loan Guarantee program, a program established through the efforts of the distinguished Senator, ROBERT BYRD. The Steel Revitalization Act will help retired steelworkers with a health care fund; and help companies with necessary consolidation while at the same time requiring them to retain the majority of their workforce.

The United Steelworkers state: "On a level playing field, there would be no steel crisis, but there is no level playing field." The Steel Revitalization Act will help strengthen the steel industry and make American steel competitive once again.

I promise the Minnesota taconite workers, their families, and the communities of the Iron Range, to work hard to pass this bill.

By Mr. REID (for himself and Mr. ENSIGN):

S. 958. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K, and for other purposes; to the Committee on Indian Affairs.

Mr. REID. Mr. President, I rise today for myself and for Senator ENSIGN, to introduce the Western Shoshone Claims Distribution Act. I am re-introducing this much needed bill for the Western Shoshone Tribe from the second session of the 106th Congress. It had been referred to the Indian Affairs Committee, but there was not enough time at the end of the Congress to act on it.

In 1946, the Indian Claims Commission was established to compensate Indians for lands and resources taken from them by the United States. The Commission determined in 1962 that Western Shoshone homeland had been taken through "gradual encroachment." In 1977, the Commission awarded the Tribe in over $26 million dollars. However, it was not until 1979, that the United States appropriated the funds to reimburse the descendants of these Tribes for their loss. Plans for claims distribution were further delayed by litigation; and the Western Shoshone concern that accepting the claims would impact their right to get back some of their traditional homelands.

The Western Shoshone are an impoverished people. There is relatively little economic activity on some of their scattered reservations. Those who are employed, work for the tribal government, work in livestock and agriculture, or work in small businesses, such as day-cares and souvenir shops. They live from pay check to pay check, with little or no money for heating their homes, much less for their children's education. Many of the Western Shoshone continue to be disproportionately affected by poverty and low educational achievement. Many individuals of the Western Shoshone are willing to accept the distribution of the claim settlement funds to relieve these difficult economic conditions. About $128.8 million (in principal and interest) would be distributed to over 6,000 eligible members of the Western Shoshone; $1.27 million (in principal and interest) would be placed in an educational trust fund for the benefit of and distribution to future generations of the Tribe.

The Western Shoshone have waited long enough for the distribution of these much needed funds. The final distribution of this fund has lingered for more than twenty years, and the best interests of the Tribe will not be served by a further delay in enacting this legislation. My bill will provide payments to eligible Western Shoshone tribal members, and ensure that future generations will be able to enjoy the financial benefits of this settlement by establishing a grant program for education and other individual needs. The Western Shoshone Steering Committee, a coalition of Western Shoshone individual tribal members, has officially requested that Congress enact legislation to affect this distribution.

This Act also provides that acceptance of these funds is not a waiver of any existing treaty rights pursuant to the Ruby Valley Treaty. Nor will acceptance of these funds prevent any Western Shoshone Tribe or Band or individual Western Shoshone Indian from pursuing other rights guaranteed by law.

Twenty-three years has been more than long enough.

Finally, I would like to highlight the fact that Senator ENSIGN of Nevada joins me today to introduce this important bill. I know that Senator ENSIGN is concerned, as I, about the delay of the distribution of the claims to the Western Shoshone, and his support for this bill will help ensure that the Tribe will receive their long-awaited compensation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Shoshone Claims Distribution Act".

SEC. 2. DISTRIBUTION OF DOCKET 326–K FUNDS.

The funds appropriated in satisfaction of the judgment award granted to the Western Shoshone Indians in Docket Number 326–K before the Indian Claims Commission, including all earned interest, shall be distributed as follows:

(1) The Secretary shall establish a Western Shoshone Judgment Roll consisting of all Western Shoshones who—

(A) have at least ¼ degree of Western Shoshone Blood;

(B) are citizens of the United States; and

(C) are living on the date of enactment of this Act.

(2) Any individual determined or certified as eligible by the Secretary to receive a per capita payment from any other judgment fund awarded by the Indian Claims Commission, the United States Claims Court, or the United States Court of Federal Claims, that was appropriated on or before the date of enactment of this Act, shall not be eligible for enrollment under this Act.

(3) The Secretary shall publish in the Federal Register rules and regulations governing the establishment of the Western Shoshone Judgment Roll and shall utilize any documents acceptable to the Secretary in establishing proof of eligibility. The Secretary's determination on all applications for enrollment under this paragraph shall be final.

(4) Upon completing the Western Shoshone Judgment Roll under paragraph (1), the Secretary shall make a per capita distribution of 100 percent of the funds described in this section, in a sum as equal as possible, to each person listed on the Roll.

(5)(A) With respect to the distribution of funds under this section, the per capita shares of living competent adults who have reached the age of 19 years on the date of the distribution provided for under paragraph (4), shall be paid directly to them.

(B) The per capita shares of deceased individuals shall be distributed to their heirs and legatees in accordance with regulations prescribed by the Secretary.

(C) The shares of legally incompetent individuals shall be administered pursuant to regulations and procedures established by the Secretary under section 3(b)(3) of Public Law 93-134 (25 U.S.C. 1403(b)(3)).

(D) The shares of minors and individuals who are under the age of 19 years on the date of the distribution provided for under paragraph (4) shall be held by the Secretary in supervised individual Indian money accounts. The funds from such accounts shall be disbursed over a period of 4 years in payments equaling 25 percent of the principal, plus the interest earned on that portion of the per capita share. The first payment shall be disbursed to individuals who have reached the age of 18 years if such individuals are deemed legally competent. Subsequent payments shall be disbursed within 90 days of the individual's following 3 birthdays.

(6) All funds distributed under this Act are subject to the provisions of section 7 of Public Law 93-134 (25 U.S.C. 1407).

(7) All per capita shares belonging to living competent adults certified as eligible to share in the judgment fund distribution under this section, and the interest earned on those shares, that remain unpaid for a period of 6-years shall be added to the principal funds that are held and invested in accordance with section 3, except that in the case of a minor, such 6-year period shall not begin to run until the minor reaches the age of majority.

(8) Any other residual principal and interest funds remaining after the distribution under paragraph (4) is complete shall be added to the principal funds that are held and invested in accordance with section 3.

(9) Receipt of a share of the judgment funds under this section shall not be construed as a waiver of any existing treaty rights pursuant to the "1863 Treaty of Ruby Valley", inclusive of all Articles I through VIII, and shall not prevent any Western Shoshone Tribe or Band or individual Shoshone Indian from pursuing other rights guaranteed by law.

SEC. 3. DISTRIBUTION OF DOCKETS 326–A–1 AND 326–A–3.

The funds appropriated in satisfaction of the judgment awards granted to the Western Shoshone Indians in Docket Numbers 326–A–1 and 326–A–3 before the United States Court of Claims, and the funds referred to under paragraphs (7) and (8) of section 2, together with all earned interest, shall be distributed as follows:

(1)(A) Not later than 120 days after the date of enactment of this Act, the Secretary shall establish in the Treasury of the United States a trust fund to be known as the "Western Shoshone Educational Trust Fund" for the benefit of the Western Shoshone members. There shall be credited to the Trust Fund the funds described in the matter preceding this paragraph.

(B) The principal in the Trust Fund shall not be expended or disbursed. The Trust Fund shall be invested as provided for in section 1 of the Act of June 24, 1938 (25 U.S.C. 162a).

(C)(i) All accumulated and future interest and income from the Trust Fund shall be distributed, subject to clause (ii)—

(I) as educational grants and as other forms of educational assistance determined appropriate by the Administrative Committee established under paragraph (2) to individual Western Shoshone members as required under this Act; and

(II) to pay the reasonable and necessary expenses of such Administrative Committee (as defined in the written rules and procedures of such Committee).

(ii) Funds shall not be distributed under this paragraph on a per capita basis.

(2)(A) An Administrative Committee to oversee the distribution of the educational grants and assistance authorized under paragraph (1)(C) shall be established as provided for in this paragraph.

(B) The Administrative Committee shall consist of 1 representative from each of the following organizations:

(i) The Western Shoshone Te-Moak Tribe.

(ii) The Duckwater Shoshone Tribe.

(iii) The Yomba Shoshone Tribe.

(iv) The Ely Shoshone Tribe.

(v) The Western Shoshone Business Council of the Duck Valley Reservation.

(vi) The Fallon Band of Western Shoshone.

(vii) The at large community.

(C) Each member of the Committee shall serve for a term of 4 years. If a vacancy remains unfilled in the membership of the Committee for a period in excess of 60 days, the Committee shall appoint a replacement from among qualified members of the organization for which the replacement is being made and such member shall serve until the organization to be represented designates a replacement.

(D) The Secretary shall consult with the Committee on the management and investment of the funds subject to distribution under this section.

(E) The Committee shall have the authority to disburse the accumulated interest fund under this Act in accordance with the terms of this Act. The Committee shall be responsible for ensuring that the funds provided through grants and assistance under paragraph (1)(C) are utilized in a manner consistent with the terms of this Act. In accordance with paragraph (1)(C)(i)(II), the Committee may use a portion of the interest funds to pay all of the reasonable and necessary expenses of the Committee, including per diem rates for attendance at meetings that are the same as those paid to Federal employees in the same geographic location.

(F) The Committee shall develop written rules and procedures that include such matters as operating procedures, rules of conduct, eligibility criteria for receipt of educational grants or assistance (such criteria to be consistent with this Act), application selection procedures, appeal procedures, fund disbursement procedures, and fund recoupment procedures. Such rules and procedures shall be subject to the approval of the Secretary. A portion of the interest funds in the Trust Fund, not to exceed $100,000, may be used by the Committee to pay the expenses associated with developing such rules and procedures. At the discretion of the Committee, and with the approval of the appropriate tribal governing body, jurisdiction to hear appeals of the Committee's decisions may be exercised by a tribal court, or a court of Indian offenses operated under section 11 of title 25, Code of Federal Regulations.

(G) The Committee shall employ an independent certified public accountant to prepare an annual financial statement that includes the operating expenses of the Committee and the total amount of educational grants or assistance disbursed for the fiscal year for which the statement is being prepared under this section. The Committee shall compile a list of names of all individuals approved to receive such grants or assistance during such fiscal year. The financial statement and the list shall be distributed to each organization represented on the Committee and the Secretary and copies shall be made available to the Western Shoshone members upon request.

SEC. 4. DEFINITIONS

In this Act:

(1) ADMINISTRATIVE COMMITTEE; COMMITTEE.—The terms "Administrative Committee" and "Committee" mean the Administrative Committee established under section 3(2).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) Trust fund.—The term "Trust Fund" means the Western Shoshone Educational Trust Fund established under section 3(1).

(4) Western Shoshone members.—The term "Western Shoshone members" means an individual who appears on the Western Shoshone Judgment Roll established under section 2(1), or an individual who is the lineal descendant of an individual appearing on the roll, and who—

(A) satisfies all eligibility criteria established by the Administrative Committee under section 3(F);

(B) fulfills all application requirements established by the Committee; and

(C) agrees to utilize funds distributed in accordance with section 3(1)(C)(i)(I) in a manner approved by the Committee for educational purposes.

SEC. 5. REGULATIONS.

The Secretary may promulgate such regulations as are necessary to carry out this Act.

By Mr. BAUCUS:

S. 959. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to consider the impact of severe weather conditions on Montana's aviation public and establish regulatory distinctions consistent with those applied to the State of Alaska; to the Committee on Commerce, Science, and Transportation.

Mr. BAUCUS. Mr. President, today I rise to introduce the Montana Rural Aviation Improvement Act.

As many in this body know, flying in Montana can be an adventure. There's an old saying in Montana that "if you want the weather to change, wait five minutes".

Simply put, this act would provide the aviation public with an accurate report of Montana's weather conditions at airports across the state.

This year the Federal Aviation Administration eliminated the use of on-site certified weather observers at Service Level D Airports in Montana. These Level D Airports are an important part of Montana's transportation infrastructure and economy. Without accurate information, both commercial and private planes may not be able to land at these airports because of inaccurate readings from the Automated Surface Observing System, ASOS.

In August 2000 I directed a member of my staff to spend a day at the Miles City weather observation station, where the Automated Surface Observing Systems system was being tested.

I am now even more convinced that the commission of the Automated Surface Observing Systems as a stand-alone weather observation service is a grave mistake.

Many of the following conditions are characteristic of Montana's complicated weather patterns and can't be accurately read by the Automated Surface Observing System.

The Automated Surface Observing System User's Guide, dated March 1998, states that the following weather elements cannot be sensed or reported by Automated Surface Observing System; hail; ice crystals (snow grains, ice pellets, snow pellets); drizzle, freezing drizzle; volcanic ash; blowing obstruction sand, dust, spray; smoke; snow fall and snow depth; hourly snow increase; liquid equivalent of frozen precipitation; water equivalent of snow on the ground; clouds above 12,000 feet; operationally significant clouds above 12,000 feet in mountainous areas; virga; distant precipitation in mountainous and areas and distant clouds obscuring mountains; and operationally significant local variations in visibility.

Five of the seven airports affected provide commercial airline service through the Essential Air Service, EAS, program—a program that is indispensable to the transportation and economy of Eastern Montana. With Automated Surface Observing System on stand-alone, Montana's EAS commercial carrier has expressed real reservations to landing at airports where data may or may not be current or correct, and especially in circumstances where Automated Surface Observing System does not yet read inclement or severe weather conditions common to Montana. As you know, airline service is dependent on one thing—passengers. If they cannot land, who would pay to fly?

This past summer I hosted the Montana Economic Summit, a statewide conference that brought together a strong public- private partnership to examine the evidence, chart a course and focus on those elements we can execute to help move this state forward. Transportation is a strong component of this state's economy. If commercial air service is impacted, it will have a dire and immediate impact on my state's economy, currently ranked at 49th in per capita income and struggling to climb out of the basement.

I would like to add an accountability log compiled by the Miles City weather observers that identifies errors Automated Surface Observing System in data collected and reported by the Automated Surface Observing System at the Miles City Airport from April–July 2000. My staff observed the hourly accounting throughout the day, particularly noting the frustration by weather observers to input, correct and transmit data via the keyboard and terminal. It is extremely important to note that Montana's weather observers see the Automated Surface Observing System as a compatible tool to complement their professional training and provide the safest environment for Montana aviation.

Maintenance and operational backup are of additional concern in Montana's rural landscape. It goes without saying that in instances of severe weather, when the Automated Surface Observing System should go down without backup, it effectively closes the airport to any traffic, commercial or private, that cannot or will not land without the technological benefit of reliable weather data. This process could clearly impact the safety of Montana's flying public.

It cannot be overemphasized that in many smaller airports, specifically Service Level C&D sites, these observers are critical to the overall operation and safety of community airspace. I know you would have felt the same pride and support for the human weather observer positions that I do. We are one team, working for the same goal.

The best available tools should be used to provide the most accurate data in situations involving public safety. The human weather observers assure me that Automated Surface Observing System as a tool, combined with their individual ability to override, correct or supplement weather data gathered by the sensors, will provide the American public with the highest quality safety and weather reporting capability in the world.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Montana Rural Aviation Improvement Act".

SEC. 2. MONTANA RURAL AVIATION IMPROVEMENT.

(a) In General.—Section 40113 of title 49, United States Code, is amended by adding at the end the following:

"(g) Application of Certain Regulations to Montana.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Montana, the Administrator of the Federal Aviation Administration shall consider the impact of severe weather conditions on Montana's aviation public and shall, on the basis of such considerations, establish regulatory distinctions consistent with those applied to the State of Alaska for mike-in-hand weather observation.".

(b) Improved Availability of Information on Weather Observations.—

(1) Finding.—Congress finds that the on-site certified weather observation programs at Service Level D sites in Montana are part of the essential air services in Montana and are frequently used by pilots of aircraft under emergency circumstances.

(2) Mike-in-hand weather observation.—

(A) Requirement.—On-site weather observers at sites referred to in paragraph (1) shall use a mike-in-hand weather observation and reporting technique to correct and supplement weather information derived from Automated Surface Observation Sensors (ASOS) at the sites.

(B) Mike-in-hand technique.—For the purposes of this paragraph, a mike-in-hand weather observation and reporting technique is a routine practice by which a weather observer uses radio communication to report information on weather observations directly to a pilot requesting the information, thereby ensuring that the pilot has nearly real-time access to the information.

(C) PERSONNEL TO WHICH APPLICABLE.—This paragraph applies to—

(i) on-site weather observers who are Federal Aviation Administration employees, National Weather Service employees, other Federal Government employees, or State employees; and

(ii) persons providing on-site weather observation services on a full-time or part-time basis under a contract for such services entered into by an official of the Federal Government, an official of the Government of Montana, or an official of a political subdivision of Montana.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. COCHRAN, Ms. COLLINS, Mr. DASCHLE, Mr. DORGAN, Mr. ENSIGN, Mrs. MURRAY, Ms. STABENOW, and Mr. WARNER):

S. 960. A bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the Medicare program for beneficiaries with cardiovascular diseases; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation with my good friend and colleague from Idaho, Senator CRAIG and a bipartisan group of additional Senators. This legislation, entitled the "Medicare Medical Nutrition Therapy Amendment Act of 2001," provides for the coverage of nutrition therapy for cardiovascular disease under Part B of the Medicare program by a registered dietitian.

This bill builds on provisions in the "Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act," otherwise known as BIPA, which included coverage of Medicare nutrition therapy for diabetes and renal disease taken from my legislation last year, S. 660, the "Medicare Medical Nutrition Therapy Act of 1999."

This bipartisan legislation is necessary because there is currently no consistent Medicare Part B coverage policy for medical nutrition therapy, despite the fact that poor nutrition is a major problem in older Americans. Nutrition therapy in the ambulatory or outpatient settings has been considered by Medicare to be a preventive service, and therefore, not explicitly covered.

While it was significant that nutrition therapy coverage was added to Part B of the Medicare program for diabetes and renal disease, it is critical that the Congress also takes action to cover cardiovascular disease through passage of this legislation, as recommended by the Institute of Medicine in its report, The Role of Nutrition in Maintaining Health in the Nation's Elderly: Evaluating Coverage of Nutrition Services for the Medicare Population.

The report, which had been requested by Congress in the Balanced Budget Act of 1997, found that nutrition therapy has been shown to be effective in the management and treatment of many chronic conditions which affect Medicare beneficiaries, including diabetes and chronic renal insufficiency, but also cardiovascular disease. As the IOM notes, "Cardiovascular diseases are the leading cause of death and major contributors to medical utilization and disability . . . Furthermore, there is a striking age-related rise in mortality from heart disease such that the vast majority of deaths due to heart disease occur in persons age 65 and older."

In addition, the costs associated with cardiovascular disease are substantial with regard to the Medicare program. According to the IOM, ". . . in 1995, Medicare spent $24.6 billion for hospital expenses related to [cardiovascular diseases], an amount that corresponds to 33 percent of its hospitalization expenditures."

Providing nutrition therapy to Medicare beneficiaries could positively impact the Medicare Part A Trust Fund if hospitalization could be reduced or avoided. The IOM found this would likely occur. As the report notes, "Such programs can prevent readmissions for heart failure, reduce subsequent length of stay, and improve functional status and quality-of-life . . . In view of the high costs of managing heart failure, particular admissions for heart failure exacerbations, and the rapid response to therapies, there is a real potential for cost savings from multidisciplinary heart failure programs that include nutrition therapy."

It is exactly the type of cost effective care that we should encourage in the Medicare program. As the American Heart Association adds in their letter of support for this legislation, Dr. Robert Eckel points out that, in one study, "for every dollar spent on [Medicare nutrition therapy] there is a three to ten dollar cost savings realized by reducing the need for drug therapy." With drug costs increasing dramatically, this could potentially result in significant cost savings to Medicare beneficiaries.

Therefore, both the Medicare program and beneficiaries would benefit from this expanded benefit. As the IOM concludes, "Expanded coverage for nutrition therapy is likely to generate economically significant benefits to beneficiaries, and in the short term to the Medicare program itself, through reduced healthcare expenditures. . . ."

Most importantly, it would also improve the quality of care of Medicare beneficiaries. As the IOM report adds, "Whether or not expanded coverage reduces overall Medicare expenditures, it is recommended that these services be reimbursed given the reasonable evidence of improved patient outcomes associated with such care."

For these reasons, I am pleased to be introducing the "Medicare Medical Nutrition Therapy Amendment Act of 2001" today with Senator CRAIG.

However, as this legislation is introduced, I do want to note that the IOM also recommended nutrition therapy be covered based on physician referral rather than a specific medical condition. The original legislation introduced in the last Congress by Senator CRAIG and myself did just that but was made disease-specific in conference last year. While I am pleased to introduce this legislation to include cardiovascular disease, I do believe that we need to move toward eliminating this disease-specific approach in the near future. For example, I believe that Medicare should also provide Medicare nutrition therapy for HIV/AIDS, cancer, and osteoporosis, among other things.

In the meantime, I urge the Congress to expand Medicare nutrition therapy benefits to cover cardiovascular diseases as soon as possible.

I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Medical Nutrition Therapy Amendment Act of 2001".

SEC. 2. COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES FOR BENEFICIARIES WITH CARDIOVASCULAR DISEASES.

(a) IN GENERAL.—Section 1861(s)(2)(V) of the Social Security Act (42 U.S.C. 1395x(s)(2)(V)), as added by subsection (a) of section 105 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–471), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended to read as follows:

"(V) medical nutrition therapy services (as defined in subsection (vv)(1)) in the case of a beneficiary—

"(i) with a cardiovascular disease (including congestive heart failure, arteriosclerosis, hyperlipidemia, hypertension, and hypercholesterolemia), diabetes, or a renal disease (or a combination of such conditions) who—

"(I) has not received diabetes outpatient self-management training services within a time period determined by the Secretary;

"(II) is not receiving maintenance dialysis for which payment is made under section 1881; and

"(III) meets such other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations; or

"(ii) with a combination of such conditions who—

"(I) is not described in clause (i) because of the application of subclause (I) or (II) of such clause;

"(II) receives such medical nutrition therapy services in a coordinated manner (as determined appropriate by the Secretary) with any services described in such subclauses that the beneficiary is receiving; and

"(III) meets such other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of such section 105.

By Mr. HUTCHINSON:

S. 962. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Governmental Affairs.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Neutrality in Contracting Act".

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

SEC. 3. PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.

(a) PROHIBITION.—

(1) GENERAL RULE.—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(A) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(B) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(i) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(ii) refused to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(2) APPLICATION OF PROHIBITION.—The provisions of this section shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such paragraph.

(b) RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(1) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1); or

(2) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in paragraph (1), do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1)

(c) FAILURE TO COMPLY.—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient or party, fails to comply with subsection (a) or (b), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(d) EXEMPTIONS.—

(1) SPECIAL CIRCUMSTANCES.—

(A) IN GENERAL.—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of subsections (a) and (b) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) DEFINITION.—For purposes of subparagraph (A), a finding of "special circumstances" may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(2) ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.—The head of an executive agency, upon the application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all of the provisions of subsections (a) or (c), if the agency head finds—

(A) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents, with respect to that particular project, which contained any of the requirements or prohibitions set forth in subsection (a)(1); and

(B) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(e) FEDERAL ACQUISITION REGULATORY COUNCIL.—With respect to Federal contracts to which this section applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this section.

(f) DEFINITIONS.—In this section:

(1) CONSTRUCTION CONTRACT.—The term "construction contract" means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the General Accounting Office.

(3) LABOR ORGANIZATION.—The term "labor organization" has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 94—EXPRESSING THE SENSE OF THE SENATE TO DESIGNATE MAY 28, 2001, AS A SPECIAL DAY FOR RECOGNIZING THE MEMBERS OF THE ARMED FORCES WHO HAVE BEEN KILLED IN HOSTILE ACTION SINCE THE END OF THE VIETNAM WAR

Mr. CLELAND (for himself, Mr. MCCAIN, Mr. LEVIN, Mrs. HUTCHISON, Mr. BIDEN, Mr. JEFFORDS, Ms. LANDRIEU, Mr. BENNETT, Mr. MILLER, Mrs. MURRAY, Mr. JOHNSON, Mrs. CARNAHAN, Mr. DAYTON, Mr. CONRAD, Mr. KENNEDY, Mr. DURBIN, Mr. HATCH, Mrs. CLINTON, Mr. SESSIONS, Mr. ALLEN, and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agree to:

S. RES. 94

Whereas the House and Senate have passed measures that will expedite the long-overdue memorial commemorating the sacrifices of those who fought and died in World War II;

Whereas with the completion of the World War II Memorial, there will be memorials in the capital of our Nation for each of the major conflicts of the last century;

Whereas approximately 650 members of the Armed Services have been killed in hostile action since the end of the Vietnam War;

Whereas the circumstances surrounding these deaths have been characterized both by large scale conflicts and a number of smaller incidents and actions which have received little attention;

Whereas the sacrifice of these men and women is held as dearly by their fellow citizens as the sacrifice of those claimed by earlier struggles; and

Whereas the loss of these men and women stands in testament to the risks undertaken by all members of the Armed Services each day as they carry out their duty to support and defend the Constitution: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to designate May 28, 2001, as a special day for recognizing the sacrifice of the members of the Armed Forces killed in hostile action since the end of the Vietnam War, and the sacrifices of the families of the members;

(2) to make the designation under paragraph (1) on May 28, 2001, in light of the traditional Memorial Day recognition of the veterans of the United States who have given their lives in defense of our Nation;

(3) to recognize that we live in a time of international unrest and that military service in such a time is inherently dangerous and requires the willingness to face the most extreme hazards at unexpected times and places; and

(4) to acknowledge that the people of the United States owe a debt of gratitude to all members of the Armed Services who place themselves in harm's way each day, and to their families.

SENATE CONCURRENT RESOLUTION 43—EXPRESSING THE SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S ONGOING PRACTICE OF LIMITING UNITED STATES MOTOR VEHICLES ACCESS TO ITS DOMESTIC MARKET

Mr. LEVIN (for himself and Mr. VOINOVICH) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 43

Whereas the Government of the Republic of Korea over many years has provided aid to the Korean automotive industry enabling that industry to develop into the fourth largest automotive industry in the world, after the United States, Japan, and the European Union;

Whereas the domestic automotive market of the Republic of Korea was completely closed to all international automotive manufacturers until 1990, and not completely open to all automotive manufacturers until 1999;

Whereas in response to complaints by the United States that the Government of the Republic of Korea was practicing unfair trade in the automotive sector, and that there was continuing anti-import bias and increasing disparity in market access for foreign motor vehicles, the Government of Korea signed two Memorandums of Understanding (MOU) with the United States in 1995 and 1998 in an effort to help increase foreign motor vehicle access to the Korean automotive market;

Whereas in the 1998 MOU, the Government of the Republic of Korea pledged specifically to simplify its tax regime in a manner that enhanced market access for foreign motor vehicles, improve the perception of foreign motor vehicles in Korea, simplify and streamline Korea's type-approval system procedures for foreign motor vehicles and other standards issues, and establish a mortgage system for motor vehicles;

Whereas 3 years after signing the 1998 MOU, the Government of the Republic of Korea has not substantially increased market access for foreign motor vehicles and its motor vehicle market still does not operate according to market principles, as evidenced by the fact that the share of the market held by foreign motor vehicles was lower in 2000 than it was in 1998, and remains the lowest of any industrialized nation;

Whereas 3 years after signing the 1998 MOU, the Government of the Republic of Korea has not made sufficient advances in simplifying its tax regime for motor vehicles or improving the perception of foreign motor vehicles in Korea;

Whereas 3 years after signing the 1998 MOU, the Government of the Republic of Korea has not taken the necessary steps to implement the MOU fully and effectively, as evidenced by the extraordinarily low foreign motor vehicle presence in Korea;

Whereas Korea is a major exporter of motor vehicles and automotive parts to the United States, reaching over a total value of $5,910,000,000 last year, compared to a total value of $480,000,000 in United States motor vehicles and automotive parts exported to Korea last year, resulting in a total automotive trade deficit of $5,300,000,000;

Whereas the extremely low level of United States vehicle sales in the Republic of Korea means that there is great difficulty in selling United States made automotive components, systems, and parts in Korea;

Whereas 1,057,620 motor vehicles were sold in the Republic of Korea in 2000, only 4,414 (or 0.42 percent) were imported and only 1,268 of those vehicles (or 0.12 percent) were made in the United States;

Whereas one Korean auto maker maintains monopolistic control of over 75 percent of Korea's domestic market; and

Whereas some Korean organizations and institutions continue to support anti-competitive activities that perpetuate entrenched commercial interests at the expense of free trade, Korean consumers, and the overall Korean economy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) believes strongly that an economically stable Republic of Korea is in the best overall foreign policy and economic interests of the United States;

(2) notes that past practices, such as protection from international competition, preferential access to credit, low interest loans, and the policy of providing assistance to chaebols in general, and the automotive sector specifically, contributed to the 1997–1998 Asian financial crisis, threatened the economic stability of the Republic of Korea and undermined the relationship between the United States and the Republic of Korea;

(3) believes that economic policies and practices effectively limiting United States manufacturers' access to the Korean automotive sector are inconsistent with the general trend toward a market-oriented approach, and that the relationship between the United States and the Republic of Korea has been, and will continue to be, significantly harmed by unfair treatment of imports of United States motor vehicles;

(4) calls on the Republic of Korea to immediately end the practices that have led to the disparity in market access, as well as to take proactive steps to repair the damage done by past policies and practices;

(5) calls on the Republic of Korea to meet the letter and spirit of the commitments contained in the 1998 Memorandum of Understanding it signed with the United States; and

(6) calls on the United States Trade Representative, the Secretary of Commerce, and the Secretary of State to monitor and report to Congress on the steps that have been taken to end the disparity in market access for imported motor vehicles in the Republic of Korea.

Mr. LEVIN. Mr. President, today, as co-chairman of the Senate Auto Caucus, I am submitting with my colleague and Auto Caucus co-chairman, Senator VOINOVICH, a Concurrent Resolution urging Korea to remove its automotive trade barriers to U.S. automotive exports.

Our resolutions urges the Republic of Korea to immediately end practices that have restricted market access for U.S. made automobiles and auto parts and meet the letter and spirit of the commitments it made in the 1998 Memorandum of Understanding in Automotive Trade. An identical Resolution is being submitted in the House by the co-chairmen of the House Auto Caucus. I call on both chambers to act swiftly to pass this important measure and send a strong signal to the Government of Korea that it's time to remove these trade barriers.

The Senate and House Auto Caucuses have worked hard to bring attention to the rapidly increasing automotive trade deficit between the United States and South Korea. We have urged our Government to make it a priority to remove barriers to competitive U.S. automotive exports to Korea. It is a matter of simple fairness and American jobs.

When it comes to automotive trade between the United States and Korea, the numbers speak for themselves. Korea has the most closed market for imported motor vehicles in the developed world with foreign vehicles making up less than one half of one percent of its total vehicle market. At the same time, Korea is dependent on open markets to absorb its automotive exports and has become one of the world's major auto exporting countries. The relationship is so blatantly unfair that Korea cannot deny their market is closed. Last year, Korea imported only 1,000 vehicles from the United States and exported nearly 500,000 to the United States.

This grossly unfair automotive trade relationship is due to the continuation in Korea of discriminatory practices such as labeling foreign vehicles as "luxury goods"; ignoring harassment by the media and others of foreign vehicles owners; and an automotive tax system which discriminates against imported vehicles, making them prohibitively expensive.

It's not fair and our message to Korea is that we don't accept it.

That is why we submit this Concurrent Resolution on the even of the next round of trade negotiations between the United States and Korea which start in mid-June. The message we wish to send is clear and simple: we expect to see some significant market opening concessions by the Government of Korea in this round of negotiations and we expect to see the result in the form of actual and significantly increased sales of U.S. vehicles and parts in Korea.

After five years of bilateral negotiations and two major trade agreements, imported automobiles are still locked out of Korea. This situation is unacceptable to the United States Congress and to the American people and it has to change. We expect and hope that the Korean Government will quadruple the effort that is required of them in order to ensure an open Korean market to U.S. automotive products. The nearly 2.5 million men and women working in the largest manufacturing and highest exporting industry in our country deserve nothing less.

AMENDMENTS SUBMITTED AND PROPOSED

SA 790. Mr. THOMAS (for Mr. SPECTER (for himself, Mr. ROCKEFELLER, and Mr. DAYTON) proposed an amendment to the bill H.R. 801, an act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes.

TEXT OF AMENDMENTS

SA 790. Mr. THOMAS (for Mr. SPECTER (for himself, Mr. ROCKEFELLER, and Mr. DAYTON) proposed an amendment to the bill H.R. 801, an act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes; as follows:

AMENDMENT NO. 790

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Survivor Benefits Improvements Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code. ....
Sec. 3. Eligibility for benefits under CHAMPVA for veterans' survivors who are eligible for hospital insurance benefits under the medicare program. ....
Sec. 4. Family coverage under Servicemembers' Group Life Insurance. ....
Sec. 5. Retroactive applicability of increase in maximum SGLI benefit for members dying in performance of duty on or after October 1, 2000.
Sec. 6. Expansion of outreach efforts to eligible dependents. ....
Sec. 7. Technical amendments to the Montgomery GI Bill statute. ....
Sec. 8. Miscellaneous technical amendments. ....

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. ELIGIBILITY FOR BENEFITS UNDER CHAMPVA FOR VETERANS' SURVIVORS WHO ARE ELIGIBLE FOR HOSPITAL INSURANCE BENEFITS UNDER THE MEDICARE PROGRAM.

Subsection (d) of section 1713 is amended to read as follows:

"(d)(1)(A) An individual otherwise eligible for medical care under this section who is also entitled to hospital insurance benefits under part A of the medicare program is eligible for medical care under this section only if the individual is also enrolled in the supplementary medical insurance program under part B of the medicare program.

"(B) The limitation in subparagraph (A) does not apply to an individual who—

"(i) has attained 65 years of age as of the date of the enactment of the Veterans' Survivor Benefits Improvements Act of 2001; and

"(ii) is not enrolled in the supplementary medical insurance program under part B of the medicare program as of that date.

"(2) Subject to paragraph (3), if an individual described in paragraph (1) receives medical care for which payment may be made under both this section and the medicare program, the amount payable for such medical care under this section shall be the amount by which (A) the costs for such medical care exceed (B) the sum of—

"(i) the amount payable for such medical care under the medicare program; and

"(ii) the total amount paid or payable for such medical care by third party payers other than the medicare program.

"(3) The amount payable under this subsection for medical care may not exceed the total amount that would be paid under subsection (b) if payment for such medical care were made solely under subsection (b).

"(4) In this paragraph:

"(A) The term 'medicare program' means the program of health insurance administered by the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"(B) The term 'third party' has the meaning given that term in section 1729(i)(3) of this title.".

SEC. 4. FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) INSURABLE DEPENDENTS.—(1) Section 1965 is amended by adding at the end the following new paragraph:

"(10) The term 'insurable dependent', with respect to a member, means the following:

"(A) The member's spouse.

"(B) The member's child, as defined in the first sentence of section 101(4)(A) of this title.".

(2) Section 101(4)(A) is amended in the matter preceding clause (i) by inserting "(other than with respect to a child who is an insurable dependent under section 1965(10)(B) of such chapter)" after "except for purposes of chapter 19 of this title".

(b) INSURANCE COVERAGE.—(1) Subsection (a) of section 1967 is amended to read as follows:

"(a)(1) Subject to an election under paragraph (2), any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure the following persons against death:

"(A) In the case of any member of a uniformed service on active duty (other than active duty for training)—

"(i) the member; and

"(ii) each insurable dependent of the member.

"(B) Any member of a uniformed service on active duty for training or inactive duty training scheduled in advance by competent authority.

"(C) In the case of any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title—

"(i) the member; and

"(ii) each insurable dependent of the member.

"(2)(A) A member may elect in writing not to be insured under this subchapter.

"(B) A member may elect in writing not to insure the member's spouse under this subchapter.

"(3)(A) Subject to subparagraphs (B) and (C), the amount for which a person is insured under this subchapter is as follows:

"(i) In the case of a member, $250,000.

"(ii) In the case of a member's spouse; $100,000.

"(iii) In the case of a member's child, $10,000.

"(B) A member may elect in writing to be insured or to insure the member's spouse in an amount less than the amount provided for under subparagraph (A). The member may not elect to insure the member's child in an amount less than $10,000. The amount of insurance so elected shall, in the case of a member or spouse, be evenly divisible by $10,000.

"(C) In no case may the amount of insurance coverage under this subsection of a member's spouse exceed the amount of insurance coverage of the member.

"(4)(A) An insurable dependent of a member is not insured under this chapter unless the member is insured under this subchapter.

"(B) An insurable dependent who is a child may not be insured at any time by the insurance coverage under this chapter of more than one member. If an insurable dependent who is a child is otherwise eligible to be insured by the coverage of more than one member under this chapter, the child shall be insured by the coverage of the member whose eligibility for insurance under this subchapter occurred first, except that if that member does not have legal custody of the child, the child shall be insured by the coverage of the member who has legal custody of the child.

"(5) The insurance shall be effective with respect to a member and the insurable dependents of the member on the latest of the following dates:

"(A) The first day of active duty or active duty for training.

"(B) The beginning of a period of inactive duty training scheduled in advance by competent authority.

"(C) The first day a member of the Ready Reserve meets the qualifications set forth in section 1965(5)(B) of this title.

"(D) The date certified by the Secretary to the Secretary concerned as the date Servicemembers' Group Life Insurance under this subchapter for the class or group concerned takes effect.

"(E) In the case of an insurable dependent who is a spouse, the date of marriage of the spouse to the member.

"(F) In the case of an insurable dependent who is a child, the date of birth of such child or, if the child is not the natural child of the member, the date on which the child acquires status as an insurable dependent of the member.".

(2) Subsection (c) of such section is amended by striking the first sentence and inserting the following: "If a person eligible for insurance under this subchapter is not so insured, or is insured for less than the maximum amount provided for the person under subparagraph (A) of subsection (a)(3), by reason of an election made by a member under subparagraph (B) of that subsection, the person may thereafter be insured under this subchapter in the maximum amount or any lesser amount elected as provided in such subparagraph (B) upon written application by the member, proof of good health of each person (other than a child) to be so insured, and compliance with such other terms and conditions as may be prescribed by the Secretary.".

(c) Termination of Coverage.—(1) Subsection (a) of section 1968 is amended—

(A) in the matter preceding paragraph (1), by inserting "and any insurance thereunder on any insurable dependent of such a member," after "any insurance thereunder on any member of the uniformed services,"; and

(B) by adding at the end the following new paragraph:

"(5) With respect to an insurable dependent of the member, insurance under this subchapter shall cease—

"(A) 120 days after the date of an election made in writing by the member to terminate the coverage; or

"(B) on the earliest of—

"(i) 120 days after the date of the member's death;

"(ii) 120 days after the date of termination of the insurance on the member's life under this subchapter; or

"(iii) 120 days after the termination of the dependent's status as an insurable dependent of the member.".

(2) Such subsection is further amended—

(A) in the matter preceding paragraph (1), by striking ", and such insurance shall cease—" and inserting "and such insurance shall cease as follows:";

(B) by striking "with" after the paragraph designation in each of paragraphs (1), (2), (3), and (4) and inserting "With";

(C) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "thirty-one days—" and inserting "31 days, insurance under this subchapter shall cease—";

(ii) in subparagraph (A)—

(I) by striking "one hundred and twenty days" after "(A)" and inserting "120 days"; and

(II) by striking "prior to the expiration of one hundred and twenty days" and inserting "before the end of 120 days"; and

(iii) by striking the semicolon at the end of subparagraph (B) and inserting a period;

(D) in paragraph (2)—

(i) by striking "thirty-one days" and inserting "31 days,";

(ii) by striking "one hundred and twenty days" both places it appears and inserting "120 days"; and

(iii) by striking the semicolon at the end and inserting a period;

(E) in paragraph (3)—

(i) by inserting a comma after "competent authority";

(ii) by striking "one hundred and twenty days" both places it appears and inserting "120 days"; and

(iii) by striking "; and" at the end and inserting a period; and

(F) in paragraph (4), by inserting "Insurance under this subchapter shall cease" before "120 days after " the first place it appears.

(3) Subsection (b)(1)(A) of such section is amended by inserting "(to insure against death of the member only)" after "converted to Veterans' Group Life Insurance".

(d) Premiums.—Section 1969 is amended by adding at the end the following new subsections:

"(g)(1)(A) During any period in which a spouse of a member is insured under this subchapter and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary as the premium allocable to the pay period for providing that insurance coverage. No premium may be charged for providing insurance coverage for a child.

"(B) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and the spouse of the member is insured under a policy of insurance purchased by the Secretary under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary (which shall be the same for all such members) as the share of the cost attributable to insuring the spouse of such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.

"(2)(A) The Secretary shall determine the premium amounts to be charged for life insurance coverage for spouses of members under this subchapter.

"(B) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

"(C) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary in advance of that policy year.

"(h) Any overpayment of a premium for insurance coverage for an insurable dependent of a member that is terminated under section 1968(a)(5) of this title shall be refunded to the member.".

(e) Payments of Insurance Proceeds.—Section 1970 is amended by adding at the end the following new subsection:

"(i) Any amount of insurance in force on an insurable dependent of a member under this subchapter on the date of the dependent's death shall be paid, upon the establishment of a valid claim therefor, to the member or, in the event of the member's death before payment to the member can be made, then to the person or persons entitled to receive payment of the proceeds of insurance on the member's life under this subchapter.".

(f) Conversion of SGLI to Private Life Insurance.—Section 1968(b) is amended by adding at the end the following new paragraph:

"(3)(A) In the case of a policy purchased under this subchapter for an insurable dependent who is a spouse, upon election of the spouse, the policy may be converted to an individual policy of insurance under the same conditions as described in section 1977(e) of this title (with respect to conversion of a Veterans' Group Life Insurance policy to such an individual policy) upon written application for conversion made to the participating company selected by the spouse and payment of the required premiums. Conversion of such policy to Veterans' Group Life Insurance is prohibited.

"(B) In the case of a policy purchased under this subchapter for an insurable dependent who is a child, such policy may not be converted under this subsection.".

(g) Effective Date and Initial Implementation.—(1) The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

(2) Each Secretary concerned, acting in consultation with the Secretary of Veterans Affairs, shall take such action as is necessary to ensure that during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) each eligible member—

(A) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section; and

(B) is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

(3) For purposes of paragraph (2):

(A) The term "Secretary concerned" has the meaning given that term in section 101 of title 38, United States Code.

(B) The term "eligible member" means a member of the uniformed services described in subparagraph (A) or (C) of section 1967(a)(1) of title 38, United States Code, as amended by subsection (b)(1).

SEC. 5. RETROACTIVE APPLICABILITY OF INCREASE IN MAXIMUM SGLI BENEFIT FOR MEMBERS DYING IN PERFORMANCE OF DUTY ON OR AFTER OCTOBER 1, 2000.

(a) Applicability of Increase in Benefit.—Notwithstanding subsection (c) of section 312 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1854), the amendments made by subsection (a) of that section shall take effect on October 1, 2000, with respect to any member of the uniformed services who died in the performance of duty (as determined by the Secretary concerned) during the period beginning on October 1, 2000, and ending at the close of March 31, 2001, and who on the date of death was insured under the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code, for the maximum coverage available under that program.

(b) Definitions.—In this section:

(1) The term "Secretary concerned" has the meaning given that term in section 101(25) of title 38, United States Code.

(2) The term "uniformed services" has the meaning given that term in section 1965(6) of title 38, United States Code.

SEC. 6. EXPANSION OF OUTREACH EFFORTS TO ELIGIBLE DEPENDENTS.

(a) Availability of Outreach Services for Children, Spouses, Surviving Spouses, and Dependent Parents.—Paragraph (2) of section 7721(b) is amended to read as follows:

"(2) the term 'eligible dependent' means a spouse, surviving spouse, child, or dependent parent of a person who served in the active military, naval, or air service.".

(b) Improved Outreach Program.—(1) Subchapter II of chapter 77 is amended by adding at the end the following new section:

"§ 7727. Outreach for eligible dependents

"(a) In carrying out this subchapter, the Secretary shall ensure that the needs of eligible dependents are fully addressed.

"(b) The Secretary shall ensure that the availability of outreach services and assistance for eligible dependents under this subchapter is made known through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.".

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 7726 the following new item:

"7727. Outreach for eligible dependents.".

SEC. 7. TECHNICAL AMENDMENTS TO THE MONTGOMERY GI BILL STATUTE.

(a) Clarification of Eligibility Requirement for Benefits.—

(1) In general.—Clause (i) of section 3011(a)(1)(A), as amended by section 103(a)(1)(A) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1825), is amended by striking "serves an obligated period of active duty of" and inserting "(I) in the case of an individual whose obligated period of active duty is three years or more, serves at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose obligated period of active duty is less than three years, serves".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(b) Entitlement Charge for Off-Duty Training and Education.—

(1) In general.—Section 3014(b)(2) is amended—

(A) in subparagraph (A), by striking "(without regard to" and all that follows through "this subsection"; and

(B) by adding at the end the following new subparagraph:

"(C) The number of months of entitlement charged under this chapter in the case of an individual who has been paid a basic educational assistance allowance under this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of such educational assistance allowance paid the individual by the full-time monthly institutional rate of educational assistance which such individual would otherwise be paid under subsection (a)(1), (b)(1), (c)(1), (d)(1), or (e)(1) of section 3015 of this title, as the case may be.".

(2) Conforming amendments.—(A) Section 3015 is amended—

(i) in subsections (a)(1) and (b)(1), by inserting "subsection (h)" after "from time to time under"; and

(ii) by striking the subsection that was inserted as subsection (g) by section 1602(b)(3)(C) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–359) and redesignated as subsection (h) by 105(b)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1829).

(B) Section 3032(b) is amended—

(i) by striking "the lesser of" and inserting "the least of the following:";

(ii) by striking "or" after "chapter,"; and

(iii) by inserting before the period at the end the following: ", or (3) the amount of the charges of the educational institution elected by the individual under section 3014(b)(1) of this title".

(3) Effective date.—The amendments made by this subsection shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(c) Incremental Increases for Contributing Active Duty Members.—

(1) Active duty program.—Section 3011(e), as added by section 105(a)(1) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended—

(A) in paragraph (2), by inserting ", but not more frequently than monthly" before the period;

(B) in paragraph (3), by striking "$4" and inserting "$20"; and

(C) in paragraph (4)—

(i) by striking "Secretary. The" and inserting "Secretary of the military department concerned. That"; and

(ii) by striking "by the Secretary".

(2) Selected reserve program.—Section 3012(f), as added by section 105(a)(2) of such Act, is amended—

(A) in paragraph (2), by inserting ", but not more frequently than monthly" before the period;

(B) in paragraph (3), by striking "$4" and inserting "$20"; and

(C) in paragraph (4)—

(i) by striking "Secretary. The" and inserting "Secretary of the military department concerned. That"; and

(ii) by striking "by the Secretary".

(3) Increased assistance amount.—Section 3015(g), as added by section 105(b)(3) of such Act, is amended—

(A) in the matter preceding paragraph (1), by inserting "effective as of the first day of the enrollment period following receipt of such contributions from such individual by the Secretary concerned," after "by section 3011(e) or 3012(f) of this title,"; and

(B) in paragraph (1)—

(i) by striking "$1" and inserting "$5";

(ii) by striking "$4" and inserting "$20"; and

(iii) by inserting "of this title" after "section 3011(e) or 3012(f)".

(4) Effective date.—The amendments made by this subsection shall take effect as if included in the enactment of section 105 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828).

(d) Death Benefits.—

(1) In general.—Paragraph (1) of section 3017(b) is amended to read as follows:

"(1) the total of—

"(A) the amount reduced from the individual's basic pay under section 3011(b), 3012(c), 3018(c), 3018A(b), 3018B(b), 3018C(b), or 3018C(e) of this title;

"(B) the amount reduced from the individual's retired pay under section 3018C(e) of this title;

"(C) the amount collected from the individual by the Secretary under section 3018B(b), 3018C(b), or 3018C(e) of this title; and

"(D) the amount of any contributions made by the individual under section 3011(c) or 3012(f) of this title, less".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as of May 1, 2001.

(e) Clarification of Contributions Required by VEAP Participants Who Enroll in Basic Educational Assistance.—

(1) Clarification.—Section 3018C(b), as amended by section 104(b) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended by striking "or (e)".

(2) Treatment of certain contributions.—Any amount collected under section 3018C(b) of title 38, United States Code (whether by reduction in basic pay under paragraph (1) of that section, collection under paragraph (2) of that section, or both), with respect to an individual who enrolled in basic educational assistance under section 3018C(e) of that title, during the period beginning on November 1, 2000, and ending on the date of the enactment of this Act, shall be treated as an amount collected with respect to the individual under section 3018C(e)(3)(A) of that title (whether as a reduction in basic pay under clause (i) of that section, a collection under clause (ii) of that section, or both) for basic educational assistance under section 3018C of that title.

(f) Clarification of Time Period for Election of Beginning of Chapter 35 Eligibility for Dependents.—

(1) In general.—(A) Section 3512(a)(3)(B), as amended by section 112 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1831), is amended to read as follows:

"(B) the eligible person elects that beginning date by not later than the end of the 60-day period beginning on the date on which the Secretary provides written notice to that person of that person's opportunity to make such election, such notice including a statement of the deadline for the election imposed under this subparagraph; and".

(B) Section 3512(a)(3)(C), as so amended, is amended by striking "between the dates described in" and inserting "the date determined pursuant to".

(2) Effective date.—The amendments made by paragraph (1) shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000.

SEC. 8. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) Title 38, United States Code.—Title 38, United States Code, is amended as follows:

(1) Effective as of November 1, 2000, section 107 is amended—

(A) in the second sentence of subsection (a), by inserting "or (d)" after "subsection (c)";

(B) by redesignating the second subsection (c) (added by section 332(a)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419)) as subsection (d); and

(C) in subsection (d), as so redesignated, by striking "In" in paragraph (1) and inserting "With respect to benefits under chapter 23 of this title, in".

(2) Section 1710B(c)(2)(B) is amended by striking "on the date of the enactment of the Veterans Millennium Health Care and Benefits Act" and inserting "November 30, 1999".

(3) Section 2301(f) is amended—

(A) in the matter in paragraph (1) preceding subparagraph (A), by striking "(as" and all that follows through "in section" and inserting "(as described in section"; and

(B) in paragraph (2), by striking "subparagraphs" and inserting "subparagraph".

(4) Section 3452 is amended—

(A) in subsection (a)(1)—

(i) by striking "or" at the end of subparagraph (A); and

(ii) by striking "clause (B) of this paragraph" in subparagraph (C) and inserting "subparagraph (B)";

(B) in subsection (a)(2)—

(i) by striking "paragraph (1)(A) or (B)" and inserting "subparagraph (A) or (B) of paragraph (1)"; and

(ii) by striking "one hundred and eighty days" and inserting "180 days";

(C) in subsection (a)(3), by striking "section 511(d) of title 10" and inserting "section 12103(d) of title 10"; and

(D) in subsection (e), by striking "chapter 4C of title 29," and inserting "the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.),".

(5) Section 3462(a) is amended by striking paragraph (3).

(6) Section 3512 is amended—

(A) in subsection (a)(5), by striking "clause (4) of this subsection" and inserting "paragraph (4)"; and

(B) in subsection (b)(2), by striking "willfull" and inserting "willful".

(7) Section 3674 is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (A)—

(I) by striking ", effective at the beginning of fiscal year 1988,"; and

(II) by striking "section 3674A(a)(4)" and inserting "section 3674A(a)(3)";

(ii) in subparagraph (B), by striking "paragraph (3)(A)" and inserting "paragraph (3)"; and

(iii) in subparagraph (C), by striking "section 3674A(a)(4)" and inserting "section 3674A(a)(3)"; and

(B) in subsection (c)—

(i) by striking "on September 30, 1978, and"; and

(ii) by striking "thereafter,".

(8) Section 3674A(a)(2) is amended by striking "clause (1)" and inserting "paragraph (1)".

(9) Section 3734(a) is amended—

(A) by striking "United States Code," in the matter preceding paragraph (1); and

(B) by striking "appropriations in" in paragraph (2) and inserting "appropriations for".

(10) Section 4104 is amended—

(A) in subsection (a)(1)—

(i) by striking "Beginning with fiscal year 1988," and inserting "For any fiscal year,";

(ii) by striking "clause" in subparagraph (B) and inserting "subparagraph"; and

(iii) by striking "clauses" in subparagraph (C) and inserting "subparagraphs";

(B) in subsection (a)(4), by striking "on or after July 1, 1988"; and

(C) in subsection (b)—

(i) by striking "shall—" in the matter preceding paragraph (1) and inserting "shall perform the following functions:"

(ii) by capitalizing the initial letter of the first word of each of paragraphs (1) through (12);

(iii) by striking the semicolon at the end of each of paragraphs (1) through (10) and inserting a period; and

(iv) by striking "; and" at the end of paragraph (11) and inserting a period.

(11) Section 4303(13) is amended by striking the second period at the end.

(12) Section 5103(b)(1) is amended by striking "1 year" and inserting "one year".

(13) Section 5701(g) is amended by striking "clause" in paragraphs (2)(B) and (3) and inserting "subparagraph".

(14)(A) Section 7367 is repealed.

(B) The table of sections at the beginning of chapter 73 is amended by striking the item relating to section 7367.

(15) Section 8125(d) is amended—

(A) in paragraph (1), by striking "(beginning in 1992)";

(B) in paragraph (2), by striking "(beginning in 1993)"; and

(C) by striking paragraph (3).

(16) The following provisions are each amended by striking "hereafter" and inserting "hereinafter": sections 545(a)(1), 1710B(e)(1), 3485(a)(1), 3537(a), 3722(a), 3763(a), 5121(a), 7101(a), 7105(b)(1), 7671, 7672(e)(1)(B), 7681(a)(1), 7801, and 8520(a).

(b) PUBLIC LAW 106-419.—Effective as of November 1, 2000, and as if included therein as originally enacted, the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106-419) is amended as follows:

(1) Section 111(f)(3) (114 Stat. 1831) is amended by striking "3654" and inserting "3564".

(2) Section 323(a)(1) (114 Stat. 1855) is amended by inserting a comma in the second quoted matter therein after "duty".

(3) Section 401(e)(1) (114 Stat. 1860) is amended by striking "this" both places it appears in quoted matter and inserting "This".

(4) Section 402(b) (114 Stat. 1861) is amended by striking the close quotation marks and period at the end of the table in paragraph (2) of the matter inserted by the amendment made that section.

(c) PUBLIC LAW 102-590.—Section 3(a)(1) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking ", during,".

Amend the title so as to read "An Act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on pending committee business, off of the floor, after the first vote of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 24 at 9:30 to conduct a hearing. The committee will receive testimony on the research and development, workforce training, and Price-Anderson Act provisions of pending energy legislation, including S. 242, Department of Energy University Nuclear Science and Engineering Act; S. 388, the National Energy Security Act of 2001; S. 472, Nuclear Energy Electricity Supply Assurance Act of 2001; and S. 597, the Comprehensive and Balanced Energy Policy Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 24, 2001 at 10:30 a.m. and 2:45 p.m. to hold a business meeting and a hearing as follows:

At 10:30 a.m. in room S-116, the committee will consider and vote on the following agenda items:

LEGISLATION

S. Con. Res. 35, A concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Eichanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

S. Con. Res. 42, A concurrent resolution condemning the practices of the Taleban.

S. Res. 88, A resolution expressing the sense of the Senate on the importance of membership of the United States on the United Nations Human Rights Commission.

S. Res. 91, A resolution condemning the murder of a United States citizen and other civilians, and expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings, as amended.

NOMINATIONS

The Honorable Thelma J. Askey, of Tennessee, to be Director of the Trade and Development Agency; Mr. Stephen Brauer, of Missouri, to be Ambassador to Belgium; The Honorable William J. Burns, of the District of Columbia, to be Assistant Secretary of State for Near Eastern Affairs; Mr. Lorne W. Craner, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor; The Honorable Ruth A. Davis, of Georgia, to be Director General of the Foreign Service; The Honorable Donald Burnham Ensenat, of Louisiana, to be Chief of Protocol, with Rank of Ambassador; Mr. Carl W. Ford, Jr., of Arkansas, to be Assistant Secretary of State for Intelligence and Research; The Honorable A. Elizabeth Jones, of Maryland, to be Assistant Secretary of State for European Affairs; Mr. Walter H. Kansteiner, of Virginia, to be Assistant Secretary of State for African Affairs; Mr. Paul Vincent Kelly, of Virginia, to be Assistant Secretary of State for Legislative Affairs; Mrs. Christina B. Rocca, of Virginia, to be Assistant Secretary of State for South Asian Affairs; The Honorable Peter S. Watson, of California, to be President of the Overseas Private Investment Corporation; FSO Promotion Lists: Mr. Jensen, *et al.*, dated April 23, 2001; Mr. Bean, *et al.*, dated April 23, 2001.

At 2:45 p.m. in room SD-419:

WITNESSES

PANEL 1: The Honorable Paula J. Dobrianski, Undersecretary of State for Global Affairs.

PANEL 2: Ms. Nina Shea, Director, Center for Religious Freedom, Freedom House, Washington, DC.

Mr. Tom Malinowski, Washington Advocacy Director for Human Rights Watch, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Patient Safety: What is the role for Congress? during the session of the Senate on Thursday, May 24, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 24, 2001, at 10:00 a.m. in Dirksen Building, Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, May 24, 2001, at 2:00 p.m. in Dirksen Building, Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet to hold a markup on the following nominations for the Department of Veterans Affairs: Leo S. Mackay, Jr. to be Deputy Secretary; Robin L. Higgins to be Under Secretary for Memorial Affairs; Maureen P. Cragin to be Assistant Secretary for Public and Intergovernmental Affairs; and Jacob Lozada to be Assistant Secretary for Human Resources and Administration.

The markup will be held on Thursday, May 24, 2001, at 3:00 p.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, May 24, 2001, 9:30 a.m., for a hearing entitled "Tissue Banks: Is the Federal Government's Oversight Adequate?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES AND INVESTMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Securities and Investment of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 24, 2001 to conduct a hearing on "The Implementation and Future of Decimalized Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Caroline Lopez of my staff be granted the privilege of the floor for the rest of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Nancy Briani of my staff be granted the privilege of the floor for the duration of my remarks on her retirement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF ACT—H.R. 1836

AMENDMENT NO. 767, AS MODIFIED

Mr. NICKLES. Mr. President, I ask unanimous consent that the previously proposed amendment No. 767 be modified with the language I send to the desk and ask further that the Journal and the permanent RECORD reflect this modification.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

The amendment (No. 767), as modified, is as follows:

AMENDMENT NO. 767 (AS MODIFIED)

At the end of subtitle A of title VIII add the following:

SEC. ___. EXPANSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Section 51(d)(1) (relating to members of targeted groups) is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or", and by adding at the end the following:

"(I) a qualified low-income veteran."

(b) QUALIFIED LOW-INCOME VETERAN.—Section 51(d) (relating to members of targeted groups) is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following:

"(10) QUALIFIED LOW-INCOME VETERAN.—

"(A) IN GENERAL.—The term 'qualified low-income veteran' means any veteran whose gross income for the taxable year preceding the taxable year including the hiring date, was below the poverty line (as defined by the Office of Management and Budget) for such preceding taxable year .

"(B) VETERAN.—The term 'veteran' has the meaning given such term by paragraph (3)(B).

"(C) SPECIAL RULES FOR DETERMINING AMOUNT OF CREDIT.—For purposes of applying this subpart to wages paid or incurred to any qualified low-income veteran—

"(i) subsection (a) shall be applied by substituting '50 percent of the qualified first-year wages and 25 percent of the qualified second-year wages' for '40 percent of the qualified first year wages', and

"(ii) in lieu of paragraphs (2) and (3) of subsection (b), the following definitions and special rule shall apply:

"(I) QUALIFIED FIRST-YEAR WAGES.—The term 'qualified first-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer.

"(II) QUALIFIED SECOND-YEAR WAGES.—The term 'qualified second-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (I).

"(III) ONLY FIRST $20,000 OF WAGES PER YEAR TAKEN INTO ACCOUNT.—The amount of the qualified first and second year wages which may be taken into account with respect to any individual shall not exceed $20,000 per year.".

(c) PERMANENCE OF CREDIT.—Section 51(c)(4) (relating to termination) is amended by inserting "(except for wages paid to a qualified low-income veteran)" after "individual".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

On page 9, strike the table between lines 11 and 12 and insert:

In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2002, 2003, and 2004	27%	30%	35%	38.60%
2005 and 2006	26%	29%	34%	37.60%
2007 and thereafter	25%	28%	33%	36.05%

RECOGNIZING MEMBERS OF ARMED FORCES KILLED SINCE END OF VIETNAM WAR

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 94, submitted earlier today by Senators CLELAND, MCCAIN, LEVIN, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 94) expressing the sense of the Senate to designate May 28, 2001, as a special day for recognizing the members of the Armed Forces who have been killed in hostile actions since the end of the Vietnam War.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CLELAND. Mr. President, on next Monday, May 28, and acting pursuant to a joint resolution approved by the Congress back in 1950, the President of the United States will issue a proclamation calling upon the people of the United States to observe a day of prayer for permanent peace in remembrance of all of those brace Americans who have died in our Nation's service. That is how Memorial Day got started and is what this special day is supposed to be all about.

Whenever Memorial Day comes around, I am reminded of what may well have been the first, and is still one of the finest, memorials to fallen soldiers, the Funeral Oration of the great Athenian leader Pericles, as recorded by the historian Thucydides, during the Peloponnesian War in the 5th Century BC.

For this offering of their lives made in common by them all they each of them individually received that renown which never grows old, and for a sepulcher, not so much that in which their bones have been deposited, but that noblest of shrines wherein their glory is laid up to be eternally remembered upon every occasion on which deed or story shall call for its commemoration. For heroes have the whole earth for their tomb; and in lands far from their own, where the column with its epitaph declares it, there is enshrined in every breast a record unwritten with no tablet to preserve it, except that of the heart.

In that spirit, today I have introduced a resolution calling upon all Americans to especially dedicate Memorial Day of 2001 to those brave American men and women who have given their lives in service to their country since the end of the war in Vietnam. No grand edifices or other public monuments commemorate their deeds, but their service to their country was just as strong, their sacrifice just as great, their families' and communities' loss just as keen as their predecessors in the two World Wars of the 20th Century, Korea and Vietnam.

As the ranking member of the Senate Armed Services Personnel Subcommittee, I have been heavily involved in trying to improve the quality of life for our servicemen and women through such steps as increasing pay and enhancing health and education benefits. It is my deeply held view that not only do we need to take such action to address some disturbing trends in armed forces recruitment and retention, but we owe these individuals nothing less in recognition of their service. Indeed, tomorrow, I will be reintroducing my legislation to update the Montgomery GI Bill, and to continue its relevance for the married, family-oriented Armed Forces we have today by making its education benefits transferrable to the spouse or children of the service member.

The Senate has passed this measure twice, and with the continued leadership and support of Senators WARNER and LEVIN, I am hopeful that this will be the year we provide this valuable recruiting and retention tool.

As recent events have shown perhaps too clearly, Americans have still not fully come to grips with the reality of warfare, especially the Vietnam Conflict. Shortly after World War II—which of all wars in recent history is most widely regarded as necessary and unavoidable—General Dwight D. Eisenhower said, "I hate war as only a soldier who has lived it can, only as one who has seen its brutality, its futility, and its stupidity."

Last year, to focus on the reality of war and on other questions related to the global role of the United States in the post-cold-war world, I had the great honor of being joined by my friend and colleague, Senator ROBERTS of Kansas, in conducting six dialogues on the Senate floor on these and related questions. At the end, we came up with seven general principles, three of which have particular relevance to this occasion:

First, the President and the Congress need to:

Find more and better ways to increase communications with the American people on the realities of our international interests and the costs of securing them;

Find more and better ways to increase the exchange of experiences and ideas between the government and the military to avoid the broadening lack of military experience among the political elite; and

Find more and better ways of ensuring that both the executive and legislative branches fulfill their constitutional responsibilities in national security policy, especially concerning military operations other than declared wars.

Second, as the only global superpower, and in order to avoid stimulating the creation of a hostile coalition of other nations, the United States should, and can afford to, forego unilateralist actions, except where our vital interests are involved.

Finally, in the post-cold-war world, the United States should adopt a policy of realistic restraint with respect to use of U.S. military forces in situations other than those involving the defense of vital national interests. In all other situations, we must:

Insist on well-defined political objectives;

Determine whether non-military means will be effective, and if so, try them prior to any recourse to military force;

Ascertain whether military means can achieve the political objectives;

Determine whether the benefits outweigh the costs—political, financial, military—and that we are prepared to bear those costs;

Determine the "last step" we are prepared to take if necessary to achieve the objectives;

Insist that we have a clear, concise exit strategy, including sufficient consideration of the subsequent roles of the United States, regional parties, international organizations and other entities in securing the long-term success of the mission; and

Insist on congressional approval of all deployments other than those involving responses to emergency situations.

Since I came to the Senate, I have been deeply disturbed by the tenor of many of the debates which have occurred in the Congress and with both the Clinton and Bush administrations on a host of important national security issues. Last session, the Senate failed to ratify the Comprehensive Test Ban Treaty after little meaningful debate and no Senate hearings. This was one of the most consequential treaties of the decade, and it was sadly reduced to sound-bite politics and partisan rancor. In addition to the CTBT, the Senate has made monumental decisions on our policies in the Balkans and the Persian Gulf, and the future of NATO and the United Nations, all without a comprehensive set for American goals and policies.

And though it is too early to arrive at a firm judgment on this point, and though there is no individual in the national security arena that I have more confidence in or respect more than Secretary of State Colin Powell, I am dismayed by the apparent surge of unilateralism, without meaningful consultation with Congress, displayed by the new administration on subjects ranging from Korean security, to defense of Taiwan, to National Missile Defense, to the Kyoto Accords, to the OECD efforts to fight tax evasion, all once again occurring without clearly articulated goals and policies. In my opinion, we—all of us on both ends Pennsylvania Avenue—have to do better. Simply put, I do not believe we can afford to continue on a path of partisanship and division of purpose without serious damage to our national interests.

I spoke earlier about some key quality of life concerns of today's military, especially education and the GI bill. However, as important as these other factors are, the ultimate quality of life issue for our servicemen and women centers in policy decisions made by national security decision-makers here in Washington relating to the deployment of our forces abroad. It is these deployments which separate families, disrupt lives, and in those cases which involve hostilities, endanger the service member's life itself. This is not to say that I believe our soldiers, sailors, airmen and marines are not fully prepared to do whatever we ask of them. Quite the contrary, they most assuredly are, as my visits to the front lines in the Balkans and Korea have clearly demonstrated to me. But we on this end owe them nothing less than a full and thorough consideration each and every time we put them into harm's way.

There are 13 military installations in Georgia, and I visit the troops there whenever I can. When I go to these bases, I see weary and beleaguered families who are doing their best to make it through the weeks and months without their husbands or wives. This is a heavy toll for our military personnel. It is a price they are ready to pay, but one I want the Senate to understand and appreciate as we continue in our commitment of troops abroad.

Under the Constitution, war powers are divided. Article I, section 8, gives Congress the power to declare war and raise and support the armed forces, while Article II, Section 2 declares the President to be Commander in Chief. With this division of authority there has also been constant disagreement, not only between the executive and legislative branches, but between individual Members of Congress as well, as we have seen in our debates on authorizing the intervention in Kosovo and on the Byrd-Warner amendment concerning funding of that operation. Judging by the text of the Constitution and the debate that went into its drafting, however, Members of Congress have a right, and I would say an obligation, to play a key role in the making of war and in determination of the proper use of our armed forces.

It is generally agreed that the Commander in Chief role gives the President full authority to repel attacks against the United States and makes him responsible for leading the armed forces. During the Korean and Vietnam conflicts, however, this country found itself involved for many years in undeclared wars. Many Members of Congress became concerned with the erosion of congressional authority to decide when the United States should become involved in a war or in situations that might lead to war. On November 7, 1973, the Congress passed the War Powers Resolution over the veto of President Nixon.

The War Powers Resolution has two key requirements. Section 4(a) requires the President to submit a report to Congress within 48 hours whenever troops are introduced into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances. Section 5(b) then stipulates that if U.S. armed forces have been sent into situations of actual or imminent hostilities the President must remove the troops within sixty days—ninety days if he requests a delay—unless Congress declares war or otherwise authorizes the use of force. The resolution also provides that Congress can compel the President to withdraw the troops at any time by passing a joint resolution. It is important to note, however, that since the adoption of the War Powers Resolution, every President has taken the position that it is an unconstitutional infringement by the Congress on the President's authority as Commander in Chief, and the courts have not directly addressed this vital question.

I would submit that although the Congress tried to reassert itself after the Vietnam war with the enactment of the War Powers Resolution, we have continued to be a timid, sometimes nonexistent player in the government that Clausewitz emphasized must play a vital role in creating the balance necessary for an effective war-making effort. Since I came to the Senate, it has been my observation that the current system by which the executive and legislative branches discharge their respective constitutional duties in committing American service men and women into harm's way has become inadequate. Congress continually lacks sufficient and timely information as to policy objectives and means prior to the commitment of American forces. And then, in my opinion, Congress largely abdicates its responsibilities for declaring war and controlling the purse with inadequate and ill-timed consideration of operations.

Reasons for the failure of the War Powers Resolution and for our current difficulties abound. I believe that part of our problem stems from the disputed and uncertain role of the War Powers Resolution of 1973 in governing the conduct of the President, as well as the Congress, with respect to the introduction of American forces into hostile situations. Once again, these disputes continue to resound between both the branches and individual members of the legislative branch.

In all honesty, however, the realities of our government highlight the fact that while the legislature can urge, request, and demand that the President consult with members of Congress on decisions to use force, it cannot compel him to follow any of the advice that it might care to offer. With that in mind, as an institution, Congress can do no more than give or withhold its permission to use force. And while this "use it or lose it" quality of congressional authorizations may make many members leery about acting on a crisis too soon, delays will virtually guarantee, as Senator Arthur Vandenberg once stated, that crises will "never reach Congress until they have developed to a point where congressional discretion is pathetically restricted."

I believe that in view of our obligations to the national interest, to the Constitution and to the young American servicemen and women whose very lives are at stake whether it be a "contingency operation" or a full-scale war, neither the executive or legislative branches should be satisfied with the current situation which results in uncertain signals to the American people, to overseas friends and foes, and to our armed forces personnel. In making our decision to authorize military action, Congress should work to elicit all advice and information from the President on down to the battlefield commanders, make a sound decision based on this information, and then leave battlefield management in the hands of those competent and qualified to carry out such a task.

In response to such concerns, last year I introduced S. 2851, a bill which seeks to find a more workable system for Presidential and congressional interaction on the commitment of American forces into combat situations. Today, I am re-introducing this measure. It is a bill derived from the current system for Presidential approval and reporting to Congress on covert operations, a system which was established by Public Law 102-88 in 1991. By most accounts, this system has been accepted by both branches and has worked very well with respect to covert operations, producing both better decision-making in the executive branch and improved congressional input and oversight with respect to these operations. Since overt troop deployments into hostilities almost certainly constitute a greater risk to American interests and to American lives, I believe such a system represents the very least we should do to improve the approval and oversight process with respect to overt military operations. It does not bind or limit the executive branch or military, but offers greater reassurance to those serving us in the Armed Forces that their service in harm's way will have the full backing of not only the President, but the Congress and the American public as well.

Honoring our fallen heroes on Memorial Day is altogether fitting and proper, as President Lincoln said at Gettysburg. However, it is not sufficient. We must also honor them by our words and deeds while they still wear their Nation's military uniforms.

I ask unanimous consent that the list of all American service men and women killed in hostile action since the end of the Vietnam war be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

US ACTIVE DUTY MILITARY HOSTILE DEATHS
(1980-2000)

GRADE	NAME	V	A	E	CITY	STATE	BIRTH	CASUALTY	MANNER	BODY	OPERATION/INCIDENT
PO3	QUIRANTE DIOMEDES JIMENEZ	N	M	M	CALOOCAN CITY		19580906	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	TWINE RICHARD	A	C	M	SALOP		19461021	19830418	TERRORIST	Y	US EMBASSY BEIRUT LEBANON
SSG	DOUTHIT DAVID QUENTIN	A	C	M	SOLDOTNA	AK	19661020	19910227	HOSTILE	Y	PERSIAN GULF WAR
PO1	LUNDBERG KEVEN ERIN	N	C	M	KODIAK	AK	19550525	19831023	HOSTILE	N	INVASION OF GRENADA
CPO	MCFAUL DONALD LEWIS	N	C	M	KODIAK	AK	19570920	19891220	HOSTILE	Y	INVASION OF PANAMA
CPL	BIDDLE SHANNON DALE	M	C	M	VALLEY HEAD	AL	19611222	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
SFC	BOLDEN LOLA RENEE	A	N	F	BIRMINGHAM	AL	19550401	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
HN	CAIN JIMMY RAY	N	C	M	BIRMINGHAM	AL	19630220	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	CLARK BARRY MAXWELL	F	C	M	FAIRHOPE	AL	19650107	19910131	HOSTILE	Y	PERSIAN GULF WAR
SGT	DICKSON BOBBY JOE	M	C	M	TUSCALOOSA	AL	19570812	19850619	TERRORIST	Y	EL SALVADOR TERRORIST ATTACK
SSG	EPPS GARY LYNN	A	C	M	HORTON	AL	19540522	19831026	HOSTILE	Y	INVASION OF GRENADA
CW3	GODFREY ROBERT GARY	A	C	M	PHENIX CITY	AL	19580514	19910227	HOSTILE	Y	PERSIAN GULF WAR
LCPL	HENDERSON FERRANDY DREXEL	M	N	M	WETUMPKA	AL	19640528	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	HOUSTON CORNELL LAMONT	A	N	M	MOBILE	AL	19620622	19931006	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
CPL	HUDSON TERRY LEE	M	N	M	PRICHARD	AL	19601116	19831205	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	HUTTO JOHN WESLEY	A	C	M	ANDALUSIA	AL	19710803	19910227	HOSTILE	Y	PERSIAN GULF WAR
PFC	PRICE JAMES CHRISTOPHER	M	C	M	ATTALLA	AL	19621208	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	STELPFLUG BILL JOHN	M	C	M	AUBURN	AL	19640313	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	TOWNSEND HENRY JR	M	N	M	MONTGOMERY	AL	19620110	19831202	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	WILBOURN JAMES NEWTON III	M	C	M	HUNTSVILLE	AL	19620628	19910223	HOSTILE	Y	PERSIAN GULF WAR
CW3	BRILEY DONOVAN LEE	A	C	M	NORTH LITTLE ROCK	AR	19591219	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
CAPT	EICHENLAUB PAUL RICHARD II	F	C	M	BENTONVILLE	AR	19611029	19910214	HOSTILE	Y	PERSIAN GULF WAR
SPC	MASON STEVEN GLEN	A	C	M	PARAGOULD	AR	19670927	19910225	HOSTILE	Y	PERSIAN GULF WAR
PFC	MAYNARD MARLIN ROY	A	C	M	ALTUS	AR	19551218	19831025	HOSTILE	Y	INVASION OF GRENADA
SGT	POLLARD WILLIAM H ROY	M	C	M	PIGGOTT	AR	19590822	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	CLEVELAND WILLIAM DAVID JR	A	C	M	PEORIA	AZ	19590127	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	FELIX ELISEO CELESTINO	M	C	M	AVONDALE	AZ	19710219	19910202	HOSTILE	Y	PERSIAN GULF WAR
SGT	PACK AARON ALAN	M	C	M	PHOENIX	AZ	19680921	19910223	HOSTILE	Y	PERSIAN GULF WAR
PFC	BROWN ROY DENNIS JR	A	C	M	BUENA PARK	CA	19700321	19891220	HOSTILE	Y	INVASION OF PANAMA
SGT	CRUMBY DAVID RAY JR	A	C	M	LONG BEACH	CA	19641129	19910227	HOSTILE	Y	PERSIAN GULF WAR
CW4	FRANK RAYMOND ALEX	A	C	M	MONROVIA	CA	19480511	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
CAPT	GALVAN ARTHUR	F	C	M	NEWPORT BEACH	CA	19571108	19910131	HOSTILE	Y	PERSIAN GULF WAR
LCPL	GARCIA RANDALL J	M	C	M	MODESTO	CA	19640814	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING

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SSGT	GARCIA RONALD JAMES	M	C	M	LOS ANGELES	CA	19480504	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	GIBBS WILLIAM DELANEY	A	C	M	MARINA	CA	19670727	19891220	HOSTILE	Y	INVASION OF PANAMA
CAPT	GUZMAN RANDOLPH ALBERT	M	Z	M	ALAMEDA	CA	19660505	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
CAPT	HAUN LELAND TIMOTHY	F	C	M	CLOVIS	CA	19630425	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
SSG	HAWS JIMMY DEWAYNE	A	C	M	TRAVER	CA	19620810	19910220	HOSTILE	Y	PERSIAN GULF WAR
LCPL	JENKINS THOMAS ALLEN	M	C	M	COULTERVILLE	CA	19690811	19910129	HOSTILE	Y	PERSIAN GULF WAR
SSGT	KANUHA DAMON VALENTINE KEAW	F	M	M	SAN DIEGO	CA	19621128	19910131	HOSTILE	Y	PERSIAN GULF WAR
SGT	KUTZ EDWIN BRIAN	A	C	M	SUNNYMEAD	CA	19641227	19910226	HOSTILE	Y	PERSIAN GULF WAR
SGT	LINDSEY J SCOTT	A	C	M	DIAMOND SPRINGS	CA	19630405	19910301	HOSTILE	Y	PERSIAN GULF WAR
CAPT	LORENCE PAUL FRANKLIN	F	C	M	SAN FRANCISCO	CA	19550217	19860415	HOSTILE	N	ATTACK ON LIBYA
PV2	MITCHELL ADRIENNE LYNETTE	A	N	F	MORENO VALLEY	CA	19700625	19910225	HOSTILE	Y	PERSIAN GULF WAR
LCPL	NAVA LUIS ALONZO	M	Z	M	GARDENA	CA	19610305	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	OBRIEN CHERYL LORRAINE	A	C	F	LONG BEACH	CA	19661014	19910227	HOSTILE	Y	PERSIAN GULF WAR
SN	PALMER LAKIBA NICOLE	N	N	F	SAN DIEGO	CA	19780312	20001012	TERRORIST	Y	USS COLE ATTACK
LCPL	RANDOLPH DAVID MICHAEL	M	C	M	EL CENTRO	CA	19641001	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	RICHARDSON FERDINAN CABEBE	A	M	M	SUMMERMEAD	CA	19660419	19930925	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SSG	SALAZAR MARK EUGENE	A	C	M	PASADENA	CA	19530424	19830418	TERRORIST	Y	US EMBASSY BEIRUT LEBANON
LCDR	SCHAUFELBERGER ALBERT A III	N	C	M	CORONADO	CA	19490808	19830525	TERRORIST	Y	EL SALVADOR TERRORIST KILLING
PFC	STOKES ADRIAN LEONARD	A	N	M	RIVERSIDE	CA	19700924	19910226	HOSTILE	Y	PERSIAN GULF WAR
LTJG	SURCH JAMES FRANK	N	C	M	LOMPOC	CA	19531026	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CW2	SWARTZENDRUBER GEORGE RICHARD	A	C	M	SAN DIEGO	CA	19660301	19910227	HOSTILE	Y	PERSIAN GULF WAR
LCPL	VALLONE DONALD HENRY JR	M	C	M	PALMDALE	CA	19640215	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	WHERLAND BURTON D	M	C	M	LAWNDALE	CA	19550304	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
A1C	WOOD JUSTIN RICHARD	F	C	M	MODESTO	CA	19750716	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
A1C	WOODY JOSHUA EDWARD	F	C	M	CORNING	CA	19751006	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
SFC	YARBER JAMES GLENN	A	C	M	VACAVILLE	CA	19451124	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	DEEKS ROBERT HAROLD JR	A	C	M	LITTLETON	CO	19521102	19930303	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SGT	DILLON YOUNG MIN	A	Z	M	AURORA	CO	19631128	19910226	HOSTILE	Y	PERSIAN GULF WAR
LCPL	HELMS MARK A	M	C	M	COLORADO SPRINGS	CO	19640516	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	SAPIEN MANUEL BERNARDO JR	A	C	M	DENVER	CO	19680917	19910317	HOSTILE	Y	PERSIAN GULF WAR
PV2	TABOR JAMES ALLEN JR	A	C	M	MONTROSE	CO	19710116	19891222	HOSTILE	Y	INVASION OF PANAMA
MAJ	WEAVER PAUL JENNINGS	F	C	M	ALAMOSA	CO	19560902	19910131	HOSTILE	Y	PERSIAN GULF WAR
SPC	BEAUDOIN CINDY MARIE	A	C	F	PLAINFIELD	CT	19710720	19910228	HOSTILE	Y	PERSIAN GULF WAR
SFC	BUTTS WILLIAM THOMAS	A	C	M	WATERFORD	CT	19601213	19910227	HOSTILE	Y	PERSIAN GULF WAR

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CPL	DIBENEDETTO THOMAS A	M	C	M	WINDHAM	CT	19590516	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	HART WILLIAM	M	N	M	GROTON	CT	19610722	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PVT	MATTACCHIONE JOSEPH JOHN	M	C	M	EAST HARTFORD	CT	19631015	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	SCIALABBA PETER JAMES	M	C	M	NEW HAVEN	CT	19470729	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	SMITH THOMAS G	M	C	M	MIDDLETOWN	CT	19580903	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	SUNDAR DEVON LLOYD	M	Z	M	STAMFORD	CT	19600106	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	TINGLEY STEPHEN DALE	M	C	M	ELLINGTON	CT	19621026	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	HASTINGS MICHAEL ALAN	M	C	M	SEAFORD	DE	19620816	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MCCOY JAMES ROBERT	A	N	M	WILMINGTON	DE	19610912	19910226	HOSTILE	Y	PERSIAN GULF WAR
CPL	ALEXANDER CLEMON	M	N	M	MONTICELLO	FL	19570904	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	ALIGANGA JESSE NATHANAEL	M	M	M	PENSACOLA	FL	19761017	19980808	TERRORIST	Y	KENYA EMBASSY BOMBING
HN	BEAMON JESSE WALTER	N	C	M	HAINES CITY	FL	19601022	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	BLOCKER JOHN WILLIAM	M	C	M	YULEE	FL	19640110	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	COMAS JUAN MIGUEL	M	Z	M	HIALEAH	FL	19610928	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	CONLEY ROBERT ALLEN	M	C	M	ORLANDO	FL	19610915	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	CROFT BRETT ALLEN	M	C	M	LAKELAND	FL	19621026	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO2	FAULK JAMES ELLIS	N	C	M	PANAMA CITY	FL	19620430	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
TSGT	FENNIG PATRICK PHILIP	F	C	M	PALM COAST	FL	19620417	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
CPL	GAINES WILLIAM R JR	M	C	M	PORT CHARLOTTE	FL	19621018	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CW4	GARVEY PHILIP H	A	C	M	PENSACOLA	FL	19510628	19910227	HOSTILE	Y	PERSIAN GULF WAR
PFC	HATTAWAY JEFFREY TODD	M	C	M	PENSACOLA	FL	19611207	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
CW2	HEIN KERRY PETER	A	C	M	DAYTONA BEACH	FL	19630107	19910227	HOSTILE	Y	PERSIAN GULF WAR
MSGT	HEISER MICHAEL GEORGE	F	C	M	PALM COAST	FL	19600920	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
GYSGT	HILDRETH DONALD WAYNE	M	C	M	CLERMONT	FL	19571125	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
TSGT	HODGES ROBERT KEVIN	F	C	M	PANAMA CITY	FL	19621217	19910131	HOSTILE	Y	PERSIAN GULF WAR
PFC	JENKINS NATHANIEL WALTER	M	N	M	DAYTONA BEACH	FL	19631129	19831031	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	KREISCHER FREAS HENRY III	M	C	M	INDIALANTIC	FL	19610927	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	LARIVIERE MICHAEL SCOTT	M	C	M	PERRY	FL	19610808	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	LYON PAUL DEAN JR	M	Z	M	MILTON	FL	19621020	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	MANRIQUELOZANO ALEJANDRO I	A	Z	M	MIAMI	FL	19591003	19891220	HOSTILE	Y	INVASION OF PANAMA
PFC	MARTIN JACK LEE	M	C	M	MAITLAND	FL	19610623	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
A1C	MCVEIGH BRIAN WILLIAM	F	C	M	DE BARY	FL	19750327	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
1STLT	NAIRN DAVID JOHNS	M	C	M	OCOEE	FL	19600617	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
TSGT	NGUYEN THANH VAN	F	Z	M	PANAMA CITY	FL	19590507	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING

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TSGT	OELSCHLAGER JOHN LEE	F	C	M	PENSACOLA	FL	19620321	19910131	HOSTILE	Y	PERSIAN GULF WAR
SMSGT	OLDS SHERRY LYNN	F	C	F	PANAMA CITY	FL	19580716	19980807	TERRORIST	Y	KENYA EMBASSY BOMBING
EW2	OWENS RONALD SCOTT	N	C	M	VERO BEACH	FL	19751031	20001012	TERRORIST	Y	USS COLE ATTACK
SGT	PEARSON KEITH DANIEL	A	C	M	TAVARES	FL	19680629	19930808	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
1STLT	PLYMEL CLYDE WAYNE	M	C	M	MERRITT ISLAND	FL	19581208	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	POWELL DODGE RANDELL	A	C	M	HOLLYWOOD	FL	19630102	19910226	HOSTILE	Y	PERSIAN GULF WAR
SGT	PRINDEVILLE PATRICK KERRY	M	C	M	GAINESVILLE	FL	19600313	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	ROBSON MICHAEL ROBERT	A	C	M	SEMINOLE	FL	19610211	19910227	HOSTILE	Y	PERSIAN GULF WAR
SGT	RODRIGUEZ JUAN CARLOS	M	C	M	MIAMI	FL	19600518	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	SANPEDRO GUILLERMO JR	M	C	M	HIALEAH	FL	19631211	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO3	SANTOS ANGELA SIMONE	N	C	F	OCALA	FL	19660630	19880414	TERRORIST	Y	USO ATTACK NAPLES ITALY
CPL	SMITH KIRK HALL	M	N	M	MIAMI	FL	19621103	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MSG	SOHN VICTORIA LEE	A	C	F	APOPKA	FL	19580530	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
LCDR	SPEICHER MICHAEL SCOTT	N	C	M	JACKSONVILLE	FL	19570712	19910117	HOSTILE	N	PERSIAN GULF WAR
CPL	SPENCER STEPHEN EUGENE	M	C	M	MARY ESTHER	FL	19600329	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	WEYL JOHN RICHARD	M	C	M	LARGO	FL	19490119	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	WILLIAMS RODNEY J	M	N	M	MIAMI	FL	19610102	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	WINTER WILLIAM ELLIS	M	C	M	PENSACOLA	FL	19510327	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	BOHANNON LEON WILLIAM JR	M	N	M	ATLANTA	GA	19590321	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1STLT	BOYETT JOHN NORMAN	M	C	M	ALBANY	GA	19580430	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	COURSEY WILLIS LARRY	A	C	M	BLOOMINGDALE	GA	19480825	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
LCPL	FULLER BENJAMIN ERNEST	M	C	M	DULUTH	GA	19540810	19831023	TERRORIST	N	LEBANON BARRACKS BOMBING
SMSN	GUNN CHERONE LOUIS	N	N	M	REX	GA	19780214	20001012	TERRORIST	Y	USS COLE ATTACK
LT	HUDSON JOHN RICE	N	C	M	RIVERDALE	GA	19541112	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	JONES PHILLIP JOHN	M	N	M	ATLANTA	GA	19691018	19910224	HOSTILE	Y	PERSIAN GULF WAR
SGT	LEWIS VAL STANLEY	M	N	M	ATLANTA	GA	19600327	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	MARTIN CHARLES ROBERT	M	N	M	COLEMAN	GA	19490913	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1STSGT	PEARSON JOHN LEE	M	C	M	SAVANNAH	GA	19471013	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	PREVATT VICTOR MARK	M	C	M	COLUMBUS	GA	19630810	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CW2	REICHLE HAL HOOPER	A	C	M	MARIETTA	GA	19630625	19910220	HOSTILE	Y	PERSIAN GULF WAR
LCPL	SHROPSHIRE JERRYL DEWAYNE	M	N	M	MACON	GA	19640516	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	STOKES JEFFREY GAINES	M	N	M	WAYNESBORO	GA	19631218	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	WORTHY JAMES EARL	A	N	M	ALBANY	GA	19690129	19910225	HOSTILE	Y	PERSIAN GULF WAR
SPC	DAMIAN ROY TYDINGO JR	A	M	M	TOTO	GU	19690802	19910302	HOSTILE	Y	PERSIAN GULF WAR

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LCPL	ALLEN FRANK CHOAI	M	C	M	WAIANAE	HI	19680910	19910129	HOSTILE	Y	PERSIAN GULF WAR
PO1	TILGHMAN CHRIS	N	C	M	KAILUA	HI	19591202	19891220	HOSTILE	Y	INVASION OF PANAMA
SPC	ANDERSON MATTHEW KEITH	A	C	M	LUCAS	IA	19720416	19930925	TERRORIST	N	RESTORE DEMOCRACY IN SOMOLIA
SSGT	HARRISON TIMOTHY ROGER	F	C	M	MAXWELL	IA	19590622	19910131	HOSTILE	Y	PERSIAN GULF WAR
GYSGT	KIMM EDWARD EUGENE	M	C	M	ADAIR	IA	19500414	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	KORITZ THOMAS FLAGG	F	C	M	DAVENPORT	IA	19530810	19910117	HOSTILE	Y	PERSIAN GULF WAR
SPC	MILLS MICHAEL WARD	A	C	M	PANORA	IA	19670420	19910225	HOSTILE	Y	PERSIAN GULF WAR
SPC	RENNISON RONALD DAVID	A	C	M	DUBUQUE	IA	19690703	19910225	HOSTILE	Y	PERSIAN GULF WAR
SFC	RIERSON MATTHEW LOREN	A	C	M	NEVADA	IA	19600929	19931006	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
PFC	ROBINSON RUSSELL LEE	A	C	M	HARPERS FERRY	IA	19611009	19831025	HOSTILE	Y	INVASION OF GRENADA
SGT	MOLLER NELS ANDREW	A	C	M	PAUL	ID	19680213	19910226	HOSTILE	Y	PERSIAN GULF WAR
GYSGT	BELMER ALVIN	M	N	M	CHICAGO	IL	19540310	19831030	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GAY DAVID D	M	C	M	MUDDY	IL	19611109	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	HEIN PAUL ALLAN	M	C	M	CHICAGO	IL	19481110	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	HOLMES MELVIN D	M	N	M	CHICAGO	IL	19640323	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	LIVINGSTON JOSEPH R	M	C	M	CHAMPAIGN	IL	19630215	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPT	LUCAS KEITH JOSEPH	A	C	M	GRANITE CITY	IL	19570603	19831025	HOSTILE	Y	INVASION OF GRENADA
PFC	MARTIN JAMES HENRY JR	A	C	M	COLLINSVILLE	IL	19700317	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SGT	PHILLIPS JOHN A JR	M	C	M	WILMETTE	IL	19600422	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	PHILLIS STEPHEN RICHARD	F	C	M	ROCK ISLAND	IL	19600517	19910215	HOSTILE	Y	PERSIAN GULF WAR
LCPL	PORTER CHRISTIAN JAY	M	N	M	WOOD DALE	IL	19701219	19910227	HOSTILE	Y	PERSIAN GULF WAR
LCPL	PULLIAM ERIC A	M	C	M	EAST ST LOUIS	IL	19640314	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
A1C	RIMKUS JOSEPH EDWARD	F	C	M	EDWARDSVILLE	IL	19740413	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
PFC	ROTH SCOTT LEE	A	C	M	MILAN	IL	19700311	19891220	HOSTILE	Y	INVASION OF PANAMA
CW2	SCHWAB JEFFRY CHARLES	A	C	M	JOLIET	IL	19560220	19840111	TERRORIST	Y	HONDURAS TERRORISTS
SGT	SCOTT GARY R	M	C	M	RANKIN	IL	19610117	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1STLT	SOMMERHOF WILLIAM SCOTT	M	C	M	SPRINGFIELD	IL	19580113	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	STURGHILL ERIC D	M	N	M	CHICAGO	IL	19601128	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	WALKER ERIC R	M	N	M	CHICAGO	IL	19610920	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	WILLIAMS EUGENE	A	N	M	CHICAGO	IL	19670112	19930925	TERRORIST	N	RESTORE DEMOCRACY IN SOMOLIA
SRA	CARTRETTE EARL FREDRICK JR	F	C	M	SELLERSBURG	IN	19740302	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
SGT	CLINE RANDY EUGENE	A	C	M	CLOVERDALE	IN	19550906	19831025	HOSTILE	Y	INVASION OF GRENADA
LCPL	ESTES DANNY R	M	C	M	GARY	IN	19640927	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPO	GORCHINSKI MICHAEL WAYNE	N	C	M	EVANSVILLE	IN	19480927	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING

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SGT	HILGERT CHRISTOPHER KEITH	A	C	M	BLOOMINGTON	IN	19660610	19930808	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	LANE BRIAN LEE	M	C	M	BEDFORD	IN	19700806	19910227	HOSTILE	Y	PERSIAN GULF WAR
MSG	MARTIN TIMOTHY LYNN	A	C	M	AURORA	IN	19550709	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SPC	MILLER JAMES ROBERT JR	A	C	M	DECATUR	IN	19701016	19910228	HOSTILE	Y	PERSIAN GULF WAR
SSG	RICHERSON RONALD NEIL	A	C	M	PORTAGE	IN	19690620	19930808	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SPC	SIMPSON BRIAN KEITH	A	C	M	ANDERSON	IN	19680727	19910225	HOSTILE	Y	PERSIAN GULF WAR
SSGT	THORSTAD THOMAS P	M	C	M	CHESTERTON	IN	19560718	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	DANIELS MICHAEL DAVID	A	C	M	FT LEAVENWORTH	KS	19701229	19910220	HOSTILE	Y	PERSIAN GULF WAR
PFC	DAVIS MARTY REVOHN	A	N	M	SALINA	KS	19710407	19910225	HOSTILE	Y	PERSIAN GULF WAR
CAPT	GRIMM WILLIAM DAVID	F	C	M	MANHATTAN	KS	19621013	19910131	HOSTILE	Y	PERSIAN GULF WAR
SFC	LUDLOW LLOYD DAVID	A	C	M	HUTCHINSON	KS	19470206	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
SGT	MIDDLETON JEFFERY THOMAS	A	C	M	OXFORD	KS	19670411	19910217	HOSTILE	Y	PERSIAN GULF WAR
SFC	STREETER GARY EUGENE	A	C	M	MANHATTAN	KS	19511103	19910227	HOSTILE	Y	PERSIAN GULF WAR
SRA	TAYLOR JEREMY ALLEN	F	C	M	ROSE HILL	KS	19730124	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
PFC	DECKER SIDNEY JAMES	M	C	M	CLARKSON	KY	19650628	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1STSGT	EDWARDS ROY L	M	C	M	ALMO	KY	19411105	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
COL	HIGGINS WILLIAM RICHARD	M	C	M	LOUISVILLE	KY	19450115	19900706	TERRORIST	Y	LEBANON KIDNAPPING
PO2	HOLLAND ROBERT STEVEN	N	C	M	MURRAY	KY	19541223	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	KEOWN THOMAS CLINTON	M	C	M	LOUISVILLE	KY	19600825	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	KLUCK DANIEL SHANE	A	C	M	OWENSBORO	KY	19570806	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	MEURER RONALD WAYNE	M	C	M	WESTPORT	KY	19620622	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	UNDERWOOD REGINALD COURTNEY	M	C	M	LEXINGTON	KY	19570802	19910308	HOSTILE	Y	PERSIAN GULF WAR
MAJ	WOLFE JOHN ERVIN	M	C	M	WINCHESTER	KY	19550217	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	DEBLOIS MICHAEL ANTHONY	A	C	M	DUBACH	LA	19650930	19891220	HOSTILE	Y	INVASION OF PANAMA
SPC	DELAGNEAU ROLANDO ADOLFO	A	C	M	GRETNA	LA	19600829	19910225	HOSTILE	Y	PERSIAN GULF WAR
LTCOL	HOLLAND DONNIE RAY	F	C	M	BASTROP	LA	19480901	19910117	HOSTILE	Y	PERSIAN GULF WAR
CPL	HUE LYNDON J	M	C	M	DES ALLEMANDS	LA	19610913	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	JOHNSON KEVIN JEROME	F	N	M	SHREVEPORT	LA	19600125	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
A1C	LEVY LAKESHA RACQUEL	F	N	F	NEW ORLEANS	LA	19730725	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
SSGT	SCHMAUSS MARK JOHN	F	C	M	WAGGAMAN	LA	19610916	19910131	HOSTILE	Y	PERSIAN GULF WAR
LCPL	TRAHAN LEX D	M	C	M	LAFAYETTE	LA	19640614	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	CAMPUS BRADLEY JOHN	M	C	M	LYNN	MA	19620215	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	CAVACO JAMES MANUEL	A	C	M	FORESTDALE	MA	19670212	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LTJG	CONNORS JOHN PATRICK	N	C	M	ARLINGTON	MA	19640328	19891220	HOSTILE	Y	INVASION OF PANAMA

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LCPL	DEVLIN MICHAEL JAMES	M	C	M	WESTWOOD	MA	19620717	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MGYSGT	DOUGLASS FREDERICK BAILIEY	M	N	M	BOSTON	MA	19360928	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GALLAGHER SEAN RYAN	M	C	M	NORTH ANDOVER	MA	19621030	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GARGANO EDWARD JOHN	M	C	M	QUINCY	MA	19620505	19840108	TERRORIST	Y	LEBANON PEACEKEEPING
CPL	GORDON RICHARD JOHN	M	C	M	SOMERVILLE	MA	19610419	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	GRENIER PHILIP SABASTIAN	A	C	M	WORCESTER	MA	19620209	19831027	HOSTILE	Y	INVASION OF GRENADA
CAPT	HASKELL MICHAEL STEVEN	M	N	M	WESTBORO	MA	19501128	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	HOWARD BRUCE LEE	M	C	M	QUINCY	MA	19611117	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	LARIVIERE STEVEN BRECK	M	C	M	CHICOPEE	MA	19610921	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	PERRON THOMAS STANLEY	M	C	M	WHITINSVILLE	MA	19641005	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	SMITH RUSSELL GRIFFIN JR	A	C	M	FALL RIVER	MA	19461116	19910226	HOSTILE	Y	PERSIAN GULF WAR
CPL	WENTWORTH STEVEN B	M	C	M	SOUTHWICK	MA	19620428	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	BAILEY CHARLES KEITH	M	C	M	BERLIN	MD	19640122	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	BLAND THOMAS CLIFFORD JR	F	C	M	GAITHERSBURG	MD	19641029	19910131	HOSTILE	Y	PERSIAN GULF WAR
PVT	DORSEY NATHANIEL GREGORY	M	N	M	BALTIMORE	MD	19630512	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	FORRESTER STEVEN M	M	N	M	BALTIMORE	MD	19600810	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GREEN DAVID MARCELL	M	N	M	BALTIMORE	MD	19630716	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	JAMES JEFFREY WILBUR	M	N	M	BALTIMORE	MD	19630310	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	PARKER ULYSSES GREGORY	M	N	M	BALTIMORE	MD	19581121	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
ENFN	PARLETT JOSHUA LANGDON	N	C	M	CHURCHVILLE	MD	19810708	20001012	TERRORIST	Y	USS COLE ATTACK
CPO	PIERCY GEORGE WILLIAM	N	C	M	MT SAVAGE	MD	19430728	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	RANDAZZO RONALD MILTON	A	C	M	GLEN BURNIE	MD	19661129	19910220	HOSTILE	Y	PERSIAN GULF WAR
PFC	SHAW TIMOTHY ALAN	A	N	M	SUITLAND	MD	19691018	19910225	HOSTILE	Y	PERSIAN GULF WAR
PFC	STEPHENS HORACE RENARDO	M	N	M	CAPITOL HEIGHTS	MD	19630723	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO2	STETHAM ROBERT DEAN	N	C	M	WALDORF	MD	19611117	19850615	TERRORIST	Y	TWA FLT 847 ATHENS GREECE
SN	WIBBERLEY CRAIG BRYAN	N	C	M	WILLIAMSPORT	MD	19810807	20001012	TERRORIST	Y	USS COLE ATTACK
1LT	WILLIAMS GEORGE WATERSON	A	C	M	JOPPA	MD	19640517	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
PO3	WORLEY DAVID EDWARD	N	C	M	BALTIMORE	MD	19580626	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPT	CURRY JOSEPH PATRICK	A	C	M	YORK	ME	19570321	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
MAJ	DAVIS ANDREW LEON	M	C	M	FREEPORT	ME	19500701	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	FIELD THOMAS JOSEPH	A	C	M	LISBON	ME	19680411	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
MSG	GORDON GARY IVAN	A	C	M	LINCOLN	ME	19600830	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	BANKS JOHANSEN	M	N	M	DETROIT	MI	19591112	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	BARTUSIAK STANLEY WALTER	A	C	M	ROMULUS	MI	19560518	19910225	HOSTILE	Y	PERSIAN GULF WAR

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PFC	BOUSUM DAVID REYNOLD	M	C	M	FIFE LAKE	MI	19620720	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	BRILINSKI ROGER PAUL JR	A	C	M	OSSINEKE	MI	19660430	19910227	HOSTILE	Y	PERSIAN GULF WAR
SGT	BROWN ANTHONY KEITH	M	N	M	DETROIT	MI	19590702	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	GIBSON KENNETH JAMES	A	C	M	ROMULUS	MI	19680216	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
SPC	GUTTING MARK EDWARD	A	C	M	GRAND RAPIDS	MI	19671214	19930808	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SSG	HANSEN STEVEN MARK	A	C	M	LUDINGTON	MI	19621214	19910301	HOSTILE	Y	PERSIAN GULF WAR
PFC	HOWARD AARON WINSHIP	A	C	M	BATTLE CREEK	MI	19710109	19910226	HOSTILE	Y	PERSIAN GULF WAR
PO2	JOHNSON MICHAEL HUGH	N	C	M	DETROIT	MI	19530223	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	KING RONALD LOUIS	F	N	M	BATTLE CREEK	MI	19551207	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
LT	LANGE MARK ADAM	N	C	M	FRASER	MI	19570817	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
SGT	MASSMAN MICHAEL ROBERT	M	C	M	PORT HURON	MI	19540112	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	PALMER WILLIAM FITZGERALD	A	C	M	HILLSDALE	MI	19670419	19910224	HOSTILE	Y	PERSIAN GULF WAR
CW2	PORTER ANDREW PAUL	A	C	M	DETROIT	MI	19640420	19891220	HOSTILE	Y	INVASION OF PANAMA
SSG	SMITH MARY EDNA HALL	A	N	F	KALAMAZOO	MI	19540714	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
SRA	THOMAS LAWANDA	F	N	F	DETROIT	MI	19670217	19881221	TERRORIST	N	LOCKERBIE PAN AM BOMBING
CW2	WELCH KENNETH VERNON	A	C	M	GRAND RAPIDS	MI	19510523	19840920	TERRORIST	Y	US EMBASSY E. BEIRUT LEBANON
1STLT	ZIMMERMAN WILLIAM ARTHUR	M	C	M	GRAND HAVEN	MI	19570121	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BENTZLIN STEPHEN ERIC	M	R	M	WOODLAKE	MN	19670309	19910129	HOSTILE	Y	PERSIAN GULF WAR
SGT	BERGSTROM PHILIP VERNON	A	C	M	ST PAUL	MN	19661221	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
CPL	CUSTARD KELVIN PAUL	M	C	M	VIRGINIA	MN	19610319	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	JONES GLEN DEAN	A	C	M	GRAND RAPIDS	MN	19690411	19910225	HOSTILE	Y	PERSIAN GULF WAR
CPL	LAMB THOMAS GREGORY	M	C	M	COON RAPIDS	MN	19630422	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
A1C	MARTHALER BRENT EVAN	F	C	M	CAMBRIDGE	MN	19760611	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
SGT	OLSON JOHN A	M	C	M	SABIN	MN	19620408	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	TISHMACK JOHN JAY	M	C	M	MINNEAPOLIS	MN	19640314	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LT	TURNER CHARLES JOHN	N	C	M	RICHFIELD	MN	19610803	19910118	HOSTILE	N	PERSIAN GULF WAR
LT	CONNOR PATRICK KELLY	N	C	M	COLUMBIA	MO	19650621	19910202	HOSTILE	N	PERSIAN GULF WAR
LT	COSTEN WILLIAM THOMPSON	N	C	M	ST LOUIS	MO	19630804	19910118	HOSTILE	N	PERSIAN GULF WAR
SPC	FARNEN STEVEN PAUL	A	C	M	COLUMBIA	MO	19681115	19910225	HOSTILE	Y	PERSIAN GULF WAR
SSGT	GHUMM HAROLD DEATER	M	C	M	CROCKER	MO	19520817	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	HOBSON KENNETH RAY II	A	C	M	NEVADA	MO	19710501	19980807	TERRORIST	Y	KENYA EMBASSY BOMBING
SGT	MOORE JOSEPH P	M	C	M	ST LOUIS	MO	19620404	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	BLAND STEPHEN BOYD	M	C	M	WEST POINT	MS	19600206	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
ENS	TRIPLETT ANDREW	N	N	M	SHUQUALAK	MS	19690620	20001012	TERRORIST	Y	USS COLE ATTACK

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PV2	COATS VANCE TROY	A	C	M	GREAT FALLS	MT	19710127	19891220	HOSTILE	Y	INVASION OF PANAMA
CPL	EVANS THOMAS ALLEN	M	C	M	CONRAD	MT	19610608	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
1LT	HUNTER JOHN RUSSELL	A	C	M	VICTOR	MT	19590128	19891220	HOSTILE	Y	INVASION OF PANAMA
1STSGT	BATTLE DAVID LEE	M	C	M	JACKSON	NC	19440713	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BLANKENSHIP RICHARD LANE	M	C	M	FAYETTEVILLE	NC	19570917	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	COOK CHARLES DENNIS	M	C	M	ADVANCE	NC	19611122	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	COPELAND JOHNNY LEN	M	C	M	BURLINGTON	NC	19640511	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	DAVES JERRY SCOTT	A	C	M	HOPE MILLS	NC	19690908	19891220	HOSTILE	Y	INVASION OF PANAMA
CW3	ELLIS BRYAN LEE	A	C	M	SWANSBORO	NC	19500520	19791121	TERRORIST	Y	PAKISTAN TERRORISTS
MSSN	FRANCIS LAKEINA MONIQUE	N	N	F	WOODLEAF	NC	19810607	20001012	TERRORIST	Y	USS COLE ATTACK
SSG	HARRIS MICHAEL ANTHONY JR	A	N	M	POLLOCKSVILLE	NC	19650212	19910226	HOSTILE	Y	PERSIAN GULF WAR
SGT	HESTER STANLEY GLENN	M	C	M	RALEIGH	NC	19610408	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	KING JERRY LEON	A	N	M	WINSTON-SALEM	NC	19700703	19910226	HOSTILE	Y	PERSIAN GULF WAR
2NDLT	LOSEY DONALD GEORGE JR	M	C	M	WINSTON-SALEM	NC	19550626	19830829	TERRORIST	Y	LEBANON PEACEKEEPING
SGT	LUKETINA SEAN PATRICK	A	C	M	FAYETTEVILLE	NC	19600701	19840630	HOSTILE	Y	INVASION OF GRENADA
LCPL	MCNEELY TIMOTHY D	M	C	M	MOORESVILLE	NC	19640112	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MERCER MICHAEL DENNIS	M	C	M	CONOVER	NC	19550129	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MYERS HARRY DOUGLAS	M	C	M	WHITTIER	NC	19610914	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	OLSON PATRICK BRIAN	F	C	M	WASHINGTON	NC	19650421	19910227	HOSTILE	Y	PERSIAN GULF WAR
CPL	PAGE RAY	M	C	M	DUNN	NC	19600215	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO1	WAGNER MICHAEL RAY	N	C	M	ZEBULON	NC	19540706	19840920	TERRORIST	Y	US EMBASSY E. BEIRUT LEBANON
SFC	WARRELL DAVID KEITH	A	C	M	THOMASVILLE	NC	19610522	19951113	TERRORIST	Y	RIYADH BOMBING
1STSGT	WILLIAMS SCIPIO JR	M	N	M	CHARLESTON	NC	19480523	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	WILLIAMSON JOHNNY ADAM	M	C	M	ASHEBORO	NC	19580327	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	KRAFT TODD ANTHONY	M	C	M	DEVILS LAKE	ND	19640313	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
CAPT	SEAGLE JEB FRANKLIN	M	C	M	LINCOLN	NE	19530804	19831026	HOSTILE	Y	INVASION OF GRENADA
A1C	MORGERA PETER JAMES	F	C	M	STRATHAM	NH	19711103	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
WO1	PLASCH DAVID GORDON	A	C	M	PORTSMOUTH	NH	19670803	19910227	HOSTILE	Y	PERSIAN GULF WAR
SSGT	SOIFERT ALLEN HARRY	M	C	M	HOLLIS	NH	19580819	19831014	TERRORIST	Y	LEBANON PEACEKEEPING
PFC	ARROYO DOMINGO	M	Z	M	ELIZABETH	NJ	19710309	19930112	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	BURLEY WILLIAM FRANKLIN	M	C	M	LINDEN	NJ	19600627	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	COX MANUEL ANTONIO	M	Z	M	UNION CITY	NJ	19630120	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
LCPL	DRAMIS GEORGE LOUIS	M	C	M	GREEN CREEK	NJ	19640929	19840130	TERRORIST	Y	LEBANON PEACEKEEPING
LCPL	ESTLER SEAN FORREST	M	C	M	SOUTH BRUNSWICK	NJ	19631102	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING

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SGT	HALTIWANGER FREDDIE JR	M	C	M	ELIZABETH	NJ	19560124	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CWO2	INNOCENZI PAUL GEROME !!!	M	C	M	TRENTON	NJ	19551111	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	LANGON JAMES JOSEPH IV	M	C	M	SOMERVILLE	NJ	19630511	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MONGRELLA GARETT ADAM	M	C	M	BELIVIDERE	NJ	19650624	19910129	HOSTILE	Y	PERSIAN GULF WAR
PO1	MORRIS STEPHEN LEROY	N	C	M	SOUTH PLAINFIELD	NJ	19560425	19831023	HOSTILE	N	INVASION OF GRENADA
SGT	PILLA DOMINICK MICHAEL	A	C	M	VINELAND	NJ	19720331	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SCPO	SCHAMBERGER ROBERT RUDOLPH	N	C	M	OAKLAND	NJ	19460225	19831023	HOSTILE	N	INVASION OF GRENADA
CPL	SMITH JAMES EDGAR	A	C	M	LONG VALLEY	NJ	19720216	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	STOWE THOMAS D	M	C	M	SOMERVILLE	NJ	19630912	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PV1	TALLEY ROBERT D	A	N	M	NEWARK	NJ	19720503	19910217	HOSTILE	Y	PERSIAN GULF WAR
CAPT	TSANTES GEORGE NMN JR	N	C	M	MERCHANTVILLE	NJ	19300623	19831115	TERRORIST	Y	ATHENS GREECE TERRORIST SHOOTING
PFC	WADE ROBERT CURTIS	A	N	M	HACKENSACK	NJ	19590919	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	WOODS DEDERA LYNN	F	N	F	WILLINGBORO	NJ	19610204	19881221	TERRORIST	N	LOCKERBIE PAN AM BOMBING
SGT	YOUNG JEFFREY D	M	C	M	MOORESTOWN	NJ	19610725	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	ALLMAN JOHN R	M	C	M	CARLSBAD	NM	19631122	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	MUNOZ ALEX	M	Z	M	BLOOMFIELD	NM	19630104	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	ADAMS CHRISTOPHER JOHN	F	C	M	MASSAPEQUA PARK	NY	19660418	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
SSGT	BLESSINGER JOHN PERRY	F	C	M	SUFFOLK	NY	19580115	19910131	HOSTILE	Y	PERSIAN GULF WAR
CAPT	BOCCIA JOSEPH JOHN JR	M	C	M	NORTHPORT	NY	19550625	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BOULOS JEFFREY J	M	C	M	ISLIP	NY	19630210	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO1	BUTCHER KENNETH JOHN	N	C	M	WEST ISLIP	NY	19561220	19831023	HOSTILE	N	INVASION OF GRENADA
CPL	CHERMAN SAM IRWIN	M	Z	M	QUEENS	NY	19640729	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
CPL	CORCORAN BERT D	M	C	M	HASTINGS	NY	19631118	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	COTTO ISMAEL	M	C	M	NEW YORK	NY	19630523	19910129	HOSTILE	Y	PERSIAN GULF WAR
SSGT	COULMAN KEVIN PATRICK	M	C	M	HARTWICK	NY	19560119	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	EGGLESTON EDGAR HOWARD III	F	C	M	GLENS FALLS	NY	19641013	19881221	TERRORIST	N	LOCKERBIE PAN AM BOMBING
CPL	FAJARDO MARIO	A	C	M	FLUSHING	NY	19611004	19910226	HOSTILE	Y	PERSIAN GULF WAR
LCPL	GRATTON HAROLD F	M	C	M	COHOES	NY	19630625	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	INGALLS JOHN JAY	M	C	M	INTERLAKEN	NY	19640306	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	JACKOWSKI JAMES J	M	C	M	SOUTH SALEM	NY	19630719	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	JONES STEVEN	M	N	M	NEW YORK	NY	19610101	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	MAITLAND SAMUEL	M	N	M	NEW YORK	NY	19581104	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	MCCALL JOHN	M	C	M	ROCHESTER	NY	19630617	19831025	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MENKINS RICHARD HARRISON II	M	C	M	TULLY	NY	19620627	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING

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PO3	MILANO JOSEPH P	N	C	M	FARMINGVILLE	NY	19610517	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
2LT	MITCHELL JEWEL COURTNEY	A	N	M	NEW YORK	NY	19560614	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
CAPT	OHLER MICHAEL JOHN	M	C	M	HUNTINGTON	NY	19550209	19831016	TERRORIST	Y	LEBANON PEACEKEEPING
LCPL	OLSON ROBERT PAUL	M	C	M	LAWTONS	NY	19650220	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	ORTEGA ALEXANDER MICHAEL JR	M	C	M	ROCHESTER	NY	19580314	19830829	TERRORIST	Y	LEBANON PEACEKEEPING
SSG	ORTIZ PATBOUVIER ENRIQUE	A	C	M	NEW YORK	NY	19630807	19910227	HOSTILE	Y	PERSIAN GULF WAR
CWO3	ORTIZ RICHARD CHRISTOPHER	M	C	M	NEW YORK	NY	19460131	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	PAYNE MARK WALTER	M	C	M	BINGHAMTON	NY	19630708	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	POMALESTORRES RAFAEL	M	Z	M	NEW YORK	NY	19541001	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	RADEMACHER MARK ANTHONY	A	C	M	EAST AURORA	NY	19630607	19831025	HOSTILE	Y	INVASION OF GRENADA
LCPL	RICH TERRENCE L	M	N	M	NEW YORK	NY	19640614	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	RICHARDSON WARREN	M	N	M	NEW YORK CORNWALL ON	NY	19570426	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
FN	ROY PATRICK HOWARD	N	C	M	HUDSON	NY	19810306	20001012	TERRORIST	Y	USS COLE ATTACK
LCPL	SCHULTZ SCOTT LEE	M	C	M	KEESEVILLE	NY	19640918	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	SHALLO RONALD LOUIS	M	C	M	HUDSON	NY	19610705	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	SLATER STEPHEN ERIC	A	C	M	CLAYVILLE	NY	19610714	19831027	HOSTILE	Y	INVASION OF GRENADA
LCPL	SNYDER DAVID TIMOTHY	M	C	M	KENMORE	NY	19690309	19910129	HOSTILE	Y	PERSIAN GULF WAR
LCPL	STOCKTON CRAIG STEVEN	M	C	M	ROCHESTER	NY	19641029	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	STONE THOMAS GERALD	A	C	M	FALCONER	NY	19700626	19910225	HOSTILE	Y	PERSIAN GULF WAR
LCPL	THOMPSON DENNIS A	M	N	M	NEW YORK	NY	19630319	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	VALLE PEDRO JUAN	M	C	M	NEW YORK	NY	19580427	19830906	TERRORIST	Y	LEBANON PEACEKEEPING
CPL	WEEKES OBRIAN	M	N	M	NEW YORK	NY	19580724	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	WILLIAMS ERIC JON	A	C	M	CROWN POINT	NY	19640815	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
SFC	WITZKE HAROLD PAUL III	A	C	M	CAROGA LAKE	NY	19621229	19910226	HOSTILE	Y	PERSIAN GULF WAR
CW4	WOLCOTT CLIFTON PHILLIP	A	C	M	CUBA	NY	19570120	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
PFC	WYCHE CRAIG L	M	N	M	OSSINING	NY	19640222	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	ABBOTT TERRY W	M	C	M	NEW RICHMOND	OH	19590801	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	APPLEGATE TONY RAY	A	C	M	MCDERMOTT	OH	19620413	19910227	HOSTILE	Y	PERSIAN GULF WAR
CPL	BUCKMASTER JOHN B	M	C	M	VANDALIA	OH	19620611	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	CALLAHAN PAUL L	M	C	M	LORAIN	OH	19610806	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	CASH CLARENCE ALLEN	A	C	M	MANSFIELD	OH	19700404	19910227	HOSTILE	Y	PERSIAN GULF WAR
PFC	COLE MARC L	M	C	M	LUDLOW FALLS	OH	19640414	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	DAUGHERTY DAVID LEE	M	C	M	EASTLAKE	OH	19591028	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
SFC	DUGAN DONALD ALLEN	A	C	M	BELLE CENTER	OH	19570626	19960203	HOSTILE	Y	BALKANS

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LT	DWYER ROBERT JOHN	N	C	M	WORTHINGTON	OH	19580929	19910205	HOSTILE	Y	PERSIAN GULF WAR
HN	EARLE BRYAN LAMON	N	C	M	PAINESVILLE	OH	19620923	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GANGUR GEORGE M	M	C	M	CLEVELAND	OH	19630520	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	HAMILTON VIRGEL D	M	C	M	DAYTON	OH	19621110	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	HANDWORK THOMAS TASCHNER	M	C	M	BOARDMAN	OH	19600904	19850619	TERRORIST	Y	EL SALVADOR TERRORIST ATTACK
LCPL	HOLLINGSHEAD BRUCE A	M	C	M	FAIRBORN	OH	19640513	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	JOHNSTON EDWARD A	M	C	M	YOUNGSTOWN	OH	19601210	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	KAMM JONATHAN HALL	A	C	M	MASON	OH	19650528	19910227	HOSTILE	Y	PERSIAN GULF WAR
SPC	KIDD ANTHONY WAYNE	A	C	M	LIMA	OH	19690418	19910301	HOSTILE	Y	PERSIAN GULF WAR
SGT	LANNON KEVIN JOSEPH	A	C	M	KETTERING	OH	19611212	19831027	HOSTILE	Y	INVASION OF GRENADA
CPL	LEWIS DAVID A	M	N	M	GARFIELD	OH	19601129	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	LUMPKINS JAMES HENRY	M	C	M	NEW RICHMOND	OH	19681105	19910129	HOSTILE	Y	PERSIAN GULF WAR
SGT	MALICOTE DOUGLAS EUGENE	A	C	M	LEBANON	OH	19660831	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
PFC	MARKWELL JAMES WILLIAM	A	C	M	CINCINNATI	OH	19680529	19891220	HOSTILE	Y	INVASION OF PANAMA
LCPL	SLIWINSKI STANLEY JOSEPH	M	C	M	NILES	OH	19631008	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	SPAULDING MICHAEL C	M	N	M	AKRON	OH	19611225	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	SPELLACY DAVID MICHAEL	M	C	M	WASHINGTON COURT HOUSE	OH	19620413	19910225	HOSTILE	Y	PERSIAN GULF WAR
CPL	WEBER GREGORY HOWARD	M	C	M	HAMILTON	OH	19620703	19850619	TERRORIST	Y	EL SALVADOR TERRORIST ATTACK
GYSGT	WEST LLOYD D	M	C	M	POINT PLEASANT	OH	19541002	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1STLT	WOOLETT DONALD ELBERAN	M	C	M	WALBRIDGE	OH	19510223	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	BOTELLO ANTHONY D	M	C	M	LATIMER	OK	19711103	19930125	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SGT	DAVIS BENJAMIN LARANZO	M	N	M	OKLAHOMA CITY	OK	19651005	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
MSGT	KITSON KENDALL KEITH JR	F	C	M	YUKON	OK	19561011	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
PFC	DAILEY MICHAEL CRAIG JR	A	C	M	KLAMATH FALLS	OR	19711021	19910301	HOSTILE	Y	PERSIAN GULF WAR
SPC	WEDGWOOD TROY MICHAEL	A	C	M	THE DALLES	OR	19690119	19910304	HOSTILE	Y	PERSIAN GULF WAR
CPL	ARNOLD MOSES JR	M	N	M	PHILADELPHIA	PA	19630721	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	ATHERTON STEVEN ERIC	A	C	M	TEMPLETON	PA	19641010	19910225	HOSTILE	Y	PERSIAN GULF WAR
SSG	BARNARD LARRY ROY	A	C	M	HALLSTEAD	PA	19601208	19891220	HOSTILE	Y	INVASION OF PANAMA
SPC	BOLIVER JOHN AUGUST JR	A	C	M	MONONGAHELA	PA	19630510	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	BONGIORNI JOSEPH PHILLIP III	A	C	M	HICKORY	PA	19710130	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	BONK JOHN JOSEPH JR	M	C	M	CORNWELLS HEIGHTS	PA	19601031	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	BOXLER JOHN THOMAS	A	C	M	JOHNSTOWN	PA	19460511	19910225	HOSTILE	Y	PERSIAN GULF WAR
SPC	CLARK BEVERLY SUE	A	C	F	ARMAGH	PA	19670521	19910225	HOSTILE	Y	PERSIAN GULF WAR
MAJ	CONNELLY MARK ALAN	A	C	M	LANCASTER	PA	19560913	19910228	HOSTILE	Y	PERSIAN GULF WAR

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LCPL	COOPER CURTIS JOHN	M	C	M	KULPSVILLE	PA	19611124	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
ETC	COSTELOW RICHARD	N	C	M	MORRISVILLE	PA	19650429	20001012	TERRORIST	Y	USS COLE ATTACK
SGT	CRAVER ALAN BRENT	A	C	M	PENN HILLS	PA	19581111	19910225	HOSTILE	Y	PERSIAN GULF WAR
PO3	ELLIOT WILLIAM DANIEL JR	N	C	M	LANCASTER	PA	19530117	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	FILLMORE EARL ROBERT JR	A	C	M	BLAIRSVILLE	PA	19650616	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	FLUEGEL RICHARD ANDREW	M	C	M	ERIE	PA	19640213	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	FRONIUS GREGORY ALLEN	A	C	M	CONNELLSVILLE	PA	19591103	19870331	TERRORIST	Y	EL SALVADOR GUERRILLA ATTACK
SGT	GREASER ROBERT BRIAN	M	C	M	LANSDALE	PA	19600729	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	HAIRSTON THOMAS ALEXANDER	M	N	M	PHILADELPHIA	PA	19630719	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	HANTON GILBERT	M	N	M	PHILADELPHIA	PA	19600418	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	HOLLEN DUANE WRITNER JR	A	C	M	BELLWOOD	PA	19661128	19910225	HOSTILE	Y	PERSIAN GULF WAR
2NDLT	HUKILL MAURICE E	M	C	M	ELIZABETHTOWN	PA	19571126	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	KEOUGH FRANK SCOTT	A	C	M	HUNTINGDON	PA	19690108	19910225	HOSTILE	Y	PERSIAN GULF WAR
SPC	KOWALEWSKI RICHARD WAYNE JR	A	C	M	WAYNESBURG	PA	19730331	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	LAISE KEITH J	M	C	M	STROUDSBURG	PA	19630114	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	MACROGLOU JOHN WILLIAM	M	C	M	ALIQUIPPA	PA	19490823	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	MADISON ANTHONY ERIK	A	N	M	MONESSEN	PA	19630914	19910225	HOSTILE	Y	PERSIAN GULF WAR
SPC	MAYES CHRISTINE LYNN	A	C	F	ROCHESTER MILLS	PA	19680428	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	MCDONOUGH JAMES E	M	C	M	NEW CASTLE	PA	19620923	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	MCKEE CHARLES DENNIS	A	C	M	TRAFFORD	PA	19481203	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
CPL	MUFFLER JOHN F	M	C	M	LANGHORNE	PA	19631213	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MCPO	NOVELLO SAM ALBERT	N	C	M	ERIE	PA	19240203	19800416	TERRORIST	Y	ISTANBUL ASSASSINATION
GYSGT	RAY CHARLES ROY	M	C	M	SUNBURY	PA	19500623	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PVT	RELVAS RUI A	M	C	M	PHILADELPHIA	PA	19640315	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	ROTONDO LOUIS J	M	C	M	PHILADELPHIA	PA	19620307	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SFC	SHUGHART RANDALL DAVID	A	C	M	NEWVILLE	PA	19580813	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
SPC	SIKO STEPHEN JULIUS	A	C	M	YOUNGSTOWN	PA	19660727	19910225	HOSTILE	Y	PERSIAN GULF WAR
LCPL	SPEARING JOHN WILLIAM	M	C	M	LANCASTER	PA	19630602	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SN	STRONG RONALD CHAUNCEY	N	C	M	REEDERS	PA	19650322	19871227	TERRORIST	Y	USO GRENADE ATTACK BARCELONA SPAIN
LCPL	WALDRON JAMES ERIC	M	C	M	JEANNETTE	PA	19650823	19910226	HOSTILE	Y	PERSIAN GULF WAR
SPC	WALLS FRANK JAMES	A	C	M	HAWTHORN	PA	19700905	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	WESLEY ALLEN D	M	N	M	PHILADELPHIA	PA	19571231	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	WIGGESWORTH DWAYNE W	M	C	M	ERWINNA	PA	19631108	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	WINT WALTER EMERSON JR	M	C	M	WILKES-BARRE	PA	19550916	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING

US ACTIVE DUTY MILITARY HOSTILE DEATHS
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SPC	WOLVERTON RICHARD VINCENT	A	C	M	LATROBE	PA	19661005	19910225	HOSTILE	Y	PERSIAN GULF WAR
SGT	HERNANDEZ-LAPORTE ZAK ALBERT	A	Z	M	GUAYANILLA	PR	19691014	19920610	TERRORIST	Y	TERRORIST SHOOTING
LCPL	MELENDEZ LOUIS	M	Z	M	CEIBA	PR	19641002	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	RIBAS-DOMINICCI FERNANDO L	F	C	M	UTUADO	PR	19520624	19860415	HOSTILE	N	ATTACK ON LIBYA
CPL	CRUDALE RICK ROBERT	M	C	M	WEST WARWICK	RI	19620306	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	GIBLIN TIMOTHY ROBERT	M	C	M	PROVIDENCE	RI	19630726	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	IACOVINO EDWARD SALVATORE	M	C	M	WARWICK	RI	19630619	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	JULIAN THOMAS ADRIAN	M	C	M	PLYMOUTH	RI	19611027	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	MASSA DAVID SOUSA	M	C	M	WARREN	RI	19621006	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	PEREZ IVAN DARIO	A	Z	M	CENTRAL FALLS	RI	19670101	19891220	HOSTILE	Y	INVASION OF PANAMA
1STLT	SCHARVER JEFFREY RICHARD	M	C	M	BARRINGTON	RI	19580516	19831025	HOSTILE	Y	INVASION OF GRENADA
CPL	SHIPP THOMAS ALAN	M	C	M	WOONSOCKET	RI	19560904	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	SILVIA JAMES FRANCIS	M	C	M	MIDDLETOWN	RI	19630526	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	SOARES EDWARD	M	C	M	TIVERTON	RI	19620523	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO1	BATES RONNY KENT	N	C	M	AIKEN	SC	19540515	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	ISAAK GARRETH CHARLES	M	C	M	GREENVILLE	SC	19661228	19891220	HOSTILE	Y	INVASION OF PANAMA
SPC	LEAR PHILLIP SCOTT	A	C	M	WESTMINSTER	SC	19680621	19891220	HOSTILE	Y	INVASION OF PANAMA
LCPL	MORROW RICHARD ALLEN	M	C	M	NORTH CHARLESTON	SC	19620814	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CW2	OWENS WILSON BLACK	A	C	M	MYRTLE BEACH	SC	19600425	19891220	HOSTILE	Y	INVASION OF PANAMA
CPL	SAULS MICHAEL CALEB	M	C	M	WALTERBORO	SC	19630319	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	WALTERS DIXON LEE JR	F	C	M	COLUMBIA	SC	19610523	19910131	HOSTILE	Y	PERSIAN GULF WAR
TSGT	CAFOUREK DANIEL BEN	F	C	M	WATERTOWN	SD	19650812	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
A1C	MCRAVEN CARTNEY JEAN	F	C	F	SPEARFISH	SD	19750831	19950419	TERRORIST	Y	OKLAHOMA CITY BOMBING
SSGT	BOHNET JOHN RIDLEY JR	M	C	M	MEMPHIS	TN	19500123	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	FIELDER DOUGLAS LANCE	A	C	M	NASHVILLE	TN	19680409	19910226	HOSTILE	Y	PERSIAN GULF WAR
CPT	GRAYBEAL DANIEL EUGENE	A	C	M	JOHNSON CITY	TN	19651113	19910227	HOSTILE	Y	PERSIAN GULF WAR
SMSGT	MAY JAMES BLAINE II	F	C	M	JONESBORO	TN	19500523	19910131	HOSTILE	Y	PERSIAN GULF WAR
CPL	PERKINS MARVIN HOWARD	M	C	M	FRANKLIN	TN	19621102	19831204	TERRORIST	Y	LEBANON PEACEKEEPING
SPC	TATUM JAMES DAVID	A	C	M	ATHENS	TN	19681205	19910225	HOSTILE	Y	PERSIAN GULF WAR
1STSGT	WELLS TANDY WALKER	M	C	M	LEBANON	TN	19420211	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	ALANIZ ANDY	A	C	M	CORPUS CHRISTI	TX	19701110	19910227	HOSTILE	Y	PERSIAN GULF WAR
CAPT	BRADT DOUGLAS LLOYD	F	C	M	HOUSTON	TX	19610629	19910214	HOSTILE	Y	PERSIAN GULF WAR
LCPL	BROWN DAVID W	M	C	M	CONROE	TX	19640801	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	BUTLER TOMMY DON	A	C	M	AMARILLO	TX	19690202	19910301	HOSTILE	Y	PERSIAN GULF WAR

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SGT	CAMPBELL MILLARD DEE	F	C	M	ANGLETON	TX	19650920	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
CPL	CEASAR JOHNNIE DOUGLAS	M	N	M	EL CAMPO	TX	19611003	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SPC	COLEMAN MARCUS EUGENE	A	N	M	DALLAS	TX	19640708	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	COLLINS MELFORD RAY	A	C	M	UHLAND	TX	19560403	19910224	HOSTILE	Y	PERSIAN GULF WAR
LCDR	COOKE BARRY THOMAS	N	C	M	AUSTIN	TX	19550627	19910202	HOSTILE	N	PERSIAN GULF WAR
SGT	DELGADO LUIS ROBERTO	A	C	M	LAREDO	TX	19601127	19910226	HOSTILE	Y	PERSIAN GULF WAR
PFC	DENSON MARTIN DOUGLAS	A	C	M	ABILENE	TX	19680912	19891220	HOSTILE	Y	INVASION OF PANAMA
CPL	FULTON MICHAEL SCOTT	M	C	M	FT WORTH	TX	19620615	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSGT	GANN LELAND EDWARD	M	C	M	AUSTIN	TX	19541021	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
ITSN	GAUNA TIMOTHY LEE	N	C	M	RICE	TX	19781112	20001012	TERRORIST	Y	USS COLE ATTACK
SGT	HAWTHORNE JAMES DALE	M	C	M	STINNETT	TX	19661208	19910227	HOSTILE	Y	PERSIAN GULF WAR
1STSGT	HERNANDEZ MATILDE JR	M	C	M	AUSTIN	TX	19460201	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	HERNANDEZ RUDOLFO	M	Z	M	EL PASO	TX	19550620	19840207	TERRORIST	Y	GERMANY TERRORIST ATTACK
SGT	JOYCE JAMES CASEY	A	C	M	DENTON	TX	19690815	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	MCMAHON TIMOTHY R	M	C	M	AUSTIN	TX	19640427	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO2	MCVICKER GEORGE NEWTON II	N	C	M	ABILENE	TX	19480206	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	MONTALVO CANDELARIO JR	M	C	M	EAGLE PASS	TX	19650823	19910302	HOSTILE	Y	PERSIAN GULF WAR
SPC	MURRAY JAMES CLARENCE JR	A	C	M	CONROE	TX	19700919	19910227	HOSTILE	Y	PERSIAN GULF WAR
PO2	RODRIGUEZ ISAAC GEORGE III	N	C	M	MISSOURI CITY	TX	19650322	19891220	HOSTILE	Y	INVASION OF PANAMA
SGT	RUIZ LORENZO MANUEL	A	C	M	EL PASO	TX	19660621	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
MS3	SANTIAGO RONCHESTER MANANGAN	N	Z	M	KINGSVILLE	TX	19780210	20001012	TERRORIST	Y	USS COLE ATTACK
SSG	STEPHENS CHRISTOPHER HOYT	A	N	M	HOUSTON	TX	19630708	19910226	HOSTILE	Y	PERSIAN GULF WAR
SPC	STINNETT MICHAEL GARY	A	C	M	DUNCANVILLE	TX	19620527	19881221	TERRORIST	Y	LOCKERBIE PAN AM BOMBING
FN	SWENCHONIS GARY GRAHAM JR	N	C	M	ROCKPORT	TX	19740901	20001012	TERRORIST	Y	USS COLE ATTACK
PFC	VALENTINE ROGER EDWARD	A	C	M	PORTLAND	TX	19710428	19910302	HOSTILE	Y	PERSIAN GULF WAR
LCPL	WALKER DANIEL B	M	C	M	FLINT	TX	19701231	19910129	HOSTILE	Y	PERSIAN GULF WAR
PFC	WINKLE COREY LEE	A	C	M	LUBBOCK	TX	19690526	19910225	HOSTILE	Y	PERSIAN GULF WAR
PFC	KRAMER DAVID WALTER	A	C	M	KEARNS	UT	19710204	19910227	HOSTILE	Y	PERSIAN GULF WAR
LCPL	STEPHENSON DION JAMES	M	C	M	BOUNTIFUL	UT	19681219	19910129	HOSTILE	Y	PERSIAN GULF WAR
LCPL	BAKER NICHOLAS	M	N	M	ALEXANDRIA	VA	19620703	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BARRETT RICHARD EVERETT	M	C	M	TAPPAHANNOCK	VA	19620108	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BAYNARD JAMES RICKY	M	N	M	RICHMOND	VA	19600806	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	BUCHANAN BOBBY B	M	N	M	VIRGINIA BEACH	VA	19610418	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	CARR JASON CHARLES	A	C	M	HALIFAX	VA	19661011	19910227	HOSTILE	Y	PERSIAN GULF WAR

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HT2	CLODFELTER KENNETH EUGENE	N	C	M	MECHANICSVILLE	VA	19781226	20001012	TERRORIST	Y	USS COLE ATTACK
PO2	FOSTER WILLIAM BENJAMIN JR	N	C	M	RICHMOND	VA	19580111	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	FULCHER MICHAEL DILLARD	M	C	M	MADISON	VA	19600310	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	GENTRY KENNETH BLANE	A	C	M	RINGGOLD	VA	19590213	19910226	HOSTILE	Y	PERSIAN GULF WAR
CPL	GIBBS WARNER JR	M	N	M	PORTSMOUTH	VA	19621124	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
MAJ	GIGUERE JOHN PATRICK	M	C	M	NEWPORT NEWS	VA	19500503	19831025	HOSTILE	Y	INVASION OF GRENADA
LCPL	GREGORY TROY LORENZO	M	N	M	RICHMOND	VA	19690313	19910226	HOSTILE	Y	PERSIAN GULF WAR
SSGT	HOLBERTON RICHARD HAMILTON	M	C	M	RICHMOND	VA	19550912	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	KNIPPLE JAMES CHANDONNET	M	N	M	ALEXANDRIA	VA	19621109	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SSG	MAXWELL BEN HENRY	A	C	M	APPOMATTOX	VA	19570217	19830418	TERRORIST	Y	US EMBASSY BEIRUT LEBANON
SN	MCDANIELS JAMES RODRICK	N	N	M	NORFOLK	VA	19810427	20001012	TERRORIST	Y	USS COLE ATTACK
CPL	MCMAUGH ROBERT VINCENT	M	C	M	MANASSAS	VA	19620222	19830418	TERRORIST	Y	US EMBASSY BEIRUT LEBANON
LCPL	OWEN JEFFREY BRUCE	M	C	M	VIRGINIA BEACH	VA	19640124	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	OWENS JOSEPH ALBERT	M	C	M	CHESTERFIELD.	VA	19590729	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1LT	PLUNK TERRY LAWRENCE	A	C	M	LEXINGTON	VA	19660223	19910226	HOSTILE	Y	PERSIAN GULF WAR
CPT	RITZ MICHAEL FRANCIS	A	C	M	PETERSBURG	VA	19550209	19831026	HOSTILE	Y	INVASION OF GRENADA
OS2	SAUNDERS TIMOTHY LAMONT	N	X	M	RINGGOLD	VA	19680820	20001012	TERRORIST	Y	USS COLE ATTACK
1STLT	SCHNORF CHARLES JEFFERY	M	C	M	DELAPLANE	VA	19590728	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CAPT	SMITH VINCENT LEE	M	C	M	VIENNA	VA	19530928	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
1LT	TILLAR DONALDSON PRESTON III	A	C	M	CHARLOTTESVILLE	VA	19650513	19910227	HOSTILE	Y	PERSIAN GULF WAR
LCPL	WALKER LEONARD WARREN	M	C	M	FALLS CHURCH	VA	19610920	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	WASHINGTON ERIC GLENN	M	N	M	ALEXANDRIA	VA	19650521	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	WILLIAMS JONATHON MATHEW	A	N	M	PORTSMOUTH	VA	19671014	19910225	HOSTILE	Y	PERSIAN GULF WAR
MAJ	ZEUGNER THOMAS C M	A	C	M	PETERSBURG	VA	19540628	19910227	HOSTILE	Y	PERSIAN GULF WAR
PO3	WHITE EMIL ETIENNE	N	N	M	ST THOMAS	VI	19590907	19791203	TERRORIST	Y	SAN JUAN AMBUSH
1STSGT	LEMNAH RICHARD LEE	M	C	M	ST ALBANS	VT	19460604	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
SGT	BELAS LEE ARTHUR	A	C	M	PORT ORCHARD	WA	19680507	19910227	HOSTILE	Y	PERSIAN GULF WAR
PFC	COOPER ARDON BRADLEY	A	C	M	SEATTLE	WA	19670919	19910220	HOSTILE	Y	PERSIAN GULF WAR
SSG	GILDEN TERRY LEE	A	C	M	MEDICAL LAKE	WA	19570915	19830418	TERRORIST	Y	US EMBASSY BEIRUT LEBANON
LCPL	LINDERMAN MICHAEL EUGENE JR	M	C	M	SILVERDALE	WA	19710621	19910129	HOSTILE	Y	PERSIAN GULF WAR
WO1	MORGAN JOHN KENDALL	A	C	M	BELLEVUE	WA	19621207	19910227	HOSTILE	Y	PERSIAN GULF WAR
CPL	YAMANE MARK OKAMURA	A	Z	M	SEATTLE	WA	19621124	19831025	HOSTILE	Y	INVASION OF GRENADA
PO1	BALL JOHN ROBERT	N	C	M	MADISON	WI	19500831	19791203	TERRORIST	Y	SAN JUAN AMBUSH
SMSGT	BUEGE PAUL GARFIELD	F	C	M	MILWAUKEE	WI	19470711	19910131	HOSTILE	Y	PERSIAN GULF WAR

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SSG	BUSCH DANIEL DARRELL	A	C	M	PORTAGE	WI	19680730	19931003	TERRORIST	Y	RESTORE DEMOCRACY IN SOMOLIA
LCPL	CLARK RANDY WAYNE	M	C	M	MINONG	WI	19640720	19830906	TERRORIST	Y	LEBANON PEACEKEEPING
LCPL	ELLISON JESSE JAMES	M	C	M	SOLDIERS GROVE	WI	19640523	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	GANDER DAVID BRYAN	M	C	M	MILWAUKEE	WI	19640226	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	HELD DOUGLAS EDWARD	M	C	M	GERMANTOWN	WI	19620329	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PFC	KINGSLEY WALTER VERNON	M	C	M	WISCONSIN DELLS	WI	19630526	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	KWIATKOWSKI PATRICK ROBERT	M	C	M	WAUSAU	WI	19640621	19850619	TERRORIST	Y	EL SALVADOR TERRORIST ATTACK
EN2	NIETO MARC IAN	N	C	M	FOND DU LAC	WI	19760725	20001012	TERRORIST	Y	USS COLE ATTACK
CAPT	NORDEEN WILLIAM EDWARD	N	C	M	CENTURIA	WI	19361009	19880628	TERRORIST	Y	CAR BOMBING ATHENS GREECE
PFC	PRICE JOHN MARK	A	C	M	CONOVER	WI	19661224	19891220	HOSTILE	Y	INVASION OF PANAMA
LCPL	SCHROEDER SCOTT ARTHUR	M	C	M	WAUWATOSA	WI	19701217	19910129	HOSTILE	Y	PERSIAN GULF WAR
SGT	SCOTT BRIAN PATRICK	A	C	M	PARK FALLS	WI	19680326	19910226	HOSTILE	Y	PERSIAN GULF WAR
SGT	STREHLOW WILLIAM ALLEN	A	C	M	KENOSHA	WI	19630926	19910226	HOSTILE	Y	PERSIAN GULF WAR
SGT	CAMARA MECOT EUGENE	M	C	M	SUMMERSVILLE	WV	19601228	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	COSNER DAVID LEE	M	C	M	ETKINS	WV	19610506	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPL	CYZICK RUSSELL EUGENE	M	C	M	STAR CITY	WV	19630705	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
LCPL	DUNNIGAN TIMOTHY J	M	C	M	PRINCETON	WV	19611208	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
PO1	KEES MARION ELLSWORTH	N	C	M	INWOOD	WV	19480903	19831023	TERRORIST	Y	LEBANON BARRACKS BOMBING
CPT	KIME JOSEPH GORDON III	A	C	M	CHARLES TOWN	WV	19520922	19910313	HOSTILE	Y	PERSIAN GULF WAR
CPL	LAKE VICTOR THEODORE JR	M	C	M	MARMET	WV	19680827	19910227	HOSTILE	Y	PERSIAN GULF WAR
AMN	LESTER CHRISTOPHER BURNS	F	C	M	WYOMING	WV	19770215	19960625	TERRORIST	Y	DHAHRAN AB SAUDI ARABIA BOMBING
EW1	RUX KEVIN SHAWN	N	C	M	SPELTER	WV	19691031	20001012	TERRORIST	Y	USS COLE ATTACK
PV2	SCOTT KENNETH DOUGLAS	A	N	M	PRINCETON	WV	19690520	19891220	HOSTILE	Y	INVASION OF PANAMA
SPC	DAVILA MANUEL MICHAEL	A	C	M	GILLETTE	WY	19680831	19910227	HOSTILE	Y	PERSIAN GULF WAR

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements and supporting documents be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under "Statements on Submitted Resolutions.")

PAUL SIMON CHICAGO JOB CORPS CENTER

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 45, S. 378.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 378) to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center."

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 378) was read the third time and passed, as follows:

S. 378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PAUL SIMON CHICAGO JOB CORPS CENTER.

(a) IN GENERAL.—The Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, and known as the "Chicago Job Corps Center" shall be known and designated as the "Paul Simon Chicago Job Corps Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the Paul Simon Chicago Job Corps Center.

JAMES C. CORMAN FEDERAL BUILDING

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 46, S. 468.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 468) to designate the Federal building located at 6230 Van Nuys Boulevard, Van Nuys, California, as the "James C. Corman Federal Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 468) was read the third time and passed, as follows:

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JAMES C. CORMAN FEDERAL BUILDING.

The Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, shall be known and designated as the "James C. Corman Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the James C. Corman Federal Building.

EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 47, S. 757.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 757) to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 757) was read the third time and passed, as follows:

S. 757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, shall be known and designated as the "Edward N. Cahn Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Edward N. Cahn Federal Building and United States Courthouse".

LEE H. HAMILTON FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 48, S. 774.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 774) to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 774) was read the third time and passed, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LEE H. HAMILTON FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, shall be known and designated as the "Lee H. Hamilton Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the Lee H. Hamilton Federal Building and United States Courthouse.

WILDLAND FIRE MANAGEMENT

Mr. NICKLES. I ask unanimous consent the Senate now proceed to the consideration Calendar No. 49, H.R. 581.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 581) to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 581) was read the third time and passed.

STAR PRINT—S. 318

Mr. NICKLES. Mr. President, I ask unanimous consent that S. 318 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NICKLES. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to the consideration of the following nominations: Nos. 87, 88, 96, 102, 103, 105, 106, 108, 109, 110, 111, and 112; those nominations reported by the Veterans' Affairs Committee: Mckay, Higgins, Cragin, Lozada; and all nominations reported by the Armed Services Committee today, with the exception of Michael Hamel.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Thomas E. White, of Texas, to be Secretary of the Army.

James G. Roche, of Maryland, to be Secretary of the Air Force.

DEPARTMENT OF ENERGY

Lee Sarah Liberman Otis, of Virginia, to be General Counsel of the Department of Energy.

GENERAL SERVICES ADMINISTRATION

Stephen A. Perry, of Ohio, to be Administrator of General Services.

EXECUTIVE OFFICE OF THE PRESIDENT

Angela Styles, of Virginia, to be Administrator for Federal Procurement Policy.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Alphonso R. Jackson, of Texas, to be Deputy Secretary of Housing and Urban Development.

Romolo A. Bernardi, of New York, to be an Assistant Secretary of Housing and Urban Development.

John Charles Weicher, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Richard A. Hauser, of Maryland, to be General Counsel of the Department of Housing and Urban Development.

DEPARTMENT OF VETERANS AFFAIRS

Leo S. Mackay, Jr., of Texas, to be Deputy Secretary of Veterans Affairs.

Robin L. Higgins, of Florida, to be Under Secretary of Veterans Affairs for Memorial Affairs.

Maureen Patricia Cragin, of Maine, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

Jacob Lozada, of Puerto Rico, to be an Assistant Secretary of Veterans Affairs.

THE JUDICIARY

Maurice A. Ross, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Erik Patrick Christian, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

ENVIRONMENTAL PROTECTION AGENCY

Linda J. Fisher, of the District of Columbia, to be Deputy Administrator of the Environmental Protection Agency.

IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Fred F. Castle, Jr., 7019

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Kevin P. Chilton, 6603
Brig. Gen. John D. W. Corley, 9553
Brig. Gen. Tommy F. Crawford, 8769
Brig. Gen. Charles E. Croom, Jr., 6468
Brig. Gen. David A. Deptula, 6792
Brig. Gen. Gary R. Dylewski, 7306
Brig. Gen. James A. Hawkins, 6268
Brig. Gen. Gary W. Heckman, 6559
Brig. Gen. Jeffrey B. Kohler, 6994
Brig. Gen. Edward L. LaFountaine, 5918
Brig. Gen. Dennis R. Larsen, 3094
Brig. Gen. Daniel P. Leaf, 9223
Brig. Gen. Maurice L. McFann, Jr., 9309
Brig. Gen. Richard A. Mentemeyer, 6097
Brig. Gen. Paul D. Nielsen, 2184
Brig. Gen. Thomas A. O'Riordan, 0904
Brig. Gen. Quentin L. Peterson, 7151
Brig. Gen. Lorraine K. Potter, 9945
Brig. Gen. James G. Roudebush, 9187
Brig. Gen. Mary L. Saunders, 9530
Brig. Gen. Joseph B. Sovey, 2815
Brig. Gen. John M. Speigel, 5018
Brig. Gen. Craig P. Weston, 3970
Brig. Gen. Donald J. Wetekam, 0322
Brig. Gen. Gary A. Winterberger, 7009

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James Sanders, 8595
Brig. Gen. David E. Tanzi, 1976

The following named United States Air Force Reserve officer for appointment as Chief of Air Force Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 8038 and 601:

To be lieutenant general

Maj. Gen. James E. Sherrard III, 6641

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Gregory B. Gardner, 6945
Brig. Gen. Robert I. Gruber, 3888
Brig. Gen. Craig R. McKinley, 8368
Brig. Gen. James M. Skiff, 1243
Col. Richard W. Ash, 2052
Col. Thomas L. Bene Jr., 7944
Col. Philip R. Bunch, 1228
Col. Charles W. Collier Jr., 5754
Col. Ralph L. Dewsnup, 6575
Col. Carol Ann Fausone, 9044
Col. Scott A. Hammond, 1613
Col. David K. Harris, 6248
Col. Donald A. Haught, 0924
Col. Kencil J. Heaton, 6998
Col. Terry P. Heggemeier, 5899
Col. Randall E. Horn, 6293
Col. Thomas J. Lien, 7847
Col. Dennis G. Lucas, 9054
Col. Joseph E. Lucas, 2263
Col. Frank Pontelandolfo Jr., 9346
Col. Ronald E. Shoopman, 9650
Col. Benton M. Smith, 0099
Col. Homer A. Smith, 2189
Col. Annette L. Sobel, 0183
Col. Robert H. St. Clair III, 1938
Col. Michael H. Weaver, 0191
Col. Lawrence H. Woodbury, 2693

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles W. Fox Jr., 1622

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Roy E. Beauchamp, 7025

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David C. Harris, 8198

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Lawrence J. Johnson, 8824

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James L. Pruitt, 4524
Col. Timothy C. Barrick, 5041
Col. Claude A. Williams, 0702

The following named Army National Guard of the United States officer for appointment as Director, Army National Guard and for appointment to the grade indicated under title 10, U.S.C., sections 10506 and 601:

To be lieutenant general

Maj. Gen. Roger C. Schultz, 5293

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Johnny M. Riggs, 1680

The following named United States Army Reserve officer for appointment as Chief, Army Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 3038 and 601:

To be lieutenant general

Maj. Gen. Thomas J. Plewes, 3930

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John C. Atkinson, 8232
Brig. Gen. Danny B. Callahan, 7162
Brig. Gen. Robert C. Hughes Jr., 4532
Brig. Gen. James H. Lipscomb III, 5514
Brig. Gen. Charles L. Rosenfeld, 2361
Brig. Gen. Ronald S. Stokes, 9217

To be brigadier general

Col. Roger L. Allen, 3971
Col. Edward H. Ballard, 0250
Col. Bruce R. Bodin, 7436
Col. Gary D. Bray, 8305
Col. Willard C. Broadwater, 4722
Col. Jan M. Camplin, 8992
Col. Julia J. Cleckley, 0470
Col. Stephen D. Collins, 7407
Col. Bruce E. Davis, 3294
Col. John L. Enright, 2878
Col. Joseph M. Gately, 2253
Col. John S. Gong, 7107
Col. David E. Greer, 6131
Col. John S. Harrel, 1252
Col. Keith D. Jones, 6195
Col. Timothy M. Kennedy, 9442
Col. Martin J. Lucenti, 5655
Col. Buford S. Mabry Jr., 2958
Col. John R. Mullin, 8819
Col. Edward C. O'Neill, 1135
Col. Nicholas Ostapenko, 8512
Col. Michael B. Pace, 3358
Col. Marvin W. Pierson, 3373
Col. David W. Raes, 0084
Col. Thomas E. Stewart, 1399
Col. Jon L. Trost, 1542
Col. Stephen F. Villacorta, 8901
Col. Alan J. Walker, 5017
Col. Jimmy G. Welch, 0674
Col. George W. Wilson, 5766
Col. Jessica L. Wright, 7216
Col. Arthur H. Wyman, 0312
Col. Mark E. Zirkelbach, 5128

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Gary A. Quick, 3573

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William J. Lennox, Jr., 1093

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert Magnus, 6252

The following named United States Marine Corps Reserve officer for appointment as Commander, Marine Forces Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 5144 and 601:

To be lieutenant general

Maj. Gen. Dennis M. McCarthy, 8685

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William L. Nyland, 8595

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Wallace C. Gregson Jr., 5925

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of the importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Alfred G. Harms Jr., 7295

The following named United States Naval Reserve officer for appointment as Chief of Naval Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 5143 and 601:

To be vice admiral

Rear Adm. John B. Totushek, 7850

IN THE AIR FORCE

The following named officer for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., section 12203:

To be colonel

Roy V. Bousquet, 6194

Air Force nominations beginning Jeffrey E. Fry, and ending George A. Mayleben, which nominations were received by the Senate and appeared in the Congressional Record on May 16, 2001.

IN THE ARMY

Army nominations beginning Larry J. Ciancio, and ending Fredric D. Sheppard, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2001.

Army nominations beginning Carlton Jackson, and ending Richard D. Miller, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2001.

Army nominations beginning Charles R. Barnes, and ending Joseph Wells, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2001.

Army nominations beginning John R. Mathews, and ending Karl C. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on May 16, 2001.

IN THE MARINE CORPS

Marine Corps nominations beginning Ronald H. Anderson, and ending John H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2001.

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Dale J. Danko, 3007

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Delbert G. Yordy, 0973

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Alexander L. Krongard, 6638

Navy nominations beginning Robert M. Abubo, and ending Eric D. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MAY 25, 2001

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, May 25. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day and the Senate then begin a period for morning business, with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, 30 minutes; Senator THOMAS, or his designee, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, the Senate will be in a period for morning business beginning at 10 a.m. tomorrow. It is hoped the Senate can begin consideration of the tax reconciliation conference report at a reasonable time during tomorrow's session. Senators should be aware a vote is expected on the conference report prior to adjourning for the Memorial Day recess. The Senate may also consider any executive or legislative items available for action.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Friday, May 25, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 2001:

DEPARTMENT OF TRANSPORTATION

JENNIFER L. DORN, OF NEBRASKA, TO BE FEDERAL TRANSIT ADMINISTRATOR, VICE GORDON J. LINTON, RESIGNED.

DEPARTMENT OF THE INTERIOR

BENNETT WILLIAM RALEY, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE PATRICIA J. BENEKE, RESIGNED.

DEPARTMENT OF STATE

HOWARD H. LEACH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FRANCE.

DEPARTMENT OF JUSTICE

SARAH V. HART, OF PENNSYLVANIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE, VICE JEREMY TRAVIS, RESIGNED.

DEPARTMENT OF COMMERCE

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE, VICE Q. TODD DICKERSON, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. MICHAEL L. COWAN, 2470

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RAND H. FISHER, 2658
REAR ADM. (LH) CHARLES H. JOHNSTON JR., 2065

DEPARTMENT OF DEFENSE

THOMAS P. CHRISTIE, OF VIRGINIA, TO BE DIRECTOR OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT OF DEFENSE, VICE PHILIP EDWARD COYLE, III.

SUE MCCOURT COBB, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

DEPARTMENT OF JUSTICE

EILEEN J. O'CONNOR, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE LORETTA COLLINS ARGRETT, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

ARTHUR F. ROSENFELD, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE LEONARD R. PAGE.

THE JUDICIARY

ODESSA F. VINCENT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE EVELYN E. CRAWFORD QUEEN, TERM EXPIRING.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 24, 2001:

DEPARTMENT OF DEFENSE

THOMAS E. WHITE, OF TEXAS, TO BE SECRETARY OF THE ARMY.

JAMES G. ROCHE, OF MARYLAND, TO BE SECRETARY OF THE AIR FORCE.

DEPARTMENT OF ENERGY

LEE SARAH LIBERMAN OTIS, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY.

GENERAL SERVICES ADMINISTRATION

STEPHEN A. PERRY, OF OHIO, TO BE ADMINISTRATOR OF GENERAL SERVICES.

EXECUTIVE OFFICE OF THE PRESIDENT

ANGELA STYLES, OF VIRGINIA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALPHONSO R. JACKSON, OF TEXAS, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

ROMOLO A. BERNARDI, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

JOHN CHARLES WEICHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

RICHARD A. HAUSER, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF VETERANS AFFAIRS

LEO S. MACKAY, JR., OF TEXAS, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS.

ROBIN L. HIGGINS, OF FLORIDA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

MAUREEN PATRICIA CRAGIN, OF MAINE, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS).

JACOB LOZADA, OF PUERTO RICO, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

THEODORE BEVRY OLSON, OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

VIET D. DINH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

MICHAEL CHERTOFF, OF NEW JERSEY, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

MAURICE A. ROSS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

ERIK PATRICK CHRISTIAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

ENVIRONMENTAL PROTECTION AGENCY

LINDA J. FISHER, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. FRED F. CASTLE JR., 7019

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. KEVIN P. CHILTON, 6603
BRIG. GEN. JOHN DW. CORLEY, 9553
BRIG. GEN. TOMMY F. CRAWFORD, 8769
BRIG. GEN. CHARLES E. CROOM JR., 6468
BRIG. GEN. DAVID A. DEPTULA, 6792
BRIG. GEN. GARY R. DYLEWSKI, 7306
BRIG. GEN. JAMES A. HAWKINS, 6268
BRIG. GEN. GARY W. HECKMAN, 6559
BRIG. GEN. JEFFREY B. KOHLER, 6994
BRIG. GEN. EDWARD L. LA FOUNTAINE, 5918
BRIG. GEN. DENNIS R. LARSEN, 3094
BRIG. GEN. DANIEL P. LEAF, 9223
BRIG. GEN. MAURICE L. MC FANN JR., 9309
BRIG. GEN. RICHARD A. MENTEMEYER, 6097
BRIG. GEN. PAUL D. NIELSEN, 2184
BRIG. GEN. THOMAS A. O'RIORDAN, 0904
BRIG. GEN. QUENTIN L. PETERSON, 7151
BRIG. GEN. LORRAINE K. POTTER, 9945
BRIG. GEN. JAMES G. ROUDEBUSH, 9187
BRIG. GEN. MARY L. SAUNDERS, 9530
BRIG. GEN. JOSEPH B. SOVEY, 2815
BRIG. GEN. JOHN M. SPEIGEL, 5018
BRIG. GEN. CRAIG P. WESTON, 3970
BRIG. GEN. DONALD J. WETEKAM, 0322
BRIG. GEN. GARY A. WINTERBERGER, 7009

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES SANDERS, 8595
BRIG. GEN. DAVID E. TANZI, 1976

THE FOLLOWING NAMED UNITED STATES AIR FORCE RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF AIR FORCE RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 8038 AND 601:

To be lieutenant general

MAJ. GEN. JAMES E. SHERRARD III, 6641

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GREGORY B. GARDNER, 6945
BRIG. GEN. ROBERT I. GRUBER, 3888
BRIG. GEN. CRAIG R. MCKINLEY, 8368
BRIG. GEN. JAMES M. SKIFF, 1243
COL. RICHARD W. ASH, 2052
COL. THOMAS L. BENE JR., 7944
COL. PHILIP R. BUNCH, 1228
COL. CHARLES W. COLLIER JR., 5754
COL. RALPH L. DEWSNUP, 6575
COL. CAROL ANN FAUSONE, 9044
COL. SCOTT A. HAMMOND, 1613
COL. DAVID K. HARRIS, 6248
COL. DONALD A. HAUGHT, 0924
COL. KENCIL J. HEATON, 6998
COL. TERRY P. HEGGEMEIER, 5899
COL. RANDALL E. HORN, 6293
COL. THOMAS J. LIEN, 7847
COL. DENNIS G. LUCAS, 9054
COL. JOSEPH E. LUCAS, 2263
COL. FRANK PONTELANDOLFO JR., 9346
COL. RONALD E. SHOOPMAN, 9650
COL. BENTON M. SMITH, 0099
COL. HOMER A. SMITH, 2189
COL. ANNETTE L. SOBEL, 0183
COL. ROBERT H. ST. CLAIR III, 1938
COL. MICHAEL H. WEAVER, 0191
COL. LAWRENCE H. WOODBURY, 2693

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES W. FOX JR., 1622

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROY E. BEAUCHAMP, 7025

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID C. HARRIS, 8198

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LAWRENCE J. JOHNSON, 8824

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. PRUITT, 4524
COL. TIMOTHY C. BARRICK, 5041
COL. CLAUDE A. WILLIAMS, 0702

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. ROGER C. SCHULTZ, 5293

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHNNY M. RIGGS, 1680

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. THOMAS J. PLEWES, 3930

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN C. ATKINSON, 8232
BRIG. GEN. DANNY B. CALLAHAN, 7162
BRIG. GEN. ROBERT C. HUGHES JR., 4532

BRIG. GEN. JAMES H. LIPSCOMB III, 5514
BRIG. GEN. CHARLES L. ROSENFELD, 2361
BRIG. GEN. RONALD S. STOKES, 9217

To be brigadier general

COL. ROGER L. ALLEN, 3971
COL. EDWARD H. BALLARD, 0250
COL. BRUCE R. BODIN, 7436
COL. GARY D. BRAY, 8305
COL. WILLARD C. BROADWATER, 4722
COL. JAN M. CAMPLIN, 8992
COL. JULIA J. CLECKLEY, 0470
COL. STEPHEN D. COLLINS, 7407
COL. BRUCE E. DAVIS, 3294
COL. JOHN L. ENRIGHT, 2878
COL. JOSEPH M. GATELY, 2253
COL. JOHN S. GONG, 7107
COL. DAVID E. GREER, 6131
COL. JOHN S. HARREL, 1252
COL. KEITH D. JONES, 6195
COL. TIMOTHY M. KENNEDY, 9442
COL. MARTIN J. LUCENTI, 5655
COL. BUFORD S. MABRY JR., 2958
COL. JOHN R. MULLIN, 8819
COL. EDWARD C. O'NEILL, 1135
COL. NICHOLAS OSTAPENKO, 8512
COL. MICHAEL B. PACE, 3358
COL. MARVIN W. PIERSON, 3373
COL. DAVID W. RAES, 0084
COL. THOMAS E. STEWART, 1399
COL. JON L. TROST, 1542
COL. STEPHEN F. VILLACORTA, 8901
COL. ALAN J. WALKER, 5017
COL. JIMMY G. WELCH, 0674
COL. GEORGE W. WILSON, 5766
COL. JESSICA L. WRIGHT, 7216
COL. ARTHUR H. WYMAN, 0312
COL. MARK E. ZIRKELBACH, 5128

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GARY A. QUICK, 3573

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. LENNOX JR., 1093

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT MAGNUS, 6252

THE FOLLOWING NAMED UNITED STATES MARINE CORPS RESERVE OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5144 AND 601:

To be lieutenant general

MAJ. GEN. DENNIS M. MCCARTHY, 8685

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM L. NYLAND, 8595

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WALLACE C. GREGSON JR., 5925

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALFRED G. HARMS, JR., 7295

THE FOLLOWING NAMED UNITED STATES NAVAL RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5143 AND 601:

To be vice admiral

REAR ADM. JOHN B. TOTUSHEK, 7850

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROY V. BOUSQUET, 6194

AIR FORCE NOMINATIONS BEGINNING JEFFREY E. FRY, AND ENDING GEORGE A. MAYLEBEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 16, 2001.

IN THE ARMY

ARMY NOMINATIONS BEGINNING LARRY J. CIANCIO, AND ENDING FREDRIC D. SHEPPARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

ARMY NOMINATIONS BEGINNING CARLTON JACKSON, AND ENDING RICHARD D. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

ARMY NOMINATIONS BEGINNING CHARLES R. BARNES, AND ENDING JOSEPH WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 8, 2001.

ARMY NOMINATIONS BEGINNING JOHN R. MATHEWS, AND ENDING KARL C. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 16, 2001.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING RONALD H. ANDERSON, AND ENDING JOHN H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2001.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DALE J. DANKO, 3007

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DELBERT G. YORDY, 0973

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ALEXANDER L. KRONGARD, 6638

NAVY NOMINATIONS BEGINNING ROBERT M. ABUBO, AND ENDING ERIC D. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2001.

EXTENSION OF REMARKS

RECOGNIZING JOHN G. TAYLOR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize John G. Taylor for being selected as the Person of the Year 2000 for his accomplishments in the area of religious journalism. The Muslim Public Affairs Council-Fresno presented the award to Taylor on Saturday, April 28, 2001 at their annual awards dinner.

John G. Taylor is a first-generation American. He was born in Brooklyn, New York in 1950. He worked as a reporter for a weekly newspaper and as a correspondent for the New York Times while he earned a degree in journalism at New York University. After college, he worked as a desk editor at newspapers in Hartford and New London, Connecticut. John always made time to do freelance writing on the side.

In 1981, John and his family relocated to Fresno, where he found a job with the Fresno Bee. In 1989, John landed a job as a religious reporter. He covered various historic religious events, including Pope John Paul II's World Youth Day gathering in Denver and the "Stand in the Gap" million-man Christian march in Washington, D.C. He eagerly pursued stories about people and matters of faith for the Fresno Bee until January of 2001. After his tenure at the Bee, John accepted a position as a senior communications specialist/senior writer with Community Medical Centers.

John and his wife Judy have six children and seven grandchildren.

Mr. Speaker, I rise to recognize John G. Taylor for his Person of the Year Award presented by the Muslim Public Affairs Council-Fresno. I urge my colleagues to join me in wishing John G. Taylor many more years of continued success.

SIXTH DISTRICT COACH ACHIEVES A NATIONAL HONOR

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. COBLE. Mr. Speaker, the Sixth District of North Carolina is proud to congratulate John Ralls, who has been named as the runnerup for the National High School Coach of the Year Award. Ralls, coach of the Ledford High School girls' basketball team, received this honor from the Women's Basketball Coaches Association on April 7th. In addition to this achievement, Ralls earlier was named the Southeast Region Coach of the Year and the North Carolina Coach of the Year.

Mixed in with the good news of these accomplishments was a painful back injury that required surgery. "I was kind of out of it," Ralls told the Greensboro News and Record, "so I didn't pick up on it (the award) for about a week." Ralls's first back surgery was in 1992, his first year of coaching. The more recent surgery was much more serious, however, and Ralls was concerned that he might be unable to attend the ceremony on April 7th. Fortunately, Ralls was well enough to participate as well as perform as the assistant coach for the All-American girls' game in Phoenix, Arizona, where he picked up his award.

Ralls came to be nominated for this national award by one of his opponents. His Ledford team scrimmaged Apex High School, and it was the Apex coach, Scott Campbell, who nominated Ralls for the honor that he received.

During his 15 years as coach Ralls has greatly impacted the basketball program, but more importantly, many young lives. In the last seven seasons, the Ledford Varsity girls' basketball team has won three state championships, as well as appearing in the state finals four times.

On behalf of the citizens of the Sixth District of North Carolina, we congratulate Ledford coach John Ralls for his many accomplishments both on and off the basketball court.

INTRODUCTION OF INTERNET EQUITY AND EDUCATION ACT OF 2001

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. ISAKSON. Mr. Speaker, today I am introducing the Internet Equity and Education Act of 2001.

The Web-Based Education Commission, on which I served as Vice Chairman, set out to discovery how the Internet was being used to enhance learning opportunities for all learners regardless of age. We heard testimony from many experts and witnessed many demonstrations of how successfully to use technology in education. Last fall, the Web-Based Education Commission issued its report, "The Power of the Internet for Learning."

Throughout the report, the Commission makes several recommendations for improving and expanding the use of the Internet so that all learners may have greater access to educational opportunities. One specific recommendation made by the Commission was to "[r]evise outdated regulations that impede innovation and replace them with approaches that embrace anytime, anywhere, any pace learning." The bill I am introducing today addresses this recommendation as it applies to postsecondary education.

The Commission identified specific areas that should be addressed immediately if we truly are to embrace anytime, anywhere and any pace learning. The bill I am introducing today provides a limited expansion of internet-based educational opportunities for students. By the next reauthorization of the Higher Education Act we will know if our efforts at expansion were successful and if greater expansions are warranted.

The first provision addressed in this legislation deals with on-line education programs. As a result of past concerns regarding correspondence education, the Higher Education Act limits the number of courses an institution may offer and the number of students an institution may enroll in such courses and remain eligible to participate in the title IV student aid programs. In addition, the Higher Education Act limits the amount of aid a student enrolled in distance education courses delivered via telecommunications may receive if the institution offers half or more of its courses by correspondence or telecommunications. These provisions hinder innovation and do nothing to promote the concept of anytime, anywhere, any pace learning. However, with modest changes to the law, we can lift these rules and allow greater innovation and flexibility that will undoubtedly expand educational opportunities for all learners, without increasing risks to program integrity. Under the bill I am introducing, postsecondary institutions that are already participating in the federal student loan programs with student loan default rates under 10 percent over the three most recent years would face no limit to the number of courses they can offer over the Internet, or the number of students they can teach through telecommunications.

The second provision addressed in this legislation is the repeal of a regulation known as the 12-hour rule with respect to non-standard term programs. This rule governs the amount of "seat-time" students must spend in class per week, and hinders innovation and flexibility in the offering of academic programs as a result of the enormous and expensive administrative burdens it imposes on colleges and universities. In the case of one university offering a nontraditional, non-standard term program, this rule translates into 370,000 reports each year that must be prepared, approved by faculty and stored in a way that they are available for inspection. These reports fill 20 four-drawer file cabinets every year. Who is going to review and read these mind-numbing reports? My guess is that no one is going to actually review or read these mind-numbing reports? My guess is that no one is going to actually review or read these reports, but the government continues to require that the reports be written and retained. Under these circumstances, why would any college try to offer innovative and flexible academic programs specifically designed to expand educational opportunities? This regulation clearly

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fits the Commission's call for revising outdated regulations that impede innovation. It need to be repealed. The bill I am introducing today repeals this outdated regulation and simply treats non-standard term programs the same as standard term programs with respect to the definition of a week of instruction.

The final provision addressed by the legislation would clarify the incentive compensation requirements currently found in the law. This provision would return to postsecondary institutions the ability to reward employees appropriately for their job performance, as long as they are not directly recruiting students.

This legislation provides much needed changes to the Higher Education Act that will allow all learners to take the fullest advantage of what the newest technologies can provide for their education. I thank the Chairman of the subcommittee, Mr. MCKEON, and Ranking Minority Member of the subcommittee, Ms. MINK, for their help in crafting this legislation, and I urge the support of all the members of this body.

MEMORIAL DAY

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. RYUN of Kansas. Mr. Speaker, as we approach Memorial Day, I would like to take a moment to reflect on the sacrifices that our veterans have made to keep us free.

This Freedom does not come without a price. It has been earned through the blood sweat, toil and tears of our military servicemen throughout history. Many of these men and women have paid the ultimate sacrifice on battlefields around the globe.

Now we must fulfill our promises to them. We must fulfill a promise of honor, respect and dignity today as we observe the sacrifices to services members.

I urge every American to pause and recognize that all of our liberties have been earned by thanking a veteran for their sacrifice.

Countless soldiers have died for our peace and stability. They knew the threat to their lives when they answered the call to stand up and fight for liberty.

We owe a huge debt of gratitude to this dedicated group of heroic Americans. Let's honor them by giving them our thanks and praise this weekend.

PERSONAL EXPLANATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. RADANOVICH. Mr. Speaker, my "yea" vote (Rollcall No. 144) on May 23, 2001 was recorded in error. I intended to vote "no" and would like the RECORD to reflect my position on the Motion to Recommit.

TAX RECONCILIATION CONFERENCE

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MEEKS of New York. Mr. Speaker, I rise today to express my deep and alarming concerns about the pending Tax Reconciliation Conference Report.

While the Senate, that now distinguished body across the divide, has managed to scale back the size of the tax cut, Mr. Speaker it is still too large. We cannot afford this tax cut!! If we are to meet our obligations to the nation's youth, elderly and impoverished, we must act responsibly.

However you slice it, Mr. Speaker, this is tax cut for the rich. This is a bank account builder for those in our country who least need the boost.

We are basing this tax cut on projected revenues which, even by the most liberal of estimates, may not materialize.

Mr. Speaker, the most irresponsible part of this tax cut is that it relies on, and threatens the Medicare and Social Security Trust Funds. It is an irresponsible tax cut because it totally ignores hundreds of billions of dollars in interests costs. It seeks to line the pockets of the rich while fleecing the poor on energy, education and housing.

Mr. Speaker, I urge my colleagues to continue to expose this tax cut for what it really is, an irresponsible, poorly calculated and skewed to the wealthy budget buster.

TRIBUTE TO JAMES A. HARMON

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CALLAHAN. Mr. Speaker, I would like to take a moment to recognize the departure of James A. Harmon as Chairman of the Export-Import Bank of the United States and thank him for a job well-done.

I had the pleasure of working closely with Chairman Harmon on a number of Ex-Im Bank issues during my time as Chairman of the Appropriations Committee's Subcommittee on Foreign Operations. I know firsthand what a strong advocate he has been for the agency and its important mission of supporting U.S. jobs through exports. From making Ex-Im Bank financing available in new foreign markets, to making the Bank more customer friendly, Chairman Harmon has done much to make Ex-Im Bank a more effective tool to support U.S. exports and U.S. jobs.

Chairman Harmon brought to Ex-Im Bank nearly 40 years of private sector experience in investment banking. This gave him an acute appreciation of global capital markets and the challenges U.S. exporters face in obtaining financing to transact business in emerging market economies. He put this experience to work at Ex-Im Bank, developing innovative financing structures, implementing marketing programs to better reach out to small businesses and other exporters that cannot access private sources of financing, and streamlining transaction processing.

At the same time, Chairman Harmon has been a responsible steward of taxpayer dollars. He has managed the Bank's portfolio and resources in a responsible manner, including through some difficult times in the global economy. When the Asian economies went into a tailspin early in Chairman Harmon's tenure, Ex-Im Bank was put to the test. He ably steered the Bank through this crisis, keeping losses on its Asian portfolio to a minimum by restructuring problem credits and aggressively pursuing claim recoveries. The Bank was also able to play a constructive role during this crisis by extending new financing to creditworthy Asian businesses that helped restart stalled U.S. export trade with the region. Ex-Im Bank emerged from the crisis having stood by U.S. exporters and prudently managed its assets.

As Ex-Im Bank moves into the 21st Century, it faces new challenges from both competitor export credit agencies and from new emerging markets. Chairman Harmon has put the Bank on firm footing to face these challenges and continue its important mission.

Once again, I'd like to thank Chairman Harmon for his four years of service to Ex-Im Bank and wish him well in his future pursuits.

STATEMENT OF INTRODUCTION FOR BAH REDUCTION LEGISLATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce legislation aimed at improving the quality of life for our military personnel.

Last Year, Congress began funding an important Department of Defense initiative to reduce the out-of-pocket housing costs for service members residing in off-base housing. That program envisioned decreasing the out-of-pocket costs from almost 18.9 percent of housing costs incurred by our servicemen and women in 2000 down to zero in 2005. The average E–6 will receive about $175 more a month in BAH by 2005, while the average E–4 will receive about $111 more, allowing them to seek better housing options.

This is a great initiative that will have real benefits for almost 750,000 military personnel. However, I believe that we can and should do more.

Deputy Under Secretary of Defense for Installations Randall Yim recently testified before the House Military Construction Appropriations Subcommittee that up to 60 percent of all DoD housing is substandard. Two-thirds of this inventory is over 30 years old and requires a substantial annual investment to meet the maintenance requirements. In the barracks, over 50 percent of the inventory is over 30 years old. While we are taking many steps to eliminate this substandard housing through increased funding and several privatization initiatives, it will still be 2010 before most services have eliminated their poor quality housing—2014 for at least one service.

Our men and women in uniform risk their lives to protect the freedoms that we enjoy today. We owe it to those servicemen and women, and their families, to do everything we can to improve their living conditions.

It is for that reason, that I am introducing this legislation today. The legislation is very simple. Rather than waiting five years to buy down the out-of-pocket housing costs of our military personnel, this legislation would reduce out-of-pockets to 7.5 percent by the end of 2002, and zero by the end of 2003. By more rapidly reducing the costs associated with living off-base, more of our military personnel will be able to move into quality housing for them and their families.

I urge my colleague to join me in supporting this important legislation to improve the standard of living for those bravely serving in our Armed Forces.

INTRODUCTION OF INTERNET EQUITY AND EDUCATION ACT OF 2001

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McKEON. Mr. Speaker, today I join Representative ISAKSON in introducing the Internet Equity and Education Act of 2001.

The proposed amendments to the Higher Education Act are modest, but will provide an immediate benefit to students and improve the ability of postsecondary institutions to offer instruction over the Internet.

I will focus my comments on the issue of incentive compensation. There has been widespread acknowledgment within the higher education community and at the Department of Education that this provision and the implementing regulation that mimics the statute are unclear and the cause of much confusion with respect to allowable activities. The language included in this legislation attempts to clarify the intent of Congress, while recognizing that this particular provision needs to be regulated in a clear and concise manner with input from all interested parties.

For example, the reference to "other incentive, non-salary payment" in this bill clarifies that the statutory prohibition on certain monetary compensations extends only to bonuses, commissions, and similar payments. It does not prohibit setting or prospectively adjusting salary from time to time, based on performance of legitimate job functions.

The reference to payments "based directly on success" in securing enrollments clarifies that institutions may compensate admissions personnel based on their performance of legitimate recruiting activities and are commonly undertaken by recruiters on behalf of institutions of higher education prior to enrollment and the start of classes. Such activities and practices include, but are not limited to, recruiting visits to high schools; telephone calls and similar communications (including written letters and e-mail) aimed at recruiting prospective students; personal interviews of prospective students; tours for prospective students; providing various academic and general, school-related information to prospective students; and obtaining certain information from prospective students, including but not limited to applications, transcripts, high school diplomas, and other documentation needed to complete an application to enroll at an institution of higher education.

In addition, the change in language is intended to clarify that employee and owner participation in the profits of an institution is permitted.

The reference to persons or entities "directly engaged" in recruiting or awarding financial aid clarifies that the statutory prohibition applies only to those whose primary function is to recruit students or award financial aid. It is not intended to apply to supervisors or higher-level executives who, although they may supervise such persons or be above them in the institution's organizational chart, do not recruit prospective students or award financial aid. In addition, this change clarifies that the statutory prohibition is not intended to apply to contractual arrangements with third parties, such as web services providers marketing companies, or other service providers that have no control or authority over admissions or enrollments at the contracting institution.

Finally, this provision is being deleted from Section 487 and placed in a new Section 484C. It was never the intent of Congress that this provision should be deemed an element or condition of institutional, programmatic, or student eligibility. In changing the placement of the provision, it will give the Secretary the discretion to levy appropriate sanctions, in the event an institution is found to have violated the statutory ban.

I believe this clarification of the incentive compensation provision, along with the provisions addressing the 12-hour rule and correspondence education limitations, will provide postsecondary institutions with much needed relief from "outdated regulations that impede innovation," and will allow the institutions to provide students with approaches to education "that embrace anytime, anywhere, any pace learning." It will do so within the context of maintaining the integrity of our student financial aid programs. I urge my colleagues to support this legislation.

THE BUSH ADMINISTRATION HAS NOT KEPT FAITH WITH OUR NATION'S VETERANS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. EVANS. Mr. Speaker, on Monday we will commemorate Memorial Day. We will pause to humbly and gratefully remember the service and sacrifice of the men and women who have served in uniform and have defended and preserved our shared ideals.

Shamefully, on Memorial Day 2001, hundreds of thousands of disabled veterans and their families continue to wait for action on claims for veterans benefits now pending before the Department of Veterans Affairs (VA). To his credit, the Secretary of Veterans Affairs, Anthony Principi, has been candid with veterans and their advocates about the crisis that exists today in veterans' claims adjudication. Repeatedly, Secretary Principi has stated that addressing the backlog of 513,309 claims currently pending before regional offices of the Department of Veterans Affairs (VA) is his number one priority. In acknowledging the claims adjudication crisis, Secretary Principi recently stated in an interview with the Veterans of Foreign Wars, "In the short-term, we will train more specialists. The staff will be increased to assist in clearing the backlog."

Secretary Principi is to be commended for recognizing the size and scope of the problem. He has taken action to authorize the hiring of additional staff needed to begin addressing the claims crisis. He has made known the need for additional resources to resolve this crisis successfully.

However, President Bush and his Office of Management and Budget (OMB) have failed to promptly take actions needed to ameliorate the burgeoning veterans claims adjudication crisis. For its part, OMB established a significant roadblock by refusing to submit to Congress a supplemental funding request for less than $30 million needed to pay for the critically needed additional VA staff Secretary Principi is hiring.

Early this year, VA requested a supplemental appropriation of $29.1 million for this fiscal year to pay for the additional staff needed to address the backlog of compensation, pension and education claims. Despite the evident need for this funding, VA's request has been held hostage to the Bush administration's $1.6 million tax cut proposal. The requested supplemental was denied by OMB. VA was told to try to find the money elsewhere, such as in the budget for health care. As most Members of Congress know, VA has no surplus of funds in its health care budget. Stealing from Peter to pay Paul does not honor the service of America's veterans.

Those who have taken the time to talk with and listen to veterans understand that the time veterans are forced to wait for medical care is long and excessive, especially for certain specialized care from many VA medical facilities. The Committee on Veterans' Affairs submitted a bipartisan request to the Budget Committee pointing to a more than $1 billion shortfall in the Administration's 2002 budget.

Since the Bush administration took office, the backlog of veterans' claims has increased by more than 100,000. The number of claims awaiting a decision for more than 6 months also continues to grow—from 95,680 on January 19, 2001, to 143,777 on May 16, 2001.

A number of factors have caused the increased backlog. The processing of VA claims is a complex and labor intensive job. Recent legislation requires VA to obtain records in the custody of the Federal Government, including military records and medical evidence, before deciding a claim for service-connected compensation. This assistance to veterans supported by President Bush is intended to assure that veterans' claims would be treated with fundamental fairness and result in an accurate and fair decision. I am under no illusion that by bringing in additional staff, the backlog will disappear overnight. Similarly, I understand the backlog of claims will not be reduced while quality decision-making is maintained and improved unless and until additional resources are made available—resources needed to hire additional personnel and train them appropriately.

Critically needed additional funding must be requested by the Administration. Alternatively, the backlog will continue to increase and the time taken to resolve it will likewise continue to increase. Surely this will not honor our veterans.

The question today is how soon will VA exhaust funds to pay for the costs of needed additional staff? What other programs are being cut to cover the costs of the additional employees desperately needed to adjudicate claims? How many veterans will die while awaiting the adjudication of their claims? This is certainly no way for a grateful nation to honor its veterans.

Mr. Reyes and I have today introduced H.R. 1981. This bill would authorize an emergency supplemental appropriation to provide the funding needed to address the crisis in VA claims adjudication that exists today. I call on President Bush to support this legislation or submit a similar request to the Congress now.

This Memorial Day, our Nation's veterans will be the subject of many finely crafted speeches delivered to honor them. Words, however, are not enough. Our deeds are a better measure of how well we truly honor our veterans. The need for additional resources is real. Claims adjudication is, and will remain for some time, a labor-intensive work. Let our deeds match our words of commemoration and remembrance. Let us provide the critically needed funding to pay for the resources needed to address the backlog and let us do this now.

During the campaign for President, then candidate Bush said, "health care for veterans is a complicated, bureaucratic process involving too many delays and uncertainties in coverage. Disability compensation claims can be an even longer ordeal, taking an average of 165 days to complete. So chaotic is the process there is now a backlog of nearly one-half million claims. This is no way to treat any citizen, much less a veteran of our Armed Forces. The veterans health-care system and the claims process will be modernized, so that claims are handled in a fair and friendly way." Mr. President, I agree and now is the time for you to act.

Candidate Bush also said, "I have great faith in those who serve our nation—in the temper of their will and the quality of their spirit. Our men and women in uniform love their country more than their comfort. They have never failed us, and we must not fail them." Mr. President, we must not fail those who have served and sacrificed. Take action now to request the additional funding so desperately needed for our Nation to keep faith with our veterans. It is time for your words and deeds to be one.

TRIBUTE TO CAPTAIN DAVE WALKER

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. OTTER. Mr. Speaker, I rise today to pay tribute to a great American, Dave Walker, who today will be laid to rest in Arlington Cemetery. Captain Dave Walker served his country on the sea, in the sky, and among the stars.

Captain Walker graduated from the United States Naval academy in 1966, completed his flight training, and became an F–4 Phantom Pilot. He led many combat missions over Vietnam. After returning from Vietnam, Dave became a test pilot and helped the Navy transition from the F–4 to the F–14 Tomcat that is still flown today. During his naval career, he was awarded the Distinguished Flying Cross, six Air Medals, and the Vietnamese Cross of Gallantry, among others.

In 1978 Dave was selected by NASA for astronaut training and graduated in 1979. He served in many important support roles, including chase plane pilot for STS–1, and mission support leader for STS–5 and 6. Dave first went into space aboard the Space Shuttle discovery during Mission STS 51–A in 1984—the first salvage operation completed in space.

Dave Walker returned to space in 1989 as commander of STS–30 aboard the Space Shuttle *Atlantis*. Dave and his crew again contributed to scientific knowledge by launching the Magellan space probe to Venus. He also commanded the Space Shuttles *Discovery* and *Endeavour* on important missions in recent years.

After leaving NASA in 1996 Dave Walker entered the private sector, and he and his wife purchased a home in McCall. Dave quickly advanced as President of the Idaho Aviation Assocaiton and the Idaho Aviation Foundation, and worked tirelessly to promote and protect the aviation community. He was particularly interested in working to reopen Cascade Reservoir Air Strip, one of the most beautiful fields in Idaho.

Sadly, Dave will never get the chance to fly into Cascade Reservoir airstrip again. He was diagnosed with cancer in March and passed away on April 23rd. He is survived by his wife Paige, his children Michael and Mathieson, and a grateful nation. Heroes are buried in Arlington Cemetery, but heroes like Dave Walker will live on in the lives of the people he fought to protect in Vietnam, the knowledge he contributed to space technology and aviation, and the friendships he made in Idaho.

RECOGNITION OF GLENN ROYAL BATTY

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. NETHERCUTT. Mr. Speaker, this coming weekend, the United States will observe Memorial Day and honor the service of America's soldiers, sailors, airmen and marines. As we take time this weekend to reflect on the sacrifices of members of our Armed Forces, I commend to the attention of my colleagues a poem written by a constituent, which I am entering into the CONGRESSIONAL RECORD. Glenn Royal Batty, of Spokane, Washington, has authored a moving poem entitled "The Soldier," which serves as a reminder of both the hardships of military life and the dedication of the American soldier. As Mr. Batty noted in a personal letter introducing his poem, "There can be no greater sacrifice than to give one's life for another but no greater shame than to spend life for less." I urge my colleagues to take a moment from their busy lives and reflect upon the message in this poem.

THE SOLDIER

(By Glenn Royal Batty)

I am one of a chosen few, a warrior of might.
And I will stand or I may fall, but I will join the fight.
I am he who fights for you, throughout history.
While vain men speak of glory, to hide hypocristy.
The captain calls for volunteers, to mount a bold defense,
While shades are drawn and shutters closed with indifference.
And as the ranks are gathered, above the rolling plain.
The soldier takes his courage into battle once again.
Battle is begun, and with it fear's perfume.
When this day is done, we'll see a bloody moon!
As you sing of glory and righteousness of cause,
We march courage six abreast, into the devil's jaws.
There to face our destiny with honor or in shame.
But to face it not, is not a thing we know, or can explain.
You won't feel my deadly steel or taste this fearsome blade,
But it will haunt your dreams at night, until its price is paid.
And you might wish to turn away, before the bugle sounds.
For righteousness is hard to find within a battleground.
Battle is begun! May God be on our side.
We pray a kingdom come, where peace may yet abide.
For fame or notoriety, what is the value there?
For land or grudge, we cannot see. What purpose? I declare!
For names, twice whispered on men's lips or tails of great renown,
We will march to battle, for honor is our crown!
Battle is begun! The day is warm, the wind blows sweet.
It stirs the banners with each breath,
While valiant souls together meet to share ignoble death.
Battle is begun no matter where or when,
We will fight and die. That's how it's always been.
I am one of a chosen few You're not to blame, It's what I do.
And if God's mercy will decree, with hardened heart and strength of will,
Throughout the flow of history, I will be fighting still.

THE CONSERVATION SECURITY ACT

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. THUNE. Mr. Speaker, I would like to thank all Members who joined as original cosponsors of H.R. 1949. A special thank you goes to Ms. KAPTUR of Ohio, the lead cosponsor and Ranking Member of the Agriculture Subcommittee of the House Committee on Appropriations. In this spirit of bipartisanship, we can move forward to address the conservation needs of the farmers in rural America.

The Conservation Security Act (CSA) would create a win-win situation for farmers and the environment. The bill would allow farmers, ranchers and other agricultural producers to participate in a voluntary, incentive-based conservation program. Under this legislation, the farmer or rancher would not have to set aside land. It would give them resources to carry out conservation practices on working lands as they work to make a living off the land.

CSA would allow landowners and operators to enter into contracts and receive payments based on the type of conservation practices they are willing to plan, implement and maintain. Conservation practices may include soil and residue management, contour farming, and cover cropping as well as comprehensive farm plans that take into account all the resource concerns of the agricultural operation.

CSA would establish three tiers of progressive conservation practices, plans and payment levels while allowing for continued participation in other agriculture conservation programs. Under the legislation, a participant may also receive payments based on established practices and for adopting innovative practices and systems, pilot testing, new technologies, and new conservation techniques. The program is voluntary.

I believe CSA is a balanced, responsible approach to encouraging conservation on our agricultural lands. As Congress moves forward on reshaping federal farm policy, conservation, and CSA specifically, will be an important part of the discussion. I hope my colleagues will consider cosponsoring this bill.

TRIBUTE TO COMMANDER JAMES F. STADER

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. HOBSON. Mr. Speaker, I rise today to recognize an outstanding Naval Officer, Commander James Stader, who has served with distinction and dedication for almost two years for the Secretary of the Navy, as the Congressional Liaison Officer for Civil Engineering, Appropriations Matters Office under the Assistant Secretary of the Navy (Financial Management and Comptroller). It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Department of the Navy, the Congress, and our great Nation as a whole.

During his tenure in the Appropriations Matters Office, which began in August of 1999, Commander Stader has provided members of the House Appropriations Committee, Subcommittee on Military Construction as well as our professional and personal staffs with timely and accurate support regarding Department of Navy plans, programs and budget decisions. His valuable contributions have enabled the Subcommittee on Military Construction and the Department of the Navy to strengthen their close working relationship and to ensure the most modern, well trained and well equipped naval forces attainable for the defense of our great nation.

Mr. Speaker, James Stader and his wife Clara have made many sacrifices during his career in the Navy. His distinguished service has exemplified honor, courage and commitment. As they depart the Appropriations Matters Office to embark on yet another great Navy adventure in the service of a grateful nation, I call upon my colleagues to wish them both every success and the traditional Navy send-off "fair winds and following seas."

HELP SCHOOLS HELP PUPILS

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CONDIT. Mr. Speaker, we hear a lot about the crises in education and the failure of our public schools. Recently, Mr. James Enochs, the Superintendent of Modesto's schools, addressed this issue at a district meeting. I think we can all benefit from the comments and opinions of those who are involved in the front lines of education. I submit Superintendent Enochs' comments for insertion into the CONGRESSIONAL RECORD.

Help Schools Help Pupils

(By James C. Enochs)

I have been asked to comment briefly on what the schools need. It seemed like an agreeable enough topic. But, as with much of the discussion about education, if the answer is neat and simple, it is probably wrong and misleading.

I am not a great pep-talk speaker. I think it is more important that we all face up to some of the grim realities that confront us. I get a lot of unsolicited advice in my job. Much of it from my friends in business, or as they prefer to call it, the "real world." Our conversations invariably end with my reminding them that they have three distinct and important advantages over schools:

You get to screen your applicants. You can take them or reject them based on the qualifications or lack of qualification they bring to the opening. We can't do that. We are required to take everybody irrespective of their qualifications.

You can pay them to get them to do what you want. We can't do that.

And, of course, if they don't please you, you can fire them. We can't do that, either.

And thank goodness we can't. Because those are hardly solutions to the kind of issues we face. Which is why I have chosen to be very direct and begin by telling you that you probably can't help us very much with the things schools need most. We need—we desperately need: More stable families; fewer abused children; less dope, alcohol and violence in the lives of our students; fewer gangs in the schools and more parents; we need kids who are fed before they come to school; we need more parents with the sense to discipline their children and guts enough to turn off the television; we need young children whose parents have taken the time to read to them; we need fewer fathers—and recently mothers—who think the axis of the earth passes through the 50-yard line; adults, suffering from a prolonged adolescence, who mistakenly believe that Saturday's hero is more important than Monday through Friday's good citizen and scholar; and we need 400–500 fewer pregnant unwed girls every year.

That's what schools need most. And, of course, that is what society needs most. In effect, my problems are yours; I only have to deal with them before you. And they certainly don't yield to something as simple, and unthinking as just don't accept them, or "can" them if they don't shape up. And I do think that an understanding of that—an understanding that not all failure is institutional failure—is a necessary precondition for a genuine partnership between schools and business.

Modesto City Schools, with nearly 35,000 students, is among the 25 largest school districts in California. And one of every eight children in America lives in California. . . Our school enrollment is greater than that of the 24 smallest states combined. And the public needs to understand something about that school population. And if you understand California, you will understand Modesto City Schools.

There is no place on the face of the earth with a more diverse population. Two-thirds of the state's newcomers are foreign-born. In fact, 15 percent of California's population was born in another country; and in the public schools, more than 30 percent of the children are of parents born in a foreign country; and for one-third of the children in California, English is a foreign language.

In Modesto City Schools, we have nearly 7,000 students who speak more than 40 different languages. That's an increase of 157 percent in the past 10 years. While it is hard for some people to accept, Modesto and, as a result, Modesto City Schools has taken on the characteristics of most urban areas in California: A very low educational level of parents. Nearly 30 percent of the parents of MCS children did not graduate from high school; a high percentage of welfare recipient families: nearly 9,000 of our students.

Families constantly on the move: We measure mobility on the number of students who leave or enter school after the first school month: nearly 10,000 students a year. Only 30 percent of the students who start kindergarten with us are still enrolled—by the eighth grade.

And I have mentioned the high and increasing number of children who do not speak or read English as their primary language. Just to translate that into something more manageable, the raw material resulting from these trends and the social disintegration of the family, has turned a typical class of 10th graders into a statistical nightmare in the Golden State:

Eight students will be on public assistance;

Three students will have sexually transmitted diseases;

Four will speak no English—none;

Three will be teen parents;

Three will grow up in public housing;

Two will be victims of child abuse;

Three will be regular drug users;

Three of them will have been born out of wedlock;

And half of them will have experienced at least one divorce in their family.

Now, if you look at that list, it must occur to even the greatest critic of public schools that educators didn't do it—we didn't introduce them to drugs, or break up their families, or force them onto public assistance, or get them pregnant, or any of the other myriad problems they pack with them to school. So, it's no good to say, "That's your problem, Mr. Superintendent; I pay my taxes and that's enough." Well, today's social dynamite piling up in the nation's school is tomorrow's headache for all of us, including the business community.

Among other consequences, the link between the social ills that plague many young children and early school failure, later high school dropouts, and ultimately a functionally illiterate or marginally literate, unskilled work force is an inexorable progression.

And to paraphrase that oil filter commercial, we can deal with it now, or we can deal with it later. But we have a problem. It was captured very nicely about a year ago in a cover article in Time magazine with the rather sharp title, "A Nation of Finger Pointers."

The major premise of the article was that we are becoming a nation of passive crybabies. People who absolve themselves of any individual responsibility, sit on their duffs, and assume the status of victims as a result of someone else's incompetence or even malevolence.

I get it from both ends. Some teachers and administrators want to blame it on the absentee parents who are sending us all these undisciplined kids who do not value education and are loaded down with problems created by those parents. It's the ill-prepared raw material argument: "How can we teach kids like that?"

On the other end of the process, I get it from the business community who says much the same thing, but substitutes "educators" for "parents." Educators are sending us all these undisciplined kids who do not value work and are loaded down with problems created by the schools. It's the same ill-prepared raw material argument: "How can we hire kids like that?"

So, what we have here is a problem in which everyone is either a victim or a scapegoat. If we have a problem, don't join hands anymore, point fingers. What we don't have is that old-fashioned American interdependency, shared responsibility, mutual understanding, the common ground where people meet and solve problems. And that is what this is about today.

We need community people—business people—to support us in our efforts to elevate academic excellence and good character—to convey to the young that we value the qualities we pay lip-service to. We need businesspeople who can stimulate interest in career development and training. Students have heard it all before from teachers and counselors. They need to see it and hear it from the people who will be doing the hiring and firing.

And finally, we just need more adults who will spend time with these kids; kids who haven't had many caring adults in their lives. Someone to read to them, to listen to them read, to treat them like they are somebody.

I can't tell you how many people tell me, "I feel so sorry for those kids." Well, frankly, that's not good enough.

There is a revealing exchange between the great Englishman Samuel Johnson and his friend and biographer James Boswell in the greatest biography ever written. Boswell confesses, "I have often blamed myself for not feeling for others as sensibly as many say they do." Johnson replies, "Don't be duped by them anymore. You will find these very feeling people are not ready to do any good. They pay only by feeling."

He's right. When the young have grown to adulthood, they will not think kindly of those adults who have given them sympathy without help.

TRIBUTE TO HOLLI DUNAYER

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I proudly recognize the academic and personal achievements of Holli Dunayer of East Meadow, New York.

Holli is a spirited and dedicated woman who has triumphed through life's continual ups and downs.

Although Holli gave her all to the North Bellmore Hair Salon family business, she always wanted to contribute to the community. While managing the salon, Holli helped the neighborhood's homeless, organizing a benefit for the poor from her store.

But times were difficult for Holli. In the early 1990s, she lost her home, was divorced, and went on public assistance so she could care for her daughter, Samantha, then seven.

But Holli bounced back.

In 1996, she enrolled in Nassau Community College, where she received an Associate's Degree in sociology. Holli was awarded a partial scholarship to Adelphi University, where she received a Bachelor's Degree in social work last year. On Sunday, May 20, 2001, Holli received a Master's Degree in social work from Adelphi University.

While Holli pursued her Master's Degree, she interned in my Hempstead District office. I was impressed by her commitment, and I hired her as a full-time legislative aide to handle education, IRS, grants and passports. I'm excited to have a second social worker on my staff.

Holli is a recipient of a $5,000 Maurice Paprin Memorial Fellowship given to students who demonstrate commitment to social change through past or present work.

Holli calls her employment "poetic justice" since she has gone from the government taking care of her to being a government employee helping others in tough situations. Holli is proof that hard work and dedication is all you need to make your dreams come true.

I congratulate Holli and her daughter, Samantha, now 15, on their achievements and Holli's graduation.

I am honored to have her as a member of my staff and as my friend.

INTERNATIONAL MIGRATORY BIRD DAY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BORSKI. Mr. Speaker, I rise today in recognition of International Migratory Bird Day (IMBD), which was officially celebrated on Saturday, May 12, with hundreds of events across the country including one at Philadelphia Zoo.

International Migratory Bird Day celebrates the annual return of millions of birds from wintering habitats in Latin America and emphasizes that the continued enjoyment of these birds depends upon our actions as consumers, homeowners, and citizens. At least 200 species of birds migrate to, from and through Philadelphia each year.

In addition to the sheer enjoyment of watching them, migratory birds are important biological indicators of ecosystem health as well as sentinels for potential human health risks. Their populations are declining dramatically due to the destruction and degradation of their habitat throughout the Americas. Making small changes to some of our daily habits can contribute to the conservation of migratory birds and their habitats, as well as the planet's overall health.

One small change is drinking shade-grown coffee, which helps protect habitat for migratory birds. According to experts at the U.S. Fish and Wildlife Service, the way coffee is grown can have a direct effect on many of the birds we see in our neighborhoods each spring. Coffee farms or plantations that leave a canopy of shading trees ("shade-grown coffee") benefit migratory birds by providing habitat for their wintering grounds in Mexico, Central and South America, and the Caribbean. The Wilson's warbler, scarlet tanager, northern oriole, indigo bunting, and wood thrush are among the dozens of migratory birds that spend part of their lives in the U.S. and that winter in the coffee-growing regions of Latin America.

Encouraging our local coffee shop or grocery store to carry shade-grown coffee is one way that each of us can make a difference. Another way is becoming more informed about migratory birds and the threats to their habitats through involvement in bird watching and other programs such as those at Philadelphia Zoo. The Zoo's involvement in avian conservation dates to before the opening of its original Bird House in 1916. More recently, scientists at Philadelphia Zoo have played a major role in the conservation of the American bald eagle. Once on the brink of extinction due to the use of the pesticide DDT, which was banned in the 1970s, the bald eagle is a national conservation success story. The Zoo's pair of eagles was brought to the Zoo by wildlife rehabilitators when it became clear that neither could be reintroduced to the wild. Over the years, this pair has bred successfully and, through collaboration with the Pennsylvania Game Commission, their offspring have been placed in the nest of wild eagles. At least two of these offspring successfully fledged from their foster parents, contributing to the growing population of American bald eagles.

Today, America's First Zoo is building a new Avian Conservation Center that will feature state-of-the-art exhibitions and research facilities illustrating the diversity of the world's bird populations and their varied habitats. A central focus will be the challenges of conservation and preservation of rare species like Micronesian kingfishers, which are extinct in the wild. A key aim of the Center is to increase visitor awareness of avian conservation and issue a "conservation call to action."

We can also encourage innovative public-private partnerships such as the bird conservation initiative that was announced at the Zoo, when City and U.S. Fish and Wildlife officials met to formally recognize Philadelphia as the third Migratory Bird Treaty City in the nation.

I applaud the City of Philadelphia, the U.S. Fish and Wildlife Service, and Philadelphia Zoo for their efforts to promote the conservation, habitat restoration, protection and hazard reduction of migratory birds, and all those organizations and individuals celebrating International Migratory Bird Day.

INTRODUCTION OF THE COBRA COVERAGE EXTENSION AND AFFORDABILITY ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. STARK. Mr. Speaker, I rise to join with my dear friend Representative JOE MOAKLEY (D–MA) to introduce the COBRA Coverage Extension and Affordability Act of 2001.

COBRA is the law that allows employees who face a change in their work status—and would otherwise lose their health insurance—to be able to continue that same coverage through their previous employer for a period of generally 18 months and sometimes as much as 36 months depending upon their particular situation. During this continuation period, employees must pay 102% of the cost of their current health insurance plan. That means they pay their previous employer share, their own share, and an extra 2% to make up for any administrative costs faced by their previous employer for maintaining their coverage.

COBRA was created in order to provide a bridge for workers to be able to maintain health benefits for themselves and their families. It has been in place since 1986 and is overdue for remodeling.

The bill we are offering today makes three key improvements to existing COBRA law:

(1) It extends the length of time that COBRA continuation benefits are available for all workers and their families from an average of 18 months to 5 years with workers paying 102% of premiums as required under current law.

(2) It creates a new category of COBRA continuation coverage for people age 55 and over. Anyone age 55 and over is eligible to extend the 5 year limitation on COBRA coverage. They are able to keep their COBRA coverage until they become eligible for Medicare. If they choose to extend this coverage beyond the 5 year limitation, they will be responsible for premium payment of 125% the cost of the employer plan.

(3) It makes all COBRA recipients eligible for a refundable federal tax credit worth 50% of their premium costs.

The attraction of the COBRA program is that it enables people to maintain continuity of coverage when they are between jobs, or temporarily in a job that doesn't offer health benefits. It also usually allows them to maintain much more comprehensive coverage than would be available in the individual health insurance marketplace at a similar cost. Unfortunately, 18 months is often not enough time for someone to obtain a new job with comprehensive health care benefits for themselves and their family.

Our legislation would allow people to maintain the safety net of COBRA for up to five years—which should provide ample time for a new position with solid benefits to be found. Because the worker pays 102% of the premiums, there is no cost to the employee of maintaining them in their group plan.

Our legislation goes even further for people age 55 and older because many people in this age category retire before becoming eligible for Medicare or find themselves "downsized" out of a job. These people are the least likely segment of our population to be able to obtain affordable coverage in the individual health insurance marketplace. And, with the aging of the baby boom generation, this is a quickly growing segment of our population. In 1999, there were 23.1 million Americans in this age group. This number is expected to grow to 35 million by 2010 and to 42.5 million by 2020.

For these people, we would enable them to extend COBRA coverage until they become eligible for Medicare. This provision would provide them with stable health insurance until they become covered by Medicare. The bill recognizes the fact that this age group is more expensive to insure and compensates business accordingly by increasing the cost of participation to the worker form 102% of the premium to 125% of the premium cost if they maintain COBRA more than the standard of five years put forth in the first provision of our legislation.

Finally, we are especially excited about the provision that provides a new, refundable tax credit worth 50% of the premium costs. This tax credit is vitally important because health insurance is expensive! We are requiring people to pay 102% of the premium and these are often people with no job—or seriously underemployed for a temporary period of time. Overall premiums for health insurance have an average annual cost of $2400 for an individual and more than $6000 for a family.

The tax credit will defray some of the otherwise potentially unaffordable new cost forced on workers who wish to take advantage of the COBRA continuation option. They will still be responsible for much more of the cost than under a comprehensive employer-provided health plan in which the employer pays 80% and the employer pays 20%. But, this tax credit will enable many more people to take advantage of the opportunity to remain insured until another employer-provided plan becomes available to them.

Many of our colleagues on the other side of the aisle are enamored of a tax credit approach to solve the problem of the uninsured. Unfortunately, those members refuse to create a marketplace where health insurance would be made affordable and be fairly offered. The beauty of attaching a tax credit to COBRA continuation benefits is that you have guaranteed buy-in to a group health plan with comprehensive benefits that does not underwrite the price of the premium based on an individuals'—or their families'—health status.

This bill has something in it for everyone. It builds on the existing COBRA law. It helps people who are between jobs maintain affordable, comprehensive health insurance for themselves and their families. And, it includes the favorite solution put forth by the Republicans to reduce the number of uninsured—a tax credit approach.

Again, we know this bill is no panacea for solving all of the health insurance problems facing our nation. However, it certainly makes dramatic improvements on the status quo.

We look forward to working with our colleagues on both sides of the aisle to enact the COBRA Coverage Extension and Affordability Act and make important strides to help workers maintain affordable, continuous health insurance coverage for themselves and their families.

MEMORIAL TO BOYARSKI FAMILY ESTABLISHED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to commend the law enforcement officers of Luzerne County and other members of the community, including the Hazleton Standard-Speaker, who have worked to establish a memorial to the late Luzerne County Deputy Sheriff Eugene Boyarski and his family.

Deputy Sheriff Boyarski faced threats for doing his job, and when he refused to give in, he and his family were murdered by a firebomb thrown into their home in the middle of the night on February 14, 1976.

The stone memorial will be dedicated next week outside the Luzerne County Courthouse Annex in Hazleton. It will read: "Deputy Sheriff Eugene Boyarski, his wife Lorraine and his family who tragically died in the intentional fire bombing of their home on Feb. 14, 1976, and all the deputy sheriffs from the Greater Hazleton area and Luzerne County who serve their community and elected sheriff with pride and honor."

The ceremony will also include the presentation of the Boyarski Memorial Award, which will be given each year to a law enforcement officer. The first recipient of this award will be State Trooper Thomas McAndrew of Troop N in Hazleton "for his dedication, resourcefulness and tenacity above and beyond the call of duty during the recent Algar/Molina homicide investigation."

Trooper McAndrew certainly deserves this award for his efforts as the lead investigator, spearheading the intensive probe that led to two arrests and convictions. I am honored to have been asked to participate in this solemn ceremony.

Deputy Sheriff Boyarski's memory will also be perpetuated at the county courthouse in Wilkes-Barre with a plaque and a display of photographs and news clippings. In addition to these memorials and the award, a scholarship in his name will help students to pay for the six-month course at Lackawanna Junior College's branch campus in Hazleton that certifies them to become deputies or police officers.

Every day, our law enforcement officers put their lives on the line to protect our communities. Too often we take their service for granted, and I am pleased that Deputy Sheriff Boyarski's courage will continue to be remembered and honored in Luzerne County.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives these efforts to honor the memory of the Boyarski family, and I commend all those who worked to created this lasting memorial.

CONGRATULATIONS DON AND MARY LOU JACOBS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor Don and Mary Lou Jacobs of Bay City, Michigan, as they prepare to celebrate fifty years of marriage and a life-long commitment to each other and their nine children. The Jacobs' dedication and loving relationship serves as an excellent model for their family, friends and neighbors.

Don and Mary Lou met at LaLonde's Ballroom on Center Avenue in Hampton Township, Michigan. After a year and a half of courtship, Don proposed, and Mary Lou accepted. They were married on the twenty-sixth of May, 1951, and their marriage has been blessed with nine wonderful children: Maureen, Marie, Marlene, Donald, Darrell, Michele, Darin, Duane and Marcia. Mary Lou has devoted her life to raising and nurturing the children and providing a stable and supportive family environment. Don had a long and distinguished career in the automobile industry and, in 1988, retired from the UAW International staff giving him more time to spend with Mary Lou, their children and their grandchildren.

In today's society, it is a rare and praiseworthy occasion for a couple to spend fifty years together. Over the years, Don and Mary Lou have had many good times and much happiness to celebrate. Like any strong relationship, they also depended upon each other and their family to overcome some hardships. Their enduring love helped them make it through those times of strife and only served to deepen and enrich the joy of their partnership.

A good marriage is one of life's greatest covenants because it represents a declaration of love, and, as Paul said in his Letter to the Corinthians, "Though I speak with the tongues of men and angels, but do not have love, I am nothing." Don and Mary Lou exemplify the promises outlined in the marriage pledge that so many others have invoked: through sickness and health, for richer or for poorer, their commitment and their love has remained strong.

Mr. Speaker, I ask my colleagues to join me in congratulating Don and Mary Lou Jacobs for the strength of their commitment to their family and to each other and in wishing them many future years of happiness.

TRIBUTE TO CYRUS M. "RUSS" JOLLIVETTE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to a man who has dedicated himself to the advancement of higher education and public service, Cyrus M. Jollivette, who is affectionately known as "Russ."

For 24 years, Russ Jollivette has compiled a remarkable record of achievement as the representative of the University of Miami, not only in these halls and in this city, but throughout Florida and the nation. He has announced his decision to leave the University now in further pursuit of his many interests. He leaves at the same time that the University's beloved president, Edward T. Foote, retires after 20 years at this institution. They leave together, two very extraordinary men whose mutual trust, skill, hard work and vision have left a permanent mark on the University and our entire community.

Russ is long-time personal friend and one of the finest men that I know. He has had a remarkable impact on improving the lives of students at U of M and creating new opportunities for dozens of talented students and researchers in fields like biomedical research, international education and development and marine sciences. Through Russ' efforts, the University has secured almost $200 million in federal support for cutting-edge education, training and research objectives. He has worked with me on minority health and education issues, cancer, diabetes and marine research and environmental science issues. His abilities as a problem-solver are legendary. There are very few University representatives who have Russ Jollivette's professionalism, knowledge, commitment judgment and persuasive ability, or who can match his success.

But his achievements do not begin or end with his service to the University. He is a special leader in the world of higher education and public service, and a leader in the African-American community. He understands the meaning of friendship in the truest sense. He comes from a prominent S. Florida family with a long history in our

Russ Jollivette's name is synonymous with academic service and excellence. He holds a Masters in Business Administration and a law degree. At the University of Miami, he served for more than two decades as Vice President for Government Relations, as the Secretary of the University, as Director of Public Affairs, Director of the Foundation and Corporate Relations, and, for many years, as the Executive Assistant to the President. In recognition of this service to the University, Russ was just awarded the 2001 Alumnus of the Year Award. Standing ovations at that ceremony and at meetings of the University's Executive Committee of the Board of Trustees reflect the depth of feeling and respect for him throughout the University.

In Florida, Russ Jollivette's reputation for public service and civic activities go well beyond U of M. Russ helped to shape the Florida Education as its Board Chairman and a Director—a fund dedicated to the advancement of African-American students with special promise to seek advanced degrees in many fields. He has served as a Chairman and Trustee for the Council for the Advancement and Support of Education (CASE) and as a Chairman and Trustee of the Public Health Trust of Miami-Dade County. He serves as Board Member and Secretary-Treasurer of the Miami Coalition for a Safe and Drug-Free Community and a member of the Orange Bowl Committee. He was a Board member of The Dade County Foundation and We Will Rebuild coalition following the devastation of Hurricane Andrew. The list goes on and on.

Mr. Speaker, the University of Miami; the Florida Congressional Delegation and the Congress; the world of higher education and countless young lives have been well-served by Russ Jollivette. I know my colleagues join me in thanking him and wishing him well. We can hardly wait to see what he will accomplish next.

MILITARY PAY

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BALLENGER. Mr. Speaker, today I am introducing a bill to restore a small measure of balance to the way military retired pay is handled during a divorce.

Under the Uniformed Services Former Spouses Protection Act, courts were given the authority to divide military retirement pay as property. This has resulted in certain injustices to many divorced military retirees. Chief among them is the fact that former spouses continue to receive a share of the retired pay even after one or more re-marriages—unlike other federal agency pensions, such as those of the CIA and Foreign Service, which terminate after a spouse remarries. Moreover, since there is no limitation on when former spouses can seek a division of retired pay, some former spouses seek this action many years after the divorce.

My bill has four principal components addressing problems created by the original legislation. First, it would terminate payments made as a division of property from retired pay upon remarriage of the former spouse. Second, it would require computation of the former spouse's portion of retired pay based on the servicemember's rank and year of military service at the time of divorce, not at the time of retirement. Third, it would limit the period of time after divorce in which a former spouse may seek a division of retired pay. Fourth, it would protect any veterans' disability compensation from division with the former spouse, which was originally intended, but has either been circumvented or ignored.

I urge my colleagues to join me in seeking equity for military retirees by cosponsoring this bill.

MEMORIAL DAY IS A DAY TO REMEMBER THE SACRIFICE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BURTON of Indiana. Mr. Speaker, Memorial Day was established in 1868 to pay tribute to individuals who have made the ultimate sacrifice to the United States and their families. The men and women of the armed services of today and yesterday took an oath to uphold and protect the constitution against all enemies foreign and domestic. Those who served in the Army, Air Force, Navy, Coast Guard, and Marine Corps have been willing to lay their lives on the line to keep this greatest nation on the earth free. We must never forget the importance of this oath and this sacrifice.

Last year, when Public Law No. 106–579 was signed into law, we reaffirmed the importance of remembering and renewing the legacy of Memorial Day. We as a nation need to reclaim memorial Day as the sacred and noble event the day was intended to be. We can do this by taking greater strides to domestic appreciation for those loyal people of the United States whose values, represented by their sacrifices, are critical to the future of the United States. As a Government, we have a responsibility to raise awareness of and respect for the national heritage, and to encourage citizens to dedicate themselves to the values and principles for which those heroes of the United States died.

As part of this reaffirmation, Congress and the President called on the people of the United States to pause at 3:00 p.m. on Memorial Day to observe a National Moment of Remembrance. By doing so we honor the men and women of the United States who died in the pursuit of freedom and peace.

Memorial weekend has become the signal in this country that summer has begun. In Indianapolis this weekend we have the great Indy 500 race and festivities. It is a great weekend for Hoosiers. I hope that each American as we go about our holiday weekend will at the very least remember to take that moment on Monday and pause at 3:00 p.m. for a moment of remembrance through prayer, quiet reflection, or meditation.

We have been blessed this week to have a great media focus on the heroes of our armed services. Last Sunday night the James Keach Movie, "Submerged" aired on network television. This movie portrayed the heroics of the submariners of our early Navy and told the true story of raising a submarine and saving many of its crew. This Friday the movie "Pearl Harbor" will premier in theaters across the nation. I am pleased that these artists have used their talents and efforts to share with the world the stories that are such a vital component of our nation's history.

I am also pleased that we are preparing a sixty-year remembrance event at Pearl Harbor. We are fortunate in the 107th Congress to have heroes among us. The following are members of the House and Senate who served in the armed services during World War II. From the House of Representatives: Cass Ballenger, John D. Dingell, Benjamin A. Gilman, Ralph M. Hall, Amo Houghton, Henry J. Hyde, Joe Moakley, Ralph Regula, Norman Sisisky, Joe Skeen, and Bob Stump. From the Senate: Daniel K. Akaka, Jesse Helms, Ernest F. Hollings, Daniel K. Inouye, Ted Stevens, Strom Thurmond, and John Warner.

As we go about remembering those who died in service, I hope we will also remember those who are still with us. Each month over 38,000 World War II veterans die. Our veterans are our nation's heroes. Whether a Private or a General, combat veteran who served on the front lines, a nurse in a MASH unit, or the quartermaster who was stateside during war—our veterans deserve to be remembered and honored by our country and by each of us. We need to make sure every eligible veteran who goes to a Veterans Administration (VA) Hospital or clinic for medical care is treated with compassion and respect and gets good medical care. We also need to make sure that we do a better job with those whose conditions mean their care is palliative and not curative.

During a Government Reform Committee hearing in October 1999, we learned that the VA had an initiative to improve their hospice programs. We heard from such experts as Dr. Ira Byock and Dr. Judith Salerno as well as Dannion Brinkley who founded Compassion in Action—a non-profit foundation that trains hospice volunteers to serve in VA hospitals. I am pleased that in four short years this organization has been able to train 4,000 hospice volunteers who last year provided 27,000 hours of service to veterans.

Americans who volunteer through Compassion in Action, the American Legion, the Paralyzed Veterans Association, and the many other volunteer service organizations at the VA are also our heroes. Many of these volunteers are veterans as well and continue to serve their country as brigades of volunteers without whom our VA hospitals could not function. I am pleased that our President is continuing the legacy of the Thousand Points of Light by rejuvenating the call to volunteerism and compassion through service.

NATIONAL SAFE BOATING WEEK

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Ms. BROWN of Florida. Mr. Speaker, this is National Safe Boating Week. In the year 2000, over 72 million Americans participated in recreational boating activities. However, between 700 and 800 Americans will be killed in recreational boating accidents this year.

It will take a continued effort by State Boating Law Administrators, Manufacturers, boating safety educators, and the many other organizations involved in boating to decrease the number of Americans killed every year on our waterways.

Today, I would like to ask the cellular telephone industry in the United States to join this effort by designating "*CG" as the emergency response number that boaters can use in an emergency to make free calls to the nearest Coast Guard unit.

Over the past decade, more and more Americans are carrying cellular telephones wherever they are—including on their boat. I am pleased to recognize that companies such as Verizon and Alltel wireless allow many of their customers to call the Coast Guard using *CG. However, the use of *CG is not universal. For example, in Woods Hold, Massachusetts, *CG will reach the Coast Guard if you are using a Verizon phone. However, if you happen to be using a Sprint Cellular phone you reach a recording that says "invalid code entered"; on Cellular One and Nextel you get "call cannot be completed as dialed." Even within a singular cellular telephone company, designation of *CG for emergency communications is not universal. For example, Verizon has *CG connections in Seattle and Massachusetts, but not in Norfolk, Virginia.

Mr. Speaker, when a boater is in distress they need to be able to reach the local Coast Guard unit as soon as possible. They may not have a VHF radio on board and the only way to reach the Coast Guard is by using their cellular telephone. Time is of the essence, and they can't wait to go through the operator to reach the nearest Coast Guard unit.

Today I would like to call on the U.S. cellular phone industry to designate *CG as the nationwide phone number for boaters to reach the Coast Guard during emergencies using cell phones and to ask them to program their networks to route these calls to the nearest appropriate Coast Guard facility. They too can join the coalition of people in the United States striving to save boaters lives.

The Coast Guard has a template agreement that they have been successfully implemented around the country. Once all of these companies are on board, we can initiate a boating safety campaign to educate the boating public about the universal access to *CG during emergencies.

Please help us save lives by establishing a national *CG system.

Mr. Speaker, I submit for the record an article about Version Wireless use of *CG in the Seattle area.

VERIZON WIRELESS LINKS BOATERS TO COAST GUARD

DON'T CAST OFF WITHOUT YOUR WIRELESS PHONE

SEATTLE, May 2 /PRNewswire/—With the official arrival of a new boating season on May 5, Verizon Wireless reminds boaters that it offers its customers a direct connection to the U.S. or Canadian Coast Guard by dialing *CG (*24) from their Verizon Wireless phone. There is no access fee to use *CG. Airtime is deducted from customers' calling plan bundle.

"While VHF–FM maritime channel 16 should be used as the primary means for reporting an emergency," said Kelly DeLaney, Verizon Wireless regional president, "our extensive marine coverage gives boaters another reliable means of communication while on the water that increases convenience and enhances safety and security. Boaters can use *CG to get help if there is an emergency, or to pass along information about a navigational hazard that could endanger boats."

Just as wireless users are encouraged to exercise caution when driving and dialing onshore, boaters should keep safety in mind when navigating and dialing.

To recognize National Safe Boating Week, May 19 through May 25, Verizon Wireless asks all boaters to think "safety," by following these tips:

Safe boating is your first priority. Make sure your phone is positioned where it is easy to see and reach.

Use the speed dialing features on your phone to program frequently called numbers.

Let your wireless network's voice mail pick up your calls when you're unable to answer the phone. If you're heading into a navigational hazard, it's easy to retrieve your messages later.

Use your wireless phone to notify those on shore of your whereabouts and destination.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. ROGERS. Mr. Speaker, as the father of two young children in the public school system, I have a vested interest in supporting any measures that will further strengthen the current system. Ensuring that our children have access to every educational opportunity necessary to achieve is my top priority in Congress.

The provisions contained in H.R. 1 will give states and local school districts the flexibility and decision-making authority they need to address the individual needs of their students and teachers. Paperwork mandates and regulations force states and local school districts to sacrifice student achievement in order to comply with bureaucracy; thus, taking time away from teaching. Giving state and local officials additional flexibility helps them tailor programs to more closely meet students' unique needs and priorities—whether it be through additional focus on teacher training and professional development or additional funding for technology needs or class size reduction. I firmly believe that local school districts, not Washington, know best what the needs of our children are and although the federal government can and should play an important role in our education system, it should not be the guiding force.

In Michigan and throughout the country, an alarming number of children enter school without the language and literacy foundation necessary to succeed in school. Many children are incapable of deciphering that letters make up words and that words carry meaning. This problem spans all socioeconomic backgrounds and leads to children entering school behind their classmates before they even get started. Therefore, I am extremely pleased by the enormous step forward H.R. 1 takes toward focusing on effective, proven methods of reading instruction and triples federal literacy funding from the present $300 million to $900 million in 2002. Furthermore, this legislation authorizes $5 billion over the next five years on reading programs for children between kindergarten and third grade.

At a time when our economy is slowing and we are facing fiscal restraint here in Washington, our commitment to funding education has never been stronger. H.R. 1 provides for a $4.6 billion increase, which represents an eight percent increase over current year funding for K–12 programs. This is funding that is primarily directed toward the economically disadvantaged. While dollars alone are not the answer, combined with greater local autonomy over how those dollars can be spent, allows for targeted efforts on behalf of every school in my district. This could mean an increase in teacher salaries for the Lansing School District or extra computers for the Saline School District. Ensuring our school districts have the necessary resources to be successful is a positive step in the right direction.

I am voting yes on H.R. 1 because it provides school districts with greater flexibility, a strong focus on reading initiatives and increased funding for quality programs. After listening to the constituents of my district, I am confident that these are reforms that we can all support for the benefit of our children's future.

STAMP HONORING PAUL LEROY ROBESON

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. RUSH. Mr. Speaker, I rise today to introduce House Concurrent Resolution 143, expressing the sense of the Congress that the U.S. Postal Service issue a commemorative postage stamp honoring Paul Leroy Robeson. Sixty-six of my colleagues have joined me in support of this resolution.

Paul Robeson, a famous African-American athlete, singer, actor, and advocate for the civil rights of people around the world was born on April 9, 1898 in Princeton, New Jersey. After receiving his degree from Columbia Law School in 1923, Paul Robeson left the legal profession for a career in the arts. Paul Robeson is well known for his inspiring performances in musicals, such as Show Boat, and theatrical performances, such as Shakespeare's Othello. With his distinctive deep baritone voice, Paul Robeson left audiences around the world captivated.

Paul Robeson's brilliant on-stage performances were second only to his commitment to eradicating racial and social injustice in the United States and around the world. Paul Robeson used his oratory skills and knowledge of 25 languages to combat racial inequality in this country and around the world. Because of his stance, Paul Robeson was ostracized and disparaged by many.

Even at the risk to his own safety and professional stature, Mr. Robeson stood up against racial bigotry during a time when segregation was legal in America and lynching was common place.

Paul Robeson never took the easy road in life. Where he could have easily focused solely on his career, Paul Robeson chose to stand up in defiance of the unjust social practices of his time. Paul Robeson forced America to look into a mirror at itself and confront the racial injustice commonly accepted during his lifetime.

In honor of his undying efforts and enduring personal sacrifice, I have introduced this legislation and urge all of my colleagues to join me in this tribute to Paul Robeson.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BEREUTER. Mr. Speaker, on May 23, 2001, a visit to the Vice President's residence away from Capital Hill caused me to unavoidably miss rollcall vote no. 146 (motion to instruct conferees on H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act). Had I been present I would have voted "no."

TRIBUTE TO CHARLES NEWTON COOK OF HOLLYWOOD, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to pay tribute to the long and fruitful life of Mr. Charley Cook, of Hollywood, Alabama, an extraordinary man whose one hundred and five years have been marked by his love of country, family and God.

Mr. Cook was born in Hollywood, Alabama on May 28, 1896. When he was 21, he volunteered for the Navy and served in the Navy during World War I until 1919 making three trips to French waters. He is believed to be the last living WWI Veteran in Alabama. Mr. Cook also served on the Battleship *Utah*, which the Japanese sunk at Pearl Harbor.

Mr. Cook's life reads like a chronicle of this nation's history. He has witnessed Babe Ruth hit his legendary home runs from Yankee Stadium and been in the audience of a vaudeville show starring Eddie Cantor and George Burns. When he finished his service time, he returned to Hollywood, Alabama maintaining his garden until 1995. He voluntarily quit driving at age 99.

I would like to enclose words from his "Armed Guard Detail" certificate, "Members of the Armed Guards . . . may well be proud of this duty. The efficient and courageous performance of this duty, replete with successful encounters with hostile submarines, will insure its indelible inscription in the history of the United States Navy." We can never afford to forget the victories and sacrifices of Mr. Cook's generation lest we take for granted the precious freedoms we enjoy every minute of every day.

On behalf of the people of Alabama's Fifth Congressional District, I join them in celebrating the extraordinary life of this brave soldier. I send him and his family my best wishes on this special birthday reception this Sunday at the Veterans Hall in Scottsboro. I wish Mr. Cook a happy and healthy 105th year.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. UNDERWOOD. Mr. Chairman, I rise today to express my concerns and to urge my colleagues to consider the children who will be left behind on H.R. 1. The President's Education Plan to "Leave No Child Behind" is woven into the language of H.R. 1, which is our blueprint for elementary and secondary education in this country. While I support many of the initiatives in this legislation, I must raise again the reality that the children living in U.S. insular areas like Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands will be left behind in this reauthorization bill.

While H.R. 1 addresses the needs of children living in rural areas, the needs of American Indian and Alaska Native children, the needs of children with Limited English Proficiency, the needs of children of military families, it fails to begin addressing the needs of children living in the insular areas. And, although the insular areas have a unique status under Federal law that requires special policies to serve the educational needs of children, there is no Federal education policy that focuses on the specific and unique needs of insular area school systems.

It is difficult for insular area educational systems to compete for Federal funding distributed by competitive grants because schools lack the personnel needed to prepare grant application and the resources to higher specialists in the writing of Federal grant proposals. They are also faced with unique challenges in hiring and retaining qualified administrators and certified school teachers. This is alarmingly the case in American Samoa where 77 percent of school teachers are uncertified.

Children living in insular areas rank among the lowest in the nation in educational achievement. In particular, the jurisdictions of Guam and the Virgin Islands rank among the lowest in the nation in NAEP scores. Consequently, the high school drop out rates of children living in the insular areas are among the highest in the Nation.

Insular area educational systems face other challenges such as geographical barriers, high unemployment rates, shrinking economies, aging buildings which are strained by the acceleration of weathering caused by tropical storms and typhoons, high costs of importing and providing equipment and supplies, and a host of other limited resources.

If the goal is indeed to leave no child behind in education, then Congress and the Federal Government must work to ensure that no child is left behind, whether they reside in the states or the territories. The current language of H.R. 1 neglects to take into account the special needs of children living in the territories and the special challenges insular area educational systems must undergo to provide quality education in the insular areas.

As the Delegate from Guam to the U.S. House of Representatives, and a life-long educator who taught and served in the administration of public high schools and later served as the Academic Vice President of the University of Guam, I have always advocated for improvements in the manner that federal policy is developed by the Federal Government in its treatment of the insular areas.

The insular areas are generally included in most national education programs, but mostly as afterthoughts. As a result, educators in the insular areas must follow a patchwork system of funding arrangements, varying from state shares to special formulas for outlying areas, in order to obtain needed and fair funding of federal program resources.

I am pleased that we will be included in most of the increases, including the President's proposal to increase spending by $5 billion on reading programs for Kindergarten to 3rd grade. And, I am particularly pleased that local school districts will be given greater flexibility to transfer up to 50 percent of the Federal education dollars they receive through ESEA programs. I am also pleased that the bill will help states and local schools with their development of annual reading and math assessments for students in 3rd through 8th grade and that there will not be a uniform ruler to measure all achievement because one size does not fit all. However, I remain concerned that the over-reliance on standardized testing as the only measure of educational success might only lead to failure. In a place like Guam, standardized testing as a single measure can be particularly misleading, therefore, additional measures should be employed.

I have long been an advocate for establishing a Federal educational policy for the insular areas that would help to bring consistency to their treatment throughout H.R. 1. In the absence of such policy, I have worked to develop language and legislation to extend the opportunities provided to all Americans to those living in the insular areas. Thus, I proposed an amendment to H.R. 1 which provides the framework for Federal education policy to the insular areas and calls for the reestablishment of the Territorial Assistance Program to provide teacher training to help students graduate from high schools in the insular areas. Unfortunately, this amendment was struck down along with more than a hundred other amendments proposed for this deliberation today.

I am here before you to urge your consideration of the special needs of children living in the insular areas. The Federal Government has recognized that special attention must be given to the challenging circumstances of insular area educational systems. It is my hope that Congress will work to resolving these longstanding issues which impede the delivery of education to children living in the insular areas. Why should our educators be left to searching for information in footnotes and obscure references to find the policies which apply to them?

We need to work in concert to level the playing field for all American children in the states and in the territories. I hope my colleagues will join in supporting my legislation to ensure that no American child is left behind in our national education programs no matter where they live, and urge support for the inclusion of this policy in any final agreement of H.R. 1.

IN RECOGNITION OF ANTONIO MEUCCI

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. ENGEL. Mr. Speaker, I rise today to bring to the attention of my colleagues the efforts of Professor Basilio Catania of Turin, Italy. Professor Catania is the retired director general of Italy's Central Telecommunications Laboratory, a distinguished scientist, holder of the European Union's first Telecommunications Prize, holder of Italy's internationally acclaimed Marconi Prize. Following years of meticulous research, Professor Catania is now trying to bring to light the merits of Mr. Antonio Meucci, who claimed that he and not Alexander Graham Bell invented the telephone. In October 2000, at New York University, Professor Catania presented "Antonio Meucci, Inventor of the Telephone: Unearthing the Legal and Scientific Proofs."

Had Mr. Meucci been able to afford the ten-dollar fee to extend his 1871 caveat from the United States Patent Office beyond 1874, the Bell patents could never have been issued and we would have a very different vocabulary today in discussing telecommunications issues.

The fight over who actually should hold the patent for the telephone and succeeding inventions dates back to the earliest days of the telecommunications industry. The federal government even played a direct roll. In 1885, the Meucci claim was presented before Secretary of Interior Lucius Lamar, who at the time had jurisdiction over the Patent Office. Fifty affidavits and the exhibition of two dozen of Meucci's telephone models were part of the presentation. One of the affidavits was the translation into English of Mr. Meucci's Memorandum Book, in which he kept the notes on his various experiments on the telephone as far back as 1862. A drawing in the Memorandum Book shows that Mr. Meucci had discovered the inductive loading of long distance telephone lines many years before the Bell Company. It was also found that Mr. Meucci should have been credited with other firsts, such as call signaling, the anti-side tone circuit, and the first measures to optimize the structure of telephone lines.

The outcome of the hearings led to a recommendation to proceed against the Bell

Company. Unfortunately, little attention has been paid to this important trial brought by the Department of Justice in January 1887 United States v. Bell Telephone Company and Alexander Graham Bell. This lawsuit was instituted by the federal government against Bell to strip him of his patents for fraud and misrepresentation. Appealed on demurrer to the Supreme Court, it was determined by the High Court that a viable and meritorious contention against Bell had been raised, and the case was remanded for trial. The record of the trial proceeding was never printed and now resides in storage with the National Archives and Records Administration.

Interestingly, the hearings before the Interior Secretary coincided with a lawsuit brought by the Bell Company against Mr. Meucci for patent infringement. Sadly, none of proceedings at Interior were made available during the patent infringement trial.

MUNICIPAL GAS SUPPLY ACT OF 2001

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. COLLINS. Mr. Speaker, I am introducing legislation today to correct a problem created by the IRS that has interfered with the ability of municipal gas systems to enter into long-term prepaid contracts to obtain natural gas for their citizens. I am joined today by 20 of my colleagues who share my great concern for this issue.

The approximately 1,000 publicly owned gas distribution systems in the United States comprise about 5 percent of the market. They are primarily located in small towns and rural communities. In the last 15 years there have been major changes in the natural gas industry that have increased their exposure to the great uncertainties of the natural gas market. In 1985 the Federal Energy Regulatory Commission "FERC" began deregulating the delivery of natural gas. In 1993 FERC began requiring that pipelines "unbundle" their services to customers. This meant that municipal gas systems could no longer purchase natural gas supplies on a reliable and regulated basis from interstate natural gas pipelines. This fundamental change in the marketplace meant that for the first time municipal gas systems had to acquire reliable gas supplies and transport on their own in a deregulated marketplace. In response, many formed joint action agencies, as contemplated in the FERC restructuring, to acquire and manage the delivery of gas.

In today's natural gas markets, long-term prepaid supply arrangements are the most reliable means for municipal gas systems to obtain an assured supply of natural gas. To fund prepaid supply contracts, the municipality or the joint action agency issues tax-exempt bonds. These contracts contain stiff penalties if the supplier fails to perform making this the most reliable gas supply that municipal gas agencies can purchase. Until August of 1999, joint action agencies entered into prepayment supply contracts with gas suppliers to obtain a long-term (e.g., 10-year) supply of gas.

In August 1999, the IRS published a request for comment that has effectively prevented municipal gas systems from using their tax-exempt borrowing authority to fund the purchase of long-term, prepaid supplies of natural gas for their citizens. The IRS questioned whether the purchase of a commodity, such as natural gas, under a prepaid contract financed by tax-exempt bonds has a principal purpose of earning an investment return, in which case the bonds would run afoul of the arbitrage rules of the Internal Revenue Code. The IRS has not issued any guidance following the August 1999 request for comment.

Under the Internal Revenue Code, tax-exempt bonds may not be used to raise proceeds that are then used to acquire "investment-type property" having a higher yield than the bonds. Governmental bonds that violate this arbitrage restriction do not qualify for tax-exempt status. Treasury regulations provide that investment-type property includes certain prepayments for property or services "if a principal purpose for prepaying is to receive an investment return." But, "a prepayment does not give rise to investment-type property if . . . the prepayment is made for a substantial business purpose other than investment return and the issuer has no commercially reasonable alternative to the prepayment. . . ." A very similar standard is used to determine whether a prepayment transaction is treated as a loan for purposes of the private loan financing test. If a transaction is considered a private loan financing, the bonds are treated as private activity bonds. Although municipal gas systems clearly have a "substantial business purpose" for entering into prepayment transactions and "no commercially reasonable alternative," the failure of the IRS to issue any guidance following its August 1999 request for comment has eliminated the most efficient tool available to public gas systems to secure long term supplies of natural gas.

The IRS has essentially acted against municipal gas systems without going through any of the administrative procedures required for agency action. It has not issued any regulations, ruling or other guidance; it has simply put out a request for comment that has effectively prevented the issuance of any tax-exempt obligations to fund prepaid contracts for natural gas.

The legislation we are introducing today would clarify the law, both with respect to the arbitrage rules and the private loan financing rules, to remove the confusion created by the IRS.

This country is now facing an energy crisis. All across the nation the price of natural gas has been at record levels as purchasers have scrambled to obtain an assured supply. Meanwhile, by requesting comment and then failing to act, the IRS has prevented small communities from using their tax-exempt borrowing authority to obtain a long-term, assured supply of competitively priced natural gas. This problem must be addressed as part of comprehensive energy legislation that Congress will soon consider.

TRIBUTE TO CANDICE A. NEAL OF EVA, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CRAMER. Mr. Speaker, I submit into the CONGRESSIONAL RECORD the following essay written by a bright young lady from North Alabama, Miss Candice Neal. The essay titled "The Constitution: A Fantastic Journey" was recently selected as the winner of the 2001 American Legion National High School Oratorical Contest. I would like to submit her patriotic words for the RECORD.

"THE CONSTITUTION: A FANTASTIC JOURNEY"

Attention time travelers this is your final boarding call for flight U.S. 1-7-8-7. Congratulations, you have selected one of our more popular destinations, The Beginning of American Government. Today, you will experience some of the more dramatic events in our nation's history. Flight 1-7-8-7 is a non-stop flight, back in time, to the creation of the U.S. Constitution. The flight crew has requested that you remain seated with your personal liberties securely fastened. When the captain is certain that you are not in danger she will illuminate the "ratification light" indicating that you may move about the cabin freely. As we prepare for take-off I will remind you that this is a non-smoking flight, and in keeping with today's destination, federal law prohibits the violation of anyone's inalienable rights.

Please look in the seat back pockets in front of you, to review today's agenda. We begin our journey with a basic knowledge and understanding of the Constitution and how it was created. In the second phase of this adventure, we will learn how to responsibly engage in our constitutional rights. And, finally you will discover what it means to become a part of history, by participating in this government of the people, by the people, and for the people.

We've been cleared for takeoff, so please direct your attention to the windows on the left side of the cabin. You will note instances in recent history, in which rulers and dictators have taken away people's personal freedoms. There's Kosovo, Bosnia and Tianenmen Square.

Make sure your seat belts are securely fastened. We are about to enter a turbulent time in American History—the defense of democracy—There's Desert Storm, now Pearl Harbor and our final stop, the Revolutionary War. This is where our journey begins. . . .

What you might not realize is that the Constitution is actually our third form of government. It was here during the Revolutionary War when our fight for freedom began. The American Colonies were first forced to live under the reign of England. From 1775 until 1783 the American Colonies fought for their independence. Fast forward to 1781. You'll notice that even before the fighting was over, our second form of government, the Articles of Confederation, was adopted. It is obvious to us now, as time travelers, that these young colonies would require much more structure than the Articles of Confederation had to offer. Here we see the lack of a central government to levy taxes and enforce laws. We see states minting their own currency and imposing tariffs on out-of-state goods. We see economic depression and political wandering.

We now move forward to 1787, please do not disturb the 55 men who are meeting in this old Philadelphia state house. They are statesmen, patriots, each with their own ideas about how this new government should be organized. Some of them are states' rights advocates. Many of them are federalists. But you will notice that one man stands out in the crowd. His name? James Madison. And he is presenting the Virginia Plan to his fellow delegates. They will soon refer to the plan as a "political masterstroke," and in the next 5 months, it will serve as the foundation of our Constitution. By 1789, all the states had ratified and approved this new form of government. This unusual document was the first written, national constitutional since ancient times. It was also the first to set up what was called the federal system. Under this system, sovereign power comes from the people, for the good of the people.

The Founders attempted to create a form of government that would be stable, but would also allow for change. You see, in a sense, the Founding Fathers were time travelers too; they were looking to the future, planning ahead, and forming a basic framework to endure for all time. It is a document written for "we the people" and that means that "we the people" have a job to do!

Fast forward to April 1999. An issue of the USA Today Newsview+, states that one of the first things that come to mind when Americans are asked what they think about the United States and its government is "'freedom". Yet according to current public opinion research fewer than 15% of Americans can name the freedom of the press and one of the rights protected under the First Amendment. And little more than half of Americans know that there are three forms of government. You see, time travelers, with freedom also comes responsibility—the responsibility to understand and defend the Constitution.

James Madison once said, "The people who are the authors of this blessing must also be its guardians." Today more than ever before we witness people and organizations testing the bounds of their Constitutional rights. From tabloids that slander high profile figures, to hate groups who use their misunderstanding of freedom to infringe upon other's inalienable rights, we are constantly called upon to defend and uphold our constitution. As such, we must be able to use our privileges responsibility. In words of Benjamin Franklin, "we have a Republic, only if we can keep it!"

And now, as we make our way back to the, 21st Century, I will remind you that this flight is interactive—meaning it is not enough to simply understand our constitution and to use our rights responsibility. Clearly, this travel back in time has taught us that our duties as citizens also carry the obligation to participate in our government.

Long after out Founding Fathers penned the last words of the Constitution, the amendment process ensured their continued involvement. You will see what I mean, by looking out the windows on the right side of the aircraft: here we see that The Bill Rights was added to the Constitution in 1791. In 1865 the 13th amendment abolished slavery and in 1868 the 14th amendment outlined the rights of all citizens. Meeting the changing needs of a growing country, however, had been known to cause slight turbulence in our return flight. Therefore, in the event that we experience any threat to ourselves and our posterity any one of the 27 amendments, will drop from the overhead compartments to ensure our domestic tranquility.

The amendment process is not the only way that we as citizens can participate in our govenmnent. What we have witnessed today should force us out of complacency and self-centeredness and put us in touch with a greater reality. Robert Kennedy made it popular, but George Bernard Shaw said it long ago: "Some people see things as they and ask, 'Why?' I prefer to see things as they might be, and ask "Why not?" That is what the framers of our constitution had in mind so long ago. Our participation in that process in the 21st Century is essential to ensure that the Constitution continues to withstand the many and varied assaults from those who criticize it, misinterpret it, or challenge it.

We can begin participating in small ways such as reading a daily newspaper or weekly newsmagazine. Then, we will begin participating in bigger ways such as writing letters to public officials, investigating the qualifications of political candidates, and exercising our right to vote, So you see, even in little ways, we must take a more active role in our government—that, time travelers, is the real journey!

Our Founding Fathers, in the words of Justice Hugo Black, ". . . dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. . ."

Today, on fight U.S. 1–7–8–7, we have traveled back in time to the formation of The Constitution of the United Sates. Our itinerary included a basic knowledge and understanding of the constitution; and appeal to engage in our rights responsibly; and finally, a call to participate in our government.

Here in the 21st Century, the flight crew tells me that we have been cleared for landing. We have people on hand waiting to assist you in your efforts to continue the good work of our Founding Fathers. Remember what you have experienced today is much more than a fantastic journey in to the past, it is a reminder of your responsibility for the future.

HONORING SAM CAUDILL COMMUNITY CONTRIBUTIONS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize a man that has made numerous contributions to his community as well as the United States as a whole. Mr. Sam Caudill served his country in the Office of Strategic Services (OSS) during World War II, and since has served the community of Aspen, Colorado as a leading architect and historian. For his life of service and adventure, I would now like to take this opportunity to honor him.

Sam started his illustrious career on a mission for the Office of Strategic Services to China in 1945 to teach guerilla warfare to Chinese soldiers so that they would be able to defend themselves if the Japanese attacked. Although Sam did not realize it at the time, this type of work was the beginning of what was to become the most extensive and complex intelligence network in the world—the CIA. At the age of 21 Sam volunteered to be a mule packer for the American guerilla fighters. Already fighting the Japanese, he had no idea that he would be presented with the opportunity to help start a new wave of national defense.

Upon finishing his duty in the army, Sam returned to Cornell University to complete his education. After receiving his degree Sam returned to Colorado to make his mark on the skyline of Aspen. Following the lead of Frank Lloyd Wright, Sam has always strived to create buildings that grow out of the environment. Sam was awarded for his unique design of Aspen High School, which reflects the rolling hill surrounding the school with its rounded shape. He has been commissioned in numerous places throughout the state of Colorado. When people refer to Sam, he is often called "the dean of Aspen architecture."

Sam has also made a significant contribution to preserving wildlife in Colorado. He served on the Colorado Wildlife Commission from 1975 to 1983, and was chairman of the commission in 1978. During this time he has been credited with the law that allows Colorado citizens to apportion part of their tax return to the non-game and endangered species program. He also worked on the state's catch and release trout program. Sam still enjoys the outdoors and trys to hike and fish whenever possible.

An interest in local history has spurred Sam's latest contribution to society. For the last twelve years Sam has been interviewing "old timers" about their lives logging, mining and wrangling here in Colorado. Sam hopes to compile all these stories and photos he has gathered into a book titled, "Colorado—the Wild Years." His love for the old west and his reputation in the Aspen community suggests that Sam may have been born a century too late.

Mr. Speaker, like so many of us, Sam has fallen in love with the natural beauty of Colorado. He has spent his life trying to preserve that magical quality that the untamed mountains of Colorado exude. For this I and the citizens of Colorado are grateful.

REMEMBERING HAROLD BERKE

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today in remembrance and to pay tribute to Harold Berke of Williamsville, New York.

While Harold Berke is no longer with us, we are blessed that his memory and his achievements live on to this day. Born Harold Berkowitz, he enlisted in the Army Air Corps prior to the start of World War II. Harold achieved the rank of Master Sergeant, and during his service to our nation, invented a device that allowed a single man to lift the tail sections of airplanes for repair and inspection.

Following his graduation from the University at Buffalo, which he attended under the GI Bill, Harold Berke went to work for Bell Aerospace, where, beginning in 1954, he led a group that provided a solution to an engine problem on the X2 rocket. Harold Berke's leadership and expertise were integral to other projects, such as the Agena Engine, Rascal Missile, Minute Man Missile, and the engine that ensured America's astronauts were returned safely from the moon.

Harold Berke's contributions were not limited to engineering and aerospace. A loving husband and father, Harold Berke married the late Leah Rose in 1949. They were the proud parents of two sons, Ronald and Daniel. Together with his sons, Harold Berke built award-winning show cars, including a series of Corvettes, and a 1968 Camaro that won 30 awards in 10 shows.

Mr. Speaker, I ask that this Congress join me in remembrance of Harold Berke's contributions to American rocketry and aerospace, and that we salute him in memoriam for his ability and leadership.

STARK/MOAKLEY COBRA COVERAGE EXTENSION & AFFORDABILITY ACT OF 2001

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MOAKLEY. Mr. Speaker, I am very pleased to join with my colleague and good friend PETE STARK (D–CA) today in introducing our legislation the "COBRA Coverage Extension and Affordability Act of 2001." This legislation combines and expands earlier individual legislation that each of us introduced to help extend and improve this provision from the 1986 COBRA bill.

The original COBRA law allows employees who face a covered change in their work status and would otherwise lose their health insurance to continue that same coverage for a period of up to 36 months depending on the situation. Under that law, covered employees would pay up to 102 percent of the cost of their current health insurance plan—the employee and employer costs plus an additional fee to cover administrative expenses. Although the law says the coverage can last up to 36 months in some cases, most coverage is limited to 18 months.

Our bill would change the law in three ways. First, it would allow anyone covered by the COBRA statute to maintain that coverage for up to five years under the existing rules. He or she would still be responsible for the entire cost of the insurance policy plus the 2 percent administrative fee but would not have to face loss of insurance coverage or reduction in benefits while looking for a job with comparable health insurance. Next, it would expand the program to individuals who are over the age of 55 and qualified for COBRA coverage to extend their coverage until they become eligible for Medicare. If they go beyond five years, the cost of the premium would go to 125 percent of the policy to help cover increased health care costs that may occur. Lastly, and perhaps most importantly, the bill provides a 50 percent refundable tax credit of the premium to help offset the cost of this coverage to the individual. This provision will make such coverage far more affordable to those for whom the cost is an economic burden.

In today's changing and challenging job market layoffs and reductions in staffing are becoming increasingly common and employees are forced to change jobs more often. Additionally, many businesses either do not offer health insurance at all, offer coverage that is not as comprehensive as the employee's previous plan, or do not make coverage available until the employee has been on the job for a specified period of time. Furthermore, many job hunters change jobs frequently or take short-term or temporary employment simply to pay the bills while searching for a job that is more suitable to his or her field of expertise. Eighteen months often is not long enough for many individuals to find employment that offers comparable coverage.

However, the cost under this bill, though generally far less that acquiring private health insurance on the open market, can still be a substantial expense or even a roadblock to the employee. The bill's 50 percent tax credit for premium costs would greatly reduce that financial burden. And, most importantly, the individual would be able to continue the same policy with the same coverage. This becomes particularly important if that person or his or her family has a pre-existing condition that needs specific care or anticipates an upcoming medical need such as surgery or pregnancy. Continuity of care can be extremely important and in some cases even life-saving. While the recently enacted Health Insurance Portability Act allows individuals losing their coverage to obtain health insurance without bias with regard to a pre-existing condition, it does not guarantee the same plan coverage and it does not guarantee coverage at a comparable cost. Our bill does.

This bill is not the only solution to our nation's growing number of uninsured Americans. But it will help protect many of our nation's workers who face losing health insurance coverage due to job loss. It is not always possible to know if or when we will need health care either for ourselves or our families. But when we are faced with a debilitating illness, a serious accident, or even a joyous event like an upcoming birth, our main concern shouldn't be the cost and whether or not our insurance will be adequate. Please join with Rep. STARK and me in supporting this legislation.

PEARL HARBOR

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. QUINN. Mr. Speaker, as all Americans prepare to celebrate the Memorial Day weekend, I think it is appropriate for all of us to take some time and reflect on the sacrifice that those men and women, past and present, who served our country have made. This weekend, the movie Pearl Harbor will open throughout the Nation. Once again, Americans of all ages will be reminded of this tragedy, as well as the bravery and courage our service men and women demonstrated.

President Franklin Roosevelt declared it, "A day that will live in infamy." In the pre-dawn hours of December 7, 1941, the United States Pacific Fleet was destroyed by a sneak attack of the Japanese Imperial Army. Nearly 2400 military and civilian lives were lost as a result of the surprise attack and more than 1000 were wounded. The attack forced the United States into World War II, and was the first time the United States had been directly attacked since the War of 1812. It is a moment that is forever frozen in our Nation's consciousness.

I have introduced a bill, H.R. 157, that would designate December 7th as a Federal holiday. This legislation would serve as not only a tribute to those men and women who served and lost their lives at Pearl Harbor, but also all those who defended and fought for our Nation during World War II.

This week, Congress gave final approval to the much-anticipated World War II Memorial on the Mall, and this would be a fitting companion.

I hope all Members will join me in celebrating the memory and sacrifice of these brave Americans by co-sponsoring H.R. 157.

CELEBRATING REVEREND CHARLES W. SPRINKLE

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to commend and celebrate the life and Golden Anniversary Celebration for Reverend Charles W. Sprinkle who has pastored Glady Baptist Church in Candler, North Carolina for fifty years.

Reverend Sprinkle was born and reared in Madison County, North Carolina, son and grandson of pastors. He was the sixth child of fourteen, five of whom are also pastors. Following his graduation from Marshall High School, Reverend Sprinkle completed a tour of duty with the Navy.

He was called to preach in October 1950. New Morgan Hill Baptist Church licensed Reverend Sprinkle on June 20, 1951 and ordained him on July 29, 1951. In May 1951, he was asked by Glady Baptist Church to preach and asked to be their pastor in June of the same year, fully a half a century ago. Reverend Sprinkle remains at Glady Baptist today.

Pastor Sprinkle says that he received his training with his head buried in the Bible while on his knees. During his half-century ministry, five young men have been called to preach under his stewardship. Referring to these men as "my boys in the gospel," he is very proud of the great work they are doing for the Lord.

As the Glady Baptist congregation grew, it became necessary to build a new church building in the early 1970s. Due to Pastor Sprinkle's leadership the new brick church they use today was completely paid for in just one year.

In the past fifty years, Pastor Sprinkle has conducted 102 revivals, performed 98 weddings and 361 funerals. Throughout the joys and sorrows, Pastor Sprinkle notes, "I have seen good times and I have seen hard times, but God's grace was always with us. What a great God we serve!"

Reverend Sprinkle credits much of the success of his ministry to his wife, Lois, a faithful teammate for sixty years.

Mr. Speaker, I know that all of my colleagues in the House of Representatives join me in praising Reverend Charles W. Sprinkle for his fifty years of service to Glady Baptist Church and the Lord.

DOMESTIC SPIRITS TAX EQUITY ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. COLLINS. Mr. Speaker, today I am introducing a bill, along with my colleague, Representative RICHARD NEAL, to end the unequal tax treatment imposed on U.S. produced distilled spirits. At a time when other countries adopt tax laws to favor their own domestic industries, it is ironic that current U.S. tax law favors foreign products at the expense of U.S.-made products. Regrettably, that is the case with respect to distilled spirits. As members of the Committee on Ways & Means, both Mr. NEAL and I have worked for sometime to correct this inequitable situation.

Current law allows wholesalers of imported spirits to defer the federal excise tax ("FET") on such products until they are removed from a custom bonded warehouse for sale to a retailer. In contrast, the FET on U.S. produced spirits is paid "up front" by the distiller, and passed along to the wholesaler when he purchases product. Custom bonded warehouses cannot be used for domestic product, only that imported from another country. This means that the FET on U.S. produced spirits must be carried by the wholesaler as part of his inventory for as long as it takes to sell that product out of his warehouse.

Couple this disparity in time of payment with the fact that distilled spirits are the most highly taxed of all products, and you begin to understand the seriousness of the problem. At $13.50 per proof gallon, the FET represents virtually 40 percent of the average wholesaler's inventory cost. To make matters worse, it takes an average of 60 days to sell this inventory to a retailer. The bottom line is that U.S. tax policy favors the sale of imported spirits and creates a significant financial burden for wholesalers of domestic spirits—most of which are small, family-owned businesses operating within a single state.

For the past ten years, the wholesale tier of the licensed beverage industry has advocated a tax law policy change known as "All-in-Bond." Mr. NEAL and I sponsored the Distilled Spirits Tax Simplification Act, or "All-in-Bond bill", at the beginning of the 106th Congress. Simply put, it would have extended the custom bonded warehouse concept to all spirits, not just imported product. The result would have been to defer payment of the tax on domestic product—just as we do for imported spirits—until it is removed from the warehouse for sale to a retailer.

Given the obvious inequity of current law, the bill attracted the co-sponsorship of 75 of our colleagues from both sides of the aisle. As a consequence, Mr. NEAL and I were successful in attaching the bill to a major tax reduction measure coming out of the Committee on Ways & Means in 1999, which was subsequently approved by this body.

Subsequently, Treasury/BATF raised unwarranted concerns about changing the point of collection. Additionally, distilled spirits suppliers objected because of concerns about a revenue offset provision which was added to the "All-in-Bond" proposal during committee consideration.

In an effort to build a greater consensus, we agreed to drop the provision in conference and go back to the drawing board to develop a better solution to the problem.

The "Domestic Spirits Tax Equity Act" is that better solution.

The purpose of this legislation is to compensate wholesalers for the unequal burden imposed on U.S.-produced distilled spirits under current law. We do so by allowing qualified wholesalers of domestic spirits a prepaid tax adjustment, or "PTA" which is a credit against their annual federal income tax.

The PTA is determined through a simple formula. It is equal to 40 percent of the amount paid for domestically produced spirits, times the IRS' applicable federal rate over a 60-day period. The PTA was crafted with simplicity in mind. The elements of the formula are easily verifiable and understandable by the wholesaler and the IRS, and the formula results in an accurate overall measure of the unequal float costs. In addition, unlike the "All-in-Bond" proposal, this bill does not change the current FET collection system.

Mr. Speaker, I urge my colleagues to join me in this effort to eliminate the unequal tax treatment imposed on U.S. produced distilled spirits. The PTA is a simple and targeted solution, which addresses the problem. I look forward to the passage of this important legislation so that we can ensure our domestic suppliers are not penalized by the tax code.

HONORING THE CAREER OF JERRY BAXTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor a man that has spent much of his life improving the quality of life for others. Mr. Jerry Baxter has spent the last 27 years of his life entertaining the guests at the Bar D Chuckwagon in Durango, Colorado. This year, in the Bar D's 33rd season, Jerry has announced that he will be leaving for a job as a wrangler in Jackson, Wyoming. As he does, I would like to take this opportunity to honor him.

Jerry has contributed to the Durango community his entire life. His friends and family would most likely describe Jerry as a bit of a character. When Jerry was only seventeen he managed to make it on to the Paul Harvey show with his comedic tale of an experience he had as a volunteer firefighter. Jerry gained this honor by starting a fire on his way to fight a fire. On his way to the grass fire in Hermosa, Colorado, Jerry forgot to release the emergency brake, causing the brake pads to catch fire and fall off. This in turn ignited a fire at the Aspen Rose Campground, which exceeded the size of the Hermosa fire, requiring more men to extinguish it.

Jerry will be fondly remembered by the numerous guests who have been privileged to enjoy his show. Jerry's baritone voice is well loved at the chuckwagon and will be greatly missed. The Bar D originally hired Jerry to work in their kitchen, but he quickly became a well-loved voice on the stage. Jerry speaks highly of the community that has shown him such great support over the years. When Jerry's father passed on, and he was brought to tears during his rendition of "How Great Thou Art," the community reached out to this man that they love. While grateful for his friendship, the Durango community will be sorry to see Jerry leave.

Mr. Speaker, the State of Colorado is fortunate to have citizens like Jerry Baxter within one of its communities —someone who is willing to go that extra mile for others. Colleaugues, on behalf of the Western Slope of Colorado, we wish Jerry, his wife LaVerna and his children Justin, Shasta, Kyle and Kolt all the best. The Durango community is fortunate to call Jerry a friend.

HONORING AMERICA'S MOST DECORATED COMBAT VETERAN, LT. COL. MATT URBAN

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. REYNOLDS. Mr. Speaker, as our entire nation pauses to honor its fallen heroes, our Memorial Day Observance has long held a special significance in my Congressional district. That's because, in 1865, the village of Waterloo, New York, became the first community in America to set aside a day of remembrance for those who made the ultimate sacrifice in service to their country, and has since been officially recognized as the birthplace of our modern Memorial Day holiday.

Even with this proud history, this year's Memorial Day will have an even greater significance in our area of the country. That's because on Thursday, May 31, 2001, we will pay special tribute to the most decorated combat veteran in American history, Lt. Col. Matt Urban.

When President Jimmy Carter presented Lt. Col. Urban with the Congressional Medal of Honor, 35 years after his heroic feats in World War II, the President described him as "The Greatest Soldier in American history." Born in August of 1919 in Buffalo, New York, Matt Urban received 29 awards and decorations, including seven purple hearts, and the Silver and Bronze Stars. Matt Urban's bravery and valor earned him virtually every combat medal, as well as the nickname "the Gray Ghost," from the German army.

While there are many stories of Matt Urban's feats, his heroism upon the D-Day Invasion is typical of the battlefield leadership he exhibited during his time with the 60th Infantry Regiment, 9th Infantry Division. Then-Lieutenant Urban, despite a broken leg suffered during his landing on Omaha Beach, led an attack on German positions from the top of a tank, which not only saved his men trapped on the beach, but also drove the enemy off their positions and off the beach.

Lt. Col. Matt Urban, an American hero, passed away on March 20, 1995, as a result of complications from a collapsed lung brought on by one of his seven war wounds. He was laid to rest in Arlington National Cemetery, a hero's honor, well-deserved.

Mr. Speaker, on Thursday, May 31, 2001, the man once dubbed "The Hero We Nearly Forgot" will be remembered by his hometown of Buffalo, New York, when the Lt. Col. Matt Urban Monument Fund presents a day of activities to honor and remember his bravery, valor and service; and I ask that this Congress, while pausing in memory of all those who have fallen in defense of freedom and liberty, join me in a special salute to our nation's most decorated combat veteran, Lt. Col. Matt Urban.

CONFLICT IN THE MIDDLE EAST

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mrs. DAVIS of California. Mr. Speaker, as we all reflect on the grave situation in the Middle East, I commend to all my colleagues the following OpEd piece published in the May 18, 2001 San Diego Union Tribune.

NEGOTIATIONS CAN STOP BLOODSHED

(By Yuval Rotem)

Since the days of Sir Isaac Newton schoolchildren have been taught that for every action there is a reaction, and that there is an axiomatic distinction between cause and effect. This truth applies both to the world of physics and to today's conflict in the Middle East.

For over eight months, the citizens of Israel have been confronted with a virulent campaign of violence and terror. Israel, like any other nation, has a right and obligation to react in order to protect the lives of its citizens. The legitimacy of self-defense is a foundation of international law and of the United Nations Charter.

That both Israelis and Palestinians have suffered due to the current uprising, there can be no doubt. Yet while it may be easy to assign equal blame to the two sides, there is in truth no equivalence between the actions of Palestinian terrorists and the reaction of the Israelis whom they target.

If Chairman Yasser Arafat and other Palestinian leaders were to call for a cessation of shootings and bombings, an end to the violence would be well within reach. No such calls have been issued, and the Palestinians continue to shoot, and Israel is compelled to react. That anyone is killed is unjustifiable, but sometimes it is forgotten who exactly started the shooting, and who continues to deem indiscriminate killing as a legitimate bargaining chip.

Israel cannot sit idly on the sidelines while its people pay the ultimate price for the Palestinian leadership's opting for confrontation over reconciliation. Palestinian leaders and militias consider violence to be an effective tool in promoting a unilateral solution to a conflict which Israel believes can only be addressed via bilateral negotiation.

Palestinian gunmen purposely select targets with the intention of maximizing carnage and shock value. Suicide bombers and explosive devices containing nails and shrapnel are employed in densely populated civilian areas. Israeli children and adults are maimed and murdered while shopping at the mall or riding on the bus.

Israel, forced to defend itself, undertakes operations designed to hamper further terror, striking only against those actively involved in violence. For the most part, Israeli reprisals against those initiating terror strikes are extremely accurate. However, sometimes unintended consequences have regrettably occurred.

There have even been instances when children have been injured. In the vast majority of cases, this takes place when Palestinian children are intentionally used as human shields serving as buffers for gunmen firing upon Israeli targets. Remember that the Israeli army is no longer deployed in Palestinian populated areas. In order for stone-throwing children to be within close proximity to Israeli forces, they have to be consciously transported to such locations by their elders.

Despite this brutal tactic, Israeli forces do their utmost to prevent casualties. Tragically, a totally innocent child, five-month-old Iman Haju, fell victim last week. She was unintentionally killed in Israeli return fire, which was directed at positions used by a Palestinian mortar crew to bombard an Israeli community just minutes earlier.

The fact is that terrorists have been consistently launching mortars from civilian sites such as school yards and apartment buildings. By contrast, Palestinian militants have routinely and specifically targeted Israeli children. Shalhevet Pass, a 10-month-old Israeli girl, was spotted, fixed and then shot in the head by a Palestinian sniper in March. In the past week, two 13-year-old Israeli boys were brutally stoned to death, and their bodies mutilated by terrorists while hiking in a riverbed close to their homes.

These are not cases of unintentional civilian causalities. These and other Israeli children were slain because their Palestinian executioners found them to be useful targets. Such heinous actions do not arise in a vacuum.

Since the Palestinian rejection of the proposals offered by former Prime Minister Barak and President Clinton, the Palestinian Authority has carefully orchestrated a campaign of hatred and incitement through its official newspapers, television and radio stations, its schools and religious institutions.

Palestinian Authority spokesmen have praised violence and suicide bombings. The Palestinian Authority has freed known terrorists from prison, and official Palestinian police and security forces have joined in attacks upon Israeli civilians with impunity. Palestinians have employed illegal mortars and anti-tank weapons against Israeli communities, and heavy arms such as Katyusha artillery rockets and shoulder-fired anti-aircraft missiles are now being smuggled into Palestinian territory.

The Palestinian leadership is doing nothing to prevent further escalation of violence, and the people of Israel are wondering just exactly what the Palestinians are trying to achieve.

An end to the occupation? Some 98 percent of Palestinians already live under Palestinian control. Statehood and independence? It was offered and rejected. An end to check points? More territory? It was offered and rejected. Not only were all attempts to genuinely settle the conflict rejected out of hand, but the Palestinians responded to them—instead of with counter-proposals for peace—with intifada, jihad and terror.

The current confrontation is one which Israel neither sought nor initiated, and still, there is no desire for punishment and revenge. There is no wish to suppress or repress anyone. What point does it serve?

Negotiation and education for peace are the only means forward, and hopefully a meaningful resumption of dialogue can begin again soon. In the meantime, the Palestinian leadership must be made to understand that terrorism and bloodshed cannot exist side by side with diplomacy.

The path of violence was supposed to have been forever abandoned on Sept. 13, 1993, when Chairman Arafat shook the hand of Israel's late Prime Minister Yitzhak Rabin, and pledged in word and in writing to forswear achieving his goals by the sword. Though that day over seven years ago seems so remote, it must continue to guide all sides even now.

Terror will not bring the Palestinian people what they desire. They will not be able to gain through violence what they could not gain through negotiation. Only a return to talks and moderation can bring a mutually acceptable settlement for both sides.

Rotem is consul general of Israel to the southwestern United States.

HONORING REVEREND DR. J. ALFRED SMITH, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Ms. LEE. Mr. Speaker, I rise today to honor and salute Reverend Dr. J. Alfred Smith, Jr. for his many years of service to Allen Temple Baptist Church and the City of Oakland.

As the Co-Pastor of Allen Temple Baptist Church, Reverend Smith Jr. helped lead the Allen Temple Family to new heights with its spiritual, social and economic justice agenda. He has exemplified, in a magnificent way, steady, enlightened and inspirational leadership.

Reverend Smith Jr. has a Bachelor of Arts degree in Social Services and African American Studies from Antioch University. He has also earned his Master in Divinity from the Graduate Theological University and a Doctor of Ministry from San Francisco Theological Seminary.

While pursuing his graduate degrees, he was an instructor at San Francisco State University, U.C. Berkeley, the Pacific School of Religion, and the Allen Temple Leadership Institute. Reverend Smith, Jr. has educated students about Black Religion, Black Philosophy, African American Children and Their Families, the Mission of the Church and Church Administration of Social Justice.

Aside from his role as an educator, he has played a pivotal role in contributing to the betterment of the City of Oakland. He has served as an Urban Employment Analyst in the Office of Economic Development and Employment; he has worked with the Oakland Crime Prevention Unit; he has served on the advisory board for fair housing; and he has been an advocate for the homeless.

Reverend Smith Jr.'s activism is not bounded by the City of Oakland. He has led a study tour and has participated in peace discussions in Israel and Palestine. He has traveled to London to be a keynote speaker for the Progressive Baptist Churches of the United Kingdom. He has traveled to Western Africa and China on a cultural exchange mission.

Reverend Smith Jr. has received numerous awards and has received worldwide recognition for his advocacy for social, political and economic justice. He has often been quoted by the media for his wisdom on particular issues.

On a personal level, I have relied on Reverend Smith, Jr.'s insights on the major issues confronting the human family for several decades. His clarity, his wisdom and his vision have meant so much to me and my predecessor, Congressman Ronald V. Dellums. It is with a deep sense of gratitude and a profound sense of love and affection for Reverend Smith, Jr., his wife, Mrs. Elaine Smith, and his entire family that I wish him well, good luck and God's blessings as he embarks upon the next chapter of his life.

I proudly join Reverend Smith's family, friends and colleagues in thanking and saluting him for his years of service and commitment to improving the human condition.

Thank you Reverend Dr. J. Alfred Smith, Jr.!

HONORING ROGER P. PETERS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MCINNIS. Mr. Speaker, I stand before you today to pay respects to a long time professor at Fort Lewis College in Durango, Colorado. Roger Peters passed away on May 13, 2001 from a battle with cancer. Family, friends, students and faculty will truly miss one of Ft. Lewis College's best professors.

Roger was born on October 29, 1943, in Washington, DC. He graduated from the University of Chicago in 1965 with a bachelors degree in political science. After graduation, he volunteered for the Peace Corps and served as a science teacher in Liberia. "He loved his life. He was a really happy person," said Arden Peters, his daughter. "He taught everyone he knew so much. He was a remarkable friend and the best father."

For more than a quarter of a century Roger was a psychology professor at Ft. Lewis College. Roger was an enthusiastic teacher who would light his students up with excitement "Students would be infected with his enthusiasm," said Alane Brown, and associate professor of psychology. According to Byron Dare, a friend and fellow professor, Roger was the epitome of a professional and was a multi-dimensional person with numerous interests.

Roger Peters will be missed by everyone that knew him. He made an impact on his family, friends, and his students. Mr. Speaker, I would like Congress to join me honoring Roger for all he has done for students at Fort Lewis College and his family.

INTRODUCTION OF THE ACT TO LEAVE NO CHILD BEHIND

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to submit to my colleagues in the House the Act to Leave No Child Behind. Today I am joined by the gentlewoman from Connecticut, Ms. DELAURO, and the gentleman from California, Mr. STARK, in announcing its introduction.

An Act to Leave No Child Behind has ambitious but achievable goals: to eliminate child poverty, end child hunger, prepare children to enter school ready to learn, and provide children with health insurance and other vital services necessary for the successful development of America's children. Our bill is a road map for the safe and healthy development of America's children.

America must make a choice when it comes to the future of our neediest children. We must choose whether we will invest in the healthy development of our children or in the richest one percent of taxpayers in this country. We cannot do both. This bill represents a vision and a commitment toward a future where all children have a chance to succeed.

An Act to Leave No Child Behind, combines several pieces of legislation that could be acted upon separately at the appropriate time. Taken together, however, this bill moves us forward on the path where all children have quality health care, educational opportunity, quality child care and safe communities. This legislation provides every child and their parents with health insurance, lifts every child from poverty through tax credits, work supports, and a new minimum wage, and ends child hunger through the expansion of food programs. This bill makes sure every child is ready for school by fully funding quality early learning programs, and offers significant reforms for our system of public education that increases accountability, reduces classroom size, and guarantees that all children will be taught by qualified teachers in modem and safe classrooms. This legislation also addresses the issue of affordable housing and safe communities through sensible environmental protections, gun safety laws, and programs to reduce children's exposure to neglect, abuse, and violence.

I am so proud to have working with me on this legislation, my friend Senator CHRISTOPHER DODD (D–CT) and the Children's Defense Fund. Despite President Bush's use of the term, it was in fact the Children's Defense Fund that trademarked the phrase "Leave No Child Behind" in 1994. And it has been justified in using it ever since as it has waged a relentless battle to knock America's political establishment to its senses on behalf of our neediest children. This bill is the real deal—it is the real Act to Leave No Child Behind. It addresses the most important issue facing our country—the children who have been and continue to be left behind. We understand that our bill is asking for a significant commitment in federal resources to help children. But we think that is the right direction for us to take. We also strongly believe that we have the resources for this effort. And, perhaps most important, we understand that the continued neglect of the real needs of children has come at a great price and will continue to cost our society—and these children—dearly.

Mr. Speaker, I urge Members of the House to join me and co-sponsor the Act to Leave No Child Behind.

HONORING FORMER CONGRESSMAN PAUL G. ROGERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. SHAW. Mr. Speaker, I rise today to recognize former Congressman Paul G. Rogers who will be honored on June 12th by the dedication of the Paul G. Rogers Plaza at the National Institutes of Health. This occasion is a tribute to Paul's accomplishments in the fields of health and the environment.

Paul G. Rogers was elected to Congress in 1954 where he represented South Floridians living in Palm Beach and Broward Counties for twenty-four years. Paul was a well-respected Member of Congress who was known as a man of integrity. He is recognized and has been widely honored for his sponsorship of numerous pieces of legislation in the areas of health and the environment including the National Cancer Acts of 1971 and 1977 and the Clean Air and Water Act. This legislation has saved the lives of countless Americans and improved the quality of life for all Americans.

As Chairman of the House Committee on Health and the Environment, Paul used his broad knowledge and deep understanding of health and environmental issues to build a consensus of opinion in favor of Congressional action in these areas. In fact, he is often referred to as "Mr. Health." Paul was always more interested in results than in partisan politics and therefore was able to move widely supported bipartisan legislation. His accomplishments are a legacy that demonstrates what can be done in Congress if we work together for the public good. Today I have the privilege of representing parts of Paul's district and am trying to follow the trail that he blazed in these important areas.

The Paul G. Rogers Plaza at the National Institutes of Health honors this outstanding American, and my friend, Paul Rogers. I hope that the work done at this Plaza will be worthy of the name it has been given.

SOJOURNER TRUTH

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. SAWYER. Mr. Speaker, on May 29, we will celebrate the legacy of the famed abolitionist and feminist, Sojourner Truth. She was born Isabella Baumfree, as a slave. She escaped slavery and adopted the name Sojourner Truth when she began preaching across the nation.

It was in Akron, Ohio, at the Second Annual Women of Ohio Convention on May 29, 1851, that she delivered her powerful "Ain't I a Woman?" speech. It is appropriate to honor her work and her legacy on the 150th anniversary of that remarkable speech. It is especially appropriate to do so in the city where she delivered it.

A friend of mine, the late Faye H. Dambrot, a leading advocate of rights for women, equality, and justice, wrote a testimonial to Sojourner Truth and her famous speech, which I am honored to submit for the RECORD.

Born the slave Isabella Baumfree in 1797 in Ulster County, New York, this articulate woman with her commanding voice and imposing stature began her career by preaching and lecturing against slavery after the New York emancipation laws of 1827 were passed. Deeply religious and mystical, she chose the name Sojourner Truth to reflect her commitment to travel widely and spread the truth to her audiences. During her extensive journeys through the North and Midwest, she spoke of having been beaten, raped, and forcibly separated from her children and other loved ones under slavery.

In addition to her ministry and ardent abolitionism, Sojourner soon embraced the cause of women's rights, knowing well the double yoke of racism and sexism which bound black women. She worked to raise money for the North during the Civil War, helped emancipated blacks find jobs and housing in Washington, D.C., and even struggled against segregation by her insistence on riding public street cars.

She supported herself through the sale of her autobiography, My Narrative, and counted Abraham Lincoln, Lucretia Mott, Susan B. Anthony and Frederick Douglass among her friends. Sojourner Truth continued her life of struggle and agitation until ill health forced her retirement. She died near Battle Creek, Michigan on November 26, 1883.

Sojourner was not a welcome speaker at Akron's Women of Ohio Convention, many women present feared the cause of abolitionism would be detrimentally linked to the suffrage struggle and urged the chairwoman, Frances Gage, to prevent her addressing the crowd. The assembled local clergymen were swaying those present with their declarations about the natural superiority of man, Eve's "original sin," the manhood of Christ, and the deference and privilege owed to women which was being jeopardized by demands for equal rights. But Sojourner was not dissuaded as she solemnly strode forward, laid her old bonnet at her feet, and within moments had, with her eloquence, turned the adverse tide of the meeting to a victory for women's rights.

She intoned, "Well children, where there is so much racket there must be something out of kilter . . . But what's all this here talking about?

"That man over there say that women needs to be helped into carriages, and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place!"

She drew herself up to her full height, and with a voice like rolling thunder continued. "And ain't I a women? Look at me! Look at my arm! . . . I have ploughed, and planted and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain't I a woman? I have borne 13 children, and seen them most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus hear me! And ain't I a woman . . .?

"That little man in black there, he say women can't have as much rights as men, because Christ wasn't a woman! Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

"If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! . . ."

Frances Gage tells her recollection of the crowd's reaction. She says, "Amid roars of applause, she returned to her corner, leaving more than one of us with streaming eyes, and hearts beating with gratitude. She had taken us up in her strong arms and carried us safely over the slough of difficulty, turning the whole tide in our favor. I have never in my life seen anything like the magical influence that subdued the mobbish spirit of the day, and turned the sneers and jeers of an excited crowd into notes of respect and admiration. Hundreds rushed up to shake hands with her, and bid her Godspeed on her mission of testifying again concerning the wickedness of this here people."

Mr. Speaker, in standing up for her beliefs, Sojourner Truth became a role model for all Americans, not just women or people of color. Sojourner Truth was the living embodiment of the basic American tenet that each and every individual has intrinsic worth.

As historian David McCullough reminds us, history didn't have to happen the way it did. History is created by the actions of far-sighted men and women like Sojourner Truth.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Ms. SOLIS. Mr. Speaker, May is the month our nation honors Asian Pacific American Heritage. As the Representative of a very ethnically diverse community, I would like to take this opportunity to recognize those in my Congressional district who come from Asian descent.

About 11 million Americans come from Asian or Pacific Island descent. Many Asian immigrants came to this country as laborers in the agriculture and transportation industries. First enduring harsh working conditions in the earlier part of the nineteenth century, many Asian Pacific Americans have now become successful entrepreneurs, teachers, entertainers, and technological professionals. In fact, our U.S. Congress has been home to 32 elected Members of Asian ancestry since 1903.

I would like to acknowledge the achievements of a specific young woman in my district who has made a great contribution to the United States Air Force, the City of Baldwin Park, and the Filipino community. Lieutenant Venus C. Rivera is the first person from Baldwin Park with Filipino American parents to graduate from the United States Air Force Academy. This Dean's List honor student will be trained as a jet pilot upon her graduation this month. I know she will continue to serve as an inspiration to all young Asian Americans in the United States.

Asian Pacific Americans bring a richness to our culture, adding diversity in language, cuisine, religion, and art. I am proud that our country takes this month to honor the heritage of this particular group. However, the diversity of all races and cultures must be something that we remember and respect every day. This will help promote racial tolerance so future generations can build a world that benefits from the ethnic contributions of all cultures.

TRIBUTE TO WORLD WAR II VETERAN MIKE LUCERO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McINNIS. Mr. Speaker, I am extremely proud to rise today to honor a very special man—World War II Veteran Mike Lucero, a resident of Montrose, Colorado. During his time with the Armed Forces, Mike was stationed in the South Pacific. And what he didn't know is that he and his fellow soldiers were about to change the course of history. Because of what Mike did during World War II, I would like to thank him for his bravery and courage on behalf of Congress.

On December 1, 1942, at the age of 19, Mike left the small town of Cuba, New Mexico for the open water of the South Pacific. "My country needed me. I had to go," said Mike. At dawn on June 15, 1944, Coxswain Third Class Lucero maneuvered his landing craft along side the USS Livingston, where members of the 2nd Marine Division boarded his LCVP.

They were headed toward Saipan, which is the northernmost of the southern four Islands in the Marianas 3,200 miles northwest of Pearl Harbor and 1,500 miles from Manilla. Over 29,000 Japanese troops waited and guarded the narrow beaches of Saipan. Mike's job was to land Marines on the shore. "The bullets zipping into the water looked like raindrops hitting a puddle. They were striking on both sides of my boat," said the 79-year-old as he recalled the battle. "They gave us the order to land over a loud speaker and we headed for shore. There were bodies floating in the water."

Mike delivered 8,000 Marines on Saipan's beach in less than an hour. It was the beginning of one of the bloodiest fights in the Pacific. On the shore looking at all the Americans coming toward him was the man who pulled the trigger on the surprise attack on Pearl Harbor, Vice Admiral Chuichi Nagumo. After the battle, almost 29,000 Japanese had been killed. The Marines, the 27th Army Infantry and the Navy were victorious. Mr. Speaker, it is with great appreciation that I ask Congress to recognize and honor Mike Lucero for all that he did for this country in World War II. Mike was just a boy when he was thrust into battle, but his bravery and the bravery of those who fought and died for this country will forever be etched in our minds. Mr. Speaker, I proudly salute Mike for all he has done.

HONORING RICHARD A. LUOMA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Richard A. Luoma upon his retirement from the Hatboro-Horsham School District in Montgomery County, Pennsylvania after 29 years of dedicated service.

Dick graduated from Fitchburg State College where he received a Bachelor of Science degree and went on to an advanced degree from Boston University. He first taught math and science at Groton Middle School in Concord, Massachusetts and later he was promoted to Assistant Principal. Following his move to Montgomery County in 1972, Dick became the principal at Keith Valley Middle School and Loller Middle School. He was promoted to the position of Assistant to the Superintendent in charge of Curriculum and Instruction and finally Assistant Superintendent in Hatboro-Horsham.

He has been a dedicated citizen of his community as well. Dick has been a member of the Horsham Rotary for 28 years and has also served as president and secretary of that organization. He has been active in politics for the Republican Party in Towamencin Township. An avid golfer, Dick was president of the Men's Golf Association at Oak Terrace Country Club and continues to serve on the Board of Directors at the Talamore Golf and Country Club.

I am honored to recognize Richard A. Luoma and his long and productive career dedicated to our children. He has never wavered in his belief that our youth are our future.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 146, I was unavoidably detained on official business. Had I been present, I would have voted "yea".

PERSONAL EXPLANATION

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. VITTER. Mr. Speaker, due to an airline delay on Monday, May 21, 2001, I was unable to be present for rollcall vote No. 126, the vote on H. Con. Res. 56, expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day. If I were present, I would have voted "yea".

THE FEDERALIZATION OF CRIMES UNIFORM STANDARDS (FOCUS) ACT

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MANZULLO. Mr. Speaker, almost one year ago, to the day, I introduced the Federalization of Crimes Uniform Standards (FOCUS) Act. I rise today, to re-introduce that legislation.

The bill lays out what the appropriate Federal activity—response—is to an offense against the Federal Government. Under the bill, Section 6, an offense, or federal crime, is an activity with respect to which a clear need for uniform Federal law enforcement exists. This includes an activity that involves conduct of an interstate or international nature, or of such magnitude or complexity that a State acting alone cannot carry out effective law enforcement with respect to that conduct; or, that involves conduct of overriding national interest, such as interference with the exercise of constitutional rights. The criminal conduct must be an offense directly against the Federal Government, including an offense directly against an officer, employee, agency or instrumentality of the Federal Government.

The idea behind this is to set a standard definition to what constitutes a federal crime. The current method seems to be that a federal crime is whatever Congress deems it to be, without any true consideration of the constitutional issues involved. Therefore, under the current methods, political will is the only thing that keeps us from federalizing crime. Political weakness in the face of media sound bite criticisms, forces Congress to act again and again to federalize crime—even when there is nothing but rhetoric to suggest that "something must be done!" to fight crime.

Sometimes less is better. It's high time that Congress takes a serious look at the federalization of crimes in the United States. The State and Federal Courts together comprise an intertwined system for the administration of justice in the United States. The two courts systems have played different but equally significant roles in the Federal system. However, the State courts have served as the primary tribunals for trials of criminal law cases.

The Federal Courts have a more limited jurisdiction than the State Courts with respect to criminal matters because of the fundamental constitutional principle that the Federal government is a government of delegated power in which the residual power remains with the States. In criminal matters, the jurisdiction of the Federal Courts should compliment, not supplant, that of the State Courts.

The 1999 Year-End Report on the Federal Judiciary shows how its caseload has grown:

> One hundred years ago, there were 108 authorized federal judgeships in the federal judiciary, consisting of 71 district judgeships, 28 appellate judgeships, and 9 Supreme Court Justices. Today, there are over 850—including 655 district judgeships, 179 appellate judgeships and 9 Supreme Court Justices. In 1900, 13,605 cases were filed in federal district courts, and 1,093 in courts of appeals. In 1999, over 320,194 cases were filed in federal district courts, over 54, 6000 in courts of appeals, and over 1,300,000 filings were made in bankruptcy courts alone.

It is apparent that some growth of the federal court system should occur over time due to increases in population. But what also has grown substantially is the scope of federal jurisdiction. Federalization of the states criminal codes is something that politicians, especially here at the federal level, cannot seem to help but engage in from time to time. It has been over time, in response to criminal concerns nationwide, that Congress has again and again federalized crimes in the name of fighting crime and protecting the nation's populace. But, is the federalization of crime really an antidote for our nation's crime problems? Is it really proper to federalize crime so politicians can "prove" their effectiveness? These are important questions that must be asked. We all must look in the mirror and ask ourselves whether there is a sound justification for having two parallel justice systems.

Americans should not be subject to different, competing law enforcement systems, different penalties depending on which system brings them to trial, and an ever-lengthening possibility that they might be tried for the same offense more than once.

In 1999, the Senate Government Affairs Committee held hearings on the issue of "controlling the federalization of crimes that are better left to state laws and courts to handle." The hearings were held in part as a response to questions raised by Supreme Court Chief Justice William Rehnquist regarding the federalization of criminal law. The hearings also focused on the American Bar Association's Task Force on the same issue. The Task Force, which was chaired by former Attorney General Edwin Meese, concluded that in order to maintain balance in our Constitutional system of justice, there must be a "principled recognition by Congress for the long-range damage to real crime control and to the nation's structure caused by inappropriate federalization."

Some might suggest that this is a Republican's attempt to weaken the laws of the land. My reply is simply that federalization of crime does not make anyone safer. Simply adding more laws to the federal code will not necessarily help the citizenry. On the contrary, it could end up hurting those we want to help.

Consider that increased federalization has caused a significant case backlog in our federal courts. Those people with cases pending in the federal system for things other than criminal purposes are impacted. Their rights to due process for fair hearings on their issues are delayed. The rights of those who are criminal victims are often delayed, too, due to the length of time it takes at the federal level to hear a criminal case. The backlogs are real. The delays are frustrating. Justice is not being served.

Some might say, simply, let's add more money so we can get these cases to trial. Again, my response to that is: why should we have two entirely parallel systems of justice in our country? Money is not the answer. Better utilization of our constitutional system of federalism and separation of powers is a good place to begin.

Let the states work their will. The Federal Government doesn't always have the best answers. We effectively have 50 different constitutional republics that can and do serve as policy laboratories. The electorate in these states are the very same people that elect us all to Congress. They can take control of what is happening in their states and compare outcomes with 49 other state jurisdictions (not to mention the District of Columbia and the territories). With a federal system, will we ultimately move to a single federal criminal code? It would appear that way. It may not happen this year, this decade or even this century. However, over the course of time, the trend indeed is moving that way.

This bill is a common sense approach to checking the Congress' penchant for federalizing crimes. It sets guidelines for Congress, which will certainly debate crime again in the legislative branch. The standards state that no federal criminal legislation shall be enacted unless and until certain criteria are met: the legislation must center on the core functions discussed earlier; the States must be inadequately addressing the perceived need; the Federal Judiciary is able to meet the needs without restructuring and without affecting efficiency; and, the bill includes a federal law enforcement impact statement. We pass bills all the time to address certain needs. Let's put the rhetoric to a test.

The bill also sets up a Commission to Review the Federal Criminal Code. This commission will review, ascertain, evaluate, report, and recommend action to the Congress on the following matters: the Federal criminal code (Title 18) and any other federal crimes as to compliance with the standards in this Act; recommend changes, either through amendment or repeal, to the President and Congress where appropriate to the offenses set forth in said criminal code (Title 18) or otherwise; and such other related matters as the Commission deems appropriate.

Also, for each piece of legislation passed out of congressional committees of jurisdiction that modify or add to federal criminal code, the commission must submit a report to Congress. This report will be called a Federal Crimes Impact Statement that shall be included in the reports filed prior to consideration by the House and Senate.

The membership of the commission is important to consider. The bill calls for 5 appointed members—1 each from both sides of the aisle in the House and Senate, and one appointed by the Chief Justice of the United States, who shall chair the Commission. This will bring a new, and much needed, dimension to the debate. Under the bill, the commission would be charged with obtaining official data directly from any department or agency of the United States necessary for it to carry out this section—unless doing so would threaten the national security, the health or safety of any individual, or the integrity of an ongoing investigation.

Finally, the bill would subject certain legislation to a point of order—if it has not met the conditions set out in the legislation. This would provide additional time for Congress to debate the merits of legislation being considered.

In effect, this bill is about considerate and appropriate debate for federalizing crime. It will help educate Congress to make more informed decisions that impact the daily lives of all of our constituents. It will help take some of the politics out of the important issues that we face with regard to protecting people from crime.

Mr. Speaker, we need to act. The Judiciary has made subtle and not so subtle pleas for Congress to refrain from and restrain its penchant to federalize the criminal code. For example, last year in a decision concerning the Violence Against Women Act, the Chief Justice writes,

> [t]he Constitution requires a distinction between what is truly national and what is truly local, and there is no better example of the police power, which the Founders undeniably left reposed in the States and denied the central government, than the suppression of violent crime and vindication of its victims. Congress therefore may not regulate noneconomic, violent criminal conduct based solely on the conducts' aggregate effect on interstate commerce. [*U.S. v. Morrison et al. decided May 15, 2000 (Syllabus)*]

Clearly, there is a message in those words about the federalization of crime. It is time that Congress heeds it.

I look forward to working with my colleagues to move this important legislation.

TRIBUTE TO PFC BAMBI D. CHASTAIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McINNIS. Mr. Speaker, I stand before you today to ask Congress to join me in honoring the memory of one of our young soldiers. On May 15, 2001, PFC Bambi D. Chastain passed away at the age of 21. Bambi was an exemplary soldier and a wonderful daughter, sister and friend. She worked hard at her job and took great pride in being a soldier. Although her family and friends will miss her, her memory will live on in those who loved her. Bambi died while on duty in the field training. To her, duty came first.

Bambi was born August 22, 1980 in San Diego, California. She attended Central High School, where she graduated in 1999. In August of that same year she joined the United States Army. She attended the Advanced Individual Training at Fort Sam Houston, Texas. After she finished AIT, Bambi was assigned to Charlie Company, 15th Forward Support Battalion, First Cavalry Division, Fort Hood, Texas. In March of 2000 she began training for a rotation at the National Training Center as part of the Quick Reaction Force. During her time with AIT she was awarded the MOS 91B10 Combat Medic and was posthumously awarded the Good Conduct Medal and the Army Commendation Medal.

Bambi moved to Grand Junction to live with Dave and Verna Murphy, which would become her new family. Recently she visited a group of foster kids in California, to offer hope and to let them know if you join the Army you get a whole new family to love and care for you.

Mr. Speaker, PFC Bambi Chastain displayed great professionalism and selfless service while serving her country. She put herself second chair to her duty. She is a role model for everyone that knew her. For that Mr. Speaker, she deserves and has earned the thanks and praise of Congress.

A TRIBUTE TO JOHN THOMAS THORNTON, JR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BISHOP. Mr. Speaker, last July I had an opportunity to participate in a day of celebration and remembrance of the great contribution to agriculture and the economy in general made by the late John Thomas Thornton, Jr., of the community of Parrott, Georgia. If you are not familiar with the name, you are not alone. Even in the area of southwest Georgia where he lived and farmed most of his life, many people are not fully aware of his contribution, which impacts our lives even today.

J.T. Thornton invented the peanut shaker, a harvesting device that came into common use in the 1940's. His invention revolutionized the peanut industry. By making the harvesting process faster and more efficient, the peanut shaker contributed greatly to the economic growth of our area of Georgia and, in fact, to the country at large.

Mr. Thornton spent some 40 years developing and perfecting his invention. It was a magnificent achievement. The history of this achievement was beautifully presented in an essay written by a student from Parrott, Bonnie West, who won high honors when she entered the paper in the National History Day competition. Her accomplishment helped revive community interest in Mr. Thornton's invention, which he called the "Victory Peanut Harvester."

The people of Parrott, including members of the Thornton family, are establishing a museum on the invention of the peanut shaker, and sponsored the day of celebration that included a parade and a number of other events. It was an exciting and enjoyable day, and it helped bring wider recognition of what this native southwest Georgian achieved.

Although farmers did not have any more spare time back then than they do today, J.T.

Thornton somehow found the time to apply his practical knowledge of farming, and his extraordinary grasp of engineering and mechanics, to overcome all of the difficulties he must have encountered until he produced something that raised the quality of life for countless Americans. This is a story we are proud of in southwest Georgia, and that can inspire other Americans, especially our young people. Mr. Speaker, it is, therefore, a story I want to share with our colleagues in Congress.

IN MEMORY OF DENIS NICKEL

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the achievements of Denis Gene Nickel, a man who led a life that we can all admire and emulate. Denis devoted his life to improving the world we live in, and he realized incredible success in his efforts to save our nation's natural resources for future generations. He has left us with a legacy that demonstrates the power of partnerships and stewardship of our natural resources.

Denis gave thirty-four years of dedicated service to the Natural Resource Conservation Service. As an Area Conservationist in Santa Rosa, Denis worked extensively in the North Coast counties that I represent. His leadership in forming a coalition of local, private, state and federal agencies to manage the Mendocino County Tomki Watershed was invaluable in garnering support for such an incredibly important project in the 1st District of California.

In addition, Denis provided tremendous assistance and guidance to those involved in the viticulture industry in Napa and Sonoma counties. He was a pioneer in promoting local stewardship in the development of hillside erosion control methods—these methods are the bedrock of the methods currently used by viticulturists around the nation. The personal integrity that Denis showed in his daily work facilitated building a durable consensus of stakeholders in our nation's natural resources.

Denis was the consummate family man who enjoyed spending his time with a large extended family. He was married to his high school sweetheart, Sandi, for thirty-five years, and he was immensely proud of his three children, Wendy, Warren, and Amy.

His smile and good-natured sense of humor that his family and friends knew so well helped him to establish trusted relationships while working towards the admirable goal of sustaining America's vital resources. Denis worked not only for the benefit of the people of my district, but he has also been recognized across the country for his tremendous contributions, including his term as State Conservationist for the Natural Resources Conservation Service in Rhode Island.

Mr. Speaker, thank you for the opportunity to honor the many invaluable contributions Denis Nickel made to my district and the entire nation. We would be fortunate to have more people of Denis's integrity working towards sustaining our natural resources for future generations.

LEGISLATION TO IMPROVE TRADE RELATIONS IN THE AUTOMOTIVE SECTOR BETWEEN KOREA AND THE U.S.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. KILDEE. Mr. Speaker, as co-chair of the House Auto Caucus with Congressman FRED UPTON, I am introducing on our behalf a concurrent resolution to express this Congress' support for improved trade relations in the automotive sector between Korea and the United States. A companion concurrent resolution is being introduced by the Senate Auto Caucus co-chairs, Senator CARL LEVIN and Senator GEORGE VOINOVICH.

For too long, Korea has kept its market closed to United States automobiles and auto parts. This must change.

Up until 1990, Korea maintained a completely closed market, and it was not until 1999, in the midst of economic crisis, that it opened its market to all manufacturers. However, it has made every effort to continue to restrict foreign motor vehicles. This is best exemplified by the facts. In the year 2000, a total of 1,057,620 motor vehicles were sold in the Republic of Korea, but only 4414 were imported and only 1268 were made in the United States. As a result, American motor vehicles represented a pathetic 0.12 percent of all motor vehicle sales in Korea.

Anticompetitive activities in Korea must stop. Threats of income tax audits on Koreans who purchase foreign automobiles must cease. Underhanded trade barriers must be lowered. Passage of this concurrent resolution will send a clear message to Korea that things must change.

I encourage all of my colleagues to support this effort to ensure fair trade and an open market for American motor vehicles in Korea. I look forward to working with colleagues to ensure its passage.

A TRIBUTE TO MR. JEFFERSON STEPHENS, JR.

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. SCHIFF. Mr. Speaker, I rise today to honor Mr. Jefferson Stephens, Jr., who is retiring after more than twenty years as Headmaster of the Chandler School in Pasadena, California. On June 16th, the school will celebrate Mr. Stephens' career and the impact he has had on the lives of so many.

The Chandler School was founded with a vision to provide young students with innovative, inspired academic programs taught by caring, dedicated faculty and staff. Under Mr. Stephens' guidance, the Chandler School treats each child as an individual and strives to create an environment in which children develop self-esteem and self-discipline, as well as respect for their fellow students. As headmaster, Mr. Stephens, has expected high standards of behavior, courtesy, and academic performance from each child who has come to his school, and has fostered a scholastic atmosphere that encourages curiosity and creativity.

In addition to serving the academic community, Mr. Stephens has served as an associate pastor for the St. George's Episcopal Church. He has also participated in a wide range of civic duties, by assisting as a member of the Tournament of Roses Association and serving on the board of directors for a community housing project.

Our community gives heartfelt thanks to Mr. Stephens for his lifelong commitment to education and his ongoing dedication to public service. He is an asset to our community, and I want to thank Mr. Stephens for his years of hard work and selfless dedication and congratulate him on a well-deserved retirement.

THE WATER ENHANCEMENT SECURITY ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. CONDIT. Mr. Speaker, I join with Mr. CALVERT today in introducing the "Water Enhancement Security Act". This bill is the culmination of almost one decade of work by the Congress and the state Legislature, federal and state agencies and the California business community, agricultural and urban water districts and environmental groups.

For years, the water system in California seems to have been "broken"—our main water system, the Sacramento-San Joaquin River Delta and San Francisco Bay has been in a state of crisis due to conflicts between environmental protection, water use and water quality. In a state where we seem to either feast on water or famine without water, the drought of 1987–92 demonstrated just how vulnerable California is to water shortages, and the flood of 1997 demonstrated how vulnerable we are to the effects of flooding. Frequent conflicts between water quality, fish protection and water supply magnify the problem and demonstrate just how little "give" there is in our current system. With the state's population expected to grow from 34 million today to 59 million in 2040, the need to conserve, to better manage our existing supplies and to attain greater storage capacity is critical.

Despite the years of recognition by most Californians as to the need to attain these goals, no major achievement in our water policy had taken place since the 1960s, when, under Governor Pat Brown's leadership, the State Water Project was conceived. That was, however, until CalFed was formed in 1994.

In response to the water conflicts and the feast or famine predicament that we were under, the state and federal Administrations began talks, known as "CalFed". Over a period of years, 18 state and federal agencies have conducted hundreds of meetings, public hearings and negotiations with stakeholders regarding ways to better manage the Sacramento-San Joaquin River Delta for those who depend upon it, as well as ways to restore the Bay-Delta's ecosystem. It seemed that there was everything to loose and everything to be gained.—as the hub of California's water supply, the Sacramento-San Joaquin River Delta is an important natural ecosystem that is the source of water for over 22 million Californians and for irrigation for the Central Valley, which produces 45 percent of US fruits and vegetables.

Last year, I worked closely with California Governor Gray Davis and then Secretary of the Interior, Bruce Babbitt on a package that would move the CalFed program forward. Then, in June, 2000, Governor Davis and Secretary of Interior Babbitt announced a historic blueprint—the CalFed Framework for Action, followed by the Record of Decision in July, 2000. The legislation being introduced today is the crucial next step for the program. It authorizes the CalFed program to move forward, and expands this blueprint to other regions of the state.

Balance is the cornerstone of this bill. This bill ensures a long-lasting balanced program with the visionary and innovative approach of linking progress on water supply and water quality with progress to the environment, and with linking environmental progress to improvements in water supply and water quality. This theme of balance is echoed throughout the bill—there is balance in the structure for governance, balance in ecosystem/non-ecosystem programming, balance among the various regions of the state and balance in funding.

The bill is comprehensive and action-oriented. This bill provides real, tangible improvements for the environment, water quality and water supply throughout California. It commits to desperately needed additional surface and groundwater storage by authorizing water supply, water quality and flood control infrastructure improvements for a system that hasn't seen any major improvements in over 30 years. It contains short-term water supply improvements for water users that rely upon Delta exports and that have been disproportionately impacted by federal regulatory requirements. It expands environmental restoration projects in wetlands, the Sacramento-San Joaquin River Bay Delta estuary, and rivers and streams. It expands and funds state-of-the art water recycling and conservation programs throughout California. Each of these program elements is essential to improving the reliability and quality of California's water supply.

We are at a crossroad in California, as well as in most other regions of the country. For decades, we have benefited from the foresight of our predecessors—in their vision of what infrastructure would be necessary to meet our energy needs, our water needs, our transportation needs, our educational needs. I believe that it's time for us to exercise that same leadership, that same vision. I believe that it is time to prepare our generation and the generations that will follow us for the future. In meeting these needs, I believe that we can benefit from the things that we have learned over the last several decades about how to better protect the environment and about how to better conserve, while at the same time, providing for greater economic progress. This bill charts a course for attaining that vision.

I want to thank Mr. CALVERT for his leadership and efforts. I know that he and his staff have worked tirelessly to craft a fair and balanced program. I am committed, and I know that Mr. CALVERT is committed as well, to continue to work with Senator FEINSTEIN on her bill, and with the state and federal agencies and Administrations, and with all stakeholders on refinements to the bill to ensure that its potential benefits are met.

INTERVIEW WITH UKRAINIAN PRESIDENT LEONID KUCHMA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. ENGEL. Mr. Speaker, I rise to call to the attention of my colleagues a recent interview with Ukrainian President Leonid Kuchma which appeared in The International Jerusalem Post on May 11, 2001. This important interview discusses a wide range of matters from Ukraine's cooperation with NATO to its relations with Israel to its current state of economic development. The interview also provides President Kuchma an opportunity to respond to some of the criticism recently leveled against him.

I ask that the article be printed at this point in the CONGRESSIONAL RECORD.

[From the International Jerusalem Post, May 11, 2001]

THE VIEW FROM KIEV

UKRAINIAN PRESIDENT LEONID KUCHMA TALKS ABOUT HIS COUNTRY'S RELATIONSHIP WITH ISRAEL, THE SOMETIMES TROUBLED PAST OF ITS JEWISH COMMUNITY, AND ITS POLITICAL AND ECONOMIC FUTURE

(By Thomas A. Rose)

Mr. President, thank you for agreeing to share your thoughts with our readers. Your administration has come under increasing criticism from opponents who accuse your government of everything from failing to implement meaningful economic reform to suppressing press freedoms and even to charges that you were personally involved in the death of a prominent journalist. As a result, many in the West, particularly the United States, have started to question your country's political stability. How would you respond to these charges and concerns?

Politically, Ukraine is both stable and predictable. Industrial production is up, financial markets are improved, our agricultural sector is showing great promise, and we are beginning to see real progress in our effort to redress social contradictions.

Governmental bodies and the local authorities are functioning normally.

The world must know of the tremendous progress we have made and of the tremendous progress we will make. Our state is only 10 years old. In that short time, we have developed a functioning democracy, a free press, an independent financial system, and have become the first nation in history to voluntarily renounce and destroy its nuclear weapons' capability. These are not small accomplishments.

Regarding the attacks against me personally, I would call it more of an aggravation than a crisis. It is the demonstration and consequence of the situational uniting and stirring up of different forces and particular persons—political outsiders if you will—who are out for revenge and the redistribution of power through unconstitutional means.

Unfortunately, all the attention their outlandish charges are gaining in the West has emboldened them to think that they can threaten even the most considerable achievements of our Ukrainian nation, which are independence and sovereignty. Their ambition is to gain power for themselves. Yet, as you would say, the proof is in the pudding.

Domestically, which with all due respect, is the political realm to which I am responsible, these people cannot find support.

As to the so called "demonstrations" which have been well reported in the West, a few thousand paid participants in these protests do not have the key role and do not determine the general frames of mind of the Ukrainian people. In fact, things in this regard seem to have peaked on March 9. This has no doubt frightened the agitators, which is the very reason why they are trying to internationalize their cause.

However, I would be insincere if I do not say that artificial, purposeful, and excess politicization does not weaken our country and its ability to tackle the huge social and economic problems we face.

My office shall never submit to the influence of such provocations and shall not strengthen these pseudo-oppositionists.

Mr. President, the question of NATO membership for your country continues to be a point of friction between NATO, the Russian Federation, and Ukraine. It seems as though your administration has decided to back off from this initiative, at least for now. Does this mean that your country is more interested in improved relations with the Russian Federation, perhaps at the expense of the West?

I strongly object to the way you have raised this question.

Ukraine has always been consistent in its interest in cooperating with NATO. The beginning of the relations' development between Ukraine and the Atlantic alliance was made right after our country achieved its independence. Let me remind you that I signed the charter on special partnerships between Ukraine and NATO in 1997.

Cooperation between Ukraine and NATO has been progressing and covers a wide range of military and defense industries. One of the key elements of the cooperation remains our participation in the joint Ukrainian-Polish battalion and Ukrainian helicopter platoons are acting now within the contingent of peacemaking forces in Kosovo.

Speaking of the possibility of membership of Ukraine in the NATO alliance, my more direct answer to your question is that while we are increasing our cooperation with elements of NATO and the alliance, we are not ready to consider membership yet. Unilateral political announcements about our interest or readiness for implementation would be premature and harmful to the alliance and my country.

We are not reorienting our political outlook as you tried to suggest.

Ukraine looks forward to integrating itself in the European direction as a strategic option, while at the same time maintaining good relations with all our neighboring countries, including those in the East.

You have enjoyed notably good relations with all five of the Israeli prime ministers with whom you have worked. Knowing the troubled history of Ukrainian-Jewish relations, do you view this association as an attempt at national reconciliation or rather as a national strategic interest? In your view, is it necessary for Ukraine to actively pursue reconciliation with Israel and/or the Jewish people?

I am very proud of the excellent relations between our two great countries and my good relations with all of your elected leaders. I had a particularly close relationship with Ytzhak Rabin and I considered it a great honor to attend his funeral.

Earlier this year already I was delighted to receive the president of the State of Israel, Moshe Katsav, who has become my sincere friend. I am confident that President Katsav's visit will result in new understandings between our peoples.

Regarding you new prime minister, I am convinced that the heritage of this great son of the State of Israel will do all he can to help to lead the Middle East region to the peace and stability. Ariel Sharon is known in Ukraine as a experienced statesman and military leader, and as a wise person. He is very highly regarded. I hope that the policy of his government will continue on its path of working to achieve the goal sought by the Jewish people for countless generations—a prosperous, secure, and stable Jewish state at peace with its neighbors.

In my letter of congratulation to then prime minister-elect Sharon I reaffirmed the readiness of Ukraine to follow our two countries' recent tradition of excellent bilateral relations and close cooperation.

Currently, the scope of our cooperation with Israel is quite extensive. I look forward to working with Prime Minister Sharon to even further expand our already expansive commercial relations.

Let's not forget the fact that nearly 400,000 of the roughly one million recent immigrants to Israel from the republics of the former Soviet Union are from Ukraine. This alone is reason for a special relationship between our countries. That so many of our former countrymen have decided to make Israel their new home makes our concern about the political situation in your region more acute. Terrorism and violence that create distrust and hostility are especially dangerous and inadmissible. It is a dead end. I said as much in my recent message to Chairman Arafat, imploring him to do all in his power to curb violent demonstrations and to resume his fight against extremist organizations.

At the request of President Katsav, I have instructed our Foreign Affairs Ministry to take all possible measures to help win the release of the Israeli servicemen kidnapped by Hizbullah.

Our country also recognizes the right of the Palestinian people to an independent state of their own. Yet we believe that his nation can only come into being as a result of negotiations.

Your previous answer would likely come as a surprise to many of our readers. The extent of your country's relationship with Israel, its support for Israel, its commitment to the peace process, these things are largely unknown. Why do you suppose that is? Do you think it may have something to do with the troubled history of our people?

Well, you are probably in a better position to answer that than I am.

Another point to make regards our recent decision, as president of the United Nations Security Council. Our delegation did not support the resolution, subsequently vetoed by the United States, which would have mandated an international "peacekeeping" force for deployment in Palestinian areas. We did not believe such a step was wise or helpful.

To the contrary. Recent events have only reinforced the fact that peace can only be achieved by the parties themselves. Solutions cannot be imposed upon them. But Ukraine also recognizes and supports the need to give great weight to the positions expressed by the international community.

After independence, .the priority for Ukraine was to consolidate its authority and international recognition and obtain the attributes of statehood. Generally we succeeded. Most important in our view was developing good working relations with the United States and the European Union. This took more effort than that required to establish relations with our eastern neighbors since we have lived and worked with them for centuries. This wasn't the case with Western countries.

This year marks the 60th anniversary of Nazi invasion of Ukraine, then part of the Soviet Union, and the destruction of nearly one million Ukrainian Jews. More than 100,000 of those Jews were murdered not five miles from here at a place called Babi Yar. As this awful date approaches what commemorative events are planned in Ukraine?

Yes, Kiev is the sight of one of the most tragic crimes in the whole history of man. Compounding the enormity of the crime was an attempt on the part of the Soviet authorities who ruled Ukraine until our independence to conceal what really happened here. Early last year, I authorized the establishment of the "Days of Memory of the Victims of Babi Yar for the year 2001."

For the 60th anniversary of the tragedy we will be dedicating an edition of The Holocaust Encyclopedia, a book of memories and an album. Under the same perspective the opening performances for the plays of the leading theaters of the country, and the series of TV and radio programs are in their final preparations. We will be publishing speeches of famous writers, cultural and art workers, scientists, and war veterans.

I would like to repeat one more time: We consider it a sacred obligation to respect the memory of the Jewish victims who perished.

Economic development is key to Ukraine's admission to the European Union. However, as you have mentioned, your country is not yet able to attract the amount of foreign investment you say you need. What industries or specific projects are you trying to promote as significant sources of Western capital and/or management? Perhaps, more importantly from the investors' point of view, what kinds of protections can you offer them? What guarantees can you provide regarding legal procedures? What about nationalizations? How can an investor be sure the economic landscape can't or won't change radically?

While not as fast as we would like our economy is still growing. Our high GDP and industrial production growth rates in the last year and in the first months of this year should reassure everyone. They have been very impressive, particularly when contrasted with the Western slowdown.

Increasing foreign investment is critical to our development plans. Our estimates are for investment inflows of at least $30 billion.

To help facilitate this necessary migration of capital, Ukraine is implementing the largest-ever privatization processes in the spheres of power, engineering, communications, and agriculture. this gives our international partners, including those from Israel, wonderful and exciting opportunities. I will dare say that Ukraine is one of the most exciting and opportunity-rich markets on earth.

We have developed special economic zones of priority development with reduced regulatory and tax regimens. The total area of these zones makes up more that 10 percent of our country's territory. Here, investors are granted special tax advantages, including discounts for value added tax, income duties, and other levies. These zones already host more than 400 projects financed by foreign investors. But this is just the beginning.

Opportunities extend to woodworking, pulp and paper, engineering, metalworking, fuels and chemicals, oil and gas, transportation, metallurgy; construction, shipbuilding; the list is quite literally endless. but having said all this, there is one area that calls for special attention and that is agriculture. Owing to the intensive market reforms, almost all our collective and Soviet farms have been restructured into private market businesses.

Our national tax burden has been dramatically reduced to the point where it is now roughly one-fifth of the tax burden found in an OECD country. If these are not competitive advantages, then I don't know what are.

As for your question about nationalization, let me say that foreign investors in Ukraine are as well protected here as anywhere in Eastern Europe. We have binding bilateral agreements to this effect with more than 50 countries, including Israel. Our national legislature includes guarantees on the inviolability of rights and parity conditions of national and foreign investors. In particular, even if some changes are introduced into the present legislation in the course of 10 years, guarantees that were in effect before will be used upon request of the foreign investor. Foreign capital in Ukraine is not subject to nationalization. Furthermore, foreign investors actually have the right to obtain compensation from the state in the event state actions result in financial losses.

For media companies like ours that may consider entering your market, what assurances can you provide regarding press freedom in Ukraine?

The economic advantage I described before are as applicable to foreign media investors as they are to foreign construction engineers.

Today we have more than 10,000 periodicals of all shapes, sizes, and opinions published in Ukraine. Our constitution elevates ideological diversity, forbids censorship, and guarantees free speech and association rights to every citizen.

But you must remember, we are a new country and a new democracy. This actually means we need more help than other, more developed democracies.

When we are talking about press freedom, it is critical to remember that independent publications belong to people and/or companies, some of whom express themselves through clannish, corporate, or private interests and ambitions, which doesn't necessarily benefit anyone other than themselves.

The President's Decree states that a newspaper can only be closed by the person who owns it, founded it, or if our judicial system deems it has broken the law. In other words, in our country, just like yours, we do have laws and we demand that all citizens, private and corporate, adhere to them. Any person or company who obeys the law and pays his taxes has nothing to worry about.

2001 CONGRESSIONAL CLASSROOM

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. MILLER of Florida. Mr. Speaker, I would like to take a minute to recognize the students of the 2001 Congressional Classroom from my district in Florida. One student from the junior class of each of the participating high schools in my district was selected competitively to participate in the program here in Washington, DC.

Throughout the week, the students had the opportunity to meet with several of my fellow colleagues in the House of Representatives, as well as Florida Senators BOB GRAHAM and BILL NELSON, and Justice Antonin Scalia of the United States Supreme Court. The students also had the opportunity to meet with Dan Goldin, Director of NASA; Elaine Chao, Secretary of Labor; and Dr. Francis Collins, Director of the Human Genome Institute at the National Institutes of Health. The Congressional Classroom program also included an important trip through history with a visit to the National Holocaust Museum.

The Congressional Classroom program is a superb opportunity for young people to learn more about the United States Government, and provides them with a first hand account of the persons and institutions that comprise our government. It is always an honor and a pleasure to share this experience with young people, as it is a learning experience for the students as well as myself. Keeping in touch with the issues that affect the future generations of this nation is crucial to maintaining the spirit and effectiveness of our government.

I would like to thank the teachers, parents, staff, and all of my distinguished colleagues who so generously donated their time and effort to make this program a success. I wish the best of luck to all the students who participated, and that they can continue to have a powerful and positive influence on their communities and the world.

Finally, I would like to congratulate the participants of the 2001 Congressional Classroom:

Will Butler, Saint Stephens School; Brad Chase, Pine View High School; Lisamaris Countinho, Cardinal Mooney, Phil Crouse, Out of Door Academy; Griff Dalrymple, Bayshore High School; Emme Edwards, Palmetto High School; Jim Ganey, Bradenton Academy; Matt Hipps, Lemon Bay; Rebecca Janiak, Port Charlotte High School; Caitlyn Miller, Sarasota High School; Meghan Mills, Riverview High School; Ashley Palmer, Manatee High School; Marc Phillips, Bradenton Christian; Nick Richmond, Southeast High School; Anna Rule, Booker High School; Matt Rzepa, Lakewood Ranch; Nick Sadulski, Venice High School.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Ms. BERKLEY. Mr. Speaker, due to inclement weather, my flight was late which is why I missed rollcall votes No. 126 and No. 127. Had I been present, I would have voted "yea" on No. 126 and "yea" on No. 127.

U.S. DISPLACEMENT FROM THE U.N. HUMAN RIGHTS COMMISSION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. DREIER. Mr. Speaker, I am pleased to take this opportunity to introduce into the RECORD, the following statement to the Canadian Senate by the Honorable Jerry S. Grafstein, Q.C. regarding the United States' displacement from the U.N. Human Rights Commission. Senator Grafstein cochaired the 42nd meeting of the U.S.-Canada Interparliamentary Group held last weekend.

Senator Grafstein's remarks address the important role the United States has played over the last century in the evolution of international rule of law and leadership in projecting a human rights agenda around the world. I hope that my colleagues will take to heart the encouraging comments of Senator Grafstein.

Hon. Jerahmiel S. Grafstein: Honourable Senators, next week Parliament is co-hosting the forty-second annual meeting of the Canada-U.S. Interparliamentary Group in Western Canada. As Canadian co-chair, I have pondered the role of the United States with respect to Canada. Yet who can fail to consider the United States' paramount role in the evolution of international rule of law and American leadership in projecting a human rights agenda around the globe in the last century? Therefore, it came as no small shock when we discovered two weeks ago that the European bloc, led by France, and the Asian bloc, led by China, were successful in displacing the United States as a sitting member of the UN Commission on Human Rights for the first time since its creation in 1947.

Honourable senators may recall that it was due to the efforts of Eleanor Roosevelt that this commission was first established. Now, instead of the United States, we have France, Sweden and Austria representing the North American and European bloc. Other nations, those exemplars of human rights nations, include Algeria, China, Saudi Arabia, Uganda, Armenia, Pakistan, Syria and Vietnam.

It is regrettable that the staunchest promoter of human rights around the globe has been displaced, not because of its failure to promote a human rights agenda but, rather, primarily because it has forced the international community to confront human rights in a way that no other region, block or nation has been prepared to project so singularly and so consistently. Only the United States publishes annually a region-by-region analysis of nations that fall below international human rights norms.

Honourable senators, may I recommend that you read a very short book entitled On The Law of Nations by former U.S. Senator Daniel Moynihan. It gives an extraordinary account of the role that international law has played in the foreign policy of the United States. It is a primer for all those who are interested in the rule of law in international relations.

Returning to the exclusion of the United States from the United Nations Human Rights Commission, I can best sum up by quoting these words from another antique senator that express for me the current situation: O tempora! O mores!

TRIBUTE TO JAMES F. HETTINGER FOR HIS SERVICE TO THE CITIZENS OF GREATER BATTLE CREEK

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Mr. James Hettinger for over 20 years of dedicated service to the citizens of greater Battle Creek, MI.

Today, Thursday, May 24, 2001, the citizens of Battle Creek, MI will gather to pay tribute to a man who's efforts over the past twenty-three years led to the formation and expansion of one of the nation's premier industrial parks, and the economic rebirth of a community.

As Chief Executive Officer of Battle Creek Unlimited, the marketing and economic development arm of the City of Battle Creek, Jim has served as an excellent ambassador for the community, touting the positive attributes of locating facilities in the Cereal City to businesses around the world. To date, his efforts have led to the decision by approximately two dozen international companies to locate in the Fort Custer Industrial Park, resulting in over 3,000 jobs.

Jim has forged cooperative agreements with surrounding communities in an effort to spur economic growth beyond the boundaries of the city. He has been a driving force behind countless critical projects in the area including: the establishment of an inland U.S. Customs Port of Entry and Foreign Trade Zone 43; the retention of hundreds of jobs at the Battle Creek Federal Center; the relocation of the Western Michigan University College of Aviation to Battle Creek, and most recently, the forging of an innovative e-learning agreement with the Canadian province of New Brunswick.

Jim is among the most highly regarded economic development professionals in the country. And with good reason. He holds a Ph.D in Public Administration and Comparative Government and serves as an Adjunct Professor at Western Michigan University. He has published fifteen articles dealing with local government and economic development as well as a book on economic development and Japanese manufacturing investment. His work has been cited in numerous national publications including The Wall Street Journal, Business Week, The New York Times and USA Today. He is a past recipient of the MI Economic Developer of the Year award and the Kiwanis International Person of the Year award, as well as being named to the Oxford Elite Registry of Extraordinary Professionals.

I am honored to recognize Jim Hettinger for his tremendous dedication both to his profession and to his community, and join with the citizens of Battle Creek in congratulating him on this special day.

SENATE—*Friday, May 25, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Paul Lavin, of St. Joseph's Catholic Church, Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

In the book of the prophet Amos, the Lord tells us:

I hate and despise your feasts,
I want none of your burnt offerings.
Let me have no more of the din of your chanting,
No more of your strumming on harps.
But let justice flow like water,
And integrity like an unfailing stream.

Let us pray.

Lord God, we praise You and bless You for the many gifts You have given to the United States, and for the gifts You have given to the men and women who serve in the Senate. Let our feasts be to come to the aid of the poor and the oppressed. Let our song be to practice justice, and let our sacrifice be the offering of a humble and contrite heart. Then, when our lips sing Your praise, You will listen to our song. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 10 minutes.

Under the previous order, there will now be 30 minutes under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

STEEL REVITALIZATION ACT

Mr. WELLSTONE. Mr. President, I rise to speak in support of the Steel Revitalization Act of 2001. This is the companion measure to H.R. 808 which, as of this moment, has 189 cosponsors in the House of Representatives. The measure represents a comprehensive approach to a serious crisis which is facing our domestic iron ore and steel industry.

Several of the provisions contained in this act are ones that my colleagues in the bipartisan Steel Caucus have introduced in the Senate. I particularly thank Senators ROCKEFELLER and SPECTER for their work in cochairing this caucus, and Senator BYRD for his unflinching support of the entire steel industry and his creative efforts on behalf of the industry's working families. A special thank you to Senator ROCKEFELLER, who has been absolutely the leader on this issue.

The Steel Revitalization Act includes the following components:

First, there is import relief. We go back to a 5-year period of quantitative restrictions on the import of iron ore. We go back prior to the import surge in 1997. We go to a 3-year average. That is where we hold the line. Between February and March, 2001, there was a 40-percent surge in the import of steel or semifinished steel, way under the cost of production, constituting unfair trade and putting people out of work.

Second, there is creation of a steelworker retiree health care fund which is administered by the steelworker retiree health care board at the Department of Labor. This fund would be underwritten through a 1.5-percent surcharge on the sale of all steel products in the United States, both imported and domestic.

One of the awful things about what is going on is many of the retirees worked their whole life, thought they had health care coverage, and are terrified they will not have the health care coverage. A 70-year-old struggling with cancer now is worried there will be no health care coverage.

Third, we have the enhancement of the current Steel Loan Guarantee Program which provides the steel companies greater access to funds needed to invest in capital improvements to take advantage of the latest technological advancements.

Finally, we have the creation of a $500 million grant program at the Department of Commerce to help defray the costs of environmental mitigation and the restructuring as a result of consolidation—again, assuming these companies make a commitment to invest in our country; again, assuming these companies make a commitment to the workers.

I think all Senators can appreciate this legislation. The Iron Range of Minnesota, and if you think of our sister State of Michigan, this is a part of the United States of America with a proud history of providing key raw materials to the producers of steel for well over a century. In these taconite mines are some of the hardest working people you ever want to meet. LTV has closed down in Hoyt Lakes; 1,400 miners lost their work. They are steelworkers, but they work in the mines. These were good, middle-class jobs. It is not just these workers who have lost their jobs; it has the ripple effect on all the small businesses, all the subcontractors, all the suppliers—all the families.

I am in schools all the time. There is such pain, such concern about the future of these families and concern for the future of their children. From my point of view, and I know I speak for Senator DAYTON, there is probably not a more important piece of legislation to introduce.

The introduction of a piece of legislation is not symbolic politics. It does not mean it passes. We have a lot of work cut out for us, but I will say to my colleague from Virginia, I thank publicly on the floor of the Senate—I certainly have called her—Secretary of Labor Chao. We are, again, in a situation right now where there is a lot of economic pain, a lot of economic desperation. The Secretary of Labor has provided the workers up there with at least some relief, which was extremely important. We were so hopeful we could get trade adjustment assistance benefits. The Secretary of Labor granted us an additional year, above and beyond unemployment benefits that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

workers receive through the State of Minnesota.

It is additional money for job relocation. For workers and their families to get that trade adjustment assistance is a lifeline. It gives them more time. It gives them an opportunity to think about what ladder there is for career development. It gives them some financial assistance for their families. I have told Secretary Chao—I don't know if I will get her in trouble with the administration by being so glowing about what I have to say about her—I so appreciate it and so do the people in the State of Minnesota. I want to publicly thank her.

I also want to say we are now waiting, of course, for the administration on a decision—Secretary Evans will make a decision soon—as to whether or not we will be taking some trade action to really make sure we have a future for this industry. The next big decision is going to be in mid-June about whether or not the taconite workers on the Iron Range in Minnesota are going to have a future. This industry will not survive if it is continually faced with unfair trade practices, if it continues to face this import surge of slab or finished steel. Our taconite workers on the Iron Range of Minnesota ask nothing more than to have a level playing field. We wait for a decision mid-June.

I think steelworkers and industrial workers all across the country—and I think they will have a lot of allies—will in a strong voice say you have to take some action. For the Iron Range in Minnesota, northeast Minnesota, time is not neutral. Time moves on. It is extremely important, above and beyond this lifeline assistance, that we get serious about a fair trade policy so these workers and their families have a future.

There is companion legislation in the House. Very important work has been done by Senator ROCKEFELLER and Senator SPECTER. I think we can get some strong bipartisan support, but it is not going to be enough to just introduce a bill. We will need action from the administration and we will need legislative action if there is to be a future for this extremely important industry—which, by the way, I think is essential to our national security.

This legislation is legislation near and dear to my heart because it is so connected to the lives and people I truly love, that is to say the steelworkers and their families on the Iron Range of the State of Minnesota.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I ask consent to speak in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

OUR TRADE DEFICIT

Mr. DORGAN. I want to speak this morning about international trade and our growing and troubling trade deficit. In March, the merchandise trade deficit surprised economists, jumping to $37.6 billion in that month alone. That is the latest month for which we have data. In March imports into this country increased to $101 billion, while American exports decreased to $64 billion.

This is a very serious problem. The trade deficit continues to balloon. We had a $450 billion merchandise trade deficit last year and it continues to grow and grow. It increases our indebtedness in this country. Unlike a budget deficit, about which economists over strong coffee can make the point that we owe to ourselves, you cannot make the point that our trade deficit is owed to ourselves. It is owed to others outside this country and will be and must be repaid one day with a lower cost of living in this country. We must get a handle on this exploding trade deficit.

Let me speak to one portion of the trade issue. We are about to see the administration take a step that I vigorously oppose. I am going to offer a piece of legislation today on behalf of myself and my colleague from Nevada, Senator REID, that deals with the issue of Mexican trucks entering this country under the provisions of NAFTA, the North American Free Trade Agreement.

What is the issue? We signed a free trade pact with the country of Mexico. It has not turned out very well, as a matter of fact. We had a trade surplus with Mexico when we signed the trade pact. Now we have a $24 billion trade deficit with Mexico. So we went from a surplus to a very large and exploding deficit with Mexico.

But one aspect of the trade pact with Mexico is the question of movement of goods and individuals back and forth across the boarder and especially the question of Mexican trucks coming into this country. President Clinton, I believe in violation of NAFTA, prescribed a 20-mile zone in which Mexican trucks could haul goods into this country for trade purposes. But they could not go beyond that zone. This administration is about to lift that and provide unrestricted access into this country for Mexican trucks. My legislation will say that is not possible, we will not allow that to happen until and unless the Administration implements certain safeguards to protect those who use America's highways.

Let me describe why this is important. Do you want to drive down a highway in this country and drive next to a Mexican truck that is pulling double the load we allow pulled in this country behind our trucks, driven by a driver who is making less than the minimum wage in this country—on average, incidentally, of $7- to $10-a-day salary for that Mexican truck driver; a truck that has not been inspected in most cases, if inspected, not inspected to the same standards to which we inspect trucks in this country?

This is a circumstance where the Mexican trucks are determined to be unsafe at the border crossings at which the trucks are inspected. In many cases, 40 percent are turned back because they are unsafe, do not meet standards. Is that what we want to have on American highways? I don't think so.

This is what has happened. Mexico threatened, under NAFTA, to sue the U.S. for billions of dollars per year in compensation if the U.S. did not lift this longstanding control on allowing Mexican commercial truckers to operate within the United States. President Bush has agreed to allow them to operate in the United States beyond the limit, even though the Department of Transportation says it cannot certify the safety of any, except a tiny fraction, of the Mexican trucks that enter this country.

This month, in fact, the Department of Transportation's own inspector general concluded that the Department of Transportation's enforcement program cannot reasonably assure the American people of the safety of Mexican trucks entering this country.

Barely 1 percent of the 3.7 million Mexican trucks that enter into the United States are inspected. Of those inspected, 36 percent are declared out of service for serious safety violations. At the border crossing in El Paso, TX, there are 1,300 trucks that come across every single day. One inspector is on duty—one—and he or she can inspect about 10 to 14 trucks a day. Most inspectors work only during daylight hours, leaving crossings with no inspectors at all during much of the day.

Now Mexico still lags far behind the United States when it comes to truck safety. They do not have an effective drug and alcohol testing program for truck drivers as we do. They simply do not have it. They have no hours-of-service regulations and only recently proposed the use of logbooks for hours of service. A reporter from the San Francisco Chronicle recently drove with a Mexican truck driver. They drove 20 to 21 hours straight—20 to 21 hours. That is significant and also dangerous. That cannot happen legally in this country. I do not want that driver on the road next to my family or my neighbors or my friends or anyone else in this country who is driving.

Right now there is no way for American law enforcement agencies to access a database containing information on Mexican truckers. If a police officer pulls me over to the side of the road or pulls the Presiding Officer, from the State of Virginia, over to the side of the road, and asks to see our license, they can put that name into a database. They can figure out very quickly what we have or have not done, what is on our driving record and what isn't. If the same police officer pulls over a Mexican truck driver, he will not find any information on him because it does not exist.

Despite these unresolved issues, and despite all of these facts and figures, despite the written objections of 258 Members of the House and 48 Senators, on both sides of the aisle, the administration has said that the NAFTA trucking provisions should be implementing. They are wrong. The provisions should not be implemented until and unless we can demonstrate safety for the American people by allowing these trucks into this country. If we cannot demonstrate safety—and clearly we cannot at this point—they should not be allowed in.

I am introducing legislation to prohibit the administration from granting operation rights to Mexican motor carriers until we can ensure that they meet the safety standards we require in this country. My bill would require the implementation of inspections and the deployment of needed resources to ensure that the trucks that would come in would meet basic safety standards.

This is not some issue where one can say: These people are antitrade, and therefore they want to stop trucks from this country or that country. This is very real. Every day, every hour, we have massive numbers of trucks coming into this country. There is evidence from California and New Mexico and from Arizona. The evidence of the number of trucks turned back for serious safety violations is overwhelming.

Mexico does not have the same standards. Their drivers can drive 20 hours a day and no one will know it. They have no logbooks. They have no drug testing. They do not have the same equipment standards as we do. It demonstrates, in my judgment, the concern that many of us have about this unfettered notion of opening up borders without making sure we have adequate safety in place for the American people. I am going to introduce this legislation on behalf of myself and my colleague, Senator REID, from the State of Nevada. And other colleagues I know will join us because there are nearly 50 Members of the Senate who have expressed their reservations about this issue.

I urge the administration to reconsider this issue. Change your mind about this. The American people don't want to be driving down a highway to pull up next to an 18-wheel truck that is hauling a load that is twice as heavy as that which could be hauled by an American trucker in this country, with a driver who has been driving 20 hours, who has never been drug tested, and driving equipment that doesn't meet safety specifications on American roads. That is not what we want on American roads and not what we want for the safety of the American people.

Mr. President, I am happy to yield to my colleague from Nevada.

The ACTING PRESIDENT pro tempore. The Senator from Nevada, Mr. REID.

Mr. REID. I am very happy to join with my colleague from North Dakota on this most important legislation. He has outlined very clearly the problems we have.

Let's think about this. In the United States there are 400,000 trailer truck accidents every year. Keep in mind, we have pretty strong, strict safety standards. Over 14,000 of those accidents involve hazardous materials. Do we want to add to that mix unsafe vehicles?

The trucks that have accidents in America that are American trucks are not unsafe. Those accidents are caused by driver errors, weather conditions.

We need to move forward on this legislation yesterday, not today. I certainly hope, through administrative fiat, that the President does not allow this to happen. That is our fear. That is what we have heard.

The Senator from North Dakota is really a visionary as far as legislation goes, on what he has focused in making statements in this Chamber, what he has done as a Senator, and what he has done as a Member of the House, focusing attention on our trade deficits. It is a stealth monster. Ultimately, if we do not do something about it, it is going to destroy the economy of this country. It is getting bigger and bigger and bigger. As the Senator has outlined with the chart he has behind him, this balloon is going to continue to get bigger and bigger and thinner and thinner and finally explode. I say he is a visionary because he has talked about our trade situation. This legislation in regard to dangerous trucks is excellent legislation.

Also, we have an amendment pending on the education bill that I think says it all. What it says is we should have the House and the Senate have a joint committee and convene immediately to determine what is happening with the gasoline and fuel prices in this country.

They expect in California, which is a neighboring State to Nevada, that the price of gasoline will be $3 a gallon this year. If we can inspect and investigate the price of chickens, can't we investigate the price of gasoline? Yes, we can.

So I say to my friend from North Dakota, I hope that when that amendment comes up—which was written by the Senator from North Dakota and on which I happily joined as a cosponsor—it is adopted overwhelmingly. I also acknowledge and appreciate his authoring the legislation that deals with these trucks, in which I happily join.

Also, as an aside, I tell him how much I appreciate him being one of the lone voices who talks continually about the dangers of this burgeoning debt we have in the form of a trade debt. It is just as dangerous as any debt we have. We need to do something about it. But it is a difficult issue to understand. It is in the background and people really don't focus on it. I appreciate very much the Senator not letting us not focus on it.

Mr. DORGAN. I thank the Senator from Nevada.

I have a couple minutes remaining. Let me point out what is happening with our trade deficit.

As you can see: With Canada, our trade deficit has dramatically increased from 1999 to 2000; China, $83 billion merchandise trade deficit in a year; European Union, $55 billion; Japan $81 billion. Japan, a $50 billion-plus trade deficit for us almost forever. Mexico—this used to be a surplus, incidentally—now the trade deficit is $24 billion-plus.

We cannot continue to do that. We just cannot continue to run up these kinds of trade deficits.

Just for a moment, let me describe some of the circumstances of the trade deficit. When we want to ship apples into Japan, they say the apples must come from trees that are separated at least 500 feet from apples on apple trees in the orchard that are not going to be shipped to Japan. So if we are going to ship apples to Japan, they have to be in a grove 500 feet away from other apple groves. What kind of sense is that?

We ship T-bone steaks to Japan. Guess what the tariff is after 12 years of an agreement. Twelve years after an agreement with them, the tariff is 38.5 percent on beef going into Japan.

In Korea, just as an example, we exported 4,400 cars last year. They exported 470,000 to us. One might ask the question, Where is the fair trade here? Where is the reciprocal treatment? This country needs to demand of its trading partners that they open their markets to us so we can have fair trade.

Our deficit with China is going up, up, way up. It is now $83.8 billion. We take all their trousers and shirts and tennis shoes and jeans. They ship them into our country, and guess what. When we try to penetrate the Chinese market, we get a pitiful amount of exports into China.

People say: Hoorah, it is increasing. Hoorah, it is increasing at a minuscule level, and we have an $83 billion deficit with them. We have to change that.

I have other things to say.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DORGAN. I ask for 30 additional seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. The President says he now wants fast-track trade authority. Fast-track trade authority to do more of this? Not on my watch. Let's have some trade authority that says when we do trade agreements in the future, we do them on behalf of this country's best interests. Maybe we should put some jerseys on those trade negotiators that read: USA. We do that for the Olympians. How about doing it for trade negotiators so they remember for whom they are negotiating.

My legislation on Mexican trucking is very important. I encourage my colleagues to cosponsor it.

Mr. President, I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

Mr. DORGAN. Might I ask the Senator from Wyoming if he will yield for a question?

Mr. THOMAS. Certainly.

Mr. DORGAN. I ask the Senator from Wyoming if he would allow me to propound a unanimous consent request that at the conclusion of his 30 minutes, I have the floor for another brief statement in morning business? I believe his time will run until 11 o'clock. I ask unanimous consent that I be recognized at that time.

Mr. THOMAS. I have no objection to that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alabama.

GOOD NEWS

Mr. SESSIONS. Mr. President, some good news came out this week. I don't know how many people saw it. It was a report of the status of the surplus in our accounts for the United States. As it was reported in the Wall Street Journal and other organizations, for the month of April of this year, the surplus was $30 billion larger than the surplus for April of last year. For the first 4 months of this year, it showed that the surplus was $41 billion larger than the surplus of the first 4 months last fiscal year.

That is a rather significant event because we are in an economic slowdown. As everyone knows, a vibrant economy is the greatest motivator for creating surpluses.

There is a lot of fear out there that we may not continue to have surpluses. Since I have been in the Senate, going on my fifth year now, every projection on the status of the budget has understated the income to the Federal Government. For the last 3 years, the surplus has substantially exceeded what OMB and the Congressional Budget Office have projected for the surplus.

To me, we have one goal as a Congress and a Government: To try to make sure this economy gets on its feet again and gets humming and makes even more money for the taxpayers and for individual Americans. But at the same time, we have to look at what is happening.

The good news is that even in a time of slowdown, we have a real surplus churning out there. We have gone from a gross domestic product take by the Federal Government of 17.6 percent of GDP to 20.6 percent of GDP. The Government is taking a larger and larger percentage of American wealth to fund governmental programs.

That is a historic change. It may not sound like much to go from 17.6 to 20.6, but 20.6 represents the highest amount we have taken from the American economy for the Government since the height of World War II.

What is at work here is an opportunity for the American people to say: Great, we are paying down this debt in record numbers. We are paying down all debt that can be paid down without a penalty being paid on it. We are doing the right thing as far as debt is concerned. We are setting aside money for contingencies, $500 billion or so for contingencies. That is extra spending.

Remember, this surplus is calculated above inflation. When they figured how much the surplus would be, they figured in that the Government would increase spending at the rate of inflation every year. So we have the rate of inflation in there, another $500 billion for extra spending, and we are paying down debt at record numbers.

It is time for us to have at least this $1.35 trillion tax cut. We can do that. If we do not do that, we will spend more, and we will continue to take more of the overall wealth of the American economy. It will move us into a system such as those that exist in Europe that some in this body admire and want for us.

Our economy is more vibrant. Our economy is more productive. Our people have better health care and better incomes than Europeans. Our unemployment rate is lower by and large than our competitors, even though they have so many good things to offer their people.

We are on the right track. I am pleased with where we are today. Nothing could give me greater anticipation that within hours, perhaps, we will be able to send to the President of the United States a piece of legislation that will represent perhaps the largest tax cut in over 20 years, that could allow him to fulfill the promise on which he was elected to allow the American people to keep a larger portion of their wealth, to be able to spend it on their needs for their families, and for their children.

It is a great day. I am excited about it. I hope the conferees can complete their work promptly and we can bring that bill to the floor and we can make it law promptly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming, Mr. THOMAS.

TAXES

Mr. THOMAS. Mr. President, I rise to talk about taxes, which is the focus of where we are, and prior to that, to mention that despite all the discussions we have had about certain issues, this Senate has accomplished quite a bit in the several months we have been in session. That is our task; we ought to be doing that.

A number of things have happened. First of all, we abolished the Clinton ergonomics regulation. We used a technique that allows the Congress to bring back regulations that are put in and to review them, which, quite frankly, is something we ought to be able to do on all regulations. I come from Wyoming. I was in the Wyoming Legislature. There, when you have a statute passed by the legislature, the rules are then put in by the appropriate agency, and those rules come back to the legislature to see if, indeed, they are consistent with the purpose of the legislation.

That doesn't happen in the Congress. It is too bad. You can pass a law, and by the time the regulations are in, the concepts under the law can be quite different. In any event, this one was brought back on ergonomics. It was successfully overhauled in the Congress. That is good.

Of course, we approved a deficit reduction budget, a budget that still has more expenditures perhaps than we ought to have. But in any event, it probably is about a 5-percent increase, which is less than the increases of the past number of years—less because when you have a surplus, it is awfully hard to hold down spending. It was an appropriate thing to have this budget that does reflect at least some control in spending and we are pleased about that.

Of course, currently pending and perhaps the most important thing we will do in a very long time will be the tax reduction that is now being considered by committee. It has passed the Senate as well as the House. And when the conference committee completes their work, it will be back here for consideration. We are anxious for that to happen.

The Bankruptcy Reform Act was passed as well. We had brownfields revitalization, which is something that has gone on for a very long time that allows lands to be put back into use more easily. We have construction of a memorial honoring World War II and those who served there. We have intellectual property, a number of things that are quite important and that have, in fact, been achieved during this relatively short time.

So we are looking forward to that. But in the meantime, I am going to soon yield the floor to my friend from Idaho. I believe one of the most important bills we will be passing in this session of the Congress is the bill to cut tax rates across the board, bury the death tax, fix the marriage penalty, and double the child credit. We can do a lot to make this economy stronger, more fair, and to allow people to utilize more of their own money for the purposes upon which they decide.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

ENERGY POLICY

Mr. CRAIG. Mr. President, I thank the senior Senator from the State of Wyoming for yielding to me, and I thank him for his leadership on all of these many issues that he has discussed. He comes from a fascinating State, a State with a basket full of potential energy for this Nation if we can change a few of our policies and allow Wyoming, Montana, and other such States to be able to use the abundance of their coal to produce electricity at the mouth of the mine itself, and then through transmission lines to transport it across the Western States and to the State of California, where they are so desperately in need of more energy.

I say that in my opening comments because we are on the threshold of beginning to work on a national energy policy. The President has presented one. The Senate has produced a bill. The Energy Committee, on which I serve, will now begin to review all aspects of that proposed policy and begin to shape for our Nation new public laws, amended public laws, a new regulatory process, a reduced regulatory process that will allow this country, once again, after nearly a decade, to get back in the business of producing energy.

Senator THOMAS and I were downtown yesterday speaking to a group, and I, at that time, said we are a rich Nation. Compared with all other nations of the world, we are one of the most wealthy. It is because of a combination of assets that we have had and have uniquely combined in the American character.

First of all is the free enterprise system where an individual is allowed to create at his or her level and with his or her talent, and to use that creation not only to create wealth for themselves but for everyone around them. That is probably the No. 1 resource in our country and always has been. But tied to that resource is an abundance of energy in almost all forms—electrical, hydrocarbon, you name it. We have never wanted for energy in our country. But today we do. The American public is paying a higher price for gas than at any time in our Nation's history. They are paying higher electrical rates than at any time in our Nation's history, and they are asking a fundamental question: Why? Why are we? Why do we have to?

Of course, we already know that those higher costs have depleted or reduced the wealth-generating capability of our country. It has cost thousands of jobs. It has hurt households. Every day, the commuter to his or her job is paying nearly double in the commuter costs than a year ago.

This country cries out for a new energy policy of production. But they also want to see it done in a clean and responsible way when it comes to the environment. All of those things can be accomplished if this Senate will put its mind to it to assuring that we make that happen, and that we partner with States and local governments to assure they are fully involved and engaged with us in this most important process.

A lot of people are saying right now: Well, George Bush, why aren't you helping out in California?

After about 20 decisions coming out of the new administration, 3 decisions coming out of the FERC, at some point we have to do the very common and necessary thing and say to California: Help yourself.

California, finally, is beginning to do that. They are beginning to recognize that after 10 long years of not producing any energy, they are going to have to produce some. They used to buy a lot of energy from Idaho. We used to ship a lot of energy down there. But we Idahoans now need our energy because we are growing. We also had a drought in the Western States of Idaho, Oregon, and Washington. We used to produce most of our power by turbines and dams and hydro power. As a result, this year we have less capability to produce and therefore we have less power to sell to California.

Those are some of the critically important dynamics of the policy we will have to develop in the Senate. I have already had some of my folks calling me from Idaho saying, with what happened yesterday and with Democrats taking control of the Senate, is the energy policy dead?

No, I don't think it will be. It can't be. My colleagues on the other side of the aisle cannot be viewed as obstructionists who are advocates of $2 or $3 gasoline or $400 or $500 megawatt power. They aren't now, and they can't be later. They must work with us and the Bush administration to get this country back into the business of producing and conserving and balancing out our electrical needs.

President Bush said: Give me a tax cut now and give me some immediate response so at least in the short term a consuming family will have just a little bit of relief in their energy bill or any other part of family expenses.

That is what we are struggling with at this very moment. The House and the Senate are meeting in conference to work out the differences between what we have produced in the Senate and what our colleagues in the House have produced. I hope in the end it will look very closely like what our President is asking—to return some of their tax dollars to them in the form of tax relief, both in the short term and in the long term, to stimulate the economy and to allow the producer to keep more of his or her hard-earned cash.

In the midst of all of that, for just a little bit of time, maybe they can afford to pay just a little more for energy. I wish they didn't. I wish we had been smart enough 10 years ago, 5 years ago, 4 years ago, to shift the policy. But we had an administration that said all you have to do is conserve and maybe use a little gas—that is, natural gas—to generate electricity, and we will get through all of this. We know that didn't work very well. Conservation was an important part of that energy message, and it is today.

The average consumer today is now making a choice. I heard on the television a couple of mornings ago that the American Automobile Association says consumers are going to travel less this summer. Instead of a 10-day trip in their automobile, they are going to take an 8-day trip or a 7-day trip. That is the American consumer doing what they do best—evaluating the cost of the trip and what they have in their pocketbooks and what their family can afford and stepping back.

It is OK to do that in the short term, but when it comes to industry and the creation of jobs and the fact that industry may have to produce less and step back because of the input cost of energy, that then begins to hurt the whole economy of our country.

So how can I talk about tax relief and energy in the same conversation? They are, in fact, integrally related. The ability to create a job, the ability to earn a paycheck, and to have a fair amount of that which you can apply to yourself, your family, and your kids' education has, in part, always been in direct relation to the amount it takes you to live; and the cost of living has gone up substantially in the last 2 years because of the fundamental cost of energy. All of these issues are tremendously important. Thank goodness we now have a President who speaks boldly, clearly, and bluntly about these kinds of issues.

He says we are in an energy crisis and we can get out of it if we simply produce and get back to the business of providing for the consumer of this country. He has laid out a plan on how to do it. On most of it, I agree. I certainly hope this Senate in future days, and under its new leadership, will recognize the importance of such a policy to the American people. You simply cannot deny it any longer. If conservation is the only message out there, then look at California, the greatest conserving State in the Nation. They have conserved themselves right into darkness. That is no way to run a State. They now know they have to produce along with that conservation, and we ought to allow this great country of ours that opportunity.

I have always been one who believed that the freer our citizens, the freer our economy, the more flexibility to do what we do best—generate this great country's wealth and, therefore, this great country's world presence.

Wealthy nations can provide for their people, and we do. Poor nations cannot. There is nothing wrong with the idea of creating wealth and allowing people to share it, allowing people to have the fruits of their labor and their genius. It is what has made us great, and it is what allows us to turn to those less fortunate here and around the world, to say we can help, and the only reason we can help is because we are, fortunately, a rich nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is the next 8 minutes are under the control of the Senator from Wyoming, Mr. THOMAS. I ask unanimous consent that I be recognized, and in the event someone comes to whom Senator THOMAS wishes to yield that time, I will be happy to discontinue my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from North Dakota is recognized.

ENERGY POLICY

Mr. DORGAN. Mr. President, my colleague from Idaho just discussed the energy issue. There is not any question the energy policy is a critical policy for this country. We must develop a national energy plan that makes sense for our long-term future.

Every American every day has a claim on the need for energy. We need a consistent, predictable supply of energy that is reasonably priced. We need a policy that allows that to happen. When the price of oil went to $10 a barrel for some long while, people stopped looking for oil and natural gas. It is pretty predictable. There were fewer rigs looking for oil when the price of oil and natural gas was very low. When the price of oil went up and natural gas spiked back up, there were more drilling rigs and more people are searching for more oil and natural gas. That is predictable. That is how the market system works.

It is not in this country's best interest to have a roller coaster of exploration, and that is what happens. That is what describes only part of our current problem with the imbalance between supply and demand for energy.

We are too dependent on the OPEC countries. All of us know that. One day we will wake up—I hope this is not the case—it is likely we will wake up when some grotesque terrorist act in the Middle East interrupts the supply of oil, even if temporarily, and it will allow us to understand how overly dependent we are on a source of energy and oil, natural gas from a region that is so unstable.

In addition to having this roller coaster on exploration and being overly dependent on a supply of energy from the Middle East, we also are a country that has largely decided to ignore conservation. One can drive down the road these days and see someone driving a new vehicle that looks a lot like a Humvee, except it is bigger and heavier and is sold at your local dealership as a family vehicle. People have a right to drive that, but the point is that is moving in the opposite direction of having a national conservation ethic.

It is true, as the Senator from Idaho said, that we must produce more. I do not think you will find Members of the Senate in disagreement on that. We must produce more oil and natural gas. We must use coal resources. There are ample resources in our coal fields. We can do it using clean coal technology. We must use our fossil fuels in a thoughtful way, and we can do that in a manner that is not inconsistent with a good and clean environment.

That is important, but it is also important to understand we just cannot produce ourselves out of this problem. We cannot produce our way out of this problem. We have a President and a Vice President who come from oil backgrounds so it is probably not surprising their energy plan is to just drill more. They have an easy solution to America's energy problem: Just drill more.

That is one approach, but it is not a balanced approach. Yes, we must produce more, and I support that, but we also must conserve more. Conservation of energy is another way of producing energy. We must have a conservation component that is real, not just talk, but real as we deal with this energy policy.

We also must have an efficiency process in this energy plan. All of the appliances, the things we use every day in our lives that make our lives better, easier, can be made more efficient and should be. We have efficiency standards. The question is whether we continue to press for greater efficiency in all of these appliances or not. The answer should be yes.

Finally, renewable resources. We ought to use renewable forms of energy, and I know the big oil companies have never liked that very much, but I happen to believe that using ethanol, taking a drop of alcohol from a kernel of corn and using it to extend our energy supply, makes good sense.

We can take a drop of alcohol from a kernel of corn and still have the protein feedstock left. So we have extended America's energy supply and we still have protein feedstock for animals. What a wonderful thing to do. Plus, it is renewable. We are not depleting it every year.

Wind energy. North Dakota happens to be the Saudi Arabia of wind, according to the Department of Energy. There is nothing wrong, as an important part of our energy plan, of putting up more efficient wind turbines and using that wind energy to extend America's energy supply.

It is true, as my colleague from Idaho says, we need to produce more, and all of us support that, but a balanced energy plan will include production, conservation, renewable energy, and also efficiency with appliances and the things we use day to day. If we have a bold energy plan that includes all of those components, I believe we will find a broad area of support for it in this Congress.

As I mentioned, we have a President and Vice President who come from the oil industry, so it is not unnatural for them to produce a plan that says: By the way, let's just drill more. But that is not a balanced plan. We can, should, and must do much better than that and have a plan that balances all of these interests.

And, finally, another thought on this issue of an energy plan. We have other dislocations occurring in this country in a very significant way. In California, the price of electricity is going through the roof. Some say that is supply and demand. That is nonsense. That market is broken. It is flat dead broke, and the regulators should have intervened.

The Federal regulators are doing their best imitation of potted plants. They sit on their hands, we pay them salaries, and they do nothing. The fact is, they should have put a cap on wholesale prices for electricity in California.

We have big traders and big economic interests that take an Mcf of natural gas, trade it from an unregulated market to a regulated market, and in 24 to 48 hours, the price of that same Mcf of natural gas will double, triple, or quadruple. Guess who gets hit right square in the jaw with that. The consumer.

The price of power in California was $7 billion 2 years ago. It is expected to be $70 billion this year, a tenfold increase.

My point is this: Whether it is the price of natural gas that is being sold into California or the price of natural gas that is doubling around the rest of the country, or the price of gasoline at the gas pump, or the price of electricity, the fact is, we need to shine the spotlight of investigation on energy pricing in this country.

The education bill is going to be pending in the Senate when we return. It has an amendment that is pending which I offered calling for a joint House-Senate investigative committee on energy pricing. Is there some manipulation going on? Are there some interests that are manipulating both price and supply and driving up energy prices for the American people? I do not know, but I suspect so.

Some very limited investigations have shown that supply has been manipulated in a way to drive up price. It seems to me, given what is happening in California and the rest of the west coast, and given what is happening to natural gas prices and other things around the country, and the price at the gas pump for that matter, the American people will be served well by shining a spotlight of investigation on energy pricing practices all across this country.

That would represent a component to an energy plan that gives the American people some confidence that we are doing the right thing.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. DURBIN. I thank the Senator from North Dakota for highlighting this energy issue. If there were ever a moment in time when we should talk about energy, it is on the Friday before the Memorial Day weekend when families across America are making plans to head out for vacations or family reunions. It is the time when they get in the car or decide whether to take a long or short trip and become sensitized to the price of gasoline.

In Chicago and in the Midwest, for the second year running, we have seen devastating increases in the price of gasoline. It seems Easter is the kickoff for the oil companies to start raising the prices and then to catch all sorts of criticism from the public and elected officials and to bring them down after Memorial Day. In the meantime, families and businesses are being socked by the high prices.

The Senator from North Dakota puts his finger on it. This Congress has been unwilling to take a look at the energy industry. Certainly, we do not expect the White House, with the President and Vice President, with their background in this field, to do it. If this Congress will not do it, the consumers of America stand on the sidelines. They stand on the sidelines with their pockets empty because each time they go to the gasoline station, they are putting more and more money into their cars and trucks, into their vehicles to move their families.

I ask the Senator from North Dakota, if we have an opportunity for a joint conference with the House and Senate in a bipartisan approach to get into the energy pricing, how soon can we have that hearing, what kind of things can we look into, what kind of relief can we offer to businesses and families across America who are being nailed by the high energy prices?

Mr. DORGAN. The Senator from Illinois knows we have an amendment pending on the Elementary and Secondary Education Act that calls for the creation of a select committee on investigation. One of the problems is you need resources to do that; you need investigators. You cannot do this without the ability to investigate pricing practices. My hope is that we can move quickly when we get back. We will have a vote and see who wants to do this.

I make another point that is important. One hundred years ago, Teddy Roosevelt, carrying a big stick, said to John D. Rockefeller: "You can't do that." He was talking about price fixing with respect to oil and energy. He began to break it up.

I am not alleging there is widespread fraud or abuse. All I am saying is there are things that do not add up. We have big energy traders, huge economic interests, trading energy and doing it at secret prices from unregulated markets into regulated markets. We have oil companies much, much bigger than they used to be because they merged, and merged, and merged again. We have economic power with the opportunity to manipulate markets and try to drive up prices. Who are the victims? The victims are the American consumers. They deserve to know.

There was a limited Federal Trade Commission investigation dealing with gas prices last year in the Midwest. Some say that exonerated the companies. It did no such thing. It was such a limited investigation. Even that limited investigation showed some deliberately limited refinery output. They did not want to increase supply because they knew if they restricted supply, they could jack up prices.

Mr. DURBIN. I ask the Senator another question. When we ask the people in the energy business, why are prices out of control, they say it is the market mechanism, market forces.

There are two things I find interesting. Our common experience says when gasoline prices go up in a town, they all go up at the same time in lockstep. When they come down, they trickle down at the same rate. You don't see competition in pricing that could be found in any other market.

Second, the oil companies consistently guess wrong about supply. That is what the Federal Trade Commission said. Why would they guess wrong? They make more money when they guess wrong. These oil companies are now having record profits and they are saying: We just did not have pipeline capacity; we were not prepared for reformulated gas, for clean air; we made a mistake.

Look at what resulted from the mistake. It did not result in their being penalized. It resulted in their being rewarded with some of the highest profits they have seen in 10 years. I cannot think of another company or another industry in America that can guess wrong so consistently and profit from it time and time again.

Vice President CHENEY recently he saw no evidence of price gouging. Mr. Vice President CHENEY, come to Chicago, come to Illinois. Take a look at what happened in a 30-day period. The price of gasoline went up 50 cents a gallon. No price gouging?

I have a quote from Vice President CHENEY who said:

> Americans are more understanding and tolerant of high gas prices than most pundits believe.

Again, I invite the Vice President to speak not only to the families who are now paying $50 and $60 and $70 to fill the gas tank but also talk to business people, the small businesses that have been forced to consider layoffs and a reduction in their own activities because of high energy prices. To say people understand this and accept it is to ignore our responsibility. We are supposed to be there for these consumers and these businesses and these families who have no other voice in the process.

I have joined with the Senator from North Dakota. I think it is important we have this investigative hearing to make certain that the people who run this industry come in and are held accountable.

I also think when we get into the debate about energy, we ought to have consumers at the table. It is not enough to have the energy giants and the government agencies and people in pinstriped suits from K Street in Washington. Let's have people representing small businesses in Illinois, farm families from North Dakota, who can talk about the practical impact. I know the Senator from North Dakota supports that. I would appreciate it if he told me what he thinks we can do to deal with the market mechanism which always is stacked against the consumer.

Mr. DORGAN. Mr. President, the market is broken. It is clearly broken.

Look at what is happening in California: $7 billion was the cost of power in California 2 years ago. This year it is estimated to be $70 billion, a tenfold increase. Who are the victims? The folks in California who are going to work every day, coming home to open the bills and figure out how to pay an electric bill that has dramatically increased.

That is why I say, look, we need a new energy plan. I don't disagree with that. We have not had a good energy plan for decades. We are too dependent on foreign sources.

The Senator from Idaho piqued my interest on the subject. There are a lot of areas we can agree. I agree with the Senator from Idaho, that we do need to produce more oil and gas. I agree with that. We need to build more power lines and more transmission capability. I agree with that. We need to build more powerplants, I agree. We need to use more coal sources, use more clean coal technology, and do all of that while being sensitive to the needs of the environment. We can do that. I support that in a manner consistent with protecting our environment.

Then I say: Support us on this. We need better conservation. More conservation. We need more effort towards renewable sources of energy. We need more effort towards greater efficiency of appliances and the rules that support that are in place. And now the administration threatens to retract on some of those rules.

Finally, we also need to have an investigation of pricing practices. Join us on that.

If my colleague from Idaho and his colleagues would join in the resolution I have included on the Elementary and Secondary Education Act that calls for the selection of a House and Senate committee to investigate pricing, we will have an energy plan that includes a lot of the right things but also says, while we are doing this, let's take a look to make sure the American people are not victims of pricing practices and supply manipulation that enriches some of the bigger economic interests, but takes it out of the pockets of the folks who are trying to gas up at the pump in order to go to work.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. DURBIN. I follow up on a point. There was an old saying during debate of the Clean Air Act, a belief that once we established standards for clean air in America, it was said as a result of that Government decision, the people in the automobile industry in Japan went out and hired an army of engineers to figure out how to make their cars cleaner and more fuel efficient.

The people in charge of the American automobile industry went out and hired an army of lawyers to fight the regulations at every possible level. That is an oversimplification.

But I want to say to the Senator from North Dakota that 8 years ago, during the Clinton-Gore administration they said to Detroit: We want you to sit down and work on a more fuel-efficient automobile that is safe for families. We are prepared to make certain that you do not run afoul of any antitrust violations. We want you to come together, the big three, put your heads together with your best creative talent and come up with that automobile, come up with that SUV, come up with that truck. They gave them that assignment. They moved forward with it, and they hoped for the best.

Let's take a look at where we are today. Today the only vehicle I know of that is on the road that offers fuel economy over 50 miles a gallon in a car that is of normal size is, sadly, from Toyota Motor Company. It is a model called the Prius. They have a 5-month waiting list of people who want to buy this car which combines electric power with a gas engine and gives much greater fuel economy.

Detroit announced last week that they will have a competitor for the Toyota Prius in about 3 or 4 years.

You have to ask yourself, what is going on here? If this country, with all its creative talent and technological skill, cannot come up with a product, an automobile, a truck, an SUV, that is safe and fuel efficient, what are we missing?

I think what we are missing is the guidance and leadership and direction from the top. We cannot just say let market forces come to work because if market forces come to work, we are going to get scooped time and time again by someone with more vision. Sadly, in this case it happens to be a foreign automobile manufacturer.

I ask the Senator from North Dakota if part of this energy debate should not include incentives for those who are making the automobiles and the trucks and other vehicles to come up with more fuel-efficient vehicles so we can have safe vehicles that also reduce our need for foreign oil.

Mr. DORGAN. Mr. President, I say to the Senator from Illinois, I think that makes a great deal of sense. I know one of our colleagues drives one of the hybrid cars. I have seen it parked outside of the building when we have late votes. It is a car that runs on both gasoline and electricity. I understand they are very efficient.

But the roads are not populated with many of those cars, largely because we have an energy industry and auto industry that moves down the road with the internal combustion engine, and they fight every step of the way on increased efficiencies people propose in Congress.

Mr. President, I have told my colleagues this before, my first car was a 1924 Model T Ford. I bought an antique car and restored it. My dad told me where it was. He was hauling gasoline and was out on a farm and they had an old car in a granary. He told me about it and said you should write to this fellow and see if he wants to sell it. The guy had long since moved to Wisconsin. So I wrote to this fellow from Wisconsin and asked if he wanted to sell an old Model T stored in a granary for 30 or 40 years. I was a teenager.

He said he would sell it for me for $25, and he sent me the owner's manual and the key. So I went out and hauled the old Model T in and restored it.

It is interesting, that 1924 Model T Ford is fueled exactly the way a car built in 2001 is fueled. You pull up to a gas pump and you stick the nozzle in the tank and you pump gas in it. Think of the few things that have changed in 75 or 80 or 90 years—almost everything has changed around us. Almost everything we do is dazzling, breathtaking new technology, technological change that takes your breath away. Guess what. Eighty years ago you pulled up to a pump and stuck a hose in and pumped a little gas in, and 80 years later you do exactly the same thing.

You wonder why; why would nothing change? Clearly, part of the solution is technology. I just described the technology of a car that is occasionally parked in front of the Capitol. We have the capability of making more efficient automobiles. Of course we have the capability. We ought to have the will. As the Senator from Illinois says and proposes, we ought to provide incentives as part of an energy plan to say to those who are interested in doing that: Here is your head, go do it. We encourage you to do it. Here are the financial incentives to do it.

That is another way to provide conservation and new technology to move out of this energy problem that we have. That is longer term, not short term. But it is certainly part of what we ought to be doing.

Mr. DURBIN. If the Senator will yield, I would like to ask him this question. There are those who argue from the energy industry side that the only way we can improve our energy future in America is by compromising on air quality standards. They suggest it is environmental regulation which is causing the problem we face today.

I disagree with that. I think they ignore realities. One of the realities we should not ignore is to perhaps visit a local hospital, go to an emergency room, and ask the doctor who is in control what is the No. 1 diagnosis of children going to emergency rooms in America today. I was surprised to learn it is not trauma, kids falling off a bicycle; it is asthma. The No. 1 reason kids miss school: Asthma. The No. 1 diagnosis in emergency rooms: Asthma. Pulmonary disease, lung problems, and asthma are, unfortunately, becoming epidemic in our country. I cannot give you the specific reason for all of it, but the people I have spoken to say air quality is part of it.

I will mention something else to the Senator from North Dakota. The former head of the Environmental Protection Agency, Carol Browner, told me that the Web site for the Environmental Protection Agency had a dramatic increase in visits from a few thousand a month to millions a month when they started posting ozone alerts on cities across America. Families literally got up in the morning and logged on, went to the EPA Web site to find out whether it was safe for their child to go outside. Think about that.

If we are talking about compromising air quality standards in America, more kids are going to be sitting inside their homes; more elderly people with pulmonary disease are going to be at risk. We cannot afford that. We can have a good energy policy and not compromise the public health of this Nation and the health of families across the board. I totally reject the concept that I have heard from some in this administration and from the energy industry that the only way we can move forward in America is at the expense of our health.

This should not be "your money or your life." In this situation I think we can have a good energy policy that does not compromise that basic quality standard. We have made amazing progress over the last 20 years. Visit any foreign industrialized country and take a look at the muck they call air. Go to Beijing in China. You wake up in the morning and say it is a foggy day; at noon you say it is still a foggy day; midafternoon, still a foggy day; at night, still foggy; and the next morning, the same. Every day, day after day, the air quality is miserable.

I don't pick on China. There are many other comparable countries. The United States should lead, not only being an industrial power but also sensitive to the health of its people. I ask the Senator from North Dakota for his comments on this relationship between energy and the environment.

Mr. DORGAN. Mr. President, the Senator from Illinois makes a good point. Increasing the supply of energy in this country does not have to be at odds with protecting and preserving a good environment. It just does not.

We have had experience with this in North Dakota. Some 25 years ago, the proposals to build coal-fired electric generating plants in our State produced a great deal of controversy. I was one in the State capital who led the fight saying if we are going to build coal-fired generating plants, then you must provide the latest available technology on those stacks. We must have wet scrubbers and the latest available technology to scrub down those emissions.

The industry was furious with me because I led a vigorous fight and we built those plants in North Dakota. But they did it and they had to have latest available technology scrubbers on their stacks. When they strip-mined to get the coal, they had to segregate top soil and do layers and topography restoration. They did not like it. But guess what. We did it the right way.

Mr. President, 25 years later, looking in the rear-view mirror, they would all agree that was the right thing to do. We were the first State in the Union to meet the ambient air quality standards. We now have segregated top soil and topography restored on strip-mined lands of which we are proud.

You can do this the right way. I know the energy industry sometimes doesn't want to because it is more costly to do it that way. But it makes sense to do it the right way. Increasing the supply of energy does not have to be at odds with protecting our environment.

Let me make one final important point. Gregg Easterbrooke wrote a book that I believe was entitled "America the OK." It was published a few years ago. In it he said we have doubled our use of energy in our country in the last 20 years, and we have cleaner air and cleaner water. Why? Because this country demanded it. We demanded, through the Clean Air and Clean Water Acts, that we take steps to protect our air and our water.

The point is, no one 20 years ago would have predicted you could double the use of energy without significantly fouling your air and water. If you do it the right way, you can coexist: an increased energy supply with a good, clean environment. That is what the Senator from Illinois is saying.

So as we go through these battles about energy policy, my hope is that the good ideas on that side of the aisle can be merged with our good ideas and we can have a policy that is balanced. Yes, more production, but production the right way, with environmental safeguards. Yes, let's also insist on some conservation, efficiency, and renewable energy at the same time; we can do all of this together.

But it is not a balanced energy plan simply to say, the market will take care of this. The market is broken, and we know it. Buy electricity in California today, and ask yourself whether you think this market works, while the big economic interests get rich and you get gouged. Ask yourself then, on the west coast: Do you think this market works? Everyone in the country knows that is not the case.

Americans deserve the opportunity to have an investigation of energy pricing that shines a spotlight on pricing and supplies and evaluates whether they are being manipulated in a way that victimizes consumers.

As I said before, 100 years ago, Teddy Roosevelt took a big stick and said to John D. Rockefeller, you cannot do this any more, because he was manipulating the price of oil. And 100 years later it is useful for us to have a significant investigation of both the price and supply of energy and find out who is doing what so the American people have some confidence, as we develop a new energy plan, that the big economic interests will not gouge the American consumers.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Georgia is recognized.

Mr. CLELAND. Thank you very much.

Mr. President, I appreciate the magnificent discussion on energy policy and environmental concerns led by the distinguished Senator from North Dakota and the Senator from Illinois.

I would like to change the subject for a moment as we approach Memorial Day weekend.

MEMORIAL DAY

Mr. CLELAND. Mr. President, on next Monday, May 28, and acting pursuant to a joint resolution actually approved by the Congress back in 1950, the President of the United States will issue a proclamation calling upon the people of the United States to observe a day of prayer for permanent peace in remembrance of all of those brave Americans who have died in our Nation's service.

In many ways, this is part of our history and heritage, Memorial Day. In 1866, citizens from both the North and the South, after the Civil War, decided to form the first Memorial Day effort and place a flag on the grave sites of those brave Americans who had died in the Civil War.

That is actually how Memorial Day got started.

Whenever Memorial Day comes around, I am reminded of what may well have been the first, and is still one of the finest, memorials to fallen soldiers. Thousands of years ago: the Funeral Oration of the great Athenian leader Pericles, as recorded by the historian Thucydides, during the Peloponnesian War in the 5th century BC:

> For this offering of their lives made in common by them all they each of them individually received that renown which never grows old, and for a sepulcher, not so much that in which their bones have been deposited, but that noblest of shrines wherein their glory is laid up to be eternally remembered upon every occasion on which deed or story shall call for its commemoration. For heroes have the whole earth for their tomb; and in lands far from their own, where the column with its epitaph declares it, there is enshrined in every breast a record unwritten with no tablet to preserve it, except that of the heart.

There are many thoughts as we approach Memorial Day weekend. In that spirit, I am pleased that both the House and the Senate have now passed legislation that will expedite a monument commemorating the sacrifice of those who served in World War II.

My father served in World War II after the attack at Pearl Harbor. This weekend I will be visiting some of my fellow veterans, and we will see the premiere of the new movie "Pearl Harbor."

I introduced a resolution on Tuesday calling upon all Americans to especially dedicate Memorial Day of 2001 to those brave American men and women who have given their lives in service to their country especially since the end of the war in Viet Nam.

As a Vietnam veteran, I appreciate the monument in this great city, sometimes called "The Wall," the Vietnam Veterans Memorial.

But no grand edifices or other public monuments commemorate the deeds of those who have died after the Vietnam war, but their service to their country was just as strong, their sacrifice just as great, their families' and communities' loss just as keen as that of their predecessors in the two world wars of the 20th century, Korea and Viet Nam.

Honoring our fallen heroes is altogether fitting and proper, as President Lincoln said at Gettysburg. At this point, I thank my many colleagues, on both sides of the aisle, who joined me in cosponsoring this resolution: Senators McCAIN, LEVIN, HUTCHISON, MILLER, BIDEN, JEFFORDS, LANDRIEU, BENNETT, MURRAY, JOHNSON, CARNAHAN, DAYTON, CONRAD, KENNEDY, DURBIN, HATCH, SESSIONS, CLINTON, and ALLEN. I also thank the entire Senate for adopting this measure by unanimous consent last evening.

I am reminded of the line from one of Wellington's troops that: "In time of war, and not before, God and the soldier men adore. And in time of peace, with all things righted, God is forgotten and the soldier slighted."

Mr. President, I am honored to live in a country that forgets not God and does not slight the soldier.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

EXTENSION OF MORNING BUSINESS

Mr. BOND. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate remain in a period of morning business with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN or his designee will control the floor from 11 to noon and from 1 to 2 p.m.—and I ask within that timeframe, if no one seeks the floor, I may be recognized to introduce a bill—and Senator THOMAS or his designee will control the floor from noon to 1 p.m. and from 2 to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes for the purpose of introducing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BOND pertaining to the introduction of S. 967 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

RURAL AMERICA

Mr. DORGAN. Mr. President, some weeks ago, I was on an airplane, and I had a laptop computer with me and my briefcase. Like most of my colleagues sitting on an airplane, I went through my briefcase and found a letter from the U.S. Park Service. I read the letter, and it provoked me to get my laptop computer out of its case and put it on the tray table, and I started typing.

I created a message for the U.S. Park Service. Here is what their letter said to me. The U.S. Park Service wrote me a letter and said in the Teddy Roosevelt National Park, one of their picnic grounds was being colonized by prairie dogs. So they were going to do something called a "scoping" exercise and an EA, called an environmental assessment, to think about spending a quarter of a million dollars to move the picnic grounds.

I read and reread this Park Service letter about the scoping and the environmental assessment they were doing to spend a quarter of a million dollars to move the picnic grounds, and I sent them a letter.

What I said to the Park Service was that I found it interesting that they had the time to do scoping and EAs on these kinds of issues. I said, at the moment, we are in a rather complicated budget fight in Congress, but you have solicited my opinion, so let me give you a few thoughts.

I said: I am not unsympathetic to prairie dogs. I think they are cute little creatures. They, unlike the rats, were blessed with a furry tail and a button nose and they have a good deal more human sympathy, therefore, than rats do.

I asked the Park Service what would have been the Park Service's response if it had been a group of rats that had colonized the picnic area rather than prairie dogs. Then I thought better of asking because maybe they would have had a larger EA and scoping mission.

My point to them was: Do not waste the taxpayers' money; do not move the picnic grounds, move the prairie dogs.

I said: When I was growing up, about 50 miles from where they have this problem in the Badlands, I was growing up in Regent, ND, we had a group of rats "colonize," to use the Park Service's word, our horse barn. I was about 14 at the time, and my dad said the rats could live a very good life just 1 mile from our barn in the town dumps, which is where a lot of rats live, and he said he would like me to enlist a couple of my schoolmates and see if we couldn't move the rats.

It turns out these rats were no match for three 14-year-old boys. We very quickly retook the Dorgan horse barn. We understood that we could do that without a lot of effort.

Getting back to the prairie dogs, I told the Park Service that I figure there are about 1.4 million acres of ground in the Badlands in North Dakota in which prairie dogs can, do, and are colonizing. They have many prairie dogs in the Badlands. So the prairie dogs can colonize in a million and a half acres or so. They just cannot colonize in this picnic area.

I said: The way to handle these prairie dogs is to find somebody who can communicate with them. That is not hard. We have a lot of folks who ranch and farm and spend a lot of time around animals, and one very quickly learns how to communicate with animals. I raised some horses. We raised cattle, and we learned how to communicate with animals.

I said to the Park Service: If you do not have anybody who knows how to communicate with an animal, go out in a ranching area and get some instruction, and once they have taught you how to send certain communications to animals, go back and have a little discussion with those prairie dogs and tell the prairie dogs they are not welcome in the picnic area; that you do not want to spend a quarter of a million dollars of the taxpayers' money to move the picnic area, and you want them to leave. And if they will not leave, I said to the Park Service, here is a cost-free way to deal with it: Get about three 14-year-old boys from somewhere in that area, and they will take care of that problem real quick for you.

As I was sitting on this airplane thinking about all the things we confront in rural America—yes in and near the Badlands where I grew up—I was thinking that we are not short of prairie dogs; we are short of people. We have Federal agencies that want to treat lightly that which is serious and then treat seriously that which is light, and they do not quite understand.

The real problem in our part of the country, where the Park Service is worried about prairie dogs and picnic areas, is that human beings are becoming an endangered species. All of our rural counties are shrinking like prunes. The counties are shrinking in population. People are leaving, not coming in. Farmers and ranchers are leaving the land at an alarming rate. Small towns are shrinking. Many rural counties are very fast becoming a wilderness area. That is not by Federal designation, it is the way things are working in rural America.

I said to the Park Service: When I received your letter about prairie dogs, picnic areas, and environmental assessments, and scoping, it just seemed to be such an unusual bureaucratic effort for such a minor issue.

Having prairie dogs move into a picnic area, in my judgment, does not rank up there with having people moving out of rural America. So I said: You have to excuse me for being a little impatient.

Just once, I told the Park Service, I would like to see a Federal agency crank up a little energy, a little emotion about the real problems facing rural America.

Have my colleagues ever heard of a Federal agency say: This county has shrunk 50 percent; we are going to do a scoping exercise to figure out what we can do to solve that problem.

Have my colleagues ever heard of a Federal agency cranking up an effort to do an environmental assessment of what is happening with the creation of wilderness areas, where people are moving out, jobs are leaving, and people on Main Street are having a devil of a time keeping their front door open because rural areas are shrinking?

Have my colleagues heard a Federal agency say that matters to them; they are going to make an effort to find out about that?

No; oh no. Scoping and environmental assessments are reserved for dealing with furry little creatures that inhabit a picnic area. God forbid a Federal agency ought to spend its money and its time worrying about a few prairie dogs.

Again, we are just not short of prairie dogs, we are short of people in rural America. I would like very much just once to have a Federal agency, the Park Service, the Forest Service—you pick it—just once to have a Federal agency get aggressive on something that really matters to us in rural America.

I said to the Park Service: You probably regret asking for my advice. You probably certainly regret I had time on an airplane to read your letter and had a laptop available to respond to it. But, frankly, my advice is do not spend the taxpayers' money, do not spend a quarter of a million dollars; get those prairie dogs out of the picnic area and get your people, if you have the time work on things that really matter, to work on things with us that matter to rural America in a real way.

I know the Park Service has read my letter because they sent me another letter and said this is not just about prairie dogs and picnic areas, it is now about the bubonic plague or some godawful thing, and they have developed several areas of new dimensions to this tiny little issue, as is always the case. I am sure they brought in four or five specialists now to respond to this issue that I have raised with them about worrying about all the wrong things.

Some days you just scratch your head and wonder whether bureaucracy has any common sense left.

I say to the Park Service, and all the others who are engaged in these Federal agencies: Give us some help from time to time on things that really matter to people living in rural America.

I live in a wonderful State. It provides a wonderful environment for people who want to live in an area where they have good neighbors, no overcrowding, and very little crime. It is a wonderful place with wonderful values. The fact is, we are fighting a losing battle in many ways trying to keep people, jobs, promote economic opportunity and a future that has some assistance for people who want to live in rural areas.

I say to Federal agencies: If you want to worry about something, do not worry about a few prairie dogs in a picnic area. Help us worry about promoting some economic help in rural America for a change.

If you don't want to do that, cut some of the positions out of some of the agencies to say you have too many people working on some of the issues. Maybe we can cut down on the idle time.

It was therapeutic for me to say this on the floor. It probably was a slow water drip for the Presiding Officer. I ask unanimous consent to have printed in the Record the letter I sent to the Park Service on the subject of prairie dogs and picnic areas and scoping and environmental impacts, and I say to them, save your breath and save the taxpayers' money and work on things for a change that do matter.

There being no objection, the material was ordered to be printed in the Record, as follows:

Move the Prairie Dogs

(By U.S. Senator Byron Dorgan, D-North Dakota)

The National Park Service wants to spend nearly a quarter of a million of dollars to move a picnic area in Theodore Roosevelt National Park to accommodate a colony of prairie dogs that moved into the area. A quarter of a million dollars? To move a picnic area? To accommodate prairie dogs?

They must be kidding, right? No. They're serious.

Following is the text of a letter I'm sending to the acting Director of the National Park Service in Washington, D.C.:

Dear Mr. Galvin: This is in response to the Park Service letter asking for my thoughts about how to deal with some prairie dogs that have "colonized" your picnic area in the south unit of the Badlands in North Dakota.

Your letter stated that you are "scoping" the issues and about to prepare an "Environmental Assessment" (EA) to determine whether you should spend $223,000 to reconstruct the picnic area in a different location.

We're in the middle of a rather complicated fight about the federal budget here in Congress, but still, I'm pleased to offer a few thoughts about prairie dogs and picnic areas.

Now I want you to know that I'm not unsympathetic to prairie dogs. They are cute little creatures. Unlike a rat, the prairie dog was blessed with a furry tail and button nose and seems to have a better public image. But, I just wonder if it had been rats that had colonized the picnic grounds if you would be talking about spending a small fortune to fix the problem? Maybe I shouldn't ask. . . .

My advice is this: don't waste the taxpayers' money. You don't have to move the picnic grounds. Move the prairie dogs!

When I was growing up in Regent, some rats "colonized" (to use your term) our horse barn. My dad told me that since it was our barn, and the rats could live a good life just a mile south in the town dump, I should get rid of them. I recruited a few school friends to help. We didn't do any "scoping" or "Environmental Assessment." The rats were in a foul mood, but they were no match for three fourteen year old boys. We reclaimed the Dorgan barn in no time.

Now getting back to the prairie dogs that are "colonizing" your picnic area, I figure that there are about 1,428,288 acres of ground in the Badlands that those little dogs can colonize. But they have no right to do it in your picnic area.

So here's what you should do. And it's nearly cost free. Find a way to communicate with those prairie dogs. If you don't know how, check with some of the neighbors living in western North Dakota. When you live on a farm or ranch, you learn quickly how to communicate with animals.

Once your Park Service employees get the hang of communicating with prairie dogs, have them let those dogs know you're reclaiming your picnic area, with force if necessary. And if those prairie dogs won' leave, you go out and hire three or four teenagers from the area and tell them to get the job done. I guarantee you those kids will have this problem solved in just a couple of days. And it don't cost you $223,000.

Don't misunderstand me. I am a supporter of our environment, of wildlife and, yes, of the Endangered Species Act. And so are most North Dakotans. But prairie dogs are not endangered in western North Dakota. To those who insist they are, I challenge them to put a male prairie dog and a female prairie dog in their own backyard and report back to us in a couple of years.

The fact is, we're not short of prairie dogs. We're running short of people!

The real endangered species, especially in the western part of our state, is the human species.

Farmers and ranchers are leaving the land at an alarming rate. Small towns are shrinking like prunes. Many rural counties are fast becoming wilderness areas.

When I received your letter about prairie dogs, picnic areas and environmental impact statements, it seemed such an unusual response to such a small issue.

Having prairie dogs move into a picnic area doesn't rank up there with the problem of people moving out of our state.

You'll have to excuse me for being impatient with federal agencies that treat the light too seriously and the serious too lightly.

Just once I would like to hear of a federal agency interested in doing an impact statement on what our country will lose when there are no family farms or ranches left in rural America. How about "scoping" that issue? Or how about an impact statement on the damage done to our farmers and ranchers from the mergers and monopolies that are being formed in the industries that farmers rely on such as the railroads, grain trade, packing plants and more.

By now you probably regret asking for my advice. Simply put, my advice is don't you dare spend nearly a quarter of a million dollars to move that picnic ground. Move the prairie dogs.

And then spend some time with me and others in Congress to help create a friendly environment for people to make a decent living on our farms and ranches in rural America.

Sincerely,

BYRON L. DORGAN,
U.S. Senator.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE) ordered.

THIS GREAT DEMOCRACY

Mrs. HUTCHISON. Mr. President, this has been a tumultuous week in the Senate. We have had significant legislative accomplishments. I think it is an interesting process to watch the changes that are taking place. It always makes me value our Constitution and the peaceful transitions of power our Constitution has provided.

I was watching C–SPAN this morning. The topic was "The Greatest Generation." People were talking about what they consider to be our greatest generation. The debate was about whether the greatest generation was the wonderful heroes who went to battle in World War I and especially World War II, because we are talking to them, and in Tom Brokaw's book "The Greatest Generation" being the silent heroes, the people who answered the call of their country and fought bravely and came home and never talked about it, never whined, never complained. They are, indeed, our great heroes.

Then people started talking about the greatest generation being our Founding Fathers and their families, and the sacrifices they made when they declared independence and when they crafted our Constitution that set in place the document that has kept us vibrant and alive today.

Through all of the things that I, personally, have lived, even in my mere 7 years in the Senate, I have seen our Constitution tested and prevail, tested and come through, tested and show the wisdom of the balance our Founding Fathers put in place so we could have changes in power and have them peacefully.

While talking about the greatest generation, it also has come home to me when I have visited foreign countries, foreign countries that have seen the despotism of military rule, of dictatorships, of communism. They are coming out of those totalitarian governments. They are coming into democracy. I thank the Lord, I thank my lucky stars, and I feel so grateful we had Founding Fathers, and families who supported our Founding Fathers, who created a document that is living today, that has given the balance so we have never had a totalitarian government since the democracy we formed in 1776.

I feel very proud, and it came home to me today as I started thinking about the greatest generation. I think our Founding Fathers and their families certainly created generations behind them who also were great in that they answered the call of the time. That is what has happened throughout the 17 or so generations since the founding of our country. Sometimes we have not had to answer a crisis. Sometimes the United States has had a period of peace and prosperity. When we have been tested throughout the 17 or 18 generations, we have met the test. We have met the test because we have learned from our Founding Fathers and their families and we have built on their strengths and the Constitution they created. We have been able to answer every test with success.

I feel very grateful to live in a society where we can debate which were the greatest generations. I don't think we have had a generation that has ever sunk to the lows we have seen in other countries and other societies where our Government has broken apart or our institutions have broken apart. I think we have perhaps expanded beyond the boundaries, but we have always come back because we have the structure that we do.

I appreciate very much the opportunity to serve in the Senate in this great democracy and hope we will always be able to meet the test of the strength of our Founding Fathers and always be grateful for the Constitution that has been so vibrant throughout the generations.

I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Maine.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 970 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I yield the floor and, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

TAX RELIEF FOR THE AMERICAN PEOPLE

Mr. INHOFE. Madam President, while I was presiding, something occurred to me. I felt compelled to share it.

Right now, something very significant is taking place. There is a conference committee that is looking at the bill that we passed and the bill that was passed in the House of Representatives. They are going to come out with a product and decide just how to change it because the bills are not exactly the same.

It is a piece of legislation that will do something very significant. It is going to provide tax relief for the American people. It occurred to me—I will use the words "liberal" and "conservative" in a very friendly way, but all too often, people do not know what you are talking about when you call someone a liberal or a moderate or a conservative.

A liberal believes that Government should have a greater involvement in his or her life and really believes that there are more things in which the Government should be involved. I suggest to you that the more things Government gets involved in, the more individual freedoms we lose.

I happen to be a conservative. I agree that Government is involved in too many things. I think that other than national defense, which we need to be more involved in right now, there are many activities taking place in this country that our Founding Fathers really did not think were the role of the Federal Government.

We are in a very strange time right now. We are in a time when we have surpluses. We are all very gratified for that. But the whole idea of tax relief is offensive to people who fall into the definition I just referred to of a liberal. They want to use that money. They want to start new programs.

Now we have this time of surplus. I want to applaud the President of the United States, George W. Bush, because what he said he wanted to do was, first of all, take everything that could be used to spend down the deficit for the next 10 years and use it.

I have a lot of town meetings in my State of Oklahoma with very wise people, but they are too busy going out to make a living and paying for all this fun we are having in Washington, that they do not really understand that when you have such surpluses that once you use those surpluses to start new Government programs, then the Government programs might work, and the problems that they are addressing might go away but the Government program goes on.

I can remember that one of the greatest speeches made during my career was one that was made many years ago by Ronald Reagan before he even ran for Governor of California. The speech was called "Rendezvous With Destiny." He said: There's nothing closer to immortality on the face of this Earth than a Government agency, once formed.

So if you don't want to increase the size and scope of Government, then you need to address what the President is addressing now. President Bush said: Let's start off by taking all the money to pay down the debt. Most people think, if you had $5 billion, you go up there and drop it someplace and the debt would be gone. That is not true because you can't pay off something until it comes due. So what this President has suggested to us is, let's pay off everything for the next 10 years that can be paid off on the national debt.

Then let's look at Social Security. Let's make sure the fund is actuarially sound and the money is going to be there for the people when they reach the age that they can draw it out.

Incidentally, Social Security reform doesn't mean that is going to change. That program would continue; the money will be there; but it will give some of the new people who come into the program an option as to what they do with the money they pay into the system.

Then the President said: Let's take Medicare and do the same thing with that. So he proposed actually increasing it by $153 billion over a period of 6 years—that would take care of that problem—and after that, to put some money in so we can take care of a very serious problem, the most serious problem the Nation is facing right now, and that is the demise of the military over the last 8 years. Let's build that back up.

After that has been done, all of that is behind us, then let's take this surplus that remains and return it to the American people as an overpayment because they paid too much. It is like buying a car and you find out when you get back home, you read the sticker price and think, wait a minute, I paid too much. You go back to the dealer and you expect to get the money back. He would say: I gave it to my mother-in-law. That is kind of what happens in this case.

So we have the opportunity to return to those who paid it an amount of money. We should be looking at a much larger tax reduction than they are negotiating right now. What they are negotiating right now, if you put it in as a percentage of GDP, would be about 1 percent. Yet our other two major reductions in this century were far greater than that.

The liberals are missing a bet. If they really want to get more money into the system, they should be supporting larger tax cuts because history has shown us, when you reduce the marginal rates, it has the effect of increasing revenues.

Going back to World War I, the President, after World War I, said: The war effort is behind us now so we will go ahead and reduce these marginal income tax rates. And they did. To their shock, they found out that it didn't reduce revenues. It massively increased revenues.

I am a conservative Republican. I look back wistfully at the days when we had a President, a Democrat, who realized that this concept works every time. It was President Kennedy in the 1960s who said, we need to expand the role of Government and get into a lot of programs—perhaps such as the dental program the Presiding Officer discussed—and the best way to do this—this is a direct quote from President Kennedy—to increase revenues, is "to reduce the marginal rates so that the economy will expand." For each 1-percent expansion in the economy, that produces about $46 billion in new revenue.

Sure enough, it happened. In fact, it almost doubled the revenue in the 6 years after that massive cut. Remember how big that cut was? It went from 91 percent down to 78 percent. It was a huge cut, much greater than we are talking about doing today. So that worked and some of these programs were funded.

Then along came Ronald Reagan. The decade of the 1980s, from 1980 to 1990, saw the largest tax reduction in the history of this Nation. President Reagan was elected and the first thing he did was sign the tax reduction. He took that 78-percent rate and brought it all the way down to, I think, 28 percent. The result was great increases, massive increases in revenues.

To document that, the total amount of revenue that came in from all marginal rates in 1980 was $244 billion. In 1990, it was $466 billion after all the reductions that had taken place, the largest reductions in any 10-year period in the Nation's history.

You hear the liberals saying: Look at all the deficits that came about during that 10-year period. That wasn't a result of the President. That was a result of a very liberal, big-spending, Democrat-controlled House and Senate that increased the spending.

You cannot blame that on the President because he was the one who reduced the taxes and was responsible for doubling the revenues at that time.

We should stand back and look at this. We had one of the financial advisers to President Clinton, when he was President when he first came in, who made the statement that there was no relationship between the level of taxes the Nation pays and its productivity. Theoretically, that means if you pay 100-percent taxes, you will be just as motivated to work hard and to expand the economy as if you were paying no taxes. Obviously, that doesn't make sense.

It is time the American people realize what we are trying to do and what this President is trying to do and that we get the best conference report out and that this can be a very historic time because sometime, maybe today, that conference report will come out. It will incorporate some tax reduction, not great tax reduction—the top rate may be going down from 39 to 35 percent—and actually eliminating some taxes down at the lower income level. I think we have an opportunity to pass this thing out today. This will go down as probably a great legacy, not just for the President of the United States but for the House and the Senate which are working on this.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

A MOMENTOUS WEEK

Mrs. HUTCHISON. Mr. President, I rise today to talk about some of the activities that are going on right now. We have had a momentous week in the Senate. We passed a tax relief bill so that every working American would get relief from the burden of taxation. We passed a budget that is responsible stewardship of the people's money.

I stress people's money because one of the things I think is very important is that we remember the money people work so hard to earn is not the Government's money. It is what people send to the Government to do the functions of Government and that we have the responsibility to assure it is wisely spent and what isn't necessary for the functions of Government is sent back to the people who earn the money. We believe that people can choose how to spend their money better than a big Government program can do.

So we have passed the budget resolution that provides for tax relief for hard-working Americans. It would be $1.35 trillion over a 10-year period. It would pay down the debt to the maximum extent possible without paying a premium for early payment of outstanding Treasury issues. And I think that is a very important component because paying down the debt frees up more money that is going to go to interest payments, and that is money that can either go into the spending that is necessary to cover the costs of Government or more can be sent back to the people who earn the money.

We also do provide in the budget that was passed at least a $500 billion cushion—a rainy day fund—which we think is very important for meeting the emergencies we might face in the next 10 years. It is also important for the added spending that we know we are going to face. We have set a 5-percent limit on the increase in spending for the next year. A 5-percent increase is more than most families are going to increase their spending in the next year, so I certainly think it is the most we should go beyond this year's spending of the Government money.

With that 5-percent increase and the $500 billion rainy day fund, we will be able to spend more in the priority areas such as national defense. We know we have fallen behind in the last few years in keeping up our strong national defense. We also know we are going to have to meet some future technology tests in order to maintain our superiority and security. So that means we are going to be looking at the next generation of airplane, the next generation of ship, the next generation of land-based vehicle, and the next generation of missile defense.

We must perfect our theater missile defense, so that when our troops are in any theater in the world, they will have the protection of a missile defense system, such as the PAC 3, which is a hit-to-kill missile—a missile that can hit a missile. That has been tested and it works. It is going to be the most successful theater defense system we have ever had in our country.

We are also looking at a longer range missile defense system, possibly a sea-based system and, later down the road, an intercontinental ballistic missile defense system. This is because we want to make sure that our shores are totally secure from any kind of incoming ballistic missile and that our people, wherever they may be in the world defending our interests, will also be secure. So that is going to take more money and we are going to put more money into it.

In addition to more defense spending, we are going to have to deal with prescription drug options in Medicare and prescription drug benefits for people who are facing true hardships in meeting their medical needs. That will take more money. I hope we can reform the Medicare system so that it does meet the test that all of us want it to meet for quality health care for our senior citizens, and that we can add a prescription drug component. So that will be another area of added spending.

I hope we will be able to have a Social Security reform bill, and all of the money that is now in Social Security surplus will be held for Social Security reform. It will be held for the integrity of the Social Security System that is done in the budget we have passed because we want to reform Social Security to make sure it is secure, not only today and 10 years from now but in the year 2030 when it will go into deficit if we don't do something to make sure it remains solid.

So we passed a very good budget. In that budget, we also allocated $1.35 trillion for tax relief. I am very proud that our conferees are trying to work that out between the two Houses. The two Houses passed very different bills. The Senate bill was passed this week; the House bill was passed earlier. They are different bills. The rate reduction is different in the two bills, so we are trying to reconcile those rate reductions. We are trying to make some of the reductions earlier in the process, over a 10-year period. Some of the rate reductions take effect later in the 10-year period. We would like to bring all of the reduction into 2002 so that every working American would start feeling some relief by January 1 of this year.

We are trying to give relief from the marriage penalty. When two single people are working—for instance, a policeman and a schoolteacher—when they get married today, they will pay approximately $1,400 more in taxes just because they got married. You may say, why would they have to pay $1,400 more in taxes? Why would our Tax Code do that? Well, it is because when they get married, they go into the next bracket; whereas, if they make $30,000 and $25,000, respectively, and they are in the 15-percent bracket, when they get married they go into the 28-percent bracket. That is a $1,400 hit. So we are going to try to relieve that penalty.

In the Senate bill, there was very solid relief—double the standard deduction, double the 15-percent bracket. That is solid relief. It will take place over the 10-year period. Many of us hoped it would take place sooner than the 10-year period, but at least if we can get that relief on the books, we will begin to change our Tax Code so that it does not discriminate against people who get married. We want people not to think of taxes as a factor when they decide to tie the knot and start their family.

So anything in the Tax Code that will have the effect of cutting back on the ability of people to get married and start their families, buy their first home, buy the extra car, whatever it is, we want them to be able to do it without regard to the Tax Code.

So we are looking at significant rate reductions that will affect every working American. We are talking about significant marriage penalty relief. We are also talking about relief from the death tax. We are talking about trying to keep a family-owned farm or business in the family.

I don't want to continue to see family businesses in our country sold to big businesses and take away the family nature of the business which is important to that family and important to every employee of that family business. I want those family businesses to stay together. I don't want every farm in America to be part of an international conglomerate. I want family farms to make it in America, and I want family ranches and family small businesses. That is the economic engine of this country, and it has been our tradition for over 200 years, valuing family-owned businesses.

If we can pass them through the generations without taxing them and causing them to have to be sold to pay inheritance taxes, then I think we will have maintained one of the very important economic engines of America, and we will have maintained a very strong tradition and a very strong part of the entrepreneurial spirit that has helped build this country. So we address that death tax, and we eliminate it over the 11-year period, and we significantly increase the exemption through the 10-year period.

The fourth area of major tax reduction that we hope will come out of the conference report and was a component of both the House and Senate bills is the child tax credit. We are trying to double the child tax credit over a 10-year period. Today, it is $500. We hope to increase that to $1,000.

So the four major parts of our tax relief bill will be a major tax reduction through rate reduction, marriage penalty relief, death tax relief, and the $500-per-child tax credit doubles for every family.

There are many other important elements; there are many other important tax relief measures I would like to see pass. If we can keep those four strong elements so that everyone will realize relief in a big way, I will be happy.

Hopefully, we will lower the capital gains rate and will increase the IRAs and the pension capabilities. The more people can save, the better off our country will be and the more stability our country will have. Those are all worthy. I hope we can do those at a later time.

There are some very important education deductions in the Senate bill. I hope we can keep some of them. Trying to help people with their education expenses is the most important thing we can do to increase the number of young people who get a solid education, K–12 and college.

It will be a great stepping stone to go into the next year if we can pass the tax cut bill. Right now the conference committee is working. I believe Senators are willing to stay. We thought we would be out for Memorial Day right now. We thought we would be gone. I thought I might be home with my family last night, but I am not. I am here and so is every Senator.

We hope to pass this tax reduction package. If we cannot do it today, we are willing to stay until tomorrow. We will pass it tomorrow if we can get out the tax cut package and certainly we hope we can finish this business because there will be some major changes that are dependent on our passing that tax cut legislation.

There are major changes in the Senate. They are not my first choice for changes, but nevertheless the decision has been made, so we ought to go forward and let people start making concrete plans about how the Senate is going to be organized. It is in everyone's best interest to do that.

The Senate is staying in session. We are going to make every effort to finish this tax relief bill for the American people if we have to work today, tonight, tomorrow, Sunday, Tuesday—whatever. If we can come to an agreement on a tax cut bill that has the general principles I have outlined that were passed in the House and Senate bills, then we will be in very good stead with the American people that we have done our job to the best of our ability in a bipartisan way, and we will then come back and start the business of reorganizing the Senate and continuing to do the people's work.

When we come back from Memorial Day and visiting with our people at home, we are going to start talking about the energy crisis. During Memorial Day weekend, we are going to want to start thinking about how we can address the energy crisis in a meaningful way, hopefully with some short-term relief but, more importantly, for the long term.

We have three major problems with the energy crisis in this country. We have a production problem. We are importing 56 percent of the energy needs of our country from foreign countries, and that is not a good, stable situation. We have a distribution problem in that we do not have enough refineries and pipelines to distribute the energy even if we increase production, and we have a conservation, a consumption problem. We need to encourage people in every way to conserve heating and air-conditioning in their homes, the gasoline they use in their cars.

We can encourage people to conserve. We hope they will do it anyway. With incentives, people will be even more encouraged to conserve.

We have a three-pronged energy problem: production, distribution, and consumption. That is going to be our priority when we return.

Senator MURKOWSKI has been talking about the energy crisis in this country for the last 4 years. I have been privileged to work with him, along with Senator BREAUX, Senator LANDRIEU, Senator DOMENICI, and Senator THOMAS, on this energy issue in a bipartisan way.

We have been saying for the last 4 years we have an energy crisis in this country. We have not been able to get the rest of the Members of Congress to listen. They are going to listen now, and Senator MURKOWSKI, myself, Senator BREAUX, Senator THOMAS, Senator DOMENICI, Senator LANDRIEU, Senator BINGAMAN—all of us are going to be working on an energy package that will address the three components. It must be balanced, and we must address all three components.

I hope we can get tax relief on the table, letting people keep more of the money they earn, and send it to the President. I know he is going to sign it because he asked for it. He campaigned on it. He kept his promise; he asked for it and we are going to give it to him. Now we are going to address energy. We are going to address education reform and try to keep doing the people's business.

We have toiled in the fields. We have worked hard. We have a lot to show for that work. We will finish the job the people have asked us to do on tax relief and, hopefully, we will go home, turn a leaf, and start addressing education and energy when we return.

I am proud of the job our President is doing, and I am proud of the job the Senate has done.

I end by saying on a personal note, I am very proud of our leader, Senator TRENT LOTT, the majority leader of the Senate. He has worked very hard to push the President's programs he campaigned to do and was elected to do.

Senator LOTT has the most unfailing sense of humor and optimism of anyone I have ever met. He has been hit with a few blows in the last few weeks. I admire what he has been able to do, working with the Democrats, saying we are going to work in a bipartisan way. Through the filibuster of the tax cut bill, he kept his optimism. He never let down. He let the 50 or so amendments be voted on time after time. He kept his good humor.

Now he is facing becoming the Senate Republican leader rather than the Senate majority leader, and he is already reaching out to Senator DASCHLE, who will be the majority leader in the next couple of weeks. He said: We are going to keep working with you, and we are going to try to work in a bipartisan way to assure the people's business gets done.

My hat is off to Senator LOTT today. I have seen him up close in the last few weeks, and I can tell you he is a leader who is determined to continue to do his job in the best way he can, in the most sincere way he can, never with acrimony, always trying to do the right thing, working with a 50–50 Senate, which has not been the easiest job he has ever been handed but one he has tried to dispatch in a most fair and equitable way.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Rhode Island.

CONGRATULATIONS, GENERAL LENNOX

Mr. REED. Madam President, last evening, the Senate of the United States confirmed MG William J. Lennox, Jr., of the U.S. Army, to be the 56th Superintendent of the United States Military Academy at West Point.

General Lennox is an extraordinary officer and gentleman. I have known him for a long time. In July of 1967, we entered West Point together. He proceeded through West Point and for 30 years he has been an extraordinary soldier. He represents the very best of what our Army is all about. He is a soldier and he is a scholar, but he is a soldier first.

He was commissioned in field artillery and served in various demanding assignments from platoon leader, battery commander, executive officer of the 2d Battalion, 41st Field Artillery in Germany; Deputy Commanding General to the U.S. Army Field Artillery Center and School at Fort Sill; Chief of Staff, III Corps at Fort Hood; and Assistant Chief Of Staff, United Nations Command for the United States Forces Korea. In his most recent assignment, General Lennox was the liaison for the Department of the Army to Congress.

He has performed all of these duties in extraordinary fashion. Bill Lennox understands our Army is composed of the greatest soldiers in the world. He respects these soldiers. He has committed himself to lead these magnificent men and women with the same dedication, the same professionalism, the same fidelity to duty and country that these soldiers demonstrate every day.

He is a great soldier, but he is also a distinguished scholar. Bill was assigned to the Department of English at the Military Academy after receiving a master's degree from Princeton University. He accomplished a remarkable feat while teaching English at West Point. While being active as an officer and professor at the Military Academy, he also obtained his Ph.D. from Princeton University in English.

He is a rare combination of a great soldier and a real scholar. In fact, typical of the Army life, nothing is very easy. The day Bill was scheduled to take his final Ph.D. examination and present his oral defense was also the day that his family was moving from West Point to his next assignment. So as Bill was taking these exams, and after spending the week preparing not only for a demanding analysis of English literature but also a move, fortunately, his wife and his partner, Anne, had to pack up the house and get them moving.

It illustrates something else that General Lennox brings to West Point. He has an extraordinary family. His wife Anne has not only played a large part in his life, but also a large role in his career. Their sons are extraordinarily talented young men. Together, Bill and Anne will represent to a whole generation of cadets, both male and female, the exemplar of what an Army family should be: committed, patriotic, and dedicated. They will ensure that cadets are conscious not only of their role as a professional members of the military service but also of their role as people and neighbors.

Bill is following a distinguished predecessor, LTG Dan Christman. The United States Military Academy today has compiled a remarkable record. Dan has reinvigorated the Academy in terms of academic performance, physical infrastructure, and commitment to basic values that make our Military Academy and our Army a very special one indeed.

I am confident that Bill Lennox can meet the very high standards established by Dan Christman and a whole succession of predecessors: people such as William Westmoreland, Douglas MacArthur, and Robert E. Lee. West Point has a very storied tradition and great legacy. Bill Lennox brings to that great tradition the character of a soldier and something else: Bill understands and appreciates that he is helping to train the leaders of the army of democracy; that unlike other countries around the world, we do not have a separate military caste. The men and women who lead our Army, the soldiers who man our Army come from every walk of life. They understand that they defend this great democracy, with all its contradictions, with all its unmet, untidy, and messy proceedings. They do it with great faith and great fidelity, with great competency and great patriotism.

I am delighted and honored to be able to say a few words about my friend and the next Superintendent of the United States Military Academy. I am pleased to commend Bill Lennox for his career and to celebrate his new appointment. But I am also honored to convey to my colleagues not only deep respect and affection for Bill, but also the sense that our Army is producing and promoting an individual who recognizes what we do here is very important. As Superintendent of the United States Military Academy, he will ensure that this democracy will continue.

Ultimately, it is not our weapons, but it is the brave men and women who wear the uniform of the United States that allows this experiment in freedom and democracy to continue day in and day out. He will instill in a generation of cadets a deep devotion to the credo and core values of the Military Academy: duty, honor, country. He will do that because he has lived his life according to that credo of duty, Army, country.

To Bill and Anne, good luck, Godspeed, go forward, and lead a right institution into this new century.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

Mr. FITZGERALD. I thank the Chair.

(The remarks of Mr. FITZGERALD pertaining to the submission of S. Con. Res. 44 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. FITZGERALD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX CONFERENCE

Mr. KYL. Madam President, our Senate colleagues are anxiously awaiting the report from the conference committee that is attempting to iron out the differences between the House-passed tax bill and the Senate-passed tax bill. I thought perhaps some who are waiting for this outcome would be interested in some thoughts with respect to what has gone on so far and what we might expect from the conference. In particular, I will address remarks to the part of the bill in which I was most involved.

I begin by noting that the conferees, who are the people on the Ways and Means and Finance Committees, are busy at work trying to iron out the differences between the two bodies. Part of the success of getting the bill to the conference in the first place is attributable to the bipartisan leadership of the chairman of the Senate Finance Committee, CHUCK GRASSLEY of Iowa, and MAX BAUCUS, the ranking Democrat from Montana. They worked very hard to develop a bill which wasn't all conservative or all liberal, all Republican or Democrat, but which represented views of a substantial part of the membership of the committee on both sides of the aisle. It represents most of what President Bush wanted, but not all, and not quite to the same degree, because by definition it is a compromise.

Because of that compromise, and it had support from both sides of the aisle, over the course of the last week there were 45 different attempts to amend the bill. Every one of them failed. In other words, the Members of this body voted time after time after time to support the work of the Senate Finance Committee, understanding it represents a good compromise.

Of course, there has to be another compromise, and that is with the House of Representatives. The bill the House passed represents a little more closely the views of President Bush. Naturally, those on the Republican side of the aisle are hoping there will be a compromise between the House and Senate versions that truly does reflect a meeting of the minds.

The Senate-passed bill was only a total of 10 years of $1.35 trillion because that was the compromise amount. That meant we could not grant relief quite as robust as the House had done earlier. All of the Republicans and 12 Democrats voted in favor of that bill.

From my perspective, it was not perfect; it certainly was a very good step toward tax relief, providing, most importantly, marginal tax relief from income tax rates and significant relief from the estate tax and eventual repeal, after 10 years, of the estate tax.

I am hopeful this conference committee will be able to reach a conclusion and enable the Senate to pass this bill sometime tonight or tomorrow, whatever might be the time.

I will discuss primarily the provisions relating to the phaseout and eventual elimination of the death tax in the year 2011. The death tax provisions being negotiated now, it is my understanding, are not as much as either in the House-passed bill or the Senate-passed bill. The reason is because there has been an effort to accommodate more Members with what they wanted to include in the bill. Everything else has to give. The net result is, according to my understanding, that the range they are talking about now, out of a total of $1.35 trillion, is about $135 billion, or 10 percent.

For practical purposes, about 10 percent of the tax relief under the bill goes to rate reduction of the death tax and an increase in the exemption and eventual repeal in the 10th year. President Bush, by contrast, allocated $260 billion for death tax relief. We are trying to get by to do more with less.

Probably the most important thing is there has been an understanding both in the House and in the Senate reflecting the will of the American people that there is something terribly unfair about a provision of the Tax Code that literally taxes people because they die; not because they sold an asset; not because they saved or invested or had some other kind of economic transaction that they fully knew the tax consequences of but, rather, they are taxed because they die.

We have come to conclude, representing the view of the majority of Americans, there is something very unfair about taxing people after they die. Actually, you are not even taxing the person who died. You are taxing that person's heirs—the spouse, the children—at the very worst time of their life following this tragic event. It is not fair. It doesn't represent good tax policy.

There is a good way to substitute the capital gains tax for the estate tax, so that the assets end up being taxed but being taxed the same as any other assets, based upon an economic decision, if and when those assets are sold, and then taxed at the capital gains rates. But a tax is not imposed at the time of death. Fundamentally, death should not be a taxable event and that is a core principle that will come out of this tax bill. It is a core principle embodied in the repeal of the estate tax, sometimes called the death tax.

To me, the most interesting thing to come out of this debate is the realization that the American people have a fundamental sense of fairness. When you ask them whether it is fair to tax at the rate of about 25 percent, for example, they say no; we ought to get taxes down.

When you ask them if it is fair that death should be a taxable event, they say no, even if they do not think they are ever going to benefit personally from repeal of the estate tax. Fairness is what this effort to repeal the death tax is all about.

What I mostly wanted to do today is to report the results of a national poll of just this week. So we are not talking about something a long time ago—just this week, a very objective poll. So it has a very low margin of error. It is a poll by the respected McLaughlin & Associates of a thousand likely voters from around this country.

Here is one of the questions they asked. They wanted to ask the question, in effect, in the worst way possible. They said: Do you believe it is fair or unfair for Congress to impose a 40-percent or greater tax on an estate worth $1 billion?

You could say, Do you think the death tax is unfair? I guarantee at townhall meetings people say: No, the death tax is not fair. That is not really putting the question in the most objective way. But when you ask: Is it fair or unfair for Congress to impose a tax of, be specific, 40 percent or more on estates—you don't use the death tax terminology—on estates of $1 billion or more, that is the loading of the question. That is the part that biases it, $1 billion or more, should you tax them at more than 40 percent?

Do you know what the answer is? By 60 percent the American people say: No, it is unfair. Only half that many said it was fair. How many of those people do you think would benefit from a repeal of that estate tax? Out of 1000, I don't know, maybe one but maybe not. There are not many people in this country leaving an estate of $1 billion. Yet all Americans realize it is fundamentally unfair to impose a tax of more than 40 percent.

Of course, I might add the law currently is that it is about a 60-percent tax rate, but the question was not biased.

I think what that shows is right this week the vast majority, by 2 to 1, of Americans believe that even a tax rate of 40 percent is unfair. The reason that is significant is in the Senate bill we were not able to reduce the tax rate on estates of even $5 million, let alone $1 billion, to that 40 percent level. As a matter of fact, I think we got it down to 45 percent, if I am not in error. Yes, we reduced the rate from 60 percent down to 45 percent. The House got it down into the 30s. I have forgotten whether it is 37 or 39 but something like that. We ought to be working to reduce the rate below 40 percent before the tax is finally eliminated in the 10th year. But we were not able to do that. I hope that is something the conference committee will work to do, to try to bring that rate down just as much as they possibly can.

What is interesting about this survey that shows that American people are fundamentally fair minded is that the results were the same across economic and political classes. For example, just as many voters who earned under $20,000 as those earning over $100,000 said the practice was unfair; exactly 61 percent in both cases. It is consistent across the political spectrum, very similar. Among Republicans, 65 percent said it was unfair: Remember the baseline is 61 percent. Slightly more Republicans, 65 percent, said it was unfair. Slightly fewer Democrats, 54 percent, said it was unfair; and Independents, 62 percent, almost right on the button.

The bottom line is, whether Republican or Democrat or independent, a substantial majority believe that even a 40-percent tax on $1 billion estate is unfair.

The other interesting thing is this survey tracks all the other surveys I have seen over time. I will go back just 1 year because that is a nice frame. But the clear and resounding message is the estate tax is unfair and ought to be stricken from the code. The same McLaughlin & Associates conducted a poll earlier this year, in January. It found then that 89 percent of the people surveyed believed it was not fair for Government to tax a person's earnings while it is being earned and then tax it again after the person dies—which is exactly what the estate tax does.

Mr. President, 79 percent approved the idea of abolishing the estate tax—79 percent. That is very consistent with other surveys as well.

I went back a year ago because there is an interesting Gallup Poll that was done just a year ago—not quite a year ago. It found 60 percent of the people supported the repeal, even though about three-fourths of them believed they would never receive any direct benefit from that repeal.

Again, it goes to the notion of fairness. People believe an unfair tax should be repealed even if it is not going to help them at all. The reality is it probably would help them in terms of its indirect benefits. I noted during the debate on the estate tax the economic benefits to repeal, in terms of new jobs created, the infusion of capital into the economy, the growth of the economy—all these things would be significantly benefited from a repeal of the estate tax. Of course, that benefits all Americans.

As John F. Kennedy said, in a different context, with respect to tax relief, "A rising tide lifts all boats." So if you can help the American economy, it helps everybody in the economy, even if you are at the lower end. So the reality is, repealing the estate tax does help all Americans. But it obviously helps some more than others. It especially helps those in two categories: First of all, those who pay the tax. That is not very many people. It is maybe in the hundreds of thousands—maybe a million, I don't know. But if you take members of families who are directly affected by this, clearly it is a number that is very much in the millions, if at all. Yet Americans fundamentally believe it is unfair to tax them.

The other larger group that is affected by the tax is, of course, all the people, especially the small business people—family-owned farms and family-owned businesses—who have to spend their money to try to plan their estate in such a way as to minimize the estate tax liability. This is difficult and expensive.

The Women-Owned Business Association—by the way, women-owned businesses represent more than half the small business in this country. They surveyed their members and found—just 2 years ago I believe it was—the average small business spent $60,000 to do this expensive estate planning.

I note there was an op-ed in the Washington Post this morning by a very wealthy American who testified before the Finance Committee. He said it was really a shame we were going to do away with the estate tax. Of course, his point was he didn't think the American people really believed that way; yet I think the survey results show that they are. But people like this individual have the money to do the estate planning. They do not suffer from the tax. It is the small businesses and family-owned businesses and farms that end up having to pay a lot of money to buy insurance, to pay lawyers and accountants and estate planners to try to avoid the tax.

The real cost of the tax is at least as much, and probably more, in the wasted money spent to avoid paying the tax than it is the revenue to the Federal Government in the first place. Mr. President, 2 years ago when the tax collected about $20 billion, there is a study that showed that almost exactly the same amount of money, by coincidence, about $23 billion additional, was spent by people to avoid paying the estate tax or minimize their liability. So it is a very inefficient tax, as economists Henry Aaron and Alicia Munnell said in writing a 1992 study. They said death taxes "have failed to achieve their intended purpose. They raise little revenue. They impose large excess burdens. They are unfair."

I think the thing to note at this point in time in this Chamber, at about 2:20 on Friday afternoon, is that the conference committee is working away trying hard to bridge the gap between the House and Senate versions of the estate tax. I think all of us are hopeful that they will conclude their work so we can vote on the bill and provide tax relief to Americans.

This is a bill which provides relief all the way from the refundable tax credits, literally providing money to people who do not pay taxes, all the way up to those few people who, as I said, would receive relief from the estate tax. But most importantly, it would provide marginal rate relief for all Americans.

We have an opportunity now. I hope that we can drive the rates of the estate tax down prior to the repeal but, in any event, we will have struck a blow for fairness in this country by reducing marginal rates; reducing, if not eliminating, the marriage penalty, which is very unfair; and, finally, getting rid of a tax that a majority of Americans believe is very unfair, a tax that literally requires people to pay money to the Government because they died, the estate tax.

Madam President, we have a wonderful opportunity. I hope the conferees come back soon and we will have a chance to vote on this legislation.

Again, I commend the members of the conference and, in particular, the bipartisan leadership in the Senate, Senator GRASSLEY and Senator BAUCUS, for the fine work they have done to get it this far.

I just hope now we can conclude the work and send it down to the President for his signature and the benefit of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, I yield myself a few minutes to talk about energy this afternoon, if I may, please.

First, I thank my friend from Arizona for a very complete discussion of the tax reduction bill. Certainly, it is one of the most important things we will do during this Congress, and, indeed, over the next number of years.

The whole question, in the broad sense, of how you do taxes is very interesting. One question is, How are they fair? How do you make them fair among all the taxpayers? Another question is certainly the amount. How do you justify taking this money from citizens and it going to the Government? And when you have more than enough, what do you do with the surplus?

So I thank the Senator very much.

IMPORTANT ISSUES BEFORE THE SENATE

Mr. THOMAS. Madam President, we, of course, have been dealing, over the last several weeks, with some of the most important issues that will be dealt with in this entire year, as we should. One, of course, is the budget. I think our success in the budget is holding down spending to something somewhat below what it has been in the past. Because we have had a surplus, the expenditures have gone up really more than you would imagine they would in terms of inflation and those kinds of things.

So this budget was held—I think the President asked for 5 percent—to a little in excess of that, but, nevertheless, a reasonable budget of which we can be proud.

The question now, of course, is staying within the budget. The budget is not an imposition of a limit; it is a pattern and a scheme to try to stay within. But it does not necessarily ensure that. That will be the real challenge.

The second thing we have dealt with, and have not yet completed, of course, is education. For most people in this country, education is the first issue they mention when they talk about issues.

Again, there are some rather basic issues that really ought to be talked about and decided. One issue is, What is the role of the Federal Government in elementary and secondary education? I think most of us would agree—and our experience has been—that State and local governments have the principal responsibilities in education. With that certainly ought to go the opportunity to make the decisions on a local basis.

The schools in Wyoming, obviously, have different needs, and have different uses for the dollars, than in areas of the country such as Pittsburgh or New York. And, therefore, local decisionmakers ought to have a chance to be able to use those dollars in the ways they are needed.

Another issue in education, of course, is the basic question of, What is the role, in terms of expenditures, of the Federal Government? I think over the past number of years the Federal Government's contribution financially has been something less than 7 percent. So it is a relatively small contribution but a very important one and has caused us to have some of the programs that, of course, are very essential to our young people and very essential to education.

The tax bill that has been talked about is probably the most important thing we will do for a very long time. Hopefully, we will conclude that this afternoon. We will return a substantial amount of the surplus to those people who have paid it in and, at the same time, retain enough money to do the things that most people believe are a high priority; that is, to pay down the debt—to pay down all of the debt that is available to be paid down—to do something more with Social Security and pharmaceuticals, to ensure that Medicare is strong and continues in the future, and, of course, to have some flexibility so that there will be money there for increased expenditures for the military and for security.

I think all of those areas will be covered in this proposal that is before us.

The next issue that has a much higher profile now than normally is the question of energy. Of course, one of the reasons that it is now on so many people's minds is because prices have gone up substantially. There is the difficulty in California, the shortages that have occurred there. You can talk in many ways about why it has happened and what was the cause, but, nevertheless, it is there. Certainly there are some fairly interesting things that have happened there that have brought about the difficulties in electric energy.

But energy, of course, has been an issue for some time. It is not a brand new idea. It isn't hard to understand that when the market messages tell you that consumption is going up and production is going down that you are going to have a wreck inevitably and you need to do something about it.

It is not hard to tell that we have put ourselves at risk when we find ourselves depending nearly 60 percent on oil imported into this country as opposed to domestic production. That is an increase that has changed substantially over the last several years.

I suppose one might also say that it is not hard to imagine that you have some problems when you really have not had an energy policy for the past number of years, so that whatever has been done has not been part of a coherent plan to provide sufficient energy.

So I am very pleased to applaud the President and Vice President DICK CHENEY for the effort that they have put in—and immediately put in—to the energy issue. The White House energy tax force, chaired by Vice President CHENEY, has produced an energy package that has now been presented to the public and to the Congress with some 105 proposals that need to be considered, some of which can be done by administrative fiat within the Government. Others will have to come to the Congress, of course, to be acted upon.

I have been serving on the Energy Committee for some time and have been very interested in public lands and the interior. It has been very interesting that we focused entirely on the Department of Energy which, in turn, has not focused much on energy but, indeed, has had most of its focus, over the last several years, on one of its other responsibilities, which is nuclear: nuclear waste, nuclear security, Los Alamos. Those kinds of things have been almost the entire attention of the Department of Energy as opposed to energy.

So it is significant to me that in this work group the Vice President has included not only the Secretary and the Department of Energy, as, of course, it should be, but also the Department of Interior, which manages our public lands—which have some of the greatest energy reserves—and also EPA, the Environmental Protection Agency, which has had a great deal to do with the production of energy and the regulations that have been promulgated.

So I think it was an excellent idea to have this collaborative effort, to bring several different agencies together. I hope they continue to be a part of dealing with the whole energy issue.

So I certainly support a program that recognizes that we have significant energy demands and one that begins to look for a solution—a solution that also includes conservation and the protection of the environment. I think those are very key elements.

I come from the State of Wyoming. We have a good deal of energy production in our State. Some call it the Btu capital of the world. We have probably the largest reserve of coal in the United States, as well as natural gas and oil. We have uranium, all those kinds of things. We also have some of the most beautiful mountains and flats and prairies of any State in the Union. And we have, for a number of years, produced energy. We intend to continue to do that. We intend to continue to do it in such a way that you can protect the environment at the same time you have multiple uses of those lands. But there will be lands that will not be used for a multiple use. They have been set aside as wilderness. They have been set aside as national parks, and that is as it should be. And so we do have to differentiate.

But in the policy, of course, we talk about energy and fuel diversity, which I think is very important. Certainly we are going to have a number of kinds of fuels that we can use, coal being one.

There is emphasis on clean coal technology so we continue to research ways that coal, which now produces about 52 percent of our electric generation, can be used with less intrusion into the air. We can do that. In this plan there are opportunities for that.

Renewables: We need to take a look at the long-term importance of renewables. Certainly all of us would like to see more power generated from wind and solar. Currently only about 1 percent of our consumption is produced by renewables. It can be greater, and we hope it will be.

Hydro: Of course, we need to take a look at our opportunities for renewables in hydro. Interestingly enough, some of the environmentalists who are critical of the President's plan more recently were asking to tear down dams. It is sort of a paradox.

Nuclear has a role, certainly. We have seen over the last few years that nuclear-generated power is probably the most clean power that is available and can be done in a safe manner. We need to do more there. We need to do something, however, about the waste storage, of course. That has not yet been resolved.

These are some of the things that can be done, and I hope we do them. We have an opportunity to set out a policy and then use a combination of production and conservation to protect our environment. Those are the challenges we can indeed meet.

I yield time to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

TAXES

Mr. BENNETT. Madam President, we are all waiting for the conferees to come back to us with the tax bill. As we do that, I thought it might be appropriate for me to talk a little bit about some of the rhetoric that has surrounded the issue of taxes in the time we have together.

If I may, I will be a little personal because I have experience with the issue of marginal rates which might be of some value to this debate and which I would like to share.

As many Members of this body know, I was one of the founders of a business that started in what the pundits have come to call the decade of greed; that is, the 1980s. In that period of time, that which has been most commented on and most decried by the pundits is the fact that the top marginal tax rate was 28 percent.

We are talking now about an attempt on the part of President Bush to bring that tax rate down to 33. It is pretty clear from the conversations I have had with the conferees that that is not going to happen. I think it will be somewhere in the neighborhood of 35.

Someone said: Why does Michael Jordan need a tax cut? Why does Ross Perot need a tax cut? Why does Donald Trump need a tax cut? Isn't it proper that they continue to pay the lion's share of the taxes in this country? And they do. The people in the top 1 percent pay most of the taxes. To put it in another statistic: The top 400 taxpayers—this is less than 1,000 tax returns—pay more than 40 million of the taxpayers down below; 400 pay more taxes in dollars received than 4 million people down below.

Why do those 400 need a tax cut? They have plenty of money. That is the argument we hear.

I will concede that I don't think Michael Jordan needs a tax cut; I don't think Donald Trump needs a tax cut; and I don't think Ross Perot needs a tax cut. But under the Constitution, we have equal protection of the laws, which means if you provide a tax cut for someone, for a good and logical reason, someone else who happens to be in the same boat, even if he is rich, gets the same equal protection of the law and gets the same tax cut. So it is the side effect, if you will, that Michael Jordan gets a tax cut.

Here is the experience I had which I think gets ignored over and over and over again in the rhetoric that is thrown out with respect to tax rates. As I say, my associates and I started our business during the decade of greed when everybody was saying it was so terrible that the top marginal tax rate was 28 percent. We used, as most businesses did at that time and many businesses still do now, a provision of the tax law that is known as section S of the tax law. Those who use it are known as S corporations as a result of their election.

All that means simply is that the profits of the corporation are not taxed at the corporate level. They flow through, as the Tax Code provides, to the individual tax returns of the shareholders.

We had five principal shareholders. That meant that as the corporation earned money, that money flowed through to our tax returns. If I can be fairly dramatic, in terms of the impact on me, I was earning my salary as the CEO of that company, which I and my wife thought was a relatively modest salary, but I filed a tax return showing that I had earned more than $1 million. Why? Because my share of the profits of the corporation showed up on my tax return.

Now it made absolutely no difference whatsoever to my take-home pay, which was tied to my salary, because the corporation did not give me any money beyond the money necessary to pay my share of the taxes. Why would we do that?

There are two reasons we made the S corporation. The first and primary reason is that we wanted to avoid double taxation. If the corporation earned $1 and paid corporate taxes on it—and let's take the corporate rate at the time, which I believe was 38 percent—if the corporation earned $1 and paid 38 cents of that dollar to the Federal taxes and then gave the resulting money to the shareholder, the shareholder would then have to pay taxes a second time on the money that came as a dividend. If you make an S corporation, you only pay taxes once instead of twice. That is the primary reason people make the S choice.

The second reason was that if we did the S choice, we only paid 28 percent on that $1 earned instead of 38 percent on that $1 earned. Naturally, we wanted to save the extra 10 percent, 10 cents on the dollar.

Many people have the idea that when you earn money, you buy yachts and you take vacations and you waste the money overseas in what the Scriptures would call "riotous living." In fact, of course, when you are growing a business, you need every penny. It goes into inventory. It goes into accounts receivable. It goes into capital investments. If the business is growing—and our business was doubling every year; it did that for about 6 years running—you are always behind.

Indeed, I say to the students in business school, when I am asked to talk to them about this, the most terrifying thing you can do in a start-up business is make a profit, because then you owe taxes. Uncle Sam shows up and wants his tax money in cash.

You don't have it in cash because, as I say, your profits are all tied up in inventory, all tied up financing your growth. You end up, in most instances, borrowing cash from the bank in order to pay your taxes.

We paid a marginal rate of 28 cents out of every dollar we earned, and we plowed every one of the remaining 72 cents back into that business to make it grow. Our salaries did not increase. My take-home pay actually went down when that extra $1 million showed up on my tax return, because then I was being treated, as far as the Federal Government was concerned, as if I were a basketball star earning that $1 million, and that wiped out all of my deductions. That may not matter much to some people, but we had six children at the time, and that constituted a fairly significant amount of deductions that all of a sudden we couldn't take because we were "rich."

My take-home pay on my W-2 pay hadn't changed. The amount of money I was being paid by the corporation had not changed.

All that had changed was the bookkeeping entry on my tax return. Well, I am not complaining because the business was successful—so successful that we could look back on it now and realize that that business started literally in somebody's basement, with 2 employees, a husband and a wife, that then doubled to 4 employees, and that is how many they had when I joined them; I made No. 5. That business is now employing about 4,000 people. They are paying literally millions of dollars in Federal taxes, both the corporation taxes, the income taxes of the payrolls that have been generated with those 4,000 folks, plus the suppliers, plus all the rest of it. It is a fairly typical American success story.

The point of all this is not to bother you with details of my experience, but to point out that the difference between the top marginal rate of 28 percent that we pay and the current effective rate of 42 percent is 50 percent of the original amount; 14 points out of the 28 percent have been added on to the 28 percent. I suggest to you that if we were trying to start that business today, we would not have been able to finance it.

Many of the people who looked at this business said to us: How are you doing this? This growth is phenomenal. How are you creating these jobs?

We said we did it with internally generated cash. We didn't sell stock; we didn't go to the bank, although we had a credit line at the bank, of course. But we did it because we were able to save enough of the profit dollars we earned to pay for the growth of that business and create those jobs.

You can never say anything with certainty with respect to hypotheticals, but it is my conviction that if we were starting that business today, facing an effective tax rate of 42 percent, we would not succeed. We could not afford to do it. Therefore, we would not have created the 4,000 jobs that exist now.

The point I want to make with respect to the top marginal rate is that it does not just apply to the Michael Jordans and Donald Trumps of this world. That marginal rate applies to the entrepreneurs who are trying to do the same thing my associates and I were lucky enough to do—start a business, create jobs, add to the growth of this country, and discover as they go along that they need to hang on to every penny they earn to finance that growth, and every additional percentage point that we in the Congress put on the marginal rate hampers the opportunity of people to do that.

Senator GRASSLEY, chairman of the Finance Committee, has offered the statistics of how many hundreds of thousands of small businesses trying to become big businesses are affected, how many hundreds of thousands of them, with their subsequent millions of employees, would be benefited by the kind of tax relief at the top brackets that President Bush is urging us to pass.

We never hear that from the folks in the national media. Sometimes I wish that some of the people who are the talking heads on the shows on Sunday, who pontificate with such certainty about economic matters, might just take a few weeks off from their situation in front of the cameras and come out into the real world and try starting a business, try employing people, try creating jobs, and discover that life is a little different. Some in this Chamber have that experience.

Comments were made by one of the more distinguished Members of this Chamber who ran for President in 1972—the Democratic nominee, Senator McGovern. He was firmly and solidly in the camp of those who insist that top marginal rates should be higher and higher and Government should regulate more and more. He tells the story of how, after his political career was over, he still had enough notoriety left over that he could give some speeches and earn some money for those. As he was paid honoraria for the speeches, he accumulated some money and he decided: Now is the time for me to relax a little. I will buy a business.

He bought an inn in New England. Maybe he watched Bob Newhart's show and he thought that would be a nice thing for him to do—whatever. He has come back and said: If I had had the experience actually running a business in the real world before I became a Senator instead of afterwards, I would have been a very different kind of Senator. I would have had a very different view about regulations and taxes and the way the Government interferes with people's lives.

This came from a man who at the time was labeled the most left of all of the Presidential nominees put up by either party in a generation. Coming back from the actual experience, he finds things are really different in the real world than they are on the Sunday talk shows, and sometimes as they are portrayed in the Senate.

So while it may sound too personal for me to share this experience, I think it may have some value because we need to understand, as we are voting on this marginal tax rate, that we are talking about something far more than just the amount of taxes Michael Jordan or Donald Trump or Ross Perot may pay. We are talking about hundreds of thousands of businesses in this country that have been slowed in their growth, slowed in their ability to create jobs by seeing a jump in the effective rate go from 28 percent, which it was prior to 1991, to an effective rate of 42 percent now. And then people are beginning to wonder why there are some slowdowns in the economy.

There is another point I want to make about this issue and the rhetoric that has gone around about it. We are told over and over again that the primary benefits go to the top 20 percent and the folks at the bottom 20 percent don't get anything out of this. That is terrible, we are told, and we must somehow find a way to use the Tax Code to take the money from the top 20 percent and make it available to the bottom 20 percent.

There are several things that need to be said with respect to this argument. The first is the statistically obvious one. As long as you are dealing with 100 percent and dealing in percentages, you are dealing in what the mathematicians call a zero sum game; that is, you take a sum from this side, it must be added to that side, and everything in the end, one subtracted from the other, gives you zero, because everything equals.

The economy is not a zero sum game. Neither is society. If you are talking about the top 20 percent, you will always have a top 20 percent. You can't have a 100-percent scale without statistically and mathematically having a top 20 percent. So the top 20 percent will never disappear. No matter how much you make an attempt to take money from the top 20 percent and put it in the bottom 20 percent, mathematically, somebody else will always show up in the top 20 percent.

The second point, however, is the more important one, and that is, in America, more than in any other economy and any other society in the world, there is fluidity all up and down the economic scale.

If I may be personal once again, let me demonstrate that. I have been in the bottom 20 percent. I am an entrepreneur. I start businesses. Most of the businesses I have started have failed. That is the way entrepreneurs live. I sat down when I got an award as entrepreneur of the year and said: Am I really?

I did a little calculation, and up to that time I had been involved in 11 different businesses that would be considered startups or turnarounds, 11 different entrepreneurial activities. Of those 11, 4 failed outright—just flat died. Four we managed to sell before there was any profit or loss; we broke even and got out. Only three of those businesses survived. Of the three that survived, only two really were major successes. One of the three was a minor success that was on a plus, so I have to include it. So there is the track record: Out of 11, basically there are 2 success stories.

While I was in one of the others that was not a success story, I was in the bottom 20 percent. Indeed, I was in the bottom of the bottom. I was getting no income. I was dipping into my savings, and when the savings were gone, I was going into debt. I was paying the payroll of the business on my American Express card, and then my American Express card got canceled because I hadn't made the payments on it.

Statistically, I was in the bottom 20 percent. It was not 5 years after that somewhat dispiriting experience that I was in the top 20 percent. One of those entrepreneurial efforts hit, and when it hits, it hits rapidly, at least in my experience. I went through the bottom 20 percent, the next 20 percent, the next 20 percent, the next 20 percent, up to the top 20 percent pretty fast.

Did I get from the bottom 20 percent to the top 20 percent because the Government took money from the top 20 percent and gave it to me while I was in the bottom 20 percent? No, I got there because the American economy makes it possible for entrepreneurs to have this kind of success story.

Quite frankly, since I have been in the Senate, I have gotten out of the top 20 percent. I have started coming back down again. That sort of fluidity happens to us all the time.

I have used the name of Donald Trump. Donald Trump has been from the top to the bottom to the top again as his real estate ventures go good and go bad.

The problem is not the statistical one of where people are at any one moment in time. I have six children. Right now some of them are doing pretty well. I have one child who, with her husband, probably is pretty close to the bottom 20 percent. He is not earning anything, and my daughter is supporting him. Gee, isn't that terrible, until you find out he is a student at the Harvard Law School and has pretty good prospects of good earnings once he gets out. He is going into debt now. He is in the bottom 20 percent, but when he gets his degree from the Harvard Law School, I believe he is going to be in fairly high demand with people dangling $125,000 a year starting salaries in front of him, and he will move very rapidly from one to the other.

The problem we should be talking about is not the dry statistics of income, it is the reality of skills. The income gap in this country is not something that can be addressed with the Tax Code. The income gap in this country is a skill gap and has to be addressed through a series of educational initiatives, retraining initiatives, both government and private, and a recognition that the people who have the skills in the freedom of the American economic and environmental system have the opportunity to move up. But when they move up, they will always be replaced statistically with someone who is earning less than they are who ends up in the bottom 20 percent.

Interestingly enough, when we had hearings before the Banking Committee on the issue of the Tax Code and tax relief, and Alan Greenspan was testifying before us, one of the members of the committee said to him: Mr. Chairman, with respect to the good economy we are enjoying, tell us who has benefited the most in terms of the economic strata of the United States, which group has gotten the greatest benefit out of this good economy?

Knowing the political orientation of the Senator who asked the question, I think he was expecting and hoping that Alan Greenspan would say: Well, this economy has mainly benefited people at the top and the people at the bottom have not gotten anything out of it.

I think the Senator was a little surprised when Alan Greenspan said: Without question, the people who have benefited the most from this good economy are the people at the bottom of the economic scale.

Then he was asked how can that be because statistically the top 20 percent has gotten richer than the bottom 20 percent. But Alan Greenspan pointed out a great truth: It probably does not make any difference—I am not quoting him now; this is my summary—it probably does not make any difference whatsoever to Bill Gates whether his portfolio is $60 billion or $80 billion in terms of his lifestyle. He still has his big house at $60 billion. He still has all of his opportunities at $60 billion. His life has not changed at all if it goes from $60 billion to $80 billion.

However, someone who cannot get a job, who suddenly finds that he or she can and become gainfully employed for the first time in his or her life sees an enormous change, and that, indeed, has been the primary impact of this good economy. It has virtually, at least for a period of time, eliminated unemployment.

I can remember when we thought structural unemployment in this country was about 6 percent, and when we got down to 6 percent, we had functional full employment. We saw unemployment go down below 4 percent at times in the recent boom situation, and who got those jobs? People who were unqualified for the jobs that were available when unemployment was higher.

I remember visiting with employers in my State and asking them: What is your biggest progress in this booming economy?

They said: We cannot hang on to workers. We will take any warm body. We need workers.

I said: Will you take the unskilled?

They said: Absolutely, we will take the unskilled and we will spend the money training them; we will spend the money making them skilled because we have to have people.

One employer said: We have a job fair opening where we rent a room and ask people to come in. They come in, we make a presentation to them. Say there are 30 or 40 people in the room. We make a presentation for an hour. We break for coffee and only 10 of them come back afterwards. All 40 of them are unemployed and want a job, but 30 of the 40 decided they did not like the way we made the presentation. And they can always walk down the street and get a job someplace else.

That is the impact of a booming economy on the people at the bottom. It gives them an opportunity that will make a more dramatic change in their lives than the change in the lives of the people at the top. That is what Alan Greenspan was talking about when he said in terms of the impact for good on people's lives, there is no question whatsoever but that the booming economy we are having has affected for good more people at the bottom than it has people at the top.

Yet from the rhetoric we hear around this Chamber, we are told over and over that if we do not somehow take money away from the people at the top and shift it to the people at the bottom, we are going to destroy American democracy.

This class warfare kind of rhetoric simply does not jibe with reality. It does not jibe with what we have experienced in the last 10 years. It does not jibe with what the economists tell us is reality, and it certainly does not jibe with that which the small business man and small business woman will tell you in terms of actual job creation.

Of course, the statistic we need to keep in mind is that the great job-creating machine in this country is not the Fortune 500. The great job-creating machine that is creating new jobs is not headed by Exxon, General Motors, Ford, and DuPont. No, the jobs are being created the way the jobs were created in the circumstance of which I was fortunate enough to be a part: A company started in a basement by a husband and a wife that within a decade has created 4,000 jobs, and in the process of creating those 4,000 direct jobs, among the suppliers, there are another 2,000 to 3,000 to 4,000 jobs as people are hired to produce the articles that our company has to buy in order to provide its product to its customers.

As we wait for the report to come in from the conferees as to where they are going to put the marginal rate, I wanted to take the time to make it clear that the political rhetoric that flows around this issue really has little or no connection with reality.

In reality, a lower marginal rate primarily helps small businesses to grow. A lower marginal rate is crucial to the rate by which small businesses grow. The rate at which small businesses grow is the most important dynamic in terms of how the economy is growing, and for those who get statistically hung up on the gap between the top 20 percent and the bottom 20 percent, they must remember and recognize that in America, more than any other society in the world, the freedom to move both up and down the ladder is greater than anywhere else.

If we can understand those things, we can come to a more intelligent decision with respect to where the marginal rate will be. I have no illusions that the conferees will bring the marginal rate in at the level that I would like, but I hope that once it comes in, in future Congresses we can keep all of this in mind and take another bite at the apple at some particular point.

My desire would be to bring the top marginal rate back down to where it was during the decade of greed where, quite frankly, we sowed the seeds of the great economic expansion about which we are all excited and for which politicians of both parties have been taking credit when, in fact, they have had little or nothing to do with it.

I think the work I did at the Franklin Company before I came here had more to do with creating jobs than anything I have done since I have been here. I want to get the marginal rate back down so others who are trying the same kinds of things we did will have the same opportunity that we did.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAXES AND THE ECONOMY

Ms. STABENOW. Mr. President, I rise to speak also about the tax cut proposal, about the debate on how to keep the economy going. I rise in great respect for my friend from Utah, who was successful in business, and lays out a prospective about how to keep the economy going.

While I share his view that we need to be focused on a skilled workforce and that is critical to keeping our economy moving, he and I represent two different views of how best to do that. That is the debate going on in Washington now. I characterize it as a debate about whether or not the 1980s or the 1990s worked. I argue the bill that will come back—whether tonight, tomorrow, or next week—is a bill based on the notion that the economic policy of the 1980s worked. I argue from the Michigan standpoint, and anyone in Michigan, any families, businesses, farmers I represent, would indicate the 1980s were not a good time for Michigan. We had high unemployment, high interest rates. We saw massive debts both at the State and national level. It is the same kind of approach I fear will be happening today with the policies being laid out.

No. 1 in the debate is how to give a tax cut. Is it supply side, as my colleague talked about?

The proposal we are being asked to vote on is a very large tax cut, two-thirds to the upper income wage earners, those in the top 10 percent. And then we wait for it to trickle down. My folks in Michigan have been waiting for the tax cut of the 1980s to trickle down and hit their pocketbooks. Many have not seen it. We are being asked now to, once again, place it there. I am supportive and have voted for tax relief and will continue to do that. I prefer to do tax relief that goes directly into the pockets of the majority of Americans.

Contrary to this tax cut, I believe we should eliminate the marriage penalty, not in 6 years, as in this bill, but now. Talk about unfair, that is extremely unfair. We are a country that values family and marriage. Yet we have a tax structure that unfairly penalizes those who are married. I support a proposal and did vote for a proposal to give relief now to married couples by eliminating that unfair tax penalty.

There is a difference in approach. The approach being put forward says a very large supply-side tax cut will trickle down. Coupled, in the 1980s, with a very large increase in defense spending and not controlling other spending, what happened? We tripled the national debt, interest rates were at the highest level ever, and employment went down.

In the 1990s we tried something different. Tough decisions were made. Revenue was put aside to pay down the national debt that had been tripled in the 1980s. We paid it down, slowed the rate of spending. We were able to make sure we were putting aside money for Social Security and Medicare and paying those dollars back instead of spending it on other programs. We were putting those dollars back and paying back Medicare and Social Security trust funds. We have had very tough decisions made to balance the budget.

And we did something important in the 1990s. We focused on real investments in education, job training to get that skilled workforce, and in research, health research, technology research, developed the new technologies that when combined with an educated workforce would increase our labor productivity.

It is a very different approach. We focused on growing the economy by investing in education, paying down our debt, investing in research and technology development, and balancing the budget.

What happened? In the 1990s, high interest rates went down. We have seen home ownership up. In my State of Michigan, more and more young people and older people are able to have their own home, an important part of the American dream. We have seen unemployment, jobs, go up in the 1990s as a result of this approach to the economy. We saw budget deficits go down and the Federal deficit go down.

This is a no-brainer. What do we want? The 1980s or 1990s? Yet what comes before us in the year 2001 is a set of proposals that takes us back to what happened in the 1980s. We are seeing a proposal that gives two-thirds of the tax cut to those at the very top, hoping it will trickle down.

We know as soon as this bill passes there will be requests for very large increases in defense again, and other increases will come forth. To me, what is most intolerable, is the tax cut proposed spends $550 billion of Medicare and Social Security to pay for it. That is not acceptable.

Over the next 10 years, we are seeing a tax cut and budget proposals that spend Medicare and Social Security right before the baby boomers begin retiring in 11 years. There is no time to pay it back. We are going to be facing massive debt if that is the case. I am very concerned about that.

Right now we are seeing the financial managers in the country, in the private sector, who are beginning to see it, as well. While short-term interest rates are going down, long-term high interest rates are going up in anticipation of the country going back into massive debt.

I urge Members, it is not too late to stop this train, to put some brakes on it. I propose we create, as we did on this floor—we had an amendment we tried twice to pass—a budget trigger which says if the phase-in of the tax cut dips into Social Security and Medicare to pay for it, if we go back into debt, we will suspend that action, further tax cuts or spending, until the revenue comes in.

In Michigan, we call that common sense. Don't spend it unless you have it. We believe fiscal responsibility, keeping the budget balanced, paying down the debt, protecting Social Security and Medicare are critical and should not be compromised for any other actions no matter how well intended. We have a train going down the track. My fear is there will be no budget trigger to stop the train before it goes off the track. That is common sense.

We are going to be asked at some point to vote on a final budget proposal that spends Medicare and Social Security moneys for the future. When we look at the fundamental unfairness, we see that those who are most dependent on Social Security, most in need of Medicare health benefits, are those who receive little or nothing from the tax cut but their Social Security and Medicare, will help pay for it.

It is not fair. It is just simply not fair. We have in front of us a proposal that kept us moving in the same policy track as the 1990s. I urge we still have time to consider that. It is a proposal that gives tax relief but makes sure we condition it upon using none of Social Security and Medicare and that we keep our commitment to fiscal responsibility and paying down our debt while we do it.

The proposal I support also would put aside dollars for education to continue our ability to keep labor productivity going in our country. When we asked Chairman Greenspan at the Budget Committee hearing what was the one thing driving this economy, he said it was increased labor productivity. So why in the world would we be creating a situation where education funds are going to have to be cut and research funds and technology development will have to be cut in order to pay for the tax cut in front of us?

I believe common sense would dictate we pay down the debt, we protect Medicare and Social Security, we give a major tax cut focused on our middle-income families and small businesses and family farmers, and that we can do that and also be able to continue investments to keep the economy going.

This is the approach that worked. It is hard to argue with success. The policies in the 1990s were successful because of the hard work of both the private sector and the public sector to move us out of debt, to balance the budget, and to make investments in education and the economy.

I hope we will take a deep breath and reconsider what is about to be done in the next few hours or the next few days. We can do better than that.

Also, when we talk about putting money back in people's pockets, there are multiple ways to do that, all which I support, which we need to do and can do while being fiscally responsible. No. 1 is a tax cut. No. 2 is keeping interest rates down so your mortgage is down, as are your car payment and your student loan—those things are low enough for people to be able to afford those items for their families.

Finally, for the senior citizen in this country who gets up in the morning and sits at the table and decides, do I eat today or get my medicine, which too many seniors are doing in the greatest country in the world, we can put money in their pockets by lowering the cost of prescription drugs. They will not see much of this tax cut, but they deserve some money in their pocket, too.

If we do this right, if we use good old common sense, we can put forward a plan that keeps the economy going, puts money in people's pockets, and supports our families in a way that allows the economy to grow and prosper. We owe no less to our children.

We can do better. It is time to take a second look at what we are doing.

I yield my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous request to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 976 are located in today's RECORD under "Introduction of Bills and Joint Resolutions.")

Mrs. FEINSTEIN. I thank the Chair. I yield the floor.

KOREAN WAR HEROISM

Mr. SMITH of New Hampshire. Mr. President, with the approach of Memorial Day, it is my privilege to call the attention of this body to one of the greatest, yet least known, acts of sustained heroism in the history of the United States. It occurred 50 years ago in the sixth month of the Korean war.

In December of 1950 American forces accomplished the unbelievable evacuation of 100,000 Allied troops from the port city of Hungnam in North Korea, barely hours ahead of the charging forces of our two newest enemies, North Korea and Communist China. At the same time our American soldiers, sailors, and marines, managed to evacuate another 100,000 persons, all North Korean civilian refugees who were fleeing their own harsh dictatorship and the ruthless Chinese army whose leaders had threatened to cut off their heads because some had been aiding our United Nations forces.

One of the most heroic acts in the evacuation of Hungnam is the virtually unknown story of a small American merchant marine freighter, the S.S. *Meredith Victory*. With space for only twelve passengers, the ship loaded and rescued 14,000 North Koreans—the innocent people of our enemy—old men, young mothers with their babies on their backs and at their breasts, children carrying children. Their rescue was accomplished during one danger-filled voyage of three days and three nights in bitter winter cold that ended in safety and freedom on Christmas Day. The United States Government, through its Maritime Administration, has called it "the greatest rescue operation by a single ship in the history of mankind."

The Korean war has been called "America's forgotten war," and the evacuation of Hungnam has been called "the forgotten battle in the forgotten war." I submit, that the heroic story of the men of the S.S. *Meredith Victory* is "the forgotten rescue."

Fortunately, this story is now being brought to the attention of the American people in a new book "Ship of Miracles" by Bill Gilbert, a former reporter for the Washington Post who served in the U.S. Air Force during and after the Korean war. The foreword to his book is written by General Alexander M. Haig Jr. whose career included serving as White House chief of staff, NATO commander, and Secretary of State. Appropriately, however, General Haig served in Korea during the war and was directly involved in the rescue of our troops and the refugees from Hungnam. The book was released by Triumph Books of Chicago.

General Haig states in his foreword, "The story of Hungnam and the *Meredith Victory* is a brilliant yet relatively unknown chapter in American history that can now take its place, during this fiftieth anniversary of the Korean war, among such legendary names as Bunker Hill, Midway, the Battle of the Bulge, Iwo Jima and Okinawa. This book did not just deserve to be written—it needed to be written."

The men of the *Meredith Victory*, led by their captain, Leonard LaRue of Philadelphia, emerge as the heroes of this amazing story. Every one of the 14,000 refugees aboard that ship survived, plus five babies born enroute to safety with no doctors to help. There was no food for the refugees, no water, no sanitation facilities, no interpreters, and no protection against the enemy. The men of the *Meredith Victory* accomplished their rescue while sailing through one of the heaviest-laid mine fields in the history of naval warfare with no mine detectors. They had no anti-aircraft guns in case of an air attack. Radio contact with other ships was forbidden for security reasons. To add to the prolonged tension, the ship was carrying a large supply of jet fuel.

The *Meredith Victory* arrived at Pusan on the southern tip of the Korean Peninsula on Christmas eve but was not allowed to land because the port was already overflowing with refugees and rescued American troops. Captain LaRue wrote later of "these people aboard who, like the Holy Family many centuries before, were themselves refugees from a tyrannical force." The ship did land safely on Christmas Day on Koje-Do island, fifty miles southwest of Pusan.

One of the Navy officers who participated in the Hungnam evacuation was the late Admiral Arleigh Burke who became Chief of Naval Operations. He later said, "As a result of the extraordinary efforts of the men of the *Meredith Victory*, many people are now free who otherwise might well be under the Communist yoke. Many unknown Koreans owe the future freedom of their children to the efforts of these men."

Larry King, the talk show host, said "'Ship of Miracles' will make you proud to be an American."

The book has already won its first award. Mr. Gilbert has been awarded the Theodore Roosevelt and Franklin D. Roosevelt Naval History Prize, awarded annually by the New York Council of the Navy League. The Council's president, Rear Admiral Robert A. Ravitz (USNR, ret.), said Mr. Gilbert was selected "because his book tells a story of American heroism and humanitarianism which has gone overlooked for 50 years and should be told and made a shining part of our military history."

Admiral Ravitz added, "At a time when we are reading other stories about what American forces did or didn't do in Korea and elsewhere, Mr. Gilbert has made a valuable contribution to American history of revealing this story of both the bravery and the goodness of America's men in time of war."

For these reasons, our nation owes a debt to Bill Gilbert on this Memorial Day for writing a book which reminds the American people of that forgotten war and of an heroic incident in that war by the brave men of the S.S. *Meredith Victory*.

IN RECOGNITION OF OLDER AMERICANS MONTH

Mr. SARBANES. Mr. President, I rise today in recognition of "Older Americans Month." Since 1963 when President Kennedy began this important tradition, each May has been designated as a time for our country to honor our older citizens for their many accomplishments and contributions to our Nation. Those of us who have worked diligently in the U.S. Senate to ensure that older Americans are able to live in dignity and independence during their later years look forward to this opportunity to pause and reflect on the contributions of those individuals who have played such a major role in the shaping of our great Nation. We honor them for their hard work and the countless sacrifices they have made throughout their lifetimes, and look forward to their continued contributions to our country's welfare.

Today's older citizens have witnessed more technological advances than any other generation in our Nation's history. Seniors today have lived through times of extreme economic depression and prosperity, times of war and peace, and incredible advancements in the fields of science, medicine, transportation and communications. They have adapted to these changes remarkably well while continuing to make meaningful contributions to this country.

Recent Census figures reveal that the number of Americans 85 and older grew 37 percent during the 1990's while the nation's overall population increased only 13 percent. Baby boomers, who represented one-third of all Americans in 1994, will enter the 65-years-and-older category over the next 13–34 years, substantially increasing this segment of our population.

At the same time the number of older Americans is skyrocketing, they are in much better health and far less likely than their counterparts of previous generations to be impoverished, disabled or living in nursing homes. More older Americans are working and volunteer far beyond the traditional retirement age to give younger generations the benefit of their wisdom. These figures show that commitment to programs such as Medicare and Social Security, and investment in biomedical research and treatment are improving the quality of life for older Americans. One of our national goals must be to ensure all older Americans experience these improvements. We must continue to enact meaningful legislation to help meet the needs of this valuable and constantly expanding segment of our society.

By 2020, Medicare will be responsible for covering nearly 20 percent of the population. Yet 3 in 5 Medicare beneficiaries lack affordable, prescription drug coverage. Though Medicare works, it was created in a different time before the benefits of prescription medicines had become such an integral part of health care. Today it is unthinkable to think of quality healthcare coverage without including the medicines that treat and prevent illnesses. I have and will continue to fight for Medicare prescription drug coverage. As a cosponsor of the Medicare Prescription Drug Coverage Act of 2001, I recognize the predicament many older Americans are in as they struggle to live independently on a fixed income and afford costly prescription drugs. It is imperative that we address the needs of the Americans who have devoted so much of their life experience and achievement to better our society.

The celebration of Older Americans Month provides us with the opportunity to highlight the importance of the Older Americans Act. As a vigorous and consistent supporter of measures to benefit older Americans, I am pleased that Congress and President Clinton reauthorized this important legislation last year. I commend my colleague from Maryland, Senator BARBARA MIKULSKI, for her tireless efforts in pressing for enactment of The Older Americans Act Amendments of 2000. This legislation funds a dynamic network of community and home-based services so critical to many of our Nation's seniors, including home care, ombudsman services for residents in long-term care facilities, and subsidized employment for older workers.

One of the most beneficial provisions of the Act is the creation of the National Family Caregiver Support Program. The Administration on Aging estimates that each day, as many as 5 million older Americans are recipients of care from more than 22 million informal caregivers. On average, these caregivers will limit their professional opportunities and lose an average of $550,000 in total wage wealth as they care for their loved ones. Women are 50 percent more likely to be informal caregivers, and as a result, they are more likely to risk their health, earnings and retirement security. As programs such as Medicare and Medicaid continue to feel the pressures of the current Federal budget process, the noble and compassionate work of these dedicated individuals is particularly critical. The National Family Caregiver Support Program addresses the challenges faced by informal caregivers. It authorizes funding for distribution of information to caregivers regarding available services, caregiver training, and respite services to provide families temporary relief from caregiving responsibilities.

I have always believed strongly that this wise population contributes greatly to American society. Our Nation's older generations are an ever-growing resource that deserves our attention, our gratitude, and our heart-felt respect. As observance of Older American Month comes to a close, I look forward to working with my colleagues in the Senate to implement public policies that affirm the contributions of older Americans to our society and ensure that they continue to thrive with dignity.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a heinous crime that occurred November 7, 1999 in Lawrence, KS. Two heterosexual men, one a student at Kansas University, were walking down the street when some men directed anti-gay epithets at them. After responding to the remarks, the two were attacked by five men. One of the victims was knocked backwards on a concrete planter and held down while two attackers struck his face with their fists. The other ran to call the police. This was the third such incident in as many months. One of the victims said that the police initially told him they could not arrest the perpetrators because, "it was their word against ours."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ROLE OF THE FEDERAL OMBUDSMEN IN DISPUTE RESOLUTION

Mr. AKAKA. Mr. President, last week the General Accounting Office, GAO, released a report I requested entitled "Human Capital: The Role of Ombudsmen in Dispute Resolution." The report studies the use of Federal ombudsman offices as an informal alternative to existing and more conventional processes to deal with personnel conflicts inside Federal agencies.

I know that traditional formal dispute resolution processes have long been criticized. To address these concerns, the Federal Government promotes and encourages alternative methods including the use of ombudsmen. This has resulted in the greater use of alternative dispute resolution, ADR, practices, both because of legislation, specifically the Administrative Dispute Resolution Act of 1990, ADRA, and because of a desire to resolve workplaces conflicts quickly to the mutual benefit of both the employee and the agency. I wish to point out that ombudsmen are not themselves an alternative means of dispute resolution, but rather a neutral practitioner of dispute resolution practices, including ADR techniques, to handle complaints.

I support strong workplace protections to protect Federal employees from arbitrary agency actions and prohibited personnel practices. Ombudsmen provide another way to ensure a more rapid conclusion to workplace problems. These offices may also provide another tool in assisting agencies in attracting, retaining, and motivating their workforces. In fact, this report concludes that "ombudsman offices can offer a useful option for agencies to consider in developing their overall human capital management policies and practices." Another plus is that these offices focus on identifying systemic issues and developing conflict prevention strategies.

The GAO identified 22 workplace ombudsman offices in 10 agencies. Their "best practices" report focuses for illustrative purposes on offices within three agencies: The National Institutes of Health, NIH, the International Broadcasting Bureau, IBB, and the U.S. Secret Service.

NIH has one of the most developed ombudsman offices, which was established in 1997, and now has four full time ombudsman. The IBB office began as a part-time position in 1988, and now has two full-time officials. The Secret Service's office, started in 1987, employs one full-time staff member and nine collateral-duty people serving the Secret Service's field offices.

These ombudsmen are high-level managers with broad authority to deal with almost any workplace issue, including answering questions about agency policies, cutting through "red tape," counseling employees and coaching them on how to manage situations, handling accusations about employment discrimination, and workplace safety issues. Ombudsmen are a resource for Federal workers with workplace issues; an office which they can consult that is independent, neutral, and provides confidentiality.

The 1990 ADRA authorizes the use of ombudsman offices but does not define or set standards for an ombudsman. The Act, as amended in 1996, established the Interagency ADR Working Group. There is also a Coalition of Federal Ombudsmen. The NIH, IBB, and Secret Service ombudsmen who participated in the GAO report are involved with both these and outside organizations. Some of the non-Federal Government organizations have published or drafted standards of practice for ombudsmen. These standards focus on the core principals of independence, neutrality, and confidentiality, which requires a commitment from the highest levels within an agency. This commitment is the guiding force in the success of the three offices studied by the GAO.

In addition to support from senior management, an ombudsman office must work closely with unions representing Federal workers. The General Counsel of the Federal Labor Relations Authority has issued guidance concerning the establishment of ADR programs and the Federal Service Labor-Management Relations Statute. It is essential that ombudsmen do not come in conflict with the role of unions in protecting worker rights. From the case studies examined by the GAO, there appeared to be good relations between ombudsmen and unions in the agencies where employees are represented by unions. As agencies consider this and other alternatives to traditional dispute resolution, there must be assurances that employees' rights are maintained throughout the process of implementing these practices.

I recommend this General Accounting Office report to my colleagues, and I commend Anthony P. Lofaro of the GAO for his contribution to this report, along with Stephen Altman and Katherine Brentzel. It provides excellent background and a best practices blueprint for Federal agencies as they consider employing ombudsman to assist their employees.

AMERICAN INDIAN HERITAGE MONTH

Mr. WELLSTONE. Mr. President, I rise today to speak on American Indian Heritage Month, which is celebrated in Minnesota in May. It is fitting that we take time during this month to recall the contributions, services and heritage of our fellow Native American citizens, and to remember that the enormous contributions and talents of Native American continue to enrich our lives every day.

In our review of these vital contributions, we must acknowledge the courage, talent, determination, leadership and vision of those men, women and children who made an impact on our Nation in the face of incredible obstacles. We should be mindful, as we celebrate the culture, heritage and spiritual contributions of the first Americans, that we must re-dedicate ourselves to preserving the unique relationship between Native Americans tribal governments and the Federal Government.

Many of the basic principles of our Constitution, such as freedom of speech and separation of powers, were embodied in practices already in use by American Indian tribal prior to our Republic. Many of our deepest values, such as respect for the preservation of natural resources, reverence for elders, and adherence to tradition, find root in American Indian traditions.

The relationship between American Indians and the Federal Government is unique and finds no parallel. When the United States was organized as a Nation, government officials continued the practice from the Dutch and British of making treaty agreements with American Indian Nations whenever land boundaries needed to be clarified or negotiated.

All of the land in Minnesota was gained by the United States through a series of treaties with the Anishinabe and Dakota Nations. Sixteen treaties and four agreements applied to American Indians of Minnesota. One of the earliest treaties to affect Minnesota's American Indians was the Pike Treaty of 1806, which allowed the Federal Government to claim a small section of land near the confluence of the Minnesota and Mississippi rivers to build a military fort, which ultimately became known as Fort Snelling. The 1825 Treaty of Prairie du Chien created a boundary between the Dakota to the south and the Ojibwe who lived in the woodland country to the north.

In addition to acknowledging the historical context of the relationship between the Federal Government and the American Indians, we should also recognize the various contemporary entities and contributions of these Bands. Their efforts have helped shape the social, economic and political landscape of our region.

In the area of economic development, the Minnesota American Indian Chamber of Commerce has done tremendous work in the area of advanced telecommunications, and other forms of business development to expand economic opportunities for American Indians on reservations as well as in urban areas.

The Mille Lacs Band of Ojibwe was honored by the Harvard Project on American Indian Innovation in 1999 for their Ojibwe Language Program. This is a highly successful effort to revitalize the Band's native language by teaching it to their younger members in innovative ways.

Our community also is extremely privileged to have an organization with the capacity and outreach of American Indian Opportunities Industrialization Center. This organization provides necessary education and job training skills, serving as a bridge between public school and employment or college for its students.

I am also proud to commend the organizations that comprise the Metropolitan Urban Indian Directors for their unwavering efforts to examine and address many critical issues and challenges facing urban American Indians.

Native Americans in my State, and indeed in all fifty States, are justly proud of their heritage and culture. They can be just as proud of their efforts today to preserve that heritage, to protect that culture and to make it relevant for today's Native American children, and it is those efforts that I honor today.

CONFIRMATION OF RESERVE SERVICE CHIEFS

Mr. McCAIN. Mr. President, I rise to mark an historic day for our Nation's military, and specifically the reserves. Yesterday, the U.S. Senate honorably carried out its constitutional duty by approving the Presidential nominations of Reserve Service Chiefs to the rank of three-star. Last year's National Defense Authorization Act for Fiscal Year 2001, H.R. 4205, required the service secretaries to increase the rank of the Chief of the Navy Reserve, Commander of the Marine Forces Reserve, Chief of the Army Reserve, Chief of the Air Force Reserve, Director of the Army National Guard, and the Director of the Air National Guard to Vice Admiral or Lieutenant General. This mandate was very significant to me and many of my colleagues, as well as those who serve in our reserve forces.

Earlier this year, I was greatly honored to be recognized by the Reserve Officers Association in receiving their highest honor—the Minute Man of the Year Award. The Reserve Officers Association, particularly Rear Admiral Stephen G. Yusem USNR (Retired), deserves great credit for its efforts in working with Congress to ensure that this well-deserved change in promotion authority for the Reserve Chiefs became a reality.

It is especially important to me because of the significant changes I have observed in our Total Force, active duty and Reserve Components since the late-1980s to early-1990s when Senator Glenn chaired the Personnel Subcommittee on the Committee on Armed Services and I was the ranking member on the subcommittee. Back then, reservists were truly weekend warriors. That, however, is not the case now—they are much more than that. Today, reservists work considerably more than weekends, and are as critical a part of the fabric of our National Military Strategy as active duty servicemembers.

The all-volunteer military has largely been a success in our country. However, an unfortunate bi-product has been the increasing chasm between those Americans who have served in the armed services and those who have not. Twenty years ago, scores of elected officials in Washington were veterans. Today, the number of Senators and Congressmen who have worn the uniform of the armed services has rapidly declined.

This military-civilian gap, as some have characterized it, is a troubling reality that we must seek to bridge. It is increasingly difficult for many of our fellow citizens to truly appreciate the sacrifices of those who serve in any capacity. That is another reason that the reserves are so important for our national life. Our reserve servicemembers not only protect our liberty, but also serve as the indispensable link to those Americans in civilian life not ordinarily touched in their daily lives by the sacrifice, honor and privilege of military service.

The roles and missions of the Reserve Components have changed over the past several years, as the active duty force has evolved from the downsizing of our military forces during the last decade. For example, in March 2001, the Army National Guard 29th Infantry Division took command of the American peacekeeping mission in Bosnia. The significance of this deployment is that 75 percent of the 4,000 U.S. Army soldiers on the ground will be Army Reserve and Guard soldiers from 17 states—not just headquarters' staff, but operational units as well.

This is just one of many such deployments that have taken place in recent years, but it highlights the ever-increasing role of reservists in defending America's security interests around the world, and marks a radical departure from the past.

The figures are quite staggering when considered in total. Today, reservists and National Guardsmen are deployed under three presidential call-up orders for Bosnia, Kosovo and Southwest Asia. For Bosnia, more than 21,000 U.S. reservists have been called involuntarily since 1995, with another 14,000 having served in a voluntary capacity. For Kosovo, more than 7,100 have been called involuntarily, and these have been joined by more than 4,000 volunteers. For Southwest Asia, 2,800 have been called and some 11,000 have volunteered.

During each of the past five years, Reserve and National Guard servicemembers have performed between 12 and 13.5 million duty days in support of the active force. These numbers are a direct contrast to 1990, when just one million duty days were performed, yet there were 25 percent more reservists.

Reservists also currently make up more than half of the airlift crews and 85 percent of the sealift personnel needed to move troops and equipment in either wartime or peacetime operations. In addition, reserve medical and construction battalions, as well as other specialists, are critical to a wide range of operations. Consequently, efforts by the reserve components to move beyond a traditional wartime backup role and to provide peacetime support to active units are desirable. The Naval Reserve and Air Force Reserve components have made particularly impressive progress in this direction.

Reservists are performing many vital tasks, from patrolling the no-fly zones in skies above Iraq to rebuilding schools in hurricane-stricken Honduras and fighting fires in our western states, from overseeing civil affairs in Bosnia, to augmenting aircraft carriers short on active duty sailors with critical skilled enlisted ratings during at-sea exercises as well as periods of deployment.

I believe that the civilian and uniformed leadership of our Armed Forces and the Congress must recognize this involvement, and, at a minimum, provide equality in benefits for reserve component servicemembers when they put on the uniform and perform their weekend drills as well as all other critical training evolutions. Quality of life is not just an active duty obligation that Congress must provide. Reservists, on duty, who resemble their active duty counterparts during training evolutions and are deployed at times around the world, should be treated equally when the administration and Congress provide for quality of life benefits.

I am pleased to pay homage to the many wonderful reserve servicemen and women who serve in our armed forces, and in some small measure thank them for their dedicated service to our country by recognizing the confirmation by the U.S. Senate of the Reserve Service Chiefs to three-star rank. Congratulations to Vice Admiral John B. Totushek, Chief of the Naval Reserve; Lieutenant General Dennis M. McCarthy, Commander of the Marine Forces Reserve; Lieutenant General Thomas J. Plewes, Chief of the Army Reserve; Lieutenant General James E. Sherrard, III, Chief of the Air Force Reserve; and, Lieutenant General Roger C. Schultz, Director of the Army National Guard. I am confident that our Reserve Component forces will continue to flourish under your leadership. All of you have already demonstrated that the key to your strength as leaders is in supporting the servicemen and women who work very hard in our military. I trust in your willingness and ability to uphold the honor of our country. Congratulations on your continued sacrifice and service to our Nation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 24, 2001, the Federal debt stood at $5,660,965,921,275.71, five trillion, six hundred sixty billion, nine hundred sixty-five million, nine hundred twenty-one thousand, two hundred seventy-five dollars and seventy-one cents.

One year ago, May 24, 2000, the Federal debt stood at $5,676,762,000,000, five trillion, six hundred seventy-six billion, seven hundred sixty-two million.

Five years ago, May 24, 1996, the Federal debt stood at $5,122,025,000,000, five trillion, one hundred twenty-two billion, twenty-five million.

Ten years ago, May 24, 1991, the Federal debt stood at $3,481,461,000,000, three trillion, four hundred eighty-one billion, four hundred sixty-one million.

Twenty-five years ago, May 24, 1976, the Federal debt stood at $607,559,000,000, six hundred seven billion, five hundred fifty-nine million, which reflects a debt increase of more than $5 trillion, $5,053,406,921,275.71, five trillion, fifty-three billion, four hundred six million, nine hundred twenty-one thousand, two hundred seventy-five dollars and seventy-one cents during the past 25 years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF THERMOANALYTICS, INC.

• Mr. LEVIN. Mr. President, I wish to acknowledge the achievements of ThermoAnalytics, Inc., a small business from my home state of Michigan that has been once again recognized for its quality products and high tech innovation. On May 9 of this year, ThermoAnalytics was selected by the Small Business Administration as the Small Business Prime Contractor of the Year 2000 for Region V, an area that includes Michigan, Illinois, Indian, Minnesota, Ohio and Wisconsin. This is the third quality award bestowed upon ThermoAnalytics, Inc. by the Federal Government in the past year.

ThermoAnalytics has worked with the automotive industry and the U.S. Army Tank-Automotive and Armaments Command (TACOM) to develop a world class software tool that is considered standard in the auto industry and Department of the Army. As the Army continues to transform itself into a smaller, lighter and more efficient fighting force; computer analysis tools, such as these, are used to design performance vehicles before they are built and tested. The products designed by ThermoAnalytics are helping the Army achieve this important goal.

ThermoAnalytics developed a computerized model for heat management to aid in the assessment of the susceptibility of Army vehicles to threat sensors. This technology was commercialized into a state-of-the-art image based radiation solver. The commercial product was released in July 1999 and provides engineers with a quick and simple thermal predication tool. A second commercial product was developed for more advanced use by the Big 3 automotive manufacturers and associated automotive markets. The products are used widely by the automotive industry and military labs and contractors.

In addition to the Contractor of the Year Award, ThermoAnalytics received the Small Business Administration's Tibbetts Award for their accomplishments in the area of high technology innovation on October 3, 2000. Tibbetts Awards are presented annually to small technology firms which have achieved excellence under the Small Business Innovative Research (SBIR) program. The winners, one from each state, are selected based on the economic impact of the technological innovation, overall business achievement and demonstration of effective collaborations.

Prior to the Contractor of the Year Award and the Tibbetts Award, ThermoAnalytics received the Army Phase II Quality Award on August 22, 2000. These three awards highlight the ingenuity and innovation that have come to typify ThermoAnalytics.

ThermoAnalytics, Inc. is an outstanding company that has played a vital role in assisting the United States Army and private industry. I know that my Senate Colleagues will join me in congratulating ThermoAnalytics on being named the Small Business Prime Contractor of the Year for Region V.•

MEMORIAL DAY TRIBUTE

• Mr. LUGAR. Mr. President, in celebration of the Memorial Day holiday, I would like to recognize the work of Gertrude Stephenson, whose dedication to the remembrance of veterans has led to deeper awareness and ongoing appreciation of fallen heroes in Washington County, IN. What began as a project of the Salem High School Class of 1965 to honor Jerry Sabens, killed in Vietnam, developed into a community-wide effort to acknowledge the sacrifices of all Washington County veterans who gave their lives in service to our country.

Thanks to Mrs. Stephenson's direction and the research assistance of Martha Bowers, more than 100 articles were printed in The Salem Leader detailing the stories of these veterans. With the help of Cecil Smith, former editor of The Salem Leader, and his staff, the stories have been compiled in a book, "Gone But Not Forgotten."

This labor of justice will greatly benefit the citizens of Washington County, IN, as families come together to share stories, photographs and personal information of the loved ones who died protecting our freedom. County youth will gain new understanding and appreciation of our American patriots of war.

I am personally grateful for all in Washington County who contributed to this project, including the Washington County Veterans Office, the County Extension Office, the Stevens Museum staff and so many others.•

TRIBUTE TO ELIZABETH M. BENNETT

• Mr. DAYTON. Mr. President, today I take the opportunity to pay special tribute to a remarkable person, Elizabeth M. Bennett, of Wayzata, MN. Beth has led a life of extraordinary service to the communities of Minneapolis and Saint Paul. Most particularly, she has invested her energies with the goal of improving the quality of health care in the Twin Cities. Her activism was not limited to Minnesota, however; early on, she also made her presence felt in Northern California, where she lived for a time, and eventually on the national stage, as well.

The extensive list of her volunteer commitments spans six decades, beginning with her activism in high school, where she applied her special gifts for analysis and problem solving. Happily, these talents were also crowned by the ability to lead and inspire, for, in a demonstration of her early promise, she started a YWCA leadership group at West High School in Minneapolis. For this effort, she was awarded the Harry S. Truman National Leadership Award in 1947. From there, Beth was well on her way.

As a young person, Beth dreamt of entering the medical profession, an ambition which was never realized. Instead, she directed her passion for better health care into her volunteer work, serving as a board member for a variety of institutions. She volunteered to participate—early, effectively, and equipped always by mastery of the subject at hand—in the public discussion encompassing the community's broad health care agendas. Her interests have included the uninsured, and health care research for children and seniors, always staying current with the rapidly changing profile of health care needs and delivery systems in our society.

In addition to investing her time, heart, and mind, she raised many millions of dollars. For her extraordinary fund raising, she has not always received sufficient recognition. But I am pleased to say that in 1988, she was awarded the well-deserved National Association of Fundraisers Award. Beyond the tangible, however, Beth touches others with that indispensable, inimitable spirit of enthusiasm, encouraging them to become involved, too. Many have found exposure to Beth's zeal and breadth of knowledge about a cause to be irresistible and have been moved to strong support, sometimes for the first time.

Beth was instrumental in the creation of the new Children's Hospital in 1958, planning for community health care facilities and programs, consideration of issues in medical education, and the relationship between the University and private community entities and served on its Board for 35 years.

She served on the boards of Northwestern Hospital and Abbott Hospital in various capacities and was a major force in their merger in 1994, serving for over 40 years. She acted as a liaison between Abbott-Northwestern and Children's (now Allina Health System) during a crucial early period, planning for community health care facilities for adults as well as children.

Continuing her lifelong advocacy of quality health care for the citizens of the State of Minnesota, Beth has been a member since 1990 of the board of directors of the University of Minnesota's Children's Foundation (which supports pediatric research), recently as its Chair, and concurrently chairs the pediatric portion of Campaign Minnesota at the University of Minnesota.

In recognition of these numerous contributions she has made to health care, Beth was recently recognized with the University of Minnesota Dean of the Medical School Community Service Award.

While health care is closest to Beth's heart, she is also dedicated to higher education, having served on the boards of the University of Saint Thomas for the lasts 7 years and the Minneapolis College of Art and Design. In addition, she has served as a board member of WAMSO (Women's Association of Minneapolis Symphony Orchestra), the United Way, and The Bakken Library. Her love of the arts also inspired her to serve as a docent of the Minneapolis Institute of Arts. Long a member of the Junior League of Minneapolis, she spent 15 years on its board of directors and also chaired its Prevention of Accidental Poisoning in Children Project. While residing in California in the 1950's, she belonged to the board of directors of the Children's Hospital of the East Bay in Oakland and volunteered at the Oakland Well Baby Clinic.

Those who are fortunate enough to know Beth called her a jewel. To legions, she has been a champion, having created a solid legacy of support for many institutions and their constituents. While I trust that Beth's vocation of service has truly been its own reward, I hope that my remarks today might reflect a small measure of the goodness, self-giving, and strength she has long brought to us Minnesotans.●

FLORIDA BOARD OF REGENTS

● Mr. NELSON of Florida. Mr. President, I rise today to commend the Florida Voters League for its efforts to save Florida's Board of Regents. Today, the Board of Regents meet for the last time as the chief governing body of our State university system. The individuals who have served our system through the years have been distinguished public servants. I want to recognize them and thank them for their tireless effort throughout the years to ensure our students receive a quality education.

Florida's system has faced many challenges over the years, but none have been as potentially destructive as abolishing the board. At a time when Florida faces increasing strains on colleges and universities, it is imperative that we maintain a system that ensures our higher educational institutions receive adequate resources and funding beyond politics. The Board of Regents was created for that very purpose. It has served our State well by ensuring no State university becomes too powerful at the expense of the others.

This new system ensures that politicians will govern education, instead of experts and independent voices. In the past, the word of the Board of Regents was respected by legislators and was further supported by the Governor. It was meant to be a nonpartisan governing board. The will of the Universities now, however, will be determined by local political boards and the will of the Legislature. We recently have seen programs granted to universities by legislators, despite the strong opposition of the Board of Regents largely because legislators wanted to bring home "the bacon" to their alma mater. It was best described by Dean Weisenfeld of Florida Atlantic University's College of Science when he stated, we need to let "universities be universities." Instead, the fate of our universities might now depend on the strength of their legislative delegations.

As my distinguished colleague, Senator BOB GRAHAM, has argued, elimination of the Board returns our State to an antiquated system under which our institutions are pitted against each other for State and Federal dollars. The Board of Regents, on the other hand, has fostered a system of cooperation between our colleges and universities, reduced duplication of programs, and ensured fairness in funding. We must continue that sprit of cooperation if we are to meet the needs of our institutions and achieve our ultimate goals: creating world-class programs, attracting quality faculty and students and ensuring our schools can compete with the nation's best for research dollars. In that spirit, I support Senator GRAHAM's efforts to preserve the Board via constitutional referendum.

I applaud the Florida Voter League and other organizations that have chosen to speak out on this important issue. Insuring our State's next generation of leaders receive a quality college education is an issue we can't afford to ignore.●

IN RECOGNITION OF SUGARBUSH ELEMENTARY SCHOOL, 1ST PLACE WINNER IN THE NATIONAL CHILDREN'S SET A GOOD EXAMPLE COMPETITION

● Mr. LEVIN. Mr. President, I would like to honor the students at Sugarbush Elementary School, in my home state of Michigan. These motivated students will be honored on June 6th of this year for winning first place in the 18th Annual American Set A Good Example Competition.

Too often we hear about all the negative influences facing our youth. Much has been made of the many problems facing our children. While we hear about the threats posed by drugs, violence and illiteracy, too little is made of the positive steps that our youth are making to fight these terrible problems. This year, students from thousands of schools participated in the National Children's Set A Good Example

Competition in an effort to address these problems. This competition is an innovative program that takes students' ideas seriously, and encourages them to develop and design projects that combat problems facing them every day.

Everybody truly wins when children are given the chance to express themselves and improve their communities, but the students at Sugarbush Elementary School received special notice when they were awarded 1st place in the National Children's Set a Good Example Competition. Their project encourages children to avoid drugs, respect people and protect the environment—values that people of all ages should live by.

Winning first place in a contest that includes over 10,000 schools is a significant accomplishment, and the students, faculty and parents at Sugarbush Elementary School have every reason to be proud of this accomplishment. I am sure that my Senate colleagues will join me in honoring the students at Sugarbush Elementary School for Winning 1st place in the National Children's Set a Good Example Competition, and more importantly for their hard work, idealism and commitment to strong values.●

TRIBUTE TO THE LIFE OF JULIAN JAY HENDRICKS

● Mr. REID. Mr. President, on behalf of myself and Senator ENSIGN, I rise today to pay tribute to a young Nevadan who touched the lives of those around him and created a sense of family in the small one-room schoolhouse where he was a student.

Julian Jay Hendricks, who celebrated his 7th birthday on February 25, 2001, became a student in the Duckwater Elementary School one-room schoolhouse last fall, and quickly adapted to life in the 9 student community. Julian's contagious smile and joyful disposition became a welcome presence to his Duckwater classmates and teacher.

Inside the classroom, Julian was an excellent math student, and enjoyed the task of learning how to read. On the playground, the young boy enthusiastically played basketball and volleyball with his friends and classmates. Like many adventurous boys, he loved skateboarding and rollerblading with his friends. Another favorite pastime of his was challenging his friends to a game of checkers; a game he was almost always the victor!

Tragically, Julian's life and the life of his grandmother, Jeanette Lankford, were cut short in an automobile accident on March 4, 2001.

For too short a time, this young Nevadan brought great happiness and friendship into a tiny schoolhouse in rural Duckwater, Nevada. We rise today to offer this tribute to Julian's life not only on our behalf, but on behalf of his teacher, Lynn Anderson, and all his friends and classmates at Duckwater Elementary School.

In conclusion, I submit to the RECORD a poem written in memory of Julian by his friend Amber Hoy.

I really didn't know Julian too well, but his beautiful smile that stretched across his rosy chubby cheeks was quite contagious to all of us.
I knew him just well enough to know he enjoyed his life and all of the wonders in it.
I am just deeply disappointed that I didn't get to know him as well as I would like to.
I find myself selfishly wishing Julian was back here with us now,
Although we think of his death as a tragedy,
Julian's future is much brighter in heaven with Jesus than it ever would have been here on Earth.
It was God's will to take Julian to a wonderful place where he can live the rest of his life safe in peace.
Secretly I ask myself what would Julian have been like in ten or maybe twenty years from now?
But I believe he will always be the small friendly boy, who attended the small friendly Duckwater School.
Even though Julian's body is gone, his spirit lives on in our hearts and the joyful sound of his happy laugh will forever ring in our ears.
At first I wished that I would have gotten to say good-bye to Julian, but maybe that last unforgettable smile and the last slight wave of his little hand as he stepped off the bus; was good-bye.
Good-bye, Julian. . .
Julian will always be in our thoughts and prayers.
Love always, Amber Hoy.

I add the thoughts and prayers of myself and Senator ENSIGN to those of Amber Hoy. Julian and his grandmother will be missed.●

WESTPORT VOLUNTEER EMERGENCY MEDICAL SERVICE

● Mr. DODD. Mr. President, I rise today to commend the Westport Volunteer Emergency Medical Service. Next week, the Westport Volunteer EMS will receive the EMS Magazine "Gold Award" in recognition of the extraordinary vision, professionalism, and dedication of Westport's volunteer emergency medical service providers.

By awarding WVEMS the "Gold Award," EMS Magazine is confirming what many of us have long known: community spirit is alive and well in Connecticut and it still changes lives for the better. The men and women of the Westport Volunteer EMS are true heros—not only because they save lives—but because they are willing to do the yeomen's work that must be done to ensure that our communities are prepared to respond when the unthinkable happens.

More than 120 Westport volunteers respond to more than 2,000 9-1-1 calls each year. These volunteers make a huge difference in the lives of their fellow citizens. They respond to emergencies night and day. They provide comfort and assistance to people in distress and they save lives. But they also make an enormous difference in less dramatic ways. They teach safety and emergency preparedness classes to hundreds of school-aged children and adults. They host conferences. And nearly every weekend, somewhere in the community a volunteer EMS team provides coverage at a local school athletic event or community gathering. This is the true essence of community spirit—the willingness to spend time working with your neighbors to protect and service the greater good.

The Westport EMS was formally incorporated in 1979 and continues to serve the community as a division within the Westport Police Department, with on-site, standby crews 24 hours a day, 7 days a week, 52 weeks a year. Last year, Westport's volunteers logged 26,000 hours of community service.

The entire Northeast region recently had a chance to see the Westport EMS at work when Westport hosted a regional disaster drill in the form of a simulated Amtrak train wreck at the Westport train station. More than 400 EMS, fire, police, railroad, and National Guard personnel were joined by State officials in a realistic and successful event.

Recently, the Westport Volunteer Emergency Medical Service program was presented the "Connecticut Treasures" award in recognition of the agency's 20 years of service to the community. This same service and dedication are examples of one of America's greatest treasures—the goodness and charity of the American people. I commend the Westport EMS volunteers for their extraordinary service to their fellow citizens, and I congratulate them on receiving this much-deserved honor.●

TRIBUTE TO FRED HOLT

● Mr. FEINGOLD. Mr. President, a great educator and a dear friend of my family died earlier this month. Fred R. Holt was a school superintendent in my hometown of Janesville, Wisconsin from 1959 to 1978, and as the Janesville Gazette noted, his influence will echo in Janesville classrooms for years.

He oversaw the Janesville school system during one of its most challenging times, when the baby boom generation was rapidly increasing the school population. His gifted leadership helped to foster a climate that was supportive of students and teachers alike. As Fred's secretary for many years, Carol Smith, said, he cared for everyone on his staff as well as the students, and always did his best for them.

Fred was deeply committed to our schools. He attended school in Janesville, and was a teacher himself, in

Edgerton, Wisconsin and in other districts before becoming Janesville's superintendent, and he knew how valuable a good teacher is. As a Janesville Gazette article recalled, Fred would send his administrators to teacher-training institutions across the Midwest to recruit top teaching prospects. As products of Fred Holt's Janesville schools, my brother, sisters, and I can attest to the success of his efforts. Thousands of Janesville families were the beneficiaries of Fred Holt's foresight and initiative.

I had the privilege of working with Fred after he retired when I served in the Wisconsin State Senate. He was an enormously effective advocate, and generously shared his time counseling troubled youth, heading a volunteer service bureau, and helping to renovate the Janesville Senior Center. In 1987, his work was recognized when he was named one of Wisconsin's 10 admired seniors.

Fred Holt's legacy is evident in Janesville and across the country. I am a part of that legacy. And so are tens of thousands of business people and auto workers, physicians and police officers, artists and plumbers, educators, machinists, farmers, and others who have become who they are in large part because of the education they received growing up in Janesville. We owe him an enormous debt.●

IN MEMORY OF RABBI YITSCHAK MEIR KAGAN

● Mr. LEVIN. Mr. President, Today I would like to commemorate the achievements of a beloved religious leader, dedicated father and husband and friend from my home state of Michigan, Rabbi Yitschak Meir Kagan. On June 3 of this year, people from around the world will be gathering in Southfield, MI, to honor the life and memory of Rabbi Kagan.

Through hard work and an unwavering commitment to the ideals of Chabad-Lubavitch, Rabbi Kagan's work has made an indelible mark upon countless individuals. His deep faith, keen intellect, and concern for others has led him to give generously of himself.

Born in England, Rabbi Kagan's extensive education assumed an international flavor. After early instruction in Great Britain, he studied at the Lubavitch Yeshiva in Israel, the Central Lubavitch Academy in New York and the Rabbinical College in Montreal where he received his ordination.

Central to Rabbi Kagan's life was the Chabad-Lubavitch movement. In 1966, Rabbi Kagan joined the Michigan Chabad-Lubavitch. For thirty-five years he worked tirelessly to expand the Lubavitch Foundation's presence in Michigan. Chabad-Lubavitch is a Hasidic sect that originated in Lubavitch, Russia. Lubavitch means "brotherly love," and Chabad is an acronym for a philosophy that pursues wisdom, understanding and knowledge of God. Rabbi Kagan's life embodied the ideal of brotherly love as he sought "to increase the knowledge of Judaism within every Jew" by educating people about the Torah, providing worship services and performing charitable acts.

As Associate Director of the Lubavitch Foundation, Rabbi Kagan expanded the Foundation by establishing Chabad houses in Ann Arbor, Flint and Grand Rapids, developing "the Campus of Living Judaism;" counseling students and tending to the spiritual development of countless individuals.

Rabbi Kagan's work reached far beyond Michigan. The printed word enabled his thoughts and insights to span the globe. He published essays adapted from the works of Lubavitcher Rebbe that were read by a multitude each month. In addition, he edited and translated the Rebbe's classic text, Hayom Yom, edited philosophical texts and translated commentaries on the Torah.

Rabbi Kagan has been a community and spiritual leader for over three decades. I have been able to witness, firsthand, his enthusiastic commitment to helping others in need. Rabbi Kagan touched the lives of all who met him. He worked with and helped immigrants, prisoners, drug users, families in need and others with characteristic zeal, kindness and love. I know my Senate colleagues join me in commemorating the life of Rabbi Yitschak Meir Kagan, and in offering their condolences to Rochel Kagan, his wife, and his extended family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE PROGRESS TOWARD ACHIEVING BENCHMARKS IN BOSNIA—MESSAGE FROM THE PRESIDENT—PM 25

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7(b) of Public Law 105–174) and section 1203(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I transmit herewith a report on progress made toward achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina.

In July 2000, the fourth semiannual report was sent to the Congress detailing progress towards achieving the ten benchmarks that were adopted by the Peace Implementation Council and the North Atlantic Council in order to evaluate implementation of the Dayton Accords. This fifth report, which also includes supplemental reporting as required by section 1203(a) of Public Law 105–261, provides an updated assessment of progress on the benchmarks covering the period July 1, 2000, to February 28, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 25, 2001.*

MESSAGES FROM THE HOUSE

At 11:27 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 801) entitled "An Act to amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes."

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 801. An act to amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 3:58 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1. An act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1. An act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2047. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Administrator for Prevention, Pesticides and Toxic Substances, received on May 17, 2001; to the Committee on Environment and Public Works.

EC–2048. A communication from the Administrator of the Food and Safety Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mandatory Inspection of Ratites and Squabs" (RIN0583-AC84) received on May 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2049. A communication from the Mayor of the District of Columbia, transmitting, the Supplemental Budget Request for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–2050. A communication from the Assistant Secretary of Lands and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "43 CFR 1820—Application Procedures" (RIN1004–AD34) received on May 22, 2001; to the Committee on Energy and Natural Resources.

EC–2051. A communication from the Director of Regulations Policy and Management, Food and Drugs Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Gastroenterology-Urology Devices; Classification of Tissue Culture Media for Human Ex Vivo Tissue and Cell Culture Processing Applications" (Doc. No. 01P-0087) received on May 23, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2052. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation in Single-Employer Plans; Interest Assumption for Valuing and Paying Benefits" received on May 22, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2053. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, International Security Affairs, received on May 23, 2001; to the Committee on Armed Services.

EC–2054. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the cost comparison to reduce the cost of the Supply and Transportation functions; to the Committee on Armed Services.

EC–2055. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, the annual report relative to the number of waivers granted to aviators who fail to meet the operational flying duty requirements for Fiscal Year 2000; to the Committee on Armed Services.

EC–2056. A communication from the Under Secretary of the Department of Defense, transmitting, the report of a violation of the Antideficiency Act, case number 96–08; to the Committee on Appropriations.

EC–2057. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 98–04; to the Committee on Appropriations.

EC–2058. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number F97–09; to the Committee on Appropriations.

EC–2059. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the operations of the Exchange Stabilization Fund for Fiscal Year 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–2060. A communication from the Acting Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations of Specially Designated Narcotics Traffickers and Removal of Specially Designated National of Cuba" (31 CFR 5) received on May 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2061. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (66 FR 24280) received on May 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2062. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (66 FR 24284) received on May 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2063. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment of the 2000 Atlantic Herring Specifications; Closure of Area 1A" (RIN0648–AI78) received on May 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2064. A communication from the Director for Financial Management and Deputy Chief Financial Officer, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties; Adjustment for Inflation" (RIN0690–AA31) received on May 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2065. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework Adjustment 14 to the Atlantic Sea Scallop Fishery Management Plan" (RIN0648–AO07) received on May 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2066. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Interim Rule for the Atlantic Deep-Sea Red Crab Fisheries" (RIN0648–AP10) received on May 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2067. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Employment Tax Deposits-De Minimis Rule" (RIN1545–AY47) received on May 22, 2001; to the Committee on Finance.

EC–2068. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Zone Academy Bonds" (RIN1545–AY01) received on May 23, 2001; to the Committee on Finance.

EC–2069. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Appeal of Dyed Fuel and Refusal Penalties" (Rev. Procs. 2001–33, 2001–23) received on May 23, 2001; to the Committee on Finance.

EC–2070. A communication from the Regulations Officer of the Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Coverage of Employees of State and Local Governments; Office of Management and Budget Control Number" (RIN0960–AE69) received on May 23, 2001; to the Committee on Finance.

EC–2071. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Manufacturers Excise Taxes—Firearms and Ammunition; Delegation of Authority Part 53" (RIN1512-AC18) received on May 24, 2001; to the Committee on Finance.

EC–2072. A communication from the Deputy Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority for Part 250" (RIN1512-AC38) received on May 24, 2001; to the Committee on Finance.

EC–2073. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Colorado Petition to Relax the Federal Gasoline Reid Vapor Pressure Volatility Standards for 2001" (FRL6984-7) received on May 22, 2001; to the Committee on Environment and Public Works.

EC–2074. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Promulgation of Attainment Date Extension for the Fairbanks North Star Borough Carbon Monoxide Nonattainment Area, Alaska" (FRL6986–4) received on May 22, 2001; to the Committee on Environment and Public Works.

EC-2075. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category, OMB Approval under the Paperwork Reduction Act; Technical Amendment; Correction" (FRL6987-5) received on May 23, 2001; to the Committee on Environment and Public Works.

EC-2076. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator for Air and Radiation, received on May 23, 2001; to the Committee on Environment and Public Works.

EC-2077. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator of the Office of Prevention, Pesticides and Toxic Substances, received on May 23, 2001; to the Committee on Environment and Public Works.

EC-2078. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, received on May 23, 2001; to the Committee on Environment and Public Works.

EC-2079. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Riverside Fairy Shrimp" (RIN1018-AG34) received on May 23, 2001; to the Committee on Environment and Public Works.

EC-2080. A communication from the Acting Secretary of the Army, Department of Defense, transmitting, pursuant to law, a report relative to the authorization and implementation of a navigation project for Jacksonville Harbor, Duval County, Florida; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-73. A joint resolution adopted by the Legislature of the State of Nevada relative to the approval of national monuments; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 2

Whereas, The provisions of 16 U.S.C. §§431, 432, and 433, commonly referred to as the Antiquities Act of 1906, authorize the President of the United States to designate national monuments without the approval of Congress or any state or local government in which the national monument is located; and

Whereas, As part of designating a national monument pursuant to those provisions, the President of the United States may reserve parcels of public land to ensure the appropriate care and management of the national monument, and the reservation of that public land must be confined to the smallest area compatible with that care and management; and

Whereas, The designation of a national monument is often a subject of controversy because the public lands that are included within the designation are withdrawn from the public domain, thereby restricting activities such as mining, ranching and recreation which provide an economic benefit to state and local governments in which the national monument is located; and

Whereas, Decisions concerning the use and management of public lands within a state should be decided by the residents of that state acting through their state and local representatives; and

Whereas, The unilateral designation of a national monument by the President of the United States does not create beneficial partnerships between states and the Federal Government concerning the management of public lands within those states, instead, such a designation serves to create enmity and to limit the ability of a state to manage its water resources and the ability of state and local governments to develop plans for conservation or otherwise participate in managing those public lands; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the Legislature of the State of Nevada hereby opposes the designation of a national monument by the President of the United States without obtaining the approval of each state and local government in which the national monument is located; and be it further

Resolved, That the President of the United States is hereby urged to refrain from designating a national monument or from withdrawing public lands from the public domain to create a national monument without obtaining such approval; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM-74. A joint resolution adopted by the Legislature of the State of Nevada relative to the delegation of a National Historic Trail; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 14

Whereas, The Old Spanish Trail, which ran between Santa Fe, New Mexico, and Los Angeles, California, was the first non-Native American trail to cross Nevada and remains the least known trail; and

Whereas, Traders, couriers and emigrants en route between Santa Fe and Los Angeles followed Indian trails in blazing the Spanish Trail through Clark County; and

Whereas, The journey of Antonio Armijo, a trader from New Mexico, through Nevada in 1829 and 1830 linked the historic 1776 routes of the Dominguez-Escalante expedition through Utah and the Garces' exploration into Southern California and used a portion of the 1826 and 1827 routes of Jedediah Smith to California; and

Whereas, Antonio Armijo was the first to link the interior of the southwest with the California coast successfully, thus opening a commercial trade route, approximately 1,121 miles long, that functioned between 1829 and 1848 as the main artery connecting the interior to the coast which later became known as the Old Spanish Trail and is so named in modern literature; and

Whereas, Captain John C. Fremont of the United States Corps of Topographic Engineers was commissioned in 1843 by the War Department to find and map the Oregon Trail, an assignment which he completed successfully; and

Whereas, After documenting the Oregon Trail, Captain Fremont, in an effort to expand his government's knowledge about California, pushed south through Northern Nevada into California; and

Whereas, In 1844, Fremont sought the Spanish Trail to guide his party eastward from California and followed the trail through California and Nevada to his point of departure from Utah Lake the previous year; and

Whereas, The route of the trail Fremont followed from California, which he named the Spanish Trail in the report of his expedition that he filed with the War Department, led him across Southern Nevada from Stump Spring to the Virgin River via Mountain Springs Pass, Blue Diamond, Las Vegas Springs and the Muddy River; and

Whereas, This route was previously pioneered by traders from New Mexico who spoke Spanish, a fact used by Captain Fremont in designating the "Camino de California" or "Camino de Nuevo Mexico" as the Spanish Trail; and

Whereas, Fremont's report and map were so important to the plans of the United States for Western expansion that the United States Senate and House of Representatives each printed 10,000 copies of the report and map; and

Whereas, Copies of the report and map were available to thousands of emigrants heading westward to California who came to know the route they followed as Fremont's Spanish Trail; and

Whereas, The pioneers who used Fremont's route became familiar with the promising potential of Southern Nevada for settlement which led specifically to the founding of Las Vegas or "The Meadows," whose name reflects its importance as a major camp site along the Spanish Trail; and

Whereas, The Old Spanish Trail is the foundation of succeeding routes of transport and travel through Southern Nevada including the Mormon Road, portions of the routes of the San Pedro, Los Angeles and Salt Lake Railroad and the Union Pacific Railroad which succeeded it, and the Arrowhead Trail Highway and its successors U.S. Highway No. 91 and Interstate Highway No. 15; and

Whereas, This historic route for travelers facilitated expansion of the boundaries of the United States to include New Mexico, Colorado, Utah, Arizona, Nevada and California; and

Whereas, The Spanish Trail was preferred by Kit Carson when carrying military dispatches in 1848 to Washington, D.C., which first brought news of gold at Sutter's Fort and resulted in the Gold Rush of 1849; and

Whereas, Information about this ancient route of trade and commerce is still limited, and much more can be learned about the Old Spanish Trail; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature do hereby urge the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Antonio Armijo Route of the Old Spanish Trail as a National Historic Trail; and be it further

Resolved, That such a designation would help ensure the protection and interpretation of the Old Spanish Trail in a more consistent and coordinated manner, would encourage tourists to visit the communities, landscape features and other resources along the trail, would help visitors gain a better understanding of how a journey along the trail might have been more than 100 years ago, and would enhance and promote knowledge concerning the early settlers and explorers who emigrated and led expeditions to the Western United States; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM-75. A joint resolution adopted by the Legislature of the State of Nevada relative to increasing federal funding for special education; to the Committee on Appropriations.

ASSEMBLY JOINT RESOLUTION NO. 1

Whereas, The Education for All Handicapped Children Act of 1975, now known as the Individuals with Disabilities Education Act (IDEA), was enacted by the Congress of the United States to ensure that all children with disabilities have available to them a free and appropriate public education; and

Whereas, In 1975, Congress promised state and local governments that it would fund 40 percent of the costs of providing special education and related services to children with disabilities; and

Whereas, Congress has never appropriated funds equivalent to the authorized level, has never exceeded the 15 percent level and has usually appropriated funding at only about the 8 percent level; and

Whereas, The State of Nevada is committed to providing a free and appropriate public education to children with disabilities to meet their unique needs; and

Whereas, The costs associated with serving children with disabilities continue to rise, and meeting those substantial costs requires a strong partnership between local, state and federal governmental agencies; and

Whereas, The failure of Congress to fund special education programs as it promised has forced the states to utilize funding from other necessary local and state programs to attempt to provide these special educational services; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Nevada Legislature hereby urges the President and Congress of the United States to increase federal funding for special education to the 40 percent level authorized by the Individuals with Disabilities Education Act so that the State of Nevada and other states can fully meet the needs of children with disabilities; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the Superintendent of Public Instruction for the State of Nevada; and be it further

Resolved, That this resolution becomes effective upon passage.

POM-76. A concurrent resolution adopted by the House of the Legislature of the State of Missouri relative to establishing a federal energy policy; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the recent dramatic increase in utility rates for utility companies providing heating fuels has had a devastating financial effect on many middle and low income Missourians who cannot afford to pay utility bills which have more than doubled in recent months; and

Whereas, many Missourians on fixed and limited incomes may be forced to eliminate other essential purchases, such as food and medicines, from their limited budgets in order to pay the exorbitant utility bills; and

Whereas, due to the extraordinary circumstances in which Missourians find themselves, members of Congress should consider taking extraordinary steps to protect the interests of all of the people of the United States: Now, therefore, be it

Resolved, That the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby request that the United States Congress consider establishing a strong remedial federal energy policy that delegates emergency powers to individual states; and be it further

Resolved, That the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted on May 24, 2001:

By Mr. REED for the Committee on Armed Services.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Edmund P. Giambastiani Jr., 8318.

(The above nomination was reported with the recommendation that it be confirmed.)

The following executive report of committee was submitted on May 25, 2001:

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

Timothy J. Muris, of Virginia, to be a Federal Trade Commissioner for the term of seven years from September 26, 2001.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Health, Education, Labor, and Pensions pursuant to the order of May 25, 2001:

Donald Cameron Findlay, of Illinois, to be Deputy Secretary of Labor.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KERRY, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. WELLSTONE, and Mr. WYDEN):

S. 964. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. DORGAN (for himself and Mr. REID):

S. 965. A bill to impose limitations on the approval of applications by major carriers domiciled in Mexico until certain conditions are met; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. JOHNSON, Mrs. MURRAY, and Mr. WELLSTONE):

S. 966. A bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND:

S. 967. A bill to establish the Military Readiness Investigation Board, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 968. A bill to establish Healthy and High Performance Schools Program in the Department of Education and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. SANTORUM):

S. 969. A bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 970. A bill to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the Horatio King Post Office Building; to the Committee on Governmental Affairs.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 971. A bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. THOMPSON, and Mr. JEFFORDS):

S. 972. A bill to amend the Internal Revenue Code of 1986 to improve electric reliability, enhance transmission infrastructure, and to facilitate access to the electric transmission grid; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 973. A bill to expedite relief provided under the Magnuson-Stevens Fishery Conservation and Management Act for commercial fishery failure in the Pacific Coast Groundfish Fishery, to improve fishery management and enforcement in that fishery, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON:

S. 974. A bill to amend title XVIII of the Social Security Act to provide for coverage of pharmacist services under part B of the medicare program; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. BENNETT, Mr. JEFFORDS, Mr. LEVIN, Mr. SPECTER, Mr. BINGAMAN, Mr. CLELAND, and Mr. LIEBERMAN):

S. 975. A bill to improve environmental policy by providing assistance for State and tribal land use planning, to promote improved quality of life, regionalism, and sustainable economic development, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 976. A bill to provide authorization and funding for the enhancement of ecosystems, water supply, and water quality of the State of California; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself, Mr. BURNS, Mr. BAUCUS, Ms. CANTWELL, Mr. CONRAD, Mr. CRAPO, Mr. DASCHLE, Mr. DORGAN, Mr. JOHNSON, and Mrs. MURRAY):

S. 977. A bill to amend the Agricultural Market Transition Act to require the Secretary of Agriculture to make nonrecourse marketing assistance loans and loan deficiency payments available to producers of dry peas, lentils, and chickpeas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG (for himself, Mr. MURKOWSKI, Mr. ALLARD, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAPO, Mr. HATCH, Mr. SMITH of Oregon, and Mr. THOMAS):

S. 978. A bill to provide for improved management of, and increased accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BREAUX:

S. Res. 95. A resolution designating August 3, 2001, as "National Court Reporting and Captioning Day"; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. DURBIN, Mr. KENNEDY, and Ms. SNOWE):

S. Res. 96. A resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor Dr. Edgar J. Helms; to the Committee on Governmental Affairs.

By Mr. DEWINE:

S. Res. 97. A resolution honoring the Buffalo Soldiers and Colonel Charles Young; to the Committee on the Judiciary.

By Mr. BOND:

S. Res. 98. A resolution designating the period beginning on June 11 and ending on June 15, 2001 as "National Work Safe Week"; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. Res. 99. A resolution supporting the goals and ideals of the Olympics; to the Committee on the Judiciary.

By Mr. FITZGERALD (for himself and Mr. SMITH of New Hampshire):

S. Con. Res. 44. A concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 170

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 293

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit against increased residential energy costs and for other purposes.

S. 472

At the request of Mr. DOMENICI, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 472, a bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States.

S. 512

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 512, a bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes.

S. 538

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 538, a bill to provide for infant crib safety, and for other purposes.

S. 662

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to other wise commemorate, certain individuals.

S. 670

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 670, a bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of ethanol, and for other purposes.

S. 781

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 781, a bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 860

At the request of Mr. GRASSLEY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 892

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 892, a bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels or fuel additives, to promote the use of renewable fuels, and for other purposes.

S. 924

At the request of Mr. BIDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 924, a bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

S. RES. 92

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. Res. 92, a resolution to designate the week begining June 3, 2001, as "National Correctional Officers and Employees Week."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. JOHNSON, Mrs. MURRAY, and Mr. WELLSTONE):

S. 966. A bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I rise, along with Senator DASCHLE, Senator JOHNSON, Senator MURRAY, and Senator WELLSTONE to introduce the Rural Broadband Enhancement Act to deploy broadband technology to rural America. As the demand for high speed Internet access grows, numerous companies are responding in areas of dense population. While urban America is quickly gaining high speed access, rural America is, once again, being left behind. Ensuring that all Americans have the technological capability is essential in this digital age. It is not only an issue of fairness, but it is also an issue of economic survival.

To remedy the gap between urban and rural America, this legislation gives new authority to the Rural Utilities Service in consultation with NTIA to make low interest loans to companies that are deploying broadband technology to rural America. Loans are made on a company neutral and a technology neutral basis so that companies that want to serve these areas can do so by employing technology that is best suited to a particular area. Without this program, market forces will pass by much of America, and that is unacceptable.

This issue is not a new one. When we were faced with electrifying all of the country, we enacted the Rural Electrification Act. When telephone service was only being provided to well-populated communities, we expanded the Rural Electrification Act and created the Rural Utilities Service to oversee rural telephone deployment. The equitable deployment of broadband services is only the next step in keeping America connected, and our legislation would ensure that.

If we fail to act, rural America will be left behind once again. As the economy moves further and further towards online transactions and communications, rural America must be able to participate. Historically, our economy has been defined by geography, and we in Congress were powerless to do anything about it. Where there were ports, towns and businesses got their start. Where there were railroad tracks, towns and businesses grew up around them. The highway system brought the same evolution.

But the Internet is changing all of that. No longer must economic growth be defined by geographic fiat. Telecommunications industries and policymakers are proclaiming, "Distance is dead!" But, that's not quite right: Distance will be dead, only as long as Congress ensures that broadband services are available to all parts of America, urban and rural.

I look forward to working with my colleagues colleagues to pass this legislation and give rural America a fair chance to survive.

By Mr. BOND.

S. 967. A bill to establish the Military Readiness Investigation Board, and for other purposes; to the Committee on Armed Services.

Mr. BOND. Mr. President, I rise today to discuss a very important matter of national security.

Today many thousands of Americans are spread across the globe defending our national interest and those of our close friends and allies.

While risking their lives to keep America safe, American soldiers sailors, airmen and marines are not as ready for combat as they should be.

History has taught us that the more prepared we are for war, the less likely potential enemies will be to risk war in pursuit of their own national objectives.

Our ability to prevail in war is, therefore, one of the most critical elements of our deterrence strategy.

That is why I rise today to introduce legislation that I believe will help us improve the combat readiness of our armed forces. Doing so will strengthen America's standing and security in the world and contribute to global stability.

In recent years the topic of military readiness has received far more words than deeds. In all candor, we have talked this issue to death without being able to deliver for the troops who need our help.

I think I know why. Words are far cheaper than the actions needed to restore a sharp edge to our combat forces.

We know that we have problem with military readiness. It seems that every time we peel back the cheery assessments and closely examine the issue, we find that our military readiness is worse than advertised.

Let me offer just a few examples.

Today, the readiness level of too many of our aviation combat units is being maintained through cannibalization. One plane is striped of parts to keep others flying. The only problem with that is the practice actually accelerates the destruction of our combat readiness. A recent Navy investigation stated "current readiness levels are being achieved through extensive cannibalization and the rates are increasing in every community we visited."

In other words, we have a bunch of hangar queens that have been robbed of parts and are not able to fly to provide the practice or to carry out the missions for which they were intended. Because of a shortage in money, our fliers are going into harm's way with outdated electronic intelligence files. The Navy E-2C Hawkeyes carry intelligence files that, in some case, are between 5 and 9 years old. The electronic intelligence files aboard the EA-6B Prowler planes, our jammers, are updated only on a 2-to-6-year cycle. The missiles we use to kill enemy radars are not being updated with new electronic intelligence parametric files.

The Army's Third Infantry Division based at Fort Stewart Georgia was recently dropped to the second lowest readiness rating. Just over a year ago, two other Army divisions, the 10th Mountain and First Mechanized Division were briefly dropped to the lowest readiness rating—meaning they were unready for war. These are three of the Army's ten active duty divisions.

The Marine Corps cannot replace its antiquated equipment because it has to steal money from its modernization account to keep its combat edge sharp.

Sadly, there is an endless parade of anecdotal evidence. And too often, the anecdotal reports that leak to the press are far more accurate indictors of the true state of military readiness than the Pentagon's own internal reporting system.

The evidence strongly suggests we have not kept faith with our troops who risk their lives for us. And that is our top obligation—to keep up our part of the social compact with our servicemen and women, in exchange for their willingness to risk their lives we promise to equip and train our troops so they may quickly prevail in combat with as few casualties as possible.

While we know all to well the problem we face, we have yet to build a national consensus of the solution. And make no mistake, that is what a problem of this scale requires—a national consensus.

To do that, we need an objective assessment of military readiness conducted by non-partisan, military experts. It would measure the current state of our U.S. military readiness and also examine the effectiveness of the Pentagon's current readiness reporting system.

Much like the CIA required an outside panel of "Team B" experts during the 1970s, I believe the Pentagon desperately needs an outside group of experts to look at the readiness books.

I believe that this review will help senior Pentagon officials obtain the most accurate picture possible of the true state of military readiness today.

Such a measurement will also help Congress build a baseline understanding of military readiness that we must have if we are to begin funding the military's operations and maintenance accounts at a sufficient level.

Let me just say this: Secretary Rumsfeld's decision to reexamine our national military strategy, force structure and procurement strategy is the right thing to do. Indeed, it is long overdue and I commend the administration for its commitment to this effort.

This is very important, but we cannot overlook combat readiness as the most critical index of our Nation's ability to defend itself, our interests and our allies' interests. Strategic competitors pay close attention to reports of deteriorating U.S. military readiness and we must not embolden them by ignoring these reports ourselves.

Many military experts have also contended that many of the military's readiness problems would disappear if the Pentagon dropped its plans to fight and win two major regional wars at one time. However, some say that the Nation's ability to wage major wars on two fronts acts as an important deterrent to potentially hostile states like North Korea. Secretary Rumsfelds' review coupled with a military readiness review panel should enable us for once to answer effectively and address these issues—to come up with the right balance and solutions for our troops and for our Nation.

The readiness system is intended to pinpoint war-fighting deficiencies in every unit's equipment, transportation system, personnel and training. By many accounts this system is arcane and inflexible and does not accurately depict the true state of readiness. It is time we reviewed this system and developed means to keep it the predictive and useful tool it was designed and intended to be.

While we await the results of Secretary Rumsfeld's reviews, we already know that we have a persistent readiness problem that exacerbates other problems within the U.S. military, like manpower levels and morale.

In a monthly readiness report the defense department sent to Congress in March, there was a list of "strategic concerns" about military readiness. This report indicated that despite some leveling off of declines in wartime preparedness, there is still an uphill battle to be fought to ensure U.S. Forces are ready for major operations. This report states that aviation readiness remains challenged by "reduced aircraft mission-capable rates, parts shortages, and technical surprises and maintenance issues."

Readiness involves very many distinct issues. First, it's making sure that we're providing the resources needed to maintain readiness. Second, it's making sure that we are gathering the right data and information so that we've got true pictures of readiness. Third, it's dealing quickly and effectively with readiness issues when they're detected.

Several weeks ago I released an article describing the legislation I am proposing here. As a result, I have received numerous letters from constituents reiterating the need for this review board and citing examples of why it should be done. One letter was sent by a women who has a daughter and two friends who are serving on various Navy bases. In her letter she describes a situation where there are not enough spare parts to go around. Nothing new—except this effects her personally and causes her to worry constantly about her family and friends because they are spread too thin and lack the spare parts to do their job, thereby endangering them needlessly.

At the end of the cold war, force structure and personnel end strength were drastically cut in all the services. At the same time, the Nation discovered that the post-cold war world is a complex, dangerous place. As a result, deployments for contingency operations, peacekeeping missions, humanitarian assistance, disaster relief and counter-terrorism operations increased dramatically and our dependence on the armed services for their deployments continues to grow.

While our military forces got smaller, they did not become more ready for combat. In fact, our peak military readiness was reached immediately following Desert Storm in 1991 and has slowly and steadily declined since.

And that is inexcusable for a superpower. We have a responsibility to our citizens and to countless millions around the world whose physical safety and economic and political stability is guaranteed because of our military strength.

The world looks to us, and so as I review this military readiness problem and search for a solution I am guided by the simple notion that our strength guarantees global peace. Our military strength provides the foundation for the global economy and provides the economic and political stability for so many parts of the world. This understanding must guide our efforts as we seek to rebuild our military to prevail in our next war.

Our own history during this century has shown us that when we try to judge our military by its cost-efficiency during peacetime we invite disaster. This happened at the outset of the Second World War in North Africa. And we saw it again when Task Force Smith was shredded by the North Koreans in 1950.

How may times must we relearn the lesson that the only true measure of military effectiveness is performance in wartime?

I commend to my colleagues a brilliant editorial in the Wall Street Journal by Mark Helprin. He writes of the myopic view of peacetime civilians charged with budgeting their militaries. "God save the American soldier from those who believe that his life can be protected and his mission accomplished on the cheap," wrote Mr. Helprin. "For what they perceive as extravagance is always less costly in lives and treasure than the long drawn-out wars it deters or shortens with quick victories."

I should explain that the bill I have introduced establishes a commission to be appointed by the Secretary of Defense with the concurrence of the chairs and ranking members of the authorizing appropriations committees to look at the issues of readiness and to be sure that they report to the Congress and to the United States, No. 1, on the status of readiness and, No. 2, on the reliability, or lack thereof, in the system set up to determine readiness.

I respect the great work being done by the Readiness Subcommittee of the Armed Services Committee. I have spoken with the chair and ranking members. We want to be a supplement to and a sounding board, perhaps, to provide a louder microphone or megaphone for the information determined in that Readiness Subcommittee.

I hope my colleagues will look at this measure and join me in sponsoring it. I am pleased to ask unanimous consent that the distinguished occupant of the chair, the Senator from Kansas, Mr. ROBERTS, be listed as a cosponsor.

I invite other colleagues who have an interest in this to look at it and join with me. I hope and trust we can have a strong bipartisan effort to achieve something which should be the goal and the objective of all of us.

I ask unanimous consent that two articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, April 24, 2001]

THE FIRE NEXT TIME

(By Mark Helprin)

From Alexandria in July of 1941, Randolph Churchill reported to his father as the British waited for Rommel to attack Egypt. In the midst of a peril that famously concentrated mind and spirit, he wrote, "You can see generals wandering around GHQ looking for bits of string."

Apparently these generals were not, like their prime minister, devoted to Napoleon's maxim, "Frappez la masse, et le reste vient par surcroit," which, vis-a-vis strategic or other problems, bids one to concentrate upon the essence, with assurance that all else will follow in train, even bits of string.

Those with more than a superficial view of American national security, who would defend and preserve it from the fire next time, have by necessity divided their forces in advocacy of its various elements, but they have neglected its essence. For the cardinal issue of national security is not China, is not Russia, is not weapons of mass destruction, or missile defense, the revolution in military affairs, terrorism, training, or readiness. It is, rather, that the general consensus in regard to defense since Pearl Harbor—that doing too much is more prudent than doing too little—has been destroyed. The last time we devoted a lesser proportion of our resources to defense, we were well protected by the oceans, in the midst of a depression, and without major international responsibilities, and even then it was a dereliction of duty.

The destruction is so influential that traditional supporters of high defense spending, bent to the will of their detractors, shrink from argument, choosing rather to negotiate among themselves so as to prepare painstakingly crafted instruments of surrender.

A leader of defense reform, whose life mission is to defend the United States, writes to me: "Please do not quote me under any circumstances by name. . . . Bush has no chance of winning the argument that more money must be spent on defense. Very few Americans feel that more money needs to be spent on defense and they are right. The amount of money being spent is already more than sufficient."

More than sufficient to fight China? It is hard to think of anything less appealing than war with China, but if we don't want that we must be able to deter China, and to deter China we must have the ability to fight China. More than sufficient to deal with simultaneous invasions of Kuwait, South Korea, and Taiwan? More than sufficient to stop even one incoming ballistic missile? Not yet, not now, and, until we spend the money, not ever.

For someone of the all-too-common opinion that a strong defense is the cause of war, a favorite trick is to advance a wholesale revision of strategy, so that he may accomplish his depredations while looking like a reformer. This pattern is followed instinctively by the French when they are in alliance and by the left when it is trapped within the democratic order. But to do so one need be neither French nor on the left.

Neville Chamberlain, who was neither, starved the army and navy on the theory that the revolution in military affairs of his time made the only defense feasible that a "Fortress Britain" protected by the Royal Air Force—and then failed in building up the air force. Bill Clinton, who is not French, and who came into office calling for the discontinuance of heavy echelons in favor of power projection, simultaneously pressed for a severe reduction in aircraft carriers, the sine qua non of power projection. Later, he and his strategical toadies embraced the revolution in military affairs not for its virtues but because even the Clinton-ravished military "may be unaffordable," and "advanced technology offers much greater military efficiency."

This potential efficiency is largely unfamiliar to the general public. For example, current miniaturized weapons may seem elephantine after advances in extreme ultraviolet lithography equip guidance and control systems with circuitry not 0.25 microns but 0.007 microns wide, a 35-fold reduction that will make possible the robotization of arms, from terminally guided and target-identifying bullets to autonomous tank killers that fly hundreds of miles, burrow into the ground, and sleep like locusts until they are awakened by the seismic signature of enemy armor.

Lead-magnesium-niobate transducers in broadband sonars are likely to make the seas perfectly transparent, eliminating for the first time the presumed invulnerability of submarine-launched ballistic missiles, the anchor of strategic nuclear stability. The steady perfection of missile guidance has long made nearly everything the left says about nuclear disarmament disingenuous or uninformed, and the advent of metastable explosives creates the prospect of a single B–1 bomber carrying the non-nuclear weapons load of 450 B–17s, the equivalent of 26,800 100-pound bombs. Someday, we will have these things, or, if we abstain, our potential enemies will have them and we will not.

To field them will be more expensive then fielding less miraculous weapons, which cannot simply be abandoned lest an enemy exploit the transition, and which will remain as indispensable as the rifleman holding his ground, because the nature of war is counter-miraculous. And yet, when the revolution in military affairs is still mainly academic, we have cut recklessly into the staple forces.

God save the American soldier from those who believe that his life can be protected and his mission accomplished on the cheap. For what they perceive as extravagance is always less costly in lives and treasure than the long drawn-out wars it deters altogether or shortens with quick victories. In the name of their misplaced frugality we have transformed our richly competitive process of acquiring weapons into the single-supplier model of the command economies that we defeated in the Cold War, largely with the superior weapons that the idea of free and competitive markets allowed us to produce.

Though initially more expensive, producing half a dozen different combat aircraft and seeing which are best is better than decreeing that one will do the job and praying that it may. Among other things, strike aircraft have many different roles, and relying upon just one would be the same sort of economy as having Clark Gable play both Rhett Butler and Scarlett O'Hara.

Having relinquished or abandoned many foreign bases, the United States requires its warships to go quickly from place to place so as to compensate for their inadequate number, and has built them light using a lot of aluminum, which, because it can burn in air at 3,000 degrees Celsius, is used in incendiary bombs and blast furnaces. (Join the navy and see the world. You won't need to bring a toaster.)

And aluminum or not, there are too few ships, During the EP–3 incident various pinheads furthered the impression of an American naval cordon off the Chinese coast. Though in 1944 the navy kept 17 major carriers in the central Pacific alone, not long ago its assets were so attenuated by the destruction of a few Yugos disguised as tanks that for three months there was not in the vast western Pacific even a single American aircraft carrier.

What remains of the order of battle is crippled by a lack of the unglamorous, costly supports that are the first to go when there isn't enough money. Consider the floating dry dock. By putting ships back into action with minimal transit time, floating dry docks are force preservers and multipliers. In 1972, the United States had 94. Now it has 14. Though history is bitter and clear, this kind of mistake persists.

Had the allies of World War II been prepared with a sufficient number of so pedestrian a thing as landing craft, the war might have been cheated of a year and a half and many millions of lives. In 1940, the French army disposed of 530 artillery pieces, 830 antitank guns, and 235 (almost half) of its best tanks, because in 1940 the French did not think much of the Wehrmacht—until May.

How shall the United States avoid similar misjudgments? Who shall stand against the common wisdom when it is wrong about deterrence, wrong about the causes of war, wrong about the state of the world, wrong about the ambitions of ascendant nations, wrong about history, and wrong about human nature?

In the defense of the United States, doing too much is more prudent than doing too little. Though many in Congress argue this and argue it well, Congress will not follow one of its own. Though the president's appointees also argue it well, the public will wait only upon the president himself. Only he can sway a timid Congress, clear the way for his appointees, and move the country toward the restoration of its military power.

The president himself must make the argument, or all else is in vain. If he is unwilling to risk his political capital and his presidency to undo the damage of the past eight years, then in the fire next time his name will be linked with that of his predecessor, and there it will stay forever.

[From the Washington Post, May 20, 2001]

Rumsfield on High Wire of Defense Reform

(By Thomas E. Ricks)

In his first four months at the Pentagon, Defense Secretary Donald H. Rumsfeld has launched a score of secretive studies and posed hundreds of tough questions as he has tried to create a new vision for the American military, looking at everything from missile defenses and global strategy to the flaws of a Truman-vintage personnel system.

Yet, in that short span, he has also rallied an unlikely collection of critics, ranging from conservative members of Congress and his predecessor as defense secretary to some of the generals who work for him. In dozens of interviews, those people expressed deep concern that Rumsfeld has acted imperiously, kept some of the top brass in the dark and failed to maintain adequate communications with Capitol Hill.

"He's blown off the Hill, he's blown off the senior leaders in the military, and he's blown off the media," said Thomas Donnelly, a defense expert at the conservative Project for the New American Century. "Is there a single group he's reached out to?"

The criticism has focused on Rumsfeld's score of study groups, staffed by retired generals and admirals and other experts who are probing everything from weapons programs to military retirement policies. In Pentagon hallways, "the Rumsfeld review," as the studies are collectively called, is mocked by some as a martial version of Hillary Rodham Clinton's health care plan, which failed spectacularly in 1994 when it was offered up to Congress.

"It's arrogant theorists behind closed doors," said one person offering the Clinton analogy, retired Army Lt. Col. Ralph Peters, now a prominent writer on military strategy.

The military is already responding in significant and striking ways. On Thursday, the Joint Chiefs of Staff held a closed-door meeting in the "Tank," their secure conference room at the Pentagon, where they posed scathing questions about Rumsfeld's intentions on strategy and possible cuts to the Army, defense officials said. Yesterday, retired Gen. Gordon Sullivan, a former Army chief of staff, delivered an angry speech assailing the apparent direction of Rumsfeld's reforms as "imprudent."

One point on which both Rumsfeld and his critics agree is the gravity of his reform effort. Reshaping the military to meet the new threats of the 21st century—and to keep the U.S. armed forces by far the stongest in the world—was a key campaign pledge of President Bush. To be successful, Rumsfeld must not only come up with specific answers but also find enough support in Congress and across the military to fund them and carry them out. The job will be made all the more difficult because the reforms could anger members of Congress by closing bases, terminating major weapons programs and shifting some spending from tanks, ships and aircraft into newer areas such as space and missile defenses.

In an extensive interview in his Pentagon office last week, Rumsfeld argued that his review has been necessary, rational and inclusive, involving more than 170 meetings with 44 generals and admirals. "Everyone who wants to be briefed I think has been briefed," he said. "Everyone cannot be involved in everything."

Far from reaching concrete conclusions behind closed doors, he said, he simply has been posing questions about how to change the military to deal with a world where even Third World nations can buy long-range missiles, terrorists have attacked sites inside the United States, and the American economy is increasingly reliant on vulnerable satellites. "I've got a lot of thoughts, but I don't have a lot of answers," he said.

Overall, Rumsfeld swung in the interview between being conciliatory toward his critics and being dismissive of them. "Is change hard for people? Yeah," he said sympathetically. "Is the anticipation of change even harder? Yeah."

But a moment later he added: "The people it shakes up may very well be people who don't have enough to do. They're too busy getting shook up. They should get out there and get to work."

BRUSQUE STYLE

Rumsfeld, a bright, impatient man who is not a schmoozer by nature, spent years as an executive in the pharmaceutical industry and honed a top-down management style. That approach may be the only way to overhaul America's huge and conservative military establishment. But his brusque manner has exacerbated anxiety about change in the Pentagon and could, in the end, undercut his effort.

Generals who have met with him report that communications tend to be one way. "He takes a lot in, but he doesn't give anything back," one said. "You go and brief him, and it's just blank."

Neither that general nor any other Pentagon official critical of Rumsfeld would agree to be quoted by name. Indeed, one said Rumsfeld's aides would "have my tongue" were it known that he had talked to a reporter.

Many of those interviewed said they are worried that the future of the institution to which they have devoted their adult lives is being decided without them. One senior general unfavorably compared Rumsfeld's stewardship of the Pentagon with Colin L. Powell's performance as secretary of state. "Mr. Powell is very inclusive, and Mr. Rumsfeld is the opposite," said the general, who knows both men. "We've been kept out of the loop."

Added another senior officer: "The fact is, he is disenfranchising people."

Some noted that the Bush administration came into office vowing to restore the military's trust in its civilian overseers. "Everyone in the military voted for these guys, and now they feel like they aren't being trusted," a Pentagon official said.

The Army, which has the reputation of being the most doggedly obedient of all the services, appears to be closest to going into opposition against the new regime. Army generals are especially alarmed by rumors that they could lose one or two of their 10 active divisions under the new Pacific-oriented strategy that Rumsfeld appears to be moving toward but has not yet unveiled.

At the Joint Chiefs' "Tank" session on Thursday, one defense official said, the Army led the charge against the conclusions of a Rumsfeld study group on conventional weapons that suggested big cuts in Army troops. The service chiefs told their chairman, Gen. Henry H. Shelton, that they could not make sense of that recommendation without knowing precisely what strategy Rumsfeld wants to pursue. "It wasn't just the Army, but [Army officers] took the lead" in the criticism, the official added.

Retired generals often say in public what the active-duty leadership is thinking but can't utter. Sullivan, the former Army chief, appeared to play that role yesterday in a speech to a conference of Army reservists. He said he is worried that Rumsfeld would "propose a world in which we will be able to hide behind our missile defense," which he went on to liken to the expensive but useless Maginot Line that France erected against Germany after World War I.

In another recent talk, Sullivan referred to Rumsfeld's new emphasis on space as a "rathole" for defense spending. He also sent an e-mail criticizing Rumsfeld, and that message has circulated widely inside the Army.

WARY GENERALS

The military now appears so wary of Rumsfeld that officers perceive slights where none may have been intended. The generals are especially peeved by what they believe is a pattern of moves by Rumsfeld to reallocate power from the military to himself.

Earlier this month, for example, Rumsfeld dumped his military assistant, a one-star admiral who had been picked for the job just four months earlier, and replaced him with a three-star admiral. "It turned out I made a mistake, just to be blunt about it, thinking that a one-star could, simply because he was in the secretary's office, get the place to move at the same pace that a three-star could or a two-star," Rumsfeld explained. In other words, one flag officer commented, Rumsfeld felt he needed someone who could crack the whip over the top brass.

Rumsfeld also caused a stir in the services by bringing in retired Vice Adm. Staser Holcomb, who was his military assistant during his first term as secretary of defense, under President Gerald R. Ford, to look over the current crop of generals and admirals. Holcomb's queries may indicate that Rumsfeld wants to take over the selection of top generals—one of the last prerogatives left to the service chiefs. The chiefs generally have little say about operational matters, which are the province of the regional commanders, or "CinCs," and they don't have much sway over weapons acquisition, which is a civilian responsibility. But they do get to pick who joins the club of top generals.

Rumsfeld said Holcomb is working on military personnel matters, especially in helping him look at who should become the next chairman of the Joint Chiefs of Staff when Shelton steps down later this year. Asked whether he is stepping on the toes of the service chiefs by getting involved in the selection of two- and three-star generals, Rumsfeld grinned and laughed, but said nothing.

Rumsfeld has also been planning to start a new "Crisis Coordination Center" to be overseen by his office, defense officials said. They report that Rumsfeld believes that communications and responsibilities during crises have been handled hazily. Creating such a center—a move that has not previously been reported—almost certainly would diminish the power of the staff of the Joint Chiefs, which oversees operations.

Rumsfeld's views on crisis communications may have been crystallized by an undisclosed foul-up that occurred during the Feb. 16 air strikes against Iraq, the Bush administration's first use of military force. At the last minute, military commanders moved up the timing of the strikes by six hours.

But word somehow didn't get to Bush, said several defense officials. The president had expected the bombs to begin dropping as he headed home from a summit meeting in Mexico. Instead, the strikes started just as he arrived for that meeting, overshadowing his first foreign trip as president and infuriating him, officials said.

Rumsfeld declined to comment on that incident. But he said that, generally speaking, miscommunications are "inevitable when people are new on the job."

TENSIONS WITH CONGRESS

If anything, Rumsfeld's relations with Capitol Hill have been even more tumultuous. The military, after all, ultimately will follow orders. But Congress expects to have a big say in the orders.

"There really could be a huge collision between Rumsfeld, the services and Congress," predicted Harlan Ullman, a defense analyst at the Center for Strategic and International Studies. "There's an iceberg out there, and there's a Titanic."

Ullman said he thinks Rumsfeld has done a fairly good job, considering how understaffed the top of the Pentagon has been, with only a few senior officials in place.

But he also said that the Bush White House has badly miscalculated on the politics of defense. "I don't think the administration understands how much political capital it will take to change the U.S. military," he said. He and others warn that defense isn't a major issue on the Hill, and that no clear constituency exists for military reform. At the same time, there is a clear bloc against change, consisting of members of Congress who worry that bases and weapons plants in their districts could be closed.

Rumsfeld said he has devoted enormous effort to congressional relations, holding about 70 meetings with 115 lawmakers over the past four months. "I am on the hill frequently," he said. "I frequently have breakfasts and lunches down here that include members."

But the view from the Hill appears to be different. "There are lots of members concerned about the lack of communications," a Senate staffer said last week.

One warning sign has been a spate of "holds" placed on Rumsfeld's nominees by angry senators. These holds, which prevent a confirmation vote from taking place, aren't made public. But it is striking that Republican senators appear to have held up some of the nominees of a Republican administration. The Senate majority leader, Trent Lott (R-Miss.), controlled two of the holds—on the nominees to be the Pentagon's general counsel and assistant secretary for public affairs—that were lifted late Thursday.

Rumsfeld's predecessor as defense secretary, William S. Cohen, took the unusual step last week of publicly criticizing Rumsfeld's handling of Congress. "However brilliant the strategy may be, you cannot formulate a strategy and mandate that Congress implement it," Cohen, a former Republican senator, told a group of reporters.

"The less they're involved in the beginning," Cohen warned, "the more they'll be involved in the end, and not necessarily in a positive way."

Rumsfeld appears to have strong backing not only from Bush but also from Vice President Cheney, his former protégé when Rumsfeld was a White House counselor and then chief of staff in the Ford administration. Earlier this month, a senior White House official said: "The vice president indicated to the secretary that he would be as helpful as he could. As a former defense secretary, he has a special interest in the Pentagon."

Where the White house stands on Rumsfeld's efforts should become clearer this Friday, when Bush is scheduled to speak about U.S. military strategy in a commencement address at Annapolis.

In the following weeks, Rumsfeld will engage Congress in hearings, then will begin making critical decisions on high-profile weapons systems and on whether to cut the size of the military to pay for new weapons. Every one of those decisions could antagonize members of Congress.

Rumsfeld said he looks forward to working with lawmakers to find the right answers. "Hell, I know what I can do and I can't do," he said. "I can do some things, but I can't simply stick a computer chip in my head and come out with a perfect answer to big, tough important questions like that for the country. Even if you could, change imposed is change opposed.''

By Mrs. CLINTON:

S. 968. A bill to establish Healthy and High Performance Schools Program in the Department of Education and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, I introduce legislation to help our schools become more energy efficient.

Each year, America's schools spend more on energy costs than they do on books and computers combined.

As we continue to debate education spending, there is at least one way to save on education costs: energy efficiency measures could save America's schools $1.5 billion. And we can reinvest those dollars into educational resources—like books, computers or more training for our teachers—that can make a real difference for our children's futures.

Typically, nearly one-third of the energy used in a U.S. school goes to waste because of outdated technology, old equipment and poor insulation. The least energy-efficient schools, many of which are in desperate need of upgrades and repair, use almost four times as much energy per square foot as the most energy-efficient ones.

Over half of our the country's K-12 schools are more than 40 years old and in need of renovation to reach standards of efficiency and comfort. And it's estimated that 6,000 new schools will be needed in the next 10 years because of the growing student population.

The U.S. Department of Energy estimates that schools could save 25 to 30 percent of the money they spend on energy—$1.5 billion—through better building design, use of energy-efficient and renewable energy technologies and improvements to operations and maintenance.

Unfortunately, school districts may not be aware of the things they can do to be more energy efficient, improve indoor environments, and save money. That is why the legislation that I am introducing today is so important. The Healthy and High Performance Schools Act of 2001 would create a program within the Department of Education to provide grants to states to help school districts make their buildings healthier and more energy efficient. It will help our schools improve the indoor air quality, make smart energy efficient upgrades and take advantage of new, energy efficient technology. And this will save our schools money.

There are some basic things that every school can do to reduce energy use. If schools adopt energy management systems to coordinate heating, ventilation and air conditioning they can help ensure rooms are heated and cooled only while being used.

And simply closing doors to keep heated or cooled air from escaping can save money. Schools can add insulation to walls, floors, attics and ceilings or use shades, films and screens to better secure windows. Using some type of window treatment in the summer can greatly reduce the need for air conditioning. Energy-efficient fixtures, bulbs and lamps can make a big difference too. And installing occupancy sensors to control lighting when rooms are empty is smart and efficient.

So much of the energy used by schools—approximately fifteen percent—is for cooking, refrigeration, and heating hot water. Simply maintaining food service equipment in schools can mean large energy savings.

Energy use by computers and office equipment is one of the fastest-growing sources of electricity consumption in schools, businesses and homes. And it is expected to grow by as much as 500 percent in the next decade. If schools use products with an ENERGY STAR label—the U.S. Environmental Protection Agency's, EPA, label for energy efficient appliances—they can save as much as 50 percent in energy costs.

And I'm proud to report that many schools in New York are already leading the way.

The Smithtown School District on Long Island recently became the first school district in New York State to receive the Energy Star label. The District completed an extensive lighting modification project using the latest energy-efficient technologies in three of its elementary schools. Three schools, Smithtown Elementary, Mount Pleasant Elementary and Dogwood Elementary, will display the bronze plaque with the Energy Star logo in their buildings. The district now uses more than five million kilowatts less than it did in the 1970's.

The Kingston School District in Ulster County, New York, made drastic improvements in the energy performance of all the schools in the district by replacing many of the windows, installing new boilers, and making other energy efficient upgrades. In 2000, the school district saved more than $395,000 through its energy-efficiency upgrades and in 2001, received an Energy Star Partner of the Year Award.

Sachem Central School District on Long Island was awarded the Energy Start Partner of the Year Award in 2000. The District installed energy-efficient lighting fixtures and new boilers that resulted in savings of almost 300,000 gallons of oil and more than 2.9 million kWh. Special building automation system helps measure, monitor and manage energy use.

Other New York Energy Star School Partners are Connetquot Central School District, East Rockaway Public Schools, Fordham Preparatory School, Patchogue Medford Schools, Rochester City School District, Rye City School District and Wantagh Union Free School District.

I am pleased to join my colleague in the House of Representatives, MARK UDALL from Colorado, the sponsor of the High Performance Schools Act of 2001, H.R. 1129, as well as the co-sponsors, including my fellow New Yorkers, SHERWOOD BOEHLERT and MAURICE HINCHEY.

I hope that my colleagues in the Senate will join me in supporting this legislation, which has bipartisan support in the House, so that we can provide our schools with the tools that they need to save money on their energy costs, and reinvest that money into much-needed education resources that can help our children reach their goals.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy and High Performance Schools Act of 2001".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) American kindergarten through grade 12 schools spend over $6,000,000,000 annually on energy costs, which is more than is spent on books and computers combined.

(2) Approximately 25,000,000 students are attending schools with at least 1 unsatisfactory environmental condition.

(3) Educators teach and students learn best in an environment that is comfortable, healthy, naturally lit where possible, and in good repair, and studies have indicated that student achievement is greater and attendance higher when those conditions are met.

(4) Over half of our Nation's kindergarten through grade 12 schools are more than 40 years old and in need of renovation to reach such standard of efficiency and comfort, and 6,000 new schools will be required over the next 10 years to accommodate the growing number of students.

(5) Inadequate ventilation in school buildings, poor lighting and acoustical quality, and uncomfortable temperatures can cause poor health and diminish students' capacity to concentrate and excel.

(6) Inefficient use of water, either in consumption or from poorly maintained systems, is prevalent in older schools.

(7) Using a whole building approach in the design of new schools and the renovation of existing schools (considering how materials, systems, and products connect and overlap and also how a school is integrated on its site and within the surrounding community) will result in healthy and high performance school buildings.

(8) Adoption of whole building concepts has been shown to result in dramatic improvements in student and teacher performance.

(9) Adopting a whole building approach usually results in a lower life cycle cost for the school building than for a conventionally designed and built building.

(10) Systematic use of energy conservation in school construction and renovation

projects can save at least one quarter of current energy costs, leaving more money for teachers and educational materials.

(11) The use of renewable energy sources such as daylighting, solar, wind, geothermal, hydropower, and biomass power in a building already designed to be energy-efficient can help meet the building's energy needs without added emissions.

(12) Using environmentally preferable products and providing for adequate supplies of fresh air will improve indoor air quality and provide healthful school buildings.

(13) Most school districts do not have the knowledge of cutting-edge design and technologies to integrate optimum efficiency and environmentally healthy designs into new school construction or into school renovations.

(b) Purpose.—It is the purpose of this Act to assist local educational agencies in the production of high performance elementary school and secondary school buildings that are healthful, productive, energy-efficient, and environmentally sound.

SEC. 3. PROGRAM ESTABLISHMENT AND ADMINISTRATION.

(a) Program.—There is established in the Department of Education the High Performance Schools Program (in this Act referred to as the "Program").

(b) Grants.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, may, through the Program, award grants to State educational agencies to permit such State educational agencies to carry out subsection (c).

(c) State Use of Funds.—

(1) Subgrants.—

(A) In general.—A State educational agency receiving a grant under this Act shall use the grant funds made available under section 4(a)(1) to award subgrants to local educational agencies to permit such local educational agencies to carry out the activities described in subsection (d).

(B) Limitation.—A State educational agency shall award subgrants under subparagraph (A) to local educational agencies that have made a commitment to use the subgrant funds to develop healthy, high performance school buildings in accordance with the plan developed and approved pursuant to subparagraph (C)(i).

(C) Implementation.—

(i) Plans.—A State educational agency shall award subgrants under paragraph (1) only to local educational agencies that, in consultation with the State educational agency and State offices with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and appropriate in order to achieve the purposes for which such subgrants are made.

(ii) Supplementing grant funds.—The State educational agency shall encourage qualifying local educational agencies to supplement their subgrant funds with funds from other sources in the implementation of their plans.

(2) Administration.—A State educational agency receiving a grant under this Act shall use the grant funds made available under section 4(a)(2)—

(A) to evaluate compliance by local educational agencies with the requirements of this Act;

(B) to distribute information and materials to clearly define and promote the development of healthy, high performance school buildings for both new and existing facilities;

(C) to organize and conduct programs for school board members, school district personnel, architects, engineers, and others to advance the concepts of healthy, high performance school buildings;

(D) to obtain technical services and assistance in planning and designing high performance school buildings; and

(E) to collect and monitor information pertaining to the high performance school building projects funded under this Act.

(3) Promotion.—Subject to section 4(a), a State educational agency receiving a grant under this Act may use grant funds for promotional and marketing activities, including facilitating private and public financing, working with school administrations, students, and communities, and coordinating public benefit programs.

(d) Local Use of Funds.—

(1) In general.—A local educational agency receiving a subgrant under subsection (c)(1) shall use such subgrant funds for new school building projects and renovation projects that—

(A) achieve energy-efficiency performance that reduces energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in Chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results; and

(B) achieve environmentally healthy schools in compliance with Federal and State codes intended to achieve healthy and safe school environments.

(2) Existing buildings.—A local educational agency receiving a subgrant under subsection (c)(1) for renovation of existing school buildings shall use such subgrant funds to achieve energy efficiency performance that reduces energy use below the school's baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline and to help bring schools into compliance with health and safety standards.

SEC. 4. ALLOCATION OF FUNDS.

(a) In General.—A State receiving a grant under this Act shall use—

(1) not less than 70 percent of such grant funds to carry out section 3(c)(1); and

(2) not less than 15 percent of such grant funds to carry out section 3(c)(2).

(b) Reservation.—The Secretary may reserve an amount not to exceed $300,000 per year from amounts appropriated under section 6 to assist State educational agencies in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve healthy, high performance school buildings.

SEC. 5. REPORT TO CONGRESS.

(a) In General.—The Secretary shall conduct a biennial review of State actions implementing this Act, and shall report to Congress on the results of such reviews.

(b) Reviews.—In conducting such reviews, the Secretary shall assess the effectiveness of the calculation procedures used by State educational agencies in establishing eligibility of local educational agencies for subgrants under this Act, and may assess other aspects of the Program to determine whether the aspects have been effectively implemented.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act—

(1) $250,000,000 for each of fiscal years 2002 through 2005; and

(2) such sums as may be necessary for each of fiscal years 2006 through 2011.

SEC. 7. DEFINITIONS.

In this Act:

(1) Elementary school and secondary school.—The terms "elementary school" and "secondary school" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) Healthy, high performance school building.—The term "healthy, high performance school building" means a school building which, in its design, construction, operation, and maintenance, maximizes use of renewable energy and energy-efficient practices, is cost-effective on a life cycle basis, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(3) Local educational agency.—The term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) Renewable energy.—The term "renewable energy" means energy produced by solar, wind, geothermal, hydroelectric, or biomass power.

(5) Secretary.—The term "Secretary" means the Secretary of Education.

(6) State educational agency.—The term "State educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

By Ms. COLLINS (for herself and Ms. Snowe):

S. 970. A bill to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the Horatio King Post Office Building; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, I am pleased to introduce legislation to honor one of the great contributors to our national postal system, Horatio King, by naming after him the Paris Hill Post Office in Paris, ME, the town of his birth. My colleague from Maine, Senator Snowe, joins me in this effort.

Horatio King had a long career serving the public as a newspaper publisher and postal employee, eventually working his way through the ranks to become Postmaster General under President Buchanan. All told, he served under three Presidents.

His career with the Postal Service began in 1839, when he was appointed by then Postmaster General Kendall to a postal position that required him to leave Maine and reside in Washington, DC. In 1850, he became affiliated with the foreign mail service and was instrumental in developing this aspect of our postal system. His efforts were recognized in 1854 when he was appointed first assistant Postmaster General, a post he would hold until becoming Postmaster General in 1861, shortly before the outbreak of the Civil War.

Horatio King did not end his service, however, after reaching this pinnacle. In 1863, President Lincoln recognized his steadfast devotion to the Union and, although King was of the opposite political party, named him to a commission charged with carrying out the Emancipation Proclamation in the District of Columbia.

King was also a man of letters, and was well known for his literary evenings which did much to elevate the culture in Washington at a time when it was a much smaller and less diverse town than the one of today. He would frequently publish newspaper and magazine articles and lectures, and even published a book of travel sketches upon returning from a tour of Europe.

Today, the birthplace of Horatio King remains well preserved and cared for by my constituents, Janice and Glenn Davis, as the lovely King's Hill Inn.

Horatio King served Maine well by serving America well. It is appropriate that Congress recognize his contributions by naming the Post Office in the town of his birth for him and, along with Senator SNOWE, I am delighted to have the opportunity to introduce legislation to accomplish this.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 971. A bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join my good friend and colleague from Wisconsin, Senator RUSS FEINGOLD, in introducing legislation to improve access to oral health care by strengthening the dental workforce in our nation's rural and underserved communities.

Oral and general health are inseparable, and good dental care is critical to our overall physical health and wellbeing. Dental health encompasses far more than cavities and gum disease. The recent U.S. Surgeon General report Oral Health in America states that "the mouth acts as a mirror of health and disease" that can help diagnose disorders such as diabetes, leukemia, heart disease, or anemia.

While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across all sectors of our population, particularly among low-income individuals and families. Too many Americans today lack access to dental care. While there are clinically proven techniques to prevent or delay the progression of dental health problems, an estimated 25 million Americans live in areas lacking adequate dental services. As a consequence, these effective treatment and prevention programs are not available in too many of our communities. Astoundingly, as many as eleven percent of our nation's rural population has never been to a dentist.

This situation is exacerbated by the fact that our dental workforce is graying and the overall ratio of dentists to population is declining. In Maine, for example, there currently are 393 active dentists, 241 of whom are 45 or older. More than 20 percent of dentists nationwide will retire in the next ten years, and the number of dental graduates by 2015 may not be enough to replace these retirees.

As a consequence, Maine, like many States, is currently facing a serious shortage of dentists, particularly in rural areas. While there is one general practice dentist for every 2,286 people in the Portland area, the numbers drop off dramatically in western and northern Maine. In Aroostook County, where I am from, there's only one dentist for every 5,507 people. Moreover, at a time when tooth decay is the most prevalent childhood disease in America, Maine has fewer than ten specialists in pediatric dentistry, and most of these are located in the southern part of the state.

This dental workforce shortage is exacerbated by the fact that Maine currently does not have a dental school or even a dental residency program. Dental schools can provide a critical safety net for the oral health needs of a state, and dental education clinics can provide the surrounding communities with care that otherwise would be unavailable to disadvantaged and underinsured populations. Maine is just one of a number of predominantly rural states that lacks this important component of a dental safety net.

Maine, like many States, is exploring a number of innovative ideas for increasing access to dental care in underserved areas. In an effort to supplement and encourage these efforts, we are introducing legislation today to establish a new State grant program designed to improve access to oral health services in rural and underserved areas. The legislation authorizes $50 million over 5 years for grants to States to help them develop innovative dental workforce development programs specific to their individual needs.

States could use these grants to fund a wide variety of programs. For example, they could use the funds for loan forgiveness and repayment programs for dentists practicing in underserved areas. They could also use them to provide grants and low- or no-interest loans to help practitioners to establish or expand practices in these underserved areas. States, like Maine, that do not have a dental school could use the funds to establish a dental residency program. Other States might want to use the grant funding to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics.

To assist in their recruitment and retention efforts, States could also use the funds for placement and support of dental students, residents, and advanced dentistry trainees. Or, they could use the grant funds for continuing dental education, including distance-based education, and practice support through teledentistry.

Other programs that could be funded through the grants include: community-based prevention services such as water fluoridation and dental sealant programs; school programs to encourage children to go into oral health or science professions; the establishment or expansion of a State dental office to coordinate oral health and access issues; and any other activities that are determined to be appropriate by the Secretary of Health and Human Services.

The National Health Service Corps is helping to meet the oral health needs of underserved communities by placing dentists and dental hygienists in some of America's most difficult-to-place inner city, rural, and frontier areas. Unfortunately, however, the number of dentists and dental hygienists with obligations to serve in the National Health Service Corps falls far short of meeting the total identified need. According to the Surgeon General, only about 6 percent of the dental need in America's rural and underserved communities is currently being met by the National Health Service Corps.

In my State, approximately 173,000 Mainers live in designated dental health professional shortage areas. While the National Health Service Corps estimates that it will take 33 dental clinicians to meet this need, it currently has only three serving in my State.

The bill we are introducing today would make some needed improvements in this critically important program so that it can better respond to our nation's oral health needs.

First, it would direct the Secretary of Health and Human Services to develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps scholarship and loan repayment programs.

It would also allow National Health Service Corps scholarship and loan repayment program recipients to fulfill their commitment on a part-time basis. Some small rural communities may not have sufficient populations to support a full-time dentist or dental hygienist. This would give the National Health Service Corps additional flexibility to meet the needs of these communities. Moreover, some practitioners may find part-time service more attractive to them. This particularly may be the case for a retired dentist who may want to practice only part-time, allowing this feasibility could in turn improve both recruitment and retention in these communities.

Last year, after a 6-year hiatus, the National Health Service Corps began a two-year pilot program to award scholarships to dental students.

This is a step in the right direction, however, these scholarships are only being awarded to students attending certain dental schools, not one of which is located in New England. Moreover, the pilot project requires the participating dental schools to encourage Corps dental scholars to practice in communities near their educational institutions. The problem is obvious. If none of these programs are in New England, and yet there is a requirement that the dentists participating in these programs practice in the surrounding communities, this is of no benefit to a State such as Maine that does not have a dental school and does not have a qualifying program. As a consequence, this program will do nothing at all to help relieve the dental shortage in Maine and other areas of New England.

The legislation we are introducing today would address this problem by expanding the National Health Service Corps Pilot Scholarship Program so that dental students attending any of the 55 American dental schools can apply and require that placements for these scholars be based strictly on community need, not on whether or not they surround the dental school.

It would also improve the process for designating dental health professional shortage areas and ensure that the criteria for making such designations provide a more accurate reflection of oral health needs, particularly in our rural areas where the problem is most acute.

And finally, taxing the scholarships and stipends of students adversely affects their financial incentive to participate in the National Health Service Corps and to provide health care services in underserved communities. Our legislation would, therefore, exclude from Federal income tax the fees and related educational expenses to individuals who are participating in the National Health Service Corps scholarship and loan repayment programs.

The Dental Health Improvement Act will make critically important oral health care services more accessible in our Nation's rural and underserved communities. I urge all of my colleagues to join me in supportin this legislation. I ask unanimous consent that letters endorsing my bill from the American Dental Association and the American Dental Education Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN DENTAL ASSOCIATION,
Washington, DC, May 25, 2001.

Hon. SUSAN COLLINS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the American Dental Association and our 144,000 member dentists, I am delighted to endorse the "Dental Health Improvement Act," which you introduced today. The Association is proud that the oral health of Americans continues to improve, and that Americans have access to the best oral health care in the world.

Having said that, we agree that dental care has not reached every corner of American society to the extent it has reached the majority of Americans. For those Americans who are unable to pay for care, and those with special needs, such as disabled individuals, those with congenital conditions, and nonambulatory patients, obtaining dental care can be difficult.

Your legislation recognizes several of these problems and goes a long way towards addressing them in a targeted and meaningful way. The section on grant proposals offers states the opportunity to be innovative in their approaches to address specific geographical dental workforce issues. You recognize the need to provide incentives to increase faculty recruitment in accredited dental training institutions, and your support for increasing loan repayment and scholarship programs will provide the appropriate incentives to increase the dental workforce in "safety net" organizations.

The ADA is very grateful for your leadership on these issues. Thank you for introducing this legislation. We want to continue to work with you on dental access issues in general and on this legislation as it moves through the Congress.

Sincerely,

ROBERT M. ANDERTON,
D.D.S., J.D., LL.M., President.

AMERICAN DENTAL
EDUCATION ASSOCIATION,
Washington, DC, May 23, 2001.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS, I am writing on behalf of the dental education community to commend you for developing and introducing the Dental Health Improvement Act. This legislation, when enacted into law, will expand the availability of oral health care services for the nation's underserved populations, strengthen the dental workforce, as well as maintain the ability of dental schools to produce the necessary manpower to provide oral health care to all Americans.

The American Dental Education Association (ADEA) represents the nation's 55 dental schools, as well as hospital-based dental and advanced dental education programs, allied dental programs and schools, dental research institutions, and the faculty and students at these institutions. ADEA's member schools are dedicated to providing the highest quality education to their students, conducting research and providing oral health care services to Americans from medically unserved and underserved areas, the majority of whom are uninsured or who are from low-income families. Recent downward trends in student enrollment and a growing shortage in dental faculty have caused ADEA serious concern about our ability to fully and competently address these responsibilities.

Therefore, I was delighted to see that the Dental Health Improvement Act directly responds to many of these concerns. If implemented, the Act would expand access to oral health care to thousands of Americans for the first time. When enacted, the provisions of the bill can be instrumental in helping the more than 31 million Americans living in ares that lack access to adequate oral health care services. It can provide much needed help to dental education institutions as we seek to address faculty shortages.

As you know, dental education institutions face a major crisis in the graying of its faculty which threatens the quality of dental education, oral, dental and craniofacial research, and ultimately will adversely impact the health of all Americans. Currently, there are approximately 400 faculty vacancies. Retirements are expected to accelerate in both private practice as well as teaching faculties in the nation's 55 dental schools. There is a significant decrease in the number of men and women choosing careers in dentistry, teaching and research. Your personal experience in Maine is a perfect example.

Educational debt has increased, affecting both career choices and practice location. Your bill will provide funds to help with recruitment and retention efforts and helps expand dental residency training programs to the 27 states that do not currently have dental schools.

Also important are the incentives you have proposed to expand or establish community-based dental facilities linked with dental education institutions. The need for this is obvious. More than two-thirds of patients visiting dental school clinics are members of families whose annual income is estimated to be $15,000 or below. About half of these patients are on Medicare or Medicaid, while more than a third have no insurance coverage or government assistance program to help them pay for their dental care.

Dental academic institutions are committed to their patient care mission, not only by improving the management and efficiency of patient centered care delivery at the dental school, but through increasing affiliations with and use of satellite clinics. All dental schools maintain at least one dental clinic on-site, and approximately 70% of U.S. dental schools have school-sponsored satellite clinics. Delivering patient care in diverse settings demonstrates professional responsibility to the oral health of the public.

Dental schools and other academic dental institutions provide oral health to underserved and disadvantaged populations. Yet more than 11 percent of the nation's rural population has never been to see a dentist. This bill can have a positive impact on this population by establishing access to oral health care at community-based dental facilities and consolidated health centers that are linked to dental schools. 100 million Americans presently do not have access to fluoridated water. The bill provides for community-based prevention services such as fluoride and sealants that can cause a dramatic change for nearly a third of the nation's population.

Thank you again for taking such a leadership role in the area of oral health. Please be assured that ADEA looks forward to working closely with you to bring the far-reaching potential of the Dental Health Improvement Act to fruition.

Sincerely,

RICHARD W. VALACHOVIC,
D.M.D., M.P.H., Executive Director.

Ms. COLLINS. Finally, Mr. President, I thank my principal cosponsor of this legislation, Senator FEINGOLD of Wisconsin, for his contributions to this bill. We found that Maine and Wisconsin have many similar problems in ensuring that there is an adequate supply of dentists in our more rural parts of our State.

It is our hope that this legislation will be considered and enacted this year.

Mr. FEINGOLD. Mr. President, I rise today to join my friend from Maine, Senator COLLINS, to introduce the Dental Health Improvement Act. This legislation will improve access to dental services by strengthening the deal workforce in under-served areas.

While the scope of the dental access problem is very wide reaching, this legislation takes an important step in the right direction by improving the dental workforce in under-served areas.

According to the Surgeon General, an estimated 25 million Americans live in areas lacking adequate dental care services, and as many as 11 percent of our Nation's rural population have never been to a dentist.

This problem will only get worse since more than 20 percent of dentists will retire in the next 10 years, and the number of dental graduates by 2015 may not be enough to replace these retirees. While dentists have increased their productivity, they are still distribution problems in specific geographic areas.

For too long, oral health has been overlooked and excluded from important public policy discussions of how to improve health and health care around the country. Some contend that oral health care has been a lower priority because advances in dentistry—most notably the expanded use of sealants and fluoridated water—are such that we are nearly a "cavity free society." Yet the truth is that while oral health has certainly improved dramatically among those who are insured, and those who have reliable access to a dentist, there is a tragic disparity in health status between the haves and the have nots.

This disparity between the poor and everyone else exists in general medical health measures, such as infant mortality, low birth weight, blood lead levels and so on. But what I have learned since I first became interested in this issue is that the disparity is disturbingly stark in oral health.

Surgeon General David Satcher framed this issue well at his May 2000 release of his report, Oral Health in America, that "Tooth decay remains the single most common chronic disease of childhood—five times more common than asthma."

While this fact is certainly true—that the prevalence of dental disease remains high among children—its burden within the population of US children has shifted dramatically.

I would like to make sure that my colleagues are aware of this horrifying statistic that helps to outline the scope of the problem: 80 percent of dental disease is found in the poorest 25 percent of children.

This figure helps to illustrate the broad scope of the problem. And we all know that the problem is even more disturbing when we look at the ways these vulnerable children suffer from lack of dental care.

Preschoolers living in poverty have twice the odds of having decaying teeth, twice the extent of decay when they have disease, and twice the pain experience of their most affluent peers.

These children are already at a disadvantage in so many ways. And just the most basic dental care could make a difference in their lives. But our health care system allows this problem to fall through the cracks.

Over the past few years these and similar statistics have been chronicled by numerous entities including the Surgeon General, the General Accounting Office, and the National Institutes of Health.

This legislation will help strengthen the dental workforce that delivers vital oral health care services by improving the workforce in under-served areas. By providing States and communities with sufficient flexibility to address the unique needs of their under-served areas, I believe that this legislation will take an effective approach to meeting the needs of communities in Wisconsin and across the Nation.

The first part of this legislation would establish a new State-based grant program to help states explore innovative ideas for increasing access to dental care in under-served areas.

This grant program would be directed through the Health Resources and Services Administration at the Department of Health and Human Services and support the efforts of States to develop and implement innovative programs to address the dental workforce shortage that are appropriate to their individual needs.

For example, States could tailor loan forgiveness and repayment programs for dentists practicing in areas designated as dental health professional shortage areas by either the Federal Government or the State.

This program could also help with recruitment and retention efforts by providing grants or low interest loans to help practitioners in designated dental health professional shortage areas equip a dental office or share in the overhead costs of an operation.

The second component of our legislation would increase participation of the dental workforce in the National Health Service Corps.

According to the U.S. Surgeon General, the number of dentists and dental hygienists with obligations to serve in the National Health Service Corps falls far short of meeting the total identified need: only about 6 percent of the dental need is currently being met by this program, and outreach and development are critical to future opportunities for strengthening the dental workforce in designated under-served areas.

Our legislation would develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps scholarship and loan repayment programs and report back to Congress on their progress after three years.

This legislation follows a series of recommendations by the American Dental Association and the American Dental Educators Association, who both strongly support this legislation.

I hope my colleagues will join the Senator from Maine and me in our ongoing efforts to increase access to dental care and promote greater oral health.

We must change America's approach to oral health, especially when it comes to some of the most vulnerable members of our communities—low income children. These kids deserve quality dental care. Right now, too many kids are suffering. It is my hope that Congress will work on a bipartisan basis to promote greater oral health.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. THOMPSON, and Mr. JEFFORDS):

S. 972. A bill to amend the Internal Revenue Code of 1986 to improve electric reliability, enhance transmission infrastructure, and to facilitate access to the electric transmission grid; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, I rise to introduce legislation that will add stability to the Nation's electric power grid. I am pleased to be joined by Senators, BREAUX, THOMPSON, and JEFFORDS in this effort that reflects a comprise that was reached last year by the investor owned and municipal electric power generators. Identical legislation has been introduced in the House, H.R. 1459.

In the past year, there has been a great deal of controversy over the concept of electric deregulation because of the chaos that has occurred in California. Unfortunately, California is not a useful model of a deregulated environment because California only deregulated the wholesale part of the industry while retaining price controls at the retail level. Coupled with the State's failure to build new generation in more than 10 years, the California model was bound to collapse.

However, I believe that the successes we have seen in deregulating electricity, most notably in states like Pennsylvania, suggest that ultimately the entire industry will be deregulated and consumers of electric power will see significant benefits from such deregulation. In order to facilitate the day when competition comes to the industry, we must update the tax laws that were written in day when electricity was a regulated utility.

One of the major problems that the current tax rules create is to undermine the efficiency of the entire electric system in a deregulated environment because these rules effectively preclude public power entities from participating in State open access restructuring plans, without jeopardizing the exempt status of their bonds.

No one wants to see bonds issued to finance public power become retroactively taxable because a municipality chooses to participate in a state open access plan. That would cause havoc in the financial markets and could undermine the financial stability of many municipalities.

Our legislation resolves this problem by allowing municipal systems to elect to terminate the issuance of new tax exempt bonds for generation facilities in return for grandfathering existing bonds.

Our bill also modifies current rules regarding the treatment of nuclear decommissioning costs to make certain that utilities will have the resources to meet future costs and clarifies the tax treatment of the funds, if a nuclear facility is sold. The bill also provides tax relief for utilities that spin off or sell transmission facilities to independent participants in FERC approved regional transmission organizations.

This bill will not resolve all of the tax issues surrounding the deregulation of the industry. One participant in the industry, the tax-exempt cooperatives also have tax problems associated with deregulation—they may not participate in wheeling power through their lines because of concern that they will violate the so-called 85–15 test which could endanger their tax exempt status. It is my hope that the coops will sit down with the other utilities and reach an accord so that when we consider this legislation, the coops will be included in the tax bill.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 973. A bill to expedite relief provided under the Magnuson-Stevens Fishery Conservation and Management Act for commercial fishery failure in the Pacific Coast Groundfish Fishery, to improve fishery management and enforcement in that fishery, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I am pleased to be joined today by my good friend and colleague from Oregon, Senator SMITH, in introducing the Pacific Coast Commercial Fishery Preservation Act of 2001.

The West Coast groundfish fishery is in crisis, and many fishermen are facing bankruptcy. This legislation will help fishermen get through the crisis, and move the fishery toward a more sustainable future.

Sustainable management of this resource is long overdue and in January 2000, the Secretary of Commerce declared the West Coast groundfish fishery a disaster. This bill will put the right number of fishers out there, at the right time, catching the right number of fish.

Catching the right number of fish should mean using the fish that are caught. Fish that are caught in excess of a fisher's trip limit are called "regulatory discards" or "overages," and thousands of pounds of fish are wasted every year when they are thrown overboard. This bill authorizes fishermen to retain those extra fish and donate them to charitable organizations.

The right number of fishers is key to a sustainable fishery. There are currently too many fishers in the West Coast groundfish fishery to sustain the resource. This bill authorizes the Secretary to administer and implement a capacity reduction or "buyback" plan to ease the transition to the right number of fishers. In a survey distributed by the author of the buyback plan, 70 percent of recipients completed and returned their survey and a majority of them were interested in participating in the buyback program. A buyback plan has been developed by Oregonians, in consultation with the National Marine Fisheries Service and the Pacific Fishery Management Council, and this bill incorporates key elements of it.

This is not a Federal handout. Half the funding will come from the industry and half from the Federal government. The industry portion will be a government-backed loan which will be repaid by the fishers who stay. The Secretary is authorized to enter into agreements in California, Washington and Oregon to collect the fees that will be used to repay the industry portion of the buyback fund.

Another way we seek to ease the transition away from fishing is through reform of the Capital Construction Fund. Currently, the fund allows fishers to put pre-tax funds aside for the construction of a new boat, or for upgrading their old one. It was effective in building America's fishing fleets, but in these days of dwindling stocks and fisheries disasters it is crucial that the fisheries have an alternative use for their money, such as retirement. This bill amends the Merchant Marine Act and the Internal Revenue Code to allow funds currently trapped in the Capital Construction Fund to be rolled over into a retirement account without adverse consequences to either taxpayers or the account holders.

Ultimately, sustainable fisheries are a result of government regulation and management. When federal management fails, the government has a responsibility to help fishers and their families in a timely fashion. It has taken 18 months for the recent fishery disaster funding to hit Oregon. When you are an out-of-work groundfisher, 18 months is way too long to wait. This bill requires the Secretary of Commerce to recommend legislative or administrative changes to the existing law that would enable disaster funding to reach fishers more expeditiously.

This plan is supported by the West Coast Seafood Processors, the Fishermen's Marketing Association, the Pacific Federation of Fishermen, the Pacific Conservation Council, and the Pacific States Marine Fisheries Commission.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pacific Coast Groundfish Fishery Preservation Act".

SEC. 2 PILOT PROJECT FOR CHARITABLE DONATION OF BYCATCH.

(a) IN GENERAL.—The Secretary of Commerce shall initiate a pilot project under which fishermen in a commercial fishery covered by the West Coast groundfish fishery are permitted to donate bycatch, or regulatory discards, of fish to charitable organizations rather than discard them. The pilot project shall incorporate a means, through the requirement of on-vessel observers or other safeguards, of ensuring that the opportunity to donate such fish does not encourage or permit the evasion of pre-vessel trip limits, total allowable catch limits, or other fishery management plan measures.

(b) REPORTS.—

(1) INITIATION.—The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation, within 90 days after the date of enactment of this Act and before the pilot project is implemented, of—

(A) the fishing season in which the pilot project will be conducted; and

(B) the period during which the pilot project will be conducted.

(2) FOLLOW-UP.—Within 90 days after the pilot project terminates the Secretary shall submit to the Committee a report containing findings with respect to the pilot project and the Secretary's analysis of the ramifications of the pilot project based on those findings.

SEC. 3. REPORT ON DISASTER ASSISTANCE FOR PACIFIC COAST GROUNDFISH FISHERY.

The Secretary shall report to the Senate Committee on Commerce, Science, and Transportation no later than 45 days after the date of enactment of this Act the action or actions taken under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) to provide disaster relief to fishing communities affected by the commercial fishery failure in the Pacific Coast groundfish fishery. The Secretary shall include in the report any recommendations the Secretary deems appropriate for additional legislation or changes in existing law that would enable the Department of Commerce to respond more expeditiously in the future to fisheries disasters resulting from commercial fishery failures.

SEC. 4. CAPACITY REDUCTION IN THE PACIFIC COAST GROUNDFISH FISHERY.

(a) IN GENERAL.—The Secretary of Commerce shall, after notice and an opportunity for public comment, adopt regulations to implement a fishing capacity reduction plan for the Pacific Coast Groundfish fishery under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)) that—

(1) has been developed in consultation with affected parties whose participation in the plan is required for its successful implementation;

(2) will obtain the maximum sustained reduction in fishing capacity at the least cost

through the use of a reverse auction process in which vessels and permits are purchased;

(3) will not expand the size or scope of the commercial fishery failure in that fishery or into other fisheries or other geographic regions;

(4) except as otherwise specifically provided in this section, meets the requirements of that section; and

(5) incorporates the components described in subsection (c) of this section.

(b) Expedited Adoption of Plan.—In carrying out subsection (a), the Secretary—

(1) shall publish notice in the Federal Register within 30 days after the date of enactment of this Act of implementation of the fishing capacity reduction plan;

(2) provide for public comment for a period of 60 days after publication; and

(3) adopt final regulations to implement the plan within 45 days after the close of the public comment period under paragraph (2).

(c) Plan Components.—The fishery capacity reduction plan shall—

(1) provide for a significant reduction in the fishing capacity in the Pacific Coast groundfish fisheries;

(2) permanently revoke all State and Federal fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges for West Coast groundfish, Pacific pink shrimp, Dungeness crab, and Pacific salmon (troll permits only) issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) for which a Pacific Coast groundfish fisheries reduction permit is issued under section 600.1011(b) of title 50, Code of Federal Regulations;

(3) ensure that the Secretary of Transportation is notified of each vessel for which a reduction permit is surrendered and revoked under the program, with a request that such Secretary permanently revoke the fishery endorsement of each such vessel and refuse permission to transfer any such vessel to a foreign flag under subsection (f) of this section;

(4) ensure that vessels removed from the Pacific Coast groundfish fisheries under the program are made permanently ineligible to participate in any fishery worldwide, and that the owners of such vessels contractually agree that such vessels will operate only under the United States flag or be scrapped as a reduction vessel pursuant to section 600.1011(c) of title 50, Code of Federal Regulations;

(5) ensure that vessels removed from the Pacific Coast groundfish fisheries, the owners of such vessels, and the holders of fishery permits for such vessels forever relinquish any claim associated with such vessel, permits, and any catch history associated with such vessel or permits that could qualify such vessel, vessel owner, or permit holder for any present or future limited access system fishing permits in the United States fisheries based on such vessel, permits, or catch history; and

(6) notwithstanding section 1111(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f(b)(4)), establish a repayment period for the reduction loan of not less than 30 years.

(d) Funding for Buyback of Vessels and Permits.—

(1) In general.—There shall be available to the Secretary to complete the purchase of vessels and permits under the fishery capacity reduction plan the sum of $50,000,000, of which—

(A) $25,000,000 shall be from amounts appropriated to the Secretary for this purpose (the appropriation of which is hereby authorized for fiscal year 2002, with any amounts not expended in fiscal year 2002 to remain available until expended); and

(B) $25,000,000 shall be from an industry fee system established under subsection (e).

(2) Advance of industry fee portion.—The industry fee portion under paragraph (1)(B) for fiscal year 2002 and thereafter shall be financed by a reduction loan under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g).

(e) Industry Fees.—

(1) In general.—As part of the fishery capacity reduction plan, the Secretary shall establish an industry fee system under section 312(d) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(d)) to generate revenue to repay the loan provided under subsection (d)(2).

(2) Allocation of fees.—The Secretary shall allocate the fees payable under the industry fee system among—

(A) holders of Pacific Coast groundfish permits,

(B) holders of Washington, Oregon, and California pink shrimp fishing permits,

(C) holders of Washington, Oregon, and California salmon trolling permits, and

(D) holders of Washington, Oregon, and California Dungeness crab fishing permits,

so that the percentage of the revenue generated by the fee system from holders of each kind of permit will correspond to the percentage of the total amount paid under buyback program for that kind of permit.

(f) Duties of Secretary of Transportation.—

(1) The Secretary of Transportation shall, upon notification and request by the Secretary, for each vessel identified in such notification and request—

(A) permanently revoke any fishery endorsement issued to such vessel under section 12108 of title 46, United States Code; and

(B) refuse to grant the approval required under section 9(c)(2) of the Shipping Act, 1916 (46 U.S.C. App. 808(c)(2)) for the placement of such vessel under foreign registry or the operation of such vessel under the authority of a foreign country.

(2) The Secretary shall, after notice and opportunity for public comment, adopt final regulations not later than 6 months after the date of enactment of this Act, to prohibit any vessel for which a reduction permit is surrendered and revoked under the fishing capacity reduction program required by this section from engaging in fishing activities on the high seas or under the jurisdiction of any foreign country while operating under the United States flag.

(g) Regulatory Flexibility.—Any requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, or any Executive order that would, in the opinion of the Secretary, prevent the Secretary from meeting the deadlines set forth in this section shall not apply to the fishing capacity reduction program or the promulgation of regulations to implement such program required by this section.

SEC. 5. COLLECTION OF INDUSTRY FEES.

(a) In General.—The Secretary shall enter into an agreement with the States of California, Oregon, and Washington to collect program fees paid under the system established under section 4(e).

(b) Withholding Fee From Purchase Price.—The fee for each vessel required to pay a program fee under that system shall be deducted by the first ex-vessel fish purchaser from the proceeds otherwise payable to the seller and forwarded to the appropriate State at the same time and in the same manner as other fees or taxes are forwarded to that State.

(c) State To Collect and Forward Fees.—Upon receipt of program fees forwarded by fish purchasers under subsection (b), the State shall forward the fees to the Secretary in the manner provided for in the agreement established under subsection (a).

(d) Fish-Processing Vessels Treated as Purchasers.—A vessel which—

(1) both harvests and processes fish; or

(2) receives fish from a harvesting vessel and processes that fish on board, shall be considered to be the first ex-vessel fish purchaser with respect to the fish processed on the vessel and shall forward the appropriate fees to the appropriate State at the same time and in the same manner as other fees or taxes are forwarded to that State.

SEC. 6 AMENDMENT OF THE MERCHANT MARINE ACT, 1936, TO EXPAND PURPOSES OF CAPITAL CONSTRUCTION FUND.

(a) In General.—Section 607(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(a)) is amended by striking "of this section." and inserting "of this section. Any agreement entered into under this section may be modified for the purpose of encouraging the sustainability of the fisheries of the United States by making the termination and withdrawal of a capital construction fund a qualified withdrawal if done in exchange for the retirement of the related commercial fishing vessel and related commercial fishing permits.".

(b) New Qualified Withdrawals.—

(1) Amendments to merchant marine act, 1936.—Section 607(f)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)) is amended—

(A) by striking "for:" and inserting "for—";

(B) by striking "vessel," in subparagraph (A) and inserting "vessel;";

(C) by striking "vessel, or" in subparagraph (B) and inserting "vessel;";

(D) by striking "vessel." in subparagraph (C) and inserting "vessel;"; and

(E) by inserting after subparagraph (C) the following:

"(D) the payment of an industry fee authorized by the fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b));

"(E) in the case of any such person or shareholder for whose benefit such fund was established or any shareholder of such person, a rollover contribution (within the meaning of section 408(d)(3) of the Internal Revenue Code of 1986) to such person's or shareholder's individual retirement plan (as defined in section 7701(a)(37) of such Code); or

"(F) the payment to a person or corporation terminating a capital construction fund for whose benefit the fund was established and retiring related commercial fishing vessels and permits; and

(F) by adding at the end the following:

"(ii) The Secretary by regulation shall establish procedures to ensure that any person making a qualified withdrawal authorized under subparagraph (F) retires the related commercial use of fishing vessels and commercial fishery permits.".

(2) Amendments to internal revenue code of 1986.—Section 7518(e)(1) of the Internal Revenue Code of 1986 (relating to purposes of qualified withdrawals) is amended—

(A) by striking "for:" and inserting "for—";

(B) by striking "vessel, or" in subparagraph (B) and inserting "vessel;";

(C) by striking "vessel." in subparagraph (C) and inserting "vessel;";

(D) by inserting after subparagraph (C) the following:

"(D) the payment of an industry fee authorized by the fishing capacity reduction program under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a);

"(E) in the case of any person or shareholder for whose benefit such fund was established or any shareholder of such person, a rollover contribution (within the meaning of section 408(d)(3)) to such person's or shareholder's individual retirement plan (as defined in section 7701(a)(37)); or

"(F) the payment to a person terminating a capital construction fund for whose benefit the fund was established and retiring related commercial fishing vessels and permits."; and

(E) by adding at the end the following:

"The Secretary by regulation shall establish procedures to ensure that any person making a qualified withdrawal authorized by subparagraph (F) retires the related commercial use of fishing vessels and commercial fishery permits.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to withdrawals made after the date of enactment of this Act.

By Mr. JOHNSON:

S. 974. A bill to amend title XVIII of the Social Security Act to provide for coverage of pharmacist services under part B of the Medicare program; to the Committee on Finance.

Mr. JOHNSON. Mr. President, I am pleased to be able to introduce legislation, known as the Medicare Pharmacist Services Coverage Act, that will provide for important patient safety and health care quality improvements in the Medicare program. This legislation will reform Medicare by recognizing qualified pharmacists as health care providers within the Medicare program and make available to beneficiaries important drug therapy management services that these valuable health professionals can and do provide. These services, which are coordinated in direct collaboration with physicians and other health care professionals as authorized by State law, help patients make the best possible use of their medications.

The members of this body know very well the vital role that today's powerful and effective medications play in the maintenance of health and well-being of our nation's seniors. The substantial and important discussion now underway on how best to craft and implement a prescription drug benefit for Medicare beneficiaries is an explicit recognition of this vital role. But access to the medications, even at the most affordable prices possible, is only one part of the equation in achieving the kinds of health care outcomes that patients and their health care providers desire. That is where today's pharmacists play a pivotal role.

But members of this body may not be as aware of the tremendous changes in pharmacy practice and education that have taken place in the past decade that have resulted in an expansion of pharmacists' capabilities and responsibilities. Fortunately for my office Dr. Brian Kaatz, a clinical pharmacist and faculty member of the College of Pharmacy at South Dakota State University was able to spend 6 months with us here in Washington last year as we studied and evaluated the many policy issues and concerns related to a Medicare prescription drug benefit. In the course of that time it became clear to me and to members of my staff that pharmacists are critical in assuring safer and more effective medication use by our nation's seniors.

In addition to the important and continuing responsibility for assuring accurate, safe medication dispensing, compounding, and counseling, pharmacists now provide a much more comprehensive range of clinical, consultative, and educational services. Thirty States, the Veterans Administration, and the Indian Health Service, among others, all recognize the value of collaborative drug therapy management services as a way to provide optimal patient care using the specialized education and training of pharmacists. Unfortunately, Medicare does not.

Indeed, payment for prescription drugs in almost all types of health plans and programs focuses on payment for the product and the associated costs of its distribution to patients. The logical financial incentive therefore is to dispense more medications, not fewer. Payment to the pharmacist for time spent in reducing the number of medications the patient is taking or enhancing the patient's ability to understand and more properly use the medications they do need is provided only by some forward-thinking payers and programs. Unfortunately, Medicare is not among them.

Access to pharmacists' collaborative drug therapy management services is particularly important right now, while many Medicare beneficiaries are struggling to pay substantial out-of-pocket costs for their prescription medications. On average, persons aged 65 and older currently take 5 or more medications each day. These medications are often prescribed by several different physicians for concurrent chronic and acute conditions. Recently published research has indicated that drug-related problems cost the U.S. health care system as much as $177 billion each year, an amount equal to the ten-year cost projections for some of the more modest Medicare prescription drug coverage proposals now being discussed. A substantial portion of this expense is preventable through collaborative patient care services provided by pharmacists working with patients and their physicians.

With careful examination of a patient's total drug regimen, pharmacists can eliminate unnecessary or counter-productive treatments. For example, pharmacists working closely with the health care team can identify or prevent duplicate medications, drugs that cancel each other out, or combinations that can damage hearts or kidneys. Pharmacists may also find that a newer multi-action drug may be exchanged for two older drugs or a slightly more expensive drug may be substituted for a less expensive alternative that causes side effects and results in the patient either taking additional medication or stopping their medication with the result that their medical condition worsens.

The overuse of medications is particularly common in the elderly, who tend to have more chronic conditions that call for drug treatment. In addition, physiological changes that occur naturally in the aging process diminish the body's ability to process medications, increasing the likelihood of medication-related complications.

The pharmacist's specialized training in drug therapy management has been demonstrated repeatedly to improve the quality of care patients receive and to control health care costs associated with medication complications. As a precursor to a prescription drug benefit, it makes sense to take this proven initial step to improve the medication use process. This will help Medicare beneficiaries immediately by ensuring that each precious dollar spent out-of-pocket is spent wisely on a streamlined and effective drug therapy regimen. This is an important benefit that we can deliver now while Congress works to address the more difficult economic and political issues impacting a prescription drug benefit.

In addition, the quality improvement and cost-control resulting from this benefit establishes a critical infrastructure element for whatever Medicare prescription drug benefit is ultimately put in place. By supporting pharmacists who are working to improve the efficacy and cost-effectiveness of medication regimens, as well as reducing preventable medication-related complications and adverse drug events that result in unnecessary health care expenditures, we can enhance the prospects of achieving an affordable Medicare drug benefit that will bring real value to beneficiaries and taxpayers alike.

Recognition of qualified pharmacists as providers within the Medicare program is the logical and very affordable first step in establishing the essential infrastructure of a Medicare prescription drug benefit. As the Institute of Medicine report "To Err is Human: Building a Safer Health System" stated: "Because of the immense variety and complexity of medications now available, it is impossible for nurses and doctors to keep up with all of the information required for safe medication use. The pharmacist has become an essential resource . . . and thus access to his or her expertise must be possible at all times." This legislation will empower Medicare to catch up on this important health care quality issue. Pharmacists' collaborative drug therapy management services can and will make a real difference in the lives of Medicare beneficiaries. I encourage my colleagues on both sides of the aisle to give this proposal their serious consideration.

By Mr. CHAFEE (for himself, Mr. BENNETT, Mr. JEFFORDS, Mr. LEVIN, Mr. SPECTER, Mr. BINGAMAN, Mr. CLELAND, and Mr. LIEBERMAN):

S. 975. A bill to improve environmental policy by providing assistance for State and tribal land use planning, to promote improved quality of life, regionalism, and sustainable economic development, and for other purposes; to the Committee on Environment and Public Works.

Mr. CHAFEE. Mr. President, today I am introducing the Community Character Act of 2001, together with Senators BENNETT, SPECTER, JEFFORDS, CLELAND, LEVIN, BINGAMAN, and LIEBERMAN. This legislation provides Federal assistance to States and Indian tribes to create or update statewide or tribal land use planning legislation. Up-to-date planning legislation empowers States and local governments to spur economic development, protect the environment, coordinate transportation and infrastructure needs, and preserve our communities.

America has grown from East to West, as well as from an urban setting to suburban one. The Nation's sweeping growth can be attributed to many things, including a strong economy and transportation and technology advancements that allow people to live greater distances from work. Due in part to inadequate planning, strip malls and retail development catering to the automobile have become the trademark of the American landscape.

In the wake of the post-World War II building boom, my hometown of Warwick, RI had experienced the type of development that too often offends the eye and saps our economic strength. Due to a lack of planning, incremental and haphazard development occurred through a mixture of incompatible zoning decisions. Industrial and commercial facilities and residential homes were frequently and inappropriately sited next to each other. The local newspaper described the city as a "suburban nightmare". However, we learned that proper approaches to planning would help every state meet its challenges, whether it is preserving limited open space in the East or protecting precious drinking water supplies in the West.

The Community Character Act will benefit each community and neighborhood by providing $25 million per year to States and tribes for the purpose of land use planning. The bill recognizes that land use planning is appropriately vested at the state and local levels, and accords States and tribes flexibility in using their money. Importantly, the legislation also recognizes that the Federal Government should play a role in financing these activities. Through enactment of transportation, housing, environmental, energy, and economic development laws and requirements, Congress has created a demand for state and local planning. In fact, the Community Character Act should be viewed as providing the federal payment for an unfunded mandate whose account is overdue.

The Senators who have sponsored this bill represent geographically diverse states, from Rhode Island to New Mexico and from Georgia to Utah. This bipartisan bill represents a small investment in our communities, but one that will yield large dividends to communities in each corner of the nation.

I ask unanimous consent that the text of the bill, a summary of the bill, and letters of support for the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Character Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) inadequate land use planning at the State and tribal levels contributes to—

(A) increased public and private capital costs for public works infrastructure development;

(B) environmental degradation;

(C) weakened regional economic development; and

(D) loss of community character;

(2) land use planning is rightfully within the jurisdiction of State, tribal, and local governments;

(3) comprehensive land use planning and community development should be supported by Federal, State, and tribal governments;

(4) States and tribal governments should provide a proper climate and context through legislation in order for comprehensive land use planning, community development, and environmental protection to occur;

(5)(A) many States and tribal governments have outmoded land use planning legislation; and

(B) many States and tribal governments are undertaking efforts to update and reform land use planning legislation;

(6) the Federal Government and States should support the efforts of tribal governments to develop and implement land use plans to improve environmental protection, housing opportunities, and socioeconomic conditions for Indian tribes; and

(7) the coordination of use of State and tribal resources with local land use plans requires additional planning at the State and tribal levels.

SEC. 3. DEFINITIONS.

In this Act:

(1) LAND USE PLAN.—The term "land use plan" means a plan for development of an area that recognizes the physical, environmental, economic, social, political, aesthetic, and related factors of the area.

(2) LAND USE PLANNING LEGISLATION.—The term "land use planning legislation" means a statute, regulation, executive order, or other action taken by a State or tribal government to guide, regulate, or assist in the planning, regulation, and management of—

(A) environmental resources;

(B) public works infrastructure;

(C) regional economic development;

(D) current and future development practices; and

(E) other activities related to the pattern and scope of future land use.

(3) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Economic Development.

(4) STATE.—The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(5) TRIBAL GOVERNMENT.—The term "tribal government" means the tribal government of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

SEC. 4. GRANTS TO STATES AND TRIBAL GOVERNMENTS TO UPDATE LAND USE PLANNING LEGISLATION.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program to award grants to States and tribal governments eligible for funding under subsection (b) to promote comprehensive land use planning at the State, tribal, and local levels.

(2) GRANT APPLICATIONS.—

(A) SUBMISSION.—A State or tribal government may submit to the Secretary, in such form as the Secretary may require, an application for a grant under this section to be used for 1 or more of the types of projects authorized by subsection (c).

(B) APPROVAL.—The Secretary shall—

(i) not less often than annually, complete a review of the applications for grants that are received under this section; and

(ii) award grants to States and tribal governments that the Secretary determines rank the highest using the ranking criteria specified in paragraph (3).

(3) RANKING CRITERIA.—In evaluating applications for grants from eligible States and tribal governments under this section, the Secretary shall consider the following criteria:

(A) As a fundamental priority, the extent to which a State or tribal government has in effect inadequate or outmoded land use planning legislation.

(B) The extent to which a grant will facilitate development or revision of land use plans consistent with updated land use planning legislation.

(C) The extent to which development or revision of land use plans will facilitate multistate land use planning.

(D) The extent to which the area under the jurisdiction of a State or tribal government is experiencing significant growth.

(E) The extent to which the project to be funded using a grant will protect the environment and promote economic development.

(F) The extent to which a State or tribal government has committed financial resources to comprehensive land use planning.

(b) Eligibility.—A State or tribal government shall be eligible to receive a grant under subsection (a) if the State or tribal government demonstrates that the project, or the goal of the project, to be funded by the grant promotes land use planning activities that—

(1) are comprehensive in nature and, to the maximum extent practicable—

(A) promote environmental protection (including air and water quality);

(B) take into consideration—

(i) public works infrastructure in existence at the time at which the grant is to be made; and

(ii) future infrastructure needs, such as needs identified in—

(I) the needs assessments required under sections 516(2) and 518(b) of the Federal Water Pollution Control Act (33 U.S.C. 1375(2), 1377(b)) and subsections (h) and (i)(4) of section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12); and

(II) the State long-range transportation plan developed under section 135(e) of title 23, United States Code;

(C) promote sustainable economic development (including regional economic development) and social equity;

(D) enhance community character;

(E) conserve historic, scenic, natural, and cultural resources; and

(F) provide for a range of affordable housing options;

(2) promote land use plans that contain an implementation element that—

(A) includes a timetable for action and a definition of the respective roles and responsibilities of agencies, local governments, and other stakeholders;

(B) is consistent with the capital budget objectives of the State or tribal government; and

(C) provides a framework for decisions relating to the siting of infrastructure development, including development of utilities and utility distribution systems;

(3) result in multijurisdictional governmental cooperation, to the maximum extent practicable, particularly in the case of land use plans based on watershed boundaries;

(4) encourage the participation of the public in the development, adoption, and updating of land use plans;

(5) provide for the periodic updating of land use plans; and

(6) include approaches to land use planning that are consistent with established professional land use planning standards.

(c) Use of Grant Funds.—Grant funds received by a State or tribal government under subsection (a) may be used for a project—

(1) to carry out, or obtain technical assistance with which to carry out—

(A) development or revision of land use planning legislation;

(B) research and development relating to land use plans, and other activities relating to the development of State, tribal, or local land use plans, that result in long-term policy guidelines for growth and development;

(C) workshops, education of and consultation with policymakers, and participation of the public in the land use planning process; and

(D) integration of State, regional, tribal, or local land use plans with Federal land use plans;

(2) to provide funding to units of general purpose local government to carry out land use planning activities consistent with land use planning legislation; or

(3) to acquire equipment or information technology to facilitate State, tribal, or local land use planning.

(d) Pilot Projects for Local Governments.—A State may include in its application for a grant under this section a request for additional grant funds with which to assist units of general purpose local government in carrying out pilot projects to carry out land use planning activities consistent with land use planning legislation.

(e) Amount of Grants.—

(1) In general.—Except as provided in paragraph (2), the amount of a grant to a State or tribal government under subsection (a) shall not exceed $1,000,000.

(2) Additional amount.—The Secretary may award a State up to an additional $100,000 to fund pilot projects under subsection (d).

(f) Cost Sharing.—

(1) In general.—The Federal share of the cost of a project funded with a grant under subsection (a) shall not exceed 90 percent.

(2) Grants to tribal governments.—The Secretary may increase the Federal share in the case of a grant to a tribal government if the Secretary determines that the tribal government does not have sufficient funds to pay the non-Federal share of the cost of the project.

(g) Audits.—

(1) In general.—The Inspector General of the Department of Commerce may conduct an audit of a portion of the grants awarded under this section to ensure that the grant funds are used for the purposes specified in this section.

(2) Use of audit results.—The results of an audit conducted under paragraph (1) and any recommendations made in connection with the audit shall be taken into consideration in awarding any future grant under this section to a State or tribal government.

(3) Report to congress.—Not later than 3 years after the date of enactment of this Act, the Inspector General of the Department of Commerce shall submit to Congress a report that provides a description of the management of the program established under this section (including a description of the allocation of grant funds awarded under this section).

(h) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2002 through 2006.

(2) Availability for tribal governments.—Of the amount made available under paragraph (1) for a fiscal year, not less than 5 percent shall be available to make grants to tribal governments to the extent that there are sufficient tribal governments that are eligible for funding under subsection (b) and that submit applications.

SEC. 5. ECONOMIC DEVELOPMENT ADMINISTRATION TECHNICAL ASSISTANCE.

(a) In General.—The Secretary may develop voluntary educational and informational programs for the use of State, tribal, and local land use planning and zoning officials.

(b) Types of Programs.—Programs developed under subsection (a) may include—

(1) exchange of technical land use planning information;

(2) electronic databases containing data relevant to land use planning;

(3) other technical land use planning assistance to facilitate access to, and use of, techniques and principles of land use planning; and

(4) such other types of programs as the Secretary determines to be appropriate.

(c) Consultation and Cooperation.—The Secretary shall carry out subsection (a) in consultation and cooperation with—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Transportation;

(3) the Secretary of Agriculture;

(4) the heads of other Federal agencies;

(5) State, tribal, and local governments; and

(6) nonprofit organizations that promote land use planning at the State, tribal, and local levels.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2002 through 2006.

COMMUNITY CHARACTER ACT OF 2001—SECTION-BY-SECTION SUMMARY

SUMMARY

The Community Character Act of 2001 seeks to provide much needed funding to State and tribal governments for the development and revision of land use planning tools. Up-to-date statewide planning statutes and guidelines will allow state and local governments to meet future growth demands while preserving the economic, natural, cultural, and historic resources of our communities.

SECTION BY SECTION

Section 1

Short Title.—the Community Character Act of 2001.

Section 2

Provides Congressional findings regarding the benefits of planning at the State, local, and tribal levels.

Section 3

Provides definitions of key terms in the legislation. "Land use planning legislation" is defined as a statute, regulation, executive order or other action taken by a State or tribal government to guide, regulate, or assist in the planning, regulation, and management of environmental resources, public works infrastructure, regional economic development, and development practices and other activities related to the pattern and scope of future land use.

Section 4

This section authorizes the Economic Development Administration to establish a program to provide grants to States and tribal governments on a competitive basis for the development or revision of land use planning legislation. States and tribal governments are eligible for grants if their land use planning activities promotes certain elements, such as environmental protection, public works infrastructure, and sustainable economic development.

States and tribes that receive these grants may use them to develop or revise land use planning legislation, conduct research and development relating to land use plans, or funding to local governments to carry out land use planning activities consistent with state planning legislation. This section also provides for local government pilot projects related to land use planning.

The bill provides $25 million each year for fiscal years 2002–2006 and caps grants at $ 1 million ($1.1 million if funding local pilot projects), subject to a 10 percent match. Five percent of the annual authorization is set aside for tribal governments to the extent that there are sufficient eligible applications.

Section 5

This section authorizes the Economic Development Administration to provide voluntary educational and informational programs for the use of State, local, and tribal land use planning and zoning officials. The bill authorizes $1 million per year for five years for this purpose.

AMERICAN PLANNING ASSOCIATION,
Washington, DC, May 24, 2001.

Hon. LINCOLN CHAFEE,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAFEE: The American Planning Association is pleased to endorse the Community Character Act of 2001. APA is heartened by the introduction of this legislation and the assistance it would provide to the numerous states and communities struggling with the consequences of change, whether it be growth and development or economic decline. This legislation recognizes that the federal government can, and should, be a constructive partner with those communities seeking innovative solutions to improving local quality of life through better planning and land use. APA, with more than 30,000 members, is the largest private organization working to promote planning for communities that effectively meets the needs of our people, now and in the future.

Planning is the single most effective way to deal with growth issues facing states and communities. Passage of the Community Character Act is among the most important and beneficial things Congress could do to help promote local solutions to such pressing issues as downtown revitalization, traffic congestion, urban sprawl and open space protection.

This legislation responds to widespread citizen interest in smart growth by providing critical resources to help state and local political leaders, business and environmental interests, and others manage change. In a recent national voter survey, APA found that an overwhelming majority of Americans, regardless of political affiliation, geographic locale, or demographic group, believe Congress should take action to support state and local smart growth initiatives. Seventy-eight percent of those surveyed believe it is important for the 107th Congress to help communities solve problems associated with urban growth. Moreover, three-quarters of voters also support providing incentives to help promote smart growth and improve planning.

The Community Character Act provides vital assistance to meet the serious challenge of reforming outdated planning statutes and supporting planning as the basis for smart growth. Currently, more than half the states are still operating under planning statutes devised in the 1920s. And, even in those states with updated planning laws, communities are struggling to find and implement tools to grow smarter and in ways consistent with the values and vision of the citizens. Thus far in 2001, twenty-seven governors have initiated some type smart growth proposals and there is pending legislative or executive activity related to planning, growth and land use in twenty-two states. This if happening in states as diverse as Oklahoma and New York, Montana and Massachusetts.

We believe this bill will support an array of state, regional and local efforts to promote improved quality of life, economic development and community livability through better planning. Grants could be used to obtain technical assistance and support for a state's review and implementation of growth and planning laws. Activities such as researching and drafting state policies, conducting workshops, holding public forums, promoting regional cooperation and supporting state planning initiatives would qualify for federal assistance. We also believe provisions allowing grants for acquiring new information technology to facilitate planning, pilot projects to support innovative planning at the local level and the development of technical assistance programs through the Economic Development Administration would provide important and needed assistance for local governments and communities.

This legislation promotes smart growth principles and encourages states to create or update the framework necessary for good planning. It creates a federal partnership with communities through incentives, not mandates. The bill does not mandate that states implement specific changes but rather seeks to support and inform that process once it is underway. This program is a modest investment that will bring substantial dividends in improving the livability of cities, towns, and neighborhoods throughout the nation.

The American Planning Association applauds your outstanding leadership and vision in introducing the Community Character Act and urges the Senate to enact this legislation.

Sincerely,

BRUCE MCCLENDON,
President.

NATIONAL ASSOCIATION OF REALTORS®,
Washington, DC, May 24, 2001.

Hon. LINCOLN D. CHAFEE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CHAFEE: On behalf of its more than 760,000 members, the NATIONAL ASSOCIATION OF REALTORS® (NAR) supports your introduction of the Community Character Act, which provide grants to assist state governments in developing or updating their land use planning legislation.

NAR supports this bill because it:

Recognizes that land use planning is rightfully a State and local government function;

Provides needed assistance to states and localities to better plan for inevitable growth;

Requires that planning performed under this Act must provide for housing opportunity and choice and promote affordable housing;

Promotes improved quality of life, sustainable economic development, and protection of the environment.

In adopting our Smart Growth principles, NAR recognized that property owners, homebuyers, and REALTORS® have a great deal at stake in the debate over livability and growth. REALTORS® are outspoken advocates for policies that preserve housing choice and affordability while protecting and improving the quality of the life of our communities.

It is our experience that when communities have not planned for growth, they may overreact to growth pressures by adopting excessive regulations that distort real estate markets and make homeownership less attainable. Planning in advance to accommodate growth and protect the quality of life is the better approach, and the Community Character Act would promote this needed planning.

We commend your efforts in introducing the Community Character Act and we look forward to working with you toward its adoption.

Sincerely,

LEE L. VERSTANDIG,
Senior Vice President.

THE TRUST FOR PUBLIC LAND,
Washington, DC, May 24, 2001.

Hon. LINCOLN D. CHAFEE,
Chair Subcommittee on Superfund, Waste Control, and Risk Assessment, Committee on Environment and Public Works,
Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR CHAFEE: I am writing to advise you of the Trust for Public Land's unqualified support for the Community Character Act of 2001.

The legislation you are introducing today will provide communities across the nation with an important and adaptive new tool to address the land-use challenges they face. More than ever, states and localities are seeking innovative ways to balance their economic development and environmental protection needs. The Community Character Act will provide much-needed support to the many state and local jurisdictions working to craft this vital balance through their land-use planning processes. This visionary bill aptly recognizes the inextricable links between public infrastructure, private development, and open space preservation, and its competitive-grant approach will allow for appropriate incentive-based federal assistance to state and local planning efforts. The Trust for Public Land particularly appreciates the on-the-ground successes your legislation will spawn through local pilot projects; the inclusion of tribal governments as eligible grant recipients, and the benefits these funds will afford to Indian land management; and the broader effects that enhanced land-use planning will bring to the American landscape.

We look forward to timely enactment of the Community Character Act, and to hearing from you as to how we might be of assistance in your efforts.

Sincerely,

ALAN FRONT,
Senior Vice President.

SMART GROWTH AMERICA,
Washington, DC, May 24, 2001.

Hon. LINCOLN CHAFEE,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAFEE: Smart Growth America would like to commend you on the introduction of the Community Character Act of 2001. We support both the bill and your efforts to assist states, multi-state regions and tribal governments in their efforts to revise their land use planning legislation and develop comprehensive plans.

Planning for future growth and directing development so that it strengthens existing communities while building upon their physical, cultural and historical assets is integral to smart growth. We applaud your foresight and willingness to help these entities in their ongoing efforts to achieve smart growth by coordinating transportation, housing and education infrastructure investments while conserving historic, scenic and natural resources.

The Community Character Act makes the federal government a partner with states, regions and tribal governments that want to plan for future growth. We thank you for your leadership and look forward to working with you to pass this timely legislation.

Sincerely,

DON CHEN,
Director.

By Mrs. FEINSTEIN:

S. 976. A bill to provide authorization and funding for the enhancement of ecosystems, water supply, and water quality of the State of California, to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, yesterday Congressman KEN CALVERT from Riverside, CA, and I held a press conference so each of us could introduce a bill, Mr. CALVERT in the House and I in the Senate.

This bill I am going to introduce today for reference to committee addresses a very complicated and complex problem in California, and that is water. It is my very strong belief that the energy crisis that we see taking place in California is a forerunner of what is going to happen with water.

The only question is when. California has a population of 34 million people. It is bigger than 21 other States and the District of Columbia put together. It is expected to grow to 50 million in 20 years.

Our State has the same water infrastructure that it had in 1970 when we were about 16 million people, and every year California grows from 700,000 to 1 million people. It was 800,000 this past year.

We are the sixth largest economy, not in the Nation, but in the world. We are the No. 1 agricultural producing State in the Nation. We are the leading producer of dairy products, wine and grapes, strawberries, almonds, lettuce, tomatoes, and the list goes on and on. All of these need water.

We are a growing high-tech State with an increasing need for access to high-quality water. We have more endangered species than any other State except Hawaii. And, of course, California, again, has this large population. Our water needs are tremendous. So we need to get ready for the future, and we need to do this in an environmentally sensitive way.

If there is one lesson we can learn from California's energy crisis, it is that the time to address a crisis is not while it is happening but before it happens. California is now struggling to build more powerplants while also doing everything possible to reduce demand through increased efficiency and conservation. But because we started so late, we are likely going to have some serious problems this summer, and that is why it is even more important that we fix the water problem before it, too, becomes a crisis.

Ecosystem restoration, water conservation, and improved efficiency can be combined with new environmentally responsible off-stream storage. This would allow us to improve the ecosystem and store water from the wet years and use it in the dry years to benefit people, the environment, and farmers.

I began writing this bill last December with the aim of finding something to which all of the major stakeholders could agree—the large urban water users, the city of San Jose, the city of Los Angeles, San Diego, San Francisco, all of the agricultural water contractors, and a myriad of environmental leaders.

I have come to the conclusion that it is impossible, after 7 years of trying, to get them all on the same page, let alone the same line. So either we do nothing and sit back and wait for a water crisis or we try to do the moderate, the prudent, and the effective thing.

The bill I am sending to the desk for reference to committee is a 7-year authorization bill. It essentially authorizes the record of decision of a program known as CALFED. In California, there are two big water projects. One is the Central Valley Water Project owned by the Federal Government. That is the Federal interest. The Federal Government built it and owns it. The other is the California Water Project owned by the State of California, built by Governor Pat Brown back in the 1960s.

This is, in essence, a State-Federal effort to improve the water infrastructure, to clean up the ecosystems, and to begin to build an infrastructure that can handle the demands of the next 50 years.

The bill authorizes the ecosystem restoration program, and it fully authorizes all of the environmental projects listed in the record of decision. This includes improving fish passages, restoring streams, rivers, and habitats, and improving water quality.

The bill authorizes 580,000 acre feet of water in the first year through the environmental water account, and the bill essentially authorizes the first three storage projects, off-stream water storage, listed in stage 1 of the record of decision: Enlarging the Los Vaqueros Reservoir, subject to a vote of the people of Contra Costa County; raising Shasta Dam; and constructing the delta wetlands project which involves flooding two delta islands for storage and using the other two islands for ecosystem protection. The end result of these three storage projects will be 2.3 million acre feet of new water storage.

Some reporting and financial analysis must still be completed. CALFED expects these projects will have no adverse impacts, so we need to get started to make sure they can get in the line and get going.

I do not believe we can meet all of our future water needs without increased water storage, water storage that is environmentally benign, that is off stream, and that provides flexibility in the system for us to increase water supply, improve water quality, and enhance ecosystem restoration.

Recharging groundwater, water recycling and reuse, conservation, and smarter use of the big pumps in the system are all tools we can use to help us meet our water needs.

I am concerned this may not even be enough. We live in an area, though, where large new dams are extraordinarily controversial. So there is one thing left, and that is to take water from the wet years and store it in an environmentally sound way to use during the dry years.

The bill I am presenting is balanced. It says, in essence, that the storage projects go ahead at the same time as the environmental projects. I believe very strongly that we are not going to be able to solve the problem just with environmental measures, that we need additional water storage as well.

This is not a flash in the pan. I did not just arrive at this. A native-born Californian, I have watched this for years and years, and for the last 7 years in the Senate I have spent an enormous amount of time—probably 50, 60 meetings—with the stakeholders on all sides of this issue. It is my judgment that we must have this additional storage in addition to the ecosystems work.

It is not going to be a perfect bill. It is a big bill. It is a State-Federal partnership. In my view, water and energy are the two essentials that can keep the California economy alive and keep its people flourishing. I hope it will have a favorable response in the committee and in this Chamber.

By Mr. CRAIG (for himself, Mr. BURNS, Mr. BAUCUS, Ms. CANTWELL, Mr. CONRAD, Mr. CRAPO, Mr. DASCHLE, Mr. DORGAN, Mr. JOHNSON, and Mrs. MURRAY):

S. 977. A bill to amend the Agricultural Market Transition Act to require the Secretary of Agriculture to make nonrecourse marketing assistance loans and loan deficiency payments available to producers of dry peas, lentils, and chickpeas; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAIG. Mr. President, I rise today to introduce the "Dry Pea, Lentil, and Chickpea Marketing Assistance Loan Act," a bill to authorize a marketing loan program and loan deficiency payments, or LDPs, for pulse crops which include peas, lentils, and chickpeas. I am pleased that Senators BURNS, BAUCUS, CANTWELL, CONRAD, CRAPO, DASCHLE, DORGAN, JOHNSON and MURRAY have joined as original cosponsors.

Pulses are grown across the northern tier of the United States. Traditionally pulses have been grown as a rotation crop that provides benefit to the soil, by fixing nitrogen, breaking weed and disease cycles, and reducing the need for field burning. Dryland farmers in northern Idaho for years have rotated wheat, canola, and dry peas, lentils or chickpeas. As prices have dropped for all commodities, including pulses, we have seen a shift in production patterns which have decreased the production of dry peas and lentils.

Current wheat prices are no better than dry pea prices, pound for pound, but a banker will lend money to a grower of wheat and oilseeds because there is a loan program and LDP. The depressed markets have forced dryland farmers across the northen tier of the United States to abandon pulses in favor of traditional farm program crops like wheat, oilseeds, and barley.

This bill attempts to remedy this situation by creating a loan rate for dry peas, lentils, and chickpeas with support equivalent to the loan programs for spring wheat and canola. The bill mirrors existing statutory authority for the loan programs established for other crops by creating floor prices based from 85 percent of a five-year Olympic average. The approximate cost of the bill, and benefits to pulse growers, would be about $8.5 million annually.

When we passed the last farm bill, the goal was to have farmers farm the land and not the programs. As prices have dropped, we are again seeing planting decisions made based on the programs available, which has made pulse crops less attractive in a rotation. As we begin the process of reauthorizing the farm bill, we will work to make sure that pulses are included so that farmers will be competitive with other crops grown in the area.

Mr. BURNS. Mr. President, I rise today as a proud cosponsor of this amendment to the Agricultural Market Transition Act. It would require the Secretary of Agriculture to make nonrecourse marketing assistance loans and loan deficiency payments available to producers of dry peas, lentils, and chickpeas.

This amendment will go a long way toward giving producers of these commodities an equal opportunity to obtain the same financial opportunities as other producers now receive.

We encourage our producers to grow what is often referred to as alternative crops. Producers have listened and they are successfully marketing these crops. The actions of this bill will now provide these innovative producers with the same economic benefits as producers of other crops. These farmers have dared to try something different and the least we can do is support them for they're daring.

I look forward to working with my colleagues on this legislation.

By Mr. CRAIG (for himself, Mr. MURKOWSKI, Mr. ALLARD, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAPO, Mr. HATCH, Mr. SMITH of Oregon, and Mr. THOMAS):

S. 978. A bill to provide for improved management of, and increased accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I am pleased to introduce today in conjunction with my colleagues, Mr. MURKOWSKI, Mr. ALLARD, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAPO, Mr. HATCH, Mr. SMITH of Oregon, Mr. STEVENS, and Mr. THOMAS, the Outfitter Policy Act of 2001.

This legislation is very similar to legislation I introduced in past congresses. As that legislation did, this bill would put into law many of the management practices by which Federal land management agencies have successfully managed the outfitter and guide industry on National Forests, National Parks and other Federal lands over many decades.

The bill recognizes that many Americans want and seek out the skills and experience of commercial outfitters and guides to help them enjoy a safe and pleasant journey.

The Outfitter Policy Act's primary purpose is to ensure accessibility to public lands by all segments of the population and maintain the availability of quality recreation services to the public. Outfitters and guides across the nation provide opportunities for outdoor recreation for many families and groups who would otherwise find the backcountry inaccessible.

Previous hearings and discussions on prior versions of this legislation helped to refine the bill I am introducing today. This process provided the intended opportunity for discussion. As well as it allowed for the examination of the historical practices that have offered consistent, reliable outfitter services to the public.

Congress has twice addressed this issue with respect to the National Park System permits, originally establishing standards for Park Service administration of guide/outfitter permits on their lands in 1965 and amending that system in 1998. Therefore, it is appropriate to set similar legislative standards for other public land systems such as Forest Service and Bureau of Land Management lands. However, these and other land management agencies are now without Congressional guidance, and instead rules, permit terms and conditions and other intricacies are often left to local agency personnel. The Outfitter Policy Act would alleviate the discord involved in land management permitting, providing consistent guidance on the administration of guide/outfitter permits for the other Federal land management agencies.

The Outfitter Policy Act provides the basic terms and conditions necessary to sustain the substantial investment often needed to provide the level of service demanded by the public. However, the bill provides the agencies ample flexibility to adjust use, conditions, and permit terms. All of which must be consistent with agency management plans and policies for resource conservation. The Outfitter Policy Act strives to provide a stable, consistent regulatory climate which encourages qualified entrants to the guide/outfitting business, while giving the agencies and operators clear directions.

The Outfitter Policy Act is a measure that will facilitate access to public lands by the outfitted public, while providing incentives to outfitters to provide the high quality services over time. It is necessary to ensure that members of the public who need and rely on guides and outfitters for recreational access to public lands will continue to receive safe, quality services. I look forward to considering this legislation in the coming session of the 107th Congress.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 95—DESIGNATING AUGUST 3, 2001, AS "NATIONAL COURT REPORTING AND CAPTIONING DAY"

Mr. BREAUX submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 95

Whereas for millennia, individuals have wanted the spoken word translated into text to record history and to accomplish this task have relied on scribes;

Whereas the profession of scribe was born with the rise of civilization;

Whereas in Ancient Egypt, scribes were considered to be the literate elite, recording laws and other important documents and since that time, have served as impartial witnesses to history;

Whereas scribes were present with our Nation's founding fathers as the Declaration of Independence and Bill of Rights were drafted;

Whereas President Lincoln entrusted scribes to record the Emancipation Proclamation;

Whereas since the advent of shorthand machines, these scribes have been known as "court reporters" and have had a permanent place in courtrooms;

Whereas court reporters are present in Congress, preserving Members' words and actions;

Whereas court reporters are responsible for the closed captioning seen scrolling across television screens, bringing information to more than 28,000,000 hearing impaired Americans every day;

Whereas court reporters and captioners translate the spoken word into text and preserve our history; and

Whereas whether called the scribes of yesterday, court reporters of today, or real time captioners of tomorrow, the individuals that preserve our Nation's history are truly the guardians of the record: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 3, 2001, as "National Court Reporting and Captioning Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 96—EXPRESSING THE SENSE OF THE SENATE THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO HONOR DR. EDGAR J. HELMS

Mr. KERRY (for himself, Mr. LUGAR, Mr. DURBIN, Mr. KENNEDY, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 96

Resolved,

SECTION 1. SENSE OF THE SENATE THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO HONOR DR. EDGAR J. HELMS.

(a) FINDINGS.—The Senate finds the following:

(1) Dr. Helms was born in a wilderness lumber camp in upstate New York on January 19, 1863, and passed away on December 23, 1942, at the age of 79.

(2) Dr. Helms established the Church of All Nations in Boston's troubled South End to provide a spiritual haven and a center for job training for the poor and destitute.

(3) In 1902, Dr. Helms founded Goodwill Industries, Inc. (in this section referred to as "Goodwill"), a nonprofit organization established to collect unwanted clothing and household goods from Boston's wealthy citizens to allow poor immigrants to repair them for resale, thereby giving employment to relatively unskilled people as well as giving them a source of inexpensive clothing and other goods.

(4) Dr. Helms often denied himself basic comforts to save money for larger purposes.

(5) In the mid-1930's, Goodwill changed from a work relief organization to one that primarily served people with disabilities.

(6) Goodwill played a key role during World War II by providing workers who produced many basic necessities for the war effort.

(7) Goodwill serves people with physical, mental, and emotional disabilities, and those who face extraordinary barriers to employment such as those who are in poverty, including those who receive public assistance or who are homeless, and those without any work experience.

(8) Goodwill provided services for more than 440,000 people in 2000, and more than 77,000 of them became employed as a result of the assistance Goodwill provided.

(9) For almost 100 years, Goodwill has benefited millions of Americans by fulfilling the mission set out by Dr. Helms in his message of "Not Charity But a Chance".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in 2002 to honor Dr. Edgar J. Helms.

SEC. 2. TRANSMITTAL TO CITIZENS' STAMP ADVISORY COMMITTEE.

The Secretary of the Senate shall transmit a copy of this resolution to the chairperson of the Citizens' Stamp Advisory Committee.

Mr. KERRY. Mr. President, I introduce today a resolution proposing a commemorative stamp honoring Dr. Edgar J. Helms and the 100th anniversary of the founding of Goodwill Industries. I am pleased to be joined in this effort by my good friends Senators LUGAR, DURBIN, KENNEDY, and SNOWE.

Next year marks the 100th anniversary of the founding of Goodwill Industries. This non-profit organization was founded in Boston's South End by Dr. Edgar Helms who began Goodwill to provide "Not a charity, But a Chance" for those in need. Goodwill began by collection donated clothing and household goods and having them repaired by the disabled and the extremely poor. This work is still central to Goodwill's operations. For four decades, Dr. Helms labored to provide opportunities for those in need, telling his employees to "be dissatisfied with [their] work until every handicapped and unfortunate person in [their communities had] an opportunity to develop to his fullest usefulness and to enjoy a maximum of abundant living."

Today, Goodwill is an international movement, providing services for over 440,000 people each year in almost every state in the nation, as well as more than 50 countries. In 2000, more than 77,000 people found employment as a result of the assistance provided by Goodwill. Goodwill has been commended by every U.S. President since Truman, and the first full week of May is traditionally proclaimed "Goodwill Industries Week." Dr. Helms's foundation remains an exceptional example of how capitalism and community activism can work together to improve life for all segments of society. In honor of the 100th anniversary of Goodwill in 2002 and of Dr. Helms's long-lasting contributions to the nation's poor and disabled, I am proud to offer this resolution expressing the sense of the Senate that the United States Postal Service issue a commemorative Stamp honoring Dr. Edgar J. Helms.

SENATE RESOLUTION 97—HONORING THE BUFFALO SOLDIERS AND COLONEL CHARLES YOUNG

Mr. DEWINE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 97

Whereas the 9th and 10th Horse Cavalry Units, (in this resolution referred to as the 'Buffalo Soldiers') have made key contributions to the history of the United States by fighting to defend and protect our Nation;

Whereas the Buffalo Soldiers maintained the trails and protected the settler communities during the period of westward expansion;

Whereas the Buffalo Soldiers were among Theodore Roosevelt's Rough Riders in Cuba during the Spanish-American War, and crossed into Mexico in 1916 under General John J. Pershing;

Whereas African-American men were drafted into the Buffalo Soldiers to serve on harsh terrain and protect the Mexican Border;

Whereas the Buffalo Soldiers went to North Africa, Iran, and Italy during World War II and served in many positions, including as paratroopers and combat engineers;

Whereas in the face of fear of a Japanese invasion, the Buffalo Soldiers were placed along the rugged border terrain of the Baja Peninsula and protected dams, power stations, and rail lines that were crucial to San Diego's war industries;

Whereas among these American heroes, Colonel Charles Young, of Ripley, Ohio, stands out as a shining example of the dedication, service, and commitment of the Buffalo Soldiers;

Whereas Colonel Charles Young, the third African-American to graduate from the United States Military Academy at West Point, served his distinguished career as a member of the Buffalo Soldiers throughout the world, traveling to the Philippines during the Spanish-American War, Haiti as the first African-American military attache for the United States, Liberia and Mexico as a military attache, Monrovia as advisor to the Liberian government, and several other stations within the borders of the United States, holding commands during most of these tours;

Whereas Colonel Charles Young took a vested interest in the development of African-American youth by serving as an educator, teaching in local high schools and at Wilberforce University in Ohio, and developing a military training ground for African-American enlisted men to help them achieve officer status for World War I at Fort Huachucha;

Whereas Colonel Charles Young achieved so much in the face of race-based adversity and while he fought a fatal disease, Bright's Disease, which eventually took his life; and

Whereas there are currently 21 existing chapters of the 9th and 10th Cavalry Association, with 20 domestic chapters and 1 in Germany: Now, therefore, be it

Resolved, That the Senate—

(1) honors the bravery and dedication of the Buffalo Soldiers throughout United States and world history;

(2) honors 1 of the Buffalo Soldiers' most distinguished heroes, Colonel Charles Young, for his lifetime achievements; and

(3) recognizes the continuing legacy of the Buffalo Soldiers throughout the world.

SENATE RESOLUTION 98—DESIGNATING THE PERIOD BEGINNING ON JUNE 11 AND ENDING ON JUNE 15, 2001 AS "NATIONAL WORK SAFE WEEK"

Mr. BOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 98

Whereas Congress believes that 100 percent of workplace injuries are preventable when employers and employees work together;

Whereas both employer and employee attitudes and awareness are essential to maintain an injury-free workplace;

Whereas the total nationwide workplace accident costs in 1998 were $122,600,000,000, with a national average of $28,000 per disabling injury and $940,000 per work-related death;

Whereas workplace injuries also carry indirect or hidden costs that cannot be calculated, such as property damage, lost production, and modified duty; and

Whereas the period beginning on June 11 and ending on June 15, 2001 will be declared Work Safe Week in the State of Missouri: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on June 11 and ending on June 15, 2001 as "National Work Safe Week" to be recognized by employers and employees committing themselves to creating an injury-free workplace;

by employers and employees taking all necessary steps to achieve this goal; and by employers and employees developing the habits and approaches that will lead to injury-free workplaces throughout the entire year; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate activities.

SENATE RESOLUTION 99—SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 99

Whereas for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports amateur athletic activities involving the United States and foreign nations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in amateur athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for amateur athletes;

Whereas the United States Olympic Committee protects the opportunity of each amateur athlete, coach, trainer, manager, administrator, and official to participate in amateur athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team and aspire to compete in the 2002 Olympic Winter Games in Salt Lake City, Utah;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23, 2001 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of the Olympics;

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(3) calls upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

Mr. CAMPBELL. Mr. President. Today I submit a resolution to recognize and support the United States Olympic Committee and the 2002 Olympic Games.

There are several reasons why I have a particular interest in the Olympic Movement and the U.S. Olympic Committee. I am the only Olympian in the United States Senate and Congressman JIM RYAN and I are the only two current Members of Congress to have been members of an Olympic Team.

Years ago, I founded the U.S. Olympic Caucus with former Senator Bill Bradley and former Congressman Tom McMillan. In addition, the United States Olympic Committee is headquartered in Colorado Springs, CO, along with the Olympic Training Center. Many athletes are currently training at that facility for future Olympic Games and especially in preparation for the 2002 Olympic Games in Salt Lake City, UT.

As I look back on the 1964 Olympic Games in Tokyo, Japan, I remember how proud I was to be on the U.S. Olympic Team. Carrying the United States flag in the closing ceremonies was one of the greatest experiences of my life. I remember how proud I was to be an American and an Olympian. I hold that moment in my heart and relive it at each new Olympic Games to this day.

The Olympic motto is "Swifter, Higher, Stronger" and with that ideal, the Olympic Movement brings out the very best in all of us, athletes and spectators alike. I believe, along with the United States Olympic Committee, that competition and the athletes are the heart and soul of the Olympic Movement. This is the reason that I offer this resolution today.

The United States Olympic Committee is to be highly commended for the prompt and decisive action it took after accusations of inappropriate solicitations surfaced. It is also to be commended for establishing the fully independent, United States Anti Doping Agency, USADA, to address the important issues of athlete doping detection, prevention and education. USADA is also headquartered in Colorado Springs and is leading the way for world anti-doping measures.

I know how much good the games do for young men and women and for our country. I am convinced the United States Olympic Committee has done everything in its power to get to the bottom of allegations, punish those who deserve it, and return the focus of the Olympic Movement back where it should be, with the athletes.

Most people don't realize that unlike many of the world's Olympic teams, the U.S. Olympic Team gets not one dime of Federal money to subsidize its sports operations. Our Olympic Team is solely supported by the contributions of millions of Americans and American businesses and corporations which are dedicated to the Olympic Movement.

The Olympic Movement will endure and prosper only by the continued vigilance and the ongoing commitment of organizers and supporters, and by our unwavering support of the athletes who are the future of the modern Olympic Games.

As we begin the countdown towards the 2002 Olympic Games, my resolution would designate June 23, 2000, as Olympic Day in recognition of the anniversary of the founding of the modern Olympic Movement. I urge my colleagues to support prompt passage of this resolution.

SENATE CONCURRENT RESOLUTION 44—EXPRESSING THE SENSE OF THE CONGRESS REGARDING NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. FITZGERALD (for himself, and Mr. SMITH of New Hampshire) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 44

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas 2,403 members of the Armed Forces of the United States were killed in the attack on Pearl Harbor;

Whereas there are more than 12,000 members of the Pearl Harbor Survivors Association;

Whereas the 60th anniversary of the attack on Pearl Harbor will be December 7, 2001;

Whereas on August 23, 1994, Public Law 103–308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day; and

Whereas Public Law 103–308, reenacted as section 129 of title 36, United States Code, requests the President to issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on the occasion of the 60th anniversary of the December 7, 1941, attack on Pearl Harbor, Hawaii, pays tribute to—

(1) the United States citizens who died in the attack; and

(2) the members of the Pearl Harbor Survivors Association.

Mr. FITZGERALD. Madam President, I rise today, with my colleague Senator SMITH of New Hampshire, to submit a concurrent resolution honoring the American servicemen who were attacked by the Japanese Imperial Forces at Pearl Harbor on December 7, 1941. Senator SMITH submitted a parallel resolution last year but has allowed me to take the lead on this matter this year in light of the special significance of Pearl Harbor remembrance day to my family.

My uncle, Navy Ensign Edward Webb Gosselin, was among the 1,102 American seamen killed aboard the battleship U.S.S. *Arizona* on December 7, 1941.

Edward had enlisted in the Navy in September of 1940 and reported to his first duty station, the Arizona, in May of 1941. He was 24 years old when he died. Edward had just graduated from Yale University and was, in fact, the first Yale graduate to die in World War II.

The Navy later named a destroyer escort after Edward, and it was named the U.S.S. *Gosselin*.

Fittingly, after participating in the invasion of Okinawa, the *Gosselin* had the honor of being the first American warship to enter Japanese waters upon that nation's surrender. The *Gosselin* also was the first ship to bring home American prisoners of war held in Japan. Many years later, Edward's father, my grandfather, recounted the tremendous pride he felt upon hearing the ships's name mentioned during radio broadcasts of the surrender.

The resolution that Senator SMITH and I introduce today reminds federal departments and agencies to fly the United States flag at half/mast on December 7, and pays tribute to the United States citizens who died in the Japanese raid on Pearl Harbor, and to the members of the Pearl Harbor Survivors Association. I conclude by asking all of my colleagues to join me this Memorial Day in remembering and honoring the 2,403 American sailors and soldiers who were killed at Pearl Harbor, and all other Americans in uniform who have died serving their country.

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the scheduled oversight hearing before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources to be held on Thursday, June 14, 2001 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC has been cancelled. The purpose of this hearing had been to review the implementation of the Recreation Fee Demonstration Program and to review efforts to extend or make the program permanent.

For further information, please contact Jim O'Toole or Shane Perkins of the committee staff at (202) 224-1219.

RESTORING EARNINGS TO LIFT INDIVIDUAL AND EMPOWER FAMILIES (RELIEF) ACT OF 2001

On May 23, 2001, the Senate amended and passed H.R. 1836, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1836) entitled "An Act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Restoring Earnings To Lift Individuals and Empower Families (RELIEF) Act of 2001".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—INDIVIDUAL INCOME TAX RATE REDUCTIONS

Subtitle A—In General

Sec. 101. Reduction in income tax rates for individuals.
Sec. 102. Increase in amount of income required before phaseout of itemized deductions begins.
Sec. 103. Repeal of phaseout of deduction for personal exemptions.

Subtitle B—Compliance With Congressional Budget Act

Sec. 111. Sunset of provisions of title.

TITLE II—CHILD TAX CREDIT

Subtitle A—In General

Sec. 201. Modifications to child tax credit.
Sec. 202. Sense of the Senate on the modifications to the child tax credit.
Sec. 203. Expansion of adoption credit and adoption assistance programs.
Sec. 204. Refunds disregarded in the administration of Federal programs and federally assisted programs.
Sec. 205. Dependent care credit.
Sec. 206. Allowance of credit for employer expenses for child care assistance.
Sec. 207. Allowance of credit for employer expenses for child care assistance.

Subtitle B—Compliance With Congressional Budget Act

Sec. 211. Sunset of provisions of title.

TITLE III—MARRIAGE PENALTY RELIEF

Subtitle A—In General

Sec. 301. Elimination of marriage penalty in standard deduction.
Sec. 302. Phaseout of marriage penalty in 15-percent bracket.
Sec. 303. Marriage penalty relief for earned income credit; earned income to include only amounts includible in gross income; simplification of earned income credit.

Subtitle B—Compliance With Congressional Budget Act

Sec. 311. Sunset of provisions of title.

TITLE IV—AFFORDABLE EDUCATION PROVISIONS

Subtitle A—Education Savings Incentives

Sec. 401. Modifications to education individual retirement accounts.
Sec. 402. Modifications to qualified tuition programs.

Subtitle B—Educational Assistance

Sec. 411. Permanent extension of exclusion for employer-provided educational assistance.
Sec. 412. Elimination of 60-month limit and increase in income limitation on student loan interest deduction.
Sec. 413. Exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.
Sec. 414. Exclusion from income of certain amounts contributed to Coverdell education savings accounts.

Subtitle C—Liberalization of Tax-Exempt Financing Rules for Public School Construction

Sec. 421. Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities.
Sec. 422. Treatment of qualified public educational facility bonds as exempt facility bonds.
Sec. 423. Treatment of bonds issued to acquire renewable resources on land subject to conservation easement.

Subtitle D—Other Provisions

Sec. 431. Deduction for higher education expenses.
Sec. 432. Credit for interest on higher education loans.
Sec. 433. Above-the-line deduction for qualified emergency response expenses of eligible emergency response professionals.
Sec. 434. Contributions of book inventory.

Subtitle E—Miscellaneous Education Provisions

Sec. 441. Short title.
Sec. 442. Above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers.
Sec. 443. Credit to elementary and secondary school teachers who provide classroom materials.

Subtitle F—Compliance With Congressional Budget Act

Sec. 451. Sunset of provisions of title.

TITLE V—ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAX PROVISIONS

Subtitle A—Repeal of Estate and Generation-Skipping Transfer Taxes

Sec. 501. Repeal of estate and generation-skipping transfer taxes.

Subtitle B—Reductions of Estate and Gift Tax Rates

Sec. 511. Additional reductions of estate and gift tax rates.

Subtitle C—Increase in Exemption Amounts

Sec. 521. Increase in exemption equivalent of unified credit, lifetime gifts exemption, and GST exemption amounts.

Subtitle D—Credit for State Death Taxes

Sec. 531. Reduction of credit for State death taxes.
Sec. 532. Credit for State death taxes replaced with deduction for such taxes.

Subtitle E—Carryover Basis at Death; Other Changes Taking Effect With Repeal

Sec. 541. Termination of step-up in basis at death.
Sec. 542. Treatment of property acquired from a decedent dying after December 31, 2010.

Subtitle F—Conservation Easements

Sec. 551. Expansion of estate tax rule for conservation easements.

Subtitle G—Modifications of Generation-Skipping Transfer Tax

Sec. 561. Deemed allocation of GST exemption to lifetime transfers to trusts; retroactive allocations.

Sec. 562. Severing of trusts.

Sec. 563. Modification of certain valuation rules.

Sec. 564. Relief provisions.

Subtitle H—Extension of Time for Payment of Estate Tax

Sec. 571. Expansion of availability of installment payment for estates with interests qualifying lending and finance businesses.

Sec. 572. Clarification of availability of installment payment.

Subtitle I—Compliance With Congressional Budget Act

Sec. 581. Sunset of provisions of title.

TITLE VI—PENSION AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS

Subtitle A—Individual Retirement Accounts

Sec. 601. Modification of IRA contribution limits.

Sec. 602. Deemed IRAs under employer plans.

Sec. 603. Tax-free distributions from individual retirement accounts for charitable purposes.

Subtitle B—Expanding Coverage

Sec. 611. Increase in benefit and contribution limits.

Sec. 612. Plan loans for subchapter S owners, partners, and sole proprietors.

Sec. 613. Modification of top-heavy rules.

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Sec. 659. Notice required for pension plan amendments having the effect of significantly reducing future benefit accruals.

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Sec. 661. Modification of timing of plan valuations.

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Sec. 665. Clarification of treatment of employer-provided retirement advice.

Sec. 666. Reporting simplification.

Sec. 667. Improvement of employee plans compliance resolution system.

Sec. 668. Repeal of the multiple use test.

Sec. 669. Flexibility in nondiscrimination, coverage, and line of business rules.

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Sec. 681. Missing participants.

Sec. 682. Reduced PBGC premium for new plans of small employers.

Sec. 683. Reduction of additional PBGC premium for new and small plans.

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Sec. 701. Increase in alternative minimum tax exemption.

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TITLE VIII—OTHER PROVISIONS

Subtitle A—In General

Sec. 801. Time for payment of corporate estimated taxes.

Sec. 802. Expansion of authority to postpone certain tax-related deadlines by reason of presidentially declared disaster.

Sec. 803. No Federal income tax on restitution received by victims of the Nazi regime or their heirs or estates.

Sec. 804. Removal of limitation.

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Sec. 807. Deduction for health insurance costs of self-employed individuals increased.

Sec. 808. Charitable contributions of certain items created by the taxpayer.

Sec. 809. Waiver of statute of limitation for taxes on certain farm valuations.

Sec. 810. Research credit.

Sec. 811. Credit for medical research related to developing vaccines against widespread diseases.

Sec. 812. Acceleration of benefits of wage tax credits for empowerment zones.

Sec. 813. Treatment of certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness.

Sec. 814. Tax-exempt bond authority for treatment facilities reducing arsenic levels in drinking water.

Sec. 815. Time for payment of corporate estimated tax payments due in 2011.

Sec. 816. Disclosure of tax information to facilitate combined employment tax reporting.

Subtitle B—Compliance With Congressional Budget Act

Sec. 821. Sunset of provisions of title.

TITLE IX—SECTION 527 POLITICAL ORGANIZATION REPORTING REQUIREMENTS

Sec. 901. Exemption for State and local candidate committees from notification requirements.

Sec. 902. Exemption for certain State and local political committees from reporting and annual return requirements.

Sec. 903. Notification of interaction of reporting requirements.

Sec. 904. Waiver of penalties.

TITLE I—INDIVIDUAL INCOME TAX RATE REDUCTIONS

Subtitle A—In General

SEC. 101. REDUCTION IN INCOME TAX RATES FOR INDIVIDUALS.

(a) IN GENERAL.—Section 1 is amended by adding at the end the following new subsection:

"(i) RATE REDUCTIONS AFTER 2000.—

"(1) 10-PERCENT RATE BRACKET.—

"(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2000—

"(i) the rate of tax under subsections (a), (b), (c), and (d) on taxable income not over the initial bracket amount shall be 10 percent, and

"(ii) the 15 percent rate of tax shall apply only to taxable income over the initial bracket amount but not over the maximum dollar amount for the 15-percent rate bracket.

"(B) INITIAL BRACKET AMOUNT.—For purposes of this subsection, the initial bracket amount is—

"(i) $12,000 in the case of subsection (a),

"(ii) $10,000 in the case of subsection (b), and

"(iii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (C)) in the case of subsections (c) and (d).

"(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2001—

"(i) the Secretary shall make no adjustment to the initial bracket amount for any taxable year beginning before January 1, 2007,

"(ii) the cost-of-living adjustment used in making adjustments to the initial bracket amount for any taxable year beginning after December 31, 2006, shall be determined under subsection (f)(3) by substituting '2005' for '1992' in subparagraph (B) thereof, and

"(iii) such adjustment shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

"(2) REDUCTIONS IN RATES AFTER 2001.—In the case of taxable years beginning in a calendar year after 2001, the corresponding percentage specified for such calendar year in the following table shall be substituted for the otherwise applicable tax rate in the tables under subsections (a), (b), (c), (d), and (e).

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2002, 2003, and 2004	27%	30%	35%	38.6%
2005 and 2006 ..	26%	29%	34%	37.6%
2007 and thereafter	25%	28%	33%	36%

"(3) ADJUSTMENT OF TABLES.—The Secretary shall adjust the tables prescribed under subsection (f) to carry out this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 1(g)(7) is amended by striking "15 percent" in clause (ii)(II) and inserting "10 percent.".

(2) Section 1(h) is amended—

(A) by striking "28 percent" both places it appears in paragraphs (1)(A)(ii)(I) and (1)(B)(i) and inserting "25 percent", and

(B) by striking paragraph (13).

(3) Section 531 is amended by striking "equal to" and all that follows and inserting "equal to the product of the highest rate of tax under section 1(c) and the accumulated taxable income.".

(4) Section 541 is amended by striking "equal to" and all that follows and inserting "equal to the product of the highest rate of tax under section 1(c) and the undistributed personal holding company income.".

(5) Section 3402(p)(1)(B) is amended by striking "7, 15, 28, or 31 percent" and inserting "7 percent, any percentage applicable to any of the 3 lowest income brackets in the table under section 1(c),".

(6) Section 3402(p)(2) is amended by striking "15 percent" and inserting "10 percent".

(7) Section 3402(q)(1) is amended by striking "equal to 28 percent of such payment" and inserting "equal to the product of the third lowest rate of tax under section 1(c) and such payment".

(8) Section 3402(r)(3) is amended by striking "31 percent" and inserting "the fourth lowest rate of tax under section 1(c)".

(9) Section 3406(a)(1) is amended by striking "equal to 31 percent of such payment" and inserting "equal to the product of the fourth lowest rate of tax under section 1(c) and such payment".

(10) Section 13273 of the Revenue Reconciliation Act of 1993 is amended by striking "28 percent" and inserting "the third lowest rate of tax under section 1(c) of the Internal Revenue Code of 1986".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) AMENDMENTS TO WITHHOLDING PROVISIONS.—The amendments made by paragraphs (6), (7), (8), (9), (10), and (11) of subsection (b) shall apply to amounts paid after the 60th day after the date of the enactment of this Act.

SEC. 102. INCREASE IN AMOUNT OF INCOME REQUIRED BEFORE PHASEOUT OF ITEMIZED DEDUCTIONS BEGINS.

(a) IN GENERAL.—Section 68(b)(1) (defining applicable amount) is amended—

(1) by striking "$100,000" and inserting "$150,000", and

(2) by striking "$50,000" and inserting "$75,000".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 103. REPEAL OF PHASEOUT OF DEDUCTION FOR PERSONAL EXEMPTIONS.

(a) IN GENERAL.—Subsection (d) of section 151 (relating to exemption amount) is amended by striking paragraph (3).

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (6) of section 1(f) is amended—

(A) by striking "section 151(d)(4)" in subparagraph (A) and inserting "section 151(d)(3)", and

(B) by striking "section 151(d)(4)(A)" in subparagraph (B) and inserting "section 151(d)(3)".

(2) Paragraph (4) of section 151(d) is amended to read as follows:

"(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1989, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1988' for 'calendar year 1992' in subparagraph (B) thereof."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

Subtitle B—Compliance With Congressional Budget Act

SEC. 111. SUNSET OF PROVISIONS OF TITLE.

All provisions of, and amendments made by, this title which are in effect on September 30, 2011, shall cease to apply as of the close of September 30, 2011.

TITLE II—CHILD TAX CREDIT

Subtitle A—In General

SEC. 201. MODIFICATIONS TO CHILD TAX CREDIT.

(a) INCREASE IN PER CHILD AMOUNT.—Subsection (a) of section 24 (relating to child tax credit) is amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to the per child amount.

"(2) PER CHILD AMOUNT.—For purposes of paragraph (1), the per child amount shall be determined as follows:

"In the case of any taxable year beginning in—	The per child amount is—
2001, 2002, or 2003	$600
2004, 2005, or 2006	700
2007, 2008, or 2009	800
2010	900
2011 or thereafter	1,000.".

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (b) of section 24 (relating to child tax credit) is amended by adding at the end the following new paragraph:

"(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 24(b) is amended to read as follows: "LIMITATIONS.—".

(B) The heading for section 24(b)(1) is amended to read as follows: "LIMITATION BASED ON ADJUSTED GROSS INCOME.—".

(C) Section 24(d) is amended—

(i) by striking "section 26(a)" each place it appears and inserting "subsection (b)(3)", and

(ii) in paragraph (1)(B) by striking "aggregate amount of credits allowed by this subpart" and inserting "amount of credit allowed by this section".

(D) Paragraph (1) of section 26(a) is amended by inserting "(other than section 24)" after "this subpart".

(E) Subsection (c) of section 23 is amended by striking "and section 1400C" and inserting "and sections 24 and 1400C".

(F) Subparagraph (C) of section 25(e)(1) is amended by inserting ", 24," after "sections 23".

(G) Section 904(h) is amended by inserting "(other than section 24)" after "chapter".

(H) Subsection (d) of section 1400C is amended by inserting "and section 24" after "this section".

(c) REFUNDABLE CHILD CREDIT.—

(1) IN GENERAL.—So much of section 24(d) (relating to additional credit for families with 3 or more children) as precedes paragraph (2) is amended to read as follows:

"(d) PORTION OF CREDIT REFUNDABLE.—

"(1) IN GENERAL.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under subsection (b)(3), or

"(B) the amount by which the amount of credit allowed by this section (determined without regard to this subsection) would increase if the limitation imposed by subsection (b)(3) were increased by the greater of—

"(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) for the taxable year as exceeds $10,000, or

"(ii) in the case of a taxpayer with 3 or more qualifying children, the excess (if any) of—

"(I) the taxpayer's social security taxes for the taxable year, over

"(II) the credit allowed under section 32 for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to subsection (b)(3).".

(2) CONFORMING AMENDMENT.—Section 32 is amended by striking subsection (n).

(d) ELIMINATION OF REDUCTION OF CREDIT TO TAXPAYER SUBJECT TO ALTERNATIVE MINIMUM TAX PROVISION.—Section 24(d) is amended—

(1) by striking paragraph (2), and

(2) by redesignating paragraph (3) as paragraph (2).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2001.

SEC. 202. SENSE OF THE SENATE ON THE MODIFICATIONS TO THE CHILD TAX CREDIT.

(a) FINDINGS.—

(1) There are over 12,000,000 children in poverty in the United States—about 78 percent of these children live in working families.

(2) The child tax credit was originally designed to benefit families with children in recognition of the costs associated with raising children.

(3) There are 15,400,000 children whose families would not benefit from the doubling of the child tax credit unless it is made refundable and another 7,000,000 children live in families who will not receive an increased benefit under the bill unless the credit is made refundable.

(4) A person who earns the Federal minimum wage and works 40 hours a week for 50 weeks a year earns approximately $10,300.

(5) The provision included in section 201 would give families with children the benefit of a partially refundable child tax credit based on 15 cents of their income for every dollar earned above $10,000.

(6) For a family earning $15,000 that is an additional $750 to help make ends meet.

(7) Doubling the child tax credit to $1,000 and making it partially refundable will benefit over 37,000,000 families with dependent children.

(8) The expansion of the child tax credit included in section 201 is a meaningful and a responsible effort on the part of the Senate to address the needs of low income working families to promote work and such an expansion would provide the benefit of a child tax credit to 10,700,000 more children than the provision passed by the House of Representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the "10–15" child tax credit provision included in section 201 is a worthy start, and should be maintained as part of the final package.

SEC. 203. EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—

(1) ADOPTION CREDIT.—Section 23(a)(1) (relating to allowance of credit) is amended to read as follows:

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter—

"(A) in the case of an adoption of a child other than a child with special needs, the amount of the qualified adoption expenses paid or incurred by the taxpayer, and

"(B) in the case of an adoption of a child with special needs, $10,000.".

(2) ADOPTION ASSISTANCE PROGRAMS.—Section 137(a) (relating to adoption assistance programs) is amended to read as follows:

"(a) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program. The amount of the exclusion shall be—

"(1) in the case of an adoption of a child other than a child with special needs, the amount of the qualified adoption expenses paid or incurred by the taxpayer, and

"(2) in the case of an adoption of a child with special needs, $10,000.".

(b) DOLLAR LIMITATIONS.—

(1) DOLLAR AMOUNT OF ALLOWED EXPENSES.—

(A) ADOPTION EXPENSES.—Section 23(b)(1) (relating to allowance of credit) is amended—

(i) by striking "$5,000" and inserting "$10,000",

(ii) by striking "($6,000, in the case of a child with special needs)", and

(iii) by striking "subsection (a)" and inserting "subsection (a)(1)(A)".

(B) ADOPTION ASSISTANCE PROGRAMS.—Section 137(b)(1) (relating to dollar limitations for adoption assistance programs) is amended—

(i) by striking "$5,000" and inserting "$10,000", and

(ii) by striking "($6,000, in the case of a child with special needs)", and

(iii) by striking "subsection (a)" and inserting "subsection (a)(1)".

(2) PHASE-OUT LIMITATION.—

(A) ADOPTION EXPENSES.—Clause (i) of section 23(b)(2)(A) (relating to income limitation) is amended by striking "$75,000" and inserting "$150,000".

(B) ADOPTION ASSISTANCE PROGRAMS.—Section 137(b)(2)(A) (relating to income limitation) is amended by striking "$75,000" and inserting "$150,000".

(c) YEAR CREDIT ALLOWED.—Section 23(a)(2) (relating to year credit allowed) is amended by adding at the end the following new flush sentence:

"In the case of the adoption of a child with special needs, the credit allowed under paragraph (1) shall be allowed for the taxable year in which the adoption becomes final.".

(d) REPEAL OF SUNSET PROVISIONS.—

(1) CHILDREN WITHOUT SPECIAL NEEDS.—Paragraph (2) of section 23(d) (relating to definition of eligible child) is amended to read as follows:

"(2) ELIGIBLE CHILD.—The term 'eligible child' means any individual who—

"(A) has not attained age 18, or

"(B) is physically or mentally incapable of caring for himself.".

(2) ADOPTION ASSISTANCE PROGRAMS.—Section 137 (relating to adoption assistance programs) is amended by striking subsection (f).

(e) ADJUSTMENT OF DOLLAR AND INCOME LIMITATIONS FOR INFLATION.—

(1) ADOPTION CREDIT.—Section 23 (relating to adoption expenses) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsection (a)(1)(B) and paragraphs (1) and (2)(A)(i) of subsection (b) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.".

(2) ADOPTION ASSISTANCE PROGRAMS.—Section 137 (relating to adoption assistance programs), as amended by subsection (d), is amended by adding at the end the following new subsection:

"(f) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsection (a)(2) and paragraphs (1) and (2)(A) of subsection (b) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.".

(f) LIMITATION BASED ON AMOUNT OF TAX.—

(1) IN GENERAL.—Section 23(c) (relating to carryforwards of unused credit) is amended by striking "the limitation imposed" and all that follows through "1400C)" and inserting "the applicable tax limitation".

(2) APPLICABLE TAX LIMITATION.—Section 23(d) (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) APPLICABLE TAX LIMITATION.—The term 'applicable tax limitation' means the sum of—

"(A) the taxpayer's regular tax liability for the taxable year, reduced (but not below zero) by the sum of the credits allowed by sections 21, 22, 24 (other than the amount of the increase under subsection (d) thereof), 25, and 25A, and

"(B) the tax imposed by section 55 for such taxable year.".

(3) CONFORMING AMENDMENTS.—

(A) Section 26(a) (relating to limitation based on amount of tax) is amended by inserting "(other than section 23)" after "allowed by this subpart".

(B) Section 53(b)(1) (relating to minimum tax credit) is amended by inserting "reduced by the aggregate amount taken into account under section 23(d)(3)(B) for all such prior taxable years," after "1986,".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 204. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

Any payment considered to have been made to any individual by reason of section 24 of the Internal Revenue Code of 1986, as amended by section 201, shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following month, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

SEC. 205. DEPENDENT CARE CREDIT.

(a) INCREASE IN DOLLAR LIMIT.—Subsection (c) of section 21 (relating to expenses for household and dependent care services necessary for gainful employment) is amended—

(1) by striking "$2,400" in paragraph (1) and inserting "$3,000", and

(2) by striking "$4,800" in paragraph (2) and inserting "$6,000".

(b) INCREASE IN APPLICABLE PERCENTAGE.—Section 21(a)(2) (defining applicable percentage) is amended—

(1) by striking "30 percent" and inserting "40 percent", and

(2) by striking "$10,000" and inserting "$20,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 206. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by sections 619 and 620, is further amended by adding at the end the following:

"SEC. 45G. EMPLOYER-PROVIDED CHILD CARE CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) 25 percent of the qualified child care expenditures, and

"(2) 10 percent of the qualified child care resource and referral expenditures,

of the taxpayer for such taxable year.

"(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $150,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD CARE EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified child care expenditure' means any amount paid or incurred—

"(i) to acquire, construct, rehabilitate, or expand property—

"(I) which is to be used as part of a qualified child care facility of the taxpayer,

"(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

"(III) which does not constitute part of the principal residence (within the meaning of section 121) of the taxpayer or any employee of the taxpayer,

"(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees, to scholarship programs, and to the providing of increased compensation to employees with higher levels of child care training, or

"(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer.

"(B) FAIR MARKET VALUE.—The term 'qualified child care expenditures' shall not include expenses in excess of the fair market value of such care.

"(2) QUALIFIED CHILD CARE FACILITY.—

"(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

"(i) the principal use of which is to provide child care assistance, and

"(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 121) of the operator of the facility.

"(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

"(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

"(ii) if the facility is the principal trade or business of the taxpayer, at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

"(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(3) QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified child care resource and referral expenditure' means any amount paid or incurred under a contract to provide child care resource and referral services to an employee of the taxpayer.

"(B) NONDISCRIMINATION.—The services shall not be treated as qualified unless the provision of such services (or the eligibility to use such services) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	**The applicable recapture percentage is:**
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

"(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(f) NO DOUBLE BENEFIT.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle—

"(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

"(B) CERTAIN DISPOSITIONS.—If, during any taxable year, there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

"(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following:

"(14) the employer-provided child care credit determined under section 45G.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following:

"Sec. 45G. Employer-provided child care credit.".

(3) Section 1016(a) of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ", and", and by adding at the end the following:

"(28) in the case of a facility with respect to which a credit was allowed under section 45G, to the extent provided in section 45G(f)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 207. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by sections 619 and 620, is further amended by adding at the end the following:

"SEC. 45G. EMPLOYER-PROVIDED CHILD CARE CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) 25 percent of the qualified child care expenditures, and

"(2) 10 percent of the qualified child care resource and referral expenditures,

of the taxpayer for such taxable year.

"(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $150,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD CARE EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified child care expenditure' means any amount paid or incurred—

"(i) to acquire, construct, rehabilitate, or expand property—

"(I) which is to be used as part of a qualified child care facility of the taxpayer,

"(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

"(III) which does not constitute part of the principal residence (within the meaning of section 121) of the taxpayer or any employee of the taxpayer,

"(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees, to scholarship programs, and to the providing of increased compensation to employees with higher levels of child care training, or

"(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer.

"(B) FAIR MARKET VALUE.—The term 'qualified child care expenditures' shall not include expenses in excess of the fair market value of such care.

"(2) QUALIFIED CHILD CARE FACILITY.—

"(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

"(i) the principal use of which is to provide child care assistance, and

"(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 121) of the operator of the facility.

"(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

"(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

"(ii) if the facility is the principal trade or business of the taxpayer, at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

"(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(3) QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified child care resource and referral expenditure' means any amount paid or incurred under a contract to provide child care resource and referral services to an employee of the taxpayer.

"(B) NONDISCRIMINATION.—The services shall not be treated as qualified unless the provision of such services (or the eligibility to use such services) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	**The applicable recapture percentage is:**
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

"(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(f) NO DOUBLE BENEFIT.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle—

"(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

"(B) CERTAIN DISPOSITIONS.—If, during any taxable year, there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

"(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following:

"(14) the employer-provided child care credit determined under section 45G.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following:

"Sec. 45G. Employer-provided child care credit."

(3) Section 1016(a) of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ", and", and by adding at the end the following:

"(28) in the case of a facility with respect to which a credit was allowed under section 45G, to the extent provided in section 45G(f)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle B—Compliance With Congressional Budget Act

SEC. 211. SUNSET OF PROVISIONS OF TITLE.

All provisions of, and amendments made by, this title which are in effect on September 30, 2011, shall cease to apply as of the close of September 30, 2011.

TITLE III—MARRIAGE PENALTY RELIEF

Subtitle A—In General

SEC. 301. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) (relating to standard deduction) is amended—

(1) by striking "$5,000" in subparagraph (A) and inserting "the applicable percentage of the dollar amount in effect under subparagraph (C) for the taxable year";

(2) by adding "or" at the end of subparagraph (B);

(3) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case."; and

(4) by striking subparagraph (D).

(b) APPLICABLE PERCENTAGE.—Section 63(c) (relating to standard deduction) is amended by adding at the end the following new paragraph:

"(7) APPLICABLE PERCENTAGE.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
2005	174
2006	184
2007	187
2008	190
2009 and thereafter	200.".

(c) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6), as amended by section 103(b), is amended by striking "(other than with" and all that follows through "shall be applied" and inserting "(other than with respect to sections 63(c)(4) and 151(d)(3)(A)) shall be applied".

(2) Paragraph (4) of section 63(c) is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 302. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.

(a) IN GENERAL.—Section 1(f) (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

"(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

"(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2004, in prescribing the tables under paragraph (1)—

"(i) the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be the applicable percentage of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
2005	174
2006	184
2007	187
2008	190
2009 and thereafter	200.

"(C) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.".

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) is amended by inserting "except as provided in paragraph (8)," before "by increasing".

(2) The heading for subsection (f) of section 1 is amended by inserting "PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;" before "ADJUSTMENTS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 303. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT; EARNED INCOME TO INCLUDE ONLY AMOUNTS INCLUDIBLE IN GROSS INCOME; SIMPLIFICATION OF EARNED INCOME CREDIT.

(a) INCREASED PHASEOUT AMOUNT.—

(1) IN GENERAL.—Section 32(b)(2) (relating to amounts) is amended—

(A) by striking "AMOUNTS.—The earned" and inserting "AMOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the earned", and

(B) by adding at the end the following new subparagraph:

"(B) JOINT RETURNS.—In the case of a joint return filed by an eligible individual and such individual's spouse, the phaseout amount determined under subparagraph (A) shall be increased by $3,000.".

(2) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) (relating to inflation adjustments) is amended to read as follows:

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

"(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

"(ii) in the case of the $3,000 amount in subsection (b)(2)(B), by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) of such section 1.".

(3) ROUNDING.—Section 32(j)(2)(A) (relating to rounding) is amended by striking "subsection (b)(2)" and inserting "subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)".

(b) EARNED INCOME TO INCLUDE ONLY AMOUNTS INCLUDIBLE IN GROSS INCOME.—Clause (i) of section 32(c)(2)(A) (defining earned income) is amended by inserting ", but only if such amounts are includible in gross income for the taxable year" after "other employee compensation".

(c) REPEAL OF REDUCTION OF CREDIT TO TAXPAYERS SUBJECT TO ALTERNATIVE MINIMUM TAX.—Section 32(h) is repealed.

(d) REPLACEMENT OF MODIFIED ADJUSTED GROSS INCOME WITH ADJUSTED GROSS INCOME.—

(1) IN GENERAL.—Section 32(a)(2)(B) is amended by striking "modified".

(2) CONFORMING AMENDMENTS.—

(A) Section 32(c) is amended by striking paragraph (5).

(B) Section 32(f)(2)(B) is amended by striking "modified" each place it appears.

(e) RELATIONSHIP TEST.—

(1) IN GENERAL.—Clause (i) of section 32(c)(3)(B) (relating to relationship test) is amended to read as follows:

"(i) IN GENERAL.—An individual bears a relationship to the taxpayer described in this subparagraph if such individual is—

"(I) a son, daughter, stepson, or stepdaughter, or a descendant of any such individual,

"(II) a brother, sister, stepbrother, or stepsister, or a descendant of any such individual, who the taxpayer cares for as the taxpayer's own child, or

"(III) an eligible foster child of the taxpayer.".

(2) ELIGIBLE FOSTER CHILD.—

(A) IN GENERAL.—Clause (iii) of section 32(c)(3)(B) is amended to read as follows:

"(iii) ELIGIBLE FOSTER CHILD.—For purposes of clause (i), the term 'eligible foster child' means an individual not described in subclause (I) or (II) of clause (i) who—

"(I) is placed with the taxpayer by an authorized placement agency, and

"(II) the taxpayer cares for as the taxpayer's own child.".

(B) CONFORMING AMENDMENT.—Section 32(c)(3)(A)(ii) is amended by striking "except as provided in subparagraph (B)(iii),".

(f) 2 OR MORE CLAIMING QUALIFYING CHILD.—Section 32(c)(1)(C) is amended to read as follows:

"(C) 2 OR MORE CLAIMING QUALIFYING CHILD.—

"(i) IN GENERAL.—Except as provided in clause (ii), if (but for this paragraph) an individual may be claimed, and is claimed, as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

"(I) a parent of the individual, or

"(II) if subclause (I) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

"(ii) MORE THAN 1 CLAIMING CREDIT.—If the parents claiming the credit with respect to any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

"(I) the parent with whom the child resided for the longest period of time during the taxable year, or

"(II) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.".

(g) EXPANSION OF MATHEMATICAL ERROR AUTHORITY.—Paragraph (2) of section 6213(g) is amended by striking "and" at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting ", and", and by inserting after subparagraph (L) the following new subparagraph:

"(M) the entry on the return claiming the credit under section 32 with respect to a child if, according to the Federal Case Registry of Child Support Orders established under section 453(h) of the Social Security Act, the taxpayer is a noncustodial parent of such child."

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(2) SUBSECTION (g).—The amendment made by subsection (g) shall take effect on January 1, 2004.

Subtitle B—Compliance With Congressional Budget Act

SEC. 311. SUNSET OF PROVISIONS OF TITLE.

All provisions of, and amendments made by, this title which are in effect on September 30, 2011, shall cease to apply as of the close of September 30, 2011.

TITLE IV—AFFORDABLE EDUCATION PROVISIONS

Subtitle A—Education Savings Incentives

SEC. 401. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "$2,000".

(2) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) is amended by striking "$500" and inserting "$2,000".

(b) MODIFICATION OF AGI LIMITS TO REMOVE MARRIAGE PENALTY.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended—

(1) by striking "$150,000" in subparagraph (A)(ii) and inserting "$190,000", and

(2) by striking "$10,000" in subparagraph (B) and inserting "$30,000".

(c) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) QUALIFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2).".

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school,

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance, and "(iii) expenses for the purchase of any computer technology or equipment (as defined in section 170(e)(6)(F)(i)) or Internet access and related services, if such technology, equipment, or services are to be used by the beneficiary and the beneficiary's family during any of the years the beneficiary is in school. Such terms shall not include computer software including sports, games, or hobbies unless the software is educational in nature.

"(B) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.".

(3) CONFORMING AMENDMENTS.—Section 530 is amended—

(A) by striking "higher" each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking "HIGHER" in the heading for subsection (d)(2).

(d) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in subparagraphs (A)(ii) and (E), and paragraphs (5) and (6) of subsection (d), shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).".

(e) ENTITIES PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(f) TIME WHEN CONTRIBUTIONS DEEMED MADE.—

(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules), as amended by subsection (c)(2), is amended by adding at the end the following new paragraph:

"(5) TIME WHEN CONTRIBUTIONS DEEMED MADE.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).".

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) such distribution is made before the first day of the sixth month of the taxable year following the taxable year, and", and

(B) by striking "DUE DATE OF RETURN" in the heading and inserting "CERTAIN DATE".

(g) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

"(C) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—For purposes of subparagraph (A)—

"(i) CREDIT COORDINATION.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

"(I) as provided in section 25A(g)(2), and

"(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

"(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions during such year to which subparagraph (A) and section 529(c)(3)(B) apply, exceed

"(II) the total amount of qualified education expenses (after the application of clause (i)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B).".

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

"(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year.".

(B) Section 135(d)(2)(A) is amended by striking "allowable" and inserting "allowed".

(C) Section 530(d)(2)(D) is amended—

(i) by striking "or credit", and

(ii) by striking "CREDIT OR" in the heading.

(D) Section 4973(e)(1) is amended by adding "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 402. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) ELIGIBLE EDUCATIONAL INSTITUTIONS PERMITTED TO MAINTAIN QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(b)(1) (defining qualified State tuition program) is amended—

(A) by inserting "or by 1 or more eligible educational institutions" after "maintained by a State or agency or instrumentality thereof" in the matter preceding subparagraph (A), and

(B) by adding at the end the following new flush sentence:

"Except to the extent provided in regulations, a program established and maintained by 1 or more eligible educational institutions shall not be treated as a qualified tuition program unless such program has received a ruling or determination that such program meets the applicable requirements for a qualified tuition program.".

(2) PRIVATE QUALIFIED TUITION PROGRAMS LIMITED TO BENEFIT PLANS.—Clause (ii) of section 529(b)(1)(A) is amended by inserting "in the case of a program established and maintained by a State or agency or instrumentality thereof," before "may make".

(3) CONFORMING AMENDMENTS.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are amended by striking "qualified State tuition" each place it appears and inserting "qualified tuition".

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are amended by striking "QUALIFIED STATE TUITION" each place it appears and inserting "QUALIFIED TUITION".

(C) The headings for sections 529(b) and 530(b)(2)(B) are amended by striking "QUALIFIED STATE TUITION" each place it appears and inserting "QUALIFIED TUITION".

(D) The heading for section 529 is amended by striking "State".

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking "State".

(b) EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of this paragraph—

"(i) IN-KIND DISTRIBUTIONS.—No amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense.

"(ii) CASH DISTRIBUTIONS.—In the case of distributions not described in clause (i), if—

"(I) such distributions do not exceed the qualified higher education expenses (reduced by expenses described in clause (i)), no amount shall be includible in gross income, and

"(II) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

"(iii) EXCEPTION FOR INSTITUTIONAL PROGRAMS.—In the case of any taxable year beginning before January 1, 2004, clauses (i) and (ii) shall not apply with respect to any distribution during such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

"(iv) TREATMENT AS DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

"(I) as provided in section 25A(g)(2), and

"(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

"(vi) COORDINATION WITH EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions to which clauses (i) and (ii) and section 530(d)(2)(A) apply, exceed

"(II) the total amount of qualified higher education expenses otherwise taken into account under clauses (i) and (ii) (after the application of clause (v)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clauses (i) and (ii) and section 530(d)(2)(A).".

(2) CONFORMING AMENDMENTS.—

(A) Section 135(d)(2)(B) is amended by striking "the exclusion under section 530(d)(2)" and inserting "the exclusions under sections 529(c)(3)(B) and 530(d)(2)".

(B) Section 221(e)(2)(A) is amended by inserting "529," after "135,".

(c) ROLLOVER TO DIFFERENT PROGRAM FOR BENEFIT OF SAME DESIGNATED BENEFICIARY.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking "transferred to the credit" in clause (i) and inserting "transferred—

"(I) to another qualified tuition program for the benefit of the designated beneficiary, or

"(II) to the credit",

(2) by adding at the end the following new clause:

"(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall not apply to any transfer if such transfer occurs within 12 months from the date of a previous transfer to any qualified tuition program for the benefit of the designated beneficiary.", and

(3) by inserting "OR PROGRAMS" after "BENEFICIARIES" in the heading.

(d) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) (defining member of family) is amended by striking "and" at the end of subparagraph (B), by striking the period at the *end of subparagraph (C) and by inserting "; and", and by adding at the end the following new subparagraph:*

"(D) any first cousin of such beneficiary.".

(e) ADJUSTMENT OF LIMITATION ON ROOM AND BOARD DISTRIBUTIONS.—Section 529(e)(3)(B)(ii) is amended to read as follows:

"(ii) LIMITATION.—The amount treated as qualified higher education expenses by reason of clause (i) shall not exceed—

"(I) the allowance (applicable to the student) for room and board included in the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll), as in effect on the date of the enactment of the Restoring Earnings To Lift Individuals and Empower Families (RELIEF) Act of 2001) as determined by the eligible educational institution for such period, or

"(II) if greater, the actual invoice amount the student residing in housing owned or operated by the eligible educational institution is charged by such institution for room and board costs for such period.".

(f) TECHNICAL AMENDMENTS.—Section 529(c)(3)(D) is amended—

(1) by inserting "except to the extent provided by the Secretary," before "all distributions" in clause (ii), and

(2) by inserting "except to the extent provided by the Secretary," before "the value" in clause (iii).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle B—Educational Assistance

SEC. 411. PERMANENT EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127 (relating to exclusion for educational assistance programs) is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—The last sentence of section 127(c)(1) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(c) CONFORMING AMENDMENT.—Section 51A(b)(5)(B)(iii) is amended by striking "or would be so excludable but for section 127(d)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to expenses relating to courses beginning after December 31, 2001.

SEC. 412. ELIMINATION OF 60-MONTH LIMIT AND INCREASE IN INCOME LIMITATION ON STUDENT LOAN INTEREST DEDUCTION.

(a) ELIMINATION OF 60-MONTH LIMIT.—

(1) IN GENERAL.—Section 221 (relating to interest on education loans), as amended by section 402(b)(2)(B), is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) CONFORMING AMENDMENT.—Section 6050S(e) is amended by striking "section 221(e)(1)" and inserting "section 221(d)(1)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any loan interest paid after December 31, 2001, in taxable years ending after such date.

(b) INCREASE IN INCOME LIMITATION.—

(1) IN GENERAL.—Section 221(b)(2)(B) (relating to amount of reduction) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) the excess of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $50,000 ($100,000 in the case of a joint return), bears to

"(ii) $15,000 ($30,000 in the case of a joint return).".

(2) CONFORMING AMENDMENT.—Section 221(g)(1) is amended by striking "$40,000 and $60,000 amounts" and inserting "$50,000 and $100,000 amounts".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after December 31, 2001.

SEC. 413. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking "Subsections (a)" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)", and

(2) by adding at the end the following new paragraph:

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to any amount received by an individual under—

"(A) the National Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

"(B) the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 2001.

SEC. 414. EXCLUSION FROM INCOME OF CERTAIN AMOUNTS CONTRIBUTED TO COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—Section 127 (relating to education assistance programs), as amended by section 411(a), is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) QUALIFIED COVERDELL EDUCATION SAVINGS ACCOUNT CONTRIBUTIONS.—

"(1) IN GENERAL.—Gross income of an employee shall not include amounts paid or incurred by the employer for a qualified Coverdell education savings account contribution on behalf of the employee.

"(2) QUALIFIED COVERDELL EDUCATION SAVINGS ACCOUNT CONTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified Coverdell education savings account contribution' means an amount contributed pursuant to an educational assistance program described in subsection (b) by an employer to a Coverdell education savings account established and maintained for the benefit of an employee or the employee's spouse, or any lineal descendent of either.

"(B) DOLLAR LIMIT.—A contribution by an employer to a Coverdell education savings account shall not be treated as a qualified Coverdell education savings account contribution to the extent that the contribution, when added to prior contributions by the employer during the calendar year to Coverdell education savings accounts established and maintained for the same beneficiary, exceeds $500.

"(3) SPECIAL RULES.—

"(A) CONTRIBUTIONS NOT TREATED AS EDUCATIONAL ASSISTANCE IN DETERMINING MAXIMUM EXCLUSION.—For purposes of subsection (a)(2), qualified Coverdell education savings account contributions shall not be treated as educational assistance.

"(B) SELF-EMPLOYED NOT TREATED AS EMPLOYEE.—For purposes of this subsection, subsection (c)(2) shall not apply.

"(C) ADJUSTED GROSS INCOME PHASEOUT OF ACCOUNT CONTRIBUTION NOT APPLICABLE TO INDIVIDUAL EMPLOYERS.—The limitation under section 530(c) shall not apply to a qualified Coverdell education savings account contribution made by an employer who is an individual.

"(D) CONTRIBUTIONS NOT TREATED AS AN INVESTMENT IN THE CONTRACT.—For purposes of section 530(d), a qualified Coverdell education savings account contribution shall not be treated as an investment in the contract.

"(E) FICA EXCLUSION.—For purposes of section 530(d), the exclusion from FICA taxes shall not apply.".

(b) REPORTING REQUIREMENT.—Section 6051(a) (relating to receipts for employees) is amended by striking "and" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting ", and", and by adding at the end the following new paragraph:

"(12) the amount of any qualified Coverdell education savings account contribution under section 127(d) with respect to such employee.".

(c) CONFORMING AMENDMENT.—Section 221(e)(2)(A) is amended by inserting "(other than under subsection (d) thereof)" after "section 127".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2001.

Subtitle C—Liberalization of Tax-Exempt Financing Rules for Public School Construction

SEC. 421. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 2001.

SEC. 422. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following new paragraph:

"(13) qualified public educational facilities.".

(b) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

"(k) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school, and

"(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

"(3) SCHOOL FACILITY.—For purposes of this subsection, the term 'school facility' means—

"(A) any school building,

"(B) any functionally related and subordinate facility and land with respect to such building, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in a facility described in subparagraph (A) or (B).

"(4) PUBLIC SCHOOLS.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) ANNUAL AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

"(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) ALLOCATION RULES.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

"(ii) RULES FOR CARRYFORWARD OF UNUSED LIMITATION.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13).".

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

"(3) EXEMPT FACILITY BONDS FOR QUALIFIED PUBLIC-PRIVATE SCHOOLS.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities).".

(e) CONFORMING AMENDMENT.—The heading for section 147(h) is amended by striking "MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2001.

SEC. 423. TREATMENT OF BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.

(a) IN GENERAL.—Section 145 (defining qualified 501(c)(3) bond) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.—

"(1) IN GENERAL.—If—

"(A) the proceeds of any bond are used to acquire land (or a long-term lease thereof) together with any renewable resource associated with the land (including standing timber, agricultural crops, or water rights) from an unaffiliated person,

"(B) the land is subject to a conservation restriction—

"(i) which is granted in perpetuity to an unaffiliated person that is—

"(I) a 501(c)(3) organization, or

"(II) a Federal, State, or local government conservation organization,

"(ii) which meets the requirements of clauses (ii) and (iii)(II) of section 170(h)(4)(A),

"(iii) which exceeds the requirements of relevant environmental and land use statutes and regulations, and

"(iv) which obligates the owner of the land to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction,

"(C) a management plan which meets the requirements of the statutes and regulations referred to in subparagraph (B)(iii) is developed for the conservation of the renewable resources, and

"(D) such bond would be a qualified 501(c)(3) bond (after the application of paragraph (2)) but for the failure to use revenues derived by the 501(c)(3) organization from the sale, lease, or other use of such resource as otherwise required by this part,

such bond shall not fail to be a qualified 501(c)(3) bond by reason of the failure to so use such revenues if the revenues which are not used as otherwise required by this part are used in a manner consistent with the stated charitable purposes of the 501(c)(3) organization.

"(2) TREATMENT OF TIMBER, ETC.—

"(A) IN GENERAL.—For purposes of subsection (a), the cost of any renewable resource acquired with proceeds of any bond described in paragraph (1) shall be treated as a cost of acquiring the land associated with the renewable resource and such land shall not be treated as used for a private business use because of the sale or leasing of the renewable resource to, or other use of the renewable resource by, an unaffiliated person to the extent that such sale, leasing, or other use does not constitute an unrelated trade or business, determined by applying section 513(a).

"(B) APPLICATION OF BOND MATURITY LIMITATION.—For purposes of section 147(b), the cost of any land or renewable resource acquired with proceeds of any bond described in paragraph (1) shall have an economic life commensurate with the economic and ecological feasibility of the financing of such land or renewable resource.

"(C) UNAFFILIATED PERSON.—For purposes of this subsection, the term 'unaffiliated person' means any person who controls not more than 20 percent of the governing body of another person.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to obligations issued after January 1, 2002, and before January 1, 2005.

Subtitle D—Other Provisions

SEC. 431. DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following:

"SEC. 222. QUALIFIED TUITION AND RELATED EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction an amount equal to the qualified tuition and related expenses paid by the taxpayer during the taxable year.

"(b) DOLLAR LIMITATIONS.—

"(1) IN GENERAL.—The amount allowed as a deduction under subsection (a) with respect to the taxpayer for any taxable year shall not exceed the applicable dollar limit.

"(2) APPLICABLE DOLLAR LIMIT.—

"(A) 2002 AND 2003.—In the case of a taxable year beginning in 2002 or 2003, the applicable dollar limit shall be equal to—

"(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed $65,000 ($130,000 in the case of a joint return), $3,000, and—

"(ii) in the case of any other taxpayer, zero.

"(B) 2004 AND 2005.—In the case of a taxable year beginning in 2004 or 2005, the applicable dollar amount shall be equal to—

"(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed $65,000 ($130,000 in the case of a joint return), $5,000,

"(ii) in the case of a taxpayer not described in clause (i) whose adjusted gross income for the taxable year does not exceed $80,000 ($160,000 in the case of a joint return), $2,000, and

"(iii) in the case of any other taxpayer, zero.

"(C) ADJUSTED GROSS INCOME.—For purposes of this paragraph, adjusted gross income shall be determined—

"(i) without regard to this section and sections 911, 931, and 933, and

"(ii) after application of sections 86, 135, 137, 219, 221, and 469.

"(c) NO DOUBLE BENEFIT.—

"(1) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction is allowed to the taxpayer under any other provision of this chapter.

"(2) COORDINATION WITH OTHER EDUCATION INCENTIVES.—

"(A) DENIAL OF DEDUCTION IF CREDIT ELECTED.—No deduction shall be allowed under subsection (a) for a taxable year with respect to the qualified tuition and related expenses with respect to an individual if the taxpayer or any other person elects to have section 25A apply with respect to such individual for such year.

"(B) COORDINATION WITH EXCLUSIONS.—The total amount of qualified tuition and related expenses shall be reduced by the amount of such expenses taken into account in determining any amount excluded under section 135, 529(c)(1), or 530(d)(2). For purposes of the preceding sentence, the amount taken into account in determining the amount excluded under section 529(c)(1) shall not include that portion of the distribution which represents a return of any contributions to the plan.

"(3) DEPENDENTS.—No deduction shall be allowed under subsection (a) to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED TUITION AND RELATED EXPENSES.—The term 'qualified tuition and related expenses' has the meaning given such term by section 25A(f). Such expenses shall be reduced in the same manner as under section 25A(g)(2).

"(2) IDENTIFICATION REQUIREMENT.—No deduction shall be allowed under subsection (a) to a taxpayer with respect to the qualified tuition and related expenses of an individual unless the taxpayer includes the name and taxpayer identification number of the individual on the return of tax for the taxable year.

"(3) LIMITATION ON TAXABLE YEAR OF DEDUCTION.—

"(A) IN GENERAL.—A deduction shall be allowed under subsection (a) for qualified tuition *and related expenses for any taxable year only to the extent such expenses are in connection with enrollment at an institution of higher education during the taxable year.*

"(B) CERTAIN PREPAYMENTS ALLOWED.—Subparagraph (A) shall not apply to qualified tuition and related expenses paid during a taxable year if such expenses are in connection with an academic term beginning during such taxable year or during the first 3 months of the next taxable year.

"(4) NO DEDUCTION FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(5) NONRESIDENT ALIENS.—If the taxpayer is a nonresident alien individual for any portion of the taxable year, this section shall apply only if such individual is treated as a resident alien of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

"(6) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting.

"(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2005.".

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) is amended by inserting after paragraph (17) the following:

"(18) HIGHER EDUCATION EXPENSES.—The deduction allowed by section 222.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 86(b)(2), 135(c)(4), 137(b)(3), and 219(g)(3) are each amended by inserting "222," after "221,".

(2) Section 221(b)(2)(C) is amended by inserting "222," before "911".

(3) Section 469(i)(3)(E) is amended by striking "and 221" and inserting ", 221, and 222".

(4) The table of sections for part VII of subchapter B of chapter 1 is amended by striking the item relating to section 222 and inserting the following:

"Sec. 222. Qualified tuition and related expenses.

"Sec. 223. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2001.

SEC. 432. CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. INTEREST ON HIGHER EDUCATION LOANS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

"(b) MAXIMUM CREDIT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $500.

"(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $35,000 ($70,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $10,000 ($20,000 in the case of a joint return).

"(B) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 911, 931, and 933.

"(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2009, the $35,000 and $70,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2008' for '1992'.

"(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

"(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

"(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this subsection, any loan and all refinancings of such loan shall be treated as 1 loan. Such 60 months shall be determined in the manner prescribed by the Secretary in the case of multiple loans which are refinanced by, or serviced as, a single loan and in the case of loans incurred before January 1, 2009.

"(e) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(e)(1).

"(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

"(f) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section if any amount of interest on a qualified education loan is taken into account for any deduction under any other provision of this chapter for the taxable year.

"(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Interest on higher education loans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 25B(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after December 31, 2008, but only with respect to any loan interest payment due in taxable years beginning after December 31, 2008.

SEC. 433. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED EMERGENCY RESPONSE EXPENSES OF ELIGIBLE EMERGENCY RESPONSE PROFESSIONALS.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals), as amended by this Act, is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

"SEC. 224. QUALIFIED EMERGENCY RESPONSE EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an eligible emergency response professional, there shall be allowed as a deduction an amount equal to the qualified expenses paid or incurred by the taxpayer during the taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE EMERGENCY RESPONSE PROFESSIONAL.—The term 'eligible emergency response professional' includes—

"(A) a full-time employee of any police department or fire department which is organized and operated by a governmental entity to provide police protection, firefighting service, or emergency medical services for any area within the jurisdiction of a governmental entity,

"(B) an emergency medical technician licensed by a State who is employed by a State or non-profit to provide emergency medical services, and

"(C) a member of a volunteer fire department which is organized to provide firefighting or emergency medical services for any area within the jurisdiction of a governmental entity which is not provided with any other firefighting services.

"(2) GOVERNMENTAL ENTITY.—The term 'governmental entity' means a State (or political subdivision thereof), Indian tribal (or political subdivision thereof), or Federal government.

"(3) QUALIFIED EXPENSES.—The term 'qualified expenses' means unreimbursed expenses for police and firefighter activities, as determined by the Secretary.

"(c) DENIAL OF DOUBLE BENEFIT.—

"(1) IN GENERAL.—No other deduction or credit shall be allowed under this chapter for any amount taken into account for which a deduction is allowed under this section.

"(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.

"(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2006.".

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) (relating to adjusted gross income defined), as amended by this Act, is amended by inserting after paragraph (19) the following new paragraph:

"(20) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—The deduction allowed by section 224.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 86(b)(2), 135(c)(4), 137(b)(3), and 219(g)(3), as amended by this Act, are each amended by inserting "224," after "221,".

(2) Section 221(b)(2)(C), as amended by this Act, is amended by inserting "224," before "911".

(3) Section 469(i)(3)(E), as amended by this Act, is amended by striking "and 223" and inserting ", 223, and 224".

(4) The table of sections for part VII of subchapter B of chapter 1, as amended by this Act, is amended by striking the item relating to section 223 and inserting the following new items:

"Sec. 224. Qualified emergency response expenses.

"Sec. 225. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 434. CONTRIBUTIONS OF BOOK INVENTORY.

(a) IN GENERAL.—Section 170(e)(3) (relating to certain contributions of ordinary income and

capital gain property) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

"(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether or not—

"(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

"(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

"(ii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books, but only if the contribution is to an organization—

"(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

"(II) described in section 501(c)(3) and exempt from tax under section 501(a) which is organized primarily to make books available to the general public at no cost or to operate a literacy program.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

Subtitle E—Miscellaneous Education Provisions

SEC. 441. SHORT TITLE.

This subtitle may be cited as the "Teacher Relief Act of 2001".

SEC. 442. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals), as amended by section 431(a), is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an eligible educator, there shall be allowed as a deduction an amount equal to the qualified professional development expenses paid or incurred by the taxpayer during the taxable year.

"(b) MAXIMUM DEDUCTION.—The deduction allowed under subsection (a) for any taxable year shall not exceed $500.

"(c) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELIGIBLE EDUCATORS.—For purposes of this section—

"(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

"(I) directly related to the curriculum and academic subjects in which an eligible educator provides instruction,

"(II) designed to enhance the ability of an eligible educator to understand and use State standards for the academic subjects in which such educator provides instruction,

"(III) designed to provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

"(IV) designed to provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (III) to learn,

"(ii) is tied to—

"(I) challenging State or local content standards and student performance standards, or

"(II) strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible educator,

"(iii) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible educator in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible educator and the educator's supervisor based upon an assessment of the needs of the educator, the students of the educator, and the local educational agency involved, and

"(iv) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

"(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this section.

"(2) ELIGIBLE EDUCATOR.—

"(A) IN GENERAL.—The term 'eligible educator' means an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in an elementary or secondary school for at least 900 hours during a school year.

"(B) ELEMENTARY OR SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.

"(d) DENIAL OF DOUBLE BENEFIT.—

"(1) IN GENERAL.—No other deduction or credit shall be allowed under this chapter for any amount taken into account for which a deduction is allowed under this section.

"(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified professional development expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.".

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a), as amended by section 431(b), is amended by inserting after paragraph (18) the following new paragraph:

"(19) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—The deduction allowed by section 223.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 86(b)(2), 135(c)(4), 137(b)(3), and 219(g)(3) are each amended by inserting "223," after "221,".

(2) Section 221(b)(2)(C) is amended by inserting "223," before "911".

(3) Section 469(i)(3)(E) is amended by striking "and 221" and inserting ", 221, and 223".

(4) The table of sections for part VII of subchapter B of chapter 1, as amended by section 431(c), is amended by striking the item relating to section 223 and inserting the following new items:

"Sec. 223. Qualified professional development expenses.

"Sec. 224. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, and shall expire on December 31, 2005.

SEC. 443. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

"SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible educator, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $250.

"(c) DEFINITIONS.—

"(1) ELIGIBLE EDUCATOR.—The term 'eligible educator' has the same meaning given such term in section 223(c).

"(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible educator in the classroom.

"(3) ELEMENTARY OR SECONDARY SCHOOL.—The term 'elementary or secondary school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

"(d) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, and shall expire on December 31, 2005.

Subtitle F—Compliance With Congressional Budget Act

SEC. 451. SUNSET OF PROVISIONS OF TITLE.

All provisions of, and amendments made by, this title which are in effect on September 30, 2011, shall cease to apply as of the close of September 30, 2011.

TITLE V—ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAX PROVISIONS

Subtitle A—Repeal of Estate and Generation-Skipping Transfer Taxes

SEC. 501. REPEAL OF ESTATE AND GENERATION-SKIPPING TRANSFER TAXES.

(a) ESTATE TAX REPEAL.—Subchapter C of chapter 11 of subtitle B (relating to miscellaneous) is amended by adding at the end the following new section:

"SEC. 2210. TERMINATION.

"(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall not apply to the estates of decedents dying after December 31, 2010.

"(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED DOMESTIC TRUSTS.—In applying section 2056A with respect to the surviving spouse of a decedent dying before January 1, 2011—

"(1) section 2056A(b)(1)(A) shall not apply to distributions made after December 31, 2021, and

"(2) section 2056A(b)(1)(B) shall not apply after December 31, 2010.".

(b) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Subchapter G of chapter 13 of subtitle B (relating to administration) is amended by adding at the end the following new section:

"SEC. 2664. TERMINATION.

"This chapter shall not apply to generation-skipping transfers made after December 31, 2010.".

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter C of chapter 11 is amended by adding at the end the following new item:

"Sec. 2210. Termination.".

(2) The table of sections for subchapter G of chapter 13 is amended by adding at the end the following new item:

"Sec. 2664. Termination.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and generation-skipping transfers made, after December 31, 2010.

Subtitle B—Reductions of Estate and Gift Tax Rates

SEC. 511. ADDITIONAL REDUCTIONS OF ESTATE AND GIFT TAX RATES.

(a) MAXIMUM RATE OF TAX REDUCED TO 50 PERCENT.—The table contained in section 2001(c)(1) is amended by striking the two highest brackets and inserting the following:

"Over $2,500,000 .... $1,025,800, plus 50% of the excess over $2,500,000.".

(b) REPEAL OF PHASEOUT OF GRADUATED RATES.—Subsection (c) of section 2001 is amended by striking paragraph (2).

(c) ADDITIONAL REDUCTIONS OF MAXIMUM RATE OF TAX.—Subsection (c) of section 2001, as amended by subsection (b), is amended by adding at the end the following new paragraph:

"(2) PHASEDOWN OF MAXIMUM RATE OF TAX.—

"(A) IN GENERAL.—In the case of estates of decedents dying, and gifts made, in calendar years after 2002 and before 2011, the tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

"(i) the maximum rate of tax for any calendar year shall be determined in the table under subparagraph (B), and

"(ii) the brackets and the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under subparagraph (A).

"(B) MAXIMUM RATE.—

"Calendar year:	***Maximum Rate:***
2003	*49 percent*
2004	*48 percent*
2005	*47 percent*
2006	*46 percent*
2007, 2008, 2009, and 2010	*45 percent.".*

(d) MAXIMUM GIFT TAX RATE REDUCED TO 40 PERCENT AFTER 2010.—Subsection (a) of section 2502 (relating to rate of tax) is amended to read as follows:

"(a) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

"(A) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

"(B) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for each of the preceding calendar periods.

"(2) RATE SCHEDULE.—

"If the amount with respect to which the tentative tax to be computed is:	***The tentative tax is:***
Not over $10,000	*18% of such amount.*
Over $10,000 but not over $20,000.	*$1,800, plus 20% of the excess over $10,000.*
Over $20,000 but not over $40,000.	*$3,800, plus 22% of the excess over $20,000.*
Over $40,000 but not over $60,000.	*$8,200, plus 24% of the excess over $40,000.*
Over $60,000 but not over $80,000.	*$13,000, plus 26% of the excess over $60,000.*
Over $80,000 but not over $100,000.	*$18,200, plus 28% of the excess over $80,000.*
Over $100,000 but not over $150,000.	*$23,800, plus 30% of the excess over $100,000.*
Over $150,000 but not over $250,000.	*$38,800, plus 32% of the excess over $150,000.*
Over $250,000 but not over $500,000.	*$70,800, plus 34% of the excess over $250,000.*
Over $500,000 but not over $750,000.	*$155,800, plus 37% of the excess over $500,000.*
Over $750,000 but not over $1,000,000.	*$248,300, plus 39% of the excess over $750,000.*
Over $1,000,000	*$345,800, plus 40% of the excess over $1,000,000.".*

(e) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Section 2511 (relating to transfers in general) is amended by adding at the end the following new subsection:

"(c) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Notwithstanding any other provision of this section and except as provided in regulations, a transfer in trust shall be treated as a taxable gift under section 2503, unless the trust is treated as wholly owned by the donor or the donor's spouse under subpart E of part I of subchapter J of chapter 1.".

(f) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to estates of decedents dying, and gifts made, after December 31, 2001.

(2) SUBSECTION (c).—The amendment made by subsection (c) shall apply to estates of decedents dying, and gifts made, after December 31, 2002.

(3) SUBSECTIONS (d) AND (e).—The amendments made by subsections (d) and (e) shall apply to gifts made after December 31, 2010.

Subtitle C—Increase in Exemption Amounts

SEC. 521. INCREASE IN EXEMPTION EQUIVALENT OF UNIFIED CREDIT, LIFETIME GIFTS EXEMPTION, AND GST EXEMPTION AMOUNTS.

(a) IN GENERAL.—Subsection (c) of section 2010 (relating to applicable credit amount) is amended by striking the table and inserting the following new table:

"In the case of estates of decedents dying during:	***The applicable exclusion amount is:***
2002 and 2003	*$1,000,000*
2004	*$2,000,000*
2005, 2006, 2007, and 2008	*$3,000,000*
2009	*$3,500,000*
2010	*$4,000,000.".*

(b) LIFETIME GIFT EXEMPTION INCREASED TO $1,000,000.—

(1) FOR PERIODS BEFORE ESTATE TAX REPEAL.—Paragraph (1) of section 2505(a) (relating to unified credit against gift tax) is amended by inserting "(determined as if the applicable exclusion amount were $1,000,000)" after "calendar year".

(2) FOR PERIODS AFTER ESTATE TAX REPEAL.—Paragraph (1) of section 2505(a) (relating to unified credit against gift tax), as amended by paragraph (1), is amended to read as follows:

"(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were $1,000,000, reduced by".

(c) GST EXEMPTION.—

(1) IN GENERAL.—Subsection (a) of 2631 (relating to GST exemption) is amended by striking "of $1,000,000" and inserting "amount".

(2) EXEMPTION AMOUNT.—Subsection (c) of section 2631 is amended to read as follows:

"(c) GST EXEMPTION AMOUNT.—For purposes of subsection (a), the GST exemption amount for any calendar year shall be equal to the applicable exclusion amount under section 2010(c) for such calendar year.".

(d) REPEAL OF SPECIAL BENEFIT FOR FAMILY-OWNED BUSINESS INTERESTS.—

(1) IN GENERAL.—Section 2057 is hereby repealed.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (10) of section 2031(c) is amended by inserting "(as in effect on the day before the date of the enactment of this parenthetical)" before the period.

(B) The table of sections for part IV of subchapter A of chapter 11 is amended by striking the item relating to section 2057.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2001.

(2) SUBSECTION (b)(2).—The amendments made by subsection (b)(2) shall apply to gifts made after December 31, 2010.

(3) SUBSECTIONS (c) AND (d).—The amendments made by subsections (c) and (d) shall apply to estates of decedents dying, and generation-skipping transfers made, after December 31, 2003.

Subtitle D—Credit for State Death Taxes

SEC. 531. REDUCTION OF CREDIT FOR STATE DEATH TAXES.

(a) MAXIMUM CREDIT REDUCED TO 8 PERCENT.—

(1) IN GENERAL.—The table contained in section 2011(b) is amended by striking the ten highest brackets and inserting the following:

"Over $2,040,000 .... $106,800, plus 8% of the excess over $2,040,000.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to estates of decedents dying after December 31, 2001.

(b) MAXIMUM CREDIT REDUCED TO 7.2 PERCENT.—

(1) IN GENERAL.—The table contained in section 2011(b), as amended by subsection (a), is amended by striking the two highest brackets and inserting the following:

"Over $1,540,000 .... $70,800, plus 7.2% of the excess over $1,540,000.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to estates of decedents dying after December 31, 2002.

(c) MAXIMUM CREDIT REDUCED TO 7.04 PERCENT.—

(1) IN GENERAL.—The table contained in section 2011(b), as amended by subsections (a) and

(b), is amended by striking the highest bracket and inserting the following:

"Over $1,540,000 .... $70,800, plus 7.04% of the excess over $1,540,000.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to estates of decedents dying after December 31, 2003.

SEC. 532. CREDIT FOR STATE DEATH TAXES REPLACED WITH DEDUCTION FOR SUCH TAXES.

(a) REPEAL OF CREDIT.—Section 2011 (relating to credit for State death taxes) is repealed.

(b) DEDUCTION FOR STATE DEATH TAXES.—Part IV of subchapter A of chapter 11 is amended by adding at the end the following new section:

"SEC. 2058. STATE DEATH TAXES.

"(a) ALLOWANCE OF DEDUCTION.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or the District of Columbia, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent).

"(b) PERIOD OF LIMITATIONS.—The deduction allowed by this section shall include only such taxes as were actually paid and deduction therefor claimed before the later of—

"(1) 4 years after the filing of the return required by section 6018, or

"(2) if—

"(A) a petition for redetermination of a deficiency has been filed with the Tax Court within the time prescribed in section 6213(a), the expiration of 60 days after the decision of the Tax Court becomes final,

"(B) an extension of time has been granted under section 6161 or 6166 for payment of the tax shown on the return, or of a deficiency, the date of the expiration of the period of the extension, or

"(C) a claim for refund or credit of an overpayment of tax imposed by this chapter has been filed within the time prescribed in section 6511, the latest of the expiration of—

"(i) 60 days from the date of mailing by certified mail or registered mail by the Secretary to the taxpayer of a notice of the disallowance of any part of such claim,

"(ii) 60 days after a decision by any court of competent jurisdiction becomes final with respect to a timely suit instituted upon such claim, or

"(iii) 2 years after a notice of the waiver of disallowance is filed under section 6532(a)(3).

Notwithstanding sections 6511 and 6512, refund based on the deduction may be made if the claim for refund is filed within the period provided in the preceding sentence. Any such refund shall be made without interest.".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 2012 is amended by striking "the credit for State death taxes provided by section 2011 and".

(2) Subparagraph (A) of section 2013(c)(1) is amended by striking "2011,".

(3) Paragraph (2) of section 2014(b) is amended by striking ", 2011,".

(4) Sections 2015 and 2016 are each amended by striking "2011 or".

(5) Subsection (d) of section 2053 is amended to read as follows:

"(d) CERTAIN FOREIGN DEATH TAXES.—

"(1) IN GENERAL.—Notwithstanding the provisions of subsection (c)(1)(B), for purposes of the tax imposed by section 2001, the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary) of any estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country, in respect of any property situated within such foreign country and included in the gross estate of a citizen or resident of the United States, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055. The determination under this paragraph of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States. Any election under this paragraph shall be exercised in accordance with regulations prescribed by the Secretary.

"(2) CONDITION FOR ALLOWANCE OF DEDUCTION.—No deduction shall be allowed under paragraph (1) for a foreign death tax specified therein unless the decrease in the tax imposed by section 2001 which results from the deduction provided in paragraph (1) will inure solely for the benefit of the public, charitable, or religious transferees described in section 2055 or section 2106(a)(2). In any case where the tax imposed by section 2001 is equitably apportioned among all the transferees of property included in the gross estate, including those described in sections 2055 and 2106(a)(2) (taking into account any exemptions, credits, or deductions allowed by this chapter), in determining such decrease, there shall be disregarded any decrease in the Federal estate tax which any transferees other than those described in sections 2055 and 2106(a)(2) are required to pay.

"(3) EFFECT ON CREDIT FOR FOREIGN DEATH TAXES OF DEDUCTION UNDER THIS SUBSECTION.—

"(A) ELECTION.—An election under this subsection shall be deemed a waiver of the right to claim a credit, against the Federal estate tax, under a death tax convention with any foreign country for any tax or portion thereof in respect of which a deduction is taken under this subsection.

"(B) CROSS REFERENCE.—

"See section 2014(f) for the effect of a deduction taken under this paragraph on the credit for foreign death taxes.".

(6) Subparagraph (A) of section 2056A(b)(10) is amended—

(A) by striking "2011,", and

(B) by inserting "2058," after "2056,".

(7)(A) Subsection (a) of section 2102 is amended to read as follows:

"(a) IN GENERAL.—The tax imposed by section 2101 shall be credited with the amounts determined in accordance with sections 2012 and 2013 (relating to gift tax and tax on prior transfers).".

(B) Section 2102 is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(C) Section 2102(b)(5) (as redesignated by subparagraph (B)) and section 2107(c)(3) are each amended by striking "2011 to 2013, inclusive," and inserting "2012 and 2013".

(8) Subsection (a) of section 2106 is amended by adding at the end the following new paragraph:

"(4) STATE DEATH TAXES.—The amount which bears the same ratio to the State death taxes as the value of the property, as determined for purposes of this chapter, upon which State death taxes were paid and which is included in the gross estate under section 2103 bears to the value of the total gross estate under section 2103. For purposes of this paragraph, the term 'State death taxes' means the taxes described in section 2011(a).".

(9) Section 2201 is amended—

(A) by striking "as defined in section 2011(d)", and

(B) by adding at the end the following new flush sentence:

"For purposes of this section, the additional estate tax is the difference between the tax imposed by section 2001 or 2101 and the amount equal to 125 percent of the maximum credit provided by section 2011(b), as in effect before its repeal by the Restoring Earnings To Lift Individuals and Empower Families (RELIEF) Act of 2001.".

(10) Section 2604 is repealed.

(11) Paragraph (2) of section 6511(i) is amended by striking "2011(c), 2014(b)," and inserting "2014(b)".

(12) Subsection (c) of section 6612 is amended by striking "section 2011(c) (relating to refunds due to credit for State taxes),".

(13) The table of sections for part II of subchapter A of chapter 11 is amended by striking the item relating to section 2011.

(14) The table of sections for part IV of subchapter A of chapter 11 is amended by adding at the end the following new item:

"Sec. 2058. State death taxes.".

(15) The table of sections for subchapter A of chapter 13 is amended by striking the item relating to section 2604.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2004.

Subtitle E—Carryover Basis at Death; Other Changes Taking Effect With Repeal

SEC. 541. TERMINATION OF STEP-UP IN BASIS AT DEATH.

Section 1014 (relating to basis of property acquired from a decedent) is amended by adding at the end the following new subsection:

"(f) TERMINATION.—This section shall not apply with respect to decedents dying after December 31, 2010.".

SEC. 542. TREATMENT OF PROPERTY ACQUIRED FROM A DECEDENT DYING AFTER DECEMBER 31, 2010.

(a) GENERAL RULE.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. TREATMENT OF PROPERTY ACQUIRED FROM A DECEDENT DYING AFTER DECEMBER 31, 2010.

"(a) IN GENERAL.—Except as otherwise provided in this section—

"(1) property acquired from a decedent dying after December 31, 2010, shall be treated for purposes of this subtitle as transferred by gift, and

"(2) the basis of the person acquiring property from such a decedent shall be the lesser of—

"(A) the adjusted basis of the decedent, or

"(B) the fair market value of the property at the date of the decedent's death.

"(b) BASIS INCREASE FOR CERTAIN PROPERTY.—

"(1) IN GENERAL.—In the case of property to which this subsection applies, the basis of such property under subsection (a) shall be increased by its basis increase under this subsection.

"(2) BASIS INCREASE.—For purposes of this subsection—

"(A) IN GENERAL.—The basis increase under this subsection for any property is the portion of the aggregate basis increase which is allocated to the property pursuant to this section.

"(B) AGGREGATE BASIS INCREASE.—In the case of any estate, the aggregate basis increase under this subsection is $1,300,000.

"(C) LIMIT INCREASED BY UNUSED BUILT-IN LOSSES AND LOSS CARRYOVERS.—The limitation under subparagraph (B) shall be increased by—

"(i) the sum of the amount of any capital loss carryover under section 1212(b), and the amount of any net operating loss carryover under section 172, which would (but for the decedent's death) be carried from the decedent's last taxable year to a later taxable year of the decedent, plus

"(ii) the sum of the amount of any losses that would have been allowable under section 165 if the property acquired from the decedent had been sold at fair market value immediately before the decedent's death.

"(3) DECEDENT NONRESIDENTS WHO ARE NOT CITIZENS OF THE UNITED STATES.—In the case of a decedent nonresident not a citizen of the United States—

"(A) paragraph (2)(B) shall be applied by substituting '$60,000' for '$1,300,000', and

"(B) paragraph (2)(C) shall not apply.

"(c) ADDITIONAL BASIS INCREASE FOR PROPERTY ACQUIRED BY SURVIVING SPOUSE.—

"(1) IN GENERAL.—In the case of property to which this subsection applies and which is qualified spousal property, the basis of such property under subsection (a) (as increased under subsection (b)) shall be increased by its spousal property basis increase.

"(2) SPOUSAL PROPERTY BASIS INCREASE.—For purposes of this subsection—

"(A) IN GENERAL.—The spousal property basis increase for property referred to in paragraph (1) is the portion of the aggregate spousal property basis increase which is allocated to the property pursuant to this section.

"(B) AGGREGATE SPOUSAL PROPERTY BASIS INCREASE.—In the case of any estate, the aggregate spousal property basis increase is $3,000,000.

"(3) QUALIFIED SPOUSAL PROPERTY.—For purposes of this subsection, the term 'qualified spousal property' means—

"(A) outright transfer property, and

"(B) qualified terminable interest property.

"(4) OUTRIGHT TRANSFER PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'outright transfer property' means any interest in property acquired from the decedent by the decedent's surviving spouse.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where, on the lapse of time, on the occurrence of an event or contingency, or on the failure of an event or contingency to occur, an interest passing to the surviving spouse will terminate or fail—

"(i)(I) if an interest in such property passes or has passed (for less than an adequate and full consideration in money or money's worth) from the decedent to any person other than such surviving spouse (or the estate of such spouse), and

"(II) if by reason of such passing such person (or his heirs or assigns) may possess or enjoy any part of such property after such termination or failure of the interest so passing to the surviving spouse, or

"(ii) if such interest is to be acquired for the surviving spouse, pursuant to directions of the decedent, by his executor or by the trustee of a trust.

For purposes of this subparagraph, an interest shall not be considered as an interest which will terminate or fail merely because it is the ownership of a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity for life or for a term.

"(C) INTEREST OF SPOUSE CONDITIONAL ON SURVIVAL FOR LIMITED PERIOD.—For purposes of this paragraph, an interest passing to the surviving spouse shall not be considered as an interest which will terminate or fail on the death of such spouse if—

"(i) such death will cause a termination or failure of such interest only if it occurs within a period not exceeding 6 months after the decedent's death, or only if it occurs as a result of a common disaster resulting in the death of the decedent and the surviving spouse, or only if it occurs in the case of either such event, and

"(ii) such termination or failure does not in fact occur.

"(5) QUALIFIED TERMINABLE INTEREST PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified terminable interest property' means property—

"(i) which passes from the decedent, and

"(ii) in which the surviving spouse has a qualifying income interest for life.

"(B) QUALIFYING INCOME INTEREST FOR LIFE.—The surviving spouse has a qualifying income interest for life if—

"(i) the surviving spouse is entitled to all the income from the property, payable annually or at more frequent intervals, or has a usufruct interest for life in the property, and

"(ii) no person has a power to appoint any part of the property to any person other than the surviving spouse.

Clause (ii) shall not apply to a power exercisable only at or after the death of the surviving spouse. To the extent provided in regulations, an annuity shall be treated in a manner similar to an income interest in property (regardless of whether the property from which the annuity is payable can be separately identified).

"(C) PROPERTY INCLUDES INTEREST THEREIN.—The term 'property' includes an interest in property.

"(D) SPECIFIC PORTION TREATED AS SEPARATE PROPERTY.—A specific portion of property shall be treated as separate property. For purposes of the preceding sentence, the term 'specific portion' only includes a portion determined on a fractional or percentage basis.

"(d) DEFINITIONS AND SPECIAL RULES FOR APPLICATION OF SUBSECTIONS (b) AND (c).—

"(1) PROPERTY TO WHICH SUBSECTIONS (b) AND (c) APPLY.—

"(A) IN GENERAL.—The basis of property acquired from a decedent may be increased under subsection (b) or (c) only if the property was owned by the decedent at the time of death.

"(B) RULES RELATING TO OWNERSHIP.—

"(i) JOINTLY HELD PROPERTY.—In the case of property which was owned by the decedent and another person as joint tenants with right of survivorship or tenants by the entirety—

"(I) if the only such other person is the surviving spouse, the decedent shall be treated as the owner of only 50 percent of the property,

"(II) in any case (to which subclause (I) does not apply) in which the decedent furnished consideration for the acquisition of the property, the decedent shall be treated as the owner to the extent of the portion of the property which is proportionate to such consideration, and

"(III) in any case (to which subclause (I) does not apply) in which the property has been acquired by gift, bequest, devise, or inheritance by the decedent and any other person as joint tenants with right of survivorship and their interests are not otherwise specified or fixed by law, the decedent shall be treated as the owner to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants with right of survivorship.

"(ii) REVOCABLE TRUSTS.—The decedent shall be treated as owning property transferred by the decedent during life to a qualified revocable trust (as defined in section 645(b)(1)).

"(iii) POWERS OF APPOINTMENT.—The decedent shall not be treated as owning any property by reason of holding a power of appointment with respect to such property.

"(iv) COMMUNITY PROPERTY.—Property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any State or possession of the United States or any foreign country shall be treated for purposes of this section as owned by, and acquired from, the decedent if at least one-half of the whole of the community interest in such property is treated as owned by, and acquired from, the decedent without regard to this clause.

"(C) PROPERTY ACQUIRED BY DECEDENT BY GIFT WITHIN 3 YEARS OF DEATH.—

"(i) IN GENERAL.—Subsections (b) and (c) shall not apply to property acquired by the decedent by gift or by inter vivos transfer for less than adequate and full consideration in money or money's worth during the 3-year period ending on the date of the decedent's death.

"(ii) EXCEPTION FOR CERTAIN GIFTS FROM SPOUSE.—Clause (i) shall not apply to property acquired by the decedent from the decedent's spouse unless, during such 3-year period, such spouse acquired the property in whole or in part by gift or by inter vivos transfer for less than adequate and full consideration in money or money's worth.

"(D) STOCK OF CERTAIN ENTITIES.—Subsections (b) and (c) shall not apply to—

"(i) stock or securities a foreign personal holding company,

"(ii) stock of a DISC or former DISC,

"(iii) stock of a foreign investment company, or

"(iv) stock of a passive foreign investment company unless such company is a qualified electing fund (as defined in section 1295) with respect to the decedent.

"(2) FAIR MARKET VALUE LIMITATION.—The adjustments under subsections (b) and (c) shall not increase the basis of any interest in property acquired from the decedent above its fair market value in the hands of the decedent as of the date of the decedent's death.

"(3) ALLOCATION RULES.—

"(A) IN GENERAL.—The executor shall allocate the adjustments under subsections (b) and (c) on the return required by section 6018.

"(B) CHANGES IN ALLOCATION.—Any allocation made pursuant to subparagraph (A) may be changed only as provided by the Secretary.

"(4) INFLATION ADJUSTMENT OF BASIS ADJUSTMENT AMOUNTS.—

"(A) IN GENERAL.—In the case of decedents dying in a calendar year after 2011, the $1,300,000, $60,000, and $3,000,000 dollar amounts in subsections (b) and (c)(2)(B) shall each be increased by an amount equal to the product of—

"(i) such dollar amount, and

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2010' for '1992' in subparagraph (B) thereof.

"(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of—

"(i) $100,000 in the case of the $1,300,000 amount,

"(ii) $5,000 in the case of the $60,000 amount, and

"(iii) $250,000 in the case of the $3,000,000 amount,

such increase shall be rounded to the next lowest multiple thereof.

"(e) PROPERTY ACQUIRED FROM THE DECEDENT.—For purposes of this section, the following property shall be considered to have been acquired from the decedent:

"(1) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent.

"(2) Property transferred by the decedent during his lifetime—

"(A) to a qualified revocable trust (as defined in section 645(b)(1)), or

"(B) to any other trust with respect to which the decedent reserved the right to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust.

"(3) Any other property passing from the decedent by reason of death to the extent that such property passed without consideration.

"(f) COORDINATION WITH SECTION 691.—This section shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under section 691.

"(g) CERTAIN LIABILITIES DISREGARDED.—

"(1) IN GENERAL.—In determining whether gain is recognized on the acquisition of property—

"(A) from a decedent by a decedent's estate or any beneficiary other than a tax-exempt beneficiary, and

"(B) from the decedent's estate by any beneficiary other than a tax-exempt beneficiary,

and in determining the adjusted basis of such property, liabilities in excess of basis shall be disregarded.

"(2) TAX-EXEMPT BENEFICIARY.—For purposes of paragraph (1)(B)—

"(A) IN GENERAL.—The term 'tax-exempt beneficiary' means—

"(i) the United States, any State or political subdivision thereof, any possession of the United States, any Indian tribal government (within the meaning of section 7871), or any agency or instrumentality of any of the foregoing,

"(ii) an organization (other than a cooperative described in section 521) which is exempt from tax imposed by chapter 1, and

"(iii) any foreign person or entity (within the meaning of section 168(h)(2)).

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) INFORMATION RETURNS, ETC.—

(1) LARGE TRANSFERS AT DEATH.—So much of subpart C of part II of subchapter A of chapter 61 as precedes section 6019 is amended to read as follows:

"Subpart C—Returns Relating to Transfers During Life or at Death

"Sec. 6018. Returns relating to large transfers at death.

"Sec. 6019. Gift tax returns.

"SEC. 6018. RETURNS RELATING TO LARGE TRANSFERS AT DEATH.

"(a) IN GENERAL.—If this section applies to property acquired from a decedent, the executor of the estate of such decedent shall make a return containing the information specified in subsection (c) with respect to such property.

"(b) PROPERTY TO WHICH SECTION APPLIES.—

"(1) LARGE TRANSFERS.—This section shall apply to all property (other than cash) acquired from a decedent if the fair market value of such property acquired from the decedent exceeds the dollar amount applicable under section 1022(b)(2)(B) (without regard to section 1022(b)(2)(C)).

"(2) TRANSFERS OF CERTAIN GIFTS RECEIVED BY DECEDENT WITHIN 3 YEARS OF DEATH.—This section shall apply to any appreciated property acquired from the decedent if—

"(A) subsections (b) and (c) of section 1022 do not apply to such property by reason of section 1022(d)(1)(C), and

"(B) such property was required to be included on a return required to be filed under section 6019.

"(3) NONRESIDENTS NOT CITIZENS OF THE UNITED STATES.—In the case of a decedent who is a nonresident not a citizen of the United States, paragraphs (1) and (2) shall be applied—

"(A) by taking into account only—

"(i) tangible property situated in the United States, and

"(ii) other property acquired from the decedent by a United States person, and

"(B) by substituting the dollar amount applicable under section 1022(b)(3) for the dollar amount referred to in paragraph (1).

"(4) RETURNS BY TRUSTEES OR BENEFICIARIES.—If the executor is unable to make a complete return as to any property acquired from or passing from the decedent, the executor shall include in the return a description of such property and the name of every person holding a legal or beneficial interest therein. Upon notice from the Secretary, such person shall in like manner make a return as to such property.

"(c) INFORMATION REQUIRED TO BE FURNISHED.—The information specified in this subsection with respect to any property acquired from the decedent is—

"(1) the name and TIN of the recipient of such property,

"(2) an accurate description of such property,

"(3) the adjusted basis of such property in the hands of the decedent and its fair market value at the time of death,

"(4) the decedent's holding period for such property,

"(5) sufficient information to determine whether any gain on the sale of the property would be treated as ordinary income,

"(6) the amount of basis increase allocated to the property under subsection (b) or (c) of section 1022, and

"(7) such other information as the Secretary may by regulations prescribe.

"(d) PROPERTY ACQUIRED FROM DECEDENT.—For purposes of this section, section 1022 shall apply for purposes of determining the property acquired from a decedent.

"(e) STATEMENTS TO BE FURNISHED TO CERTAIN PERSONS.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return (other than the person required to make such return) a written statement showing—

"(1) the name, address, and phone number of the person required to make such return, and

"(2) the information specified in subsection (c) with respect to property acquired from, or passing from, the decedent to the person required to receive such statement.

The written statement required under the preceding sentence shall be furnished not later than 30 days after the date that the return required by subsection (a) is filed.".

(2) GIFTS.—Section 6019 (relating to gift tax returns) is amended—

(A) by striking "Any individual" and inserting "(a) IN GENERAL.—Any individual", and

(B) by adding at the end the following new subsection:

"(b) STATEMENTS TO BE FURNISHED TO CERTAIN PERSONS.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return (other than the person required to make such return) a written statement showing—

"(1) the name, address, and phone number of the person required to make such return, and

"(2) the information specified in such return with respect to property received by the person required to receive such statement.

The written statement required under the preceding sentence shall be furnished not later than 30 days after the date that the return required by subsection (a) is filed.".

(3) TIME FOR FILING SECTION 6018 RETURNS.—

(A) RETURNS RELATING TO LARGE TRANSFERS AT DEATH.—Subsection (a) of section 6075 is amended to read as follows:

"(a) RETURNS RELATING TO LARGE TRANSFERS AT DEATH.—The return required by section 6018 with respect to a decedent shall be filed with the return of the tax imposed by chapter 1 for the decedent's last taxable year or such later date specified in regulations prescribed by the Secretary.".

(B) CONFORMING AMENDMENTS.—Paragraph (3) of section 6075(b) is amended—

(i) by striking "ESTATE TAX RETURN" in the heading and inserting "SECTION 6018 RETURN", and

(ii) by striking "(relating to estate tax returns)" and inserting "(relating to returns relating to large transfers at death)".

(4) PENALTIES.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

"SEC. 6716. FAILURE TO FILE INFORMATION WITH RESPECT TO CERTAIN TRANSFERS AT DEATH AND GIFTS.

"(a) INFORMATION REQUIRED TO BE FURNISHED TO THE SECRETARY.—Any person required to furnish any information under section 6018 who fails to furnish such information on the date prescribed therefor (determined with regard to any extension of time for filing) shall pay a penalty of $10,000 ($500 in the case of information required to be furnished under section 6018(b)(2)) for each such failure.

"(b) INFORMATION REQUIRED TO BE FURNISHED TO BENEFICIARIES.—Any person required to furnish in writing to each person described in section 6018(e) or 6019(b) the information required under such section who fails to furnish such information shall pay a penalty of $50 for each such failure.

"(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subsection (a) or (b) with respect to any failure if it is shown that such failure is due to reasonable cause.

"(d) INTENTIONAL DISREGARD.—If any failure under subsection (a) or (b) is due to intentional disregard of the requirements under sections 6018 and 6019(b), the penalty under such subsection shall be 5 percent of the fair market value (as of the date of death or, in the case of section 6019(b), the date of the gift) of the property with respect to which the information is required.

"(e) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by this section.".

(5) CLERICAL AMENDMENTS.—

(A) The table of sections for part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6716. Failure to file information with respect to certain transfers at death and gifts.".

(B) The item relating to subpart C in the table of subparts for part II of subchapter A of chapter 61 is amended to read as follows:

"Subpart C. Returns relating to transfers during life or at death.".

(c) EXCLUSION OF GAIN ON SALE OF PRINCIPAL RESIDENCE MADE AVAILABLE TO HEIR OF DECEDENT IN CERTAIN CASES.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

"(9) PROPERTY ACQUIRED FROM A DECEDENT.—The exclusion under this section shall apply to property sold by—

"(A) the estate of a decedent, and

"(B) any individual who acquired such property from the decedent (within the meaning of section 1022),

determined by taking into account the ownership and use by the decedent.".

(d) TRANSFERS OF APPRECIATED CARRYOVER BASIS PROPERTY TO SATISFY PECUNIARY BEQUEST.—

(1) IN GENERAL.—Section 1040 (relating to transfer of certain farm, etc., real property) is amended to read as follows:

"SEC. 1040. USE OF APPRECIATED CARRYOVER BASIS PROPERTY TO SATISFY PECUNIARY BEQUEST.

"(a) IN GENERAL.—If the executor of the estate of any decedent satisfies the right of any person to receive a pecuniary bequest with appreciated property, then gain on such exchange shall be recognized to the estate only to the extent that, on the date of such exchange, the fair market value of such property exceeds such value on the date of death.

"(b) Similar Rule for Certain Trusts.—To the extent provided in regulations prescribed by the Secretary, a rule similar to the rule provided in subsection (a) shall apply where—

"(1) by reason of the death of the decedent, a person has a right to receive from a trust a specific dollar amount which is the equivalent of a pecuniary bequest, and

"(2) the trustee of a trust satisfies such right with property.

"(c) Basis of Property Acquired in Exchange Described in Subsection (a) or (b).—The basis of property acquired in an exchange with respect to which gain realized is not recognized by reason of subsection (a) or (b) shall be the basis of such property immediately before the exchange increased by the amount of the gain recognized to the estate or trust on the exchange.".

(2) The item relating to section 1040 in the table of sections for part III of subchapter O of chapter 1 is amended to read as follows:

"Sec. 1040. Use of appreciated carryover basis property to satisfy pecuniary bequest.".

(e) Miscellaneous Amendments Related to Carryover Basis.—

(1) Recognition of gain on transfers to nonresidents.—

(A) Subsection (a) of section 684 is amended by inserting "or to a nonresident alien" after "or trust".

(B) Subsection (b) of section 684 is amended by striking "any person" and inserting "any United States person".

(C) The section heading for section 684 is amended by inserting "**and nonresident aliens**" after "**estates**".

(D) The item relating to section 684 in the table of sections for subpart F of part I of subchapter J of chapter 1 is amended by inserting "and nonresident aliens" after "estates".

(2) Capital gain treatment for inherited art work or similar property.—

(A) In general.—Subparagraph (C) of section 1221(a)(3) (defining capital asset) is amended by inserting "(other than by reason of section 1022)" after "is determined".

(B) Coordination with section 170.—Paragraph (1) of section 170(e) (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following: "For purposes of this paragraph, the determination of whether property is a capital asset shall be made without regard to the exception contained in section 1221(a)(3)(C) for basis determined under section 1022.".

(3) Definition of executor.—Section 7701(a) (relating to definitions) is amended by adding at the end the following:

"(47) Executor.—The term 'executor' means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent.".

(4) Certain trusts.—Subparagraph (A) of section 4947(a)(2) is amended by inserting "642(c)," after "170(f)(2)(B),".

(5) Other amendments.—

(A) Section 1246 is amended by striking subsection (e).

(B) Subsection (e) of section 1291 is amended—

(i) by striking "(e),"; and

(ii) by striking "; except that" and all that follows and inserting a period.

(C) Section 1296 is amended by striking subsection (i).

(6) Clerical amendment.—The table of sections for part II of subchapter O of chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Treatment of property acquired from a decedent dying after December 31, 2010.".

(f) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to estates of decedents dying after December 31, 2010.

(2) Transfers to nonresidents.—The amendments made by subsection (e)(1) shall apply to transfers after December 31, 2010.

(3) Section 4947.—The amendment made by subsection (e)(4) shall apply to deductions for taxable years beginning after December 31, 2010.

Subtitle F—Conservation Easements

SEC. 551. EXPANSION OF ESTATE TAX RULE FOR CONSERVATION EASEMENTS.

(a) Repeal of Certain Restrictions on Where Land Is Located.—Clause (i) of section 2031(c)(8)(A) (defining land subject to a qualified conservation easement) is amended to read as follows:

"(i) which is located in the United States or any possession of the United States,".

(b) Clarification of Date for Determining Value of Land and Easement.—Section 2031(c)(2) (defining applicable percentage) is amended by adding at the end the following new sentence: "The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).".

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2000.

Subtitle G—Modifications of Generation-Skipping Transfer Tax

SEC. 561. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) In General.—Section 2632 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) Deemed Allocation to Certain Lifetime Transfers to GST Trusts.—

"(1) In general.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

"(2) Unused portion.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

"(A) allocated by such individual,

"(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

"(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

"(3) Definitions.—

"(A) Indirect skip.—For purposes of this subsection, the term 'indirect skip' means any transfer of property (other than a direct skip) subject to the tax imposed by chapter 12 made to a GST trust.

"(B) GST trust.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

"(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons—

"(I) before the date that the individual attains age 46,

"(II) on or before one or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

"(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46,

"(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals,

"(iii) the trust instrument provides that, if one or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of one or more of such individuals or is subject to a general power of appointment exercisable by one or more of such individuals,

"(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer,

"(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)), or

"(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

"(4) Automatic allocations to certain GST trusts.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

"(5) Applicability and effect.—

"(A) In general.—An individual—

"(i) may elect to have this subsection not apply to—

"(I) an indirect skip, or

"(II) any or all transfers made by such individual to a particular trust, and

"(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

"(B) Elections.—

"(i) Elections with respect to indirect skips.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

"(ii) Other elections.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

"(d) RETROACTIVE ALLOCATIONS.—

"(1) IN GENERAL.—If—

"(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

"(B) such person—

"(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

"(ii) is assigned to a generation below the generation assignment of the transferor, and

"(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

"(2) SPECIAL RULES.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

"(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

"(B) such allocation shall be effective immediately before such death, and

"(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

"(3) FUTURE INTEREST.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2632(b) is amended by striking "with respect to a prior direct skip" and inserting "or subsection (c)(1)".

(c) EFFECTIVE DATES.—

(1) DEEMED ALLOCATION.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 made after December 31, 2000, and to estate tax inclusion periods ending after December 31, 2000.

(2) RETROACTIVE ALLOCATIONS.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after December 31, 2000.

SEC. 562. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

"(3) SEVERING OF TRUSTS.—

"(A) IN GENERAL.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

"(B) QUALIFIED SEVERANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of two or more trusts if—

"(I) the single trust was divided on a fractional basis, and

"(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

"(ii) TRUSTS WITH INCLUSION RATIO GREATER THAN ZERO.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into two trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

"(iii) REGULATIONS.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

"(C) TIMING AND MANNER OF SEVERANCES.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to severances after December 31, 2000.

SEC. 563. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) (relating to valuation rules, etc.) is amended to read as follows:

"(1) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

"(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

"(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.".

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(2) is amended to read as follows:

"(A) TRANSFERS AT DEATH.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 2000.

SEC. 564. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 is amended by adding at the end the following new subsection:

"(g) RELIEF PROVISIONS.—

"(1) RELIEF FROM LATE ELECTIONS.—

"(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

"(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

"(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of the enactment of this paragraph.

"(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

"(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have the lowest possible inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces the lowest possible inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.".

(b) EFFECTIVE DATES.—

(1) RELIEF FROM LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, December 31, 2000.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 2000. No implication is intended with respect to the availability of relief from late elections or the application of a rule of substantial compliance on or before such date.

Subtitle H—Extension of Time for Payment of Estate Tax

SEC. 571. EXPANSION OF AVAILABILITY OF INSTALLMENT PAYMENT FOR ESTATES WITH INTERESTS QUALIFYING LENDING AND FINANCE BUSINESSES.

(a) IN GENERAL.—Section 6166(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(10) STOCK IN QUALIFYING LENDING AND FINANCE BUSINESS TREATED AS STOCK IN AN ACTIVE TRADE OR BUSINESS COMPANY.—

"(A) IN GENERAL.—If the executor elects the benefits of this paragraph, then—

"(i) STOCK IN QUALIFYING LENDING AND FINANCE BUSINESS TREATED AS STOCK IN AN ACTIVE TRADE OR BUSINESS COMPANY.—For purposes of this section, any asset used in a qualifying lending and finance business shall be treated as an asset which is used in carrying on a trade or business.

"(ii) 5-YEAR DEFERRAL FOR PRINCIPAL NOT TO APPLY.—The executor shall be treated as having selected under subsection (a)(3) the date prescribed by section 6151(a).

"(iii) 5 EQUAL INSTALLMENTS ALLOWED.—For purposes of applying subsection (a)(1), '5' shall be substituted for '10'.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFYING LENDING AND FINANCE BUSINESS.—The term 'qualifying lending and finance business' means a lending and finance business, if—

"(I) based on all the facts and circumstances immediately before the date of the decedent's death, there was substantial activity with respect to the lending and finance business, or

"(II) during at least 3 of the 5 taxable years ending before the date of the decedent's death, such business had at least 1 full-time employee substantially all of the services of whom were in the active management of such business, 10 full-time, nonowner employees substantially all of the services of whom were directly related to such business, and $5,000,000 in gross receipts from activities described in clause (ii).

"(ii) LENDING AND FINANCE BUSINESS.—The term 'lending and finance business' means a trade or business of—

"(I) making loans,

"(II) purchasing or discounting accounts receivable, notes, or installment obligations,

"(III) engaging in rental and leasing of real and tangible personal property, including entering into leases and purchasing, servicing, and disposing of leases and leased assets,

"(IV) rendering services or making facilities available in the ordinary course of a lending or finance business, and

"(V) rendering services or making facilities available in connection with activities described in subclauses (I) through (IV) carried on by the corporation rendering services or making facilities available, or another corporation which is a member of the same affiliated group (as defined in section 1504 without regard to section 1504(b)(3)).

"(iii) LIMITATION.—The term 'qualifying lending and finance business' shall not include any interest in an entity, if the stock or debt of such entity or a controlled group (as defined in section 267(f)(1)) of which such entity was a member was readily tradable on an established securities market or secondary market (as defined by the Secretary) at any time within 3 years before the date of the decedent's death.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2001.

SEC. 572. CLARIFICATION OF AVAILABILITY OF INSTALLMENT PAYMENT.

(a) IN GENERAL.—Subparagraph (B) of section 6166(b)(8) (relating to all stock must be non-readily-tradable stock) is amended to read as follows:

"(B) ALL STOCK MUST BE NON-READILY-TRADABLE STOCK.—

"(i) IN GENERAL.—No stock shall be taken into account for purposes of applying this paragraph unless it is non-readily-tradable stock (within the meaning of paragraph (7)(B)).

"(ii) SPECIAL APPLICATION WHERE ONLY HOLDING COMPANY STOCK IS NON-READILY-TRADABLE STOCK.—If the requirements of clause (i) are not met, but all of the stock of any holding company taken into account is non-readily-tradable, then this paragraph shall apply, but subsection (a)(1) shall be applied by substituting '5' for '10'.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2001.

Subtitle I—Compliance With Congressional Budget Act

SEC. 581. SUNSET OF PROVISIONS OF TITLE.

All provisions of, and amendments made by, this title which are in effect on September 30, 2011, shall cease to apply as of the close of September 30, 2011.

TITLE VI—PENSION AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS

Subtitle A—Individual Retirement Accounts

SEC. 601. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "the deductible amount".

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

"(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

"For taxable years beginning in:	The deductible amount is:
2002 through 2005	$2,500
2006 and 2007	$3,000
2008 and 2009	$3,500
2010	$4,000
2011 and thereafter	$5,000.

"(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—

"(i) IN GENERAL.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for such taxable year shall be increased by the applicable amount.

"(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the applicable amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in:	The applicable amount is:
2002 through 2005	$500
2006 through 2009	$1,000
2010	$1,500
2011 and thereafter	$2,000.

"(C) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2011, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.".

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(b) is amended by striking "$2,000" in the matter following paragraph (4) and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Section 408(j) is amended by striking "$2,000".

(5) Section 408(p)(8) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 602. DEEMED IRAS UNDER EMPLOYER PLANS.

(a) IN GENERAL.—Section 408 (relating to individual retirement accounts) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) DEEMED IRAS UNDER QUALIFIED EMPLOYER PLANS.—

"(1) GENERAL RULE.—If—

"(A) a qualified employer plan elects to allow employees to make voluntary employee contributions to a separate account or annuity established under the plan, and

"(B) under the terms of the qualified employer plan, such account or annuity meets the applicable requirements of this section or section 408A for an individual retirement account or annuity,

then such account or annuity shall be treated for purposes of this title in the same manner as an individual retirement plan and not as a qualified employer plan (and contributions to such account or annuity as contributions to an individual retirement plan and not to the qualified employer plan). For purposes of subparagraph (B), the requirements of subsection (a)(5) shall not apply.

"(2) SPECIAL RULES FOR QUALIFIED EMPLOYER PLANS.—For purposes of this title, a qualified employer plan shall not fail to meet any requirement of this title solely by reason of establishing and maintaining a program described in paragraph (1).

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' has the meaning given such term by section 72(p)(4); except such term shall only include an eligible deferred compensation plan (as defined in section 457(b)) which is maintained by an eligible employer described in section 457(e)(1)(A).

"(B) VOLUNTARY EMPLOYEE CONTRIBUTION.—The term 'voluntary employee contribution' means any contribution (other than a mandatory contribution within the meaning of section 411(c)(2)(C))—

"(i) which is made by an individual as an employee under a qualified employer plan which allows employees to elect to make contributions described in paragraph (1), and

"(ii) with respect to which the individual has designated the contribution as a contribution to which this subsection applies.".

(b) AMENDMENT OF ERISA.—

(1) IN GENERAL.—Section 4 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003) is amended by adding at the end the following new subsection:

"(c) If a pension plan allows an employee to elect to make voluntary employee contributions to accounts and annuities as provided in section 408(q) of the Internal Revenue Code of 1986, such accounts and annuities (and contributions thereto) shall not be treated as part of such plan (or as a separate pension plan) for purposes of any provision of this title other than section 403(c), 404, or 405 (relating to exclusive benefit, and fiduciary and co-fiduciary responsibilities).".

(2) CONFORMING AMENDMENT.—Section 4(a) of such Act (29 U.S.C. 1003(a)) is amended by inserting "or (c)" after "subsection (b)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SEC. 603. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

"(A) IN GENERAL.—In the case of a qualified charitable distribution from an individual retirement account to an organization described in section 170(c), no amount shall be includible in the gross income of the account holder or beneficiary.

"(B) SPECIAL RULES RELATING TO CHARITABLE REMAINDER TRUSTS, POOLED INCOME FUNDS, AND CHARITABLE GIFT ANNUITIES.—

"(i) IN GENERAL.—In the case of a qualified charitable distribution from an individual retirement account—

"(I) to a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

"(II) to a pooled income fund (as defined in section 642(c)(5)), or

"(III) for the issuance of a charitable gift annuity (as defined in section 501(m)(5)),

no amount shall be includible in gross income of the account holder or beneficiary. The preceding sentence shall apply only if no person holds any interest in the amounts in the trust, fund, or annuity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

"(ii) DETERMINATION OF INCLUSION OF AMOUNTS DISTRIBUTED.—In determining the amount includible in the gross income of the distributee of a distribution from a trust described in clause (i)(I) or an annuity described in clause (i)(III), the portion of any qualified charitable distribution to such trust or for such annuity which would (but for this subparagraph) have been includible in gross income—

"(I) in the case of any such trust, shall be treated as income described in section 664(b)(1), or

"(II) in the case of any such annuity, shall not be treated as an investment in the contract.

"(iii) No Inclusion for Distribution to Pooled Income Fund.—No amount shall be includible in the gross income of a pooled income fund (as so defined) by reason of a qualified charitable distribution to such fund.

"(C) Qualified Charitable Distribution.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

"(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 70½, and

"(ii) which is a charitable contribution (as defined in section 170(c)) made directly from the account to—

"(I) an organization described in section 170(c), or

"(II) a trust, fund, or annuity described in subparagraph (B).

"(D) Denial of Deduction.—The amount allowable as a deduction to the taxpayer for the taxable year under section 170 (before the application of section 170(b)) for qualified charitable distributions shall be reduced (but not below zero) by the sum of the amounts of the qualified charitable distributions during such year which (but for this paragraph) would have been includible in the gross income of the taxpayer for such year.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2009.

Subtitle B—Expanding Coverage

SEC. 611. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) Defined Benefit Plans.—

(1) Dollar Limit.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "the applicable limit".

(B) Section 415(b) is amended by adding at the end the following new paragraph:

"(12) Applicable Limit.—For purposes of paragraph (1)(A), the applicable limit shall be determined in accordance with the following table:

"For taxable years beginning in:	**The applicable limit is:**
2002, 2003, and 2004	$150,000
2005 and thereafter	$160,000.".

(C) Subparagraphs (C) and (D) of section 415(b)(2) are each amended—

(i) in the headings, by striking "$90,000" and inserting "APPLICABLE",

(ii) by striking "$90,000 limitation" each place it appears and inserting "limitation", and

(iii) by striking "a $90,000 annual benefit" each place it appears and inserting "an annual benefit equal to the applicable limit".

(D) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000'" and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for 'the applicable limit'".

(2) Limit Reduced When Benefit Begins Before Age 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62" and by striking the second sentence.

(3) Limit Increased When Benefit Begins After Age 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) Cost-of-Living Adjustments.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$90,000" in paragraph (1)(A) and inserting "applicable limit"; and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "applicable limit"; and

(ii) by striking "October 1, 1986" and inserting "July 1, 2004".

(5) Conforming Amendments.—

(A) Section 415(b)(2) is amended by striking subparagraph (F).

(B) Section 415(b)(9) is amended to read as follows:

"(9) Special Rule for Commercial Airline Pilots.—In the case of any participant who is a commercial airline pilot, if, as of the time of the participant's retirement, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age occurring on or after age 60 and before age 62, paragraph (2)(C) shall be applied by substituting such age for age 62.".

(C) Section 415(b)(10)(C)(i) is amended by striking "applied without regard to paragraph (2)(F)".

(b) Qualified Trusts.—

(1) Compensation Limit.—

(A) Section 401(a)(17) is amended—

(i) in subparagraph (A), by striking "$150,000" and inserting "the applicable dollar amount",

(ii) in subparagraph (B), by striking "$150,000" and inserting "the applicable dollar", and

(iii) by adding at the end the following:

"(C) Applicable Dollar Amount.—For purposes of this paragraph, the applicable dollar amount shall be determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount is:**
2002	$180,000
2003	$190,000
2004 or thereafter	$200,000.".

(B) Section 404(l) is amended—

(i) by striking the second sentence,

(ii) by striking "$150,000" and inserting "the applicable dollar amount in effect under section 401(a)(17)(A)", and

(iii) by striking "the preceding sentence" and inserting "section 401(a)(17)(B)".

(C) Section 408(k) is amended—

(i) in each of paragraphs (3)(C) and (6)(D)(ii), by striking "$150,000" each place it appears and inserting "amount of compensation equal to the applicable dollar amount in effect under section 401(a)(17)(A)", and

(ii) in paragraph (8), by striking "and shall adjust" and all that follows through "section 401(a)(17)(B)".

(D) Section 505(b)(7) is amended—

(i) by striking "$150,000" and inserting "the applicable dollar amount in effect under section 401(a)(17)(A)", and

(ii) by striking the second sentence.

(2) Base Period and Rounding of Cost-of-Living Adjustment.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "The Secretary" and inserting "In calendar years beginning after 2005, the Secretary",

(B) by striking "October 1, 1993" and inserting "July 1, 2005"; and

(C) by striking "$10,000" both places it appears and inserting "$5,000".

(c) Elective Deferrals.—

(1) In General.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) In General.—

"(A) Limitation.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) Applicable Dollar Amount.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount is:**
2002	$11,000
2003	$11,500
2004	$12,000
2005	$12,500
2006	$13,000
2007	$13,500
2008	$14,000
2009	$14,500
2010 or thereafter	$15,000.".

(2) Cost-of-Living Adjustment.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) Cost-of-Living Adjustment.—In the case of taxable years beginning after December 31, 2010, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2009, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) Conforming Amendments.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(d) Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.—

(1) In General.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount"; and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) Applicable Dollar Amount; Cost-of-Living Adjustment.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) Applicable Dollar Amount.—

"(A) In General.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount is:**
2002	$9,000
2003	$9,500
2004	$10,000
2005	$10,500
2006	$11,000
2007	$12,000
2008	$13,000

2009	$14,000
2010 or thereafter	$15,000.

"(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2010, the Secretary shall adjust the $15,000 amount under subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2009, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(e) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount is:**
2002 and 2003	$7,000
2004 and 2005	$8,000
2006 and 2007	$9,000
2008 or thereafter	$10,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2008, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2007, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Subclause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(f) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) ROUNDING.—

"(A) APPLICABLE LIMIT AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $30,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 612. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) IN GENERAL.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) AMENDMENT OF ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of paragraph (1)(A), the term 'owner-employee' shall only include a person described in clause (ii) or (iii) of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 613. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than the amount in effect under section 414(q)(1)(B)(i) for such plan year,";

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively;

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C); and

(E) by adding at the end the following: "For purposes of this subparagraph, in the case of an employee who is not employed during the preceding plan year or is employed for a portion of such year, such employee shall be treated as a key employee if it can be reasonably anticipated that such employee will be described in 1 of the preceding clauses for the current plan year.".

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE"; and

(B) by striking "5-year period" and inserting "1-year period".

(d) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)"; and

(B) by adding at the end the following:

"(iii) EXCEPTION FOR FROZEN PLAN.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no key employee or former key employee.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 614. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.—

"(1) IN GENERAL.—The applicable percentage of the amount of any elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in:	**The applicable percentage is:**
2002 through 2010	25 percent
2011 and thereafter	100 percent.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 615. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 611, is amended to read as follows:

"(c) LIMITATION.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2001.

SEC. 616. DEDUCTION LIMITS.

(a) MODIFICATION OF LIMITS.—

(1) STOCK BONUS AND PROFIT SHARING TRUSTS.—

(A) IN GENERAL.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "25 percent".

(B) CONFORMING AMENDMENT.—Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "25 percent".

(2) DEFINED CONTRIBUTION PLANS.—

(A) IN GENERAL.—Clause (v) of section 404(a)(3)(A) (relating to stock bonus and profit sharing trusts) is amended to read as follows:

"(v) DEFINED CONTRIBUTION PLANS SUBJECT TO THE FUNDING STANDARDS.—Except as provided by the Secretary, a defined contribution plan which is subject to the funding standards of section 412 shall be treated in the same manner as a stock bonus or profit-sharing plan for purposes of this subparagraph."

(B) CONFORMING AMENDMENTS.—

(i) Section 404(a)(1)(A) is amended by inserting "(other than a trust to which paragraph (3) applies)" after "pension trust".

(ii) Section 404(h)(2) is amended by striking "stock bonus or profit-sharing trust" and inserting "trust subject to subsection (a)(3)(A)".

(iii) The heading of section 404(h)(2) is amended by striking "STOCK BONUS AND PROFIT-SHARING TRUST" and inserting "CERTAIN TRUSTS".

(b) COMPENSATION.—

(1) IN GENERAL.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) DEFINITION OF COMPENSATION.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(B) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 617. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

"(a) GENERAL RULE.—If an applicable retirement plan includes a qualified Roth contribution program—

"(1) any designated Roth contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) QUALIFIED ROTH CONTRIBUTION PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified Roth contribution program' means a program under which an employee may elect to make designated Roth contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified Roth contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated Roth accounts') for the designated Roth contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) DEFINITIONS AND RULES RELATING TO DESIGNATED ROTH CONTRIBUTIONS.—For purposes of this section—

"(1) DESIGNATED ROTH CONTRIBUTION.—The term 'designated Roth contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) DESIGNATION LIMITS.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) ROLLOVER CONTRIBUTIONS.—

"(A) IN GENERAL.—A rollover contribution of any payment or distribution from a designated Roth account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated Roth account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) COORDINATION WITH LIMIT.—Any rollover contribution to a designated Roth account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) EXCLUSION.—Any qualified distribution from a designated Roth account shall not be includible in gross income.

"(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a designated Roth account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated Roth contribution to any designated Roth account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated Roth account from a designated Roth account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated Roth contribution to such previously established account.

"(C) DISTRIBUTIONS OF EXCESS DEFERRALS AND CONTRIBUTIONS AND EARNINGS THEREON.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) or any excess contribution under section 401(k)(8), and any income on the excess deferral or contribution.

"(3) TREATMENT OF DISTRIBUTIONS OF CERTAIN EXCESS DEFERRALS.—Notwithstanding section 72, if any excess deferral under section 402(g)(2) attributable to a designated Roth contribution is not distributed on or before the 1st April 15 following the close of the taxable year in which such excess deferral is made, the amount of such excess deferral shall—

"(A) not be treated as investment in the contract, and

"(B) be included in gross income for the taxable year in which such excess is distributed.

"(4) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated Roth account and other distributions and payments from the plan.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1)(A) (as added by section 201(c)(1)) the following new sentence: "The preceding sentence shall not apply the portion of such excess as does not exceed the designated Roth contributions of the individual for the taxable year."; and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated Roth account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated Roth account and a Roth IRA.".

(d) REPORTING REQUIREMENTS.—

(1) W–2 INFORMATION.—Section 6051(a)(8) is amended by inserting ", including the amount of designated Roth contributions (as defined in section 402A)" before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DESIGNATED ROTH CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated Roth contributions (as defined in section 402A) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as Roth contributions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 618. NONREFUNDABLE CREDIT TO CERTAIN INDIVIDUALS FOR ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits), as amended by section 432, is amended by inserting after section 25B the following new section:

"SEC. 25C. ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS BY CERTAIN INDIVIDUALS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of so much of the qualified retirement savings contributions of the eligible individual for the taxable year as do not exceed $2,000.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage is the percentage determined in accordance with the following table:

Adjusted Gross Income						
Joint return		Head of a household		All other cases		Applicable percentage
Over	Not over	Over	Not over	Over	Not over	
$0	$30,000	$0	$22,500	$0	$15,000	50
30,000	32,500	22,500	24,375	15,000	16,250	20
32,500	50,000	24,375	37,500	16,250	25,000	10
50,000	....	37,500	....	25,000	....	0

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means any individual if such individual has attained the age of 18 as of the close of the taxable year.

"(2) DEPENDENTS AND FULL-TIME STUDENTS NOT ELIGIBLE.—The term 'eligible individual' shall not include—

"(A) any individual with respect to whom a deduction under section 151 is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, and

"(B) any individual who is a student (as defined in section 151(c)(4)).

"(d) QUALIFIED RETIREMENT SAVINGS CONTRIBUTIONS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified retirement savings contributions' means, with respect to any taxable year, the sum of—

"(A) the amount of the qualified retirement contributions (as defined in section 219(e)) made by the eligible individual,

"(B) the amount of—

"(i) any elective deferrals (as defined in section 402(g)(3)) of such individual, and

"(ii) any elective deferral of compensation by such individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(C) the amount of voluntary employee contributions by such individual to any qualified retirement plan (as defined in section 4974(c)).

"(2) REDUCTION FOR CERTAIN DISTRIBUTIONS.—

"(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) shall be reduced (but not below zero) by the sum of—

"(i) any distribution from a qualified retirement plan (as defined in section 4974(c)), or from an eligible deferred compensation plan (as defined in section 457(b)), received by the individual during the testing period which is includible in gross income, and

"(ii) any distribution from a Roth IRA received by the individual during the testing period which is not a qualified rollover contribution (as defined in section 408A(e)) to a Roth IRA.

"(B) TESTING PERIOD.—For purposes of subparagraph (A), the testing period, with respect to a taxable year, is the period which includes—

"(i) such taxable year,

"(ii) the 2 preceding taxable years, and

"(iii) the period after such taxable year and before the due date (including extensions) for filing the return of tax for such taxable year.

"(C) EXCEPTED DISTRIBUTIONS.—There shall not be taken into account under subparagraph (A)—

"(i) any distribution referred to in section 72(p), 401(k)(8), 401(m)(6), 402(g)(2), 404(k), or 408(d)(4), and

"(ii) any distribution to which section 408A(d)(3) applies.

"(D) TREATMENT OF DISTRIBUTIONS RECEIVED BY SPOUSE OF INDIVIDUAL.—For purposes of determining distributions received by an individual under subparagraph (A) for any taxable year, any distribution received by the spouse of such individual shall be treated as received by such individual if such individual and spouse file a joint return for such taxable year and for the taxable year during which the spouse receives the distribution.

"(e) ADJUSTED GROSS INCOME.—For purposes of this section, adjusted gross income shall be determined without regard to sections 911, 931, and 933.

"(f) INVESTMENT IN THE CONTRACT.—Notwithstanding any other provision of law, a qualified retirement savings contribution shall not fail to be included in determining the investment in the contract for purposes of section 72 by reason of the credit under this section.

"(g) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2006.".

(b) CREDIT ALLOWED AGAINST REGULAR TAX AND ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25C, as added by subsection (a), is amended by inserting after subsection (f) the following new subsection:

"(g) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate credit allowed by this section for the taxable year shall not exceed the sum of—

"(1) the taxpayer's regular tax liability for the taxable year reduced by the sum of the credits allowed by sections 21, 22, 23, 24, 25, 25A, and 25B plus

"(2) the tax imposed by section 55 for such taxable year."

(2) CONFORMING AMENDMENTS.—

(A) Section 26(a)(1), as amended by section 201, is amended by inserting "or section 25C" after "section 24".

(B) Section 23(c), as amended by section 201, is amended by striking "sections 24" and inserting "sections 24, 25C,".

(C) Section 25(e)(1)(C), as amended by section 201, is amended by inserting "25C," after "24,".

(D) Section 904(h), as amended by section 201, is amended by inserting "or 25C" after "section 24".

(E) Section 1400C(d), as amended by section 201, is amended by inserting "and section 25C" after "section 24".

(c) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1, as amended by section 432, is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Elective deferrals and IRA contributions by certain individuals."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 619. CREDIT FOR QUALIFIED PENSION PLAN CONTRIBUTIONS OF SMALL EMPLOYERS.

.(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45E. SMALL EMPLOYER PENSION PLAN CONTRIBUTIONS.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan contribution credit determined under this section for any taxable year is an amount equal to 50 percent of the amount which would (but for subsection (f)(1)) be allowed as a deduction under section 404 for such taxable year for qualified employer contributions made to any qualified retirement plan on behalf of any employee who is not a highly compensated employee.

"(b) CREDIT LIMITED TO 3 YEARS.—The credit allowable by this section shall be allowed only with respect to the period of 3 taxable years beginning with the first taxable year for which a credit is allowable with respect to a plan under this section.

"(c) QUALIFIED EMPLOYER CONTRIBUTION.—For purposes of this section—

"(1) DEFINED CONTRIBUTION PLANS.—In the case of a defined contribution plan, the term 'qualified employer contribution' means the amount of nonelective and matching contributions to the plan made by the employer on behalf of any employee who is not a highly compensated employee to the extent such amount does not exceed 3 percent of such employee's compensation from the employer for the year.

"(2) DEFINED BENEFIT PLANS.—In the case of a defined benefit plan, the term 'qualified employer contribution' means the amount of employer contributions to the plan made on behalf of any employee who is not a highly compensated employee to the extent that the accrued benefit of such employee derived from employer contributions for the year does not exceed the equivalent (as determined under regulations prescribed by the Secretary and without regard to contributions and benefits under the Social Security Act) of 3 percent of such employee's compensation from the employer for the year.

"(d) QUALIFIED RETIREMENT PLAN.—

"(1) IN GENERAL.—The term 'qualified retirement plan' means any plan described in section 401(a) which includes a trust exempt from tax under section 501(a) if the plan meets—

"(A) the contribution requirements of paragraph (2),

"(B) the vesting requirements of paragraph (3), and

"(C) the distribution requirements of paragraph (4).

"(2) CONTRIBUTION REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if, under the plan—

"(i) the employer is required to make nonelective contributions of at least 1 percent of compensation (or the equivalent thereof in the case of a defined benefit plan) for each employee who is not a highly compensated employee who is eligible to participate in the plan, and

"(ii) allocations of nonelective employer contributions, in the case of a defined contribution plan, are either in equal dollar amounts for all employees covered by the plan or bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan (and an equivalent requirement is met with respect to a defined benefit plan).

"(B) COMPENSATION LIMITATION.—The compensation taken into account under subparagraph (A) for any year shall not exceed the limitation in effect for such year under section 401(a)(17).

"(3) VESTING REQUIREMENTS.—The requirements of this paragraph are met if the plan satisfies the requirements of either of the following subparagraphs:

"(A) 3-YEAR VESTING.—A plan satisfies the requirements of this subparagraph if an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(B) 5-YEAR GRADED VESTING.—A plan satisfies the requirements of this subparagraph if an employee has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions determined under the following table:

"Years of service:	**The nonforfeitable percentage is:**
1	20
2	40
3	60
4	80
5	100.

"(4) DISTRIBUTION REQUIREMENTS.—In the case of a profit-sharing or stock bonus plan, the requirements of this paragraph are met if, under the plan, qualified employer contributions are distributable only as provided in section 401(k)(2)(B).

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE EMPLOYER.—

"(A) IN GENERAL.—The term 'eligible employer' means, with respect to any year, an employer which has no more than 20 employees who received at least $5,000 of compensation from the employer for the preceding year.

"(B) REQUIREMENT FOR NEW QUALIFIED EMPLOYER PLANS.—Such term shall not include an employer if, during the 3-taxable year period immediately preceding the 1st taxable year for which the credit under this section is otherwise allowable for a qualified employer plan of the employer, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained a qualified employer plan with respect to which contributions were made, or benefits were accrued, for substantially the same employees as are in the qualified employer plan.

"(2) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' has the meaning given such term by section 414(q) (determined without regard to section 414(q)(1)(B)(ii)).

"(f) SPECIAL RULES.—

"(1) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified employer contributions paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

"(2) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

"(3) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All eligible employer plans shall be treated as 1 eligible employer plan.

"(g) RECAPTURE OF CREDIT ON FORFEITED CONTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if any accrued benefit which is forfeitable by reason of subsection (d)(3) is forfeited, the employer's tax imposed by this chapter for the taxable year in which the forfeiture occurs shall be increased by 35 percent of the employer contributions from which such benefit is derived to the extent such contributions were taken into account in determining the credit under this section.

"(2) REALLOCATED CONTRIBUTIONS.—Paragraph (1) shall not apply to any contribution which is reallocated by the employer under the plan to employees who are not highly compensated employees.".

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (defining current year business credit) is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following new paragraph:

"(14) in the case of an eligible employer (as defined in section 45E(e)), the small employer pension plan contribution credit determined under section 45E(a)."

(c) CONFORMING AMENDMENTS.—

(1) Section 39(d) is amended by adding at the end the following new paragraph:

"(10) NO CARRYBACK OF SMALL EMPLOYER PENSION PLAN CONTRIBUTION CREDIT BEFORE JANUARY 1, 2003.—No portion of the unused business credit for any taxable year which is attributable to the small employer pension plan contribution credit determined under section 45E may be carried back to a taxable year beginning before January 1, 2003."

(2) Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and", and by adding at the end the following new paragraph:

"(10) the small employer pension plan contribution credit determined under section 45E(a)."

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45E. Small employer pension plan contributions."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or incurred in taxable years beginning after December 31, 2002.

SEC. 620. CREDIT FOR PENSION PLAN STARTUP COSTS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 619, is amended by adding at the end the following new section:

"SEC. 45F. SMALL EMPLOYER PENSION PLAN STARTUP COSTS.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan startup cost credit determined under this section for any taxable year is an amount equal to 50 percent of the qualified startup costs paid or incurred by the taxpayer during the taxable year.

"(b) DOLLAR LIMITATION.—The amount of the credit determined under this section for any taxable year shall not exceed—

"(1) $500 for the first credit year and each of the 2 taxable years immediately following the first credit year, and

"(2) zero for any other taxable year.

"(c) ELIGIBLE EMPLOYER.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible employer' has the meaning given such term by section 408(p)(2)(C)(i).

"(2) REQUIREMENT FOR NEW QUALIFIED EMPLOYER PLANS.—Such term shall not include an employer if, during the 3-taxable year period immediately preceding the 1st taxable year for which the credit under this section is otherwise allowable for a qualified employer plan of the employer, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained a qualified employer plan with respect to which contributions were made, or benefits were accrued, for substantially the same employees as are in the qualified employer plan.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED STARTUP COSTS.—

"(A) IN GENERAL.—The term 'qualified startup costs' means any ordinary and necessary expenses of an eligible employer which are paid or incurred in connection with—

"(i) the establishment or administration of an eligible employer plan, or

"(ii) the retirement-related education of employees with respect to such plan.

"(B) PLAN MUST HAVE AT LEAST 1 PARTICIPANT.—Such term shall not include any expense in connection with a plan that does not have at least 1 employee eligible to participate who is not a highly compensated employee.

"(2) ELIGIBLE EMPLOYER PLAN.—The term 'eligible employer plan' means a qualified employer plan within the meaning of section 4972(d).

"(3) FIRST CREDIT YEAR.—The term 'first credit year' means—

"(A) the taxable year which includes the date that the eligible employer plan to which such costs relate becomes effective, or

"(B) at the election of the eligible employer, the taxable year preceding the taxable year referred to in subparagraph (A).

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All eligible employer plans shall be treated as 1 eligible employer plan.

"(2) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified startup costs paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

"(3) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year."

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (defining current year business credit), as amended by section 619, is amended by striking "plus" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ", plus", and by adding at the end the following new paragraph:

"(15) in the case of an eligible employer (as defined in section 45F(c)), the small employer pension plan startup cost credit determined under section 45F(a)."

(c) CONFORMING AMENDMENTS.—

(1) Section 39(d), as amended by section 619(c), is amended by adding at the end the following new paragraph:

"(11) NO CARRYBACK OF SMALL EMPLOYER PENSION PLAN STARTUP COST CREDIT BEFORE JANUARY 1, 2002.—No portion of the unused business credit for any taxable year which is attributable to the small employer pension plan startup cost credit determined under section 45F may be carried back to a taxable year beginning before January 1, 2002."

(2) Subsection (c) of section 196, as amended by section 619(c), is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting ", and", and by adding at the end the following new paragraph:

"(11) the small employer pension plan startup cost credit determined under section 45F(a)."

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 619(c), is amended by adding at the end the following new item:

"Sec. 45F. Small employer pension plan startup costs."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2001, with respect to qualified employer plans established after such date.

SEC. 621. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING NEW PENSION PLANS.

(a) ELIMINATION OF CERTAIN USER FEES.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 10511 of the Revenue Act of 1987 for requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters or similar requests with respect to the qualified status of a new pension benefit plan or any trust which is part of the plan.

(b) NEW PENSION BENEFIT PLAN.—For purposes of this section—

(1) IN GENERAL.—The term "new pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan which is maintained by one or more eligible employers if such employer (or any predecessor employer) has not made a prior request described in subsection (a) for such plan (or any predecessor plan).

(2) ELIGIBLE EMPLOYER.—

(A) IN GENERAL.—The term "eligible employer" means an employer which has—

(i) no more than 100 employees for the preceding year, and

(ii) at least one employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan.

(B) NEW PLAN REQUIREMENT.—The term "eligible employer" shall not include an employer if, during the 3-taxable year period immediately preceding the taxable year in which the request is made, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained a qualified employer plan with respect to which contributions were made, or benefits were accrued for service, for substantially the same employees as are in the qualified employer plan.

(c) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subsection (a) applies shall not be taken into account.

(d) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 2001.

SEC. 622. TREATMENT OF NONRESIDENT ALIENS ENGAGED IN INTERNATIONAL TRANSPORTATION SERVICES.

(a) EXCLUSION FROM INCOME SOURCING RULES.—The second sentence of section 861(a)(3) (relating to gross income from sources within the United States) is amended by striking "except for purposes of sections 79 and 105 and subchapter D,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to remuneration for services performed in plan years beginning after December 31, 2001.

Subtitle C—Enhancing Fairness for Women

SEC. 631. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) IN GENERAL.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.—

"(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—

"(A) IN GENERAL.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(i) the applicable dollar amount, or

"(ii) the excess (if any) of—

"(I) the participant's compensation (as defined in section 415(c)(3)) for the year, over

"(II) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph, the applicable dollar amount shall be determined in accordance with the following table:

"For taxable years beginning in:	**The applicable dollar amount is:**
2002, 2003, and 2004	$500
2005 and 2006	$1,000
2007	$2,000
2008	$3,000
2009	$4,000
2010 and thereafter	$7,500.

"(3) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution to a plan under paragraph (1)—

"(A) such contribution shall not, with respect to the year in which the contribution is made—

"(i) be subject to any otherwise applicable limitation contained in section 402(g), 402(h), 403(b), 404(a), 404(h), 408(k), 408(p), 415, or 457, or

"(ii) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan, and

"(B) such plan shall not be treated as failing to meet the requirements of section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 401(m), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416 by reason of the making of (or the right to make) such contribution.

"(4) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation or restriction contained in the terms of the plan.

"(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer described in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(B) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2001.

SEC. 632. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "the applicable percentage".

(2) APPLICABLE PERCENTAGE.—Section 415(c) is amended by adding at the end the following new paragraph:

"(8) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)(B), the applicable percentage shall be determined in accordance with the following table:

"For years beginning in:	**The applicable percentage is:**
2002 through 2010	50 percent
2011 and thereafter	100 percent.".

(3) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415",

(B) by striking paragraph (2), and

(C) by inserting "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(4) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Restoring Earnings to Lift Individuals and Empower Families Act of 2001)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 611(c)(3)) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Restoring Earnings to Lift Individuals and Empower Families Act of 2001)".

(H) Section 664(g) is amended—

(i) in paragraph (3)(E) by striking "limitations under section 415(c)" and inserting "applicable limitation under paragraph (7)", and

(ii) by adding at the end the following new paragraph:

"(7) APPLICABLE LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (3)(E), the applicable limitation under this paragraph with respect to a participant is an amount equal to the lesser of—

"(i) $30,000, or

"(ii) 25 percent of the participant's compensation (as defined in section 415(c)(3)).

"(B) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the $30,000 amount under subparagraph (A)(i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning October 1, 1993, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.".

(5) EFFECTIVE DATE.—

(A) Except as provided in subparagraph (B), the amendments made by this subsection shall apply to years beginning after December 31, 2001.

(B) The amendments made by paragraphs (3) and (4) shall apply to years beginning after December 31, 2010.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 2000.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2001, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 2000, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "the applicable percentage".

(2) APPLICABLE PERCENTAGE.—Section 457 is amended by adding at the end the following new subsection:

"(h) APPLICABLE PERCENTAGE.—For purposes of subsection (b)(2)(A), the applicable percentage shall be determined in accordance with the following table:

"For years beginning in:	**The applicable percentage is:**
2002 through 2010	50 percent
2011 and thereafter	100 percent.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 633. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) IN GENERAL.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan"; and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	**The nonforfeitable percentage is:**
2	20
3	40
4	60
5	80
6	100.".

(b) AMENDMENT OF ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (4), a plan", and

(2) by adding at the end the following:

"(4) In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	**The nonforfeitable percentage is:**
2	20
3	40
4	60
5	80
6	100.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2001.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2002; or

(B) January 1, 2006.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 634. MODIFICATIONS TO MINIMUM DISTRIBUTION RULES.

(a) LIFE EXPECTANCY TABLES.—The Secretary of the Treasury shall modify the life expectancy tables under the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code to reflect current life expectancy.

(b) REPEAL OF RULE WHERE DISTRIBUTIONS HAD BEGUN BEFORE DEATH OCCURS.—

(1) IN GENERAL.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) CONFORMING CHANGES.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "FOR OTHER CASES" in the heading; and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)";

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)";

(iii) by striking "the date on which the employee would have attained age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,"; and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to years beginning after December 31, 2001.

(B) DISTRIBUTIONS TO SURVIVING SPOUSE.—

(i) IN GENERAL.—In the case of an employee described in clause (ii), distributions to the surviving spouse of the employee shall not be required to commence prior to the date on which such distributions would have been required to begin under section 401(a)(9)(B) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

(ii) CERTAIN EMPLOYEES.—An employee is described in this clause if such employee dies before—

(I) the date of the enactment of this Act, and

(II) the required beginning date (within the meaning of section 401(a)(9)(C) of the Internal Revenue Code of 1986) of the employee.

SEC. 635. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) IN GENERAL.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))"; and

(2) in the heading, by striking "GOVERNMENTAL AND CHURCH PLANS" and inserting "CERTAIN OTHER PLANS".

(b) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (c) shall apply to transfers, distributions, and payments made after December 31, 2001.

(2) AMENDMENTS RELATING TO ASSIGNMENTS IN DIVORCE, ETC., PROCEEDINGS.—The amendments made by subsections (a) and (b) shall take effect

on January 1, 2002, except that in the case of a domestic relations order entered before such date, the plan administrator—

(A) shall treat such order as a qualified domestic relations order if such administrator is paying benefits pursuant to such order on such date, and

(B) may treat any other such order entered before such date as a qualified domestic relations order even if such order does not meet the requirements of such amendments.

SEC. 636. PROVISIONS RELATING TO HARDSHIP DISTRIBUTIONS.

(a) SAFE HARBOR RELIEF.—

(1) IN GENERAL.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(2) EFFECTIVE DATE.—The revised regulations under this subsection shall apply to years beginning after December 31, 2001.

(b) HARDSHIP DISTRIBUTIONS NOT TREATED AS ELIGIBLE ROLLOVER DISTRIBUTIONS.—

(1) MODIFICATION OF DEFINITION OF ELIGIBLE ROLLOVER.—Subparagraph (C) of section 402(c)(4) (relating to eligible rollover distribution) is amended to read as follows:

"(C) any distribution which is made upon hardship of the employee.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distributions made after December 31, 2001.

SEC. 637. WAIVER OF TAX ON NONDEDUCTIBLE CONTRIBUTIONS FOR DOMESTIC OR SIMILAR WORKERS.

(a) IN GENERAL.—Section 4972(c)(6) (relating to exceptions to nondeductible contributions), as amended by section 502, is amended by striking "or" at the end of subparagraph (A), by striking the period and inserting ", or" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) so much of the contributions to a simple retirement account (within the meaning of section 408(p)) or a simple plan (within the meaning of section 401(k)(11)) which are not deductible when contributed solely because such contributions are not made in connection with a trade or business of the employer."

(b) EXCLUSION OF CERTAIN CONTRIBUTIONS.—Section 4972(c)(6), as amended by subsection (a), is amended by adding at the end the following new sentence: "Subparagraph (C) shall not apply to contributions made on behalf of the employer or a member of the employer's family (as defined in section 447(e)(1)).".

(c) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to infer the proper treatment of nondeductible contributions under the laws in effect before such amendments.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle D—Increasing Portability for Participants

SEC. 641. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) ROLLOVERS FROM AND TO SECTION 457 PLANS.—

(1) ROLLOVERS FROM SECTION 457 PLANS.—

(A) IN GENERAL.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) ROLLOVER AMOUNTS.—

"(A) GENERAL RULE.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) REPORTING.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) DEFERRAL LIMIT DETERMINED WITHOUT REGARD TO ROLLOVER AMOUNTS.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) DIRECT ROLLOVER.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) WITHHOLDING.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A), or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) ELIGIBLE ROLLOVER DISTRIBUTION.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) LIABILITY FOR WITHHOLDING.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b) and which is maintained by an eligible employer described in section 457(e)(1)(A).".

(2) ROLLOVERS TO SECTION 457 PLANS.—

(A) IN GENERAL.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).".

(B) SEPARATE ACCOUNTING.—Section 402(c) is amended by adding at the end the following new paragraph:

"(11) SEPARATE ACCOUNTING.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 PERCENT ADDITIONAL TAX.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) ALLOWANCE OF ROLLOVERS FROM AND TO 403(b) PLANS.—

(1) ROLLOVERS FROM SECTION 403(b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) ROLLOVERS TO SECTION 403(b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)," and inserting "403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 642. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) In General.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) Simple retirement accounts.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 643. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) Rollovers From Exempt Trusts.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) Optional Direct Transfer of Eligible Rollover Distributions.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).".

(c) Rules for Applying Section 72 to IRAs.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

"(H) Application of section 72.—

"(i) In general.—If—

"(I) a distribution is made from an individual retirement plan, and

"(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

"(ii) Applicable rules.—In the case of a distribution described in clause (i)—

"(I) section 72 shall be applied separately to such distribution,

"(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

"(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(d) Effective Date.—The amendments made by this section shall apply to distributions made after December 31, 2001.

SEC. 644. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) Exempt Trusts.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

"(3) Transfer must be made within 60 days of receipt.—

"(A) In general.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) Hardship exception.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(b) IRAs.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 643, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) Waiver of 60-day requirement.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 645. TREATMENT OF FORMS OF DISTRIBUTION.

(a) Plan Transfers.—

(1) Amendment of internal revenue code.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) Plan transfers.—

"(i) In general.—A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election, and

"(V) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) Special rule for mergers, etc.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.".

(2) Amendment of ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

"(4)(A) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

"(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

"(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

"(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election; and

"(v) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) REGULATIONS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—The last sentence of paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended to read as follows: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants, unless such amendment adversely affects the rights of any participant in a more than de minimis manner.".

(2) AMENDMENT OF ERISA.—The last sentence of section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended to read as follows: "The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants, unless such amendment adversely affects the rights of any participant in a more than de minimis manner.".

(3) SECRETARY DIRECTED.—Not later than December 31, 2002, the Secretary of the Treasury is directed to issue regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974, including the regulations required by the amendment made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2002, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 646. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination"; and

(II) by striking "the event" in clause (i) and inserting "the termination";

(ii) by striking subparagraph (C); and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 647. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 PLANS.—Subsection (e) of section 457, as amended by section 401, is amended by adding after paragraph (16) the following new paragraph:

"(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2001.

SEC. 648. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(2) AMENDMENT OF ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.".

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 649. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) YEAR OF INCLUSION IN GROSS INCOME.—

"(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9),. section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) MODIFICATION OF TRANSITION RULES FOR EXISTING 457 PLANS.—

(1) IN GENERAL.—Section 1107(c)(3)(B) of the Tax Reform Act of 1986 is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or" and by inserting after clause (ii) the following new clause:

"(iii) are deferred pursuant to an agreement with an individual covered by an agreement described in clause (ii), to the extent the annual amount under such agreement with the individual does not exceed—

"(I) the amount described in clause (ii)(II), multiplied by

"(II) the cumulative increase in the Consumer Price Index (as published by the Bureau of Labor Statistics of the Department of Labor).".

(2) CONFORMING AMENDMENT.—The fourth sentence of section 1107(c)(3)(B) of the Tax Reform Act of 1986 is amended by striking "This

subparagraph" and inserting "Clauses (i) and (ii) of this subparagraph".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act with respect to increases in the Consumer Price Index after September 30, 1993.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to distributions after December 31, 2001.

Subtitle E—Strengthening Pension Security and Enforcement

PART I—GENERAL PROVISIONS

SEC. 651. REPEAL OF 160 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) AMENDMENTS TO INTERNAL REVENUE CODE.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2005, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	160
2003	165
2004	170.".

(b) AMENDMENT OF ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2005, the applicable percentage", and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	160
2003	165
2004	170.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 652. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

"(i) IN GENERAL.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) PLANS WITH LESS THAN 100 PARTICIPANTS.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) RULE FOR DETERMINING NUMBER OF PARTICIPANTS.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c) is amended to read as follows:

"(6) EXCEPTIONS.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus

"(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 653. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) IN GENERAL.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) DEFINED BENEFIT PLAN EXCEPTION.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 654. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—

(1) IN GENERAL.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(2) CONFORMING AMENDMENT.—Section 415(b)(7) (relating to benefits under certain collectively bargained plans) is amended by inserting "(other than a multiemployer plan)" after "defined benefit plan" in the matter preceding subparagraph (A).

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying subsection (b)(1)(B) to such plan or any other such plan.".

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 655. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(k) PLANS.

(a) IN GENERAL.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) NONAPPLICATION TO PREVIOUSLY ACQUIRED PROPERTY.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 656. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) IN GENERAL.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) PROHIBITED ALLOCATIONS OF SECURITIES IN AN S CORPORATION.—

"(1) IN GENERAL.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

"(2) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

"(B) CROSS REFERENCE.—

"For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

"(3) NONALLOCATION YEAR.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

"(i) such plan holds employer securities consisting of stock in an S corporation, and

"(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

"(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

"(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

"(II) paragraph (4) thereof shall not apply.

"(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), an individual shall be treated as owning deemed-owned shares of the individual. Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

"(4) DISQUALIFIED PERSON.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified person' means any person if—

"(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

"(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

"(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

"(C) DEEMED-OWNED SHARES.—

"(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

"(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

"(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

"(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

"(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

"(i) the spouse of the individual,

"(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

"(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

"(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

"(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

"(A) the treatment of any person as a disqualified person, or

"(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(B) EMPLOYER SECURITIES.—The term 'employer security' has the meaning given such term by section 409(l).

"(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

"(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.".

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting ", section 409(p)," after "409(n)".

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking "or" at the end of paragraph (1), and

(B) by striking all that follows paragraph (2) and inserting the following:

"(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.".

(2) LIABILITY.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

"(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative, which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.".

(3) DEFINITIONS.—Section 4979A(e) (relating to definitions) is amended to read as follows:

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) DEFINITIONS.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) SPECIAL RULES RELATING TO TAX IMPOSED BY REASON OF PARAGRAPH (3) OR (4) OF SUBSECTION (a).—

"(A) PROHIBITED ALLOCATIONS.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

"(B) SYNTHETIC EQUITY.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) SPECIAL RULE DURING FIRST NONALLOCATION YEAR.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) STATUTE OF LIMITATIONS.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

(2) EXCEPTION FOR CERTAIN PLANS.—In the case of any—

(A) employee stock ownership plan established after July 11, 2000, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after July 11, 2000.

SEC. 657. AUTOMATIC ROLLOVERS OF CERTAIN MANDATORY DISTRIBUTIONS.

(a) DIRECT TRANSFERS OF MANDATORY DISTRIBUTIONS.—

(1) IN GENERAL.—Section 401(a)(31) (relating to optional direct transfer of eligible rollover distributions), as amended by section 643, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) CERTAIN MANDATORY DISTRIBUTIONS.—

"(i) IN GENERAL.—In case of a trust which is part of an eligible plan, such trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that if—

"(I) a distribution described in clause (ii) in excess of $1,000 is made, and

"(II) the distributee does not make an election under subparagraph (A) and does not elect to receive the distribution directly,

the plan administrator shall make such transfer to an individual retirement account or annuity of a designated trustee or issuer and shall notify the distributee in writing (either separately or as part of the notice under section 402(f)) that the distribution may be transferred without cost or penalty to another individual account or annuity.

"(ii) ELIGIBLE PLAN.—For purposes of clause (i), the term 'eligible plan' means a plan which provides that any nonforfeitable accrued benefit for which the present value (as determined under section 411(a)(11)) does not exceed $5,000 shall be immediately distributed to the participant.".

(2) CONFORMING AMENDMENTS.—

(A) The heading of section 401(a)(31) is amended by striking "OPTIONAL DIRECT" and inserting "DIRECT".

(B) Section 401(a)(31)(C), as redesignated by paragraph (1), is amended by striking "Subparagraph (A)" and inserting "Subparagraphs (A) and (B)".

(b) NOTICE REQUIREMENT.—Section 402(f)(1) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D), and by adding at the end the following new subparagraph:

"(E) if applicable, of the provision requiring a direct trustee-to-trustee transfer of a distribution under section 401(a)(31)(B) unless the recipient elects otherwise.".

(c) FIDUCIARY RULES.—

(1) IN GENERAL.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following new paragraph:

"(3) In the case of a pension plan which makes a transfer to an individual retirement account or annuity of a designated trustee or issuer under section 401(a)(31)(B) of the Internal Revenue Code of 1986, the participant or beneficiary shall, for purposes of paragraph (1), be treated as exercising control over the assets in the account or annuity upon the earlier of—

"(A) a rollover of all or a portion of the amount to another individual retirement account or annuity; or

"(B) one year after the transfer is made.".

(2) REGULATIONS.—

(A) AUTOMATIC ROLLOVER SAFE HARBOR.—The Secretary of Labor shall promulgate regulations to provide guidance regarding meeting the fiduciary requirements of section 404(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)) in the case of a pension plan which makes a transfer under section 401(a)(31)(B) of the Internal Revenue Code of 1986.

(B) USE OF LOW-COST INDIVIDUAL RETIREMENT PLANS.—The Secretary of the Treasury and the Secretary of Labor shall promulgate such regulations as necessary to encourage the use of low-cost individual retirement plans for purposes of transfers under section 401(a)(31)(B) of the Internal Revenue Code of 1986 and for other uses as appropriate to promote the preservation of assets for retirement income purposes.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after final regulations implementing subsection (c) are prescribed.

SEC. 658. CLARIFICATION OF TREATMENT OF CONTRIBUTIONS TO MULTIEMPLOYER PLAN.

(a) NOT CONSIDERED METHOD OF ACCOUNTING.—For purposes of section 446 of the Internal Revenue Code of 1986, a determination under section 404(a)(6) of such Code regarding the taxable year with respect to which a contribution to a multiemployer pension plan is deemed made shall not be treated as a method of accounting of the taxpayer. No deduction shall be allowed for any taxable year for any contribution to a multiemployer pension plan with respect to which a deduction was previously allowed.

(b) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as necessary to clarify that a taxpayer shall not be allowed, with respect to any taxable year, an aggregate amount of deductions for contributions to a multiemployer pension plan which exceeds the amount of such contributions made or deemed made under section 404(a)(6) of the Internal Revenue Code of 1986 to such plan.

(c) EFFECTIVE DATE.—Subsection (a), and any regulations promulgated under subsection (b), shall be effective for years ending after the date of the enactment of this Act.

PART II—TREATMENT OF PLAN AMENDMENTS REDUCING FUTURE BENEFIT ACCRUALS

SEC. 659. NOTICE REQUIRED FOR PENSION PLAN AMENDMENTS HAVING THE EFFECT OF SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) EXCISE TAX.—

(1) IN GENERAL.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE TO PROVIDE NOTICE OF PENSION PLAN AMENDMENTS REDUCING BENEFIT ACCRUALS.

"(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of an applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the notice to which the failure relates is provided or the failure is otherwise corrected.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED AND REASONABLE DILIGENCE EXERCISED.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for the tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

"(B) such person provides the notice described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

"(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

"(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(4) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) NOTICE REQUIREMENTS FOR PLAN AMENDMENTS SIGNIFICANTLY REDUCING BENEFIT ACCRUALS.—

"(1) IN GENERAL.—If the sponsor of an applicable pension plan adopts an amendment which has the effect of significantly reducing the rate of future benefit accrual of 1 or more participants, the plan administrator shall, not later than the 45th day before the effective date of the amendment, provide written notice to each applicable individual (and to each employee organization representing applicable individuals) which—

"(A) sets forth a summary of the plan amendment and the effective date of the amendment,

"(B) includes a statement that the plan amendment is expected to significantly reduce the rate of future benefit accrual,

"(C) includes a description of the classes of employees reasonably expected to be affected by the reduction in the rate of future benefit accrual,

"(D) sets forth examples illustrating how the plan will change benefits for such classes of employees,

"(E) if paragraph (2) applies to the plan amendment, includes a notice that the plan administrator will provide a benefit estimation tool kit described in paragraph (2)(B) to each applicable individual no later than the date required under paragraph (2)(A), and

"(F) includes a notice of each applicable individual's right under Federal law to receive, and of the procedures for requesting, an annual benefit statement.

"(2) REQUIREMENT TO PROVIDE BENEFIT ESTIMATION TOOL KIT.—

"(A) IN GENERAL.—If a plan amendment results in the significant restructuring of the plan benefit formula (as determined under regulations prescribed by the Secretary), the plan administrator shall, not later than the 15th day before the effective date of the amendment, provide a benefit estimation tool kit described in subparagraph (B) to each applicable individual. If such plan amendment occurs within 12 months of an event described in section 410(b)(6)(C), the plan administrator shall in no event be required to provide the benefit estimation tool kit to applicable individuals affected by the event before the date which is 12 months after the date on which notice under paragraph (1) is given to such applicable individuals.

"(B) BENEFIT ESTIMATION TOOL KIT.—The benefit estimation tool kit described in this subparagraph shall include the following information:

"(i) Sufficient information to enable an applicable individual to estimate the individual's projected benefits under the terms of the plan in effect both before and after the adoption of the amendment.

"(ii) The formulas and actuarial assumptions necessary to estimate under both such plan terms a single life annuity at appropriate ages, and, when available, a lump sum distribution.

"(iii) The interest rate used to compute a lump sum distribution and information as to whether the value of any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) is included in the lump sum distribution.

"(3) NOTICE TO DESIGNEE.—Any notice under paragraph (1) or (2) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(4) FORM OF EXPLANATION.—The information required to be provided under this subsection shall be provided in a manner calculated to be reasonably understood by the average plan participant.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE INDIVIDUAL.—

"(A) IN GENERAL.—The term 'applicable individual' means, with respect to any plan amendment—

"(i) each participant in the plan, and

"(ii) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8))

under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),
whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(B) EXCEPTION FOR PARTICIPANTS WITH LESS THAN 1 YEAR OF PARTICIPATION.—Such term shall not include a participant who has less than 1 year of participation (within the meaning of section 411(b)(4)) under the plan as of the effective date of the plan amendment.

"(2) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

"(A) a defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412.
Such term shall not include a governmental plan (within the meaning of section 414(d)), a church plan (within the meaning of section 414(e)) with respect to which an election under section 410(d) has not been made, or any other plan to which section 204(h) of the Employee Retirement Income Security Act of 1974 does not apply.

"(3) EARLY RETIREMENT.—A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

"(g) REGULATIONS.—The Secretary shall, not later than 1 year after the date of the enactment of this section, issue—

"(1) the regulations described in subsection (e)(2)(A) and section 204(h)(2)(A) of the Employee Retirement Income Security Act of 1974, and

"(2) guidance for both of the examples described in subsection (e)(1)(D) and section 204(h)(1)(D) of the Employee Retirement Income Security Act of 1974 and the benefit estimation tool kit described in subsection (e)(2)(B) and section 204(h)(2)(B) of the Employee Retirement Income Security Act of 1974.

"(h) NEW TECHNOLOGIES.—The Secretary may by regulation allow any notice under paragraph (1) or (2) of subsection (e) to be provided by using new technologies. Such regulations shall ensure that at least one option for providing such notice is not dependent on new technologies."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure to provide notice of pension plan amendments reducing benefit accruals."

(b) AMENDMENT OF ERISA.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended to read as follows:

"(h)(1) If an applicable pension plan is amended so as to provide a significant reduction in the rate of future benefit accrual of 1 or more participants, the plan administrator shall, not later than the 45th day before the effective date of the amendment, provide written notice to each applicable individual (and to each employee organization representing applicable individuals) which—

"(A) sets forth a summary of the plan amendment and the effective date of the amendment,

"(B) includes a statement that the plan amendment is expected to significantly reduce the rate of future benefit accrual,

"(C) includes a description of the classes of employees reasonably expected to be affected by the reduction in the rate of future benefit accrual,

"(D) sets forth examples illustrating how the plan will change benefits for such classes of employees,

"(E) if paragraph (2) applies to the plan amendment, includes a notice that the plan administrator will provide a benefit estimation tool kit described in paragraph (2)(B) to each applicable individual no later than the date required under paragraph (2)(A), and

"(F) includes a notice of each applicable individual's right under Federal law to receive, and of the procedures for requesting, an annual benefit statement.

"(2)(A) If a plan amendment results in the significant restructuring of the plan benefit formula (as determined under regulations prescribed by the Secretary of the Treasury), the plan administrator shall, not later than the 15th day before the effective date of the amendment, provide a benefit estimation tool kit described in subparagraph (B) to each applicable individual. If such plan amendment occurs within 12 months of an event described in section 410(b)(6)(C) of the Internal Revenue Code of 1986, the plan administrator shall in no event be required to provide the benefit estimation tool kit to applicable individuals affected by the event before the date which is 12 months after the date on which notice under paragraph (1) is given to such applicable individuals.

"(B) The benefit estimation tool kit described in this subparagraph shall include the following information:

"(i) Sufficient information to enable an applicable individual to estimate the individual's projected benefits under the terms of the plan in effect both before and after the adoption of the amendment.

"(ii) The formulas and actuarial assumptions necessary to estimate under both such plan terms a single life annuity at appropriate ages, and, when available, a lump sum distribution.

"(iii) The interest rate used to compute a lump sum distribution and information as to whether the value of any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)) is included in the lump sum distribution.

"(3) Any notice under paragraph (1) or (2) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(4) The information required to be provided under this subsection shall be provided in a manner calculated to be reasonably understood by the average participant.

"(5)(A) In the case of any failure to exercise due diligence in meeting any requirement of this subsection with respect to any plan amendment, the provisions of the applicable pension plan shall be applied as if such plan amendment entitled all applicable individuals to the greater of—

"(i) the benefits to which they would have been entitled without regard to such amendment, or

"(ii) the benefits under the plan with regard to such amendment.

"(B) For purposes of subparagraph (A), there is a failure to exercise due diligence in meeting the requirements of this subsection if such failure is within the control of the plan sponsor and is—

"(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection),

"(ii) a failure to provide most of the individuals with most of the information they are entitled to receive under this subsection, or

"(iii) a failure to exercise due diligence which is determined under regulations prescribed by the Secretary of the Treasury.

"(C) For excise tax on failure to meet requirements, see section 4980F of the Internal Revenue Code of 1986.

"(5)(A) For purposes of this subsection, the term 'applicable individual' means, with respect to any plan amendment—

"(i) each participant in the plan, and

"(ii) any beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)),
whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(B) Such term shall not include a participant who has less than 1 year of participation (within the meaning of subsection (b)(4)) under the plan as of the effective date of the plan amendment.

"(6) For purposes of this subsection, the term 'applicable pension plan' means—

"(A) a defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 302.

"(7) For purposes of this subsection, a plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 204(g)(2)(A)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

"(8) The Secretary of the Treasury may by regulation allow any notice under this subsection to be provided by using new technologies. Such regulation shall ensure that at least one option for providing such notice is not dependent on new technologies."

(c) REGULATIONS RELATING TO EARLY RETIREMENT SUBSIDIES.—The Secretary of the Treasury or the Secretary's delegate shall, not later than 1 year after the date of the enactment of this Act, issue regulations relating to early retirement benefits or retirement-type subsidies described in section 411(d)(6)(B)(i) of the Internal Revenue Code of 1986 and section 204(g)(2)(A) of the Employee Retirement Income Security Act of 1974.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) TRANSITION.—Until such time as the Secretary of the Treasury issues regulations under section 4980F(e)(2) of the Internal Revenue Code of 1986 and section 204(h)(2) of the Employee Retirement Income Security Act of 1974 (as added by the amendments made by this section), a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) SPECIAL NOTICE RULES.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

(d) STUDY.—The Secretary of the Treasury shall prepare a report on the effects of significant restructurings of plan benefit formulas of traditional defined benefit plans. Such study shall examine the effects of such restructurings on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after restructuring. As soon as practicable, but not later than one year after the date of enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate.

Subtitle F—Reducing Regulatory Burdens

SEC. 661. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) IN GENERAL.—Paragraph (9) of section 412(c) (relating to annual valuation) is amended to read as follows:

"(9) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) ELECTION TO USE PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) ELECTION.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.".

(b) AMENDMENT OF ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)", and

(2) by adding at the end the following:

"(B)(i) Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary of the Treasury.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 662. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) LIMITATION ON AMOUNT OF DEDUCTION.—Section 404(k)(1) (relating to deduction for dividends paid on certain employer securities) is amended to read as follows:

"(1) DEDUCTION ALLOWED.—

"(A) IN GENERAL.—In the case of a C corporation, there shall be allowed as a deduction for the taxable year an amount equal to—

"(i) the amount of any applicable dividend described in clause (i), (ii), or (iv) of paragraph (2)(A), and

"(ii) the applicable percentage of any applicable dividend described in clause (iii),

paid in cash by such corporation during the taxable year with respect to applicable employer securities. Such deduction shall be in addition to the deduction allowed subsection (a).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in:	**The applicable percentage is:**
2002, 2003, and 2004	25 percent
2005, 2006, and 2007	50 percent
2008, 2009, and 2010	75 percent
2011 and thereafter	100 percent.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 663. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 664. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) EFFECTIVE DATE.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 665. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) QUALIFIED RETIREMENT PLANNING SERVICES DEFINED.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) QUALIFIED RETIREMENT PLANNING SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning advice or information provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) NONDISCRIMINATION RULE.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 666. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year and each plan year beginning on or after January 1, 1994, need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) OTHER DEFINITIONS.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) EFFECTIVE DATE.—The provisions of this section shall take effect on January 1, 2002.

SEC. 667. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Self-Correction Program for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Self-Correction Program during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 668. REPEAL OF THE MULTIPLE USE TEST.

(a) IN GENERAL.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 669. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) EFFECTIVE DATES.—

(A) REGULATIONS.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2001.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) COVERAGE TEST.—

(1) IN GENERAL.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2001.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) LINE OF BUSINESS RULES.—The Secretary of the Treasury shall, on or before December 31, 2001, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 670. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) CONFORMING AMENDMENTS.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: "GOVERNMENTAL PLANS".

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: "EXCEPTION FOR GOVERNMENTAL PLANS".

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting "GOVERNMENTAL PLANS.—" after "(G)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

Subtitle G—Other ERISA Provisions

SEC. 681. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsection:

"(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

"(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 682. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.".

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

"(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

"(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans established after December 31, 2001.

SEC. 683. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

"(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

"(I) 0 percent, for the first plan year.

"(II) 20 percent, for the second plan year.

"(III) 40 percent, for the third plan year.

"(IV) 60 percent, for the fourth plan year.

"(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.".

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 682(b), is amended—

(1) by striking "The" in subparagraph (E)(i) and inserting "Except as provided in subparagraph (G), the", and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

"(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2001.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2001.

SEC. 684. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking "(b)" and inserting "(b)(1)", and

(2) by inserting at the end the following new paragraph:

"(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 685. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

"(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(i) owns the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

"(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

"(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

"(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.".

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking "section 4022(b)(5)" and inserting "section 4022(b)(5)(B)".

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking "(5)" in paragraph (2) and inserting "(4), (5),", and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking "as defined in section 4022(b)(6)", and

(B) by adding at the end the following new subsection:

"(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(1) owns the entire interest in an unincorporated trade or business,

"(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

"(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).".

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking "section 4022(b)(6)" and inserting "section 4021(d)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2001, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on January 1, 2002.

Subtitle H—Miscellaneous Provisions

SEC. 691. TAX TREATMENT AND INFORMATION REQUIREMENTS OF ALASKA NATIVE SETTLEMENT TRUSTS.

(a) TREATMENT OF ALASKA NATIVE SETTLEMENT TRUSTS.—Subpart A of part I of subchapter J of chapter 1 (relating to general rules for taxation of trusts and estates) is amended by adding at the end the following new section:

"SEC. 646. TAX TREATMENT OF ELECTING ALASKA NATIVE SETTLEMENT TRUSTS.

"(a) IN GENERAL.—If an election under this section is in effect with respect to any Settlement Trust, the provisions of this section shall apply in determining the income tax treatment of the Settlement Trust and its beneficiaries with respect to the Settlement Trust.

"(b) TAXATION OF INCOME OF TRUST.—Except as provided in subsection (f)(1)(B)(ii)—

"(1) IN GENERAL.—There is hereby imposed on the taxable income of an electing Settlement Trust, other than its net capital gain, a tax at the lowest rate specified in section 1(c).

"(2) CAPITAL GAIN.—In the case of an electing Settlement Trust with a net capital gain for the taxable year, a tax is hereby imposed on such gain at the rate of tax which would apply to such gain if the taxpayer were subject to a tax on its other taxable income at only the lowest rate specified in section 1(c).

Any such tax shall be in lieu of the income tax otherwise imposed by this chapter on such income or gain.

"(c) ONE-TIME ELECTION.—

"(1) IN GENERAL.—A Settlement Trust may elect to have the provisions of this section apply to the trust and its beneficiaries.

"(2) TIME AND METHOD OF ELECTION.—An election under paragraph (1) shall be made by the trustee of such trust—

"(A) on or before the due date (including extensions) for filing the Settlement Trust's return of tax for the first taxable year of such trust ending after the date of the enactment of this section, and

"(B) by attaching to such return of tax a statement specifically providing for such election.

"(3) PERIOD ELECTION IN EFFECT.—Except as provided in subsection (f), an election under this subsection—

"(A) shall apply to the first taxable year described in paragraph (2)(A) and all subsequent taxable years, and

"(B) may not be revoked once it is made.

"(d) CONTRIBUTIONS TO TRUST.—

"(1) BENEFICIARIES OF ELECTING TRUST NOT TAXED ON CONTRIBUTIONS.—In the case of an electing Settlement Trust, no amount shall be includible in the gross income of a beneficiary of such trust by reason of a contribution to such trust.

"(2) EARNINGS AND PROFITS.—The earnings and profits of the sponsoring Native Corporation shall not be reduced on account of any contribution to such Settlement Trust:

"(e) TAX TREATMENT OF DISTRIBUTIONS TO BENEFICIARIES.—Amounts distributed by an electing Settlement Trust during any taxable year shall be considered as having the following characteristics in the hands of the recipient beneficiary:

"(1) First, as amounts excludable from gross income for the taxable year to the extent of the taxable income of such trust for such taxable year (decreased by any income tax paid by the trust with respect to the income) plus any amount excluded from gross income of the trust under section 103.

"(2) Second, as amounts excludable from gross income to the extent of the amount described in paragraph (1) for all taxable years for which an election is in effect under subsection (c) with respect to the trust, and not previously taken into account under paragraph (1).

"(3) Third, as amounts distributed by the sponsoring Native Corporation with respect to its stock (within the meaning of section 301(a)) during such taxable year and taxable to the recipient beneficiary as amounts described in section 301(c)(1), to the extent of current or accumulated earnings and profits of the sponsoring

Native Corporation as of the close of such taxable year after proper adjustment is made for all distributions made by the sponsoring Native Corporation during such taxable year.

"(4) Fourth, as amounts distributed by the trust in excess of the distributable net income of such trust for such taxable year.

Amounts distributed to which paragraph (3) applies shall not be treated as a corporate distribution subject to section 311(b), and for purposes of determining the amount of a distribution for purposes of paragraph (3) and the basis to the recipients, section 643(e) and not section 301(b) or (d) shall apply.

"(f) Special Rules Where Transfer Restrictions Modified.—

"(1) Transfer of beneficial interests.—If, at any time, a beneficial interest in an electing Settlement Trust may be disposed of to a person in a manner which would not be permitted by section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)) if such interest were Settlement Common Stock—

"(A) no election may be made under subsection (c) with respect to such trust, and

"(B) if such an election is in effect as of such time—

"(i) such election shall cease to apply as of the first day of the taxable year in which such disposition is first permitted,

"(ii) the provisions of this section shall not apply to such trust for such taxable year and all taxable years thereafter, and

"(iii) the distributable net income of such trust shall be increased by the current or accumulated earnings and profits of the sponsoring Native Corporation as of the close of such taxable year after proper adjustment is made for all distributions made by the sponsoring Native Corporation during such taxable year.

In no event shall the increase under clause (iii) exceed the fair market value of the trust's assets as of the date the beneficial interest of the trust first becomes so disposable. The earnings and profits of the sponsoring Native Corporation shall be adjusted as of the last day of such taxable year by the amount of earnings and profits so included in the distributable net income of the trust.

"(2) Stock in corporation.—If—

"(A) stock in the sponsoring Native Corporation may be disposed of to a person in a manner which would not be permitted by section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)) if such stock were Settlement Common Stock, and

"(B) at any time after such disposition of stock is first permitted, such corporation transfers assets to a Settlement Trust,

paragraph (1)(B) shall be applied to such trust on and after the date of the transfer in the same manner as if the trust permitted dispositions of beneficial interests in the trust in a manner not permitted by such section 7(h).

"(3) Certain distributions.—For purposes of this section, the surrender of an interest in a Native Corporation or an electing Settlement Trust in order to accomplish the whole or partial redemption of the interest of a shareholder or beneficiary in such corporation or trust, or to accomplish the whole or partial liquidation of such corporation or trust, shall be deemed to be a transfer permitted by section 7(h) of the Alaska Native Claims Settlement Act.

"(g) Taxable Income.—For purposes of this title, the taxable income of an electing Settlement Trust shall be determined under section 641(b) without regard to any deduction under section 651 or 661.

"(h) Definitions.—For purposes of this section—

"(1) Electing settlement trust.—The term 'electing Settlement Trust' means a Settlement Trust which has made the election, effective for a taxable year, described in subsection (c).

"(2) Native corporation.—The term 'Native Corporation' has the meaning given such term by section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

"(3) Settlement common stock.—The term 'Settlement Common Stock' has the meaning given such term by section 3(p) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(p)).

"(4) Settlement trust.—The term 'Settlement Trust' means a trust that constitutes a settlement trust under section 3(t) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(t)).

"(5) Sponsoring native corporation.—The term 'sponsoring Native Corporation' means the Native Corporation which transfers assets to an electing Settlement Trust.

"(i) Special Loss Disallowance Rule.—Any loss that would otherwise be recognized by a shareholder upon a disposition of a share of stock of a sponsoring Native Corporation shall be reduced (but not below zero) by the per share loss adjustment factor. The per share loss adjustment factor shall be the aggregate of all contributions to all electing Settlement Trusts sponsored by such Native Corporation made on or after the first day each trust is treated as an electing Settlement Trust expressed on a per share basis and determined as of the day of each such contribution.

"(j) Cross Reference.—

"For information required with respect to electing Settlement Trusts and sponsoring Native Corporations, see section 6039H.".

(b) Reporting.—Subpart A of part III of subchapter A of chapter 61 of subtitle F (relating to information concerning persons subject to special provisions) is amended by inserting after section 6039G the following new section:

"SEC. 6039H. INFORMATION WITH RESPECT TO ALASKA NATIVE SETTLEMENT TRUSTS AND SPONSORING NATIVE CORPORATIONS.

"(a) Requirement.—The fiduciary of an electing Settlement Trust (as defined in section 646(h)(1)) shall include with the return of income of the trust a statement containing the information required under subsection (c).

"(b) Application With Other Requirements.—The filing of any statement under this section shall be in lieu of the reporting requirements under section 6034A to furnish any statement to a beneficiary regarding amounts distributed to such beneficiary (and such other reporting rules as the Secretary deems appropriate).

"(c) Required Information.—The information required under this subsection shall include—

"(1) the amount of distributions made during the taxable year to each beneficiary,

"(2) the treatment of such distribution under the applicable provision of section 646, including the amount that is excludable from the recipient beneficiary's gross income under section 646, and

"(3) the amount (if any) of any distribution during such year that is deemed to have been made by the sponsoring Native Corporation (as defined in section 646(h)(5)).

"(d) Sponsoring Native Corporation.—

"(1) In general.—The electing Settlement Trust shall, on or before the date on which the statement under subsection (a) is required to be filed, furnish such statement to the sponsoring Native Corporation (as so defined).

"(2) Distributees.—The sponsoring Native Corporation shall furnish each recipient of a distribution described in section 646(e)(3) a statement containing the amount deemed to have been distributed to such recipient by such corporation for the taxable year.".

(c) Clerical Amendment.—

(1) The table of sections for subpart A of part I of subchapter J of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 646. Tax treatment of electing Alaska Native Settlement Trusts.".

(2) The table of sections for subpart A of part III of subchapter A of chapter 61 of subtitle F of such Code is amended by inserting after the item relating to section 6039G the following new item:

"Sec. 6039H. Information with respect to Alaska Native Settlement Trusts and sponsoring Native Corporations.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act and to contributions made to electing Settlement Trusts for such year or any subsequent year.

Subtitle I—Compliance With Congressional Budget Act

SEC. 695. SUNSET OF PROVISIONS OF TITLE.

All provisions of, and amendments made by, this title which are in effect on September 30, 2011, shall cease to apply as of the close of September 30, 2011.

TITLE VII—ALTERNATIVE MINIMUM TAX

Subtitle A—In General

SEC. 701. INCREASE IN ALTERNATIVE MINIMUM TAX EXEMPTION.

(a) In General.—

(1) Subparagraph (A) of section 55(d)(1) (relating to exemption amount for taxpayers other than corporations) is amended by striking "$45,000" and inserting "$45,000 ($49,000 in the case of taxable years beginning in 2001, 2002, 2003, 2004, 2005, and 2006)".

(2) Subparagraph (B) of section 55(d)(1) (relating to exemption amount for taxpayers other than corporations) is amended by striking "$33,750" and inserting "$33,750 ($35,750 in the case of taxable years beginning in 2001, 2002, 2003, 2004, 2005, and 2006)".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 55(d) is amended by striking "and" at the end of subparagraph (B), by striking subparagraph (C), and by inserting after subparagraph (B) the following new subparagraphs:

"(C) 50 percent of the dollar amount applicable under paragraph (1)(A) in the case of a married individual who files a separate return, and

"(D) $22,500 in the case of an estate or trust.".

(2) Subparagraph (C) of section 55(d)(3) is amended by striking "paragraph (1)(C)" and inserting "subparagraph (C) or (D) of paragraph (1)".

(3) The last sentence of section 55(d)(3) is amended—

(A) by striking "paragraph (1)(C)(i)" and inserting "paragraph (1)(C)"; and

(B) by striking "$165,000 or (ii) $22,500" and inserting "the minimum amount of such income (as so determined) for which the exemption amount under paragraph (1)(C) is zero, or (ii) such exemption amount (determined without regard to this paragraph)".

(c) Effective Date.—The amendments made by this section title shall apply to taxable years beginning after December 31, 2000.

Subtitle B—Compliance With Congressional Budget Act

SEC. 711. SUNSET OF PROVISIONS OF TITLE.

All provisions of, and amendments made by, this title which are in effect on September 30, 2011, shall cease to apply as of the close of September 30, 2011.

TITLE VIII—OTHER PROVISIONS

Subtitle A—In General

SEC. 801. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) 70 percent of the amount of any required installment of corporate estimated tax which is otherwise due in September 2001 shall not be due until October 1, 2001; and

(2) 20 percent of the amount of any required installment of corporate estimated tax which is otherwise due in September 2004 shall not be due until October 1, 2004.

SEC. 802. EXPANSION OF AUTHORITY TO POSTPONE CERTAIN TAX-RELATED DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER.

(a) In General.—Section 7508A (relating to authority to postpone certain tax-related deadlines by reason of presidentially declared disaster) is amended by adding at the end the following new subsection:

"(c) Duties of Disaster Response Team.—The Secretary shall establish as a permanent office in the national office of the Internal Revenue Service a disaster response team which, in coordination with the Federal Emergency Management Agency, shall assist taxpayers in clarifying and resolving Federal tax matters associated with or resulting from any Presidentially declared disaster (as so defined). One of the duties of the disaster response team shall be to extend in appropriate cases the 90-day period described in subsection (a) by not more than 30 days.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 803. NO FEDERAL INCOME TAX ON RESTITUTION RECEIVED BY VICTIMS OF THE NAZI REGIME OR THEIR HEIRS OR ESTATES.

(a) In General.—For purposes of the Internal Revenue Code of 1986, any excludable restitution payments received by an eligible individual (or the individual's heirs or estate)—

(1) shall not be included in gross income; and

(2) shall not be taken into account for purposes of applying any provision of such Code which takes into account excludable income in computing adjusted gross income, including section 86 of such Code (relating to taxation of social security benefits).

For purposes of such Code, the basis of any property received by an eligible individual (or the individual's heirs or estate) as part of an excludable restitution payment shall be the fair market value of such property as of the time of the receipt.

(b) Coordination With Federal Means-Tested Programs.—

(1) In general.—Any excludable restitution payment shall be disregarded in determining eligibility for, and the amount of benefits or services to be provided under, any Federal or federally assisted program which provides benefits or service based, in whole or in part, on need.

(2) Prohibition against recovery of value of excessive benefits or services.—No officer, agency, or instrumentality of any government may attempt to recover the value of excessive benefits or services provided under a program described in subsection (a) before January 1, 2000, by reason of any failure to take account of excludable restitution payments received before such date.

(3) Notice required.—Any agency of government that has taken into account excludable restitution payments in determining eligibility for a program described in subsection (a) before January 1, 2000, shall make a good faith effort to notify any individual who may have been denied eligibility for benefits or services under the program of the potential eligibility of the individual for such benefits or services.

(4) Coordination with 1994 act.—Nothing in this Act shall be construed to override any right or requirement under "An Act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need", approved August 1, 1994 (Public Law 103-286; 42 U.S.C. 1437a note), and nothing in that Act shall be construed to override any right or requirement under this Act.

(c) Eligible Individual.—For purposes of this section, the term "eligible individual" means a person who was persecuted for racial or religious reasons by Nazi Germany, any other Axis regime, or any other Nazi-controlled or Nazi-allied country.

(d) Excludable Restitution Payment.—For purposes of this section, the term "excludable restitution payment" means any payment or distribution to an individual (or the individual's heirs or estate) which—

(1) is payable by reason of the individual's status as an eligible individual, including any amount payable by any foreign country, the United States of America, or any other foreign or domestic entity, or a fund established by any such country or entity, any amount payable as a result of a final resolution of a legal action, and any amount payable under a law providing for payments or restitution of property;

(2) constitutes the direct or indirect return of, or compensation or reparation for, assets stolen or hidden from, or otherwise lost to, the individual before, during, or immediately after World War II by reason of the individual's status as an eligible individual, including any proceeds of insurance under policies issued on eligible individuals by European insurance companies immediately before and during World War II; or

(3) consists of interest which is payable as part of any payment or distribution described in paragraph (1) or (2).

(e) Effective Date.—

(1) In general.—This section shall apply to any amount received on or after January 1, 2000.

(2) No inference.—Nothing in this Act shall be construed to create any inference with respect to the proper tax treatment of any amount received before January 1, 2000.

SEC. 804. REMOVAL OF LIMITATION.

(a) In General.—Section 101(h) of the Internal Revenue Code of 1986 (relating to exclusion of survivor benefits from gross income) is amended by adding after paragraph (2) the following new paragraph:

"(3) Application.—This subsection shall apply to amounts received after December 31, 2000.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. CIRCUIT BREAKER.

(a) In General.—In any fiscal year beginning with fiscal year 2004, if the level of debt held by the public at the end of that fiscal year (as projected by the Office of Management and Budget sequestration update report on August 20th preceding the beginning of that fiscal year) would exceed the level of debt held by the public for that fiscal year set forth in the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress), any Member of Congress may move to proceed to a bill that would make changes in law to reduce discretionary spending and direct spending (except for changes in social security, medicare and COLA's) and increase revenues in a manner that would reduce the debt held by the public for the fiscal year to a level not exceeding the level provided in that concurrent resolution for that fiscal year.

(b) Consideration of Legislation.—A bill considered under subsection (a) shall be considered as provided in section 310(e) of the Congressional Budget Act of 1974 (2 U.S.C. 641(e)).

(c) Procedure.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report, pursuant to this section, that contains any provisions other than those enumerated in sections 310(a)(1) and 310(a)(2) of the Congressional Budget Act of 1974. This point of order may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members duly chosen and sworn. An affirmative vote of three-fifths of the Members duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

SEC. 806. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS INCREASED.

(a) In General.—Section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) Allowance of deduction.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents.".

(b) Clarification of Limitations on Other Coverage.—The first sentence of section 162(l)(2)(B) (relating to other coverage) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 807. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS INCREASED.

(a) In General.—Section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) Allowance of deduction.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents.".

(b) Clarification of Limitations on Other Coverage.—The first sentence of section 162(l)(2)(B) (relating to other coverage) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 808. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) In General.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) Special rule for certain contributions of literary, musical, or artistic compositions.—

"(A) In general.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) Qualified artistic charitable contribution.—For purposes of this paragraph, the term 'qualified artistic charitable contribution'

means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subsection (b)(1)(A),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

"(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

"(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

"(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

"(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

"(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

"(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

"(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

SEC. 809. WAIVER OF STATUTE OF LIMITATION FOR TAXES ON CERTAIN FARM VALUATIONS.

If on the date of the enactment of this Act (or at any time within 1 year after the date of the enactment) a refund or credit of any overpayment of tax resulting from the application of section 2032A(c)(7)(E) of the Internal Revenue Code of 1986 is barred by any law or rule of law, the refund or credit of such overpayment shall, nevertheless, be made or allowed if claim therefor is filed before the date 1 year after the date of the enactment of this Act.

SEC. 810. RESEARCH CREDIT.

(a) PERMANENT EXTENSION OF RESEARCH CREDIT.—

(1) IN GENERAL.—Section 41 (relating to credit for increasing research activities) is amended by striking subsection (h).

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) is amended by striking subparagraph (D).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after the date of the enactment of this Act.

(b) INCREASES IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking "2.65 percent" and inserting "3 percent",

(B) by striking "3.2 percent" and inserting "4 percent", and

(C) by striking "3.75 percent" and inserting "5 percent".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 811. CREDIT FOR MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES AGAINST WIDESPREAD DISEASES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 620, is amended by adding at the end the following new section:

"SEC. 45G. CREDIT FOR MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES AGAINST WIDESPREAD DISEASES.

"(a) GENERAL RULE.—For purposes of section 38, the vaccine research credit determined under this section for the taxable year is an amount equal to 30 percent of the qualified vaccine research expenses for the taxable year.

"(b) QUALIFIED VACCINE RESEARCH EXPENSES.—For purposes of this section—

"(1) QUALIFIED VACCINE RESEARCH EXPENSES.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualified vaccine research expenses' means the amounts which are paid or incurred by the taxpayer during the taxable year which would be described in subsection (b) of section 41 if such subsection were applied with the modifications set forth in subparagraph (B).

"(B) MODIFICATIONS; INCREASED INCENTIVE FOR CONTRACT RESEARCH PAYMENTS.—For purposes of subparagraph (A), subsection (b) of section 41 shall be applied—

"(i) by substituting 'vaccine research' for 'qualified research' each place it appears in paragraphs (2) and (3) of such subsection, and

"(ii) by substituting '100 percent' for '65 percent' in paragraph (3)(A) of such subsection.

"(C) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified vaccine research expenses' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(2) VACCINE RESEARCH.—The term 'vaccine research' means research to develop vaccines and microbicides for—

"(A) malaria,

"(B) tuberculosis,

"(C) HIV, or

"(D) any infectious disease (of a single etiology) which, according to the World Health Organization, causes over 1,000,000 human deaths annually.

"(c) COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any qualified vaccine research expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 41 for such taxable year.

"(2) EXPENSES INCLUDED IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any qualified vaccine research expenses for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(d) SPECIAL RULES.—

"(1) LIMITATIONS ON FOREIGN TESTING.—No credit shall be allowed under this section with respect to any vaccine research (other than human clinical testing) conducted outside the United States.

"(2) PRE-CLINICAL RESEARCH.—No credit shall be allowed under this section for pre-clinical research unless such research is pursuant to a research plan an abstract of which has been filed with the Secretary before the beginning of such year. The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe regulations specifying the requirements for such plans and procedures for filing under this paragraph.

"(3) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

"(4) ELECTION.—This section (other than subsection (e)) shall apply to any taxpayer for any taxable year only if such taxpayer elects to have this section apply for such taxable year.".

(b) INCLUSION IN GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Section 38(b), as amended by section 620, is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following new paragraph:

"(16) the vaccine research credit determined under section 45G.".

(2) TRANSITION RULE.—Section 39(d), as amended by section 620, is amended by adding at the end the following new paragraph:

"(12) NO CARRYBACK OF SECTION 45G CREDIT BEFORE ENACTMENT.—No portion of the unused business credit for any taxable year which is attributable to the vaccine research credit determined under section 45G may be carried back to a taxable year ending before the date of the enactment of section 45G.".

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

"(d) CREDIT FOR QUALIFIED VACCINE RESEARCH EXPENSES.—

"(1) IN GENERAL.—No deduction shall be allowed for that portion of the qualified vaccine research expenses (as defined in section 45G(b)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45G(a).

"(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (2), (3), and (4) of *subsection (c) shall apply for purposes of this subsection.".*

(d) Deduction for Unused Portion of Credit.—Section 196(c) (defining qualified business credits) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and", and by adding at the end the following new paragraph:

"(10) the vaccine research credit determined under section 45G(a) (other than such credit determined under the rules of section 280C(d)(2)).".

(e) Technical Amendments.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by inserting "or from section 45G(e) of such Code," after "1978,".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 620, is amended by adding at the end the following new item:

"Sec. 45G. Credit for medical research related to developing vaccines against widespread diseases.".

(f) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 812. ACCELERATION OF BENEFITS OF WAGE TAX CREDITS FOR EMPOWERMENT ZONES.

Section 113(d) of the Community Renewal Tax Relief Act of 2000 is amended by striking "December 31, 2001" and inserting "the earlier of—

"(1) the date of the enactment of the Restoring Earnings To Lift Individuals and Empower Families (RELIEF) Act of 2001, or

"(2) July 1, 2001".

SEC. 813. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) In General.—Subparagraph (C) of section 514(c)(9) (relating to real property acquired by a qualified organization) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; or", and by adding at the end the following new clause:

"(iv) a qualified hospital support organization (as defined in subparagraph (I)).".

(b) Qualified Hospital Support Organizations.—Paragraph (9) of section 514(c) is amended by adding at the end the following new subparagraph:

"(I) Qualified hospital support organizations.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

"(i) more than half of its assets (by value) at any time since its organization—

"(I) were acquired, directly or indirectly, by gift or devise, and

"(II) consisted of real property, and

"(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term 'eligible indebtedness' means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.".

(c) Effective Date.—The amendments made by this section shall apply to indebtedness incurred after December 31, 2003.

SEC. 814. TAX-EXEMPT BOND AUTHORITY FOR TREATMENT FACILITIES REDUCING ARSENIC LEVELS IN DRINKING WATER.

(a) In General.—Section 142(e) (relating to facilities for the furnishing of water) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(2) by striking "For purposes" and inserting the following:

"(1) In general.—For purposes", and

(3) by adding at the end the following:

"(2) Facilities reducing arsenic levels included.—Such term includes improvements to facilities in order to comply with the 10 parts per billion arsenic standard recommended by the National Academy of Sciences.".

(b) Facilities Not Subject to State Cap.—Section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "and" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting ", and", and

(3) by inserting after paragraph (4), the following new paragraph:

"(5) any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).".

(c) Exempt From AMT.—Section 57(a)(5)(C) (relating to tax-exempt interest of specified private activity bonds) is amended by adding at the end the following new clause:

"(v) Exception for certain water facility bonds.—For purposes of clause (i), the term 'private activity bond' shall not include any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).".

(d) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 815. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAX PAYMENTS DUE IN 2011.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, the amount of any required installment of any corporate estimated tax payment due under such section in July, August, or September of 2011 shall be equal to 170 percent of the amount of such installment determined without regard to this section.

SEC. 816. DISCLOSURE OF TAX INFORMATION TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.

Section 6103(d)(5) is amended to read as follows:

"(5) Disclosure for combined employment tax reporting.—The Secretary may disclose taxpayer identity information and signatures to any agency, body, or commission of any State for the purpose of carrying out with such agency, body, or commission a combined Federal and State employment tax reporting program approved by the Secretary. Subsections (a)(2) and (p)(4) and sections 7213 and 7213A shall not apply with respect to disclosures or inspections made pursuant to this paragraph.".

Subtitle B—Compliance With Congressional Budget Act

SEC. 821. SUNSET OF PROVISIONS OF TITLE.

All provisions of, and amendments made by, this title which are in effect on September 30, 2011, shall cease to apply as of the close of September 30, 2011.

TITLE IX—SECTION 527 POLITICAL ORGANIZATION REPORTING REQUIREMENTS

SEC. 901. EXEMPTION FOR STATE AND LOCAL CANDIDATE COMMITTEES FROM NOTIFICATION REQUIREMENTS.

(a) Exemption From Notification Requirements.—Paragraph (5) of section 527(i) (relating to organizations must notify Secretary that they are section 527 organizations) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end the following:

"(C) which is a political committee of a State or local candidate.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the amendments made by Public Law 106–230.

SEC. 902. EXEMPTION FOR CERTAIN STATE AND LOCAL POLITICAL COMMITTEES FROM REPORTING AND ANNUAL RETURN REQUIREMENTS.

(a) Exemption From Reporting Requirements.—

(1) In general.—Section 527(j)(5) (relating to coordination with other requirements) is amended by striking "or" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", or", and by adding at the end the following:

"(F) to any organization described in paragraph (7), but only if, during the calendar year—

"(i) such organization is required by State or local law to report, and such organization reports, information regarding each separate expenditure and contribution (including information regarding the person who makes such contribution or receives such expenditure) with respect to which information would otherwise be required to be reported under this subsection, and

"(ii) such information is made public by the agency with which such information is filed and is publicly available for inspection in a manner similar to reports under section 6104(d)(1).

An organization shall not be treated as failing to meet the requirements of subparagraph (F)(i) solely because the minimum amount of any expenditure or contribution required to be reported under State or local law is greater (but not by more than $100) than the minimum amount required under this subsection.".

(2) Description of organization.—Section 527(j) is amended by adding at the end the following:

"(7) Certain organizations.—An organization is described in this paragraph if—

"(A) such organization is not described in subparagraph (A), (B), (C), or (D) of paragraph (5),

"(B) such organization does not engage in any exempt function activities other than activities for the purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any State or local public office or office in a State or local political organization, and

"(C) no candidate for Federal office or individual holding Federal office—

"(i) controls or materially participates in the direction of such organization,

"(ii) solicits any contributions to such organization, or

"(iii) directs, in whole or in part, any expenditure made by such organization.".

(b) Exemption From Requirements for Annual Return Based on Gross Receipts.—

Paragraph (6) of section 6012(a) (relating to persons required to make returns of income) is amended by striking "organization, which" and all that follows through "section)" and inserting "organization—

"(A) which has political organization taxable income (within the meaning of section 527(c)(1)) for the taxable year, or

"(B) which—

"(i) is not a political committee of a State or local candidate or an organization to which section 527 applies solely by reason of subsection (f)(1) of such section, and

"(ii) has gross receipts of—

"(I) in the case of political organization described in section 527(j)(5)(F), $100,000 or more for the taxable year, and

"(II) in the case of any other political organization, $25,000 or more for the taxable year".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by Public Law 106–230.

SEC. 903. NOTIFICATION OF INTERACTION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Federal Election Commission, shall publicize—

(1) the effect of the amendments made by this title, and

(2) the interaction of requirements to file a notification or report under section 527 of the Internal Revenue Code of 1986 and reports under the Federal Election Campaign Act of 1971.

(b) INFORMATION.—Information provided under subsection (a) shall be included in any appropriate form, instruction, notice, or other guidance issued to the public by the Secretary of the Treasury or the Federal Election Commission regarding reporting requirements of political organizations (as defined in section 527 of the Internal Revenue Code of 1986) or reporting requirements under the Federal Election Campaign Act of 1971.

SEC. 904. WAIVER OF PENALTIES.

(a) WAIVER OF FILING PENALTIES.—Section 527 is amended by adding at the end the following:

"(k) AUTHORITY TO WAIVE.—The Secretary may waive all or any portion of the—

"(1) tax assessed on an organization by reason of the failure of the organization to give notice under subsection (i), or

"(2) penalty imposed under subsection (j) for a failure to file a report,

on a showing that such failure was due to reasonable cause and not due to willful neglect.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any tax assessed or penalty imposed after June 30, 2000.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BOND. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to the consideration of the following nominations en bloc: Nos. 79, 80, 81, 82, 99, 100, 101, 135 through 154, 156, 157, 160, 167, and all nominations on the Secretary's desk; and reported by the Commerce Committee, Timothy Muris, PN267. I also ask unanimous consent that the HELP Committee be discharged from further consideration of the nomination of Donald Findlay, PN372, and the Senate proceed to its consideration. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF ENERGY

Bruce Marshall Carnes, of Virginia, to be Chief Financial Officer, Department of Energy.

David Garman, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

Francis S. Blake, of Connecticut, to be Deputy Secretary of Energy.

Robert Gordon Card, of Colorado, to be Under Secretary of Energy.

Patrick Henry Wood III, of Texas, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2005.

Nora Mead Brownell, of Pennsylvania, to be a member of the Federal Energy Regulatory Commission for a term expiring June 30, 2006. (Reappointment)

Nora Mead Brownell, of Pennsylvania, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2001.

DEPARTMENT OF COMMERCE

Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Bruce P. Mehlman, of Maryland, to be Assistant Secretary of Commerce for Technology Policy.

Kathleen B. Cooper, of Texas, to be Under Secretary of Commerce for Economic Affairs.

DEPARTMENT OF TRANSPORTATION

Sean B. O'Hollaren, of Oregon, to be an Assistant Secretary of Transportation.

Donna R. McLean, of the District of Columbia, to be an Assistant Secretary of Transportation.

FEDERAL COMMUNICATIONS COMMISSION

Michael K. Powell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2002. (Reappointment)

Kathleen Q. Abernathy, of Maryland, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1999.

Kevin J. Martin, of North Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2001.

Michael Joseph Copps, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2000.

FEDERAL TRADE COMMISSION

Timothy J. Muris, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 1994.

DEPARTMENT OF STATE

Stephen Brauer, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

A. Elizabeth Jones, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (European Affairs).

Walter H. Kansteiner, of Virginia, to be an Assistant Secretary of State (African Affairs).

Lorne W. Craner, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Near Eastern Affairs).

Ruth A. Davis, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Carl W. Ford, Jr., of Arkansas, to be an Assistant Secretary of State (Intelligence and Research).

Christina B. Rocca, of Virginia, to be Assistant Secretary of State for South Asian Affairs.

Paul Vincent Kelly, of Virginia, to be an Assistant Secretary of State (Legislative Affairs).

Donald Burnham Ensenat, of Louisiana, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Peter S. Watson, of California, to be President of the Overseas Private Investment Corporation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Piyush Jindal, of Louisiana, to be an Assistant Secretary of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Thomas Scully, of Virginia, to be Administrator of the Health Care Financing Administration.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Edmund P. Giambastiani, Jr., 8318

FEDERAL TRADE COMMISSION

Timothy J. Muris, of Virginia, to be a Federal Trade Commissioner for the term of seven years from September 26, 2001.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

PN271. Foreign Service nominations (5) beginning Laron L. Jensen, and ending Karen L. Zens, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2001.

PN272. Foreign Service nominations (150) beginning Ralph K. Bean, and ending Richard Oliver Lankford, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2001.

PN372. Donald Cameron Findlay, of Illinois, to be Deputy Secretary of Labor.

NOMINATION OF LORNE CRANER

Mr. McCAIN. Mr. President, one of the few benefits of growing old is watching young people you've been privileged to know grow, both personally and professionally. We would like to think that members of younger generations who have become important and compassionate people have done so because of us, that our wisdom has rubbed off on them, and that the world is better off for it.

The world is better off for having Lorne Craner in it, but the credit is all Lorne's. I am happy that my former staff member and the President of the

International Republican Institute, which I chair, now moves to the State Department, where he will serve as Assistant Secretary for Democracy, Human Rights, and Labor. More importantly, persecuted masses around the world who are deprived of their rights and freedoms, the right to choose what government represents them, the right to live and speak freely, and the right to organize for safe and decent working conditions, have an important ally in Lorne.

America's foreign relations rightly reflect our belief that our most basic values as a nation are universal values; and that citizens in dictatorships cherish these values as much as we do, despite what tyrannical leaders may do to subjugate them. Our values are contagious, which is why autocrats fear them so. Lorne has dedicated his career to promoting these values and advancing our national interest worldwide, to the benefit of many of its citizens.

Lorne served on my staff for 6 years in both the House and Senate and was a wonderful asset to me. He was such a wonderful asset that President Bush and Secretary of State Baker tapped him to be Deputy Assistant Secretary of State for Legislative Affairs when they took office. Lorne served with distinction in that job, and as Director for Asian Affairs on President Bush's National Security Council.

As Vice President and then President of the International Republican Institute from 1993 until today, Lorne invigorated an organization created by President Reagan to shine the light of freedom upon the darkest corners of the Earth. Lorne's vision and management of the Institute, which operates in over 30 countries under sometimes trying conditions, have earned IRI the respect and gratitude of democrats from Serbia to South Africa, Cuba to Cambodia, and Azerbaijan to Zimbabwe. In many countries, the struggle continues, while in others, ruling democrats speak glowingly of how IRI helped them set their people free. Lorne and the IRI staff have been integral to these democratic advances.

We have much to do yet as a country to improve human rights, labor rights, and political freedom overseas. As Secretary Powell's point man on these critical issues, Lorne has his work cut out for him. But he is ready. I am very proud of him, and I know his late father, my dear friend, would be also.

NOMINATION OF STEPHEN BRAUER

Mr. BOND. Mr. President, the nomination just confirmed, No. 145, Stephen Brauer to be Ambassador to Belgium, is a great personal pleasure for me. Stephen Brauer has been a terrific leader in the St. Louis community. He is a man who distinguished himself in Vietnam and won the Vietnam medal, who has served as honorary counsel to Belgium and has done business throughout Europe. He will be a great representative for the people of the United States. We wish him well as he goes to prepare for the visit of President Bush on June 13.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL CHILD'S DAY

Mr. BOND. I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 90, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 90) designating June 3, 2001, as National Child's Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOND. I ask unanimous consent that the resolution and preamble be agreed to en bloc and the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution (S. Res. 90) was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 90

Whereas June 3, 2001, the first Sunday of June, falls between Mother's Day and Father's Day;

Whereas each child is unique, is a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce about their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of their developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate our children will emphasize to the people of the United States the importance of the role of the child within the family and society: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 3, 2001, as "National Child's Day"; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

WELCOMING HIS HOLINESS KAREKIN II, SUPREME PATRIARCH AND CATHOLICOS OF ALL ARMENIANS

Mr. BOND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 139 received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res 139) welcoming His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States and commemorating the 1700th anniversary of the acceptance of Christianity in Armenia.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BOND. I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, without any intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 139) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—S. 964

Mr. BOND. Mr. President, I understand S. 964, introduced earlier today by Senators KENNEDY, AKAKA, and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 964) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. BOND. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR SATURDAY, MAY 26, 2001

Mr. BOND. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Saturday, May 26. I further ask unanimous consent that on Saturday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BOND. For the information of all Senators, the Senate will be in a period of morning business until the tax reconciliation conference report is received from the House of Representatives. It is anticipated the Senate will be able to begin consideration of the tax reconciliation conference report shortly after convening.

As a reminder, there are up to 10 hours for debate on the conference report. Therefore, a vote is expected to occur late morning or tomorrow afternoon.

ORDER FOR ADJOURNMENT

Mr. BOND. If there is no further business to come before the Senate, I now ask unanimous consent, following the remarks of Senator TORRICELLI, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. HUTCHINSON). In my capacity as a Senator from the State of Arkansas, I ask unanimous consent the order for the quorum call be rescinded.

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 10 a.m. tomorrow morning.

Thereupon, the Senate, at 4:05 p.m., adjourned until Saturday, May 26, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 2001:

THE JUDICIARY

CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE HENRY A. POLITZ, RETIRED.

TIMOTHY M. TYMKOVICH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN C. PORFILIO, RETIRED.

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE MAY 25, 2001:

DEPARTMENT OF ENERGY

BRUCE MARSHALL CARNES, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY.

DAVID GARMAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY EFFICIENCY AND RENEWABLE ENERGY).

FRANCIS S. BLAKE, OF CONNECTICUT, TO BE DEPUTY SECRETARY OF ENERGY.

ROBERT GORDON CARD, OF COLORADO, TO BE UNDER SECRETARY OF ENERGY.

PATRICK HENRY WOOD III, OF TEXAS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION OR THE TERM EXPIRING JUNE 30, 2005.

NORA MEAD BROWNELL, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2006.

NORA MEAD BROWNELL, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2001.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF COMMERCE

MARIA CINO, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

BRUCE P. MEHLMAN, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE FOR TECHNOLOGY POLICY.

KATHLEEN B. COOPER, OF TEXAS, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF TRANSPORTATION

SEAN B. O'HOLLAREN, OF OREGON, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DONNA R. MCLEAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FEDERAL COMMUNICATIONS COMMISSION

MICHAEL K. POWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2002.

KATHLEEN Q. ABERNATHY, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999.

KEVIN J. MARTIN, OF NORTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2001.

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2000.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FEDERAL TRADE COMMISSION

TIMOTHY J. MURIS, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1994.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

STEPHEN BRAUER, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

A. ELIZABETH JONES, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AFFAIRS).

WALTER H. KANSTEINER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS).

LORNE W. CRANER, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS).

RUTH A. DAVIS, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

CARL W. FORD, JR., OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH).

CHRISTINA B. ROCCA, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

PAUL VINCENT KELLY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS).

DONALD BURNHAM ENSENAT, OF LOUISIANA, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PETER S. WATSON, OF CALIFORNIA, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PIYUSH JINDAL, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

THOMAS SCULLY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE HEALTH CARE FINANCING ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FEDERAL TRADE COMMISSION

TIMOTHY J. MURIS, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2001.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF LABOR

DONALD CAMERON FINDLAY, OF ILLINOIS, TO BE DEPUTY SECRETARY OF LABOR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. EDMUND P. GIAMBASTIANI, JR., 8318

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING LARON L. JENSEN, AND ENDING KAREN L. ZENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

FOREIGN SERVICE NOMINATIONS BEGINNING RALPH K. BEAN, AND ENDING RICHARD OLIVER LANKFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

HOUSE OF REPRESENTATIVES—*Friday, May 25, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 25, 2001.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Captain Leroy Gilbert, CHC, USN, The Chaplain of the Coast Guard, offered the following prayer:

Eternal God, before transacting the business of this country, we the people of the United States of America reverently pause to invoke Your blessings and presence upon the Representatives and the proceedings of this House today.

Lord, we are most grateful for our system of government inspired into existence by Your divine principles of humanity, service, freedom, equality and justice for all.

May Members of this governing body propose, debate, chisel and bring forth bills and ideas that are pleasing in Your sight and serve as a beacon of light to other nations of what can be accomplished by a country whose motto is "In God We Trust."

Lord, we live in a rapidly changing world and we are faced with challenges that compel our country to make changes. Nevertheless, grant us the wisdom that our first response to a changing world will not be, "How should it be changed?" but "What do we stand for that should never change," and then figure out how to change everything else.

As the decisionmakers in Congress contemplate the best course of action for the future of America, may the words of 2 Chronicles 7:14 be planted in their minds and hearts.

"If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land."

May God bless America. In Thy name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Wisconsin led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 581. An act to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 143. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 378. An act to redesignate the Federal building located at 3348 South Kedzie Avenue, Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center".

S. 468. An act to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building".

S. 757. An act to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse".

S. 774. An act to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse".

IT IS TIME FOR THE IRS TO GO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, an investigation revealed that 16,000 IRS employees illegally used their computers. The report states IRS agents spent 50 percent of their time at work on personal business. If that is not enough to service your revenue, IRS agents illegally used their computers for shopping, stock trading, gambling and pornography. Unbelievable.

Think about it. While 60 percent of taxpayer calls to the IRS go unanswered, the IRS agents were watching Marilyn Chambers do the Rotary International. Beam me up here. It is time to pass a flat 15 percent sales tax and abolish this gambling, porno-watching IRS completely.

I yield back the internal rectal service of the United States of America.

THE REAL ISSUE AT HAND IS ENERGY

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Madam Speaker, today is a very important day. The one-party government in the United States is done. We had a vote of confidence in the other body today or yesterday and we are now back to two party government, and maybe, just maybe, we can get back to the issues the people really care about.

We are hanging around here today because we cannot seem to get the President's tax bill through. They cannot figure out how to give it all to the rich.

At the same time, we are failing to deal with energy. Now, the energy prices in my district, in Seattle, are facing a potential 250 percent increase from the Bonneville Power Administration. The estimates are that 102,000 jobs are at risk and that a whole quarter of a million jobs in Washington, Oregon, Idaho and Montana are at risk because of the runaway gouging costs of energy in the northwest.

Seattle City Light has already raised it 30 percent and it is coming up another 30 percent. When will we get down to the issues that matters?

SALUTE TO OUR VETERANS ON MEMORIAL DAY

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Madam Speaker, as we approach Memorial Day, I again want to a salute our veterans. I was in Berlin in the spring of 1990 when the people were out there with their hammers and chisels taking down the Berlin Wall piece by piece, and then I listened to the East Berliners thank our American soldiers for their vigilance through the period of the Cold War.

The following year in September of 1991, I was in Armenia when people went out in overwhelming numbers to vote for their independence from the former Soviet Union. Then I was with them the next day in the streets of Yerevan and they danced and shouted and sang, "Ketse azat ankakh Hayastan," long live free and independent Armenia; and then pointing to the United States of America as their example of what they wanted to be as a democracy.

So it is important for all of us to know that we owe our freedom here in the United States to our American soldiers but also hundreds of millions of people all around the world today are enjoying the blessings of freedom because of the sacrifices of American soldiers. We salute them all.

CONSUMERS NEED HELP WITH ENERGY COSTS AND THEY NEED IT NOW

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, each and every day all across America families are paying higher energy prices. In my State of Connecticut, a gallon of gas now goes for $1.82. In Illinois, the price has gone as high as $2.39.

California citizens are being held hostage by out-of-state generators who have held down the production of energy in order to increase their own profits. In fact, if the price of milk had increased at the same rate as California's energy prices a gallon would cost $190. No family would accept such price gouging. Consumers need help with energy costs and they need it now.

What does the President and the Republican leadership do today in the midst of this crisis? They are locked behind closed doors deciding how much of a tax cut to give to the wealthiest 1 percent of Americans, while working- and middle-class families spend more of their hard-earned dollars on unfair gas and electricity prices.

Republicans remain focused on passing a tax cut that does little for these families but lines the pocket of people making more than $300,000 a year.

The Vice President says the energy crisis is only an issue of supply and demand. His friends in the energy issue have the supply, and they are demanding an arm, a leg and family savings for it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for special order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IT IS ALL ABOUT ENERGY, ENERGY, ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Madam Speaker, it is Memorial Day weekend, and while gasoline prices in my district are among the Nation's highest, at well over $2.00 a gallon, in fact it was about $2.22 for regular, it still does not appear that President Bush and Vice President CHENEY have any plans to bring relief to my constituents at the gas pump.

While big oil is getting bigger, consumers in my district and across the country are getting gouged, and the President's energy plan does nothing to address that. Instead, the administration has proposed relief for its oil industry friends.

Big oil hit the jackpot last year, thanks to consumers in Chicago and across the country that paved the way for big oil's record profits. The top oil company profits last year went up over 100 percent on the average from the previous year, combining for almost $50 billion in profits. Now Exxon Mobile is number one on the Fortune 500 list.

None of us should be surprised at the give-aways big oil is reaping from this administration and the Republicans. President Bush received $2 million in contributions for his campaign, and the Republican Party received over $25 million from big oil, with Enron and Exxon Mobile giving the most. It looks like those companies made the right bet.

Mr. President, I am again calling on you to persuade, in fact to jawbone, your friends in the industry to bring these prices down now. I hope you will think about that while you are relaxing at Camp David and my constituents are cancelling their family's summer vacations.

Mr. OLVER. Madam Speaker, will the gentlewoman yield?

Ms. SCHAKOWSKY. I yield to the gentleman from Massachusetts.

Mr. OLVER. Madam Speaker, I thank the gentlewoman from Illinois for yielding.

It turns out that we are talking about a very similar sort of thing.

I wanted to point out to people today that the President's energy plan utterly ignores a key fact; that if we are to put limits on global warming and the inevitable resulting climate change, we must cut back on burning fossil fuels that release carbon dioxide, the most important greenhouse gas, into our atmosphere.

One of the simplest and most effective ways to reduce oil consumption is to increase the fuel efficiency of our cars and trucks. Currently, cars and trucks guzzle 40 percent of all the oil used in the United States and they produce 20 percent of the Nation's carbon dioxide pollution. Improved fuel efficiency would protect consumers from higher prices at the gas pump, reduce our dependence on foreign oil and decrease carbon dioxide emissions.

The gentleman from Maryland (Mr. GILCHREST), from the Republican Party, and I have together introduced, with bipartisan sponsors, a bill that would require light trucks and SUVs to meet the same fuel efficiency standards as passenger cars, gradually, by the year 2007. Once fully implemented, that would save the U.S. 1 million barrels of oil every day, reduce oil imports by 10 percent, and prevent over 200 million tons of carbon dioxide from entering the atmosphere every year.

Before we consider drilling in the Arctic National Wildlife Refuge or other ecologically sensitive areas, which could include the coastline of Florida on the West Coast of Florida in the Gulf of Mexico, we should first use common sense solutions like improving fuel efficiency, by simply improving the gas mileage that our cars and trucks achieve.

MISPLACED PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GARY MILLER) is recognized for 5 minutes.

Mr. GARY MILLER of California. Madam Speaker, I had not planned on speaking today but it reminds me of a group of comedians coming forward today, and blaming President Bush for the energy crisis.

He has been in office a few months, yet the previous administration, President Clinton, did nothing about our energy problems. We became more reliant on foreign oil. We became more reliant on other products to provide services for our people, rather than providing for ourselves.

This Nation has changed dramatically. When I was a child, a person went to turn the light switch on and the lights came on. When they went to fill their gas tank, it was reasonable to fill their gas tank. In those days, we swatted flies and we poisoned rats. Today we set aside habitat for flies and rats. And who pays for it? Private property owners have to pay the price of setting their property aside for some stupid endangered species that some wacko Democratic politician wants to preserve.

In the words of the gentleman from Ohio (Mr. TRAFICANT), beam me up, too. Both of us need to be out of here.

This is crazy. And we talk about big oil. If we had enough oil, we would not have enough energy to provide an argument for these people to complain about. So if we have less oil, they can complain more about Republicans not providing oil.

Wake up, America. There is something seriously wrong and it is the Democratic Party, excluding the gentleman from Ohio (Mr. TRAFICANT) who has finally learned what real world life is like. Buy America; provide energy; close our borders. It is realistic.

Two years ago and three years ago, this body realized there is something wrong with the IRS. In 1913, when we started the Tax Code, it was 11,400 words. The Tax Code today is over 7 million words.

In 1914, people voluntarily paid taxes. The government did not force them to pay taxes. They came forward and said our government needs help. We need to pay taxes.

350,000 good Americans paid taxes the first year and the IRS audited every doggone one of those people who paid voluntary taxes. Beam me up again.

Now we realize the IRS is out of control. There is a problem with this country, and it is the way people vote. If we want energy, let us provide more oil. If we want gas, let us provide more gas. We have not built a refinery in the United States for 22 years.

We have 15 different formularies or 19 formularies required in different States. In California in the L.A. basin, where I come from, we cannot bring gas from Northern California to our area. We cannot bring it from Washington, from Oregon, from Arizona, from Colorado, from Nevada, because it does not meet our standards. So when we have a problem with refineries, guess what? We have no gas; and yet we are more concerned about preserving flies and rats than we are providing energy for the American people that we are supposed to represent.

Let me say, people are part of the environment, too, and they are at the top of it as far as I am concerned. If we happen to save a rat in the process of saving a human life, so be it. But if we have to poison that rat to save a human life, as far as I am concerned that rat is in trouble.

Last year in California, Fish and Wildlife in October said we need to set habitat aside for the Stevens kangaroo rat, for the gnat catcher and for Longhorn sheep, and they set 2.9 million acres of land aside in California and it looked like a checker board. Now this is not where they live. This is habitat that would sustain those critters. If one does not own habitat, guess what? You own associated habitat. And then we complain that we cannot provide affordable housing for people.

What do we want to do? We want to give them a section 8 voucher from the government.

When one buys a new house in this country, on average 35 percent of the costs of that house are government fees. Now, you tell a young person they are going to go out and buy a $100,000 home, if they can find one, and $35,000 of the price of that home is fees to the government? Beam me up again, I would say to the gentleman from Ohio (Mr. TRAFICANT). Something is seriously wrong with this Nation.

Then we say our children cannot afford to live in our communities. We need to change the direction of this country and we need to be more responsible and accountable to the people that we represent.

How do working people get helped in this Nation? By everything that can be done to engender the best economic environment for businesses, because when businesses do well, guess what happens? They give their employees raises because they need them. They give them better benefits. They give them more vacation pay.

When we create recession because of wacko bureaucratic laws that we pass around here and businesses suffer, guess what they do? They lay people off. People are lucky to work 40 hours a week. They are not surprised if they lose their benefits and have their vacation pay cut.

We need to change the direction of this Nation and start representing the good for the American people.

ENERGY IN THE WESTERN UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, that was an extraordinary speech by the gentleman from California (Mr. GARY MILLER) who preceded me in the well, and I will offer a little different perspective on what is going on in energy in the Western U.S.

It is Memorial Day weekend and all across the country Americans and their families are pulling up to the pump and surprise, prices are up, way up. But there is no market manipulation.

The deafening silence of the Bush administration and the runup on gas prices might have something to do with who supported their last campaign but I would not allude that on the floor.

There is no market manipulation. Exxon Mobil, profits $15.9 billion last year, profits up 102 percent in one year, there is no market manipulation. There is no role for the Federal Government here, except to enable them to drill for more oil and to cut their taxes. That is what the Bush energy plan proposes.

Now, the gentleman from California (Mr. GARY MILLER), I am very surprised that he did not want to talk about some of these things.

Yesterday I talked about Reliant Energy. Reliant Energy, based in Houston, Texas, profits up 1,800 percent in one year; bought a few generating plants in California. It was revealed in the San Francisco Chronicle on Sunday, with interviews with some of their plant operators, that the plant operators were linked by telephone to their commodity trader speculators and the commodity trader speculators watched the charts and when the price of energy went up, they said crank up the plants. When the price of energy went down, they said crank down those plants. They did this on as frequently as 10-minute increments.

That destroys the plants, obviously does not provide reliability or keep the lights on for the people in California and the Western United States, but it is incredibly profitable; 1,800 percent runup in profits in one year. But there is no manipulation.

The hear no evil, see no evil, speak no evil folks at the Federal Energy Regulatory Commission appointed by President George Bush, Mr. Hebert, the chairman; the Secretary of Energy; the vice president of the United States, they do not think there is any market manipulation or profiteering or price gouging going on here. It is normal for a company to increase its profits by manipulating the market and driving up its profits 1,800 percent one year.

Now today in the Los Angeles Times, closer to the gentleman who preceded me, we have, "Executive tells FERC Hearing of Collusion on Natural Gas." Natural gas produced in Texas, El Paso Natural Gas, bought the pipeline capacity to ship gas between Texas and California. It is used for electricity generation and to heat homes and run businesses. Guess what? They bought the capacity but they did not use it, and they would not let anybody else use it so they could drive up the price of energy.

There is extraordinary, unbelievable market manipulation, price gouging, going on in the Western United States, which is imperiling the entire economy of the Western U.S., not just California. The Pacific Northwest is at risk, too. We are having a drought and we are paying more in the wholesale energy market than are Californians because of these manipulated prices, because of this unbelievable profiteering.

What is the response from the Bush administration? Drill ANWR. Well, we do not use oil to generate electricity. I have said that to the vice president. That does not matter. They want to drill ANWR. Their bosses, Enron, Exxon, Chevron, Reliant, El Paso Natural Gas and others, they want something here. Let us manipulate this. Let us pretend the crisis is caused by, as the gentleman before me said, the environmental rules, and let us pretend that they are not obscenely manipulating the market and profiteering. Blame someone other than those really responsible.

That is the agenda of this administration. That is the agenda of their energy policy, and I do not believe that it is going to sell with the American people, and I certainly hope it does not sell here in Congress.

LACK OF PLANNING AND NO DOMESTIC ENERGY POLICY HAS LED TO THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes.

Mr. COLLINS. Madam Speaker, I could not help but get a little bristle on the back of my neck sitting in my office listening to all of the rhetoric that is being said here on the floor this morning.

The complaints about the marketplace, the complaints about charges, the cost of goods based on supply and demand in the marketplace and, yes, the prices are too high. It is costing too much for families to pull up to the gas pump for the purpose of either commuting to work, visiting family or taking a vacation.

Why is it like this? It is because of the lack of planning and having a domestic energy policy for this Nation.

The previous administration avoided the issue, stayed away from the issue, did not want to address it, and over the last few years we have become more and more dependent on foreign oil, and that is wrong. But it is not only just the oil. We cannot even handle the refinery of oil for gasoline and fuel and other products.

What we do not hear them talk about is the price that Congress charges for gasoline and fuel, and the gentleman from Ohio (Mr. TRAFICANT) is well aware of this. Yes, we charge, we the Congress of the United States, charge for every gallon of gasoline and diesel fuel that is used in this Nation. Eighteen cents a gallon for gasoline; 24 cents a gallon for diesel fuel, fuel that is used to transport products all over this Nation that we each buy as a consumer.

People do not think that adds to the price of those products?

□ 1030

We charge 4.3 cents a gallon for aviation fuel. You do not think that does not add to the price of an airline ticket? 4.3 cents to the railroads. You do not think that does not add to the product they carry? 4.3 cents for barge service. You do not think that does not add to the price of the product that they carry? It does. But you do not hear anything about that from this well. But those are charges that are administered by the Congress of the United States.

But, you know, there are a couple of good things about that though. We all pay that same rate, and those rates and those prices and those funds that come into the Congress are used for transportation products, for infrastructure, highways, bridges, things that we need, must have.

Of course, we have a few environmental laws that prevent us oftentimes from putting in the projects that are needed so we can commute without sitting in long lines. We all experience that. But we pay the same price for those things, and the funds are put to good use.

You do not hear them talking about the overcharge that we are levying on every working person that is in this country to operate this government, and we have different charges to operate this government. You and I can pull up to the gas pump, we will pay the same price. You and I can go into the same store, buy a like item, we will pay the same price for it. Anyplace in the marketplace that we go together, stand side-by-side and buy the same product, we will pay practically the same price for it, no matter who you are, what income level you are at.

But when it comes to paying for the operation of government, it is different, much different. We do not have the same price. In fact, we charge five different prices to individuals to operate this government; five prices. Yes, five prices we charge working people across this country to operate their government. Those five prices are the five marginal tax rates based on income.

They talk about the rich. Yes, the rich make a lot of money. But they pay a lot of tax too. A low income person, $30,000, $45,000 a year, they pay 15 percent. They are in that 15 percent bracket. That is a lot of money too. But it goes from 15 to 28, to 31, to 36, to 39.6 percent, based on the levels of income. Is anything fair about charging five different prices for the operation of government?

You never hear anything about that. I do not think it is fair. That is what we are trying to address with the tax bill in the conference that is going on today, is to reduce the charge that we charge for operation of government and try to make it a little more fair. Five prices to operate the government, charged by the Congress of the United States.

HISTORIC TAX RELIEF

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Madam Speaker, today we stand on the brink of an awesome opportunity, the opportunity to lift the burden of taxes off families, small businesses and family farms, the opportunity to pass the largest tax cut package in over 20 years. We have a moral obligation to act on this opportunity and remove Uncle Sam's hand out of the pockets of hard-working men and women.

Under the current tax system, Madam Speaker, the average dual-earner family will pay more than $26,000 in taxes to the government. This equals out to be the first five months of their annual salary. This is more than the family will spend on food, clothing and shelter combined.

Madam Speaker, we often talk about the progress we have made. Yet, according to the Washington-based tax foundation, taxes at all levels now consume 39 percent of the average dual-earners' family income. This is more than the amount that serfs were obligated to pay to their mid-evil lords. This, simply put, is wrong.

As we enter into the final stages of the bill's passage that is being debated in conference committee today, I implore the Congress to stand firm in our commitment to working families. The House bill was a great start, but it is the bare minimum of what we can and should accomplish.

The decision to scale back tax relief over the next 10 years means that less than 25 percent of the surplus will be returned to taxpayers. Therefore, it is not only important, but imperative that we lower marginal rates on income if we are to improve the economy's lagging performance.

It does not matter how you look at it, Madam Speaker; the tax burden is excessive and tax rates are too high. Now is the time for across-the-board reductions in the rate of taxation.

While some argue that a 3.5 percent reduction in the top tax rate is adequate for what ails our economy, history tells another story. Woodrow Wilson once said, "The Congress might well consider whether the higher rates of income and profit taxes can in peace times be effectively productive of revenue, and whether they may not, on the contrary, be destructive of the business activity and productive of waste and inefficiency. There is a point at which, in peace times high rates of income and profit taxes discourage energy, remove the incentive to new enterprise, encourage extravagant expenditures and produce industrial stagnation with consequent unemployment and other attendant evils."

Woodrow Wilson was right. During the 1920s, Wilson's leadership led to massive tax rate reductions. Amazingly, revenues actually increased. This is a fact that continues to resurface throughout the taxation history of this country.

The tax cuts which President John F. Kennedy passed in the 1960s ignited a huge economic expansion. The economy grew by more than 40 percent and tax revenues climbed by more than 62 percent.

The effects of the Reagan tax cuts, Madam Speaker, were just as impressive. The economy was pulled out of a severe downturn and a 7 year economic boom of record growth took its place.

During the 1980s, the goal of tax reformers on the left and the right was to reduce marginal rates as much as possible. At the beginning of the 1980s, the top marginal income tax rate was 70 percent; by the end it had fallen to just 28 percent. Support for low marginal tax rates was so widespread that virtually every major nation followed the United States and cut marginal tax rates in the 1980s.

The reasoning behind this phenomenon is simple: If history has taught us anything, it is that a high top rate reduction seldom produces much revenue. The principal effect is to make higher taxes on the poor and the middle class more palpable. In fact, because of inflation and real growth in the economy, in just a few years tax rates originally imposed on the rich often apply to those with middle incomes. The rich, meanwhile, often evade higher rates by making increased use of deductions and other legal tax shelters. In short, Madam Speaker, higher rates tend to encourage the government to add new deductions to the already too-complex Tax Code.

Tax relief, Madam Speaker, could not be a more bipartisan issue. President Franklin Roosevelt warned of an increase in rates when he said, "Taxes are paid in the sweat of every man who labors because they are a burden on production and are paid through production. If those taxes are excessive," President Roosevelt said, "they are reflected in idle factories, in tax-sold farms, in hordes of hungry people trampling the streets and seeking jobs in vain."

Madam Speaker, we must pass this tax relief for all Americans.

TRIBUTE TO FALLEN HOUSTON LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise this morning with a heavy burden for the Houston community and Harris County. I want to offer my deepest respect and sympathy to the families and friends and community of two very brave law enforcement officers, who lost their lives in Houston, Texas, Harris County, this week.

First, Harris County Sheriff's Deputy Joseph Dennis, 35 years old, was shot to death just a couple of days ago. Then, following his tragic death, Albert Vasquez, along with officer Enrique Duharte-Tur, were shot. Officer Duharte-Tur was injured and is now in critical condition, but, sadly, we lost our brother, Albert Vasquez.

It is important to realize that as we are a Nation of laws, we commit ourselves to being law-abiding, and respect the fact that our officers are there every day, men and women, to protect us. And we recognize that though we may have discussions on the best way to uphold the civil liberties of all Americans, we certainly do not in any way take away from the ultimate sacrifice that these brave men and women are willing to commit.

So let me offer to the families, there are no words that can replace a loved one, particularly one who has gone off to do his or her duty, in the line of danger, and does not return home to wife and children, and mother and father, aunts and uncles and cousins. These were tragic incidents, ones that I am appalled at.

It certainly speaks to the issue of where we go in this country; the proliferation of guns, the tragedy of young people who have lost their way and would be, if you will, directed to, inclined to, do such violent and terrible acts.

We hope the perpetrators are quickly brought to justice in this community. But as we move into Memorial Day, I would offer to say that these very fine gentleman should be acknowledged, appreciated, and their families prayed for.

Might I also add that this is Memorial Day weekend, and I would like to say to America, but particularly my community, because I am so much reminded of the men and women out of the Houston area, the 18th Congressional District and the State of Texas who gave up their lives in the line of duty in the militaries of the United States of America.

So as we leave this place, I would say to all, there may be those who are about to join their families for a good time, but I am very much aware that we should also be joining our families and appreciate the freedom that we have in this country. We have it because of the men and women who gave the ultimate sacrifice, whom we should be honoring on Memorial Day and every day, as those men and women gave their lives for us.

Freedom is not free, and we hold these truths to be self-evident, that we all are created equal, the men and women who have offered themselves in service and ultimately did not return to us, that we appreciate this Memorial Day weekend.

It is my privilege to serve in the United States Congress, but that honor and the right to engage in democratic principles and debate is all because military men and women serve around this Nation, even today, but, more importantly, that they fought in wars, like World War I and World War II, the Korean War, conflicts, and Vietnam.

So it is my special privilege to be able to say to them, thank you, thank you, thank you, for ultimately we all are better off because you lived.

Might I finish, Madam Speaker, because this is a serious time in our country, many have watched the happenings of the last era, or the last 24 hours, and they watched it with surprise. But might I say to the American people and to my colleagues in particular, bless us for having a democracy that allows change to occur peacefully.

I am disappointed that we would take this wonderful time in these few closings moments of this Congress before the Memorial Day holiday to deal with issues like tax cuts, that really do not address the people I have just spoken to, the people who need. I would have hoped we would be addressing the questions of protecting and providing better energy services for our country. But I hope we will be able to do that as we return.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

AMERICANS AFRAID OF THEIR OWN GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio

(Mr. TRAFICANT) is recognized for 60 minutes as the designee of the minority leader.

Mr. TRAFICANT. Madam Speaker, I want to thank the minority leader and his young floor man, Dan, who does a fine job and a fair job, for giving me this opportunity to speak. Many of the American people know that I go without a committee, but I am a Democrat.

I want to talk about several issues here today that I think are very important. I very seldom take a special order, but while the Congress is involved in negotiations on an important bill affecting the lives of many people, I decided to take this time.

I heard my very good friend the gentleman from Georgia (Mr. COLLINS), a member of the Committee on Ways and Means, talking about the energy problem, and I could not agree with him more. His wisdom and wisdom like that is needed in this Congress. But I also have a different view that goes a little further.

I have a bill in that says that if there is price gouging in America, there should be a $100 million fine for any company that gouges American consumers of petroleum products. Mobil merged with Exxon; BP with Amoco. Competition is down. I think they are gouging us, and I think a $100 million fine for anybody artificially raising prices, 9 cents more on the weekend, come on. They get hit once in the pocketbook, and it is all over.

Another thing before I move off that energy issue, I think it is time to tell these monarchs and dictators who control oil overseas that next time they are attacked by Saddam Hussein, call the Welcome Wagon, because Uncle Sam is not going to show up, and we will see those prices go down.

But I am here today to talk about a serious problem in America, a dangerous problem, one that I have seen. Many Americans see it and feel it and may not realize it or come to speak about it, or maybe just whisper it. Many Americans are afraid of their government. They look at the government as a separate entity, the people and the government. It was not designed to be that way. I personally believe the psychology of this change occurred in 1963 with the assassination of President Kennedy. If you believe what the government has told us about that, you believe in the tooth fairy.

But I want to get down now to some specifics that bother me. Before a subcommittee of the Committee on Government Reform of the United States House of Representatives, the people's House, testimony just brought out that four men 30-some years ago were convicted for murder. They were sentenced to life imprisonment. Two of those four convicted murderers, supposedly, died in prison. The other two, Salvadi and Limone, were recently released, because the FBI finally admitted they had exculpatory evidence that Salvadi and Limone were not the killers, and they protected their valuable informants who did the killing.

When the FBI agent was asked if he had any remorse, his answer was, "What do you expect, tears?" Thirty years, ladies and gentlemen, for a murder they did not commit.

Now, let us look at FBI agent Hanssen; 15 years selling our secrets to the Russians. Do you honestly believe he could do that in the structure of the Federal Bureau of Investigation with no one else knowing it? Come on now.

Now, how about the case in Boston, Massachusetts, where the FBI agent-in-charge has now been indicted? He has been indicted for overlooking murder on behalf of his informants. And guess what the FBI agent-in-charge said? "I was told by my superiors to lie."

Now let us take a look at Waco, David Koresh. They could have arrested him any morning out jogging, but they wanted a sensational bust. Eighty-some Americans killed. Tanks. Thirty children. They could have arrested him any morning. They wanted a sensational case; they now have sensational headaches.

But how about Randy Weaver and his family? I did not agree with his politics. He was a white separatist. But his 14-year-old boy was shot and killed by Federal agents. His wife, holding her infant child, standing in the doorway, horrified over the scene she was witnessing, was shot by one of the FBI's best sharpshooters. Put your finger right between your eyes above your nose. And the court ruled accidental shooting. Why, then, did American taxpayers give $5 million to Randy Weaver? Was it for justice, or to shut him up?

But now I take you to northeast Ohio. I am the Member that is under indictment, the only American in history to have beaten the Justice Department in a RICO case, pro se, without being an attorney, through a full jury trial. Experts say my chances are 1 in 5 million. Well, there are 275 million Americans. That means I am one of about 55 Americans that have a shot. I am going to take that shot.

Now, here is why: In the early eighties, a man named Charles Carabbia, an underworld figure, was killed in Youngstown, Ohio. Subsequent to that, the FBI said the second most important Mafia informant since Valachi, a man named Angelo Lonardo, gave the government, the FBI, information in 1984, and then gave this same testimony to a Senate subcommittee of the United States Senate.

Angela Lonardo, the underboss of Cleveland, was credited with helping to take down the Mafia in Kansas City and in New Orleans. But listen to what he told the U.S. Senate in 1987, and that he had told the FBI in 1984.

He said two underworld figures by the name of Joseph Naples and James Prato came to him in the early eighties and asked permission to kill Charles Carabbia. He and his boss met with them personally and they said no, work it out. He later testified they come back and said they met with the Pittsburgh Mafia and the Pittsburgh Mafia wants Mr. Carabbia killed. They said no, work it out.

Then Mr. Lonardo, not through Mr. Jones getting information, Mr. Lonardo testified that he heard that Mr. Carabbia was missing and feared murdered. He said several weeks later he got a call from Mr. Prato and Mr. Naples, and Mr. Prato and Mr. Naples met with Mr. Lonardo and his boss, Mr. Licavoli, in a restaurant outside of Cleveland, and said, "We killed Charles Carabbia, and we apologize for leaving his car in the Cleveland area."

Ladies and gentlemen on the House floor, there was no grand jury investigation into the murder of Charles Carabbia. Joseph Naples was murdered in the early nineties by a mob rival and James Prato died of old age, and now affidavits and documents reveal the Youngstown office of the FBI was on the payroll of the mob, Naples and Prato. Documents also show that Assistant U.S. Attorneys were on the payroll of the mob in Cleveland, Ohio.

What has happened to our country here? How did the FBI, the IRS, the EPA, get so strong that we fear them? Who elected them? It is up to Congress to take our country back, so help me God. But there are several things that I have done since my first trial.

So the bottom line is, maybe the government can notify you, and by that I mean the real government, the middle-management bureaucrats that are not elected, and if they do not like a Member of Congress, they will go after them. Think about that.

But, you see, since those incidents I have tried to crack down on some of the power. Since being in Congress, I passed four specific laws to deal with the IRS.

The first one said they have to treat us courteously across cultural lines. They have a training program with their agents about taxpayers' rights. They oppose that. They oppose that. We finally passed it. After I threatened a bill and killed a Treasury appropriations bill, they came to me and said, "We will build you a courthouse if you do not do that anymore." I said, "Go right ahead, but put my language in the next bill," and they did. Now they have to have a training program.

The next year I came back and said, what good is a training program if they abuse us? So I was able to pass a little law that said if the IRS abuses you, you can sue them for $1 million. Shirley Barrons of Derry, New Hampshire, was the first to be successful. The IRS settled out of court for half a million dollars. Did you ever hear of that?

One of the main reasons I voted for Mr. HASTERT, which caused the problems on my side of the aisle, was the Democrat Party would not even have a hearing on a Traficant bill that dealt with important IRS matters.

Before 1997 you were guilty and had to prove yourself innocent in a civil tax case. Most tax cases are civil. If it is crime or fraud, the IRS has the burden, but that is in very few cases. They are usually civil and the burden of proof was on the taxpayer.

The Traficant bill said, look, the IRS comes out to audit you, and you cooperate and they are not satisfied. They decide to litigate. The burden of proof transfers to the Secretary of the Treasury and the IRS. They should have the burden.

The second provision said they can no longer from a back room decide to take your home, they had to have judicial consent. I want to give credit on the floor to Mr. Bill Archer, no longer here, former Republican Chairman of the Committee on Ways and Means, who called me.

My language was not in the original IRS reform bill in 1998 because it was going to be vetoed. It was too strong. Mr. Archer, the gentleman from Illinois (Mr. HASTERT), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Georgia (Mr. COLLINS), the gentleman from Ohio (Mr. CHABOT), the gentleman from Ohio (Mr. NEY), and the gentleman from Ohio (Mr. LATOURETTE), they helped get the Traficant language in.

I want to give you the statistics. The bill was passed in 1998. Comparing 1997 to 1999 figures, wage attachments, 1997, 3.1 million; 1999, 540,000. Property liens, 1997, 680,000; 1999, 161,000. But, listen to this: "Life, liberty and the pursuit of property." That was the language, the original founding fathers' language. The last change to one of our great documents was "life, liberty and pursuit of happiness." That is how important property was. Property seizures, 1997, 10,037; 1999, 151.

When they needed judicial consent and had to prove it, they could not take our homes. They were stealing our homes. What is wrong with us, America?

So it is time now for some additional reforms. There are two of them. The major reform bill that I have before the Congress now is known as the Fair Justice Act. It requires the President nominate for a 10-year term a Director of the Fair Justice Agency, who must be confirmed by the Senate, with one exclusive role, to investigate and prosecute wrongdoing and crime in the Justice Department.

Madam Speaker, they investigate themselves. The fox in the hen house investigates the fox that raided the hen house. Do you really believe that jury in Waco got the true facts?

We spent $40 million on Monica. Now, look, the President may have been a threat to chastity, but he was not a threat to liberty. And we did not spend one dime on China. China, who has taken $100 billion of trade surplus out of America, buying nuclear attack submarines, intercontinental ballistic missiles, and have announced they have aimed them at us. We are financing World War III, and there was no investigation whether a Red Chinese general gave money to the Democratic National Committee. Shame, shame.

Lastly, dealing with the IRS, listen carefully. The gentleman from Georgia (Mr. COLLINS) touched on it. We need a flat tax in America. But why should it be an income tax? A recent study from Harvard said 24 percent of the cost of an American-made automobile is the Tax Code, and when it is shipped overseas it gets hit with a value added tax. Is it any wonder we do not export any cars? Thirty-three percent of the cost of a loaf of bread is the Tax Code.

□ 1100

I think, hey, you do not have to be a rocket scientist here. The Tauzin-Traficant 15 percent national retail sales tax will be introduced as soon as this tax bill is completed now before the Congress.

I am going to vote for those tax cuts.

Here is how the Tauzin-Traficant bill works; No more income tax, no more withholding, no more capital gains tax, no more inheritance tax, no more tax on savings, no more tax on education, no more tax on investment, and the IRS is abolished. Nothing personal here.

Forty-five States already collect a State sales tax. They get one penny per dollar to collect the tax. The companies who do the selling get half a penny for their paperwork. We get 98.5 cents. You will be surprised to find out that 90 percent of all retail sales are conducted by less than 9 percent of American retailers.

Madam Speaker, what do we need the IRS for? How can there be freedom in America if you have to look through the Tax Code to see if you should buy a car this year or sell your apartment this year? Why should we have to look into a Tax Code to see if we can give our property to our kids? What is wrong? What happened to America? What has happened here? Something is very wrong.

MEMORIAL DAY, A SPECIAL THANKS TO WORLD WAR II VETERANS

Mr. TRAFICANT. Now we come to Memorial Day, and I want to thank all of the veterans. I recently spoke on the construction of the World War II Monument on the Mall; certainly hallowed ground indeed. Washington, Jefferson, think about it. Founders. Lincoln preserved America. All our veterans are special, but the generation of World War II, those who died and those who still live, they not only saved America, they saved the entire world. It is right and fitting that that monument be built on the mall.

Thank a veteran. I thank all veterans for preserving our freedom. I say this to all veterans, you have won the wars but, by God, the politicians have lost the peace.

It is time to bring our country back to the people. I have confidence in this Congress. I have confidence in Speaker HASTERT. IRS reform is important, welfare reform. Now it is time to reform the powerful Justice Department and now it is time to put the people in our government back together.

People should not be afraid of the government. We are the government.

I want to thank the Democrat leadership for allowing me this time, and I appreciate some of the things that they have done recently to promote involvement in school construction and other actions in education.

ETHANOL PRODUCTION IS PART OF THE ENERGY SOLUTION

The SPEAKER pro tempore (Mr. KIRK). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, over the last several days a great deal has been said about our national energy crisis. Unfortunately, most of the commentary has centered on finding blame. At various times, the Bush administration, the Clinton administration, the California legislature, energy companies, environmentalists and others have been blamed.

As I see it, the main value of looking at the past is to make sure we do not repeat the same mistakes that caused the current problem. However, dwelling on the past and attempting to fix blame serves no useful purpose and actually impedes progress. What is needed now is to identify solutions and start moving toward those solutions.

In my previous profession, which was coaching, there are all kinds of people that could say what went wrong and why it went wrong, but this really did not accomplish anything. What we were looking for was people with proactive ideas, because they were able to help relieve the situation.

Part of the solution to the current energy crisis that would appear to benefit all factions involved would be that of ethanol production. The use of ethanol in gasoline has been proven to reduce harmful emissions by 30 to 50 percent and is a renewable source of energy. Therefore, it benefits the environment and should certainly please the environmental community. It has a potential to reduce our dependence on foreign oil by a small but significant amount, which serves our national interests and benefits consumers.

It utilizes grain surpluses, improves commodity prices and benefits the agricultural community. If you look at what is going on in agriculture today, ethanol may be about the only real bright spot out there for those who grow row crops. We are poised to increase our ethanol production by 200 to 300 percent, as dozens of new ethanol plants are in various stages of development.

The one deterrent to this development is uncertainty as to whether the 2 percent oxygenation requirement for fuel is going to be waived. Currently, about eight-tenths of 1 percent of our national fuel consumption is provided by ethanol. It could very easily go to as high as 5 or 6 percent. If the oxygenation requirement is waived, the demand for ethanol could go down close to zero.

So this is a huge factor for those who are involved in the ethanol industry. It is extremely important for all concerned that the matter of whether or not the waiver for oxygenation standards will be granted or not be granted. Further delay will only serve to exacerbate the problem.

ETHNICITY, WE HAVE COME A LONG WAY IN THIS COUNTRY BUT WE STILL HAVE A WAY TO GO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. WU) is recognized for 60 minutes.

Mr. WU. Mr. Speaker, an odd thing happened to me 2 days ago on my way down to the Department of Energy. I was going down to give a talk to employees there, and I was stopped by the guards when I was trying to enter the building and I was asked repeatedly, my staffer and I were asked repeatedly, whether we are American citizens. This occurred both before and after I presented my congressional identification card.

Now I have walked around the White House, the Supreme Court, this United States Capitol, and I know that there is sensitive information at the White House, at the Supreme Court and sometimes here, but maybe, maybe the Department of Energy is a special case, perhaps.

What they said was that they asked everyone, everyone, whether they are a U.S. citizen or not, but that proved not to be true. My friend and colleague, the gentleman from Massachusetts (Mr. CAPUANO), went yesterday and he was not asked the way that I was at all.

The ultimate irony is that I went to the Department of Energy 2 days ago to give a talk, at their request, about the progress of Asian Americans in America as part of Asian Pacific American Heritage Month celebration activities by the employees there.

There has been progress over the last 200, 215 years for Asian Americans in America but apparently we have a little ways to go yet.

Now I am reluctant to make much of this incident and I was just going to let it go, but upon reflection, Mr. Speaker, I cannot just let this go because it would be wrong and it would break a promise that I have made to students in Oregon and that I have made to students across this country.

When I visit with students at home and in other places around the country, sometimes they ask, are you treated fairly? Is there any difference because of ethnicity in the U.S. Congress? And I always answer, no, I am treated very well and very fairly and there is no question about ethnicity in the House, and that is absolutely true.

Then sometimes there is a follow-up question, have there ever been incidents in your life that caused you to reflect upon or make you think that you are discriminated against?

At that point, I generally try to refocus the direction of the discussion. I say, look, look, you are here in school to study, to work hard. You need to focus on those things that you can change, that you can effect, and if you focus on those things then this country will give you a chance to succeed and, please, please do not obsess about things that you cannot change because some of the attitudes you cannot change right away. If you obsess about those things, they will take away from your efforts at focusing on your goals and your future success, because this country will give you that chance.

I say to them, leave those other things, leave those things that cannot be changed in the short-term, leave those things to adults like me. Leave those things to people who are in a position to work on them, like me.

If I had just let this incident go, this incident of 2 days ago at DOE, I would have broken my promise to those students at home and across this country, because I believe that it is our obligation, despite whatever our reluctance might be, despite whatever our discomfort might be, to point out those things which are not right or to investigate them, to see if they need to be improved. I am going to encourage the Department of Energy to redouble its efforts, engage in a true process of soul searching. Do you really ask everyone their citizenship at the door? And if so, is that an effective way of enhancing national security?

I do not know how many spies you have caught with that question, but you have at least one Congressman. And I suspect that ultimately there is a connection to national security but in a way that you might not expect, and that is there is a tremendous number of Asian American scientists and engineers working at the Department of Energy and they have made valuable contributions to our national security by doing good research.

If the Department creates a work environment that is hostile or perceived to be, we have already begun to lose some of those scientists, and my understanding is that some of the brightest graduate students in the country, who happen to be Asian American, are now refusing to go work for the Department of Energy. That is as damaging to our national interest, our national security, as anything that I can think of.

I want to underscore once again that this is not about the specific incidents of 2 days ago and this is not about me, but it is about a pledge to students to work on issues that they are not in a position to work on themselves, and it is about doing this job, my job, in the best manner that I know how.

Being a Member of Congress is the greatest honor that I can imagine. We have no mission other than to get up each and every day and to try to make the world a little bit better, or to ameliorate some of the problems that people face. Today I want to give that effort to make the world a little bit better just one small further nudge.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 15 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1730

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 5 o'clock and 30 minutes p.m.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I see the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader, is here. I am sorry to see the minority leader here rather than at dinner with his wife; but being that he is here, let me yield to the minority leader for his comment.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I ask the majority leader his timing and a time line on the consideration of the tax bill tonight. The reason I ask is that, as the majority leader knows, a lot of our Members are wanting a time line that they can depend on.

A lot of Members have events at home with families and they have plane reservations and they would like to be able to rely on those reservations if it is going to be tomorrow morning.

They wanted a time line on when the majority thinks this bill will actually find its way to the floor.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Missouri for his request. The gentleman is absolutely right. We try our very best to keep Members apprised of the fact. This is, of course, a very large bill. It has many complex dimensions, and they are being discussed.

I am happy to report that the discussions are going well, and we have every reason to believe that we will come to closure on these discussions fairly soon.

As that happens, of course, we would have to do the process of actually writing the bill and preparing it for filing. Sometime this evening, perhaps even in the late evening, 11 o'clock or even later, the committee will come to the floor and file the conference report.

We will be advised at that filing; and at that point, we have one hour's time before the Committee on Rules will meet. We believe the Committee on Rules will be able to meet and take care of its business fairly quickly, and that would then enable them to come to the floor with the rules under which the business would be considered.

The House would then convene to consider the first rule providing for same day consideration and the second rule providing for consideration of the conference report, both of which are debatable for an hour.

Following consideration of both rules, the House will consider the conference report, and final passage would occur late this evening or early in the morning.

Let me just say we will again remind through e-mail and Whip notices Members at the time that the committee has prepared the bill for filing. That, then, is a 1-hour notice. It would be then available for people to examine before the Committee on Rules meets. I would say, Mr. Speaker, that we should expect that sometime in the neighborhood between 11:00 and 12:00.

Given these circumstances to which I attach a very high probability in my expectations, it is our judgment that Members would, rather than complete that work in before, say, 3:00 or 4:00 in the morning and be able, then, to catch that quick catnap and make their planes back for their district work periods. So it is our judgment it would be better for us to proceed through the night and complete the work so that their time could be free as early as possible when the flights begin on Saturday morning.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield again?

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I would agree that I think Members, more than anything, want certainty at this point so they can make their plans. Obviously also Members will want to be able to see this bill prior to voting on it. I would hope that there would be time even to have a caucus or a conference in each party so that at least there could be an oral presentation to Members about what is included in the bill before they vote on it, for the Members that want to do that.

As the majority leader knows, a few weeks ago, we had a problem with the budget not having the pages in it, and we do not want to have that happen again. So I hope that we can see the writing in these caucuses and conference meetings before they actually vote.

Mr. ARMEY. Mr. Speaker, I think the gentleman's point is well taken. Let me say again, as soon as we find the participants agreeing across the table, they will obviously begin the process of vetting as the paperwork is going on.

I would expect Members might again be attentive to their phones. Stay close to a phone, stay in touch with your office. My expectation might be that, in the case of both parties in the body, their respective caucuses may be notifying Members of an opportunity to come together and look at it and get that briefing.

Mr. GEPHARDT. Mr. Speaker, if I could just ask the majority leader one additional question. A lot of our Members from the West Coast have been very desirous of legislation coming here before we leave on energy. Can I inquire whether or not there is any plan to bring any energy legislation before we leave?

Mr. ARMEY. Mr. Speaker, let me thank the gentleman from Missouri for his inquiry. No, we would expect to have no action on anything other than the two rules I mentioned and the tax bill.

Mr. GEPHARDT. Mr. Speaker, finally, I assume that Members will look forward to receiving an hour's notice before we go to the Committee on Rules, and that would be a time when the conference and the caucus could meet and review the legislation.

Mr. ARMEY. Mr. Speaker, of course that would be subject to the conference chairmen on the respective sides making those announcements and that request, and we would communicate as much as we can to all Members.

Finally, Mr. Speaker, I extend to the gentleman from Missouri (Mr. GEPHARDT), my good friend and colleague, an opportunity to, I hope, get away, have dinner with his wife, and enjoy some part of this evening before we go back to work.

REPORT ON PROGRESS TOWARD ACHIEVING BENCHMARKS IN BOSNIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–78)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations, the Committee on Appropriations, and the Committee on Armed Services, and ordered to be printed:

To the Congress of the United States:

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7(b) of Public Law 105–174) and section 1203(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I transmit herewith a report on progress made toward achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina.

In July 2000, the fourth semiannual report was sent to the Congress detailing progress towards achieving the ten benchmarks that were adopted by the Peace Implementation Council and the North Atlantic Council in order to evaluate implementation of the Dayton Accords. This fifth report, which also includes supplemental reporting as required by section 1203(a) of Public Law 105–261, provides an updated assessment of progress on the benchmarks covering the period July 1, 2000, to February 28, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 25, 2001.*

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 23, 2001.

HON. J. DENNIS HASTERT,
Speaker, House of Representatives, Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find copies of resolutions approved by the Committee on Transportation and Infrastructure on May 16, 2001, in accordance with 40 U.S.C. §606 and 40 U.S.C. §610.

Sincerely,

DON YOUNG,
Chairman.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0517

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 5 o'clock and 17 minutes a.m.

CONFERENCE REPORT ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. THOMAS submitted the following conference report and statement on the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002:

CONFERENCE REPORT (H. REPT. 107–84)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1836), to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the State amendment, insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Growth and Tax Relief Reconciliation Act of 2001".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—INDIVIDUAL INCOME TAX RATE REDUCTIONS

Sec. 101. Reduction in income tax rates for individuals.

Sec. 102. Repeal of phaseout of personal exemptions.

Sec. 103. Phaseout of overall limitation on itemized deductions.

TITLE II—TAX BENEFITS RELATING TO CHILDREN

Sec. 201. Modifications to child tax credit.

Sec. 202. Expansion of adoption credit and adoption assistance programs.

Sec. 203. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Sec. 204. Dependent care credit.

Sec. 205. Allowance of credit for employer expenses for child care assistance.

TITLE III—MARRIAGE PENALTY RELIEF

Sec. 301. Elimination of marriage penalty in standard deduction.

Sec. 302. Phaseout of marriage penalty in 15-percent bracket.

Sec. 303. Marriage penalty relief for earned income credit; earned income to include only amounts includible in gross income; simplification of earned income credit.

TITLE IV—AFFORDABLE EDUCATION PROVISIONS

Subtitle A—Education Savings Incentives

Sec. 401. Modifications to education individual retirement accounts.

Sec. 402. Modifications to qualified tuition programs.

Subtitle B—Educational Assistance

Sec. 411. Extension of exclusion for employer-provided educational assistance.

Sec. 412. Elimination of 60-month limit and increase in income limitation on student loan interest deduction.

Sec. 413. Exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

Subtitle C—Liberalization of Tax-Exempt Financing Rules for Public School Construction

Sec. 421. Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities.

Sec. 422. Treatment of qualified public educational facility bonds as exempt facility bonds.

Subtitle D—Other Provisions

Sec. 431. Deduction for higher education expenses.

TITLE V—ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAX PROVISIONS

Subtitle A—Repeal of Estate and Generation-Skipping Transfer Taxes

Sec. 501. Repeal of estate and generation-skipping transfer taxes.

Subtitle B—Reductions of Estate and Gift Tax Rates

Sec. 511. Additional reductions of estate and gift tax rates.

Subtitle C—Increase in Exemption Amounts

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Sec. 801. Time for payment of corporate estimated taxes.
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Sec. 803. No Federal income tax on restitution received by victims of the Nazi regime or their heirs or estates.

TITLE IX—COMPLIANCE WITH CONGRESSIONAL BUDGET ACT

Sec. 901. Sunset of provisions of Act.

TITLE I—INDIVIDUAL INCOME TAX RATE REDUCTIONS

SEC. 101. REDUCTION IN INCOME TAX RATES FOR INDIVIDUALS.

(a) IN GENERAL.—Section 1 (relating to tax imposed) is amended by adding at the end the following new subsection:

"(i) RATE REDUCTIONS AFTER 2000.—

"(1) 10-PERCENT RATE BRACKET.—

"(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2000—

"(i) the rate of tax under subsections (a), (b), (c), and (d) on taxable income not over the initial bracket amount shall be 10 percent, and

"(ii) the 15 percent rate of tax shall apply only to taxable income over the initial bracket amount but not over the maximum dollar amount for the 15-percent rate bracket.

"(B) INITIAL BRACKET AMOUNT.—For purposes of this paragraph, the initial bracket amount is—

"(i) $14,000 ($12,000 in the case of taxable years beginning before January 1, 2008) in the case of subsection (a),

"(ii) $10,000 in the case of subsection (b), and

"(iii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (C)) in the case of subsections (c) and (d).

"(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2000—

"(i) the Secretary shall make no adjustment to the initial bracket amount for any taxable year beginning before January 1, 2009,

"(ii) the cost-of-living adjustment used in making adjustments to the initial bracket amount for any taxable year beginning after December 31, 2008, shall be determined under subsection (f)(3) by substituting '2007' for '1992' in subparagraph (B) thereof, and

"(iii) such adjustment shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

"(D) COORDINATION WITH ACCELERATION OF 10 PERCENT RATE BRACKET BENEFIT FOR 2001.—This paragraph shall not apply to any taxable year to which section 6428 applies.

"(2) REDUCTIONS IN RATES AFTER JUNE 30, 2001:—In the case of taxable years beginning in a calendar year after 2000, the corresponding percentage specified for such calendar year in the following table shall be substituted for the otherwise applicable tax rate in the tables under subsections (a), (b), (c), (d), and (e).

In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2001	27.5%	30.5%	35.5%	39.1%
2002 and 2003	27.0%	30.0%	35.0%	38.6%
2004 and 2005	26.0%	29.0%	34.0%	37.6%
2006 and thereafter	25.0%	28.0%	33.0%	35.0%

"(3) ADJUSTMENT OF TABLES.—The Secretary shall adjust the tables prescribed under subsection (f) to carry out this subsection.".

(b) ACCELERATION OF 10 PERCENT RATE BRACKET BENEFIT FOR 2001.—

(1) IN GENERAL.—Subchapter B of chapter 65 (relating to abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6428. ACCELERATION OF 10 PERCENT INCOME TAX RATE BRACKET BENEFIT FOR 2001.

"(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by chapter 1 for the taxpayer's first taxable year beginning in 2001 an amount equal to 5 percent of so much of the taxpayer's taxable income as does not exceed the initial bracket amount (as defined in section 1(i)(1)(B)).

"(b) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed by subsection (a) shall not exceed the excess (if any) of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits).

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual other than—

"(1) any estate or trust,

"(2) any nonresident alien individual, and

"(3) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins.

"(d) SPECIAL RULES.—

"(1) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

"(A) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(B) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

"(2) COORDINATION WITH ESTIMATED TAX.—The credit under this section shall be treated for purposes of section 6654(f) in the same manner as a credit under subpart A of part IV of subchapter A of chapter 1.

"(e) ADVANCE REFUNDS OF CREDIT BASED ON PRIOR YEAR DATA.—

"(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2000 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

"(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (d) and this subsection) had applied to such taxable year.

"(3) TIMING OF PAYMENTS.—In the case of any overpayment attributable to this subsection, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible and, to the extent practicable, before October 1, 2001. No refund or credit shall be made or allowed under this subsection after December 31, 2001.

"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

"Sec. 6428. Acceleration of 10 percent income tax rate bracket benefit for 2001.".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 1(g)(7) is amended by striking "15 percent" in clause (ii)(II) and inserting "10 percent.".

(2) Section 1(h) is amended—

(A) by striking "28 percent" both places it appears in paragraphs (1)(A)(ii)(I) and (1)(B)(i) and inserting "25 percent", and

(B) by striking paragraph (13).

(3) Section 15 is amended by adding at the end the following new subsection:

"(f) RATE REDUCTIONS ENACTED BY ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—This section shall not apply to any change in rates under subsection (i) of section 1 (relating to rate reductions after 2000).".

(4) Section 531 is amended by striking "equal to" and all that follows and inserting "equal to the product of the highest rate of tax under section 1(c) and the accumulated taxable income.".

(5) Section 541 is amended by striking "equal to" and all that follows and inserting "equal to the product of the highest rate of tax under section 1(c) and the undistributed personal holding company income.".

(6) Section 3402(p)(1)(B) is amended by striking "7, 15, 28, or 31 percent" and inserting "7 percent, any percentage applicable to any of the 3 lowest income brackets in the table under section 1(c),".

(7) Section 3402(p)(2) is amended by striking "15 percent" and inserting "10 percent".

(8) Section 3402(q)(1) is amended by striking "equal to 28 percent of such payment" and inserting "equal to the product of the third lowest rate of tax applicable under section 1(c) and such payment".

(9) Section 3402(r)(3) is amended by striking "31 percent" and inserting "the fourth lowest rate of tax applicable under section 1(c)".

(10) Section 3406(a)(1) is amended by striking "equal to 31 percent of such payment" and inserting "equal to the product of the fourth lowest rate of tax applicable under section 1(c) and such payment".

(11) Section 13273 of the Revenue Reconciliation Act of 1993 is amended by striking "28 percent" and inserting "the third lowest rate of tax applicable under section 1(c) of the Internal Revenue Code of 1986".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) AMENDMENTS TO WITHHOLDING PROVISIONS.—The amendments made by paragraphs (6), (7), (8), (9), (10), and (11) of subsection (c) shall apply to amounts paid after the 60th day after the date of the enactment of this Act. References to income brackets and rates of tax in such paragraphs shall be applied without regard to section 1(i)(1)(D) of the Internal Revenue Code of 1986.

SEC. 102. REPEAL OF PHASEOUT OF PERSONAL EXEMPTIONS.

(a) IN GENERAL.—Paragraph (3) of section 151(d) (relating to exemption amount) is amended by adding at the end the following new subparagraphs:

"(E) REDUCTION OF PHASEOUT.—

"(i) IN GENERAL.—In the case of taxable years beginning after December 31, 2005, and before January 1, 2010, the reduction under subparagraph (A) shall be equal to the applicable fraction of the amount which would (but for this subparagraph) be the amount of such reduction.

"(ii) APPLICABLE FRACTION.—For purposes of clause (i), the applicable fraction shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	***The applicable fraction is—***
2006 and 2007	*⅔*
2008 and 2009	*⅓.*

"(F) TERMINATION.—This paragraph shall not apply to any taxable year beginning after December 31, 2009.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 103. PHASEOUT OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—Section 68 is amended by adding at the end the following new subsections:

"(f) PHASEOUT OF LIMITATION.—

"(1) IN GENERAL.—In the case of taxable years beginning after December 31, 2005, and before January 1, 2010, the reduction under subsection (a) shall be equal to the applicable fraction of the amount which would (but for this subsection) be the amount of such reduction.

"(2) APPLICABLE FRACTION.—For purposes of paragraph (1), the applicable fraction shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	***The applicable fraction is—***
2006 and 2007	*⅔*
2008 and 2009	*⅓.*

"(g) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2009.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

TITLE II—TAX BENEFITS RELATING TO CHILDREN

SEC. 201. MODIFICATIONS TO CHILD TAX CREDIT.

(a) INCREASE IN PER CHILD AMOUNT.—Subsection (a) of section 24 (relating to child tax credit) is amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to the per child amount.

"(2) PER CHILD AMOUNT.—For purposes of paragraph (1), the per child amount shall be determined as follows:

"In the case of any taxable year beginning in—	***The per child amount is—***
2001, 2002, 2003, or 2004	*$ 600*
2005, 2006, 2007, or 2008	*700*
2009	*800*
2010 or thereafter	*1,000.".*

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (b) of section 24 (relating to child tax credit) is amended by adding at the end the following new paragraph:

"(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 24(b) is amended to read as follows: "LIMITATIONS.—".

(B) The heading for section 24(b)(1) is amended to read as follows: "LIMITATION BASED ON ADJUSTED GROSS INCOME.—".

(C) Section 24(d), as amended by subsection (c), is amended—

(i) by striking "section 26(a)" each place it appears and inserting "subsection (b)(3)", and

(ii) in paragraph (1)(B) by striking "aggregate amount of credits allowed by this subpart" and inserting "amount of credit allowed by this section".

(D) Paragraph (1) of section 26(a) is amended by inserting "(other than section 24)" after "this subpart".

(E) Subsection (c) of section 23 is amended by striking "and section 1400C" and inserting "and sections 24 and 1400C".

(F) Subparagraph (C) of section 25(e)(1) is amended by inserting ", 24," after "sections 23".

(G) Section 904(h) is amended by inserting "(other than section 24)" after "chapter".

(H) Subsection (d) of section 1400C is amended by inserting "and section 24" after "this section".

(c) REFUNDABLE CHILD CREDIT.—

(1) IN GENERAL.—So much of section 24(d) (relating to additional credit for families with 3 or more children) as precedes paragraph (2) is amended to read as follows:

"(d) PORTION OF CREDIT REFUNDABLE.—

"(1) IN GENERAL.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a), or

"(B) the amount by which the amount of credit allowed by this section (determined without regard to this subsection) would increase if the limitation imposed by section 26(a) were increased by the greater of—

"(i) 15 percent (10 percent in the case of taxable years beginning before January 1, 2005) of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $10,000, or

"(ii) in the case of a taxpayer with 3 or more qualifying children, the excess (if any) of—

"(I) the taxpayer's social security taxes for the taxable year, over

"(II) the credit allowed under section 32 for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a).".

(2) INFLATION ADJUSTMENT.—Subsection (d) of section 24 is amended by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, the $10,000 amount contained in paragraph (1)(B) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50."

(3) CONFORMING AMENDMENT.—Section 32 is amended by striking subsection (n).

(d) ELIMINATION OF REDUCTION OF CREDIT TO TAXPAYER SUBJECT TO ALTERNATIVE MINIMUM TAX PROVISION.—Section 24(d) is amended—

(1) by striking paragraph (2), and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2001.

SEC. 202. EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—

(1) ADOPTION CREDIT.—Section 23(a)(1) (relating to allowance of credit) is amended to read as follows:

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter—

"(A) in the case of an adoption of a child other than a child with special needs, the amount of the qualified adoption expenses paid or incurred by the taxpayer, and

"(B) in the case of an adoption of a child with special needs, $10,000.".

(2) ADOPTION ASSISTANCE PROGRAMS.—Section 137(a) (relating to adoption assistance programs) is amended to read as follows:

"(a) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program. The amount of the exclusion shall be—

"(1) in the case of an adoption of a child other than a child with special needs, the

amount of the qualified adoption expenses paid or incurred by the taxpayer, and

"(2) in the case of an adoption of a child with special needs, $10,000.".

(b) DOLLAR LIMITATIONS.—

(1) DOLLAR AMOUNT OF ALLOWED EXPENSES.—

(A) ADOPTION EXPENSES.—Section 23(b)(1) (relating to allowance of credit) is amended—

(i) by striking "$5,000" and inserting "$10,000",

(ii) by striking "($6,000, in the case of a child with special needs)", and

(iii) by striking "subsection (a)" and inserting "subsection (a)(1)(A)".

(B) ADOPTION ASSISTANCE PROGRAMS.—Section 137(b)(1) (relating to dollar limitations for adoption assistance programs) is amended—

(i) by striking "$5,000" and inserting "$10,000", and

(ii) by striking "($6,000, in the case of a child with special needs)", and

(iii) by striking "subsection (a)" and inserting "subsection (a)(1)".

(2) PHASE-OUT LIMITATION.—

(A) ADOPTION EXPENSES.—Clause (i) of section 23(b)(2)(A) (relating to income limitation) is amended by striking "$75,000" and inserting "$150,000".

(B) ADOPTION ASSISTANCE PROGRAMS.—Section 137(b)(2)(A) (relating to income limitation) is amended by striking "$75,000" and inserting "$150,000".

(c) YEAR CREDIT ALLOWED.—Section 23(a)(2) (relating to year credit allowed) is amended by adding at the end the following new flush sentence:

"In the case of the adoption of a child with special needs, the credit allowed under paragraph (1) shall be allowed for the taxable year in which the adoption becomes final.".

(d) REPEAL OF TERMINATIONS.—

(1) CHILDREN WITHOUT SPECIAL NEEDS.—Paragraph (2) of section 23(d) (relating to definition of eligible child) is amended to read as follows:

"(2) ELIGIBLE CHILD.—The term 'eligible child' means any individual who—

"(A) has not attained age 18, or

"(B) is physically or mentally incapable of caring for himself.".

(2) ADOPTION ASSISTANCE PROGRAMS.—Section 137 (relating to adoption assistance programs) is amended by striking subsection (f).

(e) ADJUSTMENT OF DOLLAR AND INCOME LIMITATIONS FOR INFLATION.—

(1) ADOPTION CREDIT.—Section 23 (relating to adoption expenses) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h). ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsection (a)(1)(B) and paragraphs (1) and (2)(A)(i) of subsection (b) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.".

(2) ADOPTION ASSISTANCE PROGRAMS.—Section 137 (relating to adoption assistance programs), as amended by subsection (d), is amended by adding at the end the following new subsection:

"(f) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsection (a)(2) and paragraphs (1) and (2)(A) of subsection (b) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.".

(f) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (b) of section 23 is amended by adding at the end the following new paragraph:

"(4) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year."

(2) CONFORMING AMENDMENTS.—

(A) Section 23(c), as amended by section 201(b), is amended—

(i) by striking "section 26(a)" and inserting "subsection (b)(4)", and

(ii) by striking "reduced by the sum of the credits allowable under this subpart (other than this section and sections 24 and 1400C)".

(B) Section 24(b)(3)(B), as added by section 201(b), is amended by striking "this section" and inserting "this section and section 23".

(C) Sections 26(a)(1), 904(h), and 1400C(d), as amended by section 201(b), are each amended by striking "section 24" and inserting "sections 23 and 24".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(2) SUBSECTION (a).—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2002.

SEC. 203. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

Any payment considered to have been made to any individual by reason of section 24 of the Internal Revenue Code of 1986, as amended by section 201, shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following month, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

SEC. 204. DEPENDENT CARE CREDIT.

(a) INCREASE IN DOLLAR LIMIT.—Subsection (c) of section 21 (relating to expenses for household and dependent care services necessary for gainful employment) is amended—

(1) by striking "$2,400" in paragraph (1) and inserting "$3,000", and

(2) by striking "$4,800" in paragraph (2) and inserting "$6,000".

(b) INCREASE IN APPLICABLE PERCENTAGE.—Section 21(a)(2) (defining applicable percentage) is amended—

(1) by striking "30 percent" and inserting "35 percent", and

(2) by striking "$10,000" and inserting "$15,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 205. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 619, is further amended by adding at the end the following:

"SEC. 45F. EMPLOYER-PROVIDED CHILD CARE CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) 25 percent of the qualified child care expenditures, and

"(2) 10 percent of the qualified child care resource and referral expenditures,

of the taxpayer for such taxable year.

"(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $150,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD CARE EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified child care expenditure' means any amount paid or incurred—

"(i) to acquire, construct, rehabilitate, or expand property—

"(I) which is to be used as part of a qualified child care facility of the taxpayer,

"(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

"(III) which does not constitute part of the principal residence (within the meaning of section 121) of the taxpayer or any employee of the taxpayer,

"(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees, to scholarship programs, and to the providing of increased compensation to employees with higher levels of child care training, or

"(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer.

"(B) FAIR MARKET VALUE.—The term 'qualified child care expenditures' shall not include expenses in excess of the fair market value of such care.

"(2) QUALIFIED CHILD CARE FACILITY.—

"(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

"(i) the principal use of which is to provide child care assistance, and

"(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 121) of the operator of the facility.

"(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

"(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

"(ii) if the facility is the principal trade or business of the taxpayer, at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

"(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(3) QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified child care resource and referral expenditure' means any amount paid or incurred under a contract to provide child care resource and referral services to an employee of the taxpayer.

"(B) NONDISCRIMINATION.—The services shall not be treated as qualified unless the provision of such services (or the eligibility to use such services) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

The applicable recapture percentage is:	**"If the recapture event occurs in:**
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

"(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(f) NO DOUBLE BENEFIT.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle—

"(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

"(B) CERTAIN DISPOSITIONS.—If, during any taxable year, there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

"(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by section 619, is amended by striking "plus" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ", plus", and by adding at the end the following:

"(15) the employer-provided child care credit determined under section 45F.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

"Sec. 45F. Employer-provided child care credit."

(3) Section 1016(a) is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ", and"; and by adding at the end the following:

"(28) in the case of a facility with respect to which a credit was allowed under section 45F, to the extent provided in section 45F(f)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE III—MARRIAGE PENALTY RELIEF

SEC. 301. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) (relating to standard deduction) is amended—

(1) by striking "$5,000" in subparagraph (A) and inserting "the applicable percentage of the dollar amount in effect under subparagraph (C) for the taxable year";

(2) by adding "or" at the end of subparagraph (B);

(3) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case."; and

(4) by striking subparagraph (D).

(b) APPLICABLE PERCENTAGE.—Section 63(c) (relating to standard deduction) is amended by adding at the end the following new paragraph:

"(7) APPLICABLE PERCENTAGE.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
2005	174
2006	184
2007	187
2008	190
2009 and thereafter	200.".

(c) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) is amended by striking "(other than with" and all that follows through "shall be applied" and inserting "(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied".

(2) Paragraph (4) of section 63(c) is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 302. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.

(a) IN GENERAL.—Section 1(f) (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

"(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

"(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2004, in prescribing the tables under paragraph (1)—

"(i) the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be the applicable percentage of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
2005	180
2006	187
2007	193
2008 and thereafter	200.

"(C) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.".

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) is amended by inserting "except as provided in paragraph (8)," before "by increasing".

(2) The heading for subsection (f) of section 1 is amended by inserting "PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;" before "ADJUSTMENTS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 303. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT; EARNED INCOME TO INCLUDE ONLY AMOUNTS INCLUDIBLE IN GROSS INCOME; SIMPLIFICATION OF EARNED INCOME CREDIT.

(a) INCREASED PHASEOUT AMOUNT.—

(1) IN GENERAL.—Section 32(b)(2) (relating to amounts) is amended—

(A) by striking "AMOUNTS.—The earned" and inserting "AMOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the earned", and

(B) by adding at the end the following new subparagraph:

"(B) Joint Returns.—In the case of a joint return filed by an eligible individual and such individual's spouse, the phaseout amount determined under subparagraph (A) shall be increased by—

"(i) $1,000 in the case of taxable years beginning in 2002, 2003, and 2004,

"(ii) $2,000 in the case of taxable years beginning in 2005, 2006, and 2007, and

"(iii) $3,000 in the case of taxable years beginning after 2007.".

(2) Inflation adjustment.—Paragraph (1)(B) of section 32(j) (relating to inflation adjustments) is amended to read as follows:

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

"(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

"(ii) in the case of the $3,000 amount in subsection (b)(2)(B)(iii), by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) of such section 1.".

(3) Rounding.—Section 32(j)(2)(A) (relating to rounding) is amended by striking "subsection (b)(2)" and inserting "subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)".

(b) Earned Income To Include Only Amounts Includible in Gross Income.—Clause (i) of section 32(c)(2)(A) (defining earned income) is amended by inserting ", but only if such amounts are includible in gross income for the taxable year" after "other employee compensation".

(c) Repeal of Reduction of Credit to Taxpayers Subject to Alternative Minimum Tax.—Section 32(h) is repealed.

(d) Replacement of Modified Adjusted Gross Income With Adjusted Gross Income.—

(1) In general.—Section 32(a)(2)(B) is amended by striking "modified".

(2) Conforming amendments.—

(A) Section 32(c) is amended by striking paragraph (5).

(B) Section 32(f)(2)(B) is amended by striking "modified" each place it appears.

(e) Relationship Test.—

(1) In general.—Clause (i) of section 32(c)(3)(B) (relating to relationship test) is amended to read as follows:

"(i) In general.—An individual bears a relationship to the taxpayer described in this subparagraph if such individual is—

"(I) a son, daughter, stepson, or stepdaughter, or a descendant of any such individual,

"(II) a brother, sister, stepbrother, or stepsister, or a descendant of any such individual, who the taxpayer cares for as the taxpayer's own child, or

"(III) an eligible foster child of the taxpayer.".

(2) Eligible foster child.—

(A) In general.—Clause (iii) of section 32(c)(3)(B) is amended to read as follows:

"(iii) Eligible foster child.—For purposes of clause (i), the term 'eligible foster child' means an individual not described in subclause (I) or (II) of clause (i) who—

"(I) is placed with the taxpayer by an authorized placement agency, and

"(II) the taxpayer cares for as the taxpayer's own child.".

(B) Conforming amendment.—Section 32(c)(3)(A)(ii) is amended by striking "except as provided in subparagraph (B)(iii),".

(f) 2 or More Claiming Qualifying Child.—Section 32(c)(1)(C) is amended to read as follows:

"(C) 2 or more claiming qualifying child.—

"(i) In general.—Except as provided in clause (ii), if (but for this paragraph) an individual may be claimed, and is claimed, as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

"(I) a parent of the individual, or

"(II) if subclause (I) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

"(ii) More than 1 claiming credit.—If the parents claiming the credit with respect to any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

"(I) the parent with whom the child resided for the longest period of time during the taxable year, or

"(II) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.".

(g) Expansion of Mathematical Error Authority.—Paragraph (2) of section 6213(g) is amended by striking "and" at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting ", and", and by inserting after subparagraph (L) the following new subparagraph:

"(M) the entry on the return claiming the credit under section 32 with respect to a child if, according to the Federal Case Registry of Child Support Orders established under section 453(h) of the Social Security Act, the taxpayer is a noncustodial parent of such child."

(h) Clerical Amendment.—Subparagraph (E) of section 32(c)(3) is amended by striking "subparagraphs (A)(ii) and (B)(iii)(II)" and inserting "subparagraph (A)(ii)".

(i) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(2) Subsection (g).—The amendment made by subsection (g) shall take effect on January 1, 2004.

TITLE IV—AFFORDABLE EDUCATION PROVISIONS

Subtitle A—Education Savings Incentives

SEC. 401. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) Maximum Annual Contributions.—

(1) In general.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "$2,000".

(2) Conforming amendment.—Section 4973(e)(1)(A) is amended by striking "$500" and inserting "$2,000".

(b) Modification of AGI Limits To Remove Marriage Penalty.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended—

(1) by striking "$150,000" in subparagraph (A)(ii) and inserting "$190,000", and

(2) by striking "$10,000" in subparagraph (B) and inserting "$30,000".

(c) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) Qualified education expenses.—

"(A) In general.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

"(B) Qualified state tuition programs.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2).".

(2) Qualified elementary and secondary education expenses.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) Qualified elementary and secondary education expenses.—

"(A) In general.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services in the case of a special needs beneficiary, books, supplies, and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school,

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance, and

"(iii) expenses for the purchase of any computer technology or equipment (as defined in section 170(e)(6)(F)(i)) or Internet access and related services, if such technology, equipment, or services are to be used by the beneficiary and the beneficiary's family during any of the years the beneficiary is in school.

Clause (iii) shall not include expenses for computer software designed for sports, games, or hobbies unless the software is predominantly educational in nature.

"(B) School.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.".

(3) Conforming amendments.—Section 530 is amended—

(A) by striking "higher" each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking "HIGHER" in the heading for subsection (d)(2).

(d) Waiver of Age Limitations for Children With Special Needs.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in subparagraphs (A)(ii) and (E), and paragraphs (5) and (6) of subsection (d), shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).".

(e) Entities Permitted To Contribute to Accounts.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(f) Time When Contributions Deemed Made.—

(1) In general.—Section 530(b) (relating to definitions and special rules), as amended by subsection (c)(2), is amended by adding at the end the following new paragraph:

"(5) Time when contributions deemed made.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).".

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) such distribution is made before the first day of the sixth month of the taxable year following the taxable year, and", and

(B) by striking "DUE DATE OF RETURN" in the heading and inserting "CERTAIN DATE".

(g) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

"(C) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—For purposes of subparagraph (A)—

"(i) CREDIT COORDINATION.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

"(I) as provided in section 25A(g)(2), and

"(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

"(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions during such year to which subparagraph (A) and section 529(c)(3)(B) apply, exceed

"(II) the total amount of qualified education expenses (after the application of clause (i)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B).".

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

"(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year.".

(B) Section 135(d)(2)(A) is amended by striking "allowable" and inserting "allowed".

(C) Section 530(d)(2)(D) is amended—

(i) by striking "or credit" and inserting ", credit, or exclusion", and

(ii) by striking "CREDIT OR DEDUCTION" in the heading and inserting "DEDUCTION, CREDIT, OR EXCLUSION".

(D) Section 4973(e)(1) is amended by adding "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 402. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) ELIGIBLE EDUCATIONAL INSTITUTIONS PERMITTED TO MAINTAIN QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(b)(1) (defining qualified State tuition program) is amended—

(A) by inserting "or by 1 or more eligible educational institutions" after "maintained by a State or agency or instrumentality thereof" in the matter preceding subparagraph (A), and

(B) by adding at the end the following new flush sentence:

"Except to the extent provided in regulations, a program established and maintained by 1 or more eligible educational institutions shall not be treated as a qualified tuition program unless such program provides that amounts are held in a qualified trust and such program has received a ruling or determination that such program meets the applicable requirements for a qualified tuition program. For purposes of the preceding sentence, the term 'qualified trust' means a trust which is created or organized in the United States for the exclusive benefit of designated beneficiaries and with respect to which the requirements of paragraphs (2) and (5) of section 408(a) are met.".

(2) PRIVATE QUALIFIED TUITION PROGRAMS LIMITED TO BENEFIT PLANS.—Clause (ii) of section 529(b)(1)(A) is amended by inserting "in the case of a program established and maintained by a State or agency or instrumentality thereof," before "may make".

(3) ADDITIONAL TAX ON NONQUALIFIED WITHDRAWALS.—Section 529 is amended—

(A) by striking paragraph (3) of subsection (b) and by redesignating paragraphs (4), (5), (6), and (7) of such subsection as paragraphs (3), (4), (5), and (6), respectively, and

(B) by adding at the end of subsection (c) the following new paragraph:

"(6) ADDITIONAL TAX.—The tax imposed by section 530(d)(4) shall apply to any payment or distribution from a qualified tuition program in the same manner as such tax applies to a payment or distribution from an education individual retirement account. This paragraph shall not apply to any payment or distribution in any taxable year beginning before January 1, 2004, which is includible in gross income but used for qualified higher education expenses of the designated beneficiary.".

(4) CONFORMING AMENDMENTS.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are amended by striking "qualified State tuition" each place it appears and inserting "qualified tuition".

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are amended by striking "QUALIFIED STATE TUITION" each place it appears and inserting "QUALIFIED TUITION".

(C) The headings for sections 529(b) and 530(b)(2)(B) are amended by striking "QUALIFIED STATE TUITION" each place it appears and inserting "QUALIFIED TUITION".

(D) The heading for section 529 is amended by striking "**STATE**".

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking "State".

(b) EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of this paragraph—

"(i) IN-KIND DISTRIBUTIONS.—No amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense.

"(ii) CASH DISTRIBUTIONS.—In the case of distributions not described in clause (i), if—

"(I) such distributions do not exceed the qualified higher education expenses (reduced by expenses described in clause (i)), no amount shall be includible in gross income, and

"(II) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

"(iii) EXCEPTION FOR INSTITUTIONAL PROGRAMS.—In the case of any taxable year beginning before January 1, 2004, clauses (i) and (ii) shall not apply with respect to any distribution during such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

"(iv) TREATMENT AS DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

"(I) as provided in section 25A(g)(2), and

"(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

"(vi) COORDINATION WITH EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions to which clauses (i) and (ii) and section 530(d)(2)(A) apply, exceed

"(II) the total amount of qualified higher education expenses otherwise taken into account under clauses (i) and (ii) (after the application of clause (v)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clauses (i) and (ii) and section 530(d)(2)(A).".

(2) CONFORMING AMENDMENTS.—

(A) Section 135(d)(2)(B) is amended by striking "the exclusion under section 530(d)(2)" and inserting "the exclusions under sections 529(c)(3)(B) and 530(d)(2)".

(B) Section 221(e)(2)(A) is amended by inserting "529," after "135,".

(c) ROLLOVER TO DIFFERENT PROGRAM FOR BENEFIT OF SAME DESIGNATED BENEFICIARY.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking "transferred to the credit" in clause (i) and inserting "transferred—

"(I) to another qualified tuition program for the benefit of the designated beneficiary, or

"(II) to the credit",

(2) by adding at the end the following new clause:

"(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall not apply to any transfer if such transfer occurs within 12 months from the date of a previous transfer to any qualified tuition program for the benefit of the designated beneficiary.", and

(3) by inserting "OR PROGRAMS" after "BENEFICIARIES" in the heading.

(d) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) (defining member of family) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting "; and", and by adding at the end the following new subparagraph:

"(D) any first cousin of such beneficiary.".

(e) ADJUSTMENT OF LIMITATION ON ROOM AND BOARD DISTRIBUTIONS.—Section 529(e)(3)(B)(ii) is amended to read as follows:

"(ii) LIMITATION.—The amount treated as qualified higher education expenses by reason of clause (i) shall not exceed—

"(I) the allowance (applicable to the student) for room and board included in the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll), as in effect on the date of the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001) as determined by the eligible educational institution for such period, or

"(II) if greater, the actual invoice amount the student residing in housing owned or operated by the eligible educational institution is charged by such institution for room and board costs for such period.".

(f) Special Needs Services.—Subparagraph (A) of section 529(e)(3) (defining qualified higher education expenses) is amended to read as follows:

"(A) In general.—The term 'qualified higher education expenses' means—

"(i) tuition, fees, books, supplies, and equipment required for the enrollment or attendance of a designated beneficiary at an eligible educational institution; and

"(ii) expenses for special needs services in the case of a special needs beneficiary which are incurred in connection with such enrollment or attendance.".

(g) Technical Amendments.—Section 529(c)(3)(D) is amended—

(1) by inserting "except to the extent provided by the Secretary," before "all distributions" in clause (ii), and

(2) by inserting "except to the extent provided by the Secretary," before "the value" in clause (iii).

(h) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle B—Educational Assistance

SEC. 411. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) In General.—Section 127 (relating to exclusion for educational assistance programs) is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(b) Repeal of Limitation on Graduate Education.—The last sentence of section 127(c)(1) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(c) Conforming Amendment.—Section 51A(b)(5)(B)(iii) is amended by striking "or would be so excludable but for section 127(d)".

(d) Effective Date.—The amendments made by this section shall apply with respect to expenses relating to courses beginning after December 31, 2001.

SEC. 412. ELIMINATION OF 60-MONTH LIMIT AND INCREASE IN INCOME LIMITATION ON STUDENT LOAN INTEREST DEDUCTION.

(a) Elimination of 60-Month Limit.—

(1) In general.—Section 221 (relating to interest on education loans), as amended by section 402(b)(2)(B), is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Conforming Amendment.—Section 6050S(e) is amended by striking "section 221(e)(1)" and inserting "section 221(d)(1)".

(3) Effective date.—The amendments made by this subsection shall apply with respect to any loan interest paid after December 31, 2001, in taxable years ending after such date.

(b) Increase in Income Limitation.—

(1) In general.—Section 221(b)(2)(B) (relating to amount of reduction) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) the excess of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $50,000 ($100,000 in the case of a joint return), bears to

"(ii) $15,000 ($30,000 in the case of a joint return).".

(2) Conforming Amendment.—Section 221(g)(1) is amended by striking "$40,000 and $60,000 amounts" and inserting "$50,000 and $100,000 amounts".

(3) Effective date.—The amendments made by this subsection shall apply to taxable years ending after December 31, 2001.

SEC. 413. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) In General.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking "Subsections (a)" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), subsections (a)", and

(2) by adding at the end the following new paragraph:

"(2) Exceptions.—Paragraph (1) shall not apply to any amount received by an individual under—

"(A) the National Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

"(B) the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 2001.

Subtitle C—Liberalization of Tax-Exempt Financing Rules for Public School Construction

SEC. 421. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) In General.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) Effective Date.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 2001.

SEC. 422. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) Treatment as Exempt Facility Bond.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following new paragraph:

"(13) qualified public educational facilities.".

(b) Qualified Public Educational Facilities.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

"(k) Qualified Public Educational Facilities.—

"(1) In general.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school, and

"(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) Public-private partnership agreement described.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

"(3) School facility.—For purposes of this subsection, the term 'school facility' means—

"(A) any school building,

"(B) any functionally related and subordinate facility and land with respect to such building, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in a facility described in subparagraph (A) or (B).

"(4) Public schools.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) Annual aggregate face amount of tax-exempt financing.—

"(A) In general.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) Allocation rules.—

"(i) In general.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

"(ii) Rules for carryforward of unused limitation.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13).".

(c) Exemption From General State Volume Caps.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) Exemption From Limitation on Use for Land Acquisition.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

"(3) Exempt facility bonds for qualified public-private schools.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities).".

(e) Conforming Amendment.—The heading for section 147(h) is amended by striking "Mortgage Revenue Bonds, Qualified Student Loan Bonds, and Qualified 501(c)(3) Bonds" and inserting "Certain Bonds".

(f) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 2001.

Subtitle D—Other Provisions

SEC. 431. DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) Deduction Allowed.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following:

"SEC. 222. QUALIFIED TUITION AND RELATED EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction an amount equal to the qualified tuition and related expenses paid by the taxpayer during the taxable year.

"(b) DOLLAR LIMITATIONS.—

"(1) IN GENERAL.—The amount allowed as a deduction under subsection (a) with respect to the taxpayer for any taxable year shall not exceed the applicable dollar limit.

"(2) APPLICABLE DOLLAR LIMIT.—

"(A) 2002 AND 2003.—In the case of a taxable year beginning in 2002 or 2003, the applicable dollar limit shall be equal to—

"(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed $65,000 ($130,000 in the case of a joint return), $3,000, and—

"(ii) in the case of any other taxpayer, zero.

"(B) 2004 AND 2005.—In the case of a taxable year beginning in 2004 or 2005, the applicable dollar amount shall be equal to—

"(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed $65,000 ($130,000 in the case of a joint return), $4,000,

"(ii) in the case of a taxpayer not described in clause (i) whose adjusted gross income for the taxable year does not exceed $80,000 ($160,000 in the case of a joint return), $2,000, and

"(iii) in the case of any other taxpayer, zero.

"(C) ADJUSTED GROSS INCOME.—For purposes of this paragraph, adjusted gross income shall be determined—

"(i) without regard to this section and sections 911, 931, and 933, and

"(ii) after application of sections 86, 135, 137, 219, 221, and 469.

"(c) NO DOUBLE BENEFIT.—

"(1) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction is allowed to the taxpayer under any other provision of this chapter.

"(2) COORDINATION WITH OTHER EDUCATION INCENTIVES.—

"(A) DENIAL OF DEDUCTION IF CREDIT ELECTED.—No deduction shall be allowed under subsection (a) for a taxable year with respect to the qualified tuition and related expenses with respect to an individual if the taxpayer or any other person elects to have section 25A apply with respect to such individual for such year.

"(B) COORDINATION WITH EXCLUSIONS.—The total amount of qualified tuition and related expenses shall be reduced by the amount of such expenses taken into account in determining any amount excluded under section 135, 529(c)(1), or 530(d)(2). For purposes of the preceding sentence, the amount taken into account in determining the amount excluded under section 529(c)(1) shall not include that portion of the distribution which represents a return of any contributions to the plan.

"(3) DEPENDENTS.—No deduction shall be allowed under subsection (a) to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED TUITION AND RELATED EXPENSES.—The term 'qualified tuition and related expenses' has the meaning given such term by section 25A(f). Such expenses shall be reduced in the same manner as under section 25A(g)(2).

"(2) IDENTIFICATION REQUIREMENT.—No deduction shall be allowed under subsection (a) to a taxpayer with respect to the qualified tuition and related expenses of an individual unless the taxpayer includes the name and taxpayer identification number of the individual on the return of tax for the taxable year.

"(3) LIMITATION ON TAXABLE YEAR OF DEDUCTION.—

"(A) IN GENERAL.—A deduction shall be allowed under subsection (a) for qualified tuition and related expenses for any taxable year only to the extent such expenses are in connection with enrollment at an institution of higher education during the taxable year.

"(B) CERTAIN PREPAYMENTS ALLOWED.—Subparagraph (A) shall not apply to qualified tuition and related expenses paid during a taxable year if such expenses are in connection with an academic term beginning during such taxable year or during the first 3 months of the next taxable year.

"(4) NO DEDUCTION FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(5) NONRESIDENT ALIENS.—If the taxpayer is a nonresident alien individual for any portion of the taxable year, this section shall apply only if such individual is treated as a resident alien of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

"(6) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting.

"(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2005.".

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) is amended by inserting after paragraph (17) the following:

"(18) HIGHER EDUCATION EXPENSES.—The deduction allowed by section 222.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 86(b)(2), 135(c)(4), 137(b)(3), and 219(g)(3) are each amended by inserting "222," after "221,".

(2) Section 221(b)(2)(C) is amended by inserting "222," before "911".

(3) Section 469(i)(3)(F) is amended by striking "and 221" and inserting ", 221, and 222".

(4) The table of sections for part VII of subchapter B of chapter 1 is amended by striking the item relating to section 222 and inserting the following:

"Sec. 222. Qualified tuition and related expenses.

"Sec. 223. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2001.

TITLE V—ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAX PROVISIONS

Subtitle A—Repeal of Estate and Generation-Skipping Transfer Taxes

SEC. 501. REPEAL OF ESTATE AND GENERATION-SKIPPING TRANSFER TAXES.

(a) ESTATE TAX REPEAL.—Subchapter C of chapter 11 of subtitle B (relating to miscellaneous) is amended by adding at the end the following new section:

"SEC. 2210. TERMINATION.

"(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall not apply to the estates of decedents dying after December 31, 2009.

"(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED DOMESTIC TRUSTS.—In applying section 2056A with respect to the surviving spouse of a decedent dying before January 1, 2010—

"(1) section 2056A(b)(1)(A) shall not apply to distributions made after December 31, 2020, and

"(2) section 2056A(b)(1)(B) shall not apply after December 31, 2009.".

(b) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Subchapter G of chapter 13 of subtitle B (relating to administration) is amended by adding at the end the following new section:

"SEC. 2664. TERMINATION.

"This chapter shall not apply to generation-skipping transfers after December 31, 2009.".

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter C of chapter 11 is amended by adding at the end the following new item:

"Sec. 2210. Termination.".

(2) The table of sections for subchapter G of chapter 13 is amended by adding at the end the following new item:

"Sec. 2664. Termination.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and generation-skipping transfers, after December 31, 2009.

Subtitle B—Reductions of Estate and Gift Tax Rates

SEC. 511. ADDITIONAL REDUCTIONS OF ESTATE AND GIFT TAX RATES.

(a) MAXIMUM RATE OF TAX REDUCED TO 50 PERCENT.—The table contained in section 2001(c)(1) is amended by striking the two highest brackets and inserting the following:

"Over $2,500,000	$1,025,800, plus 50% of the excess over $2,500,000.".

(b) REPEAL OF PHASEOUT OF GRADUATED RATES.—Subsection (c) of section 2001 is amended by striking paragraph (2).

(c) ADDITIONAL REDUCTIONS OF MAXIMUM RATE OF TAX.—Subsection (c) of section 2001, as amended by subsection (b), is amended by adding at the end the following new paragraph:

"(2) PHASEDOWN OF MAXIMUM RATE OF TAX.—

"(A) IN GENERAL.—In the case of estates of decedents dying, and gifts made, in calendar years after 2002 and before 2010, the tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

"(i) the maximum rate of tax for any calendar year shall be determined in the table under subparagraph (B), and

"(ii) the brackets and the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under subparagraph (A).

"(B) MAXIMUM RATE.—

"In calendar year:	**The maximum rate is:**
2003	49 percent
2004	48 percent
2005	47 percent
2006	46 percent
2007, 2008, and 2009	45 percent.".

(d) MAXIMUM GIFT TAX RATE REDUCED TO MAXIMUM INDIVIDUAL RATE AFTER 2009.—Subsection (a) of section 2502 (relating to rate of tax) is amended to read as follows:

"(a) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

"(A) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

"(B) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for each of the preceding calendar periods.

"(2) RATE SCHEDULE.—

"If the amount with respect to which the tentative tax to be computed is:	**The tentative tax is:**
Not over $10,000	18% of such amount.

"If the amount with respect to which the tentative tax to be computed is:	**The tentative tax is:**
Over $10,000 but not over $20,000.	$1,800, plus 20% of the excess over $10,000.
Over $20,000 but not over $40,000.	$3,800, plus 22% of the excess over $20,000.
Over $40,000 but not over $60,000.	$8,200, plus 24% of the excess over $40,000.
Over $60,000 but not over $80,000.	$13,000, plus 26% of the excess over $60,000.
Over $80,000 but not over $100,000.	$18,200, plus 28% of the excess over $80,000.
Over $100,000 but not over $150,000.	$23,800, plus 30% of the excess over $100,000.
Over $150,000 but not over $250,000.	$38,800, plus 32% of the excess over $150,000.
Over $250,000 but not over $500,000.	$70,800, plus 34% of the excess over $250,000.
Over $500,000	$155,800, plus 35% of the excess over $500,000.".

(e) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Section 2511 (relating to transfers in general) is amended by adding at the end the following new subsection:

"(c) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Notwithstanding any other provision of this section and except as provided in regulations, a transfer in trust shall be treated as a taxable gift under section 2503, unless the trust is treated as wholly owned by the donor or the donor's spouse under subpart E of part I of subchapter J of chapter 1.".

(f) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to estates of decedents dying, and gifts made, after December 31, 2001.

(2) SUBSECTION (c).—The amendment made by subsection (c) shall apply to estates of decedents dying, and gifts made, after December 31, 2002.

(3) SUBSECTIONS (d) AND (e).—The amendments made by subsections (d) and (e) shall apply to gifts made after December 31, 2009.

Subtitle C—Increase in Exemption Amounts

SEC. 521. INCREASE IN EXEMPTION EQUIVALENT OF UNIFIED CREDIT, LIFETIME GIFTS EXEMPTION, AND GST EXEMPTION AMOUNTS.

(a) IN GENERAL.—Subsection (c) of section 2010 (relating to applicable credit amount) is amended by striking the table and inserting the following new table:

"In the case of estates of decedents dying during:	**The applicable exclusion amount is:**
2002 and 2003	$1,000,000
2004 and 2005	$1,500,000
2006, 2007, and 2008	$2,000,000
2009	$3,500,000.".

(b) LIFETIME GIFT EXEMPTION INCREASED TO $1,000,000.—

(1) FOR PERIODS BEFORE ESTATE TAX REPEAL.—Paragraph (1) of section 2505(a) (relating to unified credit against gift tax) is amended by inserting "(determined as if the applicable exclusion amount were $1,000,000)" after "calendar year".

(2) FOR PERIODS AFTER ESTATE TAX REPEAL.—Paragraph (1) of section 2505(a) (relating to unified credit against gift tax), as amended by paragraph (1), is amended to read as follows:

"(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were $1,000,000, reduced by".

(c) GST EXEMPTION.—

(1) IN GENERAL.—Subsection (a) of 2631 (relating to GST exemption) is amended by striking "of $1,000,000" and inserting "amount".

(2) EXEMPTION AMOUNT.—Subsection (c) of section 2631 is amended to read as follows:

"(c) GST EXEMPTION AMOUNT.—For purposes of subsection (a), the GST exemption amount for any calendar year shall be equal to the applicable exclusion amount under section 2010(c) for such calendar year.".

(d) REPEAL OF SPECIAL BENEFIT FOR FAMILY-OWNED BUSINESS INTERESTS.—Section 2057 (relating to family-owned business interests) is amended by adding at the end the following new subsection:

"(j) TERMINATION.—This section shall not apply to the estates of decedents dying after December 31, 2003.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2001.

(2) SUBSECTION (b)(2).—The amendments made by subsection (b)(2) shall apply to gifts made after December 31, 2009.

(3) SUBSECTIONS (c) AND (d).—The amendments made by subsections (c) and (d) shall apply to estates of decedents dying, and generation-skipping transfers, after December 31, 2003.

Subtitle D—Credit for State Death Taxes

SEC. 531. REDUCTION OF CREDIT FOR STATE DEATH TAXES.

(a) IN GENERAL.—Section 2011(b) (relating to amount of credit) is amended—

(1) by striking "CREDIT.—The credit allowed" and inserting "CREDIT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed",

(2) by striking "For purposes" and inserting the following:

"(3) ADJUSTED TAXABLE ESTATE.—For purposes", and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) REDUCTION OF MAXIMUM CREDIT.—

"(A) IN GENERAL.—In the case of estates of decedents dying after December 31, 2001, the credit allowed by this section shall not exceed the applicable percentage of the credit otherwise determined under paragraph (1).

"(B) APPLICABLE PERCENTAGE.—

"In the case of estates of decedents dying during:	**The applicable percentage is:**
2002	75 percent
2003	50 percent
2004	25 percent.".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2001.

SEC. 532. CREDIT FOR STATE DEATH TAXES REPLACED WITH DEDUCTION FOR SUCH TAXES.

(a) REPEAL OF CREDIT.—Section 2011 (relating to credit for State death taxes) is amended by adding at the end the following new subsection:

"(g) TERMINATION.—This section shall not apply to the estates of decedents dying after December 31, 2004.".

(b) DEDUCTION FOR STATE DEATH TAXES.—Part IV of subchapter A of chapter 11 is amended by adding at the end the following new section:

"SEC. 2058. STATE DEATH TAXES.

"(a) ALLOWANCE OF DEDUCTION.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or the District of Columbia, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent).

"(b) PERIOD OF LIMITATIONS.—The deduction allowed by this section shall include only such taxes as were actually paid and deduction therefor claimed before the later of—

"(1) 4 years after the filing of the return required by section 6018, or

"(2) if—

"(A) a petition for redetermination of a deficiency has been filed with the Tax Court within the time prescribed in section 6213(a), the expiration of 60 days after the decision of the Tax Court becomes final,

"(B) an extension of time has been granted under section 6161 or 6166 for payment of the tax shown on the return, or of a deficiency, the date of the expiration of the period of the extension, or

"(C) a claim for refund or credit of an overpayment of tax imposed by this chapter has been filed within the time prescribed in section 6511, the latest of the expiration of—

"(i) 60 days from the date of mailing by certified mail or registered mail by the Secretary to the taxpayer of a notice of the disallowance of any part of such claim,

"(ii) 60 days after a decision by any court of competent jurisdiction becomes final with respect to a timely suit instituted upon such claim, or

"(iii) 2 years after a notice of the waiver of disallowance is filed under section 6532(a)(3).

Notwithstanding sections 6511 and 6512, refund based on the deduction may be made if the claim for refund is filed within the period provided in the preceding sentence. Any such refund shall be made without interest.".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 2012 is amended by striking "the credit for State death taxes provided by section 2011 and".

(2) Subparagraph (A) of section 2013(c)(1) is amended by striking "2011,".

(3) Paragraph (2) of section 2014(b) is amended by striking ", 2011,".

(4) Sections 2015 and 2016 are each amended by striking "2011 or".

(5) Subsection (d) of section 2053 is amended to read as follows:

"(d) CERTAIN FOREIGN DEATH TAXES.—

"(1) IN GENERAL.—Notwithstanding the provisions of subsection (c)(1)(B), for purposes of the tax imposed by section 2001, the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary) of any estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country, in respect of any property situated within such foreign country and included in the gross estate of a citizen or resident of the United States, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055. The determination under this paragraph of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States. Any election under this paragraph shall be exercised in accordance with regulations prescribed by the Secretary.

"(2) CONDITION FOR ALLOWANCE OF DEDUCTION.—No deduction shall be allowed under paragraph (1) for a foreign death tax specified therein unless the decrease in the tax imposed by section 2001 which results from the deduction provided in paragraph (1) will inure solely for the benefit of the public, charitable, or religious transferees described in section 2055 or section 2106(a)(2). In any case where the tax imposed by section 2001 is equitably apportioned among all the transferees of property included in the gross estate, including those described in sections 2055 and 2106(a)(2) (taking into account any exemptions, credits, or deductions allowed by this chapter), in determining such decrease, there shall be disregarded any decrease in the Federal *estate tax which any transferees other than those described in sections 2055 and 2106(a)(2) are required to pay.*

"(3) EFFECT ON CREDIT FOR FOREIGN DEATH TAXES OF DEDUCTION UNDER THIS SUBSECTION.—

"(A) ELECTION.—An election under this subsection shall be deemed a waiver of the right to claim a credit, against the Federal estate tax, under a death tax convention with any foreign country for any tax or portion thereof in respect of which a deduction is taken under this subsection.

"(B) CROSS REFERENCE.—

"See section 2014(f) for the effect of a deduction taken under this paragraph on the credit for foreign death taxes.".

(6) Subparagraph (A) of section 2056A(b)(10) is amended—

(A) by striking "2011,", and

(B) by inserting "2058," after "2056,".

(7)(A) Subsection (a) of section 2102 is amended to read as follows:

"(a) IN GENERAL.—The tax imposed by section 2101 shall be credited with the amounts determined in accordance with sections 2012 and 2013 (relating to gift tax and tax on prior transfers).".

(B) Section 2102 is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(C) Section 2102(b)(5) (as redesignated by subparagraph (B)) and section 2107(c)(3) are each amended by striking "2011 to 2013, inclusive," and inserting "2012 and 2013".

(8) Subsection (a) of section 2106 is amended by adding at the end the following new paragraph:

"(4) STATE DEATH TAXES.—The amount which bears the same ratio to the State death taxes as the value of the property, as determined for purposes of this chapter, upon which State death taxes were paid and which is included in the gross estate under section 2103 bears to the value of the total gross estate under section 2103. For purposes of this paragraph, the term 'State death taxes' means the taxes described in section 2011(a).".

(9) Section 2201 is amended—

(A) by striking "as defined in section 2011(d)", and

(B) by adding at the end the following new flush sentence:

"For purposes of this section, the additional estate tax is the difference between the tax imposed by section 2001 or 2101 and the amount equal to 125 percent of the maximum credit provided by section 2011(b), as in effect before its repeal by the Economic Growth and Tax Relief Reconciliation Act of 2001.".

(10) Section 2604 (relating to credit for certain State taxes) is amended by adding at the end the following new subsection:

"(c) TERMINATION.—This section shall not apply to the generation-skipping transfers after December 31, 2004.".

(11) Paragraph (2) of section 6511(i) is amended by striking "2011(c), 2014(b)," and inserting "2014(b)".

(12) Subsection (c) of section 6612 is amended by striking "section 2011(c) (relating to refunds due to credit for State taxes),".

(13) The table of sections for part II of subchapter A of chapter 11 is amended by striking the item relating to section 2011.

(14) The table of sections for part IV of subchapter A of chapter 11 is amended by adding at the end the following new item:

"Sec. 2058. State death taxes.".

(15) The table of sections for subchapter A of chapter 13 is amended by striking the item relating to section 2604.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and generation-skipping transfers, after December 31, 2004.

Subtitle E—Carryover Basis at Death; Other Changes Taking Effect With Repeal

SEC. 541. TERMINATION OF STEP-UP IN BASIS AT DEATH.

Section 1014 (relating to basis of property acquired from a decedent) is amended by adding at the end the following new subsection:

"(f) TERMINATION.—This section shall not apply with respect to decedents dying after December 31, 2009.".

SEC. 542. TREATMENT OF PROPERTY ACQUIRED FROM A DECEDENT DYING AFTER DECEMBER 31, 2009.

(a) GENERAL RULE.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. TREATMENT OF PROPERTY ACQUIRED FROM A DECEDENT DYING AFTER DECEMBER 31, 2009.

"(a) IN GENERAL.—Except as otherwise provided in this section—

"(1) property acquired from a decedent dying after December 31, 2009, shall be treated for purposes of this subtitle as transferred by gift, and

"(2) the basis of the person acquiring property from such a decedent shall be the lesser of—

"(A) the adjusted basis of the decedent, or

"(B) the fair market value of the property at the date of the decedent's death.

"(b) BASIS INCREASE FOR CERTAIN PROPERTY.—

"(1) IN GENERAL.—In the case of property to which this subsection applies, the basis of such property under subsection (a) shall be increased by its basis increase under this subsection.

"(2) BASIS INCREASE.—For purposes of this subsection—

"(A) IN GENERAL.—The basis increase under this subsection for any property is the portion of the aggregate basis increase which is allocated to the property pursuant to this section.

"(B) AGGREGATE BASIS INCREASE.—In the case of any estate, the aggregate basis increase under this subsection is $1,300,000.

"(C) LIMIT INCREASED BY UNUSED BUILT-IN LOSSES AND LOSS CARRYOVERS.—The limitation under subparagraph (B) shall be increased by—

"(i) the sum of the amount of any capital loss carryover under section 1212(b), and the amount of any net operating loss carryover under section 172, which would (but for the decedent's death) be carried from the decedent's last taxable year to a later taxable year of the decedent, plus

"(ii) the sum of the amount of any losses that would have been allowable under section 165 if the property acquired from the decedent had been sold at fair market value immediately before the decedent's death.

"(3) DECEDENT NONRESIDENTS WHO ARE NOT CITIZENS OF THE UNITED STATES.—In the case of a decedent nonresident not a citizen of the United States—

"(A) paragraph (2)(B) shall be applied by substituting '$60,000' for '$1,300,000', and

"(B) paragraph (2)(C) shall not apply.

"(c) ADDITIONAL BASIS INCREASE FOR PROPERTY ACQUIRED BY SURVIVING SPOUSE.—

"(1) IN GENERAL.—In the case of property to which this subsection applies and which is qualified spousal property, the basis of such property under subsection (a) (as increased under subsection (b)) shall be increased by its spousal property basis increase.

"(2) SPOUSAL PROPERTY BASIS INCREASE.—For purposes of this subsection—

"(A) IN GENERAL.—The spousal property basis increase for property referred to in paragraph (1) is the portion of the aggregate spousal property basis increase which is allocated to the property pursuant to this section.

"(B) AGGREGATE SPOUSAL PROPERTY BASIS INCREASE.—In the case of any estate, the aggregate spousal property basis increase is $3,000,000.

"(3) QUALIFIED SPOUSAL PROPERTY.—For purposes of this subsection, the term 'qualified spousal property' means—

"(A) outright transfer property, and

"(B) qualified terminable interest property.

"(4) OUTRIGHT TRANSFER PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'outright transfer property' means any interest in property acquired from the decedent by the decedent's surviving spouse.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where, on the lapse of time, on the occurrence of an event or contingency, or on the failure of an event or contingency to occur, an interest passing to the surviving spouse will terminate or fail—

"(i)(I) if an interest in such property passes or has passed (for less than an adequate and full consideration in money or money's worth) from the decedent to any person other than such surviving spouse (or the estate of such spouse), and

"(II) if by reason of such passing such person (or his heirs or assigns) may possess or enjoy any part of such property after such termination or failure of the interest so passing to the surviving spouse, or

"(ii) if such interest is to be acquired for the surviving spouse, pursuant to directions of the decedent, by his executor or by the trustee of a trust.

For purposes of this subparagraph, an interest shall not be considered as an interest which will terminate or fail merely because it is the ownership of a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity for life or for a term.

"(C) INTEREST OF SPOUSE CONDITIONAL ON SURVIVAL FOR LIMITED PERIOD.—For purposes of this paragraph, an interest passing to the surviving spouse shall not be considered as an interest which will terminate or fail on the death of such spouse if—

"(i) such death will cause a termination or failure of such interest only if it occurs within a period not exceeding 6 months after the decedent's death, or only if it occurs as a result of a common disaster resulting in the death of the decedent and the surviving spouse, or only if it occurs in the case of either such event, and

"(ii) such termination or failure does not in fact occur.

"(5) QUALIFIED TERMINABLE INTEREST PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified terminable interest property' means property—

"(i) which passes from the decedent, and

"(ii) in which the surviving spouse has a qualifying income interest for life.

"(B) QUALIFYING INCOME INTEREST FOR LIFE.—The surviving spouse has a qualifying income interest for life if—

"(i) the surviving spouse is entitled to all the income from the property, payable annually or at more frequent intervals, or has a usufruct interest for life in the property, and

"(ii) no person has a power to appoint any part of the property to any person other than the surviving spouse.

Clause (ii) shall not apply to a power exercisable only at or after the death of the surviving spouse. To the extent provided in regulations, an annuity shall be treated in a manner similar to an income interest in property (regardless of whether the property from which the annuity is payable can be separately identified).

"(C) PROPERTY INCLUDES INTEREST THEREIN.—The term 'property' includes an interest in property.

"(D) SPECIFIC PORTION TREATED AS SEPARATE PROPERTY.—A specific portion of property shall

be treated as separate property. For purposes of the preceding sentence, the term 'specific portion' only includes a portion determined on a fractional or percentage basis.

"(d) DEFINITIONS AND SPECIAL RULES FOR APPLICATION OF SUBSECTIONS (b) AND (C).—

"(1) PROPERTY TO WHICH SUBSECTIONS (b) AND (c) APPLY.—

"(A) IN GENERAL.—The basis of property acquired from a decedent may be increased under subsection (b) or (c) only if the property was owned by the decedent at the time of death.

"(B) RULES RELATING TO OWNERSHIP.—

"(i) JOINTLY HELD PROPERTY.—In the case of property which was owned by the decedent and another person as joint tenants with right of survivorship or tenants by the entirety—

"(I) if the only such other person is the surviving spouse, the decedent shall be treated as the owner of only 50 percent of the property,

"(II) in any case (to which subclause (I) does not apply) in which the decedent furnished consideration for the acquisition of the property, the decedent shall be treated as the owner to the extent of the portion of the property which is proportionate to such consideration, and

"(III) in any case (to which subclause (I) does not apply) in which the property has been acquired by gift, bequest, devise, or inheritance by the decedent and any other person as joint tenants with right of survivorship and their interests are not otherwise specified or fixed by law, the decedent shall be treated as the owner to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants with right of survivorship.

"(ii) REVOCABLE TRUSTS.—The decedent shall be treated as owning property transferred by the decedent during life to a qualified revocable trust (as defined in section 645(b)(1)).

"(iii) POWERS OF APPOINTMENT.—The decedent shall not be treated as owning any property by reason of holding a power of appointment with respect to such property.

"(iv) COMMUNITY PROPERTY.—Property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any State or possession of the United States or any foreign country shall be treated for purposes of this section as owned by, and acquired from, the decedent if at least one-half of the whole of the community interest in such property is treated as owned by, and acquired from, the decedent without regard to this clause.

"(C) PROPERTY ACQUIRED BY DECEDENT BY GIFT WITHIN 3 YEARS OF DEATH.—

"(i) IN GENERAL.—Subsections (b) and (c) shall not apply to property acquired by the decedent by gift or by inter vivos transfer for less than adequate and full consideration in money or money's worth during the 3-year period ending on the date of the decedent's death.

"(ii) EXCEPTION FOR CERTAIN GIFTS FROM SPOUSE.—Clause (i) shall not apply to property acquired by the decedent from the decedent's spouse unless, during such 3-year period, such spouse acquired the property in whole or in part by gift or by inter vivos transfer for less than adequate and full consideration in money or money's worth.

"(D) STOCK OF CERTAIN ENTITIES.—Subsections (b) and (c) shall not apply to—

"(i) stock or securities of a foreign personal holding company,

"(ii) stock of a DISC or former DISC,

"(iii) stock of a foreign investment company, or

"(iv) stock of a passive foreign investment company unless such company is a qualified electing fund (as defined in section 1295) with respect to the decedent.

"(2) FAIR MARKET VALUE LIMITATION.—The adjustments under subsections (b) and (c) shall not increase the basis of any interest in property acquired from the decedent above its fair market value in the hands of the decedent as of the date of the decedent's death.

"(3) ALLOCATION RULES.—

"(A) IN GENERAL.—The executor shall allocate the adjustments under subsections (b) and (c) on the return required by section 6018.

"(B) CHANGES IN ALLOCATION.—Any allocation made pursuant to subparagraph (A) may be changed only as provided by the Secretary.

"(4) INFLATION ADJUSTMENT OF BASIS ADJUSTMENT AMOUNTS.—

"(A) IN GENERAL.—In the case of decedents dying in a calendar year after 2010, the $1,300,000, $60,000, and $3,000,000 dollar amounts in subsections (b) and (c)(2)(B) shall each be increased by an amount equal to the product of—

"(i) such dollar amount, and

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2009' for '1992' in subparagraph (B) thereof.

"(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of—

"(i) $100,000 in the case of the $1,300,000 amount,

"(ii) $5,000 in the case of the $60,000 amount, and

"(iii) $250,000 in the case of the $3,000,000 amount,

such increase shall be rounded to the next lowest multiple thereof.

"(e) PROPERTY ACQUIRED FROM THE DECEDENT.—For purposes of this section, the following property shall be considered to have been acquired from the decedent:

"(1) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent.

"(2) Property transferred by the decedent during his lifetime—

"(A) to a qualified revocable trust (as defined in section 645(b)(1)), or

"(B) to any other trust with respect to which the decedent reserved the right to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust.

"(3) Any other property passing from the decedent by reason of death to the extent that such property passed without consideration.

"(f) COORDINATION WITH SECTION 691.—This section shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under section 691.

"(g) CERTAIN LIABILITIES DISREGARDED.—

"(1) IN GENERAL.—In determining whether gain is recognized on the acquisition of property—

"(A) from a decedent by a decedent's estate or any beneficiary other than a tax-exempt beneficiary, and

"(B) from the decedent's estate by any beneficiary other than a tax-exempt beneficiary,

and in determining the adjusted basis of such property, liabilities in excess of basis shall be disregarded.

"(2) TAX-EXEMPT BENEFICIARY.—For purposes of paragraph (1), the term 'tax-exempt beneficiary' means—

"(A) the United States, any State or political subdivision thereof, any possession of the United States, any Indian tribal government (within the meaning of section 7871), or any agency or instrumentality of any of the foregoing,

"(B) an organization (other than a cooperative described in section 521) which is exempt from tax imposed by chapter 1,

"(C) any foreign person or entity (within the meaning of section 168(h)(2)), and

"(D) to the extent provided in regulations, any person to whom property is transferred for the principal purpose of tax avoidance.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) INFORMATION RETURNS, ETC.—

(1) LARGE TRANSFERS AT DEATH.—So much of subpart C of part II of subchapter A of chapter 61 as precedes section 6019 is amended to read as follows:

"Subpart C—Returns Relating to Transfers During Life or at Death

"Sec. 6018. Returns relating to large transfers at death.

"Sec. 6019. Gift tax returns.

"SEC. 6018. RETURNS RELATING TO LARGE TRANSFERS AT DEATH.

"(a) IN GENERAL.—If this section applies to property acquired from a decedent, the executor of the estate of such decedent shall make a return containing the information specified in subsection (c) with respect to such property.

"(b) PROPERTY TO WHICH SECTION APPLIES.—

"(1) LARGE TRANSFERS.—This section shall apply to all property (other than cash) acquired from a decedent if the fair market value of such property acquired from the decedent exceeds the dollar amount applicable under section 1022(b)(2)(B) (without regard to section 1022(b)(2)(C)).

"(2) TRANSFERS OF CERTAIN GIFTS RECEIVED BY DECEDENT WITHIN 3 YEARS OF DEATH.—This section shall apply to any appreciated property acquired from the decedent if—

"(A) subsections (b) and (c) of section 1022 do not apply to such property by reason of section 1022(d)(1)(C), and

"(B) such property was required to be included on a return required to be filed under section 6019.

"(3) NONRESIDENTS NOT CITIZENS OF THE UNITED STATES.—In the case of a decedent who is a nonresident not a citizen of the United States, paragraphs (1) and (2) shall be applied—

"(A) by taking into account only—

"(i) tangible property situated in the United States, and

"(ii) other property acquired from the decedent by a United States person, and

"(B) by substituting the dollar amount applicable under section 1022(b)(3) for the dollar amount referred to in paragraph (1).

"(4) RETURNS BY TRUSTEES OR BENEFICIARIES.—If the executor is unable to make a complete return as to any property acquired from or passing from the decedent, the executor shall include in the return a description of such property and the name of every person holding a legal or beneficial interest therein. Upon notice from the Secretary, such person shall in like manner make a return as to such property.

"(c) INFORMATION REQUIRED TO BE FURNISHED.—The information specified in this subsection with respect to any property acquired from the decedent is—

"(1) the name and TIN of the recipient of such property,

"(2) an accurate description of such property,

"(3) the adjusted basis of such property in the hands of the decedent and its fair market value at the time of death,

"(4) the decedent's holding period for such property,

"(5) sufficient information to determine whether any gain on the sale of the property would be treated as ordinary income,

"(6) the amount of basis increase allocated to the property under subsection (b) or (c) of section 1022, and

"(7) such other information as the Secretary may by regulations prescribe.

"(d) PROPERTY ACQUIRED FROM DECEDENT.—For purposes of this section, section 1022 shall apply for purposes of determining the property acquired from a decedent.

"(e) STATEMENTS TO BE FURNISHED TO CERTAIN PERSONS.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return (other than the person required to make such return) a written statement showing—

"(1) the name, address, and phone number of the person required to make such return, and

"(2) the information specified in subsection (c) with respect to property acquired from, or passing from, the decedent to the person required to receive such statement.

The written statement required under the preceding sentence shall be furnished not later than 30 days after the date that the return required by subsection (a) is filed.".

(2) GIFTS.—Section 6019 (relating to gift tax returns) is amended—

(A) by striking "Any individual" and inserting "(a) IN GENERAL.—Any individual", and

(B) by adding at the end the following new subsection:

"(b) STATEMENTS TO BE FURNISHED TO CERTAIN PERSONS.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return (other than the person required to make such return) a written statement showing—

"(1) the name, address, and phone number of the person required to make such return, and

"(2) the information specified in such return with respect to property received by the person required to receive such statement.

The written statement required under the preceding sentence shall be furnished not later than 30 days after the date that the return required by subsection (a) is filed.".

(3) TIME FOR FILING SECTION 6018 RETURNS.—

(A) RETURNS RELATING TO LARGE TRANSFERS AT DEATH.—Subsection (a) of section 6075 is amended to read as follows:

"(a) RETURNS RELATING TO LARGE TRANSFERS AT DEATH.—The return required by section 6018 with respect to a decedent shall be filed with the return of the tax imposed by chapter 1 for the decedent's last taxable year or such later date specified in regulations prescribed by the Secretary.".

(B) CONFORMING AMENDMENTS.—Paragraph (3) of section 6075(b) is amended—

(i) by striking "ESTATE TAX RETURN" in the heading and inserting "SECTION 6018 RETURN", and

(ii) by striking "(relating to estate tax returns)" and inserting "(relating to returns relating to large transfers at death)".

(4) PENALTIES.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

"SEC. 6716. FAILURE TO FILE INFORMATION WITH RESPECT TO CERTAIN TRANSFERS AT DEATH AND GIFTS.

"(a) INFORMATION REQUIRED TO BE FURNISHED TO THE SECRETARY.—Any person required to furnish any information under section 6018 who fails to furnish such information on the date prescribed therefor (determined with regard to any extension of time for filing) shall pay a penalty of $10,000 ($500 in the case of information required to be furnished under section 6018(b)(2)) for each such failure.

"(b) INFORMATION REQUIRED TO BE FURNISHED TO BENEFICIARIES.—Any person required to furnish in writing to each person described in section 6018(e) or 6019(b) the information required under such section who fails to furnish such information shall pay a penalty of $50 for each such failure.

"(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subsection (a) or (b) with respect to any failure if it is shown that such failure is due to reasonable cause.

"(d) INTENTIONAL DISREGARD.—If any failure under subsection (a) or (b) is due to intentional disregard of the requirements under sections 6018 and 6019(b), the penalty under such subsection shall be 5 percent of the fair market value (as of the date of death or, in the case of section 6019(b), the date of the gift) of the property with respect to which the information is required.

"(e) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by this section.".

(5) CLERICAL AMENDMENTS.—

(A) The table of sections for part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6716. Failure to file information with respect to certain transfers at death and gifts.".

(B) The item relating to subpart C in the table of subparts for part II of subchapter A of chapter 61 is amended to read as follows:

"Subpart C. Returns relating to transfers during life or at death.".

(c) EXCLUSION OF GAIN ON SALE OF PRINCIPAL RESIDENCE MADE AVAILABLE TO HEIR OF DECEDENT IN CERTAIN CASES.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

"(9) PROPERTY ACQUIRED FROM A DECEDENT.—The exclusion under this section shall apply to property sold by—

"(A) the estate of a decedent,

"(B) any individual who acquired such property from the decedent (within the meaning of section 1022), and

"(C) a trust which, immediately before the death of the decedent, was a qualified revocable trust (as defined in section 645(b)(1)) established by the decedent,

determined by taking into account the ownership and use by the decedent.".

(d) TRANSFERS OF APPRECIATED CARRYOVER BASIS PROPERTY TO SATISFY PECUNIARY BEQUEST.—

(1) IN GENERAL.—Section 1040 (relating to transfer of certain farm, etc., real property) is amended to read as follows:

"SEC. 1040. USE OF APPRECIATED CARRYOVER BASIS PROPERTY TO SATISFY PECUNIARY BEQUEST.

"(a) IN GENERAL.—If the executor of the estate of any decedent satisfies the right of any person to receive a pecuniary bequest with appreciated property, then gain on such exchange shall be recognized to the estate only to the extent that, on the date of such exchange, the fair market value of such property exceeds such value on the date of death.

"(b) SIMILAR RULE FOR CERTAIN TRUSTS.—To the extent provided in regulations prescribed by the Secretary, a rule similar to the rule provided in subsection (a) shall apply where—

"(1) by reason of the death of the decedent, a person has a right to receive from a trust a specific dollar amount which is the equivalent of a pecuniary bequest, and

"(2) the trustee of a trust satisfies such right with property.

"(c) BASIS OF PROPERTY ACQUIRED IN EXCHANGE DESCRIBED IN SUBSECTION (a) OR (b).—The basis of property acquired in an exchange with respect to which gain realized is not recognized by reason of subsection (a) or (b) shall be the basis of such property immediately before the exchange increased by the amount of the gain recognized to the estate or trust on the exchange.".

(2) The item relating to section 1040 in the table of sections for part III of subchapter O of chapter 1 is amended to read as follows:

"Sec. 1040. Use of appreciated carryover basis property to satisfy pecuniary bequest.".

(e) AMENDMENTS RELATED TO CARRYOVER BASIS.—

(1) RECOGNITION OF GAIN ON TRANSFERS TO NONRESIDENTS.—

(A) Subsection (a) of section 684 is amended by inserting "or to a nonresident alien" after "or trust".

(B) Subsection (b) of section 684 is amended to read as follows:

"(b) EXCEPTIONS.—

"(1) TRANSFERS TO CERTAIN TRUSTS.—Subsection (a) shall not apply to a transfer to a trust by a United States person to the extent that any United States person is treated as the owner of such trust under section 671.

"(2) LIFETIME TRANSFERS TO NONRESIDENT ALIENS.—Subsection (a) shall not apply to a lifetime transfer to a nonresident alien.".

(C) The section heading for section 684 is amended by inserting "**AND NONRESIDENT ALIENS**" after "**ESTATES**".

(D) The item relating to section 684 in the table of sections for subpart F of part I of subchapter J of chapter 1 is amended by inserting "and nonresident aliens" after "estates".

(2) CAPITAL GAIN TREATMENT FOR INHERITED ART WORK OR SIMILAR PROPERTY.—

(A) IN GENERAL.—Subparagraph (C) of section 1221(a)(3) (defining capital asset) is amended by inserting "(other than by reason of section 1022)" after "is determined".

(B) COORDINATION WITH SECTION 170.—Paragraph (1) of section 170(e) (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following: "For purposes of this paragraph, the determination of whether property is a capital asset shall be made without regard to the exception contained in section 1221(a)(3)(C) for basis determined under section 1022.".

(3) DEFINITION OF EXECUTOR.—Section 7701(a) (relating to definitions) is amended by adding at the end the following:

"(47) EXECUTOR.—The term 'executor' means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent.".

(4) CERTAIN TRUSTS.—Subparagraph (A) of section 4947(a)(2) is amended by inserting "642(c)," after "170(f)(2)(B),".

(5) OTHER AMENDMENTS.—

(A) Section 1246 is amended by striking subsection (e).

(B) Subsection (e) of section 1291 is amended—

(i) by striking "(e),"; and

(ii) by striking "; except that" and all that follows and inserting a period.

(C) Section 1296 is amended by striking subsection (i).

(6) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Treatment of property acquired from a decedent dying after December 31, 2009.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to estates of decedents dying after December 31, 2009.

(2) TRANSFERS TO NONRESIDENTS.—The amendments made by subsection (e)(1) shall apply to transfers after December 31, 2009.

(3) SECTION 4947.—The amendment made by subsection (e)(4) shall apply to deductions for taxable years beginning after December 31, 2009.

Subtitle F—Conservation Easements

SEC. 551. EXPANSION OF ESTATE TAX RULE FOR CONSERVATION EASEMENTS.

(a) REPEAL OF CERTAIN RESTRICTIONS ON WHERE LAND IS LOCATED.—Clause (i) of section 2031(c)(8)(A) (defining land subject to a qualified conservation easement) is amended to read as follows:

"(i) which is located in the United States or any possession of the United States,".

(b) CLARIFICATION OF DATE FOR DETERMINING VALUE OF LAND AND EASEMENT.—Section 2031(c)(2) (defining applicable percentage) is amended by adding at the end the following new sentence: "The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2000.

Subtitle G—Modifications of Generation-Skipping Transfer Tax

SEC. 561. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) IN GENERAL.—Section 2632 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) DEEMED ALLOCATION TO CERTAIN LIFETIME TRANSFERS TO GST TRUSTS.—

"(1) IN GENERAL.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

"(2) UNUSED PORTION.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

"(A) allocated by such individual,

"(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

"(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

"(3) DEFINITIONS.—

"(A) INDIRECT SKIP.—For purposes of this subsection, the term 'indirect skip' means any transfer of property (other than a direct skip) subject to the tax imposed by chapter 12 made to a GST trust.

"(B) GST TRUST.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

"(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons—

"(I) before the date that the individual attains age 46,

"(II) on or before one or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

"(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46,

"(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals,

"(iii) the trust instrument provides that, if one or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of one or more of such individuals or is subject to a general power of appointment exercisable by one or more of such individuals,

"(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer,

"(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)), or

"(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

"(4) AUTOMATIC ALLOCATIONS TO CERTAIN GST TRUSTS.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

"(5) APPLICABILITY AND EFFECT.—

"(A) IN GENERAL.—An individual—

"(i) may elect to have this subsection not apply to—

"(I) an indirect skip, or

"(II) any or all transfers made by such individual to a particular trust, and

"(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

"(B) ELECTIONS.—

"(i) ELECTIONS WITH RESPECT TO INDIRECT SKIPS.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

"(ii) OTHER ELECTIONS.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

"(d) RETROACTIVE ALLOCATIONS.—

"(1) IN GENERAL.—If—

"(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

"(B) such person—

"(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

"(ii) is assigned to a generation below the generation assignment of the transferor, and

"(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

"(2) SPECIAL RULES.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

"(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

"(B) such allocation shall be effective immediately before such death, and

"(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

"(3) FUTURE INTEREST.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2632(b) is amended by striking "with respect to a prior direct skip" and inserting "or subsection (c)(1)".

(c) EFFECTIVE DATES.—

(1) DEEMED ALLOCATION.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 made after December 31, 2000, and to estate tax inclusion periods ending after December 31, 2000.

(2) RETROACTIVE ALLOCATIONS.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after December 31, 2000.

SEC. 562. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

"(3) SEVERING OF TRUSTS.—

"(A) IN GENERAL.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

"(B) QUALIFIED SEVERANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of two or more trusts if—

"(I) the single trust was divided on a fractional basis, and

"(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

"(ii) TRUSTS WITH INCLUSION RATIO GREATER THAN ZERO.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into two trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

"(iii) REGULATIONS.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

"(C) TIMING AND MANNER OF SEVERANCES.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to severances after December 31, 2000.

SEC. 563. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) (relating to valuation rules, etc.) is amended to read as follows:

"(1) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

"(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

"(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.".

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(2) is amended to read as follows:

"(A) TRANSFERS AT DEATH.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 2000.

SEC. 564. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 is amended by adding at the end the following new subsection:

"(g) RELIEF PROVISIONS.—

"(1) RELIEF FROM LATE ELECTIONS.—

"(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

"(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

"(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of the enactment of this paragraph.

"(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

"(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have the lowest possible inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces the lowest possible inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.".

(b) EFFECTIVE DATES.—

(1) RELIEF FROM LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, December 31, 2000.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 2000. No implication is intended with respect to the availability of relief from late elections or the application of a rule of substantial compliance on or before such date.

Subtitle H—Extension of Time for Payment of Estate Tax

SEC. 571. INCREASE IN NUMBER OF ALLOWABLE PARTNERS AND SHAREHOLDERS IN CLOSELY HELD BUSINESSES.

(a) IN GENERAL.—Paragraphs (1)(B)(ii), (1)(C)(ii), and (9)(B)(iii)(I) of section 6166(b) (relating to definitions and special rules) are each amended by striking "15" and inserting "45".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2001.

SEC. 572. EXPANSION OF AVAILABILITY OF INSTALLMENT PAYMENT FOR ESTATES WITH INTERESTS QUALIFYING LENDING AND FINANCE BUSINESSES.

(a) IN GENERAL.—Section 6166(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(10) STOCK IN QUALIFYING LENDING AND FINANCE BUSINESS TREATED AS STOCK IN AN ACTIVE TRADE OR BUSINESS COMPANY.—

"(A) IN GENERAL.—If the executor elects the benefits of this paragraph, then—

"(i) STOCK IN QUALIFYING LENDING AND FINANCE BUSINESS TREATED AS STOCK IN AN ACTIVE TRADE OR BUSINESS COMPANY.—For purposes of this section, any asset used in a qualifying lending and finance business shall be treated as an asset which is used in carrying on a trade or business.

"(ii) 5-YEAR DEFERRAL FOR PRINCIPAL NOT TO APPLY.—The executor shall be treated as having selected under subsection (a)(3) the date prescribed by section 6151(a).

"(iii) 5 EQUAL INSTALLMENTS ALLOWED.—For purposes of applying subsection (a)(1), '5' shall be substituted for '10'.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFYING LENDING AND FINANCE BUSINESS.—The term 'qualifying lending and finance business' means a lending and finance business, if—

"(I) based on all the facts and circumstances immediately before the date of the decedent's death, there was substantial activity with respect to the lending and finance business, or

"(II) during at least 3 of the 5 taxable years ending before the date of the decedent's death, such business had at least 1 full-time employee substantially all of whose services were the active management of such business, 10 full-time, nonowner employees substantially all of whose services were directly related to such business, and $5,000,000 in gross receipts from activities described in clause (ii).

"(ii) LENDING AND FINANCE BUSINESS.—The term 'lending and finance business' means a trade or business of—

"(I) making loans,

"(II) purchasing or discounting accounts receivable, notes, or installment obligations,

"(III) engaging in rental and leasing of real and tangible personal property, including entering into leases and purchasing, servicing, and disposing of leases and leased assets,

"(IV) rendering services or making facilities available in the ordinary course of a lending or finance business, and

"(V) rendering services or making facilities available in connection with activities described in subclauses (I) through (IV) carried on by the corporation rendering services or making facilities available, or another corporation which is a member of the same affiliated group (as defined in section 1504 without regard to section 1504(b)(3)).

"(iii) LIMITATION.—The term 'qualifying lending and finance business' shall not include any interest in an entity, if the stock or debt of such entity or a controlled group (as defined in section 267(f)(1)) of which such entity was a member was readily tradable on an established securities market or secondary market (as defined by the Secretary) at any time within 3 years before the date of the decedent's death.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2001.

SEC. 572. CLARIFICATION OF AVAILABILITY OF INSTALLMENT PAYMENT.

(a) IN GENERAL.—Subparagraph (B) of section 6166(b)(8) (relating to all stock must be non-readily-tradable stock) is amended to read as follows:

"(B) ALL STOCK MUST BE NON-READILY-TRADABLE STOCK.—

"(i) IN GENERAL.—No stock shall be taken into account for purposes of applying this paragraph unless it is non-readily-tradable stock (within the meaning of paragraph (7)(B)).

"(ii) SPECIAL APPLICATION WHERE ONLY HOLDING COMPANY STOCK IS NON-READILY-TRADABLE STOCK.—If the requirements of clause (i) are not met, but all of the stock of each holding company taken into account is non-readily-tradable, then this paragraph shall apply, but subsection (a)(1) shall be applied by substituting '5' for '10'.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2001.

Subtitle I—Other Provisions

SEC. 581. WAIVER OF STATUTE OF LIMITATION FOR TAXES ON CERTAIN FARM VALUATIONS.

If on the date of the enactment of this Act (or at any time within 1 year after the date of the enactment) a refund or credit of any overpayment of tax resulting from the application of section 2032A(c)(7)(E) of the Internal Revenue Code of 1986 is barred by any law or rule of law, the refund or credit of such overpayment shall, nevertheless, be made or allowed if claim therefor is filed before the date 1 year after the date of the enactment of this Act.

TITLE VI—PENSION AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS

Subtitle A—Individual Retirement Accounts

SEC. 601. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "the deductible amount".

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

"(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

"For taxable years beginning in:	The deductible amount is:
2002 through 2004	$3,000

“For taxable years beginning in:	***The deductible amount is:***
2005 through 2007	*$4,000*
2008 and thereafter	*$5,000.*

“(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—

“(i) IN GENERAL.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for such taxable year shall be increased by the applicable amount.

“(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the applicable amount shall be the amount determined in accordance with the following table:

“For taxable years beginning in:	***The applicable amount is:***
2002 through 2005	*$500*
2006 and thereafter	*$1,000.*

“(C) COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2007’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking “in excess of $2,000 on behalf of any individual” and inserting “on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)”.

(2) Section 408(b)(2)(B) is amended by striking “$2,000” and inserting “the dollar amount in effect under section 219(b)(1)(A)”.

(3) Section 408(b) is amended by striking “$2,000” in the matter following paragraph (4) and inserting “the dollar amount in effect under section 219(b)(1)(A)”.

(4) Section 408(j) is amended by striking “$2,000”.

(5) Section 408(p)(8) is amended by striking “$2,000” and inserting “the dollar amount in effect under section 219(b)(1)(A)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 602. DEEMED IRAS UNDER EMPLOYER PLANS.

(a) IN GENERAL.—Section 408 (relating to individual retirement accounts) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

“(q) DEEMED IRAs UNDER QUALIFIED EMPLOYER PLANS.—

“(1) GENERAL RULE.—If—

“(A) a qualified employer plan elects to allow employees to make voluntary employee contributions to a separate account or annuity established under the plan, and

“(B) under the terms of the qualified employer plan, such account or annuity meets the applicable requirements of this section or section 408A for an individual retirement account or annuity,

then such account or annuity shall be treated for purposes of this title in the same manner as an individual retirement plan and not as a qualified employer plan (and contributions to such account or annuity as contributions to an individual retirement plan and not to the qualified employer plan). For purposes of subparagraph (B), the requirements of subsection (a)(5) shall not apply.

“(2) SPECIAL RULES FOR QUALIFIED EMPLOYER PLANS.—For purposes of this title, a qualified employer plan shall not fail to meet any requirement of this title solely by reason of establishing and maintaining a program described in paragraph (1).

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) QUALIFIED EMPLOYER PLAN.—The term ‘qualified employer plan’ has the meaning given such term by section 72(p)(4); except such term shall not include a government plan which is not a qualified plan unless the plan is an eligible deferred compensation plan (as defined in section 457(b)).

“(B) VOLUNTARY EMPLOYEE CONTRIBUTION.—The term ‘voluntary employee contribution’ means any contribution (other than a mandatory contribution within the meaning of section 411(c)(2)(C))—

“(i) which is made by an individual as an employee under a qualified employer plan which allows employees to elect to make contributions described in paragraph (1), and

“(ii) with respect to which the individual has designated the contribution as a contribution to which this subsection applies.”.

(b) AMENDMENT OF ERISA.—

(1) IN GENERAL.—Section 4 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003) is amended by adding at the end the following new subsection:

“(c) If a pension plan allows an employee to elect to make voluntary employee contributions to accounts and annuities as provided in section 408(q) of the Internal Revenue Code of 1986, such accounts and annuities (and contributions thereto) shall not be treated as part of such plan (or as a separate pension plan) for purposes of any provision of this title other than section 403(c), 404, or 405 (relating to exclusive benefit, and fiduciary and co-fiduciary responsibilities).”.

(2) CONFORMING AMENDMENT.—Section 4(a) of such Act (29 U.S.C. 1003(a)) is amended by inserting “or (c)” after “subsection (b)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

Subtitle B—Expanding Coverage

SEC. 611. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking “$90,000” and inserting “$160,000”.

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended in the headings and the text, by striking “$90,000” and inserting “$160,000”.

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking “the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for ‘$90,000’” and inserting “one-half the amount otherwise applicable for such year under paragraph (1)(A) for ‘$160,000’”.

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking “the social security retirement age” each place it appears in the heading and text and inserting “age 62” and by striking the second sentence.

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking “the social security retirement age” each place it appears in the heading and text and inserting “age 65”.

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking “$90,000” in paragraph (1)(A) and inserting “$160,000”; and

(B) in paragraph (3)(A)—

(i) by striking “$90,000” in the heading and inserting “$160,000”; and

(ii) by striking “October 1, 1986” and inserting “July 1, 2001”.

(5) CONFORMING AMENDMENTS.—

(A) Section 415(b)(2) is amended by striking subparagraph (F).

(B) Section 415(b)(9) is amended to read as follows:

“(9) SPECIAL RULE FOR COMMERCIAL AIRLINE PILOTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any participant who is a commercial airline pilot, if, as of the time of the participant’s retirement, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age occurring on or after age 60 and before age 62, paragraph (2)(C) shall be applied by substituting such age for age 62.

“(B) INDIVIDUALS WHO SEPARATE FROM SERVICE BEFORE AGE 60.—If a participant described in subparagraph (A) separates from service before age 60, the rules of paragraph (2)(C) shall apply.”.

(C) Section 415(b)(10)(C)(i) is amended by striking “applied without regard to paragraph (2)(F)”.

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking “$30,000” and inserting “$40,000”.

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking “$30,000” in paragraph (1)(C) and inserting “$40,000”; and

(B) in paragraph (3)(D)—

(i) by striking “$30,000” in the heading and inserting “$40,000”; and

(ii) by striking “October 1, 1993” and inserting “July 1, 2001”.

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking “$150,000” each place it appears and inserting “$200,000”.

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking “October 1, 1993” and inserting “July 1, 2001”; and

(B) by striking “$10,000” both places it appears and inserting “$5,000”.

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

“(1) IN GENERAL.—

“(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual’s gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

“(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

“For taxable years beginning in calendar year:	***The applicable dollar amount:***
2002	*$11,000*
2003	*$12,000*
2004	*$13,000*
2005	*$14,000*
2006 or thereafter	*$15,000.”.*

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount"; and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) APPLICABLE DOLLAR AMOUNT.—

"(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.

"(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For years beginning in calendar year:	**The applicable dollar amount:**
2002	$7,000
2003	$8,000
2004	$9,000
2005 or thereafter	$10,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2005, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2004, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Subclause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) CERTAIN COMPENSATION LIMITS.—

(1) IN GENERAL.—Subparagraph (A) of section 401(c)(2) (defining earned income) is amended by adding at the end thereof the following new sentence: "For purposes of this part only (other than sections 419 and 419A), this subparagraph shall be applied as if the term 'trade or business' for purposes of section 1402 included service described in section 1402(c)(6).".

(2) SIMPLE RETIREMENT ACCOUNTS.—Clause (ii) of section 408(p)(6)(A) (defining self-employed) is amended by adding at the end the following new sentence: "The preceding sentence shall be applied as if the term 'trade or business' for purposes of section 1402 included service described in section 1402(c)(6).".

(h) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) ROUNDING.—

"(A) $160,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to years beginning after December 31, 2001.

(2) DEFINED BENEFIT PLANS.—The amendments made by subsection (a) shall apply to years ending after December 31, 2001.

SEC. 612. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) IN GENERAL.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) AMENDMENT OF ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of paragraph (1)(A), the term 'owner-employee' shall only include a person described in clause (ii) or (iii) of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 613. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $130,000,";

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C), and by inserting the following: "in the case of plan years beginning after December 31, 2002, the $130,000 amount in clause (i) shall be adjusted at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2001, and any increase under this sentence which is not a multiple of $5,000 shall be rounded to the next lower multiple of $5,000.".

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph (and any reduction under this sentence shall not be taken into account in determining whether section 401(k)(4)(A) applies).".

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE"; and

(B) by striking "5-year period" and inserting "1-year period".

(d) DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) CASH OR DEFERRED ARRANGEMENTS USING ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".

(e) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)"; and

(B) by adding at the end the following:

"(iii) Exception for Frozen Plan.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no key employee or former key employee.".

(f) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 614. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) In General.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) Elective Deferrals Not Taken Into Account for Purposes of Deduction Limits.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 615. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) In General.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 611, is amended to read as follows:

"(c) Limitation.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2001.

SEC. 616. DEDUCTION LIMITS.

(a) Modification of Limits.—

(1) Stock bonus and profit sharing trusts.—

(A) In general.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "25 percent".

(B) Conforming amendment.—Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "25 percent".

(2) Defined contribution plans.—

(A) In general.—Clause (v) of section 404(a)(3)(A) (relating to stock bonus and profit sharing trusts) is amended to read as follows:

"(v) Defined contribution plans subject to the funding standards.—Except as provided by the Secretary, a defined contribution plan which is subject to the funding standards of section 412 shall be treated in the same manner as a stock bonus or profit-sharing plan for purposes of this subparagraph."

(B) Conforming amendments.—

(i) Section 404(a)(1)(A) is amended by inserting "(other than a trust to which paragraph (3) applies)" after "pension trust".

(ii) Section 404(h)(2) is amended by striking "stock bonus or profit-sharing trust" and inserting "trust subject to subsection (a)(3)(A)".

(iii) The heading of section 404(h)(2) is amended by striking "STOCK BONUS AND PROFIT-SHARING TRUST" and inserting "CERTAIN TRUSTS".

(b) Compensation.—

(1) In general.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) Definition of compensation.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).".

(2) Conforming amendments.—

(A) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(B) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 617. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX ROTH CONTRIBUTIONS.

(a) In General.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

"(a) General Rule.—If an applicable retirement plan includes a qualified Roth contribution program—

"(1) any designated Roth contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) Qualified Roth Contribution Program.—For purposes of this section—

"(1) In general.—The term 'qualified Roth contribution program' means a program under which an employee may elect to make designated Roth contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) Separate accounting required.—A program shall not be treated as a qualified Roth contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated Roth accounts') for the designated Roth contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) Definitions and Rules Relating to Designated Roth Contributions.—For purposes of this section—

"(1) Designated roth contribution.—The term 'designated Roth contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) Designation limits.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) Rollover contributions.—

"(A) In general.—A rollover contribution of any payment or distribution from a designated Roth account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated Roth account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) Coordination with limit.—Any rollover contribution to a designated Roth account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) Distribution Rules.—For purposes of this title—

"(1) Exclusion.—Any qualified distribution from a designated Roth account shall not be includible in gross income.

"(2) Qualified distribution.—For purposes of this subsection—

"(A) In general.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) Distributions within nonexclusion period.—A payment or distribution from a designated Roth account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated Roth contribution to any designated Roth account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated Roth account from a designated Roth account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated Roth contribution to such previously established account.

"(C) Distributions of excess deferrals and contributions and earnings thereon.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) or any excess contribution under section 401(k)(8), and any income on the excess deferral or contribution.

"(3) Treatment of distributions of certain excess deferrals.—Notwithstanding section 72, if any excess deferral under section 402(g)(2) attributable to a designated Roth contribution is not distributed on or before the 1st April 15 following the close of the taxable year in which such excess deferral is made, the amount of such excess deferral shall—

"(A) not be treated as investment in the contract, and

"(B) be included in gross income for the taxable year in which such excess is distributed.

"(4) Aggregation rules.—Section 72 shall be applied separately with respect to distributions and payments from a designated Roth account and other distributions and payments from the plan.

"(e) Other Definitions.—For purposes of this section—

"(1) Applicable retirement plan.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) Elective deferral.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) Excess Deferrals.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1)(A) (as added by section 201(c)(1)) the following new sentence: "The preceding sentence shall not apply the portion of such excess as does not exceed the designated Roth contributions of the individual for the taxable year."; and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated Roth account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated Roth account and a Roth IRA.".

(d) REPORTING REQUIREMENTS.—

(1) W–2 INFORMATION.—Section 6051(a)(8) is amended by inserting ", including the amount of designated Roth contributions (as defined in section 402A)" before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DESIGNATED ROTH CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated Roth contributions (as defined in section 402A) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as Roth contributions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 618. NONREFUNDABLE CREDIT TO CERTAIN INDIVIDUALS FOR ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS BY CERTAIN INDIVIDUALS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of so much of the qualified retirement savings contributions of the eligible individual for the taxable year as do not exceed $2,000.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage is the percentage determined in accordance with the following table:

Adjusted Gross Income						Applicable percentage
Joint return		Head of a household		All other cases		
Over	Not over	Over	Not over	Over	Not over	
	$30,000		$22,500		$15,000	50
30,000	32,500	22,500	24,375	15,000	16,250	20
32,500	50,000	24,375	37,500	16,250	25,000	10
50,000		37,500		25,000		0

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means any individual if such individual has attained the age of 18 as of the close of the taxable year.

"(2) DEPENDENTS AND FULL-TIME STUDENTS NOT ELIGIBLE.—The term 'eligible individual' shall not include—

"(A) any individual with respect to whom a deduction under section 151 is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, and

"(B) any individual who is a student (as defined in section 151(c)(4)).

"(d) QUALIFIED RETIREMENT SAVINGS CONTRIBUTIONS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified retirement savings contributions' means, with respect to any taxable year, the sum of—

"(A) the amount of the qualified retirement contributions (as defined in section 219(e)) made by the eligible individual,

"(B) the amount of—

"(i) any elective deferrals (as defined in section 402(g)(3)) of such individual, and

"(ii) any elective deferral of compensation by such individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(C) the amount of voluntary employee contributions by such individual to any qualified retirement plan (as defined in section 4974(c)).

"(2) REDUCTION FOR CERTAIN DISTRIBUTIONS.—

"(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) shall be reduced (but not below zero) by the sum of—

"(i) any distribution from a qualified retirement plan (as defined in section 4974(c)), or from an eligible deferred compensation plan (as defined in section 457(b)), received by the individual during the testing period which is includible in gross income, and

"(ii) any distribution from a Roth IRA or a Roth account received by the individual during the testing period which is not a qualified rollover contribution (as defined in section 408A(e)) to a Roth IRA or a rollover under section 402(c)(8)(B) to a Roth account.

"(B) TESTING PERIOD.—For purposes of subparagraph (A), the testing period, with respect to a taxable year, is the period which includes—

"(i) such taxable year,

"(ii) the 2 preceding taxable years, and

"(iii) the period after such taxable year and before the due date (including extensions) for filing the return of tax for such taxable year.

"(C) EXCEPTED DISTRIBUTIONS.—There shall not be taken into account under subparagraph (A)—

"(i) any distribution referred to in section 72(p), 401(k)(8), 401(m)(6), 402(g)(2), 404(k), or 408(d)(4), and

"(ii) any distribution to which section 408A(d)(3) applies.

"(D) TREATMENT OF DISTRIBUTIONS RECEIVED BY SPOUSE OF INDIVIDUAL.—For purposes of determining distributions received by an individual under subparagraph (A) for any taxable year, any distribution received by the spouse of such individual shall be treated as received by such individual if such individual and spouse file a joint return for such taxable year and for the taxable year during which the spouse receives the distribution.

"(e) ADJUSTED GROSS INCOME.—For purposes of this section, adjusted gross income shall be determined without regard to sections 911, 931, and 933.

"(f) INVESTMENT IN THE CONTRACT.—Notwithstanding any other provision of law, a qualified retirement savings contribution shall not fail to be included in determining the investment in the contract for purposes of section 72 by reason of the credit under this section.

"(g) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2006.".

(b) CREDIT ALLOWED AGAINST REGULAR TAX AND ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25B, as added by subsection (a), is amended by inserting after subsection (f) the following new subsection:

"(g) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under this subpart (other than this section and section 23) and section 27 for the taxable year."

(2) CONFORMING AMENDMENTS.—

(A) Section 24(b)(3)(B), as amended by sections 201(b) and 203(d), is amended by striking "section 23" and inserting "sections 23 and 25B".

(B) Section 25(e)(1)(C), as amended by section 201(b), is amended by inserting "25B," after "24,".

(C) Section 26(a)(1), as amended by sections 201(b) and 203, is amended by striking "and 24" and inserting ", 24, and 25B".

(D) Section 904(h), as amended by sections 201(b) and 203, is amended by striking "and 24" and inserting ", 24, and 25B".

(E) Section 1400C(d), as amended by sections 201(b) and 203, is amended by striking "and 24" and inserting ", 24, and 25B".

(c) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1, as amended by section 432, is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Elective deferrals and IRA contributions by certain individuals."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 619. CREDIT FOR PENSION PLAN STARTUP COSTS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45E. SMALL EMPLOYER PENSION PLAN STARTUP COSTS.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan startup cost credit determined under this section for any taxable year is an amount equal to 50 percent of the qualified startup costs paid or incurred by the taxpayer during the taxable year.

"(b) DOLLAR LIMITATION.—The amount of the credit determined under this section for any taxable year shall not exceed—

"(1) $500 for the first credit year and each of the 2 taxable years immediately following the first credit year, and

"(2) zero for any other taxable year.

"(c) ELIGIBLE EMPLOYER.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible employer' has the meaning given such term by section 408(p)(2)(C)(i).

"(2) REQUIREMENT FOR NEW QUALIFIED EMPLOYER PLANS.—Such term shall not include an employer if, during the 3-taxable year period immediately preceding the 1st taxable year for which the credit under this section is otherwise allowable for a qualified employer plan of the employer, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained

a qualified employer plan with respect to which contributions were made, or benefits were accrued, for substantially the same employees as are in the qualified employer plan.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED STARTUP COSTS.—

"(A) IN GENERAL.—The term 'qualified startup costs' means any ordinary and necessary expenses of an eligible employer which are paid or incurred in connection with—

"(i) the establishment or administration of an eligible employer plan, or

"(ii) the retirement-related education of employees with respect to such plan.

"(B) PLAN MUST HAVE AT LEAST 1 PARTICIPANT.—Such term shall not include any expense in connection with a plan that does not have at least 1 employee eligible to participate who is not a highly compensated employee.

"(2) ELIGIBLE EMPLOYER PLAN.—The term 'eligible employer plan' means a qualified employer plan within the meaning of section 4972(d).

"(3) FIRST CREDIT YEAR.—The term 'first credit year' means—

"(A) the taxable year which includes the date that the eligible employer plan to which such costs relate becomes effective, or

"(B) at the election of the eligible employer, the taxable year preceding the taxable year referred to in subparagraph (A).

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All eligible employer plans shall be treated as 1 eligible employer plan.

"(2) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified startup costs paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

"(3) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year."

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (defining current year business credit) is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following new paragraph:

"(14) in the case of an eligible employer (as defined in section 45E(c)), the small employer pension plan startup cost credit determined under section 45E(a)."

(c) CONFORMING AMENDMENTS.—

(1) Section 39(d) is amended by adding at the end the following new paragraph:

"(10) NO CARRYBACK OF SMALL EMPLOYER PENSION PLAN STARTUP COST CREDIT BEFORE JANUARY 1, 2002.—No portion of the unused business credit for any taxable year which is attributable to the small employer pension plan startup cost credit determined under section 45E may be carried back to a taxable year beginning before January 1, 2002."

(2) Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and", and by adding at the end the following new paragraph:

"(10) the small employer pension plan startup cost credit determined under section 45E(a)."

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45E. Small employer pension plan startup costs."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2001, with respect to qualified employer plans established after such date.

SEC. 620. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) ELIMINATION OF CERTAIN USER FEES.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 10511 of the Revenue Act of 1987 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the later of—

(A) the fifth plan year the pension benefit plan is in existence; or

(B) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years; or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) PENSION BENEFIT PLAN.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term "eligible employer" means an eligible employer (as defined in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986) which has at least one employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subsection (a) applies shall not be taken into account.

(e) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 2001.

SEC. 621. TREATMENT OF NONRESIDENT ALIENS ENGAGED IN INTERNATIONAL TRANSPORTATION SERVICES.

(a) EXCLUSION FROM INCOME SOURCING RULES.—The second sentence of section 861(a)(3) (relating to gross income from sources within the United States) is amended by striking "except for purposes of sections 79 and 105 and subchapter D,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to remuneration for services performed in plan years beginning after December 31, 2001.

Subtitle C—Enhancing Fairness for Women

SEC. 631. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) IN GENERAL.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.—

"(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—

"(A) IN GENERAL.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(i) the applicable dollar amount, or

"(ii) the excess (if any) of—

"(I) the participant's compensation (as defined in section 415(c)(3)) for the year, over

"(II) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph—

"(i) In the case of an applicable employer plan other than a plan described in section 401(k)(11) or 408(p), the applicable dollar amount shall be determined in accordance with the following table:

"For taxable years beginning in:	**The applicable dollar amount is:**
2002	*$1,000*
2003	*$2,000*
2004	*$3,000*
2005	*$4,000*
2006 and thereafter	*$5,000.*

"(ii) In the case of an applicable employer plan described in section 401(k)(11) or 408(p), the applicable dollar amount shall be determined in accordance with the following table:

"For taxable years beginning in:	**The applicable dollar amount is:**
2002	*$500*
2003	*$1,000*
2004	*$1,500*
2005	*$2,000*
2006 and thereafter	*$2,500.*

"(C) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2006, the Secretary shall adjust annually the $5,000 amount in subparagraph (B)(i) and the $2,500 amount in subparagraph (B)(ii) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period taken into account shall be the calendar quarter beginning July 1, 2005, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

"(3) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution to a plan under paragraph (1)—

"(A) such contribution shall not, with respect to the year in which the contribution is made—

"(i) be subject to any otherwise applicable limitation contained in section 402(g), 402(h), 403(b), 404(a), 404(h), 408(k), 408(p), 415, or 457, or

"(ii) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan, and

"(B) except as provided in paragraph (4), such plan shall not be treated as failing to meet the requirements of section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416 by reason of the making of (or the right to make) such contribution.

"(4) APPLICATION OF NONDISCRIMINATION RULES.—

"(A) IN GENERAL.—An applicable employer plan shall be treated as failing to meet the nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features unless the plan allows all eligible participants to make the same election with respect to the additional elective deferrals under this subsection.

"(B) AGGREGATION.—For purposes of subparagraph (A), all plans maintained by employers who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 plan.

"(5) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year

by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation or restriction contained in the terms of the plan.

"(6) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer described in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(B) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2001.

SEC. 632. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415",

(B) by striking paragraph (2), and

(C) by inserting "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 611(c)(3)) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001".

(H) Section 664(g) is amended—

(i) in paragraph (3)(E) by striking "limitations under section 415(c)" and inserting "applicable limitation under paragraph (7)", and

(ii) by adding at the end the following new paragraph:

"(7) APPLICABLE LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (3)(E), the applicable limitation under this paragraph with respect to a participant is an amount equal to the lesser of—

"(i) $30,000, or

"(ii) 25 percent of the participant's compensation (as defined in section 415(c)(3)).

"(B) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the $30,000 amount under subparagraph (A)(i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning October 1, 1993, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) ELECTION TO MODIFY SECTION 403(b) EXCLUSION ALLOWANCE TO CONFORM TO SECTION 415 MODIFICATION.—In the case of taxable years beginning after December 31, 1999, and before January 1, 2002, a plan may disregard the requirement in the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 633. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) IN GENERAL.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan"; and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	**The nonforfeitable percentage is:**
2	20
3	40
4	60
5	80
6	100.".

(b) AMENDMENT OF ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (4), a plan", and

(2) by adding at the end the following:

"(4) In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	**The nonforfeitable percentage is:**
2	20
3	40
4	60
5	80
6	100.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2001.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2002; or

(B) January 1, 2006.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that

such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 634. MODIFICATION TO MINIMUM DISTRIBUTION RULES.

The Secretary of the Treasury shall modify the life expectancy tables under the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code to reflect current life expectancy.

SEC. 635. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) In General.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))"; and

(2) in the heading, by striking "GOVERNMENTAL AND CHURCH PLANS" and inserting "CERTAIN OTHER PLANS".

(b) Waiver of Certain Distribution Requirements.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) Tax Treatment of Payments From a Section 457 Plan.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) Tax treatment of payments from a section 457 plan.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) Effective Date.—The amendment made by this section shall apply to transfers, distributions, and payments made after December 31, 2001.

SEC. 636. PROVISIONS RELATING TO HARDSHIP DISTRIBUTIONS.

(a) Safe Harbor Relief.—

(1) In general.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(2) Effective date.—The revised regulations under this subsection shall apply to years beginning after December 31, 2001.

(b) Hardship Distributions Not Treated as Eligible Rollover Distributions.—

(1) Modification of definition of eligible rollover.—Subparagraph (C) of section 402(c)(4) (relating to eligible rollover distribution) is amended to read as follows:

"(C) any distribution which is made upon hardship of the employee.".

(2) Effective date.—The amendment made by this subsection shall apply to distributions made after December 31, 2001.

SEC. 637. WAIVER OF TAX ON NONDEDUCTIBLE CONTRIBUTIONS FOR DOMESTIC OR SIMILAR WORKERS.

(a) In General.—Section 4972(c)(6) (relating to exceptions to nondeductible contributions), as amended by section 616, is amended by striking "and" at the end of subparagraph (A), by striking the period and inserting ", or" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) so much of the contributions to a simple retirement account (within the meaning of section 408(p)) or a simple plan (within the meaning of section 401(k)(11)) which are not deductible when contributed solely because such contributions are not made in connection with a trade or business of the employer."

(b) Exclusion of Certain Contributions.—Section 4972(c)(6), as amended by subsection (a), is amended by adding at the end the following new sentence: "Subparagraph (C) shall not apply to contributions made on behalf of the employer or a member of the employer's family (as defined in section 447(e)(1)).".

(c) No Inference.—Nothing in the amendments made by this section shall be construed to infer the proper treatment of nondeductible contributions under the laws in effect before such amendments.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle D—Increasing Portability for Participants

SEC. 641. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) Rollovers From and to Section 457 Plans.—

(1) Rollovers from section 457 plans.—

(A) In general.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) Rollover amounts.—

"(A) General rule.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4)),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) Reporting.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) Deferral limit determined without regard to rollover amounts.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) Direct rollover.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) Withholding.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A), or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) Eligible rollover distribution.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) Liability for withholding.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b) and which is maintained by an eligible employer described in section 457(e)(1)(A).".

(2) Rollovers to section 457 plans.—

(A) In general.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).".

(B) Separate accounting.—Section 402(c) is amended by adding at the end the following new paragraph:

"(10) Separate accounting.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 percent additional tax.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) Special rule for rollovers to section 457 plans.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) Allowance of Rollovers From and To 403(b) Plans.—

(1) Rollovers from section 403(b) plans.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) Rollovers to section 403(b) plans.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) Expanded Explanation to Recipients of Rollover Distributions.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) Spousal Rollovers.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) Conforming Amendments.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)," and inserting "403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) Reasonable notice.—No penalty shall be imposed on a plan for the failure to provide the information required by the amendment made by subsection (c) with respect to any distribution made before the date that is 90 days after the date on which the Secretary of the Treasury issues a safe harbor rollover notice after the date of the enactment of this Act, if the administrator of such plan makes a reasonable attempt to comply with such requirement.

(3) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 642. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) In General.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) Simple retirement accounts.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 643. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) Rollovers From Exempt Trusts.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) Optional Direct Transfer of Eligible Rollover Distributions.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).".

(c) Rules for Applying Section 72 to IRAs.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

"(H) Application of section 72.—

"(i) In general.—If—

"(I) a distribution is made from an individual retirement plan, and

"(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

"(ii) Applicable rules.—In the case of a distribution described in clause (i)—

"(I) section 72 shall be applied separately to such distribution,

"(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

"(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(d) Effective Date.—The amendments made by this section shall apply to distributions made after December 31, 2001.

SEC. 644. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) Exempt Trusts.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

"(3) Transfer must be made within 60 days of receipt.—

"(A) In general.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) Hardship exception.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(b) IRAs.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 643, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) Waiver of 60-day requirement.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 645. TREATMENT OF FORMS OF DISTRIBUTION.

(a) Plan Transfers.—

(1) Amendment of internal revenue code.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) Plan transfers.—

"(i) In general.—A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election, and

"(V) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) SPECIAL RULE FOR MERGERS, ETC.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) AMENDMENT OF ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

"(4)(A) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

"(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

"(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

"(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election; and

"(v) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(5) Except to the extent provided in regulations promulgated by the Secretary of the Treasury, a defined contribution plan shall not be treated as failing to meet the requirements of this subsection merely because of the elimination of a form of distribution previously available thereunder. This paragraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(A) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

"(B) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) REGULATIONS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by inserting after the second sentence the following: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants, unless such amendment adversely affects the rights of any participant in a more than de minimis manner.".

(2) AMENDMENT OF ERISA.—Section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended by inserting after the second sentence the following: "The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants, unless such amendment adversely affects the rights of any participant in a more than de minimis manner.".

(3) SECRETARY DIRECTED.—Not later than December 31, 2003, the Secretary of the Treasury is directed to issue regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974, including the regulations required by the amendment made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2003, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 646. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination"; and

(II) by striking "the event" in clause (i) and inserting "the termination";

(ii) by striking subparagraph (C); and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 647. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) SECTION 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) SECTION 457 PLANS.—Subsection (e) of section 457, as amended by section 641, is amended by adding after paragraph (16) the following new paragraph:

"(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2001.

SEC. 648. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(2) AMENDMENT OF ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.".

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c).EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 649. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) YEAR OF INCLUSION IN GROSS INCOME.—

"(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to distributions after December 31, 2001.

Subtitle E—Strengthening Pension Security and Enforcement

PART I—GENERAL PROVISIONS

SEC. 651. REPEAL OF 160 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) AMENDMENTS TO INTERNAL REVENUE CODE.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	165
2003	170.".

(b) AMENDMENT OF ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage", and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in calendar year—	**The applicable percentage is—**
2002	165
2003	170.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 652. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

"(i) IN GENERAL.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded current liability determined under section 412(l).

"(ii) PLANS WITH 100 OR LESS PARTICIPANTS.—For purposes of this subparagraph, in the case of a plan which has 100 or less participants for the plan year, unfunded current liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years.

"(iii) RULE FOR DETERMINING NUMBER OF PARTICIPANTS.—For purposes of determining the number of plan participants, all defined benefit plans maintained by the same employer (or any member of such employer's .controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS.—In the case of a plan which, subject to section 4041 of the Employee Retirement Income Security Act of 1974, terminates during the plan year, clause (i) shall be applied by substituting for unfunded current liability the amount required to make the plan sufficient for benefit liabilities (within the meaning of section 4041(d) of such Act).".

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c), as amended by sections 616 and 637, is amended—

(1) by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively,

(2) by striking the first sentence following subparagraph (B) (as so redesignated),

(3) by striking "subparagraph (B)" in the next to last sentence and inserting "subparagraph (A)", and

(4) by striking "Subparagraph (C)" in the last sentence and inserting "Subparagraph (B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 653. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) IN GENERAL.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) DEFINED BENEFIT PLAN EXCEPTION.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 654. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—

(1) IN GENERAL.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(2) CONFORMING AMENDMENT.—Section 415(b)(7) (relating to benefits under certain collectively bargained plans) is amended by inserting "(other than a multiemployer plan)" after "defined benefit plan" in the matter preceding subparagraph (A).

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated—

"(A) with any other plan which is not a multiemployer plan for purposes of applying subsection (b)(1)(B) to such other plan, or

"(B) with any other multiemployer plan for purposes of applying the limitations established in this section.".

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 655. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(k) PLANS.

(a) IN GENERAL.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) NONAPPLICATION TO PREVIOUSLY ACQUIRED PROPERTY.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 656. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) IN GENERAL.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) PROHIBITED ALLOCATIONS OF SECURITIES IN AN S CORPORATION.—

"(1) IN GENERAL.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

"(2) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

"(B) CROSS REFERENCE.—

"For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

"(3) NONALLOCATION YEAR.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

"(i) such plan holds employer securities consisting of stock in an S corporation, and

"(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

"(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

"(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

"(II) paragraph (4) thereof shall not apply.

"(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), an individual shall be treated as owning deemed-owned shares of the individual.

Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

"(4) DISQUALIFIED PERSON.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified person' means any person if—

"(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

"(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

"(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

"(C) DEEMED-OWNED SHARES.—

"(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

"(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

"(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

"(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

"(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

"(i) the spouse of the individual,

"(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

"(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

"(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

"(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

"(A) the treatment of any person as a disqualified person, or

"(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(B) EMPLOYER SECURITIES.—The term 'employer security' has the meaning given such term by section 409(l).

"(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

"(7) REGULATIONS AND GUIDANCE.—

"(A) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.

"(B) AVOIDANCE OR EVASION.—The Secretary may, by regulation or other guidance of general applicability, provide that a nonallocation year occurs in any case in which the principal purpose of the ownership structure of an S corporation constitutes an avoidance or evasion of this subsection.".

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting ", section 409(p)," after "409(n)".

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking "or" at the end of paragraph (1), and

(B) by striking all that follows paragraph (2) and inserting the following:

"(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.".

(2) LIABILITY.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

"(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.".

(3) DEFINITIONS.—Section 4979A(e) (relating to definitions) is amended to read as follows:

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) DEFINITIONS.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) SPECIAL RULES RELATING TO TAX IMPOSED BY REASON OF PARAGRAPH (3) OR (4) OF SUBSECTION (a).—

"(A) PROHIBITED ALLOCATIONS.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

"(B) SYNTHETIC EQUITY.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) SPECIAL RULE DURING FIRST NONALLOCATION YEAR.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) STATUTE OF LIMITATIONS.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2004.

(2) EXCEPTION FOR CERTAIN PLANS.—In the case of any—

(A) employee stock ownership plan established after March 14, 2001, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after March 14, 2001.

SEC. 657. AUTOMATIC ROLLOVERS OF CERTAIN MANDATORY DISTRIBUTIONS.

(a) DIRECT TRANSFERS OF MANDATORY DISTRIBUTIONS.—

(1) IN GENERAL.—Section 401(a)(31) (relating to optional direct transfer of eligible rollover distributions), as amended by section 643, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) CERTAIN MANDATORY DISTRIBUTIONS.—

"(i) IN GENERAL.—In case of a trust which is part of an eligible plan, such trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that if—

"(I) a distribution described in clause (ii) in excess of $1,000 is made, and

"(II) the distributee does not make an election under subparagraph (A) and does not elect to receive the distribution directly,

the plan administrator shall make such transfer to an individual retirement plan of a designated trustee or issuer and shall notify the distributee in writing (either separately or as part of the notice under section 402(f)) that the distribution may be transferred to another individual retirement plan.

"(ii) ELIGIBLE PLAN.—For purposes of clause (i), the term 'eligible plan' means a plan which provides that any nonforfeitable accrued benefit for which the present value (as determined under section 411(a)(11)) does not exceed $5,000 shall be immediately distributed to the participant.".

(2) CONFORMING AMENDMENTS.—

(A) The heading of section 401(a)(31) is amended by striking "OPTIONAL DIRECT" and inserting "DIRECT".

(B) Section 401(a)(31)(C), as redesignated by paragraph (1), is amended by striking "Subparagraph (A)" and inserting "Subparagraphs (A) and (B)".

(b) NOTICE REQUIREMENT.—Subparagraph (A) of section 402(f)(1) is amended by inserting before the comma at the end the following: "and that the automatic distribution by direct transfer applies to certain distributions in accordance with section 401(a)(31)(B)".

(c) FIDUCIARY RULES.—

(1) IN GENERAL.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following new paragraph:

"(3) In the case of a pension plan which makes a transfer to an individual retirement account or annuity of a designated trustee or issuer under section 401(a)(31)(B) of the Internal Revenue Code of 1986, the participant or beneficiary shall, for purposes of paragraph (1), be treated as exercising control over the assets in the account or annuity upon—

"(A) the earlier of the earlier of—

"(i) a rollover of all or a portion of the amount to another individual retirement account or annuity; or

"(ii) one year after the transfer is made; or

"(B) if the transfer is made in a manner consistent with guidance provided by the Secretary.".

(2) REGULATIONS.—

(A) AUTOMATIC ROLLOVER SAFE HARBOR.—Not later than 3 years after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations providing for safe harbors under which the designation of an institution and investment of funds in accordance with section 401(a)(31)(B) of the Internal Revenue Code of 1986 is deemed to satisfy the fiduciary requirements of section 404(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)).

(B) USE OF LOW-COST INDIVIDUAL RETIREMENT PLANS.—The Secretary of the Treasury and the Secretary of Labor may provide, and shall give consideration to providing, special relief with respect to the use of low-cost individual retirement plans for purposes of transfers under section 401(a)(31)(B) of the Internal Revenue Code of 1986 and for other uses that promote the preservation of assets for retirement income purposes.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after final regulations implementing subsection (c)(2)(A) are prescribed.

SEC. 658. CLARIFICATION OF TREATMENT OF CONTRIBUTIONS TO MULTIEMPLOYER PLAN.

(a) NOT CONSIDERED METHOD OF ACCOUNTING.—For purposes of section 446 of the Internal Revenue Code of 1986, a determination under section 404(a)(6) of such Code regarding the taxable year with respect to which a contribution to a multiemployer pension plan is deemed made shall not be treated as a method of accounting of the taxpayer. No deduction shall be allowed for any taxable year for any contribution to a multiemployer pension plan with respect to which a deduction was previously allowed.

(b) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as necessary to clarify that a taxpayer shall not be allowed an aggregate amount of deductions for contributions to a multiemployer pension plan which exceeds the amount of such contributions made or deemed made under section 404(a)(6) of the Internal Revenue Code of 1986 to such plan.

(c) EFFECTIVE DATE.—Subsection (a), and any regulations promulgated under subsection (b), shall be effective for years ending after the date of the enactment of this Act.

PART II—TREATMENT OF PLAN AMENDMENTS REDUCING FUTURE BENEFIT ACCRUALS

SEC. 659. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

"(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the notice to which the failure relates is provided or the failure is otherwise corrected.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED AND REASONABLE DILIGENCE EXERCISED.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for the tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

"(B) such person provides the notice described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

"(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

"(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(4) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) NOTICE REQUIREMENTS FOR PLANS SIGNIFICANTLY REDUCING BENEFIT ACCRUALS.—

"(1) IN GENERAL.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

"(2) NOTICE.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment. The Secretary may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

"(A) which has fewer than 100 participants who have accrued a benefit under the plan, or

"(B) which offers participants the option to choose between the new benefit formula and the old benefit formula.

"(3) TIMING OF NOTICE.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) DESIGNEES.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) NOTICE BEFORE ADOPTION OF AMENDMENT.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means, with respect to any plan amendment—

"(A) each participant in the plan, and

"(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(2) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

"(A) any defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412.

Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.

"(3) EARLY RETIREMENT.—A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

"(g) NEW TECHNOLOGIES.—The Secretary may by regulations allow any notice under subsection (e) to be provided by using new technologies.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.".

(b) AMENDMENT OF ERISA.—Subsection (h) of section 204 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054) is amended to read as follows:

"(h)(1) An applicable pension plan may not be amended so as to provide for a significant reduction in the rate of future benefit accrual unless the plan administrator provides the notice described in paragraph (2) to each applicable individual (and to each employee organization representing applicable individuals).

"(2) The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow applicable individuals to understand the effect of the plan amendment. The Secretary of the Treasury may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

"(A) which has fewer than 100 participants who have accrued a benefit under the plan, or

"(B) which offers participants the option to choose between the new benefit formula and the old benefit formula.

"(3) Except as provided in regulations prescribed by the Secretary of the Treasury, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(6)(A) In the case of any egregious failure to meet any requirement of this subsection with respect to any plan amendment, the provisions of the applicable pension plan shall be applied as if such plan amendment entitled all applicable individuals to the greater of—

"(i) the benefits to which they would have been entitled without regard to such amendment, or

"(ii) the benefits under the plan with regard to such amendment.

"(B) For purposes of subparagraph (A), there is an egregious failure to meet the requirements of this subsection if such failure is within the control of the plan sponsor and is—

"(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection),

"(ii) a failure to provide most of the individuals with most of the information they are entitled to receive under this subsection, or

"(iii) a failure which is determined to be egregious under regulations prescribed by the Secretary of the Treasury.

"(7) The Secretary of the Treasury may by regulations allow any notice under this subsection to be provided by using new technologies.

"(8) For purposes of this subsection—

"(A) The term 'applicable individual' means, with respect to any plan amendment—

"(i) each participant in the plan; and

"(ii) any beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(B) The term 'applicable pension plan' means—

"(i) any defined benefit plan; or

"(ii) an individual account plan which is subject to the funding standards of section 412 of the Internal Revenue Code of 1986.

"(9) For purposes of this subsection, a plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) TRANSITION.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986, and section 204(h) of the Employee Retirement Income Security Act of 1974, as added by the amendments made by this section, a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) SPECIAL NOTICE RULE.—

(A) IN GENERAL.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

(B) REASONABLE NOTICE.—The amendments made by this section shall not apply to any plan amendment taking effect on or after the date of the enactment of this Act if, before April 25, 2001, notice was provided to participants and beneficiaries adversely affected by the plan amendment (or their representatives) which was reasonably expected to notify them of the nature and effective date of the plan amendment.

Subtitle F—Reducing Regulatory Burdens

SEC. 661. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) IN GENERAL.—Paragraph (9) of section 412(c) (relating to annual valuation) is amended to read as follows:

"(9) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.".

(b) AMENDMENT OF ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)", and

(2) by adding at the end the following:

"(B)(i) Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 662. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) STANDARDS FOR DISALLOWANCE.—Section 404(k)(5)(A) (relating to disallowance of deduction) is amended by inserting "avoidance or" before "evasion".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 663. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 664. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of *the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—*

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) EFFECTIVE DATE.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 665. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) QUALIFIED RETIREMENT PLANNING SERVICES DEFINED.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) QUALIFIED RETIREMENT PLANNING SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning advice or information provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) NONDISCRIMINATION RULE.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 666. REPEAL OF THE MULTIPLE USE TEST.

(a) IN GENERAL.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

Subtitle G—Miscellaneous Provisions

SEC. 671. TAX TREATMENT AND INFORMATION REQUIREMENTS OF ALASKA NATIVE SETTLEMENT TRUSTS.

(a) TREATMENT OF ALASKA NATIVE SETTLEMENT TRUSTS.—Subpart A of part I of subchapter J of chapter 1 (relating to general rules for taxation of trusts and estates) is amended by adding at the end the following new section:

"SEC. 646. TAX TREATMENT OF ELECTING ALASKA NATIVE SETTLEMENT TRUSTS.

"(a) IN GENERAL.—If an election under this section is in effect with respect to any Settlement Trust, the provisions of this section shall apply in determining the income tax treatment of the Settlement Trust and its beneficiaries with respect to the Settlement Trust.

"(b) TAXATION OF INCOME OF TRUST.—Except as provided in subsection (f)(1)(B)(ii)—

"(1) IN GENERAL.—There is hereby imposed on the taxable income of an electing Settlement Trust, other than its net capital gain, a tax at the lowest rate specified in section 1(c).

"(2) CAPITAL GAIN.—In the case of an electing Settlement Trust with a net capital gain for the taxable year, a tax is hereby imposed on such gain at the rate of tax which would apply to such gain if the taxpayer were subject to a tax on its other taxable income at only the lowest rate specified in section 1(c).

Any such tax shall be in lieu of the income tax otherwise imposed by this chapter on such income or gain.

"(c) ONE-TIME ELECTION.—

"(1) IN GENERAL.—A Settlement Trust may elect to have the provisions of this section apply to the trust and its beneficiaries.

"(2) TIME AND METHOD OF ELECTION.—An election under paragraph (1) shall be made by the trustee of such trust—

"(A) on or before the due date (including extensions) for filing the Settlement Trust's return of tax for the first taxable year of such trust ending after the date of the enactment of this section, and

"(B) by attaching to such return of tax a statement specifically providing for such election.

"(3) PERIOD ELECTION IN EFFECT.—Except as provided in subsection (f), an election under this subsection—

"(A) shall apply to the first taxable year described in paragraph (2)(A) and all subsequent taxable years, and

"(B) may not be revoked once it is made.

"(d) CONTRIBUTIONS TO TRUST.—

"(1) BENEFICIARIES OF ELECTING TRUST NOT TAXED ON CONTRIBUTIONS.—In the case of an electing Settlement Trust, no amount shall be includible in the gross income of a beneficiary of such trust by reason of a contribution to such trust.

"(2) EARNINGS AND PROFITS.—The earnings and profits of the sponsoring Native Corporation shall not be reduced on account of any contribution to such Settlement Trust.

"(e) TAX TREATMENT OF DISTRIBUTIONS TO BENEFICIARIES.—Amounts distributed by an electing Settlement Trust during any taxable year shall be considered as having the following characteristics in the hands of the recipient beneficiary:

"(1) First, as amounts excludable from gross income for the taxable year to the extent of the taxable income of such trust for such taxable year (decreased by any income tax paid by the trust with respect to the income) plus any amount excluded from gross income of the trust under section 103.

"(2) Second, as amounts excludable from gross income to the extent of the amount described in paragraph (1) for all taxable years for which an election is in effect under subsection (c) with respect to the trust, and not previously taken into account under paragraph (1).

"(3) Third, as amounts distributed by the sponsoring Native Corporation with respect to its stock (within the meaning of section 301(a)) during such taxable year and taxable to the recipient beneficiary as amounts described in section 301(c)(1), to the extent of current or accumulated earnings and profits of the sponsoring Native Corporation as of the close of such taxable year after proper adjustment is made for all distributions made by the sponsoring Native Corporation during such taxable year.

"(4) Fourth, as amounts distributed by the trust in excess of the distributable net income of such trust for such taxable year.

Amounts distributed to which paragraph (3) applies shall not be treated as a corporate distribution subject to section 311(b), and for purposes of determining the amount of a distribution for purposes of paragraph (3) and the basis to the recipients, section 643(e) and not section 301 (b) or (d) shall apply.

"(f) SPECIAL RULES WHERE TRANSFER RESTRICTIONS MODIFIED.—

"(1) TRANSFER OF BENEFICIAL INTERESTS.—If, at any time, a beneficial interest in an electing Settlement Trust may be disposed of to a person in a manner which would not be permitted by section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)) if such interest were Settlement Common Stock—

"(A) no election may be made under subsection (c) with respect to such trust, and

"(B) if such an election is in effect as of such time—

"(i) such election shall cease to apply as of the first day of the taxable year in which such disposition is first permitted,

"(ii) the provisions of this section shall not apply to such trust for such taxable year and all taxable years thereafter, and

"(iii) the distributable net income of such trust shall be increased by the current or accumulated earnings and profits of the sponsoring Native Corporation as of the close of such taxable year after proper adjustment is made for all distributions made by the sponsoring Native Corporation during such taxable year.

In no event shall the increase under clause (iii) exceed the fair market value of the trust's assets as of the date the beneficial interest of the trust first becomes so disposable. The earnings and profits of the sponsoring Native Corporation shall be adjusted as of the last day of such taxable year by the amount of earnings and profits so included in the distributable net income of the trust.

"(2) STOCK IN CORPORATION.—If—

"(A) stock in the sponsoring Native Corporation may be disposed of to a person in a manner which would not be permitted by section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)) if such stock were Settlement Common Stock, and

"(B) at any time after such disposition of stock is first permitted, such corporation transfers assets to a Settlement Trust,

paragraph (1)(B) shall be applied to such trust on and after the date of the transfer in the same manner as if the trust permitted dispositions of beneficial interests in the trust in a manner not permitted by such section 7(h).

"(3) CERTAIN DISTRIBUTIONS.—For purposes of this section, the surrender of an interest in a Native Corporation or an electing Settlement Trust in order to accomplish the whole or partial redemption of the interest of a shareholder or beneficiary in such corporation or trust, or to accomplish the whole or partial liquidation of such corporation or trust, shall be deemed to be a transfer permitted by section 7(h) of the Alaska Native Claims Settlement Act.

"(g) TAXABLE INCOME.—For purposes of this title, the taxable income of an electing Settlement Trust shall be determined under section 641(b) without regard to any deduction under section 651 or 661.

"(h) DEFINITIONS.—For purposes of this section—

"(1) ELECTING SETTLEMENT TRUST.—The term 'electing Settlement Trust' means a Settlement Trust which has made the election, effective for a taxable year, described in subsection (c).

"(2) NATIVE CORPORATION.—The term 'Native Corporation' has the meaning given such term by section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

"(3) SETTLEMENT COMMON STOCK.—The term 'Settlement Common Stock' has the meaning

given such term by section 3(p) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(p)).

"(4) SETTLEMENT TRUST.—The term 'Settlement Trust' means a trust that constitutes a settlement trust under section 3(t) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(t)).

"(5) SPONSORING NATIVE CORPORATION.—The term 'sponsoring Native Corporation' means the Native Corporation which transfers assets to an electing Settlement Trust.

"(i) SPECIAL LOSS DISALLOWANCE RULE.—Any loss that would otherwise be recognized by a shareholder upon a disposition of a share of stock of a sponsoring Native Corporation shall be reduced (but not below zero) by the per share loss adjustment factor. The per share loss adjustment factor shall be the aggregate of all contributions to all electing Settlement Trusts sponsored by such Native Corporation made on or after the first day each trust is treated as an electing Settlement Trust expressed on a per share basis and determined as of the day of each such contribution.

"(j) CROSS REFERENCE.—

"For information required with respect to electing Settlement Trusts and sponsoring Native Corporations, see section 6039H.".

(b) REPORTING.—Subpart A of part III of subchapter A of chapter 61 of subtitle F (relating to information concerning persons subject to special provisions) is amended by inserting after section 6039G the following new section:

"SEC. 6039H. INFORMATION WITH RESPECT TO ALASKA NATIVE SETTLEMENT TRUSTS AND SPONSORING NATIVE CORPORATIONS.

"(a) REQUIREMENT.—The fiduciary of an electing Settlement Trust (as defined in section 646(h)(1)) shall include with the return of income of the trust a statement containing the information required under subsection (c).

"(b) APPLICATION WITH OTHER REQUIREMENTS.—The filing of any statement under this section shall be in lieu of the reporting requirements under section 6034A to furnish any statement to a beneficiary regarding amounts distributed to such beneficiary (and such other reporting rules as the Secretary deems appropriate).

"(c) REQUIRED INFORMATION.—The information required under this subsection shall include—

"(1) the amount of distributions made during the taxable year to each beneficiary,

"(2) the treatment of such distribution under the applicable provision of section 646, including the amount that is excludable from the recipient beneficiary's gross income under section 646, and

"(3) the amount (if any) of any distribution during such year that is deemed to have been made by the sponsoring Native Corporation (as defined in section 646(h)(5)).

"(d) SPONSORING NATIVE CORPORATION.—

"(1) IN GENERAL.—The electing Settlement Trust shall, on or before the date on which the statement under subsection (a) is required to be filed, furnish such statement to the sponsoring Native Corporation (as so defined).

"(2) DISTRIBUTEES.—The sponsoring Native Corporation shall furnish each recipient of a distribution described in section 646(e)(3) a statement containing the amount deemed to have been distributed to such recipient by such corporation for the taxable year.".

(c) CLERICAL AMENDMENT.—

(1) The table of sections for subpart A of part I of subchapter J of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 646. Tax treatment of electing Alaska Native Settlement Trusts.".

(2) The table of sections for subpart A of part III of subchapter A of chapter 61 of subtitle F of such Code is amended by inserting after the item relating to section 6039G the following new item:

"Sec. 6039H. Information with respect to Alaska Native Settlement Trusts and sponsoring Native Corporations.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act and to contributions made to electing Settlement Trusts for such year or any subsequent year.

TITLE VII—ALTERNATIVE MINIMUM TAX

SEC. 701. INCREASE IN ALTERNATIVE MINIMUM TAX EXEMPTION.

(a) IN GENERAL.—

(1) Subparagraph (A) of section 55(d)(1) (relating to exemption amount for taxpayers other than corporations) is amended by striking "$45,000" and inserting "$45,000 ($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)".

(2) Subparagraph (B) of section 55(d)(1) (relating to exemption amount for taxpayers other than corporations) is amended by striking "$33,750" and inserting "$33,750 ($35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 55(d) is amended by striking "and" at the end of subparagraph (B), by striking subparagraph (C), and by inserting after subparagraph (B) the following new subparagraphs:

"(C) 50 percent of the dollar amount applicable under paragraph (1)(A) in the case of a married individual who files a separate return, and

"(D) $22,500 in the case of an estate or trust.".

(2) Subparagraph (C) of section 55(d)(3) is amended by striking "paragraph (1)(C)" and inserting "subparagraph (C) or (D) of paragraph (1)".

(3) The last sentence of section 55(d)(3) is amended—

(A) by striking "paragraph (1)(C)(i)" and inserting "paragraph (1)(C)"; and

(B) by striking "$165,000 or (ii) $22,500" and inserting "the minimum amount of such income (as so determined) for which the exemption amount under paragraph (1)(C) is zero, or (ii) such exemption amount (determined without regard to this paragraph)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE VIII—OTHER PROVISIONS

SEC. 801. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) 100 percent of the amount of any required installment of corporate estimated tax which is otherwise due in September 2001 shall not be due until October 1, 2001; and

(2) 20 percent of the amount of any required installment of corporate estimated tax which is otherwise due in September 2004 shall not be due until October 1, 2004.

SEC. 802. EXPANSION OF AUTHORITY TO POSTPONE CERTAIN TAX-RELATED DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER.

(a) IN GENERAL.—Section 7508A(a) (relating to authority to postpone certain tax-related deadlines by reason of presidentially declared disaster) is amended by striking "90 days" and inserting "120 days".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 803. NO FEDERAL INCOME TAX ON RESTITUTION RECEIVED BY VICTIMS OF THE NAZI REGIME OR THEIR HEIRS OR ESTATES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any excludable restitution payments received by an eligible individual (or the individual's heirs or estate) and any excludable interest—

(1) shall not be included in gross income; and

(2) shall not be taken into account for purposes of applying any provision of such Code which takes into account excludable income in computing adjusted gross income, including section 86 of such Code (relating to taxation of Social Security benefits).

For purposes of such Code, the basis of any property received by an eligible individual (or the individual's heirs or estate) as part of an excludable restitution payment shall be the fair market value of such property as of the time of the receipt.

(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term "eligible individual" means a person who was persecuted on the basis of race, religion, physical or mental disability, or sexual orientation by Nazi Germany, any other Axis regime, or any other Nazi-controlled or Nazi-allied country.

(c) EXCLUDABLE RESTITUTION PAYMENT.—For purposes of this section, the term "excludable restitution payment" means any payment or distribution to an individual (or the individual's heirs or estate) which—

(1) is payable by reason of the individual's status as an eligible individual, including any amount payable by any foreign country, the United States of America, or any other foreign or domestic entity, or a fund established by any such country or entity, any amount payable as a result of a final resolution of a legal action, and any amount payable under a law providing for payments or restitution of property;

(2) constitutes the direct or indirect return of, or compensation or reparation for, assets stolen or hidden from, or otherwise lost to, the individual before, during, or immediately after World War II by reason of the individual's status as an eligible individual, including any proceeds of insurance under policies issued on eligible individuals by European insurance companies immediately before and during World War II; or

(3) consists of interest which is payable as part of any payment or distribution described in paragraph (1) or (2).

(d) EXCLUDABLE INTEREST.—For purposes of this section, the term "excludable interest" means any interest earned by—

(1) escrow accounts or settlement funds established pursuant to the settlement of the action entitled "In re: Holocaust Victim Assets Litigation," (E.D.N.Y.) C.A. No. 96–4849,

(2) funds to benefit eligible individuals or their heirs created by the International Commission on Holocaust Insurance Claims as a result of the Agreement between the Government of the United States of America and the Government of the Federal Republic of Germany concerning the Foundation "Remembrance, Responsibility, and Future," dated July 17, 2000, or

(3) similar funds subject to the administration of the United States courts created to provide excludable restitution payments to eligible individuals (or eligible individuals' heirs or estates).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply to any amount received on or after January 1, 2000.

(2) NO INFERENCE.—Nothing in this Act shall be construed to create any inference with respect to the proper tax treatment of any amount received before January 1, 2000.

TITLE IX—COMPLIANCE WITH CONGRESSIONAL BUDGET ACT

SEC. 901. SUNSET OF PROVISIONS OF ACT.

(a) IN GENERAL.—All provisions of, and amendments made by, this Act shall not apply—

(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

(2) in the case of title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010.

(b) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsection (a) as if the provisions and amendments described in subsection (a) had never been enacted.

And the Senate agree to the same.

WILLIAM THOMAS,
DICK ARMEY,
Managers on the Part of the House.

CHUCK GRASSLEY,
ORRIN HATCH,
FRANK H. MURKOWSKI,
DON NICKLES,
PHIL GRAMM,
MAX BAUCUS,
JOHN BREAUX,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1836), to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

I. MARGINAL TAX RATE REDUCTION

A. INDIVIDUAL INCOME TAX RATE STRUCTURE (SECS. 2 AND 3 OF THE HOUSE BILL, SEC. 101 OF THE SENATE AMENDMENT AND SEC. 1 OF THE CODE)

PRESENT LAW

Under the Federal individual income tax system, an individual who is a citizen or a resident of the United States generally is subject to tax on worldwide taxable income. Taxable income is total gross income less certain exclusions, exemptions, and deductions. An individual may claim either a standard deduction or itemized deductions.

An individual's income tax liability is determined by computing his or her regular income tax liability and, if applicable, alternative minimum tax liability.

Regular income tax liability

Regular income tax liability is determined by applying the regular income tax rate schedules (or tax tables) to the individual's taxable income. This tax liability is then reduced by any applicable tax credits. The regular income tax rate schedules are divided into several ranges of income, known as income brackets, and the marginal tax rate increases as the individual's income increases. The income bracket amounts are adjusted annually for inflation. Separate rate schedules apply based on filing status: single individuals (other than heads of households and surviving spouses), heads of households, married individuals filing joint returns (including surviving spouses), married individuals filing separate returns, and estates and trusts. Lower rates may apply to capital gains.

For 2001, the regular income tax rate schedules for individuals are shown in Table 1, below. The rate bracket breakpoints for married individuals filing separate returns are exactly one-half of the rate brackets for married individuals filing joint returns. A separate, compressed rate schedule applies to estates and trusts.

TABLE 1.—INDIVIDUAL REGULAR INCOME TAX RATES FOR 2001

If taxable income is over:	But not over:	Then regular income tax equals:
Single individuals		
$0	$27,050	15% of taxable income
$27,050	$65,550	$4,057.50, plus 28% of the amount over $27,050
$65,550	$136,750	$14,837.50, plus 31% of the amount over $65,550
$136,750	$297,350	$36,909.50, plus 36% of the amount over $136,750
Over $297,350		$94,725.50, plus 39.6% of the amount over $297,350
Heads of households		
$0	$36,250	15% of taxable income
$36,250	$93,650	$5,437.50, plus 28% of the amount over $36,250
$93,650	$151,650	$21,509.50, plus 31% of the amount over $93,650
$151,650	$297,350	$39,489.50, plus 36% of the amount over $151,650
Over $297,350		$91,941.50, plus 39.6% of the amount over $297,350
Married individuals filing joint returns		
$0	$45,200	15% of taxable income
$45,200	$109,250	$6,780.00, plus 28% of the amount over $45,200
$109,250	$166,500	$24,714.50, plus 31% of the amount over $109,250
$166,500	$297,350	$42,461.50, plus 36% of the amount over $166,500
Over $297,350		$89,567.50, plus 39.6% of the amount over $297,350

HOUSE BILL

In general

The House bill creates a new low-rate regular income tax bracket for a portion of taxable income that is currently taxed at 15 percent. The bill reduces the other regular income tax rates and consolidates rate brackets. By 2006, the present-law structure of five regular income tax rates (15 percent, 28 percent, 31 percent, 36 percent and 39.6 percent) will be reduced to four rates of 10 percent, 15 percent, 25 percent, and 33 percent.

New low-rate bracket

The bill establishes a new regular income tax rate bracket for a portion of taxable income that is currently taxed at 15 percent, as shown in Table 2, below. The taxable income levels for the new low-rate bracket will be adjusted annually for inflation for taxable years beginning after December 31, 2006.

TABLE 2.—PROPOSED NEW LOW-RATE BRACKET

Calendar Year	Taxable income			Proposed new rate
	Single individuals	Heads of household	Married filing joint returns	
2001–2002	0-$6,000	0-$10,000	0-$12,000	12%
2003–2005	0-$6,000	0-$10,000	0-$12,000	11%
2006	0-$6,000	0-$10,000	0-$12,000	10%
2007 and later	Adjust annually for inflation [1]			10%

[1] The new low-rate bracket for joint returns and head of household returns will be rounded down to the nearest $50. The bracket for single individuals and married individuals filing separately will be one-half the bracket for joint returns (after adjustment of that bracket for inflation).

Modification of 15-percent bracket

The 15-percent regular income tax bracket is modified to begin at the end of the new low-rate regular income tax bracket. The 15-percent regular income tax bracket ends at the same level as under present law. H.R. 6 also makes other changes to the 15-percent rate bracket.[1]

Reduction of other rates and consolidation of rate brackets

The present-law regular income tax rates of 28 percent and 31 percent are phased down to 25 percent over five years, effective for taxable years beginning after December 31, 2001. The taxable income level for the new 25-percent rate bracket begins at the level at which the 28-percent rate bracket begins under present law and ends at the level at which the 31-percent rate bracket ends under present law.

The present-law regular income tax rates of 36 percent and 39.6 percent are phased down to 33 percent over five years, effective for taxable years beginning after December 31, 2001. The taxable income level for the new 33-percent rate bracket begins at the level at which the 36-percent rate bracket begins under present law.

Table 3, below, shows the schedule of proposed regular income tax rate reductions.

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[1] See discussion of the marriage penalty relief in the 15-percent bracket.

TABLE 3.—PROPOSED REGULAR INCOME TAX RATE REDUCTIONS

Calendar Year	28% rate reduced to:	31% rate reduced to:	36% rate reduced to:	39.6% rate reduced to:
2002	27%	30%	35%	38%
2003	27%	29%	35%	37%
2004	26%	28%	34%	36%
2005	26%	27%	34%	35%
2006 and later	25%	25%	33%	33%

Projected regular income tax rate schedules under the proposal

Table 4, below, shows the projected individual regular income tax rate schedules when the rate reductions are fully phased in (i.e., for 2006). As under present law, the rate brackets for married taxpayers filing separate returns under the bill are one half the rate brackets for married individuals filing joint returns. In addition, appropriate adjustments are made to the separate, compressed rate schedule for estate and trusts.

TABLE 4.—INDIVIDUAL REGULAR INCOME TAX RATES FOR 2006 (PROJECTED)

If taxable income is:	Then regular income tax equals:
	Single individuals
$0-6,000	10% of taxable income
$6,000–30,950	$600, plus 15 percent of the amount over $6,000
$30,950-$156,300	$4,342.50, plus 25% of the amount over $30,950
Over $156,300	$35,680, plus 33% of the amount over $156,300
	Heads of households
$0-$10,000	10% of taxable income
$10,000-$41,450	$1,000, plus 15% of the amount over $10,000
$41,450-$173,300	$5,717.50, plus 25% of the amount over $41,450
Over $173,300	$38,680, plus 33% of the amount over $173,300
	Married individuals filing joint returns
$0-$12,000	10% of taxable income
$12,000–$51,700	$1,200, plus 15% of the amount over $12,000
$51,700–$190,300	$7,155, plus 25% of the amount over $51,700
$190,300	$41,805, plus 33% of the amount over $190,300

Revised wage withholding for 2001

Under present law, the Secretary of the Treasury is authorized to prescribe appropriate income tax withholding tables or computational procedures for the withholding of income taxes from wages paid by employers. The Secretary is expected to make appropriate revisions to the wage withholding tables to reflect the proposed rate reduction for calendar year 2001 as expeditiously as possible.

Transfer to Social Security and Medicare trust funds

The House bill provides that the amounts transferred to the Social Security and Medicare trust funds are determined as if the rate reductions in the bill were not enacted. Thus, there will be no reduction in transfers to these funds as a result of the bill.

Effective date

The provisions of the House bill generally apply to taxable years beginning after December 31, 2000, except that the conforming amendments to certain withholding provisions under the bill are effective for amounts paid more than 60 days after the date of enactment.

SENATE AMENDMENT

In general

The Senate amendment creates a new 10-percent regular income tax bracket for a portion of taxable income that is currently taxed at 15 percent, effective for taxable years beginning after December 31, 2000. The Senate amendment also reduces other regular income tax rates. By 2007, the present-law individual income tax rates of 28 percent, 31 percent, 36 percent and 39.6 percent will be lowered to 25 percent, 28 percent, 33 percent, and 36 percent, respectively.

New low-rate bracket

The Senate amendment establishes a new 10-percent regular income tax rate bracket for a portion of taxable income that is currently taxed at 15 percent, as shown in Table 3, below. The taxable income levels for the new 10-percent rate bracket will be adjusted annually for inflation for taxable years beginning after December 31, 2006. The new low-rate bracket for joint returns and head of household returns will be rounded down to the nearest $50. The bracket for single individuals and married individuals filing separately will be one-half the bracket for joint returns (after adjustment for inflation).

The 10-percent rate bracket applies to the first $6,000 of taxable income for single individuals, $10,000 of taxable income for heads of households, and $12,000 for married couples filing joint returns.

Modification of 15-percent bracket

The 15-percent regular income tax bracket is modified to begin at the end of the new low-rate regular income tax bracket. The 15-percent regular income tax bracket ends at the same level as under present law. The Senate amendment also makes other changes to the 15-percent rate bracket.[2]

Reduction of other rates

The present-law regular income tax rates of 28 percent, 31 percent, 36 percent, and 39.6 percent are phased-down over six years to 25 percent, 28 percent, 33 percent, and 36 percent, effective for taxable years beginning after December 31, 2001. The taxable income levels for the new rates are the same as the taxable income levels that apply under the present-law rates.

Table 5, below, shows the schedule of regular income tax rate reductions.

TABLE 5.—REGULAR INCOME TAX RATE REDUCTIONS

Calendar year	28% rate reduced to:	31% rate reduced to:	36% rate reduced to:	39.6% rate reduced to:
2002–2004	27%	30%	35%	38.6%
2005–2006	26%	29%	34%	37.6%
2007 and later	25%	28%	33%	36%

Projected regular income tax rate schedules under the Senate amendment

Table 6, below, shows the projected individual regular income tax rate schedules when the rate reductions are fully phased-in (i.e., for 2007). As under present law, the rate brackets for married taxpayers filing separate returns will be one half the rate brackets for married individuals filing joint returns. In addition, appropriate adjustments will be made to the separate, compressed rate schedule for estate and trusts.

TABLE 6.—INDIVIDUAL REGULAR INCOME TAX RATES FOR 2007 (PROJECTED)

If taxable income is:	But not over:	Then regular income tax equals:
		Single individuals
$0	$6,150	10% of taxable income
$6,150	$31,700	$615, plus 15% of the amount over $6,150
$31,700	$76,800	$4,447.50, plus 25% of the amount over $31,700
$76,800	$160,250	$15,722.50 plus 28% of the amount over $76,800
$160,250	$348,350	$39,088.50 plus 33% of the amount over $160,250
Over $348,350		$101,161.50, plus 36% of the amount over $348,350
		Heads of households
$0	$10,250	10% of taxable income
$10,250	$42,500	$1,025, plus 15% of the amount over $10,250
$42,500	$109,700	$5,862.50, plus 25% of the amount over $42,500
$109,700	$177,650	$22,662.50, plus 28% of the amount over $109,700
$177,650	$348,350	$41,688.50, plus 33% of the amount over $177,650
Over $348,350		$98,019.50, plus 36% of the amount over $348,350
		Married individuals filing joint returns
$0	$12,300	10% of taxable income
$12,300	$59,250[3]	$1,230, plus 15% of the amount over $12,300
$59,250	$128,000	$8,272.50, plus 25% of the amount over $59,250
$128,000	$195,050	$25,460, plus 28% of the amount over $128,000
$195,050	$348,350	$44,234, plus 33% of the amount over $195,050
Over $348,350		$94,823, plus 36% of the amount over $348,350

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[2] See the discussion of marriage penalty relief in sec. 302 of the Senate amendment.

Revised wage withholding for 2001

Under present law, the Secretary of the Treasury is authorized to prescribe appropriate income tax withholding tables or computational procedures for the withholding of income taxes from wages paid by employers. The Secretary is expected to make appropriate revisions to the wage withholding tables to reflect the rate reduction for calendar year 2001 as expeditiously as possible.

Effective date

The new 10-percent rate bracket is effective for taxable years beginning after December 31, 2000. The reduction in the 28 percent, 31 percent, 36 percent, and 39.6 percent rates is phased-in beginning in taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

In general

The conference agreement creates a new 10-percent regular income tax bracket for a portion of taxable income that is currently taxed at 15 percent, effective for taxable years beginning after December 31, 2000. The conference agreement also reduces the other regular income tax rates, effective July 1, 2001. By 2006, the present-law regular income tax rates (28 percent, 31 percent, 36 percent and 39.6 percent) will be lowered to 25 percent, 28 percent, 33 percent, and 35 percent, respectively.

New low-rate bracket

The conference agreement establishes a new 10-percent income tax rate bracket for a portion of taxable income that is currently taxed at 15 percent. The 10-percent rate bracket applies to the first $6,000 of taxable income for single individuals, $10,000 of taxable income for heads of households, and $12,000 for married couples filing joint returns. This $6,000 increases to $7,000 and this $12,000 increases to $14,000 for 2008 and thereafter.

The taxable income levels for the new low-rate bracket will be adjusted annually for inflation for taxable years beginning after December 31, 2008. The new low-rate bracket for joint returns and head of household returns will be rounded down to the nearest $50. The bracket for single individuals and married individuals filing separately will be one-half for joint returns (after adjustment of that bracket for inflation).

Rate reduction credit for 2001

The conference agreement includes a rate reduction credit for 2001 to more immediately achieve one of the purposes behind the new bottom rate bracket for 2001 that was included in both the House bill and the Senate amendment. The conferees have chosen to utilize this credit mechanism (and the issuance of checks described below) because it will deliver economic stimulus to the economy more rapidly than would implementation of a new 10-percent rate bracket, even if that were accompanied by an immediate implementation of new wage withholding tables. Accordingly, this rate reduction credit operates in lieu of the new 10-percent income tax rate bracket for 2001.

This credit is computed in the following manner. Taxpayers would be entitled to a credit in tax year 2001 of 5 percent (the difference between the 15-percent rate and the 10-percent rate) of the amount of income that would have been eligible for the new 10-percent rate. Taxpayers may not receive a credit in excess of their income tax liability (determined after nonrefundable credits).

Most taxpayers will receive this credit in the form of a check issued by the Department of the Treasury. The amount of the check would be computed in the same manner as the credit, except that it will be done on the basis of tax returns filed for 2000 (instead of 2001). The conferees anticipate that the Department of the Treasury will make every effort to issue all checks before October 1, 2001, to taxpayers who timely filed their 2000 tax returns. Taxpayers who filed late or pursuant to extensions will receive their checks later in the fall.

Taxpayers would reconcile the amount of the credit with the check they receive in the following manner. They would complete a worksheet calculating the amount of the credit based on their 2001 tax return. They would then subtract from the credit the amount of the check they received. For many taxpayers, these two amounts would be the same. If, however, the result is a positive number (because, for example, the taxpayer paid no tax in 2000 but is paying tax in 2001), the taxpayer may claim that amount as a credit against 2001 tax liability. If, however, the result is negative (because, for example, the taxpayer paid tax in 2000 but owes no tax for 2001), the taxpayer is not required to repay that amount to the Treasury. Otherwise, the checks have no effect on tax returns filed in 2001; the amount is not includible in gross income and it does not otherwise reduce the amount of withholding. In no event may the Department of the Treasury issue checks after December 31, 2001.[4] This is designed to prevent errors by taxpayers who might claim the full amount of the credit on their 2001 tax returns and file those returns early in 2002, at the same time the Treasury check might be mailed to them. Payment of the credit (or the check) is treated, for all purposes of the Code,[5] as a payment of tax. As such, the credit or the check is subject to the refund offset provisions, such as those applicable to past-due child support under section 6402 of the Code.

In general, taxpayers eligible for the credit (and the check) are individuals other than estates or trusts, nonresident aliens, or dependents. The determination of this status for the relevant year is made on the basis of the information filed on the tax return.

The conferees understand that, in light of the large number of checks that are being issued, the issuance of checks will take several months.[6] Accordingly, no interest will be paid with respect to these checks. The conferees understand that checks will be issued in the order of the last two digits of the taxpayer identification number (which is generally a taxpayer's social security number), from lowest to highest. Payment by check is the only mechanism for receiving the payment prior to filing the 2001 tax return; taxpayers may not file either amended returns or claims for tentative refunds for tax year 2000 to claim these amounts.

The conferees anticipate that the IRS will send notices to most taxpayers approximately one month after enactment. The notices will inform taxpayers of the computation of their checks and the approximate date by which they can expect to receive their check. This information should decrease the number of telephone calls made by taxpayers to the IRS inquiring when their check will be issued.

Modification of 15-percent bracket

The 15-percent regular income tax bracket is modified to begin at the end of the new low-rate regular income tax bracket. The 15-percent regular income tax bracket ends at the same level as under present law. The conference agreement also makes other changes to the 15-percent rate bracket.[7]

Reduction of other rates and consolidation of rate brackets

The present-law regular income tax rates of 28 percent, 31 percent, 36 percent, and 39.6 percent are phased down over six years to 25 percent, 28 percent, 33 percent, and 35 percent, effective after June 30, 2001. Accordingly, for taxable years beginning during 2001, the rate reduction will come in the form of a blended tax rate. The taxable income levels for the new rates in all taxable years are the same as the taxable income levels that apply under the present-law rates.

Table 7, below, shows the schedule of regular income tax rate reductions.

TABLE 7.—REGULAR INCOME TAX RATE REDUCTIONS

Calendar year	28% rate reduced to:	31% rate reduced to:	36% rate reduced to:	39.6% rate reduced to:
2001[1]–2003	27%	30%	35%	38.6%
2004–2005	26%	29%	34%	37.6%
2006 and later	25%	28%	33%	35%

[1] Effective July 1, 2001.

Projected regular income tax rate schedules under the proposal

Table 8, below, shows the projected individual regular income tax rate schedules when the rate reductions are fully phased in (i.e., for 2006). As under present law, the rate brackets for married taxpayers filing separate returns under the bill are one half the rate brackets for married individuals filing joint returns. In addition, appropriate adjustments are made to the separate, compressed rate schedule for estates and trusts.

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[3] The end point of the 15-percent rate bracket for married individuals filing joint returns also reflects the phase-in of the increase in the size of the 15-percent bracket in section 302 of the Senate amendment.

[4] For administrative reasons, the Department of the Treasury may need to establish an earlier termination date in order to fully implement the intent of this provision.

[5] A special rule provides that no interest will be paid with respect to the checks.

[6] The conferees investigated the possibility of utilizing electronic means, instead of paper checks, to deliver these amounts even more rapidly, but doing so was not possible because of limitations on available data on individual's banking accounts.

[7] See discussion of the conference agreement regarding marriage penalty relief in the 15-percent bracket.

TABLE 8.—INDIVIDUAL REGULAR INCOME TAX RATES FOR 2006 (PROJECTED)

If taxable income is:	But not over:	Then regular income tax equals:
		Single individuals
$0	$6,000	10% of taxable income
$6,000	$30,950	$600, plus 15% of the amount over $6,000
$30,950	$74,950	$4,342.50, plus 25% of the amount over $30,950
$74,950	$156,300	$15,342.50, plus 28% of the amount over $74,950
$156,300	$339,850	$38,120.50, plus 33% of the amount over $156,300
Over $339,850		$98,692, plus 35% of the amount over $339,850
		Heads of households
$0	$10,000	10% of taxable income
$10,000	$41,450	$1,000, plus 15% of the amount over $10,000
$41,450	$107,000	$5,717.50, plus 25% of the amount over $41,450
$107,000	$173,300	$22,105, plus 28% of the amount over $107,000
$173,300	$339,850	$40,669, plus 33% of the amount over $173,300
Over $339,850		$95,630.50, plus 35% of the amount over $339,850
		Married individuals filing joint returns
$0	$12,000	10% of taxable income
$12,000	[8] $57,850	$1,200, plus 15% of the amount over $12,000
$57,850	$124,900	$8,077.50, plus 25% of the amount over $57,850
$124,900	$190,300	$24,840, plus 28% of the amount over $124,900
$190,300	$339,850	$43,152, plus 33% of the amount over $190,300
Over $339,850		$92,503.50, plus 35% of the amount over $339,850

Revised wage withholding for 2001

Under present law, the Secretary of the Treasury is authorized to prescribe appropriate income tax withholding tables or computational procedures for the withholding of income taxes from wages paid by employers. The Secretary is expected to make appropriate revisions to the wage withholding tables to reflect the rate reduction that will be effective beginning July 1, 2001, as expeditiously as possible.

Transfer to Social Security and Medicare trust funds

The conference agreement does not follow the House bill.

Effective date

The provisions of the conference agreement generally apply to taxable years beginning after December 31, 2000. The reductions in the tax rates, other than the new 10-percent rate, are effective after June 30, 2001. The conforming amendments to certain withholding provisions under the bill are effective for amounts paid more than 60 days after the date of enactment.

B. INCREASE STARTING POINT FOR PHASE-OUT OF ITEMIZED DEDUCTIONS (SEC. 102 OF THE SENATE AMENDMENT AND SEC. 68 OF THE CODE)

PRESENT LAW

Itemized deductions

Taxpayers may choose to claim either the basic standard deduction (and additional standard deductions, if applicable) or itemized deductions (subject to certain limitations) for certain expenses incurred during the taxable year. Among these deductible expenses are unreimbursed medical expenses, investment interest, casualty and theft losses, wagering losses, charitable contributions, qualified residence interest, State and local income and property taxes, unreimbursed employee business expenses, and certain other miscellaneous expenses.

Overall limitation on itemized deductions ("Pease" limitation)

Under present law, the total amount of otherwise allowable itemized deductions (other than medical expenses, investment interest, and casualty, theft, or wagering losses) is reduced by three percent of the amount of the taxpayer's adjusted gross income in excess of $132,950 in 2001 ($66,475 for married couples filing separate returns). These amounts are adjusted annually for inflation. In computing this reduction of total itemized deductions, all present-law limitations applicable to such deductions (such as the separate floors) are first applied and, then, the otherwise allowable total amount of itemized deductions is reduced in accordance with this provision. Under this provision, the otherwise allowable itemized deductions may not be reduced by more than 80 percent.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment increases the starting point of the overall limitation on itemized deductions for all taxpayers (other than married couples filing separate returns) to the starting point of the personal exemption phase-out for married couples filing a joint return. This amount is projected under present law to be $245,500 in 2009. The starting point of the overall limitation on itemized deductions for married couples filing separate returns would continue to be one-half of the amount for other taxpayers.

Effective date.—The provision is effective for taxable years beginning after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement repeals the overall limitation on itemized deductions for all taxpayers. The repeal is phased-in over five years, as follows. The otherwise applicable overall limitation on itemized deductions is reduced by one-third in taxable years beginning in 2006 and 2007, and by two-thirds in taxable years beginning in 2008 and 2009. The overall limitation is repealed for taxable years beginning after December 31, 2009.

Effective date.—The conference agreement is effective for taxable years beginning after December 31, 2005.

C. PHASE-OUT OF SPECIAL RULES FOR PERSONAL EXEMPTIONS (SEC. 103 OF THE SENATE AMENDMENT AND SEC. 151(D)(3) OF THE CODE)

PRESENT LAW

In order to determine taxable income, an individual reduces adjusted gross income by any personal exemptions, deductions, and either the applicable standard deduction or itemized deductions. Personal exemptions generally are allowed for the taxpayer, his or her spouse, and any dependents. For 2001, the amount deductible for each personal exemption is $2,900. This amount is adjusted annually for inflation.

Under present law, the deduction for personal exemptions is phased-out ratably for taxpayers with adjusted gross income over certain thresholds. The applicable thresholds for 2001 are $132,950 for single individuals, $199,450 for married individuals filing a joint return, $166,200 for heads of households, and $99,725 for married individuals filing separate returns. These thresholds are adjusted annually for inflation.

The total amount of exemptions that may be claimed by a taxpayer is reduced by two percent for each $2,500 (or portion thereof) by which the taxpayer's adjusted gross income exceeds the applicable threshold. The phase-out rate is two percent for each $1,250 for married taxpayers filing separate returns. Thus, the personal exemptions claimed are phased-out over a $122,500 range ($61,250 for married taxpayers filing separate returns), beginning at the applicable threshold. The size of these phase-out ranges ($122,500/$61,250) is not adjusted for inflation. For 2001, the point at which a taxpayer's personal exemptions are completely phased-out is $255,450 for single individuals, $321,950 for married individuals filing a joint return, $288,700 for heads of households, and $160,975 for married individuals filing separate returns.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment repeals the personal exemption phase-out.

Effective date.—The provision is effective for taxable years beginning after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with a modification. The modification provides for a five-year phase-in of the repeal of the personal exemption phase-out. Under the five-year phase-in, the otherwise applicable personal exemption phase-out is reduced by one-third in taxable years beginning in 2006 and 2007, and is reduced by two-thirds in taxable years beginning in 2008 and 2009. The repeal is fully effective for taxable years beginning after December 31, 2009.

II. TAX BENEFITS RELATING TO CHILDREN

A. INCREASE AND EXPAND THE CHILD TAX CREDIT (SEC. 2 OF THE HOUSE BILL, SECS. 201 AND 204 OF THE SENATE AMENDMENT AND SEC. 24 OF THE CODE)

PRESENT LAW

In general

Under present law, an individual may claim a $500 tax credit for each qualifying child under the age of 17. In general, a qualifying child is an individual for whom the taxpayer can claim a dependency exemption and who is the taxpayer's son or daughter (or descendent of either), stepson or stepdaughter, or eligible foster child.

The child tax credit is phased-out for individuals with income over certain thresholds. Specifically, the otherwise allowable child tax credit is reduced by $50 for each $1,000 (or fraction thereof) of modified adjusted gross income over $75,000 for single individuals or heads of households, $110,000 for married individuals filing joint returns, and $55,000 for married individuals filing separate returns. Modified adjusted gross income is the taxpayer's total gross income plus certain amounts excluded from gross income (i.e., excluded income of U.S. citizens or residents living abroad (sec. 911); residents of Guam, American Samoa, and the Northern Mariana Islands (sec. 931); and residents of Puerto Rico (sec. 933)). The length of the phase-out range depends on the number of qualifying children. For example, the phase-out range for a single individual with one qualifying child is between $75,000 and $85,000 of modified adjusted gross income. The phase-out range for a single individual with two qualifying children is between $75,000 and $95,000.

The child tax credit is not adjusted annually for inflation.

Refundability

In general, the child tax credit is nonrefundable. However, for families with three or more qualifying children, the child tax credit is refundable up to the amount by which the taxpayer's social security taxes exceed the taxpayer's earned income credit.

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[8] The end point of the 15-percent rate bracket for married individuals filing joint returns also reflects the phase-in of the increase in the size of the 15-percent bracket in section 302 of the bill, below.

Alternative minimum tax liability

An individual's alternative minimum tax liability reduces the amount of the refundable earned income credit and, for taxable years beginning after December 31, 2001, the amount of the refundable child credit for families with three or more children. This is known as the alternative minimum tax offset of refundable credits.

Through 2001, an individual generally may reduce his or her tentative alternative minimum tax liability by nonrefundable personal tax credits (such as the $500 child tax credit and the adoption tax credit). For taxable years beginning after December 31, 2001, nonrefundable personal tax credits may not reduce an individual's income tax liability below his or her tentative alternative minimum tax.

HOUSE BILL

In general

No provision. However, H.R. 6, as passed by the House, contains a provision that increases the child tax credit to $1,000, phased in over six years, beginning in 2001. Table 10, below, shows the proposed increase in the amount of the child tax credit under the provision.

Table 10.—Increase of the Child Tax Credit

Taxable year	Credit amount per child
2001	$600
2002	$600
2003	$700
2004	$800
2005	$900
2006 and thereafter	$1,000

Refundability

No provision. However, H.R. 6 extends the present-law refundability of the child tax credit to families with fewer than three children.

Alternative minimum tax

No provision. However, H.R. 6 provides that the refundable child tax credit will no longer be reduced by the amount of the alternative minimum tax. In addition, H.R. 6 allows the child tax credit to the extent of the full amount of the individual's regular income tax and alternative minimum tax.

Effective date

No provision. However, the provisions of H.R. 6 generally are effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

In general

The Senate amendment increases the child tax credit to $1,000, phased-in over eleven years, effective for taxable years beginning after December 31, 2000.

Table 11, below, shows the increase of the child tax credit.

Table 11.—Increase of the Child Tax Credit

Calendar year	Credit amount per child
2001–2003	$600
2004–2006	$700
2007–2009	$800
2010	$900
2011 and later	$1,000

Refundability

The Senate amendment makes the child credit refundable to the extent of 15 percent of the taxpayer's earned income in excess of $10,000.[9] Thus, in 2001, families with earned income of at least $14,000 and one child will get a refundable credit of $600. Families with three or more children are allowed a refundable credit for the amount by which the taxpayer's social security taxes exceed the taxpayer's earned income credit (the present-law rule), if that amount is greater than 15 percent of the taxpayer's earned income in excess of $10,000. The Senate amendment also provides that the refundable portion of the child credit does not constitute income and shall not be treated as resources for purposes of determining eligibility or the amount or nature of benefits or assistance under any Federal program or any State or local program financed with Federal funds.

Alternative minimum tax

Same as H.R. 6.

Effective date

The provision is effective for taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

In general

The conference agreement increases the child tax credit to $1,000, phased-in over ten years, effective for taxable years beginning after December 31, 2000.

Table 12, below, shows the increase of the child tax credit.

Table 12.—Increase of the Child Tax Credit

Calendar year	Credit amount per child
2001–2004	$600
2005–2008	$700
2009	$800
2010 and later	$1,000

Refundability

The conference agreement makes the child credit refundable to the extent of 10 percent of the taxpayer's earned income in excess of $10,000 for calendar years 2001–2004. The percentage is increased to 15 percent for calendar years 2005 and thereafter. The $10,000 amount is indexed for inflation beginning in 2002. Families with three or more children are allowed a refundable credit for the amount by which the taxpayer's social security taxes exceed the taxpayer's earned income credit (the present-law rule), if that amount is greater than the refundable credit based on the taxpayer's earned income in excess of $10,000. The conference agreement also provides that the refundable portion of the child credit does not constitute income and shall not be treated as resources for purposes of determining eligibility or the amount or nature of benefits or assistance under any Federal program or any State or local program financed with Federal funds.

Alternative minimum tax

The conference agreement follows H.R. 6 and the Senate amendment.

Effective date

The provision generally is effective for taxable years beginning after December 31, 2000. The provision relating to allowing the child tax credit against alternative minimum tax is effective for taxable years beginning after December 31, 2001.

B. SENSE OF THE SENATE REGARDING CHILD CREDIT EXPANSION (SEC. 202 OF THE SENATE AMENDMENT)

PRESENT LAW

Under present law, an individual may claim a $500 tax credit for each qualifying child under the age of 17. In general, a qualifying child is an individual for whom the taxpayer can claim a dependency exemption and who is the taxpayer's son or daughter (or descendent of either), stepson or stepdaughter, or eligible foster child.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides a Sense of the Senate resolution that the expansion of the child credit included in the Senate amendment be retained in the conference agreement.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment.

C. EXTENSION AND EXPANSION OF ADOPTION TAX BENEFITS (SEC. 2 OF H.R. 622, SEC. 203 OF THE SENATE AMENDMENT, AND SECS. 23 AND 137 OF THE CODE)

PRESENT LAW

Tax credit

In general

A tax credit is allowed for qualified adoption expenses paid or incurred by a taxpayer. The maximum credit is $5,000 per eligible child ($6,000 for a special needs child). An eligible child is an individual (1) who has not attained age 18 or (2) is physically or mentally incapable of caring for himself or herself. A special needs child is an eligible child who is a citizen or resident of the United States who a State has determined: (1) cannot or should not be returned to the home of the birth parents; and (2) has a specific factor or condition (such as the child's ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions, or physical, mental, or emotional handicaps) because of which the child cannot be placed with adoptive parents without adoption assistance.

Qualified adoption expenses are reasonable and necessary adoption fees, court costs, attorneys fees, and other expenses that are: (1) directly related to, and the principal purpose of which is for, the legal adoption of an eligible child by the taxpayer; (2) not incurred in violation of State or Federal law, or in carrying out any surrogate parenting arrangement; (3) not for the adoption of the child of the taxpayer's spouse; and (4) not reimbursed (e.g., by an employer).

Qualified adoption expenses may be incurred in one or more taxable years, but the credit may not exceed $5,000 per adoption ($6,000 for a special needs child). The adoption credit is phased out ratably for taxpayers with modified adjusted gross income between $75,000 and $115,000. Modified adjusted gross income is the sum of the taxpayer's adjusted gross income plus amounts excluded from income under Code sections 911, 931, and 933 (relating to the exclusion of income of U.S. citizens or residents living abroad; residents of Guam, American Samoa, and the Northern Mariana Islands; and residents of Puerto Rico, respectively).

The adoption credit for special needs children is permanent. The adoption credit with respect to other children does not apply to expenses paid or incurred after December 31, 2001.

Alternative minimum tax

Through 2001, the adoption credit generally reduces the individual's regular income tax and alternative minimum tax. For taxable years beginning after December 31, 2001, the otherwise allowable adoption credit is allowed only to the extent that the individual's regular income tax liability exceeds the individual's tentative minimum tax, determined without regard to the minimum tax foreign tax credit.

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[9] For these purposes, earned income is defined as under section 32, as amended by this bill.

Exclusion from income

A maximum $5,000 exclusion from the gross income of an employee is allowed for qualified adoption expenses paid or reimbursed by an employer under an adoption assistance program. The maximum excludible amount is $6,000 for special needs adoptions. The exclusion is phased out ratably for taxpayers with modified adjusted gross income between $75,000 and $115,000. Modified adjusted gross income is the sum of the taxpayer's adjusted gross income plus amounts excluded from income under Code sections 911, 931, and 933 (relating to the exclusion of income of U.S. citizens or residents living abroad; residents of Guam, American Samoa, and the Northern Mariana Islands; and residents of Puerto Rico, respectively). For purposes of this exclusion, modified adjusted gross income also includes all employer payments and reimbursements for adoption expenses whether or not they are taxable to the employee. The exclusion does not apply for purposes of payroll taxes. Adoption expenses paid or reimbursed by the employer under an adoption assistance program are not eligible for the adoption credit. A taxpayer may be eligible for the adoption credit (with respect to qualified adoption expenses he or she incurs) and also for the exclusion (with respect to different qualified adoption expenses paid or reimbursed by his or her employer).

The exclusion from income does not apply to amounts paid or expenses incurred after December 31, 2001.

HOUSE BILL

Tax credit

No provision. However, H.R. 622, the "Hope for Children Act," as passed by the House, permanently extends the adoption credit for children other than special needs children. The maximum credit is increased to $10,000 per eligible child, including special needs children. The beginning point of the income phase-out range is increased to $150,000 of modified adjusted gross income. Therefore, the adoption credit is phased-out for taxpayers with modified adjusted gross income of $190,000 or more. Finally, the adoption credit is allowed against the alternative minimum tax permanently.

Exclusion from income

No provision. However, H.R. 622 permanently extends the exclusion from income for employer-provided adoption assistance. The maximum exclusion is increased to $10,000 per eligible child, including special needs children. The beginning point of the income phase-out range is increased to $150,000 of modified adjusted gross income. Therefore, the exclusion is not available to taxpayers with modified adjusted gross income of $190,000 or more.

Effective date

Generally, the provision of H.R. 622 is effective for taxable years beginning after December 31, 2001. Qualified expenses paid or incurred in taxable years beginning on or before December 31, 2001, remain subject to the present-law dollar limits.

SENATE AMENDMENT

Tax credit

Same as H.R. 622, with one modification. The Senate amendment provides a $10,000 credit in the year a special needs adoption is finalized regardless of whether the taxpayer has qualified adoption expenses. No credit is allowed with respect to the adoption of a special needs child if the adoption is not finalized.

Exclusion from income

Same as H.R. 622, with one modification. The Senate amendment provides a $10,000 exclusion in the case of a special needs adoption regardless of whether the taxpayer has qualified adoption expenses.

Effective date

The provision is effective for taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with one modification. The provisions of the Senate amendment that extend the tax credit and exclusion from income for special needs adoptions regardless of whether the taxpayer has qualified adoption expenses are effective for taxable years beginning after December 31, 2002.

D. EXPANSION OF DEPENDENT CARE TAX CREDIT (SEC. 205 OF THE SENATE AMENDMENT AND SEC. 21 OF THE CODE)

PRESENT LAW

Dependent care tax credit

A taxpayer who maintains a household that includes one or more qualifying individuals may claim a nonrefundable credit against income tax liability for up to 30 percent of a limited amount of employment-related expenses. Eligible employment-related expenses are limited to $2,400 if there is one qualifying individual or $4,800 if there are two or more qualifying individuals. Thus, the maximum credit is $720 if there is one qualifying individual and $1,440 if there are two or more qualifying individuals. The applicable dollar limit ($2,400/$4,800) of otherwise eligible employment-related expenses is reduced by any amount excluded from income under an employer-provided dependent care assistance program. For example, a taxpayer with one qualifying individual who has $2,400 of otherwise eligible employment-related expenses but who excludes $1,000 of dependent care assistance must reduce the dollar limit of eligible employment-related expenses for the dependent care tax credit by the amount of the exclusion to $1,400 ($2,400–$1,000 = $1,400).

A qualifying individual is (1) a dependent of the taxpayer under the age of 13 for whom the taxpayer is eligible to claim a dependency exemption, (2) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself, or (3) the spouse of the taxpayer; if the spouse is physically or mentally incapable of caring for himself or herself.

The 30 percent credit rate is reduced, but not below 20 percent, by 1 percentage point for each $2,000 (or fraction thereof) of adjusted gross income above $10,000. The credit is not available to married taxpayers unless they file a joint return.

Exclusion for employer-provided dependent care

Amounts paid or incurred by an employer for dependent care assistance provided to an employee generally are excluded from the employee's gross income and wages if the assistance is furnished under a program meeting certain requirements. These requirements include that the program be described in writing, satisfy certain nondiscrimination rules, and provide for notification to all eligible employees. Dependent care assistance expenses eligible for the exclusion are defined the same as employment-related expenses with respect to a qualifying individual under the dependent care tax credit.

The dependent care exclusion is limited to $5,000 per year, except that a married taxpayer filing a separate return may exclude only $2,500. Dependent care expenses excluded from income are not eligible for the dependent care tax credit (sec. 21(c)).

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment increases the maximum amount of eligible employment-related expenses from $2,400 to $3,000, if there is one qualifying individual (from $4,800 to $6,000, if there are two or more qualifying individuals). The Senate amendment also increases the maximum credit from 30 percent to 40 percent. Thus, the maximum credit is $1,200, if there is one qualifying individual and $2,400, if there are two or more qualifying individuals. Finally, the Senate amendment modifies the phase-down of the credit. Under the Senate amendment, the 40-percent credit rate is reduced, but not below 20 percent, by 1 percentage point for each $2,000 (or fraction thereof) of adjusted gross income above $20,000. Therefore, the credit percentage is reduced to 20 percent for taxpayers with adjusted gross income over $58,000.

Effective date.—The provision is effective for taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with modifications. Under the conference agreement, the maximum credit is 35 percent. Further, the conference agreement provides that the phase-down of the credit applies with respect to adjusted gross income above $15,000. Therefore, the credit percentage is reduced to 20 percent for taxpayers with adjusted gross income over $43,000.

Effective date.—The conference agreement provision is effective for taxable years beginning after December 31, 2002.

E. TAX CREDIT FOR EMPLOYER-PROVIDED CHILD CARE FACILITIES (SECS. 206 AND 207 OF THE SENATE AMENDMENT AND NEW SEC. 45D OF THE CODE)

PRESENT LAW

Present law does not provide a tax credit to employers for supporting child care or child care resource and referral services. An employer, however, may be able to deduct such expenses as ordinary and necessary business expenses. Alternatively, the employer may be required to capitalize the expenses and claim depreciation deductions over time.

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the Senate amendment, taxpayers receive a tax credit equal to 25 percent of qualified expenses for employee child care and 10 percent of qualified expenses for child care resource and referral services. The maximum total credit that may be claimed by a taxpayer cannot exceed $150,000 per taxable year.

Qualified child care expenses include costs paid or incurred: (1) to acquire, construct, rehabilitate or expand property that is to be used as part of the taxpayer's qualified child care facility;[10] (2) for the operation of the taxpayer's qualified child care facility, including the costs of training and certain compensation for employees of the child care facility, and scholarship programs; or (3) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer. To be a qualified child care facility, the principal use of the facility must be for child care (unless it is the principal residence of the taxpayer), and the facility must meet all applicable State and local laws and regulations, including any licensing laws. A facility is not treated as a qualified child care facility with respect to a taxpayer unless: (1) it has open enrollment to the employees of the taxpayer; (2) use of the facility (or eligibility to use such facility) does not discriminate in favor of highly compensated employees of the taxpayer (within the meaning of section 414(q); and (3) at least 30 percent of the children enrolled in the center are dependents of the taxpayer's employees, if the facility is the principal trade or business of the taxpayer. Qualified child care resource and referral expenses are amounts paid or incurred under a contract to provide child care resource and referral services to the employees of the taxpayer. Qualified child care services and qualified child care resource and referral expenditures must be provided (or be eligible for use) in a way that does not discriminate in favor of highly compensated employees of the taxpayer (within the meaning of section 414(q).

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[10] In addition, a depreciation deduction (or amortization in lieu of depreciation) must be allowable with respect to the property and the property must not be part of the principal residence of the taxpayer or any employee of the taxpayer.

Any amounts for which the taxpayer may otherwise claim a tax deduction are reduced by the amount of these credits. Similarly, if the credits are taken for expenses of acquiring, constructing, rehabilitating, or expanding a facility, the taxpayer's basis in the facility is reduced by the amount of the credits.

Credits taken for the expenses of acquiring, constructing, rehabilitating, or expanding a qualified facility are subject to recapture for the first ten years after the qualified child care facility is placed in service. The amount of recapture is reduced as a percentage of the applicable credit over the ten-year recapture period. Recapture takes effect if the taxpayer either ceases operation of the qualified child care facility or transfers its interest in the qualified child care facility without securing an agreement to assume recapture liability for the transferee. Other rules apply.

Effective date.—The provision is effective for taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

III. MARRIAGE PENALTY RELIEF PROVISIONS

A. Standard Deduction Marriage Penalty Relief (Sec. 2 of H.R. 6, Sec. 301 of the Senate amendment and Sec. 63 of the Code)

PRESENT LAW

Marriage penalty

A married couple generally is treated as one tax unit that must pay tax on the couple's total taxable income. Although married couples may elect to file separate returns, the rate schedules and other provisions are structured so that filing separate returns usually results in a higher tax than filing a joint return. Other rate schedules apply to single persons and to single heads of households.

A "marriage penalty" exists when the combined tax liability of a married couple filing a joint return is greater than the sum of the tax liabilities of each individual computed as if they were not married. A "marriage bonus" exists when the combined tax liability of a married couple filing a joint return is less than the sum of the tax liabilities of each individual computed as if they were not married.

Basic standard deduction

Taxpayers who do not itemize deductions may choose the basic standard deduction (and additional standard deductions, if applicable),[11] which is subtracted from adjusted gross income ("AGI") in arriving at taxable income. The size of the basic standard deduction varies according to filing status and is adjusted annually for inflation. For 2001, the basic standard deduction amount for single filers is 60 percent of the basic standard deduction amount for married couples filing joint returns. Thus, two unmarried individuals have standard deductions whose sum exceeds the standard deduction for a married couple filing a joint return.

HOUSE BILL

No provision. However, H.R. 6, as passed by the House, contains a provision that increases the basic standard deduction for a married couple filing a joint return to twice the basic standard deduction for an unmarried individual filing a single return. The basic standard deduction for a married taxpayer filing separately will continue to equal one-half of the basic standard deduction for a married couple filing jointly; thus, the basic standard deduction for unmarried individuals filing a single return and for married couples filing separately will be the same.

Effective date.—The provision is effective for taxable years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as H.R. 6 except that the increase in the standard deduction is phased-in over five years beginning in 2005 and would be fully phased-in for 2009 and thereafter. Table 13, below, shows the standard deduction for married couples filing a joint return as a percentage of the standard deduction for single individuals during the phase-in period.

Table 13.—Phase-In of Increase of Standard Deduction for Married Couples Filing Joint Returns

Calendar Year	*Standard Deduction for Joint Returns as Percentage of Standard Deduction for Single Returns*
2005	174%
2006	184%
2007	187%
2008	190%
2009 and later	200%

Effective date.—The provision is effective for taxable years beginning after December 31, 2004.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

B. Expansion of the 15-Percent Rate Bracket for Married Couples Filing Joint Returns (Sec. 3 of H.R. 6, Sec. 302 of the Senate Amendment and Sec. 1 of the Code)

PRESENT LAW

In general

Under the Federal individual income tax system, an individual who is a citizen or resident of the United States generally is subject to tax on worldwide taxable income. Taxable income is total gross income less certain exclusions, exemptions, and deductions. An individual may claim either a standard deduction or itemized deductions.

An individual's income tax liability is determined by computing his or her regular income tax liability and, if applicable, alternative minimum tax liability.

Regular income tax liability

Regular income tax liability is determined by applying the regular income tax rate schedules (or tax tables) to the individual's taxable income and then is reduced by any applicable tax credits. The regular income tax rate schedules are divided into several ranges of income, known as income brackets, and the marginal tax rate increases as the individual's income increases. The income bracket amounts are adjusted annually for inflation. Separate rate schedules apply based on filing status: single individuals (other than heads of households and surviving spouses), heads of households, married individuals filing joint returns (including surviving spouses), married individuals filing separate returns, and estates and trusts. Lower rates may apply to capital gains.

In general, the bracket breakpoints for single individuals are approximately 60 percent of the rate bracket breakpoints for married couples filing joint returns.[12] The rate bracket breakpoints for married individuals filing separate returns are exactly one-half of the rate brackets for married individuals filing joint returns. A separate, compressed rate schedule applies to estates and trusts.

HOUSE BILL

No provision. However, H.R. 6, as passed by the House, contains a provision that increases the size of the 15-percent regular income tax rate bracket for a married couple filing a joint return to twice the size of the corresponding rate bracket for an unmarried individual filing a single return. This increase is phased in over six years as shown in Table 15, below. Therefore, this provision is fully effective (i.e., the size of the lowest regular income tax rate bracket for a married couple filing a joint return is twice the size of the lowest regular income tax rate bracket for an unmarried individual filing a single return) for taxable years beginning after December 31, 2008.

Table 15.—Increase in Size of 15-Percent Rate Bracket for Married Couples Filing a Joint Return

Taxable year	*Size of 15-percent rate bracket for married couple filing joint return as percentage of rate bracket for unmarried individuals*
2004	172%
2005	178%
2006	183%
2007	189%
2008	195%
2009 and thereafter	200%

Effective date.—The provision is effective for taxable years beginning after December 31, 2003.

SENATE AMENDMENT

The Senate amendment increases the size of the 15-percent regular income tax rate bracket for a married couple filing a joint return to twice the size of the corresponding rate bracket for an unmarried individual filing a single return. The increase is phased-in over five years, beginning in 2005. Therefore, this provision is fully effective (i.e., the size of the 15-percent regular income tax rate bracket for a married couple filing a joint return would be twice the size of the 15-percent regular income tax rate bracket for an unmarried individual filing a single return) for taxable years beginning after December 31, 2008. Table 16, below, shows the increase in the size of the 15-percent bracket during the phase-in period.

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[11] Additional standard deductions are allowed with respect to any individual who is elderly (age 65 or over) or blind.

[12] The rate bracket breakpoint for the 39.6 percent marginal tax rate is the same for single individuals and married couples filing joint returns.

Table 16.—Increase in Size of 15-Percent Rate Bracket for Married Couples Filing a Joint Return

Taxable year	*End point of 15-percent rate bracket for married couple filing joint return as percentage of end point of 15-percent rate bracket for unmarried individuals*
2005	174%
2006	184%
2007	187%
2008	190%
2009 and thereafter	200%

Effective date.—The provision is effective for taxable years beginning after December 31, 2004.

CONFERENCE AGREEMENT

The conference agreement increases the size of the 15-percent regular income tax rate bracket for a married couple filing a joint return to twice the size of the corresponding rate bracket for an unmarried individual filing a single return. The increase is phased-in over four years, beginning in 2005. Therefore, this provision is fully effective (i.e., the size of the 15-percent regular income tax rate bracket for a married couple filing a joint return would be twice the size of the 15-percent regular income tax rate bracket for an unmarried individual filing a single return) for taxable years beginning after December 31, 2007. Table 17, below, shows the increase in the size of the 15-percent bracket during the phase-in period.

Table 17.—Increase in Size of 15-Percent Rate Bracket for Married Couples Filing a Joint Return

Taxable year	*End point of 15-percent rate bracket for married couple filing joint return as percentage of end point of 15-percent rate bracket for unmarried individuals*
2005	180%
2006	187%
2007	193%
2008 and thereafter	200%

Effective date.—The provision is effective for taxable years beginning after December 31, 2004.

C. MARRIAGE PENALTY RELIEF AND SIMPLIFICATION RELATING TO THE EARNED INCOME CREDIT (SEC. 2(B)(2) OF THE HOUSE BILL, SEC. 4 OF H.R. 6, SEC. 303 OF THE SENATE AMENDMENT, AND SEC. 32 OF THE CODE)

PRESENT LAW

In general

Eligible low-income workers are able to claim a refundable earned income credit. The amount of the credit an eligible taxpayer may claim depends upon the taxpayer's income and whether the taxpayer has one, more than one, or no qualifying children.

The earned income credit is not available to married individuals who file separate returns. No earned income credit is allowed if the taxpayer has disqualified income in excess of $2,450 (for 2001) for the taxable year.[13] In addition, no earned income credit is allowed if an eligible individual is the qualifying child of another taxpayer.[14]

Definition of qualifying child and tie-breaker rules

To claim the earned income credit, a taxpayer must either (1) have a qualifying child or (2) meet the requirements for childless adults. A qualifying child must meet a relationship test, an age test, and a residence test. First, the qualifying child must be the taxpayer's child, stepchild, adopted child, grandchild, or foster child. Second, the child must be under age 19 (or under age 24 if a full-time student) or permanently and totally disabled regardless of age. Third, the child must live with the taxpayer in the United States for more than half the year (a full year for foster children).

An individual satisfies the relationship test under the earned income credit if the individual is the taxpayer's: (1) son or daughter or a descendant of either;[15] (2) stepson or stepdaughter; or (3) eligible foster child. An eligible foster child is an individual (1) who is a brother, sister, stepbrother, or stepsister of the taxpayer (or a descendant of any such relative), or who is placed with the taxpayer by an authorized placement agency, and (2) who the taxpayer cares for as her or his own child. A married child of the taxpayer is not treated as meeting the relationship test unless the taxpayer is entitled to a dependency exemption with respect to the married child (e.g., the support test is satisfied) or would be entitled to the exemption if the taxpayer had not waived the exemption to the noncustodial parent.[16]

If a child otherwise qualifies with respect to more than one person, the child is treated as a qualifying child only of the person with the highest modified adjusted gross income.

"Modified adjusted gross income" means adjusted gross income determined without regard to certain losses and increased by certain amounts not includible in gross income.[17] The losses disregarded are: (1) net capital losses (up to $3,000); (2) net losses from estates and trusts; (3) net losses from nonbusiness rents and royalties; (4) 75 percent of the net losses from businesses, computed separately with respect to sole proprietorships (other than farming), farming sole proprietorships, and other businesses. The amounts added to adjusted gross income to arrive at modified adjusted gross income include: (1) tax-exempt interest; and (2) nontaxable distributions from pensions, annuities, and individual retirement plans (but not nontaxable rollover distributions or trustee-to-trustee transfers).

Definition of earned income

To claim the earned income credit, the taxpayer must have earned income. Earned income consists of wages, salaries, other employee compensation, and net earnings from self employment.[18] Employee compensation includes anything of value received by the taxpayer from the employer in return for services of the employee, including nontaxable earned income. Nontaxable forms of compensation treated as earned income include the following: (1) elective deferrals under a cash or deferred arrangement or section 403(b) annuity (sec. 402(g)); (2) employer contributions for nontaxable fringe benefits, including contributions for accident and health insurance (sec. 106), dependent care (sec. 129), adoption assistance (sec. 137), educational assistance (sec. 127), and miscellaneous fringe benefits (sec. 132); (3) salary reduction contributions under a cafeteria plan (sec. 125); (4) meals and lodging provided for the convenience of the employer (sec. 119), and (5) housing allowance or rental value of a parsonage for the clergy (sec. 107). Some of these items are not required to be reported on the Wage and Tax Statement (Form W-2).

Calculation of the credit

The maximum earned income credit is phased in as an individual's earned income increases. The credit phases out for individuals with earned income (or if greater, modified adjusted gross income) over certain levels. In the case of a married individual who files a joint return, the earned income credit both for the phase-in and phase-out is calculated based on the couples' combined income.

The credit is determined by multiplying the credit rate by the taxpayer's earned income up to a specified earned income amount. The maximum amount of the credit is the product of the credit rate and the earned income amount. The maximum credit amount applies to taxpayers with (1) earnings at or above the earned income amount and (2) modified adjusted gross income (or earnings, if greater) at or below the phase-out threshold level.

For taxpayers with modified adjusted gross income (or earned income, if greater) in excess of the phase-out threshold, the credit amount is reduced by the phase-out rate multiplied by the amount of earned income (or modified adjusted gross income, if greater) in excess of the phase-out threshold. In other words, the credit amount is reduced, falling to $0 at the "breakeven" income level, the point where a specified percentage of "excess" income above the phase-out threshold offsets exactly the maximum amount of the credit. The earned income amount and the phase-out threshold are adjusted annually for inflation. Table 18, below, shows the earned income credit parameters for taxable year 2001.[19]

TABLE 18.—EARNED INCOME CREDIT PARAMETERS (2001)

	Two or more qualifying children	One qualifying child	No qualifying children.
Credit rate (percent)	40.00%	34.00%	7.65%
Earned income amount	$10,020	$7,140	$4,760
Maximum credit	$4,008	$2,428	$364
Phase-out begins	$13,090	$13,090	$5,950
Phase-out rate (percent)	21.06%	15.98%	7.65%
Phase-out ends	$32,121	$28,281	$10,710

An individual's alternative minimum tax liability reduces the amount of the refundable earned income credit.[20]

HOUSE BILL

The House bill provides that the earned income credit will no longer be reduced by the amount of the alternative minimum tax. The same provision is included in H.R. 6, as passed by the House.

In addition, H.R. 6 increases the earned income amount used to calculate the earned income credit for married taxpayers who file a joint return to 110 percent of the earned income amount for all other taxpayers eligible for the earned income credit.

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[13] Sec. 32(i). Disqualified income is the sum of: (1) interest and dividends includible in gross income for the taxable year; (2) tax-exempt income received or accrued in the taxable year; (3) net income from rents and royalties for the taxable year not derived in the ordinary course of business; (4) capital gain net income for the taxpayer year; and (5) net passive income for the taxable year. Sec. 32(i)(2).

[14] Sec. 32(c)(1)(B).

[15] A child who is legally adopted or placed with the taxpayer for adoption by an authorized adoption agency is treated as the taxpayer's own child. Sec. 32(c)(3)(B)(iv).

[16] Sec. 32(c)(3)(B)(ii).

[17] Sec. 32(c)(5).

[18] Sec. 32(c)(2)(A).

[19] The table is based on Rev. Proc. 2001-13.

[20] Sec. 32(h).

H.R. 6 also simplifies the definition of earned income by excluding nontaxable earned income amounts from the definition of earned income for earned income credit purposes. Thus, under H.R. 6, earned income includes wages, salaries, tips, and other employee compensation, if includible in gross income for the taxable year, plus net earnings from self-employment.

Effective date.—The House bill is effective for taxable years beginning after December 31, 2000.

SENATE AMENDMENT

For married taxpayers who file a joint return, the Senate amendment increases the beginning and ending of the earned income credit phase-out by $3,000. These beginning and ending points are to be adjusted annually for inflation after 2002.

The Senate amendment simplifies the definition of earned income by excluding nontaxable employee compensation from the definition of earned income for earned income credit purposes. Thus, under the Senate amendment, earned income includes wages, salaries, tips, and other employee compensation, if includible in gross income for the taxable year, plus net earnings from self employment.

The Senate amendment repeals the present-law provision that reduces the earned income credit by the amount of an individual's alternative minimum tax.

The Senate amendment simplifies the calculation of the earned income credit by replacing modified adjusted gross income with adjusted gross income.

The Senate amendment provides that the relationship test is met if the individual is the taxpayer's son, daughter, stepson, stepdaughter, or a descendant of any such individuals.[21] A brother, sister, stepbrother, stepsister, or a descendant of such individuals, also qualifies if the taxpayer cares for such individual as his or her own child. A foster child satisfies the relationship test as well. A foster child is defined as an individual who is placed with the taxpayer by an authorized placement agency and who the taxpayer cares for as his or her own child. In order to be a qualifying child, in all cases the child must have the same principal place of abode as the taxpayer for over one-half of the taxable year.

The Senate amendment changes the present-law tie-breaking rule. Under the Senate amendment, if an individual would be a qualifying child with respect to more than one taxpayer, and more than one taxpayer claims the earned income credit with respect to that child, then the following tie-breaking rules apply. First, if one of the individuals claiming the child is the child's parent (or parents who file a joint return), then the child is considered the qualifying child of the parent (or parents). Second, if both parents claim the child and the parents do not file a joint return together, then the child is considered a qualifying child first of the parent with whom the child resided for the longest period of time during the year, and second of the parent with the highest adjusted gross income. Finally, if none of the taxpayers claiming the child as a qualifying child is the child's parent, the child is considered a qualifying child with respect to the taxpayer with the highest adjusted gross income.

The Senate amendment authorizes the IRS, beginning in 2004, to use math error authority to deny the earned income credit if the Federal Case Registry of Child Support Orders indicates that the taxpayer is the noncustodial parent of the child with respect to whom the credit is claimed.

It is the intent of the Senate that by September 2002, the Department of the Treasury, in consultation with the National Taxpayer Advocate, deliver to the Senate Committee on Finance and the House Committee on Ways and Means a study of the Federal Case Registry database. The study is to cover (1) the accuracy and timeliness of the data in the Federal Case Registry, (2) the efficacy of using math error authority in this instance in reducing costs due to erroneous or fraudulent claims, and (3) the implications of using math error authority in this instance, given the findings on the accuracy and timeliness of the data.

Effective date.—The Senate amendment generally is effective for taxable years beginning after December 31, 2001. The Senate amendment to authorize the IRS to use math error authority if the Federal Case Registry of Child Support Orders indicates the taxpayer is the noncustodial parent is effective beginning in 2004.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, except under the conference agreement, for married taxpayers filing a joint return, the earned income credit phase-out amount is increased as follows: by $1,000 in the case of taxable years beginning in 2002, 2003, and 2004; by $2,000 in the case of taxable years beginning in 2005, 2006, and 2007; and by $3,000 in the case of taxable years beginning after 2007. The $3,000 amount is to be adjusted annually for inflation after 2008.

The conferees realize that the expansion of the earned income credit may create a financial hardship on U.S. possessions with mirror codes and that further study of such effects is necessary.

IV. EDUCATION INCENTIVES

A. MODIFICATIONS TO EDUCATION IRAS (SEC. 401 AND 414 OF THE SENATE AMENDMENT AND SECS. 530 AND 127 OF THE CODE)

PRESENT LAW

In general

Section 530 of the Code provides tax-exempt status to education individual retirement accounts ("education IRAs"), meaning certain trusts or custodial accounts which are created or organized in the United States exclusively for the purpose of paying the qualified higher education expenses of a designated beneficiary. Contributions to education IRAs may be made only in cash.[22] Annual contributions to education IRAs may not exceed $500 per beneficiary (except in cases involving certain tax-free rollovers, as described below) and may not be made after the designated beneficiary reaches age 18.

Phase-out of contribution limit

The $500 annual contribution limit for education IRAs is generally phased-out ratably for contributors with modified adjusted gross income (between $95,000 and $110,000). The phase-out range for married taxpayers filing a joint return is $150,000 to $160,000 of modified adjusted gross income. Individuals with modified adjusted gross income above the phase-out range are not allowed to make contributions to an education IRA established on behalf of any individual.

Treatment of distributions

Earnings on contributions to an education IRA generally are subject to tax when withdrawn. However, distributions from an education IRA are excludable from the gross income of the beneficiary to the extent that the total distribution does not exceed the "qualified higher education expenses" incurred by the beneficiary during the year the distribution is made.

If the qualified higher education expenses of the beneficiary for the year are less than the total amount of the distribution (i.e., contributions and earnings combined) from an education IRA, then the qualified higher education expenses are deemed to be paid from a pro-rata share of both the principal and earnings components of the distribution. Thus, in such a case, only a portion of the earnings are excludable (i.e., the portion of the earnings based on the ratio that the qualified higher education expenses bear to the total amount of the distribution) and the remaining portion of the earnings is includible in the beneficiary's gross income.

The earnings portion of a distribution from an education IRA that is includible in income is also subject to an additional 10-percent tax. The 10-percent additional tax does not apply if a distribution is made on account of the death or disability of the designated beneficiary, or on account of a scholarship received by the designated beneficiary.

The additional 10-percent tax also does not apply to the distribution of any contribution to an education IRA made during the taxable year if such distribution is made on or before the date that a return is required to be filed (including extensions of time) by the beneficiary for the taxable year during which the contribution was made (or, if the beneficiary is not required to file such a return, April 15th of the year following the taxable year during which the contribution was made).

Present law allows tax-free transfers or rollovers of account balances from one education IRA benefiting one beneficiary to another education IRA benefiting another beneficiary (as well as redesignations of the named beneficiary), provided that the new beneficiary is a member of the family of the old beneficiary and is under age 30.

Any balance remaining in an education IRA is deemed to be distributed within 30 days after the date that the beneficiary reaches age 30 (or, if earlier, within 30 days of the date that the beneficiary dies).

Qualified higher education expenses

The term "qualified higher education expenses" includes tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the designated beneficiary at an eligible education institution, regardless of whether the beneficiary is enrolled at an eligible educational institution on a full-time, half-time, or less than half-time basis. Qualified higher education expenses include expenses with respect to undergraduate or graduate-level courses. In addition, qualified higher education expenses include amounts paid or incurred to purchase tuition credits (or to make contributions to an account) under a qualified State tuition program, as defined in section 529, for the benefit of the beneficiary of the education IRA.

Moreover, qualified higher education expenses include, within limits, room and board expenses for any academic period during which the beneficiary is at least a half-time student. Room and board expenses that may be treated as qualified higher education expenses are limited to the minimum room and board allowance applicable to the student in calculating costs of attendance for Federal financial aid programs under section 472 of the Higher Education Act of 1965, as in effect on the date of enactment of the Small Business Job Protection Act of 1996 (August 20, 1996). Thus, room and board expenses cannot exceed the following amounts: (1) for a student living at home with parents or guardians, $1,500 per academic year; (2) for a student living in housing owned or operated by the eligible education institution, the institution's "normal" room and board charge; and (3) for all other students, $2,500 per academic year.

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[21] As under present law, an adopted child is treated as a child of the taxpayer by blood.

[22] Special estate and gift tax rules apply to contributions made to and distributions made from education IRAs.

Qualified higher education expenses generally include only out-of-pocket expenses. Such qualified higher education expenses do not include expenses covered by educational assistance for the benefit of the beneficiary that is excludable from gross income. Thus, total qualified higher education expenses are reduced by scholarship or fellowship grants excludable from gross income under present-law section 117, as well as any other tax-free educational benefits, such as employer-provided educational assistance that is excludable from the employee's gross income under section 127.

Present law also provides that if any qualified higher education expenses are taken into account in determining the amount of the exclusion for a distribution from an education IRA, then no deduction (e.g., for trade or business expenses), exclusion (e.g., for interest on education savings bonds) or credit is allowed with respect to such expenses.

Eligible educational institutions are defined by reference to section 481 of the Higher Education Act of 1965. Such institutions generally are accredited post-secondary educational institutions offering credit toward a bachelor's degree, an associate's degree, a graduate-level or professional degree, or another recognized post-secondary credential. Certain proprietary institutions and post-secondary vocational institutions also are eligible institutions. The institution must be eligible to participate in Department of Education student aid programs.

Time for making contributions

Contributions to an education IRA for a taxable year are taken into account in the taxable year in which they are made.

Coordination with HOPE and Lifetime Learning credits

If an exclusion from gross income is allowed for distributions from an education IRA with respect to an individual, then neither the HOPE nor Lifetime Learning credit may be claimed in the same taxable year with respect to the same individual. However, an individual may elect to waive the exclusion with respect to distributions from an education IRA. If such a waiver is made, then the HOPE or Lifetime Learning credit may be claimed with respect to the individual for the taxable year.

Coordination with qualified tuition programs

An excise tax is imposed on contributions to an education IRA for a year if contributions are made by anyone to a qualified State tuition program on behalf of the same beneficiary in the same year. The excise tax is equal to 6 percent of the contributions to the education IRA. The excise tax is imposed each year after the contribution is made, unless the contributions are withdrawn.

HOUSE BILL

No provision.

SENATE AMENDMENT

Annual contribution limit

The Senate amendment increases the annual limit on contributions to education IRAs from $500 to $2,000. Thus, aggregate contributions that may be made by all contributors to one (or more) education IRAs established on behalf of any particular beneficiary is limited to $2,000 for each year.

Qualified education expenses

The Senate amendment expands the definition of qualified education expenses that may be paid tax-free from an education IRA to include "qualified elementary and secondary school expenses," meaning expenses for (1) tuition, fees, academic tutoring, special need services, books, supplies, and other equipment incurred in connection with the enrollment or attendance of the beneficiary at a public, private, or religious school providing elementary or secondary education (kindergarten through grade 12) as determined under State law, (2) room and board, uniforms, transportation, and supplementary items or services (including extended day programs) required or provided by such a school in connection with such enrollment or attendance of the beneficiary, and (3) the purchase of any computer technology or equipment (as defined in sec. 170(e)(6)(F)(i)) or Internet access and related services, if such technology, equipment, or services are to be used by the beneficiary and the beneficiary's family during any of the years the beneficiary is in school. Computer software primarily involving sports, games, or hobbies is not considered a qualified elementary and secondary school expense unless the software is educational in nature.

Phase-out of contribution limit

The Senate amendment increases the phase-out range for married taxpayers filing a joint return so that it is twice the range for single taxpayers. Thus, the phase-out range for married taxpayers filing a joint return is $190,000 to $220,000 of modified adjusted gross income.

Special needs beneficiaries

The Senate amendment provides that the rule prohibiting contributions to an education IRA after the beneficiary attains 18 does not apply in the case of a special needs beneficiary (as defined by Treasury Department regulations). In addition, a deemed distribution of any balance in an education IRA does not occur when a special needs beneficiary reaches age 30. Finally, the age 30 limitation does not apply in the case of a rollover contribution for the benefit of a special needs beneficiary or a change in beneficiaries to a special needs beneficiary.

Contributions by persons other than individuals

The Senate amendment clarifies that corporations and other entities (including tax-exempt organizations) are permitted to make contributions to education IRAs, regardless of the income of the corporation or entity during the year of the contribution.

Exclusion for employer contributions

The Senate amendment provides an exclusion from gross income for certain employer contributions to an education IRA for the employee, the employee's spouse, or a lineal descendent of the employee or his or her spouse (provided such individual otherwise meets the eligibility requirements for education IRAs). The maximum amount excludable is $500 per year per each beneficiary. Thus, for example, if an employee has two children under age 18, the employer could contribute $500 each year to an education IRA for each child. The exclusion does not apply to self-employed individuals. The employer is required to report the amount of any education IRA contributions on the employee's W-2 for the year.

In order to be excludable from gross income, the contribution must be made pursuant to a plan that meets the requirements of an educational assistance program under section 127.[23] Thus, for example, the plan must be in writing and must satisfy nondiscrimination rules.

Education IRA contributions that are excludable from gross income are treated as earnings for purposes of determining the amount includible in gross income, if any, due to a withdrawal from the education IRA.

The exclusion does not apply for Social Security tax purposes.

Contributions permitted until April 15

Under the Senate amendment, individual contributors to education IRAs are deemed to have made a contribution on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the individual's Federal income tax return for such taxable year (not including extensions). Thus, individual contributors generally may make contributions for a year until April 15 of the following year.

Qualified room and board expenses

The Senate amendment modifies the definition of room and board expenses considered to be qualified higher education expenses. This modification is described with the provisions relating to qualified tuition programs, below.

Coordination with HOPE and Lifetime Learning credits

The Senate amendment allows a taxpayer to claim a HOPE credit or Lifetime Learning credit for a taxable year and to exclude from gross income amounts distributed (both the contributions and the earnings portions) from an education IRA on behalf of the same student as long as the distribution is not used for the same educational expenses for which a credit was claimed.

Coordination with qualified tuition programs

The Senate amendment repeals the excise tax on contributions made by any person to an education IRA on behalf of a beneficiary during any taxable year in which any contributions are made by anyone to a qualified State tuition program on behalf of the same beneficiary.

If distributions from education IRAs and qualified tuition programs exceed the beneficiary's qualified higher education expenses for the year (after reduction by amounts used in claiming the HOPE or Lifetime Learning credit), the beneficiary is required to allocate the expenses between the distributions to determine the amount includible in income.

Effective date

The provisions modifying education IRAs are effective for taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, except that the conference agreement does not include the exclusion for employer contributions. As under the Senate amendment, the conference agreement provides that certain age limitations do not apply in the case of special needs beneficiaries. The conferees intend that Treasury regulations will define a special needs beneficiary to include an individual who because of a physical, mental, or emotional condition (including learning disability) requires additional time to complete his or her education. The conference agreement clarifies the rule relating to computer software by providing that computer software involving sports, games, or hobbies is not considered a qualified elementary and secondary school expense unless the software is predominantly educational in nature.

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[23] Contributions to education IRAs are not subject to the $5,250 annual limit on the exclusion for employer-provided educational assistance, and are not taken into account for purposes of applying that limit to other education assistance. Rather, such contributions are subject to the $500 per beneficiary limit described above.

Effective date.—The conference agreement follows the Senate amendment.

B. PRIVATE PREPAID TUITION PROGRAMS; EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS (SEC. 402 OF THE SENATE AMENDMENT AND SEC. 529 OF THE CODE)

PRESENT LAW

Section 529 of the Code provides tax-exempt status to "qualified State tuition programs," meaning certain programs established and maintained by a State (or agency or instrumentality thereof) under which persons may (1) purchase tuition credits or certificates on behalf of a designated beneficiary that entitle the beneficiary to a waiver or payment of qualified higher education expenses of the beneficiary, or (2) make contributions to an account that is established for the purpose of meeting qualified higher education expenses of the designated beneficiary of the account (a "savings account plan"). The term "qualified higher education expenses" generally has the same meaning as does the term for purposes of education IRAs (as described above) and, thus, includes expenses for tuition, fees, books, supplies, and equipment required for the enrollment or attendance at an eligible educational institution,[24] as well as certain room and board expenses for any period during which the student is at least a half-time student.

No amount is included in the gross income of a contributor to, or a beneficiary of, a qualified State tuition program with respect to any distribution from, or earnings under, such program, except that (1) amounts distributed or educational benefits provided to a beneficiary are included in the beneficiary's gross income (unless excludable under another Code section) to the extent such amounts or the value of the educational benefits exceed contributions made on behalf of the beneficiary, and (2) amounts distributed to a contributor (e.g., when a parent receives a refund) are included in the contributor's gross income to the extent such amounts exceed contributions made on behalf of the beneficiary.[25]

A qualified State tuition program is required to provide that purchases or contributions only be made in cash.[26] Contributors and beneficiaries are not allowed to direct the investment of contributions to the program (or earnings thereon). The program is required to maintain a separate accounting for each designated beneficiary. A specified individual must be designated as the beneficiary at the commencement of participation in a qualified State tuition program (i.e., when contributions are first made to purchase an interest in such a program), unless interests in such a program are purchased by a State or local government or a tax-exempt charity described in section 501(c)(3) as part of a scholarship program operated by such government or charity under which beneficiaries to be named in the future will receive such interests as scholarships.

A transfer of credits (or other amounts) from one account benefiting one designated beneficiary to another account benefiting a different beneficiary is considered a distribution (as is a change in the designated beneficiary of an interest in a qualified State tuition program), unless the beneficiaries are members of the same family. For this purpose, the term "member of the family" means: (1) the spouse of the beneficiary; (2) a son or daughter of the beneficiary or a descendent of either; (3) a stepson or stepdaughter of the beneficiary; (4) a brother, sister, stepbrother or stepsister of the beneficiary; (5) the father or mother of the beneficiary or an ancestor of either; (6) a stepfather or stepmother of the beneficiary; (7) a son or daughter of a brother or sister of the beneficiary; (8) a brother or sister of the father or mother of the beneficiary; (9) a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the beneficiary; or (10) the spouse of any person described in (2)-(9).

Earnings on an account may be refunded to a contributor or beneficiary, but the State or instrumentality must impose a more than de minimis monetary penalty unless the refund is (1) used for qualified higher education expenses of the beneficiary, (2) made on account of the death or disability of the beneficiary, (3) made on account of a scholarship received by the beneficiary, or (4) a rollover distribution.

To the extent that a distribution from a qualified State tuition program is used to pay for qualified tuition and related expenses (as defined in sec. 25A(f)(1)), the beneficiary (or another taxpayer claiming the beneficiary as a dependent) may claim the HOPE credit or Lifetime Learning credit with respect to such tuition and related expenses (assuming that the other requirements for claiming the HOPE credit or Lifetime Learning credit are satisfied and the modified AGI phase-out for those credits does not apply).

HOUSE BILL

No provision.

SENATE AMENDMENT

Qualified tuition program

The Senate amendment expands the definition of "qualified tuition program" to include certain prepaid tuition programs established and maintained by one or more eligible educational institutions (which may be private institutions) that satisfy the requirements under section 529 (other than the present-law State sponsorship rule). In the case of a qualified tuition program maintained by one or more private eligible educational institutions, persons are able to purchase tuition credits or certificates on behalf of a designated beneficiary (as set forth in sec. 529(b)(1)(A)(i)), but would not be able to make contributions to a savings account plan (as described in sec. 529(b)(1)(A)(ii)). Except to the extent provided in regulations, a tuition program maintained by a private institution is not treated as qualified unless it has received a ruling or determination from the IRS that the program satisfies applicable requirements.

Exclusion from gross income

Under the Senate amendment, an exclusion from gross income is provided for distributions made in taxable years beginning after December 31, 2001, from qualified State tuition programs to the extent that the distribution is used to pay for qualified higher education expenses. This exclusion from gross income is extended to distributions from qualified tuition programs established and maintained by an entity other than a State (or agency or instrumentality thereof) for distributions made in taxable years after December 31, 2003.

Qualified higher education expenses

The Senate amendment provides that, for purposes of the exclusion for distributions from qualified tuition plans, the maximum room and board allowance is the amount applicable to the student in calculating costs of attendance for Federal financial aid programs under section 472 of the Higher Education Act of 1965, as in effect on the date of enactment, or, in the case of a student living in housing owned or operated by an eligible educational institution, the actual amount charged the student by the educational institution for room and board.[27]

Coordination with HOPE and Lifetime Learning credits

The Senate amendment allows a taxpayer to claim a HOPE credit or Lifetime Learning credit for a taxable year and to exclude from gross income amounts distributed (both the principal and the earnings portions) from a qualified tuition program on behalf of the same student as long as the distribution is not used for the same expenses for which a credit was claimed.

Rollovers for benefit of same beneficiary

The Senate amendment provides that a transfer of credits (or other amounts) from one qualified tuition program for the benefit of a designated beneficiary to another qualified tuition program for the benefit of the same beneficiary is not considered a distribution. This rollover treatment does not apply to more than one transfer within any 12-month period with respect to the same beneficiary.

Member of family

The Senate amendment provides that, for purposes of tax-free rollovers and changes of designated beneficiaries, a "member of the family" includes first cousins of the original beneficiary.

Effective date

The provisions are effective for taxable years beginning after December 31, 2001, except that the exclusion from gross income for certain distributions from a qualified tuition program established and maintained by an entity other than a State (or agency or instrumentality thereof) is effective for taxable years beginning after December 31, 2003.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with modifications. The conference agreement modifies the definition of qualified higher education expenses to include expenses of a special needs beneficiary which are necessary in connection with his or her enrollment or attendance at the eligible education institution.[28] A special needs beneficiary would be defined as under the provisions relating to education IRAs, described above.

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[24] An "eligible education institution" is defined the same for purposes of education IRAs (described above) and qualified State tuition programs.

[25] Distributions from qualified State tuition programs are treated as representing a pro-rata share of the contributions and earnings in the account.

[26] Special estate and gift tax rules apply to contributions made to and distributions made from qualified State tuition programs.

[27] This definition also applies to distributions from education IRAs.

The conference agreement repeals the present-law rule that a qualified State tuition program must impose a more than de minimis monetary penalty on any refund of earnings not used for qualified higher education expenses of the beneficiary (except in certain circumstances). Instead, the conference agreement imposes an additional 10-percent tax on the amount of a distribution from a qualified tuition plan that is includible in gross income (like the additional tax that applies to such distributions from education IRAs). The same exceptions that apply to the 10-percent additional tax with respect to education IRAs apply. A special rule applies because the exclusion for earnings on distributions used for qualified higher education expenses does not apply to qualified tuition programs of private institutions until 2004. Under the special rule, the additional 10-percent tax does not apply to any payment in a taxable year beginning before January 1, 2004, which is includible in gross income but used for qualified higher education expenses. Thus, for example, the earnings portion of a distribution from a qualified tuition program of a private institution that is made in 2003 and that is used for qualified higher education expenses is not subject to the additional tax, even though the earnings portion is includible in gross income. Conforming the penalty to the education IRA provisions will make it easier for taxpayers to allocate expenses between the various education tax incentives.[29] For example, under the conference agreement, a taxpayer who receives distributions from an education IRA and a qualified tuition program in the same year is required to allocate qualified expenses in order to determine the amount excludable from income. Other interactions between the various provisions also arise under the conference agreement. For example, a taxpayer may need to know the amount excludable from income due to a distribution from a qualified tuition program in order to determine the amount of expenses eligible for the tuition deduction. The conferees expect that the Secretary will exercise the existing authority under sections 529(d) and 530(h) to require appropriate reporting, e.g., the amount of distributions and the earnings portions of distributions (taxable and nontaxable), to facilitate the provisions of the conference agreement.

The conference agreement provides that, in order for a tuition program of a private eligible education institution to be a qualified tuition program, assets of the program must be held in a trust created or organized in the United States for the exclusive benefit of designated beneficiaries that complies with the requirements under section 408(a)(2) and (5). Under these rules, the trustee must be a bank or other person who demonstrates that it will administer the trust in accordance with applicable requirements and the assets of the trust may not be commingled with other property except in a common trust fund or common investment fund.

As under the Senate amendment, the conference agreement provides that a transfer of credits (or other amounts) from one qualified tuition program for the benefit of a designated beneficiary to another qualified tuition program for the benefit of the same beneficiary is not considered a distribution. This rollover treatment does not apply to more than one transfer within any 12-month period with respect to the same beneficiary. The conferees intend that this provision will allow, for example, transfers between a prepaid tuition program and a savings program maintained by the same State and between a State plan and a private prepaid tuition program.

C. EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE (SEC. 411 OF THE SENATE AMENDMENT AND SEC. 127 OF THE CODE)

PRESENT LAW

Educational expenses paid by an employer for its employees are generally deductible by the employer.

Employer-paid educational expenses are excludable from the gross income and wages of an employee if provided under a section 127 educational assistance plan or if the expenses qualify as a working condition fringe benefit under section 132. Section 127 provides an exclusion of $5,250 annually for employer-provided educational assistance. The exclusion does not apply to graduate courses beginning after June 30, 1996. The exclusion for employer-provided educational assistance for undergraduate courses expires with respect to courses beginning after December 31, 2001.

In order for the exclusion to apply, certain requirements must be satisfied. The educational assistance must be provided pursuant to a separate written plan of the employer. The educational assistance program must not discriminate in favor of highly compensated employees. In addition, not more than five percent of the amounts paid or incurred by the employer during the year for educational assistance under a qualified educational assistance plan can be provided for the class of individuals consisting of more than five percent owners of the employer (and their spouses and dependents).

Educational expenses that do not qualify for the section 127 exclusion may be excludable from income as a working condition fringe benefit.[30] In general, education qualifies as a working condition fringe benefit if the employee could have deducted the education expenses under section 162 if the employee paid for the education. In general, education expenses are deductible by an individual under section 162 if the education (1) maintains or improves a skill required in a trade or business currently engaged in by the taxpayer, or (2) meets the express requirements of the taxpayer's employer, applicable law or regulations imposed as a condition of continued employment. However, education expenses are generally not deductible if they relate to certain minimum educational requirements or to education or training that enables a taxpayer to begin working in a new trade or business.[31]

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision extends the exclusion for employer-provided educational assistance to graduate education and makes the exclusion (as applied to both undergraduate and graduate education) permanent.

Effective date.—The provision is effective with respect to courses beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

D. MODIFICATIONS TO STUDENT LOAN INTEREST DEDUCTION (SEC. 412 OF THE SENATE AMENDMENT AND SEC. 221 OF THE CODE)

PRESENT LAW

Certain individuals may claim an above-the-line deduction for interest paid on qualified education loans, subject to a maximum annual deduction limit. The deduction is allowed only with respect to interest paid on a qualified education loan during the first 60 months in which interest payments are required. Required payments of interest generally do not include voluntary payments, such as interest payments made during a period of loan forbearance. Months during which interest payments are not required because the qualified education loan is in deferral or forbearance do not count against the 60-month period. No deduction is allowed to an individual if that individual is claimed as a dependent on another taxpayer's return for the taxable year.

A qualified education loan generally is defined as any indebtedness incurred solely to pay for certain costs of attendance (including room and board) of a student (who may be the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer as of the time the indebtedness was incurred) who is enrolled in a degree program on at least a half-time basis at (1) an accredited post-secondary educational institution defined by reference to section 481 of the Higher Education Act of 1965, or (2) an institution conducting an internship or residency program leading to a degree or certificate from an institution of higher education, a hospital, or a health care facility conducting post-graduate training.

The maximum allowable annual deduction is $2,500. The deduction is phased-out ratably for single taxpayers with modified adjusted gross income between $40,000 and $55,000 and for married taxpayers filing joint returns with modified adjusted gross income between $60,000 and $75,000. The income ranges will be adjusted for inflation after 2002.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment increases the income phase-out ranges for eligibility for the student loan interest deduction to $50,000 to $65,000 for single taxpayers and to $100,000 to $130,000 for married taxpayers filing joint returns. These income phase-out ranges are adjusted annually for inflation after 2002.

The Senate amendment repeals both the limit on the number of months during which interest paid on a qualified education loan is deductible and the restriction that voluntary payments of interest are not deductible.

Effective date.—The provision is effective for interest paid on qualified education loans after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

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[28] This definition also applies to distributions from education IRAs.

[29] The conferees also believe that this change is appropriate in light of the expansion of qualified tuition programs to include programs maintained by private institutions.

[30] These rules also apply in the event that section 127 expires.

[31] In the case of an employee, education expenses (if not reimbursed by the employer) may be claimed as an itemized deduction only if such expenses, along with other miscellaneous expenses, exceed two percent of the taxpayer's AGI. An individual's total deductions may also be reduced by the overall limitation on itemized deductions under section 68. These limitations do not apply in determining whether an item is excludable from income as a working condition fringe benefit.

E. Eliminate Tax on Awards Under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program (Sec. 413 of the Senate Amendment and Sec. 117 of the Code)

PRESENT LAW

Section 117 excludes from gross income amounts received as a qualified scholarship by an individual who is a candidate for a degree and used for tuition and fees required for the enrollment or attendance (or for fees, books, supplies, and equipment required for courses of instruction) at a primary, secondary, or post-secondary educational institution. The tax-free treatment provided by section 117 does not extend to scholarship amounts covering regular living expenses, such as room and board. In addition to the exclusion for qualified scholarships, section 117 provides an exclusion from gross income for qualified tuition reductions for certain education provided to employees (and their spouses and dependents) of certain educational organizations.

The exclusion for qualified scholarships and qualified tuition reductions does not apply to any amount received by a student that represents payment for teaching, research, or other services by the student required as a condition for receiving the scholarship or tuition reduction.

The National Health Service Corps Scholarship Program (the "NHSC Scholarship Program") and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program (the "Armed Forces Scholarship Program") provide education awards to participants on the condition that the participants provide certain services. In the case of the NHSC Program, the recipient of the scholarship is obligated to provide medical services in a geographic area (or to an underserved population group or designated facility) identified by the Public Health Service as having a shortage of health care professionals. In the case of the Armed Forces Scholarship Program, the recipient of the scholarship is obligated to serve a certain number of years in the military at an armed forces medical facility. Because the recipients are required to perform services in exchange for the education awards, the awards used to pay higher education expenses are taxable income to the recipient.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that amounts received by an individual under the NHSC Scholarship Program or the Armed Forces Scholarship Program are eligible for tax-free treatment as qualified scholarships under section 117, without regard to any service obligation by the recipient. As with other qualified scholarships under section 117, the tax-free treatment does not apply to amounts received by students for regular living expenses, including room and board.

Effective date.—The provision is effective for education awards received after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

F. Tax Benefits for Certain Types of Bonds for Educational Facilities and Activities (Secs. 421–422 of the Senate Amendment and Secs. 142 and 146–148 of the Code)

PRESENT LAW

Tax-exempt bonds

In general

Interest on debt[32] incurred by States or local governments is excluded from income if the proceeds of the borrowing are used to carry out governmental functions of those entities or the debt is repaid with governmental funds (sec. 103).[33] Like other activities carried out or paid for by States and local governments, the construction, renovation, and operation of public schools is an activity eligible for financing with the proceeds of tax-exempt bonds.

Interest on bonds that nominally are issued by States or local governments, but the proceeds of which are used (directly or indirectly) by a private person and payment of which is derived from funds of such a private person is taxable unless the purpose of the borrowing is approved specifically in the Code or in a non-Code provision of a revenue Act. These bonds are called "private activity bonds."[34] The term "private person" includes the Federal Government and all other individuals and entities other than States or local governments.

Private activities eligible for financing with tax-exempt private activity bonds

Present law includes several exceptions permitting States or local governments to act as conduits providing tax-exempt financing for private activities. Both capital expenditures and limited working capital expenditures of charitable organizations described in section 501(c)(3) of the Code—including elementary, secondary, and post-secondary schools—may be financed with tax-exempt private activity bonds ("qualified 501(c)(3) bonds").

States or local governments may issue tax-exempt "exempt-facility bonds" to finance property for certain private businesses. Business facilities eligible for this financing include transportation (airports, ports, local mass commuting, and high speed intercity rail facilities); privately owned and/or privately operated public works facilities (sewage, solid waste disposal, local district heating or cooling, and hazardous waste disposal facilities); privately-owned and/or operated low-income rental housing; and certain private facilities for the local furnishing of electricity or gas. A further provision allows tax-exempt financing for "environmental enhancements of hydro-electric generating facilities." Tax-exempt financing also is authorized for capital expenditures for small manufacturing facilities and land and equipment for first-time farmers ("qualified small-issue bonds"), local redevelopment activities ("qualified redevelopment bonds"), and eligible empowerment zone and enterprise community businesses. Tax-exempt private activity bonds also may be issued to finance limited non-business purposes: certain student loans and mortgage loans for owner-occupied housing ("qualified mortgage bonds" and "qualified veterans' mortgage bonds").

Private activity tax-exempt bonds may not be issued to finance schools for private, for-profit businesses.

In most cases, the aggregate volume of private activity tax-exempt bonds is restricted by annual aggregate volume limits imposed on bonds issued by issuers within each State. These annual volume limits are equal to $62.50 per resident of the State, or $187.5 million if greater. The volume limits are scheduled to increase to the greater of $75 per resident of the State or $225 million in calendar year 2002. After 2002, the volume limits will be indexed annually for inflation.

Arbitrage restrictions on tax-exempt bonds

The Federal income tax does not apply to the income of States and local governments that is derived from the exercise of an essential governmental function. To prevent these tax-exempt entities from issuing more Federally subsidized tax-exempt bonds than is necessary for the activity being financed or from issuing such bonds earlier than needed for the purpose of the borrowing, the Code includes arbitrage restrictions limiting the ability to profit from investment of tax-exempt bond proceeds. In general, arbitrage profits may be earned only during specified periods (e.g., defined "temporary periods" before funds are needed for the purpose of the borrowing) or on specified types of investments (e.g., "reasonably required reserve or replacement funds"). Subject to limited exceptions, profits that are earned during these periods or on such investments must be rebated to the Federal Government.

Present law includes three exceptions to the arbitrage rebate requirements applicable to education-related bonds. First, issuers of all types of tax-exempt bonds are not required to rebate arbitrage profits if all of the proceeds of the bonds are spent for the purpose of the borrowing within six months after issuance.[35]

Second, in the case of bonds to finance certain construction activities, including school construction and renovation, the six-month period is extended to 24 months. Arbitrage profits earned on construction proceeds are not required to be rebated if all such proceeds (other than certain retainage amounts) are spent by the end of the 24-month period and prescribed intermediate spending percentages are satisfied.[36] Issuers qualifying for this "construction bond" exception may elect to be subject to a fixed penalty payment regime in lieu of rebate if they fail to satisfy the spending requirements.

Third, governmental bonds issued by "small" governments are not subject to the rebate requirement. Small governments are defined as general purpose governmental units that issue no more than $5 million of tax-exempt governmental bonds in a calendar year. The $5 million limit is increased to $10 million if at least $5 million of the bonds are used to finance public schools.

Qualified zone academy bonds

As an alternative to traditional tax-exempt bonds, States and local governments are given the authority to issue "qualified zone academy bonds." Under present law, a total of $400 million of qualified zone academy bonds may be issued in each of 1998 through 2001. The $400 million aggregate bond authority is allocated each year to the States according to their respective populations of individuals below the poverty line. Each State, in turn, allocates the credit to qualified zone academies within such State. A State may carry over any unused allocation for up to two years (three years for authority arising before 2000).

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[32] Hereinafter referred to as "State or local government bonds."

[33] Interest on this debt is included in calculating the "adjusted current earnings" preference of the corporate alternative minimum tax.

[34] Interest on private activity bonds (other than qualified 501(c)(3) bonds) is a preference item in calculating the alternative minimum tax.

[35] In the case of governmental bonds (including bonds to finance public schools), the six-month expenditure exception is treated as satisfied if at least 95 percent of the proceeds is spent within six months and the remaining five percent is spent within 12 months after the bonds are issued.

[36] Retainage amounts are limited to no more than five percent of the bond proceeds, and these amounts must be spent for the purpose of the borrowing no later than 36 months after the bonds are issued.

Certain financial institutions (i.e., banks, insurance companies, and corporations actively engaged in the business of lending money) that hold qualified zone academy bonds are entitled to a nonrefundable tax credit in an amount equal to a credit rate multiplied by the face amount of the bond. An eligible financial institution holding a qualified zone academy bond on the credit allowance date (i.e., each one-year anniversary of the issuance of the bond) is entitled to a credit. The credit amount is includible in gross income (as if it were a taxable interest payment on the bond), and the credit may be claimed against regular income tax and alternative minimum tax liability.

The Treasury Department sets the credit rate daily at a rate estimated to allow issuance of qualified zone academy bonds without discount and without interest cost to the issuer. The maximum term of the bonds also is determined by the Treasury Department, so that the present value of the obligation to repay the bond is 50 percent of the face value of the bond. Present value is determined using as a discount rate the average annual interest rate of tax-exempt obligations with a term of 10 years or more issued during the month.

"Qualified zone academy bonds" are defined as bonds issued by a State or local government, provided that: (1) at least 95 percent of the proceeds is used for the purpose of renovating, providing equipment to, developing course materials for use at, or training teachers and other school personnel in a "qualified zone academy" and (2) private entities have promised to contribute to the qualified zone academy certain equipment, technical assistance or training, employee services, or other property or services with a value equal to at least 10 percent of the bond proceeds.

A school is a "qualified zone academy" if (1) the school is a public school that provides education and training below the college level, (2) the school operates a special academic program in cooperation with businesses to enhance the academic curriculum and increase graduation and employment rates, and (3) either (a) the school is located in a designated empowerment zone or a designated enterprise community, or (b) it is reasonably expected that at least 35 percent of the students at the school will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

HOUSE BILL

No provision.

SENATE AMENDMENT

Increase amount of governmental bonds that may be issued by governments qualifying for the "small governmental unit" arbitrage rebate exception

The additional amount of governmental bonds for public schools that small governmental units may issue without being subject to the arbitrage rebate requirements is increased from $5 million to $10 million. Thus, these governmental units may issue up to $15 million of governmental bonds in a calendar year provided that at least $10 million of the bonds are used to finance public school construction expenditures.

Allow issuance of tax-exempt private activity bonds for public school facilities

The private activities for which tax-exempt bonds may be issued are expanded to include elementary and secondary public school facilities which are owned by private, for-profit corporations pursuant to public-private partnership agreements with a State or local educational agency. The term school facility includes school buildings and functionally related and subordinate land (including stadiums or other athletic facilities primarily used for school events)[37] and depreciable personal property used in the school facility. The school facilities for which these bonds are issued must be operated by a public educational agency as part of a system of public schools.

A public-private partnership agreement is defined as an arrangement pursuant to which the for-profit corporate party constructs, rehabilitates, refurbishes or equips a school facility for a public school agency (typically pursuant to a lease arrangement). The agreement must provide that, at the end of the contract term, ownership of the bond-financed property is transferred to the public school agency party to the agreement for no additional consideration.

Issuance of these bonds is subject to a separate annual per-State private activity bond volume limit equal to $10 per resident ($5 million, if greater) in lieu of the present-law State private activity bond volume limits. As with the present-law State private activity bond volume limits, States can decide how to allocate the bond authority to State and local government agencies. Bond authority that is unused in the year in which it arises may be carried forward for up to three years for public school projects under rules similar to the carryforward rules of the present-law private activity bond volume limits.

Effective date

The provisions are effective for bonds issued after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

G. MODIFY RULES GOVERNING TAX-EXEMPT BONDS FOR SECTION 501(C)(3) ORGANIZATIONS AS APPLIED TO ORGANIZATIONS ENGAGED IN TIMBER CONSERVATION ACTIVITIES (SEC. 423 OF THE SENATE AMENDMENT AND SEC. 145 OF THE CODE)

PRESENT LAW

Interest on State or local government bonds is tax-exempt when the proceeds of the bonds are used to finance activities carried out by or paid for by those governmental units. Interest on bonds issued by State or local governments acting as conduit borrowers for private businesses is taxable unless a specific exception is included in the Code. One such exemption allows tax-exempt bonds to be issued to finance activities of non-profit organizations described in Code section 501(c)(3) ("qualified 501(c)(3) bonds").

Qualified 501(c)(3) bonds may be issued only to finance exempt, as opposed to unrelated business, activities of these organizations. However, if the bonds are issued to finance property which is intended to be, or is in fact, sold to a private business while the bonds are outstanding, bond interest may be taxable. An example of such an issue would be qualified 501(c)(3) bonds issued to finance purchase of land and standing timber, when the timber was to be sold.

As is true of other private activities receiving tax-exempt financing, beneficiaries of qualified 501(c)(3) bonds are restricted in the arrangements they may have with private businesses relating to control and use of bond-financed property.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment modifies the rules governing issuance of qualified 501(c)(3) bonds to permit issuance of long-term bonds for the acquisition of timber land by organizations a principal purpose of which is conservation of that land as timber land. Under these rules, the bonds will not have to be repaid (to avoid loss of tax-exemption on interest) when the timber is harvested and sold. In addition, the Senate amendment provision allows these section 501(c)(3) organizations to enter into certain otherwise prohibited timber management arrangements with private businesses without losing tax-exemption on bonds used to finance the property and timber.

Effective date.—The provision is effective for bonds issued after December 31, 2001, and before January 1, 2005.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

H. DEDUCTION FOR QUALIFIED HIGHER EDUCATION EXPENSES (SEC. 431 OF THE SENATE AMENDMENT AND NEW SEC. 222 OF THE CODE)

PRESENT LAW

Deduction for education expenses

Under present law, an individual taxpayer generally may not deduct the education and training expenses of the taxpayer or the taxpayer's dependents. However, a deduction for education expenses generally is allowed under Internal Revenue Code ("the Code") section 162 if the education or training (1) maintains or improves a skill required in a trade or business currently engaged in by the taxpayer, or (2) meets the express requirements of the taxpayer's employer, or requirements of applicable law or regulations, imposed as a condition of continued employment (Treas. Reg. sec. 1.162–5). Education expenses are not deductible if they relate to certain minimum educational requirements or to education or training that enables a taxpayer to begin working in a new trade or business. In the case of an employee, education expenses (if not reimbursed by the employer) may be claimed as an itemized deduction only if such expenses meet the above described criteria for deductibility under section 162 and only to the extent that the expenses, along with other miscellaneous deductions, exceed two percent of the taxpayer's adjusted gross income.

HOPE and Lifetime Learning credits

HOPE credit

Under present law, individual taxpayers are allowed to claim a nonrefundable credit, the "HOPE" credit, against Federal income taxes of up to $1,500 per student per year for qualified tuition and related expenses paid for the first two years of the student's post secondary education in a degree or certificate program. The HOPE credit rate is 100 percent on the first $1,000 of qualified tuition and related expenses, and 50 percent on the next $1,000 of qualified tuition and related expenses.[38] The qualified tuition and related expenses must be incurred on behalf of the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer. The HOPE credit is available with respect to an individual student for two taxable years, provided that the student has not completed the first two years of post-secondary education before the beginning of the second taxable year.[39] The HOPE credit that a taxpayer may otherwise claim is phased-out ratably for taxpayers with modified AGI between $40,000 and $50,000 ($80,000 and $100,000 for joint returns). For taxable years beginning after 2001, the $1,500 maximum HOPE credit amount and the AGI phase-out ranges are indexed for inflation.

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[37] The present-law limit on the amount of the proceeds of a private activity bond issue that may be used to finance land acquisition does not apply to these bonds.

[38] Thus, an eligible student who incurs $1,000 of qualified tuition and related expenses is eligible

The HOPE credit is available for "qualified tuition and related expenses," which include tuition and fees required to be paid to an eligible educational institution as a condition of enrollment or attendance of an eligible student at the institution. Charges and fees associated with meals, lodging, insurance, transportation, and similar personal, living, or family expenses are not eligible for the credit. The expenses of education involving sports, games, or hobbies are not qualified tuition and related expenses unless this education is part of the student's degree program.

Qualified tuition and related expenses generally include only out-of-pocket expenses. Qualified tuition and related expenses do not include expenses covered by employer-provided educational assistance and scholarships that are not required to be included in the gross income of either the student or the taxpayer claiming the credit. Thus, total qualified tuition and related expenses are reduced by any scholarship or fellowship grants excludable from gross income under section 117 and any other tax free educational benefits received by the student (or the taxpayer claiming the credit) during the taxable year.

Lifetime Learning credit

Individual taxpayers are allowed to claim a nonrefundable credit, the Lifetime Learning credit, against Federal income taxes equal to 20 percent of qualified tuition and related expenses incurred during the taxable year on behalf of the taxpayer, the taxpayer's spouse, or any dependents. For expenses paid after June 30, 1998, and prior to January 1, 2003, up to $5,000 of qualified tuition and related expenses per taxpayer return are eligible for the Lifetime Learning credit (i.e., the maximum credit per taxpayer return is $1,000). For expenses paid after December 31, 2002, up to $10,000 of qualified tuition and related expenses per taxpayer return will be eligible for the Lifetime Learning credit (i.e., the maximum credit per taxpayer return will be $2,000).

In contrast to the HOPE credit, a taxpayer may claim the Lifetime Learning credit for an unlimited number of taxable years. Also in contrast to the HOPE credit, the maximum amount of the Lifetime Learning credit that may be claimed on a taxpayer's return will not vary based on the number of students in the taxpayer's family—that is, the HOPE credit is computed on a per student basis, while the Lifetime Learning credit is computed on a family wide basis. The Lifetime Learning credit amount that a taxpayer may otherwise claim is phased-out ratably for taxpayers with modified AGI between $40,000 and $50,000 ($80,000 and $100,000 for joint returns).

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment permits taxpayers an above-the-line deduction for qualified higher education expenses paid by the taxpayer during a taxable year. Qualified higher education expenses are defined in the same manner as for purposes of the HOPE credit.

In 2002 and 2003, taxpayers with adjusted gross income[40] that does not exceed $65,000 ($130,000 in the case of married couples filing joint returns) are entitled to a maximum deduction of $3,000 per year. Taxpayers with adjusted gross income above these thresholds would not be entitled to a deduction. In 2004 and 2005, taxpayers with adjusted gross income that does not exceed $65,000 ($130,000 in the case of married taxpayers filing joint returns) are entitled to a maximum deduction of $5,000 and taxpayers with adjusted gross income that does not exceed $80,000 ($160,000 in the case of married taxpayers filing joint returns) are entitled to a maximum deduction of $2,000.

Taxpayers are not eligible to claim the deduction and a HOPE or Lifetime Learning Credit in the same year with respect to the same student. A taxpayer may not claim a deduction for amounts taken into account in determining the amount excludable due to a distribution (i.e., the earnings and contribution portion of a distribution) from an education IRA or the amount of interest excludable with respect to education savings bonds. A taxpayer may not claim a deduction for the amount of a distribution from a qualified tuition plan that is excludable from income; however, a taxpayer may claim a deduction for the amount of a distribution from a qualified tuition plan that is not attributable to earnings. Thus, for example, if a taxpayer receives a distribution of $100 from a qualified tuition plan which is used for tuition, $10 of which represents earnings, the taxpayer would be entitled to claim the deduction with respect to the $90 representing a return of contributions. On the other hand, if the distribution were from an education IRA, the $90 would not be eligible for the deduction.

Effective date.—The provision is effective for payments made in taxable years beginning after December 31, 2001, and before January 1, 2006.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with the modification that the maximum deduction in 2004 and 2005 is $4,000 for taxpayers with adjusted gross income that does not exceed $65,000 ($130,000 in the case of married taxpayers filing joint returns).

I. CREDIT FOR INTEREST ON QUALIFIED HIGHER EDUCATION LOANS (SEC. 432 OF THE SENATE AMENDMENT AND NEW SEC. 25B OF THE CODE)

PRESENT LAW

An above-the-line deduction for interest paid on qualified education loans is permitted during the first 60 months in which interest payments are required. Required payments of interest generally do not include voluntary payments, such as interest payments made during a period of loan forbearance. Months during which interest payments are not required because the qualified education loan is in deferral or forbearance do not count against the 60-month period. No deduction is allowed to an individual if that individual is claimed as a dependent on another taxpayer's return for the taxable year.

The maximum allowable annual deduction is $2,500. The deduction is phased-out ratably for single taxpayers with modified adjusted gross income between $40,000 and $55,000 and for married taxpayers filing joint returns with modified adjusted gross income between $60,000 and $75,000. The income ranges will be adjusted for inflation after 2002.[41]

A qualified education loan generally is defined as any indebtedness incurred solely to pay for certain costs of attendance (including room and board) of a student (who may be the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer as of the time the indebtedness was incurred) who is enrolled in a degree program on at least a half-time basis at (1) an accredited post-secondary educational institution defined by reference to section 481 of the Higher Education Act of 1965, or (2) an institution conducting an internship or residency program leading to a degree or certificate from an institution of higher education, a hospital, or a health care facility conducting post-graduate training.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment permits taxpayers a nonrefundable personal credit for interest paid on qualified education loans during the first 60 months in which interest payments are required. The maximum annual credit available would be $500.

The credit is phased-out for single taxpayers with modified adjusted gross income between $35,000 and $45,000 and for married taxpayers filing joint returns with modified adjusted gross income between $70,000 and $90,000. These income phase-out ranges would be adjusted annually for inflation after 2009.

A taxpayer taking the credit in a taxable year for payment of interest on a qualified education loan would not be allowed a student loan interest deduction in such taxable year. Similarly, if the taxpayer took a deduction, the taxpayer would not qualify for the credit.

Effective date.—The provision is effective for taxable years beginning after December 31, 2008.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

J. DEDUCTION FOR QUALIFIED EMERGENCY RESPONSE EXPENSES OF ELIGIBLE EMERGENCY RESPONSE PROFESSIONALS (SEC. 433 OF THE SENATE AMENDMENT AND NEW SEC. 224 OF THE CODE)

PRESENT LAW

Employee business expenses are deductible only as an itemized deduction and only to the extent that the expenses, along with the taxpayer's other allowable miscellaneous itemized deductions, exceed two percent of the taxpayer's adjusted gross income. Itemized deductions may be further reduced by the overall limitation on itemized deductions, which generally applies to taxpayers with adjusted gross income in excess of $132,950 (for 2001).

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides an above-the-line deduction for qualified expenses paid

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(subject to the AGI phase-out) for a $1,000 HOPE credit. If an eligible student incurs $2,000 of qualified tuition and related expenses, then he or she is eligible for a $1,500 HOPE credit.

[39] The HOPE credit may not be claimed against a taxpayer's alternative minimum tax liability.

[40] The provision contains ordering rules for use in determining adjusted gross income for purposes of the deduction.

[41] Another section of the Senate amendment makes certain modifications to present law.

or incurred during the taxable year by an eligible emergency response professional.

An eligible emergency response professional is (1) a full-time employee of a police or fire department organized and operated by a government to provide police protection or firefighting or emergency medical services within its jurisdiction, (2) a licensed emergency medical technician employed by a State or nonprofit agency to provide emergency medical services, or (3) a member of a volunteer fire department organized to provide firefighting or emergency medical services within an area that is not provided with other firefighting services. Qualified expenses means unreimbursed expenses for police and firefighter activities (as determined by the Secretary of Treasury).

No other deduction or credit is allowed with respect to the amount taken into account under this provision. A deduction is allowed for qualified expenses under the provision only to the extent the amount of such expenses exceeds the amount excludable under the provisions relating to education savings bonds, education IRAs, and qualified tuition plans.

Effective date.— The Senate amendment applies to taxable years beginning after December 31, 2001, and before January 1, 2007.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

K. ENHANCED DEDUCTION FOR CHARITABLE CONTRIBUTION OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES (SEC. 434 OF THE SENATE AMENDMENT AND SEC. 170 OF THE CODE)

PRESENT LAW

In the case of a charitable contribution of inventory or other ordinary-income or short-term capital gain property, the amount of the deduction is limited to the taxpayer's basis in the property. In the case of a charitable contribution of tangible personal property, the deduction is limited to the taxpayer's basis in such property if the use by the recipient charitable organization is unrelated to the organization's tax-exempt purpose. In cases involving contributions to a private foundation (other than certain private operating foundations), the amount of the deduction is limited to the taxpayer's basis in the property.

Under present law, a taxpayer's deduction for charitable contributions of book inventory generally is limited to the taxpayer's basis (typically, cost) in the inventory. However, certain corporations may claim a deduction in excess of basis for certain charitable contributions to charitable organizations other than private non-operating foundations. This enhanced deduction is equal to the lesser of (1) basis plus one-half of the item's appreciated value (i.e., basis plus one half of fair market value minus basis) or (2) two times basis. To be eligible for an enhanced deduction, (1) the use of the property by the donee must be related to the donee's exempt purpose and be used by the donee solely for the care of the ill, the needy, or infants; (2) the property must not be transferred by the donee in exchange for money, other property, or services; and (3) the taxpayer must receive a written statement from the donee agreeing to such conditions on use of the contributed property. The taxpayer also must establish that the fair market value of the donated item exceeds basis.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that contributions of book inventory to certain educational organizations are entitled to the present-law enhanced deduction. Eligible educational organizations are (1) educational organizations that normally maintain a regular faculty and curriculum and normally have a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on; (2) charities organized primarily for purposes of supporting elementary and secondary education; and (3) charities organized primarily to make books available to the general public at no cost or to operate a literacy program. Present-law requirements relating to use of the property by the donee and provision of a written statement by the donee apply.

Effective date.—The deduction for contributions of book inventory for educational purposes applies to contributions made after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

L. DEDUCTION FOR QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS (SEC. 442 OF THE SENATE AMENDMENT AND NEW SEC. 223 OF THE CODE)

PRESENT LAW

Deduction for education expenses

Under present law, an individual taxpayer generally may not deduct the education and training expenses of the taxpayer or the taxpayer's dependents. However, a deduction for education expenses generally is allowed under Internal Revenue Code ("the Code") section 162 if the education or training (1) maintains or improves a skill required in a trade or business currently engaged in by the taxpayer, or (2) meets the express requirements of the taxpayer's employer, or requirements of applicable law or regulations, imposed as a condition of continued employment (Treas. Reg. sec. 1.162–5). Education expenses are not deductible if they relate to certain minimum educational requirements or to education or training that enables a taxpayer to begin working in a new trade or business. In the case of an employee, education expenses (if not reimbursed by the employer) may be claimed as an itemized deduction only if such expenses meet the above described criteria for deductibility under section 162 and only to the extent that the expenses, along with other miscellaneous deductions, exceed two percent of the taxpayer's adjusted gross income.

HOPE and Lifetime Learning credits

HOPE credit

Under present law, individual taxpayers are allowed to claim a nonrefundable credit, the "HOPE" credit, against Federal income taxes of up to $1,500 per student per year for qualified tuition and related expenses paid for the first two years of the student's post secondary education in a degree or certificate program. The HOPE credit rate is 100 percent on the first $1,000 of qualified tuition and related expenses, and 50 percent on the next $1,000 of qualified tuition and related expenses.[42] The qualified tuition and related expenses must be incurred on behalf of the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer. The HOPE credit is available with respect to an individual student for two taxable years, provided that the student has not completed the first two years of post-secondary education before the beginning of the second taxable year.[43] The HOPE credit that a taxpayer may otherwise claim is phased-out ratably for taxpayers with modified AGI between $40,000 and $50,000 ($80,000 and $100,000 for joint returns). For taxable years beginning after 2001, the $1,500 maximum HOPE credit amount and the AGI phase-out ranges are indexed for inflation.

The HOPE credit is available for "qualified tuition and related expenses," which include tuition and fees required to be paid to an eligible educational institution as a condition of enrollment or attendance of an eligible student at the institution. Charges and fees associated with meals, lodging, insurance, transportation, and similar personal, living, or family expenses are not eligible for the credit. The expenses of education involving sports, games, or hobbies are not qualified tuition and related expenses unless this education is part of the student's degree program.

Qualified tuition and related expenses generally include only out-of-pocket expenses. Qualified tuition and related expenses do not include expenses covered by employer-provided educational assistance and scholarships that are not required to be included in the gross income of either the student or the taxpayer claiming the credit. Thus, total qualified tuition and related expenses are reduced by any scholarship or fellowship grants excludable from gross income under section 117 and any other tax free educational benefits received by the student (or the taxpayer claiming the credit) during the taxable year.

Lifetime Learning credit

Individual taxpayers are allowed to claim a nonrefundable credit, the Lifetime Learning credit, against Federal income taxes equal to 20 percent of qualified tuition and related expenses incurred during the taxable year on behalf of the taxpayer, the taxpayer's spouse, or any dependents. For expenses paid after June 30, 1998, and prior to January 1, 2003, up to $5,000 of qualified tuition and related expenses per taxpayer return are eligible for the Lifetime Learning credit (i.e., the maximum credit per taxpayer return is $1,000). For expenses paid after December 31, 2002, up to $10,000 of qualified tuition and related expenses per taxpayer return will be eligible for the Lifetime Learning credit (i.e., the maximum credit per taxpayer return will be $2,000).

In contrast to the HOPE credit, a taxpayer may claim the Lifetime Learning credit for an unlimited number of taxable years. Also in contrast to the HOPE credit, the maximum amount of the Lifetime Learning credit that may be claimed on a taxpayer's return will not vary based on the number of students in the taxpayer's family—that is, the HOPE credit is computed on a per student basis, while the Lifetime Learning credit is computed on a family wide basis. The Lifetime Learning credit amount that a taxpayer may otherwise claim is phased-out ratably for taxpayers with modified AGI between $40,000 and $50,000 ($80,000 and $100,000 for joint returns).

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides an above-the-line deduction for up to $500 of qualified professional development expenses paid or incurred during the taxable year. The deduction is available to kindergarten through 12th grade teachers, instructors, counselors, principals, or aides who work in an elementary or secondary school[44] for at least 900 hours during the school year.

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[42] Thus, an eligible student who incurs $1,000 of qualified tuition and related expenses is eligible (subject to the AGI phase-out) for a $1,000 HOPE credit. If an eligible student incurs $2,000 of qualified tuition and related expenses, then he or she is eligible for a $1,500 HOPE credit.

[43] The HOPE credit may not be claimed against a taxpayer's alternative minimum tax liability.

Qualified professional development expenses are tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance in a qualified course of instruction. A qualified course of instruction is a course which: (1) is (a) directly related to the curriculum and academic subjects in which the individual provides instruction, (b) designed to enhance the ability of the individual to understand and use State standards for the academic subjects in which the individual provides instruction, (c) designed to provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or (d) designed to provide instruction in how to best discipline children in the classroom and identify early and appropriate interventions to help children described in (c) learn; (2) is tied to (a) challenging State or local content standards and student performance standards or (b) strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of the individual; (3) is of sufficient intensity and duration to have a positive and lasting impact on the performance of the individual in the classroom[45] (which does not include one-day or short-term workshops and conferences); and (3) is part of a program of professional development approved and certified by the appropriate local educational agency[46] as furthering the goals described in (1) and (2).

No other deduction or credit is allowed with respect to the amount taken into account under this provision. A deduction is allowed for qualified professional development expenses under the provision only to the extent the amount of such expenses exceeds the amount excludable under the provisions relating to education savings bonds, education IRAs, and qualified tuition plans.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000, and expires on December 31, 2005.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

CREDIT FOR CLASSROOM MATERIALS (SEC. 443 OF THE SENATE AMENDMENT AND NEW SEC. 30B OF THE CODE)

PRESENT LAW

Unreimbursed employee business expenses are deductible only as an itemized deduction and only to the extent that the individual's total miscellaneous itemized deductions (including employee business expenses) exceed two percent of adjusted gross income.

Taxpayers who itemize deductions may claim a deduction for contributions to qualified charitable organizations. Total deductible contributions may not exceed 50 percent of adjusted gross income. Other limits apply in the case of contributions to certain organizations and certain property.

An individual's otherwise allowable itemized deductions may be further limited by the overall limitation on itemized deductions, which reduces itemized deductions for taxpayers with adjusted gross income in excess of $132,950 (for 2001).

Depending on the particular facts and circumstances, a contribution by a teacher to the school and which he or she is employed may be deductible as an unreimbursed employee business expenses or as a charitable contribution.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides a nonrefundable personal credit equal to 50 percent of the qualified elementary and secondary education expenses paid or incurred by an eligible educator during the taxable year. The maximum credit cannot exceed $250 in any year. An eligible educators are kindergarten through 12th grade teachers, instructors, counselors, principals, or aides who work in an elementary or secondary school[47] for at least 900 hours during the school year. Qualified elementary and secondary education expenses are expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible educator in the classroom.

The credit may not exceed the excess (if any) of (1) the taxpayer's regular tax for the taxable year, reduced by the sum of certain other allowable credits over (2) the taxpayer's tentative minimum tax for the taxable year.

No deduction is allowed for any expense for which a credit is allowed under the provision.

A taxpayer may elect not to have the credit apply.

Effective date.—The provision is effective for taxable years beginning after December 31, 2001, and expires on December 31, 2005.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

V. ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAX PROVISIONS

A. PHASEOUT AND REPEAL OF ESTATE AND GENERATION-SKIPPING TRANSFER TAXES; INCREASE IN GIFT TAX UNIFIED CREDIT EFFECTIVE EXEMPTION (SECS. 101, 201, 301, AND 401–402 OF H.R. 8, SECS. 501–542 OF THE SENATE AMENDMENT, SECS. 121, 684, 1014, 1040, 1221, 2001–2210, 2501, 2502, 2503, 2505, 2511, 2601–2663, 4947, 6018, 6019, AND 7701 OF THE CODE, AND NEW SECS. 1022, 2058, 2210, 2664, AND 6716 OF THE CODE)

PRESENT LAW

Estate and gift tax rules

In general

Under present law, a gift tax is imposed on lifetime transfers and an estate tax is imposed on transfers at death. The gift tax and the estate tax are unified so that a single graduated rate schedule applies to cumulative taxable transfers made by a taxpayer during his or her lifetime and at death. The unified estate and gift tax rates begin at 18 percent on the first $10,000 of cumulative taxable transfers and reach 55 percent on cumulative taxable transfers over $3 million. In addition, a 5-percent surtax is imposed on cumulative taxable transfers between $10 million and $17,184,000, which has the effect of phasing out the benefit of the graduated rates. Thus, these estates are subject to a top marginal rate of 60 percent. Estates over $17,184,000 are subject to a flat rate of 55 percent on all amounts exceeding the unified credit effective exemption amount, as the benefit of the graduated rates has been phased out.

Gift tax annual exclusion

Donors of lifetime gifts are provided an annual exclusion of $10,000 (indexed for inflation occurring after 1997; the inflation-adjusted amount for 2001 remains at $10,000) of transfers of present interests in property to any one donee during the taxable year. If the non-donor spouse consents to split the gift with the donor spouse, then the annual exclusion is $20,000. Unlimited transfers between spouses are permitted without imposition of a gift tax.

Unified credit

A unified credit is available with respect to taxable transfers by gift and at death. The unified credit amount effectively exempts from tax transfers totaling $675,000 in 2001, $700,000 in 2002 and 2003, $850,000 in 2004, $950,000 in 2005, and $1 million in 2006 and thereafter. The benefit of the unified credit applies at the lowest estate and gift tax rates. For example, in 2001, the unified credit applies between the 18-percent and 37-percent estate and gift tax rates. Thus, in 2001, taxable transfers, after application of the unified credit, are effectively subject to estate and gift tax rates beginning at 37 percent.

Transfers to a surviving spouse

In general.—A 100-percent marital deduction generally is permitted for the value of property transferred between spouses. In addition, transfers of a "qualified terminable interest" also are eligible for the marital deduction. A "qualified terminable interest" is property: (1) which passes from the decedent, (2) in which the surviving spouse has a "qualifying income interest for life," and (3) to which an election under these rules applies. A "qualifying income interest for life" exists if: (1) the surviving spouse is entitled to all the income from the property (payable annually or at more frequent intervals) or the right to use property during the spouse's life, and (2) no person has the power to appoint any part of the property to any person other than the surviving spouse.

Transfers to surviving spouses who are not U.S. citizens.—A marital deduction generally is denied for property passing to a surviving spouse who is not a citizen of the United States. A marital deduction is permitted, however, for property passing to a qualified domestic trust of which the noncitizen surviving spouse is a beneficiary. A qualified domestic trust is a trust that has as its trustee at least one U.S. citizen or U.S. corporation. No corpus may be distributed from a qualified domestic trust unless the U.S. trustee has the right to withhold any estate tax imposed on the distribution.

There is an estate tax imposed on (1) any distribution from a qualified domestic trust before the date of the death of the noncitizen surviving spouse and (2) the value of the property remaining in a qualified domestic trust on the date of death of the noncitizen surviving spouse. The tax is computed as an additional estate tax on the estate of the first spouse to die.

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[44] Elementary and secondary schools are defined by reference to section 14101 of the Elementary and Secondary Education Act of 1965.

[45] One-day or short-term workshops and conferences do not satisfy this requirement. This requirement does not apply to an activity that is one component described in a long-term comprehensive professional development plan established by the individual and his or her supervisor based on an assessment of the needs of the individual, the individual's students, and the local educational agency involved.

[46] Local education agency is as defined in section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of enactment.

[47] Elementary and secondary schools are defined by reference to section 14101 of the Elementary and Secondary Education Act of 1965.

Expenses, indebtedness, and taxes

An estate tax deduction is allowed for funeral expenses and administration expenses of an estate. An estate tax deduction also is allowed for claims against the estate and unpaid mortgages on, or any indebtedness in respect of, property for which the value of the decedent's interest therein, undiminished by the debt, is included in the value of the gross estate.

If the total amount of claims and debts against the estate exceeds the value of the property to which the claims relate, an estate tax deduction for the excess is allowed, provided such excess is paid before the due date of the estate tax return. A deduction for claims against the estate generally is permitted only if the claim is allowable by the law of the jurisdiction under which the estate is being administered.

A deduction also is allowed for the full unpaid amount of any mortgage upon, or of any other indebtedness in respect of, any property included in the gross estate (including interest which has accrued thereon to the date of the decedent's death), provided that the full value of the underlying property is included in the decedent's gross estate.

Basis of property received

In general.— Gain or loss, if any, on the disposition of the property is measured by the taxpayer's amount realized (e.g., gross proceeds received) on the disposition, less the taxpayer's basis in such property. Basis generally represents a taxpayer's investment in property with certain adjustments required after acquisition. For example, basis is increased by the cost of capital improvements made to the property and decreased by depreciation deductions taken with respect to the property.

Property received from a donor of a lifetime gift takes a carryover basis. "Carryover basis" means that the basis in the hands of the donee is the same as it was in the hands of the donor. The basis of property transferred by lifetime gift also is increased, but not above fair market value, by any gift tax paid by the donor. The basis of a lifetime gift, however, generally cannot exceed the property's fair market value on the date of the gift. If the basis of the property is greater than the fair market value of the property on the date of gift, then, for purposes of determining loss, the basis is the property's fair market value on the date of gift.

Property passing from a decedent's estate generally takes a stepped-up basis. "Stepped-up basis" for estate tax purposes means that the basis of property passing from a decedent's estate generally is the fair market value on the date of the decedent's death (or, if the alternate valuation date is elected, the earlier of six months after the decedent's death or the date the property is sold or distributed by the estate). This step up (or step down) in basis eliminates the recognition of income on any appreciation of the property that occurred prior to the decedent's death, and has the effect of eliminating the tax benefit from any unrealized loss.

Special rule for community property.—In community property states, a surviving spouse's one-half share of community property held by the decedent and the surviving spouse (under the community property laws of any State, U.S. possession, or foreign country) generally is treated as having passed from the decedent, and thus is eligible for stepped-up basis. This rule applies if at least one-half of the whole of the community interest is includible in the decedent's gross estate.

Special rules for interests in certain foreign entities.—Stepped-up basis treatment generally is denied to certain interests in foreign entities. Under present law, stock or securities in a foreign personal holding company take a carryover basis. Stock in a foreign investment company takes a stepped up basis reduced by the decedent's ratable share of the company's accumulated earnings and profits. In addition, stock in a passive foreign investment company (including those for which a mark-to-market election has been made) generally takes a carryover basis, except that a passive foreign investment company for which a decedent shareholder had made a qualified electing fund election is allowed a stepped-up basis. Stock owned by a decedent in a domestic international sales corporation (or former domestic international sales corporation) takes a stepped-up basis reduced by the amount (if any) which would have been included in gross income under section 995(c) as a dividend if the decedent had lived and sold the stock at its fair market value on the estate tax valuation date (i.e., generally the date of the decedent's death unless an alternate valuation date is elected).

Provisions affecting small and family-owned businesses and farms

Special-use valuation.—An executor can elect to value for estate tax purposes certain "qualified real property" used in farming or another qualifying closely-held trade or business at its current-use value, rather than its fair market value. The maximum reduction in value for such real property is $750,000 (adjusted for inflation occurring after 1997; the inflation-adjusted amount for 2001 is $800,000). Real property generally can qualify for special-use valuation if at least 50 percent of the adjusted value of the decedent's gross estate consists of a farm or closely-held business assets in the decedent's estate (including both real and personal property) and at least 25 percent of the adjusted value of the gross estate consists of farm or closely-held business property. In addition, the property must be used in a qualified use (e.g., farming) by the decedent or a member of the decedent's family for five of the eight years before the decedent's death.

If, after a special-use valuation election is made, the heir who acquired the real property ceases to use it in its qualified use within 10 years of the decedent's death, an additional estate tax is imposed in order to recapture the entire estate-tax benefit of the special-use valuation.

Family-owned business deduction.—An estate is permitted to deduct the adjusted value of a qualified-family owned business interest of the decedent, up to $675,000.[48] A qualified family-owned business interest is defined as any interest in a trade or business (regardless of the form in which it is held) with a principal place of business in the United States if the decedent's family owns at least 50 percent of the trade or business, two families own 70 percent, or three families own 90 percent, as long as the decedent's family owns at least 30 percent of the trade or business. An interest in a trade or business does not qualify if any interest in the business (or a related entity) was publicly-traded at any time within three years of the decedent's death. An interest in a trade or business also does not qualify if more than 35 percent of the adjusted ordinary gross income of the business for the year of the decedent's death was personal holding company income. In the case of a trade or business that owns an interest in another trade or business (i.e., "tiered entities"), special look-through rules apply. The value of a trade or business qualifying as a family-owned business interest is reduced to the extent the business holds passive assets or excess cash or marketable securities.

To qualify for the exclusion, the decedent (or a member of the decedent's family) must have owned and materially participated in the trade or business for at least five of the eight years preceding the decedent's date of death. In addition, at least one qualified heir (or member of the qualified heir's family) is required to materially participate in the trade or business for at least 10 years following the decedent's death.

The qualified family-owned business rules provide a graduated recapture based on the number of years after the decedent's death in which the disqualifying event occurred. Under the provision, if the disqualifying event occurred within six years of the decedent's death, then 100 percent of the tax is recaptured. The remaining percentage of recapture based on the year after the decedent's death in which a disqualifying event occurs is as follows: the disqualifying event occurs during the seventh year after the decedent's death, 80 percent; during the eighth year after the decedent's death, 60 percent; during the ninth year after the decedent's death, 40 percent; and during the tenth year after the decedent's death, 20 percent. For purposes of the qualified family-owned business deduction, the contribution of a qualified conservation easement is not considered a disposition that would trigger recapture of estate tax.

In general, there is no requirement that the qualified heir (or members of his or her family) continue to hold or participate in the trade or business more than 10 years after the decedent's death. However, the 10–year recapture period can be extended for a period of up to two years if the qualified heir does not begin to use the property for a period of up to two years after the decedent's death.

An estate can claim the benefits of both the qualified family-owned business deduction and special-use valuation. For purposes of determining whether the value of the trade or business exceeds 50 percent of the decedent's gross estate, then the property's special-use value is used if the estate claimed special-use valuation.

State death tax credit

A credit is allowed against the Federal estate tax for any estate, inheritance, legacy, or succession taxes actually paid to any State or the District of Columbia with respect to any property included in the decedent's gross estate. The maximum amount of credit allowable for State death taxes is determined under a graduated rate table, the top rate of which is 16 percent, based on the size of the decedent's adjusted taxable estate. Most States impose a "pick-up" or

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[48] The qualified family-owned business deduction and the unified credit effective exemption amount are coordinated. If the maximum deduction amount of $675,000 is elected, then the unified credit effective exemption amount is $625,000, for a total of $1.3 million. If the qualified family-owned business deduction is less than $675,000, then the unified credit effective exemption amount is equal to $625,000, increased by the difference between $675,000 and the amount of the qualified family-owned business deduction. However, the unified credit effective exemption amount cannot be increased above such amount in effect for the taxable year.

"soak-up" estate tax, which serves to impose a State tax equal to the maximum Federal credit allowed.

Estate and gift taxation of nonresident noncitizens

Nonresident noncitizens are subject to gift tax with respect to certain transfers by gift of U.S.-situated property. Such property includes real estate and tangible property located within the United States. Nonresident noncitizens generally are not subject to U.S. gift tax on the transfer of intangibles, such as stock or securities, regardless of where such property is situated.

Estates of nonresident noncitizens generally are taxed at the same estate tax rates applicable to U.S. citizens, but the taxable estate includes only property situated within the United States that is owned by the decedent at death. This includes the value at death of all property, real or personal, tangible or intangible, situated in the United States. Special rules apply which treat certain property as being situated within and without the United States for these purposes.

Unless modified by a treaty, a nonresident who is not a U.S. citizen generally is allowed a unified credit of $13,000, which effectively exempts $60,000 in assets from estate tax.

Generation-skipping transfer tax

A generation-skipping transfer tax generally is imposed on transfers, either directly or through a trust or similar arrangement, to a "skip person" (i.e., a beneficiary in a generation more than one generation below that of the transferor). Transfers subject to the generation-skipping transfer tax include direct skips, taxable terminations, and taxable distributions. The generation-skipping transfer tax is imposed at a flat rate of 55 percent (i.e., the top estate and gift tax rate) on cumulative generation-skipping transfers in excess of $1 million (indexed for inflation occurring after 1997; the inflation-adjusted amount for 2001 is $1,060,000).

Selected income tax provisions

Transfers to certain foreign trusts and estates

A transfer (during life or at death) by a U.S. person to a foreign trust or estate generally is treated as a sale or exchange of the property for an amount equal to the fair market value of the transferred property. The amount of gain that must be recognized by the transferor is equal to the excess of the fair market value of the property transferred over the adjusted basis (for purposes of determining gain) of such property in the hands of the transferor.

Net operating loss and capital loss carryovers

Under present law, a capital loss and net operating loss from business operations sustained by a decedent during his last taxable year are deductible only on the final return filed in his or her behalf. Such losses are not deductible by his or her estate.

Transfers of property in satisfaction of a pecuniary bequest

Under present law, gain or loss is recognized on the transfer of property in satisfaction of a pecuniary bequest (i.e., a bequest of a specific dollar amount) to the extent that the fair market value of the property at the time of the transfer exceeds the basis of the property, which generally is the basis stepped up to fair market value on the date of the decedent's death.

Income tax exclusion for the gain on the sale of a principal residence

A taxpayer generally can exclude up to $250,000 ($500,000 if married filing a joint return) of gain realized on the sale or exchange of a principal residence. The exclusion is allowed each time a taxpayer sells or exchanges a principal residence that meets the eligibility requirements, but generally no more frequently than once every two years.

To be eligible, a taxpayer must have owned the residence and occupied it as a principal residence for at least two of the five years prior to the sale or exchange. A taxpayer who fails to meet these requirements by reason of a change of place of employment, health, or other unforeseen circumstances is able to exclude the fraction of the $250,000 ($500,000 if married filing a joint return) equal to the fraction of two years that these requirements are met.

Excise tax on non-exempt trusts

Under present law, non-exempt split-interest trusts are subject to certain restrictions that are applicable to private foundations if an income, estate, or gift tax charitable deduction was allowed with respect to the trust. A non-exempt split-interest trust subject to these rules would be prohibited from engaging in self-dealing, retaining any excess business holdings, and from making certain investments or taxable expenditures. Failure to comply with these restrictions would subject the trust to certain excise taxes imposed on private foundations, which include excise taxes on self-dealing, excess business holdings, investments which jeopardize charitable purposes, and certain taxable expenditures.

HOUSE BILL

No provision. However, H.R. 8, as passed by the House, provides as follows:

Overview of H.R. 8

Beginning in 2011, the estate, gift, and generation-skipping transfers taxes are repealed. After repeal, the basis of assets received from a decedent generally will equal the basis of the decedent (i.e., carryover basis) at death. However, a decedent's estate is permitted to increase the basis of appreciated assets transferred by up to a total of $1.3 million. The basis of appreciated property transferred to a surviving spouse can be increased (i.e., stepped up) by an additional $3 million. Thus, the basis of property transferred to a surviving spouse can be increased (i.e., stepped up) by a total of $4.3 million. In no case can the basis of an asset be adjusted above its fair market value. For these purposes, the executor will determine which assets and to what extent each asset receives a basis increase. The $1.3 million and $3 million amounts are adjusted annually for inflation occurring after 2010.

In 2002, the unified credit is replaced with a unified exemption, and the 5-percent surtax (which phases out the benefit of the graduated rates) and the rates in excess of 53 percent are repealed. Beginning in 2003, the estate, gift, and generation-skipping transfer tax rates are further reduced each year until the estate, gift, and generation-skipping transfer taxes are repealed in 2011.

Phaseout and repeal of estate, gift, and generation-skipping transfer taxes

In general

In 2002, the top estate and gift tax rates above 53 percent are repealed, as is the 5-percent surtax, which phases out the benefit of the graduated rates. In 2003, all rates in excess of 50 percent are repealed. In each year 2004 through 2006, each of the rates of tax is reduced by one percentage point. In each year 2007 through 2010, each of the rates of tax is reduced by two percentage points. The generation-skipping transfer tax rate in effect for a given year is the highest estate and gift tax rate in effect for that year. The reduction in estate and gift tax rates is coordinated with the income tax rates such that the highest estate and gift tax rate (and, thus, the generation-skipping transfer tax rate) will not be reduced below the top individual rate, and the lower estate and gift tax rates will not be reduced below the lowest individual tax rate. For each year 2002 through 2010, the State death tax credit rates are reduced in proportion to the reduction in the estate and gift tax rates.

Beginning in 2011, the estate, gift, and generation-skipping transfer taxes are repealed.

Replace unified credit with unified exemption

Beginning in 2002, the unified credit is replaced with a unified exemption amount. The unified exemption amount, which will follow the dollar amounts of the present-law unified credit effective exemption amounts, will be determined as follows: in 2002 and 2003, $700,000; in 2004, $850,000; in 2005, $950,000; and in 2006 and thereafter (until repeal in 2011), $1 million. For decedents who are not residents and not citizens of the United States, the exemption is $60,000.

Basis of property acquired from a decedent

In general

Beginning in 2011, after the estate, gift, and generation-skipping transfer taxes have been repealed, the present-law rules providing for a fair market value basis for property acquired from a decedent are repealed. Instead, a modified carryover basis regime generally takes effect. Recipients of property transferred at the decedent's death will receive a basis equal the lesser of the adjusted basis of the decedent or the fair market value of the property on the date of the decedent's death.

The modified carryover basis rules apply to property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent, property passing from the decedent to the extent such property passed without consideration, and certain other property to which the present law rules apply.[49]

Property acquired from a decedent is treated as if the property had been acquired by gift. Thus, the character of gain on the sale of property received from a decedent's estate is carried over to the heir. For example, real estate that has been depreciated and would be subject to recapture if sold by the decedent will be subject to recapture if sold by the heir.

Property to which the modified carryover basis rules apply

The modified carryover basis rules apply to property acquired from the decedent. Property acquired from the decedent is (1) property acquired by bequest, devise, or inheritance, (2) property acquired by the decedent's estate from the decedent, (3) property transferred by the decedent during his or her lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust,[50] (4) property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change to the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust,[51] (5) property passing from the decedent by reason of the decedent's death to the extent such property passed without consideration (e.g., property held as joint tenants with right of survivorship or as tenants by the entireties), and (6) the surviving spouse's one-half share of certain community property held by the decedent and the surviving spouse as community property.

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[49] Sec. 1014(b)(2) and (3).

[50] This is the same property the basis of which is stepped up to date of death fair market value under present law sec. 1014(b)(2).

Basis increase for certain property

Amount of basis increase.—The bill allows an executor to increase (i.e., step up) the basis in assets owned by the decedent and acquired by the beneficiaries at death. Under this rule, each decedent's estate generally is permitted to increase (i.e., step up) the basis of assets transferred by up to a total of $1.3 million. The $1.3 million is increased by the amount of unused capital losses, net operating losses, and certain "built-in" losses of the decedent. In addition, the basis of property transferred to a surviving spouse can be increased by an additional $3 million. Thus, the basis of property transferred to surviving spouses can be increased by a total of $4.3 million. Nonresidents who are not U.S. citizens will be allowed to increase the basis of property by up to $60,000. The $60,000, $1.3 million, and $3 million amounts are adjusted annually for inflation occurring after 2010.

Property eligible for basis increase.—In general, the basis of property may be increased above the decedent's adjusted basis in that property only if the property is owned, or is treated as owned, by the decedent at the time of the decedent's death. In the case of property held as joint tenants or tenants by the entireties with the surviving spouse, one-half of the property is treated having been owned by the decedent and is thus eligible for the basis increase. In the case of property held jointly with a person other than the surviving spouse, the portion of the property attributable to the decedent's consideration furnished is treated as having been owned by the decedent and will be eligible for a basis increase. The decedent also is treated as the owner of property (which will be eligible for a basis increase) if the property was transferred by the decedent during his lifetime to a revocable trust that pays all of its income during the decedent's life to the decedent or at the direction of the decedent. The decedent also is treated as having owned the surviving spouse's one-half share of community property (which will be eligible for a basis increase) if at least one-half of the property was owned by, and acquired from, the decedent.[52] The decedent shall not, however, be treated as owning any property solely by reason of holding a power of appointment with respect to such property.

Property not eligible for a basis increase includes: (1) property that was acquired by the decedent by gift (other than from his or her spouse) during the three-year period ending on the date of the decedent's death; (2) property that constitutes a right to receive income in respect of a decedent; (3) stock or securities of a foreign personal holding company; (4) stock of a domestic international sales corporation (or former domestic international sales corporation); (5) stock of a foreign investment company; and (6) stock of a passive foreign investment company (except for which a decedent shareholder had made a qualified electing fund election).

Rules applicable to basis increase.—Basis increase will be allocable on an asset-by-asset basis (e.g., basis increase can be allocated to a share of stock or a block of stock). However, in no case can the basis of an asset be adjusted above its fair market value. If the amount of basis increase is less than the fair market value of assets whose bases are eligible to be increased under these rules, the executor will determine which assets and to what extent each asset receives a basis increase.

Reporting requirements

Lifetime gifts

A donor is required to report to the Internal Revenue Service ("IRS") the basis and character of any non-cash property transferred by gift with a value in excess of $25,000 (except for gifts to charitable organizations). The donor is required to report to the IRS:

The name and taxpayer identification number of the donee,

An accurate description of the property,

The adjusted basis of the property in the hands of the donor at the time of gift,

The donor's holding period for such property,

Sufficient information to determine whether any gain on the sale of the property would be treated as ordinary income,

And any other information as the Treasury Secretary may prescribe.

Similar information (including the name, address, and phone number of the person making the return) is required to be provided to recipients of such property.

Transfers at death

For transfers at death of non-cash assets in excess of $1.3 million and for appreciated property the value of which exceeds $25,000 received by a decedent within three years of death, the executor of the estate (or the trustee of a revocable trust) would report to the IRS:

The name and taxpayer identification number of the recipient of the property,

An accurate description of the property,

The adjusted basis of the property in the hands of the decedent and its fair market value at the time of death,

The decedent's holding period for the property,

Sufficient information to determine whether any gain on the sale of the property would be treated as ordinary income,

The amount of basis increase allocated to the property, and

Any other information as the Treasury Secretary may prescribe.

Penalties for failure to file required information

Any donor required to report the basis and character of any non-cash property with a value in excess of $25,000 who fails to do so is liable for a penalty of $500 for each failure to report such information to the IRS and $50 for each failure to report such information to a beneficiary.

Any person required to report to the IRS transfers at death of non-cash assets in excess of $1.3 million in value who fails to do so is liable for a penalty of $10,000 for the failure to report such information. Any person required to report to the IRS the receipt by a decedent of appreciated property valued in excess of $25,000 within three years of death who fails to do so is liable for a penalty of $500 for the failure to report such information to the IRS. There also is a penalty of $50 for each failure to report such information to a beneficiary.

No penalty is imposed with respect to any failure that is due to reasonable cause. If any failure to report to the IRS or a beneficiary under the bill is due to intentional disregard of the rules, then the penalty is five percent of the fair market value of the property for which reporting was required, determined at the date of the decedent's death (for property passing at death) or determined at the time of gift (for a lifetime gift).

Certain tax benefits extending past the date for repeal of the estate tax

Prior to repeal of the estate tax, many estates may have claimed certain estate tax benefits which, upon certain events, may trigger a recapture tax. Because repeal of the estate tax is effective for decedents dying after December 31, 2010, these estate tax recapture provisions will continue to apply to estates of decedents dying before January 1, 2011.

Qualified conservation easements

A donor may have retained a development right in the conveyance of a conservation easement that qualified for the estate tax exclusion. Those with an interest in the land may later execute an agreement to extinguish the right. If an agreement to extinguish development rights is not entered into within the earlier of (1) two years after the date of the decedent's death or (2) the date of the sale of such land subject to the conservation easement, then those with an interest in the land are personally liable for an additional tax. This provision is retained after repeal of the estate tax, which will ensure that those persons with an interest in the land who fail to execute the agreement remain liable for any additional tax which may be due after repeal.

Special-use valuation

Property may have qualified for special-use valuation prior to repeal of the estate tax. If such property ceases to qualify for special-use valuation, for example, because an heir ceases to use the property in its qualified use within 10 years of the decedent's death, then the estate tax benefit is required to be recaptured. The recapture provision is retained after repeal of the estate tax, which will ensure that those estates that claimed this benefit prior to repeal of the estate tax will be subject to recapture if a disqualifying event occurs after repeal.

Qualified family-owned business deduction

Property may have qualified for the family-owned business deduction prior to repeal of the estate tax. If such property ceases to qualify for the family-owned business deduction, for example, because an heir ceases to use the property in its qualified use within 10 years of the decedent's death, then the estate-tax benefit is required to be recaptured. The recapture provision is retained after repeal of the estate tax, which will ensure that those estates that claimed this benefit prior to repeal of the estate tax would be subject to recapture if a disqualifying event occurs after repeal.

Installment payment of estate tax for estates with an interest in a closely-held business

The present-law installment payment rules are retained so that those estates that entered into an installment payment arrangement prior to repeal of the estate tax will continue to make their payments past the date for repeal.

If more than 50 percent of the value of the closely-held business is distributed, sold, exchanged, or otherwise disposed of, the unpaid portion of the tax payable in installments must be paid upon notice and demand from the Treasury Secretary. This rule is retained after repeal of the estate tax, which will ensure that such dispositions that occur after repeal of the estate tax will continue to subject the estate to the unpaid portion of the tax upon notice and demand.

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[51] This is the same property the basis of which is stepped up to date of death fair market value under present law sec. 1014(b)(3).

[52] Thus, similar to the present law rule in sec. 1014(b)(6), both the decedent's and the surviving spouse's share of community property could be eligible for a basis increase.

Transfers to foreign trusts, estates, and nonresidents who are not U.S. citizens

The present-law rule providing that transfers by a U.S. person to a foreign trust or estate generally is treated as a sale or exchange is expanded. Under the bill, transfers by a U.S. person to a nonresident who is not a U.S. citizen is treated as a sale or exchange of the property for an amount equal to the fair market value of the transferred property. The amount of gain that must be recognized by the transferor is equal to the excess of the fair market value of the property transferred over the adjusted basis of such property in the hands of the transferor.

Transfers of property in satisfaction of a pecuniary bequest

Under the bill, gain or loss on the transfer of property in satisfaction of a pecuniary bequest is recognized only to the extent that the fair market value of the property at the time of the transfer exceeds the fair market value of the property on the date of the decedent's death (not the property's carryover basis).

Transfer of property subject to a liability

The bill clarifies that gain is not recognized at the time of death when the estate or heir acquires from the decedent property subject to a liability that is greater than the decedent's basis in the property. Similarly, no gain is recognized by the estate on the distribution of such property to a beneficiary of the estate by reason of the liability.

Income tax exclusion for the gain on the sale of a principal residence

The income tax exclusion of up to $250,000 of gain on the sale of a principal residence is extended to estates and heirs. Under the bill, if the decedent's estate or an heir sells the decedent's principal residence, $250,000 of gain can be excluded on the sale of the residence, provided the decedent used the property as a principal residence for two or more years during the five-year period prior to the sale. In addition, if an heir occupies the property as a principal residence, the decedent's period of ownership and occupancy of the property as a principal residence can be added to the heir's subsequent ownership and occupancy in determining whether the property was owned and occupied for two years as a principal residence.

Excise tax on nonexempt trusts

Under the bill, split-interest trusts are subject to certain restrictions that are applicable to private foundations if an income tax charitable deduction, including an income tax charitable deduction by an estate or trust, was allowed with respect to transfers to the trust.

Anti-abuse rules

The Treasury Secretary is given authority to treat a transfer that purports to be a gift as having never been transferred, if, in connection with such transfer, such treatment is appropriate to prevent income tax avoidance and (1) the transferor (or any person related to or designated by the transferor or such person) has received anything of value in connection with the transfer from the transferee directly or indirectly or (2) there is an understanding or expectation that the transferor (or any person related to or designated by the transferor or such person) will receive anything of value in connection with the transfer from the transferee directly or indirectly.

Study mandated by the bill

The bill requires the Treasury Secretary to conduct a study of opportunities for avoidance of the income tax, if any, and potential increases in income tax revenues by reason of enactment of the bill. The results of such study are required to be submitted to the House Committee on Ways and Means and the Senate Committee on Finance no later than December 31, 2002.

Interaction of the bill with death tax treaties

The Committee expects that, where applicable, references in U.S. tax treaties to the unified credit under section 2010 (as in effect prior to January 1, 2002) will be construed as applying, in a similar manner, to the unified exemption amount (as in effect for decedents dying and gifts made after December 31, 2001).[53]

Effective date

The unified credit is replaced with a unified exemption, the 5-percent surtax is repealed, and the rates in excess of 53 percent are repealed for estates of decedents dying and gifts and generation-skipping transfers made after December 31, 2001. The estate and gift tax rates in excess of 50 percent are repealed for estates of decedents dying and gifts and generation-skipping transfers made after December 31, 2002.

The additional reductions in estate and gift tax rates and of the State death tax credit occur for decedents dying and gifts and generation-skipping transfers made in 2004 through 2010.

The estate, gift, and generation-skipping transfer taxes are repealed and the carryover basis regime takes effect for estates of decedents dying and gifts and generation-skipping transfers made after December 31, 2010.

The provisions relating to purported gifts and recognition of gain on transfers to nonresidents who are not U.S. citizens are effective for transfers made after December 31, 2010.

SENATE AMENDMENT

The Senate amendment is similar to the provision in H.R. 8; however, under the Senate amendment, the gift tax will not be repealed.

The Senate amendment also includes the following modifications:

Phaseout and repeal of estate and generation-skipping transfer taxes; modifications to gift tax

The Senate amendment provides that the unified credit effective exemption amount will be increased and the estate and gift tax rates will be reduced over time. The unified credit effective exemption amount (for estate and gift tax purposes) will be increased to $1 million in 2002. For gift tax purposes, the unified credit effective exemption amount will remain at $1 million in 2002 and thereafter. For estate tax purposes, the unified credit effective exemption amount and generation-skipping transfer tax exemption will increase over time.

TABLE 18.—UNIFIED CREDIT EXEMPTION AMOUNTS AND HIGHEST ESTATE AND GIFT TAX RATES

Calendar year	Estate and GST tax deathtime transfer exemption	Highest estate and gift tax rates
2002	$1 million	50%
2003	$1 million	49%
2004	$2 million	48%
2005	$3 million	47%
2006	$3 million	46%
2007	$3 million	45%
2008	$3 million	45%
2009	$3.5 million	45%
2010	$4 million	45%
2011	N/A (taxes repealed)	40% (gift tax only)

Under the Senate amendment, except as provided in regulations, a transfer to a trust will be treated as a taxable gift beginning in 2011, unless the trust is treated as wholly owned by the donor or the donor's spouse under the grantor trust provisions of the Code.

After repeal of the estate tax, the modified carryover basis rules provided in the House bill also apply under the Senate amendment.

Reduction in State death tax credit; deduction for State death taxes paid

The Senate amendment provides that, from 2002 through 2004, the top State death tax credit rate is decreased from 16 percent as follows: to 8 percent in 2002, to 7.2 percent in 2003, and to 7.04 percent in 2004. In 2005, after the state death tax credit is repealed, there will be a deduction for death taxes (e.g., any estate, inheritance, legacy, or succession taxes) actually paid to any State or the District of Columbia, in respect of property included in the gross estate of the decedent. Such State taxes must have been paid and claimed before the later of: (1) four years after the filing of the estate tax return; or (2) (a) 60 days after a decision of the U.S. Tax Court determining the estate tax liability becomes final, (b) the expiration of the period of extension to pay estate taxes over time under section 6166, or (c) the expiration of the period of limitations in which to file a claim for refund or 60 days after a decision of a court in which such refund suit has been filed becomes final.

Reporting requirements

In general

For transfers at death, the Senate amendment contains reporting requirements identical to those provided in the House bill. For transfers during life, the Senate amendment provides that a donor is required to provide to recipients of property by gift the information relating to the property (e.g., the fair market value and basis of property) that was reported on the donor's gift tax return with respect to such property.

Penalties for failure to comply with the reporting requirements

Any donor required to provide to recipients of property by gift the information relating to the property that was reported on the donor's gift tax return (e.g., the fair market value and basis of property) with respect to such property who fails to do so is liable for a penalty of $50 for each failure to report such information to a donee.

Any person required to report to the IRS transfers at death of non-cash assets in excess of $1.3 million in value who fails to do so is liable for a penalty of $10,000 for the failure to report such information. Any person required to report to the IRS the receipt by a decedent of appreciated property acquired by the decedent within three years of death for which a gift tax return was required to have been filed by the donor who fails to do so is liable for a penalty of $500 for the failure to report such information to the IRS. There also is a penalty of $50 for each failure to report such information to a beneficiary.

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[53] See, e.g., Article 3, Protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation with Respect to Taxes on Estates, Inheritances, and Gifts (Senate Treaty Doc. 106-13, September 21, 1999.) Under the protocol, a pro rata unified credit is provided to the estate of an individual domiciled in Germany (who is not a U.S. citizen) for purposes of computing U.S. estate tax. Such an individual domiciled in Germany is entitled to a credit against U.S. estate tax based on the extent to which the assets of the estate are situated in the United States.

No penalty is imposed with respect to any failure that is due to reasonable cause. If any failure to report to the IRS or a beneficiary under the bill is due to intentional disregard of the rules, then the penalty is five percent of the fair market value of the property for which reporting was required, determined at the date of the decedent's death (for property passing at death) or determined at the time of gift (for a lifetime gift).

Certain tax benefits extending past the date for repeal of the estate tax

As under the House bill, there will continue to be (1) the additional estate tax for those with a retained development right with respect to property for which a conservation easement was claimed, (2) the additional estate tax imposed under the special-use valuation rules, (3) the additional tax imposed under the qualified family-owned business deduction rules, and (4) acceleration of tax under the installment payment of estate tax provisions.

In addition, under the Senate amendment, there will continue to be an estate tax imposed on (1) any distribution prior to January 1, 2022, from a qualified domestic trust before the date of the death of the noncitizen surviving spouse and (2) the value of the property remaining in a qualified domestic trust on the date of death of the noncitizen surviving spouse if such surviving spouse dies before January 1, 2011.

Effective date

The estate and gift rate reductions, increases in the estate tax unified credit exemption equivalent amounts and generation-skipping transfer tax exemption amount, and reductions in and repeal of the state death tax credit are phased-in over time, beginning with estates of decedents dying and gifts and generation-skipping transfers made after December 31, 2001. The repeal of the qualified family-owned business deduction is effective for estates of decedents dying after December 31, 2003.

The estate and generation-skipping transfer taxes are repealed, and the carryover basis regime takes effect for estates of decedents dying and generation-skipping transfers made after December 31, 2010. The provisions relating to recognition of gain on transfers to nonresident noncitizens are effective for transfers made after December 31, 2010.

The top gift tax rate will be 40 percent, and transfers to trusts generally will be treated as a taxable gift unless the trust is treated as wholly owned by the donor or the donor's spouse, effective for gifts made after December 31, 2010.

An estate tax on distributions made from a qualified domestic trust before the date of the death of the surviving spouse will no longer apply for distributions made after December 31, 2021. An estate tax on the value of property remaining in a qualified domestic trust on the date of death of the surviving spouse will no longer apply after December 31, 2010.

CONFERENCE AGREEMENT

Overview

The conference agreement follows the Senate amendment with modifications. Under the conference agreement, the estate, gift, and generation-skipping transfer taxes are reduced between 2002 and 2009, and the estate and generation-skipping transfer taxes are repealed in 2010.

Phaseout and repeal of estate and generation-skipping transfer taxes

In general

Under the conference agreement, in 2002, the 5-percent surtax (which phases out the benefit of the graduated rates) and the rates in excess of 50 percent are repealed. In addition, in 2002, the unified credit effective exemption amount (for both estate and gift tax purposes) is increased to $1 million. In 2003, the estate and gift tax rates in excess of 49 percent are repealed. In 2004, the estate and gift tax rates in excess of 48 percent are repealed, and the unified credit effective exemption amount for estate tax purposes is increased to $1.5 million. (The unified credit effective exemption amount for gift tax purposes remains at $1 million as increased in 2002.) In addition, in 2004, the family-owned business deduction is repealed. In 2005, the estate and gift tax rates in excess of 47 percent are repealed. In 2006, the estate and gift tax rates in excess of 46 percent are repealed, and the unified credit effective exemption amount for estate tax purposes is increased to $2 million. In 2007, the estate and gift tax rates in excess of 45 percent are repealed. In 2009, the unified credit effective exemption amount is increased to $3.5 million. In 2010, the estate and generation-skipping transfer taxes are repealed.

From 2002 through 2009, the estate and gift tax rates and unified credit effective exemption amount for estate tax purposes are as follows:

Calendar year	Estate and GST tax deathtime transfer exemption	Highest estate and gift tax rates
2002	$1 million	50%
2003	$1 million	49%
2004	$1.5 million	48%
2005	$1.5 million	47%
2006	$2 million	46%
2007	$2 million	45%
2008	$2 million	45%
2009	$3.5 million	45%
2010	N/A (taxes repealed)	top individual rate under the bill (gift tax only)

The generation-skipping transfer tax exemption for a given year (prior to repeal) is equal to the unified credit effective exemption amount for estate tax purposes. In addition, as under present law, the generation-skipping transfer tax rate for a given year will be the highest estate and gift tax rate in effect for such year.

Repeal of estate and generation-skipping transfer taxes; modifications to gift tax

In 2010, the estate and generation-skipping transfer taxes are repealed. Also beginning in 2010, the top gift tax rate will be the top individual income tax rate as provided under the bill, and, except as provided in regulations, a transfer to trust will be treated as a taxable gift, unless the trust is treated as wholly owned by the donor or the donor's spouse under the grantor trust provisions of the Code.

Reduction in State death tax credit; deduction for State death taxes paid

Under the conference agreement, from 2002 through 2004, the State death tax credit allowable under present law is reduced as follows: in 2002, the State death tax credit is reduced by 25 percent (from present law amounts); in 2003, the State death tax credit is reduced by 50 percent (from present law amounts); and in 2004, the State death tax credit is reduced by 75 percent (from present law amounts). In 2005, the State death tax credit is repealed, after which there will be a deduction for death taxes (e.g., any estate, inheritance, legacy, or succession taxes) actually paid to any State or the District of Columbia, in respect of property included in the gross estate of the decedent. Such State taxes must have been paid and claimed before the later of: (1) four years after the filing of the estate tax return; or (2) (a) 60 days after a decision of the U.S. Tax Court determining the estate tax liability becomes final, (b) the expiration of the period of extension to pay estate taxes over time under section 6166, or (c) the expiration of the period of limitations in which to file a claim for refund or 60 days after a decision of a court in which such refund suit has become final.

Basis of property acquired from a decedent

The conference agreement includes the rules regarding the determination of basis of property acquired from a decedent after repeal of the estate tax included in H.R. 8 and the Senate amendment; however, these rules will be in effect beginning in 2010 (i.e., when the estate tax is repealed under the conference agreement).

Reporting requirements

The conference agreement follows the Senate amendment.

Certain tax benefits extending past the date for repeal of the estate tax

The conference agreement follows the Senate amendment, with a modification regarding property in a qualified domestic trust. There will continue to be an estate tax imposed on (1) any distribution prior to January 1, 2021, from a qualified domestic trust before the date of the death of the noncitizen surviving spouse and (2) the value of the property remaining in a qualified domestic trust on the date of death of the noncitizen surviving spouse if such surviving spouse dies before January 1, 2010.

Transfers to foreign trusts, foreign estates, and nonresidents who are not U.S. citizens

The conference agreement follows H.R. 8 and the Senate amendment, with a modification. Under the conference agreement, beginning in 2010, only a transfer by a U.S. person's estate (i.e., by a U.S. person at death) to a nonresident who is not a U.S. citizen is treated as a sale or exchange of the property for an amount equal to the fair market value of the transferred property. The amount of gain that must be recognized by the transferor is equal to the excess of the fair market value of the property transferred over the adjusted basis of such property in the hands of the transferor.

Transfers of property in satisfaction of a pecuniary bequest

The conference agreement follows H.R. 8 and the Senate amendment.

Transfer of property subject to a liability

The conference agreement follows H.R. 8 and the Senate amendment.

Income tax exclusion for the gain on the sale of a principal residence

The conference agreement follows H.R. 8 and the Senate amendment, with a modification. Under the conference agreement, the income tax exclusion for the gain on the sale of a principal residence applies to property sold by a trust that was a qualified revocable trust under section 645 of the Code immediately prior to the decedent's death. The decedent's period of occupancy of the property as a principal residence can be added to an heir's subsequent ownership and occupancy in determining whether the property was owned and occupied for two years as a principal residence, regardless of whether the residence was owned by such trust during the decedent's occupancy.

Excise tax on non-exempt trusts

The conference agreement follows H.R. 8 and the Senate amendment.

Effective date

The estate and gift rate reductions, increases in the estate tax unified credit exemption equivalent amounts and generation-skipping transfer tax exemption amount, and reductions in and repeal of the state death tax credit are phased-in over time, beginning with estates of decedents dying and gifts and generation-skipping transfers after December 31, 2001. The repeal of the qualified family-owned business deduction is effective for estates of decedents dying after December 31, 2003.

The estate and generation-skipping transfer taxes are repealed, and the carryover basis regime takes effect for estates of decedents dying and generation-skipping transfers after December 31, 2009. The provisions relating to recognition of gain on transfers by the estate of a U.S. person (i.e., at death) to nonresidents who are not U.S. citizens is effective for transfers made after December 31, 2009.

The top gift tax rate will be the top individual income tax rate as provided in the bill, and transfers to trusts generally will be treated as a taxable gift unless the trust is treated as wholly owned by the donor or the donor's spouse, effective for gifts made after December 31, 2009.

An estate tax on distributions made from a qualified domestic trust before the date of the death of the surviving spouse will no longer apply for distributions made after December 31, 2020. An estate tax on the value of property remaining in a qualified domestic trust on the date of death of the surviving spouse will no longer apply after December 31, 2009.

B. Expand Estate Tax Rule for Conservation Easements (Sec. 501 of H.R. 8, Sec. 551 of the Senate Amendment, and Sec. 2031 of the Code)

PRESENT LAW

In general

An executor can elect to exclude from the taxable estate 40 percent of the value of any land subject to a qualified conservation easement, up to a maximum exclusion of $100,000 in 1998, $200,000 in 1999, $300,000 in 2000, $400,000 in 2001, and $500,000 in 2002 and thereafter (sec. 2031(c)). The exclusion percentage is reduced by 2 percentage points for each percentage point (or fraction thereof) by which the value of the qualified conservation easement is less than 30 percent of the value of the land (determined without regard to the value of such easement and reduced by the value of any retained development right).

A qualified conservation easement is one that meets the following requirements: (1) The land is located within 25 miles of a metropolitan area (as defined by the Office of Management and Budget) or a national park or wilderness area, or within 10 miles of an Urban National Forest (as designated by the Forest Service of the U.S. Department of Agriculture); (2) the land has been owned by the decedent or a member of the decedent's family at all times during the three-year period ending on the date of the decedent's death; and (3) a qualified conservation contribution (within the meaning of sec. 170(h)) of a qualified real property interest (as generally defined in sec. 170(h)(2)(C)) was granted by the decedent or a member of his or her family. For purposes of the provision, preservation of a historically important land area or a certified historic structure does not qualify as a conservation purpose.

In order to qualify for the exclusion, a qualifying easement must have been granted by the decedent, a member of the decedent's family, the executor of the decedent's estate, or the trustee of a trust holding the land, no later than the date of the election. To the extent that the value of such land is excluded from the taxable estate, the basis of such land acquired at death is a carryover basis (i.e., the basis is not stepped-up to its fair market value at death). Property financed with acquisition indebtedness is eligible for this provision only to the extent of the net equity in the property.

Retained development rights

The exclusion for land subject to a conservation easement does not apply to any development right retained by the donor in the conveyance of the conservation easement. An example of such a development right would be the right to extract minerals from the land. If such development rights exist, then the value of the conservation easement must be reduced by the value of any retained development right.

If the donor or holders of the development rights agree in writing to extinguish the development rights in the land, then the value of the easement need not be reduced by the development rights. In such case, those persons with an interest in the land must execute the agreement no later than the earlier of (1) two years after the date of the decedent's death or (2) the date of the sale of such land subject to the conservation easement. If such agreement is not entered into within this time, then those with an interest in the land are personally liable for an additional tax, which is the amount of tax which would have been due on the retained development rights subject to the termination agreement.

HOUSE BILL

No provision. However, H.R. 8, as passed by the House expands the availability of qualified conservation easements by modifying the distance requirements. Under the bill, the distance within which the land must be situated from a metropolitan area, national park, or wilderness area is increased from 25 to 50 miles, and the distance from which the land must be situated from an Urban National Forest is increased from 10 to 25 miles. The bill also clarifies that the date for determining easement compliance is the date on which the donation was made.

Effective date.—The provisions are effective for estates of decedents dying after December 31, 2000.

SENATE AMENDMENT

The Senate amendment expands availability of qualified conservation easements by eliminating the requirement that the land be located within a certain distance from a metropolitan area, national park, wilderness area, or Urban National Forest. Thus, under the Senate amendment, a qualified conservation easement may be claimed with respect to any land that is located in the United States or its possessions. The Senate amendment also clarifies that the date for determining easement compliance is the date on which the donation was made.

Effective date.—The provisions are effective for estates of decedents dying after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

C. Modify Generation-Skipping Transfer Tax Rules

1. Deemed allocation of the generation-skipping transfer tax exemption to lifetime transfers to trusts that are not direct skips (sec. 601 of H.R. 8, sec. 561 of the Senate amendment, and sec. 2632 of the Code)

PRESENT LAW

A generation-skipping transfer tax generally is imposed on transfers, either directly or through a trust or similar arrangement, to a "skip person" (i.e., a beneficiary in a generation more than one generation below that of the transferor). Transfers subject to the generation-skipping transfer tax include direct skips, taxable terminations, and taxable distributions. An exemption of $1 million (indexed beginning in 1999; the inflation-adjusted amount for 2001 is $1,060,000) is provided for each person making generation-skipping transfers. The exemption can be allocated by a transferor (or his or her executor) to transferred property.

A direct skip is any transfer subject to estate or gift tax of an interest in property to a skip person. A skip person may be a natural person or certain trusts. All persons assigned to the second or more remote generation below the transferor are skip persons (e.g., grandchildren and great-grandchildren). Trusts are skip persons if (1) all interests in the trust are held by skip persons, or (2) no person holds an interest in the trust and at no time after the transfer may a distribution (including distributions and terminations) be made to a non-skip person.

A taxable termination is a termination (by death, lapse of time, release of power, or otherwise) of an interest in property held in trust unless, immediately after such termination, a non-skip person has an interest in the property, or unless at no time after the termination may a distribution (including a distribution upon termination) be made from the trust to a skip person. A taxable distribution is a distribution from a trust to a skip person (other than a taxable termination or direct skip).

The tax rate on generation-skipping transfers is a flat rate of tax equal to the maximum estate and gift tax rate in effect at the time of the transfer (55 percent under present law) multiplied by the "inclusion ratio." The inclusion ratio with respect to any property transferred in a generation-skipping transfer indicates the amount of "generation-skipping transfer tax exemption" allocated to a trust. The allocation of generation-skipping transfer tax exemption reduces the 55-percent tax rate on a generation-skipping transfer.

If an individual makes a direct skip during his or her lifetime, any unused generation-skipping transfer tax exemption is automatically allocated to a direct skip to the extent necessary to make the inclusion ratio for such property equal to zero. An individual can elect out of the automatic allocation for lifetime direct skips.

For lifetime transfers made to a trust that are not direct skips, the transferor must allocate generation-skipping transfer tax exemption—the allocation is not automatic. If generation-skipping transfer tax exemption is allocated on a timely-filed gift tax return, then the portion of the trust which is exempt from generation-skipping transfer tax is based on the value of the property at the time of the transfer. If, however, the allocation is not made on a timely-filed gift tax return, then the portion of the trust which is exempt from generation-skipping transfer tax is based on the value of the property at the time the allocation of generation-skipping transfer tax exemption was made.

Treas. Reg. sec. 26.2632–1(d) further provides that any unused generation-skipping transfer tax exemption, which has not been allocated to transfers made during an individual's life, is automatically allocated on the due date for filing the decedent's estate tax return. Unused generation-skipping transfer tax exemption is allocated pro rata on the basis of the value of the property as finally determined for estate tax purposes, first to direct skips treated as occurring at the transferor's death. The balance, if any, of unused generation-skipping transfer tax exemption is allocated pro rata, on the basis of the estate tax value of the nonexempt portion of the trust property (or in the case of trusts that are not included in the gross estate, on the basis of the date of death value of the trust) to trusts with respect to which a taxable termination may occur or from which a taxable distribution may be made.

HOUSE BILL

No provision. However, H.R. 8, as passed by the house provides that generation-skipping transfer tax exemption will be automatically allocated to transfers made during life that are "indirect skips." An indirect skip is any transfer of property (that is not a direct skip) subject to the gift tax that is made to a generation-skipping transfer trust.

A generation-skipping transfer trust is defined as a trust that could have a generation-skipping transfer with respect to the transferor (e.g., a taxable termination or taxable distribution), unless:

The trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons (a) before the date that the individual attains age 46, (b) on or before one or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or (c) upon the occurrence of an event that, in accordance with regulations prescribed by the Treasury Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

The trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

The trust instrument provides that, if one or more individuals who are non-skip persons die on or before a date or event described in clause (1) or (2), more than 25 percent of the trust corpus either must be distributed to the estate or estates of one or more of such individuals or is subject to a general power of appointment exercisable by one or more of such individuals;

The trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

The trust is a charitable lead annuity trust or a charitable remainder annuity trust or a charitable unitrust; or

The trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

If any individual makes an indirect skip during the individual's lifetime, then any unused portion of such individual's generation-skipping transfer tax exemption is allocated to the property transferred to the extent necessary to produce the lowest possible inclusion ratio for such property.

An individual can elect not to have the automatic allocation rules apply to an indirect skip, and such elections will be deemed timely if filed on a timely-filed gift tax return for the calendar year in which the transfer was made or deemed to have been made or on such later date or dates as may be prescribed by the Treasury Secretary. An individual can elect not to have the automatic allocation rules apply to any or all transfers made by such individual to a particular trust and can elect to treat any trust as a generation-skipping transfer trust with respect to any or all transfers made by the individual to such trust, and such election can be made on a timely-filed gift tax return for the calendar year for which the election is to become effective.

Effective date.—The provision applies to transfers subject to estate or gift tax made after December 31, 2000, and to estate tax inclusion periods ending after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the provision in H.R. 8.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 8 and the Senate amendment.

2. Retroactive allocation of the generation-skipping transfer tax exemption (sec. 601 of H.R. 8, sec. 561 of the Senate amendment, and sec. 2632 of the Code)

PRESENT LAW

A taxable termination is a termination (by death, lapse of time, release of power, or otherwise) of an interest in property held in trust unless, immediately after such termination, a non-skip person has an interest in the property, or unless at no time after the termination may a distribution (including a distribution upon termination) be made from the trust to a skip person. A taxable distribution is a distribution from a trust to a skip person (other than a taxable termination or direct skip). If a transferor allocates generation-skipping transfer tax exemption to a trust prior to the taxable termination or taxable distribution, generation-skipping transfer tax may be avoided.

A transferor likely will not allocate generation-skipping transfer tax exemption to a trust that the transferor expects will benefit only non-skip persons. However, if a taxable termination occurs because, for example, the transferor's child unexpectedly dies such that the trust terminates in favor of the transferor's grandchild, and generation-skipping transfer tax exemption had not been allocated to the trust, then generation-skipping transfer tax would be due even if the transferor had unused generation-skipping transfer tax exemption.

HOUSE BILL

No provision. However, H.R. 8, as passed by the House, provided that generation-skipping transfer tax exemption can be allocated retroactively when there is an unnatural order of death. If a lineal descendant of the transferor predeceases the transferor, then the transferor can allocate any unused generation-skipping transfer exemption to any previous transfer or transfers to the trust on a chronological basis. The provision allows a transferor to retroactively allocate generation-skipping transfer exemption to a trust where a beneficiary (a) is a non-skip person, (b) is a lineal descendant of the transferor's grandparent or a grandparent of the transferor's spouse, (c) is a generation younger than the generation of the transferor, and (d) dies before the transferor. Exemption is allocated under this rule retroactively, and the applicable fraction and inclusion ratio would be determined based on the value of the property on the date that the property was transferred to trust.

Effective date.—The provision applies to deaths of non-skip persons occurring after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the provision in H.R. 8.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 8 and the Senate amendment.

3. Severing of trusts holding property having an inclusion ratio of greater than zero (sec. 602 of H.R. 8, sec. 562 of the Senate amendment, and sec. 2642 of the Code)

PRESENT LAW

A generation-skipping transfer tax generally is imposed on transfers, either directly or through a trust or similar arrangement, to a "skip person" (i.e., a beneficiary in a generation more than one generation below that of the transferor). Transfers subject to the generation-skipping transfer tax include direct skips, taxable terminations, and taxable distributions. An exemption of $1 million (indexed beginning in 1999; the inflation-adjusted amount for 2001 is $1,060,000) is provided for each person making generation-skipping transfers. The exemption can be allocated by a transferor (or his or her executor) to transferred property.

If the value of transferred property exceeds the amount of the generation-skipping transfer tax exemption allocated to that property, then the generation-skipping transfer tax generally is determined by multiplying a flat tax rate equal to the highest estate tax rate (which is currently 55 percent) by the "inclusion ratio" and the value of the taxable property at the time of the taxable event. The "inclusion ratio" is the number one minus the "applicable fraction." The applicable fraction is a fraction calculated by dividing the amount of the generation-skipping transfer tax exemption allocated to the property by the value of the property.

Under Treas. Reg. 26.2654–1(b), a trust may be severed into two or more trusts (e.g., one with an inclusion ratio of zero and one with an inclusion ratio of one) only if (1) the trust is severed according to a direction in the governing instrument or (2) the trust is severed pursuant to the trustee's discretionary powers, but only if certain other conditions are satisfied (e.g., the severance occurs or a reformation proceeding begins before the estate tax return is due). Under current Treasury regulations, however, a trustee cannot establish inclusion ratios of zero and one by severing a trust that is subject to the generation-skipping transfer tax after the trust has been created.

HOUSE BILL

No provision. However, H.R. 8, as passed by the House, provides that a trust can be severed in a "qualified severance." A qualified severance is defined as the division of a single trust and the creation of two or more trusts if (1) the single trust was divided on a fractional basis, and (2) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust. If a trust has an inclusion ratio of greater than zero and less than one, a severance is a qualified severance only if the single trust is divided into two trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of one. Under the provision, a trustee may elect to sever a trust in a qualified severance at any time.

Effective date.—The provision is effective for severances of trusts occurring after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the provision in H.R. 8.

CONFERENCE AGREEMENT

The conference agreement follows the provision in H.R. 8 and the Senate amendment.

4. Modification of certain valuation rules (sec. 603 of H.R. 8, sec. 563 of the Senate amendment, and sec. 2642 of the Code)

PRESENT LAW

Under present law, the inclusion ratio is determined using gift tax values for allocations of generation-skipping transfer tax exemption made on timely filed gift tax returns. The inclusion ratio generally is determined using estate tax values for allocations of generation-skipping transfer tax exemption made to transfers at death. Treas. Reg. 26.2642–5(b) provides that, with respect to taxable terminations and taxable distributions, the inclusion ratio becomes final on the later of the period of assessment with respect to the first transfer using the inclusion ratio or the period for assessing the estate tax with respect to the transferor's estate.

HOUSE BILL

No provision. However, H.R. 8, as passed by the House, provides that in connection with timely and automatic allocations of generation-skipping transfer tax exemption, the value of the property for purposes of determining the inclusion ratio shall be its finally determined gift tax value or estate tax value depending on the circumstances of the transfer. In the case of a generation-skipping transfer tax exemption allocation deemed to be made at the conclusion of an estate tax inclusion period, the value for purposes of determining the inclusion ratio shall be its value at that time.

Effective date.—The provision is effective for transfers subject to estate or gift tax made after December 31, 2000.

SENATE AMENDMENT

The Senate amendment is the same as the provision in H.R. 8.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 8 and the Senate amendment.

5. Relief from late elections (sec. 604 of H.R. 8, sec. 564 of the Senate amendment, and sec. 2642 of the Code)

PRESENT LAW

Under present law, an election to allocate generation-skipping transfer tax exemption to a specific transfer may be made at any time up to the time for filing the transferor's estate tax return. If an allocation is made on a gift tax return filed timely with respect to the transfer to trust, then the value on the date of transfer to the trust is used for determining generation-skipping transfer tax exemption allocation. However, if the allocation relating to a specific transfer is not made on a timely-filed gift tax return, then the value on the date of allocation must be used. There is no statutory provision allowing relief for an inadvertent failure to make an election on a timely-filed gift tax return to allocate generation-skipping transfer tax exemption.

HOUSE BILL

No provision. However, H.R. 8, as passed by the House, provides that the Treasury Secretary is authorized and directed to grant extensions of time to make the election to allocate generation-skipping transfer tax exemption and to grant exceptions to the time requirement, without regard to whether any period of limitations has expired. If such relief is granted, then the gift tax or estate tax value of the transfer to trust would be used for determining generation-skipping transfer tax exemption allocation.

In determining whether to grant relief for late elections, the Treasury Secretary is directed to consider all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Treasury Secretary deems relevant. For purposes of determining whether to grant relief, the time for making the allocation (or election) is treated as if not expressly prescribed by statute.

Effective date.—The provision applies to requests pending on, or filed after, December 31, 2000. No inference is intended with respect to the availability of relief from late elections prior to the effective date of the provision.

SENATE AMENDMENT

The Senate amendment is the same as the provision in H.R. 8.

CONFERENCE AGREEMENT

The conference agreement follows the provision in H.R. 8 and the Senate amendment.

6. Substantial compliance (sec. 604 of the House bill, sec. 564 of the Senate amendment, and sec. 2642 of the Code)

PRESENT LAW

Under present law, there is no statutory rule which provides that substantial compliance with the statutory and regulatory requirements for allocating generation-skipping transfer tax exemption will suffice to establish that generation-skipping transfer tax exemption was allocated to a particular transfer or trust.

HOUSE BILL

No provision. However, H.R. 8, as passed by the House, provides that substantial compliance with the statutory and regulatory requirements for allocating generation-skipping transfer tax exemption will suffice to establish that generation-skipping transfer tax exemption was allocated to a particular transfer or a particular trust. If a taxpayer demonstrates substantial compliance, then so much of the transferor's unused generation-skipping transfer tax exemption will be allocated to the extent it produces the lowest possible inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances will be considered, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Treasury Secretary deems appropriate.

Effective date.—The provision applies to transfers subject to estate or gift tax made after December 31, 2000. No inference is intended with respect to the availability of a rule of substantial compliance prior to the effective date of the provision.

SENATE AMENDMENT

The Senate amendment is the same as the provision in H.R. 8.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 8 and the Senate amendment.

D. EXPAND AND MODIFY AVAILABILITY OF INSTALLMENT PAYMENT OF ESTATE TAX FOR CLOSELY-HELD BUSINESSES (SEC. 701 OF H.R. 8, SECS. 571 AND 572 OF THE SENATE AMENDMENT, AND SEC. 6166 OF THE CODE)

PRESENT LAW

Under present law, the estate tax generally is due within nine months of a decedent's death. However, an executor generally may elect to pay estate tax attributable to an interest in a closely-held business in two or more installments (but no more than 10). An estate is eligible for payment of estate tax in installments if the value of the decedent's interest in a closely-held business exceeds 35 percent of the decedent's adjusted gross estate (i.e., the gross estate less certain deductions). If the election is made, the estate may defer payment of principal and pay only interest for the first five years, followed by up to 10 annual installments of principal and interest. This provision effectively extends the time for paying estate tax by 14 years from the original due date of the estate tax.[54] A special two-percent interest rate applies to the amount of deferred estate tax attributable to the first $1 million (adjusted annually for inflation occurring after 1998; the inflation-adjusted amount for 2001 is $1,060,000) in taxable value of a closely-held business. The interest rate applicable to the amount of estate tax attributable to the taxable value of the closely-held business in excess of $1 million is equal to 45 percent of the rate applicable to underpayments of tax under section 6621 (i.e., 45 percent of the Federal short-term rate plus 3 percentage points). Interest paid on deferred estate taxes is not deductible for estate or income tax purposes.

For purposes of these rules, an interest in a closely-held business is: (1) an interest as a proprietor in a sole proprietorship, (2) an interest as a partner in a partnership carrying on a trade or business if 20 percent or more of the total capital interest of such partnership is included in the decedent's gross estate or the partnership had 15 or fewer partners, and (3) stock in a corporation carrying on a trade or business if 20 percent or more of the value of the voting stock of the corporation is included in the decedent's gross estate or such corporation had 15 or fewer shareholders. The decedent may own the interest directly or, in certain cases, ownership may be indirect, through a holding company. If ownership is through a holding company, the stock must be non-readily tradable. If stock in a holding company is treated as business company stock for purposes of the installment payment provisions, the five-year deferral for principal and the 2-percent interest rate do not apply. The value of any interest in a closely-held business does not include the value of that portion of such interest attributable to passive assets held by such business.

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[54] For example, assume estate tax is due in 2001. If interest only is paid each year for the first five years (2001 through 2005), and if 10 installments of both principal and interest are paid for the 10 years thereafter (2006 through 2015), then payment of estate tax would be extended by 14 years from the original due date of 2001.

HOUSE BILL

No provision. However, H.R. 8, as passed by the House, expands the definition of a closely-held business for purposes of installment payment of estate tax. The bill increases from 15 to 45 the number of partners in a partnership and shareholders in a corporation that is considered a closely-held business in which a decedent held an interest, and thus will qualify the estate for installment payment of estate tax.

Effective date.—The provision is effective for decedents dying after December 31, 2001.

SENATE AMENDMENT

The Senate amendment expands availability of the installment payment provisions by providing that an estate of a decedent with an interest in a qualifying lending and financing business is eligible for installment payment of the estate tax. The bill also provides that an estate with an interest in a qualifying lending and financing business that claims installment payment of estate tax must make installment payments of estate tax (which will include both principal and interest) relating to the interest in a qualifying lending and financing business over five years.

The Senate amendment also clarifies that the installment payment provisions require that only the stock of holding companies, not that of operating subsidiaries, must be non-readily tradable in order to qualify for installment payment of the estate tax. The bill also provides that an estate with a qualifying property interest held through holding companies that claims installment payment of estate tax must make all installment payments of estate tax (which will include both principal and interest) relating to a qualifying property interest held through holding companies over five years.

Effective date.—The provision is effective for decedents dying after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement includes the provision in H.R. 8 and the provisions in the Senate amendment.

No inference is intended as to whether one or more of the specified activities of a qualified lending and financing business would be a trade or business eligible for installment payment of estate tax under present law.

VI. PENSION AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS[55]

A. INDIVIDUAL RETIREMENT ARRANGEMENTS ("IRAS") (SEC. 101 OF THE HOUSE BILL, SECS. 601–603 OF THE SENATE AMENDMENT AND SECS. 219, 408, AND 408A OF THE CODE)

PRESENT LAW

In general

There are two general types of individual retirement arrangements ("IRAs") under present law: traditional IRAs, to which both deductible and nondeductible contributions may be made, and Roth IRAs. The Federal income tax rules regarding each type of IRA (and IRA contribution) differ.

Traditional IRAs

Under present law, an individual may make deductible contributions to an IRA up to the lesser of $2,000 or the individual's compensation if neither the individual nor the individual's spouse is an active participant in an employer-sponsored retirement plan. In the case of a married couple, deductible IRA contributions of up to $2,000 can be made for each spouse (including, for example, a homemaker who does not work outside the home), if the combined compensation of both spouses is at least equal to the contributed amount. If the individual (or the individual's spouse) is an active participant in an employer-sponsored retirement plan, the $2,000 deduction limit is phased out for taxpayers with adjusted gross income ("AGI") over certain levels for the taxable year.

The AGI phase-out limits for taxpayers who are active participants in employer-sponsored plans are as follows.

Single Taxpayers

Taxable years beginning in:	*Phase-out range*
2001	$33,000–43,000
2002	34,000–44,000
2003	40,000–50,000
2004	45,000–55,000
2005 and thereafter	50,000–60,000

Joint Returns

Taxable years beginning in:	*Phase-out range*
2001	$53,000–63,000
2002	54,000–64,000
2003	60,000–70,000
2004	65,000–75,000
2005	70,000–80,000
2006	75,000–85,000
2007 and thereafter	80,000–100,000

The AGI phase-out range for married taxpayers filing a separate return is $0 to $10,000.

If the individual is not an active participant in an employer-sponsored retirement plan, but the individual's spouse is, the $2,000 deduction limit is phased out for taxpayers with AGI between $150,000 and $160,000.

To the extent an individual cannot or does not make deductible contributions to an IRA or contributions to a Roth IRA, the individual may make nondeductible contributions to a traditional IRA.

Amounts held in a traditional IRA are includible in income when withdrawn (except to the extent the withdrawal is a return of nondeductible contributions). Includible amounts withdrawn prior to attainment of age 59½ are subject to an additional 10-percent early withdrawal tax, unless the withdrawal is due to death or disability, is made in the form of certain periodic payments, is used to pay medical expenses in excess of 7.5 percent of AGI, is used to purchase health insurance of an unemployed individual, is used for education expenses, or is used for first-time homebuyer expenses of up to $10,000.

Roth IRAs

Individuals with AGI below certain levels may make nondeductible contributions to a Roth IRA. The maximum annual contribution that may be made to a Roth IRA is the lesser of $2,000 or the individual's compensation for the year. The contribution limit is reduced to the extent an individual makes contributions to any other IRA for the same taxable year. As under the rules relating to IRAs generally, a contribution of up to $2,000 for each spouse may be made to a Roth IRA provided the combined compensation of the spouses is at least equal to the contributed amount. The maximum annual contribution that can be made to a Roth IRA is phased out for single individuals with AGI between $95,000 and $110,000 and for joint filers with AGI between $150,000 and $160,000.

Taxpayers with modified AGI of $100,000 or less generally may convert a traditional IRA into a Roth IRA. The amount converted is includible in income as if a withdrawal had been made, except that the 10-percent early withdrawal tax does not apply and, if the conversion occurred in 1998, the income inclusion may be spread ratably over four years. Married taxpayers who file separate returns cannot convert a traditional IRA into a Roth IRA.

Amounts held in a Roth IRA that are withdrawn as a qualified distribution are not includible in income, or subject to the additional 10-percent tax on early withdrawals. A qualified distribution is a distribution that (1) is made after the five-taxable year period beginning with the first taxable year for which the individual made a contribution to a Roth IRA, and (2) which is made after attainment of age 59½, on account of death or disability, or is made for first-time homebuyer expenses of up to $10,000.

Distributions from a Roth IRA that are not qualified distributions are includible in income to the extent attributable to earnings, and subject to the 10-percent early withdrawal tax (unless an exception applies).[56] The same exceptions to the early withdrawal tax that apply to IRAs apply to Roth IRAs.

Taxation of charitable contributions

Generally, a taxpayer who itemizes deductions may deduct cash contributions to charity, as well as the fair market value of contributions of property. The amount of the deduction otherwise allowable for the taxable year with respect to a charitable contribution may be reduced, depending on the type of property contributed, the type of charitable organization to which the property is contributed, and the income of the taxpayer.

For donations of cash by individuals, total deductible contributions to public charities may not exceed 50 percent of a taxpayer's adjusted gross income ("AGI") for a taxable year. To the extent a taxpayer has not exceeded the 50-percent limitation, contributions of cash to private foundations and certain other nonprofit organizations and contributions of capital gain property to public charities generally may be deducted up to 30 percent of the taxpayer's AGI. If a taxpayer makes a contribution in one year that exceeds the applicable 50-percent or 30-percent limitation, the excess amount of the contribution may be carried over and deducted during the next five taxable years.

In addition to the percentage limitations imposed specifically on charitable contributions, present law imposes a reduction on most itemized deductions, including charitable contribution deductions, for taxpayers with adjusted gross income in excess of a threshold amount, which is adjusted annually for inflation. The threshold amount for 2001 is $132,950 ($66,475 for married individuals filing separate returns). For those deductions that are subject to the limit, the total amount of itemized deductions is reduced by three percent of AGI over the threshold amount, but not by more than 80 percent of itemized deductions subject to the limit. The effect of this reduction may be to limit a taxpayer's ability to deduct some of his or her charitable contributions.

HOUSE BILL

Increase in annual contribution limits

The House bill increases the maximum annual dollar contribution limit for IRA contributions from $2,000 to $3,000 in 2002, $4,000 in 2003, and $5,000 in 2004. The limit is indexed in $500 increments in 2005 and thereafter.

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[55] The provisions of the bill as passed by the House did not contain provisions relating to pensions and individual retirement arrangements. Provisions described under the House bill refer to the provisions of H.R. 10, the "Comprehensive Retirement Security and Pension Reform Act of 2001," as passed by the House.

[56] Early distribution of converted amounts may also accelerate income inclusion of converted amounts that are taxable under the four-year rule applicable to 1998 conversions.

Additional catch-up contributions

The House bill accelerates the increase of the IRA maximum contribution limit for individuals who have attained age 50 before the end of the taxable year. The maximum dollar contribution limit (before application of the AGI phase-out limits) for such an individual is increased to $5,000 in 2002 and 2003. In 2004 and thereafter, the general limit applies to all individuals.

Deemed IRAs under qualified plans

No provision.

Tax-free IRA withdrawals for charitable purposes

No provision.

Effective date

The provision is effective for taxable years beginning after December 31, 2001.

SENATE AMENDMENT

Increase in annual contribution limits

The Senate amendment increases the maximum annual dollar contribution limit for IRA contributions from $2,000 to $2,500 for 2002 through 2005, $3,000 for 2006 and 2007, $3,500 for 2008 and 2009, $4,000 for 2010, and $5,000 for 2011. After 2011, the limit is adjusted annually for inflation in $500 increments.

Additional catch-up contributions

The Senate amendment provides that individuals who have attained age 50 may make additional catch-up IRA contributions. The otherwise maximum contribution limit (before application of the AGI phase-out limits) for an individual who has attained age 50 before the end of the taxable year is increased by $500 for 2002 through 2005, $1,000 for 2006 through 2009, $1,500 for 2010, and $2,000 for 2011 and thereafter.

Deemed IRAs under employer plans

The Senate amendment provides that, if an eligible retirement plan permits employees to make voluntary employee contributions to a separate account or annuity that (1) is established under the plan, and (2) meets the requirements applicable to either traditional IRAs or Roth IRAs, then the separate account or annuity is deemed a traditional IRA or a Roth IRA, as applicable, for all purposes of the Code. For example, the reporting requirements applicable to IRAs apply. The deemed IRA, and contributions thereto, are not subject to the Code rules pertaining to the eligible retirement plan. In addition, the deemed IRA, and contributions thereto, are not taken into account in applying such rules to any other contributions under the plan. The deemed IRA, and contributions thereto, are subject to the exclusive benefit and fiduciary rules of ERISA to the extent otherwise applicable to the plan, and are not subject to the ERISA reporting and disclosure, participation, vesting, funding, and enforcement requirements applicable to the eligible retirement plan.[57] An eligible retirement plan is a qualified plan (sec. 401(a)), tax-sheltered annuity (sec. 403(b)), or a governmental section 457 plan.

Tax-free IRA withdrawals for charitable purposes

The Senate amendment provides an exclusion from gross income for qualified charitable distributions from an IRA: (1) to a charitable organization (as described in sec. 170(c)) to which deductible contributions may be made; (2) to a charitable remainder annuity trust or charitable remainder unitrust; (3) to a pooled income fund (as defined in sec. 642(c)(5)); or (4) for the issuance of a charitable gift annuity. The exclusion applies with respect to distributions described in (2), (3), or (4) only if no person holds an income interest in the trust, fund, or annuity attributable to such distributions other than the IRA owner, his or her spouse, or a charitable organization.

In determining the character of distributions from a charitable remainder annuity trust or a charitable remainder unitrust to which a qualified charitable distribution from an IRA is made, the charitable remainder trust is required to treat as ordinary income the portion of the distribution from the IRA to the trust which would have been includible in income but for the Senate amendment, and as corpus any remaining portion of the distribution. Similarly, in determining the amount includible in gross income by reason of a payment from a charitable gift annuity purchased with a qualified charitable distribution from an IRA, the taxpayer is not permitted to treat the portion of the distribution from the IRA that would have been taxable but for the Senate amendment and that is used to purchase the annuity as an investment in the annuity contract.

A qualified charitable distribution is any distribution from an IRA that is made after age 70½, that qualifies as a charitable contribution (within the meaning of sec. 170(c)), and that is made directly to the charitable organization or to a charitable remainder annuity trust, charitable remainder unitrust, pooled income fund, or charitable gift annuity (as described above).[58] A taxpayer is not permitted to claim a charitable contribution deduction for amounts transferred from his or her IRA to a charity or to a trust, fund, or annuity that, because of the Senate amendment, are excluded from the taxpayer's income. Conversely, if the amounts transferred are otherwise nontaxable, e.g., a qualified distribution from a Roth IRA, the regularly applicable deduction rules apply.

Effective date

The Senate amendment is generally effective for taxable years beginning after December 31, 2001. The provision relating to deemed IRAs under employer plans is effective for plan years beginning after December 31, 2002. The provision relating to tax-free IRA withdrawals for charitable purposes is effective for taxable years beginning after December 31, 2009.

CONFERENCE AGREEMENT

Increase in annual contribution limits

The conference agreement increases the maximum annual dollar contribution limit for IRA contributions from $2,000 to $3,000 for 2002 through 2004, $4,000 for 2005 through 2007, and $5,000 for 2008. After 2008, the limit is adjusted annually for inflation in $500 increments.

Additional catch-up contributions

The conference agreement provides that individuals who have attained age 50 may make additional catch-up IRA contributions. The otherwise maximum contribution limit (before application of the AGI phase-out limits) for an individual who has attained age 50 before the end of the taxable year is increased by $500 for 2002 through 2005, and $1,000 for 2006 and thereafter.

Deemed IRAs under employer plans

The conference agreement follows the Senate amendment.

Tax-free IRA withdrawals for charitable purposes

The conference agreement does not include the Senate amendment.

Effective date

The conference agreement is generally effective for taxable years beginning after December 31, 2001. The provision relating to deemed IRAs under employer plans is effective for plan years beginning after December 31, 2002.

B. PENSION PROVISIONS

1. Expanding Coverage

(a) Increase in benefit and contribution limits (secs. 201 and 209 of the House bill, sec. 611 of the Senate amendment, and secs. 401(a)(17), 401(c)(2), 402(g), 408(p), 415 and 457 of the Code)

PRESENT LAW

In general

Present law imposes limits on contributions and benefits under qualified plans (sec. 415), the amount of compensation that may be taken into account under a plan for determining benefits (sec. 401(a)(17)), the amount of elective deferrals that an individual may make to a salary reduction plan or tax sheltered annuity (sec. 402(g)), and deferrals under an eligible deferred compensation plan of a tax-exempt organization or a State or local government (sec. 457).

Limitations on contributions and benefits

Under present law, the limits on contributions and benefits under qualified plans are based on the type of plan. Under a defined contribution plan, the qualification rules limit the annual additions to the plan with respect to each plan participant to the lesser of (1) 25 percent of compensation or (2) $35,000 (for 2001). Annual additions are the sum of employer contributions, employee contributions, and forfeitures with respect to an individual under all defined contribution plans of the same employer. The $35,000 limit is indexed for cost-of-living adjustments in $5,000 increments.

Under a defined benefit plan, the maximum annual benefit payable at retirement is generally the lesser of (1) 100 percent of average compensation, or (2) $140,000 (for 2001). The dollar limit is adjusted for cost-of-living increases in $5,000 increments.

Under present law, in general, the dollar limit on annual benefits is reduced if benefits under the plan begin before the social security retirement age (currently, age 65) and increased if benefits begin after social security retirement age.

Compensation limitation

Under present law, the annual compensation of each participant that may be taken into account for purposes of determining contributions and benefits under a plan, applying the deduction rules, and for nondiscrimination testing purposes is limited to $170,000 (for 2001). The compensation limit is indexed for cost-of-living adjustments in $10,000 increments.

In general, contributions to qualified plans and IRAs are based on compensation. For a self-employed individual, compensation generally means net earnings subject to self-employment taxes ("SECA taxes"). Members of certain religious faiths may elect to be exempt from SECA taxes on religious grounds. Because the net earnings of such individuals are not subject to SECA taxes, these individuals are considered to have no compensation on which to base contributions to a retirement plan. Under an exception to this rule, net earnings of such individuals are treated as compensation for purposes of making contributions to an IRA.

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[57] The Senate amendment does not specify the treatment of deemed IRAs for purposes other than the Code and ERISA.

[58] It is intended that, in the case of transfer to a trust, fund, or annuity, the full amount distributed from an IRA will meet the definition of a qualified charitable distribution if the charitable organization's interest in the distribution would qualify as a charitable contribution under section 170.

Elective deferral limitations

Under present law, under certain salary reduction arrangements, an employee may elect to have the employer make payments as contributions to a plan on behalf of the employee, or to the employee directly in cash. Contributions made at the election of the employee are called elective deferrals.

The maximum annual amount of elective deferrals that an individual may make to a qualified cash or deferred arrangement (a "section 401(k) plan"), a tax-sheltered annuity ("section 403(b) annuity") or a salary reduction simplified employee pension plan ("SEP") is $10,500 (for 2001). The maximum annual amount of elective deferrals that an individual may make to a SIMPLE plan is $6,500 (for 2001). These limits are indexed for inflation in $500 increments.

Section 457 plans

The maximum annual deferral under a deferred compensation plan of a State or local government or a tax-exempt organization (a "section 457 plan") is the lesser of (1) $8,500 (for 2001) or (2) 33⅓ percent of compensation. The $8,500 dollar limit is increased for inflation in $500 increments. Under a special catch-up rule, the section 457 plan may provide that, for one or more of the participant's last three years before retirement, the otherwise applicable limit is increased to the lesser of (1) $15,000 or (2) the sum of the otherwise applicable limit for the year plus the amount by which the limit applicable in preceding years of participation exceeded the deferrals for that year.

HOUSE BILL

Limits on contributions and benefits

The House bill increases the $35,000 limit on annual additions to a defined contribution plan to $40,000. This amount is indexed in $1,000 increments.[59]

The House bill increases the $140,000 annual benefit limit under a defined benefit plan to $160,000. The dollar limit is reduced for benefit commencement before age 62 and increased for benefit commencement after age 65.[60] In adopting rules regarding the application of the increase in the defined benefit plan limits under the House bill, it is intended that the Secretary will apply rules similar to those adopted in Notice 99-44 regarding benefit increases due to the repeal of the combined plan limit under former section 415(e). Thus, for example, a defined benefit plan could provide for benefit increases to reflect the provisions of the House bill for a current or former employee who has commenced benefits under the plan prior to the effective date of the bill if the employee or former employee has an accrued benefit under the plan (other than an accrued benefit resulting from a benefit increase solely as a result of the increases in the section 415 limits under the bill). As under the notice, the maximum amount of permitted increase is generally the amount that could have been provided had the provisions of the House bill been in effect at the time of the commencement of benefit. In no case may benefits reflect increases that could not be paid prior to the effective date because of the limits in effect under present law. In addition, in no case may plan amendments providing increased benefits under the relevant provision of the House bill be effective prior to the effective date of the House bill.

Compensation limitation

The House bill increases the limit on compensation that may be taken into account under a plan to $200,000. This amount is indexed in $5,000 increments. The House bill also amends the definition of compensation for purposes of all qualified plans and IRAs (including SIMPLE arrangements) to include an individual's net earnings that would be subject to SECA taxes but for the fact that the individual is covered by a religious exemption.

Elective deferral limitations

The House bill increases the dollar limit on annual elective deferrals under section 401(k) plans, section 403(b) annuities and salary reduction SEPs to $11,000 in 2002. In 2003 and thereafter, the limits are increased in $1,000 annual increments until the limits reach $15,000 in 2006, with indexing in $500 increments thereafter. The House bill increases the maximum annual elective deferrals that may be made to a SIMPLE plan to $7,000 in 2002. In 2003 and thereafter, the SIMPLE plan deferral limit is increased in $1,000 annual increments until the limit reaches $10,000 in 2005. Beginning after 2005, the $10,000 dollar limit is indexed in $500 increments.

Section 457 plans

The House bill increases the dollar limit on deferrals under a section 457 plan to conform to the elective deferral limitation. Thus, the limit is $11,000 in 2002, and is increased in $1,000 annual increments thereafter until the limit reaches $15,000 in 2006. The limit is indexed thereafter in $500 increments. The limit is twice the otherwise applicable dollar limit in the three years prior to retirement.[61]

Effective date

The House bill is effective for years beginning after December 31, 2001.

SENATE AMENDMENT

Limits on contributions and benefits

The Senate amendment provides faster annual adjusting for inflation of the $35,000 limit on annual additions to a defined contribution plan. Under the Senate amendment this limit amount is adjusted annually for inflation in $1,000 increments.[62]

The Senate amendment increases the $140,000 annual benefit limit under a defined benefit plan to $150,000 for 2002 through 2004 and to $160,000 for 2005 and thereafter. The dollar limit is reduced for benefit commencement before age 62 and increased for benefit commencement after age 65.

Compensation limitation

The Senate amendment increases the limit on compensation that may be taken into account under a plan to $180,000 for 2002, $190,000 for 2003, and $200,000 for 2004 and 2005. After 2005, this amount is adjusted annually for inflation in $5,000 increments.

Elective deferral limitations

In 2002, the Senate amendment increases the dollar limit on annual elective deferrals under section 401(k) plans, section 403(b) annuities, and salary reduction SEPs to $11,000. In 2003 and thereafter, the limits increase in $500 annual increments until the limits reach $15,000 in 2010, with annual adjustments for inflation in $500 increments thereafter. The Senate amendment increases the maximum annual elective deferrals that may be made to a SIMPLE plan to $7,000 for 2002 and 2003, $8,000 for 2004 and 2005, $9,000 for 2006 and 2007, and $10,000 for 2008. After 2008, the $10,000 dollar limit is adjusted annually for inflation in $500 increments.

Section 457 plans

The dollar limit on deferrals under a section 457 plan is increased to $9,000 in 2002, and is increased in $500 annual increments thereafter until the limit reaches $11,000 in 2006. Beginning in 2007, the limit is increased in $1,000 annual increments until it reaches $15,000 in 2010. After 2010, the limit is adjusted annually for inflation thereafter in $500 increments. The limit is twice the otherwise applicable dollar limit in the three years prior to retirement.[63]

EFFECTIVE DATE

The Senate amendment is effective for years beginning after December 31, 2001.

CONFERENCE AGREEMENT

Limits on contributions and benefits

The conference agreement follows the House bill.

Compensation limitation

The conference agreement follows the House bill.

Elective deferral limitations

The conference agreement follows the House bill.

Section 457 plans

The conference agreement follows the House bill.

Effective date

The conference agreement generally is effective for years beginning after December 31, 2001. The provisions relating to defined benefit plans are effective for years ending after December 31, 2001.

(b) Plan loans for S corporation shareholders, partners, and sole proprietors (sec. 202 of the House bill, sec. 612 of the Senate amendment, and sec. 4975 of the Code)

PRESENT LAW

The Internal Revenue Code prohibits certain transactions ("prohibited transactions") between a qualified plan and a disqualified person in order to prevent persons with a close relationship to the qualified plan from using that relationship to the detriment of plan participants and beneficiaries.[64] Certain types of transactions are exempted from the prohibited transaction rules, including loans from the plan to plan participants, if certain requirements are satisfied. In addition, the Secretary of Labor can grant an administrative exemption from the prohibited transaction rules if the Secretary finds the exemption is administratively feasible, in the interest of the plan and plan participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan. Pursuant to this exemption process, the Secretary of Labor grants exemptions both with respect to specific transactions and classes of transactions.

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[59] The 25 percent of compensation limitation is increased to 100 percent of compensation under another provision of the House bill.

[60] Another provision of the House bill modifies the defined benefit pension plan limits for multiemployer plans.

[61] Another provision of the House bill increases the 33⅓ percentage of compensation limit to 100 percent.

[62] The 25 percent of compensation limitation is increased to 100 percent of compensation under another provision of the Senate amendment.

[63] Another provision increases the 33⅓ percentage of compensation limit to 100 percent.

[64] Title I of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), also contains prohibited transaction rules. The Code and ERISA provisions are substantially similar, although not identical.

The statutory exemptions to the prohibited transaction rules do not apply to certain transactions in which the plan makes a loan to an owner-employee.[65] Loans to participants other than owner-employees are permitted if loans are available to all participants on a reasonably equivalent basis, are not made available to highly compensated employees in an amount greater than made available to other employees, are made in accordance with specific provisions in the plan, bear a reasonable rate of interest, and are adequately secured. In addition, the Code places limits on the amount of loans and repayment terms.

For purposes of the prohibited transaction rules, an owner-employee means (1) a sole proprietor, (2) a partner who owns more than 10 percent of either the capital interest or the profits interest in the partnership, (3) an employee or officer of a Subchapter S corporation who owns more than five percent of the outstanding stock of the corporation, and (4) the owner of an individual retirement arrangement ("IRA"). The term owner-employee also includes certain family members of an owner-employee and certain corporations owned by an owner-employee.

Under the Internal Revenue Code, a two-tier excise tax is imposed on disqualified persons who engage in a prohibited transaction. The first level tax is equal to 15 percent of the amount involved in the transaction. The second level tax is imposed if the prohibited transaction is not corrected within a certain period, and is equal to 100 percent of the amount involved.

HOUSE BILL

The House bill generally eliminates the special present-law rules relating to plan loans made to an owner-employee (other than the owner of an IRA). Thus, the general statutory exemption applies to such transactions. Present law continues to apply with respect to IRAs.

Effective date.—The House bill is effective with respect to years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment. The conferees intend that the Secretary of the Treasury and the Secretary of Labor will waive any penalty or excise tax in situations where a loan made prior to the effective date of the provision was exempt when initially made (treating any refinancing as a new loan) and the loan would have been exempt throughout the period of the loan if the provision had been in effect during the period of the loan.

(c) Modification of top-heavy rules (sec. 203 of the House bill, sec. 613 of the Senate amendment, and sec. 416 of the Code)

PRESENT LAW

In general

Under present law, additional qualification requirements apply to plans that primarily benefit an employer's key employees ("top-heavy plans"). These additional requirements provide (1) more rapid vesting for plan participants who are nonkey employees and (2) minimum nonintegrated employer contributions or benefits for plan participants who are non-key employees.

Definition of top-heavy plan

A defined benefit plan is a top-heavy plan if more than 60 percent of the cumulative accrued benefits under the plan are for key employees. A defined contribution plan is top heavy if the sum of the account balances of key employees is more than 60 percent of the total account balances under the plan. For each plan year, the determination of top-heavy status generally is made as of the last day of the preceding plan year ("the determination date").

For purposes of determining whether a plan is a top-heavy plan, benefits derived both from employer and employee contributions, including employee elective contributions, are taken into account. In addition, the accrued benefit of a participant in a defined benefit plan and the account balance of a participant in a defined contribution plan includes any amount distributed within the five-year period ending on the determination date.

An individual's accrued benefit or account balance is not taken into account in determining whether a plan is top-heavy if the individual has not performed services for the employer during the five-year period ending on the determination date.

In some cases, two or more plans of a single employer must be aggregated for purposes of determining whether the group of plans is top-heavy. The following plans must be aggregated: (1) plans which cover a key employee (including collectively bargained plans); and (2) any plan upon which a plan covering a key employee depends for purposes of satisfying the Code's nondiscrimination rules. The employer may be required to include terminated plans in the required aggregation group. In some circumstances, an employer may elect to aggregate plans for purposes of determining whether they are top heavy.

SIMPLE plans are not subject to the top-heavy rules.

Definition of key employee

A key employee is an employee who, during the plan year that ends on the determination date or any of the four preceding plan years, is (1) an officer earning over one-half of the defined benefit plan dollar limitation of section 415 ($70,000 for 2001), (2) a five-percent owner of the employer, (3) a one-percent owner of the employer earning over $150,000, or (4) one of the 10 employees earning more than the defined contribution plan dollar limit ($35,000 for 2001) with the largest ownership interests in the employer. A family ownership attribution rule applies to the determination of one-percent owner status, five-percent owner status, and largest ownership interest. Under this attribution rule, an individual is treated as owning stock owned by the individual's spouse, children, grandchildren, or parents.

Minimum benefit for non-key employees

A minimum benefit generally must be provided to all non-key employees in a top-heavy plan. In general, a top-heavy defined benefit plan must provide a minimum benefit equal to the lesser of (1) two percent of compensation multiplied by the employee's years of service, or (2) 20 percent of compensation. A top-heavy defined contribution plan must provide a minimum annual contribution equal to the lesser of (1) three percent of compensation, or (2) the percentage of compensation at which contributions were made for key employees (including employee elective contributions made by key employees and employer matching contributions).

For purposes of the minimum benefit rules, only benefits derived from employer contributions (other than amounts employees have elected to defer) to the plan are taken into account, and an employee's social security benefits are disregarded (i.e., the minimum benefit is nonintegrated). Employer matching contributions may be used to satisfy the minimum contribution requirement; however, in such a case the contributions are not treated as matching contributions for purposes of applying the special nondiscrimination requirements applicable to employee elective contributions and matching contributions under sections 401(k) and (m). Thus, such contributions would have to meet the general nondiscrimination test of section 401(a)(4).[66]

Top-heavy vesting

Benefits under a top-heavy plan must vest at least as rapidly as under one of the following schedules: (1) three-year cliff vesting, which provides for 100 percent vesting after three years of service; and (2) two-six year graduated vesting, which provides for 20 percent vesting after two years of service, and 20 percent more each year thereafter so that a participant is fully vested after six years of service.[67]

Qualified cash or deferred arrangements

Under a qualified cash or deferred arrangement (a "section 401(k) plan"), an employee may elect to have the employer make payments as contributions to a qualified plan on behalf of the employee, or to the employee directly in cash. Contributions made at the election of the employee are called elective deferrals. A special nondiscrimination test applies to elective deferrals under cash or deferred arrangements, which compares the elective deferrals of highly compensated employees with elective deferrals of nonhighly compensated employees. (This test is called the actual deferral percentage test or the "ADP" test). Employer matching contributions under qualified defined contribution plans are also subject to a similar nondiscrimination test. (This test is called the actual contribution percentage test or the "ACP" test.)

Under a design-based safe harbor, a cash or deferred arrangement is deemed to satisfy the ADP test if the plan satisfies one of two contribution requirements and satisfies a notice requirement. A plan satisfies the contribution requirement under the safe harbor rule for qualified cash or deferred arrangements if the employer either (1) satisfies a matching contribution requirement or (2) makes a nonelective contribution to a defined contribution plan of at least three percent of an employee's compensation on behalf of each nonhighly compensated employee who is eligible to participate in the arrangement without regard to the permitted disparity rules (sec. 401(l)). A plan satisfies the matching contribution requirement if, under the arrangement: (1) the employer makes a matching contribution on behalf of each nonhighly compensated employee that is equal to (a) 100 percent of the employee's elective deferrals up to three percent of compensation and (b) 50 percent of the employee's elective deferrals from three to five percent of compensation; and (2), the rate of match with respect to any elective contribution for highly compensated employees is not greater than the rate of match for nonhighly compensated employees. Matching contributions that satisfy the design-based safe harbor for cash or deferred arrangements are deemed to satisfy the ACP test. Certain additional matching contributions are also deemed to satisfy the ACP test.

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[65] Certain transactions involving a plan and S corporation shareholders are permitted.

[66] Treas. Reg. sec. 1.416-1 Q&A M-19.

[67] Benefits under a plan that is not top heavy must vest at least as rapidly as under one of the following schedules: (1) five-year cliff vesting; and (2) three-seven year graded vesting, which provides for 20 percent vesting after three years and 20 percent more each year thereafter so that a participant is fully vested after seven years of service.

HOUSE BILL

Definition of top-heavy plan

The House bill provides that a plan consisting of a cash-or-deferred arrangement that satisfies the design-based safe harbor for such plans and matching contributions that satisfy the safe harbor rule for such contributions is not a top-heavy plan. Matching or nonelective contributions provided under such a plan may be taken into account in satisfying the minimum contribution requirements applicable to top-heavy plans.[68]

In determining whether a plan is top-heavy, distributions during the year ending on the date the top-heavy determination is being made are taken into account. The present-law five-year rule applies with respect to in-service distributions. Similarly, the House bill provides that an individual's accrued benefit or account balance is not taken into account if the individual has not performed services for the employer during the one-year period ending on the date the top-heavy determination is being made.

Definition of key employee

The House bill (1) provides that an employee is not considered a key employee by reason of officer status unless the employee earns more than $150,000 and (2) repeals the top-10 owner key employee category. The House bill repeals the four-year lookback rule for determining key employee status and provides that an employee is a key employee only if he or she is a key employee during the preceding plan year.

Thus, under the House bill, an employee is considered a key employee if, during the prior year, the employee was (1) an officer with compensation in excess of $150,000, (2) a five-percent owner, or (3) a one-percent owner with compensation in excess of $150,000. The present-law limits on the number of officers treated as key employees under (1) continue to apply.

The family ownership attribution rule no longer applies in determining whether an individual is a five-percent owner of the employer for purposes of the top-heavy rules only. The family ownership attribution rule continues to apply to other provisions that cross reference the top-heavy rules, such as the definition of highly compensated employee and the definition of one-percent owner under the top-heavy rules.

Minimum benefit for nonkey employees

Under the House bill, matching contributions are taken into account in determining whether the minimum benefit requirement has been satisfied.[69]

The House bill provides that, in determining the minimum benefit required under a defined benefit plan, a year of service does not include any year in which no key employee or former key employee benefits under the plan (as determined under sec. 410).

Effective date

The House bill is effective for years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modifications.

Under the Senate amendment, an employee is considered a key employee if, during the prior year, the employee was (1) an officer with compensation in excess of $85,000 (for 2001), (2) a five-percent owner, or (3) a one-percent owner with compensation in excess of $150,000. The present-law limits on the number of officers treated as key employees under (1) continue to apply. An employee who was not an employee in the preceding plan year, or who was an employee only for part of the year, is treated as a key employee if it can be reasonably anticipated that the employee will meet the definition of a key employee for the current plan year.

Under the Senate amendment, the family ownership attribution rule continues to apply in determining whether an individual is a five-percent owner of the employer for purposes of the top-heavy rules. In addition, the Senate amendment does not provide that a plan consisting of a cash-or-deferred arrangement that satisfies the design-based safe harbor for such plans and matching contributions that satisfy the safe harbor rule for such contributions is not a top-heavy plan.

Effective date.—The Senate amendment is effective for years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the following modifications.

Under the conference agreement, an employee is considered a key employee if, during the prior year, the employee was (1) an officer with compensation in excess of $130,000 (adjusted for inflation in $5,000 increments), (2) a five-percent owner, or (3) a one-percent owner with compensation in excess of $150,000. The present-law limits on the number of officers treated as key employees under (1) continue to apply.

Under the conference agreement, the family ownership attribution rule continues to apply in determining whether an individual is a five-percent owner of the employer for purposes of the top-heavy rules.

Effective date.—The conference agreement is effective for years beginning after December 31, 2001.

(d) Elective deferrals not taken into account for purposes of deduction limits (sec. 204 of the House bill, sec. 614 of the Senate amendment, and sec. 404 of the Code)

PRESENT LAW

Employer contributions to one or more qualified retirement plans are deductible subject to certain limits. In general, the deduction limit depends on the kind of plan.

In the case of a defined benefit pension plan or a money purchase pension plan, the employer generally may deduct the amount necessary to satisfy the minimum funding cost of the plan for the year. If a defined benefit pension plan has more than 100 participants, the maximum amount deductible is at least equal to the plan's unfunded current liabilities.

In the case of a profit-sharing or stock bonus plan, the employer generally may deduct an amount equal to 15 percent of compensation of the employees covered by the plan for the year.

If an employer sponsors both a defined benefit pension plan and a defined contribution plan that covers some of the same employees (or a money purchase pension plan and another kind of defined contribution plan), the total deduction for all plans for a plan year generally is limited to the greater of (1) 25 percent of compensation or (2) the contribution necessary to meet the minimum funding requirements of the defined benefit pension plan for the year (or the amount of the plan's unfunded current liabilities, in the case of a plan with more than 100 participants).

For purposes of the deduction limits, employee elective deferral contributions to a section 401(k) plan are treated as employer contributions and, thus, are subject to the generally applicable deduction limits.

Subject to certain exceptions, nondeductible contributions are subject to a 10-percent excise tax.

HOUSE BILL

Under the House bill, elective deferral contributions are not subject to the deduction limits, and the application of a deduction limitation to any other employer contribution to a qualified retirement plan does not take into account elective deferral contributions.

Effective date.—The House bill is effective for years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modification.

Under the Senate amendment, the applicable percentage of elective deferral contributions is not subject to the deduction limits, and the application of a deduction limitation to any other employer contribution to a qualified retirement plan does not take into account the applicable percentage of elective deferral contributions. The applicable percentage is 25 percent for 2002 through 2010, and 100 percent for 2011 and thereafter.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

(e) Repeal of coordination requirements for deferred compensation plans of state and local governments and tax-exempt organizations (sec. 205 of the House bill, sec. 615 of the Senate amendment, and sec. 457 of the Code)

PRESENT LAW

Compensation deferred under an eligible deferred compensation plan of a tax-exempt or State and local government employer (a "section 457 plan") is not includible in gross income until paid or made available. In general, the maximum permitted annual deferral under such a plan is the lesser of (1) $8,500 (in 2001) or (2) 33⅓ percent of compensation. The $8,500 limit is increased for inflation in $500 increments. Under a special catch-up rule, a section 457 plan may provide that, for one or more of the participant's last three years before retirement, the otherwise applicable limit is increased to the lesser of (1) $15,000 or (2) the sum of the otherwise applicable limit for the year plus the amount by which the limit applicable in preceding years of participation exceeded the deferrals for that year.

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[68] This provision is not intended to preclude the use of nonelective contributions that are used to satisfy the safe harbor rules from being used to satisfy other qualified retirement plan nondiscrimination rules, including those involving cross-testing.

[68] Thus, this provision overrides the provision in Treasury regulations that, if matching contributions are used to satisfy the minimum benefit requirement, then they are not treated as matching contributions for purposes of the section 401(m) nondiscrimination rules.

The $8,500 limit (as modified under the catch-up rule), applies to all deferrals under all section 457 plans in which the individual participates. In addition, in applying the $8,500 limit, contributions under a tax-sheltered annuity ("section 403(b) annuity"), elective deferrals under a qualified cash or deferred arrangement ("section 401(k) plan"), salary reduction contributions under a simplified employee pension plan ("SEP"), and contributions under a SIMPLE plan are taken into account. Further, the amount deferred under a section 457 plan is taken into account in applying a special catch-up rule for section 403(b) annuities.

HOUSE BILL

The House bill repeals the rules coordinating the section 457 dollar limit with contributions under other types of plans.[70]

Effective date.—The House bill is effective for years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

(f) Eliminate IRS user fees for certain determination letter requests regarding employer plans (sec. 206 of the House bill and sec. 621 of the Senate amendment)

PRESENT LAW

An employer that maintains a retirement plan for the benefit of its employees may request from the IRS a determination as to whether the form of the plan satisfies the requirements applicable to tax-qualified plans (sec. 401(a)). In order to obtain from the IRS a determination letter on the qualified status of the plan, the employer must pay a user fee. The Secretary determines the user fee applicable for various types of requests, subject to statutory minimum requirements for average fees based on the category of the request. The user fee may range from $125 to $1,250, depending upon the scope of the request and the type and format of the plan.[71]

Present law provides that plans that do not meet the qualification requirements will be treated as meeting such requirements if appropriate retroactive plan amendments are made during the remedial amendment period. In general, the remedial amendment period ends on the due date for the employer's tax return (including extensions) for the taxable year in which the event giving rise to the disqualifying provision occurred (e.g., a plan amendment or a change in the law). The Secretary may provide for general extensions of the remedial amendment period or for extensions in certain cases. For example, the remedial amendment period with respect to amendments relating to the qualification requirements affected by the General Agreements on Tariffs and Trade, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Small Business Job Protection Act of 1996, the Taxpayer Relief Act of 1997, and the Internal Revenue Service Restructuring and Reform Act of 1998 generally ends the last day of the first plan year beginning on or after January 1, 2001.[72]

HOUSE BILL

A small employer (100 or fewer employees) is not required to pay a user fee for a determination letter request with respect to the qualified status of a retirement plan that the employer maintains if the request is made before the later of (1) the last day of the fifth plan year of the plan or (2) the end of any applicable remedial amendment period with respect to the plan that begins before the end of the fifth plan year of the plan. In addition, determination letter requests for which user fees are not required under the House bill are not taken into account in determining average user fees. The House bill applies only to requests by employers for determination letters concerning the qualified retirement plans they maintain. Therefore, a sponsor of a prototype plan is required to pay a user fee for a request for a notification letter, opinion letter, or similar ruling. A small employer that adopts a prototype plan, however, is not required to pay a user fee for a determination letter request with respect to the employer's plan.

Effective date.—The House bill is effective for determination letter requests made after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modifications. An eligible employer is not required to pay a user fee for a ruling letter, opinion letter, determination letter, or similar request with respect to the qualified status of a new retirement plan that the employer maintains and with respect to which the employer has not previously made a request. An employer is eligible under the Senate amendment if (1) the employer has no more than 100 employees, (2) the employer has at least one nonhighly compensated employee who is participating in the plan, and (3) during the three-taxable year period immediately preceding the taxable year in which the request is made, neither the employer nor a related employer established or maintained a qualified plan with respect to which contributions were made or benefits were accrued for substantially the same employees covered under the plan with respect to which the request is made.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the following modification. An employer is eligible under the conference agreement if the employer has no more than 100 employees and has at least one nonhighly compensated employee who is participating in the plan.

(g) Deduction limits (sec. 207 of the House bill, sec. 616 of the Senate amendment, and sec. 404 of the Code)

PRESENT LAW

Employer contributions to one or more qualified retirement plans are deductible subject to certain limits. In general, the deduction limit depends on the kind of plan. Subject to certain exceptions, nondeductible contributions are subject to a 10-percent excise tax.

In the case of a defined benefit pension plan or a money purchase pension plan, the employer generally may deduct the amount necessary to satisfy the minimum funding cost of the plan for the year. If a defined benefit pension plan has more than 100 participants, the maximum amount deductible is at least equal to the plan's unfunded current liabilities.

In some cases, the amount of deductible contributions is limited by compensation. In the case of a profit-sharing or stock bonus plan, the employer generally may deduct an amount equal to 15 percent of compensation of the employees covered by the plan for the year.

If an employer sponsors both a defined benefit pension plan and a defined contribution plan that covers some of the same employees (or a money purchase pension plan and another kind of defined contribution plan), the total deduction for all plans for a plan year generally is limited to the greater of (1) 25 percent of compensation or (2) the contribution necessary to meet the minimum funding requirements of the defined benefit pension plan for the year (or the amount of the plan's unfunded current liabilities, in the case of a plan with more than 100 participants).

In the case of an employee stock ownership plan ("ESOP"), principal payments on a loan used to acquire qualifying employer securities are deductible up to 25 percent of compensation.

For purposes of the deduction limits, employee elective deferral contributions to a qualified cash or deferred arrangement ("section 401(k) plan") are treated as employer contributions and, thus, are subject to the generally applicable deduction limits.[73]

For purposes of the deduction limits, compensation means the compensation otherwise paid or accrued during the taxable year to the beneficiaries under the plan, and the beneficiaries under a profit-sharing or stock bonus plan are the employees who benefit under the plan with respect to the employer's contribution.[74] An employee who is eligible to make elective deferrals under a section 401(k) plan is treated as benefitting under the arrangement even if the employee elects not to defer.[75]

For purposes of the deduction rules, compensation generally includes only taxable compensation, and thus does not include salary reduction amounts, such as elective deferrals under a section 401(k) plan or a tax-sheltered annuity ("section 403(b) annuity"), elective contributions under a deferred compensation plan of a tax-exempt organization or a State or local government ("section 457 plan"), and salary reduction contributions under a section 125 cafeteria plan. For purposes of the contribution limits under section 415, compensation does include such salary reduction amounts.

HOUSE BILL

Under the House bill, the definition of compensation for purposes of the deduction rules includes salary reduction amounts treated as compensation under section 415. In addition, the annual limitation on the amount of deductible contributions to a profit-sharing or stock bonus plan is increased from 15 percent to 20 percent of compensation of the employees covered by the plan for the year.

Effective date.—The House bill is effective for years beginning after December 31, 2001.

SENATE AMENDMENT

Under the Senate amendment, the definition of compensation for purposes of the deduction rules includes salary reduction amounts treated as compensation under section 415. In addition, the annual limitation on the amount of deductible contributions to a profit-sharing or stock bonus plan is increased from 15 percent to 25 percent of compensation of the employees covered by the plan for the year. Also, except to the extent provided in regulations, a money purchase pension plan is treated like a profit-sharing or stock bonus plan for purposes of the deduction rules.

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[70] The limits on deferrals under a section 457 plan are modified under other provisions of the House bill.

[71] Authorization for the user fees was originally enacted in section 10511 of the Revenue Act of 1987 (Pub. L. No. 100-203, December 22, 1987). The authorization was extended through September 30, 2003, by Public Law Number 104-117 (An Act to provide that members of the Armed Forces performing services for the peacekeeping efforts in Bosnia and Herzegovina, Croatia, and Macedonia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes (March 20, 1996)).

[72] Rev. Proc. 2000-27, 2000-26 I.R.B. 1272.

[73] Another provision of the House bill provides that elective deferrals are not subject to the deduction limits.

[74] Rev. Rul. 65-295, 1965-2 C.B. 148.

[75] Treas. Reg. sec. 1.410(b)-3.

Effective date.—The Senate amendment is effective for years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(h) Option to treat elective deferrals as after-tax contributions (sec. 208 of the bill, sec. 617 of the Senate amendment, and new sec. 402A of the Code)

PRESENT LAW

A qualified cash or deferred arrangement ("section 401(k) plan") or a tax-sheltered annuity ("section 403(b) annuity") may permit a participant to elect to have the employer make payments as contributions to the plan or to the participant directly in cash. Contributions made to the plan at the election of a participant are elective deferrals. Elective deferrals must be nonforfeitable and are subject to an annual dollar limitation (sec. 402(g)) and distribution restrictions. In addition, elective deferrals under a section 401(k) plan are subject to special nondiscrimination rules. Elective deferrals (and earnings attributable thereto) are not includible in a participant's gross income until distributed from the plan.

Elective deferrals for a taxable year that exceed the annual dollar limitation ("excess deferrals") are includible in gross income for the taxable year. If an employee makes elective deferrals under a plan (or plans) of a single employer that exceed the annual dollar limitation ("excess deferrals"), then the plan may provide for the distribution of the excess deferrals, with earnings thereon. If the excess deferrals are made to more than one plan of unrelated employers, then the plan may permit the individual to allocate excess deferrals among the various plans, no later than the March 1 (April 15 under the applicable regulations) following the end of the taxable year. If excess deferrals are distributed not later than April 15 following the end of the taxable year, along with earnings attributable to the excess deferrals, then the excess deferrals are not again includible in income when distributed. The earnings are includible in income in the year distributed. If excess deferrals (and income thereon) are not distributed by the applicable April 15, then the excess deferrals (and income thereon) are includible in income when received by the participant. Thus, excess deferrals that are not distributed by the applicable April 15th are taxable both in the taxable year when the deferral was made and in the year the participant receives a distribution of the excess deferral.

Individuals with adjusted gross income below certain levels generally may make nondeductible contributions to a Roth IRA and may convert a deductible or nondeductible IRA into a Roth IRA. Amounts held in a Roth IRA that are withdrawn as a qualified distribution are not includible in income, nor subject to the additional 10-percent tax on early withdrawals. A qualified distribution is a distribution that (1) is made after the five-taxable year period beginning with the first taxable year for which the individual made a contribution to a Roth IRA, and (2) is made after attainment of age 59½, is made on account of death or disability, or is a qualified special purpose distribution (i.e., for first-time homebuyer expenses of up to $10,000). A distribution from a Roth IRA that is not a qualified distribution is includible in income to the extent attributable to earnings, and is subject to the 10-percent tax on early withdrawals (unless an exception applies).[76]

HOUSE BILL

A section 401(k) plan or a section 403(b) annuity is permitted to include a "qualified plus contribution program" that permits a participant to elect to have all or a portion of the participant's elective deferrals under the plan treated as designated plus contributions. Designated plus contributions are elective deferrals that the participant designates (at such time and in such manner as the Secretary may prescribe)[77] as not excludable from the participant's gross income.

The annual dollar limitation on a participant's designated plus contributions is the section 402(g) annual limitation on elective deferrals, reduced by the participant's elective deferrals that the participant does not designate as designated plus contributions. Designated plus contributions are treated as any other elective deferral for purposes of nonforfeitability requirements and distribution restrictions.[78] Under a section 401(k) plan, designated plus contributions also are treated as any other elective deferral for purposes of the special nondiscrimination requirements.[79]

The plan is required to establish a separate account, and maintain separate recordkeeping, for a participant's designated plus contributions (and earnings allocable thereto). A qualified distribution from a participant's designated plus contributions account is not includible in the participant's gross income. A qualified distribution is a distribution that is made after the end of a specified nonexclusion period and that is (1) made on or after the date on which the participant attains age 59½, (2) made to a beneficiary (or to the estate of the participant) on or after the death of the participant, or (3) attributable to the participant's being disabled.[80] The nonexclusion period is the five-year-taxable period beginning with the earlier of (1) the first taxable year for which the participant made a designated plus contribution to any designated plus contribution account established for the participant under the plan, or (2) if the participant has made a rollover contribution to the designated plus contribution account that is the source of the distribution from a designated plus contribution account established for the participant under another plan, the first taxable year for which the participant made a designated plus contribution to the previously established account.

A distribution from a designated plus contributions account that is a corrective distribution of an elective deferral (and income allocable thereto) that exceeds the section 402(g) annual limit on elective deferrals or a corrective distribution of an excess contribution under the special nondiscrimination rules (pursuant to sec. 401(k)(8) (and income allocable thereto) is not a qualified distribution. In addition, the treatment of excess designated plus contributions is similar to the treatment of excess deferrals attributable to non-designated plus contributions. If excess designated plus contributions (including earnings thereon) are distributed no later than the April 15th following the taxable year, then the designated plus contributions is not includible in gross income as a result of the distribution, because such contributions are includible in gross income when made. Earnings on such excess designated plus contributions are treated the same as earnings on excess deferrals distributed no later than April 15th, i.e., they are includible in income when distributed. If excess designated plus contributions are not distributed no later than the applicable April 15th, then such contributions (and earnings thereon) are taxable when distributed. Thus, as is the case with excess elective deferrals that are not distributed by the applicable April 15th, the contributions are includible in income in the year when made and again when distributed from the plan. Earnings on such contributions are taxable when received.

A participant is permitted to roll over a distribution from a designated plus contributions account only to another designated plus contributions account or a Roth IRA of the participant.

The Secretary of the Treasury is directed to require the plan administrator of each section 401(k) plan or section 403(b) annuity that permits participants to make designated plus contributions to make such returns and reports regarding designated plus contributions to the Secretary, plan participants and beneficiaries, and other persons that the Secretary may designate.

Effective date.—The House bill is effective for taxable years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that the Senate amendment refers to designated plus contributions as "Roth contributions."

Effective date.—The Senate amendment is effective for taxable years beginning after December 31, 2003.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with a modification of the effective date.

Effective date.—The conference agreement is effective for taxable years beginning after December 31, 2005.

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[76] Early distributions of converted amounts may also accelerate income inclusion of converted amounts that are taxable under the four-year rule applicable to 1998 conversions.

[77] It is intended that the Secretary will generally not permit retroactive designations of elective deferrals as designated plus contributions.

[78] Similarly, designated plus contributions to a section 403(b) annuity are treated the same as other salary reduction contributions to the annuity (except that designated plus contributions are includible in income).

[79] It is intended that the Secretary provide ordering rules regarding the return of excess contributions under the special nondiscrimination rules (pursuant to sec. 401(k)(8)) in the event a participant makes both regular elective deferrals and designated plus contributions. It is intended that such rules will generally permit a plan to allow participants to designate which contributions are returned first or to permit the plan to specify which contributions are returned first. It is also intended that the Secretary will provide ordering rules to determine the extent to which a distribution consists of excess Roth contributions.

[80] A qualified special purpose distribution, as defined under the rules relating to Roth IRAs, does not qualify as a tax-free distribution from a designated plus contributions account.

(i) Certain nonresident aliens excluded in applying minimum coverage requirements (sec. 210 of the House bill, sec. 622 of the Senate amendment, and secs. 410(b)(3) and 861(a)(3) of the Code)

PRESENT LAW

Under the minimum coverage requirements (sec. 410(b)), a qualified plan must benefit a minimum number of the employer's nonhighly compensated employees. In applying the minimum coverage requirements, employees who are nonresident aliens are disregarded if they have no earned income from sources within the United States ("U.S. source income").

Generally, compensation for services performed in the United States is treated as U.S. source income. Under a special rule, compensation is not treated as U.S. source income if the compensation is paid for labor or services performed by a nonresident alien in connection with the individual's temporary presence in the United States as a regular member of the crew of a foreign vessel engaged in transportation between the United States and a foreign country or a possession of the United States. However, this special rule does not apply for purposes of qualified retirement plans (including the minimum coverage and nondiscrimination requirements applicable to such plans), employer-provided group-term life insurance, or employer-provided accident and health plans. As a result, such compensation is treated as U.S. source income for purposes of such plans, including the application of the qualified retirement plan minimum coverage and nondiscrimination requirements. As a result, such nonresident aliens must be taken into account in determining whether the plan satisfies the minimum coverage requirements.

HOUSE BILL

For purposes of the application of the minimum coverage requirements (sec. 410(b)), compensation is not treated as U.S. source income if the compensation is paid for labor or services performed by a nonresident alien in connection with the individual's temporary presence in the United States as a regular member of the crew of a foreign vessel engaged in transportation between the United States and a foreign country or a possession of the United States. As a result, such nonresident aliens are excluded from consideration in the application of the minimum coverage requirements.

Effective date.—The House bill is effective with respect to plan years beginning after December 31, 2001.

SENATE AMENDMENT

Under the Senate amendment, the special rule relating to compensation paid for labor or services performed by a nonresident alien in connection with the individual's temporary presence in the United States as a regular member of the crew of a foreign vessel engaged in transportation between the United States and a foreign country or a possession of the United States compensation is extended in order to apply for purposes of qualified retirement plans, employer-provided group-term life insurance, and employer-provided accident and health plans. Therefore, such compensation is not treated as U.S. source income for any purpose under such plans, including the application of the qualified retirement plan minimum coverage and nondiscrimination requirements.

Effective date.—The Senate amendment is effective with respect to plan years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(j) Nonrefundable credit to certain individuals for elective deferrals and IRA contributions (sec. 618 of the Senate amendment and new sec. 25B of the Code)

PRESENT LAW

Present law provides favorable tax treatment for a variety of retirement savings vehicles, including employer-sponsored retirement plans and individual retirement arrangements ("IRAs").

Several different types of tax-favored employer-sponsored retirement plans exist, such as section 401(a) qualified plans (including plans with a section 401(k) qualified cash-or-deferred arrangement), section 403(a) qualified annuity plans, section 403(b) annuities, section 408(k) simplified employee pensions ("SEPs"), section 408(p) SIMPLE retirement accounts, and section 457(b) eligible deferred compensation plans. In general, an employer and, in certain cases, employees, contribute to the plan. Taxation of the contributions and earnings thereon is generally deferred until benefits are distributed from the plan to participants or their beneficiaries.[81] Contributions and benefits under tax-favored employer-sponsored retirement plans are subject to specific limitations.

Coverage and nondiscrimination rules also generally apply to tax-favored employer-sponsored retirement plans to ensure that plans do not disproportionately cover higher-paid employees and that benefits provided to moderate- and lower-paid employees are generally proportional to those provided to higher-paid employees.

IRAs include both traditional IRAs and Roth IRAs. In general, an individual makes contributions to an IRA, and investment earnings on those contributions accumulate on a tax-deferred basis. Total annual IRA contributions per individual are limited to $2,000 (or the compensation of the individual or the individual's spouse, if smaller). Contributions to a traditional IRA may be deducted from gross income if an individual's adjusted gross income ("AGI") is below certain levels or the individual is not an active participant in certain employer-sponsored retirement plans. Contributions to a Roth IRA are not deductible from gross income, regardless of adjusted gross income. A distribution from a traditional IRA is includible in the individual's gross income except to the extent of individual contributions made on a nondeductible basis. A qualified distribution from a Roth IRA is excludable from gross income.

Taxable distributions made from employer retirement plans and IRAs before the employee or individual has reached age 59½ are subject to a 10-percent additional tax, unless an exception applies.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides a temporary nonrefundable tax credit for contributions made by eligible taxpayers to a qualified plan. The maximum annual contribution eligible for the credit is $2,000. The credit rate depends on the adjusted gross income ("AGI") of the taxpayer. Only joint returns with AGI of $50,000 or less, head of household returns of $37,500 or less, and single returns of $25,000 or less are eligible for the credit. The AGI limits applicable to single taxpayers apply to married taxpayers filing separate returns. The credit is in addition to any deduction or exclusion that would otherwise apply with respect to the contribution. The credit offsets minimum tax liability as well as regular tax liability. The credit is available to individuals who are 18 or over, other than individuals who are full-time students or claimed as a dependent on another taxpayer's return.

The credit is available with respect to elective contributions to a section 401(k) plan, section 403(b) annuity, or eligible deferred compensation arrangement of a State or local government (a "sec. 457 plan"), SIMPLE, or SEP, contributions to a traditional or Roth IRA, and voluntary after-tax employee contributions to a qualified retirement plan. The present-law rules governing such contributions continue to apply.

The amount of any contribution eligible for the credit is reduced by taxable distributions received by the taxpayer and his or her spouse from any savings arrangement described above or any other qualified retirement plan during the taxable year for which the credit is claimed, the two taxable years prior to the year the credit is claimed, and during the period after the end of the taxable year and prior to the due date for filing the taxpayer's return for the year. In the case of a distribution from a Roth IRA, this rule applies to any such distributions, whether or not taxable.

The credit rates based on AGI are as follows.

Joint filers	Heads of households	All other filers	Credit rate
$0-$30,000	$0-$22,500	$0-$15,000	50 percent
$30,000-$32,500	$22,500-$24,375	$15,000-$16,250	20 percent
$32,500-$50,000	$24,375-$37,500	$16,250-$25,000	10 percent
Over $50,000	Over $37,500	Over $25,000	0 percent

The Senate amendment directs the Secretary of the Treasury to report annually to the Senate Finance Committee and the House Committee on Ways and Means regarding the number of individuals who claim the credit.

Effective date.—The Senate amendment is effective for taxable years beginning after December 31, 2001, and before January 1, 2007.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(k) Small business tax credit for qualified retirement plan contributions (sec. 619 of the Senate amendment and new sec. 45E of the Code)

PRESENT LAW

The timing of an employer's deduction for compensation paid to an employee generally corresponds to the employee's recognition of the compensation. However, an employer that contributes to a qualified retirement plan is entitled to a deduction (within certain limits) for the employer's contribution to the plan on behalf of an employee even though the employee does not recognize income with respect to the contribution until the amount is distributed to the employee.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides a nonrefundable income tax credit for small employers equal to 50 percent of certain qualifying employer contributions made to qualified retirement plans on behalf of nonhighly compensated employees. The credit is not available with respect to contributions to a SIMPLE IRA or SEP. For purposes of the Senate amendment, a small employer means an employer with no more than 20 employees who received at least $5,000 of earnings in the preceding year. A nonhighly compensated employee is defined as an employee who neither (1) was a five-percent owner of the employer at any time during the current year or the preceding year, or (2) for the preceding year, had compensation in excess of $80,000 (adjusted annually for inflation, this amount is $85,000 for 2001).[82] The credit is available for the first three plan years of the plan.[83]

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[81] In the case of after-tax employee contributions, only earnings are taxed upon withdrawal.

The Senate amendment requires a small employer to make nonelective contributions equal to at least one percent of compensation to qualify for the credit. The credit applies to both qualifying nonelective employer contributions and qualifying employer matching contributions, but only up to a total of three percent of the nonhighly compensated employee's compensation. The credit is available for 50 percent of qualifying benefit accruals under a nonintegrated defined benefit plan if the benefits are equivalent, as defined in regulations, to a three-percent nonelective contribution to a defined contribution plan.

To qualify for the credit, the nonelective and matching contributions to a defined contribution plan and the benefit accruals under a defined benefit plan are required to vest at least as rapidly as under either a three-year cliff vesting schedule or a graded schedule that provides 20-percent vesting per year for the first five years. In order to qualify for the credit, contributions to plans other than pension plans must be subject to the same distribution restrictions that apply to qualified nonelective employer contributions to a section 401(k) plan, i.e., distribution only upon separation from service, death, disability, attainment of age 59½, plan termination without a successor plan, or acquisition of a subsidiary or substantially all the assets of a trade or business that employs the participant.[84] Qualifying contributions to pension plans are subject to the distribution restrictions applicable to such plans.

A defined contribution plan to which the small employer makes the qualifying contributions (and any plan aggregated with that plan for nondiscrimination testing purposes) is required to allocate any nonelective employer contributions proportionally to participants' compensation from the employer (or on a flat-dollar basis) and, accordingly, without the use of permitted disparity or cross-testing. An equivalent requirement must be met with respect to a defined benefit plan.

Forfeited nonvested qualifying contributions or accruals for which the credit was claimed generally result in recapture of the credit at a rate of 35 percent. However, recapture does not apply to the extent that forfeitures of contributions are reallocated to nonhighly compensated employees or applied to future contributions on behalf of nonhighly compensated employees. The Secretary of the Treasury is authorized to issue administrative guidance, including de minimis rules, to simplify or facilitate claiming and recapturing the credit.

The credit is a general business credit.[85] The 50 percent of qualifying contributions that are effectively offset by the tax credit are not deductible; the other 50 percent of the qualifying contributions (and other contributions) are deductible to the extent permitted under present law.

Effective date.—The Senate amendment is effective with respect to contributions paid or incurred in taxable years beginning after December 31, 2002.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment.

(1) Small business tax credit for new retirement plan expenses (sec. 620 of the Senate amendment and new sec. 45E of the Code)

PRESENT LAW

The costs incurred by an employer related to the establishment and maintenance of a retirement plan (e.g., payroll system changes, investment vehicle set-up fees, consulting fees) generally are deductible by the employer as ordinary and necessary expenses in carrying on a trade or business.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides a nonrefundable income tax credit for 50 percent of the administrative and retirement-education expenses for any small business that adopts a new qualified defined benefit or defined contribution plan (including a section 401(k) plan), SIMPLE plan, or simplified employee pension ("SEP"). The credit applies to 50 percent of the first $1,000 in administrative and retirement-education expenses for the plan for each of the first three years of the plan.

The credit is available to an employer that did not employ, in the preceding year, more than 100 employees with compensation in excess of $5,000. In order for an employer to be eligible for the credit, the plan must cover at least one nonhighly compensated employee. In addition, if the credit is for the cost of a payroll deduction IRA arrangement, the arrangement must be made available to all employees of the employer who have worked with the employer for at least three months.

The credit is a general business credit.[86] The 50 percent of qualifying expenses that are effectively offset by the tax credit are not deductible; the other 50 percent of the qualifying expenses (and other expenses) are deductible to the extent permitted under present law.

Effective date.—The Senate amendment is effective with respect to costs paid or incurred in taxable years beginning after December 31, 2001, with respect to plans established after such date.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

2. Enhancing Fairness for Women

(a) Additional salary reduction catch-up contributions (sec. 301 of the House bill, sec. 631 of the Senate amendment, and sec. 414 of the Code)

PRESENT LAW

Elective deferral limitations

Under present law, under certain salary reduction arrangements, an employee may elect to have the employer make payments as contributions to a plan on behalf of the employee, or to the employee directly in cash. Contributions made at the election of the employee are called elective deferrals.

The maximum annual amount of elective deferrals that an individual may make to a qualified cash or deferred arrangement (a "401(k) plan"), a tax-sheltered annuity ("section 403(b) annuity") or a salary reduction simplified employee pension plan ("SEP") is $10,500 (for 2001). The maximum annual amount of elective deferrals that an individual may make to a SIMPLE plan is $6,500 (for 2001). These limits are indexed for inflation in $500 increments.

Section 457 plans

The maximum annual deferral under a deferred compensation plan of a State or local government or a tax-exempt organization (a "section 457 plan") is the lesser of (1) $8,500 (for 2001) or (2) 33⅓ percent of compensation. The $8,500 dollar limit is increased for inflation in $500 increments. Under a special catch-up rule, the section 457 plan may provide that, for one or more of the participant's last three years before retirement, the otherwise applicable limit is increased to the lesser of (1) $15,000 or (2) the sum of the otherwise applicable limit for the year plus the amount by which the limit applicable in preceding years of participation exceeded the deferrals for that year.

HOUSE BILL

The House bill provides that the otherwise applicable dollar limit on elective deferrals under a section 401(k) plan, section 403(b) annuity, SEP, or SIMPLE, or deferrals under a section 457 plan are increased for individuals who have attained age 50 by the end of the year.[87] Additional contributions are permitted by an individual who has attained age 50 before the end of the plan year and with respect to whom no other elective deferrals may otherwise be made to the plan for the year because of the application of any limitation of the Code (e.g., the annual limit on elective deferrals) or of the plan. Under the House bill, the additional amount of elective contributions that are permitted to be made by an eligible individual participating in such a plan is the lesser of (1) $5,000, or (2) the participant's compensation for the year reduced by any other elective deferrals of the participant for the year. This $5,000 amount is indexed for inflation in $500 increments in 2007 and thereafter.[88]

Catch-up contributions made under the House bill are not subject to any other contribution limits and are not taken into account in applying other contribution limits. Such contributions are subject to applicable nondiscrimination rules. Although catch-up contributions are subject to applicable nondiscrimination rules, a plan does not fail to meet the applicable nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features if the plan allows all eligible individuals participating in the plan to make the same election with respect to catch-up contributions. For purposes of this rule, all plans of related employers are treated as a single plan.

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[82] The top paid group election, which under present law permits an employer to classify an employee as a nonhighly compensated employee if the employee had compensation in excess of $80,000 (adjusted annually for inflation) during the preceding year but was not among the top 20 percent of employees of the employer when ranked on the basis of compensation paid to employees during the preceding year, is not taken into account in determining nonhighly compensated employees for purposes of the Senate amendment.

[83] The credit only applies if the employer has not had another qualified retirement plan in the prior three taxable years with respect to which contributions or accruals were made for substantially the same employees. It is intended that a plan will be for substantially the same employees if half or more of the employees for whom contributions or accruals are made under the new plan are employees for whom contributions or accruals were made under a prior plan.

[84] The rules relating to distribution upon separation from service are modified under another provision of the Senate amendment.

[85] The credit cannot be carried back to years before the effective date.

[86] The credit cannot be carried back to years before the effective date.

[87] Another provision of the House bill increases the dollar limit on elective deferrals under such arrangements.

[88] In the case of a section 457 plans, this catch-up rule does not apply during the participant's last three years before retirement (in those years, the regularly applicable dollar limit is doubled).

An employer is permitted to make matching contributions with respect to catch-up contributions. Any such matching contributions are subject to the normally applicable rules.

Effective date.—The House bill is effective for taxable years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment provides that the otherwise applicable dollar limit on elective deferrals under a section 401(k) plan, section 403(b) annuity, SEP, or SIMPLE, or deferrals under a section 457 plan is increased for individuals who have attained age 50 by the end of the year.[89] Additional contributions could be made by an individual who has attained age 50 before the end of the plan year and with respect to whom no other elective deferrals may otherwise be made to the plan for the year because of the application of any limitation of the Code (e.g., the annual limit on elective deferrals) or of the plan. Under the Senate amendment, the additional amount of elective contributions that could be made by an eligible individual participating in such a plan is the lesser of (1) the applicable dollar amount or (2) the participant's compensation for the year reduced by any other elective deferrals of the participant for the year.[90] The applicable dollar amount is $500 for 2002 through 2004, $1,000 for 2005 and 2006, $2,000 for 2007, $3,000 for 2008, $4,000 for 2009, and $7,500 for 2010 and thereafter.

Catch-up contributions made under the Senate amendment are not subject to any other contribution limits and are not taken into account in applying other contribution limits. In addition, such contributions are not subject to applicable nondiscrimination rules.[91]

An employer is permitted to make matching contributions with respect to catch-up contributions. Any such matching contributions are subject to the normally applicable rules.

The following examples illustrate the application of the Senate amendment, after the catch-up is fully phased-in.

Example 1: Employee A is a highly compensated employee who is over 50 and who participates in a section 401(k) plan sponsored by A's employer. The maximum annual deferral limit (without regard to the provision) is $15,000. After application of the special nondiscrimination rules applicable to section 401(k) plans, the maximum elective deferral A may make for the year is $8,000. Under the provision, A is able to make additional catch-up salary reduction contributions of $7,500.

Example 2: Employee B, who is over 50, is a participant in a section 401(k) plan. B's compensation for the year is $30,000. The maximum annual deferral limit (without regard to the provision) is $15,000. Under the terms of the plan, the maximum permitted deferral is 10 percent of compensation or, in B's case, $3,000. Under the provision, B can contribute up to $10,500 for the year ($3,000 under the normal operation of the plan, and an additional $7,500 under the provision).

Effective date.—The Senate amendment is effective for taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement provides that the otherwise applicable dollar limit on elective deferrals under a section 401(k) plan, section 403(b) annuity, SEP, or SIMPLE, or deferrals under a section 457 plan is increased for individuals who have attained age 50 by the end of the year.[92] The catch-up contribution provision does not apply to after-tax employee contributions. Additional contributions may be made by an individual who has attained age 50 before the end of the plan year and with respect to whom no other elective deferrals may otherwise be made to the plan for the year because of the application of any limitation of the Code (e.g., the annual limit on elective deferrals) or of the plan. Under the conference agreement, the additional amount of elective contributions that may be made by an eligible individual participating in such a plan is the lesser of (1) the applicable dollar amount or (2) the participant's compensation for the year reduced by any other elective deferrals of the participant for the year.[93] The applicable dollar amount under a section 401(k) plan, section 403(b) annuity, SEP, or section 457 plan is $1,000 for 2002, $2,000 for 2003, $3,000 for 2004, $4,000 for 2005, and $5,000 for 2006 and thereafter. The applicable dollar amount under a SIMPLE is $500 for 2002, $1,000 for 2003, $1,500 for 2004, $2,000 for 2005, and $2,500 for 2006 and thereafter. The $5,000 and $2,500 amounts are adjusted for inflation in $500 increments in 2007 and thereafter.[94]

Catch-up contributions made under the conference agreement are not subject to any other contribution limits and are not taken into account in applying other contribution limits. In addition, such contributions are not subject to applicable nondiscrimination rules. However, a plan fails to meet the applicable nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features unless the plan allows all eligible individuals participating in the plan to make the same election with respect to catch-up contributions. For purposes of this rule, all plans of related employers are treated as a single plan.

An employer is permitted to make matching contributions with respect to catch-up contributions. Any such matching contributions are subject to the normally applicable rules.

The following examples illustrate the application of the conference agreement, after the catch-up is fully phased-in.

Example 1: Employee A is a highly compensated employee who is over 50 and who participates in a section 401(k) plan sponsored by A's employer. The maximum annual deferral limit (without regard to the provision) is $15,000. After application of the special nondiscrimination rules applicable to section 401(k) plans, the maximum elective deferral A may make for the year is $8,000. Under the provision, A is able to make additional catch-up salary reduction contributions of $5,000.

Example 2: Employee B, who is over 50, is a participant in a section 401(k) plan. B's compensation for the year is $30,000. The maximum annual deferral limit (without regard to the provision) is $15,000. Under the terms of the plan, the maximum permitted deferral is 10 percent of compensation or, in B's case, $3,000. Under the provision, B can contribute up to $8,000 for the year ($3,000 under the normal operation of the plan, and an additional $5,000 under the provision).

Effective date.—The Senate amendment is effective for taxable years beginning after December 31, 2001.

(b) Equitable treatment for contributions of employees to defined contribution plans (sec. 302 of the House bill, sec. 632 of the Senate amendment, and secs. 403(b), 415, and 457 of the Code)

PRESENT LAW

Present law imposes limits on the contributions that may be made to tax-favored retirement plans.

Defined contribution plans

In the case of a tax-qualified defined contribution plan, the limit on annual additions that can be made to the plan on behalf of an employee is the lesser of $35,000 (for 2001) or 25 percent of the employee's compensation (sec. 415(c)). Annual additions include employer contributions, including contributions made at the election of the employee (i.e., employee elective deferrals), after-tax employee contributions, and any forfeitures allocated to the employee. For this purpose, compensation means taxable compensation of the employee, plus elective deferrals, and similar salary reduction contributions. A separate limit applies to benefits under a defined benefit plan.

For years before January 1, 2000, an overall limit applied if an employee was a participant in both a defined contribution plan and a defined benefit plan of the same employer.

Tax-sheltered annuities

In the case of a tax-sheltered annuity (a "section 403(b) annuity"), the annual contribution generally cannot exceed the lesser of the exclusion allowance or the section 415(c) defined contribution limit. The exclusion allowance for a year is equal to 20 percent of the employee's includible compensation, multiplied by the employee's years of service, minus excludable contributions for prior years under qualified plans, tax-sheltered annuities or section 457 plans of the employer.

In addition to this general rule, employees of nonprofit educational institutions, hospitals, home health service agencies, health and welfare service agencies, and churches may elect application of one of several special rules that increase the amount of the otherwise permitted contributions. The election of a special rule is irrevocable; an employee may not elect to have more than one special rule apply.

Under one special rule, in the year the employee separates from service, the employee may elect to contribute up to the exclusion allowance, without regard to the 25 percent of compensation limit under section 415. Under this rule, the exclusion allowance is determined by taking into account no more than 10 years of service.

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[89] Another provision of the Senate amendment increases the dollar limit on elective deferrals under such arrangements.

[90] In the case of a section 457 plan, this catch-up rule does not apply during the participant's last three years before retirement (in those years, the regularly applicable dollar limit is doubled).

[91] Another provision increases the dollar limit on elective deferrals under such arrangements.

[92] Another provision of the conference agreement increases the dollar limit on elective deferrals under such arrangements.

[93] In the case of a section 457 plan, this catch-up rule does not apply during the participant's last three years before retirement (in those years, the regularly applicable dollar limit is doubled).

[94] In the case of a section 457 plans, this catch-up rule does not apply during the participant's last three years before retirement (in those years, the regularly applicable dollar limit is doubled).

Under a second special rule, the employee may contribute up to the lesser of: (1) the exclusion allowance; (2) 25 percent of the participant's includible compensation; or (3) $15,000.

Under a third special rule, the employee may elect to contribute up to the section 415(c) limit, without regard to the exclusion allowance. If this option is elected, then contributions to other plans of the employer are also taken into account in applying the limit.

For purposes of determining the contribution limits applicable to section 403(b) annuities, includible compensation means the amount of compensation received from the employer for the most recent period which may be counted as a year of service under the exclusion allowance. In addition, includible compensation includes elective deferrals and similar salary reduction amounts.

Treasury regulations include provisions regarding application of the exclusion allowance in cases where the employee participates in a section 403(b) annuity and a defined benefit plan. The Taxpayer Relief Act of 1997 directed the Secretary of the Treasury to revise these regulations, effective for years beginning after December 31, 1999, to reflect the repeal of the overall limit on contributions and benefits.

Section 457 plans

Compensation deferred under an eligible deferred compensation plan of a tax-exempt or State and local governmental employer (a "section 457 plan") is not includible in gross income until paid or made available. In general, the maximum permitted annual deferral under such a plan is the lesser of (1) $8,500 (in 2001) or (2) 33–1/3 percent of compensation. The $8,500 limit is increased for inflation in $500 increments.

HOUSE BILL

Increase in defined contribution plan limit

The House bill increases the 25 percent of compensation limitation on annual additions under a defined contribution plan[95] to 100 percent.[96]

Conforming limits on tax-sheltered annuities

The House bill repeals the exclusion allowance applicable to contributions to tax-sheltered annuities. Thus, such annuities are subject to the limits applicable to tax-qualified plans.

The House bill also directs the Secretary of the Treasury to revise the regulations relating to the exclusion allowance under section 403(b)(2) to render void the requirement that contributions to a defined benefit plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, the regulatory provisions regarding the exclusion allowance are to be applied as if the requirement that contributions to a defined benefit plan be treated as previously excluded amounts for purposes of the exclusion allowance were void.

Section 457 plans

The House bill increases the 33–1/3 percent of compensation limitation on deferrals under a section 457 plan to 100 percent of compensation.

Effective date

The House bill generally is effective for years beginning after December 31, 2001. The provision regarding the regulations under section 403(b)(2) is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modifications.

The Senate amendment increases the 25 percent of compensation limitation on annual additions under a defined contribution plan to 50 percent for 2002 through 2010, and 100 percent for 2011 and thereafter.[97] The Senate amendment increases the 33–1/3 percent of compensation limitation on deferrals under a section 457 plan to 50 percent for 2002 through 2010, and 100 percent for 2011 and thereafter.

With respect to the direction to the Secretary of the Treasury to revise the regulations relating to the exclusion allowance under section 403(b)(2) to render void the requirement that contributions to a defined benefit plan be treated as previously excluded amounts for purposes of the exclusion allowance, the regulatory provisions regarding the exclusion allowance are to be applied as if the requirement that contributions to a defined benefit plan be treated as previously excluded amounts for purposes of the exclusion allowance were void for taxable years beginning after December 31, 2000.

Effective date.—The Senate amendment generally is effective for years beginning after December 31, 2001. The provision regarding the regulations under section 403(b)(2) is effective on the date of enactment. The provision regarding the repeal of the exclusion allowance applicable to tax-sheltered annuities is effective for years beginning after December 31, 2010.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the following modifications.

With respect to the increase in the defined contribution plan limit, the conferees intend that the Secretary of the Treasury will use the Secretary's existing authority to address situations where qualified nonelective contributions are targeted to certain participants with lower compensation in order to increase the average deferral percentage of nonhighly compensated employees.

For taxable years beginning after December 31, 1999, a plan may disregard the requirement that contributions to a defined benefit plan be treated as previously excluded amounts for purposes of the exclusion allowance.

(c) Faster vesting of employer matching contributions (sec. 303 of the House bill, sec. 633 of the Senate amendment, and sec. 411 of the Code)

PRESENT LAW

Under present law, a plan is not a qualified plan unless a participant's employer-provided benefit vests at least as rapidly as under one of two alternative minimum vesting schedules. A plan satisfies the first schedule if a participant acquires a nonforfeitable right to 100 percent of the participant's accrued benefit derived from employer contributions upon the completion of five years of service. A plan satisfies the second schedule if a participant has a nonforfeitable right to at least 20 percent of the participant's accrued benefit derived from employer contributions after three years of service, 40 percent after four years of service, 60 percent after five years of service, 80 percent after six years of service, and 100 percent after seven years of service.[98]

HOUSE BILL

The House bill applies faster vesting schedules to employer matching contributions. Under the House bill, employer matching contributions are required to vest at least as rapidly as under one of the following two alternative minimum vesting schedules. A plan satisfies the first schedule if a participant acquires a nonforfeitable right to 100 percent of employer matching contributions upon the completion of three years of service. A plan satisfies the second schedule if a participant has a nonforfeitable right to 20 percent of employer matching contributions for each year of service beginning with the participant's second year of service and ending with 100 percent after six years of service.

Effective date.—The House bill is effective for contributions for plan years beginning after December 31, 2001, with a delayed effective date for plans maintained pursuant to a collective bargaining agreement. The House bill does not apply to any employee until the employee has an hour of service after the effective date. In applying the new vesting schedule, service before the effective date is taken into account.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

(d) Modifications to minimum distribution rules (sec. 304 of the House bill, sec. 634 of the Senate amendment, and sec. 401(a)(9) of the Code)

PRESENT LAW

In general

Minimum distribution rules apply to all types of tax-favored retirement vehicles, including qualified plans, individual retirement arrangements ("IRAs"), tax-sheltered annuities ("section 403(b) annuities"), and eligible deferred compensation plans of tax-exempt and State and local government employers ("section 457 plans"). In general, under these rules, distribution of minimum benefits must begin no later than the required beginning date. Minimum distribution rules also apply to benefits payable with respect to a plan participant who has died. Failure to comply with the minimum distribution rules results in an excise tax imposed on the individual plan participant equal to 50 percent of the required minimum distribution not distributed for the year. The excise tax may be waived if the individual establishes to the satisfaction of the Commissioner that the shortfall in the amount distributed was due to reasonable error and reasonable steps are being taken to remedy the shortfall. Under certain circumstances following the death of a participant, the excise tax is automatically waived under proposed Treasury regulations.

Distributions prior to the death of the individual

In the case of distributions prior to the death of the plan participant, the minimum distribution rules are satisfied if either (1) the participant's entire interest in the plan is distributed by the required beginning date, or (2) the participant's interest in the plan is to be distributed (in accordance with regulations), beginning not later than the required beginning date, over a permissible period. The permissible periods are (1) the life of the participant, (2) the lives of the participant and a designated beneficiary, (3) the life expectancy of the participant, or (4) the joint life and last survivor expectancy of the participant and a designated beneficiary. In calculating minimum required distributions, life expectancies of the participant and the participant's spouse may be recomputed annually.

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[95] Another provision of the House bill increases the defined contribution plan dollar limit.

[96] The House bill preserves the present-law deduction rules for money purchase pension plans. Thus, for purposes of such rules, the limitation on the amount the employer generally may deduct is an amount equal to 25 percent of compensation of the employees covered by the plan for the year.

[97] Another provision of the Senate amendment increases the defined contribution plan dollar limit.

[98] The minimum vesting requirements are also contained in Title I of ERISA.

In the case of qualified plans, tax-sheltered annuities, and section 457 plans, the required beginning date is the April 1 of the calendar year following the later of (1) the calendar year in which the employee attains age 70½ or (2) the calendar year in which the employee retires. However, in the case of a five-percent owner of the employer, distributions are required to begin no later than the April 1 of the calendar year following the year in which the five-percent owner attains age 70½. If commencement of benefits is delayed beyond age 70½ from a defined benefit plan, then the accrued benefit of the employee must be actuarially increased to take into account the period after age 70½ in which the employee was not receiving benefits under the plan.[99] In the case of distributions from an IRA other than a Roth IRA, the required beginning date is the April 1 of the calendar year following the calendar year in which the IRA owner attains age 70½. The pre-death minimum distribution rules do not apply to Roth IRAs.

In general, under the proposed Treasury regulations, in order to satisfy the minimum distribution rules, annuity payments under a defined benefit plan must be paid in periodic payments made at intervals not longer than one year over a permissible period, and must be nonincreasing, or increase only as a result of the following: (1) cost-of-living adjustments; (2) cash refunds of employee contributions; (3) benefit increases under the plan; or (4) an adjustment due to death of the employee's beneficiary. In the case of a defined contribution plan, the minimum required distribution is determined by dividing the employee's benefit by an amount from the uniform table provided in the proposed regulations.

Distributions after the death of the plan participant

The minimum distribution rules also apply to distributions to beneficiaries of deceased participants. In general, if the participant dies after minimum distributions have begun, the remaining interest must be distributed at least as rapidly as under the minimum distribution method being used as of the date of death. If the participant dies before minimum distributions have begun, then the entire remaining interest must generally be distributed within five years of the participant's death. The five-year rule does not apply if distributions begin within one year of the participant's death and are payable over the life of a designated beneficiary or over the life expectancy of a designated beneficiary. A surviving spouse beneficiary is not required to begin distribution until the date the deceased participant would have attained age 70½.

HOUSE BILL

Modification of post-death distribution rules

The House bill applies the present-law rules applicable if the participant dies before distribution of minimum benefits has begun to all post-death distributions. Thus, in general, if the employee dies before his or her entire interest has been distributed, distribution of the remaining interest is required to be made within five years of the date of death, or begin within one year of the date of death and paid over the life or life expectancy of a designated beneficiary. In the case of a surviving spouse, distributions are not required to begin until April 1 of the calendar year following the calendar year in which the surviving spouse attains age 70½. The House bill includes a transition rule with respect to the provision providing that the required beginning date in the case of a surviving spouse is no earlier than the April 1 of the calendar year following the calendar year in which the surviving spouse attains age 70½. In the case of an individual who died before the date of enactment and prior to his or her required beginning date and whose beneficiary is the surviving spouse, minimum distributions to the surviving spouse are not required to begin earlier than the date distributions would have been required to begin under present law.

Reduction in excise tax

The House bill reduces the excise tax on failures to satisfy the minimum distribution rules to 10 percent of the amount that was required to be distributed but was not distributed.

Treasury regulations

The Treasury is directed to revise the life expectancy tables under the applicable regulations to reflect current life expectancy.

Effective date

In general, the House bill is effective for years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modification. The Senate amendment does not modify the excise tax on failures to satisfy the minimum distribution rules.

CONFERENCE AGREEMENT

The conference agreement directs the Treasury to revise the life expectancy tables under the applicable regulations to reflect current life expectancy.

Effective date.—The conference agreement is effective on the date of enactment.

(e) Clarification of tax treatment of division of section 457 plan benefits upon divorce (sec. 305 of the House bill, sec. 635 of the Senate amendment, and secs. 414(p) and 457 of the Code)

PRESENT LAW

Under present law, benefits provided under a qualified retirement plan for a participant may not be assigned or alienated to creditors of the participant, except in very limited circumstances. One exception to the prohibition on assignment or alienation rule is a qualified domestic relations order ("QDRO"). A QDRO is a domestic relations order that creates or recognizes a right of an alternate payee to any plan benefit payable with respect to a participant, and that meets certain procedural requirements.

Under present law, a distribution from a governmental plan or a church plan is treated as made pursuant to a QDRO if it is made pursuant to a domestic relations order that creates or recognizes a right of an alternate payee to any plan benefit payable with respect to a participant. Such distributions are not required to meet the procedural requirements that apply with respect to distributions from qualified plans.

Under present law, amounts distributed from a qualified plan generally are taxable to the participant in the year of distribution. However, if amounts are distributed to the spouse (or former spouse) of the participant by reason of a QDRO, the benefits are taxable to the spouse (or former spouse). Amounts distributed pursuant to a QDRO to an alternate payee other than the spouse (or former spouse) are taxable to the plan participant.

Section 457 of the Internal Revenue Code provides rules for deferral of compensation by an individual participating in an eligible deferred compensation plan ("section 457 plan") of a tax-exempt or State and local government employer. The QDRO rules do not apply to section 457 plans.

HOUSE BILL

The House bill applies the taxation rules for qualified plan distributions pursuant to a QDRO to distributions made pursuant to a domestic relations order from a section 457 plan. In addition, a section 457 plan does not violate the restrictions on distributions from such plans due to payments to an alternate payee under a QDRO. The special rule applicable to governmental plans and church plans applies for purposes of determining whether a distribution is pursuant to a QDRO.

Effective date.—The House bill is effective for transfers, distributions, and payments made after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with a modification of the effective date.

Effective date.—The provision of the Senate amendment relating to tax treatment of distributions made pursuant to a domestic relations order from a section 457 plan is effective for transfers, distributions, and payments made after December 31, 2001. The provisions of the Senate amendment relating to the waiver of restrictions on distributions and the application of the special rule for determining whether a distribution is pursuant to a QDRO are effective on January 1, 2002, except that in the case of a domestic relations order entered before January 1, 2002, the plan administrator (1) is required to treat such order as a QDRO if the administrator is paying benefits pursuant to such order on January 1, 2002, and (2) is permitted to treat any other such order entered before January 1, 2002, as a QDRO even if such order does not meet the relevant requirements of the provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

(f) Provisions relating to hardship withdrawals (sec. 306 of the House bill, sec. 636 of the Senate amendment, and sec. 401(k) and 402 of the Code)

PRESENT LAW

Elective deferrals under a qualified cash or deferred arrangement (a "section 401(k) plan") may not be distributable prior to the occurrence of one or more specified events. One event upon which distribution is permitted is the financial hardship of the employee. Applicable Treasury regulations[100] provide that a distribution is made on account of hardship only if the distribution is made on account of an immediate and heavy financial need of the employee and is necessary to satisfy the heavy need.

The Treasury regulations provide a safe harbor under which a distribution may be deemed necessary to satisfy an immediate and heavy financial need. One requirement of this safe harbor is that the employee be prohibited from making elective contributions and employee contributions to the plan and all other plans maintained by the employer for at least 12 months after receipt of the hardship distribution.

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[99] State and local government plans and church plans are not required to actuarially increase benefits that begin after age 70½.

[100] Treas. Reg. sec. 1.401(k)-1.

Under present law, hardship withdrawals of elective deferrals from a qualified cash or deferred arrangement (or 403(b) annuity) are not eligible rollover distributions. Other types of hardship distributions, e.g., employer matching contributions distributed on account of hardship, are eligible rollover distributions. Different withholding rules apply to distributions that are eligible rollover distributions and to distributions that are not eligible rollover distributions. Eligible rollover distributions that are not directly rolled over are subject to withholding at a flat rate of 20-percent. Distributions that are not eligible rollover distributions are subject to elective withholding. Periodic distributions are subject to withholding as if the distribution were wages; nonperiodic distributions are subject to withholding at a rate of 10 percent. In either case, the individual may elect not to have withholding apply.

HOUSE BILL

The Secretary of the Treasury is directed to revise the applicable regulations to reduce from 12 months to six months the period during which an employee must be prohibited from making elective contributions and employee contributions in order for a distribution to be deemed necessary to satisfy an immediate and heavy financial need. The revised regulations are to be effective for years beginning after December 31, 2001.

In addition, any distribution made upon hardship of an employee is not an eligible rollover distribution. Thus, such distributions may not be rolled over, and are subject to the withholding rules applicable to distributions that are not eligible rollover distributions. The House bill does not modify the rules under which hardship distributions may be made. For example, as under present law, hardship distributions of qualified employer matching contributions are only permitted under the rules applicable to elective deferrals.

The House bill is intended to clarify that all assets distributed as a hardship withdrawal, including assets attributable to employee elective deferrals and those attributable to employer matching or nonelective contributions, are ineligible for rollover. This rule is intended to apply to all hardship distributions from any tax qualified plan, including those made pursuant to standards set forth in section 401(k)(2)(B)(i)(IV) (which are applicable to section 401(k) plans and section 403(b) annuities) and to those treated as hardship distributions under any profit-sharing plan (whether or not in accordance with the standards set forth in section 401(k)(2)(B)(i)(IV)). For this purpose, a distribution that could be made either under the hardship provisions of a plan or under other provisions of the plan (such as provisions permitting in-service withdrawal of assets attributable to employer matching or nonelective contributions after a fixed period of years) could be treated as made upon hardship of the employee if the plan treats it that way. For example, if a plan makes an in-service distribution that consists of assets attributable to both elective deferrals (in circumstances where those assets could be distributed only upon hardship) and employer matching or nonelective contributions (which could be distributed in nonhardship circumstances under the plan), the plan is permitted to treat the distribution in its entirety as made upon hardship of the employee.

Effective date.—The provision of the House bill directing the Secretary to revise the rules relating to safe harbor hardship distributions is effective on the date of enactment. The provision that hardship distributions are not eligible rollover distributions is effective for distributions made after December 31, 2001. The Secretary has the authority to issue transitional guidance with respect to the provision that hardship distributions are not eligible rollover distributions to provide sufficient time for plans to implement the new rule.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

(g) Pension coverage for domestic and similar workers (sec. 307 of the House bill, sec. 637 of the Senate amendment, and sec. 4972(c)(6) of the Code)

PRESENT LAW

Under present law, within limits, employers may make deductible contributions to qualified retirement plans for employees. Subject to certain exceptions, a 10-percent excise tax applies to nondeductible contributions to such plans.

Employers of household workers may establish a pension plan for their employees. Contributions to such plans are not deductible because they are not made in connection with a trade or business of the employer.

HOUSE BILL

The 10-percent excise tax on nondeductible contributions does not apply to contributions to a SIMPLE plan or a SIMPLE IRA that are nondeductible solely because the contributions are not a trade or business expense under section 162 because they are not made in connection with a trade or business of the employer. Thus, for example, employers of household workers are able to make contributions to such plans without imposition of the excise tax. As under present law, the contributions are not deductible. The present-law rules applicable to such plans, e.g., contribution limits and nondiscrimination rules, continue to apply. The House bill does not apply with respect to contributions on behalf of the individual and members of his or her family.

No inference is intended with respect to the application of the excise tax under present law to contributions that are not deductible because they are not made in connection with a trade or business of the employer.

As under present law, a plan covering domestic workers is not qualified unless the coverage rules are satisfied by aggregating all employees of family members taken into account under the attribution rules in section 414(c), but disregarding employees employed by a controlled group of corporations or a trade or business.

It is intended that the House bill is restricted to contributions made by employers of household workers with respect to whom all applicable employment taxes have been and are being paid.

Effective date.—The House bill is effective for taxable years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modification. The legislative history of the Senate amendment does not include a statement of intention that the Senate amendment is restricted to contributions made by employers of household workers with respect to whom all applicable employment taxes have been and are being paid.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

3. Increasing Portability for Participants

(a) Rollovers of retirement plan and IRA distributions (secs. 401–403 and 409 of the House bill, secs. 641–643 and 649 of the Senate amendment, and secs. 401, 402, 403(b), 408, 457, and 3405 of the Code)

PRESENT LAW

In general

Present law permits the rollover of funds from a tax-favored retirement plan to another tax-favored retirement plan. The rules that apply depend on the type of plan involved. Similarly, the rules regarding the tax treatment of amounts that are not rolled over depend on the type of plan involved.

Distributions from qualified plans

Under present law, an "eligible rollover distribution" from a tax-qualified employer-sponsored retirement plan may be rolled over tax free to a traditional individual retirement arrangement ("IRA")[101] or another qualified plan.[102] An "eligible rollover distribution" means any distribution to an employee of all or any portion of the balance to the credit of the employee in a qualified plan, except the term does not include (1) any distribution which is one of a series of substantially equal periodic payments made (a) for the life (or life expectancy) of the employee or the joint lives (or joint life expectancies) of the employee and the employee's designated beneficiary, or (b) for a specified period of 10 years or more, (2) any distribution to the extent such distribution is required under the minimum distribution rules, and (3) certain hardship distributions. The maximum amount that can be rolled over is the amount of the distribution includible in income, i.e., after-tax employee contributions cannot be rolled over. Qualified plans are not required to accept rollovers.

Distributions from tax-sheltered annuities

Eligible rollover distributions from a tax-sheltered annuity ("section 403(b) annuity") may be rolled over into an IRA or another section 403(b) annuity. Distributions from a section 403(b) annuity cannot be rolled over into a tax-qualified plan. Section 403(b) annuities are not required to accept rollovers.

IRA distributions

Distributions from a traditional IRA, other than minimum required distributions, can be rolled over into another IRA. In general, distributions from an IRA cannot be rolled over into a qualified plan or section 403(b) annuity. An exception to this rule applies in the case of so-called "conduit IRAs." Under the conduit IRA rule, amounts can be rolled from a qualified plan into an IRA and then subsequently rolled back to another qualified plan if the amounts in the IRA are attributable solely to rollovers from a qualified plan. Similarly, an amount may be rolled over from a section 403(b) annuity to an IRA and subsequently rolled back into a section 403(b) annuity if the amounts in the

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[101] A "traditional" IRA refers to IRAs other than Roth IRAs or SIMPLE IRAs. All references to IRAs refer only to traditional IRAs.

[102] An eligible rollover distribution may either be rolled over by the distributee within 60 days of the date of the distribution or, as described below, directly rolled over by the distributing plan.

IRA are attributable solely to rollovers from a section 403(b) annuity.

Distributions from section 457 plans

A "section 457 plan" is an eligible deferred compensation plan of a State or local government or tax-exempt employer that meets certain requirements. In some cases, different rules apply under section 457 to governmental plans and plans of tax-exempt employers. For example, governmental section 457 plans are like qualified plans in that plan assets are required to be held in a trust for the exclusive benefit of plan participants and beneficiaries. In contrast, benefits under a section 457 plan of a tax-exempt employer are unfunded, like nonqualified deferred compensation plans of private employers.

Section 457 benefits can be transferred to another section 457 plan. Distributions from a section 457 plan cannot be rolled over to another section 457 plan, a qualified plan, a section 403(b) annuity, or an IRA.

Rollovers by surviving spouses

A surviving spouse that receives an eligible rollover distribution may roll over the distribution into an IRA, but not a qualified plan or section 403(b) annuity.

Direct rollovers and withholding requirements

Qualified plans and section 403(b) annuities are required to provide that a plan participant has the right to elect that an eligible rollover distribution be directly rolled over to another eligible retirement plan. If the plan participant does not elect the direct rollover option, then withholding is required on the distribution at a 20-percent rate.[103]

Notice of eligible rollover distribution

The plan administrator of a qualified plan or a section 403(b) annuity is required to provide a written explanation of rollover rules to individuals who receive a distribution eligible for rollover. In general, the notice is to be provided within a reasonable period of time before making the distribution and is to include an explanation of (1) the provisions under which the individual may have the distribution directly rolled over to another eligible retirement plan, (2) the provision that requires withholding if the distribution is not directly rolled over, (3) the provision under which the distribution may be rolled over within 60 days of receipt, and (4) if applicable, certain other rules that may apply to the distribution. The Treasury Department has provided more specific guidance regarding timing and content of the notice.

Taxation of distributions

As is the case with the rollover rules, different rules regarding taxation of benefits apply to different types of tax-favored arrangements. In general, distributions from a qualified plan, section 403(b) annuity, or IRA are includible in income in the year received. In certain cases, distributions from qualified plans are eligible for capital gains treatment and averaging. These rules do not apply to distributions from another type of plan. Distributions from a qualified plan, IRA, and section 403(b) annuity generally are subject to an additional 10-percent early withdrawal tax if made before age 59½. There are a number of exceptions to the early withdrawal tax. Some of the exceptions apply to all three types of plans, and others apply only to certain types of plans. For example, the 10-percent early withdrawal tax does not apply to IRA distributions for educational expenses, but does apply to similar distributions from qualified plans and section 403(b) annuities. Benefits under a section 457 plan are generally includible in income when paid or made available. The 10-percent early withdrawal tax does not apply to section 457 plans.

HOUSE BILL

In general

The House bill provides that eligible rollover distributions from qualified retirement plans, section 403(b) annuities, and governmental section 457 plans generally could be rolled over to any of such plans or arrangements.[104] Similarly, distributions from an IRA generally are permitted to be rolled over into a qualified plan, section 403(b) annuity, or governmental section 457 plan. The direct rollover and withholding rules are extended to distributions from a governmental section 457 plan, and such plans are required to provide the written notification regarding eligible rollover distributions.[105] The rollover notice (with respect to all plans) is required to include a description of the provisions under which distributions from the plan to which the distribution is rolled over may be subject to restrictions and tax consequences different than those applicable to distributions from the distributing plan. Qualified plans, section 403(b) annuities, and section 457 plans would not be required to accept rollovers.

Some special rules apply in certain cases. A distribution from a qualified plan is not eligible for capital gains or averaging treatment if there was a rollover to the plan that would not have been permitted under present law. Thus, in order to preserve capital gains and averaging treatment for a qualified plan distribution that is rolled over, the rollover would have to be made to a "conduit IRA" as under present law, and then rolled back into a qualified plan. Amounts distributed from a section 457 plan are subject to the early withdrawal tax to the extent the distribution consists of amounts attributable to rollovers from another type of plan. Section 457 plans are required to separately account for such amounts.

Rollover of after-tax contributions

The House bill provides that employee after-tax contributions may be rolled over into another qualified plan or a traditional IRA. In the case of a rollover from a qualified plan to another qualified plan, the rollover is permitted to be accomplished only through a direct rollover. In addition, a qualified plan is not permitted to accept rollovers of after-tax contributions unless the plan provides separate accounting for such contributions (and earnings thereon). After-tax contributions (including nondeductible contributions to an IRA) are not permitted to be rolled over from an IRA into a qualified plan, tax-sheltered annuity, or section 457 plan.

In the case of a distribution from a traditional IRA that is rolled over into an eligible rollover plan that is not an IRA, the distribution is attributed first to amounts other than after-tax contributions.

Expansion of spousal rollovers

The House bill provides that surviving spouses may roll over distributions to a qualified plan, section 403(b) annuity, or governmental section 457 plan in which the surviving spouse participates.

Treasury regulations

The Secretary is directed to prescribe rules necessary to carry out the House bill. Such rules may include, for example, reporting requirements and mechanisms to address mistakes relating to rollovers. It is anticipated that the IRS will develop forms to assist individuals who roll over after-tax contributions to an IRA in keeping track of such contributions. Such forms could, for example, expand Form 8606—Nondeductible IRAs, to include information regarding after-tax contributions.

Effective date

The House bill is effective for distributions made after December 31, 2001. It is intended that the Secretary will revise the safe harbor rollover notice that plans may use to satisfy the rollover requirements. No penalty is imposed on a plan for a failure to provide the information required under the House bill with respect to any distribution made before the date that is 90 days after the date the Secretary issues a new safe harbor rollover notice, if the plan administrator makes a reasonable attempt to comply with such notice requirement. For example, the House bill requires that the rollover notice include a description of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making the distribution. A plan is treated as making a reasonable good faith effort to comply with this requirement if the notice states that distributions from the plan to which the rollover is made may be subject to different restrictions and tax consequences than those that apply to distributions from the plan from which the rollover is made.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modification. The Senate amendment does not include a provision for relief from the imposition of a penalty for failure to provide the information required under the Senate amendment.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the following modification. Hardship distributions from governmental section 457 plans are not considered eligible rollover distributions.

(b) Waiver of 60-day rule (sec. 404 of the House bill, sec. 644 of the Senate amendment, and secs. 402 and 408 of the Code)

PRESENT LAW

Under present law, amounts received from an IRA or qualified plan may be rolled over tax free if the rollover is made within 60 days of the date of the distribution. The Secretary does not have the authority to waive the 60-day requirement, except during military service in a combat zone or by reason of a Presidentially declared disaster. The Secretary has issued regulations postponing the 60-day rule in such cases.

HOUSE BILL

The House bill provides that the Secretary may waive the 60-day rollover period if the failure to waive such requirement would be against equity or good conscience, including cases of casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement. For example, the Secretary may issue guidance that includes objective standards for a waiver of the 60-day rollover period, such as waiving the rule due to military service in a combat zone or during a Presidentially declared disaster (both of which are provided for under present law), or for a period during which the participant has received payment in the form of a check, but has not cashed the check, or for errors committed by a financial institution.

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[103] Distributions from qualified plans and section 403(b) annuities that are not eligible rollover distributions are subject to elective withholding. Periodic distributions are subject to withholding as if the distribution were wages; nonperiodic distributions are subject to withholding at a rate of 10 percent. In either case, the individual may elect not to have withholding apply.

[104] Hardship distributions from governmental section 457 plans would be considered eligible rollover distributions.

[105] The elective withholding rules applicable to distributions from qualified plans and section 403(b) annuities that are not eligible rollover distributions are also extended to distributions from governmental section 457 plans. Thus, periodic distributions from governmental section 457 plans that are not eligible rollover distributions are subject to withholding as if the distribution were wages and nonperiodic distributions from such plans that are not eligible rollover distributions are subject to withholding at a 10-percent rate. In either case, the individual may elect not to have withholding apply.

Effective date.—The House bill applies to distributions made after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement provides that the Secretary may waive the 60-day rollover period if the failure to waive such requirement would be against equity or good conscience, including cases of casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement. For example, the Secretary may issue guidance that includes objective standards for a waiver of the 60-day rollover period, such as waiving the rule due to military service in a combat zone or during a Presidentially declared disaster (both of which are provided for under present law), or for a period during which the participant has received payment in the form of a check, but has not cashed the check, or for errors committed by a financial institution, or in cases of inability to complete a rollover due to death, disability, hospitalization, incarceration, restrictions imposed by a foreign country, or postal error.

Effective date.—The conference agreement applies to distributions made after December 31, 2001.

(c) Treatment of forms of distribution (sec. 405 of the House bill, sec. 645 of the Senate amendment, and sec. 411(d)(6) of the Code)

PRESENT LAW

An amendment of a qualified retirement plan may not decrease the accrued benefit of a plan participant. An amendment is treated as reducing an accrued benefit if, with respect to benefits accrued before the amendment is adopted, the amendment has the effect of either (1) eliminating or reducing an early retirement benefit or a retirement-type subsidy, or (2) except as provided by Treasury regulations, eliminating an optional form of benefit (sec. 411(d)(6)).[106]

Under regulations recently issued by the Secretary,[107] this prohibition against the elimination of an optional form of benefit does not apply in the case of (1) a defined contribution plan that offers a lump sum at the same time as the form being eliminated if the participant receives at least 90 days' advance notice of the elimination, or (2) a voluntary transfer between defined contribution plans, subject to the requirements that a transfer from a money purchase pension plan, an ESOP, or a section 401(k) plan must be to a plan of the same type and that the transfer be made in connection with certain corporate mergers, acquisitions, or similar transactions or changes in employment status.

HOUSE BILL

A defined contribution plan to which benefits are transferred will not be treated as reducing a participant's or beneficiary's accrued benefit even though it does not provide all of the forms of distribution previously available under the transferor plan if (1) the plan receives from another defined contribution plan a direct transfer of the participant's or beneficiary's benefit accrued under the transferor plan, or the plan results from a merger or other transaction that has the effect of a direct transfer (including consolidations of benefits attributable to different employers within a multiple employer plan), (2) the terms of both the transferor plan and the transferee plan authorize the transfer, (3) the transfer occurs pursuant to a voluntary election by the participant or beneficiary that is made after the participant or beneficiary received a notice describing the consequences of making the election, and (4) the transferee plan allows the participant or beneficiary to receive distribution of his or her benefit under the transferee plan in the form of a single sum distribution. The House bill does not modify the rules relating to survivor annuities under section 417. Thus, as under present law, a plan that is a transferee of a plan subject to the joint and survivor rules is also subject to those rules.

Except to the extent provided by the Secretary of the Treasury in regulations, a defined contribution plan is not treated as reducing a participant's accrued benefit if (1) a plan amendment eliminates a form of distribution previously available under the plan, (2) a single sum distribution is available to the participant at the same time or times as the form of distribution eliminated by the amendment, and (3) the single sum distribution is based on the same or greater portion of the participant's accrued benefit as the form of distribution eliminated by the amendment.

Furthermore, the House bill directs the Secretary of the Treasury to provide by regulations that the prohibitions against eliminating or reducing an early retirement benefit, a retirement-type subsidy, or an optional form of benefit do not apply to plan amendments that eliminate or reduce early retirement benefits, retirement-type subsidies, and optional forms of benefit that create significant burdens and complexities for a plan and its participants, but only if such an amendment does not adversely affect the rights of any participant in more than a de minimis manner.

It is intended that the factors to be considered in determining whether an amendment has more than a de minimis adverse effect on any participant will include (1) all of the participant's early retirement benefits, retirement-type subsidies, and optional forms of benefits that are reduced or eliminated by the amendment, (2) the extent to which early retirement benefits, retirement-type subsidies, and optional forms of benefit in effect with respect to a participant after the amendment effective date provide rights that are comparable to the rights that are reduced or eliminated by the plan amendment, (3) the number of years before the participant attains normal retirement age under the plan (or early retirement age, as applicable), (4) the size of the participant's benefit that is affected by the plan amendment, in relation to the amount of the participant's compensation, and (5) the number of years before the plan amendment is effective.

This provision of the House bill does not affect the rules relating to involuntary cash outs (sec. 411(a)(11)) or survivor annuity requirements (sec. 417). Accordingly, if a participant is entitled to protections of the joint and survivor rules, those protections may not be eliminated. The intent of the provision authorizing regulations is solely to permit the elimination of early retirement benefits, retirement-type subsidies, or optional forms of benefit that have no more than a de minimis effect on any participant but create disproportionate burdens and complexities for a plan and its participants.

For example, assume the following. Employer A acquires employer B and merges B's defined benefit plan into A's defined benefit plan. The defined benefit plan maintained by B before the merger provides an early retirement subsidy for individuals age 55 with a specified number of years of service. E1 and E2 are were employees of B and who transfer to A in connection with the merger. E1 is 25 years old and has compensation of $40,000. The present value of E1's early retirement subsidy under B's plan is $75. E2 is 50 years old and also has compensation of $40,000. The present value of E2's early retirement subsidy under B's plan is $10,000.

Assume that A's plan has an early retirement subsidy for individuals who have attained age 50 with a specified number of years of service, but the subsidy is not the same as under B's plan. Under A's plan, the present value of E2's early retirement subsidy is $9,850. Maintenance of both subsidies after the plan merger would create burdens for the plan and complexities for the plan and its participants.

Treasury regulations could permit E1's early retirement subsidy under B's plan to be eliminated entirely (i.e., even if A's plan did not have an early retirement subsidy). Taking into account all relevant factors, including the value of the benefit, E1's compensation, and the number of years until E1 would be eligible to receive the subsidy, the subsidy is de minimis. Treasury regulations could permit E2's early retirement subsidy under B's plan to be eliminated as to be replaced by the subsidy under A's plan, because the difference in the subsidies is de minimis. However, A's subsidy could not be entirely eliminated.

The Secretary is directed to issue, not later than December 31, 2003, final regulations under section 411(d)(6), including regulations required under the House bill.

Effective date.—The House bill is effective for years beginning after December 31, 2001, except that the direction to the Secretary is effective on the date of enactment.

SENATE AMENDMENT

A defined contribution plan to which benefits are transferred is not treated as reducing a participant's or beneficiary's accrued benefit even though it does not provide all of the forms of distribution previously available under the transferor plan if (1) the plan receives from another defined contribution plan a direct transfer of the participant's or beneficiary's benefit accrued under the transferor plan, or the plan results from a merger or other transaction that has the effect of a direct transfer (including consolidations of benefits attributable to different employers within a multiple employer plan), (2) the terms of both the transferor plan and the transferee plan authorize the transfer, (3) the transfer occurs pursuant to a voluntary election by the participant or beneficiary that is made after the participant or beneficiary received a notice describing the consequences of making the election, and (4) the transferee plan allows the participant or beneficiary to receive distribution of his or her benefit under the transferee plan in the form of a single sum distribution.

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[106] A similar provision is contained in Title I of ERISA.

[107] Treas. Reg. sec. 1.411(d)-4, Q&A-2(e) and Q&A-(3)(b).

Furthermore, the Senate amendment directs the Secretary of the Treasury to provide by regulations that the prohibitions against eliminating or reducing an early retirement benefit, a retirement-type subsidy, or an optional form of benefit do not apply to plan amendments that eliminate or reduce early retirement benefits, retirement-type subsidies, and optional forms of benefit that create significant burdens and complexities for a plan and its participants, but only if such an amendment does not adversely affect the rights of any participant in more than a de minimis manner.

It is intended that the factors to be considered in determining whether an amendment has more than a de minimis adverse effect on any participant will include (1) all of the participant's early retirement benefits, retirement-type subsidies, and optional forms of benefits that are reduced or eliminated by the amendment, (2) the extent to which early retirement benefits, retirement-type subsidies, and optional forms of benefit in effect with respect to a participant after the amendment effective date provide rights that are comparable to the rights that are reduced or eliminated by the plan amendment, (3) the number of years before the participant attains normal retirement age under the plan (or early retirement age, as applicable), (4) the size of the participant's benefit that is affected by the plan amendment, in relation to the amount of the participant's compensation, and (5) the number of years before the plan amendment is effective.

The Secretary is directed to issue, not later than December 31, 2002, final regulations under section 411(d)(6), including regulations required under the Senate amendment.

Effective date.—The provision is effective for years beginning after December 31, 2001, except that the direction to the Secretary is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

(d) Rationalization of restrictions on distributions (sec. 406 of the House bill, sec. 646 of the Senate amendment, and secs. 401(k), 403(b), and 457 of the Code)

PRESENT LAW

Elective deferrals under a qualified cash or deferred arrangement ("section 401(k) plan"), tax-sheltered annuity ("section 403(b) annuity"), or an eligible deferred compensation plan of a tax-exempt organization or State or local government ("section 457 plan"), may not be distributable prior to the occurrence of one or more specified events. These permissible distributable events include "separation from service."

A separation from service occurs only upon a participant's death, retirement, resignation or discharge, and not when the employee continues on the same job for a different employer as a result of the liquidation, merger, consolidation or other similar corporate transaction. A severance from employment occurs when a participant ceases to be employed by the employer that maintains the plan. Under a so-called "same desk rule," a participant's severance from employment does not necessarily result in a separation from service.[108] In addition to separation from service and other events, a section 401(k) plan that is maintained by a corporation may permit distributions to certain employees who experience a severance from employment with the corporation that maintains the plan but do not experience a separation from service because the employees continue on the same job for a different employer as a result of a corporate transaction. If the corporation disposes of substantially all of the assets used by the corporation in a trade or business, a distributable event occurs with respect to the accounts of the employees who continue employment with the corporation that acquires the assets. If the corporation disposes of its interest in a subsidiary, a distributable event occurs with respect to the accounts of the employees who continue employment with the subsidiary. Under a recent IRS ruling, a person is generally deemed to have separated from service if that person is transferred to another employer in connection with a sale of less than substantially all the assets of a trade or business.[109]

HOUSE BILL

The House bill modifies the distribution restrictions applicable to section 401(k) plans, section 403(b) annuities, and section 457 plans to provide that distribution may occur upon severance from employment rather than separation from service. In addition, the provisions for distribution from a section 401(k) plan based upon a corporation's disposition of its assets or a subsidiary are repealed; this special rule is no longer necessary under the House bill.

Effective date.—The House bill is effective for distributions after December 31, 2001, regardless of when the severance of employment occurred.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

The conferees intend that a plan may provide that certain specified types of severance from employment do not constitute distributable events. For example, a plan could provide that a severance from employment is not a distributable event if it would not have constituted a "separation from service" under the law in effect prior to a specified date. Also, if a plan describes distributable events by reference to section 401(k)(2), the plan may be amended to restrict distributable events to fewer than all events that constitute a severance from employment. Thus, for example, if a plan sponsor had employees who experienced a severance from employment in the past that the "same desk rule" prevented from being treated as a distributable event, the plan sponsor would have the option of providing in the plan that such severance from employment would, or would not, be treated as a distributable event under the plan.

The conferees intend that, as under current law, if there is a transfer of plan assets and liabilities relating to any portion of an employee's benefit under a plan of the employee's former employer to a plan being maintained or created by the employee's new employer (other than a rollover or elective transfer), then that employee has not experienced a severance from employment with the employer maintaining the plan that covers the employee.

(e) Purchase of service credit under governmental pension plans (sec. 407 of the House bill, sec. 647 of the Senate amendment, and secs. 403(b) and 457 of the Code)

PRESENT LAW

A qualified retirement plan maintained by a State or local government employer may provide that a participant may make after-tax employee contributions in order to purchase permissive service credit, subject to certain limits (sec. 415). Permissive service credit means credit for a period of service recognized by the governmental plan only if the employee voluntarily contributes to the plan an amount (as determined by the plan) that does not exceed the amount necessary to fund the benefit attributable to the period of service and that is in addition to the regular employee contributions, if any, under the plan.

In the case of any repayment of contributions and earnings to a governmental plan with respect to an amount previously refunded upon a forfeiture of service credit under the plan (or another plan maintained by a State or local government employer within the same State), any such repayment is not taken into account for purposes of the section 415 limits on contributions and benefits. Also, service credit obtained as a result of such a repayment is not considered permissive service credit for purposes of the section 415 limits.

A participant may not use a rollover or direct transfer of benefits from a tax-sheltered annuity ("section 403(b) annuity") or an eligible deferred compensation plan of a tax-exempt organization or a State or local government ("section 457 plan") to purchase permissive service credits or repay contributions and earnings with respect to a forfeiture of service credit.

HOUSE BILL

A participant in a State or local governmental plan is not required to include in gross income a direct trustee-to-trustee transfer to a governmental defined benefit plan from a section 403(b) annuity or a section 457 plan if the transferred amount is used (1) to purchase permissive service credits under the plan, or (2) to repay contributions and earnings with respect to an amount previously refunded under a forfeiture of service credit under the plan (or another plan maintained by a State or local government employer within the same State).

Effective date.—The House bill is effective for transfers after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

(f) Employers may disregard rollovers for purposes of cash-out rules (sec. 408 of the House bill, sec. 648 of the Senate amendment, and sec. 411(a)(11) of the Code)

PRESENT LAW

If a qualified retirement plan participant ceases to be employed by the employer that maintains the plan, the plan may distribute the participant's nonforfeitable accrued benefit without the consent of the participant and, if applicable, the participant's spouse, if the present value of the benefit does not exceed $5,000. If such an involuntary distribution occurs and the participant subsequently returns to employment covered by the plan, then service taken into account in computing benefits payable under the plan after the return need not include service with respect to which a benefit was involuntarily distributed unless the employee repays the benefit.[110]

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[108] Rev. Rul. 79-336, 1979-2 C.B. 187.

[109] Rev. Rul. 2000-27, 2000-21 I.R.B. 1016.

Generally, a participant may roll over an involuntary distribution from a qualified plan to an IRA or to another qualified plan.[111]

HOUSE BILL

For purposes of the cash-out rule, a plan is permitted to provide that the present value of a participant's nonforfeitable accrued benefit is determined without regard to the portion of such benefit that is attributable to rollover contributions (and any earnings allocable thereto).

Effective date.—The House bill is effective for distributions after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

(g) Minimum distribution and inclusion requirements for section 457 plans (sec. 409 of the House bill, sec. 649 of the Senate amendment, and sec. 457 of the Code)

PRESENT LAW

A "section 457 plan" is an eligible deferred compensation plan of a State or local government or tax-exempt employer that meets certain requirements. For example, amounts deferred under a section 457 plan cannot exceed certain limits. Amounts deferred under a section 457 plan are generally includible in income when paid or made available. Amounts deferred under a plan of deferred compensation of a State or local government or tax-exempt employer that does not meet the requirements of section 457 are includible in income when the amounts are not subject to a substantial risk of forfeiture, regardless of whether the amounts have been paid or made available.[112]

Section 457 plans are subject to the minimum distribution rules applicable to tax-qualified pension plans. In addition, such plans are subject to additional minimum distribution rules (sec. 457(d)(2)(B)).

HOUSE BILL

The House bill provides that amounts deferred under a section 457 plan of a State or local government are includible in income when paid. The House bill also repeals the special minimum distribution rules applicable to section 457 plans. Thus, such plans are subject to the minimum distribution rules applicable to qualified plans.

Effective date.—The House bill is effective for distributions after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modification.

The Senate amendment also modifies the transition rule adopted in the 1986 Act relating to deferred compensation plans of tax-exempt employers. Under the Senate amendment, the transition rule applies to agreements providing cost-of-living adjustments to amounts that otherwise satisfy the requirements of the transition rule. The grandfather does not apply to the extent that the annual amount provided under such an agreement exceeds the annual grandfathered amount multiplied by the cumulative increase in the Consumer Price Index (as published by the Department of Labor).

Effective date.—The Senate amendment is generally effective for distributions after December 31, 2001. The provision relating to plans of tax-exempt organizations is effective for taxable years ending after the date of enactment for cost-of-living increases after September 1993.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

4. Strengthening Pension Security and Enforcement

(a) Phase in repeal of 160 percent of current liability funding limit; deduction for contributions to fund termination liability (secs. 501–502 of the House bill, secs. 651–652 of the Senate amendment, and secs. 404(a)(1), 412(c)(7), and 4972(c) of the Code)

PRESENT LAW

Under present law, defined benefit pension plans are subject to minimum funding requirements designed to ensure that pension plans have sufficient assets to pay benefits. A defined benefit pension plan is funded using one of a number of acceptable actuarial cost methods.

No contribution is required under the minimum funding rules in excess of the full funding limit. The full funding limit is generally defined as the excess, if any, of (1) the lesser of (a) the accrued liability under the plan (including normal cost) or (b) 160 percent of the plan's current liability, over (2) the value of the plan's assets (sec. 412(c)(7)).[113] In general, current liability is all liabilities to plan participants and beneficiaries accrued to date, whereas the accrued liability full funding limit is based on projected benefits. The current liability full funding limit is scheduled to increase as follows: 165 percent for plan years beginning in 2003 and 2004, and 170 percent for plan years beginning in 2005 and thereafter.[114] In no event is a plan's full funding limit less than 90 percent of the plan's current liability over the value of the plan's assets.

An employer sponsoring a defined benefit pension plan generally may deduct amounts contributed to satisfy the minimum funding standard for the plan year. Contributions in excess of the full funding limit generally are not deductible. Under a special rule, an employer that sponsors a defined benefit pension plan (other than a multiemployer plan) which has more than 100 participants for the plan year may deduct amounts contributed of up to 100 percent of the plan's unfunded current liability.

HOUSE BILL

Current liability full funding limit

The House bill gradually increases and then repeals the current liability full funding limit. Under the bill, the current liability full funding limit is 165 percent of current liability for plan years beginning in 2002, and 170 percent for plan years beginning in 2003. The current liability full funding limit is repealed for plan years beginning in 2004 and thereafter. Thus, in 2004 and thereafter, the full funding limit is the excess, if any, of (1) the accrued liability under the plan (including normal cost), over (2) the value of the plan's assets.

Deduction for contributions to fund termination liability

The special rule allowing a deduction for unfunded current liability generally is extended to all defined benefit pension plans, i.e., the House bill applies to multiemployer plans and plans with 100 or fewer participants. The special rule does not apply to plans not covered by the PBGC termination insurance program.[115]

The House bill also modifies the rule by providing that the deduction is for up to 100 percent of unfunded termination liability, determined as if the plan terminated at the end of the plan year. In the case of a plan with less than 100 participants for the plan year, termination liability does not include the liability attributable to benefit increases for highly compensated employees resulting from a plan amendment which was made or became effective, whichever is later, within the last two years.

General Accounting Office study

In connection with the Committee's desire to strengthen pension security, the Committee directs the General Accounting Office to conduct a study examining the extent to which certain present-law rules create obstacles or disincentives for taxpayers experiencing financial hardships to make current and future contributions to underfunded defined benefit pension plans. The Committee is concerned that, as a result of not obtaining a current or carryback deduction for pension contributions, taxpayers experiencing financial hardships will be subject to higher after-tax costs of maintaining pension funding levels. In the study, the General Accounting Office is to consider whether pension funding would be enhanced if section 172(f), which since 1998 has permitted only listed items to be carried back, were modified to list deductions for payments to defined benefit pension plans as an item for which 10-year specified loss carrybacks may be available. This study is to be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than one year after the date of enactment.

Effective date

The House bill is effective for plan years beginning after December 31, 2001.

SENATE AMENDMENT

Current liability full funding limit

The Senate amendment gradually increases and then repeals the current liability full funding limit. Under the Senate amendment, the current liability full funding limit is 160 percent of current liability for plan years beginning in 2002, 165 percent for plan years beginning in 2003, and 170 percent for plan years beginning in 2004. The current liability full funding limit is repealed for plan years beginning in 2005 and thereafter. Thus, in 2005 and thereafter, the full funding limit is the excess, if any, of (1) the accrued liability under the plan (including normal cost), over (2) the value of the plan's assets.

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[110] A similar provision is contained in Title I of ERISA.

[111] Other provisions expand the kinds of plans to which benefits may be rolled over.

[112] This rule of inclusion does not apply to amounts deferred under a tax-qualified retirement plan or similar plans.

[113] The minimum funding requirements, including the full funding limit, are also contained in title I of ERISA.

[114] As originally enacted in the Pension Protection Act of 1997, the current liability full funding limit was 150 percent of current liability. The Taxpayer Relief Act of 1997 increased the current liability full funding limit to 155 percent in 1999 and 2000, 160 percent in 2001 and 2002, and adopted the scheduled increases described in the text.

[115] The PBGC termination insurance program does not cover plans of professional service employers that have fewer than 25 participants.

Deduction for contributions to fund termination liability

The special rule allowing a deduction for unfunded current liability generally is extended to all defined benefit pension plans, i.e., the Senate amendment applies to multiemployer plans and plans with 100 or fewer participants. The special rule does not apply to plans not covered by the PBGC termination insurance program.[116]

The Senate amendment also modifies the rule by providing that the deduction is for up to 100 percent of unfunded termination liability, determined as if the plan terminated at the end of the plan year. In the case of a plan with less than 100 participants for the plan year, termination liability does not include the liability attributable to benefit increases for highly compensated employees resulting from a plan amendment which was made or became effective, whichever is later, within the last two years.

Effective date

The Senate amendment is effective for plan years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with modifications.

The conference agreement gradually increases and then repeals the current liability full funding limit. Under the conference agreement, the current liability full funding limit is 165 percent of current liability for plan years beginning in 2002, and 170 percent for plan years beginning in 2003. The current liability full funding limit is repealed for plan years beginning in 2004 and thereafter. Thus, in 2004 and thereafter, the full funding limit is the excess, if any, of (1) the accrued liability under the plan (including normal cost), over (2) the value of the plan's assets.

With respect to the special rule allowing a deduction for unfunded current liability, the modification of the rule to provide that the deduction is for up to 100 percent of unfunded termination liability is applicable only for a plan that terminates within the plan year.

(b) Excise tax relief for sound pension funding (sec. 503 of the House bill, sec. 653 of the Senate amendment, and sec. 4972 of the Code)

PRESENT LAW

Under present law, defined benefit pension plans are subject to minimum funding requirements designed to ensure that pension plans have sufficient assets to pay benefits. A defined benefit pension plan is funded using one of a number of acceptable actuarial cost methods.

No contribution is required under the minimum funding rules in excess of the full funding limit. The full funding limit is generally defined as the excess, if any, of (1) the lesser of (a) the accrued liability under the plan (including normal cost) or (b) 160 percent of the plan's current liability, over (2) the value of the plan's assets (sec. 412(c)(7)). In general, current liability is all liabilities to plan participants and beneficiaries accrued to date, whereas the accrued liability full funding limit is based on projected benefits. The current liability full funding limit is scheduled to increase as follows: 165 percent for plan years beginning in 2003 and 2004, and 170 percent for plan years beginning in 2005 and thereafter.[117] In no event is a plan's full funding limit less than 90 percent of the plan's current liability over the value of the plan's assets.

An employer sponsoring a defined benefit pension plan generally may deduct amounts contributed to satisfy the minimum funding standard for the plan year. Contributions in excess of the full funding limit generally are not deductible. Under a special rule, an employer that sponsors a defined benefit pension plan (other than a multiemployer plan) which has more than 100 participants for the plan year may deduct amounts contributed of up to 100 percent of the plan's unfunded current liability.

Present law also provides that contributions to defined contribution plans are deductible, subject to certain limitations.

Subject to certain exceptions, an employer that makes nondeductible contributions to a plan is subject to an excise tax equal to 10 percent of the amount of the nondeductible contributions for the year. The 10-percent excise tax does not apply to contributions to certain terminating defined benefit plans. The 10-percent excise tax also does not apply to contributions of up to six percent of compensation to a defined contribution plan for employer matching and employee elective deferrals.

HOUSE BILL

In determining the amount of nondeductible contributions, the employer is permitted to elect not to take into account contributions to a defined benefit pension plan except to the extent they exceed the accrued liability full funding limit. Thus, if an employer elects, contributions in excess of the current liability full funding limit are not subject to the excise tax on nondeductible contributions. An employer making such an election for a year is not permitted to take advantage of the present-law exceptions for certain terminating plans and certain contributions to defined contribution plans. The House bill applies to terminated plans as well as ongoing plans.

Effective date.—The House bill is effective for years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

(c) Notice of significant reduction in plan benefit accruals (sec. 504 of the House bill, sec. 659 of the Senate amendment, and new sec. 4980f of the Code)

PRESENT LAW

Section 204(h) of Title I of ERISA provides that a defined benefit pension plan or a money purchase pension plan may not be amended so as to provide for a significant reduction in the rate of future benefit accrual, unless, after adoption of the plan amendment and not less than 15 days before the effective date of the plan amendment, the plan administrator provides a written notice ("section 204(h) notice"), setting forth the plan amendment (or a summary of the amendment written in a manner calculated to be understood by the average plan participant) and its effective date. The plan administrator must provide the section 204(h) notice to each plan participant, each alternate payee under an applicable qualified domestic relations order ("QDRO"), and each employee organization representing participants in the plan. The applicable Treasury regulations[118] provide, however, that a plan administrator need not provide the section 204(h) notice to any participant or alternate payee whose rate of future benefit accrual is reasonably expected not to be reduced by the amendment, nor to an employee organization that does not represent a participant to whom the section 204(h) notice must be provided. In addition, the regulations provide that the rate of future benefit accrual is determined without regard to optional forms of benefit, early retirement benefits, retirement-type subsidiaries, ancillary benefits, and certain other rights and features.

A covered amendment generally will not become effective with respect to any participants and alternate payees whose rate of future benefit accrual is reasonably expected to be reduced by the amendment but who do not receive a section 204(h) notice. An amendment will become effective with respect to all participants and alternate payees to whom the section 204(h) notice was required to be provided if the plan administrator (1) has made a good faith effort to comply with the section 204(h) notice requirements, (2) has provided a section 204(h) notice to each employee organization that represents any participant to whom a section 204(h) notice was required to be provided, (3) has failed to provide a section 204(h) notice to no more than a de minimis percentage of participants and alternate payees to whom a section 204(h) notice was required to be provided, and (4) promptly upon discovering the oversight, provides a section 204(h) notice to each omitted participant and alternate payee.

The Internal Revenue Code does not require any notice concerning a plan amendment that provides for a significant reduction in the rate of future benefit accrual.

HOUSE BILL

The House bill adds to the Internal Revenue Code a requirement that the plan administrator of a defined benefit pension plan or a money purchase pension plan furnish a written notice concerning a plan amendment that provides for a significant reduction in the rate of future benefit accrual, including any elimination or reduction of an early retirement benefit or retirement-type subsidy. The plan administrator is required to provide in this notice, in a manner calculated to be understood by the average plan participant, sufficient information (as defined in Treasury regulations) to allow participants to understand the effect of the amendment.

The notice requirement does not apply to governmental plans or church plans with respect to which an election to have the qualified plan participation, vesting, and funding rules apply has not been made (sec. 410(d)). The House bill authorizes the Secretary of the Treasury to provide a simplified notice requirement or an exemption from the notice requirement for plans with less than 100 participants and to allow any notice required under the House bill to be provided by using new technologies. The House bill also authorizes the Secretary to provide a simplified notice requirement or an exemption from the notice requirement if participants are given the option to choose between benefits under the new plan formula and the old plan formula. In such cases, the House bill will have no effect on the fiduciary rules applicable to pension plans that may require appropriate disclosure to participants, even if no disclosure is required under the House bill.

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[116] The PBGC termination insurance program does not cover plans of professional service employers that have fewer than 25 participants.

[117] As originally enacted in the Pension Protection Act of 1997, the current liability full funding limit was 150 percent of current liability. The Taxpayer Relief Act of 1997 increased the current liability full funding limit to 155 percent in 1999 and 2000, 160 percent in 2001 and 2002, and adopted the scheduled increases described in the text. Another provision would gradually increase and then repeal the current liability full funding limit.

[118] Treas. Reg. sec. 1.411(d)-6.

The plan administrator is required to provide this notice to each affected participant, each affected alternate payee, and each employee organization representing affected participants. For purposes of the House bill, an affected participant or alternate payee is a participant or alternate payee whose rate of future benefit accrual may reasonably be expected to be significantly reduced by the plan amendment.

Except to the extent provided by Treasury regulations, the plan administrator is required to provide the notice within a reasonable time before the effective date of the plan amendment. The House bill permits a plan administrator to provide any notice required under the House bill to a person designated in writing by the individual to whom it would otherwise be provided.

The House bill imposes on a plan administrator that fails to comply with the notice requirement an excise tax equal to $100 per day per omitted participant and alternate payee. No excise tax is imposed during any period during which any person subject to liability for the tax did not know that the failure existed and exercised reasonable diligence to meet the notice requirement. In addition, no excise tax is imposed on any failure if any person subject to liability for the tax exercised reasonable diligence to meet the notice requirement and such person provides the required notice during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that the failure existed. Also, if the person subject to liability for the excise tax exercised reasonable diligence to meet the notice requirement, the total excise tax imposed during a taxable year of the employer will not exceed $500,000. Furthermore, in the case of a failure due to reasonable cause and not to willful neglect, the Secretary of the Treasury is authorized to waive the excise tax to the extent that the payment of the tax would be excessive relative to the failure involved.

It is intended under the House bill that the Secretary issue the necessary regulations with respect to disclosure within 90 days of enactment. It is also intended that such guidance may be relatively detailed because of the need to provide for alternative disclosures rather than a single disclosure methodology that may not fit all situations, and the need to consider the complex actuarial calculations and assumptions involved in providing necessary disclosures.

In addition, the House bill directs the Secretary of the Treasury to prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study is to examine the effect of such conversions on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after the conversion. The Secretary is directed to submit such report, together with recommendations thereon, to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate as soon as practicable, but not later than 60 days after the date of enactment.

Effective date.—The House bill is effective for plan amendments taking effect on or after the date of enactment. The period for providing any notice required under the House bill will not end before the last day of the three-month period following the date of enactment. Prior to the issuance of Treasury regulations, a plan is treated as meeting the requirements of the House bill if the plan makes a good faith effort to comply with such requirements. The notice requirement under the House bill does not apply to any plan amendment taking effect on or after the date of enactment if, before April 25, 2001, notice is provided to participants and beneficiaries adversely affected by the plan amendment (or their representatives) that is reasonably expected to notify them of the nature and effective date of the plan amendment.

SENATE AMENDMENT

The Senate amendment adds to the Internal Revenue Code a requirement that the plan administrator of a defined benefit pension plan furnish a written notice concerning a plan amendment that provides for a significant reduction in the rate of future benefit accrual, including any elimination or reduction of an early retirement benefit or retirement-type subsidy.[119] The notice is required to set forth: (1) a summary of the plan amendment and the effective date of the amendment; (2) a statement that the amendment is expected to significantly reduce the rate of future benefit accrual; (3) a description of the classes of employees reasonably expected to be affected by the reduction in the rate of future benefit accrual; (4) examples illustrating the plan changes for these classes of employees; (5) in the event of an amendment that results in the significant restructuring of the plan benefit formula, as determined under regulations prescribed by the Secretary (a "significant restructuring amendment"), a notice that the plan administrator will provide, generally no later than 15 days prior to the effective date of the amendment, a "benefit estimation tool kit" (described below) that will enable employees who have completed at least one year of participation to personalize the illustrative examples; and (6) notice of each affected participant's right to request, and of the procedures for requesting, an annual benefit statement as provided under present law. The plan administrator is required to provide the notice not less than 45 days before the effective date of the plan amendment.

The notice requirement does not apply to governmental plans or church plans with respect to which an election to have the qualified plan participation, vesting, and funding rules apply has not been made (sec. 410(d)).

The plan administrator is required to provide this generalized notice to each affected participant and each affected alternate payee. For purposes of the Senate amendment, an affected participant or alternate payee is a participant or alternate payee to whom the significant reduction in the rate of future benefit accrual is reasonably expected to apply.

As noted above, the Senate amendment requires the plan administrator to provide a benefit estimation tool kit, no later than 15 days prior to the amendment effective date, to a participant for whom the amendment may reasonably be expected to produce a significant reduction in the rate of future benefit accrual if the amendment is a significant restructuring amendment. The plan administrator is not required to provide this benefit estimation tool kit to any participant who has less than one year of participation in the plan.

The benefit estimation tool kit is designed to enable participants to estimate benefits under the old and new plan provisions. The Senate amendment permits the tool kit to be in the form of software (for use at home, at a workplace kiosk, or on a company intranet), worksheets, or calculation instructions, or other formats to be determined by the Secretary of the Treasury. The tool kit is required to include any necessary actuarial assumptions and formulas and to permit the participant to estimate both a single life annuity at appropriate ages and, when available, a lump sum distribution. The tool kit is required to disclose the interest rate used to compute a lump sum distribution and whether the value of early retirement benefits is included in the lump sum distribution.

The Senate amendment requires the benefit estimation tool kit to accommodate employee-provided variables with respect to age, years of service, retirement age, covered compensation, and interest rate (when variable rates apply). The tool kit is required to permit employees to recalculate estimated benefits by changing the values of these variables. The Senate amendment does not require the tool kit to accommodate employee variables with respect to qualified domestic relations orders, factors that result in unusual patterns of credited service (such as extended time away from the job), special benefit formulas for unusual situations, offsets from other plans, and forms of annuity distributions.

In the case of a significant restructuring amendment that occurs in connection with a business disposition or acquisition transaction and within one year following the date of the transaction, the Senate amendment requires the plan administrator to provide the benefit estimation tool kit prior to the date that is 12 months after the date on which the generalized notice of the amendment is given to the affected participants.

The Senate amendment permits a plan administrator to provide any notice required under the Senate amendment to a person designated in writing by the individual to whom it would otherwise be provided. In addition, the Senate amendment authorizes the Secretary of the Treasury to allow any notice required under the Senate amendment to be provided by using new technologies, provided that at least one option for providing notice is not dependent upon new technologies.

The Senate amendment imposes on a plan administrator that fails to comply with the notice requirement an excise tax equal to $100 per day per omitted participant and alternate payee. No excise tax is imposed during any period during which any person subject to liability for the tax did not know that the failure existed and exercised reasonable diligence to meet the notice requirement. In addition, no excise tax is imposed on any failure if any person subject to liability for the tax exercised reasonable diligence to meet the notice requirement and such person provides the required notice during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that the failure existed. Also, if the person subject to liability for the excise tax exercised reasonable diligence to meet the notice requirement, the total excise tax imposed during a taxable year of the employer will not exceed $500,000. Furthermore, in the case of a failure due to reasonable cause and not to willful neglect, the Secretary of the Treasury is authorized to waive the excise tax to the extent that the payment of the tax is excessive relative to the failure involved.

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[119] The provision also modifies the present-law notice requirement contained in section 204(h) of Title I of ERISA to provide that an applicable pension plan may not be amended to provide for a significant reduction in the rate of future benefit accrual in the event of a failure by the plan administrator to exercise due diligence in meeting a notice requirement similar to the notice requirement that the provision adds to the Internal Revenue Code. In addition, the provision expands the current ERISA notice requirement regarding significant reductions in normal retirement benefit accrual rates to early retirement benefits and retirement-type subsidies.

The Senate amendment directs the Secretary of the Treasury to issue, not later than one year after the date of enactment, regulations with respect to early retirement benefits or retirement-type subsidies, the determination of a significant restructuring amendment, and the examples that are required under the generalized notice and the benefit estimation tool kit.

In addition, the Senate amendment directs the Secretary of the Treasury to prepare a report on the effects of significant restructurings of plan benefit formulas of traditional defined benefit plans. Such study is to examine the effect of such restructurings on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after the restructuring. The Secretary is directed to submit such report, together with recommendations thereon, to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate as soon as practicable, but not later than one year after the date of enactment.

Effective date.—The Senate amendment is effective for plan amendments taking effect on or after the date of enactment. The period for providing any notice required under the Senate amendment will not end before the last day of the three-month period following the date of enactment. Prior to the issuance of Treasury regulations, a plan is treated as meeting the requirements of the Senate amendment if the plan makes a good faith effort to comply with such requirements.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, with the following modifications. The conference agreement also modifies the present-law notice requirement contained in section 204(h) of Title I of ERISA to provide that an applicable pension plan may not be amended to provide for a significant reduction in the rate of future benefit accrual in the event of an egregious failure by the plan administrator to comply with a notice requirement similar to the notice requirement that the conference agreement adds to the Internal Revenue Code. In addition, the conference agreement expands the current ERISA notice requirement regarding significant reductions in normal retirement benefit accrual rates to early retirement benefits and retirement-type subsidies.

(d) Modifications to section 415 limits for multiemployer plans (sec. 505 of the House bill, sec. 654 of the Senate amendment, and sec. 415 of the Code)

PRESENT LAW

Under present law, limits apply to contributions and benefits under qualified plans (sec. 415). The limits on contributions and benefits under qualified plans are based on the type of plan.

Under a defined benefit plan, the maximum annual benefit payable at retirement is generally the lesser of (1) 100 percent of average compensation for the highest three years, or (2) $140,000 (for 2001). The dollar limit is adjusted for cost-of-living increases in $5,000 increments. The dollar limit is reduced in the case of retirement before the social security retirement age and increases in the case of retirement after the social security retirement age.

A special rule applies to governmental defined benefit plans. In the case of such plans, the defined benefit dollar limit is reduced in the case of retirement before age 62 and increased in the case of retirement after age 65. In addition, there is a floor on early retirement benefits. Pursuant to this floor, the minimum benefit payable at age 55 is $75,000.

In the case of a defined contribution plan, the limit on annual is additions if the lesser of (1) 25 percent of compensation[120] or (2) $35,000 (for 2001).

In applying the limits on contributions and benefits, plans of the same employer are aggregated. That is, all defined benefit plans of the same employer are treated as a single plan, and all defined contribution plans of the same employer are treated as a single plan. Under Treasury regulations, multiemployer plans are not aggregated with other multiemployer plans. However, if an employer maintains both a plan that is not a multiemployer plan and a mulitemployer plan, the plan that is not a multiemployer plan is aggregated with the multiemployer plan to the extent that benefits provided under the multiemployer plan are provided with respect to a common participant.[121]

HOUSE BILL

Under the House bill, the 100 percent of compensation defined benefit plan limit does not apply to multiemployer plans. With respect to aggregation of multiemployer plans with other plans, the House bill provides that multiemployer plans are not aggregated with single-employer defined benefit plans maintained by an employer contributing to the multiemployer plan for purposes of applying the 100 percent of compensation limit to such single-employer plan.

Effective date.—The House bill is effective for years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill with respect to the waiver of the 100 percent of compensation limit.

With respect to aggregation of multiemployer plans with other plans, multiemployer plans are not aggregated with any other plan maintained by the same employer, except for purposes of applying the dollar limitation on defined plans and the limits on annual additions to a plan that is not a multiemployer plan.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

(e) Investment of employee contributions in 401(k) plans (sec. 506 of the House bill, sec. 655 cf the Senate amendment, and sec. 1524(b) of the Taxpayer Relief Act of 1997)

PRESENT LAW

The Employee Retirement Income Security Act of 1974, as amended ("ERISA") prohibits certain employee benefit plans from acquiring securities or real property of the employer who sponsors the plan if, after the acquisition, the fair market value of such securities and property exceeds 10 percent of the fair market value of plan assets. The 10-percent limitation does not apply to any "eligible individual account plans" that specifically authorize such investments. Generally, eligible individual account plans are defined contribution plans, including plans containing a cash or deferred arrangement ("401(k) plans").

The term "eligible individual account plan" does not include the portion of a plan that consists of elective deferrals (and earnings on the elective deferrals) made under section 401(k) if elective deferrals equal to more than one percent of any employee's eligible compensation are required to be invested in employer securities and employer real property. Eligible compensation is compensation that is eligible to be deferred under the plan. The portion of the plan that consists of elective deferrals (and earnings thereon) is still treated as an individual account plan, and the 10-percent limitation does not apply, as long as elective deferrals (and earnings thereon) are not required to be invested in employer securities or employer real property.

The rule excluding elective deferrals (and earnings thereon) from the definition of individual account plan does not apply if individual account plans are a small part of the employer's retirement plans. In particular, that rule does not apply to an individual account plan for a plan year if the value of the assets of all individual account plans maintained by the employer do not exceed 10 percent of the value of the assets of all pension plans maintained by the employer (determined as of the last day of the preceding plan year). Multiemployer plans are not taken into account in determining whether the value of the assets of all individual account plans maintained by the employer exceed 10 percent of the value of the assets of all pension plans maintained by the employer. The rule excluding elective deferrals (and earnings thereon) from the definition of individual account plan does not apply to an employee stock ownership plan as defined in section 4975(e)(7) of the Internal Revenue Code.

The rule excluding elective deferrals (and earnings thereon) from the definition of individual account plan applies to elective deferrals for plan years beginning after December 31, 1998 (and earnings thereon). It does not apply with respect to earnings on elective deferrals for plan years beginning before January 1, 1999.

HOUSE BILL

The House bill modifies the effective date of the rule excluding certain elective deferrals (and earnings thereon) from the definition of individual account plan by providing that the rule does not apply to any elective deferral used to acquire an interest in the income or gain from employer securities or employer real property acquired (1) before January 1, 1999, or (2) after such date pursuant to a written contract which was binding on such date and at all times thereafter.

Effective date.—The House bill is effective as if included in the section of the Taxpayer Relief Act of 1997 that contained the rule excluding certain elective deferrals (and earnings thereon).

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

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[120] Another provision of the House bill increases this limit to 100 percent of compensation.

[121] Treas. Reg. sec. 1.415-8(e).

(f) Periodic pension benefit statements (sec. 507 of the House bill and sec. 105(a) of ERISA)

PRESENT LAW

Title I of ERISA provides that a pension plan administrator must furnish a benefit statement to any participant or beneficiary who makes a written request for such a statement. This statement must indicate, on the basis of the latest available information, (1) the participant's or beneficiary's total accrued benefit, and (2) the participant's or beneficiary's vested accrued benefit or the earliest date on which the accrued benefit will become vested. A participant or beneficiary is not entitled to receive more than one benefit statement during any 12-month period. The plan administrator must furnish the benefit statement no later than 60 days after receipt of the request or, if later, 120 days after the close of the immediately preceding plan year.

In addition, the plan administrator must furnish a benefit statement to each participant whose employment terminates or who has a one-year break in service. For purposes of this benefit statement requirement, a "one-year break in service" is a calendar year, plan year, or other 12-month period designated by the plan during which the participant does not complete more than 500 hours of service for the employer. A participant is not entitled to receive more than one benefit statement with respect to consecutive breaks in service. The plan administrator must provide a benefit statement required upon termination of employment or a break in service no later than 180 days after the end of the plan year in which the termination of employment or break in service occurs.

HOUSE BILL

A plan administrator of a defined contribution plan generally is required to furnish a benefit statement to each participant at least once annually and to a beneficiary upon written request.

In addition to providing a benefit statement to a participant or beneficiary upon written request, the plan administrator of a defined benefit plan generally is required either (1) to furnish a benefit statement at least once every three years to each participant who has a vested accrued benefit and who is employed by the employer at the time the plan administrator furnishes the benefit statements to participants, or (2) to annually furnish written, electronic, telephonic, or other appropriate notice to each participant of the availability of and the manner in which the participant may obtain the benefit statement.

The plan administrator is required to write the benefit statement in a manner calculated to be understood by the average plan participant and is permitted to furnish the statement in written, electronic, telephonic, or other appropriate form.

The Secretary of Labor is authorized to provide that years in which no employee or former employee benefits under a plan need not be taken into account in determining the applicable three-year period.

In addition, the Secretary of Labor is directed to develop a model benefit statement, written in a manner calculated to be understood by the average plan participant, that may be used by plan administrators in complying with the requirements of section 105 of ERISA. The use of the model statement is optional. It is intended that the model statement include items such as the amount of nonforfeitable accrued benefits as of the statement date that are payable at normal retirement age under the plan, the amount of accrued benefits that are forfeitable but that may become nonforfeitable under the terms of the plan, information on how to contact the Social Security Administration to obtain a participant's personal earnings and benefit estimate statement, and other information that may be important to understanding benefits earned under the plan. Statements provided by electronic forms of communications shall be provided consistent with Department of Labor and Department of Treasury regulations.

Effective date.—The provision is effective for plan years beginning after December 31, 2002.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill.

(g) Prohibited allocations of stock in an S corporation ESOP (sec. 508 of the House bill, sec. 656 of the Senate amendment, and secs. 409 and 4979a of the Code)

PRESENT LAW

The Small Business Job Protection Act of 1996 allowed qualified retirement plan trusts described in section 401(a) to own stock in an S corporation. That Act treated the plan's share of the S corporation's income (and gain on the disposition of the stock) as includible in full in the trust's unrelated business taxable income ("UBTI").

The Tax Relief Act of 1997 repealed the provision treating items of income or loss of an S corporation as UBTI in the case of an employee stock ownership plan ("ESOP"). Thus, the income of an S corporation allocable to an ESOP is not subject to current taxation.

Present law provides a deferral of income on the sales of certain employer securities to an ESOP (sec. 1042). A 50-percent excise tax is imposed on certain prohibited allocations of securities acquired by an ESOP in a transaction to which section 1042 applies. In addition, such allocations are currently includible in the gross income of the individual receiving the prohibited allocation.

HOUSE BILL

In general

Under the House bill, if there is a nonallocation year with respect to an ESOP maintained by an S corporation: (1) the amount allocated in a prohibited allocation to an individual who is a disqualified person is treated as distributed to such individual (i.e., the value of the prohibited allocation is includible in the gross income of the individual receiving the prohibited allocation); (2) an excise tax is imposed on the S corporation equal to 50 percent of the amount involved in a prohibited allocation; and (3) an excise tax is imposed on the S corporation with respect to any synthetic equity owned by a disqualified person.[122]

It is intended that the House bill will limit the establishment of ESOPs by S corporations to those that provide broad-based employee coverage and that benefit rank-and-file employees as well as highly compensated employees and historical owners.

Definition of nonallocation year

A nonallocation year means any plan year of an ESOP holding shares in an S corporation if, at any time during the plan year, disqualified persons own at least 50 percent of the number of outstanding shares of the S corporation.

A person is a disqualified person if the person is either (1) a member of a "deemed 20-percent shareholder group" or (2) a "deemed 10-percent shareholder." A person is a member of a "deemed 20-percent shareholder group" if the aggregate number of deemed-owned shares of the person and his or her family members is at least 20 percent of the number of deemed-owned shares of stock in the S corporation.[123] A person is a deemed 10-percent shareholder if the person is not a member of a deemed 20-percent shareholder group and the number of the person's deemed-owned shares is at least 10 percent of the number of deemed-owned shares of stock of the corporation.

In general, "deemed-owned shares" means: (1) stock allocated to the account of an individual under the ESOP, and (2) an individual's share of unallocated stock held by the ESOP. An individual's share of unallocated stock held by an ESOP is determined in the same manner as the most recent allocation of stock under the terms of the plan.

For purposes of determining whether there is a nonallocation year, ownership of stock generally is attributed under the rules of section 318,[124] except that: (1) the family attribution rules are modified to include certain other family members, as described below, (2) option attribution does not apply (but instead special rules relating to synthetic equity described below apply), and (3) "deemed-owned shares" held by the ESOP are treated as held by the individual with respect to whom they are deemed owned.

Under the House bill, family members of an individual include (1) the spouse[125] of the individual, (2) an ancestor or lineal descendant of the individual or his or her spouse, (3) a sibling of the individual (or the individual's spouse) and any lineal descendant of the brother or sister, and (4) the spouse of any person described in (2) or (3).

The House bill contains special rules applicable to synthetic equity interests. Except to the extent provided in regulations, the stock on which a synthetic equity interest is based are treated as outstanding stock of the S corporation and as deemed-owned shares of the person holding the synthetic equity interest if such treatment will result in the treatment of any person as a disqualified person or the treatment of any year as a nonallocation year. Thus, for example, disqualified persons for a year include those individuals who are disqualified persons under the general rule (i.e., treating only those shares held by the ESOP as deemed-owned shares) and those individuals who are disqualified individuals if synthetic equity interests are treated as deemed-owned shares.

"Synthetic equity" means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.[126]

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[122] The plan is not disqualified merely because an excise tax is imposed under the provision.

[123] A family member of a member of a "deemed 20-percent shareholder group" with deemed owned shares is also treated as a disqualified person.

[124] These attribution rules also apply to stock treated as owned by reason of the ownership of synthetic equity.

[125] As under section 318, an individual's spouse is not treated as a member of the individual's family if the spouses are legally separated.

Ownership of synthetic equity is attributed in the same manner as stock is attributed under the House bill (as described above). In addition, ownership of synthetic equity is attributed under the rules of section 318(a)(2) and (3) in the same manner as stock.

Definition of prohibited allocation

An ESOP of an S corporation is required to provide that no portion of the assets of the plan attributable to (or allocable in lieu of) S corporation stock may, during a nonallocation year, accrue (or be allocated directly or indirectly under any qualified plan of the S corporation) for the benefit of a disqualified person. A "prohibited allocation" refers to violations of this provision. A prohibited allocation occurs, for example, if income on S corporation stock held by an ESOP is allocated to the account of an individual who is a disqualified person.

Application of excise tax

In the case of a prohibited allocation, the S corporation is liable for an excise tax equal to 50 percent of the amount of the allocation. For example, if S corporation stock is allocated in a prohibited allocation, the excise tax is equal to 50 percent of the fair market value of such stock.

A special rule applies in the case of the first nonallocation year, regardless of whether there is a prohibited allocation. In that year, the excise tax also applies to the fair market value of the deemed-owned shares of any disqualified person held by the ESOP, even though those shares are not allocated to the disqualified person in that year.

As mentioned above, the S corporation also is liable for an excise tax with respect to any synthetic equity interest owned by any disqualified person in a nonallocation year. The excise tax is 50 percent of the value of the shares on which synthetic equity is based.

Treasury regulations

The Treasury Department is given the authority to prescribe such regulations as may be necessary to carry out the purposes of the House bill.

Effective date

The House bill generally is effective with respect to plan years beginning after December 31, 2004. In the case of an ESOP established after March 14, 2001, or an ESOP established on or before such date if the employer maintaining the plan was not an S corporation on such date, the House bill is effective with respect to plan years ending after March 14, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with a modification of the effective date.

Effective date.—The Senate amendment generally is effective with respect to plan years beginning after December 31, 2002. In the case of an ESOP established after July 11, 2000, or an ESOP established on or before such date if the employer maintaining the plan was not an S corporation on such date, the Senate amendment is effective with respect to plan years ending after July 11, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the House bill. The conference agreement authorizes the Secretary to determine, by regulation or other guidance of general applicability, that a nonallocation year occurs in any case in which the principal purpose of the ownership structure of an S corporation constitutes, in substance, an avoidance or evasion of the prohibited allocation rules. For example, this might apply if more than 10 independent businesses are combined in an S corporation owned by an ESOP in order to take advantage of the income tax treatment of S corporations owned by an ESOP.

(h) Automatic rollovers of certain mandatory distributions (sec. 657 of the Senate amendment and secs. 401(a)(31) and 402(f)(1) of the Code and sec. 404(c) of ERISA)

PRESENT LAW

If a qualified retirement plan participant ceases to be employed by the employer that maintains the plan, the plan may distribute the participant's nonforfeitable accrued benefit without the consent of the participant and, if applicable, the participant's spouse, if the present value of the benefit does not exceed $5,000. If such an involuntary distribution occurs and the participant subsequently returns to employment covered by the plan, then service taken into account in computing benefits payable under the plan after the return need not include service with respect to which a benefit was involuntarily distributed unless the employee repays the benefit.

Generally, a participant may roll over an involuntary distribution from a qualified plan to an IRA or to another qualified plan. Before making a distribution that is eligible for rollover, a plan administrator must provide the participant with a written explanation of the ability to have the distribution rolled over directly to an IRA or another qualified plan and the related tax consequences.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment makes a direct rollover the default option for involuntary distributions that exceed $1,000 and that are eligible rollover distributions from qualified retirement plans. The distribution must be rolled over automatically to a designated IRA, unless the participant affirmatively elects to have the distribution transferred to a different IRA or a qualified plan or to receive it directly.

The written explanation provided by the plan administrator is required to explain that an automatic direct rollover will be made unless the participant elects otherwise. The plan administrator is also required to notify the participant in writing (as part of the general written explanation or separately) that the distribution may be transferred without cost to another IRA.

The Senate amendment amends the fiduciary rules of ERISA so that, in the case of an automatic direct rollover, the participant is treated as exercising control over the assets in the IRA upon the earlier of (1) the rollover of any portion of the assets to another IRA, or (2) one year after the automatic rollover.

The Senate amendment directs the Secretary of Labor to issue safe harbors under which the designation of an institution and investment of funds in accordance with the Senate amendment are deemed to satisfy the requirements of section 404(a) of ERISA. In addition, the Senate amendment authorizes and directs the Secretary of the Treasury and the Secretary of Labor to give consideration to providing special relief with respect to the use of low-cost individual retirement plans for purposes of the provision and for other uses that promote the preservation of tax-qualified retirement assets for retirement income purposes.

Effective date.—The Senate amendment applies to distributions that occur after the Department of Labor has adopted final regulations implementing the Senate amendment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with modifications. The conference agreement directs the Secretary of Labor to adopt final regulations implementing the conference agreement not later than three years after the date of enactment.

(i) Clarification of treatment of contributions to a multiemployer plan (sec. 658 of the bill)

PRESENT LAW

Employer contributions to one or more qualified retirement plans are deductible subject to certain limits. In general, contributions are deductible for the taxable year of the employer in which the contributions are made. Under a special rule, an employer may be deemed to have made a contribution on the last day of the preceding taxable year if the contribution is on account of the preceding taxable year and is made not later than the time prescribed by law for filing the employer's income tax return for that taxable year (including extensions).[127]

A change in method of accounting includes a change in the overall plan of accounting for gross income or deductions or a change in the treatment of any material item used in such overall plan. A material item is any item that involves the proper time for the inclusion of the item in income or taking of a deduction.[128] A change in method of accounting does not include correction of mathematical or posting errors, or errors in the computation of tax liability. Also, a change in method of accounting does not include adjustment of any item of income or deduction that does not involve the proper time for the inclusion of the item of income or the taking of a deduction. A change in method of accounting also does not include a change in treatment resulting from a change in underlying facts.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment clarifies that a determination of whether contributions to multiemployer pension plans are on account of a prior year under section 404(a)(6) is not a method of accounting. Thus, any taxpayer that begins to deduct contributions to multiemployer plans as provided in section 404(a)(6) has not changed its method of accounting and is not subject to an adjustment under section 481. The Senate amendment is intended to respect, not disturb, the effect of the statute of limitations. The Senate amendment is not intended to permit, as of the end of the taxable year, aggregate deductions for contributions to a qualified plan in excess of the amounts actually contributed or deemed contributed to the plan by the taxpayer. The Secretary of the Treasury is authorized to promulgate regulations to clarify that, in the aggregate, no taxpayer will be permitted deductions in excess of amounts actually contributed to multiemployer plans, taking into account the provisions of section 404(a)(6).

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[126] The provisions relating to synthetic equity do not modify the rules relating to S corporations, e.g., the circumstances in which options or similar interests are treated as creating a second class of stock.

[127] Section 404(a)(6).

[128] Treas. Reg. sec. 1.446-1(e)(2)(ii)(a).

No inference is intended regarding whether the determination of whether a contribution to a multiemployer pension plan on account of a prior year under section 404(a)(6) is a method of accounting prior to the effective date of the provision.

Effective date.—The Senate amendment is effective after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

5. Reducing regulatory burdens

(a) Modification of timing of plan valuations (sec. 601 of the House bill, sec. 661 of the Senate amendment, and sec. 412 of the Code)

PRESENT LAW

Under present law, plan valuations are generally required annually for plans subject to the minimum funding rules. Under proposed Treasury regulations, except as provided by the Commissioner, the valuation must be as of a date within the plan year to which the valuation refers or within the month prior to the beginning of that year.[129]

HOUSE BILL

The House bill incorporates into the statute the proposed regulation regarding the date of valuations. The House bill also provides, as an exception to this general rule, that the valuation date with respect to a plan year may be any date within the immediately preceding plan year if, as of such date, plan assets are not less than 125 percent of the plan's current liability. Information determined as of such date is required to be adjusted actuarially, in accordance with Treasury regulations, to reflect significant differences in plan participants. An election to use a prior plan year vāluation date, once made, may only be revoked with the consent of the Secretary.

Effective date.—The House bill is effective for plan years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement incorporates into the statute the proposed regulation regarding the date of valuations. The conference agreement also provides, as an exception to this general rule, that the valuation date with respect to a plan year may be any date within the immediately preceding plan year if, as of such date, plan assets are not less than 100 percent of the plan's current liability. Information determined as of such date is required to be adjusted actuarially, in accordance with Treasury regulations, to reflect significant differences in plan participants. A change in funding method to take advantage of the exception to the general rule may not be made unless, as of such date, plan assets are not less than 125 percent of the plan's current liability. The Secretary is directed to automatically approve changes in funding method to use a prior year valuation date if the change is within the first three years that the plan is eligible to make the change.

(b) ESOP dividends may be reinvested without loss of dividend deduction (sec. 602 of the House bill, sec. 662 of the Senate amendment, and sec. 404 of the Code)

PRESENT LAW

An employer is entitled to deduct certain dividends paid in cash during the employer's taxable year with respect to stock of the employer that is held by an employee stock ownership plan ("ESOP"). The deduction is allowed with respect to dividends that, in accordance with plan provisions, are (1) paid in cash directly to the plan participants or their beneficiaries, (2) paid to the plan and subsequently distributed to the participants or beneficiaries in cash no later than 90 days after the close of the plan year in which the dividends are paid to the plan, or (3) used to make payments on loans (including payments of interest as well as principal) that were used to acquire the employer securities (whether or not allocated to participants) with respect to which the dividend is paid.

The Secretary may disallow the deduction for any ESOP dividend if he determines that the dividend constitutes, in substance, an evasion of taxation (sec. 404(k)(5)).

HOUSE BILL

In addition to the deductions permitted under present law for dividends paid with respect to employer securities that are held by an ESOP, an employer is entitled to deduct dividends that, at the election of plan participants or their beneficiaries, are (1) payable in cash directly to plan participants or beneficiaries, (2) paid to the plan and subsequently distributed to the participants or beneficiaries in cash no later than 90 days after the close of the plan year in which the dividends are paid to the plan, or (3) paid to the plan and reinvested in qualifying employer securities.

The House bill permits the Secretary to disallow the deduction for any ESOP dividend if the Secretary determines that the dividend constitutes, in substance, the avoidance or evasion of taxation.

Effective date.—The House bill is effective for taxable years beginning after December 31, 2001.

SENATE AMENDMENT

In addition to the deductions permitted under present law for dividends paid with respect to employer securities that are held by an ESOP, an employer is entitled to deduct the applicable percentage of dividends that, at the election of plan participants or their beneficiaries, are (1) payable in cash directly to plan participants or beneficiaries, (2) paid to the plan and subsequently distributed to the participants or beneficiaries in cash no later than 90 days after the close of the plan year in which the dividends are paid to the plan, or (3) paid to the plan and reinvested in qualifying employer securities. The applicable percentage is 25 percent for 2002 through 2004, 50 percent for 2005 through 2007, 75 percent for 2008 through 2010 and 100 percent for 2011 and thereafter.

CONFERENCE AGREEMENT

The conference agreement follows the House bill. The provision of the conference agreement that authorizes the Secretary to disallow the deduction for any ESOP dividend if the Secretary determines that the dividend constitutes, in substance, the avoidance or evasion of taxation includes authority to disallow a deduction of unreasonable dividends. For purposes of the section 404(k)(2)(A)(iii) reinvested dividends, a dividend paid on common stock that is primarily and regularly traded on an established securities market would be reasonable. In addition, for this purpose in the case of employers with no common stock (determined on a controlled group basis) that is primarily and regularly traded on an established securities market, the reasonableness of a dividend is determined by comparing the dividend rate on stock held by the ESOP with the dividend rate for common stock of comparable corporations whose stock is primarily and regularly traded on an established securities market. Whether a corporation is comparable is determined by comparing relevant corporate characteristics such as industry, corporate size, earnings, debt-equity structure and dividend history.

(c) Repeal transition rule relating to certain highly compensated employees (sec. 603 of the House bill, sec. 663 of the Senate amendment, and sec. 1114(c)(4) of the Tax Reform Act of 1986)

PRESENT LAW

Under present law, for purposes of the rules relating to qualified plans, a highly compensated employee is generally defined as an employee[130] who (1) was a five-percent owner of the employer at any time during the year or the preceding year or (2) either (a) had compensation for the preceding year in excess of $85,000 (for 2001) or (b) at the election of the employer, had compensation in excess of $85,000 for the preceding year and was in the top 20 percent of employees by compensation for such year.

Under a rule enacted in the Tax Reform Act of 1986, a special definition of highly compensated employee applies for purposes of the nondiscrimination rules relating to qualified cash or deferred arrangements ("section 401(k) plans") and matching contributions. This special definition applies to an employer incorporated on December 15, 1924, that meets certain specific requirements.

HOUSE BILL

The House bill repeals the special definition of highly compensated employee under the Tax Reform Act of 1986. Thus, the present-law definition applies.

Effective date.—The House bill is effective for plan years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

(d) Employees of tax-exempt entities (sec. 604 of the House bill and sec. 664 of the Senate amendment)

PRESENT LAW

The Tax Reform Act of 1986 provided that nongovernmental tax-exempt employers were not permitted to maintain a qualified cash or deferred arrangement ("section 401(k) plan"). This prohibition was repealed, effective for years beginning after December 31, 1996, by the Small Business Job Protection Act of 1996.

Treasury regulations provide that, in applying the nondiscrimination rules to a section 401(k) plan (or a section 401(m) plan that is provided under the same general arrangement as the section 401(k) plan), the employer may treat as excludable those employees of a tax-exempt entity who could not participate in the arrangement due to the prohibition on maintenance of a section 401(k) plan by such entities. Such employees may be disregarded only if more than 95 percent of the employees who could participate in the section 401(k) plan benefit under the plan for the plan year.[131]

Tax-exempt charitable organizations may maintain a tax-sheltered annuity (a "section

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[129] Prop. Treas. Reg. sec. 1.412(c)(9)-1(b)(1).

[130] An employee includes a self-employed individual.

[131] Treas. Reg. sec. 1.410(b)-6(g).

403(b) annuity") that allows employees to make salary reduction contributions.

HOUSE BILL

The Treasury Department is directed to revise its regulations under section 410(b) to provide that employees of a tax-exempt charitable organization who are eligible to make salary reduction contributions under a section 403(b) annuity may be treated as excludable employees for purposes of testing a section 401(k) plan, or a section 401(m) plan that is provided under the same general arrangement as the section 401(k) plan of the employer if (1) no employee of such tax-exempt entity is eligible to participate in the section 401(k) or 401(m) plan and (2) at least 95 percent of the employees who are not employees of the charitable employer are eligible to participate in such section 401(k) plan or section 401(m) plan.

The revised regulations are to be effective for years beginning after December 31, 1996.

Effective date.—The House bill is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

(e) Treatment of employer-provided retirement advice (sec. 605 of the House bill, sec. 665 of the Senate amendment, and sec. 132 of the Code)

PRESENT LAW

Under present law, certain employer-provided fringe benefits are excludable from gross income (sec. 132) and wages for employment tax purposes. These excludable fringe benefits include working condition fringe benefits and de minimis fringes. In general, a working condition fringe benefit is any property or services provided by an employer to an employee to the extent that, if the employee paid for such property or services, such payment would be allowable as a deduction as a business expense. A de minimis fringe benefit is any property or services provided by the employer the value of which, after taking into account the frequency with which similar fringes are provided, is so small as to make accounting for it unreasonable or administratively impracticable.

In addition, if certain requirements are satisfied, up to $5,250 annually of employer-provided educational assistance is excludable from gross income (sec. 127) and wages. This exclusion expires with respect to courses beginning after December 31, 2001.[132] Education not excludable under section 127 may be excludable as a working condition fringe.

There is no specific exclusion under present law for employer-provided retirement planning services. However, such services may be excludable as employer-provided educational assistance or a fringe benefit.

HOUSE BILL

Qualified retirement planning services provided to an employee and his or her spouse by an employer maintaining a qualified plan are excludable from income and wages. The exclusion does not apply with respect to highly compensated employees unless the services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified plan. "Qualified retirement planning services" are retirement planning advice and information. The exclusion is not limited to information regarding the qualified plan, and, thus, for example, applies to advice and information regarding retirement income planning for an individual and his or her spouse and how the employer's plan fits into the individual's overall retirement income plan. On the other hand, the exclusion does not apply to services that may be related to retirement planning, such as tax preparation, accounting, legal or brokerage services.

It is intended that the House bill will clarify the treatment of retirement advice provided in a nondiscriminatory manner. It is intended that the Secretary, in determining the application of the exclusion to highly compensated employees, may permit employers to take into consideration employee circumstances other than compensation and position in providing advice to classifications of employees. Thus, for example, the Secretary may permit employers to limit certain advice to individuals nearing retirement age under the plan.

Effective date.—The House bill is effective with respect to years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

(f) Reporting simplification (sec. 606 of the House bill and sec. 666 of the Senate amendment)

PRESENT LAW

A plan administrator of a pension, annuity, stock bonus, profit-sharing or other funded plan of deferred compensation generally must file with the Secretary of the Treasury an annual return for each plan year containing certain information with respect to the qualification, financial condition, and operation of the plan. Title I of ERISA also may require the plan administrator to file annual reports concerning the plan with the Department of Labor and the Pension Benefit Guaranty Corporation ("PBGC"). The plan administrator must use the Form 5500 series as the format for the required annual return.[133] The Form 5500 series annual return/report, which consists of a primary form and various schedules, includes the information required to be filed with all three agencies. The plan administrator satisfies the reporting requirement with respect to each agency by filing the Form 5500 series annual return/report with the Department of Labor, which forwards the form to the Internal Revenue Service and the PBGC.

The Form 5500 series consists of two different forms: Form 5500 and Form 5500–EZ. Form 5500 is the more comprehensive of the forms and requires the most detailed financial information. A plan administrator generally may file Form 5500–EZ, which consists of only one page, if (1) the only participants in the plan are the sole owner of a business that maintains the plan (and such owner's spouse), or partners in a partnership that maintains the plan (and such partners' spouses), (2) the plan is not aggregated with another plan in order to satisfy the minimum coverage requirements of section 410(b), (3) the employer is not a member of a related group of employers, and (4) the employer does not receive the services of leased employees. If the plan satisfies the eligibility requirements for Form 5500–EZ and the total value of the plan assets as of the end of the plan year and all prior plan years beginning on or after January 1, 1994, does not exceed $100,000, the plan administrator is not required to file a return.

With respect to a plan that does not satisfy the eligibility requirements for Form 5500–EZ, the characteristics and the size of the plan determine the amount of detailed financial information that the plan administrator must provide on Form 5500. If the plan has more than 100 participants at the beginning of the plan year, the plan administrator generally must provide more information.

HOUSE BILL

The Secretary of the Treasury is directed to modify the annual return filing requirements with respect to plans that satisfy the eligibility requirements for Form 5500–EZ to provide that if the total value of the plan assets of such a plan as of the end of the plan year and all prior plan years beginning on or after January 1, 1994, does not exceed $250,000, the plan administrator is not required to file a return. In addition, the House bill directs the Secretary of the Treasury and the Secretary of Labor to provide simplified reporting requirements for certain plans with fewer than 25 employees.

Effective date.—The House bill is effective on January 1, 2002.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modification. The Senate amendment does not include the direction to the Secretary of the Treasury and the Secretary of Labor to provide simplified reporting requirements for certain plans with fewer than 25 employees.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment.

(g) Improvement to Employee Plans Compliance Resolution System (sec. 607 of the House bill and sec. 667 of the Senate amendment)

PRESENT LAW

A retirement plan that is intended to be a tax-qualified plan provides retirement benefits on a tax-favored basis if the plan satisfies all of the requirements of section 401(a). Similarly, an annuity that is intended to be a tax-sheltered annuity provides retirement benefits on a tax-favored basis if the program satisfies all of the requirements of section 403(b). Failure to satisfy all of the applicable requirements of section 401(a) or section 403(b) may disqualify a plan or annuity for the intended tax-favored treatment.

The Internal Revenue Service ("IRS") has established the Employee Plans Compliance Resolution System ("EPCRS"), which is a comprehensive system of correction programs for sponsors of retirement plans and annuities that are intended, but have failed, to satisfy the requirements of section 401(a), section 403(a), or section 403(b), as applicable.[134] EPCRS permits employers to correct compliance failures and continue to provide their employees with retirement benefits on a tax-favored basis.

The IRS has designed EPCRS to (1) encourage operational and formal compliance, (2) promote voluntary and timely correction of compliance failures, (3) provide sanctions for compliance failures identified on audit that are reasonable in light of the nature, extent, and severity of the violation, (4) provide consistent and uniform administration of the correction programs, and (5) permit employers to rely on the availability of EPCRS in taking corrective actions to maintain the tax-favored status of their retirement plans and annuities.

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[132] The exclusion does not apply with respect to graduate-level courses.

[133] Treas. Reg. sec. 301.6058–1(a).

[134] Rev. Proc. 2001-17, 2001-7 I.R.B. 589.

The basic elements of the programs that comprise EPCRS are self-correction, voluntary correction with IRS approval, and correction on audit. The Self-Correction Program ("SCP") generally permits a plan sponsor that has established compliance practices to correct certain insignificant failures at any time (including during an audit), and certain significant failures within a two-year period, without payment of any fee or sanction. The Voluntary Correction Program ("VCP") program permits an employer, at any time before an audit, to pay a limited fee and receive IRS approval of a correction. For a failure that is discovered on audit and corrected, the Audit Closing Agreement Program ("Audit CAP") provides for a sanction that bears a reasonable relationship to the nature, extent, and severity of the failure and that takes into account the extent to which correction occurred before audit.

The IRS has expressed its intent that EPCRS will be updated and improved periodically in light of experience and comments from those who use it.

HOUSE BILL

The Secretary of the Treasury is directed to continue to update and improve EPCRS, giving special attention to (1) increasing the awareness and knowledge of small employers concerning the availability and use of EPCRS, (2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures, (3) extending the duration of the self-correction period under SCP for significant compliance failures, (4) expanding the availability to correct insignificant compliance failures under SCP during audit, and (5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

Effective date.—The House bill is effective on the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment.

(h) Repeal of the multiple use test (sec. 608 of the House bill, sec. 668 of the Senate amendment, and sec. 401(m) of the Code)

PRESENT LAW

Elective deferrals under a qualified cash or deferred arrangement ("section 401(k) plan") are subject to a special annual nondiscrimination test ("ADP test"). The ADP test compares the actual deferral percentages ("ADPs") of the highly compensated employee group and the nonhighly compensated employee group. The ADP for each group generally is the average of the deferral percentages separately calculated for the employees in the group who are eligible to make elective deferrals for all or a portion of the relevant plan year. Each eligible employee's deferral percentage generally is the employee's elective deferrals for the year divided by the employee's compensation for the year.

The plan generally satisfies the ADP test if the ADP of the highly compensated employee group for the current plan year is either (1) not more than 125 percent of the ADP of the nonhighly compensated employee group for the prior plan year, or (2) not more than 200 percent of the ADP of the nonhighly compensated employee group for the prior plan year and not more than two percentage points greater than the ADP of the nonhighly compensated employee group for the prior plan year.

Employer matching contributions and after-tax employee contributions under a defined contribution plan also are subject to a special annual nondiscrimination test ("ACP test"). The ACP test compares the actual deferral percentages ("ACPs") of the highly compensated employee group and the nonhighly compensated employee group. The ACP for each group generally is the average of the contribution percentages separately calculated for the employees in the group who are eligible to make after-tax employee contributions or who are eligible for an allocation of matching contributions for all or a portion of the relevant plan year. Each eligible employee's contribution percentage generally is the employee's aggregate after-tax employee contributions and matching contributions for the year divided by the employee's compensation for the year.

The plan generally satisfies the ACP test if the ACP of the highly compensated employee group for the current plan year is either (1) not more than 125 percent of the ACP of the nonhighly compensated employee group for the prior plan year, or (2) not more than 200 percent of the ACP of the nonhighly compensated employee group for the prior plan year and not more than two percentage points greater than the ACP of the nonhighly compensated employee group for the prior plan year.

For any year in which (1) at least one highly compensated employee is eligible to participate in an employer's plan or plans that are subject to both the ADP test and the ACP test, (2) the plan subject to the ADP test satisfies the ADP test but the ADP of the highly compensated employee group exceeds 125 percent of the ADP of the nonhighly compensated employee group, and (3) the plan subject to the ACP test satisfies the ACP test but the ACP of the highly compensated employee group exceeds 125 percent of the ACP of the nonhighly compensated employee group, an additional special nondiscrimination test ("multiple use test") applies to the elective deferrals, employer matching contributions, and after-tax employee contributions. The plan or plans generally satisfy the multiple use test if the sum of the ADP and the ACP of the highly compensated employee group does not exceed the greater of (1) the sum of (A) 1.25 times the greater of the ADP or the ACP of the nonhighly compensated employee group, and (B) two percentage points plus (but not more than two times) the lesser of the ADP or the ACP of the nonhighly compensated employee group, or (2) the sum of (A) 1.25 times the lesser of the ADP or the ACP of the nonhighly compensated employee group, and (B) two percentage points plus (but not more than two times) the greater of the ADP or the ACP of the nonhighly compensated employee group.

HOUSE BILL

The House bill repeals the multiple use test.

Effective date.—The House bill is effective for years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

(i) Flexibility in nondiscrimination, coverage, and line of business rules (sec. 609 of the House bill, sec. 669 of the Senate amendment, and secs. 401(a)(4), 410(b), and 414(r) of the Code)

PRESENT LAW

A plan is not a qualified retirement plan if the contributions or benefits provided under the plan discriminate in favor of highly compensated employees (sec. 401(a)(4)). The applicable Treasury regulations set forth the exclusive rules for determining whether a plan satisfies the nondiscrimination requirement. These regulations state that the form of the plan and the effect of the plan in operation determine whether the plan is nondiscriminatory and that intent is irrelevant.

Similarly, a plan is not a qualified retirement plan if the plan does not benefit a minimum number of employees (sec. 410(b)). A plan satisfies this minimum coverage requirement if and only if it satisfies one of the tests specified in the applicable Treasury regulations. If an employer is treated as operating separate lines of business, the employer may apply the minimum coverage requirements to a plan separately with respect to the employees in each separate line of business (sec. 414(r)). Under a so-called "gateway" requirement, however, the plan must benefit a classification of employees that does not discriminate in favor of highly compensated employees in order for the employer to apply the minimum coverage requirements separately for the employees in each separate line of business. A plan satisfies this gateway requirement only if it satisfies one of the tests specified in the applicable Treasury regulations.

HOUSE BILL

The Secretary of the Treasury is directed to modify, on or before December 31, 2003, the existing regulations issued under section 414(r) in order to expand (to the extent that the Secretary may determine to be appropriate) the ability of a plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

The Secretary of the Treasury is directed to provide by regulation applicable to years beginning after December 31, 2003, that a plan is deemed to satisfy the nondiscrimination requirements of section 401(a)(4) if the plan satisfies the pre-1994 facts and circumstances test, satisfies the conditions prescribed by the Secretary to appropriately limit the availability of such test, and is submitted to the Secretary for a determination of whether it satisfies such test (to the extent provided by the Secretary).

Similarly, a plan complies with the minimum coverage requirement of section 410(b) if the plan satisfies the pre-1989 coverage rules, is submitted to the Secretary for a determination of whether it satisfies the pre-1989 coverage rules (to the extent provided by the Secretary), and satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of the pre-1989 coverage rules.

Effective date.—The provision of the House bill relating to the line of business requirements under section 414(r) is effective on the date of enactment. The provision relating to the nondiscrimination requirements under section 401(a)(4) is effective on the date of enactment, except that any condition of availability prescribed by the Secretary is not effective before the first year beginning not less than 120 days after the date on which such condition is prescribed. The provision relating to the minimum coverage requirements under section 410(b) is effective for years beginning after December 31, 2003, except that any condition of availability prescribed by the Secretary by regulation does not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modification. The Senate amendment provides that the regulations required with respect to the nondiscrimination requirements of section 401(a)(4) are to be applicable to plan years beginning after December 31, 2001, and that the regulations required with respect to the line of business requirements of section 414(r) are to be issued by December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment.

(j) Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to state and local government plans (sec. 610 of the House bill, sec. 670 of the Senate amendment, sec. 1505 of the Taxpayer Relief Act of 1997, and secs. 401(a) and 401(k) of the Code)

PRESENT LAW

A qualified retirement plan maintained by a State or local government is exempt from the rules concerning nondiscrimination (sec. 401(a)(4)) and minimum participation (sec. 401(a)(26)). All other governmental plans are not exempt from the nondiscrimination and minimum participation rules..

HOUSE BILL

The House bill exempts all governmental plans (as defined in sec. 414(d)) from the nondiscrimination and minimum participation rules.

Effective date.—The House bill is effective for plan years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment.

(k) Notice and consent period regarding distributions (sec. 611 of the House bill and sec. 417 of the Code)

PRESENT LAW

Notice and consent requirements apply to certain distributions from qualified retirement plans. These requirements relate to the content and timing of information that a plan must provide to a participant prior to a distribution, and to whether the plan must obtain the participant's consent to the distribution. The nature and extent of the notice and consent requirements applicable to a distribution depend upon the value of the participant's vested accrued benefit and whether the joint and survivor annuity requirements (sec. 417) apply to the participant.[135]

If the present value of the participant's vested accrued benefit exceeds $5,000, the plan may not distribute the participant's benefit without the written consent of the participant. The participant's consent to a distribution is not valid unless the participant has received from the plan a notice that contains a written explanation of (1) the material features and the relative values of the optional forms of benefit available under the plan, (2) the participant's right, if any, to have the distribution directly transferred to another retirement plan or IRA, and (3) the rules concerning the taxation of a distribution. If the joint and survivor annuity requirements apply to the participant, this notice also must contain a written explanation of (1) the terms and conditions of the qualified joint and survivor annuity ("QJSA"), (2) the participant's right to make, and the effect of, an election to waive the QJSA, (3) the rights of the participant's spouse with respect to a participant's waiver of the QJSA, and (4) the right to make, and the effect of, a revocation of a waiver of the QJSA. The plan generally must provide this notice to the participant no less than 30 and no more than 90 days before the date distribution commences.

If the participant's vested accrued benefit does not exceed $5,000, the terms of the plan may provide for distribution without the participant's consent. The plan generally is required, however, to provide to the participant a notice that contains a written explanation of (1) the participant's right, if any, to have the distribution directly transferred to another retirement plan or IRA, and (2) the rules concerning the taxation of a distribution. The plan generally must provide this notice to the participant no less than 30 and no more than 90 days before the date distribution commences.

HOUSE BILL

A qualified retirement plan is required to provide the applicable distribution notice no less than 30 days and no more than 180 days before the date distribution commences. The Secretary of the Treasury is directed to modify the applicable regulations to reflect the extension of the notice period to 180 days and to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

Effective date.—The House bill is effective for years beginning after December 31, 2001.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill.

(l) Annual report dissemination (sec. 612 of the House bill and sec. 104(b)(3) of ERISA)

PRESENT LAW

Title I of ERISA generally requires the plan administrator of each employee pension benefit plan and each employee welfare benefit plan to file an annual report concerning the plan with the Secretary of Labor within seven months after the end of the plan year. Within nine months after the end of the plan year, the plan administrator generally must furnish to each participant and to each beneficiary receiving benefits under the plan a summary of the annual report filed with the Secretary of Labor for the plan year.

HOUSE BILL

The requirement that a plan administrator furnish a summary annual report is satisfied if the report is made reasonably available through electronic means or other new technology. The interpretation of the House bill is to be consistent with the regulations of the Department of Labor and the Department of the Treasury.

Effective date.—The House bill is effective for reports for years beginning after December 31, 2000.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill.

(m) Modifications to the SAVER Act (sec. 613 of the House bill and sec. 517 of ERISA)

PRESENT LAW

The Savings Are Vital to Everyone's Retirement ("SAVER") Act initiated a public-private partnership to educate American workers about retirement savings and directed the Department of Labor to maintain an ongoing program of public information and outreach. The Act also convened a National Summit on Retirement Savings held June 4-5, 1998, and to be held again in 2001 and 2005, co-hosted by the President and the bipartisan Congressional leadership. The National Summit brings together experts in the fields of employee benefits and retirement savings, key leaders of government, and interested parties from the private sector and general public. The delegates are selected by the Congressional leadership and the President. The National Summit is a public-private partnership, receiving substantial funding from private sector contributions. The goals of the National Summits are to: (1) advance the public's knowledge and understanding of retirement savings and facilitate the development of a broad-based, public education program; (2) identify the barriers which hinder workers from setting aside adequate savings for retirement and impede employers, especially small employers, from assisting their workers in accumulating retirement savings; and (3) develop specific recommendations for legislative, executive, and private sector actions to promote retirement income savings among American workers.

HOUSE BILL

The House bill clarifies that future National Summits on Retirement Savings are to be held in the month of September in 2001 and 2005, and adds an additional National Summit in 2009. To facilitate the administration of future National Summits, the Department of Labor is given authority to enter into cooperative agreements (pursuant to the Federal Grant and Cooperative Agreement Act of 1977) with its 1999 summit partner, the American Savings Education Council.

Six new statutory delegates are added to future National Summits: the Chairman and Ranking Member of the House Ways and Means Committee, the Senate Finance Committee, and the Subcommittee on Employer-Employee Relations of the House Committee on Education and the Workforce. Further, the President, in consultation with the Congressional leadership, may appoint up to three percent of the delegates (not to exceed 10) from a list of nominees provided by the private sector partner in Summit administration. The provision also clarifies that new delegates are to be appointed for each future National Summit (as was the intent of the original legislation) and sets deadlines for their appointment.

The provision also sets deadlines for the Department of Labor to publish the Summit agenda, gives the Department of Labor limited reception and representation authority, and mandates that the Department of Labor consult with the Congressional leadership in drafting the post-Summit report.

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[135] Similar provisions are contained in Title I of ERISA.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill.

6. Other ERISA provisions

(a) Extension of PBGC missing participants program (sec. 701 of the House bill, sec. 681 of the Senate amendment, and secs. 206(f) and 4050 of ERISA)

PRESENT LAW

The plan administrator of a defined benefit pension plan that is subject to Title IV of ERISA, is maintained by a single employer, and terminates under a standard termination is required to distribute the assets of the plan. With respect to a participant whom the plan administrator of a single employer plan cannot locate after a diligent search, the plan administrator satisfies the distribution requirement only by purchasing irrevocable commitments from an insurer to provide all benefit liabilities under the plan or transferring the participant's designated benefit to the Pension Benefit Guaranty Corporation ("PBGC"), which holds the benefit of the missing participant as trustee until the PBGC locates the missing participant and distributes the benefit.

The PBGC missing participant program is not available to multiemployer plans or defined contribution plans and other plans not covered by Title IV of ERISA.

HOUSE BILL

The PBGC is directed to prescribe for terminating multiemployer plans rules similar to the present-law missing participant rules applicable to terminating single-employer plans that are subject to Title IV of ERISA.

In addition, plan administrators of certain types of plans not subject to the PBGC termination insurance program under present law are permitted, but not required, to elect to transfer missing participants' benefits to the PBGC upon plan termination. Specifically, the House bill extends the missing participants program to defined contribution plans, defined benefit plans that have no more than 25 active participants and are maintained by professional service employers, and the portion of defined benefit plans that provide benefits based upon the separate accounts of participants and therefore are treated as defined contribution plans under ERISA.

Effective date.—The House bill is effective for distributions from terminating plans that occur after the PBGC has adopted final regulations implementing the House bill.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment.

(b) Reduce PBGC premiums for small and new plans (secs. 702–703 of the House bill, secs. 682–683 of the Senate amendment, and sec. 4006 of ERISA)

PRESENT LAW

Under present law, the Pension Benefit Guaranty Corporation ("PBGC") provides insurance protection for participants and beneficiaries under certain defined benefit pension plans by guaranteeing certain basic benefits under the plan in the event the plan is terminated with insufficient assets to pay benefits promised under the plan. The guaranteed benefits are funded in part by premium payments from employers who sponsor defined benefit plans. The amount of the required annual PBGC premium for a single-employer plan is generally a flat rate premium of $19 per participant and an additional variable-rate premium based on a charge of $9 per $1,000 of unfunded vested benefits. Unfunded vested benefits under a plan generally means (1) the unfunded current liability for vested benefits under the plan, over (2) the value of the plan's assets, reduced by any credit balance in the funding standard account. No variable-rate premium is imposed for a year if contributions to the plan were at least equal to the full funding limit.

The PBGC guarantee is phased in ratably in the case of plans that have been in effect for less than five years, and with respect to benefit increases from a plan amendment that was in effect for less than five years before termination of the plan.

HOUSE BILL

Reduced flat-rate premiums for new plans of small employers

Under the House bill, for the first five plan years of a new single-employer plan of a small employer, the flat-rate PBGC premium is $5 per plan participant.

A small employer is a contributing sponsor that, on the first day of the plan year, has 100 or fewer employees. For this purpose, all employees of the members of the controlled group of the contributing sponsor are taken into account. In the case of a plan to which more than one unrelated contributing sponsor contributes, employees of all contributing sponsors (and their controlled group members) are taken into account in determining whether the plan is a plan of a small employer.

A new plan means a defined benefit plan maintained by a contributing sponsor if, during the 36-month period ending on the date of adoption of the plan, such contributing sponsor (or controlled group member or a predecessor of either) has not established or maintained a plan subject to PBGC coverage with respect to which benefits were accrued for substantially the same employees as are in the new plan.

Reduced variable-rate PBGC premium for new plans

The House bill provides that the variable-rate premium is phased in for new defined benefit plans over a six-year period starting with the plan's first plan year. The amount of the variable-rate premium is a percentage of the variable premium otherwise due, as follows: zero percent of the otherwise applicable variable-rate premium in the first plan year; 20 percent in the second plan year; 40 percent in the third plan year; 60 percent in the fourth plan year; 80 percent in the fifth plan year; and 100 percent in the sixth plan year (and thereafter).

A new defined benefit plan is defined as described above under the flat-rate premium provision of the House bill relating to new small employer plans.

Reduced variable-rate PBGC premium for small plans

In the case of a plan of a small employer, the variable-rate premium is no more than $5 multiplied by the number of plan participants in the plan at the end of the preceding plan year. For purposes of the House bill, a small employer is a contributing sponsor that, on the first day of the plan year, has 25 or fewer employees. For this purpose, all employees of the members of the controlled group of the contributing sponsor are taken into account. In the case of a plan to which more than one unrelated contributing sponsor contributes, employees of all contributing sponsors (and their controlled group members) are taken into account in determining whether the plan is a plan of a small employer.

Effective date

The reduction of the flat-rate premium for new plans of small employers and the reduction of the variable-rate premium for new plans is effective with respect to plans established after December 31, 2001. The reduction of the variable-rate premium for small plans is effective with respect to plan years beginning after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment.

(c) Authorization for PBGC to pay interest on premium overpayment refunds (sec. 704 of the House bill, sec. 684 of the Senate amendment, and sec. 4007(b) of ERISA)

PRESENT LAW

The PBGC charges interest on underpayments of premiums, but is not authorized to pay interest on overpayments.

HOUSE BILL

The House bill allows the PBGC to pay interest on overpayments made by premium payors. Interest paid on overpayments is calculated at the same rate and in the same manner as interest is charged on premium underpayments.

Effective date.—The House bill is effective with respect to interest accruing for periods beginning not earlier than the date of enactment.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment.

(d) Rules for substantial owner benefits in terminated plans (sec. 705 of the House bill, sec. 685 of the Senate amendment, and secs. 4021, 4022, 4043 and 4044 of ERISA)

PRESENT LAW

Under present law, the Pension Benefit Guaranty Corporation ("PBGC") provides participants and beneficiaries in a defined benefit pension plan with certain minimal guarantees as to the receipt of benefits under the plan in case of plan termination. The employer sponsoring the defined benefit pension plan is required to pay premiums to the PBGC to provide insurance for the guaranteed benefits. In general, the PBGC will guarantee all basic benefits which are payable in periodic installments for the life (or lives) of the participant and his or her beneficiaries and are non-forfeitable at the time of plan termination. The amount of the guaranteed benefit is subject to certain limitations. One limitation is that the plan (or an amendment to the plan which increases benefits) must be in effect for 60 months before termination for the PBGC to guarantee the full amount of basic benefits for a plan participant, other than a substantial owner. In the case of a substantial owner, the guaranteed basic benefit is phased in over 30 years beginning with participation in the plan. A substantial owner is one who owns, directly or indirectly, more than 10 percent of the voting stock of a corporation or all the stock of a corporation. Special rules restricting the amount of benefit guaranteed and the allocation of assets also apply to substantial owners.

HOUSE BILL

The House bill provides that the 60-month phase-in of guaranteed benefits applies to a substantial owner with less than 50 percent ownership interest. For a substantial owner with a 50 percent or more ownership interest ("majority owner"), the phase-in occurs over a 10-year period and depends on the number of years the plan has been in effect. The majority owner's guaranteed benefit is limited so that it could not be more than the amount phased in over 60 months for other participants. The rules regarding allocation of assets applies to substantial owners, other than majority owners, in the same manner as other participants.

Effective date.—The House bill is effective for plan terminations with respect to which notices of intent to terminate are provided, or for which proceedings for termination are instituted by the PBGC, after December 31, 2001.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment.

(e) Civil penalties for breach of fiduciary responsibility (sec. 706 of the House bill and sec. 502 of ERISA)

PRESENT LAW

Present law requires the Secretary of Labor to assess a civil penalty against (1) a fiduciary who breaches a fiduciary responsibility under, or commits a violation of, part 4 of Title I of ERISA, or (2) any other person who knowingly participates in such a breach or violation. The penalty is equal to 20 percent of the "applicable recovery amount" that is paid pursuant to a settlement agreement with the Secretary of Labor or that a court orders to be paid in a judicial proceeding brought by the Secretary of Labor to enforce ERISA's fiduciary responsibility provisions. The Secretary of Labor may waive or reduce the penalty only if the Secretary finds in writing that either (1) the fiduciary or other person acted reasonably and in good faith, or (2) it is reasonable to expect that the fiduciary or other person cannot restore all the losses without severe financial hardship unless the waiver or reduction is granted.

HOUSE BILL

The House bill makes the assessment of the penalty discretionary with the Secretary of Labor, rather than mandatory. This change will allow the Secretary to refrain from imposing the penalty in certain cases as well as to assess a penalty of less than 20 percent of the applicable recovery amount. The requirement of a settlement agreement is also eliminated. The applicable recovery amount is any amount recovered by a plan or by a participant or beneficiary more than 30 days after the fiduciary's or other person's receipt of a written notice of the violation from the Department of Labor ("DOL"). Payments made after the 30-day grace period, whether they are made pursuant to a settlement agreement, or simply to discourage the DOL from bringing a legal action, are subject to the penalty, as are amounts recovered pursuant to a court order. ERISA section 502(l) is also amended to clarify that the term "applicable recovery amount" includes payments by third parties that are made on behalf of the relevant fiduciary or other persons liable for the amount that is recovered, including those who did not actually pay. These changes prevent avoidance of the penalty by having an unrelated third party pay the recovery amount.

Effective date.—The House bill applies to any breach of fiduciary responsibility or other violation of part 4 of Title I of ERISA occurring on or after the date of enactment. The change with respect to "applicable recovery amount" includes a transition rule whereby a breach or other violation occurring before the date of enactment which continues past the 180th day from enactment (and which may have been discontinued during that period) is treated as having occurred after the date of enactment (to avoid having to make a complex determination regarding how much of the applicable recovery amount for such continuing violations should be attributed to the post-enactment part of the violation).

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill.

(f) Benefit suspension notice (sec. 707 of the House bill and sec. 203 of ERISA)

PRESENT LAW

Under present law (ERISA sec. 203(a)(3)(B)), a plan will not fail to satisfy the vesting requirements with respect to a participant by reason of suspending payment of the participant's benefits while such participant is employed. Under the applicable Department of Labor ("DOL") regulations, such a suspension is only permissible if the plan notifies the participant during the first calendar month or payroll period in which the plan withholds benefit payments. Such notice must provide certain information and must also include a copy of the plan's provisions relating to the suspension of payments.

In the case of a plan that does not pay benefits to active participants upon attainment of normal retirement age, the employer must monitor plan participants to determine when any participant who is still employed attains normal retirement age. In order to suspend payment of such a participant's benefits, generally a plan must, as noted above, promptly provide the participant with a suspension notice.

HOUSE BILL

The House bill directs the Secretary of Labor to revise the regulations relating to the benefit suspension notice to generally permit the information currently required to be set forth in a suspension notice to be included in the summary plan description. The House bill also directs the Secretary of Labor to eliminate the requirement that the notice include a copy of relevant plan provisions. However, individuals reentering the workforce to resume work with a former employer after they have begun to receive benefits will still receive the notification of the suspension of benefits (and a copy of the plan's provisions relating to suspension of payments). In addition, if a reduced rate of future benefit accruals will apply to a returning employee (as of his or her first date of participation in the plan after returning to work) who has begun to receive benefits, the notice must include a statement that the rate of future benefit accruals will be reduced.

Effective date.—The House bill applies to plan years beginning after December 31, 2001.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill.

(g) Studies (sec. 708 of the House bill)

PRESENT LAW

No provision.

HOUSE BILL

Study on small employer group plans

The House bill directs the Secretary of Labor, in consultation with the Secretary of the Treasury, to conduct a study to determine (1) the most appropriate form(s) of pension plans that would be simple to create and easy to maintain by multiple small employers, while providing ready portability of benefits for all participants and beneficiaries, (2) how such arrangements could be established by employer or employee associations, (3) how such arrangements could provide for employees to contribute independent of employer sponsorship, and (4) appropriate methods and strategies for making such pension plan coverage more widely available to American workers.

The Secretary of Labor is to consider the adequacy and availability of existing pension plans and the extent to which existing models may be modified to be more accessible to both employees and employers. The Secretary of Labor is to issue a report within 18 months, including recommendations for one or more model plans or arrangements as described above which may serve as the basis for appropriate administrative or legislative action.

Study on pension coverage

The House bill also directs the Secretary of Labor to report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate regarding the effect of the bill on pension coverage, including: the extent of pension plan coverage for low and middle-income workers, the levels of pension plan benefits generally, the quality of pension plan coverage generally, worker's access to and participation in pension plans, and retirement security. This report is required to be submitted no later than five years after the date of enactment.

Effective date

The House bill is effective on the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill.

7. Miscellaneous provisions

(a) Tax treatment of electing Alaska Native Settlement Trusts (section 691 of the Senate amendment and new sections 646 and 6039H of the Code, modifying Code sections including 1(e), 301, 641, 651, 661, and 6034A))

PRESENT LAW

An Alaska Native Corporation ("ANC") may establish a Settlement Trust ("Trust") under section 39 of the Alaska Native Claims Settlement Act ("ANCSA")[136] and transfer money or other property to such Trust for the benefit of beneficiaries who constitute all or a class of the shareholders of the ANC, to promote the health, education and welfare of the beneficiaries and preserve the heritage and culture of Alaska Natives.

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[136] 43 U.S.C. 1601 et seq. A settlement Trust is subject to certain limitations under ANCSA, including that it may not operate a business. 43 U.S.C. 1629e(b).

With certain exceptions, once an ANC has made a conveyance to a Trust, the assets conveyed shall not be subject to attachment, distraint, or sale or execution of judgment, except with respect to the lawful debts and obligations of the Trust.

The Internal Revenue Service ("IRS") has indicated that contributions to a Trust constitute distributions to the beneficiary-shareholders at the time of the contribution and are treated as dividends to the extent of earnings and profits as provided under section 301 of the Code.[137] Also, a Trust and its beneficiaries are generally taxed subject to applicable trust rules.[138]

Under general rules regarding the classification of entities, an entity that is taxed as a trust may not engage in business activity and must meet certain other requirements.[139] Under certain circumstances, a trust can be treated as a "grantor" trust rather than being taxed as a trust; and its income can be taxed directly to the person or persons considered the owner of the trust.[140]

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment allows an election under which special rules will apply in determining the income tax treatment of an electing Trust and of its beneficiaries. An electing Trust will pay tax on its income at the lowest rate specified for ordinary income of an individual (or corresponding lower capital gains rate). The provision also specifies the treatment of distributions by an electing Trust to beneficiaries, the reporting requirements associated with such an election, and the consequences of disqualification for these benefits due to the allowance of certain impermissible dispositions of Trust interests, or of ANC stock.

Under the provision, a trust that is a Trust established by an Alaska Native Corporation under section 39 of ANCSA may make an election for its first taxable year ending after the date of enactment of the provision to be subject to the rules of the provision rather than otherwise applicable income tax rules. If the election is in effect, no amount will be included in the gross income of a beneficiary of such Trust by reason of a contribution to the Trust.[141] In addition, ordinary income of the electing Trust, whether accumulated or distributed, will be taxed only to the Trust (and not to beneficiaries) at the lowest individual tax rate for ordinary income. Capital gains of the electing Trust will similarly be taxed to the Trust at the capital gains rate applicable to individuals subject to such lowest rate. These rates will apply, rather than the higher rates generally applicable to trusts or to higher tax bracket beneficiaries. The election is made on a one-time basis only. The benefits of the election will terminate, however, and other special rules will apply, if the electing Trust or the sponsoring ANC fail to satisfy the restrictions on transferability of Trust beneficial interests or of ANC stock.

The treatment to beneficiaries of amounts distributed by an electing Trust depends upon the amount of the distribution. Solely for purposes of determining what amount has been distributed and thus which treatment applies under these rules, the amount of any distribution of property is the fair market value of the property at the time of the distribution.[142]

Amounts distributed by an electing Trust during any taxable year are excludable from the gross income of the recipient beneficiary to the extent of (1) the taxable income of the Trust for the taxable year and all prior taxable years for which an election was in effect (decreased by any income tax paid by the Trust with respect to the income) plus (2) any amounts excluded from gross income of the Trust under section 103 for those periods.[143]

If distributions to beneficiaries exceed the excludable amounts described above, then such excess distributions are reported and taxed to beneficiaries as if distributed by the ANC in the year of the distribution by the electing Trust to the extent the ANC then has current or accumulated earnings and profits, and are treated as dividends to beneficiaries.[144] Additional distributions in excess of the current or accumulated earnings and profits of the ANC are treated by the beneficiaries as distributions by the Trust in excess of the distributable net income of the Trust for such year.[145]

The fiduciary of an electing Trust must report to the IRS, with the Trust tax return, the amount of distributions to each beneficiary, and the tax treatment to the beneficiary of such distributions under the provision (either as exempt from tax to the beneficiary, or as a distribution deemed made by the ANC). The electing Trust must also furnish such information to the ANC. In the case of distributions that are treated as if made by the ANC, the ANC must then report such amounts to the beneficiaries and must indicate whether they are dividends or not, in accordance with the earnings and profits of the ANC. The reporting thus required by an electing Trust will be in lieu of, and will satisfy, the reporting requirements of section 6034A (and such other reporting requirements as the Secretary of the Treasury may deem appropriate).

The earnings and profits of an ANC will not be reduced by the amount of its contributions to an electing Trust at the time of the contributions. However, the ANC earnings and profits will be reduced as and when distributions are thereafter made by the electing Trust that are taxed to beneficiaries under the provision as dividends from the ANC to the Trust beneficiaries.

If in any taxable year the beneficial interests in the electing Trust may be disposed of to a person in a manner that would not be permitted under ANCSA if the interests were Settlement Common Stock (generally, to a person other than an Alaska Native),[146] then the special provisions applicable to electing Trusts, including the favorable ordinary income tax rate and corresponding lower capital gains tax rate, cease to apply as of the beginning of such taxable year. The distributable net income of the Trust is increased up to the amount of current and accumulated earnings and profits of the ANC as of the end of that year, but such increase shall not exceed the fair market value of the assets of the Trust as of the date the beneficial interests of the Trust became disposable.[147] Thereafter, the Trust and its beneficiaries are generally subject to the rules of subchapter J and to the generally applicable trust income tax rates. Thus, the increase in distributable net income will result in the Trust being taxed at regular trust rates to the extent the recomputed distributable net income is not distributed to beneficiaries; and beneficiaries will be taxed to the extent there are distributions. Normal reporting rules applicable to trusts and their beneficiaries will apply. The basis of any property distributed to beneficiaries will also be determined under normal trust rules. The same rules apply if any stock of the ANC may be disposed of to a person in a manner that would not be permitted under ANCSA if the stock were Settlement Common Stock and the ANC makes a transfer to the Trust.

The provision contains a special loss disallowance rule that reduces any loss that would otherwise be recognized by a shareholder upon the disposition of a share of stock of a sponsoring ANC by a "per share loss adjustment factor". This factor reflects the aggregate of all contributions to an electing Trust sponsored by such ANC made on or after the first day the trust is treated as an electing Trust, expressed on a per share basis and determined as of the day of each such contribution.

The special loss disallowance rule is intended to prevent the allowance of noneconomic losses if the ANC stock owned by beneficiaries ever becomes transferable in any type of transaction that could cause the recognition of taxable gain or loss, (including a redemption by the ANC) where the basis of the stock in the hands of the beneficiary (or in the hands of any transferee of a beneficiary) fails to reflect the allocable reduction in corporate value attributable to amounts transferred by the ANC into the Trust.

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[137] See, e.g., PLR 9824014; PLR 9433021; PLR 9329026 and PLR 9326019.

[138] See Subchapter J of the Code (secs. 641 et. seq.); Treas. Reg. Sec. 301.7701-4.

[139] Treas. Reg. Sec. 301.7701-4.

[140] 140 Sec. 671 et. seq.-

[141] If the ANC transfers appreciated property to the Trust, section 311(b) of the Code will apply to the ANC, as under present law, so that the ANC will recognize gain as if it had sold the property for fair market value. The Trust takes the property with a fair market value basis, pursuant to section 301(d) of the Code.

[142] Section 661 of the Code, which provides a deduction to the trust for certain distributions, does not apply to an electing Trust under the provision unless the election is terminated by disqualification. Similarly, the inclusion provisions of section 662 of the Code, relating to amounts to be included in income of beneficiaries, also do not apply to a qualified electing Trust.

[143] In the case of any such excludable distribution that involves a distribution of property other than cash, the basis of such property in the hands of the recipient beneficiary will generally be the adjusted basis of the property in the hands of the Trust, unless the Trust makes an election to pay tax, in which case the basis in the hands of the beneficiary would be the fair market value of the property. See Code sections 643(e) and 643(e)(3).

[144] The treatment of such amounts distributed by an electing Trust as a dividend applies even if all or any part of the contributions by an ANC to a Trust would not have been dividends at the time of the contribution under present law; for example, because the ANC had no current or accumulated earnings and profits, or because the contribution was made from Alaska Native Fund amounts that may not have been taxable. See 43 U.S.C. 1605.

[145] Such distributions would not be taxable to the beneficiaries. In the case of any such nontaxable distribution that involves a distribution of property other than cash, the basis of such property in the hands of the recipient beneficiary will generally be the adjusted basis of the property in the hands of the Trust, unless the Trust makes an election to pay tax, in which case the basis in the hands of the beneficiary will be the fair market value of the property. See Code sections 643(e) and 643(e)(3).

[146] Under ANSCA, Settlement Common Stock is subject to restrictions on transferability, generally limiting transfers. However, if changes are made to permit transfers of stock that would not be permitted for Settlement Common Stock, then the Settlement Common Stock is cancelled and Replacement Common Stock is issued. See 43 U.S.C. 1602(p), 1606(h) and 1629c.

[147] To the extent the earnings and profits of the ANC increase distributable net income of the Trust under this provision, the ANC will have a corresponding adjustment reducing its earnings and profits.

Effective date.—The provision is effective for taxable years of Trusts, their beneficiaries, and sponsoring Alaska Native Corporations ending after the date of enactment, and to contributions made to electing Trusts during such year and thereafter.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

The conferees wish to state certain technical clarifications of the description of the Senate amendment, which also apply under the conference agreement.

Under the Senate amendment and the conference agreement, a Trust that makes the election remains subject to the generally applicable requirements for classification and taxation as a trust, in order to obtain the benefits of the provision.

Under the Senate amendment and the conference agreement, the per share loss adjustment factor for stock of an ANC is the aggregate of all contributions to all electing Trusts sponsored by such ANC made on or after the first day each such Trust is treated as an electing Trust expressed on a per share basis and determined as of the day of each such contribution.

Under the Senate amendment and the conference agreement, the restrictions on transfer of stock or beneficial interests under the provision are those that would apply to Settlement Common Stock under section 7(h) of ANSCA[148] (whether or not the interest or stock in question is in fact Settlement Common Stock). To the extent section 7(h) of ANSCA permits certain transfers of Settlement Common stock on death or in other special circumstances, those are also permitted under the provision. Also, the mere transferability of ANC stock in manner that would not be permitted for Settlement Common Stock (but without such transferability of any Trust interests) will not destroy the beneficial treatment of an existing electing Trust unless and until the ANC thereafter makes a transfer to the Trust.

Under the Senate amendment and the conference agreement, the surrender of an interest in an ANC or an electing Trust in order to accomplish the whole or partial redemption of the interest of a shareholder or beneficiary in such ANC or Trust, or to accomplish the whole or partial liquidation of such ANC or Trust, is deemed to be a transfer permitted by section 7(h) of ANSCA for purposes of the provision.

The conferees also wish to clarify the effect of the general sunset rule of the legislation on this provision. The general sunset is effective for taxable years beginning after December 31, 2010. For such taxable years, the tax consequences of any election previously made under this provision, and any right to make a future election, shall be terminated. Thus, for taxable years beginning after December 31, 2010, any electing Trust then in existence, its beneficiaries, and the sponsoring ANC shall be taxed under the provisions of law in effect immediately prior to the enactment of this provision.

8. Provisions relating to plan amendments (sec. 801 of the House bill)

PRESENT LAW

Plan amendments to reflect amendments to the law generally must be made by the time prescribed by law for filing the income tax return of the employer for the employer's taxable year in which the change in law occurs.

HOUSE BILL

The House bill permits certain plan amendments made pursuant to the changes made by the bill (or regulations issued under the provisions of the House bill) to be retroactively effective. If the plan amendment meets the requirements of the bill, then the plan is treated as being operated in accordance with its terms and the amendment does not violate the prohibition of reductions of accrued benefits. In order for this treatment to apply, the plan amendment must be made on or before the last day of the first plan year beginning on or after January 1, 2004 (January 1, 2006, in the case of a governmental plan). If the amendment is required to be made to retain qualified status as a result of the changes in the bill (or regulations) the amendment must be made retroactively effective as of the date on which the change became effective with respect to the plan and the plan must be operated in compliance until the amendment is made. Amendments that are not required to retain qualified status but that are made pursuant to the changes made by the bill (or applicable regulations) may be made retroactive as of the first day the plan was operated in accordance with the amendment.

A plan amendment is not considered to be pursuant to the bill (or applicable regulations) if it has an effective date before the effective date of the provision of the House bill (or regulations) to which it relates. Similarly, the House bill does not provide relief from section 411(d)(6) for periods prior to the effective date of the relevant provision of the House bill (or regulations) or the plan amendment.

The Secretary is authorized to provide exceptions to the relief from the prohibition on reductions in accrued benefits. It is intended that the Secretary will not permit inappropriate reductions in contributions or benefits that are not directly related to the provisions of the House bill. For example, it is intended that a plan that incorporates the section 415 limits by reference could be retroactively amended to impose the section 415 limits in effect before the bill. On the other hand, suppose a plan that incorporates the section 401(a)(17) limit on compensation by reference provides for an employer contribution of three percent of compensation. It is expected that the Secretary will provide that the plan could not be amended retroactively to reduce the contribution percentage for those participants not affected by the section 401(a)(17) limit, even though the reduction will result in the same dollar level of contributions for some participants because of the increase in compensation taken into account under the plan. As another example, suppose that under present law a plan is top-heavy and therefore a minimum benefit is required under the plan, and that under the provisions of the House bill, the plan would not be considered to be top heavy. It is expected that the Secretary will generally permit plans to be retroactively amended to reflect the new top-heavy provisions of the House bill.

Effective date.—The House bill is effective on the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill.

VII. ALTERNATIVE MINIMUM TAX

A. INDIVIDUAL ALTERNATIVE MINIMUM TAX RELIEF (SEC. 3(C) OF H.R. 6, SEC. 701 OF THE SENATE AMENDMENT AND SEC. 55 OF THE CODE)

PRESENT LAW

Present law imposes an alternative minimum tax ("AMT") on individuals to the extent that the tentative minimum tax exceeds the regular tax. An individual's tentative minimum tax generally is an amount equal to the sum of (1) 26 percent of the first $175,000 ($87,500 in the case of a married individual filing a separate return) of alternative minimum taxable income ("AMTI") in excess of an exemption amount and (2) 28 percent of the remaining AMTI. AMTI is the individual's taxable income adjusted to take account of specified preferences and adjustments.

The AMT exemption amounts are: (1) $45,000 in the case of married individuals filing a joint return and surviving spouses; (2) $33,750 in the case of other unmarried individuals; and (3) $22,500 in the case of married individuals filing a separate return, estates and trusts. The exemption amounts are phased out by an amount equal to 25 percent of the amount by which the individual's AMTI exceeds (1) $150,000 in the case of married individuals filing a joint return and surviving spouses, (2) $112,500 in the case of other unmarried individuals, and (3) $75,000 in the case of married individuals filing separate returns or an estate or a trust. The exemption amounts, the threshold phase-out amounts, and rate brackets are not indexed for inflation.

HOUSE BILL

No provision.

However, H.R. 6, as passed by the House, increases the AMT exemption amount for married couples filing a joint return and surviving spouses by $1,000 in 2005, by an additional $500 in 2006, and by an additional $500 every even-numbered year thereafter. The exemption amount for married individuals filing a separate return is one-half the exemption amount for a married couple filing a joint return.

Effective date.—The provision applies to taxable years beginning after December 31, 2004.

SENATE AMENDMENT

The Senate amendment increases the AMT exemption amount for married couples filing a joint return and surviving spouses by $4,000. The AMT exemption amounts for other individuals (i.e., unmarried individuals and married individuals filing a separate return) are increased by $2,000.

Effective date.—The provision applies to taxable years beginning after December 31, 2000, and before January 1, 2007.

CONFERENCE AGREEMENT

The conference agreement increases the AMT exemption amount for married couples filing a joint return and surviving spouses by $4,000. The AMT exemption amounts for other individuals (i.e., unmarried individuals and married individuals filing a separate return) are increased by $2,000.

Effective date.—The provision applies to taxable years beginning after December 31, 2000, and beginning before January 1, 2005.

VIII. OTHER PROVISIONS

A. MODIFICATION TO CORPORATE ESTIMATED TAX REQUIREMENTS (SECS. 801 AND 815 OF THE SENATE AMENDMENT)

PRESENT LAW

In general, corporations are required to make quarterly estimated tax payments of their income tax liability (section 6655). For a corporation whose taxable year is a calendar year, these estimated tax payments must be made by April 15, June 15, September 15, and December 15.

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[148] 43 U.S.C. 1606(h).

HOUSE BILL

No provision.

SENATE AMENDMENT

With respect to corporate estimated tax payments due on September 17, 2001,[149] 30 percent is required to be paid by September 17, 2001, and 70 percent is required to be paid by October 1, 2001. With respect to corporate estimated tax payments due on September 15, 2004, 80 percent is required to be paid by September 15, 2004, and 20 percent is required to be paid by October 1, 2004.

With respect to corporate estimated tax payments due in July, August, or September 2011, the payment must be 170 percent of the amount otherwise required to be paid under the corporate estimated tax rules.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with respect to corporate estimated tax payments due on September 15, 2004. With respect to corporate estimated tax payments due on September 17, 2001, 100 percent is not due until October 1, 2001. The conference agreement does not include the provision affecting corporate estimated tax payments due in 2011.

B. AUTHORITY TO POSTPONE CERTAIN TAX-RELATED DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER (SEC. 802 OF THE SENATE AMENDMENT AND SEC. 7508A OF THE CODE)

PRESENT LAW

The Secretary of the Treasury may specify that certain deadlines are postponed for a period of up to 90 days in the case of a taxpayer determined to be affected by a Presidentially declared disaster.[150] The deadlines that may be postponed are the same as are postponed by reason of service in a combat zone. If the Secretary extends the period of time for filing income tax returns and for paying income tax, the Secretary must abate related interest for that same period of time.[151]

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment directs the Secretary to create in the IRS a Permanent Disaster Response Team, which, in coordination with the Federal Emergency Management Agency, is to assist taxpayers in clarifying and resolving tax matters associated with a Presidentially declared disaster. One of the duties of the Disaster Response Team is to postpone certain tax-related deadlines for up to 120 days in appropriate cases for taxpayers determined to be affected by a Presidentially declared disaster.

It is anticipated that the Disaster Response Team would be staffed by IRS employees with relevant knowledge and experience. It is anticipated that the Disaster Response Team would staff a toll-free number dedicated to responding to taxpayers affected by a Presidentially declared disaster and provide relevant information via the IRS website.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement expands the period of time with respect to which the Secretary may postpone certain deadlines from 90 days to 120 days. The conference agreement does not include the provision of the Senate amendment that provides for a Permanent Disaster Response Team.

C. INCOME TAX TREATMENT OF CERTAIN RESTITUTION PAYMENTS TO HOLOCAUST VICTIMS (SEC. 803 OF THE SENATE AMENDMENT)

PRESENT LAW

Under the Code, gross income means "income from whatever source derived" except for certain items specifically exempt or excluded by statute (sec. 61). There is no explicit statutory exception from gross income provided for amounts received by Holocaust victims or their heirs.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that excludable restitution payments made to an eligible individual (or the individual's heirs or estate) are: (1) excluded from gross income; and (2) not taken into account for any provision of the Code which takes into account excludable gross income in computing adjusted gross income (e.g., taxation of Social Security benefits).

The basis of any property received by an eligible individual (or the individual's heirs or estate) that is excluded under this provision is the fair market value of such property at the time of receipt by the eligible individual (or the individual's heirs or estate).

The Senate amendment provides that any excludible restitution payment is disregarded in determining eligibility for, and the amount of benefits and services to be provided under, any Federal or federally assisted program which provides benefit or service based, in whole or in part, on need. Under the Senate amendment, no officer, agency, or instrumentality of any government may attempt to recover the value of excessive benefits or services provided under such a program before January 1, 2000, by reason of failure to take account of excludable restitution payments received before that date. Similarly, the Senate amendment requires a good faith effort to notify any eligible individual who may have been denied such benefits or services of their potential eligibility for such benefits or services. The Senate amendment also provides coordination between this bill and Public Law 103–286, which also disregarded certain restitution payments in determining eligibility for, and the amount of certain needs-based benefits and services.

Eligible restitution payments are any payment or distribution made to an eligible individual (or the individual's heirs or estate) which: (1) is payable by reason of the individual's status as an eligible individual (including any amount payable by any foreign country, the United States, or any foreign or domestic entity or fund established by any such country or entity, any amount payable as a result of a final resolution of legal action, and any amount payable under a law providing for payments or restitution of property); (2) constitutes the direct or indirect return of, or compensation or reparation for, assets stolen or hidden, or otherwise lost to, the individual before, during, or immediately after World War II by reason of the individual's status as an eligible individual (including any proceeds of insurance under policies issued on eligible individuals by European insurance companies immediately before and during World War II); or (3) interest payable as part of any payment or distribution described in (1) or (2), above. An eligible individual is a person who was persecuted for racial or religious reasons by Nazi Germany, or any other Axis regime, or any other Nazi-controlled or Nazi-allied country.

Effective date.—The provision is effective for any amounts received on or after January 1, 2000. No inference is intended with respect to the income tax treatment of any amount received before January 1, 2000.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with three changes. First, the definition of eligible individuals is expanded to also include individuals persecuted on the basis of physical or mental disability or sexual orientation. Second, interest earned by enumerated escrow or settlement funds are also excluded from tax. Third, the provision disregarding excludible restitution in determining eligibility for and the benefit calculation of certain Federal or Federally assisted programs is deleted.

D. TREATMENT OF SURVIVOR ANNUITY PAYMENTS WITH RESPECT TO PUBLIC SAFETY OFFICERS (SEC. 804 OF THE SENATE AMENDMENT)

PRESENT LAW

The Taxpayer Relief Act of 1997 provided that an amount paid as a survivor annuity on account of the death of a public safety officer who is killed in the line of duty is excludable from income to the extent the survivor annuity is attributable to the officer's service as a law enforcement officer. The survivor annuity must be provided under a governmental plan to the surviving spouse (or former spouse) of the public safety officer or to a child of the officer.

The provision does not apply with respect to the death of a public safety officer if it is determined by the appropriate supervising authority that (1) the death was caused by the intentional misconduct of the officer or by the officer's intention to bring about the death, (2) the officer was voluntarily intoxicated at the time of death, (3) the officer was performing his or her duties in a grossly negligent manner at the time of death, or (4) the actions of the individual to whom payment is to be made were a substantial contributing factor to the death of the officer.

For purposes of the exclusion, "public safety officer" is defined as in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended). Under that Act, a public safety officer is an: (1) individual serving a public agency (with or without compensation) as a law enforcement officer, firefighter, rescue squad member, or ambulance crew member; (2) employee of the Federal Emergency Management Agency (FEMA) performing hazardous duties with respect to a Federally declared disaster area; and (3) employee of a State, local, or tribal emergency agency who is performing hazardous duties in cooperation with FEMA in a Federally declared disaster area.

The provision applies to amounts received in taxable years beginning after December 31, 1996, with respect to individuals dying after that date.

HOUSE BILL

No provision. However, H.R. 1727, the "Fallen Hero Survivor Benefit Fairness Act of 2001," as passed by the House, extends the present-law treatment of survivor annuities with respect to public safety officers killed in the line of duty with respect to individuals dying on or before December 31, 1996.

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[149] September 15, 2001 will be a Saturday. Under present law, payments required to be made on a Saturday must be made no later than the next banking day.

[150] Section 7508A.

[151] Section 6404(h).

Effective date.—The provision is effective with respect to payments received after December 31, 2001.

SENATE AMENDMENT

The Senate amendment provision is the same as H.R. 1727.

Effective date.—The provision is effective with respect to payments received after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement does not include the provisions of H.R. 1727 or the Senate amendment provision.

E. CIRCUIT BREAKER (SEC. 805 OF THE SENATE AMENDMENT)

PRESENT LAW

The Congressional Budget Act of 1974 contains numerous rules enforcing the scope of items permitted to be considered under the budget reconciliation process.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that, in any fiscal year beginning with fiscal year 2004, if the level of debt held by the public at the end of that fiscal year (as projected by the Office of Management and Budget sequestration update report on August 20th preceding the beginning of that fiscal year) would exceed the level of debt held by the public for that fiscal year set forth in the concurrent resolution on the budget for fiscal year 2002, any Member of Congress may move to proceed to a bill that would make changes in law to reduce discretionary spending and direct spending (except for changes in Social Security, Medicare and COLA's) and increase revenues in a manner that would reduce the debt held by the public for the fiscal year to a level not exceeding the level provided in that concurrent resolution for that fiscal year.

A bill considered pursuant to this provision would be considered as provided in section 310(e) of the Congressional Budget Act.

The Senate amendment provides that it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report pursuant to the provision that contains any provisions other than those enumerated in sections 310(a)(1) and 310(a)(2) of the Congressional Budget Act. This point of order may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members. An affirmative vote of three-fifths of the Members shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised pursuant to the provision.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

F. ACCELERATION OF HEALTH INSURANCE DEDUCTION FOR SELF-EMPLOYED INDIVIDUALS (SECS. 806 AND 807 OF THE SENATE AMENDMENT AND SEC. 162(L) OF THE CODE)

PRESENT LAW

Under present law, the individual income tax treatment of health insurance expenses depends on the individual's circumstances. Self-employed individuals may deduct a portion of health insurance expenses for the individual and his or her spouse and dependents. The deductible percentage of health insurance expenses of a self-employed individual is 60 percent in 2001, 70 percent in 2002, and 100 percent in 2003 and thereafter. The deduction for health insurance expenses of self-employed individuals is not available for any month in which the individual is eligible to participate in a subsidized health plan maintained by the employer of the individual or the individual's spouse. The self-employed health deduction also applies to qualified long-term care insurance premiums treated as medical care for purposes of the itemized deduction for medical expenses, described below.

Employees can exclude from income 100 percent of employer-provided health insurance.

Individuals who itemize deductions may deduct their health insurance expenses only to the extent that the total medical expenses of the individual exceed 7.5 percent of adjusted gross income (sec. 213). Subject to certain dollar limitations, premiums for qualified long-term care insurance are treated as medical expenses for purposes of the itemized deduction for medical expenses (sec. 213). The amount of qualified long-term care insurance premiums that may be taken into account for 2001 is as follows: $230 in the case of an individual 40 years old or less; $430 in the case of an individual who is over 40 but not more than 50; $860 in the case of an individual who is more than 50 but not more than 60; $2,290 in the case of an individual who is more than 60 but not more than 70; and $2,860 in the case of an individual who is more than 70. These dollar limits are indexed for inflation.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment increases the deduction for health insurance expenses (and qualified long-term care insurance expenses) of self-employed individuals to 100 percent beginning in 2002. The Senate amendment also provides that the deduction is not available for any month in which the self-employed individual participates in (rather than is eligible for) a subsidized health plan maintained by an employer of the individual or his or her spouse.

Effective date.—The provision is effective for taxable years beginning after December 31, 2001.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

G. ENHANCED DEDUCTION FOR CHARITABLE CONTRIBUTION OF LITERARY, MUSICAL, AND ARTISTIC COMPOSITIONS (SEC. 808 OF THE SENATE AMENDMENT AND SEC. 170 OF THE CODE)

PRESENT LAW

In the case of a charitable contribution of inventory or other ordinary-income or short-term capital gain property, the amount of the deduction is limited to the taxpayer's basis in the property. In the case of a charitable contribution of tangible personal property, the deduction is limited to the taxpayer's basis in such property if the use by the recipient charitable organization is unrelated to the organization's tax-exempt purpose. In cases involving contributions to a private foundation (other than certain private operating foundations), the amount of the deduction is limited to the taxpayer's basis in the property.

Under present law, charitable contributions of literary, musical, and artistic compositions are considered ordinary income property and a taxpayer's deduction of such property is limited to the taxpayer's basis (typically, cost) in the property. To be eligible for the deduction, the contribution must be of an undivided portion of the donor's entire interest in the property. For purposes of the charitable income tax deduction, the copyright and the work in which the copyright is embodied are not treated as separate property interests. Accordingly, if a donor owns a work of art and the copyright to the work of art, a gift of the artwork without the copyright or the copyright without the artwork will constitute a gift of a "partial interest" and will not qualify for the income tax charitable deduction.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that a deduction for qualified artistic charitable contributions is the fair market value of the property contributed at the time of the contribution. The Senate amendment defines a qualified artistic charitable contribution to mean a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both). The tangible property and the copyright on such property are treated as separate interests in the property for purposes of the "partial interest" rule. Contributions of letters, memoranda, or similar property that are written, prepared, or produced by or for an individual in his or her capacity as an officer or employee of any person (including a government agency or instrumentality) do not qualify for fair market value deduction unless the contributed property is entirely personal.

Under the Senate amendment, the increase in the deduction that results from the provision cannot exceed the amount of adjusted gross income of the donor for the taxable year from the sale or use of property created by the donor that is of the same type as the donated property, and from teaching, lecturing, performing, or similar activities with respect to such property. The fair market value deduction cannot be carried over and deducted in other taxable years.

A contribution is required to meet several requirements in order to qualify for the fair market value deduction. First, the contributed property must have been created by the personal efforts of the donor at least 18 months prior to the date of contribution. Second, the donor must obtain a qualified appraisal of the contributed property, a copy of which must be attached to the donor's income tax return for the taxable year in which such contribution is made. Third, the contribution must be made to a public charity or to certain limited types of private foundations. Finally, the use of donated property by the recipient organization must be related to the organization's charitable purpose or function, and the donor must receive a written statement from the organization verifying such use.

Effective date

The deduction for qualified artistic charitable contributions applies to contributions made after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

H. ESTATE TAX RECAPTURE FROM CASH RENTS OF SPECIALLY-VALUED PROPERTY (SEC. 809 OF THE SENATE AMENDMENT)

PRESENT LAW

Under the special-use valuation rules of section 2032A, the executor may elect to value certain "qualified real property" used in farming or another qualifying trade or business at its current use rather than its highest and best use. If, after the special-use valuation election is made, the heir who acquired the real property ceases to use it in its qualified use within 10 years (15 years for individuals dying before 1982) of the decedent's death, an additional estate tax is imposed in order to "recapture" the benefit of the special-use valuation. Section 2032A is effective for estates of decedents dying after December 31, 1976.

Under prior law, some courts had held that cash rental of property for which special-use valuation was claimed was not a qualified use under the rules, because the heirs no longer bore the financial risk of working the property, thus triggering the additional estate tax.[152]

With respect to a decedent's surviving spouse, a special rule provides that the surviving spouse will not be treated as failing to use the property in a qualified use solely because the spouse rents the property to a member of the spouse's family on a net cash basis. Members of an individual's family include (1) the individual's spouse, (2) the individual's ancestors, (3) lineal descendants of the individual, of the individual's spouse, or of the individual's parents, and (4) the spouses of any such lineal descendants.

Section 504(c) of the Tax Reform Act of 1997 expanded the class of heirs eligible to lease property for which special-use valuation was claimed without causing the qualified use of such property to cease for purposes of imposition of the additional estate tax. Section 2032A(c)(7)(E) provides that the net cash lease of property (for which special-use valuation was claimed) by a lineal descendant of the decedent to a member of such lineal descendant's family does not cause the qualified use of the property to cease for purposes of imposition of the additional estate tax. The amendment made under the Tax Reform Act of 1997 applies to leases entered into after December 31, 1976.

In Technical Advice Memorandum 9843001, the IRS determined that the retroactive effective date in the changes made by the Tax Reform Act of 1997 did not constitute a waiver of the period of limitations otherwise applicable on a taxpayer's claim. Accordingly, the IRS determined that a taxpayer's claim for refund of recapture tax paid on account of the cessation of a qualified use was barred under the generally applicable statute of limitations on refund claims.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that, if on the date of enactment or at any time within one year after the date of enactment, a claim for refund or credit of any overpayment of tax resulting from the application of net cash lease provisions for spouses and lineal descendants (sec. 2032A(c)(7)(E)) is barred by operation of law or rule of law, then the refund or credit of such overpayment shall, nonetheless, be allowed if a claim therefore is filed before the date that is one year after the date of enactment.

Effective date.—This provision is effective for refund claims filed prior to the date that is one year after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

I. Extension of Research and Experimentation Tax Credit and New Vaccine Research Credit (Sec. 810 and 811 of the Senate Amendment and Sec. 41 and new Sec. 45G of the Code)

PRESENT LAW

Section 41 provides for a research tax credit equal to 20 percent of the amount by which a taxpayer's qualified research expenditures for a taxable year exceeded its base amount for that year. The research tax credit generally applies to amounts paid or incurred before July 1, 2004.

Except for certain university basic research payments made by corporations, the research tax credit applies only to the extent that the taxpayer's qualified research expenditures for the current taxable year exceed its base amount. The base amount for the current year generally is computed by multiplying the taxpayer's "fixed-base percentage" by the average amount of the taxpayer's gross receipts for the four preceding years. If a taxpayer both incurred qualified research expenditures and had gross receipts during each of at least three years from 1984 through 1988, then its "fixed-base percentage" is the ratio that its total qualified research expenditures for the 1984–1988 period bears to its total gross receipts for that period (subject to a maximum ratio of 0.16). All other taxpayers (so-called "start-up firms") are assigned a fixed-base percentage of 3.0 percent.

Taxpayers are allowed to elect an alternative incremental research credit regime. If a taxpayer elects to be subject to this alternative regime, the taxpayer is assigned a three-tiered fixed-base percentage (that is lower than the fixed-base percentage otherwise applicable under present law) and the credit rate likewise is reduced. Under the alternative credit regime, a credit rate of 2.65 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1.0 percent (i.e., the base amount equals 1.0 percent of the taxpayer's average gross receipts for the four preceding years) but do not exceed a base amount computed by using a fixed-base percentage of 1.5 percent. A credit rate of 3.2 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1.5 percent but do not exceed a base amount computed by using a fixed-base percentage of 2.0 percent. A credit rate of 3.75 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 2.0 percent. An election to be subject to this alternative incremental credit regime may be made for any taxable year beginning after June 30, 1996, and such an election applies to that taxable year and all subsequent years (in the event that the credit subsequently is extended by Congress) unless revoked with the consent of the Secretary of the Treasury.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment would make the research credit permanent.

The Senate amendment also would increase the credit rates under the alternative incremental credit from 2.65 percent to 3.0 percent, from 3.2 percent to 4.0 percent, and from 3.75 percent to 5.0 percent.

In addition, the Senate amendment would provide a new research credit with respect to certain qualified vaccine and microbiocide research. The amendment would provide a credit equal to 30 percent of qualifying vaccine research expenses undertaken to develop vaccines and microbicides for malaria, tuberculosis, HIV, or any infectious disease (of a single etiology) which, according to the World Health Organization, causes over one million human deaths annually.[153] Qualifying expenses would include 100 percent of in-house research expenses and 100 percent of contract research expenses. In-house research expenses and contract research expenses would be defined as in present-law sec. 41. Qualifying vaccine research expenses would not include expenses for research incurred outside the United States, other than in the case of expenses for human clinical testing. No credit may be claimed for preclinical expenses unless a research plan has been filed with the Secretary of the Treasury.

Effective date.—The provision generally would be effective on the date of enactment. The increase in credit rates under the alternative incremental credit and the new credit for qualifying vaccine research expenses would be effective for taxable years ending after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment.

J. Acceleration of Round II Empowerment Zone Wage Credit (Sec. 812 of the Senate Amendment and Sec. 1396 of the Code)

PRESENT LAW

The Omnibus Budget Reconciliation Act of 1993 ("OBRA 1993") authorized the designation of nine empowerment zones ("Round I empowerment zones") to provide tax incentives for businesses to locate within targeted areas designated by the Secretaries of Housing and Urban Development and Agriculture. The Taxpayer Relief Act of 1997 ("1997 Act") authorized the designation of two additional Round I urban empowerment zones. Among other incentives, Round I empowerment zones qualify for a 20-percent wage credit for the first $15,000 of wages paid to a zone resident who works in the empowerment zone.

The 1997 Act also authorized the designation of 20 additional empowerment zones ("Round II empowerment zones"), of which 15 are located in urban areas and five are located in rural areas. The 1997 Act did not authorize a wage credit for businesses located in the Round II empowerment zones. The Community Renewal Tax Relief Act of 2000, however, extended the 20-percent wage credit to Round II empowerment zones for wages paid or incurred after December 31, 2001.[154]

HOUSE BILL

No provision.

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[152] See *Martin* v. *Commissioner*, 783 F.2d 81 (7th Cir. 1986) (cash lease to unrelated party not qualified use); *Williamson* v. *Commissioner*, 93 T.C. 242 (1989), aff'd. 974 F.2d 1525 (9th Cir. 1992) (cash lease to family member not a qualified use); *Fisher* v. *Commissioner*, T.C. Memo. 1993-139 (cash lease to family member not a qualified use); cf. *Minter* v. *U.S.*, 19 F.3d 426 (8th Cir. 1994) (cash lease to family's farming corporation is qualified use); *Estate of Gavin* v. *U.S.*, 103 F.3d 802 (8th Cir. 1997) (heir's option to pay cash rent or 50 percent crop share is qualified use).

[153] The credit for vaccine research expenses would be coordinated with the credit for research under present-law sec. 41 and any deduction otherwise allowed with respect to qualifying vaccine research expenses would be reduced by the amount of the credit claimed for vaccine research expenses.

[154] H.R. 5662, sec. 113 (2000) (enacted by Pub. L. No. 106-554); sec. 1396(b). Among other changes, the Community Renewal Tax Relief Act of 2000 extended all empowerment zone designations through December 31, 2009, and provided that the wage credit rate remains at 20 percent for all empowerment zones (rather than being phased down) through December 31, 2009.

SENATE AMENDMENT

The Senate amendment accelerates the availability of the wage credit for Round II empowerment zones to the earlier of July 1, 2001, or the date of enactment of the bill.

Effective date.—For wages paid or incurred after the earlier of July 1, 2001 or date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not contain the Senate amendment.

K. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS IN DETERMINING ACQUISITION INDEBTEDNESS (SEC. 813 OF THE SENATE AMENDMENT AND SEC. 514 OF THE CODE)

PRESENT LAW

In general, income of a tax-exempt organization that is produced by debt-financed property is treated as unrelated business income in proportion to the acquisition indebtedness on the income-producing property. Acquisition indebtedness generally means the amount of unpaid indebtedness incurred by an organization to acquire or improve the property and indebtedness that would not have been incurred but for the acquisition or improvement of the property. However, under an exception, acquisition indebtedness does not include indebtedness incurred by certain qualified organizations to acquire or improve real property. Qualified organizations include pension trusts, educational institutions, and title-holding companies.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment expands the exception to the definition of acquisition indebtedness in the case of a qualified hospital support organization. The exception applies to eligible indebtedness (or the qualified refinancing thereof) of the qualified hospital support organization.

A qualified hospital support organization is a supporting organization (under Code section 509(a)(3)) of a hospital that is an academic health center (under Code section 119(d)(4)(B)). The assets of the supporting organization must also meet certain requirements. First, more than half of the value of its assets at any time since its organization (1) must have been acquired, directly or indirectly, by gift or devise, and (2) must consist of real property. In addition, the fair market value of the organization's real estate acquired by gift or devise must exceed 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness is incurred. These requirements must be met each time eligible indebtedness is incurred or a qualified refinancing thereof occurs.

Eligible indebtedness means indebtedness secured by real property acquired by gift or devise, the proceeds of which are used exclusively to acquire a leasehold interest in or to improve the property. A qualified refinancing of eligible indebtedness occurs if the refinancing does not exceed the amount of refinanced eligible indebtedness immediately before the refinancing.

Effective date.—The Senate amendment applies to indebtedness incurred after December 31, 2003.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

L. MODIFY RULES GOVERNING TAX-EXEMPT BONDS FOR CERTAIN PRIVATE WATER FACILITIES (SEC. 814 OF THE SENATE AMENDMENT AND SEC. 142 OF THE CODE)

PRESENT LAW

Interest on State or local government bonds is tax-exempt when the proceeds of the bonds are used to finance activities carried out by or paid for by those governmental units. Interest on bonds issued by State or local governments acting as conduit borrowers for private businesses is taxable unless a specific exception is included in the Code. One such exemption allows tax-exempt bonds to be issued to finance privately owned and operated facilities for the furnishing of water. Such facilities must be operated in a manner similar to municipal water facilities in that service must be offered to the general public, and rates must be regulated. Tax-exempt private activity bonds for water facilities may be issued to finance arsenic and other pollutant treatment facilities.

Issuance of private activity tax-exempt bonds for water facilities is subject to aggregate annual State volume limitations that apply to most private activity bonds. Similarly, like most other private activity bonds, interest on these bonds is a preference item for purposes of the alternative minimum tax.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that private activity bonds for facilities to remediate arsenic levels in water (as opposed to such bonds to finance private water treatment facilities generally) are not subject to the State volume limits and the interest on the bonds is not a preference item for the alternative minimum tax. A bond is treated as for arsenic remediation if at least 95 percent of the proceeds are used for facilities to comply with the 10 parts per billion standard recommended by the National Academy of Sciences. The provision does not affect governmental bonds for municipal water facilities.

Effective date.—The provision is effective for bonds issued after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

M. COMBINED EMPLOYMENT TAX REPORTING (SEC. 816 OF THE SENATE AMENDMENT AND SEC. 6103(d)(5) OF THE CODE)

PRESENT LAW

The Internal Revenue Code prohibits disclosure of tax returns and return information, except to the extent specifically authorized by the Internal Revenue Code (sec. 6103). Unauthorized disclosure is a felony punishable by a fine not exceeding $5,000 or imprisonment of not more than five years, or both (sec. 7213). An action for civil damages also may be brought for unauthorized disclosure (sec. 7431). No tax information may be furnished by the Internal Revenue Service ("IRS") to another agency unless the other agency establishes procedures satisfactory to the IRS for safeguarding the tax information it receives (sec. 6103(p)).

The Taxpayer Relief Act of 1997 authorized a demonstration project to assess the feasibility and desirability of expanding combined reporting. The demonstration project was: (1) limited to State of Montana, (2) limited to employment taxes, (3) limited to taxpayer identity (name, address, taxpayer identifying number) and the signature of the taxpayer and (4) limited to a period of five years. After August 5, 2002, the demonstration project will expire.

To implement that demonstration project, the Taxpayer Relief Act of 1997 amended the Code to authorize the IRS to disclose the name, address, taxpayer identifying number, and signature of the taxpayer, which is common to both the State and Federal portions of the combined form. The Code permits the IRS to disclose these common data items to the State and not have it subject to the redisclosure restrictions, safeguards, or criminal penalty provisions.[155] Essentially, the State is allowed to use this information as if the State directly received this information from the taxpayer.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment makes the IRS disclosure authority permanent and expands the authorized recipients to include any State agency, body, or commission, for the purpose of carrying out a combined Federal and State employment tax reporting program approved by the Secretary. The statutory waiver of the redisclosure restrictions, safeguards, and criminal penalty provisions continues to apply. Further, the items authorized for disclosure continue to be limited to the name, address, taxpayer identification number, and signature of the taxpayer.

Effective date.—The Senate amendment is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not contain the Senate amendment.

N. REPORTING REQUIREMENTS OF STATE AND LOCAL POLITICAL ORGANIZATIONS (SECS. 901–904 OF THE SENATE AMENDMENT AND SECS. 527 AND 6012 OF THE CODE)

PRESENT LAW

In general

Under present law, section 527 provides a limited tax-exempt status to "political organizations," meaning a party, committee, association, fund, account, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures (or both) for an "exempt function." These organizations are generally exempt from Federal income tax on contributions they receive, but are subject to tax on their net investment income and certain other income at the highest corporate income tax rate ("political organization taxable income"). Donors are exempt from gift tax on their contributions to such organizations. For purposes of section 527, the term "exempt function" means: the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed. Thus, by definition, the purpose of a section 527 organization is to accept contributions or make expenditures for political campaign (and similar) activities.

Notice of section 527 organization

An organization is not treated as a section 527 organization unless it has given notice to the Secretary of the Treasury, electronically and in writing, that it is a section 527 organization. The notice is not required (1) of any person required to report as a political committee under the Federal Election Campaign Act of 1971, (2) by organizations that reasonably anticipate that their annual gross receipts will always be less than $25,000, and (3) organizations described in section 501(c). All other organizations, including State and local candidate committees, are required to file the notice.

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[155] Sec. 6103(d)(5). The following restrictions and requirements do not apply: (1) the prohibition on disclosure of returns or return information by State officers and employees (sec. 6103(a)(2); (2) the Federal penalties for unauthorized disclosure and inspection of returns and return information (secs. 7213 and 7213A) and (3) the requirement that the State establish safeguards regarding the information obtained from the IRS (sec. 6103(p)(4)).

The notice is required to be transmitted no later than 24 hours after the date on which the organization is organized. The notice is required to include the following information: (1) the name and address of the organization and its electronic mailing address, (2) the purpose of the organization, (3) the names and addresses of the organization's officers, highly compensated employees, contact person, custodian of records, and members of the organization's Board of Directors, (4) the name and address of, and relationship to, any related entities, and (5) such other information as the Secretary may require.

The notice of status as a section 527 organization is required to be disclosed to the public by the IRS and by the organization. In addition, the Secretary of the Treasury is required to make publicly available on the Internet and at the offices of the IRS a list of all political organizations that file a notice with the Secretary under section 527 and the name, address, electronic mailing address, custodian of records, and contact person for such organization. The IRS is required to make this information available within 5 business days after the Secretary of the Treasury receives a notice from a section 527 organization.

An organization that fails to file the notice is not treated as a section 527 organization and its exempt function income is taken into account in determining taxable income.

Disclosure by political organizations of expenditures and contributors

A political organization that accepts a contribution or makes an expenditure for an exempt function during any calendar year is required to file with the Secretary of the Treasury certain reports. The following reports are required: either (1) in the case of a calendar year in which a regularly scheduled election is held, quarterly reports, a pre-election report, and a post-general election report and, in the case of any other calendar year, a report covering January 1 to June 30 and July 1 to December 31, or (2) monthly reports for the calendar year, except that, in lieu of the reports due for November and December of any year in which a regularly scheduled general election is held, a pre-general election report, a post-general election report, and a year end report are to be filed.

The reports are required to include the following information: (1) the amount of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds $500 and the name and address of the person (in the case of an individual, including the occupation and name of the employer of the individual); and (2) the name and address (in the case of an individual, including the occupation and name of employer of such individual) of all contributors that contributed an aggregate amount of $200 or more to the organization during the calendar year and the amount of the contribution.

The disclosure requirements do not apply (1) to any person required to report as a political committee under the Federal Election Campaign Act of 1971, (2) to any State or local committee of a political party or political committee of a State or local candidate, (3) to any organization that reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year, (4) to any organization described in section 501(c), or (5) with respect to any expenditure that is an independent expenditure (as defined in section 301 of the Federal Election Campaign Act of 1971).

For purposes of the disclosure requirements, the term "election" means (1) a general, special, primary, or runoff election for a Federal office, (2) a convention or caucus of a political party that has authority to nominate a candidate for Federal office, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, or (4) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

The IRS is required to make available to the public any report filed by a political organization. In addition, the organization is required to make any such report available to the public. A penalty is imposed for failure to file a report or provide required information in the report.

Return requirements for section 527 organizations

Under present law, a section 527 organization that has political organization taxable income is required annually to file Form 1120-POL (Return of Organization Exempt from Income Tax). Section 527 organizations that do not have political organization taxable income but have gross receipts of $25,000 or more during the taxable year also are required to file an income tax return. The gross receipts requirement does not apply to political organizations that are subject to section 527 solely by reason of section 527(f)(1) (which makes certain charities subject to section 527 based on the charity's political activities). The annual return must be made available to the public by the organization and by the IRS.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that a political organization that is a political committee of a State or local candidate is exempt from the requirement to provide notice to the Secretary of its formation and purpose.

In addition, the Senate amendment exempts certain political organizations from the requirement provided by section 527(j)(2) to file regular reports with the Secretary detailing contribution and expenditure information. To be exempt from such reporting requirements under the amendment: (1) the organization must not be an organization already exempt from the reporting requirement under present law (as provided by section 527(j)(5)); (2) the organization must not engage in any exempt function activities other than activities for the purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any State or local public office or office in a State or local political organization; and (3) no candidate for Federal office or individual holding Federal office can control or materially participate in the direction of the organization, solicit any contributions to the organization, or direct, in whole or in part, any expenditure made by the organization. Further, during the calendar year, the organization must be required to report under State or local law, and must in fact report, information regarding each separate expenditure and contribution (including information regarding the person who makes such contribution or receives such expenditure) that otherwise would be required. The agency with which such information is filed must make the filed information public and available for public inspection. If the minimum amount of a contribution or expenditure that triggers disclosure under State or local law is more than $100 than the minimum amount for disclosure required by the Code, the requirements for exemption from reporting will not be met.

Under the Senate amendment, political organizations described in the preceding paragraph are exempt from the requirement to file an income tax return if such organization does not have political organization taxable income, is not subject to section 527 solely by reason of section 527(f)(1) (as described above), and has gross receipts of less than $100,000 for the taxable year.

The Senate amendment further provides that the Secretary in consultation with the Federal Election Commission shall publicize the effects of these changes and the interaction of the requirements to file a notification or report under section 527 and reports under the Federal Election Campaign Act of 1971.

Finally, the Senate amendment gives the Secretary the authority to waive all or any portion of the penalties imposed on an organization for failure to notify the Secretary of the organization's establishment or the failure to file a report. Such waiver is subject to a showing by the organization that the failure was due to reasonable cause and not to willful neglect.

Effective date

The exemptions from the notification, reporting, and return requirements are effective as of July 1, 2000. The authority to the Secretary to waive penalties is effective for any tax assessed or penalty imposed after June 30, 2000.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

IX. COMPLIANCE WITH CONGRESSIONAL BUDGET ACT (SECS. 111, 211, 311, 451, 581, 695, 711, AND 821 OF THE SENATE AMENDMENT)

PRESENT LAW

Reconciliation is a procedure under the Congressional Budget Act of 1974 (the "Budget Act") by which Congress implements spending and tax policies contained in a budget resolution. The Budget Act contains numerous rules enforcing the scope of items permitted to be considered under the budget reconciliation process. One such rule, the so-called "Byrd rule," was incorporated into the Budget Act in 1990. The Byrd rule, named after its principal sponsor, Senator Robert C. Byrd, is contained in section 313 of the Budget Act. The Byrd rule generally permits members to raise a point of order against extraneous provisions (those which are unrelated to the goals of the reconciliation process) from either a reconciliation bill or a conference report on such bill.

Under the Byrd rule, a provision is considered to be extraneous if it fails under one or more of the following six definitions:

(1) It does not produce a change in outlays or revenues;

(2) It produces an outlay increase or revenue decrease when the instructed committee is not in compliance with its instructions;

(3) It is outside of the jurisdiction of the committee that submitted the title or provision for inclusion in the reconciliation measure;

(4) It produces a change in outlays or revenues which is merely incidental to the nonbudgetary components of the provision;

(5) It would increase the deficit for a fiscal year beyond those covered by the reconciliation measure; and

(6) It recommends changes in Social Security.

HOUSE BILL

No provision.

SENATE AMENDMENT

Sunset of provisions

To ensure compliance with the Budget Act, the Senate amendment provides that all provisions of, and amendments made by, the bill that are in effect on September 30, 2011, shall cease to apply as of the close of September 30, 2011.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, except that all provisions of, and amendments made by, the bill generally do not apply for taxable, plan or limitation years beginning after December 31, 2010. With respect to the estate, gift, and generation-skipping provisions of the bill, the provisions do not apply to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010. The Code and the Employee Retirement Income Security Act of 1974 are applied to such years, estates, gifts and transfers after December 31, 2010, as if the provisions of and amendments made by the bill had never been enacted.

X. TAX COMPLEXITY ANALYSIS

The following tax complexity analysis is provided pursuant to section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998, which requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service ("IRS") and the Treasury Department) to provide a complexity analysis of tax legislation reported by the House Committee on Ways and Means, the Senate Committee on Finance, or a Conference Report containing tax provisions. The complexity analysis is required to report on the complexity and administrative issues raised by provisions that directly or indirectly amend the Internal Revenue Code and that have widespread applicability to individuals or small businesses. For each such provision identified by the staff of the Joint Committee on Taxation, a summary description of the provision is provided along with an estimate of the number and type of affected taxpayers, and a discussion regarding the relevant complexity and administrative issues.

Following the analysis of the staff of the Joint Committee on Taxation are the comments of the IRS and the Treasury Department regarding each of the provisions included in the complexity analysis, including a discussion of the likely effect on IRS forms and any expected impact on the IRS.

1. Reduction in income tax rates for individuals (sec. 101 of the conference agreement)

Summary description of provision

The bill creates a new 10-percent regular income tax bracket for a portion of the taxable income that is currently taxed at 15 percent. The bill reduces the other regular income tax rates. By 2006, the present-law individual income tax rates of 28 percent, 31 percent, 36 percent, and 39.6 percent are lowered to 25 percent, 28 percent, 33 percent, and 35 percent, respectively. The bill also provides for acceleration of the 10 percent income tax rate bracket benefit for 2001, principally through advance payment of the credit in the form of checks issued to taxpayers by the Department of the Treasury.

Number of affected taxpayers

It is estimated that the provision will affect approximately 100 million individual tax returns.

Discussion

It is not anticipated that individuals will need to keep additional records due to this provision. It should not result in an increase in disputes with the IRS, nor will regulatory guidance be necessary to implement this provision. It may, however, increase the number of questions that taxpayers ask the IRS, such as when taxpayers will receive their checks. This increased volume of questions could have an adverse impact on other elements of IRS' operations, such as the levels of taxpayer service. In addition, the provision should not increase the tax preparation costs for most individuals.

The IRS will need to add to the individual income tax forms package a new worksheet so that taxpayers can reconcile the amount of the check they receive from the Department of the Treasury with the credit they are allowed as an acceleration of the 10 percent income tax rate bracket benefit for 2001. This worksheet should be relatively simple and many taxpayers will not need to fill it out completely because they will have received the full amount by check.

The Secretary of the Treasury is expected to make appropriate revisions to the wage withholding tables to reflect the proposed rate reduction for calendar year 2001 as expeditiously as possible. To implement the effects of the rate cuts for 2001, employers would be required to use a new (second) set of withholding rate tables to determine the correct withholding amounts for each employee. Switching to the new withholding rate tables during the year can be expected to result in a one-time additional burden for employers (or additional costs for employers that rely on a bookkeeping or payroll service).

2. Standard deduction tax relief (sec. 301 of the conference agreement)

Summary description of provision

The bill increases the basic standard deduction for married taxpayers filing a joint return to twice the basic standard deduction for an unmarried individual. The increase is phased-in over five years beginning in 2005 and would be fully phased-in for 2009 and thereafter.

Number of affected taxpayers

It is estimated that the provision will affect approximately 23 million individual returns.

Discussion

It is not anticipated that individuals will need to keep additional records due to this provision. The higher basic standard deduction should not result in an increase in disputes with the IRS, nor will regulatory guidance be necessary to implement this provision. In addition, the provision should not increase individuals' tax preparation costs.

Some taxpayers who currently itemize deductions may respond to the provision by claiming the increased standard deduction in lieu of itemizing. According to estimates by the staff of the Joint Committee on Taxation, approximately three million individual tax returns will realize greater tax savings from the increased standard deduction than from itemizing their deductions. In addition to the tax savings, such taxpayers will no longer have to file Schedule A to Form 1040 and a significant number of which will no longer need to engage in the record keeping inherent in itemizing below-the-line deductions. Moreover, by claiming the standard deduction, such taxpayers may qualify to use simpler versions of the Form 1040 (i.e., Form 1040EZ or Form 1040A) that are not available to individuals who itemize their deductions. These forms simplify the return preparation process by eliminating from the Form 1040 those items that do not apply to particular taxpayers.

This reduction in complexity and record keeping also may result in a decline in the number of individuals using a tax preparation service or a decline in the cost of using such a service. Furthermore, if the provision results in a taxpayer qualifying to use one of the simpler versions of the Form 1040, the taxpayer may be eligible to file a paperless Federal tax return by telephone. The provision also should reduce the number of disputes between taxpayers and the IRS regarding substantiation of itemized deductions.

3. Expansion of the 15-percent rate bracket (sec. 302 of the conference agreement)

Summary description of provision

The provision increases the size of the 15-percent regular income tax rate bracket for married individuals filing a joint return to twice the size of the corresponding rate bracket for unmarried individuals. This increase is phased-in over four years beginning in 2005. It is fully effective beginning in 2008.

Number of affected taxpayers

It is estimated that the provision will affect approximately 20 million individual tax returns.

Discussion

It is not anticipated that individuals will need to keep additional records due to this provision. The increased size of the 15-percent regular income tax rate bracket for married individuals filing joint returns should not result in an increase in disputes with the IRS, nor will regulatory guidance be necessary to implement this provision.

4. Increase the child tax credit (sec. 201 of the conference agreement)

Summary description of provision

The provision increases the child tax credit from $500 to $1,000, phased in over an ten-year period beginning in 2001, extends refundability of the credit, allows the credit to the extent of the full regular tax and alternative minimum tax, and repeals the provision that reduces the refundable child credit by the individual's alternative minimum tax.

Number of affected taxpayers

It is estimated that the provisions will affect approximately 25 million individual tax returns.

Discussion

Individuals should not have to keep additional records due to this provision, nor will additional regulatory guidance be necessary to implement this provision. More taxpayers will have to perform the additional calculations necessary to determine eligibility for the refundable child credit but this should not lead to an increase in disputes with the IRS. For taxpayer's with less than two children, however, the provision can be expected to increase tax preparation costs and the number of individuals using a tax preparation service. (See, also, the discussion of the interactive effect of the child credit and the individual alternative minimum tax, below.)

5. The effect of the alternative minimum tax rules

The provisions relating to the rate reductions, increased standard deduction, the expanded 15-percent rate bracket, and the increased child tax credit are affected by the alternative minimum tax rules. Although the bill provides relief from the alternative minimum tax, additional individuals will need to make the necessary calculations to determine the applicability of the alternative minimum tax rules. It is estimated that for the year 2010, 18 million additional individual income tax returns that will benefit from the rate reductions, increased standard deduction, expanded 15-percent rate bracket, and increased child tax credit would be affected by the alternative minimum tax. For these taxpayers, it could be expected that the interaction of the provisions with the alternative minimum tax rules would result in an increase in tax preparation costs and in the number of individuals using a tax preparation service.

The bill also provides that the alternative minimum tax exemption amount for married individuals filing a joint return is increased. This should reduce complexity for affected taxpayers. It is estimated that, for the year 2006, the provision increasing the alternative minimum tax exemption amount will apply to seven million individual income tax returns. Some of these taxpayers will no longer be affected by the alternative minimum tax.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, May 25, 2001.

Ms. LINDY L. PAULL,
Chief of Staff, Joint Committee on Taxation, Washington, DC.

DEAR MS. PAULL: Enclosed are the combined comments of the Internal Revenue Service and the Treasury Department on the provisions of the conference agreement on the "Economic Growth and Tax Relief Reconciliation Act." Our comments are based on the description of these provisions contained in a brief summary of the conference agreement prepared by the staff of the Joint Committee on Taxation.

Due to the short turnaround time, our comments are necessarily provisional.

Sincerely,

CHARLES O. ROSSOTTI.

Enclosure.

COMPLEXITY ANALYSIS OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

NEW 10-PERCENT RATE BRACKET AND REDUCTION IN OTHER RATE BRACKETS

Provision

Create a new 10-percent regular income tax bracket ($6,000/$10,000/$12,000 of taxable income in 2001–2007 and $7,000/$10,000/$14,000 of taxable income in 2008 and thereafter; index in 2009); advance payments would be made to taxpayers in 2001.

Reduce the present-law regular income tax rates of 28, 31, 36, and 39.6 percent to 25, 28, 33, and 35 percent, respectively. The reduction is phased in over 6 years beginning July 1, 2001.

IRS and Treasury Comments

The new tax bracket and the reduced tax rates would be incorporated into the tax table and the tax rate schedules shown in the instructions for Forms 1040, 1040A, 1040EZ, 1040NR, 1040NR–EZ, and 1041, and on Forms W-4V and 8814 for 2001 and later years. Other forms (e.g., Form 8752 and Schedule D (Form 1040)) would also be affected. No new forms would be required.

The new tax bracket and the reduced tax rates would also be incorporated into the tax rate schedules shown on Form 1040–ES for 2002 and later years. Subsequent to enactment, the IRS would have to advise taxpayers who make estimated tax payments for 2001 how they can adjust their estimated tax payments for 2001 to reflect the reduced rates.

Programming changes would be required to reflect the new tax bracket and rates for tax years 2001 through 2006. Currently, the IRS tax computation programs are updated annually to incorporate mandated inflation adjustments. Programming changes necessitated by the provision would be included during that process for 2002 and later years. Supplemental programming changes would be required to accommodate the new 10-percent tax bracket for 2001.

New withholding rate tables and schedules will be published soon after enactment to update the current Circular E for use by employers during the remainder of calendar year 2001.

The advance payment of the credit for 2001 would require a notice to explain the advance payment amount; programming changes to compute the advance payment amount; and resources to answer taxpayer questions about the payment.

The new credit for 2001 would require a new form to report to taxpayers the amount of the advance payment made to them; one new line to be added to Forms 1040, 1040A, and 1040EZ for taxpayers to compute the amount, if any, of their allowable credit; programming changes to compute the amount of the credit; and script and other changes to enable TeleFile to compute the amount of the credit.

The alternative minimum tax (AMT) is projected to apply to an increasing number of taxpayers over time. The provision would increase the number of taxpayers particularly in the later years of the budget period (2006–2011), whose liability is affected by the AMT, and would also cause additional taxpayers to perform AMT calculation to determine whether their liability is affected by the AMT.

CHILD TAX CREDIT

Provision

Increase the amount of the child tax credit to $600 (2001–2004), $700 (2005–2008), $800 (2009), and $1,000 (2010).

Make the child tax credit refundable to the extent of 10 percent of the taxpayer's earned income in excess of $10,000 for 2001–2004 (15 percent for 2005 and later). The $10,000 figure would be indexed beginning in 2002.

Change the tax liability limitation for the child tax credit, including the order in which the credit is claimed, beginning in 2002. The child tax credit, but not the other personal nonrefundable credits, would be allowed against the sum of the regular tax and the alternative minimum tax. Under a new ordering rule, the foreign tax credit and the other nonrefundable personal credits would be taken into account before the child tax credit.

IRS and Treasury Comments

No new forms would be required as a result of any of the above-mentioned child tax credit provisions.

The increase in the amount of the child tax credit would be incorporated in the instructions for Forms 1040, 1040A, and 1040NR for 2001 and later years. This increase also affects the amount of the refundable child tax residents of Puerto Rico and would be reflected in the instructions for Forms 1040–PR and 1040–SS for 2001 and later years.

The change in the tax liability limitation for 2002 and later years would:

1. Eliminate two questions from the instructions for Forms 1040 and 1040A.

2. Eliminate the need to refer taxpayers with three or more qualifying children and certain other personal nonrefundable credits to Publication 972 to compute their child tax credit. Such taxpayers will no longer be required to complete an additional 10-line worksheet (the "Line 11 Worksheet") in Publication 972.

3. Add three lines to the child tax worksheet in the Form 1040 instructions and one line to that worksheet in the Form 1040A instructions.

4. Change the ordering of the credits on Forms 1040, 1040A, and 1040NR.

Nine million additional taxpayers would be required to file Form 8812 to benefit from the provision that would make the tax credit refundable to the extent of 15 percent of earned income in excess of $10,000. Form 8812 would be expanded from nine lines to 13 lines, beginning in 2001. (A similar change will be necessary on Forms 1040–PR and 1040–SS for resident of Puerto Rico.)

The increase in the amount of the credit would be incorporated on Form 1040–ES for 2004, 2007, 2010, and 2011.

Supplemental programming changes would be required to accommodate the changes to the computation of the child tax credit for 2001.

As a result of this change, the number of taxpayers affected by the AMT would decrease.

STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINTLY

Provision

Increase the basic standard deduction for a married couple filing a joint return to twice the basic standard deduction for an unmarried individual filing a single return, phased in over 5 years beginning in 2006.

IRS and Treasury Comments

The increase in the basic standard deduction for married taxpayers would be incorporated in the instructions for Forms 1040, 1040A, 1040EZ, and on Forms 1040, 1040A, 1040EZ, and 1040-ES beginning in 2006. No new forms would be required.

Programming changes would be required to reflect the increased standard deduction for married taxpayers. Currently, IRS tax computation programs are updated annally to incorporate mandated inflation adjustments. Programming changes necessitated by this provision would be included during that process.

Compared with current law, the larger standard deduction would reduce the number of taxpayers who itemize deductions.

As a result of this provision, the number of taxpayers affected by the AMT would increase.

15-PERCENT RATE BRACKET FOR MARRIED TAXPAYERS FILING JOINTLY

Provision

Increase the width of the 15-percent regular income tax rate bracket for a married couple filing a joint return to twice the width of the corresponding rate bracket for an unmarried individual filing a single return, phased in over 5 years beginning in 2006.

IRS and Treasury Comments

The increase in the width of the 15-percent rate bracket for married taxpayers would be incorporated in the tax tables and the tax rate schedules shown in the instructions for Forms 1040, 1040A, 1040EZ, 1040NR, 1040NR-EZ, and on Form 1040-ES for each year during the phase-in period (2006–2010). No new forms would be required.

Programming changes would be required to reflect the expanded 15-percent rate bracket. Currently, the IRS tax computation programs are updated annually to incorporate mandated inflation adjustments. Programming changes necessitated by the provision would be included during that process.

As a result of this provision, the number of taxpayers affected by the AMT would increase.

ESTIMATED BUDGET EFFECTS OF THE CONFERENCE AGREEMENT FOR H.R. 1836 [1]

Fiscal Years 2001 - 2011

[Millions of Dollars]

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2001-06	2001-11
Marginal Rate Reduction Provisions (Sunset 12/31/10)														
1. Create new 10% bracket in 2001 through 2007 for the first $6,000 of taxable income for singles, first $10,000 for heads of households, and first $12,000 for married couples, and in 2008, first $7,000 of taxable income for singles, first $10,000 for heads of households, and first $14,000 for married couples; and index beginning in 2009; credit with advanced payment in lieu of rate for 2001	tyba 12/31/00	-38,186	-33,421	-40,223	-40,336	-40,201	-40,203	-40,065	-43,422	-45,359	-46,034	-13,871	-232,570	-421,321
2. Reduce the various income tax rates (39.6% rate reduced to 38.6% in 2001 through 2003, 37.6% in 2004 and 2005, 35% in 2006 and thereafter; 36% rate reduced to 35% in 2001 through 2003, and 34% in 2004 and 2005, and 33% in 2006 and thereafter; 31% rate reduced to 30% in 2001 through 2003, 29% in 2004 and 2005, 28% in 2006 and thereafter; 28% rate reduced to 27% in 2001 through 2003, 26% in 2004 and 2005, and 25% in 2006 and thereafter)	7/1/01	-2,005	-21,100	-21,256	-29,049	-32,774	-50,924	-59,378	-60,401	-61,652	-63,033	-19,035	-157,107	-420,606
3. Phasein repeal of Pease cutback of itemized deductions over 5 years	tyba 12/31/05	---	---	---	---	---	-1,265	-2,566	-4,003	-5,414	-7,168	-4,456	-1,265	-24,872
4. Phasein repeal of the personal exemption phaseout over 5 years	tyba 12/31/05	---	---	---	---	---	-473	-955	-1,382	-1,793	-2,216	-1,323	-473	-8,140
Total of Marginal Rate Reductions Provisions (Sunset 12/31/10)		-40,191	-54,521	-61,479	-69,385	-72,975	-92,865	-102,964	-109,208	-114,218	-118,451	-38,685	-391,415	-874,939
Increase the Child Tax Credit From $500 to $600 in 2001 through 2004, $700 in 2005 through 2008, $800 in 2009, and $1,000 in 2010; Make Refundable up to Greater of 15% (10% for 2001 through 2004) of Earned Income in Excess of $10,000 (Indexed in 2002) or Present Law; Allow Credit Permanently Against the AMT; Repeal AMT Offset of Refundable Credits; Sunset 12/31/10	tyba 12/31/00	-518	-9,291	-9,927	-10,602	-12,786	-18,320	-19,000	-19,408	-20,532	-25,200	-26,197	-61,444	-171,782
Marriage Penalty Relief Provisions (Sunset 12/31/10)														
1. Standard deduction set at 2 times single for married filing jointly, phased in over 5 years	tyba 12/31/04	---	---	---	---	-685	-1,954	-2,560	-2,772	-3,164	-2,932	-831	-2,639	-14,918
2. 15% rate bracket set at 2 times single for married filing jointly, phased in over 4 years	tyba 12/31/04	---	---	---	---	-4,208	-6,204	-6,559	-5,876	-4,737	-4,001	-1,150	-10,412	-32,734

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Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2001-06	2001-11
3. EIC Modification and Simplification - increase in joint returns beginning and ending income level for phaseout by $1,000 in 2002 through 2004, $2,000 in 2005 through 2007, and $3,000 in 2008, and indexed thereafter; simplify definition of earned income; use AGI instead of modified AGI; conform definition of qualifying child and tie-breaker rules to those in JCT simplification study; and allow math error procedure with Federal Case registry data beginning in 2004 [2]	tyba 12/31/01	---	-8	-847	-1,277	-1,243	-1,817	-1,819	-1,787	-2,258	-2,240	-2,348	-5,191	-15,643
Total of Marriage Penalty Relief Provisions (Sunset 12/31/10)		---	-8	-847	-1,277	-6,136	-9,975	-10,958	-10,435	-10,159	-9,173	-4,329	-18,242	-63,295
Education Provisions (Sunset 12/31/10)														
1. Education IRAs - increase the annual contribution limit to $2,000; allow education IRA contributions for special needs beneficiaries above the age of 18; allow corporations and other entities to contribute to education IRAs; allow contributions until April 15 of the following year; allow a taxpayer to exclude Ed IRA distributions from gross income and claim the HOPE or Lifetime Learning credits as long as they are not used for the same expenses; repeal excise tax on contributions made to education IRA when contribution made by anyone on behalf of same beneficiary to QTP; modify phaseout range for married taxpayers; allow tax-free expenditures for elementary and secondary school expenses; expand the definition of qualified expenses to include certain computers and related items	tyba 12/31/01	---	-203	-365	-461	-561	-667	-778	-892	-1,013	-1,136	-295	-2,256	-6,370
2. Qualified Tuition Plans - tax-free distributions from State plans; allow private institutions to offer prepaid tuition plans, tax-deferred in 2002, with tax-free distributions beginning in 2004; allow a taxpayer to exclude QTP distributions from gross income and claim the HOPE or Lifetime Learning credits as long as they are not used for the same expenses; expand definition of family member to include cousins; allow tax-free distributions for actual living expenses; ease rollover limitations; clarify coordination with the deduction for higher education expenses	tyba 12/31/01	---	-24	-53	-81	-111	-141	-170	-200	-234	-256	-64	-410	-1,334
3. Employer Provided Assistance - permanently extend the exclusion for undergraduate courses and graduate level courses	cba 12/31/01	---	-519	-720	-760	-804	-852	-904	-958	-1,012	-1,068	-267	-3,656	-7,865
4. Student loan interest - eliminate the 60-month rule; increase phaseout ranges to $50,000-$65,000 single/$100,000-$130,000 joint; indexed for inflation after 2002	ipa 12/31/01	---	-170	-245	-262	-277	-289	-305	-321	-338	-356	-89	-1,243	-2,651

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2001-06	2001-11
5. Eliminate the tax on awards under the National Health Corps Scholarship program and F. Edward Hebert Armed Forces Health Professions Scholarship program	tyba 12/31/01	---	-1	-1	-1	-1	-1	-1	-1	-1	-1	[3]	-4	-8
6. Increase arbitrage rebate exception for governmental bonds used to finance qualified school construction from $10 million to $15 million	bia 12/31/01	---	[3]	-3	-5	-6	-11	-15	-16	-17	-18	-19	-25	-109
7. Issuance of tax-exempt private activity bonds for qualified education facilities with annual State volume caps the greater of $10 per resident or $5 million	bia 12/31/01	---	-5	-19	-38	-61	-88	-120	-155	-191	-227	-251	-212	-1,156
8. Above-the-line deduction for qualified higher education expenses in 2002 through 2005	tyba 12/31/01	---	-1,535	-2,063	-2,683	-2,911	-730	---	---	---	---	---	-9,921	-9,921
Total of Education Provisions (Sunset 12/31/10)		---	**-2,457**	**-3,469**	**-4,291**	**-4,732**	**-2,779**	**-2,293**	**-2,543**	**-2,806**	**-3,062**	**-985**	**-17,727**	**-29,414**
Estate and Gift Provisions (Sunset 12/31/10)														
1. Phase In Repeal of Estate and Generation-Skipping Transfer Taxes - beginning in 2002, repeal the 5% "bubble" (which phases out the lower rates) and repeal rates in excess of 50%; in 2003, repeal rates in excess of 49%, in 2004 in excess of 48%, in 2005 in excess of 47%, in 2006 in excess of 46%, and in 2007 through 2009 in excess of 45%; reduce State death tax credit rates by 25% in 2002, 50% in 2003, 75% in 2004, and repeal in 2005; increase the unified credit to $1 million in 2002 and 2003, $1.5 million in 2004 and 2005, $2 million in 2006 through 2008, and $3.5 million in 2009; repeal section 2057 in 2004; repeal estate and generation-skipping transfer taxes in 2010; retain gift tax in 2010 and thereafter with $1 million lifetime gift exclusion and gift tax rates set at the highest individual income tax rate; carryover basis applies to transfers at death after 12/31/09 of assets fully owned by decedents, except: (1) $1.3 million of additional basis and certain loss carryforwards of the decedent are allowed to be added to carryover basis, and (2) an additional $3 million of basis is allowed to be added to carryover basis of assets going to surviving spouse; certain reporting requirements on bequests	dda & gma 12/31/01	---	---	-6,383	-5,031	-7,054	-4,051	-9,695	-11,862	-12,701	-23,036	-53,422	-22,519	-133,235
2. Expand Availability of Estate Tax Exclusion for Conservation Easements - repeal the 25-mile and 10-mile limits, and clarify the date for determining easement compliance	dda 12/31/00	---	-3	-19	-28	-29	-30	-32	-34	-36	-39	-42	-109	-292
3. Modifications to Generation-Skipping Transfer Tax Rules -														
a. Deemed allocation of the generation-skipping transfer tax exemption to lifetime transfers to trusts that are not direct skips	ta 12/31/00	---	-1	-3	-4	-4	-4	-4	-4	-4	-4	-4	-16	-36

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Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2001-06	2001-11
b. Retroactive allocation of the generation-skipping tax exemption	generally 12/31/00	---	-1	-4	-6	-6	-6	-6	-6	-6	-6	-6	-23	-53
c. Severing of trusts holding property having an inclusion ratio of greater than zero	---	*Included in Item 3.b.*												
d. Modification of certain valuation rules	---	*Included in Item 3.b.*												
e. Relief from late elections	---	*Included in Item 3.b.*												
f. Substantial compliance	---	*Included in Item 3.b.*												
4. Expand Availability of Installment Payment Relief Under Section 6166 to:														
a. increase from 15 to 45 the number of partners of a partnership or shareholders in a corporation eligible for installment payments of estate tax under section 6166	dda 12/31/01	---	---	-285	-297	-330	-364	-394	-383	-381	-371	-358	-1,276	-3,163
b. Qualified lending and finance business interests	dda 12/31/01	---	---	-103	-84	-64	-43	-21	-22	-24	-25	-27	-295	-413
c. Certain holding company stock	dda 12/31/01	---	---	-171	-140	-107	-72	-34	-47	-49	-42	-45	-491	-688
5. Waiver of statute of limitations for refunds of recapture of estate tax under section 2032A	DOE	---	-100	-25	---	---	---	---	---	---	---	---	-125	-125
Total of Estate and Gift Provisions (Sunset 12/31/10)		---	-105	-6,993	-5,590	-7,594	-4,570	-10,186	-12,358	-13,201	-23,523	-53,904	-24,854	-138,005
Pension and IRA Provisions (Generally Sunset 12/31/10)														
Individual Retirement Arrangement Provisions														
1. Modification of IRA Contribution Limits - increase the maximum contribution limit for traditional and Roth IRAs to: $3,000 in 2002 through 2004, $4,000 in 2005 through 2007, and $5,000 in 2008; index in years thereafter	tyba 12/31/01	---	-368	-847	-1,054	-1,693	-2,346	-2,582	-3,148	-3,817	-4,243	-3,033	-6,308	-23,132
2. IRA Catch-Up Contributions - increase maximum contribution limits for traditional and Roth IRAs for individuals age 50 and above by $500 in 2002 and $1,000 in 2006	tyba 12/31/01	---	-69	-151	-174	-176	-225	-293	-252	-211	-234	-182	-795	-1,968
3. Deemed IRAs under employee plans	pyba 12/31/02	*Negligible Revenue Effect*												
Total of Individual Retirement Arrangement Provisions		---	-437	-998	-1,228	-1,869	-2,571	-2,875	-3,400	-4,028	-4,477	-3,215	-7,103	-25,100
Provisions for Expanding Coverage														
1. Increase contribution and benefit limits:														
a. Increase limitation on exclusion for elective deferrals to: $11,000 in 2002, $12,000 in 2003, $13,000 in 2004, $14,000 in 2005, and $15,000 in 2006; index thereafter [4] [5]	yba 12/31/01	---	---	-100	-328	-500	-636	-708	-753	-797	-880	-436	-1,564	-5,138
b. Increase limitation on SIMPLE elective contributions to: $7,000 in 2002, $8,000 in 2003, $9,000 in 2004, and $10,000 in 2005; index thereafter [4] [5]	yba 12/31/01	---	-10	-30	-42	-51	-55	-59	-63	-66	-69	-35	-188	-480
c. Increase defined benefit dollar limit to $160,000	yba 12/31/01	---	-23	-42	-46	-47	-48	-49	-54	-57	-56	-8	-207	-432
d. Lower early retirement age to 62; lower normal retirement age to 65	yba 12/31/01	---	-3	-4	-4	-5	-5	-5	-5	-5	-5	-2	-21	-43
e. Increase annual addition limitation for defined contribution plans to $40,000 with indexing in $1,000 increments [4]	yba 12/31/01	---	-7	-15	-19	-21	-17	-17	-20	-23	-27	-14	-79	-180

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Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2001-06	2001-11
f. Increase qualified plan compensation limit to $200,000 with indexing in $5,000 increments [4] and expand availability of qualified plans to self-employed individuals who are exempt from the self-employment tax by reason of their religious beliefs	yba 12/31/01 & tyba 12/31/01	---	-55	-119	-125	-143	-141	-157	-154	-170	-184	-98	-583	-1,346
g. Increase limits on deferrals under deferred compensation plans of State and local governments and tax-exempt organizations to: $11,000 in 2002, $12,000 in 2003, $13,000 in 2004, $14,000 in 2005, and $15,000 in 2006; index thereafter [4] [5]	yba 12/31/01	---	-29	-61	-87	-108	-127	-138	-147	-155	-164	-84	-411	-1,098
2. Plan loans for S corporation owners, partners, and sole proprietors	yba 12/31/01	---	-21	-32	-34	-36	-39	-41	-44	-47	-49	-19	-162	-362
3. Modification of top-heavy rules	yba 12/31/01	---	-4	-8	-10	-11	-13	-14	-16	-17	-19	-10	-45	-121
4. Elective deferrals not taken into account for purposes of deduction limits	yba 12/31/01	---	-47	-88	-103	-111	-119	-127	-135	-144	-152	-103	-468	-1,129
5. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations [4]	yba 12/31/01	---	-16	-27	-27	-25	-23	-24	-24	-24	-24	-14	-118	-228
6. Elimination of user fee for certain requests regarding small employer pension plans with at least one non-highly compensated employee [6]	rma 12/31/01	---	-7	-10	---	---	---	---	---	---	---	---	-17	-17
7. Definition of compensation for purposes of deduction limits [4]	yba 12/31/01	---	-1	-3	-3	-3	-3	-4	-4	-4	-4	-2	-14	-31
8. Increase stock bonus and profit sharing plan deduction limit from 15% to 25% [4]	tyba 12/31/01	---	-7	-14	-16	-18	-19	-21	-23	-24	-26	-14	-75	-182
9. Option to treat elective deferrals as after-tax Roth contributions	yba 12/31/05	---	---	---	---	---	185	236	172	90	-5	-358	185	320
10. Nonrefundable credit to certain individuals for elective deferrals and IRA contributions (sunset 12/31/06)	tyba 12/31/01	---	-1,036	-2,096	-1,963	-1,856	-1,746	-920	-102	-91	-89	-86	-8,698	-9,987
11. Small business (100 or fewer employees) tax credit for new retirement plan expenses - first 3 years of the plan	[7]	---	-3	-12	-21	-29	-29	-29	-27	-26	-25	-22	-94	-223
12. Treatment of nonresident aliens engaged in international transportation services	tyba 12/31/01	---	-2	-7	-7	-7	-8	-8	-8	-8	-8	-5	-31	-68
Total of Provisions for Expanding Coverage		---	-1,271	-2,668	-2,835	-2,971	-2,843	-2,085	-1,407	-1,568	-1,786	-1,310	-12,590	-20,745
Provisions for Enhancing Fairness for Women														
1. Additional catch-up contributions for individuals age 50 and above - increase the otherwise applicable contribution limit for all plans other than SIMPLE by $1,000 in 2002, $2,000 in 2003, $3,000 in 2004, $4,000 in 2005, and $5,000 in 2006 and thereafter; index in $500 increments after 2006; SIMPLE plan catch-ups would be 50% of that applicable to other plans; (nondiscrimination rules would not apply) [4]	tyba 12/31/01	---	-124	-243	-234	-164	-100	-84	-76	-63	-57	-38	-865	-1,184
2. Equitable treatment for contributions of employees to defined contribution plans [4]	yba 12/31/01	---	-45	-84	-98	-106	-113	-121	-129	-136	-144	-75	-446	-1,051

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2001-06	2001-11
3. Faster vesting of certain employer matching contributions	cf pyba 12/31/01	Negligible Revenue Effect												
4. Simplify and update the minimum distribution rules by modifying post-death distribution rules	yba 12/31/01	---	[3]	-1	-1	-2	-2	-2	-2	-2	-3	-3	-6	-18
5. Clarification of tax treatment of division of section 457 plan benefits upon divorce	tdapma 12/31/01	Negligible Revenue Effect												
6. Modification of safe harbor relief for hardship withdrawals from 401(k) plans	yba 12/31/01	Negligible Revenue Effect												
7. Waiver of tax on nondeductible contributions for domestic or similar workers	tyba 12/31/01	---	[3]	[3]	-1	-2	-4	-6	-8	-10	-12	-14	-8	-57
Total of Provisions for Enhancing Fairness for Women		---	-169	-328	-334	-274	-219	-213	-215	-211	-216	-130	-1,325	-2,310
Provisions for Increasing Portability for Participants														
1. Rollovers allowed among governmental section 457 plans, section 403(b) plans, and qualified plans	da 12/31/01	---	27	-4	-4	-5	-5	-5	-6	-6	-7	-43	10	-57
2. Rollovers of IRAs to workplace retirement plans	da 12/31/01	Negligible Revenue Effect												
3. Rollovers of after-tax retirement plan contributions	dma 12/31/01	Negligible Revenue Effect												
4. Waiver of 60-day rule	da 12/31/01	Negligible Revenue Effect												
5. Treatment of forms of qualified plan distributions	yba 12/31/01	Negligible Revenue Effect												
6. Rationalization of restrictions on distributions	da 12/31/01	Negligible Revenue Effect												
7. Purchase of service credit in governmental defined benefit plans	ta 12/31/01	Negligible Revenue Effect												
8. Employers may disregard rollovers for cash-out amounts	da 12/31/01	Negligible Revenue Effect												
9. Minimum distribution and inclusion requirements for section 457 plans	da 12/31/01	Considered in Other Provisions												
Total of Provisions for Increasing Portability for Participants		---	27	-4	-4	-5	-5	-5	-6	-6	-7	-43	10	-57
Provisions for Strengthening Pension Security and Enforcement														
1. Phase-in repeal of 160% of current liability funding limit; extend maximum deduction rule	pyba 12/31/01	---	-14	-20	-36	-36	-38	-38	-39	-41	-42	-22	-144	-326
2. Excise tax relief for sound pension funding	yba 12/31/01	---	-2	-3	-3	-3	-3	-3	-3	-3	-3	-3	-14	-29
3. Notice of significant reduction in plan benefit accruals	pateo/a DOE	Negligible Revenue Effect												
4. Repeal 100% of compensation limit for multiemployer plans	yba 12/31/01	---	-2	-4	-4	-4	-4	-5	-5	-5	-5	-3	-18	-41
5. Modification of section 415 aggregation rules for multiemployer plans	tyba 12/31/01	---	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-4	-8
6. Investment of employee contributions in 401(k) plans	aiii TRA'97	Negligible Revenue Effect												
7. Prohibited allocations of stock in an ESOP S corporation	[8]	---	3	5	6	8	8	9	10	10	10	11	30	81
8. Automatic rollovers of certain mandatory distributions	dma frap	---	---	---	-7	-29	-30	-32	-33	-33	-34	-26	-66	-224
9. Clarification of treatment of contributions to multiemployer plans	yea DOE	---	---	-11	-19	-32	-38	-35	-30	-26	-19	-14	-100	-224
Total of Provisions for Strengthening Pension Security and Enforcement		---	-16	-34	-64	-97	-106	-105	-101	-99	-94	-58	-316	-771

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2001-06	2001-11
Provisions for Reducing Regulatory Burdens														
1. Modification of timing of plan valuations	pyba 12/31/01	Negligible Revenue Effect												
2. ESOP dividends may be reinvested without loss of dividend deduction	tyba 12/31/01	---	-20	-49	-59	-63	-66	-69	-71	-74	-77	-39	-258	-588
3. Repeal transition rule relating to certain highly compensated employees	pyba 12/31/01	---	-2	-3	-3	-3	-3	-4	-4	-4	-4	-2	-14	-32
4. Employees of tax-exempt entities [9]	DOE	Negligible Revenue Effect												
5. Treatment of employer-provided retirement advice	yba 12/31/01	Negligible Revenue Effect												
6. Repeal of multiple use test	yba 12/31/01	Considered in Other Provisions												
Total of Provisions for Reducing Regulatory Burdens		---	-22	-52	-62	-66	-69	-73	-75	-78	-81	-41	-272	-620
Miscellaneous Provision - Allow electing Alaska Native Settlement Trusts to tax income to the Trust not the beneficiaries [11]	[12]	---	-4	-4	-3	-3	-3	-3	-3	-4	-4	-1	-17	-33
Total of Pension and IRA Provisions (Generally Sunset 12/31/10)		—	-1,892	-4,088	-4,530	-5,285	-5,816	-5,359	-5,207	-5,994	-6,665	-4,798	-21,613	-49,636
AMT Relief - Increase Exemption by $2,000 (Single) and $4,000 (Joint) in 2001 through 2004; Sunset 12/31/04	tyba 12/31/00	-178	-2,311	-3,161	-4,605	-3,646	—	—	—	—	—	—	-13,901	-13,901
Modification to Corporate Estimated Tax Requirements; Special Estimated Tax Rules for Certain 2001 and 2004 Corporate Estimated Tax Payments	DOE	-32,921	32,921	—	-6,606	6,606	—	—	—	—	—	—	—	—
Expansion of Authority to Postpone Certain Tax Deadlines Due to Disaster (Sunset 12/31/10)	doa DOE	—	[3]	[13]	[13]	[13]	[13]	[13]	[13]	[13]	[13]	[13]	[13]	[14]
Miscellaneous Provisions (Generally Sunset 12/31/10)														
1. Adoption credit - increase, the expense limit and the exclusion to $10,000 for both non-special needs and special needs adoptions, and beginning in 2003, make the credit independent of expenses for special needs adoptions, permanently extend the credit and the exclusion, increase the phase-out start point to $150,000, index for inflation the expenses limit and the phase-out start point for both the credit and the exclusion, and allow the credit to apply to the AMT	generally tyba 12/31/01	---	-51	-191	-252	-293	-325	-349	-375	-403	-432	-464	-1,112	-3,135
2. Provide an employer-provided child care credit of 25% for child care expenditures and 10% for child care resource and referral expenditures	tyba 12/31/01	---	-48	-108	-129	-142	-156	-169	-178	-188	-196	-90	-584	-1,405
3. Exclude from gross income certain payments made to Holocaust survivors or their heirs	aro/a 1/1/00	---	---	-3	-3	-3	-3	-3	-3	-3	-3	-3	-14	-31

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2001-06	2001-11
4. Dependent care tax credit - increase the credit rate to 35%, increase the eligible expenses to $3,000 for one child and $6,000 for two or more children (not indexed), and increase the start of the phase-out to $15,000 of AGI	tyba 12/31/02	---	---	-336	-432	-413	-393	-380	-352	-317	-296	-73	-1,573	-2,991
Total of Miscellaneous Provisions (Generally Sunset 12/31/10)		---	-99	-638	-816	-851	-877	-901	-908	-911	-927	-630	-3,283	-7,562
NET TOTAL [15] [16]		-73,808	-37,763	-90,602	-107,702	-107,399	-135,202	-151,661	-160,067	-167,821	-187,001	-129,528	-552,480	-1,348,537

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding.

Legend for "Effective" column:

aiii TRA'97 = as if included in the Taxpayer Relief Act of 1997
aro/a = amounts received on or after
bia = bonds issued after
cba = courses beginning after
cf = contributions for
bia = bonds issued after
da = distributions after
dda = decedents dying after
doa = disasters occurring after
dma = distributions made after
DOE = date of enactment
frap = Federal regulations are prescribed
gma = gifts made after
iafpbnet = interest accruing for periods beginning not earlier than
ipa = interest paid after
noitta = notice of intent to terminate after
pateo/a = plan amendments taking effect on or after
pea = plans established after
pyba = plan years beginning after
rma = requests made after
ta = transfers after
tdapma = transfers, distributions, and payments made after
tyba = taxable years beginning after
yba = years beginning after
yea = years ending after

[1] The estimates presented in this table include the effects of certain behavioral responses to the tax proposals, including shifts between nontaxable and taxable sources of income, changes in amounts of charitable giving, and changes in the timing of realization of some sources of income. While the estimates do not include the effects of these proposals on economic growth, the proposals are likely to result in modest increases in growth of the economy during the 10-year budget estimating period. The largest component of the proposals, the marginal rate cuts, will provide incentives for more work, investment, and savings.

[2] Estimate assumes that any constitutional challenge based on the use of Federal Case registry data would not be successful.

[3] Loss of less than $500,000.

[4] Provision includes interaction with other provisions in Provisions for Expanding Coverage.

[5] Provision includes interaction with the Individual Retirement Arrangement Provisions.

[6] Estimate provided by the Congressional Budget Office.

[7] Effective for costs paid or incurred in taxable years beginning after December 31, 2001, with respect to qualified employer plans established after such date.

[8] Generally effective with respect to years beginning after December 31, 2004. In the case of an ESOP established after March 14, 2001, or an ESOP established on or before such date if the employer maintaining the plan was not an S corporation on such date, the proposal would be effective with respect to plan years ending after March 14, 2001.

[9] Directs the Secretary of the Treasury to modify rules through regulations.

[10] Effective for distributions from terminating plans that occur after the PBGC has adopted final regulations implementing provision.

[11] Special Federal income tax rules would apply if the Trust makes an election for its first taxable year ending after the date of enactment.

[12] Effective for taxable years of electing Settlement Trusts ending after the date of enactment, and to contributions made to such trust made after the date of enactment.

[13] Loss of less than $1 million.

[14] Loss of less than $5 million.

[15] Includes the following effect on fiscal year outlays (millions):

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2001-06	2001-11
outlays (millions)	---	6,226	6,600	7,006	7,081	9,597	9,542	9,360	9,668	11,080	12,244	36,510	88,404

[16]

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Taxpayers affected by the AMT: Present Law (millions of taxpayers)	1.5	3.5	4.3	5.6	7.1	8.7	10.5	12.8	14.9	17.5	20.7
Taxpayers affected by the AMT: Proposal (millions of taxpayers)	1.4	2.7	3.3	5.3	13.0	19.6	23.9	29.1	32.1	35.5	20.7

WILLIAM THOMAS,
DICK ARMEY,
Managers on the Part of the House.

CHUCK GRASSLEY,
ORRIN HATCH,
FRANK H. MURKOWSKI,
DON NICKLES,
PHIL GRAMM,
MAX BAUCUS,
JOHN BREAUX,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 18 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0651

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 6 o'clock and 51 minutes a.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–85) on the resolution (H. Res. 153) waiving points of order against the conference report to accompany the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 1699, COAST GUARD AUTHORIZATION ACT OF 2001

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, a "Dear Colleague" letter will be sent to all Members informing them that the Committee on Rules will meet the week of June 5, 2001, to grant a rule for the consideration of H.R. 1699, the Coast Guard Authorization Act of 2001. The Committee on Rules may grant a rule which would require that attachments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

The Committee on Transportation and Infrastructure filed its report on the bill on May 24. Members should draft their amendments to the bill as reported by the Committee on Transportation and Infrastructure. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 153 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 153

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The yeas and nays shall be considered as ordered on the question of adoption of the conference report and on any subsequent conference report or motion to dispose of an amendment between the houses on H.R. 1836. Clause 5(b) of rule XXI shall not apply to the bill, amendments thereto, or conference reports thereon.

The SPEAKER pro tempore. The question is, Will the House now consider House Resolution 153.

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 153.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule provides that the conference report shall be considered as read and further provides for 1 hour of debate equally divided and controlled by the chairman and the ranking member of the Committee on Ways and Means.

Additionally, the rule waives all points of order against the conference report and against its consideration. Further, the rule provides that the yeas and nays shall be considered as ordered on the question of adoption of the conference report and on any subsequent conference report or motion to dispose of an amendment between the Houses on H.R. 1836.

Mr. Speaker, we are in the home stretch. We are in the final stages of bringing about real tangible tax relief to all Americans. With surpluses at an all-time high, and the fiscal responsibility to match, it is time for a refund.

In testimony earlier this year before the House Committee on Ways and Means, Treasury Secretary Paul O'Neill presented the following argument: "Through hard work and ingenuity, Americans have created a booming economy that has spread prosperity around the world. Individuals have created new technologies that have made our industries more productive and have improved the standard of living for millions of Americans. We have no business continuing to collect more in Federal taxes than the cost of the services the government provides. It's not the government's money, it's the people's money, and we should return it to them as quickly as possible."

Current high rates punish low-income Americans by creating a disincentive to get ahead. We punish thrift and hard work and the innate desire in all Americans to strive to do better, to realize the American Dream. For example, under the current Tax Code a single mom making $25,000 a year pays a higher marginal tax rate than someone making $250,000 a year.

Taxes now claim a greater share of the median two-income family's income than food, clothing, housing, and transportation combined. And Americans are spending a greater percentage of income towards taxes than at any time since World War II, essentially comprising the largest share of the gross domestic product. In the land of equality, where is the fairness in that?

This tax package provides relief to every single taxpayer, removing millions of Americans from the tax roll all together. This plan is predicated on the idea that a sensible tax policy will generate high rates of long-term growth. Reductions in marginal tax rates, will encourage greater work ethic and provide more inducement for taxpayers to save, invest, and build business enterprises.

Families need the flexibility to dedicate their resources towards their most pressing concerns. While some may need more to help pay off their debts, others may need extra money to pay tuition for their child or to invest in their retirement. The point is, government should not be making these decisions for them.

Mr. Speaker, I have had the opportunity to speak to my colleagues and the American people on this measure twice before. While its details have most certainly changed, it includes every aspect of President Bush's tax cut proposal. Most important, its essence remains the same: needed tax relief for working Americans.

When I first stood before the House back in March, I spoke of a constituent of mine, Paul Meloon of Batavia. A husband, father, and teacher, Paul warned that, "The people can't afford our high taxes. We can't afford so much year after year on Federal programs. No one asks if the taxpayer can afford a tax hike. It's not a matter of affording a tax cut, we demand it."

To Paul and his family, and millions more like him, I say simply this: We have heard your demand, and we are acting on it. Historic tax relief is on its way. America, this is your money, and you know how to spend it best. I am asking my colleagues to help give you this refund you have asked for.

Mr. Speaker, I would like to commend the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), and the ranking member, my colleague, the gentleman from New York (Mr. RANGEL), for their hard work to make desperately needed tax relief a reality. Mr. Speaker, I urge my colleagues to give America what they need and what they have earned: responsible, commonsense tax relief. I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

□ 0700

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I really wish that I had three little shells to put up here on my podium with a pea under one of the shells, because that is what you need to follow this tax bill. They have done something extraordinarily ridiculous just for starters, and I would like to kind of talk about that before I go into my full statement.

Now, let us say you are a person that wants the estate tax repealed. I have gotten a lot of calls like that from people in my district. They repeal the estate tax for 1 year. 1 year. Let me say this again. You have to die in the year 2010 to be able to pay no estate tax. If you die in 2011, you have to pay the estate tax just the way it is today. They sunsetted their repeal of the estate tax in the year 2010. So you have got a 12-month window to die if you want to avoid the estate tax. Between now and then, of course, they gradually raise the exemption, so if you die between now and 2009 you do not have to pay quite as much in the estate tax and if you die in 2010 you do not have to pay any estate tax. But if you have the good fortune to live until 2011, you pay the full estate tax exactly as it is right now.

Now, let us say you were looking forward to the rate reduction. Right now you have a 39.6 percent rate, you are a wealthy taxpayer, and then over a period of the next few years that rate gradually drops down to 35 percent. But viola, in the year 2011, it goes back to 39.6 percent. That applies, of course, to the other provisions in this bill, too. A very, very strange and peculiar way to legislate.

Why did they do this? They did it because they could not make the numbers work. If you extended this stuff beyond 2010 and you did not sunset it, these numbers do not work. You bust that $1.35 trillion cap. All of this has been a game to live within the $1.35 trillion cap that was set in the budget resolution.

Now, you can argue as to whether the $1.35 trillion cap amount is a good amount to be cutting taxes. Everybody would like their taxes cut. I would like my taxes cut. I also would like the government to be able to preserve Social Security and Medicare and not use up the money that we need for Social Security and Medicare in order to give the richest Americans a tax cut. I also would like the government to be able to do a lot of things. I would like the government to be able to have a prescription drug plan for our seniors and I would like the government to have enough money to fund our national defense and I would like the government to be able to fund this wonderful education bill that we recently passed but which everyone on that side knows cannot be funded under the budget resolution we passed because of the size tax cut that we are being asked to vote on today.

As I said, I wish I had those little shells that you have at a carnival show, because that is what this is all about. This is a game. This is a game the Republicans are playing with the American taxpayers and they are not being honest with them. Again, if we are going to cut taxes, let us have a tax cut that makes sense, that goes to middle-income taxpayers, that does not go primarily to the wealthy, and let us have a tax cut that the American people can afford so that we can do those other things that we all say we want to do. But let us not engage in a charade. This is a charade at 7:03 a.m. on Saturday morning, after the conference committee dealt with this all night and they suddenly produce something in the wee hours and then we get a little time, maybe an hour to look at it, to try to understand it and to cast one of the most momentous votes that we are going to be called to cast during this session. People have not had adequate time to study this document. But the folks on the other side are not engaged in providing adequate time. They do not want us to be able to really understand it, but I think I understand it enough and we do have a little summary that was provided, summary of provisions contained in the conference agreement for H.R. 1836, provided by the Joint Committee on Taxation.

If you look at that summary on page 13, you will see what I was talking about. I want to read this to you. It says, Roman numeral IX, Sunset. I want to read it to you just so you know I am not making this up. You could not make this up, Mr. Speaker.

"To ensure compliance with the Congressional Budget Act of 1974, the conference agreement provides that all provisions of the bill generally do not apply for taxable plan or limitation years beginning after December 31, 2010."

In other words, now you see it, now you don't.

Mr. Speaker, I have been in this body for a while. The American people need to be dealt with on the level. I do not always agree with the things that the other side wants to do. That is what politics is all about. But I believe we should be honest with the American people. I do not think we ought to be telling them we have given you this wonderful tax cut but King's X, it all goes away in 2010, and you better die in the year 2010 if you want to avoid the estate tax because if you happen to plan foolishly enough and happen to hang around until 2011, you are going to pay the full estate tax.

Mr. Speaker, I have a fairly lengthy statement that I want to submit for the record which details all of this. But the hour is early, or late, depending upon your perspective and a lot of my colleagues would like to talk about this particular conference report. And so, Mr. Speaker, at this time, I urge my colleagues to try and understand what we are being asked to do today and to understand how ridiculous and ludicrous this approach is and how shortsighted it is for the American taxpayer, because we are denying the American taxpayer the needed resources for our government to preserve Social Security and Medicare, to provide education funding, to provide for our national defense, and to do the other things we all agree should be done so that we can provide a very large tax cut for the wealthiest of Americans during the next 10 years and then change it all at that time.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I listened to my distinguished colleague talk about his view of having been part of what the left has been on a growing government, a bigger government, more spending. While I have not been in this body a lengthy time, I have been elected now over a quarter of a century, and I have learned at the town and the county and the State level as well as right here on the Federal level, if you leave a pile of money on the table, it is going to get spent.

The simple fact is that even after we pay down America's debt, strengthen and secure Social Security and Medicare, improve education and bolster America's defense, we still have enough left over to relieve overtaxed and overburdened American families. We are going to do this in the light of day today. We are going to do it with a bipartisan vote, I am willing to predict, as this rule is passed and we move forward with the debate on the tax bill.

But there is also no question that in 1993, the majorities of the two houses and the then President of the United States imposed the largest tax increase in the history of America. It is also true right now that we are paying more taxes now than any time since World War II. The bottom line is that this agreement, a consensus worked out by Republicans and Democrats in this House and in the other body, has brought a result of compromise, what this bill is that is going to be coming up before us today. I urge passage of the rule and onward with the tax cut.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, it took so many years for the other body to come up with some plan to jeopardize Social Security and Medicare, these programs that the American people have come to rely on for so many, many years, the pride and the dignity that older folks had that they did not have to depend on their children and their grandchildren for survival.

We knew a long time ago when Mr. Stockman was here with President Reagan that it was not a question of just fiscal irresponsibility, it was not a question of tax cuts. No President has to campaign around the country to encourage the people to support a tax cut. No, the American people knew exactly what was happening. It is, "Get the money out of Washington. Why? Because they will spend it. This is your money. This is not the Congress' money."

Well, whose is the deficit? Is that the Congress' deficit or does it belong to our Nation? Is this what we want which we had after Reagan, a country that was spending more money on interest on our debt than paying for health care? And what about the cases that we have of the education program, the prescription drug program, all of the things that were adopted during the President's campaign but we do not hear anything about that today. No, the real question is that in 10 years, all of this is over. Whatever benefits anyone receives under this tax bill, it is over. Because the Republican accountants and tax writers in the middle of the night came up with the strangest gimmick of all. It is called sunset. And so the big balloon at the end of this tax cut means an increase in taxes. I hope someone figures it out, because the entire bill is sunsetted in the year 2010, and it means that whatever the tax rates are today, they come back. But something else happens. Over 40 million American people will be eligible for health care because they are senior citizens, and they will be eligible for Social Security at the very time that the revenues will not be there. And God forbid if the surplus is not there, then what do we do? We have one of two choices: We can increase taxes, and those of us in 1993 who thought that was the right thing to do because we wanted to get on with the deficit, we wanted to protect Social Security, we wanted to protect Medicare but to do this we had to vote for the Clinton tax increase, and we lost 52 Members by doing the right thing. Everyone wants to enjoy the benefit of a surplus, but very few want to pay for the surplus. It means sound fiscal policy. Now we are going back to the days of old. I only hope the rule is defeated so we do not do this to our Congress, we do not do this to our country, and we do not do this to the American people.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds. I believe the other side is a little embarrassed about this product and they do not have too many speakers. We have a lot of speakers and we are going to take our full time.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, we are discussing a bill that almost none of us have seen, a $2 trillion plus bill. And where is it? I am not shocked, but I am deeply saddened. The House majority here is hell-bent on this bill even if it means replunging us into the fiscal hell of the deficits of the 1980s.

What you have done is to use the gimmick of all gimmicks. You lop off the 10th year. Who is ever going to believe this is real? Who is ever going to believe this is a $1.35 trillion bill when you ignore the 10th? We do not have the bill, let alone the real analysis, let alone any critique by the so-called Joint Tax Committee.

□ 0715

Common sense says that if one adds the tenth year, they are going to add $200 billion. This is a $1.6 trillion bill, plus the increased interest; $2 trillion plus. Some of my Republican colleagues have the gall to get up here and talk about a House consensus. The gall. And somebody thanks the gentleman from New York (Mr. RANGEL) for joining with the gentleman from California (Mr. THOMAS) when I do not think he was in any of the discussions.

This is a masquerade. They have added a little bit of sugar amidst a potful of fiscal irresponsibility, fiscal irresponsibility, and they can't hide that by taking one year off. Why do they not take a second year off and make it smaller yet?

They are hurdling this country potentially over a cliff. They are fiscally irresponsible, and it does not matter if they bring this up at 1:00 in the morning, which was their original intent, or 7:00 in the morning. The daylight will show they are fiscally irresponsible, playing with fire, gambling the future of this country, education, prescription drugs. Three hundred bucks a month in pills will cost seniors more than the 300 bucks people might get, as important as that is to some families. When one looks at this altogether, my Republican colleagues are fiscally irresponsible. They are repeating the sins of the 1980s times two.

I urge we defeat this rule.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, tax relief and tax fairness is not a Republican solution. It is a combined House solution.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I am not embarrassed by this bill. No one should be embarrassed by this bill. I think Congress should be embarrassed for what we have allowed to develop over many periods of years. Anybody in America can see that most Americans, in fact, do not even like the government. They do not even want to be involved with the government. They see the government as a separate entity that hopefully is going to send them their Social Security check and maybe will not audit them or cause them any problem.

This nexus that should exist because it is our government does not exist anymore, and the genesis of it is right here in the House floor; the politics in the Congress. Politics of division, minority versus majority, old versus young, worker versus company, man versus woman. Is it any wonder the country is screwed up?

Look, income taxes started out headed right to the Supreme Court and were struck down as unconstitutional and, my God, I believe they are still. If one looks at the original language and the common sense of America, income taxes are not what the American people ever wanted, nor were they designed to be that which was intended by the Founders.

I give credit to the majority party. Taxes in America are too high and they are trying to reduce them. Yes, there are some things the gentleman from New York (Mr. RANGEL) is doing I certainly can vote for, that is for sure, and I commend him for the fight that he has taken, but taxes are too high.

We should not be penalizing those who marry. My God, we reward people who do not marry. Is it any wonder that we have so many illegitimate children? We subsidize illegitimacy. We reward dependency with a Tax Code that every businessman is in partnership with. They must look at the Tax Code before they decide they are going to make an investment. Beam me up.

Thank God. It may not be perfect, but this is a good bill for America. I stand here today and say, yes, I am going to vote for it and I am going to vote as long as I can to continue to refine and improve the Tax Code of this country.

There should be no disconnect between the American people and our government. It is our government and, quite frankly, there are many things being done in this bill that we the Democrats should have done and we should have done them a long time ago. But there is one thing that all Congress should do, and that is take the American people and the American government and put them back together again as one unit. This is a good place to start.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

Mr. Speaker, we are going to leave here and go home and participate in Memorial Day celebrations all across the country honoring those who have made our country free, who have stood down the challenge of fascism in World War II, stood down the challenge of Communism by prevailing in the Cold War.

What I had hoped my contribution to the future of this country would be would be not in the national security area, they have already done such an excellent job there, but in terms of promoting the fiscal health of this country, leaving us more financially secure for our children than we ourselves have in this country with the passage of the bill the majority has brought forward. I now deeply regret that that will not be possible.

We will not pay off the national debt to the fullest dimensions possible. We will not fully be in a situation to preserve the Social Security and Medicare trust funds.

Three quick points of analysis on this bill. Is it fair? The top 1 percent gets 37 percent of the break. The bottom 60 percent get a mere 15 percent. That is not fair. It is not fair in any way, shape or form.

Does this bill make sense? This is the phase-ins and phase-outs of this bill. This bill is a matter of here today, gone tomorrow. It is the most screwed up bill we have ever seen in terms of bringing taxes in and phasing them out. Marriage penalty phase-in starts in 2005; fully phased in by 2009, repealed in 2010. Estate tax, it is there in 2009. It is repealed in 2010. It is back in 2011. College tuition deduction starts in 2002, phase-in in 2003; fully phased in 2004 and 2005, and then it is repealed. AMT relief, it is there in 2001. It is there through 2004 and then it is repealed.

One needs certainty in the Tax Code so they can plan, and this is anything but certain.

Does this bill allow for any other national priorities? This bill has been constructed so that it explodes in the next 10 years. $1.3 trillion, it will actually be more than that, about $1.6 trillion in the first 10 years to $4 trillion in the second 10 years, just at the time baby-boomers move into retirement and the cost of Social Security and Medicare escalates.

There is nothing in the measure before us for the additional defense spending we know is going to be coming, and there is insufficient allocation for the resources we are going to need in education.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, on this early Saturday morning, on the East Coast, perhaps some folks are blurry-eyed and perhaps a little frustrated. Perhaps they remember the words to the great country song, That Is My Story and I Am Sticking to It, even though the facts would suggest otherwise. In lieu of incendiary rhetoric, let us just go back to the central concept of what we will do in this Chamber today and it is something that I think interestingly has gained bipartisan support.

We have overcharged the American people. We have asked them to pay too much of their paycheck in taxes, and now we are simply giving them a very modest refund. It is not perfect. It is not overly ambitious. It is not risky. In fact, it reaffirms what I think people of goodwill on both sides of the aisle want to do; to understand the truism and the basic wisdom of letting parents and families provide for themselves while maintaining a social safety net and the long-standing commitments that Americans have come to depend on, and indeed we have seen this as a bipartisan initiative through the years.

Forty years ago, President Kennedy reminded us a rising tide lifts all boats in terms of fair and equitable tax relief. Twenty years ago, President Reagan made that point.

This is a bipartisan measure, and to the extent there is waling and gnashing of teeth and setting off of false alarms, I understand that good people can disagree but I believe in the final analysis, Mr. Speaker, people will come to understand that what we do today for the American people is to take a first significant step for letting them put their financial houses in order and in the process putting our entire economy back in order.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, it takes no courage to vote for this bill today. All it takes is a capacity to ignore the greatest opportunity we have had in a generation to really fundamentally improve the quality of public services for every American family. It is incredibly short-sighted.

We have two choices here today. We can either take every dollar of available surpluses available for the next 10 years, or close to it, and use that money to provide individual gratification through the Tax Code primarily for high income people, or we can make that tax cut modest enough in size so that we leave enough money on the table to fundamentally fix long-term our preexisting obligations in the area of Social Security, in Medicare, and in education.

It is incredibly short-sighted and we will regret this moment more than any action that we have taken in the last 17 years.

As far as the appropriations are concerned which will follow, we will probably be able to put enough patches on the innertube to get the car down the road for 2 or 3 miles for one year but in the outyears this package also destroys our ability to rebuild our science base. It destroys our ability to put our dollars where our mouths were just a few days ago on the education bill. It destroys our ability to really do something to deal with the fact that 40 million people in this country have no health insurance.

This essentially says that in terms of providing quality public services, we are satisfied with the status quo and will remain so for the next 10 years.

We can do better. We should have done better. If the majority party in this House had given anything but lip service to the idea of bipartisan cooperation, we would have done better. This deserves to be put together in the dead of night because that is the only way that this package looks good. This is the biggest mistake that we have made since 1981, and it destroys our ability to say to people at the end of this decade that we guaranteed them a secure retirement, we finally brought justice to this country on the health care front and we indeed did do things that were transformational with respect to education.

All of that long-term is gone. So congratulations for the short-term thinking that this bill represents. It is a typical 2-year election vehicle which weakens the country long-term.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I am delighted to be here at 7:30 in the morning on a Saturday passing a bill that will help Americans.

We have heard a lot of conversation this morning about deficits on the other side of the aisle, and they probably know a lot about them because they created them through their 40-year rule.

They talk about Social Security and restoring it. Well, the other side borrowed from Social Security for generations to pay for ongoing government spending.

□ 0730

Yes, we had deficits, and I have heard the blame cast on Ronald Reagan. However, the majority party at that time was Democrats who had to bring to the floor the bills that the President offered to the American public. Bills do not just become law because the President says so. The exercise over the last couple of weeks demonstrates that the President can merely recommend to Congress. But I am delighted to see that the Senate, some Democrats, some Democrats seeking reelection, are, in fact, supporting this package, because it is a balanced approach.

Mr. Speaker, we can talk about dead of night, deals cut in the midnight hours, but we are here on a Saturday on a Memorial Day weekend to ensure that the American public recognizes that we are looking out for their interests. Yes, we can increase education funding, as we did on this House Floor last week, and the bill passed in a bipartisan fashion. Yes, we can increase national security; and we can increase money being spent on the environment, as we are doing in Florida on the Everglades. Yes, we can shore up Social Security, and we can restore the fiscal health of Medicare. And we can do that all within the confines of the budget and the tax package being voted on here on the floor today.

What we need to recognize, though, and we have said it many times on this House floor is that the money we are talking about, in fact, belongs to the people not on the House floor, but the people watching us speak this morning, the American taxpayers who work every week and on Fridays they come home and hope they can enjoy time with their families. But no, they often have to work one and two and three jobs to make ends meet and pay taxes well past April. In fact, into May we are paying taxes: excise taxes, unemployment taxes, property taxes, State taxes, sales taxes, income taxes. You name it, it is taxed. Today we are here to give just a little bit of a break over 11 years to the American consumer, over 11 years. One would think the conversation today would indicate we are throwing it out in buckets this morning.

Mr. Speaker, this is a balanced approach. This is a good approach. This provides some real return to the American public. Money back this year, lump sum, to single taxpayers, single parents, married taxpayers.

So let us salute this final agreement made by some great Members of this body, both here and on the other side of the aisle; and let us salute the American public, because they have been waiting a long time for some relief.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, the gentleman from Florida claimed inaccurately that Ronald Reagan had a Democratic Congress. In fact, for 6 of the 8 years under Ronald Reagan, the Senate was Republican, so he was not faced with a Democratic Congress.

I would have to say, however, that the gentleman's economics makes his history look good. He says under this tax scheme we will have enough for Medicare to restore it. In fact, that is the heart of what we are talking about. People talk about the money belonging to the people, and of course, it does.

People have two sets of needs. They have needs that can best be dealt with individually, but they also have needs that can only be dealt with if we do them together.

In my own district, I am often asked about funding for Superfund, for transportation, for law enforcement. All of these are being cut in the President's budget. The President tells people that he cannot afford, under his budget with this tax cut, to provide any help on prescription drugs for people who make more than $17,000 a year. He canceled, because of the need to pay for the tax cut, the Public Housing Drug Elimination program that provides police officers to be in the public housing projects.

In fact, we have a terrible crisis in the provision of medical care, nursing homes, and home health care agencies. Hospitals all over the country are in difficulty, and it is getting worse. We underpay the hard-working people in these facilities. We have a terrible nursing shortage because women are no longer coerced into nursing; and now that they have a better choice of professions, we are not paying enough to attract them.

This bill takes away from the people the funds that they could use to adequately fund Medicare, a prescription drug program, nursing homes, long-term care. None of those can be addressed without the revenues that this bill does away with.

Now, I do understand that it sunsets the tax cuts. That is odd. When the Republicans were facing Bill Clinton as President, they said if they got in power, they would sunset the Tax Code. Apparently they misunderstood themselves, because this bill does not sunset the Tax Code, it sunsets the tax cuts.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there is a real plot here in this Tax Code. In 1981, I do not think Ronald Reagan understood what he was doing. It was said for a long time that the Democrats are the party of tax and spend. The Republicans of the 1980s and 1990s turned out to be the party of borrow and spend. From George Washington through Jimmy Carter, the national debt that was accumulated for 200 years when Ronald Reagan took office was a little under $800 billion. The next 12 years of Republican Presidents and half that time, a Republican Senate, that national debt more than quadrupled to $4.3 trillion. David Stockman admitted why. He said they knew what they were doing, because only by deliberately creating multi-hundred billion dollar annual deficits can you politically withstand the demand of the American people for more health care, for decent numbers of nurses in the hospitals, for shoring up Medicare and Social Security.

And what does this tax cut do? It is deliberately designed to create multi-hundred billion dollar annual deficits in the future, $4 trillion of tax cuts in the next decade if it does not sunset, so that we will be able to stand on this floor 10 years from now or 6 years from now and say, we have to cut Social Security benefits, we have to increase the retirement age, we have to cut back on Medicare, we cannot think about prescription drugs for Medicare, we cannot build the highways and bridges and roads we need, we cannot put the money into education, because we have a $300 billion annual deficit this year.

Mr. Speaker, that is the purpose of this tax cut, because the people who are doing it really do not believe that government ought to fund Social Security or Medicare or prescription drugs under Medicare and all the other things, because the purpose of this tax cut and the effect of it will be, because it is so huge and we are told we have these huge surpluses for 10 years; 10 year surplus projections are about as reliable as 10-year weather projections.

If we pass this, we are deliberately creating multi-hundred billion dollar deficits in order to justify cutbacks in all of the programs that the people of this country want.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise at 7:40 in the morning on a Saturday morning to get this work done, to get this work done as Americans are going to work all over the country. Those who have the day off may be watching what we do and wondering how it is going to impact their family. The truth is that American families can spend their money for the benefit of their family in almost all instances better than the Federal Government can.

We are going to hear a lot, not only today, but in the future, and just did, about the projections of revenue. We never hear revenue projections questioned when we talk about spending. We only hear revenue projections questioned when we talk about giving the money back to the people who are sending it in. There is a tax surplus; and even after we return this much of that tax surplus, there is still not only money left to grow the government at a rate much faster than inflation, but a contingency fund beyond that and money to secure the trust funds in ways that did not happen here for 29 years.

Mr. Speaker, we are balancing the budget, we are letting government grow at a rate that many Americans would argue is too high, it is higher than their businesses are able to grow, it is higher than their home budgets are able to grow. But what we are doing today is giving the tax surplus, the money we have said in every projection of Federal spending we would need, back to the families that are sending it in.

Mr. Speaker, this is the right thing to do. This is the right day to do it. This gives the American people the ability to plan what they can do for their families, how they can create jobs and growth in their small businesses. This bill will pass today, it will make a difference in America. It is what we should do.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is about 7:30 in the morning on Saturday morning; and there is no complaint by those of us who choose to work for the people of the United States in being here. There is a question about whether or not democracy equates to participation. I wonder why the ranking member of our caucus and the ranking member of the Committee on Ways and Means failed to be included in a participatory fashion to be able to design a tax plan that will respond to all Americans. Instead, what we have is a tax plan that feeds the top fifth of wage-earners or wealth-owners of the United States, some 1 percent of those, the richest, are the ones that are getting some 36.9 percent of this tax bill.

I beg to differ with my colleague who says that if we cooperate and collaborate, we cannot get a balance between the budget and spending. In 1997, we put forward under the Clinton administration in this Congress a balanced budget. I would have stood here today and supported an economic stimulus, one that would have been about $40 billion, the same $300 check and $600 check for married couples and $300 for singles that they are going to get if they file their taxes for the year 2000. That is a reasonable response to give to the American people.

But it is not reasonable to tell them that they are getting a marriage penalty deduction when it takes effect in 2009, 2010. It is not reasonable to suggest that they are getting estate tax relief, particularly when we could have done one that would have been more reasonable, if they would know that they have to wait to die in 2010, between 2010 and 2011.

This way, as we spend this money, Mr. Speaker, we do not have the money for the enormous education bill when we said "leave no child behind." Dollars are needed to invest in special needs children, to invest in title I and to invest in paying our teachers. We have no money at the end of this process, because it sunsets, to pay for Medicare and Social Security or energy research and development. There is no money to run the government as the people of the United States, Mr. Speaker, would like us to do. I wish we could have done this together with a reasonable tax cut for all Americans.

Mr. Speaker, I rise in opposition to this conference report process because it is a violent abuse of the House rules, the rights of the minority, the people of the United States, and the entire Congressional budget process.

Since this budget first started moving through Congress, the minority has been shut out of the process, and our voices silenced. Once again, members of the minority are being forced to vote on a conference agreement without having had time to review or study it. It is shameful that members of Congress should be expected to vote on something as important as the budget for the entire nation which touches each and every American, without actually knowing what's in it.

Mr. Speaker, this manipulation of the rules and departure from standard House procedure has the effect of silencing the voices and usurping the rights of millions of Americans, all for the sake of a tax cut that overwhelmingly serves the wealthiest of Americans.

I cannot believe, after all that has been said of bipartisanship and compassionate conservative idealism, that the majority would pass up this rare opportunity to work together with the minority of this House; the people's house; to come together for all of the American people. President Bush promised to be every American's President. I call on Congress today to truly represent all Americans, and support a budget that is fair for everyone. Sadly, this budget before us is not the one.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, this is a bad day for the tax-and-spenders. They have had a terrible morning. It has sort of been like giving birth to a porcupine. But most of the suffering is over and at least until June 5, the people of this Nation will have an opportunity to have some of their money returned.

Part of the problem they had, Mr. Speaker, is they did not hear the roar. They did not hear the roar. Most of my colleagues were out on that rainy day like this morning when we inaugurated George W. Bush on the west side of the Capitol building and some people did not hear the roar. I remember everyone politely applauded after George W. gave different lines in his inaugural statement, but the people on the platform, the elected officials, some of them did not hear the roar. They all applauded politely. But when the President was giving his inaugural remarks, he pledged a tax cut. He pledged to give people back their own money and there was this huge roar and there was silence among the politicians, because some people did not hear the roar.

So this morning we have an opportunity, today we have an opportunity to hear the roar, to give back a little bit of the money to the people who are out there today and tomorrow working, saving, earning, and sending that money, that hard-earned money to Washington. Some people heard the roar.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

□ 0745

Mr. MORAN of Virginia. Mr. Speaker, we are all entitled to our own opinions, but we are not all entitled to our own facts.

The facts will show in fact that since President Clinton took office, every one of his budgets was less than the Republican Congress, which came in in 1995 actually appropriated. So I think what this is all about is trying to save us from ourselves, from the Republican standpoint.

They are in control of the White House, they are in control of the House, but now what they want to do is to foist upon the American people a true bait and switch tax bill. This is unbelievable. If it did not sunset at the end of 10 years, it would cost $4 trillion for that next 10 years.

So what do we do? We assume that we are taking savings, and that enables us to have deep tax cuts for the first 10 years.

Let us look at those deep tax cuts. The estate tax, for example, that does not even do a good turn for the very rich. They have to wait 10 years before it is phased in, and then it sunsets in 2010. So in 2009, that is the death bubble year. That is the time they sell their inherited assets, but there is still a tax-free step-up in basis for capital assets in 2009. That is not up until then.

People with real money realized what a step-up basis is. They realize this does very little for them, and in fact it does not take care of the gift tax.

When we look at the marriage penalty, as the gentleman from North Dakota (Mr. POMEROY) said earlier, the marriage penalty starts in 2005. It is fully phased in in 2009. In 2010 it is repealed. How can that be a high priority?

When we look at the pension plan, we all voted in favor of it. That does not become effective until the latter part of this decade.

Mr. Speaker, this is not a good bill for the American people. It is bait and switch. When they see what was foisted upon them, they will know that the right vote is no on this.

Mr. MORAN of Virginia. Mr. Speaker, we are all entitled to our own opinions, but we are not all entitled to our own facts.

The facts will show that every year that President Clinton was in office, and the Republicans were in control of the Congress, the Republicans spent more than the Democratic White House asked for. But now, hypocritically, this Republican Congress is trying to deceive the American people into thinking that we can have it all, all the tax cuts we want and all the government we need.

This tax cut bill is unbelievably irresponsible. If it did not sunset at the end of 10 years, it would cost $4 trillion for the next 10 years. The only way to get the money for that $4 trillion of lost tax cut revenue is to take it out of the Medicare and Social Security Trust Funds just as we did to pay for President Reagan's 1981 tax cut.

So what do we do to hide this unavoidable raid on the Social Security Trust Fund? This bill terminates all the tax cuts at the end of the first 10-year forecast period.

Let us look at those deep tax cuts. The estate tax, for example, does not even do a good turn for the very rich. They have to wait 10 years before it is phased in, and then it sunsets the next year. So in 2009, that is the "death bubble" year. That is the only time they can sell their inherited assets, because there is still a full tax-free step-up in basis for capital assets in 2009. After 2009, the step up basis is reduced.

People with real money realize what a step-up basis is. They realize that for most of the next decade this does very little for them, and in fact it does not take care of the gift tax.

When we look at the marriage penalty, as the gentleman from North Dakota (Mr. POMEROY) said earlier, the marriage penalty starts in 2005. It is fully phased in in 2009. In 2010 it is repealed. How can that be a high priority?

The Alternative Minimum Tax takes back ⅔ of the benefits of this tax cut for taxpayers through the 99th percentile of income, but only takes back 11 percent of the tax cut for the top 1 percent of taxpayers and the top 400 taxpayers don't have to give up anything to the AMT.

When we look at the pension plan, that we all voted for that does not become effective until the very latter part of this decade.

Mr. Speaker, this is not a good bill for the American people. It is bait and switch, when they see what was foisted upon them, a false promise, they will know that the right vote is a no vote on this. It leaves $3½ trillion dollars of debt as well as our retirement costs to our kids' generation to pay. Yes, this surplus revenue is our money, but the public debt is also ours, it's not our kids' and it's not fair to stick them with it. This phony unfair bill should be defeated.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I want to compliment the people in this body who put together what I believe is a very well-balanced and well-thought-out tax relief proposal.

I believe it is very important for people to recognize at the very beginning that this amount of taxes, $1.35 trillion in revenue, is provided in tax cuts only after every other part of the Federal government is funded. In fact, in total, the Federal budget is funded at almost 5 percent of an increase.

I think it is very important that we have been responsible in funding the other elements of our government; in fact, giving an 11.5 percent increase to education, setting aside Social Security surpluses, setting aside dollars for Medicare, paying down over the next 10 years, the period of this budget, $2.3 billion in debt owed to the public.

I think it is also very important, Mr. Speaker, to recognize what people want around the country now. People want, for one thing, a lot more control over their dollars. That is what we are giving them in this tax relief proposal. I want to speak briefly to one provision that I am very interested in; that is, the repeal of the death tax or the estate tax.

The estate tax right now is at the point of putting a burden of up to 55 percent on the backs of people who are basically folks who have bought a home, put money into it for years, provided responsibly for their retirement. This tax rests on the shoulders of middle-income people.

On this estate tax relief, we will find that in the first year, 2002, the rate goes down from 55 to 50. It decreases over the next 9 years. We get rid of this death tax in 9 years. January 1, 2010, the death tax is gone. Immediately, the rate of deductibility rises to $1 million. This is a huge change from what we had before. I think that the American public is getting a very good deal with this tax relief bill.

On the death tax, we are sitting there with a farm we have had in the family for generations. The time comes when the owner dies, and within 9 months one has to pay in cash up to 55 percent of the value of that property. What does a farmer do who is cash poor and land rich? He sells his land, often creating a situation where the land does not produce enough to support that family.

The same thing has happened over and over in my neck of the woods, Washington State, with timber properties, and the community loses. This is a very bad thing.

So we have taken into consideration small businesspeople, middle-income people, folks who own farms, people who want to keep businesses in the hands of their families. We have made it easier for them to do that. Everything will phase out by the year 2010, January 1.

I do not know why they are complaining about this. They should have done it years ago. Now we have done it. It is a great plan. I want everybody to get behind it.

Mr. FROST. Mr. Speaker, I yield myself 15 seconds.

To my friend, the gentlewoman from Washington, I would only point out that while the estate tax is repealed in 2010 and 2011, it is back.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, we have heard from the others, and it is interesting. They have told us the deficits of Reaganomics are so bad that they try to blame the Democratic Congress. We are told that if there is a large pile of money left in Washington, D.C., it will be spent. They are right. There is $2 trillion in the Social Security trust fund, and this Congress will spend it on tax cuts for the wealthy and on missile defense.

But in years to come, people will look at the back of their tax returns and they will see a huge AMT, alternative minimum tax, added to their tax bill. They will remember a bill that was written at midnight, and they will believe that all the tax benefits went to those less worthy and more wealthy than themselves.

They will be right. Look at what this bill does to the upper middle class. It throws them into the alternative minimum tax. With the change in the Senate, we will not be in a position to fix that. We have almost no AMT relief in this bill.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER).

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I knew we were on the precipice of triple-digit deficits, a national debt in the trillions, and destructive and profound dislocations throughout the American economy.

David Stockman, David Stockman, admitted the knowledge that he had as he presented the 1981 economic program to the Congress. As it was proposed and submitted to the Congress, it was the same rhetoric that we have heard about giving Americans back their money.

That is good rhetoric. It is politically attractive rhetoric. But we are fiduciaries of that money. They collectively give us that money to apply to the needs of their country and of themselves and of their families.

In the 1980s, the debt that we created was also theirs. As a result of the creation of that debt, they today pay billions, billions of their dollars in interest, and receive essentially nothing in return except what a previous generation bought with that money.

This is a sad day, as was 1981, because, like David Stockman knew, it will be the result of profound dislocations in America in the days ahead. Defeat this rule. Defeat this bill.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I stand in support of the rule. I stand in support of this legislation. I stand in support of this commonsense, balanced package of tax relief that will pass this house with bipartisan support today.

If we think about it, if we look at the big picture, this does make a lot of common sense, We have, thanks to the fiscal responsibility of this Congress, and particularly this House, we have a projected surplus over the next decade of $5.6 trillion, a tax surplus of extra money. This package takes less than one-fourth of that tax surplus and uses it to help the average family in America, a $1.3 trillion tax cut.

Our friends in the news media will of course try to determine who the winners are here. Clearly, the biggest winner is the taxpayer. The winners in this room are also those Republicans and Democrats who have worked together to provide tax relief for working families.

I particularly want to commend my Democratic friends, those on the other side of the aisle, who set aside partisanship to work together with the President and with the Republicans to help families by lowering taxes.

I also want to salute the President, who made education and tax relief the number one and two priority of his agenda for his presidency, because this week we passed his education proposal, and today we are going to send to his desk for signature into law his tax cut proposal. This is clearly a big victory for President Bush.

But who does it help? Clearly this tax cut helps everyone. If anyone pays taxes, they will receive relief. Under this proposal, the across-the-board tax cut helps every American taxpayer.

All of us are concerned about the direction of the economy. The President inherited a weakening economy, and we are all committed to find a way to help ensure that we can boost this economy. Clearly the tax rebate, $300 for a single, $600 for a married couple, will put some extra cash in the hands of taxpayers so they can pay off some bills, as well as have extra spending money to meet the needs of their family. That clearly will help our economy.

I also want to note that this legislation helps bring about tax fairness. We have often talked in this House about the need to address the marriage tax penalty. Beginning in 2002, next year, we begin providing relief for the married tax penalty suffered by 28 million married working couples who pay on average $1,400 more in higher taxes just because they are married. Low-income couples who participate in the earned income tax credit will see their marriage tax penalty relieved.

Lower-income families who do not itemize but use the standard deduction to pay their taxes will see marriage tax relief. And middle-class families who itemize their taxes because they own a home will see marriage tax relief.

It is a commonsense package. It deserves bipartisan support. I am proud to stand here in support of the biggest tax cut we have had in a long time.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, I heard mentioned several times about 1981. I was seated on the other side of the aisle in 1981. The time and circumstances are totally different than today.

I remember quite well the budget then was based on deficits. Today we have surpluses. The economic assumptions used in building that budget were in excess. They were very liberal type assumptions that David Stockman put there. This budget is based on conservative estimates, and we are basing it on surpluses, not on deficits.

We are paying more taxes today as a percentage of the GNP since World War II. I think our people, the taxpayers, are entitled to a refund. I think this is not the last day in this Congress. There are a lot of things that can happen. We will probably tweak different things along the way in the next decade.

Is everything in the tax bill that I like? No. The chairman knows that, the leadership knows it. We are not covering everything we should be, but we need to be trying to provide the opportunities for economic and job growth, and this bill would do that. I think it will spur the economic growth of this country.

☐ 0800

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are in the countdown to real meaningful tax reform for America. It has been said by myself and other speakers today, Americans are spending a greater percentage of their income toward taxes now than any time since World War II, essentially comprising the largest share of the gross domestic product. In the land of equality, where is the fairness in that?

This tax package provides relief to every single taxpayer, removing millions of Americans from the tax roll altogether. This tax plan is predicated on the idea that a sensible tax policy will generate high rates of long-term growth.

Reductions of marginal tax rates will encourage greater work effort and provide more inducement for taxpayers to save, invest and build in business enterprises. America, this is your money, and you know how to spend it best. I am asking my colleagues to give you the refund you have asked for.

Mr. Speaker, I urge my colleagues to give America what they need and what they have earned: responsible, commonsense tax relief. I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 177, not voting 43, as follows:

[Roll No. 148]

YEAS—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton

Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
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Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
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Brown (FL)
Brown (OH)
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Cardin
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Carson (OK)
Clay
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Clyburn
Conyers
Costello
Cramer
Crowley
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Davis (IL)
DeFazio
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Jefferson
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Jones (NC)
Kaptur
King (NY)
Lipinski
McCarthy (MO)
McDermott
McIntyre
Meek (FL)
Millender-McDonald
Moakley
Oberstar
Ose
Quinn
Rahall
Rodriguez
Rush
Scarborough
Skelton
Towns
Walsh
Waters
Waxman
Wynn

□ 0823

Mr. SANDLIN changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. OSE. Mr. Speaker, on rollcall No. 148, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 148, due to difficulties associated with my travel logistics, I was unavoidably detained. Had I been present, I would have voted "nay."

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1990

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to withdraw the following names of Members as original cosponsors of H.R. 1990. These names were inadvertently included as cosponsors of H.R. 1990. I also ask that the first printing of the bill reflect these changes:

SANFORD BISHOP, Georgia;
LUIS GUTIERREZ, Illinois;
DENNIS KUCINICH, Ohio;
PATSY MINK, Hawaii;
ELEANOR HOLMES NORTON, District of Columbia;
JANICE D. SCHAKOWSKY, Illinois;
DAVID BONIOR, Michigan;
ELIJAH CUMMINGS, Maryland;
BENJAMIN GILMAN, New York;
RUBÉN HINOJOSA, Texas;
SHEILA JACKSON-LEE, Texas;
STEVE LATOURETTE, Ohio;
CONSTANCE MORELLA, Maryland;
MAJOR OWENS, New York; and
ROBERT C. SCOTT, Virginia.

The SPEAKER pro tempore (Mr. LAHOOD) Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 153, I call up the conference report on the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

The SPEAKER pro tempore. Pursuant to House Resolution 153, the conference report is considered as having been read.

(For conference report, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Well, the day has arrived. There was a contest for President last year. There were very clear and particular themes underscoring the candidacies of each of the gentlemen running for President. One of them said he wanted to bring a different atmosphere to Washington and he wanted to return some of the taxpayers' money. Governor George W. Bush became President. There is a different climate in Washington, and this morning we are returning some of the taxpayers' money. The conference agreement on H.R. 1836 is clear evidence of that different environment.

I want to thank the Speaker of the House of Representatives, the gentleman from Illinois (Mr. HASTERT). Without his ability to focus, guide, support and nurture, this conference report would not be before us. I want to thank the majority leader, the gentleman from Texas (Mr. ARMEY), for his willingness to stand shoulder to shoulder in trying to produce a responsible product. But probably more important than that, I want to thank the chairman of the Senate Committee on Finance, the gentleman from Iowa, Mr. GRASSLEY, and the ranking minority member of the Senate Committee on Finance, the gentleman from Montana, Mr. BAUCUS, because they decided that the only way legislation as significant and sweeping as this could pass the Senate would be if from the beginning it was a bipartisan effort.

It does not take too much analysis to realize that if you have a Committee on Finance divided evenly between 10 Republicans and 10 Democrats, you are not going to be able to move anything unless it is bipartisan.

□ 0830

But they were committed to returning the taxpayers' money enough that they built a bipartisan product from its instigation in the Senate, carried it through the floor and into conference. And along with the gentleman from Louisiana (Mr. BREAUX), we put together a bipartisan product coming out of the conference.

Now, I know there is some consternation because not every member of the conference signed the conference report. What is important to note is there was a bipartisan signature structure because the underlying legislation is bipartisan in itself.

There have been a number of statements about this piece of legislation which I do think need to be addressed. There are individuals who are still using a statistical analysis of a fictitious piece of legislation in terms of the distributional effects on the taxpayers based upon the tax changes.

I would urge my colleagues in a number of places on the floor to pick up the material entitled Distributional Effects of the Conference Agreement for H.R. 1836 prepared by the bipartisan Joint Committee on Taxation to give you some feeling of the way this bill has been constructed. Notwithstanding the rhetoric you are going to hear once again about how this goes only to the wealthy, if you will simply look at the change in Federal taxes and the percent of the benefit going to particular income groups, for example: in those income categories between $10,000 and $20,000, in this calendar year, 11.5 percent of the benefits go to the $10,000 to $20,000; $20,000 to $30,000 9.4 percent; $30,000 to $40,000, 6.4 percent; $40,000 to $50,000, 5.4 percent; $50,000 to $75,000, 4.5 percent; $75,000 to $100,000, 3.5 percent; $100,000 to $200,000, 2.6 percent; $200,000 and over, 1.3 percent. In other words, those who have the lowest income get the greatest benefit.

In other words, if your income category is $10,000 to $20,000 a year, you get 11.5 percent of the benefit. If it is $200,000 and over, you get 1.3 percent. In fact, it is a numerical cascading structure in which every increment moves in the direction you would expect if it is a fair distributional structure.

In addition to that, I have heard statements about the fact that this particular package will destroy Medicare, that once again Social Security is under threat. I wonder how long the bumper sticker political rhetoric is going to be continued. The Senate Budget Committee, the House Budget Committee, those responsible for examining the budgetary structure, say in every year of this agreement, the HI or the Medicare Trust Fund is fully protected and the Social Security Trust Fund is fully protected. This agreement meets the requirement of the budget that we passed to protect Social Security and Medicare in every year of the 10 years of the agreement.

Now, let me address the 10 years because that clearly was one of the most popular themes during the rule. I am sure there will be a number of speakers to take the well to say, hey, this agreement is phony because it only lasts 10 years.

This legislation was considered under the budget reconciliation rules that apply to the Senate. Under budget reconciliation, it is possible to pass legislation limiting the rules of the Senate in terms of debate and hours to debate a subject normally unlimited and only require 51 votes to do so. It was created because it was almost impossible to move legislation just like this through the Senate without the limitations that are currently available in the reconciliation structure. It is a two-edged sword. It means you are able to get through the Senate legislation like this, but under the rules of the Senate it can only be for 10 years and that if any revenue bill extends its effect outside the 10-year window, it is, as we say, subject to a point of order and, therefore, the entire package fails.

I will tell my colleagues that if you want permanent tax change, it requires 60 votes in the Senate to accomplish that. I have before me what a 60-vote bill would look like. It is, if you notice, a blank piece of paper, because that is what the tax bill would be if it were to be permanent. You would not have $1.35 trillion of tax relief for hardworking American taxpayers. You would not have a lump sum payment in lieu of withholding adjustment of almost $40 billion going out to Americans to help stimulate the economy this year. You would not have permanent rate reduction. You would not have the refundability for child credit that is in this bill. You would not have anything.

So I appreciate the wringing of the hands and the concern that this only lasts 10 years. I tell my colleagues, every one of you who are worried about this only lasting 10 years, join with me, let us walk across the Capitol, and you produce 60 votes. If you produce 60 votes, you will have it permanent. If you do not, it is as simple as that. Unfortunately, under the rules in which the Senate must operate to have a clear majority express its will, it can only be done within the 10-year framework.

So we will hear the argument that all of this is only for 10 years. But if it is only for 10 years, what a 10 years it will be. More than $1.3 trillion in a time of surplus will be returned to the hardworking taxpayers. I know some of you are concerned that it is not going to be available to continue to feed the Federal dog. The problem, of course, we know is that when you start one of your programs, it is a cute little puppy but as you continue to feed it with hardworking taxpayers' dollars, it grows into an enormous, large dog that eats almost all the resources. We have seen it over and over again. That is why we were in deficit year after year after year. What we have, courtesy of the gentleman from Iowa (Mr. NUSSLE), is a budget under which we are required to work with, yes, provides this kind of taxpayer relief but also provides a responsible, over-the-cost-of-living growth structure for the Federal Government.

I know you are used to unrestrained growth. A little discipline is not necessarily a bad thing. Frankly, a little relief for the American taxpayer is not necessarily a bad thing, either.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I have been here for 3 decades, and I have never heard such poppycock in my life.

What we are talking about, the 10-year end of this bill, is because the Senate made me do it? It is true that we have violated every constitutional principle we could think of in terms of writing law and raising revenue but, my God, is the new Republican thing "it wasn't me, the Senate made me do it"?

We are supposed to create revenue here. We are the ones that are supposed to write the tax bills. But what did we send over to the other side? Nothing. And so now we are sorry because they have shoved this piece of legislation down our throats.

Bipartisanship. Let me tell you, Mr. Speaker, when you appointed me to serve on the conference committee along with our distinguished majority leader and the distinguished chairman of the Committee on Ways and Means, I was so proud because I would have been the only Democrat in the House of Representatives, where the people govern, to at least try to guide this away from just the rich and maybe reflect the concerns of the moderate and the hardworking people of America. So as soon as I was appointed, I waited and I waited and I waited for an invitation to the meeting. But the invitation never came.

Now, I do not know where the bipartisanship is unless one of the Republicans is a closet Democrat, but I can tell you this, I went looking for the meeting. The White House was at the meeting, Republican Members of the House were at the meeting, Republicans from the Senate were at the meeting. But guess what? Not one Democrat from the House was at the meeting.

Now, the chairman of the committee waves a piece of paper saying, this is what the bill would look like if the Senate had not made them accept it. Well, do not wave empty paper. Where is the bill, I ask the gentleman from California? Why is it that Members of this House have no copy of this bill that explodes in 10 years? Show us the bill if you are so proud of it. Or should we beam it up on the Web net as we have been advised and that is the only way we are going to find out what is going on?

I tell you this: If you were proud of this document, it would not have been patched up in the middle of the night. We would not be here on Saturday morning. We would not have meetings in the darkness of the night where people do not know where they are, but we would have been walking forward, Democrats and Republicans, proud of what we were doing. Instead of that, we have no bill, we have a lot of sarcasm, and yet we are expected now to go home and be proud.

Mr. Speaker, I reserve the balance of my time. Better than that, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the leader of the Democratic Party. Maybe he can find the bipartisanship, but for 3 days I have searched for it and it was not to be found in this Capitol.

Mr. GEPHARDT. Mr. Speaker, on my way in here this morning in the dawn's early light, I was thinking of proper titles for this bill. I am sure it has some classy title that has been given it by its sponsors.

How about the "Special Interest Relief Act"? How about the "Deficit Re-Creation Act"? How about the "Plunder Medicare and Social Security Act"?

Mr. Speaker, I ask Members to vote against this bill. It has been a long night, a long night of a conference to put together the biggest tax bill in the history of our country. And as the gentleman from New York just said, it was done in a cloud of secrecy. Democratic Members of the House were not allowed in the meetings where this bill, the largest tax bill in our history, was put together. And so what we have today is a giant relief act for special interests in this country, not for the people of this country. And we are not acting on the most important crisis that faces our country today which are runaway, back-breaking electricity prices on the West Coast of the United States.

The President said he came as a uniter, not a divider. He said that he would collaborate with Democrats and that the parties would work together.

□ 0845

Yet from day one on this bill, it has been my way or the highway every day.

I dare say there was more collaboration in this conference between Republican Members and special interests than between Republicans and Democrats to find the right bill.

In fact, the chairman of the committee had this to say in this morning's Washington Post: He said the decision to scale back numerous provisions rather than jettison a few reflected a political calculation. He said a number of groups in the Senate pushed for individual provisions so negotiators sought, and I quote, "to fit in as many of those special interest groups as possible."

Look at what had to be done to shoehorn in as many of those special interests as possible. We moved, in effect, the sunset date back a year. Why was it not moved back five more years? Why was every special interest in the country not shoehorned into this bill?

We wind up with becoming the laughing stock of the country because one has to die before 2010 in order to get the full benefit of the estate tax.

Someone said in the morning paper, this is going to be a Saturday Night Live routine, and it is. Can one imagine the routines that can be done?

Now let me give three quick reasons why this bill should be defeated: first, we believe that this tax cut comes over 20 years to over $5 trillion, over $5 trillion. It is backloaded. It is backloaded. It is backloaded. It explodes in the final years. It will cause the largest deficits this country has ever seen, and precisely at the time when the baby boomers are going to be coming into the Medicare system and the Social Security Trust Fund. We are going to be raiding those funds of needed dollars to take care of future generations.

Secondly, it is weighted to the top. The top 1 percent get 36 percent of the benefits of this bill.

We have no argument with people who have made a lot of money. We bless them. Thank God people can make a lot of money in this country and all of our citizens feel they can make a lot of money. We bear no grudge. We welcome their ability to do this, but we make a choice when we give that much of the tax cut to the people at the top. It means we do not give enough to the people in the middle class and the people trying to get in the middle class.

This is the opportunity society. We want people to feel they can get wealthy. We want people to work hard. But how will they take a tax bill that gives everything at the top?

Finally, it is fiscally irresponsible. We have worked so hard, we have worked so hard in this country, to get us back to a time of surpluses and not deficits. And tonight, today, this morning, we take a U-turn. We turn away from the most important achievement of this country and this economy.

I began to think that citizens had lost all faith in us because we could not deal with the deficit, and finally we summoned the courage in the early 1990s to take care of the deficit. We made the hard decisions, and I would argue that the Members of this Democratic Party sacrificed their seats so that we could return to fiscal responsibility.

It is what Senator JEFFORDS talked about in such ringing terms 2 days ago, and now we turn our back on this most important achievement. Again, if we were doing this risky scheme to give a larger tax cut to the middle class, maybe one could justify it. But, no, that is not what we are doing. We are doing this for special interests. We are doing this so the largest, wealthiest special interests in this country can get all of their things shoehorned into this bill.

Let me just say this this morning, or yesterday morning, and even in some places this morning, children are going to school in trailers in this country because we have not built the school buildings to house them. Our forests and our public lands need protecting. Our seniors, especially on the West Coast, need low-income energy assistance. People want more cops on the beat so that we feel safe on our streets, and middle-income families who are paying $2.25 a gallon for gasoline would like to have the majority of this tax cut.

Incidentally, Mr. Speaker, this is a tax bill, probably the last tax bill. The President sent us an energy plan last week. It has all kinds of tax incentives to produce alternative energy in this country. There is not one red cent in this bill to advance the energy interests of this country. This is not what we ought to be doing this morning.

Twenty years from now people will look back on this morning as a momentous, defining moment in the economic history of this country and the social history of this country. I urge Members on both sides of the aisle to examine the facts and examine their conscience. This bill, in my opinion, is an outrage. It is an outrage to the common sense and decency of the American people, and I ask each of the Members to consider carefully their vote because I believe with all my heart it will be remembered for their entire career and will be remembered by them for the rest of their lives.

Please do the right thing and reflect the values of the great American people: decency, honesty, fiscal responsibility, and common sense. Vote no on this tax bill.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to thank the minority leader for providing us with a defining statement. I think it can be made no clearer in terms of the difference here on the floor today. The gentleman from Missouri (Mr. GEPHARDT) said, mark my words, this is the last tax bill. He said this is the last tax bill.

He must know something we do not. Obviously, he is consulting with the new majority leader of the Senate, TOM DASCHLE from South Dakota; and apparently the new majority leader has assured him this will be the last tax bill.

If one wants to know the difference, the defining statement between the two sides, we think there ought to be more tax relief bills. Clearly the statement indicates there will not be any more. He knows more than we do about the way the Democrats are going to run the other body.

Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget and a member of the Committee on Ways and Means, someone who created the structure which allowed us to provide this kind of legislation to come to the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all Members that personal references to the Senators are not allowed under the Rules of the House.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for yielding me this time.

Mr. Speaker, I congratulate the gentleman and all of those that have worked on this bill. It fits within the budget. It is a good product, and it is not an outrage. The minority leader said it is an outrage. If it is such an outrage, why will the majority party today be joined by as many as 40 Democrats who support this bill? If it is such an outrage, why will it be that at least 10 Democrats in the Senate will join with the majority party in support of this bill? If it is such an outrage, why is it that this is supported by the American people in great numbers across our country? Because they know, as we know, who should be spending the money in this country.

This bill, I think, is a stark contrast between excuses and opportunities. What we just heard from the minority leader is a number of excuses, excuses that we have heard for a number of years as to why we cannot have a tax cut.

I have heard so many times people say tax cutting is easy; I am for tax cuts; coming to the floor and cutting taxes is one of the easiest things we can do. Then why is it since World War II that we have only done it twice before? If it is so easy, why is it that this is only the third time that we have been able to have this kind of tax relief for the American people since the end of World War II? It is because it is not easy. It is difficult.

Why is it difficult? Because there are so many excuses for why people cannot have their resources back and why the government should be spending that money itself.

What are some of those excuses that we have been hearing? The number one excuse was we cannot provide tax relief to the American people because it dips into Social Security. For one of the first times we have a budget that says we are not touching any of Social Security. This tax bill fits within that budget. We do not touch Social Security. We will not touch Social Security. That was a bipartisan decision. I hope that that holds, and it fits within this budget.

The second is that we should not do it because it touches Medicare. The minority leader said that this bill touches Medicare. That could not be farther from the truth. It does not touch Medicare. It should not touch Medicare. It will not touch Medicare. That also was a bipartisan agreement, and we should continue that practice here today.

The third excuse was we should pay down the national debt first. In fact, this budget accomplishes the largest reduction of the debt held by the public in our history. This bill does not change that in one way, shape or form; and by the end of the 10 years of this budget we will have eliminated the debt held by the public, except for that which is needed for the cash flow.

We have heard this is for the rich, and the minority leader mistakenly said 36 percent of the relief goes to the top 1 percent. Could not be farther from the truth; could not be farther from the truth. Read the distribution tables. Of course, that is a little hard to do, but, in fact, that is not the case.

We have heard it is the wrong time, the wrong way. It is the wrong process. We have heard it is too dark at night. We have heard every excuse in the book, except for the one that really matters, and that is the opportunity that this gives to the American people itself.

The real issue here today is who should spend the money. Do we believe that individuals and families make the best decisions about how to spend their money, or do we believe government is in the best position to do so? The special interests that we heard from the minority leader are in this bill. Want to hear what they are? People who are married, people who have children, people who are worried about the education of those kids, people who are worried about their small business and farms, and people who are worried about more and more money that goes to Washington that is not available to pay for higher energy bills, higher college costs and higher expenses.

Vote for this bill. It fits within the budget.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK), a distinguished member of the Committee on Ways and Means.

Mr. STARK. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), the distinguished ranking member, for yielding me this time.

Mr. Speaker, this bill is an obscene hoax on the American people, and it is not about taxes. It is about the Republican plan to fundamentally cripple the ability of government to do its job. It is about sacrificing our Nation's priorities on the altar of tax breaks to the wealthiest among us.

The Republican leaders would like nothing more than to hamstring our Federal Government's ability to function. They know it and we know it.

They praise the President's leadership, and on that note I will join them. The President's leadership led to one of the most outstanding acts in the political scene of this year and perhaps this century when the gentleman from Vermont decided to switch parties. In his statement he said "that in the past, without the Presidency the various wings of the Republican Party and Congress have had some freedom to argue and influence and ultimately to shape the party's agenda. The election of President Bush changed that dramatically.

□ 0900

We do not live in a parliamentary system, but it is only natural to expect that people like myself, who have been honored with positions of leadership, will largely support the President's agenda and yet, more and more I find I cannot. Those who do not know me may have thought I took pleasure in resisting the President's budget or that I enjoyed the limelight. Nothing could be further from the truth. I had serious substantive reservations about that budget, as you all know, and the decision it set in place for the future.

Looking ahead, I could see more and more instances where I will disagree with the President on very fundamental issues. The issue of choice. The direction of the judiciary, tax and spending decisions, missile defense, energy and the environment, and a host of other issues, large and small. Now, for some, success seems to be measured by the number of students moved out of public schools. In order to best represent my State, I will leave the Republican Party and become an independent. I hope my colleagues on the other side of the aisle will follow the President's leadership and take that good advice."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Again, the Chair will remind all Members that personal references to Senators are not in order, except to identify them as sponsors of legislation.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, I rise in support of this very likely last tax relief measure in this Congress.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN) who, on a bipartisan basis, was responsible for a major portion of this bill, the pension and IRA area.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time. I want to congratulate the Chairman and his colleagues for excellent work on this tax relief measure. I know I am not supposed to talk about Democrat Senators, but I will talk about them in terms of sponsors.

Senator MAX BAUCUS, who did sponsor the legislation on the Senate side, and Senator JOHN BREAUX, who is one of the sponsors on the Senate side, worked very hard with Senator CHUCK GRASSLEY, chairman of the Finance Committee, and the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means; and they did a fantastic job in putting together a great bill.

A couple of points need to be made. One is that this is about 25 percent of the tax surplus that is permitted to go back to the hardworking American people that sent, after all, every dime of that surplus to Washington. That is certainly fair and not consistent with what we have heard on the other side.

In terms of special interests, let us talk about the special interests here.

First, all of the President's major proposals are here, the "big four." Across-the-board tax relief that benefits every single American, while those at the lower- and middle-income levels get a disproportionate amount of the tax relief under this provision. An increase in the child tax credit, allowing all American families to have a little more to be able to raise their kids and the expenses incurred by that. It is also refundable, so it helps folks that do not pay any Federal income taxes, some who pay payroll taxes, some who pay no payroll taxes or Federal income taxes. Marriage penalty relief. All of us know about that, we have been fighting for that for years.

Finally, in this legislation, we get relief to folks who are married so they are not paying more just for the benefit of being married. Death tax repeal; very important to small businesses around this country, and those four are all in this legislation. All finally, after so many years of talking about them, so much discussion here on the House floor, we will have enacted into law to help the American people, not special interests, but the people who work hard every day to make this country work.

Other things are also added. The adoption tax credit to let people adopt children more readily. Education tax credit to help with tuition, to help with student loans; and, finally, the retirement security provisions which are extremely important to let every American save more for their own retirement. Raising the IRA contribution from $2,000 to $5,000. Had it been indexed to inflation originally, it would be a little over $5,000 a day. We are doing a catch-up there where it should be. On the 401(k) side, helping people to save more, again, for their own retirement.

This is a good bill. That is why 68 percent of the American people, 55 percent Democrats, support it.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI), a distinguished member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from New York for yielding me this time. I might just express my disappointment to the gentleman from New York (Mr. RANGEL), because over the last few days I had given him a number of provisions that I thought other Members of this body, Democratic Members particularly, would find helpful in terms of this tax bill, so perhaps we could have voted for it. But, then I found, after the gentleman had received all of these tax proposals that I had, that well, he was not allowed to go into the conference or allowed to go into the meetings. So I am sorry that I burdened the gentleman with that information, because it is pretty obvious that the gentleman was shut out. So I just want to make this effort to thank him for his effort.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I would like the gentleman from California to know, when I found out that I was excluded from the meeting, I did seek to see whether or not another member of the Democratic leadership perhaps had been invited; but as I said to the gentleman early this morning, the gentleman should know, not one Democrat in this House of Representatives got the chance to participate in this bill.

Mr. MATSUI. Mr. Speaker, I thank the gentleman. I think the good news is the fact that the Senate will change in another week. This will be the last extreme bill that we will have before the body that will be sent to the President.

I would like to point out a few things. One, the document that showed that we have a $5.6 trillion surplus over the next 10 years, that same document said that there was only a 50 percent chance of accuracy that these 5-year numbers are correct and they have no basis to make an accuracy projection on the 10-year numbers. This could have been $8.9 trillion or $1.6 trillion or perhaps 0. So we are basing this $5.6 trillion surplus on speculation, and that is exactly what this bill is all about.

Now, let me just make a couple of observations. The chairman of the committee says that this will not affect Social Security, because in the 10-year window, it will not have any impact on Social Security. The reason for that is because in the year 2014, 13 years from now, is when Social Security has the cash flow problem. So basically, yes, for the next 10 years, it may not have an impact on Social Security, but it will have a devastating impact on Social Security in terms of its long-term survivability.

I will say that a "yes" vote on this bill, will mean that senior citizens will, in fact, have significant reductions in their benefits. There is no question about it. The chairman of the Committee on the Budget made an interesting observation. He said that this bill really does not go to the wealthy. The problem is that he is using a 5-year projection. Of course, in the 5-year projections, it is not until the 6th to the 10th year that the tax benefits for the wealthy actually phase in. As a result of that, those people that earn $1.1 million a year on their tax returns will get 38 percent of these benefits. That is not good budget policy.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, who certainly, over the course of the rest of this session of Congress, is going to have something to say about whether or not this tax bill will encroach on Social Security or Medicare.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the gentleman yielding me this time.

I just wanted to say this, that I am not going to report an appropriations bill that spends one penny from the Social Security or Medicare funds.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Florida (Mr. SHAW), a member of the Committee on Ways and Means who is the chairman of the Subcommittee on Social Security.

Mr. SHAW. Mr. Speaker, I would like to congratulate the gentleman from California (Mr. THOMAS) and all of those responsible for bringing this conference report to us.

It absolutely is appalling how we continue to hear, particularly from the other side, that every time we are going to give tax relief that is going to stop us from doing all of these other things and that it is going to in some way impact upon the Social Security Trust Fund. Believe me, this tax bill does not spend one nickel of the Social Security Trust Fund.

The surpluses are going to be out there until 2016. Instead of throwing rocks at what we are trying to do, giving Americans some tax relief, I would invite my Democrat friends to join with me in solving the problem of Social Security, because beginning in 2016, there is going to be some problems, because the surplus is going to go away in 2016. By using just one-third of that surplus right now, we could solve the Social Security problem for all times.

So let us quit using this as a political hammer, and let us recognize that we need to legislate for the next generation and not the next election.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN a distinguished member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me start off by complimenting the conferees on the retirement and pension provisions that are in this conference report. As the chairman mentioned frequently, that bill had been worked in a very bipartisan way, and I think in conference that spirit was continued, and I am very pleased with the provisions that are included in the conference report as it relates to the pension and retirement provisions.

However, Mr. Speaker, I regret that I will be forced to vote against a bill that I worked very hard on because of the other provisions that are included in here. The pension retirement provisions are less than 4 percent of the revenue costs of the bill; but the other provisions explode in costs, and I have spoken on this floor several times about this legislation. It does make it much more difficult for us to pay down our debt.

As the chairman of the Committee on Appropriations said, I did not know we were appropriating the Social Security benefits. Maybe the Committee on Appropriations is trying to take the jurisdiction away from the Committee on Ways and Means on the Social Security system. But this bill if, in fact, we are off by 1 percent on the growth rate of our Nation, we will find that we have appropriated all of the surplus during the next 10 years for this tax cut. I would hope that during the next 10 years, we will have priorities in addition to tax cuts, that we could deal with education, that we could deal with prescription medicines.

What I am concerned about is that we are putting into effect today tax relief that will jeopardize our ability to provide these other priorities for the American public. This is a reckless bill, and I urge my colleagues to vote against it.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. SHAW) control the remainder of time on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this morning we are hearing again a very interesting debate. The gentleman from Maryland (Mr. CARDIN), who worked in a bipartisan way for meaningful pension reform and relief, now abandons the larger measure. The gentleman from California (Mr. MATSUI) speaks of speculation. Mr. Speaker, it is interesting that when I was in the private sector and I watched Washington spend more and more and more and more of the people's money, including Social Security funds, it was interesting how those forecasts and estimations never seemed to make a difference in the minds of the previous majority.

I heard the gentleman from California (Mr. STARK), reduced to reading a statement from someone in the other body that had nothing to do with the tax relief today; and I heard the gentleman from Missouri (Mr. GEPHARDT), the minority leader, speak of a Saturday Night Live sketch. Perhaps he was thinking about the fictional character of Tommy Finnagan as portrayed by Jon Lovitz years ago who was somewhat factually challenged, because indeed the presentation from the left has been completely factually challenged this morning.

Mr. Speaker, I invite my colleagues to join us to offer meaningful relief in the marriage penalty, to finally put the death tax to death, for marginal rate reductions, and for the American people getting some of their hard-earned money back immediately. Rather than have the incendiary comments, let us work together.

Mr. Speaker, I believe today on this floor, despite the wailing and gnashing of teeth, despite the extreme rhetoric of the other side, we will have meaningful tax relief for the American people; and it is about time. Wouldst that my friends would join us again; but they are already saying today, just one, no more. How sad that is. But at least on this one, I say to my colleagues, let us join together for commonsense tax relief, because the money belongs to the people, not to the Washington bureaucrats.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCNULTY), a member of the Committee on Ways and Means.

Mr. McNULTY. Mr. Speaker, I do not want to go back to the days of deficit spending. There are a lot of numbers flying around Washington, D.C. these days, and I know a lot of people do not know who to believe. So I am not going to use any of the numbers of the gentleman from New York (Mr. RANGEL) or any of the numbers of the gentleman from Missouri (Mr. GEPHARDT) or any of the Daschle numbers; I am going to use the President's numbers.

□ 0915

He stood in this Chamber not long ago and he projected we would have over the next 10 years a $5.6 trillion surplus. Some people think that is a guess, some people think it is a gamble, some think it is a dream. But sometimes dreams come true. Let us assume it happens.

He wants to pay down $2 trillion on the national debt. As a fiscally conservative Democrat, I want to do that. I like that. That takes us down to $3.6 trillion.

Then he says, as we all have said, "We are not going to touch the Medicare or Social Security trust fund monies." Now, 400 of us voted not to do that. The chairman of the Committee on Appropriations just said we are not going to do that. We subtract that out and we are down to $700 billion.

Now what do we do? We are going to have a tax cut in the amount of $1.35 trillion. I rounded that down to $1.3 trillion, and the result is a $600 billion deficit—using the President's numbers! With no new program funding, nothing extra for education, nothing extra for millitary pay, nothing further as far as any spending is concerned, we have a $600 billion deficit, using the President's numbers.

Mr. Speaker, here is the deal. We have a $5.7 trillion national debt. Last year, we paid $329 billion in interest on the national debt. Let us not go back to the days of deficit spending. For the sake of our children and grandchildren, let's defeat this irresponsible proposal.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a distinguished member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I stand in strong support of this legislation, and hope Members will help our constituents to see how much help it is going to give to young families getting started in life. It not only drops the taxation on part of their income to 10 percent, but it also gives them two 15 percent brackets before they move up into the higher bracket, so they will be able to earn much more income, give their family a much better start before they begin to carry the kind of burden they carried today. Not only will they get the double 15 percent bracket, the advantage of the 10 percent bracket, but they will have the double child tax credit over time, $1,000 per child.

We are going to keep young families out of those mid ranges of our Tax Code for most of the years of their raising their young children. This is an enormous change in the sort of launching of children and families in our society. I am very proud that we are making it possible.

Let me say lastly that I am sort of astounded at what I hear from the other side. It is absolutely as legitimate to, in a sense, spend the surplus through the tax vehicle as through the spending vehicle.

I know many of them want to increase spending in this area and that area. Because we spend $80 billion a year through the Tax Code, America has a primarily employer-provided health care system. All that, the private sector health plans that employers provide to their employees, is made possible because we exempt those premiums through the Tax Code.

We spend over $80 billion every year through the Tax Code. I want another tax bill that provides that same tax equity and tax support to everyone who pays their own health insurance premiums. That is every bit as intelligent and effective a way to expand access to health insurance as a subsidy program from Washington, which I know many of them support.

Mr. Speaker, I thank the chairman for the tax bill. It is going to make a big difference in people's lives.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, much has been said about this bill jeopardizing Social Security, Medicare, prescription drugs, but somebody needs to speak for the American soldier.

I am on the Committee on Armed Services. I take this work very, very seriously. This bill jeopardizes dollars for defense, as so aptly pointed out by the gentleman from South Carolina (Mr. SPRATT) just a few weeks ago.

Later on this year, during either the appropriation process or an amended budget process, I will take this floor, Mr. Speaker, and I will do my best to get additional dollars for the American soldier, because the roofs are leaking on the family housing, the spare parts bins are empty, training is being curtailed.

As a matter of fact, in Missouri there are more non-flyable helicopters because of lack of spare parts than those that fly. I think this jeopardizes the national security. We must look at that.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, several months ago I was at Johnson High School talking to the seniors, and a little girl named Julie Long sat in the front. I asked her if she had a job, how much she got paid. She had a job, she made $7 an hour.

I said, "Julie, if you work for 2 hours; you take home $14." She said, "No, Mr. KINGSTON, of course not, I pay taxes, about $4 worth." Okay, so on the $14 that she has earned, she was paying $4 in taxes. Now, she understands we need to pay for the military, we need to pay for education, roads and bridges and functions of government. She said, "Yes, sir." I said, "Julie, what if you found out that I could do all that for $3.50, not $4. What would you want me to do with the other 50 cents?" She said, "It is my money, Mr. KINGSTON. Give it back to me."

That is what this bill is all about. All it says is that we are going to take care of Social Security, Medicare, normal functions of government, especially education; come on, I say to the gentlemen, it is the President's education package. Then we are going to pay down the debt. With what is left, we are going to return it to the American taxpayers.

It is not time for class warfare, to bring out the same arguments we heard on health care reform, Medicare reform, regulatory reform. It is not time for all the fearmongering. Let us just say who this money belongs to, which is the taxpayer, not us in Washington, and let us say it is their money and we are going to return it to them.

That is what this bill is all about. I urge my colleagues to support the conference report.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the chairman of the committee, the gentleman from California (Mr. THOMAS), a while ago said when this President ran for office, he said there was going to be a change in the environment in Washington, D.C. Over the last few months we have seen that. In fact, most recently we have found that the fundraising in this town has moved from the Lincoln bedroom in the White House to the Cheney bedroom. So already we are seeing this big change that was talked about.

What I would like to do this morning is just make some observations on the bill. We are being told by our Republican colleagues that we must give the money back. Taxpayers have been overcharged. Well, let us analyze those two statements.

Number one, we have to give the money back, but the problem is, the money is not here. The money is not here. It is a projected surplus over the next 10 years. We hope and pray it is going to be here, but it is not today. So I say, Mr. Speaker, we cannot give the money back if we do not have the money.

But this bill does expend all that money, and know full well, if there is a downturn in the economy worse than today, the first thing to go is cutbacks in programs, and not going back on these tax cuts. This will be sacrosanct, we are not going to be able to touch it.

As far as overcharging the taxpayers, the taxes that have been coming in over the years have for the most part been going to pay down the annual debt. The gentleman from New York (Mr. MCNULTY) indicated what the interest charge was per year, so taxpayers were not being overcharged. They were being charged for the excesses that started with the tax cut of the Reagan administration.

Let me say a couple words about this new thing that is added to the bill. That is the fact that we are going to send checks back. Maybe the chairman of the Committee knows how much that would cost, but to send a check to taxpayers in a month or so is going to cost millions and millions of dollars. Those same millions of dollars could be going for more teachers and more police on the beat.

I just want to tell a little story about sending checks back. It comes from an experience in the State of Wisconsin. Then Tommy Thompson, the Governor, signed legislation a little over a year ago to send the checks back to Wisconsinites because of a projected surplus. So we all got about $320 back, very close to what we are going to get today.

Mr. Speaker, Tommy Thompson got out of town. He left the State, and that State that sent the checks back today is faced with a $760 million deficit. So I want to thank all for the checks from the Wisconsinites. It is going to go to increased gas and to pay back that $320 to the State.

Mr. Speaker, the Tax Conference Report before us today is the result of the surplus dollars projected to be available over the next ten years. The White House and Republican authors of this bill looked at the Congressional Budget Office report, which predicted that $2.7 trillion would be available over the next ten years, and like a kids in a candy store, their eyes got big like saucers. Unfortunately, my Republican colleagues got so excited about the CBO's guesstimate that they forgot to finish reading the report. CBO was so unsure of its surplus estimate that they felt the need to devote an entire chapter to explaining the uncertainty of their projection. If my Republican colleagues had taken the time to review the entire budget document, they would have read that "a downturn in the economy, depending on its severity and duration, could greatly diminish or even eliminate surpluses over the next few years."

This tax bill is a gamble. Locking in a tax cut of the proportion will gamble our ability to provide for a sound fiscal future. Looking at the nation's long-term fiscal health, beyond 2011, reveals massive deficits as we try to deal with the costs of providing for our children's education, defense needs, prescription drug benefits, and the solvency and soundness of the Social Security trust fund. The Comptroller General tells us that deficits will occur ten years from now even if we don't pass this $1.35 trillion tax cut!

The Conference Report before us is filled with back-loaded tax cuts. It is a ticking time bomb that is set to explode at precisely the same time that the baby boomers begin to retire. It is in the second 10 years that the true cost of this tax bill will be known—precisely the same time that the bulk of baby boomers are retiring. According to the Center on Budget and Policy Priorities, the cost of the bill in the second ten years is $4.1 trillion. To accomplish this, the bill delays marriage penalty relief for 5 years and waits until 2011 to repeal the estate tax—hiding the true cost outside of the 10-year budget window.

By the authors' own admission, this bill is a floor not a ceiling for additional tax cuts. Other bills the Republican Leadership has indicated will likely be considered include a business tax package to accompany the minimum wage, tax extenders, adjustment in the Alternative Minimum Tax, and various tax incentives for health care and education. In addition, the Conference Report does not take into account the hundreds of billions in interest costs that will have to be paid because passage of this bill will jeopardize our ability to pay down the debt. When the debt and all of the remaining tax bills are added together, the total cost is nearly $3 trillion! That's more than the $2.7 trillion in projected surpluses that are available outside the Social Security and Medicare Trust Funds. Inevitably, the Republican tax bills will collapse under their own weight.

The tax plan is déjà vu. Twenty years ago, Congress passed a large tax cut that quickly tripled the deficit and quadrupled the national debt. Apparently, my friends on the other side of the aisle seem to have selective recall when it comes to that part of our history.

Mr. Speaker, the Tax Reconciliation Conference Report before us today is an irresponsible tax proposal that will be paid out of the pockets of our children. I urge its rejection.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 30 seconds to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, this is not complicated, it is simple. People are either for tax relief, or they are not.

This bill provides tax relief for families with children, for married couples, for farmers, for small businesspeople. Mr. Speaker, when the year 2011 comes around, we will sure want a Senate that reaffirms tax relief, not one that increases taxes, like in 1993. Vote for this bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), an outstanding American and a member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the Republican tax bill is not the way to go. It is going to take the country down the wrong road. What if we are wrong? The Republican tax bill is based on a 10-year forecast that we know probably will not happen. In fact, the people who made the forecast have said that it is not going to come true. According to them, there is only a 10 percent chance that their forecast will be correct.

We cannot afford to be wrong on this one. We are locking ourselves into a 10-year plan when we are not even sure that the money would be there.

The gentleman from New York (Mr. RANGEL), does he know what this would be like? It would be like counting the chickens before the eggs hatch. That would not be fair for the American people. What if we are wrong? What if the surplus does not happen?

The administration, the Republicans, somebody is not telling the whole truth. They are not telling us the whole story. They need to be honest with the American people, honest about the true costs of the tax bill, honest about what will happen if the surplus does not materialize, honest about what will happen to Social Security, honest about Medicare and other priorities.

We have an obligation, a mission, and a mandate to tell the truth, the whole truth, and nothing but the truth. The Republicans are playing with the numbers. It is deceptive, it is a sham, and it is a shame. We should be paying down the debt, saving Social Security and Medicare, taking care of the basic needs of all of our people.

The Republican bill is not right for America. It is not fair and it is not just. We should vote down this bill. We should do it for the American people. We have an obligation to vote it down.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, in the tradition of the gentleman from Iowa (Mr. NUSSLE), I should have worn a paper bag down here today.

How can anyone look the American people in the eye and say we have a surplus when we owe the Social Security trust fund $1 trillion? There is no account. There is no money. They have nothing but IOUs. But somebody else is going to get a tax break today.

We owe the Medicare trust fund at this moment $228 billion. There is no lockbox. There is no bank account. They have an IOU.

We owe our Nation's military retirees, the people who they are all going to go give speeches to next Monday and tell them how much we value them, we owe them $163 billion. There is no account. There is no bank account. They took the money and they are going to give it to somebody else.

We owe our Nation's civil servants $501 billion.

□ 0930

Now, how can anyone look me in the eye and say we have a surplus when we owe those folks that money? My colleagues have taken money out of their paychecks with the promise that my colleagues were going to set it aside for their retirement.

It is not there. This is wrong for America. We have a unique opportunity to start paying down the debt; and, instead, my colleagues are giving their big contributors a tax break. Shame on you.

Mr. RANGEL. Mr. Speaker, my colleagues have no response?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York (Mr. RANGEL) has 6 minutes remaining and the gentleman from California (Mr. THOMAS) has a couple of speakers.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM), an outspoken Member on our government's budget.

Mr. STENHOLM. Mr. Speaker, I want to choose my words very carefully today, because tomorrow I may eat them, just as I have heard many statements made on this floor today that I think are going to be eaten.

When you govern this country based on political promises and polls rather than sound economics and good policy, the market will correct us.

Let me remind everyone to start looking at what is happening to long-term interest rates as we have been debating this tax cut. They have gone up 4 percent, which means a tax increase on all soon-to-be homeowners.

Now, this budget bets the ranch that the surpluses that everybody talks about are going to be there. If they are not, we are going to have a difficult time governing in this body in a bipartisan way.

Social Security has been mentioned, and my number one disappointment in this budget is the fact that there is no money left for us to do the kind of bipartisan Social Security reform that I wanted to work with my President for. My colleagues have spent it all. Then my colleagues come in and sunset in 2011.

Mr. Speaker, I wanted to do something for estate taxes. I wanted to have an immediate $4 million exemption for small businesses owners all over the country effective now. This one does not survive the laugh test. It does not even deserve the laugh test.

We heard defense mentioned a moment ago. I know that the die is cast. I was here in 1981. I have heard a little revisionist history on the floor this morning.

The facts, as the gentleman from Mississippi (Mr. TAYLOR) spoke of, were the result of the 1981 vote; and we are in danger of repeating it.

I hope I am wrong. I hope I will be able to eat the crow you will dish out to me in a year from now, if I am wrong. But if I am right, get your knives and forks out.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader, and a colleague and a companion on the conference committee that produced this document.

Mr. ARMEY. Mr. Speaker, as a young professor, I remember the despair that my profession of economics had in the 1970s dealing with the malaise of that decade, the stagflation, the hopelessness, and the helplessness of the economy that caused the American people to turn to Ronald Reagan when we just did not seem to be able to get the economy to move.

Ronald Reagan, God bless his heart, broke the back of inflation, and by cutting taxes and reducing government regulation on the economy, he got this economy into 2 decades now of growth that have never been paralleled in the history of the economy.

But here is the fact, here is the fact: because Ronald Reagan cut taxes, enabled the economy to grow, the fact is the American people doubled the amount of money they sent to Washington in the decade of the 1980s. That is a fact. It happened. Because we had better jobs, we had a growing economy, we spent more money.

What did Washington do? Washington spent $1.56 for every increased dollar we sent to Washington, not Ronald Reagan. This Congress spent that money year after year after year. Not only did they spend all of that, but they spent every surplus dime of payroll taxes that decent men and women in this country paid expecting it to go to mom and dad's Social Security.

The Democrat Congresses wasted those Social Security surpluses year after year after year on every risky spending scheme they could trump up. That went on until 1993. And in 1993, the President of the United States raised taxes and the deficits went on and the spending went on until 1995.

Since 1995, the American people have continued to do their job and continued to send increased amounts of money to Washington, but something changed with that new Republican majority.

Since 1995, for every dollar we have sent to Washington, government spending has gone up by less than 50 cents. That is where the surplus comes from. We restrain this lust for spending other people's money, and the surplus is there.

We were able under these circumstances to stop the 40-year raid on Social Security. We did that. It was a simple little ethical thing. We just looked at our children; and we said, why do we not honor them while they honor their parents when they pay those payroll taxes and let us stop this business of wasting it on every new, risky spending scheme somebody could concoct?

Here we are today, a great day for the American people, a day where, thanks to George Bush, for the first time in 2 decades, we are talking about across-the-board reduction in taxes for every American that pays taxes. That is a remarkable thing to be celebrating in this country. And what do we hear over here? Oh, do not do that. Do not do that. We have new spending schemes, new risky spending schemes. You will deny us the money for our new risky spending schemes.

Well, the party is over. The party has moved. The party is no longer in Washington. The addicts are going to have to take the cure. We are no longer going to get stoned on other people's money and our new spending programs. No.

We are going to move the party to America where people will spend their own money on things that are healthy, beneficial, and, in fact, assure a brighter future for their own children because of one simple thing, because they love their children best.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me take this time to thank the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, for taking my place in the tax conference. Had I been there, I would have been able to have a different view, but I thank the gentleman so much.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I was here in 1981. The gentleman from Texas (Mr. ARMEY) was not. He was then an economist, perhaps not so successfully because he came to Congress.

Ronald Reagan asked the Congress of the United States to spend every nickel of Social Security surplus in his budgets. George Bush first asked the Congress of the United States to spend every nickel of Social Security and Medicare surplus.

The Congress of the United States from 1981 to 1993 spent less money than Ronald Reagan and George Bush asked us to spend. Those are the facts, my friends. Those are the facts.

Very frankly, my colleagues knew the facts in 1981. I mentioned them a little earlier today. Let me recite them again so that my colleagues understand the premise that was underlying 1981. He was not a liberal. He was not a Democrat. His name was Stockman. He knew what you were doing in 1981, notwithstanding the same kind of rhetoric that we heard on this floor today.

He said that we knew that the budget we were passing would result in triple digit debts, deficits. We knew that we would escalate the debt. We knew that interest rates would remain high and at historically high levels in 1980.

You light a time bomb today that will blow up for generations yet to come. It is your duty, your responsibility to defeat this bill. Do so.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, as a freshman here in the House, I waited to see where we could work together on a bipartisan effort so that we could provide the much-needed relief that Californians are crying out for.

When I go home today and I meet those folks that I represent, the people who are not going to get one iota of a tax break on relief, the people in my district currently are probably the hardest working folks, senior citizens, that have paid their way, that have given us the riches that we have in this country.

They are waiting. They are waiting to see what action is going to take place here. The folks in my district want to keep the lights on in California. They get no help from this budget on the energy crisis. There is an energy crisis.

There are children who are crying because they want to know that they are going to be able to have school rooms that are not going to fall down on them because they are going to be built to secure their education and their livelihood there. That is not in this budget.

What about the promises we made to seniors for Medicare and Medicaid reform to help them? What about those people in my district that have been gouged by those energy producers from Texas?

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, the Republicans are attempting to justify their tax bill by saying this tax break for their wealthy friends is needed to offset a slowdown in the economy.

My Republican colleagues, in case you have not noticed, the biggest threat to the economy is the energy crisis which will be felt throughout the country. There is a solution, and these solutions are the wave of the future, renewable energy and energy efficiency.

Yet this tax cut necessitates a cut by 50 percent in research and renewable energy and 30 percent in energy efficiency. Instead of passing this reckless tax bill, and, yes, instead of letting this House lie silent for two whole days, we should have taken up an energy bill. We should have passed the Inslee bill to help the entire West.

Do not let the Republicans tank the economy with their reckless tax vote. Vote no. Vote responsibly. Vote no on this bill.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY), my friend.

Mr. HINCHEY. Mr. Speaker, I listened very carefully to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, just a few moments ago, and I was reminded about the capacity of the human mind to deceive itself.

Ronald Reagan never sent a balanced budget up to this Congress, not once in all the 8 years that he was there. This bill is a mistake today. Anyone can make a mistake and any group of people can make a mistake, but it takes a certain level of foolishness to make the same mistake over again.

In 1981, we passed a tax bill under the direct urging of a new Republican President. The result of that bill was deep recession and huge deficits, $5 trillion of deficits today as a result of that tax cut.

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Now we are being asked to do the same thing over again. If we do it, we know what is going to happen; and our Republican colleagues intend it to happen. There will be no money to deal with crumbling schools. There will be no money to deal with prescription drugs. There will be no money to deal with the problem of 13 million children living in poverty. All of those things our Republican colleagues do not want to address. That is why they want this tax cut passed. Let us defeat this bill.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Washington, Mr. INSLEE.

Mr. INSLEE. My Speaker, my Republican colleagues' fiscal plan is a little like a money-laundering machine because every dollar they give to the American taxpayer, the taxpayers are going to give $2 to the energy companies, and the Republicans will not do a single thing about it.

While energy prices go up a thousand percent, they do nothing. Last night, I was reading Tom Brokaw's book about the greatest generation. He quoted Roosevelt saying, "This generation has a rendezvous with destiny." Well, under this plan, the baby boom generation has a rendezvous with a fiscal disaster when we start to retire. The Republicans have put us on the horns of this dilemma. When the baby boomers start to retire 10 years from now, when the Republicans sunset the repeal of the estate tax, which gives a whole new meaning to estate planning, the Sopranos may have a job under the Republicans' plan in the year 2010. If this goes through, Saturday, March 26th, 2001, will be a day of fiscal infamy.

Defeat this bill. Join us in a fair plan where the baby boom generation will stand up for fiscal responsibility.

Mr. RANGEL. Mr. Speaker, it is my understanding that my colleague on the other side of the aisle will be yielding the remainder of his time to our distinguished Speaker to close.

Mr. THOMAS. Mr. Speaker, I advise the gentleman that the Speaker will close, but he has honored me with just a statement at the end which would take 10 seconds, so it is a closing on this side.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time, and I want to sincerely thank the Speaker for thinking enough of the Democrats and the Committee on Ways and Means in appointing me to the conference. I only wish that he had told the majority leader and the chairman of the committee that he had done that. Because somehow this conference turned from a Ways and Means conference to a Republican conference; Republicans from the White House, from the House, and from the Senate.

I just cannot understand what was in this bill that was so terrible that my colleagues did not want one Democrat to be able to see it. And I say this because as we leave here on this Memorial weekend, not one Member of our side has been able to see my colleagues' bill. They have come and asked me for the bill, I have referred to it to the majority leader, and I guess he has referred it to the Speaker. But ultimately, we should be right there on our television, on our Web site, seeing what you rascals have really done, because you never really brought anything to this floor.

Mr. Speaker, I am waiting to go hear just exactly what happened.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House. Without his focus, attention, and diligence we would not have had the atmosphere to bring this accomplishment to fruition.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from California, and I thank him for his diligence and his hard work.

I thank my friends on the other side of the aisle. And to my good friend, the gentleman from New York, we are all in this process, and I think there were a couple of Democrats that were involved very heavily in this conference for a lot of hours. I am just advising my colleagues that revisionist history and trying to talk about different things, facts still remain facts.

Let me just say that maybe we just ought to tone down our rhetoric this morning, because it is not a Republican victory nor is it a Democrat victory if this bill passes today. The American people win. The American people, who get up in the morning, the farmer in Nebraska this morning that has been up for 3 hours doing chores, he is going to get a better break on his taxes. And that farm he spent his whole life on he may be able to pass on to his children and grandchildren.

The truck driver driving across the delta of Mississippi this morning, trying to get home to his family for Memorial Day, he is going to get a better tax break so he can take better care of his kids and plan for his kids' education. He wins on this.

It is the single mother in California, whose kids were up early this morning watching the TV. Not this. They are watching cartoons. Maybe it is the same thing. But anyway, that mother will be able to take care of her children. She gets a better tax break. She can plan for her children. And there are benefits for her that have never been in another tax bill.

I hear a lot about the budget, and I hear about Presidents in the past. It was 1996 and 1997 and 1998 and 1999 and 2000 and 2001 that this Congress balanced the budget for the first time in 40 years. And because we balanced the budget, we started to pay down the debt. And, yes, in September of this year we will have paid $650 billion down in public debt, and we have a surplus that allows us to give back to the American people. It is time we give to the American people. Because if we do not give them that surplus, we will spend it and we will have bigger government, and we will have more programs and we will not see a surplus again.

It is time that we get on with this issue, it is time we get on with this work, and it is time we give the American taxpayer a tax break.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time, and I want to thank the Speaker and my colleagues for the opportunity and privilege of serving. H.R. 1836 was created by a bipartisan team following President Bush's blueprint. There is a new direction in Washington, both in substance and in bipartisan cooperation. For a decade of growth and for some relief to the American taxpayer, let us vote "yes" on 1836.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in grave opposition to this Conference Report on H.R. 1836, the Tax Cut Reconciliation bill, and the conservative Republican budget.

All that glitters is not gold in this tax cut. Americans need relief now, and most of all, they need leadership. Sadly, the Majority has sought to twist and abuse the House process to benefit the wealthy.

The Minority has been shut out of this process and kept waiting through the night, only to be given a the draft of the plan 1 hour before it going to the floor of the House.

The tax bill is fundamentally unfair. This bill is designed to benefit the rich, cutting the four highest rates, and doing little for the rest of America. Fully 70% of this tax bill goes to the top fifth of taxpayers. The richest 1% of Americans earn 39.9% of the cut, while most Americans get a raw deal, with the bottom fifth of all taxpayers getting only 1.0% of the cut. This simply is not a good plan for America. I would have voted for the one-time economic stimulus package, which would have provided $85 billion in relief to taxpayers this year. Now, it has grown to $421 billion.

The bill provides no marriage penalty relief until 2005, despite the fact that the sponsors campaigned on the need for such relief. The bill repeals the estate tax, which overwhelmingly helps the wealthy, but does nothing about the gift tax. The repeal is effective only for the estates of decedents dying on or after January 1, 2010, and before January 2, 2011. This is not the kind of real tax relief that Americans need. We can and must do better.

If we worked together in a bi-partisan fashion like we did in the 1997 Clinton balanced budget, Americans would have the relief that they need today. Instead, under this plan we are faced with is a serious crisis in Social Security and Medicare, all for the sake of this huge tax cut.

What is really needed is progress that helps all Americans, and not just the wealthy few. We need a reasonable energy policy now. We need research and development for Lupus, Sickle Cell, and HIV AIDS, which currently have no cure. And under the "Leave No Child Behind" rhetoric, our children are left behind because we short-change the nation's educational needs.

I call on the Congress to do what is fair and what is right for all Americans.

Mrs. MALONEY of New York. Mr. Speaker, after eight years of hard work, we finally have our financial house in order.

When I was elected in 1992, we had a $290 billion surplus.

This year, CBO projects a non-Medicare, non-Social Security surplus of $92 billion and the combined surplus is projected at $275 billion; under the President's budget, the non-Medicare, non-Social Security surplus would never again be that large within the ten-year budget window.

At a time of unprecedented surpluses, we should have tax cuts—but I believe in responsible tax cuts—tax cuts that allow us to pay down the debt and pay for domestic priorities such as prescription drug coverage for seniors and improvements in education.

I favor the Democratic plan of dividing the surplus into thirds.

One-third for tax cuts, One-third for debt reduction, and One-third for national priorities such as education and prescription drugs.

I believe in fixing the marriage penalty, but not delaying its implementation for four years as the Bush plan proposes.

I believe in relief from estate taxes, but not for billionaires, and not for a plan that hides its cost by not phasing in for 10 years.

I believe in giving the relief now—not ten years from now in a move that will blow a hole in the budget and leave us with massive deficits.

We need to be clear about one thing.

The Bush tax cuts are based on 10-year budget projections that can vary greatly and potentially lead us back to deficits.

Despite the current surplus the federal government is enjoying, danger lies just over the horizon.

The uncertainty of the next ten years is trumped by the certainty of the second ten.

Starting in the later half of this decade the baby boomers will begin to retire, drastically increasing our entitlement commitments. Should we find ourselves facing deficits in 2008 we will truly be in a dire predicament.

Most misleading about this tax bill is that it treats taxpayers with similar incomes far differently based on the state in which they reside.

This is because it greatly increases the impact of the Alternative Minimum Tax which eliminates deductions for state taxes.

While the tax cut itself is large, it is not so large that it provides relief to the lower income Americans who pay the majority of the taxes through payroll taxes rather than income taxes.

I don't believe in selling a tax cut as an economic stimulus package when most of the relief will come years from now, long after this economic cycle has passed.

The President says people should use the tax cut to pay their skyrocketing energy bills.

However, without provided relief from payroll taxes the Bush plan does nothing for people who are most affected by energy costs.

And I don't believe that we should cut taxes so far that we run the risk of going back into deficit spending.

Mr. NEAL of Massachusetts. Mr. Speaker, this is a sad day for America, but one everyone knew was coming. The bill we have before us repeats the mistakes of the 1981 Tax Bill, mortgaging our future for immediate political benefits.

The only question is: Who is going to play the role of Senator Dole this time? Who is going to have the courage to begin to turn this boat around once the immediate euphoria has passed, and the reality of what has been done is reflected in budget estimates? How are we going to act when the delayed effective dates come due and the hemorrhaging of revenue occurs just as the baby boom generation begins to retire, and our only choices are to reverse this tax bill or make deep cuts in Medicare and Social Security?

Having said that, let me make a few comments about how the pension provisions came out, as I understand them. I am willing to concede that this procedure makes it difficult to know exact details, so I will rely on the Chairman correcting me if I have misconstrued something.

I understand that the nonrefundable retirement savings account proposal is in the conference report, as is the small business credit for administrative costs for start up pension plans. Those are two of the three provisions I have been working for these past three years, so I thank the Chairman and those who supported these provisions. These provisions, when combined with the many solid provisions like portability, make this a better bill than when it left the House.

On the downside, I understand the House version of the nondiscrimination rule and the top-heavy rule has prevailed, thereby in my view weakening pension coverage for some low income workers. In addition, the application of nondiscrimination rules to the catch up provision has for the most part been dropped. I know Mr. CARDIN was the chief proponent of this very good policy, so I regret that outcome.

I suppose the theme of the pension provisions, as with this entire bill, is that it is built around a number of good provisions but on the whole it simply goes too far. And we will eventually have to clean it up. It would be better to simply vote this down, and start again to build a bill that solves problems in the tax code like the alternative minimum tax and other complex issues, to the extent we can afford to do so. I suspect that will not happen, but still I would hope Members would vote this down and start again.

Ms. HARMAN. Mr. Speaker, I rise to oppose the reconciliation conference report.

For close to a decade, I have made every hard vote to balance the budget, eliminate the deficit, and reduce our $5 trillion nation debt.

I made these votes because they were responsible, and because the alternative for my constituents and future generations was continued economic hardship, high unemployment, high interest rates, high mortgage rates, and a decline in the standard of living that my generation has enjoyed.

This is another of those brutally hard choices.

I support tax cuts and have recently voted for marriage penalty relief and eventual elimination of the estate tax.

I expect to vote for needed tax cuts in the future, including true relief from the AMT, a package of relief for small business, and a permanent research and development tax credit.

But none of these important tax cuts is included in today's package.

It includes some good features, such as improved pension portability, expanded IRA contributions and marriage penalty relief, but it is riddled with gimmicks and it is backloaded. Taxpayers in my district will be enormously disappointed when they see how little relief they actually get, and learn that, despite promises to the contrary, Social Security and Medicare trust funds are included in budget projections.

My family and I would personally benefit from a reduction in the top tax rate. But to their credit, they agree with me that the right vote is not about our personal interest, but about our country's interest.

John Kennedy was right. The question is what can I do for my country? And the answer is I can stand for principle and say "no" to the easier vote.

I hope the Congressional Budget Office reestimate of our surplus in July is positive. But given current indicators, it is likely to be negative. Should this be the case, the vote we take today will plunge us back into multi-billion dollar annual deficits.

I cannot do this. I have risked my political career fighting for fiscal responsibility. The right vote on this package—which emerged after an all-nighter of the 107th Congress—is "no".

We can write a better tax cut bill and we should.

Mr. PORTMAN. Mr. Speaker, I rise in strong support of this conference report providing needed tax relief for the American people and for our economy. The retirement security provisions are excellent and will help everyone save for retirement.

Unfortunately, several retirement security provisions had to be dropped from this bill because of the Byrd rule, a Senate rule that applies to tax bills passed under budget reconciliation rules.

Several of these provisions would make it easier for small businesses to offer defined benefit pension plans. For example, one provision would allow small businesses who adopt a new pension plan to pay more reasonable PBGC insurance premiums in the early years of the plan. Another would simplify annual reporting requirements for small plans.

We hope to work with the Education and Workforce Committee Chairman BOEHNER and Subcommittee Chairman JOHNSON, and ranking members GEORGE MILLER and ROB ANDREWS to get these and the other important ERISA and tax provisions enacted that had to be dropped from this bill for procedural reasons.

Mr. BLUMENAUER. Mr. Speaker, I am disappointed as we vote on this tax bill for the fifth time that no substantive change has been made to make it more fiscally responsible and direct more help to those who need it the most. Accordingly, I have decided keeping commitments to my constituents in Oregon was a higher priority than voting "no" for the fifth time, which I most definitely would have done.

Luckily change is in the air as recent events on Capitol Hill have demonstrated the need for true bipartisanship and working together in a cooperative fashion. This hopefully will mean an opportunity to improve this package in the course of the year, and I remain committed to doing so in a way that makes sense for the people I represent in Oregon and the long-term fiscal stability of the country.

Mr. BEREUTER. Mr. Speaker, while this member enthusiastically votes for H.R. 1836 to give a tax cut to American taxpayers he continues his strong opposition to the total elimination of the estate tax on the super-rich. The reasons for this opposition has been publicly explained on numerous occasions, including statements in the CONGRESSIONAL RECORD. On the other hand, this member is strongly in favor of substantially raising the estate tax exemption level and reducing the rate of taxation on all levels of taxable estates. However, to totally eliminate the estate tax on billionaires and mega-millionaires would be a terrible idea for the American society and for continuing to foster very large charitable contributions for colleges and universities and other worthy institutions in our country. Fortunately, I believe it will never be eliminated in the year 2010.

Relatedly, this member includes the following opinion piece by William H. Gates, Sr. as it appeared in the Washington Post edition of May 25; 2001.

A TAX BREAK'S UNFORTUNATE LEGACY

(By William H. Gates, Sr.)

The power of organized money has won another round, as the Senate's vote to repeal the estate tax has demonstrated.

The proponents of wholesale repeal were able to wage a campaign based largely on symbolism and distortion of fact. They cited the plight of farmers, but when a reporter asked for living examples of real small farmers who had lost their farms, they couldn't be found. The deliberative tradition of the Senate caved under the pressure of ideology over reality.

Missing has been a debate about the potential dangers of eliminating our estate tax. What will it cost in lost federal revenue? How will state treasuries manage without their revenue linked to the federal estate tax? What effect will it have on charitable giving and the nonprofit civic sector? What happens to democracy and equality of opportunity in a society with such great inequities of wealth and power?

And more technical questions: Are there ways to reform the tax to address concerns about family enterprises? How would a repeal of the "stepped up basis," which exempts estates from capital gains taxes, be administered? Instead of discerning these vital questions, our elected leaders have punted. By structuring full repeal to take effect 10 years down the road, they have obscured the cost and downside of repeal and shifted the burden onto future generations.

A hundred years ago, we did have a rigorous debate about the need to tax large accumulations of wealth. Then, as now, wealthy people took a stand in favor of inheritance taxes. Andrew Carnegie personally testified before Congress in favor of the estate tax.

The petition effort that I launched with Responsible Wealth is a similar effort. More than a thousand prominent investors and business leaders—from families that have paid or will pay estate taxes—have called for reform but not repeal of the tax. Many of the signers are owners of small businesses who understand that concentrations of wealth and power are not friendly to small enterprise.

The fate of the estate tax goes to the heart of the American experiment. What has made America distinct from Europe is our effort not to create hereditary aristocracies and our suspicion of concentrated wealth and power weakening our democracy. It was understood a century ago that the estate tax was an attempt to balance conflicting American values: on the one hand, our respect for private enterprise and personal wealth, and on the other, our concern for democracy and equality of opportunity. Today's debate is missing this historical concern. In its place, we have come to worship a myth of individual merit and success. But the unspoken little secret is that great wealth is never entirely the result of individual achievement. We underestimate the role of luck, privilege and God's grace in our good fortune. And we dismiss the incredible contribution our society makes to creating the fertile soil for successful private enterprise through public investment.

My own perspective celebrates individual achievement and the hard work of entrepreneurs and leaders in our free-enterprise system. But I also recognize that society has played an important role in the creation of wealth. Take anyone of the Forbes 400 and drop them into rural Africa and see how much wealth they would amass.

Imagine that two infants are about to be born. God summons their spirits to his office and makes them a proposition. One child will be born in a prosperous industrialized country, the United States. Another child will be born into a country of society-wide abject poverty. God proposes an auction for the privilege of being born into the United States. He asks each new child to pledge a percentage of his earthly accumulation at the end of his life to the treasury of God. The child who writes the highest percentage will be born in the United States. Does anyone think either child would pledge as little as 55 percent, the current top-estate tax rate?

This is not a slight of the vibrant community and human qualities that exist in less-developed countries. I have traveled the world in my work on health and am struck by the quality of the human spirit. But our society has facilitated wealth-building by creating order, protecting freedom, creating laws to govern property relations and our marketplace, and investing in an educated work force. What's wrong with the most successful people putting one-quarter of their wealth back into the place that made their wealth and success possible? Many people repay their universities this way. Why not their country?

For the sake of our grandchildren, I hope we can revive this vital debate. It may not be happening in the halls of Congress, but perhaps we can take it to the town square.

Mr. ROGERS of Michigan. Mr. Speaker, I rise in support of the Economic Growth and Tax Relief Reconciliation Act as it fulfills two key principles. First is the moral imperative to reduce the tax burden on all American taxpayers, who are being taxed at historic levels. I believe it is morally right to return some of that money back into the pockets and purses of Americans. Quite simply, I believe tax relief is about freedom. The more of your money you are allowed to keep, the more freedom you have to save, spend or invest your money as you see fit.

The second principle addressed by this legislation is economic growth. Central to America's economic growth and continued prosperity is education; but, too often students and families educational opportunities are limited by the cost or prospect of a crushing debtload. The best answer to this dilemma is to encourage advanced family savings.

I am pleased this conference agreement recognizes the need to provide federal tax incentives to help and encourage families to save for college. This legislation provides for tax-free treatment of distributions from state-sponsored prepaid tuition or college savings plans. This bill's language on tax-free distributions mirrors the primary provision in legislation I introduced earlier this year, the Securing Affordable collegiate and Vocational Education (SAVE) Act.

The cost of attending college, whether at a public or private institution, continues to rise steadily. In order to send their children to college, American families increasingly rely upon debt to meet these rising college or vocational training costs. All 50 states have responded by establishing, within section 529 of the federal tax code, state qualified tuition programs that are free from state income taxes.

As the author of Michigan's recently-enacted Michigan Education Savings Program I have witnessed first-hand the demand for such common-sense education savings plans. Although Michigan's program was only launched in November 2000, it has been a smashing success as more than 16,000 accounts have been opened with over $34 million in investments.

The power of compounding makes these plans especially appealing to families who can save only in smaller increments. For example, in Michigan, families can put away as little as $10 a week over the first 18 years of a child's life and, based at a conservative earnings rate of 8 percent, have about $20,000 by the time he or she is ready for technical school.

When it comes to saving for college and vocational training, we need to help our families turn from a borrowing class into a saving class. Today's legislation takes a large step in that direction by providing for tax-free treatment of distributions from State Qualified Tuition Programs, like the Michigan Education Savings.

I salute Chairman THOMAS for his hard work on this excellent legislation and thank him for including this education provision that will help millions of families nationwide. I strongly urge my colleagues to support this legislation.

Mr. MCDERMOTT. Mr. Speaker, here we go again—rushing to get this outright deception of a tax cut through—signed, sealed and delivered by Memorial Day. There is absolutely nothing in here for Social Security and Medicare and even the President's plan to partially privatize Social Security, but rather, it raids the money that is so desperately needed for these programs. This bill slashes spending on health care. There is nothing left for emergencies. Of course not, we have an emergency right now with the energy crisis, and there is not a single cent devoted to it. How many hundreds of heat-related deaths this summer will it take for the Administration to realize that the high energy prices is the true emergency, not tax relief?

By pursuing this tax cut, the Administration and my Republican colleagues are consciously choosing to deny the existence of a very serious energy crisis. In light of a potential 250% Bonneville Power Administration (BPA) rate increase next year, the estimated Northwest regional job loss is 224,484. Seattle City Light, serving an area of half a million, has raised rates 30 percent.

Today, the Bush administration would say that we must rush to meet the Memorial Day deadline for this tax bill in order to help hard-working Americans confront the energy crisis. So much for their earlier explanation that the economy was on the brink of a recession and could only be saved by this massive tax cut.

I see—all the tax cut dollars will go towards paying energy bills and stimulating the profits of the big oil companies—oil companies such as Houston-based Enron and Dynegy that have reportedly seen revenues climb by 400 percent in the past two years while the Californian utilities spiraled into debt.

As for the working American families who owe no federal taxes and get zero to nominal benefits from this blatant deception of a taxcut, how will we help them pay their energy bills? Roughly twenty percent of families with children will get absolutely nothing under this bill. We will just send them into debt with utility bills. But that seems all right with the administration. According to them, knowing you will get $100 child credit in 18 months will have a psychological effect and cause the parent to go shopping and stimulate the economy.

The Administration simply is closing their eyes and ears to the facts, and hiding behind the fraudulent pretext that this tax cut is the one and only solution for all of our country's challenges. Next, this tax cut will decrease teen pregnancies.

It's a nutshell game. Is the money under the shell for the big oil companies or is it for the wealthiest one percent to go on a shopping spree?

This whole package is really about sending hard-working Americans and our country into debt—all for the benefit of the extraordinarily rich and major oil companies, many of whom are in Texas. A vote for this fraud is a vote to gamble away our Nation's prosperity.

Mr. BENTSEN. Mr. Speaker, the Republican tax plan simply does not allow them to keep all their political promises. First, we must realize this 11-year $1.35 trillion amalgam of tax cuts does little to provide immediate tax relief. Next we must confront the fact that the costs of these cuts are pushed back just behind the 10-year budget horizon, concealing their true cost.

This tax plan leads us down the path of "spend today, borrow tomorrow" policy that will leave no room for adequately funding the nation's priorities or protecting against unforseen economic downturns. As I have said before, I support a substantial tax cut but not at the expense of hard-fought fiscal ground and long-standing domestic priorities, such as strengthening Social Security and Medicare, providing a universal prescription drug benefit, and adequately funding education and defense. With the passage of this tax cut, I do not see how we can even fund the president's own spending priorities, such as an expensive national missile defense system.

Mr. Speaker, I give the Republicans credit for providing a "tax refund" by reducing marginal income tax rates, the cornerstone of the President's plan. This measure puts a 10% bracket on the first $6,000 of taxable income for single filers and $12,000 for couples. However, taxpayers subject to the 15%, 28%, 31%, and 39.6% will not start seeing a reduction in their taxes until 2002 or 2005 or 2007, when each of the remaining tax brackets are reduced. Putting aside the merits of how the tax relief is distributed, I am disappointed that much of the delay in negotiations over this package was over how much relief to give 0.7% of taxpayers, those subject to the top marginal rate of 39.6%.

During the negotiations, I am pleased that the conferees were convinced not to scale back the Senate's child refundable tax credit that will now be available to working poor families. The per child tax credit will be doubled from $500 to 1000 and will be partially refundable to those parents earning $10,000 or more and will be retroactive to the beginning of this year.

I am also disappointed that the Republicans, after years of vilifying the Federal Estate and Gift Tax by calling it the "Death Tax" are making the uncertain move of repealing the tax over the next 9 years. The estate tax plan that I support, as was proposed by Mr. RANGEL, would have immediately exempted 75% of those currently subject to the tax by raising the exemption to $4 million per couple this year. These individuals would then not have to wait until 2010 as set out under the Republican plan. Another troubling aspect of the Republican's approach is that, in the absence of a federal estate and gift tax, it appears that inherited property would be subject to carryover basis rather than step-up in basis.

Mr. Speaker, well, how about the Republican's promise to remove the so-called marriage tax penalty? Remarkably, here again, the Majority willing to let the American taxpayer wait and pay. Under this package, not until 2005 is the standard deduction for married couples raised to twice the standard deduction available to single individuals. The plan that I and many of my Democratic colleagues in the House support would create an immediate standard deduction for married couples equal to twice the standard available to single individuals. Thus, the current law standard deduction of $7,800 per couple would be increased to $9,300 immediately, not in 2005. Mr. Speaker, since marriage penalty relief is a major priority for Congress, why don't we provide it until 2005?

Next, I would like to point out the white elephant in the middle of the room that everyone seems intent on ignoring, the alternative minimum tax (AMT). While 1.5 million taxpayers will be subject to the AMT this year, the Joint Committee on Taxation projects that 21 million taxpayers, including nearly half of all families of four or more, will fall under the AMT by 2011. If the AMT is not completely corrected, the expected tax relief for many families simply will not be realized. What will we say in 2011 to the 19.5 million taxpayers wondering why they are subject to the AMT?

Mr. Speaker, my central objection to this legislation is that the conferees have hidden the true costs of the plan. We cannot claim fiscal responsibility and overlook the structure and timing of this legislation. I support many of the tax cuts in this package, but not when they are clearly crafted to threaten fiscal responsibility. We all know that the lengthy phase-ins for almost all provisions make the package look affordable, but the more back-loaded the package the greater the second 10-year costs as compared to the first ten-year costs. Members and the public are told that the tax package costs $1.35 trillion. As a senior member of the House Budget Committee, I must report that if the true costs were reflected by assuming that all the provisions that expire are made permanent, the cost over the period 2001 to 2011 would be at least $1.7 trillion, excluding interest costs. Most importantly, the cost in the second ten years is estimated to be about $4.1 trillion. Thus, this measure that provides little immediate relief to few Americans leaves little room for funding national priorities such as defense and education or a universal Medicare prescription drug benefit, paying down the debt or reforming Social Security.

Perhaps the brightest spot of this bill is the inclusion of the bipartisan Portman-Cardin pension legislation approved by the House. I am thankful that this bill included tax credits taken from legislation I introduced with my colleague. Mr. BLUNT, to promote the establishment of retirement savings plan by small businesses. Unfortunately, lifting of the limits on IRA and 401(k) contributions has been slowed, reducing the amount that Americans can save over the next decade. The time is upon us to plan for the retirement of the Baby Boom generation. We cannot keep putting off Social Security reform or providing a prescription drug benefit or, for that matter, enhancing pension savings.

For reasons of fiscal responsibility, Mr. Speaker, I oppose the Conference Report to H.R. 1836.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to House Resolution 153, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 154, not voting 39, as follows:

[Roll No. 149]

YEAS—240

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettier
Hulshof
Hunter
Hutchinson
Hyde
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton

Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—154

Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Berman
Berry
Blagojevich
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCollum
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Miller, George
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Weiner
Wexler
Woolsey
Wu

NOT VOTING—39

Ackerman
Baca
Becerra
Bentsen
Bishop
Blumenauer
Boyd
Clayton
Coyne
Cubin
Doggett
Gillmor
Hall (OH)
Hoeffel
Honda
Houghton
Isakson
Jones (NC)
Kaptur
King (NY)
Lipinski
McCarthy (MO)
McDermott
McIntyre
Meek (FL)
Millender-McDonald
Moakley
Oberstar
Quinn
Rahall
Rodriguez
Rush
Scarborough
Spence
Towns
Walsh
Waters
Waxman
Wynn

☐ 1011

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 149, final passage of H.R. 1836, adoption of the conference report, I was unable to be present. Had I been present, I would have voted "nay."

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 149, due to difficulties associated with my travel logistics, I was unavoidably detained. Had I been present, I would have voted "nay."

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 1836.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

ADJOURNMENT OF THE HOUSE FROM FRIDAY, MAY 25, 2001 OR SATURDAY, MAY 26, 2001 TO TUESDAY, JUNE 5, 2001, AND RECESS OR ADJOURNMENT OF SENATE FROM SATURDAY, MAY 26, 2001 OR SUNDAY, MAY 27, 2001 OR TUESDAY, MAY 29, 2001 TO TUESDAY, JUNE 5, 2001

Mr. TIAHRT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 146) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 146

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, May 25, 2001, or Saturday, May 26, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 5, 2001, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Saturday, May 26, 2001, Sunday, May 27, 2001, or Tuesday, May 29, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, June 5, 2001, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1015

CONDITIONAL ADJOURNMENT OF THE HOUSE TO TUESDAY, JUNE 5, 2001

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it stand adjourned until 2 p.m. on Wednesday, May 30, 2001, unless the House sooner receives a message from the Senate transmitting its concurrence to House Concurrent Resolution 146, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Kansas?

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR THE HOUSE NOTWITHSTANDING ADJOURNMENT

Mr. TIAHRT. I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, June 5, 2001, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON JUNE 5, 2001

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on Tuesday June 5, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 6, 2001

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 6, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

APPOINTMENT OF HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 5, 2001

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 26, 2001.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 5, 2001.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Mr. GEPHARDT) for today on account of family business.

Mr. BISHOP (at the request of Mr. GEPHARDT) for today on account of personal business in the district.

Mr. BLUMENAUER (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BOYD (at the request of Mr. GEPHARDT) for today.

Mr. HOEFFEL (at the request of Mr. GEPHARDT) for today on account of attending his son's graduation.

Mr. OSE (at the request of Mr. ARMEY) for today until 8:30 a.m. on account of family commitments.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. CARSON of Indiana, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. GARY G. MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 378. An act to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center"; to the Committee on Transportation and Infrastructure.

S. 774. An act to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on this day he presented to the President of the United States, for his approval, the following bills.

H.R. 801. Veterans' Survivors Benefits Improvements Act of 2001.

H.R. 1727. To amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.

ADJOURNMENT

Mr. TIAHRT. Mr. Speaker, pursuant to House Concurrent Resolution 146, 107th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, the House stands adjourned until 2 p.m. on Tuesday, June 5, 2001, pursuant to House Concurrent Resolution 146, or, under the previous order of the House, until 2 p.m. on Wednesday, May 30, 2001, if not sooner in receipt of a message from the Senate transmitting its concurrence in House Concurrent Resolution 146.

Thereupon (at 10 o'clock and 19 minutes a.m., legislative day of May 25, 2001), pursuant to House Concurrent Resolution 146, the House adjourned under the previous order of the House until 2 p.m. on Tuesday, June 5, 2001, if not sooner in reciept of a message from the Senate transmitting its concurrence in House Concurrent Resolution 146, until Wednesday, May 30, 2001, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2216. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tobacco Fees and Charges for Permissive Inspection and Certification; Fee Revisions [Docket No. TB–00–04] (RIN: 0581–AB86) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2217. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral James F. Amerault, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2218. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2219. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Maintenance of Effort—Minimum Number of Annual Bank Board of Directors Meetings [No. 2001–06] (RIN: 3069–AB05) received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2220. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries [AD FRL–6967–5] (RIN: 2060–AD94) received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2221. A letter from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96–45] Multi-Association Group Plan of Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers [CC Docket No. 00–256] received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2222. A letter from the Deputy Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Jurisdictional Separations and Referral to the Federal-State Joint Board [CC Docket No. 80–286] received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2223. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the Republic of Korea [Transmittal No. DTC 058–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2224. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 051–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2225. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Germany [Transmittal No. DTC 053–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2226. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Saudi Arabia [Transmittal No. DTC 009–01], pursuant to 22

U.S.C. 2776(c); to the Committee on International Relations.

2227. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 011-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2228. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Norway, Belgium, The Netherlands, Denmark, Portugal, SABCA [Transmittal No. DTC 036-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2229. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to France [Transmittal No. DTC 040-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2230. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed Technical Assistance Agreement for the export of defense articles or defense services sold commercially to France [Transmittal No. DTC 037-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2231. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 059-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2232. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Republic of Korea [Transmittal No. DTC 060-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2233. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Belgium [Transmittal No. DTC 057-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2234. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

2235. A letter from the Attorney/Advisor, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2236. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the Federal Maritime Commission's Inspector General's Semiannual Report for the period October 1, 2000, through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2237. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Inland Waterways Navigation Regulations; Ports and Waterways Safety [CGD 09-00-010] (RIN: 2115-AG01) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2238. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Shipping Safety Fairways and Anchorage Area, Gulf of Mexico [CGD 08-00-012] (RIN: 2115-AG02) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2239. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Guayanilla, Puerto Rico [COTP San Juan 00-095] (RIN: 2115-AA97) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on May 26 (legislative day of May 25), 2001]

Mr. THOMAS: Committee of Conference. Conference report on H.R. 1836. A bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002 (Rept. 107-84). Ordered to be printed.

Mr. REYNOLDS: Committee on Rules. House Resolution 153. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002 (Rept. 107-85). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Government Reform discharged from further consideration. H.R. 1088 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ABERCROMBIE (for himself, Mr. Bonior, Mr. Baca, Mr. Evans, Mr. Hinchey, Mr. Frost, Ms. Hooley of Oregon, Mr. Udall of New Mexico, Mr. McGovern, Mr. Hall of Ohio, Mr. Moran of Kansas, Ms. Kilpatrick, Mr. Pallone, Ms. McKinney, Mr. Kildee, Mrs. Wilson, Mr. Rahall, Mr. Rush, Mr. Graham, Mr. Pastor, Mr. Shows, Mr. Strickland, Mrs. Mink of Hawaii, Mr. Tauzin, Mr. Rangel, Mrs. Jones of Ohio, Mr. Otter, Mr. Kucinich, and Mr. Faleomavaega):

H.R. 2012. A bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians; to the Committee on Government Reform.

By Mr. ALLEN (for himself, Mr. McGovern, Mr. Andrews, Mr. Brady of Pennsylvania, Mr. Evans, Ms. Baldwin, Mr. Markey, Mr. Stark, Mr. Frank, Mr. Tierney, Mr. Doggett, Mr. Blumenauer, Mr. Snyder, Mr. Kucinich, and Mr. Berman):

H.R. 2013. A bill to provide the President with flexibility to set strategic nuclear delivery system levels to meet United States national security goals; to the Committee on Armed Services.

By Mr. ANDREWS (for himself and Mrs. Kelly):

H.R. 2014. A bill to amend the Fair Debt Collection Practices Act with regard to liability for noncompliance, and for other purposes; to the Committee on Financial Services.

By Mr. COSTELLO:

H.R. 2015. A bill to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center"; to the Committee on Transportation and Infrastructure.

By Ms. DeGETTE:

H.R. 2016. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to ensure full Federal compliance with that Act; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin (for himself, Mr. Ryan of Wisconsin, Mr. Sensenbrenner, Mr. Petri, Mr. Barrett, Mr. Kleczka, Mr. Weller, Mr. Johnson of Illinois, Mr. Kirk, Mr. Kennedy of Minnesota, and Mrs. Biggert):

H.R. 2017. A bill to direct the Administrator of the Environmental Protection Agency to conduct a study of the feasibility of developing regional vehicle fuel specifications for the United States and of implementing the use of a uniform blend of gasoline in the Midwest region of the United States; to the Committee on Energy and Commerce.

By Ms. HART (for herself, Mrs. Jones of Ohio, Mr. Weldon of Pennsylvania, Mr. Bachus, Mr. English, Mr. Aderholt, Mr. Smith of New Jersey, Mr. Pitts, Mr. Stearns, Mrs. Jo Ann Davis of Virginia, Mr. Hoekstra, Mrs. Myrick, Ms. Ros-Lehtinen, Mr. Souder, Ms. Pryce of Ohio, Mr. Weldon of Florida, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Greenwood, and Mr. Ryun of Kansas):

H.R. 2018. A bill to authorize States to use funds provided under the program of block grants to States for temporary assistance for needy families to support infant safe haven programs; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUTCHINSON:

H.R. 2019. A bill to amend the National Labor Relations Act; to the Committee on Education and the Workforce.

By Mr. JONES of North Carolina:

H.R. 2020. A bill to amend title 38, United States Code, to extend the period over which an individual must make payment to the Secretary to become entitled to educational assistance under the Montgomery GI Bill, to prospectively permit any servicemember to withdraw an election not to enroll under the Montgomery GI Bill, and to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. Leach, Mr. Luther, Mr. Gilchrest, Ms. McCollum, Mr. Gutknecht, Mr. Evans, Mr. Shimkus, Mr. Boswell, Mr. Hulshof, Ms. Baldwin, Mr. Pomeroy, Mr. Petri, Ms. Hooley of Oregon, Mr. Etheridge, Mr. Blumenauer, and Mr. Barrett):

H.R. 2021. A bill to reduce flood losses; to the Committee on Transportation and Infrastructure.

By Mr. LaFALCE (for himself, Mr. Kanjorski, Mr. Houghton, Mr. Gutierrez, Mr. Souder, Mr. Gonzalez, Mrs. Thurman, Mr. Owens, and Mr. Underwood):

H.R. 2022. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mr. Rogers of Kentucky, Mr. Whitfield, Mr. Fletcher, Mr. Lucas of Kentucky, and Ms. Ros-Lehtinen):

H.R. 2023. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2024. A bill to amend title 18, United States Code, to prohibit desecration of Veterans' memorials; to the Committee on the Judiciary.

By Mr. MANZULLO:

H.R. 2025. A bill to amend the Internal Revenue Code of 1986 to allow all individuals a deduction for Federal, State, and local highway motor fuel sales taxes; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 2026. A bill to make appropriations for fiscal year 2002 for the establishment and operation of a plant genetic conservation center; to the Committee on Appropriations.

By Mr. MORAN of Kansas (for himself, Mrs. Emerson, and Mr. Berry):

H.R. 2027. A bill to amend the Agricultural Market Transition Act to extend for the 2001 and 2002 crop years the temporary eligibility of producers for loan deficiency payments when the producers, although not eligible to obtain a marketing assistance loan, produce a contract commodity; to the Committee on Agriculture.

By Mr. NEY:

H.R. 2028. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Ohio; to the Committee on Energy and Commerce.

By Mr. PICKERING:

H.R. 2029. A bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. Smith of New Jersey, Mr. Rohrabacher, Mr. Burton of Indiana, and Mr. Chabot):

H.R. 2030. A bill to prohibit issuance of a visa, or admission to the United States, of any physician who is a citizen of the People's Republic of China and who seeks to enter for the purpose of training in organ or bodily tissue transplantation; to the Committee on the Judiciary.

By Ms. ROYBAL-ALLARD (for herself, Ms. Lee, Mrs. Jones of Ohio, Mr. Gutierrez, Mr. Frank, Mr. Kleczka, Mr. George Miller of California, Ms. Solis, Ms. Baldwin, Ms. Sanchez, Mr. Kildee, Mr. Acevedo-Vila, and Mr. Underwood):

H.R. 2031. A bill to amend the Fair Credit Reporting Act to allow any consumer to receive a free credit report annually from any consumer reporting agency; to the Committee on Financial Services.

By Ms. ROYBAL-ALLARD (for herself, Ms. Lee, Mr. Thompson of Mississippi, Mr. Frost, Mr. Filner, Ms. Jackson-Lee of Texas, Mr. Frank, Ms. Rivers, Mr. George Miller of California, Mr. Bonior, Ms. Solis, Ms. Baldwin, Ms. Sanchez, Ms. Woolsey, Mr. Kucinich, Mrs. Clayton, Mr. Acevedo-Vila, and Mr. Underwood):

H.R. 2032. A bill to amend the Truth in Lending Act to protect consumers from certain unreasonable practices of creditors which result in higher fees or rates of interest for credit cardholders, and for other purposes; to the Committee on Financial Services.

By Ms. ROYBAL-ALLARD (for herself, Ms. Carson of Indiana, Mr. Filner, Mr. Frost, Mr. Hinchey, Mr. Kucinich, Ms. Lee, Mrs. Napolitano, Ms. Norton, Mr. Price of North Carolina, Mr. Rangel, Ms. Sanchez, Mr. Sanders, Ms. Solis, and Mr. Underwood):

H.R. 2033. A bill to amend the Internal Revenue Code of 1986 to provide a credit to promote home ownership among low-income individuals; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself, Mr. Acevedo-Vila, Mr. Borski, Ms. Carson of Indiana, Mr. Davis of Illinois, Mr. Green of Texas, Mr. Hinchey, Ms. Kilpatrick, Mr. Lantos, Mrs. Maloney of New York, Mr. McGovern, Ms. McKinney, Ms. Slaughter, Ms. Solis, Mr. Underwood, and Ms. Velázquez):

H.R. 2034. A bill to authorize the Secretary of Housing and Urban Development to make grants to evaluate and reduce lead-based paint hazards at public elementary schools and licensed child day-care facilities; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 2035. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security and Medicare benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. Matsui, Mr. Foley, Mr. Kleczka, Mr. Camp, Ms. Dunn, Mr. Hayworth, Mr. Sam Johnson of Texas, Mr. Lewis of Kentucky, Mr. Ramstad, Mr. Tanner, and Mrs. Thurman):

H.R. 2036. A bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. Aderholt, Mr. Baca, Mr. Bachus, Mr. Ballenger, Mr. Barcia, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bass, Mr. Bishop, Mr. Blunt, Mr. Boucher, Mr. Brown of South Carolina, Mr. Bryant, Mr. Burr of North Carolina, Mr. Burton of Indiana, Mr. Buyer, Mr. Calvert, Mr. Cannon, Mr. Cantor, Mr. Carson of Oklahoma, Mr. Chabot, Mr. Cramer, Mr. Crane, Mrs. Cubin, Mr. Culberson, Mr. Cunningham, Mrs. Jo Ann Davis of Virginia, Mr. DeLay, Mr. DeMint, Mr. Dingell, Mr. Doolittle, Mr. Flake, Mr. Lucas of Oklahoma, Mr. Gibbons, Mr. Goode, Mr. Goodlatte, Mr. Graham, Mr. Graves, Mr. Hall of Texas, Mr. Hansen, Ms. Hart, Mr. Hayes, Mr. Hefley, Mr. Herger, Mr. Hilleary, Mr. Holden, Mr. Hunter, Mr. Issa, Mr. Istook, Mr. Jenkins, Mr. John, Mr. Johnson of Illinois, Mr. Keller, Mr. Kerns, Mr. Largent, Mr. Lucas of Kentucky, Mr. Manzullo, Mr. Matheson, Mr. Gary G. Miller of California, Mr. Ney, Mr. Norwood, Mr. Oberstar, Mr. Otter, Mr. Pence, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Pitts, Mr. Radanovich, Mr. Rahall, Mr. Rehberg, Mr. Rogers of Michigan, Mr. Ross, Mr. Ryan of Wisconsin, Mr. Ryun of Kansas, Mr. Sandlin, Mr. Schaffer, Mr. Schrock, Mr. Sensenbrenner, Mr. Sessions, Mr. Shadegg, Mr. Shimkus, Mr. Shows, Mr. Shuster, Mr. Simmons, Mr. Simpson, Mr. Skeen, Mr. Smith of Texas, Mr. Souder, Mr. Stenholm, Mr. Strickland, Mr. Sununu, Mr. Taylor of Mississippi, Mr. Terry, Mr. Tiahrt, Mr. Traficant, Mr. Walden of Oregon, Mr. Jones of North Carolina, Mr. Whitfield, Mr. Wicker, and Mr. Young of Alaska):

H.R. 2037. A bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. Pomeroy):

H.R. 2038. A bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mrs. CAPPS, Mr. MCGOVERN, Mrs. DAVIS of California, Mr. BACA, Ms. ESHOO, Mr. MATSUI, Ms. PELOSI, Mr. WEINER, Mr. CAPUANO, Mr. FILNER, Mr. STARK, Mr. CROWLEY, Ms. BERKLEY, Ms. WOOLSEY, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. HONDA, Mr. KUCINICH, and Ms. SOLIS):

H.R. 2039. A bill to prohibit certain discriminatory pricing policies in wholesale motor fuel sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Mr. CAPUANO, Mr. LANTOS, Mr. HINCHEY, Ms. MCKINNEY, Mr. BLUMENAUER, Mr. MATSUI, Ms. RIVERS, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. CROWLEY, Mr. SANDERS, Mr. SCHIFF, Ms. MCCARTHY of Missouri, Ms. SOLIS, Mr. ALLEN, Ms. PELOSI, Mr. MOORE, Mrs. THURMAN, Mr. MCDERMOTT, Ms. WOOLSEY, Ms. WATERS, Mr. DEFAZIO, Ms. NORTON, Mr. BONIOR, and Mr. STUPAK):

H.R. 2040. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase energy efficient appliances; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. GEPHARDT, Mr. GILMAN, Mr. LANTOS, Mr. LEACH, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. FROST, Mr. ROHRABACHER, Mr. HALL of Texas, Mr. WATTS of Oklahoma, Mr. MENENDEZ, Mr. KING, Mr. WEXLER, Mr. HORN, Ms. PELOSI, Mr. HOEFFEL, Mr. SHERMAN, Mr. DAVIS of Florida, Mr. SCHIFF, Mr. CROWLEY, Ms. BERKLEY, Mr. CANTOR, Mr. WAXMAN, Mr. HINCHEY, Mr. MCNULTY, Mr. HOLT, Mr. WEINER, Mr. FERGUSON, Mr. ABERCROMBIE, Mr. PALLONE, Mr. MCDERMOTT, Mrs. CAPPS, Mr. REYES, Mr. MORAN of Virginia, Mr. LATOURETTE, Mr. HOYER, Mr. SANDERS, Mr. HONDA, Mr. TIERNEY, Mr. CAPUANO, Mr. NADLER, Ms. SOLIS, Ms. KAPTUR, Mr. ENGLISH, Ms. SCHAKOWSKY, Mrs. MALONEY of New York, Mr. OBEY, Mr. GEORGE MILLER of California, Mr. FARR of California, Mrs. MORELLA, Ms. ESHOO, Mr. GONZALEZ, Mr. SERRANO, Mr. STARK, Mrs. NORTHUP, Mr. MCGOVERN, Mr. ISRAEL, and Ms. SLAUGHTER):

H. Con. Res. 145. Concurrent resolution condemning the recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindu; to the Committee on International Relations.

[Introduced May 26 (legislative day of May 25), 2001]

By Mr. KNOLLENBERG:

H.R. 2041. A bill to amend the Internet Revenue Code of 1986 to exclude from gross income gain from the sale of securities which are used to pay for higher education expenses; to the Committee on Ways and Means.

By Mr. KNOLLENBERG:

H.R. 2042. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on the net capital gain of taxpayers other than corporations; to the Committee on Ways and Means.

By Mr. BUYER (for himself, Mr. VISCLOSKY, Mr. PENCE, Mr. ROEMER, Mr. SOUDER, Mr. BURTON of Indiana, Mr. KERNS, Mr. HOSTETTLER, Mr. HILL, and Ms. CARSON of Indiana):

H.R. 2043. A bill to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the "Elwood Haynes 'Bud' Hillis Post Office Building"; to the Committee on Government Reform.

By Mrs. DAVIS of California (for her self and Mr. SNYDER):

H.R. 2044. A bill to amend title 37, United States Code, to ensure that the rates of the basic allowance for housing for military housing areas inside the United States are sufficient to eliminate out-of-pocket housing costs for members entitled to the allowance; to the Committee on Armed Services.

By Mr. MATHESON (for himself, Mr. ETHERIDGE, Mr. BARTLETT of Maryland, Mr. UDALL of Colorado, and Mr. LANTOS):

H.R. 2045. A bill to authorize the National Science Foundation to provide grants to support research projects in science and technology at secondary schools, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:

H.R. 2046. A bill to reform the coastwise, intercoastal, and noncontiguous trade shipping laws, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H. Con. Res. 146. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. DAVIS of Illinois (for himself and Ms. CARSON of Indiana):

H. Con. Res. 147. Concurrent resolution supporting the efforts and activities of individuals, organizations, institutions, and other entities to honor fatherhood on Father's Day; to the Committee on Government Reform.

By Mr. ROGERS of Michigan (for himself, Mr. CAMP, Mr. PENCE, Mr. TIBERI, and Mr. UPTON):

H. Con. Res. 148. Concurrent resolution affirming authority of the Great Lakes Basin; to the Committee on International Relations.

By Mr. DAVIS of Illinois (for himself, Mr. MCHUGH, Mr. BURTON of Indiana, Mr. WAXMAN, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. KANJORSKI, Mr. JIM DAVIS of Florida, Mr. BLAGOJEVICH, Mr. BROWN of Ohio, Mr. GEORGE MILLER of Georgia, Mr. ACKERMAN, Mr. ALLEN, and Mr. BLUMENAUER):

H. Res. 154. Resolution expressing the sense of the House of Representatives that the United States Postal Service should take all appropriate measures to ensure the continuation of its 6-day mail delivery service; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. SANDLIN.

H.R. 61: Mr. KANJORKSI.

H.R. 123: Mr. STEARNS and Mr. WELDON of Florida.

H.R. 134: Mr. FALEOMAVAEGA.

H.R. 144: Ms. MCCOLLUM.

H.R. 294: Mr. KENNEDY of Minnesota and Mr. ROGERS of Kentucky.

H.R. 303: Mr. BUYER.

H.R. 326: Mr. DEFAZIO.

H.R. 432: Mr. JACKSON of Illinois.

H.R. 433: Mr. JACKSON of Illinois.

H.R. 442: Ms. PELOSI.

H.R. 507: Mr. CANTOR.

H.R. 510: Mr. HALL of Ohio.

H.R. 513: Mr. MASCARA, Mr. BLUNT, and Mr. ADERHOLT.

H.R. 527: Mr. PAUL and Ms. MCCARTHY of Missouri.

H.R. 572: Mr. TANCREDO and Mr. TURNER.

H.R. 600: Mr. BURTON of Indiana.

H.R. 602: Mr. SIMMONS.

H.R. 606: Ms. SLAUGHTER.

H.R. 611: Mr. BOYD and Mr. HASTINGS of Washington.

H.R. 612: Mr. BERRY, Mr. SHERMAN, Mr. HASTINGS of Florida, Mr. LARSEN of Washington, Mr. MICA, Mr. CUNNINGHAM, Ms. NORTON, Mr. KIRK, and Mr. MCINNIS.

H.R. 638: Mr. JEFFERSON.

H.R. 647: Mr. GOODLATTE.

H.R. 656: Mr. OXLEY.

H.R. 662: Mr. HOSTETTLER and Mr. LARSEN of Washington.

H.R. 665: Mr. SHERMAN.

H.R. 676: Mr. ROGERS of Kentucky.

H.R. 686: Mr. OWENS.

H.R. 701: Mr. UNDERWOOD, Mr. HINOJOSA, Mr. FORD, Mr. CALLAHAN, Mrs. KELLY, Mr. BAIRD, Mr. SANDLIN, Mr. CONYERS, Mr. DOYLE, and Mr. LARSEN of Washington.

H.R. 703: Mr. THOMPSON of Mississippi, Ms. CARSON of Indiana, Mr. OWENS, Mr. FROST, Mr. HOYER, Mr. BALDACCI, Mr. PASCRELL, and Mr. FRANK.

H.R. 746: Mr. ADERHOLT, Mr. LEWIS of Kentucky, and Ms. SCHAKOWSKY.

H.R. 868: Mr. OXLEY, Mr. LEWIS of Kentucky, Mr. GUTKNECHT, Mr. SIMPSON, and Mrs. CAPITO.

H.R. 912: Mr. CARDIN.

H.R. 921: Mr. JONES of North Carolina.

H.R. 951: Mr. SPENCE, Mr. KILDEE, Mr. BROWN of Ohio, and Mr. SNYDER.

H.R. 978: Mr. BEREUTER, Mr. LANTOS, and Mr. PETRI.

H.R. 1010: Mr. BARRETT, Mr. ETHERIDGE, Mr. SANDERS, Mr. WYNN, Mr. FRANK, Mr. FROST, and Ms. DELAURO.

H.R. 1020: Mr. WHITFIELD and Mr. WALDEN of Oregon.

H.R. 1024: Mrs. THURMAN.

H.R. 1036: Mr. WYNN, Ms. KAPTUR, Mr. KLECZKA, Mr. SPRATT, Mr. LEVIN, Mr. BARRETT, Mr. HASTINGS of Florida, Mr. LAMPSON, Mr. MATSUI, Mr. THOMPSON of California, Mr. TANNER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. CLYBURN, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. DOOLEY of California, Mr. HOYER, Mr. CONDIT, and Mr. SERRANO.

H.R. 1100: Mr. CANTOR.

H.R. 1143: Mr. GONZALEZ.

H.R. 1155: Mr. GOODLATTE, Mr. MEEKS of New York, Mr. SHIMKUS, Mr. BROWN of Ohio, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, and Ms. DEGETTE.

H.R. 1187: Mr. PRICE of North Carolina.

H.R. 1192: Mr. SANDLIN.

H.R. 1220: Mr. MORAN of Kansas.

H.R. 1238: Mr. DINGELL.

H.R. 1242: Mr. BACA.

H.R. 1265: Mr. GEORGE MILLER of California.

H.R. 1271: Mr. GRUCCI.

H.R. 1300: Mr. MCINTYRE, Mrs. CLAYTON, and Mr. OSBORNE.

H.R. 1305: Mr. MICA.

H.R. 1316: Mr. KIRK, Mrs. NAPOLITANO, and Mr. OLVER.

H.R. 1318: Mr. PAUL and Mr. WEXLER.

H.R. 1329: Mr. DOOLITTLE.

H.R. 1330: Mr. JACKSON of Illinois.

H.R. 1341: Mr. HUTCHINSON.

H.R. 1376: Ms. WOOLSEY.

H.R. 1383: Ms. MCKINNEY, Mr. HOYER, Mr. STUPAK, Mr. KUCINICH, Mrs. MORELLA, and Mr. YOUNG of Alaska.

H.R. 1401: Mrs. MALONEY of New York, Mr. STUPAK, Mr. WYNN and Mr. BONIOR.

H.R. 1455: Mr. BARTLETT of Maryland.

H.R. 1475: Mr. PASTOR, Mr. JACKSON of Illinois, Mr. THOMPSON of California, Mr. JEFFERSON, Mr. BLAGOJEVICH, Mr. COYNE, Mr. LEACH, Mr. BISHOP, Mr. SNYDER, Ms. BROWN of Florida, Mr. ENGLISH, Ms. HOOLEY of Oregon, Mr. UPTON, Mr. DIAZ-BALART, Mr. GUTIERREZ, Ms. HART, Mr. FOLEY, Mr. BENTSEN, and Mr. GILMAN.

H.R. 1479: Mr. CANTOR.

H.R. 1490: Mr. MCNULTY, Mr. LOBIONDO, Mr. NADLER, Mr. LARSEN of Washington, Mr. GONZALEZ, Mr. LAFALCE, Mr. NORWOOD, Mr. BROWN of Ohio, and Ms. HART.

H.R. 1575: Mr. HOEKSTRA.

H.R. 1577: Mr. DUNCAN, Mr. BARCIA, Mr. ISTOOK, Mr. CLAY, Mr. LANTOS, Mr. GRUCCI, Mr. MCINNIS, Mr. ROEMER, Mr. SHADEGG, and Mr. SCHAFFER.

H.R. 1598: Mr. DAVIS of Florida.

H.R. 1601: Mr. PASTOR.

H.R. 1604: Mr. TURNER.

H.R. 1624: Mr. HORN, Mr. GORDON, Mrs. ROUKEMA, Mr. LATOURETTE, Mr. OBERSTAR, Ms. WOOLSEY, Mr. REHBERG, Mr. WATT of North Carolina, Ms. HART, Mr. BLUMENAUER, Mrs. JO ANN DAVIS of Virginia, Mr. LEVIN, Ms. SCHAKOWSKY, and Mr. BRYANT.

H.R. 1629: Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. GARY G. MILLER of California, Mr. BACA, Mr. ACEVEDO-VILÁ, and Mr. KANJORSKI.

H.R. 1636: Mr. BLUNT.

H.R. 1645: Mr. REHBERG and Mr. WATT of North Carolina.

H.R. 1650: Mr. OWENS and Mr. SANDLIN.

H.R. 1657: Mr. NUSSLE.

H.R. 1669: Mr. GALLEGLY, Mr. GARY G. MILLER of California, and Mr. DEFAZIO.

H.R. 1683: Ms. SLAUGHTER.

H.R. 1700: Mr. DELAHUNT and Mr. LANTOS.

H.R. 1713: Ms. MCKINNEY.

H.R. 1723: Mr. CLEMENT, Mr. WAMP, Mr. BALLENGER, Mrs. BIGGERT, Mr. OWENS, Mr. SAXTON, Mr. WATT of North Carolina, Mr. SUNUNU, Ms. PELOSI, Mr. BRADY of Pennsylvania, Ms. SOLIS, Mr. ALLEN, Mrs. MORELLA, Ms. MCCOLLUM, Ms. JACKSON-LEE of Texas, and Mr. WEINER.

H.R. 1745: Mr. CRANE and Mr. DOOLITTLE.

H.R. 1751: Mr. REYES.

H.R. 1754: Ms. JACKSON-LEE of Texas.

H.R. 1760: Mr. GREEN of Texas.

H.R. 1774: Mr. ISAKSON, Mr. LEWIS of Kentucky, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. EVERETT, Mr. ISSA, Mr. WHITFIELD, Mr. DEMINT, Mr. CONDIT, Mr. RADANOVICH, and Mr. TOOMEY.

H.R. 1786: Mr. BLUNT and Mrs. ROUKEMA.

H.R. 1795: Mr. CROWLEY, Mr. WEINER, Mr. SAXTON, Mr. FILNER, Mr. PLATTS, Mr. CARSON of Oklahoma, Mrs. MALONEY of New York, Mr. SESSIONS, Mr. DIAZ-BALART, Mr. LOBIONDO, Mr. ANDREWS, Mr. CANTOR, Mr. STRICKLAND, Mr. HOEFFEL, Mr. HILLEARY, Mr. NADLER, Ms. BERKLEY, Mr. ISRAEL, and Mr. PICKERING.

H.R. 1805: Mr. SESSIONS.

H.R. 1809: Mr. TIERNEY and Ms. SLAUGHTER.

H.R. 1810: Mr. FARR of California, Mr. HOEFFEL, Mr. GEORGE MILLER of California, and Mr. CROWLEY.

H.R. 1818: Ms. MCKINNEY.

H.R. 1839: Mr. OWENS and Ms. ROS-LEHTINEN.

H.R. 1841: Mr. BOEHLERT, Mr. ROTHMAN, Ms. KILPATRICK, Mr. ABERCROMBIE, and Mr. MASCARA.

H.R. 1862: Mrs. MCCARTHY of New York and Mr. DEFAZIO.

H.R. 1864: Mr. INSLEE.

H.R. 1897: Mr. MCNULTY, Mr. LATOURETTE, Mr. BLAGOJEVICH, Mr. GUTIERREZ, Mr. MEEKS of New York, Mr. LANGEVIN, Mrs. JONES of Ohio, Mr. GILLMOR, Ms. NORTON, Ms. JACKSON-LEE of Texas, and Mr. SANDLIN.

H.R. 1929: Mr. REYES, Mr. HONDA, Mr. BAKER, Ms. MCKINNEY, and Ms. WATERS.

H.R. 1944: Mr. ARMEY and Mr. TIBERI.

H.R. 1949: Mr. SABO.

H.R. 1954: Mr. BACHUS, Mr. BALDACCI, Ms. BROWN of Florida, Mr. DAVIS of Illinois, Mr. FARR of California, Mr. MEEHAN, Ms. VELÁZQUEZ, and Mr. CHAMBLISS.

H.R. 1967: Mr. STUPAK and Mr. FRANK.

H.R. 1968: Mr. OWENS, Mr. BLUMENAUER, and Mr. BONIOR.

H.R. 1994: Mrs. THURMAN and Mrs. MINK of Hawaii.

H.J. Res. 6: Mr. FOSSELLA and Mr. SCHROCK.

H.J. Res. 36: Mr. ROEMER and Ms. SANCHEZ.

H.J. Res. 42: Ms. SCHAKOWSKY, Mr. HULSHOF, Mr. STUPAK, and Ms. SANCHEZ.

H.J. Res. 46: Mr. BOUCHER.

H. Con. Res. 3: Ms. JACKSON-LEE of Texas.

H. Con. Res. 25: Ms. LEE and Mr. BEREUTER.

H. Con. Res. 42: Mr. CLEMENT.

H. Con. Res. 54: Mr. SANDLIN.

H. Con. Res. 104: Mr. ALLEN.

H. Con. Res. 106: Mr. GOODLATTE and Mr. BARTLETT of Maryland.

H. Con. Res. 115: Ms. SCHAKOWSKY.

H. Con. Res. 116: Mr. ISSA and Mr. EHLERS.

H. Con. Res. 124: Mr. WATTS of Oklahoma, Mr. CRANE, and Mr. GOODLATTE.

H. Res. 18: Ms. KILPATRICK.

H. Res. 65: Mr. FOSSELLA and Mr. PAUL.

H. Res. 120: Mr. CUNNINGHAM and Ms. HART.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

[May 26, (legislative day May 25), 2001]

H.R. 1990: Mr. GILMAN, Mrs. MORELLA, Mr. SCOTT, Ms. NORTON, Mrs. MINK of Hawaii, Mr. BONIOR, Mr. CUMMINGS, Mr. LATOURETTE, Mr. KUCINICH, Mr. BISHOP, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. GUTIERREZ, and Mr. OWENS.

EXTENSIONS OF REMARKS

ALBANIAN VOTERS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. TRAFICANT. Mr. Speaker, I submit the following passage and lists for the RECORD:

The list of names enclosed, are considered the "official list of voters" in two district polling stations in Tirana, Albania, as submitted by the current reigning socialist government.

The Democratic Coalition opposing the Socialist Party in the upcoming election, maintains that this list has left off many eligible voters, thus, disenfranchising many Albanians from their right to vote.

In this regard, I submit this list of voters, to memorialize the list so that eventually, a thorough investigation would be possible.

A.—LISTA E ZGJEDHESVE PER ZGJEDHJET PER QEVERISJEN VENDORE

[Data e Zgjedhjeve: 01/10/2000]

[Rrethi, Tirane, Bashkia/Komuna, Tirane, Qendra Votimit Nr. 122]

Nr. Kartes Votuesit, Emri, Atesia, Mbiemri, Datelindja, Firma e Zgjedhesit

1. G00304128E, Gezim, Hasan, Abazi, 04/03/1960.
2. I20202157I, Maringlen, Gezim, Abazi, 02/02/1982.
3. G25605148V, Roza, Nurce, Abazi, 05/06/1962.
4. F90620176F, Enver, Beslim, Ahmetaj, 20/06/1959.
5. G55401187S, Farie, Sinan, Ahmetaj, 01/04/1965.
6. G10423106E, Kujtim, Hamdi, Ahmetaj, 23/04/1961.
7. G35423114H, Valdete, Halit, Ahmetaj, 23/04/1963.
8. D50928015P, Adem, Ahmet, Ajazi, 28/09/1935.
9. G35106059V, Elmije, Ramadan, Ajazi, 06/01/1963.
10. F60201127G, Halim, Hysen, Ajazi, 01/02/1956.
11. G30831050Q, Hiqmet, Adem, Ajazi, 31/08/1963.
12. E15715087Q, Razie, Qamil, Ajazi, 15/07/1941.
13. I01215138V, Agim, Filip, Aliu, 15/12/1980.
14. H35905112J, Drita, Skender, Aliu, 05/09/1973.
15. H40930095P, Gjergj, Filip, Aliu, 30/09/1974.
16. H50127091O, Ilir, Xhevdet, Aliu, 27/01/1975.
17. E20510157H, Xhevat, Ali, Aliu, 10/05/1942.
18. E25420127U, Zymbyle, Kasem, Aliu, 20/04/1942.
19. H50325205O, Genci, Bashkim, Alla, 25/03/1975.
20. H65615208I, Aleksandra, Elmaz, Allajbej, 15/06/1976.
21. G70619122B, Andrea, Tajar, Allajbej, 19/06/1967.
22. H30129098J, Altin, Tajar, Allajbej, 29/01/1973.
23. H40114103W, Mustafa, Rifat, Allmuca, 14/01/1974.
24. E45307086F, Shaje, Zenel, Allmuca, 07/03/1944.
25. H75406148D, Zhevrije, Hamdi, Allmuca, 06/04/1977.
26. G35820191N, Selime, Isa, Almadhi, 20/08,1963.
27. H55706105E, Adriana, Isuf, Aruci, 06/07/1975.
28. D25513053Q, Ishe, Kalem, Aruci, 13/05/1932.
29. D30503085R, Isuf, Xhemal, Aruci, 03/05/1933.
30. G55605174N, Mirjeta, Safet, Aruci, 05/06/1965.
31. G50601287U, Ramis, Isuf, Aruci, 01/06/1965.
32. G50610350R, Ramiz, Isuf, Aruci, 10/06/1965.
33. H65110174C, Shkendije, Isuf, Aruci, 10/01/1976.
34. G16010207W, Xhevrie, Isuf, Aruci, 10/10/1961.
35. H00507154P, Agron, Idriz, Avdia, 07/05/1970.
36. H86102060N, Bujana, Idriz, Avdia, 02/11/1978.
37. G50916067J, Dashnor, Idriz, Avdia, 16/09/1965.
38. H55701143O, Ermelinda, Idriz, Avdia, 01/07/1975.
39. H65323143V, Fellenxa, Idriz, Avdia, 23/03/1976.
40. D70605078F, Idriz, Rexhep, Avdia, 05/06/1937.
41. G65620209R, Lazime, Hysni, Avdia, 20/06/1966.
42. H00331077A, Mendu, Idriz, Avdia, 31/03/1970.
43. G35415240I, Merita, Idriz, Avidia, 15/04/1963.
44. H35610170F, Rajmonda, Idriz, Avdia, 10/06/1973.
45. D35706039W, Vasile, Zak, Avdia, 06/07/1933.
46. G25802094J, Flutura, Fiqiri, Baca, 02/08/1962.
47. E35315195D, Hava, Mahmut, Baca, 15/03/1943.
48. D20303059V, Ramadan, Abaz, Baca, 03/03/1932.
49. G20523093S, Shyqyri, Ramadan, Baca, 23/05/1962.
50. D15930034O, Stela, Ramadan, Baca, 30/09/1931.
51. I20522164I, Gjon, Naim, Bajraktari, 22/05/1982.
52. G25110208J, Laze, Lahim, Bajraktari, 10/01/1962.
53. F80202123E, Naim, Latif, Bajraktari, 02/02/1958.
54. H45111093F, Ajrie, Rushit, Bajrami, 11/01/1974.
55. G90425180H, Arben, Tafil, Bajrami, 25/04/1969.
56. H40415195A, Fatos, Tafil, Bajrami, 15/04/1974.
57. E15110090Q, Kujtime, Ramazan, Bajrami, 10/01/1941.
58. E10310150N, Tafil, Musa, Bajrami, 10/03/1941.
59. C85608020A, Atixhe, Mefail, Bajro, 08/06/1928.
60. G06111357B, Bukurije, Dylbin, Bajro, 11/11/1960.
61. H35519110F, Edlira, Rexhep, Bajro, 19/05/1973.
62. D00607045J, Hisan, Sali, Bajro, 07/06/1930.
63. G81012088M, Jashar, Ihsan, Bajro, 12/10/1968.
64. G00624076L, Selajdin, Ihsan, Bajro, 24/06/1960.
65. G35311115V, Klara, Qirjako, Bala, 11/03/1963.
66. F60618121J, Qamil, Beqir, Bala, 18/06/1956.
67. F55325181R, Alije, Ibrahim, Baliko, 25/08/1955.
68. F10215141O, Ismail Haki, Baliko, 15/02/1951.
69. I15621127L, Irena, Sefer, Balla, 21/06/1981.
70. D91001052B, Sefer, Ali, Balla, 01/10/1939.
71. E06125026W, Selfiaze, Shero, Balla, 25/11/1940.
72. H46015106O, Fidane, Elez, Balliu, 15/10/1974.
73. H10224115D, Naim, Hasan, Balliu, 24/02/1971.
74. G85504119G, Nurie, Qerim, Baloj, 04/05/1968.
75. E25610110F, Nusha, Frok, Baloj, 10/06/1942.
76. G60122106S, Sander, Preng, Baloj, 22/01/1966.
77. E95526063E, Ermira, Nazif, Bardhoshi, 26/05/1949.
78. I10804129H, Avni, Ismail, Basha, 04/08/1981.
79. H35103162K, Gjyle, Ismail, Basha, 03/01/1973.
80. H35123140L, Gjyle, Ismail, Basha, 23/01/1973.
81. G40621073W, Hasan, Ymer, Basha, 21/06/1964.
82. G01202083M, Hysen, Ymer, Basha, 02/12/1960.
83. H15515299C, Lumnie, Sadik, Basha, 15/05/1971.
84. H50514169K, Ramazan, Ismail, Basha, 14/05/1975.
85. H55514180I, Ramazane, Ismail, Basha, 14/05/1975.
86. G95802106V, Selime, Shyqyri, Basha, 02/08/1969.
87. G45320312J, Servete, Ahmet, Basha, 20/03/1964.
88. E65314089U, Servete, Hamza, Basha, 14/03/1946.
89. G60521097V, Astrit, Malo, Basriu, 21/05/1966.
90. H35323148M, Diana, Kujtim, Basriu, 23/03/1973.
91. G90907096E, Edmond, Nazmi, Basriu, 07/09/1969.
92. E75224055P, Fatime, Musa, Basriu, 24/02/1947.
93. H20607124W, Fredi, Nazmi, Basriu, 07/06/1972.
94. G11005097P, Gazmend, Mato, Basriu, 05/10/1961.
95. F90205147U, Gemal, Nazmi, Basriu, 05/02/1959.
96. B40310022C, Irfan, Basri, Basriu, 10/03/1914.
97. G60205119N, Kujtim, Abdurahman, Basriu, 05/02/1966.
98. H25212157V, Merita, Xhevdet, Basriu, 12/02/1972.
99. H85717122G, Mirlinda, Malo, Basriu, 17/07/1978.
100. H46105098R, Natasha, Hamdi, Basriu, 05/11/1974.
101. E00620072D, Nazmi, Irfan, Basriu, 20/06/1940.

102. G35524111O, Rita, Qemal, Basriu, 24/05/1963.
103. H25714111Q, Viollca, Malo, Basriu, 14/07/1972.
104. G10130106H, Xhelal, Irfan, Basriu, 30/01/1961.
105. H66020100Q, Natasha, Malo, Bastri, 20/10/1976.
106. H20611109W, Bashkim, Sefedin, Bastriu, 11/06/1972.
107. F75227093U, Drita, Qazim, Bastriu, 27/02/1957.
108. H35112113F, Mimoza, Qerem, Bastriu, 12/01/1973.
109. G90429119E, Qemal, Sefedin, Bastriu, 29/04/1969.
110. H15723090K, Vjollca, Zeqir, Bastriu, 23/07/1971.
111. E66113032M, Burbuqe, Muharrem, Baushi, 13/11/1946.
112. G80608141W, Eqerem, Ramadan, Baxhia, 08/06/1968.
113. H05812103Q, Eva, Llambi, Baxhia, 12/08/1970.
114. H55623107K, Klodjan, Ramadan, Baxhia, 23/06/1975.
115. C75106026W, Fitnet, Hamit, Beja, 06/01/1927
116. H50928118D, Banush, Beqir, Beqiri, 28/09/1975.
117. H21118077C, Bashkim, Beqir, Beqiri, 18/11/1972.
118. D20506050Q, Beqir, Banush, Beqiri, 06/05/1932.
119. E66024015F, Dituri, Ramădan, Beqiri, 24/10/1946.
120. D85520102U, Fatime, Liman, Beqiri, 20/05/1938.
121. H45516162T, Mirela, Beqir, Beqiri, 16/05/1974.
122. H10717121E, Spartak, Halim, Beqiri, 17/07/1971.
123. H75126124C, Valbona, Mitri, Beqiri, 26/01/1977.
124. H00315202E, Alban, Burhan, Berisha, 15/03/1970.
125. H16019086M, Dije, Haxhi, Berisha, 19/10/1971.
126. H10621096M, Elvis, Burhan, Berisha, 21/06/1971.
127. E35111041T, Fetije, Ramadan, Berisha, 11/01/1943.
128. H65130115W, Shpresa, Haxhi, Berisha, 30/01/1976.
129: F65413161Q, Zyra, Mersin, Berisha, 13/04/1956.
130. G20108135D, Petrit, Eljaz, Bicakani, 08/01/1962.
131. G85720194Q, Valbona, Isa, Bicakani, 20/07/1968.
132. G80920172F, Bujar, Mitat, Brahimllari, 20/09/1968.
133. G85721095A, Kozeta, Elmaz, Brahimllari, 21/07/1968.
134. G25504106P, Vjollca, Myslym, Braja, 04/05/1962.
135. G10120211W, Xhevat, Ramazan, Braja, 20/01/1961.
136. I15628122G, Adriana, Ruzhi, Bregu, 28/06/1981.
137. H00826084T, Agron, Mersin, Bregu, 26/08/1970.
138. D75512063A, Anife, Sali, Bregu, 12/05/1937.
139. H26031053F, Anila, Milaim, Bregu, 31/10/1972.
140. H40401233Q, Bari, Mersin, Bregu, 01/04/1974.
141. H46129108L, Brikena, Gjergj, Bregu, 29/11/1974.
142. F15215142J, Dermikan, Kasem, Bregu, 15/02/1951.
143. F45609058U, Dhurata, Ferit, Bregu, 09/06/1954.
144. H60405188P, Esat, Nexhip, Bregu, 05/04/1976.
145. C75620043F, Fike, Elmaz, Bregu, 20/06/1927.
146. 100717128O, Florian, Skender, Bregu, 17/07/1980.
147. G85727106E, Ikbale, Shaqir, Bregu, 27/07/1968.
148. F06003048J, Lefteri, Sefedin, Bregu, 03/10/1950.
149. H86206100A, Luljeta, Mersin, Bregu, 06/12/1978.
150. D01231087C, Mersin, Ramadan, Bregu, 31/12/1930.
151. E50915184V, Muhamet, Ramadan, Bregu, 15/09/1945.
152. E30715133Q, Nexhip, Ramadan, Bregu, 15/07/1943.
153. F40101420J, Shkelqim, Zyber, Bregu, 01/01/1954.
154. G60923058A, Shyqyri, Mersin, Bregu, 23/09/1966.
155. I15218135V, Silvana, Kujtim, Bregu, 18/02/1981.
156. F60109065D, Skender, Shefki, Bregu, 09/01/1956.
157. G75424154V, Suzana, Shefki, Bregu, 24/04/1967.
158. F46214036F, Vera, Shefki, Bregu, 14/12/1954.
159. G16202086B, Zylfije, Qamil, Bregu, 02/12/1961.
160. F65413159E, Zyra, Mersin, Bregu, 13/04/1956.
161. G40829082V, Ferdinand, Llesh, Brunga, 29/08/1964.
162. G80131080V, Lazer, Llesh, Brunga, 31/01/1968.
163. H21124069S, Leonard, Llesh, Brunga, 24/11/1972.
164. C80814024M, Llesh, Sazer, Brunga, 14/08/1928.
165. D65903042N, Mrike, Nikoll, Brunga, 03/09/1936.
166. G95923099D, Suzana, Luan, Brunga, 23/09/1969.
167. G15622103O, Besa, Mahudije, Cabeli, 22/06/1961.
168. F70424084F, Agron, Fejzo, Canaj, 24/05/1957.
169. G15317100C, Engjellushe, Hydai, Canaj, 17/03/1961.
170. G90424137A, Arben, Ismet, Cani, 24/04/1969.
171. H10923086B, Arjan, Ismet, Cani, 23/09/1971.
172. H25125124P, Artana, Selman, Cani, 25/01/1972.
173. I10819118V, Bajram, Hysen, Cani, 19/08/1981.
174. I10819161A, Ermir, Hysen, Cani, 19/08/1981.
175. H50514170O, Ferdinant, Mustafa, Cani, 14/05/1975.
176. F50906046F, Hysen, Sadik, Cani, 06/09/1955.
177. E90520102M, Ismet, Sadik, Cani, 20/05/1949.
178. H00221119T, Kadri, Ramazan, Cani, 21/02/1970.
179. I25620224M, Lindita, Hasim, Cani, 20/06/1982.
180. F75517122U, Safiqete, Osman, Cani, 17/05/1957.
181. E86010097J, Shukurie, Hajrulla, Cani, 10/10/1948.
182. H45409151M, Valbona, Gani, Cani, 09/04/1974.
183. G35115121K, Vitore, Nevrus, Cecolli, 15/01/1963.
184. G01203076L, Vladimir, Gaqe, Cecolli, 03/12/1960.
185. G80724089H, Dritan, Tartar, Celaj, 24/07/1968.
186. H20902096T, Ilir, Tartar, Celaj, 02/09/1972.
187. E55902050W, Kadrije, Qemal, Celaj, 02/09/1945.
188. E00107077J, Tartar, Hamit, Celaj, 07/01/1940.
189. E85309064M, Aferdita, Islam, Cenolli, 09/03/1948.
190. H00829074E, Arben, Kujtim, Cenolli, 29/08/1970.
191. H46031057Q, Blerta, Myzafet, Cenolli, 31/10/1974.
192. I20521150K, Elton, Kujtim, Cenolli, 21/05/1982.
193. D70302091I, Kujtim, Garip, Cenolli, 02/03/1937.
194. G45228167R, Lindita, Cuman, Cenolli, 28/02/1964.
195. G70425164A, Sokol, Kujtim, Cenolli, 25/04/1967.
196. H26216085T, Mimoza, Sefedin, Dajlani, 16/12/1972.
197. G10314102Q, Agim, Izet Dalipi, 14/03/1961.
198. I15227112F, Elvira, Agim, Dalipi, 27/02/1981.
199. G15331072Q, Myzejen, Kadri, Dalipi, 31/03/1961.
200. H10312166M, Ardian, Sefedin, Daljani, 12/03/1971.
201. G05912099I, Feride, Abedin, Daljani, 12/09/1960.
202. H15618121Q, Rudina, Ramazzan, Daljani, 18/06/1971.
203. E20217068T, Sefedin, Nazif, Daljani, 17/02/1942.
204. H46229083B, Elsa, Zef, Dedaj, 29/12/1974.
205. G65611120A, Mimoza, Hysen, Dedaj, 11/06/1966.
206. F51117050U, Pale, Lin, Dedaj, 17/11/1955.
207. G25310287R, Roza, Fran, Dedaj, 10/03/1962.
208. I15506144P, Silvana, Zef, Dedaj, 06/05/1981.
209. G30926087C, Tom, Zef, Dedaj, 26/09/1963.
210. E00830036R, Zef, Mehill, Dedaj, 30/08/1940.
211. G50401188Q, Lazer, Pal, Dedndreaj, 01/04/1965.
212. H76201118W, Lul, Mehill, Dedndreaj, 01/12/1977.
213. H80904102P, Nik, Pal. Dedndreaj, 04/09/1978.
214. G90227139C, Xhovaiin, Pal, Dedndreaj, 27/02/1969.
215. G41118074C, Abaz, Demir, Deliu, 18/11/1964.
216. E55401112T, Hajrie, Isuf, Deliu, 01/04/1945.
217. G66114049N, Shega, Ramazan, Deliu, 14/11/1966.
218. H75313193H, Zyra, Xhemal, Denushi, 13/03/1977.
219. 10091111DL, Elidon, Zagoll, Dervishi, 11/09/1980.
220. H66101130O, Esmeralda, Zagoll, Dervishi, 01/11/1976.
221. F4540907OK, Mimoza Halil, Dervishi, 09/04/1954.
222. E80828054N, Zagoll, Jonuz, Dervishi, 28/08/1948
223. D85202071C, Hamide, Josuf, Difi, 02/02/1938.
224. D50107064F, Dalip, Sadik, Doci, 07/01/1935.
225. D76119012F, Dyzene, Ramazan, Doci, 19/11/1937.
226. G36101114F, Hava, Beqir, Doka, 01/11/1963.
227. G0062516A, Osman, Jakup, Doka, 25/06/1960.
228. H65316139E, Liljana, Enver. Doko, 16/03/1976.
229. H00603132O, Shkelqim, Skender, Doko, 03/06/1970.

230. G10117101R, Arben, Fatmir, Dokolli, 17/01/1961.

231. G15101586V, Fatbardha, Qemal, Dokolli, 01/01/1961.

232. E70716051R, Ferit, Rexhep, Domi, 16/07/1947.

233. G15418177A, Mimoza, Nexhat, Domi, 18/04/1961

234. F10108082G, Agim, Jashar, Duka, 08/01/1951.

235. G70813071V, Artan, Rexhep, Duka, 13/08/1967.

236. G25325208V, Liljana, Rexhep, Duka, 25/03/1962.

237. H56223101V, Loreta, Sami, Duka, 23/12/1975.

238. H06010169F, Mimoza, Beqir, Dybeli, 10/10/1970.

239. G70725142C, Nazmi, Rexhep, Dybeli, 25/07/1967.

240. G61212074A, Agron, Hamdi, Faruku, 12/12/1966.

241. D36214016L, Hamdi, Ramazan, Faruku, 14/12/1933.

242. D36214017T, Hane, Habaz, Faruku, 14/12/1933.

243. H05403173I, Miranda, Qazim, Faruku, 03/04/1970.

244. H76002114M, Erjona, Agim, Fasho, 02/10/1977.

245. H30822087D, Luan, Zenel, Fasho, 22/08/1973.

246. C75304077P, Ramie, Vait, Fasho, 04/03/1927.

247. E25525062H, Tane, Muhamet, Ferati, 25/05/1942.

248. F50826058K, Belul, Raif, Fero, 26/08/1955.

249. F76213036D, Luljeta, Muco, Fero, 13/12/1957.

250. H31107092O, Alban, Gezim, Fetai, 07/11/1973.

251. H60115128O, Alfred, Gezim, Fetai, 15/01/1976.

252. H70420186G, Arben, Gezim, Fetai, 20/04/1977.

253. H65127120U, Brikena, Adem, Fetai, 27/01/1976.

254. I25718130U, Dhurata, Gezim, Fetai, 18/07/1982.

255. F55126086E, Drita, Xhemal, Fetai, 26/01/1955.

256. F20522063O, Gezim, Ferit, Fetai, 22/05/1952.

257. I25718131F, Rukije, Gezim, Fetai, 18/07/1982.

258. H95219124S, Suela, Gezim, Fetai, 19/02/1979.

259. H25313156V, Vjollca, Kurt, Fetai, 13/03/1972.

260. H20428166E, Behar, Ramazan, Filja, 28/04/1972..

261. H46217091B, Bukurije, Mustafa, Filja, 17/12/1974.

262. F35109059M, Leme, Islam, Filja, 09/01/1953.

263. E21016036T, Ramazan, Zenel, Filja, 16/10/1942.

264. H40426131E, Zenel, Ramazan, Filja, 26/04/1974.

265. G80828125I, Adrian, Miranda, Frasheri, 28/08/1968.

266. G55525177T, Rozeta, Mridash, Frasheri, 25/05/1965.

267. D45902031O, Sanaber, Ali, Frasheri, 02/09/1934.

268. H50708113S, Alban, Pellumb, Furtuna, 08/07/1975.

269. I25911087H, Besjana, Qamil, Furtuna, 11/09/1982.

270. I00516140W, Elvis, Pellumb, Furtuna, 16/05/1980.

271. D05404063T, Hane, Sulejman, Furtuna, 04/04/1930.

272. F85219072F, Nazmie, Kadri, Furtuna, 19/02/1958.

273. F60401225C, Pellumb, Isuf, Furtuna, 01/04/1956.

274. H80726112L, Gezim, Hysen, Gici, 25/07/1978.

275. F41028066L, Hysen, Selman, Gici, 28/10/1954.

276. F65805093T, Naile, Shyqyri, Gici, 05/08/1956.

277. I00721109F, Sokol, Hysen, Gici, 21/07/1980.

278. D15401060E, Farije, Dalip, Gjermenji, 01/04/1931.

279. C81215030W, Haki, Xhelal, Gjermenji, 15/12/1928.

280. H11222059D, Cesk, Ndue, Gjonikaj, 22/12/1971.

281. G70207121N, Gjelosh, Ndue, Gjonikaj, 07/02/1967.

282. E95201116D, Mari, Zef, Gjonikaj, 01/02/1949.

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590. H50716113M, Alfred, Ndoc, Planasi, 16/07/1975.

591. F20702041F, Ndoc, Lulash, Planasi, 02/07/1952.

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599. F25202080U, Greta, Sherif, Preza, 02/02/1952.

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624. G75409129L, Miranda, Haqif, Qerimi, 09/04/1967.

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631. H90121097N, Artan, Agim, Rakipi, 21/01/1979.

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678. H90602124E, Klodjan, Bedri, Shehu, 02/06/1979.

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800. H40310226G, Alfred, Han, Tusha, 10/03/1974.
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803. E15515105N, Barije, Sali, Tusha, 15/05/1941.
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812. F60620146E, Haxhi, Osman, Tuti, 20/06/1956.
813. F55707079N, Kumurie, Tush, Tuti, 07/07/1955.
814. H76022117V, Ramie, Vait, Vasho, 22/10/1977.
815. F00723053Q, Haxhi, Mehmet, Vathi, 23/07/1950.
816. H90713146A, Klodjan, Haxhi, Vathi, 13/07/1979.
817. F35603068T, Vjollca, Petrit, Vathi, 03/06/1953.
818. E85408072B, Fatime, Hasan, Xhafa, 08/04/1948.
819. H26220105M, Aferdita, Asllan, Xhaferaj, 20/12/1972.
820. G40716083H, Agim, Sulo, Xhaferaj, 16/07/1964.
821. I06016119B, Albana, Dylber, Xhaferaj, 16/10/1980.
822. H05127104J, Anida, Demir, Xhaferaj, 27/01/1970.
823. F05608065R, Fedarie, Mehmet, Xhaferaj, 08/06/1950.
824. E90408074I, Halil, Sulo, Xhaferaj, 08/04/1949.
825. H70630117V, Hidajet, Halil, Xhaferaj, 30/06/1977.
826. H10623101R, Luan, Sulo, Xhaferaj, 23/06/1971.
827. G70219121E, Nexhip, Sulo, Xhaferaj, 19/02/1967.
828. G00510256F, Qamil, Sulo, Xhaferaj, 10/05/1960.
829. D36231056J, Shirko, Besim, Xhaferaj, 31/12/1933.
830. B80604019L, Abedin, Serjan, Xhambazi, 04/06/1918.
831. F50120166C, Agim, Bajram, Xhambazi, 20/01/1955.
832. G05711078V, Ajrie, Ruzhdi, Xhambazi, 11/07/1960.
833. G65620210V, Drita, Ferit, Xhambazi, 20/06/1966.
834. F36101095Q, Drita, Kasem, Xhambazi, 01/11/1953.
835. F21105062D, Haziz, Abedin, Xhambazi, 05/11/1952.
836. H10327142S, Ilir, Hazis, Xhambazi, 27/03/1971.
837. F90930075E, Kadri, Abedin, Xhambazi, 30/09/1959.
838. C05604037M, Rabije, Nexhip, Xhambazi, 04/06/1920.
839. G35421083J, Shazije, Qamil, Xhambazi, 21/04/1963.
840. H25801159A, Zana, Ruzhdi, Xhambazi, 01/08/1972
841. F41028067T, Zenel, Abedin, Xhambazi, 28/10/1954.
842. H80411123L, Arjan, Zenel, Xhanbazi, 11/04/1978.
843. I10616181Q, Ledimir, Zenel, Xhanbazi, 16/06/1981.
844. H60623131U, Zamir, Zenel, Xhanbazi, 23/06/1976.
845. C05210095K, Dile, Kasem, Xheleku, 10/02/1920.
846. H00905115U, Afrim, Xhemal, Xhemali, 05/09/1970.
847. D20927015H, Veli, Haxhi, Ylli, 27/09/1932.
848. E55506045R, Zyle, Shaban, Ylli, 06/05/1945.
849. G25110209R, Alije, Skender, Ymeri, 10/01/1962.
850. 100404121W, Arjan, Xhemal, Ymeri, 04/04/1980.
851. I05401178Q, Balleza, Met, Ymeri, 01/04/1980.
852. G20204100R, Besim, Shefqet, Ymeri, 04/02/1962.
853. G26201122V, Diana, Loni, Ymeri, 01/12/1962.
854. G85713116k, Gurie, Xhevdet, Ymeri, 13/07/1968.
855. G31030060T, Ismet, Aqif, Ymeri, 30/10/1963.
856. H50707127G, Kujtim, Zihni, Ymeri, 07/07.1975.
857. H00101788Q, Malo, Zini, Ymeri, 01/01/1970.
858. E05131029F, Nevres, Beqir, Ymeri, 31/01/1940.
859. H05101789L, Rita, Skender, Ymeri, 01/01/1970.
860. F90323114W, Xhemal, Shefqet, Ymeri, 23/03/1959.
861. D11231049O, Zini, Xhemal, Ymeri, 31/12/1931.
862. H65520258T, Elsa Skender Zela, 20/05/1976.
863. E16124013K, Sabrie, Kalem, Zeneli, 24/11/1941.
864. D806190331, Shefqet, Mehmet, Zeneli, 19/06/1938.

Kio liste permban, 864, Zgjedhes.

B.—LISTA E REKORDEVE TE PAIDENTIFIKUAR

[Data e Zgjedhjeve: 01/10/2000]

[Rrethi, TIRANE, Bashkia/Komuna, TIRANE, Qendra Votimit Nr. 122]

Nr. Kartes Votuesit, Emri, Atesia, Mbiemri, Datelindja, Firma E Zgjedhesit

1. Sudrit, Xhevdet, Abali, 31/10/1979.
2. Yllka, Qerim, Agolli, 27/07/1981.
3. Dhoksia, Kosta, Agora, 23/05/1936.

4. Krisanthi, X, Agora, 25/09/1960.
5. Roland, Dhimiter, Agora, 20/05/1969.
6. Aranit, Sulejman, Ahmetaj, 25/10/1976.
7. Mehmet, Idriz, Ahmetaj, 10/01/1968.
8. Elena, X, Ajazi, 28/06/1970.
9. Liri, X, Ajazi, 28/03/1969.
10. Lulzim, Adem, Ajazi, 28/03/1965.
11. Xhemile, Mexhit, Ajazi, 31/12/1968.
12. Adivije, Asllan, Aliaj, 16/05/1980.
13. Bekije, Qemal, Aliaj, 23/04/1964.
14. Daniela, Agim, Aliaj, 11/08/1981.
15. Dile, Gjergj, Aliaj, 23/03/1964.
16. Petrit, Nexhip, Aliaj, 20/10/1981.
17. Haxhire, Abdulla, Alidija, 08/08/1969.
18. Xhavit, Rushit, Alimemeti, 02/08/1942.
19. Qamil, Daut, Alisinani, 15/01/1918.
20. Vebi, Muharrem, Allushi, 02/03/1973.
21. Alfred, Xhevahir, Almadhi, 20/08/1963.
22. Saine, Adem, Almadhi, 01/03/1930.
23. Agim, X, Arifi, 26/02/1977.
24. Armand, Clirim, Avdiu, 07/03/1977.
25. Jeta, Ymer, Avdiu, 02/08/1958.
26. Jurlind, Clirim, Avdiu, 15/11/1980.
27. Shyqri, Dan, Baca, 01/03/1965.
28. Argentina, Selim, Bacova, 29/01/1979.
29. Enkelejda, Ali, Bacova, 21/12/1970.
30. Hatixhe, Tasim, Bacova, 07/03/1945.
31. Roland, Selim, Bacova, 03/11/1975.
32. Selim, Shaqir, Bacova, 10/11/1942.
33. Deshira, Nurce, Bami, 10/11/1953.
34. Barize, Haxhi, Barmashi, 28/11/1936.
35. Albana, X, Basri, 14/09/1971.
36. Arjan, Luftim, Basri, 15/06/1975.
37. Fuat, Luftimi, Basri, 07/06/1969.
38. Rajmonda, Luftim, Basri, 19/10/1980.
39. Anxhela, Artan, Basriu, 16/08/1895.
40. Artan, Esat, Basriu, 11/03/1968.
41. Elvira, Gazmend, Basriu, 25/08/1980.
42. Nadire, Xhafer, Basriu, 01/03/1950.
43. Nazmie, Malo, Basriu, 28/02/1980.
44. Sokol, Esat, Basriu, 15/01/1972.
45. Vjollca, Agim, Basriu, 11/11/1111.
46. Fitnete, Iljaz, Bastri, 14/08/1959.
47. Arta, Bato, Begolli, 31/10/1968.
48. Nazime, Demir, Begolli, 31/12/1934.
49. Vera, Hasan, Benga, 11/08/1962.
50. Aishe, Mehmet, Berberi, 23/07/1938.
51. Kujtim, Shefqet, Berberi, 25/09/1960.
52. Vilka, Isuf, Bespalla, 11/05/1955.
53. Jelsan, Izet, Bilbicaj, 17/07/1967.
54. Alfred, Kurtall, Bilbili, 23/12/1972.
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56. Ornela, Irfan, Bleta, 02/02/1977.
57. Argjentina, X, Bregu 28/01/1980.
58. Dylber, Mersin, Bregu, 04/04/1958.
59. Lutfije, Ramazan, Bukri, 04/04/1922.
60. Rezarta, Shefqet, Bulku, 11/11/1111.
61. Dionis, Thoma, Caci, 15/10/1979.
62. Kudret, Mynyr, Cami, 11/02/1938.
63. Pertefe, Vehip, Cami, 05/03/1933.
64. Vehip, Pertef, Cami, 27/03/1964.
65. Genc, Kujtim, Cenolli, 04/02/1973.
66. Ana, Kudret, Cuka, 25/08/1977.
67. Entela, Kudret, Cuka, 01/08/1976.
68. Adelina, Ragip, Daka, 02/02/1981.
69. Etleva, Tajar, Daka, 02/03/1975.
70. Luftim, Rakip, Daka, 24/06/1970.
71. Lytfije, Latif, Daka, 11/12/1938.
72. Rozeta, Rakip, Daka, 10/01/1978.
73. Donika, X, Dalipi, 12/07/1978.
74. Elvis, Hazis, Dalipi, 19/06/1982.
75. Haziz, X, Dalipi, 06/09/1962.
76. Hamza, Besim, Demiri, 30/04/1980.
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78. Rahmie, Demir, Demiri, 30/08/1943.
79. Zhanet, Danjel, Demiri, 17/01/1975.
80. Genci, Xhemal, Disha, 03/04/1978.
81. Jakup, Destan, Disha, 12/03/1919.
82. Festime, Maliq, Duka, 27/01/1971.
83. Flutra, Abedin, Duka, 16/10/1968.
84. Jolanda, Bajram, Duka, 04/01/1977.
85. Barije, Bedri, Dule, 12/02/1935.
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92. Islam, Novrus, Duro, 21/01/1942.
93. Mimoza, Islam, Duro, 14/07/1965.
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95. Ines, Spiro, Ekonomi, 12/08/1975.
96. Natasha, Ramazan, Ekonimi, 22/12/1952.
97. Spiro, Jorgo, Ekonomi, 20/04/1941.
98. Ylli, Spiro, Ekonomi, 10/02/1973.
99. Tatiana, Fiqiri, Fasho, 26/10/1961.
100. Sebid, X, Fejza, 19/03/1958.
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102. Bujar, Elez, Ferhati, 17/10/1956.
103. Florentina, Preng, Ferhati, 19/03/1962.
104. Bardhok, Zef, Gjeci, 10/01/1930.
105. Lize, Bardhok, Gjeci, 01/10/1955.
106. Prende, Nikoll, Gjeci, 08/02/1930.
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108. Xhelil, Haki, Gjermenji, 28/05/1967.
109. Anita, Vasil, Gjika, 07/07/1945.
110. Dorina, Spiro, Gjika, 05/11/1974.
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112. Albert, Shaban, Gravani, 02/08/1958.
113. Luciana, Servet, Gravani, 31/03/1968.
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118. Aida, Perviz, Halili, 23/05/1980.
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120. Fjorentina, Nehat, Halili, 18/12/1961.
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122. Naxhije, Ymer, Halili, 12/02/1914.
123. Rozina, Nioc, Halili, 04/11/1955.
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132. Diana, Ago, Hasani, 11/11/1111.
133. Rolanda, Ago, Hasani, 11/11/1111.
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137. Valbona, Xhevit, Hazizi, 10/05/1974.
138. Mimoza, Selman, Hida, 19/01/1975.
139. Sinan, Ymer, Hida, 27/01/1964.
140. Spahi, Ymer, Hida, 15/10/1965.
141. Vjollica, Ymer, Hida, 08/11/1973.
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143. Fatmir, Mitat, Hodo, 21/03/1956.
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148. Florent, Liro, Hoxha, 16/01/1980.
149. Julian, Haxhi, Hoxha, 11/11/1111.
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151. Lulezim, Femi, Hoxha, 12/02/1972.
152. Razie, Selman, Hoxha, 17/04/1946.
153. Hamushe, Nevrus, Humo, 04/12/1980.
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156. Myruete, Jakup, Hykaj, 30/11/1962.
157. Sherif, Male, Hysaj, 06/06/1964.
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171. Sali, Tuzh, Hyseni, 15/10/1911.
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185. Afrim, Hysni, Kanxha, 05/08/1973.
186. Dudije, Hazis, Kanxha, 05/05/1902.
187. Isnije, Hysni, Kanxha, 03/04/1962
188. Rifat, Mahmut, Kanxha, 22/11/1952.
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201. Julian, Safet, Kolo, 08/12/1977.
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211. Alma, Polikron, Kosta, 07/03/1982.
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221. Vjollca, Hariz, Kuci, 16/05/1976.
222. Elida, Nasi, Kulari, 06/11/1961.
223. Brunilda, Ismet, Kumbulla, 30/11/1975.
224. Anila, Sabri, Kurti, 28/04/1976.
225. Leonora, Gore, Kurti, 11/11/1111.
226. Silvana, Kadri, Kurti, 01/01/1979.
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234. Leonora, Gore, Lazri, 13/08/1951.
235. Blerim, Havzi, Lika, 07/10/1970.
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239. Ermira, Shahin, Likaj, 26/12/1961.
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243. Dorina, X, Liuadhi, 13/05/1980.
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246. Gjovalin, Pjeter, Lleshaj, 07/04/1962.
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250. Altin, Fazli, Malaj, 11/04/1972.
251. Arida, Qenan, Malaj, 27/07/1974.
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254. Luan, Myrdar, Malaj, 31/12/1958.
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257. Qamile, Sinan, Malaj, 20/10/1935.
258. Majlinda, Ismail, Malaku, 10/05/1966.
259. Elvira, Ndoc, Male, 09/03/1956.
260. Fatime, Fejzi, Male, 03/12/1965.
261. Gjergj, Nikoll, Male, 25/02/1931.
262. Kastriot, Faslli, Male, 28/04/1965.
263. Luisa, Mishel, Male, 21/01/1981.
264. Mishel, Gjergj, Male, 15/02/1956.
265. Majlinda, Mustafa, Malja, 25/08/1981.
266. Flamur, Nevrus, Malushi, 01/09/1951.
267. Irma, X, Manja, 18/02/1972.
268. Donika, Safet, Manlliu, 06/08/1967.
269. Enverije, Sali, Manlliu, 03/09/1928.
270. Brikena, Arben, Maratona, 11/11/1111.
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272. Jorinda, Arben, Maratoni, 09/01/1982.
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290. Leonora, Jorgji, Meshini, 02/11/1960.
291. Maro, Jano, Meshini, 10/10/1916.
292. Orlein, Viktor, Meshini, 12/10/1981.
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294. Vitori, Jorgo, Meshini, 22/09/1957.
295. Hatije, Qamil, Meta, 05/07/1967.
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298. Dolanda, Fiqiri, Metaj, 22/08/1981.
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300. Zamira, Cobani, Metaj, 11/04/1968.
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308. Valentina, Rustem, Murra, 30/05/1966.
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310. Oriola, Agim, Musi, 19/04/1982.
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312. Fluturije, Lutfi, Musliu, 25/05/1961.
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314. Servete, Sefedin, Musliu, 05/04/1937.
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333. Themistokli, Prokop, Nushi, 15/08/1924.
334. Adrian, Adem, Ostrovica, 04/06/1973.
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336. Trendelina, Sherif, Ostrovica, 02/05/1952.
337. Roland, Ethem, Palushi, 12/06/1978.
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342. Lime, Arif, Pirushi, 12/02/1927.
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364. Manjola, Reshat, Qerimi, 23/02/1981.
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388. Vergjene, Qema, Saliko, 03/09/1959.
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418. Lorenc, Lulzim, Sherifi, 31/10/1966.
419. Lucie, Muharrem, Sherifi, 28/06/1954.
420. Luljan, Skender, Sherifi, 09/06/1969.
421. Mirela, Xhevat, Sherifi, 19/09/1980.
422. Mukades, Hajredin, Sherifi, 17/06/1959.
423. Myhyrije, Zenel, Sherifi, 31/12/1975.
424. Pellumbesh, Rehxep, Sherifi, 31/03/1954.
425. Sevdie, Mersin, Sherifi, 21/07/1968.
426. Silvana, Bujar, Sherifi, 13/06/1980.
427. Silvana, Bujar, Sherifi, 13/06/1980.
428. Vjollca, Hajredin, Sherifi, 05/09/1972.
429. Xhevat, Mustafa, Sherifi, 15/05/1942.
430. Yllka, Rexhep, Sherifi, 07/05/1981.
431. Edmond, Murat, Shima, 07/01/1982.
432. Edmond, Murat, Shima, 07/01/1982.
433. Mimoza, Murat, Shima, 24/12/1978.
434. Mimoza, Murat, Shima, 24/12/1978.
435. Misiko, Qani, Shino, 29/11/1977.
436. Emerie, Hakik, Shira, 20/08/1973.
437. Gjyle, Sadik, Shkalla, 27/12/1963.
438. Hava, Mashar, Shkoza, 20/06/1961.
439. Mimoza, Ruzhdi, Shoshari, 21/02/1974.
440. Dile, Zenel, Shtylla, 30/12/1959.
441. Flutura, File, Shtylla, 02/04/1967.
442. Emine, Hysen, Shullazi, 13/11/1950.
443. Igli, Xhamal, Shullazi, 09/08/1974.
444. Pada, Xhemal, Shullazi, 19/05/1979.
445. Xhemal, Mehmet, Shullazi, 24/08/1951.
446. Rita, Ismet, Skerifi, 28/12/1967.
447. Myrvete, Rexh, Skira, 23/08/1961.
448. Gani, Fejzo, Sktylla, 20/04/1919.
449. Elena, Efter, Sojli, 28/06/1970.
450. Drita, Mustafa, Sopoti, 09/09/1948.
451. Hilmi, Ramadan, Srlmani, 05/10/1953.
452. Alida, Dilaver, Sula, 05/03/1976.
453. Arife, Haki, Sula, 06/04/1965.
454. Arjan, Tomorr, Sula, 30/08/1962.
455. Ermira, Demir, Sula, 17/03/1969.
456. Gentian, Refat, Sula, 03/06/1972.
457. Marjeta, Refat, Sula, 23/06/1974.
458. Marjeta, Refat, Sula, 23/06/1974.
459. Medime, Xhevit, Sula, 29/12/1963.
460. Medine, Xhevit, Sula, 25/12/1963.
461. Miliano, Kujtim, Sula, 12/09/1982.
462. Pembe, Haxhi, Sula, 17/01/1962.
463. Refat, Shyqyri, Sula, 22/03/1951.
464. Vojsava, Pelivan, Sula, 03/02/1979.
465. Nertila, Naim, Sulovari, 14/08/1979.
466. Safete, Shefit, Tahiri, 28/01/1964.
467. Elton, Tahir, Taho, 25/02/1978.
468. Leonard, Tahir, Taho, 07/03/1968.
469. Liri, Miti, Taho, 15/01/1950.
470. Tahir, Qemal, Taho, 10/05/1945.
471. Jorgo, Tefik, Tare, 27/09/1965.
472. Armand, Josif, Tiko, 08/05/1974.
473. Josif, Vangjel, Tiko, 20/09/1948.
474. Rovena, Josif, Tiko, 21/08/1979.
475. Vjollca, Ligor, Tiko, 07/04/1950.
476. Artan, Haxhi, Tila, 04/03/1973.
477. Matilda, Nazmi, Tola, 11/11/1111.
478. Jani, Naun, Tona, 21/03/1958.
479. Amalildo, Clirim, Topalli, 24/04/1977.
480. Mine, Qemal, Topuzi, 01/12/1975.
481. Bajram, Qazim, Tori, 18/03/1960.
482. Vangjel, Vaso, Trola, 06/01/1941.
483. Aldo, Haxhi, Vathi, 03/11/1980.
484. Vasilika, Thoma, Vllaha, 25/12/1946.
485. Albana, Avdyl, Vrapi, 06/11/1972.
486. Tone, Ramazan, Vrapi, 26/05/1958.
487. Rasim, Abdulla, Xhafa, 17/08/1972.
488. Suzana, X, Xhafa, 04/05/1979.
489. Myruete, X, Xhaferaj 02/11/1980.
490. Bujar, Dervish, Xhakani, 04/12/1968.
491. Besnik, Abedin, Xhambazi, 13/06/1969.
492. Fatjon, Aqif, Xhambazi, 16/07/1980.
493. Periana, Adem, Xhambazi, 23/08/1968.
494. Kysen, Abdyl, Xhanija, 06/02/1941.
495. Konstandina, Margarit, Xhoga, 11/05/1905.
496. Vangjel, Dhoske, Xhoga, 27/08/1944.
497. Jalldez, Ramadan, Ymeri, 11/12/1964.
498. Malo, Zejni, Ymeri, 30/06/1963.
499. Natasha, Malo, Ymeri, 16/09/1981.
500. Rudina, Faik, Ymeri, 12/10/1978.
501. Safet, Shefqet, Ymeri, 04/03/1964.
502. Margarita, Gani, Zelia, 07/12/1967.

503. Ike, Mehemt, Zenunaj, 09/02/1960.
504. Shaje, Sulejman, Zenunaj, 13/03/1973.
505. Ferdinand, Fahri, Zhilla, 29/03/1961.
506. Mynevere, Haki, Zoto, 27/06/1920.

Kjo liste permban, 506, Rekorde.

Municipality Unit No. 2.
Polling Station No. 53.

I. VOTERS IN CIVIL STATUS REGISTER

2 381
363

Total 2 744

II. VOTERS IN THE VOTING LISTS OF THE ELECTION OF OCTOBER 1, 2000

668
791

Total 1 459

Difference: I — II = 1 459 Voters.

Njesia Bashkiake Nr. 2.
Qendra E Votimit Nr. 53.

I. VOTUES NE RREGJISTRIN E GJENDJES CIVILE

2 381
363

Shuma 2 744

II. VOTUES NE LISTAT E VOTIMIT TE I TETORIT 2000

668
791

Shuma 1 459

Diferenca : I — II = 1 285 votues.

LISTA E VOTUESVE SIPAS REGJISTRIT TE GJENDJES CIVILE VOTUES ME BANIM TE PERHERSHEM QENDRA E VOTIMIT 53

Nr., Emri, Atesia, Mbiemri, Datelindja

1. Ardian, Selim, Abazi, 03.02.67.
2. Viktor, Loni, Adami, 04.0942.
3. Taknina, Tom, Adami, 02.03.47.
4. Mirsa, Viktor, Adami, 10.06.75.
5. Etrit, Viktor, Adami, 18.03.80.
6. Refki, Xhemal, Ademaj, 21.11.58.
7. Hamide, Safet, Ademaj, 06.06.64.
8. Myzafer, Idriz, Ahmati, 07.12.32.
9. Ilmo, Duro,.Ahmati, 15.10.33.
10. Shpend, Sherif, Ahmetaj, 01.09.21.
11. Paqe, Idriz. ahmeti, 09.08.46.
12. Natasha, Vesel, Ahmeti, 29.06.47.
13. Shuaip, Ajaz, Ajazi, 18.12.46.
14. Besie, Shefqet, Ajazi, 06.02.55.
15. Rudina, Shuaip, Ajazi, 13.02.77.
16. Bledar, Shuaip, Ajazi, 11.08.80.
17. Donika, Osman, Ajazi, 03.03.24.
18. Endrit, Shpetim, Ali, 27.09.78.
19. Tom, Nik, Alia, 10.01.34.
20. Gjyste, Vat, Alia, 10.06.38.
21. Fran, Tom, Alia, 09.11.58.
22. Luk, Tom, Alia, 16.09.60.
23. Kel, Tom, Alia, 16.01.69.
24. Flora, Zef, Alia, 22.06.72.
25. Mane, Beqir, Aliaj, 08.05.26.
26. Migena, Edmond, Aliaj, 26.0753.
27. Marita, Kadri, Aliaj, 08.0856.
28. Aleksander, Nijazi, Aliaj, 13.05.62.
29. Etleva, Juftar, Aliaj, 02.12.72.
30. Drita, Tefik, Alicka, 19.01.23.
31. Naim, Hajdar, Alicka, 08.12.54.
32. Lindita, Fehmi, Alicka, 12.07.61.
33. Avni, Hasim, Alikaj, 11.03.49.
34. Blerina, Xhevat, Alikaj, 14.03.78.
35. Aleksander, Perparim, Alimadhi, 16.03.80.
36. Astrit, Demir, Alimadhi, 27.04.59.
37. Edlira, Lake, Alimadhi, 17.02.73.
38. Elida, Myrteza, Alimadhi, 09.05.72.
39. Elmas, Etem, Alimadhi, 27.04.83.
40. Enkeleida, Musa, Alimadhi, 28.08.78.
41. Etem, Hajdar, Alimadhi, 30.03.37.
42. Fatime, Tahir, Alimadhi, 11.02.26.
43. Fatos, Bektash, Alimadhi, 10.07.68.
44. Festim, Perparim, Alimadhi, 11.01.78.
45. Flamur, Bektash, Alimadhi, 17.11.54.
46. Flora, Demir, Alimadhi, 17.10.61.
47. Hektor, Bektash, Alimadhi, 16.05.70.
48. Klodian, Perparim, Alimadhi, 04.02.82.
49. Lindita, Sadush, Alimadhi, 19.01.69.
50. Luljeta, Asim, Alimadhi, 20.12.58.
51. Mbarime, Hysni, Alimadhi, 18.03.61.
52. Namik, Etem, Alimadhi, 26.03.82.
53. Napolon, Bektash, Alimadhi, 01.10.59.
54. Perparim, Demir, Alimadhi, 14.02.49.
55. Sazan, Etem, Alimadhi, 01.09.71.
56. Sose, Etem, Alimadhi, 15.10.43.
57. Tefta, Hetem, Alimdhi, 21.06.67.
58. Gavrosh, Hito, Alimerko, 23.03.49.
59. Liri, Ramazan, Alimerko, 02.02.55.
60. Ana, Gavrosh, Alimerko, 31.01.80.
61. Mynevere, Hysen, Alimsadhi, 13.02.30.
62. Xhihane, Muharrem, Alisinani, 10.02.20.
63. Luan, Isuf, Allamani, 03.12.50.
64. Holta, Iuan, Allamani, 05.09.81.
65. Halim, Mehmet, Allaraj, 05.10.38.
66. Tane, Xhevit, Allaraj, 31.05.44.
67. Farije, Qamil, Allaraj, 05.10.77.
68. Sali, Hajdar, Allgjata, 08.02.62.
69. Merita, Xhemal, Allgjata, 27.02.69.
70. Fatbardha, Qazim, Allushi, 07.07.53.
71. Rahim, Baftjar, Alushi, 20.04.38.
72. Nadire, Rifat, Alushi, 05.04.40.
73. Zuran, Alushi, 16.07.61.
74. Donika, Rahim, Alushi, 01.02.64.
75. Servet, Rahim, Alushi, 24.01.70.
76. Pranvera, Rahim, Alushi, 14.03.72.
77. Shukrije, Rahim, Alushi, 10.08.74.
78. Thoma, Nasi, Andoni, 30.07.60.
79. Liljana, Miti, Andoni, 10.03.64.
80. Mirela, Petrit, Andrea, 27.10.74.
81. Elez, Sadik, Andrea, 24.01.60.
82. Sotir, Llambi, Andrea, 26.04.26.
83. Dritan, Sotir, Andrea, 30.01.67.
84. Irina, Marko, Angjeli, 11.12.57.
85. Luljeta, Piro, Anken, 15.02.52.
86. Aranit, Velo, Arapaj, 22.03.66.
87. Dave, Deo, Arapaj, 04.05.68.
88. Astrit, Asabella, 15.12.24.
89. Hysni, Muharrem, Azizaj, 02.03.20.
90. Kandrie, Maliq, Azizaj, 05.09.45.
91. Alfred, Hysni, Azizaj, 26.06.68.
92. Gazmir, Hysni, Azizaj, 24.08.70.
93. Irfan, Ismet, Baboci, 05.12.20.
94. Arben, Kadri, Baboci, 24.04.55.
95. Eva, Thoma, Baboci, 17.04.62.
96. Efrosina, Foto, Baboci, 03.03.32.
97. Klidi, Sheri, Baboci, 23.07.62.
98. Enver, Ibrahim, Baci, 02.02.52.
99. Dorian, Enver, Baci, 25.08.80.
100. Shpresa, Turabi, Backa, 13.04.27.
101. Fatos, Skender, Backa, 09.09.47.
102. Mimoza, Ali, Backa, 13.04.55.
103. Ardit, Fatos, Backa, 02.08.80.
104. Efrosini, Mihal, Baholli, 01.05.18.
105. Avdi, Vath, Bajra, 07.11.41.
106. Eriana, Avdi, Bajra, 26.05.79.
107. Ilirjan, Zyhdi, Bakalli, 23.07.61.
108. Shefqet, Taip, Bakia, 02.07.55.
109. Haneme, Moisi, Bakia, 26.05.52.
110. Ramadan, Kadri, Bala, 14.09.40.
111. Sadije, Myrteza, Bala, 17.07.42.
112. Elton, Ramadan, Bala, 23.04.74.
113. Oriana, Dhimitraq, Bala, 05.04.76.
114. Fadil, Abdulla, Balashi, 25.07.42.
115. Deje, Abdulla, Balashi, 25.07.42
116. Leme, Abdulla, Balashi, 28.05.44.
117. Beglije, Fadil, Balashi, 16.01.58.
118. Eldiana, Fadil, Balashi, 11.04.83.
119. Hysni, Haki, Bali, 05.05.42.
120. Naime, Baftjar, Bali, 19.05.44.
121. Bexhet, Hysni, Bali, 03.11.66.
122. Anila, Hysni, Bali, 10.05.78.
123. Rizza, Rufat, Bali, 10.03.56
124. Atlije, Abdulla, Bali, 13,12.61.
125. Kasem, Mustafa, Balla, 12.10.53.
126. Emine, Shyqyri, Balla, 18.07.58.
127. Bledi, Kasem, Balla, 16.01.81.
128. Kasem, Mustafa, Balla, 12.10.53.
129. Azbi, Balla, 03.04.64.
130. Fellanxa, Balla, 17.03.72.
131. Arben, Selim, Balla, 05.03.65.
132. Aida, Ferid, Balla, 01.02.75.
133. Bujare, Myslim, Ballabani, 26.01.79.
134. Sami, Zylyf, Ballgjini, 10.09.61.
135. Valbona, Bekim, Ballgjini, 23.12.63.
136. Shaniko, Myrto, Banaj, 05.05.33.
137. Kozeta, Baoci, 28.06.58.
138. Mandush, Jahja, Baraku, 01.08.40.
139. Trim, Fatmir, Baraku, 22.06.80.
140. Fatmir, Demush, Baraku, 16.03.39.
141. Enkelejda, Shkelqim, Bardhi, 18.03.72.
142. Elez, Rustem, Bardhi, 15.05.45.
143. Shpresa, Nazif, Bardhi, 15.04.56.
144. Anila, Elez, Bardhi, 27.09.77.
145. Altin, Elez, Bardhi, 14.07.80.
146. Latif, Bardhi, 01.03.60.
147. Zelije, Bardhi, 15.04.61.
148. Mariglen, Bardhi, 21.09.82.
149. Bibe, Mesh, Bardhi, 29.09.35.
150. Gjete, Gege, Bardhi, 15.08.38.
151. Ilir, Bibe, Bardhi, 17.02.70.
152. Astrit, Bibe, Bardhi, 16.09.71.
153. Margarita, Nove, Bardhi, 07.01.69.
154. Artan, Bibe, Bardhi, 10.02.75.
155. Ardit, Hysen, Bardhollari, 19.05.72.
156. Fatmir, Shyqyri, Barkaneshi, 08.08.44.
157. Hatixhe, Mylazim, Barkaneshi, 30.04.50.
158. Eduard, Fatmir, Barkaneshi, 23.08.78.
159. Ermira, Fatmir, Barkaneshi, 16.02.78.
160. Shyqri, Ymer, Bathorja, 17.11.35.
161. Nurije, Hush, Bathorja, 10.02.35.
162. Myslym, Shyqri, Bathorja, 10.07.70.
163. Skender, Shyqri, Bathorja, 10.07.70.
164. Majlinda, Muarrem, Bathorja, 04.08.65.
165. Ferid, Bathorja, 14.03.26.
166. Ardiana, Bathorja, 23.04.72.
167. Zelije, Bathorja, 01.03.25.
168. Dilaver, Bathorja, 17.03.63.
169. Petrit, Bathorja, 01.03.67.
170. Xhemali, Hysen, Bazja, 12.05.27.
171. Tije, Haxhi, Bazja, 06.03.31.
172. Astrit, Ramadan, Beca, 03.07.63.
173. Suzana, Nezir, Beca, 04.02.66.
174. Benet, Bahri, Beci, 25.01.65.
175. Fitore, Agim, Beci, 06.02.68.
176. Zervehe, Reshat, Bedo, 21.12.59.
177. Lavdim, Hysni, Bega, 05.03.56.
178. Suzana, Qerim, Bega, 07.08.60.
179. Fatmira, Hysni, Bega, 01.05.23.
180. Spartak, Hysni, Bega, 29.09.51.
181. Floreta, Begtash, Bega, 27.12.54.
182. Qamile, Bega, 20.03.30.
183. Ethem, Bega, 10.03.58.
184. Xhemal, Mehmet, Beja, 01.05.30.
185. Lirije, Veli, Beja, 05.01.47.
186. Vjollca, Xhemal, Beja, 12.08.68.
187. Edlira, Xhemal, Beja, 04.06.72.
188. Besnik, Estref, Bejdo, 12.03.53.
189. Sadete, Mehmet, Bejdo, 13.03.58.
190. Bekim, Nuri, Bejko, 11.07.61.
191. Laura, Selami, Bejko, 30.10.64.
192. Drita, Zenun, Bejko, 15.04.23.
193. Adrian, Ilias, Bejko, 16.04.63.
194. Jeta, Qemal, Bejko, 05.07.68.
195. Hajrije, Abdulla, Bejtja, 10.03.42.
196. Rudin, Qemal, Bejtja, 12.02.75.
197. Anila, Gani, Bejtja, 12.02.75.
198. Shefqet, Cik, Beka, 02.01.29.
199. Sanije, Bajo, Beka, 31.12.34.
200. Luan, Shefqet, Beka, 05.06.61.
201. Fatmir, Shefqet, Beka, 11.05.70.
202. Jeta, Tahir, Beka, 02.06.71.
203. Lirije, Sadik, Beluli, 01.03.49.
204. Albert, Cen, Beluli, 08.02.77.

205. Burbuqe, Beluli, 02.03.79.
206. Luan, Cen, Beluli, 07.07.81.
207. Sami, Ferik, Benga, 10.07.60.
208. Eviolda, Ylli, Benga, 13.10.76.
209. Alban, Myrdash, Beqaj, 26.04.69.
210. Ndricim, Nezir, Beqari, 26.03.51.
211. Aishe, Arif, Beqari, 03.05.54.
212. Agron, Ndricim, Beqari, 01.11.75.
213. Gjinovefa, Ndricim, Beqari, 04.04.79.
214. Ilir, Ndricim, Beqari, 18.07.81.
215. Ilir, Pandeli, Berati, 09.09.61.
216. Vasilika, Thoma, Berati, 12.08.66.
217. Fabjol, Shpetim, Berberi, 13.12.74.
218. Agron, Nyredin, Berbiu, 05.09.61.
219. Zana, Gjergji, Berbiu, 23.03.68.
220. Fetan, Hamza, Berisha, 31.12.50.
221. Refije, Mehmet, Berisha, 10.03.59.
222. Azbi, Rustem, Beta, 05.05.33.
223. Feruze, Asllan, Beta, 07.10.40.
224. Flamur, Hazbi, Beta, 14.12.66.
225. Liljana, Myslym, Beta, 27.12.70.
226. Ylber, Xhavit, Bicaku, 20.08.66.
227. Teuta, Bajram, Bicaku, 26.02.72.
228. Vesel, Biraci, 04.08.59.
229. Flutra, Biraci, 08.06.63.
230. Atena, Piro, Bishka, 20.04.66.
231. Nikolin, Panajot, Bixho, 26.03.68.
232. Denis, Hysen, Blac, 24.07.75.
233. Bejkush, Ago, Bleta, 04.04.43.
234. Elisabeta, Hysen, Bleta, 16.03.52.
235. Indrit, Bejkush, Bleta, 22.07.80.
236. Ermal, Bejkush, Bleta, 10.02.73.
237. Dorina, Merkur, Belta, 22.12.75.
238. Hajrije, Hysni, Boci, 01.10.24.
239. Ilirjana, Xhafer, Boci, 28.02.65.
240. Xhafer, Ali, Boci, 06.07.25.
241. Jorgii, Nasi, Bogdani, 03.02.40.
242. Marika, Nastas, Bogdani, 18.07.40.
243. Entela, Jorgii, Bogdani, 24.01.74.
244. Ardian, Jorgii, Bogdani, 02.01.70.
245. Lindita, Mirash, Brahaj, 25.02.79.
246. Besnik, Mirash, Brahaj, 11.10.80.
247. Besnik, Kadri, Brahimaj, 14.07.54.
248. Inxhije, Kocaq, Brahimaj, 15.09.13.
249. Luciana, Kole, Brahimaj, 17.09.58.
250. Qamil, Gani, Brahimi, 24.10.69.
251. Shpendi, Pasho, Brahimi, 15.06.70.
252. Rasim, Uk, Brahimi, 08.06.42.
253. Aishe, Xhemal, Brahimi, 10.10.52.
254. Ylber, Rasim, Brahimi, 07.03.79.
255. Shkelqim, Rasim, Brahimi, 15.04.81.
256. Jetmira, Rasim, Brahimi, 19.05.83.
257. Haxhi, Brahja, 06.01.30.
258. Ediola, Ylli, Braho, 29.05.81.
259. Dhimiter, Adam, Braho, 20.10.48.
260. Emine, Islam, Braho, 11.02.56.
261. Lidian, Dhimiter, Braho, 06.03.78.
262. Erind, Dhimiter, Braho, 16.11.81.
263. Arjaniti, Faik, Braho, 17.06.55.
264. Zamira, Braho, 20.01.57.
265. Mersida, Arjanit, Braho, 23.05.80.
266. Dhionis, Servet, Braholli, 01.04.72.
267. Ylli, Vahid, Bramo, 01.06.53.
268. Luljeta, Maliq, Bramo, 26.03.58.
269. Bislim, Ukshin, Brecani, 15.02.67.
270. Rudina, Idriz, Brecani, 21.11.73.
271. Agron, Hajdar, Bregu, 17.02.48.
272. Sabrije, Beg, Bregu, 26.08.49.
273. Nurije, Hasan, Bruzja, 15.01.18.
274. Xhavit, Ali, Buca, 29.10.42.
275. Violeta, Beqir, Buca, 23.01.48.
276. Indrit, Xhavit, Buca, 14.10.80.
277. Jani, Vangjel, Buhuri, 22.08.39.
278. Irini, Gaqi, Buhuri, 08.05.46.
279. Altin, Jani, Buhuri, 26.09.70.
280. Safo, Lutfi, Buhuri, 02.10.71.
281. Mentar, Rahmi, Bujari, 25.07.49.
282. Burbuqe, Ibrahim, Bujari, 17.01.60.
283. Agron, Ali, Bulaj, 28.06.72.
284. Shyqyrije, Feta, Bulaj, 04.12.73.
285. Kosta, Spiro, Bullo, 30.04.26.
286. Avdul, Zeqir, Bundo, 05.04.34.
287. Engjellushe, Bektash, Bundo, 01.03.35.
288. Fatos, Bundo, 17.09.62.
289. Alma, Bundo, 14.08.70.
290. Fatos, Avdul, Bundo, 17.09.62.
291. Alma, Syti, Bundo, 14.08.70.
292. Violeta, Bajram, Burhanaj, 05.03.57.
293. Bujar, Neki, Burimi, 30.09.31.
294. Stolije, Bedri, Burimi, 16.03.36.
295. Suzana, Bujar, Burimi, 10.06.59.
296. Brikena, Novrus, Burimi, 22.11.73.
297. Fatos, Bujar, Burimi, 19.03.62.
298. Zemrije, Mustafa, Burreli, 15.04.61.
299. Mirlinda, Medi, Bushati, 26.04.73.
300. Gezim, Arif, Bushi, 11.09.49.
301. Dallandyshe, Lutfi, Bushi, 17.05.54.
302. Blerina, Gezim, Bushi, 18.04.76.
303. Entela, Gezim, Bushi, 03.01.80.
304. Bardhok, Zef, Bushpepa, 28.03.72.
305. Ardiana, Hajdin, Bushpepa, 05.05.75.
306. Kostaqe, Ndreko, Butka, 24.07.25.
307. Albert, Andon, Butka, 14.09.49.
308. Ilir, Andon, Butka, 01.09.54.
309. Irini, Androkli, Buxhuku, 02.03.45.
310. Idajet, Fejzi, Buzi, 06.09.58.
311. Ermira, Kujtim, Buzi, 12.02.65.
312. Fejzi, Nebi, Buzi, 22.01.34.
313. Qerime, Qemal, Buzi, 23.05.37.
314. Hysni, Hasan, Bylberi, 24.05.57.
315. Drita, Fasli, Bylberi, 05.12.57.
316. Agim, Hasan, Bylyku, 02.06.37.
317. Vjollca, Sadik, Bylyku, 03.05.43.
318. Ardian, Agim, Bylyku, 08.06.65.
319. Zaimina, Bylyku, 04.03.70.
320. Zhaneta, Luan, Byrimi, 20.12.67.
321. Mimoza, Caca, 06.06.56.
322. Agim, Haki, Cafo, 13.11.63.
323. Manushaqe, Nexhdet, Cafo, 09.10.61.
324. Bajaze, Cafo, 03.03.39.
325. Shpetim, Hasan, Cako, 19.08.52.
326. Elsa, Mihal, Cako, 31.08.52.
327. Rovena, Shpetim, Cako, 26.12.76.
328. Agim, Shpetim, Cako, 22.09.78.
329. Thoma, Pilo, Cala, 13.05.59.
330. Hajrije, Sefer, Cala, 10.02.56.
331. Artur, Lici, Cala, 14.01.69.
332. Albana, Nikollaq, Cala, 10.02.74.
333. Arqile, Zoj, Cala, 20.02.55.
334. Fitnete, Avni, Cala, 22.04.61.
335. Kristo, Mico, Cami, 17.01.32.
336. Klementina, Tonin, Cami, 04.09.41.
337. Florenc, Izeir, Cami, 25.01.43.
338. Tefta, Hasan, Cami, 28.11.48.
339. Melsi, Florec, Cami, 12.03.69.
340. Suzana, Florenc, Cami, 27.06.73.
341. Seferije, Irfan, Cami, 04.10.68.
342. Irfan, Beqir, Canga, 31.08.44.
343. Nexhmije, Rakip, Canga, 06.08.48.
344. Bledar, Irfan, Canga, 21.11.69.
345. Albana, Irfan, Canga, 31.07.78.
346. Shkelqim, Islam, Cani, 06.05.56.
347. Merita, Xhemal, Cani, 26.11.65.
348. Florenc, Haxhi, Cani, 05.09.65.
349. Eduard, Kristo, Cani, 01.02.69.
350. Manjola, Mico, Cani, 31.07.70.
351. Rifat, Zanun, Cani, 17.08.40.
352. Brunilda, Cani, 20.04.72.
353. Engleta, Mithat, Cani, 19.01.76.
354. Behixhe, Jonuz, Cani, 12.11.40.
355. Resmi, Rifat, Cani, 23.03.68.
356. Gazmir, Rifat, Cani, 16.02.71.
357. Shkelqim, Rifat, Cani, 22.06.73.
358. Dashnor, Rifat, Cani, 17.03.79.
359. Florina, Rifat, Cani, 26.10.71.
360. Brunilda, Rahman, Cani, 20.04.72.
361. Zaho, Arqile, Cani, 08.09.45.
362. Argjiro, Jorgji, Cani, 29.09.51.
363. Evelina, Zaho, Cani, 03.11.74.
364. Stela, Zaho, Cani, 06.04.79.
365. Ferhat, Muharrem, Cania, 25.05.61.
366. Behixhe, Reshit, Cania, 20.05.61.
367. Gentjan, Ferhat, Cania, 20.06.83.
368. Kastriot, Safet, Caushaj, 21.12.61.
369. Eda, Isuf, Caushaj, 30.09.5.
370. Safet, Hasan, Caushaj, 10.08.22.
371. Elmazije, Demir, Caushaj, 15.05.33.
372. Rei, Safet, Caushaj, 21.02.66.
373. Sherif, Binak, Caushaj, 13.04.57.
374. Najada, Zyhdi, Caushaj, 17.07.65.
375. Muharrem, Hasan, Caushi, 11.09.47.
376. Hanke, Ali, Caushi, 16.08.50.
377. Besnik, Muharrem, Caushi, 24.08.70.
378. Altin, Muharrem, Caushi, 22.12.71.
379. Rudina, Muharrem, Caushi, 06.06.76.
380. Arben, Galip, Caushi, 11.07.71.
381. Bilal, Banush, Ceca, 14.09.73.
382. Luljeta, Xhelal, Ceca, 05.08.75.
383. Jazo, Ceka, 09.01.38.
384. Igli, Ceka, 12.05.66.
385. Shkelqim, Ceka, 25.05.70.
386. Leonard, Haxhi, Ceka, 02.01.53.
387. Luljeta, Robert, Ceka, 24.04.58.
388. Riselda, Leonard, Ceka, 25.09.81.
389. Realdo, Leonard, Ceka, 06.04.83.
390. Eqrem, Hysen, Ceka, 20.12.47.
391. Fiqerete, Xhemal, Ceka, 31.08.52.
392. Florentina, Eqrem, Ceka, 30.09.72.
393. Elisabeta, Eqrem, Ceka, 26.05.75.
394. Enkelejda, Eqrem, Ceka, 01.11.80.
395. Halit, Hysen, Ceka, 13.07.63.
396. Engjellushe, Mexhit, Ceka, 11.07.66.
397. Trene, Ceko, 04.08.38.
398. Kico, Pando, Ceku, 05.07.31.
399. Enea, Kico, Ceku, 23.01.77.
400. Angjela, Kristaq, Ceku, 21.07.42.
401. Julian, Kico, Ceku, 15.03.63.
402. Lutfi, Abdurrahman, Cela, 12.06.26.
403. Meliha, Xhemal, Cela, 06.05.31.
404. Skender, Lutfi, Cela, 06.03.68.
405. Gjyle, Abdulla, Cela, 06.06.25.
406. Suzana, Petrit, Cela, 01.08.63.
407. Zenun, Bektash, Cela, 13.09.57.
408. Aferdita, Neshat, Cela, 08.06.59.
409. Violeta, Zenun, Cela, 05.03.80.
410. Vjollca, Hysen, Cenka, 04.09.54.
411. Xhemal, Sait, Cera, 07.11.32.
412. Hirmisane, Sherif, Cera, 19.11.40.
413. Hidajet, Xhemal, Cera, 04.02.72.
414. Albert, Xhemal, Cera, 26.05.81.
415. Skender, Baftjar, Ceri, 30.03.38.
416. Engjellushe, Feti, Ceri, 10.03.42.
417. Aulona, Ceri, 03.04.75.
418. Aurel, Skender, Ceri, 02.09.69.
419. Ervehe, Ceribashi, 27.10.47.
420. Pali, Ligor, Cifliku, 08.08.20.
421. Polikseni, Fane, Cifliku, 10.12.41.
422. Aleksander, Pali, Cifliku, 24.12.65.
423. Ligor, Pali, Cifliku, 17.02.67.
424. Enkeleida, Pali, Cifliku, 27.03.72.
425. Julia, Roland, Ciko, 15.08.75.
426. Spiro, Kosta, Cili, 16.02.40.
427. Donika, Gaqo, Cili, 30.01.50.
428. Klelija, Spiro, Cili, 20.10.77.
429. Como, Koco, Cini, 16.04.18.
430. Jeton, Como, Cini, 14.04.70.
431. Naunka, Themi, Cini, 11.03.35.
432. Genti, Pandeli, Cini, 13.06.74.
433. Pertef, Kadri, Cobani, 06.08.40.
434. Lumturie, Izet, Cobani, 01.04.48.
435. Etleva, Pertef, Cobani, 28.02.70.
436. Jorida, Pertef, Cobani, 28.12.77.
437. Bardhyl, Hasan, Collaku, 07.09.58.
438. Elda, Hadi, Collaku, 17.08.64.
439. Genci, Hodo, Coriga, 02.05.69.
440. Majlinda, Shpetim, Coriga, 15.05.73.
441. Artemon, Martin, Cukalla, 14.08.72.
442. Lumturije, Beqir, Cupi, 06.04.48.
443. Arjeta, Rifat, Cupi, 16.03.71.
444. Gentiana, Rifat, Cupi, 30.03.77.
445. Luft, Abdyl, Cupi, 15.09.42.
446. Nusha, Pashuk, Cupi, 11.12.47.
447. Arlinda, Luft, Cupi, 09.06.68.
448. Dolores, Luft, Cupi, 15.07.76.
449. Marsela, Luft, Cupi, 10.03.80.
450. Hamit, Abdyl, Cupi, 15.08.30.
451. Geraldina, Tasim, Cupi, 14.04.38.
452. Serije, Abdyl, Cupi, 13.03.32.
453. Margarita, Jorgo, Cyri, 20.04.76.
454. Asllan, Hamit, Daci, 28.09.51.
455. Nafie, Liman, Daci, 25.10.57.
456. Elton, Asllan, Daci, 24.03.80.

457. Elona, Asllan, Daci, 01.01.83.
458. Androkli, Pandi, Dado, 20.08.38.
459. Sotira, Llukan, Dado, 07.08.50.
460. Ylli, Androkli, Dado, 29.12.78.
461. Ervis, Androkli, Dado, 19.03.83.
462. Shpresa, Kasem, Dafa, 12.08.34.
463. Tefik, Aqif, Dajci, 07.04.32.
464. Minevere, Tahir, Dajci, 03.06.42.
465. Ardian, Tefik, Dajci, 02.07.66.
466. Rexhep, Haxhi, Dajti, 10.01.27.
467. Naime, Sulejman, Dajti, 01.06.29.
468. Skender, Rexhep, Dajti, 26.10.51.
469. Drita, Kadri, Dajti, 11.12.53.
470. Artur, Skender, Dajti, 28.11.77.
471. Arjola, Skender, Dajti, 13.11.79.
472. Suela, Ibrahim, Daka, 24.05.79.
473. Florian, Palok, Daka, 02.11.64.
474. Sotir, Dilaver, Dake, 20.01.30.
475. Marie, Nevrus, Dake, 05.01.29.
476. Ilia, Sotir, Dake, 07.09.55.
477. Urma, Zeqir, Dake, 06.02.60.
478. Vladimir, Sotir, Dake, 13.03.60.
479. Gjergji, Ziso, Dako, 22.01.53.
480. Arte, Kajmak, Dako, 10.10.57.
481. Naxhije, Halit, Dalipi, 20.01.44.
482. Alfred, Besim, Dalipi, 12.05.75.
483. Xhoana, Dalipi, 22.06.78.
484. Esmeralda, Besim, Dalipi, 16.10.80.
485. Sotir, Ilo, Danaci, 20.05.40.
486. Ruzhdije, Ali, Danaci, 15.08.42.
487. Anila, Sotir, Danaci, 11.01.71.
488. Donika, Ibrahim, Danaj, 12.03.29.
489. Deli, Binok, Danaj, 02.12.53.
490. Nazire, Hajdar, Danaj, 02.12.59.
491. Erion, Deli, Danaj, 02.11.79.
492. Kreshnik, Sotir, Dano, 08.08.79.
493. Suela, Zyber, Dashi, 14.12.78.
494. Tahir, Mehmet, Dauti, 05.09.43.
495. Zejnepe, Qazim, Dauti, 02.01.48.
496. Miftar, Tahir, Dauti, 20.04.67.
497. Servete, Tahir, Dauti, 28.11.73.
498. Fllanxa, Tahir, Dauti, 15.03.79.
499. Sokol, Tahir, Dauti, 20.10.80.
500. Tomorr, Nikoll, Dedja, 03.11.71.
501. Luljeta, Isuf, Dedja, 28.10.76.
502. Fran, Ded, Dednreaj, 12.07.55.
503. Lin, Dednreaj, 02.10.58.
504. Shaqe, Keqan, Dednreaj, 30.05.15.
505. Shpresa, Mark, Dednreaj, 20.08.60.
506. Lize, Dednreaj, 21.04.75.
507. Ermal, Servet, Deliu, 28.09.67.
508. Laureta, Muharrem, Deliu, 01.04.72.
509. Ali, Demalija, 14.04.69.
510. Selvije, Demalija, 15.08.72.
511. Manjola, Demiraj, 12.08.71.
512. Kujtim, Sulejman, Demiri, 03.07.47.
513. Bukurie, Hysni, Demiri, 11.04.49.
514. Brikena, Kujtim, Demiri, 15.02.81.
515. Resti, Kujtim, Demiri, 24.02.83.
516. Bajram, Teki, Demiri, 18.02.35.
517. Siadet, Avni, Demiri, 05.06.42.
518. Enika, Bajram, Demiri, 18.06.72.
519. Skender, Demir, Demiri, 22.03.46.
520. Teuta, Mexhit, Demiri, 30.03.53.
521. Suela, Skender, Demiri, 08.08.77.
522. Venera, Skender, Demiri, 29.08.81.
523. Vidi, Demko, 09.04.62.
524. Olsi, Piro, Demo, 11.03.72.
525. Armir, Fadil, Demucaj, 11.05.75.
526. Lirije, Hazis, Demushi, 05.01.45.
527. Gjovana, Gjergj, Denasi, 11.06.38.
528. Skerdilad, Gaqo, Denasi, 09.07.70.
529. Oli, Denasi, 19.06.72.
530. Nertila, Dervishaj, 22.02.79.
531. Kreshnik, Yzeir, Dervishi, 26.05.53.
532. Ermira, Skender, Dervishi, 22.05.59.
533. Arion, Kreshnik, Dervishi, 29.05.80.
534. Yzeir, Islam, Dervishi, 19.05.29.
535. Hafesa, Ramo, Dervishi, 19.01.32.
536. Pajtim, Ahmet, Dervishi, 15.12.65.
537. Hamide, Ferid, Dervishi, 02.02.68.
538. Rovena, Agim, Dervishi, 22.04.79.
539. Jemin, Dervishi, 02.06.52.
540. Mereme, Ramazan, Dervishi, 19.09.60.
541. Ilir, Jemin, Dervishi, 01.05.79.
542. Pullumb, Jemin, Dervishi, 11.08.80.
543. Fabiola, Dhimitraq, Dhima, 21.01.75.
544. Agron, Shaqir, Dibra, 01.02.52.
545. Rozeta, Zare, Dibra, 11.08.53.
546. Mihal, Haredin, Didani, 29.12.75.
547. Haredin, Isuf, Didani, 10.01.45.
548. Miroshe, Kadri, Didani, 16.05.46.
549. Mirgen, Haredin, Didani, 21.09.72.
550. Ylli, Haredin, Didani, 25.10.77.
551. Alketa, Piro, Didani, 29.12.75.
552. Mihal, Haredin, Didani, 29.05.82.
553. Eranda, Astrit, Difi, 21.01.81.
554. Delviana, Liman, Dobi, 03.08.66.
555. Riza, Adem, Doci, 16.03.46.
556. Shahe, Ismail, Doci, 23.01.12.
557. Nazmie, Ibrahim, Doci, 15.05.49.
558. Mark, Llesh, Dodani, 24.02.25.
559. Kademe, Seit, Dodani, 30.06.39.
560. Koco, Spiro, Dode, 21.05.24.
561. Efigjeni, Mina, Dode, 27.10.30.
562. Arben, Koco, Dode, 17.08.60.
563. Zhuljeta, Zenel, Dode, 23.03.67.
564. Nastas, Petro, Dodona, 20.04.34.
565. Zhaneta, Gaqo, Dodona, 12.06.45.
566. Blerina, Zyber, Doga, 22.05.77.
567. Spiro, Selman, Dogani, 05.07.68.
568. Enver, Doka, 10.03.73.
569. Zehrudin, Hamza, Dokle, 12.01.52.
570. Kleopatra, Vangjel, Dokle, 17.12.49.
571. Olta, Zehrudin, Dokle, 10.10.79.
572. Borjana, Zehrudin, Dokle, 03.05.83.
573. Qatibe, Osman, Dokle, 10.03.09.
574. Baki, Sadik, Doku, 01.05.45.
575. Elvie, Lok, Doku, 15.02.47.
576. Ardian, Idriz, Dollaku, 26.06.74.
577. Rajmond, Eqerem, Dollmeri, 04.11.49.
578. Donika, Reis, Dollmeri, 28.04.50.
579. Fleri, Raimond, Dollmeri, 31.08.75.
580. Endri, Raimond, Dollmeri, 16.06.80.
581. Ermir, Sul, Domi, 14.05.73.
582. Sofokli, Llukan, Dona, 10.10.24.
583. Lirir, Ila, Dona, 06.09.30.
584. Valentina, Sofokli, Dona, 17.01.56.
585. Anastas, Sofokli, Dona, 12.07.52.
586. Flora, Nysret, Dona, 07.05.60.
587. Aferdita, Guri, Drasa, 04.02.76.
588. Teuta, Fuat, Drasa, 15.02.21.
589. Melima, Fuat, Drasa, 25.01.34.
590. Shekri, Fuat, Drasa, 05.05.26.
591. Ides, Mustafa, Drasa, 03.12.37.
592. Ornela, Sherki, Drasa, 15.11.67.
593. Andi, Sherki, Drasa, 04.05.70.
594. Rexhep, Fuat, Drasa, 28.12.23.
595. Lindita, Hazis, Drita, 12.02.61.
596. Hamid, Fali, Drizi, 20.04.40.
597. Vera, Islam, Drizi, 09.04.55.
598. Hekuran, Hamid, Drizi, 08.06.80.
599. Blerina, Hamid, Drizi, 09.08.81.
600. Dorin, Hamid, Drizi, 17.06.83.
601. Dush, Mede, Duda, 13.04.51.
602. Fiqirete, Kadri, Duda, 09.07.51.
603. Beglije, Dush, Duda, 13.03.73.
604. Ervin, Dush, Duda, 08.03.77.
605. Shpetim, Dush, Duda, 04.04.81.
606. Xhemal, Dervish, Duka, 05.04.29.
607. Enita, Namik, Duka, 29.01.36.
608. Artan, Xhemal, Duka, 22.07.64.
609. Shadie, Sabri, Duka, 21.08.50.
610. Migena, Sabri, Duka, 25.01.77.
611. Pranvera, Sabri, Duka, 29.07.80.
612. Mustafa, Hasan, Duka, 31.08.56.
613. Flogert, Duka, 20.11.83.
614. Juliana, Mustafa, Duka, 09.01.80.
615. Esmeralda, Mustafa, Duka, 11.08.83.
616. Engjellushe, Zenel Duka, 08.11.57.
617. Adem, Duka, 04.04.41.
618. Aishe, Duka, 16.06.49.
619. Kujtim, Duka, 03.05.70.
620. Arjan, Duka, 20.11.72.
621. Lek, Anton, Dukagjini, 05.12.33.
622. Donika, Mark, Dukagjini, 16.02.40.
623. Anton, Lek, Dukagjini, 09.09.80.
624. Zina, Kin, Dukagjini, 16.10.13.
625. Lajla, Mingo, Dukaj, 03.02.51.
626. Hasime, Sabri, Dukaj, 20.10.54.
627. Shkelqim, Lajla, Dukaj, 01.07.76.
628. Florian, Lajla, Dukaj, 21.07.79.
629. Naze, Sejdo, Dumi, 08.08.21.
630. Alfima, Zoi, Dumi, 01.08.73.
631. Elez, Isuf, Dunisha, 07.09.49.
632. Shpresa, Zeqir, Dunisha, 04.04.58.
633. Arben, Elez, Dunisha, 07.04.77.
634. Aranit, Elez, Dunisha, 13.10.81.
635. Aishe, Alush, Durresi, 16.04.25.
636. Mikail, Thanas, Dusha, 01.01.48.
637. Liliana, Gjergji, Dusha, 01.12.55.
638. Marlon, Mikail, Dusha, 21.08.76.
639. Platon, Mikail, Dusha, 30.05.83.
640. Artur, Pando, Dushku, 31.05.55.
641. Flutura, Eqerem, Dushku, 28.10.65.
642. Qemal, Jemin, Duzha, 20.03.47.
643. Sofia, Leonidha, Duzha, 04.05.51.
644. Fatmira, Qemal, Duzha, 09.12.72.
645. Artur, Qemal, Duzha, 09.12.72.
646. Eduart, Qemal, Duzha, 24.07.78.
647. Eriola, Qemal, Duzha, 20.04.80.
648. Suzana, Nasip, El kamary, 09.11.65.
649. Engjellush, Daver, Elezaj, 12.08.62.
650. Faik, Rexhep, Elezi, 20.02.41.
651. Xheke, Hajdar, Elezi, 02.05.47.
652. Hanife, Abaz, Elezi, 11.01.09.
653. Kujtim, Faik, Elezi, 01.07.73.
654. Dhurata, Faik, Elezi, 29.11.77.
655. Dylaver, Faik, Elezi, 04.08.80.
656. Ilir, Theodhor, Elini, 23.02.41.
657. Shpresa, Maliq, Elini, 30.12.50.
658. Dorian, Ilir, Elini, 01.10.73.
659. Elton, Ilir, Elini, 13.10.75.
660. Aured, Ilir, Elini, 18.06.82.
661. Manal, Mahmud, Elmardany, 30.10.56.
662. Agim, Emerlla, Emurllai, 10.11.60.
663. Xhemal, Xhafer, Farruku, 04.08.36.
664. Xhemalije, Zyber, Farruku, 02.06.43.
665. Samir, Selman, Farruku, 22.10.64.
666. Silvana, Selman, Farruku, 26.01.78.
667. Klodjana, Myftar, Farruku, 19.03.76.
668. Nevruz, Avni, Feka, 30.04.41.
669. Merjeme, Ibrahim, Feka, 29.09.45.
670. Eduart, Nevruz, Feka, 01.07.67.
671. Blerta, Ilir, Feka, 16.11.76.
672. Lije, Idriz, Felluza, 11.12.31.
673. Myrvete, Halil, Ferhati, 04.01.69.
674. Kadri, Mehmet, Ferizolli, 03.01.22.
675. Hanife, Rexh, Ferizolli, 20.02.34.
676. Zog, Kadri, Ferizolli, 09.05.68.
677. Shpresa, Tahir, Ferizolli, 05.03.72.
678. Sokol, Kadri, Ferizolli, 08.03.71.
679. Ilir, Peci, Fiku, 08.03.61.
680. Ilir, Kristaq, Filipi, 29.01.72.
681. Dhimiter, Ilo, Filo, 10.10.62.
682. Enkeleida, Petro, Filo, 26.12.70.
683. Ardiana, Prokop, Findiku, 20.10.69.
684. Harallamb, Pavllo, Gabi, 22.08.37.
685. Panago, Filip, Gabi, 22.08.37.
686. Stavrulla, Harallamb, Gabi, 11.02.56.
687. Arqile, Harallamb, Gabi, 29.09.57.
688. Fatbardha, Shefqet, Gabi, 31.12.60.
689. Nexhmi, Namik, Gaci, 27.07.40.
690. Veronika, Todi, Gaci, 30.04.42.
691. Kreshnik, Nexhmi, Gaci, 21.02.69.
692. Leonard, Abdulla, Gaxhazi, 25.12.70.
693. Zelpiza, Gaxhazi, 03.12.70.
694. Fiqirete, Seit, Gega, 04.03.56.
695. Armand, Kadri, Gega, 14.10.80.
696. Bledi, Kadri, Gega, 17.08.83.
697. Nadire, Ismail, Gega, 22.05.27.
698. Alfred, Rakip, Gega, 11.02.61.
699. Fatbardha, Syti, Gega, 02.01.61.
700. Eleni, Thanas, Gega, 14.07.52.
701. Nikolin, Ali, Gega, 23.07.69.
702. Florjan, Ali, Gega, 03.02.75.
703. Teuta, Koco, Gega, 23.05.70.
704. Aranit, Rexh, Gega, 04.12.72
705. Albana, Myzfer, Gega, 09.02.73.
706. Selim, Sherif, Gjabri, 02.03.30.
707. Mine, Tofik, Gjabri, 10.03.36.
708. Lulzim, Selim, Gjabri, 28.01.69.

709. Urim, Selim, Gjabri, 25.05.72.
710. Hairije, Urim, Gjabri, 06.02.81.
711. Fatos, Enver, Gjata, 10.06.56.
712. Sulbije, Muharrem, Gjata, 21.12.63.
713. Astrit, Hasim, Gjeci, 08.04.78.
714. Ernest, Kin, Gjeci, 06.06.19.
715. Doloresa, Pandeli, Gjerasi, 22.03.42.
716. Agron, Frederik, Gjerasi, 04.08.62.
717. Piro, Frederik, Gjerasi, 16.10.68.
718. Frederik, Spiro, Gjerazi, 10.09.33.
719. Shpetim, Dhimiter, Gjika, 13.03.79.
720. Elsa, Vasil, Gjikondi, 06.06.63.
721. Niko, Thoma, Gjikondi, 05.04.60.
722. Thoma, Niko, Gjikondi, 18.07.21.
723. Ivoni, Gaqo, Gjikondi, 29.08.32.
724. Kamber, Halim, Gjini, 10.07.60.
725. Luljeta, Zalo, Gjini, 27.12.64.
726. Belul, Ramadan, Gjinollari, 20.08.49.
727. Zeliha, Abdulla, Gjinollari, 27.11.57.
728. Aurora, Belul, Gjinollari, 23.02.82.
729. Hazis, Aliko, Gjoka, 22.10.34.
730. Drita, Mustafa, Gjoka, 14.06.37.
731. Saimir, Hzis, Gjoka, 20.01.72.
732. Jamarba, Petrit, Gjoka, 29.06.78.
733. Luigj, Gjoka, 13.04.49.
734. Maria, Vasil, Gjokoreci, 20.11.24.
735. Ndue, Preng, Gjoni, 24.09.44.
736. Selvije, Jashar, Gjoni, 07.04.42.
737. Aleks, Ndue, Gjoni, 28.11.73.
738. Roland, Ndue, Gjoni, 08.02.72.
739. Deshira, Galip, Gjoni, 08.07.74.
740. Arben, Theodhor, Gjoni, 28.03.58.
741. Aferdita, Mehmet, Gjoni, 05.03.61.
742. Shpetim, Sotir, Gjoni, 25.05.68.
743. Durime, Fuat, Gjoni, 23.03.34.
744. Arian, Theodhori, Gjoni, 17.12.59.
745. Lek, Gjon, Gjoni, 15.01.66.
746. Fran, Gjon, Gjoni, 13.06.68.
747. Flora, Gjon, Gjoni, 05.02.75.
748. Terezine, Gjon, Gjoni, 03.10.77.
749. Blerta, Llesh, Gjoni, 11.06.70.
750. Zija, Hamza, Gjoshi, 02.08.67.
751. Fatbardha, Baftjar, Gjoshi, 08.03.73.
752. Petrit, Marash, Gjuraj, 24.12.74.
753. Stojan, Zdrafko, Gjurgjaj, 11.11.62.
754. Violeta, Jordan, Gjurgjaj, 18.01.69.
755. Stojan, Gjurgjaj, 11.11.62.
756. Gezim, Hilmi, Gjuta, 05.06.70.,
757. Hatixhe, Han, Gjuta, 13.04.74.
758. Tarebosh, Gjuzja, 22.07.56.
759. Fatmir, Emin, Gjyleri, 17.07.60.
760. Arta, Elmas, Gjyleri, 26.07.72.
761. Diana, Zija, Goga, 02.10.60.
762. Aleksander, Lefter, Goga, 28.10.48.
763. Kostandin, Mihal, Goga, 06.03.25.
764. Andi, Aleksander, Goga, 23.11.75.
765. Blerina, Aleksander, Goga, 06.11.77.
766. Aleksandra, Kristo, Goga, 30.10.22.
767. Petrika, Ilo, Golloshi, 17.06.55.
768. Diana, Veliko, Golloshi, 08.11.59.
769. Mbarime, Tahir, Gorce, 15.06.58.
770. Safete, Riza, Goxhaj, 18.12.62.
771. Ibrahim, Sherif, Greca, 28.07.42.
772. Ide, Musa, Greca, 11.02.44.
773. Saimir, Ibrahim, Greca, 12.04.71.
774. Altin, Ibrahim, Greca, 12.08.75.
775. Qefsere, Ramazan, Grori, 02.03.37.
776. Bashkim, Grori, 17.12.55.
777. Selman, Ramazan, Grori, 18.10.25.
778. Duhije, Beqir, Grori, 20.10.38.
779. Suzana, Selman, Grori, 25.11.58.
780. Alma, Selman, Grori, 13.08.63.
781. Saimir, Selman, Grori, 24.04.66.
782. Irma, Ernest, Gurakuqi, 04.12.65.
783. Behar, Dajlan, Guri, 15.01.59.
784. Mimoza, Sami, Guri, 15.11.59.
785. Astrit, Guri, 15.02.76.
786. Irma, Tahsim, Haanbelliu, 03.07.70.
787. Besnik, Ferik, Hado, 26.09.45.
788. Holta, Hado, 13.02.75.
789. Bers, Besnik, Hado, 06.11.82.
790. Emira, Josif, Hado, 13.10.51.
791. Lulzim, Haki, Hajnaj, 18.12.53.
792. Tefta, Kristaq, Hajnaj, 15.11.53.
793. Elton, Lulzim, Hajnaj, 05.11.77.
794. Dorjana, Lulzim, Hajnaj, 10.01.81.
795. Vladimir, Bajram, Hajrulla, 31.12.60.
796. Elektra, Gaqo, Hajrulla, 29.02.56.
797. Bajram, Hasan, Hajrulla, 22.01.36.
798. Aferdita, Ramadan, Hajrulla, 12,09.37.
799. Lutfi, Osman, Haka, 10.02.62.
800. Dhurata, Hamit, Haka, 12.07.66.
801. Mexhit, Ramazan, Hakcani, 18.04.51.
802. Gjylfije, Melaim, Hakcani, 29.08.58.
803. Fiqiri, Mexhit, Hakcani, 02.07.76.
804. Mirela, Mexhit, Hakcani, 12.06.78.
805. Marjeta, Mexhit, Hakcani, 01.02.81.
806. Naile, Mexhit, Hakcani, 04.08.82.
807. Bukurije, Halim, Hallaraj, 18.06.69.
808. Besnik, Halim, Hallaraj, 15.07.72.
809. Kujdesi, Halim, Hallaraj, 10.05.78.
810. Llamro, Osman, Hallkaj, 12.03.67.
811. Shkelqim, Osmen, Hallko, 15.07.70.
812. Qeram, Jusuf, Hamamxhiu, 11.11.30.
813. Sadete, Faik, Hamamxhiu, 13.01.37.
814. Namik, Qeram, Hamamxhiu, 16.11.60.
815. Edmond, Qeram, Hamamxhiu, 14.10.65.
816. Sabina, Ibrahim, Hamamxhiu, 30.05.72.
817. Aneta, Luan, Hamzaj, 05.03.74.
818. Ilir, Xhemil, Hamzaj, 07.04.72.
819. Valbona, Xhemil, Hamzaj, 07.04.72.
820. Frederik, Ramazan, Harapi, 04.09.34.
821. Mediha, Halil, Harapi, 17.02.37.
822. Dritan, Frederik, Harapi, 24.04.67.
823. Areti, Petro, Harbali, 10.10.35.
824. Bardhyl, Hysen, Harizi, 23.09.64.
825. Alma, Hamdi, Harizi, 05.11.75.
826. Zyhdi, Hasa, 05.04.58.
827. Hanke, Hasa, 01.04.64.
828. Perparim, Hasa, 25.03.83.
829. Jonuz, Avni, Hasanbelliu, 29.08.65.
830. Hiqmet, Nexhip, Hasani, 21.01.51.
831. Najet, Muhamet, Hasani, 28.01.53.
832. Ermenita, Hiqmet, Hasani, 04.04.79.
833. Fabjola, Hiqmet, Hasani, 20.01.81.
834. Elmas, Myftar, Haxhi, 12.02.30.
835. Lale, Cune, Haxhi, 10.01.37.
836. Shkelqim, Elmas, Haxhi, 15.11.58.
837. Arte, Mehmet, Haxhi, 14.03.70.
838. Ilir, Sefer, Haxhiasi, 25.10,72.
839. Luiza, Xhafer, Haxhiasi, 01.01.75.
840. Fatmir, Sybi, Haxhiu, 03.07.28.
841. Fazilet, Ismail, Haxhiu, 03.07.28.
842. Mustafa, Hysni, Haxhiu, 28.09.67.
843. Vahidije, Hysen, Haxhiu, 28.09.67.
844. Vera, Astrit, Hazizaj, 01.06.72.
845. Nuri, Hodo, 10.01.30.
846. Rakibe, Hodo, 15.05.39.
847. Avni, Nuri, Hodo, 02.12.65.
848. Genci, Hodo, 28.05.78.
849. Blerta, Nexhip, Hodo, 12.03.75.
850. Agim, Xhemali, Hoxha, 01.06.64.
851. Luiza, Agim, Hoxha, 25.09.69.
852. Hautan, Vehip, Hoxha, 07.01.29.
853. Neriman, Vehip, Hoxha, 06.03.32.
854. Suzana, Vehip, Hoxha, 21.12.28.
855. Xhane, Sherif, Hoxha, 12.06.19.
856. Hadi, Muhedin, Hoxha, 15.10.19.
857. Fatbardha, Bajram, Hoxha, 26.02.33.
858. Skerdi, Vezir, Hoxha, 30.01.69.
859. Helda, Vezir, Hoxha, 06.07.74.
860. Muhamet, Zydi, Hoxha, 28.05.30.
861. Anila, Vehbi, Hoxha, 02.01.71.
862. Karkale, Shaqo, Hoxha, 10.02.35.
863. Petrit, Muhamet, Hoxha, 24.11.65.
864. Vladimir, Neki, Hoxha, 10.12.53.
865. Fiqirete, Resul, Hoxha, 23.03.57.
866. Lahim, Ali, Hoxha, 05.08.43.
867. Hatixhe, Arif, Hoxha, 10.05.54.
868. Valbona, Lahim, Hoxha, 11.11.78.
869. Violeta, Lahim, Hoxha, 19.02.80.
870. Ilir, Lahim, Hoxha, 29.03.82.
871. Havza, Abedin, Hoxha, 20.08.66.
872. Ali, Hoxha, 28.11.66.
873. Tatjana Hoxha, 25.01.74.
874. Teuta, Osman, Hoxha, 24.01.74.
875. Agim, Xhemali, Hoxha, 01.06.64.
876. Luiza, Agim, Hoxha, 25.09.69.
877. Jonuz, Xhemal, Hoxha, 01.04.55.
878. Zarife, Fuz, Hoxha, 20.06.64.
879. Fatime, Xhafer, Hoxhaj, 13.01.31.
880. Muhamet, Ymer, Hoxhaj, 11.07.63.
881. Ylli, Ymer, Hoxhaj, 22.12.68.
882. Rozeta, Yqmet, Hoxhaj, 25.03.67.
883. Merita, Murat, Hoxhaj, 27.06.66.
884. Proletar, Sihat, Hoxhaj, 19.07.57.
885. Fuat, Bajram, Hoxhaj, 21.02.34.
886. Besije, Halil, Hoxhaj, 10.03.38.
887. Dilaver, Fuat, Hoxhaj, 14.05.62.
888. Vjollca, Fuat, Hoxhaj, 11.02.64.
889. Teuta, Esat, Hoxhaj, 10.11.65.
890. Blerina, Kujtim, Hoxhaj, 28.05.82.
891. Ymer, Kujtim, Hoxhaj, 28.10.83.
892. Fatmir, Zeqir, Hoxhaj, 08.08.69.
893. Nexhmie, Haxhi, Hoxhaj, 28.06.72.
894. Rudina, Zeqir, Hoxhaj, 15.08.73.
895. Zeqir, Brahim, Hoxhaj, 15.08.44.
896. Zade, Cubel, Hoxhaj, 10.10.41.
897. Arjan, Idajet, Hoxhaj, 26.08.64.
898. Nevila, Loni, Hoxhaj, 25.02.68.
899. Halim, Hoxhalli, 25.09.65.
900. Tefta, Hoxhalli, 15.11.71.
901. Ibrahim, Osman, Hyka, 18.09.46.
902. Aishe, Abdulla, Hyka, 01.08.55.
903. Ismet, Ibrahim, Hyka, 03.01.77.
904. Naxhije, Ibrahim, Hyka, 24.07.80.
905. Aishe, Abdulla, Hyka, 01.08.75.
906. Ismet, Ibrahim, Hyka, 03.01.77.
907. Naxhije, Ibrahim, Hyka, 24.07.80.
908. Fatime, Bektash, Hysa, 03.01.21.
909. Gezim, Xhevdet, Hysa, 27.04.71.
910. Pasha, Hysa, 29.08.56.
911. Zelije, Hysa, 29.08.56.
912. Blend, Hysa, 17.04.81.
913. Fatmir, Rustem, Hysenaj, 03.04.48.
914. Merjeme, Tasim, Hysenaj, 10.04.57.
915. Aurel, Fatmir, Hysenaj, 16.04.79.
916. Orgest, Fatmir, Hysenaj, 06.12.80.
917. Hyrije, Zenun, Hyseni, 11.12.59.
918. Abdyl, Hysenllari, 15.01.34.
919. Liri, Shaban, Hysenllari, 15.10.38.
920. Hysen, Avdyl; Hysenllari, 15.09.67.
921. Viktor, Avdyl, Hysenllari, 03.05.70.
922. Astrit, Avdyl, Hysenllari, 28.01.72.
923. Marsilda, Hysenllari, 06.01.81.
924. Vehbi, Sabri, Hysenzikaj, 25.02.56.
925. Shkendije, Ymer, Hysenzikaj, 10.07.61.
926. Xhezmi, Hasan, Hyskolli, 28.11.41.
927. Shadije, Zenel, Hyskolli, 10.09.45.
928. Arjan, Xhezmi, Hyskolli, 11.01.70.
929. Mirela, Xhezmi, Hyskolli, 05.11.73.
930. Leonard, Xhezmi, Hyskolli, 27.08.76.
931. Valbona, Kadri, Hyskolli, 06.05.73.
932. Shefki, Sulejman, Ibraliu, 20.02.40.
933. Servete, Adem, Ibraliu, 25.07.42.
934. Merushe, Shefqet, Idrizaj, 12.07.36.
935. Sanije, Mehmet, Idrizi, 26.04.46.
936. Shpetim, Hysni, Idrizi, 07.07.67.
937. Meli, Hysni, Idrizi, 29.08.73.
938. Enkela, Ali, Idrizi, 25.04.68.
939. Hysni, Omer, Idrizi, 13.12.40.
940. Fatmir, Ferit, Imami, 05.10.32.
941. Zejnije, Hamdi, Imami, 13.05.45.
942. Valbona, Fatmir, Imami, 14.05.75.
943. Drin, Fatmir, Imami, 08.04.78.
944. Albert, Syrja, Isakaj, 20.03.65.
945. Qeriba, Gezim, Isakaj, 06.09.69.
946. Andi, Myfit, Ismailaj, 09.03.74.
947. Vasillaq, Bilal, Ismaili, 27.12.61.
948. Teuta, Ceno, Ismaili, 10.05.66.
949. Kujtim, Pellumb, Ismaili, 06.08.63.
950. Pjereta, Thanas, Ismaili, 09.03.70.
951. Zenel, Qazim, Ismailisufaj, 26.04.71.
952. Sadri, Qazim, Ismailisufaj, 05.03.75.
953. Mehmet, Qazim, Ismailisufaj, 17.09.79.
954. Ylber, Osman, Isufaj, 23.03.69.
955. Rabije, Dervish, Isufaj, 05.06.31.
956. Manjola, Bardhyl, Jace, 23.08.64.
957. Glen, Jace, 09.08.82.
958. Bernard, Dino, Jace, 06.03.65.
959. Qamil, Male, Jahelezi, 05.12.40.
960. Xhemile, Dem, Jahelezi, 10.05.23.

961. Arben, Male, Jahelezi, 18.09.74.
962. Gjyke, Ali, Jahelezi, 23.11.45.
963. Dezdemona, Qamil, Jahelezi, 13.08.81.
964. Gani, Syle, Jahelezi, 01.04.65.
965. Sibe, Zymer, Jahelezi, 26.05.73.
966. Albana, Rexhep, Jahelezi, 26.05.73.
967. Qazim, Ahmet, Jaho, 03.08.37.
968. Ilir, Adem, Jaho, 20.08.62.
969. Lindita, Jani, Jaho, 23.10.69.
970. Kadrie, Ahmet, Jaho, 03.08.37.
971. Olsa, Dhimitraq, Janaq, 30.11.79.
972. Bledi, Theodhoraq, Jani, 30.05.67.
973. Entela, Mati, Jani, 21.11.68.
974. Marija, Vangjel, Jani, 08.12.40.
975. Altin, Koco, Janku, ?shtepia femis
976. Etleva, Agim, Janku, ?shtepia femis
977. Reshat, Shaban, Jashari, 14.09.72.
978. Fatmira, Xheladin, Jashari, 23.08.73.
979. Hanem, Gjyzel, Jonuzaj, 10.10.55
980. Klajdi, Sadush, Jonuzaj, 29.01.82
981. Sadush, Azbi, Jonuzaj, 15.03.52.
982. Lulzim, Hader, Jonuzaj, 12.10.57.
983. Valdete, Servet, Jonuzaj, 28.01.63.
984. Hader, Maze, Jonuzaj, 18.05.35.
985. Sartabe, Xhemile, Jonuzaj, 01.01.35.
986. Mimoza, Hader, Jonuzaj, 08.08.62.
987. Gjergji, Hader, Jonuzaj, 19.11.65.
988. Edlira, Aleks, Jonuzaj, 03.02.69.
989. Sotir, Kola, Jorgo, 02.02.25.
990. Drita, Myftar, Jorgo, 28.11.33.
991. Ylli, Jani, Josifi, 10.06.35.
992. Pandora, Kristo, Josifi, 06.10.40.
993. Arian, Ylli, Josifi, 03.08.72.
994. Gezim, Ali, Juka, 09.01.56.
995. Zensen, Ali, Juka, 22.07.59.
996. Nazime, Hysen, Kajo, 26.11.29.
997. Besnik, Hamit, Kalaveri, 21.03.55.
998. Vjollca, Muharrem, Kalaveri, 28.10.65.
999. Renato, Kaleshi, 10.02.69.
1000. Ramadan, Mexhit, Kaloshi, 10.03.26.
1001. Kujtime, Iljaz, Kaloshi, 08.05.33.
1002. Arta, Ramadan, Kaloshi, 01.08.58.
1003. Arian, Eduard, Kamberi, 30.01.75.
1004. Ramadan, Osman, Kamberi, 10.07.47.
1005. Evgjeni, Niko, Kamberi, 14.06.57.
1006. Laerta, Ramadan, Kamberi, 08.12.82.
1007. Gentjana, Myterem, Kambo, 24.05.71.
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1009. Hanko, Azbi, Kapaj. 03.04.25.
1010. Melaize, Kapo, Kapaj, 20.09.57.
1011. Hysnie, Haki, Kapllani, 07.03.32.
1012. Mehmet, Laze, Kapllani, 16.08.63.
1013. Donika, Refat, Kapllani, 15.01.65.
1014. Vasil, Mihal, Kapsoli, 18.07.34.
1015. Amalia, Thanas, Kapsoli, 28.11.36.
1016. Mihal, Vasil, Kapsoli, 17.03.58.
1017. Leonard, Vasil, Kapsoli, 09.01.66.
1018. Ermioni, Filip, Kapsoli, 20.03.63.
1019. Irina, Aleks, Karabina, 28.03.38.
1020. Petro, Aleksi, Karablin, 30.08.44.
1021. Meluka, Petro, Karablin, 01.09.44.
1022. Eduard, Petro, Karablin, 18.03.64.
1023. Alma, Skender, Karablin, 25.04.67.
1024. Zahide, Muharrem, Karaj, 20.04.72.
1025. Xhemile, Ali, Karaj, 20.07.26.
1026. Dhurata, Zyber, Karajani, 15.05.29.
1027. Piro, Minella, Karajani, 06.06.57.
1028. Entela, Jorgo, Karajani, 14.12.69.
1029. Bardhyl, Syrja, Karalliu, 16.03.50.
1030. Kadrije, Xhferr, Karalliu, 04.04.56.
1031. Denisa, Bardhyl, Karalliu, 14.03.80.
1032. Irida, Bardhyl, Karalliu, 10.06.83.
1033. Habil, Hamit, Karamaku, 10.08.33.
1034. Azbije, Ajdin, Karamaku, 09.06.37.
1035. Shpetim, Karamaku, 17.05.63.
1036. Gezim, Nabiz, Karamaku, 07.04.68.
1037. Aferdita, Karamaku, 24.09.69.
1038. Etleva, Haxhi, Karamaku, 30.11.73.
1039. Edmond, Panajot, Karanxha, 19.02.57.
1040. Elvira, Sotir, Karanxha, 08.04.60.
1041. Rakip, Femi, Karasanai, 05.05.59.
1042. Barie, Nexhip, Karasani, 27.06.66.
1043. Besnik, Kardashi, 14.05.53.
1044. Ilirjan, Petrit, Karkanaqe, 30.12.63.
1045. Hatixhe, Petrit, Karkanaqe, 31.10.53.
1046. Xhelil, Muslli, Karkanaqe, 27.05.30.
1047. Eduard, Xhelil, Karkanaqe, 29.10.68.
1048. Manushaqe, Islam, Karkanaqe, 12.03.41.
1049. Valbona, Syri, Karkanaqe, 27.03.71.
1050. Alket, Omer, Kashahu, 06.04.71.
1051. Ledia, Baki, Kashahu, 19.10.71.
1052. Arjana, Xhevdet, Kazazi, 01.10.76.
1053. Syrja, Kazazi, 13.01.36.
1054. Kastriot, Myrteza, Kaziaj, 22.03.68.
1055. Suzana, Osman, Kaziaj, 17.08.74.
1056. Yzeir, Heko, Kaziaj, 20.04.42.
1057. Kadrije, Veli, Kaziaj, 31.12.47.
1058. Arben, Yzeir, Kaziaj, 27.06.72.
1059. Hekuran, Myrteza, Kaziaj, 10.06.70.
1060. Drita, Rexhep, Kaziu, 22.06.72.
1061. Adelina, Yzeir, Kaziu, 27.08.72.
1062. Ndue, Kole, Kelbucaj, 15.06.56.
1063. Mari, Zef, Kelbucaj, 13.08.28.
1064. Rrok, Kole, Kelbucaj, 04.08.66.
1065. Tone, Uke, Kelbucaj, 14.12.60.
1066. Mirvete, Ndue, Kelbucaj, 31.05.81.
1067. Luan, Ndue, Kelbucaj, 03.07.83.
1068. Xhavit, Rem, Keri, 31.05.45.
1069. Tefta, Mejdi, Keri, 09.02.51.
1070. Dritan, Xhavit, Keri, 23.04.74.
1071. Adriatik, Zere, Kerkapi, 07.04.71.
1072. Behije, Baftjar, Kerkapi, 08.06.72.
1073. Karmelina, Kici, 05.01.28.
1074. Hasan, Andi, Kllojka, 22.02.58.
1075. Fatime, Ahmet, Kllojka, 20.01.61.
1076. Alfred, Hasan, Kllojka, 19.10.82.
1077. Zybe, Xhemal, Kllojka, 25.04.25.
1078. Isa, Xaj, Kobetaj, 01.06.60.
1079. Flutura, Sefer, Kobetaj, 30.08.59.
1080. Imer, Shaban, Koci, 04.01.66.
1081. Kumurie, Riza, Koci, 25.05.67.
1082. Halit, Rrahman, Koci, 27.06.67.
1083. Salushe, Beqir, Koci, 20.06.72.
1084. Xhike, Rrapush, Koci, 15.05.30.
1085. Lorenc, Vasil, Koci, 31.07.75.
1086. Katerina, Vasil, Koci, 09.05.79.
1087. Xhemal, Ymer, Kociu, 20.01.47.
1088. Valentina, Refat, Kociu, 15.07.50.
1089. Dorian, Xhemal, Kociu, 09.03.76.
1090. Arjana, Xhemal, Kociu, 10.07.77.
1091. Edion, Robert, Kodra, 13.11.80.
1092. Remzije, Ramadan, Kodra, 25.01.39.
1093. Lulzim, Hysni, Koka, 02.04.65.
1094. Alfred, Seit, Koknozi, 13.11.65.
1095. Jorgjeta, Koste, Koko, 12.10.33.
1096. Pandush, Stefan, Koko, 27.04.60.
1097. Fatmira, Hodo, Koko, 03.06.64.
1098. Zenel, Jusuf, Kokomiri, 26.04.37.
1099. Ilir, Jusuf, Kokomiri, 04.02.44.
1100. Vjollca, Hamdi, Kokomiri, 24.12.50.
1101. Neritan, Ilir, Kokomiri, 30.08.77.
1102. Vladimir, Koli, Kokoneci, 06.04.48.
1103. Anastasi, Petro, Kokoneci, 25.11.56.
1104. Erinda, Vladimir, Kokoneci, 10.06.80.
1105. Loreta, Ramazan, Kokoneci, 13.10.61.
1106. Ollga, Kristo, Kokoneci, 06.04.27.
1107. Gjergji, Koli, Kokoneci, 28.07.52.
1108. Fatbardha, Mahmet, Kokonozi, 25.02.62.
1109. Dhurata, Qani, Kola, 04.05.77.
1110. Mico, Koli, Kola, 2706.20.
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1112. Nike, Mark, Kolbucaj, 31.01.62.
1113. Nikolina, Todi, Kolbucaj, 31.02.62.
1114. Amarilda, Nike, Kolbucaj, 11.09.83.
1115. Eleni, Ilo, Koli, 23.04.22.
1116. Lulzim, Ibrahim, Kolli, 17.08.60.
1117. Drita, Gani, Kolli, 17.07.62.
1118. Sonila, Konci, 17.07.79.
1119. Naime, Sefer, Konci, 15.08.31.
1120. Spartak, Mitat, Kondi, 14.06.50.
1121. Justina, Gjek, Kondi, 16.09.62.
1122. Anesti, Theodhor, Kondili, 30.01.43.
1123. Aleksandra, Arqile, Kondili, 07.02.44.
1124. Etleva, Anesti, Kondili, 01.04.71.
1125. Athina, Filip, Konomi, 04.03.29.
1126. Albert, Theodhor, Konomi, 08.03.53.
1127. Vjollca, Xhevit, Konomi, 15.01.65.
1128. Kristofor, Paskal, Konomi, 20.05.34.
1129. Luiza, Elefter, Konomi, 05.06.41.
1130. Ledio, Kristofor, Konomi, 07.02.69.
1131. Verjenia, Mihal, Konomi, 03.01.24.
1132. Artan, Mirko, Koraqi, 07.03.74.
1133. Aishe, Hanz, Kordhakaj, 13.04.49.
1134. Fitim, Hasan, Korsi, 02.10.59.
1135. Diana, Hamdi, Korsi, 26.07.62.
1136. Viktor, Kosta, 17.02.66.
1137. Lumturije, Kosta, 28.12.69.
1138. Kosta, Dervish, Kostreci, 24.05.33.
1139. Vergjinush, Feim, Kostreci, 12.02.40.
1140. Kristina, Kosta, Kostrechi, 02.04.67.
1141. Valentina, Kosta, Kostreci, 16.01.74.
1142. Foti, Kosta, Kostreci, 26.05.71.
1143. Briseida, Llambi, Kota, 24.06.73.
1144. Josif, Thimi, Kotemelo, 01.09.34.
1145. Izmini, Qako, Kotemelo, 13.05.43.
1146. Hazbi, Fadil, Kotoni, 17.02.41.
1147. Raimonda, Fetah, Kotoni, 23.06.50.
1148. Anri, Hazbi, Kotoni, 27.08.74.
1149. Redi, Hazbi, Kotoni, 21.03.78.
1150. Rahman, Bardh, Kotorja, 25.09.36.
1151. Ilia, Vasil, Kotte, 31.07.33.
1152. Artin, Ilija, Kotte, 11.02.70.
1153. Edlira, Ilija, Kotte, 02.11.73.
1154. Myrteza, Halil, Kovaci, 22.02.62.
1155. Fatbardha, Hashim, Kovaci, 13.11.65.
1156. Gjyle, Ali, Kovaci, 13.04.36.
1157. Sokol, Halil, Kovaci, 10.06.72.
1158. Ilirjana, Xhavit, Kovaci, 13.02.77.
1159. Fatmir, Veli, Kovaci, 11.26.68.
1160. Vjosa, Ibish, Kovaci, 27.07.69.
1161. Eva, Nikolla, Koxhaku, 07.03.81.
1162. Dashnor, Luto, Kozaj, 02.09.56.
1163. Luto, Avdul, Kozaj, 01.04.21.
1164. Tajane, Asllan, Kozaj, 18.01.30.
1165. Adriatik, Lefter, Krate, 22.09.72.
1166. Irma, Luan, Kroj, 27.05.79.
1167. Luan, Hamit, Kroji, 24.04.35.
1168. Ruzhdije, Bajram, Kroji, 16.10.38.
1169. Aida, Luan, Kroji, 01.06.66.
1170. Zyber, Hamit, Krosi, 18.04.67.
1171. Lumturie, Agim, Krosi, 20.06.71.
1172. Ramazan, Abdulla, Kruja, 28.12.25.
1173. Didar, Fiqiri, Kruja, 07.08.27.
1174. Vjollca, Hysen, Kruja, 13.01.71.
1175. Adrian, Sabri, Kuka, 25.05.62.
1176. Sabri, Man, Kuka, 10.03.32.
1177. Sevete, Bajro, Kuka, 11.06.40.
1178. Glenda, Sabri, Kuka, 12.10.74.
1179. Klodian, Sabri, Kuka, 18.10.77.
1180. Helidon, Koli, Kule, 12.12.74.
1181. Merita, Ilia, Kulla, 18.09.70.
1182. Xhevaire, Ramazan, Kulla, 21.05.31.
1183. Bardhyl, Hasan, Kulla, 28.01.60.
1184. Drita, Bajram, Kulla, 12.02.64.
1185. Xhemal, Alush, Kurtaj, 05.04.45.
1186. Fahrije, Haxhi, Kurtaj, 27.01.49.
1187. Rovena, Xhemal, Kurtaj, 10.07.80.
1188. Ilirjan, Xhemal, Kurti, 05.11.62.
1189. Mjaftore, Hair, Kurti, 16.06.69.
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1192. Elisaveta, Hazis, Kurti, 20.01.59.
1193. Ira, Safet, Kurti, 08.02.64.
1194. Fazilet, Mustafa, Kurti, 16.02.30.
1195. Abdulla, Xhemal, Kurti, 19.03.58.
1196. Rajmonda, Mustafa, Kurti, 18.01.60.
1197. Fatmir, Daut, Kurti, 11.06.54.
1198. Dife, Hamit, Kurti, 24.10.58.
1199. Alfred, Fatmir, Kurti, 28.10.77.
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1201. Mentor, Fatmir, Kurti, 20.12.81.
1202. Shpetim, Neki, Kushova, 09.08.38.
1203. Lirije, Dajlan, Kushova, 05.03.50.
1204. Gramos, Shpetim, Kushova, 19.07.70.
1205. Lundrim, Shpetim, Kushova, 22.01.72.
1206. Majlinda, Mustafa, Kushova, 11.05.72.
1207. Gjeraqina, Hamdi, Kerciku, 28.02.45.
1208. Nazmi, Sulejman, Kercyku, 10.06.67.
1209. Mejte, Qazim, Kercyku, 07.03.42.
1210. Besnike, Sulejman, Kercyku, 15.04.71.

1211. Ylli, Sulejman, Kercyku, 01.02.74.
1212. Behar, Sulejman, Kercyku, 17.10.77.
1213. Shqipe, Xhelal, Kercyku.
1214. Mimoza, Fiqiri, Kercyku.
1215. Sadik, Hysen, Lala, 15.09.61.
1216. Vera, Fazlli, Lala, 08.03.68.
1217. Bujar, Nazmi, Lalollari, 01.11.49.
1218. Nexhmie, Shaban, Lalollari, 10.11.47.
1219. Afrim, Bujar, Lalollari, 25.12.70.
1220. Frida, Lalollari, 07.07.75.
1221. Fanika, Bujar, Lalollari, 07.07.75.
1222. Fatmir, Pasho, Lamaj, 22.06.48.
1223. Nevruzete, Muharrem, Lamaj, 21.05.49.
1224. Armando, Fatmir, Lamaj, 05.02.74.
1225. Albina, Fatmir, Lamaj, 18.10.75.
1226. Shpetar, Fatmir, LAMAJ, 05.01.79.
1227. Elis, Fatmir, Lamaj, 11.04.83.
1228. Ramazan, Hysen, Lamaj, 04.02.60.
1229. Fisnike, Ferik, Lamaj, 13.07.64.
1230. Valentina, Laman, Lamani, 12.09.54.
1231. Barije, Mersin, Lamani, 12.05.30.
1232. Ollga, Laman, Lamani, 02.09.50.
1233. Ivanof, Laman, Lamani, 09.08.59
1234. Etem, Riza, Lami, 20.05.35.
1235. Fitnet, Eqrem, Lami, 04.08.44.
1236. Auron, Etem, Lami, 08.11.65.
1237. Adela, Etem, Lami, 14.07.75.
1238. Gani, Seit, Lapraku, 17.05.67.
1239. Miranda, Telha, Lapraku, 22.05.74.
1240. Beshir, Shyqyri, Latifi, 09.05.51.
1241. Haxhire, Kurtali, Latifi, 26.05.57.
1242. Klodian, Beshir, Latifi, 04.05.76.
1243. Elizabeta, Beshir, Latifi, 10.07.82.
1244. Qemal, Xhevdet, Lazimi, 31.03.43.
1245. Merjeme, Sefedin, Lazimi, 16.05.49.
1246. Fatos, Qemal, Lazimi, 27.04.73.
1247. Manjola, Qemal, Lazimi, 10.11.77.
1248. Elmaz, Abdi, Leci, 10.08.50.
1249. Qanie, Zeqir, Leci, 20.04.52.
1250. Elgin, Elmaz, Leci, 24.08.77.
1251. Belul, Jashar, Leka, 29.04.64.
1252. Alma, Hysen, Leka, 01.10.69.
1253. Fredi, Jashar, Leka, 15.09.62.
1254. Hurma, Ferat, Leka, 25.05.68.
1255. Eduard, Dukagjin, Leka, 28.10.65.
1256. Ymer, Ibrahim, Leka, 10.05.51.
1257. Bege, Azem, Leka, 31.12.10.
1258. Fatbardha, Mahmut, Leka, 16.05.58.
1259. Majlinda, Ymer, Leka, 04.05.79.
1260. Marjeta, Ymer, Leka, 16.05.81.
1261. Dukagjin, Jorgji, Leka, 29.03.35.
1262. Nikoleta, Loni, Leka, 29.11.45.
1263. Aleksander, Dukagjin, Leka, 06.04.72.
1264. Polikseni, Taqo, Lekbello, 03.05.43.
1265. Arshi, Sinan, Lelaj, 20.12.49.
1266. Liljana, Naxhi, Lelaj, 17.05.55.
1267. Ervin, Arshi, Lelaj, 21.03.78.
1268. Jonido, Arshi, Lelaj, 25.09.83.
1269. Vasil, Koci, Lele, 08.09.36.
1270. Sulejman, Ibrahim, Lelo, 18.08.38.
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1272. Helda, Lelo, Lelo, 02.05.71.
1273. Ervin, Lelo, Lelo, 01.02.74.
1274. Elton, Lelo, Lelo, 01.02.74.
1275. Gjergj, Vaske, Leno, 25.06.67.
1276. Majlinda, Halil, Leno, 29.04.74.
1277. Ermioni, Pali, Leno, 07.11.31.
1278. Gjergj, Leno, 07.11.31.
1279. Majlinda, Leno, 29.04.74.
1280. Pashane, Hasan, Leta, 05.05.29.
1281. Xhemal, Isuf, Leta, 17.07.65.
1282. Aferdita, Sefedin, Leta, 20.02.69.
1283. Asimino, Licaj, 24.02.24.
1284. Daniel, Enver, Licaj, 15.01.51.
1285. Kreada, Daniel, Licaj, 30.10.83.
1286. Rome, Enver, Licaj, 15.11.46.
1287. Fiqirete, Hysen, Licaj, 16.11.51.
1288. Dorina, Licaj, 26.08.80.
1289. Zenel, Ramazan, Lika, 30.06.32.
1290. Sherife, Zenel, Lika, 28.11.39.
1291. Fatmir, Zenel, Lika, 11.09.75.
1292. Enver, Lika, 05.08.63.
1293. Lutfije, Lika, 01.02.67.
1294. Nazar, Likollari, 20.02.60.
1295. Afijete, Likollari, 21.06.60.
1296. Bexhet, Gjyladin, Lipo, 18.10.52.
1297. Kimete, Nelu, Lipo, 06.12.49.
1298. Arta, Bexhet, Lipo, 27.03.77.
1299. Shkelzen, Bexhet, Lipo, 27.04.79.
1300. Besa, Bexhet, Lipo, 14.10.81.
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1302. Arben, Sabri, Lita, 19.08.62.
1303. Fatmira, Xhelo, Lita, 23.06.64.
1304. Ikbal, Rexhep, Lita, 20.03.26.
1305. Flutra, Shyqyri, Lita, 21.11.52.
1306. Sabri, Selman, Lita, 15.05.35.
1307. Servete, Abdurahman, Lita, 03.05.41.
1308. Ruzhdi, Uk, Lita, 05.06.66.
1309. Uk, Riza, Lita, 19.02.30.
1310. Majlinda, Xhevdet, Lita, 29.06.73.
1311. Gezim, Shyqyri, Lita, 05.04.51.
1312. Zhaneta, Llambi, Lita, 03.10.49.
1313. Arbi, Gezim, Lita, 14.10.81.
1314. Imke, Bishim, Lleshi, 25.09.32.
1315. Qabire, Saliko, Lloha, 10.07.10.
1316. Agim, Myrteza, Lloha, 21.06.47.
1317. Valentina, Zenel, Lloha, 26.08.55.
1318. Bledar, Agim, Lloha, 11.07.75.
1319. Elton, Agim, Lloha, 12.08.79.
1320. Valbona, Agim, Lloha, 18.05.83.
1321. Beqir, Besim, Lloji, 18.02.35.
1322. Fize, Fejzo, Lloji, 01.05.49.
1323. Albana, Beqir, Lloji, 04.06.76.
1324. Alket, Mahmut, Lofca, 02.12.73.
1325. Kujtim, Zyber, Loshi, 08.11.48.
1326. Zadushe, Murat, Loshi, 08.04.52.
1327. Elton, Kujtim, Loshi, 06.09.76.
1328. Gerti, Kujtim, Loshi, 11.03.83.
1329. Pavllo, Skender, Luarasi, 08.06.43.
1330. Tamara, Lefter, Luarasi, 20.09.52.
1331. Skender, Pavllo, Luarasi, 16.10.76.
1332. Fazlli, Riza, Luarasi, 04.05.31.
1333. Hyrmete, Ismail, Luarasi, 28.06.36.
1334. Plarent, Fazlli, Luarasi, 14.06.63.
1335. Mirela, Dashamir, Luarasi, 23.03.66.
1336. Enika, Luarasi, 05.03.69.
1337. Bereta, Minella, Luarasi, 17.12.54.
1338. Poliksena, Zisi, Lubonja, 21.10.34.
1339. Arben, Andjel, Lubonja, 04.01.55.
1340. Tatjana, Lluka, Lubonja, 21.01.62.
1341. Marika, Josif, Lubonja, 04.08.22.
1342. Petrit, Abdyl, Luli, 05.02.46.
1343. Fatjon, Petrit, Luli, 10.06.83.
1344. Flutura, Sulejman, Luli, 11.02.39.
1345. Albana, Petrit, Luli, 22.02.77.
1346. Ervisa, Petrit, Luli, 16.04.79.
1347. Relanda, Petrit, Luli, 28.11.80.
1348. Ferdinand, Sokol, Lumi, 05.07.64.
1349. Naje, Ibrahim Lusha, 15.01.36.
1350. Gani, Rexhep, Lusha, 08.10.29.
1351. Islam, Tahi, Madhi, 12.08.58.
1352. Sanije, Remzi, Madhi, 20.05.63.
1353. Gjyljete, Rame, Maksutaj, 05.20.72.
1354. Adhurim, Sefer, Male, 11.02.53.
1355. Samira, Jusuf, Male, 11.08.56.
1356. Iris, Adhurim Male, 28.05.82.
1337. Olsi, Maksim, Male, 27.10.73.
1358. Alba, Maksim, Male, 06.08.82.
1359. Marsela, Bilal, Male, 06.08.82.
1360. Ramazan, Mehmet, Mali, 19.01.53.
1361. Sabire, Mehmet, Mali, 30.04.56.
1362. Elton, Ramazan, Mali, 14.05.80.
1363. Dritan, Ramazan, Mali, 21.05.81.
1364. Mihal, Nasi, Mali, 05.09.27.
1365. Violeta, Mantho, Mali, 28.11.27.
1366. Arjan, Mihal, Mali, 23.02.61.
1367. Afroviti, Demir, Mali, 20.11.70.
1368. Sokol, Malo, 03.09.72.
1369. Besnik, Qemal, Mancellari, 05.07.59.
1370. Shkelqim, Xhevair, Mane, 15.01.60.
1371. Shejnaze, Riza, Mane, 20.12.61.
1372. Manuela, Xhevair, Mane, 02.03.63.
1373. Xhevair, Tosun, Mane, 04.08.28.
1374. Ikbale, Hysen, Mane, 13.01.32.
1375. Ejona, Ismail, Mansaku, 14.06.81.
1376. Shpresa, Hasan, Mansaku, 25.09.39.
1377. Engjell, Mara, 11.11.66.
1378. Anila, Mara, 05.11.74.
1379. Orland, Petro, Margariti, 17.12.40.
1380. Shazie, Nebi, Margariti, 12.12.49.
1381. Parid, Orland, Margariti, 06.07.72.
1382. Gerti, Orland, Margariti, 15.03.78.
1383. Gani, Shaban, Marjanaku, 20.04.42.
1384. Fatmire, Rrapo, Marjanaku, 06.01.49.
1385. Barie, Gani, Marjanaku, 12.10.74.
1386. Spartak, Gani, Marjanaku, 12.04.77.
1387. Fatmir, Sali, Marqeshi, 30.04.61.
1388. Xhuma, Sali, Marqeshi, 03.09.64.
1389. Asllan, Sali, Marqeshi, 15.11.62.
1390. Bejana, Deston, Marqeshi, 20.11.68.
1391. Thanas, Ilia, Martini, 18.03.22.
1392. Thomaidha, Qako, Martini, 10.10.29.
1393. Mirash, Martini, 09.02.61.
1394. Didi, Malko, Mata, 15.06.27.
1395. Gerti, Isuf, Mata, 26.10.74.
1396. Drago, Ferdinand, Mazniku, 25.07.41.
1397. Petkana, Mitre, Mazniku, 20.10.46.
1398. Aleks, Drago, Mazniku, 26.04.74.
1399. Nadire, Gani, Mece, 22.12.30.
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1401. Ferdame, Avdyl, Mece, 29.08.62.
1402. Adelina, Mihal, Mefsha, 04.04.47.
1403. Roland, Pandi, Mefsha, 28.10.62.
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1406. Dhurata, Nazmi, Mehidri, 24.03.78.
1407. Klarida, Agim, Mehmeti, 11.09.78.
1408. Resul, Idriz, Mehmeti, 19.08.59.
1409. Merita, Ali, Mehmeti, 13.08.64.
1410. Elvis, Resul, Mehmeti, 04.08.81.
1411. Agron, Qemal, Meidani, 08.03.38.
1412. Katina, Niko, Meidani, 10.08.57.
1413. Elvin, Agron, Meidani, 30.08.77.
1414. Enilda, Agron, Meidani, 20.07.82.
1415. Shpetim, Lutfi, Mejdani, 08.04.48.
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1417. Ifete, Shpetim, Mejdani, 03.03.81.
1418. Gazi, Shefqet, Mekolli, 16.06.50.
1419. Meliha, Osmen, Mekolli, 25.09.49.
1420. Gentian, Gazi, Mekolli, 09.05.75.
1421. Gjergji, Gazi, Mekolli, 10.03.79.
1422. Dhimitraq, Kosta, Melonashi, 10.09.35.
1423. Aleksandra, Naun, Melonashi, 23.01.68.
1424. Julinda, Dhimitraq, Melonashi, 22.04.70.
1425. Genci, Dhimitraq, Melonashi, 23.01.68.
1426. Mithat, Kamer, Mema, 18.09.67.
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1428. Bardhyl, Reshat, Mema, 19.08.38.
1429. Hidajet, Vehbi, Mema, 28.10.45.
1430. Denis, Bardhyl, Mema, 20.08.74.
1431. Veli, Ali, Mema, 18.06.48.
1432. Emine, Isuf, Mema, 17.11.25.
1433. Hamide, Reshit, Mema, 17.11.47.
1434. Bexhet, Xhevit, Memaj, 04.03.16.
1435. Sano, Idriz, Memushaj, 18.11.35.
1436. Nexhip, Sulo, Memushaj, 25.02.25.
1437. Marjeta, Nexhip, Memushaj, 18.11.35.
1438. Sokol, Nexhip, Memushaj, 30.07.62.
1439. Radovan, Ziqiri, Mero, 08.01.48.
1440. Marjana, Safo, Mero, 19.11.59.
1441. Mico, Zalo, Mero, 16.12.60.
1442. Diana, Ramazan, Mero, 05.05.60.
1443. Flutura, Demirali, Mero, 19.11.23.
1444. Avdi, Lutfi, Mero, 16.09.60.
1445. Pranvera, Ibrahim, Mero, 15.11.67.
1446. Frederik, Servet, Mersuli, 24.04.61.
1447. Marjana, Muharrem, Mersuli, 22.07.64.
1448. Servet, Qemal, Mersuli, 12.12.37.
1449. Nevres, Sulejman, Mersuli, 12.02.40.
1450. Arben, Halim, Meshi, 29.12.64.
1451. Rexhije, Mustafe, Meshi, 01.09.71.
1452. Bardhyl, Bahri, Mesi, 21.10.68.
1453. Ilirjan, Maliq, Meta, 16.05.72.
1454. Hysni, Beqir, Meta, 18.06.50.
1455. Vojsava, Sul, Meta, 08.03.58.
1456. Gentian, Hysni, Meta, 30.07.80.
1457. Fatos, Hysni, Meta, 17.06.81.
1458. Anila, Hysni, Meta, 15.06.83.
1459. Kadri, Xhek, Meta, 23.06.52.
1460. Liliana, Refik, Meta, 29.01.56.
1461. Endrit, Kadri, Meta, 23.04.82.

1462. Myslim, Dalip, Metaj, 29.11.47.
1463. Lice, Zef, Metaj, 15.08.48.
1464. Dorian, Myslim, Metaj, 16.06.76.
1465. Manjola, Myslim, Metaj, 03.03.80.
1466. Shkelqim, Metrushi, 02.07.65.
1467. Nexhmi, Shahin, Mezexhiu, 10.05.28.
1468. Vasfie, Sabri, Mezexhiu, 25.11.33.
1469. Manuela, Mezexhiu, 28.06.67.
1470. Astrit, Mezexhiu, 08.11.67.
1471. Astrit, Nexhmi, Mezexhiu, 08.11.61.
1472. Manuela, Asllan, Mezexhiu, 28.06.61.
1473. Xhimi, Polo, Miha, 18.09.66.
1474. Flavja, Miha, 13.12.67.
1475. Leonard, Ilia, Millona, 19.03.57.
1476. Vjollca, Musli, Millona, 07.07.64.
1477. Mimoza, Avdyl, Mima, 30.03.79.
1478. Diamanta, Sefer, Mima, 23.12.59.
1479. Albert, Todi, Minga, 04.03.46.
1480. Irena, Andrea, Minga, 18.05.51.
1481. Aulona, Albert, Minga, 11.04.74.
1482. Naureda, Albert, Minga, 28.11.79.
1483. Banush, Rushit, Mino, 27.01.40.
1484. Qamile, Riza, Mino, 06.05.43.
1485. Halit, Daut, Minxolli, 08.11.36.
1486. Elefteri, Thoma, Minxolli, 13.12.40.
1487. Genci, Halit, Minxolli, 19.12.68.
1488. Shefqet, Hajdar, Miraka, 12.07.41.
1489. Zale, Nevrus, Miraka, 02.08.45.
1490. Nefail, Shefqet, Miraka, 01.08.65.
1491. Kudret, Shefqet, Miraka, 01.10.67.
1492. Besnik, Shefqet, Miraka, 23.01.74.
1493. Vjollca, Shefqet, Miraka, 15.03.76.
1494. Enkelejd, Shefqet, Miraka, 16.07.79.
1495. Dita, Shefqet, Miraka, 15.07.71.
1496. Nazime, Neki, Miraka, 17.04.69.
1497. Idris, Eshref, Mita, 05.10.33.
1498. Violeta, Emrulla, Mita, 18.10.43.
1499. Besnik, Rustem, Mluku, 23.08.64.
1500. Albana, Telha, Mluku, 15.08.71.
1501. Ardian, Dhimitraq, Mone, 08.01.66.
1502. Dhimitraq, Thimi, Mone, 27.01.39.
1503. Naunke, Zoi, Mone, 20.07.41.
1504. Edmira, Mone, 04.05.63.
1505. Mimoza, Skender, Morina, 03.06.66.
1506. Xhemail, Sadreman, Muca, 15.02.38.
1507. Dashurije, Izet, Muca, 10.04.40.
1508. Aferdita, Xhemail, Muca, 20.01.70.
1509. Merita, Xhemail, Muca, 20.10.70.
1510. Artur, Xhemail, Muca, 29.12.79.
1511. Kazafer, Isak, Muca, 15.07.18.
1512. Xhemile, Hasan, Muca, 08.05.63.
1513. Valbona, Muco, Mucaj, 07.12.73.
1514. Lirim, Jashar, Muceku, 12.10.74.
1515. Hxhirete, Ali, Muceku, 01.01.55.
1516. Donika, Muceku, 10.01.77.
1517. Leonora, Jashar, Muceku, 13.02.79.
1518. Azem, Jashar, Muceku, 15.05.81.
1519. Beglie, Jashar, Muceku, 10.10.83.
1520. Hysni, Bedo, Muco, 26.01.59.
1521. Enkeleda, Luan, Mucollari, 21.02.78.
1522. Denisa, Luan, Mucollari, 02.02.81.
1523. Ahmet, Ali, Muhaj, 27.05.28.
1524. Shpetim, Ahmet, Muhaj, 25.03.60.
1525. Habib, Shamet, Muho, 20.05.37.
1526. Manushaqe, Dino, Muho, 07.10.45.
1527. Beqir, Dan, Mujo, 16.06.46.
1528. Violeta, Besim, Mujo, 20.07.44.
1529. Hava, Shaqir, Mujo, 17.05.68.
1530. Afrim, Beqir, Mujo, 20.09.66.
1531. Vjollca, Beqir, Mujo, 12.02.70.
1532. Leonora, Beqir, Mujo, 03.08.74.
1533. Flora, Beqir, Mujo, 03.08.79.
1534. Ali, Rustem, Mulkurti, 20.02.49.
1535. Nepe, Nezir, Mulkurti, 25.03.53.
1536. Mariola, Ali, Mulkurti, 30.09.74.
1537. Daniel, Aki, Mulkurti, 01.12.75.
1538. Diana, Ali, Mulkurti, 11.04.78.
1539. Isuf, Xhemal, Mumajesi, 22.04.51.
1540. Mine, Seit, Mumajesi, 15.05.58.
1541. Manjola, Isuf, Mumajesi, 28.02.81.
1542. Pullumb, Xhemal, Mumajezi, 15.02.59.
1543. Mimoza, Faik, Mumajezi, 30.07.69.
1544. Edmond, Muharrem, Murra, 18.10.65.
1545. Arben, Zenel, Musaka, 16.03.63.
1546. Lirika, Etem, Mustafa, 04.04.60.
1547. Islam, Hetem, Muzikanti, 10.07.32.
1548. Qerime, Hekuran, Muzikanti, 24.12.31.
1549. Ruzhdi, Liman, Myrta, 02.04.68.
1550. Liljana, Mehmed, Myrta, 13.06.70.
1551. Nezir, Liman, Myrto, 15.04.58.
1552. Sheqere, Qamil, Myrto, 11.08.60.
1553. Bedrije, Myrto, 21.08.59.
1554. Ibrahim, Shaban, Mytkolli, 15.08.29.
1555. Qefsere, Qamil, Mytkolli, 01.07.40.
1556. Hasan, Ibrahim, Mytkolli, 08.09.62.
1557. Xhenifer, Ibrahim, Mytkolli, 01.07.71.
1558. Rezarta, Enver, Mytkolli, 16.08.70.
1559. Liljana, Nace, 23.01.43.
1560. Berti, Nakolli, 07.02.62.
1561. Majlinda, Nakolli, 30.04.69.
1562. Olimbi, Llambro, Naqe, 24.05.79.
1563. Romina, Frederik, Naska, 16.06.83.
1564. Vangjush, Maqo, Nastas, 07.02.45.
1565. Eleni, Anastas, Nastas, 25.03.57.
1566. Eva, Vangjush, Nastas, 10.04.81.
1567. Linda, Vangjush, Nastas, 03.04.83.
1568. Sotiraq, Ilia, Ndreko, 28.07.57.
1569. Zamira, Agim, Ndroqi, 05.03.61.
1570. Fatbardha, Izeir, Nebiu, 03.06.62.
1571. Gezim, Prendush, Necaj, 12.01.74.
1572. Vashjana, Nike, Necaj, 23.02.75.
1573. Bardhyl, Hekuran, Nezha, 01.01.49.
1574. Amarild, Bardhyl, Nezha, 23.08.80.
1575. Azrije, Vili, Nezha, 09.11.54.
1576. Perparim, Rame, Neziraj, 24.03.40.
1577. Sose, Zog, Neziraj, 10.01.26.
1578. Xhane, Syle, Neziraj, 28.09.40.
1579. Alban, Perparim, Neziraj, 24.07.74.
1580. Luzhjana, Perparim, Neziraj, 05.12.78.
1581. Sonila, Perparim, Neziraj, 16.11.82.
1582. Hysen, Hasan, Nika, 07.02.64.
1583. Haxchirete, Avni, Nika, 01.05.65.
1584. Andrea, Rado, Nikolla, 16.01.20.
1585. Aleksander, Frrok, Nikolli, 18.04.63.
1586. Elisabeta, Aleksander, Nikolli, 06.02.70.
1587. Natalia, Jovan, Nocka, 10.05.10.
1588. Albert, Irakli, Nocka, 26.09.52.
1589. Teuta, Thodhori, Nocka, 31.01.55.
1590. Viktor, Irakli, Nocka, 27.07.35.
1591. Juljeta, Epaminonda, Nocka, 26.03.47.
1592. Erik, Viktor, Nocka, 06.02.71.
1593. Mirsie, Imer, Nuhi, 05.03.73.
1594. Juri, Jonus, Nurce, 20.04.61.
1595. Anila, Selim, Nurce, 06.06.68.
1596. Fejmije, Zeqir, Nure, 15.06.29.
1597. Kudrete, Fadil, Nuri, 02.05.82.
1598. Fadil, Hamdi, Nuri, 17.03.40.
1599. Nadire, Jashar, Nuri, 24.10.46.
1600. Blerim, Fadil, Nuri, 06.05.72.
1601. Pullumb, Fadil, Nuri, 14.02.74.
1602. Aferdita, Fadil, Nuri, 10.01.76.
1603. Behar, Fadil, Nuri, 26.12.77.
1604. Etleva, Fadil, Nuri, 15.08.79.
1605. Fatmir, Nuri, Nuri, 03.12.54.
1606. Lindita, Novruz, Nuri, 15.03.58.
1607. Lorenc, Ligor, Opari, 11.03.75.
1608. Agim, Galip, Orhani, 06.08.46.
1609. Fatmire, Hakike, Orhani, 21.08.52.
1610. Ermal, Agim, Orhani, 16.08.77.
1611. Rezarta, Agim, Orhani, 11.05.81.
1612. Eli, Thoma, Orollogaj, 01.02.28.
1613. Gezim, Azem, Osmanaj, 11.09.74.
1614. Tefik, Mahmut, Osmani, 20.11.57.
1615. Dritan, Osmen, Osmani, 31.05.70.
1616. Ritvan, Osmen, Osmenaj, 01.02.82.
1617. Valter, Injac, Paci, 08.05.66.
1618. Dhurata, Mehmet, Pacuku, 24.01.60.
1619. Denisa, Naim, Pacuku, 05.07.?.
1620. Fetah, Rustem, Palushi, 15.04.39.
1621. Hane, Kadri, Palushi, 01.03.49.
1622. Lumturije, Shahin, Palushi, 15.07.80.
1623. Majlinda, Fetah, Palushi, 12.08.70.
1624. Artan, Fetah, Palushi, 19.05.74.
1625. Blerand, Fetah, Palushi, 22.09.77.
1626. Altin, Fetah, Palushi, 15.07.80.
1627. Eglantina, Kristaq, Pambuku, 16.02.49.
1628. Arben, Ilo, Pando, 21.07.57.
1629. Klodiana, Nikolla, Pando, 11.07.67.
1630. Luiza, Kristaq, Panduku, 20.08.37.
1631. Meri, Papadhopulli, 15.08.39.
1632. Jorgo, Papadhopulli, 28.11.65.
1633. Gizela, Papadhopulli, 12.05.69.
1634. Petraq, Gaqo, Papadhopulli, 27.10.59.
1635. Suzana, Manxhar, Papadhopulli, 14.11.67.
1636. Meri, Stavro, Papadhopulli, 15.08.39.
1637. Qazim, Danjol, Parllaku, 24.10.28.
1638. Xhemile, Bajram, Parllaku, 07.02.30.
1639. Vehbi, Parllaku, 11.07.59.
1640. Avni, Qazim, Parllaku, 11.10.62.
1641. Gezim, Qazim, Parllaku, 18.01.73.
1642. Aferdita, Parllaku, 30.01.83.
1643. Ali, Rahim, Parllaku, 12.05.50.
1644. Lindita, Xhemal, Parllaku, 14.05.62.
1645. Ferit, Nezir, Pasha, 08.04.55.
1646. Ferite, Shahin, Pasha, 25.10.57.
1647. Fatbardha, Ferit, Pasha, 22.05.78.
1648. Selvije, Ferit, Pasha, 08.03.80.
1649. Drita, Pasha, 18.04.82.
1650. Fari, Feim, Pashollari, 27.10.57.
1651. Viturie, Demir, Pashollari, 20.12.61.
1652. Nefail, Xhezair, Pashollari, 20.12.23.
1653. Selime, Rait, Pashollari, 31.05.33.
1654. Bujar, Nefail, Pashollari, 26.08.57.
1655. Majlinda, Refat, Pashollari, 23.01.70.
1656. Agron, Maqo, Pecani, 24.03.51.
1657. Suzana, Hysen, Pecani, 24.01.50.
1658. Elsi, Agron, Pecani, 01.02.83.
1659. Robert, Stefan, Peci, 20.03.58.
1660. Nikoleta, Pavllo, Peci, 23.06.63.
1661. Xhano, Muharem, Peci, 05.04.10.
1662. Rustem, Shefqet, Peci, 05.09.35.
1663. Garantina, Felek, Peci, 07.03.42.
1664. Lindita, Nevzat, Peci, 09.05.74.
1665. Mirash, Bale, Pecnikaj, 20.10.31.
1666. Altin, Mirash, Pecnikaj, 25.02.73.
1667. Agron, Mirash, Pecnikaj, 25.02.73.
1668. Alfred, Mirash, Pecnikaj, 30.08.81.
1669. Gjystine, Gjin, Pecnikaj, 15.09.73.
1670. Ollga, Vasil, Peco, 09.03.27.
1671. Petro, Andon, Pecollari, 05.11.51.
1672. Polikseni, Koco, Pecollari, 04.01.51.
1673. Anisa, Petro, Pecollari, 25.04.81.
1674. Esmer, Mirush, Pellazgu, 13.07.46.
1675. Fatmire, Selim, Pellazgu, 18.04.50.
1676. Shirli, Esmer, Pellazgu, 02.08.76.
1677. Ilir, Esmer, Pellazgu, 29.07.81.
1678. Hane, Xhemal, Pepa, 15.12.46.
1679. Alfred, Shefqet, Pepa, 23.04.73.
1680. Lumturi, Festim, Pepa, 30.10.73.
1681. Alfred, Shefqet, Pepa, 23.04.73.
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1683. Kristaq, Llambi, Pepo, 07.04.16.
1684. Llambi, Kristaq, Pepo, 09.02.53.
1685. Vjollca, Kristaq, Pepo, 04.05.45.
1686. Simeon, Kico, Peri, 13.03.35.
1687. Persefoni, Sokrat, Peri, 01.06.40.
1688. Vjollca, Nezir, Peshkopija, 01.06.48.
1689. Elton, Halit, Peshkopija, 15.03.76.
1690. Indrit, Halit, Peshkopija, 24.04.78.
1691. Andrea, Vangjel, Peshtani, 09.03.52.
1692. Elvira, Stavri, Peshtani, 05.09.58.
1693. Taulant, Jusuf, Peti, 27.03.72.
1694. Silvana, Gani, Peza, 16.03.66.
1695. Ylli, Abdurrahman, Peza, 27.01.48.
1696. Rrahime, Ethem, Peza, 11.11.52.
1697. Armand, Ylli, Peza, 14.03.77.
1698. Gani, Abdurrahman, Peza, 02.02.36.
1699. Zelije, Jahja, Peza, 15.05.35.
1700. Artur, Gani, Peza, 13.05.61.
1701. Ermira, Gani, Peza, 11.02.63.
1702. Arben, Gani, Peza, 02.09.68.
1703. Alban, Gani, Peza, 25.08.70.
1704. Luljeta, Gani, Peza, 23.07.71.
1705. Pellumb, Sulo, Pipero, 23.04.56.
1706. Mimoza, Mane, Pipero, 26.08.63.
1707. Jonuz, Plaku, 06.08.64.
1708. Zeliha, Plaku, 22.04.68.
1709. Ermal, Luan, Porodini, 03.02.79.
1710. Armanda, Luan, Porodini, 03.02.79.
1711. Dylbere, Qemal, Prenci, 08.05.49.

1712. Hamdi, Hamit, Prenci, 28.06.69.
1713. Ermira, Meleq, Prenci, 08.10.77.
1714. Bashkim, Idajet, Prenjasi, 02.07.52.
1715. Sofije, Nexhip, Prenjasi, 28.03.55.
1716. Arlind, Bashkim, Prenjasi, 22.07.76.
1717. Denis, Bashkim, Prenjasi, 28.10.80.
1718. Renaldo, Bashkim, Prenjasi, 28.07.83.
1719. Zana, Maksim, Prenjasi, 28.09.76.
1720. David, Zef, Prishta, 01.02.61.
1721. Katerina, Thoma, Prishta, 23.04.64.
1722. Rifat. Tahir, Prnci, 26.07.38.
1723. Myslim, Musa, Puka, 06.08.40.
1724. Faika, Bahir, Puka, 24.09.53.
1725. Lundrim, Fatmir, Puka, 28.10.60.
1726. Julieta, Trendafil, Puka, 28.10.60.
1727. Zaim, Adem, Pushi, 10.04.62.
1728. Mbarese, Asllan, Pushi, 18.04.68.
1729. Zylyftar, Muharem, Qaniu, 05.04.39.
1730. Trendelina, Xhemal, Qaniu, 10.06.40.
1731. Donika, Zylyftar, Qaniu, 25.02.66.
1732. Jani, Gani, Qano, 07.04.44.
1733. Kleopatra, Petraq, Qano, 13.09.52.
1734. Doris, Jani, Qano, 28.04.76.
1735. Lili, Jani, Qano, 21.11.79.
1736. Vasil, Themistokli, Qendro, 14.08.35.
1737. Luiza, Grigor, Qendro, 22.06.45.
1738. Themistokli, Vasil, Qendro, 30.09.64.
1739. Gentiana, Qendro, 15.03.72.
1740. Gentiana, Vasil, Qendro, 15.03.72.
1741. Haxhi, Abdulla, Qershori, 24.07.36.
1742. Shaje, Daut, Qershori, 22.08.47.
1743. Koci, Vangjel, Qilla, 20.03.03.
1744. Trifon, Kosta, Qirici, 25.05.27.
1745. Eftali, Thanas, Qirici, 18.06.30.
1746. Spiro, Trifon, Qirici, 21.01.60.
1747. Ulia, Thanas, Qirko, 15.04.22.
1748. Dhurata, Mihal, Qirko, 03.10.50.
1749. Frederik, Mihal, Qirko, 20.09.48.
1750. Marjeta, Lefter, Qirko, 03.08.50.
1751. Dritan, Frederik, Qirko, 23.09.78.
1752. Rina, Pandi, Qirko, 27.10.59.
1753. Skender, Fari, Qirko, 21.06.53.
1754. Vera, Ramadan, Qirko, 22.02.59.
1755. Mitat, Jusuf, Qojle, 01.09.44.
1756. Shpresa, Adil, Qojle, 22.08.51.
1757. Albano, Mitat, Qojle, 21.09.72.
1758. Edlira, Mitat, Qojle, 17.03.78.
1759. Isuf, Mitat, Qojle, 06.12.58.
1760. Elvisa, Zeqir, Qorallari, 03.02.82.
1761. Gezim, Adem, Qordja, 25.03.74.
1762. Blerina, Ali, Qordja, 06.11.76.
1763. Shpresa, Eqerem, Qyrfyci, 23.04.57.
1764. Bedrije, Ali, Qyshka, 01.03.22.
1765. Durim, Qyshka, 16.05.67.
1766. Raimonda, Qyshka, 12.05.67.
1767. Agron, Adem, Qyshka, 26.10.55.
1768. Sadije, Bilal, Qyshka, 04.10.62.
1769. Liljana, Dhosi, Rada, 03.07.52.
1770. Andis, Niko, Rada, 13.07.79.
1771. Juljana, Niko, Rada, 22.12.81.
1772. Sotir, Nikolla, Rado, 15.03.22.
1773. Eleni, Kosta, Rado, 29.11.29.
1774. Krisavgji, At-kosta, Rado, 10.09.24.
1775. Diana, Andrea, Rado, 29.04.50.
1776. Filip, Mark, Rajka, 02.04.35.
1777. Mare, Kol, Rajka, 02.05.42.
1778. Mark, Filip, Rajka, 25.04.66.
1779. Osman, Adem, Rama, 01.04.41.
1780. Lumturije, Hysen, Rama, 27.08.45.
1781. Edmond, Osman, Rama, 15.06.65.
1782. Hysen, Osman, Rama, 23.01.68.
1783. Pranvera, Sulejman, Rama, 26.11.59.
1784. Maringlen, Hysen, Rama, 14.09.83.
1785. Irfan, Sokol, Ramaj, 11.06.50.
1786. Lene, Zef, Ramaj, 17.03.55.
1787. Dritan, Fran, Ramaj, 24.12.76.
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1789. Arber, Fran, Ramaj, 21.01.83.
1790. Zare, Ali, Rambanaj, 02.05.56
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1792. Vasfie, Ibrahin, Ramku, 14.07.74.
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1794. Ramadan, Ilias, Rapuci, 30.10.10
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1797. Fatmira, Rustem, Rapuci, 24.02.74.
1798. Besim, Rexhep, Rarani, 29.07.39.
1799. Naze, Rexhep, Rarani, 04.09.39.
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1801. Alma, Rarani, 27.02.75.
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1804. Rezart, Rasa, 13.12.77.
1805. Marsel, Rasa, 21.12.81.
1806. Zakaria, Gamal, Rashed, 15.11.49.
1807. Vehja, Zakaria, Rashed, 01.05.71.
1808. Raela, Edmond, Reci, 26.09.66.
1809. Mahmut, Nazif, Reci, 24.03.32.
1810. Rufije, Qamil, Reci, 06.06.37.
1811. Brikena, Reci, 05.05.81.
1812. Ylli, Isuf, Reci, 12.05.56.
1813. Shpresa, Adem, Reci, 16.03.62.
1814. Eduart, Mahmut, Reci, 24.11.72.
1815. Flamur, Hasan, Remidhi, 15.05.60.
1816. Mirela, Muhamet, Remidhi, 10.02.64.
1817. Safet, Haxhi, Renga, 05.08.56.
1818. Shahe, Zyber, Renga, 02.11.61.
1819. Fabjola, Safet, Renga, 28.12.82.
1820. Xhavit, Niazi, Resnja, 07.05.35.
1821. Halise, Abedin, Resnja, 07.05.35.
1822. Blendi, Xhavit, Resnja, 02.07.71.
1823. Juliana, Ali, Rexha, 10.07.78.
1824. Qefser, Rexha, 18.07.28.
1825. Adrian, Qazim, Rexha, 09.01.61.
1826. Jemine, Sulejman, Rexha, 27.03.65
1827. Ilir, Qazim, Rexha, 30.09.58.
1828. Lejla, Abdulla, Rexha, 09.07.65.
1829. Razije, Mustafa, Rizaj, 25.09.43.
1830. Fatmir, Ahmet, Rizaj, 05.10.65.
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1832. Rudin, Ahmet, Rizaj, 26.06.70.
1833. Ilir, Ahmet, Rizaj, 07.01.72.
1834. Klodjan, Ahmet, Rizaj, 13.02.79.
1835. Pranvera, Zyber, Rizaj, 22.03.73.
1836. Flora, Velo, Rizaj, 25.09.72.
1837. Idajet, Rrafmani, 05.09.59.
1838. Nurije, Rrafmani, 20.02.62.
1839. Hamdi, Sali, Rreka, 12.02.36.
1840. Selim, Ibrahim, Rreka, 23.06.54.
1841. Sabiha, Islam, Rreka, 22.07.25.
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1843. Hyleme, Faik, Rrjolli, 16.11.37.
1844. Armir, Ramadan, Rrjolli, 18.08.72.
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1846. Shyqyri, Rroka, 07.01.37.
1847. Rajmonda, Rroka, 17.04.62.
1848. Vladimir, Xhaferr, Rrokaj, 20.05.52.
1849. Lerlinda, Ymer, Rrokaj, 24.01.55.
1850. Rabushe, Bajram, Rrokaj, 15.01.30.
1851. Lumturi, Xhafer, Rrokaj, 14.12.54.
1852. Bardhe, Sali, Rrucaj, 13.06.41.
1853. Gezim, Zeqir, Ruci, 10.02.62.
1854. Mimoza, Dervish, Ruci, 05.03.69.
1855. Zeqir, Mustafa, Ruci, 09.11.27.
1856. Hibi, Delip, Ruci, 30.11.30.
1857. Shpetim, Zeqir, Ruci, 30.11.30.
1858. Mersin, Shahin, Ruci, 14.05.38.
1859. Beglie, Selim, Ruci, 10.01.45.
1860. Elisabeta, Mersin, Ruci, 06.02.70.
1861. Dritan, Mersin, Ruci, 04.11.71.
1862. Aida, Mersin, Ruci, 25.05.77.
1863. Kozeta, Ramadan, Rufi, 23.11.61.
1864. Lutfije, Shefqet, Rufi, 07.07.36.
1865. Kadri, Qemal, Ruli, 03.11.39.
1866. Admirim, Ali, Rustani, 05.04.72.
1867. Rodolf, Reshat, Rustemi, 29.07.56.
1868. Katerin, Jorgo, Rustemi, 30.08.60.
1869. Alketa, Hasan, Sadikaj, 09.01.82.
1870. Vendim, Zenun, Sadikaj, 14.11.74.
1871. Albana, Zenun, Sadikaj, 18.08.76.
1872. Mirjeta, Zenun, Sadikaj, 04.01.78.
1873. Arta, Bexhet, Sadikaj, 27.03.77.
1874. Elmira, Mihal, Sakaina, 20.09.58.
1875. Fanika, Metodi, Sala, 31.12.24.
1876. Edmond, Skender, Sala, 20.04.51.
1877. Adriana, Sofokli, Sala, 10.03.54.
1878. Eduart, Kadri, Sata, 23.04.68.
1879. Gazmir, Kadri, Sata, 06.07.76.
1880. Agostin, Kel, Sata, 11.09.34.
1881. Marjeta, Agostin, Sata, 22.07.63.
1882. Pjereta, Agostin, Sata, 29.06.68.
1883. Sefer, Sali, Seferi, 17.09.33.
1884. Shine, Bajram, Seferi, 10.06.35.
1885. Gerim, Sefer, Seferi, 01.60.70.
1886. Xhevair, Veiz, Seiti, 28.04.43.
1887. Xhemile, Xhevit, Seiti, 01.03.45.
1888. Clirim, Xhevair, Seiti, 25.11.65.
1889. Frederik, Xhevair, Seiti, 08.01.69.
1890. Tomor, Xhevair, Seiti, 26.05.72.
1891. Arian, Xhevair, Seiti, 02.12.74.
1892. Haxhire, Ferit, Seiti, 25.03.75.
1893. Olsa, Gezim, Sejko, 04.04.76.
1894. Beke, Hysen, Selimi, 11.01.53.
1895. Julia, Llambi, Selimi, 23.02.55.
1896. Avjerino, Beke, Selimi, 05.05.82.
1897. Ylli, Serjani, 01.12.46.
1898. Zyrije, Hazis, Serjani, 08.10.52.
1899. Eremali, Perparim, Serjani, 03.09.75.
1900. Indrit, Perparim, Serjani, 24.11.77.
1901. Riza, Hasan, Seseri, 29.09.50.
1902. Liljana, Abdi, Seseri, 10.05.49.
1903. Orjeta, Riza, Seseri, 12.08.80.
1904. Blerina, Riza, Seseri, 10.06.82.
1905. Hamit, Shaba, 01.01.33.
1906. Tushe, Shaba, 20.05.42.
1907. Ymer, Shaba, 28.08.75.
1908. Ibrahim, Haxhi, Shabani, 09.06.34.
1909. Qerime, Rexhep, Shabani, 20.07.38.
1910. Edmond, Ibrahim, Shabani, 09.05.66.
1911. Vjollca, Aqif, Shabani, 27.02.64.
1912. Izet, Gani, Shahini, 10.08.70.
1913. Fllaza, Bajram, Shahini, 25.05.72.
1914. Rifat, Islam, Shahini, 01.12.67.
1915. Fatmira, Muhamet, Shahini, 01.04.71.
1916. Islam, Shahini, 15.09.47.
1917. Nerenxe, Shahini, 27.04.50.
1918. Artan, Shahini, 20.05.72.
1919. Memedali, Hamit, Shaho, 25.02.55.
1920. Hanife, Baki, Shaho, 20.03.57.
1921. Rexhep, Salih, Sharofi, 20.12.30.
1922. Benjamine, Beqir, Sharofi, 06.12.38.
1923. Adriana, Rexhep, Sharofi, 01.12.70.
1924. Siri; Murat, Shehaj, 01.01.36.
1925. Xhemal, Arshi, Shehaj, 15.09.27.
1926. Shpresa, Dhimiter, Shehaj, 26.03.33.
1927. Qani, Ibrahim, Shehi, 12.11.60.
1928. Arjana, Pandeli, Shehi, 15.07.66.
1929. Mentor, Qamil, Shehi, 20.04.38.
1930. Fatmira, Riza, Shehi, 20.02.57.
1931. Eugen, Mentor, Shehi, 25.05.74.
1932. Vesida, Mentor, Shehi, 09.07.79.
1933. Edmond, Shehi, 20.01.64.
1934. Elona, Shehi, 22.08.75.
1935. Kujtim, Qerim, Shehi, 15.08.59.
1936. Dylbere, Ibrahim, Shehi, 13.10.62.
1937. Agim, Bedri, Shehi, 25.06.54.
1938. Flutur, Qazim, Shehi, 13.12.57.
1939. Armand, Agim, Shehi, 17.12.80.
1940. Genc, Qazim, Shehu, 07.03.53.
1941. Metullahe, Qenan, Shehu, 14.09.56.
1942. Alda, Genci, Shehu, 14.09.82.
1943. Neki, Hysen, Shehu, 17.01.37.
1944. Mimoza, Fiqiri, Shehu, 30.11.46.
1945. Violeta, Nuri, Shehu, 24.07.48.
1946. Agim, Qazim, Shehu, 21.10.56.
1947. Albana, Osman, Shehu, 27.05.70.
1948. Ylli, Shehu, 28.05.63.
1949. Hasan, Dino, Shehu, 15.04.37.
1950. Drita, Barjam, Shehu, 06.04.44.
1951. Merita, Hasan, Shehu, 12.09.69.
1952. Klotilda, Hasan, Shehu, 27.08.80.
1953. Florian, Hasan, Shehu, 11.11.76.
1954. Eleni, Sheremani, 21.08.41.
1955. Flamue, Sami, Sherifi, 18.08.53.
1956. Engjellushe, Musli, Sherifi, 05.02.56.
1957. Albana, Flamur, Sherifi, 16.11.77.
1958. Kurtesh, Selim, Sherifi, 01.07.75.
1959. Xhevahir, Osman, Sheshari, 03.06.68.
1960. Mylaim, Shaip, Shima, 05.07.52.
1961. Majlinda, Mylaim, Shima, 17.05.79.
1962. Minerva, Halil, Shima, 27.05.49.
1963. Marko, Mantho, Shipcka, 07.06.47.

1964. Bjanka, Vladimir, Shipcka, 30.09.48.
1965. Leo, Marko, Shipcka, 21.04.75.
1966. Hilda, Marko, Shipcka, 04.03.78.
1967. Edmira, Enver, Shipcka, 28.10.60.
1968. Emili, Taqo, Shipcka, 03.03.24.
1969. Kristaq, Mantho, Shipcka, 25.12.55.
1970. Sefedin, Zenel, Shira, 15.06.67.
1971. Feride, Avni, Shira, 20.06.72.
1972. Zenel, Shira, 27.03.06.
1973. Hafize, Sherif, Shira, 30.05.34.
1974. Mirvet, Zenel, Shira, 06.06.74.
1975. Bedri, Ramiz, Shkembi, 25.04.67.
1976. Drita, Haki, Shkembi, 16.01.83.
1977. Gjergji, Andon, Shkembi, 03.02.68.
1978. Liljana, Mihal, Shkembi, 02.03.68.
1979. Neta, Taqo, Shkodrani, 20.02.27.
1980. Spiro, Rafail, Shkodrani, 23.03.55.
1981. Rozeta, Rafail, Shkodrani, 17.09.56.
1982. Nexhmije, Islam, Shkodrani, 29.09.57.
1983. Artan, Vath, Shkoza, 05.05.64.
1984. Rudina, Sefer, Shkoza, 10.12.67.
1985. Gafur, Abdulla, Shkurta, 02.02.58.
1986. Shemsie, Faslli, Shkurta, 28.12.57.
1987. Aida, Gafur, Shkurta, 07.04.81.
1988. Entela, Luan, Shkurti, 11.09.76.
1989. Luan, Tarib, Shllaku, 11.08.59.
1990. Dashurie, Shllaku, 16.10.64.
1991. Shkelzen, Shtepani, 07.01.60.
1992. Fulvja, Fisnik, Shtepani, 06.03.66.
1993. Ismail, Nazit, Shulku, 10.02.42.
1994. Bajame, Hamit, Shulku, 10.03.47.
1995. Albert, Isamil, Shulku, 18.01.67.
1996. Ilir, Isamil, Shulku, 21.01.69.
1997. Mahmut, Sali, Shurdhi, 15.02.30.
1998. Sali, Haziz, Shurdhi, 10.08.70.
1999. Shpresa, Asllan, Shurdhi, 24.08.68.
2000. Hajredin, Ymer, Sida, 12.05.68.
2001. Lirije, Muharrem, Sida, 25.11.67.
2002. Spiro, Leonidha, Simaku, 15.06.32.
2003. Adriana, Thoma, Simaku, 13.06.44.
2004. Matilda, Spiro, Simaku, 27.04.73.
2005. Eurida, Spiro, Simaku, 18.07.76.
2006. Elton, Spiro, Simaku, 05.08.81.
2007. Pellumb, Izet, Spahaj, 05.05.54.
2008. Bukurije, Xhemal, Spahaj, 06.09.55.
2009. Dritan, Rifat, Spahiu, 12.06.38.
2010. Sabahete, Qemal, Spahiu, 08.07.51.
2011. Ariana, Dritan, Spahiu, 26.09.80.
2012. Shpresa, Rifat, Spahiu, 20.01.39.
2013. Merisahe, Aqif, Spahiu, 15.12.30.
2014. Fadil, Mazllum, Spahiu, 10.03.32.
2015. Lirie, Ramush, Spahiu, 10.06.46.
2016. Besnik, Fadil, Spahiu, 20.10.71.
2017. Bilbil, Ismail, Spahiu, 03.05.59.
2018. Zhuljeta, Qemal, Spahiu, 12.03.67.
2019. Mishel, Spahiu, 14.02.89.
2020 Sofija, Koci, Spiro, 09.03.51.
2021. Ylli, Islam, Stafuka, 18.10.59.
2022. Mira, Islam, Stafuka, 20.06.61.
2023. Najada, Pellumb, Stafuka, 08.09.74.
2024. Ylli, Islam, Stafuka, 18.10.59.
2025. Mira, Islam, Stafuka, 20.06.61.
2026. Aferdita, Venemin, Stathi, 01.04.14.
2027. Zana, Llazar, Stathi, 27.05.49.
2028. Tom, Llazar, Stathi, 28.02.54.
2029. Zenel, Ibrahim, Strazimiri, 01.09.84.
2030. Haxhi, Rexhep, Stringa, 17.12.45.
2031. Dhurata, Hilmi, Stringa, 14.09.57.
2032. Isida, Haxhi, Stringa, 14.06.82.
2033. Isuf, Fejzo, Subashi, 20.02.38.
2034. Dilavere, Haki, Subashi, 08.02.41.
2035. Fejzo, Isuf, Subashi, 26.01.63.
2036. Gramos, Isuf, Subashi, 13.06.64.
2037. Mimoza, Bektash, Subashi, 03.02.74.
2038. Matjas, Mexhit, Sula, 17.08.74.
2039. Astrit, Abaz, Sula, 10.09.50.
2040. Teuta, Skender, Sula, 01.03.56.
2041. Jonid, Astrit, Sula, 15.12.80.
2042. Fatmir, Nazmi, Sula, 06.06.62.
2043. Brunilda, Fatmir, Sula, 16.11.?
2044. Nazmi, Aziz, Sula, 15.03.59.
2045. Shpresa, Abdi, Sula, 14.02.64.
2046. Nertila, Sula, 30.03.68.
2047. Vero, Tahir, Sulcaj, 21.03.47.
2048. Pupulina, Dover, Sulcaj, 16.03.52.
2049. Enkeleida, Vero, Sulcaj, 03.11.76.
2050. Sali, Abedin, Suli, 24.06.55.
2051. Xhilke, Nuri, Suli, 16.05.66.
2052. Edlira, Murat, Suljoti, 20.01.75.
2053. Jamarber, Qenan, Sulo, 02.04.71.
2054. Durim, Alfred, Tabaku, 19.07.70.
2055. Anila, Besim, Tabaku, 10.03.73.
2056. Ramiz, Tabaku, 15.07.33.
2057. Qefsere, Shaban, Tabaku, 15.07.33.
2058. Adriana, Ahmet, Tabaku, 06.03.70.
2059. Arjan, Ramiz, Takaku, 06.06.064.
2060. Agim, Vaid, Tabaku, 06.04.45.
2061. Olimbi, Jani, Tabaku, 24.10.52.
2062. Fjoralba, Agim, Tabaku, 12.12.72.
2063. Sabri, Shaqir, Tafa, 25.02.53
2064. Miranda, Hysni, Tafa, 02.12.60.
2065. Florian, Sabri, Tafa, 14.09.81.
2066. Hava, Hysen, Tafalla, 20.02.28.
2067. Adriatik, Qazim, Tafalla, 15.02.72.
2068. Rudina, Murat, Tafalla, 27.04.77.
2069. Roland, Aleksander, Taga, 06.03.59.
2070. Ermira, Shaqir, Taga, 27.04.66.
2071. Gezim, Hasan, Tagani, 14.06.45.
2072. Nazmije, Haxhi, Tagani, 18.09.52.
2073. Miranda, Tagani, 29.04.78.
2074. Zaim, Selim, Tahiraj, 14.09.42.
2075. Emine, Isuf, Tahiraj, 16.12.42.
2076. Azem, Zaim, Tahiraj, 17.01.79.
2077. Gazmend, Zaim, Tahiraj, 17.02.81.
2078. Luan, Zaim, Tahiraj, 13.01.82.
2079. Hamit, Habib, Tahiraj, 04.03.61.
2080. Pranvera, Veli, Tahiraj, 08.04.72.
2081. Valbona, Ferat, Talelli, 06.07.68.
2082. Fitnete, Sulejman, Tanllaraj, 22.09.51.
2083. Enkeleda, Lulzim, Tare, 06.04.71.
2084. Hava, Tare, 31.10.27.
2085. Gezim, Asef, Tare, 28.02.58.
2086. Elida, Haki, Tare, 04.07.61.
2087. Fatmir, Uvli, Tartale, 19.07.53.
2088. Donika, Ciril, Tartale, 05.05.54.
2089. Gerti, Fatmir, Tartale, 22.06.79.
2090. Edlira, Fatmir, Tartale, 18.05.82.
2091. Qako, Misto, Tase, 02.06.36.
2092. Bujar, Rakip, Taullau, 30.03.64.
2093. Anila, Koco, Taullau, 09.05.68.
2094. Nurhane, Fejzi, Tefa, 11.02.30.
2095. Sazan, Laze, Tefa, 14.06.51.
2096. Pullumb, Laze, Tefa, 17.05.55.
2097. Xhorxhina, Seri, Tefa, 23.10.65.
2098. Shpresa, Shahin, Tela, 15.02.27.
2099. Avenir, Ahmet, Tela, 15.02.27.
2100. Ikmet, Tajar, Telallari, 07.06.58.
2101. Feridon, Tajar, Telallari, 19.06.66.
2102. Arjeta, Tajar, Telallari, 04.08.82.
2103. File, Adem, Telallari, 31.12.67.
2104. Haki, Said, Teqja, 05.01.37.
2105. Bukurije, Rahman, Teqja, 18.07.38.
2106. Hysni, Haki, Teqja, 31.12.64.
2107. Halil, Haki, Teqja, 03.03.66.
2108. Durim, Haki, Teqja, 28.01.68.
2109. Idajet, Haki, Teqja, 17.03.70.
2110. Bujar, Haki, Teqja, 08.05.74.
2111. Argjent, Mirush, Tershana, 03.05.66.
2112. Ermira, Imer, Tershana, 07.05.52.
2113. Arben, Ali, Thaci, 20.06.72.
2114. Gentiana, Necruz, Thaci, 03.12.72.
2115. Veliko, Thoma, Thana, 10.02.19.
2116. Shadie, Hamit, Thana, 01.09.28.
2117. Ilir, Veliko, Thana, 13.08.57.
2118. Arben, Taqi, Themelko, 09.02.56.
2119. Irena, Ylvi, Themelko, 28.11.66.
2120. Sotir, Llambi, Tiko, 14.07.27.
2121. Thomaidhe, Mihal, Tiko, 12.07.31.
2122. Adrian, Sotir, Tiko, 05.10.63.
2123. Pranvera, Hajdar, Tiko, 08.03.63.
2124. Kujtim, Isuf, Toci, 19.01.56.
2125. Rexhep, Isuf, Toci, 06.04.66.
2126. Muhidin, Mursel, Tocilla, 01.07.42.
2127. Xhemile, Rasim, Tocilla, 05.05.44.
2128. Besnik, Muhidin, Tocilla, 25.02.72.
2129. Elmaz, Muhidin, Tocilla, 23.06.77.
2130. Servete, Muhidin, Tocilla, 07.08.79.
2131. Kico, Gole, Tola, 01.03.31.
2132. Lefteri, Thoma, Tola, 10.01.45.
2133. Albi, Kico, Tola, 29.12.73.
2134. Amalia, Kico, Tola, 08.04.77.
2135. Aleksander, Vangjel, Tole, 15.02.62.
2136. Zana, Bajram, Tole, 17.07.64.
2137. Melpo, Vasil, Toma, 29.04.29.
2138. Gjeta, Tone, Toma, 27.02.65.
2139. Bekim, Dinush, Topalli, 31.07.72.
2140. Haxhi, Sadik, Toska, 02.02.57.
2141. Majlinda, Ymer, Toska, 06.01.65.
2142. Aleksandra, Stavraq, Trajani, 05.04.23.
2143. Kastriot, Ligor, Trajani, 15.03.59.
2144. Alfreda, Zef, Trajani, 21.08.67.
2145. Jorgji, Adam, Trajani, 15.09.79.
2146. Lili, Jorgji, Trajani, 14.12.19.
2147. Kalina, Trajani, 11.02.53.
2148. Vasil, Kristaq, Trajko, 02.09.48.
2149. Tatjana, Anesti, Trajko, 08.04.53.
2150. Aida, Vasil, Trajko, 09.09.77.
2151. Klajda, Vasil, Trajko, 17.03.79.
2152. Marjela, Vasil, Trajko, 23.04.83.
2153. Dafina, Vangjel, Trebicka, 10.06.34.
2154. Gjergj, Stefi, Trebicka, 05.04.61.
2155. Mirela, Andon, Trebicka, 16.11.68.
2203. Diana, Gezim, Valteri, 12.08.82.
2204. Engjell, Gezim, Valteri, 30.11.83.
2205. Lui, Vasil, Vaso, 10.08.38.
2206. Lydia, Thoma, Vaso, 29.05.48.
2207. Elda, Lui, Vaso, 06.08.72.
2208. Ervin, Lui, Vaso, 25.06.75.
2209. Kristaq, Nikolla, Vaso, 22.01.47.
2210. Lefteri, Jani, Vaso, 13.06.48.
2211. Artur, Kristaq, Vaso, 20.06.73.
2212. Gentian, Kristaq, Vaso, 15.10.76.
2213. Nezir, Juf, Vata, 03.01.57.
2214. Tushe, Rustem, Vata, 01.01.18.
2215. Suzana, Nezir, Vata, 04.02.66.
2216. Ilir, Nezir, Vata, 20.02.68.
2217. Fredi, Nezir, Vata, 23.12.72.
2218. Lirije, Avni, Vata, 07.01.70.
2219. Adriatik, Kamber, Veizi, 31.01.63.
2220. Menduhije, Ali, Veizi, 28.02.65.
2221. Vegim, Rexhep, Vela, 05.12.37.
2222. Hizbije, Mas-har, Vela, 21.06.44.
2223. Erion, Vegim, Vela, 10.03.76.
2224. Oltion, Vegim, Vela, 09.06.79.
2225. Vehbi, Resul, Velia, 17.07.67.
2226. Murat, Ramadan, Velici, 21.02.71.
2227. Sadije, Muharrem, Velija, 13.05.28.
2228. Petrit, Velo, 05.08.44.
2229. Vasillaq, Piro, Veshi, 01.09.46.
2230. Athina, Jani, Veshi, 27.06.50.
2231. Eno, Vasillaq, Veshi, 07.07.77.
2232. Jola, Vasillaq, Veshi, 20.07.82.
2233. Xhafer, Zafer, Villa, 11.02.45.
2234. Raimonda, Hamdi, Villa, 23.12.45.
2235. Klementina, Xhafer, Villa, 05.04.76.
2236. Pavlina, Nikolla, Visari, 02.02.70.
2237. Edmond, Dhimiter, Visari, 11.03.53.
2238. Hysen, Neki, Vishka, 14.03.41.
2239. Ilirjan, Hysen, Vishka, 13.02.69.
2240. Arif, Osman, Vishkurti, 31.01.60.
2241. Valentina, Kamber, Vishkurti, 23.11.62.
2242. Behar, Osman, Vishkurti, 06.03.63.
2243. Lamika, Hashim, Vishkurti, 21.09.68.
2244. Arben, Bajram, Vladi, 28.08.63.
2245. Fitnete, Besnik, Vladi, 11.01.65.
2246. Blerim, Aleksander, Vllaska, 30.06.72.
2247. Anjeza, Musa, Vokshi, 15.10.78.
2248. Edmond, Bajram, Vrapi, 24.08.68.
2249. Diturie, Xhemal, Vrapi, 04.03.70.
2250. Xhahrije, Vrapi, 04.08.29.
2251. Agim, Hasan, Vrapi, 13.11.36.
2252. Edvin, Agim, Vrapi, 13.08.68.
2253. Paqize, Birce, Vrapi, 20.05.43.
2254. Rudina, Petrit, Vrapi, 17.06.73.
2255. Aishe, Adem, Vuthaj, 20.04.64.
2256. Ilir, Servet, Xama, 25.03.56.
2257. Lumturi, Muharem, Xama, 17.07.61.
2258. Erin, Ilir, Xama, 23.10.83.
2259. Ilmi, Ali, Xhafa, 24.07.56.
2260. Albana, Ali, Xhafa, 19.05.71.
2261. Avenir, Demir, Xhaferaj, 28.01.55.

2262. Liljana, Xhafer, Xhaferi, 24.12.56.
2263. Tajo, Hasan, Xhaferri, 26.09.43.
2264. Lumturi, Muharrem, Xhaferri, 20.10.52.
2265. Klodiana, Xhaferri, 20.03.80.
2266. Albana, Tajo, Xhaferri, 10.01.82.
2267. Teki, Rasim, Xhafkollari, 10.03.22.
2268. Nexhmije, Qamil, Xhafkollari, 01.05.77.
2269. Kujtim, Teki, Xhafkollari, 10.07.62.
2270. Refide, Jakup, Xhafkollari, 20.09.64.
2271. Hatixhe, Sali, Xhakani, 18.02.46.
2272. Tahir, Xhakollari, 26.04.43.
2273. Artan, Kico, Xhama, 19.06.71.
2274. Durim, Avni, Xhani, 14.02.72.
2275. Luljeta, Dalip, Xhani, 06.01.77.
2276. Arben, Riza, Xheka, 18.01.61.
2277. Mirsi, Ali, Xheka, 03.03.67.
2278. Riza, Veli, Xheka, 15.06.31.
2279. Gjule, Sinan, Xheka, 30.10.39.
2280. Hiqmet, Faslli, Xheko, 09.05.29.
2281. Hatixhe, Nasip, Xheko, 10.01.33.
2282. Marjeta, Hiqmet, Xheko, 19.04.60.
2283. Arben, Hiqmet, Xheko, 24.02.64.
2284. Bujar, Hiqmet, Xheko, 09.01.54.
2285. Mitko, Ismail, Xheko, 01.09.58.
2286. Valbona, Bujar, Xheko, 06.02.82.
2287. Flutura, Dan, Xhepa, 13.02.64.
2288. Ramazan, Xhepi, 05.12.41.
2289. Astrit, Xhepi, 03.01.73.
2290. Rushe, Xhepi, 10.12.51.
2291. Fisnik, Xhepi, 16.04.75.
2292. Lindita, Xhepi, 04.12.65.
2293. Petrit, Hiqmet, Xhindoli, 22.09.57.
2294. Flutura, Abdyl, Xhindoli, 24.03.60.
2295. Gurije, Ajaz, Xhudo, 10.02.20.
2296. Afrim, Selami, Xhudo, 27.07.66.
2297. Mirjeta, Nazar, Xhudo, 30.08.72.
2298. Myrteza, Hysen, Xhunga, 03.06.39.
2299. Dashuri, Qazim, Xhunga, 15.03.35.
2300. Elvir, Myrteza, Xhunga, 05.02.68.
2301. Erjan, Myrteza, Xhunga, 04.08.60.
2302. Mimoza, Rakip, Xhunga, 03.02.76.
2303. Pleurat, Aleksander, Xhuvani, 14.03.20.
2304. MAkbule, Mehdi, Xhuvani, 26.08.26.
2305. Aleksander, Pleurat, Xhuvani, 20.02.55.
2306. Genc, Aleksander Xhuvani, 14.03.25.
2307. Aneta, Kristo, Xhuvani, 28.09.31.
2308. Emil, Genc, Xhuvani, 31.05.64.
2309. Dasmen, Pleurat, Xhuvani, 18.02.53.
2310. Elvira, Gjyljani, Xhuvani, 01.12.61,
2311. Blerina, Agim, Xhydollari, 23.02.79.
2312. Sano, Isuf, Xverku, 03.06.16.
2313. Hamit, Ram, Ymaj, 12.03.69.
2314. Bute, Ram, Ymaj, 07.06.20.
2315. Nimet, Omer, Ymeri, 05.08.27
2316. Nurije, Beqir, Ymeri, 04.02.28.
2317. Petrit, Nimet, Ymeri, 24.03.57.
2318. Mariana, Ndoc, Ymeri, 08.02.55.
2319. Elda, Petrit, Ymeri, 17.04.79.
2320. Sabina, Petrit, Ymeri, 24.01.79.
2321. Roza, Tefe, Zamputi, 02.08.11.
2322. Jozef, Injac, Zamputi, 06.11.46.
2323. Luizon, Agostin, Zamputi, 15.12.48.
2324. Marin, Jozef, Zamputi, 12.09.75.
2325. Rozan, Jozef, Zamputi, 10.10.79.
2326. Qemal, Latif, Zebeli, 28.10.43.
2327. Ikbale, Qamil, Zebeli, 30.11.47.
2328. Ardian, Qemal, Zebeli, 13.03.72.
2329. Valbona, Qemal, Zebeli, 05.04.77.
2330. Rudina, Qemal, Zebeli, 08.03.81.
2331. Fatbardha, Latif, Zebeli, 25.05.73.
2332. Mimoza, Hajder, Zejli, 22.09.63.
2333. Selfo, Zekaj, 04.05.39.
2334. Lavdie, Zekaj, 09.05.42.
2335. Gentian, Zekaj, 05.09.69.
2336. Muharrem, Zela, 15.01.19.
2337. Foto, Xhevit, Zenelaj, 04.11.65.
2338. Elida, Hysen, Zenelaj, 25.01.71.
2339. Petrit, Jashar, Zeneli, 06.11.58.
2340. Nazmie, Ethem, Zeneli, 13.02.54
2341. Sokol, Hysen, Zeneli, 04.08.68.
2342. Etleva, Shefqet, Zeneli, 28.06.74.
2343. Novruz, Gani, Zeneli, 03.04.50.
2344. Leonora, Nazif, Zeneli, 20.11.51.
2345. Ilir, Novruz, Zeneli, 26.03.79.
2346. Ismete, Ali, Zepishta, 09.02.32.
2347. Arben, Shefqet, Zepishta, 14.12.57.
2348. Altin, Shefqet, Zepishta, 06.07.77.
2349. Etleva, Durim, Zeqiri, 14.02.72.
2350. Xhaferr, Islam, Zeqiri, 05.05.69.
2351. Manjola, Qazim, Zeqiri, 25.01.65.
2352. Agron, Shaban, Zguri, 26.05.67.
2353. Xhevaire, Shefqet, Zguri, 05.07.69.
2354. Admir, Resmi, Zhilla, 19.04.59.
2355. Magdalena, Haxhi, Zhilla, 23.02.61.
2356. Halit, Godo, Zhupa, 12.03.33.
2357. Elvira, Shaban, Zhupa, 17.05.38.
2358. Eduard, Halit, Zhupa, 04.10.63.
2359. Haxhi, Islam, Ziu, 18.04.33.
2360. Ilmije, Rexhep, Ziu, 20.02.41.
2361. Cicile, Ziu, 05.01.22.
2362. Arben, Haxhi, Ziu, 10.02.60.
2363. Meliha, Beqir, Ziu, 13.08.62.
2364. Ollga, Naun, Ziu, 15.08.21.
2365. Adem, Haxhi, Ziu, 05.08.58.
2366. Valbona, Adem, Ziu, 06.07.83.
2367. Rape, Agim, Ziu, 30.06.67.
2368. Niko, Kosta, Zoga, 25.08.33.
2369. Lirije, Vath, Zoga, 01.05.36.
2370. Alfred, Niko, Zoga, 04.08.56.
2371. Valentina, Argjir, Zoga, 30.04.58.
2372. Erion, Ilir, Zoto, 10.09.80.
2373. Hashim, Riza, Zuna, 20.09.38.
2374. Salihe, Hajdar, Zuna, 01.02.38.
2375. Adhurim, Ashim, Zuna, 10.04.68.
2376. Bertilda, Zija, Zuna, 17.02.75.
2377. Mimoza, Hashim, Zuna, 19.11.64.
2378. Hysen, Nezir, Zyka, 15.03.51.
2379. Altin, Hysen, Zyka, 31.05.75.
2380. Elton, Hysen, Zyka, 31.05.78.
2381. Anila, Hysen, Zyka, 12.08.82.

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2. Rexhina, Hito, Alimerko, 06.03.56.
3. Ajishe, Ibrahim, Alimerko, 04.03.06.
4. Albert, Haki, Allamani, 17.06.56.
5. Hazbije, Kasem, Allamani, 03.02.62.
6. Albi, Albert, Allamani, 05.04.83x.
7. Arminda, Hasan, Allamani, 17.02.63.
8. Sokol, Kadri, Allaraj, 08.12.53.
9. Mimoza, Sami, Baholli, 17.08.80.
10. Bashkim, Banush, Balla, 07.04.56.
11. Mimoza, Mehmet, Balla, 23.04.53.
12. Clirim, Beqir, Balluku, 01.01.45.
13. Bejlinda, Clirim, Balluku, 09.11.73.
14. Suzana, Sabri, Balluku, 10.10.48.
15. Pamela, Clirim, Balluku, 09.09.78.
16. Hanashe, Nasif, Bega, 07.04.23.
17. Redin, Qemal, Bejdo, 04.02.64.
18. Hajrije, Abdulla, Bejdo, 17.02.42.
19. Anila, Gani, Bejdo, 21.04.75.
20. Liljana, Muhamet, Bejdo, 05.03.60.
21. Ilirjana, Qemal, Bejdo, 07.02.49.
22. Liri, Veli, Beji, 19.07.49.
23. Erion, Albert, Bejko, 17.04.62.
24. Sadete, Xhavit, Bejko, 19.12.72.
25. Albert, Iliaz, Bejko, 18.01.64.
26. Sanie, Bajram, Beka, 18.09.64.
27. Shefqet, Cik, Beka, 30.07.40.
28. Luan, Shefqet, Beka, 17.04.64.
29. Englantina, Kostandin, Berhami, 17.04.58.
30. Petrit, Arshi, Berhami, 21.06.48.
31. Gezim, Xhemal, Bisha, 11.11.52.
32. Xhemal, Bizho, Bisha, 09.09.24.
33. Violeta, Nikollaq, Bisha, 06.41.36.
34. Nikolin, Panajot, Bisha, 03.02.68.
35. Besnik, Xhemal, Bisha, 16.02.58.
36. Anila, Gani, Bisha, 12.04.68.
37. Rukije, Ulo, Bisha, 16.04.24.
38. Skender, Pasha, Brahimi, 18.02.60.
39. Kosta, Spiro, Bulla, 15.04.55.
40. Fejzi, Nebi, Buzi, 17.03.34.
41. Aqif, Ali, Byreku, 04.11.55.
42. Flutura, Dan, Byreku, 17.02.64.
43. Nasuf, Fadil, Byreku, 07.04.32.
44. Etemije, Hasan, Byreku, 08.02.36.
45. Nazmi, Nasuf, Byreku, 12.11.60.
46. Vjollca, Spiro, Byreku, 07.04.67.
47. Sofie, Gani, Cala, 07.09.23.
48. Ilir, Rifat, Capanga, 12.11.64.
49. Bihane, Mustafa, Capanga, 11.12.38.
50. Odeta, Rustem, Capanga, 31.12.71.
51. Sajmir, Rifat, Capanga, 11.07.73.
52. Hasan, Rasim, Ceka, 23.11.38.
53. Merita, Azmi, Ceka, 17.04.44.
54. Arqile, Zoi, Cela, 29.04.55.
55. Astrit, Seit, Ciraku, 19.07.48.
56. Shadie, Sadik, Ciraku, 18.06.50
57. Reald, Astrit, Ciraku, 06.04.79.
58. Nasime, Galip, Cuci, 06.05.27.
59. Elmira, Kujtim, Dajlani, 14.03.65.
60. Petrit, Nusa, Demi, 03.08.24.
61. Leonard, Petrit, Demi, 27.03.50.
62. Katerina, Kosta, Demi, 27.11.22.
63. Zhuljeta, Petrit, Demi, 16.04.51.
64. Brunela, Kujtim, Dervishi, 05.01.76.
65. Kujtim, Duat, Dervishi, 06.04.53.
66. Zafire, Idriz, Dervishi, 09.10.54.
67. Klaudia, Kujtim, Dervishi, 09.05.79.
68. Alfina, Zoi, Domi, 27.04.60.
69. Kristo, Themistokli, Drago, 10.02.42.
70. Lucian, Kristo, Drago, 11.08.47.
71. Denisa, Kristo, Drago, 07.02.81.
72. Ismete, Vehbi, Dudo, 07.06.23.
73. Kai, Sadedin, Duka, 09.06.39.
74. Aishe, Sabbi, Duka, 06.05.37.
75. Shkelqim, Kai, Duka, 04.03.72.
76. Florjan, Kai, Duka, 06.03.62.
77. Lek, Andon, Dukagjini, 10.04.60.
78. Zina, Andon, Dukagjini, 05.04.67.
79. Domenika, Mark, Dukagjini, 03.07.60.
80. Anton, Lek, Dukagjini, 09.04.62.
81. Erjona, Qemal, Duzha, 24.03.51.
82. Estref, Zina, Faku, 09.03.62.
83. Abaz, Sulo, Fejzo, 07.04.25.
84. Remzije, Rushan, Fejzo, 05.03.39.
85. Muharrem, Avni, Feka, 07.02.48.
86. Enverije, Ashim, Feka, 17.03.53.
87. Mimoza, Muharrem, Feka, 02.01.75.
88. Klaranita, Muharrem, Feka, 06.05.79.
89. Fatos, Muharrem, Feka, 19.03.80.
90. Xhevair, Gjet, Frroku, 07.05.60.
91. Alketa, Jashqr, Frroku, 09.04.63.
92. Sofie, Dhionis, Gjemani, 04.12.15.
93. Anketa, Petraq, Gjemani, 06.04.72.
94. Natasha, Dhimiter, Gjemani, 16.09.49.
95. Petrika, Andrea, Gjemani, 24.11.78.
96. Frederik, Spiro, Gjerazi, 17.04.33.
97. Doloreza, Pandeli, Gjerazi, 23.02.42.
98. Thoma, Niko, Gjikondi, 10.07.40.
99. Dhimtraq. Petro, Gjoka, 11.06.48.
100. Adelina, Noke, Gjoka, 24.03.49.
101. Anri, Dhimitraq, Gjoka, 18.02.74.
102. Aleksander, Staver, Gjollma, 19.01.60.
103. Dod, Preng, Gjonmarkaj, 27.02.63.
104. Adelina, Gjergi, Gjonmarkaj, 06.04.75.
105. Marte, Mark, Gjonmarkaj, 15.03.34.
106. Dod, Preng, Gjonmarkaj, 11.03.74.
107. Kol, Preng, Gjonmarkaj, 07.02.63.
108. Zdravko, Stojan, Gjurgjaj, 08.12.40.
109. Dunavica, Silija, Gjurgjaj, 07.05.44.
110. Gezim, Hysen, Grori, 15.02.55.
111. Luan, Gezim, Grori, 06.02.81.
112. Lirije, Sami, Grori, 09.03.59.
113. Pranvera, Ramo, Hajdini, 14.08.34.
114. Bajram, Hasan, Hajrullai, 06.01.36.
115. Aferdita, Rama, Hajrullai, 07.03.37.
116. Vladimir, Bajram, Hajrullai, 06.04.80.
117. Elektra, Gaqo, Hajrullai, 05.01.34.
118. Sadik, Njazi, Haska, 13.04.47.
119. Suzana, Ibrahim, Haska, 21.05.49.
120. Tatjana, Sadik, Haska, 19.07.78.
121. Laureta, Sadik, Haska, 13.11.81.
122. Elmaz, Myftar, Haxhiu, 08.11.30.
123. Shkelqim, Elmaz, Haxhiu, 27.04.52.
124. Arta, Mehmet, Haxhiu, 06.03.70.
125. Hysni, Muharrem, Hazizaj, 19.03.40.

126. Kadrie, Maliq, Hazizaj, 14.07.45.
127. Alfred, Hysni, Hazizaj, 21.03.69.
128. Gazmir, Hysni, Hazizaj, 12.03.70.
129. Bukurije, Mehmet, Hoxha, 06.05.31.
130. Ndricim, Kadri, Hoxha, 04.07.59.
131. Hena, Agim, Hoxha, 09.03.70.
132. Nasibe, Pasha, Hoxha, 04.12.53.
133. Aida, Nuhi, Hoxha, 14.07.47.
134. Rovena, Dajlan, Hoxha, 20.05.80.
135. Dajlan, Mafmut, Hoxha, 16.03.50.
136. Fuat, Bajram, Hoxhaj, 17.04.62.
137. Besie, Ali, Hoxhaj, 18.01.69.
138. Zija, Estref, Hysenllari, 15.03.26.
139. Sadete, Telha, Hysenllari, 16.05.36.
140. Lutfi, Xhafo, Hyzeiraj, 07.02.43.
141. Liri, Ramadan, Hyzeiraj, 10.05.44.
142. Bardha, Hasan, Idrizi, 09.03.79.
143. Sadete, Mehmet, Izeti, 04.07.58.
144. Mehmet, Isuf, Izeti, 06.03.25.
145. Entela, Matish, Jani, 29.01.40.
146. Bledar, Jonuz, Jonuzaj, 06.08.82.
147. Jonuz, Qazim, Jonuzaj, 07.06.44.
148. Burbuqe, Sami, Jonuzaj, 05.09.49.
149. Elvira, Sotir, Jorgo, 29.08.75.
150. Suzana, Muharrem, Kalaja, 17.03.47.
151. Fehti, Asim, Kalaja, 02.03.37.
152. Betina, Fehti, Kalaja, 09.04.72.
153. Rozeta, Xhemil, Kamberaj, 23.12.65.
154. Ylli, Pavllo, Katamelo, 06.-1.59.
155. Aurela, Kajtaz, Katamelo, 19.06.68.
156. Liliana, Jorgji, Kono, 14.07.66.
157. Panajota, Jorgji, Konomi, 18.04.27.
158. Jani, Vasil, Konomi, 06.08.46.
159. Sokol, Jani, Konomi, 07.04.75.
160. Pranvera, Seit, Konomi, 18.01.51.
161. Mimoza, Jani, Konomi, 09.07.78.
162. Edmond, Sadri, Koshi, 07.03.55.
163. Ilirjana, Fatmir, Kosho, 23.02.67.
164. Eleni, Rado, Kosto, 06.05.29.
165. Irena, Anton, Kujxhia, 03.07.44.
166. Nikolin, Viktor, Kujxhiu, 04.05.76.
167. Sotiraq, Vani, Kujxhiu, 09.07.32.
168. Haxhire, Ramazan, Kulla, 17.03.31.
169. Vjollca, Hasan, Kulla, 02.01.55.
170. Muharrem, Hasan, Kulla, 09.03.52.
171. Zaide, Hamdi, Kulla, 14.02.56.
172. Irvjan, Muharrem, Kulla, 14.02.56.
173. Rejina, Muharrem, Kulla, 11.10.81.
174. Lulzim, Hasan, Kulla, 09.07.55.
175. Luiza, Lefter, Kulla, 09.04.41.
176. Hasan, Rexhep, Kulla, 09.12.27.
177. Idajete, Ahmet, Kundraxhiu, 6.03.45.
178. Kimete, Sherif, Leba, 24.12.64.
179. Agim, Liman, Leba, 13.08.52.
180. Ylli, Jashar, Leka, 09.10.66.
181. Vjollca, Zerap, Leka, 10.10.69.
182. Arshi, Sinana, Leli, 18.04.81.
183. Liliana, Haxhi, Leli, 17.04.79.
184. Ervin, Arshi, Leli, 18.06.30.
185. Majlinda, Abin, Lemo, 14.01.74.
186. Ermijan, Pali, Lemo, 16.02.31.
187. Gjergi, Vask, Lena, 16.03.67.
188. Beqir, Besim, Lloi, 07.02.43.
189. Fize, Fejzo, Lloi, 09.05.40.
190. Ilira, Beqir, Lloi, 10.03.82.
191. Vangjeli, Jance, Luarasi, 17.04.60.
192. Xhevair, Tasim, Mane, 17.01.37.
193. Ikbale, Hysni, Mane, 18.12.39.
194. Vehbi, Qamil, Mansaku, 07.02.51.
195. Zafije, Sadim, Mansaku, 09.03.65.
196. Isuf, Flamur, Mato, 22.03.57.
197. Fatbardha, Muharem, Mato, 02.08.50.
198. Genti, Isuf, Mato, 06.04.74.
199. Didi, Malko, Mato, 05.13.29.
200. Boga, Sofian, Mazniku, 07.05.63.
201. Ana, Diso, Mazniku, 19.07.83.
202. Cvetan, Boga, Mazniku, 04.07.68.
203. Lavdije, Shyqyri, Mazniku, 06.03.71.
204. Bllozhe, Fetadin, Mazniku, 07.04.47.
205. Bllagura, Kosta, Mazniku, 17.07.52.
206. Denis, Bllazhe, Mazniku, 16.05.80.
207. Dero, Ymer, Metollau, 14.01.59.
208. Kostandin, Vasil, Miko, 02.01.21.
209. Ollga, Lluka, Miko, 07.02.22.
210. Urani, Man, Mosla, 14.05.54.
211. Hysen, Beqir, Muca, 17.04.30.
212. Adile, Ismail, Muca, 06.03.32.
213. Drita, Hysen, Muca, 09.02.70.
214. Kujtim, Hysen, Muca, 20.01.54.
215. Lumturi, Shaban, Muca, 30.04.61.
216. Haxhire, Saliko, Musaka, 03.08.31.
217. Xhezmi, Hasan, Muskolli, 04.03.41.
218. Majlinda, Halil, Myrto, 07.12.70.
219. Leonard, Jorgji, Nano, 16.07.50.
220. Natasha, Sami, Nano, 11.06.47.
221. Apostol, Zarik, Nasi, 16.05.47.
222. Natasha, Kico, Nasi, 18.03.41.
223. Sajmir, Apostol, Nasi, 16.07.74.
224. Selaudin, Nasuf, Nasufaga, 17.02.46.
225. Edije, Fadil, Nasufaga, 19.03.46.
226. Bledar, Selaudin, Nasufaga, 19.07.70.
227. Elona, Selaudin, Nasufaga, 04.02.79.
228. Elona, Nasufaga, Nasufaga, 07.04.67.
229. Elizabeta, Mersin, Nikolla, 25.09.70.
230. Valentin, Ismail, Nura, 18.01.80.
231. Fatmira, Vasil, Nuri, 18.09.80.
232. Nadire, Shaban, Nuri, 09.06.48.
233. Shazimir, Hamdi, Nuri, 05.04.38.
234. Ndricim, Myskym, Nuri, 25.02.56.
235. Skender, Maksut, Oreja, 01.03.64.
236. Eduart, Mysret, Osmani, 18.07.49.
237. Pranvera, Sherif, Osmani, 16.10.54.
238. Mejla, Eduart, Osmani, 10.05.75.
239. Omer, Tili, Pando, 06.05.39.
240. Adriana, Zake, Pando, 16.03.42.
241. Vasil, Leaner, Pando, 09.11.73.
242. Ervin, Leaner, Pando, 04.07.75.
243. Kozeta, Gjergj, Papajorgji, 19.07.47.
244. Shpresa, Pandeli, Papapavllo, 18.05.37.
245. Dhimitraq, Pandeli, Papapavllo, 16.09.36.
246. Penelopi, Stasi, Papapavllo, 01.12.48.
247. Stefan, Vasil, Peci, 06.11.27.
248. Arsino, Llukan, Peci, 03.01.34.
249. Alban, Hamdi, Pellenja, 18.07.60.
250. Merita, Lulw, Pepa, 19.04.81.
251. Ciril, Stefan, Pistoli, 07.04.21.
252. Anxhelina, Qimo, Pistoli, 19.03.64.
253. Dritan, Ciril, Pistoli, 20.02.60.
254. Qamile, Xhemal, Pregja, 29.04.47.
255. Rakip, Myftar, Pregja, 06.04.70.
256. Arben, Rakip, Pregja, 07.02.72.
257. Safie, Sadik, Prrenjasi, 18.07.58.
258. Denis, Bashkim, Prrenjasi, 24.12.80.
259. Bashkim, Idajet, Prrenjasi, 24.11.52.
260. Entela, Rodolf, Qase, 15.12.56.
261. Kostandin, Trifon, Qirici, 06.03.56
262. Margarita, Bllazhe, Qirici, 05.01.63.
263. Liliana, Thanas, Qirko, 18.01.23.
264. Natasha, Gani, Qirko, 07.03.1946
265. Merushe, Zeqi, Qosja, 14.02.70.
266. Rajmonda, Dasti, Qyshku, 06.01.68.
267. Durim, Adem, Qyshku, 09.04.67.
268. Lulzim, Adem, Qyshku, 08.12.60.
269. Merita, Seit, Qyshku, 30.09.61.
270. Eltisa, Nexhmi, Qyshku, 07.04.68.
271. Bedrije, Ali, Qyshku, 21.04.22.
272. Andrea, Nikolla, Rada, 04.05.20.
273. Kristo, Nikolla, Rada, 04.07.46.
274. Krisanthi, Kosta, Rada, 09.03.24.
275. Lumturi, Xhafer, Rakaj, 20.03.54.
276. Rapushe, Bajram, Rakaj, 12.12.30.
277. Aferdita, Ret, Rama, 04.09.78.
278. Bujar, Brahim, Ramaj, 16.07.47.
279. Refie, Ymer, Ramaj, 11.04.56.
280. Nertila, Bujar, Ramaj, 17.03.78.
281. Sanie, Ramadan, Rapuci, 22.04.63.
282. Suzana, Nasip, Rapuci, 07.04.65.
283. Bedame, Malo, Rexhepaj, 10.04.52.
284. Dilaver, Cerciz, Rexhepaj, 09.03.50.
285. Nadja, Thoma, Roshi, 22.04.41.
286. Likurga, Dhimiter, Roshi, 20.02.32.
287. Genti, Likurga, Roshi, 02.19.75.
288. Antoneta, Agim, Sadiku, 12.03.72.
289. Ballkiz, Sulejman, Sala, 07.02.30.
290. Zyra, Xhemal, Sala, 09.03.17.
291. Xhemali, Adem, Shabani, 27.02.66.
292. Nevruz, Sabri, Shahollri, 07.04.51.
293. Et-hem, Haki, Shehu, 18.01.35.
294. Banu, Ymer, Shehu, 06.09.36.
295. Arben, Ethem, Shehu, 18.06.64.
296. Mimoza, Kasem, Shehu, 18.07.55.
297. Bashkim, Idriz, Shehu, 13.04.51.
298. Shkelzen, Bashkim, Shehu, 15.01.79.
299. Gezim, Sadik, Shima, 30.02.40.
300. Bakiza, Mehmet, Shima, 07.08.47.
301. Eldin, Gwzim, Shima, 19.02.69.
302. Brikena, Dhimitraq, Shima, 20.03.70.
303. Alush, Mustafa, Shima, 19.08.41.
304. Zana, Ali, Shima, 16.04.49.
305. Orion, Alush, Shima, 10.07.57.
306. Robert, Alush, Shima, 16.04.76.
307. Flora, Bajram, Shkalla, 11.09.70.
308. Besnik, Elmaz, Shkoza, 25.03.63.
309. Myslym, Elmaz, Shkoza, 22.01.65.
310. Hide, Pashko, Shkoza, 20.01.42.
311. Anila, Shefqet, Shkoza, 06.03.70.
312. Shkelqime, Besim, Shkoza, 27.02.70.
313. Muazez, Ali, Shoholli, 08.09.52.
314. Nadire, Dule, Sina, 17.04.51.
315. Qemal, Eqeme, Sina, 16.05.52.
316. Roland, Riza, Sina, 17.02.55.
317. Kujtim, Rasim, Sokoli, 19.07.39.
318. Agime, Faslli, Sokoli, 20.06.46.
319. Enis, Kujtim, Sokoli, 16.07.72.
320. Nevila, Kujtim, Sokoli, 15.03.70.
321. Pellumb, Izet, Spaho, 13.02.54.
322. Bukurije, Xhemal, Spaho, 19.01.65.
323. Isuf, Ferid, Sukaj, 29.04.37.
324. Vjollca, Baki, Sukaj, 31.01.49.
325. Ferid, Isuf, Sukaj, 19.07.68.
326. Fiqerete, Avni, Sulejmani, 04.07.61.
327. Hava, Hysen, Tafalla, 10.07.60.
328. Shpresa, Veliko, Thana,
329. Veliko, Islam, Thana, 09.07.20.
330. Kico, Gole, Tola, 09.04.31.
331. Amalia, Kico, Tola, 17.08.62.
332. Lumturie, Lesti, Troka, 18.01.64.
333. Diturie, Hamit, Truka, 06.04.30.
334. Edmond, Vaska, Vangjeli, 17.03.64.
335. Edmond, Vangjel, Vasho, 19.07.45.
336. Genc, Myfit, Vigani, 08.01.62.
337. Mirela, Shyqyri, Vigani, 06.04.66.
338. Sadie, Muharrem, Vilia, 14.01.28.
339. Pavlina, Nikoll Visani, 19.03.1910.
340. Edmond, Dhimiter, Visani, 12.01.53.
341. Luljeta, Zenel, Xhemali, 24.12.71.
342. Valentina, Fatmir, Xhilli, 10.10.59.
343. Celo, Godo, Xhupa, 11.09.47.
344. Penda, Haxhi, Xhupa, 30.07.60.
345. Arben, Celo, Xhupa, 04.06.40.
346. Drita, Gani, Xibraku, 24.07.62.
347. Sabri, Faredin, Zazani, 06.05.58.
348. Aferdita, Islam, Zazani, 03.05.67.
349. Ramazan, Besim, Zelia, 06.03.54.
350. Diana, Bilal, Zelia, 18.06.56.
351. Ardian, Zaif, Zeqa, 30.02.61.
352. Henrieta, Hajredin, Zeqa, 15.04.64.
353. Shazije, Mexhit, Zina, 06.05.30.
354. Flora, Dod, Zina, 04.07.69.
355. Astrit, Jani, Ziu, 21.01.46.
356. Loreta, Sotir, Ziu, 06.07.50.
357. Odeta, Asti, Ziu, 08.04.81.
358. Ylmis, Rexhga, Ziu, 04.01.41.
359. Rape, Agim, Ziu, 06.03.67.
360. Bertilda, Ziko, Zuna, 09.03.75.
361. Adhurim, Arshim, Zuna, 09.04.68.
362. Ashim, Riza, Zuna, 03.12.38.
363. Saliha, Hajdar, Zuna, 16.03.38.

Municipality Unit No. 4.
Polling Station No. 122.

I. VOTERS IN CIVIL STATUS REGISTER

1. Voters of permanent location	1868
2. Voters of temporary location	406
Total	2 274

II. VOTERS IN THE VOTING LISTS OF THE ELECTION OF OCTOBER 1. 2000

Voters in the A list	864
Voters in the B list	506
Total	1 370

Differenc: I − II = 904 Voters.

Njesia Bashkiake Nr. 4.
Qendra E Votimit Nr. 122.

I. VOTUES NE RREGJISTRIN E GJENDJES CIVILE

Votues me banim te perhershem	1 868
Votues me banim te perkohshem	406
Shuma	2 274

II. VOTUES NE LISTAT E VOTIMIT TE 1 TETORIT 2000

Votues ne listen A	864
Votues ne listen B	506
Shuma	1 370

Diferenca: I − II = 904 votues.

LISTA E VOTUESVE SIPAS REGJISTRIT TE GJENDJES CIVILE QENDRA E VOTIMIT 122 VOTUES ME BANIM TE PERHERSHEM

Nr., Emri, Atesia, Mbiemri, Datelindja

1. Alketa, Dilaver, Abazi, 19.10.82.
2. Dashamire, Dilaver, Abazi, 20.10.79.
3. Dilaver, Gani, Abazi, 13.08.56.
4. Drita, Idriz, Abazi, 13.06.72.
5. Emrije, Osman, Abazi, 03.03.60.
6. Gezim, Hasan, Abazi, 04.03.60.
7. Klotilda, Xhevdet, Abazi, 02.09.83.
8. Lime, Caush, Abazi, 01.07.29.
9. Roza, Nurce, Abazi, 18.01.61.
10. Safedin, Vesel, Abazi, 02.05.63.
11. Sudrit, Xhevdet, Abazi, 31.10.79.
12. Vesel, Ibrahim, Abazi, 10.01.29.
13. Vjollca, Ahmet, Abazi, 20.11.58.
14. Xhevdet, Vesel, Abazi, 12.05.55.
15. Mariglen, Gezim, Abazi, 06.02.82.
16. Lorenca, Bashkim, Ademi, 15.10.74.
17. Yllka, Qerim, Agolli, 27.07.81.
18. Dhimiter, Niko, Agora, 03.08.34.
19. Krisanthi, Dhimiter, Agora, 25.09.60.
20. Edhoksia, Kosta, Agora, 23.05.36.
21. Roland, Dhimiter, Agora, 20.05.69.
22. Etleva, Agron, Agora, 16.09.74.
23. Ilirian, Izet, Ahmedaja, 03.09.55.
24. Elvira, Gani, Ahmedaja, 01.11.59.
25. Alida, Sulejman, Ahmetaj, 13.08.82.
26. Aranit, Sulejman, Ahmetaj, 25.10.76.
27. Artan, Idriz, Ahmeti, 11.12.73.
28. Dilaver, Idriz, Ahmeti, 10.04.70.
29. Elvije, Selim, Ahmeti, 14.09.75.
30. Idriz, Ali, Ahmeti, 22.08.41.
31. Lirije, Mahmut, Ahmeti, 10.03.48.
32. Mehmet, Idriz, Ahmeti, 10.01.68.
33. Sabedin, Idriz, Ahmeti, 25.01.69.
34. Sabrije, Hasan, Ahmetaj, 28.06.55.
35. Sulejman, Halil, Ahmetaj, 20.10.50.
36. Halim, Hysen, Ajazi, 01.02.56.
37. Elmije, Ramadan, Ajazi, 06.01.63.
38. Adem, Ahmet, Ajazi, 28.09.35.
39. Xhemile, Mexhit, Ajazi, 31.12.68.
40. Razije, Qamil, Ajazi, 15.07.41.
41. Hiqmet, Adem, Ajazi, 31.08.63.
42. Lulzim, Adem, Ajazi, 28.03.65.
43. Liri, Ajazi, 28.03.69.
44. Elena, Ajazi, 28.06.70.
45. Adem, Nexhip, Alija, 02.09.79.
46. Adivije, Asllan, Alija, 16.05.80.
47. Agim, Bajram, Ali, 01.10.52.
48. Ahmet, Mustafa, Alija, 03.09.38.
49. Arben, Mustafa, Alia, 01.10.60.
50. Bekie, Qemal, Alia, 23.04.64.
51. Daniela, Agim, Ali, 11,08.81.
52. Dile, Gjergj, Aliaj, 23.03.64.
53. Drita, Skender, Ali, 05.09.73.
54. Feim, Dino, Aliaj, 21.04.58.
55. Ferite, Nexhip, Alija, 25.10.74.
56. Gjylfere, Xhep, Alija, 12.06.50.
57. Haxhire, Abdulla, Alidhja, 08.08.69.
58. Ilir, Xhevdet, Ali, 25.01.75.
59. Luan, Nexhip, Alija, 17.10.70.
60. Maksim, Halil, Aliaj, 28.03.55.
61. Mereme, Luto, Alija, 24.12.46.
62. Nexhip, Hatem, Alija, 21.06.38.
63. Petrit, Nexhip, Alija, 20.10.81.
64. Shpresa, Selma, Aliaj, 06.07.56.
65. Sonila, Agim, Ali, 01.02.78.
66. Violeta, Rexhep, Ali, 19.04.57.
67. Zamira, Nexhip, Alija, 12.03.77.
68. Alije, Ibrahim, Aliko, 25.03.55.
69. Xhavit, Reshit, Alimemeti, 02.08.42.
70. Bukurie, Qazim, Alimemeti, 26.02.52.
71. Qamil, Daut, Alisinani, 15.01.18.
72. Xhihane, Muharem, Alisinani, 10.02.20.
73. Drita, Halim, Aliu, 24.12.58.
74. Nazime, Myrteza, Allgjata, 06.02.43.
75. Vehbi, Muharrem, Allushi, 02.03.73.
76. Sanije, Adem, Almadhi, 01.03.30.
77. Xhevair, Ymer, Almadhi, 20.07.56.
78. Sheme, Sato, Almadhi, 20.08.63.
79. Alfred, Xhevair, Almadhi, 20.08.63.
80. Petref, Gurali, Alushi, 18.12.65.
81. Veronika, Muharem, Alushi, 20.01.62.
82. Tefta, Leonidha, Andoni, 21.04.46.
83. Bari, Shuaip, Arapaj, 09.01.61.
84. Almita, Ermulla, Arapi, 15.06.65.
85. Tahir, Ermulla, Arapi, 29.06.67.
86. Adelina, Fatmir, Arifi, 04.02.77.
87. Agim, Arifi, 26.02.77.
88. Xhevrije, Isuf, Aruci, 16.07.60.
89. Ramiz, Isuf, Aruci, 01.06.65.
90. Mirjeta, Safet, Aruci, 05.06.65.
91. Isuf, Xhemal, Aruci, 04.05.33.
92. Ishe, Kalem, Aruci, 13.05.37.
93. Liljana, Aruci, 06.12.70.
94. Bardha, Isuf, Aruci, 26.04.72.
95. Shkendie, Isuf, Aruci, 06.07.75.
96. Ariana, Isuf, Aruci, 06.07.75.
97. Bukurije, Sherif, Avdiu, 01.05.64.
98. Romeo, Gezim, Avdiu, 29.01.83.
99. Sefedin, Hamit, Avdiu, 30.03.64.
100. Jeta, Ymer, Avdiu, 02.08.58.
101. Armand, Clirim, Avdiu; 07.03.77.
102. Jurlind, Clirim, Avdiu, 15.11.80.
103. Sherif, Xhemal, Avdiu, 19.03.26.
104. Refije, Rexhep, Avdiu, 03.10.23.
105. Xhevit, Sabri, Azizi, 01.06.46.
106. Kadrie, Hysenj, Azizi, 12.08.47.
107. Valbona, Xhevit, Azizi, 10.05.74.
108. Manjola, Xhevit, Azizi, 25.05.77.
109. Irena, Xhevit, Azizi, 10.06.82.
110. Engjellushe, Azizi, 26.02.77.
111. Shyqyri, Dan, Baca, 01.03.65.
112. Fluturije, Fiqiri, Baca, 16.08.59.
113. Selim, Shaqir, Bacova, 10.11.42.
114. Hatixhe, Tasim, Bacova, 07.03.45.
115. Edmond, Selim, Bacova, 16.03.66.
116. Anila, Selim, Bacova, 11.09.71.
117. Roland, Selim, Bacova, 03.11.75.
118. Enkelejda, Ali, Bacova, 21.12.70.
119. Argentina, Selim, Bacova, 29.01.79.
120. Naim, Latif, Bajraktari, 02.02.58.
121. Laze, Lahim, Bajraktari, 10.01.62.
122. Gjon, Naim, Bajraktari, 22.05.82.
123. Tafil, Musa, Bajrami, 10.03.41.
124. Kujtime, Ramazan, Bajrami, 10.01.41.
125. Arben, Tafil, Bajrami, 25.04.69.
126. Fatos, Tafil, Bajrami, 15.04.74.
127. Hajrije, Rushit, Bajrami, 11.01.74.
128. Atixhe, Mefail, Bajro, 08.06.28.
129. Bukurije, Dylbin, Bajro, 11.11.60.
130. Edlira, Rexhep, Bajro, 19.05.73.
131. Fatos, Islam, Bajro, 14.05.60.
132. Ihsan, Sali, Bajro, 14.07.30.
133. Islam, Bilal, Bajro, 12.10.35.
134. Jashar, Ihasn, Bajro, 12.10.68.
135. Myslim, Islam, Bajro, 14.05.60.
136. Paradita, Ramis, Bajro, 18.07.59.
137. Seladin, Ihasn, Bajro, 14.01.60.
138. Vjollca, Halit, Bajro, 17.09.64.
139. Zhaneta, Hamit, Bajro, 25.04.63.
140. Xheladin, Beqir, Bala, 23.08.58.
141. Aishe, Muharrem, Bala, 01.12.20.
142. Kumrije, Bajram, Bala, 15.05.62.
143. Qamil, Beqir, Bala, 18.06.56.
144. Klara, Qirjako, Bala, 11.03.63.
145. Musha, Frrok, Balaj, 10.07.43.
146. Sander, Preng, Balaj, 22.06.66.
147. Nurije, Qerim, Balaj, 04.05.68.
148. Ismail, Haki, Baliko, 15.02.51.
149. Sefer, Ali, Balla, 01.10.39.
150. Selfiqaz, Shero, Balla, 25.11.40.
151. Irena, Sefer, Balla, 21.06.81.
152. Ramiz, Ramadan, Bami, 11.02.46.
153. Luljeta, Ramiz, Bami, 01.08.72.
154. Deshira, Nurce, Bami, 10.11.53.
155. Arben, Isuf, Bardhoshi, 02.09.71.
156. Vjollca, Gani, Bardhoshi, 25.05.74.
157. Ermira, Nazif, Bardhoshi, 26.05.49.
158. Alban, Burhan, Bardhoshi, 15.03.70.
159. Elvis, Burhan, Bardhoshi, 21.06.71.
160. Barize, Haxhi, Barmashi, 28.11.36.
161. Natasha, Xhelal, Barmashi, 04.12.62.
162. Zhuljeta, Xhelal, Barmashi, 12.06.58.
163. Artan, Xhelal, Barmashi, 14.12.61.
164. Brunilda, Lulzim, Barmashi, 03.01.75.
165. Xhelal, Irfan, Barsiu, 30.01.61.
166. Albana, Basri, 14.09.71.
167. Arjan, Luftim, Basri, 15.06.75.
168. Artan, Esat, Basriu, 11.03.68.
169. Astrit, Malo, Basriu, 21.05.66.
170. Bedrije, Gazmir, Basriu, 09.05.78.
171. Bukurie, Zeqir, Basri, 02.02.54.
172. Diana, Kujtim, Bastriu, 23.03.73.
173. Donika, Nazmi, Bastriu, 10.06.72.
174. Drita, Qazim, Bastriu, 27.02.57.
175. Edmond, Nazmi, Basriu, 07.09.69.
176. Elvira, Gazmend, Basriu, 25.08.80.
177. Esat, Irfan, Basriu, 04.06.47.
178. Fatime, Musa, Basriu, 24.02.47.
179. Fitnete, Iljaz, Bastri, 14.08.59.
180. Fredi, Nazmi, Basriu, 07.06.72.
181. Fuat, Luftim, Basri, 07.06.69.
182. Gazmend, Mato, Basriu, 05.10.61.
183. Irfan, Basri, Basriu, 10.03.14.
184. Kujtim, Abdurrahman, Bastriu, 05.02.66.
185. Lindita, Esat, Basriu, 18.05.79.
186. Luftim, Sinan, Basri, 19.09.51.
187. Maresa, Hamdi, Basriu, 05.11.74.
188. Merita, Xhevdet, Basriu, 12.02.72.
189. Mirlinda, Malo, Basriu, 17.07.78.
190. Nadire, Xhafer, Basriu, 01.03.50.
191. Natasha, Hamdi, Basriu, 05.11.74.
192. Nazmi, Irfan, Basriu, 20.06.40.
193. Nazmie, Malo, Basriu.
194. Qemal, Nazmi, Basriu, 05.02.59.
195. Raimonda, Luftim, Basri, 19.10.80.
196. Rita, Qemal, Basriu, 24.05.63.
197. Sokol, Esat, Basriu, 15.01.72.
198. Vjollca, Malo, Basriu, 14.07.72.
199. Klodiana, Ramadan, Baxhia, 23.06.75.
200. Eqerem, Ramadan, Baxhija, 08.06.68.
201. Eva, Llambi, Baxhija, 12.08.70.
202. Ramadan, Ismail, Baxhija, 17.05.26.
203. Naim, Ferit, Begolli, 19.09.65.
204. Etleva, Nazif, Begolli, 28.03.76.
205. Ali, Ferit, Begolli, 18.04.61.
206. Arta, Bato, Begolli, 31.10.68.
207. Ferit, Bektash, Begolli, 26.02.29.
208. Nazime, Demir, Begolli, 31.12.34.
209. Fitnete, Hamid, Beja, 06.01.27.
210. Zeqir, Zyber, Benga, 22.02.58.
211. Vera, Hasan, Benga, 11.08.62.
212. Altin, Zeqir, Benga, 22.11.82.
213. Nejazi, Selim, Beqaj, 21.10.60.
214. Lida, Rexhep, Beqaj, 29.01.61.
215. Beqir, Banush, Beqiri, 06.05.32.
216. Fatime, Liman, Beqiri, 20.05.38.
217. Banush, Beqir, Beqiri, 28.09.75.
218. Bashkim, Beqir, Beqiri, 18.11.72.
219. Mirela, Beqir, Beqiri, 16.05.74.
220. Dituri, Ramadan, Beqiri, 24.10.46.
221. Spartak, Halim, Beqiri, 17.07.71.
222. Valbona, Mitri, Beqiri, 26.01.77.
223. Kujtim, Shefqet, Berberi, 25.09.60.
224. Mimoza, Ali, Berberi, 14.12.70.
225. Aishe, Mehmet, Berberi, 23.07.36.
226. Fatmir, Shefqet, Berberi, 16.12.70.

227. Denada, Hysen, Berberi, 11.07.74.
228. Hasan, Shefqet, Berisha, 18.03.52.
229. Dije, Haxhi, Berisha, 19.07.71.
230. Pema, Pelivan, Berisha, 25.11.46.
231. Manjola, Hasan, Berisha, 28.09.74.
232. Rudina, Hasan, Berisha, 21.12.76.
233. Vilka, Isuf, Bespalla, 11.05.55.
234. Jelsan, Izet, Bilbicaj, 17.07.67.
235. Lindita, Hekuran, Bilbicaj, 27.11.69.
236. Alfred, Kurtalli, Bilbili, 23.12.72.
237. Rezart, Kurtalli, Bilbili, 21.09.76.
238. Koco, Stavro, Birbo, 20.09.54.
239. Viktori, Irakli, Birbo, 16.03.58.
240. Olsi, Koco, Birbo, 03.03.83.
241. Arqile, Llazi, Bitri, 20.03.63.
242. Donika, Ban, Bitri, 26.09.62.
243. Ornela, Nikollaq, Bleta, 02.02.77.
244. Bujar, Mitat, Brahimllari, 20.09.68.
245. Kozeta, Elmaz, Brahimllari, 21.07.68.
246. Fadil, Avni, Bramka, 30.12.51.
247. Lumturije, Ibrahim, Bramka, 25.02.55.
248. Rozeta, Fadil, Bramka, 22.12.81.
249. Markela, Fadil, Bramka, 29.04.83.
250. Adrijana, Ruzhdi, Bregu, 05.04.76.
251. Agron, Mersin, Bregu, 26.08.70.
252. Anife, Sali, Bregu, 12.05.37.
253. Anila, Milaim, Bregu, 31.10.72.
254. Argjentina, Bregu, 28.01.80.
255. Bari, Kujtim, Bregu, 01.04.74.
256. Brikena, Gjergj, Bregu, 29.11.74.
257. Dermikan, Kasem, Bregu, 15.02.51.
258. Dhurata, Ferit, Bregu, 09.06.54.
259. Dylber, Mersin, Bregu, 04.04.58.
260. Elvira, Xheladin, Bregu, 10.12.63.
261. Esat, Nexhip, Bregu, 05.04.51.
262. Fike, Elmaz, Bregu, 20.06.27.
263. Florian, Skender, Bregu, 17.07.80.
264. Ikbale, Shaqir, Bregu, 27.07.68.
265. Irda, Shkelqim, Bregu, 07.11.82.
266. Kadri, Mersin, Bregu, 19.03.62.
267. Luljeta, Mersin, Bregu, 06.12.78.
268. Mersin, Ramadan, Bregu, 31.12.30.
269. Mirsida, Skender, Bregu, 27.08.83.
270. Nexhip, Ramadan, Bregu, 15.04.43.
271. Qibrije, Hamdi, Bregu, 07.09.66.
272. Shkelqim, Zyber, Bregu, 01.01.54.
273. Shyqyri, Mersin, Bregu, 23.09.66.
274. Silvana, Kujtim, Bregu, 18.02.81.
275. Silvana, Dylber, Bregu, 13.03.83.
276. Skender, Shefki, Bregu, 09.01.56.
277. Suzana, Shefki, Bregu, 24.09.67.
278. Vera, Shefki, Bregu, 14.12.54.
279. Zylfije, Qamil, Bregu, 02.12.61.
280. Gezim, Brojaj, 06.01.65.
281. Mirjana, Ahmet, Brojaj, 08.02.70.
282. Llesh, Lazer, Brunga, 14.08.28.
283. Mrike, Nikoll, Brunga, 03.09.36.
284. Lazer, Llesh, Brunga, 31.01.68.
285. Leonard, Llesh; Brunga, 24.11.72.
286. Ferdinand, Llesh, Brunga, 23.03.64.
287. Suzana, Llesh, Brunga, 23.03.69.
288. Lutfije, Ramazan, Bukri, 18.11.22.
289. Astrit, Haxhi, Bukri, 24.05.61.
290. Fatmira, Tahsim, Bukri, 18.09.67.
291. Rezarta, Shefqet, Bulku.
292. Violeta, Ibrahim, Bulriza, 28.12.65.
293. Nike, Gjon, Bushi, 19.07.66.
294. Pellumb, Gjon, Bushi, 18.08.69.
295. Gjustin, Ndue, Bushi, 21.04.72.
296. Dionis, Thoma, Caci, 15.10.79.
297. Pertef, Vehip, Cami, 05.03.33.
298. Kudret, Mynyr, Cami, 11.02.38.
299. Vehip, Petref, Cami, 27.03.64.
300. Zamira, Petref Cami, 30.10.66.
301. Valbona, Mersin, Celmeta, 31.07.70.
302. Taulant, Mersin, Celmeta, 29.11.72.
303. Luljeta, Hamdi, Celmeta, 11.11.67.
304. Mersin, Ali, Celmeta, 29.05.32.
305. Hamide, Murat, Celmeta, 10.03.69.
306. Anila, Ali, Celmeta, 15.05.72.
307. Hane, Latif, Celmeta, 24.01.38.
308. Defrim, Mersin, Celmeta, 10.03.61.
309. Astrit, Mersin, Celmeta, 20.04.63.
310. Artan, Mersin, Celmeta, 14.09.65.
311. Genc, Kujtim, Cenolli, 04.02.73.
312. Sokol, Kujtim, Cenolli, 25.04.69.
313. Blerta, Myzafet, Cenolli, 31.10.74.
314. Kujtim, Garip, Cenolli, 02.03.37.
315. Aferdita, Islam, Cenolli, 09.03.48.
316. Arben, Kujtim, Cenolli, 29.08.70.
317. Elton, Kujtim, Cenolli, 21.05.82.
318. Sanije, Muharem, Collaku, 31.12.40.
319. Nexhip, Ahmet, Collaku, 11.04.62.
320. Arben, Ahmet, Collaku, 21.08.64.
321. Ilir, Ahmet, Collaku, 08.03.74.
322. Anila, Vehbi, Collaku, 28.05.70.
323. Mirushe, Xhemal, Cufe, 20.02.22.
324. Mamudi, Caush, Cuka, 04.01.54.
325. Entela, Kudret, Cuka, 01.08.76.
326. Ana, Kudret, Cuka, 25.08.77.
327. Fatjon, Kudret, Cuka, 14.01.80.
328. Frida, Kudret, Cuka, 24.03.82.
329. Marte, Qemal, Cupi, 04.07.60.
330. Adelina, Ragip, Daka, 02.02.81.
331. Lirije, Bal, Daka, 04.09.69.
332. Etleva, Tajar, Daka, 02.03.75.
333. Lytfije, Latif, Daka, 11.12.38.
334. Avni, Rakip, Daka, 18.01.65.
335. Luftim, Rakip, Daka, 24.06.70.
336. Rozeta, Ragip, Daka, 10.01.78.
337. Dhimiter, Lliko, Daka, 19.11.73.
338. Enkeleda, Lliko, Daka, 30.11.71.
339. Lliko, Kico, Dako, 15.05.43.
340. Shpresa, Muhamet, Dako, 22.11.54.
341. Suela, Liko, Dako, 03.05.78.
342. Haziz, Dalipi, 06.09.62.
343. Elvis, Haziz, Dalipi, 19.06.82.
344. Manushaqe, Xheladin, Dalipi, 13.04.69.
345. Agim, Izet, Dalipi, 14.03.61.
346. Myzejen, Kadri, Dalipi, 31.03.61.
347. Donika, Dalipi, 12.07.78.
348. Elvira, Agim, Dalipi, 27.02.81.
349. Liliana, Agim, Dalipi, 08.01.83.
350. Adriatik, Izet, Dalipi, 04.11.75.
351. Spartak, Izet, Dalipi, 06.04.79.
352. Brixhida, Skendo, Dede, 08.10.64.
353. Diana, Bashkim, Demce, 15.08.64.
354. Besim, Jashar, Demiri, 03.01.37.
355. Rahmije, Demir, Demiri, 30.08.43.
356. Jashar, Besim, Demiri, 10.02.77.
357. Hamza, Besim, Demiri, 30.04.80.
358. Fatbardha, Besim, Demiri, 25.07.62.
359. Drita, Besim, Demiri, 11.06.65.
360. Ramazan, Besim, Demiri, 09.01.67.
361. Zhaneta, Danjel, Demiri, 17.01.75.
362. Natash, Murat, Dervishi, 25.10.57.
363. Sevdie, Mersin, Dervishi, 21.07.68.
364. Jakup, Destan, Disha, 12.03.19.
365. Zaide, Iljaz, Disha, 13.01.20.
366. Hysni, Jakup, Disha, 19.05.58.
367. Kadrije, Faridan, Disha, 15.03.58.
368. Klodiana, Hysni, Disha, 07.06.82.
369. Xhemal, Garip, Disha, 13.03.50.
370. Hane, Ahmet, Doci, 10.02.56.
371. Sanie, Shaban, Doci, 13.03.45.
372. Gentian, Rezart, Doci, 21.09.75.
373. Sabiola, Rezart, Doci, 20.01.81.
374. Hiqmet, Ahmet, Doci, 24.04.60.
375. Anirda, Ali, Doci, 27.06.63.
376. Osman, Jakup, Doka, 25.06.60.
377. Hava, Bequir, Doka, 01.11.63.
378. Fatmir, Skender, Doko, 11.08.64.
379. Liljana, Skender, Doko, 09.03.68.
380. Shkelqim, Skender, Doko, 03.06.70.
381. Floresha, Skender, Doko, 07.11.74.
382. Liljana, Enver, Doko, 16.03.76.
383. Pranvera, Myrvet, Doko, 13.04.71.
384. Ferit, Rexhep, Domi, 16.01.47.
385. Mimoza, Nexhat, Domi, 17.04.61.
386. Entela, Fadil, Dona.
387. Arta, Bajram, Duka, 02.03.73.
388. Besnik, Rexh, Duka, 27.01.65.
389. Blerina, Bajram, Duka, 13.04.78.
390. Drita, Nazif, Duka, 07.02.67.
391. Drita, Lice, Duka, 25.11.68.
392. Festime, Maliq, Duka, 27.01.71.
393. Flutra, Abedin, Duka, 16.10.68.
394. Gjergji, Bajram, Duka, 24.08.75.
395. Ilir, Bajram, Duka, 25.02.71.
396. Jolanda, Bajram, Duka, 04.01.77.
397. Liri, Rushit, Duka, 08.02.50.
398. Manushaqe, Qani, Duka, 20.04.64.
399. Salushe, Meti, Duka, 10.02.26.
400. Sonila, Bajram, Duka, 31.07.82.
401. Zice, Shaqir, Duka, 01.01.27.
402. Barije, Bedri, Dule, 12.02.35.
403. Kastriot, Sherif, Dule, 17.12.69.
404. Pranvera, Qerem, Dule, 12.11.68.
405. Shkelqim, Sherif, Dule, 25.09.55.
406. Naxhije, Ali, Dule, 31.03.61.
407. Besim, Sefer, Durishti, 1.11.43.
408. Vjollca, Ramazan, Durishti, 03.03.47.
409. Albana, Rasim, Durishti, 11.02.71.
410. Ortenca, Rasim, Durishti, 05.10.80.
411. Islam, Novruz, Duro, 21.01.42.
412. Haneme, Ramadan, Duro, 24.07.42.
413. Mimoza, Islam, Duro, 14.07.65.
414. Granit, Islam, Duro, 22.04.68.
415. Heroina, Islam, Duro, 15.02.71.
416. Ilirjan, Islam, Duro, 15.02.71.
417. Nazmi, Rexhep, Dylberi, 25.07.67.
418. Mimoza, Beqir, Dylberi, 10.10.70.
419. Rindertime, Ali, Dylja, 13.01.71.
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421. Natasha, Ramazan, Ekonomi, 22.12.52.
422. Ylli, Spiro, Ekonomi, 10.02.73.
423. Ines, Spiro, Ekonomi, 12.08.75.
424. Trendelin, Veiz, Feka, 20.03.42.
425. Dorian, Refat, Feka, 17.04.77.
426. Kozeta, Refat, Feka, 03.07.80.
427. Bujar, Elez, Ferhati, 17.10.56.
428. Florentina, Preng, Ferhati, 19.03.62.
429. Xhezmi, Abedin, Ferzaj, 01.09.58.
430. Gezim, Ferit, Fetai, 22.05.52.
431. Drita, Xhemal, Fetai, 26.01.55.
432. Alfred, Gezim, Fetai, 15.01.76.
433. Arben, Gezim, Fetai, 20.04.77.
434. Alban, Gezim, Fetai, 07.11.73.
435. Suela, Gezim, Fetai, 19.02.79.
436. Rukije, Gezim, Fetai, 018.07.82.
437. Dhurata, Gezim, Fetai, 18.07.82.
438. Vjollca, Kurt, Fetai, 13.03.72.
439. Brikena, Adem, Fetai, 27.10.76.
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442. Rrozeta, Mridash, Frasheri, 25.05.65.
443. Adrian, Miranda, Frasheri, 28.08.68.
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445. Pellumb, Isuf, Furtuna, 01.04.56.
446. Nazmie, Kadri, Furtuna, 19.02.58.
447. Alban, Pellumb, Furtuna, 08.07.75.
448. Haki, Xhelal, Germenji, 15.12.28.
449. Farije, Dalip, Germenji, 01.04.31.
450. Xhelil, Haki, Germenji, 28.05.67.
451. Hysen, Selman, Gici, 28.10.54.
452. Sokol, Hysen, Gici, 21.07.80.
453. Naile, Shyqyri, Gici, 05.08.56.
454. Gezim, Hysen, Gici, 26.07.78.
455. Bardhok, Zef, Gjeci, 10.01.30.
456. Lize, Bardhok, Gjeci, 01.10.55.
457. Pashke, Bardhok, Gjeci, 10.04.63.
458. Ilir, Bardhok, Gjeci, 19.04.67.
459. Kamer, Muharrem, Gjeci, 04.12.39.
460. Haneme, Nevrus, Gjeci, 02.05.44.
461. Edmond, Kamer, Gjeci, 02.04.68.
462. Mico, Nasi, Gjermeni, 15.08.22.
463. Antoneta, Sotir, Gjermeni, 14.01.34.
464. Eduart, Milo, Gjermeni, 18.08.62.
465. Deshira, Halim, Gjermeni, 28.10.65.
466. Spiro, Vasil, Gjika, 06.01.41.
467. Anita, Vasil, Gjika, 07.07.45.
468. Mira, Anastas, Gjika, 27.03.52.
469. Vasken, Spiro, Gjika, 22.10.71.
470. Dorina, Spiro, Gjika, 05.11.74.
471. Safet, Esat, Gjini, 02.10.63.
472. Ismete, Halim, Gjini, 06.11.65.
473. Mark, Gjon, Gjoka, 24.05.52.
474. Ruzhdije, Xhemal, Gjoka, 10.09.59.
475. Violeta, Mark, Gjoka, 16.01.80.
476. Sonila, Mark, Gjoka, 27.10.83.
477. Ndue, Mark, Gjonikaj, 03.04.44.
478. Mri, Zef, Gjonikaj, 01.02.49.

479. Cesk, Ndue, Gjonikaj, 22.12.71.
480. Gjelosh, Ndue, Gjonikaj, 07.02.67.
481. Vera, Marin, Gjonikaj, 11.02.72.
482. Selman, Seit, Gjoshi, 06.03.54.
483. Suzana, Petro, Gjoshi, 19.03.57.
484. Bajram, Qazim, Gjyli, 25.04.54.
485. Hava, Bajram, Gjyli, 12.06.56.
486. Astrit, Bajram, Gjyli, 17.06.76.
487. Gentian, Bajram, Gjyli, 19.03.79.
488. Qazim, Xhemal, Gjyli, 05.04.30.
489. Hajrie, Elez, Gjyli, 10.01.32.
490. Natasha, Petro, Goga, 17.07.58.
491. Valbona, Mehmet, Gonxhi, 20.04.75.
492. Leonora, Kurti, Gore.
493. Behar, Zenun, Goxhenji, 10.02.59.
494. Tone, Ndrec, Goxhenji, 28.09.54.
495. Albert, Shaban, Gravani, 02.08.58.
496. Emiliano, Albert, Gravani, 17.09.81.
497. Luciana, Servet, Gravani, 31.03.68.
498. Fuat, Nexhip, Gruda, 17.04.60.
499. Nefije, Elmas, Gruda, 14.10.61.
500. Elmaz, Izet, Gruda, 09.12.54.
501. Afize, Izet, Gruda, 09.12.54.
502. Xhevdet, Hysni, Guri, 20.10.13.
503. Hajrije, Zenel, Guri, 28.02.61.
504. Antonina, Jani, Guxho, 20.08.38.
505. Aleksander, Jani, Guxho, 21.07.62.
506. Arben, Jorgo, Guxho, 13.08.66.
507. Etleva, Vasil, Guxho, 03.05.71.
508. Agim, Asllan, Halili, 07.02.56.
509. Agron, Bilal, Halilaj, 01.05.63.
510. Aida, Perviz, Halili, 23.05.80.
511. Alban, Irfan, Halilaj, 19.02.72.
512. Ali, Asllan, Halili, 06.09.61.
513. Arjan, Bilal, Halilaj, 01.05.63.
514. Asllan, Xheladin, Halili, 09.03.56.
515. Asllan, Hekuran, Halili, 29.08.79.
516. Aurel, Perviz, Halili, 05.06.83.
517. Azime, Demir, Halili, 04.05.83.
518. Bedrije, Ramadan, Halilaj, 14.11.36.
519. Bilal, Rakip, Halilaj, 10.10.32.
520. Blerina, Kadri, Halili, 14.03.78.
521. Bukurie, Jonuz, Halili, 26.05.62.
522. Bukurije, Islam, Halilaj, 29.07.57.
523. Edison, Ymer, Halili, 31.07.51.
524. Elisabeta, Seid, Halili, 28.09.67.
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526. Ervin, Shkelqim, Halili, 08.01.82.
527. Fjorentina, Nehat, Halili, 18.12.61.
528. Gani, Shaban, Halili, 29.08.59.
529. Gani, Muhamet, Halili, 11.09.58.
530. Gentian, Sinan, Halili, 26.03.77.
531. Gentjana, Hekuran, Halili, 12.04.81.
532. Gjergji, Qani, Halili, 21.02.74.
533. Hekuran, Asllan, Halili, 13.08.52.
534. Ilirjan, Agim, Halili, 16.10.80.
535. Ilirjana, Ramadan, Halili, 31.07.59.
536. Ismail, Islam, Halilaj, 13.07.53.
537. Kadrije, Nazmi, Halili, 02.03.35.
538. Lavdie, Baftjar, Halili, 17.06.60.
539. Liljana, Ibrahim, Halili, 27.06.62.
540. Londisa, Edison, Halili, 09.02.83.
541. Lorenc, Petrit, Halili, 19.06.83.
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543. Maringlen, Shefeqet, Halili.
544. Mimoza, Bajram, Halilaj, 08.02.71.
545. Mirela, Asllan, Halili, 29.06.83.
546. Mirela, Rami, Halili, 11.06.80.
547. Naxhije, Bilal, Halilaj, 25.09.26.
548. Naxhije, Ymer, Halili, 12.02.14.
549. Nexhmije, Hasan, Halili. 01.10.64.
550. Perviz, Zija, Halili. 15.04.54.
551. Petrit, Qani, Halili, 05.04.70.
552. Petrit, Asllan, Halili, 03.05.58.
553. Pranvera, Isuf, Halili, 12.05.56.
554. Qani, Xhemal, Halili, 07.07.35.
555. Rita, Haxhi, Halili, 18.09.66.
556. Rozina, Ndoc, Halili, 04.11.55.
557. Shefqet, Reshit, Halili, 06.03.34.
558. Shkelqim, Bilal, Halili, 12.05.56.
559. Shpresa, Bilal, Halilaj, 24.05.60.
560. Silvana, Perviz, Halili, 20.12.81.
561. Sinan, Osman, Halili, 10.10.42.
562. Viktor, Shaban, Halili, 21.11.63.
563. Violeta, Udruz, Halili, 01.01.80.
564. Xhevaire, Asllan, Halili, 10.03.60.
565. Zabit, Myslim, Hamzaj, 04.04.53.
566. Renata, Zabit, Hamzaj, 30.10.78.
567. Zamira, Zabit, Hamzaj, 20.07.83.
568. Mineko, Qani, Hamzaj, 29.11.79.
569. Robert, Dervish, Hamzaj, 03.03.69.
570. Ylli, Sitki, Hamzallari, 09.09.75.
571. Ylli, Riza, Hardhija, 09.02.61.
572. Drita, Xheladin, Hardhija, 16.04.64.
573. Eglantina, Selaudin, Haredinaj, 31.03.57.
574. Kujtim, Hamza, Hasa, 27.05.65.
575. Fatushe, Shefqet, Hasa, 18.04.66.
576. Kumurije, Musa, Hasa, 14.03.50.
577. Kastriot, Nesim, Hasanaga, 13.08.55.
578. Vjollca, Vasil, Hasanaga, 15.01.57.
579. Vojsava, Kastriot, Hasanaga, 08.05.81.
580. Alketa, Hasanaga, 13.05.83.
581. Orkela, Kastriot, Hasanaga.
582. Ago, Qamil, Hasanaj.
583. Dashamir, Ago, Hasanaj.
584. Rolande, Ago, Hasanaj.
585. Fatbardh, Ago, Hasanaj.
586. Rudina, Ago, Hasanaj.
587. Diana, Ago, Hasanaj.
588. Majlinda, Halil, Hasanaj.
589. Gentiana, Agim, Hasanaj.
590. Migen, Baftjar, Hasanaj, 22.12.68.
591. Pellumb, Marsin, Hasani, 02.12.65.
592. Florinda, Nikoll, Hasani, 06.04.68.
593. Pellumb, Hamit, Hasani.
594. Flamur, Mehmet, Hasani, 18.07.70.
595. Sulejman, Hasrama, 15.06.50.
596. Hatixhe, Hasrama, 18.11.48.
597. Ervin, Hasrama, 27.09.76.
598. Silvana, Hasrama, 05.02.78.
599. Blerina, Hasrama, 25.09.82.
600. Andrea, Haxhinasto, 25.11.43.
601. Pina, Haxhinasto, 25.11.44.
602. Sokol, Haxhinasto, 25.11.75.
603. Etleva, Haxhinasto, 05.01.70.
604. Rexhep, Qazim, Hida, 05.03.45.
605. Aishe, Sali, Hida, 06.11.50.
606. Kujtim, Rexhep, Hida, 09.02.77.
607. Merita, Rexhep, Hida, 18.07.80.
608. Sinan, Ymer, Hida, 27.01.64.
609. Mimoza, Selman, Hida, 19.01.75.
610. Bashkim, Ymer, Hida, 28.04.71.
611. Spahi, Ymer, Hida, 15.10.65.
612. Vjollca, Ymer, Hida, 08.11.73.
613. Bashkim, Fasho, Hidri, 19.06.65.
614. Tatjana, Fasho, Hidri, 26.10.61.
615. Fatmir, Mitat, Hodo, 21.03.56.
616. Dafina, Qazim, Hodo, 22.08.63.
617. Drita, Sadri, Hoti, 11.03.54.
618. Adriana, Xheladin, Hoxha, 21.04.69.
619. Amarildo, Liro, Hoxha, 09.07.81.
620. Angjelin, Pjeter, Hoxha, 16.01.54.
621. Arben, Rexhep, Hoxha, 28.11.67.
622. Edlira, Jashar, Hoxha, 30.07.67.
623. Etleva, Veli, Hoxha, 02.03.74.
624. Fehmi, Hysen, Hoxha, 02.01.41.
625. Flora, Rami, Hoxha, 24.12.52.
626. Florent, Liro, Hoxha, 16.01.80.
627. Florind, Fehmi, Hoxha, 29.01.74.
628. Gentjan, Hamit, Hoxha, 09.06.83.
629. Hatixhe, Hasan, Hoxha, 03.12.13.
630. Julian, Haxhi, Hoxha.
631. Liro, Musterhut, Hoxha, 08.06.43.
632. Lulezim, Fehmi, Hoxha, 12.02.72.
633. Razie, Selman, Hoxha, 17.04.46.
634. Reme, Rexhep, Hoxha, 01.12.44.
635. Rexhep, Besim, Hoxha, 18.06.40.
636. Valentina, Qemal, Hoxha, 29.04.43.
637. Xhevdet, Rexhep, Hoxha, 01.02.66.
638. Ylber, Fehmi, Hoxha, 05.07.70.
639. Nevruz, Lutfi, Humo, 10.04.58.
640. Zizo, Novruz, Humo, 10.02.62.
641. Hamushe, Nevruz, Humo, 04.12.80
642. Leonard, Nevruz, Humo, 23.10.83.
643. Danjel, Gani, Hyka, 15.09.72.
644. Hasan, Bajram, Hykaj, 24.12.50.
645. Myruete, Jakup, Hykaj, 30.11.62.
646. Eisabeta, Hasan, Hykaj, 02.04.73.
647. Ajas, Arif, Hysa, 27.10.73.
648. Mirela, Shefki, Hysa, 25.03.79.
649. Sherif, Male, Hysaj, 06.06.64.
650. Lindita, Bajram, Hysaj, 08.07.78.
651. Zog, Sokol, Hysenaj, 27.04.46.
652. Sibe, Isuf, Hysenaj, 30.03.46.
653. Rovena, Zog, Hysenaj, 18.04.76.
654. Elisa, Zog, Hysenaj, 13.07.80.
655. Adem, Hamdi, Hyseni, 16.01.69.
656. Afrim, Ruzhdi, Hyseni, 18.03.77.
657. Altim, Ruzhdi, Hyseni, 08.02.79.
658. Artur, Hamdi, Hyseni, 03.03.75.
659. Asine, Xhevdet, Hyseni, 24.10.81.
660. Avdije, Faik, Hyseni, 02.11.63.
661. Bardhyl, Ruzhdi, Hyseni, 29.06.69.
662. Behare, Hamdi, Hyseni, 02.07.82.
663. Besim, Sali, Hyseni, 30.07.48.
664. Besnik, Safet, Hyseni, 25.05.81.
665. Bukurije, Sali, Hyseni, 06.03.55.
666. Bukurije, Luftim, Hyseni, 14.02.67
667. Erjona, Xhevdet, Hyseni, 01.09.83.
668. Fadil, Hamdi, Hyseni, 12.08.61.
669. Fatos, Besim, Hyseni, 02.07.76.
670. Fredi, Ruzhdi, Hyseni, 12.01.76.
671. Hamdi, Sali, Hyseni, 10.07.43.
672. Lirije, Abdurrahim, Hyseni, 12.03.63.
673. Luan, Besim, Hyseni, 10.01.81.
674. Lulezim, Hamdi, Hyseni, 13.02.71.
675. Lulzim, Meleq, Hyseni, 06.07.67.
676. Manuela, Safet, Hyseni, 01.05.83.
677. Manushaqe, Mahmut, Hyseni, 21.02.70.
678. Mimoza, Ruzhdi, Hyseni, 21.02.74.
679. Mirela, Hazis, Hyseni, 04.04.74.
680. Mirela, Hamdi, Hyseni, 17.08.79.
681. Myhyrije, Xhemal, Hyseni, 15.04.50.
682. Naile, Hysni, Hyseni, 26.03.61.
683. Nargjyle, Shaqir, Hyseni, 20.12.44.
684. Nekije, Ismet, Hyseni, 22.05.54.
685. Pellumb, Adil, Hyseni. 17.06.66.
686. Remzi, Ruzhdi, Hyseni, 02.05.67.
687. Ruzhdi, Sali, Hyseni, 20.09.32.
688. Safet, Ruzhdi, Hyseni, 26.11.58.
689. Sali, Tuzh, Hyseni, 15.10.11.
690. Sami, Ruzhdi, Hyseni, 11.03.62.
691. Shemihe, Sali, Hyseni, 24.02.52.
692. Shpetime, Hamdi, Hyseni, 02.12.76.
693. Valbona, Hyseni, 17.10.70.
694. Vera, Ruzhdi, Hyseni, 27.01.81.
695. Xhevdet, Sali, Hyseni, 08.03.63.
696. Zymbyle, Qerim, Hyseni, 10.04.39.
697. Skender, Hysen, Hysko, 20.05.61.
698. Adelina, Xhevdet, Hysko, 01.05.63.
699. Ali, Hazis, Hysmelaj, 20.06.47.
700. Fiqirete, Beqir, Hysmelaj, 01.02.53.
701. Besnik, Hetem, Ibraj, 16.08.64.
702. Celo, Nazif, Ibraj, 10.02.20.
703. Ernest, Selim, Ibro, 23.01.65.
704. Ervin, Vladimir, Ibro, 02.06.77.
705. Flora, Hetem, Ibraj, 28.10.66.
706. Gezim, Celep, Ibraj, 07.08.54.
707. Hetem, Nazif, Ibraj, 25.06.29.
708. Inxhi, Sali, Ibraj, 05.05.37.
709. Irena, Nevruz, Ibraj, 15.11.59.
710. Lidije, Avni, Ibro, 29.06.77.
711. Merushe, Ahmet, Ibro, 16.03.27.
712. Miranda, Hajredin, Ibro, 27.09.67.
713. Redis, Vladimir, Ibro, 09.11.83.
714. Selim, Nazif, Ibro, 15.06.25.
715. Teuta, Ibraj, 12.07.59.
716. Vera, Celo, Ibroj, 14.03.52.
717. Vladimir, Selim, Ibro, 26.10.48.
718. Zyrika, Qazim, Ibraj, 15.09.30.
719. Tomor, Mane, Idrisllari, 14.02.64.
720. Liljana, Dilaver, Idrisllari, 26.12.55.
721. Altin, Riza, Idrizi, 21.09.71.
722. Zemrije, Haxhi, Idrizi, 11.05.69.
723. Mus, Ahmet, Islamukaj, 10.07.44.
724. Noshe, Adem, Islamukaj, 08.08.08.
725. Pule, Ali, Islamukaj, 01.07.43.
726. Edmira, Islamukaj, 11.06.77.
727. Azmir, Mus, Islamukaj, 30.01.79.
728. Muharem, Ali, Ismailaja, 10.11.48.
729. Barjame, Fecor, Ismailaja, 09.07.51.

730. Majlinda, Muharem, Ismailaja, 22.05.75.
731. Rovena, Murharem, Ismailaja, 20.01.77.
732. Elton, Muharem, Ismailaja, 17.02.81.
733. Lutfi, Sulejman, Ismulja, 24.08.52.
734. Hasibe, Sali, Ismulja, 04.12.50.
735. Hekuran, Lutfi, Ismulja, 16.11.77.
736. Zemrije, Lutfi, Ismulja, 05.04.83.
737. Elvis, Gezim, Isni, 13.08.78.
738. Agron, Gezim, Isni, 08.04.80.
739. Pranvera, Halit, Jonuzi, 16.03.59.
740. Shyqyri, Riza, Kacabanaj, 02.07.38.
741. Liri, Ali, Kacabanaj, 18.11.44.
742. Bajram, Shyqyri, Kacabanaj, 11.05.66.
743. Ilirjan, Shyqyri, Kacabanaj, 03.02.64.
744. Mirela, Shyqyri, Kacabanaj, 03.01.67.
745. Leonora, Asqeri, Kacabanaj, 13.01.69.
746. Sadik, Myhedin, Kaderja, 19.07.54.
747. Ermira, Abdyl, Kaderja, 02.12.59.
748. Anisa, Sadik, Kaderja, 07.10.82.
749. Bexhet, Kadri, Kalemi, 28.06.60.
750. Sado, Sihat, Kalemi, 04.08.60.
751. Erlis, Flamur, Kalemi, 02.12.83.
752. Ramadan, Selman, Kalo, 03.05.56.
753. Dafina, Refat, Kalo, 11.12.63.
754. Enerjeta, Ramadan, Kalo, 13.05.83.
755. Durim, Besim Kamberi, 26.10.72.
756. Fatbardha, Gani, Kamberi, 13.03.70.
757. Fation, Gezim, Kambo, 17.11.73.
758. Bajram, Rushit, Kanani, 23.09.50.
759. Xhemile, Fetah, Kanani, 18.03.53.
760. Enkeleida, Bajram, Kanani, 30.09.75.
761. Klodian, Bajram, Kanani, 08.03.78.
762. Liljana, Rushit, Kanani, 25.06.60.
763. Agron, Rushit, Kanani, 25.06.60.
764. Afrim, Hysni, Kanxha, 05.08.73.
765. Avni, Xhevat, Kanxha, 21.12.70.
766. Dudije, Azis, Kanxha, 05.05.42.
767. Gani, Hysni, Kanxha, 24.07.64.
768. Hysni, Gani, Kanxha, 17.08.35.
769. Isnije, Hysni, Kanxha, 03.04.62.
770. Kimete, Ajdin, Kanxha, 02.03.40.
771. Mirjeta, Qamil, Kanxha, 28.02.82.
772. Myrvete, Zylfi, Kanxha, 15.12.48.
773. Nadire, Qazim, Kanxha, 26.09.76.
774. Rasim, Xhevat, Kanxha, 17.10.69.
775. Rifat, Mahmut, Kanxha, 22.11.52.
776. Sami, Mendim, Kanxha, 22.11.66.
777. Shkelqim, Xhevat, Kanxha, 16.10.67.
778. Valentina, Selman, Kanxha, 16.06.76.
779. Xhevat, Mahmut, Kanxha, 10.04.41.
780. Fatime, Abaz, Kapllani, 01.12.50.
781. Agron, Fuat, Karimani, 11.12.69.
782. Ardian, Fuat, Karimani, 17.05.83.
783. Diana, Hamdi, Karamani, 14.04.75.
784. Donika, Fuat, Karumani, 16.09.75.
785. Edmond, Hamdi, Karamani, 17.03.77.
786. Florinda, Fuat, Karimani, 05.07.77.
787. Fuat, Selami, Karimani, 06.12.47.
788. Ibrahim, Selami, Karimani, 23.02.62.
789. Liljana, Ibrahim, Karimani, 02.11.83.
790. Manuela, Ibrahim, Karimani, 24.08.80.
791. Minir, Selami, Karumani, 20.04.64.
792. Natasha, Fuat, Karimani, 14.10.67.
793. Rabije, Mustafa, Karimani, 01.01.63.
794. Rabije, Qamil, Karimani, 24.12.51.
795. Ramazan, Selami, Karamani, 10.04.50.
796. Robert, Ramazan, Karamani, 04.04.81.
797. Selvi, Kadri, Karamani, 24.02.60.
798. Valentina, Kujtim, Karumani, 15.09.70.
799. Ali, Ymer, Keqi, 02.01.42.
800. Gjyle, Haxhi, Keqi, 04.04.47.
801. Mand9, Ali, Keqi, 27.08.78.
802. Blerim, Ali, Keqi, 01.05.82.
803. Lule, Ramiz, Koci, 25.04.69.
804. Gani, Muharrem, Koci, 25.06.40.
805. Vathe, Dalip, Koci, 02.02.43.
806. Vath, Gani, Koci, 27.02.66.
807. Resmije, Gani, Koci, 28.03.68.
808. Adriana, Gani, Koci, 20.05.78.
809. Shpresa, Rexhep, Koci, 23.10.69.
810. Mimoza, Previz, Koci, 03.04.59.
811. Nazif, Ramiz, Koci, 02.03.63.
812. Valbona, Shaqir, Koci, 02.12.71.
813. Drita, Zenel, Koci, 04.09.63.
814. Olsi, Agim, Kodra, 28.07.72.
815. Manushaqe, Namik, Kokallaj, 01.03.75.
816. Fatmir, Dalip, Kola, 16.02.55.
817. Ariana, Ymer, Kola, 08.04.59.
818. Dritan, Fatmir, Kola, 26.11.81.
819. Safet, Selman, Kolo, 08.04.53.
820. Behije, Ali, Kolo, 10.01.53.
821. Ogerta, Kolo, 18.10.79.
822. Julian, Safet, Kolo, 08.12.77.
823. Arjan, Solli, Kondakciu, 07.09.66.
824. Majlinda, Solli, Kondakciu, 08.05.72.
825. Solli, Pali, Kondakciu, 27.03.34.
826. Evis, Pajtim, Kondakciu, 14.02.76.
827. Rajmonda, Kujtim, Kongjojaj, 07.10.81.
828. Kujtim, Dervish, Kongjonaj, 04.02.54.
829. Leonora, Xhelil, Kongjonaj, 02.03.58.
830. Latif, Xhafer, Koni, 04.04.40.
831. Fatmira, Abduraman, Koni, 28.07.46.
832. Rudina, Koni, 14.09.70.
833. Gjergj, Xhafer, Kora, 22.01.80
834. Artur, Fuat, Korimani, 06.02.72.
835. Firdes, Mersin, Korimani, 05.06.72.
836. Alit, Hamid, Kormaku, 07.01.28.
837. Emine, Velica, Kormaku, 03.11.28.
838. Agron, Alit, Kormaku, 05.03.65.
839. Hatixhe, Myrteza, Kormaku, 23.10.69.
840. Ismail, Alit, Kormaku, 28.03.60.
841. Bukurije, Sefer, Kormaku, 28.03.60.
842. Erion, Ismail, Kormaku, 23.06.81.
843. Valbona, Ismail, Kormaku, 29.12.82.
844. Bajram, Ibrahim, Korra, 12.04.49.
845. Hane, Arif, Korra, 01.09.52.
846. Gentjan, Bajram, Korra, 30.07.72.
847. Shpresa, Bajram, Korra, 07.03.76.
848. Romeo, Bajram, Korra, 26.05.81.
849. Polikron, Vasil, Kosta, 28.08.42.
850. Lena, theodhor, Kosta, 01.05.08.
851. Thipi, Nino, Kosta, 14.08.54.
852. Alma, Polikron, Kosta, 07.03.82.
853. Lulezim, Muharem, Kovaci, 08.12.48.
854. Shpresa, Kovaci, 24.10.54.
855. Enkeleida, Lulezim, Kovaci, 02.07.73.
856. Jonela, Lulezim, Kovaci, 06.03.80.
857. Xheladin, Qerim, Krajka, 05.10.35.
858. Fatime, Osman, Krajka, 08.09.30.
859. Fatbardha, Xheladin, Krajka, 28.08.63.
860. Petrit, Xheladin, Krajka, 05.09.64.
861. Majlinda, Mitat, Krajka, 09.02.68.
862. Hamid, Xheladin, Krajka, 25.10.60.
863. Mediha, Jonuz, Krajka, 18.05.61.
864. Indrit, Hamid, Krajka, 01.09.83.
865. Pranvera, Riza, Kruda, 05.05.71.
866. Floresha, Dilaver, Kruda, 04.02.74.
867. Anila, Dashamir, Kruja, 02.07.75.
868. Xhevit, Caush, Kuburi, 03.07.37.
869. Vaf, Xhevit, Kuburi, 16.07.62.
870. Aishe, Sadik, Kuburi, 15.11.37.
871. Vjollca, Ahmet, Kuburi, 19.07.63.
872. Fellanxa, Xhevit, Kuburi, 23.05.69.
873. Dorine, Mustafa, Kuci, 12.08.79.
874. Saimir, Mustafa, Kuci, 18.11.83.
875. Mustafa, Musa, Kuci, 24.04.71.
876. Vjollca, Hariz, Kuci, 16.05.76.
877. Kujtim, Mustafa, Kuci, 16.06.65.
878. Astrit, Mustafa, Kuci, 14.04.69.
879. Valbona, Mustafa, Kuci, 24.10.76.
880. Adriatik, Mustafa, Kuci, 20.12.77.
881. Mahide, Selim, Kuci, 09.05.39.
882. Adrian, Riza, Kuci, 14.02.61.
883. Riza, Hajri, Kuci, 15.10.28.
884. Mahide, Selim, Kuci, 09.05.39.
885. Adrian, Riza, Kuci, 14.02.61.
886. Elida, Nasi, Kulari, 06.11.61.
887. Faik, Haki, Kumanova, 22.01.34.
888. Sulltane, Hamit, Kumanova, 20.09.45.
889. Gezim, Faik, Kumanova, 28.06.61.
890. Xhevdet, Faik, Kumanova, 29.08.64.
891. Naile, Faik, Kumanova, 25.10.65.
892. Flutura, Sulejman, Kumanova, 25.11.70.
893. Ismet, Qani, Kumbulla, 19.05.52.
894. Rozeta, Zalo, Kumbulla, 14.06.52.
895. Brunilda, Ismet, Kumbulla, 30.11.75.
896. Gramos, Ismet, Kumbulla, 20.02.80.
897. Anila, Sabri, Kurti, 28.04.76.
898. Bedri, Bajram, Kurti, 25.01.61.
899. Eridon, Kadri, Kurti, 05.09.83.
900. Fatime, Qamil, Kurti, 28.08.37.
901. Kadri, Demir, Kurti, 02.06.55.
902. Majlinda, Sabri, Kurti, 10.03.79.
903. Mirushe, Sabri, Kurti, 01.03.74.
904. Pellumb, Sabri, Kurti, 04.05.67.
905. Rajmonda, Sabri, Kurti, 17.06.81.
906. Sabri, Osman, Kurti, 31.03.36.
907. Silvana, Kadri, Kurti, 01.01.79.
908. Xhumaje, Sali, Kurti, 08.06.81.
909. Ylli, Sabri, Kurti, 26.04.69.
910. Manushaqe, Bajram, Kusi, 11.03.67.
911. Aleks, Fatosh, Lacaj, 20.11.54.
912. Olimbi, Ormen, Lacaj, 26.08.66.
913. Irma, Ismail, Laja, 30.08.61.
914. Ismail, Qazim, Laja, 27.01.36.
915. Myzejen, Tohsun, Laja, 10.10.37.
916. Lumturi, Faik, Lajmeri, 05.01.55.
917. Besnik, Ibrahim, Lala, 01.06.61.
918. Bukurie, Halit, Lala, 11.10.62.
919. Gelnida, Selami Lalaj, 15.09.66.
920. Aida, Lami, 05.05.76.
921. Arben, Ilmi, Lamaj, 18.06.65.
922. Arjan, Lami, 09.01.74.
923. Beldar, Ilmi, Lamaj, 25.05.76.
924. Dije, Lami, 30.09.50.
925. Ilmi, Gani, Lamaj, 01.04.41.
926. Lahe, Kalo, Lamaj, 01.04.20.
927. Qazim, Lami, 07.01.45.
928. Roland, Lami, 25.06.79.
929. Sanije, Fejzulla, Lamaj, 24.10.40.
930. Silvana, Lami, 25.01.75.
931. Xhemal. Muharem, Lani, 16.06.39.
932. Mirela, Hamdi, Laze, 21.11.74.
933. Leonora, Gore, Lazri, 13.08.51.
934. Maks, Aleks, Lazri, 13.08.51.
935. Dorian, Maks, Lazri, 25.03.75.
936. Vasilika, Maks, Lazri, 13.05.76.
937. Beldar, Shkurt, Leka, 31.10.76.
938. Klarita, Leka, 10.04.60.
939. Ermira, Shahin, Likaj, 26.12.61.
940. Hasim, Shaban, Lila, 03.10.59.
941. Myzejen, Besim, Lila, 21.09.65.
942. Nedime, Xhevair, Lilaj, 15.12.35.
943. Liljana, Sami, Lilaj, 11.12.59.
944. Spartak, Sami, Lilaj, 26.03.65.
945. Rolanda, Bajram, Lilaj, 22.10.73.
946. Vera, Bajram, Limani, 19.08.31.
947. Shaqir, Kasem, Limani, 07.08.64.
948. Nadire, Abdi, Limani, 16.06.66.
949. Myrvete, Qemal, Limani, 07.03.61.
950. Agim, Kasem, Limani, 11.05.58.
951. Myrvete, Qemal, Limani, 07.03.61.
952. Mustafa, Ibrahim, Livadhi, 28.02.57.
953. Bihane, Ramazan, Livadhi, 07.02.61.
954. Dorina, Mustafa, Livadhi, 13.05.80.
955. Ziodet, Refat, Llanaj, 10.03.66.
956. Valentina, Lavdosh, Llanaj, 20.01.72.
957. Urim, Refat, Llanaj, 03.11.71.
958. Aferdita, Selman, Llatika, 21.09.53.
959. Shpresa, Selman, Llatika, 06.07.56.
960. Albina, Ndue, Lleshaj, 12.07.70.
961. Pjeter, Zef, Lleshaj, 08.01.36.
962. Ruta, Pjeter, Lleshaj, 02.04.42.
963. Gjovali, Pjeter, Lleshaj, 07.04.62.
964. Viktor, Pjeter, Lleshaj, 21.03.66.
965. Lek, Pjeter, Lleshaj, 26.02.69.
966. Artan, Pjeter, Lleshaj, 26.01.71.
967. Bashkim, Pjeter, Lleshaj, 28.05.73.
968. Dorina, Luadhi, 13.05.80.
969. Lefter, Fadil, Luga, 12.02.75.
970. Shpresa, Avdi, Luga, 20.12.77.
971. Ludovik, Pashko, Lulati, 03.01.53.
972. Florinte, Pjeter, Lulati, 05.06.62.
973. Evisi, Ludovik. Lulati, 23.06.83.
974. Nazmije, Banush, Lumani, 09.12.50.
975. Agim, Hysen, Luziu, 19.05.65.
976. Dhurata, Xhafer, Luziu, 14.05.70.
977. Gezim, Murat, Maci.
978. Kujtime, Hamit, Maci, 10.08.53.
979. Bledar, Gezim, Maci, 21.10.75.
980. Ergys, Gezim, Maci, 07.05.83.
981. Altin, Fazli, Malaj, 11.04.72.

982. Vera, Fazli, Malaj, 21.06.67.
983. Islam, Fasli, Malaj, 06.04.61
984. Zylfije, Uke, Malaj, 16.05.64.
985. Donika, Myrehar, Malaj, 29.06.57.
986. Luan, Myrdar, Malaj, 31.12.58.
987. Myrdar, Razi, Malaj, 19.05.37.
988. Arida, Qenan, Malaj, 27.07.74.
989. Qamile, Sinan, Malaj, 20.10.35.
990. Gezim, Myrdar, Malaj, 25.10.55.
991. Pellumb, Myrdar, Malaj, 24.03.64.
992. Majlinda, Ismail, Malaku, 10.05.66.
993. Aferdita, Ibrahim, Malja, 01.02.76.
994. Anila, Ibrahim, Malja, 27.06.79.
995. Elvira, Ndoc, Male, 09.03.56.
996. Fiqiri, Ibrahim, Malja, 01.05.74.
997. Florina, Malja, 20.10.79.
998. Gjergj, Nikoll, Male, 25.02.31.
999. Ibrahim, Islam, Malja, 10.10.40.
1000. Kastriot, Faslli, Male, 28.04.65.
1001. Luisa, Mishel, Male, 21.01.81.
1002. Lule, Ibrahim, Malja, 05.08.70.
1003. Majlinda, Mustafa, Malja, 25.08.81.
1004. Mishel, Gjergj, Male, 15.02.56.
1005. Mustafa, Islam, Malja, 20.06.55.
1006. Natasha, Bastri, Malo, 20.10.76.
1007. Nilsi, Mishel, Male, 10.02.83.
1008. Nurie, Abaz, Malja, 20.04.42.
1009. Oltjana, Ibrahim, Malja, 14.07.82.
1010. Xhemile, Kasem, Malja, 05.01.60.
1011. Flamur, Nevruz, Malushi, 01.09.51.
1012. Fatime, Reshat, Malushi, 12.07.60.
1013. Shkelqesa, Beqir, Manaj, 03.03.64.
1014. Afron, Gjesho, Manja, 12.01.41.
1015. Mine, Meco, Manja, 06.08.50.
1016. Irma, Afron, Manja, 18.02.72.
1017. Edlira, Manja, 30.08.75.
1018. Safet, Yzeir, Manlliu, 20.03.27.
1019. Enverije, Sali, Manlliu, 06.08.67.
1020. Donika, Safet, Manlliu, 06.08.67.
1021. Brikena, Arben, Maratona.
1022. Arben, Maratoni, 24.02.53.
1023. Bajame, Islam, Maratoni, 25.08.53.
1024. Meringlen, Arben, Maratoni, 24.05.78.
1025. Jorinda, Arben, Maratoni, 09.01.82.
1026. Sofika, Refail, Marku, 10.09.47.
1027. Lavdrim, Sabit, Mata, 19.11.65.
1028. Hamide, Skender, Mata, 19.11.65.
1029. Kalosh, Idriz, Matranxhi, 18.10.35.
1030. Fatime, Baftjar, Matranxhi, 04.04.37.
1031. Behar, Kalosh, Matranxhi, 10.05.70.
1032. Rukie, Kalosh, Matranxhi, 27.03.73.
1033. Kujtime, Kalosh, Matranxhi, 17.06.73.
1034. Fiqeri, Kalosh, Matranxhi, 15.02.78.
1035. Remzije, Kalosh, Matranxhi, 10.02.81.
1036. Fatos, Kalosh, Matranxhi, 10.05.66.
1037. Entela, Leli, Matranxhi.
1038. Gjyle, Smajl, Meci, 22.04.30.
1039. Nazmi, Shaban, Meci, 28.09.69.
1040. Diana, Shaban, Meci, 11.03.72.
1041. Riza, Shaban, Meci, 08.03.75.
1042. Halit, Shaban, Meci, 20.04.67.
1043. Mark, Ndue, Mehilli, 15.09.53.
1044. Age, Gjon, Mehilli, 03.08.59.
1045. Sokol, Mark, Mehilli, 23.07.59.
1046. Lodovik, Mark, Mehilli, 10.10.83.
1047. Bashkim, Uke, Mehmeti, 01.08.52.
1048. Alma, Mehmeti, 25.02.83.
1049. Anila, Demir, Mehmeti, 15.03.76.
1050. Demir, Besim, Mehmeti, 31.12.40.
1051. Fatime, Demir, Mehmeti, 21.08.43.
1052. Flutur, Ramadan, Mehmeti, 04.12.61.
1053. Gentian, Bashkim, Mehmeti, 27.12.80.
1054. Lindita, Demir, Mehmeti, 22.03.77.
1055. Lulzim, Skender, Mehmeti, 12.02.81.
1056. Nazmie, Skender, Mehmeti, 18.08.52.
1057. Skender, Ismail, Mehmeti, 05.09.62.
1058. Valmira, Bashkim, Mehmeti, 01.05.82.
1059. Petrit, Jonuz, Mema, 13.07.69.
1060. Manushaqe, Hasan, Mema, 28.02.69.
1061. Nexhat, Irfan, Mersinaj, 04.03.37.
1062. Stoli, Malo, Mersinaj, 26.12.48.
1063. Laura, Nexhat, Mersinaj, 06.03.69.
1064. Aurel, Nexhat, Mersinaj, 08.03.78.
1065. Bujar, Bexhet, Mersini, 13.10.59.
1066. Anila, Petrit, Mersini, 09.06.76.
1067. Maro, Jano, Meshini, 10.10.16.
1068. Avram, Gole, Meshini, 03.05.56.
1069. Leonora, Jorgji, Meshini, 02.11.60.
1070. Denis, Avram, Meshini, 16.02.82.
1071. Gencian, Avram, Meshini, 21.07.83.
1072. Viktor, Gole, Meshini, 22.02.47.
1073. Vitori, Jorgo, Meshini, 22.09.57.
1074. Orlein, Viktor, Meshini, 12.10.81.
1075. Adnand, Fiqiri, Metaj, 08.05.83.
1076. Aferdita, Hajredin, Metaj, 14.02.52.
1077. Agron, QAMIL, META, 19.04.64.
1078. Dolanda, Fiqiri, Metaj, 22.08.81.
1079. Elisabeta, Fiqiri, Metaj, 20.01.79.
1080. Feride, Mustafa, Metaj, 01.05.33.
1081. Fiqiri, Teki, Metaj, 20.11.51.
1082. Flutura, Skender, Meta, 16.09.60.
1083. Hatlije, QAMIL, META, 05.07.67.
1084. Merushe, Beqir, Meta, 08.03.66.
1085. Miranda, Qamil, META, 03.08.70.
1086. Njazi, Hajro, Meta, 16.04.58.
1087. Pajtim, Abdyl, Meta, 01.05.33.
1088. Qamil, Hasan, Meta, 27.09.32.
1089. Qanije, Kalem, Meta, 25.02.32.
1090. Ramazan, Haxhi, Metaj, 27.02.31.
1091. Shpetim, Ramazan, Metaj, 1303.66.
1092. Trendafile, Hajro, Meta, 25.03.65.
1093. Xhevrije, Ibrahim, Metaj, 28.02.41.
1094. Zamira, Cobani, Metaj, 11.04.68.
1095. Fetah, Ali, Metko, 17.06.42.
1096. Pellumbesha, Hajredin, Metko, 11.08.68.
1097. Arben, Feta, Metko, 01.08.68.
1098. Albana, Flamur, Metko, 06.10.75.
1099. Vero, Haredin, Molla, 20.02.67.
1100. Rajmonda, Manxhar, Molla, 28.12.69.
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1102. Mimoza, Ceno, Molla, 01.06.67.
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1104. Aurora, Pellumb, Molla, 21.05.43.
1105. Brunilda, Idriz, Molla, 03.04.80.
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1107. Liza, Pal, Mrishaj, 12.01.62.
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1109. Dhurata, Sulejman, Muca, 26.04.66.
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1115. Sanije, Mucollari, 08.04.41.
1116. Astrit, Mucollari, 13.09.60.
1117. Sala, Mucollari, 11.07.71.
1118. Merita, Mucollari, 28.07.70.
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1123. Ervin, Ismail, Musi, 17.11.79.
1124. Gani, Dervish, Musi, 08.11.68.
1125. Ismail, Dervish, Musi, 12.10.49.
1126. Kujtim, Dervish, Musi, 19.03.63.
1127. Lejla, Dervish, Musi, 12.02.73.
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1130. Oriola, Agim, Musi, 19.04.82.
1131. Ornela, Ismail, Musi, 12.06.78.
1132. Pranvera, Halil, Musi, 22.04.63.
1133. Qefsere, Dervish, Musi, 29.03.67.
1134. Rajmonda, Nevrus, Musi, 26.02.66.
1135. Shyqyri, Dervish, Musi, 03.09.60.
1136. Tane, Ymer, Musi, 31.05.52.
1137. Zeliha, Hasan, Musi, 02,08.37.
1138. Servete, Sefedin, Musliu, 05.04.37.
1139. Fluturije, Lutfi, Musliu, 25.05.61.
1140. Lindita, Lutfi, Musliu, 07.10.71.
1141. Xhezair, Ismail, Musliu, 02.08.30.
1142. Ballakzije, Jashar, Musliu, 19.07.32.
1143. Merita, Xhezair, Musliu, 30.05.67.
1144. Qerime, Eles, Musliu, 30.07.20.
1145. Drita, Jakup, Musliu, 08.12.51.
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1147. Kudret, Turhan, Myftari, 24.04.55.
1148. Anita, Qermal, Myftari, 10.12.57.
1149. Muharem, Rakip, Nallcia, 06.07.28.
1150. Klodian, Albert, Nallcia, 17.03.82.
1151. Mynevere, Osman, Nallcia, 07.04.31.
1152. Albert, Muharem, Nallcia, 20.06.59.
1153. Suzana, Muharem, Nallcia, 20.01.63.
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1155. Xhevaire, Xhemal, Nasko, 08.09.46.
1156. Lavdije, Abdyl, Nasko, 22.10.67.
1157. Ilirjan, Abdyl, Nasko, 21.06.71.
1158. Alket, Abdyl, Nasko, 07.03.73.
1159. Agron, Nihat, Nasufi, 14.12.70.
1160. Donika, Feim, Nasufi, 27.01.39.
1161. Gentian, Nehat, Nasufi, 14.09.77.
1162. Astrit, Neshat, Nasufi, 28.06.68.
1163. Aida, Murat, Nasufi, 06.06.71.
1164. Mahmude, Rustem, Naziri, 31.12.36.
1165. Arben, Ded, Ndoja, 13.12.66.
1166. Mark, Ndue, Ndreca, 08.01.68.
1167. Alma, Pashke, Ndreca, 08.09.73.
1168. Lec, Gjin, Ndreca, 16.03.47.
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1170. Esuela, Ndreca, 10.06.76.
1171. Armand, Lec, Ndreca, 30.08.78.
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1173. Xhaje, Muharrem, Ndregjoni, 21.05.26.
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1181. Rudina, Nexhipi, 30.07.81.
1182. Engjellushe, Esat, Nexhipi, 06.11.79.
1183. Xheladin, Abdyl, Nexhipi, 05.03.38.
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1187. Merita, Rifat, Nexhipi, 26.05.83.
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1189. Qani, Xheladin, Nexhipi, 20.09.66.
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1231. Trendelina, Sherif, Ostrovicka, 02.05.52.

1232. Adrian, Atem, Ostrovicka, 04.06.73.
1233. Ateca, Atem, Ostrovicka, 23.08.82.
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1271. Arben, Sherif, Preza, 06.05.54.
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1480. Jonus, Ramadan, Shehu, 12.02.34.
1481. Kudrete, Qamil, Shehu, 11.01.59.
1482. Latif, Musa, Shehu, 03.02.57.
1483. Lindita, Jonus, Shehu, 02.09.76.

1484. Mihane, Elmaz, Shehu, 01.10.43.
1485. Qamile, Xhavit, Shehi, 13.11.72.
1486. Zenepe, Jonus, Shehu, 05.06.71.
1487. Florand, Shefit, Shema, 12.09.68.
1488. Albana, Abedin, Shema, 05.09.71.
1489. Aferdita, Shefqet, Sherifi, 03.03.71.
1490. Aferdita, Rexhep, Sherifi, 26.12.68.
1491. Agron, Hilmi, Sherifi, 09.04.69.
1492. Albana, Pellumb, Sherifi, 03.08.78.
1493. Arjan, Rexhep, Sherifi, 08.03.73.
1494. Artan, Bashkim, Sherifi, 12.07.82.
1495. Bashkim, Rexhep, Sherifi, 18.02.60.
1496. Bujar, Sherifi, 23.01.61.
1497. Bujar, Hilmi, Sherifi, 23.01.61.
1498. Demizhan, Ramadan, Sherifi, 12.02.32.
1499. Edmond, Pellumb, Sherifi, 06.10.75.
1500. Elvira, Halil, Sherifi, 20.01.75.
1501. Engjellushe, Xhevat, Sherifi, 18.01.77.
1502. Engjellushe, Demir, Sherifi, 05.06.75.
1503. Eqerem, Rexhep, Sherifi, 15,01.62.
1504. Etleva, Shaban, Sherifi, 18.06.73.
1505. Fatmir, Hilami, Sherifi, 06.06.64.
1506. Fatmir, Arif, Sherifi, 08.03.69.
1507. Festim, Rexhep, Sherifi, 24.10.76.
1508. Fitnete, Enver, Sherifi, 02.08.64.
1509. Floreta, Pellumb, Sherifi, 08.03.77.
1510. Flutur, Ali, Sherifi, 19.09.62.
1511. Genci, Rexhep, Sherifi, 10.01.71.
1512. Gezim, Zeqir, Sherifi, 26.06.61.
1513. Hamdije, Kadri, Sherifi, 08.10.67.
1514. Hazbije, Rasim, Sherifi, 15.01.49.
1515. Kimete, Shaqir, Sherifi, 01.03.28.
1516. Kujtim, Rexhep, Sherifi, 25.02.58.
1517. Lavdie, Lulzim, Sherifi, 21.07.68.
1518. Lirim, Rexhep, Sherifi, 17.03.65.
1519. Lorenc, Lulzim, Sherifi, 31.10.66.
1520. Lucie, Mustafa, Sherifi, 28.06.54.
1521. Luljan, Skender, Sherifi, 09.06.69.
1522. Luljeta, Ismet, Sherifi, 11.09.70.
1523. Luljeta, Rexhep, Sherifi, 22.07.68.
1524. Lulzim, Hilami, Sherifi, 14.12.66.
1525. Lumturi, Sali, Sherifi, 04.02.64.
1526. Lumturi, Demo, Sherifi, 02.05.66.
1527. Mimoza, Eqerem; Sherifi, 25.04.73.
1528. Mirela, Xhevat, Sherifi, 19.08.80.
1529. Mukades, Hajredin, Sherifi, 17.06.59.
1530. Musa, Rexhep, Sherifi, 13.03.67.
1531. Myhyrije, Zenel, Sherifi, 31.12.75.
1532. Naim, Zeqir, Sherifi, 22.04.81.
1533. Natasha, Hamdi, Sherifi, 05.11.74.
1534. Naxmije, Murat, Sherifi, 08.05.54.
1535. Nurije, Arif, Sherifi, 25.02.55.
1536. Pelumb, Rexhep, Sherifi, 31.03.54.
1537. Rabihan, Ali, Sherifi, 20.05.42.
1538. Remzije, Nexir, Sherifi, 03.11.50.
1539. Rexhep, Mustafa, Sherifi, 06.11.45.
1540. Rita, Esmet, Sherifi, 28.12.67.
1541. Sanije, Ali, Sherifi, 27.09.33.
1542. Shyqyrije, Mustafa, Sherifi, 21.11.49.
1543. Silvana, Bujar, Sherifi, 13.06.80.
1544. Skender, Arif, Sherifi, 14.09.52.
1545. Sonila, Resul, Sherifi, 28.01.77.
1546. Vjollca, Hajredin, Sherifi, 05.09.72.
1547. Xhevat, Mustafa, Sherifi, 15.05.42.
1548. Yllka, Rexhep, Sherifi, 07.05.75.
1549. Zeqir, Rexhep, Sherifi, 03.06.30.
1550. Mimoza, Murat, Shima, 24.12.78.
1551. Edmond, Murat, Shima, 07.01.82.
1552. Fatmira, Murat, Shima, 04.10.83.
1553. Murat, Qamil, Shima, 31.12.55.
1554. Merjeme, Abedin, Shima, 22.04.59.
1555. Mimoza, Murat, Shima, 24.12.78.
1556. Qani, Idriz, Shino, 12.04.52.
1557. Aurora, Shino, 27.10.83.
1558. Misiko, Qani, Shino, 29.11.77.
1559. Riza, Rexh, Shira, 29.01.59.
1560. Natasha, Bajram, Shira, 24.05.57.
1561. Zamira, Riza, Shira, 19.01.81.
1562. Emerie, Hakik, Shira, 20.08.73.
1563. Lumturi, Fadil, Shira, 08.06.78.
1564. Agron, Bajram, Shkalla, 01.06.57.
1565. Gjyle, Sadik, Shkalla, 27.12.63.
1566. Elert, Agron, Shkalla, 04.02.83.
1567. Hava, Mas-har, Shkoza, 20.06.61.
1568. ???, ???, ???, 23.06.65.
1569. Fatmira, Ruzhdi, Shoshari, 04.10.65.
1570. Ladimir, Shoshari, 04.04.71.
1571. Mimoza, Ruzhdi, Shoshari, 21.02.74.
1572. Agim, Gone, Shtylla, 15.07.65.
1573. Flutura, Files, Shtylla, 20.04.67.
1574. Gani, Fejzo, Shtylla, 20.04.19.
1575. Kafaze, Kapo, Shtylla, 01.06.18.
1576. Rexhep, Gani, Shtylla, 04.03.56.
1577. Dile, Zenel, Shtylla, 30.12.59.
1578. Entela, Rexhep, Shtylla, 10.03.82.
1579. Mustafa, Kadri, Shtylla, 13.10.69.
1580. Anila, Petrit, Shtylla, 13.02.73.
1581. Dritan, Kadri, Shtylla, 11.08.77.
1582. Xhemal, Mehmet, Shullazi, 24.08.51.
1583. Emine, Hysen, Shullazi, 13.11.50.
1584. Igli, Xhemal, Shullazi, 09.08.74.
1585. Pada, Xhemal, Shullazi, 19.05.79.
1586. Ramazan, Mexhit, Shushku, 14.03.61.
1587. Nazmije, Qemal, Shushku, 24.06.68.
1588. Keidi, Bujar, Skendo, 10.07.83.
1589. Mustafa, Muhamet, Skera, 28.09.63.
1590. Qamile, Beqir, Skera, 25.10.65.
1591. Myrvete, Rexh, Skira, 23.08.61.
1592. Gani, Adem, Skudrinja, 05.05.39.
1593. Myzejen, Ali, Skudrinja, 22.04.60.
1594. Elena, Efter, Sojli, 28.06.70.
1595. Drita, Mustafa, Sopoti, 09.09.48.
1596. Fatos, Adem, Sopoti, 17.01.80.
1597. Lirim, Adem, Sopoti, 23.10.83.
1598. Bedri, Ramazan, Spahiu, 03.06.57.
1599. Mejte, Hamdi, Spahiu, 16.02.64.
1600. Besnik, Nazmi, Spahiu, 25.04.56.
1601. Naxhije, Mazllem, Spahiu, 23.08.54.
1602. Fatjon, Besnik, Spahiu, 09.03.83.
1603. Florjan, Besnik, Spahiu, 09.03.83.
1604. Isamil, Xhaferr, Spahiu, 28.06.52.
1605. Lumturi, Xhaferr, Spahiu, 21.03.62.
1606. Elton, Ismail, Spahiu, 12.12.82.
1607. Vasil, Josif, Spirollari, 06.01.49.
1608. Vionera, Petro, Spirollari, 06.05.54.
1609. Blendi, Vasil, Spirollari, 11.08.79.
1610. Ilir, Thanas, Spirollari, 01.02.61.
1611. Thanas, Ligor, Spirollari, 29.04.36.
1612. Laureta, Vasil, Spirollari, 09.05.74.
1613. Albert, Astrit, Sula, 30.04.80.
1614. Alida, Dilaver, Sula, 05.03.76.
1615. Ardian, Shaqir, Sula, 28.12.71.
1616. Arife, Haki, Sula, 06.04.65.
1617. Arjan, Tomor, Sula, 30.08.62.
1618. Arta, Astrit, Sula, 25.05.82.
1619. Artur, Hasan, Sula, 05.10.67.
1620. Astrit, Shyqyri, Sula, 10.09.61.
1621. Dhurata, Petrit, Sula, 08.01.72.
1622. Dritan, Sula, 19.08.73.
1623. Ermira, Demir, Sula, 17.03.69.
1624. Gentian, Refat, Sula, 03.06.72.
1625. Kujtim, Shyqyri, Sula, 02.01.59.
1626. Lefteri, Mynir, Sula, 19.07.65.
1627. Lefteri, Mynyr, Sula, 19.07.65.
1628. Leme, Myslim, Sula, 14.08.63.
1629. Majlinda, Fehim, Sula, 29.04.66.
1630. Marinela, Agim, Sula, 06.09.83.
1631. Marjeta, Refat, Sula, 23.06.74.
1632. Medine, Xhevit, Sula, 25.12.63.
1633. Miliano, Kujtim, Sula, 12.09.82.
1634. Pembe, Haxhi, Sula, 17.01.62.
1635. Refat, Sula, 22.03.51.
1636. Shefqet, Ismail, Sula, 01.02.55.
1637. Shkelqim, Nazmi, Sula, 13.07.70.
1638. Sokol, Nazmi, Sula, 22.02.83.
1639. Sonila, Sula, 03.02.80.
1640. Valbona, Sula, 06.04.78.
1641. Vera, Sula, 29.12.62.
1642. Vojsava, Pelivan, Sula, 03.02.79.
1643. Ylli, Ismail, Sula, 22.03.66.
1644. Zana, Islam, Sula, 18.03.76.
1645. Zyhra, Beqir, Sula, 05.05.24.
1646. Resul, Sulejman, Sulejmani, 07.04.34.
1647. Dashamira, Sotir, Sulejmani, 27.07.52.
1648. Isa, Qamil, Sulmina, 03.12.54.
1649. Skenderije, Servet, Sulmina, 01.05.55.
1650. Fabjola, Isa, Sulmina, 06.02.79.
1651. Enea, Isa, Sulmina, 14.04.80.
1652. Nertila, Hava, Sulovari, 14.08.79.
1653. Sonila, Naim, Sulovari, 29.08.77.
1654. Skender, Ismail, Tafaj, 06.05.30.
1655. Tahir, Zenel, Tahiri, 21.05.55.
1656. Safete, Shefit, Tahiri, 28.01.64.
1657. Fation, Tahi, Tahiri, 10.01.77.
1658. Llesh, Zef, Tahiri, 25.10.54.
1659. Tefik, Hekuran, Taraj, 02.01.35.
1660. Adile, Karafil, Taraj, 05.01.44.
1661. Jorgo, Tefik, Taraj, 27.09.65.
1662. Mimoza, Tefik, Taraj, 26.10.75.
1663. Valbona, Tefik, Taraj, 10.07.78.
1664. Xhavit, Dali, Tatraku, 07.02.34.
1665. Josif, Vangjel, Tiko, 20.09.48.
1666. Vjollca, Ligor, Tiko, 07.04.50.
1656. Armando, Josif, Tiko, 08.05.74.
1668. Rovena, Josif, Tiko, 21.08.79.
1669. Artan, Haxhi, Tila, 04.03.73.
1670. Isak, Ajet, Toci, 12.07.70.
1671. Shqiponja, Zenel, Toci, 02.09.70.
1672. Nazmi, Jusuf, Tola.
1673. Merita, Kadri, Tola.
1674. Matilda, Nazmi, Tola.
1675. Sefer, Izet, Tomja, 10.12.31.
1676. Teuta, Hamdi, Tomja, 14.12.31.
1677. Aferdita, Sefer, Tomja, 17.08.55.
1678. Agron, Sefer, Tomja, 27.04.60.
1679. Jani, Naum, Tona, 21.03.58.
1680. Nazmije, Nimet, Topalli, 18.11.73.
1681. Amaroldo, Clirim, Topalli, 24.04.77.
1682. Artur, Tush, Topuzi, 17.04.70.
1683. Mine, Qemal, Topuzi, 01.12.75.
1684. Tush, Topuzi, 21.04.40.
1685. Darije, Topuzi, 06.01.43.
1686. Blerim, Zylyf, Tora, 01.12.62.
1687. Zylyf, Rexhep, Tora, 01.07.35.
1688. Hazhire, Hasan, Tora, 13.02.40.
1689. Bajram, Qazim, Tori, 18.03.60.
1690. Minushe, Demir, Tori, 02.03.67.
1691. Qazim, Bajram, Tori, 10.05.23.
1692. Shegushe, Adem, Tori, 05.09.37.
1693. Flutura, Zylyf, Toro, 18.05.65.
1694. Bukuroshė, Muhamet, Toshkezi, 22.04.61.
1695. Zaim, Xhemali, Tota, 14.06.56.
1696. Shyqyrije, Mehdi, Tota, 09.06.61.
1697. Sabri, Xhemali, Tota, 05.02.67.
1698. Bije, Elmaz, Tota, 20.04.30.
1699. Bashkim, Xhemali, Tota, 01.02.71.
1700. Nadire, Xhemali, Tota, 20.11.73.
1701. Mimoza, Haki, Tota, 15.11.75.
1702. Gjylsime, Bajram, Tota, 03.03.78.
1703. Miftar, Xhemali, Tota, 14.08.59.
1704. Hane, Vasil, Tota, 13.05.71.
1705. Zelie, Ramadan, Totraku, 13.08.20.
1706. Dije, Mehmet, Totraku, 01.01.69.
1707. Vangjel, Vaso, Trola, 06.01.41.
1708. Ollga, Kola, Trola, 17.03.22.
1709. Isuf, Hasan, Tuga, 12.06.44.
1710. Lavdije, Rasim, Tuga, 01.11.44.
1711. Albana, Isuf, Tuga, 22.11.74.
1712. Iljaz, Jonuz, Tulja, 25.11.48.
1713. Meriban, Adem, Tulja, 18.04.54.
1714. Elisadera, Iljaz, Tulja, 10.04.79.
1715. Jenis, Iljas, Tulja, 29.08.81.
1716. Narushe, Dali, Tunaj, 15.04.63.
1717. Haki, Han, Tusha, 05.06.66.
1718. Besarie, Bilal, Tusha, 19.03.21.
1719. Shaban, Han, Tusha, 18.03.82.
1720. Selim, Limon, Tusha, 25.08.68.
1721. Han, Limon, Tusha, 04.03.34.
1722. Alma, Rifat, Tusha, 04.07.74.
1723. Barije, Sali, Tusha, 04.07.74.
1724. Alfred, Han, Tusha, 10.03.74.
1725. Dritan, Han, Tusha, 15.04.77.
1726. Shkelqim, Han, Tusha, 14.04.79.
1727. Selim, Han, Tusha, ?.
1728. Besarije, Sali, Tusha, 18.03.71.
1729. Imer, Hysen, Tusha, 24.06.60.
1730. Fatmira, Asllan, Tusha, 05.04.65.
1731. Shqipe, Rexhep, Uba, 03.02.52.
1732. Lulezim, Avdyl, Uba, 27.06.71.
1733. Elvis, Avdyl, Uba, 27.05.77.
1734. Albert, Avdyl, Uba, 11.09.69.

1735. Zamira, Lutfi, Uba, 07.11.75.
1736. Havzi, Xhelal, Uka, 10.09.48.
1737. Lume, Selman, Uka, 17.11.48.
1738. Blerim, Havzi, Uka, 07.10.70.
1739. Mimoza, Havzi, Uka, 13.06.81.
1740. Yltez, Hekuran, Uka, 24.03.78.
1741. Drita, Ibrahim, Vaidllari, 11.01.59.
1742. Haxhi, Mehmet, Vathi, 23.07.50.
1743. Vjollca, Petrit, Vathi, 03.06.53.
1744. Klodian, Haxhi, Vathi, 13.07.79.
1745. Aldo, Haxhi, Vathi, 03.11.80.
1746. Aferdita, Velaj, 29.10.56.
1747. Engjellushe, Myslim, Visha, 06.02.55.
1748. Genci, Xhemal, Visha, 03.04.78.
1749. Vasilika, Thoma, Vllaha, 25.12.46.
1750. Sadete, Myslim, Vogli, 15.04.38.
1751. Shpetim, Hamid, Vogli, 26.09.75.
1752. Tone, Rahman, Vrapi, 26.06.56.
1753. ali, Jonuz, Vrapi, 09.06.51.
1754. Albana, Avdyl, Vrapi, 06.11.72.
1755. Hazbi, Asllan Vruzhda, 29.01.53.
1756. Donika, Kostaq, Vruzhda, 10.02.56.
1757. Rejnaldo. Hazbi, Vruzhda, 27.04.82.
1758. Njazi, Asllan, Vruzhja, 05.03.46.
1759. Mediha, Shaferdin, Vruzhja, 14.03.50.
1760. Rozeta, Niazi, Vruzhja, 04.04.73.
1761. Gentiana, Niazi, Vruzhja, 04.07.75.
1762. Oriola, Niazi, Vruzhja, 21.09.80.
1763. Besnik, Abdulla, Xhafa, 06.06.63.
1764. Kadife, Ramadan, Xhafa, 27.10.62.
1765. Rasim, Abdulla, Xhafa, 17.08.72.
1766. Suzana, Xhafa, 04.05.79.
1767. Aferdita, Asllan, Xhaferaj, 20.12.72.
1768. Agim, Sulo, Xhaferaj, 16.07.64.
1769. Albana, Dylber, Xhaferaj, 16.10.80.
1770. Brikena, Xhaferaj, 30.12.76.
1771. Fidarie, Mehmet, Xhaferaj, 08.06.50.
1772. Halil, Sulo, Xhaferaj, 08.04.49.
1773. Hidajet, Halil, Xhaferaj, 30.06.77.
1774. Luan, Sulo, Xhaferaj, 23.06.71.
1775. Muharrem, Halil, Xhaferaj, 24.09.65.
1776. Myruete, Xhaferaj, 02.11.80.
1777. Nexhip, Sulo, Xhaferaj, 19.02.67.
1778. Qamil, Sulo, Xhaferaj, 10.05.60.
1779. Shirko, Besim, Xhaferaj, 31.12.33.
1780. Vjollca, Halil, Xhaferaj, 07.08.80.
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1782. Merita, Kamer, Xhakani, 10.08.71.
1783. Abedin, Serjan, Xhambazi, 04.06.19.
1784. Arjan, Zenel, Xhambazi, 11.04.78.
1785. Besnik, Abedin, Xhambazi, 13.06.69.
1786. Drita, Ferit, Xhambazi, 20.06.66.
1787. Drita, Kasem, Xhambazi, 01.11.53.
1788. Fatjon, Aqif, Xhambazi, 16.07.80.
1789. Haziz, Abedin, Xhambazi, 05.11.52.
1790. Ilir, Haziz, Xhambazi, 27.03.71.
1791. Kadri, Abedin, Xhambazi, 30.09.59.
1792. Perian, Adem, Xhambazi, 23.08.68.
1793. Rabije, Nexhip, Xhambazi, 04.06.20.
1794. Sevdije, Izet, Xhambazi, 31.08.64.
1795. Shazije, Qamil, Xhambazi, 21.04.69.
1796. Vedimir, Zenel, Xhambazi, 16.06.81.
1797. Zamir, Zenel, Xhambazi, 23.06.76.
1798. Zana, Ruzhdi, Xhambazi, 01.08.72.
1799. Zenel, Abedin, Xhambazi, 28.10.54.
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1803. Doloreza, Ali, Xhaxha, 17.02.56.
1804. Artur, Gezim, Xhaxha, 23.05.74.
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1806. Drita, Ali, Xhoga, 27.09.48.
1807. Kostandine, Margarit, Xhoga, 11.05.05.
1808. Besnik, Ahmet, Xhoga, 27.04.65.
1809. Marjeta, Rahman, Xhoga, 18.08.65.
1810. Rudina, Anstas, Xhoga, 17.08.71.
1811. Kujtim, Ali, Ylli, 28.04.60.
1812. Dallandyshe, Kadri, Ylli, 07.02.63.
1813. Sheqere, Kujtim, Ylli, 17.11.83.
1814. Aishe, Haki, Ymeri, 22.05.61.
1815. Besim, Shefqet, Ymeri, 04.02.62.
1816. Diana, Loni, Ymeri, 01.12.62.
1817. Enverije, Malo, Ymeri, 07.03.83.
1818. Faik, Shefqet, Ymeri, 10.04.57.
1819. Gurie, Xhevdet, Ymeri, 13.07.68.
1820. Ilir, Ymeri, 29.08.76.
1821. Ismet, Aqif, Ymeri, 30.10.63.
1822. Jalldez, Ramadan, Ymeri, 11.12.64.
1823. Malo, Zejni, Ymeri, 30.06.63.
1824. Natasha, Malo, Ymeri, 16.09.81.
1825. Rita, Skender, Ymeri, 20.01.64.
1826. Robert, Safet, Ymeri, 14.02.64.
1827. Rudina, Faik, Ymeri, 12.10.78.
1828. Safet, Sjefget, Ymeri, 04.03.64.
1829. Shpresa, Xhemi, Ymeri, 23.08.77.
1830. Silvana, Faik, Ymeri, 05.05.83.
1831. Suela, Faik, Ymeri, 02.01.78.
1832. Zamira, Besim, Ymeri, 09.05.83.
1833. Fatbardha, Maliq, Zajmi, 24.01.41.
1834. Antoneta, Feti, Zajmi, 28.07.46.
1835. Fitnete, Jonuz, Zebi, 13.09.38.
1836. Albert, Abdulla, Zebi, 30.08.76.
1837. Skender, Hasan, Zela, 15.05.42.
1838. Fatmira, Mustafa, Zela, 02.03.52.
1839. Eltion, Skender, Zela, 26.10.73.
1840. Gerti, Skender, Zela, 27.05.78.
1841. Margarita, Gani, Zelia, 07.12.67.
1842. Muharrem, Skender, Zelija, 24.03.76.
1843. Sajmir, Skender, Zelija, 24.03.77.
1844. Shefqet, Mehmet, Zeneli, 19.06.38.
1845. Shpetim, Shefqet, Zeneli, 01.04.61.
1846. File, Qazim, Zenunaj, 10.07.27.
1847. Shaje, Mehmet, Zenunaj, 01.02.50.
1848. Suzana, Mehmet, Zenunaj, 01.01.54.
1849. Ike, Mehmet, Zenunaj, 09.02.60.
1850. Liljana, Mehmet, Zenunaj, 19.07.62.
1851. Shaje, Mehmet, Zenunaj, 13.03.73.
1852. File, Qazim, Zenunaj, 10.07.27.
1853. Fahri, Zhilla, 08.05.30.
1854. Aterdita, Zhilla, 19.12.30.
1855. Armand, Zhilla, 13.05.59.
1856. Ferdinand, Zhilla, 29.03.61.
1857. Ganimete, Zhilla, 04.12.62.
1858. Zenepe, Zhilla, 05.01.62.
1859. Shahin, Mustafa, Zogu, 05.10.42.
1860. Sokol, Shahin, Zogu, 07.06.70.
1861. Vasfije, Bajram, Zogu, 27.06.46.
1862. Altin, Shahin, Zogu, 08.05.72.
1863. Abedin, Riza, Zoto, 10.11.42.
1864. Jane, Haki, Zoto, 02.08.49.
1865. Adriatik, Abedin, Zoto, 16.02.70.
1866. Mirela, Abedin, Zoto, 09.12.76.
1867. Mynevere, Haki, Zoto, 27.06.20.
1868. Agim, Riza, Zoto, 01.10.47.

LISTA VOTUESVE SIPAS REGJISTRIT TE GJENDJES CIVILE QENDRA E VOTIMIT 122 VOTUES ME BANIM TE PERKOHSHEM

Nr., Emri, Atesia, Mbiemri, Datelindja

1. Enver, Beslim, Ahmetaj, 20.06.59x.
2. Farije, Sinan, Ahmetaj, 01.04.65x.
3. Kujtim, Hamdi, Ahmeti, 23.04.61x.
4. Valdete, Halit, Ahmeti, 23.04.63x.
5. Neje, Alush, Alili, 11.09.33x.
6. Ilir, Xhevdet, Aliu, 27.01.75x.
7. Drita, Skender, Aliu, 05.08.73x.
8. Xhevat, Ali, Aliu, 20.05.43x.
9. Zymbyle, Kasem, Aliu, 20.04.48x.
10. Altin, Tajar, Allajbej, 29.01.73x.
11. Andrea, Tajar, Allajbej, 19.05.67x.
12. Aleksander, Elmaz, Allajbej, 15.06.67x.
13. Mustafa, Rifat, Allmuca, 14.01.74x.
14. Xhevrije, Hamdi, Allmuca, 06.04.77x.
15. Shaje, Zenel, Allmuca, 07.03.44x.
16. Bujana, Idriz, Avdia, 02.11.78x.
17. Merita, Idriz, Avdia, 15.04.63x.
18. Dashnor, Idriz, Avdia, 16.09.66x.
19. Lazime, Hysni, Avdia, 20.06.66x.
20. Idriz, Rexhep, Avdia, 05.06.37x.
21. Vasili, Zak, Avdia, 06.07.33x.
22. Mendu, Idriz, Avdia, 31.03.60x.
23. Agron, Idriz, Avdia, 07.05.70x.
24. Fellenxa, Irfan, Avdia, 23.03.76x.
25. Rajmonda, Idriz, Avdia, 10.06.73x.
26. Ermelinda, Idriz, Avdia, 01.07.75x.
27. Ramadan, Abaz, Baca, 03.03.32x.
28. Shyqyri, Ramadan, Baca, 23.05.62x.
29. Flutra, Fiqiri, Baca, 02.08.62x.
30. Stela, Ramadan, Baca, 30.09.31x.
31. Naim, Hasan, Balliu, 24.02.77x.
32. Fidane, Elez, Balliu, 15.10.74x.
33. Sander, Preng, Baloj, 22.01.66x.
34. Nurije, Qerim, Baloj, 04.05.68x.
35. Nusha, Frok, Baloj, 10.06.42x.
36. Hysen, Ymer, Basha, 02.12.60x.
37. Servete, Ahmet, Basha, 20.03.64x.
38. Hasan, Ymer, Basha, 02.18.60x.
39. Selime, Shyqyri, Basha, 02.08.69x.
40. Ramazan, Ismail, Basha, 14.05.75x.
41. Gjyle, Ismail, Basha, 03.01.73x.
42. Avni, Isail, Basha, 04.08.81x.
43. Qemal, Sefedin, Bastriu, 19.04.69x.
44. Vjollca, Zeqir, Bastriu, 23.07.71x.
45. Bashkim, Sefedin, Bastriu, 11.06.82x.
46. Mimoza, Qerem, Bastriu, 12.01.73x.
47. Burbuqe, Muharem, Baushi, 13.11.46x.
48. Zyra, Mersin, Berisha, 13.04.56x.
49. Fetije, Ramadan, Berisha, 11.01.43x.
50. Shpresa, Haxhi, Berisha, 30.01.76x.
51. Petrit, Iljaz, Bicakani, 08.01.62x.
52. Valbona, Isa, Bicakani, 20.07.63x.
53. Xhevat, Ramazan, Braja, 20.01.61x.
54. Vjollca, Myslym, Braja, 04.05.62x.
55. Muhamet, Ramadan, Bregu, 15.09.45x.
56. Lefteri, Sefedin, Bregu, 03.10.30x.
57. Artana, Selman, Cali, 25.01.12x.
58. Agron, Fejzo, Canaj, 24.05.57x.
59. Engjellushe, Hydai, Canaj, 17.03.61x.
60. Hysen, Sadik, Cani, 06.09.55x.
61. Kadri, Ramazan, Cani, 21.02.70x.
62. Safiqete, Osman, Cani, 17.05.57x.
63. Ermir, Hysen, Cani, 19.08.81x.
64. Ismet, Sadik, Cani, 20.05.49x.
65. Shukrije, Hajrulla, Cani, 10.10.48x.
66. Arben, Ismet, Cani, 24.04.69x.
67. Arjan, Ismet, Cani, 23.09.71x.
68. Valbona, Gani, Cani, 09.04.74x.
69. Vladimir, Gaqe, Cecolli, 03.12.60x.
70. Vitore, Nevruz, Cecolli, 15.11.63x.
71. Tartar, Hamit, Celaj, 07.10.40x.
72. Kadrije, Qemal, Celaj, 02.09.45x.
73. Dritan, Tartar, Celaj, 02.09.72x.
74. Kujtim, Garip, Cenolli, 02.03.37x.
75. Aferdita, Islam, Cenolli, 09.03.48x.
76. Arben, Kujtim, Cenolli, 29.08.70x.
77. Lindita, Cuman, Cenolli, 29.02.64x.
78. Elton, Kujtim, Cenolli, 21.05.82x.
79. Mimoza, Sefedin, Dajlani, 16.12.72x.
80. Mimoza, Sefedin, Dajlani, 16.12.72x.
81. Sefedin, Nazif, Daljani, 17.02.42x.
82. Feride, Abedin, Daljani, 12.05.80x.
83. Ardjan, Sefedin, Daljani, 12.03.69x.
84. Rudina, Ramazan, Daljani, 18.06.71x.
85. Zef, Mehill, Dedaj, 30.08.40x.
86. Elsa, Zef, Dedaj, 29.12.74x.
87. Silvana, Zef, Dedaj, 06.05,81x
88. Pal, Lin, Dedaj, 17.11.55x.
89. Roza, Fran, Dedaj, 10.03.62x.
90. Nik, Pal, Dedndreaj, 04.09.78x.
91. Marta, Pal, Dedndreaj, 26.07.83x.
92. Marjana, Pal, Dedndreaj, 26.07.83x.
93. Xhovalin, Pal, Dedndreaj, 27.02.69x.
94. Lul, Mehill, Dedndreaj, 01.12.77x.
95. Lazer, Pal, Dedndreaj, 01.04.65x.
96. Shega, Ramazan, Deliu, 14.11.66x.
97. Hajrije, Isuf, Deliu, 01.04.45x.
98. Abaz, Demir, Deliu, 18.11.64x.
99. Zagoll, Jonuz, Dervishi, 28.08.48x.
100. Mimoza, Halil, Dervishi, 09.04.54x.
101. Elidon, Zagoll, Dervishi, 11.10.80x.
102. Esmeralda, Zagoll, Dervishi, 01.11.76x.
103. Hamide, Josuf, Difi, 02.02.38x.
104. Dalip, Sadik, Doci, 07.01.35x.
105. Dyzene, Ramazan, Doci, 19.11.37x.
106. Fatbardha, Qemal, Dokolli, 01.01.69x.
107. Agim, Jashar, Duka, 08.01.51x.
108. Artan, Rexhep, Duka, 13.08.67x.
109. Liljana, Rexhep, Duka, 25.05.62x.
110. Loreta, Sami, Duka, 23.12.75x.
111. Aeron, Hamdi, Faruku, 17.12.66x.

112. Miranda, Qazim, Faruku, 03.09.70x.
113. Hamdi, Ramazan, Faruku, 24.05.30x.
114. Hane, Abaz, Faruku, 14.12.33x.
115. Tane, Muhamet, Ferati, 15.05.42x.
116. Belul, Raif, Fero, 26.08.55x.
117. Luljeta, Muco, Fero, 13.12.57x.
118. Ramazan, Zenel, Filja, 16.10.42x.
119. Leme, Islam, Filja, 09.01.53x.
120. Behar, Ramazan, Filja, 28.04.72x.
121. Bukurije, Mustafa, Filja, 17.12.71x.
122. Zenel, Ramazan, Filja, 26.04.74x.
123. Lavdije, Ramazan, Filja, 28.04.83x.
124. Hane, Sulejman, Furtuna, 04.04.30x.
125. Farije, Dalip, Gjermenji, 01.04.31x.
126. Haki, Xhelal, Gjermenji, 15.12.28x.
127. Mirela, Pellumb, Gjypi, 28.08.67x.
128. Ramazan, Sami, Gjypi, 24.08.65x.
129. Skender, Islam, Haka, 14.03.80x.
130. Anife, Hysen, Haka, 07.12.57x.
131. Esmeralda, Skender, Haka, 20.07.80x.
132. Sofije, Kalem, Haka, 05.04.25x.
133. Flora, Skender, Haka, 12.08.82x.
134. Alban, Luan, Halili, 25.06.55x.
135. Blerta, Kujtim, Halili, 03.03.77x.
136. Dhurata, Krenar, Halili, 21.06.82x.
137. Elvin, Sinan, Halili, 01.09.81x.
138. Fadile, Xhemal, Halili, 29.03.54x.
139. Fife, Isuf, Halilaj, 07.05.50x.
140. Gani, Zenel, Halilaj, 07.04.43x.
141. Luan, Shaban, Halili, 05.05.53x.
142. Maksim, Sinan, Halili, 25.03.77x.
143. Rudina, Luan, Halili, 15.03.78x.
144. Sinan, Shaban, Halili, 06.06.58x.
145. Novruz, Lutfi, Hamo, 10.04.38x.
146. Zize, Novruz, Hamo, 07.10.62x.
147. Hanushe, Novruz, Hamo, 04.10.80x.
148. Leonard, Novruz, Hamo, 23.10.83x.
149. Qamil, Hamza, Hamzai, 04.07.32x.
150. Mexhimore, Myrteza, Hamzai, 24.04.51x.
151. Vladimir, Qamil, Hamzai, 29.12.82x.
152. Zabit, Myslym, Hamzaj, 04.04.53x.
153. Meleqe, Rapi, Hamzaj, 15.04.60x.
154. Lutfi, Sabri, Hanku, 04.04.33x.
155. Hazbie, Zenel, Hanku, 03.04.34x.
156. Amarda, Lutfi, Hanku, 20.07.69x.
157. Petrit, Hekuran, Harxhiu, 11.09.39x.
158. Drita, Izet, Harxhiu, 13.09.64x.
159. Hysen, Musa, Hasa, 17.13.51x.
160. Liza, Hekuran, Hasa, 03.10.55x.
161. Sajmir, Hysen, Hasa, 24.11.77x.
162. Rozina, Hysen, Hasa, 31.10.80x.
163. Shaqir, Osman, Hasa, 14.03.50x.
164. Razie, Beqir, Hasa, 17.06.57x.
165. Markelen, Besim, Hasani, 10.08.74x.
166. Idriz, Muharem, Hidri, 05.05.62x.
167. Violeta, Bajram, Hidri, 17.07.66x.
168. Arjan, Iljaz, Hoxha, 20.07.65x.
169. Veli, Muke, Hoxha, 03.03.67x.
170. Lulzime, Shefqet, Hymeri, 30.11.72x.
171. Reshite, Maliq, Hysenaj, 30.11.62x.
172. Bujar, Mitat, Ibrahimllari, 20.09.69x.
173. Kozeta, Elmaz, Ibrahimllari, 21.07.68x.
174. Ahmet, Qemal, Ibro, 02.01.56x.
175. Zhuljeta, Qerim, Ibro, 20.10.65x.
176. Mimoza, Halim, Iljazi, 12.03.64x.
177. Pellumb, Gani, Kalemi, 01.12.57x.
178. Vera, Halit, Kalemi, 23.02.62x.
179. Viron, Pellumb, Kalemi, 28.12.83x.
180. Gani, Xhelal, Kalemi, 16.02.30x.
181. Halime, Haxhi, Kalemi, 01.11.34x.
182. Myftar, Veli, Kamberi, 24.05.47x.
183. File, Hysen, Kamberi, 28.12.52x.
184. Besnik, Nazif, Kapllani, 23.04.39x.
185. Fatime, Riza, Kapllani, 03.09.59x.
186. Artur, Fuat, Karamani, 06.02.72x.
187. Firdes, Mersin, Karamani, 16.03.72x.
188. Namik, Faik, Kita, 20.05.60x.
189. Vitore, Nikoll, Kita, 11.01.81x.
190. Faik, Elmaz, Kita, 10.10.74x.
191. Hanke, Ali, Kita, 08.01.20x.
192. Selman, Hamet, Kllojka, 20.01.67x.
193. Fiqirete, Xhelal, Kllojka, 17.06.73x.
194. Shefqet, Ramiz, Koci, 04.06.56x.
195. Majlinda, Nexhip, Koci, 17.05.67x.
196. Reme, Xheladin, Koci, 10.09.27x.
197. Nazif, Ramiz, Koci, 02.03.63x.
198. Halit, Nexhip, Koci, 12.05.32x.
199. Agron, Riza, Koci, 28.01.70x.
200. Silvana, Agim, Koci, 14.12.74x.
201. Gjyle, Halim, Koci, 15.06.42x.
202. Astrit, Halit, Koci, 03.04.64x.
203. Xhemile, Ramadan, Koci, 31.08.63x.
204. Jemine, Halit, Koci, 04.09.58x.
205. Ervin, Zenun, Kodra, 16.01.73x.
206. Suela, Enver, Kodra, 14.09.79x.
207. Bashkim, Halil, Koka, 01.12.67x.
208. Majlinda, Kadri, Koka, 10.01.81x.
209. Arta, Ram, Koka, 22.06.81x.
210. Halil, Hamza, Koka, 16.03.38x.
211. Sanije, Dash, Koka, 13.02.49x.
212. Bedrije, Halil, Koka, 15.10.74x.
213. Gezim, Halil, Koka, 20.10.70x.
214. Aferita, Halil, Koka, 20.06.80x.
215. Fetije, Halil, Koka, 06.05.53x.
216. Reiz, Tare, Kokallaj, 16.12.36x.
217. Farfuri, Sefer, Kokallaj, 13.01.47x.
218. Valbona, Reiz, Kokallaj, 22.09.72x.
219. Ervin, Zenun, Kodra, 16.01.73x.
220. Suela, Enver, Kodra, 14.09.79x.
221. Bashkim, Halil, Koka, 01.12.67x.
222. Majlinda, Kadri, Koka, 10.01.81x.
223. Arta, Ram, Koka, 22.06.81x.
224. Halil, Hamza, Koka, 16.03.38x.
225. Sanije, Dash, Koka, 13.02.49x.
226. Bedrije, Halil, Koka, 15.10.74x.
227. Gezim, Halil, Koka, 20.10.70x.
228. Aferita, Halil, Koka, 20.06.80x.
229. Fetije, Halil, Koka, 06.05.53x.
230. Reiz, Tare, Kokallaj, 16.12.36x.
231. Farfuri, Sefer, Kokallaj, 13.01.47x.
232. Valbona, Reiz, Kokallaj, 22.09.72x.
233. Dukate, Lulash, Kola, 10.09.67x.
234. Frok, Gjok, Kola, 02.03.35x.
235. Age, Fran, Kola, 10.05.45x.
236. Robert, Frok, Kola, 25.12.66x.
237. Ladjola, Ramazan, Kora, 24.04.72x.
238. Albana, Ramazan, Kora, 09.08.72x.
239. Besnik, SAli, Kovaci, 15.04.57x.
240. Nexhmie, Riza, Kovaci, 22.03.60x.
241. Hatixhe, Avdyl, Kovaci, 01.11.33x.
242. Beslim, Beslim, Kovaci, 24.08.81x.
243. Aleks, Fatosh, Lecaj, 20.01.54x.
244. Gezim, Hekuran, Lifo, 28.10.60x.
245. Gjinovefa, Däljan, Lifo, 02.11.64x.
246. Selman, Mamut, Lika, 02.06.60x.
247. Xhevaire, Hamdi, Lika, 11.02.69x.
248. Evelina, Anastas, Likollari, 31.03.66x.
249. Arife, Skender, Lila, 03.03.30x.
250. Violeta, Gani, Lila, 07.07.51x.
251. Ervin, Arife, Lila, 27.12.82x.
252. Gaqo, Gani, Lila, 05.01.27x.
253. Ali, Gani, Loka, 15.09.81x.
254. Fiqirete, Jonuz, Loka, 16.10.59x.
255. Tomor, Skender, Loshi, 13.06.67x.
256. Fatmira, Haki, Lumani, 23.02.55x.
257. Marsela, Resmi, Lumani, 06.03.81x.
258. Petrit, Shaban, Mamudi, 13.02.64x.
259. Vjollca, Sinan, Mamudi, 10.01.59x.
260. Shaban, Sefer, Mamudi, 10.06.31x.
261. Suela, Kujtim, Manushi, 06.06.81x.
262. Rozina, Shytan, Mehilli, 25.09.76x.
263. Festim, Vasfi, Meta, 16.11.74x.
264. Kozeta, Banush, Meta, 09.06.75x.
265. Kristul, Apostol, Minga, 24.10.44x.
266. Nexhmie, Qamil, Minga, 13.03.54x.
267. Dorina, Kristul, Minga, 16.11.83x.
268. Drita, Ramadan, Muharemi, 03.01.50x.
269. Edmond, Gurali, Muharemi, 11.01.82x.
270. Manjola, Bashkim, Muharemi, 09.09.82x.
271. Sadete, Gurali, Muharemi, 09.09.82x.
272. Fatime, Hamdi, Mulleti, 26.11.64x.
273. Bajram, Aziz, Murati, 31.01.30x.
274. Urani, Miti, Murati, 18.08.32x.
275. Kujtim, Skender, Mustafai, 12.07.81x.
276. Tushe, Hasan, Mustafai, 12.02.20x.
277. Bujar, Skender, Mustafai, 11.04.72x.
278. Skender, Kasem, Mustafai, 18.03.54x.
279. Skender, Ismail, Mustafaj, 06.05.31x.
280. Nife, Ramazan, Mustafaj, 18.08.47x.
281. Shpetim, Arshi, Nazifi, 12.10.80x.
282. Shpresa, Arshi, Nazifi, 03.10.78x.
283. Gezim, Demir, Nazifi, 29.08.60x.
284. Nurije, Zini, Nazifi, 06.03.61x.
285. Mahmudije, Shefqet, Nazifi, 14.05.36x.
286. Shaban, Nevruz, Nazifllari, 13.04.45x.
287. Mereme, Ibrahi, Nazifllari, 18.03.54x.
288. Zoi, Mark, Ndrepepaj, 17.08.45x.
289. Ismail, Zenel, Nika, 15.03.43x.
290. Barije, Shaban, Nika, 01.05.54x.
291. Agron, Ismail, Nika, 05.08.75x.
292. Nexhmije, Ismail, Nika, 21.11.73x.
293. Tasim, Ismail, Nika, 21.03.80x.
294. Shpend, Bajram, Papa, 08.08.67x.
295. Skender, Halit, Pasha, 12.04.62x.
296. Shpresa, Rexhep, Pasha, 05.06.64x.
297. Liljana, Rexhep, Pojani, 23.04.50x.
298. Enver, Haxhi, Pojani, 14.03.53x.
299. Ramije, Vait, Pasho, 04.03.27x.
300. Luan, Zenel, Pasho, 22.08.73x.
301. Erjona, Agim, Pasho, 02.10.77x.
302. Adriana, Ali, Peci, 15.06.72x.
303. Greta, Sherif, Preza, 02.02.52x.
304. Agim, Mirash, Qehaja, 20.06.51x.
305. Drane, Memet, Qehaja, 03.08.30x.
306. Genti, Agim, Qehaja, 14.04.83x.
307. Hekuran, Ramadan, Qerimi, 13.01.46x.
308. Fiqiret, Ramadan, Qerimi, 07.08.39x.
309. Fatime, Xhemal, Qerimi, 05.10.39x.
310. Lulzim, Fiqeret, Qerimi, 15.07.73x.
311. Florinda, Besim, Qerimi, 06.10.76x.
312. Artur, Hekuran, Qerimi, 26.06.77x.
313. Elvira, Demir, Qerimi, 12.02.77x.
314. Elvira, Demir, Qerimi, 12.02.77x.
315. Hajrije, Zini, Qerimi, 15.10.58x.
316. Bujar, Meleq, Qerimi, 17.10.80x.
317. Meleq, Shefqet, Qerimi, 11.09.46x.
318. Zamir, Meleq, Qerimi, 11.10.72x.
319. Shaqir, Adem, Qerollari, 14.10.66x.
320. Mimoza, Hysen, Qerollari, 21.03.70x.
321. Shyqyrie, Shaqir, Qerolli, 24.04.79x.
322. Adriatik, Agim, Rakipi, 09.12.72x.
323. Merita, Sefedin, Rakipi, 23.11.76x.
324. Artan, Agim, Rakipi, 21.01.79x.
325. Fatmira, Bato, Rakipi, 17.02.62x.
326. Majlinda, Pellumb, Rexha, 25.03.86x.
327. Agim, Sali, Rexha, 29.10.50x.
328. Bukurije, Oran, Rexha, 03.05.50x.
329. Arben, Agim, Rexha, 12.10.69x.
330. Anila, Rexhep, Rexha, 12.05.69x.
331. Liljana, Agim, Rexha, 02.10.73x.
332. Pellumb, Sali, Rexha, 09.10.53x.
333. Lirije, Ramadan, Rexha, 19.09.56x.
334. Sali, Zyber, Rexha, 15.01.18x.
335. Astrit, Agim, Rexha, 15.12.67x.
336. Lumturi, Qemal, Rexha, 11.11.75x.
337. Meleqe, Demir, Rinxhi, 31.11.51x.
338. Viktor, Llesh, Ruci, 25.07.59x.
339. Argjentina, Pashk, Ruci, 25.07.59x.
340. Alma, Nikoll, Ruci, 07.02.83x.
341. Nazmije, Qamil, Rugja, 29.09.82x.
342. Gentjan, Sabri, Rugja, 20.09.75x.
343. Mehmet, Faslli, Sadiku, 12.09.25x.
344. Sanije, Rapi, Sadiku, 06.05.28x.
345. Luan, Hamit, Sadiku, 09.04.63x.
346. Nexhmie, Shaban, Sadiku, 01.09.63x.
347. Kadri, Asllan, Salcku, 10.04.35x.
348. Brunilda, Ferit, Salku, 24.09.74x.
349. Ylli, Hamit, Shara, 07.06.55x.
350. Bedri, Bajram, Shehu, 03.04.47x.
351. Nekije, Bajram, Shehu, 09.01.56x.
352. Klodjan, Bedri, Shehu, 02.06.79x.
353. Paqize, Arif, Sherifi, 25.11.57x.
354. Lumturi, Sali, Sherifi, 04.02.64x.
355. Selvije, Mersin, Sherifi, 21.08.68x.
356. Gani, Adem, Shkodrina, 03.05.39x.
357. Myzejen, Ali, Shkodrina, 22.04.60x.
358. Merita, Musa, Shra, 23.12.59x.
359. Behar, Zeqir, Shushku, 20.05.55x.
360. Ismete, Qazim, Shushku, 06.10.56x.
361. Plorat, Behar, Shushku, 24.12.80x.

362. Matilda, Behar, Shushku, 28.06.83x.
363. Fatbardh, Ymer, Sokolaj, 02.04.70x.
364. Valbona, Ymer, Sokolaj, 02.06.81x.
365. Rudina, Sulejman, Sokolaj, 02.12.70x.
366. Hamet, Hajrulla, Sokoli, 13.08.66x.
367. Sanije, Estref, Sokoli, 03.08.41x.
368. Burbuqe, Hajrulla, Sokoli, 24.11.70x.
369. Entela, Hajrulla, Sokoli, 01.10.81x.
370. Fredi, Ramazan, Sopoti, 11.01.81x.
371. Sanije, Çelo, Sopoti, 21.10.50x.
372. Viron, Mefail, Stefani, 13.08.66x.
373. Arta, Nevruz, Stefani, 05.05.67x.
374. Sulltane, Avdulla, Sula, 17.04.41x.
375. Ylli, Hysni, Sulo, 05.05.74x.
376. Alma, Qemal, Sulo, 13.06.75x.
377. Xhemal, Mustafa, Tafani, 22.08.68x.
378. Miranda, Demir, Tafani, 15.04.79x.
379. Valbona, Tofik, Tare, 10.07.79x.
380. Tefik, Hekuran, Tare, 02.10.35x.
381. Adile, Karafil, Tare, 05.10.44x.
382. Agron, Sali, Titi, 07.10.77x.
383. Mirand, Pellumb, Titi, 04.06.82x.
384. Tomor, Qazim, Tori, 02.09.63x.
385. Lutfije, Ymer, Tori, 26.04.63x.
386. Bedri, Zyber, Tori, 30.01.61x.
387. Valbona, Hasan, Tori, 14.09.69x.
388. Shefqet, Adem, Toshkezi, 22.06.39x.
389. Bajame, Fadil, Tufa, 11.08x.
390. Haxhi, Osmam, Tuti, 20.06.56x.
391. Kumrije, Tush, Tuti, 07.07.55x.
392. Fatime, Hasan, Xhafa, 08.04.48x.
393. Agim, Bajrama, Xhambazi, 20.01.55x.
394. Ajrije, Ruzhdi, Xhambazi, 11.10.60x.
395. Dile, Kasem, Xheleku, 10.02.20x.
396. Afrim, Xhemal, Xhemali, 05.09.70x.
397. Veli, Haxhi, Ylli, 27.09.32x.
398. Zylfe, Shaban, Ylli, 06.05.45x.
399. Zihni, Xhemal, Ymeri, 31.12.31x.
400. Nevrez, Beqir, Ymeri, 31.01.40x.
401. Kujtim, Zihni, Ymeri, 07.10.75x.
402. Donika, Ramazan, Ymeri, 12.64.83x.
403. Xhemal, Shefqet, Ymeri, 23.03.59x.
404. Nexhmije, Skender, Ymeri, 10.01.62x.
405. Arjan, Xhemal, Ymeri, 04.04.80x.
406. Balleza, Met, Ymeri, 01.04.80x.

ON THE PHYSICS OLYMPIAD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HOLT. Mr. Speaker, I rise today to congratulate and celebrate the achievements of the 24 high school students of the United States Physics Team.

This is a wonderful opportunity to extol the best in American education, which these students represent. They inspire us as they learn to ask the questions of science to explore, investigate, and discover. Let us keep these students and their accomplishments in mind as we discuss the future of American education in the coming months.

I am proud to be the Representative of two of the members of the team—Daniel J. Peng of Englishtown, N.J. and Jennifer H. Hou of Plainsboro, N.J.

Daniel, who is a senior at Manalapan High School, is an avid debater as well as a strong science student. Jennifer, a student at West Windsor-Plainsboro High School, is also a talented musician. She plays both the piano and the violin. Both students have won countless awards and honors. I am proud to know that Daniel and Jennifer represent the future faces of science.

I hope that my colleagues in the House will join me in extending our congratulations to the United States Physics Team and wish them well as they travel and compete in the International Physics Olympiad this summer.

On this day as we celebrate the scientific achievements of our students, I would like to direct the attention of my colleagues to the policy statement of the Physics Olympiad, which has been signed by 18 scientific societies representing more than half a million people.

It states: "As Congress considers the future of the Elementary and Secondary Education Act and other education legislation this year, we urge Congress to maintain support for programs which benefit K–12 science and math education, particularly professional development programs for teachers and the preparation of new teachers."

IN HONOR OF DONALD N. BERSOFF, PHD., JD

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. FATTAH. Mr. Speaker, I rise today to recognize a truly remarkable man, one who genuinely exemplifies what it means to be a teacher, mentor, and scholar.

Donald N. Bersoff, who is both a psychologist and lawyer, will be retiring this month from academic life and from his position as Director of the dual degree program in Law & Psychology co-sponsored by Drexel University and Villanova University School of Law, both of which are in the great State of Pennsylvania.

The son of first-generation Americans, Donald N. Bersoff was born in the Greenwich Village section of New York City in 1939. He received his Bachelor's degree, Master's degree and his Ph.D. in School Psychology from New York University. After serving as a therapist at a psychiatric facility in Staten Island, New York, he served his country as a staff psychologist in the United States Air Force stationed in southeast Asia during the Vietnam War. When he returned to civilian life, after teaching at several different Universities, he attended prestigious Yale Law School, graduating in 1976. After law school, where he was on the editorial board of the Yale Law Review, Dr. Bersoff, returned to academics, founding the dual degree program in Law & Psychology jointly administered by the University of Maryland School of Law and the Department of Psychology of The Johns Hopkins University.

When Dr. Bersoff returned to private practice, he became the first general counsel of the American Psychological Association. Later, Bersoff continued his representation of that organization as a partner in the firm of Ennis Friedman & Bersoff, and later as a partner in the firm of Jenner & Block in Washington, DC. Dr. Bersoff eventually returned to the world of academics when he agreed to assume the directorship of the dual degree program in Law & Psychology administered by Drexel University and the Villanova University School of Law, where he has served as a tenured professor on both faculties for the past 11 years.

A pioneer in the field of Law & Psychology, Dr. Bersoff has taught undergraduate, graduate and law students as well as practicing psychologists and attorneys for over 35 years. In his distinguished teaching career, he has taught courses in Ethics and Professional Responsibility, Mental health Law, Criminal Law, Forensic Psychology, Legal and Civil Rights of the Mentally Ill, and advanced seminars in Social Science Applications to Law. He has also been active in the clinical arena, supervising school psychology interns as well as supervising attorneys in practice clinics. Dr. Bersoff is a diplomate of the American Board of Professional Psychology and is also admitted to practice law in Maryland, Pennsylvania, District of Columbia, and before the United States Supreme Court. In fact, in his years of legal practice, has written 25 amicus briefs to the Supreme Court.

Dr. Bersoff was an invited participant in the 1994 American Psychological Association Assembly for the 21st Century, and has been listed in Who's Who in America for 15 years. He is the recipient of scores of teaching awards, and is a Fellow of all the major organizations in both law & psychology. His publications number in the hundreds, including the leading text book for the teaching of Ethics to psychologists, and the leading treatise on mental health law for his home state of Pennsylvania.

As a psychologist and attorney, Dr. Bersoff has devoted significant time and effort to facilitating interdisciplinary cooperation between these two great professions. Dr. Bersoff was the American Psychological Association's first general counsel, directed that organization's Ethics Committee for over a decade, and served on the Association's Board of Directors from 1994 to 1997. In fact, in December 2000, Dr. Bersoff was awarded a Presidential Citation by the American Psychological Association which aptly summed up his remarkable list of accomplishments by concluding, in part: "Few others will reach the level of accomplishment that Donald N. Bersoff has attained both as a lawyer and a psychologist to promote, advance, and assist in shaping the future of the field of Psychology and the Law."

Based on the reports of his students, Donald N. Bersoff is a gentleman, a scholar and a wonderful teacher. He is a warm, funny and authentic individual who clearly cares about his students and colleagues. As a practitioner in both the fields of law and psychology, he has consistently demonstrated the general ethical and professional principles of competence, integrity, responsibility, respect for people's rights and dignity, concern for other's welfare, and social responsibility. He has enjoyed a rich, diverse and satisfying career spanning four decades.

Most importantly, perhaps, Donald N. Bersoff's legacy is marked by the indelible impact he had on the hundreds of students for whom he has served as a mentor. Dr. Bersoff's former students have worked for this country's government, serving various Senators and Representatives. Many of his students have served as law clerks for state and federal judges. His former students serve with distinction in the Armed Forces, in hospitals and mental health clinics, and in prestigious law firms across the country. And the "family tree," which starts with Donald Bersoff at its roots, extends into the world of academics, with Bersoff proteges teaching at great Colleges and Universities across the country.

Please join me in applauding the 35 year career of a gifted and generous scholar and practitioner in the fields of Law & Psychology. Donald Bersoff has worked extremely hard to reach this momentous occasion. Again quoting from the Presidential Citation Dr. Bersoff received from the American Psychological Association: "In so many areas of his life, he has challenged individuals to 'try to make what is thinkable, doable.' His life serves as a testament to that challenge."

COMMUNITY RAIL LINE RELOCATION ASSISTANCE ACT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. PICKERING. Mr. Speaker, as you know, there are many components to our transportation infrastructure upon which we all rely heavily. However, in many cities and towns across this great nation, the increased need for transportation infrastructure has caused some of our modes of transportation to conflict with the general function of the other. Throughout history as the United States expanded, much of the growth could be attributed to the rail lines. The railroad was the vital economic link for many communities. Therefore the railroads were often the focal point of many downtowns. Today, with an increased use in automobiles for surface transportation purposes, these rail lines have become quite problematic. However, this is no fault of the railroad. Railroads in this country still meet vital needs for both cargo and passenger transport. Many rail lines have divided downtown areas in half, while providing virtually no service to the downtown area. There are multiple dangers incurred when this happens. Rail disruptions like this have cut off essential services such as police, fire, ambulance and other medical services. Fatal accidents are occurring along improperly marked and located crossings. Also, many areas have been hampered economically by a rail line that has bisected a downtown area.

Mr. Speaker, I want to commend the railroads for their heavy investment in maintaining their lines. Again, these conflicts are no fault of the railroad, but have developed from changes that have erupted more rapidly than the railroads can adjust. In many cases, the road/rail conflict should not be corrected by cutting off or modifying a roadway. The best solution often is to relocate the railroad. My bill, the Community Rail Line Relocation Assistance Act would provide for this relocation. There are many situations in Mississippi where the railroads need to be moved. I am sure that this is true in many of your states, too. Railroads have the right of way and have no legal obligation to move. Therefore, my bill provides for a much needed solution. The railroads want to help solve these problems and foster good community relations with these towns that they serve. The Association of American Railroads and the Short Line and Regional Railroad Association support this legislation.

Mr. Speaker, my bill would authorize grants to fund rail relocation projects that mitigate the adverse effects of rail traffic on safety, vehicle traffic flow, or economic development; involving the vertical or lateral relocation of the rail line in lieu of the closing of a grade crossing or the relocation of a road; and provide at least as much benefit over the economic life of the project as the cost of the project. The Department of Transportation would fund 90 percent of the cost of these rail line relocation projects out of the general fund of the Treasury. The state or local government would be required to pay the remaining 10 percent, but would be allowed to cover this cost through appropriate in-kind contributions or dedicated private contributions.

Mr. Speaker, I urge my colleagues to evaluate the needs of the communities in their states in relation to the location of rail lines and join me in cosponsoring this legislation.

HONORING NATIONAL STUDENT BUSINESS CHAMPIONS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BLUNT. Mr. Speaker, I rise today to congratulate the thirty five young men and women who comprise the 2001 National Championship Students in Free Enterprise Team from Drury University in Springfield Missouri. This is the first time in SIFE's 27 year history that a team from Missouri has won the national competition sponsored by this international organization headquartered in Springfield, Missouri.

These outstanding young academics achieved their top rating in open competition with teams from 111 other four year U.S. colleges and universities. The team took top honors for their multi-media presentation detailing their year's accomplishments.

Drury's SIFE team devoted more than 7,000 hours to 35 educational and community service projects. All of the projects were designed to develop leadership and communication skills through free enterprise education. Besides receiving excellent practical experience in business skills, the students were also investing themselves in their local and national communities.

Among their almost three dozen projects this year the team continued to develop and expand the Young Entrepreneurs Association, a web-based organization devoted to free enterprise education for middle school teachers and students. Only three years old, the program now serves 510 middle schools, representing 17 countries and all 50 states.

The Team also built on a three year relationship with an "at-risk" middle school in Laredo Texas and this year conducted a three day educational program built around the principles of free enterprise, ethical marketing and entrepreneurship. The project culminated with a "mercado," in which 800 customers purchased products designed and produced by the middle school students.

Their win qualifies them for the first SIFE World Cup, to be held in London on July 11–13. Teams from 23 nations will compete for the title of SIFE Global Champion.

SIFE is a grassroots student movement active on more than 1,000 college and university campuses in 48 states and 20 foreign countries. Seventy five percent all four year colleges and universities in the United States participate in SIFE and their programs reach some 4 million students annually.

I know my Colleagues, especially those from Missouri, join me in offering their heartiest congratulations to the team members and their advisors—Dr. Charles Taylor and Dr. Robert Wyatt at Drury University. I further offer the best wishes of all the Members of this Congress for a successful competition in London later this summer.

VETERANS OPPORTUNITIES ACT OF 2001

SPEECH OF

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 801, the Veterans' Opportunities Act of 2001. As a cosponsor of this legislation, I am proud to be able to say that the committee referred a bill that has practical and immediate effects for many veterans and their loved ones. This legislation comprehensively addresses many issues associated with veterans and their dependents.

What I would like to speak about today is one section of this legislation that I believe will have an immediate and practical effect for the surviving families of many of our recently deceased veterans.

As you may know, I recently introduced a bill, H.R. 1015, the SGLI Adjustment Act. The substantive language of this bill was incorporated by the committee directly into H.R. 801. This legislation will directly and immediately help many of the families and beneficiaries of those killed since October 1, 2000.

I am extremely pleased and grateful the Veterans Committee included my legislative language in the final version of H.R. 801.

Mr. Speaker, I know you are aware that our military has recently suffered numerous tragedies: the bombing of the USS *Cole*, the crash of an Osprey, a Blackhawk, a National Guard airplane, and the accidental bombing of our own troops in Kuwait. All of these accidents were unforeseen, and all of these accidents resulted in the tragic loss of life.

Recently, on November 1st of last year, the President signed a bill increasing this maximum benefit to 250,000 dollars. Unfortunately for those recently affected families, this increase in coverage does not take effect until April 1st of this year.

By incorporating the substantive language of my bill, we will retroactively grant this increase to those families who had opted for the maximum benefit and subsequently lost a loved one in the performance of their duty.

Mr. Speaker, I would be remiss if I did not thank the committee and its staff for their hard work and dedication in seeing this bill brought to the floor. In particular, I would like to thank the gentleman from New Jersey, Mr. SMITH, and the gentleman from Arizona, Mr. HAYWORTH, and the gentleman from Florida, Mr. CRENSHAW, for ensuring that my legislation was attached to this bill in the form of a friendly amendment.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, April 4, 2001.
Hon. JO ANN DAVIS,
U.S. Representative, 1st Congressional District of Virginia,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSWOMAN DAVIS: I would like to thank you for your support and concern for the members of the 203rd Red Horse Flight Virginia Air National Guard and their families as we all struggled to cope with their tragic loss. I appreciate your participation in the Memorial Service March 10th for our 18 Guardsmen who lost their lives while serving their country.

While only time will heal the wounds, I take some solace in the knowledge that H.R. 1015 was, with your steadfast support, passed overwhelmingly and the members of the National Guard will enjoy increased benefits.

Your thoughtfulness and consideration is much appreciated.

Sincerely,
GARY K. ARONHALT,
Secretary of Public Safety.

AIR FORCE ASSOCIATION,
Arlington, VA, March 14, 2001.
Hon. JO ANN DAVIS,
Longworth House Office Building, Washington, DC.

DEAR MS. DAVIS: The Air Force Association applauds your efforts to include those service members killed in the line of duty and covered at the maximum limit of the Servicemembers Group Life Insurance (SGLI) Program since November 1, 2000 under the proposed increased limits for SGLI.

Your initiative will ensure that service-families mourning these tragic losses will receive the same benefits as those affected after the passage of the legislation.

We look forward to working with you to enact this legislation into law.

Sincerely,
JOHN A. SHAUD,
General, USAF (Ret.).

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES,
Washington, DC, March 14, 2001.
Hon. JO ANN DAVIS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the members of the National Guard Association of the United States (NGAUS), I wish to extend our support for H.R. 1015, legislation that will provide for an increase in the amount of Servicemember's Group Life Insurance (SGLI) paid to survivors of members who died in the line of duty.

With the increased level of operations for all members of the Armed Services, there have been an unfortunate increasing number of training accidents. This was all too evident when 21 members of the National Guard tragically lost their lives on March 3rd, in a military airplane crash. These good men died while serving their country, their state and their community. The severity of this accident is a grim reminder of the risks we ask of the members of the National Guard, along with all men and women who serve in uniform.

On November 1, 2000, the President signed into law S. 1402 that increased the maximum benefit for the SGLI from $200,000 to $250,000. However, implementation of the increase was delayed until April 1, 2001. The legislation you introduced will provide those service members who previously contracted for the maximum benefit of SGLI and died in the line of duty to receive the increased maximum amount of $250,000.

The National Guard Association of the United States fully supports your efforts and therefore I am proud to offer the endorsement of the NGAUS for H.R. 1015.

Respectfully,
RICHARD C. ALEXANDER,
Major General, OHARNG (Ret),
Executive Director.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, Va., March 16, 2001.
Hon. JO ANN DAVIS,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE DAVIS: Thank you for introducing legislation to provide an increase in the amount of Servicemember's Group Life Insurance (SGLI) paid to survivors of members of the Armed Forces who died in the performance of duty between November 1, 2000, and April 1, 2001.

Recognizing those men and women whom made the ultimate sacrifice, and ensuring that their family members are cared for is of utmost importance to the NCOA.

The NCOA strongly supports your proposed piece of legislation. Accordingly, it will be our privilege to provide testimony on behalf of H.R. 1015, or whatever other assistance you may require.

Sincerely,
ALEX J. HARRINGTON,
Director of Legislative Affairs.

THE RETIRED OFFICERS ASSOCIATION,
Alexandria, VA, March 16, 2001.
Hon. JO ANN DAVIS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the 390,000 members of The Retired Officers Association (TROA), I wish to extend our support for H.R. 1015, a bill to provide for an increase in the amount of Servicemember's Group Life Insurance (SGLI) paid to survivors of members of the Armed Forces who died in the performance of duty between November 1, 2000, and April 1, 2001.

Your legislation provides an important and timely correction in the implementation of the recent increase in SGLI coverage from $200,000 to $250,000. The legislation is also consistent with action taken to increase SGLI after operational accidents such as the Gander, Newfoundland disaster. H.R. 1015 will ensure that those not covered at the higher SGLI level during the period between passage and implementation of the increase authorized under P.L. 106-419 will now be covered.

With the increased level of operations for all members of the Armed Services, tragic accidents are occurring more frequently. From the USS Cole to the most recent crash of an Air National Guard plane, our servicemen and women risk their lives on a daily basis. The severity of these accidents serve as a reminder that liberty is not procured without the constant vigilance of those who freely give up theirs to protect us.

TROA greatly appreciates your leadership on this issue and we offer our full endorsement of H. R. 1015, a bill that will help surviving family members to meet critical family needs following the tragic loss of their servicemembers in recent terrorist attacks or training accidents.

Sincerely,
MICHAEL A. NELSON,
President.

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES,
Washington, DC, March 16, 2001.
Hon. JO ANN DAVIS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the 75,000 members of the Reserve Officers Association of the United States, chartered by Congress in 1922 to support the development and implementation of a military policy that will provide adequate national defense for the United States, I want to congratulate you for introducing HR 1015, legislation that would provide for an increase in the amount of Servicemembers Group Life Insurance (SIGLI) paid to the survivors of service members who die in the line of duty. I want you to know that the Reserve Officers Association fully supports your efforts in this regard.

Since the end of the Cold War we have witnessed a three-fold increase in the level of deployments of our Armed Forces. Our men and women in uniform are increasingly called upon to support contingency operations around the world, operations that expose them to danger on a continual basis, as the headlines daily remind us. Over the past several years, members of the Reserve components have annually provided more than 12,500,000 workdays of contributory support to our Active component forces. Truly the level of our military operations is remarkable. So, too, are our men and women of the uniformed services. Your bill will help recognize the value of these contributions and of the men and women who make them.

Again, let me thank you for sponsoring HR 1015. ROA appreciates your efforts and is pleased to offer our full support.

Sincerely,
JAYSON L. SPIEGEL,
Executive Director.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,
Alexandria, VA, March 19, 2001.
Hon. JO ANN DAVIS,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the enlisted men and women of the Army and Air National Guard, the Enlisted Association of the National Guard of the United States (EANGUS) wishes to thank you for introducing H.R. 1015, a bill to increase the amount of Servicemember's Group Life Insurance paid to survivors of servicemembers who died in the performance of duty recently.

Although an increase was signed into law last November, the increase doesn't go into effect until April 1. Your bill would cover those who died in the recent tragedies and ensure that their survivors will receive the new maximum benefit.

EANGUS fully supports this bill. Thank you for your efforts on behalf of our uniformed men and women who serve their country and sometimes pay the ultimate price in that service.

Working for America's Best!

MSG MICHAEL P. CLINE (RET),
Executive Director.

March 16, 2001.

Hon. JO ANN DAVIS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the members of the National Order of Battlefield Commissions, I wish to extend our support for H.R. 1015, a bill to provide for an increase in the amount of Servicemember's Group Life Insurance (SGLI) paid to survivors of members of the Armed Forces who died in the performance of duty between October 1, 2000, and April 1, 2001.

Your legislation provides an important and timely correction in the implementation of the recent increase in SGLI coverage from $200,000 to $250,000. The legislation is also consistent with action taken to increase SGLI after operational accidents such as the Gander, Newfoundland disaster. H.R. 1015 will ensure that those not covered at the higher SGLI level during the period between passage and implementation of the increase authorized under P.L. 106-416 will now be covered.

With the increased level of operations for all members of the Armed Services, tragic accidents are occurring more frequently. From the USS *Cole* to the most recent crash of an Air National Guard plane, our servicemen and women risk their lives on a daily basis. The severity of these incidents serve as a reminder that liberty is not procured without the constant vigilance of our servicemembers.

The members of the National Order of Battlefield Commissions greatly appreciate your leadership on this issue. We offer our full endorsement of H.R. 1015, a bill that will help surviving family members meet critical needs following the tragic losses of their loved ones to recent terrorist attacks or training accidents.

Sincerely,

ROBERT C. EVANS,
Washington Representative.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, March 21, 2001.

Hon. JO ANN DAVIS,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN DAVIS: The Veterans of Foreign Wars of the United States strongly supports your bill, H.R. 1015, to provide an increase in the amount of the Service Members' Group Life Insurance (SGLI) paid to survivors of Armed Forces' members who died in the line of duty since November 1, 2000 through April 1, 2001 from its presently authorized amount of $200,000 to the maximum amount of $250,000. This two million-member service organization believes this is the equitable thing to do under present circumstances.

It is an unfortunate fact that, even during peacetime, military service members lose their lives while training for wartime scenarios and are targets of international terrorists. Your legislation is consistent with prior legislation taken to increase the SGLI—after the operational accident that resulted in deaths in the Gander, Newfoundland, disaster. H.R. 1015 will retroactively extend the maximum coverage five months, from November 2000 and carry it forward to 1 April of this year, when P.L. 106-419 authorizes the new maximum rate of insurance coverage. While it is impossible to place a dollar value on anyone's life, the VFW believes that the added cost of your proposal is absolutely miniscule when considering the Department of Veterans Affairs' current budget.

Again, thank you for taking the initiative to correct a small but very important gap in the life insurance program our nation provides to the military community.

Sincerely,

DENNIS C. CULLINAN,
Director, National Legislative Service.

HONORING RANNEY SCHOOL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of the Ranney School's dedication of its recently constructed Middle and Upper School Academic Complex, which marks a significant step in the school's ongoing expansion effort. The school's achievements in helping to educate Central New Jersey's young people throughout its forty-one years of existence have truly been exemplary.

The Ranney School, based in Tinton Falls, New Jersey and enrolling 650 students in grades pre-K–12, began as the Rumson Reading Institute. As the school grew, it moved out of the basement of its founders private home and into the 60-acre campus that it currently calls home. In spite of the significant changes during the past four decades, Ranney's mission has continued to emphasize the development of each student's character and sense of scholarship. As a result, many of the school's graduates go on to attend the nation's top colleges and universities.

The completion of the first phase of Ranney's expansion and modernization program will be marked on June 2, as the Academic Complex, comprised of 40,000 square feet of classroom and laboratory space, will be officially dedicated. The new complex is certainly a testament to the Ranney School's continued commitment to maintaining the highest educational standards for its students and faculty.

Once again, I applaud the Ranney School and its contribution to our community. I ask my colleagues to join me in recognizing the institution's steadfast commitment to the education of hundreds of our nation's young people.

SECTION 245(i) EXTENSION ACT OF 2001

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. OWENS. Madam Speaker, H.R. 1885 has been assured of passage as a result of the participation of the White House to promote a four month extension while the President considers our request for a one year or a permanent extension. We should all applaud the bi-partisan cooperation which allows us to immediately relieve the anxieties of many immigrants who could not make the April 30th deadline.

Last month I joined several of my New York colleagues by sending a letter to President Bush asking him to support extending 245(i) by at least one year. "We are concerned that once section 245(i) expires, those individuals who have failed to apply by the deadline could face deportation, and in some cases, be barred from reentry to the U.S. for three to ten years. Many of these individuals are parents of natural-born citizens of the U.S." Recently, President Bush has indicated he does support extending 245(i) beyond four months. As a result, I look forward to working with the Administration and my colleagues to ensure legal immigrants are given extended opportunities to petition for permanent resident status.

On December 21, 2000 former President Clinton signed into law the Legal Immigration Family Equity Act (LIFE Act) which reinstated section 245(i) of the Immigration and Nationality Act. As a result, thousands of hard working immigrants were given the opportunity to apply for legal residence without the threat of being deported. Unfortunately, the deadline for visa petitions expired on April 30th of this year which left many immigrants in my district at a loss. Because of the backlog of immigration cases in large cities such as New York, recent immigrants seeking legal residence face a system that is ill-equipped to handle such a large volume of cases.

Each day, case workers are inundated with hundreds of new cases that demand immediate attention. For this reason, I strongly support H.R. 1885 which extends 245(i) for four months beyond the April 30th deadline. The four month extension will provide relief for thousands of New Yorkers, who due to no fault of their own, did not file a petition before April 30th. Extension of 245(i) would not only benefit legal immigrants who seek permanent resident status, but would ensure the United States economy does not suffer as a result of the mass deportation of thousands of immigrants. With the passage of H.R. 1885 everybody wins.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. RANGEL. Mr. Chairman, I believe that there are no expendable human resources in my America. I view every high school dropout, every welfare recipient, every child as a vital resource that must be rescued from the effects of dependency, reduced earnings, and the potential of being permanently locked out of a productive future. This Congress must adequately fund public schools; this Administration must support a national initiative to engage educators, parents, business, and communities in addressing the needs of urban schools; and our U.S. Department of Education must articulate a new vision to address the needs of poor performing urban schools. This is about ensuring that we leave no child behind, no family behind, no community behind.

Investment in public education and job training is the key to developing young minds and giving all of America's children a chance to excel. At the present time, however, a significant number of children attend schools where facilities are crumbling, classrooms are overcrowded, students are without computers and Internet access, and many teachers are uncertified and lack the requisite content expertise. While there are many dedicated teachers and great public schools in this country, it is a shame when even one child in the United States receives an obsolete and inadequate education.

America must develop a new paradigm to keep children in school, provide a solid education foundation, world-class academic skills, industry responsive job training, and preparation for post-secondary education and life-long learning. Children growing up in America's urban communities need to know that there will be a job for them when they complete school. It just makes good sense to educate people.

The economic future of America's urban communities is contingent upon developing strategies for achieving sustainable and systemic change in public school and the delivery of state of the art technical training. We must value the input of families, businesses, teachers, unions, universities, and faith and community-based organizations in a coordinated effort to promote educational achievement and the creation of work. All stakeholders in the community must recognize and acknowledge the contributions of all members of the community.

If this nation is to succeed in closing the opportunity divide, we must first close the racial, literacy, economic, social, and the technology gap for future generations.

The private and public sector must be willing to blur the distinctions among public schools, the business community, and traditional academic institutions. We need a national agenda for addressing poor performing urban schools. This initiative is about creating opportunity for America's poorest communities.

What is good for our poorest communities is ultimately an investment in the future of America's economic growth. Free market expertise can have a dramatic effect the quality of public schools and their ability to attract the best and brightest of the teaching profession.

The business community must assist schools in laying a solid groundwork in math, science, and technology skills at the elementary, middle school, and high school levels. We also must reach out to public schools, whose teachers and administrators are charged with the responsibility to insure that the skills learned today are the skills prospective employers want and need. We must reach into the hearts and minds of the students we serve, giving them the skills, the confidence, and the opportunity to succeed in our nation's increasingly digital economy.

Our nation's children have a big stake in the future of America, but many are not being provided with adequate education, job training, and opportunities that will allow them to take advantage of the prosperity and promise of the new global economy. Tragically, an entire generation of poor urban and rural children, many minority and most undereducated, are missing out on the American dream. At the time of unprecedented economic growth in this country these children are being left behind. Where is the outrage? Where is America's outrage? These children deserve better.

Students in schools that have high concentrations of poor children are at great risk of being left behind in an economy driven by technology, increased knowledge, and higher skills. Gaps in student achievement, between high-poverty and low-poverty students, and between minority students and their peers have persisted and in some cases widened in recent years.

As they get older, these children are less likely than other students to attend a college or university. This breach in opportunity undermines one of the central purposes of public education: providing all children, regardless of background, with a basic sound education and an equal chance to compete in the world of work when they leave school.

Americans consistently tell us that education is their highest domestic priority. In that context, we need to put a face on America's education priority, the face of America's poorest children. We must articulate our plans for the next century; a message of inclusive economic participation, self-reliance, affordable higher education, market-driven job training, world-class public schools, and accountability for educators and students.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. LANGEVIN. Mr. Chairman, I rise to commend my colleagues on the Education and the Workforce Committee for crafting a bill that contains landmark investments in education and prioritizes disadvantaged children and low-performing schools.

In total, H.R. 1 authorizes $22.8 billion, about $5 billion more than was appropriated in fiscal year 2001. This bill creates new accountability systems that hold our schools responsible for delivering the first-rate education that our children deserve. It tackles the problem of illiteracy by creating two new reading programs and authorizing them at three times the level of past programs. H.R 1 gives children more personal attention and improves teacher quality by almost doubling funding for class size reduction and professional development for teachers. It authorizes $11.5 billion for Title I in 2002 with increases over five years that amount to almost twice the 2001 level. Finally, H.R. 1 rejects both vouchers, which would drain resources from public schools, and "Straight As," which would politicize education and deny critical funding to the students who need the money most.

In sum, H.R. 1 is a remarkable measure. My only fear is that the budget we were forced to vote on last week so binds our hands that we will not be able to keep our promises. By enacting a $1.35 trillion tax cut and a four percent cap on discretionary spending increases, we have virtually guaranteed that we will not adequately fund all the programs we are about to authorize. Mr. Speaker, reforms without resources will not produce results.

I ask my colleagues to vote in favor of H.R. 1. However, we must all remember that our job is not over until we meet these obligations during the appropriations process.

HONORING ROBERT INGLIS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of Mr. Robert Inglis and his continued commitment to the young people in my district through his nearly seven-decade long affiliation with Lawrenceville, New Jersey's Boy Scout Troop 28. Bob's years of dedicated community service have made him a valuable contributor to our society whose efforts are to be applauded.

Bob's relationship with the Boy Scouts began in 1932 when he joined Troop 28 at the Lawrence Road Presbyterian Church. At this time, Bob, a resident of the Trenton-Lawrenceville area for most of his life, also became affiliated with the Mounted Troop 112 Field Artillery at Eggerts Crossing Road. Since his childhood, Bob has maintained his ties with Troop 28 as a Scoutmaster, Cubmaster, or assistant. Outside of his various official duties, Bob has also volunteered his time whenever the need arose.

One of the highlights of Bob's youth was his participation in the MacGregor Arctic Expedition of 1937–38 as an assistant surveyor. During his time with the expedition Bob had the opportunity to assist in groundbreaking polar magnetism experiments. After his graduation from Rutgers University in 1943, Bob became the first scout in Troop 28 history to earn the rank of Eagle Scout. During a two-year stint in the army from 1944 to 1946, which took him to France and later to Germany, Bob served as an army machine gunner. Bob's postwar life included marriage and a 38-year-long career with both New Jersey and Lawrence Township's Department of Health.

Robert Inglis' generous support of the Boy Scouts and his brave service to the United States have been exemplary. Once again, I applaud Robert Inglis and ask my colleagues to join me in recognizing his steadfast commitment to our community.

TRIBUTE TO FATHER HOWARD LINCOLN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BACA. Mr. Speaker, this June, we will be honoring Father Howard Lincoln, on the occasion of his leaving the Saint Catherine of Siena Parish, and also on the 10th anniversary of his ordination for the Diocese of San Bernardino.

Father Lincoln was ordained a Catholic priest in 1991 for the Diocese of San Bernardino. He served as Associate Pastor for Saint Catherine of Alexandria Church, Riverside; Priest Moderator for Our Lady of Fatima and Saint Bernardine's Churches, San Bernardino; and as Pastor of Saint Catherine of Siena Church, in Rialto for the past six years. He has been the Director of Communications and the Spokesman for Bishops Straling and Barnes for the past nine years and has served on numerous diocesan committees for the Diocese of San Bernardino.

Father Lincoln is a friend, a mentor, a guide to my family, to his parish, and the community of Rialto. He is known throughout our area for his outstanding sermons and his work as a fine educator, counselor and community leader. I have been privileged to know Father Lincoln, and have found him to be a mentor, a scholar, and an inspiration.

But Father Lincoln is also very down to earth, enjoying recreational pastimes. His golf game is so exceptionally good that he was appointed Official Golf Pro for the Vatican in 1997! A highlight for me was when we had a chance to play the Congressional Golf Course and Robert Trent Jones.

In furthering the mission of his parish to build the community through worship, education and service, Father Lincoln has been a gifted spiritual leader, a man of vision, virtue, and wisdom. His sermons have inspired and uplifted, causing me to reflect on the words of the Scripture:

> Now unto him that is able to keep you from falling, and to present you faultless before the presence of his glory with exceeding joy, To the only wise God our Savior, be glory and majesty, dominion and power, both now and ever. Amen. Jude 24–25

Many times, we seek guidance, so that we may know the right way in our personal lives, our careers, our public lives. This has been true for me as a husband, father, grandfather, and public official. Father Lincoln has always been there in times when I have sought spiritual guidance, so that I might know the power and the comfort of the Lord in making decisions that are fair, just, and right.

I am very pleased to have known Father Lincoln over the years, and wish him every success in his new posting. I offer my best wishes, and ask for the blessing of God to mark this occasion.

EASTERN QUEENS DEMOCRATIC CLUB HONOREES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to ask all my colleagues to join me in recognizing Chester (Chet) Szarejko, Cantor Doreen Gammel, Frank Biordi, Joanna Laba, and Mohammed Saleh, who will be honored by The Eastern Queens Democratic Club at its Annual Awards Dinner on May 31, 2001.

Chet Szarejko has demonstrated strong leadership qualities as the Democratic District Leader of the 24th Assembly District in Queens County, NY. Chet also serves as Political Activities Chair of the Polish American Congress, which represents the more than one million Americans of Polish descent in the New York Metropolitan area. He has met with many Polish leaders, including Lech Walesa, and has worked to organize the Polish community in New York politics. He recently testified at the Holocaust Restitution Committee and helped to organize several Holocaust programs. Due to his activism among Americans of diverse backgrounds, members of the Southeast Asian Community have nicknamed Chet the "Queens Political Ambassador." He has been awarded citations from various immigrant communities and has received local acclaim as a champion of immigrants and new Americans.

Cantor Doreen Gamell studied music and philosophy for years before finding her true calling. When Cantor Jacob Taron asked her to substitute for him at a Friday night service in Port Washington, she found the perfect home for her voice, mind, and heart. Several years of study and several student pulpits later, Doreen Gamell became the Cantor at Temple Shalom in Floral Park. In addition to her duties at the synagogue, Cantor Gamell has been recognized for her work instructing developmentally challenged adults in the study of the Jewish texts and music, and in ritual and Torah cantillations.

Frank Biordi, President of Biordi Construction Company, has long been involved in community and business affairs in Queens, and has been a strong supporter of various local and national civic organizations. Frank has been a generous benefactor of the SIDS Foundation, Cancer Care Society, Deepdale Gardens Boulevard Bank Drive, Bayside Little League, and New Hyde Park Little League.

Joanna Laba is the Executive Director of Savoy at Little Neck, a world-class assisted living facility which opened in the fall of 2000. Her responsibilities include: developing and maintaining operational systems, maintaining a maximum census, developing initiatives consistent with resident-care needs, maintaining the memory support program, and supervising admission criteria practices. Joanna has also developed and managed support groups for seniors and their caregivers, including those concerning Alzheimer's and other memory-impairing diseases.

Mohammed Saleh was born and raised in Bangladesh, and received his Bachelor of Science in Pharmacy from the University of Dhaka. Mr. Saleh has served his community in several capacities: as President of the Long Island Muslim Society, Former President of the Empire State Pharmaceutical Society, and Founding President of the Bangladesh-American Pharmacists Association. He currently owns three pharmacies in the New York Metropolitan Area and is an active member of the Pharmacists Society of the State of New York and the National Community Pharmacists Association.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in honoring these exceptional Americans as they are honored by The Eastern Queens Democratic Club, for their outstanding service and tireless dedication to the community.

HAPPY 50TH BIRTHDAY TO JONATHAN FRIEDMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding individual and a good friend, Jonathan Friedman, who is celebrating his 50th birthday on June 3, 2001. Jonathan is a wonderful person, full of integrity and honesty, dedicated to improving the world around him, and an all-around good guy.

Jonathan and I have been friends since the early 60's when we worked together in the California Federation of Young Democrats. He was only in high school, but even then he was extremely interested in politics. In the Young Dems, he was a master debater on the Resolutions Committee and was known for providing a fresh and interesting insight which challenged previous policies of the Young Democrats. Jonathan's contributions to the Democrats for Israel Club and the California Democratic State Central Committee are equally impressive and indispensable.

Jonathan has enjoyed a distinguished career since receiving his M.B.A. at Wharton Graduate School, where he majored in finance. His educational background, which includes a B.A from UCLA, enabled him to enter the business world in 1975 as a securities analyst and later as an Assistant Vice President at Equitable Life. His interest and acumen in the financial arena continued to grow and led to a position with the Ford Foundation in New York. He made his way back to Los Angeles to serve as an investment consultant at the J. Paul Getty Trust. After a successful stint there, he turned his skills and savvy to the retail market by starting his own jewelry business, Miller Gems.

I frequently turn to Jonathan for analysis of legislative proposals in tax and financial matters. His counsel in these areas (and many others) has been invaluable to me.

Jonathan also finds time in his busy schedule to be of service to the Jewish community in Los Angeles and nationwide. He serves as a member of the Jewish Community Relations Council which fosters equal protection and justice for all, and he is a long-time member of the American Israel Policy Action Committee. Jonathan is also a volunteer board member of the Friends of the UCLA Library.

So it is with special joy that I ask my colleagues to join me in wishing my good friend, Jonathan Friedman, a very happy 50th Birthday and many happy returns. His friendship has added immeasurably to my life.

A TRIBUTE TO MAJOR STEWART H. HOLMES, USMC

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize an outstanding Marine Corps Officer, Major Stewart H. Holmes, who served with distinction and dedication for two and a half years for the Secretary of the Navy, Commandant of the Marine Corps and under the Assistant Secretary of the Navy (FM&C) as the Marine Corps Appropriations Liaison Officer in the Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the United States Marine Corps, the Department of the Navy, the Congress, and our nation.

During his tenure in the Appropriations Matters Office, which began in December of 1998, Major Holmes has provided members of the House Appropriations Committee, Subcommittee on Defense as well as our professional and associate staffs with timely and accurate support regarding Marine Corps plans, programs and budget decisions. His valuable contributions have enabled the Defense Subcommittee and the Marine Corps to strengthen its close working relationship and to ensure the most modern, well-trained and well-equipped marine forces attainable for our nation's defense.

Mr. Speaker, Stewart Holmes and his wife Deborah have made many sacrifices during his marine career, and his distinguished service has exemplified the Marine motto "Semper Fidelis." As they depart the Appropriations Matters Office to embark on yet another great Marine adventure, I call upon colleagues to wish them both every success.

HONORING LILLI PEREZ

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to congratulate Lilli Perez Iyechad on the publication of her new book entitled An Historical Perspective of Helping Practices Associated with Birth, Marriage and Death Among Chamorros in Guam.

A native of Guam, Lilli earned her bachelor's degree in Social Work from the University of Guam. She holds a masters degree in Human Relations from the University of Oklahoma and was awarded a Ph.D. by the Bryn Mawr College, Graduate School of Social Work and Social Research in Pennsylvania. Her areas of concentration include mental health, family dynamics and the significance of cultural explication. For almost two decades, she closely worked with numerous Native American community groups focusing particular attention on Pacific Islanders.

Lilli is currently employed as an extension agent by the Cooperative Extension Service at the University of Guam. She is a member of the Guam Association of Social Workers, the National Association of Social Workers, the Council on Social Work Education, and the National Network for Collaboration. On a part-time basis, she also provides services as an individual, marriage, and family therapist—concentrating her efforts on "at risk" populations.

The sociological discussions brought about by Lilli in this book will bring about knowledge and understanding about Guam's culture and traditions. This goes a long way toward getting the professional and academic communities acquainted with the unique situation and needs of Chamorros in Guam. I applaud her efforts and urge her to keep up the good work.

FIRST-TIME HOMEBUYER AFFORDABILITY ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. LAFALCE. Mr. Speaker, I am introducing the "First-time Homebuyer Affordability Act." This legislation is identical to H.R. 1333 from the 106th Congress.

This bill is a pro-homeownership initiative, based on the principle of empowering families and individuals to use funds in their own retirement accounts to buy a home.

The "First-time Homebuyer Affordability Act" unlocks the more than $2 trillion currently held nationwide in Individual Retirement Accounts (IRA's) for homeownership use. It does so by allowing individuals to borrow up to $10,000 from their own IRA (or from their parent's IRA) to use as a down payment on a first-time home purchase. Since funds are borrowed, rather than withdrawn, the homebuyer does not incur federal taxes or a premature withdrawal penalty.

This bill is a targeted effort to narrow the arbitrary disparity between treatment of 401(k) retirement plans and IRA retirement plans. Under current law, individuals may borrow from their 401(k) retirement account without paying taxes for a broad range of purposes, including buying a home. Yet, individuals cannot borrow or otherwise use funds in their IRA for personal use, even to buy a home, without incurring federal taxes. This is a significant and inequitable impediment to homeownership.

Four years ago, Congress took a modest step towards lowering financial barriers to the use of IRA funds for home purchase—through enactment of a waiver of the 10% premature withdrawal penalty for withdrawal of up to $10,000 from an IRA account for a first-time home purchase. However, such a withdrawal still subjects the homebuyer to federal taxes on the amount withdrawn. For a $10,000 withdrawal by a typical taxpayer in the 28% tax bracket, this creates a federal tax liability of $2,800—leaving only $7,200 for a down payment on a home purchase.

Under the "First-time Homebuyer Affordability Act," funds may be borrowed tax- and penalty-free from an IRA account for a period of up to 15 years. The loan must be repaid if the house is sold or if it ceases to be a principal residence. When the loan is repaid, the funds are restored in the IRA account, fully available for re-investment on a continuing tax-deferred basis.

Alternatively, the bill permits use of IRA funds for a first-time home purchase as a home equity participation investment. Under this approach, IRA funds are used for down payment; when the house is sold, the investment, plus a share of the profit from home sale (typically 50%) is repaid to the IRA account.

The purpose of IRAs is to encourage long-term savings and investment, to provide a financial cushion in retirement. Yet, even though buying a home is one of the best investments an individual can make, it is not an eligible IRA investment. Allowing an individual to borrow from their IRA to buy a home effectively makes this an eligible investment.

Allowing IRA borrowing for home purchase would also eliminate a disincentive against IRA contributions. Many young families and individuals are hesitant to tie up funds in an IRA account that they may need later to buy a home. And, IRA borrowing for home purchase does not deplete the IRA account, since the funds are replenished when the loan is paid back. Thus, the bill will encourage more long-term savings through IRA retirement accounts.

Finally, this legislation is responsibly drafted, to prevent self-dealing and generally track provisions of 401(k) loans. Non-payment or forgiveness of the loan is treated as a premature withdrawal. In such event, the unpaid amount would be subject to federal taxes and a 10% premature withdrawal penalty.

Other protections include a prohibition against taking an interest deduction on the borrowed funds, and a limitation that loan rates cannot vary by more than two hundred basis points [2%] from comparable Treasury maturities.

I urge Congress to enact this pro-homeownership, pro-savings initiative.

PAYING TRIBUTE TO THE CHELSEA BLEU PRINT

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of the staff of the Chelsea High School student paper, the "Chelsea Bleu Print." This group of students competed in an American Scholastic Press Association competition and received the prestigious "first place with special merit" award for high school papers with a student body of 1,001 to 1,700.

This award, granted to only one other high school paper in Michigan and only 85 nationwide, is based on several high profile criteria, including the newspaper's demonstration of community awareness, student interest, investigative reporting, design, layout, photography and overall style. The Chelsea Bleu Print staff earned a near perfect score of 945 of a possible 1,000.

The students, with their advisor Mr. Phil Jones, invested their personal time and energy to create a truly high-quality school newspaper. Their commitment to serving as a mirror of their school and community, and at the same time as the conscience of their constituency, is to be admired.

I urge my colleagues in the U.S. House of Representatives to join me in congratulating the Chelsea Bleu Print Advisor Mr. Phil Jones, the Editor-in-Chief Erin Ryder, and the dedicated Bleu Print staff. We wish them well in their future endeavors.

NATIONAL SCHOLARSHIP MONTH GALA HONOREES

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. OSBORNE. Mr. Speaker, May is National Scholarship Month and one of its galas took place May 23, 2001, in St. Paul, Minnesota. The purpose was to present two significant awards—the Trustee's Award, which was given to the General Mills Foundation, and the President's Award—recognizing a major corporation's and an individual's perpetual assistance to students. The President's award was given to my longtime friend, Col. Barney Oldfield, USAF (Ret.). Born in Tecumseh, Nebraska, he left the state in 1940 to enter military service. Col. Oldfield has lived and worked in 81 countries and on every continent in the world, but he and his late wife, Vada, never forgot their Nebraska roots. He is a discredit to General MacArthur's statement, "Old soldiers never die, they just fade away," because he remains a generous contributor to education and medical research as he nears his 92nd birthday.

Since we share a great affection for both our home state and the needs of education, I want to share with my colleagues the acceptance speech of Col. Oldfield. But first, I would like to include the introduction that the Citizens' Scholarship Foundation of America's President, Dr. William C. Nelsen, delivered that evening:

As we gather here for the fourth presentation of our President's Award, more than eight hundred young people as far away as Singapore and Hong Kong, as nearby as North and South Dakota and Nebraska, are in careers or preparing for careers because of the one we honor and his late wife. And this is only the beginning as endowments created by them insure education assisting perpetual motion addressing not only the future but as far out as infinity. Communicators themselves, she an artist and himself a writer, no matter where life put them, these skills were put to use in many different applications. In this year, as he works himself toward being 92, he will be in the documentary for theater release called, Marlene Dietrich: Her Own Song, and his participation in Marlene's Biography is being constantly replayed on May 26, on The History Channel. He will be in the Stephen Ambrose funded two hour long production of Moment of Truth. When supreme headquarters, allied powers, Europe celebrated its fiftieth anniversary last month, researchers in Belgium found he was the only survivor on Order No. 1 Dash I, as General Dwight D. Eisenhower's advance man so they had him on camera on all armed forces network TV stations in western Europe telling anecdotes about how the greatest and most successful coalition began. He has been a celebrity ghostwriter known internationally for clients as varied as heavyweight boxing champion George Foreman and jokes for Ronald Reagan for forty years. Imagine what it was like that day when president Ronald Reagan made that Bittburg reconciliation gesture in Germany with German chancellor Helmut Kohl. When he watched on his TV set as Kohl, accompanied by Luftewaffe General Johannes Seinhoff and President Reagan, accompanied by Paratrooper General Matthew Ridgeway walked up to the monument—and he had been the ghostwriter for all four! When his beloved wife, Vada, died after eleven years of Alzheimer's disease . . . and she had been one of the original WAACS, he asked that there be no eulogy as she would always be a "work in progress" and after Taps at the Fort McPherson National Military Cemetery that the bugler perform Reveille so she could re-enlist herself as a research ally. Her fund at the Nebraska Medical Center in Omaha has drawn more than $200,000 and grows daily. He has written, spoken, and done documentary participations on military subjects all his life but has never taken the money, giving it instead to scholarships and medical research. This is a partial portrait of the one we honor tonight. A tough act to follow, but how much better off our world would be if others made similar gestures. His motto has always been, "If each of us who could, would help one who needs it, we would have very few social problems."

For all these and many other good reasons, these are why our fourth President's Award is presented to Col. Barney Oldfield, USAF (Ret.).

[Response of Col. Barney Oldfield, USAF (Ret.) on the receipt of the President's Award at the observance of Scholarship Month in St. Paul, Minnesota in the evening of May 23, 2001:]

How can one properly respond to an incredible honor such as your President's Award? Years ago at the old Astor Hotel in New York I stepped on an elevator to go to one of their many meeting rooms to be the luncheon speaker. Only one other person was on it and we were stuck between floors for thirty minutes! I introduced myself. He reached his hand and said he was Gutzon Borglum. . .the sculptor who had done Mt. Rushmore, whose audience that day were national geographic devotees. That has to be a tough audience. I said, "How do you start a speech to get the attention of such a group?" He said he was going to tell them of the time he almost fell off Abraham Lincoln's nose!

I don't know how he did that day, but I opened my remarks by telling of my elevator hiatus with him and it never went over as well anywhere else in my life.

But who will rescue me today?

Once when I had a long lunch with comedian Jack Benny, I asked him how he had acknowledged some meaningless award given him. He said, "I was introduced, and knew I was going to be hooted anyway, so I looked sternly at the audience and said—once every one hundred years or so a great man is born. Now that I am here, make the most of it."

To let you know I have a hard time taking myself seriously. I have worn this red hat. The late Charles Kuralt did a CBS "Who's Who" sequence about me called The Man in the Red Hat in 1977, in which he called me the king of the press agents. Why? In 1941, I made and gave Sonja Henie a valentine made of ice, which is still in storage in Omaha, Nebraska, more than 60 years old, which he declared was the longest running, open-ended publicity stunt in the world. I have worn this red hat in 81 countries on every continent in the world.

On February 1, 1938, Robert L. Ripley carried me into more than 1,000 periodicals in his Believe-it-or-Not feature, and it's been like that ever since.

But this president's award is highly serious. A peering into the reality that has always been a part of my late wife, Vada, and myself . . . a constancy of interest in education and medical research. She was one of the original WAACS (forerunner of the women's army corps) . . . served two years as a teletype operator with HQ 12th Air Force across North Africa, Sicily, and Italy. We are pedestaled in the celebrities in uniform section of the great US Air Force Museum in Dayton, Ohio, as a military couple. Clark Gable, Jimmy Stewart, bandleader Glenn Miller, and the fortieth President of the United States, Ronald Reagan, all surround and look down at us.

Vada, who fought Alzheimer's Disease 11 years, was still lucid when it happened and when I told her about it, she said "It's a good thing they can't talk as they're probably saying, 'There goes the neighborhood!" When she died two years ago and was given full military honors at Fort McPherson National Cemetery, I told them there would be no eulogy as her story would always be unfinished . . . a work in progress, and had the bugler play "Reveille", the military wakeup call. There is a Vada Kinman Oldfield Alzheimer's research fund at the University of Nebraska Medical Center in Omaha, which allies her inspiration with research expertise and is funded to address infinity. A thousand people a day go by her tribute on its wall.

As we met on the campus of the University of Nebraska and went the world around . . . none more than us know of the extraordinary difference a college education can make in the lives of two people. Global experience has shown us how brutal lack of knowledge can be . . . how awful is the dirt and disease in which so many lives are lived.

We are great believers in living memorialization, naming awards for friends . . . the admired . . . who inspire . . . motivate . . . piggy-back history on educational assistance. We campaign endlessly against those who are in foundations who see themselves only as collectors of money and have neither interest nor time for publicizing the impact on recipients and the goals they achieve because of help at the crossroads of their lives.

Oddly, the question Vada and I were, and are, constantly asked has been, "Why have you been so persistently interested in education when you have no kids of your own?" Our answer has always been, "Who says we don't have any kids? You don't read our Christmas mail!" It comes from all over the world—some as much as twenty years after winning one of our scholarships. Those we knew as struggling students write to us about their successes and their achievements. On the Kinman-Oldfield family foundation stationary there is a photo of Vada giving the first scholarship to an electrical engineering student named Tony Kozlik. He was the son of a dairy worker and his mother was a seamstress and he had to drive 43 miles to and from school each day. The scholarship made possible a room on campus. He graduated 4th in a class of 448 and made the dean's list. He has been an employee of Honeywell ever since.

What we are talking about here is the greatest game in town. Give some thought to it personally. You will be startled about how good you feel about yourself And you, too, may come to enjoy your Christmas mail from kids you never had, but will never forget you for what you did. For my Vada and for me, many thanks for this President's Award!

It will not be un-employed, but on view at functions related to the Vada Kinman Oldfield and Col. Barney Oldfield Nebraska Dollars for Scholars Program we have launched in Nebraska.

TRIBUTE TO GREATER OMEGA M.B. CHURCH

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. RUSH. Mr. Speaker, I rise to commemorate the 19th Anniversary of the Greater Omega M. B. Church, located in my congressional district in Chicago, Illinois. The Greater Omega M.B. Church has served as a beacon of hope and strength for Illinois' First Congressional District since it was founded on March 14, 1982. With approximately 150 pioneering members, Greater Omega M.B. Church began its mission of service under the leadership of its late founding pastor, Rev. Edmond Blair, Jr.

Since then, the church and its congregation have endured a vibrant history. Under Rev. Messenger's leadership, the Greater Omega family made the final mortgage payment on its current church home located at 135 W. 79th Street. In addition, the church began broadcasting its services on the WBEE radio station.

On November 12, 2000, the Greater Omega family selected their current pastor, Rev. Melvin Reynolds. Under the helm of a new leader, the congregation is excited about the future of Greater Omega. According to church members, Rev. Reynolds, "loves and respects the people of Greater Omega, he loves and respects God's church, he sees the needs of the community, he tries to aid people in every walk of life and he loves God . . . Even more Rev. Reynolds has a vision of Greater Omega becoming a great church."

In the midst of changing pastors and relocating four times, the members of Greater Omega have remained steadfast in their mission and devotion to God and the Chicago community. The church has continuously enacted programs in the community such as, job ministries, drug rehabilitation ministries, and prison ministries. The church also has a homeless food program and a mentoring program for the youth.

I commend Greater Omega M. B. Church for their continued high standards of worship and fellowship. Greater Omega's accomplishments are a true testament to their enduring faith and unwavering commitment to God. I am confident that the church will continue to grow and vigorously serve the community in the years to come.

SECTION 245(I) EXTENSION ACT OF 2001

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2001

Ms. WATERS. Madam Speaker, today the House passed a bill introduced by Congressmen SENSENBRENNER and GEKAS. This bill, H.R. 1885, seeks to extend for four months provision 245(i) of the Immigration and Naturalization Act. I was not able to be present for that vote, but I write today to state my support for reinstatement of 245(i).

245(i) allows certain undocumented immigrants to adjust their status while remaining in this country. Without that provision, they are forced to return home for a period of three to ten years before they can gain legal residency. This means, for example, that if someone from the Phillippines who lacks legal status marries a U.S. citizen, the couple must either be separated for several years, or they must both move to the Phillippines for the necessary time period. Either option is problematic.

In 1994, 245(i) was created to provide a third option—one which allowed the couple to remain together in the United States while the undocumented immigrant sought legal status. Unfortunately, that provision expired in 1998.

Last December, 245(i) was revived for a four-month period. It has become clear that there were problems with that time frame. Specifically, the Immigration and Naturalization Service (INS) was unable to process all of the applications by April 30, the date of expiration. In addition, immigrants were not able to comply with the complex paperwork requirements in that four month time frame.

I applaud the efforts of Mr. SENSENBRENNER and Mr. GEKAS in seeking to reinstate 245(i) again. However, their efforts do not go far enough. We should not stop by providing another four-month window of opportunity. Instead, we should reenact 245(i) as a permanent provision of the Immigration and Naturalization Act. Punishing people who have legitimate claims to legal residency by forcing them to leave the country for several years is not an acceptable solution. We should provide them an avenue by which they can stay here while their application is pending.

RECOGNIZING BRIAN KENT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. CUNNINGHAM. Mr. Speaker, I rise today to commend, Brian Kent, a young man from White River, Vermont who recently won an award for a letter he wrote regarding the protection of the United States flag. Not only do I have deeply held, personal feelings on this subject, but I have also introduced a Constitutional amendment (H.J. Res. 36) to prohibit the desecration of the American Flag. Millions of American men and women have died in defense of this nation and the flag that represents the history of our nation. The American flag is a national treasure and the ultimate symbol of freedom, equal opportunity and religious tolerance.

Brian's letter to his Congressman reflects these feelings and I was pleased to see a young person have such strongly held values and pride in America. Brian's value system and convictions are commendable at any age, but all the more impressive for this 8th grader. I had the opportunity to meet this young man and judging from this encounter, I know his parents must be proud of this fine young American.

I commend his letter to my colleagues. Knowing students such as Brian assures me that this country's future is in good hands.

DEAR REPRESENTATIVE SANDERS: Two hundred and twenty-five years ago, the great nation of the United States was formed. This country has had its share of wars and protests, but one act of violence that offends most Americans is flag burning. Flag burning is a way of protesting, but it is at the expense of the country's unity and it needs to be stopped.

An unfathomable number of men and women have fought and died to defend the red, white, and blue. To see not only young, but also older Americans burning flags literally makes me ashamed that these people are Americans. Former POWs have created the American flag out of dead bugs while imprisoned. For many Americans, our flag has lifted their spirits through the darkest hours of our nation's history. The American flag is not only our nation's emblem, it's a part of our everyday life.

Flag burning was not just a fad of the sixties but many people still burn flags in protest today. People defend their despicable acts by insisting that flag burning is practicing their freedom of speech. Does anyone really believe that is what Samuel Adams and Thomas Jefferson intended when they wrote the constitution of the United States of America and included the article for freedom of speech? Did they want to create one nation under God that would spit on and burn the American flag, the symbol that our forefathers died to defend? No. These acts of burning our flag have divided our country and some of the ramifications still divide Americans today.

I am writing lawmakers to bring flag burning to their attention and ask them to consider passing a new law to prosecute any person unlawfully burning or desecrating to flag of the United States. I urge you to strongly consider supporting this type of law. Burning of the American flag is an act perpetrated against both our country and government, and should be prosecuted as a federal offense. Every unjustifiable burning of the American flag is a mockery of the patriots who first died for "liberty and justice for all."

Sincerely,

BRIAN KENT.

IN HONOR OF FATHER WILLIAM GULAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and celebrate St. Stanislaus pastor William Gulas on his 40th anniversary of his ordination of priesthood on this 27th day of May.

Father Gulas was born in 1934 in Hazleton, Pennsylvania. His first priestly assignment was with the editorial staff of Franciscan Publishers of Pulaski, Wisconsin, as editor of "Franciscan Message." While with Franciscan Publishers, he assisted on weekends at parishes and edited other religious publications. He attended Marquette University in Milwaukee, Wisconsin, and was awarded a Master of Arts Degree in Journalism. He later taught at St. Mary's High School in Burlington, Wisconsin, and served as the Catholic Chaplain at Southern Wisconsin Colony at Union Town. His accomplishments did not go unnoticed; he soon served as President of the English-speaking Provincial Ministers of the Order of Friars Minor. In 1992, he was appointed General delegate of the Lithuanian Franciscans. His accomplishments are countless.

In 1993, Father Gulas assumed the pastorship of St. Stanislaus Catholic Church in Southeast Cleveland. One of his primary objectives was to restore the historic century-old church in Slavic Village. Father Gulas raised over $1.3 million for the church and successfully completed the restoration on the church's 125th anniversary. St. Stanislaus was blessed and dedicated on November 22, 1998 by Cleveland Bishop Anthony Pilla.

St. Stanislaus now thrives under the leadership and direction of Father William Gulas. We as a community are grateful for his time and dedication to St. Stanislaus and Cleveland. Please join me in honoring Father William Gulas on this very special day.

SLAVERY REPARATIONS

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. FATTAH. Mr. Speaker, I submit the following editorials for the RECORD.

[From the Philadelphia Inquirer, May 20, 2001]

FORWARD ON RACE—TOGETHER

Try this sometime: Say the words reparations for slavery in a crowded room.

Then watch the stereotypes and anxieties roll in like thunderheads: Hands move protectively over wallets or extend to receive a check; eyes scan the floor for an escape hatch or roll back in exasperation.

For 136 years, stereotypes and anxieties have stifled the conversation. But change is coming—and it's long overdue.

Recent investigations into race riots in places such as Rosewood, Fla., and Tulsa, Okla., have brought reparations to the fore. Businesses have apologized for slavery-era practices. The writings of people such as Randall Robinson, author of The Debt: What America Owes to Blacks, and conservative columnist David Horowitz have broadened and energized the debate. A class-action lawsuit is possible. The issue will arise at a United Nations conference on racism this summer in South Africa.

But the reparations issue is too weighty, too unsettling to be left to individual communities or businesses. Books, conferences or lawsuits by themselves won't be enough.

Slavery and the century of government-sanctioned discrimination that followed were national policies that denied fundamental rights—justice, equality, freedom—to African Americans. It will take a national effort to answer for that.

An excellent starting point is a bill that U.S. Rep. John Conyers (D., Mich.) has introduced annually since 1989. It would "acknowledge the fundamental injustice, cruelty, brutality and inhumanity of slavery in the United States."

And it would create a commission to study the impact of slavery and post-Civil War discrimination and to recommend remedies.

Mr. Conyers' colleagues and President Bush, who has eloquently spoken of taking on the mantle of Abraham Lincoln, should rise to the moment and turn this bill into law.

A reparations commission, handled fairly, could give America an honest grasp of the past that would help it seize a better future. It would show how by-products of the past—stereotypes, demagoguery, denial—block the path to progress. It would allow an open airing of wrongs, not to define the country by its sins but to help Americans see history through each other's eyes.

Most of all, it would remind America that the idea of reparations is not about who gets a check. It is about justice. But if Washington can't stir itself to pass the Conyers bill on its merits, America may be forced to have this conversation anyway.

In court.

Last year, a powerhouse team of lawyers and advocates formed the Reparations Coordinating Committee. It is considering strategies to address the legacy of slavery and discrimination, including lawsuits. The group includes Randall Robinson; Harvard professor Charles J. Ogletree; attorney Johnnie Cochran; Alexander J. Pires Jr., who won a $1 billion settlement for black farmers in a discrimination suit against the U.S. Department of Agriculture, and Mississippian Richard F. Scruggs, who helped win the $368.5 billion tobacco settlement.

Mr. Ogletree says the committee is hoping "for a serious examination of the issues that provides some sense of healing and an ability to move forward."

Who can blame advocates for thinking of lawsuits? In the nation's civil-rights history, courts have often been the place where minorities finally got action after appeals to community conscience or legislatures failed.

But while lawsuits can further justice, they are not designed to promote healing. The best approach to reparations is one that manages to serve both those goals.

What's more, if you put the words lawsuit and reparations together, most Americans will focus on one thing: money. How much? Who gets paid? Who has to pay? Those questions get sticky in a hurry. Critics of the idea have a field day.

That's why the courts, with their adversarial tone and necessary focus on legalistic details, aren't the best venue.

It is in Congress, elected by the people to talk through America's challenges, where the nation could best begin the moral process it urgently needs.

That process has three steps—acknowledgment, atonement and reconciliation.

The idea of atonement is as delicate a part of this discussion as money. Similar questions swiftly arise. Who should atone? To whom? Are you exempt if your ancestors came to America after 1865? If they lived in a "free state" before the Civil War? If your black ancestors "crossed over" to live as whites?

Ten seconds into such a discussion, you risk confusion, anger and defensiveness. That's why many Americans argue the nation should just duck this question and "move on."

And that is why it should be made clear from the start that a national initiative to study reparations must not be a festival of finger-pointing.

White Americans should not be required to apologize individually for benefits that they or theirs received from the exploitation of African Americans. Regardless of station or ancestry, no one person should be expected to shoulder all the years of moral, political, economic and social exploitation. Besides, words alone won't be enough.

No, atonement must come through actions—actions by the federal government. That government, acting for white people, allowed slavery for the first 76 years of its existence. That government, acting for white people, stood aside for almost 100 years as atrocities were committed against freed slaves and their descendants. That government now must act for the sake of all the people and take the lead in making amends.

As for acknowledgment, Americans need to grasp certain hard truths about their country.

First and foremost is that horrible wrongs were done to African Americans during the years of slavery and the century of government-sanctioned discrimination that followed.

But not just that. Those wrongs weren't done by just one evil region or contingent while the rest of white America innocently went about its business. Those wrongs were a major part of America's business. The unpaid labor of millions—even the slave trade itself—helped set in motion the U.S. economic juggernaut and fueled world trade. In 1790, the value of America's slaves was estimated at $140 million, twice the national debt, and 20 times the budget of the federal government.

So this truth may come as a surprise: The race that has been so vilified throughout U.S. history, that has often been depicted as a drain on the country's resources, worked side by side with white people in building America, in war and peace, right from the start.

Here is another necessary acknowledgment: Other ethnic groups in the United States have suffered. American Indians endured unspeakable atrocities. Many immigrants were cheated of fair pay for their labors and felt the sting of bias. Race hatred has claimed victims of all colors. All these stories should be heard and a reparations commission should be prepared to hear other requests for compensation.

But the African American experience is unique. As hard as other groups' roads may have been, none of them suffered chattel slavery and zero compensation for their labor and a hundred years of racebased discrimination.

A national dialogue on reparations will also have to acknowledge that America has made down payments on its debt.

Not every young man who went off to battle in the Civil War did so to free the slaves, but many on the Union side did. And, at the end of the war, the slaves were free. Not equal, but free.

The hundreds of thousands of war dead—black and white—the millions wounded, maimed, widowed and orphaned, can't be denied. The post-Civil War amendments to the Constitution, however imperfectly enforced, must be placed into the ledger.

The war on poverty will have to be counted as well. Yes, that war was waged on behalf of all poor people. But high rates of black poverty were part of the legacy of slavery and segregation, and many see the trillions spent to alleviate poverty from the New Deal onward as a good-faith attempt to address that legacy. The effort known as affirmative action also must be counted.

So, while America hasn't wholly atoned, it hasn't been wholly coldhearted either. Acknowledging that fact might help Americans see reparations not as an out-of-the-blue demand, but a logical, useful next step.

After acknowledgment and atonement, the final goal is reconciliation.

A national reparations commission would not make distrust over race disappear. It would, however, lift the veil of secrecy.

It would allow whites to see more clearly how race does impact today's public-policy issues. It would assuage blacks who feel that white America's constant refrain of "Let's move on" negates their experiences. It might, in the very best case, build enough trust that Americans of all races could begin to curb harmful reflexes ingrained by culture and experience.

Of course, there is more to reconciliation than government policy. Here's where individuals would play the largest role, as described by Bishop Desmond Tutu of South Africa in his book No Future Without Forgiveness:

"Reconciliation . . . has to be a national project to which all earnestly strive to make their particular contribution—by learning the language and culture of others; by being willing to make amends; by refusing to deal in stereotypes by making racial or other jokes that ridicule a particular group; by contributing to a culture of respect for human rights, and seeking to enhance tolerance—with zero tolerance for intolerance; by working for a more inclusive society where most, if not all, can feel they belong—that they are insiders and not aliens and strangers on the outside, relegated to the edges of society."

Acknowledgment. Atonement. Reconciliation. A good-faith, national effort dedicated to those goals could make this the last turn of a century in which America is haunted by this intractable problem.

[From the Philadelphia Inquirer, May 20, 2001]

JUSTICE AND RECONCILIATION

What is the scariest thing about a discussion of reparations for slavery?

Is it the money? No. The country would have a long and loud argument over this, but, at heart, Americans are a generous people. Convince them of a genuine need or wrong, confront them with an emergency, and they'll dig deep to make things right.

Is it the fear of dividing the country? Only for those who don't recognize the divisions already there. Look at the black-white fault lines on issues such as affirmative action, the criminal justice system, support for political parties.

Is it that even reparations might not be enough to eliminate racism or demagoguery? Well, they won't. They won't fully make up for the horrors of slavery and segregation, either. They'll be a step, as much symbol as substance, to acknowledge wrong and atone in some way in hope of reconciliation.

No, the thing that is scariest is also what will have the greatest long-term benefit.

Knowledge.

Knowledge, above all, is what America would gain if Congress moved ahead on U.S. Rep. John Conyers' bill calling for a commission to study the impact of slavery and discrimination and to make recommendations on remedies.

And knowledge can heal, even as the gaining of it causes some pain.

A national study will reveal some truths about race in America—maybe more than many want to know, but much that the nation needs to know.

The challenge will be keeping this knowledge in perspective, in remembering that this racial history is one truth about America, but not the sole defining truth. That the seeking of this knowledge is itself part of the process of atonement. That acknowledging these truths is a necessary step to true reconciliation.

How can the past teach about race in America today?

Consider, for example, the charges about black disenfranchisement in Florida last November. How different do those events look when viewed not in isolation, but from the perspective of America's tradition of turn-of-the-century disenfranchisement?

In the 1790s, as the revolutionary principle "all men are created equal" waned, free blacks were disenfranchised in Delaware, Maryland and Kentucky. In the early 1800s, many Northern states followed suit (New Jersey in 1807; Pennsylvania in the 1830s).

At the turn of the next century, despite civil rights gained by blacks after the Civil War, Southern states enshrined disenfranchisement in law, with such things as poll taxes and literacy tests. Consider the political impact in just one state: In Louisiana, the number of African American voters dropped from more than 130,000 in 1896 to 1,342 in 1904.

So what does this tradition tell us? First, that "Let's move on" will never be an adequate response to concerns about political disempowerment of African Americans. History demands vigilance in protecting fundamental rights. Second, though, it also suggests how much has changed for the better. However you judge the unproven charges in Florida, they hardly resemble the wholesale, deliberate disenfranchisement that occurred in Jim Crow or slavery-era America.

That's the scary thing about knowledge. It leads to new places. Instead of giving either side the trump card in the ongoing racial debate, it might challenge old assumptions and raise new questions.

But running away from knowledge poses even greater risks in the long run.

Studying the impact of slavery and segregation is not just a task for historians. A reparations commission could provide an opportunity for Americans of all descriptions to come forward and tell their stories and the stories of their families; to fill in the gaps, to give voice to those who were silenced.

This education process has great potential to heal. There is tremendous power in airing what has been denied for generations. Just by listening, this commission, representing the people of the United States, can acknowledge and honor what has been endured. It can show that America is ready to hear and accept responsibility for the full story of its history.

Then the question arises: How can the living symbolically repay for political, economic and social wrongs stretching back over more than two centuries?

Some argue that the next step is for the government to issue checks to descendants of slaves. Many assume that's all reparations mean.

Not so.

Individual checks would have made sense and been just if given directly to slaves or their immediate descendants.

But today, the complications and logistics of issuing checks to descendants five generations removed boggle the mind. It's hard to see justice in that. It's even harder to envision it leading to any form of national reconciliation.

A commission studying slavery and reparations will be besieged with alternatives. It should give any creative, legitimate idea its due. But it must ensure that any recommendations are made with an eye toward balancing the justice that is deserved with the reconciliation that is needed.

What follows is one way to handle reparations.

A commission that has spent so much of its time educating America might consider it appropriate to carry on that theme in three ongoing projects.

The first project would meet the need for broad, symbolic restitution for the 76 years that slavery was legal under the U.S. government.

As an example, what if a national reparations fund—say $500 billion spread over a decade—was devoted to addressing the shortfall in academic resources and expectations facing black children?

One use of the money could be to build, renovate and repair schools in the nation's neediest school districts. The U.S. General Accounting Office said in 1996 that it would cost $112 billion "just to achieve 'good overall condition'" in the nation's schools. Such a program would benefit minorities primarily, but not exclusively. It would attack the inequality that does the most to turn differences of race into differences of income and opportunity.

Framing a national act of atonement around such a positive agenda would be both spiritually satisfying and pragmatic. It would help poor urban and rural districts do a much better job of preparing young African Americans and other students for work and citizenship; it might help revive urban centers and curb suburban sprawl.

A second project could address the 100 years of unconstitutional discrimination and segregation that followed slavery. It would compensate African American families who could demonstrate, subject to reasonable limits, that they or their ancestors suffered substantial losses because of racial discrimination.

Foremost among these would be the descendants of the almost 5,000 victims of lynchings. But also included could be victims of riots in which whites attacked black communities in places like Wilmington, N.C., in 1898, New Orleans in 1900, Atlanta in 1906, Tulsa in 1921, or dozens of others.

Again, the reparations need not be in the form of individual checks. For example, it could be college tuition credits for a generation of members of that family.

Finally, the nation could begin a third project dedicated to continuing education for everyone. It would include a museum in Washington, equal in stature to the U.S. Holocaust Memorial Museum, that would lead an ongoing exploration of issues related to race and ethnicity in America.

Through this project, Americans of all ethnicities could answer the questions that arise often during any reparations discussion: What about us? What about our story, our unhealed wounds?

The point would not be to stage a contest to see who suffered the most. It would be an effort to show the range of experiences—and the similarities. Study them together and maybe America can see more clearly the patterns of hate and discrimination that rise up at certain points in history and damage the nation's soul.

Maybe that knowledge can help the country do right by future immigrants, sparing them some pain and showing that a nation can learn from its mistakes.

A thoughtful study of slavery, discrimination and their aftermath would, no doubt, bring forward other good ideas to handle reparations.

But first, America must accept that it must face this unfinished business. As W.E.B. DuBois wrote,

"We have the somewhat inchoate idea that we are not destined to be harassed with great social questions, and that even if we are, and fail to answer them, the fault is with the question and not with us. . . . Such an attitude is dangerous. . . . The riddle of the Sphinx may be postponed, it may be evasively answered now; sometime it must be fully answered."

President Bush, Congress and the American people can heed Mr. DuBois' wisdom and take up his challenge. The Conyers bill shows how to take the first step.

SOCIAL SECURITY

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. POMEROY. Mr. Speaker, I rise today to commend to my colleagues a new book written by former Social Security Administration Commissioner Robert Ball.

As we in Congress grapple with the future of Social Security, it makes sense to listen to the words of wisdom offered by someone who has spent a lifetime working with the program. Bob Ball began working in the Social Security Administration in 1939 and ran the program for more than 20 years. Clearly, Mr. Ball is one of the country's foremost experts on Social Security.

A collection of Mr. Ball's essays, "Insuring the Essentials: Bob Ball on Social Security", has recently been published by the Century Foundation Press. These essays not only chronicle the history of the program, but frame past and current Social Security reform proposals in clear, concise terms. I encourage my colleagues in Congress, and all Americans interested in the subject of Social Security, to read this valuable book.

Mr. Speaker, I submit for the RECORD a review of Mr. Ball's book, which appeared in the May 12 edition of the National Journal.

[From the National Journal, May 12, 2001]

IT'S NOT JUST A PENSION PLAN (DAMMIT!)

(By Robert Ourlian)

You may have heard the one about Alf Landon's ill-fated tirade during the 1936 presidential campaign and how it blew up in his face like a prank cigar, leaving him wide-eyed and blinking. This was the attack on the year-old Social Security Act, which he denounced with every overreaching adjective it was his misfortune to muster. "It is a glaring example of the bungling and waste that have characterized this Administration's attempts to fulfill its benevolent purposes," Landon said with Magoo-like chagrin. He called the act "unjust, unworkable, stupidly drafted and wastefully financed," and "a fraud on the working man."

Bob Ball includes a hearty mention of Landon's little game of Republican roulette in his new book, Insuring the Essentials: Bob Ball on Social Security. Ball is not unbiased on this subject. He has spent a lifetime helping develop an American form of social insurance and defending it against people like Landon. Now 87, Ball began his work at the federal Social Security Administration in 1939, and he ran the program from 1952–73. He has served as a member of or adviser to nearly all of the many, many, many advisory councils on Social Security (the latest was appointed only last week). He has written, testified, consulted, argued, lectured, and exhorted so profusely that he probably deserves the nickname suggested by his Century Foundation editor—Mr. Social Security.

Ball went so far as to make a pro-Al Gore political advertisement last year, heaping scorn on George W. Bush's plans for retirement accounts. (Ball considered the ad muted; Gore's people thought it was powerful). Ball counsels Democrats and openly praises labor unions, his allies in many Social Security battles. He expects no calls from the White House these days.

But even as a combatant, Ball engages, it must be said, graciously. In this book, he deftly—almost slyly—appoints out where the partisan fault lines are in the Social Security debate, and who takes which side. For some in the debate, this is good to know. In one essay, he mentions Landon and other early Republican opponents, and in a later one, hints that Eisenhower Republicans were self-destructively slow to warm to Social Security. In other chapters, he dispassionately discusses the proposals—mainly, though not always, Republican ones, through the decades—to downsize, privatize, outsource, and otherwise rip some of the system from its federal moorings—a goal Ball plainly considers undesirable.

Still, Ball knows what we're dealing with here, and, so do we: the deep-rooted struggle over government's role in America. To his Republican, corporate, and conservative adversaries, Ball is saying, in a polite and sometimes roundabout way, "Let's rumble." Ball obviously believes government has a role in promoting such things as justice, fairness, and equality while respecting individuality.

In his preface, he quotes Abraham Lincoln on the government's job to "do for a community of people whatever they need to have done but cannot do at all or cannot do so well for themselves." Ball includes his own 1986 address to a conference on older people, challenging the rugged Reaganism of that decade on the need for long-term care for the elderly. "This issue will be a good test," he says, "of whether Americans are really against the use of government for social purposes . . . or whether they like President Reagan more than they like his philosophy."

In a commencement address delivered at the University of Maryland a year earlier, he lectures: "Greed is not enough if we are to address successfully the great challenges that face the world. If each of us pursues a life dedicated to getting the most we can for ourselves, it will not automatically follow that the community will be better off. There is a law of reciprocal obligation."

Now President Bush has created another Social Security advisory council. So this meandering collection of essays, articles, op-eds, and lectures written by Bob Ball over a stretch of nearly 60 years is nothing if not timely. It takes the reader on an interesting, if sometimes challenging, ride through the development of American social insurance.

It's not a completely smooth ride. Some of Ball's favorite pieces, such as a 1947 journal article, would be difficult reading for those unfamiliar with the jargon of the social science disciplines. Another, a 1942 guide on field interviews, seems to be on the margins of any point the book endeavors to make, and the same goes for a 1949 piece on contribution rates and funding sources. While these older chapters have been blessedly freshened with recent data, and do give a sense of agency culture through the decades, some seem of limited use today. Yet, I resisted the urge to jump straight to the chapters addressing current concerns, and I was glad to get the insights that were tucked away in many of the others: the guiding principles of Social Security; the ins and outs of 75-year forecasts; the ways private investment can play a role; the true nature of the challenges ahead.

Granted, Bob Ball has cast his lot in the partisan game. But he speaks loudly in the ongoing debate, and this book will serve as his megaphone—whether he needs one or not.

SENATE—*Saturday, May 26, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

The PRESIDING OFFICER. The guest Chaplain, Dr. Richard B. Foth, of Falls Church, VA, will lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

We stand here today, Almighty God, grateful and humbled. On this Memorial Day weekend, we are awed by the sacrifice of those who have gone before.

In a few hours, our Senators will vote on new tax laws. Debate has been intense, and we are grateful for the right to speak out and fight for opinions, for that freedom has been costly.

It has been bought by the blood of our very best, who often fought and died in lonely places with strange sounding names, far from home and family.

Every one of them counts, and we remember them today.

For the Americans who guard freedom around the world at this moment, we join with those they love—the mother in Seattle, that dad in Wichita, a sister in Mobile—in praying for their safe return.

Every one counts, and we remember them today.

And for the men and women of this United States Senate, who also guard our freedoms, we ask a fresh measure of peace. Pour Your perspective we pray, into the hearts of those here whom You know need it the most.

It is by Your grace that our Senators serve, and we count on that very grace to calm the waters in this place for every Senator has been designed in Your image and their freedom has been bought with a price.

Every one counts, and we remember them today.

We ask these things in the name of the One who calls us to be free. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 26, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. THOMAS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. LOTT. Thank you very much, Mr. President.

EXTENDING OUR SPECIAL APPRECIATION TO THE GUEST CHAPLAIN

Mr. LOTT. I extend our special appreciation to our guest Chaplain this morning for the beautiful and most appropriate prayer. We are delighted to have Dr. Foth here.

SCHEDULE

Mr. LOTT. It is Saturday, May 26, Memorial Day weekend, a special weekend for recognizing those who have sacrificed so much for our country. The Chaplain is right: Everyone does count. That is why Senators are here. We are doing the American people's business. Later on today we hope to complete action on a very significant piece of legislation, tax relief for all Americans.

The Senate will be in a short period of morning business awaiting the conference report to accompany the tax reconciliation bill.

I see Senator SPECTER is in the Chamber ready to speak in morning business. The House is currently voting on the conference report. Therefore, we expect to receive the papers shortly. When the papers arrive, it is hoped that we can enter into a short time agreement so that a final vote can be set. I have already spoken briefly to Senator DASCHLE, and we will be working together to get an agreement on a reasonable period of time for debate. Of course, we will try to accommodate Senators who will be coming in and others who will be wanting to leave. We do plead with all Senators to give us your best measure of cooperation because we are trying to be sensitive to all kinds of special events, including graduation ceremonies and weddings and commitments of longstanding. It is not always easy to accommodate them all. I know some Senators are agitated that they have already been inconvenienced, and for that we apologize. But I commend the leadership on both sides of the aisle. We have said to each other, let's stay; let's get this done; and we are going to do that. We will notify the Senators as soon as an agreement can be entered into as to the time sequence. We are hoping we can get something that could get to a vote either before noon or hopefully by 1 o'clock. That is not agreed to, by any means, but that is the goal we are pursuing.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 10 minutes.

The Senator from Pennsylvania.

SENATOR JEFFORDS

Mr. SPECTER. Mr. President, I have sought recognition this morning to comment on Senator JEFFORDS' announcement that he will vote with the Democrats on organization of the Senate. I have delayed in expressing these thoughts to further reflect upon them and perhaps avoid saying something that I would later regret. I have written them down, which is unusual for me because I believe that floor statements, as speeches generally, are best made from the heart rather than text.

When I first heard last Tuesday that Senator JEFFORDS was considering this move, I told the news media: "It shouldn't happen—it won't happen—it can't happen." Well, I was wrong.

When Senator JEFFORDS confirmed that he was about to vote with the Democrats, I joined five other Senators who tried to dissuade him in a morning meeting last Wednesday. The group reconvened for an afternoon meeting, with some ten other Senators and Senator JEFFORDS. Between the two meetings, we conferred with the Republican

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

leadership on what suggestions we could make to Senator JEFFORDS to keep him in the fold.

For 13 years, JIM JEFFORDS has been one of my closest friends in the Senate and he still is. We have had lunch together every Wednesday for years. First, with Senator John Chafee, and later with Senator OLYMPIA SNOWE, Senator SUSAN COLLINS, and Senator LINCOLN CHAFEE. He had never given any hint to me of such a move.

Before discussing the suggestions which would be made to Senator JEFFORDS, we first pleaded with him, saying his change would disrupt the Senate, it would change the balance of power in the Federal Government generally, it would severely weaken the Republican Party—of which he was a lifelong member, it would hurt his Senate friends, and likely cost many staffers to lose their jobs.

Senator JEFFORDS replied that he was opposed to the party's policies on many items and believed he could do more for his principles by organizing with the Democrats.

We then told Senator JEFFORDS that we were authorized by the Republican leadership to tell him that if he stayed, the term limits on his chairmanship would be waived, he would have a seat at the Republican leadership table as the moderate's representative, and IDEA, special education, would become an entitlement which would enrich that program by billions of dollars for children across America.

At the end of our second long meeting, I felt we had a significant chance to keep him. On Thursday morning, I was deeply disappointed by his announcement that he would organize with the Democrats. My immediate response to the news media was that it felt as if there had been a death in the family. Other Senators from our close-knit group were, candidly, hurt and confused. For some, that has turned to anger. Most of the Republican Senate caucus has had little to say, trying to put the best face on what is really a devastating loss.

The full impact has yet to sink in. It will undoubtedly be the topic of much contemporaneous columnist comment and beyond that for the historians.

Well, the question now arises, Where do we go from here? The Senate leadership, notwithstanding Senator JEFFORDS' departure from our caucus, has created a moderate seat at the leadership table to address some of Senator JEFFORDS' concerns. More needs to be done. And I think more will be done.

How should these issues be handled by the Senate for the future? I intend to propose a rule change which would preclude a future recurrence of a Senator's change in parties, in midsession, organizing with the opposition, to cause the upheaval which is now resulting.

I take second place to no one on independence voting. But, it is my view that the organizational vote belongs to the party which supported the election of a particular Senator. I believe that is the expectation. And certainly it has been a very abrupt party change, although they have occurred in the past with only minor ripples, none have caused the major dislocation which this one has.

When I first ran in 1980, Congressman Bud Shuster sponsored a fundraiser for me in Altoona where Congressman Jack Kemp was the principal speaker. When some questions were raised as to my political philosophy, Congressman Shuster said my most important vote would be the organizational vote. From that day to this, I have believed that the organizational vote belonged to the party which supported my election.

When the Democrats urged me to switch parties some time ago, I gave them a flat "no." I have been asked in the last several days if I intended to switch parties. I have said absolutely not.

Senator PHIL GRAMM faced this issue when he decided to switch parties. He resigned his seat, which he had won as a Democrat, and ran for reelection as a Republican. As he told me, his last vote in January 1983 was for the Speaker of the House of Representatives, and he voted for Tip O'Neill with the view that he was elected as a Democrat and should vote that way on organizational control. Even though, he intended to become a Republican and would have preferred another person to be Speaker.

To repeat, I intend to propose a Senate rule which would preclude a change in control of the Senate when a Senator decides to vote with the opposing party for organizational purposes.

One other aspect does deserve comment, and that is the issue of personal benefit to a changing Senator. In our society, political arrangements avoid the consequences of similar conduct in other contexts.

For example, if company A induces a competitor's employee to break his contract with company B and join company A, company B can collect damages for company A's wrongful conduct. If A gives a benefit to an employee of B to induce the employee to breach a duty, that conduct can have serious consequences in other contexts which are not applied to political arrangements.

On the Lehrer news show on Thursday night, the day before yesterday, Senator HARRY REID and I sparred over this point. I expressed my concern about reliable reports that Democrats had told Senator JEFFORDS that Senator REID would step aside so Senator JEFFORDS could become chairman of the Environment and Public Works Committee. Senator REID replied that there was no quid pro quo, an expression I had not used.

Accepting Senator JEFFORDS' decision was based on principle for the reasons he gave at his news conference on Thursday morning, a question still remains as to whether any such inducement was offered and whether it played any part in Senator JEFFORDS' decision. Questions on such offers and counteroffers should be considered by Senators and by the Senate in an ethical context, but at this moment I do not see any way to effect such conduct by rulemaking or legislation.

This week's events raise very profound questions for the governance of our country as well as the operation of the Senate. I intend to press a rule change which would preclude a recurrence of this situation and will be discussing with my colleagues the whole idea of inducements as an incentive for a party switch.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator leaves, I was off the floor and am disappointed that the Senator saw me here and decided to speak after I left the Chamber, using my name on several occasions. Would the Senator from Pennsylvania tell the Senator from Nevada, is he saying that Senator JEFFORDS did something wrong in switching parties?

Mr. SPECTER. I have been very careful in my selection of words. I have not said anybody did anything wrong.

Mr. REID. OK.

Mr. SPECTER. I am a little surprised to hear the Senator from Nevada expressing some concern about the statement which this Senator has just made. This is the floor of the U.S. Senate and these are matters of grave concern for the Senate. I have spoken with great modulation on a subject where a great deal more could have been said by me and by others.

Mr. REID. I appreciate the Senator's statement. It seems to me that, no matter if it was a matter of importance or nonimportance, if I was going to speak about the Senator from Pennsylvania, I would tell the Senator from Pennsylvania, "I am going to say a few words mentioning your name; do you want to be on the floor?" The Senator decided not to do that. I appreciate that.

It is my understanding that the Senator from Vermont, prior to his leaving the Republican Party, was chairman of a pretty big committee, the HELP Committee?

Mr. SPECTER. That is true. And one of the concerns which Senator JEFFORDS had, as expressed to a number of us, was his term limitation.

But if I might respond to an earlier point by Senator REID, I saw Senator REID on the floor. He is the assistant majority leader. Perhaps, I might have said to Senator REID: "I am about to mention your name."

I did so really to accommodate his statement that there was no quid pro quo. There had been a statement that there was nothing done in exchange for something. So that in saying that, it was not said in any condemnatory, derogatory, or critical manner.

Mr. REID. I appreciate the statement of the Senator from Pennsylvania. I am one of the biggest fans of the Senator from Pennsylvania. I am one of the few people here, probably, who have read his book from cover to cover.

Mr. SPECTER. That number is growing, I say to the Senator.

Mr. REID. It takes a long time to read. I am a fast reader. That is the reason I am ahead of most people. I say to my friend from Pennsylvania, I appreciate not only what he said but how he said it. I am sorry if I in any way mistook the Senator's statement.

This is a time, as the Senator indicated, of some tenseness around here. I wanted to make sure the Senator and I understood each other, which we do. I thank him very much.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I seek recognition in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. DURBIN. Mr. President, first let me address the comments of the Senator from Pennsylvania.

The Nation and perhaps many parts of the Western World will be focused on the comments of Senator JEFFORDS this week. They are particularly important not because a man who was a lifelong Republican has declared that he would become an Independent but because of the impact of that decision on this institution and on the Government in Washington.

For people to change political parties is rare in this American political scene but not unheard of. In fact, the Senator from Pennsylvania, on his side of the aisle, on the Republican side of the aisle, has at least four colleagues who have done that:

Senator STROM THURMOND, first elected as a Democrat, Governor of South Carolina, then ran as a candidate for the U.S. Senate as a Democrat and decided to change parties and become a Republican. That was his decision.

I served with Senator PHIL GRAMM in the House when he was a Democrat. He made the decision to change parties and stood for reelection in Texas as a Republican to let the people make their decision as to whether or not they would validate his choice of the new party.

Then there is Senator RICHARD SHELBY of Alabama, once a Democrat, now a Republican on Senator SPECTER's side of the aisle.

Senator BEN NIGHTHORSE CAMPBELL, once a Democrat, is now a Republican.

So I find it interesting that now is the moment that the Senator from Pennsylvania wants to suggest we have to change the rules to militate against this change of party sponsorship, when there is a change of party allegiance. The difference, I think, is obvious. In the four previous examples, it did not result in the change of control of the Senate. I think perhaps that is why more attention has been paid to Senator JEFFORDS' decision. I honor his decision. I think he is an honorable man. I don't believe he made this decision lightly. I think he reflected on it. He made the decision to be an Independent and to join the Democrats in organizing in the Senate. I think the statement he made in Burlington, VT, in front of the people he will represent was one of the better statements I have heard in my public career. It was clearly a decision of conscience.

To suggest that there was any quid pro quo or any other reason demeans the integrity of one of our colleagues whom we both respect very much. So I hope we will put this in some historical perspective within this institution, where half a dozen Members have either contemplated or changed political party. They have a right to serve, and they will ultimately answer to the people of their State about their decision.

Mr. SPECTER. Will the Senator yield?

Mr. DURBIN. For a question, I am happy to yield, retaining my right to the floor.

Mr. SPECTER. Mr. President, my response is not really a question, although it can always be articulated in the form of a question which is our custom. The Senator from Illinois has the floor, and I appreciate his yielding to me. I just have a brief comment to make without any articulation of a question, if I may, reserving the Senator's right to the floor.

Mr. DURBIN. I do not object, but I retain my right to the floor.

Mr. SPECTER. Mr. President, I will formulate it as a unanimous consent request that I may reply very briefly, retaining the status of the Senator's right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, in what I have had to say here, I have said it as carefully as I can. I have written it all down and I read it. I think it may be the first speech I have ever read on the Senate floor in the 20 years and 5 months I have been here. I wanted to be very precise.

I believe Senator JEFFORDS is a man of the highest principle and integrity. I have enormous respect for all of what he has done, including the statement made in Vermont on Thursday morning.

When the Senator from Illinois comments about the change in parties of others, what he says is true. I have said in the prepared text that Senator GRAMM went to the unusual extent of actually resigning. Senator GRAMM told me, as I recounted, that his last vote in early 1983 was for the Speaker of the House of Representatives. He voted for Congressman Tip O'Neill. I think Senator GRAMM said he was elected as a Democrat.

I think the examples of Senators SHELBY, CAMPBELL, THURMOND, and then-Congressman PHIL GRAMM/now Senator GRAMM are really irrelevant to what happened here. This is really a very, extraordinary matter. As the Senator from Illinois knows, we have had a change in the governance of the Senate, and each of us can attest to how hard it is to get to the Senate, and then how hard it is to get party control of the Senate. With that historical election and a 50/50 balance, any one of the Senators on either side could tip the balance. Republicans had control by virtue of the Vice Presidency.

When Senator JEFFORDS made a switch for organizational purposes, he affected the governance of the country. The ability to set the agenda here is of enormous consequence. To have the Democrat as the majority leader, he gets the first recognition. Then you have the President's agenda. Some people are glad that the President's agenda will not have an advocate in the Senate and the majority leader as a Republican to put that agenda forward. The Senate chairmanships we need not focus on too long.

But there were people in the Senate family who were weeping—staffers who are going to lose their jobs. I said on the "Jim Lehrer Show" that what happened was "seismic." Senator DORGAN agreed with me that it was an "earthquake".

So in seeking a limitation on organizational change, I am not moving to the point to say that if a Senator wants to change parties, there ought to be any rule against that. He can find his peace with his electorate, where there may be a political price to pay or there may not be. But when so many others pay a price, it is my very firm view that the rule ought to be changed, and I will be submitting an appropriate rule shortly.

I thank my colleague from Illinois and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has the floor.

Mr. DURBIN. Mr. President, I have the floor, but I would like to know if the Senator from Iowa would like to make a request.

Mr. GRASSLEY. No.

Mr. DURBIN. Mr. President, I will accept the statement of the Senator from Pennsylvania. I understand there is change, and with change there is pain. I hope we can do our best to be positive and constructive as the Senate leadership does change. I hope we can continue to show mutual respect for our colleagues, as I have great respect for the Senator from Pennsylvania. I think that is an important hallmark of this institution, and I think we should all make an extra effort to preserve that.

ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001—CONFERENCE REPORT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 1836, the tax reconciliation bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1836), to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002 having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD (continuation) of May 25, 2001.)

Mr. DURBIN. Mr. President, about 15 minutes ago I was handed this stack of paper. It is not uncommon for us to receive bills of great consequence and great moment only a few minutes before we are asked to vote on them. We rely on good staff work and hope they give us some insight into what the legislation means.

This piece of legislation, of course, represents the proposed tax bill—457 pages. I will hazard a guess that very few Members of the Senate will have a chance to study it or reflect on it or even ask for a response from others before we are asked to vote in a very few minutes. That is not unusual.

I don't want to suggest that this is an extraordinary situation, but it is extraordinary in this respect: What we are being asked to vote on in this tax bill will literally have an impact on America for 10 years, long after many of us have gone from the scene. Long after this President has finished his tenure in the White House, the impact of this bill will still be felt. So it is important for us to pause and reflect on what we are doing. We are being asked to sign onto a tax cut proposed by the White House, originally, and now crafted by the leaders in the House and the Senate, which will have a dramatic impact on the economy of this country.

It is a tax bill which doesn't affect just next year but in fact goes into effect sometimes 5, 6, 7, 8, 9, 10 years from now. Someone noted that the marriage tax penalty provisions, which I believe under the new bill go into effect in 2009 or 2010, will go into effect after many currently married couples are no longer married; many who are contemplating marriage will have been married and perhaps will no longer be married. The provisions about the estate tax will go into effect about 10 years from now after many people who are watching this debate are long gone.

The reason I raise this point is to try to put in some historic perspective the vote we are about to take this morning. I think this tax bill is a serious mistake. The Congress of the United States made a grievous error in the early 1980s under President Reagan when we accepted his message—and many voted for it—that called for a massive tax cut. It is easy to preach the gospel of a tax cut. What could be easier for a politician than to go to people and say, I want to reduce your taxes, There can't be anything more appealing.

But we have a responsibility in the Congress to reflect on what the tax cut means and whether or not it is the right thing to do. In the Reagan years, when many yielded to the siren call for a tax cut, they created a deficit situation in this country which crippled our economy for more than 10 years. History tells the story. With the Reagan tax cut and with the increase in spending on military affairs and other things, America did not have enough money to meet its basic needs for Social Security, Medicare, education, transportation, for the things which people expect this Government to provide in a civilized society.

As a result, we took the accumulated debt of America when President Reagan became President and saw it explode to the point where it is today of $5.7 trillion—$5.7 trillion in national debt, a national debt which requires us to collect in taxes $1 billion a day across America simply to pay the interest. That was a serious mistake. The bill we are considering today, unfortunately, could jeopardize our future just as much.

This morning's Washington Post gave us information about the productivity over the last several months in America. The projected productivity we hoped for did not occur. In this time of slowdown, in this time bordering on recession, we have seen our economic activity and growth reduced in America.

Many people who only 8 or 10 months ago were sure we were in prosperity and expansion were proven wrong. It was only 8 or 10 months ago when Alan Greenspan, the Chairman of the Federal Reserve, who is viewed as the wisest man in all of Christendom when it comes to our economy, guessed wrong. He was raising interest rates because he was afraid of inflation. Now Alan Greenspan is struggling and running as fast as he can to reduce interest rates. He was wrong.

This bill on which we will be voting is based on the best guess of the economists for President Bush that we will have continued prosperity for the next 10 years—10 years. There is no economist who would wage their reputation on where we will be 10 months from now, let alone 10 years. It is based on pure speculation about anticipated surpluses, and that is a significant shortfall in the logic behind this tax cut.

It is important we have a tax cut, but we should go carefully to make certain we do not go out too far or too big and jeopardize our economy. That is what is at stake.

Most Americans will tell you: A tax cut is important to me; even more important to me is what is going to happen to the economy, how will my family do in just the next few years, how will small businesses do.

We have seen an unparalleled period of economic prosperity over the last 8 or 9 years: 22 million new jobs in America, a recordbreaking number of small businesses created, record home ownership, the lowest inflation in decades, welfare rolls coming down, crime rolls coming down, a clear indication we were on the right track. This bill puts it all at risk. This bill says we will give a tax cut to some in America and hope we are right that the money will be there over the next 10 years.

I will give some illustration of what this bill does. The Senate tax bill gave 35 percent of all of the tax cut benefits to the top 1 percent of taxpayers. What does that mean? A $44,000 tax break for people with incomes above $373,000 a year. I do not believe that was responsible. Quite honestly, if there is to be a tax cut, it should be a tax cut for all Americans, not heaped on the wealthiest in this country. But hold on. The new bill, this product of a conference report, does not make this tax cut any fairer.

Under the conference agreement, the average tax cut for these same people making over $373,000 a year has increased by 23 percent. Instead of a $44,000 tax windfall for the highest 1 percent of taxpayers in America, it is now a $54,000 tax windfall for those with incomes in excess of $373,000.

Some come to the floor and say: Wait a minute, the top 1 percent of taxpayers pay the most taxes; shouldn't they get the most when it comes to tax cuts. Those in the top 1 percent pay about 22 percent of Federal taxes. The Senate bill gives them 35 percent of the benefits of this tax cut. This conference agreement raised that share to 38 percent. They paid 22 percent of the taxes; they receive 38 percent of the benefits. There is no fairness here.

I suggest that sending a $300 check to a taxpayer sometime this year as an indication of good will with this tax cut is cold comfort when one considers the wealthiest in this country will receive $54,000 a year in tax benefits under this proposal we are considering.

Quite honestly, we should have a tax cut, but one that is fair. This is not fair.

I also reflect on the fact that this tax cut does nothing to protect funding for Social Security and Medicare. The Senator from North Dakota, Mr. CONRAD, is in the Chamber. He will speak in a moment. He has said to us repeatedly that in 10 years the baby boomers will show up for Social Security and Medicare. When they show up, we had better be prepared. We promised them those programs would be ready and funded, but there is absolutely no way to fund this tax bill without raiding the Social Security trust fund, as well as Medicare benefits. That is totally irresponsible. For us to offer $300 checks to people today and run the risk that 10 years from now, when they show up for Social Security or Medicare, it will not be adequately funded is totally irresponsible. This bill raids Social Security and Medicare, and for that reason alone it should be defeated.

The final point I will make is this. This bill eliminates our ability to make necessary investments in the future of this country, the most important being education. All the speeches that have been given about bipartisan commitment to funding new education programs really disappear in a heartbeat when we vote to pass a tax cut which takes away the money that is absolutely essential for us to make sure that our kids in the 21st century are well prepared to lead the world.

I encourage all of my colleagues to oppose this bill, to vote for a tax cut for American families that is fair, one that does not go too far and jeopardize our economy, Social Security, or Medicare.

Mr. President, I yield the floor. Senator SCHUMER and Senator GREGG are seeking recognition.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, finally, finally, the American people are going to get some of their money back. The American people have been paying more money into the Federal Government than we need to operate the Government.

Over the next 10 years, it is projected they are going to pay $5.6 trillion into the Federal Government that we do not need. But the other side of the aisle does not want to give any of that money back. They do not want to let the American taxpayers keep some of their hard-earned money. No, they want to spend it. They have programs; they have ideas; they have initiatives; they have things on which they have to spend money.

There are a lot of good things to spend money on as a government, but one of the best things we can spend money on as a government is the taxpayers, by allowing the taxpayers to keep some of their hard-earned income so they can make decisions with their dollars, so they can make the decisions as to whether or not they want to buy a new car, spend more money on their children's education, improve their home, or save their money.

It is about time we return to the American people some of this surplus.

I congratulate the President; I congratulate the chairman of this committee; I congratulate the ranking member of the committee, the Senator from Montana, who will soon be the chairman of the committee for pulling forward a bill which is to some extent bipartisan—although, obviously, not a majority on the other side support it—which returns to the American taxpayers their hard-earned income. Hallelujah, it is about time.

Let's look at what this tax bill does. For people in the lowest rates, they get the highest percentage cut, from 15 percent down to 10 percent. For people who don't even pay taxes today but have families and have issues with raising their children, they are going to receive a direct payment. Not an income tax refund, because they are not paying income taxes, but a direct payment to assist them in raising their children, a child tax credit.

This is a bill which is directed at the middle-class Americans—Americans who are working hard every day to make ends meet, some of them in a low enough tax bracket so they don't pay taxes but still they need assistance; Americans who know the dollars they are sending to the Federal Government, to some extent, are not needed down here anymore. They are not needed in Washington because Washington has this huge surplus. They are needed at home. Americans across this country need those dollars to manage their family budgets better.

The representation was made on the other side of the aisle that we have this huge debt and we need to pay this debt off. Every projection we have says this debt will be paid off by, at a minimum, the year 2011. The public debt of the Federal Government will be zero by the year 2011 and will probably be zero long before then. We will pay down more debt faster than at any time in this country's history while still cutting these taxes. Why? Because the surplus is so large. So this debt argument is a red herring.

The argument has been made on the other side that we are not protecting Social Security with these funds. That is totally inaccurate. The fact is, the Social Security trust fund is running a $2.5 trillion surplus over this period. Not only can you protect the Social Security trust fund—and it is protected under this proposal—but we are actually going to be in a position, as a result of those surpluses in the trust fund to, I hope later down the road, allow American citizens who are paying Social Security taxes to save those taxes and actually own the assets which they have in the Social Security trust fund through some sort of personal or individual savings account.

The Social Security system is in a very healthy situation. It is getting stronger for the next few years. Regrettably, in the outyears, it has serious problems which need to be addressed. But this tax bill does not in any way negatively impact the surplus of the Social Security trust fund, nor does it impact the surplus of the Medicare trust fund.

First off, there is not a surplus in the Medicare trust fund; there is only a surplus in Part A. Part B is running at a deficit. If they merge the two, they run a deficit overall. The fact is, money is in this account; it is there for the purposes of Medicare, and we are talking about a significant increase in Medicare funding so we can fund the prescription drug benefit.

After we have done this—paid down the debt, protected the Social Security and Medicare trust funds, after we put in place preserving funds for prescription drugs—we still have a surplus at the Federal Government level because we are running so much more in revenues than we are in expenditures.

What do some of my colleague on the other side of the aisle say? They do not want to return the dollars to the American taxpayer but spend it and create more programs.

This is not a debate as to whether or not the money is available. It is a debate about what we should do with the money. The President has set the correct course. He has said, when the Federal Government takes in more money than it needs to operate, after it has committed to protecting Social Security, Medicare, and paying down the debt completely, then those dollars should be returned to the American taxpayer because it is their money, not our money. That is the difference. We understand it is the taxpayers' money; it is not Washington's money.

I congratulate the leadership of this committee in putting forward a balanced, fair, and appropriate bill, one which will give much needed relief to the taxpayers of this country who for too long have been asked to pay too much.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO.). The Senator from Montana.

Mr. BAUCUS. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank my friend, the soon-to-be chairman of the Committee on Finance, for yielding and for the work he has done.

At the outset, let me say I will oppose this conference report out of strength of conviction. There are some good things in it. I think the child tax credit is good. I think tax relief, particularly for middle-class people, is good. I am particularly proud of the tuition deductibility. While I have wished it would go further, there is $5,000 of tuition relief, tuition deductibility. It is aimed at middle-class families.

For far too long we have ignored middle-class families, not only in tax relief but in the biggest financial nut they face—if God gives them good health—and that is paying for tuition for the kids. To have that in there is really important.

I salute the leaders of the bill. I will vote against it but with a little bit of sadness because that provision is in the bill, something for which I have worked long and hard. I salute my colleague from New Jersey, Mr. TORRICELLI, for working hard to get it included, as well. I thank him for that, as well as the other Senators who pushed hard for that legislation.

I am opposing this bill for five reasons. First, it is filled with gimmicks. This is not tax policy—put a provision in, sunset it; put another provision in, sunset it. The most laughable provision is the estate tax. Under this new proposal that has come back to us, the only year in which you can die and have your estate free from tax is 2010. If you die in 2009, you pay an estate tax. If you die in 2011, you pay an estate tax. All those who are so strongly for repeal of this ought to hope that, if God is going to take them, he takes them only in 2010, because that is the only year that the estate tax is repealed. What kind of policy is that?

In my city of New York, we have hundreds, probably thousands, of lawyers who are busy planning estates. Boy, are they going to be happy because they will have to plan estates aimed at an estate tax bill that goes up, that goes down, that goes up, that goes down. We do the same for many other provisions. The bill is filled with gimmicks. It is not tax policy. It is politics—to have to reach $1.35 trillion, no more, no less.

The writers of this bill tied themselves in a knot like a pretzel. We cannot have a policy, even for tuition, that expires in 2006. We cannot have a policy that tells American parents, you might have your tuition deductible in 2005 or 2006 but not 2007.

Second, the relief is disproportionate for well-to-do people. I do not believe in class warfare. I think people who work hard and earn money should, indeed, get relief. I voted for a capital gains cut because I would like to see the encouragement to channel that money into job creation, build a new business, invest in equity, invest in a bond.

I hear on the other side we are talking about working families. I listen to the speeches; I listen to the speeches in the House. Tell the truth: Working families get small relief. The most well-to-do in America get large relief.

It is said they pay the taxes. Yes, they pay more of the income taxes, but if you add in payroll taxes, if you add in sales taxes, the people making $50,000 pay about the same percentage of taxes as the people making $500,000. So why is the relief so disproportionately directed at the high end?

This bill is befuddling and confounding in that way. Let us assume you believe Government has too much money. Let us assume and believe you think we should send it back. Why do we send so much of it back to the highest end when, if you look at their total Federal tax bill, it is working people who pay as high a proportion as high-end people. We are not even doing it in a way to encourage investment and savings. That is the second reason I am against the bill.

Third, needed programs. Perhaps the greatest hypocrisy in this budget we have passed is this: Our President says he is the education President as he is going around the country. When the good Senator from Vermont became an Independent, he said: That is not true. I am fighting for education. Yet his budget has no money for education.

The President last week gave an energy speech and he, again, cut all tax credits for energy.

I yield my time because I know we have important business to do. I ask when we resume business I could be given 3 minutes to finish up my speech.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection? Without objection, it is so ordered. The Senator from New York will reserve 3 minutes when the time comes. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent the time between now and when we vote be divided for debate as follows: Mr. BAUCUS, 5 minutes; Mr. KENNEDY, 5 minutes; Mr. DODD, 5 minutes; Mr. CONRAD, 10 minutes; Mr. GRASSLEY, 5 minutes.

I further ask consent that at the expiration of this time the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CORZINE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Idaho has the floor. The Senator from New Jersey cannot suggest the absence of a quorum. He may state his objection.

Mr. CORZINE. I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The Senator from Montana, Mr. BAUCUS.

Mr. BAUCUS. Mr. President, I will yield myself a very short period of time because there is a Senator who very desperately needs to vote quickly and get home. In deference to him, I will speak briefly.

The British statesman Benjamin Disraeli said that, "in politics, a week is a long time."

The past week or so is a good example.

On the tax bill, we have gone from a handshake deal, through a day-long markup in the Finance Committee, through 43 votes on the Senate floor, and then through a brief but difficult conference that, more than once, veered close to a breakdown.

It is almost always difficult to reconcile two different bills in conference. That was the case here. The stakes were high, time was short, and some of the differences were profound.

But I am delighted to join our chairman, Senator GRASSLEY, in announcing that we have a conference agreement that embodies a solid, balanced, bipartisan compromise.

Let me describe the key elements of the compromise.

The centerpiece of the Senate bill was the immediate creation of a 10 percent rate, to cover the first $12,000 of taxable income. This benefits low and middle income taxpayers the most.

And it provides a boost to the economy.

The conference report adopts this provision lock, stock, and barrel.

Another key element of the Senate bill was the set of provisions geared to low and middle income families. Here, again, we did well.

The conference report expands, and simplifies, the earned income tax credit. And it incorporates the Senate proposal to make the child credit refundable.

Putting the 10-percent rate, the EITC, and the child credit provisions together, we have, to my mind, written one of the best tax bills ever for middle income working families.

That's an accomplishment we all can be proud of.

On top of that, the Senate bill included new incentives for retirement savings and for education, and the conference report includes a large measure of each.

Let me step back for a minute, and describe why, to my mind, this bill represents a balanced package.

In the first place, everybody who pays income taxes will get a tax cut. The government has a surplus. We can afford to give some of it back. That's good news, not bad.

The President deserves credit for making this point.

But his proposal fell short, in one critical respect.

The President's proposal was aimed primarily at society's winners. People in the top tax brackets. People with large estates.

We should not begrudge these people their success.

But, at the same time, we should not stop there. In writing a bill of this scope, we have an unique opportunity to reach out. To lend a hand, and give an incentive, to families that are working hard, raising kids, and dreaming dreams.

The Senate bill did that. And so does this conference report.

As I have explained, we cut taxes for working families.

We create new incentives for education, like the new deduction for college tuition.

We create new incentives to save for retirement, through IRAs, 401(k)s, and the new low income matching program.

These are important provisions that create new opportunities.

And there is more. For example, thanks to Senator LANDRIEU, we expand the tax credit for adoption.

Thanks to Senator KOHL, we create a new tax credit to encourage employers to provide child care for their employees.

All told, the conference report contains dozens of positive provisions.

Does the conference report have flaws? Sure.

As the debate has gone on, I have taken heed of the warnings of Senator CONRAD, who fears that the tax cut may use up too much of the surplus.

I hope he's wrong. But I agree that we must watch the budget closely, and make corrections if necessary.

There are other flaws. For example, I don't think we should have cut the top rates so steeply. I don't think we should completely repeal the estate tax. I wish we could have made the R&D tax credit permanent.

But, putting all of the provisions together, I believe that this is a good compromise that deserves broad bipartisan support.

At this point, let me say a few things about the bill's impact on my state of Montana.

From the very beginning, the impact of the tax cut on Montana has been something of a paradox.

On one hand, Montanans are rugged individualists. We do not like regulations and we do not like taxes.

On the other hand, Montana's economy is hurting. Incomes are low. A tax cut like the one proposed by the President, that was aimed primarily at high-income folks would not help us very much.

In fact, under the President's proposal, Montana would have received less of a tax cut, per capita, than any other state in the nation.

Fortunately, the conference committee has produced a bill that, for Montana, improves dramatically on the President's proposal.

We cut taxes, across the board. But we pay special attention to working families.

As a result, the conference report will give Montanans a tax cut that is, on average, 15 percent higher than under the President's proposal.

And we will cover almost 70,000 more Montana children, under the child credit, than the President's proposal—70,000.

Just as important, the conference report retains key incentives for education, which is at the very heart of our work to generate new jobs for the new economy.

And it creates new incentives to help small businesses set money aside for their employees retirement.

These incentives will help with the most important task in Montana, economic development.

All in all, you might say that this is a tax cut that was made in Montana.

Pulling it all together, this bill is good for working families. It is good for education. It is good for the economy. It is good for Montana.

This legislation is good for the country, it is good for America. It is much better than the legislation we would otherwise have before us.

I worked with Senator GRASSLEY, the chairman of the committee, to produce a Finance Committee bill which has provisions that are much better from a Democrat's perspective than we would otherwise be faced with on the floor. I worked with Chairman THOMAS, chairman of the House Ways and Means Committee, and produced a conference report that is much better than what we would otherwise be voting on on the Senate floor from the point of view of most Democrats. This is a much better bill.

This conference report is much less backloaded—less backloaded by a third compared with the House-passed bill. It is, in terms of the frontloading/backloading, the same as the Finance Committee-passed bill.

It retains the child credit refundability provisions so important to so many people, particularly the children in our country who otherwise do not get benefits. This proposal was championed by Senator SNOWE, Senator JOHN KERRY, and many others. We are proud to have that provision in the bill.

It also very much helps the distribution of this bill toward middle- and low-income Americans. Every American gets a tax cut from this bill. The most wealthy get a greater tax cut because they pay the most taxes. But I might say middle-income Americans also get a very significant tax cut. In fact, they receive proportionately more than current law. The only exceptions to this proportionality are the estate tax provisions and, of course, many Senators favor those estate tax provisions whether they oppose the rest of the bill or not.

All in all, this is a bill which is fair. Its provisions are for the country.

In the education section, for example, Senator TORRICELLI's provision is excellent. Senator MARY LANDRIEU's adoption tax credit is an excellent provision as well. The pension provisions, which are very important to both sides, are in this bill. There is modest—not much but a modest alternative minimum tax cut provision. We, obviously, have to address that situation, and we will in the future.

The conferees worked off the Senate bill, not the House bill. This explains why we have all the provisions in the Senate bill that were not in the House bill.

On upper rates, we moved about halfway toward the House, but, frankly, the House moved more than halfway toward the Senate on upper rates. We create a 10-percent bracket retroactive to the first of this year.

One final point I would like to make. Some may complain that this bill is more expensive than the $1.35 trillion allowed in the budget resolution. Their complaint is that the bill sunsets at the end of 2010 rather than September 30, 2011.

A point of order would lie against this conference report had we not moved the sunset date. As it is before us, all of the tax provisions in this bill terminate in 10 years, which means any estimates of cost over the subsequent 10 years are meaningless. There is no cost from this bill beyond 2011 because of the sunset. The change in the sunset date was necessary because of Senate rules. It also helped us make sure we have the provisions that we care about: education, child tax credit refundability, 10 percent rate; widening the bracket of 15 percent, and others.

I see my time is expiring. I urge Senators to remember, perfection should not be the enemy of the good. Nothing is perfect, even this bill, but it is a good bill.

I yield to whomever next seeks time.

CONGRESSIONAL BUDGET ACT COMPLIANCE

Mr. DOMENICI. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the RECORD a list of material in the conference agreement on H.R. 1836 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

To the best of my knowledge, H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act of 2001, contains no material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313 of the Congressional Budget Act of 1974.

SUBMITTING CHANGES TO COMMITTEE ALLOCATIONS, FUNCTIONAL LEVELS, AND BUDGETARY AGGREGATES

Mr. DOMENICI. Mr. President, section 310(c)(2) of the Congressional

Budget Act, as amended, provides the chairman of the Senate Budget Committee with authority to revise committee allocations, functional levels, and budgetary aggregates for a reconciliation conference report which fulfills an instruction with respect to both outlays and revenues. The chairman's authority under 310(c) may be exercised if the following conditions have been satisfied:

1. The conferees report a bill which changes the mix of the instructed revenue and outlay changes by not more than 20 percent of the sum of the components of the instruction, and,
2. The conference agreement still complies with the overall reconciliation instruction.

I find that the conference report on H.R. 1836 satisfies the two conditions above and pursuant to my authority under section 310(c), I hereby submit revisions to H. Con. Res. 83, the 2002 budget resolution. The attached tables show the current 2002 budget resolution figures as well as the revised committee allocations, functional levels, and budgetary aggregates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002 - H. CON. RES. 83
REVISIONS TO CONFERENCE AGREEMENT
PURSUANT TO SECTION 310(c)(2)(A)

SECTION 101

(1)(A) Revenues (on-budget)

FY 2001	1597.318
FY 2002	1643.039
FY 2003	1702.895
FY 2004	1774.940
FY 2005	1847.188
FY 2006	1917.404
FY 2007	1998.677
FY 2008	2097.244
FY 2009	2208.199
FY 2010	2327.565
FY 2011	2453.350

(1)(B) Changes in Federal Revenues

FY 2001	-33.144
FY 2002	-60.449
FY 2003	-79.216
FY 2004	-89.395
FY 2005	-102.582
FY 2006	-122.179
FY 2007	-137.078
FY 2008	-145.566
FY 2009	-151.917
FY 2010	-161.737
FY 2011	-174.543

(2) Budget Authority (on-budget)

FY 2001	1567.519
FY 2002	1514.828
FY 2003	1673.766
FY 2004	1739.557
FY 2005	1821.708
FY 2006	1873.799
FY 2007	1952.072
FY 2008	2032.774
FY 2009	2110.659
FY 2010	2195.060
FY 2011	2286.341

(3) Budget Outlays (on-budget)

FY 2001	1514.367
FY 2002	1480.721
FY 2003	1646.751
FY 2004	1715.191
FY 2005	1798.018
FY 2006	1845.505
FY 2007	1919.562
FY 2008	2002.538
FY 2009	2079.757
FY 2010	2162.922
FY 2011	2252.592

(4) Deficits or Surpluses (on-budget)

FY 2001	82.951
FY 2002	162.318
FY 2003	56.144
FY 2004	59.749
FY 2005	49.170
FY 2006	71.899
FY 2007	79.115
FY 2008	94.706
FY 2009	128.442
FY 2010	164.643
FY 2011	200.758

(5) Public Debt

FY 2001	5607.681
FY 2002	5549.837
FY 2003	5609.362
FY 2004	5665.808
FY 2005	5730.367
FY 2006	5773.660
FY 2007	5805.998
FY 2008	5821.218
FY 2009	5988.315
FY 2010	6343.661
FY 2011	6720.963

(6) Debt Held by the Public

FY 2001	3190.193
FY 2002	2870.259
FY 2003	2645.586
FY 2004	2403.490
FY 2005	2149.356
FY 2006	1853.129
FY 2007	1528.959
FY 2008	1168.137
FY 2009	939.000
FY 2010	878.000
FY 2011	818.000

05/16/2001, Budget Resolution Conference Revised

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002 - H. CON. RES. 83

REVISIONS TO CONFERENCE AGREEMENT

PURSUANT TO SECTION 310(c)(2)(A)

(13) Income Security (600)

FY 2001	BA	255.942
	OT	256.932
FY 2002	BA	280.412
	OT	278.694
FY 2003	BA	291.726
	OT	290.473
FY 2004	BA	303.109
	OT	301.499
FY 2005	BA	318.305
	OT	316.780
FY 2006	BA	325.713
	OT	324.264
FY 2007	BA	332.525
	OT	331.096
FY 2008	BA	347.396
	OT	346.068
FY 2009	BA	359.366
	OT	357.792
FY 2010	BA	370.774
	OT	369.066
FY 2011	BA	382.756
	OT	380.582

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002 - H. CON. RES. 83

REVISIONS TO CONFERENCE AGREEMENT

PURSUANT TO SECTION 310(c)(2)(A)

(18) Net Interest (900)

FY 2001	BA	274.305
	OT	274.305
FY 2002	BA	256.470
	OT	256.470
FY 2003	BA	249.738
	OT	249.738
FY 2004	BA	245.171
	OT	245.171
FY 2005	BA	238.631
	OT	238.631
FY 2006	BA	234.349
	OT	234.349
FY 2007	BA	230.627
	OT	230.627
FY 2008	BA	226.065
	OT	226.065
FY 2009	BA	220.389
	OT	220.389
FY 2010	BA	213.152
	OT	213.152
FY 2011	BA	205.363
	OT	205.363

05/17/2001, Budget Resolution Conference Revised

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002 - H. CON. RES. 83
5/26/01 REVISIONS TO CONFERENCE AGREEMENT (AS PREVIOUSLY REVISED 5/16/01)
PURSUANT TO SECTION 310(c)(2)(A)

SECTION 101

(1)(A) Revenues (on-budget)

FY 2001	1556.654
FY 2002	1668.665
FY 2003	1695.042
FY 2004	1761.614
FY 2005	1847.328
FY 2006	1911.699
FY 2007	1992.555
FY 2008	2091.019
FY 2009	2200.801
FY 2010	2312.134
FY 2011	2509.266

(1)(B) Changes in Federal Revenues

FY 2001	-73.808
FY 2002	-34.823
FY 2003	-87.069
FY 2004	-102.721
FY 2005	-102.442
FY 2006	-127.884
FY 2007	-143.200
FY 2008	-151.791
FY 2009	-159.315
FY 2010	-177.168
FY 2011	-118.627

(2) Budget Authority (on-budget)

FY 2001	1568.430
FY 2002	1515.220
FY 2003	1672.629
FY 2004	1738.664
FY 2005	1819.803
FY 2006	1874.417
FY 2007	1952.934
FY 2008	2033.241
FY 2009	2111.217
FY 2010	2197.088
FY 2011	2288.213

(3) Budget Outlays (on-budget)

FY 2001	1515.278
FY 2002	1481.112
FY 2003	1645.614
FY 2004	1714.298
FY 2005	1796.113
FY 2006	1846.124
FY 2007	1920.424
FY 2008	2003.004
FY 2009	2080.316
FY 2010	2164.950
FY 2011	2254.463

(4) Deficits or Surpluses (on-budget)

FY 2001	41.376
FY 2002	187.553
FY 2003	49.428
FY 2004	47.316
FY 2005	51.215
FY 2006	65.575
FY 2007	72.131
FY 2008	88.015
FY 2009	120.485
FY 2010	147.184
FY 2011	254.803

(5) Public Debt

FY 2001	5649.256
FY 2002	5566.177
FY 2003	5632.418
FY 2004	5701.298
FY 2005	5763.812
FY 2006	5813.429
FY 2007	5852.750
FY 2008	5874.662
FY 2009	5988.315
FY 2010	6343.661
FY 2011	6720.963

(6) Debt Held by the Public

FY 2001	3231.768
FY 2002	2886.599
FY 2003	2668.642
FY 2004	2438.980
FY 2005	2182.801
FY 2006	1892.898
FY 2007	1575.711
FY 2008	1221.581
FY 2009	939.000
FY 2010	878.000
FY 2011	818.000

05/26/2001, Budget Resolution Conference Revised

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002 - H. CON. RES. 83
5/26/01 REVISIONS TO CONFERENCE AGREEMENT (AS PREVIOUSLY REVISED 5/16/01)
PURSUANT TO SECTION 310(c)(2)(A)

(13) Income Security (600)			(18) Net Interest (900)		
FY 2001	BA	255.942	FY 2001	BA	275.216
	OT	256.932		OT	275.216
FY 2002	BA	279.366	FY 2002	BA	257.908
	OT	277.648		OT	257.908
FY 2003	BA	289.549	FY 2003	BA	250.778
	OT	288.296		OT	250.778
FY 2004	BA	300.683	FY 2004	BA	246.704
	OT	299.073		OT	246.704
FY 2005	BA	314.563	FY 2005	BA	240.468
	OT	313.038		OT	240.468
FY 2006	BA	324.398	FY 2006	BA	236.283
	OT	322.949		OT	236.283
FY 2007	BA	331.088	FY 2007	BA	232.926
	OT	329.659		OT	232.926
FY 2008	BA	345.193	FY 2008	BA	228.735
	OT	343.865		OT	228.735
FY 2009	BA	356.863	FY 2009	BA	223.450
	OT	355.289		OT	223.450
FY 2010	BA	369.089	FY 2010	BA	216.865
	OT	367.381		OT	216.865
FY 2011	BA	381.604	FY 2011	BA	208.387
	OT	379.430		OT	208.387

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2001
(in millions of dollars)
Revised 5/26/01 pursuant to section 310(c)(2)(A)

Committee		Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
		Budget Authority	Outlays	Budget authority	Outlays
Appropriations					
General Purpose Discretionary		640,803	617,507	0	0
Memo:	*on-budget*	*637,372*	*614,136*		
	off-budget	*3,431*	*3,371*		
Highways		0	26,920	0	0
Mass Transit		0	4,639	0	0
Mandatory		332,768	316,432	0	0
Total		973,571	965,498	0	0
Agriculture, Nutrition, and Forestry		26,339	22,544	29,963	12,133
Armed Services		50,881	50,764	54	54
Banking, Housing and Urban Affairs		11,512	4,075	0	0
Commerce, Science, and Transportation		394	(3,472)	751	749
Energy and Natural Resources		2,691	2,609	40	51
Environment and Public Works		39,185	1,838	0	0
Finance		708,307	705,691	169,158	169,328
Foreign Relations		11,369	10,433	0	0
Governmental Affairs		60,669	59,270	0	0
Judiciary		5,064	4,847	264	264
Health, Education, Labor, and Pensions		9,726	8,740	1,852	1,851
Rules and Administration		112	68	0	0
Veterans' Affairs		1,249	1,245	23,556	23,465
Indian Affairs		267	233	0	0
Small Business		(375)	(475)	0	0
Unassigned to Committee		(330,341)	(313,341)	0	0
TOTAL		1,570,620	1,520,567	225,638	207,895

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SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

BUDGET YEAR TOTAL 2002

(in millions of dollars)

Revised 5/26/01 pursuant to section 310(c)(2)(A)

Committee		Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
		Budget Authority	Outlays	Budget authority	Outlays
Appropriations					
General Purpose Discretionary		546,945	537,091	0	0
Memo:	*on-budget*	*543,366*	*533,566*		
	off-budget	*3,579*	*3,525*		
Highways		0	28,489	0	0
Mass Transit		0	5,275	0	0
Conservation		1,760	1,232		
Mandatory		358,567	350,837	0	0
Total		907,272	922,924	0	0
Agriculture, Nutrition, and Forestry		21,175	17,856	22,293	13,209
Armed Services		53,053	52,964	54	54
Banking, Housing and Urban Affairs		8,417	1,273	0	0
Commerce, Science, and Transportation		13,452	9,630	805	801
Energy and Natural Resources		2,543	2,435	40	56
Environment and Public Works		41,494	1,799	0	0
Finance		703,971	703,440	185,672	185,713
Foreign Relations		11,706	10,454	0	0
Governmental Affairs		62,982	61,610	0	0
Judiciary		5,195	4,669	264	264
Health, Education, Labor, and Pensions		10,179	9,419	1,804	1,822
Rules and Administration		87	33	0	0
Veterans' Affairs		1,620	1,622	26,902	26,762
Indian Affairs		272	280	0	0
Small Business		0	(100)	0	0
Unassigned to Committee		(329,947)	(320,947)	0	0
TOTAL		1,513,471	1,479,361	237,834	228,681

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SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

5-YEAR TOTAL: 2002-2006

(in millions of dollars)

Revised 5/26/01 pursuant to section 310(c)(2)(A)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	69,640	52,349	106,745	71,186
Armed Services	305,980	305,551	274	274
Banking, Housing and Urban Affairs	59,463	2,355	0	0
Commerce, Science, and Transportation	72,789	50,419	4,493	4,468
Energy and Natural Resources	11,145	10,947	200	230
Environment and Public Works	181,030	8,380	0	0
Finance	3,767,770	3,765,024	1,086,697	1,086,656
Foreign Relations	59,747	54,108	0	0
Governmental Affairs	337,994	331,886	0	0
Judiciary	22,667	22,405	1,320	1,320
Health, Education, Labor, and Pensions	48,155	46,411	8,972	8,995
Rules and Administration	436	414	0	0
Veterans' Affairs	9,989	9,964	148,529	147,804
Indian Affairs	1,103	1,116	0	0
Small Business	0	(200)	0	0

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SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
10-YEAR TOTAL: 2002-2011
(in millions of dollars)
Revised 5/26/01 pursuant to section 310(c)(2)(A)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	114,692	80,210	225,304	156,220
Armed Services	671,521	670,656	549	549
Banking, Housing and Urban Affairs	132,028	(3,390)	0	0
Commerce, Science, and Transportation	164,611	118,775	10,178	10,292
Energy and Natural Resources	22,064	21,882	400	430
Environment and Public Works	371,833	15,995	0	0
Finance	8,335,364	8,328,746	2,663,216	2,662,654
Foreign Relations	122,819	113,442	0	0
Governmental Affairs	743,601	733,189	0	0
Judiciary	45,724	44,848	2,640	2,640
Health, Education, Labor, and Pensions	102,173	97,860	17,950	17,973
Rules and Administration	875	916	0	0
Veterans' Affairs	19,277	19,318	317,909	316,669
Indian Affairs	2,112	2,108	0	0
Small Business	0	(200)	0	0

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Ms. CANTWELL. Mr. President, I support efforts to provide hard-working Washingtonians and all Americans with tax relief such as eliminating the marriage penalty, making college tuition tax deductible, providing estate tax relief, and assisting workers in saving for their retirement.

That's why I voted for the amendment offered by Senator DASCHLE that would have provided roughly $900 billion in tax relief, including immediate $300 refund checks for all American taxpayers, given all income taxpayers a tax cut by creating a new ten percent income tax bracket, provided marriage penalty relief right away, as opposed to years from now as in the conference report, wiped out the estate tax for the vast majority of taxable estates, established a permanent research and development tax credit to stimulate research and innovation, provided a deduction for college tuition, enhanced incentives for retirement savings, and created a package of energy conservation and efficiency tax incentives, among other important provisions. This amendment also made sure that Social Security and Medicare are protected and reserved sufficient funds to enact a Medicare prescription drug benefit.

Unfortunately, that amendment failed and instead the Senate today considered, and passed, a $1.5 trillion tax cut. When you take away all the gimmicks, some estimate $1.9 trillion. This cost explodes to over $2 trillion when you add interest costs and exceeds $4.3 trillion in its second ten years. I believe that the bill we have passed today is short-sighted and fiscally irresponsible. Comprehensive tax relief must be measured against the need to maintain fiscal discipline, and stimulate economic growth through continued federal investment in education and job training, as well as giving relief to citizens in times of surplus. The conference report passed today fails this test.

The tax cut is based on the promise of budget projections for the next ten years—projections that are notoriously inaccurate. Ten years is just about the worst planning horizon possible—too long for accuracy, too short for completeness. Moreover, these tax cuts are premised on a surplus that may or may not appear. Budget projections are notoriously inaccurate and, therefore, highly likely to be wrong, especially when projected out ten years. Indeed, the nonpartisan Congressional Budget Office says its surplus estimate for 2001 could be off in one direction or the other by $52 billion. By 2006, this figure could be off by $412 billion. It is very likely that we will only be able to afford this tax cut by raiding the Social Security and Medicare trust funds.

We need to invest in our nation's economic future by making a commitment to research and development to maintain our status as a global leader. Even though the Senate included a permanent extension of the research and development tax credit in its version of the bill, that provision was dropped in conference. That was a mistake. We need to do more, not less, in these times of economic uncertainty to stimulate investment and spur our economy forward.

The country is at a critical juncture in setting our fiscal priorities: our choices are maintaining our fiscal discipline and investing in the nation's future education and health care needs, or cutting the very services used daily by our citizens. I am afraid that today we have gone down the wrong path. Our approach should be more balanced. We should provide tax relief to all Americans but retain our ability to invest in our citizens education and pay down the debt. This will best help continue and enhance our long-term economic strength.

Mr. NELSON of Florida. Mr. President, I rise in opposition to the conference report to H.R. 1836, the reconciliation tax legislation. I strongly support paying down our national debt. I support fair tax cuts, marriage penalty relief, and estate tax repeal. I voted for a substitute for a $900 billion tax cut, and another substitute which provided for a $1.2 trillion tax cut.

But this bill does not meet my criteria that the Social Security and Medicare trust funds will not be touched now or in the future. Because of the fiscally irresponsible way the bill was drafted, with gimmicks like changing the beginning and ending dates of key tax provisions, this bill is flawed public policy that will in fact cost our country much more than the $1.35 trillion allowed by the budget resolution.

As a fiscal conservative, I cannot in conscience, nor in substance, vote for this bill. This legislation is the height of fiscal irresponsibility.

In order to make the tax cut fit into the limits of $1.35 trillion over 10 years imposed by the budget resolution, this bill suspends the tax cuts in the ninth year, reverting to the status quo of current law with no tax cuts in the tenth year. This is fiscal deception at its worst.

If the tax cut is extended in the tenth year by future Congresses, as expected, the cost then becomes $1.53 trillion over 10 years, which breaks the budget agreement, and therefore, throws us into fiscal chaos.

This legislation greatly increases the likelihood that the Federal Government will use up all of the projected surplus and there will not be any left over to pay down the national debt without raiding the Medicare and Social Security trust funds. That would be tragic.

And if there are additional investments needed over the next decade, as there certainly will be, such as for education, the environment, health care, and national defense, then the federal budget will be written in the red ink of deficit spending.

In other words, we would be spending more than we have coming in, and therefore, increasing the national debt.

I will not take such a risky course with our economy, and I must express myself in the strongest possible terms.

Mr. CORZINE. Mr. President, I rise in strong opposition to this conference report.

I have been in the Senate for 143 days, and I have felt honored to serve with senators from both sides of the aisle. Today, however, we vote on a conference report that fails the tests of intellectual honesty, fairness, and fiscal responsibility.

The conference report is not intellectually honest. It cynically includes a variety of provisions designed to hide its true costs. Some provisions are not effective for several years. Some are sunsetted after a few years. And all are eliminated after 9 years. In addition, the conference report fails to extend the research and development tax credit, it fails to extend many of the other expiring provisions that we know will be extended, and it fails to provide relief from the alternative minimum tax that we all know will be necessary. These are nothing more than deceptive inventions to shoehorn tax provisions that far exceed $1.35 trillion, the limit agreed to in the in the budget resolution. These deceptions are intended to divert the American people from the real costs of the legislation. Ultimately, they will only reinforce the public's cynicism about politics.

The conference report also is fundamentally unfair. It would provide tax benefits averaging more than $50,000 for the top one percent, whose average incomes well exceed one million dollars. Meanwhile, the overwhelming majority of ordinary taxpayers, 72 million of whom are in the 15 percent tax bracket, will receive no marginal rate relief at all. That is not fair, and it is not right.

As a matter of fairness, how can the top one percent of taxpayers, who pay 22 percent of federal taxes, receive 38 percent of this legislation's benefits? Where is the tax relief for those working Americans who carry the heavy burden of payroll taxes, sales taxes and property taxes?

Finally, Mr. President, this conference report is fiscally irresponsible. In fact, this tax bill returns America to a dangerous formula for fiscal affairs which runs the risk of promoting financial instability as this legislation unfolds. We surely jeopardize the financial stability of Social Security and Medicare by limiting federal revenues which could be used to shore them up for the impending retirement of the baby boomers, and to provide a prescription drug benefit for seniors today.

But maybe the most important financial consideration is the 180 degree turn from our recent commitment to fiscal responsibility and the reduction of our public debt. The return to fiscal irresponsibility in the 1990's led to the greatest expansion we have enjoyed since World War Two. We have experienced thriving entrepreneurship and productivity gains. 22 million jobs have been created. Two million businesses were established. And we have enjoyed the longest period of low inflation in decades. All of this is now at risk.

Once global financial markets—currency, debt, and equity—begin to fully understand the long-term implications for fiscal discipline, I fear in the intermediate or long-term we will have instability in these markets. That instability potentially will limit investment due to rising interest rates, a depreciating dollar and lower equity valuations. It may take some time for the full impact of this tax package's implications to be understood, but I believe the analysis will come and the problems will occur.

We all support a legitimately sized and directed tax cut. It is unfortunate that we have chosen this tax cut, which limits our ability to secure Social Security and Medicare for the long-term, which will make it impossible to pay off our national debt, and limit our ability to deal with important domestic and defense priorities we all say we support.

I hope that my colleagues will reflect on the concerns I have outlined with respect to intellectual honesty, fairness and financial stability, and vote no on the conference report.

Mr. CRAIG. Mr. President, I rise in support of the Conference Report for H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act of 2001.

I commend the leadership and hard work of the chairman and ranking member of the Finance Committee, as well as the many colleagues who have actively helped shape this bill. This bill is a true accomplishment, and a truly bipartisan one at that.

As an adoptive parent, myself, I especially want to comment on one section: Section 202, for the extension, expansion, and improvement of the adoption tax credit and adoption assistance programs.

I am happy to note that this section is virtually identical to the Senate floor amendment proposed by the Senator from Louisiana, Ms. LANDRIEU, and myself. This is a perfect example of a bipartisan effort that will accomplish much good for so many people in need.

The adoption provisions include the following:

Extending the regular adoption tax credit, and the exclusion from income for adoption assistance programs, making them permanent, like the currently-permanent special needs adoption tax credit; Increasing both the tax credit and the income exclusion to $10,000; For families adopting special needs children, de-linking the special needs credit from cumbersome and inflexible IRS regulations that currently exclude a wide range of legitimate adoption expenses related to these children; Protecting the benefit of the adoption tax credit by allowing the credit against the alternative minimum tax, permanently; and Making both the adoption credit and exclusion for assistance available to more families—and more children needing adoption—by lifting the cap on income eligibility to $150,000.

It is not possible to overstate the importance of these provision to the many families and many children who have hoped to build an adoptive family, but have found so many barriers to doing so. In agreeing to include these provisions in this conference report, the Congress has taken a giant pro-adoption and pro-family step forward. More children will have loving and permanent homes. I thank my colleagues for that.

Overall, this bill signals a great day in America. The Congress has delivered the tax relief the American people voted for when they put George Bush in the White House, and elected this Congress.

There has never been a more important time to reduce the tax burden—right now Americans are more heavily taxed than at any time in history and pay more in taxes than they spend on food, clothing, and housing combined.

This tax relief agreed upon today is a quality example of how Republicans and Democrats can work together to get the job done for the American taxpayer.

This bill means relief for every American who pays taxes. Compared with their current tax burdens, this bill provides the most relief to modest—and middle-income families. It is good for small businesses and jobs, and it will help jump-start the economy at a critical time. This bill means hard-working Americans and their families will have a little more freedom, and the Federal Government a little less control over their lives.

I commend my colleagues for passing this bill, and I applaud our President for having the vision and tenacity to initiate this tax relief and see it through to becoming law.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the reconciliation conference report currently pending before the Senate.

I do so for a simply reason: I strongly believe that when the Government is in position to be able to return money to the American taxpayers, we should.

Likewise, I believe that when times are tough the Government has an obligation to consider increasing taxes to meet the need of the Nation. This is what we did in 1993, when I first came to the Senate and we were facing mounting deficits and an increasing national debt.

And today, thanks to those hard choices, the budget is in balance and we have surplus projections for the next decade. We are in a position to return some of the hard-earned money of the American people.

This approach to taxes—that the Government taxes when it must, and decreases taxes when it can—is the approach that I took when I was mayor of San Francisco, and it is the approach that I continue to follow to this day.

Additionally, I believe that this tax package is important to my State, California, which today stands on the precipice of a major economic slowdown.

California is the largest taxpaying State in the Nation, with some 13 million income taxpayers. In fact, California is a net contributor to the federal budget, giving more in taxes than we receive in benefits.

Today, as many of my colleagues are aware, a serious and acute energy crisis is causing businesses in California to shut down, and people to be laid off of work.

Already this year it is estimated that between $25 and $30 billion have been taken out of the California economy to be spent on increased energy costs. If things continue on the same course this figure will mushroom in the months ahead. This is a major problem, and one whose impact will not just be limited to California.

In my judgment the benefits provided under this tax package are important, at this time, to help California and Californians face the economic challenges created by this energy crisis. For example, the creation of the new 10-percent income tax bracket, for example, will result in an annual tax cut of $300 for an individual, $600 for a couple for all California income taxpayers. This new 10-percent bracket is retroactive, and for people seeing their energy bills spiral up and up, receiving these refunds checks will be a big relief.

Likewise, this conference report has accelerated the tax relief in the upper tax brackets, so that middle class families in the 28-percent and 31-percent brackets will see their tax bills decrease in 2001 and 2002, with the lower withholding rates going into effect this July, just as the energy crisis in California is projected to reach a new plateau.

And the child credit provisions, refundable as per the Senate-passed bill, will provide much-needed assistance to California families earning as little as $10,000—and there are 1.5 million households in California that make between $10,000 and $20,000.

As I discussed on the floor earlier this week, I also believe that other provisions of this bill—providing marriage penalty relief, estate tax relief, providing pension and education incentives, and making a down payment in addressing the alternative minimum tax problem—are likewise important to assure the continued long-term economic health of the California economy, and will benefit many hard-working American families.

I would not argue that this is the perfect bill. Nor would I claim that it is the exact bill that I would have drafted.

Some of my colleagues, for example, have raised concerns that the size of this tax package may threaten to undermine future fiscal stability. I share these concerns. But I would remind my colleagues that although this bill may be larger than some on our side contemplated at the beginning of the year, it is also far smaller than the proposal put forward by the President. And I would also remind them that this bill contains "sunset" provisions—critical to my decision to support this legislation—which will allow us to revisit the components of this bill in the future, and make adjustments if and as need be.

The bottom line is that I believe that this is a bill that will provide significant relief to the people of California and the people of the United States. I urge my colleagues to join me in support.

Mr. BINGAMAN. Mr. President, I rise to note that on today's vote on the tax reconciliation bill conference report, I will be pairing with my colleague, Senator DOMENICI. My position on this tax bill is well known, as is Senator DOMENICI's. Were I actually casting a vote, it would be a "no" vote, just as it has been in the Finance Committee and on the Senate floor previously. I have grave concerns about this bill and its implications for our future budgets, and its implications for New Mexico, and I remain opposed to the substance of this conference report.

Since he had important commitments in New Mexico during the past 48 hours, Senator DOMENICI is unable to be here for today's vote, and he has made a personal request that I pair with him. As a courtesy to my colleague, I have agreed to do so, and would ask Senate records to reflect my position on this bill as a "no" vote.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Mr. President, just as I voted no on the Senate version of this tax bill because it was fiscally irresponsible, raided Social Security and Medicare, and would force cuts in investments in working Americans, including education, so too do I oppose this conference report. It is even worse, and if I were able to be present for the vote, I would vote no.

The top marginal tax rate—that for the wealthiest of Americans—is reduced even more than in the Senate bill. Instead of dropping to 36 percent, it drops to 35 percent. And with other changes in the bill, the administration is claiming that the top rate has been effectively reduced to 33 percent.

The refundability of the child tax credit—a key to helping children in low-income families—has been changed. By indexing the eligibility threshold, it will leave children behind.

And I continue to oppose the repeal of the estate tax. This overwhelmingly benefits the wealthiest Americans. Only 2 percent of Americans are subject to the estate tax.

All of this means, that the richest 1 percent of Americans, earning an annual average salary of over $1.1 million, will, according to The Washington Post, receive about 40 percent of the tax cut. That is unfair.

Finally, this tax bill plays a game with our fiscal future. To meet the target of $1.35 trillion of tax cuts over the next 10 years, all of the tax cuts in this bill expire in nine years. Why? Because if they were in effect 10 years from now, the cost of this bill would be astronomical, and it would be very clear to the American people that this tax bill is nothing but a riverboat gamble with our children's future.•

Mr. LIEBERMAN. Mr. President, I am deeply disappointed with the tax bill that we are voting on today. As I have expressed for some months now, I believe that we can afford a significant and responsible tax cut and I would very much like to vote for one. However, the bill that we are considering today has come back to us from the conference committee as an even more irresponsible piece of legislation than the already bloated and gimmicky bill that we passed out of the Senate earlier this week. With a wink and a nod, this legislation backloads and sunsets provisions in order to squeeze a tax cut of at least $1.7 trillion into a reconciliation package requiring a much smaller $1.35 trillion tax cut. Even more alarming, because so many provisions of this bill are heavily backloaded, the full cost can really be seen only by examining the cost in the second 10 years, from 2012 to 2021. This is the first period in which all of the measures in the bill would be fully effective. This bill would cost more than $4 trillion during its second ten years.

This tax cut squanders the hard-earned prosperity that our country has built over the last several years of historic economic growth. It returns us to the fiscal nightmare of the 1980s. This huge tax cut will bust the budget, resurrect the deep deficits of the past, and drive our economy into a ditch. For these reasons I will vote against this bill and urge my colleagues to do so as well.

Ms. SNOWE. Mr. President, I rise in support of the bipartisan conference report on the fiscal year 2002 tax cut reconciliation package that provides much needed tax relief for the American people, including a provision that I and Senator LINCOLN and others fought to retain: a new refundable per child tax credit for low-income, working families.

I first want to thank and commend Chairman GRASSLEY and Ranking Member BAUCUS for working so closely together to develop a fair and balanced tax bill that passed the Senate by a vote of 62 to 38 last week—and for fighting to retain the structure and focus of that package so effectively in the ensuing House-Senate conference. Because of their efforts—and the manner in which they so successfully defended the Senate's position—I believe the conference report we are now considering deserves at least the same level of bipartisan support as the original Senate bill, and urge its adoption.

No package could truly be said to produce fairness without including a refundable child tax credit. That's why, as part of the original Senate package, I worked with Senators LINCOLN, KERRY and BREAUX—as well as both the Chairman and Ranking Member—to include a provision that builds on the President's proposal to double the $500 per child tax credit by making it refundable to those earning $10,000 or more, retroactive to the beginning of this year. That's why I offered an amendment last week that called for the retention of this provision in the House-Senate conference—an amendment that was adopted by a vote of 94 to 4. And that's why, during the conference, I continued to fight to retain this provision in the face of strong resistence by detractors.

Through these efforts—and because of the unyielding support of Chairman GRASSLEY and Ranking Member BAUCUS—families earning the minimum wage will be able to receive a refundable per child tax credit for the first time. Let there be no mistake, this is introducing a wholly new concept with respect to that child tax credit, and one that is most assuredly warranted.

How will this help? In its original form, the tax relief plan would not have reached all full-time workers—the tax reduction would have disappeared for wage-earners with net incomes of less than about $22,000. Indeed, without refundability, there are almost 16 million children whose families would not benefit from the doubling of the Child Tax Credit. To give an idea of how many children we're really talking about, that's about twice the population of New York City or about thirteen times the entire population of my home State of Maine.

Thanks to this provision, the bill now provides a substantial tax credit to a total of 37 million families and 55 million children nationwide who might otherwise have gained no benefit from the proposal to simply double the per-child credit.

Many of these are families earning minimum wage, struggling to make ends meet in addition to paying their share of State and local taxes, payroll taxes, gasoline taxes, phone taxes, sales taxes, and property taxes. All told, the average full-time worker earning the minimum wage pays more than $1,530 in payroll taxes, and more than $300 in federal excise taxes.

This is no small burden to working families already living on the fiscal edge. In fact, despite America's strong economy, one in six children live in poverty, and the number of low-income children living with a working parent continues to climb. My provision to make the child tax credit refundable will give these families a hand up as they strive for self-sufficiency, and give these kids the hope of a childhood without poverty.

When fully phased-in, the partially refundable credit will provide a benefit of up to 15 cents on every dollar earned above $10,000 per year, adjusted for inflation. Likewise, the maximum refundable credit will rise from $500 to $600 this year, increasing to $1,000 by 2011. Families with more than one child would also receive a refundable credit based on their income.

Will this tax relief solve all the financial problems faced by eligible families? No. But it will help to purchase essentials, like groceries, heating fuel, or electricity. And it sends an important message of encouragement that we want those who work hard and strive to improve their lives to succeed. Refundability shows that tax relief is for all full-time working families.

With these kinds of adjustments, we take a critical first step in ensuring that the balance of this package in its totality will help lower and middle income taxpayers.

The fact of the matter is that the case for tax cuts has never been more compelling. As a percent of GDP, federal taxes are at their highest level, 20.6 percent, since 1944—and all previous record levels occurred during time of war or during the devastating recession of the early-1980s, when interest rates exceeded 20 percent and the highest marginal tax rate was 70 percent.

The fact of the matter is, it would be irresponsible not to return a reasonable portion of the surplus—which is really just an overpayment in the form of taxes—to the American taxpayer. And there should be no mistake—if we fail to enact meaningful relief package, we will fail both working families and the economy upon which their work depends.

And let us not forget that this package is nearly 25 percent smaller than was proposed by President Bush in his budget. Let us not forget that it will utilize less than one-half of the projected surplus over the coming 10 years, 45.7 percent, excluding both Social Security and Medicare surpluses.

In fact, even with a $1.25 trillion tax cut over the coming ten years, we will still have about $1.5 trillion available for other priorities, including the funding of a new prescription drug benefit and additional debt reduction. This package is neither unreasonable nor irresponsible.

Just as importantly, many of us fought hard to ensure that the benefits of this tax cut package will be weighted toward those who need relief the most—middle and lower-income taxpayers—and that weighting has been retained.

We have before us a thoughtful proposal that addresses concerns I, myself, had with the distributional effects of the original package. And it does so in a variety of meaningful ways—retroactively creating a new "ten percent" bracket, providing much-needed AMT relief for middle-income families, and ensuring marriage penalty relief for all couples while bolstering the Earned Income Tax Credit.

And that's not all. The bipartisan education package that the Finance Committee reported in March is included in this bill, along with a new deduction of up to $4,000 for higher education tuition paid—a provision that I sought along with Senators TORRICELLI and SCHUMER. With the cost of college quadrupling over the past 20 years—a rate nearly twice as fast as inflation—this provision will provide critical assistance to individuals and families grappling with higher education costs.

It also includes the bipartisan IRA and pension package—introduced separately by Senators GRASSLEY and BAUCUS that will not only strengthen and improve access to pensions and IRA's, but also enhance fairness for women who frequently leave the workforce during prime earnings years, and suffer from reduced retirement savings accordingly.

Again, this is a balanced and fair package. In looking at the various analyses of the changes we made to the package, the Joint Tax Committee estimates that those earning less than $50,000 will see their share of federal taxes drop from 14.3 percent under current law to 14 percent in 2006. Conversely, in the same year, the share of federal taxes paid by those with incomes of $100,000 or more will increase from 58.4 percent to 58.7 percent.

Moreover, as a result of the refundability of the child tax credit, according to Joint Tax, those in the $10,000 to $20,000 income range will see their share of federal taxes reduced from 1.5 percent to 1.4 percent—a reduction of $3 billion. And by 2006, this level is down to 1.1 percent.

And in terms of the overall package, it is worth noting that creation of the new 10 pecent bracket accounts for $421 billion, while reductions in all other brackets amount to $420 billion—that's 50 percent of the cuts going to the lowest bracket alone.

As for the compromise we developed that results in a reduction of the uppermost bracket from 39.6 to 35 percent, it's worth noting that many individuals in that bracket are small business owners whose business-related income is taxed as personal income.

According to the Treasury Department, in 2006, 63 percent of the tax returns that would benefit from reducing marginal rates in the top two brackets would be reporting some income or loss from a business. And in my home State of Maine, for example, about 97 percent of all businesses are small business.

The reality is, small businesses have played a central role in our Nation's economic expansion. From 1992 to 1996, for example, small firms created 75 percent of new jobs—up 10.5 percent—while large-company employment grew by 3.7 percent. So why—when we're talking about such a tremendous impact on individuals and the economy—when the top corporate tax rate is 35 percent—why should we continue making small business men and women pay more?

And let's face it, the economic impact of this tax cut cannot be dismissed. In fact, given the warning signs in our economy, I believe the timing of this tax package is fortuitous. One Business Week article spoke of a terrible first quarter, stating that "The earnings of the 900 companies on Business Week's Corporate Scoreboard plummeted 25 percent from a year earlier—The first quarter profit plunge was the Scoreboard's sharpest quarterly drop since the 1990-91 recession."

Productivity fell at a 0.1 percent annual rate in the first quarter—the first quarterly drop in six years. And layoffs are at their highest levels since they were first tracked in 1993, with major corporations announcing more than 572,000 job cuts this year. Little wonder, then, that the unemployment rate has risen to 4.5 percent, with April's job loss the largest since February 1991.

Even more ominous is Business Week's recent observation that if wide layoffs of high wage earners continue, the likelihood of recession becomes even greater.

And the Washington Post noted recently that Federal Reserve cuts in interest rates have been the most aggressive since the second quarter of 1982—the worst recession since the great depression—and that observation came before the most recent half-percent rate cut.

And while it is true that a tax cut may not actually prevent a recession, if one is in the offing, I well remember the words of Federal Reserve Chairman Alan Greenspan, who came before the Finance Committee in January.

Chairman Greenspan stated that tax cuts, while perhaps not having an immediate effect, could act as "insurance" should our recent downturn prove to be more than an inventory correction—that it could soften the landing and shorten the duration of any recession should it occur. And let's keep this in mind as well—"blue chip" economists have indicated just this week that they are factoring the tax cut in their projections.

Given our growing economic uncertainty and the grim repercussions it could have, I am pleased that—as I urged on the floor last week and in a letter to the Senate conferees—the final conference report ensures that even more money will be in the hands of taxpayers this year than was originally anticipated in the Senate bill. Specifically, by providing for the delivery of refund checks to taxpayers this fall—$300 for single taxpayers and $600 for couples—tax relief will be accelerated during the current year, and hopefully help get the economy back on track.

I think the American public often thinks about tax cuts the way they would think of winning the lottery—it would be great if it really happened, but it in reality it really only happens for "the other guy"—that tax cuts will only apply to someone else—and if they do happen, they'll be so small as to have no appreciable effect on everyday life.

Well, the American people should know that this tax cut applies to everyone, and especially those who could use the break the most. And that's true not just on paper, but in reality—in the real world.

This is no phantom tax cut—this is real, this is balanced, and this is fair. And what this all comes down to is, if you're really serious about cutting taxes, you should support this package that begins the process of providing some relief given, once again, the status of our economy and the tax burden on the American people.

We know we're never going to get unanimity on an issue of this magnitude. But we can have progress and we can come to some kind of consensus. This package represents a bipartisan effort that, in the aggregate, is good for our future and good for the American taxpayer today. And it deserves our support. Thank you very much.

Mr. ROCKEFELLER. Mr. President, I rise today in strong opposition to this fiscally irresponsible conference report. Today, this tax cut perpetrates a fraud on the American people.

Their hard work created this surplus and this opportunity to sustain our economy and strengthen Social Security and Medicare. But no one should be fooled that this conference report is anything but an irresponsible, unfair, and politically motivated giveaway to the wealthiest in our society.

I deeply regret that we have failed to take this historic opportunity to provide a meaningful tax cut to all Americans, and at the same time, continue to make real progress paying down our national debt and reserve sufficient resources to invest in our future.

I voted for a $900 billion tax cut that would have allowed us to provide all Americans with an immediate and meaningful tax cut across the board and that included important education and energy provisions, and would have allowed us to pay down the debt and provide a Medicare prescription drug benefit, as well leave room for other West Virginia priorities.

The conference report's tax cut is far too large to protect West Virginia's priorities and its future whether it's education, a Medicare prescription drug benefit, federal investments in roads and aviation safety, or safer communities. In fact, the true cost of this bill is probably over $1.7 trillion over the 10 years of the budget. And because of backloading of the tax cuts, which means that the effective dates for many of the tax cuts don't occur for at least 5 years, the tax cut cost will explode in later years.

Even more farcical, the conferees have hidden even more of the true costs of the tax cut by making it appear that it will expire, and taxes substantially rise, after 2010. The Chairman and Ranking Member of the Committee know this is simply not what will happen, but they have nevertheless used this gimmick to make it appear that they have held to the Senate-passed Budget Resolution. It is ludicrous to think that the Congress would impose a quarter of a trillion dollar tax increase on the American people in 2010 when this tax cut proposal expires. These tax cuts will be extended, and their cost will thus explode to $4 trillion and more. That's not responsible, and it's bad economic policy.

What's even worse, this bill is just not fair to hardworking Americans who created the surplus.

This tax conference report simply gives too much to the wealthiest Americans and does too little to reduce our national debt. This tax plan endangers our ability to provide a desperately needed Medicare prescription drug benefit to 39 million American seniors and taps into the Medicare Trust Fund. It threatens Social Security just when our "baby boomers" start to retire. It leaves us too little to invest in our children's education, and jeopardizes our efforts to improve our Nation's transportation infrastructure. It chokes our ability to improve our national defense and veterans health care—ironically, just as many Members of Congress are planning to return to their states to honor their veterans on this coming Memorial Day. This tax bill short-circuits critical components of a balanced energy policy to invest in clean coal research and encourage alternative fuels and energy efficiency.

And this tax giveaway will, undoubtedly, return us to the huge budget deficits we worked nearly a generation to eliminate. All of us remember the consequences of the Reagan tax cut—two decades of spiraling deficits. And for my state of West Virginia, the consequences were devastating. As a Governor, I know how my state suffered. I don't want to return to those days, and West Virginians don't either. This proposal, regretfully, sets us on that path.

As the second ranking Democrat on the Senate Finance Committee, I was officially named a conferee on this tax legislation. I had hoped to work hard to improve the Senate-passed bill where we could, and, at a minimum, retain the Senate's provisions. While the Senate's tax proposal was backloaded and cost the same unaffordable $1.35 trillion, it included some essential improvements for lower and middle income families. As grave a mistake as I believe this tax package is, and as dangerous as I believe it will be for our Nation's economic future, I was prepared to support these Senate provisions in conference and do what I could to prevent further erosion of the already tilted tax cut for the rich. I deeply regret to report, however, that neither the Minority Leader nor I were included in the negotiations of this bill. We were presented with this conference report after it had been completed and at the same time my nonconferee colleagues learned of the package's content. I note this procedural point only to raise my concern that we have deviated from the traditional committee processes and from any semblance of true bipartisan negotiating, to our Nation's and the Senate's ultimate detriment. The Chairman's repeated assertions that this matter has been conducted in an open and inclusive process does not reflect reality.

Let me outline the most obvious problems with this irresponsible tax cut. The tax conference report has several fatal flaws. It plays games with the effective dates of the tax cuts in order to mask the real cost of this tax proposal. Those games mean that married people won't get relief from the marriage penalty for 5 years, until 2006. The reason why married people have to wait for their tax cut is because the conference report chose to give even more money to the wealthiest Americans at their expense.

The top income tax rate that was reduced from 39 percent to 36 percent in the Senate bill is now lowered to 35 percent by the terms of the conference report—that's a 1.6 percent deeper cut than any other income tax bracket. While there is no reduction in marginal rates for the 15 percent income tax bracket—where most Americans and most West Virginians pay their last dollar of tax—there is a 4.6 percent reduction for the wealthiest Americans who need it the least. West Virginians will not be fooled by that; they will see that this is unfair. When we get the best analysis from the experts, it will no doubt document just how much is robbed from middle income taxpayers to finance the tax break for the wealthiest. Only 0.3 percent of West Virginians are in the top income tax bracket. And let's not be misled by the rhetoric that the wealthy get more of the benefit only because they pay more taxes. Of course, the wealthiest Americans pay a significant share of Federal taxes—about 22 percent. The President's proposal would have given those wealthiest Americans 43 percent of the tax cuts. This conference report will give them roughly 38 percent of the entire tax cut. They pay in 22 percent, but they get 35 percent of the surplus. I can't explain why they have been rewarded with more of the surplus than they deserve at the expense of hard-working West Virginia families, and I can't support it. I can't support a tax cut that gives about 15 percent of our Nation's surplus to the bottom 60 percent of taxpayers, and 38 percent to the top 1 percent.

The estate tax provisions of this bill, also a benefit solely for the wealthy, begin almost immediately—in 2002, but middle income married couples are told they must wait for their relief until 2006. The estate tax is also totally repealed in 2010. But another startling fact about this tax bill is that the entire bill—even the tax relief for lower and middle income people, the child credit, and EITC improvements, all sunset in 2010 in order to pretend that this bill really costs $1.35 trillion over 10 years. We know that this is a sleight of hand. We know Congress won't sunset or trigger off the tax cuts in 2010. So the true cost of this bill, while it purports to be $1.35 trillion—will be well over $4 trillion in the next 10 years. The Senate-passed bill cost $1.35 trillion over 10 years, but to finance the upper income tax cut, that timeframe was shortened by a year so about $90 billion could be used to transfer it to the wealthiest Americans.

I should note that there are needed provisions to help lower and middle income families with children in this bill that I think we can all be proud of, even as they are set in the context of a tax bill for the wealthiest Americans. I do not support this massive irresponsible tax cut. But I do support the provisions to make the child tax credit partially refundable. I do support the provisions to increase the Earned Income Tax Credit, EITC, and to simplify and reduce errors in the EITC. As the Chairman of the National Commission on Children years ago, we issued a bold bipartisan report calling for a fully refundable child tax credit of $1,000. The child credit and EITC provisions of this bill are a major step in that direction, and it will help millions of children and their families. I believe that tax relief should be directed towards the families that need it the most: the parents who are working and playing by the rules, but struggling to raise their children on low-wages. I cannot support this overall package because I do not believe it helps the majority of West Virginia families. But some of its provisions, like the partially refundable child tax credit, the EITC, and the education provisions will help families in my state who need and deserve help.

The Senate-passed tax bill, bloated as it was, included a permanent extension of the R&E tax credit. The conference report fails to include this provision. The R&E tax credit is a highly successful way of giving businesses an extra incentive to invest more in research and experimentation that is highly beneficial but otherwise can be beyond the reach of private companies. This investment benefits all Americans by allowing companies to expand our understanding of science and technology, and by enabling the marketplace to bring better products and services to everyone. Congress should permanently extend the credit, rather than leaving companies in limbo every few years about whether it will be merely extended, in order to provide businesses with the certainty they need to engage in long-term planning and resource allocation. If businesses can count on the credit, they can make the long-term, continuous investments that are necessary for real breakthroughs.

I am glad that this conference report included pension provisions that will help some middle income families save and improve portability. Again, here, I would have done more for the majority of taxpayers that need to be encouraged to save, but the balance of the bill is an important savings tool.

Finally, the sad fact is that this tax cut is now so large that it commits every dime of the surplus for tax cuts and current obligations, leaving nothing—0—for Medicare solvency, new defense needs, or any other future or unanticipated emergencies.

I will conclude by saying I regret that we are passing this bill today without much opportunity to review its details, but knowing that overall it gives too much to those who already have much, and reserves too little for our Nation's most important priorities. I cannot support this tax bill, and I hope that my fear that this bill will endanger our Nation's economic future will be proven incorrect. It will unquestionably make meeting the many needs of my state more difficult.

Mr. McCONNELL. Mr. President, this bill is about righting wrongs in the tax code that are so flagrant as to transcend partisan rancor. It is not fair to penalize Americans for marrying. It is not fair to penalize Americans for dying. And it is not fair to ask the American citizen to pay more taxes than ever during a peacetime economy. The average American works almost two hours a day, or more than four months a year, to pay his or her federal tax burden. Tax Freedom Day did not arrive until May 3rd this year, the latest date ever.

It is fair, however, to help families shoulder the costs of raising children and to encourage Americans to save their hard-earned money for retirement and for education. This bill does just that. One provision of this bill of which I am extremely proud of is the proposal to make savings from qualified state tuition savings plans tax free. We are all aware of the high costs of obtaining a college education. Even when you account for inflation, we have seen a steady and stifling increase in the costs associated with attending an institution of higher learning. One of the most promising tools available to families who are trying to save for these rising costs is the qualified state tuition savings plan. These plans aide those families trying save for college by using the power of compounded interest. For those families who use a state tuition savings plan to save, compounded interest can be a blessing. For those who must borrow to afford tuition, compounded interest can be a heavy burden.

My home state of Kentucky has been at the forefront of those states offering such plans, and in 1994 I introduced the first legislation to make savings from qualified state tuition savings plans tax free. Since that time, it has been my pleasure to work with my colleagues Senators SESSIONS and GRAHAM to enact several measures to facilitate the use of these savings tools with the eventual goal of making qualified state tuition savings plans tax-free. Earlier this year, I once again introduced legislation, the Setting Aside for a Valuable Education, SAVE, Act to do just that. I am honored at the tremendous support for this provision from the members of the Finance Committee and I thank them for again including it in their bill. I also want to express my profound gratitude to the House and Senate conferees for including this important provision in the Conference Report.

Indeed, it is fair to say that this tax bill restores tax fairness and promotes financial flexibility with respect to our most basic American institutions—education, marriage, children, and retirement. The next generation of Americans will have better access to education because of this bill. They will marry without paying a penalty. They will pay less to the Government, and therefore, will have more money to raise their families. They will be able to save more money to retire with dignity. And finally, when their parents pass away, they will not have to sell a family business to pay a death tax. These are not Democratic or Republican goals, these are American ideals.

So, you might ask, why are our opponents complaining? I don't think they are complaining about restoring tax fairness and financial flexibility to American families. No, I think their real complaint is that we did so while doing what our opponents have always claimed was impossible—lowering taxes and protecting Social Security and Medicare, and paying down the debt, and continuing to balance the budget. For years we heard that any tax cut, no matter how fair it may be, would rob Social Security, balloon the national debt, and raid domestic spending. But now we have called their bluff: we have tax fairness that is fiscally responsible. We finally are shedding some light on the real, albeit unacknowledged, complaint of our opponents—that there won't be as many spending sprees in Washington over the next 10 years.

Frankly, I wish we could do more in the way of tax relief. For fairness sake, I wish we could repeal the death tax and the marriage penalty immediately. And I wish we could push income tax rates even lower.

We have spent a lot of time arguing about what Americans want when it comes to tax relief. Well here's a novel idea—let's ask them. A Zogby poll found that 8 out of 10 Americans think the maximum tax rate should be less than 30 percent. Fox News reported similar results. And Gallup found that 65 percent of Americans feel like they pay too high a federal income tax.

My office has been filled with constituents coming to complain about the death tax. As hard as it may be for some of my Democratic colleagues to believe, most of these constituents are not tycoons. No, they are small business owners, and they are fed up with the estate tax looming over their families and their businesses. If only a tiny fraction of small businesses are affected by the estate tax, as our opponents constantly claim, why are all these people calling, writing, and coming to see me? I'll tell you why. It's because they, and others who own small businesses, all pay a price for the death tax. Some may have to sell their businesses before they die to avoid the death tax, and many of them pay a fortune in estate planning fees to avoid the death tax. For those that can't escape the tax and whose heirs may be forced to sell their businesses. Both the heirs and the communities served by these small businesses suffer tremendously. Our opponents rarely compute these collateral costs when they wave their partisan statistics.

And to those who continue to argue about reform, rather than repeal, of the death tax, I say this: it simply is not fair, as a moral, political, or philosophical matter, to tax someone for dying. Dying is not a choice, Mr. President, but passing on hard-earned assets to loved ones is a choice, and one that our Government should not penalize by making Americans visit the undertaker and the IRS on the same day.

To close, and to re-emphasize the issue of fairness, I want to crystallize the two sides of this debate. Imagine if you overpaid your mortgage bill to the bank for ten consecutive years. Because that's what we're about to do—overpay our bill to the Government for the next ten years. My guess is that everyone in this chamber would demand his or her money back from the bank. I don't think we would accept listening to the bank tell us that it had devised other plans to spend our money. Indeed, we would be absolutely outraged at the very idea that the money wouldn't be returned to us immediately.

And this is the crux of the debate: There are those, myself included, who believe that taxes paid over and above the cost of government belong to the American people—that the money should be returned to them immediately for them to spend as they choose. And then there are those who believe that taxes paid over and above the cost of Government still belong to the Government and that the Government has the right to choose whether to return it to the taxpayers or to spend it as they see fit. Well, I am proud to say that I believe that this surplus belongs to the American people, and I am glad we are going to give it back to them.

Mr. McCAIN. Mr. President, I rise to oppose the Conference Report on the Reconciliation bill. I do so after having expressed hope that the progress we made in the Senate bill to scale back the benefits going to the top rate taxpayers to make room for more tax relief to lower income Americans would prevail in the final tax bill.

During the debate on the Senate version of the tax reconciliation bill, I had urged my colleagues that substantial tax relief to middle income Americans should be our top priority. While I regret that my amendment to cut the top rate by one percent to 38.6 percent so millions more middle class Americans would fall into the 15 percent tax bracket failed on a tie vote, Senator GRASSLEY did move in that direction in the Senate bill by insisting that the top rate should be cut to only 36 percent. As a result, I reluctantly voted for the bill but pledged to vote against the Conference Report should further reductions in the top tax rate be made at the expense of the majority of Americans who are in much greater need of tax relief.

Unfortunately, the Conference Report did just that by jettisoning the commendable work both Senators GRASSLEY and BAUCUS did in crafting a Senate reconciliation bill that provided more tax relief to middle income Americans. This Conference Report lowers the top rate cut to 35 percent, at the cost of delaying, for several years, much needed tax relief for married couples unfairly penalized by our tax code.

I regret having to vote against this Conference Report. We had an opportunity to provide much more tax relief to millions of hard-working Americans. I supported a $1.35 trillion tax cut despite my concern that a tax cut of that size would restrict our ability to fund necessary increases in defense spending. But I cannot in good conscience support a tax cut in which so many of the benefits go to the most fortunate among us, at the expense of middle class Americans who most need tax relief.

Mrs. LINCOLN. Mr. President, today we have the opportunity to demonstrate that bipartisanship is working in Washington.

We have before us what is no longer just the President's tax plan.

Just a few short weeks ago, the majority of our colleagues in the other body rubber stamped President Bush's plan that heavily tilted tax cuts to the rich while delaying most of them until after 2006. That plan would not have helped my State or many other southern States for that matter. In fact, almost 50 percent of the wage earners in Arkansas would not have received a tax cut under President Bush's original plan.

But with the input of Senate moderates, both Republican and Democrat, we have created tax cut opportunities for millions of low and middle income taxpayers almost immediately. We have stubbornly refused to give in to the argument that because people work for less than $21,000 a year, they don't deserve a tax cut. They may not earn enough to pay income taxes but they are surely taxpayers in every sense of the word. They are hard working Americans who pay payroll taxes, sales taxes, excise taxes and just about every other form of tax other than the Federal income tax.

I am proud that the final plan before the Senate today recognizes their contribution to our economy.

I want to extend my gratitude to my colleague on the Finance Committee, Senator SNOWE from Maine. Together we have stood fast in our insistence that the child tax credit should be refundable so hard-working, low-income families would receive a tax cut. By doubling the child tax credit and making it refundable up to $1,000, this tax plan rewards hard work and recognizes that all Americans truly deserve a tax cut. I mean no disrespect to my male colleagues in this body, but I believe this provision might not exist in this plan had women not had a seat at the Finance Committee table.

Senate moderates have changed the President's original plan in other important ways.

The amount of income subject to the alternative minimum tax will be increased immediately. This is a critical issue which the President ignored. In fact, his original plan would have accelerated the pace at which middle income taxpayers are forced into the alternative minimum tax category. His tax cut would have actually resulted in a tax increase for some unfortunate taxpayers.

The revised tax plan will allow people to increase their contributions to IRAs and 401(k) plans, an extremely important change in an era when we have seen America's national savings rate drop to its lowest point in 40 years.

Another change expands the 15 percent tax bracket for married couples so that more of their income is subject to the lower tax.

And, while I believe that the top income tax rate of 35 percent could still be higher, I am gratified that Senate moderates forced a substantial increase from the President's original 33 percent rate.

We can thank bipartisanship in the U.S. Senate for making this plan better and one that truly accomplishes the promise of a tax cut for all Americans. The real thanks, however, goes all the way back to 1993 and to the American people. When our nation was deep in the deficit ditch, the U.S. Congress went to the people of this great nation and asked them to bare the burden of program cuts and higher taxes in order to balance the budget. We now have a balanced budget and budget surpluses and we can now responsibly lift that burden with gratitude to the citizens of this country.

I want to especially thank three of my distinguished colleagues on the Finance Committee, Senators GRASSLEY, BAUCUS and BREAUX, who have earnestly negotiated the final terms of this bill during the last days. I believe that in most important aspects, it remains true to the principles advanced by the Senate earlier this week.

MASSIVE TAX CUTS STARVE NATIONAL NEEDS

Mr. BYRD. Mr. President, 8 years ago, this Congress built a bridge so that future generations would be able to cross from budget deficits to budget surpluses. That bridge resulted in lower interest rates, a booming economy, and provided the nation with an opportunity to fix Social Security and Medicare and retire the national debt.

The senate today blew up that bridge, and plunged our grandchildren and ourselves into the deficit ravine below.

I have spoken many times in recent months about my concerns regarding the size of this tax cut. The events of recent days do not change these concerns, as the fundamental dynamics of the fiscal year 2002 budget and appropriations process remain the same.

While I would favor a much smaller tax cut, the fiscal year 2002 budget resolution that was put into place in April, and this $1.35 trillion tax cut package that was passed today, will make it impossible for this Congress to come up with the appropriations necessary to fully address our Nation's priorities.

I fear that this tax cut will return us eventually to annual deficits and impede our efforts to retire the national debt.

I fear that this tax cut will consume vital resources that could otherwise be used to ensure the long-term solvency of Social Security and Medicare and provide for a prescription drug benefit.

I fear that this tax cut will put this Congress in a position where it will be unable to adequately finance our nation's fiscal and human infrastructure needs. For all of the promises being made as the Senate debates the education reform bill, the Congress will not have the funds it needs to appropriately address these necessary reforms.

The administration has tried to assuage these fears by promising the best of all worlds: massive tax cuts that will maintain budget surpluses without draining resources away from infrastructure investment and retirement programs.

Abraham Lincoln said in his 1862 Message to Congress that "we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves."

History will hold us accountable for what we did here today in passing this monstrous tax cut. This tax cut, which mainly will benefit the wealthy, is based on pie-in-the-sky projected surpluses which probably will not materialize. History will not forget that the national needs of today and of future generations have been sacrificed for the sake of carrying out a political promise made in the heat of a political campaign last year.

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KENNEDY, is next on the list.

Mr. BAUCUS. Mr. President, I do not see any Senators seeking time. I will have to, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma, Mr. INHOFE.

Mr. INHOFE. Mr. President, I seek recognition.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada.

Mr. REID. What is the request?

Mr. INHOFE. I was going to request a few minutes, instead of going into a quorum call.

Mr. REID. We have a unanimous consent agreement. I think it would be best for everyone if we could move forward under the time agreement. Senator CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I support a significant tax cut for all Americans. I proposed and voted for a $900 billion tax cut. I think that is a level we can afford, one that will accommodate protecting the Social Security and Medicare trust funds, one that will permit us to set aside money to strengthen Social Security for the future, one that will allow us to reserve resources for important domestic priorities.

I cannot support this conference report because it does not permit us to protect Social Security and Medicare. It threatens to put us back into deficit. It threatens to put us back into building debt after a decade of getting our fiscal house in order.

This morning's Washington Post labels this conference report for what it is, "Tax Fraud." It says:

> The House-Senate tax cut conferees came up with a way, yesterday, to stuff even more cuts into the bill without appearing to break the cost ceiling that Congress virtuously imposed on itself earlier in the year.

They went on to say:

> Without apparent embarrassment, they adopted the mother of all accounting gimmicks. To keep the supposed 10-year cost of the bill at $1.35 trillion, they will pretend that major provisions expire after nine years.

What they have done is alter the calendar. In a bill that is to cover 10 years, they just took off the last year. What is the effect of that? The Washington Post says:

> This is a permanent tax cut masquerading as temporary. But the masquerade is all that matters. The accounting conventions allow the conferees to claim that they've done what they said they would. Once again what they've really done is mortgage the long-term future for short-term political gain.

They go on to say:

> When the gimmicks are removed from the bill, the true cost is three times what the sponsors pretend—perhaps $4 trillion over [the second] 10 years.

Instead of a $1.35 trillion tax cut, which is what was agreed to just weeks ago, the true cost of this bill over the period of the budget is $1.7 trillion.

Those who have said they somehow negotiated a reduction from what the President was seeking, to be more fiscally responsible, have come back with a conference report that does not do it. It does not reduce the size of the President's proposal because they take the 10 years, and put it into 9. If you make an honest assessment of the full 10-year cost, you are at $1.7 trillion.

The accounting gimmicks do not end there. As the Washington Post indicated, this bill is massively backloaded. It is advertised, in the first 10 years, as costing $1.35 trillion. But in the next 10 years it explodes in cost because they have backloaded provision after provision after provision. The result is that the cost absolutely explodes right at the time the baby boomers start to retire. They are digging a deep hole for the United States.

The New York Times labeled it "The $4 Trillion Tax Cut." They said:

> The tax cut's $1.35 trillion price tag is a deception. The figure was calculated with an array of artificial devices that disguise the true cost. Some of the tax cuts to be enacted abruptly expire before the 11-year period is up. . . .

This was written before the last gimmick was inserted, the gimmick of just taking an entire year out.

Remember that Republicans, a couple years ago, tried to put 13 months into a 12-month year as a gimmick to disguise the effect of their budget proposals. This time they have taken an entire year off the calendar.

The New York Times goes on to say:

> Other provisions are phased in slowly, with most of them not fully enacted until 2009, 2010 and 2011. This means that although the tax cut technically costs $1.35 trillion in the first decade, its cost in the second decade—when the baby boomers will all be retired—is more than $4 trillion. The tax cut cannot be paid for except by raiding the Social Security and Medicare trust funds. It is a scheme that seems deliberately aimed at wrecking the basic American retirement programs, perhaps to force their dismantling or privatization.

I think the New York Times and the Washington Post have it right. We are in a period of surplus now. But we all know that in the next decade we move to massive deficits. That is when this tax cut, because of the way it has been designed, absolutely explodes: from $1.35 trillion, it balloons to $4 trillion in cost over the second 10 years.

When one examines the real budget—the defense expenditures the President is asking for, the alternative minimum tax that must be fixed, the education expenditures the Senate is in the midst of approving now—as we consider the education bill, the emergencies, and just the average emergencies we have experienced over the last 10 years, fast forward them to the next 10 years: We are not only going to be raiding Medicare, we are going to be raiding the Social Security trust fund as well.

We estimate that this bill, when combined with the real budget reflecting what will actually be spent over the next 10 years, will be raiding the Medicare trust fund by $311 billion and raiding the Social Security trust fund by $234 billion. Make no mistake, this vote has real consequences.

It is not just that it is fiscally irresponsible. In fact, this bill is a monument to fiscal irresponsibility. But in addition to that, this bill is not fair. The top 1 percent get more than twice as much of the benefit as the bottom 60 percent. In fact, the bill has been made much worse in terms of its fairness when you compare what left the Senate to what has come back in the conference committee. The top 1 percent get nearly 38 percent of the benefits. The bottom 60 percent get less than 15 percent of the benefits.

This bill cannot pass any fairness test, or any fiscal responsibility test. It does not pass the fundamental test we ought to apply to any tax bill. This final tax bill is clearly unfair. The top 20 percent get 71 percent of the benefits. The bottom 20 percent get 1 percent. Seventy-one percent of the benefits to the top 20 percent; 1 percent to the bottom 20 percent.

We heard our colleagues say that this bill is much more fair than the Bush proposal. Well, it is a little bit more fair but not much more fair. Seventy-one percent of the benefits in this bill go to the top 20 percent. In the President's proposal, 72 percent of the benefits went to the top 20 percent.

One of the things I think is most revealing about this proposal is what happens to the various tax brackets. It is fascinating what has come back from the conference committee. Those who are the wealthiest among us get by far the biggest rate reduction—by far. Those who are in the top 1 percent, who on average earn $1.1 million a year, they get a 4.6 percentage point reduction, which is, in overall percentage, about a 12-percent reduction in their marginal rate. They are getting 4.6 points of reduction in a 39.6-percent bracket. That is about a 12-percent reduction.

The other brackets get 3 percentage points. They roughly average between 8 and 11 percent of rate reduction. So those at the very top get the very most. And the final bracket, the 15-percent bracket, where 70 percent of the American taxpayers are, gets no rate reduction—none, zero. You talk about a bill that is weighted to the very top, the very wealthiest; this bill is a testimony for campaign finance reform.

Have we learned nothing from the past? We tried this same approach in the 1980s, and it skyrocketed the deficits and the debt, and it took us 15 years to end it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Mr. President, I ask unanimous consent for 30 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, some have said: But we are paying down the debt. Make no mistake, we are paying down the publicly held debt, but the gross debt is going up, because the debt to the trust funds is skyrocketing under this proposal.

Let me just end. This is a chart that shows what is happening to the gross Federal debt. It is $5.6 trillion today. At the end of this period, it is going to be $6.7 trillion. The debt is not going down, the debt is going up. This bill ought to be defeated.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Connecticut.

Mr. DODD. Mr. President, I commend our colleague from North Dakota for his very thoughtful presentation. He has laid out the arguments against this tax bill rather well.

Mr. President, we all are familiar with the famous expression of George Santayana which says that those who fail to remember the mistakes of history are destined to repeat them. I regret that we are about to do that today with the vote on this tax bill.

There are a handful of us here today who were on this very floor in this Chamber 20 years ago when a similar, although smaller, tax cut was being proposed. No one doubts today the damage that proposal had on our economy over the ensuing years. Its author, in fact, the head of the Office of Management and Budget, has written extensively about the huge mistakes that Congress made in the early 1980s in crafting a tax proposal that was way out of balance, and had no sense of proportionality in terms of the economic needs of the country.

It took us more than a decade to recover from that tax cut. Luckily, we began doing so in the early 1990s and, ultimately, we reached the point we are at today where we are enjoying budget surpluses.

I am sure my colleagues are familiar with the mythological figure Sisyphus, the King of Corinth, who was condemned to roll a heavy stone up a hill only to have it roll down again as it neared the top. This legislation is much like Sisyphus's dilemma. Just as we start to produce surpluses, to reduce that $220 billion a year in interest payments on our national debt that don't build a new school, that don't make anyone healthier, and don't contribute to the environment, just as that rock gets up to the top of the hill, we are about to let it fall back upon us by adopting a proposal that sends us right back in the wrong direction.

I am for a tax cut, and I believe we have plenty of room for one. But a tax cut of this size that eats up $1.35 trillion of the surplus in the coming years is the height of irresponsibility, especially since we don't have any real clear idea of how this Nation's economy will look 3, 4, 5, let alone 10 years from now.

I regret deeply we are limited to this short amount of time to debate a proposal of this importance and significance in light of what our country experienced as a result of a similar tax cut. I hate to say this to my colleagues—I said it in 1981; I will repeat it today, 20 years later—we are about to make the same mistake again. The difference is, we will not have the time to correct it as we did with the mistake made 20 years ago. At the very hour that millions of Americans will look to us for Social Security and Medicare, this proposal is going to create a train wreck with those programs.

I urge, in the waning moments of this debate, that those who may be wavering to please think again, not about the Democrats or Republicans, liberals or conservatives. This is an excessive tax cut and one that we cannot afford. I urge our colleagues to reject this proposal. Go back to the drawing board. It is only May. We have plenty of time to do this in a far more thoughtful, prudent, and balanced way.

For those reasons, I urge rejection of this conference report and urge our colleagues, whom I know have worked very hard on the Finance Committee, the Ways and Means Committee, to go back and try again to see if they can't come up with a more balanced approach that treats all taxpayers fairly and leaves room for the needy investments that America must make if it is going to be the great power of the 21st century that it has been in the 20th.

With that, I yield the floor to my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is the final vote on a tax cut which is far larger than the country can afford. It has been pushed through Congress by the Republican leadership in unprecedented haste without adequate debate. They have sought at every turn to avoid a serious discussion about national priorities. They pretend that we can have it all—that this massive tax cut will not affect our ability to adequately fund our education and health care needs, to reduce the debt, and to financially strengthen Medicare and Social Security for future generations. This view is a fantasy. The reality is that this tax cut will have a direct and substantial effect on our ability to fulfill our responsibilities in each of these areas.

Let's focus on one of these priorities—education. The budget resolution on which this $1.35 trillion tax bill is based also eliminates $308 billion of funding for education which had the support of a majority of Senators. We recognized that those funds are essential to providing a quality education for every child. Yet the enormous size of this tax cut is incompatible with real education reform. Sadly, Republican priorities place the needs of the wealthiest taxpayers for new tax breaks above the needs of America's school children. Democrats support a substantial tax cut—one that would cost nearly a trillion dollars over the next 10 years and one that would give working families a fair share of the tax benefits. Under Democratic plans, the vast majority of American families would receive the same, or even more, tax relief than the Republicans provide, but at a fraction of this bill's cost. That is possible because the Republican bill gives such a huge windfall to the rich. Four hundred and fifty billion dollars will go to the wealthiest 1 percent of taxpayers. This tax cut reported from the conference committee is clearly excessive. It is neither fair nor affordable.

The conference report gives even larger tax breaks to the rich than the Senate tax bill did. It reduces the rate of the top income tax bracket by an additional percent, but still fails to provide any reduction in the 15 percent tax rate that nearly three quarters of all taxpayers pay. The extra dollars consumed by reducing the top income tax bracket come from budget gimmicks that make the bill even more fiscally irresponsible in the long run.

Over one of every $3 of tax breaks in this conference report will go the wealthiest 1 percent of taxpayers. Once the tax breaks are fully implemented, the richest 1 percent will receive an average tax cut of over $37,000 each year—more than the pay most families take home in an entire year. The $37,000 a year that this bill provides to the wealthiest 1 percent could pay the salary of a new teacher in most school districts. But now there won't be funds for new teachers. The Republicans decided that wealthy taxpayers need the money more.

Education is far and away the most important concern of Americans, so I offered a number of amendments to protect education from the adverse effects of the most extravagant parts of the tax cut. Again and again Republicans chose tax breaks aimed exclusively at the wealthiest 1 percent of Americans, people with average incomes of $1.1 million, over full funding of elementary and secondary education for disadvantaged children, over full funding for the Individuals with Disabilities Education Act, over teacher quality improvements for all students, over increased access to safe afterschool activities, over bilingual education, over Pell grants, over HOPE Scholarship Tax Credits, and over Head Start. The President's rhetoric may say "leave no child behind," but this tax bill leaves a whole generation of children behind. It leaves them behind so that the very wealthiest taxpayers can get a half-trillion dollars in new tax breaks. If we do not have adequate resources to provide all our children with a quality education, then we certainly don't have the excess revenue that justifies new tax breaks for millionaires. Nationwide, there are 129 million income tax returns filed each year, but only 900,000 of these report income in the top marginal income tax bracket, which is presently 39.6 percent. These are the wealthiest men and women in America, and tax cuts that exclusively benefit them should not displace the education funding that the Senate has already agreed is necessary.

Only by the use of smoke and mirrors and budget gimmicks has this tax bill been made to comply with the mandate of the budget resolution to report a tax bill costing $1.35 trillion over eleven years. But the real costs are even higher. The real costs of this bill explode in the out years. Most disturbing of all is the extreme use of back-loading to conceal the enormous cost of these tax cuts when they completely take effect. The rate reduction is not fully implemented until the year 2006. Marriage penalty tax relief does not even begin until the year 2005. The amount of the child credit does not reach the full $1,000 until the year 2010. The estate tax is not repealed until that year as well, so that almost none of the cost of the repeal shows up until the year 2011.

These tactics are the height of fiscal irresponsibility. The excessive cost of the bill in the first decade is troubling enough. But that cost will more than triple in the following ten years. A $1.35 trillion tax cut in the first 10 years will mushroom to substantially more than $4 trillion in the next 10 years—precisely when the nation will confront unprecedented new costs in Medicare and Social Security from the retirement of the baby boom generation. Funds urgently needed to strengthen these basic programs are being consumed by reckless tax cuts. The Republican leadership could easily have accepted the recent Senate vote on the Harkin budget amendment reducing the size of the tax cut by 20 percent and investing the resulting $250 billion in education over the next 10 years. A responsible proposal like that would enable vital improvements to be made in education throughout America, while still leaving $1 trillion for tax cuts that both Democrats and Republicans support. Unfortunately, they refused.

Across America, 12 million children live in poverty—but we currently provide the full range of title I Federal education services to only one in three of these children. Four of every 10 children in poverty are taught by teachers who lack an undergraduate major or minor degree in their primary field. Gym teachers are teaching math. English teachers are teaching physics. Nearly one in five first-through-third graders are attempting to learn in overcrowded classes of 25 or more students. In these cases, some students inevitably lose in the competition for essential teacher time.

In addition, over 7 million latchkey children are left alone to fend for themselves after school each day, without constructive after-school activities to keep them off the streets, out of gangs, and away from drugs and other dangerous behavior. Even though Head Start ranks as the public's favorite government program, inadequate funding continues to deny Head Start to half of all eligible children.

Students with disabilities suffer from the same Federal neglect. The Federal Government has long promised to fund 40 percent of disability education. Yet it still only funds 17 percent. For years, parents and States have called on the Federal Government to live up to its commitment to disabled students. Almost 14 million children attend schools in inadequate facilities—schools that are overcrowded with classes held in hallways and trailers and schools that are crumbling and unsafe. Seven million children attend schools with severe safety code violations.

While money may not guarantee quality education, it is impossible to provide quality education in today's schools without substantial new investments. "Reform" without resources will have no real impact on what takes place in America's classrooms.

The massive tax cut contained in this bill will shortchange an entire generation of children. Nowhere are Republicans' misplaced priorities clearer. After all the talk about the importance of education to children's lives and the Nation's future—after all the talk about unmet needs in the Nation's schools—after all the Senate votes to increase investments to meet the most basic education needs, the Republican tax cut crowds out new investments in education. It tells millions of children who attend inadequate schools that they don't count. If the Federal Government lacks the resources to provide both, shouldn't the education of our children take precedence over new tax cuts for the wealthiest taxpayers? Who in this Chamber would openly declare that the wants of 900,000 millionaires are more important than the needs of millions of school children? That, in essence, is what we are voting on today.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GRASSLEY. Mr. President, I thought we were going to let the Senator from Minnesota speak.

Mr. REID. Would the Senator from Massachusetts yield his time to the Senator from Minnesota?

Mr. KENNEDY. I yield my remaining time to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes 19 seconds remaining.

Mr. KENNEDY. I yield that to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator yields his 2 minutes 19 seconds to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I rise to strongly oppose this conference report. As I have said consistently, I support tax relief, and have voted for more modest alternative tax cut packages. But I believe in tax cuts that reward work, not wealth. That are distributed fairly across the economic spectrum, with a special emphasis on relief for those most in need, who bear an unjust proportion of the tax burden, including payroll taxes, already—working families. The original Senate bill did not meet this test. Sadly, when confronted by the priorities of the most extreme elements of the House Republicans, the conference committee has made a bad bill even worse—more grossly unfair, with more of the benefits tilted toward the very wealthiest Americans.

The worst possible outcome for this decade would be a return to a 1980s mentality of huge tax breaks for the rich, increases in a bloated military budget, and neglect of our social infrastructure, including key insurance programs like Social Security and Medicare. Yet that appears to be where the President and the Congressional majority would have us go. We are making a terrible mistake if we pass this conference report today.

I can't say it more plainly than that. We are making a grave mistake. If the economy goes south, this conference report will almost certainly leave us without sufficient funds to make key reforms in Medicare like providing for a new prescription drug benefit, or for reforming Social Security in a way that will secure its future for generations to come. The costs of these tax cuts, so obviously backloaded, will explode just at the time when a huge generation of baby boomers prepare to retire in 10 years. And they will be left holding the bag, along with the generations that come after.

The American people should not have any illusions about what we are about to do. The economy and hard choices made in the past have endowed us with budget surpluses. In a time of growing economic uncertainty, it's not yet clear how large they'll be; private economists, the Congressional Budget Office, and even White House (OMB) estimators have all readily acknowledged the uncertainty of their projections. But it's clear there is some surplus, and Congress has to decide how to spend it.

If we had crafted a fairer, more modest tax bill, the benefits of which would have been distributed according to some principles of fairness, I would have supported it. But this conference report is nothing but a Robin Hood in reverse raid on the federal treasury. When fixes to the Alternate Minimum Tax and interest costs are added in, the tax cut will cost over $2 trillion over the next ten years. The cost will likely top $4 trillion over the following ten years (2012–2022). A vote for this bill is a vote to squander the opportunity to address our nation's most pressing problems. We could lift up all children and restore the shining promise of equal opportunity by investing in the education and health care of our kids, over 20 percent of whom still live in poverty in this country. We could move to restore the dignity of older Americans by providing affordable prescription drugs, long-term care, and securing the Social Security system. We could invest in responsible, long-term energy policies which protect our environment while boosting our energy capacities. Instead, we are today almost certainly deciding to ignore these priorities for years to come. We are surrendering on environmental conservation and protection. We are surrendering on investment in clean energy technologies. We are surrendering on tax relief for low and middle income Americans. And we are surrendering on decisions to invest in the health, character, skills and intellect of our kids.

But it isn't just that we are spending nearly the whole surplus for the foreseeable future in one vote. It is what we are spending it on: tax cuts for the rich, the powerful, the connected.

These tax cuts are still overwhelmingly weighted toward the wealthiest Americans: 35 percent of the benefits go to the wealthiest 1 percent of Americans. Altogether, 55 percent of the cuts go the wealthiest 10 percent, while less than 16 percent of the cuts go to the 60 percent of American families who earn $44,000 or less.

Put another way, 80 percent of Americans will get 30 percent of the benefits in the bill, while 70 percent of the benefits in the bill will go to the 20 percent of Americans with the highest incomes.

There are provisions of this bill I support. There is modest tax relief in this bill that goes to those who most need it. But not nearly enough. And the price we pay for this meager relief for working families is tax cuts three times larger targeted to the richest Americans. That's not a deal that I would want to explain to the working people in my state.

Consequently, Americans who earn between $27,000 and $44,000 will get an average tax cut of merely $596. But the wealthiest Americans, with an average income of over $900,000, will see an average cut of $44,536.

Additionally, 10 million children, 1 in 7 children, live in families that will still get no benefit from the legislation, because the parents or guardians do not earn enough to qualify for the tax cuts in the bill.

In contrast, in 2010, the plan fully repeals the estate tax. This will cost the Federal Government $30 billion in that year alone and will cost nearly $1 trillion over the next 10 years. Yet the vast majority of estates, and nearly all small business and farms, will already be exempted from the estate tax when the repeal goes into effect because of the other estate tax reforms in the bill. By 2010, under the bill, a couple would be able to shield $7 million from estate taxes. Full repeal on top of those high exemptions will only benefit the richest of the rich.

In Minnesota, in 1999 only 636 estates paid any estate tax. Only 636 estates out of the nearly 5 million people who lived in my State. Only 36 of those estates were valued at over $5 million!

Now let me give credit where credit is due. At the strong insistence of some of us on the Democratic side, the child credit expansion that is included in the bill is a significant improvement over the President's proposal. It would be refundable to families earning more than $10,000 per year, phasing in at 15 percent of earnings above that amount. So, for example, a family earning $11,000 a year would get $150 and a family earning $16,000 would get $900 as a refund from the IRS. If this provision becomes law, half a million children will be lifted out of poverty. This proposal offers some modest relief for certain low and moderate income families with kids, and the Committee should be applauded for at least including a partially refundable child credit in this bill.

However, the partial refundability provision in this bill would still leave 10 million very poor children behind. That includes every child of a parent who works full-time at the minimum wage. Children left behind with the partial-refundability proposal include: 2 million children with a disabled parent; more than 300,000 children who live with a grandparent or other family members who are not working because they are retired; more than 6 million children whose parents work during all or part of the year; and 4 million children whose parents together worked at least 26 weeks—or half the year.

Like the Reagan tax cuts of the early 1980s, this bill is too big, and fiscally irresponsible. It is grossly unfair. Its benefits go mostly to the wealthiest Americans. It will crowd out critical investments in education, health care, protecting the environment, energy conservation and renewables, and other key priorities for years to come. It will severely limit our ability to protect Social Security and Medicare, just as the baby boomer generation is preparing to retire.

In conclusion, Mr. President, as we get ready to vote, I thank my colleagues for all their cooperation on this vote and say, with a twinkle in my eye, to my good friends on the other side, that in some ways this tax cut has finally made me a fiscal conservative because, as I look at what is going to happen in the out years, I see a huge erosion of the revenue base.

I am so worried that at the very time people reach the age where they qualify for Social Security and Medicare, we are not going to have the resources. This is a mistake. It is a profound mistake, though I understand the good intentions and goodwill of, for example, the Senator from Iowa, Mr. GRASSLEY.

On another point: Whatever happened to the President's goal of leave no child behind? Whatever happened? The Senator from Massachusetts is absolutely right.

The huge victory here—if you want to call it that—for those who believe there is no positive role for Government to make in the lives of people is that there will not be the revenue. So for those children who come from disadvantaged backgrounds, we are not going to have the funding for title I. We won't be able to make the commitment to make sure the children are kindergarten-ready or that higher education will be affordable. We won't be able to renew our national vow of equal opportunity for every child.

I believe these tax cuts are directly antithetical to what our country is about, which is equal opportunity for every child. That is why I will vote no.

The PRESIDING OFFICER. The Senator from Iowa, Mr. GRASSLEY, is recognized.

Mr. GRASSLEY. Mr. President, do I have 5 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. Mr. President, I yield the first 2 of my 5 minutes to the Senator from Texas, Mr. GRAMM.

The PRESIDING OFFICER. The Senator from Texas, Mr. GRAMM, is recognized.

Mr. GRAMM. Mr. President, I had the great good fortune of being here 20 years ago and being involved in the Reagan tax cuts—tax cuts that let working people keep more of what they earned and ignited the golden economic age in which we live.

One of the advantages of living a long time and serving in public office a long time is that you get an opportunity for a day such as this when, 20 years later, we are cutting taxes again. This is a great day for the people who do the work and pay the taxes and pull the wagon in America and who often get forgotten by their Government.

It is obvious in listening to our colleagues that it is a sad day for those who desperately wanted to spend this money here in Washington, DC, but I hope my colleagues find some solace in the fact that working men and women sitting around their kitchen tables trying to make ends meet will use this money far more effectively to promote their interests and America's interests than we would use it spending it here in Washington, DC.

I thank our distinguished chairman, Senator GRASSLEY, for his leadership in making this day possible. I reserve the remainder of the time for Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, we have now come to the end of our many days of deliberation over the tax cut bill. This will probably be my final bill during my brief tenure as chairman of the Finance Committee, and so, I want to make a few closing remarks about the bill before us this morning.

This bill represents an enormous bipartisan effort. This bill has had bipartisan participation from its very creation, all the way through to its completion in conference with the House. The bill before us today was drafted in concert with Senators BAUCUS, BREAUX, and many others on the Finance Committee from both sides of the aisle—all of whom I consulted with personally. I thank you all for your insights and guidance in designing this bill.

I would also like to thank Chairman BILL THOMAS of the House Ways and Means Committee. His responsiveness to the difficulties we face here in the Senate was refreshing and very constructive. But most of all, we should thank President Bush. It was his leadership and vision that led us to this historic moment—as we prepare to enact the largest individual income tax cut in 20 years.

We took as a starting point President Bush's efforts to provide income tax relief to all Americans. This legislation includes the four main elements of President Bush's goals for providing tax relief to working families: the bill before us today provides an across the board tax cut and creates the new low 10 percent rate requested by the President; the bill reforms and repeals the death tax, which the President wanted; the bill provides marriage penalty relief, which the President and Congress have sought for a very long time; the bill also includes a $1,000 refundable child credit, which was specifically requested by the President. Sixteen million more children will be helped by our bill. In addition, the bill contains an extensive education incentives package, pension and IRA enhancements, and AMT relief.

This tax bill is a victory for Republicans. It is a victory for Democrats. It's a victory for the President, but most importantly, it is a victory for the taxpayers of the United States.

Now for some of the details. First, the conference bill reduces marginal rates across-the-board and applies the President's 10 percent rate retroactively to January 1st of this year. The Treasury Department will issue rebate checks to American taxpayers to remit any excess taxes that have been withheld on their 10 percent earnings earlier this year. The 28 percent, 31 percent and 36 percent rates will be reduced by 3 points over the next several years.

The first one point rate reduction will take effect on July 1—just a month from now.

The rebate checks and immediate rate reductions will provide a stimulus that our sluggish economy very much needs. In addition, the 39.6 percent top marginal rate will drop to 35 percent. While we don't go as far as the President in reducing the top rates—and I would add we didn't go as far as I would like—we also address the hidden marginal rate increases caused by current law that denies deductions for personal exemptions and itemized deductions.

Those laws will be repealed, thus eliminating these hidden marginal rate increases and removing another complexity from the Code. We provide marriage penalty relief for married families—for families where both spouses work and where only one spouse works.

The President's desire to expand the child credit to $1000 is met in this bill.

And in response to the concerns of Senators SNOWE, LINCOLN, BREAUX, JEFFORDS, and KERRY the child credit was expanded to help millions of children whose working parents do not pay income tax.

And lastly, we heard America's voices and have reformed and repealed the death tax. Starting January 1 of next year, the unified credit is increased to $1 million and the top rate is cut to 50 percent. The burden of the death tax is reduced and will be eliminated—as called for by President Bush. This effort is due to the work of many Senators but I would particularly note the efforts of Senator KYL and Senator LINCOLN.

In addition, the bill contains many provisions targeted for education. Elements include expansion of prepaid tuition programs to help families pay for college—long advocated by Senators COLLINS, MCCONNELL, and SESSIONS. In addition, we provide college tuition deduction thanks to Senators TORRICELLI, SNOWE, and JEFFORDS, as well as an expansion of the education savings accounts—in honor of Senator Coverdell—thanks to the work of Senator TORRICELLI and the Majority Leader. In addition to President Bush's proposals for tax relief for working families, we also included the Grassley-Baucus pension reform legislation which probably would not have made it in the bill without the longtime support of Senators HATCH and JEFFORDS.

In addition to maintaining the basic framework of the bipartisan agreement, we were able to retain some of the important amendments added to the RELIEF Act on the Senate floor. The key amendments we kept were keeping with the major focus of the bill—providing benefits for working families. First among these is that the adoption credit is extended and expanded effective 2003. I have been a long advocate on this matter, but I want to recognize the critical work of Senators LANDRIEU and CRAIG in this matter. Further, we were able to retain the goal of giving employers greater tax incentives to provide child care to their employees—long advocated by Senator KOHL.

In addition, we kept the policy advocated by Senator JEFFORDS of expanding the dependent care tax credit—which assists families facing the difficulties of providing care for children and spouses with special needs. We include Senator BINGAMAN's amendment offered in committee that allows the IRS to provide greater relief to families who are in a disaster area.

Finally, we retained the Senate amendment championed by Senator FITZGERALD that excludes from income payments made to survivors of the Holocaust. America is a society of opportunity. Over 60 percent of all families will at one time or another be in the top fifth of income in this country.

This bill will provide the American taxpayer with the greatest amount of tax relief in a generation. And they deserve it. It is wrong that in a time of surpluses we are still imposing a record tax burden on workers. With passage of this bill, struggling families will have more money to make ends meet; parents and students will be able to more easily afford the costs of a college education.

A successful business woman will be able to expand and hire more people; a father finally getting a good paycheck after years of work will be able to better provide for his aging mother; and, a farmer can pass on the family farm without his children having to sell half the land to pay estate taxes. The examples are endless of the great benefits that we realize when we give tax relief to working families. I would remind my colleagues again that the hallmark of this bill is that relief for low-income families comes first.

The marginal rate drop to 10 percent is immediate, and the effects of that reduction will be placed in taxpayer's hands this year. The child credit expansion to low-income families is immediate. Over 16 million more children will be helped by the provisions of this bill. In addition, the numbers show that once again, our bipartisan bill makes our tax system even more progressive. That is, at the end of the day upper income families would be paying a greater share of taxes than lower income taxpayers.

I also have a message for those who claim this bill benefits the rich at the expense of the poor, and that it will jeopardize Medicare and Social Security. Those things just aren't true. This is a bipartisan bill. We'll spend at least $3.5 trillion on Medicare in the next 10 years. That's more than 2.5 times the size of the tax cut. We wouldn't put forward bipartisan legislation that jeopardizes Medicare and Social Security. So I hope Americans will rest easy that this tax bill doesn't shortchange one group of Americans at the expense of others.

My message to taxpayers is this: Substantial tax relief is on the way. The Government will ease its grip on your wallet. You deserve this. Now, the last time the Senate considered this bill, it turned the bill over and over and around and around. Some Members tried to huff and puff and blow this bill down. That didn't work. Like a house made of bricks, our bipartisan bill is standing strong. But a piece of legislation is only as good as the last vote it survives. Today, we are faced with a crucial vote. Let me say it again: This is a bipartisan bill.

I have described this legislation to remind Senators of the balanced approach that took place in crafting this bill; to highlight the fact that it reflects the views and priorities of a wide range of members on both sides of the aisle. I can assure my colleagues on the other side of the aisle that if Senator BAUCUS had not been present at the creation of this bill—it would have been a very different piece of legislation.

It is because of his efforts that there are many elements in this bill that members on the other side of the aisle can enthusiastically support. I am tired of reading in the press the constant carping of Senator BAUCUS' efforts to draft a bipartisan bill. It seems that while many are happy to talk about bipartisanship, they can't stand to see bipartisanship practiced. We saw that happen the last time we brought this bill to the floor of the Senate.

I urge my colleagues to stop the petty partisanship and put the American taxpayers first. Now it is time for the Senate to send this much needed tax relief to the President for signature. America is waiting, and America is watching. Let's send them this historic tax relief package today.

Mr. President, I have 3 minutes, and I yield 1 minute to Senator HATCH.

Mr. HATCH. Mr. President, I am grateful that I was a conferee in this monumental historic event. I personally congratulate Chairman GRASSLEY and the ranking member, Senator BAUCUS. Both worked very well together. Of course, Chairman THOMAS and House Leader ARMEY and Speaker HASTERT did a terrific job, as did JOHN BREAUX, who has worked so magnificently through the years.

Six months ago nobody thought the President would win on a $1.35 trillion tax cut. It is amazing. He hung in there. He stood for what he believed, and I believe the American people are going to be the beneficiaries.

I want to highlight one thing. There are 16 million additional children who directly benefit from the refundable child credit contained in this comprise. This is one of the best bills for children and families I have seen in years and I just wanted to make that clear to everybody. The rate reductions and every other provision will benefit America.

This conference report is not perfect, just as no political compromise is perfect. I, like many of our colleagues, would have greatly preferred a larger tax cut of at least $1.6 trillion. Ideally, the top marginal rate should have come down to no more than 33 percent, with corresponding reductions in all the other brackets. The alternative minimum tax still will afflict millions of Americans. And, I greatly regret that the permanent extension of the research and experimentation credit was not accommodated in the final product.

On the other hand, Mr. President, this conference report includes the necessary elements that will make it stand out as landmark legislation. It does so much for the people of Utah and for the people of America. It begins to reverse the flawed philosophy that says the government knows best how to spend the taxpayers' hard-earned money. It cuts taxes for every American who pays them. It will stimulate the economy and provide incentives to keep it strong in the future. It acknowledges the importance of families, as well as the need for providing a good education for our people. It also includes strong incentives for all Americans to increase their savings and prepare for their own retirements. It recognizes the gross unfairness of the confiscatory death tax and begins immediate relief with repeal within a decade. It makes great strides against the unfairness of the marriage tax penalty in a way that does not punish those families where one spouse chooses to stay at home. On the whole, it is a very good bill.

Although this tax cut bill is the capstone of our budget agreement, I also look at it as just the beginning. The beginning of what I hope will be more bipartisan work this Congress to make the tax code even more fair and certainly more simple. And, what I hope will be continuing cooperation between the President and the Congress.

I again want to extent my congratulations and gratitude to the chairman of the Finance Committee, Senator GRASSLEY, for his extraordinary dedication to bipartisanship and his tireless dedication to accomplishing the triumph that is represented in the conference report that lies before the Senate today. Without his perseverance and persistence in sticking to the goal at hand despite many obstacles, this victory for the American taxpayer would not have been possible.

Likewise, I thank Senator BAUCUS for the major role he played in getting us to this point today, and for his courage in the face of opposition of many in his own party. He, along with Senator BREAUX, have shown all of us what it means to rise above partisanship and pure politics for the sake of what is good for the nation. They, together with the others in the soon-to-be majority party who supported this bipartisan tax cut, have my respect, my gratitude, and my promise that I will continue to reach across the aisle to work with them to further improve our tax system in the future.

My fellow conferees deserve a lot of credit for accomplishing this difficult task. Congressman THOMAS, the new chairman of the Ways and Means Committee, demonstrated toughness, dedication, knowledge, and compassion in representing the House position. I also want to commend Speaker HASTERT and Leader ARMEY for their tireless support and contributions. On the Senate side, Senators MURKOWSKI, NICKLES, and GRAMM put in many long, difficult, and late hours in helping us find our way through the differences in the House and Senate bills to reach the compromise.

Mr. President, most of all, I want to extend my congratulations to President George W. Bush. The tax cut the Senate just passed is a testament to his vision and his willingness to carry out with single-mindedness a campaign promise that many, frankly, took lightly and considered highly unlikely if not impossible. This is what real leadership is all about, and I commend him for it.

This is a great day in the United States Congress. I am proud that I was able to be part of it.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, there will be a lot of speeches about the substance of the legislation and, obviously, I think it is a good piece of legislation or I would not have negotiated the final product. I think it is good for the economy. It is surely good for working men and women of America to have tax relief. It is surely good for fiscal discipline within our Government as we make sure that the Government must squeeze every dollar of value out of every penny that we spend.

I think leaving this money in the pockets of the taxpayers rather than sending it to Washington will help us with our fiscal discipline. Most importantly, I think the process by which this product is before us is much more significant than the product because the control of the Senate hangs in the balance—even over the next several years, it seems to me, regardless of the exact numbers.

The Senate is known for its bipartisanship to pass legislation. I hope that the work Senator BAUCUS and I have done in a bipartisan way to bring this product of tax relief to the American taxpayers and to this body for it to become law serves as an example not only for the entire Senate but also will continue the tradition of bipartisanship that we have had in our committee.

I hope that we do, in fact, look upon the Senate as being very closely divided for a long period of time, and for whoever is in control, it is very important that we continue this bipartisanship in the Senate.

I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BINGAMAN (after having voted in the negative). Mr. President, on this vote, I have a pair with the Senator from New Mexico (Mr. DOMENICI). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. AKAKA (after having voted in the negative). Mr. President, on this vote, I have a pair with the Senator from Wyoming (Mr. ENZI). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I further announce that if present and voting, the Senator from Wyoming (Mr. ENZI) and the Senator from New Mexico (Mr. DOMENICI) would each vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that the Senator from Vermont (Mr. LEAHY) is absent attending a funeral.

I also announce that the Senator from Iowa (Mr. HARKIN) is absent attending his daughter's wedding.

I further announce that if present and voting, the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 33, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—58

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carnahan
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Ensign
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—33

Bayh
Biden
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Hollings
Inouye
Kennedy
Levin
Lieberman
McCain
Mikulski
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Akaka, against

Bingaman, against

NOT VOTING—7

Boxer
Domenici
Enzi
Harkin
Kerry
Leahy
Murray

The conference report was agreed to.

Mr. ENSIGN. I move to reconsider the vote by which the conference report was agreed to.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. ENSIGN. Mr. President, I ask that there now be a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LETTER OF DECISION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the following letter, which I received from Senator JEFFORDS this week, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 24, 2001.

Hon. THOMAS DASCHLE,
Democratic Leader,
Capitol, Washington, DC.

DEAR SENATOR DASCHLE: I am writing to you, Vice President Cheney and Senator Lott, to inform you of my decision to become an Independent and caucus with the Senate's Democrats for organizational purposes once the conference report to accompany H.R. 1836 is transmitted to President George Bush for his signature.

My change in affiliation is to become effective at the close of business on either the first day of session following the upcoming Memorial Day recess, or the close of business on the date of such transmittal, whichever occurs later. I hope it will assist the Senate if the recess is available to the Leaders to discuss and decide the numerous transition issues the Senate will face.

Sincerely,

JAMES M. JEFFORDS,
U.S. Senator.

HONORING THE BUFFALO SOLDIERS

Mr. DEWINE. Mr. President, I rise today to submit a Resolution to honor a group of Americans who have dedicated their lives to serving and protecting our Nation.

As we approach Memorial Day, we should take time to remember the sacrifices and achievements of our armed forces. In doing so, I would like to recognize the heroic African Americans who served in the Ninth and Tenth Horse Cavalry Units of the U.S. Army. These units first were established at the end of the Civil War and eventually were ordered to the Western Frontier, where they earned the name "Buffalo Soldiers." These men were instrumental in the realization of our Manifest Destiny by guarding settler communities and securing new western land. These brave American soldiers continued to serve our country in the Spanish-American War as part of Theodore Roosevelt's Rough Riders and again during World War II, both in Europe and here at home as our domestic defense in California against a possible Japanese invasion.

The Buffalo Soldiers were truly brave Americans to which our country owes a great debt. I would like to draw special attention to a soldier in their ranks—Colonel Charles Denton Young. Colonel Young was a lifelong resident of my home state of Ohio and contributed greatly to his country. He graduated from West Point in 1884 as only the third African American to ever receive a diploma from the Academy. Owing to his strength, perseverance, mental and physical toughness, and a natural ability to lead, Young eventually was promoted to the rank of Colonel, which was the highest rank ever achieved by an African American at that time.

Leading his men on the battle field, however, was not the only way Colonel Young had an influence on the people around him. He took an active role in his community as an educator and mentor to students at Wilberforce University in Ohio. Colonel Young was a person whom others wished to emulate, and continue to emulate today, as Secretary of State Colin Powell has cited Colonel Young as one of his earliest role models. I believe I can speak for all Ohioans when I say that we are extremely proud of Colonel Young and his contributions to our nation, and I believe that America has great cause to share in this pride.

I ask that when celebrating the great accomplishments of our armed forces this Memorial Day, we do not forget our Buffalo Soldiers. I would like to urge all Americans to honor the Buffalo Soldiers for the strength, valor, dedication, and courage they exhibited during their service. The sacrifices they made allow us to live as we do today—in a proud and free United States of America.

RECOGNITION OF JOHN SAUER—OLDER AMERICANS MONTH

Mr. GRASSLEY. Mr. President, since 1963, the month of May has helped the nation focus on the contributions and achievements of America's older citizens. Fewer people over the age of 65 require nursing home care and more are living on their own, with little or no outside help. Older Americans increasingly redefine modern maturity, re-shape cultural boundaries and dispel age-related stereotypes associated with getting older. They are leaders in our families, in our workplaces and in our communities.

One of these leaders is a 76-year-old man from Mechanicsville, IA. John Sauer understands the value of helping others. Through his initiative, compassion and commitment, he has touched the lives of many in his community.

Mr. Sauer began volunteering with the local seniors group in 1992. At that time, he responded to a request from a friend to help out with the group for a short time. Today, not only does he continue to volunteer in Cedar County, but he also serves seniors in six other counties as chairman of the advisory council of the Heritage Area Agency on Aging.

Although Mr. Sauer has always been active in the community service, he took on many of his current activities after he retired from farming in 1994. At that time, Mr. Sauer became increasingly involved with county senior citizens groups. He joined the transportation board of the Cedar County Senior Citizens task force and began providing transportation for older people in his area who were unable to drive. Two or three times a week, Mr. Sauer drives seniors to and from doctor and hospital visits in Cedar Rapids and Iowa City, both 25 miles away from Mechanicsville. The service Mr. Sauer provides is invaluable to those people who otherwise would have no way to make those important visits.

Mr. Sauer is also committed to serving the visually impaired. For 37 years, Mr. Sauer has been an active member of Lions Club International, a service organization recognized for their help to the blind and visually impaired. In 1994, Mr. Sauer became an Iowa district director for the organization. In that position, he traveled around the United States and Canada representing the state at various meetings and events for the service club.

In addition, Mr. Sauer has volunteered in the Opthamology Department at the University of Iowa Hospitals for the past 4 years. He greets people from across the Midwest who come to the hospital for care and guides them to their appointments. Mr. Sauer says he enjoys volunteering at the hospital because he likes meeting new people from various locations.

Mr. Sauer also enjoys learning new things. Three years ago, he became a member of the Eastern Iowa Mutual Insurance Board. Although his background was not in insurance, Mr. Sauer accepted the challenge of serving on the board and has enjoyed learning about the industry. He's also been active in the local schools, serving as a member of the school board and most recently on the school foundation. In addition, Mr. Sauer is an active member in his church and in the American Legion.

A devoted family man, Mr. Sauer has been married to his wife Kathleen for 51 years. The couple has three children and five grandchildren.

I want to thank Mr. Sauer for his contributions to the people of Cedar County. His initiative and compassionate concern for others is an example to us all that we should always be willing to contribute, no matter what our age.

ADDITIONAL STATEMENTS

IN HONOR OF DON LAUER

• Mr. JOHNSON. Mr. President, I rise today with pride to remark on the extraordinary public service career of Dr. Donald Lauer. For over twenty-five years, Dr. Lauer has played a key leadership role at the Earth Research Observation Systems, EROS, Data Center near Sioux Falls, South Dakota, and for over a decade has served as Chief at EROS.

Under the jurisdiction of the United States Geological Survey, the EROS Data Center holds one of the world's largest collections of images of the earth's land surface. These incredibly valuable images are managed and distributed by EROS personnel to scientists, policy makers and educators worldwide. The data is used to study a wide range of natural hazards, global environmental change and economic and conservation issues.

EROS is also now home to the United Nations Environmental Programme's, UNEP, Division of Environmental Information, Assessment and Early Warning office in North America. South Dakotans are proud to host this important United Nations office within our state.

The great success of EROS is due in significant portion to the outstanding leadership provided over the years by Dr. Lauer. His scientific, and management skills have proven invaluable as the role of EROS has expanded and become ever more complex. He has played a key role in facilitating a recent multimillion dollar transfer of NASA earth images to the UNEP, and their placement at EROS.

Beyond all this, Dr. Lauer has also provided important leadership for the Sioux Falls community. He currently serves on the Board of Directors for Sioux Valley Hospital, and has had a career long interest in the health and education of his fellow citizens.

I am pleased that Dr. Lauer will remain with the United States Geological Survey as an Emeritus Scientist, and that he plans to continue his residence in Sioux Falls. His vision and commitment to science will continue to well serve the people of the United States and of the world.

Dr. Lauer's life and career serve as models for public servants throughout our nation. I take this opportunity to thank him for all he has accomplished at EROS, and wish him well on all his future challenges and opportunities.•

MESSAGES FROM THE HOUSE

At 10:17 a.m., a message from the House of Representatives, delivered by Mr. Rota, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1836) entitled "An Act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002."

At 10:36 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 146. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that pursuant to section 1092(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), the Minority leader appoints the following individual to the Commission on the Future of the United States Aerospace Industry: R. Thomas Buffenbarger of Brookeville, Maryland.

NOMINATIONS DISCHARGED

The following nomination was discharged from the Committee on Health, Education, Labor, and Pensions pursuant to the order of May 26, 2001:

NATIONAL LABOR RELATIONS BOARD

Arthur F. Rosenfeld, of Virginia, to be General Counsel of the National Labor Relations Board for a term of four years.

The following nominations were discharged from the Committee on Finance pursuant to the order of May 26, 2001:

DEPARTMENT OF STATE

Peter F. Allgeier, of Virginia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

EXECUTIVE OFFICE OF THE PRESIDENT

Linnet F. Deily, of California, to be a Deputy United States Trade Representative, with the rank of Ambassador.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. ROCKEFELLER, Mr. BYRD, Mr. HOLLINGS, Mr. SPECTER, and Ms. MIKULSKI):

S. 979. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committee on Finance.

By Mr. FITZGERALD (for himself and Mr. DORGAN):

S. 980. A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER:

S. 981. A bill to provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 530

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 530, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind.

S. 749

At the request of Mr. FITZGERALD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 749, a bill to provide that no Federal income tax shall be imposed on amounts received by victims of the Nazi regime or their heirs or estates, and for other purposes.

S. 756

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. ROCKEFELLER, Mr. BYRD, Mr. HOLLINGS, Mr. SPECTER, and Ms. MIKULSKI):

S. 979. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce bipartisan legislation known as the Fair Trade Law Reform Act of 2001 with my colleagues Senators ROCKEFELLER, BYRD, HOLLINGS, SPECTER, and MIKULSKI. This legislation will change for the better the way we trade with our global trading partners.

We talked a lot about trade in the last Congress. We voted to extend Permanent Normal Trade Relations status to China. We debated and passed the Africa Growth and Opportunities Act. Now, we have a new administration asking for Trade Promotion Authority and bilateral trade agreements with Jordan and Vietnam.

Today, we have just passed the President's tax bill. As far as I am concerned, the Congress and more specifically the Senate Committee on Finance should now turn its attention to the important matter of trade between our country and our global trading partners around the world. We need to have a discussion about what we are doing to make sure our manufacturers, our steel makers, our textile workers and our farmers are able to compete on a level playing field.

One industry, in particular, has been facing a deluge of imports from some 30 nations. The U.S. steel industry has for the last 4 years been battered by imports from foreign countries. We know from prior unfair trade cases that much of it is being dumped on our shores, and subsidized by foreign governments, at prices that are at historic lows. And we are talking about blatant subsidization. Look at the Korean government's relation to Hanbo and Posco. To this date, they have not fully divested their government role in those two steelmaking entities.

Many of the same nations who have been exporting steel to the U.S., have erected import restraints in their own countries or have filed dumping cases to keep this deluge from their own shores. The U.S. has become the export market of first and last resort for the whole world.

Some of these same nations throughout Europe and Asia, who erected trade barriers to this onslaught because of the harm it threatened over there, are arguing that our industry is not similarly threatened, or that our law doesn't permit us to take remedial action, even temporarily. Some argue that the industry has not been sufficiently harmed by this situation. Not enough firms have gone under, not enough workers have been laid off. In other words, in order to prove sufficient harm to save your job, you must first lose it.

One week ago today, Northwestern Wire and Rod in Sterling, IL, shut down its furnace. It will roll out the rest of its billets and then close its doors. That's almost 1,500 employees. Over one-third of the residents of Sterling get their health insurance through Northwestern steel. Acme Steel has had financial difficulties. Five Illinois steel companies have either shut their doors or declared bankruptcy since 1998 and I don't see an end in sight.

My constituents are told that this is just the "free market" at work. That this is just the world markets working out the kinks. I find all this incredible. Some of these other nations must be laughing up their sleeves at our apparent helplessness and we are the only ones who don't get the joke.

Let me state for the record: I believe that free trade is very important for the United States. I also believe that fair trade is just as important. We are not helpless. We do not expect our businesses to all go under, our workers to all be laid off, before we wake up and take action.

We must take action in the 107th Congress to address basic inadequacies of our trade laws. We have made it easier to send our products and services to other countries. Yet, we haven't seemed to be able to address successfully the steel crisis that's been with us now for nearly 4 years.

Our trade laws, particularly the antidumping and countervailing duty laws, have long been, and remain, critically important to the U.S. manufacturing sector. They are the last line of defense for U.S. industries, operating on market-economy principles, against injury caused by unfairly traded imports. The heart of U.S. trade policy maintains that while America keeps an open market to fairly traded goods of any origin, our industries and workers will not be subject to injury from unfairly traded imports because the trade laws will be enforced and kept up-to-date.

The last general reform of the U.S. trade laws, unconnected to any particular trade agreement, occurred more than a decade ago. In that time, the problems to which these laws must respond have changed considerably, as underscored by the late 1990s Asian and Russian economic conflagrations and the ripple effect of results felt worldwide. It has become painfully clear that current trade laws are either incapable of responding to the kinds of sudden import surges—causing dramatic and rapid injury—or we have had various administrations that were unable to enforce them.

Our trade laws themselves are fully consistent with WTO rules. But they need to be revisited and made stronger. This bipartisan legislation would do several things:

First, we should strengthen section 201 language by removing a very high causation standard and replacing that standard with a lower threshold by which U.S. industries and workers can prove their cases more easily. Let me state for the record that if we reform our trade laws and we ensure our trading partners know we are serious about enforcing those laws, the incentive to dump steel or other imported products will be reduced.

Second, the AD/CVD sections of this bill respond to the fact that current U.S. law makes relief unnecessarily difficult to obtain, imposing standards more onerous than those in the relevant WTO agreements. By updating the antidumping and countervailing duty laws, in light of new global economic realities to which those laws must now respond, we will reverse errant court decisions that had limited the laws' remedial reach in a manner never contemplated by the Congress.

And finally, we will establish a steel import monitoring provision, comparable to WTO-compatible programs maintained by other WTO members such as the EU, Canada, and Mexico.

The Congress, I might add, has not been silent during this debate over the last several years. We have had extensive debate in both the House and Senate and we passed the Byrd-Durbin Steel Loan Guarantee Program last year. This legislation was intended to provide immediate relief to qualified steel firms that have fallen on hard times. Unfortunately, the loan guarantee wasn't as successful as we had hoped. Despite a guarantee of 85 percent by the Federal Government, private creditors didn't step up to the plate and do their part to help our Nation's steel industry.

So, despite our still growing economy, despite our efforts to date, despite fiscal dilemmas in other parts of the world, we can't forget the steel industry. With over 10,000 steelworkers out of jobs and imports still fluctuating, I want to go home and tell my constituents in the steel pipe and tube industry that we have a solution to their woes. Let's send a clear signal to our trading partners, to our farmers, and to our manufacturers that we don't intend to stand by and lose more and more jobs because of unfair trading practices.

I thank my colleagues for helping me draft this legislation and I look forward to working with my colleagues on the Finance Committee to having hearings, to marking up this important piece of legislation, and enacting it into law.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleagues, Senators DURBIN, HOLLINGS, and BYRD, in introducing the Trade Law Reform Act of 2001. It has been far too long, well over a decade in fact, since the last general reform of our trade laws, and current circumstances, particularly the ongoing steel crisis that has resulted in 18 American steel companies declaring for bankruptcy since 1997, necessitate the prompt action of Congress.

Nothing short of section 201 can save the American steel industry. I have written President Bush twice since he took office in January urgently pleading with him to initiate a section 201 case before the International Trade Commission. In the time between my first and second letters, five U.S. steelmakers filed for bankruptcy. Imports have continued at record levels and prices have not rebounded. Absent a Section 201, any measures we take up in the Congress to redress the steel crisis are akin to rearranging deck chairs on the *Titanic*.

Despite the necessity of an immediate section 201 on steel, we must not cease in our efforts to improve the proper functioning of our trade laws.

The safeguard, countervailing duty, and anti-dumping laws are vital to the manufacturing sector of our economy. They are often the first and last line of defense for U.S. industries injured by unfairly or illegally traded imports. Companies, workers, families, and communities rely heavily on these laws to prevent the ill-effects of unfair trade by our trading partners.

Unfortunately, recent events like the steel import crisis have demonstrated how painfully inadequate our current trade laws are in responding to rapid import surges. The flooding of U.S. markets with unfairly or illegally traded steel has caused severe and irreparable harm to our steelworkers, their families, and communities, and it is high time we revisit our trade laws in an effort to make our laws more responsive to the changing realities of the global economy. In the case of steel, I refer to the problem of foreign steel overcapacity that continually finds its way into the open U.S. market where it seriously injures our domestic steel manufacturers.

The reforms we are proposing today fall into three categories. Title I of the act improves the ability of our safeguard laws, often referred to as section 201, to adequately respond to import surges such as the flood of cheap steel that began to hit U.S. shores in 1997 and has not yet abated. Section 201 allows U.S. producers to obtain relief from serious injury that is substantially caused by imports even in the absence of unfair trade. However, the current U.S. safeguard standard for proving that a U.S. industry has been seriously injured by imports is stricter than the corresponding standard in the WTO Safeguards Agreement, a discrepancy which places U.S. manufacturers at a disadvantage with regard to their foreign trading partners. Whereas a foreign producer must prove only that an import surge, like the current steel import crisis, is a cause of injury, domestic producers are hindered by our trade laws which require our domestic industry to prove that the imports are a substantial cause of injury.

This inequity hampers the ability of our domestic industries to obtain relief from unfairly traded imports and creates an unequal playing field on which our foreign trading partners have an advantage. It also contributes to making the U.S. the premiere dumping ground for illegal and unfairly traded imports, particularly in the case of steel. Our trading partners know the U.S. injury standard is high, and they exploit that fact. Title I simply brings the U.S. safeguard law with respect to the injury test into line with the WTO standard, thereby putting our domestic industries on equal footing with the rest of the world. Title I also contains other language to make section 201 more effective, such as provisions that expand the availability of early and meaningful provisional relief and more rapidly and effectively address import surges.

Title II of this legislation updates our anti-dumping and countervailing duty laws to make them more effective for a rapidly-changing marketplace. First, the bill makes it tougher for our trading partners to circumvent an anti-dumping or countervailing duty order. No longer will foreign nations be able to skirt around our laws by making slight alterations to the products they are exporting to the U.S. This legislation clarifies that antidumping and countervailing duty orders include products that have been changed in only minor respects.

In addition, the bill provides that the ITC cannot conclude that imports do not have a significant effect on domestic prices simply on the basis of the magnitude or stability of the volume of imports. This allows the Commission to take into account the fact that in some cases and for some industries, even small volumes of imports can have significant price effects and negatively impact the domestic industry.

Title III creates a steel import monitoring program designed to act as an early notification system when imports begin flooding the U.S. market. When the steel import surge began in July 1997, it was many months, even close to a year, before anyone in the administration would even admit that there was a spike in imports that was potentially harmful to the domestic industry. During that time, companies went bankrupt and thousands of steelworkers were laid off.

These provisions will make it easier to track imports and provide much quicker notification of potentially harmful import surges. Quite simply, the sooner we learn of unfair import surges, the sooner the administration, Congress, and the industry itself can take the necessary steps to provide steelworkers and steel companies with the relief they deserve.

By recognizing the changed reality of the international marketplace and how quickly import surges become major crises, the bill being introduced today provides much needed improvements of our trade laws. Too many of the current provisions designed to provide relief to our domestic manufacturing sector have been antiquated by recent changes in the global economy and the structure of international trade. It is time we reaffirm our commitment to our manufacturing base by updating and enhancing the very laws designed to protect U.S. manufacturers from unfair and illegal imports from abroad. The Trade Law Reform Act of 2001 does just that.

Once again, I must reiterate that only an immediate section 201 on steel can preserve basic steelmaking capacity in the United States. While this bill cannot solve the steel crisis by itself, it does represent a significant step in the right direction.

By Mr. FITZGERALD (for himself and Mr. DORGAN):

S. 980. A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. FITZGERALD. Mr. President, late last year, Congress passed the Transportation Recall Enhancement Accountability and Documentation, or TREAD Act. That new law includes a bill I authored, the Child Passenger Act of 2000, which requires the Department of Transportation to update its standards on child safety seats for infants and toddlers. Today, I rise to introduce another bill, which represents the next step in our effort to ensure that all of our Nation's children are adequately protected in motor vehicle crashes.

The purpose of this bill is to encourage greater use of booster seats, and thereby reduce the number of traffic fatalities and injuries to young children. Booster seats are seat belt positioning devices that are designed to protect children who have outgrown their car seats but are still too physically small to fit properly in an adult-sized safety belt.

Safety advocates have coined the term "forgotten child" to describe the average occupant of a passenger vehicle who is at least 4 years old, but usually less than 8 or 9 years old, and less than 4′9″ tall. According to the National Highway traffic Safety Administration, or NHTSA, only about 6 percent of children between the ages of 4 and 8 years currently use booster seats when riding in motor vehicles. Too often, the child in this category has outgrown his child safety seat and is inappropriately placed in an adult-sized safety belt without a belt-positioning booster, or worse still, left completely unrestrained.

Three-point shoulder and lap belts, even those in the back seat where it's recommended that children sit, currently are not made or tested for children. Children who are graduated at 40 pounds or so directly from their child safety seat to adult seatbelts can suffer serious harm, say researchers. In some crashes, the seatbelts don't restrain the child. In others, they do, but the shoulder belt that cuts across the small child's neck, and the lap belt that rides high over her abdomen, cause severe internal injuries to the liver, spleen, intestines and spinal cord. Medical doctors have characterized such injuries as "lap belt syndrome."

Parents obviously want to do what is best for their children. Safety restraint use for children under a year old is 97 percent, and 91 percent for children ages one to four. These high usage rates are due in part to the education and outreach that has occurred through the Occupant Protection Incentive Grants Program, enacted in 1998. The authorization for that annual, $7.5 million grant program is about to expire. The legislation that I am introducing would extend the program for an additional two years.

To an even greater extent. These high restraint usage rates for infants and toddlers are due to the enactment of mandatory child restraint usage laws in all 50 states. There is no similar uniform requirement for booster seat use, and there are very serious gaps in state laws regarding child restraint generally. For example, some states require seatbelts only for children sitting in the front seat, and others only require children to wear seatbelts if they are younger than 5 or 6 years. According to NHTSA, for children between age five and fifteen, restraint use is only 68.7 percent, and NHTSA data for 1998 shows that over 47 percent of fatally injured children ages four to seven are completely unrestrained.

Education is critical to closing this safety gap. A recent survey of 1,000 parents and care givers conducted by NHTSA and DaimlerChrysler revealed that about 96 percent of parents and caregivers did not know the correct age for which a child no longer requires a booster seat or child safety seat.

We know booster seats save lives, yet the overwhelming majority of states don't require them. Only three states, Arkansas, California, and Washington, have adopted mandatory booster seat laws. Recent attempts to pass meaningful legislation in other states, including my home state of Illinois, have failed.

One obstacle that is holding back the states from adopting stronger laws is the lack of a Federal performance standard for booster seats for children who weigh more than 50 pounds. The legislation I am introducing today would give the Secretary of Transportation two years in which to come up with a new performance standard for booster seats. That standard would, of course, cover all children in booster seats, including those who are heavier than 50 pounds.

In addition, this bill provides strong incentives for states to adopt responsible highway safety laws. It would extend grant money to states if they adopt seat belt laws for all children under the age of 16 as well as booster seat laws for some of these children.

Many passenger cars have only a lap belt in the rear, center seating position of the vehicle, which generally means that you cannot install a booster seat there. Yet safety advocates say that the rear, center seating position is generally the safest place for a child to be in the event of a crash. To close this safety gap, my bill also would require the installation of lap and shoulder belts in each of the rear seats of newly manufactured passenger vehicles offered for sale in the United States. That new requirement,which may be phased in over a three-year period, is based on a recommendation of the National Transportation Safety Board.

In closing, comprehensive medical data evidencing the benefits of booster seats is still being developed; and a lot of states have yet to adopt adequate safety belt laws. I believe that the safety of the "forgotten" child is extremely important, and we need to consider all of the tools at our disposal to advance it. I therefore urge my colleagues to support this important measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Passenger Protection Act of 2001".

SEC. 2. IMPROVEMENT OF SAFETY OF CHILD RESTRAINTS IN PASSENGER MOTOR VEHICLES.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding to establish a safety standard for booster seats used in passenger motor vehicles. The standard shall apply to any child occupant of a passenger motor vehicle for whom a booster seat, used in combination with an adult seat belt, is an appropriate form of child restraint.

(b) ELEMENTS FOR CONSIDERATION.—In the rulemaking proceeding required by subsection (a), the Secretary shall—

(1) consider whether or not to establish injury performance criteria for children under the safety standard to be established in the rulemaking proceeding;

(2) consider whether or not to establish seat belt positioning performance requirements for booster seats;

(3) consider whether or not to establish a separate Federal motor vehicle safety standard for booster seats or incorporate booster seat requirements into an existing Federal motor vehicle safety standard; and

(4) review the definition of the term "booster seat", as that term is defined in Standard No. 213, set forth in section 571.213 of title 49, Code of Federal Regulations, to determine if it is sufficiently comprehensive.

(c) COMPLETION.—The Secretary shall complete the rulemaking proceeding required by subsection (a) not later than 24 months after the date of the enactment of this Act.

SEC. 3. REPORT ON DEVELOPMENT OF CRASH TEST DUMMY SIMULATING A 10-YEAR OLD CHILD.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Commerce of the House of Representatives a report on the current schedule and status of activities of the Department of Transportation to develop and certify a dummy that simulates a 10-year old child for use in testing the effectiveness of child restraints used in passenger motor vehicles.

SEC. 4. REGULATIONS ON MANDATORY USE OF LAP AND SHOULDER BELTS.

(a) IN GENERAL.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Transportation shall complete a rulemaking proceeding to amend Standard No. 208, set forth in section 571.208 of title 49, Code of Federal Regulations, in order to—

(1) require each seat belt assembly in the rear seats of a passenger motor vehicle to be a lap and shoulder belt assembly; and

(2) apply that requirement to passenger motor vehicles beginning after the production year in which the regulations are prescribed in compliance with the implementation schedule under subsection (b).

(b) IMPLEMENTATION SCHEDULE.—The requirement prescribed under subsection (a)(1) may be implemented through a phase-in schedule prescribed by the Secretary which schedule may be similar to the phase-in schedule set forth in paragraph S.14.1.1 of section 571.208 of title 49, Code of Federal Regulations, except that the requirement shall apply to not less than—

(1) 50 percent of a manufacturer's production of passenger motor vehicles for the first production year to which the requirement applies;

(2) 80 percent of a manufacturer's production of passenger motor vehicles for the second production year to which the requirement applies; and

(3) 100 percent of a manufacturer's production of passenger motor vehicles for the third production year to which the requirement applies.

SEC. 5. TWO-YEAR EXTENSION OF OCCUPANT PROTECTION INCENTIVE GRANTS PROGRAM.

Section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328) is amended by striking "and 2001" and inserting "through 2003"

SEC. 6. INCENTIVE GRANTS FOR USE OF SAFETY BELTS AND CHILD RESTRAINT SYSTEMS BY CHILDREN.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30128. Grant program for improving child occupant safety programs

"(a) AUTHORITY TO MAKE GRANTS.—

"(1) IN GENERAL.—The Secretary of Transportation may make grants under this section as follows:

"(A) A basic grant to any State that enacts a child restraint law by October 1, 2003.

"(B) A supplemental grant to any State described by subparagraph (A) if the child restraint law concerned is an enhanced child restraint law.

"(2) LIMITATION ON NUMBER OF GRANTS IN ANY STATE FISCAL YEAR.—Not more than one grant may be made to a State under this section in any given fiscal year of the State.

"(3) COMMENCEMENT.—The authority of the Secretary to make grants under this section shall commence on October 1, 2003.

"(b) AMOUNT OF GRANTS.—

"(1) BASIC GRANT.—The amount of a basic grant made to a State under this section shall be equal to two times the amount received by the State under section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note) in fiscal year 2003.

"(2) SUPPLEMENTAL GRANT.—The amount of any supplemental grant made to a State under this section shall be equal to three times the amount received by the State under section 2003(b)(7) of that Act in fiscal year 2003.

"(c) Use of Grant Funds.—A State shall use any amount received by the State under this section only to enhance the safety of child occupants of passenger motor vehicles.

"(d) Definitions.—In this section:

"(1) Child restraint law.—The term 'child restraint law' means a State law that prescribes a penalty for operating a passenger motor car (as defined in section 30127(a)(3) of this title) in which any occupant of the car who is under the age of 16 years is not properly restrained by a safety belt or otherwise properly secured in a child restraint system that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

"(2) Enhanced child restraint law.—The term 'enhanced child restraint law' means a child restraint law that prescribes a separate or additional penalty for operating a passenger car unless all of the vehicle occupants for whom a booster seat, used in combination with an adult seat belt, is an appropriate form of child restraint, are properly using a child restraint system that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.".

(b) Clerical Amendment.—The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 30127 the following new item:

"30128. Grant program for improving child occupant safety programs.".

SEC. 7. DEFINITIONS.

In this Act:

(1) Child restraint.—The term "child restraint" means a specially designed seating system (including booster seats and child safety seats) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

(2) Manufacturer.—The term "manufacturer" has the meaning given that term by section 30102(a)(5) of title 49, United States Code.

(3) Motor vehicle.—The term "motor vehicle" has the meaning given that term by section 30102(a)(6) of title 49, United States Code.

(4) Passenger motor vehicle.—The term "passenger motor vehicle" means—

(A) a "passenger car" as defined in section 30127(a)(3) of title 49, United States Code; and

(B) a "multipurpose passenger vehicle" as defined in section 30127(a)(2) of title 49, United States Code.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this Act, including the making of grants under section 30128 of title 49, United States Code, as added by section 6.

By Mr. ROCKEFELLER:

S. 981. A bill to provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, we all know the cost of gasoline has been increasing very dramatically and the people of my State, a very rural State, have to travel very long distances. There is little public transportation in rural counties, and as a result they have to use their cars and have to; therefore, buy a lot of gas.

Today I am introducing legislation to give temporary help to those who need it most, particularly low-income families, workers, seniors, and, frankly, students who have to drive long distances each day to get to their work, their school, and to critical health care.

In West Virginia prices of gas have gone up, as they have everywhere. In the North and South they have gone up by a great deal. People suffer because of that. I know high prices affect everyone when it comes to gas, but they do hit lower income people in the most painful way. When you are already struggling to pay the cost of housing and the cost of education or whatever it might be, the cost of gas aggregated over a period of time becomes a very painful item. As I indicated, if you are in a rural area, your problem is much worse because there is not public transportation. This is a very crucial fact. It means you have to use your automobile. It means you have to buy the gas to put in the automobile.

I support the development of long-term energy policies and hope we will do that in a wise way. But for those who pay their living expenses day to day, that will not come soon enough. Therefore, my bill is a simple one. It is a temporary approach to what I believe is already, in fact, something of an emergency.

The bill is modeled on the successful Low-Income Home Energy Assistance Program, LIHEAP, which helps working families and seniors cope with home heating costs. The proposal which I call LIGAP—not out of my poetic sense but simply because it stands for Low-Income Gasoline Assistance Program—would give grants to States for an emergency assistance program for people who must drive 30 miles a day or an average of 150 miles a week for work, for education related to work, or scheduled routine health care.

This new program will have similar income eligibility guidelines as the LIHEAP program. Therefore, it will not be difficult to administer. It is triggered when a State's average gasoline price hits the unmanageable current level. It is also triggered off when gas prices decline. Every eligible person or family will get a monthly stipend of $25 to $75 to help cover the high cost of gasoline.

This legislation encourages States to use their block grant funding to help welfare recipients pay for transportation costs, necessary for people getting off welfare to get to work. Some States, including West Virginia, are already using welfare reform moneys as part of their welfare-to-work initiatives to help with transportation costs. I think that is a very important thing for States to do. I am proud of my State's initiative, and I am proud of their approach to welfare reform.

There obviously are not any magic bullets in bringing some sanity back to gasoline pricing, but this bill is designed to offer at least much-needed relief to West Virginians and other Americans who simply cannot make ends meet while we are in the throes of high gasoline costs. I think it is a sensible bill, and I hope at the appropriate time it will get favorable consideration.

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. ENSIGN. I ask unanimous consent that committees be permitted to file committee-reported legislative and executive items on Friday, June 1, 2001, between the hours of 10 a.m. and 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND RECESS OR ADJOURNMENT OF THE SENATE

Mr. ENSIGN. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 146, the adjournment resolution, which is at the desk.

The PRESIDING OFFICER. The clerk will report the tile.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 146) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ENSIGN. Mr. President, I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider by laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 146) was agreed to.

MEASURE PLACED ON CALENDAR—S. 964

Mr. ENSIGN. There is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. Bennett). The clerk will report the title.

The legislative clerk read as follows:

A bill (S. 964) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. ENSIGN. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

AUTHORITY TO MAKE APPOINTMENTS

Mr. ENSIGN. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 106–310, announces the appointment of the following individuals to serve as members of the Commission on Indian and Native Alaskan Health Care: Buford L. Rolin, of Alabama; and Jimmy Wallace, of Mississippi.

The Chair, on behalf of the majority leader, pursuant to Public Law 105–177, announces the appointment of Kerrie S. Lunsford, of Georgia, to serve as a member of the Parent Advisory Council on Youth Drug Abuse for a one-year term.

The Chair announces, on behalf of the majority leader, pursuant to Public Law 101–509, the appointment of Michael B. Ballard, of Mississippi, to the Advisory Committee on the Records of Congress.

The Chair, on behalf of the majority leader, after consultation with the Democratic leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, announces the appointment of Lenore L. Prather, of Mississippi, to serve for a one-year term as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice Michael W. McPhail.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ENSIGN. In executive session, I ask unanimous consent that the Senate proceed to the consideration of the following nominations en bloc: Calendar Nos. 58, 61, 85, 155, 158; and that the Finance Committee be discharged from further consideration of Peter Allgeier, PN 270, and Linnet Deily, PN 347, and the Senate proceed to their immediate consideration; I also ask unanimous consent that the HELP Committee be discharged of the nomination of Arthur Rosenfeld, PN 469, and the Senate proceed to its consideration, as well. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements related to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF THE TREASURY

David Aufhauser, of the District of Columbia, to be General Counsel for the Department of the Treasury.

John B. Taylor, of California, to be an Under Secretary of the Treasury.

DEPARTMENT OF DEFENSE

David S. C. Chu, of the District of Columbia, to be Under Secretary of Defense for Personnel and Readiness.

U.S. TRADE AND DEVELOPMENT AGENCY

Thelma J. Askey, of Tennessee, to be Director of the Trade and Development Agency.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Claude A. Allen, of Virginia, to be Deputy Secretary of Health and Human Services.

DEPARTMENT OF STATE

PN270. Peter F. Allgeier, of Virginia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

EXECUTIVE OFFICE OF THE PRESIDENT

PN347. Linnet F. Deily, of California, to be Deputy United States Trade Representative, with the rank of Ambassador.

NATIONAL LABOR RELATIONS BOARD

PN469. Arthur F. Rosenfeld, of Virginia, to be General Counsel of the National Labor Relations Board.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senator will return to legislative session.

ORDERS FOR TUESDAY, JUNE 5, 2001

Mr. ENSIGN. I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 146 until the hour of 12 noon on Tuesday, June 5, 2001. I further ask unanimous consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 12:30 p.m., with Members recognized to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. I further ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 p.m. on Tuesday for the weekly party conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENSIGN. For the information of all Senators, the Senate will reconvene on Tuesday, June 5, at 12 noon and recess for the weekly policy luncheons from 12:30 to 2:15 p.m.

I wish everyone a good Memorial Day and congratulate the American people on the victory of a tax cut that will have positive effects on the economy.

Mr. BROWNBACK. I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ENSIGN. Mr. President, I now ask the Senate stand in adjournment under the provisions of H. Con. Res. 146 following the remarks of Senators BROWNBACK, ROCKEFELLER, and TORRICELLI.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

THE TAX BILL

Mr. BROWNBACK. Mr. President, I want to take just a few minutes at the closing to congratulate some key individuals, starting with Senator CHUCK GRASSLEY of Iowa. Senator GRASSLEY has worked doggedly to get this tax bill completed. He has done an artful, masterful job. He has worked with numbers of individuals—everybody in the Congress, in the House, the Senate, the White House—in order to get this bill on through. He deserves our applause and great thanks and appreciation. Senator MAX BAUCUS led on the Democrat side. He did a great job as well on getting this bill and moving it on through.

I also want to recognize our leadership, TRENT LOTT and DON NICKLES in particular, both of them, in their aggressive efforts to get this tax bill, this tax cut that is needed by the American economy, that is deserved by the American public, on through the system. Without their efforts, it would not have taken place.

Of course, I also want to recognize and thank the House of Representatives, Chairman THOMAS on the Ways and Means Committee, Speaker HASTERT, and people there who pushed this bill on through so it could get done.

Finally, I recognize the person who, a year ago, started talking about the need for major tax relief in this country, and that is President George W. Bush, who put this forward in the campaign. I might note that was accompanied by a fair amount of consternation on the part of a number of people, saying it is too big, too much; we cannot afford to do this; it is not the right thing, it is not the right time—all of which proved to be false. He was right. The American economy needs this. The American people deserve this. This is the right time. It is the right place. Now we are going to do that $1.35 trillion worth of tax relief for which the President has asked.

If you are getting a headache coming on, most people would say take an aspirin before it really sets in hard. If you get a recession that is coming on, and a downturn in the economy, most economists would note to you: Act early and act surely and act clearly to try to prevent that. The Federal Reserve has done that by easing the monetary supply and lowering interest rates five times. Five times the Federal Reserve has done that in anticipation of a slowing economy, saying we are going to do everything we can to keep this economy from going into recession. Economists would say that is monetary policy.

There is fiscal policy on the other side. In fiscal policy, you cut taxes if you anticipate a slowing of the economy. You need to do so clearly. You need to do so in ways that stimulate the economy, and you need to do it early before recession sets in. It is similar to that headache: If it starts pounding and you take two aspirin, it doesn't do much. But if you start much earlier, when it is just starting, then you can pull back out of it.

The same is true with fiscal policy. We needed this tax cut for the economy. Rate reduction is the key way to do that. This is primarily about rate reduction, although it has great provisions on marriage penalty relief, educational savings relief, death taxes, and a number of different provisions in the bill—retirement security, adoption tax credits so people can be in a better position to afford the cost of adoption.

This is what the doctor ordered. This is what the economists have said we need and we need to do now. This should be the package enabling us to assure that the economy, while slowing, does not go into recession. This is exactly what the doctor ordered.

The individuals who led in this effort should be commended and recognized and given a real attaboy for seeing this early and putting us in the situation where now we are in the latter part of May putting this through and getting it done now, before we really could get into some trouble spots.

I think this is exactly the appropriate thing for management of this great economy in the United States that has had some difficulties here lately, for us to do the right thing. The individuals I mentioned certainly deserve our praise and accolades for getting it done.

This is a great day for the country. It is an important day for the economy. It is a necessary day for the economy. It is the right thing and a deserved day for the American taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak in morning business for a period of 7 minutes.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. ROCKEFELLER. I thank the Chair. (The remarks of Mr. ROCKEFELLER pertaining to the introduction of S. 981 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, JUNE 5, 2001

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned.

Thereupon, the Senate, at 12:54 p.m., adjourned until Tuesday, June 5, 2001, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26, 2001:

DEPARTMENT OF THE TREASURY

DAVID AUFHAUSER, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

JOHN B. TAYLOR, OF CALIFORNIA, TO BE AN UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF DEFENSE

DAVID S.C. CHU, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

U.S. TRADE AND DEVELOPMENT AGENCY

THELMA J. ASKEY, OF TENNESSEE, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CLAUDE A. ALLEN, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

PETER F. ALLGEIER, OF VIRGINIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

EXECUTIVE OFFICE OF THE PRESIDENT

LINNET F. DEILY, OF CALIFORNIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

NATIONAL LABOR RELATIONS BOARD

ARTHUR F. ROSENFELD, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

IN HONOR OF AMERICAN VETERANS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HOYER. Mr. Speaker, On Monday, Americans throughout our great Nation will pause to honor those men and women who nobly sacrificed their lives to protect the safety and liberty of their fellow citizens.

Originally designated as "Decoration Day" to honor Veterans of the Civil War, and first observed on May 30, 1868, or modern Memorial Day now recognizes those one-million, three hundred and twelve-thousand, eight-hundred and ten heroes who died in defense of our Country in one or more of her conflicts: the American Revolution, the War of 1812, the Civil War, the Spanish American War, World War I, World War II, the Korean War, the Vietnam War, and the Persian Gulf War.

To the extent that we now enjoy the many rights inherent in a democracy, as well as those freedoms and benefits that we as a self-governing people bestow upon ourselves and our posterity, we owe great thanks to those defenders of democracy who died in war, so that we might live in peace.

We should also take time on this Memorial Day to honor all those Americans who have ever served in our Armed Forces, and to those great Americans who continue to volunteer to defend our Nation to this day. Without their continued commitment, courage and contributions, we would not enjoy the opportunity to be here, in this great land, reveling in the freedom that their noble deeds have allowed us to celebrate.

We should also take time today to reaffirm our commitment to our soldiers and our veterans: all men and women who voluntarily serve their Nation in the Armed Forces have earned the greatest respect, courtesy, and care that we can provide, and we as a Congress should never hesitate to deliver those benefits to our Veterans.

As we welcome this new Memorial Day in America, in peace and democracy, we solemnly acknowledge that the sacrifices of our Veterans have not been in vain, and will never be forgotten.

A TRIBUTE TO ROBBINS AIR FORCE TANKERS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. CHAMBLISS. Mr. Speaker, today, I recognize the 99th Air Refueling Squadron from Warner Robbins, Georgia. They were recently named as the military's top tanker group for the third consecutive year.

The "Ramrods," part of the 19th Air Refueling group, are the only unit in the Air Force's 50 year history to win the General Carl A. Spatz Trophy for three consecutive years. Since 1975, this trophy has recognized the best air refueling squadron within the Air Force.

This refueling group has worked hard to earn this prestigious, national award. They were one of the most needed tanker groups in 2000. The "Ramrods" flew air refueling missions on every major deployment last year. Along with these deployment missions they had to carry out their normal exercises and long term troop commitments to areas such as the middle east.

The Warner Robbins 99th squadron was called upon to fly top-ranking Air Force and civilian officials around the globe, and they provided refueling support to military units in the Middle East after last falls's horrible terrorist attack on the USS *Cole*. The National Defense University selected the squadron to represent the Air Force on four high visibility missions around the world.

It is easy to see that these missions are very important in the military strength that this nation enjoys. This group is to be congratulated for their hard work, skill, and accomplishments in the Air Force.

TRIBUTE TO THE PARISH OF ST. ELIZABETH SETON

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, on May 29th, 2001, a celebration will occur in my congressional district that is most noteworthy, and that I wish to bring to the attention of my colleagues in the U.S. House of Representatives. On this very special day, the Parish of St. Elizabeth Seton in the Town of Ridgefield, Connecticut will celebrate its 25th Anniversary.

With the population of Roman Catholic families growing in the 1970's, it was clear that there was a need for a new parish in the Ridgebury section of Ridgefield. Father Francis Medynski was appointed by Bishop Walter Curtis to re-configure the then existing parish of St. Mary's. After nearly two years of planning and consultation, Fr. Medynski's task was completed and he was named Pastor of the new St. Elizabeth Seton parish in April, 1976.

The new church had to make due with precious, few resources, calling on parishioners for every type of service. For example, everyone pitched in for a daylong cleaning effort of the temporary rectory/parish center on May 18, 1976.

In the beginning, the church met at the Ridgebury Elementary School, but it was clear from the start that the construction of a permanent church home was necessary. Efforts began immediately. Committees were established to hire architects and contractors, fundraising events were organized and parish programs were set. And, at last, on September 20, 1977, the church's official groundbreaking took place. Construction was steady, and a little over a year later, on December 23, 1978, the first Mass in the new sanctuary was celebrated. The formal dedication occurred on May 29, 1979.

Over the past 25 years, the church has continued to grow. The 371 original families in the parish have grown to approximately 1,000. The Religious Education program has expanded to the point of needing to build a new Parish Center that was dedicated in October, 1988. The Center also houses the church administrative offices and includes several meeting rooms for parish use.

In 1996, Fr. Medynski retired, and Father Joseph Prince then came to lead the church, which he has done with dedication and distinction.

Mr. Speaker, it is fitting to honor all the parishioners and church leadership alike who have contributed a guiding hand in the creation and growth of the Parish of St. Elizabeth Seton. Today, we celebrate their commitment to their faith, a commitment measured not only words but in their inspiring deeds. On behalf of the Congress of the United States, I extend our congratulations to St. Elizabeth Seton Parish and wish all God's blessings in the years ahead.

IN HONOR OF ASIAN PACIFIC AMERICAN MONTH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Ms. PELOSI. Mr. Speaker, I rise to commemorate May as Asian Pacific American Heritage Month. I am proud to honor the diverse Asian Pacific American community I represent in San Francisco, which includes people whose heritage spans the globe—including Chinese, Filipino, Japanese, Korean, Vietnamese, Cambodian, Laotian, Thai and Hmong.

The Asian Pacific American population is growing at rapid rates nationally and this trend has been particularly significant in the Eighth Congressional District of California. The Asian Pacific American population in San Francisco has increased by 5.3% during the 1990's. The District I am honored to represent now has the fourth highest Asian Pacific American population of any U.S. congressional district.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

While we celebrate Asian Pacific American Heritage Month, we must redouble our commitment to fighting discrimination. Recent studies have documented a troubling increase in negative attitudes toward and hostile acts against Asian Pacific Americans by portions of the American public. There are legitimate concerns about the governmental policies of some Asian countries. These concerns, however, do not and should not reflect on Asian Pacific Americans.

The district I represent, with its vibrant and diverse Asian Pacific American community, is a national treasure. We are all enriched by the contributions of the Asian Pacific American community, which shares responsibility for the success and achievements of our country, deepening our lives and strengthening our neighborhoods with its strong family values, proud work ethic and achievements in a wide variety of professions. We need to continue to recognize the contributions of Asian Pacific Americans through education, curriculum and other forms of public awareness.

San Francisco became a magnificent cosmopolitan success story because of its diversity. As we celebrate Asian Pacific Islanders Month, let us renew our commitment to overcoming misperceptions of Asian Pacific American people and culture, so that the inspiring and fascinating culture that I experience everyday in my congressional district can be known and celebrated by all.

PETER INDALL KNOWS HIS GEOGRAPHY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I would like to congratulate an outstanding student from my state of New Mexico, Peter Indall. Peter is a fourteen-year-old eighth-grade student from St. Michael's High School in Santa Fe who recently represented New Mexico in the 2001 National Geographic Bee. This is not, however, his first time to participate in the National Geographic Bee—Peter represented New Mexico in the 2000 event.

Peter is a geography enthusiast; he believes "geography is not just about memorizing information—it is learning about other cultures and their history." Peter's parents, Jon and Mary Indall, credit their son's fifth-grade teacher, Connie Zimpleman at E.J. Martinez Elementary School, for inciting his son's passion to study geography. I know that his fifth grade teacher, as well as the rest of his instructors and fellow New Mexico citizens, are extremely proud of his accomplishments and are honored to have such a distinguished young man represent their state.

I have always placed an emphasis on education, and I am so pleased that Peter is excelling in his studies. His achievements have brought much pride to his family, school and community. I wish Peter and his family the best as this extraordinary young man continues to shine and stand out.

PAYING TRIBUTE TO KATIE BENGHAUSER

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Katie Benghauser on her 11 years of volunteer service to Mount Hope Elementary School in Lansing, Michigan.

Mr. Speaker, we are quick sometimes to condemn the acts of aggression, and not so quick sometimes to celebrate the acts of kindness that happen in America. Katie Benghauser has shown this type of kindness by volunteering at Mount Hope Elementary School to make a difference in the lives of her children and the entire community. Katie has assisted in grant writing projects, event planning, and book fairs. There was no project too small for Katie to help with.

This act of kindness must not go without recognition. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Katie Benghauser for reminding us that community service is an important part of American life.

TRIBUTE TO ADAM T. POPIELARCHECK, LIBRARY OF CONGRESS POLICE OFFICER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HOYER. Mr. Speaker, I rise to pay tribute to a fallen member of the congressional community whose sudden passing reminds us how precious and fragile life is. On Monday, May 14, 2001, Officer Adam T. Popielarcheck, a 17-year veteran of the Library of Congress Police, lost his life in a traffic accident near his home in Mechanicsville, Maryland. Officer Popielarcheck's death saddens not only his own family, but also his fellow Library Police officers and numerous other employees of the Library, where he had embarked upon a second career after retiring as a lieutenant from the Washington, D.C., Metropolitan Police Department in 1983.

Millions of people visit the Capitol complex each year, and hundreds of thousands of them visit America's national treasure, the Library of Congress, whose buildings also grace Capitol Hill directly across the street. Although most Library visitors, and perhaps some employees, may never have known Adam Popielarcheck's name, they and indeed we all, owe him a debt of gratitude. It was Mr. Popielarcheck's job to help assure the safety and security of Library visitors, staff and collections, and he did it superbly every day. His colleagues have amply demonstrated since his death that they held Adam Popielarcheck in the highest esteem, both personally and professionally, and that he is sorely missed.

Officer Popielarcheck is also sorely missed by his widow, Maryellen, and by his sons, Thomas and Adam W.; his daughters, Tina and Tammy; his mother, Angelene; five brothers; two sisters; and by the many nieces, nephews, other relatives, and countless friends he leaves behind across the Washington, D.C., area, in Southern Maryland, in Pennsylvania, where he was born 60 years ago, and elsewhere.

Mr. Speaker, in this time of sorrow for the Popielarcheck family and the entire congressional community, let us pause and reflect on the life of a valued and wonderful man, Adam T. Popielarcheck, who toiled among us here, gave us his best and left us far too soon.

DON LEEBERN: A WINNER IN BOTH ARENAS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. CHAMBLISS. Mr. Speaker, today I would like to pay tribute to Donald M. Leebern, Jr. a man whom, either knowingly or unknowingly, has touched and blessed the lives of many people in the state of Georgia. He is known by those closest to him as modest, personable and self-deprecating; however, "on field" or in the business world, he is a proven winner who works to succeed.

Don attended the University of Georgia where he played football, and started on both offense and defense. He played on the Bulldog's 1959 SEC Championship team that went on to win the Orange Bowl.

Earlier this year, "Big" Don, as friends affectionately call him, was inducted into the Chattahoochee Valley Sports Hall of Fame.

Pat Dye, a teammate of Leebern's at UGA and also former Head football coach at Auburn University, had this to say of Leebern, "it didn't make any difference, practice or playing. He was always full speed. He absolutely would not lose. He'd find a way to win." Pat Dye was absolutely correct.

Standing 6 feet 3 inches tall, Leebern was picked by the Dallas Texans in the first ever American Football League draft. As he was getting ready to debut in the AFL, his father passed away. Instead of pursuing what would have been a career of fame and fortune in professional football, Don decided to return home to Columbus and take over the family business, Georgia Crown Distributing Company.

It is not surprising what happened to the business. Georgia Crown Distributing Company has grown into one of the top 500 private companies in America. He built the small struggling wholesale beverage distributor into a thriving and diversified regional business, making him one of the most influential people in Georgia. He served on the Georgia Athletic Board and is a member of the University System of Georgia Board of Regents, which he chaired in 1994 and 1995. Leebern has been able to use his influence to better his community by, among other things, getting state funding for a basketball arena and physical education building at Columbus State—the Lumpkin Center.

The University of Georgia's Butts-Mehre Heritage Hall is where future Georgia football legends practice. It is also where Georgia's football history is housed, from Frank Sinkwich and Herschel Walker's Heisman Trophies, to photos of legendary Coach Wally Butts and jerseys of former Bulldog quarterback Fran Tarkenton. But there is only one name that anyone will see over the locker room at the Butts-Mehre Heritage Hall, specifically they will see, "The Donald Leebern, Jr. Memorial Locker Room." Certainly, it's a fitting reminder of all the good things Don has done for Georgia and the impact he's still having on future generations.

Don Leebern has certainly made a significant contribution to the state of Georgia and his life has certainly been a story of success. Congratulations, Don for a life of service. I applaud you for all you have done and wish you many more years of success in the arena.

TRIBUTE TO RABBI JEROME R. MALINO

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, it is truly an honor for me today to bring to the attention of my colleagues in the U.S. House of Representatives the celebration of two very significant milestones in the life of Rabbi Jerome R. Malino of Danbury, Connecticut. During the weekend of June 1st through the 3rd, the United Jewish Center of Danbury, as well as the entire Danbury community, will be celebrating Rabbi Malino's 90th birthday, and marking his 66th year of continuous religious, spiritual, cultural, civic, and educational leadership for the people of Danbury.

Rabbi Malino has had a deep, wide and profound impact on the people and the City of Danbury. Certainly he could have served as Rabbi in any of the major cities of our nation, but he choose Danbury as a young man and elected to stay with us for nearly seven decades. He, and his wonderful wife, Rhoda, made that decision out of a great commitment to serve not only as Rabbi to a congregation, but as Rabbi of an entire community—through all of the ups and downs, problems and blessings, that come to the life of a community. Rabbi Malino's decision was a perfect fit, and a great blessing to us all, 66 years ago, and it remains a perfect fit today—all to the tremendous benefit of Danbury and its people.

Rabbi Malino has been active in nearly every aspect of Danbury life. He served as a member of the Board of Education for twenty years, including ten years as its Chairman. He was active with the Danbury Music Center and the Danbury Concert Association for more than two decades. He was a member of the Board of Directors of the local anti-poverty agency, and many other local human service organizations. For several years, Rabbi Malino served also as chaplain of the Federal Corrections Institution in Danbury.

While he officially retired in 1981, Rabbi Malino remains active today at the United Jewish Center, and continues his work as Rabbi Emeritus. As was said in a book of essays published in his honor, "His lifelong love of Torah and learning are evident in his eloquent sermons and writings, whether his discourse is on history, art, philosophy, or Bible. To this day, his schedule is as full as ever, for he willingly shares his wisdom with all who seek it, whether congregant, colleague, or rabbinical student at the Hebrew Union College—Jewish Institute of Religion, where he has taught for many years."

Rabbi Malino is a man of conviction and commitment. This dedication, coupled with his deep religious faith, have made him a beloved leader and citizen of Danbury, our State of Connecticut, and, indeed, our entire country. As United Jewish Center Rabbi Bradd Boxman said recently, "Rabbi Malino is a legend not only in Danbury, but nationwide. He is a treasure to the Jewish people." I would only add, he is a treasure to us all.

Mr. Speaker, it is both a personal pleasure and privilege to honor Rabbi Malino, a man I have known well for over 25 years, and have the privilege of calling a close personal friend. On behalf of the Congress of the United States, I extend to Rabbi Malino best wishes for a most joyous birthday celebration, and our expression of deep gratitude for all of his many contributions to his congregation, the people of Danbury, and our nation. thank you, Rabbi.

HONORING RICHARD AND BARBARA SKLAR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Ms. PELOSI. Mr. Speaker, next week my constituents in San Francisco are gathering to celebrate the homecoming of two very special people, Richard and Barbara Sklar. Ambassador Richard Sklar returns to San Francisco from 5 years in Southeastern Europe where he coordinated programs with the European Union, World Bank, IMF and other donor countries to promote the economic reconstruction and strategic reform of eight Balkan countries. Now home in San Francisco, Richard will oversee the building of new energy plants for the State of California and build a private international mediation program.

Barbara Sklar, an accomplished artist for the past 35 years, has shown her work in galleries and group shows from New York to California. For the past five years, Barbara has worked in Bosnia, New York and Rome, and has exhibited her work from Florence to Sarajevo. An accredited specialist on aging, Barbara has shared her expertise the several Bay Area communities through her service at the Mt. Zion Hospital in San Francisco.

Richard and Barbara Sklar are being honored May 30, 2001 by San Francisco's Delancey Street Foundation, a residential rehabilitation community that provides housing and training to thousands of ex-convicts and recovering addicts at no cost to the client or taxpayers. At that time, Delancey Street's Crossroads Cafe will show Barbara's watercolor exhibit "Round Trip," a portion of the proceeds of which will assist in making it possible for hundreds of people to be trained in the hospitality field.

The Sklar's service to our country and our community is indeed a cause for celebration.

HONORING CAPITAL HIGH SCHOOL PRINCIPAL ANDREW RENDON

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. UDALL of New Mexico. Mr. Speaker, this is an emotional day for the public school system in Santa Fe, New Mexico, as we say goodbye to an educator who is dear to our hearts. Today, we say farewell to Capital High School Principal Andrew Rendon, who is retiring after 27 years of dedicated service to New Mexico public schools.

Mr. Rendon began his career as a 21-year-old student teacher at Robertson High School in Las Vegas, New Mexico. Additionally, he spent two years at West Las Vegas Junior High, also in Las Vegas. Mr. Rendon then moved into the Santa Fe school system, teaching history at Capshaw and Alameda middle schools, and one year at Santa Fe High School. After his promotion to the Assistant Principal of Alameda Middle School, he transferred to Capital High, where he has been the principal for the last ten years.

The challenges facing Capital High have mounted over the past several years. The enrollment of the school has quickly risen to more than 1,400 students. In fact, Capital High is larger than Mr. Rendon's hometown community of Chama, New Mexico. In 1998–99 Capital High's dropout rate of 11.9 percent was the highest in the district.

Mr. Rendon has embraced these challenges by taking a hands-on approach in working with students to ensure their success, despite the daily hardships these students face. He has helped the Santa Fe Public School system aggressively institute literacy programs, beginning with kindergartners, to prepare students for high school. Mr. Rendon routinely spends time every day conversing with students and spending time with them on a one-on-one level, paying close attention to the issues that students face every day. His students say Mr. Rendon is a caring, "cool" individual, who "is fair with students and doesn't play favorites." Mr. Rendon helps his students to realize the importance of a quality education, which in turn helps them to stay in school. As a result of his undying efforts, the school's TerraNova ranking has risen eight points, and the school's dropout and attendance rates have significantly improved.

Mr. Speaker, I wish to recognize the tireless efforts of one of the most committed educators, Andrew Rendon, who has dramatically impacted the lives of thousands of students. I want to thank him for his work to overcome the hardships facing educators across the state of New Mexico. Mr. Rendon will be greatly missed.

PAYING TRIBUTE TO EDIE BLUHM GOIK

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. ROGERS of Michigan. I rise today to congratulate Edie Bluhm Goik on being named an Honorable Mention winner in the 2001 Reading Is Fundamental National Poster Contest.

The creativity Edie has shown in this program is truly admirable. The self motivation she has demonstrated is certain to serve her into the future. I'm confident that this achievement will be only one of many during Edie's school years.

Mr. Speaker, I ask my colleagues to join me in congratulating Edie Bluhm Goik on being named an Honorable Mention winner in the 2001 Reading Is Fundamental National Poster Contest and in wishing her future success.

TAIWAN CELEBRATES PRESIDENTIAL ANNIVERSARY

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. CHAMBLISS. Mr. Speaker, a year ago, Mr. Chen Shui-bian, a former mayor of Taipei, captured the imagination of Taiwan voters and won Taiwan's presidency. Twelve months later, Mr. Chen has impressed the world with his leadership. At home, Chen has continued to push for greater democratic rights and accelerated economic reforms, especially banking reform. He has pledged to make his people and the world proud of Taiwan's human rights record and to do everything possible to stimulate Taiwan's domestic economy. In addition President Chen has announced on a number of occasions how he will try his best to conduct meaningful dialogues with Mainland Chinese leaders, hoping to achieve eventual reunification with the mainland.

Mr. Speaker, Taiwan is an open, free and democratic country, home to over 93 political parties, and virtually every level of public office in Taiwan is vigorously contested through free and fair elections. Most important of all, Taiwan is our friend and one of our most important trading partners. We wish Taiwan well, and its President good luck and good fortune on the eve of his first anniversary in office. We welcome President Chen to the U.S. and wish him the best.

TRIBUTE TO FRANKLIN JOHNSON

HON. JAMES. H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, this Friday, May 25th, a celebration will occur in my Connecticut congressional district that honors a man most deserving of our praise, respect and congratulations. Franklin Johnson of Naugatuck, Connecticut will be honored for 50 years of service to veterans, young people, his community and his country.

Born October 13, 1924, Mr. Johnson attended school in Naugatuck, graduating in 1942. Like many young men at that time, upon graduation he enlisted in the Army and saw significant action overseas, including the D-Day invasion at Omaha Beach, the liberation of Paris, and the Battle of the Bulge.

Following his years of military service to our nation, Mr. Johnson returned home and graduated from Springfield College in 1951. Two other events occurred that year that reflect the character and dedication of Frank Johnson. In August, he wed the former Jeanne DeCarlo, with whom, as his beloved wife of 50 years, he has raised a family of four children, and now eight grandchildren. That same year, he started his career at Naugatuck High School, where he eventually served for thirty-eight years as a teacher, guidance counselor and administrator.

At Naugatuck High School, Mr. Johnson paid tribute to the men and women who served in the Armed Forces, especially those that made the ultimate sacrifice for our country. Each year he has conducted a ceremony honoring our fallen heroes on the Friday before Memorial Day. This Memorial Day will mark his 50th such service.

Mr. Johnson has served as Post Commander of American Legion Post No. 17 in Naugatuck and has been a mainstay in Connecticut in keeping alive the memory of all servicemen and women. Since 1988, he has served as Chairman of the Naugatuck Veterans Council, which sponsors the annual Naugatuck Memorial Day Parade, recognized as one of the finest such events in the entire United States.

Mr. Speaker, during the course of Frank Johnson's nearly 77 years, he has dedicated himself to the advancement of Naugatuck's young people, to his fellow veterans across the nation, to his community and to his family. He has set an exemplary standard for all of the rest of us to follow.

On behalf of the Congress of the United States, I commend Frank Johnson on his service to his country and thank him for his great contributions to securing and improving the quality of life for us all.

HONORING HOWARD AND MARY LESTER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Ms. PELOSI. Mr. Speaker, I rise to salute Howard and Mary Lester for their longstanding entrepreneurial and philanthropic commitment to the San Francisco community. The Lesters are being honored on May 30, 2001 by San Francisco's Delancey Street Foundation, a residential rehabilitation community that provides housing and training to thousands of ex-convicts and recovering addicts at no cost to the client or taxpayers. Delancey Street will thank the Lesters for their generosity in donating furniture, dishes and flatware to the foundation's Crossroads Café, making it possible for hundreds of people to be trained in the hospitality field.

Howard Lester purchased Williams-Sonoma, Inc. in 1978. As Chief Executive Officer and Board Chair, he built Williams-Sonoma, The Pottery Barn, Hold Everything, and Chambers into phenomenal success stories. In April 2001, he turned over his CEO responsibilities, but remains Chairman of the Board. In addition, he has committed to sharing his expertise and success with young people through his endowment of the Lester Center for Entrepreneurship and Innovation at the University of California at Berkeley.

Mary Lester is a longtime philanthropist whose activism with various nonprofit boards and community organizations has greatly enriched the City of San Francisco. She chaired the Raising Hope charity campaign, raising millions of dollars for cancer research programs at the University of California at San Francisco Medical Center.

I am proud to join my constituents in thanking Howard and Mary Lester for their years of service. Our community has been blessed by their visions and generosity.

INTRODUCTION OF THE SOCIAL SECURITY NUMBER PRIVACY AND IDENTITY THEFT PREVENTION ACT OF 2001

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. SHAW. Mr. Speaker, today we continue our quest to protect the privacy of every American by cracking down on the fraud, abuse, and theft of Social Security numbers through the introduction of the "Social Security Number Privacy and Identity Theft Prevention Act of 2001."

Beginning last year, the Ways and Means Subcommittee on Social Security has heard about the truly devastating effects of identity theft. Colonel and Mrs. Stevens of Maryland saw their Social Security numbers used on 33 fraudulent accounts accumulating $113,000 of bad debt. Mr. Bob Horowitz, a single father and small business owner from my district, saw his number used to open five fraudulent credit accounts. Months and years later these victims were still spending time, money, and energy to clear their names.

This week we heard from two more of the countless number of victims who have had their identity stolen and their credit ruined. Nicole Robinson of Maryland had her personal information stolen by a worker for a business that maintained HMO data bases. Her identity thief charged $36,000 worth of goods in three months using Nicole's hard-earned good credit. These crimes have impacted Nicole's ability to refinance her home, obtain credit, and purchase cellular phone service.

Emeka Moneme of the District of Columbia had his personal property stolen at a gym in Ohio last year. He believes the crucial piece of personal identification his thief obtained was his Social Security number. This theft resulted in 13 fraudulent accounts with a total of $30,000 in stolen credit.

It's no wonder why, in a Wall Street Journal poll last year, respondents ranked privacy as their number one concern in the 21st century, ahead of wars, terrorism, and environmental disasters.

When Social Security numbers were created 65 years ago, their only purpose was to track a worker's earnings so that Social Security benefits could be calculated. But today, use of the Social Security number is pervasive.

We have literally developed a culture of dependence on the Social Security number. Businesses and governments use the number as the primary way of identifying

Although Social Security numbers are used for many legitimate purposes, the wide availability and easy access to this very personal information has greatly facilitated Social Security number—related crimes and generated a growing concern for privacy. According to the Federal Trade Commission, Social Security numbers are a crucial piece of information used to commit identity theft.

The occurrence of identity fraud against U.S. consumers has increased dramatically in recent years. Identity theft is considered the fastest growing financial crime in the country, affecting an estimated 500,000–700,000 people annually. Allegations received by the Social Security Administration's Hotline involving potential fraudulent use of Social Security numbers for identity theft increased from 62,000 cases in fiscal year 1999 to over 90,000 in fiscal year 2000—almost a 50 percent increase in just one year. In fact, the Sheriff's office of Broward County, Florida, my home county, recently said that the number of reported cases of identity fraud is up 3,000 percent in the past year.

What's worse, the nightmare of identity theft continues for the victims years after their identity has been stolen. Studies show identity theft victims spend 2 years trying to remove an average $18,000 in fraudulent charges from their credit reports. Also, victims spent an average of 175 hours and $808 in out-of-pocket costs (not including legal fees) trying to fix their problem.

Identity theft is such a concern for consumers that two of our nation's leading insurance companies now offer policies insuring their customers from financial losses associated with identity and credit card theft. Customer surveys found that internet-related liabilities were high on the list of losses most insurance companies have yet to address. One insurer's web site included statistics from the credit reporting agency, Trans Union, who reports receiving a 15-fold increase in calls with questions or complaints about identity theft from 1992 (35,000 calls) to 1998 (554,450—over 1,500 calls per day).

Clearly, there is a need for a comprehensive law that will better protect the privacy of Social Security numbers and protect the American public from being victimized. That is why last year, I, along with Mr. MATSUI, Mr. FOLEY, Mr. KLECZKA, and other Subcommittee members introduced H.R. 4857—the "Social Security Number Privacy and Identity Theft Prevention Act of 2000." This legislation took a comprehensive approach to achieve this goal by addressing the treatment of Social Security numbers in both the public and private sectors.

While H.R. 4857 was approved by the Committee on Ways and Means at the end of last year, it was not considered by the full House of Representatives before the end of the session, due to its referral to other Committees of jurisdiction who did not take action on the bill.

Today, I re-introduce the "Social Security Number Privacy and Identity Theft Prevention Act of 2001." This bipartisan, comprehensive legislation is very similar to last year's bill. In the public sector, the bill would restrict the sale and public display of Social Security numbers, provide for enforcement of the provisions, and establish civil and criminal penalties for violations.

In the private sector, the bill would restrict the sale, purchase, and display of Social Security numbers, limit dissemination of Social Security numbers by credit reporting agencies, and make it more difficult for businesses to deny services if a customer refuses to provide his or her Social Security number.

Based on the thoughtful comments we have received, this new legislation reflects a small number of fair and appropriate modifications, including the following:

Since the Federal Trade Commission does not have jurisdiction over financial institutions, our bill would now authorize the U.S. Attorney General to issue regulations restricting the sale and purchase of Social Security numbers in the private sector.

Similar to our provisions affecting the public sector, we make explicit our intent that the prohibition of sale, purchase, or display of Social Security numbers in the private sector would not apply if Social Security numbers are needed to enforce child support obligations.

To help prevent other individuals from suffering the same tragic fate as Amy Boyer, we include a new provision that prohibits a person from obtaining or using another person's Social Security number in order to locate that individual with the intent to physically injure or harm the individual or use their identity for an illegal purpose.

We have clarified the provision that would prohibit businesses from denying services to individuals who refuse to provide their Social Security number, including an exception for those businesses that are required by Federal law to submit the individual's Social Security number to the Federal Government.

Mr. Speaker, I encourage all Members to co-sponsor this critically important legislation. We must act now to protect the privacy of Americans' Social Security numbers and to stop identity thieves from preying on those who have spent a lifetime achieving their good credit rating.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. JONES of North Carolina. Mr. Chairman, I rise today in opposition to H.R. 1, the Elementary and Secondary Education Act Reauthorization. I supported the vast majority of President Bush's original plan to 'Leave no child behind' because it demanded accountability for results combined with greater freedom from Washington-knows-best regulations. However, the original bipartisan program of local control was gutted in committee and the resulting bill unwisely expands the size and scope of the federal role in education.

The President's proposal to free states and school districts from thousands of burdensome federal regulations in exchange for a commitment for increased performance (also known as Straight A's), along with the proposal to allow low-income children attending failing schools to attend a private school were removed from the bill. The President's proposal to consolidate nearly 60 separate elementary and secondary education programs into flexible funding programs that states and local schools could use to meet their most pressing needs was also rejected. When they removed the pilot program for school choice, I realized that this bill would offer few new options for better scholastic opportunities for poor, inner city and rural children. If we can't offer the hope of a brighter future to the children who need it the most, then what have we accomplished?

While I support flexibility in federal funds to local school districts and school choice to allow our children to escape failing schools, I could not endorse increased federal testing requirements. In 1994, Congress passed the Improving America's Schools Act that mandated states to annually test students in reading and math in at least one grade in each of three grade ranges (3-5, 6-9, and 10-12). Implementation of these tests was to begin in the 2000-2001 school year, with a possible one-year waiver. As of January 19, 2001, only 11 states have complied with this testing requirement, 14 have largely complied and applied for a one-year waiver, and 6, including North Carolina must make changes to come into compliance with this law. The remaining states are still not in compliance with this law. I could not in good conscience vote to add another layer of testing requirements onto states that have not been able to implement the first federal testing mandate enacted in 1994.

It was a sad day for me to oppose a bill that originally showed such promise and innovation for the teaching and achievement of our nation's children. H.R. 1, the bill that emerged from committee increased the budget of the Department of Education, an agency that has already demonstrated its inability to account for the use of its funds. Additionally, it stripped even more local control and flexibility over the use of federal money. I cannot vote for a bill that continues the status quo by expanding the role of the federal government in local education and throws even more taxpayer money to an inefficient bureaucracy like the Department of Education. I believe that parents and local education officials including principals and teachers—not bureaucrats in

Washington—know what is best for our children.

If the original elements of choice, flexibility, and consolidation had remained in the bill, I could have and would have voted for it. But in its final form, the bill is nothing more than a burdensome, bureaucratic, big-government shell of its former self. I will continue to work for restoration of President Bush's balanced proposals, as this bill moves to negotiations to reconcile the House and Senate versions. Until that time, I feel that I have no choice but to do what is in the best interest of my district and the people of North Carolina by voting "no" on final passage of this particular education bill.

FUEL TAXES

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. MANZULLO. Mr. Speaker, our country faces difficult energy policy issues. Every day, people fill their gas tanks in order to get to work and support their families. For every gallon of gasoline they buy, they pay federal, state and local sales and excise taxes. Current federal policy requires taxes to be paid on the income that pays for all of those sales and excise taxes. In my view, that is double, sometimes triple, taxation. That is wrong. Taxpaying Americans should not be required to pay income taxes on taxes that must be paid. Congress should make every attempt to eliminate from our books policies that do just that.

That is why I rise today to introduce legislation that would allow all taxpayers to deduct from their income level those taxes that are paid on gasoline. This means that people would not be forced to pay income taxes on those taxes that are paid for fuel that Americans need to get to work, go to school, attend church, drive to hospitals to see hurting loved ones, and other of life's necessities.

This is not a quick fix to our energy problems—by any stretch of the imagination. It is an attempt to help give some relief to taxpayers who are forced to pay exorbitant fuel costs caused, in most part, by federal regulatory requirements. Those costs, especially in Illinois, are compounded by state and local sales taxes that rise as a percentage of the overall price of fuel instead of the per gallon excise taxes.

I believe it is wrong to ask Americans to pay income taxes on money that they pay in other taxes, whether it is a federal, state or local tax.

HONORING THE ARNOLD ENGINEERING DEVELOPMENT CENTER OF THE OCCASION OF ITS 50TH ANNIVERSARY

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HILLEARY. Mr. Speaker, I rise today in honor of the United States Air Force's Arnold Engineering Development Center at Arnold Air Force Base, Tennessee, which celebrates its 50th Anniversary on June 25, 2001.

The test center is named after 5-star General Henry 'Hap' Arnold, World War II commander of the Army Air Corps, and the father of the United States Air Force. In 1944, General Arnold asked Dr. Theodore von Karman to form a scientific advisory group to chart a long-range research and development program for the Air Force. After World War II, members of this group visited Germany to view its research and development facilities. They were disturbed to find that the German scientists were years ahead of the United States in the development of aerospace technology. Fortunately for us, Germany had made these technological advances too late in the war, and had to surrender before it could take full advantage of them. Even today, it is chilling to think what might have happened if the Axis powers had been able to hold out just a little longer.

General Arnold knew that America was unlikely to be that fortunate again, and determined that in order to keep America's Air Force prepared to fight and win our nation's wars, we needed a first class flight simulation test facility. In 1949, Congress authorized $100 million for the construction of such a facility at the Army's old Camp Forrest between Tullahoma and Manchester, Tennessee. On June 25, 1951, President Harry S. Truman himself dedicated AEDC, declaring that, "Never again with the United States ride the coat tails of other countries in the progress and development of the aeronautical art."

In the 50 years since, the world's largest and most complex collection of flight simulation test facilities had made good on that promise. AEDC's wind tunnels, jet and rocket altitude test cells, space chambers and ballistic ranges have played a vital role in the development and sustainment of every American high performance aircraft, missile and space system in use today. Twenty-seven of the center's 59 test facilities are unique in the United States. Fourteen can be found nowhere else in the world. But what makes AEDC special can't be measured simply in nuts and bolts. It also lies in the unsurpassed quality of the engineers, scientists, technicians, craftsmen and support personnel who work there.

Thanks in part to the tireless efforts of these dedicated men and women, the Cold War that President Truman and General Arnold prepared for has been won. But now, America faces an uncertain world of emerging threats, requiring the development of an advanced American space and missile defense, and a new generation of manned and unmanned aircraft. As it has since its inception, AEDC will lead the way in the U.S. Air Force's efforts to protect American liberty by remaining the world's preeminent aerospace power.

I salute the hard work of the men and women of AEDC, both past and present, and look forward to AEDC's next 50 years as America's premier flight simulation test facility.

RECOGNIZING RICHARD THOMAS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Richard Thomas, who is retiring after 28 years as the viticulture instructor at Santa Rosa Junior College in Sonoma County, California

Mr. Thomas is the country's leading authority on wine grape production and has introduced growing techniques that have improved the crop quality and made Sonoma County one of the premier wine grape growing regions in the world.

During a yearlong sabbatical in New Zealand and Australia in the late 1980's, Mr. Thomas studied vine trellising techniques that revolutionized wine grape growing in California. By managing the grapevine's leaf canopy and lifting the vines to expose the grapes to air and sunshine, the fruit is more flavorful and is less susceptible to disease. By utilizing the technique taught by Mr. Thomas, growers are able to produce the highest quality of grapes. Sonoma County is now considered the world leader in canopy management.

Mr. Thomas has educated and trained the majority of people who own or manage vineyards on California's North Coast. According to his own estimates, 70% of Sonoma County's vineyards are either owned or managed by one of his former students.

In addition to his teaching duties, Mr. Thomas founded the Sonoma County Grape Growers Association and the Sonoma County Vineyard Technical Group.

He has coordinated the wine judging at the Sonoma County Harvest Fair, the West Coast Wine Judging in Reno, Nevada and the Central Coast Wine Judging in Santa Maria, California.

Mr. Thomas lectures throughout the country on wine grape growing and also writes a monthly column for Vineyard & Winery Management Magazine.

Mr. Speaker, because of Mr. Thomas' innumerable contributions to wine grape growing and specifically to the industry in Sonoma County, it is fitting to honor him today and to congratulate him for his many accomplishments.

HONORING JACK MURTAUGH

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, on Wednesday, May 30th, 2001 family, friends, community leaders and well-wishers will gather to congratulate Mr. Jack Murtaugh on his retirement from the Interfaith Conference of Greater Milwaukee, the last 12 as its executive director.

I have known Jack for many years, and have always admired his vision to unite persons of all faiths with a common agenda of social justice. Together with other community and religious leaders in the greater Milwaukee area, Jack has worked to move our community from awareness of issues such as poverty and discrimination to a platform of action.

Jack's service to Milwaukee and Wisconsin dates back to the 1960s when he founded the Center for Community Concerns and served as its executive director in Racine in 1968. In the '70s he was appointed to then-Governor Patrick Lucey's Task Force on Offender Rehabilitation and the Task Force on the Metropolitan Problem. Jack's work and his potential were recognized in 1971 when he was named one of "Five Outstanding Young Men in Wisconsin" by the Wisconsin Jaycees.

In an effort to seek global solutions to human rights issues, Jack took a five-month sabbatical traveling alone throughout Africa, including South Africa and Kenya, and South America. He made important connections with leaders in each country and village he visited and worked with them to increase understanding and dialogue among people of different faiths from diverse races and cultures.

Jack brought those lessons back to the states. In 1982, he joined the staff of the Interfaith Conference as program Director in 1982, and was appointed vicar for human concerns for the Milwaukee Archdiocese in 1987. In 1989, Jack was named Executive Director for Interfaith, where he has expanded the presence of the Conference in the Milwaukee community, strengthened relationships internally and externally, and re-affirmed the dedication of the Conference for staff and its many volunteers.

The greater Milwaukee community will acknowledge Jack's contributions by honoring him with the 2001 Social Justice Award from the Archdiocese of Milwaukee (5/01), and the 2001 Annual Philip E. Lerman Racial Justice Award from the YMCA (6/01).

Jack and his wife Lucia will continue to live in Milwaukee, and will continue to address issues of social and economic justice in defense of human dignity. I rise to commend Jack Murtaugh for his commitment to justice for all and for years of work to create compassionate care for those in need.

TRIBUTE TO NATIONAL TAP DANCE DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. CONYERS. Mr. Speaker, tap dancing is widely recognized as America's only original form of dance, yet for years it has been in danger of becoming a lost art. I introduced a resolution that established each May 25, as National Tap Dance Day on September 15, 1988. As a result, people have been coming together to celebrate tap dancing through both performance and study and examine the incredible contributions made by legendary dancers such as Howard "Sandman" Sims, the Nicholas Brothers and contemporary dancers such as Gregory Hines.

I chose May 25, as National Tap Dance Day because it is was the birthday of Bill "Bojangles" Robinson. Mr. Robinson is credited with bringing this unique art form to perfection. Moreover, he was genuinely talented and well known worldwide for his work in movies and contributions to the art of tap dancing on both stage and film.

Tap dancing has had an influence on other types of American art, including music, vaudeville, Broadway musical theater, and film as well as other dance forms. Presently, Savion Glover is the new young star of the tap dancing profession. He is the youngest man ever to be nominated for a Tony award for his performance. Savion has appeared with Gregory Hines and Tommy Tune on television in, Dance in America: Tap! He has also served as an inspiration for other young tap artists like the actor Dulé Hill. However, if tap is not encouraged, it runs the risk of losing its popular support. Unless we continue our efforts to preserve tap, we are in danger of losing an art form that is an uniquely American creation.

By passing the resolution designating May 25 as National Tap Dance Day, we in Congress have focused national attention on this great art form. Moreover, people around the country have come to better appreciate tap as an important part of our cultural heritage. I am pleased to know that the enactment of National Tap Dance Day and its annual celebration has served to increase public recognition, and support not only in this country but internationally as well.

EMILY CIAK HONORED FOR ESSAY ON FREEDOM

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to commend Emily Ciak, a senior at Northwest Area High School in my district, for an essay on freedom that she composed for the VFW's Voice of Democracy program. For this outstanding essay, Emily placed first at the local level in VFW Anthracite Post 283 of Kingston, first place in the District 11 competition and fourth overall in the Department of Pennsylvania finals held in Harrisburg.

I would also like to thank Al Long, a member of Post 283 and chairman of the legislative committee of the Pennsylvania VFW, for bringing Emily's essay to my attention.

I am pleased to call Emily's fine work to the attention of the House of Representatives, and I wish her all the best in her future endeavors.

Mr. Speaker, at this time, I would like to insert a copy of this essay into the CONGRESSIONAL RECORD so that others may read and be inspired by it as well:

> I wake up in the morning to an alarm clock. I will then proceed to shower, eat breakfast, and go to school. After school I usually attend an athletic practice, drama practice, youth group band practice, youth group, or even a club meeting. On weekends I work as a grocery store cashier, and I attend church. If I have time throughout my week, I will hang out with friends, talk on the phone, or go on the Internet. What, you're probably asking, is my point?
>
> Well, the big problem with my life and the life of most young Americans today is that we simply take our lives' freedoms for granted. I don't think about school as a privilege. I don't think about athletics as something that I'm blessed to be involved in. I don't even always think of church as an example of freedom. Why is this?
>
> According to Webster's dictionary, "price always implies that an article is for sale; what a man will not sell he declines to put a price on." Think about that for a second. A price is only on something that is for sale. Well, if it's for sale it must be bought, right?
>
> This is our problem. This is the missing link. We tend to forget that our freedom was bought for us. We tend to disregard the importance of the Revolutionary War, the War of 1812, the World Wars, the Korean War, and the Vietnam War. We forget that freedom is not something that every human being is given automatically at birth. Freedom is something that needs to be bought, most times by lives. Freedom is for sale, but it is something that is not easily placed on the market.
>
> As I go through each day, I hardly ever stop to think why I am privileged to be an American. I take it for granted that I have food on the table, a public education, and the freedom to do with my life as I choose. I think this is something I should change. It is something that Americans need to change. We need to stop our busy lives for a second and start thinking about this price of freedom.
>
> Men and women served our country to make it into the place it is now. They fought for our country, and won for our country. Even today we still have veterans alive that have gone through the war. They know what it's like to be a true patriot, loyal to our country. They know what it's like to see their friends dying in battle next to them. They know what it feels like to have their freedom at risk. We, as the ones who do not know of a life without freedom, need to start appreciating our veterans and start appreciating our war heroes of both the past and present. We need to recognize how precious our freedom is and how at any given second it could be snatched from our hands. We need to give credit where credit is due and stop forgetting that life is a gift.
>
> Now if our freedom was bought for a price, and this price was war and death, then wouldn't it be great if our freedom was forever? If something is bought for a price, it can just as easily be given away or re-sold. Considering that our freedom could be snatched away from us brings up an important responsibility issue. We, as citizens of the United States of America, have the responsibility to make sure our freedom will last. We need to make every effort to stand up for ourselves in the times of danger. We need to take action when our freedom is in jeopardy and we have to remember how precious our freedom really is.
>
> Just as easily as a priced item can be re-sold or given away, it can also just as easily be preserved and kept by one owner for a very long time and passed on from generation to generation in his/her family line. This, America, correlates with our own duty regarding freedom. We must pass on this gift of freedom that our previous generations have fought for and that our present generations are now preserving for us and for our future generations. We need to teach the younger generations about the importance of our freedom and about the importance of its preservation. Just as freedom is not a birthright, it is also not something that American babies being born today, or at any other time, automatically recognize as a gift to

keep. We are the ones that need to pass on this torch of freedom and loyalty to our country. We need to set the precedent and be the example. Freedom does have a high price, and all must know about this.

Yes, I will still wake up to an alarm. I will still attend school. I will play in my youth group's band. However, I have now realized that I must appreciate the fact that I can freely participate in such activities and show others the value of freedom. Thank you, servicemen and servicewomen for allowing me to live a life of freedom; and thank you for paying the price for this freedom.

CHANCE C. MELTON, JR., HERO OF THE PACIFIC THEATER

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. SPRATT. Mr. Speaker, as Memorial Day draws near, I want to remember one of my constituents, Chance C. Melton, Jr. of Gaffney, South Carolina, whose valor helped save hundreds of sailors from dying in the Pacific.

Chance Melton served in the United States Navy aboard the *USS Pittsburgh* during the latter stages of World War II. During his duty in the Pacific theater, Chance Melton helped rescue survivors of the aircraft carrier *USS Franklin* after it was bombed by the Japanese.

The *Franklin* was attacked early on the morning of March 19, 1945, in enemy waters, shortly before it was to launch an attack on the Japanese mainland. The attack killed 725 men, injured 200 more, and forced roughly a thousand overboard into the Pacific. Chance Melton, as a crew member on the *USS Pittsburgh,* helped pull dozens of sailors out of the water, and later helped as the *Pittsburgh* towed the *Franklin,* which miraculously was still afloat, for three days to get the carrier out of Japanese waters. Melton and his crew mates were under enemy attack throughout their operation, but they achieved their mission. They started the *Franklin* on its long but successful journey back to the Brooklyn Naval Yard. This was the first rescue in naval history to pull a disabled ship out of enemy waters.

For his service, Chance Melton was awarded the American Campaign Medal, the Asiatic Pacific Medal with three Silver Stars, and World War II Victory Medal. He served four years in the Naval Reserve before leaving military service. Chance became successful in textiles, and remains a leader in his community. He helped establish the Cherokee County Veterans' Museum, and has served as Commander of American Legion Post 109 since 1995. At age 85, Chance Melton is one sailor who is still going strong. I am pleased to honor his valor and unstinting service to our country.

INTRODUCTION OF A BILL TO CREATE EQUITABLE RETIREMENT ELIGIBILITY FOR MILITARY RESERVE TECHNICIANS

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. ABERCROMBIE. Mr. Speaker, today I introduce a bill that would provide comparable retirement eligibility for Military Reserve Technicians as applies to those on active duty.

For years, Congress has passed legislation on behalf of active duty service members and active duty retirees. Sometimes, full-time military reserve employees enjoy collateral benefits from this legislation. But often, they are not included. We are talking about Guard and Reserve employees who come to work in uniform each day; they are assigned to their military reserve unit and meet all military standards. They perform comparable, usually identical, military functions but in a civil service status. These are the employees that make our Guard and Reserve such a "good deal" for our country. Our reserve units can perform virtually all of the missions as their active duty counterparts at a fraction of the price because these dedicated full-time employees are available to provide continuity between unit training assembly, also known as drill, weekends.

Our Armed Forces are undergoing a thorough analysis and transformation to insure we are able and equipped to meet the evolving national security needs of tomorrow. It is obvious that the Guard and Reserve will continue to have vital missions and roles in this transformation. The Air Force has fully integrated the Guard and Reserve into its Aerospace Expeditionary Forces and cannot perform their scheduled rotations without them. The Army is studying the prospects of involving National Guard components in a more substantial role in Homeland Defense as recommended in the Hart-Rudman study.

Our hometown militia is here to stay, and so we must maintain benefits that will entice new young people to invest their future in the Guard and Reserves. One way to do this is to offer an attractive retirement package, similar to that of active duty members. This bill will do just that. Instead of having to wait until age 55 for a full civil service annuity, full-time military reserve technicians could retire at age 50. Or, once they have served over 20 years in civil service status, the number of years for retirement eligibility on active duty, they can retire at any age without a reduction in annuity.

It will continue to be challenging to recruit and retain young people into the armed forces. These challenges are not lost on the full-time reserve technician workforce. In many ways it will be worse, because the Reserves typically only recruit full-time staff from among those already in the service. In other words, they have a smaller pool from which to draw. It is our responsibility to make sure the Guard and Reserves remain strong and vital, and one way to do this is to invest in their human capital.

The legislation I am introducing today is important not only to our current military reserve technicians who may meet the new retirement eligibility, but also to those new prospects who are evaluating employment alternatives as they decide with whom to invest their future. Make it a priority today to strengthen our Guard and Reserves of the future.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility and choice, so that no child is left behind:

Mr. PASTOR. Mr. Chairman, I support H.R. 1, the No Child Left Behind Act, but I must point out some sections that I believe place students with Limited English Proficiency (LEP) at a disadvantage. I have been contacted by several organizations with an extreme interest in these provisions of the legislation, and I would like to point out some of the concerns we share. Hopefully, when Members of the House of Representatives and the Senate meet in Conference, these provisions of this historic legislation can be addressed to ensure complete fairness to all of America's children.

I oppose the requirement in Title I and Title III for parental consent for English Language Instruction. I would like to point out that current law already includes a requirement that schools notify parents about their child's participation in bilingual and English as a Second Language (ESL) programs. The provision in H.R. 1 goes further and requires every local educational agency (OEA) to obtain written parental consent before LEAs could serve limited English proficient children with appropriate bilingual instruction. In contract, LEAs using English only instruction would not have to seek such consent. In reality, this parental consent requirement would create a disincentive for schools to serve LEP students.

Title III of the No Child Left Behind Act also proposes to consolidate the current Bilingual Education Act (BEA), the Emergency Immigrant Education Program (EIEP), and the Foreign Language Assistance Program (FLAP) into one formula driven State grant. Addressing the unique needs of limited English proficiency students has reached critical levels. The approach taken in H.R. 1, consolidating these three programs, is counterproductive and does nothing to assist LEAs in providing adequate services for LEP and newly arrived immigrant students. I oppose the consolidation of these programs and urge the Conferees to maintain each as a separate and distinct entity.

Finally, Mr. Chairman, Title III also requires every LEA to design programs that assess LEP students in English who have attended school in the United States for three or more consecutive school years in reading or language arts, and if these students have not reached proficiency in English, the LEA will face economic penalties. Of course, Mr. Speaker, this will lead to LEAs proclaiming proficiency and removing these students from these programs whether they have learned English or not. This imposition of an arbitrary three year instructional time limit is ill advised and intrudes on the LEAs ability to help LEP students succeed. As we all realize, all students, including LEP students, come to school with diverse needs, and at different levels with respect to language proficiency, literacy skills, and academic preparation. Mandating that LEAs design programs that would ensure LEP students are transitioned to all-English classrooms would intrude on the school districts' abilities to tailor effective research-based curricula to individuals student needs. In addition, claims that all children can learn academic English in three years is in direct opposition to the findings of several credible research institutions. This is indeed an area where I agree with those who want more local control of our schools. Local schools are in the best position to evaluate the needs of its LEP students and therefore they should be given the flexibility necessary in designing these programs to best serve their students. Mandating from a Federal level to the local level the amount of time students receive academic and language support services directly contradicts the underlying policy of local control. I strongly urge the Conferees to strike provisions requiring school districts to design programs to exit LEP students before they are ready for all-English instruction.

In closing, I again want to point out my support for this legislation. However, if we truly do hope to "leave no child behind," we must look seriously at the provisions dealing with limited English proficiency students. I am hoping and trusting that the Conferees will make the right decisions on these important provisions of H.R. 1.

TRIBUTE TO LARRY McCORMICK

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize Mr. Larry McCormick for his 30 years of dedicated service to the people of Los Angeles as a news broadcaster with KTLA–TV.

Truly a multi-faceted, multi-talented, media professional, Larry has worked for over 40 years in the field of broadcasting—33 in television news. Joining KTLA in 1971 as a weatherman, Larry now serves as anchor of the station's "News at Ten Weekend Edition," and as weekday feature anchor for "News at Ten." He also co-hosts the highly-regarded "Making It: Minority Success Stories," seen every Sunday morning.

As the first African American news anchor in Los Angeles, Larry has served as a role-model for a generation of television journalists. His years of experience and reputation for honesty earned him the prestigious "Governor's Award," the highest honor presented annually by the Academy of Television Arts and Sciences. Over his long journalistic career, he has also been nominated for many Emmy Awards and has been the recipient of a number of Golden Mike Awards for news excellence.

Although very busy with career and family, Larry has always made time to give back to the city that has been the starting point of his success. Every year, this dedicated individual hosts the local United Negro College Fund and Muscular Dystrophy Association telethons and serves as "quiz master" for the Los Angeles Unified School District Academic Decathlon "Superquizzes." Emceeing nearly 2,000 programs in the greater Los Angeles community over the past 30 years, Larry also serves as a member of the board of directors for numerous community, as well as professional organizations. In addition, he has been the recipient of over 100 awards, citations and honors from government, civic and community organizations for his tireless devotion to the people of Los Angeles.

Mr. Speaker, on May 30, 2001, colleagues, friends and family will gather for a special evening to salute Larry McCormick's 30 years with KTLA. It is with great pride that I ask my colleagues to join me today in honoring this exceptional individual for his outstanding contributions to the broadcast industry and his ongoing commitment to serve the communities of Greater Los Angeles.

POLITICAL CRISIS IN INDONESIA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. PITTS. Mr. Speaker, recent political crises in Indonesia underscore the difficult challenges facing the development of democracy in that nation and region. The spectrum of issues includes human rights violations in Aceh, Irian Jaya, Malukus, Poso, and Padang, the Trisakti shooting, corruption cases, mass rapes of Chinese women in May 1998, and the upcoming parliamentary actions against President Wahid. At this moment, democracy in its infancy is being seriously challenged in Indonesia. No great principle or ideology, however, survives without facing serious challenges—challenges that can be surmounted with great sacrifice and leadership. Democracy is a principle for which it is worth fighting. And, I trust that the people of Indonesia and their leaders will continue to make every effort to see that democracy is established firmly so that the Indonesian people will enjoy true prosperity and peace.

Last June I led a delegation to Indonesia and shared with President Wahid deep concern about the presence of Laskar Jihad in the Malukus and the widespread violence and bloodshed perpetrated by this group. The President indicated he had ordered Laskar Jihad to leave and stay out—an encouraging sign for the suffering people in Maluku. Several weeks ago reports detailed the arrest of the leader of Laskar Jihad, Mr. Jafar Umar Thalib. Many hoped that the turmoil and killings in the Malukus would finally come to an end. Important progress has been made among the Moluccans themselves, both the Muslims and the Christians, with reconciliation, rehabilitation and the rebuilding programs for people in the Malukus. This reflects a foundation and strong desire for the Moluccan people to reconcile without interference from militant and extremist groups such as Laskar Jihad.

Unfortunately, continued reports from Indonesia about the arrest and then release of leaders promoting violence, particularly the release of Mr. Jafar Thalib from police custody, have discouraged many within Indonesia. There are widespread implications of the release of an individual who seems to only promote violence, bloodshed, and division. Mr. Thalib's, and other militant leaders' desires undermine the establishment and continued development of democracy, civil society, freedom, and peace for the people of Indonesia. In addition, the proposals of some groups to impose Sharia law on the entire nation raises great concerns. One is hard-pressed to find a country anywhere in the world in which democracy and Sharia law coexist.

The unrest and strife resulted in $90 billion in foreign investment leaving Indonesia in the year 2000. Yet, the international business community hopes to return investment to Indonesia and increase business and therefore jobs for local economies. Lack of rule of law and civil society create instability—an environment that threatens any economic growth. Businesses will find other markets in which to grow in Asia.

I, and many other Members of Congress, fully support the establishment and development of democracy in Indonesia. Civil society and stability will create a lasting atmosphere in which the beauty, diversity, and resources of Indonesia and the Indonesian people can grow and be enjoyed in peace and prosperity.

INTRODUCTION OF LEGISLATION TO NAME THE KOKOMO, INDIANA POST OFFICE FOR FORMER CONGRESSMAN ELWOOD "BUD" HILLIS

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BUYER. Mr. Speaker, I rise to honor one of the most distinguished men ever to represent the state of Indiana in the House of Representatives by introducing legislation to name the post office in Kokomo, Indiana for my good friend, former Congressman Bud Hillis.

Bud honorably and effectively served the people of Indiana's 5th District in the House of Representatives from 1971 to 1986. During his time in the Congress he was a reasonable and authoritative voice on matters of national security, trade, and veterans issues. A graduate of Indiana's Culver Military Academy, he enlisted to fight in World War II at the age of 18. He served as an infantryman in the European Theater for 27 months, leaving active duty as a first lieutenant. After the war, Bud attended Indiana University and the Indiana University School of Law. He went on to practice law in Howard County, Indiana, and served as Chairman of the county bar association.

Before his election to Congress in November of 1970, he served two terms in the Indiana House of Representatives. As a Member of the U.S. Congress, Bud was known for a unique combination of genteel civility and firm resolve. During his years in Washington, he was noted for his leadership on several issues of vital importance to Hoosiers and to the nation as a whole.

As a member of the Armed Services Committee, Bud was instrumental in the development and deployment of the M–1 tank and the preservation of Grissom Air Force Reserve Base. He took a serious interest in the automobile industry as a founding member of the Congressional Auto Task Force and was a leading advocate of the rescue of Chrysler. He was also a strong force in the Congressional Steel Caucus as Vice President of the executive committee. Bud also took seriously our nation's commitments to our veterans. As a member of the Veterans Affairs Committee, he was a leader in caring for our country's veterans, and was instrumental in the construction of the outpatient clinic at Crown Point.

Mr. Speaker, Bud Hillis has a distinguished record of service to his country and to the people he represented here in the House of Representatives. The dedication of the Kokomo post office, would be a fitting tribute for such an honorable and accomplished man.

HONORING LESLIE BELCHER SOWELL

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. WATKINS. Mr. Speaker, I rise today to honor my chief of staff, Leslie Belcher Sowell, who is leaving the service of Oklahoma's Third Congressional District this past Thursday, May 24, 2001 after many, many years as a member of my staff. Leslie is a multi-talented young woman whom I have watched grow and mature from a young congressional intern into a true professional as my top congressional advisor and most trusted political assistant.

Leslie grew up in Chandler, Oklahoma, in the Third District. She is a graduate of Chandler High School and Oklahoma State University in Stillwater.

Leslie first joined my staff as a congressional intern. Later, after she graduated from college, Leslie joined my office full-time as a staff assistant and receptionist. It wasn't long before Leslie earned a promotion to legislative assistant, and she eventually became one of my top assistants for the House Appropriations Committee. Her assistance as invaluable to my efforts to help the economic and job growth of the Third District.

When I left Congress after 1990, Leslie returned to OSU where she served on the staff of the university's government relations office. She returned to Capitol Hill a few years later to work as legislative director for my successor in the Third District, Rep. Bill Brewster, D–Oklahoma.

In 1996, when I decided to return to Congress, Leslie again joined me, this time as my chief of staff and top political advisor. In addition, she served as my legislative director and press secretary during the initial period of my first term back in Congress when we were organizing my new staff.

In 1997, during consideration of a major tax bill, Leslie became an underlying catalyst in my efforts to make sure former Native American lands in Oklahoma were eligible for tax incentives created to encourage economic development on Native American reservations. Leslie helped me guide this hallmark legislation through the Ways and Means Committee, through the full House, and through final passage. This legislation has meant more to economic growth and job development in Oklahoma than any efforts in recent history. Without Leslie Belcher Sowell's efforts, it would have been nearly impossible for me to see this legislation passed into law. Her last action in our office was making a phone call trying to get this process extended until 2009.

Leslie has always shared my goal of improving the economic conditions in rural Oklahoma, which is why she has been such a perfect fit for my staff. Leslie has been dedicated and committed to my efforts whether I was Democrat, Independent, or Republican.

I have had the privilege of watching Leslie grow in her career, seeing her marry the love of her life, taking on her most challenging and rewarding job ever—becoming a mother. Leslie is a dear friend, and I thank her for her service to the Third District, the State of Oklahoma, and the United States of America.

Leslie: I will miss you, and the Third District will miss you. May God bless you and your family. I tip my hat to you, and thank you for your loyal friendship and a job well done.

PRESIDENT BUSH'S ENERGY POLICY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. COSTELLO. Mr. Speaker, for months now, people in our area and all over the country have been upset with the ever-increasing cost of gasoline, and rightfully so. At a time when we are facing one of the most serious energy shortages in history I am especially interested in President Bush's plan for a national energy policy. I have strongly supported a long range energy policy for our country.

I believe the President's energy plan has many good points including a $2 billion coal initiative and increased use of reformulated gasolines using ethanol. However, I believe his proposal can be improved upon. For example, we have the ability now, to use reformulated gasoline in a much greater capacity. In addition, Congress needs to ensure the President's new Clean Coal Power Initiative is adequately funded. Coal, which we have an abundance of in Southwestern Illinois, is an excellent alternative use of fuel. I think the President's coal initiative is a great idea that can be expanded to include incentives for new and improved clean coal technologies. We can and should use this abundant resource in an environmentally sound way. Coal usage will greatly reduce our dependence on foreign oil and avoid a band-aid approach, like drilling in the Arctic National Wildlife Refuge.

Mr. Speaker, excluding California and Hawaii, my home state of Illinois is faced with the highest gas prices in the country. Cutting gas prices now is essential! This can be done in a variety of ways: opening marginal use wells, producing more ethanol and ensuring oil companies are not making record breaking profits from increased gas pricing.

I have also started hearing from many farmers who want to hear more about the role ethanol will play in the President's plan. I was very disappointed to learn that Vice President CHENEY does not believe alternative fuels are a viable option right now. CHENEY stated "Years down the road alternative fuels may become a great deal more plentiful. But we are not yet in any position to stake our economy and our own way of life on that possibility." We can and should use alternative fuels now! In 2000 alone the ethanol industry expanded production by 155 million gallons and is on course to increase by an additional 400 million gallons in 2001. Each day more than 5 million gallons of ethanol are blended into about 65 million gallons of gasoline—adding critical volume to a tight gasoline market and reducing the pressure on price. Ethanol is far less expensive than MTBE—refiners could replace $1.50 of MTBE with 50 cents of ethanol.

Mr. Speaker, I hope Congress will ensure improvements are made to the President's plan that will allow for immediate relief and assure our constituents that we will not continue the upward spiral of higher gas prices or greater dependence on foreign oil year after year.

TRIBUTE TO PROVIDIAN FINANCIAL CORPORATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Ms. LEE. Mr. Speaker, I am extremely honored and proud to rise today to salute Providian Financial Corporation for its selection as this year's Quality Cup service industry award winner, as named by the Rochester Institute of Technology and USA Today.

On learning of Providian's selection, I felt a special sense of pride in knowing that this company is based in the Bay Area and that thousands of its employees live and work in my district.

Providian is an outstanding corporate citizen. In my own district, Providian partnered with the NFL Oakland Raiders to raise more than $40,000 last year for a children's education center. The company's dedication to the community translates to its business practices as seen by this recognition of its high quality customer service.

Providian also deserves commendation serving people along every point of the economic spectrum. The company believes that providing access to credit helps people build better lives. And, it works hard to help people obtain and manage the credit they need.

To ensure quality service, Providian records every sales call. It has empowered its customer representatives to resolve complaints on the first call. It has put in place new systems to help customers protect their credit records with last-minute payments by phone and the Internet. With initiatives like these, Providian has made service its hallmark.

Remarkably, Providian has implemented these changes and recorded a steep drop in complaints at the same time it has dramatically increased the number of customers it serves.

I hope my colleagues in the House, and all Americans, will join me in saluting Providian for a job well done. I hope that all of corporate America will look at their example of being a good corporate citizen.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. PASCRELL. Mr. Speaker, due to an error on my part, on May 23 I erroneously voted in the affirmative for the Cox amendment to H.R. 1, rollcall No. 143.

My intention was to have voted in the negative for the Cox amendment to H.R. 1, rollcall No. 143.

DETROIT'S 300TH ANNIVERSARY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. KNOLLENBERG. Mr. Speaker, I rise today to congratulate the city of Detroit and its residents on the 300th anniversary of the city's founding. As the oldest city in the Midwest, Detroit is the place where Henry Ford made the automobile affordable for all people through the implementation and perfection of mass production. I want to thank Congresswoman CAROLYN KILPATRICK for introducing H. Con. Res. 80.

The city of Detroit also provided assistance for more than 40,000 individuals eagerly awaiting freedom as a stop on the Underground Railroad. Additionally, the city of Detroit has been coined the "Arsenal of Democracy", as Motor City residents bravely gave their services to our nation, contributing tremendously to the United States' victory in World War II.

With this year marking the 300th anniversary of Detroit's founding, it has grown into the tenth most populous city in the United States. Detroit has put the world on wheels, and exerts global influence in automobile manufacturing and trade. Furthermore, Detroit is an academic and cultural epicenter, and also exhibits a rich sports tradition. Many musical greats call Detroit home, and it was in this great city where the Motown Sound was born.

I wish to extend to each resident my hearty congratulations on Detroit's 300th anniversary. Their dedication and hard work makes Detroit a city to be commended on its important contributions to the economic, social, and cultural aspects of the United States.

ANOTHER MINNESOTA MEDICAL TECHNOLOGY SUCCESS STORY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. RAMSTAD. Mr. Speaker, the front page of the Wall Street Journal yesterday announced the Food and Drug Administration's approval of a break-through medical device produced by St. Jude Medical, and company located in my home state of Minnesota.

St. Jude is part of Minnesota's Medical Alley, made up of 300 medical technology companies in the Twin Cities area, which has led the innovation explosion in health care. Increasingly, new medical devices are saving lives, improving the quality of life and reducing health care costs for Americans.

Congress can be proud of its work over the past several years to reform the FDA so Americans can get access to life-saving medical technologies. However, much more remains to be done, including reforming the way Medicare reimburses seniors for these health care technologies.

As co-chair of the House Medical Technology Caucus and a member of the Ways and Means Health Subcommittee, I encourage my colleagues to join me in promoting reforms that will make technologies like St. Jude's "sutureless" heart surgery device available to seniors and the other Americans who desperately need them.

[From the Wall Street Journal, May 24, 2001]

NEW TOOLS MAY MAKE HEART-BYPASS SURGERY QUICKER AND LESS RISKY

(By Ron Winslow)

BERNE, SWITZERLAND.—As Thierry Carrel stands over his patient in operating room No. 1 at University Hospital here, he may be poised at the threshold of a new era in heart surgery.

For more than three decades, surgeons have used needle and thread to sew new blood vessels into patients during coronary-bypass operations, which are typically performed through a massive incision in the chest. The vessels are used to reroute blood around blockages in the arteries that feed the heart. And the procedure's success hinges largely on the surgeon's skill at stitching them into place.

But at the moment, Dr. Carrel isn't using his sewing talents. Instead, he takes a device loaded with a vein, inserts it into a small hole he has just cut in the patient's aorta and pushes a button. Click. The device, which resembles a long-handled screwdriver, releases a tiny web of wires that unfolds to form a star-shaped rivet. In less than 10 seconds, Dr. Carrel has attached the vein to the aorta mechanically. That compares with the three to five minutes it might have taken him to make the same attachment with stitches.

FOREIGN DEBUT

Dr. Carrel is one of a handful of surgeons in Europe and Canada who have used the device during the past several months on a total of about 1,000 patients. St. Jude Medical Inc., the U.S. company that makes the product, rolled it out quietly in Europe last fall, but has largely kept it under wraps. Now, that is about to change.

Today, St. Jude plans to announce that the Food and Drug Administration has approved the device for use in the U.S. That makes the St. Paul, Minn., company the early front-runner in an emerging race to equip doctors to perform "sutureless" bypass surgery. If surgeons embrace the new technology, it could transform the procedure by triggering wider use of techniques designed to make the operation easier on the patient and reduce the incidence of serious side effects.

St. Jude calls its new product the aortic connector. While it is designed to make just one type of the various critical attachments that bypass surgery requires, the company is planning to introduce a full line of connectors over the next year or two, aiming to automate the entire vessel-grafting process. The typical bypass operation involves three or four vessel grafts in which a doctor performs five to seven individual sewing procedures.

NOT GOING TO FLY ANYMORE

As the first to the market, St. Jude faces several hurdles in winning acceptance of its device. Among them: the added cost of using it and the long-term track record of conventional heart surgery, which is impressive enough that many doctors may feel little need to meddle with it. But there also are compelling arguments for heart surgeons to adopt sutureless connectors. Leading the list is the growing push to make bypass surgery—one of medicine's most invasive operations—more patient-friendly.

"For 35 years, we've been doing by-pass surgery the same way and gotten away with it," says Hani Shennib, a heart surgeon at McGill University Health Center in Montreal. "That's not going to fly anymore. Patients really want to have the same outcome as surgery but with procedures that are a lot less invasive."

The most promising strategy along those lines is beating-heart surgery, in which the surgeon operates on the heart as it continues to pump blood. The goal is to avoid putting the patient on a heart-lung machine, or the "pump," as surgeons call it. Time on the pump, which takes over the heart's function so surgeons can operate on a still organ, has been associated with complications arising from bypasses.

A MOVING TARGET

But the beating-heart technique, which emerged in the mid-1990s, is used in only about 20% of the more than 700,000 bypass surgeries performed world-wide each year. The main reason: the painstaking work of suturing bypass vessels into place—which surgeons call "the anastomosis"—is much harder to do on a beating heart. Devices that automate the process could make beating-heart surgery much less challenging and potentially more popular.

"The only reason you put a patient on a pump is to accommodate the guy tying the knots," says St. Jude's Daniel J. Sullivan, the aortic connector's chief inventor. "We're the first ones to go after the sewing process as an issue."

In addition, proponents say, mechanical connectors could make bypass surgery safer by reducing the risk of stroke and other neurological side effects that recent studies have linked to the operation. In February, Duke University researchers reported that 42% of bypass patients suffer such problems as loss of memory, confusion and inability to pay attention for as long as five years after the surgery. About 3% of bypass patients suffer a debilitating stroke as a result of the procedure. Some doctors say a connector could help doctors avoid clamping the aorta, a step in the surgery that is believed to be a key cause of such brain damage.

Another potential benefit: consistency of surgical results. "Hand-sewn bypass grafts are irregular. Every one is a little different," says Robert Emery, a Minneapolis heart surgeon who served as a paid consultant to St. Jude in developing its device. "With this thing, every one is the same."

St. Jude isn't alone in seeing a big opportunity for such technology. Johnson & Johnson, in a venture with Bypass Inc., of Israel, has tested a "suture-less anastomotic device" in small-scale human trials. J&J says it has begun discussions with the FDA about what would be required to gain approval. Tyco International Ltd.'s U.S. Surgical unit and Abbott Laboratories' Perclose unit both are developing mechanical connectors, as are several smaller closely held companies.

"A lot of people think this is going to be a big deal in coronary surgery," says Dr. Emery.

In the U.S., St. Jude plans to sell its new device only to hospitals whose surgeons have been trained in its use. As a result, the company, which had $1.18 billion in revenue last year, is projecting to sell only a few million dollars worth of the connectors this year. In years ahead, St. Jude hopes the devices will become a major contributor to its revenue and profit growth.

The St. Jude product includes a cutter that makes a round hole in the aorta for attaching the replacement vessel, rather than the jagged opening left by the punch that surgeons now typically use for that job. The wire rivet that the device deploys is made of a stable metal and is designed to expand slightly to fill the hole as it clamps the vessel to the aorta.

But St. Jude must persuade surgeons that the device will match or improve on the success rate of conventional bypass surgery. Death rates from the procedure are only about 3% at most hospitals. For the vast majority of patients, the surgery is an effective treatment for angina, the severe chest pain caused by blocked coronary arteries. And it could take several years to show whether mechanical vein attachments are as durable as sewn ones.

Even the product's fans say that its cost could be a deterrent, because issuers usually pay doctors and hospitals a fixed amount for bypass operations. St. Jude plans to charge between $400 and $450 for the single-use devices. Assuming a full line of connectors becomes available, that could add more than $2,000 to the cost of a typical bypass operation. St. Jude says that shorter operating times and other savings will partly offset the additional cost.

A device that diminishes the value of a surgeon's suturing skills could be hard to sell to some members of a profession in which "good hands" are a hallmark of stature. "Doing the anastomosis is the essence of our specialty," says David Fullerton, chief of cardiothoracic surgery at Northwestern Memorial Hospital in Chicago. During his decade of surgical training, Dr. Fullerton says he would hone his technique during off hours by tying surgical knots in his shoelaces, and by slicing open chicken breasts and sewing them up before popping them on the grill.

"For most of us, it took so much effort to acquire these skills, we're reluctant to give them up," he adds.

That isn't to say that St. Jude's device will banish sutures from the operating room anytime soon. For one thing, the new connector is designed only for attaching saphenous veins—replacement blood vessels that are harvested from a patient's leg—and then only to attach the end of the vein upstream from the blockage being bypassed. For now, surgeons who use the device will need to stitch the other end of the vein to an artery on the heart, below the obstruction.

St. Jude is at work on a second device to make this lower, or distal, connection. That's a trickier task for the surgeon because there the diameter of the leg vein is typically much wider than the vessel it is being connected to, requiring special care to make sure the anastomosis doesn't leak. In addition, that graft, which typically can take a surgeon 10 minutes to 15 minutes to complete, often must be connected to harder-to-reach areas on the side or back of the heart.

In Berne, Dr. Carrel and his colleague Friedrich Eckstein have used St. Jude's distal connector in about 20 patients so far, with encouraging results. St. Jude says it hopes to have this second device on the market in the U.S. by mid-2002. Among other things, it is designed to eliminate the problem of mismatched vessel diameters.

Another model the company is developing would come into play when doctors use the internal mammary artery, located in the chest wall above the heart, as a bypass vessel. Surgeons often use that artery for bypassing the artery that feeds the heart's pumping chamber. Still another version of the device is aimed at the growing number of surgeons who prefer to use the radial artery taken from the arm as a bypass vessel.

St. Jude is counting on the line to transform it into a major player in the cardiac-surgery market. The company has long dominated the heart-valve market, and it also sells devices that combat heart-rhythm irregularities. But in the late 1990s, its executives launched a search for new technologies that promised future growth.

That search led to St. Jude's surprise announcement a year and a half ago that it was acquiring Vascular Science Inc., a closely held Minneapolis company that developed the connector under Mr. Sullivan's leadership. St. Jude paid $80 million for VSI and agreed to pay an additional $20 million if the newly acquired unit met certain development goals. But though the acquisition substantially diluted its earnings, St. Jude largely kept mum about what it was buying.

"We didn't want Guidant, Medtronic, Boston Scientific and every cab driver in New York making these things," says Terry L. Shepherd, St. Jude's president and chief executive, referring to rivals in the heart-device business.

Some doctors who are impressed by the device believe it won't win broad acceptance until a distal connector is available, so that surgeons can do both ends of their grafts without sutures.

However, St. Jude believes there is a robust market for the aortic connector alone, thanks in large part to its potential for reducing neurological side effects from surgery. During conventional bypass operations, when the heart is stopped, doctors clamp off the aorta to keep blood from backing up into the heart. But in patients with clogged coronary arteries, the aorta if often diseased too. That means its lining is layered with plaque, much like a rusty pipe. When the aorta is clamped, some of this gunk can be dislodged. When the clamp is released, the debris is picked up in the blood stream and can get carried to the brain.

"You get an old guy whose vessels look like a Drano commercial, and sometimes you hear an audible crunch" when the clamp is applied says David Stump, a researcher at Wake Forest University, in Winston-Salem, N.C., who has studied the neurological side effects of heart surgery.

Material dislodged by clamps is believed to be one of the chief causes of brain-related side effects in bypass patients. In extreme cases, it can cause a major stroke, or even death. Just how serious and lasting the effects are depends on where in the brain the debris ends up, says Dr. Stump.

During beating-heart surgery, blood continues to flow through the aorta. But doctors use what they call a side-bite clamp to pinch off a portion of the vessel to stabilize the site for stitching. That, too, entails a risk of dislodging debris, and other complications. But with the connector, doctors will be able to connect vessels quickly enough to make such clamps unnecessary.

"The first and immediate impact of the St. Jude device is that you don't have to put a clamp on the aorta," says Michael Mack, a Dallas heart surgeon with no financial connection to the company. "That eliminates a potential source of stroke."

Whether that will prompt widespread use of the device is hard to gauge. Neurological problems can be caused by factors other than clamps, and St. Jude doesn't have any data as yet to demonstrate whether its device indeed cuts the risk of stroke or cognitive impairments. But with the neurological issue getting fresh attention, many doctors may not feel inclined to wait for hard data. "If you have a patient with a brain problem after an [otherwise] uncomplicated operation, that is disastrous," says Dr. Carrel, the Swiss heart surgeon.

Five years ago, when Mr. Sullivan and a small group of engineers started thinking about the connector, their goal was to develop technology for doing bypass surgery through the same type of catheters used in balloon angioplasty. In the angioplasty procedure, a balloon-tipped catheter is threaded through a small incision and into the heart, then inflated to open a blocked artery. But early on, it became clear that using sutures to attach vessel grafts via catheter wouldn't work. That set off the plan to develop a mechanical connector for conventional bypass surgery.

Still, Mr. Sullivan and others believe that the new technology will lay the groundwork for their original plan, eventually enabling doctors to do bypass surgery without cracking open the patient's chest.

MEMORIAL DAY 2001

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to share some thoughts, as we gather this weekend around our congressional districts to commemorate all those who made the ultimate sacrifice for all of us in the name of liberty.

It is appropriate that we take time out of our busy lives to remember all those whose fates are still unknown, and to thank all those who continue to carry our Nation's torch of freedom on the battlefield, on the seas, and in the air, throughout the world, so that we in America may continue to enjoy the full fruits of our liberties . . .

Memorial Day is a time for all Americans to honor our fallen heroes, our Veterans and our dedicated service men and women who are serving in peacekeeping missions in troubled areas throughout the world.

On Memorial Day, I will be participating in numerous Veterans observances throughout my 20th Congressional District, including the Castle Point VA Hospital, the American Legion Post #199 Memorial Day Parade; and the Memorial Day Parade at the Village of Florida by Post #1250.

Other events include the dedication of the Frederic Malek Tennis Courts at the U.S. Military Academy at West Point. Frederic Malek, a West Point graduate, 1959, served as an airborne ranger attached to the Special Forces in Vietnam. Mr. Malek continued to serve his country in key roles for three presidents as Deputy Under Secretary of the Department of Health, Education and Welfare, as Deputy Director of the Office of Management and Budget and as Director of the 1990 Summit of Major Industrialization.

Historian Barbara Tuchman stated: 'War is the unfolding of miscalculations . . ."

Remembering our heroes of the past, reminds us not to make any miscalculations that could lead to any future war:

Miscalculations . . . of our being perceived as being weak; of allowing our defenses to atrophy; of neglecting America's best interests; of ignoring the needs of our Veterans and those who continue to serve today.

Our 107th Congress, under the leadership of President Bush, is working to ensure that our Veterans will have the support they deserve . . .

In the FY 2002 budget there are significant increases in spending for Veterans programs, including a 16-percent increase in mandatory spending, and in new funds for the G.I. bill.

In March, the House passed H.R. 811, the Veterans Hospitals Emergency Repair Act, authorizing funds to repair the V.A.'s medical facilities, and, by a unanimous vote, the House passed the Veterans Survivor Benefits Improvements Act, expanding life insurance benefits for the spouses and children of our Veterans.

Along with our House Veterans Committee Chairman, Chris Smith, we are working to move forward with the 21st century Montgomery G.I. Bill Enhancement Act, increasing the education benefit for service members and Veterans.

Moreover, I've introduced the American Gold Star Parents Annuity Act, creating a new annuity for our gold star parents.

And finally, just this week, the House and Senate passed legislation, expediting the construction of the World War II Memorial in Washington, a fitting and long overdue tribute to our Nation's World War II Veterans.

In the words of President Teddy Roosevelt, "A man who is good enough to give his blood for his country, is good enough to be given a square deal afterwards" . . .

To our Nation's Veterans, I send my thanks and pledge to remain committed to their cause and general welfare.

In their spirit, on this Memorial Day, let us rededicate ourselves to the men and women, who worked and died together, so that our Nation may remain free and continue to stand as a beacon of liberty for the entire world.

To all our Veterans we say thank you and God bless.

THE UNITED NATIONS HUMAN RIGHTS COMMISSION: IS IT ANY LONGER WORTH SEEKING MEMBERSHIP?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BEREUTER. Mr. Speaker, the editorial following from the May 23, 2001 edition of the Omaha World-Herald raises very important and pertinent questions about the relevancy of the United Nations Human Rights Commission (UNHCR) upon which the United States recently lost its membership. As this member said to U.N. Secretary General Kofi Annan yesterday during his meeting with the House Committee on International Relations, the UNHCR increasingly seems to have become a haven for some countries with the worst human rights records in order to ward off criticism and further manned by other countries which are all too willing to table the consideration of resolutions concerning countries with such human rights records because their less than courageous vote may avoid the loss of export markets.

Mr. Speaker, as this member said to the Secretary General and House colleagues perhaps the major emphasis of the Congress and the United States is to demand a fundamental re-orientation of the UNHCR and to find other ways to use American resources and clout in the advancement of human rights.

[From the Omaha World-Herald]

U.N. ENTITY COURTS IRRELEVANCE

It's been interesting to note the reactions of various groups of Americans to a U.N. committee's vote to remove the United States from the United Nations Human Rights Commission.

A writer for the liberal Nation magazine used the incident to go off on a riff about America the Arrogant. "A little more self-criticism and a lot less self-righteousness would go a long way," he wrote in a passage the irony of which is compounded by the fact that U.S. reelection hopes were aborted by such humble, self-effacing nations as France and China.

Another columnist suggested that maybe America was being punished for its Cold War practice of backing unsavory dictatorships that happened to be anti-communist. If so, that would be a double standard, too, considering what China was up to during some of those same Cold War years.

The New York Times editorial page said the Bush Administration was caught by surprise, apparently because it thought it had the votes locked up. The Times appropriately recommended that the administration find out who betrayed it. Knowing who broke promises of support may be useful later, the Times suggested.

The Washington Post, forthrightly torpedoing Sen. John Kerry's approving claim that the action was related to U.S. rejection of the Kyoto Protocols, pointed out that China has been steamed because of American criticism of that country's abysmal human rights record. The Post said the United States was done in by China, Cuba and French diplomats who were trying to curry favor with African dictators. The Arab world also resents the United States for siding with Israel in a number of U.N. confrontations.

Additional action by the subcommittee a few days ago provided insight into the prevailing thought process. Having denied continued membership to the United States, some members of the voting panel have turned their attention to private organizations that maintain United Nations accreditation to promote human rights. The Washington Times reported that some of these groups are now in danger of losing their credentials.

They include Freedom House, founded by Eleanor Roosevelt to monitor freedom around the world, and the Simon Wiesenthal Center, which tracks down and exposes perpetrators of the Holocaust who have tried to hide their past.

The time is ripe, it seems to us, for the little boy to stand up and say that the emperor has no clothes. If the likes of Cuba and China, or haters of Israel, are setting the moral tone in the dealings of this commission, there can be no moral tone to speak of, and serious-minded diplomats lower themselves to take its yammerings seriously.

Generations of Americans have been raised with the notion that the United States, by failing to get on board the League of Nations in 1920, weakened an institution that might have prevented World War II. Accordingly, active participation in the United Nations, the League's successor, has been regarded a sort of sacred responsibility since 1945, as well it should continue to be.

And, indeed, the U.N. has done considerable good, with its peacekeeping and relief operations as well as its provision of a forum for talking about things—including human rights—that in earlier decades might have ignited conflict.

However, Americans shouldn't expect that their interests will always coincide with those of the global organization and all its various commissions, agencies and committees. We and our government should be prepared to accommodate divergences, using whatever means are consistent with our national interest and, secondarily, the interests of the world community.

What happened on the Civil Rights Commission, though, was not a divergence of interests, as that term is commonly used. It was more like a wholehearted plunge into irrelevance. This is not a situation that calls for American self-loathing. Until the people who are driving the commission regain their moral bearings, to heck with them.

PERSONAL EXPLANATION

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HAYWORTH. Mr. Speaker, on rollcall No. 126, I was detained due to flight delays. Had I been present, I would have voted "yea."

SENATE—*Tuesday, June 5, 2001*

The Senate met at 12 noon and was called to order by the Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray.

Gracious God, Sovereign of this Nation and Lord of our lives, You have blessed us to be a vital part of Your blessing to others. As we return from recess, we commit ourselves to be sensitive to the needs of others around us. Show us the people who particularly need encouragement or affirmation. Give us exactly what we should say to uplift them. Free us of preoccupation with ourselves and our own needs. Help us to remember that people will care about what we know when they know that we care about them. May our countenance, words, and actions communicate our caring. Make us good listeners and enable us to hear what people are expressing beneath what they are saying. Most of all, remind us of the power of intercessory prayer. May we claim Your best for people as we pray for them. Especially we pray for those with whom we disagree on issues. Help us to see them not as enemies but as people who will help sharpen our edge. Lift us above petty attitudes and petulant gossip. And fill this Chamber with Your presence and our hearts with Your magnanimous attitude toward others. For You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL B. ENZI led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 5, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ENZI thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period of morning business just for 30 minutes or so now. Then we will recess for the weekly policy luncheons to meet. When the Senate reconvenes at 2:15, the education bill will be the pending business. There are a number of pending amendments of significant import. I am sure there will be debate and, hopefully, at least a couple of votes this afternoon, and that we will be able to continue tomorrow, and as long as it takes, to get this very important education reform package completed.

We still have some 300 amendments pending. I would assume that 30 or 40 of those would have to be considered in some form and voted on, maybe even more. So I hope we can make progress on this important legislation today and get an agreement to proceed with it later on this week, no matter what the circumstances may be. We will clarify that schedule later on today or first thing in the morning.

I thank my colleagues for their cooperation.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

The Senator from Arizona.

THE ENERGY CRISIS

Mr. KYL. Mr. President, it is likely that soon the Senate will undergo a historic change in leadership. I am concerned about some news reports that the new Democratic leadership may not proceed forthwith to the consideration of an energy bill that the administration very much would like to see us consider. It is my understanding that, at least from news reports, there are some other priorities the new Democratic leadership will probably pursue.

I just want to make it as clear as I can I think we should, as soon as possible, consider the legislative recommendations of President Bush and Vice President CHENEY to deal with this most serious crisis. In fact, I think we saw this past weekend that the President thought it was important enough to travel to California to visit with Governor Davis, who has certainly expressed his views on the importance of the issues facing his State. And his is not the only State that has faced this energy crisis.

There are a couple of statistics worth noting in this regard. Our energy demands are growing very rapidly while our production side is relatively stagnant. Oil consumption, for example, will grow by over 6 million barrels per day over the next 20 years, but oil production is expected to decline by 1.5 million barrels per day. Natural gas consumption will grow by over 50 percent over the next 20 years, but production will only grow by 14 percent. And electricity demand, which is especially of concern on the west coast and in my region of the country, will rise by 45 percent over the next 20 years. This will require 1,300 to 1,900 new power plants. So we have a big job ahead of us. I think we need to get on with some of the solutions as soon as possible.

There has been some criticism that the President's recommendations are primarily longer term solutions. We will make them even longer term the longer we take to get to them. We will have shorter range solutions the quicker we get to the legislation that is required.

I note that many of the recommendations from the commission the Vice President headed are recommendations that can be effectuated by the administration itself. Twelve can be implemented by Executive action; seventy-three are directives to Federal agencies. For example, the President has already directed Federal entities to reduce consumption by 10 percent, including the military. But there are some 20 recommendations for action by the Congress. These are among the things on which we need to get moving:

The plan of the President to modernize and increase conservation, to diversify energy supply, and modify and expand the infrastructure through which those sources of energy are delivered to the American people, and to

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

strengthen our energy security. This is the core of the set of recommendations.

Without getting into all of the details, because I only have 5 minutes this morning, let me just say that one of the things that has been proposed is price caps. Price caps, as the President and Vice President have said, are exactly the wrong thing to do. Price caps would keep demand increasing and do nothing to enhance supply. In fact, it would tend to keep supply down because there is nothing for the investor to look forward to if there is a price cap on how much can be charged for the energy that is being produced. And, of course, there is no incentive to conserve if there is a price cap. If prices, on the other hand, are allowed to rise, as they do with gasoline, then people will be more careful about how much they use.

We have seen news reports of people cutting back a little bit on the driving they intend to do this summer. Why? Because there are no price caps on the price of gasoline. People understand that to save money they are going to have to drive less; they are going to have to conserve.

So I do not understand why, on the one hand, we have this drumbeat of comment that we have to conserve our way out of this problem—certainly conservation is an element but not the sole element—and yet, on the other hand, to put in place price caps, which would have exactly the opposite incentive—for people not to conserve but to go ahead and continue to use those electricity supplies. So I think price caps are not the answer. There are other elements of the bill that are.

Finally, a point about some of the criticism of the Vice President and the President. I hope our colleagues will not join in this kind of demagogy that we have seen from outside the Senate. It is true that both the President and the Vice President have been in the business of producing petroleum products. I do not know why we would be critical of people who know something about the solution coming up with some good ideas. They are, after all, our top two elected leaders. They know something about the problem and its solutions, and neither of them can any longer directly benefit.

So I think this criticism that they know something about the problem and therefore they should not be involved in the solution is very misdirected.

I hope we can focus on solutions rather than ad hominem attacks. After all, there are two kinds of people in the United States: There are producers and consumers. Almost all of us are consumers, and we should be grateful for those who are the producers because they are the ones who make it possible for us to enjoy our great standard of living. They would not be producing if we did not provide the demand for that production. It is the consumers of the country who, in effect, are creating the opportunity for these people to do the demanding.

Some of these critics remind me of kids who think that food comes from the refrigerator or the grocery store.

Obviously, they are unaware of all the work the farmers and the people in between the farmers and the grocery store put in to make those food supplies available. We should not be talking in terms of criticizing the people who are coming up with the solutions simply because they happen to know something about it. I suggest that the new leadership of the Senate, as soon as they possibly can, bring the legislation forward in whatever form because we will all have an opportunity to propose amendments if we don't like its original form.

This is very near a crisis; if it is not a crisis. We have to get on with the solutions. The administration has led the way by its executive directives. It has done all it can do. Now it is time for the Congress to respond. I urge the new leadership of the Senate to join with the administration in a bipartisan effort to begin to consider the solution to our energy problem.

The ACTING PRESIDING pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, the junior Senator from Arizona, I don't know where he heard that the new Democratic leadership was not going to move forward on energy. We are most happy to move forward on energy.

There are all kinds of problems, as the Senator knows. The President has an energy program he has put forward. There are not many specifics with it, but we should move forward and pass those issues on which we agree. Those issues on which we disagree, we can debate and vote up or down.

The Senator has said what we believe is important. We have to start approaching some of these problems in a bipartisan fashion. We hope that can be done on energy.

There is no question that there is a lot of dialog about energy and, of course, there are all kinds of things being said, such as "the GOP, gas, oil and plutonium." I don't think that gets us anyplace.

There has been a lot of bad news from California, but today there was some good news. The good news is that in California they have already found a way to conserve up to 11 percent of the electricity that they were using. That is significant.

When Vice President CHENEY said that conservation was a good personal habit but it wouldn't do anything to solve the energy crisis, I don't think he really believes that. It may not have come out the way he wanted it. We know there has to be conservation along with anything we do to stimulate production.

One of the criticisms I have—and I think it is a valid criticism—with this administration, I serve on the Energy and Water Development Subcommittee of the Committee on Appropriations. We found in the budget the President gave us, there is almost a 40-percent cut in research and development for renewables. That is something we need to change. We can do that.

In those States in the West—the Senator from Arizona has a State quite similar to Nevada—there are a lot of things that can be done—again, not in the short term bit in the long term—dealing with solar, dealing with wind, and, in the case of Nevada, with geothermal. These are some of the things on which we need to work. Most importantly, we have to work together on this problem.

Senator DORGAN and I have sponsored legislation—in fact, there is an amendment on the education bill, and we also have freestanding legislation—that would cause a joint committee of the House and Senate to be appointed to determine why prices have gone up. Maybe there is a good reason they have gone up. I don't think we should have a witch-hunt. I think it should be an investigation conducted with dignity so the American people could at least say, after we finish, we have done everything we can to find out why the prices are so high.

For example, the Senator and I remember when the price of fuel was so high in the early 1970s. You went to gas stations then and there was no gas. You would wait in line. You would get to the pump and there would be no gas to buy. We don't have that problem now. It doesn't appear to be a problem of supply. Then why are the prices so high?

I hope the Senator from Arizona will look at the legislation the Senator from North Dakota and I are sponsoring dealing with why are the prices so high.

In short, there has certainly been nothing said by any part of the Democratic leadership in the Senate that we were not going to take a look at energy. It is an issue we need to address; we need to do it as soon as we can; and we need to do it in a bipartisan fashion.

Mr. KYL. Mr. President, will the Senator yield for a quick comment?

Mr. REID. I am happy to yield.

Mr. KYL. I appreciate the comments of the Senator. I look forward to working with him in a bipartisan fashion.

I had heard the comments that the Republican leadership was going to take the energy bill up right after the education bill. My understanding is the Democratic leadership intends to take that up at a subsequent date. I think the Patients' Bill of Rights may be the next item taken up. That was the nature of my concern.

As soon as possible, I hope it will be considered. I certainly look forward to working with the Senator from Nevada to find solutions to the problem.

I thank the Senator.

The ACTING PRESIDING pro tempore. The Chair recognizes the Senator from Illinois.

Mr. DURBIN. Mr. President, I seek recognition in morning business to follow up on the issue raised by the Senator from Nevada. I can't think of a bigger issue in terms of the people I represent in the State of Illinois.

A lot of families in Illinois who rely on natural gas to heat their homes saw dramatic increases in their heating bills this past winter. Families of very modest means who budgeted very carefully found their heating bills for last winter were $1,000 to $1,500 higher than they had been in the previous year. Very little explanation was forthcoming. A lot of families just had no choice. They turned down the thermostat and the bills still went through the roof.

I ran into a lady who was a domestic housekeeper in a hotel. She worked nights for her family. She said to me that she had budgeted the same amount as last year to heat her home in Chicago. She ended up $1,000 in debt when it was all over. She is determined to pay off that debt. She is a very hard working person and takes her debts seriously. When you think about that, you just wonder, is this inevitable? Is this the market at work, where we have such wide variations?

I have read a lot—I am sure the Senator from Nevada has as well—about the energy problem in the West—California and other States—where they have seen dramatic increases in utility bills, electric bills.

The other issue the Senator from Nevada alluded to touches close to home in the Midwest. Last year we had this terrific increase in the price of gasoline. It seemed the Easter holiday was the kickoff for a runup in record-level gasoline prices. Last year we asked the oil companies what happened. Why did you do this? They said: We had this change. We had this reformulated gas to reduce air pollution, and it caught us by surprise. We were not ready for it.

It was kind of hard to understand because it had been more than 8 or 10 years they knew this was coming. They weren't prepared for it. They said: We had pipeline breakdowns, refinery problems. They said: We are sorry that it happened.

It went on for about 6 or 8 weeks. People were paying over $2 a gallon for gasoline primarily in the upper Midwest but in St. Louis as well. Then the price started coming back down.

Lo and behold, this year exactly the same thing occurred. At Easter it was as though there was another starter's gun, and gasoline prices went through the roof again.

What is odd about it is that the oil companies are seeing no dramatic increase in the price of crude oil. The defenders of the oil companies tell us this is just the market at work. But if you take a look at some of the elements in that market, you can raise some serious questions.

For example, if the price of crude oil is not going up, why is the price of gasoline going up dramatically? Second, if this is just a reflection of some problems within the industry, why is it that the oil companies are now experiencing the highest profits in current memory? This is one of the few businesses in the world where you can guess wrong about consumer demand and make more profit. That seems to be what is happening to us in the Midwest.

I am encouraged by the announcement of our colleague, Senator LEVIN of Michigan, who has said that once the leadership change takes place in the Senate, as chairman of the Permanent Subcommittee on Investigations of the Committee on Government Affairs, he would hold a hearing and ask, once and for all, what is behind this: why are families and small businesses faced with these high energy costs that seem to spike out of control, whether it is for the heating bill in your home or for the gasoline in your car? What is it about this market mechanism that you see all the stations in your city in lockstep going up in gasoline prices and coming down, trickling down ever so slowly in that same fashion? This does not sound like competition to me; it sounds like something else is going on.

We have been unable in the last few weeks, despite these energy increases, to really convince the White House or the Republican-controlled Congress to look into this issue, to investigate it. But if we do not do this in Congress, who will?

Fortunately, Senator LEVIN of Michigan has announced he is going to move forward with a series of investigations as soon as the leadership in the Senate changes. This concern about energy and its future has to take into account problems that families and businesses are facing today.

It is true, we have medium- and long-term energy challenges. There are many issues we need to consider but, honestly, shouldn't we try to address the current problems that people are facing and try to find some relief? Senator LEVIN's call for this hearing is one I support; it is one in which I have joined with Senator DORGAN from North Dakota and others in asking for previously. I hope we can move forward on this matter.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. REID. I also support Senator LEVIN. Not only will he be chairman of that subcommittee but chairman of the Armed Services Committee. The Armed Services Committee has jurisdiction to find out why oil prices are going up so high anyway because the armed services are some of the world's biggest consumers of oil products.

I said to the junior Senator from Arizona, in the seventies we had long lines, and sometimes one got to the gas pump and there was no gas. There was a shortage of supply. That is not the case now. That is why the Senator from North Dakota and I have called for a joint investigation by the Congress to find out why these prices are priced the way they are. The Senator from Illinois has gone through a number of problems that simply do not make sense.

The Senator has already said what the Senator from Michigan is doing on his subcommittee, and it is important. But does the Senator think this is one of the most important issues to face the American public this decade or last decade or any decade and that a joint investigation is warranted?

Mr. DURBIN. I certainly do. And I thank the Senator from Nevada for his leadership. I was happy to join him on this legislation. What really frustrated many of us was the fact that Congress was unwilling to even look at the issue.

It is something to go back home, whether the home State is Illinois or Nevada, and find people who are telling you real-life stories, tragedies of businesses that have had to cut back in the number of employees and the work they are doing, because of the cost of energy.

I am from a farming State. Illinois, of course, is proud of the fact that it produces so much corn, soybeans, wheat, pork, and beef, but the farmers with whom I have talked face the same thing. It is not just the cost of operating their businesses on the farm but the cost of fertilizer. All of this is directly linked to the cost of energy.

We can explore and debate future energy policy, but we have to be very honest in dealing with the reality of the challenge facing families today. That is why I am hoping—and I hope the Senator from Nevada agrees with me—that there can be an agreement very soon between the Democrats and Republicans to reorganize this Senate and to move forward.

There are so many issues of importance to this Nation that need to be addressed and addressed quickly. We have before us the whole issue of education. This bill was pending in the Senate before we took up the tax bill, and we will return to it. The sooner the Senate gets organized, the sooner we are in business under the new leadership of the majority leader, TOM DASCHLE, the sooner we can return to issues of education.

There has also been talk about issues involving a Patients' Bill of Rights. That is something which I have supported. It means when your doctor makes a decision for you and your good health, it will not be overruled by an insurance company. That seems pretty basic to me, but we need to pass legislation to make sure the health insurance companies and the HMOs do not go too far and make these medical decisions.

Energy is another issue. We want to work with the President and the White House. We should go to that issue. We should work on it. There are some important issues to be resolved. One of them is whether or not we should drill in Arctic National Wildlife Refuge. This is a piece of real estate in Alaska that is owned by the American people and which has been set aside to be maintained as a wilderness.

There are not many places on Earth that are set aside and maintained as a wilderness. Many of us think, particularly in this fragile ecosystem in Alaska, with the wildlife that is there —some of it is very rare, with species that are not found in other places—that for us to invade that territory to be drilling for oil and gas is to run the risk that we might disturb that balance, and, once having done that, we may face consequences which we cannot repair. The best of intentions of the Congress and the President notwithstanding, Mother Nature and God have decided how certain things will exist.

If we want to bring in the trucks and the pipelines and start drilling away for oil and gas, we should stop and ask the hard question: Is this really our best alternative to find fuel for America's future?

The Arctic National Wildlife Refuge, it is estimated, has 180 days' worth of energy for the United States. Mr. President, 180 days is, of course, almost 6 months, but that represents energy that is taken out of Alaska over a 10-year period. It means a very small part of our energy picture.

Even with drilling in this wilderness and running the risk of disturbing this ecosystem forever, we are still going to find ourselves dependent more than 50 percent on foreign oil and energy to sustain the United States. Many of us think that before we start drilling in wilderness areas such as the Arctic National Wildlife Refuge, we should explore alternatives, including conservation.

I see another Senator on the floor. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Wyoming.

SENATE AGENDA

Mr. THOMAS. Mr. President, I want to talk about the direction the Senate has been taking. Certainly, we have many things to do. We have moved through a number of important issues —the budget and meaningful tax relief. We now move to education and energy.

I have to respond to the comments of the Senator from Illinois on energy and suggest this energy crisis did not just happen in the last 5 months. It is interesting to note that for the past 8 years we have not had an energy policy. We have let ourselves get into a position where we are totally dependent on OPEC and foreign production, and it has put us in this position.

It is also interesting to note that it may not always be a shortage of oil but that refining may have something to do with it. We have not built any new refineries over the last number of years, and the idea of accusing someone of causing the problem—we need to take a look at it.

We have many things to do, there is no question, but we need to deal with domestic production and we need to deal with the transportation of energy. We in Wyoming could produce energy for California if we had a way to get it there. We need refineries to refine gasoline. We need to get away from having to develop 15 types of gasoline. It is easy to get away from the facts and get off into blaming somebody for this behavior.

The Senate needs to move on to education. It has been on this issue for quite a long time. It has not moved. We have had a certain amount of obstruction. When there are still 300 amendments, it is a little hard to talk about wanting to move forward, but perhaps we will be able to do that.

I hope when we do, we take a long look at where we want to be in education. Too often, we get so involved with little issues that are either political or they have to do with one minute thing. The fact is, we do not have a clear vision of what the role of the Federal Government is in education, and we need to define that role.

In elementary and secondary education, the Federal Government provides about 7 percent of the funding. Why should they also provide all the rules and regulations that go with it? That has been the position many have taken: If we are going to give them any money, then we have to tell them how to do it.

One of the arguments, of course, is how do we help support education, have a policy on education, but allow the differences that exist in the local education facilities.

What is needed in Chugwater, WY, is different from what is needed in Pittsburgh, PA. We have to allow flexibility for local school boards and States.

I hope to take a look at where we want to be and have a vision of where we are going. Of course, we want high-quality education. We want accountability for education. We have to have quality teachers. We need to have choices for families, whether it is charter schools or schools of choice as we have in my hometown. The public schools have a different approach to it. Parents can decide where they want to send their children. These are the items about which we have to have a vision instead of coming out every day and wrestling over something that has very little impact. Where do we want to be 10 years from now or 15 years from now with regard to education.

Our hope as we change leadership—and that is not the end of the world—is that we move to govern and we move to do the things for the American people that we want to see happen over time: Where do we want to be and what is our role in getting there, that we can measure; high standards; we have to have funding that works; increased flexibility for local control; provide options for students. Those ought to be our goals. We should state how we will get there.

I yield the floor.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate be in a period of morning business until 3 p.m., with Senators speaking for up to 10 minutes each, and that the time be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Thank you, Mr. President.

PUBLIC EDUCATION

Mr. CARPER. Mr. President, sometime later this afternoon we will take up legislation on which we have been working for the better part of the last month; that is, to define as best we can the role of the Federal Government with respect to public education in this country.

There are a number of points about which Democrats and Republicans or independents disagree. There are also a number of areas around which we can rally and around which we can agree. I want to take just a moment to address some of those points.

In this country, the role of the Federal Government for the last 30 or 36 years has been really to level the playing field for young people from especially disadvantaged backgrounds to make sure they have an opportunity to be successful when they walk into kindergarten at the age of 5. We do that through programs that provide nutritional support for children; programs to try to ensure that healthy babies are born; to try to ensure that children who can benefit from Head Start have a chance to be in that prekindergarten program; to try to ensure that children in the elementary years and beyond have the opportunity to get extra help in reading, if they need it; if they need extra help in mathematics, they will get that assistance, too; to try to ensure that we recruit some of the best and brightest young people to be our teachers; and to better ensure that not only do those teachers go to the wealthiest school districts in our country but they go to those districts in which the need is the greatest.

The Federal Government has for almost four decades sought to ensure that all children who enter our schools, whether they are in Delaware or the other 49 States, have a real chance to be successful.

There are 49 States in America today which have established rigorous academic standards, spelling out clearly what they expect students to know and be able to do. More than half the States today offer or require many of their students to take tests to measure the progress of those students towards their State's academic standards in math, science, English, social studies, or a variety of other subjects. Almost half the States in America today have worked to put into place accountability systems. By that, we simply mean consequences for students who do well or do not do well; for schools that do well or do not do well; for educators who do well or who do not do well.

I think we agree here in our Nation's Capital between the Congress, across the aisle, and with the President that there is an important role for the Federal Government to play.

We agree that it is important for the Federal Government to infuse more resources into our schools. We agree that it is appropriate that those schools adopt rigorous academic standards—not standards we set in Washington but standards adopted in the 50 States—in core academic subjects such as math, science, English, and social studies.

We agree, first of all, on the idea of more resources. Some would have enormous resources and others more modest. We agree on the premise that more resources need to be invested.

Second, we agree on the need to invest those resources with more flexibility for the States, with greater flexibility for school districts and the schools.

This past week, during the recess, I was in several schools in Delaware. I will mention one of them, a little elementary school in the town of Seaford, DE, in the southwestern part of our State, roughly 100 miles from here—not even that as the crow flies.

In meeting with the school principal and a number of the teachers, they have a host coordinator who helps students succeed. That is a person who coordinates the efforts of 50 mentors in that school. That is a person who is there as a paid staff member from the Delaware department of—we call it the kids department. It is the department that represents families and provides services to families.

One of the things I heard in that visit is something I want to share with my colleagues today. This school takes money, raised by local school property taxes—they are local funds, and they receive State money and Federal money—and what they are about is trying to raise student achievement so that all the kids in that school will be able to read at grade level, write at grade level, do math at grade level, do science at grade level, or do better than that.

I was struck when I heard how West Seaford Elementary is using extra time/money to be able to provide the resources and the help that kids need to read better or do math better. I was struck how they are using title I money with some of the flexibility legislation that this body gave them under the education flexibility legislation adopted roughly 2 years ago.

I was struck to hear how the State's State employee from the kids department works at that school every day as the go-between for the school and a family or families in crisis. This is a family crisis therapist who knows the social service network and knows how to take a family and a child who is hurting and get them the help they need.

The point I am trying to make is this—I have taken a long time to make it. When we set rigorous academic standards for schools—when we say to them: We expect you and your kids to reach those standards; we are going to give you more money—when we give them that money with more flexibility, we have a right to demand results. The States have a right to demand results. The school boards and the parents have a right to demand results.

So what we have is a trilogy, if you will. There are more resources targeted to where they are needed, in programs that work. The money is given more flexibly to school districts which are empowered to use that money more flexibly, with literally teams of teachers, administrators, and parents deciding: Do we need another school counselor or do we need another reading specialist? Do we need to put a paraprofessional in a classroom, or a number of them? Or do we need to hire more teachers? Do we need to have a coordinator for a mentoring program or do we need to put that money into hiring a new science teacher?

Those are the kinds of decisions where I think, more often than not, schools will make the right decision. We have to give them that flexibility.

The fourth point on which I think we agree is that we should empower parents to have greater decisionmaking authority in the education of their children. There has been a lot of debate in this Chamber this year and in past years that part of what we ought to do is to give a voucher. They can take that voucher and send their children to a public, private, or parochial school. We are not going to do that this year. I understand it is being done on a limited demonstration basis, and it ought to continue in those places. There are other ways to empower parents to make choices for their children and they involve public schools. I want to mention two of them today.

One of those is public school choice. The other is the establishment of charter schools. I will start with the charter schools first. Charter schools are public schools. Charter schools are not private schools. They are not parochial schools. Charter schools are public schools. They are public schools in my State and in 35 or so other States, where the faculty, the administration, and the parents have been uniquely empowered to harness the energy of that education staff, to harness the energy and creativity of the parents, the administrators, and the community, to raise the level of achievement for the students.

They are given, in some cases, less money, at least for brick and mortar costs for their schools, than our other traditional public schools. In many States they are given roughly the same amount of money to educate each child, at least in operating funds, as other public schools enjoy. But some amazing things have happened in charter schools in my State. One of them has failed and was closed after 1 year. The rest have not.

One of the schools, the charter school in Wilmington—the first charter school created with partnerships with a number of our major companies—has had the best high school results on the Delaware State tests of all 29 public high schools in our State for the last 2 or 3 years in a row.

We measure student progress in reading, writing, and math. If you look at the percentage of students at the Wilmington charter school who have a disadvantaged background, who are eligible for free or reduced-price lunch, it is under 20 percent, maybe even under 10 percent. It is a relatively middle-class, upper middle-class school. It attracts students from throughout northern Delaware.

There is another charter school in Wilmington, DE, in the middle of the projects called the East Side Charter School. The East Side Charter School does not have a 10 or 15 or 20 percent rate of poverty. Eighty-three percent of the students there are there on free or reduced-price lunches. It has the highest level of poverty of any school in our State. Yet the students who go to that school come early and they stay late. My sons will be finishing up their schooling this school year this coming Friday, June 8, a day to celebrate in our household.

Over at the East Side Charter School they do not finish on June 8. They do not finish on June 18 or June 28. They will be going well into July. Kids going to East Side Charter School not only start early and go late but they have a longer school year. They also wear school uniforms. The children's parents are asked to sign something like a contract of mutual responsibility where they agree to be part of their child's education, to give something back in terms of parental voluntarism at that school during the course of the year. The teachers and the administrators are freed up to be creative and innovative in ways that sometimes do not occur in some of our traditional public schools. They work in teams in ways that do not always happen in other schools, public or private.

Last year, when the State of Delaware gave its annual Delaware State math tests—we test kids in almost 200 public schools; testing them in reading, writing, and math—there was one public school in Delaware in which every child tested in math met or exceeded the State's standards in mathematics. It was the East Side Charter School.

If, in the East Side Charter School, with the highest incidence of poverty in my little State, every child can meet or exceed our State's standards in math, we can educate every child in this country to meet their State's standards in math or reading or writing or other subjects.

We have to be smart enough to invest the resources; we have to be smart enough to make sure that schools have the flexibility to use those resources; we have to demand results; and we have to empower parents and teachers to be creative and innovative. Not every parent in our State chooses for their child to go to a charter school. The number of charter schools is growing and is playing an important role in our State.

Unfortunately, I would like to say, the charter schools in Delaware, and most other States, don't get the kind of capital support for brick and mortar for building a charter school or upgrading a charter school or renovating a charter school that inures to students in regular public schools. That is not the case. For those who have wanted to start a charter school in my State and in most States, they have to go out and borrow money, sometimes from a bank. Unlike a traditional public school which borrows money, the interest is tax free, which lowers the interest cost for those traditional public schools, when a charter school goes out and borrows money for its school, the interest on that loan is not tax free. The interest on that loan is taxable. The interest rate is higher.

The State of Delaware issues bonds from time to time. We issue bonds not just for capital projects for the State, for roads and prisons and health facilities and other things, parks, but we also issue tax-exempt bonds to help raise the money for our public schools.

The State of Delaware provides anywhere from 60 to 80 percent of the capital costs for building and renovating schools in my State. When a charter school wants to go out and raise the money for its brick and mortar needs, the State of Delaware doesn't issue bonds. It does not pay 60 percent or 80 percent or even 6 percent of the capital costs for the charter schools. The same is true in almost every other State where there is a charter school.

Later during the course of the debate—not today but later this or next week—Senator JUDD GREGG of New Hampshire and I will offer an amendment that says, given the kinds of results we are seeing in charter schools in our States and other places, maybe there is an appropriate role for the Federal Government in leveling the playing field a little bit for capital costs for charter schools.

The other topic I want to discuss is public school choice. We introduced, statewide in Delaware, public school choice 4 or 5 years ago. Today any parent can elect to send their child to a public school not on their feeder pattern. We choose the public schools that our two sons attend in Delaware. Other States are moving to public school choice as well.

In S. 1, the legislation we will be taking up in a few minutes, there are real consequences for schools that fail to make significant improvement for all kinds of students: rich, poor, male, female, disabled, nondisabled. We expect real improvement, real progress toward the academic standards those States have adopted. For States where a school fails for 4 years in a row to make real progress toward their academic standards, there are consequences which include providing real public school choice with transportation for those children in that failing school, allowing that school to be turned into a charter school, turning that school over to the private sector or the State has to take over the operation of the school. Yet we don't provide anywhere in our legislation help to the States, advice or assistance, technical assistance or otherwise, on how, if you have never had an experience with public school choice, you all of a sudden put in place a public school choice system in your State. Or if you have never started charter schools or your charter schools are struggling to get started, how do you help them get up and running so they can mirror the success stories I have talked about here today in Delaware?

Again, Senator GREGG and I will be offering an amendment later in the debate which would provide some help to States that haven't been thinking about public school choice but are going to have to under the legislation we are going to adopt and States that, frankly, haven't given any help on the brick and mortar capital side to charter schools. My State is as guilty as others that need to start doing that, particularly if we want to invest our money in what works.

I will close with this: There are a lot of important issues we will consider, whether the Republicans are in the majority or the Democrats. The most important thing we are endeavoring to do in this country today is to raise the level of achievement of our students. Those kids in our schools will some day in many cases go on to college. In most cases they will go on to work. It is important that when they reach that college or when they reach the employer or employers for whom they will be working, they have the ability to read, the ability to write, to think, to do math, and to use technology so they and their employers can be successful, and they can have the kind of life they want for themselves and their families.

It is not the role of the Federal Government to run our schools. That is the job of the local folks in the States and the schools and the school districts. Our job is to level the playing field. We have an opportunity, through the legislation we are again taking up this afternoon, to try to level that playing field a little bit and to invest the resources needed in our schools, particularly for kids struggling from disadvantaged backgrounds, to provide those resources more flexibly, to say, when we provide more money with greater flexibility, we want results; we are going to hold folks accountable for results, and finally, to say we want to give parents more authority, to empower parents to choose more often than not the public schools they attend.

I will close with this: If I needed any proof that public school choice was going to work, I got it, literally, the week after I signed, as Governor of Delaware, public school choice legislation into law. I was in a forum where there were a number of school administrators talking amongst themselves. During the break, I overheard one school administrator say to another, about public school choice: If we don't offer what parents want for their kids, they will simply send their children to another school.

I said to myself: He has it. In our State, if we are not offering in school A what parents want for their kids, if they are offering it in school B, the child can go to school B and the money follows the child. The State appropriation follows the child. It infuses competition and market forces into our schools and other schools attempting public school choice in ways we never imagined possible. That is the potential. That is the hope of part of what we are doing today, this week, and later this month.

I ask my colleagues, as we address the consequences for schools going forward in the future, if we are serious about empowering them to do public school choice, if we are serious about making charter schools a reality, keep in mind the legislation and the amendment to be proposed by Senator GREGG and myself.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. CARPER. I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. CARPER. Mr. President, as we gather today in this Chamber, it is quiet. We have people here prepared to take down our words, but relatively few words are being said. We are on the threshold of a historic occasion here in the Senate, where the leadership, at least the majority, is about to pass from our Republican friends to the Democrats' side of the aisle.

While there are many issues about which there might be partisan disagreements, there are many issues on which there is bipartisan agreement. One of those is the education of our children.

Today, visiting our Nation's Capitol, coming to this Chamber and that on the other end of the building in the House of Representatives, are the young and the old. In those groups of visitors to their Nation's Capitol are many schoolchildren. In many cases they are with parents and with teachers. They have come here to experience our Capitol, to experience the longest living democracy in the history of the world, the United States of America.

This Chamber was not silent just for a good part of this day but for much of last week as well, as we were in recess in observance of Memorial Day. In Delaware and in States across the country, on Memorial Day and during last week, we remembered and saluted and thanked our veterans who served in our Army, Navy, Air Force, and Marines, who in many cases sacrificed their lives in wars of the past century, and the two before that.

There is a document we are all proud of in this country called the Constitution. The Constitution of our Nation is the longest living written constitution of any nation on Earth. It was adopted on September 17, 1787, first by the little State of Delaware. As I like to kid my colleagues, Delaware for one whole week was the entire United States of America. Then we opened it up, and other States came in: Pennsylvania and New Jersey and Maryland and the rest joined us. Eventually there were 50 of us, and it has turned out well.

Mr. President, 213 years later we are going strong. Every now and then our democracy is put to the test. That democracy will be put to the test in this Chamber as we prepare for the passing of the torch from the current majority, Republicans, to the next majority, the Democrats.

One issue we will address later this afternoon, to take up again, is one we have been addressing for the better part of a month, and that is redefining the role of the Federal Government in the education of our children. While we have some disagreements in the margins, there is much about which we agree.

I say to all who come here today and in the days ahead to observe this debate, whether you happen to be from schools in Claymont, DE, or schools in Colorado or any other place, that we will endeavor to do our best to make sure the young people—very young people and those not quite so young—will have every opportunity to be successful in their schools and in their later endeavors, so when they walk across the stage and get that diploma and leave high school, it means they are ready to go on to be successful in college, careers, military, the private sector, public service sector—whatever they do—to be successful for their employers and, just as importantly, for themselves.

There is a meeting commencing this afternoon, after the Democrat and Republican caucuses. A number of Democrat and a number of Republican Senators were invited to the White House, presumably to meet with the President and members of his administration to discuss education reform.

While the numbers have shifted here a bit in the Senate, what should not have shifted is our commitment to our young people and making sure the Federal Government plays a more appropriate role in the years ahead. As we infuse more resources into our public schools, as we provide greater resources to the public schools, we seek to hold those schools accountable for results, rewarding the kind of performance we want to see and, where it is not happening, to make sure we take steps and the schools take steps to get the kind of performance they want and need and we desire as well.

Finally, we must make sure, better than we did before, that we empower parents to make decisions, real decisions, meaningful decisions, about the education of their children in the public schools of America.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Voinovich amendment No. 389 (to amendment No. 358), to modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved.

Reed amendment No. 425 (to amendment No. 358), to revise provisions regarding the Reading First Program.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Wellstone/Feingold amendment No. 465 (to amendment No. 358), to improve the provisions relating to assessment completion bonuses.

Voinovich amendment No. 443 (to amendment No. 358), to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

Dayton modified amendment No. 622 (to amendment No. 358), to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Bond modified amendment No. 476 (to amendment No. 358), to strengthen early childhood parent education programs.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

AMENDMENT NO. 465

Mr. WELLSTONE. Mr. President, I call up amendment No. 465.

The PRESIDING OFFICER. The amendment is now pending.

Mr. WELLSTONE. I thank the Chair.

Mr. President, the original cosponsor of this amendment is Senator FEINGOLD from Wisconsin. I thank him for his support. Other cosponsors are Senators KENNEDY and CLINTON.

Mr. President, let me try to summarize this amendment.

Right now on this education bill there is a bonus incentive for States to move forward with tests that this legislation calls for. Remember that this legislation on the floor of the Senate is very sweeping, for better or for worse. I think all Senators should think very seriously about that.

Right now we are basically mandating or telling every school district in every State in the United States of America that every child in grades 3, 4, 5, 6, 7, and 8 will be tested every year. This is not an option. School districts don't decide. States don't decide. At the Federal level, the Congress and the Federal Government are saying to States: You will do this.

In the legislation, as I say, the additional bonus money is for States that are able to move forward, and, as a matter of fact, put this testing into effect earlier than 2005.

What this amendment would say is that it is not speed that is the most important criteria. The most important criteria is the quality of the test. What we want to say to States and school districts around the country is that we will provide an additional bonus to you if you, in fact, are designing and implementing quality tests. Again, what I mean by that is States should not be relying on single standardized multiple-choice tests.

There are probably some students even in the gallery as I speak today. If they were the ones who were out here on the floor and were going to have a chance to speak, I think the students would say: Look. If, in fact, you are going to measure what we have learned and what we know, if you are going to measure what education is on the basis of single tests, standardized tests, or multiple-choice tests, the result will be teachers teaching to those tests, and drilling to get ready to take those tests. This is not all of what education is. In fact, I think it can become quite educationally deadening.

The best teachers I know—I am in schools about every 2 weeks in the State of Minnesota—are teachers who never teach to worksheets. The best teachers I have met are teachers who engage students, who get students to think about their lives in relation to the material, who get students to stand on their own two feet and think for themselves and speak for themselves.

At the very minimum, we ought to be saying to States that we do not want States and school districts to abuse tests by relying on the sort of off-the-shelf standardized fill-in-the-bubbles multiple-choice tests. That is just outrageous.

By the way, these multiple-choice tests put the real world into categories. They do not measure a student's sense of irony. They do not measure how profoundly students are thinking. They do not measure whether students can think creatively. There is a whole lot that these tests don't measure.

Indeed, when the other amendment I introduced was passed, one of the criteria was that the testing that is going to be done has to use multiple measures, and not just one single, standardized test. We need to encourage that type of assessment.

We also need to talk about whether the assessments are coherent. That is to say, are they measuring what is actually taught in the curriculum? If you have a single, standard, multiple-choice test that is generic that just sort of measures students in relation to other students but does not have anything to do with the curriculum and the material and what is actually being taught, then basically you are putting all of America in an educational straightjacket. Aren't we going to make sure, I say to my good conservative friends, that local school districts have some say over defining what makes for good education?

I think we want to make sure the tests are comprehensive. We want to make sure they are coherent.

Then the other thing we want to do is to make sure they are continuous; that is, if we are going to say we want an assessment, then we want to try to measure the progress of the student over a period of time. So what this amendment says is, look, let's make sure the assessment gives us the best picture of how students are really doing; if we are going to be engaged in testing, let's make sure it is high-quality testing; let's make sure we are really measuring how well students are doing; and, for God's sake, let's not force school districts and schools and teachers and students into some drill education, what I would call straitjacket education.

I was really pleased that in an op-ed piece in the Washington Post, Secretary Paige himself wrote:

> A good test, the kind the President and I support, is aligned with the curriculum so schools know whether children are actually learning the materials that their States have decided a child should know.

Again, that is what I mean by a test that is coherent.

Above and beyond that, let me just simply say to all of my colleagues that the independent panel review of title I, which was mandated in the 1994 reauthorization, has issued its report in January called "Improving the Odds." The report concluded that:

> Many States choose assessment results from a single test, often traditional multiple choice tests. Although these tests may have an important place in State assessment systems, they rarely capture the depth and breadth of knowledge captured in State content standards.

The panel went on to make a strong recommendation:

> Better assessments for instructional and accountability purposes are urgently needed.

So I again say, with this amendment, if you want to have a bonus system set up, if you want to provide additional moneys for States—not to hurry up, not to just bring a test off the shelf, a test that does not even give us a good idea of how our students are doing—have a bonus that focuses on high-quality testing.

Frankly, I am surprised that I have to come out in this chamber and debate this amendment. I would think this amendment would be adopted with 100 votes. Maybe it will be before we are done.

Now, let me just quote Robert Schwartz, the president of Achieve, Incorporated, which is the nonprofit arm of the standards-based reform movement. Here is what he said:

> You simply can't accomplish the goals of this movement if you're using off-the-shelf,

> relatively low-level tests. Tests have taken on too prominent a role in these reforms, and that's, in part, because of people rushing to attach consequences to them before, in lots of places, we have really gotten the tests right.

Mr. President, these are important words by a man whose work, whose profession, is in the accountability field. I would like to quote the last part of it again:

> Tests have taken on too prominent a role in these reforms, and that's, in part, because of people rushing to attach consequences to them before, in a lot of places, we have really gotten the tests right.

That is exactly my point. We need to get the tests right.

"Quality Counts," a recent study on the state of assessments in the United States, concludes this way:

> In too many States, the tests still focus too much on low multiple choice questions and are poorly aligned with the standards they are designed to measure.

So again—and I will emphasize this for maybe the 20th time this afternoon—what we want to do is we want to make sure that if there is going to be this testing—all in the name of accountability, all in the name of assessing how our students are doing—then we had better make sure we get it right. And if we are going to have a bonus system, let's provide the bonus money to those States on the basis of their putting together high-quality tests. That is what this amendment says: That above and beyond timeliness, the other criterion, the criterion that is so critically important, is that we have high-quality tests.

I say to Senators—and, by the way, I have a real question about this; I have not decided this question in my own mind; I have not decided what the right answer is—if we are going to mandate—I think this is breathtaking, what we are doing here, frankly—if we are going to mandate that every school district in every State test every kid, then, at the very least, it is our obligation to make sure these tests are done right so that they achieve the best effect.

Let's not give States an incentive to do low-quality tests which can have such a damaging effect by rewarding them for rushing. What we ought to reward States for is having high-quality tests, which means they are comprehensive, which means they are coherent, which means we are actually assessing the progress of students over a period of time.

I want to make it really clear that if we do not focus on high-quality tests, we are asking for real trouble. I say to Senators, before you vote on this amendment, if we do not provide a bonus payment to States for high-quality tests, if we do not make that our priority, and instead our emphasis is just on States rushing forward with any kind of test, we will not be helping children or teachers or schools in America; rather, we will be doing damage because if the only thing we do, all in the name of "reform," is to barrel down this path where you have State after State after State being forced by the Federal Government to do the testing, just taking off the shelf these standardized tests, with no multiple measures, and not being related to the curriculum that is taught, then we are going to have something which amounts to what I call drill education.

Again, I am looking up at the gallery. I know there are students up there. Students hate drill education. And they should hate drill education. And teachers hate drill education. It is not real teaching, and it is not real learning, to just sort of drill, drill, drill, and have students memorize, memorize, memorize, and then have some simple jingo standardized testing and nothing else.

I fear for where education is going to go if, at the very minimum, we are not, in our work in the Senate, focusing on quality testing.

I also point out to my colleagues that there has been recently in the New York Times—and, frankly, I wish the New York Times had done this 6 months ago, not just within the last several weeks—an excellent and a very troubling series, of articles on the perils of testing.

I again mention to my colleagues that right now this legislation encourages States to rush to develop their new annual tests so they can receive bonuses from the Federal Government. What my amendment says is that every State has to be on time. Not one Senator can say: Senator WELLSTONE, you are trying to stop the testing. By the way, if it were within my power, I might. I am not so sure we should be doing this. But that is not what this amendment says. What this amendment says is that every State is going to have to implement the testing, if we pass this legislation, but if they do it, then they ought to receive a bonus from the Federal Government for having high-quality tests. That is what this amendment says.

This amendment, cosponsored by Senator FEINGOLD, Senator KENNEDY, and Senator CLINTON, rewards those States that develop high-quality assessments as gauged by a peer review process, rather than simply speeding towards implementing tests with no consideration as to the quality of these assessments.

In the New York Times articles, they point out, in a very crystal-clear way, that quality matters. I want to just read from a couple of these pieces in the New York Times.

I quote from a piece in the New York Times. This is on some of the dangers of rushing:

> Each customized test the State orders must be designed, written, edited, reviewed by state educators, field-tested, checked for validity and bias, and calibrated to previous tests—an arduous process that requires a battery of people trained in educational statistics and psychometrics, the science of measuring mental function.
>
> While the demand for such people is exploding, they are in extremely short supply despite salaries that can reach into the six figures, people in the industry said. "All of us in the business are very concerned about capacity". . . .

What we have is people in the educational area saying: We are really worried about whether or not we are going to be able to follow through on this mandate. And there are all sorts of examples in different States, from New York to Arizona to Minnesota, where either there have been testing errors and kids have been kept back or have not graduated, with unbelievably harsh consequences, or principals and teachers have lost jobs, with the argument being that they were not able to teach well when in fact, as it turns out, the tests were not reliable or articles about teachers who were high-quality teachers who we would want to teach in inner cities or in rural areas—the Presiding Officer is from Maine—and who basically are now leaving the teaching profession because they are saying, wait a minute; not only do we want the resources but we certainly don't want to be forced to be involved in drill education, just teaching to these simple standardized tests.

The New York Times, again, had several articles which pointed out some of the real dangers.

The Washington Post had a piece February 10, 2001. I quote from one of the pieces.

> But 21 states test in three or fewer of the six grades, according to the center, and under President Bush's plan would have to at least double the number of students they test annually.

Only seven States right now are testing every year in grades 3 through 8 in a way that is aligned with state standards; other States do it every other year; some States, have not even met the requirements set out in the 1994 law. What we are now going to say is every State, every school district has to test every child every year. They are not given any choice. Not only are we saying that, but we are also saying there will be consequences based upon how the students do on those tests.

There will be consequences in terms of additional money, in terms of whether or not those schools will be sanctioned, in terms of whether or not those schools will be told that they have to operate differently, in which case, what my amendment is saying is: With this bonus system, let's not provide bonuses for States for rushing, since we have example after example after example of the abuse of testing and what can go wrong. Let's provide bonuses to States on the basis of quality.

My definition of quality, which is based on a recent report by the National Research Council, "Knowing

What Students Know" and on other sources such as the "Professional Standards on Educational and Psychological Testing" is: A, the tests should be comprehensive and not rely on just one single standardized test. B, the tests should be coherent. The tests should test the curriculum being taught. Otherwise, you have teachers in schools who have to teach to standardized tests that have nothing to do with the curriculum being taught in a school district in Maine or in Minnesota. That makes no sense whatsoever. And C, you want to track the progress of a child over a period of time.

What this amendment says is, right now in the legislation, we have it backwards; we are talking about providing an incentive, a bonus, to States for rushing. My amendment says, even though I have concerns about this Federal mandate, it is amazing: Here I am, a liberal Democrat from the State of Minnesota—I don't think the Chair would refer to me as a conservative Republican—and yet I am not sure in my own mind—I mean this; I am not trying to be gimmicky—I am not sure the Federal Government should mandate this. I am not sure we really have any business telling every school, every school district, every State, you have to test every child every year, 8-, 9-, 10-, 11-, 12-, and 13-year-olds. But that is almost beside the point. With my amendment, what we are saying right now is, if we are going to do it, let's do it the right way.

Last week, we passed, with 50 votes, an amendment which said this testing needs to meet professional standards and that states have to show that their tests are of adequate technical quality for each purpose for which they are used. That is really important. What this amendment says is, when we do the bonuses, let's be clear to the States—all my colleagues who believe otherwise about testing, this is not an amendment that says we don't have testing. Every State will have to meet the deadline. Every State will have to meet the deadline by 2005. But what this amendment says is, on the bonus payment, let's give the bonus payments to the States and to the school districts for high-quality testing. That should be the criterion.

It makes no sense to say we give bonus money to States solely on the basis of who does it first. Then you have everybody rushing. When people rush, they might not get it right. If you don't get it right, you don't have an accurate assessment. If we are going to do it, we had better get it right; it had better not be inaccurate. Some of this testing around the country has been inaccurate. As I said, the New York Times had a whole series of articles about that. It had better be accurate.

Secondly, if you are going to do it, it had better measure real teaching and real learning and real education. Let's not put all of the children and all of the schools and all of the teachers in America in a straitjacket. Let's make sure they know that we are expecting and support multiple measures. Let's make sure they know we want it to be coherent and measure the curriculum they are teaching. Let's make sure we are, indeed, measuring the progress of a child. Let's make sure it is done the right way, in which case, let's have bonus payments that provide the money and provide the additional payment and provide the additional bonus to those States that are engaged in high-quality testing.

That is what the amendment says. I could go on, but I think this is a fairly accurate summary of my amendment.

I yield the floor.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as we have just heard from our good friend and colleague, Senator WELLSTONE of Minnesota, we are back on legislation that the Senate is considering on support for elementary and secondary education. I welcome the fact that we are on it, and am very hopeful we will stay on it until we conclude. We have been on this legislation in one way or the other probably for the better part of 4 or 5 weeks, but we have only been on it for a few days at a time.

As most of you understand, the reauthorization of ESEA is an extremely important piece of legislation. It deserves the full time and attention of the Senate. We had a series of amendments, and over the Memorial Day recess we had the opportunity to go through the more than 200 amendments which were initially offered. We have been able to dispose of 33 of those amendments, and we have a number of amendments that will be withdrawn. Others are acceptable. And there still remain a number that are still pending a vote on the floor of the Senate. We want to get about the business of completing our work on education. I welcome the fact that we are back on this legislation.

I will address the amendment we have before us in a moment or two, but I do want to let our colleagues know that earlier in the afternoon the President called a number of members of the Senate Education Committee and a few others to the White House to talk about the Elementary and Secondary Education Act. He indicated at that time that the legislation, as it stands, would be acceptable to him, and he didn't need to have it enhanced or altered or changed. He urged us to get about the business of completing the reauthorization of ESEA.

I indicated to the President that we have been working diligently on this legislation, and have been working in a bipartisan manner. We have had the opportunity of working with the Secretary of Education and the President's education advisers. And now we have a very important, significant blueprint that can make a difference in the quality of education for children in this country by building on the standards which have been established by 49 of the States, by using high-quality, meaningful assessments so that we know what children are learning, particularly in the areas of math and literacy and, eventually, in 2007 and 2008, in science, and by using data from those assessments to identify the strengths and weaknesses of students, and provide the needed assistance for them to succeed.

We are going to hold the schools, communities, children, and parents accountable. The point I made to the President was that I thought we in Washington ought to be held accountable as well by ensuring that the benefits of this legislation should be available to all the needy children and not, as is currently the case, to just a third of the children.

It has been our position from the beginning that with the changes included in this legislation, we should fund the Title I program. Now it is funded at a third. We ought to be able to fund it at two-thirds next year and reach two-thirds of the children. Over the 4 years of President Bush's Presidency, we ought to have a commitment to reach the final third so that we will have the full funding of the Title I education program that can be flexibly used by local communities. With the provisions included in this legislation, we can provide a very positive learning experience for every child.

We are not there yet. The President indicated we will continue to have ongoing discussions, particularly as the Appropriations bills are considered. He certainly has not ruled full funding of Title I out, but he has not ruled it in.

We indicated that our position was supported by 79 Members of the Senate, Republicans and Democrats alike. I indicated to the President that support for mandatory, full funding of IDEA, funding that helps local communities to fund their special needs programs for children with disabilities, has very broad bipartisan support. We are very hopeful that any conference committee will once and for all provide for full funding of the Individuals with Disabilities Education Act. It is a position supported by more than 70 percent of the Senate, a good share of Republicans and Democrats alike.

In any event, we had a good exchange at the White House. We welcome the President's strong support for our legislation, and we have every intention of working to respond to Senator DASCHLE's strong desire to make this legislation the first order of business. We ought to complete this legislation.

I urge our colleagues who have amendments to bring them to our attention so that we can dispose of them in an orderly way.

As we return to our ongoing education debate here in the Senate, I think it appropriate to review briefly what our pending legislation does and its sources of inspiration.

Our goal in this bipartisan legislation has been to support proven, effective reforms. Time and again we have seen individual schools follow a similar path and achieve successful improvements in the quality of education. This reform bill builds on that grassroots experience.

The bill requires every child to be tested each year in grades 3–8 so parents and educators alike will have better information on where their children stand and what needs to be done to help them learn more effectively.

The bill requires that students, schools, and school districts are held to challenging academic standards. Low-achieving children will receive additional help. Students in failing schools will be free to transfer to other public schools or take advantage of after-school supplementary tutoring. If a failing school does not turn around in a reasonable number of years, it will be completely reorganized.

The bill provides high-quality assessments aligned with State standards that measure a full range of the child's learning. Off-the-shelf, fill-in-the-bubble tests too often compromise the quality of instruction and undermine genuine efforts for school improvements.

I salute the very strong efforts of the Senator from Minnesota in making sure that tests are quality tests that challenge children and positively affect the learning process, not just measure what they have been able to memorize in a particular class. That is enormously important. This legislation is going to be strengthened because of the efforts of the Senator from Minnesota.

Parents and the public deserve to know not only where their children stand, but also how their local schools and districts measure up. Annual report cards are required at each level. Sunshine can be a powerful force for change.

Our bill is strict in asking more of students, teachers, and schools and in holding them accountable for their performance. Just as important, the bill is intended to provide the resources that we know are necessary for all of them to have a genuine chance for success.

Our bill provides support to reach the goal of a qualified teacher in every classroom and a qualified principal in every school. Today, 39 percent of all teachers are teaching a subject in which they have no undergraduate major or minor degree. Clearly, that figure is unacceptable, and Congress can help do something about it.

Our bill revises and strengthens professional development programs to provide teachers with year-long mentors, ongoing training in their subject matter, and the best teaching methods and practices in child development.

It offers additional support to school districts with high concentrations of limited-English-proficient students to teach them English and make sure they meet the same high academic standards we expect all children to meet.

The bill expands the successful 21st Century Learning Centers Program that does such an excellent job of offering worthwhile after-school activities to students. Our goal is to reach every latch-key child over the next 7 years to provide them with supplementary learning opportunities after school that keep them off the streets, away from the gangs, and out of trouble.

Our bill also provides full funding for the Individuals with Disabilities Education Act. Twenty-five years ago, the Federal Government promised to pay 40 percent of these costs, but we have never met that promise. Today the figure is still only 15 percent. It is long past time for Congress to meet its commitment to special needs children.

Our bill's emphasis on better results and targeted resources comes from experience at the grassroots. Those experiences demonstrate that all schools can do better, not just the elite few.

Hundreds of successful local schools and school districts around the country are making impressive strides in improving student achievement. We can turn that number into thousands by helping guide the way. Many challenged schools are already turning themselves around as a result of reforms that focused on increased accountability linked to higher standards and quality testing, early intervention for children who need additional help, and adequate investments in proven reforms, especially in high-needed areas.

Three schools that have recently reported improvements are excellent examples. The Ashley Elementary School in Denver, Colorado, has an almost 100-percent minority population with a 90-percent poverty rate. It recently reported that since 1998, the number of third graders meeting State reading standards had soared by 280 percent—280 percent.

After years of reported failure, the school was shut down and reopened with new teachers and a new principal. Results of the Colorado Student Assessment Program were carefully analyzed, and the entire staff of the school signed on to a goal of raising student literacy skills. As a result, literacy was emphasized in every subject and in every class. Assessments of each student are monitored bimonthly. Students who fall behind receive extra support quickly or new methods of instruction. Every teacher gets professional development support every week. Ninety-minute reading blocks were created with a class size of 12 students per teacher, compared to 25 students per teacher in 1998.

Strict accountability, high-quality assessments, early intervention, professional development, and class-size reduction—these are precisely the types of proven reforms that will be strongly supported in the pending legislation.

Another example is Humboldt Elementary School in Portland, Oregon, which has been turned around with a similar combination of reforms. In 1997, only 17 percent of third grade Humboldt students and 10 percent of fifth grade students met Oregon's benchmark scoring in reading. Twenty-five percent of third graders and only 9 percent of fifth graders met the math benchmark.

In the face of this serious challenge, the city of Portland shut down and reconstituted the school. Two-thirds of the staff was reassigned. A new principal was hired. Academic and performance expectations were raised for all students. Class size was reduced from 28 to 1, to 21 to 1. All teachers now receive weekly professional development. Individual student assessment results are analyzed regularly and learning needs are diagnosed to respond to quickly. Eighty percent of Humboldt children participate in afterschool learning programs. Humboldt found out that reform costs money. In 1998, Portland added $540,000 to Humboldt's budget to carry out their reconstitution program.

I will later provide examples of schools, in my State of Massachusetts, that have experienced dramatic results when given the necessary resources to succeed. In many cases, schools reversed low-performance using less $540,000—the amount allocated to reversing low-performance in the Humbolt budget. The New American Schools Corporation estimates that it costs approximately $180,000 to implement a comprehensive school reform model in a given school—often the first step toward turning around low-performance. We have 10,000 failing schools at the present time, which equates to $1.8 billion to begin the process of turning around the nation's low-performing schools. If we are committed a quality education for all of America's students, we will include those resources in our legislation. Those resources have not yet been included. We think they should be.

According to the Oregon assessment in 2000, the percentage of Humboldt students meeting the State benchmark for academic performance increased to 67 percent among third graders and 60 percent with fifth graders. The percentage of third graders more than doubled, to 57 percent in math, and the percentage of fifth graders meeting the math standard soared to 70 percent.

Another impressive example of a successful school is the Jeremiah Burke High School in Dorchester, MA. Not long ago it was thought of as a hopeless, high-poverty school, but it is turning itself around with precisely the types of reforms emphasized in this current bill.

The Burke High School story was featured on the front page of the Boston Globe of May 22: "Dorchester School Gains Acceptance." I ask unanimous consent the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DORCHESTER SCHOOL GAINS ACCEPTANCE

(By Anand Vaishnav)

Six years after the Jeremiah E. Burke High School lost its accreditation—symbolizing both the decay of urban Boston and the struggles of its public schools—the Dorchester school has reached a new milestone: All eligible seniors in the Class of 2001 have been accepted to two- or four-year colleges.

"Now we have proof to show people what we can do," said Shannon Phillips, who will attend the University of New Hampshire.

In 1995, despite athletic prowess and school spirit, such proof was hard to find. Academic and physical woes, from no librarian to no drinking water, caused the New England Association of Schools and Colleges to strip the Burke of its accreditation, jeopardizing students' chances to get into college.

With an infusion of new money, an exodus of teachers which Headmaster Steven C. Leonard was able to replace with his own picks, and the billy club of shame, the Burke gained its certification back in 1998. Leonard then embarked on another piece of the improvement puzzle: getting more students into college.

"We just convinced them that they couldn't graduate until they applied to college," Leonard said with a smile. "We were bluffing. But it worked."

Whether the acceptance rate sets a new standard or is an aberration is open to question. A five-year school district agreement in 1996 promising more money for teachers, maintenance, and counselors to get the Burke back on its feet expire this year. And Mayor Thomas M. Menino, while touting the school, said he can't promise to maintain its financing.

"I'm not going to say that," Menino said. "But we're going to continue the progress they've made. We're not going to let the school go backwards."

Boston School Superintendent Thomas W. Payzant said the likely scenario is gradually adding more students—the school's enrollment has been kept below 700—while keeping the money and staffing the Burke has had.

"There's not as much magic in the number of students as it is the work they've learned to do with them." Payzant said.

The Class of 2001 with about 200 freshmen, and 172 became seniors, a number whittled down by transfers, moves, and dropouts. (The Burke's dropout rate is 13 percent, down from 17 percent five years ago, but still higher than the district's dropout rate of 8 percent.)

Of the 172 seniors, 14 are in jail or a state juvenile facility and won't graduate, Leonard said. Another four are illegal immigrants and will graduate but can't attend college because of their immigration status.

That leaves 154 graduates, many of whom are headed to local community colleges, technical colleges, or state universities such as a University of Massachusetts campus or Bridgewater State College. A few are headed to Berklee College of Music or Boston College, and some who got into college are weighing the military instead.

So how did they get there?

Three years ago, with the accreditation dilemma solved, Leonard began thinking of ways to boost the college-acceptance rate. Last year, he made an application to college part of the year-end "portfolio" all seniors must present to graduate.

This year, he told teachers that he wanted students to move beyond application to acceptance to a two- or four-year college—and he made it clear to students that it was a condition of receiving a diploma, even though it wasn't enforceable by law.

"We are preparing kids so that if they don't go to college, it's got nothing to do with us," Leonard said.

The Burke's guidance counselors and teachers then got to work, badgering students about financial aid forms, asking for essays, and introducing them to colleges they hadn't considered.

Had it not been for the personal attention, students said, they either would not have considered college or would not have applied to as wide a variety of schools. Senior Melanie Silva, who will attend Hesser College in New Hampshire, recalled how her sophomore biology teacher, Ernest Coakley, was relentless.

"He just stuck on me: 'I want to see your personal statement, I want to see your college application,'" Silva said. "He's still on me."

The City Council is expected to consider a congratulatory resolution for the Burke tomorrow.

Yet some worry about the intense focus on college, especially for students who simply aren't ready. Debra Wilson, who has a son at the Burke and one who graduated in 1998, is "ecstatic" about the high college acceptance rate. But she said she is concerned that the drive to get all students into college comes at the expense of spending time on other activities.

"We're losing sight of the student as a person, and a student needs to be a fully rounded person," Wilson said. "Sometimes we can overwhelm our children."

Leonard says he will live with any choice a student makes. But when he speaks to Burke students—and he interviews every new one—he tells them there are 18 other Boston high schools they can attend if college isn't in their cards.

As headmaster, Leonard said he now worries about maintaining what the school has, and his concern is rooted in history.

The schools' most recent renaissance was in the 1980s under headmaster Albert Holland, who got much of the same money and attention Leonard did. In 1991, budget cuts and rising enrollment devastated the school, coinciding with a citywide rise in youth violence that divided the school's hallways into gang turf.

While losing accreditation was a powerful tool for improvement, Leonard hopes the school's recent taste of success is a stronger catalyst to sustain achievement.

"My constant energy drain," he said, "is to hold everything together long enough so that enough people will realize that it's possible in the inner city."

GOING TO COLLEGE

[The percentages of graduates of some area highs schools who will attend two- or four-year colleges]

High school	No. of graduates	Going to college (percent)
Burke (Boston)	154	100
Billerica	331	84–86
Brockton	700	76
Charlestown	192	81
Everett	338	96
St John's Prep (Danvers)	268	99
Wayland	175	95
Wellesley	211	92
Westwood	144	95
Weymouth	395	75

Note: Some percentages are approximate because data is still being compiled.

Source: School districts.

Mr. KENNEDY. Burke High School lost its accreditation 6 years ago because of low test scores. Only 36 percent of the senior class was accepted into college. After doubling per pupil spending, hiring new staff, and raising academic standards, the school regained its accreditation in 1999.

Last year 62 percent of its seniors were accepted into college. This year every eligible senior, 100 percent of the Class of 2001, was accepted into a two or four year college. At Burke High School, no child is left behind.

Burke High School is one of the most dramatic stories that has come across our desk. I visited that school when it was facing enormous problems. It is now doing extraordinarily well. It is a major achievement and accomplishment.

The school's principal, Dr. Steven Leonard, attributes the turnaround to sustained ongoing school-based professional development for teachers. Teachers are trained outside the classroom, coached inside the classroom, and have year-long mentors at the school. When the Burke High School carefully analyzed its State test results, it discovered a widespread and deep need throughout the school. Dr. Leonard then raised more than $500,000 in 3 years from private sources to implement three schoolwide professional development programs. Over 3 years, he was able to spend a little over $125,000 a year for professional development for that school.

We know what works. This legislation has the framework to make sure that it can work for children across the country, but we also know it takes the investment, the resources, to give life though these reforms.

The Jeremiah Burke High School is an extraordinary example. Teachers have been trained to integrate literacy instruction throughout the curriculum. Teachers have learned to use technology as an educational supplement that enhances quality instruction instead of replacing it. Each classroom is now connected to the Internet. Every teacher at Burke participates in an ongoing professional development program that encourages college application, including financial aid applications. Every staff member at the school, not just guidance counselors, are trained in the procedures for college admissions and financial aid applications.

Last year, Dr. Leonard required a complete college application to be a part of a year-end portfolio that all seniors must have in order to graduate. This year, he has made college acceptance an informal condition of graduation, and every child has measured up and met that challenge. It is extraordinary. With the same type of skillful analysis and hard work, every school can do the same.

In the education reform legislation before the Senate, we encourage the same combination of high expectations, diagnostic testing, quality teaching, high-tech classrooms, and after-school learning opportunities that have worked at Burke High School in Massachusetts, Ashley Elementary School in Colorado, Humboldt Elementary School in Oregon, and scores of other schools such as these.

We authorize $11 billion in additional funding for next year alone so new reforms can be launched in schools across the Nation and ongoing reforms can be sustained.

This bill is solidly grounded in a vast amount of widely accepted research and practical experience. If we continue to work together on a bipartisan basis and enact this legislation, the real winners will be students, schools, communities, States, and the whole Nation. Let's finish the job we started so well.

On the Wellstone amendment, I want to indicate my strong support. I agree we should be focusing on the use of tests that are of high quality rather than how quickly they be developed. State assessments are the base of new accountability system in Title I, and we want assurance that the assessments are of high quality and an accurate measure of what students know and can do.

I had the good opportunity last Friday morning to be at a conference in Boston with 500 principals, teachers, and administrators of schools who have been working in the whole area of academic enhancement for children and accountability. This was a nonprofit organization that works to promote standard-based reform. They found the States have improved their standards in testing but they still have a way to go.

I agree with the Senator that their evaluation of what works for children is enormously important. They have been at this for a long period of time. There is no superior organization in this area. We cannot afford to compromise the quality of assessment at the expense of quickly developing the test.

The Administration has wanted to make sure we are going to create incentives in the States to move toward accountability. That is an admirable desire. However, we want to make sure that accountability systems are tied to quality tests. That is what the Senator's amendment is all about. I believe it is completely consistent with what the objectives of this bill are. It will also provide the assessment on the basis of the content standard more effectively than the off-the-shelf tests, which in too many instances are being taught to. We cannot afford to compromise the quality of assessments at the expense of quickly developing tests.

I heard the Senator talk about the mistakes. Most of us have read the New York Times article on the tests that were given in New York City and the mistakes that were made and how this disadvantaged children as well as principals as well as the school administrator and how the company still claims they have 99.997 percent accuracy. But just that amount of failure resulted in dramatic adverse developments for students as well as for teachers and administrators.

In my State of Massachusetts, there are several quality control measures in place to ensure reliability in the scoring of the MCAS test, our State assessment. Aside from the contract on assessment outside of the State, the results of all MCAS tests are also independently reviewed by testing experts at the University of Massachusetts. In addition to soliciting an additional review of the tests from the University, Massachusetts also trains its teachers, who are well-versed in the State standards, in the scoring of the MCAS. Teachers in Massachusetts review at least 25% of the test questions, including all of the written compositions in English language arts. Teachers are trained in the rubric and scoring process for a week-long period every July.

Massachusetts' example illustrates the points made by the Senator from Minnesota regarding the need for ensuring quality in the test development and administration. We cannot afford to compromise the quality of assessment at the expense of quickly developing tests. Developing a high-quality assessment, even in just one subject for one grade, is a lengthy process. According to experts on test development, there are eight basic steps in the test development process. They are as follows:

Defining the purpose for which the test is being developed; convening a technical committee to work with the States to write test specifications and determine the content and form of the test; developing and reviewing the questions and ideas on the test; conducting pretesting to ensure fairness, reliability, and accuracy of items on the test; data analysis and test assembly to make sure the test is aligned with the required subject matter and skills; and test administration and the development of accommodations for students with special needs.

I see my friend and colleague from Maine in the chair. I know she is very familiar with these activities because the State of Maine is one of the States which has given an enormous amount of attention to all these matters of testing and also with regard to special needs children.

The steps also include developing scoring changes and cut points associated with proficiency levels; and analysis of specifications and readjustment and realignment of items. States should not be encouraged to rush through this process but should take the time to develop assessments of high quality. States should be rewarded for taking the time to develop valid and reliable measures of what students know and can do.

Good tests work. They provide us with information on student performance, help educators identify the needs of individual students, and measures our impact on working to change schools and turn around low-performing schools. However, while 15 States have developed tests in third through eighth grade math and reading, only seven States use high-quality tests that are aligned with academic standards in those subject areas. We should encourage States to use that time to develop quality assessments rather than develop assessments quickly.

Awarding bonuses for the quality of assessment is consistent with our commitment to help States improve the quality of their tests. The Senate passed the Wellstone amendment to enhance the quality of test assessments by a vote of 50–47. We should continue to encourage States to improve the format of their tests, align the tests to standards, and employ multiple measures so the tests are reliable measures of what students know and can do.

I strongly support the amendment offered by my friend from Minnesota. In this bill, we establish standards that define what we expect children to know each year. Then, we establish assessments to provide for the evaluation of that knowledge. High academic standards and quality assessments go hand in hand.

We hope to avoid what is happening in too many States. That is, curriculum is not aligned to high standards, and tests are not aligned to high standards. When this happens, we risk compromising student's learning. We risk having teachers teaching to tests because they don't want to have a bad record of their students not being able to perform. That is not what this legislation is about.

Senator **WELLSTONE** has spent a good deal of time trying to make sure that this legislation includes high-quality assessments, and that it accomplishes our goal of improving student learning.

I thank him and commend him for the excellent work he has done in this whole area.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I will just take a few minutes. I thank the Senator from Massachusetts and thank him for being a cosponsor of this amendment.

Madam President, I refer my colleagues to the series of articles in the New York Times, and also a very interesting piece in the Atlanta Journal titled "Teachers Find Flaws in State Test's Science Part."

I thank Senator FEINGOLD for his support as an original cosponsor of this amendment and Senators KENNEDY and CLINTON for their support as cosponsors as well.

To remind my colleagues, since it has been a long time since this amendment was first introduced, this amendment is very non-controversial. It says that instead of the bill's language, which would reward states solely based on how quickly they finish their assessments, the Secretary should instead reward states that develop the highest quality assessments. The awards would be granted through a peer review system. We should not be giving states an incentive to rush on such an important issue. We have to give more incentives to improve the quality of the assessments.

This amendment really goes back to why we are measuring student achievement in the first place and what are our goals in setting up the accountability systems we have. Are we measuring for the sake of measuring only, or are we measuring to get the best picture of how our children are doing? If we want to get the best picture of how students are doing, we need to have the best possible assessments. They need to be aligned with standards. They need to be free from bias. They need to reflect both the range and depth of student knowledge and assess not just memorized responses, but student reasoning and understanding. This is exactly what my amendment on the quality and fairness of State assessments that was passed earlier in the consideration of this bill is all about. That is what this amendment is about. If there is anybody who thinks that speed is more important than quality, please, vote against this amendment. Please, come down and debate me on it. I would be happy to.

I was happy to see that Secretary of Education Paige also agrees that tests need to be high quality. He wrote that state assessments must be tied to the state standards and curriculum in his Washington Post op-ed that was published a couple of weeks ago. Secretary Paige writes: "A good test—the kind the president and I support—is aligned with the curriculum so that schools know whether children are actually learning the material that their states have decided a child should know." I would like to thank the Secretary for this statement, and based on it, I would hope that he and the administration and every Member of the Senate would support this amendment.

Let me review quickly my statements here on the floor before the recess about the key components of high-quality and fair assessments. The standards used by experts in the field—as laid out in the recent National Research Council Report "Knowing What Students Know"—in analyzing assessment quality are summed up in three questions:

Are the assessments comprehensive? That is, do they use multiple measures to capture the complexity of student learning rather than rote memorization of test content?

Are the assessments continuous? That is, do they capture student learning across time?

Finally, are the assessments coherent? That is, do they measure what is actually being taught in the curriculum?

So, based on Secretary Paige's comments, there now seems to be some agreement that the new state assessments need to be high-quality and fair. But, anyone working in the field of educational assessment will tell you that high-quality assessments take a long time to develop. They require a deliberative process. They should not be rushed.

It seems odd that, in this context, we would reward states simply because they finish their assessments quickly. It in fact, seems like an incentive for people not to spend time developing, improving and perfecting their assessments, but rather to take the easy way out. If they do, they can get a reward. If they do not, they get nothing.

This would be extremely problematic, because all the research indicates that we need to move toward higher quality assessments, not lower quality assessments. I believe that those states that invest resources in the very expensive endeavor of developing high-quality exams that reflect state standards should be rewarded for the value judgment that they have made.

The Independent Review Panel on title I which was mandated in the 1994 Reauthorization issued its report "Improving the Odds" this January. The report concluded that:

> Many States use assessment results from a single test—often traditional multiple choice tests. Although these tests may have an important place in state assessment systems, they rarely capture the depth and breadth of knowledge reflected in state content standards.

The Panel went on to make a strong recommendation. It said:

> Better assessments for instructional and accountability purposes are urgently needed.

Further, as Robert Schwartz, the president of Achieve, Inc., the non-profit arm of the standards-based reform movement recently said:

> You simply can't accomplish the goals of this movement if you're using off-the-shelf, relatively low-level tests . . . Tests have taken on too prominent of a role in these reforms and that's in part because of people rushing to attach consequences to them before, in a lot of places, we have really gotten the tests right.

That is exactly my point. We need to get the tests right. "Quality Counts," a recent study on the state of assessments in the United States, also concludes, "In to many states, the tests still focus to much on low level multiple choice questions and are poorly aligned with the standards they are designed to measure."

Low quality assessments can actually do more harm than good. I would like to quote from the National Standards on Educational and Psychological Testing. The standards state:

> The proper use of tests can result in wiser decisions about individuals and programs than would be the case without their use and also can provide a route to broader and more equitable access to education and employment. The improper use of tests, however, can cause considerable harm to the test takers and other parties affected by test-based decisions.

It is our obligation to see that tests are done right so that they achieve the best effect. Let's not give states an incentive to do low quality tests, which can have such a damaging effect, by offering them an award for rushing.

The National Standards state that this is our obligation. The Standards say:

> Beyond any intended policy goals, it is important to consider any potential unintended effects that may result from large scale testing programs. Concerns have been raised for instance about narrowing the curriculum to focus only on the objectives tested, restricting the range of instructional approaches to correspond to the testing format, increasing the number of dropouts among students who do not pass the test, and encouraging other instructional or administrative practices that may raise test scores without effecting the quality of education. It is important for those who mandate tests to consider and monitor their consequences and to identify and minimize the potential of negative consequences.

Let's enhance our accountability systems by trying to enhance the quality of assessments so we can avoid the negative outcomes described in the Standards and more accurately measure what students know and can do. This way we can more effectively use tests for their best purpose: to diagnose students' needs and help students improve.

I urge support for this amendment, for quality and for better reform.

AMENDMENT NO. 465, AS MODIFIED

Mr. WELLSTONE. I ask unanimous consent I be allowed to send my modified amendment to the desk. Basically what this amendment does, Madam President, is it makes crystal clear the bonus payments will go to States—first of all, they have to meet the deadline. I don't want colleagues to think I am giving States any way of not meeting the deadlines.

Second, the other requirement is that the bonus goes to States that develop assessments that most successfully assess the range and depth of student knowledge and proficiency in meeting State performance standards in each academic subject on which the States are required to conduct their assessments. There will be a peer review. I send my modified amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, (No. 465) as modified, is as follows:

On page 776, strike lines 1 through 5, and insert the following:

"(b) ASSESSMENT COMPLETION BONUSES.—

"(1) IN GENERAL.—At the end of school year 2006-2007, the Secretary shall make 1-time bonus payments to States that develop State assessments by the deadline established under 1111(b)(3)(F) and as required under section 1111(b)(3)(F) that are of particularly high quality in terms of assessing the performance of students in grades 3 through 8. The Secretary shall make the awards to States that develop assessments that most successfully assess the range and depth of student knowledge and proficiency in meeting State performance standards, in each academic subject in which the State is required to conduct the assessments.

"(2) PEER REVIEW.—In making awards under paragraph (1), the Secretary shall use a peer review process.

Mr. WELLSTONE. Madam President, I think the Senator from Massachusetts has said it well. I will have more to say about this overall education bill later on, but this is all in the spirit of trying to improve this bill. I hope there will be a lot of support for this amendment. So far no one has come out on the floor of the Senate to debate the amendment, and we are going to have a vote actually at 5:30 or thereabouts, or we think we will. If not, we will have a vote tomorrow.

We all have our expertise. I don't even want to say—it is a little presumptuous. I don't know that I am the expert, but 20 years of my adult life was education. I take it seriously. I happen to have been someone who did not do well on some of these standardized tests. I know the danger of relying on just one standardized test. I think the amendment that was agreed to last week was important. We do want to have multiple measures, and I think we do want to have a relationship between the tests and the curriculum being taught.

The only thing this amendment does is say: Look, let's be clear. All States have to meet the deadline. I am sure those of my colleagues who are all for mandatory tests would insist on that. I am not going to disagree at all. But I am saying let's give the bonus to States for high-quality tests. That is really what we want to reward. That is what we are trying to push.

If we are going to do this, let's make sure we are doing an accurate assessment of how the children are doing. If this is all being done in the name of accountability, that is to say we want to know how children are doing in different schools in America, then let's make sure we have the best assessment. That is all this amendment says. Let's have a bonus payment that goes in the direction of nurturing and promoting the best possible assessment.

It is a good amendment, and I hope my colleagues will support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, Senator COLLINS has an amendment also dealing with the issue of testing. When she arrives on the floor, I will yield the floor. I want to make some additional comments regarding funding and why I think it is so important.

At the present time, we are only reaching about a third of all the children who are eligible. Listen to this. This is with regard to my State of Massachusetts. I will try by the end of the week to have a similar kind of breakdown for all the other States because I believe they will find that their situation is very similar.

In the 1999-2000 school year, the supplemental Title I funding for disadvantaged children went to 980 out of the 1,900 Massachusetts elementary schools. But because of insufficient Federal funding, 624 Massachusetts schools with poverty rates in excess of 30 percent received zero in Title I education aid.

That is part of the problem. In 600 schools, 30 percent of their children are Title I eligible, and they receive virtually no funding whatsoever.

This is part of our dilemma in terms of wanting to make sure there is a range of different support services, the kinds of requirements that are going to be necessary in terms of well-qualified teachers, professional development and mentoring for teachers, and afterschool programs.

If we are serious about doing the job, doing it right and doing it well, we want to try to put ourselves on a glide path to full funding of Title I. Maybe we can't reach all of the children overnight. We understand that. We ought to be able to move ourselves on a glide path so we can look at all the children and, most importantly, their parents, and say that over the life of this legislation we are going to be able to assure those parents that their children who are ineligible for the program are going to get the support and the help and assistance they need.

As you well know, Madam President, this is not the beginning of the pathway in terms of the academic achievement and accomplishment of children. We are looking against a background where the Head Start Program is funded at about 40 percent. We are going to find that some children are going to be coming up with the Head Start Programs and go into the Title I programs which are funded, and will get into supplementary services, and to the extent that these kinds of support elements make an important difference—and they do make an important difference—they are going to be helped and assisted.

But we are going to find, in the same way, that a majority of children who are otherwise eligible for Title I are not going to benefit and then will go to school and fail to get help and assistance. It is going to be extremely difficult to think we are making an important difference in their lives and enhancing their ability in reading and in math.

Almost every study and review—most recently, the Institute of Medicine review of January of this last year—talks about the development of the neurons in children's brains and the importance in these first 3 years in terms of being able to sort of stimulate the interest of the children in various kinds of activities, hoping to stir the elements in the children's brains so they open them up in ways that they will be more receptive to the learning experience—we know this medically from all of these various studies.

The Carnegie Commission report has pointed these out for the last 10 years. Yet we still do not give that kind of intervention, support, and effort that we should and that we know makes an important difference.

I think many of us are very hopeful that we can see investment in these early years, then we have further support in terms of the Head Start Program. We have further to go in funding the special needs program for children with disabilities, and further to go in terms of funding the Title I program for disadvantaged children.

As the Chair understands, we will end up actually saving resources. I know the Chair is familiar with all of the studies that were done at the end of World War II on the GI bill where they estimated that for every $1 invested in education, the Federal Treasury got $8 back in enhanced earnings by those who received those programs. Investing in these children, in terms of savings and other social costs, is more than predictable. It is certain. We believe we have legislation that moves us very strongly in that direction. That is particularly why we are so strong in terms of wanting to get the funding for these programs.

For the benefit of the Members, we will consider the Wellstone amendment tomorrow and probably begin the discussion. We will have an exact unanimous consent request in a few moments.

For the benefit of the Members, as I understand it, we are coming in at about 11:00 a.m. and will be dealing with some necessary measures and we will then come back to the bill at approximately 11:30 a.m. We will have 20 minutes on the Wellstone amendment and then vote. We will follow that with consideration of the amendment of the Senator from Maine, Ms. COLLINS.

AMENDMENTS NOS. 445, 453, AS MODIFIED, 470, 473, 503, 506, 508, 598, 625, AND 631, EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Madam President, in the meantime, I have a package of cleared amendments. I ask unanimous consent that it be in order for these amendments to be considered en bloc and that any modifications, where applicable, be agreed to, the amendments be agreed to, and the motions to reconsider be laid upon the table en bloc.

For the information of the Senate, these amendments are the DeWine amendment No. 445; the Ensign amendment No. 453, as modified; the Roberts amendment No. 470; the Landrieu amendment No. 473; the Bennett amendment No. 503; the Collins amendment No. 506; the Collins amendment No. 508; the Sessions amendment No. 598; the Wyden amendment No. 625; and the Levin amendment No. 631.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered. The amendments are agreed to, en bloc.

The amendments (Nos. 445, 453, as modified, 470, 473, 503, 506, 508, 598, 625, and 631) were agreed to en bloc, as follows:

AMENDMENT NO. 445

(Purpose: To modify provisions relating to the Safe and Drug-Free Schools and Communities Act of 1994 with respect to mentoring)

On page 514, line 21, insert ", such as mentoring programs" before the semicolon.

On page 516, line 15, insert "mentoring providers," after "providers,".

On page 517, line 5, insert "and mentoring programs" before the semicolon.

On page 537, line 10, insert ", mentoring" after "services"

On page 550, line 15, insert "mentoring," after "mediation,".

AMENDMENT NO. 453, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the benefits of music and arts education)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE BENEFITS OF MUSIC AND ARTS EDUCATION.

(a) FINDINGS.—The Senate finds that—

(1) there is a growing body of scientific research demonstrating that children who receive music instruction perform better on spatial-temporal reasoning tests and proportional math problems;

(2) music education grounded in rigorous academic instruction is an important component of a well-rounded academic program;

(3) opportunities in music and the arts have enabled children with disabilities to participate more fully in school and community activities;

(4) music and the arts can motive at-risk students to stay in school and become active participants in the educational process;

(5) according to the College Board, college-bound high school seniors in 1998 who received music or arts instruction scored 57 points higher on the verbal portion of the Scholastic Aptitude test and 43 points higher on the math portion of the test than college-bound seniors without any music or arts instruction;

(6) a 1999 report by the Texas Commission on Drug and Alcohol Abuse states that individuals who participated in band, choir, or orchestra reported the lowest levels of current and lifelong use of alcohol, tobacco, and illicit drugs; and

(7) comprehensive sequential music education instruction enhances early brain development and improves cognitive and communicative skills, self-discipline, and creativity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) music and arts education enhances intellectual development and enriches the academic environment for children of all ages; and

(2) music and arts educators greatly contribute to the artistic, intellectual, and social development of the children of our Nation, and play a key role in helping children to succeed in school.

AMENDMENT NO. 470

(Purpose: Relating to mathematics and science)

On page 344, line 9, insert "engineering," before "mathematics".

On page 344, line 17, strike "a" and insert "an engineering".

On page 344, line 22, insert "engineering," before "mathematics".

On page 345, line 7, insert "or high-impact public coalition composed of leaders from business, kindergarten through grade 12 education, institutions of higher education, and public policy organizations" before the period.

On page 347, line 10, insert "or a consortium of local educational agencies that include a high need local education agency" before the period.

On page 347, line 18, strike "an" and insert "the results of a comprehensive".

On page 347, line 22, strike the semicolon and insert: ", and such assessment may include, but not be limited to, data that accurately represents—

"(A) the participation of students in advanced courses in mathematics and science,

"(B) the percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science, respectively,

"(C) the number and percentage of mathematics and science teachers who participate in content-based professional development activities, and

"(D) the extent to which elementary teachers have the necessary content knowledge to teach mathematics and science;

On page 349, line 6, strike the period and insert "through the use of—

"(A) recruiting individuals with demonstrated professional experience in mathematics or science through the use of signing incentives and performance incentives for mathematics and science teachers as long as those incentives are linked to activities proven effective in retaining teachers;

"(B) stipends to mathematics teachers and science teachers for certification through alternative routes;

"(C) scholarships for teachers to pursue advanced course work in mathematics or science; and

"(D) carrying out any other program that the State believes to be effective in recruiting into and retaining individuals with strong mathematics or science backgrounds in the teaching field.

On page 350, line 4, insert "engineers and" before "scientists".

On page 350, between lines 4 and 5, insert the following:

"(9) Designing programs to identify and develop mathematics and science master teachers in the kindergarten through grade 8 classrooms.

"(10) Performing a statewide systemic needs assessment of mathematics, science, and technology education, analyzing the assessment, developing a strategic plan based on the assessment and its analysis, and engaging in activities to implement the strategic plan consistent with the authorized activities in this section.

"(11) Establishing a mastery incentive system for elementary school or secondary school mathematics or science teachers under which—

"(A) experienced mathematics or science teachers who are licensed or certified to teach in the State demonstrate their mathematics or science knowledge and teaching expertise, through objective means such as an advanced examination or professional evaluation of teaching performance and classroom skill including a professional video;

"(B) incentives shall be awarded to teachers making the demonstration described in subparagraph (A);

"(C) priority for such incentives shall be provided to teachers who teach in high need and local educational agencies; and

"(D) the partnership shall devise a plan to ensure that recipients of incentives under this paragraph remain in the teaching profession.

AMENDMENT NO. 473

(Purpose: To express the sense of the Senate concerning a freeze in the existing postal rates charged with respect to educational materials sent to schools, libraries, literacy programs, and early childhood development programs)

On page 893, after line 14, add the following:

SEC. . SENSE OF THE SENATE CONCERNING POSTAL RATES FOR EDUCATIONAL MATERIALS.

(a) FINDINGS.—The Senate finds that—

(1) the President and Congress both agree that education is of the highest domestic priority;

(2) access to education is a basic right for all Americans regardless of age, race, economic status or geographic boundary;

(3) reading is the foundation of all educational pursuits;

(4) the objective of schools, libraries, literacy programs, and early childhood development programs is to promote reading

skills and prepare individuals for a productive role in our society;

(5) individuals involved in the activities described in paragraph (4) are less likely to be drawn into negative social behavior such as alcohol and drug abuse and criminal activity;

(6) a highly educated workforce in America is directly tied to a strong economy and our national security;

(7) the increase in postal rates by the United States Postal Service in the year 2000 for such reading materials sent for these purposes was substantially more than the increase for any other class of mail and threatens the affordability and future distribution of such materials;

(8) failure to provide affordable access to reading materials would seriously limit the fair and universal distribution of books and classroom publications to schools, libraries, literacy programs and early childhood development programs; and

(9) the Postal Service has the discretionary authority to set postal rates.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, since educational materials sent to schools, libraries, literacy programs, and early childhood development programs received the highest postal rate increase in the year 2000 rate case, the United States Postal Service should freeze the rates for those materials.

AMENDMENT NO. 503

(Purpose: To amend the eligibility requirements for the rural education initiative to account for geographic isolation)

On page 649, line 4, strike "(1)" and insert "(1)(A)".

On page 649, line 6, strike "and" and insert "or".

On page 649, between lines 6 and 7, insert the following:

"(B) each county in which a school served by the local educational agency is located has a total population density of less than 10 persons per square mile; and".

On page 651, line 3, strike "(1)" and insert "(1)(A)".

On page 651, line 5, strike "and" and insert "or".

On page 651, between lines 5 and 6, insert the following:

"(B) each county in which a school served by the local educational agency is located has a total population density of less than 10 persons per square mile; and".

AMENDMENT NO. 506

(Purpose: To provide that funds for teacher quality activities may be used to encourage men to become elementary school teachers)

On page 319, between lines 19 and 20, insert the following:

"(12) Funding projects and carrying out programs to encourage men to become elementary school teachers.

AMENDMENT NO. 508

(Purpose: To amend the Small, Rural School Achievement Program to allow funds to be used for local innovative education programs)

On page 648, line 18, strike "or 4116" and insert "4116, or 5331(b)".

On page 650, line 25, strike "or 4116" and insert "4116, or 5331(b)".

AMENDMENT NO. 598

(Purpose: To encourage the study of the Declaration of Independence, United States Constitution, and the Federalist Papers)

At the appropriate place insert the following:

"SEC. . THE STUDY OF THE DECLARATION OF INDEPENDENCE, UNITED STATES CONSTITUTION, AND THE FEDERALIST PAPERS.

"It is the sense of Congress that—

"(1) State and local governments and local educational agencies are encouraged to dedicate at least 1 day of learning to the study and understanding of the significance of the Declaration of Independence, the United States Constitution, and the Federalist Papers; and

"(2) State and local governments and local educational agencies are encouraged to include a requirement that, before receiving a certificate or diploma of graduation from secondary school, students be tested on their competency in understanding the Declaration of Independence, the United States Constitution, and the Federalist Papers."

AMENDMENT NO. 625

(Purpose: To provide a technical correction)

On page 648, strike lines 4 through 8 and insert the following:

"(1) to carry out chapter 1—

"(A) $150,000,000 for fiscal year 2002; and

"(B) such sums as may be necessary for each of the 6 succeeding fiscal years; and "(2) to carry out chapter 2—

"(A) $150,000,000 for fiscal year 2002; and

"(B) such sums as may be necessary for each of the 6 succeeding fiscal years.".

AMENDMENT NO. 631

(Purpose: To allow literacy grant funds to be used for humanities-based family literacy programs)

On page 189, between lines 17 and 18, insert the following:

"(6) PRIME TIME FAMILY READING TIME.—A State that receives a grant under this section may expend funds provided under the grant for a humanities-based family literacy program which bonds families around the acts of reading and using public libraries.

Mr. BENNETT. Mr. President, I rise in support of an amendment to the Better Education for Students and Teachers Act that will make a minor but important technical change to the Rural Education Initiative, located in Title V of the bill. The Rural Education Initiative directs funds to school districts that lack the personnel and resources needed to compete for Federal competitive grants and often receive formula allocations in amounts too small to be effective in meeting their intended purposes.

As the bill is currently drafted, districts must meet two requirements to qualify for grants under this program. One of these requirements is that the district must have less than 600 students. This requirement poses a problem for many States that have geographically large districts. For instance, in my home State of Utah, there are only 40 school districts. Compare this to States of similar or smaller geographic size, some of which have more than 500 districts. The result is that many districts in States like Utah have more than 600 students and therefore fail to qualify for rural assistance, despite the fact that these districts may be in the most rural parts of the State. I have been to these districts. If the members of this body were to travel with me to Beaver School District in Beaver, Utah, they would find it hard to dispute the fact that Beaver is a rural district. But the students in Beaver School District will not receive any assistance under the Rural Education Initiative as it is currently written.

I do not wish to argue the merits of large districts versus small districts. The way a State chooses to run its educational system is rightly left up to State and local education authorities. However, Congress should not be in the business of penalizing States based on their educational systems.

My amendment alters the Rural Education Initiative to include an either/or provision that will allow districts to qualify in one of two ways: a district must have less than 600 students or must have a total population density of less than ten people per square mile. This minor change will allow a handful of school districts that do not currently qualify to become eligible for funding under this provision. It is important to note that no school district currently qualifying under the Rural Education Initiative will be disqualified by my amendment. However, this change will have a serious impact on places like Beaver, Utah, and on many other rural school districts around the country.

I encourage my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, I thank colleagues for their cooperation. We are going to continue to work closely with our Members to try to move this process forward, and to do it in a timely way that will permit our colleagues, obviously, to speak to these measures where necessary and permit us to dispose of the amendments where necessary. But we do want to move ahead. I have every expectation we will have an opportunity to clear additional amendments tomorrow as well.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is my understanding, therefore, that for the balance of the evening we will simply participate in general debate on the bill and that tonight no more amendments will be offered to the bill. Tomorrow, as the Senator from Massachusetts has represented, there will be 20 minutes of debate equally divided when we go back to the bill, at which time there will be a vote on the Wellstone amendment, followed by the Senator from Maine, Ms. COLLINS, offering an amendment.

The PRESIDING OFFICER. Is there a unanimous consent request?

Mr. GREGG. That is not a unanimous consent request. That is just a summary of where we are. We are waiting for the formal written document to make it clear that I did not make any mistakes, and pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I ask unanimous consent that when the Senate resumes consideration of the education bill on Wednesday, there be 20 minutes of debate on the Wellstone amendment equally divided with no amendments in order to the amendment. I further ask unanimous consent that following the use or yielding back of the time, the Senate proceed to a vote in relationship to the amendment. I further ask unanimous consent that following that vote, the Senate then begin consideration of the Collins amendment No. 509.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GREGG. Madam President, I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. ENZI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S. 984 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HIV/AIDS VIRUS

Mr. FRIST. Mr. President, I rise to speak on the 20-year anniversary of a truly remarkable event which, at the time, no one in the world would have envisioned its impact—its impact on people throughout the United States and on people throughout the world—indeed, its impact on impact. No one could have foreseen an impact which, from a public health perspective, has resulted in the single worst public health crisis since the bubonic plague ravaged Europe more than 600 years ago.

That event occurring 20 years ago today was the publication of a brief description of the first five cases of a disease that could not be explained. The five people mentioned happened to have been infected with a virus that had never previously been described, and which at the time had no name. The five people had been infected with what was later called the HIV virus, and they died of complications associated with AIDS.

It was a case study. It was published by the CDC. At the time I was a third year surgical resident at the Massachusetts General Hospital in Boston. I remember very vaguely 20 years ago those first case reports being talked about. And it was vague. It was obscure. Nobody had any idea because that virus had never been described in the history of mankind. Nobody had ever before talked about a virus with such power to destroy—to destroy cells, to destroy cellular function, to destroy life itself: the HIV/AIDS virus.

During my surgical residency, I was involved in operating every day. At the time, we had no earthly idea that this virus would infect much of our blood supply. No one knew that it would ultimately be transformed, 5 or 6 years later, into what became known as "universal precautions," where, for the first time, we began to treat all blood in the operating room as potentially infected or potentially toxic. We started to wear double gloves. We started to wear a mask when we operated. We took these precautions to protect ourselves—not our patients This all occurred within a few years after these initial five cases were described. It changed the practice of medicine.

I had the opportunity earlier today to meet a wonderful person, a person whom I had previously only heard about. Her name is Denise Stokes. She has a wonderful voice and a wonderful story. The story was told to me and many others today.

Denise was infected with the HIV virus at the age of 13. Shortly after her infection was identified, she became active in the struggle against the virus. She described her many experiences in an intensive care unit. She described what it was like not to have access to available drugs. She talked about watching, in the depth of her illness, as policymakers talked about AIDS on television. She wondered whether at any point they would be able to respond to what has become the largest, most significant public health challenge in our lifetimes, in the last century—perhaps in the history of the world.

She talked about saying a silent prayer that hopefully there would be a cure someday. She talked about her hopes that someday she, by sharing her experiences, could become a catalyst for ultimately discovering a cure for HIV/AIDS.

Denise helped to put a face on heterosexual HIV infection in the 1980s. She was instrumental in gaining access to African-American churches in the early 1990s. As I said, she was infected when she was 13 years old. She is now 31. She talks to college students, community groups, and professional organizations sharing her story, a story that is powerful, a story that puts a face on HIV/AIDS.

No one 20 years ago, or even 15 years ago, would have ever guessed that this disease would become the single worst public health crisis in over 700 years.

People ask: What do we think about this virus now 20 years later? The Kaiser Family Foundation, in a very recent survey, showed two things about Americans' thinking: No. 1, they see AIDS is the most urgent international health issue; and, No. 2, after cancer, Americans view HIV/AIDS is the most urgent health issue here at home.

And the American public is right on target. We have learned a great deal about this disease over the last 20 years. We know how to prevent it. We have fairly effective drugs and treatment therapies today for treating HIV and AIDS-related infections. They work in most cases if they are available and if they are taken properly.

Over the last 20 years—remember, this virus was not around 21 years ago—AIDS has become a very effective killer. About 8,000 people will die somewhere in the world today from this virus, this single little virus that 21 years ago, to the best of our knowledge, had killed no one.

Its impact has been tremendous. Consider the research field—speaking as a physician and medical scientist, I can say that in 1981 we had no drugs to treat this virus. About 6 years later, we had six or seven drugs. Now, we have about 65 drugs to treat this virus. In spite of that, as I said, it is killing about 8,000 people a day.

One thing that gives us some hope is the great boldness, the genius of our research industry—both the public sector through NIH and the private sector through the pharmaceutical companies —where there are today over 100 drugs in the pipeline to combat HIV/AIDS.

Our successes have been many. We have reduced the incidence of mother-to-child transmission thanks to counseling, voluntary testing, and AZT for pregnant women. New HIV infections have declined sharply. The Ryan White CARE Act, which originated in the

Congress, supports care for over 100,000 people who otherwise would not be able to afford therapy. The drugs have doubled their life expectancies. That's a tremendous success. It has cut in half the average length of stay for HIV-related hospitalizations.

This body, I am proud to say, has responded to the changing face of HIV/AIDS, in the communities where it appears. For example, last year Congress expanded the reach of the Ryan White CARE Act to include a wider range of communities. We created supplemental grants for emerging metropolitan communities that previously had not been affected and in the past did not qualify for such funding.

The expansion in the program will benefit such places as Nashville, TN, where the Comprehensive Care Center, led by Dr. Steve Raffanti, has served more than 3,000 patients over the last 6 years, and is currently following almost 1,900 patients, 40 percent of whom fall below the poverty level.

How? The Congress first authorized the Ryan White CARE Act ten years ago and we reauthorized it five years ago and then again last year.

Congress has also responded with increased funding. Ryan White funding is now at a level of $1.8 billion a year. That is not double what it was when we started, or tripled, or quadrupled. It is 7 times what we initially put into the funding of the Ryan White Care Act.

But there is so much more to be done. There are 500,000 to 600,000 Americans living with the HIV infection and another 320,000 people with AIDS. We have reduced the number of new infections from 150,000 a year down to 40,000 a year. That is tremendous progress, but it is not acceptable. 40,000 new infections per year is one new infection every 13 minutes, 24 hours a day, 365 days a year.

Our loved ones are at risk. Even worse, there are some new danger signs on the horizon. The progress and the advances that have been made appear to have created an element of complacency. Surveys indicate today that 80 percent of our young people do not believe they are at risk for HIV infection. Such ignorance and complacency breeds incaution, less prevention, and, ultimately, more infections.

Last week, the CDC featured a report which cited a frightening increase in HIV incidence for young African-American gay and bisexual males. In Tennessee, the number of HIV/AIDS infections increased by a startling 35 percent over the 2-year period of 1998 to the year 2000. We simply cannot allow this increase in the number of infections. We cannot allow a new wave of infections in our country. All of this is a call to arms, a call to arms for all of us as citizens of our communities, as Americans, and as citizens of the world.

As we were talking this morning, Denise talked about initially withdrawing within herself as the virus infected her at age thirteen. As she grew older, she started to reach out—first, to her community; later, to policy makers.

Denise should be an example for all of us. We have a moral obligation to reach out within our communities and beyond, to the United States of America and beyond. We need to reach out to the entire world. Indeed, as troubling as the trends are in this country, they pale beside the staggering disaster of HIV/AIDS in the developing world, especially in sub-Saharan Africa.

The historical enemies of human beings—and we all know what they are: war, famine, natural disasters, persecution—today are dwarfed by the global epidemic of HIV/AIDS. The crisis is one of public health. The crisis is one of developmental economies. The crisis is one of humanitarian outreach.

The global statistics of HIV/AIDS are chilling. I just mentioned that an American is infected with HIV/AIDS every 13 minutes. During that same 13 minutes, 72 people will die of HIV/AIDS somewhere in the world. Twice that number will become newly infected.

I have had the opportunity to serve on the Foreign Relations Committee. In that committee, I chair the Africa subcommittee. I have had the opportunity to travel to Uganda, to Kenya, to the Congo, to the Sudan. I have had the opportunity to perform surgery in hospitals in the last several years where HIV infections among patients run as high as 50 percent. When you travel to Africa, just as Secretary Powell did 2 weeks ago, you see that Africa is losing an entire generation. It is that middle generation that is being wiped out. It is that working generation that is being wiped out. It is the parenting generation that is being wiped out.

How many orphans result? How many devastated families? How many impoverished villages? How many ruined economies?

The good news is we know a lot about how to reverse the epidemic through a combination of political commitment—I am speaking to my colleagues and to the political leadership of others around the world—of donor support—again, I am speaking to those both inside and outside government who are in a position to contribute—and of newly committed leadership in countries being devastated by the disease. Those three elements, in places such as Uganda, Senegal, and Thailand, have had remarkable successes.

On the ground in these countries, work by community-based organizations, both religious and secular, has been the linchpin of success.

It is very important that we not separate prevention from care and treatment. Science has not yet found a cure. There is no vaccine for HIV/AIDS. Not yet. It will be 5 years, or 7 years, or 10 years maybe more. I am not sure if it will even be a vaccine. It may be a highly effective treatment. One of the many problems of this virus is, once it gets into the memory system of the cells of the human body, those cells stay there for decades, 60 and 70 years. That's just one of the challenges for our research community.

Recent action by the pharmaceutical companies to slash prices on antiretrovirals for poor countries has done two things. First, it sends the message of hope. Second, it puts a spotlight on the necessity of establishing an infrastructure of health care to be able to engage in prevention and care and treatment.

Access to treatment and drugs for opportunistic infections such as tuberculosis is also critical. For all the damage that HIV/AIDS does, tuberculosis kills more people in Africa with AIDS than any other opportunistic infection.

Creation and ongoing support of public health infrastructure, of health care delivery systems, including personnel training, is essential to effective treatment and education programs.

What more should we do to address this challenge?

The reason I am discussing this tonight is that 21 years ago, before the first case studies, we had no idea of the catastrophe of this pandemic which now travels across the world. I have spoken a lot about Africa in the last few minutes; and there is increasing public awareness of the magnitude of the disaster there. When I ask which single country in the world has more HIV/AIDS cases than any other, most of my colleagues and those listening would guess a country in Africa. That's wrong. It is believed that India now has more cases than any other country.

If I ask what country in the world has the fastest growth rate in HIV/AIDS, again, most would guess an African country. That's also probably wrong. We think it's Russia. Frankly, we're not sure because public health information is so poor in most of these places.

There is no debate that no region of the world is more affected than Africa. But guess which region is second; it's the Caribbean.

This is truly a global challenge. The price tag for an effective response is staggering. Billions of dollars are going to be required. The United Nations estimates that $3 to $5 billion will be required in Africa alone. $3 to $5 billion to develop an appropriate human and physical infrastructure to address this challenge. Governments must respond. Legislatures like ours, the executive branch, and the governments of the world are the only ones able to commit the resources needed.

New public-private partnerships that draw on our creativity must be developed to implement the strategies that are put forward.

The United States has taken real leadership on this issue. Although we often are criticized by other nations, we need to make it clear that the United States right now is contributing about half the funds that the entire world is currently spending internationally to fight the problem.

We spend more than anyone on research and on education. We spend more than anyone on treatment of HIV/AIDS. We spend more than anyone to help the rest of the world deal with this problem. Indeed, U.S. foundations alone have contributed more money to attack this problem than most other governments.

This does not mean that we are the only ones doing our part. Other nations, the United Nations, the World Bank, corporations, and philanthropies have been joining together, particularly over the past year.

President George W. Bush, just 3 or 4 weeks ago, took a real leadership position, committing $200 million, the first country to do so, to a global fund to combat AIDS.

Secretary of State Colin Powell, on his recent return from Africa, said:

> There is no war that is causing more death and destruction . . . that is more serious . . . than the war in sub-Saharan Africa against HIV/AIDS.

I will close with seven steps we can take to engage this war:

No. 1. United leadership. We should ask the political, religious, and business leaders of the world to unite in joining the international commitment to halt the spread of HIV/AIDS and to help those afflicted with the disease. They should commit both financial and human resources to the fight.

No. 2. A global fund. I mentioned and commended President Bush's commitment to this global international fund for HIV/AIDS, tuberculosis, and malaria. This should not be an American fund. It should not even be a United Nations fund. It should be a global fund that represents a new way of doing business—transparent and responsive. Traditional donors such as European countries, Japan, and others, as well as the business community, foundations, and other institutions of civil society should all be participants in this fund.

In the very near future, I intend to offer legislation authorizing U.S. contributions to this new global fund, this new way of doing business.

No. 3. Swift funding. We should put nongovernmental and community-based organizations, both religious and secular, at the forefront of the action on the ground by getting funds to them quickly so they can most effectively do their jobs reaching out. We know they have an enormous impact, and speed saves lives.

No. 4. Partnerships. We should encourage and empower coalitions and partnerships of governments, universities, academies, research institutions, multilateral institutions, corporations, and the nongovernmental organizations to come together as partners, as coalitions, to help fill the gap between the available resources and the unmet needs of prevention, care, and treatment. Each member of the partnership brings a unique contribution to the battle.

No. 5. Research. We should make absolutely certain that international research efforts on disease affecting poor countries—and that includes AIDS, malaria, and tuberculosis—are reinforced in a manner that assures the best scientific research in the world can lead to real benefits for the developing world at a cost they can afford.

We should continue to aggressively support and encourage research into vaccines and treatments in both private and public institutions like the National Institutes of Health. The Senate has recently supported the doubling of funding at the NIH over 5 years. We should also give new financial incentives for private research. The pharmaceutical companies are doing tremendous research in the field of HIV/AIDS, but more is needed.

There are numerous vaccines currently under investigation. Their success will be measured in millions of lives saved. Just think of it.

No. 6. Prevention, care, and treatment. I already mentioned that prevention needs to be tied to care and treatment. I am very excited about new low-cost options which can link care and treatment with prevention over time.

No. 7. And I will close with this—is hope. As I talked with Denise Stokes today, I was struck by her remarkable enthusiasm, her optimism, and her commitment to teaching others about this disease which changed her life from the age of 13.

The most remarkable thing to me, as I listened to her and learned that she was just in the emergency room 2 days ago, was the simple fact that here she was talking to a large crowd of people with her story. She was sharing what was inside, reaching out broadly to people from all over the world, bringing her special message which can be summed up in one word: "hope."

We should do all we can to provide comfort and care to families all over the world today. We should address the issue of the orphans created by this terribly destructive disease. We have a moral responsibility to give them hope.

Yes, the challenge is before us—a moral challenge, a humanitarian challenge. There has never before been such a challenge in terms of sheer magnitude.

As Americans, it is natural to reach out to those around us, domestically, to give a helping hand. Now we must join with other nations to extend our helping hand further to create a better world, a safer world, and a more fulfilling world. We do that here at home with boldness, genius, and creativity, along with a healthy dose of courage, persistence, and patience. Let us now rise to the global challenge as a compassionate people in a great and compassionate nation.

COMMEMORATING TWENTY YEARS SINCE THE FIRST DIAGNOSES OF AIDS

Mr. DASCHLE. Mr. President, I rise to commemorate the beginning of a tragic chapter in human and medical history. Twenty years ago today the first cases of AIDS were diagnosed. Since that initial diagnosis in 1981, the toll wreaked upon humanity by this disease is mind boggling. Twenty-two million people have already died. And an additional thirty-six million people have become infected with HIV, the virus that causes AIDS.

In 1981, no one imagined the impact HIV/AIDS would have in the ensuing two decades. And, unfortunately, no one would have imagined that the United States would be as slow as it has been to respond to what has become a grave international crisis.

International public health experts estimate that the global fight against AIDS demands at least $7 billion per year. Meanwhile, in the last 15 years combined, the United States has invested only $1.6 billion or a little over $100 million per year to fight this pandemic. In 1999, a year during which nearly five and a half million people in Africa alone were newly infected, the United States invested just $142 million, less than .001 percent, of our foreign assistance budget that year, to fight AIDS.

Too much time has been lost, and too little leadership has been demonstrated by America. President Bush, Vice President CHENEY, and Secretary Powell have indicated they now recognize this pandemic for what it is: a national security threat. It is time that we begin dedicating the resources that such a threat demands.

In recent months, some progress has been made in combating AIDS. Governments, foundations, and corporations have begun to pledge donations to the Global Trust Fund to fight AIDS. Drug producers have also begun to make AIDS treatment more affordable for the more than 25 million HIV-positive Africans. But much more remains to be done.

However, the activities of the Global Trust Fund should not and cannot replace our bilateral efforts to bolster the health infrastructure of the countries struggling against this pandemic. Therefore, Congress can take three important steps to bolster our bilateral efforts and invest in the health care workers and researchers needed in the affected countries.

First, Congress must provide the resources needed for increased training of public health workers on the ground.

Second, Congress must increase spending on research in Africa—and insist that research dollars spent in these countries also go to the development of indigenous research capabilities.

And third, Congress must try to create the incentives necessary to stop the steady outflow of African doctors and nurses from these ravaged countries.

It is time to act. We have already lost two decades and tens of millions of lives to this deadly disease. We cannot afford to wait another two decades before we confront this disease with the dedication it demands.

Mr. KENNEDY. Mr. President, today marks the 20th year since the Centers for Disease Control and Prevention first published information in the Morbidity and Mortality Report on this illness we now call HIV/AIDS. The past 20 years have seen immense loss, as well as significant medical advances, and this anniversary is a fitting time to renew the worldwide call for stronger action in the battle against this devastating global epidemic.

Tragically, current reports from the CDC and from the Retrovirus Conference in Chicago indicate that the transmission of HIV is increasing among our youngest citizens. At least 50 percent of new infections in the U.S. occur in those under 25 years of age. Clearly, we can do more to combat this serious challenge that threatens to blight the lives of many of the Nation's youth.

Our concern extends far beyond America's borders. President Bush has pledged $200 million for HIV/AIDS internationally, but we need to do far more, especially to help combat this massive HIV/AIDS crisis in developing nations. From orphaned children, to untrained workforces, to destabilized economies, the realities of HIV/AIDS in third-world nations are harsh. Today, nearly 40 million people worldwide continue to live with HIV/AIDS.

Dealing more effectively with this global epidemic requires a stronger commitment from all of us both in Congress and in the administration, so that medical advances will benefit as many people as possible worldwide. The United States can set a proud example for the world community in dealing with HIV/AIDS by doing all we can to provide the resources needed for effective prevention programs, good treatment for those suffering from HIV/AIDS, and the development of a cure that will finally conquer it and save the lives of millions.

Mr. SMITH of Oregon. Mr. President, I rise today to note the 20th anniversary of the passing of a constituent of mine . . . one of the five original deaths sited by a CDC report published 20 years ago today. Though the 553-word article only outlined a rare type of pneumonia—it also noted that the same strain had struck five gay men in Los Angeles, California. One of those five men in Los Angeles was an Oregonian and I stand here today to mark this somber anniversary.

The world marks this date, June 5, 1981 as ground zero for the AIDS epidemic. Those early days marked a panic among urban populations of gay men, who at first made up the bulk of early AIDS cases. It wasn't until 1984 that researchers identified the AIDS virus, and throughout the 1980s much of the gay community's efforts were focused on organization and education, which became the hallmark for the early fight against AIDS. As this Nation all too slowly wakened to this epidemic, much of the groundwork had been laid by a community devastated by this disease. Slowly funding on the Federal level grew, and by the mid 1990s new drugs slowed but did not stop the progression of the disease.

Today 36 million people are HIV-positive: almost a million in the United States alone, and almost a third of them don't know they have HIV. AIDS is the fourth leading cause of death globally and the leading cause of death in Africa. The statistics in that continent are mind-numbing—in some countries, one of four adults are living with HIV/AIDS. Life expectancies in those countries over the next five years have been slashed from the mid-60s to the early forties. Cumulative deaths attributable to AIDS on that continent numbered over 13 million by 1999, and the number of children orphaned by AIDS is estimated between 7 and 10 million. An estimated 1 million children in Africa are HIV-positive.

There were about 5,000 cases of AIDS in Oregon last year, and the National Institutes of Health allocated over $16 million to universities and other institutions in the state to conduct research for the treatment of HIV/AIDS. In addition the government provided about $800,000 in grants under the Housing Opportunities for Persons with AIDS program.

But this day is not one solely devoted to statistics about this disease. Though the numbers are mind-numbing, sometimes the most devastating loss is measured in terms of those who contributed to our culture, our society, through literature, sports, public service and private business. AIDS has created a loss for our society in terms of books not written, music not played, business left undone, research undiscovered—put simply—lives not lived. On this somber anniversary I stand here on the Senate floor to note that one of the first was an Oregonian, a man named "Chuck" whose medical history is annotated in a CDC report released twenty years ago. Today's Washington Post noted only a sliver of his life—that he was from Oregon and that he had a penchant for wearing cowboy boots. Chuck has been dead for 19 years.

DRUG ENFORCEMENT ADMINISTRATION

Mr. GRASSLEY. Mr. President, as chairman of the Senate Caucus on International Narcotics Control, I rise today to compliment the men and women of the Drug Enforcement Administration, DEA. As chairman, I have watched these American heroes work day and night on the front lines of the struggle against international drug trafficking.

DEA's mission is to identify, target, and dismantle the most powerful drug syndicates operating around the world that smuggle their poison into American communities. These syndicates are far more powerful and violent than any organized criminal groups that American law enforcement has yet encountered. Unlike traditional organized crime, these 21st century crooks operate globally with transnational networks to conduct illicit enterprises simultaneously in many different countries.

The drug traffickers whom DEA faces pose nothing less than a foreign threat to the national security of the United States. International trafficking groups today have at their disposal the most sophisticated communications technology and their arsenal includes radar-equipped aircraft, advanced weaponry, and an army of workers who oversee the drug business from the source zones to the urban areas and rural locations within the United States. These drug traffickers reach even into my home State of Iowa, in America's heartland. Local, rural police and sheriffs departments must now deal with international organized crime.

All of this modern technology and these vast resources enable the leaders of international criminal groups to build organizations that, together with their surrogates operating within the United States, reach into all parts of America. The leaders of these crime groups use their organizations to carry out the work of transporting drugs into the United States, and franchise others to distribute drugs, thereby allowing them to remain beyond the reach of American justice. Those involved in international drug trafficking often generate such tremendous profits that they are able to corrupt law enforcement, military and political officials overseas in order to create and retain a safe haven for themselves. DEA's focus on international trafficking organizations makes that agency a critical and effective weapon in countering this threat to our way of life, here and abroad.

The threat posed by Colombian drug traffickers is particularly dire. The international drug syndicates headquartered in Colombia, and operating through Mexico and the Caribbean, control both the sources and the flow of many dangerous drugs into the

United States. The vast majority of the cocaine entering the United States continues to come from the source countries of Colombia, Bolivia, and Peru. For the past two decades—up to recent years—criminal syndicates from Colombia ruled the drug trade with an iron fist, increasing their profit margin by controlling the entire continuum of the cocaine market. Their control ranged from the wholesale cocaine base production in Peru, Bolivia, and Colombia, to the cocaine hydrochloride, HCL, production and processing centers in Colombia, to the wholesale distribution of cocaine on the streets of the United States.

In response to this threat, the DEA carries out cutting-edge, sophisticated investigations like Millennium and White Horse which have led to the dismantling of major portions of the most significant drug trafficking organizations operating not just out of Colombia, but throughout the world. DEA's accomplishments could take hours to review in detail, but let me mention just a few here today.

In 1999, Operation Millennium successfully targeted major traffickers who had previously operated without fear of capture or prosecution in the United States, believing that only their low-level operatives were at risk. This enforcement operation effectively demonstrated that even the highest level traffickers based in foreign countries could not manage drug operations inside the United States with impunity. Operation Millennium was made possible by direct support from the governments of Colombia and Mexico, and underscore the importance of cooperation among international drug law enforcement agencies.

In November 2000, DEA, FBI, and U.S. Customs culminated an 18 month investigation targeting a multi-ethnic, transnational MDMA, Ecstasy, and cocaine distribution organization, following up on enforcement action by Dutch police in the Netherlands. The investigation, known as Operation Red Tide, was a textbook example of the new multi-agency, multi-national law enforcement cooperation needed to thwart organized crime in the 21st Century. As a result of this cooperative effort, 1,096 pounds, 2.1 million tablets, of MDMA, the largest single seizure of the drug in history, were seized by U.S. Customs agents. The head of the organization, Tamer Adel Ibrahim, fled the U.S. after the seizure, but was quickly traced to Mexico and then to Europe by the multi-agency team. Ibrahim, along with others, were arrested and 1.2 million tablets of MDMA were seized by the Dutch National Police.

Cases similar to Operation Red Tide exemplify the unprecedented level of international law enforcement cooperation in effect today. The investigation targeting the transnational MDMA and cocaine trafficking syndicate was a cooperative effort by the U.S. law enforcement agencies, as well as the Dutch National Police/Regional Team South, Mexico's Fiscalia Especializad Para La Atencion De Delitos, FEADS, the Israeli National Police, the German Federal Police, Bundes Kriminal Amt, the Cologne, Germany Police Department, the Duissburg Germany Police Department, the Italian National Police and the French National Police.

This investigation is extremely important because MDMA, Ecstasy, is a new threat with a potential to cause great damage, especially to America's youth. Operation Red Tide has ensured that a large volume of ecstasy that would have made it into the hands of our youth never hit the streets. It has sent a strong message to the traffickers that the United States and DEA is leading a global response to the drug threat.

Last December, the DEA, again together with U.S. Customs and the FBI, completed Operation Impunity II, resulting in 82 arrests and the seizure of 5,266 kilograms of cocaine, 9,708 pounds of marijuana, and approximately $10,890,295 in U.S. currency. Impunity II follows earlier successes dating back to 1996 in Operation Limelight and Operation Impunity I—and was the result of the outstanding coordination between Federal, State, and local law enforcement officials and prosecutors across the country.

Operation Impunity II was a multi-agency law enforcement program that targeted a wide ranging conspiracy to smuggle thousands of pounds of cocaine and marijuana from Mexico, across the southwest border into Texas, for distribution throughout the United States. The organization placed managers in the United States and retained the organizational command and control elements in Mexico. In addition to remnants from the Carrillo-Fuentes organization, U.S. agents learned that some members of the Mexican Gulf Cartel had also become associated with the organization, including Osiel Cardenas-Guillen, allegedly a former Gulf Cartel lieutenant.

You may remember that Cardenas-Guillen is also charged with assault on an FBI agent and a DEA agent in Matamoros, Mexico, on November 9, 1999. Clearly this operation sends a clear signal that if traffickers threaten or harm a federal agent, they will not get away with impunity.

In January of this year, Operation White Horse targeted a large scale heroin trafficking organization, directed by Wilson Salazar-Maldonado, which was responsible for sending multi-kilogram quantities of heroin from Colombia to the Northeastern United States via Aruba. The investigation was conducted jointly by the Colombian National Police, DEA Bogota, Curacao, Philadelphia and New York, and the Special Operations Division. This investigation resulted in 96 arrests, as well as the seizure of multi-kilograms quantities of heroin and cocaine, weapons and U.S. currency.

DEA remains committed to its primary goal of targeting and arresting the most significant drug traffickers in the world today. Their successes include not only the operations I just mentioned, but also the historic destruction of the Cali and Medellin Cartels. DEA meets the ultimate test of bringing to justice the drug lords who control their vast empires of crime, which bring misery to so many nations. As we sustain a relentless assault against drug traffickers, we must insist that these drug lords be arrested, tried and convicted, and sentenced in their own countries to prison terms commensurate with their crimes, or, as appropriate, extradited to the United States to face justice in U.S. courts. I hope other Senators will join with me in acknowledging the fine work by DEA, and in supporting their efforts in the future.

MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2001

Mr. REID. Mr. President, S. 805, introduced on May 1, 2001 by Senator WELLSTONE, is a vital step toward the day when advanced research will find ways to halt, and even cure, the maladies of muscular dystrophy.

Muscular dystrophy is a genetic disorder—actually, nine separate genetic disorders that cause wasting of muscle tissue throughout the body. One-quarter of a million Americans of all ages suffer from the disease. One form of it, Duchenne's, strikes young boys, and usually takes their lives before they reach their twentieth birthday. All forms of it are disabling and costly.

Since 1966, the entertainer Jerry Lewis has conducted a telethon on Labor Day, calling the nation's attention to muscular dystrophy, and asking help for its victims and their families. The Muscular Dystrophy Association, which Jerry Lewis chairs, has raised hundreds of millions of dollars for the treatment and relief of this disease. It supports over two hundred clinics, and makes wheelchairs and braces available to people suffering from muscular dystrophy.

Part of the money the association raises—about $30 million yearly—goes to support research projects. But for the breakthroughs to occur that will enable scientists not just to treat, but to halt the disease, research funding must be substantially increased. This is the purpose of S. 805.

S. 805 calls upon the National Institutes of Health (NIH) and the Centers for Disease Control to establish Centers of Excellence, in which intensified clinical research can be conducted that will speed the discovery of cures for the various forms of muscular dystrophy. This legislation would provide the Director of the NIH, and the Directors of the several institutes within the NIH where research into muscular dystrophy is being conducted, with authority and responsibility to concentrate and intensify that research effort, with the funds needed to conduct clinical trials. In short, it gives NIH the organization and the mandate to exploit recent advances in gene therapy. The goal is the swiftest possible rescue for children and adults whose lives will otherwise be lost or badly damaged by muscular dystrophy.

The Congress has responded generously and often to the demand for research funding aimed at other diseases that shorten or impair the lives of Americans. It is time to add muscular dystrophy to the list of those diseases. I commend my colleagues for introducing S. 805, and I ask that my name be added as a cosponsor of the bill.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a heinous crime that occurred August 11, 2000 in New York City. A 17-year-old, who announced to his parents he was gay earlier this year, was recovering after his parents severely beat him. Police say that Hendrick Paterson, 49, and Sharon Paterson, 36, allegedly repeatedly smashed their son with a lead pipe at a relative's home as they yelled anti-gay slurs. "God will punish you for your lifestyle!" "You can't be gay," the couple is quoted as saying. The son was rushed to the hospital where he was treated and released for multiple welts to his body.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE MIDDLE EAST PEACE PROCESS

Mr. CLELAND. Mr. President, the latest round of violence in the Middle East has dealt more pain and suffering to the people of that region, as well as another blow to the peace process. And though I remain firmly convinced that a final status agreement—which provides firm and enforceable security guarantees for Israel—remains not only the most desirable way out of the cycle of violence but indeed the only way to achieve lasting peace and security for all of the people in the region, the fundamental problem at present is whether or not Yasir Arafat is capable of ever becoming a reliable partner in the peace process. The answer, as unfortunate for future generations of Palestinians as for Israelis and for all of those who crave peace in the Middle East, would seem to be an emphatic NO, as indicated by his dismissal of the historic compromise offered by then-Israeli Prime Minister Ehud Barak late last year. Unless and until Chairman Arafat, or a successor, can demonstrate the capacity to make peace as well as war, the outlook for the Middle East peace process will remain bleak.

Thomas Friedman makes this case effectively and forcefully in a May 22 editorial in the New York Times, entitled "It Only Gets Worse." I ask unanimous consent that the Friedman editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 22, 2001]

IT ONLY GETS WORSE

(By Thomas L. Friedman)

The long-awaited Mitchell commission report about Israeli-Palestinian violence was released yesterday, and now there is a debate over what to do with its recommendations. I have a suggestion. It's kind of a two-for-one deal. Take all the Mitchell reports, make a big pile out of them, and set them ablaze into a gigantic bonfire. It would surely generate enough heat, and light, to make a small contribution to the Bush energy plan.

Am I being unfair? Yes, just a bit. George Mitchell is a good man, and the central argument of his report is right, in the narrowest sense: If you want to stop the latest Israeli-Palestinian slide into the abyss, first there must be a cessation of all violence, and then confidence-building steps, including a settlements freeze and Palestinian security measures.

My problem with the Mitchell report is that it fundamentally ignores how we got into this abyss and the only real way out. It is not because of Israeli settlements. The settlements are foolish, and their continued expansion is a shameful act of colonial coercion that will meet the fate of all other colonial enterprises in history. The inability of American Jewish leaders or U.S. governments to speak out against settlement expansion—which should be stopped under any conditions for Israel's sake—is a blot on all of them.

But the settlements are not the core problem. The core problem right now is Yasir Arafat—the Palestinian leader who cannot say "yes" and will not say "uncle."

President Bill Clinton and Prime Minister Ehud Barak put on the table before Mr. Arafat a historic compromise proposal that would have given Palestinians control of 94 to 96 percent of the West Bank and Gaza—with all the settlements removed, virtually all of Arab East Jerusalem, a return to Israel of a symbolic number of Palestinian refugees and either the right of return to the West Bank and Gaza or compensation for all the others.

Not only would Mr. Arafat not take it, he would not even say: "Well, this was insufficient, but this is the most far-reaching and serious proposal Palestinians have ever seen. Now, I want to enter into a dialogue with the Israeli people and government to see if I can get them to 100 percent."

No, instead, Mr. Arafat launched this idiotic uprising. He did so because he is essentially a political coward and maneuverer, who apparently has not given up his long-term aim of eliminating Israel and who was afraid in the short run that if he took 99 percent, he would be killed for the 1 percent he left on the table. Mr. Arafat has never been willing to tell his people he got them most of what they wanted and now is the time to end the suffering of as many Palestinians as possible and move on.

This truth is what the Mitchell "investigation" should be telling the world and the Palestinians. There was an Israeli leader, and a slim Israeli majority, for a fair historic compromise. But there was no Palestinian equivalent, and unless there is a Palestinian partner, and a Palestinian leader, for a historic compromise roughly along the Clinton lines, no cease-fire is going to hold.

The best Hebrew biography of Israeli Prime Minister Ariel Sharon is entitled "He Doesn't Stop at Red Lights." Mr. Arafat's biography should be entitled "He Doesn't Go at Green Lights."

Now Mr. Sharon—who was elected in the Israeli backlash against the failure of Camp David—is trying to pummel Mr. Arafat into submission. That won't work either. Because Mr. Arafat is as afraid to say "uncle" to Sharon as much as he was afraid to say "yes" to Clinton. He fears he would be killed for saying uncle as much as he would be killed for saying yes to 99 percent. The Palestinians will never be bombed into submission. One hundred years of Palestinian history tells you that.

The real problem is that the Palestinians are leaderless today, and that is what the U.S., the U.N. and the Arab would have to face up to. Deep down, they all know it and they admit it to each other in private. There is no Palestinian leader right now willing or able to say yes to a fair historic compromise, and we simply fool ourselves with commissions that don't acknowledge that. Unless the Arabs can stiffen Mr. Arafat by supporting him in any grand compromise, or by creating a context in which an alternative leadership can emerge, this bonfire will rage on and it will consume many, many others.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 4, 2001, the Federal debt stood at $5,668,781,838,668.70, five trillion, six hundred sixty-eight billion, seven hundred eighty-one million, eight hundred thirty-eight thousand, six hundred sixty-eight dollars and seventy cents.

Five years ago, June 4, 1996, the Federal debt stood at $5,139,964,000,000, five trillion, one hundred thirty-nine billion, nine hundred sixty-four million.

Ten years ago, June 4, 1991, the Federal debt stood at $3,489,526,000,000, three trillion, four hundred eighty-nine billion, five hundred twenty-six million.

Fifteen years ago, June 4, 1986, the Federal debt stood at $2,053,350,000,000, two trillion, fifty-three billion, three hundred fifty million.

Twenty-five years ago, June 4, 1976, the Federal debt stood at $606,178,000,000, six hundred six billion, one hundred seventy-eight million, which reflects a debt increase of more than $5 trillion, $5,062,603,838,668.70, five trillion, sixty-two billion, six hundred three million, eight hundred thirty-eight thousand, six hundred sixty-eight dollars and seventy cents during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNIZING THE 90TH BIRTHDAY OF LILLIAN WALLACE

• Mr. REID. Mr. President, today I pay tribute to one of Nevada's finest ladies, Lillian Wallace. Born in New Haven, CN on June 13, 1911. Lillian attended P.S. 132 and graduated from George Washington High School. In 1941, she joined the Army Medical Corps as a general clerk and was promoted to head of the Medical Supply Division. Having a life long desire to see California, Lillian moved there after the war and met her future husband, Julian. They drove to Las Vegas to wed in 1947 and later became residents of Nevada. Together, they devoted their lives to helping those who needed help, particularly senior citizens. They worked with the Mobile Home Owners League of the Silver State, an organization that fights for the rights of mobile home owners. Lillian also gave her time to Hadassah and the City of Hope Medical Center.

In 1982, she and Julian took a floundering group called Seniors United, and turned it into one of the most formidable seniors advocacy groups in Nevada. Lillian created the Senior Highlights magazine and has been the editor for 17 years. She takes great pride in choosing articles that are of interest and educational to our senior population. She believes in promoting the positive aspects of government and giving government officials a chance to meet with Seniors United members to discuss the issues. Lillian has always believed that education is the key to getting people to respect their government and get involved.

Lillian lost her beloved husband and soulmate last year. Moving forward alone has been one of her greatest challenges in life, but she looks to the future and continues to help seniors in need and work on the expansion of Seniors United. Her contributions to the seniors of the State of Nevada are legend and the honors she has received are too numerous to mention. I ask my colleagues to join me in wishing this grand dame of Nevada a happy 90th birthday.•

WE THE PEOPLE

• Mr. DAYTON. Mr. President, We the People . . . The Citizen and Constitution program, administered by the Center for Civic Education, has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with an in-depth, working knowledge of our Constitution, the Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers, as well as by participating in other educational activities.

The class from Stillwater High School, in Stillwater, MN, took part in the program's national competition here in Washington, D.C., April 21st–23rd, 2001. I would like to thank the students, Lindsay Jasicki, Leah Abbe, Aaron Williamson, Patrick Hueller, Anders Johnson, Stephanie Ebner, Aaron Ulland, Lee Howard, Jessica Mcglauflin, Kyle Ellefson, Jeffrey Morency, Jordan Hild, Rebecca Siemers, Patrick Horst, Blake Rasmussen, and David Hoffman and their teacher, Ms. Kathleen Ferguson, for representing Minnesota at this prestigious event. To reach this level of competition demonstrates a tremendous knowledge of the essential ideals and values of the American constitutional government. My staff and I wish these young "constitutional experts" the best of luck in the future.•

S.C. LIBRARY HONORED

• Mr. HOLLINGS. Mr. President, It is official. The Richland County Public Library is the best library system in the country. Library Journal magazine and the Gale Group, the Nation's largest publisher of reference works for libraries, recently named the Richland library the National Library of the Year 2001. The library's executive director, C. David Warren, will accept the award on June 18 at a ceremony in San Francisco during the annual conference of the American Library Association. This honor is the latest in a string of honors bestowed on Richland County's system. In 1999, the American Library Association chose the library as the No. 1 large library system in the Southeast and, in 2000, Hennen's American Public Library Ratings ranked it fourth among urban libraries serving populations of 250,000–499,999. It was only a matter of time before it earned top billing nationwide.

Three key factors influenced selection of the Library of the Year: service to the community, creativity in developing community programs and leadership in creating programs that other libraries can emulate. The Richland library shines in each of these areas thanks to the hard work of Mr. Warren, his staff, the Friends of the Library group, the County Council and voters. In 1989, voters approved a $27 million bond referendum used to build a striking new main library on Assembly Street and seven new branches. Many Richland County residents already knew they had a gem on their hands, but it sure is nice to have that pride substantiated by such a prestigious honor. I commend the Richland County Public Library for its outstanding service and wish Mr. Warren and his staff the best of luck as they continue to build an exemplary library system.•

IN RECOGNITION OF THE ALLENHURST FIRE DEPARTMENT

• Mr. TORRICELLI. Mr. President, I rise today to recognize the Allenhurst Fire Department on its 100th Anniversary of dedicated volunteer fire service.

For the last 100 years, with courage and devotion to their fellow neighbors, the volunteers of the Allenhurst Fire Department have valiantly given of themselves to protect the lives and property of the residents of Allenhurst, New Jersey. In doing so, they have taken on a great deal of personal responsibility in promoting the well-being of their community and served as an exemplar of good citizenship.

I would like to extend my best wishes to the volunteers and families of the Allenhurst Fire Department and wish them many more years of fine service to their community.•

HONORING SEAN CONLEY

• Mr. DAYTON. Mr. President, I would like to honor Sean Conley for his recent victory at the 74th Annual Scripps Howard National Spelling Bee on May 31st, 2001. Outspelling 248 other master spellers at the national level over three days, Sean sealed his championship by successfully spelling succedaneum.

Sean is from Shakopee, MN, and attends the Minnesota Renaissance School in Anoka, MN. He placed 9th in the 1999 Scripps Howard National Spelling Bee and 2nd in 2000.

I join with all Minnesotans in celebrating Sean Conley's achievement. We are extremely proud of him.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2081. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Annual Report for 2000; to the Committee on Rules and Administration.

EC–2082. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Protection of Human Research Subjects: Delay of Effective Date" (RIN0925–AA14) received on June 1, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2083. A communication from the Acting Assistant Secretary of the Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Ergonomics Program" (RIN1218–AB36) received on May 14, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2084. A communication from the Acting Director of the Office of Workers' Compensation Programs, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Performance of Functions Under this Chapter; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act" (RIN1215–AB32) received on May 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2085. A communication from the Acting Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Consultation Agreements: Changes to Consultation Procedures" (RIN1218–AB79) received on June 1, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2086. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Department of Defense General Counsel, received on May 25, 2001; to the Committee on Armed Services.

EC–2087. A communication from the Associate Director for Retirement and Insurance, Office of Personnel Management and the Acting Assistant Secretary of Defense, Health Affairs, transmitting jointly, pursuant to law, the Joint Evaluation by the Department of Defense and Office of Personnel Management of the Federal Employees Health Benefits Program Demonstration: First Report to Congress"; to the Committee on Armed Services.

EC–2088. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "CHAMPUS: Partial Implementation of Pharmacy Benefits Program" (RIN0720–AA62) received on June 1, 2001; to the Committee on Armed Services.

EC–2089. A communication from the Deputy Under Secretary of Defense, Policy Support, transmitting, pursuant to law, the Report on Agreements for the Exchange of Defense Personnel Between the United States and Foreign Countries for Fiscal Year 2000"; to the Committee on Armed Services.

EC–2090. A communication from the Assistant Director for Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of the Navy, received on June 1, 2001; to the Committee on Armed Services.

EC–2091. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status Under Legal Immigration Family Equity (LIFE) Act Legalization Provisions and Life Act Amendments Family Unity Provisions" (RIN1115–AG06) received on May 31, 2001; to the Committee on the Judiciary.

EC–2092. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti" (RIN1115–AG05) received on May 31, 2001; to the Committee on the Judiciary.

EC–2093. A communication from the Director of Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Establishing Premium Processing Service for Employment-Based Petitions and Applications" (RIN1115–AG03) received on May 31, 2001; to the Committee on the Judiciary.

EC–2094. A communication from the President of the American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to activities for 2000; to the Committee on the Judiciary.

EC–2095. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, received on June 1, 2001; to the Committee on the Judiciary.

EC–2096. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, received on June 1, 2001; to the Committee on the Judiciary.

EC–2097. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Columbia; to the Committee on Appropriations.

EC–2098. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Colombia; to the Committee on Appropriations.

EC–2099. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Colombia; to the Committee on Appropriations.

EC–2100. A communication from the Chief Counsel, Bureau of the Public Debt, Office of the Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Government Securities Act Regulations: Definition of Government Securities" (RIN1505–AA82) received on May 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2101. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Doc. No. FEMA–D–7509) received on May 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2102. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC–2103. A communication from the Deputy Secretary, Investment Management, Office of Public Utility Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Preservation and Destruction of Records of Registered Public Utility Holding Companies and of Mutual and Subsidiary Service Companies" received on May 24, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2104. A communication from the Deputy Secretary, Investment Management, Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Section 270.31a–2: Records to be preserved by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies. Section 275.204–2: Books and records to be maintained by investment advisers" (RIN3235–AI05) received on May 24, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2105. A communication from the General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Screening and Eviction for Drug Abuse and Other Criminal Activity" (RIN2501–AC63) received on May 24, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2106. A communication from the Deputy Assistant Secretary of the Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Entity List: Revisions and Additions" (RIN0694–AB60) received on May 31, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2107. A communication from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Assessment of Fees" (12 CFR Part 8) received on May 31, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2108. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Maintenance of Effort—Minimum Number of Annual Board of Directors Meeting" (RIN3069–AB05) received on May 31, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2109. A communication from the President and Chairman of the Export Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

EC–2110. A communication from the Acting Administrator of Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tobacco Fees and Charges for Permissive Inspection and Certification; Fee Revisions'' (RIN0581–AB86) received on May 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2111. A communication from the Chairman of the Federal Reserve System, transmitting, pursuant to law, a report relative to the profitability of the credit card operations of depository institutions for 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–2112. A communication from the Chief of Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Forest System Land and Resource Management Planning; Extension of Compliance Deadline; Interim Final Rule'' received on May 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2113. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of France, Ireland, and The Netherlands Because of Foot-and-Mouth Disease'' (Doc. No. 01–031–1) received on May 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2114. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of the Independent Principalities of Andorra, Monaco, and San Marino Because of BSE'' (Doc. No. 01–029–1) received on May 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2115. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Prohibition of Beef from Argentina'' (Doc. No. 01–032–1) received on May 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2116. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the 2000 annual report; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2117. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Papayas Grown in Hawaii; Suspension of Grade, Inspection, and Related Reporting Requirements'' (Doc. No. FV01–928–1) received on May 31, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2118. A communication from the Acting Administrator of the Agricultural Marketing Service, Cotton Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of User Fees for 2001 Crop Cotton Classification Services to Growers'' (Doc. No. CN–00–010) received on May 31, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2119. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clethodim; Pesticide Tolerance'' (FRL6783–5) received on May 31, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2120. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxygen: Pesticide Tolerance'' (FRL6782–5) received on May 31, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2121. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clethodim; Time-Limited Pesticide Tolerance'' (FRL6785–5) received on May 31, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2122. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Baillus thuringienis Cry1F Protein and Genetic Material Necessary for its Production in Corn; Exemption from the Requirement of a Tolerance'' (FRL6783–3) received on May 31, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2123. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prohexadione Calcium; Pesticide Tolerance'' (FRL6781–5) received on May 31, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2124. A communication from the Director of the Office of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Reasonable Charges for Medical Care or Service'' (RIN2900–AK73) received on May 7, 2001; to the Committee on Veterans' Affairs.

EC–2125. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Schedule for Rating Disabilities: Disabilities of the Liver'' (RIN2900–AK12) received on June 1, 2001; to the Committee on Veterans' Affairs.

EC–2126. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License in Agreement with the Republic of Korea; to the Committee on Foreign Relations.

EC–2127. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under contract in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–2128. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Belgium; to the Committee on Foreign Relations.

EC–2129. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Technical Assistance Agreement for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to France; to the Committee on Foreign Relations.

EC–2130. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–2131. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Australia; to the Committee on Foreign Relations.

EC–2132. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Hong Kong, United Kingdom, Australia, and Canada; to the Committee on Foreign Relations.

EC–2133. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with Canada; to the Committee on Foreign Relations.

EC–2134. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with Japan; to the Committee on Foreign Relations.

EC–2135. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed request for contract in the amount of $50,000,000 or more to Brazil; to the Committee on Foreign Relations.

EC–2136. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the promulgation of a rule entitled ''Documentation of Immigrants and Nonimmigrants under the Immigration and Nationality Act, as amended—Refusal of Individual Visas''; to the Committee on Foreign Relations.

EC–2137. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with Italy and France; to the Committee on Foreign Relations.

EC–2138. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to France; to the Committee on Foreign Relations.

EC–2139. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Arabia; to the Committee on Foreign Relations.

EC–2140. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–2141. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Norway, Belgium, The Netherlands, Denmark, Portugal, and SABCA; to the Committee on Foreign Relations.

EC–2142. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Technical Assistance Agreement for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Mexico and Canada; to the Committee on Foreign Relations.

EC–2143. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with Switzerland; to the Committee on Foreign Relations.

EC–2144. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with Japan; to the Committee on Foreign Relations.

EC–2145. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with Germany; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of May 26, 2001, the following reports of committees were submitted on June 1, 2001:

By Mr. BOND, from the Committee on Small Business, without amendment:

S. 174: A bill to amend the Small Business Act with respect to the microloan program, and for other purposes (Rept. No. 107–18).

By Mr. BOND, from the Committee on Small Business:

Special Report entitled "Summary of Legislative and Oversight Activities During the 106th Congress." (Rept. No. 107–19).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Special Report entitled "Activities of the Committee on Government Affairs for the 106th Congress" (Rept. No. 107–20).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 230: A bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center (Rept. No. 107–21).

S. 238: A bill to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River Basin, Oregon (Rept. No. 107–22).

S. 254: A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes (Rept. No. 107–23).

S. 329: A bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes (Rept. No. 107–24).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 491: A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project (Rept. No. 107–25).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 498: A bill entitled "National Discovery Trails Act of 2001" (Rept. No. 107–26).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 506: A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes (Rept. No. 107–27).

S. 507: A bill to implement further the Act (Public Law 94–241) approving the covenant to establish a commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes (Rept. No. 107–28).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 509: A bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes (Rept. No. 107–29).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 517: A bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes (Rept. No. 107–30).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 487: A bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement, and for other purposes (Rept. No. 107–31).

By Mr. WARNER, from the Committee on Armed Services:

Special Report entitled "Report on the Activities of the Committee on Armed Services for the 106th Congress." (Rept. No. 107–32).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 91: A resolution condemning the murder of a United States citizen and other civilians, and expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. LUGAR, Mr. BINGAMAN, Mr. CHAFEE, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. HOLLINGS, Mr. LEVIN, Mr. CORZINE, and Mrs. LINCOLN):

S. 982. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive health benefits, and for other purposes; to the Committee on Finance.

By Mr. ALLARD:

S. 983. A bill to suspend temporarily the duty on Fructooligosaccharides; to the Committee on Finance.

By Mr. ENZI (for himself and Ms. SNOWE):

S. 984. A bill to improve the Veterans Beneficiary Travel Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MILLER (for himself and Mr. CLELAND):

S. 985. A bill to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the "G. Elliot Hagan Post Office Building"; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. SMITH of New Hampshire, Mr. ALLARD, Mr. FEINGOLD, and Mr. SPECTER):

S. 986. A bill to allow media coverage of court proceedings; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. KERRY):

S. 987. A bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

By Mr. CAMPBELL:

S. 988. A bill to provide that countries receiving foreign assistance be conducive to United States business; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FITZGERALD (for himself, Mr. LEAHY, and Mr. AKAKA):

S. Con. Res. 45. A concurrent resolution expressing the sense of Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GREGG (for himself, Mr. SMITH of New Hampshire, Ms. COLLINS, and Ms. SNOWE):

S. Con. Res. 46. A concurrent resolution honoring the 129 sailors and civilians lost aboard the U.S.S. Thresher on April 10, 1963, and urging the Secretary of the Army to erect a memorial to this tragedy in Arlington National Cemetery; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 37, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 41

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 131

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 139

At the request of Mr. BENNETT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 139, a bill to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 155

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 155, a bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

S. 252

At the request of Mr. VOINOVICH, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 252, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 280

At the request of Mr. JOHNSON, the names of the Senator from Nevada (Mr. REID) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 280, a bill to amend the Agriculture Marketing Act of 1946 to require retailers of beef, lamb, pork, and perishable agricultural commodities to inform consumers, at the final point of sale to consumers, of the country of origin of the commodities.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Delaware (Mr. CARPER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 283

At the request of Mr. MCCAIN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Georgia (Mr. MILLER), the Senator from Maryland (Mr. SARBANES), and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 284

At the request of Mr. MCCAIN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Georgia (Mr. MILLER), the Senator from Maryland (Mr. SARBANES), and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. 305

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 305, a bill to amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62.

S. 318

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 340

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 340, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 409

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 662

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 677

At the request of Mr. HATCH, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 690

At the request of Mr. WELLSTONE, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 697

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 721, supra.

S. 731

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 731, a bill to ensure that military personnel do not lose the right to cast votes in elections in their domicile as a result of their service away from the domicile, to amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the voter registration and absentee ballot protections for absent uniformed services personnel under such Act to State and local elections, and for other purposes.

S. 742

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 742, a bill to provide for pension reform, and for other purposes.

S. 778

At the request of Mr. HAGEL, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Maryland (Ms. MIKULSKI), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 786

At the request of Mr. DURBIN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 786, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 790

At the request of Mr. BROWNBACK, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 794

At the request of Mr. THOMPSON, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 794, a bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry.

S. 805

At the request of Mr. WELLSTONE, the names of the Senator from Missouri (Mr. BOND) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 829

At the request of Mr. BROWNBACK, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nevada (Mr. ENSIGN), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 834

At the request of Mr. MURKOWSKI, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 834, a bill to provide duty-free treatment for certain steam or other vapor generating boilers used in nuclear facilities.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 847

At the request of Mr. DAYTON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 860

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 866

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 881

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 881, a bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 920

At the request of Mr. BREAUX, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 952

At the request of Mr. KENNEDY, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 953

At the request of Mr. MCCONNELL, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 953, a bill to establish a Blue Ribbon Study Panel and an Election Administration Commission to study voting procedures and election administration, to provide grants to modernize voting procedures and election administration, and for other purposes.

S. 957

At the request of Mr. WELLSTONE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 957, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 964

At the request of Mr. KENNEDY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from Minnesota (Mr. DAYTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Ms. STABENOW), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 964, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S.J. RES. 7

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S.J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

At the request of Mr. HATCH, the name of the Senator from Florida (Mr. NELSON) was withdrawn as a cosponsor of S.J. Res. 7, supra.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Alabama (Mr. SHELBY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. ROBERTS), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day".

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Michigan (Ms. STABENOW), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 92

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Res. 92, a resolution to designate the week begining June 3, 2001, as "National Correctional Officers and Employees Week."

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mrs. CARNAHAN), the Senator from New Hampshire (Mr. SMITH), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Montana (Mr. BURNS), the Senator from Alaska (Mr. STEVENS), the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. BOXER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. DURBIN), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 92, supra.

S. RES. 98

At the request of Mr. BOND, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Res. 98, a resolution designating the period beginning on June 11 and ending on June 15, 2001 as "National Work Safe Week."

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 24

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Con. Res. 24, a concurrent resolution expressing support for a National Reflex Sympathetic Dystrophy (RSD) Awareness Month.

S. CON. RES. 35

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 35, a concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

S. CON. RES. 43

At the request of Mr. LEVIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 424

At the request of Mr. LEAHY, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Utah (Mr. BENNETT), the Senator from South Dakota (Mr. DASCHLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Nevada (Mr. REID) were added as cosponsors of amendment No. 424.

AMENDMENT NO. 426

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 426 intendent to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 465

At the request of Mr. WELLSTONE, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 465.

AMENDMENT NO. 625

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 625.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. LUGAR, Mr. BINGAMAN, Mr. CHAFEE, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. HOLLINGS, Mr. LEVIN, Mr. CORZINE, and Mrs. LINCOLN):

S. 982. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive health benefits, and for other purposes; to the Committee on Finance.

Mr. GRAHAM. Mr. President, I rise today, along with my colleagues Senators JEFFORDS, KENNEDY, LUGAR, BINGAMAN, CHAFEE, MURRAY, HOLLINGS, ROCKEFELLER, LEVIN, LINCOLN, and CORZINE, to introduce the Medicare Wellness Act.

For too long, the Medicare approach to health care has been wholly reactive. Benefits are designed to treat illness and disability once a recipient is already suffering. This approach is outdated. It is time for Medicare to become pro-active. It is time to focus on helping people to prevent disease in the first place so that they may live not just longer, but more fulfilling lives.

The Medicare Wellness Act shifts the focus of Medicare, changing it from a program that simply treats illness to one that promotes wellness. For this reason, The Medicare Wellness Act has support from a broad range of groups, including the National Council on Aging, the American College of Preventive Medicine, the American Heart Association, and the National Osteoporosis Foundation.

Currently, 70 percent of medical spending is the result of preventable illnesses, many of which occur in older adults. It does not have to be this way. Research shows that declines in health are not inevitable with age. In fact, many chronic diseases can be prevented by making lifestyle changes such as taking up an exercise program or quitting smoking. A healthier lifestyle adopted at any time during one's lifetime can increase active life expectancy and decrease disease and disability.

The Medicare Wellness Act helps promote preventive health care among older Americans, first by adding to the list of Medicare benefits several services that we know to be effective in preventing disease.

These benefits focus on some of the most prominent, underlying risk factors for illness that face all Medicare beneficiaries, including: Screening for hypertension, counseling for tobacco cessation, medical nutrition therapy services for cardiovascular patients, counseling for post-menopausal women, screening for vision and hearing loss, expanded screening for osteoporosis, and screening for cholesterol.

The addition of these new benefits represent the highest recommendations for Medicare beneficiaries in the U.S. Preventive Services Task Force, recognized as the gold standard within the prevention community, and the Institute of Medicine.

The benefits can help reduce Medicare beneficiaries' risk for health problems such as stroke, cancer, osteoporosis, and heart disease.

Other major components of our bill include the establishment of the Healthy Seniors Promotion Program. This program will be led by an interagency group within the Department of Health and Human Services, which will look at existing preventive benefits and offer suggestions to make their use more widespread.

This point is critical.

The fact is that there are a number of prevention-related services available to Medicare beneficiaries today, including mammograms and colorectal cancer screening. But those services are seriously underutilized. A study published by Dartmouth University, The Dartmouth Atlas of Health Care 1999, found that only 28 percent of women age 65-69 receive mammograms and only 12 percent of beneficiaries were screened for colorectal cancer. These are disturbing figures.

Additionally, the Medicare Wellness Act incorporates an aggressive applied research effort to investigate new methods of improving the health of Medicare beneficiaries and the management of chronic diseases.

Further, our bill would establish a health education and risk appraisal program aimed at major behavioral risk factors such as diet, exercise, alcohol and tobacco use, and depression.

This program will target both pre-65 individuals and current Medicare beneficiaries and will strive to increase awareness among individuals of major risk factors that impact health, to change personal health habits, to improve health status, and ultimately to save the Medicare program money.

In addition to new research on prevention among Medicare beneficiaries, the Medicare Wellness Act would require several reports to assess the overall scientific validity of the Medicare preventive benefits package.

First, our bill would require the Medicare Payment Advisory Commission, known as MedPAC, to report to Congress every three years on whether the Medicare program needs to change over time in order to ensure that Medicare benefits are appropriate for the population being served and is as comprehensive as private insurance plans offered.

Currently, there is no regular assessment to ensure that Medicare is providing a healthcare package that is up-to-date with either the current needs of seniors or current scientific findings. Quite frankly, Medicare hasn't kept up with the rest of the health care world; we need to do better.

A second study that our bill would require is one in which the institute of Medicine, IOM, would assess, every three years, the scientific validity of the entire Medicare preventive benefits package.

The study will be presented to Congress in a manner that mirrors The Trade Act of 1974. The Institute of Medicine's recommendations would be presented to Congress in legislative form. Congress would then have 60 days to either accept or reject the recommendations. But Congress could not change the recommendations themselves.

This "fast-track" process is a deliberate effort to get Congress out of the business of micro-managing the Medicare program allowing science to dictate the medical needs of seniors in America.

In the aggregate, the Medicare Wellness Act represents the most comprehensive legislative proposal in the 107th Congress for the Medicare program focused on health promotion and disease prevention for beneficiaries. It represents sound health policy based on sound science.

However, at a time when there is concern over the solvency of Medicare and concern that it won't be able to provide future seniors with the health care that they are promised, one may question whether it is wise to expand upon benefits already offered. And one is wise to do so.

However, the issue of prevention is different.

Benjamin Franklin was truly on the mark when he first said that "an ounce of prevention is worth a pound of cure". Offering preventive care under Medicare, or the "ounce of prevention," will definitely cost the government money up front. However, this initial outlay of dollars will be returned in terms of costs saved in the long run by avoiding long-term, cost intensive treatments, or the "pound of cure".

And, just as important, although unmeasurable, will be the enhanced quality of life for seniors. Prevention helps us all to live more healthy lives in the long run which translates into more productive and fulfilling lives as well.

Today, many people continue to work beyond the age of 65 contributing to the workforce and the economy. However, they are only able to do so if their health allows.

When considering the future of Medicare, the question really comes down to this. Is the value of improved quality of life for seniors and their ability to maintain healthy, functional and productive lives worth the expenditure?

While improving Medicare's financial outlook for future generations is imperative, we must do it in a way that gives our seniors the ability to live longer, healthier and valued lives.

I believe that by pursuing a prevention strategy that addresses some the most fundamental risk factors for chronic illness and disability that face seniors, we will make an invaluable contribution to the Medicare reform debate and, more importantly, to our children and grandchildren.

I encourage my colleagues to join us on this important bill and to work with us to ensure that the provisions of the bill are reflected in any Medicare reform legislation that is debated and voted on this year in the Senate.

I ask unanimous consent that a list of groups supporting this bill be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS SUPPORTING THE MEDICARE WELLNESS ACT OF 2001

American Cancer Society.
American College of Preventive Medicine.
American Dietetic Association.
American Geriatrics Society.
American Heart Association.
American Lung Association.
American Physical Therapy Association.
American Public Health Association.
American Speech-Language Hearing Association.
Campaign for Tobacco Free Kids.
Families USA.
National Campaign for Hearing Health.
National Osteoporosis Foundation.
National Committee to Preserve Social Security and Medicare.
National Council on Aging.
National Chronic Care Association.
National Mental Health Association.
Partnership for Prevention.
Strong Women Inside and Out.
United Cerebral Palsy Associations.

Mr. JEFFORDS. Mr. President, I am pleased to join Senator GRAHAM today in introducing the Medicare Wellness Act of 2001. Our Nation's rapidly growing senior population and the ongoing search for cost-effective health care have led to the development of this important legislation. The goal of the Medicare Wellness Act is to increase access to preventive health services, improve the quality of life for America's seniors, and increase the cost-effectiveness of the Medicare program.

Congress created the Medicare program in 1965 to provide health insurance for Americans age 65 and over. From the outset, the program has focused on coverage for hospital services needed for an unexpected or intensive illness. In recent years, however, a great escalation in program expenditures and an increase in knowledge about the value of preventive care have forced policy makers to re-evaluate the current Medicare benefit package.

The Medicare Wellness Act adds to the Medicare program those benefits recommended by the Institute of Medicine and the U.S. Preventive Services

Task Force. These include: screening for hypertension, counseling for tobacco cessation, counseling for hormone replacement therapy, screening for vision and hearing loss, cholesterol screening, expanded screening for osteoporosis, and nutrition therapy counseling for seniors with cardiovascular disease. These services address the most prominent risk factors facing Medicare beneficiaries.

In 1997 and again in 2000, Congress added several new preventive benefits to the Medicare program through the Balanced Budget Act and the Beneficiary Improvement and Protection Act. These benefits included annual mammography, diabetes self-management, prostate cancer screening, pelvic examinations, glaucoma screening, and colorectal cancer screening. Congress's next logical step is to incorporate the nine new screening and counseling benefits in the Medicare Wellness Act. If these symptoms are addressed regularly, beneficiaries will have a head start on fighting the conditions they lead to, such as diabetes, lung cancer, heart disease, blindness, osteoporosis, and many others.

Research suggests that insurance coverage encourages the use of preventive and other health care services. The Medicare Wellness Act also eliminates the deductibles and coinsurance for new and current preventive benefits in the program. Because screening services are directed at people without symptoms, this will further encourage the use of services by reducing the cost barrier to care. Increased use of screening services will mean that problems will be caught earlier, which will permit more successful treatment. This will save the Medicare program money because it is cheaper to screen for an illness and treat its early diagnosis than to pay for drastic hospital procedures at a later date.

However, financial access is not the only barrier to the use of preventive care services. Other barriers include low levels of education or information for beneficiaries. That is why the Medicare Wellness Act instructs the Secretary of Health and Human Services to coordinate with the Centers for Disease Control and Prevention and the Health Care Financing Administration to establish a Risk Appraisal and Education Program within Medicare. This program will target both current beneficiaries and individuals below the age of 65 who have high risk factors. Outreach to these groups will offer questions regarding major behavioral risk factors, including the lack of proper nutrition, the use of alcohol, the lack of regular exercise, the use of tobacco, and depression. State of the art software, case managers, and nurse hotlines will then identify what conditions beneficiaries are at risk for, based on their individual responses to the questions, then refer them to preventive screening services in their area and inform them of actions they can take to lead a healthier life.

The Medicare Wellness Act also establishes the Healthy Seniors Promotion Program. This program will bring together all the agencies within the Department of Health and Human Services that address the medical, social and behavioral issues affecting the elderly to increase knowledge about and utilization of prevention services among the elderly, and develop better ways to prevent or delay the onset of age-related disease or disability.

Now is the time for Medicare to catch up with current health science. We need a Medicare program that will serve the health care needs of America's seniors by utilizing up-to-date knowledge on healthy aging. Effective health care must address the whole health of an individual. A lifestyle that includes proper exercise and nutrition, and access to regular disease screening ensures that proper attention is being paid to the whole individual, not just a solitary body part. It is time we reaffirm our commitment to provide our Nation's seniors with quality health care.

It is my hope that my colleagues in Congress will examine this legislation and realize the inadequacy of the current package of preventive benefits in the Medicare program. We have the opportunity to transform Medicare from an out-dated sickness program to a modern wellness program. I want to thank Senator BOB GRAHAM and all the other cosponsors of the Medicare Wellness Act who are supporting this bold step toward successful Medicare reform.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator GRAHAM and Senator JEFFORDS in introducing the Medicare Wellness Act of 2001, Medicare reform for the 21st century. This important legislation will make it easier for senior citizens to take advantage of the preventive benefits to them, while strengthening Medicare at the same time.

Greater investment in the health of the Nation's elderly is long overdue. Although we have made significant progress in reducing chronic disability among older Americans, we still have a long way to go. According to the World Health Organization, the United States ranks behind 23 other nations in "healthy life expectancy." Surely, we can do better than that.

Each year, chronic disability adds $26 billion to the Nation's health care costs. Unless we act, the burden of these costs will become increasingly unbearable for countless senior citizens. In the next 30 years, Medicare will be under even heavier pressures as the baby boom generation retires. Nearly one fifth of the population will be 65 and older by 2025, which means that a larger number of beneficiaries will be supported by a smaller number of workers. To avoid hard remedies such as benefit cuts or tax increases, we should do all we can to reduce future Medicare costs by improving the health of senior citizens.

According to a study at Duke University, if the 1.3 percent decline in disability achieved over the last 12 years can be raised to 1.5 percent, we can potentially save enough in Medicare to avoid any substantial long-term increase in Medicare tax or reduction in benefits. The Medicare Wellness Act attempts to do that. It waives cost-sharing for a series of preventive benefits, provides individual health risk appraisals, encourages a falls prevention campaign, and funds pilot projects and new research on the most effective ways to encourage senior citizens to adopt healthier lifestyles.

Prevention saves lives and saves money. Screening can often be the difference between a successful battle with cancer and a failed one. Colorectral cancers, for example, have a five-year survival rate of up to 90 percent if detected at an early stage—but currently only 37 percent of these cancers are actually diagnosed early. Unfortunately, screening tests are significantly under-used by Medicare beneficiaries. Only approximately a third of men and women at-risk for these cancers are currently being screened.

Our bill helps to combat this problem by eliminating cost-sharing and deductibles for a wide range of preventive services, such as screening for colorectral cancers, mammography, screening for glaucoma, bone mass measurement, medical nutrition therapy services, and screening for cholesterol problems and hypertension.

The Medicare Wellness Act also creates a national "falls prevention" education and awareness campaign to reduce these injuries. Older Americans are hospitalized for fall-related injuries five times more often then they are for other types of injuries. This awareness campaign will educate senior citizens about precautions they can take to reduce the likelihood of such injuries.

Clinical depression also takes a heavy toll on the Nation's elderly. Compared to all other age groups, senior citizens have the highest suicide rate in the Nation. Twenty percent of persons age 55 and older suffer from a mental disorder that is not part of the normal aging process. As with so many other illnesses, depression is under-diagnosed among the elderly. This bill provides needed funding for demonstration projects to screen for depression, so that elderly persons suffering from this problem can be diagnosed and referred to specialists for the treatment they need.

The Medicare Wellness Act also encourages senior citizens to improve their health and reduce the risks of illness in other ways. Typical factors leading to poor health include smoking, physical inactivity, and excessive use of alcohol. A health risk appraisal initiative under the Act will given senior citizens the individual attention they need to make the changes in lifestyle necessary to improve their health.

In addition, the Medicare Wellness Act encourages research to explore the most effective ways to improve Medicare's role in preventing disease and improving health. Pilot programs are authorized to experiment with innovative ways to promote healthier lifestyles and reach out to senior citizens in various settings.

Federal agencies will undertake particular research programs on these issues. The Medicare Payment Advisory Commission is asked to evaluate Medicare benefits in relation to private sector benefits. The National Institute on Aging is asked to report on ways to improve the quality of life for the elderly. The Institute of Medicine is asked to make recommendations to Congress about the medical and cost effectiveness of existing Medicare benefits and the potential benefit of preventive services.

I urge my colleagues to support this important legislation. The Medicare Wellness Act can be a significant contribution to healthier senior citizens and a healthier Medicare.

By Mr. ALLARD:

S. 983. A bill to suspend temporarily the duty on Fructooligosaccharides; to the Committee on Finance.

Mr. ALLARD. Mr. President, today I am introducing a bill that would temporarily suspend the duty on Fructooligosaccharides. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.21.01	Fructooligosaccharides (FOS) (provided for in subheading 2106.90.99)	Free	No change	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. ENZI (for himself and Ms. SNOWE).

S. 984. A bill to improve the Veterans Beneficiary Travel Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. ENZI. Madam President I rise today to introduce the Veterans Road to Health Care Act 2001. This legislation would raise the travel reimbursement rate for veterans who must travel to Veterans Administration hospitals for treatment. The current reimbursement for veterans is 11 cents per mile. This bill would raise that figure to match the Federal employees travel reimbursement rate which is 34.5 cents per mile.

The average price for gas in Wyoming right now is $1.63 per gallon. I know it varies across the Nation. The current rate of 11 cents per miles barely makes a dent in the expenses incurred by veterans who have no choice but travel by automobile for health care. I have received numerous letters from veterans in Wyoming describing how difficult it is to work into their budget the money necessary to travel between their hometown and the VA hospital. Being able to access health care is vital, it should not be a choice between driving to receive needed treatment or being able to afford other necessities.

In Wyoming, we have two VA hospitals, one in Cheyenne and one in Sheridan. Veterans have to travel to one of these facilities to be treated for health conditions and be covered by the health care plan that the military provides for them. This poses a serious problem in terms of travel expense, especially with the rise in gasoline prices. It was a problem before; it is a bigger problem now. Some of the largest towns in Wyoming like Evanston and Cody are over 300 miles away from the nearest VA facility. A veteran living in Evanston has to drive 360 miles to reach the nearest VA hospital, and from Cody it is about 300 miles to the nearest facility.

This bill addresses the healthcare of veterans who have special needs. It would allow veterans who have been referred to a special care center by their VA physician to be reimbursed under the Travel Beneficiary Program for their travel to the specialized facility. This applies only to those veterans who cannot receive adequate care at their VA facility and who have a nonservice connected disability.

This legislation is important to all veterans, but it is especially significant to those veterans who live in rural States, like my home State of Wyoming. Rural States are less populated, there is greater distance between towns and far fewer options for transportation. Wyoming has miles and miles of miles and miles. Cars are the main mode of transportation. In urban areas, there are more readily available health care facilities and more transportation options for accessing those facilities. There are subways and bus systems and the towns and cities and VA hospitals are closer together.

I believe that the Government has a duty to compensate our service men and women for the sacrifices they made defending the freedoms of this country. With our current recruitment and retention problems in the military, I think it is our Nation's responsibility to give veterans the kind of access to healthcare they have earned through their service to our country. The rising cost of gasoline should not be the driving factor for a veteran to go untreated at veterans clinics. I strongly urge my colleagues to support this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Road to Health Care Act of 2001".

SEC. 2. IMPROVEMENT OF VETERANS BENEFICIARY TRAVEL PROGRAM.

(a) PAYMENTS FOR CERTAIN ADDITIONAL MEDICAL CARE.—(1) Section 111(b)(1) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(G) A veteran whose travel is in connection with treatment or care for a non-service-connected disability at non-Department facility if the treatment or care—

"(i) is provided upon the recommendation of medical personnel of the Department; and

"(ii) is not available at the Department facility at which such recommendation is made.".

(2) The amendment made by paragraph (1) shall take effect on October 1, 2001, and shall apply with respect to fiscal years after fiscal year 2001.

(b) CALCULATION OF EXPENSES OF TRAVEL.—(1) Notwithstanding any other provision of law, in calculating expenses of travel for purposes of the Veterans Beneficiary Travel Program, the Secretary of Veterans Affairs shall utilize the current mileage reimbursement rates for the use on official business of privately owned vehicles prescribed by the Administrator of General Services under section 5707(b) of title 5, United States Code.

(2) In this subsection, the term "Veterans Beneficiary Travel Program" means the program of payment or reimbursement for necessary expenses of travel of veterans and their beneficiaries prescribed under sections 111 and 1728 of title 38, United States Code, and under any other provisions of law administered by the Secretary of Veterans Affairs for payment or reimbursement for such expenses of travel.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. SMITH of New Hampshire, Mr. ALLARD, Mr. FEINGOLD, and Mr. SPECTER):

S. 986. A bill to allow media coverage of court proceedings; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce the "Sunshine in the Courtroom Act." This bill will give federal judges the discretion to allow for the photographing, electronic recording, broadcasting and televising of federal court proceedings. The Sunshine in the Courtroom Act will help the public become better informed about the judicial process. Moreover, this bill will help produce a healthier judiciary. Increased public scrutiny will bring about greater accountability and help judges to do a better job. The sun needs to shine in on the federal courts.

Allowing cameras in the federal courtrooms is consistent with our Founding Fathers' intent that trials be held in front of as many people as choose to attend. I believe that the First Amendment requires that court proceedings be open to the public and, by extension, the news media. The Constitution and Supreme Court both support the fundamental principles and aims of this bill. The Supreme Court has said, "what transpires in the courtroom is public property." Clearly, the American values of openness and education are served by using electronic media in federal courtrooms.

There are many benefits and no substantial detrimental effects to allowing greater public access to the inner workings of our federal courts. Fifteen states conducted studies aimed specifically at the educational benefits derived from camera access to courtrooms. They all determined that camera coverage contributed to greater public understanding of the judicial system.

Moreover, the widespread use in state court proceedings show that still and video cameras can be used without any problems, and that procedural discipline is preserved. According to the National Center for State Courts, forty-eight states allow modern audio-visual coverage of court proceedings under a variety of rules and conditions. My own State of Iowa has operated successfully in this open manner for 20 years. Further, at the federal level, the Federal Judicial Center conducted a pilot program in 1994 which studied the effect of cameras in a select number of federal courts. That study found "small or no effects of camera presence on participants in the proceeding, courtroom decorum, or the administration of justice."

I would like to note that even the Supreme Court has recognized that there is a serious public interest in the open airing of important court cases. At the urging of Senator SCHUMER and myself, Chief Justice Rehnquist allowed the delayed audio broadcasting of the oral arguments before the Supreme Court in the 2000 presidential election dispute. The Supreme Court's response to our request was an historic, major step in the right direction. Since then, other courts have followed suit, such as the live audio broadcast of oral arguments before the D.C. Circuit in the Microsoft antitrust case and the televising of appellate proceedings before the Ninth Circuit in the Napster copyright case. The public wants to see what is happening in these important judicial proceedings, and the benefits are significant in terms of public knowledge and discussion.

We've introduced the Sunshine in the Courtroom Act with a well-founded confidence based on the experience of the states as well as state and federal studies. However, in order to be certain of the safety and integrity of our judicial system, we have included a 3-year sunset provision allowing a reasonable amount of time to determine how the process is working before making the provisions of the bill permanent.

It is also important to note that the bill simply gives judges the discretion to use cameras in the courtroom. It does not require judges to have cameras in their courtroom if they do not want them. The bill also protects the anonymity of non-party witnesses by giving them the right to have their voices and images obscured during testimony.

So, the bill does not require cameras, but allows judges to exercise their discretion to permit cameras in appropriate cases. The bill protects witnesses and does not compromise safety. The bill preserves the integrity of the judicial system. The bill is based on the experience of the states and the federal courts. And the bill's net result will be greater openness and accountability of the nation's federal courts. The best way to maintain confidence in our judicial system, where the federal judiciary holds tremendous power, is to let the sun shine in by opening up the federal courtrooms to public view through broadcasting. And allowing cameras in the courtroom will bring the judiciary into the 21st century. I urge my colleagues to join me in supporting the Sunshine in the Courtroom Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) PRESIDING JUDGE.—The term "presiding judge" means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term "appellate court of the United States" means any United States circuit court of appeals and the Supreme Court of the United States.

SEC. 2. AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.

(a) AUTHORITY OF APPELLATE COURTS.—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(b) AUTHORITY OF DISTRICT COURTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(2) OBSCURING OF WITNESSES.—

(A) IN GENERAL.—Upon the request of any witness in a trial proceeding other than a party, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding.

(B) NOTIFICATION TO WITNESSES.—The presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request that the image and voice of that witness be obscured during the witness' testimony.

(c) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, in the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under subsections (a) and (b).

SEC. 3. SUNSET.

The authority under section 2(b) shall terminate 3 years after the date of the enactment of this Act.

Mr. FEINGOLD. Mr. President, I am proud to once again be an original cosponsor of the Grassley-Schumer bill on cameras in the courtroom. I strongly support allowing cameras in federal courtrooms for a simple reason. Trials and court hearings are public proceedings. They are paid for by the taxpayers. Except in the most rare and unusual circumstances, the public has a right to see what happens in those proceedings. We have a long tradition of press access to trials, but in this day and age, it is no longer sufficient to be able to read in the morning paper what happened in a trial the day before. The public wants to see for itself what goes on in our courts of law, and I think it has a right to do so.

Experience in the state courts—and the vast majority of states now allow trials to be televised—has shown that it is possible to permit the public to see trials on television without compromising the rights of a defendant to a fair trial or the safety or privacy interests of witnesses or jurors. Concerns about cameras interfering with the fair administration of justice in this country I believe are overstated.

Let me note also that I believe the arguments against allowing cameras in the courtroom are the least persuasive in the case of appellate proceedings, including the Supreme Court. I had the opportunity to watch the oral argument at the Supreme Court late in 1999 in an important case dealing with campaign finance reform. It was a fascinating experience, and one that I wish all Americans could have. Of course, the entire country was able to hear audio feeds of the two oral arguments in Bush v. Gore only hours after those arguments were completed. Hearing those arguments directly was an important and positive public educational experience. Seeing the arguments live would have been even better. I do not believe that a discreet camera in that courtroom would have changed the argument one iota.

There is no question in my mind that the highly trained and prestigious judges and lawyers who sit on and argue before our nation's federal appellate courts would continue to conduct themselves with dignity and professionalism if cameras were recording their work. These proceedings are where law is made in this country. The public will benefit greatly from being able to watch federal judges and advocates in action at oral argument.

The bill that my friends from New York and Iowa are introducing today is a responsible and measured bill. It gives discretion to individual federal judges to allow cameras in their courtrooms. At the same time, it assures that witnesses will be able to request that their identities not be revealed in televised proceedings. This bill gives deference to the experience and judgment of federal judges who remain in charge of their own courtrooms. That is the right approach.

My state of Wisconsin has a long and proud tradition of open government, and it has served us well. Coming from that tradition, my approach is to look with skepticism on any remnant of secrecy that lingers in our governmental processes at the federal level. When the workings of government are transparent, the people understand it better and can more thoroughly and constructively participate in it. And they can more easily hold their elected leaders and other public officials accountable. I believe this principle can and should be applied to the judicial as well as the legislative and executive branches of government, while still respecting the unique role of the unelected federal judiciary.

Cameras in the courtroom is an idea whose time came some time ago. It is high time we brought it to the federal courts. I am proud to support the Grassley-Schumer bill, and I hope we can enact it this year.

Mr. SCHUMER. Mr. President, I am pleased to join Senator GRASSLEY in introducing this legislation to permit federal trials and appellate proceedings to be televised, at the discretion of the presiding judge.

Former Chief Justice Warren Burger once said of the U.S. Supreme Court, "A court which is final and unreviewable needs more careful scrutiny than any other. Unreviewable power is the most likely to indulge itself and the least likely to engage in dispassionate self-analysis . . . In a country like ours, no public institution, or the people who operate it, can be above public debate."

I believe that these words are applicable to the entire federal judiciary. As such, I strongly support giving federal judges discretion to televise the proceedings over which they preside. When the people of this nation watch their government in action, they come to understand how our governing institutions work and equip themselves to hold those institutions accountable for their deeds. If there are flaws in our governing institutions—including our courts—we hide them only at our peril.

The federal courts are lagging behind the state courts on the issue of televising court proceedings. Indeed, 47 out of the 50 states allow cameras in their courtrooms in at least some cases. Moreover, a two-and-a-half year pilot program in which cameras were routinely permitted in six federal district courts and two courts of appeals revealed near universal support for cameras in the courtroom.

Our bill would simply afford federal trial and appellate judges discretion to permit cameras in their courtrooms. It would not require them to do so. Furthermore, to protect the privacy of non-party witnesses, the legislation would give such witnesses the right to have their voices and images obscured during their testimony.

I eagerly anticipate Senate passage and the day when openness is the norm in our federal courtrooms, not the exception.

By Mr. CAMPBELL:

S. 988. A bill to provide that countries receiving foreign assistance be conducive to United States business; to the Committee on Foreign Relations.

Mr. CAMPBELL. Mr. President, today I introduce the International Anti-Corruption Act of 2001. This legislation addresses the growing problem of official and unofficial corruption abroad. This bill is based on S. 1514, which I introduced in the 106th Congress.

Endemic corruption around the world negatively impacts both the United States and the citizens of countries where corruption is tolerated. Overseas corruption directly hurts U.S. businesses as they endeavor to expand internationally. U.S. workers are affected when corruption closes doors to our exports. In addition, the honest and hard working citizens of countries stricken with corruption suffer as they are compelled to pay bribes to officials and other people in positions of power just to get the permits and licenses they need to get things done. The trade barrier created by corruption also limits the purchasing choices available to these people. Finally, many leading U.S. companies that are eager to invest and build factories overseas to produce consumer goods for consumption in those countries, often wisely choose not to do so because they are not willing to deal with the corruption they would encounter. Overall, honest and hard working people living all around the world suffer as productive output is unjustly harmed.

As the Chairman of the Commission on Security and Cooperation in Europe, known as the Helsinki Commission, I am working to address the problem of corruption. In the 106th Congress, I chaired a Commission hearing that focused on the issues of bribery and corruption in the region of the Organization for Security and Cooperation in Europe, an area stretching from Vancouver to Vladivostok. During this hearing, the Commission heard that, in economic terms, rampant corruption and organized crime in this vast region has cost U.S. businesses billions of dollars in lost contracts with direct implications for our economy.

In addition, two years ago while attending the annual session of the OSCE Parliamentary Assembly in St. Petersburg, Russia, I had an opportunity to sit down with U.S. business representatives and learned, first-hand, about the many obstacles they face.

Ironically, in some of the biggest recipients of U.S. foreign assistance—countries like Russia and Ukraine—the climate is either not conducive or outright hostile to American business.

The time has come to stop providing aid as usual to those countries which line up to receive our assistance, only to turn around and fleece U.S. businesses conducting legitimate operations in these countries. For this reason, I am introducing the International Anti-Corruption Act of 2001 to require the State Department to submit a report and the President to certify by March 1 of each year that countries which are receiving U.S. foreign aid are, in fact, conducive to American businesses and investors. If a country is found to be hostile to American businesses, aid from the United States would be cut off. The certification would be specifically based on whether a country is making progress in, and is committed to, economic reform aimed at eliminating corruption.

In fact, monitoring and measuring corruption, and the corresponding overall economic freedom, is nothing new. The Heritage Foundation regularly produces a comprehensive report entitled the "Index of Economic Freedom." This year's 2001 report ranks 155 countries on the basis of 10 criteria, including "government intervention, foreign investment and black market." While corruption is not identified individually in this report, you can bet there is a strong negative correlation between overall economic freedom and corruption. The more economic freedom you have, the less corruption you will have. It should be no surprise that the countries with the lowest levels of economic freedom are the very same countries that suffer from economic stagnation year after year. We owe it to the good people trapped in corrupt political systems to do what we can to help root out and get rid of this corruption.

Under this bill, if the President certifies that a country's business climate is not conducive for U.S. businesses, that country will, in effect, be put on probation. The country would continue to receive U.S. foreign aid through that end of the fiscal year, but aid would be cut off on the first day of the next fiscal year unless the President certifies the country is making significant progress in implementing the specified economic indicators and is committed to recognizing the involvement of U.S. business.

My bill also includes the customary waiver authority where the national interests of the United States are at stake. For countries certified as hostile to or not conducive for U.S. business, aid can continue if the President determines it is in the national security interest of the United States. However, the determination expires after six months unless the President determines its continuation is important to our national security interest.

I also included a provision which would allow aid to continue to meet urgent humanitarian needs, including food, medicine, disaster and refugee relief, to support democratic political reform and rule of law activities, and to create private sector and non-governmental organizations that are independent of government control, or to develop a free market economic system.

Instead of jumping on the bandwagon to pump millions of additional American tax dollars into countries which are hostile to U.S. businesses and investors, we should be working to root out the kinds of bribery and corruption that have an overall chilling effect on much needed foreign investment. Left unchecked, such corruption will continue to undermine fledgling democracies worldwide and further impede moves toward a genuine free market economy. I believe the legislation I am introducing today is a critical step this direction, and I urge my colleagues to support its passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Anti-Corruption Act of 2001".

SEC. 2. LIMITATIONS ON FOREIGN ASSISTANCE.

(a) REPORT AND CERTIFICATION.—

(1) IN GENERAL.—Not later than March 1 of each year, the President shall submit to the appropriate committees a certification described in paragraph (2) and a report for each country that received foreign assistance under part I of the Foreign Assistance Act of 1961 during the fiscal year. The report shall describe the extent to which each such country is making progress with respect to the following economic indicators:

(A) Implementation of comprehensive economic reform, based on market principles, private ownership, equitable treatment of foreign private investment, adoption of a legal and policy framework necessary for such reform, protection of intellectual property rights, and respect for contracts.

(B) Elimination of corrupt trade practices by private persons and government officials.

(C) Moving toward integration into the world economy.

(2) CERTIFICATION.—The certification described in this paragraph means a certification as to whether, based on the economic indicators described in subparagraphs (A) through (C) of paragraph (1), each country is—

(A) conducive to United States business;

(B) not conducive to United States business; or

(C) hostile to United States business.

(b) LIMITATIONS ON ASSISTANCE.—

(1) COUNTRIES HOSTILE TO UNITED STATES BUSINESS.—

(A) GENERAL LIMITATION.—Beginning on the date the certification described in subsection (a) is submitted—

(i) none of the funds made available for assistance under part I of the Foreign Assistance Act of 1961 (including unobligated balances of prior appropriations) may be made available for the government of a country that is certified as hostile to United States business pursuant to such subsection (a); and

(ii) the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote against any loan or other utilization of the funds of such institution to or by any country with respect to which a certification described in clause (i) has been made.

(B) DURATION OF LIMITATIONS.—Except as provided in subsection (c), the limitations described in clauses (i) and (ii) of subparagraph (A) shall apply with respect to a country that is certified as hostile to United States business pursuant to subsection (a) until the President certifies to the appropriate committees that the country is making significant progress in implementing the economic indicators described in subsection (a)(1) and is no longer hostile to United States business.

(2) COUNTRIES NOT CONDUCIVE TO UNITED STATES BUSINESS.—

(A) PROBATIONARY PERIOD.—A country that is certified as not conducive to United States business pursuant to subsection (a), shall be considered to be on probation beginning on the date of such certification.

(B) REQUIRED IMPROVEMENT.—Unless the President certifies to the appropriate committees that the country is making significant progress in implementing the economic indicators described in subsection (a) and is committed to being conducive to United States business, beginning on the first day of the fiscal year following the fiscal year in which a country is certified as not conducive to United States business pursuant to subsection (a)(2)—

(i) none of the funds made available for assistance under part I of the Foreign Assistance Act of 1961 (including unobligated balances of prior appropriations) may be made available for the government of such country; and

(ii) the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote against any loan or other utilization of the funds of such institution to or by any country with respect to which a certification described in subparagraph (A) has been made.

(C) DURATION OF LIMITATIONS.—Except as provided in subsection (c), the limitations described in clauses (i) and (ii) of subparagraph (B) shall apply with respect to a country that is certified as not conducive to United States business pursuant to subsection (a) until the President certifies to the appropriate committees that the country is making significant progress in implementing the economic indicators described in subsection (a)(1) and is conducive to United States business.

(c) EXCEPTIONS.—

(1) NATIONAL SECURITY INTEREST.—Subsection (b) shall not apply with respect to a country described in subsection (b) (1) or (2) if the President determines with respect to such country that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

(2) OTHER EXCEPTIONS.—Subsection (b) shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs (including providing food, medicine, disaster, and refugee relief);

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and nongovernmental organizations that are independent of government control; and

(D) the development of a free market economic system.

SEC. 3. TOLL-FREE NUMBER.

The Secretary of Commerce shall make available a toll-free telephone number for reporting by members of the public and United States businesses on the progress that countries receiving foreign assistance are making in implementing the economic indicators described in section 2(a)(1). The information obtained from the toll-free telephone reporting shall be included in the report required by section 2(a).

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES.—The term "appropriate committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) MULTILATERAL DEVELOPMENT BANK.—The term "multilateral development bank" means the International Bank for Reconstruction and Development, the International Development Association, and the European Bank for Reconstruction and Development.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 45—EXPRESSING THE SENSE OF CONGRESS THAT THE HUMANE METHODS OF SLAUGHTER ACT OF 1958 SHOULD BE FULLY ENFORCED SO AS TO PREVENT NEEDLESS SUFFERING OF ANIMALS

Mr. FITZGERALD (for himself, Mr. LEAHY, and Mr. AKAKA) submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 45

Whereas public demand for passage of Public Law 85–765 (commonly known as the "Humane Methods of Slaughter Act of 1958") (7 U.S.C. 1901 et seq.) was so great that when President Eisenhower was asked at a press conference if he would sign the bill, he replied, "If I went by mail, I'd think no one was interested in anything but humane slaughter";

Whereas the Act requires that animals be rendered insensible to pain when they are slaughtered;

Whereas on April 10, 2001, a Washington Post front page article reported that enforcement records, interviews, videos, and worker affidavits describe repeated violations of the Act and that the Federal Government took no action against a company that was cited 22 times in 1998 for violations of the Act;

Whereas the article asserted that in 1998, the Secretary of Agriculture stopped tracking the number of humane-slaughter violations;

Whereas the article concluded that scientific evidence shows tangible economic benefits when animals are treated well;

Whereas the United States Animal Health Association passed a resolution at an October 1998 meeting to encourage strong enforcement of the Act and reiterated support for the resolution at a meeting in 2000; and

Whereas it is the responsibility of the Secretary of Agriculture to enforce the Act fully: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HUMANE METHODS OF ANIMAL SLAUGHTER.

It is the sense of Congress that—

(1) the Secretary of Agriculture should—

(A) resume tracking the number of violations of Public Law 85–765 (7 U.S.C. 1901 et seq.) and report the results and relevant trends annually to Congress; and

(B) fully enforce Public Law 85–765 by ensuring that humane methods in the slaughter of livestock—

(i) prevent needless suffering;

(ii) result in safer and better working conditions for persons engaged in the slaughtering of livestock;

(iii) bring about improvement of products and economies in slaughtering operations; and

(iv) produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce; and

(2) it should be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Mr. FITZGERALD. Mr. President, I rise today to submit a resolution expressing the sense of the Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced to prevent the needless suffering of animals.

On April 10, 2001, the Washington Post printed a front page story entitled "They Die Piece by Piece." This graphic article asserted that the United States Department of Agriculture was not appropriately enforcing the Humane Slaughter Act. In response, I am introducing this resolution that encourages the Secretary of Agriculture to fully enforce current law including the Humane Slaughter Act of 1958, as amended by the Federal Meat Inspection Act in 1978.

The Humane Slaughter Act simply requires that animals be rendered insensible to pain before they are harvested. However, apparently this law is not being enforced in some instances. For example, the Washington Post article reported that "enforcement records, interviews, videos and worker affidavits describe repeated violations of the Humane Slaughter Act" and "the government took no action against a Texas beef company that was cited 22 times in 1998 for violations that include chopping hooves off live cattle."

While the regulated industry may argue that problems highlighted in this article are not endemic of the entire meat processing industry, "a couple of rotten apples could ruin the whole basket." As the Washington Post article demonstrated, there are some operations that may need oversight to ensure that the entire meat industry does not get a "black eye."

Additionally, the Washington Post article pointed out that in 1998, the USDA stopped tracking the number of humane slaughter violations. USDA's Director of Slaughter Operations reportedly admitted "she didn't know if the number of violations was up or down." This is simply unacceptable. We cannot manage nor regulate what we do not monitor nor measure. Thus, the resolution asks the Secretary of Agriculture to reinitiate tracking of violations and report these results and relevant trends to Congress annually.

This legislation is supported by the Society for Animal Protective Legislation, the Humane Society of the United States, and the Humane Farming Association. The resolution is sound public policy that enjoys bipartisan support. I thank my colleagues, Senators LEAHY and AKAKA, for joining me as original co-sponsors of this bill, and I encourage my Senate colleagues to join us in this endeavor.

I ask unanimous consent that a letter of support from the Humane Society of the United States be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE HUMANE SOCIETY
OF THE UNITED STATES,
Washington, DC, May 22, 2001.

DEAR SENATOR: On behalf of the Human Society of the United States, the nation's largest animal protection organization with 7 million members and constituents, I am writing to express our support for the resolution, soon to be introduced by Senator Peter Fitzgerald, calling on USDA to enforce the Humane Slaughter Act. We urge you to cosponsor Senator Fitzgerald's resolution.

On April 10, 2001, the Washington Post printed a front-page story entitled "They Die Piece by Piece." The disturbing investigative article revealed that the USDA is not currently enforcing the Humane Slaughter Act and that the Department has stopped tracking humane-slaughter violations. To address these failings, Senator Fitzgerald is introducing a resolution encouraging the Secretary of Agriculture to fully enforce the law. The resolution calls for enforcement of the Humane Slaughter Act of 1958 and asks that the Department resume tracking humane-slaughter violations and report its findings to Congress annually.

The Washington Post reported that prior to ending the tracking of humane-slaughter violations in 1998, USDA records gave us a snapshot of the extraordinarily inhumane slaughter practices occurring at processing plants. For example:

USDA took no action against a Texas beef company that was cited 22 times in one year for violations such as chopping hooves off live cattle.

Inspectors at a livestock processing plant in Hawaii describe hogs walking and squealing after being stunned (a process meant to render animals unconscious) as many as four times.

Another Texas plant had 22 violations in 6 months, including live cattle dangling from an overhead chain.

Hogs are submersed in scalding water after being stunned to loosen their hides for skinning. This means that poorly stunned animals are scalded and drowned. Videotape from an Iowa pork plant shows hogs squealing and kicking as they are being lowered into the water.

Congress passed the Humane Slaughter Act in 1957. It should be enforced vigorously—now 40 years after enactment. To cosponsor this resolution calling for the enforcement of existing law on humane slaughter, please contact Terry Van Doren of Senator Fitzgerald's office (4–2854) or for more information, please contact Susan Solarz of HSUS (202/955–3664).

Sincerely,

WAYNE PACELLE,
Senior Vice President,
Communications and Government Affairs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 5, 2001, at 9:30 a.m., in open session to consider the nominations of Mr. Douglas Jay Feith to be Under Secretary of Defense for Policy; Mr. Jack Dyer Crouch, II, to be Assistant Secretary of Defense for International Security Policy; and Mr. Peter W. Rodman, to be Assistant Secretary of Defense for International Security Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 5, 2001 at 10 a.m. to hold a hearing as follows:

ANNUAL REPORT ON THE U.S. COMMISSION ON RELIGIOUS FREEDOM

WITNESSES

Dr. Firuz Kazemzadeh, Former Vice-Chairman, U.S. Commission on International Religious Freedom; and Senior Advisor, National Spiritual Assembly, Alta Loma, CA.

Ms. Nina Shea, Commissioner, U.S. Commission on International Religious Freedom; and Director of the Center for Religious Freedom, Freedom House, Washington, DC.

Mr. Michael Young, Commissioner, U.S. Commission on International Religious Freedom; and Dean, George Washington University School of Law, Washington, DC.

Rabbi David Saperstein, Former Commissioner, U.S. Commission on International Religious Freedom; Director, Religious Action Center of Reform Judaism, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 5, 2001, at 2:30 p.m., in open session to receive testimony on the "Leap Ahead" technologies and transformation initiatives within the Defense Science and Technology Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 92 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 92) to designate the week beginning June 3, 2001, as "National Correctional Officers and Employees Week".

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I am pleased the Senate will adopt this resolution to honor correctional officers and employees. The resolution reaffirms our support for the thousands of correctional officers and employees who work in the face of danger each day, while reforming hardened criminals. They deserve our respect and support.

Tragically, many correctional officers have been permanently injured and killed in the line of duty. Few of us can truly appreciate the perils faced daily by our correctional officers. There have been over 356 men and women who have died while on duty. This year, we honor Wilmot A. Burnett, Lee Dunn, Raymond Curtis, Michael Price, Allen Gamble, Peter Hillman, Jason Acton, Leon Egly, William Giacomo, Alvin Glenn, and Allen Myers, all of whom have been killed during the past year. I hope this resolution will prompt us to reflect on the contributions of these men and the more than 200,000 corrections professionals who help to maintain the safety of our communities.

America's correctional officers and employees' efforts go unnoticed too often. I am pleased to sponsor this resolution to establish June 3–10, 2001, as "Correctional Officers and Employees Week."

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table without intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 92) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 92

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK.

That the Senate—

(1) designates the week beginning June 3, 2001, as "National Correctional Officers and Employees Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY, JUNE 6, 2001

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 11 a.m. on Wednesday, June 6. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the Senate will convene at 11 a.m. and begin consideration of a few housekeeping resolutions which will allow for the transition of power. Following the transition, the Senate will resume consideration of the Wellstone amendment No. 465. Under the previous order, there will be up to 20 minutes of debate with the vote to occur at the expiration of that time. Therefore, Senators should expect a vote to occur at approximately 11:30 a.m. Following the vote, Senator COLLINS will be recognized to offer an amendment.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Wednesday, June 6, 2001, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 5, 2001:

DEPARTMENT OF DEFENSE

DIANE K. MORALES, OF TEXAS, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS, VICE ROGER W. KALLOCK.

EXECUTIVE OFFICE OF THE PRESIDENT

MARK B. MCCLELLAN, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE ROBERT Z. LAWRENCE.

DEPARTMENT OF ENERGY

VICKY A. BAILEY, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS AND DOMESTIC POLICY), VICE DAVID L. GOLDWYN, RESIGNED.

DEPARTMENT OF STATE

WILLIAM A. EATON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE (ADMINISTRATION), VICE PATRICK FRANCIS KENNEDY.

MERCER REYNOLDS, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

ALEXANDER R. VERSHBOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF

THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JANET REHNQUIST, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JUNE GIBBS BROWN, RESIGNED.

DEPARTMENT OF EDUCATION

REBECCA O. CAMPOVERDE, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE SCOTT SNYDER FLEMING, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROBERT S. MARTIN, OF TEXAS, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES, VICE DIANE B. FRANKEL, RESIGNED.

DEPARTMENT OF JUSTICE

DEBORAH J. DANIELS, OF INDIANA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE LAURIE O. ROBINSON, RESIGNED.

RICHARD R. NEDELKOFF, OF TEXAS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE, VICE NANCY E. GIST, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN P. WALTERS, OF MICHIGAN, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE BARRY R. MCCAFFREY, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GILL P BECK, 1019
DANA P EYRE, 6125
WILLIAM L GARRISON JR., 0649
BRENT V HAMM, 0154
ROBERT H HERRING JR., 3631
MARY A JAMESON, 1193
JAMIE E MARLOWE, 0250
EDWIN R MARRERO, 4044
DAVID S. MAYER, 2015
CATHERINE D MOORE, 0438
WILLIAM J MUSHRUSH, 2746
MARY L MYERS, 3844
CURTIS B PRINCE, 7016
NEIL F ROGERS, 4768
STEVEN W SCHULTZ, 4550
MARGO D SHERIDAN, 3636

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE NURSE CORPS (AN), MEDICAL SERVICE CORPS (MS), MEDICAL SPECIALIST CORPS (SP), AND VETERINARY CORPS (VC), AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

CYNTHIA J ABBADINI, 2255 AN
DEBRA S ALANIZ, 9272 AN
GLADYS M ALEMAN, 5597 MS
JOHN G ALVAREZ, 0631 MS
SUSAN E ANDERSON, 6298 AN
NATHANIEL M APATOV, 8184 AN
JEFFREY S ASHLEY, 8828 AN
DACOSTA E BARROW, 8675 MS
JOSE A BETANCOURT, 1244 MS
BLANCO W BEVERLEY, 4028 MS
DAVID A BITTERMAN, 2685 MS
*TERRELL W BLANCHARD, 7989 VC
JUDITH A BOCK, 3163 AN
JAMES W BOLES, 3435 VC
ELIZABETH A BOWIE, 4987 AN
*STEPHEN V BOWLES, 8030 MS
PATRICIA A BRADLEY, 8365 MS
*LORRAINE T BREEN, 8678 SP
MARILYN D BREW, 2954 MS
MITCHELL E BREW, 5436 MS
DENNIS C BROWN, 5102 MS
JAMES F BYRNE, 1409 AN
KYLE D CAMPBELL, 0829 MS
MARC L CAOUETTE, 6231 MS
VINCENT C CARNAZZA JR., 8685 MS
CHERYL E CARROLL, 0088 AN
*CARL A CASTRO, 4894 MS
WILLIAM C CHAMBERS, 0350 MS
DANIEL V CHAPA JR., 1846 MS
CAROLYN R CHASE, 3997 AN
SCOTT W CHILDERS, 0851 MS
KELLIE A COLE, 8603 MS
JANE L COLLINS, 1733 AN
LAWRENCE B CONNELL, 0739 MS
MARCUS W CRONK, 4944 MS
ANDREA E CRUNKHORN, 1867 SP
ALAN D CUSHEN, 8225 MS
THERESA L CUTLER, 5709 MS
PAUL H DAKIN, 0607 VC
MUSTAPHA DEBBOUN, 8654 MS
FLAVIA D DIAZHAYS, 4435 AN
JOANN S DOLEMAN, 4692 AN
MARY J DOOLEYBERNARD, 4937 MS
*FREDRICK G DUBOIS, 1898 MS
*TIMOTHY M DUFFY, 2638 MS
*RAYMOND F DUNTON, 6310 MS
EILEEN E DURBIN, 9236 AN
*JOHN B EASTLAKE, 6736 MS
JOHN E EILAND, 0267 AN
GREGORY D EVANS, 2364 MS
TERRANCE J FLANAGAN, 5886 MS
RALPH A FRANCO JR., 8355 MS
*JAMES M FUDGE, 0486 VC
JOHN M GAAL, 8237 MS
*EDNA GARCIAPENA, 2904 MS
JUDITH A GRAHAM, 6221 AN
BRADLEY C GREGORY, 8737 AN
MICHAEL P GRIFFIN, 6115 MS
CYNTHIA L GRIFFTH, 1081 AN
PAUL D GUERRETTE, 7114 AN
TODD R GUSTAFSON, 8384 AN
JEFFREY A HAFFA, 7097 MS
HEATHER W HANSEN, 5789 AN
KAROLINE D HARVEY, 4419 SP
*WILLIAM C HASEWINKLE, 4476 MS
PAMELA J HAVENS, 3011 AN
JOHN K HAWKINS, 7968 AN
*DAVID J. HILBER, 9651 MS
*BRADFORD W HILDABRAND, 8817 VC
DANIEL E. HOLLAND, 1480, VC
VINCENT B HOLMAN, 6287 MS
KENNETH R HORNE, 7831 MS
LELAND N HUDSON, 3543 AN
CHARLES R HUNTSINGER JR., 7959 MS
ANN A HUSSA, 9795 AN
DONALD H HUTSON, 4121 MS
MARCIA J IMDIEKE, 9086 AN
WOOLARD J JACKNEWITZ, 0908 AN
DAVID A JERABEK, 1903 SP
JEFFREY L JERDE, 6001 AN
KENNTH D JOHNSON, 7701 MS
MORGAN M JONES, 6152 AN
JIMMIE O KEENAN, 1290 AN
KAREN M KELLEY, 8773 MS
PEGGY J KHAN, 7861 AN
JEANNINE C. KOUZEL, 1750 AN
CHRISTINE KUBIAK, 1005 AN
*RODERICK D KUWAMOTO JR., 4694 SP
BERTHONY LADOUCEUR JR., 9711 MS
JOAN T LANCASTER, 2672 AN
NACIAN A LARGOZA, 9990 MS
TERRY J LASOME, 9018 AN
LISA M LATENDRESSE, 7387 AN
CHRISTINE M LEECH, 8258 AN
KATHLEEN S LESTER, 0329 MS
DONNA M LUPIEN, 3455 AN
MYRNA H LYONS, 7543 AN
SAMUEL G MACK JR., 5546 MS
CAROLYN M MALONE, 2692 AN
GREGORY A MALVIN, 6459 MS
RODGER K MARTIN, 4039 MS
VAL J MARTIN, 0013 MS
ELIZABETH A MC GRAW, 6909 AN
BENITA A MC LARIN, 1827 MS
ELIZABETH P MILLS, 7566 AN
VICKI L MORSE, 6262 MS
ROY E MULLIS, 1540 MS
ERNEST L NELON II, 9841 MS
*BRIAN V NOLAND, 3996 VC
SALLI L ODONNELL, 8034 MS
*RICKY J OLSON, 9707 MS
KATHARINE M OPITZ, 4754 AN
DANIEL P ORRICO, 2375 MS
KRISTEN L PALASCHAK, 3493 AN
CHRISTINE N PARKER, 4961 SP
PRISCILLA PATTERSON, 2210 AN
*BEVERLY D-PATTON, 6812 SP
PHILLIP D PEMBERTON, 7023 MS
*LIVIA I PEREZ, 2082 MS
CHRISTINE B PIRES, 6865 AN
*PHELPS F POND JR., 1046 AN
GREGORY S PORTER, 8355 MS
GUILLERMO QUILES JR., 0161 MS
PEDRO J RAMONHERNANDEZ, 8403 AN
JOANN M RAMOSALARILLA, 9239 AN
SUSAN M RAYMOND, 3215 AN
RITZA REESE, 4207 AN
*SHARON E REESE, 4521 AN
VICKIE L REIFF, 9817 AN
*GORDON R ROBERTS, 4872 MS
*MICHAEL A ROBERTSON, 7729 SP
JUDITH D ROBINSON, 9953 MS
LINDA C ROSS, 3266 MS
MICHAEL ROWBOTHAM, 2094 MS
*GAYE R RUBLE, 2724 VC
JERALD W RUMPH, 9267 MS
DOUGLAS J RUTKOWSKI, 5368 AN
JEFFREY R RYAN, 1580 MS
MAUREEN L SCHAFER, 6151 AN
CHRISTINE F SCHILLER, 6324 AN
BRUCE A SCHONEBOOM, 2025 AN
DANIEL N SENGSTACKE, 0664 AN
WILLIAM L SHEPLER JR., 5872 MS
MICHAEL SILKA JR., 4772 AN
JOZY M SMARTH, 4560 AN
JOHN C SMITH, 0662 VC
KIMBERLY K SMITH, 5782 AN
MARC A SMITH, 6629 AN
MICKIE D SMITH, 6271 MS
ADORACION G SORIA, 1816 AN
SHIRLEY A SPIRK, 5252 AN
BARBARA A SPRINGER, 5180 SP
KETIH E STEELE, 5158 VC
NED STEPHENS JR., 6419 MS
SHARON L STERLING, 2065 AN
DEBRA M STEWART, 7896 MS
CARLHEINZ W STOKES, 8464 MS
ALAN K STONE, 2617 MS
ANDREW A STOREY, 1275 MS
GUY S STRAWDER, 6704 MS
THOMAS G SUTLIVE, 3268 SP
KIMBRELL S SWINDALL, 6599 MS
COLLEEN A TAKAHASHI, 3217 AN
PHILLIP B THORNTON, 7655 MS
NATHANIEL TODD, 3668 MS
JACK K TROWBRIDGE, 6321 MS
*KELLY G VEST, 4646 VC
ROBERT L VOGELSANG III, 1620 VC
LEANNE M VONASEK, 4914 SP
KAREN J WAGNER, 4583 MS
STEPHEN C WALLACE, 1145 MS
JAMES T WALSH, 8589 MS
KALDON L WALTJEN, 1188 AN
HEIDI A WARRINGTON, 8803 AN
ALAN F WEIR, 4754 MS
DONNA S WHITTAKER, 4706 MS
IRENE E WILLIFORD, 2921 AN
THOMAS G WINTHROP, 8625 AN
*THOMAS R YARBER, 5615 AN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

WILLIAM J. DIEHL, 8090

HOUSE OF REPRESENTATIVES—*Tuesday, June 5, 2001*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 5, 2001.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Blessed be the Lord, the God of Israel, from all eternity and forever.

Happy the man who cares for the poor and the lowly; the Lord will save him in time of trouble. The Lord protects him and gives him life, making him treasured throughout the land.

The Lord will help him even on his sickbed surrounding him with loving care. The Lord will keep him and preserve him until the Lord's full work is accomplished.

To be loved and respected from all corners shields the just man from his enemies. Because one found integrity, he is permitted to stand before the Lord forever.

It is friendship that merits loyalty; friends in their laughter gain perspective.

In the loss of a dear colleague, Lord, this psalm comes to mind; This Chamber and this country, so blessed in John Joseph Moakley, finds voice:

Blessed be the Lord, the God of Israel from all eternity and forever.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. GEORGE MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. GEORGE MILLER of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 29, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 26, 2001 at 1:45 p.m.

That the Senate passed without amendment H. Con. Res. 139.

That the Senate passed without amendment H. Con. Res. 146.

Appointments:

Advisory Committee on the Records of Congress
Parents Advisory Council on Youth Drug Abuse
Commission on Indian and Native Alaskan Health Care
Coordinating Council on Juvenile Justice and Delinquency Prevention

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 4, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 31, 2001 at 4:23 p.m.

That the Senate agreed to conference report H.R. 1836.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bill on Friday, June 1, 2001:

H.R. 581, to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

And the Speaker signed the following enrolled bill on Monday, June 4, 2001:

H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 2001.

Hon. DENNIS HASTERT,
Speaker of the House,
The Capitol, Washington, DC.

DEAR SPEAKER HASTERT: I am writing to formally notify you that I will be retiring from my position as the United States Representative for Florida's First Congressional district, effective September 6, 2001. A similar letter has been sent to the Honorable Jeb Bush, Governor of the State of Florida.

Sincerely,

JOE SCARBOROUGH,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 2001.

Hon. JEB BUSH,
The Capitol,
Tallahassee, FL.

DEAR GOVERNOR BUSH: I am writing to inform you that I am irrevocably resigning my position as United States Representative for the First District of Florida, effective September 6, 2001. A similar letter has been sent to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives.

I appreciate your friendship and the support you have shown Northwest Florida.

Sincerely,

JOE SCARBOROUGH,
Member of Congress.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TAX CUTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, last week Congress passed the biggest tax relief package since the start of the Reagan administration. Every American taxpayer is going to get a refund check in the mail this summer. Over the coming years, rates will decline, the death tax will be repealed, the marriage tax penalty will be partially fixed, we will be able to put more in our retirement plans, and be able to deduct more for the cost of college education. This is real help for real Americans.

But the American taxpayers deserve to know that there were a lot of big-spending liberals who thought they did not deserve these tax cuts. Even though we have been running multi-billion dollar surpluses for several years, some people in Washington did everything they could to stop this tax relief. In fact, the only way to get it done at all was to use what we call "budget reconciliation," which cannot be filibustered in the other body and requires only 51 votes since they could not get to 60.

But budget reconciliation only lasts for 10 years. Before the 10 years is up, Congress must extend the tax relief. I hope that Congress will do that. In the meantime, I hope all the big spenders in Congress who voted against this cut will donate their $300 refund check back to the Treasury.

WE NEED THE PRESIDENT'S VISION FOR THE ENVIRONMENT, NOT JUST A VISIT TO ANOTHER NATIONAL PARK

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Speaker, Americans of all political stripes place a very high value on the protection of our environment and public lands.

President Bush recently visited the Everglades National Park in Florida, and previous to that he visited Sequoia National Park in California. These photo opportunities are intended to portray an image of a President who cares about the environment. But these Presidential visits are inadequate; and they are also inaccurate because, while the President visits two of our most treasured parks, he and his administration are planning to throw open the door of the public lands of this Nation to increased drilling, mining, logging, road building and contamination of these very public lands.

Madam Speaker, these public lands are every bit as important as the national parks that the President has visited. His administration continues to threaten the very stewardship of those public lands and opportunities for American citizens to enjoy them not only throughout the summer months but year around. His administration continues to threaten the Sierra Nevada Conservation Plan, which is about the integrity and the survival of the Sierra Nevada Mountains, and the forest in those mountains in California.

Madam Speaker, the President refuses to move forward on the Giant Sequoia National Monument proposal.

Mr. President, what we need is your vision for the environment, not just another visit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address the Chair as they address the House.

HELP IS ON THE WAY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, national tax freedom day, that day that we start working for ourselves instead of the tax collector, fell on May 4 this year, and that is the latest date in history according to the tax foundation.

Many Nevadans found this to be not only unbelievable, but unconscionable. It is unconscionable that the typical and average American family pays more than 38 percent of its income in taxes. That is more than it spends on food, clothing, and shelter combined.

Madam Speaker, over the past 8 years, personal income of Americans has grown by more than $2.8 trillion, yet nearly half of all this new wealth went to pay tax bills. Is it any wonder why Americans feel they are working harder than ever but cannot seem to get ahead? Thankfully, this Congress listened to Nevada families and their pleas for help in paying this crushing tax burden, and soon Nevadans will be getting some much-needed relief in the form of a tax rebate check; and may I say, it is about time.

Madam Speaker, Nevadans, and indeed all Americans, should not be working for Washington; Washington should be working for Nevadans and Americans. Mailing out those tax rebate checks is simply the first step in putting working Americans ahead of government bureaucracy.

AMERICA'S FIRST FEMALE PROM KING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, a high school in Washington has crowned America's first female prom king. No joke. Now, I do not care what anyone's sexual preference is, but enough is enough. What is next: beauty pageants for cross-dressers? Think about it. America has guns, drugs, rape, and even murder in school, and now a lesbian is a prom king.

If that is not enough to titillate J. Edgar Hoover, prayer and God are still not allowed in America's schools. Beam me up, Mr. Speaker. A Nation that allows lesbians to be prom kings in our schools, but denies the Lord access to our schools, is a Nation headed for stone-cold disaster.

I yield back one ray of hope there is a new policy at Ferndale High School: all future prom kings shall be male. Hallelujah.

□ 1415

THE IMPORTANCE OF SCIENCE AND MATH EDUCATION

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Madam Speaker, high school seniors from all over the United States will be graduating and receiving their diplomas at this time of year. Recently I have been named chairman of the Subcommittee on Research in the Committee on Science. I have told the administration as we talk about national security that I think probably the second greatest threat to national security is where we are going in our performance in science and math education in our schools. We now rank below any of the other G–7 countries of the industrialized world. We have got to be more aggressive in moving ahead in our efforts to interest and performance with science and math education.

In my subcommittee, we will be holding hearings this week on legislation that will help us do a better job in this area. Science teachers need to be encouraged. But also we need to encourage the parents and the teachers of those students in the first 3 or 4 years of school if we are to be successful. This world is getting more complicated with biotechnology, information technology and other science based technology. Those kids are going to be better served if they have a better math and science education.

I commend these graduating students throughout the Nation for what they have achieved so far but encourage them to study a little more math and science, as they enter college or the job market. It will pay big dividends.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule

XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

COMMENDING CLEAR CHANNEL COMMUNICATIONS AND AMERICAN FOOTBALL COACHES ASSOCIATION FOR THEIR DEDICATION AND EFFORTS FOR PROTECTING CHILDREN

Mr. OSBORNE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 100) commending Clear Channel Communications and the American Football Coaches Association for their dedication and efforts for protecting children by providing a vital means for locating the Nation's missing, kidnapped, and runaway children, as amended.

The Clerk read as follows:

H. CON. RES. 100

Whereas children are the Nation's greatest asset for the future and are essential for the Nation's strong and vital growth;

Whereas more than 800,000 children disappear each year in the United States, and the problem of missing, kidnapped, and runaway children potentially affects every community in the Nation;

Whereas the United States is committed to the protection of its children;

Whereas the American Football Coaches Association is a leader in the protection of children and has provided 60 million Inkless Child Identification Kits for use by parents;

Whereas these kits allow parents to keep vital information, current photographs, and fingerprints readily available to provide to law enforcement agencies throughout the Nation in the event of an emergency; and

Whereas the American Football Coaches Association displays outstanding dedication to the children in communities throughout the Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress commends the American Football Coaches Association for its dedication and efforts to protect children and locate the Nation's missing, kidnapped, and runaway children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).

GENERAL LEAVE

Mr. OSBORNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 100.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. OSBORNE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Concurrent Resolution 100 which recognizes the American Football Coaches Association for its dedication and efforts to protect children by providing inkless child identification kits for use by parents. In the past 4 years, over 4.2 million identification kits have been passed out at college football stadiums. As a member of the American Football Coaches Association and a former football coach, I have participated in this program myself and know that the kits can be useful tools for parents. My former university, the University of Nebraska, has participated in this program since the program's inception in 1997. In the spring of 1999, 60,000 ID kits were distributed to Nebraska's school children in grades kindergarten through the fourth grade.

Statistics about missing children in the United States are staggering. According to the FBI and the National Center for Missing and Exploited Children, 750,000 children were reported missing last year. Approximately 450,000 of these children ran away, an additional 350,000 were abducted by a family member, and over 4,500 were abducted by a stranger. This works out to be about 2,100 children missing each day. In 1999, the last year with statistics available, almost 3,000 cases of online child exploitation were prosecuted.

No place in America is immune from child abductions or exploitation. Earlier this year in a high profile case, a teenager in my district was kidnapped by an escaped fugitive in the parking lot of a shopping mall in Kearney, Nebraska. Fortunately, this kidnapping ended peacefully with the kidnapper's surrender, but many children are not as lucky.

If the worst happens and a child is abducted or decides to run away, parents need to have tools to help police locate and identify their children. Because less than 2 percent of parents have a copy of their child's fingerprints to use in the case of an emergency, the American Football Coaches Association created the National Child Identification Program with the goal of fingerprinting 20 million children. The program provides a free inkless fingerprint kit for each child. The inkless ID kit allows parents to take and store their child's fingerprints in their own home. The card remains in the parents' possession. But if it is ever needed, this card will give authorities vital information to assist them in their efforts to locate a missing child.

To fund the program, the coaches association has teamed up with local and national businesses and media. In my previous occupation, I signed several hundred football helmets to auction off to raise money for this worthy cause.

I believe we must approach the protection of our Nation's youth from a variety of angles. These kits are a start, and they may open the doors of communication for parents to talk to their children about the rules of safety advocated by the National Center for Missing and Exploited Children and discuss ways to address family problems. I also am a longtime supporter of youth mentoring projects. I believe mentors can provide youth a positive role model and a line of communication with a caring adult. Quality mentoring programs can prevent youth from ever running away from home in the first place.

I am pleased to support this resolution that commends the work of the American Football Coaches Association for its efforts to locate missing, kidnapped, and runaway children through the distribution of the inkless fingerprinting kits. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution and join the gentleman from Nebraska (Mr. OSBORNE) and its author, the gentleman from Tennessee (Mr. DUNCAN), in commending the American Football Coaches Association for its important work to help make our children safer.

The American Football Coaches Association has provided 60 million inkless child identification kits for use by parents. These kits allow parents to keep vital information, current photographs, and fingerprints readily available to provide to law enforcement agencies throughout the Nation in the event of an emergency. The program is expected to reach several million children this year, making it the largest identification drive ever conducted.

At a time 800,000 children become missing each year in the United States, more needs to be done to address this horrible issue. Our law enforcement agencies and personnel continue to need the help of parents when children are missing. Efforts like those of the American Football Coaches Association and other public-private partnerships are essential if we are to ensure that no child becomes missing and suffers from the separation of their parents.

Madam Speaker, I urge all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. OSBORNE. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), the sponsor of this resolution.

Mr. DUNCAN. Madam Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) for yielding me this time.

Madam Speaker, every Saturday in the fall, football coaches across America are cheered on by thousands of fans for their work on the field.

Today we have a resolution on the House floor which honors them for their work off the field. The resolution that I have introduced, H.Con.Res. 100, recognizes the American Football Coaches Association and its efforts to protect our country's children.

The American Football Coaches Association has teamed up with Clear Channel Communications, one of our Nation's leading companies, to distribute child identification kits to thousands of parents every year.

These kits, which are handed out at no cost to families, allow parents to fingerprint their children and keep the prints at home. Should their child ever become missing, parents can turn over these fingerprint records to local law enforcement authorities who use the information to help locate the missing children.

The National Child Identification Program distributes these free kits to parents and guardians at college football games across the Nation.

This program began in 1997. In that year alone, 2.1 million of the child ID kits were given to parents. Since then, over 8 million kits have been distributed at football games. The stadium effort was so successful that the coaches have worked with Clear Channel Communications to reach even more families and more people in their communities.

Football coaches across America have promoted this program on the more than 1200 radio stations owned or operated by Clear Channel Communications. Clear Channel has been instrumental in providing the program publicity as well as recruiting other sponsors to help finance the purchase of these kits.

Unfortunately, 800,000 children are reported missing each year in the United States. This is a tragedy that should never happen. The American Football Coaches Association and Clear Channel Communications have taken the initiative to try to help parents and authorities return missing children to their homes.

In my district, the coach of the University of Tennessee football team, my good friend Phillip Fulmer, has taken an active role in promoting this program. Hundreds of thousands of these kits have been handed out at Neyland Stadium in Knoxville, Tennessee. Other individuals who have helped with this effort include coaches and athletes like Grant Teaff, R.C. Slocum, Nolan Ryan, Joe Montana, Cal Ripken, David Robinson, and many, many others.

I should mention that my colleague, the gentleman from Nebraska, who is a former college football coach, has very actively participated as well, as he has just mentioned. He has helped raise funds as well as handed out personally some of the first kits in Nebraska. In addition to his work on this resolution, I want to thank him for his efforts on this very worthwhile program.

I also want to take this opportunity to thank Lowry Mays and Mark Mays for their leadership in bringing Clear Channel Communications on board with this effort.

In Tennessee, Governor Don Sundquist proclaimed March as Child Identification Awareness Month to raise awareness of the need for fingerprinting children. And as the governor of Texas, President Bush helped raise funds for the National Child Identification Program.

Madam Speaker, I am from Tennessee which is known as the Volunteer State. I am happy to see that volunteers from all across the country have come together to support this important program that helps bring children home to their parents.

Finally, I want to thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for allowing this, what I believe to be a very noncontroversial resolution, to come to the House floor today. I want to thank the gentleman from Michigan (Mr. KILDEE) for his support.

I hope that all of my colleagues will join me by supporting H. Con. Res. 100 and recognize those who have helped make our country a safer place for children.

Mr. KILDEE. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Madam Speaker, I want to thank the gentleman from Tennessee (Mr. DUNCAN) for sponsoring this resolution and the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Michigan (Mr. KILDEE) for their leadership in its passage.

Public service comes in many forms. When individuals and groups provide extraordinary services to our Nation, they deserve the appreciation of our Congress and our country. Such is the case today with Clear Channel Communications and the American Football Coaches Association. With the generosity of these two organizations, 60 million child identification kits will be given to parents all across our country.

□ 1430

These kits will help parents keep vital information and current photographs and fingerprints of their own children to be used in cases of missing, kidnapped or runaway children. In such emergencies, this information can be instrumental in helping law enforcement agencies bring children and their parents back together.

Madam Speaker, I speak today as a parent of two sons, ages 3 and 5. I cannot imagine anything worse for my wife and me than to find one day our children are missing.

Every parent, every parent, knows the fear of turning around in a playground or at a public meeting or event and momentarily not finding his or her child. Unfortunately, that fear is not just momentary for many parents. In fact, nearly 800,000 children disappear every year in the United States. That would be the equivalent of approximately 8 times the entire population of my hometown of Waco, Texas, where the American Football Coaches Association has its office.

These 800,000 are not just statistics. They are real children of real parents, a nightmare many of us can only imagine.

Madam Speaker, I have known Lowery Mays, CEO of Clear Channel Communications, and Grant Teaff, executive director of the American Football Coaches Association, for well over a decade. They are individuals of great integrity and compassion. Knowing them personally, frankly, it does not surprise me that their organizations are providing American families with this terribly important service. However, that lack of surprise does not reduce whatsoever my deep gratitude to them for their generosity in reuniting thousands of American families with their children.

Madam Speaker, Winston Churchill once said, "We make a living by what we get, but we make a life by what we give."

Based on that high standard, Lowery and Mark Mays, Coach Grant Teaff and all those they represent in their respective organizations have lived an extraordinary successful life. They have earned and deserve the gratitude of not only this Congress, but American families across this great land of ours. I urge every Member to vote for this resolution.

Mr. OSBORNE. Madam Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Madam Speaker, I thank the distinguished gentleman from Nebraska (Mr. OSBORNE), the wonderful coach himself, for yielding me this time. I also want to particularly thank the gentleman from Tennessee (Mr. DUNCAN) for putting this work together.

Madam Speaker, I am pleased to rise in very strong support of H. Con. Res. 100, a resolution commending the American Football Coaches Association and others for their efforts in helping to recover our Nation's missing, kidnapped, and runaway children.

According to recent data, an estimated 3,200 to 4,600 short-term, nonfamily abductions are reported in law enforcement each year. Of these, an estimated 200 to 300 are stereotypical kidnappings where a child is gone overnight, killed, or transported a distance of 50 miles or more.

For these reasons, the first 48 hours following the disappearance of a child are the most critical in terms of finding and returning that child safely, and the child's descriptive information, including height, weight, and eye and hair color, and an updated photograph are the most important tools a parent has to bring their missing child home.

Far too often, though, the search for missing children is slowed by an incomplete physical description and outdated photographs.

For this reason, the American Football Coaches Association, in conjunction with Clear Channel Communications, has proudly sponsored the National Child Identification Program, a community service project which distributes free child ID kits at community events.

These child ID kits help ensure that families have updated pictures, fingerprints and a complete physical description of their child in the event of an emergency.

According to the National Center for Missing and Exploited Children, current photographs and physical descriptions help return 1 out of 7 featured children, often as a result of tips received from members of the public who have recognized the missing child and then notified the authorities.

Under the leadership of the American Football Coaches Association, I am especially pleased to report that Delaware State University and many other colleges and universities have handed out millions of child ID kits at college football games and other athletic events across the country.

In closing, I want to commend the gentleman for his resolution and, again, commend the American Football Coaches Association and the many others who have made it their mission to help ensure the mission of safety of our children. It is my experience that being prepared for the worst possible scenario and possessing the necessary tools to help prevent a greater tragedy makes a world of difference to parents and children in a time of crisis.

For all these reasons, I urge an aye vote on this resolution.

Mr. KILDEE. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Madam Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me this time, and I also thank the gentleman from Tennessee (Mr. DUNCAN) and other leaders on this important piece of legislation.

As chairman and founder of the Congressional Caucus on Missing and Exploited Children, I have much too often had the occasion to look into the eyes of a parent who has lost a child. I spend a great deal of my time, along with so many of my other colleagues, trying to ask parents to be prepared, and hopefully not ever have to need to have been prepared, and therefore I rise today to commend the American Football Coaches Association and Clear Channel Communications for their dedication and efforts that they are making in protecting children by providing a vital means for locating the Nation's missing, kidnapped, and runaway children, and to urge a yes vote on this important resolution.

The National Child Identification Program was created in 1997, with the goal of fingerprinting 20 million children. This program provides a free fingerprint kit to parents who then take and store their child's fingerprints in their own homes. If this information is ever needed, fingerprints would be given to the police to help them in locating a missing child, being prepared and hoping they do not ever have to be.

The American Football Coaches Association, in partnership with Clear Channel Communications, a large chain of radio stations, has pledged to raise funds to help provide such a fingerprint kit for every child in America.

Well, having just recognized National Missing Children's Day on May 25, the thought of keeping our children safe remains fresh in our minds. We must all work together to raise awareness about the power of fingerprinting in the search for missing children.

Clear Channel Communications and the American Football Coaches Association have taken raising the importance of fingerprinting to a whole new level, and they are to be commended for their leadership in the broadcast and sports industries. Once again, I urge a yes vote on this important resolution.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

Mr. OSBORNE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would particularly like to thank the gentleman from Tennessee (Mr. DUNCAN) for his efforts on this resolution, and the gentleman from Michigan (Mr. KILDEE) for his efforts as well.

Mr. HASTERT. Madam Speaker, today, I would like to join with my colleagues in commending the American Football Coaches Association for providing parents with identification kits to locate children who are missing.

In 1997, the American Football Coaches Association—concerned about the 800,000 children who disappear every year—launched the National Child Identification Program. Their group distributes millions of identification kits that can be used as a means to locate lost children. Parents use the kits to make ID cards for their children, containing important identifying information, such as a picture, fingerprints and the location of a child's medical and dental records.

The American Coaches Association deserves to be recognized for taking the lead on this important issue. This respected group saw that they could help American families, and they have worked long and hard to achieve that goal. Through the National Identification Program, they are providing a valuable resource for parents who are looking for missing, kidnapped or runaway children. These kits provide parents with the peace of mind of knowing that they have their child's vital statistics at their fingertips in the event of an emergency.

I want to thank the American Coaches Association for handing out kit after kit at churches, schools and community events. Their work could be essential in returning missing children back to their families. They have made a generous contribution to our nation, particularly, to our nation's children.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in strong support of this resolution commending Clear Channel Communications and the American Football Coaches Association for their efforts in providing a means for locating the nation's missing, kidnapped, and runaway children. As a member of the Missing and Exploited Children's Caucus, I have witnessed the dedication of both Clear Channel Communications and the American Football Coaches Association and am pleased to say their efforts have been outstanding.

In 2000, an estimated 750,000 children were reported missing. This figure marks a decrease of twelve percent since 1997, when the number of missing children was at an all time high. In my home state of Connecticut, 293 children were reported missing as of May 7, 2001. Connecticut is fortunate in that there are few non-family child abductions. Clear Channel Communications and the American Football Coaches Association have greatly contributed to increase awareness and parental education in our effort to safely return missing children.

In September of 2000, the American Football Coaches Association collaborated with Clear Channel Communications to raise millions of dollars to provide free fingerprint kits for parents. Using the ID kit, parents can take and store their children's fingerprints in their own home. Their efforts were part of the National Child Identification Program created in 1997. In the program's first year, two million kits were distributed to parents at college football games, and 8 million kits were distributed overall.

Programs such as these are invaluable to our nation as we try to locate our nation's missing, kidnapped, and runaway children. I urge all of my fellow Members to vote with me in support of H. Con. Res. 100 and commend Clear Channel Communications and the American Football Coaches Association for their service to our country and reaffirm Congress' commitment to missing and exploited children.

Mr. OSBORNE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 100, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OSBORNE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELWOOD HAYNES "BUD" HILLIS POST OFFICE BUILDING

Mr. OTTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2043) to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the "Elwood Haynes 'Bud' Hillis Post Office Building".

The Clerk read as follows:

H.R. 2043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELWOOD HAYNES "BUD" HILLIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, shall be known and designated as the "Elwood Haynes 'Bud' Hillis Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Elwood Haynes "Bud" Hillis Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. OTTER).

GENERAL LEAVE

Mr. OTTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2043.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. OTTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 2043, introduced by the gentleman from Indiana (Mr. BUYER) on May 25, 2001, designates the facility at the United States Postal Service located at 2719 South Webster Street in Kokomo, IN, as the Elwood Haynes "Bud" Hillis Post Office Building.

Pursuant to the policy of the policy of the Committee on Government Reform, all Members of the House delegation of the State of Indiana are cosponsors of the measure.

Bud Hillis is a native Hoosier. He was born in Kokomo and attended public schools there. He was a graduate of Culver Military Academy. At the age of 18, he enlisted as an infantryman in World War II and served in Europe for 27 months. When he returned, he received his bachelor's degree from Indiana University and, continuing his studies there, he earned a law degree.

He practiced law in Indiana and was chairman of the Howard County Bar Association. He was elected to the Indiana State House of Representatives and served for two terms. Because of a vacancy in the Fifth Congressional District when the incumbent was chosen to fill a U.S. Senate seat, Bud Hillis was selected to run for the House seat and was elected to the 92nd Congress in 1970, and he served there until 1986.

Representative Hillis was a member of the Committee on Armed Services and the Committee on Veterans' Affairs. He was a founding member of the Congressional Auto Task Force and a strong advocate of the Congressional Steel Caucus.

Madam Speaker, it is a fitting tribute to name a post office in Kokomo, IN, after the distinguished gentleman from that city who selflessly served the interests of his constituents in the State house and in Congress for many years.

I urge our colleagues to support House Resolution 2043.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2043 to designate the U.S. Post Office at 2719 South Webster Street in Kokomo, IN, as the Elwood Haynes "Bud" Hillis Post Office Building was introduced by the gentleman from Indiana (Mr. BUYER) on May 26, 2001. This measure has the support and cosponsorship of the entire Indiana delegation.

Of course, former Congressman Elwood "Bud" Hillis served honorably and with great distinction, representing Indiana's Fifth District from 1971 to 1986. He was an outstanding member of the House, well loved by his constituents, well loved by the people in the communities that he represented and that he served, and I think it is altogether fitting and proper that we bestow upon him and upon his memory the honor of naming one of our institutions in his honor.

I certainly join in sponsorship, as well as in support of this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. OTTER. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I thank the gentleman from Idaho (Mr. OTTER) for yielding me this time.

Madam Speaker, I would like to thank my friend and colleague, the gentleman from Indiana (Mr. BUYER), for his leadership on this measure and the balance of the Indiana delegation for their efforts in designating the Kokomo Post Office in honor of Congressman Bud Hillis.

Madam Speaker, many Hoosiers might be deserving of this honor, but few are more deserving than Congressman Hillis. His career and distinguished record of public service testify to his dedication to the U.S. and the State of IN.

As a member of this Chamber, he was instrumental in saving thousands of Hoosier jobs through the Chrysler bailout, and his membership on the Committee on Armed Services ensured that Indiana's sons and daughters who served in the military were well equipped to face the threats across the world.

□ 1445

Madam Speaker, on a personal note, as a young candidate during my first bid for Congress in 1988, I looked at the service and the career and the integrity of Congressman Bud Hillis, and I pledged to myself then that if ever elected to serve in this body, it would be my purpose to serve as a man of integrity and commitment, to serve as did Congressman Bud Hillis. Thirteen years later, Congressman Hillis still stands as an example for all of us who seek to be men and women of integrity in the U.S. House of Representatives.

It is said that a good name is more precious than rubies. Madam Speaker, I believe I speak for every Member of the Indiana delegation when I say we are proud to put the good name of a great Hoosier Congressman, Bud Hillis, on the Post Office on South Webster Street in Kokomo, IN.

Mr. OTTER. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, I thank both gentleman for coming to the House floor with this bipartisan legislation, and I also want to thank my good friend the gentleman from Indiana (Mr. PENCE) for his eloquent words. I think he said it very well, and I feel sort of awkward here following him.

Madam Speaker, I rise to honor who I believe is one of the most distinguished men ever to represent the State of Indiana in the U.S. House of Representatives, my dear friend and former Congressman, Elwood Haynes Bud Hillis. Those of us that know this gentleman the best, I suppose, all refer to him as "Bud."

Bud honorably and effectively served the people of Indiana's fifth district in the House of Representatives from 1971 to 1986, 16 years of dedicated service to his country. During his time in the House of Representatives, he was a reasonable and authoritative voice on matters of national security, trade, and veterans' issues.

He is a graduate of Indiana's Culver Military Academy, and he enlisted to fight in World War II at the age of 18.

He served as an infantryman in the European Theater for 27 months, leaving active duty as a first lieutenant.

After the war, Bud attended Indiana University and Indiana University School of Law. He came back to his home community and set up a law practice right on the courthouse square in Kokomo. He then went on to become chairman of the County Bar Association. In November of 1970, he was elected to served two terms in the Indiana House of Representatives. He then went on to serve here in the United States Congress.

While in Congress, Bud was known for a unique combination of genteel civility and firm resolve. During his years in Washington, he was noted for his leadership on several issues of vital importance to Hoosiers and to the Nation as a whole.

As a Member of the Committee on Armed Services, Bud was instrumental in the development and deployment of the M–1 tank, for it to be built here in the United States. When I returned after my service during the Persian Gulf War, I never realized until I sat down with Bud how eager he was to discuss the Persian Gulf War, because a decade or 15 years earlier he sat down and he worked on the development of the M–1 tank. And he believed in that tank, and then he had the opportunity to see some of it on CNN, like a lot of the country observed the Gulf War. But he was anxious to hear firsthand of the use of a weapon system that he was so instrumental in deploying.

He also took a very serious interest in the automobile industry. It is very fitting he would do so, because well over 100 years ago there were two brothers, Elmer and Edgar Apperson, who, along with Bud's grandfather, Elwood Haynes, who invented the automobile, something that we just take for granted today, which revolutionized the transportation system of this country. And Bud's grandfather invented the automobile.

So when he came here to serve in Congress, he was a founding Member of the Congressional Automobile Task Force. And he was the leading advocate for the rescue of Chrysler as a corporation, and what a viable corporation it is today. He was also a strong force in the Congressional Steel Caucus as vice president of its executive committee.

Bud also took seriously our Nation's commitment to our veterans. As a Member of the Committee on Veterans Affairs, he was a leader in caring for not only our country's veterans, but he was also instrumental in the construction of a VA outpatient clinic in Crown Point, which is Lake County, Indiana.

Bud also had a very strong impact upon me. At age 32, when I returned from the Gulf War, I saw life in a different dimension and sought to yet serve my country in a different perspective. I went and sat down with Bud Hillis, and through all the way up to even today, he continues to give me great counsel and advice.

The impact that he had upon Joni and the Buyer family was that Bud raised his family in Indiana, and for 16 years he commuted. So I could see firsthand many Members raise their families, and this is not a family-friendly institution. And I followed, not necessarily his advice, because that is not the way Bud is, but I chose then to raise my family in Indiana, and I do the commute back and forth. And it was probably the best thing for me, because it does not let this town overtake you, and it keeps you well-grounded when your children are raised in the district which you represent.

Bud is a family man. Carol and their children, I wish them the very best. Bud has a distinguished record of service to his country, in war and in peace and here in the halls of Congress.

To the people that Bud represented here in Indiana, I offer this bill with great pride on behalf of the entire Indiana delegation. It is because of the dedication of his service to his country that the Kokomo Post Office on Webster Street will be a fitting tribute to such an honorable and accomplished Hoosier.

Mr. OTTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, that concludes the remarks that we have on Mr. Hillis. I would like to thank the gentleman from Indiana (Mr. BUYER) for introducing the legislation and the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. PENCE) for their kind remarks in the dedication for and paying tribute to Mr. Hillis on this occasion.

Mr. ROEMER. Madam Speaker, I rise today in support of the resolution designating the Elwood Haynes "Bud" Hillis Post Office Building in Kokomo, Indiana. This tribute will serve to commemorate the 20 years of distinguished public service that Congressman Hillis provided to the state of Indiana in both the Indiana General Assembly and the United States House of Representatives.

A native of Kokomo, Indiana, Congressman Hillis graduated from Culver Military Academy in 1944 before entering the Army. He served in the European theater during World War II, and ended the war with the rank of first lieutenant. After retiring from reserve infantry duty with a rank of captain in 1954, he attended Indiana University and the Indiana University School of Law. Hillis then began practicing law in Howard County, where he was active in the community from the beginning. Hillis' involvement in charitable causes in his hometown of Kokomo earned him the admiration of his peers in the community. Among the organizations that he has helped over the past four decades include the United Way, the YMCA, the YWCA, and the Salvation Army.

Hillis' reputation as a man who embraced his causes and worked for them eventually encouraged him into politics. He made his initial venture into politics when he was elected to begin his first term in the Indiana House of Representatives in 1967. After serving two terms in the Indiana General Assembly, Hillis was elected to the 5th district seat in the U.S. House of Representatives in 1970. As a member of the U.S. Congress, he became heavily involved with military and veterans affairs. Among his committee assignments were the Veterans Affairs and Armed Services Committees, where he was instrumental in upgrading Grissom Air Force Reserve Base to make that an integral part of our nation's defenses. Bud always seemed to be supportive of our nation's veterans. Even in the period of immediately following the Vietnam War, Bud recognized the need to stand by American forces here and abroad. Although he was in the minority for a number of years following that tumultuous time in American history, his efforts certainly showed him to be a man of principle.

His soft-spoken polite nature was admired by many of his peers in the House of Representatives, and he gained great respect in Washington for his 16-year legislative record. Although he was popular in his district, Hillis voluntarily stepped down in 1987 after serving eight terms.

This dedication of the Kokomo post office certainly would be a fitting tribute for a distinguished gentleman representing the state of Indiana in the U.S. House of Representatives.

Mr. OTTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the bill, H.R. 2043.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OTTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

G. ELLIOT HAGAN POST OFFICE BUILDING

Mr. OTTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1183) to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the "G. Elliot Hagan Post Office Building".

The Clerk read as follows:

H.R. 1183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. G. ELLIOT HAGAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, shall be known and designated as the "G. Elliot Hagan Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the G. Elliot Hagan Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. OTTER).

GENERAL LEAVE

Mr. OTTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1183.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. OTTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1183, introduced by my distinguished colleague, the gentleman from Georgia (Mr. KINGSTON), on March 22, 2001, designates the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the G. Elliot Hagan Post Office Building. All Members of the House delegation from the State of Georgia are original cosponsors of this legislation and support for the post office naming bills from the entire State delegation is the policy of the Committee on Government Reform.

G. Elliot Hagan was born in Sylvania, Screven County, Georgia, in 1916. He studied in public schools in Sylvania and then attended the University of Georgia. He also attended Emory University and John Marshall Law School. His varied career included the life insurance and estate planning business, editor of a weekly newspaper, livestock raising, and a member of the Board of Trustees of Tift College.

Mr. Hagan served as a representative in the Georgia State House for five terms, and one term in the State Senate. He resigned from the State legislature at the outbreak of the Second World War to serve in the Army Signal Corps for 2 years.

Mr. Hagan later became secretary-treasurer and deputy director of the State Board of Workmen's Compensation in 1946, member of the National Council of the State Governments, and a district director of the Office of Price Stabilization for southern Georgia. He was an active member of the American Legion, the Farm Bureau, and the Million Dollar Round Table and was also a Mason, a Shriner, a Rotarian, and an Elk.

Mr. Hagan was elected to the 85th Congress in 1961 and served for six terms in Congress until 1973. He was a member of the Committee on Armed Services and chairman of the Public Health and Welfare Subcommittee of the House District of Columbia committee. He died in the town of his birth in 1990.

It is appropriate that a post office be named in his honor, a true son of Sylvania, Georgia.

Madam Speaker, I urge my colleagues to support H.R. 1183, a bill to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the G. Elliot Hagan Post Office Building.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join with my colleague in providing support to H.R. 1183, to designate the U.S. Post Office at 113 South Main Street in Sylvania Georgia as the G. Elliot Hagan Post Office Building.

This legislation was introduced by the gentleman from Georgia (Mr. KINGSTON) on March 22, 2001. This measure has the support and cosponsorship of the entire Georgia State delegation.

The former and late Congressman G. Elliot Hagan represented the First Congressional District in Georgia from 1961 until 1973. Prior to his election to the U.S. House of Representatives, Congressman Hagan served five terms in the Georgia House of Representatives and one term in the Georgia State Senate.

A native of Sylvania, Georgia, Congressman Hagan provided tremendous leadership to that community and to the area surrounding it. As a matter of fact, he was fondly known and well liked by all of those who came into contact with him.

Congressman Hagan passed on December 28, 1990. Of course, people still remember his work, they still remember his contributions, and they still remember what he meant to their community.

Therefore, I am pleased to join in support of this resolution, and urge its swift adoption.

Madam Speaker, you might note that I am wearing this lovely flower that was given to me at the E. Franklin Frazier Elementary School, where I was their commencement speaker. I want to thank them for this flower but also want to congratulate them; and I want to congratulate all of the graduates throughout the country who are finishing up their elementary school, high school, kindergarten, or college education and getting ready for the summer. I also want to thank them for this tremendous badge of honor that they gave me this morning.

Madam Speaker, I urge adoption of this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. OTTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this concludes the formal remarks that we have for this tribute and this dedication. I should like to thank the gentleman from Illinois (Mr. DAVIS) for his kind remarks. He truly did bring Mr. Hagan's life to life on this floor, and this tribute for Mr. Hagan is most appropriate.

Mr. KINGSTON. Madam Speaker, it is my great pleasure and honor to introduce and ask that the House of Representatives pass H.R. 1183, legislation to name the Post Office in Sylvania, Georgia in Screven County for former Congressman G. Elliot Hagan.

Mr. G. Elliott Hagan served Georgia as a Democrat in the U.S. House of representatives from 1961–1973. Mr. Hagan was born in Sylvania, Georgia on May 24, 1916. He had a long and distinguished career in public service after graduating from the University of Georgia.

Mr. Hagan loved America and served his country when it was in peril. At the outbreak of the Second World War, he resigned from the Georgia State House of Representatives and served two years in the Army Signal Corps.

He loved Georgia and worked to serve his fellow Georgians. He served as Secretary-Treasurer and Deputy Director of the State Board of Workmen's Compensation, and District Director of Office of Price Stabilization for southern half of Georgia in 1951 and 1952 and Deputy Regional Director, Atlanta Regional Office. Mr. Hagan also served five terms in the Georgia State House of Representatives and one term in the Georgia State Senate.

G. Elliot Hagan was also a businessman and farmer. He engaged in life insurance-estate planning as well as general farming and kept livestock.

Mr. Hagan was a public servant for the nation. He was elected as a Democrat to the Eighty-seventh and to the five succeeding Congresses (January 3, 1961–January 3, 1973) serving the people of southern Georgia extremely well. He faithfully represented the views of the Georgians whom he served.

I am pleased to ask the Congress bestow this honor on Mr. Hagan by passing this legislation. He is deserving of this honor. Mr. Hagan served his God, country, state and family. G. Elliot Hagan was a hero and naming the Post Office in Sylvania is a fitting testament to his public service. I ask all my colleagues to vote for H.R. 1183.

□ 1459

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the bill, H.R. 1183.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:01 p.m.

Accordingly (at 3 p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1699, COAST GUARD AUTHORIZATION ACT OF 2001

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–86) on the resolution (H. Res. 155) providing for consideration of the bill (H.R. 1699) to authorize appropriations for the Coast Guard for fiscal year 2002, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–87) on the resolution (H. Res. 156) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 100, by the yeas and nays; and

H.R. 2043, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

COMMENDING CLEAR CHANNEL COMMUNICATIONS AND AMERICAN FOOTBALL COACHES ASSOCIATION FOR THEIR DEDICATION AND EFFORTS FOR PROTECTING CHILDREN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 100, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 100, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 26, as follows:

[Roll No. 150]

YEAS—405

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Ackerman
Baird
Brown (FL)
Burton
Doolittle
Ehrlich
Engel
Gillmor
Goode
Hart
Kingston
Matsui
Millender-McDonald
Mink
Payne
Peterson (PA)
Pombo
Sawyer
Scarborough
Sherman
Solis
Spence
Taylor (NC)
Waters
Weldon (PA)
Wexler

□ 1829

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Commending the American Football Coaches Association for its dedication and efforts to protect children and locate the Nation's missing, kidnapped, and runaway children."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the next motion to suspend the rules on which the Chair has postponed further proceedings.

ELWOOD HAYNES "BUD" HILLIS POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2043.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the bill, H.R. 2043, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 24, as follows:

[Roll No. 151]

YEAS—407

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Ackerman
Baird
Brown (FL)
Burton
Doolittle
Ehrlich
Engel
Gillmor
Goode
Hart
Johnson (IL)
Kingston
Matsui
Millender-McDonald
Mink
Payne
Pombo
Sawyer
Scarborough
Sherman
Solis
Taylor (NC)
Waters
Wexler

□ 1839

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Madam Speaker, on rollcall No. 151. I was inadvertently detained. Had I been present, I would have voted "yea."

MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, JUNE 6, 2001

Mr. EHLERS. Madam Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, June 6, 2001, for the Speaker to entertain motions that the House suspend the rules relating to the following measures: H.R. 1000, H.R. 37, H.R. 640, H.R. 1661, H.R. 1209, H.R. 1914, and H. Con. Res. 150.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR PRESENTATION POSTHUMOUSLY OF CONGRESSIONAL GOLD MEDAL TO CHARLES M. SCHULZ

Mr. EHLERS. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 149) permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. HOYER. Madam Speaker, reserving the right to object, and of course, I shall not object and, in fact, I will urge the support for this request, I yield to the gentleman from Michigan (Mr. EHLERS) for an explanation of the concurrent resolution.

Mr. EHLERS. Madam Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding.

Madam Speaker, this resolution commends Charles Schulz, better known as "Sparky," creator of the Peanuts comic strip which ran for nearly 50 years, which continues to be appear in reruns, and is extremely popular with all ages in this country.

The comic strip appears in 2,600 newspapers and 21 different languages. It is estimated that 350 million readers in 75 different countries read the strip.

Mr. Schulz announced his retirement in December 1999, and he died shortly thereafter on February 12, 2000, in Santa Rosa, California. His death came just hours before his final Sunday strip ran. He personally drew the final strip, as he had every strip over the previous 5 decades, refusing to let anyone else draw the characters created, because, he said, "The strip is me and I am the strip."

In his farewell message printed in the strip, Schulz wrote, "I have been grateful over the years for the loyalty of our editors and the wonderful support and love expressed to me by fans of the comic strip. Charlie Brown, Snoopy, Linus, Lucy; how can I ever forget them?"

Well, we will never forget them either, and we are grateful to you, Charles Schulz, for enriching our lives with these wonderful characters.

I would like to add a personal note as well. First of all, Mr. Schulz was born in St. Paul, Minnesota, a few years, in fact 12 years, before I was born in Edgerton, Minnesota. I spent the first 14 years of my life there. Neither of us, of course, knew of each other's existence at that time, but our paths crossed when I was a student at the University of California at Berkeley, and I met him.

In fact, my first meeting was when he attended a Bible study that I was meeting with regularly, and he came to talk about his personal faith. He was a very devout believer and also, frankly, a rather good amateur theologian. He gave a very good explication of his faith and it was very inspiring to all of us there. He was a wonderful person in many different ways and part of the charm of his strip is that his characters also were amateur theologians and amateur philosophers.

I find that very fascinating. In fact, it was so fascinating that a young seminary student in the 1970s wrote a book entitled, The Gospel According to Peanuts. It was a charming little book written on the basis of the strips. The author reproduced a number of the strips, performed exegesis, and explained the theology of the Peanuts group.

He was a wonderful person. It was a loss for all of us that his life was cut short and we could not enjoy a fresh comic strip every day, Sunday, but the purpose of this resolution is to acknowledge all that he has done and to recognize his achievements by allowing the use of the Rotunda to present him a Congressional Gold Medal posthumously.

Mr. HOYER. Madam Speaker, further reserving the right to object, the Capitol rotunda has been the scene of many ceremonies in our Nation's history, some jubilant, others more somber. The rotunda has witnessed the awarding of Congressional Gold Medals to 34 worthy Americans who have distinguished themselves in various ways in service to our country. I think most of us can think of no American who has brought more smiles to more faces of children and adults alike, and thus deserves to join the pantheon of distinguished gold medal honorees more than the late Charles Schulz.

In recognition of Mr. Schulz' lifetime of service, last year Congress enacted and President Clinton signed legislation authorizing this honor, which is Congress' greatest expression of national appreciation for civilians.

□ 1845

A gold medal, Madam Speaker, is entirely appropriate for a tireless man who drew every frame of his Peanuts comic strip for nearly half a century.

His cartoonist career followed his service in the infantry in World War II, during which he entertained his comrades with cartoons about military life. I am certain that his cartoons helped many soldiers endure the horrors and hardships that confronted them during that time.

I think all of us regret that Charles Schulz cannot be present to enjoy the honor that the Congress has bestowed. Although Mr. Schulz left us early last year, his work, of course, is timeless.

Fortunately for us and for generations yet unborn, Charlie Brown, Snoopy, Linus, Lucy, and the rest of the Peanuts gang will always be here to amuse us and, yes, to teach us. They have become, as last year's legislation noted correctly, part of the fabric of our national culture.

Madam Speaker, there could be a no more fitting use of the rotunda than to honor Charles Schulz in this way.

Madam Speaker, further reserving the right to object, I yield to the sponsor of the resolution and last year's legislation, the gentleman from California (Mr. THOMPSON), in whose district Mr. Schulz lived.

Mr. THOMPSON of California. Madam Speaker, I rise today to ask the House to approve House Concurrent Resolution 149 to allow us to use the rotunda on June 7 to honor Charles Schulz, Sparky Schulz, who not only is an institution in this country and all the other countries where his comic strip was printed daily in all of the different newspapers, but also a very good personal friend and a constituent.

Scott Adams, who is the creator of the Dilbert cartoon, once remarked about Sparky's passing, "It's the end of an era, and it's hard to imagine that cartooning will ever be the same. In basketball, you can say that Michael Jordan was the greatest ever. In cartooning, Charles Schulz was the greatest ever and probably the greatest there will ever be."

I think it is most fitting that this Congress chose to bestow on Mr. Schulz the Congressional Gold Medal, and I think it speaks more to, than just to his cartooning. He was a great American, a great citizen. For 50 years, every day he drew his own Snoopy cartoon. He was also there, it was mentioned, in World War II entertaining the troops. It is also important to note that this great American was there on D-Day on the front lines.

Charles Schulz is most deserving of this recognition; and it is appropriate, I believe, that we allow the rotunda to be used for this purpose. I would ask all of my colleagues to support this effort.

Mr. HOYER. Madam Speaker, further reserving the right to object, I thank the gentleman from California (Mr. THOMPSON) for his remarks and for his personal observations with regard to Mr. Schulz.

Madam Speaker, I urge support for the measure.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 149

Resolved by the House of Representatives (the Senate concurring), That the Rotunda of the Capitol is authorized to be used on June 7, 2001, for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 149.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ELECTING MEMBERS TO SERVE ON JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. EHLERS. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 148) electing Members to serve on the Joint Committee on Printing and the Joint Committee of Congress on the Library, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 148

Resolved,

SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.

(a) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

(1) Mr. Doolittle.
(2) Mr. Linder.
(3) Mr. Hoyer.
(4) Mr. Fattah.

(b) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration:

(1) Mr. Ehlers.
(2) Mr. Hoyer.
(3) Mr. Davis of Florida.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIRMAN, JOINT COMMITTEE ON THE LIBRARY

The SPEAKER pro tempore laid before the House a communication from the Honorable VERNON J. EHLERS, Chairman, Joint Committee on the Library:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 4, 2001.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 100–696 Section 801 (40 USC para. 188a(b)) the Chairman and Vice-Chairman of the Joint Committee of the Library are provided positions on the Capitol Preservation Commission.

I am appointing Mr. John Mica of Florida to be my designee as provided for in Public Law 100–696 Section 801 (40 USC para 188a (c)).

Thank you for your attention to this matter.

Sincerely,
VERNON J. EHLERS,
Chairman, Joint Committee on the Library.

APPOINTMENT OF MEMBERS TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore. Without objection and pursuant to Section 801(b) of Public Law 100–696, the Chair announces the Speaker's appointment of the following Members of the House to the United States Capitol Preservation Commission:

Mr. TAYLOR of North Carolina;
Mr. LATOURETTE of Ohio.

There was no objection.

MEDICARE PRESCRIPTION DRUG BENEFIT NEEDED

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Madam Speaker, Congress needs to adopt a Medicare prescription drug benefit, rather than making false promises to American seniors.

The Republican plan will not guarantee affordable prescription drug coverage for our seniors. The Republican plan takes its first step toward privatizing Medicare, forcing seniors to deal with private insurance companies.

Those of us can remember what happened in California when they said that we would have plenty of energy. We deregulated, and yet we do not have the energy, yet the prices continued to go up.

We do not want prices to go up for a lot of our seniors. More than one-third of the 35 million Medicare beneficiaries currently have no prescription drug insurance coverage.

I did a study in my district that shows that seniors are being impoverished by drug prices. San Bernardino seniors pay an average of 90 percent more than seniors in Canada and Mexico.

Individuals should not be sacrificing their fixed income for the sake of protecting themselves instead of spending it on leisure or other items. What they have to do now is budget themselves. It becomes very difficult, and yet they do not want to continue to suffer.

I plan to have a press conference on prescription drugs on June 18 at the Rancho Cucamonga Senior Citizens Center from 8 a.m. to 12 noon to address these needs.

I ask that we adopt affordable, voluntary, reliable Medicare prescription drug coverage for all seniors. It is our responsibility to protect them. It is America's responsibility to see that they can all afford medical coverage.

WILLIAM HOLMES BROWN, FORMER PARLIAMENTARIAN OF HOUSE PASSES

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WOLF. Madam Speaker, I am saddened today to announce to our colleagues the passing on May 27 of William Holmes Brown, who served as parliamentarian of the House from 1974 to 1994. He was 71 years of age. Not only did I have the pleasure of working with Bill Brown in the House, but I was also privileged to be his Congressman. He lived at Oakland Green Farm in Lincoln in Loudoun County, Virginia, property which had been in the family for more than eight generations.

Bill began his service in the Parliamentarian's Office in 1958 when he was appointed Assistant Parliamentarian by Speaker Sam Rayburn. In 1974, he was named to the position of Parliamentarian by Speaker Carl Albert. He succeeded the legendary Lewis Deschler, with whom he had collaborated in volumes of "Precedents of the House of Representatives," referred to in the House as the Deschler-Brown Precedents. During his years in the House, he served under six Speakers. Besides Speaker Sam Rayburn and Carl Albert, he served under John McCormack, Tip O'Neill, Jim Wright, and Tom Foley. He retired from the House in 1994.

During his service in the House, he worked to develop parliamentary projects in newly emerging democratic republics in Eastern Europe, participating in seminars and training programs for representatives of other national legislative bodies. After he retired as Parliamentarian in 1994, he worked for the Agency of International Development on a parliamentary development project in the Ukraine.

Members today can thank Bill Brown and thank his staff, many here today, for organizing the Office of the Parliamentarian, moving it into the Computer Age and making the House precedents available online for all to access.

Bill was the ultimate professional and dedicated public servant. He was held in the highest regard by Members on both sides of the aisle because his work reflected his dedication to the proposition that the rules of the House should be applied and enforced without political considerations.

Bill was born in Huntington, West Virginia. He was a 1951 graduate of Swarthmore College and received his law degree from the University of Chicago. He served on active duty in the Navy from 1954 to 1957 and then served in the Naval Reserve from 1954 to 1974, retiring as a lieutenant commander.

He was director of the Conversations at Oatlands organization and the Loudoun Museum and a member of the Catoctin Farmers Club and Goose Creek Friends Meeting.

On behalf of the House, and on behalf of Members on both sides of the aisle, and on behalf of Members who served here many, many years ago, Madam Speaker, we send our deepest sympathies to Bill's wife of 30 years, Jean Smith Brown, and their daughter, Sara Holmes Brown.

RESIGNATION OF THE PARLIAMENTARIAN, THE HONORABLE WM. HOLMES BROWN, AND APPOINTMENT OF THE HONORABLE CHARLES W. JOHNSON AS PARLIAMENTARIAN

(HOUSE OF REPRESENTATIVES—SEPTEMBER 20, 1994)

The SPEAKER laid before the House the following communication from the Parliamentarian of the House of Representatives, which was read:

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In March of this year, I completed my thirty-sixth year with the House of Representatives. In July, I completed my twentieth year as Parliamentarian.

In the past few months, circumstances, both personal and professional, have focused my attention on retirement. It has been a difficult decision to reach, but I have concluded that it's time for a change.

The office which I have been privileged to hold continues to be both challenging and rewarding. It is fascinating to encounter—almost daily—fresh interpretations of rules and bill language which require constant evaluation of yesterday's assumptions and conclusions. The House changes from year to year, with new Members and staff and circumstances always reshaping this institution; what does not change is the reservoir of intellect and inventiveness which characterizes those who work in the legislative branch of our government. Daily interaction with such talented people makes the congress a uniquely fascinating place to work.

I could not have done this job without a lot of help, without the love and support of my family, who have learned to live with long hours and erratic schedules; without the teamwork at the rostrum and in all the support offices of the House; without the reservoir of personal commitment and professional strength from my colleagues in the Office. Among the deputy and the assistant parliamentarians there is a wealth of experience and talent. Their accumulated service totals over 80 years. Each is dedicated to the proposition that the rules of this great institution should be applied and enforced without political considerations. All are open to Members and staff with respect to the rules and precedents which govern and guide the deliberations of the House and its committees. They are all exemplary public servants; they can and will continue to carry out the responsibilities of the Office in a manner which reflects the best traditions of the House. We share a lasting bond and I will miss these friends whom I admire and care for so deeply.

I owe a great debt of gratitude to all the Speakers whom I have been fortunate to know: Sam Rayburn, who first appointed me as an assistant parliamentarian on the recommendation of my legendary predecessor as Parliamentarian, Lewis Deschler; John McCormack, who shared his anecdotes and love of the House during long evening conversations in the Speaker's Rooms; Carl Albert, who had faith enough in my abilities to appoint me as Parliamentarian during a very tumultuous time in the history of the House and has continued to be a valued mentor since his retirement; Thomas P. 'Tip' O'Neill, whose good humor and warmth toward me survived some parliamentary decisions which he must have found vexing; Jim Wright, whose eloquence and courage are unflagging. Finally, Mr. Speaker, I must say how much I have valued your friendship and support. You have always been sensitive and faithful to the distinctions between political and parliamentary decisions and your gavel has been both firm and impartial. The opportunities you have given me to interact with other parliamentary institutions, particularly with the newly emerging democratic republics in eastern Europe, have revealed new horizons which I hope to explore more fully in the future. Programs to encourage and foster parliamentary democracy in that area of our world are of critical importance. The House can be proud of the contribution it is making to this effort and if I can be of assistance in these endeavors I will be available to do so.

I must acknowledge the courtesies and cooperation shown me by the distinguished Minority leader, Bob Michel. He has always shown an appreciation of the role of our office and he and his staff have been of inestimable support. To have known so many of his predecessors, such distinguished men as Joe Martin, Charley Halleck, John Rhodes and Gerald Ford, has been a rare privilege. All of these Leaders have made the House a better place and have left an indelible mark on its history.

I will miss the many friendships with Members that have formed over the years. May I extend to them, through you, my appreciation for their kindnesses.

With your concurrence, my termination as Parliamentarian will be effective on September 15, 1994.

Very respectfully yours,

WM. HOLMES BROWN.

The SPEAKER. It is with great regret that the Chair accepts the resignation of the distinguished Parliamentarian of the House Wm. Holmes Brown.

Pursuant to the provisions of 2 U.S.C. 297a, the Chair announces that on September 16, 1994, he appointed Charles W. Johnson as Parliamentarian of the House of Representatives to succeed Wm. Holmes Brown, resigned.

A WARM FAREWELL TO WILLIAM H. BROWN, PARLIAMENTARIAN

(HOUSE OF REPRESENTATIVES—SEPTEMBER 20, 1994)

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I think the news that was just announced here, that the Parliamentarian of the House is going to retire, comes as a sad note for many of us who have known Bill through all of these years, although I am happy that he is leaving in a commensurate year with my own retirement. He could not be leaving at a better time, from that standpoint.

However, things have changed since I first started in this House. At that time the Parliamentarian was Lou Deschler, referred to by those who dared to call him 'the Judge.' He was a tough old bird. He would not talk to staff, and he would hardly talk to Members.

I remember one time I took him five different versions of an amendment prohibiting food stamps for strikers and said, 'Okay, Judge, one of these has got to be in order.' And you see, he had the only copy of all the precedents of the House from 1936 on in his office, and he had all the power.

Bill Brown has changed all that. He and his staff have done a magnificent job in compiling and publishing those the Judge had kept hidden. He has done an excellent job organizing the Office of the Parliamentarian and helping the membership. Many of the precedents are now 'on-line', available through the House Information System.

Bill was born in West Virginia, receiving a bachelor of science degree from Swarthmore College in Pennsylvania in 1951. He received his law degree from the University of Chicago, out our way in Illinois, and served in the Naval Reserve with active duty in the Persian Gulf , returning as a lieutenant commander in 1974.

Bill was first appointed Assistant Parliamentarian by Speaker Sam Rayburn, and then became Parliamentarian in 1974 under Speaker Albert, and has served under six Speakers of the House.

Bill has been a great Parliamentarian, but most do not realize that he is also a farmer. He lives in a 200-year-old home on the Oakland Green Farm, has expanded the log cabin with a stone addition, and later a brick addition. Bill, I am not sure about the aluminum siding you and your lovely wife Jean have now added.

The Browns do have one daughter, Sarah, who is currently studying in Kenya.

Being a farmer and a Parliamentarian involves a lot of work. He is often late coming in, as he has been birthing calves, or on snowy days he has had to drive his tractor to a main road to get a ride. You cannot miss his car in the Rayburn garage, as it looks like he keeps it in the chicken coop all night.

Bill, we are sorely going to miss you, and can imagine your reciting precedents to your cows as the Congress continues writing new ones. I believe we will still use your expertise in attempting to finalize the publishing of the Deschler-Brown precedents, which I will always consider the 'Brown volumes.'

Taking Bill's place in the top spot is someone who I also have known and argued with many a time, Charlie Johnson.

We have had a good laugh telling the story of when Charlie first was working for the Judge, and Lou assigned Charlie the responsibility of compiling old contested election cases. Charlie worked for weeks, researching and writing, only to find out later that they were all neatly compiled in Cannon's precedents.

Charlie still works harder than he needs to. He is a good guy and a dedicated worker. He is the perfect choice. Charlie, I hope you will last longer than Lehr Fess, who some of you may not know lasted just a year.

Best to you, Bill, and we know, Charlie, John, Tom, and Muftiah will carry on the strong tradition of professionalism and cooperation that you started.

TRIBUTE TO THE HONORABLE WILLIAM HOLMES BROWN, PARLIAMENTARIAN, ON HIS RETIREMENT

(HOUSE OF REPRESENTATIVES—SEPTEMBER 20, 1994)

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.).

Mr. FOLEY. Mr. Speaker, nothing gives me greater satisfaction than to hear on this day of retirement of Bill Brown these wonderfully warm words from the Republican leader, because I think the lifeblood of any parliamentary body is the sense that our debates and discussions, the votes and actions taken here, are taken in a context of rules and observance, conventions and procedures, that are fair to each Member of the body. Indeed, I think the history of our House of Representatives, certainly in this recent period, has been one of scrupulous adherence to the rules.

As Speaker I have tried to follow that guide of fairness and objectivity in every ruling I have made, and if I had any tendency to veer from that, I would find resistance, very strong resistance, from the Parliamentarians of the House, who are committed in an almost religious sense to ensuring that the rules are absolutely impartially observed here, I think there is a record, perhaps, of the fact that this body has hardly ever overruled the Chair, and that in those cases where there sometimes has been a question of moving to override the Chair, Republican leadership has often joined with our Members and Republican Members have joined with Democratic Members in supporting the Chair.

Certainly no small part of the credit for this belongs to Bill Brown. He has been an absolutely sterling Parliamentarian in every way. He has served six Speakers. He has been in this body for almost a longer period than virtually anyone. There are few Members and very few professional staff who have served as long.

He begins his retirement with the best wishes and warm affection of an overwhelming number of Members and those who serve with him in aiding this body to achieve its objectives. He has compiled, as Bob Michel says, the precedents of the House. They are now available for all. He has in recent months been a special resource of assistance to emerging parliamentary democracies in Eastern Europe. I think he has found great satisfaction and opportunity for additional service in that work.

Charlie Johnson, his very long-time Assistant Parliamentarian, has our full confidence on both sides of the aisle, and I have made his appointment with great satisfaction; and if it is time, in Bill Brown's judgment, to leave, that a successor as worthy and able and committed and dedicated as Charlie Johnson stands ready to assume the responsibilities.

Mr. Speaker, I want to extend again, not only on my own behalf but on the behalf of all Members of this House, my thanks and my appreciation and my warmest best wishes to Bill Brown, and every success and happiness for him and Jean in the years that lie ahead.

Mr. MONTGOMERY. Mr. Speaker, I want to join you and the minority leader in recognizing the more than 36 years of service parliamentarian Bill Brown has given to this House.

Bill is retiring this week after serving in the Parliamentarian's office since 1958. He was Assistant Parliamentarian from 1958–1974 and then was appointed to the position of Parliamentarian by House Speaker Carl Albert in 1974. During those years, Bill served under six House Speakers, including Sam Rayburn, John McCormack, Carl Albert, Tip O'Neill, Jim Wright and Tom Foley.

Bill has been successful over the years in making sure the Parliamentarian's office remained nonpartisan in its duties of advising the Speaker, all Members of Congress, committees and staff on Constitutional questions and rules of order within this House. He is held in high regard by Members on both sides of the aisle.

In addition to those responsibilities, Bill was involved in recent years in projects involving parliamentary development in several Eastern European republics. He and his support personnel have participated in seminars and training programs in Poland, Estonia and Romania, as these countries and others move toward democracy.

Bill is a graduate of Swarthmore College, Pennsylvania and the University of Chicago Law School. He served on active duty in the U.S. Navy from 1954–57 and then served in the naval Reserve from 1954–74, retiring as a lieutenant commander.

It has been a great honor to get to know Bill Brown on a personal level. I consider him a close friend and certainly will miss the wise counsel he has given me over the years. He is one of the true unsung heroes who make things work around the people's House. We will miss Bill, but he has earned his retirement. I salute Bill Brown on a job well done and wish Bill, Jean, and Sara the best in the future.

WILLIAM HOLMES BROWN; HOUSE PARLIAMENTARIAN

[From the Washington Post, Tuesday, May 29, 2001]

William Holmes Brown, 71, parliamentarian of the U.S. House of Representatives from 1974 until 1994 and author of "House Practice: A Guide to the Rules, Precedents and Procedures of the House," died of a vascular ailment May 27 at Loudoun Hospital Center.

He lived at Oakland Green Farm, the Lincoln property his family has owned for more than eight generations.

Mr. Brown served under six speakers of the House as an adviser on procedure and practice. He began as assistant parliamentarian in 1958 and collaborated with parliamentarian Lewis Deschler in volumes of "Precedents of the House of Representatives." They are referred to in the House as the Deschler-Brown Precedents.

Mr. Brown also worked on behalf of the House on parliamentary development projects in Eastern Europe and Mozambique. he participated in seminars in Poland, Estonia, Slovakia, Albania and Romania and in training programs in the United States for representatives of other national legislative bodies.

After he retired, he worked for the Agency for International Development on a parliamentary development project in Ukraine.

Mr. Brown was a native of Huntington, W.Va. He was a graduate of Swarthmore College and the University of Chicago's law school. He served in the Navy in the Middle East and the Mediterranean and remained in the Navy Reserve until 1974.

He was a director of the Conversations a Oaklands organization and the Loudoun Museum and a member of the Catoctin Farmers Club and the Goose Creek Friends Meeting.

Survivors include his wife of 30 years, Jean Smith Brown, and a daughter, Sara Holmes Brown, both of Lincoln.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE NATURE AND IMPORTANCE OF ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Madam Speaker, I would like to say a few words about the energy issues that face this country. I believe that energy is one of the most misunderstood topics in this Nation, and I believe that is largely because energy is so hard to describe and define.

Most of us do not know what it is. We cannot see it, we cannot feel it, we cannot touch it, we cannot weigh it. When you were a little kid, your mother never sent you to the store for a bottle of energy. You cannot buy energy that way. Yet, somehow we know what it is, because we talk about it when we get up in the morning, saying "Oh, we do not have much energy;" or, "Oh, we really have a lot of energy today;" we are raring to go. And that is a pretty good perception of what energy actually is.

I happen to be a physicist, and energy in physics is defined as the ability to do work. So that fits our everyday conception of energy, the ability to do work.

Now, in today's society, we depend a lot on energy to do our work. We use energy constantly in transportation, in the workplace, in so many different ways, and it is extremely important. So often we forget the importance of energy, because we are so used to it.

But if you look at the major historical revolutions, the nonmilitary revolutions, you will find that the first major revolution, the agriculture revolution, occurred when people, for the first time began using labor other than their own, namely the labor of animals. The agriculture revolution did not succeed until people began using animals for plowing, for milling, and for other works of labor.

The second major revolution, the industrial revolution, took place when, for the first time, we began using nonhuman energy and non-animal energy, but instead used mechanical energy and heat energy, and that has led to the world we enjoy today, with its many different sources of energy, used for many, many different purposes.

But we tend to take energy for granted and do not realize its importance until there is a shortage, particularly when prices go up, because when the prices go up, it affects the economy. Energy is so vital to our economy that whenever we have a shortage of energy and prices go up, the economy is affected dramatically. It is no coincidence that the last three major recessions we have had in this country have followed on the heels of energy shortages.

Now, what is energy? I said you cannot feel it, touch it, handle it. As a physicist, I understand what energy is, but it is hard to explain it to a lay person, and for that reason sometimes I wish that energy were purple.

If it were purple, we could see it, we could understand it. If we could drive up to our homes and see purple energy leaking out from around the windows during the winter and we would see purple oozing through the walls, we would recognize we are wasting money, because we have not insulated the house well enough or sealed the windows well enough.

Or suppose we are driving down the highway: if we see a little car going by with just a little bit of purple around it, and then see an SUV going by with just clouds of purple around it, we would immediately recognize that one uses far less energy than another. That is the type of awareness we have to build in the people of this country.

Let me relate that to one specific State. We all know that California is having tremendous energy problems. There are many reasons for it and many possible solutions, but I can tell you that the fastest, cheapest solution of all is energy conservation and energy efficiency. That can be implemented quickly. It can be used to solve the crisis, it can be used to reduce demand and drive the prices down in California, and certainly put the State on a better keel. I hope that California pursues it, and I hope that our Federal government helps them pursue that alternative.

Now, there is so much more I could say about this, and I plan to do a 1 hour speech on this later on. But I wanted to give this introductory speech at this point, outlining some of the characteristics of energy, how important it is to our Nation and our economy, and how totally dependent we are on it.

It is an issue that we must deal with. We must deal with it intelligently, using every possible means; not just energy conservation and energy efficiency, although I think they are extremely important, but also looking at alternative sources of energy and more wisely using the resources we have now.

The answer is not simply drilling holes in the ground, the answer is not simply insulating houses, but looking at every aspect of our use of energy and saying how can we use it better, how can we use it more efficiently, how can we really accomplish something worthwhile in our energy use, without depleting our natural resources.

One last comment about energy. There are two very important aspects you must remember about energy. First, energy is our most basic natural resource, because without energy, we cannot use any of our other basic resources. We cannot use iron, steel, copper and so forth, without digging it out of the ground and forming it and fabricating it. All of this requires energy.

The second important point about energy is that it is the only non-renewable resource. Once you use it, it is gone. We can renew all our other resources; that one we cannot. So let us be certain to use energy right and not waste it.

□ 1900

THE CONTINUING CRISIS OF HIV/AIDS

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I take this moment because of the fact that the AIDS/HIV epidemic continues to plague America and, in actuality, continues to plague much of the world. I take this opportunity to commend the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Pacific American Caucus for holding a joint hearing regarding this very important issue on June 12, that is, the issue of the HIV/AIDS epidemic that continues to threaten communities not only in our country, but throughout the world.

Mr. Speaker, 20 years ago the term HIV/AIDS was unknown. Since that time, over 19 million people worldwide have died of HIV/AIDS, and approximately 34 million people continue to live with the disease. The Surgeon General, David Satcher, stated in a recent report that HIV/AIDS could be the worst epidemic ever recorded in history.

Many people believe that this is an issue that does not really affect our country. It is true that the poorest regions in the world have been hit the hardest; yet the United States of America, the most technologically proficient Nation on the face of the Earth, has not been able to escape the devastation of this deadly disease. In this country alone, over 400,000 people have died, while 900,000 people are living with HIV/AIDS. The Centers for Disease Control recently released a report stating that each year there are 40,000 new cases of HIV/AIDS.

What concerns me the most about this issue is the growing impact that the disease is having on minority communities in our country. The 2000 Presidential Advisory Council on HIV/AIDS Report to the President stated that "in the United States, disproportionate numbers of new infections are found in poor communities, communities of color, among young gay men, among drug users, and among African American and Latino women populations who have rarely been embraced by this Nation as a whole."

In 1999, the AIDS incident-rate per 100,000 people among Hispanics was 25.6. The rate for African Americans was 66. The rate for whites was 7.6. These statistics clearly demonstrate the large racial gaps that exist among aids cases. The HIV/AIDS pandemic has reached my own district in Chicago, Illinois. The city has seen an overwhelming increase in the number of minorities infected with the disease. This past February, researchers in Chicago reported that fully 30 percent of young gay African American men are infected with HIV/AIDS. The infection rate for gay blacks is twice that of any other ethnic group. Nationwide, 14.7 percent of gay black men are infected with the disease.

In addition to the African American community, the Hispanic population has also seen an increase in the number of HIV/AIDS cases. In 1999, Hispanics made up 13 percent of the entire United States population. At the same time, however, Hispanics also made up 19 percent of the total number of new United States AIDS cases reported that year.

Research has shown that these trends are continuing to worsen. The HIV/AIDS epidemic has continued to spread throughout minority communities. We can no longer sit and simply wait for a cure to be found. We must increase our work to educate the public on AIDS prevention, while continuing to study new ways to combat the disease.

Again, I want to commend my colleagues in the CBC and the CHC and the CPA for their vigilance on this issue. This hearing is an excellent way to keep the spotlight on the HIV/AIDS pandemic and an excellent way for us to come up with effective ways to solve this very important and growing problem.

TWENTIETH ANNIVERSARY OF DISCOVERY OF HIV/AIDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise to join the gentleman from Illinois (Mr. DAVIS), my colleague, in observing the 20-year anniversary of the discovery of the HIV virus. This was a terrible time. In our community in San Francisco, at the University of California San Francisco, we were hearing rumors 20 years ago about illnesses that had not been seen since the Middle Ages, or read about or heard about; that immune systems were so devastated that people were susceptible to afflictions that were grotesque. It was frightening. We knew we had to do something about it. It never dawned on us then that 20 years later, projecting into the future 20 years, that we would be here still talking about funding for research, prevention, and care.

A lot has been accomplished in the past 20 years, but a lot needs to be done. I want to associate myself with the comments that the gentleman from Illinois (Mr. DAVIS) made about work of the caucuses in the Congress, in the House, the Hispanic Caucus, the Congressional Black Caucus and the Asian American Pacific Islander Caucus and the work that they have done to recognize the changing face of AIDS.

In the beginning, it started as a gay men's disease; now we know it permeates our society, and it is taking a very big bite out of the minority community. Just last week we were all saddened by the news that new HIV infections among young gay men, particularly among young, gay African American gay men, had risen dramatically. Many young people have come of age in a world where protease inhibitors are extending life. They do not remember the terror that we went through 20 years ago and since; and these treatments that we have now, while important, are not a cure. Until we have a true cure, an effective vaccine prevention is our best weapon. We must intensify our prevention efforts, including targeted education about behavioral risk and research for a vaccine.

Mr. Speaker, I just want to observe some of the contributions of some of the Members of this body. Ted Weiss, who passed away some years ago, but was one of the leaders in the Congress on this issue; certainly the gentleman from California (Mr. WAXMAN), our colleague, not only made a tremendous contribution in his own right, but served as mentor to so many of us who have worked on this issue over the years.

Under his leadership and that of others, we were able to pass the Ryan White Care Act and its reauthorization. We increased the funding dramatically in research, prevention, and care for people with HIV and AIDS. We have funded housing opportunities for people with AIDS. We have spent money on international global AIDS issues. Not enough, but certainly tremendous increases in this regard. Our biggest lack, of course, is on the international AIDS issues, and many people in our minority caucuses are taking the lead, the gentlewoman from California (Ms. LEE) for one, who will be speaking later; and the gentlewoman from California (Ms. WATERS), and many others who have been leaders in this arena.

Today, the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, and I introduced legislation which would qualify people with HIV for Medicaid. Many uninsured Americans still do not have access to AIDS medications because HIV-positive individuals do not meet Medicaid requirements until they are disabled by full-blown AIDS. Everything we know about HIV and AIDS is early intervention, early intervention, early intervention; and yet under the law, if one is just HIV infected, one cannot qualify for Medicaid until one has a full-blown case of AIDS. Under our legislation, which I am proud to say on this 20-year day of memory, is that we will have over 100 cosponsors for the legislation.

Early treatment saves lives, improves the quality of life, and reduces health care costs as progression from HIV to full-blown AIDS is prevented or delayed. It also strengthens our economy as healthy individuals return to work, increasing both productivity and tax revenue. So we can make a very strong business case for this.

I mentioned some of the initiatives, whether it is housing, international, prevention, care and treatment. One other initiative, the minority AIDS initiative, which is a very important one, deserves double funding this year; and I want to associate myself with that aspiration, bringing it up to over $500 million.

The observance of this occasion for us is not only a time to remember and celebrate the lives of loved ones we have lost, it is an opportunity to measure our progress and renew our commitment to ending the HIV/AIDS pandemic. That must include sufficient funding in the budget, leadership in the fight against AIDS in the developing world, and access to health care for all Americans who are living with this disease.

Two young people become infected with HIV in this country every hour, and there are 11 new infections worldwide every minute. The figures that the gentleman from Illinois (Mr. DAVIS) used were that around 450,000 people have died in the U.S. of AIDS, 22 million worldwide. We must do more to protect this new generation from suffering. That is all too familiar to previous generations.

Mr. Speaker, I call on my colleagues to work with us to increase the funding, to improve the quality of life, to end the scourge of AIDS.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, once again this evening, as we are back from the Memorial Day break, I would like to take up the issue of health care. As my colleagues know, I have been down here with many of my Democratic colleagues many times over the last few months since the session began and since this new administration began in January, basically speaking out on three major health care issues that have not been addressed, in my opinion, by the President and the Republican leadership in the Congress, and that is the need to reform HMOs and the need to pass a Patients' Bill of Rights that would reform HMOs.

There are so many problems that people now have with their HMO or their managed care organization in not having proper access to care, not being able to go to the hospital of their choice, not being able to, if they have a grievance, have an independent review of the decision by the HMO to deny them care; and I will get into this more this evening.

The second issue is the need for a Medicare prescription drug benefit. When I go home, and I was home for the last 10 days in New Jersey, my seniors and my constituents complained more about the high cost of drugs and how they cannot pay for prescription drugs and that it should be included in Medicare. I agree, and that needs to be addressed.

The third issue is access for the uninsured. More Americans every day have no health insurance. Most of those are working people, and we need to find ways to address those concerns and have them insured and covered for their health care.

My point tonight, and I would like to yield now to some of my colleagues, but my point tonight is that we really face, I hope, a different situation tomorrow here in the Congress, here in Washington, because of the change in the other body, in the Senate. I have watched over the last 4 or 5 months, and during the course of the campaign, President Bush mentioned many times that he was going to pass a Patients' Bill of Rights and reform HMOs, that he was going to have a prescription drug benefit, that he was going to address the problem of people who do not have health insurance. Yet over the last 4 or 5 months of this administration, these issues have not come to the floor, they have not been moved in committee in either House. The Republican leadership, in conjunction with the Republican President, have simply dropped the ball on these issues.

I was heartened to find that during the break with the changeover in the Senate to Democratic control tomorrow, that the leaders in that body, the Democratic leaders in that body have said that the first order of business when they come back next week most likely, next week is going to be to move the Patients' Bill of Rights in the other body, and that that will be followed soon with these other health care issues.

So finally now we may have an opportunity to get legislation passed, at least in the other body, on some of these issues by the Democrats that will come over here and force the hand, I hope, of the Republican leadership here and the Republican President.

With that, Mr. Speaker, I would like to yield to the gentleman from Rhode Island (Mr. LANGEVIN).

□ 1915

Mr. LANGEVIN. Mr. Speaker, I am pleased to rise and join my colleague, the gentleman from New Jersey (Mr. PALLONE) on this important topic.

Mr. Speaker, I rise to address in particular the skyrocketing price of prescription drugs, which is making this essential component of our Nation's health care system inaccessible to those who need it most.

Older Americans, who make up 13 percent of the U.S. population, account for 34 percent of all prescriptions dispensed and 42 cents of every dollar spent on prescription drugs. The average Medicare beneficiary fills 18 different prescriptions per year.

Obtaining prescription drugs is a clear necessity for our senior citizens. Yet, the annual spending per capita in the Medicare population for prescription drugs has jumped from $674 in 1996 to $1,539 in the year 2000, and is expected to climb to over $3,700 in 2010.

Overall, prescription drug prices rose 306 percent between 1981 and 1999, while the Consumer Price Index rose just 99 percent during that same period. In the year 2000, total spending in the U.S. for prescription drugs was $116 billion, more than twice the $51 billion spent in 1993. That amount is expected to triple to $366 billion by 2010. These escalating prices can and must cease.

For every dollar that a consumer pays for a prescription drug at the pharmacy, 74 cents goes to the drug manufacturer, 3 cents goes to the wholesale distributor, and 23 cents goes to the pharmacy. In 2000, pharmaceutical companies had after-tax median profits of 19 percent, compared with 5 percent for all other Fortune 500 companies combined.

While I recognize the importance of researching and developing technological advancements that have helped numerous Americans, and of course we all want to see this continue, I know drug manufacturers do not need such astronomical profits to ensure continued research.

Mr. Speaker, let us face facts: most core research for prescription drugs is funded through NIH. In addition, pharmaceutical companies dedicate more than 18 percent of revenues to profits and 30 percent to marketing and administration, compared with just 12 percent to research and development. In fact, the 12 drug companies with the highest revenues spent three times as much on marketing as on R&D in 2000.

Mr. Speaker, access to prescription drugs is critical to the survival and maintenance of an accessible quality of life for millions of our senior citizens. As we know, Medicare does not offer any prescription drug program, and most seniors have found that the Medicare+Choice program has not provided the kind of opportunities Congress thought it would.

As a result, today at least one in three people in the Medicare population have no drug coverage at all in the course of a year, and nearly half have no coverage for at least part of an entire year. These Medicare beneficiaries spend on average 83 percent more for their medications than those with drug coverage. Moreover, almost half of Medicare beneficiaries without any form of prescription drug coverage have incomes less than 175 percent of the poverty level. That means they had incomes of $15,000 in 2001.

That, Mr. Speaker, is why we need to require drug companies to give local pharmacies the best price they give their most favored customers, or the average foreign price, and reinstate the requirement for reasonable pricing on products that were researched and developed using taxpayer money via NIH.

Moreover, we need to authorize the Federal government to buy drugs in bulk and at a discount for Medicare beneficiaries.

And most of all, we must provide a Medicare prescription drug plan. While the administration's budget includes $153 billion over 10 years to provide for prescription drug coverage and Medicare reforms, this plan falls far short of a comprehensive drug coverage program.

The 4-year Immediate Helping Hand proposal provides block grants to the States to help low-income seniors purchase prescription drugs, and then an unspecified Medicare prescription drug benefit is to be developed, along with Medicare restructuring.

According to the administration's own cost estimates, adjusted by CBO's projections of drug inflation, covering only the low-income population's prescription drugs would cost over $200 billion, almost $50 billion more than what has been provided in the budget.

Furthermore, the Immediate Helping Hand program would deny eligibility to about 20 million Medicare beneficiaries, most of whom lack affordable, dependable prescription drug coverage.

For instance, under the administration's plan, an 85-year-old widow with an annual income of $17,000 would receive no assistance with her prescription drug costs. Now that we have passed what I believe is an irresponsible and partisan budget, providing the kind of comprehensive and effective drug benefit our seniors need appears to be next to impossible.

Mr. Speaker, I urge my colleagues not to forget our seniors, and to not neglect the American public, who is counting on us to follow through on a promise that was made by Democrats and Republicans alike to provide a quality prescription drug plan for Medicare beneficiaries.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague, the gentleman from Rhode Island, for his statement.

If I could just mention two things that he brought up, which I think are so crucial, the whole issue is affordability. Prescription drug affordability is really of the utmost importance to seniors and to people with disabilities.

This is what I have heard back at home the last 10 days, the last week or so, that seniors that have major financial problems with purchasing their necessary medications, they have to choose between paying the rent or buying food, and it is basically because of growing out-of-pocket expenses. Even people that have some sort of limited coverage because they are in an HMO or because of some kind of benefit they received on the job that they get in their retirement are finding that the out-of-pocket costs just continue to rise exponentially every year.

We have done a number of studies with the Committee on Government Reform with the gentleman from California (Mr. WAXMAN) in various States, in various congressional districts, that have shown that drug manufacturers engage in widespread price discrimination, so that seniors are paying significantly more for their drugs than they would if they were in another country.

I want to thank our colleague, the gentleman from Rhode Island (Mr. LANGEVIN), for what he brought up. I think it is so important.

I know our colleague, the gentleman from Maine (Mr. ALLEN), has a bill called the Prescription Drug Fairness Act or Fairness for Seniors Act that would link the price to the average farm prices in certain countries. Maybe he might discuss that.

I yield to the gentleman from Maine (Mr. ALLEN) to have him talk about that. I know he has other health care issues to bring up as well.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding to me, and I thank particularly our friend, the gentleman from Rhode Island (Mr. LANGEVIN), for coming here tonight and speaking on this particular topic.

We really have built strong support on the Democratic side of the aisle for the discount, which would be about 35 percent for all Medicare beneficiaries in the cost of their prescription drugs reflected in the bill that I have sponsored, the Prescription Drug Fairness for Seniors Act. Also, we know that seniors ultimately need a Medicare prescription drug benefit, not a private insurance company prescription drug benefit. That is really the choice that is presented between the Democratic side of the aisle and the Republican side of the aisle.

If I could say a couple of things, I guess I want to go beyond the prescription drug issue for a moment and talk about Medicare generally. The American public has every reason to feel a bit confused because in the last election there was all this talk about prescription drug coverage for seniors, and there has been talk for years about Medicare reform. The question always is, what is contained in those little words "Medicare reform."

Well, today there is breaking news, Mr. Speaker, on health care, breaking news on Medicare. I guarantee the Members, it will not be on the evening news, it will not be covered on the front page of any newspaper tomorrow, but still, it is breaking news.

It comes in a story by Robert Pear in the New York Times this morning. The headline is significant: "Medicare Shift Toward HMOs Is Planned." So the question is, planned by whom? Well, planned by the Bush administration. Now at last we can see a little more clearly what this administration is up to when it comes to Medicare.

There are many people on the Republican side of the aisle who have never liked Medicare because, after all, it is a government health care program. It takes care of our seniors. It has been there since 1965. It was put in place because in 1965 only one-half of all of our seniors had any health insurance at all. Medicare stepped in where the private insurance industry simply would not provide coverage to our seniors. It has been a success. It is there in every

State. It is equal. It is trusted by our seniors. It is respected by our seniors.

Well, the President has appointed and the Senate has confirmed a new administrator of the Health Care Financing Administration, the organization that runs Medicare. His name is Thomas Scully, and he made his first speech, significantly, at the United States Chamber of Commerce.

Here is what he said: "The government is better in the long run when it is a buyer of insurance, rather than an insurer." What did Mr. Scully mean by that? He meant that it would be better for our seniors to have private insurance than it would be to be under Medicare, under a Federal health care plan.

Let us look at some of the facts. I am interested in this because the program that allows some, about 14 or 15 percent, of our seniors to get their Medicare benefits through a private insurance company has a name. It is called Medicare+Choice. What that Medicare+Choice refers to is coverage that will be obtained through HMOs.

Now, this is wonderful, I suppose, in a few places in this country, particularly in our big cities, because there we may have several competing plans that are there to try to provide more choices to seniors, and in some big cities in this country it works, with an exception which I will note later.

But in my home State of Maine, we do not have a single, not one, HMO providing insurance for our seniors. We did last year. We had one company which had about 1,700 beneficiaries. Two of them were my parents. But the insurance company decided it could not make money in Maine, and so it pulled out. My parents had to go looking for another supplementary health care insurance, causing all sorts of confusion and upset.

□ 1930

Well, what is happening across the country? Medicare, I would note, Medicare does not pull out of a State when it is not making money, but private insurance companies do.

In fact, in the last 3 years, managed care plans have dropped more than 1.6 million Medicare beneficiaries; 1.6 million beneficiaries dropped. Why? Because the company could not make money off them, could not make money in a particular area, could not make money off some of our seniors who are sicker and need more help than others.

Now, until Mr. Scully was chosen and confirmed as the administrator of the Health Care Financing Administration, Medicare officials have historically professed to be neutral. They have said we are not taking sides between traditional Medicare fee-for-service, which is there for about 75 percent of all Medicare beneficiaries, and the 15 percent who get their coverage through an HMO. They are trying to, over the last few years, the goal has been, under the Clinton-Gore administration, to make sure that there was a level playing field.

But as I said, that has all changed. That has changed because Mr. Scully has made it perfectly clear that the government is better in the long run when it is a buyer of insurance rather than an insurer. In other words, traditional Medicare that Americans have come to rely on and respect and depend on because they know the benefits will not change every year, they know Medicare will not pack up and leave a State when it is not making money, that system is now under attack from the administration.

Because what Mr. Scully wants to do is he wants up to 30 percent of elderly patients in managed care by 2005. That means we have to reverse this trend of managed care companies simply dropping people. But it is far more significant than that.

Mr. Scully, I suggest, has not done his homework. Why do I say that? Because he does not yet understand that these managed care plans cost more than traditional fee-for-service Medicare. As Dave Berry says, I am not making this up, it is right here. In a GAO report published in August of 2000, this is a review of Medicare+Choice plans. This is a review of how managed care is working in Medicare. Here is the title, "Payments Exceed Cost of Fee-for-Service Benefits, Adding Billions to Spending." Adding billions to spending.

What the GAO did was to do a comparison between traditional old fee-for-service Medicare and these new health maintenance organization managed care plans for our seniors. They make the point, the GAO makes the point that Medicare+Choice was designed to expand beneficiaries' health plan options, and it was supposed to improve Medicare's financial posture by better controlling spending growth.

Well, lately, the industry has been saying over and over again the payments that we get that the health insurance industry gets under Medicare+Choice plans are too low. We cannot make money. That is why we are dropping people in Maine and all across the country.

Well, the GAO looked at 210 of the 346 Medicare+Choice plans that were in operation in 1998. These plans enrolled 87 percent of all beneficiaries in Medicare+Choice plans. What did they find? I quote, "Medicare+Choice, like its predecessor managed care program, has not been successful in achieving Medicare savings. Medicare+Choice plans attracted a disproportionate selection of healthier and less-expensive beneficiaries relative to traditional" fee-for-service Medicare, "while payment rates largely continued to reflect the . . . costs of beneficiaries in average health."

Here is the key, this is a quote right out of the GAO: "Instead of paying less for health plan enrollees, we estimate that aggregate payments to Medicare+Choice plans in 1998 were about $5.2 billion . . . or approximately $1,000 per enrollee, more than if the plans' enrollees had received care in the traditional" fee-for-service program. "It is largely these excess payments, and not managed care efficiencies, that enable plans to attract beneficiaries by offering a benefit package that is more comprehensive than the one available to FFS," fee-for-service, "beneficiaries, while charging modest or no premiums."

What does that mean? It means that traditional fee-for-service Medicare is cheaper, $5.2 billion in 1998 alone for 15 percent of the elderly population. Fee-for-service is cheaper than Medicare managed care. So those managed care beneficiaries in this country who are getting prescription drug benefits are getting it, not because the managed care company is saving money, they are getting it because the managed care company is getting more money over and above what it would get for traditional fee-for-service beneficiaries. It is out of that money that the additional benefits are coming.

We are making a huge mistake in this country because we have devised a system through Medicare+Choice which is going to drag the insurance industry into Medicare, will provide our seniors with less effective and fair and beneficial services at a higher cost to the taxpayer.

Now we have the Bush administration stepping up and saying, what we really need in this country is more health insurance companies taking over Medicare. Mr. Scully is wrong. Fee-for-service Medicare, traditional Medicare works. What our seniors need is a system that is reliable and predictable and stable, something they can count on. They do not need insurance companies changing the benefits, reducing benefits one year, raising premiums the same year, pulling out of a State because they are not making enough money.

Medicare needs reform, but it does not need to be taken over by HMOs. That is what, in his first major speech, Mr. Scully of the Health Care Financing Administration is saying is his goal for Medicare, to turn it over, to turn more and more of it over to our insurance companies. If he succeeds in doing that, our seniors will be worse off than they are today. Our taxpayers will be worse off than they are today. But the health insurance industry will be making more money and their stocks will be higher than they are today. That is what this is all about.

At the end of the day, what Mr. Scully is suggesting is not the best system for our seniors, it is not the best system for consumers, it is the best system for the health insurance industry. That is what it is about. Those who gave money in the past election campaign will get their reward if this administration can succeed in undermining, changing our Medicare system that seniors have grown to depend on, and turning it over to private industry to make more money, more profits than ever before. It is abomination.

This Congress, if we do nothing else, has got to stop this administration from taking Medicare apart and turning it over to the private sector.

I have gone on some period of time. This is an issue I care deeply about. I certainly want to thank the gentleman from New Jersey (Mr. PALLONE) for holding this event this evening and allowing all of us to come forward and express our views.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine (Mr. ALLEN) for what he said this evening. I think it is so important. I am amazed because I watched the Republican leadership and the Republican President, and it just seems sometimes I think that they are motivated, as the gentleman said, just because of special interests. In other words, the health insurance companies give a lot of money to their campaigns, so they want to support them.

Other times, I think they are just stuck in this sort of right-wing antigovernment idealogical cloud of some sort, that they are just not thinking about what is practical. They just think anything that the government does has to be bad because idealogically they do not believe in the government.

So when we have a good program like Medicare, traditional Medicare fee-for-service that works as effective and is actually saving money is a bargain, they do not want to use it, they want to tear it down. Whether it is their ideology, which I think is very backward, or it is the special interest money they are getting from the insurance company, the bottom line is they are just not being practical.

If my colleagues remember last session in the previous Congress, the House Republican leadership tried to establish what they call a prescription drug-only insurance policy. In other words, rather than expanding Medicare and have a guaranteed benefit under Medicare for prescription drugs, they wanted to give people money so they can go out and buy a prescription drug-only policy which, again, harkens back to this ideology that government and Medicare cannot do the job.

The insurance companies came before the various committees of jurisdiction and said, well, we do not want you to do that. We are not going to sell you that insurance. We had an example in the State of Nevada which basically did that, Republican-controlled legislature, that passed a bill and said; we will give you money, you go out and buy these drug-only policies, and nobody would sell them. So for the life of me, I cannot understand what they are up to.

The same thing, as the gentleman from Maine said, with the HMOs. The HMOs we know are getting out of the Medicare business. They are either dropping seniors, or they are increasing out-of-pocket cost for prescription drugs so that the prescription drugs are unaffordable even for seniors that have the HMO.

Why in the world would we want to go out and encourage HMOs as the way to address the need for prescription drug benefit? Why in the world would we want to suggest these insurance policies that only cover prescription drugs? I have not heard much about that in this Congress. I guess maybe they dropped that; although I am sure there are some out there that still want to do that.

I mean, what the Democrats have been saying is that we want Medicare to be expanded to include prescription drugs as a guaranteed benefit, universal benefit. When I go and talk to my seniors in New Jersey, they are not interested in this low-income benefit because most low-income seniors get some kind of drug benefit if they are covered by Medicaid. And in a lot of States now, not all, but many States have expanded coverage to cover the low income even a little bit above Medicaid, as is the case in New Jersey.

The problem, though, is for the middle class, the middle-class senior who does not get Medicaid, is not covered by their State program because their income is a little too high or they do not have a State program, and at the same time cannot get a decent HMO policy that is going to cover their prescription drugs.

So when the President says that he wants to do this low-income benefit, I think he calls it the helping hand, immediate helping hand, and it establishes block grants for States to provide for prescription coverage for some low-income seniors and some seniors with catastrophic drug costs, he would limit full prescription drug coverage to Medicare beneficiaries with incomes up to 35 percent above the poverty level, which is $11,600 for individuals, $15,700 for couples, and seniors with out-of-pocket prescription spending of over $6,000 per year.

Again, this is not the problem. The middle-income senior falls above that $11,000 for individual, $15,000 for couples in most cases, and they do not have the out-of-pocket catastrophic expenses of over $6,000 per year. Most seniors are not going to benefit from this, even if it got passed.

I do not even see any movement on the part of the Republican leadership in either House or the President to move this anyway, so I do not even know why I am talking about it, because he talks about it during the campaign, but I do not even see an effort to move that.

Hopefully with the Democrats now in the majority starting tomorrow in the other body, in the Senate, we will now see a decent prescription drug benefit move, get passed in the other body, and come over here where we can try to persuade the House Republican leadership to take it up.

Let me just, Mr. Speaker, if I could give a little indication of what the Democrats here in the House and in the other body would like to see as a prescription drug benefit. We have certain principles that we have been espousing.

First of all, this prescription drug benefit must be part of Medicare. Medicare works. It is cost effective. Let us include a guaranteed benefit for those who want it under Medicare.

Secondly, it should be voluntary, just like one opts and pays a premium so much per month for one's doctor bills, for one's coverage of one's doctor bills, expenses. We would have this be a voluntary program where one pays a certain premium and one gets one's prescription drugs.

Thirdly, the Democrats have been saying that the prescription drug benefit for seniors has to be affordable. Obviously, the premium has to be fairly low per month. One cannot be expected to pay a significant amount of money out of pocket when one goes and gets each individual prescription.

It goes back to what my colleague from Rhode Island was saying about affordability for seniors. I also think it is important that this benefit be defined. In other words, Medicare beneficiaries, regardless of where they live, should be guaranteeing access to a defined drug benefit at the same standard premium.

□ 1945

You know, people have to know that the prescription drugs they need are included in the program. This is what the Democrats have been talking about.

And we also want to build into our proposal an end to price discrimination. We talked a little before about the bill of my colleague, the gentleman from Maine (Mr. ALLEN); about how he wants to link the price more towards that charged in other countries that are developed countries like the United States. There are ways of dealing with the price discrimination issue, and that is certainly one of them.

Another is to basically have the government, through benefit providers in each region, purchase and negotiate prices for the drugs so that we are getting volume discounts. That is certainly another way to try to deal with the price issue. This has got to be done.

I was home again last week, for the last 10 days, and this is what our seniors are talking about. We need to take it up. Hopefully, now that the Democrats are in the majority in the other body, they will send a bill over here; and we will be able to pressure the Republican leadership here in the House to take up a prescription drug bill that helps all Medicare recipients.

Now, I wanted to talk, if I could, Mr. Speaker, before I conclude this special order this evening, about two other health care issues which I mentioned at the beginning of this special order, and one of them, because of what is happening in the Senate, in the other body, is likely to move even quicker than a prescription drug benefit. And that is fine, I would like to see these important health care issues and this legislation get over to the House as soon as possible, and that is the Patients' Bill of Rights, or HMO reform.

Again, when I talk to my constituents, regardless of age, about HMOs, because many people in New Jersey are in HMOs and they have become very concerned because many times they are denied the care that they think they need. Either they cannot go to a particular hospital in an emergency, they cannot get access to a specialist, or they are denied a particular operation or procedure because the insurance company, the HMO, says that it is too innovative. What they really mean is it is too expensive and they do not want to pay for it.

The two issues that I think are so important with HMO reform, and which are addressed in the Patients' Bill of Rights in sort of a general way, is the definition of what is medically necessary; who is going to define whether an operation, a procedure, a hospital, a stay in a hospital is necessary; is it going to be the insurance company, which wants to save money; or is it going to be the patient and the physician. Because, after all, you and your physician care about your health.

Basically, what the Patients' Bill of Rights does is to say that in general that decision is made by the physician, the health care professional, and the patient, not by the insurance company. They are the ones that that decide what is medically necessary.

The second is if someone has been denied care, the HMO says they cannot have a particular procedure, they have to leave the hospital, what then does that individual do; how do they redress their grievances; where do they go. Now, unfortunately, in many cases, they can only go to the HMO, who have said, no, we made that decision and too bad. We want a procedure which allows an individual to go to an independent board outside the HMO that has the power to overturn that decision or we want to be able to go to court as a last resort.

Now, let me just talk about some of the little more specific although still general points about the Patients' Bill of Rights and the real Patients' Bill of Rights. And I do not want to put him on the spot, but I see one of my heroes over here on this issue, the gentleman from Iowa (Mr. GANSKE), and he along with the gentleman from Michigan (Mr. DINGELL), a Democrat, and this is really a bipartisan effort because there are some Republicans that support this bill, a lot of them frankly, but, unfortunately, not the leadership in the Republican Party, have put together a bill called the Dingell-Ganske bill, or the Ganske-Dingell bill, which is the real Patients' Bill of Rights that I would like to see and that most if not all Democrats would like to see passed.

Just to give you an idea of some of the principles that are in here, first of all it has to protect all patients with private insurance, not just some. Some of the Republican bills only protect certain types of people. All patients with private insurance. There has to be the ability to hold the plans accountable, which I discussed. There has to be a fair definition of medical necessity, which means that it has to be up to the physician and the patient to determine that.

There has to be guaranteed access to specialists, access to out-of-network providers. If there is not someone available who can handle a patient's situation, they can go out of the network.

There also has to be a prohibition on improper financial incentives. The HMO cannot encourage the doctor to deny care or not provide certain care and get some sort of financial incentive to do so. There has to be access to clinical trials. There has to be a prohibition on gag rules. In other words, some of the HMOs say that the doctor cannot tell a patient if they need a particular treatment in his or her opinion because it is not covered. So if it is not covered and he or she thinks a patient needs it, they are not allowed to tell because the insurance company will not pay for it. That is ridiculous.

Emergency room access if it is needed. If something happens, an individual has a heart attack, they have an accident, that that person can go to the nearest emergency room rather than go to one 50 miles away and die or become seriously injured on the way. And the list goes on.

What I am fearful of, and I guess I am a little less fearful now that the Democrats are in the majority in the other body, is that even though President Bush said he would support a Patients' Bill of Rights and said in fact that he would support a Patients' Bill of Rights very similar to what they have in the State of Texas, he has essentially said that he opposes the Dingell-Ganske bill, which in the other body, the Senate, is sponsored again on a bipartisan basis by Senator McCAIN and Senator KENNEDY. The President has been variously quoted over the past few months saying this bill that so many of us support in the House and in the other body is too costly and that he would veto it.

He said his primary objection to these bills currently in the Congress is that they do not contain reasonable caps on damage awards against health insurance organizations or insurance. He wants to have caps, and not very high caps in terms of the amount of money that a person can recover if they go to court. And then he has other concerns; that he does not like the particular court that should be allowed to sue under the Dingell-Ganske bill.

The point of the matter is, Mr. Speaker, that the President and the Republican leadership in both bodies have been fiddling with this issue for the past 4 or 5 months. They say they are for a patients' bill of rights, but they do not articulate exactly what they want. All they do essentially is say they do not like the bill that most of us support, the Dingell-Ganske bill. I am hopeful now that the other body becomes Democratically controlled tomorrow, that as the new majority leader, Mr. DASCHLE, said, this is going to be on the agenda probably next week.

Now, if and when it passes over in the other body and it comes over here, that will allow us to pressure—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISSA). It is not in order in a debate to specifically urge the Senate to take certain actions, and the gentleman will be aware of that.

Mr. PALLONE. Mr. Speaker, I was not aware, and I will not cite that again.

The point I am trying to make, though, is that we really need a good Patients' Bill of Rights. I suspect I am going to be hearing more about it later this evening from my colleague, the gentleman from Iowa (Mr. GANSKE), and I think I will stop with that particular issue for now.

I did want to spend a little time tonight, though, talking about the problem of the uninsured, the number of people who are uninsured. That number continues to grow and needs to be addressed as well here in the Congress.

Mr. Speaker, I see one of my colleagues, who has been very active on the health care issue, and who is a member of our health care task force on the Democratic side, is here; and I would like to yield to him at this point.

Mr. RODRIGUEZ. First of all, Mr. Speaker, once again let me thank the gentleman for his efforts in the area of health care. As the gentleman mentioned, the problem that we encounter now is with the uninsured, and that number continues to grow. We have over 44 million uninsured.

I think that one of the dilemmas we face as we look throughout this country, there are hardworking people that are not poor enough to qualify for Medicaid, not old enough to qualify for Medicare, and yet find themselves working for small companies that do not give them an opportunity to have access to insurance coverage. And I can attest to the gentleman that if someone is not working for government or a major corporation, they do not have any access to health care. So that we have a real dilemma, because we do provide it for the indigent, we do provide it for the elderly to some extent, but when it comes to those working Americans out there trying to make ends meet, we have a difficulty in terms of providing access to health care.

There is a real need for us to come to grips with that issue. We have not done that in the past, unfortunately, and we need to do so. We are hoping that the administration can start moving in this direction as they dialogued about the issue of health care during the campaign. We hope they will come up to meet those promises that they made on health care and the uninsured, not to mention those that are insured but who are what we call the underinsured, the ones that have access to some degree but yet do not have full coverage, such as prescription coverage.

I know that the gentleman has covered the issue of prescription coverage, but I just want to keep mentioning it because we need to keep that issue on the forefront. It is an issue that continues to be one of the key issues in America and it is one of the problems that we were elected to respond to and we have not yet done so. We are hoping that we will begin to cover that.

When we look at prescription coverage under Medicare, there is no doubt that when we devised Medicare, from the very beginning, that at that point they did not see the importance of prescription coverage. We know now that prescription coverage is key for access to good quality care. We know the importance of that, and so we need to look at that issue. And the responses that we have before us from the administration have not been adequate.

There is only one State that has tried it, and it has not been that successful, and that is because our seniors are the ones that utilize prescriptions the most. That is where the private sector will make the less amount of profit in any area, and so it is an area where we all need to participate and make sure that we can help out when it comes to prescription coverage. It does not make any sense for us to make the diagnosis, to find out that they are in need, when we do not provide them the prescriptions that are needed to be able to cover some of those needs.

The other thing that just does not make any sense is that we provide prescription coverage for Medicaid, for the indigent, yet we do not provide it for our seniors. So there is a real need for us to kind of come to grips on that issue of not only prescription coverage but the uninsured. I know there are a couple of proposals out there, and we are hoping that we can begin to go throughout the country to dialogue about the importance of health care in this country. The fact is, we still have a long way to go. We have not come to grips with these issues, and we need to get more pressure on the politicians up here to make some things happen.

The only reason we had the Patients' Bill of Rights the last time, as the gentleman well knows, is because we decided to do a discharge petition that forced the Congress to have to deal with it. Because of that, I think we were able to make that happen, and we did pass a good bill. Unfortunately, it was killed during conference and so that did not materialize. So what is important now is that we have a new session, and we need to move forward in that area.

So I just wanted to take this opportunity now to thank the gentleman for what he has been doing on health care. I will be talking later on on the issue of AIDS, and I look forward to the gentleman's participation in that area.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Texas. And I do appreciate the fact that the gentleman is going to spend the hour later this evening talking about AIDS and what we need to do further. There has been a lot of attention paid to the fact, and during the break over the last week I read a number of articles, about the increased incidence of AIDS, particularly amongst African American gay men; that there was just an incredible increase in the incidence of AIDS and HIV. People think that the crisis has subdued somewhat in the United States but it is still out there, and in many communities it is actually getting worse.

□ 2000

The other thing if I could, I am so glad the gentleman mentioned the uninsured, and I know that the gentleman has mentioned it many times and the need to address that issue.

Once again, I want to point out that even though the President talked about this problem during the campaign, I do not see any effort on the part of President Bush or the Republican leadership to address the issue.

One of the things that the President talked about was this idea of a tax credit. The basic design of the Bush plan was an individual credit of $1,000 for those with an annual income up to $15,000. That phases down to zero at $30,000, and a family credit of $2,000 with income up to $30,000 that phases down to zero. That sounds good in theory to get a $1,000 credit toward health care insurance, but it will not solve the problem of the uninsured.

First, I do not see the President trying to accomplish this. He talked about it during the campaign, but there is nothing happening. We do not see it moving in committee or any effort being made.

Beyond that, it is available only to those not enrolled in employer-sponsored insurance or Medicaid policy and available only to those who purchase nongroup insurance.

Basically we are talking about an individual who has to be able to afford to buy insurance in the private individual market, and that individual is going to get $1,000 tax credit. That is not going to solve the problem.

Mr. Speaker, people who do not have health insurance, it could cost them $5,000 or $6,000 a year to buy a policy; and they are not able to shell $4,000 or $5,000 out of pocket because they are going to get a $1,000 tax credit when their income is somewhere under $30,000 a year, basically under 15, and it phases down to 30. It is not going to happen.

This policy will not accomplish something. I do not want to be critical of something that is being proposed, I wish it would move; but what needs to be done is to expand the number of people that can get health insurance through some of the government programs.

Mr. Speaker, we looked at the problem of the uninsured in our task force, and the biggest group were children and the second group was near elderly, people over 65 but not eligible yet for Medicare. We tried to adjust the problem of the children through the CHIP program, and that basically provides health insurance at government expense and it has been great. It has enrolled millions of kids around the country that did not have health insurance.

Now you have to expand that program to the adults. In other words to households, to the adult parents, if you will, of those children, to other people in those lower-income brackets that are working but are not eligible for Medicaid regardless if they have children. That is the type of thing that should be done: expand on the CHIP program to include the parents, and even include single people who cannot afford to buy health insurance in the private individual market and are not going to be able to do it with a $1,000 tax credit. That is what the Democrats have been proposing. I do not see any movement in that respect.

The other thing that the Democrats have said, with regard to the near elderly, the people between 55 and 65, is that they be able to buy into Medicare for a standard premium every month or every year. That is another way of trying to address that problem.

But if we keep getting hung up on the ideology that the Republicans and the President have that everything the government does is not good, and the only answer is to throw a tax credit here or there, we are not going to cover any more of the uninsured. That is my fear right now.

I know that we have other things to get to tonight, and certainly the AIDS issue is super-important.

Mr. Speaker, I do want to say in conclusion, these health care issues, we as Democrats are going to continue to bring up frequently over the next few weeks because we do want to see action, and we are not seeing it on the part of the Republican leadership or the President.

TAX CUTS AND PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I want to talk a little bit tonight about two issues: first, about the tax cuts that passed the House and the Senate just before Memorial Day recess; then I will talk a little bit about the patients' bill of rights.

Mr. Speaker, I remember in early 2000, it was before the Iowa caucuses, it was cold, I remember, and I was traveling around the State of Iowa, my home State, with then-Governor Bush. We had spent the morning together, and then returned to Des Moines where he was going to address the Des Moines Chamber of Commerce and give a major address on cutting taxes.

So Governor Bush asked me if I would sit in and listen to him give his speech in preparation. There was just myself and one staffer. We were at the Marriott Hotel in Des Moines, and they had the rest of the doors closed off. Then-Governor Bush practiced his speech. I sat there listening to at that time Governor Bush lay out his tax cut plan.

Afterwards the Governor invited me upstairs and we had a hamburger together, just the two of us. Then-Governor Bush asked me, Well, what do you think? Well, we had been through here in the House a major tax cut bill not too long before that. It was in the range of about $790 billion, and President Clinton had promised a veto of that bill. In addition, we were doing that tax cut not in the context of a budget plan, and certainly not in the context of how much we were going to reduce the national debt.

Once President Clinton declared that he was going to veto that tax cut, then it gave free rein to every Member of this House and the other body to add every piece of special-interest tax cut legislation they could to that bill. It became what we would call here in Washington a Christmas tree on which Members could hang every little piece of special-interest ornamentation, with the full realization that in the end there would be no harm because the President said he was going to veto that bill.

Mr. Speaker, sure enough, the final project, the bill, it was full of special-interest provisions. And so in the light of that, when then-Governor Bush asked me over our cheese burgers what I thought of his bill, I said, I think it holds together. You do it in the context of reducing some debt, providing for some educational funding, and it will be okay. But my one piece of advice would be keep it free of all of those special-interest perks and special-interest items that got added to the last bill we dealt with. Focus on eliminating the marriage penalty tax. Focus on killing the death tax. Focus on reducing rates and make it a progressive cut. And if you handle that, if that is what the bill is, and it does not have all of these special-interest perks, then I think the American public is going to be happy with it.

Then-Governor Bush said I assure you, I will do everything in my power if I am elected President to make sure that we do not load that bill up with a bunch of special-interest provisions that expand that Tax Code out, little pieces of tax legislation that act for individual families or individual businesses. We will work to keep that out and keep it clean. You know what, Mr. Speaker, that is what we did.

Now, I would be the first to admit that I have not read every single line of that tax cut. To be quite frank, unless you have the whole Tax Code with you and can reference things, it is difficult to read and understand what every single sentence means. But I do know that a whole bunch of people have been looking at that tax cut, the one that we just passed, and the one that this week the President in a Rose Garden signing ceremony is going to sign into law.

There was a report in the New York Times just a few days ago that said they could only find one item that was a special-interest item in the Tax Code, and that was a repeal of a prior special-interest item for JC Penney. So the only thing that I am aware of that anyone has found that was a special-interest piece of legislation in this was a repeal of a prior piece of special-interest tax legislation.

I think, Mr. Speaker, that is a remarkable accomplishment. I think it is remarkable the leadership the President showed on this issue. This is a victory for him; but more importantly, it is a victory for the American taxpayer because clearly with the amount of surplus that we have projected, surplus taxes, it is reasonable to return some of that to the American people; and it is reasonable to fix certain inequities in the Tax Code.

It is unfair that for a couple who is living together but not legally married, that when they decide to formalize that relationship and they get married, that they should end up paying more taxes than if they just filed separately. We fixed that in this bill.

I have hundreds if not thousands of small businesses in my district, which is Des Moines, Iowa, and southwest Iowa, that are going to benefit from the provisions on killing the death tax.

There are thousands of people in Iowa, and I think millions in the United States, that when you add in the fact that we are reducing the bottom rate from 15 percent to 10 percent, that we are doubling the child tax credit, that we are allowing for increased deductibility in pensions, they will find that they are not going to pay any Federal taxes, and they are also going to get a rebate this year; and I think that is good for the economy, too.

Mr. Speaker, I am looking forward to that Rose Garden signing ceremony, and I am also looking forward to flying back to Iowa with President Bush to hold a rally on exactly this tax cut. I think it is really important to my State and to the country. I think it is important because it helps restore consumer confidence. It will get some funds, needed funds, back into people's pockets and it sets up tax reductions that people can make plans, financial plans on for the next 10 years.

Mr. Speaker, I feel privileged that I was able to participate in a very small sense with the President when he was running for the Presidency, and on the very day that he gave his tax cut talk. And I feel privileged also that I will be able to spend this coming Friday with the President when he returns to my home State to talk a little more about this tax cut.

☐ 2015

Mr. Speaker, I want to talk a little bit about the need for a patients' bill of rights. If you will remember, Mr. Speaker, a number of years ago, there were a whole bunch of jokes and cartoons about HMOs. If you look through a magazine like The New Yorker today or other magazines or even watch some of the late night shows, you rarely see or hear HMO jokes anymore.

I remember a few years ago when this joke was going around. There were many variations on it. You had three people who died and went up to heaven and they were waiting at the pearly gates. One was a nurse, one was a doctor and one was an HMO reviewer.

St. Peter asked the nurse, "Well, what did you do in order to gain access to heaven and pass the pearly gates?"

She said, "I took care of patients for 40 years. I counseled their families. I gave them all the loving care I could."

St. Peter said, "Enter."

Then he asked the doctor, a neurosurgeon, "What do you think you did to deserve entry into heaven?"

She said, "I got up in the middle of the night and I took care of some of the most horrific head injuries, frequently never got paid because many times those poor victims never had any insurance, but I didn't care because it was my Hippocratic oath duty to take care of those people who were injured."

St. Peter said to her, "Enter the pearly gates."

He asked the HMO manager, "And what did you do to merit entry into heaven?"

The HMO manager said, "I managed to save the company millions and millions of dollars by denying care. So it really helped the stockholders."

St. Peter looked at that person for a little bit and said, "Enter, but only for 3 days."

Now, that joke has had a lot of permutations, it is an old joke, probably most people have heard it, it is not even that funny anymore, because you knew the punch line.

Remember when Helen Hunt in the movie As Good As It Gets appeared with Jack Nicholson? She was talking about her son who had asthma and how her son was being denied necessary medical care. Then she went into a long string of expletives about that HMO. And I saw something happen I had never seen before. My wife and I were at a theater in Des Moines and people actually stood up and applauded. I had never seen that before.

Mr. Speaker, that movie today would not get the same response, because in order for something to be sort of funny or humorous, there has to be maybe a little bit of an element of surprise or a twist, something that catches you by surprise. Anymore, Mr. Speaker, it is hard to do a joke about HMOs because nothing is surprising anymore about the abuses or the denials of care that we continue to see year after year.

Back then, Mr. Speaker, a few years ago, 4 years ago maybe, people were seeing headlines like this from the New York Post: "HMO's Cruel Rules Leave Her Dying for the Doc She Needs."

Or here was a headline from a few years ago in the New York Post: "What His Parents Didn't Know About HMOs May Have Killed This Baby."

So this was all very topical as these stories of HMO abuses became known to the public. Time Magazine had a cover story on this. It was topical. It was the type of thing that you would see in The New Yorker in a cartoon, because this was somewhat new, it was new material, and there was something of a surprise. You could put a twist on it.

I remember a few years ago when the story came out about an HMO requiring same-day discharge, the so-called drive-through deliveries. That surprised people. They thought, that is awful, that is outrageous. And so you saw a cartoon.

Here is the maternity hospital. You have got the drive-through window, "Now Only 6-Minute Stays for New Moms." The hospital employee saying, "Congratulations. Would you like fries with that?" And you have got a mother, her hair all frazzled with the crying baby as they are driving the car through. Kind of funny but also not so funny. Today this would not be as funny and you would not see this so much, because it is not new. Everyone knows this.

Mr. Speaker, before I came to Congress, I was a reconstructive surgeon in Des Moines, Iowa. I took care of farmers who put their hands into machines. I took care of women who had breast cancer. I took care of a lot of children with cleft lips and palates and other craniofacial deformities that they were born with, like this baby here.

Mr. Speaker, in the last few years, more than 50 percent of the surgeons who take care of congentital deformities like this have had cases denied by HMOs because these are, quote, cosmetic cases. I think that is awful. But also, Mr. Speaker, I would say anymore it almost does not shock anyone to hear this, because people have known about this now for years. People are also wondering why Congress has not dealt with this for years.

This was a cartoon from a few years ago. Here we have a doctor in the operating room and we have the HMO bean counter next to him. The doctor says, "Scalpel." The bean counter HMO member says, "Pocket knife." The doctor says, "Suture." The bean counter says, "Band-Aid." The doctor says, "Let's get him to intensive care." The HMO employee says, "Call a cab."

Another cartoon from a few years ago. "Your best option is cremation, $359 fully insured." And the patient is saying, "This is one of those HMO gag rules, isn't it, doctor?"

This was very topical a few years ago, because the news was that HMOs were telling doctors they could not tell a patient all of their treatment options without first getting an okay from them. In other words, I as a doctor could see a woman for a breast tumor, listen to her story, do an examination, but before I could sit down and tell her what her treatment options were, if I had a certain type of contract from an HMO, I would have to say, "Excuse me," leave the room, get on the phone and ask the HMO if it was okay if I told that patient all of her treatment options. That is clearly wrong. It was clearly news. That news generated this type of response.

A few years ago, we did a full debate here on the floor of Congress on the Norwood-Dingell-Ganske bill and actually brought to the floor this particular patient. A number of years ago, a young mother had about a 6-month-old son who was really sick in the middle of the night. He had a fever of about 104. Mom did what she was supposed to do. She phoned the HMO 1-800 number, got a reviewer on the phone, said, "My baby is really sick and needs to go to the emergency room. What should I do?" The reviewer said, well, take him to such and such a hospital.

Now, Mom and Dad lived clear on the south side of Atlanta, Georgia. The reviewer told them the name of a hospital. The mother said, "Well, where is it?" The reviewer said, "Well, I don't know. Find a map." It turned out that the hospital was clear on the other side of metropolitan Atlanta. So Mom and Dad, not being medical professionals, wrapped up little James in a blanket, got him in the car in the middle of the night and started out for the designated hospital. In the process, they passed several emergency rooms, but they were not health care professionals, they were just average people without a medical background. They did not know exactly how sick he was, but they were following orders because they knew that if they had stopped at an emergency room that was not authorized, then the HMO would not pay for the hospitalization. They would be stuck maybe with thousands of dollars of bills. So they moved on.

Before they get there, the little baby had a cardiac arrest and stopped breathing. So imagine Dad driving frantically while Mom is trying to keep this little baby alive. They pull finally into the emergency room entrance. Mom leaps out of the car saying, "Save my baby, save my baby," a nurse comes running out, they get the baby resuscitated, they start the IV lines, they start antibiotics and they manage to save this little baby's life.

But because of that HMO's medical judgment over the telephone when they never examined the baby, they made a medical judgment. The judgment was that baby is well enough to go 50 miles. Instead of saying, "Take that baby to the nearest emergency room," they said, in essence, "Our judgment is, it's all right, you can take him a long ways." That was the medical judgment. That medical judgment by that HMO resulted in this. Yes, we saved James' life; but because of that cardiac arrest and the delay in treatment, he developed gangrene in both hands and both feet and both hands and both feet had to be amputated.

This little boy is growing up to be a fine young man. He sat right in this chair right in front of me during the debate. He is able to pull on his leg prostheses, and he can walk okay. He needs help to get his bilateral hook prostheses on. Sometimes he uses them and sometimes he does not. But he will never be able to play basketball, he will never be able to touch the face of the woman he loves and marries with his hand. If he had a finger and you pricked it, he would bleed.

This little boy is not an anecdote. I hear a lot of opponents to the Patients' Bill of Rights saying, "Oh, you're just talking about anecdotes. We shouldn't legislate around here on the basis of anecdotes." Those anecdotes are real live people, if they survive the HMO care. And a funny thing is that under a

Federal law that was passed 25 years ago, in situations like this where the insurance is from the employer, that health plan, that HMO, is liable, this is under a Federal law, is liable for nothing other than the cost of care denied, or in this situation the cost of his amputations. I would ask you something. I mean, is that justice? Does that set up a proper incentive for the HMO not to cut corners but to provide the necessary treatment right from the beginning so that you prevent cutting the corners so tight?

A judge reviewed this case. The judge said that this HMO's margin of safety was razor thin, quote-unquote. Razor thin. I would add to that as razor sharp as the scalpel that had to amputate little James' hands and his feet.

And so as cases like this became known to the public, they continued to spawn cartoons. Some of the cartoons were what I would say black humor. Let me give you an example. Here is a medical reviewer. Maybe it was the medical reviewer who was a thousand miles away for that little boy who I just showed you. The medical reviewer saying, "Cuddly care HMO. How can I help you?" The next one is, "You're at the emergency room and your husband needs approval for treatment? Gasping, writhing, eyes rolled back in his head? Doesn't sound all that serious to me. Clutching his throat? Turning purple. Uh-huh."

Down here. "Well, have you tried an inhaler?" The next one is, "He's dead?" And the next one is, "Well, then he certainly doesn't need treatment, does he?"

And finally the last one in the corner says, "People are always trying to rip us off."

□ 2030

I guess this young lady must have been trying to rip off her HMO. She was hiking about 70 miles west of Washington, D.C., with her boyfriend. She fell off a 40-foot cliff. She had a fractured pelvis, a broken arm, a fractured skull. Luckily, her boyfriend had a cell phone.

He pulled it out. They called an emergency number, got a helicopter to fly in. Here she is. She is strapped into a gurney about ready to be taken onto the helicopter. She is taken to the emergency room. She is treated in the intensive care unit for a month or so. She is semicomatose. She is certainly on significant doses of pain medicine.

What does the HMO do? The HMO refuses to pay her bill. Why? Well, because she did not phone ahead for prior authorization.

Now think about that for a minute. Was this lady supposed to be so clairvoyant that she knew she was going to fall off a 40-foot cliff so that she could phone ahead and let the HMO know? I do not think so, but that was their excuse for not paying her bill.

So it is real life stories like that that would generate a cartoon like this. This is the HMO Claims Department. The reviewer is saying, no, we do not authorize that specialist; no, we do not cover that operation; no, we do not pay for that medication. Then apparently the reviewer hears something, shakes her head and then she says, no, we do not consider this assisted suicide.

Well, as I said earlier, these are not just anecdotes. This is a family that was featured on the cover of Time Magazine a few years ago. This woman had breast cancer. Her physician recommended a certain type of treatment. So she went to a major, well-known medical center in the country and they were going to do it. They agreed, until they got a phone call from the HMO saying we do not think you should do that; that is very expensive treatment, and we will evaluate whether we continue our contract with your medical center.

So she did not get all the information that she needed. She did not get her treatment and, at least according to what was thought to be appropriate medical care at that time, she did not get the appropriate medical care and she died. Today, her little boy and her daughter and her husband do not have this young mother. She did not have the type of appeals process to handle a denial of care that was very likely inappropriate, at least for that time.

We want to do something about that. That is one of the reasons why we need to pass at the Federal level a patient bill of rights.

Now I am going to go into some detail on the Ganske-Dingell bill here that will come up here in the House, and its companion bill, the McCain-Edwards bill in the Senate, but before I get into all the details and they get a little bit dry, I think it is important for me to do them, to share the details with my colleagues, if any are watching. I think it is also important just to briefly go over some of the major issues of contention.

Number one, the opponents to our legislation say well, this will drive up health care costs. Now this is sort of an interesting criticism in light of the fact that in the last few years, the HMOs have increased their premiums very significantly, and it was not because of any patient bill of rights. It was because their shareholders said they needed more profit, and it was also because the cost of prescription drugs is going up a lot. We have seen premium increases, significant ones, in the last few years and it sure was not because of Congress passing a patient bill of rights. So do not believe all of that sky-is-falling stuff.

What would the cost of our legislation be? The Congressional Budget Office scored our bill. It would cost a total of 4 percent over about 5 years, and the major items of cost are not the liability at all, but the dispute resolution on internal and external review. In fact, the liability provision that would return responsibility to the health plans, fix something that Congress took away from the States 25 years ago, would cost a total of about .9 percent; that is .9 percent, less than 1 percent cumulative over 5 years. That amounts to the cost of about one Big Mac meal per month per employee.

In fact, that has been very, very close to the cost of the patient protection bill in the State of Texas, which our bill is modeled after, and which President Bush, on many occasions during the campaign, bragged about as saying that that patient bill of rights down there in Texas has worked just fine, and it has. We wrote our bill based on that.

So do not believe the exaggerated, hyperinflated, sky-is-falling claims on costs. Look at the HMO's claims with a bit of a jaundiced eye, particularly in light of what they have been doing with their premiums on their own, primarily for stockholder value.

Another major issue is, well, if the health plans are liable where should that liability be? Because Congress basically 25 years ago said, you are not liable for any of your decisions other than the cost of care denied.

Well, what we want to do is we want to build on a Supreme Court decision that basically says if it is a matter of medical judgment, then it goes to the State where it has been for several hundred years.

As a physician, I am liable for any malpractice under State law. I believe that an HMO, which is making medical decisions, should have that same responsibility.

Now there will be some who will say, no, let us have all of that liability on the Federal side of the ledger, not at the State level. My response to that is, well, number one, it is not a very Republican, and that is with a capital "R" idea. I always thought my party stood for States' rights and having responsibility closer to the people.

Take somebody in certain parts of Iowa and require them to go to a Federal court, and a long trip has been added, and a lot of expense. The same thing would go for Michigan or Nevada or other places. There is also such a thing as the tenth amendment to the United States Constitution, and that says that unless the Constitution has specifically given a power to the Federal Government, then the power should reside at the State level.

We have had that responsibility. It has traditionally been the responsibility of States to regulate insurance. In fact, we have even passed laws here in Congress like the McCarran-Ferguson Act to that extent, and we think that it should be that way also.

If all that case law was moved to the Federal side, it would be a usurpation and, I think, unconstitutional. It would also be something that the Federal judges are telling us do not do this. The Federal judges have seen some of these cases. They think that we should fix ERISA, the Federal law 25 years ago that took the jurisdiction from the States. They say move it back.

So when we look at this issue of Federal-versus-State jurisdiction, we need to look at a few questions: whether the proposed legislation is within the core functions of the Federal system; whether the Federal courts have the capacity to take on new business without additional resources or restructuring and the extent to which proposed legislation is likely to affect the caseload in the Federal courts; whether the Federal courts have the capacity to perform their core functions and fulfill their mandate for "just, speedy and inexpensive determination of actions."

I respect judges like Judge Pickering of Mississippi, the father of one of our colleagues, Congressman PICKERING. What Judge Pickering says is get this to the State level. That is where it belongs when you are talking about medical judgments. If you are talking about benefit decisions, then that is fine, leave it at the Federal level under ERISA so the plans can devise their own benefit packages, so that plans do not have to follow individual State mandates. But if you are talking about medical judgment decisions, it should be at the State level.

Here is what Judge Gorton in Turner versus Fallon Community Health Plan said in 1977:

> Even more disturbing to this court is the failure of Congress to amend a statute, that due to the changing realities of the modern health care system, has gone conspicuously awry from its original intent.

Here is what Judge Bennett said in Prudential Insurance versus National Park Medical Center:

> If Congress wants the American citizens to have access to adequate health care, then Congress must accept its responsibility to define the scope of ERISA preemption and to enact legislation that will ensure every patient has access to that care.

Here is what Judge Garbis in Pomeroy versus Johns Hopkins said:

> The present system of utilization review now in effect for most health care programs may warrant a reevaluation of ERISA by Congress so that its central purpose of protecting employees may be confirmed.

Here is the 1999 proposed long-range plan for the Federal courts. This is something that Chief Justice Rehnquist has been involved with. It says Congress should commit itself to conserving the Federal courts as a distinctive judicial forum of limited jurisdiction in our system of Federalism. Civil and criminal jurisdiction should be assigned to the Federal courts only to further clearly define and justify national interests, leaving to the State courts the responsibility for adjudicating all other matters.

In other words, do not give us an area of law that has traditionally, for 200-plus years, been at the State level.

In 1998, the year-end report of the Federal judiciary, Justice Rehnquist says this:

> This principle was enunciated by Abraham Lincoln in the 19th century and Dwight Eisenhower in the 20th century. Matters that can be handled adequately by the State should be left to them. Matters that cannot be so handled should be undertaken by the Federal Government.

Why do the Federal judges not want this jurisdiction? Number one, it has never been in the Federal courts. It has always been in the States.

Number two, practically speaking, they do not think they can handle this. If one wants a speedy adjudication and a speedy determination to resolve a dispute, do not go to the Federal courts, believe me, particularly if they would like to avoid costly litigation, because it is lengthy and costly in the Federal courts and anyone who proposes moving all of this to the Federal courts is ignoring a fact in this country.

□ 2045

In the Federal courts, by the Speedy Trial Act of 1974 the Federal courts have to give priority to criminal cases. The criminal case filings were up 15 percent in 1998. This means that all of those drug cases that the Federal judges are charged to adjudicate come before anyone who has a problem on a civil case related to health care.

This was the situation in the Federal courts just a few years ago: they had 65 vacancies, 22 emergencies, 16 anticipated. It is more than that. We are going to have a big debate in the Senate about the appointment of Federal judges. But everyone agrees that the Federal bench is significantly understaffed, so the last thing that they need is for us to do something unconstitutional and move something that should reside at the State level. All of that.

I mean, are we in Congress going to rewrite all the statutes, the evidentiary rules on State tort and move it into the Federal courts? I know an awful lot of conservative Republican Congressmen who should have a lot of heartburn with that, because they know what certain Federal court jurisdictions which have been very liberal might do with this type of jurisdiction. It all goes to show, you had better be very, very careful what you ask for.

Mr. Speaker, in the remaining time that I have, I want to talk just a little bit about the bill itself, the Ganske-Dingell bill in the House, the McCain-Edwards bill in the Senate. This is not the same bill that we voted on in 1999. We made a good faith effort to come to some significant compromises with our opponents on this legislation. We used, for instance, exact language or modified language from a number of bills, including the opponents', the opposition bills, to try to meld a compromise on this piece of legislation.

There are some significant differences which I want to get into in some detail between the Ganske-Dingell bill and the Norwood-Dingell-Ganske bill that passed in 1999, but we still think this is a strong bill and a necessary bill.

With utilization review, we use language from the Norwood-Dingell bill. For prior authorization, we establish basic standards and time frames for the initial review of claims for benefits. We say that prior authorization determination should be made in a timely fashion according to the medical facts of the case. For normal cases, an insurer should respond within 14 days from the date the plan receives the information, but in no case later than 28 days. If an insurer requests information from a patient-provider, they have 5 days from the request to submit such information.

The bill ensures that requests for care are handled quickly. In instances where the insurer and the doctor disagree about a patient's treatment, the insurer must disclose the reason for the decision and inform the patient of the right to appeal that decision. You know what, Mr. Speaker? That language is adopted from the Nickles amendment in the Senate.

We then have a section on internal appeals, so that if a patient's doctor recommends a type of treatment, but then the health plan, the HMO, says, no, you have a certain procedure to go through in the plan to get a hearing, some due process. We used the language from the Nickles amendment there. This was a Republican Senator's amendment.

On external appeals, let us say that a patient is denied treatment they think is necessary and their doctor thinks is necessary. They go through an internal appeals process. The plan still continues to deny the care. Then we set up a way for the patient to go outside of the health plan to get an external review, an external appeal. We looked through all of the language, and we basically use language for our section 104 language that was adopted from the Nickles amendment.

In the access to care section, we say that the bill provides the right for individuals to elect a point of service option guaranteeing access to any doctor, regardless of whether or not that doctor is in the plan's network. But we say also that the patient would be responsible for the additional cost of that provision. In that instance we use language from the Norwood-Dingell bill.

But then we talk about emergency care. We say that the bill gives patients the right to go to the closest emergency room for an emergency room. Like that little boy. If this bill had been law, then those parents would not have needed to phone that 1-800 number. If they had, they could have still known that instead of going so far, they could have just taken that sick little baby directly to an emergency room. For our bill, the Ganske-Dingell bill, we used language from the Goss-Coburn-Shadegg substitute that was debated on this floor.

We have a provision in there for access to specialty care, so that people can get access, can go to the appropriate specialist. We use language adopted from the Nickles amendment. We have a provision in this bill for access to obstetrical-gynecologic care and pediatric care, and we used language adopted from the Nickles amendment for that.

We have a provision on continuity of care. The bill would allow a patient who has an ongoing and serious medical problem to continue to see their provider, their doctor, for up to 90 days, in the event that that doctor is no longer with that health plan. We have specific protections for individuals who are pregnant or terminally ill or are scheduled to have surgery, and we use language adopted from the Nickles substitute for that.

We have access to non-formulary drugs. The bill provides a provision to allow doctors to prescribe a drug that is not on the health plan's, the HMO's formulary, when a non-formulary drug is medically necessary. That protection is very important for a lot of individuals who may have allergies to certain types of medications, who have tried the HMO's formulary drug, but have not had success; and we used language adopted from the Nickles amendment for that.

We have a provision that would allow access to clinical trials, so that patients would have greater access to certain clinical trials, patients with Parkinson's disease, Alzheimer's, cancer and other serious diseases that are life-threatening and for which no standard treatment is effective. Some in the consumer groups would like to see that provision expanded and made more broad, but we used language from the Norwood-Dingell bill for that.

We have a provision in the bill for women's health and for cancer protection, important provisions relating to women's health, that guarantee the women the right to have a doctor decide the appropriate length of stay, for a woman who has a mastectomy, for instance. Remember when the HMOs were saying gee, you can have your breasts removed as an outpatient? Well, I have done a lot of breast surgery, and I will tell you what, it is the rare patient that could tolerate that as an outpatient. Furthermore, it would be the very rare patient where I think that that would be safe. So we used language adopted from the Nickles amendment for that provision.

In fact, at least 50 percent of the language in our compromise bill is language from the Nickles amendment, the Republican Senate substitute that was debated 2 years ago. The same thing goes for access to information, information disclosure, language adopted from the Nickles amendment.

Now, one thing that we did keep from our bill was we have language to ensure that doctors are free to discuss all treatment options with their patients, and we used the language from the Norwood-Dingell-Ganske bill for that.

We have language that protects health care professionals from discrimination based on their license. We used language from the Nickles amendment.

We can go through a whole bunch of further issues, but I think it is important to talk about the liability provisions in the Ganske-Dingell bill and to share this, because there will be a lot of debate about this issue when this comes to the floor. This will come to the floor in the Senate either this week or next week, and I think it will probably come to the floor here in the House pretty soon thereafter.

Title III in the Ganske-Dingell bill applies standards to the Employee Income Retirement Security Act, ERISA. For self-insured health plans regulated by the Department of Labor, our bill would be both a floor and a ceiling. Let me explain that.

As under current law, States cannot place further regulations on ERISA-based health plans. A key attribute of ERISA is that it provides for a uniform set of rules for health benefit plans operating across several States. We think it should stay that way. Yet under current law, practicing health care professionals are subject to the varying laws of each specific state.

The new provisions of our bill strike a solid compromise, recognizing that employers should expect uniform rules for administrative processes, but that any "medically reviewable decisions" would be subject to State law, just as doctors are.

This new bifurcated Federal-State structure is a significant modification from the purely State cause of action that was in the original Norwood-Dingell-Ganske bill.

The original language did not change the current law remedy in section 502 of ERISA, but rather simply clarified that State causes of action were not preempted. The business and insurance community voiced concerns that this approach would inhibit their ability to administer a multi-State employee health benefit plan. By leaving suits involving benefit administration decisions in Federal court under section 502 in our current version in the Ganske-Dingell bill, employers and insurers will have relative uniformity for administering their health plans across State lines.

The first piece of the bill liability package adds to the existing Federal remedy under ERISA section 502. ERISA section 502 is amended to provide a cause of action in Federal court for a patient who has been injured or killed by a negligent denial of a claim for benefits that does not involve a medically reviewable decision.

Under this new Federal cause of action, a plaintiff may seek both economic and non-economic damages. By excluding medically reviewable decisions from the Federal remedy, group health plans will only be subject to liability under section 502 for benefit administration decisions that cause harm or death. Those include decisions such as whether an employee is eligible for coverage, whether a benefit is part of the plan or other purely administrative contractual decisions.

Punitive damages are not allowed under the Federal cause of action. A civil assessment may be awarded upon showing clear and convincing evidence that the plan acted in bad faith and with flagrant disregard. Those are high standards.

This standard carries a high burden of proof and is consistent with State statutes. This standard ensures that a health plan will not be subject to these damages for simply making a wrong decision. A plan must show flagrant disregard for the health and safety of others. Before exercising that legal remedy, the patient has to exhaust both internal and external appeals processes. If the patient suffers irreparable harm or death prior to the completion of the review process, the patient or heirs of the plan can elect to continue the review process and the court can consider the outcome. That is from language adopted from the Goss-Coburn-Shadegg substitute that was debated on this floor 2 years ago and which received a lot of support from the Republican Members.

The second piece of the bill liability package amends ERISA section 514 to allow causes of action in State court for a denial of a claim for benefits involving a medically reviewable decision that causes harm or death to a patient.

□ 2100

Punitive damages are prohibited in cases where the plan properly followed the requirements of the appeal processes and followed the determination of an external review. However, as in the Federal cause of action, punitive damages are available in cases where there is a clear and convincing evidence that the plan exhibited a willful or wanton disregard for the rights and safety of others.

I want to ask my colleagues something: Do we want to vote for a bill that says if a plan exhibits willful or wanton disregard for the safety or rights of others that they should not have any responsibility? I mean, do any of my colleagues want to bring a bill to the floor that would say that if a tire explodes and people are killed and that company that made that tire showed a willful and wanton disregard for the safety of the purchaser, that they should not be liable? Well, I do not know about my colleagues, but I sure do not want to go home and campaign with that on my record.

In our bill, before exercising this legal remedy, the patient has to exhaust both internal and external appeals. But if the patient suffers irreparable harm or death prior to the completion of the review process, either the patient or heirs or the plan can elect to continue the review process and the court can consider the outcome. But we do not want to pass a law that says that a plan can slow-walk an appeals process, delay treatment, make this thing go on and on, and then have the patient die in the meantime, and then be liable for nothing; at least I do not want to.

Now, the Norwood-Dingell bill removed the ERISA section 514 preemption of State law for all torts and allowed injured patients to bring a cause of action in State court for injuries caused by a medical decision or an administrative decision. Our new bill is different. Our new bill says, and it is a significant compromise, it limits the scope of actions that can be filed in State court to only those involving medically-reviewable decisions. That is a major compromise. We made this step towards the opponents to our bill.

This bifurcation of the remedy into a State component and a Federal component holds to the principles underlying ERISA. The existing Federal cause of action under ERISA affords health plans a set of uniform standards for making administrative decisions. That is what ERISA was intended to do. That is why it was originally designed to be a bill for the benefit of employees, not employers. However, when a health plan makes a decision that involves medical judgment, that plan, in my opinion, should be subject to the State laws, and recent Supreme Court decisions and the 5th Circuit decision upholding the Texas health plan liability would allow for the continued development of State laws.

Mr. Speaker, I will summarize here. There are a number of States that have passed health plan liability laws: Arizona, California, Georgia, Louisiana, Maine, Oklahoma, Tennessee, Texas, Washington. The Ganske-Dingell bill, the McCain-Edwards bill recognizes that. The bills that would move all liability into Federal courts would preempt those States. We provide a floor; they preempt.

Finally, let me just say a word about the employer protections, because we have a significant compromise in this bill from the last time around. The last time around we said an employer could be liable if they exercise discretion or authority; and the business community said, we think that that standard is a little loose, so we changed it. We use now a standard that was proposed by opponents to our bill last time that says, only if we directly participate can one be held liable.

Mr. Speaker, there are very few that do that. We have a big bill coming up for debate. I hope my friends and colleagues will look at this bill in detail.

AIDS EPIDEMIC

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Special Orders of today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RODRIGUEZ. Mr. Speaker, today we mark the 20th year of the AIDS epidemic. On June 5, 1981, the Centers for Disease Control published a morbidity and mortality weekly report on the diseases which affect AIDS. I spoke at the rally this past Sunday.

Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I want to thank the gentleman for providing this hour for us to discuss this important issue and remember and look back over the 20 years since the first cases of then an unknown disease was being discovered.

The gentleman and I were fortunate today to be able to spend some time at a symposium in Washington that was sponsored by the Kaiser Family Foundation and the Ford Foundation to look back over those years to see how far we have come and how far we have yet to go. I want to take this opportunity to thank the Kaiser Foundation and the Ford Foundation for their work, the support that they provide to research, the support that they provide to community organizations and this country and around the world, to address this disease.

We also heard the gentlewoman from California (Ms. PELOSI) earlier talk about the people who preceded her and we mentioned today how fortunate we were as we came to Congress in 1997 to have the work of the gentlewoman from California (Ms. PELOSI), the work of the gentleman from Washington (Mr. MCDERMOTT), Lou Stokes, and the gentlewoman from California (Ms. WATERS), and many, many others to build upon.

We have really seen a lot of wonderful advances in the last 20 years, but we still have a lot more that has to be done. We have seen the identification of what was then an unknown disease to advanced therapies that have transformed what was a death sentence to now what is almost a chronic disease. We have an improved quality of life for those who have been diagnosed with HIV. They can live comfortable and quality lives rather than just having to wait to die.

Mr. Speaker, I am going to turn this Special Order back to the gentleman from Texas (Mr. RODRIGUEZ), and I will join him again later at the conclusion of his comments.

Mr. RODRIGUEZ. Mr. Speaker, let me thank the gentlewoman from the Virgin Islands. I know that from the Black Caucus the gentlewoman has been working diligently, and as chairman of the Hispanic Caucus on Health, I want to thank her specifically for the work that she has been doing on this issue and all issues on health, so I thank the gentlewoman. I look forward to continued dialogue.

Let me just make a few comments. We have other fellow colleagues that are here with us today, but I want to take the opportunity to just say that it is hard for me to believe that it has been 20 years, and as the sign back here says, "Twenty Years is Enough." Twenty years later, HIV/AIDS has taken the lives of close to 22 million people worldwide. It is hard for me to also believe that 15 years ago, I was in the Texas legislature listening to my fellow colleague denounce the spending money on AIDS prevention because of narrow bigotry. In essence, he would say, these people deserve it. I only mention that because thank God that we have really come a long way from that perspective, and I am proud to stand here today and see how far we have come, although we have a lot more to do.

I would like to recognize the countless individuals and organizations that are out there working on issues such as research on AIDS trends that affects new drugs, the advocacy groups that are out there working, the advocacy groups that are working for children with AIDS, the foundation activities that are raising awareness in the area of AIDS, the key components and the global effort in the area of AIDS. The Hispanic Caucus, the Black Caucus and the Asian Pacific American Caucus are working together to find solutions to specific communities of color also. As chairman of the Congressional Hispanic Caucus Task Force on Health, I have had the opportunity to work with many of my friends and colleagues on efforts to increase resources for AIDS prevention, education, and treatment. It affects the lives of the rich, the poor, the famous, the not-so-famous, the blacks, the browns, the whites. It affects all of us.

Let me take this opportunity, since we have some of our colleagues here today, to recognize them. We have two people from California, and I want to take the pleasure of recognizing the gentlewoman from California (Ms. SANCHEZ), who also sits with me on the Committee on Armed Services. I thank the gentlewoman for being here this evening, and I yield to the gentlewoman.

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from Texas (Mr. RODRIGUEZ), my fellow caucus member from Texas.

Mr. Speaker, AIDS is something that tends to be pretty foreign to people until it touches someone in your family. In my particular case, in 1990 I had a cousin, a very close cousin, who died of AIDS. This was a cousin that I used to visit every Sunday. In a Hispanic family we tend to be very, very close; and your cousins tend to be the friends that you have. The family is so large, you never have to go outside of the family to find playmates and people that you hang out with.

This particular cousin used to do my hair at his own company, at his own salon. He was a successful businessman, not too far away from where I lived; and at one point he got sick. As AIDS progressed with him, I and many of the members of my family got to understand what it was like then to live under those conditions, and then for a society that really did not understand what HIV and what AIDS was about. You would think that in a Hispanic culture, we are a little afraid of things like this, we do not like to talk about these things, but one of the great things that I think my cousin had was an ability to come together and to help with the situation.

I had a cousin who was an outstanding member, who was a great family person but, at the same time, was a business owner. I saw him lose his business because he could not work; and because he could not work, he lost the business. I saw him lose his home. I saw him go, and we would take him to the hospital sometimes with some affliction, and I saw doctors who were afraid to treat him or would turn him down to treat him. I saw the red tape and what it took to get him into a hospital, to get him back on his feet. I saw a society that did not understand what was happening and refused to put the money and refused to treat somebody who had AIDS. I thought, you know, in that last year of his life, here is someone who is dying, and the thing that they should have most intact is a dignity about life. I saw a world that did not understand and did not want to treat him with dignity. That was in 1990.

Now, I am glad to report that just this past month, we in Orange County cut the ribbon on Emanual House, a living house for 21 people who will come and live in an environment that will be a positive environment for those who have HIV or have AIDS. It is a great collaborative effort by homebuilders and by mercy housing and by one of the priesthoods there, Catholic priesthood in Orange County, to build this home in a neighborhood, in a family neighborhood in Santa Ana who worked with us and who welcome these new residents who will come to this beautiful, beautiful home called Emanual House.

□ 2115

I have seen a change in the funding levels. I have seen a change in the breakthroughs that we have had for medicine for AIDS. I have seen even a change over the years in the walk for AIDS that happened this past Sunday in Orange County, where we had over 15,000 people participate to walk on Sunday morning, and where we raised almost $1 million in Orange County, California, for research and for help on AIDS, to help these people who lose their jobs, who lose their homes, many who still lose their families. It is a very positive thing.

Probably the most negative thing that I have seen in the last few years with respect to HIV and AIDS is that the infection is growing highest and at an alarming rate in the Hispanic community across the Nation. In particular, women who believe they are in a monogamous relationship, i.e., they are married and they believe that they are okay, are the ones that we are seeing most often the rate going up in the rate of HIV, the HIV disease.

So we have more to do. We need to get information out, and many of the people who work on HIV and AIDS in Orange County are working on campaigns to get the information out to our minority communities.

I thank my colleague, the gentleman from Texas, for taking this hour. I think this is a very important milestone, but there is so much more to do still. I thank the gentleman.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentlewoman from California for her comments. There is no doubt this is an area and issue that confronts our community.

The gentlewoman mentioned disproportionately how it hits the Hispanic population. There is no doubt that we represent 13 percent of the population, yet we represent more than 20 percent of the new cases. So I want to thank the gentlewoman for being here tonight.

I yield to the gentlewoman from California (Ms. WOOLSEY), and I thank the gentlewoman for being here tonight.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from Texas for yielding to me, and for putting this all together. He has done us all a great favor this evening.

Mr. Speaker, 20 years ago, HIV and AIDS was thought to affect only gay, white men. Time has proved otherwise. We now know that HIV and AIDS does not discriminate. It reaches out to men, women, and children of all ages in every social and economic group of every race and in every country in the world.

I live in Petaluma, California. A good friend of mine was the first woman to die of AIDS in Sonoma County 10 years ago. I can remember when the subject of AIDS first came up 10 years before that. She and I had lunch together, and we were sitting and talking, and trying to figure out actually what this disease was and how to prevent it, and why it was spreading so rapidly around the country.

Twenty years ago, people afflicted with HIV-AIDS had little or no chance to enjoy a good quality of life. Thankfully, scientific research has led to successful life-prolonging therapies, but the epidemic is far, far from over.

I am proud to represent a district that is committed to fighting the spread of the HIV virus. Marin and Sonoma Counties, the two counties just north of San Francisco across the Golden Gate Bridge, have one of the Nation's highest incidences of HIV/AIDS. But these counties provide comprehensive services for people living with HIV/AIDS. They have consistently pushed forward aggressive public policy initiatives such as the needle exchange programs.

The boards of supervisors in both Marin and Sonoma Counties passed needle exchange regulations and acceptance when it was illegal in the State of California.

Advances in treatment, coupled with effective public policy, remind us that good things happen when government and the public health community work together, and when education is made abundant so that people understand what they are up against, what the challenges are, and what prevention must be taken.

Today we must recall the lessons we have learned in the 20-year-long fight against HIV/AIDS, and pledge to build upon that knowledge to take us forward, not backward. The treatment of HIV/AIDS has changed, but its fatal consequences have not.

It is time to reeducate our Nation. A new generation faces the threat of HIV/AIDS, a generation that never knew the devastation that this disease creates. We must not allow them to repeat the mistakes that contributed to the rapid spread of HIV/AIDS in the first place.

Nor can individuals currently receiving HIV/AIDS therapies believe that their medications are in any way a cure. That challenge still awaits us. Until then, we must exercise every precaution to slow the spread of this disease.

As we debate HIV/AIDS policy and funding, we must be motivated by the many changes that still lie ahead. If we do, we will accomplish more in the next 5 years than we did in the last 20 years. And Mr. Speaker, we must, because lives depend on it.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for coming out here.

We have gotten so much interest that we have a good number of people out here, so I want to take this opportunity to yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding to me, and I thank my colleagues who organized this with the gentleman from Texas (Mr. RODRIGUEZ), who chairs the Hispanic Caucus Health Task Force, and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the Chair of the Congressional Black Caucus Health Brain Trust. I thank the gentleman for organizing this very important special order on HIV and AIDS.

Mr. Speaker, this week is the 20th anniversary of the discovery of the virus. After 20 years, a vaccine is still not on hand, and 20 years later, the African American population is disproportionately affected by this virus.

Mr. Speaker, my colleagues have mentioned some of the devastating statistics: worldwide, 36 million people are now infected, and 21.8 million have died, including 3 million last year. Each year, 5.5 million new people are infected. That figure represents more than 15,000 victims a year.

However, I wish to focus on my State of North Carolina. According to figures from last year, North Carolina ranked 23rd among 50 States and the District of Columbia in terms of the number of AIDS cases. Most North Carolina HIV disease reports highlight the male population; 65.5 percent were African American, and 72.1 percent of them fell between the ages of 30 and 39 years of age.

The statistics from my district are even more unsettling. African Americans accounted for 87 percent of cases reported in my district in 2000. I will let the Members know that African Americans only represent 50.6 percent of my district.

I have spoken with many people who presently are suffering from HIV/AIDS, as well as health care providers, caseworkers, representatives from community-based organizations in my congressional district. I have heard moving testimony about the lack of resources to adequately address this public health crisis. There is a great need to focus on prevention and accessible and affordable treatment.

According to a recent article in the New York Times, while AIDS no longer makes the Federal government's list of the 15 leading causes of death in the United States, it is the leading cause among African Americans ages 25 through 35. HIV infections are rising more among heterosexual women, particularly in the rural south, where Federal health officials say an influx of crack and the sex-for-drug trade is fueling the spread of the virus.

Treatment and prevention comes in all forms as fighting this disease takes a comprehensive approach. We know that HIV/AIDS has affected many people through the practice of those addicted to drugs exchanging used needles. We need to address the drug addiction problem. We need to focus on prevention of drugs. We need to have a needle exchange program that makes sense.

We need to give all American a healthy start so that risky behavior such as drug use and abuse and prostitution can be decreased. A decrease in this unhealthy and risky behavior can help prevent the spread of HIV and AIDS, and other STDs will also be diminished.

In the same article mentioned earlier, it stated that AIDS in this country is increasingly an epidemic of the poor, which means it is increasingly an epidemic of minorities. African Americans, who make up just 13 percent of the population, now account for more than one-half; 13 percent, but one-half of all HIV infections.

We need to get our churches involved. In the African American community, the church is the focal point. We need to reach out to our citizens, regardless of how we feel about their sexual orientation or their background. Our churches need to employ a nonjudgmental approach so that it is easy for people in need to seek assistance from the church community. We cannot shut our doors because someone does something or looks in a certain way. Our churches should and must be in the vanguard in addressing this issue.

Twenty years after AIDS, we know that this is no longer a gay disease. We know it is not a disease that just affects an urban population. As the figures that I mentioned about my district in North Carolina demonstrate, this disease is affecting rural citizens in record rates without the appropriate infrastructure or resources to address it, particularly among African Americans.

I am hopeful that before the onset of a 25th anniversary of this devastating disease, a vaccine will be available and accessible. I am hoping that before the 25th anniversary occurs, the number of the newly affected will be greatly diminished. I am hopeful before the 25th anniversary occurs also that the worldwide pandemic of HIV/AIDS will have a death blow to far less individuals. We have already lost 21 million people to this pandemic. I am hopeful that good news indeed is on the horizon. I thank the gentleman for bringing this to the attention of the American people.

Mr. RODRIGUEZ. I thank the gentlewoman from North Carolina for being here tonight, and I thank her for the words she has said. As she talked about the fact that we have reached a point where it impacts a whole bunch of other people, one of the worst statistics to see is that minority children make up an astonishing 82 percent of the new AIDS cases. These are our children that are being hard hit.

I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from Texas for yielding to me. It is great to see how many people are coming out to address this issue. It is the tip of the iceberg for the real concern and commitment that many of our colleagues, particularly those in both the Hispanic and Black Caucus, have to addressing this disease in our communities and really around the world.

I wanted to make mention of some of the things that have been said. The gentlewoman from California (Ms. SANCHEZ) talked about her family member. In these 20 years that have passed since the first cases were reported, there is hardly a family that has not been touched by this disease.

In those 20 years, over 750,000 persons have been diagnosed and reported with AIDS, and about half a million have died. These are all people who are brothers, sisters, wives, mothers. We cannot forget, as we look at the large numbers, that these are human beings that all have people who care about them and love them, and are affected when they are infected.

The gentlewoman from North Carolina (Mrs. CLAYTON) talked about our rural areas. That is an area that needs some special attention, because a lot of the programs that we do have and have brought about in these 20 years address the larger urban areas, but our rural areas are left out. That is a challenge for us as we go into the next decade.

The gentlewoman mentioned the needle exchange. We talked about the fact that we went to the Kaiser Family Foundation and Ford Foundation symposium today, and one of the things that they report in their survey is that more than 58 percent of the people that they surveyed, a good statistical component that represents the American public, 58 percent supported needle exchange programs.

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Because we understand that it does prevent the spread of AIDS; therefore it prevents sickness and death. Many studies have proven, I think, conclusively that it does not increase the tendency to drug abuse, and indeed it brings people into treatment further.

So I turn it back over to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, nobody knows this issue better than the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), being a practitioner also. I want to thank her for her hard work.

Mrs. CHRISTENSEN. Mr. Speaker, as a social worker, the gentleman from Texas (Mr. RODRIGUEZ) has had a lot of experience with it as well. That is why we are glad to be able to collaborate with him on these and other health care issues.

Mr. RODRIGUEZ. Mr. Speaker, we are looking forward to working with the gentlewoman.

Mr. Speaker, I yield to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE). She is a dynamic person, always on the issues, and we thank her for being here tonight.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentleman from Texas (Mr. RODRIGUEZ) for his leadership, leadership of being chair of the Hispanic Caucus Health Committee, the work he has done. We have done work together on immunization and children's health issues. I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) who chairs the Congressional Black Caucus Task Force on Health.

It is important that we are here today. But I imagine that all of us would wish that we were not. I think, as evidenced by our message "20 years of AIDS is enough", it points to the fact that we are only here to be able to highlight the need for greater focus and emphasis and recognition that it is not my problem, it is our problem. It is not his problem or her problem, it is our problem.

I will try to focus on where do we go from here and some of the things and the efforts that we have made collaboratively together. I am very proud to have joined the gentlewoman from California (Ms. LEE), one of the speakers that will come forward, and those of us on the floor of the House as we worked on issues like debt relief and also the Marshall plan.

But as we have done that, we are continuing to work and to talk about questions of prescription drugs or the issue of being able to provide generic drugs in a way that all people can have access to them.

Particularly, I want to note that this is a worldwide issue. Though we have highlighted the continent of Africa, knowing that 40 million children by 2005 will be orphaned by those who are HIV infected and will have died in sub-Sahara Africa, I also realize that this disease is spreading to India, it is spreading to China, some of the largest population centers in the world. If we were to take it back home, it is particularly devastating to note that women are the highest numbers of HIV infected, particularly African-American women and Latino women.

It is important to note that States where one would not think or would possibly begin to want to isolate States, so that is an urban problem versus a rural problem, there are over 50,000 reported AIDS cases in Texas alone. Over half of these are among blacks and Hispanics or over 50 percent of those with AIDS.

In my district in particular in Texas, African Americans represent a staggering 64 percent reportable HIV infections and 57 percent of the total cases diagnosed in 2000. Even more frightening statistics is the fact that 84 percent of the adolescents with reportable HIV infection are African American.

Women represent an estimated 30 percent of new HIV infections in the United States and a growing share of newly reported AIDS cases each year. In 1986, women accounted for 67 percent of the new AIDS cases. By 1999, women accounted for nearly a quarter of all AIDS cases in this country. Worldwide, women account for 42 percent of all AIDS cases which is nearly triple the number 10 years ago. Although African Americans and Latinos represent less than a fourth of all women in the United States, they account for more than a third of all reported AIDS cases. Women in the 18th district of Texas and throughout Texas have not escaped the epidemic. The percentage of Texas women with AIDS increased from 14.3 percent to 15.4 percent just between 1997 and 1999.

It is important just to lay these particular issues on the table because I hope that, as we emphasize 20 years of AIDS is enough, again I say that we focus on where do we go in the future.

What we have tried to do, Mr. Speaker, is to talk about prevention and to break down the barriers that keep people from understanding what AIDS is and how it can be prevented.

So in my community, let me applaud a number of initiatives by Magic 102, a radio station. With their general manager, we have created a whole series of sessions or fares or programs or efforts throughout the community to focus on testing, HIV testing. Have you been tested? Therefore we are going around the community focusing on, encouraging people to be tested privately, of course; and we are doing that in conjunction with the City of Houston health department.

I want to thank Dr. Kendricks and Marilee P. Brown for acknowledging and declaring Houston as an emergency center, an emergency crisis, if you will, regarding AIDS about a year ago. Out of that, the consciousness of people in the community have been raised up to begin to talk about it in the religious community as well as throughout the community.

Our churches are engaged in talking about how do we prevent the infection of HIV/AIDS, because we are finding that it is being promoted or it is being encouraged by economic, cultural, legal and religious factors where people have no control of it.

About a quarter of all women report postponing medical care due to barriers such as sickness or lack of transportation or lack of health care. It is tragic to know that research, prevention efforts, education, substance abuse treatment, and prevention programs need to be targeted towards women, especially African-American and Hispanic women. So we need culturally sensitive programs. The same thing in India and China as it moves throughout the world, culturally sensitive programs.

When we went to Africa, one of the issues that we discussed in Zambia and Uganda was programs that related to the culture of Africans so that they would be eager to come and find out information.

When I was in Botswana just a few weeks ago, we found a center where a gentleman living with HIV/AIDS was the chief spokesperson and outreach coordinator. He was able to speak to his fellow Botswanans about the importance of prevention, but also testing and removing the shackles and the barriers from that. Clearly, much remains to be done to fight the disease, and many look to African-American leaders in Congress for this guidance.

A New York Times columnist recently demanded that the so-called leaders of the black community, the politicians, the heads of civil rights organizations, the preachers step forward and say in thundering tones that it is time to bring an end to this destructive behavior.

Let me answer that by saying we are all collectively standing up in the fight. What we must do is collaborate with government to be able to have the resources and create the research and have the CDC continue to do its work along with the NIH on finding a cure for AIDS.

Our voices have risen, and we need to be listened to. In this Congress, as we begin to appropriate dollars, as we appropriate the Ryan White treatment dollars, for all of us, we must ensure that those dollars will reach out to culturally sensitive organizations such as the Donald Watkins organization in Houston that responds to the needs of our particular cultural communities along with all of our others.

Let me close by mentioning a gentleman in my community that I pay tribute to as a symbol of someone who has lived with AIDS and fights it every day. David Swem in Houston, who is at 6 feet tall and a mere 122½ pounds has been able to fight AIDS, and he has been fighting it since his diagnosis in 1987 by taking 50 pills per day. That is overwhelming that that is what has to happen for people who are living with AIDS. That is why it is so very important for prevention and so very important ultimately to find a cure.

Might I also say, as noted by the gentlewoman from North Carolina (Mrs.

CLAYTON), as chair of the Congressional Children's Caucus, there is nothing more devastating than an HIV-infected child or a child that has full-blown AIDS.

Nkosi Johnson in South Africa, a young man that we got to know some 2 years or so ago, recently died just a week or so ago, born with HIV from an HIV mother, transmitted through that HIV mother who could not take care of him, adopted by a loving South African woman.

Nkosi became the symbol of a precocious child who wanted to stand up and tell the world that he deserved dignity although he lived with full-blown AIDS. Children such as Nkosi should be enjoying a life filled with joy and laughter and happiness. Mandela said in a recent statement, "On a frightening scale, HIV/AIDS is replacing that joy, laughter and happiness with paralyzing pain."

Nkosi collapsed with brain damage and viral infections. But before that, in his short life, he contested the policies that kept HIV-infected children out of public schools in South Africa. He talked about his infection, challenging people to reexamine their fear of those inflicted with AIDS. He spoke at the World AIDS Conference in South Africa, woke our collective consciouses up, and began to acknowledge that it was important to be able to fight this disease in dignity.

To Nkosi Johnson, in his loss, a South African child but a child of the world, I believe that it should be our tribute tonight that 20 years of HIV/AIDS, full-blown AIDS is enough.

So to the gentleman from Texas (Mr. RODRIGUEZ) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), might I say that tonight, as we speak in acknowledgment of 20 years of HIV infection in this country and discovery of the AIDS virus, that we also commit ourselves, if we will, to continued legislative initiatives that collectively fights this devastating disease.

Mr. Speaker, I rise today on an occasion that perhaps none of us foresaw in 1981 and certainly none of us welcomes now—the 20th year of the HIV/AIDS epidemic. Instead of the eradication of the disease, we continue to face 40,000 new infections per year, an increase in the disease among women, an infection rate at plague proportions in Africa and a possible upswing in the disease among gay men. It has left behind people such as David Swem at Houston, who at 6 feet and a mere 122½ pounds, has been able to fight AIDs since his diagnosis in 1987 by taking 50 pills per day. But he has lost about 300 friends to the disease. I will continue to cry out about this disease until it no longer exists.

More people have died from HIV/AIDs over the last twenty years than from any other disease in history—21.8 million people. In this country we have been able to slow the rate of AIDS' deaths, but the disease is at crisis proportions in sub-Saharan Africa, where four-fifths of those deaths have occurred—an average of one death every eight seconds. The Houston Chronicle reports that 95 percent of all AIDS cases are in the developing world, and that this strain of AIDS could cause a drastic explosion if it jumps to the Western world. More than 70 percent of all people living with the disease, or 25.3 million HIV-positive individuals, live in Africa. Over 10 percent of the population is infected in sixteen African nations. The U.S. Census Bureau calculates that by 2010, average life expectancy will be reduced by 40 years in Zimbabwe and Botswana, and in South Africa by 30 years. The disease destabilizes these nations by decimating its workforce, destroying any economic prosperity, depleting its military and peacekeeping forces and leaving thousands of orphans.

The epidemic is not limited to Africa. Indeed, the fastest growing front of the epidemic is now in Russia, where the number of new infections last year exceeded the total from all previous years combined. In 2000, the number of Russians living with HIV/AIDS skyrocketed from 130,000 to 300,000.

The statistics are alarming in this country as well. In its June 1, 2001 report, the CDC noted that AIDS in the United States remains primarily an epidemic affecting gay men and racial and ethic minorities. Rates are high among minorities because factors such as high poverty rates, unemployment, and lack off access to health care form barriers to HIV testing, diagnosis and treatment. The CDC study also noted the alarming figure of an infection rate of 14 percent of young black gay or bisexual men, based on a study in seven cities.

There are over 50,000 reported AIDS cases in Texas alone, and over half of these are among blacks and Hispanics are over 50 percent of those with AIDS. In my district in Texas, African Americans represent a staggering 64 percent of reportable HIV infections and 57 percent of the total cases diagnosed in 2000. An even more frightening statistic is the fact that 84 percent of the adolescents with reportable HIV infection are African-American.

Women represent an estimated 30 percent of new HIV infections in the United States and a growing share of newly reported AIDS cases each year. In 1986, women accounted for 7 percent of new AIDS cases. By 1999, women accounted for nearly a quarter of all new AIDS cases in this country. Worldwide, women account for 42 percent of all AIDS cases, which is nearly triple the number ten years ago.

African Americans have been hardest hit women. Latinas have also been heavily affected. Although African Americans and Latinas represent less than a fourth of all women in the U.S., they account for more than a third of all reported AIDS cases.

Women in the 18th District of Texas, and throughout Texas, have not escaped this epidemic. The percentage of Texas women with AIDS has increased from 14.3 percent to 15.4 percent just between 1997 and 1999, 1999 being the last full year for which data is available. In my district, currently about 27 percent of new HIV infections are among African-American women. A staggering 82 percent of all HIV infections among women were in the African-American community. Similarly, 79 percent of the reported AIDS cases in women were among African-American women.

Despite these steady increases in HIV/AIDS cases among both women and children, funding for these groups has decreased. In FY1999, women and youth received 2.87 million in funding via Title IV of the Ryan White CARE act, and 2.72 million in FY2000.

Many factors exacerbate women's risk of HIV infection. Many women, particularly in areas such as sub-Saharan Africa, are especially vulnerable to HIV infection because economic, cultural, legal or religious factors may limit control over their lives and their ability to protect themselves from infection, or to gain access to treatment. About a quarter of all women report postponing medical care due to barriers such as sickness or lack of transportation.

What more needs to be done? Research, prevention efforts and education and substance abuse treatment and prevention programs must be targeted towards women, especially in the African-American and Hispanic communities. These programs should include research into female-controlled barrier methods, prevention efforts targeting young women, early comprehensive sex education and substance abuse treatment and prevention programs targeted to women.

We can also take an example from places such as the Thomas Street Clinic in Houston, the nation's first freestanding HIV/AIDS treatment facility. Thomas Street Clinic provides patients with access to a full range of services, including medical services, counseling, housing, job placement assistance and child care. This clinic is a model for our nation, particularly for providers in disadvantaged, urban and minority areas.

Clearly, much remains to be done to fight the disease, and many look to African American leaders in Congress for this guidance.

I am here to say that we are here, and we are pleading for an end to behaviors that lead to HIV/AIDS, for better health care, for more funding for research, treatment and prevention and for desperately needed social services for those whose lives have been upended by the infection. Congress cannot fight this disease alone, but we are firmly committed to the battle.

Mr. Speaker, I include the following article for the RECORD as follows:

[From the Washington Post, June 2, 2001]

NKOSI JOHNSON, 12, DIES; S. AFRICAN AIDS ACTIVIST

BOY BORN WITH HIV URGED OPENNESS

(By Susanna Loof)

JOHANNESBURG.—Nkosi Johnson, who was born with HIV and became an outspoken champion of others infected with the AIDs virus, died Friday of complications of the disease he battled for all 12 of his years.

Nkosi was praised for his openness about his infection in a country where people suspected of carrying the AIDS virus often are shunned by their families and chased from their communities. Former South African president Nelson Mandela called him an "icon of the struggle for life."

"Children, such as Nkosi Johnson, should be enjoying a life filled with joy and laughter and happiness," Mandela said in a recent statement. "On a frightening scale, HIV/AIDS is replacing that joy, laughter and happiness with paralyzing pain and trauma."

Nkosi collapsed in December with brain damage and viral infections. His foster mother, Gail Johnson, said he died peacefully in his sleep in the morning.

"It is a great pity that this young man has died. He was very bold," Mandela said Friday.

During his short life, Nkosi successfully contested the policies that kept HIV-infected children out of public schools. He talked about his infection, challenging people to reexamine their fear of those afflicted with AIDS.

"He had an awareness of the threat to his life and the importance of his life in lessening the threat to other people with AIDS," Constitutional Court Justice Edwin Cameron, who is also infected with the virus, told the Associated Press in January.

Parliament passed motions Friday expessing regret and sadness at Nkosi's death, and the Congress of South African Trade Unions said Nkosi "inspired all people suffering from the disease."

Nkosi was born Feb. 4, 1989, with the virus that causes AIDS. His mother could not afford to bring him up, and Johnson became his foster mother when he was 2. Nkosi's mother died of AIDS-related diseases in 1997.

That same year, Johson and Nkosi successfully battled to force a public primary school to admit him. The fight led to a policy forbidding schools to discriminate against HIV-positive children and to guidelines for how schools should treat infected pupils.

Nkosi became internationally known with a speech at the opening of the 13th International AIDS conference last July in Durban, South Africa, in which he asked that AIDS sufferers no longer be stigmatized.

Nkosi helped raise money for Nkosi's Haven, a Johannesburg Shelter for HIV-positive women and their children. He was crushed when a 3-month-old baby his foster mother cared for died of AIDS-related illnesses.

"He hated seeing sick babies and sick children," Johnson said.

The experience led to his speech at the AIDS conference, where he urged the South African Government to start providing HIV-positive pregnant women with drugs to reduce the risk of transmission of the virus during childbirth. About 200 HIV-positive children are born in South Africa each day, but most die before they reach school age.

A year later, the government is still studying proposals to use the drugs.

Johnson said Nkosi did more for AIDS sufferers in South Africa than anyone else.

"Nkosi wanted people to know that infected people, and especially children, deserve everything in the world," she said. "His legacy is that we will care for them."

Mr. RODRIGUEZ. Mr. Speaker, I thank very much the gentlewoman from Texas (Ms. JACKSON-LEE). I want to thank her also because I think she mentioned some real key issues. One of them deals with cultural sensitivity.

I recall back when we had some testimony regarding AIDS, one of the things that was mentioned by one of the doctors was that she had a particular client that was told, and only knew Spanish, and was told that she was positive. She understood that as—(the gentleman from Texas spoke in Spanish). She went ahead and had children. One of her children would up with AIDS. The importance of cultural sensitivity and language understanding I think is key.

I want to thank the gentlewoman from Texas for the other comments that she made. One of the key things I think that is important also is to understand that this is devastating throughout all our communities, not only in this country, but throughout the world when we look at sub-Sahara Africa, when we look at the province in China, when we look at Brazil, when we look at the border in Mexico.

So it is a disease, it is a world disease. It is a disease that we need to go fight it wherever it is and that applies to all the infectious diseases, and that is very important.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE) who is here with us, and we continue to get people that are coming in. I am real pleased to see the number.

Ms. LEE. Mr. Speaker, I rise this evening to join my colleagues to acknowledge the 20th anniversary of the first HIV/AIDS diagnosis in the United States. I first want to thank the gentleman from Texas (Mr. RODRIGUEZ), my fellow social worker, and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), our physician, who is leading this very valiant effort on behalf of the Congressional Hispanic Caucus and the Congressional Black Caucus, because I believe in unity that we will win. So I am very sober tonight and very humbled by the joint efforts that we are mounting. I want to thank them for their leadership in this.

Twenty years ago, the world learned about a new disease. All that was known then was that this disease destroyed the human immune system, and its ultimate outcome was unknown. Unfortunately, because this disease emerged in the United States primarily in the gay community, very little was done to curb the rate of new infections because, quite frankly, of political policies during the Ronald Reagan era. That is when we began to really wonder about this disease. But we did not do much then. We put our head in the sand.

Since then, we have learned that this disease could be transmitted through exposure to HIV-infected blood. We learned that transmissions were occurring through unprotected sex with HIV-infected partners. We learned that transmissions were occurring through blood transfusions where HIV-tainted blood products were used. We learned that exposure to HIV was occurring through shared needles and intravenous drug use. We learned that in the United States, poor minority communities were at a greater risk for new HIV infections than the white community.

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Ms. LEE. And we learned that this disease was a global pandemic. It is disproportionately affecting people of color, Latinos, African Americans. It is devastating the continent of Africa, the Caribbean, Latin America, and it is a ticking time bomb in many developing countries.

The most important lesson we have learned is that HIV can be prevented and it starts with breaking the silence. And once again I want to commend my colleagues for helping us do that once again tonight on the floor of Congress.

Now, in my district in Alameda County, California, HIV/AIDS has disproportionately affected the African American community. While the number of new diagnoses for virtually every segment of the population was declining, it was rapidly moving in the opposite direction for African Americans in Alameda County and also for the Latino community.

According to data provided by the Alameda Department of Health and Human Services in 1998, nearly 60 percent of the new HIV infections were occurring among African Americans, even though African Americans account for only 18 percent of the county's population. Of the new infections in Alameda County, a growing number of infections are occurring among women. Through a community-wide initiative, a state of emergency task force was formed, and on November 4, 1998, the Alameda County Public Health Officer declared a public health emergency on AIDS in Alameda County's African American community.

This designation led to Alameda County's designation by the Department of Health and Human Services as one of the 20 targeted metropolitan statistical areas and the disposition of a crisis response team to aid in this effort. And I would suggest to my colleagues in the Congressional Black Caucus and the Congressional Hispanic Caucus to challenge your counties to declare states of emergencies, because this is what we have on our hands and we should have nothing less than a formally declared state of public health emergency where this pandemic is wreaking havoc on our communities.

Also, because of this designation, several community-based organizations and AIDS service providers in my district have been awarded additional resources, not enough, but additional resources to assist them in bringing our local crisis to an end. In the 3 years since Alameda County declared a public health emergency, HIV and AIDS prevention efforts have been widely expanded, and it is working. Some of our community-based organizations are reporting that they are now able to reach many highly vulnerable populations, such as sex workers, the incarcerated populations, and youth to provide HIV and AIDS prevention and education.

The Highland Hospital and the Magic Johnson AIDS Clinic have expanded their care and treatment services, including providing lifesaving antiretroviral treatments to people living with AIDS that were not receiving these treatment services because they could not afford them. They are now receiving them, and this has happened in the last 3 years. AIDS organizations and the county health department have been able to step up their surveillance efforts in order to have a more clear picture of who in Alameda County remains at high risk for contracting AIDS.

According to the Alameda County Department of Health and Human Services, in 1997, the risk for African Americans to contract HIV was five times higher as compared to whites. In 2000, that number has decreased to 4 to 1. This is slowly decreasing. And it is a positive sign, but it is not zero yet. And that is where we want it. Increases in funding for surveillance have showed that women account for 12 percent of all AIDS cases in Alameda County. However, what was not known was that the incidence of transmission of AIDS through heterosexual sex is 47 percent.

Now, this year, the administration's budget actually flat-funded our domestic HIV and AIDS programs, including the minority health initiative, which was led by the Congressional Black Caucus, and we put in many hours, many years of work under the leadership of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and we must not let this be reversed back to the days when our heads were in the sand.

The United States must move forward, and we must not become complacent. We must increase funding for HIV/AIDS education and treatment programs, and we must advocate for the highest level of funding possible to address our domestic AIDS crisis. Yes, 20 years of AIDS is really enough. Let us wipe it out.

Mr. Speaker, I yield back and want to once again thank the Congressional Hispanic Caucus and the Congressional Black Caucus for again breaking the silence.

Mr. RODRIGUEZ. Mr. Speaker, I thank very much the gentlewoman from California (Ms. LEE).

Next, Mr. Speaker, I want to ask our District of Columbia representative (Ms. NORTON) to come over. I had the pleasure of being with her on Sunday on the lawn where we had a march that came in. We had several hundred people that came in, and it was a pleasure there being with the gentlewoman. I know that we had a large number of people trying to bring the news about the fact that 20 years is enough, and so I thank her for being here tonight with us.

Ms. NORTON. Well, let me first thank the gentleman from Texas (Mr. RODRIGUEZ), and I want to thank my good colleague as well, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), for her leadership in bringing to the attention of the Congress and of bringing our two caucuses together to focus on where AIDS has spread and the changing face and color of AIDS.

I want to thank the gentleman from Texas especially for being at the Sunday 20-year celebration, because I think his speaking and my speaking made the point we are trying to make here, and that is that this disease has changed radically in 20 years and we are here this evening to make that point. I appreciate that there will be other Members, so I will, therefore, speak rapidly.

The theme of what I want to say is that after 20 years, we owe it to the almost million who have been infected in this country, almost half of them dead of the disease, to stress prevention over every other issue, because this is indeed a preventable disease. Members know the fight I have personally had in my own district just to get needle exchange, something that every scientific organization believes is an important way to prevent AIDS, especially since today 30 percent of the new cases are women. That is something that is radically different from 20 years ago. And these women, of course, are getting AIDS largely through infected drug transmission.

The fact that at a time when we need to be turning our attention to the developing world, and many of us in the Congressional Black Caucus, for example, have been working on AIDS in Africa because the continent is being devoured by the disease, the whole notion that we would have to turn back to teach some of the lessons of 20 years ago is absolutely heartbreaking. Parts of our community, particularly Hispanics and blacks, were never reached because they were never targeted. One of the reasons they were not targeted is because of the opprobrium that attended AIDS because it was seen as a homosexual disease.

In both our communities there is homophobia. And we in the Congressional Black Caucus and in the Congressional Hispanic Caucus have an obligation to stand against homophobia first and foremost so that people can come out and understand that this disease can be prevented and so that they can acknowledge the need for safe sex. But today we are having to teach the lessons to black and Hispanic gays that we taught, we thought, to white gays 20 years ago, because the lessons were not learned by them.

We have one of the best, indeed a world-renowned AIDS clinic here, the Whitman-Walker Clinic. It should be downsizing. Instead of reaching to white gay and bisexual men it is now having to reach to black gay and bisexual men. How heartbreaking it was to read that gay men in San Francisco, the most conscious gay population in the world, is having an uptick in the epidemic. These are white gays.

What this teaches us is that every 3 or 4 years we better teach the same lesson. Because we have youngsters who were 13 then, they are 17 now, and they did not learn it then. We cannot assume that this lesson has ever been taught.

In the Congress, my colleagues know that we have been successful with the new treatments, and there may be some irony in that. It costs $10,000 to $12,000 a year per person. This is a preventable disease. That is not the best use for the health care dollars in our communities or in our country. We must teach the lesson of prevention so the health care dollars are not used for preventable diseases, but more often for many who suffer in our communities and our country from diseases we still do not understand.

We have been unwilling to get at the explicit nature of the education that needs to take place. This is a country that does not mind talking about sex very explicitly. We show sex, the sex act, to young children on TV in the daytime, but we will not talk about condoms, we will not talk about safe sex, we will not explain that to children. If we are not explicit about sex to teens, they are not listening to us. They get those messages from their media. They need to get it from us so that we can prevent this preventable disease.

Our goals, as we continue the fight 20 years later, are laid out for us. Upgrade the downgraded White House AIDS Office, search for a cure, search for a vaccine, get prescription drugs, get needle exchange, fight for hate crimes legislation, and for ENDA. But, above all, remember those who died before the message of safe sex was even understood, and remember those who died before there were protease inhibitors.

The only way to remember them is not simply by grieving for them, and tonight we do grieve for them, but by pledging to them that we will move to make sure that the 20-year anniversary is the beginning of yet another downturn in the prevalence of this disease and that we ourselves will lead the downturn by making that message clear not only in this Congress but in our own communities.

Again, I thank both of my colleagues for the service they have rendered the Congress and the Nation this evening.

Mr. RODRIGUEZ. I want to thank the gentlewoman once again. It was real exciting to be out there with those marchers that came in on Sunday. It was a great opportunity to participate and to begin to bring to light the fact that we still continue to fight on this issue. The Center for Disease Control has estimated that we still have over 900,000 people in the United States that are infected with AIDS.

I also want to take this opportunity to recognize one of my colleagues from Texas, the chairman of the Congressional Hispanic Caucus, and to thank him for his leadership in the caucus and for his being here tonight.

Mr. REYES. Mr. Speaker, I want to thank my colleague, the gentleman from Texas (Mr. RODRIGUEZ), chair of the Congressional Hispanic Caucus Health Task Force, for all his hard work and leadership on this issue and other issues that affect his community and minority communities all across the country. The gentleman has demonstrated true passion and determination in ensuring that the health needs of Hispanics and all minorities all across the country are met.

In addition, I want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), of the Congressional Black Caucus, and the gentleman from Oregon (Mr. WU) and the gentleman from Guam (Mr. UNDERWOOD), of the Congressional Asian Pacific American Caucus, for their leadership and collaboration that has brought us here today to reflect on the importance of this date.

As chair of the Congressional Hispanic Caucus, I am here to commemorate the first reported AIDS cases in our country some 20 years ago. On this date, we not only remember those who have died and those whose lives are being affected by HIV/AIDS but also to continue to raise awareness about the devastating impact this disease has had on minority communities across the country.

According to the Centers for Disease Control and Prevention, AIDS has taken the lives of more than 21 million people around the world, including 450,000 Americans, since it was first diagnosed in 1981. An estimated 1 million Americans have been infected since the virus began spreading quickly in the early 1980s through unprotected sex, intravenous drug use, blood transfusions, and other workplace accidents.

I have heard others say that this deadly virus does not care about the color, age, gender or sexual preference of individuals. However from July 1999 to June of 2000, African Americans and Hispanics have accounted for nearly 70 percent of new HIV infections. The disproportionate effects of the virus among Hispanics and other minorities today continue to grow. Hispanics currently represent 20 percent of all new AIDS cases, even though we only make up 13 percent of the United States population.

□ 2200

Hispanics are the fastest growing segment of the U.S. population and the Centers for Disease Control report that HIV exposure risks for U.S.-born Hispanics and Hispanics born in other countries vary greatly, indicating a need for specifically targeted prevention efforts consistent with the values and beliefs of these communities. These include language-appropriate educational materials and health care professionals who have had training on the cultural factors that can make a difference in the treatment and prevention of this disease among Hispanics and minorities all across the country and the world.

The Congressional Hispanic, Black, and Asian Pacific Caucuses have responded to the need for targeted initiatives by collaborating to establish the Minority HIV/AIDS Initiative, which addresses the critical need for prevention and care resources in communities of color, where the majority of new AIDS cases are occurring.

Our caucuses, along with other policymakers, health care professionals and advocates will continue to work to increase Federal spending for HIV/AIDS programs, such as the Minority AIDS Initiative and Ryan White Care Act. I urge my colleagues to support the $540 million request for fiscal year 2002 for Minority HIV/AIDS Initiative and other resources needed in the fight against this deadly disease. These resources must be dramatically increased to keep pace with the changing epidemic and to work toward the elimination of both the health disparities between ethnic and racial groups and the disease all together.

Again I thank my colleagues, the gentleman from Texas (Mr. RODRIGUEZ) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Texas (Mr. REYES), who has been very instrumental in pushing for an additional $540 million, and I thank the gentleman for taking the leadership. Both the Hispanic and Black Caucus will be holding hearings next week on this issue, and we will continue to move forward.

Mr. Speaker, tonight we have the distinct pleasure of having the gentlewoman from California (Ms. PELOSI). Today alone, over 100 colleagues joined the gentlewoman in her efforts to reintroduce the early treatment of HIV/AIDS.

We know that too many underinsured and uninsured Americans do not have access to life-saving medications. We need to eliminate the barriers to early drug therapy for vulnerable populations, and this legislation would give the States the option to add HIV/AIDS to eligible categories for Medicaid coverage. It is a very important piece of legislation.

Ms. PELOSI. Mr. Speaker, we have talked about early intervention, early intervention; and this legislation would enable this to happen.

Mr. Speaker, I rise as a member of the Asian Pacific American Islander Caucus in joining my colleagues and commending the gentleman from Texas (Mr. RODRIGUEZ) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for their leadership on this important issue.

This Special Order tonight represents the changing face of AIDS. When I came to Congress 14 years ago this week, thousands of people had already died in my district. It was largely a gay man's disease.

We tried to teach the rest of the country what we learned about prevention, care, and research. Some of the legislation we are putting forth today is bearing the fruit of that.

I join the gentleman in putting forth the $540 million request for the Minority AIDS Initiative. I do not want anybody to think that any minority access to AIDS is only to that pot of money. That is the entry level to the bigger pot of money. So it opens the door to all of the other billions of dollars that are available. It is necessary to have that door opening, and I thank my colleagues for that.

Mr. Speaker, I did have an opportunity to speak on the floor earlier today on this, but I wanted to commend the caucuses for their leadership on this; and I look forward to working with them as an appropriator and as a member of one of the caucuses, for increased funding, for improving the quality of life, and for ending this terrible pandemic.

Mr. RODRIGUEZ. Mr. Speaker, I want to ask the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) if she would like to make any closing remarks.

Mrs. Christensen. Mr. Speaker, there is one area of the world which has been left out of this discussion tonight, and that is the Caribbean. It is second only to Sub-Saharan Africa in terms of the rates of HIV and AIDS. 35 percent of those infected are women compared to 23 percent in this country, and that number is rising. It is the leading cause of death between the ages of 15 and 44.

Mr. Speaker, of the United States territories in the Caribbean, both the Virgin Islands and Puerto Rico are in the top five in terms of incidence for AIDS. I want to make sure that the Caribbean is not left out of the discussion.

Mr. RODRIGUEZ. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I congratulate both of my colleagues for this outstanding hour. Mr. Speaker, I also want to congratulate the gentlewoman from California (Ms. PELOSI). When people hear numbers like 500 million, then begin to suggest exaggeration, this is a crisis.

I think it is important to note the leadership of Dr. Satcher, the U.S. Surgeon General, his leadership on this issue, and the Office of Minority Health; and it will be very important that the Secretary of Health and Human Services works with this team, the gentlewoman from California (Ms. PELOSI) and the gentleman from Texas (Mr. RODRIGUEZ) and the gentlewoman from the Virgin Islands and the rest of us on pursuing this effort in making sure that we have these funds to solve this problem. I simply wanted to say that.

I thank my local community as well, Ernie Jackson and others for their great leadership.

Mr. RODRIGUEZ. Mr. Speaker, I thank all my colleagues who have participated. It is an issue on which we all need to take ownership. It is about all of us. It has an impact on all of us. It is throughout the world. If we have these kinds of dangerous, infectious diseases throughout the world, we need to go after them.

Ms. MILLENDER-McDONALD. Mr. Speaker, today I rise to express my concern about the HIV/AIDS global pandemic. While this disease devastates the citizens of Sub-Saharan Africa, we also need to direct our attention to the rising numbers of HIV/AIDS cases in the U.S. Today, Mr. Speaker, in addition to accounting for more than half of the cumulative HIV/AIDS cases, people of color also represent two thirds of new HIV/AIDS cases reported in this country.

In the U.S., two lives are lost every hour in the war against HIV/AIDS. Twenty years ago today, the CDC reported 5 cases of AIDS. However, as of June 2000, there were seven hundred fifty three thousand nine hundred and seven reported cases of AIDS in the U.S. Of these reported cases, AIDS has claimed the lives of four hundred and thirty-eight thousand nine hundred and seventy-five American citizens. World-Wide the figure is twenty-two million.

The exponential growth in deaths, clearly indicate that the time for action is now. Although technology, medicine, and research have increased the life span of HIV positive victims, I am concerned about the staggering number of new AIDS cases in the US. In the last decade, the proportion of all AIDS cases reported among adult and adolescent women more than tripled, from 7 percent in 1985 to 23 percent in 1999, with the most dramatic increase occurring among women of color. Among 15–24-year-olds, AIDS is the 7th leading cause of death. These figures highlight the gravity of the crisis related to HIV/AIDS and its impact on our country.

Mr. Speaker, we are at a crucial time in this war against HIV/AIDS. Tragically, this disease debilitates everyone it infects. The most troubling fact is that there are few of us who have been unaffected in some way by this disease. Today as we approach the 20th anniversary of HIV/AIDS in the US, I would like to alert my fellow Americans of the persistent nature of this disease. Unfortunately, it has become a familiar part of America's culture. I believe we must reassess our efforts and recommit ourselves to fighting this illness. We must work collectively to promote education, prevention and treatment of HIV/AIDS. Finally, I ask each of us to stand together to remember the victims who have succumbed to this disease, and those individuals who wage valiant and courageous battles to overcome their affliction.

Mr. RUSH. Mr. Speaker, today marks the twentieth anniversary of the first reported HIV/AIDS cases in the United States. On June 5, 1981 Federal researchers reported a baffling new disease that, over the next 20 years, would claim more than 20 million lives worldwide, including nearly 11,000 in Chicago and 40,000 in Illinois. The last 20 years have taught this country many hard lessons, some of which we continue to fail to grasp.

The first lesson we learned was that HIV/AIDS disproportionately impacts minority communities and women. HIV/AIDS has become the leading cause of death for African-American men ages 25–44. Gay black men are contracting HIV/AIDS at rates comparable to those seen in sub-Saharan Africa. A recent CDC study reported that 30 percent of gay black men between ages 23 and 29 were HIV-positive. Among HIV-positive women in Illinois, more than 80 percent are non-white—a statistic that could not more starkly demonstrate the disproportionate havoc that HIV/AIDS is wreaking in communities of color.

While I commend the administration for its focus on HIV/AIDS in Africa, more must be done to treat and prevent HIV/AIDS in minority communities in this country. The President's budget takes a step backwards in the fight against HIV/AIDS by freezing the Ryan White AIDS program funding. This is the first time Ryan White funding has not been increased since the programs inception.

The second lesson we learned from the CDC study is that HIV/AIDS knows no national boundaries. Sub-Saharan Africa is being ravaged by HIV/AIDS. More than 25 million Africans are now living with HIV and last year alone, 2.4 million Africans died from the disease. We must assist Africa in its fight against HIV/AIDS or we will reap what we sow.

The third lesson HIV/AIDS taught us is that HIV/AIDS is that no group is protected. During the early stages of the HIV/AIDS epidemic many naively believed that HIV/AIDS was a "gay man's disease." This mistake led to a false sense of security among many who were actually engaging in risky behaviors such as IV drug use and unprotected sex. Unfortunately, many were infected before they realized they were at risk. We must not make this same mistake again. Any increased incidence of HIV/AIDS amongst a segment of the population is unacceptable.

Finally, the fourth lesson HIV/AIDS has taught us is that our discomfort with addressing taboo issues can result in the loss of many lives. It is clear that HIV/AIDS is transmitted through unprotected sex and IV drug use. However, due to this country's inability to address many of these sensitive issues, preventive efforts have suffered. We must openly address risk factors of HIV/AIDS. To let our personal discomfort with these subjects stymie prevention and education is unacceptable.

We hold the keys to our fate based on these lessons of the past. If we learn from these lessons, we can defeat HIV/AIDS. But, if we fail to heed our mistakes, we will ultimately suffer more death and destruction over the next twenty years. The future is ours to shape.

Mr. TOWNS. Mr. Speaker, today is a very sad day as we remember what it was like before that time twenty years ago when our friends and neighbors, acquaintances and coworkers began to fall gravely ill in what should have been the prime of their lives. It is hard to remember that time before we had parades, rallies, walks and forums specifically devoted to raising desperately needed awareness and money to pay for potential remedies to battle this global pandemic. In the early days it seemed that we fought fear, discrimination, rumors and gossip almost as much or more than the virus itself. Today, while we are still fighting those battles, there have been great strides in the efforts to control this insidious illness. Nevertheless, this is no time for backslapping as the strides that were made are falling victim to the misguided belief—particularly among young people—that HIV/AIDS is no longer a serious threat. Moreover, while those strides were real, the medical miracles that were discovered were not available to everyone. The high cost of drugs and the lack of availability of adequate quality healthcare remain significant barriers to real progress.

As we look back over these twenty years we see an all too real killing field of lives lost across the globe. An estimated 21.8 million people have died as a result of this virus. Currently, 36.1 million people are living with HIV/AIDS; almost half of those diagnosed are women, and over 1.6 million are children. I applaud the recent efforts of major pharmaceutical companies through the "Accelerating Access" and "Secure The Future" initiatives that offer hope to African patients in nine countries both in terms of access to new medications at realistic costs and the development of an infrastructure system that can deliver care. I am also encouraged to see and hear the commitment of this Administration to the cause of fighting HIV/AIDS in Africa.

In the United States the casualty list from HIV/AIDS is smaller yet no less significant. According to the latest study released by the CDC, almost 754,000 people are living with HIV/AIDS in the US: 438,795 people have died from HIV/AIDS over the past twenty years. HIV/AIDS has become the leading cause of death for African Americans between the ages of 25 and 44. African Americans are 10 times more likely than whites to be diagnosed with HIV/AIDS and also 10 times more likely to die from it.

New York State and New York City still have the largest number of HIV/AIDS in the country and, my congressional district has the highest incidence of new HIV/AIDS cases of any area in New York City. For example. Brownsville has more people living with HIV/AIDS than 12 states. It has the second highest number of blacks living with HIV/AIDS in all of New York City. In addition, East New York has the third highest population of women living with HIV/AIDS. As much as we have done to combat this virus, both in the US and abroad, we must do more. That is why I am pleased that local community based organizations like New World Creations Resource Center, Inc. are sponsoring a rally and march, "the AIDS walk for the Caribbean" on July 1 to highlight the continuing HIV/AIDS crisis in African-American and Caribbean-American communities in New York.

I hope that in five years when we mark the next milestone in the history of this dreaded disease, we have something positive to report. Until that time, I urge my colleagues to join me in redoubling our efforts to promote prevention, education and treatment for HIV/AIDS. This is a battle that we must continue for the future of our nation and for the world at large.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHERMAN (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for today and the balance of the week on account of personal reasons.

Mr. POMBO (at the request of Mr. ARMEY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. EHLERS) to revise and extend their remarks and include extraneous material:)

Mr. KIRK, for 5 minutes, June 7.

Mr. MORAN of Kansas, for 5 minutes, June 6.

Mr. PAUL, for 5 minutes, June 6.

Mr. HORN, for 5 minutes, June 7.

Mr. EHLERS, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 581. An act to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

H.R. 1836. An act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 1, 2001 he presented to the President of the United States, for his approval, the following bill.

H.R. 581. To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriation Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

Jeff Trandahl, Clerk of the House reports that on June 4, 2001 he presented to the President of the United States, for his approval, the following bill.

H.R. 1836. An act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

ADJOURNMENT

Mr. RODRIGUEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 6, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2240. A letter from the the Mayor of the District of Columbia, transmitting the District of Columbia Fiscal Year 2002 Budget Request Act, pursuant to Public Law 105–33 section 11701(a)(1) (111 Stat. 780); (H. Doc. No. 107–81); to the Committee on Appropriations and ordered to be printed.

2241. A communication from the President of the United States, transmitting a request for FY 2001 supplemental appropriations for the Departments of Agriculture, Defense (including the Army Corps of Engineers), Energy, Health and Human Services, Housing and Urban Development, the Interior, Transportation, the Treasury, and Veterans Affairs; International Assistance Programs; and the National Aeronautics and Space Administration; (H. Doc. No. 107–80); to the Committee on Appropriations and ordered to be printed.

2242. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE; Partial Implementation of Pharmacy Benefits Program; Implementation of National Defense Authorization Act Medical Benefits for Fiscal Year 2001 (RIN: 0720–AA62) May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2243. A letter from the General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Screening and Eviction for Drug Abuse and Other Criminal Activity [Docket No. FR–4495–F–02] (RIN: 2501–AC63) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2244. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Taiwan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2245. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Electronic Recordkeeping by Investment Companies and Investment Advisers [Release Nos. IC–24991 and IA–1945; File No. S7–06–01] (RIN: 3235–AI05) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2246. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Electronic Recordkeeping by Public Utility Holding Companies [Release No. 35–27404; File No. S7–07–01] (RIN: 3235–AI12) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2247. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Inpatient Psychiatric Services to Individuals Under Age 21 [HCFA–2065–IFC2] (RIN: 0938–AJ96) received May 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2248. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Protection of Human Research Subjects: Delay of Effective Date (RIN: 0925–AA14) received May 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2249. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(I) Authority for Hazardous Air Pollutants; Chemical Accident Prevention Provisions and Risk Management Plans; Delaware; Approval of Accidental Release Prevention Program [DE001–1000; FRL–6988–3] received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2250. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Post-1996 Rate of Progress Plan [RI–022b; A–1–FRL–6990–6] received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2251. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Maryland: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6938–8] received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2252. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rules and Regulations Under the Fur Products Labeling Act—received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2253. A letter from the Director, Lieutenant General, USAF, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of March 31, 2001, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

2254. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed request for the sale of defense articles or defense services sold commercially to Brazil (Transmittal No. DTC 055–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2255. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 045-01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2256. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Switzerland [Transmittal No. DTC 041–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2257. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Hong Kong, the United Kingdom, Australia, and Canada [Transmittal No. DTC 042–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2258. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 043-01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2259. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on the Republic of Korea's status as an adherent to the Missile Technology Control Regime (MTCR), pursuant to 22 U.S.C. 2797e—2; to the Committee on International Relations.

2260. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Immigrants and Nonimmigrants Under the Immigration and Nationality Act, As Amended—Refusal of Individual VISAS—received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2261. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform.

2262. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2263. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2264. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2265. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2266. A letter from the Director, Financial Services, Library of Congress, transmitting a report on the Capitol Preservation Commission's Financial Statements for March 31, 2001; to the Committee on House Administration.

2267. A letter from the Executive Director, American Chemical Society, transmitting the Society's annual report for the calendar year 2000 and the comprehensive report to the Board of Directors of the American Chemical Society on the examination of their books and records for the year ending December 31, 2000, pursuant to 36 U.S.C. 1101(2) and 1103; to the Committee on the Judiciary.

2268. A letter from the Acting Director, Office of Workers' Compensation Programs, Department of Labor, transmitting the Department's final rule—Performance of Functions Under This Chapter; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act (RIN: 1215–AB32) received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2269. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Federal Civil Penalties Inflation Adjustment Act of 1990, as Amended by the Debt Collection Improvement Act of 1996—received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2270. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; New York Harbor, Western Long Island Sound, East River, and Hudson River Fireworks [CGD01-00-221] (RIN: 2115–AA97) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2271. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Crescent Harbor, Sitka, AK [COTP Southeast Alaska; 01–002] (RIN: 2115–AA97) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2272. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Jamaica Bay and connecting waterways, NY [CGD01–01–045] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2273. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Manitowoc River, Wisconsin [CGD09–01–001] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2274. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Queens Millennium Concert Fireworks, East River, NY [CGD01–01–015] (RIN: 2115–AA97) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2275. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Chef Menteur Pass, LA [CGD08–00–005] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2276. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Oakland Inner Harbor Tidal Canal, Alameda County, California [CGD11–99–013] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2277. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Newton Creek, Dutch Kills, English Kills and their tributaries, NY [CGD01–01–032] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2278. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Cerritos Channel, Long Beach, CA [CGD11–01–006] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2279. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Hackensack River, NJ [CGD01–01–025] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2280. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Potomac River, between Alexandria, Virginia and Oxon Hill, Maryland [CGD05–01–009] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2281. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Sacramento River, CA [CGD11–01–005] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2282. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01–01–031] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2283. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Harlem River, NY [CGD01–01–030] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2284. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Hutchinson River, (Eastchester Creek), NY [CGD01–01–040] (RIN: 2115–AE47) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2285. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Chelsea River, MA [CGD01–01–036] (RIN: 2115–AE47) received May 24, 2001; to the Committee on Transportation and Infrastructure.

2286. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Egegik, AK [Airspace Docket No. 00–AAL–21] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2287. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ketchikan, AK [Airspace Docket No. 00–AAL–19] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2288. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Prohibited Area P–49 Crawford; TX [Docket No. FAA–2001–9059; Airspace Docket No. 01–AWA–1] (RIN: 2120–AA66) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2289. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of V–611 and Revocation of V–19; NM [Docket No. FAA 2001–8682; Airspace Docket No. 01–ASW–1] (RIN: 2120–AA66) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2290. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 99–NM–276–AD; Amendment 39–12197; AD 2001–08–20] (RIN: 2120–AA64) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2291. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 2001–NM–32–AD; Amendment 39–12154; AD 2001–06–07] (RIN: 2120–AA64) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2292. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SE.3160, and SA.319B Helicopters [Docket No. 2000–SW–13–AD; Amendment 39–12132; AD 2001–04–13] (RIN: 2120–AA64) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2293. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P–180 Airplanes [Docket No. 2000–CE–67–AD; Amendment 39–12140; AD 2001–05–04] (RIN: 2120–AA64) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2294. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727–100, –100C and –200 Series Airplanes [Docket No. 99–NM–74–AD; Amendment 39–12219; AD 2001–09–12] (RIN: 2120–AA64) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2295. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company) AE 3007 Series Turbofan Engines [Docket No. 2000–NE–29–AD; Amendment 39–12192; AD 2001–08–15] (RIN: 2120–AA64) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2296. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN–235, Series Airplanes [Docket No. 2000–NM–263–AD; Amendment 39–12213; AD 2001–09–08] (RIN: 2120–AA64) received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2297. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30235; Amdt. No. 2040] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2298. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30234; Amdt. No. 2039] received May 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2299. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities: Disabilities of the Liver (RIN: 2900–AK12) received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2300. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402, of the Trade Act of 1974 (Presidential Determination 2001–16), pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 107–79); to the Committee on Ways and Means and ordered to be printed.

2301. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for Vietnam will substantially promote the objectives of section 402, of the Trade Act of 1974, (Presidential Determination 2001–17), pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 107–82); to the Committee on Ways and Means and ordered to be printed.

2302. A letter from the Acting Commissioner, Social Security Administration, transmitting the 2001 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104–193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

2303. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Labeling Proceedings; Delegation of Authority [T.D. ATF–449] (RIN: 1512–AC21) received May 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2304. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Delegation of Authority (2000R–415P) [T.D. ATF–451] (RIN: 1512–AC38) received May 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2305. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Manufacturers Excise Taxes-Firearms and Ammunition; Delegation of Authority [T.D. ATF–447] (RIN: 1512–AC18) received May 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2306. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—High Performance Bonus Awards Under the TANF Program (RIN: 0970–AC06) received May 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2307. A letter from the Deputy Under Secretary, Policy Support, Department of Defense, transmitting an Annual Report on Agreements for the Exchange of Defense Personnel Between the U.S. and Foreign Countries; jointly to the Committees on Armed Services and International Relations.

2308. A letter from the Assistant Secretary, Legislative Affairs, Department of the Treasury, transmitting a report entitled, "The Operation of the Enterprise for the Americas Facility and the Tropical Forest Conservation Act"; jointly to the Committees on International Relations and Agriculture.

2309. A letter from the Acting Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Procedures for Implementation of the Fastener Quality Act [Docket No: 980623159–0166–04] (RIN: 0693–AB47) received May 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Science and Energy and Commerce.

2310. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs: Hospital Conditions of Participation: Anesthesia Services: Delay of Effective Date (RIN: 0938–AK08) received May 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

2311. A letter from the Chair, Medicare Payment Advisory Commission, transmitting a report entitled, "An Analysis of Medicare Payments to Skilled Nursing Facilities in Alaska and Hawaii"; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 718. A bill to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; with an amendment (Rept. 107-41 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 155. Resolution providing for consideration of the bill (H.R. 1699) to authorize appropriations for the Coast Guard for fiscal year 2002 (Rept. 107-86). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 156. Resolution providing for consideration of motions to suspend the rules (Rept. 107-87). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE (for himself, Mr. Berman, and Mr. Conyers):

H.R. 2047. A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes; to the Committee on the Judiciary.

By Mr. COBLE (for himself and Mr. Berman):

H.R. 2048. A bill to require a report on the operations of the State Justice Institute; to the Committee on the Judiciary.

By Mr. SMITH of Michigan:

H.R. 2049. A bill to authorize the National Science Foundation to undertake certain activities in support of research on learning; to the Committee on Science.

By Mr. SMITH of Michigan:

H.R. 2050. A bill to authorize the National Science Foundation to undertake certain activities in support of research on learning; to the Committee on Science.

By Mr. SMITH of Michigan:

H.R. 2051. A bill to provide for the establishment of regional plant genome and gene expression research and development centers; to the Committee on Science.

By Mr. TANCREDO (for himself, Mr. Armey, Mr. Wolf, Mr. Payne, Mr. Watts of Oklahoma, Mr. Lantos, Mr. Bentsen, Mr. Clement, Ms. Jackson-Lee of Texas, Mr. McGovern, Ms. Pelosi, Mr. Upton, Mr. Weldon of Florida, Mr. Bryant, Mr. Goodlatte, Mr. Camp, Mr. Pitts, Mr. Lampson, Mr. Lewis of Kentucky, Ms. Rivers, Mrs. Tauscher, and Mr. Shays):

H.R. 2052. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ (for himself and Mr. Rodriguez):

H.R. 2053. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions, and to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract; to the Committee on Financial Services.

By Mr. HANSEN (for himself and Mr. Gibbons):

H.R. 2054. A bill to give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those States, and for other purposes; to the Committee on the Judiciary.

By Mr. Sam JOHNSON of Texas (for himself, Mr. Boehner, Mr. Armey, Mr. Hayworth, Mr. Ballenger, Mr. Graham, Mr. Norwood, Mr. Isakson, Mrs. Biggert, Mr. Keller, Mr. Culberson, Mr. Paul, Mr. Hall of Texas, Mr. Sessions, Mrs. Northup, Mr. Linder, and Mr. Souder):

H.R. 2055. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Government Reform.

By Ms. KAPTUR (for herself, Mr. Frost, Mr. Rangel, Mr. Gonzalez, and Mr. Pitts):

H.R. 2056. A bill to amend the Public Health Service Act to revise the filing deadline for certain claims under the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. LaTOURETTE:

H.R. 2057. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of immunosuppressive drugs for Medicare beneficiaries who receive an organ transplant without regard to when the transplant was received; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. Foley, Mr. Stark, Mr. Leach, Mr. Abercrombie, Mr. Baldacci, Mr. Cardin, Mr. Coyne, Mr. Crowley, Ms. DeGette, Mr. Hinchey, Mr. Hoeffel, Mr. Horn, Mr. Kildee, Ms. Lee, Mr. McNulty, Mr. Pastor, Ms. Roybal-Allard, Mr. Sanders, Mr. Serrano, Mr. Simmons, Mrs. Thurman, and Mr. Waxman):

H.R. 2058. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive health benefits, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT:

H.R. 2059. A bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; to the Committee on Energy and Commerce.

By Mr. NETHERCUTT:

H.R. 2060. A bill to prevent plant enterprise terrorism; to the Committee on the Judiciary, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2061. A bill to amend the charter of Southeastern University of the District of Columbia; to the Committee on Government Reform.

By Mr. OLVER (for himself, Mr. Simmons, Mr. Neal of Massachusetts, Mr. Bass, Mr. Sanders, Mr. Larson of Connecticut, Ms. DeLauro, Mr. Maloney of Connecticut, Mrs. Johnson of Connecticut, and Mr. Shays):

H.R. 2062. A bill to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI (for herself, Mr. Gephardt, Mr. Waxman, Mr. Brown of Ohio, Mrs. Morella, Ms. Lee, Mr. Bonior, Mrs. Christensen, Mr. Rodriguez, Mr. Underwood, Ms. Millender-McDonald, Mr. Clyburn, Mrs. Lowey, Mr. Cummings, Mr. Horn, Mr. Crowley, Ms. Baldwin, Mrs. Tauscher, Mr. Capuano, Ms. Schakowsky, Mr. McDermott, Mr. Dicks, Mr. Towns, Mr. Serrano, Ms. Roybal-Allard, Mr. Hinchey, Mr. Blagojevich, Mr. Green of Texas, Mr. Gonzalez, Ms. Carson of Indiana, Mr. Filner, Mr. Jackson of Illinois, Mrs. Thurman, Mr. Frost, Mr. Gutierrez, Mr. Frank, Mr. Lantos, Ms. Rivers, Mrs. Capps, Mr. Maloney of Connecticut, Mr. Brady of Pennsylvania, Mr. Delahunt, Ms. Woolsey, Mr. Owens, Ms. Solis, Mr. Stark, Ms. DeLauro, Mr. Conyers, Mr. Wynn, Ms. Eshoo, Mr. Neal of Massachusetts, Ms. Brown of Florida, Mr. Schiff, Mr. Markey, Mr. Olver, Ms. Waters, Mr. Clay, Ms. Slaughter, Mr. Rush, Mr. Inslee, Mr. Farr of California, Mr. Rangel, Mr. Meehan, Mrs. Clayton, Mrs. Jones of Ohio, Mr. Pallone, Ms. McCollum, Mr. Ackerman, Ms. Jackson-Lee of Texas, Mr. Hastings of Florida, Mr. George Miller of California, Mr. Abercrombie, Mrs. Meek of Florida, Mr. Payne, Ms. Velázquez, Mrs. Mink of Hawaii, Mrs. Napolitano, Ms. Norton, Mr. Thompson of Mississippi, Mr. Hilliard, Mr. Weiner, Ms. Kilpatrick, Mr. DeFazio, Mr. Davis of Illinois, Ms. Sanchez, Mr. Evans, Mr. Udall of New Mexico, Mr. Engel, Mr. Bentsen, Mr. Berman, Mr. Tierney, Mr. Holt, Mrs. McCarthy of New York, Mr. Nadler, Mr. Gordon, Mr. Baird, Mr. Matsui, Mr. McGovern, Mr. Sanders, Mr. Kildee, Mr. Honda, Mr. Sherman, Ms. Lofgren, Mrs. Maloney of New York, Mr. Kleczka, Ms. Berkley, Ms. DeGette, Mr. Ford, Mr. Faleomavaega, and Mr. Larson of Connecticut):

H.R. 2063. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Energy and Commerce.

By Mr. QUINN (for himself, Mr. Meehan, Mr. McHugh, and Mr. McGovern):

H.R. 2064. A bill to provide for comprehensive brownfield site assessment, cleanup, and redevelopment; to the Committee on Financial Services, and in addition to the Committees on Small Business, Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H.R. 2065. A bill to amend the Workforce Investment Act of 1998 to expand the flexibility of customized training, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TANNER (for himself and Mr. Blunt):

H.R. 2066. A bill to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Sinai as part of the Multinational Force and Observers of the United Nations; to the Committee on Ways and Means.

By Mr. VITTER:

H.R. 2067. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus owner-operators shall be allowable in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself and Mr. Brown of Ohio):

H.J. Res. 50. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China; to the Committee on Ways and Means.

By Mr. THOMPSON of California:

H. Con. Res. 149. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz; to the Committee on House Administration. considered and agreed to.

By Mr. LANGEVIN (for himself, Mr. Tancredo, Mr. Udall of Colorado, Mrs. Napolitano, Mr. Pascrell, Mr. Filner, Mr. Towns, Mr. Hinchey, Mr. Capuano, Ms. Kilpatrick, Mr. Payne, Mr. Udall of New Mexico, Mr. Pallone, Mr. Davis of Illinois, Ms. McKinney, Ms. Millender-McDonald, Mr. Wynn, Mr. Jackson of Illinois, Ms. DeGette, Mr. McInnis, Mr. Wolf, Mr. Farr of California, Mr. Hefley, Mr. Keller, Mr. Waxman, Mr. Maloney of Connecticut, Mr. Walsh, Mr. Gonzalez, and Mr. Ehrlich):

H. Con. Res. 150. Concurrent resolution expressing the sense of Congress that Erik Weihenmayer's achievement of becoming the first blind person to climb Mount Everest demonstrates the abilities and potential of all blind people and other individuals with disabilities; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas (for herself, Ms. Lee, Mr. Wynn, Mr. Weiner, Mr. Towns, Mr. Bishop, Mr. Crowley, Ms. McKinney, Mr. Lampson, Mr. Lewis of Georgia, Mr. Hilliard, Mr. Rush, Mr. Davis of Illinois, Mrs. Meek of Florida, and Mrs. Jones of Ohio):

H. Con. Res. 151. Concurrent resolution expressing continuing sympathy for the victims of the devastating earthquake that struck the Republic of India on January 26, 2001, and support for ongoing aid efforts: to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan:

H. Con. Res. 152. Concurrent resolution encouraging States bordering the Great Lakes, and the Canadian Province of Ontario to prohibit off-shore drilling in the Great Lakes for oil and gas, and for other purposes; to the Committee on Resources, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

95. The SPEAKER presented a memorial of the General Assembly of the State of Illinois, relative to House Joint Resolution No. 27 memorializing the United States Congress to strongly urge the Government of the People's Republic of China to respect the well-being and safety of the crew in accordance with international practices; to the Committee on International Relations.

96. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 126 memorializing the United States Postal Service to issue a postage stamp honoring coal mining and coal miners, commemorating their contributions to our nation and its citizens; to the Committee on Government Reform.

97. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 187 memorializing that they have declared April 15, 2001, as Harold Washington United States Commemorative Stamp Day, and urge all citizens of Illinois to be aware of the contributions of Mayor Harold Washington and to write to the United States Postal Service Citizens' Stamp Advisory Committee urging them to issue a commemorative stamp in honor of Mayor Harold Washington; to the Committee on Government Reform.

98. Also, a memorial of the House of Representatives of the State of Missouri, relative to Resolution 23 memorializing the United States Congress to rescind the Windfall Elimination Provision or amend it so that it does not bear disproportionately upon teachers and others who have modest salaries earned in non-Social Security-covered service; and amend the government pension offset so that it will not bear disproportionately upon teachers and others whose government pensions are based on modest salaries; to the Committee on Ways and Means.

99. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 107 memorializing the United States Congress to support Hennepin Works' fight against the unfair trade of foreign steel that has damaged our economy; to the Committee on Ways and Means.

100. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 96 memorilizing the United States Congress to support the Railroad Retirement and Survivors Improvement Act; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

101. Also, a memorial of the General Assembly of the State of Illinois, relative to House Joint Resolution No. 9 memorializing the United States Congress to support the Railroad Retirement and Survivors Improvement Act; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Radanovich, Mr. Pickering, and Ms. Hart.

H.R. 15: Mr. Cox and Mr. Reynolds.

H.R. 17: Mr. Spratt.

H.R. 36: Mr. Rahall, Mr. Strickland, and Mr. Hilliard.

H.R. 40: Ms. Waters, Mr. Dooley of California, and Mr. Bonior.

H.R. 41: Mr. Rehberg, Mr. Cantor, and Mr. Ose.

H.R. 61: Ms. Solis.

H.R. 97: Mr. Gordon, Mr. Schiff, Mr. Crowley, Ms. Woolsey, Mr. Larsen of Washington, and Mr. Larson of Connecticut.

H.R. 122: Mr. Lantos, Mr. Smith of Texas, Mr. Tiberi, Mr. Grucci, Mr. Shadegg, Mr. Hall of Texas, and Mr. Vitter.

H.R. 157: Mr. Jefferson, Mr. LaHood, Mr. Gilman, and Ms. McKinney.

H.R. 168: Mr. Moore and Mr. Tiberi.

H.R. 175: Mr. Tiahrt.

H.R. 189: Mr. Everett.

H.R. 210: Mr. Filner.

H.R. 236: Mr. Smith of New Jersey.

H.R. 250: Mr. Tauzin, Mr. Menendez, Mr. Rehberg, and Mr. Schaffer.

H.R. 267: Mr. Schiff and Mr. Berman.

H.R. 281: Mrs. Christensen, Mr. Isakson, Mr. Blagojevich, and Mr. Filner.

H.R. 303: Mr. Pombo and Mr. Sam Johnson of Texas.

H.R. 361: Ms. Solis.

H.R. 389: Ms. DeLauro.

H.R. 436: Mr. Hinojosa, Mr. Toomey, Mr. McDermott, Ms. Schakowsky, and Mr. Riley.

H.R. 448: Mr. Combest.

H.R. 481: Mr. Thompson of California.

H.R. 491: Mr. Scott, Ms. Solis, Mr. Hoyer, and Ms. Sanchez.

H.R: 510: Mr. Pastor, Mr. Etheridge, Ms. McCarthy of Missouri, Mr. Farr of California, and Mr. Weller.

H.R. 527: Mr. Upton.

H.R. 570: Mr. Baker.

H.R. 571: Mr. Owens.

H.R. 572: Mr. Sandlin.

H.R. 598: Mr. Costello, Mr. Israel, and Mr. Shadegg.

H.R. 608: Mr. Nussle.

H.R. 609: Mr. Sandlin.

H.R. 612: Mr. Radanovich, Mrs. Capito, Mr. DeFazio, Mr. Graves, Mr. Largent, Mr. Hinchey, Mr. Capuano, Mr. Towns, Mr. Chambliss, Ms. DeLauro, Mr. Carson of Oklahoma, Ms. Eddie Bernice Johnson of Texas, Ms. Lofgren, Mr. Olver, and Mr. Coyne.

H.R. 623: Mr. Jackson of Illinois.

H.R. 638: Ms. Kilpatrick.

H.R. 668: Mr. Peterson of Pennsylvania, Mr. Owens, Mr. Manzullo, Mr. Matsui; Mr. Clement, Ms. Pryce of Ohio, Mr. Wexler, Ms. Hooley of Oregon, Mr. Riley, Mr. Petri, Mr. Gibbons, Mrs. Jo Ann Davis of Virginia, Mr. Jones of North Carolina, Mr. Shays, Mr. Peterson of Minnesota, Mr. Bishop, Mr. Foley, Mr. Bryant and Mr. McNulty.

H.R. 699: Mr. Pastor.

H.R. 717: Mr. Ryan of Wisconsin and Mrs. Biggert.

H.R. 718: Mr. Souder, Mr. Gilman, Mr. Dingell, Mr. DeLay, Mr. Brown of South Carolina, Mr. Riley, Mr. Grucci, Mr. Walsh, Mr. Sherwood, and Mr. Shuster.

H.R. 742: Ms. McCarthy of Missouri.

H.R. 748: Mr. Leach.

H.R. 757: Mrs. Maloney of New York.

H.R. 786: Mr. Conyers, Mr. Nadler, and Mr. Owens.

H.R. 805: Mr. Turner.

H.R. 808: Mr. Udall of Colorado, Mr. Burton of Indiana, and Mr. Etheridge.

H.R. 826: Mr. Bentsen.

H.R. 827: Mr. BURR of North Carolina.

H.R. 831: Mr. BALLENGER, Mr. SHAYS, Mr. THOMPSON of California, Mr. LIPINSKI, Mr. PLATTS, Mr. TANCREDO, Mr. PETERSON of Pennsylvania, Mr. PETERSON of Minnesota, Mr. GOODLATTE, Ms. DEGETTE, Ms. DUNN, Mrs. CLAYTON, Mr. COSTELLO, Mr. MURTHA, Mr. PASCRELL, Mrs. JO ANN DAVIS of Virginia, Mr. BUYER, Mr. BONILLA, Mr. CRENSHAW, Mr. OSBORNE, Mr. SCARBOROUGH, Mr. COLLINS, Mr. ALLEN, Mr. DOYLE, Mr. MALONEY of Connecticut, Mr. BARCIA, Mr. HONDA, Mr. BOUCHER, Mr. CAPUANO, Mrs. MORELLA, Mr. FILNER, and Mrs. MINK of Hawaii.

H.R. 835: Ms. JACKSON-LEE of Texas.

H.R. 854: Mr. BAIRD, Mr. RADANOVICH, Mr. CALVERT, Mr. TURNER, Ms. RIVERS, Mr. LEWIS of Kentucky, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. DOYLE, Mr. HONDA, Mr. GILLMOR, and Mr. CAPUANO.

H.R. 862: Mr. SANDLIN.

H.R. 876: Mr. PAYNE, Mr. WAMP, Mr. SABO, Mr. FARR of California, Mr. PASTOR, Mr. LARSEN of Washington, Mr. ALLEN, Mr. NUSSLE, Mr. DOGGETT, Mr. DEUTSCH, Mr. SIMMONS, Mr. BOEHLERT, and Mr. LUTHER.

H.R. 877: Mr. MORAN of Kansas.

H.R. 910: Mr. KUCINICH and Ms. NORTON.

H.R. 912: Mr. OXLEY and Mr. SPRATT.

H.R. 915: Mr. PASCRELL.

H.R. 936: Ms. ROYBAL-ALLARD.

H.R. 938: Mr. COYNE.

H.R. 950: Mr. LUCAS of Kentucky and Mr. NEY.

H.R. 959: Mr. SCHIFF and Mr. RAHALL.

H.R. 978: Mr. ROGERS of Michigan, Mr. EVANS, and Mr. GREENWOOD.

H.R. 981: Mr. MCCRERY, Mr. CONDIT, Mr. WATTS of Oklahoma, and Mr. MCINNIS.

H.R. 990: Mr. NETHERCUTT, Mr. GRAHAM, Ms. HOOLEY of Oregon, and Mr. COYNE.

H.R. 1001: Mr. DOYLE.

H.R. 1003: Mr. SOUDER.

H.R. 1011: Mr. PRICE of North Carolina.

H.R. 1029: Mr. RYUN of Kansas.

H.R. 1037: Mr. COX.

H.R. 1071: Mr. PETERSON of Pennsylvania, Mr. GRUCCI, Mr. GREENWOOD, Mr. FARR of California, and Mr. GUTIERREZ.

H.R. 1073: Mr. WEINER, Mr. HYDE, Mr. MEEHAN, Ms. KILPATRICK, Mr. OBERSTAR, Mr. THOMPSON of Mississippi, and Mr. SERRANO.

H.R. 1076: Mr. DAVIS of Illinois, Mr. MEEHAN, Ms. LOFGREN, Mr. HALL of Ohio, Mr. DICKS, Mr. RUSH, Mrs. MCCARTHY of New York, Mr. KIND, Mr. SERRANO, Mr. UDALL of Colorado, Mr. SPRATT, Mr. BOSWELL, Mr. MORAN of Virginia, Mr. SCOTT, Mr. MASCARA, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, Mr. LARSON of Connecticut, Mr. JACKSON of Illinois, and Mr. SANDERS.

H.R. 1086: Mr. SCHIFF.

H.R. 1089: Mr. TANNER, Mr. LEWIS of Kentucky, and Mr. SNYDER.

H.R. 1110: Mr. EDWARDS, Mr. PITTS, Mr. RAMSTAD, Ms. MCKINNEY, and Mr. PETERSON of Minnesota.

H.R. 1126: Mr. TIAHRT.

H.R. 1149: Mr. LARSON of Connecticut, Mr. ABERCROMBIE, Mr. ENGEL, Ms. BALDWIN, Ms. LOFGREN, Mr. ISSA, Ms. ROYBAL-ALLARD, and Ms. NORTON.

H.R. 1164: Mr. MCDERMOTT, Ms. MCKINNEY, and Mr. FRANK.

H.R. 1170: Mr. PALLONE, Mr. HONDA, and Mr. MEEHAN.

H.R. 1177: Mr. EDWARDS.

H.R. 1181: Mr. GRAVES.

H.R. 1182: Mr. JONES of North Carolina, Mr. BARTON of Texas, and Mr. TIAHRT.

H.R. 1192: Mr. SNYDER, Ms. SOLIS, and Ms. SANCHEZ.

H.R. 1217: Mr. BONIOR and Mr. SANDLIN.

H.R. 1252: Mrs. TAUSCHER, Mr. CROWLEY, Mr. WEXLER, and Mr. MCNULTY.

H.R. 1254: Mr. PALLONE, Mrs. KELLY, Mr. WELDON of Pennsylvania, Mr. HILLIARD, and Mr. HOLDEN.

H.R. 1255: Mr. ALLEN.

H.R. 1266: Mr. DOYLE, Mr. FILNER, Ms. NORTON, Mr. PASTOR, Ms. SOLIS, and Ms. VELÁQUEZ

H.R. 1280: Ms. BALDWIN and Mr. CLEMENT.

H.R. 1295: Mr. LANGEVIN and Ms. PELOSI.

H.R. 1304: Mr. RAHALL, Ms. SLAUGHTER, and Mr. SIMMONS.

H.R. 1305: Mr. MALONEY of Connecticut, Mr. BLAGOJEVICH, Ms. BALDWIN, Mr. HONDA, Mr. GREENWOOD, and Mr. HOEFFEL.

H.R. 1307: Mrs. JO ANN DAVIS of Virginia, Mr. GILMAN, Mr. TIERNEY, Mr. BARCIA, Mr. LANTOS, and Ms. BALDWIN.

H.R. 1328: Mrs. MINK of Hawaii and Mr. CONYERS.

H.R. 1340: Mr. SHIMKUS.

H.R. 1344: Mr. FILNER.

H.R. 1351: Mr. HYDE and Mr. RAHALL.

H.R. 1353: Mr. HYDE, Mrs. MINK of Hawaii, Mr. HILLEARY, Mrs. JO ANN DAVIS of Virginia, Ms. HART, Mrs. EMERSON, Mr. REYNOLDS, Mr. DEFAZIO, Mrs. CHRISTENSEN, and Mr. HINCHEY.

H.R. 1354: Mrs. LOWEY, Mr. DOYLE, Mr. BONIOR, Mrs. CLAYTON, and Mr. GREEN of Texas.

H.R. 1377: Mr. CONDIT, Mr. SMITH of Texas, Mr. TIAHRT, Mr. TAYLOR of Mississippi, and Mr. GREEN of Texas.

H.R. 1388: Mr. FROST, Mr. UDALL of Colorado, Mr. BOSWELL, Ms. BALDWIN, and Mr. HAYES.

H.R. 1400: Mr. BARCIA.

H.R. 1402: Mr. OTTER.

H.R. 1403: Mr. OTTER.

H.R. 1404: Mr. OTTER.

H.R. 1406: Mr. SANDLIN and Mr. ABERCROMBIE.

H.R. 1427: Mr. SESSIONS, Ms. KILPATRICK, Mr. LANTOS, Mr. CULBERSON, and Ms. MCKINNEY.

H.R. 1433: Ms. BALDWIN and Ms. DELAURO.

H.R. 1434: Ms. CARSON of Indiana and Mr. LEWIS of Georgia.

H.R. 1449: Ms. MCKINNEY.

H.R. 1464: Mr. BONIOR.

H.R. 1484: Mrs. LOWEY.

H.R. 1487: Mr. CANTOR and Mr. DAVIS of Florida.

H.R. 1492: Mr. CROWLEY.

H.R. 1509: Mr. REYES, Mr. RUSH, Mr. CLEMENT, Mr. BERMAN, and Ms. WATERS.

H.R. 1522: Mr. ALLEN, Mrs. MINK of Hawaii, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, Ms. NORTON, Mr. LEWIS of Georgia, Mr. LAFALCE, and Mr. DEFAZIO.

H.R. 1536: Mr. BARCIA, Mr. MCINTYRE, Mr. KUCINICH, Mr. JACKSON of Illinois, Ms. BALDWIN, and Mr. BLAGOJEVICH.

H.R. 1541: Mr. SANDLIN.

H.R. 1553: Mr. SHAYS and Mr. SIMPSON.

H.R. 1556: Mr. MORAN of Virginia, Mr. HILLEARY, Mr. RANGEL, Mr. TURNER, Ms. SLAUGHTER, Mr. WEINER, Mr. OLVER, Mr. LEWIS of Kentucky, Mrs. LOWEY, Mr. DOYLE, Mr. STUPAK, Mr. SERRANO, Mr. PAUL, Ms. JACKSON-LEE of Texas, Mr. KOLBE, and Mr. GILLMOR.

H.R. 1581: Mr. CHAMBLISS and Mr. SUNUNU.

H.R. 1585: Mr. HASTINGS of Florida, Mrs. LOWEY, and Mrs. MEEK of Florida.

H.R. 1589: Mr. FILNER.

H.R. 1592: Ms. HART.

H.R. 1602: Mr. BACHUS, Mr. PAUL, and Mr. ISAKSON.

H.R. 1609: Mr. PAUL, Mr. TURNER, Mr. LEWIS of Kentucky, Mr. BARCIA, Mr. GILLMOR, Mr. THOMPSON of Mississippi, Mr. HALL of Texas, Mr. WICKER, and Mr. WATTS of Oklahoma.

H.R. 1623: Mr. WATTS of Oklahoma.

H.R. 1624: Mr. KING, Mr. DOYLE, Mr. ACKERMAN, Mr. QUINN, Mr. CAPUANO, Mr. MCNULTY, Ms. RIVERS, Mr. SCHIFF, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. BROWN of Ohio, Mr. COSTELLO, Mr. GEORGE MILLER of California, Mr. WYNN, Mr. ROGERS of Michigan, Ms. NORTON, Mr. NADLER, Mr. WICKER, Ms. LEE, and Mr. SAXTON.

H.R. 1644: Mrs. CUBIN, Mr. SESSIONS, Mr. BARCIA, Mr. GRUCCI, Mr. CRANE, Mr. WELLER, Mr. WICKER, Mr. NETHERCUTT, and Mr. DELAY.

H.R. 1650: Mrs. MEEK of Florida and Mr. DAVIS of Illinois.

H.R. 1661: Mr. BAIRD.

H.R. 1689: Mr. PICKERING, Mr. CONDIT, and Mr. ABERCROMBIE.

H.R. 1693: Mr. BENTSEN, Ms. LOFGREN, and Mr. SCHIFF.

H.R. 1700: Ms. MCCOLLUM, Mr. KOLBE, Mr. COYNE, Mr. SERRANO, Mr. POMBO, Mr. OBERSTAR, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Ms. PELOSI, Mrs. MINK of Hawaii, Mr. KENNEDY of Rhode Island, Mr. OWENS, and Ms. LEE.

H.R. 1707: Mr. GOODLATTE.

H.R. 1711: Mr. JONES of North Carolina.

H.R. 1716: Mr. DAVIS of Illinois, Mrs. MINK of Hawaii, and Mr. ISSA.

H.R. 1717: Ms. WATERS and Ms. JACKSON-LEE of Texas.

H.R. 1718: Ms. SLAUGHTER, Mr. HOLT, Ms. SANCHEZ, Mr. HUTCHINSON, Mr. RODRIGUEZ, Mr. WAXMAN, Mr. SNYDER, Mr. PORTMAN, Mrs. LOWEY, Mr. BARCIA, Mr. ROEMER, and Mr. ENGEL.

H.R. 1723: Ms. SCHAKOWSKY, Mr. OLVER, Mr. SANDERS, Mr. WAXMAN, Mr. UDALL of Colorado, Mr. PALLONE, Mr. DOYLE, Mr. LARSON of Connecticut, Mrs. THURMAN, Mrs. MCCARTHY of New York, Ms. RIVERS, Mrs. JO ANN DAVIS of Virginia, Mr. FARR of California, Mr. DEFAZIO, and Mr. GREEN of Texas.

H.R. 1733: Mr. GUTIERREZ, Ms. RIVERS, Ms. SCHAOWSKY, Mr. BONIOR, Mr. GREEN of Texas, and Mr. MCGOVERN.

H.R. 1759: Mr. INSLEE, Mrs. JONES of Ohio, and Mrs. THURMAN.

H.R. 1780: Mr. LAMPSON, Mr. COYNE, and Mr. BALDACCI.

H.R. 1781: Mr. LAMPSON, Mr. BARCIA, Mr. UDALL of Colorado, Mr. FRANK, and Mr. BERMAN.

H.R. 1782: Mr. GILLMOR.

H.R. 1798: Mr. FRANK and Mr. NEAL of Massachusetts.

H.R. 1805: Mr. KELLER.

H.R. 1810: Ms. MCCOLLUM, Ms. BALDWIN, Ms. SLAUGHTER, Mr. SERRANO, Mr. FRANK, Ms. WOOLSEY, Mr. DOYLE, Mr. SANDERS, Mr. COYNE, Mr. BLAGOJEVICH, Mr. RAHALL, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. PETERSON of Minnesota, Mr. DEFAZIO, and Mr. MCNULTY.

H.R. 1834: Mr. GRUCCI, Ms. HART, and Mr. UPTON.

H.R. 1839: Mr. UDALL of New Mexico and Mr. DOYLE.

H.R. 1842: Mr. DAVIS of Illinois and Mr. MCDERMOTT.

H.R. 1847: Mr. TERRY.

H.R. 1848: Mrs. THURMAN, Mr. BLUNT, and Mr. BOUCHER.

H.R. 1861: Mr. PICKERING and Mr. JOHNSON of Illinois.

H.R. 1864: Ms. KILPATRICK.

H.R: 1872: Mr. WOLF, Ms. ROS-LEHTINEN, Mr. GOSS, Mr. WELDON of Florida, and Mr. SPENCE.

H.R. 1879: Mr. DREIER.

H.R. 1909: Mr. LEVIN.

H.R. 1910: Mr. CRANE, Mr. SHERMAN, Mr. BRADY of Pennsylvania, Mr. VISCLOSKY, and Mr. SMITH of New Jersey.

H.R. 1911: Mr. MANUZLLO.

H.R. 1927: Mr. CAMP and Ms. KILPATRICK.

H.R. 1928: Ms. NORTON, Mr. COYNE, Mr. ENGEL, and Ms. RIVERS.

H.R. 1939: Mr. FILNER.

H.R. 1943: Mr. CARSON of Oklahoma.

H.R. 1945: Mr. SANDERS and Mr. NADLER.

H.R. 1948: Mr. SANDLIN, Mr. ABERCROMBIE, and Mr. KILDEE.

H.R. 1950: Mrs. ROUKEMA and Mr. BONILLA.

H.R. 1954: Mr. BURR of North Carolina, Mr. CALVERT, Mr. CRAMER, Mr. KELLER, Mr. KENNEDY of Minnesota, and Mr. ROSS.

H.R. 1956: Mr. CALLAHAN, Mr. ROSS, and Mr. PRICE of North Carolina.

H.R. 1957: Mr. SIMMONS, Mrs. JOHNSON of Connecticut, and Mr. SHOWS.

H.R. 1964: Mr. OBERSTAR and Ms. LEE.

H.R. 1975: Mr. SHIMKUS.

H.R. 1979: Mr. DELAY, Mr. MORAN of Kansas, Mr. PICKERING, Mr. SHOWS, Mr. RYUN of Kansas, Mr. JONES of North Carolina, Mr. WELDON of Florida, Mrs. THURMAN, and Mr. THORNBERRY.

H.R. 1982: Mr. CRANE and Mr. MANZULLO.

H.R. 1986: Mr. NORWOOD.

H.R. 1990: Ms. LEE.

H.R. 1994: Ms. MCKINNEY.

H.R. 2025: Mrs. BIGGERT.

H.R. 2029: Mr. WICKER.

H.J. Res. 6: Mr. RANGEL, Mr. LARSON of Connecticut, and Mr. MCHUGH.

H.J. Res. 36: Mr. SHUSTER, Mr. POMBO, Mr. PITTS, and Mr. BALLENGER.

H. Con. Res. 42: Mr. BARCIA, Mr. ISRAEL, Mr. MATHESON, Mr. LANGEVIN, and Mr. PAYNE.

H. Con. Res. 45: Mr. CLAY.

H. Con. Res. 85: Mrs. CAPPS, Mr. DAVIS of Illinois, and Mr. LANTOS.

H. Con. Res. 100: Mr. WAMP, Mr. HILLEARY, and Mr. OSBORNE.

H. Con. Res. 103: Ms. BALDWIN.

H. Con. Res. 104: Mr. HYDE, Mr. CRENSHAW, Mr. ENGEL, and Mr. ISRAEL.

H. Con. Res. 116: Mr. CLEMENT, Mr. HEFLEY, Mr. GOSS, Mr. LAMPSON, Mr. BILIRAKIS, and Mr. CAMP.

H. Con. Res. 142: Mr. WEINER, Mr. BOYD, and Ms. WATERS.

H. Con. Res. 145: Mr. MEEHAN, Mr. ROYCE, Mr. HILLIARD, Ms. LOFGREN, Mr. DOOLITTLE, Mr. LEVIN, Ms. CARSON of Indiana; Mrs. LOWEY, Mr. DOYLE, Mrs. THURMAN, Mr. KNOLLENBERG, Mr. ISSA, and Mr. DEFAZIO.

H. Con. Res. 148: Mr. EHLERS.

H. Res. 17: Ms. SCHAKOWSKY.

H. Res. 18: Mr. MATSUI.

H.R. 49: Mr. OWENS, Mr. JACKSON of Illinois, Mr. CLAY, Ms. KILPATRICK, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Ms. NORTON, Mr. HILLIARD, Mrs. MEEK of Florida, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mrs. CLAYTON, Ms. WATERS, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FATTAH.

H. Res. 87: Ms. MCCARTHY of Missouri and Mr. CONYERS.

H. Res. 101: Mr. MORAN of Virginia.

H. Res. 105: Mr. ENGEL.

H. Res. 120: Mr. BLAGOJEVICH and Ms. BALDWIN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

18. The SPEAKER presented a petition of the Council on Administrative Rights, relative to a Resolution petitioning the United States Congress to seek redress from a failing educational system; to the Committee on Education and the Workforce.

19. Also, a petition of the Council on Administrative Rights, relative to a Resolution petitioning the United States Congress to seek redress from crime at all levels; to the Committee on the Judiciary.

20. Also, a petition of the Council on Administrative Rights, relative to a Resolution petitioning the United States Congress to seek redress from the current slowdown in the economy of the United States; jointly to the Committees on Financial Services, Ways and Means, and Education and the Workforce.

21. Also, a petition of the Council on Administrative Rights, relative to a Resolution petitioning the United States Congress to provide universal healthcare coverage to all American citizens; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce.

22. Also, a petition of the Council on Administrative Rights, relative to a Resolution petitioning the United States Congress to seek redress from the arcane voting procedures and barriers to ballot access; jointly to the Committees on House Administration, Government Reform, and the Judiciary.

23. Also, a petition of the Council on Administrative Rights, relative to a Resolution petitioning the United States Congress to seek redress from gender discrimination and pay inequity against women; jointly to the Committees on the Judiciary, Education and the Workforce, and Energy and Commerce.

24. Also, a petition of the LaSalle County Board, Illinois, relative to Resolution No. 01–45 petitioning the United States Congress to pass the Steel Revitalization Act of 2001 and to support the Steelworkers fight against the unfair trade of foreign steel that has damaged our economy; jointly to the Committees on Ways and Means, Financial Services, and Education and the Workforce.

25. Also, a petition of the Council on Administrative Rights, relative to a Resolution petitioning the United States Congress to seek redress from ineffective environmental and energy policies; jointly to the Committees on Energy and Commerce, Resources, Transportation and Infrastructure, Agriculture, and Ways and Means.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1699

OFFERED BY: MRS. BIGGERT

AMENDMENT NO. 1: At the end of the bill add the following:

SEC. . ASSISTANCE FOR MARINE SAFETY STATION ON CHICAGO LAKEFRONT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Transportation may use amounts authorized under this section to provide financial assistance to the City of Chicago, Illinois, to pay the Federal share of the cost of a project to demolish the Old Coast Guard Station, located at the north end of the inner Chicago Harbor breakwater at the foot of Randolph Street, and to construct a new facility at that site for use as a marine safety station on the Chicago lakefront.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project carried out with assistance under this section may not exceed one third of the total cost of the project.

(2) NON-FEDERAL SHARE.—There shall not be applied to the non-Federal share of a project carried out with assistance under this section—

(1) the value of land and existing facilities used for the project; and

(2) any costs incurred for site work performed before the date of the enactment of this Act, including costs for reconstruction of the east breakwater wall and associated utilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, for providing financial assistance under this section there is authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal year 2002, to remain available until expended.

H.R. 1699

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 2: At the end of the bill add the following:

SEC. . COAST GUARD AIR SEARCH AND RESCUE FACILITIES FOR LAKE MICHIGAN.

AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation for operation and maintenance of the Coast Guard air search and rescue facility in Muskegon, Michigan, $2,028,000 for fiscal year 2002.

H.R. 1699

OFFERED BY: MR. SHADEGG

AMENDMENT NO. 3: At the end of the bill add the following new section:

SEC. . STUDY OF RISK OF CARBON MONOXIDE POISONING ON RECREATIONAL VESSELS.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall use amounts available under this Act to carry out a study of structural designs of recreational vessels, for the purpose of identifying and addressing structural defects that are likely to create conditions that pose a risk of carbon monoxide poisoning.

(b) CONTENT.—The study shall—

(1) include examination of various methods of—

(A) carbon monoxide detection and warning on recreational vessels; and

(B) ventilation and exhaust routing on recreational vessels, including side venting, wet/dry stacks, catalytic converters/afterburners, and such other designs as the Secretary determines may correct structural defects identified in the study;

(2) include examination of changes to the design of new recreational vessels and retrofits of existing recreational vessels; and

(3) develop recommendations for improving the effectiveness of such methods, designs, and retrofits.

(c) REPORT.—The Secretary shall submit a report to the Congress on the findings, conclusions, and recommendations of the study under this section within 60 days after the date amounts are available to carry out this section.

(d) RECREATIONAL VESSEL DEFINED.—In this section the term "recreational vessel" has the meaning given that term in section 2101 of title 46, United States Code, and includes houseboats.

EXTENSIONS OF REMARKS

GOD, FAITH, AND HEALTH: EXPLORING THE SPIRITUALITY-HEALING CONNECTION, A NEW BOOK BY DR. JEFF LEVIN

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KIRK. Mr. Speaker, I am proud to mark the publication of God, Faith, and Health: Exploring the Spirituality-Healing Connection, by our own Dr. Jeff Levin, raised in Wilmette, Illinois, a graduate of New Trier High School. Dr. Levin is a pioneering scientist and author whose research beginning in the 1980s helped create the field of religion, spirituality, and health.

In this groundbreaking new book, Dr. Levin—a National Institutes of Health funded social epidemiologist who has conducted much of the original research in this increasingly influential area of health and medicine—explores the latest compelling evidence of the connection between health and a wide array of spiritual beliefs and practices. These include attendance at religious services, faith in God, and worship, prayer, and meditation. With examples from spiritual traditions as diverse as Christianity, Judaism, and Yoga, he looks with an open mind and perceptive eye at the many ways that religious involvement and belief can prevent illness and promote health and well being.

Drawing on his own and other published studies, Dr. Levin shows how religion's emphasis on healthy behaviors and supportive relationships influences our overall health and how the optimism and hopefulness of those who profess faith promote the body's healing responses.

Levin studies other healing modes as noncontact therapeutic touch, distant prayer, and transcendent experiences and asks if other forces could be at work in many cases of healing. Sharing compelling evidence from recent research, he offers an exciting vision of a new era in modern medicine, one in which body, mind, and something else are brought together to promote health, prevent illness, and produce healing.

Filled with the dramatic stories of people whose health has been affected by their faith, God, Faith, and Health will alter the way we think about our bodies and our faith, and shows us the path for improving our own health through spiritual practice.

In January, President Bush signed executive orders establishing the White House Office of Faith Based and Community Initiatives. In light of the Administration's emphasis on faith-based institutions, Dr. Levin's God, Faith, and Health is an especially timely contribution. It provides a scientifically grounded model for how religious faith can help serve to promote the health and well being of all Americans.

According to Dr. James S. Gordon, Georgetown professor and Chairman of the White House Commission on Complementary and Alternative Medicine Policy, "Dr. Levin shows us—clearly, thoughtfully, comprehensively—that belief does matter. Spiritual practice and religious observance are powerful medicine."

I commend Dr. Levin for his groundbreaking contribution to science and medicine. The evidence presented in God, Faith, and Health promises to heal the divisive barriers that separate faith from medicine, and science from spirit.

HONORING ELSIE PALSI

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated her life to the pursuit of learning and sharing the gift of knowledge with her students. Mr. Speaker, I rise to honor Elsie Palsi, an educator in East Rutherford, New Jersey, who was recently honored by that town for her service. In fact, June, 2001 has been declared "Elsie Palsi Month" by the East Rutherford Education Community.

Elsie Palsi has brought her creativity and imagination to the profession of teaching. She was well loved by both her colleagues as well as the many students whose lives she touched. There is no doubt that her work will be greatly missed by the students of East Rutherford.

However, her efforts will always be felt. I am reminded of Henry Adams' saying that, "A teacher affects eternity; they can never tell where their influence stops."

People who give so much of themselves, as Elsie Palsi, do not do so for the recognition. However, she certainly deserves to receive it.

Mr. Speaker, I am proud to congratulate Elsie Palsi as well as her family on the occasion of this well deserved tribute from the town of East Rutherford, New Jersey, and wish them health and happiness in the years to come.

TRIBUTE TO DICK KNIPFING

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. WILSON. Mr. Speaker, today I ask my colleagues to join me in recognizing and honoring New Mexico's anchorman, Dick Knipfing. Dick has faithfully served New Mexicans for 37 years and, just last week, took his career full circle. He has served our state as a news anchor on all three of our largest local channels and has dedicated his life to informing his viewers on issues important to New Mexicans. His broadcasting career began at what was then known as KGGM, the CBS affiliate in Albuquerque. This week he returned to New Mexico's airwaves as an anchorman on KRQE, the current CBS affiliate formerly known as KGGM.

Dick is known and respected in New Mexico as a real "pro" who knows more about New Mexico history, politics, and policy than most of the people he covers and reports on every day.

Over the years, thousands of New Mexicans have relied on Dick Knipfing to give them the straight story, every night. In 1996, he was inducted into the Silver Circle Society, which is one of the more prestigious honors in his field. In the late eighties, he was elected by his peers as one of the "Best in the Business" and listed in the "Washington Journal Review."

Mr. Speaker, television news has changed and evolved significantly in the three and a half decades that have spanned Dick Knipfing's career. Today, it's a 24-hour a day, multi-channel business where, in too many instances, form is more important than substance. Dick Knipfing has always been a man of substance giving New Mexicans the truth with integrity.

We wish him the best in all future endeavors. He will always have a place in the hearts of New Mexicans for his integrity, his commitment to children and families, and his love of New Mexico. Please join me in honoring and thanking Mr. Dick Knipfing, New Mexico's anchorman, for all he has done and continues to do for our state.

Dick, it's good to see you back on the air.

HONORING THE 100TH ANNIVERSARY OF THE ELKS LODGE 664

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th anniversary of Elks Lodge 664 in Fairview Heights, Illinois.

The beginnings of the Elks organization is credited to Charles Algernon Sidney Vivian. Born in London, Vivian arrived in New York in 1867. Vivian, an actor, met with a group of other theatrical entertainers to create a loose organization called the Jolly Corks. When one of the members died in 1867, leaving both his wife and his children destitute, the Jolly Corks decided, that in addition to good fellowship, they needed a more enduring organization to serve those in need. On February 16, 1868, they established the Benevolent and Protective Order of the Elks and elected Vivian to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

head it. As word of its social activities and benefit performances increased and spread to other cities, other Elk's "lodges" were formed.

The legacy of Charles Vivian continues to this day. In addition to aiding members in distress, the Elks raise money for children with disabilities, provide college scholarships, develop youth projects and organize recreational programs for patients in veterans hospitals.

In 1907, the Elks held the first Flag Day observance. This tradition, started by the Elks, was later declared a national holiday by President Harry S. Truman. During World War I, the Elks funded and equipped field hospitals in France. Their loans to 40,000 returning veterans for college, rehabilitation and education were the precursor to the original GI bill. The Elks were also used during WW II to recruit construction workers for the military and they also contributed books to the Merchant Marines. During the Korean War, the Elks gave more than a half million pints of blood to help the wounded and in Vietnam, the Elks provided funds for the recreational needs of the military. When Desert Storm took place, the Elks undertook letter-writing campaigns to help keep up soldiers' morale.

Today, there are more than 1.3 million members of the Elks in 2200 local lodges found in all 50 states. Many members of Congress have been Elks. Former Speakers of the House Tom Foley, Tip O'Neill, Carl Albert, John McCormack and Sam Rayburn all belonged to the Elks. Hale Boggs of Louisiana was also an Elk. Presidents Harding, FDR, Truman, Kennedy and Ford were all Elks lodge members. I, too, am an Elks member from Lodge 481 in Belleville.

Local Elks lodges provide recreational and support facilities for the entire family and are the focal point for many community service projects. Lodge 664 members in Fairview Heights log in thousands of hours annually in volunteer service to charitable, educational and patriotic causes in our community.

Mr. Speaker, I ask my colleagues to join me in honoring the 100 years of service of the Benevolent and Protective Order of the Elks Lodge 664 and salute the members of the lodge both past and present.

TRIBUTE TO DAVID MEYERS, ED.D., LAKEVIEW PUBLIC SCHOOLS SUPERINTENDENT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. BONIOR. Mr. Speaker, after thirty remarkable years in education, Dr. David Meyers, Superintendent of Lakeview Public Schools, will retire on June 30, 2001. As students, parents, and staff of Lakeview Public Schools bid farewell to a longtime friend and advocate of public education, they gathered to honor his retirement with a celebration of memories, laughter, and fun.

Demonstrating outstanding dedication and commitment to his students, his colleagues, and his community, Dr. Meyers has always been an active and enthusiastic supporter of education and advancement. Beginning his teaching career in 1971 at South Lake Schools teaching special education, a short ten years later he became Assistant Principal at South Lake High School in 1981 and named Principal of Avalon Elementary in 1986. Joining Lakeview Public Schools as Assistant Superintendent in 1991, he served in Curriculum and Labor Relations until 1993, when he was named interim superintendent and finally Superintendent of Schools in July 1994.

The hard work and innovative ideas of Dr. Meyers led Lakeview Public Schools in a new direction, including the first district strategic plan and a comprehensive staff development plan integrating the Lakeview Excellence in Academic Program (LEAP). His substantial contributions also included development of a K–12 curriculum initiative resulting in the first district-wide written curriculum based on standards and benchmarks as well as a change from a high school six-hour schedule to a modified block schedule. Developing the first county middle school alternative education program, implementing the Reading Recovery program at the elementary level, and creating a vocational/business partnership marine service class, the first of its kind offered to high school students in the nation, Dr. Meyers's crusade to raise the standards of public education is one that will be long remembered by students and educators for years to come.

I applaud Dr. Meyers for his leadership, commitment, and service, and thank him for dedicating thirty outstanding years to public education. I know he is honored by this recognition and I urge my colleagues to join me in saluting him for his exemplary years in academia.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Ms. MILLENDER-McDONALD. Mr. Speaker, I wish to inform you that my absence from voting in the House on Friday was due to my attendance at an annual briefing for senior citizens in my district. I notified my leadership on Friday that I had to leave for this event. My Chief of Staff informed me of the possibility of votes late Friday and into Saturday morning. I was preparing to leave for the vote late Friday evening when due to inclement weather I was unable to fly back from California on time. I ask that I be excused from my legislative duties on Friday and Saturday due to these unforeseen circumstances.

REQUIRE A REPORT ON THE OPERATIONS OF THE STATE JUSTICE INSTITUTE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. COBLE. Mr. Speaker, I rise to introduce legislation that will require the Attorney General to submit a report to the House and Senate Committees on the Judiciary regarding the effectiveness of the State Justice Institute (SJI or "the Institute"). The report would be due by October 1, 2002.

Congress established SJI as a private nonprofit corporation in 1984. Its stated purpose is to further the development and adoption of improved judicial administration in state courts. SJI is to accomplish this goal by providing funds to state courts and other national organizations or nonprofits which support state courts. SJI also fosters coordination and cooperation with the federal judiciary in areas of mutual concern. The Institute may not duplicate the work or functions of existing nonprofit organizations. Since becoming operational in 1987, the Institute has awarded more than $125 million in grants to support over 1,000 projects. Another $40 million in matching requirements has been generated from other public and private funding sources.

Section 213 of the original authorizing legislation, now codified at 42 U.S.C. § 10712, required the Attorney General to submit a report governing the effectiveness of SJI operations by October 1, 1987, to the House and Senate Committees on the Judiciary. Since SJI did not become operational until fiscal year 1987, however, the report submitted by former Attorney General Meese is of limited value in assessing the operations of the Institute.

Still, the report praised SJI start-up activities in the following summation: "Although the Institute has only recently begun implementation of its program, much has been accomplished since it began operation. The Institute has made diligent efforts to develop and implement effective policies, procedures, and guidelines. . . ." With regard to oversight, the report also noted that the Institute had established ". . . an effective system of internal control by developing procedures and guidelines for its staff and grantees that ensure its resources are protected against fraud, waste, abuse, and mismanagement." The report concluded by noting that a full assessment of SJI activities could not be made until grants had been awarded and other program activities implemented.

As noted, the purpose of the bill I am introducing is to authorize the Attorney General, in consultation with the Institute, to submit a report to the House and Senate Committees on the Judiciary regarding the effectiveness of SJI in fulfilling its missions. The report would be done in consultation with SJI, and would be due not later than October 1, 2002.

Mr. Speaker, this is a noncontroversial bill that promotes good government. While I am impressed with SJI operations to date, all federal entities should be accountable to the taxpayers. I therefore urge my colleagues to support this legislation.

CHILE'S COMPLIANCE WITH ITS OWN LAWS PROTECTING LIFE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. SMITH of New Jersey. Mr. Speaker, I want to take this opportunity to commend

Chile for its legal protection of unborn children. Chile has a wonderfully coherent constitution and system of laws relative to the protection of human life. The consistency of Chile's laws protecting human life is something that I look at very favorably when I consider the United States' relations with Chile.

That is why, as the Vice-Chairman of the House International Relations Committee as well as a Member of Congress with over 20 years of service, I am concerned about recent reports that the Chilean government has taken actions inconsistent with Chile's own legal protection of life.

I am specifically concerned about reports that the government has authorized and is promoting the "morning after pill." Although the international abortion industry has misleadingly labeled this pill an "emergency contraceptive," it operates not as a true contraceptive but as an abortifacient. That is, it does not prevent conception, but instead ensures the expulsion of the unborn child from the womb, causing its death.

As Congress reviews the free trade negotiations currently underway between the United States and Chile, the Chilean government's apparent failure to comply with its own benign laws regarding protection of human life from the moment of conception has become a factor in my consideration. For pro-life Members of Congress, admiration for Chile's continuing commitment to unborn children is an important reason to want to have a close and positive relationship with Chile. We believe Chile and other countries that still protect their unborn children should be commended and rewarded for setting an example to other nations, including the United States, whose courts or legislatures have imposed a legal regime that treats unborn children not as human beings to be nurtured and protected, but as disposable objects. I am sure that other Members of Congress who admire Chile's legal protection of unborn children will share my concern about reports that the government has taken actions in violation of that legal protection.

As the United States moves forward in our relations with Chile, I hope the Chilean government will consistently follow its own enlightened pro-life laws. I commend Chile for these laws, which reflect a consistent ethic of life over death.

BAXTER HEALTHCARE CORPORATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KIRK. Mr. Speaker, today I would like to rise and recognize an important international company whose headquarters are located in my congressional district, Baxter Healthcare Corporation. Baxter is a global medical products and services company with a mission of delivering critical therapies for people with life-threatening conditions. Their products and services are used to treat patients with many conditions including cancer, trauma, hemophilia, immune deficiencies, infectious diseases, kidney disease and other disorders.

Baxter was named one of the 100 Best Corporate Citizens by "Business Ethics" magazine and just a few weeks ago received the Business Ethics Award from DePaul University for its special dedication and innovative approaches to integrating ethics into everyday business practices. Baxter has also received more than 250 awards from the government or outside organizations for its environmental, health and safety initiatives in the last ten years.

I stand here today welcoming Baxter employees from my district and others who are arriving in Washington, DC today to share their experiences and personal stories. They will be meeting with me and other Members to inform and discuss with us the important work they are doing to assist individuals with life-threatening conditions. I look forward to their presence on Capitol Hill and I send out my sincere welcome.

HONORING KATHLEEN MASTBETH

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated her life to the pursuit of learning and sharing the gift of knowledge with her students. Mr. Speaker, I rise to honor Kathleen Mastbeth, an educator in East Rutherford, New Jersey, who was recently honored by that town for her service. In fact, June, 2001 has been declared "Kathleen Mastbeth Month" by the East Rutherford Education Community.

For 33 years, Kathleen Mastbeth has brought her creativity and imagination to the profession of teaching. She was well loved by both her colleagues as well as the many students whose lives she touched. There is no doubt that her work will be greatly missed by the students of East Rutherford.

However, her efforts will always be felt. I am reminded of Henry Adams' saying that, "A teacher affects eternity; they can never tell where their influence stops."

People who give so much of themselves, as Kathleen Mastbeth, do not do so for the recognition. However, she certainly deserves to receive it.

Mr. Speaker, I am proud to congratulate Kathleen Mastbeth as well as her family on the occasion of this well deserved tribute from the town of East Rutherford, New Jersey, and wish them health and happiness in the years to come.

TRIBUTE TO KIM KIMBERLY McDANIEL

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the good work of Kim Kimberly McDaniel. Ms. McDaniel passed away on March 28, 2001. I was contacted by several constituents in my home town of Albuquerque, New Mexico wishing to honor her life and work. She is missed by friends, family and those she served through her street ministry.

Kim was a life-long resident of Albuquerque, well known in the community for the past 25 years for ministering to the homeless. She gained pleasure and contentment by serving and giving to others. No job was too big or too small for her to take on—collecting clothing, driving people to doctor appointments, assisting in job searches, distributing food—all with a focus on getting people back into society through kind and compassionate treatment.

Through her work Kim Kimberly McDaniel made a difference in the lives of many, one person at a time. Please join me in honoring her life and her memory.

HONORING THE 150TH ANNIVERSARY OF SAINT JAMES CHURCH IN MILLSTADT, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 150th Anniversary of Saint James Church in Millstadt, Illinois.

This event is truly a milestone in the history of the St. James Parish. The parish was founded in 1851 in Millstadt. In 1863, a brick structure was completed to house the church. In 1881, a fire consumed the church leaving only the bell tower intact. Soon after that, the present church was constructed around what remained after the fire.

The parish serves over 600 families representing 1300 parishioners. St. James is also active in the community, sponsoring a Parish Festival in August and a Dinner Auction in November. St. James also boasts an active quilting group, an Over 50 Club and sponsors numerous blood drives. The school has over 150 students enrolled and last September, the parish opened an early childhood center.

Churches are the backbone of every community. With each church spire that dots our area, each one represents a community of people. St. James has served the community of Millstadt for the past 150 years and will serve the community far into the future.

Mr. Speaker, I ask my colleagues to join me in honoring Saint James Church on the occasion of its 150th Anniversary and to recognize their service to the community.

TRIBUTE TO MELVYN J. KATES, SPECIAL AMBASSADOR OF GOODWILL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. BONIOR. Mr. Speaker, the International Visitors Council of Metropolitan Detroit is a non-profit organization whose purpose is to present the unique culture of Metro Detroit to distinguished visitors from around the world through its social, economic, and educational diversity. This year, as the International Visitors Council held its Gala Celebration on May 18, 2001, they honored Melvyn J. Kates as Special Ambassador of Goodwill, for his outstanding dedication and support of the IVC mission.

Longtime IVC advocate and distinguished lawyer, Melvyn Kates has demonstrated remarkable commitment and support throughout the years to both the American and International communities. With an interest in social and civic activism, Kates has served his community well through positions as a Precinct Delegate of the 13th Democratic District, an Alternate State Central Committee Member, and with professional affiliation with the American Bar Association, the Michigan Bar Association, the Wolverine Bar Association and the Polish Bar Association. His hard work and leadership efforts have earned him several awards, among them the Office of Wayne County Executive Distinguished Service Award and the YMCA of Metropolitan Detroit's Community Service Award, as well as proclamations and tributes from the Detroit City Council, the City of Detroit Office of the Mayor, the State of Michigan House of Representatives, and the State of Michigan Senate.

As a Citizen Ambassador faithfully committed to the mission of the International Visitors Council, Kates has dedicated his time and talents to hosting meetings, fundraisers and receptions for Detroiters and honorable guests from around the world. Opening his home and his heart to international visitors from Europe, Asia and Africa, he has taken it upon himself to ensure that visitors leave Detroit with a positive impression of the city and its citizens.

I applaud the International Visitors Council of Metropolitan Detroit and Special Ambassador Melvyn Kates for their leadership and commitment. I know that Melvyn is honored by this recognition and I urge my colleagues to join me in saluting him for his exemplary years of service.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Ms. MILLENDER-McDONALD. Mr. Speaker, due to pressing legislative matters in my district, I will not be present for this weekend's series of votes. Please excuse my absence, and thank you for your understanding.

THE PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 2002

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. COBLE. Mr. Speaker, I rise to introduce a bill to authorize the operations of the U.S. Patent and Trademark Office (PTO) for Fiscal Year 2002.

Patents, and intellectual property in general, have been part of American jurisprudence and our national economy since the founding of the Republic. George Washington signed a patent bill early in his first term as President, and Abraham Lincoln (himself a patent owner) was quoted as saying that the patent system "added the fuel of interest to the fire of genius." But for the most part, this subject matter—dry and arcane, the province of engineers armed with law degrees—has never inspired great interest for the public. In fact, I am hard-pressed to identify two words which are better suited to induce sleep in the average lay person than "patent law."

My good-natured jab at patent lawyers notwithstanding, Lincoln got it right, as he so often did. The Founding Fathers were prescient enough to understand that for the young nation to survive, its economy had to flourish. This is why our Constitution (Article I, section 8) actually includes provisions authorizing Congress to protect patent owners and their rights. More than 200 hundred years and six-million patents later, the economy and the country are the better for it. Our patent laws have enabled individuals and businesses to produce marvelous inventions that touch us in ways which we take for granted but which enhance the quality of our lives on a daily basis. For that matter, patents are the very life's blood of certain industries, as any biotech executive will acknowledge. Try raising a half-billion dollars in capital to bring a cancer treatment to market without patent protection for the underlying work.

Unfortunately, the PTO is not currently providing adequate service to individuals and businesses. Innovators must obtain prompt and reasonable evaluations from the PTO on whether they can acquire patents if they are to make sound business decisions. The PTO is now taking more than 25 months from filing to process a patent application to a patent, and the latest projections show it will take an average of 38.6 months by 2006. I am fearful that the agency simply does not have the resources that will allow it to provide quality patents, especially in such emerging areas as biotechnology and business methods. On top of these problems, the PTO has been unable to adopt the latest information technology that could allow it to provide better service to the public and more efficient patent and trademark processing.

If one accepts my point—that patents are vital to the sustenance of our economy—then I hope another point begins to resonate more forcefully among my colleagues. Since 1992, the U.S. Congress, with the participation of each Administration, has steadily diverted money out of the PTO to other programs. This practice imposes an unfair tax on inventors, because unlike most federal programs, the PTO does not receive stipend from the General Treasury. Instead, it raises all of the revenue needed to operate through the collection of user fees imposed on inventors who file for patent protection and businesses that file for trademark registration at the agency. In addition, the

The bottom line is that time is money in the patent world; and with more money, the PTO can issue quality patents faster, which means more investment, more jobs, and greater wealth for American industry. The same is true for trademarks. When businesses develop new products or new brand names for existing products, early federal registration of the name, logo, or symbol is necessary to protect rights and avoid expensive litigation.

My bill would help to correct this problem by authorizing the agency to keep all of the fee revenue it raises in Fiscal Year 2002. At the same time, however, this authorization would still be subject to the availability of appropriations, meaning that the PTO must still convince the appropriators that the agency needs and will properly spend any extra funds. In addition, and consistent with this emphasis on oversight, the legislation sets forth two problem areas that PTO should address in the coming year, irrespective of its overall budget: First, the PTO Director is required to develop an electronic system for the filing and processing of all patent and trademark applications that is user friendly and that will allow the Office to process and maintain electronically the contents and history of all applications. Fifty-million dollars are earmarked for this project in each of Fiscal Years 2002 and 2003 for this purpose. Second, the Director, in consultation with the Patent and Trademark Public Advisory Committees, must develop a strategic plan that sets forth the goals and methods by which PTO will enhance patent and trademark quality, reduce pendency, and develop a 21st Century electronic system for the benefit of filers, examiners, and the general public.

Mr. Speaker, the Patent and Trademark Office Authorization Act of 2002 will allow the patent and trademark communities to get more bang for their filing and maintenance buck, while enhancing the likelihood that the agency will receive greater appropriations in the upcoming Fiscal Year. It is a bill that benefits the PTO, its users, and the American economy. I urge my colleagues to support it.

TWENTY YEARS OF AIDS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KIRK. Mr. Speaker, on June 5th of 1981, the first official report on Acquired Immune Deficiency Syndrome was published. Twenty years later, the AIDS pandemic has claimed the lives of more than 20 million people worldwide. In my home state of Illinois alone, over 15,000 people have perished in the last twenty years.

36 million people worldwide are presently living with HIV/AIDS. Nearly 70% of those reside in Sub-Saharan Africa. In Zimbabwe, one out of every four adults has HIV. The HIV infection rate in Asia will out-pace that of Africa within the next decade.

In Illinois, 35,000 people are living with HIV/AIDS. HIV infection is growing at an alarming rate among women and African Americans. The demographics of those infected with AIDS in Illinois mirrors that of our nation.

There is hope. Twenty years ago, surviving the AIDS virus was impossible. Today, people in developed countries can manage living with HIV, while it is still a death sentence in the developing world. In 1986, I suggested to Congressman John Porter that the U.S. Congress start an International AIDS Control Program. He joined forces with Representative Bob Mrazek, and the program was born. Today, the United States is the leader in the fight against AIDS with so much more to do. Twenty years and we are finally fighting AIDS.

HONORING LYNN SULLIVAN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated her life to the pursuit of learning and sharing the gift of knowledge with her students. Mr. Speaker, I rise to honor Lynn Sullivan, an educator in East Rutherford, New Jersey, who was recently honored by that town for her service. In fact, June, 2001 has been declared "Lynn Sullivan Month" by the East Rutherford Education Community.

Lynn Sullivan has brought her creativity and imagination to the profession of teaching. She was well loved by both her colleagues as well as the many students whose lives she touched. There is no doubt that her work will be greatly missed by the students of East Rutherford.

However, here efforts will always be felt. I am reminded of Henry Adam's saying that, "A teacher affects eternity; they can never tell where their influence stops."

People who give so much of themselves, as Lynn Sullivan, do not do so for the recognition. However, she certainly deserves to receive it.

Mr. Speaker, I am proud to congratulate Lynn Sullivan as well as her family on the occasion of this well deserved tribute from the town of East Rutherford, New Jersey, and wish them health and happiness in the years to come.

REVEREND HENRY ALPHONZO HILDEBRAND

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend and constituent in the Sixth District of New Jersey whose unselfish service to his community has left a lasting impression in the hearts of members of both his church and his community.

Reverend Henry Alphanzo Hildebrand has dedicated his life to serving his congregation and his community. Throughout his career, Reverend Hildebrand has served in five different churches and has been recognized by a numerous organizations for his years of dedication. He began his career as a pastor for Ebenezer A.M.E. Church in Rahway, New Jersey, where he led the congregation in the construction of the present church edifice. After serving the Rahway community for three years, he was assigned to the Mt. Zion A.M.E. Church in Plainfield. There he inspired dedicated members to aid in the recovery of the church building and parsonage. Then in 1953, Reverend Hildebrand was assigned to Morris Brown A.M.E. in Philadelphia and quickly expanded the size of the congregation. Under his leadership, the church was recognized as a leading church in the area. Following his assignment in Philadelphia, Reverend Hildebrand returned to New Jersey and dedicated himself to the St. James Church in Atlantic City where he was instrumental in renovating and refurbishing the church as well as in the acquisition of a new parsonage.

For the last thirty-seven years Reverend Hildebrand has been a Pastor at the Mount Zion Church where he has become the Senior Pastor in the city of New Brunswick, as well as the New Jersey Conference. Reverend Hildebrand is also the only Pastor in the conference to dedicate his service to the same congregation for over 30 years. Throughout his years at Mt. Zion, the congregation has experienced unparalleled spiritual, cultural and economic expansion. Reverend Hildebrand is dedicated to his congregation-he weeps for the lost of loved ones, rejoices in times of celebration and services as a source of support.

It is my sincere hope that my colleague will join me in honoring Pastor Henry A. Hildebrand for his inexhaustible enthusiasm and many outstanding achievements in the Mt. Zion A.M.E. Church community.

D-DAY ANNIVERSARY

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. FERGUSON. Mr. Speaker, it is an honor to address you on the eve of the anniversary of the American victory on D-Day. Fifty-seven years ago, thousands of U.S. soldiers risked their lives landing in Normandy and Provence and accomplished the first great breach of Hitler's forces in Western Europe. Over the next few months, thousands more joined the fight and gave their lives to liberate France and defend the cause of freedom.

We remember and honor the remarkable contribution and sacrifice, which those brave soldiers made in the name of freedom. I would like to draw attention to a special event that illustrates the international significance of D-Day.

In Union County, New Jersey, a part of the 7th Congressional District I was chosen to represent, a ceremony will take place tomorrow honoring county residents who valiantly served in this great military operation. The veterans will be awarded a commemorative medal and diploma that was designed by the Federacion des Aciens Combattants Francais in a profound gesture of appreciation and good will.

Again, I am honored to bring to the attention of the House and represent the citizens of New Jersey, in offering my most sincere respect, appreciation and admiration for the brave men who led our nation during one of its finest hours.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. CLAYTON. Mr. Speaker, on Friday morning May 25, 2001, and Saturday, May 26, 2001, I was in my district attending to official business and as a result missed two roll call votes.

Had I been present, the following is how I would have voted:

Roll Call No. 148 (On agreeing to the Resolution H. Res. 153—Waiving points of order against the Conference Report to accompany H.R. 1836) "Nay."

Roll Call No. 149 (On agreeing to the Passage of the Conference Report—H.R. 1836) "Nay."

TRIBUTE TO DR. JAY C. DAVIS, DIRECTOR, DEFENSE THREAT REDUCTION AGENCY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. TAUSCHER. Mr. Speaker, I wish to take this opportunity to recognize the accomplishments of Dr. Jay Davis, the first Director of the Defense Threat Reduction Agency, more commonly known as "DTRA." Jay completes his tenure as the Director on June 21, 2001 and will be returning to Lawrence Livermore Laboratory.

Three years ago, the Department of Defense recognized the need to establish an agency to respond to the growing threat posed by the proliferation of nuclear, chemical, and biological weapons—so called "weapons of mass destruction" or "WMD." In October 1998, the Defense Threat Reduction Agency was established to integrate and focus the capabilities of the Department on the present and future WMD threat.

The agency needed a director and the Department reached out to Jay Davis to establish the Agency, provide its vision, and make it a rapid success. Jay was the perfect choice for this assignment. He had spent the majority of his career at Lawrence Livermore Labs. A nuclear physicist, he has worked as a research scientist and an engineering manager, leading the design and construction of several unique accelerator facilities for basic and applied research. Most recently, he was the Director, Center for Accelerator Mass Spectrometry.

He also brought extensive management experience in mergers, restructuring, and change management in organizations as well as project and operations management. His research interests also include treaty verification and nonproliferation technologies, and the design of research and development collaborations.

Jay has also served as a scientific advisor to the United Nations Secretariat, several US agencies, and to the scientific agencies of the governments of Australia and New Zealand. He participated in two United Nations inspections of Iraq as an expert on mass spectrometer and construction techniques.

He holds a Bachelor of Arts degree and Master of Arts Degree, both in Physics, from the University of Texas, and a Ph.D. in Physics from the University of Wisconsin. Prior to joining Lawrence Livermore, he was an Atomic Energy Commission Postdoctoral Fellow at the University of Wisconsin. He is a Fellow of the American Physical Society and was one of its Centennial Lecturers in its 100th Anniversary Year. The author of more than seventy published works in his discipline, he also holds three patents on analytical techniques and applications.

During his three years at DTRA, Jay created an agency that is widely respected for the unique perspectives and capabilities it offers. Today, DTRA performs many important missions. It is partnered with the Commanders-in-Chief of the combatant commands, the Services, and the Department of Energy on the maintenance of the physical and doctrinal components of our nuclear deterrant. It provides the warfighters the offensive and defensive tools to prevail against WMD. DTRA also executes all arms control treaty inspections, cooperative agreements and technology control activities in the Department of Defense. in addition, jay has been instrumental in leading and defining the Defense Department's role in supporting local and state agencies in WMD terrorism response operations. Under his leadership, DTRA has contributed significantly to the evolving concept of homeland defense.

Jay has twice been awarded the Distinguished Public Service Medal by the Secretary of Defense, DoD's highest civilian award, for his contributions to national security.

He and his wife Mary soon will return to the good life of the Livermore valley. I am happy to report that the nation will not lose his services, however. Effective July 1, 2001, Jay will return to Lawrence Livermore Laboratory to become the first National Security Fellow at the Lab's Center for Global Security Research. In this new position, Jay will do what he does best—bringing together scientists and technologists with policy analysts to study ways in which technology can enhance national security. I congratulate Jay on all his accomplishments at DTRA and wish him the best in his future endeavors at Lawrence Livermore Lab.

CELEBRATING THE 80TH BIRTHDAY OF LYRICIST HAL DAVID

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. BERMAN. Mr. Speaker, I rise today to take note of the 80th birthday of lyricist Hal David, whose work has produced some of the most enduring musical moments of the century and brought immense pleasure to generations of music lovers.

Few people probably realize how many of the words to songs they know and love were written by Hal David. Between '62 and '72, his lyrics were everywhere. Artists as diverse as Paul McCartney, the Pet Shop Boys, Manic Street Preachers, Prince and Elvis Costello cite his work as being influential to their own.

Millions of people have been enchanted by the work of this master wordsmith. We have all smiled at the wit and wisdom in the words to "Raindrops Keep Falling on my Head", "Do You Know the Way to San Jose", "What the World Needs Now is Love, Sweet Love", "Always Something There to Remind Me", and many many others. Hal's lyrics are clever, but come straight from the heart and shine with honesty and sincerity.

To say that Hal has been repeatedly honored for his talent is to make an understatement of some magnitude: "Raindrops" won an Academy Award, three other of his songs were nominated for Oscars, several more are in the Grammy Hall of Fame, and more than 20 won gold records. His work, of course, has earned him a special spot in the Songwriters' Hall of Fame, which he now serves as Chairman of the Board.

Filmgoers are very familiar with his work. The lyrics for the scores to "Alfie", "What's New Pussycat", "The Man Who Shot Liberty Valance", and "Moonraker", among others are his. Together with his long-time collaborator Burt Bacharach, he wrote six songs featured in "My Best Friend's Wedding." His Broadway show, "Promises, Promises" was awarded a Grammy and nominated for a Tony award.

The sheer volume of classic popular songs that bear his name is breathtaking and his hits are really too numerous to list.

Not content with just making music, Hal's years have been filed with service to civic and charitable organizations on both the East and the West coasts. He has contributed his valuable time to the New York City Food Bank and the Artist's Committee for Kennedy Center Honors. He is a Founder of the Los Angeles Music Center and a member of the Board of Governors of Cedars Sinai Medical Center.

As a past President and current member of the Board of Directors of ASCAP (American Society of Composers, Authors and Publishers), he is known for his work on the protection of intellectual property and the preservation of artists' rights.

It's hard to imagine that an artist of his accomplishments could be an unassuming, friendly guy, but Hal David is one of the nicest individuals imaginable. I'm sure you will all want to join me in thanking him for all the joy his music has brought to our lives and in wishing him many happy returns and very best wishes.

TRIBUTE TO THE ORIGINAL VENICE RESTAURANT AND THE RONCA, FEOLA AND SCAROGNI FAMILIES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the Ronca, Feola and Scarogni Families who, on June 20, 2001, will celebrate their 50th anniversary of running a successful family-owned business in the South Bronx; the original Venice Restaurant, first located on the opposite corner of its present location at 772 East 149th Street.

The members of these three related families trace their roots to the beautiful island of Ponza, Italy. They arrived in the Bronx as immigrants eager to improve their lives through hard work and dedication to the opportunities offered in this great land. The Venice Restaurant was opened in 1951 by Fred Guarino. He ran it until 1958. From that year until 1962, Giovanni Ronca and Silverio Migliaccio managed this neighborhood landmark. Mr. Ronca continued to operate the restaurant until 1975 when Steve Scarogni and Elio Feola assumed control. In 1988, Mr. Scarogni moved the business across the street to its present location. And twelve years later, Francesco Feola and Philip Vitiello joined Mr. Scarogni as partners. Throughout this entire time, these cousins and nephews of the restaurant's founder have maintained the same high quality food and service that has made the Venice Restaurant a neighborhood classic. Known for its fine dishes of pastas, veal, chicken and seafood, made daily on the premises, these family members continue to run a first class operation popular throughout the area.

Mr. Speaker, this is another fine example of immigrants coming to this country realizing their goals and living the "American Dream." Their success reminds all of us of the contribution immigrants have continuously made to our economy and to the betterment of this country.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the Ronca, Scarogni and Feola families and in wishing them continued success.

CONGRATULATING THE 180TH FIGHTER WING AND THE 555TH AIR FORCE BAND

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Ms. KAPTUR. Mr. Speaker, I rise today to congratulate the 180th Fighter Wing and the 555th Air Force Band (ANG), both stationed in the Ninth Congressional District in Swanton, Ohio. On April 7, 2001, the Air Force awarded the 180th Fighter Wing and the 555th Air Force Band the 2000 Outstanding Unit Award.

This citation recognizes the 180th Fighter Wing for service to America over a two-year span from June 1998 to May 2000. During that time, the brave men and women of this unit twice participated in overseas deployments to enforce the non-fly zone in Northern Iraq. Participating in Operation Northern Watch Joint Task Force based at Incirlik Air Base in Turkey, the unit completed 138 flights, often under hostile fire in the form of Iraqi surface-to-air missiles and anti-aircraft artillery. They successfully destroyed predetermined targets, resulting in a significant reduction of the threat capabilities in Northern Iraq. Moreover, the 180th Fighter Wing led the Ohio and Hungary Partnership for Peace, an initiative aimed at helping the former Soviet Block nation prepare for entry into the North Atlantic Treaty Organization. The unit trained with the Hungarian Air Force as they adjusted to their new role in the NATO Alliance.

This award, however, recognizes more than just exceptional performance in battle. The

Outstanding Unit Award attests to the excellence of this Unit's Standardization and Evaluation, Safety, Health Services, and Environmental Programs. Members of the 180th Fighter Wing and 555th AFB were deployed to Honduras to construct shelters for victims of Hurricane Mitch. Closer to home, they assisted with flood relief along the Ohio River. There, they cleared roads, removed trash and provided safe drinking water to victims. The unit also provided medics and physicians to assist victims as well as performed field media relations, giving citizens time-sensitive information about health, safety and flood cleanup. The 180th later deployed 43 people to Camp Dodge, Iowa to repair several facilities damaged by tornadoes. By using their plumbing, electrical, structural, engineering and heavy machinery skills, the unit saved the Army $160,000 in labor costs—the largest saving by any such group to date.

Finally, I must commend the 180th Fighter Wing and all its members for the community involvement and humanitarian services provided, not just over the last two years, but also throughout its residence in Northwest Ohio. This unit is actively involved in multiple charitable, community and youth programs throughout the region. They have tutored and mentored students at two area schools under the Adopt a School Program, raised funds for Big Brothers/Big Sisters, participated in Operation Feed through the Toledo Seagate Food Bank which donated 4,938 food items and $9,953 through that period, and created an internship program for the Ohio School to Work Program.

No doubt: the 180th Fighter Wing and 555th AFB are outstanding in every sense of the word. Whether flying dangerous missions overseas, assisting in disaster relief at home or volunteering free time to teach a child how to read, these men and women perform beyond expectations. Their courage and commitment to the community, as well as their jobs, is unparalleled. We in the 9th Congressional District of Ohio are honored to have such a dedicated, professional and exemplary unit represent our nation here and abroad.

HONORING JOHN A. JACKSON

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. SCHIFF. Mr. Speaker, I would like to take this opportunity to honor John A. Jackson, a resident of Altadena, who was awarded an Albert Einstein Distinguished Educator Fellowship.

Mr. Jackson is a graduate of California State University, Los Angeles, and earned a Master's degree at the University of Southern California. He was awarded the fellowship based on his extraordinary success in inspiring students through "action" learning. Mr. Jackson is the Founder and Director of Project EARTH (Environmental Awareness Research Through Hands-on Activities), an award winning earth science and environmental education program for seventh grade students at Monterey Highlands School. Mr. Jackson also instituted a week-long earth science and environmental science field trips to the Salton Sea, Mono Lake, Yosemite National Forest, and Death Valley Park.

Mr. Jackson is serving his fellowship at the National Science Foundation's Division of Graduate Education. He is working in the GK–12 program and is addressing the lack of Science, Mathematics, Engineering, and Technology (SMET) instruction in our schools. The GK–12 goal is to increase classroom teachers' knowledge and understanding of scientific principles, improve communication and teaching-related skills for Fellows, and link through partnerships universities to local school districts. Mr. Jackson is very dedicated to these important goals and has agreed to serve another year in the fellowship program.

John A. Jackson is a true example of the difference one person can make in lives of our young people. His ongoing commitment to lifelong education is truly commendable. My district is very blessed to have an educator of his caliber and I am very proud to honor him here today.

TRIBUTE TO MRS. BETTY HUTH SCHONROCK OF HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. CRAMER. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mrs. Betty Huth Schonrock, a gracious friend of our community. Mrs. Schonrock was recently recognized with the Governor's Arts Award for her time, guidance, and financial support of the arts in Huntsville. As a direct result of Mrs. Schonrock's time and service, our quality of life has been enhanced through her commitment to the Huntsville Symphony Orchestra, the Wilcoxon ice-skating complex, Randolph School, the Historic Huntsville Foundation, the Madison County Mental Health Association, the Huntsville-Madison Botanical Gardens, and the Huntsville Museum of Art.

Becky Quinn, a member of the Alabama State Council on the Arts, spoke at the awards ceremony about Mrs. Schonrock's contributions to the development of the arts in North Alabama. Her words speak volumes about the award winner, "For years Betty has taken strong leadership roles by bringing a rare combination of passion and reality to the arts. She has both the creativity to provide the vision and the organizational and fundraising skills to assure success." I also would like to share with you the comments on Betty listed in the "Celebration of the Arts" program, "The growth, strength and stability of many of these art entities are attributed to the insight, commitment and hard work of Betty Schonrock, whose efforts and influence will be felt for countless years and generations to come."

Mrs. Schonrock is not afraid to take on the tasks that no one else will volunteer for. She has spent incalculable hours in computerizing, for the first time, the Symphony ticket subscriber's list, auction acquisitions records, and auction invitation list. This kind of service is not an unusual task for Mrs. Schonrock to undertake and is very reflective of the kind of selfless dedication she gives to the arts.

I believe this is a fitting tribute for one who has dedicated many years to serving the nation and the citizens of North Alabama. I send my congratulations to Mrs. Schonrock and her family, her husband Keith, and her children Heather and Keith as she accepts the well-deserved Governor's Arts Award. On behalf of the people of Alabama's 5th Congressional District, I join them in celebrating the extraordinary accomplishments of a wonderful lady, Mrs. Betty Huth Schonrock.

COMMEMORATING THE TWENTIETH ANNIVERSARY OF HIV/AIDS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to draw my colleague's attention to a tragic anniversary. It was twenty years ago today that the Centers for Disease Control and Prevention (CDC) published the first report of what is now known as HIV/AIDS. I ask my colleagues to join with me today in renewing our commitment to conquer HIV and AIDS and to support efforts to end the spread of HIV.

Today marks the beginning of the third decade with AIDS, and almost 40 million people are living with HIV/AIDS worldwide. Here in the United States, increased social awareness and HIV/AIDs initiatives have created a perception that the AIDS pandemic is over. However, AIDS/HIV continues to destroy American families, neighborhoods, and communities. Women and children are especially susceptible to the disease. Between 1994 and 1998, the number of women living wth AIDS nearly doubled. Moreover, there are an estimated 120,000 to 160,000 women living with HIV. It is especially alarming that seventy-eight percent of the AIDS cases in American women ages 20–24 are minorities.

Minorities account for over two thirds of the new AIDS cases reported in this country, and people of color account for more than half of AIDS cases worldwide. Children are fast becoming the innocent victims of HIV; the number of children living with HIV and AIDS is at an all-time high. Even communities that were leading in the battle against HIV/AIDS have suffered set backs in the last few years. The gay community, which was the first community mobilize and educate itself shortly following its tidal wave of infections in the early 1980s, is seeing increases in infection rates that had long lingered between 3 and 5 percent. A recent report by the CDC suggests that there is resurgence of HIV infection in the gay community, especially among African-Americans and Hispanics.

In comparison to other regions of the world, America has escaped the epidemic proportions of AIDS seen around the world. Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. The United Nations reports that 25.3 million adults and children are infected with the HIV virus in the region, which has about 10% of the world's population but more than 70% of the worldwide total of infected people. I applaud the efforts of my colleagues who have worked tirelessly to the awareness of the members of this body of the conditions in Africa.

Since the onset of HIV/AIDS in 1981, we here in Congress, have attempted to address the issue. Not knowing of the complications and aggression of HIV/AIDS, in FY81 the Department of Health and Human Services received $200,000 in discretionary funding for HIV/AIDS. Today, Health and Human services receives close to $5 billion for HIV/AIDS programs, and the overall federal government spends close to $12 billion on programs for HIV/AIDS research, education, and prevention. This funding allows agencies such as the Center for Disease Control and Prevention (CDC) to support programs for state and local prevention activities. Programs sponsored by the CDC also include: a national public information network; education programs in the nation's schools; disease monitoring; and laboratory; behavioral, epidemiologic studies designed to identify the most effective interventions to combat HIV. Federal funding has also helped in the development of drugs has also helped in the development to drugs such as AZT and others, which allow infected individuals to enjoy a longer and healthier life. The National Institutes of Health (NIH) has conducted crucial research in the development of treatments and vaccines for HIV/AIDS. the HIV/AIDS Minority Initiative provides funding for prevention and treatment in minority communities. The Global Health Initiative supports activities around the world focused on HIV/AIDS programs. The Ricky Ray Hemophilia Relief Fund provides compassionate payments to individuals with blood clotting disorders, who contracted HIV due to contaminated blood transfusions. These programs not only effect social consciousness, but also reflect our nation's increased dedication and commitment to eradicating HIV/AIDS.

In 1990, Congress passed the Ryan White Comprehensive Resources Emergency (CARE) Act. I am proud to say that here in this sometimes divisive body, we were able to come together and vote unanimously for the reauthorization of the Act in 2000, thereby assisting metropolitan areas and states with their health care costs and support services for individuals and families affected by HIV/AIDS. This legislation is vital to helping those who are most affected by this disease and who often do not have the means to combat this disease. Shortly after we passed the Ryan White CARE Act, I received a letter from a former student of mine who has been living with AIDS. In her touching letter, my former student applauded our efforts here in Congress, "I am very pleased that we have seen an increase in funding for the Ryan White CARE Act to help those living with this horrible disease and all of their families too. Now, hopefully with all the funds we can care for a lot of people and try to keep them as well as possible * * *."

Mr. Speaker, we cannot jeopardize the well being of those living with HIV/AIDS and must ensure that funding for HIV/AIDS is retained. I commend the gentlewoman from California, Mrs. PELOSI, and the gentleman from Illinois, Mr. SHIMKUS, whom I have joined in sending a letter to encourage President Bush to increase funding for the National Institutes of Health (NIH), the United States Agency for International Development (USAID) and the Housing Opportunities for People with AIDS (HOPWA) programs. The letter also encourages President Bush to support funding for disease prevention, the Ryan White CARE Act to improve health care for people with AIDS, and the Minority HIV/AIDS Initiative. With rates of infection on the up swing and so concentrated, we cannot let these programs lag; the risk is too high.

It is paramount that we persevere in our efforts against HIV/AIDS. As we begin our third decade battling this disease, I maintain that we focus our energies on those who are most vulnerable to infections: women, minorities, and children. We must also redouble our efforts to educate our citizens, especially our youth, on how to protect themselves from HIV infection. In addition, we must not ignore our humanitarian duty to those suffering around the world. The strides we have made in the past two decades are numerous; and we should celebrate our victories. However, we cannot overlook the individuals who are unable to fight this disease alone. I ask my colleagues, on this the 20th anniversary of the AIDS/HIV, to remember the past and stand in solidarity to renew our nation's commitment to this global crisis.

TRIBUTE TO RUTH VELOZO

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. McDERMOTT. Mr. Speaker, a remarkable individual is planning to retire next month after 34 years of dedicated service to the hungry and the homeless in my District. Ruth Velozo, executive director of Northwest Harvest, a statewide food program, is stepping down at the age of 72. Ms. Velozo began working for Northwest Harvest in 1967 and became executive director in 1980. As a result of her guidance and hard work, the agency grew from an ecumenical ministry with a debt of $35,000 to a $20 million dollar a year charity.

Last year, Northwest Harvest collected and distributed 16.5 million pounds of food to the poor and the hungry. Northwest Harvest has four distribution centers in the state through which food is donated to 283 hunger programs.

Mr. Speaker, Ruth Velozo grew up during the Great Depression. She learned the devastation of poverty and hunger. Through America's prosperous upswings and economic downturns, she never abandoned her determination to help those who are left out. She has dedicated her life not only to feeding people, but to furthering her core values: maintaining the dignity of the poor, and an unwavering belief in the basic generosity of people.

Ms. Velozo has said that in a perfect world, she would step down because there is no longer a need for Northwest Harvest's services. But sadly, more than 30,000 people ask for food at the main branch in Seattle each month, and Washington State ranks eighth amongst the states in those who suffer from hunger. The need would be much larger, however, had it not been for Ruth Velozo and her work. I hope you will join me, Mr. Speaker, in thanking her for her energy, for her leadership, and for her commitment.

A TRIBUTE TO RABBI GERALD RAISKIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. LANTOS. Mr. Speaker, I rise today with great pleasure to honor Rabbi Gerald Raiskin, who is celebrating 50 years in the Rabbinate and 45 years as Rabbi of Peninsula Temple Sholom.

Rabbi Raiskin's life of service began in New York's lower East Side where he attended Seward Park High School, Herezliah Hebrew High School and Brooklyn College. His exemplary dedication to duty was evident from the early age of 18, when Gerald Raiskin answered his country's call and enlisted in the United States Army. He soon earned the rank of Private First Class and served with distinction in the 80th Infantry Division of the United States Army. Gerald Raiskin was awarded the Combat Infantry Badge and two Battle Stars for heroic combat duty, which included the capture of Hitler's Austrian birthplace and engagement in hostilities at the outskirts of the Buchenwald Concentration Camp, where the young soldier observed the bodies of inmates who were killed in the nearby woods as he marched towards the camp. When the war in Europe ended, Rabbi Raiskin's outstanding academic record afforded him the opportunity to attend the University of Geneva, where he studied art and political science before returning home to Brooklyn.

Gerald Raiskin's path to the rabbinate began in earnest with his commitment to Reform Judaism and enrollment in the Jewish Institute of Religion's Rabbinical School in 1948. He was both an illustrious and industrious student who served as a student rabbi in several congregations while writing a thesis and preparing for written and oral examinations for the Master of Hebrew Literature Degree. On weekends, then student rabbi Raiskin tended both a reluctant furnace and a willing new congregation in East Hartford, Connecticut. On the High Holy Days he was assigned to conduct Conservative services in Lake Hopatcong, New Jersey, a bungalow community where Rabbi Raiskin served as rabbi, cantor, torah reader and blew the shofar. In addition, he organized a religious school in Merrick, Long Island, and taught Hebrew to children in Trenton, New Jersey and was awarded two academic prizes before his ordination in June, 1951.

Mr. Speaker, after his ordination Rabbi Raiskin traveled to the new state of Israel, where he lived in Jerusalem and continued his religious studies at the Hebrew University. When heavy rains in December of 1951 devastated the encampments of immigrants from

North Africa and Romania, Rabbi Raiskin was sent to Afula, where he aided and eased the suffering by providing clothing that had been sent by Jewish organizations from the United States.

Rabbi Raiskin returned from Israel in 1952 to work for the Union of American Hebrew Congregations (UAHC) as the Director of the Chicago Federation of Temple Youth. He also served as the Director of the Union's Institute which was the first camp owned by the UAHC in Oconomowoc, Wisconsin (now known as the Olin-Sang-Ruby Camp). In 1953, just in time for High Holy Days, Rabbi Raiskin joined the Stephen Wise Free Synagogue where he started a senior citizens group, increased attendance at the young adult groups, and strengthened the religious school.

The yearning for a congregation of his own was answered in 1956 when Rabbi Raiskin received an early morning telephone call asking him to consider becoming the spiritual leader of the Peninsula Temple Sholom. On August 1, 1956 Peninsula Temple Sholom's first rabbi arrived in San Mateo to begin 45 years of humanitarian work that has extended well beyond the walls of the temple.

Mr. Speaker, Rabbi Gerald Raiskin today is recognized as one of the great leaders of San Mateo County. He built the congregation of Peninsula Temple Sholom from very humble beginnings to a congregation of over 700 families, while constantly working to advance civil rights at home and abroad. In March of 1965 Rabbi Raiskin participated in the Civil Rights March to Montgomery with Dr. Martin Luther King, Jr. Rabbi Raiskin was arrested on several occasions for protesting in front of the Soviet Consulate in San Francisco on behalf of Jews in the Soviet Union. He risked his own safety to bring humanitarian aid in the form of medical supplies and books on Judaica to refuseniks in Kiev, Leningrad and Moscow. Here at home, Rabbi Raiskin has been integral to interfaith efforts that have greatly benefitted the 12th Congressional District which I am privileged to serve.

Rabbi Raiskin has aptly been described as "a role model, a true community leader, an incredible teacher and an all around mensch." He is a loving husband to Helen, a devoted father to Sherman, Rhonda, Judith and Jordana and a doting grandfather to Marni, Jamie, Dana, Marcy, Jeremy and Eli. His spiritual leadership has brought joy, peace and comfort to generations of Peninsula Temple Sholom members.

Mr. Speaker, I ask my colleagues to join me in congratulating Rabbi Raiskin on fifty years of service in the rabbinate, commending his half-century of humanitarian and public service and wishing him and his family many more years of richly deserved good health and happiness.

JUNETEENTH CELEBRATION OF FREEDOM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Cleveland's Juneteenth Celebration of Freedom to be held June 23–24 at the Martin Luther King Civic Center.

Juneteenth, the oldest known celebration of the ending of slavery, began on June 19, 1865 when the last known group of slaves learned of their freedom. The purpose of Juneteenth is not only to relive a painful chapter in history, but to revive and preserve African American heritage. Juneteenth reminds all Americans to keep open the lines of communication by all people.

We gather to celebrate and emphasize the true meaning of freedom, to embrace human rights and to come together as one people without regard to race, national origin, class, religion, or any walk of life. This year's annual observance will bring all Americans together to promote racial healing and provide inspiration to all.

Juneteenth supporters have already planned countless marches, a kick-off session, talent shows, workshops, childrens activities, and other events as part of the two-day celebration. Much planning has gone into creating a celebration to uplift the human spirit through rap, reggae music, dance, games, poetry, and more.

Mr. Speaker, I ask you to join me in celebration and recognition of Cleveland's Juneteenth Celebration. It is time for Americans of all colors, creeds, cultures, and religions to share a common love of and respect for freedom.

CENTRAL NEW JERSEY RECOGNIZES SAM GOLDBERG FOR HIS ONGOING CONTRIBUTIONS TO HIS COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. HOLT. Mr. Speaker, I wish to recognize today Mr. Sam Goldberg for his continued demonstration of the strong sense of civic duty that characterizes the true spirit of American citizenship. Sam, the newly named Person of the Year by the Homeowners of Covered Bridge has, through his membership in a number of local organizations, distinguished himself as a pillar of the community of Covered Bridge, Manalapan Township.

Sam began his life in the Bronx as the eldest of three children. After his graduation from Morris High, Sam briefly attended City College. In 1951, he left college to join the Army. After being discharged from the armed forces in 1953, Sam married his current wife, Esther, a Brooklyn native. The couple settled in Brooklyn, where they raised two daughters and where Sam went on to a career in the U.S. Post Office's payroll division. In 1988, after he retired from the USPS, Sam began a brief stint in the Brooklyn District Attorney's payroll office. Throughout his career, Mr. Goldberg remained active in civic organizations, including the Knights of Pythias, and the Concerned Citizens of Canarsie.

After moving to Covered Bridge, Sam continued his long-time association with the Knights of Pythias. He also volunteered with a number of local associations, including SCAT, Deborah, and the Jewish War Veterans. In addition to serving as the First Vice-President of the Homeowners of Covered Bridge, Sam sings with the Covered Bridge Chorale and volunteers at both the Lyons Veterans Hospital and CentraState Hospital.

Sam Goldberg's life has truly been one of dedicated community service. I applaud Sam's continued efforts and ask my colleagues to join me in recognizing his many accomplishments.

TRIBUTE TO THE LATE LEAMON KING

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. BACA. Mr. Speaker, It is with great sadness that I note the passing of Leamon King, of California.

A lifelong educator in the Richgrove and Delano Elementary School Districts, Olympic Gold Medalist, World Record Holder in the 100 yard dash and Delano High School graduate, Leamon provided a positive role model for the local youth. He made significant contributions to the improvement of education opportunities for Latino Children in California.

Leamon was born on February 13, 1936 in Tulare, California. His parents were Loyd King and Beatrice Wallace King. They owned a farm in Earlimart, and Leamon lived there the first year of his life. His father, Loyd King, sold their farm in 1937, and the King family moved to Delano, California where Leamon completed his elementary and secondary education.

Leamon began his education at Ellington School and later transferred to Fremont School. His mother wanted him to learn music and to play the saxophone. The only elementary school in Delano with a band at that time was Cecil Avenue Elementary School, so he transferred to this school. While attending Cecil Avenue and learning music, Leamon began to excel in track as a sprinter, and was ultimately elected student body president.

Upon graduation from Cecil Avenue, Leamon transferred to Delano High School. He attended and won his first state meet at the age of fifteen during his freshman year in high school. During the next four years, Leamon King continued to excel as both a student and as a runner. This outstanding athlete provided a positive image for Delano High School and the City of Delano, as well as being a positive role model for students to emulate.

Following graduation from Delano High School in June 1954, Leamon began to pursue higher education at University of California, Berkeley. He was the first child in his family to pursue a college education. The April 10, 1956 Delano Record stated, "DELANO SPRINTER READY FOR OLYMPICS. Sophomore Leamon King, Delano High School graduate, a young man with wings on his feet, is California's newest hope for "World's Fastest Human" honors, and the Bear sprint sensation will have ample opportunity to earn such acclaim this spring." The following month

Leamon King tied the world record for the 100-yard dash at the West Coast Relays in Fresno, California. Merle Red Post 124 First Vice Commander Joe Viray and former educators Wayne and Wava Billingsley witnessed this spectacular event. They stated Leamon King's historic race was an awesome sight to see. It appeared as through Leamon King had wings so his feet as he majestically flew across the finish line and into the world record history book.

The Delano Record dated May 15, 1956 stated the following: "KING'S 9.3 DASH BRINGS ANOTHER RECORD TO CITY. Delano became the home of two world champions Saturday when Leamon King, local resident and former Delano High School track star, ran the 100 yard dash in 9.3 at the Fresno Relays to tie the world record. King's victory brought another world record to Delano, making it the home of one of the fastest sprinters and the residence of Lon Spurrier, holder of the world record for the 880. There is no other city in the United States the size of Delano, which can boast two world champions."

Both Leamon King and Lon Spurrier were selected to participate in the 1956 Olympics in Melbourne, Australia. Delano became the only city of its size in the United States to have two representatives make the 1956 Olympic team. Because of the fame the City of Delano had received due to the athletic accomplishments of these two track stars, Leamon King and Lon Spurrier were the Grand Marshalls of the Eleventh Annual Harvest Holidays Parade on October 6, 1956.

During the October 1956 United States Olympic camp practice meet at Ontario, California, Leamon King set his second world record when he tied the 10.1 time for the world record for 100 meters set by Ira Murchison and Willie Williams in Germany the previous summer. Following this splendid achievement, Leamon traveled to Australia to represent the City of Delano and the United States. Dr. Clifford Loader, Mayor of Delano, also traveled to Australia to give support to the two Delano Olympic participants.

Delano High School Educator Gary Girard, who was serving as a staff writer for the Delano Record, stated in his article dated November 23, 1956, "KING'S EFFORTS PULLED U.S. TO VICTORY IN 400-METER RELAY AT OLYMPIC GAMES. Dr. Clifford Loader, Mayor of Delano, believes that it was the running of ex-Delano High star Leamon King that pulled the United States to victory in the 400-meter relay at the Olympic Games in Australia. The U.S. had stiff competition from Russia. Loader said that after the relay, Thane Baker, another member of the U.S. relay team ran over to hug King, realizing that it was his leg on the relay team that had won the race. King received a gold medal for his effort on the winning U.S. 400-meter relay quartet."

Following the Olympic Games, the foursome set a New World record. In a meet with the British Empire, the U.S. team of King, Andy Stanfield, Thane Baker and Bobby Morrow set a new world mark of 1:23.8 for the 880 yard relay. The old mark was 1:24.

According to Leamon King, when he first arrived in Melbourne, he ran on grass and set a grass record. It appeared as though every time he ran, he would break a record.

Bakersfield Californian Staff Writer Kevin Eubanks stated "King's omission from the 100 meter team certainly didn't affect his moment in the spot light. The news that the world's fastest man was not competing in the 100 meter race was received as something of a shock by the rest of the sporting world." For his outstanding attributes as an athlete, Leamon King served as Grand Marshall for the Delano Cinco de Mayo Parade, was inducted into the University of California, Berkley Hall of fame, and the Bob Elias Hall of Fame in Bakersfield, California.

During the past twenty-nine years, Leamon King served as an educator in the Delano area. Mr. King taught for two years in Richgrove prior to transferring to the Delano Union School District where he served as educator for the past twenty-seven years. Mr. King taught the sixth grade at both Terrace Elementary School and Almond Tree Middle School. During his tenure as an educator for the Delano Union School District, Mr. Leamon King proved to be an extraordinary educator and was highly respected. This educator served as an excellent example for his peers, as well as our youth.

On his sixty-fifth birthday this year, during Black History Month, the Delano Union School District named in Leamon's honor the athletic facilities at Almond Tree Middle School, which include the school gym and outside athletic facilities, including a track and basketball courts.

Leamon King will be missed by family, friends, colleagues, and the community. I offer my condolences to Leamon's family. And we say to Leamon, "goodbye, we miss you, we know God will bless and watch over you."

HONORING MICHIGAN ELKS ANNUAL STATE CONVENTION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KILDEE. Mr. Speaker, today I rise to recognize the Michigan State Association of the Improved Benevolent Protective Order of Elks of the World. On June 12–17, Elks from all over Michigan will gather in my hometown of Flint for their 75th Annual State Convention.

Attorney Benjamin Franklin Howard in Cincinnati, Ohio founded the Improved Benevolent Protective Order of Elks of the World in 1898. Its purpose remains to promote and enhance the welfare of its members and the communities they come from through the spirit of benevolence and inculcation in all its members. The order of Elkdom is best known for a century of give over $2.5 million in scholarships to youth of all races and cultures throughout the United States.

Over the years, the Michigan State Association have graciously made donations to Children's Hospital of Michigan, the United Negro College Fund, and many other charities. They have also given over $30,000 to other hospitals, as well as the Michigan Kidney Foundation.

Children have always been a focal point of the Elks, as the Michigan State Association has shown through their dedication to scholastic achievement. The Elks regularly contribute to literacy programs, oratorical contests, and other programs designed to presenting our young people with a public forum, and a chance to shine.

I would like to recognize the leaders of the Michigan State Association: Mr. Alfred Bell, State President, and Mrs. Julia M. Ford, Michigan State President of the Daughters of Elks. It is through their leadership that the Elks serve as such a tremendous group of people.

Mr. Speaker, as a member of several civic organizations, I know very well that groups such as the Elks work diligently to improve the quality of life for all those they come into contact with. I am honored that the Michigan State Association have chosen Flint as the site of their 75h Annual Convention. I ask my colleagues in the 107th Congress to join me in congratulating the Elks and wish them continued success.

REINTRODUCTION OF THE MEDICARE WELLNESS ACT OF 2001

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. LEVIN. Mr. Speaker, I am pleased to join with my colleague, Mark Foley, in reintroducing The Medicare Wellness Act, which would modernize Medicare by adding common-sense health promotion and early detection services to Medicare's basic benefit package and removing financial disincentives to use current preventative care services.

I'm pleased that we were able to enact a few of the provisions in last year's Medicare Wellness Act as part of the Beneficiary Improvement and Protection Act, and I hope this will be the year that Congress finishes the job by creating a permanent, fact-based process for adding preventative care services to Medicare as science proves that they are effective.

It doesn't make any sense that, for example, Medicare will pay to treat someone who has a heart attack but won't pay to prevent the heart attack by screening for high blood pressure and elevated cholesterol. The Medicare Wellness Act would rationalize the program by adding basic preventative services to Medicare's benefit package. It would also create an incentive for beneficiaries to use the services by eliminating cost-sharing and deductibles for preventative care services, just as most private insurance plans have done.

The bill would add cholesterol screening, high blood pressure testing, hearing and vision testing, and expanded osteoporosis screening to Medicare's list of covered services. It would also add coverage of health promotion services like medical nutrition therapy for people with heart disease and smoking cessation help. It would allow us to test a depression screening benefit to see if by detecting and treating clinical depression at early stages we could head off debilitating physical illnesses and reduce the elderly suicide rate, which is higher than that of any other age group. The Wellness Act would eliminate the cost-sharing on existing prevention services to encourage more people to use them. Most importantly, it would add a "fast-track" process by which Congress could regularly add those prevention services that were scientifically proven to be effective to Medicare.

Every day, scientists discover new early detection, disease prevention, and health promotion tools, and those tools aren't just for young people—research shows that lifestyle changes can increase life expectancy and quality of living for people of all ages. Unfortunately, the Medicare program, which was created in 1965, has not kept up with these exciting advances in health promotion. Medicare provides state-of-the-art care to sick people, but does little to keep them well.

As a result, last year Medicare spent over $35 billion providing acute care to people with heart disease, $6 billion treating people who had strokes, over $5 billion treating lung disease, and $2 billion treating severe depression. While these expenditures can't be eliminated, we believe there is significant scientific evidence that health promotion and early detection could substantially reduce them.

Representative Foley and I are pleased to be joined in this effort by our colleagues BOB GRAHAM, OLYMPIA SNOWE, and JIM JEFFORDS in the other body. We hope Congress will move quickly to pass this bipartisan, bicameral bill which has been endorsed by over 20 groups ranging from the American Cancer Society and the American Heart Association to the National Council on Aging.

When you think about it, it's not surprising that The Medicare Wellness Act has such broad support. Better health care for seniors. Cost savings for Medicare. Who would oppose that?

CONFERENCE REPORT ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today in strong opposition to the Republican tax bill. Unfortunately, this bill is a missed opportunity, and it represents misplaced priorities.

Sadly Mr. Speaker, this bill is very much a missed opportunity. The White House and the Republican Leadership have utterly failed to deliver on the President's promise of a bipartisan process that puts accomplishment for the American people above gamesmanship by Washington politicians.

More importantly, this bill fails to provide for America's priorities. We must pay down the national debt to remove that burden from our children and grandchildren and cut interest rates for items like cars and homes. This Republican tax package will return us to the days of big deficits, high interest rates, high unemployment and a struggling economy.

I support and have voted for balanced tax relief as part of a comprehensive economic plan that will restore America's prosperity so that all of our hard working families can have security in their family finances. We must pass a strong economic plan, not a risky gamble with our nation's economic strength.

The Republican bill mortgages the future based on a guess. If the projected surpluses fail to materialize, Social Security and Medicare will be on the chopping block. The American people know that the budget projections are not real. They are an estimate. It is irresponsible to make decisions that will directly impact people's lives based on a ten-year number we know is no more reliable than a ten-year hurricane forecast.

This bill is a cynical maneuver for short-term political gain. I support and have voted for exempting virtually all North Carolina families from the estate tax, but this bill sunsets in 2010 which would reinstate the estate tax. I support immediate relief from the marriage penalty, but this bill will hurt families by driving up interest rates on homes, cars, and credit cards.

As the only former state schools chief serving in Congress, I was very pleased by the President's promise to improve education. But this bill saps the resources we need to strengthen our schools for the 21st Century. The bill does nothing to help states build schools to relieve overcrowding and get our students out of trailers even though we have strong, bipartisan support for tax legislation to accomplish that priority. And the spending cuts that this bill requires will threaten child care, Head Start, job training and college aid that are vitally important to allow people to make the most of their God-given abilities.

Mr. Speaker, a great deal of attention has been paid lately to the trouble on Wall Street and signs the economic boom may well be over. One sector that hasn't been booming for some time is agriculture, and farmers in my district have been hurting in the face of production cuts, commodity price losses and natural disasters. I was appalled when the Budget Committee passed its budget that would gut important farm programs to finance this tax bill. If approved, these cuts would eliminate funds to identify solutions to the state's hog waste problems and force dozens of our Farm Service Agency offices to close their doors. These agriculture cuts are wrong, and I will fight to restore them despite the expected passage of this Republican tax bill.

Mr. Speaker, we can have responsible tax relief balanced with sound investments in our nation's future, but this tax bill is a missed opportunity. I urge my colleagues to vote down this bill and come together to pass a responsible tax cut that honors America's values and respects the people's priorities.

IN HONOR OF THE RETIREMENT OF MISS MADELINE MALONE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize Miss Madeline Malone of Lakewood, Ohio for her 43 years of dedicated teaching service on this seventh day of June, 2001.

It seems that everyone who walks the halls of St. James School in Lakewood, Ohio knows Miss Madeline Malone. Her kind spirit and gentle smile have greeted students for the past four decades. Her teaching style has captured the hearts and minds of countless students who now live throughout northeastern Ohio and beyond.

Miss Malone taught primarily History and Social Studies to junior high students; however, she taught not only from a textbook. Her life lessons and wisdom touched the souls of each of her students. Her career has been a distinguished one. Her past students recognize her and remember her teachings. Upon retirement, there is no doubt that she will be missed.

Mr. Speaker, please join me in recognizing Miss Madeline Malone, a fine teacher and citizen. Her love of children has earned her the respect of students, parents, and faculty, as well as the entire Lakewood community.

TRIBUTE TO RON STARK

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. BACA. Mr. Speaker, I rise to salute Ron Stark, the outgoing President of the Rancho Cucamonga Chamber of Commerce, and a leading citizen of our community.

Ron is admired in the Inland Empire community for his strong record of business success and public service. He is the owner of Star Kreative Services, a full-service Marketing and Advertising Agency, specializing in budgeting, planning, media purchases, and complete corporate identity design.

Ron's leadership this past year is indicative of a Chamber President who continuously gives of his time and finances to promote a business friendly environment that enhances the quality of life and the economy of Rancho Cucamonga. He has served on the Board of Directors since 1995 and began his term as President July 1, 2000.

Some of the accomplishments under Ron's leadership were: Increased the image and visibility of the Chamber to its members and the community by moving into the historic Thomas Winery Plaza. Reorganized the community's 61-year-old Grape Harvest Festival to a true premier community event. Established a monthly President's Roundtable of nine Inland Valley Chambers, which discusses regional economic development and legislative issues. Encouraged the creation of a West End Community Calendar on the Chamber's Website, which enhances special event planning among the Chambers and service clubs. It offers the community and visitors a complete calendar of events 24 hours a day. Continued the Annual Spring Swing and Vintner's Dinner as pre-eminent events in the Inland Empire. Formed an effective Business Advocacy Group that tracks all legislation impacting the business community. This enhanced the Chamber's image as a true watchdog for the business community. He also wrote letters to various legislators urging either support or opposition to various legislation that would have an impact on the community. Increased "Shop Rancho" promotion activities encouraging the residents to "Shop

Rancho without leaving the home or office.” Continued the popular one-on-one counseling and Small Business Workshops for businesses that provided various management and marketing tools for the 21st Century. Reached a three-year goal (set in 1999) of establishing a six-month operating reserve of $145,000 one year early. Attained a three-year goal (set in 1999) of reaching 1,000 members, for first time in eleven years, one year early.

In summary, Mr. Speaker, Ron Stark has set the bar high for future leaders of the Chamber. We salute him for his outstanding work, and wish him well in his future endeavors.

HONORING WALTER CAMPBELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KILDEE. Mr. Speaker, it is a great honor to rise before you today to pay tribute to a loyal friend and a tireless advocate of America's workers. On June 5, friends and family will gather in Lansing, Michigan, to honor Walter Campbell, as he celebrates his 90th birthday.

Walter Campbell was born in Manistee, Michigan in 1911. His family moved to Muskegon, where he spent most of his life. He became active in the labor movement when he joined Local 404 of the Allied Industrial Workers, AFL–CIO, in 1937, while employed by Borg Warner in Muskegon Heights. He was elected to serve the union in various capacities, including chief steward, bargaining committeeman, and president. In 1941 he took a new endeavor when he began work with the international union. He became an international representative in 1943 and remained in that position until 1967, when he was elected Regional Director of AIW Region 7 and a member of the Michigan AFL–CIO Executive Board and Executive Committee. During his tenure with the AFL–CIO, Walter held many positions and chaired several committees. In 1959, Walter was appointed by Governor G. Mennen Williams as one of two labor members of the Michigan Employment Security Commission. He was consistently reappointed and served seven consecutive terms, three of which he served as chairman. His final term ended in 1987, 11 years after his retirement from the Michigan State AFL–CIO.

Walter's commitment to labor is matched only by his tremendous commitment to improving the community. He has been a member of United Way of Michigan's Board of Directors, and chairman of the Michigan Welfare Reform Coalition. He has worked with such groups as the Michigan Diabetes Association, United Negro College Fund, and the Michigan Catholic Conference, among many others. Since retiring, Walter has devoted much of his time to the United Way, assisting them with campaigns throughout the state. Walter has given so much of himself to the community that he has been recognized for it by many organizations. He has received awards for distinguished service by the Michigan League for Human Services, Boy Scouts of America, the Tri-County Volunteer Action Center, and the Lansing Human Relations Board. On June 9, 1979, Walter was honored by Grand Valley State College with an honorary Doctorate of Humanities.

Walter has also stood as a standard by which other community leaders are measured. In 1977, the Michigan United Labor Community Services School started the Walter A. Campbell Community Service Award to the student best demonstrating involvement in community services. In 1981, the Capital Area United Way established the Walter Campbell Award for Outstanding Volunteerism for those who stood out as an inspiration to others for community service through the United Way.

Mr. Speaker, Walter Campbell is a great humanitarian, an unselfish leader, and a true role model. In addition, he is a loving husband, father, grandfather, and great-grandfather. I personally have had the privilege of knowing Mr. Campbell for over a third of a century and I am clearly a better person because of him. He is a symbol of excellence to everyone in this nation, and is a shining example of the best our society has to offer. I ask my colleagues in the 107th Congress to please join me in wishing Walter a very happy 90th birthday, and many more to come.

CENTRAL NEW JERSEY RECOGNIZES THE TINTON FALLS LIBRARY FOR ITS ONGOING CONTRIBUTIONS TO THE COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of the Tinton Falls Library Association's 40th anniversary, which marks a milestone in the Borough of Tinton Falls' ongoing commitment to promoting literacy and to encouraging reading among borough youth. The library's ongoing service to the local community over the past four decades has truly been an invaluable asset to many residents of my district.

When the Tinton Falls Library first opened its doors in June of 1961, its total holdings amounted to a mere 2,000 volumes. Today, the library houses over 35,000 items, including a multimedia collection comprised of numerous videos, periodicals, and books on tape. Six computers (two with Internet access) are also available for public use.

For the past four decades, the library has also been committed to active service to the community of Tinton Falls. Its many programs include five-times daily Story Hours for children aged two to third grade, regular provision of books on Tinton Falls schools' Summer Reading Program lists, a Vacation Reading Club for children, as well as a group for teens that encourages community service, leadership, literacy, and volunteerism. Tinton Falls Library has also been host to a variety of borough cultural events and meetings held by local organizations.

The library's success is due to many reasons, but the main reason is the good, dedicated work of the staff and volunteers who make it work.

Once again, I would like to congratulate the Tinton Falls Library Association on its 40th anniversary. I ask my colleagues to join me in applauding its many accomplishments and efforts in service of our community.

CONFERENCE REPORT ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

SPEECH OF

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. PASTOR. Mr. Speaker, I am opposing the passage of H.R. 1836. This legislation is fiscally irresponsible and, contrary to its official title, will not result in economic growth, but could have a significant negative impact on our economy.

I support a tax cut. I have supported a tax cut since this process began in February. But this is the wrong tax cut at the wrong time. The House of Representatives and the President started this process all wrong. The President submitted this massive ten year tax cut of $1,600,000,000,000 before he had even submitted a budget for Fiscal Year 2002. And the House proceeded to pass this huge tax cut, without having passed a budget. This is completely irresponsible. It is the equivalent of a family taking money out of circulation for the next ten years before they have sat down and decided how much they need this year for health care costs, how much they need to educate their children, how much they need to protect their home, how much they need for transportation, or how much they need for food, shelter, and clothing. Again, Mr. Speaker, I had no problem with cutting taxes, I just wanted it done in a responsible manner and after a budget had been passed.

Once the House had passed a budget, the leadership continued on its blind path of irresponsibility by insisting on the President's $1.6 trillion cut. I supported a much more realistic plan, which would have divided the on budget surplus, the surplus after contributions to the Social Security and Medicare Trust Funds are deducted, into thirds. Under this plan, the $2.7 trillion surplus could have been divided into $900 billion for a tax cut, $900 billion to further pay down the National debt, and $900 billion to help fund National priorities such as education, veterans' health care initiatives, a prescription drug plan for our elderly, transportation infrastructure needs, disaster relief, and National defense. But now, many of these programs will go lacking because H.R. 1836 cuts $1.35 trillion, almost half a trillion dollars more than the plan I supported.

This is only the broad perspective of this legislation, however. We must also look at it from the immediate effects it will have on the individual taxpayer. In reality, the impact on middle income Americans is virtually zero.

I support elimination of the Marriage Penalty. But, adjustments to the Marriage Penalty do not even begin until 2005. This priority of almost every Member of the House and Senate is not dealt with for four years, and not completely eliminated for eight years. The adjustment to the Estate Tax is so minuscule until its elimination in 2010 that it will have virtually no impact on those family farmers and small business onwers who need relief right now. If you own a small business or family farm, you better do all you can to stay alive until 2010.

But finally, Mr. Speaker, the real changes to our tax code, the changes that have the most effect and impact, are for those individuals and families with adjusted gross incomes of more than $136,000 a year. The people making these large salaries will experience virtually all the tax cuts in this misguided legislation. The majority of my constituents, hard working taxpayers who fall into the 15% tax bracket, receive virtually nothing. Nothing! In fact, the 15% bracket does not change, except for the marginal $300 savings they will see from the creation of the 10% bracket on their first $6,000.

Accordingly, the people in my district who need tax relief the most, receive none. The small business owner and small farmer do not get any Estate Tax relief, the married couples of the Second Congressional District of Arizona don't receive any relief from the penalty for four years, and those families making less than $45,200, those in the 15% tax bracket, get virtually nothing, while the top one percent of taxpayers in our Nation, those making more than $373,000 a year, get 45% of the tax relief

This is an unfair tax bill which I am not able to support.

IN RECOGNITION OF JOHN JOSEPH HUGHES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in recognition and celebration of an esteemed author and free-spirited poet, Mr. John Joseph Hughes, on this second day of June, 2001.

Born in 1915, Hughes witnessed the turmoil and gloom of the Great Depression and later served in the U.S Air Force during World War II. He was sent to India, Burma, and China where he witnessed the atrocity and horror of the battlefield; he beheld how impoverished the living conditions were in these struggling nations. His travels and experiences have made him a lifelong seeker of peace, righteousness, and justice.

As an adolescent he contracted skin cancer. Though faced with this challenge in his life, he still managed to succeed. He became an avid Journalist and later worked on progressive campaigns to further his ideology. With his cheerful Irish demeanor and kind-spirit, Hughes has made countless friends in his life journey.

Romanticism guides his life and spirituality, and even led to his thoughts becoming concrete in the form of free-versed poems. It is a collection of those wonderful verses that we are celebrating today, compiled in "Cats in the Colosseum." Countless hours have gone into this compilation; the poems are sewed together with beauty and eloquence.

Mr. Speaker, please join me in celebration of John Hughes and "Cats in the Colosseum." We are truly blessed as a Cleveland community for him and his poems, and are grateful he has shared them with us.

SOUTH EASTERN EUROPE REGIONAL CONFERENCE ON TRAFFICKING IN HUMAN BEINGS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. WOLF. Mr. Speaker, representatives of the governments of Albania, Bosnia-Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, Macedonia, Greece, Hungary, Moldova, Romania, Slovenia, Turkey and Ukraine recently met in Bucharest to discuss effective cross-border solutions to the problems of trafficking in human beings and illegal immigration. The United States—represented by FBI Director Louis Freeh—as well as officials and law enforcement agencies from a number of western European governments also participated. I welcome the reports on the conference which indicate that the participants agreed not only on the critical need for intensified and coordinated efforts to combat trafficking in human beings and illegal immigration at the national, regional and international levels, but also that the protection of human rights and the dignity of trafficking victims must be given the highest priority in such efforts.

Mr. Speaker, in recognition of his role in both national and international efforts to combat trafficking in human beings, my colleague on the Commission on Security and Cooperation in Europe (the Helsinki Commission) Representative CHRIS SMITH was invited to participate in this regional conference. As we all know, Rep. SMITH was a prime sponsor of the Trafficking Victims Protection Act of 2000. In addition, as co-chairman of the Helsinki Commission and head of the U.S. Delegation to the Organization for Security and Cooperation in Europe's Parliamentary Assembly, Rep. SMITH successfully advanced language at the 1999 and 2000 meetings of the OSCE Parliamentary Assembly which condemned the trafficking of women and children and called for the governments of OSCE participating States to adopt the legislation and enforcement mechanisms needed to punish trafficking perpetrators and to ensure that the human rights of the trafficking victims are protected.

Due to the congressional schedule, Rep. SMITH submitted a written statement to the South Eastern Europe regional conference urging the governments and parliaments in that region to adopt tough laws against trafficking in human beings as well as providing in law adequate safeguards for the protection of trafficking victims. I commend my good friend and colleague for his devotion to the protection of human rights, including his work to end the global scourge of human trafficking, and I submit his statement to the conference to be made a part of the record.

STATEMENT OF REP. CHRISTOPHER H. SMITH, VICE-CHAIRMAN, HOUSE INTERNATIONAL RELATIONS COMMITTEE, CO-CHAIRMAN, U.S. COMMISSION ON SECURITY AND COOPERATION IN EUROPE

REGIONAL CONFERENCE ON TRAFFICKING IN HUMAN BEINGS AND ILLEGAL IMMIGRATION, BUCHAREST, ROMANIA (MAY 21, 2001)

The victimization of children, women and men through trafficking has reached vast proportions in the Balkans and beyond. Human trafficking is a human rights concern, a transnational crime problem, a migration issue, a socioeconomic issue, and a public health issue. Cracking down on the trafficking of human beings deprives transnational criminals of a key source of revenue, strengthens the rule of law, and protects human rights. The attention that this conference brings to the human trafficking problem and to the related, although distinct, concern of illegal immigration, is needed and welcomed. I regret that the congressional schedule prevents my participation in this meeting, but I hope to complement your discussions on fighting human trafficking by addressing the legislator's critical role in ensuring that law enforcers have the legal tools they need to prosecute traffickers and protect victims.

I commend the organizers of this meeting for recognizing the synergy between the prosecution of traffickers and the protection of victims, and including both subjects on the agenda. Under the current laws and law enforcement strategies in many countries, victims are often punished more severely than the perpetrators. Trafficked persons will not report abuses to authorities if doing so puts their lives at greater risk and if they do not believe that the law enforcement community will protect them. Therefore, successful prosecutions of traffickers cannot happen if we do not protect their victims.

Efforts to promote victim protection, and later reintegration into their communities, must start by recognizing trafficked men, women or children as victims of crime and potential witnesses, rather than as criminals. When a sex-for-hire establishment is raided, for example, the women (and sometimes children) in the establishment are typically arrested, locked up and then deported if they are not citizens of the country where the establishment is located. This procedure is followed without regard to whether their participation in the prostitution was voluntary or involuntary, and without regard to whether they will face retribution or other serious harm upon return. This not only inflicts further cruelty on the victims, it also deprives prosecutors of witnesses to testify against the real criminals, and frightens other victims from coming forward. The needs of trafficking victims, moreover, do not end when they are freed in a police raid. Authorities have the responsibility for the safety and basic needs of victims, including food, clothing, medical attention, shelter, and safe repatriation, and ideally they can partner with non-governmental organizations in providing for the victims.

In addition to occasional rescue operations, however, law enforcement officers in South Eastern Europe, and indeed throughout the world, must begin to address human trafficking as a priority crime issue. To date, law enforcers have generally failed to recognize the gravity of the violence brought to bear on trafficked persons or the links between trafficking and organized crime. The importance of thoroughly investigating trafficking cases and prosecuting perpetrators cannot be overstated. Trafficking in persons is today viewed as a low risk/high profit business rather than a crime. The prosecution of traffickers serves a dual purpose: it delivers justice to individuals who use force or fraud to trade in human lives and it serves as a deterrent to others who are inclined to pursue human trafficking as a business endeavor, thinking that the potential rewards would outweigh the risks.

I personally worked for more than a year to create a new law[1] in the United States mandating severe punishment for traffickers and providing new tools for law enforcement officers to combat this scourge. As a result of the legislation that I sponsored, which was enacted last October, any person who traffics in human beings—or who reaps the profits from this abhorrent activity—now faces up to 20 years in prison, or even life imprisonment under certain circumstances. The law also carries a penalty of up to 5 years imprisonment, plus fines, for confiscation or destruction of a passport or immigration documents from another person in the course of trafficking; it allows prosecutors to seize traffickers' assets; and it requires mandatory compensation by traffickers to their victims. The new U.S. law recognizes that children, women and men are trafficked into forced labor, involuntary servitude or slavery—not only in the commercial sex industry, but also into industrial sweatshops, domestic servitude, and other exploitive situations. Severe penalties have been created for trafficking into any of these types of exploitation.

This law gives prosecutors the tools to crack down on traffickers, but it also ensures that trafficked persons will be treated as victims of a crime and potential witnesses rather than as criminals. Toward that end, the law requires the U.S. Department of Justice to ensure that trafficked persons, while in the custody of the federal government, will not be detained in facilities that are inappropriate to their status as crime victims, the victims will receive medical care and other assistance, will be provided protection if their safety is in jeopardy, will be advised of their legal rights, and will have access to translation services. Law enforcement authorities are also empowered to place trafficked persons in witness protection programs, if needed, which can help protect them from reprisals by the organized crime groups, or the individual thugs, who trafficked them.

The new anti-trafficking law also includes victim protection measures such as funding for NGOs working to assist trafficking victims in safe integration, reintegration, or resettlement. The law creates a new non-immigrant visa which allows a victim of trafficking to remain temporarily in the United States if the victim is a child, or the victim is willing to assist in the investigation or prosecution of acts of trafficking, and would suffer extreme hardship if deported from the United States. In certain cases, trafficked persons can also become eligible for permanent residence after several years.

As participating States of the Organization for Security and Cooperation in Europe, each government represented in the Stability Pact committed at the Istanbul Summit to "undertake measures . . . to end ... all forms of trafficking in human beings,"[2] including by 'promot[ing] the adoption or strengthening of legislation to hold accountable persons responsible for [trafficking] and strengthen[ing] the protection of victims.' The need for legal reforms was also recognized by members of the OSCE Parliamentary Assembly in both the St. Petersburg Declaration of 1999 and the Bucharest Declaration of 2000.

Despite these commitments, many criminal codes do not yet recognize the crime of trafficking in human beings. Addressing the legal deficiencies in the U.S. Code took an enormous investment of political will, a careful examination of the laws on the books, and dogged determination to craft legal tools for prosecution of traffickers and for protection of victims. Each government and parliament in South Eastern Europe should undertake a review and strengthening of its domestic laws to ensure that trafficking in human beings is established as a criminal offense and that penalties can be imposed that reflect the grievous nature of the offense. I would be very glad to provide the law which we crafted should the example be helpful to other lawmakers.

Legal reform is a vital step in the battle against modern-day slavery. In the meantime, however, even in countries in which the law does not specifically prohibit trafficking in persons, law enforcement authorities can and should prosecute traffickers by using existing laws against, inter alia, kidnaping, fraud, pandering, falsifying documents, assisting individuals to cross borders illegally, forced labor, assault, or rape. As with all human rights, the responsibility to prevent this particular abuse, to prosecute those who commit the atrocities, and to protect their victims, begins and ends with individual States.

IN HONOR OF GREAT LAKES-MIDWEST REGION FIVE OF BLACKS IN GOVERNMENT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in recognition and celebration of the Blacks in Government Great Lakes-Midwest Region Five 19th Annual Training Conference being held in Cleveland, Ohio this first day of June, 2001.

The Greater Cleveland chapter of Blacks in Government, B.I.G., is hosting this very special convention. They chose a very fitting theme, "Look Toward the Future for Your Future," and plan on executing numerous workshops throughout the conference that discuss career development, financial security, equal employment opportunity, professional development, and career growth.

Blacks in Government has continually strived for excellence. They have trained countless employees and have instilled in them true values and integrity. This conference facilitates education and interaction, fellowship and celebration. Their cause of justice and equality will ring out loud in Cleveland during this esteemed conference.

Not only will this weekend provide for leadership training and development, but it is also a time for Blacks in Government to celebrate another year of service. Their national mission is to promote excellence in government, and Blacks in Government has done just that. Please join me in celebration and recognition for the Great Lakes-Midwest Region Five of Blacks in Government for their 19th Annual Training Conference in Cleveland, Ohio.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. BACA. Mr. Chairman, I wish to elaborate on my vote in favor of final passage of H.R. 1, The Leave No Child Behind Act (Roll #145)

I strongly support the increased education funding this measure provides. Education is the number one priority for the American people, including under-served populations, such as Hispanics. We recognize that education is our path to the American dream. Unfortunately, Hispanic children remain among the most educationally disadvantaged of all public school students, suffering from high poverty, high dropout rates and language barriers. With significant increases in the number of Hispanic children attending our nation's schools, we must, as leaders of this great nation, remain committed to their unique educational needs. We cannot allow the final conference education bill to leave our nation's children behind.

I would like to emphasize, though, that I remain deeply committed to bilingual and migrant education programs, and I was disappointed that the version of the bill brought to the House floor did not sufficiently address adequate funding for those programs. I urge the Conference Committee to safeguard these programs. Seventy-five percent of the 4.1 million Limited English Proficient (LEP) children are Hispanic and speak Spanish as their first language. These students face the daunting challenge of learning a new language (English) while also keeping up with academic subjects like math and science. I therefore strongly support increased bilingual education funding but without instructional time limits, parental notification and consent requirements. I furthermore strongly support increased funding for the Migrant Education Program. Roughly 800,000 Hispanic children in our schools are from migrant families. These migrant children move from farm to farm, place to place, constantly interrupting their education. The Migrant Education Program must have a national focus that transcends those geographical barriers that form the educational systems for most children.

The final ESEA reauthorization coming out of conference is an excellent opportunity to address these unique educational needs of Hispanic school children. Hispanic children, migrant children, are our nation's children, our nation's future. We must live up to our commitment to "Leave No Child Behind."

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[1] "Trafficking Victims Protection Act of 2000" (Public Law 106-386, signed by the President on Oct. 28, 2000), available at <http://www.house.gov/chrissmith/>.

[2] OSCE Charter for European Security, para. 24 (Istanbul, November 1999).

RETIREMENT OF SERGEANT THOMAS M. HENDLEY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. HOLT. Mr. Speaker, I wish to recognize retiring Sergeant Thomas M. Hendley of Oceanport, New Jersey's police department and of his twenty-six year long commitment to serving the people of Oceanport a distinguished law enforcement officer.

A native of West Long Branch, New Jersey, Thomas served in the Air Force from 1963 to 1967 before working in various capacities for Jersey Central Power and Light between 1967 and 1974. Sgt. Hendley's career in law enforcement began when he attended the 9lst State Trooper Recruit class in 1974, a program from which he was later forced to withdraw as a result of injury.

In 1975, Sgt. Hendley was hired by the Oceanport Police Department. In 1980, five years after graduating from the Monmouth County 6th Municipal Police Class as the class's Academic Leader and Proctor, he was promoted to the rank of Sergeant.

During his tenure with Oceanport's police department, Sgt. Hendley became certified as both a Firearms Instructor and a Supervising Firearms Instructor. He has also served as the department's training officer since 1994 and has received numerous awards and commendations for Honorable Service, Exceptional Duty, Life Saving, and Educational Achievement.

Sgt. Hendley has further served our community as a member of the Oceanport First Aid Squad and a life member of the Police Benevolent Association. After his retirement, he plans to spend more time with his family in addition to serving as an umpire and part-time charter bus driver.

I applaud Sgt. Thomas Hendley on his many years of service to the people of Oceanport and ask my colleagues to join me in recognizing his invaluable contributions to our society.

ROTH KASE CELEBRATES 10 SUCCESSFUL YEARS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to congratulate Roth Kase USA as it celebrates its 10th anniversary in the specialty cheese business.

Roth Kase is located in Monroe, Wisconsin. Although the company's background goes back 125 years, Roth Kase came to Wisconsin ten years ago, and began business with 25 employees. Today, more than 80 employees produce some of the greatest cheeses in the world. In fact, Roth Kase has been recognized with approximately 55 national and regional awards over the past decade, including winning the World Championship in 2000 for its Gruyere cheese. Their most recent award was winning first place in the semi-soft open class category at the U.S. Championship Cheese contest this past March.

Roth Kase's commitment to quality and taste is evident in every product they make. I congratulate the employees of Roth Kase on their dedication and hard work. They created a decade of success, and they have my best wishes for many more successful decades in the future.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. BECERRA. Mr. Speaker, because of family medical reasons, I returned to Los Angeles on May 23, 2001, and remained there for the balance of the week. Therefore, I was unable to cast my floor vote on roll call numbers 146–149.

The votes I missed include roll call vote 146 on the Motion to Instruct Conferees on H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act; roll call vote 147 on Approving the Journal; roll call vote 148 on Agreeing to H. Res. 153, Waiving points of order against the conference report to accompany H.R. 1836; and roll call vote 149 on Agreeing to the Conference Report accompanying H.R. 1836.

Had I been present for the votes, I would have voted "yea" on roll call votes 146 and 147; and "nay" on roll call votes 148, and 149.

IN HONOR OF FATHER JOHN J. CREGAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KUCINICH. Mr. Speaker, today I rise to celebrate and honor Father John J. Cregan on his Fortieth Anniversary of Ordination, this third day of June, 2001.

Father Cregan has a long and distinguished history in Cleveland. Born on the second of June, 1935, Father Cregan went to St. Vincent de Paul grade school, and later graduated from Saint Ignatius High School. After attending St. Meinrad Minor Seminary, Cregan was ordained at Saint John Cathedral by Auxiliary Bishop Floyd Begin on May 20, 1961.

After ordination, Father Cregan reached out to the Cleveland and world communities in countless ways. His love and spirituality led him to St. Joseph, Blessed Sacrament, and Saint Thomas More where he served selflessly as Assistant Pastor. In 1987, Father Cregan began preaching at Our Lady of Angels Church where he still spreads the Word today.

Father Cregan's joy and strong faith is apparent after listening to any of his sermons. His kind-spirit and good-nature has brought countless people to his church. His dedication, generosity, and love to his members is like no other; he truly cares for all people. We, as a community, are blessed to have people like Father Cregan in our neighborhood.

Mr. Speaker, Father Cregan has served his community selflessly. His love and talent has led him to numerous churches in the Cleveland area where he has shared his faith. Please join me in celebration and recognition of Father John J. Cregan on his Fortieth Anniversary of Ordination.

TRIBUTE TO FORMER MAYOR BOB NOLAN

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. GARY MILLER of California. Mr. Speaker, it is with deep regret that I rise to pay tribute to the former Mayor of Upland, California Bob Nolan. On April 24th of this year, Mr. Nolan passed away, leaving the community he served to grief the loss of a dear friend.

The circumstances surrounding Mr. Nolan's death, while unfortunate, speak highly of his dedication to the community he loved. Mr. Nolan had traveled here from Upland, California to serve as San Bernardino County's representative to the National Association of Housing and Redevelopment Officials Conference. Shortly after arriving, Mr. Nolan was hospitalized for an emergency appendectomy. Postoperative complications arose, and Mr. Nolan never left the hospital.

Mr. Nolan served his community in many ways. Shortly after graduating from Upland College in 1959, he was hired to teach sixth grade at Sierra Visa Elementary School in Upland. In 1966, he became an assistant principal and was named principal the following year. When he retired in 1988, former students and parents spoke highly of his stern, but well-respected nature.

His reputation as an outstanding teacher and principal served as a springboard to a successful election to the Upland City Council in 1984. Always putting the interests of the city first, he worked tirelessly on every action warranting the Council's attention. As a result, it was not surprising when he was chosen to serve as the City's Mayor in 1988. For three terms, his tenacity and competitive spirit inspired both residents and city staff to tackle everything from increasing Metrolink ridership to the development of a Senior Center.

Even upon his retirement from the City Council, Mr. Nolan's love for Upland could not be extinguished. He continued to fight for transportation issues and served on numerous regional boards. His commitment to his community was matched only by his devotion to his family. His wife, Nadine, his son, Jeff, and his granddaughter, Lindsey, will most certainly experience a void that was once filled by a loving personality.

Mr. Speaker, I ask that this 107th Congress celebrate the life and contributions of Bob Nolan.

MILWAUKEE VALVE COMPANY CELEBRATES ITS CENTENNIAL

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KLECZKA. Mr. Speaker, on April 8, 2001, one of Wisconsin's cornerstone businesses, the Milwaukee Valve Company, celebrated its 100th Anniversary. Since it's founding in 1901, this family-owned business has exemplified the state's long tradition of excellence in manufacturing.

While Milwaukee Valve was a successful regional producer in its first half century of existence, it has evolved into an international distributor of more than 4,000 products since Herschel Seder and Max Koenigsberg purchased the company in 1959.

The company's place in the community has always been important to Herschel. In a time when manufacturer relocation is all too commonplace, the company is still headquartered at its original location at Burrell Street, near Lake Michigan on Milwaukee's south side.

However, Milwaukee Valve's contributions are not limited to the Milwaukee area. The U.S. Navy counts on the manufacturer for its top-quality specialized marine valves, for use in our submarine fleet. The Seders are proud to boast that the "Made in the USA" symbol applies to virtually every valve in their product line.

Though his company is highly respected throughout the industry, Herschel Seder is equally well known in the Milwaukee area for his devotion to his family and the community around them. Now a second generation of Seders sits at the helm of Milwaukee Valve. With the vision and leadership of Jim, John and Diane, the Seder family business is poised for even greater success into the 21st century.

And so, it is with great pleasure that I congratulate the Seder family and all the loyal employees at the Milwaukee Valve Company on this milestone, and wish all the best as they begin their second 100 years.

TRIBUTE TO DR. HARRY JAROSLAW

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. McCARTHY of New York. Mr. Speaker, for over 45 years, Dr. Harry Jaroslaw has worked tirelessly for the residents of New York State as a superior educator, and more importantly, as a role model to our children. In the overcrowded and sometimes violent New York City schools, Dr. Jaroslaw provided his students with the knowledge and hope that is ever important in children's lives.

For the past 13 years, Dr. Jaroslaw has brought his enthusiasm for teaching to the students of the Mineola School District. During his tenure as Superintendent of Schools for Mineola School District, Dr. Jaroslaw has helped a great number of students attend prestigious universities and colleges. When he began, the percentage of students attending college was 39 percent. Today, it's an astounding 80 percent. He also played an integral part in raising student scores on both the Regents and State Achievement exams well above the Nassau County and New York State average. Dr. Jaroslaw helped Long Island students think globally by establishing educational programs in foreign countries as Africa, Mexico, Israel, Sweden, Italy and Brazil.

Dr. Jaroslaw's efforts have not gone unnoticed. He has been honored as "Administrator of the Year" by both the Nassau County Music Educator's Association and the Long Island Teachers of Foreign Language. In addition to his many awards and recognitions, Dr. Jaroslaw has served as chairman of a national committee for the American Association of School Administrators as well as the Governor's Task Force on alternative teacher certification.

Dr. Jaroslaw's extensive career is evidence of his devotion to the education of our children. I applaud Dr. Jaroslaw for all he has achieved in his lifetime, and thank him on behalf of those whose lives he has touched through teaching.

IN MEMORY OF MR. VACLAV HYVNAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Vaclav Hyvnar for his many years of service and countless contributions to his community.

Mr. Hyvnar, originally from Czechoslovakia, served his world community selflessly throughout his lifetime. He studied law at Charles University in Prague before he was expelled for leading anti-Communist activities. After his release from prison, he and his wife, Miloslava, fled the country.

After moving to the United States, Hyvnar settled in Cleveland and worked at Lempco Products as a machine operator. In 1954, he became editor of "Novy Svet," a locally published Czech newspaper, but later left that position to work in the Cuyahoga County auditor's office. He soon moved to City Hall where he worked as an ethnic affairs aide to two Cleveland mayors. After serving Mayor Perk and then Mayor Voinovich, he retired in 1985.

His distinguished career was not only in the political realm. He served his ethnic community as president of the National Alliance of Czech Catholics and later received an award from Pope John Paul II for his heartfelt work and dedication to the Catholic Church. His loyalty and love for his Czech heritage and freedom earned him the love and respect of the entire Cleveland community.

Mr. Hyvnar is survived by his wife, Mila; daughter, Ludmila of Cleveland Heights; and son, John of Boston.

Mr. Speaker, I ask that you join me in honoring the memory of a wonderful, loving man. Mr. Vaclav Hyvnar served Cleveland in many capacities, and was an inspiration to many. He has touched so many of us, and will be greatly missed.

TRIBUTE TO LT. GENERAL DANIEL W. CHRISTMAN

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. McHUGH. Mr. Speaker, I rise today to pay tribute to Lt. General Daniel W. Christman—the 55th Superintendent of the United States Military Academy—upon his retirement from the Army.

As a member of the United States Military Academy Board of Visitors, I want to extend my sincere appreciation and gratitude to General Christman for his long and distinguished service to the United States Army and our nation. At the end of this month, General Christman retires after serving 36 dedicated years in the Army during times of peace and war.

In many respects, General Christman's military career has brought him full circle. He began his active duty service in the military in 1965 after graduating first in his class from West Point. On June 8th, he relinquishes command after serving five years as the Commanding General and Superintendent of the Academy. Throughout his career, General Christman has occupied a number of senior executive and key command positions and has earned numerous military decorations.

General Christman has accomplished what most of us seek to do in our lifetimes—he leaves wherever he has been a better place than he found it. Serving on the Board of Visitors during General Christman's tenure, I have witnessed first-hand the positive difference his leadership has made for one of America's finest institutions. General Christman has enhanced the environment in which the Academy's cadets live, learn and prepare to become tomorrow's leaders. May they continue to learn from his example.

General Christman exemplifies the qualities that we seek in our leaders—selfless service, dignity, compassion and honor. In his final command brief General Christman stated that the Academy has the responsibility of 'deepening this understanding of what it means to be an inspirational leader.' General Christman has been such a leader. And to him, we owe our sincere appreciation and gratitude for all that he has done in the service of our nation.

IN RECOGNITION OF THE 74TH ANNUAL SCRIPPS HOWARD NATIONAL SPELLING BEE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to a group of outstanding New Mexico students for participating in the 74th Annual Scripps Howard National

Spelling Bee held last week in Washington, DC. The participants have demonstrated hard work and determination. They are New Mexico's finest spellers.

Sarah Paige Berling, 13 of Albuquerque, is an honor student, member of her local YMCA swim team, and a violinist for the Albuquerque Junior Orchestra. Sarah also enjoys reading, writing, drawing and attending her Sunday night youth group meetings. She attends school at home.

Brendan T. Guinn, 10, of Gallup, enjoys all his academic studies, especially mathematics. Brendan likes to read and explore the canyons and backcountry of the Navajo reservation where he and his family reside. Brendan is interested in a career as an U.S. Navy Seal.

Jackie Metts, 13, of Clovis, participated in the last year's 2000 national finals. Jackie plays the trumpet in her school's varsity band, participates in the gifted students program at Yucca Junior High School, and is also a member of the National Junior Honor Society. Jackie enjoys English and is a fan of the Harry Potter series.

Julie E. Palmer, 14, of Kirtland is a straight A student and was the winner of her school's seventh grade English, History and Science awards. Julie's interests include writing, rock-climbing, reading, soccer, hockey, and music. She has won numerous piano awards and was selected as the 2001 Young Artist by the San Juan College Fine Arts department.

I want to commend each student for their time and commitment they invested to prepare for this competition. I applaud their hard work and determination and wish them well in their bright futures.

THE COMING ENERGY WARS; COMMENTARY BY BUD SHUSTER

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. SHERWOOD. Mr. Speaker, our highly respected colleague, Bud Shuster, who served as both Chairman of the Transportation and Infrastructure Committee and a Ranking Member of the Intelligence Committee, has written a very well researched and thought-provoking piece titled "The Coming Energy Wars," which appeared recently in several publications including the May 31 issue of the Chambersburg Gazzette. I commend it to my colleagues.

From the sluicing of water to the splitting of the atom, civilization has turned natural sources of energy into power to do the world's work. Throughout history prosperity has been inextricably linked to society's access to sources of raw energy and the technological capacity to convert and distribute it in usable forms. The American economy has been built upon an energy base especially on a cheap and abundant supply of oil. But that is about to change.

Some say the California energy crisis is a wake-up call: Others say it isn't even a crisis. But as a philosopher once observed: "Facts are stubborn things. Wishing won't make them go away." The facts are that California's energy demand has increased in the past decade by more than twice the national average; it produces less energy per capita than any other state: has not built a new power plant in a dozen years; and has banned coal-generating plants, creating upward pressure on the price of natural gas. While deregulating wholesale prices of electricity, but keeping a cap on retail prices, it has plunged its power companies into insolvency. Brownouts aren't being imagined and blackouts are no longer unimaginable.

But instead of being a wake-up call to produce more energy, California's experience just might be a harbinger of things to come. The U.S. population is projected to increase from 283 to 325 million by 2020, according to the U.S. Census Bureau.

During the same period, U.S. petroleum consumption is slated to increase by 33 percent, domestic oil production to decline by 16 percent, and imports to increase by 33 percent, according to the Energy Department. All forms of energy consumption, converted into BTU's increase from 84 quadrillion in 1990 to 98 quads last year, and is projected to top 121 quads by 2020, up 44 percent in 30 years.

During the same period, world population is slated to exceed 7.5 billion by 2020, a 41 percent increase in 30 years, with most of the growth occurring in the developing countries. The industrialized world's demand for energy will increase by 23 percent, but total global demand will soar by more than 50 percent, according to the Center for Strategic and International Studies. Nevertheless, poor countries will remain poor, while developed nations will grow richer, further widening the gap.

Most forecasters see no significant breakthroughs for new energy sources. The Persian Gulf will remain the largest supplier of oil, but would have to increase production by 80 percent to meet world demand, a highly unlikely, if not impossible scenario. The U.S. transportation sector will continue to be "almost entirely dependent on petroleum as an energy source" according to the U.S. Department of Transportation. U.S. production of nuclear and hydroelectric power also will decline due to government mandates. Coal, which is the nation's most abundant source of energy, but which produces only about 20 percent of the country's supply, is in danger of being further curtailed by environmental regulations; however well intended. Heavy demand for the expanded supplies of natural gas will further drive up prices, which already have doubled in the past decade. Although conservation can play a role it will not come close to curing the problem, short of inflicting painful lifestyle changes on the American people, or saddling the country with energy induced Depression.

During this period, over three billion people in third-world countries will face serious water shortages, increasing the potential for famine according to the National Foreign Intelligence Board: "Regions, countries and groups feeling left behind will face deepening economic stagnation, political instability and cultural alienation."

It was no accident that Rarnzi Yousef chose the World Trade Center as his bombing target. While he succeeded in killing six and injuring over a thousand, his objective was to bring down the entire structure, killing tens of thousands. Terrorist cells from the Middle East to Afghanistan, funded by Osama Bin Laden and others have declared a Jihad, a holy war, on behalf of Islam against the West, and especially the United States and Israel. These threats are not going away. Terrorists are funded and supported by Iran, Iraq, Lybia, Syria, Sudan, Afghanistan and Cuba. James Woolsey, former Director of the CIA stated: "Today's terrorist don't want a seat at the table. They want to destroy the table and everyone sitting at it."

It's time to face uncomfortable facts. Pour the world's increasing population and demand for energy into a pot boiling with poverty, stir with resentment and add fanaticism and easy access to weapons of mass destruction. Where will it lead? Japan's thirst for oil led to Pearl Harbor. Saddam's desire to dominate the oil-rich Persian Gulf sparked the call for half a million American troops to drive him back to Baghdad.

Given a set of stubborn facts that can't be wished away, future energy wars no longer may be a dim possibility, but rather, highly probable—and sooner than we think.

KENT STATE UNIVERSITY'S UPWARD BOUND PROGRAM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize the Upward Bound Program at Kent State University on their 30th Anniversary.

Upward Bound is a pre-college program that helps to prepare high school students to continue their education after graduation. Kent State University chartered this program in 1970, and since then has affected thousands of local students in Ashtabula, Portage, Stark, Summit, and Trumbull counties. This program targets students who might not ordinarily consider a four-year college degree as an attainable and realistic goal. The program basically helps students acquire the academic, social, and personal skills to successfully complete a college education.

Upward Bound has contributed to not only the undergraduate collegiate community, but also to the local neighborhoods. Students in this program have tutored children, worked with the Salvation Army, interacted with the Ohio Department of Human Services, and started a children's toy drive. Their drive to succeed has been aided by this wonderful program, and their personal and social skills have been developed.

Upward Bound's 30th Anniversary celebration kicks off with the "Celebration of Partnerships," that features the partnering of local educational institutions, community organizations, and national bodies to fund this federal program.

Mr. Speaker, please join me in recognizing an outstanding program that has affected countless students on the Kent State University campus. Upward Bound has and will continue to develop and educate young students.

REMARKS ON RACIAL PROFILING AND REP. WU'S TREATMENT AT THE DEPARTMENT OF ENERGY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. REYES. Mr. Speaker, just days before the recent Memorial Day recess, my colleague from Oregon, DAVID WU, experienced a disturbing incident at the U.S. Department of Energy. He has already eloquently and movingly addressed the House. Rather than recount the details of how he was refused entry to the Department and questioned repeatedly about his nationality, I would like to pose one simple question: when will it end? When will we as a society be able to free ourselves from the pain and constraints of ethnic stereotyping and racial profiling?

This practice has long been decried by Members of Congress, especially those of us who have been the victims of ethnic stereotyping. Two weeks ago, a vivid example of racial profiling was visited upon one of our own colleagues. The contrast in how my colleagues DAVID WU and MIKE CAPUANO were treated is striking. An Asian American was questioned about his nationality, even after presenting his congressional identification card and refused entry, while a white American was allowed to enter without any hassle. This incident illustrated that racial profiling extends beyond the highways and continues to persist at the very heart of the federal government.

I have become accustomed to brushing off the letters to the editor that inevitably follow meetings between Hispanic Members of Congress and officials from Latin American countries. These letters question our national identity, our loyalty and our patriotism. These letters are so absurd, I never take them seriously. Unfortunately, Congressman WU's experience this week demonstrated to all of us that the sentiment expressed in these letters is not confined to a few misguided and ill-informed souls, but that it is much more pervasive in our society.

When will it end? How many more times do we have to remind other Americans about all the Hispanic and Asian American veterans who have fought for America's freedom? How many more times will we have to provide examples of Hispanic and Asian Americans who have made invaluable contributions to the progress of this nation? How many more examples of exemplary citizenship and patriotism among Hispanic and Asian Americans do we have to present before America as a whole finally understands that we too are Americans?

Ethnic stereotyping denies minorities full access to the American promise of life, liberty and the pursuit of happiness. And ethnic stereotyping denies the rest of America all the talents, skills and knowledge that minorities have to offer. As my colleague from Oregon has stated, our national security is indeed at risk if we do not welcome all of the best and brightest Americans into our nation's most critical positions, regardless of their ethnic heritage or the color of their skin.

I would add that in addition to our national security, we risk the health and vitality of our country when we continue to make judgments based on ethnic stereotypes. I hope that my colleagues will join me in continuing to speak out and take action against ethnic stereotyping and racial profiling.

INTRODUCTION OF LEGISLATION TO AMEND THE CHARTER OF SOUTHEASTERN UNIVERSITY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Ms. NORTON. Mr. Speaker, I rise today to introduce legislation which would remove the provision in the Southeastern University charter requiring that one-third of the Board of Trustees be Southeastern alumni. Southeastern University President Charlene Drew Jarvis and the Board of Trustees have asked me to introduce this corrective measure.

Southeastern University was incorporated by Act of Congress on August 19, 1937. Its charter contains a provision requiring that one-third of the University's Board of Trustees be alumni. On September 9, 1997, I received a letter from Southeastern University President Charlene Drew Jarvis asking that I introduce legislation to remove this provision. On September 9, 1997, I also received a letter from Board of Trustees Chair Elizabeth Lisboa-Farrow confirming that the Board of Trustees had authorized President Jarvis to seek this change. Copies of both letters are attached. The Board of Trustees would like this provision removed in order to let the University draw from a wider pool of potential Board nominees. Because the University was incorporated by an Act of Congress, only the Congress can effectuate this change.

Southeastern University is an important and productive institution which contributes to the economy of the District of Columbia by offering undergraduate and graduate degree programs geared specifically to the needs of working professionals. Under the able leadership of Southeastern's President, Dr. Charlene Drew Jarvis, the University has begun to rebound from difficult financial circumstances. This legislation will allow Southeastern to expand its fund raising potential to complement these efforts. I urge my colleagues to support this corrective measure.

A TRIBUTE TO DR. GLEN APPLEBAUM

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to Dr. Glen Applebaum. Congregation Anshe Sholom of New Rochelle has chosen him as the honoree of their annual Testimonial Dinner, to be held on June 10, and they have chosen wisely. Dr. Applebaum has attained an impressive balance between family, community, and career, making a lifelong habit of high achievement.

Dr. Applebaum received a Regents Scholarship upon his graduation from Eastchester Senior High School in New York and was awarded multiple prizes for his research in college before concluding his education at the New York University College of Dentistry and the New Rochelle Hospital Medical Center. In May of 1983, Dr. Applebaum opened a private practice in New Rochelle, which continues to serve the community today. He also shares his expertise with others, through frequent lectures and the wide publication of his work.

Despite having achieved such success in his career, Dr. Applebaum considers family to be the most important part of his life. He and his wonderful wife, Dr. Cynthia Cohen, are valuable members of the Westchester community, and Dr. Applebaum serves with distinction as a member of the Board of Directors at Congregation Anshe Sholom. I am proud to congratulate Dr. Applebaum on his noteworthy achievements and his contributions to the community as a dentist, as a family man, and as a member of Congregation Anshe Sholom.

TRIBUTE TO THE ROXBURY COMMUNITY COLLEGE CLASS OF 2001

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. CAPUANO. Mr. Speaker, I rise today to congratulate Roxbury Community College's Class of 2001. I have a special connection to RCC because one of my District Offices happens to be located on its campus. I've also been fortunate to have several talented interns from RCC—individuals who stopped by our office to see what we were all about—and decided to sign on for a semester. They've proven to be invaluable to the work we do. In fact, one of our RCC interns is responsible for figuring out how to translate our web site into many different languages.

I would like to congratulate all of the RCC graduates who worked extremely hard to get to this point in their academic careers. I am honored to be associated with the Roxbury Community College Class of 2001 and I am proud of their accomplishments.

There were times when many of them were not sure if they would make it to graduation. But they did it! So many college students all over this country are faced with any number of difficulties during the college experience, and these difficulties range from financial to personal. I am here to say that the RCC graduating Class of 2001 has done it . . . regardless of the challenges they have faced thus far in their lives. They are to be commended for their perseverance and for keeping their sights set on their goal.

Mr. Speaker, again I stand here to publicly congratulate the Roxbury Community College graduating Class of 2001 on their outstanding achievement.

CONFERENCE REPORT ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. LANGEVIN. Mr. Speaker, I wish to express my strong opposition to the conference report on H.R. 1836, the Economic Growth and Tax Reconciliation Act, because it fails to reflect the priorities of my constituents.

This tax cut has been sold to the American public as a cure for an astonishingly wide variety of ills, from a possible recession to spiraling energy prices. The unfortunate truth, however, is that this package offers nothing to guard against an economic downturn in the near term. Instead, it provides a series of back-loaded tax cuts, overwhelmingly skewed to the wealthiest Americans, while jeopardizing our ability to fund other priorities.

Equally worrisome is the fact that this legislation creates the very real possibility of a return to deficit spending should the projected surpluses fail to materialize. Just this week, in fact, the Congressional Budget Office has made a significant downward adjustment in this year's surplus estimates, virtually wiping out the "contingency fund" that has already been promised to a variety of needs, including increased military requirements and a prescription drug benefit. We are kidding ourselves and our constituents if we believe that this is not a sign of worse news to come.

To fit this 10-year tax cut under a $1.35 trillion budget ceiling, the conferees have provided for the entire package to sunset at the end of 2010. While this ridiculous gimmick allows the tax cuts to meet budget restrictions on paper, in reality, the agreement will substantially exceed these targets when all of the costs are factored in. In the meantime, we are left with an increasingly complex tax code whose provisions are phased in and then repealed largely at random, making it difficult for taxpayers to understand, and impossible for them to rely upon as they plan for their families' futures.

In addition, the agreement leaves out major provisions whose enactment is widely viewed as inevitable, such as extension of the research and experimentation credit and measures to address serious problems with the Alternative Minimum Tax (AMT). By sunsetting the tax cuts before the end of the eleven-year budget period and simply omitting foreseeable costs, the conferees have distorted the final cost of the tax cut and used the "extra" money to throw even more last-minute provisions into the final package.

Currently, 1.5 million taxpayers are subjected to the AMT. Under this conference agreement, over 30 million more would be subject to the AMT by 2010. That is double the number of taxpayers who would be affected by this provision under current law. Consequently, these tax cuts will in effect increase tax liability for many households and may result in even greater income disparities in the future.

Some 30 percent of American taxpayers—roughly 51 million people—will not receive the full amount of the tax rebate included in the conference report. I am strongly in favor of providing immediate tax relief to hard-working families, but this legislation will leave out many of those families who need short-term relief most urgently. In so doing, the rebate will also fail to jump start a flagging economy, as the Administration continues to claim it will do.

For example, sixty-two percent of those taxpayers who make less than $44,000 a year will get less than the full rebate amounts, with 42 percent of these taxpayers receiving nothing at all. In Rhode Island, 44 percent of taxpayers—over 123,000 individuals—making less than $40,000 a year will receive no rebate. Although these taxpayers may not have the highest income tax liabilities, they incur a disproportionately high payroll tax liability, which is not figured into the rebates.

I am also frustrated with the conferees' decision gradually phase out the estate tax—culminating in its repeal for only one year before the bill sunsets and the estate tax is again in full effect—instead of providing an immediate and permanent increase in the exemption, which would protect the vast majority of families, small businesses and family farms from estate tax liability. The provision contained in this agreement would allow the wealthiest two percent of our population to pass wealth to their heirs without taxation, while hard-working families would continue to be taxed on every dollar earned. It would also have a devastating impact on charities, foundations, universities and other philanthropic organizations.

Additionally, I am disappointed that the conferees have failed to provide immediate marriage tax relief for couples. The agreement before us does not even begin to address the marriage penalty until 2005, and relief will not be fully phased in until 2009. Married couples who have been contacting my office seeking relief from this unintended consequence of our tax code will surely be disappointed when they realize that their wait will continue for at least four more years.

This tax package will cause enormous revenue losses and threaten our ability to address national priorities like extending the solvency of Social Security and Medicare, reducing our national debt, implementing a prescription drug benefit for seniors and improving education and health care for all. Furthermore, the agreement will jeopardize resources and programs that are absolutely vital to our nation's small businesses, workforce, environmental protection, energy efficiency and housing needs. We should use our current prosperity to enhance those federal programs relied upon by some of the most vulnerable members of our society.

Without a doubt, American taxpayers deserve a substantial tax cut. But they also deserve a strengthened Social Security system, a Medicare program that covers prescription drugs, a military that is equipped to protect our nation, a quality health care system that is affordable and accessible to every family, and a world-class educational system that prepares our children for the 21st century. These needs are great and they must not be ignored. They will require additional spending by the federal government, but this tax cut leaves room for no such investment. I urge my colleagues to reject this ill-advised tax cut, which will jeopardize our future fiscal security, while doing nothing to address immediate economic needs.

RECOGNIZING THE 20TH ANNIVERSARY OF THE FIRST DIAGNOSED CASE OF ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Ms. DEGETTE. Mr. Speaker, today I recognize the 20th anniversary of the first diagnosed case of Acquired Immune Deficiency Syndrome (AIDS) in the United States. The past twenty years have heralded many medical advances, especially in drug treatment therapies for AIDS patients. However, despite an increased understanding of the disease and an improved quality of care for patients, more than 438,000 people have died from the disease since the early 1980s in the United States alone.

Efforts towards prevention and education have helped decrease the magnitude of the epidemic, however there are currently more than 750,000 people living with AIDS in the U.S. Among new infections, the fastest growing segment is women and children. In fact, national statistics indicate that AIDS is the seventh leading cause of death among youths between the ages of fifteen and twenty-four. Surveys also indicate that approximately 87 percent of young Americans do not believe that they are at risk for contracting HIV. A growing number of cases of infection in youths clearly demonstrates a need for a greater emphasis on education, and prevention. While the AIDS scare of the late 1980s and the early 1990s appears to be over, the persistence of this insidious disease is not. Complacency about this disease and its reach must not be allowed to grow.

Among the federal government's programs and legislation addressing the issue of AIDS, one of the most effective is the Ryan White Care Act, which was signed into law in 1990 and reauthorized in 2000. The ultimate goal of this act is to improve health care and make it more accessible to patients and their families. In order to achieve this, the Ryan White Care Act provides funding to states as well as nonprofit organizations that develop and organize the distribution of necessary health care and services to patients and their families.

This act has been helpful to residents with HIV/AIDS in my home state of Colorado, where there were 6,761 reported cases of AIDS in 1999. During the 2000 Fiscal Year, the state of Colorado qualified for over $4 million under Title I of the Ryan White Care Act, which provided funding to improve health care in metropolitan areas disproportionately affected by the HIV epidemic. Title IV appropriated over $600 K in additional dollars to fund programs focusing on women, infants, children, and youth in Colorado.

This funding has been put to good use in Colorado, as it has not only helped children receive better care, but has also improved their access to necessary treatment. Considering that children are one of the fastest growing groups affected by AIDS, we must do all we can to stem the tide of its growth. We must continue to support measures that insure all patients receive adequate care, and continue our efforts to protect and educate our youth, since they are the future.

INTRODUCTION OF THE MEDICARE WELLNESS ACT OF 2001

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. FOLEY. Mr. Speaker, I am proud to join today with my colleague Sander Levin to again introduce the Medicare Wellness Act. This legislation makes common sense reforms to the Medicare program to help ensure that our seniors are living longer, healthier lives.

The focus of the Medicare program since its inception in 1965 has been on sickness—once people are ill, the Medicare program steps in to treat that illness. But medical technology and treatment options have come a long way since 1965. Sadly, the Medicare program has not kept pace with those advances.

The new focus of Medicare should be on wellness. We can, and should, prevent seniors from getting sick, and promote good health. This focus not only has health benefits, but is also fiscally responsible. Hospitalization is one of the most expensive benefits provided under the Medicare program, and often, hospitalization is the only option. However, if the Medicare program can be reformed to help prevent instances of hospitalization we will not only have healthier seniors, but we will utilize Medicare's resources in the most effective way.

The Medicare Wellness Act of 2001 not only increases screening and preventive services, based on the recommendations of the National Preventive Services Task Force, but includes mechanisms that will help promote healthy lifestyles, disease prevention, and encourage a change in personal health habits.

Congress began adding these needed benefits in 1997's Balanced Budget Act by adding four initial preventive benefits. We have since added to those benefits, and improved many of them. As we discuss adding other new benefits, such as a prescription drug plan, to Medicare, we cannot do so without facing the fundamental need for reform of the program. Incorporating these common sense benefits is a necessary component of any true reform package.

I would urge my colleagues to support this measure, and look forward to its inclusion in any Medicare reform legislation considered by the Congress this year.

HONORING MURRAY EILBERG

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to honor a man who will be greatly missed by all who knew him. A man who served his country proudly in its hour of need, and a man whose love for his work and his life are only eclipsed by his immeasurable love of family. It brings me great sadness to report that Murray Eilberg of Fort Lauderdale, Florida, passed away last night at the age of 77.

Murray Eilberg was raised in Brooklyn, New York. He grew up right around the corner from a wonderful girl named Jane, who would become the love of his life. Murray and Jane were married for over 57 years. Their family grew as they had three loving children, Patricia, Herman, and Joey. Devoted to his family above all else, Murray was blessed to have six grandchildren and three great-grandchildren.

Like so many of the Greatest Generation, Murray Eilberg fought for his country when our nation called him to serve in World War II. Murray was proud to serve in the US Army Corps of Engineers as a brave member of the Experimental Demolitions Unit.

Growing up, Murray dreamed of becoming a motorman. And so after the War, Murray spent twenty-two years working for the New York City transit system as one of the city's finest motormen. Only a progressively worsening eye condition could stop Murray from doing what he loved, as no one had any doubt he would have worked another twenty-two years if given the chance.

In 1969, Murray retired and, with Jane, became beloved members of the South Florida community. Despite his blindness, he remained active as a member of the Blinded Veteran's Association, the Disabled American Veterans, and the American Legion. Known for his unwavering sense of humor, Murray was an avid joke teller who would captivate an audience; even during his final days in the hospital.

Mr. Speaker, Murray Eilberg was both well-loved and widely respected by all those blessed to have known him. He selflessly served his country. His life's work was his dream. And his family was a source of admiration and great pride. Today we celebrate Murray's life which serves as a wonderful example to all who follow in his footsteps.

HONORING THE U.S. MILITARY ACADEMY AT WEST POINT, NEW YORK CLASS OF 2001

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to congratulate the nine-hundred cadets of the graduating class of 2001 from our United States Military Academy at West Point, New York.

I was gratified to once again be able to join this year's graduating class, along with our Deputy Secretary of Defense, Paul Wolfowitz, and our good friend, the distinguished superintendent of the U.S. Military Academy at West Point, General Daniel Christman.

Regrettably, this year's ceremony will be the last West Point graduation for General Christman, who will soon be leaving the Academy for a private life. I would like to take this opportunity to extend my personal gratitude and the thanks of this entire body for his distinguished service to our Nation, and for his commitment to our Nation's military. His guidance, leadership, and spirit at West Point will long be missed.

I was pleased to listen to the poignant remarks of Deputy Defense Secretary Wolfowitz and look forward to working with him. I am attaching a copy of his remarks for the RECORD and strongly recommend to my colleagues to review his message to the class of 2001 and to our Nation.

To all the Cadets of the class of 2001, I extend my congratulations, my best wishes, my prayers, and my continued commitment to ensuring that our Nation provides them with the support they deserve for their service to our Nation.

COMMENCEMENT ADDRESS AT THE U.S. MILITARY ACADEMY, WEST POINT

[Remarks by Deputy Secretary of Defense Paul Wolfowitz, Michie Stadium, West Point, NY, Saturday, June 2, 2001]

Thank you. Thank you, General [Daniel] Christman [Superintendent of the United States Military Academy], for a very warm introduction. Please be seated. You neglected to mention that 25 years ago, when we were very young, we were working together to persuade the Congress not to take fine Army forces out of Europe. And with the help of a lot of other people, we succeeded. Those forces stood watch in the Fulda Gap and other places around the continent of Europe, and the result was one of the great strategic victories of history of which every member of the Armed Forces and every member of the U.S. Army that participated in that effort is justly proud.

I also want to complement General Christman and the Army on the great spirit with which they said, we're going to go ahead and hold this ceremony outdoors even in this terrible weather, because it's more important to have all the families able to come than to be inside warm and comfortable. [Applause.] Coming from Washington where, as they say, no good deed goes unpunished, it's wonderful to see this good deed rewarded with a break in the weather.

Senator Jack Reed, Congresswoman Sue Kelly, Congressman and old friend Ben Gilman, Congressman Saxby Chambliss, and Congressman Charlie Norwood; Commandant [of Cadets Brigadier General Eric] Olson, Dean [of the Academic Board Brigadier General Daniel] Kaufman, distinguished staff and faculty, ladies and gentlemen, parents and family, and most of all, members of the class of 2001:

I want to thank the Class of '01 for giving me the honor of sharing with you this very special day. I went to school just up the road a ways in a place called Cornell where I studied mathematics. According to my calculations, if you take the corps of cadets and add a speech longer than 20 minutes, by the time you're done, you'll have 40% that won't be listening, 40% who will be sleeping, and 20% will be asking for their money back.

So, the responsibility of a commencement speaker is heavy indeed. Your remarks should be sentimental to please the parents, substantive to please the faculty, and short to please the cadets [Laughter.] When we say the word "short" to the class of '01, I'm told that we're talking to experts. In fact, I can see that this class is so short [audience: "how short are we?"], you have fewer hours until you receive your diplomas than the plebes have ears to graduate. But, plebes . . . your day will come, too.

Today also marks the last time that the distinguished Army leader General Dan Christman will stand before a graduating class as Superintendent. But, there was even a time when General Christman was a plebe. Back then, in May 1962, he and his fellow cadets gathered in the mess hall to hear General Douglas MacArthur deliver the "Duty, Honor, Country" speech that became so famous.

Dan Christman left the Academy first in his class and answered MacArthur's call, a call to serve "a goal that is high . . . to reach into the future . . . to . . . remember the simplicity of true greatness, the open mind of true wisdom. . . ." From fields of fire in Vietnam to the peaceful Plain of West Point, from commanding troops in Korea and Europe to advising senior leaders in the Pentagon and the White House, General Christman has commanded, led and served with the simplicity and open-mindedness that MacArthur spoke of.

General Christman brought an agile mind and a visionary spirit to his tenure as your "Supe"—building West Point to keep it at the forefront of the nation's great educational institutions. For the thousands of cadets that he has led and loved, his legacy is simple and profound—West Point is a stronger and better institution because he was here. For our nation, his legacy is a whole generation of soldiers enriched by Dan Christman's 36 years of leadership. And his great supporter and partner, Susan Christman, was with him. Now as they prepare to leave their final assignment in the active duty Army, we thank them for their lasting contributions born of a lifetime of service.

There are many others who've been instrumental to the achievements that we are honoring here today, but no one deserves more credit than the parents who have supported and encouraged you. May I ask the parents and guardians of the class of 2001 to stand, so that we can give you a fitting Army tribute?

Today, in the year that all math majors know is really the first year of the Twenty-first Century, you graduate. Congratulations to the first West Point class of Twenty-first century!

As you leave, you leave well prepared for the demands of future duty. Four years have tested you in ways you probably never imagined. In Beast Barracks, you learned that you can meet any challenge if you attack it with determination. You learned that the soldier who inspires others to work together can be an agent of change. You learned that one person can make a difference, but that infinitely more is possible when one person joins a greater commitment—to a common good. Perhaps most importantly, you learned how many days are left until Army beats Navy.

Extensive scientific research has demonstrated that on an average day in June, the average human brain is capable of remembering at most one thought from a commencement speech. But since today is cooler than average, and West Pointers are definitely above average, I will challenge you to think this morning about two words: "surprise" and "courage."

This year marks the sixtieth anniversary of a military disaster whose name has become synonymous with surprise—the attack on Pearl Harbor. Interestingly, that "surprise attack" was preceded by an astonishing number of unheeded warnings and missed signals. Intelligence reports warned of "a surprise move in any direction," but this made the Army commander in Honolulu think of sabotage, not attack. People were reading newspapers in Hawaii that cited promising reports about intensive Japanese diplomatic efforts, unaware that these were merely a charade. An ultra-secret code-breaking operation, one of the most remarkable achievements in American intelligence history, an operation called "Magic," had unlocked the most private Japanese communications, but the operation was considered so secret and so vulnerable to compromise that the distribution of its product was restricted to the point that our field commanders didn't make the "need-to-know" list.

And at 7 a.m. on December 7th, at Opana radar station, two privates detected what they called "something completely out of the ordinary." In fact, it was so out of the ordinary that the inexperienced watch officer assumed it must be friendly airplanes and told them to just forget about it.

Yet military history is full of surprises, even if few are as dramatic or as memorable as Pearl Harbor. Surprise happens so often that it's surprising that we're still surprised by it. Very few of these surprises are the product of simple blindness or simple stupidity. Almost always there have been warnings and signals that have been missed—sometimes because there were just too many warnings to pick the right one out, sometimes because of what one scholar of Pearl Harbor called "a poverty of expectations"—a routine obsession with a few familiar dangers.

This expectation of the familiar has gotten whole governments, sometimes whole societies, into trouble. At the beginning of the last century, the British economist Norman Angell published a runaway best seller that must have drawn the attention of professors and cadets of West Point at that time. Angell argued that the idea that nations could profit from war was obsolete. It had become, as he titled his book, The Great Illusion. International finance, he argued, had become so interdependent and so interwoven with trade and industry that it had rendered war unprofitable.

One of Angell's disciples, David Starr Jordan, the President of an institution on the West Coast called Stanford University, argued that war in Europe, though much threatened, would never come. "The bankers," he said, "will not find the money for such a fight; the industries will not maintain it; the statesmen cannot. There will be no general war."

Unfortunately for him, he made that prediction in 1913. One year later, Archduke Franz Ferdinand fell to an assassin's bullet, plunging Europe into a war more terrible than any that had come before it. The notion of the Great Illusion yielded to the reality of the Great War.

One hundred years later, we live, once again, in a time of great hopes for world peace and prosperity. Our chances of realizing those hopes will be greater if we use the benefit of hindsight to replace a poverty of expectations with an anticipation of the unfamiliar and the unlikely.

By doing so, we can overcome the complacency that is the greatest threat to our hopes for a peaceful future, the kind of complacency that took the life of General John Sedgewick at the Battle of Spottsylvania during the American Civil War. General Sedgewick looked over a parapet toward enemy lines, and waved off his soldiers' warning of danger, declaring: "Nonsense, they couldn't hit an elephant at this distance." Those were the last words that he spoke at the very moment that a Confederate sharp shooter took his life.

I am told that in your time here, you grew accustomed to looking beyond the next parapet, to anticipate where you wanted to take this corps. You convinced your leaders to give you unprecedented authority in the day-to-day running of the corps. That kind of innovation and initiative are the keys to anticipating the unlikely and preparing for the unfamiliar, to being prepared to overcome the surprises that are almost inevitably going to come.

Perhaps the simplest message about surprise is this one: Surprise is good when the other guy can't deal with it. Let us try never to be that other guy.

Tomorrow, you, the Class of 2001 will become leaders in transforming the Army. General Shinseki has called on each soldier to embrace change, to make the Army of the future lighter and faster. It's a big undertaking, one that will not happen overnight. Fundamental change like that is like turning a supertanker—it can't be done on a dime. To redirect a massive vessel takes planning, patience, and time. But it will build an Army that is able to deal with the unfamiliar and the unexpected.

A century ago, on a peaceful day in 1903, with great foresight, Secretary of War Elihu Root told Douglas MacArthur's graduating class, "Before you leave the Army . . . you will be engaged in another war. It is bound to come, and will come. Prepare your country."

One day, you too will be tested in combat. And if you fail that test, the nation will fail, too.

We are counting on you, all of you. You must prepare yourselves—with the day-to-day choices that you make. And nothing is more important than that other word I'd like you to think about today: courage.

Today, America's lieutenants demonstrate physical courage as they lead combat patrols in Korea on the Demilitarized Zone. In Kuwait, soldiers stand ready to fight on a moment's notice. In Kosovo, young lieutenants have been leading patrols to keep warring ethnic groups in check, always at most one breath away from combat. And in Bosnia, since 1995, the courage of American soldiers has brought an end to a terrible war. Every day, our young soldiers face situations that require tact and diplomacy, but also toughness, discipline and courage.

Courage comes in many forms. Sometimes even more demanding than the physical courage to face danger is the moral courage to do what's right: doing your job the way it's supposed to be done, even if others advocate the easy way; choosing the harder right over the easier wrong, even if you have to take a hit for speaking up for what you think is true.

Moral courage means taking responsibility for the decisions you make, not shifting blame to others if something goes wrong. It's standing alone—when your only company is the knowledge that you did your best; your only comfort that you answered MacArthur's higher call.

On the eve of the great invasion at Normandy, having made the final fateful decision to go ahead in the face of great risk and uncertainty and warnings of bad weather, knowing full well that failure was a real and terrible possibility, General Dwight Eisenhower penciled a short message that he tucked away in his wallet . . . a few words that he planned to read if the invasion failed.

"My decision to attack at this time," he wrote, "was based upon the best information available," he wrote. "The troops, the airmen and the Navy did all that bravery and devotion to duty could do. If any blame or fault attaches to the attempt it is mine alone."

Ike was a great hero, a man of great moral courage with the willingness to shoulder responsibility that is the mark of a great leader.

The Long Gray line has never lacked for courageous leaders. General Barry McCaffrey, class of '64, and General Ric Shinseki, class of '65, both proved their courage in combat in Vietnam, where they suffered horrendous wounds.

It took great moral courage to come back from that experience and decide to stay in an Army that had been shattered by Vietnam. But, by that choice, and the choice of so many like them, were able to rebuild that Army into what it is today: an Army without equal.

Courage comes in all ranks—all shapes and stripes. Look to your left—look down the line to your right—you may well be seeing a hero; you may be looking at another Rocky Versace.

After graduating from West Point in 1959, Rocky grew bored with stateside duty and volunteered for Vietnam where he served with enthusiasm and distinction. In October of 1963, just weeks shy of completing his second tour, he was captured by the Viet Cong.

When Rocky was tortured and left for dead in a three-by-six-foot cage—he sang "God Bless America." When he was dragged from village to village with a rope around his neck, he cursed his captors in English and French and Vietnamese. His will could not be broken.

A fellow captive recalled that for Rocky, "as a West Point grad, it was duty, honor, country. There was no other way. He was brutally murdered because of it. He valued that one moment of honor more than he would have a lifetime of compromises."

Rocky Versace exemplified honor and courage. Forty years after his death, his life, his determination, his patriotism, and his courage call out for recognition. If Congress agrees, we will answer that call and recommend to President Bush that Captain Rocky Versace, class of 1959, be awarded the Congressional Medal of Honor.

Like Rocky, like Generals McCaffrey and Shinseki, you that know your profession is about leadership. To lead soldiers, you must first become one—in body, mind and spirit.

You must know your job, set the example, lead from the front. Most of all you must be a model of moral courage and integrity for your soldiers, the way your role models at West Point were for you.

Yours will not be a life of personal gain, but it is noble work. You will man the walls behind which democracy and freedom flourish. Your presence will reassure our allies and deter the enemies of freedom around the world. Be prepared to be surprised. Have courage. And remember what General Eisenhower said to those American and Allied troops before they were about to land on the beaches of Normandy. "You are about to embark on a great crusade," he told them. "The eyes of the world are upon you. The hopes and prayers of liberty loving people everywhere march with you."

Today, as you, the Class of 2001, go forth on your own crusade, our hopes and prayers go with you. Thank you, God bless the Class of '01, and God bless America.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. HONDA. Mr. Speaker, on rollcall Nos. 148 and 149, I was unavoidably detained, as I was the keynote speaker at my daughter's graduation. Had I been present, I would have voted "Nay" on both votes.

HOUSE OF REPRESENTATIVES—*Wednesday, June 6, 2001*

The House met at 10 a.m.

The Reverend Ronald Auch, Pastor, Prayer House Assembly of God, Kenosha, Wisconsin, offered the following prayer:

Father in Heaven, I thank You for this day that You have given us. We hold Your name in reverence. As we look at our world with its various needs, we realize how wonderful it would be for Your kingdom to come into the hearts of all men. We pray for Your will to be accomplished. We are a needy people. Give us this day our daily bread. Forgive us also as a Nation for the times we trespassed others' rights. Make us willing to forgive those who have done the same to us. Keep us from truly evil activities so that we can be a moral standard to our children, our families, our Nation and the world. I pray that You would bless each of the Members of the House of Representatives this day. In Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Hampshire (Mr. SUNUNU) come forward and lead the House in the Pledge of Allegiance.

Mr. SUNUNU led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REVEREND RONALD AUCH

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, it is a pleasure of mine to be here to hear the words from Pastor Ron Auch from the Prayer House Assembly of God Church in Kenosha, Wisconsin.

It is a pleasure to celebrate the things that he has done on behalf of the residents of Kenosha County, and the fact that he was able to address the Nation in prayer this morning is a tribute to the sacrifices that he and his family have given to all of the folks in Kenosha.

Mr. Speaker, I know first hand the kinds of healing and gifts that he has done for constituents. He has helped friends of mine in their problems. He has brought the Savior into their lives and brought hope and spiritual healing to countless people.

Now he is building a new church, the Prayer House Assembly of God. It is 2 years old in Kenosha and up and running quite well. He has brought spiritual healing to the people of Kenosha, Wisconsin. I thank Pastor Ron for giving us a wonderful word to start our day's business today.

MARCUS BARTLETT HAS MADE INVALUABLE CONTRIBUTIONS TO ARTS AND MUSIC CULTURE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank Mr. Marcus Bartlett for his invaluable contributions to the arts and music culture in the South. Mark has been a long-time friend of Mary Plumer, a community activist in my congressional district. Involved in music and entertainment during his 50-year career, Mark has contributed to our American cultural and artistic heritage. He is viewed as a pioneer in radio, television, and cable. Mark is the former executive vice president of Cox Broadcasting Corporation.

In 1924, young Marcus went to Atlanta and began providing piano accompaniment for choral groups and orchestras that performed each day on "The Voice of the South."

Today, still guided by genuine generosity, he continues to dedicate his time to entertain senior citizens at retirement homes, hospitals, and churches in Atlanta.

I thank Mark for truly being in tune with the community spirit, and I wish him many more years of happiness and harmony.

FAITH-BASED INITIATIVES

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, in today's Washington Post, President Bush was quoted as saying those who disagree with his faith-based initiatives "do not understand the power of faith." He then referred "to the skeptics of faith in our society."

Mr. Speaker, I personally respect the President and his right to offer his proposals. However, I do not think it is fair to question the religious faith of decent Americans who happen to disagree with his policy proposals. Challenging people's religious faith because of public policy differences is not a way to bring Americans together; rather it is a prescription for religious divisiveness.

Numerous groups such as the Baptist Joint Committee and the American Jewish Committee differ with the President on faith-based initiatives, not because they question the power of faith, but because they want to prevent government from regulating our faith.

As we proceed in the debate on faith-based initiatives, I urge all sides to focus on the specific issues at hand and not to challenge the religious faith of those with differing views of conscience.

REMEMBERING THE SACRIFICES MADE BY OUR SOLDIERS ON JUNE 6, 1944, D-DAY

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to remind our citizens of the sacrifices made by our soldiers on June 6, 1944, D-Day.

Mr. Speaker, on that day the war in Europe reached a dramatic turning point. The Americans and British invaded France from the air and sea. They brought with them a respect for the law, human rights, and democracy. Only through their sacrifice was France and later Europe freed from the grips of an evil tyrant.

Mr. Speaker, it is a fitting tribute on the eve of D-Day's 57th anniversary that the President signed The Veterans Opportunities Act of 2001. I was honored to have my language included from H.R. 1015 to retroactively increase the maximum benefit for SGLI coverage, and I am grateful that on this day when so many soldiers gave their lives to secure freedom for Europe, that we were able to help the families of those killed in tragic accidents.

Mr. Speaker, this would not have been possible without the critical support of the gentleman from New Jersey (Mr. SMITH) and the gentleman from Arizona (Mr. HAYWORTH).

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FBI AGENT WHO KILLED VICKI WEAVER CAN BE PROSECUTED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a Federal court ruled that the FBI agent that killed Vicki Weaver can be prosecuted. Finally, a Federal court with some anatomy. Check the facts. The Department of Justice once again investigating the Justice Department once again concluded that Agent Horiuchi accidentally shot Mrs. Weaver. Accident, my BVDs. Vicki Weaver was shot stone cold right between the eyes while holding her infant child.

Mr. Speaker, the FBI is beginning to look more and more like the KGB. I yield back the fact that if the FBI and Justice Department were not guilty at Ruby Ridge, why did they pay Randy Weaver $3 million and his wounded friend, Kevin Harris, $400,000 to shut them up? Think about it.

EVERY TAXPAYER WILL GET A REFUND IN THE MAIL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, for months now pundits have been talking about whether America has been teetering on the brink of a recession. Gross domestic product has fallen from a whopping 7.3 percent in the last quarter of 1999 to just 1.3 percent in the first quarter of this year. The current quarter is a mystery. We do not know if GDP grew or contracted for the second quarter until it is over.

But through all of this, the President has told us if his tax cut package was passed into law, it would provide a much-needed stimulus to the economy. Now it is going to happen. Tomorrow the President signs the bill into law. Every taxpayer will get a refund in the mail and see more take-home pay in their paychecks.

David Wyss of Standard & Poors says, "Roughly half the population is struggling and living paycheck to paycheck. Those folks will use the rebate almost immediately."

Mr. Speaker, this President promised and this President delivered. This Congress promised and this Congress delivered. This should help stimulate our economy; and this, my friends, is good government.

TAX RELIEF IS VICTORY FOR AMERICAN FAMILIES

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, tax relief for American families has been one of my top priorities; so when George Bush ran for President, he made the promise to bring relief to families, and that was like a breath of fresh air.

This year, President Bush laid out specific proposals for tax relief. Some scoffed at the idea of tax relief. Many actively worked to keep Americans from keeping more of their hard-earned tax dollars.

Mr. Speaker, we have now passed tax relief for American families, and later this summer every American who pays taxes will actually get a tax rebate check. These checks come as a promise kept to the American people and are only the first installment of a long-term tax reduction.

When this tax plan is fully implemented, a typical family of four will see their taxes nearly cut in half. Soon American taxpayers will be keeping more of what they earn. This truly is a victory for American families.

YUCCA MOUNTAIN SHOULD BE PUT IN MOTHBALLS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this morning I want to take a brief moment and address some of the concerns of shipping and storing nuclear waste.

Recently, a former DOE official publicly announced that plans for a nuclear waste repository at Yucca Mountain should be abandoned. Mr. W. Kenneth Davis, Energy Undersecretary from 1981 to 1983, had supported the Yucca Mountain repository site under the Reagan administration. But now, Mr. Davis maintains that shipping deadly nuclear waste across the country to Yucca Mountain should not occur. He said, "Yucca Mountain, which is unlikely to be licensed, is unreasonable in view of the shipping required, if nothing else, and in my opinion should be put in mothballs."

Mr. Speaker, shipping nuclear waste across America to Yucca Mountain endangers the lives of every American. Let us heed Mr. Davis' advice, and put the plan for Yucca Mountain in mothballs, where it belongs. There is not enough time in 1 minute to name all of the dangers of shipping nuclear waste across America or to list all of the dangerous plans of storing nuclear waste in Yucca Mountain. This will be addressed as we further debate this issue.

MILITARY MANEUVERS BY PRC AND PLA APPEAR TO THREATEN TAIWAN

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I come to the well of the House today to call my colleagues' attention to the recent military maneuvers by the People's Republic of China and the People's Liberation Army that appear to threaten Taiwan.

The PLA's response to nearly every political development seems to be to increase its military posture. I wonder, Mr. Speaker, what is the People's Republic of China afraid of. To my knowledge during the modern era, there has never been a credible threat to the security of mainland China. The amphibious military training maneuvers currently underway are similar to 1996 exercises that resulted in a missile launch aimed at the Taiwan Straits. You may recall that the U.S. responded to that launch by deploying an aircraft carrier to the region. Now, as then, the United States is committed to stability in the region.

The threatening nature of these recent maneuvers and their proximity to Taiwan challenges the territorial stability of the island and long-term peace of the region. It is written that it is for freedom that He set us free. Let China hear that in this Congress we will stand with those who will stand for liberty.

Mr. Speaker, I urge all of my colleagues to join me in monitoring the conduct of the Chinese military in the coming weeks.

CONGRATULATIONS TO NARVELL L. ARNOLD, CONGRESSIONAL PAGE

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise this morning to congratulate my congressional page, Narvell L. Arnold. This is the first time I have had an opportunity to nominate a congressional page. I am very pleased. Narvell attends John F. Kennedy High School in my congressional district. In fact, just this week I was at John F. Kennedy High School speaking with his principal and counselor. I am so pleased that Narvell, who is captain of the football team, the captain of the basketball team, had an opportunity to be a part of a number of community programs: the Urban League Career Beginnings and another program called Look Up to Cleveland. Narvell, you have made me very, very proud.

Mr. Speaker, I trust that Narvell's future years as a student and politician will be great. And to all of the rest of the congressional pages, it has been wonderful having them. I know they will enjoy their summer.

□ 1015

A VICTORY FOR HARDWORKING TAXPAYERS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, families are overtaxed, businesses are overregulated, and our economy is suffering as a result. Clearly there is room within the enormous tax surplus to pay down the debt and fund priority programs while ensuring working families receive the tax relief they both need and deserve. Full, fair, and immediate tax relief has been and will continue to be one of my top priorities here in Congress.

The easiest thing to do in Washington is to increase spending. One of the hardest things to do is to reduce taxes. But thanks to the President's steadfast leadership, hardworking taxpayers will get the significant tax relief they deserve.

Already this session of Congress, the U.S. House has passed key tax relief proposals, including repeal of the death tax, marriage penalty tax relief, and the expansion of the child tax credit.

Mr. Speaker, our new President has been in the White House just over 100 days and already we have helped him to deliver this incredible tax relief package to the American people. This is not only a victory, it is a victory accomplished with incredible speed. Within this year, hardworking Americans across this Nation will be benefiting from more dollars in their pockets.

BUILDING A BETTER AMERICA CAUCUS

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, just by looking around us at our homes, our offices, our roads and our local infrastructure, we can see that construction has an important impact on our lives. Members of Congress and the public need to better understand the tremendous contribution the construction industry makes to our Nation's economy.

The value of construction put in place in the United States for the year 2000 was over $800 billion, about 8.25 percent of the U.S. gross domestic product.

Because construction is such an important part of our everyday lives and to bring a pro-construction perspective to Congress, I believed it was necessary to start the Building a Better America Caucus. The purpose of the caucus is to educate Members of Congress and staff on building-related issues that impact our districts and our constituents, from affordable housing to airport construction, to increasing access to training in the construction trades.

I urge all of my colleagues to support our Nation's builders by joining the Building a Better America Caucus.

FBI BACKGROUND CHECKS NEED TO BE SPEEDED UP

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, in this week's National Journal, Norman Ornstein, resident scholar at the American Enterprise Institute, calls the number and length of FBI background checks "insane."

I read in Insight Magazine last week that only 55 nominees for sub-Cabinet positions have been confirmed out of 436 positions.

Paul Light of the Brookings Institution's Presidential Appointee Initiative was quoted as saying that the Bush administration will be "lucky" to have these positions filled by March 1 of next year.

In other words, the Bush administration, which is already being blamed for problems that started long before it came into office, will not really have its people in upper-level positions until well over a year after the President was sworn in. This is ridiculous.

Mr. Ornstein said most of the 1,250 top positions should have a simple, quick computer background check.

I read in the Knoxville News-Sentinel that even Senator Howard Baker who spent 18 years in the Senate and 2 years as chief of staff at the White House had to fill out a detailed 85-page questionnaire, one question of which was, "Have you ever been involved in a controversial issue?"

Mr. Speaker, this process has become ridiculously bureaucratic and needs to be greatly speeded up.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any recorded votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 2001

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1000) to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "William Howard Taft National Historic Site Boundary Adjustment Act of 2001".

SEC. 2. EXCHANGE OF LANDS AND BOUNDARY ADJUSTMENT, WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE, OHIO.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term "historic site" means the William Howard Taft National Historic Site in Cincinnati, Ohio, established pursuant to Public Law 91–132 (83 Stat. 273; 16 U.S.C. 461 note).

(2) MAP.—The term "map" means the map entitled "Proposed Boundary Map, William Howard Taft National Historic Site, Hamilton County, Cincinnati, Ohio," numbered 448/80,025, and dated November 2000.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) AUTHORIZATION OF LAND EXCHANGE.—

(1) EXCHANGE.—The Secretary may acquire a parcel of real property consisting of less than one acre, which is depicted on the map as the "Proposed Exchange Parcel (Outside Boundary)", in exchange for a parcel of real property, also consisting of less than one acre, which is depicted on the map as the "Current USA Ownership (Inside Boundary)".

(2) EQUALIZATION OF VALUES.—If the values of the parcels to be exchanged under paragraph (1) are not equal, the difference may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional land.

(3) ADJUSTMENT OF BOUNDARY.—The Secretary shall revise the boundary of the historic site to reflect the exchange upon its completion.

(c) ADDITIONAL BOUNDARY REVISION AND ACQUISITION AUTHORITY.—

(1) INCLUSION OF PARCEL IN BOUNDARY.—Effective on the date of the enactment of this Act, the boundary of the historic site is revised to include an additional parcel of real property, which is depicted on the map as the "Proposed Acquisition".

(2) ACQUISITION AUTHORITY.—The Secretary may acquire the parcel referred to in paragraph (1) by donation, purchase from willing sellers with donated or appropriated funds, or exchange.

(d) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(e) ADMINISTRATION OF ACQUIRED LANDS.—Any lands acquired under this section shall be administered by the Secretary as part of the historic site in accordance with applicable laws and regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1000, introduced by the gentleman from Ohio (Mr. PORTMAN), would authorize the Secretary of Interior to adjust the boundary of the William Howard Taft National Historic Site in Cincinnati, Ohio. This site commemorates the only man to serve as

President and Chief Justice of the United States.

Specifically, the legislation authorizes the Secretary to acquire a parcel of adjacent private property of less than one acre and exchange it for a parcel of National Park Service property of less than one acre located nearby. The transfer would be beneficial for the Taft site as it would allow the facility to sit on a more contiguous site and facilitate a more convenient parking facility.

In addition, the legislation authorizes a boundary expansion of the historic site by allowing for the acquisition of an additional parcel of property adjacent to the Taft site.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority and the administration. At the proper time, I urge an "aye" vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, William Howard Taft served as the President of the United States from 1909 until 1913 and Chief Justice of the United States Supreme Court from 1921 until his death in 1930. Taft is the only person to have served in both capacities. The Taft National Historic Site located in Cincinnati, Ohio, includes the house where Taft was born, restored to its original appearance, as well as exhibits on the former President's life and work.

H.R. 1000 authorizes the National Park Service to exchange a parcel of Federal land at the site for a parcel owned by a nearby charter school. If completed, the exchange will allow visitors to park closer to the Taft home and facilitate a planned expansion of the charter school.

In addition, the bill would alter the existing boundary on the Taft site to include another parcel of private property adjacent to the original Taft estate. The National Park Service has requested that the property be included within the boundary so that the land could be acquired if the owner ever decides to sell.

President Taft, we would all agree, is a significant figure in American history, and we join our colleagues and the administration in support of this legislation to improve the Taft historic site.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I rise in very strong support of the legislation before us today, H.R. 1000, legislation I introduced providing for an important land transfer and boundary adjustment for the William Howard Taft National Historic Site in Cincinnati.

I would like to thank my cosponsor and colleague the gentleman from Ohio (Mr. CHABOT) whom I believe will speak in a moment. I would also like to thank the leadership of the committee, the gentleman from Utah (Mr. HANSEN), the gentleman from Colorado (Mr. HEFLEY), the gentleman from North Carolina (Mr. JONES), the gentleman from West Virginia (Mr. RAHALL), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her nice words and her help on this legislation as well as the committee staff that helped put this together and have brought H.R. 1000 to this point.

Mr. Speaker, William Howard Taft, as was noted, is the only person to have served as both President of the United States and Chief Justice of the Supreme Court. Family influence, a love for the law, and personal ambition propelled Will Taft into public service at a very young age. As Solicitor General, Governor of the Philippines, and Secretary of War, he represented our Nation well. He was then elected as the 27th President of the United States in 1908 by an electoral vote count of 2 to 1. His significant legacies from the Taft administration are still an important part of American life.

William Howard Taft realized a long-held dream in 1921 when President Warren Harding named him 10th Chief Justice of the United States. In fact, Mr. Speaker, my colleagues will be interested to know that President Taft was so proud of his distinguished tenure as Chief Justice that he was once quoted as having said, "I don't remember having been President."

President Taft's boyhood home is located at 2038 Auburn Avenue in Cincinnati. He lived in the home from the time of his birth until 1886 when he married Helen Herron and embarked on a journey that led him to the White House and the highest court. This beautiful home where he grew up and much of the original property is now the William Howard Taft National Historic Site. It is administered by the National Park Service which has an excellent relationship with the greater Cincinnati community. There is a lot of community involvement in the birthplace. H.R. 1000 is commonsense legislation to enhance the cultural heritage of the beautiful Taft home.

The legislation provides for a simple land transfer between the Park Service and the SABIS International School of Cincinnati. This transfer is very important to the Taft home as it will bring the facility together on one contiguous site. Currently when visiting the Taft home or the education center that is next to it, visitors must park either on a very busy street or in a parking lot that is located away from the home at the other end of the block. The land the Park Service would receive in this transfer would allow for a more convenient and safer parking facility that would help attract more visitors. It would also enable the Park Service to revert a portion of the area to green space which is how it would have appeared, of course, when young Will Taft was growing up in that home.

The transfer is also beneficial to the school. SABIS School likes this because it allows the two plots of land they own to be located directly across the street from each other. We have been working very closely with the members of the SABIS administration, Mr. Speaker; and I am pleased to say this morning that they are fully supportive of this land transfer.

Mr. Speaker, the cost of H.R. 1000 to the Federal Government will be at little or no cost depending on how the transfer of the lands are exchanged because the parcels of land are actually of equal value.

Finally, the bill expands the park's boundary to include a 40-unit apartment building. The owners of the building are fully supportive of being included within the boundary and have an excellent relationship themselves with the Park Service. They have worked closely with us and with the Park Service. In fact, the Park Service currently rents office space in the building and the facility's parking lot is already part of the historic site. In effect, Mr. Speaker, this boundary adjustment will give the Park Service an important right of first refusal should that building ever be put up for sale.

In conclusion, I would like to thank again the leadership of the committee, the gentleman from Utah (Mr. HANSEN), the gentleman from Colorado (Mr. HEFLEY), the gentleman from West Virginia (Mr. RAHALL), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from North Carolina (Mr. JONES), and others, for helping us enhance the legacy of William Howard Taft. I very much appreciate their assistance in getting us to this point.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank my good friend from North Carolina for yielding me this time. It has been an honor serving in the House with him. We both came at the same time. He is truly a great American.

Mr. Speaker, I am also pleased to join with my very good friend and colleague, the gentleman from Ohio (Mr. PORTMAN), in sponsoring H.R. 1000, the William Howard Taft National Historic Site Boundary Adjustment Act of 2001. This legislation will enable the Department of Interior to complete a land transaction that will allow for more contiguous plots of land for President Taft's boyhood home in Cincinnati, Ohio and authorize the acquisition of another parcel of land adjacent to the site.

The City of Cincinnati is very proud to be a steward of this national landmark and, as has been stated, the Taft historic site commemorates the birthplace of the only man who served as both President of the United States and as Chief Justice of the United States Supreme Court and that is Cincinnati's son, William Howard Taft.

During his distinguished career, William Howard Taft served as a Federal judge, as President McKinley's appointee as Governor of the Philippines, as President Theodore Roosevelt's Secretary of War, and in 1909 was sworn in as the 27th President of the United States. In 1921, President Warren Harding appointed him as Chief Justice of the United States Supreme Court.

The House where President Taft was born has been restored to its original appearance and visitors to the site are treated to a tour of the home, including four period rooms that reflect family life during President Taft's boyhood. The home also includes educational exhibits highlighting the 27th President's life and career, and the Taft Education Center which houses classrooms for visiting school children.

Mr. Speaker, thousands of Americans enjoy visiting the William Howard Taft historic site each year. I would urge students of American history to take advantage of this wonderful opportunity when they visit our great city of Cincinnati sometime, we hope, in the near future. I want to again thank the gentleman from Ohio (Mr. PORTMAN) who has been a great leader in this House on many other very, very important pieces of legislation for his hard work on this issue. I urge my colleagues to support the legislation.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 1000, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING NATIONAL TRAILS SYSTEM ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 37) to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails, as amended.

The Clerk read as follows:

H.R. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

The National Trails System Act is amended by inserting after section 5 (16 U.S.C. 1244) the following new section:

"SEC. 5A. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING TRAILS FOR POSSIBLE TRAIL EXPANSION.

"(a) In General.—

"(1) Definitions.—In this section:

"(A) Route.—The term 'route' includes a trail segment commonly known as a cutoff.

"(B) Shared route.—The term 'shared route' means a route that was a segment of more than one historic trail, including a route shared with an existing national historic trail.

"(2) Study requirements and objectives.—The study requirements and objectives specified in section 5(b) shall apply to a study required by this section. The study shall also assess the effect that designation of the studied route as a component of an existing national scenic trail or national historic trail may have on private property along the proposed route.

"(3) Completion and submission of study.—A study listed in this section shall be completed and submitted to the Congress not later than three complete fiscal years from the date of the enactment of this section, or from the date of the enactment of the addition of the study to this section, whichever is later.

"(4) Implementation of study results.—Upon completion of a study required by this section, if the Secretary conducting the study determines that a studied route is a feasible and suitable addition to the existing national scenic trail or national historic trail that was the subject of the study, the Secretary shall designate the route as a component of that national scenic trail or national historic trail. The Secretary shall publish notice of the designation in the Federal Register.

"(b) Oregon National Historic Trail.—

"(1) Study required.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in paragraph (2) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Oregon National Historic Trail.

"(2) Covered routes.—The routes to be studied under paragraph (1) are the following:

"(A) Whitman Mission route.

"(B) Upper Columbia River.

"(C) Cowlitz River route.

"(D) Meek cutoff.

"(E) Free Emigrant Road.

"(F) North Alternate Oregon Trail.

"(G) Goodale's cutoff.

"(H) North Side alternate route.

"(I) Cutoff to Barlow Road.

"(J) Naches Pass Trail.

"(c) Pony Express National Historic Trail.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Pony Express National Historic Trail.

"(d) California National Historic Trail.—

"(1) Study required.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in paragraph (2) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the California National Historic Trail.

"(2) Covered routes.—The routes to be studied under paragraph (1) are the following:

"(A) Missouri Valley routes.—

"(i) Blue Mills–Independence Road.

"(ii) Westport Landing Road.

"(iii) Westport–Lawrence Road.

"(iv) Fort Leavenworth–Blue River route.

"(v) Road to Amazonia.

"(vi) Union Ferry Route.

"(vii) Old Wyoming–Nebraska City cutoff.

"(viii) Lower Plattsmouth Route.

"(ix) Lower Bellevue Route.

"(x) Woodbury cutoff.

"(xi) Blue Ridge cutoff.

"(xii) Westport Road.

"(xiii) Gum Springs–Fort Leavenworth route.

"(xiv) Atchison/Independence Creek routes.

"(xv) Fort Leavenworth–Kansas River route.

"(xvi) Nebraska City cutoff routes.

"(xvii) Minersville–Nebraska City Road.

"(xviii) Upper Plattsmouth route.

"(xix) Upper Bellevue route.

"(B) Central routes.—

"(i) Cherokee Trail, including splits.

"(ii) Weber Canyon route of Hastings cutoff.

"(iii) Bishop Creek cutoff.

"(iv) McAuley cutoff.

"(v) Diamond Springs cutoff.

"(vi) Secret Pass.

"(vii) Greenhorn cutoff.

"(viii) Central Overland Trail.

"(C) Western routes.—

"(i) Bidwell–Bartleson route.

"(ii) Georgetown/Dagget Pass Trail.

"(iii) Big Trees Road.

"(iv) Grizzly Flat cutoff.

"(v) Nevada City Road.

"(vi) Yreka Trail.

"(vii) Henness Pass route.

"(viii) Johnson cutoff.

"(ix) Luther Pass Trail.

"(x) Volcano Road.

"(xi) Sacramento–Coloma Wagon Road.

"(xii) Burnett cutoff.

"(xiii) Placer County Road to Auburn.

"(e) Mormon Pioneer National Historic Trail.—

"(1) Study required.—The Secretary of the Interior shall undertake a study of the routes of the Morman Pioneer Trail listed in paragraph (2) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Mormon Pioneer National Historic Trail.

"(2) Covered routes.—The routes to be studied under paragraph (1) are the following:

"(A) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

"(B) 1856–57 Handcart route (Iowa City to Council Bluffs)

"(C) Keokuk route (Iowa).

"(D) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

"(E) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

"(F) 1850 Golden Pass Road in Utah.

"(f) Shared California and Oregon Trail Routes.—

"(1) Study required.—The Secretary of the Interior shall undertake a study of the shared

routes of the California Trail and Oregon Trail listed in paragraph (2) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

"(2) COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:

"(A) St. Joe Road.

"(B) Council Bluffs Road.

"(C) Sublette cutoff.

"(D) Applegate route.

"(E) Old Fort Kearny Road (Oxbow Trail).

"(F) Childs cutoff.

"(G) Raft River to Applegate.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

□ 1030

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 37, introduced by the gentleman from Nebraska (Mr. BEREUTER), would amend the National Trails System Act to authorize the Secretary of Interior to study a number of specific routes and cutoff trails that may be suitable and appropriate for designation as components of the Oregon National Historic Trail; second, the California National Historic Trail; third, The Pony Express National Historic Trail; and, fourth, the Mormon Pioneer National Historic Trail.

Since these four trails were established in the 1970s, dozens of additional routes and cutoffs have been identified that may qualify as integral parts of these trails. After determining that the additions or cutoff trails are suitable, the Secretary would designate the routes and cutoff trails as components of these four national trails.

Mr. Speaker, no condemnation of private lands or Federal leases are to be contemplated for any of these routes to these trails.

The bill is not controversial. It is supported by both the majority and the minority and the administration, and at the proper time I urge an aye vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 37 would amend the National Trails System Act to update previously-completed studies of the Oregon, California, Pony Express and Mormon National Historic Trails. There have been public and private efforts to commemorate and interpret the history and resources of these historic trails. These preservation efforts have spawned additional research on the trails that has indicated there may be additional routes and cutoffs associated with each of these trails which merit designation as a segment of the existing national historic trail.

The purpose of H.R. 37 is to examine those additional routes and cutoffs that were not considered in the initial studies of these trails to determine whether they do, in fact, merit historic trail designation.

A hearing on H.R. 37 was held in April, at which time we received favorable testimony on this matter from the administration, as well as public witnesses. At the full Committee on Resources markup of H.R. 37 in May, a technical and conforming amendment to the bill was adopted by voice vote.

Mr. Speaker, we support the amended bill and favor the passage of H.R. 37 by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. BEREUTER), the sponsor of this legislation.

Mr. BEREUTER. Mr. Speaker, this Member, of course, is in strong support of H.R. 37, a bill this Member introduced on January 3 of this year. This Member also introduced similar legislation in the 106th Congress.

I would begin by commending the distinguished gentleman from Colorado (Mr. HEFLEY), the chairman of the Subcommittee on National Parks, Recreation and Public Lands; the distinguished gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the ranking member of the subcommittee, the distinguished gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources; and the distinguished gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources, for their work in bringing this legislation to the floor. I might say to my colleague, the gentleman from North Carolina (Mr. JONES), I thank him for managing this legislation.

The bill is necessary and should be noncontroversial. It is a straightforward effort to provide a one-time feasibility study updating the background for the four national historic trails, the Oregon, the California, Mormon and Pony Express trails. The measure simply recognizes the fact that there are additional routes and cutoffs which may deserve inclusion in the National Trails System.

During the update period, the National Park Service will work with the appropriate trails groups and other interested parties to develop information on any new segment of trail in an effort to determine if it meets the criteria for addition to the system. No condemnation of private lands, as indicated by the gentleman from North Carolina (Mr. JONES), or Federal leases is to be contemplated to add any of these routes to the trails.

Although the National Park Service is supportive of efforts to examine additional routes, it has determined that legislation is needed to be provided to it, such as this authorization legislation, and that is the purpose of H.R. 37.

All four trails covered in this legislation were instrumental in opening the American West, but each has its own unique story to tell. The California Trail enabled 70,000 people to follow their dream to the Golden State. In 1848 and 1850, the Oregon Trail made it possible for fur traders, settlers and others to reach the Pacific Northwest; and although it lasted only 18 months, the Pony Express achieved a cherished role in American lure. Its daring riders, which included Buffalo Bill Cody and Wild Bill Hickok, were able to deliver the mail from St. Joseph, Missouri, to Sacramento, California, in 10 days.

The Mormon Pioneer Trail allowed the church members an opportunity to head West in search of religious freedom. These trails all follow at least part of the Platte River and Nebraska is proud to have as one of its nicknames the Historic Trail State. Many used the route through Nebraska to reach their goal further West. Those with more foresight decided to settle in Nebraska.

This Member is pleased to note that during the 102nd Congress, he introduced the legislation which was enacted to designate the California National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System.

The bill being discussed today will build on that effort and enable even greater recognition of the contributions made by these bold and courageous pioneers. Those that used the trails endured hardships that are difficult to imagine. They survived hazards such as wild animals, blizzards and floods, as well as scarcity and disease.

To those who bravely made it to their destination but those who died along the way, we owe a debt of gratitude. This Member believes that H.R. 37 will help to give the proper recognition to the many historic and heroic individuals who played such an important role in settling the American West.

Mr. Speaker, this Member would like to take this opportunity to express his appreciation to the many dedicated volunteers who have been so supportive of these national trails. Particularly, this Member would like to thank Bill and Jeanne Watson with the Oregon-California Trail Association; Pat Hearty with the Pony Express Trail Association; Ron Anderson with the Mormon Trail Association; and Loren Horton with the Iowa Mormon Trail Association.

The efforts to preserve and provide recognition of these trails is truly a grass-roots labor of love involving thousands of individuals. By the way, they are also involved in some of the upkeep responsibilities as volunteers.

Mr. Speaker, this Member urges his colleagues to support H.R. 37.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 37, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 640) to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Monica Mountains National Recreation Area Boundary Adjustment Act".

SEC. 2. BOUNDARY ADJUSTMENT.

Section 507(c) of the National Parks and Recreation Act of 1978 (92 Stat. 3501; 16 U.S.C. 460kk) establishing Santa Monica Mountains National Recreation Area is amended—

(1) in paragraph (1), by striking "'Boundary Map, Santa Monica Mountains National Recreation Area, California, and Santa Monica Mountains Zone', numbered SMM–NRA 80,000, and dated May 1978" and inserting "'Santa Monica Mountains National Recreation Area and Santa Monica Mountains Zone, California, Boundary Map', numbered 80,047, and dated February 2001"; and

(2) by adding the following sentence after the third sentence of paragraph (2)(A): "Lands within the 'Wildlife Corridor Expansion Zone' identified on the boundary map referred to in paragraph (1) may be acquired only by donation or with donated funds.".

SEC. 3. TECHNICAL CORRECTIONS.

Section 507 of the National Parks and Recreation Act of 1978 (92 Stat. 3501; 16 U.S.C. 460kk) establishing Santa Monica Mountains National Recreation Area is amended—

(1) in subsection (c)(1), by striking "Committee on Natural Resources" and inserting "Committee on Resources";

(2) in subsection (c)(2)(B), by striking "of certain" in the first sentence and inserting "certain"; and

(3) in subsection (n)(5), by striking "laws" in the second sentence and inserting "laws,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 640, introduced by the gentleman from California (Mr. GALLEGLY), would adjust the boundary of the Santa Monica Mountains National Recreation area by adding 3,700 acres of public and private lands to enhance a wildlife corridor and protect a key watershed between the Simi Hills and the Santa Monica Mountains across the 101 Freeway in Southern California.

Most of the acreage that would be added to the National Recreation Area will be transferred from the Santa Monica Mountain Conservancy, a State agency, to the National Park Service. The balance of land will include developed residential areas from within the cities of Saratoga Hills and Agoura Hills, as well as land from the County of Los Angeles.

Unlike many park units where lands within the authorized boundaries are almost entirely in Federal ownership, there exists an extremely complex mosaic of publicly- and privately-owned lands within the Santa Monica Mountains National Recreation Area.

The superintendent of the National Recreation Area assured members of the Committee on Resources that the National Park Service has not and will not regulate land use on private or non-Federal lands within the park boundary.

The bill is supported by the majority and the minority and the administration. At the proper time, I urge an aye vote on this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Santa Monica Mountains National Recreation Area includes more than 150,000 acres between Los Angeles and the Pacific Coast. It is the largest urban unit of the National Park System, including five area codes and 26 zip codes.

H.R. 640 would adjust the boundary of the recreation area to include an additional 3,697 acres. The purpose of the addition is to facilitate wildlife migration between the Santa Monica Mountains and several mountain regions in the north. Some have expressed concern that the addition of this acreage would place a number of parcels of private property within the boundary of NRA. It should be noted that such concerns are completely unwarranted since inclusion of private property within a federally-designated boundary does not alter the owner's private property rights in any way.

In this particular instance, the relevant property owners are aware of the proposed boundary change and no opposition to the measure has developed. This is not surprising, given that the area last operated smoothly for years with thousands of private property owners living within the boundaries.

We join our colleagues and the administration in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY), the sponsor of this legislation.

Mr. GALLEGLY. Mr. Speaker, I want to thank my good friend, the gentleman from North Carolina (Mr. JONES), for giving me the time this morning. I would also like to thank the chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), for moving H.R. 640 through the committee and placing it on the schedule this morning.

Mr. Speaker, the Santa Monica Mountains Recreation Area stretches from West Hollywood in Los Angeles County to Point Mugu in my district in Ventura County. It was established in 1978 and is managed by the National Park Service. Twenty-six distinct natural communities make their home there, from freshwater aquatic habitats to the oak woodlands. It is a critical haven for more than 450 animal species, including the Golden Eagle.

It is considered unique among the National Park Service's holdings and is easily accessible to over 12 million people living in Ventura and Los Angeles Counties.

This bill, which I introduced with my good friend and colleague, the gentleman from California (Mr. SHERMAN), would adjust the boundaries of the Santa Monica Mountains Recreation Area to enhance and protect the principal wildlife corridor between the Simi Hills in my district and the Santa Monica Mountains in the district of the gentleman from California (Mr. SHERMAN).

It adds nearly 3,700 acres of publicly and privately held lands to the recreation area at no cost to the taxpayer. Of that, 2,797 acres donated to the Santa Monica Mountains Conservancy, a State agency, will be transferred to the Park Service. Another 570 acres is publicly- and privately-owned open space. The rest is about 330 acres and is comprised of developed residential areas in the cities of Calabasas and Agoura Hills.

I want to stress that the recreation area designation would have no impact on the ability for either the cities or private owners to develop their land according to the applicable State laws and local ordinances. It does, however, give property owners greater access to

Park Service assistance to environmentally enhance their properties if they so choose.

Mr. Speaker, H.R. 640 is an important addition to the recreation area and enjoys widespread support from the local community, including the private property owners. The bill also unanimously passed the House Committee on Resources.

I would ask my colleagues to join with me today in passing this bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. SHERMAN), who represents a portion of this area and is a cosponsor of this legislation.

□ 1045

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman for yielding me time.

I rise in support of H.R. 640. I am pleased to join in that effort with my distinguished colleague, the gentleman from Ventura County, California (Mr. GALLEGLY).

Mr. Speaker, my colleague from California has explained the importance of the Santa Monica Mountains Recreation Area. I should point out that 33 million people visit this national recreation area each year, for both its mountains and its beaches. It is within an hour's drive of 17 million Americans.

In terms of recreation, it is the most important unit of the National Park Service. The park since its inception has been run cooperatively with local government, State government, and local community groups. It has the overwhelming support, I would say the unanimous support, of everyone in the area. For example, its general management plan included input from over 70 elected officials, 15 public meetings, all in the continuing effort to make sure that park management meets local needs.

H.R. 640 would expand the park boundaries to include some 3,700 acres of non-Federal public and private lands. This would allow the Park Service to assume management over a number of parcels which donors have in effect already donated to the National Park Service. These include the 107-acre Abrams property, the 2,300-acre Upper Las Virgenes Creek area, and the 390-acre Liberty Canyon/Morrison Ranch area. These parcels now have their title held by the Santa Monica Mountains Conservancy, an agency of State government, but they would be better administered as part of this national recreation area.

I want to stress that this bill will not cost the Treasury one cent. This bill does not authorize the expenditure of any money. Just as importantly, assuming management over these additional acres will not require additional operating funds for the management of the Santa Monica Mountains National Recreation Area.

Further, the bill provides that land within this area shall be acquired by the Federal Government only by donation or with the use of donated funds. I will not be back here next year asking for funds from this Congress to buy land in this newly added area of the national recreation area.

The gentleman from California (Mr. GALLEGLY) has talked about how this bill and the expansion of the park boundaries has the support of the affected local property owners. Some 900 acres of privately owned land will now fall within the park's boundaries. Almost all of that privately owned land, at least 99 percent of the private landowners, are in my district. All of them support or have voiced their support for this bill through their homeowners associations. It is amazing, because I represent, I think, one of the most opinionated districts in this country. On every other subject, I get opinions on both sides. This is one area where our communities stand together.

The three homeowners associations included in these boundaries have all sent letters of support. The Saratoga Hills Homeowners Association has been particularly vocal, and some 100 of its members have signed a petition. In addition, this bill is supported by all of the relevant municipalities, by the relevant State senator, the relevant State assembly member, the relevant county supervisor in the L.A. County portion of the area, and enjoys strong support in Ventura County as well.

I ask my colleagues to pass this bill, because it will provide for new land to be managed as part of this national recreation area, a wildlife corridor that is critical to the preservation of species in the area, and will do so with no adverse consequences to local landowners and at no cost to the Federal Government.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 640, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENDING AUTHORITY OF WASHINGTON, OREGON AND CALIFORNIA TO MANAGE DUNGENESS CRAB FISHERY

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1661) to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act.

The Clerk read as follows:

H.R. 1661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY OF STATES OF WASHINGTON, OREGON, AND CALIFORNIA TO MANAGE DUNGENESS CRAB FISHERY.

Section 203 of the Act entitled "An Act to approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes", approved November 13, 1998 (Public Law 105–384; 16 U.S.C. 1856 note), is amended by striking subsection (i).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1661 is a bill to extend the existing State management of the Dungeness crab fishery off the coasts of California, Oregon, and Washington. The bill is sponsored by the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Oregon (Mr. WALDEN).

This is not the first time State management of the Dungeness crab fishery has been addressed by Congress. In 1996, in conjunction with the Sustainable Fisheries Act, Congress authorized the States of California, Oregon, and Washington the interim authority for the management of Dungeness crab for 3 years. During that period of time, the States showed they could cooperatively and effectively manage the Dungeness crab fishery.

When the interim authority was due to expire in 1998, the Pacific Fishery Management Council, which has the Federal management responsibility for conservation and management of the fishery, wrote to Congress requesting an extension of State management authority.

For the past 5 years, the States have been cooperatively managing the Dungeness crab fishery, which occurs in Federal waters adjacent to their States. This is an extremely valuable fishery. In fact, in the 1999–2000 season, 41.3 million pounds of Dungeness crab were landed, which had a value of $84.2 million. This is a healthy food source for thousands of Americans.

H.R. 1661 will extend the authority for State management indefinitely. Until the Pacific Council decides it should regain its authority through a Federal fishery management plan developed by the Council, the States will continue their cooperative management.

Congress has acted favorably on this issue in the past, and I urge passage of this non-controversial bill. I want to thank Members on both sides of the aisle for their cooperation, especially the Members who sponsored this legislation; and I want to thank the staff on both sides of the aisle for helping this legislation along.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill as well. As my colleague has explained, H.R. 1661, introduced by our colleague, the gentleman from California (Mr. GEORGE MILLER), allows the States of California, Oregon, and Washington to continue to cooperatively adopt and enforce State laws to manage the Dungeness crab fishery in Federal waters along the West Coast of the United States.

The States were first granted this interim authority in 1996 while future options for managing its fishery were explored. The compelling reason at that time was a need to accommodate the rights of Northwest Indian tribes to harvest a share of the crab resource off of the coast of Washington while the options for future management by the Pacific Fisheries Management Council were explored.

The State management program worked well, and the Pacific Fishery Management Council has requested that the Congress allow the State management authority to be extended in lieu of a Federal plan.

We have done that once already through legislation, and this bill would continue that authority indefinitely. It does not override the Council's authority in any way, as State authority would expire should the Council ever decide to develop a Federal plan. In the meantime, however, it ensures strong conservation and management of the Dungeness crab fishery, that it will continue, and is supported by all three States, the tribes, the processors and the fishermen. I urge Members to support the passage of H.R. 1661 today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 1661.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHILD STATUS PROTECTION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1209) to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Status Protection Act of 2001”.

SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT'S NATURALIZATION DATE, OR MARRIAGE TERMINATION DATE, IN DETERMINING STATUS AS A CHILD OF A CITIZEN.

(a) IN GENERAL.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

“(f) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—

“(1) AGE ON PETITION FILING DATE.—Except as provided in paragraphs (2) and (3), for purposes of subsection (b)(2)(A)(i), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 to classify the alien as an immediate relative under subsection (b)(2)(A)(i).

“(2) AGE ON PARENT'S NATURALIZATION DATE.—In the case of a petition under section 204 initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the age of the alien on the date of the parent's naturalization.

“(3) AGE ON MARRIAGE TERMINATION DATE.—In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3), based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the age of the alien on the date of the termination of the marriage.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all petitions and applications pending before the Department of Justice or the Department of State on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1209, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1209, the Child Status Protection Act of 2001, was introduced by the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Immigration and Claims, and the ranking member, the gentlewoman from Texas (Ms. JACKSON-LEE).

This bill is another example of Congress having to clean up a mess made by the Immigration and Naturalization Service. Under current law, aliens residing in the United States who are eligible for permanent resident status must adjust their status with the INS. However, INS processing delays have caused up to a 3-year wait for adjustment. For alien children of U.S. citizens, this delay in processing can have serious consequences, for once they turn 21 years of age, they lose their immediate relative status.

An unlimited number of immediate relatives of U.S. citizens can receive green cards each year. However, there are a limited number of green cards available for the adult children of U.S. citizens.

If a U.S. citizen parent petitions for a green card for a child before that child turns 21, but the INS does not get around to processing the adjustment of status application until after the child turns 21, the family is out of luck. The child goes to the end of the waiting list. The child is being punished because of the INS ineptitude, and that is not right.

H.R. 1209 corrects this outcome by providing that a child shall remain eligible for immediate relative status as long as an immigrant visa petition was filed for him or her before turning 21.

The fact that we have to consider debate and pass this bill is just one more reason why the Immigration and Naturalization Service needs to be dismantled and restructured. I await eagerly for the administration's INS reform proposal, because it cannot come too soon. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great pleasure to offer my support for the Child Status Protection Act of 2001 and to thank our subcommittee chairman, the gentleman from Pennsylvania (Mr. GEKAS), for joining me and leading on this particular initiative, which is the result and the culmination of a bipartisan agreement, that addresses the status of unmarried children of U.S. citizens, who turn 21 while in the process of having an immigrant visa petition adjudicated. In particular, Mr. Speaker, let me say that we have been working on this for a very long time, and we are delighted that the House will have an opportunity to vote on this today.

The age and marital status of the offspring of U.S. citizens determine whether they are eligible for immigrant status as immediate relatives or under the family-first preference category. Briefly, H.R. 1209 would protect the status of children of United States citizens who age out while awaiting the processing and adjudication of immediate relative petitions.

Let me thank our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS). I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his remarks in support of this legislation today and join him in realizing that we all look forward to the INS restructuring in order to have these problems internally fixed.

In this instance, we have had to fix this by legislative initiative. The child of a U.S. citizen is eligible for admission as an immediate relative. Immediate relatives of U.S. citizens are not subject to any numerical restrictions. Again, this is a focus on accessing legalization or ensuring that those immigrants who are here are able to seek legalization and become citizens or legal residents, as is important.

That is, visas are immediately available to immediate relatives under the statute, subject only to the processing time required to adjudicate the immediate relative visa petition. Thus, the only wait that such children are required to endure is the time it takes to process their paperwork. When a child of the U.S. citizen ages out by becoming 21, the child automatically shifts from the immediate-relative category to the family-first preference category.

□ 1100

This puts him or her at the end of a long waiting list for a visa. It, therefore, diminishes the ability to access legalization.

Generally, 23,400 family-first preference visas are available each year to the adult, unmarried sons and daughters of citizens. As of January 1997, 93,376 individuals were on the waiting list. For nationals of Mexico, visas are now available for petitions filed by April 1994. For nationals of the Philippines, visas are now available for petitions filed by May 1988. Thus some sons and daughters of citizens will have to stay on a waiting list from 2 to 13 years entirely because the INS did not in a timely manner process the applications for adjustment of status on their behalf.

Mr. Speaker, H.R. 1209 addresses the predicament of these immigrants seeking legalization who, through no fault of their own, lost the opportunity to obtain an immediate relative visa before they reach age 21.

This bill corrects the problem of aging-out under current law. However, once children reach 21 years of age, they are no longer considered immediate relatives under the INS. Thus, instead of being entitled to admission without numerical limitation, the U.S. citizens' sons and daughters are placed in the back of the line of one of the INS backlog family-preference categories of immigrants.

This bill, with the new added compromise language that I proposed last year, will solve the age-out problem without displacing others who have been waiting patiently in other visa categories. In essence, Mr. Speaker, we have a bill that provides a solution, but is also equitable. It is fair to all who are now under this particular process; and more importantly, it gives the INS the tools it needs to work with to be fair to those who are themselves seeking to be governed by the laws of the United States of America.

Mr. Speaker, I would like to thank our chairman, our ranking member of the full committee, and the gentleman from Pennsylvania (Mr. GEKAS), the subcommittee chairman; and I look forward to further bipartisan agreements in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Immigration and Claims.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time.

The explanation of the bill as offered by both the chairman and the ranking minority member of the subcommittee in question suffices to place on the record an opportunity for the House of Representatives and eventually the entire Congress to approve this piece of legislation. My biggest fear that it might not pass is that it makes sense. The bill makes adequate, perfect common sense: That has always been a drawback to final successful passage of legislation as we have noted over the years.

Why does it make common sense? It simply makes certain that an individual who is a minor at the time that his or her parents filed for the adjustment of status and who then turns 21, under the current law, is thrown into a completely different category and could wait years for final adjudication of that particular status. What this bill does is treat the person who turns 21 as if he were or she were a minor at the time that the status was first filed.

What I hope this is is a signal to all that our subcommittee and the full Committee on the Judiciary have been and will continue to be very sensitive to individual cases of injustice on a whole range of issues. These injustices were perpetrated in this particular set of circumstances inadvertently by the way that the original law was fashioned. What we do here today is adjust, through the use of common sense, a bad situation. We know that horror stories of other types will confront us, but at least we have a chance to correct a series of horror stories here today.

Mr. Speaker, I ask for everyone to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have no further speakers. I simply want to conclude by saying that we worked two sessions on this legislation. We believe that this will reunite families. This is what our immigration laws are all about, to unite families.

Again, I want to offer my thanks to the chairman of the full committee and the chairman of the subcommittee, as well as the ranking member of the full committee.

Mr. SMITH of Texas. Mr. Speaker, I want to commend my colleague, GEORGE GEKAS, Chairman of the Immigration and Claims Subcommittee, and Subcommittee Ranking Member SHEILA JACKSON-LEE for introducing H. R. 1209, the "Child Status Protection Act of 2001."

This legislation addresses a problem I have been concerned about since the last Congress. Children of citizens are penalized because it takes the INS an unacceptable length of time—often years—to process adjustment of status applications. In some cases the wait is so long that minor children become adults while waiting for the INS to act. When they become adults, they lose the privileged status of immediate relatives of citizens and are placed at the end of the first preference waiting list. This means an additional wait of 2–13 years for their green cards.

H. R. 1209 provides that an alien child of a U.S. citizen shall remain eligible for immediate relative status as long as an immigrant visa petition was filed before the child turned 21.

I hope that after Congress restructures the INS and the federal government provides immigration benefits in a more professional and expeditious manner, we won't need to pass bills such as H. R. 1209.

I urge my colleagues to support this piece of legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from

Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1209, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FARMER BANKRUPTCY CODE EXTENSION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1914) to extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 1914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, Public Law 106–70, and Public Law 107–8, is amended—

(1) by striking "June 1, 2001" each place it appears and inserting "October 1, 2001", and

(2) in subsection (a)—

(A) by striking "June 30, 2000" and inserting "May 31, 2001", and

(B) by striking "July 1, 2000" and inserting "June 1, 2001".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on June 1, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1914, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1914.

Without question, the family farmer has always played and continues to play a critical role in our Nation's economic health and well-being. Unfortunately, bad weather, rising energy costs, volatile marketplace conditions, competition from large agribusinesses, and the economic forces experienced by any small business affect the financial stability of some family farmers.

In response to the special needs of small family farmers in financial distress, our bankruptcy laws offer a particularized form of bankruptcy relief available only to these individuals and businesses. Typically referred to as chapter 12 of the Bankruptcy Code, this form of bankruptcy relief was enacted on a temporary basis as a part of the Bankruptcy Judges, United States Trustees and Family Farmers Bankruptcy Act of 1986. That has subsequently been extended on several occasions, most recently on February 28 of this year, and the extension expired on June 1.

While statistically chapter 12 is utilized rarely; in fact, less than 250 chapter 12 cases were filed in the 12-month period ending March 31, 2001, its availability is crucial to family farmers. Absent chapter 12, family farmers would be forced to file for bankruptcy relief under the code's other alternatives. None of these forms of bankruptcy relief, however, work quite as well for farmers as chapter 12. Chapter 7, for example, would require a farmer to sell the farm and to pay the claims of the creditors. With respect to chapter 13, many farmers would simply be ineligible to file under that form of bankruptcy relief because of its debt limits. Chapter 11 is an expensive and often time-consuming process that does not readily accommodate the special needs of farmers.

By virtue of H.R. 1914, chapter 12 will be reenacted retroactive to June 1 of this year and extended for 4 months through October 1, 2001. It is, however, important to note that H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, which the House passed by an overwhelming majority earlier this spring and its Senate counterpart, which the other body also passed by a substantial margin, would make chapter 12 a permanent fixture of the Bankruptcy Code for family farmers. It is my sincere hope that in the very near future, we will be able to proceed to conference on pending House and Senate bankruptcy legislation and to present a conference report for approval by both Houses. In the meantime, I urge my colleagues to vote for H.R. 1914.

Mr. Speaker, I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, we are here today to renew chapter 12 bankruptcy protection for our Nation's family farmers. The bipartisan legislation before us today, H.R. 1914, which I am happy to cosponsor with the gentleman from Michigan (Mr. SMITH), would allow chapter 12 bankruptcy filings to continue through the end of this fiscal year.

Bankruptcy often requires liquidation of real property rather than reorganization if debtors have significant assets. Of course, for family farmers, this means that their farm equipment and other assets often disqualify them from reorganization under chapters 11 or 13, and they are forced into chapter 7 liquidation. Chapter 12 is specifically tailored for family farmers, and it allows these family farmers to keep essential farm assets and reorganize their debts.

In February, the House passed H.R. 256, also sponsored by the gentleman from Michigan (Mr. SMITH) and myself, which retroactively extended chapter 12 of the Bankruptcy Code through May 31 of 2001. That legislation was signed by President Bush on May 11. However, the chapter 12 authorization has now expired once again, and this legislation will extend chapter 12 protection until September 30, 2001.

The bankruptcy reform bill which has passed both Houses of Congress, H.R. 333, includes a permanent reauthorization of chapter 12; but since the current authorization has expired, our farmers need immediate relief. With the current year's crops in the ground, farmers need to know that they can reorganize and keep their farms. Our bill will provide the security that those family farmers who are in crisis will need to decide whether to stay in business for one more year.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. SMITH), the author of the bill.

Mr. SMITH of Michigan. Mr. Speaker, the next bill we introduce should be that we make this permanent. This seems to me ridiculous that we come before this body every 4 or 5 or 6 months to make a temporary increase in legislation in the bankruptcy law that is so important to American farmers. Let me just tell my colleagues why it is so important to farmers.

Farmers, under the other provisions of the bankruptcy law which the two previous speakers related to, have to file either under chapter 13 or 11 or 7; and in most cases, they are required to sell a lot of their machinery, which means that if they want to try to work themselves out of that financial situation, there is no possibility of doing it without machinery.

It was just a few months ago that we were on this floor of the House urging our colleagues to vote for H.R. 256. This was a bill to retroactively bring chapter 12 to May 31. I am pleased that the bill was signed by the President, but also now we are with this bill that I urge my colleagues to support. I had hoped that by the end of May the House and Senate would have agreed to a major bankruptcy reform package that would have included permanent chapter 12 protection. Unfortunately, and through no fault of this House, these two bodies have still not reached agreement. Further, it is unclear when such an agreement is going to be reached.

In the meantime, since May 31, family farmers have been without chapter 12 reorganization protection, and that is what brings us here today. Let us not allow the situation that has taken place this last year and the last several months to again disrupt farmers in their effort to be accommodated by chapter 12, which is especially designed for family farmers.

□ 1115

This protection is vitally needed. American farmers continue to suffer drops in net farm income, and farmers are being forced into bankruptcy, and not having chapter 12 means greater hardship for those family farmers.

Enacted, as the chairman said, in the 1986 farm crisis, chapter 12 made significant bankruptcy relief available to a group of Americans that has had difficulty getting credit and managing its assets since the country's founding over two centuries ago.

For example, chapter 7 was accessible to farmers to give them the so-called "fresh start" promised to debtors under the Bankruptcy Code. However, under chapter 7, the farm, which might have been in the family for generations, was usually lost. Congress needed to find a way to ensure that creditors were protected while also ensure that the family farms were able to work themselves out of their current financial problems.

In conclusion, let me say that family farms are in need of permanent chapter 12 relief. Until such relief is enacted, we have a responsibility to protect family farmers in the uncertainty that comes with the on-again off-again provision of chapter 12 protection.

This bill provides protection to family farmers and provides enough time for Congress to reach agreement on permanent Chapter 12 protection a part of a larger reform effort.

Before closing, I would like to thank the Chairman and Ranking Member of the Committee on the Judiciary, the gentleman from Wisconsin, Mr. SENSENBRENNER, and my colleague from Michigan, Mr. CONYERS, and the Chairman and Ranking Minority Member of the Subcommittee on Commercial and Administrative Law, the gentleman from Georgia, Mr. BARR, and the gentleman from North Carolina, Mr. WATT, for their help in bringing this bill to the floor today. I also want to express my thanks to the original co-sponsor of this bill, Ms. BALDWIN, who also was a co-sponsor of H.R. 256, and who agrees that this provision should be made permanent.

Mr. Speaker, H.R. 1914 is a noncontroversial bill that deserves widespread support from both sides of the aisle. I urge my colleagues to vote yes on H.R. 1914.

Ms. BALDWIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR), the chairman of the subcommittee of jurisdiction.

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 1914. Chapter 12 of Title XI of the United States Code provides bankruptcy relief that is available exclusively for family farmers. It was developed to respond temporarily to the special needs of financially-distressed farmers as part of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986. Extended several times subsequently, it expired on June 1 of this year.

Family farming is constantly beset by forces of nature, and should not have also to deal with forces that we in the Congress can reasonably mitigate. According to a CNN report from last October, "The number of family farms and farmers in the United States are dwindling, and is expected to continue to do so through at least the year 2008, according to the United States Department of Labor, this despite the fact that the country's agricultural exports are expected to grow as developing nations improve their economies and their personal incomes."

Mr. Speaker, H.R. 1914 reenacts chapter 12 of Title XI retroactive to June 1, 2001, and extends it for 4 months to October 1 of this year. I urge my colleagues to vote for H.R. 1914.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 1914, which retroactively extends chapter 12 bankruptcy for family farms and ranches to September 30, 2001. Chapter 12 bankruptcy expired on May 31, 2001. This legislation, which this Member agreed to cosponsor on June 5, 2001, is very important to the nation's agriculture sector.

This Member would express his appreciation to the distinguished gentleman from Michigan [Mr. SMITH] for introducing H.R. 1914. In addition, this Member would like to express his appreciation to the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER], the Chairman of the Judiciary Committee, for his efforts in getting this measure to the House Floor for consideration.

This extension of chapter 12 bankruptcy is supported by this Member as it allows family farmers to reorganize their debts as compared to liquidating their assets. The use of the chapter 12 bankruptcy provision has been an important and necessary option for family farmers throughout the nation. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If chapter 12 bankruptcy provisions are not extended for family farmers, it will be another very painful blow to an agricultural sector already reeling from low commodity prices. Not only will many family farmers have no viable option other than to end their operations, but it will also cause land values to likely plunge. Such a decrease in value of farmland will negatively affect the ability of family farmers to earn a living. In addition, the resulting decrease in farmland value will impact the manner in which banks conduct their agricultural lending activities. Furthermore, this Member has received many contacts from his constituents supporting the extension of chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—it is clear that the agricultural sector is hurting.

In closing, this Member urges his colleagues to support H.R. 1914.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 1914, the Family Farmer Bankruptcy Relief Extension. This legislation will extend bankruptcy protection for family farmers by allowing them to reorganize their debt rather than forcing them to liquidate their assets.

This bill will help family farmers in my own congressional district in the "Black Dirt" region of Orange County, New York. Growers in this region have experienced severe and disastrous weather conditions four of the past five growing seasons, leading to a severe reduction of total farms, causing devastation not only for those businesses dependent upon the onion and vegetable $100-million industry in New York, but for the Valley's families and agricultural community.

Under this bill, chapter 12 of title 11 of the United States Code will be extended for another 4 months from the current expansion date of June 1, 2001.

I urge all of my colleagues to support this family farm friendly bill.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1914.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING ERIK WEIHENMAYER'S ACHIEVEMENT OF BECOMING THE FIRST BLIND PERSON TO CLIMB MOUNT EVEREST

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 150) expressing the sense of Congress that

Erik Weihenmayer's achievement of becoming the first blind person to climb Mount Everest demonstrates the abilities and potential of all blind people and other individuals with disabilities.

The Clerk read as follows:

H. CON. RES. 150

Whereas misconceptions and negative stereotypes about blindness and other disabilities significantly contribute to the challenges that individuals with blindness or other disabilities encounter;

Whereas in order to help promote a positive public perception of blindness, the National Federation of the Blind sponsored the quest of Erik Weihenmayer to become the first blind person to climb Mount Everest;

Whereas on May 23, 2001, Erik Weihenmayer, as part of a climbing team, successfully climbed to the summit of Mount Everest, which, at a height of 29,035 feet above sea level, is the highest summit in the world;

Whereas Erik Weihenmayer has climbed to the summit of Ama Dablam, Mount McKinley, El Capitan, Kilimanjaro, Aconcagua, Vinson Massif, and Polar Circus, which is a 3,000 foot ice waterfall in Alberta, Canada;

Whereas despite his blindness, Erik Weihenmayer is a speaker, writer, acrobatic skydiver and scuba diver, long-distance cyclist, marathon runner, skier, mountaineer, and ice and rock climber;

Whereas Erik Weihenmayer's many accomplishments have earned him the Health and Fitness Association Award, the Glaucoma Foundation's Lifetime Achievement Award, Connecticut's Most Courageous Athlete Award, ESPN's ARETE Award for courage in sports, the Distinguished Arizonan Award, the Gene Autry Award, induction into the National Wrestling Hall of Fame, and the honor of carrying the Olympic Torch through Phoenix, Arizona; and

Whereas Erik Weihenmayer's achievements demonstrate that blind people and other individuals with disabilities can accomplish extraordinary goals if they are provided with the proper training and opportunities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Erik Weihenmayer's achievement of becoming the first blind person to climb Mount Everest demonstrates the abilities and potential of all blind people and other individuals with disabilities; and

(2) individuals with blindness or other disabilities can overcome almost any obstacle if they are provided with the appropriate resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 150.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 150, a resolution in which we are honoring Erik Weihenmayer for his recent climb to the top of Mount Everest, and underscores the vast potential of individuals with disabilities.

Mount Everest, towering 29,028 above sea level, is not only the highest mountain on Earth. The sudden storms, the freezing temperatures, and the brief window of opportunity afforded by the weather conditions make Everest a particularly hostile climbing environment.

Although the mountain has been climbed many times since Sir Edmund Hillary first ascended the mountain in 1953, Erik is the first blind man to successfully climb and stand on the summit of Mount Everest.

In addition to Mount Everest, Erik has accumulated quite an impressive list of achievements. He has climbed Mount McKinley, the highest point in North America, as well as many other challenging mountains. In fact, with the successful climb of Mount Everest, Erik has climbed the highest peaks on five continents.

In the future, he hopes to build on these successes by conquering the highest mountains on all seven continents, a challenge that easily rivals Mount Everest.

Besides mountaineering, this former schoolteacher turned motivational speaker is also a sky diver, skier, a long-distance biker, marathoner, a wrestler, a SCUBA diver, and an ice and rock climber.

In all, Erik's story is about having the courage to reach for near impossible goals, and in so doing, he helps us to challenge social attitudes and misconceptions about individuals with disabilities. As Erik has said of his recent climb, "The climb might shatter people's conceptions about blindness, which are often more limiting than the disability itself."

For all these reasons, I am pleased to draw our attention to Erik's accomplishments. He is an outstanding example of what individuals with disabilities can accomplish. I congratulate Erik Weihenmayer on his incredible climb, and urge my colleagues to join me by voting aye on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 150, which commends Erik Weihenmayer for climbing Mount Everest, and recognizes that visually impaired individuals and others with disabilities have great potential.

Climbing Mount Everest is a feat in itself, given that only about 1,000 people have been able to do so, and well over 100 have died trying. Yet the fact that Erik is the only blind person to ever climb Mount Everest makes the accomplishment all the more remarkable.

I could spend the rest of my time talking about just this one accomplishment and how he did it. Yet, Erik's mountain climbing experience is not limited to Everest alone. His list of outdoor achievements reads like a wish list that many able-bodied mountaineers would like to have.

He has never let his inability to see obstruct his passion for travel and for mountaineering. He has hiked the Inca Trail in Peru. He has trekked in Pakistan and Tajikistan, including a traverse of the Baltoro Glacier, from which rise ten of the world's 30 highest peaks.

He has crossed the jungles of the Irian Jaya, near Carstan's pyramid, and the highest peak of Australia. In 1995 he climbed the 20,320 foot summit of Denali. In August of 1996, he made it to the top of El Capitan, the first blind person to do that. Erik has also climbed Mount McKinley, Aconcagua in Argentina, Vinson Massif in Antarctica, and the Polar Circus, a 3,000 foot ice waterfall in Alberta. Interestingly, even his wedding took place at 12,700 feet en route to the summit of Kilimanjaro.

Erik represents the reality that all people, regardless of their physical disabilities, can achieve amazing accomplishments. To quote Erik Weihenmayer, "My message is much greater than go out and climb a mountain. It is to have passion for whatever you do in life." Few people can match the passion that Erik has shown for life. Through his feats, he teaches us that individuals can overcome their personal challenges, large or small, in reaching their goals and succeeding in life.

Erik has also wisely said, "Someone told me that blind people need to realize their limitations. But I think it is much more exciting to realize my potential." This resolution recognizes Erik's potential and the potential of all of us humans, and it deserves the support of all of my colleagues today.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we offer this concurrent resolution today to honor a brave and courageous mountain climber from Golden, Colorado.

On Friday, May 25, Erik Weihenmayer reached the summit of Mount Everest, one of several Americans to top the peak last month. However, Erik's accomplishments demand much more attention because he became the first blind person in the world to stand triumphant at 29,035 feet.

When Erik was 13 years old, he lost his eyesight, and began rock climbing just 3 years later. Erik, a loving husband and father of a 1-year-old daughter, scaled the mountain by following the directions of his climbing mates, Erik Alexander of Vail, Colorado, Luis Benitez of Boulder, and Jeff Evans of Denver, and listening to bells that were attached to the climbers ahead of him.

Just think of that for a few seconds. I am not sure I could close my eyes and even with directions follow them from here to the podium and 20 feet in front of me, yet Erik climbed the world's tallest mountain.

Here is how Erik describes one section of the climb: "It is just 2,000 feet of jumbly ice where you are just weaving in and out of ice blocks. There are big crevasses, and you are either stepping over or jumping over them, and sometimes there are tiny little narrow bridges that you have to tiptoe across, or there are ladders that you are walking across."

On May 25, Erik became the hero of not only the blind community but all Americans. He showed all of us what we can accomplish; that we can accomplish our goals, regardless of the curve balls life throws us.

Erik has also accomplished the important goal of pulling down barriers that are constructed in the minds of individuals regarding what persons with disabilities can accomplish in life. His success will cause all of us to stop and think about his monumental climb and the struggle of disabled Americans every day.

There are thousands of Mount Everests. Some of them may be as small as taking a single step. Others may be as monumental as Erik's climb. Erik has brought all of them to our attention. Erik put it best when he recently said that his climb ". . . does not just ask people to change their opinions about blind people. It sort of forces them to."

Erik is scheduled to arrive home in Colorado from Nepal today. He has said he is looking forward to hugging and smooching his daughter and wife. I would imagine that those were two of the great incentives he had to reach the top and get home safely.

I believe this Congress should give Erik a fitting welcome home and pass House Concurrent Resolution 350, thanking him for inspiring all of us. We welcome Erik home and thank him.

Mr. HOLT. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. LANGEVIN), who continues to inspire us with all that he has accomplished, and I might add, the sponsor and author of this bill.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, yesterday I teamed up with my colleague, the gentleman from Colorado (Mr. TANCREDO), to introduce this resolution to honor Erik Weihenmayer. Before I explain just how amazing Erik is and what his achievement epitomizes for people with disabilities, I would first like to thank the leadership, and the chairman and ranking member of the Committee on Education and the Workforce. All of them have provided strong support for this legislation and helped bring it to the floor in an expeditious fashion, which ensures timely recognition of this great feat.

I am an ardent fan of Erik Weihenmayer. Little does he know that I and millions of others with disabilities have followed his trek not since May 23, when he summited Mount Everest, but many months ago when I first learned of his expedition.

Since 1926, when George Mallory was the first man to reach the top of Mount Everest, only about 1,000 people have successfully climbed it, and more than 150 have died trying. Not only has Erik conquered a mountain few people with 20/20 vision would ever fathom climbing, but he has also become an inspiring example of how to live life to its fullest.

At the young age of 32, Erik has already climbed Mount McKinley, Mt. Kilimanjaro, and even the Polar Circus, a 3,000 foot ice waterfall.

□ 1130

Erik is the consummate athlete. He is an acrobatic skydiver, SCUBA diver, long distance biker, marathon runner, skier, mountaineer, and an ice and rock climber. He has received countless awards from the Health and Fitness Association, from the Glaucoma Foundation, ESPN, and many more. He has even carried the Olympic torch.

But Erik's successes reach far beyond physical challenges. As an inspirational speaker and writer, Erik has shared the lessons learned in turning obstacles into opportunities. He has pioneered, not just the people with disabilities, but for all of us struggling to overcome our own tribulations.

What Erik shows us is that, despite obstacles and challenges that we all face in our lives, each of us can make our own dreams come true.

But myself personally, I had dreamed of being a police officer my entire life, and that dream ended for me at the age of 16 when, as a police cadet, a police officer's gun accidently discharged in the police locker room and severed my spinal cord. But with the help and support of my family, my friends and my entire community, I was able to persevere and find a new dream. Today I join my colleagues as a Member of the United States Congress.

Erik's spirit and determination symbolized my philosophy for living life to its fullest; that is, to dream it, to do it, and to dig a little deeper.

It is so important for us to experience life and to have dreams, to know that there is something out there that we want to accomplish; and then, yes, we put that plan into action and just do it.

Believing in ourselves, knowing that, despite the difficulties and the obstacles that we can overcome, we all can persevere, and that is when we need to dig a little deeper.

When the obstacles present themselves and we think we have nothing else left to give, all of us must know that it is possible and we must dig deep within ourselves and then to push forward and to persevere. That is a lesson and a message that we all must share and that Erik has certainly demonstrated for all of us today.

In his first inaugural address, FDR said happiness lies in the joy of achievement, in the thrill of creative effort. I cannot think of a person who embodies this spirit more than Erik Weihenmayer. Today we will pass a resolution to honor this perfect illustration of the accomplishments people with disabilities can make if they are provided with the proper resources, training and opportunity. But most important of all, this is a powerful example of the triumph of the human spirit.

I thank my colleagues for embracing and encouraging this drive to achieve in valuing the need for all of us to experience this great joy.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was inspired by the message of the gentleman from Rhode Island (Mr. LANGEVIN) in his own circumstances, having been disabled early in his life. Anybody who is not inspired by Erik's story has never even climbed a hill much less a Mount Everest or Mount McKinley or some of the other mountains.

But the stories of both of these gentlemen and what they have achieved while they are a symbol of what those with disabilities are able to achieve in this world today, also I think are a symbol of something else that I have seen certainly in my lifetime; and that is the improvement of opportunities for those who are disabled in America.

I am not talking about just the curb cuts and the access to buildings and other facilities and amenities, all of which are of vital significance, and I am proud to say that the Congress of the United States and Washington in general has played a major part in that, but just the awareness of and in our society of what people with disabilities can achieve.

At the very highest levels of governance, at the very highest level of corporate governance in athletic pursuits such as we see here, Special Olympics and other circumstances, we have seen so many individuals who have lighted the way for everybody else in terms of what they could do. It is a huge inspiration, not only to others who might indeed have some disabilities, but I think to all of us with the recognition that the great abilities that are there generally make up for and overcome the disability that may have been the root problem to begin with. I think for that we can all be thankful.

We often talk about all the negativism out there, how things are worse in the world today. In my judgment, this is one area where things are much better. Erik is truly a hero and should truly be recognized and honored as such, and that is what we do in this resolution. For all these reasons, I believe this resolution is one that is deserving of the support of each of us here in the Congress of the United States.

Hopefully sometime we will have an opportunity, after he returns and hugs his wife and child, to be able to meet Erik and to be able to congratulate him personally for all that he has achieved.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to thank the gentleman from Rhode Island (Mr. LANGEVIN) for his inspiring remarks about another inspiring individual. I think there is a lesson for everyone here, especially those who do not intend to scale the highest peaks in the world, the highest physical mountains in the world, but scale, surmount other difficulties that they face.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO) if he wishes to say anything further. He made an elegant statement already.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it has been a pleasure listening to the gentleman discuss the accomplishments of Mr. Weihenmayer. Although I have not had the opportunity to meet him in person, I am certainly looking forward to that. Our office has sent him a letter congratulating him. I hope he is receiving it even as we speak here today, because I know he is scheduled to be returning as I mentioned early today.

The fact is that there are a number of people that achieve the recognition that is set forward in the resolution of this nature. We do this routinely in the House. But I must admit to you that I think this particular resolution and this particular individual is something other than routine, I should say, that the accomplishments go far, farther than those of many, many of the people that we have identified in the past year. So it is especially fitting today that we are able to provide him with this kind of tribute.

We always wonder here what it is that we can do to inspire others. What we can possibly do on this floor to encourage other people to take on the tasks taken on by individuals like Mr. Weihenmayer. I am not sure if it is anything that we can do here, because all of it has to come from something internally. All of it has to come from something that builds in an individual over which we probably have very little control.

But to whatever degree we can add our support for those people who are out there throughout our land and throughout the world, for that matter, who have this sort of burning inside of them something, an ember starting to smoulder, to do something with their lives of major accomplishment, even if they are disabled, we say Godspeed to you all. Mr. Weihenmayer is a great example for everyone.

Mr. HEFLEY. Mr. Speaker, I would like to join my colleagues today in extending my congratulations to Erik Weihenmayer on his remarkable achievement. On May 23, Erik reached the top of Mount Everest, which is a triumph for any athlete. The fact that Erik is blind makes the achievement all the more impressive. As the first blind person to ever reach the summit of Mount Everest, Erik symbolizes the athleticism of all mountain climbers, as well as the determination and ability of people with disabilities.

Those with disabilities can accomplish extraordinary goals if they are provided with the proper resources, training and opportunities. Erik took advantage of these opportunities and now joins the small rank of individuals who have conquered Mount Everest.

At the age of 32, Erik has climbed not only the highest mountain in the world, but also Mount McKinley, El Capitan, Kilimanjaro, Vinson Massif in Antartica, and Polar Circus in Alberta.

Today's resolution pays tribute to Erik and, in turn, all people with disabilities. I congratulate Erik on his achievement and his determination to succeed. His accomplishment proves that we are all capable of achieving great things when we set our hearts and minds to accomplishing a goal.

Mr. HOLT. Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 150.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to spend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 1209, by the yeas and nays; and

H.R. 1914, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

CHILD STATUS PROTECTION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1209, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1209, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 152]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa

Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Burton
Buyer
Cox
Dingell
Eshoo
Ferguson
Goode
Goodlatte
Harman
Houghton
Millender-McDonald
Nethercutt
Solis
Waters
Waxman

□ 1205

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 152 on H.R. 1209, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

FARMER BANKRUPTCY CODE EXTENSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1914.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1914, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 19; as follows:

[Roll No. 153]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez

Visclosky
Vitter
Walden
Wamp
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—19

Burton
Buyer
Cox
Dingell
Eshoo
Ferguson
Goode
Goodlatte
Harman
Houghton
Jefferson
Millender-McDonald
Nethercutt
Solis
Walsh
Waters
Watkins
Waxman
Woolsey

☐ 1214

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 153 on H.R. 1914, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. ESHOO. Mr. Speaker, I was not able to vote during consideration of rollcall Nos. 152 and 153. I would have voted "yea" on both these rollcall votes.

GENERAL LEAVE

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the following four suspensions passed earlier today: H.R. 1000; H.R. 37; H.R. 640; and H.R. 1661.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

Mr. McGOVERN. Mr. Speaker, I offer a privileged resolution (H. Res. 157) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 157

Resolved, That the House has heard with profound sorrow of the death of the Honorable John Joseph Moakley, a Representative from the Commonwealth of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. McGOVERN) is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DREIER), pending which I yield myself such time as I may consume.

Mr. Speaker, I appreciate very much the leadership of both parties for their support of this resolution.

☐ 1215

On behalf of JOE MOAKLEY's family and staff, I want to thank my colleagues who traveled to Boston for the funeral services last week. I know those Members who could not be there in person were with us in their thoughts and prayers, and I appreciate that very, very much.

I have been very blessed to have had the opportunity to speak with our friend JOE MOAKLEY in other settings over the past week, including at the funeral, so I will not take too much of the House's time today. I know that many other Members wanted to speak. But I would just like to say a couple of things. As somebody who worked for JOE MOAKLEY for over 14 years and who served with him in the House for nearly 5 years, I never met a person who made me feel better about politics or about public service. I learned an awful lot from him, and I saw him do some amazing things.

Mr. Speaker, I had a front-row seat to watch a real master in action. JOE was guided by the simple but powerful principle that no one is unimportant. From the streets of South Boston to the jungles of El Salvador, JOE MOAKLEY stood for and fought for fairness and fought for justice. He made sure that Mrs. O'Leary got her lost Social Security check. He fought to make sure that our veterans got the health care services that they were entitled to receive. He cared deeply about the environment, and he had a passion for civil rights and equal rights and human rights.

And yes, Mr. Speaker, he was a Democrat and very, very proud of it. He believed in the Democratic Party and he fought hard for the principles and the values that he believed in. But as I am sure that my Republican colleagues will acknowledge, JOE respected and admired those who had different views and even a different party affiliation. JOE MOAKLEY was a people person and his influence and his power in this institution was based not merely on his seniority or his status on the Committee on Rules but instead it was based on personal relationships and friendships with men and women of both parties.

His advice to me after I first got elected to Congress was not to give the most fiery or partisan speeches or even to hire the most experienced or expensive press secretary but to get to know everyone on a first-name basis. Building coalitions and building friendships, he would say, was the surest way to be effective. He told me shortly before he died that what bothered him the most during these past weeks was not the disease or even the inevitability of his death, rather what bothered him and made him emotional was not being on the ballot again. He loved this job so very, very much.

He worked literally to the very end. I recall visiting him a few days before he died in the hospital at Bethesda Naval Hospital and he had an IV in one arm and a phone cradled in the other, and he was doing constituent services. Mr. Speaker, he loved the Members of this body, he loved both Democrats and Republicans, and he loved the staff and not just the staff of the Members but also the support staff, from the Capitol Police to the elevator operators to those who worked in the House dining room.

JOE MOAKLEY approached death like he did his life, with a great deal of grace and dignity and humor. He always had a quip or a joke. He always put a smile on everyone's face. In fact, wherever you saw JOE MOAKLEY, you saw a whole bunch of people gathered with smiles on their face.

Last week, the people of Massachusetts said farewell to our friend. We had two Presidents there, a former Vice President, a lot of our colleagues here in the House. But really what was the most moving tribute I thought was the fact that there were thousands, literally thousands of people who had lined the streets of Boston to pay their last respects: construction workers who took off their hard hats out of deference to JOE, senior citizens, people in wheelchairs, young children, people of every background, of every religion, of every conceivable socioeconomic background came to pay their respects to this guy whom they not only respected but whom they loved.

JOE MOAKLEY was not only a good man, he was a great man. I feel very privileged to have had the honor to work with him not only on his staff but as his colleague. He really was my best friend, like a second father to me, and I miss him a lot.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my friend from Massachusetts (Mr. McGOVERN) the former Rules Committee staff member and now our distinguished colleague and obviously, as he said, a very close friend of JOE MOAKLEY's.

This has been a very challenging and difficult time for all of us. It is obvious that we are saddened by the passing of JOE MOAKLEY, but we are here today to, I believe, spend some time talking about the wonderful life and the amazing impact that he had on so many of us. Just yesterday, I was very pleased that the Committee on Rules was able to report out a resolution which I would like to share with our colleagues, Mr. Speaker. Every member of the Committee on Rules was present and participated in speaking in support of this resolution which reads as follows:

Whereas, JOHN JOSEPH MOAKLEY served in the House of Representatives beginning in the 94th Congress;

Whereas, JOHN JOSEPH MOAKLEY served on the Committee on Rules beginning in the 95th Congress;

Whereas, JOHN JOSEPH MOAKLEY served as Chairman of the Committee on Rules from 1989 to 1994;

Resolved, that the Committee on Rules, with profound sorrow, marks the death of JOHN JOSEPH MOAKLEY on Memorial Day, May 28, 2001, and expresses its gratitude for his many years of dedicated service to the Committee and the House of Representatives.

We, as I said, reported that resolution from the Committee on Rules last night. I have a lot of things that I want to say and I plan to take time doing that, but I would just like to begin with the resolution that was offered here in the Committee on Rules.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. FROST), the ranking member of the Committee on Rules.

Mr. FROST. I thank the gentleman for yielding me this time.

Mr. Speaker, JOE MOAKLEY was a great Member of this body, and I rise in support of this resolution with a heavy heart. JOE's passing has left a very large hole in the fabric of this institution, a hole that will be difficult to mend. JOE MOAKLEY and I were colleagues for 23 years on the Committee on Rules. In that time, I was privileged to serve alongside a man whose heart was pure and who never ever forgot where he came from.

Last Friday, I traveled to Boston to JOE's funeral mass. That mass was in reality a celebration of JOE's life and the values he brought to service in this institution on behalf of the people of South Boston, of Massachusetts, and the entire country. JOE was a man who embodied Tip O'Neill's maxim that all politics is local, but JOE was also a man whose ideals transcended borders.

JOE believed in the intrinsic decency of all humankind and in the ideal that every man, every woman, and every child in this country and around the world deserves basic human rights and freedoms no matter their station in life or political affiliation.

His work to bring justice to the cowardly killers of priests and women and children in El Salvador was truly a noble fight. His courage, his determination and his dedication to doing what is right, no matter the danger, no matter the cost, should be taken to heart by every Member of this body. His ability to work with all Members of this body, to treat every Member fairly and to always have a good word for even his political foes should also be what every one of us should strive for each and every day we are privileged to work in this institution.

Mr. Speaker, I was so deeply moved by the words spoken at Joe's memorial last Friday. It was plainly obvious how beloved he was by his community. But for this House, we should all hope that our own actions we take as Members will be as celebrated as were the actions, words and deeds of my very good friend JOE MOAKLEY.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Sanible, FL (Mr. GOSS), the very distinguished vice chairman of the Committee on Rules and the chairman of the Subcommittee on Legislative and Budget Process.

Mr. GOSS. Mr. Speaker, I thank the gentleman from California for yielding me this time. I chose to speak from this desk about JOE MOAKLEY rather than the well. How many times I stood at this desk in the past 9 or 10 years to yield time or to receive time from the distinguished gentleman from the Commonwealth of Massachusetts, our colleague and friend, JOE MOAKLEY, to do the Rules Committee business.

I cannot possibly cover all of the things that are on my heart or that we should say about JOE MOAKLEY in the time allotted. So many praises are already out there as they should be, so many stories, so many personal anecdotes, all very favorable because JOE was truly just an extraordinarily remarkable guy.

The President of the United States, referring to JOE as a bread-and-butter Democrat, paid him the supreme compliment, I think, by saying, and I quote, "He made cares and concerns of everyday people his business." That is, after all, what the House is about. That is what we are supposed to be doing. I think that is about the best you can do.

The strength and the humor, the way JOE faced life and death, I think, showed a depth of decency and character, the kind of values that we all aspire to and hope to achieve. He set a high standard. I guess I could think of a number of things in common we had: frustrations, the Boston Red Sox, his beloved Red Sox. Every year we hoped they would do better. His desires for Central America which paralleled mine. Lots of things we talked about, the stories he told, which were so well told. I am no JOE MOAKLEY. I could never tell a story like that and I would not dare tell some of those stories to some of my senior citizens, but JOE MOAKLEY had a way of telling those stories and it worked. Maybe somebody will fill those shoes someday. I do not know how.

After JOE was diagnosed the last time I had a conversation with him following on a previous one when he had had his liver transplant and he was sitting right there in the front row. I said, "JOE, my gosh, you have certainly earned a rest. There are good things in life, go out and enjoy them a little bit while you have still got some time." He said, "You know, I love this place. I never want to leave here."

I guess the message I have today for all of us, Mr. Speaker, and I speak this from the heart for JOE MOAKLEY, is that JOE MOAKLEY never will leave this place. There will always be a bit of him here. Whether I see George Crawford coming down the hall or other staff or perhaps sitting in the Rules Committee, now under the gaze of JOE MOAKLEY's portrait staring right at us as we go about our business to remind us to do it the right way, when I pick up a sports page and see how the Red Sox are faring, when I hear a South Boston accent somewhere among our colleagues, all of these are the kind of things I think that will quickly bring back a very happy recollection of one of the true great guys we have had here.

I am sorry to say I missed his memorial service in Boston. I was out of the country. Obviously I miss JOE already. But I guess the good thing is that part of JOE will always be with us.

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY), my distinguished colleague and the dean of our delegation.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to begin by thanking the gentleman from Worcester for the incredible effort which he has put in over the last 2 weeks in ensuring that our colleague JOE MOAKLEY was able to have the kind of services and the kind of attention which his life merited. I know that he has thought of him as a second father. I think so many of us all thought of him as our favorite uncle as well. I just wanted to let him know how much we all appreciate it.

JOE MOAKLEY actually became Boston in his life. The face of JOE MOAKLEY will be the face of Boston for generations to come: the Big Dig, changing the transportation system, the cleanup of Boston Harbor, the Boston Harbor Islands National Park, the JOE MOAKLEY Courthouse which appropriately is going to be the centerpiece of the new Boston Harbor overlooking, by the way, the Evelyn Moakley Bridge.

□ 1230

So that that as well all becomes a part of this new Boston inner city, as generation after generation walks the streets of Boston.

What was unique about him? Well, he had an open door for everyone but he had an open heart as well. He combined these qualities of spirituality and statesmanship that are so rare, and I think that the real tribute to him was how many Republicans came to his services as well because I think that he came to symbolize all that was good about politics in our country; in fact, all that was good about our country, because he had the wit of Will Rogers. He had the humility of Jimmy Stewart, but he had the tenacity of Saint Patrick when he was fighting for justice or poverty or just trying to help any ordinary person who was down on their luck. He gave the same amount of attention to fighting for people whom he had never met, who were being discriminated against, oppressed in El Salvador, as he did to chasing down every Social Security check that he might have felt was a little bit late in the mail for one of his constituents.

It is altogether fitting and appropriate that he died on Memorial Day, because this was a great man from the greatest generation. I do not think that it is just a coincidence. I think that this is actually altogether fitting and appropriate that he would have passed away on that day. I know that right now he is up there with his beloved Evelyn in heaven, smiling down on this institution which he loved so much. Each one of us is indebted to this great man who, as we all went over to console him in these front rows over the last 2 months, all left being consoled by him as he regaled us with his jokes and his stories and we all left feeling that he, in fact, had reconciled himself to being rejoined with his beloved Evelyn.

I thank the gentleman from Massachusetts (Mr. MCGOVERN) for everything that he has done and for bringing this resolution today.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Atlanta, Georgia (Mr. LINDER), the very distinguished chairman of the Subcommittee on Technology in the House.

Mr. LINDER. Mr. Speaker, I thank the chairman, the gentleman from California (Mr. DREIER) for yielding me this time.

Mr. Speaker, I served with Joe on the Committee on Rules for a little over 6 years now, and in those 6 years-plus I do not think I ever heard him say a harsh word. He was a kind and decent man. It will not be said very often, but he was a fierce partisan and a fighter for his party, for his ideas, for his causes, and he carried out those fights with great dignity and skill and great good humor.

I do not know how many times I have heard him use his wit or his humor to lighten the tension or to get his way, but he did it with great skill.

He impressed me, I suppose, as any member in politics for 27 years has ever impressed me. He loved his job. He loved his community and he loved this House. We will be sorely missing him for a long time to come.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to just take a moment to commend JOE MOAKLEY's staff, his staff from the Committee on Rules, his personal staff here in Washington and in Massachusetts. I want the record to reflect that these are extraordinary individuals who were like family to him and a lot of the great tributes that occurred last week and over the previous weeks were as a result of their dedication and their commitment. If he were here today, he would want me to acknowledge their wonderful work and to let everybody know how much they meant to him.

Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, the gentleman from Massachusetts (Mr. MCGOVERN), for yielding and for bringing this resolution before this body.

Mr. Speaker, I rise in support of the resolution in honor of our dear friend and colleague JOE MOAKLEY. He was a good and decent man. Some would say he was too good, he was so good. He was a tireless worker and fighter for the people of his district and for all of the citizens of our country. He had a deep concern for human rights, for civil rights, for those who had been left out and for those who have been left behind.

He will be deeply missed by the people of his beloved Boston, and he will be missed by all of us here in this House.

Mr. Speaker, our friend, our colleague, JOE MOAKLEY, took to heart what Horace Mann said when he said we should be ashamed to die, we should be ashamed to leave this world until we have made some contribution to humanity.

JOE MOAKLEY made more than a contribution. When we look at Boston, look at the Commonwealth of Massachusetts, when we look at America, when we look at our world, we live in a different place, we live in a better place because of the work, the commitment, the dedication and the vision of this one man.

Mr. DREIER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK), a very distinguished member of the Committee on Rules and the former mayor of Charlotte, North Carolina.

Mrs. MYRICK. Mr. Speaker, I am very honored to just be able to say a word about JOE because JOE was truly a friend to all of us. He was always a gentleman and he was one of those people that if the rest of the Congress could be like him, I do not think we would have any problems. Yes, he was partisan and I was not of the same party, but we were good friends. He respected people as people. I think back at the things JOE has gone through because he had so many medical challenges in his life that probably would have gotten a lot of the rest of us down, but he always kept going and he always had that smile on his face. No matter what was happening, that smile was there and that just kept a lot of us going.

I know last year when I went through breast cancer, he was probably my greatest encourager in this House. He just was always saying, you can do it and you are going to make it and do not give up. He said all of this to me constantly, and he just was somebody that I really admired and looked up to.

It really did my heart good when we went to the funeral because when you saw all of those people in Boston lining the streets and really just in honor of JOE, it was because they knew him as just plain JOE. They did not look at him as Congressman MOAKLEY. He was JOE. He never forgot where he came from. He never forgot his roots and people loved him because of that.

He leaves a very, very big hole in this body. I was just very privileged to have a few years to be able to call him my friend.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the House Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I have found a long time ago at my age that the best way to handle losses like this is to take a deep breath and to thank God that you were so privileged in knowing such a great guy.

I lost a brother, and I manage every day to wrestle with the problem in realizing how many people just never had a brother to love and to care for and to be with. So even though I miss him, it eases the pain to know that I knew him.

With JOE, I remember once many years ago I was at the prayer meeting and it was my turn to tell the people just how wonderful I was and all of the hardships that I had, and he came to me in feigned resentment. I said what did I say wrong? He said, you stole my story. I am on next week.

Next week, he told the same story. It was not black. It was Irish. It was not the Army. It was the Navy. It was not a hotel. It was a bar. But when he got here, he felt so satisfied not with the rough times that he had but with his dedication in trying to make certain that other people had the opportunity to come from our background, to be members of this wonderful body and to try to make it possible for someone else to be able to say, yes, I am from the old neighborhood and I am trying to make it easier for them.

Maya Angelou, a poet, said recently what JOE said in his own way, that she was on life's train and was prepared to enjoy every minute of the ride, but if someone tapped her on the shoulder and said, this is your stop, you have to get off, she would say, it is not a big problem because it has been a very, very good ride.

JOE made certain that he did not allow us to feel sorry for him. He really lived life to the end and we know that he knew it was a good ride.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), my friend and the very distinguished former chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding me this time.

Mr. Speaker, I rise today to honor our good friend and distinguished colleague, JOHN JOSEPH MOAKLEY, who passed away on Memorial Day due to complications of leukemia.

I want to commend the gentleman from California, our distinguished chairman, the gentleman from California (Mr. DREIER), for arranging this time for us, and the gentleman from Massachusetts (Mr. MCGOVERN) for taking the time to bring this resolution to the floor honoring our good friend, JOE MOAKLEY.

I had the pleasure and honor of serving in the Congress with JOE for more than 2 decades. I really remember how JOE used to guide us through one problem after another when we appeared before him in the Committee on Rules. I vividly recall, too, how the gentleman from New York (Mr. RANGEL) and I, as part of a congressional delegation, went to Boston under JOE's leadership to bring our fight against drugs to Boston. JOE was devoted to that fight.

JOE was a kind-hearted man. He was dedicated, devoted to serving his constituents. He was elected to represent the Ninth Congressional District of Massachusetts back in 1972, appointed to a seat on the Committee on Rules where he served as the chairman from 1989 to 1994. Much of the time in my capacity on the Committee on International Relations, I appeared before JOE on a number of our authorization measures and JOE was always a true gentleman as he handled the important debates before him.

We all recall, too, that back in 1989, following the murder of six Jesuit priests and their housekeeper and her daughter in El Salvador, Congressman MOAKLEY was appointed to head a special task force to investigate the Salvadoran government's response to those killings. The Moakley Commission issued a report which revealed the involvement of several high-ranking military officers in Salvador in those murders, and that Moakley report resulted in the termination of our Nation's military aid to El Salvador and is often credited with helping to end the brutal civil war in that nation.

JOE's commitment to the people of South Boston, to those in need throughout our Nation and to the advancement of human rights throughout the world stands as a benchmark of his tenure in the House. When Congressman MOAKLEY announced in February that he suffered from an incurable form of leukemia, it was gratifying to see how the House came together around him and his family and how many of us took the time to meet with him on the floor. Moreover, I was pleased that my wife Georgia and I had the opportunity to spend some time with him during his last days.

□ 1245

JOE was truly a man of public service, service in the military in World War II, public service in the Massachusetts State Legislature, and in the Congress. He had an amiable personality, often using his good humor to diffuse difficult political arguments.

Georgia and I send our prayers and condolences to JOE's family. He will be sorely missed in this body.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER), one of JOE's close friends and colleagues on the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, a giant of a man has fallen; and I do not think this House will ever be the same. JOE MOAKLEY was so deeply rooted in his beloved South Boston and grateful, to the moment of his death, that the people who lived there had entrusted him with the greatest thing that they could give, to let him represent them here in the House of Representatives. And represent them he did. On our way to the funeral, we drove by many works in process in the city of Boston that are a credit to JOE MOAKLEY.

Most of all, though, he was a human being, to his core. He told me a story that I think sort of summarized JOE, that when he was growing up, he was always big for his age, which was one of the reasons he was able to talk himself into the Navy at the age of 16. As they would be driving down the street, if they saw anybody being bullied or anything that did not look quite right to JOE's father, he would say, "Well, JOE what are you going to do about that?" He would park the car, and JOE would get out and fix it. And I think that trained him very well in that JOE WAS expected when he saw something wrong to do what he could to fix it.

I think he was most proud, at least I am most proud, of what he did in Central America, because he stepped up against his own government to right a wrong, and all of us benefited from that.

I considered him, I expect like most of you did, to be my very best friend. I know that JOE was the person I could always go to when I had anything in the world on my mind, say anything that I thought, and that was the end of it, and he always helped me out.

I was his singing partner. We sang a lot of duets. He knew songs I had never heard of in my life, I am not even sure they were songs. I am pretty sure he made some of them up as he went along, like "Come into the parlor if you are Irish." That was one that I had never heard.

But, anyway, serving with him on the Committee on Rules from the time that I was appointed there was one of the greatest joys of my life.

I had never seen anyone live with such joy and contentment, nor die with such courage. As has been mentioned, JOE had several physical infirmities that bothered him over the years, but none of them ever slowed him down.

But the nicest thing for him, while he was not a publicity seeker, and maybe everybody in the country would not know who JOE MOAKLEY was, everybody in the State of Massachusetts knew. And the wonderful things that happened to him, the courthouse that was named after him he told me was built on a piece of ground where he played as a child. And what a magnificent thing at that dedication, that Old Ironsides, the USS Constitution, gave him a 19 gun salute. I think that is the greatest gift you could give a son of Massachusetts or a son of the United States. And everybody showed him and had the opportunity to tell him how much he was beloved.

I picked up a copy of the Boston Globe while we were in Boston on Friday at the service, and, as everybody else has said, it was a most remarkable event. The sailors who serve on Old Ironsides served as his pallbearers bringing the casket from the church.

It said in the Globe, among other things about JOE, that he was so loved in his neighborhood and area that at one point he was asked if he would open up his house for Christmas for an open house as a fund-raiser, and he was kind of loath to do it, but he said okay, if you want me to, I shall do that.

It went off very well, and they decided they would like to do that again, and they thought they would ask early. So the following August the group asked JOE if he would do it again, and JOE said, well, absolutely, I would be happy to; the Christmas tree is still up. Which was typical JOE again.

But one of the things that I read in the paper too that struck me so was that nobody ever parked in front of JOE's house, out of respect for him. Nobody ever told anybody not to; it was just the feeling that they had that somebody special lived there.

But with all of that, every inch of him was one of them. He was from the old school, I know that, and frankly I liked that old school, and I do not think that we will see his like again. But I personally am grateful for the years that I had an opportunity to work with and to get to know one of the most incredible human beings I have ever known, JOHN JOSEPH MOAKLEY.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Illinois (Mr. HASTERT), the distinguished Speaker of the House.

Mr. HASTERT. Mr. Speaker, I thank the Chairman for yielding me time.

JOE MOAKLEY. I first encountered JOE when I was a young Congressman and took an amendment up to the Committee on Rules. It was probably an ill-advised amendment, but JOE was very gentle and very kind and kind of let me know the errors of my way and was straightforward. On subsequent times, when JOE was chairman and in charge of that committee, I used to go up there, and he was about as straight as you could get as a person you would find on either side of the aisle. He was fair, he was honest, and he did not hesitate to tell you sometimes the error of your ways.

But I got to know JOE probably even better. He shared an office down the hall. When I became deputy whip, we shared an office across the hall, and we would meet. In those days JOE was not in very good health, but JOE was always cheerful; he always had a good word to say and an optimistic outlook. Even though I was not here in the days of Tip O'Neill, I think probably Joe carries out the best tradition of the Irish-Catholic-Boston politician. He was of good nature, of good humor, and knew the art of politics very, very well.

The last experience I had with JOE is I had the great honor of sharing a trip to Rome with him this January. He co-chaired a Congressional delegation to Rome to carry the Congressional Gold Medal to present to the Pope. I think I saw JOE MOAKLEY probably in his very best time. He relished that trip. He relished the opportunity to present that medal to the Pope, and he said to me that was one of the greatest experiences he had while serving in the Congress of the United States.

We will remember JOE for a lot of things, first of all his service on the Committee on Rules. We will remember him for his work in El Salvador, something we did not always agree with, but certainly something that was certainly from his heart, and he was committed to that.

But I last saw JOE 2 weeks ago. I took a quiet trip to Bethesda and stopped to see him. JOE was sleeping, probably one of his last days, but he was at peace.

I remember just a couple of weeks ago when we unveiled his portrait in Statuary Hall. JOE, I think, looked forward to that. It was certainly a time that we had to honor him while he was here and we could appreciate it. The glow on JOE's face that day pretty much matched the glow on that portrait. I think that is how we will always remember him, that cheery face that today hangs in the Committee on Rules.

We will always remember JOE MOAKLEY in this place.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for organizing this special order today, and to all of you who have assembled for the purpose of remembering our dear friend, JOE MOAKLEY.

Just before he died, even though he had the courage to call all of us on a Sunday evening in the delegation to tell all of us that the end was near, and he did it without flinching, incidentally. He still maintained that great sense of humor that we all can identify with. He was sitting in the corner, and a colleague rushed over to him very sincerely and was all over him and said, I am so upset, JOE. I am so troubled by this. I am so bothered.

When the colleague walked away, JOE said, he is more upset than I am about this. I thought that was classic JOE MOAKLEY.

But there is a great lesson in this life, and if I can just spend a couple of seconds on it, I would like to.

He loved the job that he had and thought that it was a special privilege to serve in the House where Mr. Madison and Mr. Lincoln and Mr. Kennedy and Mr. Johnson and Mr. Nixon and Mr. Ford and Mr. Bush, Sr., had all served. They had come from this House. And what have we watched here for the last 2 decades? We have watched the people that have gotten elected here overwhelmingly come here by running against and then running down the institution.

JOE MOAKLEY was unabashed in his support of the appropriations process. He believed strenuously in the notion that the great privilege that had been offered to him in life was to be a Member of the Congress. He could be as partisan as anybody in this House.

He was a great Democrat, an old school Democrat. But do you know who he liked to have dinner with? This is going to kill them in Alabama when they find this out, the voters down there; SONNY CALLAHAN, TERRY EVERETT, HAL ROGERS. That was the group he assembled with after hours. He enjoyed their company socially. He loved those stories about rural Alabama and how they had come here, because we all came here under an interesting scenario. We all got here for different reasons. We all came to this marvelous institution, the great deliberative institution in the history of man and womankind, because of special circumstances.

It is the memory of MOAKLEY that we honor today.

If I might for just a second, he is the answer to this argument that we should have term limits. Remember the great deeds that Members do here? They generally do them in the latter part of their careers. He thought the line item veto was perfectly foolish. Why would we have a balanced budget amendment to the Constitution? Does the law not say we are supposed to do that without disturbing the Constitution? Imagine trying to use that rhetoric to soothe the public today: Gees, I love my job. This is a marvelous institution. I am as comfortable back in the streets of "Southy" with the "townies," as he would call them, as I could be anywhere.

He came to this institution with a special reverence, he treasured the friendships, he was the great heir to McCormick and O'Neill. That was his memory. It was a snapshot in time. He would talk about those great battles.

Just a couple of weeks ago, the gentleman from Massachusetts (Mr. MEEHAN) and I had this marvelous opportunity the night that they dedicated his portrait. We fought to get him to go to that dinner, fought to get him to go to that dinner. He was not going to go that afternoon, and when I got there, he was sitting at the head table.

One of the things we understood in our delegation was when he spoke, there was deference. You listened to what he had to say. That night he talked about the great political battles that he had won. And do you know what else he talked about? The battles he had lost along the way.

He explained how he had handled many of those difficult moments, and he held forth in a way that everybody in the room was mesmerized, as he spoke of names that are legendary in Massachusetts politics, and he spoke how he had handled many of those controversial races.

But I am going to close on the note I opened with. JOE MOAKLEY loved service in this institution, and when I hear the rhetoric of some Members of this House that come to the microphone to vilify the other side, to vilify the institution that we serve in day in and day out, he was never part of it.

He could be as partisan as they would come in this institution, and yet he loved his service here, and he loved the Members that he served with; peculiar friendships, peculiar alliances, but he understood that day in and day out.

I think it is time that we all thought, look, this is the best job that the public could ever offer to any of us, to be a Member of this old House, as members of the American family.

I think that I would just say this, that his friendship to me, from committee assignments, to everything else that I ever asked for, never once in 13 years did he say no; and do you know what? Never once in 13 years did I not say thank you.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the very distinguished gentleman from Washington (Mr. HASTINGS), an able member of the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I, like all my colleagues, was saddened by Joe's death, even though we knew that it was inevitable. But I had an opportunity to serve with him on the Committee on Rules for 5½ years, and if I were to describe Joe as simply as I could, he was a very courteous individual, and I think that was something that obviously was not made up.

He had a great wit, and there are a number of times when we have these late night rules meetings that that wit would disarm tension, and it would disarm tension here on the floor. But I also discovered that he was very principled in his philosophy, but yet he was one who very much wanted to work together.

I guess because of the job that we have here, there are a lot of people that draw impressions of all of us through how we communicate on C–SPAN. I recall before I was elected to this position, to Congress, that there was a show that featured JOE MOAKLEY on C–SPAN. It went on for about an hour, and he would talk about his background, he talked about his philosophy, he talked about getting a Federal building here or there in his district, and I was struck by that program. I watched it the whole time.

At that time, of course, I was not a Member of Congress, I did not think that I would ever be here. But I discovered when I got here that the JOE MOAKLEY that impressed me with that show on C–SPAN was exactly the same JOE MOAKLEY that was portrayed there.

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I think that is probably the highest compliment one can pay to somebody who was in politics for as long as he was, is that there was not anything phoney about him. JOE MOAKLEY was JOE MOAKLEY, and that is the individual that we will all miss.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, we are all grateful to our colleague, the gentleman from Massachusetts (Mr. MCGOVERN), for the grace with which he is carrying out what is for him a personally difficult process, as he has for the past couple of months.

Speaking of personal, people have talked about JOE MOAKLEY. It is impossible to convey what he was like. All I can say is that he was a walking antidepressant. You could be in the worst possible mood and you walked in here and you went to talk to him. For those of us who had the privilege of being his friend, it is just not going to be as much fun to do this job for a while.

But that is personal. We are here in the Congress of the United States, and we have to talk about what is public. People have said over and over, correctly, that JOE MOAKLEY never forgot where he came from, and he deserves credit for that. People become important sometimes, and they forget where they came from. JOE MOAKLEY did not forget where he came from. But there was another element of JOE that I think explains what, to me, constituted greatness. He was able constantly to remember where he came from and also to remember where he and the rest of us ought to be going.

Human nature being what it is, when people are very good at a certain set of skills, when they are very rooted in a particular set of circumstances, when they are based in an ethnicity, a political tradition, a particular way of doing things, inexorably they become resistant to change, because when you are the master of a given set of circumstances, change can seem threatening to you. It is a rare individual who can be as good at the existing set of arrangements as JOE MOAKLEY was and still be one of those who uses the power he gets from that to help bring new things into being.

He represented a tough, somewhat insular, political tradition in Massachusetts; and he became its undisputed champion. In an area where people fought with each other, in an area that was fractious, he was everybody's idol; and he used that power, not simply to perpetuate himself, but to help the people he represented and others reach out. In other words, he took the values which he represented in his particular area and taught people how to apply them to new situations. He represented an area where, frankly, race relations were troubled; but I would venture to say that the members of the Congressional Black Caucus counted him justifiably a close friend. He dealt with prejudices of various sorts, prejudices that he and his friends and neighbors grew up with, and he was a leader in combating them.

He took his prestige into foreign territory: El Salvador. As he himself joked, an area that when he grew up he knew nothing about and cared nothing about, and what he did was to recognize that the same set of values that reminded him where he came from ought to be motivating him to where we should go in the future, and that is greatness. That is a man who was secure in himself, able beyond what most people are gifted with in terms of his insight, his personal dealings, his ability to read the situation and move forward; and it is precisely that he never preached to people.

This was a righteous man who was never self-righteous. This was an example of morality at its best, who made sure that no one ever thought that he felt he was somehow better than they are; and by the force of his personality, which was considerable, and his example, which was even greater, he helped move this country and this House into a new era.

I do have to note in the end that JOE MOAKLEY was several things that are not fashionable. He was a career politician. He was a longtime Member of this House of Representatives. People who denigrate politics, people who think that after you have served here for a few years, you somehow become soured, I guess they are going to have to forget that JOE MOAKLEY ever lived. Because in his person, he repudiated more stereotypes of the area that he came from, of the profession that he had, of the whole way he lived; he transcended differences that people have used to divide us.

So yes, personally, all of us who had this wonderful man as a friend will miss him. We will console each other by telling stories. I dare say that we are sad to lose JOE MOAKLEY, but people watching television and I will ask for unanimous consent to violate the rules by referring to them, they have seen us laughing and smiling, not because we are not sad, but because we console ourselves and our loss by remembering how much fun it was to be around him; and if we cannot be around him, we can suffuse ourselves in his memory.

My thanks to the gentleman from Massachusetts (Mr. MCGOVERN) and to all of us for giving ourselves this opportunity to celebrate this man and, even more important, to celebrate what he stood for and exemplified.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New York (Mr. KING), another great friend of Mr. MOAKLEY's.

Mr. KING. Mr. Speaker, I thank the gentleman for yielding, and I commend him and the gentleman from Massachusetts (Mr. MCGOVERN) for putting together this well-deserved tribute to a great friend of all of us, JOE MOAKLEY. It was really my privilege to be able to call JOE MOAKLEY a friend. So much has been said here today, and this is one time when everything that is said about someone is true. JOE MOAKLEY was a Democrat to the core; but he never, ever allowed partisanship to enter into his personal relationships, his friendships. He never let that come between himself and any other Member of this House who wanted to work with him on any issue, or just wanted to sit down and talk with him.

To me, he was a fountain of knowledge and wisdom, advice. He personified what politics should be. He personified what the House of Representatives should be: a person who fights hard for what he believes in, but also respects his adversary and understands the nature of this business, the give and take; that the combat should end when the day is over, and there is no reason why we cannot at least have some attempt at friendship and solidarity.

The gentleman from Massachusetts (Mr. NEAL) mentioned that dinner that he was at with JOE MOAKLEY just a few weeks ago. I was a tag-along for that dinner, because I figured this is one time where I would not get stuck by these guys for picking up the tab. It was actually one of the most memorable evenings that I ever had, just to be able to sit there and listen to the stories. It seems as if JOE had one last infusion of adrenaline. He came alive. He was telling stories about John McCormick and Tip O'Neill and the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Massachusetts (Mr. NEAL), and the entire delegation. They were great stories.

Yet throughout it, there was a constant thread. He was never the hero of any of his stories. Somehow, on the battles that he spoke about that he won, he almost positioned himself as being a spectator and those he lost, he put himself right in the middle of it. He had a tremendous self-deprecating sense of humor. He had an ability to see beyond the moment. He had an ability to realize what this is all about and what all of us are here for: to try to get a job done and make some friends along the way.

So this House is really diminished by his absence. I know his portrait is going to hang; I know his memory is going to remain here forever. But the fact is that he is not here, and that is something that is going to weigh on all of us, because he will be missed. May he rest in peace.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank my colleagues for the opportunity to speak for just a couple of minutes about a great person.

When I was first elected to the House in 1994, I had the opportunity to sit with JOE, because he was the dean of our delegation, and talk about committees, talk about issues, and I found that advice and counsel to have stayed with me through my service of four terms.

I have always found JOE to be JOE, to be somebody who you could talk with, listen to, and to be able to strategize with, especially during the very turbulent times when we first started in 1994 with Speaker Gingrich and the change in power.

I remember we had one time where one of the Boston schools was playing one of the Maine schools and one of the bets was for a box of lobsters, and I remember bringing it up to the Committee on Rules, and I remember JOE opening it up and Jerry Solomon was the Chair of the Committee on Rules at that time, and taking one of the lobsters out of the box and chasing Jerry Solomon with the lobster. He said back to me, he said, the only problem with these Maine lobsters is you still have the rubber around the claws so that they cannot get at them anymore.

Mr. Speaker, JOE was always there for me, and he was always there for everybody else. One of the things that I really appreciated about him and his service in the House is that you can tell an awful lot about a Member when you recognize a Member's staff; sort of, the apples do not fall far from the tree. The leadership in the office is usually given to those on the staff, and they carry forward. In JOE's office, I really got to meet an awful lot of nice people, a lot of people who are very dedicated, as JOE was. We would do the Horton's kids charity; we would be involved and they would be involved. After hours, after they finished their work in the office, they would be going into the inner cities here in Washington and trying to help kids get the education and training they need. It seemed to be the entire office was working together as one large family, and I know that is how JOE felt about them.

In closing, I would just like to say that it is always "JOE," because it is an honor to be called by your first name by your constituents and the people that you serve, because it is a recognition of the people that you represent that you are indeed one of them.

So I would like to thank my colleagues for the opportunity, and I would like to say God bless to JOE MOAKLEY.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, I thank the gentleman from Massachusetts for putting together this tribute today.

As I drove down to the memorial service on Friday, I listened to the radio and there were two "townies," as the gentleman from Massachusetts (Mr. NEAL) would describe them, Mike Barnical and Will McDonough, and they paid a wonderful tribute to JOE MOAKLEY. They talked about his personality, the way he threw himself into his work and, most important, his dedication to his community, to South Boston. I think they understood that he was so good at what he did because he was a product of that community, and there is no service that is easier to render than when you are helping a neighbor, than when you are helping your town, than when you are helping the people you grew up with. They told story after story about JOE walking the neighborhoods, sitting in a restaurant, reading the newspaper, saying hello and reaching out to everyone who came by to talk to him and everyone that came by to offer a favor. It was a very personal tribute, but I think it was one that recognized the goodness in the man.

Even a more powerful tribute, however, was the description that Jim gave, the description of the outpouring of emotion in the town of South Boston itself. As I got to South Boston, of course the roads were closed off leading to Saint Bridgett's and I got out of the car and walked the last 4 or 5 blocks. It was astounding, it was heartwarming and touching to see people lined up four and five deep, even five blocks from the church, school children, construction workers, police officers, and they were all people that were of the community that knew JOE, that knew the kind of dedication that he brought to his people and to his neighborhood.

It could not have been a better day. It was a glorious, sunny day. There was an enormous American flag at the crest of the hill on Broadway. There were schoolchildren lining the streets, and the Red Sox had won the night before; and I thought, if you were going to pick a day to be remembered, it could not be a much finer one than that. JOE was a great politician, as many people have pointed out. But I think he was a great politician because he was such a good man; and more than anything else, that is what his service will be remembered for, and I think that is what his friends and neighbors and South Boston will remember him for.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. I am glad to join him. All of us have staff members and they have become extraordinarily close. We work together sometimes some intense and long hours, and I know how much JOE MOAKLEY thought of the gentleman from Massachusetts (Mr. McGOVERN). To the extent that JOE is gone, he certainly will live on in the gentleman on this floor who replicates his decency, his honesty, his integrity, and his ability, and his commitment to people. I say to the gentleman, we count him as a colleague who will reflect JOE's values on this floor for years to come.

Mr. Speaker, this is D-Day. It was the beginning of the end of the great conflict in our lifetime. There were other conflicts, and there will be others, but Tom Brokaw correctly reflects on the JOE MOAKLEY generation as being the greatest generation.

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On December 7, of course, 1941, that war began essentially for the United States. We had been participating to some degree, but it began for us then, that day that will live in infamy.

Days after, JOE MOAKLEY, at the age of 15, said, "I am going to be a part of the defense of freedom," and he volunteered for the United States Navy. Initially, as I understand, even he could not get away with it, being 15. But a few months later he bulked up, I suppose, and maybe grayed his hair a little bit. I am not sure what he did, but he made it in, because he wanted to serve. He wanted to be in the forefront of the defense of liberty of the country that he loved.

It has been said so many times here that JOE MOAKLEY did not forget from whence he came. I went to the Maryland State Senate at the age of 27, and there was an individual there who I thought was old then, but he is probably younger than I am now. His name was William Hodges. They called him Bip Hodges. He had been a fighter, a prize fighter. He represented the Sixth District of Baltimore City.

He was, from my perspective, sort of a Damon Runyon type figure. Everybody loved Bip Hodges. Everybody in his district referred to him as Bip. I thought when I went there fresh out of law school that this was sort of a rough-hewn guy that really did not know what was going on.

I had the privilege of serving with him on the Senate Finance Committee, and every day that I served with him, every week and every month and every year, I became more aware of how in touch he was with his district, of how in touch he was with his people.

I do not frankly think it was so much that JOE MOAKLEY never forgot his district; JOE MOAKLEY was what he came from. To that extent, I think everyone who has spoken reflects the truth that JOE MOAKLEY represented exactly what the Founding Fathers wanted this body to be: representatives of their people.

No one with whom I have served better reflected that representation, that sense of his people, of their decency, of their fortitude, of their faith, of their courage, better than our friend, JOE MOAKLEY. The gentleman from Massachusetts (Mr. NEAL) spoke of it, as have others.

He loved this institution. He loved what it represented, as well as the opportunity that it gave him, as he did as a boy of 15 defending freedom on the front lines, and here defending freedom at every opportunity; as has been mentioned, sometimes in the front lines, and sometimes when his people perhaps did not exactly understand what the defense of freedom was and what he was representing.

We have all been blessed to have served with a person of the wit, of the warmth, of the well-grounded and in-touch nature that was JOE MOAKLEY. There are a lot of smart people in the world, but there are not so many wise people. JOE MOAKLEY was smart, JOE MOAKLEY represented his people, and JOE MOAKLEY was a wise and extraordinarily good human being.

The Founding Fathers, were they on this floor speaking, I think would say, "JOE MOAKLEY is what we had in mind when we created the House of Representatives." His friend, Tip O'Neill, has been called a man of the House, and he was. His dear friend, JOE MOAKLEY, was equally a man of the House, a man of south Boston, a man of Massachusetts, a man of the Irish, a man of America. How blessed America was by the life of JOE MOAKLEY.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Palm Beach, Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for the opportunity to speak today.

For a moment, let me be the boy I was, born in Newton, Massachusetts. Coming to this Congress, I always follow things that happen in Florida and Massachusetts, and none was more exciting for me than having conversations with JOE MOAKLEY.

JOE and I would spend frequent July Fourths together in Chatham. We would have wonderful times. We would break out in song and JOE would tell stories, and like many people have reflected on, JOE would be the life of party, but not try to be the center of the party.

I was over on the side of the Chamber where JOE sat 2 weeks ago. I saw JOE, and he was sitting in his chair. I said, "JOE, we will see you in 6 weeks. We are going to have our July Fourth kickoff. You will have to lead us in song again." He said to me matter-of-factly, "MARK, I won't make it this year. You are going to have to do the duties yourself." It knocked the wind out of my sails, because he looked so evidently healthy and content as he sat there. Even knowing he was sick, he never burdened us with his pain or his anguish.

Many times on this floor, Members complain about the time they spend here and the schedule being so frenetic, and not ever being able to plan their days. I would sometimes pass JOE and I would say, "This place is a mess, isn't it, JOE?" And he said, "Hey, MARK, I have no place to be. Evelyn is waiting for me in heaven. This is great. I am fortunate the people in South Boston gave me the chance to rise to a position where I could help my neighbors."

Some of the Members have commented today about how brutal this process can be. We needed only to spend a moment with JOE MOAKLEY to know that there was hope for all of us; that if we looked into his eyes and into his heart and recognized how gifted we are to serve the people we represent, that rather than rhetoric, we should apply ourselves to the principal Golden Rule of helping and serving.

JOE had a unique quality about him. It is hard to quantify in words, even though my colleagues have done such a wonderful job in doing it. South Boston, many people probably do not realize, has had its share of tough times, but JOE always, there again, put the best face on his community and talked about how neighbors help neighbors.

In reading the press accounts over the weekend, we realize that there was a living patron saint of a community. God has a unique way of blessing people with unique talents. He blessed JOE with the tenacity to stick up for the underdog. He gave him the ability to tolerate some of the excesses of Members who serve here. He gave us a chance to look in the mirror at times and reflect that we are here only by both the grace of God and the best wishes of our constituents.

I tell freshmen Members when they come to this process to recognize a few points: one, that we are only here and invited to the parties because of the title ,that precedes our names. When our time in office is over, we will be quickly forgotten, so we should not take ourselves too seriously. JOE never did. He never did. Yet, being the congressman from the district he represented was his joy in life.

I know we have had some late nights, and I know the gentleman from California (Mr. DREIER) and others have had some real heated debate with Mr. MOAKLEY. But the thing that came away from all of these contests is that we can disagree without being disagreeable.

If JOE MOAKLEY were here today, he would laugh and tell us to sit down and stop all this babble because we are taking far too much time of the House's business on celebrating him. But I believe in my heart that as we proceed to pass this resolution unanimously commending him for service, we also know deep in our hearts that Boston, South Boston, that all of the cities not only contained within JOE's congressional district but the entirety of Massachusetts and of our Nation thank JOE MOAKLEY for his service.

The one thing I would always do, though, and it was funny, when we would spend this time in Massachusetts, I would avoid long durations of conversations with JOE simply because I have settled in Florida now for 44 of my 47 years on this Earth. If I stayed with JOE too long, I would start talking about things with my accent, because he would see me on the floor or in parties and he would say, "Hey, MARK, how are you, kid? How are you doing? Hey, I love your car. I saw your car. It is a good-looking car, kid." If I would stay too long, I would get that Massachusetts accent back.

So I salute JOE. I thank God I got a chance early in Congress to get to know him early on in my term, and to be able to witness what I believe is a legend of this process. His guidance to many of us in this process is appreciated, and I know if we can try and emulate his style, if we take a moment to appreciate his gentle touch, and if we would all refrain, when we are here at the well and when we have a chance to blurt our words over the airwaves, that we pause just a minute and think of the Moakley rule; pause just a minute before we say something inappropriate or hurtful; pause just a minute and say, how would JOE approach this situation? It is always fun to win, but it is better to win with honor. JOE knew how to do that with great style.

So let us institute the Moakley rule from now on as a tribute to our colleague, our hero, and our friend, JOE MOAKLEY, and think before we speak; and if we have to speak in loud tones, do it civilly, responsibly, and with respect for this great institution.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I too want to thank the gentleman from Massachusetts (Mr. McGovern) for all of the wonderful work he has done over the period of the last several weeks. JOE loved him very much. The op ed piece the gentleman from Massachusetts (Mr. MCGOVERN) wrote for the Boston Globe was a powerful, powerful expression of love and an expression of JOE MOAKLEY'S life.

Mr. Speaker, I also want to acknowledge all of the people from JOE'S staff who are here. I would daresay that there is not a Member of Congress who had a closer relationship of love with his staff than JOE MOAKLEY did. I also want to compliment all of the members of JOE'S staff for all of the work they have done over the last few weeks, as well. I know JOE is looking down and is very, very proud of the job that members of his staff did.

It has been, I guess, about 4 months since JOE announced that he had an incurable form of leukemia. I remember the Sunday when he called the members of the delegation. I had gone to Taunton in JOE'S district as a member of the Committee on Armed Services. JOE was not going to an event, and they asked me to go and sort of say good-bye to a group of Reservists who were going over to Kosovo.

I went in and did the ceremony, and there were a lot of television cameras there. I got home and my wife said, "Gee, you were on all the stations." I got a call about an hour and a half later, and it was JOE MOAKLEY on the line. They said, "Do you want to wait?" I covered over my phone and said, "It is JOE MOAKLEY. He is going to give me a hard time about those television cameras down in his district."

Then he got on the phone with the shocking news that he had an incurable form of leukemia.

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I will never forget that conversation, anticipating what I am going to say to have a split second response, not knowing what he was calling for.

JOE was a remarkable person, a very, very funny, sharp person. I was reminded listening to the gentleman from Massachusetts (Mr. NEAL) talking about some of the stories, and the gentleman from New York (Mr. KING), I was fortunate enough to have been at a dinner 2½ weeks before JOE passed away. I want to remind the gentleman from Massachusetts (Mr. NEAL) that JOE MOAKLEY ran, he told us that night, as an independent for Congress to avoid the Democratic primary because he had figured out exactly what the people in his district were thinking and knew that he could be sworn into the Congress as a Democrat having gone directly to the general election. What a wonderful night of stories. So many stories, so little time to tell them.

But one of the stories that stands out to me was, after the President had recognized JOE for his battle with cancer, has recognized him. The gentleman from New York (Mr. KING) was over the next morning, and JOE would sit over here, and the gentleman from New York ran over and said, "JOE, how do you do it, the President of the United States coming up to you and praising you that way, everybody spending so much time, JOE MOAKLEY. What a tribute. How do you do it?" JOE looked up with a split second response and said, "PETER, believe me, it is not worth it." The strong message that he sent with that.

There was 2 weeks ago, JOE was very committed to Suffolk University, and the gentleman from Massachusetts (Mr. NEAL) had gotten an honorary degree and went over to thank him, JOE is a member of the board of trustees, for recommending him.

Now, JOE looked up and he said, "Now, you are going to get the doctor, right? It is the doctor." He said, "Yeah, it is all set." "But, RICHEY, you know it is the doctor, the doctor of law." RICHEY said, "Yeah, it is the doctor of law."

JOE looked at him and he looked at me, and he said, "You know, MEEHAN has one of those. If he has one, you ought to have one as well.

JIM'S op ed piece in the Globe, JIM goes in to see JOE at the hospital, and everyone is concerned about JOE. JIM looks at him and says, "JOE, you look better than I do, for crying out loud. You look great." JOE looks up and says, "Better than you, huh? That is not saying much."

At the end of the day with all of the events, wonderful events, the foundation raising millions of dollars at a wonderful dinner here in Washington, a wonderful dinner up in Boston, the wonderful dedication of the courthouse, and what a beautiful ceremony that was, the wonderful portrait unveiling here, and then the wonderful ceremony at Saint Bridget's in South Boston, to see the lines of average every-day working people, seniors, waiting in line for hours and hours and hours.

There was someone in back of me that said, "Excuse me, you are a congressman. You serve with JOE, right?" She said, "You know, JOE threw me out of a night club when I was 19 years old," and with a smile. I said, "Oh, you did not mind." She said, "Well, he was a bouncer." I said, "How did he know enough to throw you out?" She said, "My brother was a pal of his. I was under age, and my brother tipped him off, says I am going to call JOE MOAKLEY and let him know to keep you out." She smiled.

So many wonderful stories. The ceremony at the State House, thousands of people waiting in line. Then the wonderful tribute that everyone across the Nation had the opportunity to see at the church on Friday.

When all is said and done, though, the difficult part for all of us in the Massachusetts delegation was coming back to this Chamber on Tuesday at about 6:15 when, after every weekend, we would come back, and JOE would be over here in the left-hand side, and every member of the delegation would go up to him and talk to him about what had happened. He would have great stories. He did not miss anything that happened over the weekend. If one wants a news program or newspaper article, JOE read it, and JOE had something to say about it. That is a part, I think, all of us are going to miss the most is not having that unique opportunity to interact with a great American, JOE MOAKLEY.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume the gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me this time as well as to the gentleman from Massachusetts (Mr. MCGOVERN) for his efforts here just for two reasons. One is to pay honor to a man that I got to know in my brief time here in Congress. Obviously I did not know JOE MOAKLEY as well as so many others here and regaling the stories over the years. But the brief time I did know him, I came to respect him and honor him. Those are things that I think if we can just set some time aside to pay tribute, that is why I am here.

But the second and probably more important reason why I am here is that my great grandfather served in this body, 1935. He died when he was in Congress. He died from cancer. Obviously I did not know my great grandfather. His name was James O'Leary, probably not too dissimilar in his politics than JOE MOAKLEY. Although one distinction, everyone has been focusing on JOE MOAKLEY, the Irish politician. The fact is he was half Italian, and I guess the unofficial head of the Gaelic and garlic caucus, as he liked to put it, as am I.

But the fact of the matter is, while my grandfather served in this body and, again, probably had similar views to JOE MOAKLEY, a few years before my grandmother died, she gave me a leather-bound book. In that book were transcripts of a ceremony similar to this. That had my grandfather's colleagues on the floor of the House paying tribute to then-Congressman O'Leary.

I read it, and it gave me an inkling of sort of the sense of what the man was like, an understanding that perhaps few great grandchildren could share, but to me was important. What I got out of it was he was a man of honor, of witness who had a sense of humor, who loved this country, who loved the Congress, who loved serving the people and never forgot where he came from, again, things that we have heard all today that JOE MOAKLEY was and represents.

So while this may be not necessarily for the folks who are here today, nor for the folks back in South Boston that truly loved JOE MOAKLEY or throughout Massachusetts, but 55 or 65 years from now, perhaps one of JOE's relatives will open up a book and see what his colleagues thought about him. It is for those folks who may be reading it, let them know that we respected him and we honor him.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we in the Massachusetts delegation have lost our dean and our lodestar. I will always be grateful to JOE MOAKLEY for helping to define my role in Congress. Like everyone in our delegation, I looked to him for guidance, and he reminded all of us to be true to our roots.

JOE MOAKLEY is gone, but he will never be forgotten. JOE MOAKLEY chose to spend the last few months of his life fighting for the causes he believed in. He never yielded, and he never gave up. JOE served as an example and an inspiration both throughout both his long career and final days, particularly his final days, bringing determination and humor to every issue that he tackled. He leaves an impressive legacy.

Whether JOE was working to increase funding for low-income home energy assistance or fighting to end the oppression in Latin America, the unifying threat of his service was that he stood up for those who were being overlooked. He cared for people who needed help the most.

I am deeply saddened by his passing, but I feel lucky to have known him and served with him in this Congress.

As long as there are Members of this body who fight for human rights around the globe and here at home for the rights of American workers and their families to live with dignity, JOE's spirit will be with us. The Nation will miss JOE MOAKLEY. He will not be forgotten.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. Kaptur).

Ms. KAPTUR. Mr. Speaker, I wanted to thank the gentleman from Massachusetts (Mr. MCGOVERN) for bringing us all together today on behalf of this resolution, and also the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

We all loved JOE MOAKLEY, and it is among the highest privileges of my career to express the deepest appreciation for his life on behalf of the people of Ohio's 9th District, extending sympathy also to the people of Massachusetts' 9th District, indeed the people of the entire State of Massachusetts, to his relatives, to his good friends, many, many of them here in this House.

We all deeply admire the life of this golden-hearted gentleman from Massachusetts, JOE MOAKLEY. I truly, as one who served with him for 19 years, will deeply miss him, will miss his presence on this floor, usually sitting here or usually sitting here, but always accessible to all the Members and always making us feel a part of a family.

I think it was interesting for Members not from Massachusetts to watch how all of the Members from Massachusetts would gravitate around him. It was a lesson to all of us about how to build family in one's own delegations. It is a lesson, I think, that is not lost on any of us.

For myself, on Memorial Day, the day of his passing from this life, I happened to travel to Vietnam and did not have access to the news for almost a week. I dedicated my presence in Vietnam during a ceremony at which we returned the suspected remains of two of America's service members from the Vietnam era to our government. I dedicated my presence in his honor, and not until I was flying back home several days later and picked up the newspaper did I realize that he had died on Memorial Day. It hit me very, very hard.

When I think of him, I think of the words love and affection, a gentleman with no affections, someone who had such great perseverance in every aspect of his life. I remember how he weathered the loss of his wife, which is a loss I know that he felt every day, and that he had the type of bearing that automatically drew respect from all those that he met.

There are many people who teach us how to live, but I have to say also, JOE MOAKLEY took some of the most difficult moments that any human being could experience, and he weathered them here with us, with his friends on this floor. He taught each of us how to die. He had such strength. He had such greatness to him that even those of us who saw him just a few weeks ago down here on this floor could not even imagine he was ill. Yet, none of that difficulty did he share in any verbal way. He maintained that sense of inner strength and outer strength and gave us the strength to walk alongside him as he journeyed in his last days on this earth.

I shall never forget him. He made me, I hope, a better Member of this House and a better Representative. I want to thank the people of Massachusetts for sending him here to serve the people of the United States in the cause of freedom. He did it ably, and he did it with dispatch. He did it every day. He made each of us better through knowing him.

The SPEAKER pro tempore (Mr. SIMPSON). All time has expired. The gentleman from Massachusetts, Mr. TIERNEY, is recognized for one hour.

Mr. TIERNEY. Mr. Speaker, this should come to no surprise to us that there are more Members here that want to commemorate JOE, and I ask unanimous consent that we have another hour to have Members express their condolences and memories; and I ask that one-half of that time be managed by the gentleman from California (Mr. DREIER) and one-half of that time be managed by the gentleman from Massachusetts (Mr. MCGOVERN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the gentleman from Massachusetts (Mr. MCGOVERN) for introducing this important resolution.

Mr. Speaker, I am honored to represent Maryland's 8th Congressional District, but my roots were in Massachusetts, so I always felt an affinity to the delegation of Massachusetts and followed what was going on there also.

But I rise, Mr. Speaker, to honor and praise our good friend, JOE MOAKLEY, a great man, a great leader. He was a man who literally gave a lifetime of service, a patriot, a public servant, a dear friend.

He enlisted in the Navy at the age of 15, served courageously in the South Pacific during World War II. He served in all he did with grace, commitment and integrity. A great leader, a great politician.

He represented South Boston with ferocious dedication and passion, not only here in the Congress, but also in the Massachusetts State legislature and the Boston City Council. He was, I think, in his own words, a bread-and-butter politician working day after day for his people.

The community of South Boston was blessed to have him, and we are blessed to have known him. He delivered for the people of South Boston as few Members have delivered for their districts. I know his favorite song was "Southie Is My Hometown".

Outside of Boston, outside of South Boston especially, he is perhaps best known for his work on behalf of human rights in El Salvador, that Moakley Commission that did the investigation work and resulted in better relations and movement toward peace in El Salvador. His passionate quest for truth and justice made him a true international leader.

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He once said compassion is a strength, not a weakness. He said that helping people is our obligation. These actions are the proper responsibilities of our government. He not only said it, he acted it. He made us proud to serve.

I do remember, though, he once said at one of the tributes to him, "You know, until I became part of the El Salvador Commission," called the Moakley Commission, "to me, foreign policy was going to East Boston for an Italian sub." Well, I said to him one day, "Well, Mr. MOAKLEY, I note that you made that statement, but I also saw you listed as a member of the Italian American delegation." And then he confessed to me that it was his mother who was Italian. So he very well represented both groups.

We will all miss our colleague, JOE MOAKLEY. We will miss his integrity, his honesty, his laughter. He will be deeply missed by all of us but remembered in love.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman from Maryland for her kind remarks and reminding us that JOE MOAKLEY loved music. Yes, "Southie, My Hometown," was one of his favorite songs, which commemorates his hometown of South Boston, but the record should also reflect that he liked, "If you're Irish, Come Into the Parlor," "Steve O'Donnell's Wake," and his favorite was "Redhead," which I do not know whether under the House rules I can submit the words for the record or not. I will have to check that with the Parliamentarian. But he really did love music.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I was just going to suggest to the gentleman if he started singing that, we were going to start leaving.

I just want to start by saying that JIM MCGOVERN was a friend to Mr. MOAKLEY in life and continues to be a loyal friend even now, and I want to thank him for putting together this time and for all he did in the last couple of weeks, as well as throughout JOE's latter years of his life and being that kind of friend and doing us all the honor of befriending him in that way.

I want to thank the gentleman from California (Mr. DREIER) for participating in this hour and for also being a friend, even though he was, of course, of another persuasion in party. I think Joe transcended that, as does the gentleman from California (Mr. DREIER) and others.

I think the public would be well served to remember that JOE MOAKLEY gave people an idea of what people down here strive to be, and that is a person who really wants to do the people's business and wants to do it in a civilized fashion, and he did that every day of his life.

I want to also mention the staff of JOE at home in his district offices, as well as here in his Washington office and on the staff of the Committee on Rules. I know how lucky he was to have such tremendous staff, and I trust they already know and have shown us how much they know they were lucky to have had a mentor and a friend that they could love and work with. I know we will all benefit in the House with their continued good services, and I want to thank them for all they have done for him and all they do for us.

It is fashionable in Massachusetts now, Mr. Speaker, to start resurrecting the memory of John Adams. Joseph Ellis has written a book, "The Passionate Sage," and others have started to remember the good that John Adams did as our second president and begun to wonder why he has not been memorialized. The two words that come to mind when we think of John Adams are also words that describe JOE MOAKLEY. One is integrity. JOE always had integrity. He always let people know exactly where he stood and why he stood there. He was always on the right side of things and it did not matter whether you were rich or poor, where you came from, what your background or education, Joe seemed to know what the right thing was and he knew how to stand for people at the right moment.

The other is, of course, authenticity. Just as John Adams was the authentic deal, JOE MOAKLEY was the authentic person all the time. He never put on airs. He never tried to be something he was not. And in fact it is just as well, because he was all that any person should be. He was, in fact, somebody that everybody in the delegation looked up to. We had respect for him.

Joseph Ellis talks in his book about John Adams, "The Passionate Sage," about John Adams' theory that everyone strives for something, whether it was to be the captain of the economy, whether it was to be a person of title in the ministry, the clergy, the military, in politics. Whatever it might be, they all really were looking for respect. And in fact, JOE MOAKLEY lived a life sort of subconsciously looking for respect because he just lived a life that had that agenda to him day in and day out.

We all respected JOE MOAKLEY and what he stood for. We respected the relationship he had with his constituents and with all the people down here. It was best shown, I think, by the tremendous outpouring of people that stood out there in that line from South Boston to Braintree's Blue Hill Cemetery stood there for a long period of time just so they could finally say good-by to JOE MOAKLEY. It has been an honor to know and serve with this gentleman, and I think we will always remember his authenticity, his integrity, and we all know what great respect everybody here has for him.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend, the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to thank my colleagues for taking out this special order to a great American and a great friend to all of us. My favorite quote from JOE MOAKLEY was a statement he made in 1989. It summarizes JOE MOAKLEY, I think, to the inner soul of his body. He said, "As soon as we're born in Massachusetts, we're baptized into the Catholic church, we're sworn into the Democrat party, and we're given union cards." That was JOE MOAKLEY's legacy.

But JOE MOAKLEY, in the 15 years I have been here, has been the most tolerant person I have ever met. When I went through some health problems 5 or 6 years ago, it was JOE MOAKLEY who was the first to approach me, not only to ask me how I was but, on a continual basis throughout that year, would prod me to continue to control my weight, to watch what I was eating, and to exercise. He was concerned about me. And as JOE developed problems and I knew he had become sick, he would still ask me every day about how I was feeling or how I was doing.

JOE MOAKLEY could disagree with you on an issue and be as far on the opposite side of the spectrum as you could get, but he was always a friend. I had a particular relationship with JOE in dealing with our Nation's firefighters. I have a special fondness for them all over the country and so did JOE MOAKLEY. JOE MOAKLEY was a firefighter's friend. He was concerned about the Boston firefighters, he was concerned about the volunteers in rural America, and he was always willing to step up and make sure we did the right thing to pay respect to these brave heroes, and that truly was JOE MOAKLEY.

He was a role model. When you come to Congress, you look to certain people that set role models for how you should act and how you should conduct yourself. You could not find a better example of that kind of person than JOE MOAKLEY. He was someone that was always there as a friend, always had a smile on his face, always willing to reach out and shake a hand. And any time another colleague had some request, JOE MOAKLEY was always prepared to try to assist.

Mr. Speaker, we come to this body as politicians from across America; and some of us leave this body in different forms. JOE MOAKLEY left this institution as a statesman.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last Friday, at the funeral for Mr. MOAKLEY, his lifelong friend, the former president of the State Senate in Massachusetts, now president of the University of Massachusetts, Bill Bulger, encapsulated the Aristotelian view of politics when he said that "Politics is the art of making people happy."

We all know that JOE MOAKLEY spent a great deal of time making people happy in many ways. First and foremost would be the very serious responsibility he took with his work here, knowing that public policy was very important to ensure happiness for people. He obviously focused on that great sense of humor because he knew that that brought happiness to so many of us. And he also focused on his very important constituent service, and by constituent service I mean any other human beings. We were all constituents of JOE MOAKLEY's because he wanted to help us.

The Speaker of the House stood here and talked about how JOE helped him with an amendment, he regularly helped me with many, many different things. So I think that view that was first outlined by Aristotle is a very appropriate one when it comes to the life of JOE MOAKLEY.

There are many stories, I said last night up in the Committee on Rules, as we reported out our resolution, that I was going to share some of them with our colleagues here on the House floor. This is a very sad time, but we obviously are celebrating his life. And among those stories I am reminded of what was described by this great Massachusetts delegation, who has no Republicans. There are no Republicans in the Massachusetts delegation, I know they are happy about that, I wish we had one or two Republicans at least in the Massachusetts delegation. While I am not an honorary member of the Massachusetts delegation, having chaired the committee on which JOE served and having the job Joe used to have, and he desperately wanted to have back, in my chairmanship of the Committee on Rules I sort of feel as if I am in many ways tied to them. And, frankly, through JOE's illness, have spent more time with members of the Massachusetts delegation than my California constituents would like for me to, probably.

But during that period of time we were able to hear many of JOE's great stories, and his partisanship, his commitment to the Democratic party did come through because he often ribbed me with stories. And I will tell you one of them that came to mind when I went to the funeral and JOE's two great brothers reminded me of one of the stories that I had regularly told. Joe liked to tell this story, and I said that I did not think he was ever going to die because he told the story about Mr. O'Leary, who went to the registration desk and said that he wanted to change his registration from Democrat to Republican. The man at the registration desk said, "Mr. O'Leary, you've been a Democrat your entire life. Your brothers and sisters are all Democrats. Your father is a Democrat. Your grandfathers were both Democrats. Why in the world would you consider changing your registration from Democrat to Republican?" He said, "Well, I just went to the doctor last week and he told me that I have 6 weeks to live, and I'd much rather lose one of them than one of us."

That is why I said to Joe that I did not think he was ever going to die because he did not change it. Well, when I went to the service, his brother Bob came up to me and he said, "David, I took JOE a registration card to his deathbed, but he would never change from Democrat to Republican." And he was extraordinarily loyal and dedicated to so many.

The comment that he made about loving this institution, I mean it was such a thrill for all of us to be able to see this litany of honors that we were able to present to JOE before he passed away. They have all been mentioned: the fact that the President of the United States in his first address to a joint session of Congress, he a Republican, JOE a Democrat, recognized JOE MOAKLEY and the challenges that he was facing; the fact that we were able to waive the rules and pass a bill naming, while he was still alive, the John Joseph Moakley Courthouse in Boston; the fact that the President of the United States held his first Rose Garden signing ceremony in recognition of the signing of that bill that named the Moakley courthouse; the fact that we had a great dinner with over 800 people here in Washington honoring JOE; the fact that we saw the dedication of the John Joseph Moakley Courthouse and then a big dinner that followed that; and then, of course, the portrait unveiling which took place here in Statuary Hall. And only Speakers of the House have had portrait unveilings in Statuary Hall, so it was a great tribute to Joe that we were able to unveil his portrait there.

I quoted the artist, Gary Hoffmann, who said to me just before we had the unveiling that when he began to paint JOE's portrait, he had what he called sort of a regular-sized canvas. He gave the dimensions, and I do not remember exactly what the dimensions were, but he said then, that just meeting JOE and the presence that he had, he had to do a larger canvas, he said, because JOE was such a commanding individual. And I think that that demonstrates the great presence that he had for us and that so many people had for him.

When he announced that he had this terminal illness, he went before the press and said that he had been told by his doctors not to buy any green bananas. And so when he came back from his first meeting following that announcement in the Committee on Rules, I had Vince Randazzo, our staff director, get the greenest bananas I could possibly find because we wanted him to hang around for a long time. And so I presented him with green bananas when the Committee on Rules convened, and in that typical Moakley fashion, he looked to me when I handed him the green bananas and said, "I'd much rather have the gavel."

He very much wanted to again be chairman of the Committee on Rules, and I have to say I have somewhat mixed emotions about that. But I was very pleased that I was able to spend so much time with him. He was an inspiration. I said at the close of our meeting last night that his interview on the Today Show saw the question posed to him, "What is it you would like to most be remembered for?", and he said, "I'd like to be remembered for having done a good job and for having not forgotten the people back home."

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I know this has been said over and over again, but that really does come through.

I think it should be an example for all of us to not forget the people back home, to focus on those individual concerns that people have.

Mr. Speaker, I want to say that I will miss him greatly. He was a wonderful friend. There is no way we will be able to see anyone meet the great standard that he set for this institution.

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MCGOVERN).

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman from Massachusetts will control the remainder of the time.

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for those very eloquent words on behalf of our friend, JOE MOAKLEY. JOE MOAKLEY had a great deal of respect for the chairman of the Committee on Rules and really treasured their friendship. Those words are especially meaningful to JOE's family and staff, and I thank the gentleman for the courtesies that he has extended us over the last few weeks.

Mr. Speaker, I would also like to take a moment to recognize the House

Chaplain, Father Coughlin, who is on the floor today, and thank him on behalf of JOE's family for the many kindnesses that he extended to JOE during his final days. Father Coughlin provided JOE a lot of comfort and peace of mind in his final days.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, we have heard a lot about what JOE MOAKLEY was; but I would say I have known JOE all my life, even before I knew him. JOE MOAKLEY is of South Boston. It is not just South Boston. JOE MOAKLEY is of the entire Ninth District.

When I spoke to JOE, I did not just see a Congressman who happened to be a Congressman. I saw a bus driver, I saw a truck driver, I saw a priest, I saw a milkman, I saw a longshoreman, I saw a teacher, I saw a cop. I saw a secretary. JOE MOAKLEY had in him what we all have in us when we first try to enter the political realm: the love of the people we want to represent, the feeling that we know them so well. He was one of the few who was able to keep it for so many years. That is why we are here today honoring him: because he earned it.

Mr. Speaker, he did not earn it because of the legislative accomplishments that he had, although he did earn many accolades on that level. He earned the love and admiration of the people at home because he loved them back. That is really what JOE was. He was just a man who never could stop giving of his heart and his soul of the people who elected him.

Mr. Speaker, that is why I wanted to express my personal appreciation for everything he stood for, for all of the best of politics and the best of the people from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Appropriations Subcommittee on Energy and Water Development, and a good friend of JOE MOAKLEY.

Mr. CALLAHAN. Mr. Speaker, JOE MOAKLEY was a friend, a true friend. In reflecting on JOE's history here in this House of Representatives, he recognized something that very few first-term Members of Congress, very few second-term Members of Congress recognize: that this is an institution that runs solely on respect. It is an institution of compromise where you must compromise. You do not compromise your principles; you compromise the issue of the day in order to keep our country running.

JOE MOAKLEY chaired the Committee on Rules when we were in the minority. Mr. Speaker, I told this to JOE MOAKLEY, that sometimes he could come up with some of the darnedest recognitions of power that that committee has of anybody I have ever known. Some of the statements that he was in the minority when he was ranking member on the Committee on Rules, I accused JOE at dinner one night of going back into the 1980s and extracting some of the opposition's opposition to a rule. We were fighting the same rule that JOE MOAKLEY had devised then. And now JOE MOAKLEY was fighting the same rules that JOE MOAKLEY had devised.

This institution, it is a mystical institution; and few people understand what we are all about. They do not think that we have families and that we love one another in this House, that we have respect for one another. The only thing they see is partisan division.

Well, JOE MOAKLEY and I overcame that. We would have dinner quite often together, and we would not talk about issues on the floor. Sometimes we would joke about them, but we would not discuss them. We would talk about our families and our home. We would talk about this institution, not whether or not we were Republicans or Democrats.

It was a pleasure for me to grow friendly with JOE MOAKLEY, and it is a pleasure for me to remember JOE MOAKLEY as my friend and to join with my colleagues in the House on both sides of the aisle in extending to JOE's family for the passing of their husband, father, their loved one, and our friend.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me say to the gentleman from Massachusetts (Mr. MCGOVERN), as blessed as each one of us felt to know JOE MOAKLEY and to have his friendship, I do not think that he had greater love for anyone here than he did for you. We feel the same way. We know that the gentleman is going to continue in JOE MOAKLEY's great footsteps, in his beliefs and everything that he fought for. You are our new JOE.

Mr. Speaker, let me thank Mr. MOAKLEY's staff for serving him so well because through their service, the fullness of his representation was felt here.

Whenever I think of JOE since his passing, and I know the angels stood outside the gates and greeted him with open arms, and I think Tip O'Neill was right there, too, to bring him through the gates, he has earned the highest place in heaven because of how he lived on this Earth. Thank God JOE MOAKLEY was born because in that person, in the soul and the person that was shaped, he did great things because they were good things.

I think his goodness emanated out of his faith, first of all. He believed in the beatitudes. He understood that there was a holiness to each human being. So it was that he set out in everything that he did to actually feed the hungry, to cloth the naked, to stand next to the extraordinary, ordinary person because he saw the face of almighty God in each person.

Mr. Speaker, his constituents understood that because they knew how much he loved them and that the service that he gave back to them was really embedded in the beatitudes. So he celebrated the Constitution. He lifted it up. He made each one of us feel extraordinary. I think also because his life was so instructive to us, we recognize that he was the real thing. He was the real thing. He was totally authentic. He did not smoke his own exhaust. He never thought of doing that. He loved life. He loved this place because he saw the dignity of America and what this country represented around the world to people.

When the world came to him in terms of El Salvador and he took that delegation there, his outrage over the assassination of modern day martyrs, those Jesuits then gathered at the altar of God to celebrate the mass to say farewell to a man who had lived life so nobly.

So he is not only their hero and the hero of the Southies and the townies, but to all of us. Today we are saying, Thank God, JOE, you were born. You taught us how to live. You taught us how to represent. You taught us about conscience. You taught us about friendship, you taught us about dignity, and you taught us very well how to best love our country and the world, that is, to bring the love of God and the dignity of his face to every single human being.

Mr. Speaker, I thank our colleague, the gentleman from Massachusetts (Mr. MCGOVERN), for organizing this; and I thank our Republican colleagues who have joined with their voices and their tributes to honor this beautiful man. I do not think we will ever be the same again; but if we take the lesson of his life up, we might get to be partly as good as blessed JOE.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time.

Mr. Speaker, I might think of Congressman MOAKLEY as having the luck of the Irish, and know that I have learned about his Italian heritage, the spirit of Italians. I know JOE MOAKLEY through his staff, and I thank them for the kindness they have exuded as reflected by his spirit; and I thank JOE MOAKLEY for being a Member's Member.

Mr. Speaker, JOE MOAKLEY was the chairperson of the Committee on Rules, and I did not have the privilege of serving with him as chairman, but to me he was always the chairperson. What I like about him, he appreciated the work that Members had to do. He appreciated Members. And he realized as we came before the Committee on Rules, we were doing our work and he treated us as such.

He also realized that many times, although he was governing the rules portion of the debate, many Members would come to the floor and say just a minute, talking about everything but procedure, really talking about their belief and the issues, and he understood that; and I want to say thank you.

As I looked at his bio, I am moved by the fact that he started life as an adult very early because at 15 he enlisted in the United States Navy and served in the South Pacific.

Mr. Speaker, I do not know what it was about Memorial Day. I was in Houston, and I had just finished a Memorial Day service, and I felt compelled to reach out to him as he was hospitalized. I wanted to say to his family, You are in our prayers. Obviously, I was not able to get to JOE or a direct family member, but I did speak to a member of his staff; and I simply said, Our prayers are with you, we will keep you in our prayers.

I probably needed that more than JOE because I simply wanted to be able to let him know how important an institution, yes, institution, he was to this body, but as well to his great State and this Nation.

Of course we do not see him as that. He was a people's person. He cared about everyone, and I believe the long lines in his beloved State evidenced not people's desire to give special acknowledgment to a politician, although he did not step away from that; but it was to give acknowledgment to their special JOE, JOE MOAKLEY, their Congressperson, the person who believed in them.

My tribute is to be able to thank him even more than the conversations we had the pleasure of having when he, too, sat on the floor of the House, the words we passed, the comments about this process and democracy, and his strong and deep abiding compassion.

Mr. Speaker, I would like to simply add in the RECORD seemingly the words JOE MOAKLEY used to describe himself, a quote that says: "I believe that compassion is a strength, not a weakness. I believe that helping people is our obligation. Many would call this old-fashioned politics. For me these actions are the proper responsibilities of our Federal Government." So says our Congressman, JOE MOAKLEY.

Mr. Speaker, I close again with a deep abiding thanks for what he personally was to me, his kindness exhibited, his ability to rise above, and his willingness to share with those of us who were simply trying to do the business of our constituents.

□ 1415

To him I say this:

Isn't it strange that kings and queens
And common people like you and me
And clowns that caper in sawdust rings
Are builders for eternity.
For unto each of us is given a book of rules
And a bag of tools
And each must make ere life is flown
A stumbling block or stepping stone.

JOE MOAKLEY, not a stepping stone but a giant mountain, a giant of a man. God bless you.

Mr. McGOVERN. Mr. Speaker, I include for the RECORD the eulogy delivered at JOE MOAKLEY's funeral by Monsignor Tom McDonnell of St. Augustine's Parish in South Boston as well as the eulogy delivered by the president of the University of Massachusetts, William M. Bulger.

MONSIGNOR TOM McDONNELL, ST. AUGUSTINE'S PARISH, SOUTH BOSTON

St. Augustine once wrote that if we ever wish to find hope, we must learn to remember. And it is this remembering that leads to the hope that must be the center of our reflection today as we give our brother, friend, colleague and public servant back to God.

My own memories will I know color my words. I remember a political novel about a thinly-disguised mayor of Boston. And years later, I can remember the words of the fictitious Monsignor about the hero. With due application, they apply so aptly to Joe. His words were to the effect that "to die in God's grace, to have loved many and left behind many friends, and to have done a great deal of good—what more needs to be said about any man." Indeed, we might leave our thoughts here, except for one thing. The phrase quoted above overlooks what contributed to Joe's goodness and greatness. It overlooks the Congressman's roots as a So. Boston Irish-Italian Catholic American.

There was a spiritual depth in Joe which could easily be overlooked. After his public announcement regarding his disease, he asked to meet with me—and had one question: "What more should I be doing to get ready to meet God?" He had received the Sacrament of Reconciliation and he was given the sacrament of the sick by his friend Cardinal Law. But being the pragmatist he was, he wanted to know if he should be doing anything else.

This question, coming from the deepest part of himself, was a natural one to those of us who were raised in the Catholic tradition—where we were taught that the purpose of our existence was to lead us to spend an eternity of happiness with God. It was a question which took on the aspect of prayer—spoken in the language of the heart. And ultimately, it pointed to the faith-dimension of Joe's life.

It would be wrong, however to look at Joe simply in terms of a local politician. I believe his pursuit of justice for those murdered in El Salvador proved that Joe was a true statesman who did not, however, forget his roots. His was a passionate pursuit of justice. And as the first Scripture reading notes, the just are in the hands of God.

I doubt whether Joe ever read Aristotle on his frequent trips between Boston and Washington, but he instinctively embraced the ideas of this Greek philosopher that the vocation of the politician is to strive to make others happy. This idea, combined with the Christian belief expressed in the Acts of the Apostles that Jesus was one who "went about doing good" explains the motivating forces for Joe's political life and successes. As the Gospel points out, there are many ways to our Father's home.

As we have seen in the past few months, Joe exercised a great appeal to so many people. I believe people saw in him 2 virtues for which people are hungry; integrity and authenticity.

But there is something else which also must be mentioned. While Joe was not without fault, his virtues outweighed his faults. It was the visible virtues of his care and compassion which earned him such ecomiums as the "voice of the voiceless." But I think the key to Joe's personality and his success as a politician is to be found in a few verses written by the poet politician Patrick Pearse. He wrote:

Because I am of the people, I understand the people,
I am sorrowful with their sorrow, I am hungry with their desire:
My heart has been heavy with the grief of mothers,
My eyes have been wet with the tears of children
I have yearned with old wistful men,
And laughed with young men . . .

Because Joe never forgot he was a man of the people, he had an empathy and compassion for them. These virtues likewise are expansive. And Joe's legacy to us was to be a role-model of these virtues. But he also challenges now—to make these virtues come alive in our hearts. If we do—whatever our vocation is—the world will become a better place.

PRESIDENT WILLIAM M. BULGER, REMARKS DELIVERED AT THE FUNERAL OF U.S. REPRESENTATIVE JOHN JOSEPH MOAKLEY

It is of surpassing significance, isn't it, that Joe was summoned to the joy of eternity on Memorial Day? A day set apart for reflection and tribute in grateful memory of all who have given their lives for the strength and durability of the country we love.

Joe's spirit enlivens Memorial day for us: patriotism, gratitude, remembrance. Long years of unselfish devotion to bringing the ordinary blessings of compassion to those most needy among us stand as silent sentinels to his inherent goodness, to his desire to make a difference in the quality of life for less fortunate friends and neighbors.

His helping hand was always extended in genuine recognition of the responsibility he believed was his to make things better for those in need of encouragement and inspiration. To him the ideal of brotherhood was not simply something to be preached but, more importantly, he was challenged by his soul to exemplify this ideal in positive advancement of the common good.

Everyone knows the facts of Joseph Moakley's background and career. They are impressive and worth knowing, but they reveal little about the man himself, little of who he was, of what he was, and of why.

He lived his entire life on this peninsula, and it was here in this place that his character was shaped. It was, and it still is, a place where roots run deep, where traditions are cherished, a place of strong faith, of strong values, deeply held: commitment to the efficacy of work, to personal courage, to the importance of good reputation—and withal, to an almost fierce sense of loyalty.

No one spent much time talking of such things, but they were inculcated.

And no one absorbed those values more thoroughly than did Joseph Moakley. To understand them is to understand him.

In recent months Joe Moakley would reassure his friends in private conversation that he slept well, ate three meals easily, and was not afraid.

He had a little bit of the spirit of the Irish poet (Oliver St. John Gogarty), who said on the subject of death:

Enough! Why should a man bemoan
A fate that leads the natural way?
Or think himself worthier than
Those who braved it in their day?

If only gladiators died or heroes
Then death would be their pride;
But have not little maidens gone
And Lesbia's sparrow-all alone?

The virtue of courage was his in abundance. But Joe had, during his lifetime, become the personification of all that was best in his hometown.

And he was a man of memory; he recognized the danger of forgetting what it was to be hungry once we are fed . . . and he would, in a pensive moment, speak of that tendency to forget as a dangerous fault.

Joe exemplified the words of Seneca: You must live for your neighbor, if you would live for yourself.

And he abided by the words of Leviticus in the Old Testament and St. Matthew in the New Testament, "Thou shalt love thy neighbor as thyself." These are words that he would have absorbed at home, at St. Monica's, St. Augustine's and at St. Brigid's.

And Joe brought his competence, dedication, his lofty principle to the public purpose that he saw as most worthwhile. His steady determination in his various public offices, and as a member of Congress, earned him the respect of his colleagues and the confidence of his party's leadership. It also explains the overwhelming support he received from a truly grateful constituency as expressed in their many votes for him solidifying his position of public responsibility.

His devotion to justice and an imbedded sense of humanity moved him to investigate the Jesuit murders and the ravishing of innocent women in El Salvador. He volunteered for a task most unusual for him. But he, guided by his aide, Jim McGovern, brought to bear his own deep commitment and those old solid working principles that had become a cornerstone in his lifetime quest for fairness and equity. The success of his effort is recognized by all, especially by an appreciative Jesuit community that had suffered from a sense of abandonment.

When I saw how he thought about that particular achievement in his life, it brought to mind the wonderful words of Pericles: "It is by honor, and not by gold, that the helpless end of life is cheered."

Joe, dear friend and neighbor through these many eventful years, we are struck, as we think about it, by your startling contradiction: humility and pride. You were never pompous seeking the applause of the grandstand. You diligently shunned the glare of the spotlight. You did not expend your energy in search of preening acclaim. You were too self-effacing for that. Humble, indeed.

On the other hand you were a proud, proud person: proud of your religious faith, proud of your family, proud of your South Boston roots and neighborhood, proud to proclaim the ideals that animated your public service—ideals that have been expressed in the unsought torrent of tribute that has flooded the press and airwaves in recent sad days. Humility and pride, seemingly contradictory traits, coalesced in your admirable character, commanding abiding recognition, respect and, yes, affection.

Joe, the dramatic focus on you during the President's recent appearance before the Congress highlighted your humility and pride. During the course of his address, our eminent President Bush paused for a moment to digress. He singled you out Joe, for special recognition. He described you as "a good man." Whereupon, as you stood in your place, spontaneous bipartisan applause shook the Congress. This episode also reverberated in thrilling dimensions throughout your Congressional District. Thank you President Bush for this tribute to a good man and for other manifestations of your respect for our Joe and his services to his country.

Joe, you were good enough, as one neighbor to another, to ask me to participate in this liturgy of sacrifice, sorrow and remembrance. With many another heavy heart it is wrenching to say goodbye. God is with you, I'm sure Joe, as you now join your beloved Evelyn and your parents in the saintly joy of eternity. We pray He may look favorably on us who lament your loss and who are challenged to follow your example of integrity and justice and useful service.

Fair forward, good friend.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me this time.

In the rough and tumble of the people's House, sometimes we can obscure the humanity of this institution. I have been thinking a great deal about that these days, just finishing reading a biography of Tip O'Neill in which JOE MOAKLEY was prominently featured.

During the last 30 years, JOE MOAKLEY has left his mark. He left his mark on his district to be sure in a physical sense; and we have found out in this last week again, spiritually. He left his mark on hundreds of pieces of legislation during his long tenure on the Committee on Rules. He left his mark in the area of foreign affairs. Just as he helped speed El Salvador's transition to democracy, in recent years he was helping evolve a more rational United States policy toward Cuba with his meetings with Castro and the Pope. But it is here in the House where JOE MOAKLEY's legacy will be most strongly felt.

In the 5 years I have been a Member of this Chamber, I have never heard an unkind word or an unfair word from him or about him. In these years, it was difficult for him not only leading the good fight from the position of the minority leader on that committee, but personally he had significant travail. But he never modified his principled politics, his strong convictions or his gentle manner, offering his friendship and humor until his last minute as a Member of this Chamber.

Today, our remembrance of JOE MOAKLEY allows this House a chance to hold a mirror up to itself. This little glimpse that we have witnessed here over the last several hours of the House being humane is an important part of his lasting legacy.

Thank you, JOE, for reminding us what the people's House could be.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time for this tribute and for organizing this tribute.

I think the thing that I probably most underestimated when I came to Congress 9 years or so ago was the extent to which Congress is a family of people. It has the same kinds of personalities that all families do. Some of them are socially inclined and some of them are distant and some of them are friendly and some of them not so friendly. To some extent, to a great extent, we each individually have the opportunity to make our choice about how we become a member of this family. We have had a lot of vexing over those 9 years that I have been here about the erosion of the family aspects of this institution, and we have retreats periodically to deal with that.

The family aspect of this, I think, for me was more personified by JOE MOAKLEY than almost anybody else I know in this institution. He was a Member's Member, as a function of his position on the Committee on Rules, I am sure in part, but probably more as a function of his personality and who he was and how he chose to be a part of this family. He was always, always readily willing to share a joke of some kind every single time you had a conversation with him, and you never heard, at least I never heard, the same joke more than once. Maybe he could remember what jokes he had told to what people. I just think that this tribute and JOE MOAKLEY's life is a testament to this family nature of our institution.

I thank JOE, I thank his staff on the Committee on Rules, and his personal staff for personifying that family attitude. I am just delighted that I had 9 years to be a part of this part of JOE MOAKLEY's family.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI). I also want to thank her for organizing a wonderful get-well card to JOE that was delivered a few days before he died of all the women Members of the House. They all wrote very personal and very uplifting notes. He got such a kick out of it that he could not help but brag about it to everybody who walked in that room. I want to thank her for that.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for organizing this tribute in honor of our precious JOE MOAKLEY and for the great friendship that he had with JOE. The words that he expressed on many occasions on events honoring JOE in the months before his leaving us, in expressing those words, JIM McGOVERN expressed so much of what all of us felt about JOE. Of course he felt it more intensely and more universally, but we all had some level of participation in those comments.

We all know how much JOE loved JIM MCGOVERN. Indeed, I think JIM's election to Congress at one point meant more to JOE MOAKLEY than his own. It was his mission. When you were elected, it was in your own right but with great pleasure to JOE MOAKLEY.

To JIM MCGOVERN, a former staff member and then colleague to the great JOE MOAKLEY and to his personal staff and the staff of the Committee on Rules, thank you for all that you did to make his work in Congress so great. The sympathies of my own office and those of my constituents go out to the staff, both staffs of JOE MOAKLEY. We are all in your debt for all of the work that you helped JOE do in this Congress.

The gentleman from Massachusetts (Mr. MCGOVERN) mentioned the card. I am glad he did, because one of the wonderful things at JOE's funeral is when I met his brothers and sisters-in-law, they said to me how much JOE enjoyed the card. The note I sent with it was that this card was signed by every woman, Democrat and Republican, in the House of Representatives. I think that is unprecedented. We all competed to have the most important message for JOE that would get his attention. Some of us did better than others. JOE's family told me that they were going to frame the card and place it in his library in Suffolk. That should be a source of great pride and enjoyment to the women Members. It was a card from the women Members. With an accompanying note we said that we wanted everyone who took care of JOE in the hospital and everyone who cared for JOE personally to know how precious he was to the women Members of Congress; that the men were jealous they could not sign the card, they thought we were putting our phone numbers, but I guess that was just to amuse JOE.

Also at JOE's funeral, we were blessed to see such an outpouring of support from his constituents and from the clergy in South Boston and indeed from the Boston area led by the Cardinal. Our own Chaplain was there. We all know that the cocelebrants were overflowing from the altar and filling pews in the church. Such was the recognition of the greatness of this man and the humanitarian contribution that he made. One of those participants, Monsignor Thomas J. McDonnell, whom the gentleman from Massachusetts has entered his full eulogy into the RECORD, but in that eulogy, Monsignor Tom McDonnell emphasized JOE's roots as South Boston Irish-Italian Catholic American.

I was so delighted to hear the Italian part because Moakley being an Irish name that is where a lot of the emphasis was, had been in the final tributes. But JOE took great pride in his Italian American heritage as well as has been mentioned here and of course the Italian American community took great pride in JOE MOAKLEY.

No wonder he understood coalition politics. He was the personification of it himself, being Irish, Italian, Catholic and Democrat from South Boston. I think that the pride that he took in his ethnicity, in his Italian and his Irish background, that pride he took made him understand more clearly the pride that so many other ethnic groups and nationalities take in their own backgrounds. That gave him a sense of respect for all the people that he came in contact with.

We all know his important work with the Jesuits in El Salvador, but I wanted to take a half a moment to talk about his work with the Salvadorans in America. Our colleague the gentlewoman from California (Ms. ESHOO) talked about JOE and the Gospel of Matthew of the least of our brethren and seeing the spark of divinity in all of these people. He certainly did with the Salvadorans and the Guatemalans, in this case focusing on the Salvadorans when they were about to be deported to El Salvador because the U.S. Government did not view the fear of persecution that they had in the same way as they viewed the fear of persecution for Nicaraguans. JOE MOAKLEY stepped in to stop that deportation.

He was a leader. He came to my district. We had 80,000 Salvadorans and Guatemalans to be deported in San Francisco. JOE came and met with the representatives of that group. They received great hope from that meeting. They saw in his eyes his understanding, his empathy, his sympathy for their cause; and they knew that they would be better off for it. I just wanted to add that to the, of course, great history that we all know of JOE and the assassination of the six Jesuits, their housekeeper and her daughter.

For the last 14 years, I and everybody who has been in this body even one day, some of our very newest Members who may have shared only a week or two of being a Member of Congress while JOE was, will always be able to take pride in the fact that they served as a colleague to JOE MOAKLEY. That is a badge of honor, to have been his colleague.

He did great work which many of our colleagues have discussed here in detail. He never forgot his roots, his South Boston, Irish-Italian, Catholic American roots, and he worked in this body to represent those people, to represent the needy. In doing so, he was working on the side of the angels; and now he is with them.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

I want to begin by first of all thanking the leadership of both parties. I want to thank Speaker HASTERT and Majority Leader ARMEY. I want to thank our Minority Leader DICK GEPHARDT and our Minority Whip DAVID BONIOR and the leaderships of both parties for helping bring this resolution to the floor today and also for all that they did to help us expedite the naming of the Joe Moakley Courthouse in South Boston. That dedication meant an awful lot to JOE. It was an appropriate way to honor him because that courthouse stands for justice. JOE MOAKLEY's entire career, whether it was in South Boston or whether it was in El Salvador, was about fighting for justice. I think that that was an honor that meant a great deal to him.

□ 1430

I also want to thank the medical staff here in the Capitol, Dr. Eisold, and all of his doctors and support staff for all that they did for JOE. Their assistance and their advice was invaluable. I know he would want me to thank them, as well as the men and women at the Bethesda Naval Hospital who provided him the very best care and did so in an incredibly warm and caring manner. I think all of us who were with JOE during those final days will never forget their generosity and I want to acknowledge them here today as well.

I want to thank my colleagues who have come to the floor to express their love and respect for JOE. It is evident that people felt passionately about him and felt strongly about him, as he did about the Members of this House.

He loved this place. He loved his colleagues. He did think of everybody as family, and I say thank you to them not only on behalf of myself, but his brothers Tom and Bob, who I know are watching in Boston; his Boston staff; his Washington staff, some of who are here on the floor; those who are in the offices. All of us who cared about JOE MOAKLEY really do appreciate those comments and take great comfort in hearing some of the stories.

Mr. Speaker, at times like this I wish I were a better orator. I wish I could describe better JOE's career and JOE's accomplishments, which are many. I wish I could better describe what he meant to me. We have heard speaker after speaker talk of his great accomplishments in Boston and all the construction and all the projects that are going on. He used to like to joke that his favorite bird was the crane, and if one goes to Boston it looks like a giant breeding ground for cranes.

He was very proud of all that he did. He was very proud of the work he did in El Salvador, fighting for justice on behalf of those six priests who were murdered.

I remember when Speaker Tom Foley had appointed him to head up this task force to investigate those murders. There were a lot of people who were skeptical that JOE was up to the assignment. After all, this was JOE MOAKLEY, a bread-and-butter Democrat from South Boston.

I remember in response to a question to that end, he said, look, you do not need a Ph.D. in diplomacy from Harvard to know the difference between right and wrong; and what happened to those priests in El Salvador and what happened to countless civilians in El Salvador who were victims of this senseless violence was wrong. We need to act and we need to do something about it, and he did. In the end, he helped bring peace to El Salvador.

People talked about his humor. I wish I could tell all the JOE MOAKLEY stories. Some of them are a little off color, and I cannot do that on the House Floor.

The day he died, his family had asked me to announce to the world that he had passed away. I said then and I will say it again here today, the world is going to miss JOE MOAKLEY, and I already do. He was not only a good man, he was a great man and I really appreciate all of my colleagues participating in today's tribute.

[From the Boston Herald, June 2, 2001]

FOND FAREWELL: MOAKLEY TOOK COMMON TOUCH TO D.C.

(By Peter Gelzinis)

Before the Washington honor guard glided with exquisite precision toward the hearse, tender voices sent a jubilant rendition of "Just A Closer Walk With Thee" floating out over East Broadway. In the sweet, unfiltered echo of the St. Brigid School choir, Deborah Spriggs could see her boss' smile . . . and hear him greet her with the usual, "Hey, good morning, kiddo, what have ya got for me today?" When the crisp soldiers eased John Joseph Moakley's flag-draped coffin into the warm sunlight, a cold reality seemed to ambush his devoted secretary as she waited for him one last time outside the church. "All I could think of when the honor guard carried him right past me and up the steps," Deborah Spriggs said, "is that when I walk in the front door of House-152 on Monday, there'll be a huge pile of mail on my desk, like always. "But there'll be no one to talk it over with. He won't be there to say, 'Deb, tell me what I'm doing today.' "

The world called him Joe. But the woman who served as Joe Moakley's palace guard in Washington, who doted on him like a mother hen and over the course of 20 years came to love him like a daughter . . . Deborah Spriggs always called him "Congressman," or "Mr. Chairman." "To be honest, it took a little while for us to click in the beginning," she recalled, shortly after placing a rose on his casket. "We had this language problem. I couldn't understand his Boston accent, and he couldn't understand my Tennessee accent. But once that got straightened out—after I learned what a frappe was and that 'lastics' was another way to say rubber band—taking care of Joe Moakley became a dream. These past couple of days I've told people that I've got to get myself a job. Because it feels like I've been on a vacation for the last 20 years."

Yesterday, Deborah Spriggs belonged to a "family" who stood somewhat apart from all the luminaries and the vast, grateful universe of ordinary people. As Joe Moakley's staff prepared to follow his casket into the church, they drew close to one another, as if sheltered by the rare gift of memories that belonged to them alone. After Joe told the world he was dying, he urged his staff to take flight, to seek other opportunities, to think of their own futures. No one left.

As the cardinal delivered words of resurrection, Deborah Spriggs leaned on the memory of sharing the last few days of Joe's life, of listening to his brothers, Bob and Tom, share stories around Joe's bed. "All of us, we lived at the hospital those last few days," Deborah said, "even when it became too late for me to bring him his coffee frappes, we never left his side. We just stayed close to him, crying and laughing, then laughing and crying some more." "Do you know," said Deborah's husband, Sterling, "that when our oldest son was born and we had a problem setting up day care, Joe Moakley insisted that we set up a playpen right there in his Capitol Hill office." "For two months, our son, Brandon, slept and cried and ate in a U.S. congressman's office. And if he was sleeping, Joe would go to a smaller room to do his work. He didn't want to lose my wife for three months, but at the same time he wouldn't allow her to be away from her newborn son. And this was back in the days when there was no day care on the Hill."

After a day of tribute and tears, after people from Southie to Braintree lined the roads with signs of love, after Friday afternoon traffic was shut down on the Expressway and Route 128, Deborah Spriggs recalled the day Joe Moakley picked them up at Logan and spent a weekend proudly showing them his city. "I knew how deeply he felt about my wife," Sterling Spriggs said, "still, we had come to Boston to celebrate his 25 years as a congressman . . . and he's driving us around. I just couldn't get over it." "How can I ever forget it," Deborah said. "He picked us up for breakfast, took us out to the Kennedy Library and then sat in the car until we came out. 'Don't worry,' he says, 'take your time, I have a spare pair of shoes right here in the car.' After he got through driving us all over South Boston, taking us up to Castle Island . . . he looks at both of us and says, 'Whaddya say we go to a movie?' So we did."

We buried a hero, yesterday. Deborah Spriggs bid farewell to a joyous part of her life. On Monday, she will go to work in an office that won't be the home it once was. And she will listen for the unfiltered echo of a lovely man. "Good morning, kiddo, what have ya got for me today?"

[From the Capitol Corridors, Feb. 22, 2001]

JOE MOAKLEY—WE MISS HIM ALREADY

(By David Baumann)

Reporters aren't supposed to take sides in elections. But back in 1994, some of us Capitol Hill correspondents were unhappy with the results simply because the Republican takeover meant Rep. Joe Moakley, D-Mass., wouldn't be visiting the press gallery four or five times a day.

You see, the House Rules Committee, located across from the daily news gallery, doesn't have restrooms. So Moakley, then the Democratic chairman, had to use the press gallery's men's room. Each time he'd walk through, he'd rub someone's shoulders, offer a compliment, follow it with an insult, then ask for a needle and thread to sew a button or settle in and tell a story. He'd also patiently answer any question a reporter might have. It was worth hanging out in the back room of the gallery just for Moakley's visits.

Now, as Washington learned last week, Moakley is retiring. After surviving a liver transplant, a rebuilt hip and various other ailments, the 73-year-old South Boston congressman has an incurable form of leukemia—so incurable that reportedly his doctors are frank in saying he might not even survive this term.

The news left people all over Capitol Hill devastated. To put it bluntly, Moakley is one of those people who make Capitol Hill livable, even in the face of government shutdowns, impeachment and disputed elections. He's among the last of a breed of old-style pols who understand that politics is a game—not a blood sport—and that it can be played with good humor. In that sense, he is most often compared to his close friend, the last House Speaker Tip O'Neill. "Tip O'Neill and Joe Moakley were both masters of the politics of the old school," said Rep. *Barney Frank*, D-Mass. But Frank added that Moakley proved "you could be a master of old ways and welcome the new."

The grandfatherly Moakley also is one of the few members of Congress who can get away with kissing a young woman reporter on top of her head. And he is so well-liked that he may have set the record for having a courthouse named after him. As the Massachusetts delegation took to the House floor to credit the 73-year-old with delivering the projects to rebuild Boston, both the House and Senate passed *a bill* naming the Boston federal courthouse after Moakley within two days of this retirement announcement.

The outpouring of affection is not surprising, given the good will and humor Moakley displayed throughout his career.

In 1998, for example, he was asked to compare the reign of hard-line conservative and then-House Rules Committee Chairman Gerald Solomon, R-N.Y., to his own reign from 1989 to 1994. "Actually, Solomon has been fair," Moakley told National Journal's CongressDaily. "He's been as bad as I was."

Solomon, who retired from Congress last year, recalled sitting in the chairman's seat talking to someone before a 1993 committee hearing. All of a sudden, he heard Moakley: "Solomon, hell will freeze over before you ever sit in that seat."

"Of course," Solomon, added, "a year later hell froze over" and the GOP captured the majority. Solomon said Moakley made his job chairing meetings much easier, despite their fiercely partisan differences. "When things would get tense... he would tell an Irish story or some other story" and the tension would be broken, Solomon said.

Moakley enjoyed watching the Republicans try to govern in the early years of their majority. One of his funniest lines came after reports circulated that former Rep. Bill Paxon, R-NY., had participated in the attempted coup against then-Speaker Newt Gingrich. The revelation came shortly after Paxon's wife, then-Rep. Susan Molinari, R-N.Y., announced she would resign from the House to *anchor a new CBS Saturday news program*. Moakley's take on the matter? "Now, the Molinaris have two anchors. One is at CBS and the other is around Gingrich's neck."

Moakley tried to retire once before—resulting in one of the true unscripted surprises on the Hill. With his wife battling brain cancer, Moakley decided he wasn't going to run for election in 1996 so he could spend more time with her. He scheduled a late-afternoon news conference on the Hill and word leaked out that he would retire. Members of the Massachusetts congressional delegation and democratic members of the Rules Committee showed up to pay tribute to Moakley. The congressman appeared at the news conference, only to declare to a shocked audience that his wife had persuaded him to run again. Unfortunately, Moakley's Boston news conference brought no similar surprises.

[From the Washington Post, June 2, 2001]

"REGULAR JOE" MOAKLEY IS LAID TO REST

(By Pamela Ferdinand)

BOSTON, JUNE 1.—Rep. John Joseph Moakley (D-Mass.), known simply as "Joe" to his constituents, was laid to rest here today, hailed by a vast community of admirers that included two presidents, as a powerful man who never forgot his working-class South Boston roots.

Moakley, 74, died Monday of leukemia. With occasional laughter and tears, thousands of mourners—including President Bush and former president Bill Clinton—accorded him all the pomp and circumstance in death that the self-effacing dean of the Massachusetts congressional delegation never sought in life. At the late congressman's request, his funeral Mass took place in the tiny parish church where he often sat unnoticed in the 10th pew from the back. But his death brought together Bush, Clinton and former vice president Al Gore for the first time since Bush's inauguration—a feat some said only Moakley could have orchestrated.

Bush strode down the church's red carpet at the stroke of noon, a lone figure in an overwhelming sea of liberals and Democrats. He sat next to Massachusetts Gov. Jane Swift (R) in the left front pew, which also included Sen. Edward M. Kennedy (D-Mass.) and his wife, Victoria; Gore, Bush's bitter rival for the presidency; Rep. David E. Bonior (D-Mich.); Clinton; and Rep. Richard A. Gephardt (D-Mo.). "It was one of those Kodak moments. It truly was," said Rep. William D. Delahunt (D-Mass.), who sat behind Gore. "Joe symbolized every man, and he was every man's hero."

Bush, who did not address mourners, previously honored Moakley in his first address to Congress after the congressman announced in February that he had terminal cancer and would not seek a 16th term. The president barely paused to shake hands with Clinton and Gore before slipping out a back door with Swift at the end of the nearly two-hour service. The president's attendance underscored Moakley's stature and friendship with members of Congress on both sides of the aisle. Others in attendance included Sen. John F. Kerry (D-Mass.), White House Chief of Staff Andrew H. Card Jr., House Speaker J. Dennis Hastert (R-Ill.) and former representative Joseph P. Kennedy II (D-Mass.), among others. "He and the president didn't always agree, but Congressman Moakley always brought a human touch, an affable nature to the business of the Congress and to his relations with the White House," said Bush spokesman Ari Fleischer.

Clinton stopped first at the State House, where more than 5,000 people knelt and prayed before the late congressman's flag-draped casket during a seven-hour vigil Thursday. "Joe Moakley proved you could disagree without being disagreeable, that you could fight and have honest differences without trying to hurt your adversary," Clinton said. "He brought a certain nobility and meaning to public life." Outside St. Brigid Church, hundreds of people crowded sidewalks in silent, prayerful tribute as bagpipes played and a military honor guard stood at attention. Earlier in the day, the funeral procession arrived slowly from Beacon Hill, passing City Hall, where Moakley served as a councilor, and the federal courthouse and homeless veterans shelter that bear his name.

Moakley, a Navy veteran, was later buried with full military honors in a cemetery south of Boston next to his wife, Evelyn, who died in 1996. The couple had no children. "It's a pretty sad day for South Boston," said Robert Loughran, 54, a Vietnam veteran standing outside the American Legion on West Broadway, where storefront posters read, 'We love you' and 'We'll miss you.' "He was just a real genuine guy who made a great politician. He was a good soul." A children's choir opened the service led by Boston Cardinal Bernard Law. Moakley was eulogized as a regular Joe who performed extraordinary deeds, one of the last Boston Irish Democrats in the tradition of House speakers John W. McCormack and Thomas P. "Tip" O'Neill Jr., who believed "all politics is local." "His helping hand was always extended in recognition of the responsibility he always believed was his to make things better for those in need of encouragement and inspiration," said University of Massachusetts President William Bulger, a close friend who recalled Moakley's humility and humor, even in the face of death. "The virtue of courage was his in abundance, but Joe had in his life become the personification of all that was best in his home town."

Sen. Kennedy, who addressed mourners Thursday, called Moakley "a remarkable congressman, outstanding leader and one of the best friends Massachusetts ever had." "Service to his nation. Service to this state. Service to his people. Service, service, service. It's no wonder God chose to call him home on Memorial Day," Kennedy said.

Born and raised in South Boston, Moakley spent his entire life on the peninsula of Ward 7. At age 15, he enlisted in the Navy and served in the South Pacific during World War II. He spent nearly two decades in the Massachusetts legislature and won a seat on the Boston City Council in 1971. Moakley was elected the next year to represent the 9th District in Congress, where he was appointed chairman of the House Rules Committee in 1989. An ardent and unapologetic hometown champion, he helped secure record federal funding for Boston Harbor, the "Big Dig" highway project and historic landmarks. He fought to boost support for welfare programs, higher education and fuel aid for low-income families. He won 78 percent of his district's vote in 2000.

Moakley said he considered his greatest achievement his work to cut off military aid to El Salvador and the effort to prosecute the murderers of six Jesuit priests, their housekeeper and her daughter in 1989. Moakley led a special congressional task force whose findings helped convict two Salvadoran soldiers and put an end to U.S. aid to the Central American nation. "It is never a crime to speak up for the poor and helpless, or the ill; it is never a crime to tell the truth; it is never a crime to demand justice; it is never a crime to teach people their rights; it is never a crime to struggle for a just peace," he said about his effort. "It is never a crime. It is always a duty."

Today's service capped weeks of tributes to the late congressman, but many here said Moakley will be remembered in much smaller ways. They will miss him sitting in his car by Castle Island, having a beer at the corner table at Farragut House under his black-and-white portrait or standing in line for a hot dog at Sullivan's. Out of respect, no one ever parked in front of his two-story shingled house, even in a snowstorm. They came to him when a brother needed a job, a mother did not receive her Social Security check or when they fell on hard times. "He was a person you could talk to about anything," said Alice Faye Hart, a 62-year-old great-grandmother whose home was saved by Moakley from foreclosure. "He was what you'd call a real friend."

[From The Boston Globe, June 1, 2001]

A NEIGHBOR TO ALL PEOPLE

(By Brian McGrory)

The words will tumble forth today in magnitude and gratitude, so many important people standing at the altar of St. Brigid's paying tribute to Joe Moakley as the last of a dying breed. They'll describe him as a common man who rose to lofty heights but never forgot those back on the ground. They'll say he was every inch, every day a product of South Boston, true to his beloved hometown until the moment on Memorial Day afternoon when he drew his final breath.

But there is another truth, a seldom spoken truth, that explains as well as anything else the depth and breadth of the grief that has engulfed this city all week like a fog bank that refuses to blow out to sea. It is a truth that should be instructive to politicians across the nation, and here at home, who strive to someday be mourned rather than defeated. And that truth is this: Moakley transcended South Boston even while being faithful to its needs. In a famously parochial neighborhood where too much of life is divided along racial lines, he casually but relentlessly championed the causes of those who looked markedly different than his base of support. And no one—not blacks, not whites—ever felt shortchanged.

We've heard an outpouring of memories and tributes these past few days from men who look a lot like Moakley. But what's been left largely unsaid is that in the blackest neighborhoods of Boston, there are hundreds if not thousands of residents who have benefited from his work and are crushed by his death.

Bryon Rushing, the black state representative from the South End, shared a story yesterday. The bulk of the state's black voters used to be split between Moakley's 9th District and the 8th District. The Legislature wanted to consolidate the minorities into one district in the early '90s. After much indecision, Moakley told state officials that he'd prefer to see blacks in the 8th. The reason: He someday wanted to see a black congressman elected from Massachusetts—a feat he didn't think probable if Roxbury shared a district with Southie.

But Rushing remembers receiving a telephone call from Moakley a week or so before the districts were approved. "If you took every black person I have," Moakley said in his inimitable way. "I want some back." "He was quite remarkable," Rushing says with a laugh.

Always, Moakley had blacks and Hispanics working in his congressional offices in Washington and Boston. He fought tooth and nail—and successfully—for funding for the African Meeting House site on Beacon Hill. Even with a redrawn district that was just 7 percent black and 5 percent Hispanic, he continued bringing money back to Mattapan, Roxbury, and Dorchester for public housing and neighborhood health centers.

He greased the skids for untold numbers of foreign-born constituents trying to gain citizenship. He once helped a Haitian family fly an ailing family member to Boston from their native country.

"We have lost a giant and a giant who really reached across racial and ethnic lines," says state Representative Marie St. Fleur of Dorchester. "What he did was reach out and build bridges. He never left the minority community behind. He helped us not just in words, but in deeds."

He is famous for championing human rights in El Salvador, less famous for his cosponsorship of the Haitian Refugee Fairness Act. A Moakley friend recalls the congressman dining with colleagues and diplomats as he rattled off detailed reasons why the United States should ease embargos on Cuba. He knew it cold. None of this is to suggest that his beloved Southie didn't warrant his immense skills and attention. He looked within even as he looked beyond, and his proudest moment may well have come last month, when they named the Federal courthouse after him on the same land where he spent his boyhood scavenging watermelons that fell from the freight trains.

It will be said today that Joe Moakley was a man of the people. Indeed he was—a man of all the people.

Mr. COYNE. Mr. Speaker, I rise today to honor our colleague JOE MOAKLEY, who passed away May 28.

JOE MOAKLEY was the kind of Representative we all should aspire to be. He was a dedicated public servant who enjoyed doing his job. He was a kind, generous, thoughtful, courteous individual who in nearly 50 years in public life made few if any enemies and earned the respect and affection of his adversaries as well as his allies. He represented his constituents ably while also taking the lead on important national issues like aid to El Salvador and the School of the Americas. He will be sorely missed.

JOE MOAKLEY was true to his roots. Born and raised in South Boston, he lived in this neighborhood all of his life. He served his country in the military. He was low-key and unpretentious. JOE never forgot where he came from. He served his constituents well during his 16 years in the Massachusetts statehouse, and he worked hard in Congress to secure Federal funding for the people and institutions of Boston and Massachusetts throughout his congressional career.

JOE MOAKLEY served on the House Rules Committee for many years, including 6 years as chairman and 6 years as the ranking member. In that capacity, he demonstrated a remarkable ability to reconcile the often-contradictory demands of partisanship and collegiality. JOE MOAKLEY defended his legislative positions aggressively while strengthening the institution of the House through his consistent decency and fairness. He was a credit to this institution.

In short, JOHN JOSEPH MOAKLEY was a man who dedicated his life, his considerable talents, and his energies to public service. His death is a tragic loss to his country as well as to his friends.

Mr. COSTELLO. Mr. Speaker, I rise today to honor my friend and colleague, JOSEPH MOAKLEY. JOE was a dear and true friend. He was always there to give advice and share his personal experiences. He has been an outstanding member of this House, working tirelessly for the people of his district and our nation. Like his friend and our former Speaker Tip O'Neil, JOE never forgot where he came from and never forgot that "all politics is local."

I have enjoyed working with JOE on human rights issues. JOE's dedication to fairness and justice was demonstrated in bringing to justice the ruthless murderers of six Jesuit priests and their housekeeper in El Salvador in 1989. In addition, JOE's ability to work with members from both sides of the aisle helped him lead the Rules Committee for six years. JOE's humor and unfailing courtesy have set a high standard for all of us to follow in the House.

JOE achieved impressive levels of achievement and accomplishment, and I have always been especially impressed by his devotion and dedication to service. I believe it is important to honor his legacy by continuing to support his goals and ideas. It is most fitting and proper that we honor JOE MOAKLEY, and Mr. Speaker, I know my colleagues join me in appreciation of this extraordinary individual.

Mr. MURTHA. Mr. Speaker, it is with great sadness that I come before my colleagues to pay parting tribute to a beloved friend and mentor of mine in this body, the late Congressman JOE MOAKLEY of Massachusetts.

I got to know JOE originally through another close long-time friend, Tip O'Neill. I was a young freshman right out of Vietnam when I came here and quickly gravitated to Tip and JOE because they brought to Congress and to our country principles I admired and sought to uphold: a strong commitment to helping people, working for the less fortunate, pulling together to get things done, and doing what is right. That is what JOE and the Speaker exemplified and I am grateful to have served with both of them and to have learned so much from them. I learned a great deal about statesmanship and how to get things accomplished in this body through JOE's leadership. JOE MOAKLEY was without a doubt one of the most influential, dedicated and effective Members of the U.S. Congress.

The country and this House have been lucky to have a man of such great character as JOE MOAKLEY serving here for so many decades. It goes without saying how much he will be missed. There have been many of us Members of Congress, but there are few who will always be remembered by those who served with them the way that JOE will be remembered. JOE MOAKLEY is one of those rare solid friends and outstanding Americans we will always feel blessed to have known. We will remember his friendship, his character, his grace, his concern for people and for our country, his tireless work in service to them, his example. I pray we will always strive to live up to it. God Bless and Keep you, JOE.

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to our departed colleague and friend, JOE MOAKLEY.

JOE was the type of person that just about everyone could relate to. His humor and his kindness set even his political critics at ease. Who didn't like JOE MOAKLEY?

I could relate to JOE on several levels—not the least of which being our common name. We both entered politics at about the same time in our lives, we both came from similar Irish neighborhoods—he from South Boston, myself from Queens, and I would like to think we both got into politics for the same reason.

There is no mystery why JOE got into politics at the age of 25. He truly saw politics as the tool for action for the greater good. JOE always said that being elected to Congress was the greatest job of all, because he had the ability to directly impact people's lives. He wouldn't have had it any other way—as he often said—caring for the person "upstairs, downstairs and across the back fence." His constituents describe him as the embodiment of his district in South Boston.

Hard work on behalf of people defined JOE's life. He became an early defender of the environment in the Massachusetts legislature. JOE's long commitment to the clean-up of Boston Harbor carried over to his days in Congress where he helped secure millions of dollars in Federal funding to restore the harbor to the beautiful waterfront it is today.

As a fellow Irishman, I respect JOE MOAKLEY's distinguished record on Irish affairs. JOE came to Congress at the height of the violence in Northern Ireland. Over the years he was in Congress, he was instrumental in ensuring that the peace process succeeded. From the unrestrained aggression of the 1970s to the prospects for long lasting peace and reconciliation today, JOE MOAKLEY kept his finger on the pulse of the Northern Ireland Peace process.

In public service, JOE represented the ideals of St. Ignatius of Loyola—to be a man for others. JOE's legacy is not only bricks and mortar in South Boston, but his moral voice and commitment to service to our nation.

For Salvadorans, including many in my district in New York, as well as human rights activists, JOE MOAKLEY will always be most remembered for his work to end the abuses of human rights in El Salvador. After six Jesuit priests, their housekeeper and her daughter, were murdered in El Salvador in 1989, then House Speaker Tom Foley appointed MOAKLEY to head a special task force to investigate the Salvadoran government's response to the killings.

The Moakley Commission issued a report that revealed the involvement of several high ranking Salvadoran military officials in the murders. This report resulted in the termination of U.S. military aid to El Salvador and is often credited with helping to end the brutal civil war in that country. JOE remained passionately involved in the situation all his life. In a fitting homage, JOE's work to help end the decade long war which claimed 75,000 in El Salvador has been immortalized in the PBS documentary "Enemies of War."

I feel privileged to have served with JOE in this Chamber. I learned from his humor, his intelligence, and his heart.

I join this Chamber in wishing our friend a fond farewell.

Mr. RAHALL. Mr. Speaker, I rise in both sorrow and celebration to pay tribute to a life well lived by JOHN JOSEPH MOAKLEY, a man who died with the voices of his friends and colleagues raised in his praise. We prayed even as we knew better, that God would let him stay with us, because this House needs men like JOE MOAKLEY. We need his spirit, his courage, and his strength of purpose that kept him in public service for so many years. But God needed JOE more.

JOE MOAKLEY was to die as he had lived: in the service of his people right up to the end. I will not forget the way in which he let us know that he had not much longer to dwell among us. He said: "My doctor told me not to buy any green bananas." Who but JOE would have had the courage and the wit to thus announce his imminent leave-taking from the House and, from the world. JOE was leaving the place where he spent so many years in tender service to the people of south Boston—the people he loved and respected all the days of his life. JOE MOAKLEY's natural sense of humor was well known, often bringing laughter to bear against the times his colleagues despaired of compromise or consensus.

But JOE didn't just serve the people of south Boston—although he would tell you they came first. He served the entire Nation as he upheld the Constitution he swore he would uphold on behalf of people's rights, working long hours in Washington, and even longer hours spent among his constituents against poverty of body and soul. His constituents who were faithful to him to the end knew they will never see the likes of JOE again.

When someone like JOE MOAKLEY passes on—who died as he lived in passionate pursuit of the rights of people everywhere—the whole world mourns his passing. He died as he would have wanted to die—working till nearly the very last day before the Memorial Day recess. Dying, he carried on with his life, speaking to the hardships of others and none of his own. Dying, he remained totally pledged to the people who sent him to do a job only he could do. Dying, he was full of grace, and nearly always full of his special humor.

And speaking of humor, who but JOE, would announce that he had only a short time more to live in this world by saying his doctor told him not to buy any green bananas? Who but JOE MOAKLEY could look into the face of death still smiling? JOE's smile was the solace he offered to you and to me, so that we would be comforted and unafraid at hearing his news. This did not mean that he did not love life. No one loved life more than JOE MOAKLEY. But maybe after having toiled in these fields for so long, he tired of the battles of the flesh, and welcomed the spiritual journey ahead.

Just as he committed himself to public service more than 30 years ago, he committed himself to his leave-taking mere months ago, using humor as his walking stick. And as he stepped into the sunset of his life, he understood the love that poured from the hearts and minds of best friends and mere acquaintances and knew it was all for him. I am glad he knew of the great well of love and respect that we had for him before his death. That he could receive his bouquets while he lived.

I take this opportunity to pay tribute to JOE MOAKLEY, friend and colleague, and to quote Shakespeare in his memory:

"And when he shall die, take him and cut him out in little stars and he will make the face of heaven so fine, that all the world will be in love with night, and pay no worship to the garish sun."

Mrs. MEEK of Florida. Mr. Speaker, I rise to remember and pay tribute to our dear departed colleague, JOHN JOSEPH MOAKLEY and I thank Congressman MCGOVERN and Chairman DREIER for bringing this resolution to the floor. America lost a giant with the death of JOE MOAKLEY. All of us here in the House lost a good friend. JOE handled his incurable leukemia with great courage. He taught us how to live and he taught us how to die.

Congressman MOAKLEY's background and his record have been well-chronicled and I won't take the time to repeat it here. He began his long distinguished career in public service at the age of 15 when he enlisted in the United States Navy and served in the South Pacific during the Second World War. Upon returning from his service in World War II, he attended the University of Miami and we are proud in South Florida to claim him in even a small way as one of our own.

Suffice it to say that in over 28 years of service in this House since his election in 1972 as the Member from the 9th District of Massachusetts, Mr. MOAKLEY served his constituents in South Boston and the American people with great distinction. He brought great passion, commitment, and a tremendous zest for public service to his work. JOE was fair. He was honest. He was cheerful, and, above all else, he was always straight with you.

His work as Chairman and then as Ranking Member of the Committee on Rules is very well-known. He was always willing to lend a helping hand to Members, whether it was a brand new Member or the Speaker of the House. His pioneering work dedicated to ending human rights violations around the world, particularly his work against the death squads in El Salvador, will always be remembered. The working people of this country had no better friend than JOE MOAKLEY.

JOE MOAKLEY was a man of the people who never forgot where he came from. He was serious about his work, about serving his constituents, and about helping anyone in need, but never too serious about himself. He possessed a modesty, friendliness, and humility that made him accessible and easily approachable. His warmth and his wit were his calling cards. JOE was always ready with a story or a joke. Whether here on the floor, in the Rules Committee, or just in a chance meeting, I always looked forward to seeing Congressman MOAKLEY. He always managed to brighten my day, and I know that he had the same effect on all of his colleagues.

JOE was an outstanding Congressman, a man who fought hard for his district, for the principles of the Democratic party, and for his beliefs. Yet he always had room in his mind and his heart for all of his colleagues, whether or not they agreed with him. He personified decency.

His legacy and the memory of his achievements will always serve as a role model for all of us here in House. I will be forever grateful that I had the honor and privilege to serve with JOE and I will miss him. God bless you, JOE. May you rest in peace.

Ms. PRYCE of Ohio. Mr. Speaker, JOE MOAKLEY was one of the most upfront even-handed Members that I have had the privilege to serve with. This House will sorely miss him.

As Ranking Member of the Rules Committee, JOE always had a joke for the Members, a smile for the staff, and a twinkle in his eye even as we worked late into the night. He was a friend to all and a mentor to many.

A classic Bostonian politician, JOE's life was dedicated to serving the people well. And last week, I learned first hand just how much South Boston and those whom he represented loved him. It was an honor to join his community in their sad good-bye.

For the Members of the Rules Committee JOE will not be forgotten. His presence remains with us and his portrait hanging just upstairs in our committee reminds us that he is watching over us.

Ms. LOFGREN. Mr. Speaker, I rise today to join my colleagues in paying tribute to one of the finest public servants to grace this floor, JOE MOAKLEY. Congressman MOAKLEY was a friend, a leader, and a gentle teacher to the scores of us who looked to him for advice and guidance.

Much has been made of JOE MOAKLEY being one of a "vanishing breed" of politician, but I don't think that's true. I think he was, and will always be, a shining example of the ultimate public servant, someone universally respected by his peers and revered by the constituents he never forgot. The crowds of people who came to say their final goodbyes to him along the streets of Boston are a far stronger testament to JOE MOAKLEY's life than anything that we could ever say here.

This is a man who lived his own saying: "It is never a crime to speak up for the poor, the helpless or the ill; it is never a crime to tell the truth; it is never a crime to demand justice; it is never a crime to tell people their rights; it is never a crime to struggle for a just peace. It is never a crime. It is always a duty."

I join my colleagues in gratitude to JOE MOAKLEY for his leadership and his friendship during my years in this House. While we will never be able to fill his shoes, I hope my colleagues and I will try.

Mr. DELAY. Mr. Speaker, last month the House lost a valued Member when JOE MOAKLEY passed away. I didn't always vote with JOE and there were a number of areas we disagreed about. But you didn't have to see eye-to-eye with JOE MOAKLEY to recognize that he was a great American.

When people speak fondly of the way things used to be, I believe what they're really missing are the qualities that carried America through our most challenging moments. Courage, compassion, integrity, patriotism, perseverance, and faith in God. He had these qualities in abundance.

When our country faced the daunting challenge of the Second World War, JOE MOAKLEY was so eager to join the fight that he broke the rules to shorten the odds for America. He was only fifteen when he sailed off to the South Pacific to defend freedom.

Over the course of his life, he carried out the commitment to service he learned from his father. Hard work defines his life because he never stopped working for his constituents in South Boston. Those of us who served with him soon grew to understand his commitment to the House.

On the Boston City Council, in the Massachusetts State House and here in the House of Representatives, he won elections, lost elections, overcame adversity and always maintained his deep loyalty to the people of his district.

In his manner, he was open, friendly, and down to earth. We can all learn a lot about life by remembering the way that JOE MOAKLEY faced a challenge.

From the beginning of his life until his final struggle drew to a close, he greeted adversity with determination, he met fear with courage, and he lived out the last days with the calm confidence of a good man strengthened by a deep and sustaining faith.

To know JOE MOAKLEY was to respect him. We honor his service to this House and to our nation. America can always use more of the qualities JOE MOAKLEY brought to public service.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to pay tribute to one of my most admired colleagues in the House of Representatives, Congressman JOE MOAKLEY of Massachusetts.

JOE MOAKLEY was the quintessential Boston Irish public servant. For more than 50 years he served his nation, his state of Massachusetts, and the hard-working men and women of South Boston in one form or another. In the long, and inspiring tradition of such great men as former Speaker Tip O'Neill, JOE was the kind of Representative that has shown time and time again that he is a leader on the national and international stage, yet remained ever loyal to the people of South Boston and all of Massachusetts.

When I first arrived here as a freshman member in 1999, JOE MOAKLEY, who was the Dean of the New England House delegation, was one of those remarkable people I looked to as a model of how I wanted to conduct myself as a Member of Congress. With character, dignity, devotion, and loyalty, Congressman MOAKLEY continues to serve as a constant reminder that we are indeed part of a noble profession.

JOE MOAKLEY'S remarkable time in public service began when he was a mere 15 years old, when he enlisted in the United States Navy for service in the South Pacific during the Second World War. After graduating from college in Florida, and law school, JOE MOAKLEY ran for the Massachusetts State Legislature in 1952 where he served until 1960. And in 1964, he was elected to the Massachusetts State Senate where he served until 1970. It was in 1972, after briefly serving on the Boston City Council, that he was first elected to the United States House of Representatives from the 9th District.

It was not long after he began his second term that he gained a seat on the House Rules Committee, where he still serves today as Ranking Member. In 1989, he was made Chairman of that Committee. As Chairman, he conducted himself with his characteristic sense of integrity and humor.

Through all his years of service, he worked tirelessly for his District, giving them the same full measure of devotion that he gave to other matters, such as human rights abuses in Central America, which he helped investigate and report on. His actions helped expose injustice, and likely contributed to the end of a brutal civil war in El Salvador.

I've always believed that the measure of a person's life is not contained merely in the years they spend in office, but rather in how their actions in office continue to positively affect the neighborhoods, District and people they served, long after their time in service has drawn to a close. If a person's actions have improved the life of even one person, or one family, or one community, then there is no end or limit to what their service has meant to others. And for JOE MOAKLEY, there is no end in sight.

No matter how long I spend as a member of this body, I am now, and will always be, proud to say that I served with JOE MOAKLEY.

Mr. EVERETT. Mr. Speaker, I would like to join my colleagues in paying tribute to a special member of this House and a good friend to many, JOE MOAKLEY.

An unapologetic liberal Democrat from South Boston, JOE had a remarkable ability to reach across the aisle and make friends with the most unlikely of people.

Not long after coming to Washington, I was invited to join a regular dinner gathering of conservative Republicans and Democrats. Among them was JOE MOAKLEY. I don't mind telling you that my time spent with Joe was some of the best in this Congress.

I count myself fortunate to have befriended JOE, or did he first befriend me? JOE was that kind of guy. Perhaps you didn't think you had anything in common, but he would quickly make you feel welcome no matter what your political differences. JOE had the capacity to cast aside partisanship and bring people together. That is a rare quality that is woefully in too short supply in this House. We need more JOE MOAKLEY's in this Congress.

The passing of JOE MOAKLEY is not only a deep personal loss to me and to all who count themselves his friends; and there are many. It is also a loss to this body and to our great country. I learned a lot from JOE. He reminded us that it is possible to look above our daily disagreements and love this institution and one another.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am deeply saddened by the passing of JOE MOAKLEY, who was a wonderful man and a great leader for his constituents of Massachusetts and for our Nation. He was an easy-going, good-hearted gentleman with a great sense of humor that I will always treasure. As the dean of the New England Congressional delegation and the ranking member of the House Rules Committee, JOE wielded a great deal of power. Yet when you were in his presence, you never felt out of place because he made you feel so comfortable and at ease.

JOE MOAKLEY is a House colleague that I have always tried to emulate. Despite his seniority in Congress, he was an 'ordinary Joe' and a true man of the people. Spending a half-hour with JOE MOAKLEY was a great way to get a lesson in old style politics, the politics of the people. And he always said it the way it was . . . JOE always got right to the point. When I talked to him a few weeks ago, he wasn't pondering his imminent death. Instead, he was celebrating his great life. It was terrific these past several weeks that JOE had the opportunity to enjoy many tributes to him. So many people from all walks of life had the chance to tell him how much he really meant to all of us. I know that JOE is already on the fast track to heaven. He was a treasure to the House and one of the most effective legislators this chamber has had the fortune to have. We wish him farewell, and keep his family and friends in our prayers.

Mr. TRAFICANT. Mr. Speaker, today, I would like to pay tribute to one of the finest Members of Congress to have served in the United States Congress. JOE MOAKLEY was more than a colleague, he was a personal friend of mine and he was a great American.

I was one of the driving forces behind the effort to name the U.S. Courthouse in Boston after JOE, and no one is more deserving of such an honor. The constituents of the 9th District of Massachusetts were blessed to have this great man represent them, and I feel blessed to have had the opportunity to serve this great country with him.

I want to pass my sincerest condolences to the family of JOE MOAKLEY. The U.S. Congress will never be able to replace him, nor will it ever forget him.

Mr. GEPHARDT. Mr. Speaker, JOE was a vital member of the Democratic Caucus and left a deep imprint on every Member who served with him in the House of Representatives. He served with wonderful distinction on the House Rules Committee. He brought to his constituents the things that they wanted and that made a meaningful difference in their lives.

But what truly set JOE apart was his humanity. Quite simply, he was one of the warmest human beings I have ever had the pleasure of knowing. He always had a kind word, a sense of respect and sympathy for his constituents. He worked every day in his years in Congress fighting to bring the values of his hometown, in South Boston, to our corridors, and this floor. When a senior citizen had trouble getting her Social Security check, JOE was there. When a student had trouble obtaining a loan for college, JOE was there. People of every age, every race, every religion and ethnicity could come to JOE and talk with JOE and have his undivided attention because he cared deeply about them.

Those values found expression in JOE's work abroad. During the 1980s, JOE traveled to El Salvador after the horrible murders of the six Jesuit priests and their housekeeper. Before this time, JOE used to joke that, "my idea of a foreign affair used to be driving over to East Boston for an Italian sub." But JOE heard about horrible human rights abuses in Central America and decided to do something about them.

He pursued justice in El Salvador. And, perhaps more than anyone else, he was responsible for bringing the perpetrators to justice. He struck a blow for human rights. It reflected who he was and the essential decency for which he stood.

He called his constituents part of "his family." But it wasn't just constituents who were part of JOE's family. It was everyone he came into contact with. He had the ability to make better and bring hope to the lives of other people, and this is a quality that we in this body will never forget, will always cherish, will continue to fight for every day, every way in honor of JOE and the best values in our country.

Mr. HALL of Ohio. Mr. Speaker, I rise to support the resolution and to pay tribute to the memory of my friend and colleague, JOHN JOSEPH MOAKLEY.

For the last 20 years, I sat with JOE on the House Rules Committee. He was not combative, but in his gentle way he fought for the interests of his party and his principles. His friendly style endeared him to members on both sides of the aisle despite the highly partisan nature of the committee.

JOE'S great strength as a member of Congress came from his love of the job. Public service was his calling. He believed that government could help people. Here was a man who was proud to be a politician. It was an old-fashioned view, but thankfully, one that never went out of style. The people of his district loved him for it.

When I attended his funeral in South Boston, I was struck by the outpouring of genuine affection from his constituents. They lined the streets to pay their last respects to JOE.

I hope that JOE'S legacy will be the enduring belief that politics can be honorable and that government action improves our lives.

I will miss JOE—his humor, his stories, and his warmth. I will miss his unflagging efforts to make the world a more just place.

Mr. McDERMOTT. Mr. Speaker, the list of JOE MOAKLEY's achievements is long and impressive. He was a champion of obtaining funding for projects to improve Boston. Courthouses, Libraries, dredging the Boston Harbor were among them. And he was a committed Member of the Massachusetts delegation. But above all he was a generous, kind and compassionate man. He never had a mean word for anyone and he had a real compassion for everyone in the world. In the course of his duties as a congressman he met with several El Salvadoran refugees who feared returning to El Salvador where they might be killed. Accordingly, he made it his business to see that this did not happen and that other refugees in the same situation be allowed to remain in the United States.

My first personal memory of him was because of the massacre of six Jesuit priests in El Salvador and his appointment by the Speaker in 1989 to investigate this slaughter. I was also appointed to this special committee and got to know him well as we interviewed everyone who had anything to do with this terrible incident. Conscientiously, he reported back the failures of the Salvadoran Judicial and military systems. His report and the attention to the overall situation was helpful in ending that terrible tragedy.

One of my own passions, closing the School of Americas, was his too and although we never closed the school in fact we worked very hard together to do so. We also worked very hard to open up Cuba. This kind, loving man, should be commended for the universal view he took of life. He knew that one is sent to serve one's constituents but there is a larger duty too, to root out injustices all over the world. To help everywhere that you can. We will miss you JOE—the world and me.

Mr. QUINN. Mr. Speaker, I rise in tribute to our former colleague, JOE MOAKLEY. All the stories and praise we are hearing this morning on the Floor are all sincere and well-deserved, because JOE was the kind of Member that we would all like to be: smart, well informed, energetic, good humored and always a gentleman.

I was proud to call JOE a friend, and we had worked with each other since I entered Congress. The one issue we worked very closely on together was LIHEAP. JOE was dedicated to making sure the amount of money to help low income people was increased, and he was a tireless crusader on this issue.

Members on both sides of the aisle respected JOE. No one doubted his genuine concern for people, and that he always fought for what he thought was right. Even in the face of his illness, JOE never gave up fighting for his constituents.

His district, the Congress, and the Nation have lost a very dedicated public servant. He will be greatly missed, and I send my prayers to his family, friends and staff.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H. Res. 157.

The SPEAKER pro tempore (Mr. TIBERI). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE JOHN JOSEPH MOAKLEY

The SPEAKER pro tempore. Pursuant to the order of the House of Saturday May 26, 2001, the Speaker on Friday June 1, 2001, appointed the following Members to attend the funeral of the late Honorable JOHN JOSEPH MOAKLEY:

Mr. MARKEY of Massachusetts;
Mr. GEPHARDT of Missouri;
Mr. BONIOR of Michigan;
Mr. FROST of Texas;
Mr. FRANK of Massachusetts;
Mr. NEAL of Massachusetts;
Mr. OLVER of Massachusetts;
Mr. MEEHAN of Massachusetts;
Mr. DELAHUNT of Massachusetts;
Mr. McGOVERN of Massachusetts;
Mr. TIERNEY of Massachusetts;
Mr. CAPUANO of Massachusetts;
Mr. HALL of Ohio;
Mr. DREIER of California;
Mr. HOYER of Maryland;
Ms. SLAUGHTER of New York;
Ms. PELOSI of California;
Mr. ANDREWS of New Jersey;
Mr. MORAN of Virginia;
Ms. PRYCE of Ohio;
Mr. SCOTT of Virginia;
Mr. KENNEDY of Rhode Island;
Mrs. MYRICK of North Carolina;
Mr. SESSIONS of Texas;
Mr. SUNUNU of New Hampshire;
Mr. RODRIGUEZ of Texas; and
Mr. LANGEVIN of Rhode Island.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HAS THERE EVER BEEN A TIME WHEN ONE COULD NOT BUY A GALLON OF GAS FOR A BUSHEL OF CORN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, the sign at the gas station and the sign at the co-op tell the story. Gas is $1.93 a gallon. Corn is $1.81 a bushel. We have suffered through some tough times in farm country, but I can't remember a time when one could not buy a gallon of gas for a bushel of corn.

Mr. Speaker, I rise today to speak about a crisis that affects my constituents and everyone living in rural America. We are facing an economic one-two punch. The price of the principal product we sell, grain, is at an all-time low while the price of the principal product we use to grow that grain, fuel and fuel-derived inputs, are at an all-time high.

One does not have to be an accountant to know that we cannot sustain this economic environment for much longer. Over the Memorial Day recess, I hosted nine of the 66 county townhall meetings that I conduct each summer across western and central Kansas. The concern was the same at every stop. How can we make a living with $1.93 gas and $1.81 corn?

Since I came to Congress in 1997, my priorities have remained the same: Preserving our way of life for the next generation of Kansans. The current economic situation puts rural communities and the family farm in jeopardy. In the long-term, all Americans will suffer if we ignore America's agriculture producers. High gas prices today are the result of a failed energy policy. At the height of the so-called energy crisis in the 1970s, we were importing 30 percent of our oil needs. Today, we import 60 percent. In Kansas, we lost a good chunk of our oil production and the related jobs because it was easier to buy foreign oil than to support domestic producers.

Now our energy policy essentially amounts to using the U.S. military to protect our foreign sources and then begging them for mercy when they meet to set prices. Ironically, we run the risk of repeating the same mistakes in agriculture that we have made in energy. If we do not act to save our farm infrastructure today, we will be dependent upon others for our food tomorrow.

For several years, Kansas producers have been able to survive low prices with high yields. However, a drought last year and poor growing conditions this year have left most farmers with few options of where to turn. This is an issue of importance to all of us. Our rural energy and agriculture producers are vital to the prosperity of our country. Congress must act to sustain the way of life in rural America and to ensure a prosperous, self-sufficient America tomorrow.

As we develop a sound national energy policy and as we draft the next farm bill, I encourage my colleagues to consider the concern of my constituents of $1.93 gas, $1.81 corn.

WHEN WILL GOUGING ON OIL PRICES STOP?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFAZIO) is recognized for 5 minutes.

Mr. DeFAZIO. Mr. Speaker, the outrage of the week in energy is that finally we know how much some of these companies have been charging. During a brief time last winter in a desperate attempt to keep the lights on, California paid $3,880 per megawatt hour to Duke Energy of South Carolina who now owns plants, thanks to deregulation, in California. Of course, they do not feel much of an obligation to keep the lights on. What they are trying to do is maximize profits. Price gouging, it is open season on price gouging in the western United States. Yet, the Bush administration says there is nothing and they will do nothing about this. They will not even investigate whether price gouging is going on.

The Federal Energy Regulatory Commission is charged with determining whether or not there is a market, a functional market, and prices are fair and reasonable. The staff of the Federal Energy Regulatory Commission, the staff, the professionals, has found that in fact what is going on in the western United States is not fair; it is not reasonable. But guess what? The chairman, Mr. Hebert of Louisiana says he is just not going to do anything about that. He will pray for us, he has told us, but that is it.

Now, this is extraordinary. This is the chairman appointed by President Bush. Now, we might wonder about the motivation. Well, there are others other than Duke Energy involved, and perhaps that is the motivation. Many of these companies that are making profits up to 1000 percent over last year's profits are based in Texas, many in Houston, Texas. Many are very large contributors to the Bush administration.

The CEO of one of these energy monoliths, the Enron Company, the chief architect of much of the legislation that has brought about this disaster, has personally, personally, one individual contributed in his lifetime more than $2 million individually, personally, to George Bush as a candidate for many different offices; $2 million.

His company, of course, is in for many, many times that but, hey, they make it back in about a minute in these energy markets so it is a really good investment on their part. The same gentleman is now hand picking other people to go on to the Federal Energy Regulatory Commission. So we cannot expect that we are going to see much relief there.

So then we turn to the Bush energy plan. Does this offer us relief? Well, I do not think so. If we look at the Bush energy plan, we had Secretary Norton before the Committee on Resources today, it is dig, drill and burn. We are not going to conserve.

I asked her, I said if we went into the Alaska National Wildlife Refuge, if we went every place you want to go, if we went to the most sensitive coastal areas off Florida, which I doubt will happen because we have another Bush as governor, but let us say we went to the most sensitive areas off California, who this administration seems to be willing to stick it to every day, and off Oregon and Washington and other parts of the country, and found all the oil, went into Alaska and found all the oil, I said can you envision that we could increase possibly our supply of oil by a factor of ten, that is, instead of having *x* number of years, 100 years' supply, we would have 1,000 years?

She said, oh, no, we would never get there.

I said, let us just say you did. Let us just say there is a heck of a lot more oil out there than you thought. People want to talk about we are going to become oil self-sufficient. If we continue to increase our consumption at the current rate, we do not conserve, if we found a thousand-year supply of oil in the United States we would use it up in 79 years; the miracle of compound interest, of compound increasing demand.

Conservation has to be a robust part of this plan. But guess what? Conservation does not put profits in the pockets of the oil companies based in Texas and Louisiana and elsewhere, and the new energy companies based in Texas, Louisiana, South Carolina and elsewhere, but price gouging at the gas pump, price gouging in the wholesale electric markets does. So that is the energy future that is being promised in this plan.

Now one can turn to Congress. Are we going to get relief out of Congress? Luckily, today the so-called Emergency Energy Relief bill being offered by, strangely enough, the gentleman from Texas (Mr. BARTON), backed by the chairman from Louisiana, strangely enough, can I see something going together with this crowd here where they produce this stuff as the people who do not want to do much about it?

□ 1445

Their bill finally came crashing down today. That is good, because it would have done nothing for the consumers in the Western United States, nothing for us at all. It would have done nothing to rein in price gouging.

They did not want to have to consider a price cap amendment to rein in what has become publicized more and more in recent weeks as outrageous manipulation of the market by some of these energy companies. The Reliant Company, putting their floor traders, their commodity traders, on the phone to the people who actually operate the plants in California; and when the price drops in the national markets, they tell them to shut the plants down. They do not care if the lights stay on. They are just trying to maximize their profits.

The American people know this. They know they are having it stuck to them every day at the gas pump. They see the facts, that Exxon-Mobil is the most profitable corporation in the world, with profits of $15 billion last year. They see those prices going up and on and up and know they are being had. This administration is engaging in inaction and stone-walling real relief, at its peril.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1271

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1271. My name was added in error.

The SPEAKER pro tempore (Mr. TIBERI). Is there objection to the request of the gentleman from Illinois?

There was no objection.

AN ODE TO THE SIXERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker,

"It hasn't happened in 18 years,
But it's the NBA Finals and the Sixers are here.

It's been a long time since Moses and Dr. J.,
But the Sixers are playing like the good old days.
Shooting and defense, both ends of the floor,
They've shown every team in the East the door.

First we took out the Pacers, without breaking a sweat,
Then we clubbed the Raptors, and cut down the net.
The Bucks from Milwaukee took us the full seven,
But the final game was a rout, and we're in hoops heaven.

We have the Answer, Alan Iverson, the league MVP,
The best little scorer you ever did see.
No one can guard him, he's just too quick,
No team of five can do the trick.

We have the Coach of the Year, the great Larry Brown,
A man who has been around many a town.

A strategist, a motivator, a leader of men,
He's the best coach since . . . I don't know when.

Big Dikembe Motumbo is the Defensive Player of the Year,
His swats in the paint make grown men fear.
Aaron McKie, the league's best super sub,
Has joined the NBA's Best Sixth Man Club.

Short-handed, banged-up, backs against the wall,
The Sixers bandwagon refuses to stall.
Owner Pat Croce is on the edge of the seat,

Waiting to hand the Lakers a monumental defeat.

The Lakers await, after their sweep,
But they can put away the brooms and get ready to weep.
They played well, blowing through the West,
But they will need every minute of their long 10-day rest.

Shaq and Kobe can play with the best,
But we will not be denied in our championship quest.

The Staples Center will be the place,
Just as in the Presidential race.
The Dems crowned Al Gore there,
While George W. was nominated, do you remember where?

That race turned out exactly right,
So when the day turns into night,
The Sixers will turn out the lights,
And it won't be from a rolling blackout,
But rather from the Philadelphia Sixers knockout."

Go Sixers.

FREE TRADE COMMUNITY RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

Mr. SHOWS. Mr. Speaker, recently I introduced H.R. 1819, the Free Trade Community Relief Act. The bill has 68 cosponsors, Democrats and Republicans; and we represent large cities, small towns and rural counties. Our districts are diverse, but we all have something in common: We have lost jobs because of the impact of NAFTA since it was implemented in 1994.

Since then, factories have shut down across the country, including my district in Mississippi, and moved to Mexico, exploiting cheap labor and leaving thousands of dedicated American workers in trouble. Our once vibrant communities suffered immeasurably. Countless Main Street businesses have closed their doors.

My own county which I represent in Jefferson Davis County, Mississippi, has nearly 11 percent unemployment. Virtually no manufacturing jobs are left.

NAFTA included a job retraining program, that is what it is supposed to be called, to cope with the NAFTA-related job losses. However, not only has this program been underfunded, it completely misses the point that in many rural and inner-city areas, when a factory shuts down, there are no jobs to retrain the people for.

People who live in these communities do not need to be retrained for jobs that do not exist, they need actual jobs. The Free Trade Community Relief Act tackles this problem. It authorizes the Secretary of Commerce to designate NAFTA-impacted communities, similar to enterprise zones. They will get business tax incentives to locate in each community and hire local workers.

We have to give them a reason to want to go there. They need the tax incentives. These rural areas cannot survive like they are going right now.

This is not an anti-trade measure or a statement against NAFTA. Indeed, NAFTA has earned at least passing grades for its overall impact on the American economy. But as we hear more and more about new trade agreements, such as the Free Trade Area of the Americas, we must be mindful of their potential and what they can do for jobs that leave our part of the country. We must protect the people and communities that might lose jobs if we do not build in protections for them.

The Free Trade Community Relief Act acknowledges the damages done by NAFTA and will serve as a model for community protection provisions that must be included in any future free trade agreements. The Free Trade Community Relief Act bill is a win-win for business and labor. It needs to become law, because there are so many unemployed Americans who are counting on us to act quickly.

If you look at the economies across not only Mississippi, but a lot of rural parts of the country, we find that jobs have left, and they are not being replaced. We need to act quickly, Mr. Speaker.

THE WOMAN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. DAVIS) is recognized for 5 minutes.

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about an issue that is critical to women's health: direct access to OB–GYNs. Too many women are denied access or forced to jump through numerous bureaucratic hoops before they can see their OB–GYN. This is simply unacceptable. A woman should not need a permission slip to see her doctor.

OB–GYNs provide basic critical health care for women, and every woman deserves direct access to her doctor. A recent American College of Obstetricians and Gynecologists/Princeton survey of OB–GYNs show that 60 percent of all OB–GYNs in managed care reported that their patients are either limited or barred from seeing their OB–GYN without first getting permission from another physician. Nearly 75 percent also reported that their patients have to return to their primary care physician for permission before they can see their OB–GYN for necessary follow-up care. Equally astounding is that 28 percent of the OB–GYNs surveyed reported that even pregnant women must first receive another physician's permission before seeing an OB–GYN.

After meeting with women, obstetricians and gynecologists, health plans and providers in the State of California, I wrote a State law that gives women direct access to their OB–GYN. That law was a good first step. However, it still does not cover over 4.3 million Californians enrolled in self-insured, federally regulated health plans. In March, I introduced the Woman Act to close this loophole and ensure all women in California have direct access to their OB–GYN.

Clearly this problem is not unique to California. There are still eight States that do not guarantee a woman direct access to her OB–GYN. Equally important to remember is that even if a woman lives in a State with direct access protections like California, she may not be able to see her OB–GYN without a referral if she is covered by a federally regulated ERISA health plan. This means that one in three insured families are not protected by State direct access to OB–GYN laws.

The time has clearly come to make direct access to OB–GYN a national standard. I urge you, Mr. Speaker, and all my colleagues to pass this critical legislation quickly into law.

REMEMBERING THE 57TH ANNIVERSARY OF D-DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, this is June 6. Fifty-seven years ago today, June 6, 1944, a day that we now refer to as D-Day, was the day that the American and Allied Forces invaded Normandy, France and began the arduous task of winning Europe back against the Nazi tyranny. And they did this, and they did it well. World War II in Europe came to a close, beginning with the Normandy invasion on June 6.

I wonder how many people across our country remember today? There are those that were there, those that parachuted in, those that landed at the beach and fought their way through France and Belgium into Germany. But many hardly know the word "Normandy" or what it stands for.

Mr. Speaker, we think of our veterans and those that were lost in the conflicts of yesteryear on Memorial Day; we honor the veterans on November 11, Veterans' Day; but, in between, we do not seem to remember them. There seems to be a gap between civilian America and military America, whether they be veterans or whether they be the active duty and National Guard and reservists who wear the uniform at the present time.

I hope that we can pause for a moment and pay tribute to the valor of those who stormed the Normandy beaches, who parachuted into France that day and began to end the tyranny of Hitler's reign. And I hope that in the days ahead we can pay tribute to those, not just the veterans of yesteryear, but those who are serving in the Armed Forces, Guard and Reserve today, for without them we would not have nor be able to celebrate the freedoms that we enjoy.

TRIBUTE TO CHANCELLOR JULIUS CHAMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, last month a gathering of distinguished North Carolinians assembled in Durham to pay tribute to Julius Chambers upon his retirement from the chancellorship of North Carolina Central University. Speaker after speaker praised Chancellor Chambers for his many contributions to the university and to the community.

Today, along with the gentleman from North Carolina (Mr. WATT), I want to pay tribute in this House to Julius Chambers, to his distinguished and path-breaking career, to his bold vision, perseverance, and ability to inspire that have meant so much to the university, to North Carolina and to the Nation.

Julius Chambers served as chancellor of his alma mater for 8 years, and his vision for NCCU reminds me of another leader of a great Durham university, Terry Sanford, who led Duke University with what he called "outrageous ambitions." Julius Chambers brought that tradition of "outrageous ambitions" to Central, and he left the university far stronger than he found it.

Julius Chambers accepted the call to return to Central after a distinguished history of leadership in the civil rights movement, the legal profession, and higher education. He came back to Durham with a reputation as a premier civil rights lawyer, having argued landmark desegregation cases in the 1960s and 1970s. His most famous case was Swann vs. Board of Education, in which he persuaded the U.S. Supreme Court in 1971 to approve Charlotte's comprehensive plan for school integration.

At Central, he moved quickly and effectively to increase public and private funding, to raise admissions standards and strengthen curricula, to recruit talented faculty and add major facilities in biotechnology and education, and to involve Central students in community service as an integral part of their curriculum.

☐ 1500

He had an active agenda at the Federal level as well. I enjoyed working with him on matters ranging from the impact of the Higher Education Act on Historically Black Colleges and Universities to the Eagle Village project, which is developing the community around NCCU; the highly promising NCCU-EPA partnership at the Biomedical/Biotechnology Research Institute, which bears Mr. Chambers' name; and the restoration of Shepard House, the home of NCCU's founder.

Julius Chambers graduated summa cum laude from NCCU in 1958, earned a master's degree in history from the University of Michigan in 1959, and he completed his law degree at the University of North Carolina at Chapel Hill in 1962 and earned a master's degree in law from Columbia University School of Law in 1964. He was the first African American to edit the UNC Law Review. He was selected by Thurgood Marshall to be the first intern for the NAACP Legal Defense Fund. He founded North Carolina's first interracial law firm, which continues a distinguished and wide-ranging practice today.

As he presided over his last commencement this year, Chancellor Chambers told students how he felt when he graduated from Central 43 years ago. Despite being black and poor, he believed he could accomplish anything: "You are expected to succeed. You are expected to dream," he told the graduates of NCCU. As Julius Chambers returns to Charlotte and his law practice, we are grateful for the foundation he laid at Central; and we pledge to continue to build on his dream for the benefit of all.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. WATT), a close friend and associate of Mr. Chambers.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from North Carolina (Mr. PRICE), my friend and colleague, for yielding to me and for joining in this tribute to Julius Chambers. I am proud to join with the gentleman in paying tribute to Julius Chambers who, while we were out during our most recent break from Congress, retired from the chancellorship at North Carolina Central University in Durham, North Carolina, on June 1.

North Carolina Central, of course, was in my congressional district for the first 6 years of my service in the Congress; and then, because my district lines were redrawn, North Carolina Central went out of my congressional district and into the district of the gentleman from North Carolina (Mr. PRICE). At that time, Julius Chambers was the chancellor of North Carolina Central.

My relationships with Julius Chambers go back to well before he became chancellor of North Carolina Central University in Durham. More than 35 years ago, when I was about to enter undergraduate school in 1963, I had the pleasure of meeting Julius Chambers when he was about to open his law firm in Charlotte, North Carolina. Nobody knew at that time, of course, what impact Julius Chambers would have on North Carolina. Nobody knew that he would become a renowned civil rights lawyer and be involved in so many landmark civil rights cases, such as school desegregation, employment discrimination, and criminal cases with substantial civil rights implications.

But Julius Chambers was there about to start a law firm, and I was about to start undergraduate school; and he was already encouraging me, even before I started undergraduate school, to consider going to law school and returning to my native city, Charlotte, to practice law. This was 7 years before I even got a law degree, and 4 years before I got an undergraduate degree, and even then, Julius Chambers was having an impact on my life.

I stayed in contact with him for the next 4 years, for the next 3 years after that 4 years while I was in law school, and got an offer to return to the law firm that he had started in 1970, and did, in fact, go back to Charlotte to practice with Julius Chambers in that law firm, the first integrated law firm in North Carolina, one of the first integrated law firms in the South at that time. He was solely responsible for talking me into returning to North Carolina. He was solely responsible for talking other professionals, young black professionals in particular, into setting up medical practices, accounting practices, law practices of various kinds in Charlotte, North Carolina, and coming and having an amazing impact on our area of North Carolina.

I happened to be with him when he had a conversation with Harvey Gant in which he talked him into coming to Charlotte, North Carolina. He was from South Carolina and was not really thinking about coming to North Carolina, but came at Julius' insistence and with his persuasion to North Carolina, and, of course, has had substantial impact on the politics of North Carolina from being the first African American mayor of the city of Charlotte to running in 1990 against JESSE HELMS for the United States Senate, a substantial impact on the politics of North Carolina.

So I want to pay special tribute to Julius Chambers today for all of the impact he has had on North Carolina Central University, but more importantly to me, for the impact that he has had on my life, because I know I would not be standing here as a Member of the Congress of the United States, but for the influence that he had on my life. Mr. Speaker, I am delighted to join in this tribute.

Mr. Speaker, I rise today to pay tribute to Julius Chambers, who retired on June 1st as Chancellor of North Carolina Central University in Durham, North Carolina, which was in my congressional district from 1993 until 1998 and is now represented by DAVID PRICE.

Thirty years ago, I was privileged to get to know Julius Chambers as a friend and learn from him as a lawyer when he hired me to join his law practice, which was the first integrated law firm in North Carolina. In its first decade, his law firm did more to influence evolving civil rights law than any other private practice in the United States.

After serving as Director-Counsel of the NAACP Legal Defense Fund, he became Chancellor of North Carolina Central University in 1993. His vision has helped transform the school into a major research institution.

Julius Chambers has one of the most brilliant legal minds and is one of the most effective civil rights leaders of our time. I am personally and professionally indebted to Julius Chambers in so many ways and wish him my very best in all future endeavors.

WEST COAST ENERGY CRISIS

The SPEAKER pro tempore (Mr. TIBERI). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, those of us living in California have reached a critical point in determining how Congress and the President will address the West Coast Energy Crisis.

Earlier today, the House Committee on Energy and Commerce canceled its consideration of a bill that would have prevented price-gouging and blackouts in California and other Western States. The President and the Federal Energy Regulatory Commission have said "no" time after time to Californians. Now it looks like the Republicans in Congress are saying "no" to California; also, "we will not help you."

This is very disturbing. The West Coast energy crisis threatens not only the health of our economy, but the health of our citizens, because the blackouts roll out through hospitals, through disabled individuals living in their own homes, in nursing homes and other facilities across our State. The President has said no. The Federal Energy Commission has said no, because they believe that price caps will not help the situation.

The President recently said in his visit to California that price caps would not help California, they would not increase supply or reduce demand. Yet we see that 10 of this Nation's leading economists wrote the President to politely disagree with him. They, in fact, made a very strong case. The cost-based price caps temporarily, until the energy supply can be reached in California, would, in fact, help stabilize, stabilize the supply of energy to California.

A majority of Americans recently expressed their opinions in the Washington Post, where 58 percent said they favored temporary price caps. Much of the energy crisis in California is beyond our own control, and certainly in the rest of the West. Because we are in the second driest year on record, we do not have the water behind the dams because of the drought to create hydroelectric power. The American people understand this, but the Republicans in Congress do not, the President of the United States does not, and the Federal Energy Regulatory Commission does not.

What is very disturbing is we watched the President develop an energy policy as we started to see the closeness between the administration, the White House and America's mainline energy companies. This past weekend we saw disclosed the strong personal financial ties of top members of the Bush administration's energy team to those very same energy generators. Many of us have been concerned about this for some time, but we now saw evidence of it.

Chief political strategist Karl Rove had a $100,000 to $250,000 investment in Enron, one of the major marketers of energy on the West Coast. Lawrence Lindsay gained $50,000 as a consulting fee from Enron. Condoleeza Rice, the National Security Advisor, $250,000 to $500,000 in Chevron and earned $60,000 as the director on the Chevron Board of Directors. Clay Johnson, director of the President's personnel, held stock valued between $100,000 and $250,000 in El Paso Energy Partners, a Houston oil and natural gas company, involved in the West Coast energy problems. The Washington Post also says that Mr. Johnson has been involved in selecting the people who will serve on the Federal Energy Commission, the very same people who will be regulating the companies in which he has a financial interest. Many of us were concerned that they were creating an office of special interest in the White House, and I think that concern is starting to come forward.

Mr. Speaker, one of the things that is kind of interesting is when we look at the President's energy policy and we look at the annual report of Exxon-Mobil, we find that many of the same consistencies are there. We see in the President's energy policy that he shows us that, in fact, they have energy for a new century, and here we have offshore oil drilling that is familiar to us; we have been doing it for many, many years. When we pick up the Exxon-Mobil annual report, we see the same dedication. This is not about energy for a new century, this is about an old fossil fuel-dependent economy from which America must move on.

Exxon wants to highlight its drilling techniques. We see the drilling techniques that show us that from one rig one can drill a number of different pockets of oil, one can do directional drilling, and one can reduce the supply. We go back to the President's energy policy, and we see that, in fact, we have essentially the same graphs, the same pictures, telling us that this is the way that we can get into the ANWR Wildlife Refuge, that if we drill it just the way that Exxon told us we could in their report, all things would be fine and there would be no environmental damage. Again, we see the closeness of the two. It goes on until we see the same points being made about refinery capacity, the same pictures, the same discussion.

The time has come for the administration to separate itself from a very old and tired energy policy, and to move on and engage the full ingenuity and the talent of the American economy and its creative energies and to move on to renewables, to move on to replaceable energy supplies so that America, in fact, can move on with its economy and its families will not have to continue to be gouged because of the greed of the same energy generators who are doing it on the West Coast of the United States.

SUGGESTIONS FOR IMPROVING THE ADMINISTRATION OF MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, since 1965, when Medicare was enacted, virtually all senior citizens and most people with disabilities have been able to access mainstream medical care. Each working day, Medicare beneficiaries make almost 1 million physician visits.

□ 1515

Medicare serves 39 million Americans, and deals with about 1 million health care providers: doctors, nurses, hospitals, nursing homes, and others.

Since 1974 when, as a medical student, I first started seeing patients, and for the next 20 years as a physician prior to coming to Congress, I saw firsthand how important Medicare was to my patients. Medicare has been a very important part of our Nation's health care system, and I want to preserve and protect it.

A couple of years ago, I served on the Bipartisan Medicare Commission. I resigned after I became concerned that my very active role in the bipartisan patient protection legislation would affect the chances of consensus being reached on the commission.

However, based on my past experience actually working with Medicare patients, after culling from my work on the commission, and after listening and learning from testimony before the Subcommittee on Health and the Environment, on which I sit, I have a few suggestions for improving Medicare's administration.

Mr. Speaker, these suggestions are not about sweeping Medicare reform. They do not deal with the long-term solvency of Medicare when the baby boomers retire. Those types of "big picture" decisions are beyond the scope of what my remarks are about today.

I make this observation: to ensure the long-term survival of Medicare, additional funding will be necessary. And, contrary to the intentions of others, "Medicare reform" will not pay for a prescription benefit and will not ensure the long-term solvency of the program without additional funds. The demographics and the costs of services and supplies are a factor we will have to deal with when we are talking about the baby boomers in Medicare.

I recently asked Secretary of Health and Human Services, Tommy Thompson, who was testifying before my committee, two questions: First, "Do you think senior citizens are being overtreated in Medicare"; second, "Do you think Medicare providers are overpaid?"

He replied that, with the caveat that we always need to be vigilant against abuse, it was not his experience as a Governor of Wisconsin that senior citizens in general were being overtreated, or that providers were being paid too much.

I agree with him. It is certainly the case in Iowa, where our reimbursement rates rank right at the dead bottom of the Medicare rates. I believe that anyone who thinks that "Medicare reform" is going to save much money is going to have to consider either tighter price controls or further rationing of care or both.

Mr. Speaker, that does not mean that we in Congress should not consider a more rational way of structuring the program, or that we should not learn from other health care delivery systems, or that we cannot introduce or maintain choice in the system. It does not mean that dealing with Medicare's future cash short-falls is not important. It really is. It is one of the big entitlement programs we are going to have to deal with.

However, Mr. Speaker, in addition to the big picture concerns about Medicare, there are increasing concerns about Medicare's current complexity, the difficulties that both the beneficiaries and providers have in understanding its operations and the decision-making processes, and its failure to communicate to and to serve them effectively.

Until we deal with the big picture issues, the traditional fee-for-service public part of Medicare is going to be around for a long time, especially in the less urban areas.

So I think we need to address the "little picture" ways in which the Health Care Financing Administration, known as HCFA, implements Medicare policy. It would be easy to call HCFA a "bureaucratic monster." Having dealt with HCFA from the perspective of a doctor, I appreciate the frustration in dealing with this agency that I hear from my fellow medical colleagues, from Iowa's hospital administrators and from other health care providers.

There are now over 110,000 pages of Medicare rules, policies, and regulations. In a recent AMA survey, more than one-third of the 653 responding physicians reported spending 1 hour completing Medicare forms and meeting administrative requirements for every 4 hours of patient care.

Physicians are now filling up volumes of charts for documentation, not for the patient, but for the government. The additional paperwork in patients' charts can actually impede or delay necessary care as the doctor sorts through voluminous paperwork trying to find the truly relevant information.

I am not here to bash the people who work in the agency, who by and large try to do their job. HCFA has been underfunded, and Congress has to share some blame for how poorly the system sometimes functions, because Congress frequently gives HCFA very complex and sometimes conflicting tasks, usually without necessary resources.

Furthermore, some of the problems are inherent in the way Medicare was set up to use the regional intermediaries. Some criticize HCFA's lack of national uniformity, but others criticize its lack of flexibility and its proscriptiveness. It is not easy drawing the right line between all of these concerns. Nevertheless, there are many ways that Medicare and HCFA function that not only lack common sense but, in my opinion, are blatantly unfair and unjust.

Take the case of Dr. Taylor, a Florida physician who received notice from Medicare requesting a refund of $66,960.01 for an alleged overpayment, to be paid within 30 days. So Dr. Taylor sent the refund to Medicare, and he requested a fair hearing.

It was more than 1 year before the hearing date. In the meantime, Medicare sent a letter to his patients stating that they had been overcharged and that a refund was due them from their doctor. Of course, that was pretty bad for that doctor's reputation, and it hurt his practice.

After his hearing 1 year later, it was determined all but $584.91 of the claims reviewed were accurate, and he was entitled to $66,357.10 back from the agency. But, it took another 15 months before he received the refund. No letter was sent to his patients explaining HCFA's mistake, and he was told by Medicare to forget about collecting any interest on his funds that were held by Medicare for 15 months.

Or take the case of a neurologist in good standing in New York who moved to Florida. He has not been able to get a Florida Medicare number for 4 months because of bureaucratic red tape. Since 60 to 70 percent of his patients are Medicare beneficiaries, he is running out of money to keep his practice going.

Or how about Dr. Wilson, an internist who gave influenza shots to patients? Bills were sent to the Medicare carrier and payment was sent for the shot, but not for the visit. The carrier was called and Dr. Wilson was told to use a number 59 modifier. The carrier agreed that the rule had not been advertised in Medicare publications, but that Dr. Wilson could buy a subscription to the information for $265. So now he has to pay HCFA to get the information he is supposed to have.

Dr. Wilson asked if he could resubmit the bill. The carrier said no. Dr. Wilson's office manager was subsequently told by a Medicare staffer that the carrier was in error. After a long time and a lot of hassle, he was finally properly reimbursed.

Or how about the cardiologist who went through prepayment review, i.e., an audit, for 793 claims. These claims were worth about $50,000. The cost to his practice of processing and producing documentation and reprocessing was $44,000. Eight denied claims, for which service was provided but for which the physician and his staff ultimately decided they did not have sufficient documentation, were ultimately worth $356.

Or consider this example. In March, 1999, an elderly man in heart failure was seen for 50 minutes by his doctor. The physician billed Medicare for a level 5 visit based on counseling services and the time required. The physician documented the time he spent with the patient. It was consistent with HCFA guidelines.

This service was denied by the carrier in February 2000. When the denial was appealed, the HCFA official held that the coding was based on time and was irrelevant, and thus, downcoded the service. This ruling was made despite a clear directive from national Medicare, from the Medicare carrier's manual, that the carrier should pay for counseling services when appropriately documented.

Thus, in this case the physician provided a medically necessary and appropriate service. He documented it correctly, and ultimately required 2 years and a hearing to be paid part of the appropriate fee. By the way, since the amount was for less than the $500 minimum required for appeal, the doctor had no administrative appeal rights.

These inconsistencies are not isolated instances. In Minnesota, for instance, there are 107 local medical review policies by the Medicare carrier. Just across the river in Wisconsin, there are 244 local medical review policies. Minnesota has nine policies for cardiovascular disease, Wisconsin has 27. I daresay that the heart care in Minnesota is just as good as the heart care in Wisconsin.

Years ago when I was in reconstructive surgery practice in Des Moines, Iowa, Medicare stopped giving prior authorization for certain types of reconstructive surgery. For example, some elderly patients have such droopy upper eyelids that they cannot see laterally. That is a hazard when they drive. They cannot see a car alongside them when they are on the freeway. I would point out that this hazard is not just to them, but to other drivers on the road as well.

What I would do is I would give a visual field examination; send the patient to an ophthalmologist, get a consultation. They do tests to see how much vision was lost. Then I would take some pictures. Then I would include all of that information in a letter to the HCFA carrier requesting prior authorization, just so that the patient would know that their surgery would be covered by Medicare and would not be considered "cosmetic."

However, a number of years ago, HCFA said, "We are not doing prior authorizations anymore. Tell the patient we will look at the case afterwards and then decide whether we will pay for the service."

□ 1530

Well, this haphazard policy scares a lot of elderly from getting the care that they need. If a carrier makes a decision to deny the claim after the fact as being noncovered, the provider has no right to appeal and then he must bill the patient.

This is not just about surgery. Cancer, heart disease, hypertension, diabetes are common conditions in elderly Americans. Those conditions are often treated with medications. In all these conditions, the patient's status may remain stable, but it is important to regularly evaluate the patient's disease to make certain the medications are satisfactory. These services are part of the continuing care of patients, and they should not be subject to an arbitrary local decision concerning coverage.

Mr. Speaker, hospitals are in the same position with HCFA as physicians: overwhelming paperwork, confusing rules, punitive penalties for honest mistakes. Some rural hospitals have almost as many billing clerks as they do beds. Memorial Hospital in Gonzales, Texas has 33 beds, and it has a billing staff of 20 employees.

Northwestern Memorial Hospital in Chicago spends more than 3,200 staff hours per month sorting through Medicare billing requirements alone. This year alone, Northwestern Memorial Hospital is adding 26 new employees solely to ensure compliance with regulations.

Direct care is affected, too. A cardiologist recounts how when he made rounds one day on one of the hospital floors, two nurses were taking care of patients and the other six nurses were checking documentation to make sure it complied with Medicare regulations.

A critical care physician whose practice staffs a local hospital 24 hours a day and who actually advises the carrier on coding issues is now going through a post-payment audit. In years past, the carrier has cited that physician as providing laudable care. However, the carrier has denied the physician's nighttime critical care claims.

Now, since his practice staffs the hospital 24 hours a day, 7 days a week, I would suggest that it is absurd to suggest that patients do not require care in the middle of the night. In fact, this 24-hour-a-day service resulted in reducing mortality rates in that hospital.

Secretary Thompson, in his confirmation hearing said, "Patients and providers alike are fed up with excessive and complex paperwork. Complexity is overloading the system, criminalizing honest mistakes and driving doctors, nurses and other health professionals out of the program." I agree.

So what can Congress do? Well, the following is a list of about 25 suggestions that I have. It is not comprehensive. Some are specific; some are general. Many of these are garnered from testimony before my committee. But I think if we would implement these, it would go a long way towards helping the Health Care Financing Administration work better. I will try not to get too technical.

First, the Medicare Regulation and Regulatory Fairness Act of 2001, known on Capitol Hill as MRRFA, H.R. 868, introduced by the gentleman from Pennsylvania (Mr. TOOMEY) and the gentlewoman from Nevada (Ms. BERKLEY) would require HCFA contractors to educate physicians and providers as to coding, documentation and billing requirements so that fewer billing errors ultimately occur.

The approach by HCFA should be education rather than heavy-handed audits. MRRFA would also provide health care providers with greatly needed due process rights in those post payment audits.

Number two, last August, the previous administration issued regulations that would require physician practices to treat Medicaid patients and other program beneficiaries to include, at their own expense, the cost of hiring trained clinical interpretors to assist those patients who have limited English proficiency.

Mr. Speaker, I was in practice for quite a while. There are a lot of immigrants in Des Moines, Iowa: Hispanic, African, Bosnian. Many would come to my office without being proficient in English, so we would make arrangements to have a translator. It would be a member of the family. It would be a friend who spoke English. It would be a person who works with a nonprofit agency or a religious institution that was helping those immigrants get settled. We could work it out. This regulation needs to be looked at.

Number three, we need to look at the Emergency Medical Treatment and Labor Act, or EMTALA. HCFA has been attempting to expand the scope of this bill to reach well beyond hospital emergency departments to encompass nonemergency inpatient facilities and hospital outpatient department care.

We need to seriously consider the effect of those regulations, and we need to look at the EMTALA law itself. We need to and see how well it is working and the implications that it has had in terms of our oversight and the ability for emergency rooms to staff the type of specialty care that they need.

Number four, Congress should require the Secretary of Health and Human Services to publish in the Federal Register, no less than a quarterly basis, a notice of availability for all proposed policy and operational changes which can affect providers and suppliers. This would include, but not be limited to, changes issued through amendments in the carrier manuals.

The Secretary should require contractors to notify all providers and suppliers in their service area of such changes within 30 days of the Federal registered notice. The Secretary should further provide that any changes issued in the final form should take effect no earlier than 45 days from the date of such final change in the Federal Register.

Number five, Congress should require the Secretary of Health and Human Services to create and distribute a user-friendly manual that contains all the information necessary for medical Medicare compliance. The manual should be organized and accessible. It should be on-line. It should be free. One should not have to pay $265 for a Medicare manual when it is required to follow the rules. It should contain, in addition to actual regulations, a summary of each issue, including questions and answers.

Number six, Congress should require the Secretary of Health and Human Services to develop a site on the Internet, something that people can access, where Medicare providers and suppliers can post questions and obtain feedback to understand what those regulations are.

Number seven, Congress should require the Secretary of Health and Human Services to furnish all education and training materials and other resources and services free of charge to providers, eliminating user fees. This Congress, for many, many years, opposed the user fees that the Clinton administration wanted to impose on a wide variety of areas. This should be no different.

Number eight, Congress should instruct Health and Human Services to provide better oversight of its contractors to ensure a more uniform application of national policies and a more efficient administration of the Medicare program.

Number nine, this cuts across a lot of providers, we need to look at and fix some of the costly and needlessly burdensome HPPA medical privacy regulations. I am encouraged by Secretary Thompson's decision to re-open the privacy rule for comments and urge him to spend the effective date and fix the rule. I believe a better privacy rule would benefit patients and providers alike. Many provisions in the time rule and the aggressive implementation schedule were written without consideration of the impact on patient care.

Number 10, emergency services needed to stabilize patients should not be denied payment. Participating providers in the Medicare program are required to screen any individual who comes to the emergency department to determine whether that person has an emergency medical condition or is a woman in active labor, and if so, to stabilize him or her. To adequately screen and stabilize a patient, hospitals often employ ancillary services that are routinely available to the emergency department. Medicare sometimes denies payment for the services furnished in the emergency department because they exceed the "local medical review policies or utilization guidelines for coverage." We need to look at that.

Number 11, we need to limit data collection to what is necessary for payment and for quality. Prospective payment systems should be simple, predictable and fair. Unfortunately, the patient assessment tools for skilled nursing, rehabilitation and home health are far from ideal. In fact, HCFA has devised three separate instruments, the outcome and assessment information set, the minimum data set, and the MDSPAC, which collects a lot of extraneous information. They lack statistical reliability and are extremely burdensome to many providers. We need to look at that.

Number 12, we need to provide adequate and stable funding levels to the HCFA carriers. We need to assure adequate funding levels so that the contractors can perform the range of functions necessary for an efficient operation of the Medicare program.

If I, as a physician in Des Moines, Iowa, have to deal with my local Medicare carrier, and they only are provided enough funds for a couple of employees, then I am going to have long waits, and my patient are too. This is something that Congress needs to look at.

Number 13, we need to avoid counterproductive reforms. We need to look at the way that we award contracts for the carriers. I am concerned about fragmenting and weakening the Medicare administration. This has broader implications as well. Some people are proposing that we break apart certain functions from Medicare. I would be very careful of that, particularly on the bigger issue of prescription drugs.

Number 14, we need to direct HCFA to utilize a consistent standard for the calculation and application of the "low cost or charges" rule during the transition from cost reimbursement to the prospective payment system for home health care.

Number 15, we need to eliminate the inappropriate demands for documentation to support reimbursement claims by requiring fiscal intermediaries to adhere to professional auditing standards and generally acceptable account practices. That should be a no-brainer.

Number 16, we need to restrict HCFA's ability to demand financial records from commonly owned or controlled organizations that do not have financial transactions with a Medicare home health agency. It is not their business.

Mr. Speaker, some of these will be a little bit more generic, and some of these are suggestions that were made before my committee by Bruce Vladick. Dr. Bruce Vladick, is the recent administrator for the Health Care Financing Administration. Mr. Vladick and I served together for a while on the Medicare Commission. I respect his opinions a lot. Many of these suggestions are ones that he has made to Congress.

Number 17, despite significant improvements through the Medicare handbook, the beneficiary hotline and Medicare Internet site and the program of the size of Medicare, the beneficiaries need, not just the providers, they need better customer service.

□ 1545

So we should improve the customer service by ensuring that each beneficiary has access to an individual to assist with Medicare problems. We should contract for at least one Medicare representative for every Social Security office in the country. That is like an ombudsman.

Number 18, we should reduce uncertainty and unplanned spending by requiring carriers to provide beneficiaries and providers advance guidance on certain procedures and services. This gets directly to what I was talking about earlier on the issue of prior authorization.

Number 19, beneficiaries are subjected to too much and confusing paperwork, particularly if they have Medigap coverage. So a solution would be to reduce paperwork by requiring Medicare and Medigap health insurance carriers to transfer information and claims to one another electronically.

Number 20, this is really important. A lot of providers for Medicare are operating in an atmosphere of distrust and fear because of accelerated fraud and abuse activities. Make no mistake, we need to be firm and strong on preventing fraud and abuse. However, at the same time, we need to be fair; and we should not be counterproductive. And so to increase the comity and the provider confidence in the Medicare program, we should eliminate, in my opinion, the application of the False Claims Act to bills submitted by providers. We are talking about, in some of these situations, the mere slip of a finger, where one number could be recorded wrong on a form and then that physician could be held criminally at risk. That needs to be looked at.

Number 21, many providers cannot obtain assistance with their Medicare questions. So to fix that we should improve customer service by assigning each provider an account executive and increasing the number of contractor and HCFA staff to interact with the provider. We should provide the patient an ombudsman, and we ought to provide the providers a similar service.

Number 22, the paperwork requirements for physicians, particularly surrounding the documentation of evaluation and management activities, is very, very onerous. I hear this from my colleagues all around the country. Oh boy, you ought to read the volumes to try to figure out how you code and then bill for an office visit. We should reduce paperwork by replacing those EMM codes with a simpler classification system. There are a number of ways we could look at doing that.

Number 23, HCFA's response to issues and problems is slowed considerably because of the multiple layers of bureaucracy in the Department of Health and Human Services and competing constituencies. So in order to improve responsiveness and timeliness, we should, I think, at least consider establishing HCFA as an independent agency. I am not, however, in favor of splitting functions away from HCFA.

Number 24, I have mentioned this before in this talk, but Medicare operations are severely underfunded. It reduces the efficiency, timeliness and customer service. To improve customer service and efficiency we should fund HCFA operations from a trust fund similar to that of the Social Security Trust Fund.

Number 25, with new life-enhancing technologies, the Medicare process to determine whether a new item or service will be covered is slow, confusing, and very contentious. We had testimony before Congress from Art Linkletter. He said it is just a shame that it can take up to 5 years to get an authorization for a new treatment or a new medical technology, and I agree. And we ought to assure availability of up-to-date but effective technologies by looking at an independent advisory board.

Number 26, the efficient organization, performance, and oversight of Medicare fiscal intermediaries and carriers is hampered by legislative prohibitions against competition and financial incentives for good performance. We should improve contractor performance by modernizing the legislative authorities, including the authority to compete for contracts and to financially reward good performance.

Well, Mr. Speaker, that is a lot of detail, but my committee, the Subcommittee on Health of the Committee on Energy and Commerce, is working on HCFA reform bill now. We are putting together a bill on this.

I want to finish this special order with a quote from Dr. Bruce Vladeck, former director of the Health Care Financing Administration. Mr. Vladeck said this. "While debate about the future shape of the Medicare program rages on around us, tens of millions of beneficiaries and providers are interacting with Medicare on a daily basis, often in a suboptimal manner. As these big picture discussions continue, taking incremental steps to improve those interactions can significantly improve the lives of Medicare patients and the persons and institutions who serve them. Our citizens deserve nothing less."

NATION'S ENERGY CRISIS

The SPEAKER pro tempore (Mr. TIBERI). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. FILNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. FILNER. Mr. Speaker, we intend to spend the next hour of the House's time in discussing the electricity and energy crises that are confronting this Nation today. This has become the issue that is paramount in the minds of families all over this Nation. Whether they live in California, which as in many other areas has pioneered the problem, where we have an economy that is teetering as the prices of natural gas and electricity and gasoline hit us, hit our families, hit our businesses, people see this crisis spreading to the other parts of the far West, in the mountain States and now to the East.

As people contemplate the incredible increases in natural gas prices, they wonder how they are going to heat their homes come next winter. When American families get on the road and find out they are paying well over $2 maybe even $3 a gallon for gasoline, every family in America, every business in America will know that we have a crisis, and yet it seems this Congress cannot act. It seems that this administration cannot or will not act.

People's businesses and homes are threatened. They know that if there were a flood or an earthquake or a tornado, the Federal Government would be in their areas immediately with all kinds of help and all kinds of cameras, and the President would be there and the Federal Emergency Management Administration would be there and everybody would be in there trying to say how do we help in this natural disaster. Well, in California and in Oregon and in Washington, and now many other States, we have a man-made disaster that is worse than all of those others combined. And yet where is the Federal Government, where is the President, where is the Secretary of Energy?

Nobody seems to want to act on a crisis that threatens the whole national economy, and people are wondering why. When we look at poll results today, not only is energy the highest economic issue of concern to families all across America, but the approval ratings of officials who are not acting are going down and down. Clearly, the American people want action. They do not see it coming from Washington.

Just today, our Committee on Commerce decided that it would not hold a hearing on an electricity emergency relief act. The Republican leaders of this House apparently were afraid to bring this item to a committee and then to a floor vote because they fear that the outcome might not be in line with their ideology. They blame not bringing this up on Democratic intransigence; that is that the Democrats would not look at any bill that did not have anything to say about the prices and price mitigation for electricity and natural gas on the west coast. And I say to the Republican leadership, you are absolutely right. We are not going to consider legislation without that, because it is the prices that are killing us.

California and other States in the West are being bled dry by this electricity crisis. The State of California is paying $3 million an hour for electricity. We are paying $70 million sometimes up to $90 million or more a day for electricity; $2 to $3 billion a month. And California State is paying for this electricity because the utilities in California are bankrupt. They have not been able to buy the electricity, so the State has stepped in.

Now, the State of California is the sixth biggest economy in the world. But the sixth biggest economy in the world cannot sustain a $3 billion a month drain on its budget, and so the State of California's economy is teetering. And I will tell the President of the United States that if the California economy goes, so goes the rest of the Nation. So it is in our national interest that the problems in California, in Washington, in Oregon, and now in Montana and in New Mexico and Wyoming and in New York, become the interests of all Americans and this administration because our whole economy is at stake here.

When we look at the prices that people are paying for electricity and natural gas in California, what we see is an incredible disaster that has taken place and is in motion. In San Diego County, the area I represent, 65 percent of small businesses face bankruptcy this year. Imagine what that means; 65 percent of our small businesses in one county facing disaster. That wipes out all of Southern California. And I predict the rest of the Nation will go next. We cannot sustain this kind of situation.

School districts cannot hire teachers because they are paying for their electricity bill. Libraries cannot buy books because they are paying for their electricity bills. YMCA and other youth-serving organizations have to close up part or most of a week because they cannot afford the electricity bills. The hotels in San Diego County have an energy surcharge on their room bills because of the cost of electricity. Restaurants in San Diego have an energy surcharge because the costs of energy are so high. What happens to the tourism industry in our area if we add these surcharges to our bills? San Diego and California, the West, and the Nation are in economic trouble.

The Republicans refused to act on their bill today. The President issued an energy plan several weeks ago which does virtually nothing for immediate relief for the west or for the Nation.

□ 1600

Mr. Speaker, the President says, well, we can solve the energy problems in California by drilling for oil in the Arctic National Wildlife Refuge. I do not know what one has to do with the other; and even if it did, it would be a decade before we got any oil out of that reserve. We have so many choices, we do not have to wreck the environment, we can do many, many other things; and we will be talking about that during this hour.

The President and the Republican Party assume that this is a crisis brought out by a lack of supply caused by environmental whackos in California who overregulated and prevented supply from being brought in. Mr. President, that is flat out wrong. This is not fundamentally a supply and demand problem; this is a problem brought about by criminal manipulation of the market by an energy cartel that is hell-bent on making as much profits as they can make. They have taken $20 billion out of the State of California in the last 10 months, and they are going on to other States.

Mr. Speaker, those same companies report earnings increases in their quarterly reports of 300, 400, 500 percent, 1,000 percent. They move up to the Fortune 500 a hundred positions out of the profits that they are making from small businesses going bankrupt and big businesses leaving California. The third biggest business in my district may close up this year because they cannot deal with the uncertainty and the cost of electricity prices.

Mr. Speaker, we have to do something about the prices, and that is to bring in what was always the rule under a regulated situation, and that is cost-based rates for electricity: the cost of production plus a reasonable profit. Utilities made a fortune on that kind of pricing; and yet the pricing we are seeing now are four, five, 10 times that, 50 times that at various times during the day.

We need cost-based pricing, and we need to have refunds of the criminal overcharges that have taken place. Californians are demanding cost-based prices to stabilize the wholesale market and refunds of the criminal overcharges since last June. That is how to stabilize the situation. The Governor of California is doing everything he can to bring on new capacity. The State is doing everything it can for conservation. We just met a goal of 11 percent for last month, and that is a tremendous achievement for Californians; and I thank all Californians for doing that.

But the people of Oregon or California or Washington can do nothing about the wholesale prices, and that is killing us. I speak from experience from California. I see the gentleman from Oregon (Mr. DEFAZIO) with us, and I hope that he will enlighten us on the issues that this country is facing. If this President and this Congress and this Nation do not wake up, we are going to have economic disaster in the summer ahead.

Mr. Speaker, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, before the missteps of deregulation, the United States of America throughout the 20th century, basically from the time we regulated energy after 1932, through 1992 when Congress, in a little-noticed action buried in a so-called energy-efficiency bill allowed deregulation to go forward. During that time the words blackout, brownout, price spikes, price gouging, these were not part of our electrical energy vocabulary. Now in 8 short years, the wonders of a so-called deregulated market have delivered that. They have delivered that not only because the concept itself is faulty, and something that is inherently monopolistic or oligopolistic, but also because of the active encouragement and inattention at best by the Bush administration.

There are still laws on the books, the gentleman would not believe it, there are laws on the books that require that the Federal Energy Regulatory Commission determine whether prices will be based on cost or market-based. They are not supposed to be market-based where markets do not exist. Clearly there is no effective market in the western United States. It is not only California that is suffering these outrages. It is also Oregon, Washington, and other western States.

There is no effective market. The Federal Energy Regulatory Commission, their own economists, their own staff found in December that prices were unjust and unreasonable, but the chairman, a Mr. Hebert from Louisiana, a former staffer to the former recently deposed majority leader of the Senate, is refusing to do anything about it. The mantra from the Bush administration is price caps are bad. They do not work.

They are right, if we have a functioning market where one has the normal laws of supply and demand, price caps are not a good idea. Energy is unique. It requires that you have a 10–15 percent reserve margin at all times to have reliability. There are very few sellers. There are very limited ways of delivering that energy to your house. Most of us only have one wire that comes into our house. Most businesses only have one wire that comes into their business. There are a couple of routes over higher voltage lines to get to that neighborhood or communities. There are few options. We are not actively buying and selling and chasing after a multiplicity of sellers. This is clearly a manipulated market. One can look at the prices and know it is manipulated.

Mr. Speaker, it just came out that the record, so far as we know, is a price charged by Duke Energy Corporation of the Carolinas to California last winter, low-demand period in California when strangely enough about a third of the generation in the State went missing. Just was not available. No one knows where it went because under deregulation, a company does not have to operate their plant. They can say, freeze in the dark, sucker; you are not paying me enough money. That is what deregulation means. There is no longer a duty to serve.

Duke Energy, being a benevolent organization, sold energy for only $3,880 per megawatt hour. I tried to figure that out in terms of what it would mean for my electricity bill. I have an energy-efficient house with a heat pump. It is an all-electric home. In my case, it would have meant that my energy bill for 1 month would have exceeded my mortgage by a factor of eight if I had to pay that price individually.

That is the outrageous extortionate price that Duke Power, and they are not alone. We have Enron. We have Reliant Company, I believe they are based in Texas, which tied their energy commodity traders, their speculators who produce nothing except profits, to the people running a decrepit plant that they bought in northern California; and as the market went down, they told them to shut down the plant; and when the market went up, they told them to crank it up. They were attempting to directly manipulate the plant, destroying the plant, obviously not providing reliability; but guess what, it is legal. It is legal because the Federal Energy Regulatory Commission says that is not market manipulation, that is not price gouging, that is just fine, according to the Bush Federal Energy Regulatory Commission.

Mr. FILNER. Mr. Speaker, if the gentleman would yield, we were promised under deregulation competition and lower prices. What it sounds to me that is happening is that the so-called deregulated market, under control of a cartel, has not only increased prices but it has decreased the supply because they are withholding it to create a market where they are getting higher prices.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield, the United States had until the late 1990s, on average the lowest-cost energy in the entire industrial world through a system of regulation.

We have quickly gone to a system which is totally unreliable, has blackouts and brownouts, and has price spikes where prices are going up to 100 times the so-called normal price. A 10,000 percent increase. The gentleman referenced earlier these energy companies, these new energy companies, many of whom are based in Texas, are making profits that are up 400, 500, 600 percent in 1 year. You do not get those kinds of profits in 1 year in a normal and functioning market. Something is very wrong here, and what is wrong is the people of California have been on the forefront of people being fleeced under this system, but now they are sticking it to the people in the Northwest; and it will come to other parts of the country.

Mr. Speaker, under deregulation in New England, Pacific Gas & Electric of California, which says they are broke, sent billions of dollars to the mother company, Pacific Gas & Electric of America, whatever it is called, who sent the money to Pacific Gas & Electric of New England, who now is one of the larger owners of plants in New England. And since they deregulated New England and since Pacific Gas & Electric bought plants in New England, the same one that says that they are broke in California, reliability, they are having the same kind of outage problems. The plants are not available, and the price goes up. This is becoming a nationwide phenomenon.

Mr. FILNER. Mr. Speaker, if the gentleman would yield, we have roughly a 45 to 50,000 megawatt capacity to produce. During the winter months that we just experienced, the demand is roughly two-thirds, roughly 30 to 35,000 megawatts. So there is a demand of 30,000, there is a capacity of 50,000; and yet we had blackouts during this time. Why did we have blackouts? We are supposed to have 20,000 megawatt surplus.

Well, somehow all of the plants at once were shut down. They had maintenance problems or other problems. Or, and this is why I say it is a price problem, not just a supply problem, they could not get paid by the utilities for their electricity so they just shut down.

Mr. Speaker, this is not the promise of deregulation. This is the fact of a manipulated market, that we have blackouts. You know what happened in San Diego, a day's blackout, we had near fatalities at traffic intersections because the traffic lights do not work. We had near fatalities because elevators shut down. And the threat of blackouts means that people cannot have any orderly budget or orderly future, so they were thinking of leaving California. A blackout for a few hours in certain industries means millions of lost inventory and production. So blackouts maybe for an hour or for a day and maybe only once or twice during the winter, but they are catastrophic; and we are looking at the possibility of 30 or more days of blackouts in California for the coming summer.

Mr. DeFAZIO. Mr. Speaker, this administration says if we put in a price cap it will make things worse. Absolutely to the contrary. In Oregon, Washington, and California, people are building and proposing the construction of plants as quick as possible. Westinghouse is years out on generation. We are building them. We are also having a drought. That compounds the problem.

Mr. Speaker, actually the inverse would happen. If you had a price cap, there would be more energy available because right now what we have is people gaming the system to try to drive the price as high as possible because they think if I shut down part of my generator, I can drive the price up, only operate part of the plant and still make more money. But if you set a cap and say you are over that cap, then suddenly we would have more generation. We would not find the withdrawal and the manipulation and the withholding from the market that is causing some of these blackouts and brownouts this summer in California.

Mr. FILNER. Mr. Speaker, let me read the press statement of the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality. He issued a statement on why the Republican leadership refused to continue consideration of what they call their energy emergency relief act. He said, in the face of all of this disaster that is looming, in the face of this incredible price catastrophe for the West, he blames taking the legislation from the table on "the national Democratic leadership which has exhibited unwillingness to forge ahead without a price caps measure."

Mr. Speaker, the gentleman from Texas is absolutely right, it is the prices that have got to be brought down. It is the prices that are causing the crisis. And in fact, as has been demonstrated, a price cap would make sure that we had reliable supplies, and not the other way around.

Mr. DeFAZIO. Mr. Speaker, if the gentleman would yield back, they talk about market signals. What is the market signal that Duke Energy and its investors are getting at a price of $3,380 per megawatt hour for electricity, electricity that 2 years ago sold for $30 a megawatt hour. That is 1/120 times the price. I mean, this is just extraordinary. What is the market signal these folks are getting? How efficient is the plant going to be that they are going to build? What is their long-term look at the market? What about future reliability?

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Actually in the Northwest, we recently had a company that has what is called a server farm, that is a headquarters for a bunch of systems and companies and others that operate computers, computer servers, they were told, "Yeah, we've got to admit it's a little problem when we crash the electricity to your server farm. We can understand you would get upset." So the local company there said, "Hey, if you only pay us 400 percent of the current price, we'll guarantee reliability." Is this the new wonders of the market that the Bush administration is talking about? If I do not want to have to reprogram everything in my house or have the lights go out when I am not there or have a problem with my heat pump, my defroster in the refrigerator, things melting, the other things that happen, or senior citizens in nursing homes, if we want reliability, by God, you have just got to pay three or four times as much. I do not think so.

This works. It worked successfully. We became the greatest industrial Nation on Earth under such a system. I realize people say, "Oh, you're a socialist, DeFAZIO. You want government to get into this." I say, "The government was in this." What do you think the policy was when the Reagan administration was in office?

Regulated utilities when the Reagan administration was in office. We did not have these kinds of problems. This was signed by Bush the senior back in 1992, and it only took 8 years to destroy the western energy supply and grid under national deregulation. It is coming to the rest of the United States soon. People know it. They want us to go back to a system that works. This is too essential to our economy, too essential to our senior citizens, too essential to small businesses and residential ratepayers. We cannot have something that is unreliable and plagued with price spikes or blackmail, where they say, "Look, if you don't want your lights to go out, just pay me five times your bill." Gee, I guess I would only have to pay up from $170, if I would be willing to pay $850 for my electric bill in a winter month, they would guarantee that my lights would stay on.

Is that not great? This is sure a functional market. And the Federal Energy Regulatory Commission, the chairman appointed by George Bush, Jr., unlike George Bush, Sr., who brought about this system, is saying there is nothing wrong, he is not going to do anything about it. He is defying and suppressing his staff. Hopefully the changes that have come about on the other side of the Hill will bring some investigation and subpoena into this where we get some of the professional staff to come in or we get even Commissioner Massey to come in and tell us what is really going on at FERC, which is that they are there for the profits. As long as they can milk this for the Reliants, the Dynergys, the Entergys, the Enrons, the Dukes and all these other predatory new energy companies, they are going to do it because they are major contributors to this administration and to the majority party in this House and, by God, they are not going to do anything to hurt their profits and JOE BARTON was making sure of that and that is why he killed that bill. They did not want a vote on price caps because they are afraid it might win.

Mr. FILNER. I thank the gentleman from Oregon. We have, I think, shown that there is an incredible disaster both in being and looming further. We have shown there is a manipulated market that needs to be brought under control, that cost-based rates ought to be brought in in order to stem this tide while other solutions come about. And we know that there are long-range solutions involved in all this. We know that even though we are concentrating right now at getting the situation in California and the West stabilized through cost-based rates, we have to move into other directions in terms of renewable energy sources and a much different way of approaching our energy. One of the leaders in the Congress in making us think about these things has been the gentlewoman from California (Ms. WOOLSEY). I thank her for joining us and for her efforts on behalf of an energy future that will give us back some control of our own life.

Ms. WOOLSEY. I thank the gentleman from California for organizing this special order to highlight the energy crisis facing Californians and the west coast.

Like my colleagues, I rise this afternoon in outrage, outrage that my constituents in Marin and Sonoma County and across California are still dealing with rolling blackouts and skyrocketing energy bills while the power companies are raking in record profits. We need a responsible energy policy that helps in the short term by allowing, insisting, that FERC do its job, FERC, the Federal Energy Regulatory Commission, do its job by imposing cost-of-service based wholesale rates, at least temporarily, to stabilize this situation. And in the long term by making significant investments, time, money, incentives and focus in clean energy sources to supplement our current electric supply so that we can ensure that we never repeat these shortages.

In the short term, the Federal Government must take action to protect California consumers and stabilize our market. But despite repeated and urgent requests from California Democrats and Democrats from the Pacific Northwest, President Bush refuses to order FERC to impose wholesale cost-based rates in California and the western region. It is outrageous that the President dismisses this straightforward action that would protect 34 million California consumers, consumers who are being gouged by big energy producers. With two oilmen in the White House, it is absolutely no surprise that this administration turns its back on consumers and sides with big oil special interests. But that certainly does not make it acceptable.

What is acceptable is this: recognizing that we need to increase renewable energy resources while reducing demand for electricity. We can do this by promoting and using more efficient energy technologies. These are policies that will protect our environment and guarantee a better future for our children.

Since passing the National Energy Policy Act in 1992, Congress has generally ignored energy issues. But power problems in California and the higher prices of natural gas and oil throughout the Nation have brought energy back to the top of our Nation's agenda. The energy shortage we are experiencing in California is just a signal. It is a signal to the country that Congress must raise the stakes in search of sensible energy policy. Obviously what we are doing is absolutely not enough.

As Congress and this administration work to forge a long-term energy policy, it is imperative that we make a true, honest commitment to renewable energy sources, to energy efficiency and to conservation so that we prevent future energy crises and we protect our environment.

When President Bush stood before Congress in this very Chamber and told the American people in February that he would pursue environmentally sound policies, including renewable energy sources that would help solve our energy crisis, I thought that was too good to be true. Unfortunately, I was right. As soon as the cameras went off, the commitment went away.

Sadly, the Bush administration's budget reneges on the commitments the President made to pursue renewable energy sources. Critical R&D programs were cut. Energy efficiency and technology deployment programs were cut between 35 and 50 percent. That is unacceptable. And it is a disaster for our energy future. Actions speak louder than words. That is why I am outraged but not surprised that the administration's commitment to environmentally friendly sources of energy lasted only as long as the television cameras were rolling.

I would say to our President, if he were here, now is the time to increase funding for national energy efficiency and renewable energy programs. It is absolutely not the time to cut funding. Cutting funding for vital energy efficiency and renewable energy programs is a step backward, a step in the wrong direction, and a serious blow to our efforts to craft a sensible national energy policy.

This is especially frustrating because we do have bipartisan support for renewables and clean energy policy. In fact, it is pretty overwhelming. As the lead Democrat of the Subcommittee on Energy of the Committee on Science, I am preparing energy policy that is environmentally sound, that will result in lower cost solar energy, wind power, bio energy and geothermal energy. Relief for the American people, in the short and long term, is where our Federal priorities should be, not on increasing our dependence on fossil fuels as the administration intends to do. This dependence on fossil fuels got us into this situation in the first place.

Like my constituents and my colleagues, I strongly believe there is an important role for the Federal Government to encourage sensible short-term and long-term policy in order to solve the energy crisis. As this Congress debates energy policy, we must broaden our horizons by thinking out of the box. We must encourage policies for the future.

I urge the Bush administration to rethink their recent actions to join us in this endeavor because, after all is said and done, what happens in California, the sixth largest economy in the world, will happen across this Nation. It is time to step up to the problem now. It is time to make a short-term commitment to California to make sure we stabilize this situation. And it is absolutely time to look at smart energy policy for our future so that we will no longer have blackouts.

I very much thank the gentleman from California for doing this and for letting me be part of it.

Mr. FILNER. We appreciate the leadership of the gentlewoman from California on the Committee on Science and hopefully someday her chairmanship of the subcommittee. We are looking forward to her report on renewable energy sources.

There are supposedly several plans that have been put on the table to look at this energy problem in its broadest sense. President Bush put out his energy plan several weeks ago. It had 105 recommendations. Not one of them gave any hope or any help to the western States for immediate relief. Overall, his plan is an unbalanced one that puts big oil and utility special interest friends of his who are already reaping record profits ahead of the consumers, all of us as consumers and the environment. He wants to drill in the Arctic and other pristine areas. There is no relief for consumers facing high gas prices and high energy costs. There is no help for the consumers out West who are being gouged by utilities. He wants to produce some of the fossil fuels and give tax breaks for nuclear plant construction. In fact, when his Secretary of the Treasury, I believe, was giving testimony to a congressional committee, he said on the safety record of nuclear energy, if you leave out Three Mile Island and Chernobyl, there is no problem with nuclear energy. That is coming from the Cabinet of this administration.

He does nothing for fuel efficiency in his plan. The President claims to want to do something about it but slashes funding as we have just heard for energy efficiency and renewable energy by more than 25 percent. He delays putting in our fuel efficiency standards. He has rolled back such standards for air conditioners. He is using the excuse of the California crisis to roll back all environmental regulations, breaking his campaign promises on clean air, for example, and undercutting all kinds of other protection. And he benefits not the consumer or the average American but the oil and gas industry, the utilities, the nuclear and coal producers who have contributed, coincidentally, millions to the Bush campaign.

There is another plan on the table, a plan that was devised by the Progressive Caucus of the Democratic Party. With us this evening is the chairman of that Progressive Caucus, the gentleman from Ohio (Mr. KUCINICH) who will outline a plan which actually will help us in this crisis and not hurt us as the Bush plan does.

Mr. KUCINICH. Mr. Speaker, as chairman of the Progressive Caucus, I am proud to be here this afternoon to present our alternative. But before I do, I would like to offer a perspective on this issue. My father and mother, Frank and Virginia Kucinich, when they raised a large family in Cleveland, Ohio, many years ago, I can remember vividly the scene in the kitchen where they were counting their nickels and their dimes at the kitchen table, you could hear the click of the coins against the table, one of those old enamel top tables, and they were counting their nickels and dimes so they could have enough money to pay their utility bills. I am sure that there have been a lot of families in this country who had to worry about those nickels and dimes in being able to pay the utility bills because today more and more families are finding out that the cost of electricity is beyond their meager budgets.

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Families are finding out that even if they are blessed enough to have even the tiniest bit of economic security, that they cannot keep up with rising utility bills. Families are finding out that even if they have a little bit of affluence, they cannot keep up with rising utility bills. The nickels and dimes have turned to five dollar bills and ten dollar bills, and people are counting them out and they cannot keep up with the rising electric bills.

Today, all eyes are on California where the people of California have been the target of a deliberate manipulation of energy supplies by energy companies that has raised prices in that State. Blackouts in California have been the result of a policy which has tried to strangle the market in favor of energy companies that have done nothing but manipulate the market and manipulate energy prices and gouge consumers.

Now, this is not just a humble Member of Congress from Cleveland, Ohio, stating this. These conclusions have been reached by the Federal Energy Regulatory Commission, by the California Public Utility Commission, by the California Independent System Operator, by Credit Suisse and by the Public Utilities Fortnightly publication.

Now, there are people around this country who say, well, it is a California problem. Do not believe it. This is a matter that is coming to a light switch near you in your neighborhood soon. Rolling blackouts and outrageous prices are today strapping citizens of California because deregulation has permitted energy companies to rig the market and price electricity as high as the market will bear.

The Tellus Institute's report, called the Progressive Pro-Consumer Solution to Today's Electricity Crisis: Just and Reasonable Rates show that these events are not from a lack of supply and, Mr. and Mrs. America, they are not unique to California. I quote from this Tellus Institute report about the solution being just and reasonable rates, and they say every State that chose to restructure its electric industry and deregulate generation did so in the hope that tangible benefits would result. The general assumption was that retail electricity prices would decline relative to what rates had been under regulation. As a matter of fact, everyone remembers they told the American people, if they deregulate their rates are going to be cheaper. That is what they told the people of California. That is what they told the people of Ohio. That is what they are telling people all over the United States.

In California and in many States, almost every one of these States now faces rising electricity prices. In California, deregulation has helped to create rolling blackouts, has caused exorbitant electricity prices, threatening the financial health of the State. In general, the goals of restructuring go unfulfilled. The price of electricity is higher than before and the quality of service has declined dramatically.

The Progressive Caucus has moved into this breach, into this massive evidence of price gouging, to come up with a solution that I will go over very briefly. That solution, the general approach is, it mandates a fair electricity market nationwide and mandates sustainable energy policies. We define the problem as saying that deregulation has led to price gouging and rolling blackouts. The solution to the high prices: Fair prices nationwide, with federally-set cost-based rates, including refunds. That does not mean caps, because you could create price caps, but if the rates are already sky high, what does that do for your family's budget? Very little.

Mr. FILNER. Mr. Speaker, I just want to show this chart, which shows the coalition of organizations and individuals which support that concept in the Committee on Energy and Commerce, which is called the Price Gouging and Black-out Prevention Amendment. We can see not only all the governors of the western States, but farmers and businesspeople and working people and consumers, public safety people, health care providers, all of which support the end of the price gouging that the gentleman has advocated.

Mr. SHERMAN. Mr. Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from California.

Mr. SHERMAN. Mr. Speaker, I just want to point to that chart. The bill before this Congress to provide for rate caps or for regulation of these wholesale energy prices is supported not only by the governor of California, but by the governors of Oregon and Washington, and by the American Association of Retired Persons, AARP, the Consumers Union, the Consumer Federation of America. These are organizations that look out for consumers and there should be no doubt as to what approach is in the interest of consumers.

Mr. FILNER. Mr. Speaker, I thank the gentleman from California (Mr. SHERMAN) for those comments.

Mr. Speaker, I would ask the gentleman from Ohio (Mr. KUCINICH) to continue the outline of the Progressive Caucus.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Sherman Oaks, California (Mr. SHERMAN) for his remarks.

Mr. Speaker, in going back to the solution to high prices: Fair prices nationwide with federally set cost-based rates, including refunds.

Utilities are entitled to a modest profit. Any business is. But when one starts talking about California electricity generator profits that for one company, Calpine, increased first quarter of 2000, 424 percent; Dynergy, 102 percent; Williams, 100 percent, all of those figures were increased for the first quarter of 2000 over the last year. People are making a killing at the expense of the consumer.

So we are trying to address that in the Progressive Caucus by coming up with a solution and a plan that provides for fair prices nationwide with federally cost-based rates, including refunds. The solution to rolling blackouts is to mandate generators to produce electricity. The solution to issues relating to energy efficiency is to mandate increased energy efficiency.

With respect to renewables, mandate increased renewable energy production. Clean air aspects, mandate the development of clean air technologies. Public power, provide financial incentives to encourage public power systems and remove key barriers.

Now, what most people are not aware of across this country is there are actually over 2,000 municipally-owned electric systems, one of them being in Cleveland, Ohio. What most people are not aware of is that the right of utility franchise, now listen to this, Mr. and Mrs. America, the right of utility franchise belongs to the people. There is no inherent right for the private sector to own a utility. Understand that. The people have the right to a utility franchise. We give the private sector, in theory, the right to operate a utility in exchange for reliability of service and low cost. That is the way it is supposed to work, but, Mr. and Mrs. America, it does not work that way.

Consumers are getting gouged by these companies that are using our own rights; they are using the right that we give them to operate a utility.

We have a plan here with the Progressive Caucus to take back the right that we have through a measured approach that would mandate fair electricity markets nationwide and mandate sustainable energy policies. But the truth is that if these energy companies do not respond, if they insist on price gouging, if they insist on price manipulation, then the people have a right to take that franchise back because that is a Democratic right. That right is vested in the people. It is in our State constitutions and we have the right. What we give, we can take back. If they do not want to give us decent rates, then we punch their ticket, take their charter and reclaim our government and reclaim the ability to save our nickels, our dimes, our $5.00, our $10.00, to save our families, to save our way of life.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROGERS of Michigan). The Chair would just remind Members to please address all remarks to the Chair.

Mr. FILNER. Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH), the former mayor of Cleveland, for his leadership on this issue. We hope that the caucus program can be, in fact, on our agenda at some point in the future.

Mr. Speaker, as California experiences this problem, the Congressional representatives all over California have been trying to make sure that our State and our Nation does not go under, and one of the leaders in this effort has been the gentleman from Sherman Oaks, California (Mr. SHERMAN). We thank the gentleman for his ideas and his energy and his contributions in coming up with a solution.

Mr. Speaker, I yield to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I want to begin by commending our colleague, the gentleman from Ohio (Mr. KUCINICH), who, in an earlier lifetime, was mayor of Cleveland and fought against overwhelming odds to maintain municipal ownership of the utility company there.

In my City of Los Angeles, we also have municipal ownership of our utility system, and we do not have any of the problems that are hitting the rest of the State, and which hit San Diego so hard.

Mr. FILNER. Any price increases?

Mr. SHERMAN. None.

Mr. FILNER. Any blackouts?

Mr. SHERMAN. No blackouts. Good service. No problems. Where we had regulation, as we had in our State for well over 50 years, no problem; where we have municipal ownership even today in the City of Los Angeles and other cities in California, no problem. As I understand it, no problem in Cleveland today.

Mr. KUCINICH. Right.

Mr. FILNER. I will tell the gentlemen, by the way, that because the situation in San Diego has become so grave with doubling and tripling of rates, with scores of businesses facing bankruptcy and closing their doors, the whole community is virtually united as saying we must get control of our future. We are going to establish in San Diego a municipal utility district where we can begin to get some leverage on the system. If we owned 1,000 megawatts of electricity, one-third of our needs, we could have tremendous impact on the whole situation.

So we in San Diego, like the State of California in general, is moving toward a municipal ownership, to get out of, really, the heel of the cartel of energy wholesalers that is destroying our economy.

Mr. SHERMAN. I should point out that while I say Los Angeles has no problem, we are bound together with the rest of the State, just as the whole country is bound to California, an the economic problems facing the other cities in the State of California affect us.

I should also point out for our colleagues, who might think well, if Los Angeles has no problem, a huge part of California has no problem, that the Los Angeles municipality is roughly 10 percent of the State of California. So much of, as the gentleman knows, the Los Angeles area lies outside the city limits and outside the protection of municipal power. What has happened to our State is that we are being bled dry. We paid $7 billion for the generation of electricity for our State in the year 1999. In the year 2000, we used the same amount of electricity but instead of paying $7 billion, we paid $32.5 billion. This year for the same amount of electricity, we are going to pay $60 billion to $70 billion.

Now, this has fully hit home in San Diego because the utility there had a different deregulation deal than the one in the rest of Southern California, or Northern California. So San Diego has seen the doubling and tripling of some electric bills because the local electric utility was not required to use up its entire net worth in order to protect consumers from the gouging being done from those who have purchased these electric plants.

In contrast, those in my district who live just outside the city limits were somewhat protected, protected for months. We saw disaster in San Diego, but we, just outside the city limits of Los Angeles, were safe because billions of dollars of Southern California Edison's net worth was used up, paying the gouging prices and selling to consumers at a regulated price. Of course, that could not go on forever because the gouging reached such a level that it bankrupted enormous utilities, threatens to wipe out the surplus of the State. The gouging reached levels that we never imagined as we thought that only San Diego consumers would be faced with this problem.

The voraciousness of these companies reached an incredible level.

Mr. FILNER. Mr. Speaker, I wonder if I may bring my colleague, the gentlewoman from San Diego (Mrs. DAVIS), just to share with us some of the experiences that San Diego has had and what conclusions they lead for us to take in this Congress.

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Mrs. DAVIS of California. I wanted to thank the gentleman from California (Mr. FILNER) for providing us this time today. We have been talking about how people generally are feeling about this; and those of us in San Diego, we were at the epicenter last year.

I can tell you as we walked around the community, and the gentleman from California (Mr. FILNER) was certainly aware of this, it was almost as if all the businesses were dying. We have not got to that point yet, but people felt that way, that that could happen.

I see now there is new information out really across the country about the way people are understanding what is happening. A Washington Post-ABC poll just released Tuesday showed that 56 percent of the people across the country understand an electricity crisis should be cost-based. In California I would suspect that the percentage is even higher. People are not saying there should not be some profits, but that they should be cost-based. They should not be based on some market in the sky that is just a dream.

But we keep hearing that the administration is saying that cost-based prices will not increase supplies or decrease demand. That has really been their mantra.

They are just not listening. Californians, I think, have not been claiming that rational, cost-plus profit prices would address the growing energy supply needs of the western states, but they are saying that that kind of cost-based pricing is critical for today's problem, today, considering what is going on in the economy.

Building a power plant is a financial investment decision, and financial investment decisions that for a while people chose not to make. For the last 20 years it was not clear that more power was even needed, so energy companies did not make the financial decision to build more plants throughout the West.

Now it is clear that with a 40 percent population growth just in Nevada in the past decade, and with a 20–25 percent growth in our other neighboring States, and 10 percent growth in California, that more power at peak times will be needed. And, guess what, in the last year, 16 new plants in California alone have been approved, and four will be on line this summer. Nevada businesses are considering building new plants not only to cover the needs of their enormous growth, but also to export to other States.

We are seeing this growth in other places as well. In Baja, California, they are looking at the economic opportunities for selling electricity to the United States. In addition, it is working on a joint venture with U.S. companies to build a liquid natural gas conversion plant and terminal to bring liquefied natural gas economically from Australia and other areas of the world to increase our supplies. In fact, people are responding.

Mr. FILNER. Mr. Speaker, I know the gentlewoman wants to show how we are dealing with the supply issue. I want to have the gentleman from California (Mr. SHERMAN) show through this chart that the crisis now that we are experiencing with the price is not primarily one of supply. We have supply.

I would ask the gentleman from California (Mr. SHERMAN) to explain this chart, what these energy companies are doing to us.

Mr. SHERMAN. Well, yes. What has happened is that because we do not regulate these wholesale costs, they have an incentive to withhold supply and drive the price up. Instead of making a megawatt for $30 and selling it for the regulated price of $50, they produce fewer megawatts, drive the price up to $500, and make a killing.

What they will do when they shut down a turbine is say the turbine is closed for maintenance. The chart in front of you there illustrates how many megawatts were not produced on the average day in April, a couple months ago, because turbines were closed for maintenance. As you can see, over 15,000 megawatts were not produced on the average day. That is the yellow line.

You might say, is that not typical? No. You look at the prior April; and you see that blue line, roughly 3,000. You say was April just an anomaly? You compare the yellow and the blue lines, and the pattern is clear, 8,000 to 12,000 to 13,000 megawatts not produced on the average day to drive up the price, not because the plants needed to be closed for maintenance, but in addition to the regular maintenance that was done just 12 months ago.

I might point out, that is about one-fifth of the power we need in California. Closed for maintenance means closed to maintain an outrageous price for every kilowatt.

Mr. FILNER. We only have a minute left. I want to share with my colleague from San Diego a little frustration.

The President visited our city last week. We are in the middle of a crisis. As I said earlier, if it was a tornado or earthquake, he would have been there. He chose not even to come to meet people or the press. He went to one of our great Marine bases, Camp Pendleton. No contact with ordinary people. He said nothing really about the crisis and how he was going to solve it, and people had no opportunity to deal with the President face-to-face.

I think this was an incredible abdication of responsibility for a major crisis, and I know those of us from San Diego were especially aggrieved by that.

Mrs. DAVIS of California. I wish that the President would have had an opportunity to walk into just some of the cafes, the mom and pop restaurants in our communities, because I think it was there that people really felt this shift a number of months ago in San Diego. When you have sitting on those cafe tables a charge that they are asking people to pay in addition to the cost of the lunch, of the dinner, just explaining to people what has happened in terms of their own particular costs, I think that is quite astounding.

The other issue is not just the mom and pop shops. Certainly our seniors who have been so affected. But we have great concern and great fear in the community now that in fact some of the progress that they have been making, and I will take the biotech industry as one, that some of that progress may go out the window because we are faced with some of the problems that we are faced with today.

Mr. FILNER. I would say to those industries that really their survival is at stake, and yet they see a Republican President, and they may be. Republicans, they feel they should not get into this. I will say to the businesses of California and the West and this Nation, for your own survival, tell the President that it is time to act. Tell the President that the Federal Government must intervene for our economic survival. He will listen to you more than he may listen to our Congress people here. So I beg you to ask.

I thank our colleagues, the gentleman from California (Mr. SHERMAN) and the gentlewoman from California (Mrs. DAVIS) on the floor with me today. Apparently our time is up, but we will be back here every day to talk about this crisis, until this Congress and this President act on behalf of all of the consumers in this Nation.

THE AMERICAN IMMIGRATION CRISIS

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, America is in the midst of another crisis. It is not just the energy crisis that we face and that was so lengthily dealt with here for the last hour. It is almost ironic, I suppose, that I end up following a discussion of the energy crisis in California, because a lot of what I have to say this evening revolves around that crisis, but it takes perhaps a little bit of a different look at the reason why we have such a crisis.

I believe very strongly, Mr. Speaker, that America is in the midst of an immigration crisis, a crisis far greater in terms of its impact on the United States of America than the energy crisis that presently confronts us in several States and perhaps even around the country.

Since 1970, more than 40 million foreign descendants have been added to the local communities of the United States. Just last month, the New York Times reported that the Nation's population grew by more people in the 1990s than in any other decade in United States history.

Is it not time that we ask ourselves, what level of immigration is best for America and what level of immigration into the United States is even good for the rest of the world, to help the rest of the world?

These can be difficult questions to ask about immigration, because we recall, all of us here I am sure, our own families coming to the United States, entering probably through Ellis Island during the height of the immigration period that we sometimes refer to as the golden age of immigration, the early 1900's, the late 1800's. That was a period of time most people believe that the greatest number of immigrants entered the United States through those gates.

That is incorrect, Mr. Speaker. It is a myth. The greatest number of immigrants ever taken into the United States during the "golden age" of immigration was 200,000, approximately 200,000.

Every year, every year, for the last 8 years at least, exactly five times that many immigrants enter the United States legally. Our immigration cap now is approximately 1 million people, plus another 300,000 or 400,000 that we classify as looking for refuge. This would be refugee status. So we have about 1.3 million or 1.4 million immigrants coming into the Nation every year legally. We have probably double that many people coming into the United States illegally every year; and when I say "coming in," we probably have 10 million people coming in, but we end up with about a 2 million person net gain every year, from illegal immigration alone.

Now, what does this mean? Numbers like this are really quite extraordinary. If I could get a page to put up one of the charts over there, I will refer to it in just a moment.

I think back to my own family's background, and certainly I am a relative newcomer to the United States. My grandparents came here in the late 1890's. They settled, all of them, in Colorado, in and around the Denver metropolitan area, strange as it seems, because most people had some intervening place they stayed, New York or Chicago or someplace like that. But not mine. They came right to Colorado.

I often talked with my grandparents, my grandfather specifically, about the trip over from Italy to the United States and the kind of trials and tribulations that he faced. It is an interesting story. I certainly enjoy it. I tell my friends about it. I enjoy my heritage. I understand perfectly the desire for anybody to come to the United States, especially poor people, as my grandparents certainly were. They were looking for a better life. I completely sympathize with all of those people who are looking for that better life. I am sure that if I were in their shoes, I would be trying to do exactly the same thing they are doing, get to the United States.

But we have another responsibility here in the United States. It is to our own country and to our own countrymen, because at some point in time we have to wonder how many more people we can absorb and how many more people this Nation can afford to provide for.

I know all of the issues that have been debated about immigration and about immigration reform. Many people suggest that we have no reason to be concerned about massive immigration across our borders, that in fact it is an issue of economics; that the more people we let in, the more lower priced help we have, the lower priced labor that businesses can access, meaning in the long run lower prices for the American consumer.

Well, I will tell you, what that is is really a euphemistic way of describing what happens when immigrants come here, especially illegal immigrants. They come here, and they are, oftentimes, unfortunately, given jobs that perhaps other Americans would not take, and they are exploited. They are exploited oftentimes by the employer, who pays them less or will not give them the benefits they deserve, because he knows that this person is probably not going to go and complain about it, because they are probably here illegally anyway. Even legal immigrants have an effect of depressing the wage base for people with mid or low skills, low-level skills.

So, immigration of this nature, of this kind, massive immigration, is five times greater just in terms of the legal immigration coming into the country, five times greater than it ever was during the heyday of immigrants coming to the United States around the turn of the century, the last century.

□ 1700

Well, these numbers have an impact on everything in the United States. It has an impact on the quality of life that we all share here.

Do you ever wonder why, when you are driving down the street and you remember that just a few months ago, maybe even a month ago, when you went past this very same point that was at that time a nice pasture land or open area, a greenbelt, do you remember thinking to yourself, gosh, is it not amazing? Now all of these houses are being built here, all these apartments are being built. Is it not incredible how many cars are on the road? I cannot get to work anymore in the same amount of time that it took me just a few short months ago to get here. What is going on? How come there is so much talk about growth? How come there is so much concern about growth in the United States? Is it because our country, the people who live here are simply having so many kids that they are placing this kind of infrastructural pressure on the system? No, Mr. Speaker, that is not the case.

The chart I have on the easel down in the well is a very interesting chart. It is a population chart starting in the year 1970. The green area on the bottom is what we would identify as the population growth in this Nation from those people who are already here. These are what we would call indigenous Americans. The fact is that we have had population growth among that group. We call it the baby boomers. There has been a baby boom echo; and it has gone up, as we can see, from about 203 million people living here in 1970 to 281 million people here at the last census, the 2000 Census. But we also see there that of the 281 million of us that there are now in the United States, that 243 million of those would have been the natural growth rate of the country. Those reflect the natural growth rate of the country. The rest, those identified in red, represent what has happened to us from immigration and their descendents.

So we can see that we have had the same amount of growth among that particular group as we have among native-born Americans. So we have essentially doubled our natural growth rate in this country by immigration patterns.

Is it surprising, then, to anyone that we heard our colleagues on the floor from California spend the last 1 hour complaining about the lack of resources, about the incredible problems that the State of California faces from an absence of energy? I also recognize that my colleagues from California were complaining about the administration's proposals to increase the amount of energy available to all of us.

Well, let me suggest this, that there is another responsibility that is uniquely the responsibility of the Federal Government, that the States have absolutely no power to control whatsoever, and that is immigration policy. That is the responsibility of all of us who serve in this body, to establish an immigration policy for the country. And when we ignore the fact that people are coming into the country at the rates they are coming into the country, then it is very difficult for me to get terribly excited about the impact that those numbers have if no one wants to address the issue, no one wants to talk about it.

Everybody wants to talk about just simply the fact that we no longer have a lot of oil, or we no longer have a lot of electricity, and is that not terrible, and how are we going to get more. What I am saying is that the reason we do not have the resources is because the demands being placed on our resource base are so great that they are depleting it faster than we can replenish it. Why are the demands so great? It is because of the numbers, the huge numbers of people coming into this country and the children that they both bring with them and have here. It places an enormous amount of strain on our resource base.

Now, it is all right, it is perfectly fine for us, I think, to go ahead with a massive immigration policy if we have it, as we have; if everybody in this body agrees with it, understands it, knows what we are doing and says, yes, we have debated it fully. We recognize that bringing a little over a million, a million and a quarter people in here legally and have at least 2 million immigrants into this country net every year is okay. We understand all of the implications of that. We recognize that it will cause California, for one thing, to have to build a school a day, a school a day in order to keep up with this population pressure. We understand that. We understand that we will have rolling blackouts. We understand that we will not be able to buy gas at a price that most of us would consider to be convenient or acceptable. It is going to get a lot more expensive. So is every other form of resource we have in the United States, natural resource. Why? Demand.

Well, where is the demand coming from? We are, in fact, making products every single day that use less and less energy. The refrigerator that is in your house today uses far less energy than the refrigerator that was in your house even a short 5 or 6 years ago. Air-conditioning. Cars getting better gas mileage. All of these things should, in fact, determine a downward energy use per capita in the United States. But it does not matter if there is a downward spiral or a downward pressure of per capita energy use if the number of people keeps going up so rapidly, so dramatically. We will have to continue to exhaust the supplies, to go elsewhere in the world, rely on both our friends and our enemies for help in providing oil resources. We will have businesses going bankrupt, having their business interrupted by these blackouts. All of these things we see are a result of numbers, the numbers of people. And this is something that we cannot seem to get across.

I recognize fully well, Mr. Speaker, that I am one of the individuals here who has taken on the challenge of trying to make this a public debate. It has gone on plenty of times in the halls of this Congress. It goes on around the water coolers of Americans in their jobs, I understand and I believe that. I know it happens a lot. I know people sense the problem that exists in the United States with regard to massive immigration; but no one is willing, or I should say, very few people are willing to actually bring these issues forward for public debate, because, of course, there is always someone who is going to stand up and say, this is a racially tainted issue that we cannot talk about it. Any discussion of it, any attempt to reduce the numbers has some sort of racial implication. I say, for one, Mr. Speaker, that it has absolutely nothing to do with race or ethnicity from my point of view; it has to do with numbers. I do not care whether they are coming from Mexico or Guatemala or Nigeria or Canada. I do not care where they are coming from. It is the numbers that we have to deal with.

Now, there are other implications of massive immigration from countries that do not have English as their primary language and I will speak to that in a moment or to. But originally, my point is to make reference again to this chart and to show my colleagues that if we were to actually have just relied upon the population growth from the baby boomers in a short time, in just a few years, we would actually see a leveling off of population growth in the United States and an actual decline as we got to 2100. Now, that is not going to happen. Because, as I say, we have already increased the numbers dramatically, and so we are going to have to deal with the fact that the population of this country is going to go up, even if tomorrow we were to stop immigration totally.

Growth has enormous impacts, as I have suggested, on all of us, every single State. I can recall just coming back from our district work period and looking at what was happening in my own State of Colorado, the incredible number of highway projects that are being undertaken, the incredible number of schools that are trying to be built, the incredible amount of money and tax dollars that we are going to require from taxpayers in order to pay for all of those things.

Now, Colorado is a beautiful place to live. There are no two ways about it. I certainly can recommend it. But I also just recommend that you come and visit and not stay for very long. The reality is that immigration into the country has actually had an impact on Colorado. Most people think that some of the southern tier States, Texas, Arizona, southern California, are the only States that are impacted by massive immigration. That is not true. All States are impacted by immigration. The fact is that huge numbers of people move into these southern tier of States and, in many ways, displace people who were living there. They move because they do not like the quality of life anymore. They move to other States. They move to Colorado in huge numbers, but so have immigrants directly from other countries coming to Colorado.

Our numbers are up dramatically in the State. My district is adjacent to the fastest growing county in the Nation, Douglas County; and I should tell my colleagues that when we look around, again, as I drive down the street and I see all of these houses popping up out of the ground where there were simply meadows before, prairies before, I do not like it any more than anyone else. I remember Colorado. I was born there, I remember a much more pristine environment. It is not benefiting us to have this kind of massive immigration. It is a cost to us.

Where is it coming from? Do we all just assume that it is from people from other States moving in to where all of us are experiencing growth, just people coming from other States? It is wrong. There are not that many States losing population. Every State gained population. It is not an issue of people leaving all of the rust-belt cities and now moving just to the south; it is an issue of massive immigration, immigration from all over the world. People have to be somewhere. We are going to see the effects of it over and over and over again.

Mr. Speaker, I have mentioned the impact on our roads, the impact on highway systems, the impact on our water, electricity; but there is another impact, a huge impact of massive immigration. It is on our schools. Our children are in temporary classrooms all over the place, all over the Nation. We hear about this again and again and again. How come? Where are these people coming from? Remember California? I mentioned that they would have to build a school every day of the year to keep up with the State's increase in population, every day of the year. Well, they cannot do it. So kids, of course, are housed in various facilities, temporary facilities. It will not be long before Colorado, before Arizona, before Texas and other States are indistinguishable from California in terms of immigration patterns and the things that we have to do to deal with it.

I guess the attitude of many countries, we talk about the need for other countries to take care of their own people, to develop an economy that would provide jobs and benefits for those people who live there today so that they would not be looking for the need to leave the country; they would not be looking to immigrate. And we get a lot of talk, by the way, we hear a lot of talk from other countries about their willingness to do something to help stop the flow of immigrants, specifically Mexico. President Vicente Fox and others have suggested that they would, indeed, try to help us deal with the massive numbers of people coming across the border.

Well, Mr. Speaker, do we know what form that help has taken? Right now, on the border with Mexico, the government is providing people who are embarking upon an illegal trek into the United States, they are providing them with a care package. This care package consists of some food, it consists of a map, it consists of water, it consists of little books about how to take advantage of the system once you get here and oh, yes, condoms, of course. Why that has to be a part of the care package, I do not know, but it is in there.

□ 1715

This is how the government of Mexico is in fact helping us deal with massive immigration on its border.

The reality is, Mr. Speaker, that most of these countries look to the United States as a safety valve. They do not look to do something constructive in their own country, they look to us to be able to take what they cannot handle; to take all the people in their country that are impoverished and that would become a highly, highly unstable portion of the population if they were kept there because they cannot find jobs for them.

One reason, of course, that they cannot find jobs for these people is because they refused to embark upon a free market economy. The only thing I think that will ever get them there is to say to them, it is sort of a tough love thing, to say to the President of Mexico, "We are going to shut down the border. We are going to put troops on our border."

That is the only way that we can actually curtail the number of people coming across. It is almost at the flood stage. It could be thought of as an invasion, and therefore, it is appropriate for us to actually put American troops on the border to protect our borders, and we are going to do that. We are going to cut down illegal immigration, and we are going to cut down legal immigration.

We are going to put a moratorium on all immigration. That is what I, of course, hope we would do in a very short time. That is what we need to tell Vincente Fox and others. We need to tell people like Sheikh Hasina Wajed, the President of the nation of Bangladesh, who; when he was confronted with the kind of population explosion that is almost unbelievable, he said, and Bangladesh, by the way, has a population that is expected to reach 120 million by the year 2050.

When asked how his country could feed, educate, employ, and house a population of that size, President Hasina answered, "We will send them to America." That is a candid statement. It is not often made by these leaders, but I congratulate these people for actually saying the truth. That is exactly what they think they will do.

Our task is to try and figure out what we will do in response, what we will do in response to the enormous pressure that is going to be placed on the United States from a variety of different places in order to achieve some other country's goals.

There were a number of people on the other side condemning the administration for what they considered to be a lack of attentiveness to the energy problem, people preceding the gentleman from California (Mr. ROHRABACHER). It is my contention that there is absolutely a way to deal with the energy problem in California, and the one that is going to get worse for the rest of the country, and that is to deal with immigration, because to a large extent, it is the numbers.

Mr. Speaker, I yield to my friend and colleague, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. First of all, Mr. Speaker, I would like to thank the gentleman from Colorado (Mr. TANCREDO) for yielding to me. He is a relatively junior Member of the House.

Mr. TANCREDO. Not even that, Mr. Speaker, I am a sophomore.

Mr. ROHRABACHER. The gentleman has taken on a tremendous responsibility and has done a terrific job in calling attention to some issues that are vital to our national security and vital to the interests of the American people.

Unless we address the problem of immigration, and I would put it, of illegal immigration, and we might have a little disagreement on that, but the fact is that those people who are concerned about immigration, and we have about 1 million people a year who come here legally into this country, which by the way, legally those people entering the United States, if we put the rest of the world all together, it has about the same legal immigration into their countries as we do into our one country.

But, on top of that, there still continue to be millions of people, probably 3 million or 4 million people a year, entering this country illegally. It is frightening to see the lack of attention that has been given to this very serious threat by our Government, both in the Clinton administration, and we will have to wait to see what happens with President Bush.

But even among the Republican leadership, we have not been able to move forward with a program designed to stem this flow. I think it is basically because there is a fear among people who are politically active of being called racist. It is just this basic element, we do not want to be called names, and we are afraid that someone will impugn not only our integrity but our good hearts, so we have shied away from this issue.

This issue will destroy this country. This issue will destroy the standard of living of our people, and it is currently doing so. In California we feel this acutely, but again, no one wants to face it.

Proposition 187, which tried to hit at some of the real problems caused by illegal immigration, passed overwhelmingly. In fact, it was a landslide, and even right before the vote they were saying it was going to be close. Since that time, those same people who said it was going to be close and might lose, have perpetuated the myth that in California, we have in some way lost the Hispanic vote by being against illegal immigration.

Mr. Speaker, the gentleman from Colorado is offering the leadership that is so vital to our country and to our well-being, because the people throughout the country understand what a threat this poses.

When we talk about education and class size in California, we are talking about illegal immigration. There is plenty of money in California to educate our children and to have a class size that is appropriate so that our children can learn. Instead, because we have permitted illegal immigration to go unabated, our children, the children of U.S. citizens and the children of legal immigrants who are here in this country and who are going to our schools, are being shortchanged.

Why are we doing that? Why are we permitting the education standards to drop like a rock, and our kids to not be taught or be given training they need to sustain a good life? Why is that? Because we are afraid to be called racists.

Give me a break. What is our responsibility? We have got to step forward and say that we care about those young people who come from another country illegally. We care about their families and fathers and mothers, because they are mostly, and I am sure the gentleman from Colorado agrees with me, 95 percent of all the people who come to this country, even the illegal ones, are good people. But the fact is that we cannot take care of everyone in this country from everywhere in the world who wants to come here.

Mr. TANCREDO. Mr. Speaker, I have mentioned before that it sometimes gets lonely on this floor talking about this issue, and I should have remembered that there is always one person that I can rely on, because he has both the integrity and the guts to come up and also address the issue with me. That is my friend, the gentleman from California (Mr. ROHRABACHER).

The gentleman is absolutely right when he talks about the fact that this is a dagger pointed at the heart of America.

I do not for a moment want to be misunderstood. My desire is not to see a reduction in a certain group of people, a certain ethnic group of people. It is simply the numbers game we play, from my point of view. It is overwhelming us.

I will tell the Members that I do have a concern about the way we deal with immigrants from countries where the language is not English, and the kinds of problems that poses to us from a cultural sense.

I happen to believe that there is one thing we need, and this is a country of many different colored people, many different kinds of ethnic backgrounds. We do not all worship at the same churches, we do not all eat the same kinds of foods, we do not all dress and think alike. We have a great disparity among Americans. That is, in a way, an aspect of our greatness.

Mr. ROHRABACHER. Yes.

Mr. TANCREDO. But there is one thing that is absolutely imperative, it seems to me, in a situation like that. That is to have a common language, so that we can in fact communicate with each other about the things that are important.

When we see that, along with massive immigration from countries that do not speak English, English is not the primary language, when we see the pressure that places on us here to expand the number of languages that we teach in schools, let me tell the gentleman an interesting and almost I think incredible fact.

Not too long ago, I read that a gentleman who could not speak English was operating a nail gun and, because of whatever reason, he ended up shooting himself in the leg with this nail gun. The gentleman could not speak English. He therefore determined, or I am sure it was some lawyer who determined this for him, that his best thing to do was to sue the manufacturer of the nail gun because the directions and the warnings were not printed in more languages than English, in his particular language.

There are places around the country where police have to go on calls and have to take with them linguists, people who will speak a variety of languages, when they get to the door. The reason is because if they get to the door and they cannot speak the language of the person who has made the call, they, the police, could be sued for not appropriately addressing the situation.

We have had a 911, and this actually happened, a 911 call that comes in from someone who was not speaking English. The person on the other side of the phone could not speak the language. A lawsuit is developing as a result of this. Manufacturers are being told that they have to start providing all these warning labels in a whole bunch of languages.

I ask the gentleman, where will this stop? How many signs do we put up on street corners? How many one-way signs? How many languages do we print them in?

Mr. ROHRABACHER. If the gentleman will continue to yield, Mr. Speaker, the gentleman from Colorado brings up a serious, serious issue.

First and foremost, the reason we would like immigration to be in a very controlled and rational process, rather than what we have today, which is totally out of control, a chaotic situation, is because people who come here should come here and be able to, number one, speak the English language, because they should be able to take care of themselves, that is number one; they should be healthy; and they should be honest; just those three things. If they cannot speak the English language, obviously, in a country like ours, they are not going to be able to earn a good living and take care of themselves.

I have no complaints, as I say, about the level of 1 million people coming in here, especially when we consider we have 2 million or 3 million that are coming illegally, and many of the people that the gentleman is describing right now are people who have come here illegally and expect to have the services provided to them in their own language. This is adding insult to injury.

Mr. TANCREDO. Mr. Speaker, there are 375 voting districts in this country where ballots are provided in more than one language. This is a fascinating phenomenon. I ask my colleagues to think about this, and people who may be observing us here.

If we have to print a ballot in a language other than English so that a potential voter can understand it, what does that tell us about that voter's ability to have understood the debate leading up to that election? How do they know what the issues are? How do they know how any one of those candidates they are voting for feels about an issue if they cannot understand English?

It is an idiotic thing to present someone with a ballot in another language when that means they could not have understood the debate leading up to that election.

Mr. ROHRABACHER. The gentleman makes a good point. If he would yield, I would also point out that in order to vote in this country, one is supposed to be a citizen of the United States. In order to become a citizen of the United States, one has to be proficient in the English language. That is part of the requirement of citizenship.

By the way, in Orange County, just like most of California and the rest of this country, our people were conned into, for many years, this bilingual education concept. It was not until 3 or 4 years ago that we finally got rid of bilingual education.

Mr. TANCREDO. I would like to know how the gentleman did that.

Mr. ROHRABACHER. We had an initiative on the ballot, and the people overwhelmingly voted to get rid of bilingual education. I might add, even in the Hispanic community they voted to get rid of bilingual education. In our county, in Orange County, we pushed hard to make sure that that law was complied with and bilingual education was eliminated.

Does the gentleman know what the results have been in? In the last 15 years, we have had bilingual education in Orange County and the Hispanic kids have been, in the test scores, always at the bottom of the deck, always down there at the bottom of the ladder. The Hispanic kids always came in last in all the tests.

Since we have eliminated bilingual education, the Hispanic kids now are getting higher grades, and they have averaged out like every other child in the school district.

□ 1730

Bilingual education was a cruel hoax perpetrated on the Hispanic community by liberals who were trying to tell people that they were giving them something for nothing by appealing to some sort of anti-American nationalism when, instead, they should have been appealing to the better instincts of these people and trying to help them learn English, which was a prerequisite to success.

We have done a monstrous crime. The liberals have done a monstrous crime against the young people in our Hispanic communities throughout this country in making sure that they did not learn English proficiently by having them taught at a young age in a bilingual setting, which just inhibited them from learning English as we now find they are doing in southern California.

Mr. TANCREDO. Mr. Speaker, the point the gentleman from California (Mr. ROHRABACHER) brings up about bilingual education is an extremely important point. I hope people understood and heard what he said, about not only the willingness of people of the State of California to eliminate it, but a large, a significant number of a part of that population that voted to eliminate it were Hispanics themselves.

Because most of the people that come here from Mexico or anywhere else, they come here as poor people looking for a better life. They understand one thing very clearly; that is, in order to get that good life for themselves and for their children, they need to speak English. They do not want their children in these bilingual classes.

It is this educational elite that wants to force these children in. Well, there are a lot of interesting reasons. Some are political, some are cultural. But we passed in the Committee on Education and the Workforce, and in the education bill that we passed out of this House just a short time ago, we included a provision for bilingual education that, for the first time, will require parental approval, not just notification, but a parent has to give their approval, an affirmative statement that they want their children in a bilingual classroom.

One cannot imagine how that was looked upon by the other members of the committee, by members on the other side of the aisle especially. It was fought tooth and nail.

Mr. ROHRABACHER. Mr. Speaker, is the gentleman from Colorado trying to say that the people on the other side of the aisle opposed giving Hispanic parents even the choice of having their kids in bilingual education?

Mr. TANCREDO. Absolutely, Mr. Speaker. This was an anathema to them that they would ask an Hispanic parent or any parent, it does not have to be Hispanic, someone who could not speak English, permission to put their kid in a nonEnglish speaking classroom.

Colorado, it used to be until a short time ago, that one could spend one's entire career in school K through 12 in the Denver public school system without ever being in an English speaking classroom. Now that has changed: It is down to 3 years.

But I will tell my colleagues this, that all of the attempts on the part of the education establishment are to keep these kids in longer and longer and longer even though they learn nothing. I tell my colleagues that thank God for those parents, smart enough to know, smart enough to know they may not have terribly marketable skills in some of the high-tech areas or whatever. But those parents are smart enough to know that their children have to learn English and should, just like their grandparents and mine came over here, mine would not speak Italian, they would only speak what, my grandmother used to say, speak American, speak American.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, it should be noted that, in California, there were actual demonstrations by Mexican Americans at the Board of Education against bilingual education. The Board of Education, of course, would not listen to them. It was not until people were forced through a ballot initiative to eliminate bilingual education or at least give these parents a chance to have their kids taught in a nonbilingual setting, which then gave them the ability to compete and have better lives.

What a crime against these young people we have seen. I hope the Hispanic community notes this, notes the effect and who caused this, who caused the lowering of the potential of their child by forcing them through this antieducational environment that is called bilingual education.

I would like to note something while we are talking now about illegal immigration. A lot of times people will suggest that this massive flow of illegal immigrants really has not hurt anybody in this country. We have already pointed out that in California, at least I think this is true in other parts of the country, that the class size alone shows us that young people in our country have been damaged severely by having an extra, in California I will bet about a third of the class members in most classes in southern California are illegal immigrant children whose parents have come here recently, never having paid taxes, and now their children are immediately enrolled in a school system they have never contributed to. Is that hurting somebody? You bet it is. It is hurting the kids of the legal immigrants and the kids of the citizens.

But illegal immigration by being out of control as it has has had a tremendous impact on the standard of living of our people. We have just gone through 10 years of a major upsurge in our economy. This is one of the great times since Ronald Reagan turned the economy around in 1983, we have had one of the longest periods of economic growth in our history.

Yet, what is confounding the economists and the others who are analyzing all of the figures from the last Census is, how is it possible that wages have not gone up even though we have had this major increase in the economy and the GNP? All of the models would have had a big increases in wages. In other words, the standard of living of the American people should have gone up of average working people, but it did not.

Why did it not? They have figured it out that, instead, our liberal colleagues have been downplaying how many illegal immigrants are in our country. They have been telling us maybe there is 4 or 5 million illegal immigrants in our country. No, the Clinton administration lied to us. There are between 10 and 20 million illegal immigrants in our country.

Do my colleagues know what that has done for the average person? All of that money that should be going into the pockets of our own citizens because wages would have increased, that did not happen at all. That did not happen because there were more people there offering themselves at a lower price to undercut our own citizens, our own legal residents.

In other words, janitors in our country should be making more money. Guess what? Janitors in the United States of America, if it was not for illegal immigration, would be making a lot higher salary. What about people who work in hamburger stands? What about people who work in parking lots? What about people who work in all those many millions of jobs throughout our country that, yes, they are at the lower skill level, but they deserve to have some of the benefits of an expanding economy?

Our poor people deserve to have their standard of living go up when things are good in the United States of America. But what has happened is we permitted ten to 20 million illegal immigrants into our country, and thus the standard of living of the lowest part, the lowest rung of our society, people who are just struggling to get by, their capability of raising their standard of living was undercut by, of course, the liberals who care so much about the poor people.

I hope that people in this country realize that this has gone so far that even their labor unions now have turned a corner and are saying that we should permit illegal immigrants to come in and take labor union jobs.

When we are doing that, we are undercutting our own people. Our own people will not even get into those unions.

This is a terrible crime against the people of our country. I will have to say, the Republican leadership has not stood up to this. I am hoping that President Bush will. But President Clinton and his liberal gang just betrayed the interests of the American working people over and over again, and illegal immigration is one of the best examples.

Mr. TANCREDO. Mr. Speaker, the point the gentleman from California makes, especially about the impact, the negative impact of immigration on immigrants themselves, is something that we must not overlook here. It is not simply for a selfish benefit that we propose to reduce the number of immigrants into this country, both legal and illegal, it is because it is also the best for immigrants themselves.

We can, in fact, accommodate a certain amount of immigration into this country, and we will all benefit by it, the Native American, if you will, or the indigenous American, if you will, and the immigrant. But we cannot do it at these numbers, not in a million a year legally and 2, 3, 4 million a year illegally.

Here is what happens. There was a report not too long ago that was kind of perplexing. It was confounding in a certain way because it talked about the growth of poverty among children in America. Once again, one says to oneself now this is anti-intellectual. It does not seem right. It does not seem logical. How can we have a growth in poverty in the United States of America when in the last 10 years, 12 years, 20 years, 15 years probably we have had this enormous economic boom.

Well, if one studies the numbers, what one finds out is that there is a growing number of children that are "in poverty". But who are these children? They are the children of immigrants themselves, because they cannot achieve the American dream for the same reason that my colleague explains. There is a depressing effect of the numbers on the wage rates. This has been documented over and over and over again.

Yes, maybe it is a little better than they could have made in their country of origin, but they still cannot accumulate the necessary trackings of the good life over here because they have to take the lowest wage jobs. Because in the numbers they come in here, it depresses that whole wage.

You bet I hear from others. It is not just "liberals" who oppose any sort of lessening, reducing immigration, reducing the numbers and trying to do something about shoring up the border, it is many, many of my more conservative business people who come to me and say, I have to have these people. I have to have them. I would say, what do you mean you have to have them? They say, well, I cannot get people to work. I say, you cannot get Americans to work for that wage. Put that in there, and I cannot absolutely understand that. Yes, it is true.

So believe me, I am not just here condemning this sort of, what I call the noblesse oblige attitude of the left. It is also these very selfish interests of many people on the right who are impoverishing both the people coming in who are taking advantage of them, who are manipulating them, and at the same time they are actually reducing this quality and sound of life for the rest of America.

Mr. ROHRABACHER. Mr. Speaker, we may have a disagreement on the decline on bringing down the legal number of immigrants. I think a million people coming in in a very rational approach and trying to bring in people who can take care of themselves are honest and healthy and is a positive thing.

I think we can absorb a million. But what is skewed to me, what has skewed this whole situation and, as the gentleman was saying, even those people who are being seriously affected now is the fact that we have let illegal immigration go totally out of control. While we let a million people in legally, there are 3 and 4 million illegal immigrants into our country coming in through other means.

The gentleman from Colorado is precisely correct when he says it impacts those legal immigrants as well as the poor people in our society. For example, and he also pointed out, that it is not just liberal elected officials who are involved with not caring about this issue that is hurting our people, but he pointed out that there are many businessmen who are taking advantage of it.

When I said the standard of living of our working people is not increased because of the legal immigration, we have to remember that many of the businessmen will not offer health care and other benefits to their workers because they do not have to. They do not have to.

Go down and check the health care departments throughout the United States of America, and one is going to find they are swarming with illegal immigrants who have come here, either people who are sick and wanted to come here and get free operations, or people who came here are healthy people, went to work, and worked at virtual slave labor prices for big businessmen.

Big businessmen, if they are going to expect that the market is going to protect them, that we believe in the market, thus we believe they can charge what they want for their goods and services and what they offer for people, the market has got to work when it comes to labor as well. If labor is going to cost more money, business is going to have to pay more money for labor. We expect that because we expect the standard of living of poorer Americans to rise right along with the rest of our society.

But if we have a situation where the poor people of this country have joined a liberal coalition that turns its back and permits millions of illegals to come into this country, our poor people will never be offered the jobs that have health care. They will never be offered a raise.

The poorer people of this country have been betrayed by the liberal coalition who have made themselves an ally with illegal immigration in our society. Whether it is health care or whether it is good jobs, it is all being undercut by the liberal coalition and big businessmen who are, yes, many of them are Republicans.

One last note on that point. The gentleman and I faced an issue here recently just last year. How many times did we hear about H–1B Visas? Right? H–1B Visas. Does the public know what an H–1B Visa is?

We were being asked to give hundreds of thousands of jobs to people, basically people from Pakistan and India, in order to come in and get these great high paying or mid level and high paying jobs in the computer industry. At that time, the high-tech industry said, oh, we cannot find Americans to do these jobs. I talked to these businessmen. Oh, you have got to give us these.

Yes, they could not find Americans to do it because they were paying $50,000, and now the market value for people that could work in those high-tech jobs was more like $75,000 or $80,000.

□ 1745

But how did American business want to deal with that? I will tell you how: by beating American citizens into the ground, by bringing in a hoard of people from overseas to undercut their ability to get a higher wage. Give them H–1B visas. Let us bring in 600,000 people from India and Pakistan to get those jobs.

I would say to the businessmen, have you tried to go down to the local high schools and pick out the young kids who do not have the means to go to college but have the skills, the academic skills, and offer them scholarships if they will come and work for you? Oh no, they did not do that.

Well, did you go to the disabled community where we have people in wheelchairs who can do work, but maybe they do not have the use of their legs or something? Did you go to try to recruit those people to set your shop up, so they could do the job and pay them a good and decent wage for a change? Oh no, we have not done that.

No, what we want to do is bring in these young Indians and Pakistanis who will work for one-third the wage of what our people will work for and let those other Americans go to hell, as far as they are concerned.

This is not what this government is supposed to be about. This is not what Republicans are about, at least not these Republicans, because we care about the citizens and, yes, we care about the legal immigrants in our country. And we should not be supporting policies that undermine the ability of our people to have their incomes increase or undermining the ability of our poorer people because of an economic boom to have a better life.

Mr. TANCREDO. The gentleman brings up so many good points and addresses them so articulately that I am always inspired listening to him. I enjoy it tremendously because I believe the gentleman is a patriotic American who understands the real challenges to this country.

We have said this before, but they do not want to look at this issue of immigration. They are afraid of it for a variety of reasons, but as my colleague says, one reason is they will be confronted by name calling and epithets. And I guaranty you when we get back to our respective offices our phones will have been lit up, and for a long time, with people saying a lot of relatively nasty things. I have gone through this before. I understand it. I am willing to go through it time and time and time again, because I believe this is one of the most serious pressing problems we face as a Nation.

I believe with all my heart that we will not exist as we are, a Nation with the kind of quality of life that we have, unless we address this head on and take our lumps. And people can call us all the names they want to call us and whatever, but somebody has to bring this to the attention of the American people.

And I will say one more thing about what my colleague mentioned before on the part of many businesses to ignore the alternative, the alternative being to force the school systems. If we are having a problem, if the problem is that our school system just simply cannot produce, does not produce the kind of quality skills and level of skills that business needs, there is a way to address that. They can demand more from the schools. Or they could avoid all that. They can avoid putting money into the school system, they can avoid challenging the schools with school choice and a variety of other things, and they can take the easy way out. Business can say, I do not have to get them here because I can go to someplace else, I can go to India and Pakistan to get them.

I suggest it is just like when we talked earlier about the fact that we are giving Mexico and other countries, for instance, the President of Bangladesh, when he was confronted with the growth in his population and what he was going to do about it, he said, "I'm not going to do anything about it. I will let America take care of it. I will send them to America." This is the problem; that we give these nations an out. We become their safety net.

It is the same thing here by letting these employers off the hook and not forcing them to go to the school systems, not forcing them to improve the quality of education and then they can get the kind of help they need. We give them a safety net. We say go get illegals.

Mr. ROHRABACHER. If the gentleman will yield once again, the irony of this is that so many of these countries that are sending their people here, many of the people coming here are their educated people and they need them in their own country. Many of the people who come here from other countries are indeed people who believe in our democratic system and are the cream of the crop. And, as such, what we have done is take away the ability of that other country to have progress in their country while at the same time undermining the United States, the people of the United States of America and their standard of living.

We are going to keep having shortages in energy, as the gentleman said, in transportation, health care, and especially education. We are going to continue to see the standard of living of ordinary Americans just stagnate unless we get control of this illegal immigration. And if we do not stand true to our principles of keeping English the official language, it will create total chaos and division in our population.

I congratulate the gentleman for his leadership he is providing and let us work together on this.

Mr. TANCREDO. I thank the gentleman very much for coming down here. I hope we will do this again and that I will be able to convince the gentleman that even a million a year illegally is too much.

U.S. SUGAR SUBSIDY POLICY

The SPEAKER pro tempore (Mr. OTTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Illinois (Mr. DAVIS) is recognized for 60 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I must say that I noted with tremendous interest the discussion which just took place, and, of course, I think there is always the likelihood and the possibility that countries get larger and larger and opportunities become greater and that those opportunities should be shared by and used by as many people as we can possibly make them available to.

Mr. Speaker, earlier today I participated in a press conference called by the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. GEORGE MILLER). They called this press conference to announce their introduction of legislation to change our sugar policy and to phase out some of those huge subsidies that we are providing for the control of the sugar industry to small groups of people and small business concerns; that is small in numbers but certainly large in terms of influence and large in terms of their control of the industry.

Also at that press conference was the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Ohio (Mr. CHABOT). The whole question of our sugar policy is rocking the country in many places because of the fact it is having a tremendously negative impact upon the ability of people to continue to grow and develop in their local communities. Every country and every government that is of a sugar-producing nation has intervened to protect their domestic industry from fluctuating world market prices. Such intervention has been necessary, it is argued, because both sugar cane and sugar beats must be processed soon after harvest using costly processing machinery. When farmers significantly reduce production because of low prices, a cane or beat processing plant typically shuts down, usually never to reopen. This close link between production and capital-intensive processing makes price stability important to industry survival.

The United States has a long history of protection and support for its sugar industry. The Sugar Acts of 1934, 1937, and 1948 required the United States Department of Agriculture to eliminate domestic consumption and to divide this market for sugar by assigning quotas to U.S. growers and foreign countries, authorized payments to growers when needed as an incentive to limit production, and levied excise taxes on sugar processed and refined in the United States.

This type of sugar program expired in 1974, following a 7-year period of markets relatively open to foreign sugar imports, mandatory price support only in 1977 and 1978, and discretionary support in 1979. Congress included mandatory price support for sugar in the Agriculture and Food Act of 1981 and the Food Security Act of 1985. Subsequently, the 1990 Farm Program, the 1993 Budget Reconciliation, and the 1996 Farm Program laws extended sugar program authority through the 2002 crop year.

Even with price protection available to producers, the United States historically has not produced enough sugar to satisfy domestic demand and, thus, continues to be a net sugar importer. Historically, domestic sugar growers and foreign suppliers share the United States market in a roughly 55 to 45 split. This, though, has not been the case in recent years. In fiscal year 2000, domestic production filled 88 percent of U.S. sugar demand for food and beverage use. Imports covered 12 percent. A high fructose corn syrup displaced sugar in the United States during the early 1980s and as domestic sugar production increased in the late 1980s.

The USDA restricts the amount of foreign sugar allowed to enter the United States to ensure that market prices do not fall below the effective support levels. The intent in maintaining prices at or above these levels is to make sure that the USDA does not acquire sugar due to a loan forfeiture. A loan forfeiture, turning over sugar pledged as loan collateral, occurs if a processor concludes that market prices at the same time of a desired sale are lower than the effective sugar price support level implied by the loan rate.

Now, I mention all of this background to mention the fact that there has been reason for the development of our policy. But then as times change, so is there a need for policy change, and so, Mr. Speaker, I approach the subject of sugar subsidies from a little different angle, something slightly different than just looking at what it is that we do for the producers.

In my district today, tonight, more than 600 jobs are at risk, in part because of the sugar subsidy. So my view this evening is the view of the community, the point of view of the working man or woman. We live in a society of plenty and, still, 20 percent of our children live in poverty. In areas where we measure near poverty, such as California, the rate rises to 45 percent. Similar numbers characterize my district in the State of Illinois. Over the past 35 years, our national production of goods and services has more than doubled, yet the inflation-adjusted income of most poor Americans is lower today than it was in 1968.

A recent CBO report revealed that after-tax income of the poorest 20 percent of U.S. households fell between 1979 and 1997, while the income of the wealthiest 1 percent of U.S. households grew a staggering 157 percent.

□ 1800

More egregious, wage and equality, that is, the relative drop in pay for the lowest-paid workers is again on the rise. This is accompanied by an actual loss of jobs in our economy last month of 19,000; and an increase in the number of laid off workers as a share of the workforce. Manufacturing continues to bear the brunt with employment down 124,000 in May and job loss this year averaging 94,000 per month.

Most folks know that some of these recent setbacks are at least in part due to the current economic downturn we are experiencing. But especially in manufacturing, we have been experiencing a long-term so-called structured downturn for two generations. Jobs With Justice counted three-quarters of a million jobs lost as a result of NAFTA sucking jobs out of the United States; 37,000 of those jobs were lost in Illinois. Total job loss in Illinois was much worse. Between 1970 and 1984, the city of Chicago lost a total of 233,873 jobs in the manufacturing sector and another 39,660 in wholesaling as a result of plant closings and layoffs. These job losses hit especially hard at women, African Americans, Latinos, members of other minority groups.

In addition to jobs lost, occupations which dislocated workers had high concentrations of women. This pattern of job loss and dislocation can be traced all the way back to the end of the Second World War; and of course although I mention Chicago, it is not limited to Chicago and Illinois. Between 1947 and 1963, Detroit, for example, lost 14,000 manufacturing jobs. No wonder the Midwest came to be called the Rust Belt. In fact, though the rust has impacted all of America, globalization has accelerated the process of deindustrialization, but that does not mean that we must resign ourselves to those consequences. On the contrary, what it means is that we need a policy, a trade policy, an economic policy, a foreign policy, which serves the interest of every American, every working man, every working woman. Every man and every woman.

Anyone who claims that globalization is just about free trade, about letting the market work, is not telling the whole story. If NAFTA were only about free trade, the treaty would have been a page or two long, and simply declare all taxes and barriers to free trade are hereby repealed.

Instead, the treaty is a thousand pages of dense legal type and has hundreds of additional pages of highly technical appendices. All that legalese is there to protect specific interests and specific institutions. What is not protected is the jobs of ordinary Americans. What is not protected is the environment. What is not protected is the health and safety of the American consumer.

Mr. Speaker, there is a role for the public sector, and there is a role for the private sector. Of course I am here today to advocate for the removal of an obstacle to economic growth, a relic of agricultural needs and times that have come and gone. While there have been efforts to do this in the past, I trust that this year we will be more successful. But it must be part of a broader concern, a broader policy of protecting the jobs of ordinary Americans; and it must be part of a policy that demands corporate responsibility, performance standards, public disclosure, fairness and equity in return for the nourishing environment our corporations enjoy.

Mr. Speaker, the Bible teaches that we sometimes ought to consider what profits a man who loses his soul. I guess I would probably phrase that differently and maybe would ask the question, What profits a Nation which abandons its people?

I believe that is exactly what we have done. That is exactly what we continue to do as long as we have an archaic sugar policy that does not allow jobs and economic development to take place in neighborhoods and communities throughout the country that are in need of fairness and fair opportunity to expand, to grow, as opposed to retrenching and going out of business.

Mr. Speaker, our sugar policy is a very important issue that has the potential to cost our respective districts many jobs. So now the question becomes and the question is: Should the Federal policy seek to ship overseas the jobs of hardworking American citizens in order to bestow huge subsidies on a relatively small group of individuals and businesses, many of whom are already wealthy? I would think not, and I would venture that the vast majority of Americans would agree with me.

That is precisely what is occurring because of the sugar price support program, a program which has thrown onto the unemployment rolls thousands of my constituents, other residents of the city that I come from, and other people all over the country who rely upon the candy and food industries for livelihood.

The sugar price support program is in crisis. Approximately 65,000 Americans are employed in the candy industry nationwide. However, according to the Chicago Tribune, since the 1990s, 4,000 of those jobs have been lost and have left the city of Chicago alone. Just recently we got word that one of our plants, Brach's Candy Company, with 1,600 jobs was going to move out of the city, out of the county, out of the State, out of the Nation, into Argentina. They are going to move because they say that they pay twice as much for sugar as do their overseas competitors.

Communities like those around the Brach's plant are in many instances already devastated, have already experienced high levels of unemployment, have already had to dig their way out as we have seen change in trends. So I would point out, Mr. Speaker, that these job losses are in addition to those in the cane refining industry. Since the sugar price support program was enacted in 1981, 12 of 22 cane sugar refiners, including one in Chicago, have gone out of business, in all likelihood never to return. As many as 4,000 high-paying union jobs were lost when these refineries shut down.

Unlike most other agricultural programs, the sugar program has not since its inception in the 1980s been reformed to reflect change in market conditions. The program is still aimed at keeping sugar prices high by limiting imports and making loans to growers. Operating under the price protection of this program, domestic sugar producers taking advantage of both technological advances and good weather have increased their production dramatically, so much so that production reached such high levels last year that the Federal Government, our government, my government, your government, bought 132,000 tons of sugar off the domestic market at a cost of $54 million. There are some who would call this a sweetheart, I guess you cannot get much sweeter than sugar, deal. In fact, when you include the cost incurred by the government from sugar loan forfeitures, the cost to the United States taxpayer for the sugar program was $465 million last year, and the United States Government is now having to pay additional millions of dollars to store some 800,000 tons of sugar. So there you have it.

All of our constituents pay for the sugar program in either their taxes and in the prices of the products they purchase at the grocery store. And then, of course, some of us pay by losing their jobs. The jobs being lost in the candy industry are not moving to another city, county, or State, but to other countries such as Mexico or Argentina where sugar can be purchased at world prices.

All of the way back to my days when I served on the Chicago City Council, I have seen the gradual decline and loss of jobs in the candy industry, and specifically in urban Chicago.

Therefore, I am certain that we must find a solution to prevent the further loss of jobs throughout urban America, and I would encourage my colleagues to find me and find such a solution. I believe that such a solution has been proposed today. Therefore, I would urge support for the Miller-Miller legislation which was introduced earlier this day.

I am also pleased to note that my colleague from the city of Chicago, from the First Congressional District, the oldest, as a matter of fact, African American congressional district currently standing in the United States of America, for example, it was that area after the period of Reconstruction was over and all African Americans had been put out of the Congress, and we went through a period where there was no black representation in Congress for about 30 years, finally from the First Congressional District of Chicago came Oscar DePriest; and following in the footsteps of Oscar DePriest and the footsteps of the late Mayor Harold Washington, I am pleased that my colleague, the gentleman from Illinois (Mr. RUSH), has come to join us and participate in this discussion.

Mr. RUSH. Mr. Speaker, I thank the gentleman who has been my friend and my colleague, my compatriot, my comrade, in the many, many struggles that we both have been involved in throughout our adult lives.

☐ 1815

My friend, the gentleman from Illinois (Mr. DAVIS), who represents the great Seventh Congressional District in the city of Chicago in the State of Illinois is beyond comparison as a gallant and valiant fighter for the interests of not only the citizens of the Seventh Congressional District but for the interests of all American people, particularly those who are working and struggling day by day to make their lives better. It is upon this occasion that I commend him once again for his extraordinary leadership on this particular issue of the Federal subsidies of the sugar industry here that we are discussing this afternoon.

The gentleman from Illinois has laid out the problem. I would like to just share in his analysis, in his views. I would like to share his description of this Federal sugar subsidy program, which is unlike many, many other Federal crop subsidies. This Federal sugar subsidy program disproportionately impacts American citizens and American businesses. The sugar program negatively impacts American consumers, particularly and especially the poor. When you strip it apart, when you cut it down to the essence of this program, we find that this Federal sugar subsidy program is really a tax on food items that contain sugar. That is all that it is. It is a tax, a tax on the food items that contain sugar.

The General Accounting Office estimates that the total cost to consumers and users of sugar is $1.8 billion annually. A tax for those who use sugar of $1.8 billion year after year. Even more detrimental, the sugar tax is regressive. That is, that it places the greatest burden on those who are least able to pay, those who are on fixed incomes, those who are struggling to provide food on their tables on a day-to-day basis, those who are least able to pay in this society are forced to pay $1.8 billion each and every year to sugar producers.

If U.S. consumers like those who are in my district, the first district of Illinois, and those who are in the district of the gentleman from Illinois (Mr. DAVIS), the Seventh District of Illinois and others throughout America, if consumers had been given access to world-price sugar, say, in 1999, a five-pound bag of sugar that cost $2.17 would have only cost $1.38. We paid almost twice the cost for a five-pound bag of sugar in 1999 as we should have paid.

I look around and I think about how many parents, mothers and fathers, those who are working class, those who are striving on a day-to-day basis to try to make ends meet, how many of us would have loved to pay almost half the cost of sugar and thereby saving our little money to go toward school supplies and school clothing and maybe even just a night out with the family at the movies but could not afford to do that simply because of these exorbitant prices that we have been forced to pay for the cost of a five-pound bag of sugar.

The sugar program unfairly disadvantages American businesses. We know that the United States has a long history of internationally known candy makers. We are the capital of candy makers throughout the world. Chicago, the district and the city that both the gentleman from Illinois (Mr. DAVIS) and I represent is the capital for candy makers. All across this country, whether it is in Pennsylvania with Hershey's or Brach's; Kraft or M&M/Mars in Chicago; Nabisco in the great city of Holland, Michigan; or Nestle's in California, the United States candy industry brings millions of dollars in tax revenues to communities throughout this country. As many as 293,000 workers in 20 States depend on these same businesses for their livelihood. People work for these candy manufacturers. Families are fed, clothed and housed because of their salaries that are generated from working for these candy manufacturers. Children are sent to school, to college based on their parents' ability to provide dollars and assistance to them. Our livelihood depends on these candy manufacturers.

And what are we doing? The Federal subsidy program for sugar is placing U.S. candy manufacturers at a competitive disadvantage by raising the cost of sugar in this country. We are driving candy manufacturers out of our country. Many of them are being forced to consider moving, as the gentleman from Illinois said earlier, not from Illinois to Indiana, not from Pennsylvania to Ohio, but from this country to other countries, including Mexico.

They are forced out of our Nation because of our Federal subsidy program for sugar. Almost 300,000 people, 293,000 to be exact, are going to lose their jobs unless we find a remedy, unless we correct this injustice, this problem that we are confronted with as it relates to Federal subsidies for sugar producers. If we want to keep the candy industry in this country and keep it healthy and give it the protection that it needs so that it can keep our citizens working and our families healthy and stable and viable, then we can do nothing less than do away with the current Federal sugar subsidy program.

We can do no less than bring this Federal sugar subsidy program to a screeching halt. We can do no less than give these workers who are employed by candy manufacturers the kind of protection that they need, give them the kind of support that they need, give them the kind of policies at the Federal level that would help them to continue to work at jobs that help them take care of their families, in jobs that will help them provide food and clothing and shelter for their families. We can do no less than to give them the kind of support that we need to give them so that they will be able to maintain their families in a way so that their children will grow up to be healthy and productive American citizens.

I want to thank again my friend the gentleman from Illinois (Mr. DAVIS) and the sponsors of the bill, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. GEORGE MILLER). I want to thank all of them for looking out for the little guy, for bringing this issue to the floor, to the well of the House, to inform the American people that what we are doing with this Federal sugar subsidy program, it is almost criminal. It is a tax, a regressive tax, on those who are least able to pay it. It does not make sense, it is backwards, it is exploitive, it is discriminatory, it is regressive, and we have got to stop it and we have got to stop it right now. I again thank the gentleman from Illinois (Mr. DAVIS) for his extraordinary leadership on this particular issue.

Mr. DAVIS of Illinois. I thank the gentleman from Illinois (Mr. RUSH) and I certainly want to thank him for his very passionate and eloquent description of the problem. I had not really thought in terms of further taxation, but when he makes the point that this becomes additional taxation as we purchase beverages, as we purchase candy, and, more importantly, as we purchase ordinary food which contains sugar, that is another way of looking at the issue. I certainly agree with him that it has to stop.

We are also pleased that we have been joined by the dean of the Democratic delegation from the State of Illinois, one of the real experts on aviation in this country but one who understands not only aviation but urban issues and urban problems all over America, the gentleman from Illinois (Mr. LIPINSKI). We are so delighted that he has joined us, and we thank him so much for coming.

Mr. LIPINSKI. I appreciate very much the gentleman taking this special order tonight. It is another demonstration of his outstanding leadership here in the Congress of the United States. I am certainly happy to see that the gentleman from Illinois (Mr. RUSH) has also joined the gentleman here tonight, another excellent leader in the Congress from the State of Illinois.

Mr. Speaker, I rise today to express my strong support for ending the sugar subsidy program. A program which some claim costs absolutely nothing is actually costing the government millions and consumers billions of dollars. This program triggers unemployment in the sugar refining industry and is not how a farm program should work.

In the 1996 farm bill, we committed ourselves to phasing out price supports for every commodity except sugar and peanuts. It is time to level the playing field and expose the sugar program for the sham that it is. The sugar support program is supposedly designed to operate at no direct cost to the Federal Government. The Department of Agriculture provides a loan to sugar growers. The growers use sugar as collateral.

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When the loan comes due, if the processor can make a profit, repay the loan and sell the sugar on the open market, that is what he does. However, if raw sugar prices fall below a predetermined price, the growers simply default on the loan and forfeit the sugar they put up for collateral, a practice which is becoming increasingly more common.

Clearly, this is a cost to the taxpayers and a waste of taxpayers' dollars.

In fact, according to the USDA, last year the government bought more than 1 million tons of sugar for $435 million and it now pays $1.4 million monthly to store the sugar. In addition, the government gave some of the sugar back to the same industry that forfeited it in the first place in exchange for the processors getting the farmers to destroy some of their growing crops. As a result of the sugar program, domestic prices for raw sugar are typically twice world market prices and sometimes more.

Currently, sugar costs 9 cents a pound on the world market but the government sets the domestic price for raw sugar at 18 cents a pound and 22.9 cents for refined sugar beets. According to the General Accounting Office, this price difference means that consumers are paying $1.9 billion more than they need to for sugar and sugar products. Yet, maybe most importantly, hundreds of jobs have been lost in the refining industry in just the past few years due to the unwise sugar subsidy. Since the mid-1980s, 12 of the nation's 22 cane sugar refineries have gone out of business, including one in Chicago. Just last year, a large Brach's candy factory on the West Side of my hometown Chicago was forced to shut down due to inflated sugar prices.

What is particularly infuriating about this situation is that these refinery jobs are good-paying jobs located in inner cities and areas where other employment opportunities are scarce.

For example, the confectioners who used to use domestic sugar are instead having to send those jobs to Canada or Mexico, where they can purchase affordable sugar, costing American working men and women their jobs. It is the families who work in these sugar refineries that are being closed down who are suffering the most.

The Committee on Agriculture is writing a new farm bill, and we cannot afford to have the sugar lobby write the sugar policy. Until the sugar subsidy program is phased out, consumers will pay more for products containing sugar. Taxpayers will continue to pay more to buy surplus sugar. Workers in the candy industry, in the cane refining industry, will continue to lose their jobs. The sugar program will continue to benefit a few without solving the problems of family farmers. We must insist on real reform in the sugar program and end the regulations that are costing Americans money and American jobs.

Once again, I want to thank the gentleman from Illinois (Mr. DAVIS) for holding this special order tonight. This is a very important area of concern for the Congress of the United States. I am sure that with his leadership we will be able to do something about it in this coming agriculture bill that we will be working on very shortly. I thank the gentleman once again for giving me the time tonight.

Mr. DAVIS of Illinois. Madam Speaker, I thank the gentleman from Illinois (Mr. LIPINSKI) very much for his comments. Again, I want to thank the gentleman for coming over. I think he has put his finger right on the issue when he talks about consumers have to pay unnecessarily. I understand that one has to pay for everything that they get but I do not understand when one has to pay more just so a small industry can continue to benefit to the detriment of others. So I thank the gentleman for raising the issue.

Mr. LIPINSKI. Madam Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Madam Speaker, what I was going to say is that I can understand somewhat subsidizing an industry that is creating jobs here in the United States of America. I think that that sometimes is good public policy. But to me here we have a law, a program, which is costing the American citizens more money not only out of their pocket directly but in taxes; as I said earlier, even more importantly, costing us jobs in this country. It has to be an absolute minute minority of American citizens that benefit out of this program at the expense of all the other American citizens, and really something should be done about this. As I say, as far as public policy, if an industry is going to be subsidized in this country in some way, shape or form, then they should be creating economic development; they should be creating jobs.

Mr. DAVIS of Illinois. Madam Speaker, I thank the gentleman for pointing out that we are going to be rewriting the farm bill. I think this is an excellent opportunity to correct what we should have done a number of years ago, and so I thank the gentleman again for coming over and for being a part.

I am about to summarize this, Madam Speaker, but I have remarks about the Brief History of the Sugar Program that I would include in the RECORD at this point.

BACKGROUND AND ANALYSIS

BRIEF HISTORY OF THE SUGAR PROGRAM

Governments of every sugar producing nation intervene to protect their domestic industry from fluctuating world market prices. Such intervention is necessary, it is argued, because both sugar cane and sugar beets must be processed soon after harvest using costly processing machinery. When farmers significantly reduce production because of low prices, a cane or beet processing plant typically shuts down, usually never to reopen. This close link between production and capital intensive processing makes price stability important to industry survival.

The United States has a long history of protection and support for its sugar industry. The Sugar Acts of 1934, 1937, and 1948 required the U.S. Department of Agriculture (USDA) to estimate domestic consumption and to divide this market for sugar by assigning quotas to U.S. growers and foreign countries, authorized payments to growers when needed as an incentive to limit production, and levied excise taxes on sugar processed and refined in the United States. This type of sugar program expired in 1974. Following a 7-year period of markets relatively open to foreign sugar imports, mandatory price support only in 1977 and 1978, and discretionary support in 1979, Congress included mandatory price support for sugar in the Agriculture and Food Act of 1981 and the Food Security Act of 1985. Subsequently, 1990 farm program, 1993 budget reconciliation, and 1996 farm program laws extended sugar program authority through the 2002 crop year. Even with price protection available to producers, the United States historically has not produced enough sugar to satisfy domestic demand and thus continues to be a net sugar importer.

Historically, domestic sugar growers and foreign suppliers shared the U.S. sugar market in a roughly 55/45 percent split. This, though, has not been the case in recent years. In FY2000, domestic production filled 88 percent of U.S. sugar demand for food and beverage use; imports covered 12 percent. As high fructose corn syrup (HFCS) displaced sugar in the United States during the early 1980s, and as domestic sugar production increased in the late 1980s.

The loan rate for raw cane sugar is statutorily set. The loan rate for refined beet sugar historically was set in relation to raw sugar under a prescribed formula; however, this rate now is fixed for 7 years at the 1995 level. Loan support for beet sugar is set higher than for raw sugar, largely reflecting its availability as a product ready for immediate industrial food and beverage use or for human consumption (unlike raw cane sugar). By contrast, raw cane sugar must go through a second stage of processing at a cane refinery to be converted into white refined sugar that is equivalent to refined beet sugar in end use.

Loan Rates and Forfeiture Levels. The FY2001 loan rates are set at 18 cents/lb. for raw cane sugar, and 22.9 cents/lb. for refined beet sugar. These loan rates, though, do not serve as the price floor for sugar. In practice, USDA's aim is to support the raw cane sugar price (depending upon the region) at not less than 19.1 to 20.7 cents/lb. (i.e., the price support level in a region plus an amount that coves a processor's cost of shipping raw cane sugar to a cane refinery plus the interest paid on any price support loan taken out less a forfeiture penalty applicable under certain circumstances). Similarly, USDA seeks to support the refined beet sugar price at not less than 23.2 to 26.2 cents/lb. (i.e., the regional loan rate plus specified marketing costs plus the interest paid on a price support loan less the forfeiture penalty), depending on the region. These "loan forfeiture," or higher "effective" price support, levels are met by limiting the amount of foreign raw sugar imports allowed into the United States for refining and sale for domestic food and beverage consumption.

Import Quota. USDA restricts the amount of foreign sugar allowed to enter the United States to ensure that market prices do not fall below the "effective" support levels. The intent in maintaining prices at or above these levels is to make sure that USDA does not acquire sugar due to a loan forfeiture. A loan forfeiture (turning over sugar pledged as loan collateral) occurs if a processor concludes that domestic market prices at the time of a desired sale are lower than the "effective" sugar price support level implied by the loan rate. Foreign suppliers absorbed the entire adjustment and saw their share of the U.S. market decline.

1996 FARM ACT: SUGAR PROGRAM

To support U.S. sugar market prices, the USDA extends short-term loans to processors and limits imports of foreign sugar. The 1996 farm bill provisions, though, change the nature of the "loan" available to processors. The form of price support is now determined largely by the domestic demand/supply situation and USDA's subsequent decision on what the fiscal year level of sugar imports will be. As a result, these parameters together with market developments have injected more-than-usual price uncertainty into the U.S. sugar market.

General Overview

The sugar program continues to differ from the grains, rice, and cotton programs in that USDA makes no income transfers or payments to beet and cane growers. In contrast, the program is structured to indirectly support the incomes of domestic growers and sugar processors by limiting the amount of foreign sugar allowed to enter into the domestic market using an import quota—a policy mechanism that lies outside the scope of the program's statutory authority. Accordingly, USDA decisions on the size of the import quota affect market prices, and are made carefully to ensure that growers and processors do realize the benefits of price support they expect to receive as laid out in program authority.

Price Support. USDA historically has extended price support loans to processors of sugarcane and sugar beets rather than directly to the farmers who harvest these crops. Growers receive USDA-set minimum payment levels for deliveries made to processors who actually take out such loans during the marketing year—a legal requirement. Other growers negotiate contracts that detail delivery prices and other terms with those processors that do not take out loans.

In summarizing or closing out or closing up, let me just say this: I am not opposed to helping farmers. As a matter of fact, we have farm programs for wheat, corn, cotton and many other crops. These programs give direct assistance to farmers and allow market prices to be set by supply and demand. Farmers receive help but not at the expense of workers and consumers, but the sugar program is different. The sugar program helps producers by hurting other people. That is not right. There are other ways to help sugar farmers. The sugar program keeps our market prices higher than world prices. Domestic sugar prices are about 21 cents a pound compared to world prices of about 9 cents a pound. Now the price gap is costing jobs. Brach's Confectioners, Incorporated, will close its candy factory on Chicago's West Side, putting 1,100 people out of work in the next 3 years. Other facilities have closed, too, including a Nabisco plant last year. In fact, there were 13,000 workers in Chicago's candy industry 5 years ago but now only 10,000. One reason for the decline, increasing imports of hard candy made with world priced sugar. These nonchocolate candy imports have risen steadily from less than 12 percent of the U.S. market in 1997 to 17 percent in 1999. This candy is cheaper because it is made with sugar that costs 9 cents a pound instead of 21 cents a pound. Our quota system for sugar, along with the high price supports, is costing industrial jobs because imports are displacing United States products.

The quotas may be helping large sugar corporations in Southern Florida but they are hurting American workers in Chicago who do not have quotas to protect them. It is time to change this dysfunctional sugar program. We can help producers without hurting workers and other farmers.

The new farm bill must reform sugar subsidies. We must support the Miller-Miller legislation and we must make sure that as we reauthorize legislation to govern farm, farmers and farm products in our country, that we reform the sugar program and make it fair.

STUDIES SHOW THAT EARLY TREATMENT FOR HIV/AIDS CAN PROLONG HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I wish to congratulate the over 50 influential public and private sector leaders from business, from media, from entertainment, from sports, education, as well as the faith-based community as they come together this weekend for the XAIDS Act NOW Partnership Council. In fact, on Monday, June 11, the council will convene in my Congressional district in South Florida to mobilize efforts in their fight against the HIV/AIDS virus. This is an epidemic that is plaguing our communities and they are going to combine their expertise, their resources and experiences to see how we can combat this terrible plague.

Studies show that early treatment can prolong health and persons who know that they have HIV are far more likely to avoid risky behavior, to get treatment and to protect their partners. As a result, the council's message is very simple: Get tested, get treated and be safe. This will be promoted by teams that will focus on testing and primary care, the Internet, leadership councils, influential speakers, youth, outreach support and multimedia support groups.

The partnerships have increased awareness on HIV and AIDS and they have encouraged people to get tested, to help prevent new infections among at-risk individuals. Their innovative approaches have helped to combat complacency in our community. We cannot afford to be complacent any longer. So I ask my congressional colleagues to commend the partners of XAIDS Act NOW for their leadership and their commitment to fighting the HIV AIDS epidemic.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and June 7 on account of official business.

Ms. WATERS (at the request of Mr. GEPHARDT) for June 5, 6, and 7 on account of business in the district.

Ms. SOLIS (at the request of Mr. GEPHARDT) for June 5 and the balance of the week on account of business in the district.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for June 5 and 6 on account of unforseen circumstances.

Mr. FERGUSON (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLUMENAUER) to revise and extend their remarks and include extraneous material:)

Mr. SHOWS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Mr. PRICE of North Carolina, for 5 minutes, today.

Mr. WATT of North Carolina, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material):

Mr. MORAN of Kansas, for 5 minutes, June 13.

Mr. HAYES, for 5 minutes, June 13.

Mr. HORN, for 5 minutes, June 14.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

ADJOURNMENT

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to House Resolution 157, I move that the House do now adjourn in memory of the late Hon. JOHN JOSEPH MOAKLEY.

The motion was agreed to; accordingly (at 6 o'clock and 43 minutes p.m.), pursuant to House Resolution 157, the House adjourned until tomorrow, Thursday, June 7, 2001, at 10 a.m. in memory of the late Hon. JOHN JOSEPH MOAKLEY of Massachusetts.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2312. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of France, Ireland, and The Netherlands Because of Foot-and-Mouth Disease [Docket No. 01–031–1] received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2313. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clethodim; Pesticide Tolerance [OPP–301133; FRL–6783–5] (RIN: 2070–AB78) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2314. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prohexadione Calcium; Pesticide Tolerance [OPP–301128; FRL–6781–5] (RIN: 2070–AB78) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2315. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerance [OPP–301131; FRL–6782–5] (RIN: 2070–AB78) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2316. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clethodim; Time-Limited Pesticide Tolerance [OPP–301134; FRL–6785–5] (RIN: 2070–AB78) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2317. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting the Secretary's certification that the current Future Years Defense Program (FYDP) fully funds the support costs associated with the Bradley Fighting Vehicle A3 Upgrade multiyear program through the period covered by the FYDP, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

2318. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Assessment of Fees [Docket No. 01–11] (RIN: 1557–AB96) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2319. A letter from the Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Labor, transmitting the Department's final rule—Consultation Agreements: Changes to Consultation Procedures [Docket No. CO–5] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2320. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Government of Switzerland (Transmittal No. 04–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

2321. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 047–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2322. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2323. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2324. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2325. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2326. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2327. A letter from the Deputy Assistant Inspector General for Management and Planning, Department of Justice, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2328. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2329. A letter from the Acting Chairman, Securities and Exchange Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2330. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the 2001 Annual Report Regarding Atlantic Highly Migratory Species; to the Committee on Resources.

2331. A letter from the Chairperson, Commission on Civil Rights, transmitting a report entitled, "Sharing the Dream: Is the ADA Accommodating All?"; to the Committee on the Judiciary.

2332. A letter from the Chairperson, Commission on Civil Rights, transmitting a report entitled, "A Bridge to One America: The Civil Rights Performance of the Clinton Administration"; to the Committee on the Judiciary.

2333. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti [INS No. 2113–01, AG Order No. 2429–2001] (RIN: 1115–AG05) received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2334. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Establishing Premium Processing Service for Employment-Based Petitions and Applications [INS No. 2108–01] (RIN: 1115–AG03) received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2335. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's "Major" final rule—Adjustment of Status under Legal Immigration Family Equity (LIFE) Act Legalization Provisions and LIFE Act Amendments Family Unity Provisions [INS No. 2115–01; AG Order No. 2430–2001] (RIN: 1115–AG06) received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2336. A letter from the Acting Chief Executive Officer, United States Olympic Committee, transmitting a report pursuant to The Ted Stevens Olympic and Amateur Sports Act; to the Committee on the Judiciary.

2337. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Priorities and Allocations—received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2338. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Cost Accounting Standards Waivers—received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2339. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Extension of Class Deviations for SBIR Contracts—received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2340. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Inspector General Hotline Posters—received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2341. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Rev. Rul. 2001–28] received May 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2342. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund; determination of correct tax liability [Rev. Proc. 2001–37] received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2343. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns Regarding Payments by Service-Recipients [Notice 2001–38] received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1000. A bill to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes; with an amendment (Rept. 107–88). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 37. A bill to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; with an amendment (Rept. 107–89). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 640. A bill to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes; with an amendment (Rept. 107–90). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1661. A bill to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act (Rept. 107–91). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 2068. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works"; to the Committee on the Judiciary.

By Mr. HYDE:

H.R. 2069. A bill to amend the Foreign Assistance Act of 1961 to authorize assistance to prevent, treat, and monitor HIV/AIDS in sub-Saharan African and other developing countries; to the Committee on International Relations.

By Mr. TIBERI (for himself and Mr. ANDREWS):

H.R. 2070. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain specialized employees from the minimum wage recordkeeping and overtime compensation requirements; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself, Mr. ENGLISH, Mr. BARRETT, and Mr. GRAHAM):

H.R. 2071. A bill to amend title XVIII of the Social Security Act to provide for eligibility for coverage of home health services under the Medicare Program on the basis of a need for occupational therapy; to the Committee on Ways and Means.

By Ms. BERKLEY:

H.R. 2072. A bill to redirect the Nuclear Waste Fund established under the Nuclear Waste Policy Act of 1982 into research, development, and utilization of risk-decreasing technologies for the onsite storage and eventual reduction of radiation levels of nuclear waste, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN:

H.R. 2073. A bill to amend title XVIII of the Social Security Act to waive the part B late enrollment penalty for military retirees who enroll by December 31, 2002, and to provide a special part B enrollment period for such retirees; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. SHAYS, Mr. SCOTT, Ms. JACKSON-LEE of Texas, Mr. SERRANO, Mr. WU, Mr. PAYNE, Mr. MENENDEZ, Mr. HONDA, Mr. STARK, Mrs. MORELLA, Mr. GREENWOOD, Mr. FRELINGHUYSEN, Mr. JOHNSON of Illinois, Mr. FERGUSON, and Mr. WALSH):

H.R. 2074. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN (for himself and Mr. WELDON of Pennsylvania):

H.R. 2075. A bill to strengthen the National Defense Features program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 2076. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 2077. A bill to amend the Internal Revenue Code of 1986 to provide for the disclosure to State and local law enforcement agencies of the identity of individuals claiming tax benefits improperly using social security numbers of other individuals; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself, Mr. TAUZIN, Mr. MCCRERY, Mr. BAKER, Mr. JOHN, Mr. COOKSEY, Mr. VITTER, Mr. SPRATT, Mr. TAYLOR of Mississippi, Mr. KLECZKA, Mr. BAIRD, Mr. KANJORSKI, Mrs. THURMAN, Mr. OWENS, Mr. CLAY, Mr. HOLT, Mr. WALSH, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. GONZALEZ, Mr. FROST, Mr. SHAYS, Mr. GORDON, Mr. FILNER, Mr. OXLEY, Mr. WOLF, Mr. ACEVEDO-VILA, Mr. BOSWELL, Mr. WAXMAN, Ms. LEE, Mr. HILLIARD, Mr. DOOLEY of California, Mr. MCNULTY, Mr. BACA, Mr. REYES, Mr. MASCARA, Mr. ISAKSON, Mr. SKELTON, Ms. RIVERS, Ms. BALDWIN, Mr. FALEOMAVAEGA, Ms. MCKINNEY, Mr. LATOURETTE, Mr. THOMPSON of California, Mr. RAHALL, Mr. CAPUANO, Mr. BORSKI, Mr. COYNE, Mr. LEWIS of Georgia, Mr. UDALL of New Mexico, Mr. RUSH, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. SHERMAN, Mr. CLEMENT, Mr. FATTAH, Mr. BECERRA, Mrs. JONES of Ohio, Mr. LIPINSKI, Mr. PASCRELL, Mrs. MORELLA, Mr. BLUMENAUER, Mr. COSTELLO, Mr. RODRIGUEZ, Mr. BUYER, Mr. WYNN, Mr. BALDACCI, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. BLAGOJEVICH, Mr. LARSON of Connecticut, Mr. ROHRABACHER, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. ORTIZ, Mr. TOWNS, Ms. BROWN of Florida, Mr. BISHOP, Mr. FORD, Mr. DAVIS of Illinois, Mr. CLYBURN, Mrs. CLAYTON, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. RANGEL, Mr. SCOTT, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. WATT of North Carolina, Mr. HONDA, and Mr. RYAN of Wisconsin):

H.R. 2078. A bill to authorize the President to award gold medals on behalf of the Congress to the family of Andrew Jackson Higgins and the wartime employees of Higgins Industries, in recognition of their contributions to the Nation and to the Allied victory in World War II; to the Committee on Financial Services.

By Mr. MCDERMOTT:

H.R. 2079. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profits tax on electric generating facilities having excess profits; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 2080. A bill to amend the Internal Revenue Code of 1986 to deny accelerated depreciation for electric generating facilities having excess profits in order to prevent taxpayers operating such facilities from having both excess profits and tax incentives; to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself, Mr. GEORGE MILLER of California, Mr. DAVIS of Illinois, Mr. FRANK, Mr. CHABOT, Mr. GOSS, Mr. KOLBE, Mr. SHAYS, Mr. KIRK, Mrs. NORTHUP, Ms. BALDWIN, Mr. BASS, Mr. ROYCE, Mr. ENGLISH, Mr. PORTMAN, Mrs. BIGGERT, Mr. CAPUANO, Mr. ALLEN, Mr. SMITH of New Jersey, Mr. LOBIONDO, Mr. RAMSTAD, Mr. WAMP, Mr. FERGUSON, Mr. HOLT, Mr. CLAY, Mr. FRELINGHUYSEN, Mr. BLAGOJEVICH, Mrs. LOWEY, Mrs. ROUKEMA, Mr. SUNUNU, Mr. SENSENBRENNER, Mr. FLAKE, Mr. SCARBOROUGH, Mr. BLUMENAUER, Mr. SOUDER, Mr. BERMAN, Mr. BARRETT, Mr. HORN, Mr. BORSKI, Mr. SHAW, Mr. MEEHAN, Mr. GEKAS, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Mr. CRANE, Mr. LIPINSKI, Mr. HUTCHINSON, Mr. TOOMEY, Mr. RYAN of Wisconsin, and Mr. RUSH):

H.R. 2081. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans, to gradually reduce the level of price support available for sugarcane and sugar beets, and to eliminate of the program after the 2004 crops of sugarcane and sugar beets; to the Committee on Agriculture.

By Mr. MOORE (for himself, Mr. BOYD, Mr. TURNER, Mr. BERRY, Mr. TANNER, Mr. STENHOLM, Mr. SCHIFF, Mrs. TAUSCHER, Mr. SANDLIN, Ms. HARMAN, Mr. ROSS, Mr. MATHESON, Mr. SHOWS, Mr. HOLDEN, Mr. CARSON of Oklahoma, Mr. PHELPS, Ms. SANCHEZ, and Mr. MCINTYRE):

H.R. 2082. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 2083. A bill to amend titles 23 and 49, United States Code, relating to motor vehicle weight and width limitations; to the Committee on Transportation and Infrastructure.

By Mr. POMBO (for himself, Mr. BOYD, Mr. KINGSTON, Mr. PUTNAM, and Mr. RADANOVICH):

H.R. 2084. A bill to prohibit the use of Federal funds to implement certain additional reductions in the production or consumption of methyl bromide, unless the Secretary of Agriculture and the Administrator of the Environmental Protection Agency have submitted a report on the effects of methyl bromide on the ozone layer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself, Mr. PALLONE, Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. KENNEDY of Rhode Island, and Mr. FALEOMAVAEGA):

H.R. 2085. A bill to protect Native American sacred sites located within the Valley of Chiefs, Montana, and for other purposes; to the Committee on Resources.

By Mr. SANDERS:

H.R. 2086. A bill to provide that benefits under chapter 89 of title 5, United States Code, may be afforded for covered services provided by a licensed or certified acupuncturist, massage therapist, naturopathic physician, or midwife, without supervision or referral by another health practitioner; to the Committee on Government Reform.

By Mr. SANDERS:

H.R. 2087. A bill to provide that benefits under chapter 89 of title 5, United States Code, may be afforded for covered services provided by a licensed or certified chiropractor, without supervision or referral by another health practitioner; to the Committee on Government Reform.

By Mr. SHIMKUS (for himself, Ms. MCCARTHY of Missouri, Mr. JOHNSON of Illinois, Mr. WHITFIELD, Mr. LAHOOD, Mrs. EMERSON, Mr. LEACH, Mr. GUTKNECHT, Mr. MANZULLO, Mr. HILLIARD, Mr. COSTELLO, Mr. HAYES, Mr. STENHOLM, Mr. GANSKE, Mr. EVANS, Mr. WELLER, Mr. TERRY, Mr. BUYER, Mr. PHELPS, and Mr. KENNEDY of Minnesota):

H.R. 2088. A bill to amend title 23, United States Code, to require consideration under the congestion mitigation and air quality improvement program of the extent to which a proposed project or program reduces sulfur or atmospheric carbon emissions, to make renewable fuel projects eligible under that program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Michigan:

H.R. 2089. A bill to amend the Agricultural Market Transition Act to continue for the 2001 crop year the eligibility of producers for loan deficiency payments when the producers, although not eligible to obtain a marketing assistance loan, produce a contract commodity; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 2090. A bill to amend the Internal Revenue Code of 1986 to allow a credit against gross income for organ donation; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. BOYD, Mr. FILNER, Mr. ISSA, Mr. LANTOS, Mr. OTTER, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, and Ms. SANCHEZ):

H.R. 2091. A bill to amend the National Flood Insurance Act of 1968 to ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes; to the Committee on Financial Services.

By Mrs. WILSON:

H.R. 2092. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. McGOVERN:

H. Res. 157. A resolution expressing the condolences of the House of Representatives on the death of the Honorable John Joseph Moakley, a Representative from the Commonwealth of Massachusetts; which was considered and agreed to.

MEMORIALS

Under clause 3 of rule XII,

102. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 66 memorializing the United States Congress to support and pass the Tax Relief Plan introduced by President George W. Bush, which includes an across-the-board reduction in marginal rates, eliminates the "death tax" and reduces the marriage penalty; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. CAPPS introduced a bill (H.R. 2093) for the relief of Rodney E. Hoover; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. LEACH and Ms. CARSON of Indiana.

H.R. 13: Mr. UDALL of Colorado.

H.R. 65: Mr. ANDREWS.

H.R. 136: Mr. BALDACCI.

H.R. 144: Mr. RAMSTAD.

H.R. 175: Mr. GOODE and Mr. BARR of Georgia.

H.R. 218: Mr. YOUNG of Alaska, Mr. SCHIFF, Mr. BERMAN, Mr. BLAGOJEVICH, and Mrs. WILSON.

H.R. 296: Ms. McKINNEY and Mr. FILNER.

H.R. 320: Mr. ROTHMAN.

H.R. 326: Mr. HOLT and Mr. BURTON of Indiana.

H.R. 380: Mr. ANDREWS.

H.R. 397: Mr. CHABOT, Mr. LaTOURETTE, Mr. KENNEDY of Rhode Island, and Mr. DICKS.

H.R. 425: Ms. BROWN of Florida, Mr. SCHIFF, Mr. ACEVEDO-VILA, Ms. BALDWIN, Mr. DAVIS of Illinois, and Mr. LUTHER.

H.R. 460: Mr. LANTOS and Ms. SOLIS.

H.R. 461: Ms. McCARTHY of Missouri.

H.R. 464: Mr. BONIOR, Mr. KILDEE, and Ms. CARSON of Indiana.

H.R. 476: Mr. LaTOURETTE.

H.R. 489: Ms. CARSON of Indiana.

H.R. 490: Mr. SIMMONS, Mr. PRICE of North Carolina, Mr. ROSS, Mrs. CLAYTON, Mr. DAVIS of Illinois, Mr. OBERSTAR, Ms. BALDWIN, Mr. DeFAZIO, and Mr. HUTCHINSON.

H.R. 498: Mr. REYNOLDS, Ms. ESHOO, Ms. LEE, Mr. BAIRD, Mr. JOHN, Mr. WICKER, Mr. SMITH of New Jersey, Ms. SANCHEZ, Mr. WAMP, Mr. ISRAEL, Mr. CROWLEY, and Mr. LUTHER.

H.R. 500: Ms. CARSON of Indiana.

H.R. 504: Mr. CROWLEY, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. PALLONE, and Ms. NORTON.

H.R. 510: Mr. BUYER, Mr. McNULTY, and Mr. CRAMER.

H.R. 534: Mr. STEARNS.

H.R. 571: Mr. ENGLISH.

H.R. 580: Ms. KILPATRICK and Mr. GUTIERREZ.

H.R. 589: Mr. LARSEN of Washington.

H.R. 590: Mr. WAXMAN.

H.R. 606: Mr. GRUCCI.

H.R. 612: Mr. McNULTY, Mr. ISTOOK, Mr. SAWYER, Mr. ANDREWS, Mr. WHITFIELD, Mr. HOSTETTLER, and Mr. BALLENGER.

H.R. 637: Mr. HORN.

H.R. 686: Ms. BALDWIN, Mr. BARRETT, and Mr. ENGEL.

H.R. 687: Ms. HOOLEY of Oregon.

H.R. 696: Mr. MEEKS of New York and Ms. CARSON of Indiana.

H.R. 697: Mr. JACKSON of Illinois.

H.R. 717: Mr. TIERNEY.

H.R. 746: Mr. PASTOR.

H.R. 747: Mr. ROHRABACHER.

H.R. 781: Mr. ORTIZ, Ms. VELÁZQUEZ, Mrs. NAPOLITANO, and Mr. ROTHMAN.

H.R. 786: Mrs. MINK of Hawaii.

H.R. 827: Ms. CARSON of Indiana.

H.R. 896: Mr. CUNNINGHAM.

H.R. 902: Mr. SHOWS and Mr. BOSWELL.

H.R. 913: Ms. CARSON of Indiana.

H.R. 945: Mr. KENNEDY of Rhode Island.

H.R. 955: Mr. MOORE.

H.R. 1032: Ms. KAPTUR and Ms. McCOLLUM.

H.R. 1051: Mr. KUCINICH and Mr. PAYNE.

H.R. 1052: Mr. KUCINICH.

H.R. 1053: Mr. KUCINICH.

H.R. 1054: Mr. KUCINICH.

H.R. 1086: Mr. WU.

H.R. 1121: Mr. BERRY, Mr. BLUNT, Mr. BRYANT, Mr. WELDON of Florida, and Mrs. CUBIN.

H.R. 1143: Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. BERMAN, Ms. LEE, and Mr. BALDACCI.

H.R. 1198: Mr. TAYLOR of North Carolina

H.R. 1242: Ms. CARSON of Indiana.

H.R. 1254: Mr. SIMMONS, Mr. JACKSON of Illinois, and Mr. LoBIONDO.

H.R. 1263: Mr. NETHERCUTT.

H.R. 1299: Mr. LaTOURETTE.

H.R. 1352: Mr. BARTLETT of Maryland.

H.R. 1354: Mr. BOEHLERT, Mr. LAMPSON, and Mr. DEUTSCH.

H.R. 1363: Mr. CUNNINGHAM.

H.R. 1405: Ms. DeLAURO.

H.R. 1429: Mr. JACKSON of Illinois and Mr. BACA.

H.R. 1459: Mr. SWEENEY, Mr. STUPAK, Mr. DeMINT, Mr. SPENCE, and Mr. RYAN of Wisconsin.

H.R. 1472: Mr. McDERMOTT and Mr. CARDIN.

H.R. 1481: Mrs. JONES of Ohio.

H.R. 1487: Mr. DUNCAN.

H.R. 1512: Mrs. MALONEY of New York and Ms. BROWN of Florida.

H.R. 1542: Mrs. MEEK of Florida and Mr. HAYES.

H.R. 1587: Ms. HOOLEY of Oregon, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, Ms. BALDWIN, Mr. PAYNE, Mr. BALDACCI, and Mr. UDALL of Colorado.

H.R. 1601: Mr. RYAN of Wisconsin and Mr. BURTON of Indiana.

H.R. 1611: Mr. PITTS and Ms. HART.

H.R. 1623: Mr. BISHOP.

H.R. 1644: Mr. GOSS, Mr. DUNCAN, Mr. LANGEVIN, and Mr. ISAKSON.

H.R. 1651: Mr. PAYNE.

H.R. 1660: Mr. DEUTSCH and Ms. BALDWIN.

H.R. 1673: Mr. STUMP.

H.R. 1674: Mr. SAWYER, Mr. DOYLE, and Mr. STRICKLAND.

H.R. 1677: Mr. SMITH of Washington and Mr. OSE.

H.R. 1713: Ms. CARSON of Indiana, Mr. ENGEL, and Mr. MEEHAN.

H.R. 1735: Mr. DEAL of Georgia.

H.R. 1744: Ms. BROWN of Florida.

H.R. 1745: Mr. COOKSEY.

H.R. 1760: Ms. LEE.

H.R. 1770: Mrs. JO ANN DAVIS of Virginia, Mr. CUNNINGHAM, Ms. McKINNEY, Mr. HILLEARY, Mr. HALL of Texas, Mr. RAHALL, Mr. BARCIA, Mr. DUNCAN, and Mr. WAMP.

H.R. 1806: Mr. SABO, Mr. TIERNEY, and Mr. CONYERS.

H.R. 1811: Mr. PETERSON of Pennsylvania, Mr. PETERSON of Minnesota, Mr. WALDEN of Oregon, Mr. DOOLITTLE, Mr. BALDACCI, Mr. SIMPSON, Mr. GREEN of Wisconsin, and Mr. UDALL of Colorado.

H.R. 1892: Mrs. BONO, Ms. JACKSON-LEE of Texas, Ms. HART, Mr. HORN, and Ms. CARSON of Indiana.

H.R. 1914: Mrs. EMERSON, Mr. BEREUTER, and Mr. McHUGH.

H.R. 1934: Ms. SANCHEZ, Mr. HOEFFEL, and Mr. KNOLLENBERG.

H.R. 1935: Mr. GILMAN, Mr. BARCIA, Mr. MEEKS of New York, Mr. REHBERG, Mr. ANDREWS, Mr. MASCARA, Ms. BROWN of Florida, Mr. UDALL of New Mexico, Mr. HOYER, and Mrs. THURMAN.

H.R. 1948: Mr. BONIOR.

H.R. 1950: Mr. BEREUTER, Mr. CRAMER, Mr. SOUDER, and Mr. DAVIS of Illinois.

H.R. 1957: Mr. BONIOR.

H.R. 1975: Mr. YOUNG of Alaska and Mr. UDALL of Colorado.

H.R. 1995: Mr. RYUN of Kansas.

H.R. 2001: Mr. ISTOOK, Mr. KOLBE, Mr. KILDEE, Mr. BARR of Georgia, Mrs. KELLY, Mr. PICKERING, Mr. HAYWORTH, Mr. CHAMBLISS, and Mr. GREEN of Wisconsin.

H.R. 2052: Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. COOKSEY, and Mrs. NORTHUP.

H.R. 2058: Ms. BALDWIN.

H.J. Res. 6: Mr. WELDON of Florida and Ms. CARSON of Indiana.

H.J. Res. 36: Mr. HASTERT, Mr. PASCRELL, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. VITTER, Ms. BROWN of Florida, Mr. BROWN of South Carolina, Mr. KILDEE, Mr. ETHERIDGE, Mr. WATKINS, Mr. JOHN, Mr. PALLONE, Mr. WATTS of Oklahoma, Mr. JOHNSON of Illinois, Mr. WELLER, Mr. PETERSON of Minnesota, Mr. OSE, Mr. THORNBERRY, Mr. WALSH, and Mr. HOLDEN.

H. Con. Res. 97: Mrs. CAPPS, Ms. ROS-LEHTINEN, Ms. ESHOO, Mr. HORN, Ms. BERKLEY, Mr. WAXMAN, and Ms. HARMAN.

H. Con. Res. 104: Mr. TANCREDO.

H. Con. Res. 116: Mr. RUSH and Mr. SPENCE.

H. Con. Res. 145: Mr. LOBIONDO and Mrs. NAPOLITANO.

H. Con. Res. 150: Mrs. KELLY, Mr. MARKEY, and Mrs. MORELLA.

H. Res. 120: Mr. BONIOR.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1271: Mr. GUTIERREZ.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

26. The SPEAKER presented a petition of the Wasilla City Council, Alaska, relative to Resolution 01-11 petitioning the United States Congress to support the responsible and environmentally sound exploration, development, and support of oil and gas resources in the plain of the Arctic National Wildlife Refuge; to the Committee on Resources.

27. Also, a petition of the City of Hoonah, Alaska, relative to a Resolution petitioning the United States Congress to support the Conservation and Reinvestment Act of 1999; jointly to the Committees on Resources, Agriculture, and the Budget.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1699

OFFERED BY: MRS. BIGGERT

AMENDMENT NO. 4: At the end of the bill add the following:

SEC. . ASSISTANCE FOR MARINE SAFETY STATION ON CHICAGO LAKEFRONT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Transportation may use amounts authorized under this section to provide financial assistance to the City of Chicago, Illinois, to pay the Federal share of the cost of a project to demolish the Old Coast Guard Station, located at the north end of the inner Chicago Harbor breakwater at the foot of Randolph Street, and to construct a new facility at that site for use as a marine safety station on the Chicago lakefront.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project carried out with assistance under this section may not exceed one third of the total cost of the project.

(2) NON-FEDERAL SHARE.—There shall not be applied to the non-Federal share of a project carried out with assistance under this section—

(A) the value of land and existing facilities used for the project; and

(B) any costs incurred for site work performed before the date of the enactment of this Act, including costs for reconstruction of the east breakwater wall and associated utilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, for providing financial assistance under this section there is authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal year 2002, to remain available until expended.

H.R. 1699

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: At the end of the bill add the following:

SEC. . REQUIREMENT TO CONSTRUCT ONLY AMERICAN-MADE VESSELS.

Any new vessel constructed for the Coast Guard with amounts made available under this Act—

(1) shall be constructed in the United States;

(2) shall not be constructed using any steel other than steel made in the United States; and

(3) shall be constructed in compliance with the Buy American Act.

SENATE—*Wednesday, June 6, 2001*

The Senate met at 11 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God of hope, You have shown us that authentic hope always is rooted in Your faithfulness in keeping Your promises. We hear the psalmist's assurance, "And now, Lord, what do I wait for? My hope is in You."—Psalm 39:7. We place our hope in Your problem-solving power, Your conflict-resolving presence, and Your anxiety-dissolving peace.

You inspire in us authentic hope in You. We thank You for the incredible happiness we feel when we trust You completely. The expectation of Your timely interventions give us stability and serenity. It makes us bold and courageous, fearless, and free. Again, we agree with the psalmist, "Happy are the people whose God is the Lord."—Psalm 144:15.

Today we thank You for the leadership You have given the Senate through TRENT LOTT and DON NICKLES. Now we ask for Your blessing on TOM DASCHLE and HARRY REID as they assume the demanding responsibilities of majority leadership. Grant all of the Senators the gift of loyalty and inspire the spirit of patriotism that overcomes party spirit and the humility that makes possible dynamic unity. You, dear God, are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BARBARA BOXER, a Senator from the State of California, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ELECTION OF THE HONORABLE ROBERT C. BYRD AS PRESIDENT PRO TEMPORE

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows.

A resolution (S. Res. 100) to elect Robert C. Byrd, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States.

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 100) reads as follows:

S. RES. 100

Resolved, That Robert C. Byrd, a Senator from the State of West Virginia, be, and he is hereby, elected President of the Senate pro tempore, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

NOTIFICATION TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 101) notifying the House of Representatives of the election of a President pro tempore of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 101) reads as follows:

S. RES. 101

Resolved, That the House of Representatives be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

(Applause, Senators rising.)

ADMINISTRATION OF OATH TO SENATOR ROBERT C. BYRD AS PRESIDENT PRO TEMPORE

The President pro tempore advanced to the desk of the Acting President pro tempore; the oath was administered to him by the Acting President pro tempore.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The majority leader is recognized.

NOTIFICATION TO THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DASCHLE. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 102) notifying the President of the United States of the election of a President pro tempore.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Chair hears none, and it is so ordered.

The question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 102) reads as follows:

S. RES. 102

Resolved, That the President of the United States be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

THANKING AND ELECTING STROM THURMOND PRESIDENT PRO TEMPORE EMERITUS

Mr. LOTT. I send a resolution to the desk and ask for its immediate consideration.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 103) expressing the thanks of the Senate to the Honorable Strom Thurmond for his service as President pro tempore of the United States Senate and to designate Senator Thurmond as President pro tempore emeritus of the United States Senate.

The PRESIDENT pro tempore. There being no objection to the consideration of the resolution, the question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 103) reads as follows:

S. RES. 103

Resolved, That the United States Senate expresses its deepest gratitude to Senator Strom Thurmond for his dedication and commitment during his service to the Senate as the President pro tempore, further as a token of appreciation of the Senate for his long and faithful service Senator Strom Thurmond is hereby designated President pro tempore emeritus of the United States Senate.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

ELECTION OF MARTIN P. PAONE AS SECRETARY OF THE MAJORITY

Mr. DASCHLE. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 104) electing Martin P. Paone as secretary for the majority of the Senate.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Without objection, the resolution is agreed to.

The resolution (S. Res. 104) reads as follows:

S. RES. 104

Resolved, That Martin P. Paone of Virginia, be, and he is hereby, elected Secretary for the Majority of the Senate, effective June 6, 2001.

Mr. LOTT. Mr. President, I move to reconsider and move to lay the motion to reconsider on the table.

The motion was agreed to.

ELECTION OF ELIZABETH B. LETCHWORTH AS SECRETARY OF THE MINORITY

Mr. LOTT. Mr. President, I send another resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows.

A resolution (S. Res. 105) electing Elizabeth B. Letchworth as secretary for the minority of the Senate.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Without objection, the resolution is agreed to.

The resolution (S. Res. 105) reads as follows:

S. RES. 105

Resolved, That Elizabeth B. Letchworth, of Virginia, be, and she is hereby, elected Secretary for the Minority of the Senate, effective June 6, 2001.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

SERVING IN THE SENATE

Mr. DASCHLE. I thank the distinguished Senator from South Carolina, STROM THURMOND, for his service to our country and to this body as President pro tempore.

I offer my hearty congratulations to Senator ROBERT C. BYRD in returning to this high position this morning. Between these two men, the Senate enjoys 90 years of service. The wisdom they have given Members is beyond measure.

I thank my partner, my counterpart, Senator LOTT. This is the second time this year Senator LOTT and I have switched roles. To us, this is just another in a series of challenges he and I have faced already this year. Every time we have been presented with these challenges, we have come through with our working relationship and our friendship not only intact but, in my view, strengthened. It is my hope and my expectation that we will continue to be able to work together in this manner.

Finally, there is another person who deserves special recognition. That is Senator JEFFORDS. Last week, I was deeply touched by Senator JEFFORDS' courageous decision and his eloquent words. The Senator from Vermont has always commanded bipartisan respect because of the work he does. Regardless of where he sits in this Chamber, his work will continue, and America will be better for it.

This, indeed, is a humbling moment for me. I am honored to serve as majority leader, but I also recognize that the majority is slim. This is still one of the most closely divided Senates in history.

We have just witnessed something that has never happened in all of Senate history—the change of power during a session of Congress.

At the same time Americans are evenly divided about their choice of leaders, they are united in their demand for action. Polarized positions are an indulgence that the Senate cannot afford and our Nation will not tolerate.

Republicans and Democrats come to this floor with different philosophies and different agendas, but there are beliefs we share. Both Republicans and Democrats believe in the power of ideas. Both Republicans and Democrats believe in fashioning those ideas into sound public policy. The debate on that policy is what I like to call the noise of democracy. Sometimes it is not a very stereophonic sound. Sometimes there is too much sound from the right or from the left. But it is a sound that, in my view, is beautiful—especially in comparison to the noise of violence we hear in so many places all over the world today.

In this divided Government—in spite of the passion with which we hold these ideas, in spite of the fervor with which we come to the floor to represent them—we are required to find common ground and seek meaningful bipartisanship. As I have said before, real bipartisanship is not a mathematical formula; it is a spirit. It is not simply finding a way to reach 50 plus 1. It is a way of working together that tolerates debate. It means seeking principled compromise. It means respecting the right of each Senator to speak his or her mind and to vote his or her conscience.

In this Senate, at this time, on this historic occasion, each Member has something to prove. We need to prove to the American people we can overcome the lines that all too often divide us. We need to prove we can do the work the American people have sent us to the Senate to do.

I came to the Congress 22 years ago. I have had the good fortune of having many mentors. My friends know that I often speak of one, in particular, whose advice continues to guide me. His name: Claude Pepper. He was a Congressman from Florida and at one time a Senator in this body. He told me once that, as fervent and as passionate a Democrat as he was, it wasn't really whether one was a "D" or an "R" that mattered; it was whether one was a "C" or "D"—it was whether one was "constructive" or "destructive" in the political and legislative process.

I hope I can prove to my colleagues on this side of the aisle that I can be a constructive leader. I hope we all recognize the difference between constructive and destructive politics and legislative work. I hope that we can live up to the expectations of the American people and people such as Claude Pepper.

As we address the agenda this body has before it, I hope we can be constructive Republicans and constructive Democrats.

I thank my colleagues for their trust. I thank my colleagues for their friendship. I am prepared to go to work.

I yield the floor.

The PRESIDENT pro tempore. The Republican leader.

Mr. LOTT. Mr. President, let me first join Senator DASCHLE in expressing my personal appreciation and great admiration to Senator THURMOND, for the job he has done for so many years for the people of South Carolina and, yes, the people of America. Today he is with the President of the United States, in Bedford, VA, for the dedication of a memorial to those who lost their lives in Normandy. As our colleagues know, Senator THURMOND landed at Normandy and served so honorably there. The energy and strength he exhibited in Normandy continues to this very day in the Senate. He is a legend in his own time. We all admire him and appreciate him so much.

Also, I congratulate Senator BYRD for assuming this position of President pro tempore of the Senate. He certainly is going to need no briefing on the rules. He is the paragon regarding the rules of the Senate. He is the guardian of the rules. He certainly knows the rules, and he will administer them fairly and reside in the chair in a way we all will appreciate and admire.

So to you, Senator BYRD and Mr. President, thank you for what you have done and what I know you will do as President pro tempore of the Senate.

I also thank our staff members. There are so many people to recognize who have served the Senate during the period of time I have been majority leader. The officers, those who are here day in and day out, into the night, do such a great job for the Senate, for the Senators, and for our country. To all of you, I express my appreciation. I particularly express appreciation to our staff assistants, Elizabeth Letchworth, who has been secretary of the majority, now secretary of the minority; and to Marty Paone, who has served as secretary of the minority and will be secretary of the majority. They have the answers that we need in the Senate. We can always rely on them as to what the schedule may be, based on what the leaders have told them, and when the votes will occur. They do so much to make our life and our job easier.

But primarily I want to extend my congratulations to my partner and also my friend, TOM DASCHLE, as majority leader. I also extend to him my hand of continued friendship and commitment to work with him for the interests of the American people. I know he will do an excellent job. I think he has set a very positive tone in his opening remarks and I told him so when I congratulated him as we shook hands.

We have worked together over the past 5 years when I have been the majority leader, through some good times and some tremendous legislative achievements and through some tough times. Sometimes we have been criticized for that, but most of the time I think people understood we maintained a working relationship and we did the best we could as we saw our jobs and what we thought was right for the Senate and right for the American people. The good times we will remember and try to repeat. The bad times have already been forgotten. But there have been clear examples of where we have worked together in a bipartisan way for the interests of the American people. It covers the gamut.

It has been on financial issues, on transportation, and on trade. There have been times when we had opposition in our own parties, but we came together because we thought a result was very important.

I know Senator DASCHLE will find, sometimes, the weight of this job will be as heavy as the weight of the Earth Atlas carried on his shoulders. I hope on occasion I can help make that weight a little lighter.

Of course, at some point, he tricked Hercules into assuming that burden, and Atlas was at last relieved of the weight of the world.

I know how he felt. I mention this by way of congratulating Senator DASCHLE on his assuming the august responsibilities that come with being the majority leader of the U.S. Senate.

Perhaps I should mention the remainder of that old story: Hercules managed to trick Atlas, so the poor giant wound up, once again, carrying the Earth as he was fated to do. There probably is a moral in there somewhere about how things not only change, but keep on changing. Things certainly have changed for the better since the American people elected Republican majorities to the Senate and the House in 1995. Back then, deficits stretched further than the eye could see, and Social Security was used as a government piggy bank. The welfare system hurt more people than it helped, high taxes prevented families from enjoying the fruits of their labor, and military readiness was seriously in question.

Those problems were magnified by a bureaucracy that diverted education dollars from our children's classrooms, putting their futures at risk. Today, our hard work enables us to boast of a different story—the story of how Republican initiatives have made a difference by changing things for the better:

Republicans became the catalyst for balancing the budget. We stopped the raid on Social Security. We moved people from welfare to the dignity and independence of work. We lowered taxes for families and for job creation. We began to restore America's military strength. And, we returned education dollars to parents, teachers and communities.

The result? A record-setting economy, higher-paying jobs, record low interest rates, greater investment, more opportunity, and more parents involved in schools. Many landmark achievements were accomplished through bipartisan cooperation: the balanced budget, welfare reform, the Soldiers' Bill of Rights, juvenile justice reform, education reform, safe drinking water, a minimum wage increase combined with small business tax relief, and ISTEA—the legislation that is dramatically modernizing our transportation infrastructure, Air 21, and financial services modernization.

Add to that our defense modernization, the Caribbean Basin Initiative, the Africa Free Trade bill, and telecommunications reform. We accomplished many difficult things together in a bipartisan way—in good times, as well as in seemingly impossible times of gridlock. I am hopeful that there will be more of those good times when we can do so again. I know that the distinguished majority leader does not need any advice on this occasion. But I do remember that I never believed as majority leader I could work my will with the Senate, unless it was a coalition of wills.

From the very first, I have never gotten all that I asked for: I certainly did not get all the tax cuts we wanted for the American people. But I accepted what we could get and determined to come back and try again for more the next time. It is true that Senate Democrats will now set the schedule for this body. But any group of 49 Senators is an exceptionally strong minority. Each of those Senators looks forward to exercising all the rights of the minority to advance President Bush's and the people's agenda in the months ahead.

We will be vigilant in protecting and improving social security and medicare. We will craft an energy policy to respond to the crisis that threatens our economy and qualify of life. We will create the world's best schools by empowering local school districts which are accountable to parents. Too much money still is being wasted in Washington's education bureaucracy. We will confirm the President's nominations to enable him to run the government he was elected to administer and to provide for a fair and impartial judiciary. We will work to rebuild our nation's defenses because our military is still stretched way too thin for comfort in a dangerous world.

Finally, taxes are still too high, and there is still too much waste in Federal spending. We will continue to work to bring both under control. Our minority status in the Senate—albeit temporary—neither dampens our enthusiasm for building upon our successes, nor excuses us from embracing the challenges ahead. For we did not come to Washington to be caretakers of power. We were sent to the Senate for a specific purpose, as reflected in President Bush's agenda, to: move America forward again by putting people back in charge of their own country; promote economic growth; give all individuals the opportunities to reach for their dreams; strengthen our bedrock institutions of family, school, and neighborhood; and make the United

States a stronger leader for peace, freedom, and progress abroad.

For too long, government has supported itself by taking more of what people earn, preventing them from getting ahead, no matter how hard they work. President Reagan called it "economics without a soul" and taught us that the size of the Federal budget is not an appropriate barometer of social conscience or charitable concern. And that is why the ultimate goal in everything we are working with President Bush to do is to give this economy back to the American people.

Some say it is dangerous to push for dramatic reforms in a period of economic instability. But I believe it is dangerous not to. There may not always be an opportunity. Along with all my fellow Republicans, I say: Our goals have not changed. Neither has our resolve to rally around President Bush to meet them. Our opportunity is today. To my friends on the other side of the aisle: We are here and ready to go to work for the people who elected us to represent them.

Now we have a challenge before us that is different for me and will be different for Senator DASCHLE. Can we come together? Can we find a way to work with this President, President Bush, and find common ground even on the bill that is pending before us now, education? We have said we want education reform and we want a responsible increase in education spending. The American people said they want it, people in every State, as did the President, and so do we. Yet we have not gotten it done.

Can we come together on education? I think we can. It is going to take work. It is going to take some sacrifice. Senator KENNEDY is going to continue to push it aggressively, and he is probably going to have to cast votes he doesn't particularly like, and so am I, and so will Senator GREGG. But can we do any less? Can we afford not to, finally, make progress on education reform and take some steps for the Federal Government to be of help in improving education in America? I believe we can do it. It may take a little more time, but that will be our first test. I pledge to work with the managers and with Senator DASCHLE to make that happen.

We have a lot of other important issues we are going to have to deal with this year. Senator DASCHLE noted yesterday we have 13 appropriations bills and supplemental appropriations bills to do to keep the Government operating, and we have 59 days—estimated I guess—to get it done. It is going to take a pretty good lift. I hope we don't have 100 amendments on every appropriations bill, as we had last year. I hope we can find a way to show fiscal restraint and get these bills done.

Obviously, there are going to be health-related issues. How do we deal with Patients' Bill of Rights? How can we deal with this important question of prescription drugs, to make sure elderly poor get the help they need? Can we come together on Medicare reform? Can we take the lead from Senator Moynihan, the former Senator from New York, on Social Security? Will we be able to really address the energy needs of this country? Will we be taking partisan positions and trying to assess blame? Will we be trying to find how little we can do or can we come together and have a real national energy policy that will, hopefully, help this year but, more importantly, will make sure we do not have this problem in 5 years or 10 years? Defense continues to be something on which we are going to have to focus.

So we have a full agenda. I do not think a lot will change. Senator DASCHLE will get recognized. He will be the majority leader, and I will be minority leader, the Republican leader.

He will call up the bills, and we will take advantage of our rights in the minority to offer amendments, as certainly the other side has. Sometimes we will offer substitutes. But we commit and pledge our best efforts to finding a way to make it work and to pass important legislation to address these issues and find the solutions that are needed by the American people.

It is not about personalities. I still believe that government is about ideas, about issues. So it is not really that important in what role we serve. What is important is what do we do for the people we serve, what legacy will we leave for the next generation.

I believe we can get it done. We have a lot of work to do. Let's get started. I again pledge to you my support and cooperation, Senator DASCHLE. I yield the floor.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, for the information of all Senators, it is my expectation and hope we can resume the consideration of the Elementary and Secondary Education Act. As some of my colleagues may recall, under a previous order there will be 20 minutes of debate remaining on the Wellstone amendment regarding testing and then we expect a vote at the expiration of that period of time.

Senator COLLINS has an amendment regarding a study which will be considered after the Wellstone amendment. The Collins amendment will not require much debate.

The PRESIDENT pro tempore. May we have order in the Senate.

Mr. DASCHLE. It is my expectation the Collins amendment will not require a great deal of debate, so Members should be alerted that a second vote will be expected shortly after the Wellstone vote.

Yesterday the managers made some progress on the bill. At least 10 amendments were cleared by unanimous consent, and I understand the managers expect to clear other amendments today.

I also say to my colleagues who have amendments to this bill to contact the bill managers so they can continue to move forward in working through the remaining amendments. My hope and expectation is that we can complete action on this bill next week.

At some point—preferably this week—we will take up the organizing resolution. But I will have more to say about that at a later date.

I yield the floor.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum for just a few minutes, and I ask unanimous consent that the time be charged to the other side.

The PRESIDENT pro tempore. Is there objection?

Mr. GREGG. No.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Voinovich amendment No. 389 (to amendment No. 358), to modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Wellstone/Feingold modified amendment No. 465 (to amendment No. 358), to improve the provisions relating to assessment completion bonuses.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Bond modified amendment No. 476 (to amendment No. 358), to strengthen early childhood parent education programs.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

AMENDMENT NO. 465, AS MODIFIED

Mr. GREGG. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 16 minutes remaining, and the Senator from Minnesota has 7 minutes 45 seconds.

Mr. GREGG. Madam President, I hope we can proceed without a vote on this amendment. But as long as we are going to vote, let me raise some concerns about it.

This amendment comes down on the side of political correctness. One of the biggest problems we are seeing today in the whole issue of how we structure our educational system is that it is becoming extraordinarily subjective in the area of testing. The President has proposed a fair and objective approach where kids in the third grade, fourth grade, fifth grade, and sixth grade are tested on key issues involving English and mathematics in an objective manner.

This amendment essentially opens the door to the opportunity for the Secretary of Education—whoever that Secretary might be—or for States, depending on how this gets interpreted, to basically create a qualitative test based on subjectivity. It is no longer an issue of whether you know how to add 2 and 2; it is an issue of whether or not new math means 2 and 2 and should be added correctly. It is no longer an issue of whether or not English involves the King's English or English as defined by Webster's Dictionary; it becomes a question of whether or not English maybe should be created in different terminology for certain groups of folks who maybe don't speak English quite as well and therefore need a different type of English in order to pass a test.

"Qualitative" is a very subjective term. This amendment, although not definitively defective, creates the opportunity for significant harm down the road if it is carried forward to its full potential.

So I am going to oppose it. I suspect it will pass because it has the name "quality" on it. But I am going to oppose it because I am very tired of political correctness being introduced into our educational system. I think it is especially inappropriate at the level of mathematics and English in the early grades of our educational system.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I will take a few moments. I am a little confused by my colleague's remarks.

This amendment just says that we want to have a bonus go to the States that develop high-quality assessments as determined by peer review. We have peer review of everything. It says nothing about qualitative. It tells no State and no school district how to do a mathematics test. I have been a teacher and educator for 20 years. That is not what this is about at all. This amendment just says, first of all, that every State has to implement these tests on time. We make it clear. But the second thing it says is, rather than putting an incentive on rushing, we also want to encourage high-quality tests.

I draw on all of the professional literature and I draw on what the Secretary said about high-quality tests. They are comprehensive, with multiple measures. What are they? In addition to comprehensive, they are coherent so our school districts know they will be able to have tests related to the curriculum that is being taught—not some national simple jingo, multiple-choice test. What are they? They are continuous.

I am really saying let's not penalize any State that wants to go forward and do the very best job of putting together high-quality tests. That is what States want to be able to do. That is what we are hearing. All of the articles that have been coming out all over the country in almost every State say if you are not careful, you have tests which aren't even correct, and then mistakes are made; kids pay consequences; schools pay consequences; and teachers pay consequences.

We have quotes from people who have been leading the test movement: Robert Schwartz, president of Achieve, Incorporated, and the independent panel review of title I that just issued a report. And what do they say? They are saying: Look, we have to make sure that we don't have people rushing to attach consequences to tests until we get the tests right.

What are they saying? They are saying: Accountability for student progress is only as good as the tools used to measure student progress.

That is what we are talking about, having high-quality tests, having a bonus system that goes to States which move forward with high-quality testing. It couldn't be more simple. It couldn't be more straightforward. It doesn't micromanage. It doesn't tell anybody how to do a mathematics test. I never would dream of doing that.

I reserve the remainder of my time.

Mr. GREGG. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire retains 6 minutes 45 seconds.

Mr. GREGG. And the Senator from Minnesota?

The PRESIDING OFFICER. Five minutes 15 seconds.

Mr. GREGG. Who is the time being charged to now?

I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. KENNEDY. Madam President, will the Senator be good enough to yield me 3 minutes?

Mr. WELLSTONE. I am pleased to.

Mr. KENNEDY. Madam President, I rise in strong support of the Wellstone amendment. I am really kind of disappointed we are not getting, as our first action on the floor of the Senate in our new atmosphere, broad support for what is a very basic and fundamental and sensible and responsible amendment to assure that we are going to have the development of quality tests. That is all prior to the time that you get the bonus.

We have all seen this in one of the national newspapers—it happens to be the New York Times—with two front page stories over the period of May 20, just before the Memorial Day break. Let me just refer to what happened in New York City with the application of a test for some of the children there:

> The law's "unrealistic" deadlines, state auditors said later, contributed to the numerous quality control problems that plague the test contractor, Harcourt Educational Measurement, for the next two years.

This is a company that has a 99.9 percent accuracy rate, and we still had tens of thousands of children who did not graduate. We had the dismissal of principals, the dismissal of teachers, and numerous children who failed to go to college.

All we are asking for is that the tests that are going to be developed be quality tests. And there are standards on how those are to be reached. For example, as the Senator from Minnesota pointed out yesterday, one of the very responsible nonprofit organizations called Achieve has done evaluations of various tests in various States. They have identified, for example, the States that are not just giving off-the-shelf testing but those that are really testing the child's ability to think through a problem and reflecting that in the form of exams.

We are seeing as a result of that the rise in terms of achievement and accomplishment by these children. That is what is basically being asked for by the Senator from Minnesota. I think many of us have seen—as has been stated to me by the Senator from Minnesota, the Senator from Washington, and others, over the period of the last 24 hours, and over the period of the Memorial Day recess—the concern that many parents have about how the tests are being used in schools, in school districts, and how teachers are just teaching to the test rather than really examining the ability of children to really process the knowledge they are learning and reflect it and respond in terms of the tests.

I want to mention, just finally, this costs something for the States. You can get a quick answer on a Stanford 9. That might cost you $8 or $9 for a test. A more comprehensive test may cost as much as $25. But nonetheless, we believe if we are to achieve what this President has said he wants to achieve—and that is to use the tests to find out what the children don't know, so we can develop the curriculum and the support and the help for those children—let's make sure that it is going to be quality. That is what the Senator from Minnesota is trying to do.

I hope his amendment will be accepted.

Mr. GREGG. Madam President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire retains 6 minutes 45 seconds. The Senator from Minnesota retains 1 minute 49 seconds.

Mr. GREGG. I simply point out, this amendment is one of a series of amendments that the Senator from Minnesota is proposing to deal with testing. And the Senator from Minnesota has never been shy—he is never shy on anything—he has certainly not been retiring or shy in his opposition to the testing regime in this bill.

The testing regime in this bill is the core of the bill. The President has suggested that if we are going to have effective accountability in this country, we must have an effective evaluation of what children are being taught and what they are learning by grades so we don't leave children behind. He suggests that be disaggregated so there is no group that will be left out or normed in and overlooked. So testing is critical to this bill.

This is not the most egregious amendment the Senator from Minnesota has proposed in this area. No. In fact, in the spirit of cooperation, I suggested we simply take it. But the Senator from Minnesota decided he wanted a vote. So I think it should be openly debated because the amendment has some serious problems down the road, unless it is fixed. The reason I was willing to take it is because I assumed it would be fixed in conference. It will be a problem for the testing regime.

The issue on testing, as has been highlighted—in fact, the Senator from Minnesota made the case—the issue on testing is whether or not we are going to set up a politically correct regime or one that actually tests kids to evaluate whether they know what they are supposed to know or whether we are going to set up a standard that essentially dumbs down, essentially takes the median and, when it isn't met, decides to drop it.

The bonus system is a critical part of that. The President's bonus system is in the bill and is structured in a way that the States get a bonus if they come on line with a good test early. The Senator from Minnesota is trying to gut that in this amendment. That is part of the first step of gutting the whole concept of quality testing.

So from my standpoint, this amendment, although not fundamentally bad, moves us in the wrong direction and therefore should be opposed. I would have been happy to try to rewrite it and make it more effective in conference, but the Senator from Minnesota wants a vote on it. Let's vote on it. It may be adopted, but I am certainly going to vote against it because I do not support political correctness as an element of our test regime.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. In the time I have left, first of all, I want my colleagues to know I am all for accountability. I have never taken a position that we should not have accountability. The question is, How we do it?

I have drawn from everybody in the testing field. I have drawn from all the people in the States. I have drawn from all the people who are doing this work. And they are all saying: Let's make sure the bonus incentive goes to the States for doing the assessments as well as possible as opposed to doing the assessments as fast as possible.

This is just a commonsense amendment. This has nothing to do with political correctness. I think this really adds to the strength of the bill. Again, the truth is, the accountability is only as good as the assessment of the children, of the students. Let's make sure we have the best assessment. Let's make sure it is comprehensive, that there is more than one measurement. Let's make sure there is coherence and that the teachers don't have to teach to the test but that the tests are actually measuring the curriculum that is taught in our school districts and in our States. And lets's make sure it is continuous and we can look at the progress of the child. This is the best amendment that, frankly, strengthens this bill.

Right now, I say to my colleague from New Hampshire, I am wearing my very pragmatic hat and trying to get this legislation to be a better piece of legislation. The reason I want to have a vote on this amendment is because this whole issue of testing is important. I want as many Senators as possible to go on record for high-quality testing.

Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from Minnesota retains 14 seconds.

Mr. WELLSTONE. I make my final 14-second plea for colleagues to have good, strong support for this amendment. It is a very good amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire retains 4 minutes 14 seconds.

Mr. GREGG. Madam President, I point out that there has been some representation that the President's initiative in the area of testing is not adequate. In the financial area of supporting the testing regime in this bill, there is $2.8 billion committed for testing over the term of the bill. That is 7 years.

Equally important, what we should point out is that what we are adding are three new tests to the regime that was put in place back in 1994 when the reauthorization of ESEA occurred. We then required that States test in three grades. At that time, when we required as a Federal Government that States test in three grades—when the President was from the other party and the Congress was controlled by the other party—we put no money on the table for the purposes of supporting the States as they did that testing.

We are now asking that the States do an additional 3 years of testing on top of the three that are already required, and we are putting on the table a dramatic increase in funding—$2.8 billion over that period.

But I would come back to the basic point of this amendment. This amendment's goal is to undermine the bonus system necessary to create the incentives to put in place a testing regime that will actually evaluate whether or not kids can succeed or not succeed.

It is part of a sequential event of amendments, the goal of which, in my humble opinion, is to undermine the whole testing regime concept. As I have said before, if we start creating a subjective or national testing regime—either one—we end up undermining the capacity to deliver effective tests that evaluate kids and what they are doing in relationship to other kids versus evaluating what some educational guru decides is the new math or the new English.

I yield back the remainder of my time. I believe we are ready to vote.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. WELLSTONE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 465, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. ALLEN), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. THURMOND), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The PRESIDING OFFICER (Mr. DURBIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—57

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—39

Allard
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Craig
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Voinovich

NOT VOTING—4

Allen
Crapo
Thurmond
Warner

The amendment (No. 465), as modified, was agreed to.

Mr. WELLSTONE. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, may we have order.

The PRESIDING OFFICER. The Senator from Massachusetts is correct.

Mr. KENNEDY. The Senator from Maine has a very important amendment. She is entitled to be heard. It is on the subject of testing, which we have been discussing. The membership should listen to her presentation. I ask that the Senate be in order.

The PRESIDING OFFICER. The Senator from Massachusetts is correct. The Senate will please come to order.

AMENDMENT NO. 509, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of amendment No. 509, submitted by the Senator from Maine, Ms. COLLINS.

Ms. COLLINS. I thank the Presiding Officer, and I thank the Senator from Massachusetts.

On behalf of myself and the Senator from North Dakota, Mr. CONRAD, as well as the Senator from Nebraska, Mr. HAGEL, I send a modification of amendment No. 509 to the desk.

The PRESIDING OFFICER (Mrs. CLINTON). Is there objection to the modification of the amendment?

Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine (Ms. COLLINS) for herself, Mr. CONRAD, and Mr. HAGEL, proposes an amendment numbered 509, as modified.

Ms. COLLINS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study of assessment costs)

On page 778, between lines 3 and 4, insert the following:

"SEC. 6202A. STUDY OF ASSESSMENT COSTS.

"(a) STUDY.—

"(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the costs of conducting student assessments under section 1111.

"(2) CONTENTS.—In conducting the study, the Comptroller General of the United States shall—

"(A) draw on and use the best available data, including cost data from each State that has developed or administered statewide student assessments under section 1111 and cost or pricing data from companies that develop student assessments described in such section;

"(B) determine the aggregate cost for all States to develop the student assessments required under section 1111, and the portion of that cost that is expected to be incurred in each of fiscal years 2002 through 2008;

"(C) determine the aggregate cost for all States to administer the student assessments required under section 1111 and the portion of that cost that is expected to be incurred in each of fiscal years 2002 through 2008; and

"(D) determine the costs and portions described in subparagraphs (B) and (C) for each State, and the factors that may explain variations in the costs and portions among States.

"(b) REPORT.—

"(1) IN GENERAL.—The Comptroller General of the United States shall, not later than May 31, 2002, submit a report containing the results of the study described in subsection (a) to—

"(A) the Committee on Appropriations of the House of Representatives and the Subcommittee on Labor, Health and Human Services, and Education of that Committee;

"(B) the Committee on Appropriations of the Senate and the Subcommittee on Labor, Health and Human Services, and Education of that Committee;

"(C) the Committee on Education and the Workforce of the House of Representatives; and

"(D) the Committee on Health, Education, Labor, and Pensions of the Senate.

"(2) CONTENTS.—The report shall include—

"(A) a thorough description of the methodology employed in conducting the study; and

"(B) the determinations of costs and portions described in subparagraphs (B) through (D) of subsection (a)(2).

"(c) DEFINITION.—In this section, the term 'State' means 1 of the several States of the United States.

Ms. COLLINS. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered.

Ms. COLLINS. Madam President, I rise today with my colleague, Senator CONRAD, to offer what I believe is the first bipartisan amendment since we have seen the change in control of the Senate. We are offering an amendment that will help Congress ensure that it provides States with an appropriate level of funding to develop and administer the student assessments that will be required under the BEST Act.

As do many of my colleagues, I want to make sure the Federal Government pays for its fair share of the costs associated with the assessment requirements of this important legislation. However, critical though it is that we have a system to determine whether or not our children are really learning, no one really understands or knows the cost of these assessments. We cannot see in the future, but the various experts have their own estimates of the assessment costs, and those estimates vary widely. Cost estimates range by orders of magnitude, and yet no comprehensive examination of these costs has yet been undertaken. Thus, we find ourselves in a dilemma of trying to estimate what the costs will be and figuring out the appropriate Federal share, but we really do not know the costs involved.

The amendment which Senator CONRAD, Senator HAGEL, and I offer requires the General Accounting Office to conduct a study of assessment tests and transmit its report to the chairman and ranking members of the House and Senate Appropriations Committees, the Labor-HHS subcommittees, the HELP Committee, and the education and workforce committee.

The report would have to be transmitted to Congress by May 31 of next year. This would provide the opportunity to incorporate GAO's estimates into our planning for the fiscal year 2003 appropriations cycle.

I also note that the testing requirements of the bill do not become fully effective until the year 2005. Congress would have a full 3 fiscal years to provide funding based on the estimates provided by the GAO.

The GAO study draws upon the best available data, including the cost or pricing data from each State that has already developed and administered statewide student assessments and from the companies that actually develop these tests. For example, the State of Maine has an excellent testing system that is used in three grades. It is well developed; it is of high quality. That will be the kind of information the GAO will gather in determining the cost of these assessments. Other States have taken different approaches to testing and have different costs associated with the tests they are now administering.

The GAO will determine the aggregate costs for all States to develop and administer the assessments required by the BEST Act, and the GAO will estimate how much of these costs will be expected to be incurred in each of the fiscal years 2002 through 2008. The study determines assessment development and administrative costs for each State.

In addition to looking at the aggregate, we want to look at what the experience has been and will be in each State. We have also asked the GAO to examine the factors that help explain the wide variations in the test costs that are now administered by States. This information will help Congress determine whether it is apportioning funds among the States in an equitable manner.

The General Accounting Office is particularly well suited to conduct this study. My staff has had extensive discussions with GAO to determine whether or not they will be able to conduct this important assignment. The GAO has broad experience in estimating the costs of governmental programs and analyzing the Federal Government's role in elementary and secondary education. Indeed, just last year the GAO completed a 50-State study of the title I program, which included an analysis of the efforts of the States to ensure compliance with key title I requirements and to hold local districts and schools accountable for educational outcomes. The GAO, therefore, is the right agency to conduct an impartial, thorough study of assessment costs.

The assessment provisions in the BEST Act are intended to help reach the goal of leaving no child behind. Yesterday, a bipartisan group talked with the President about the education bill. He, once again, very eloquently stated the premise of the bill of making sure that schools are held accountable for the education of each child, of making sure that no child, no matter what the family income or country of origin, is left behind. We want to make sure every child is learning. That is the inspiring goal of this legislation. That is why the President has proposed this assessment process—so we can assess whether or not each child from grades 3 through 8 is learning in the areas of reading and math. The education blueprint we are drafting will work only through a concerted, cooperative effort, where the Federal Government, States, and communities all share responsibility.

Senator JEFFORDS offered an amendment that passed overwhelmingly last month to provide a guaranteed stream of funding to States, beginning in the year 2002, in order to assess the performance of their students. Unless the Federal Government provides the States with $370 million in the year 2002 and an increasing amount in each of the succeeding 6 fiscal years, the assessment requirements in the bill will be delayed. In other words, we are making sure we are matching the requirements with the resources necessary for the Federal Government to help States and local school districts fulfill the requirements of this new legislation.

The BEST Act requires a great deal from our schools and from our States. For the first time, we are requiring accountability in a meaningful way. We are requiring that all students, and in particular our disadvantaged and low-income students, show improvement in their academic achievement from year to year. We need to provide adequate funding to help States develop high-quality assessment tools. At the same time, we just don't want to write a blank check to the testing companies. Such an approach would sap the incentive of companies to develop student assessments efficiently and cost effectively.

The solution is information. We need to have solid, well-researched data to make the best decisions possible when determining funding levels to support the States' testing systems over the next several years.

Now is the ideal time to authorize a thorough study by the GAO to gather the information we need. Since States and local school districts will be in the first year of assessment development and implementation next year, it is the perfect time to gather the critical information on which to base future funding decisions. The GAO report will provide the information we need to make the right decisions based on actual State experience and the best available data and informed projections.

I urge my colleagues to support this reasonable addition to the education reform bill. I urge my colleagues to support the Collins-Conrad amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise in support of the amendment of the Senator from Maine. It is a very appropriate approach to determining how much these tests are going to cost and the best way to address them.

I think it will provide a significant amount of information which will be a welcome addition to the process as we go forward trying to evaluate how best to do these tests and how to keep them from being an extraordinary burden on the States, which is of course our goal.

The President has set up a testing regime which, as I mentioned, is really the key to this whole bill, as far as he is concerned. It is a process by which all children in America will be tested in order to determine whether or not they have succeeded in learning what they should know at the grade level they are presently attending. The object, of course, is to keep track of children and make sure no child is left behind, which is the stated goal of the President and all of us here in this Congress.

In doing that, we are clearly creating a huge new activity in the area of testing. It is appropriate we have this evaluated effectively. The GAO study proposed by the Senator from Maine is the right way to do it. I congratulate her on her amendment and strongly support it.

I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask consent the pending amendment by the Senator from Maine be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 532 TO AMENDMENT NO. 358

Mr. DURBIN. Madam President, I call up amendment No. 532.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] for himself, Mr. SCHUMER, and Mr. CORZINE, proposes an amendment numbered 532.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the authorization of appropriations for certain technology grant programs)

On page 362, line 14, strike "$500,000,000" and insert "$900,000,000".

Mr. DURBIN. Madam President, this amendment I am offering addresses an issue of which I think every parent is well aware. In this debate about education, we are focusing on critical needs in American education. One of those critical needs is the ability of a child to read. We have established partnerships in this bill that will try to find new and innovative ways to teach our children how to read.

As a parent and as a former student, I certainly can recall the breakthrough in my life and the lives of my kids when their reading skills reached a level where they picked up a book by themselves and enjoyed it. I am glad they did. My kids have turned out just fine. Thanks to good teachers and a lot of prodding by parents, a lot of children go through this learning experience to read. I think it is wonderful that this bipartisan education bill focuses money on these partnerships to bring in new, innovative thinking to teach our children how to read.

The amendment I offer today looks at another challenge beyond reading, on which I think we should take a moment to reflect, and that challenge is math and science education. Think about the wondrous things occurring in America today. Think of all the technology that is being developed. Think of the fact that the United States leads the world—and we are proud of it—when it comes to the development of technology. Pause for a moment and reflect on whether or not we are training our children so they can continue this dominance of the United States when it comes to math and science.

If you make an honest and objective appraisal, you may come to the same conclusion I have come to, and that is that we can do a better job. I fully support the idea of the reading partnerships. The amendment I offer today suggests we fund for math and science partnerships at the same level of funding as reading partnerships. That sounds like a pretty simple thing. I hope it is agreed to on a bipartisan basis. It is not offered as an unfriendly or hostile amendment. I hope many will view it as a positive response to a good suggestion. Yes, let's invest in reading, but don't forget the need to invest in math and science.

Does anyone doubt the need exists? I am going to recount for a moment some statistics and information we brought together about the current state of education in math and science in America. As you listen to this information, reflect on whether or not we can do a better job, whether or not we need to make the right investment in teachers and in students and teaching techniques so we continue our dominance in the world in the areas of science, technology, and mathematics.

In too many cases today, elementary and secondary students in American schools are not receiving world-class math and science education. Every 4 years we have an Olympics, a winter Olympics and a summer Olympics. We are very proud of U.S. athletes who compete with athletes from nations around the world. Those young men and women usually end up in the White House for representing our Nation, and they show off their gold medals and silver medals and bronze medals and we take great pride in it.

There was another Olympics which took place a few years ago, the 1996 Third International Mathematics and Science Study, called the TIMSS assessment. It was administered to students around the world in grades 3, 4, 7, 8, and 12; 45 different countries participated in it.

The U.S. students at the third and fourth grade levels scored near the top in these international assessments. Their performance started to decline when we were compared to 8th graders around the world, and their ranking was well below the international average by the 12th grade.

American eighth graders were tested with TIMSS again in 1998 and 1999 to see if there had been any change. The raw average scores were about the same as they were for the eighth graders tested in 1996. The eighth graders tested in 1999 exceeded the international average in both science and math. But of the 38 countries that participated in the assessments, students in 17 countries performed better than students in the United States in science and 18 nations outscored the United States in math. Singapore, Japan, South Korea, and Taiwan led the nations that were tested in math and science. U.S. students' math and science scores put us in the same category as Bulgaria, Latvia, and New Zealand.

U.S. students today are just not taught what they need to know when it comes to math and science. Most American high school students take no courses in advanced science; 50 percent of students take chemistry; 25 percent take physics.

In a February opinion article for Education Week, the president of the National Science Teachers Association asked this question: If the United States were ranked 17th in the world in Olympic medals, it would be a national embarrassment and no doubt there would be a free flow of money to fix the problem. Why can't the same be true for education?

First, let's speak about teachers. This is the key to it. If you do not have a person standing in front of the classroom who understands the subject and knows how to teach the subject, then the child has to learn on his or her own.

Can you remember when you were sitting at a desk in a classroom? Could you have taken out that book in the classroom and learned by yourself and gone home at night and have done your own homework without the help, the urging, and encouragement of a teacher? I doubt it.

In 1998, the National Science Foundation found that just 2 percent of elementary school teachers had a science degree and 1 percent had a math degree. An additional 6 percent had majored or minored in science or math education in college. Nearly one in four of American high school math teachers and one in five high school science teachers lacked even a minor in their main teaching field.

Do you know what that means? These are teachers standing in front of classrooms in our high schools teaching math and science who did not minor or major in that subject in college. They might be good teachers. Maybe they have a lot of talent. But it suggests that someone who has majored perhaps in English or history, standing up trying to teach a chemistry or physics course, may not have the skills they need.

Internationally, fully 71 percent of students learn math from teachers who majored in mathematics—around the world, 71 percent. Only 41 percent of all American elementary and secondary students are taught by teachers with a math degree.

I would like to have a pop quiz in the Senate for all of my colleagues. Please take out your pads and pencils. We are going to have a little math test.

A researcher at the University of California at Berkeley found that just 11 out of 21 American elementary school teachers could divide 1¾ by ½ and come up with the correct answer. Every single teacher in a group of 72 Chinese teachers got it right. I wonder how many Senators could get it right.

High school and college students in America, unfortunately, are not majoring in math and science as they must if we are going to meet world demand for the skills to make certain that the 21st century is an American century. In 1997, the National Science Foundation found that 22 percent of college freshmen who intended to major in science or engineering reported that they needed remedial work in math, and 10 percent reported they needed remedial classes in science.

Let me speak for a moment about women and minorities in the fields of math, science and technology.

In 1996, women received 47 percent of all science and engineering bachelor's degrees awarded but just 9 percent of the bachelor's degrees in engineering-related technologies, 17 percent of the bachelor's degrees in engineering, and 28 percent of the bachelor's degrees in computer and information sciences. Women make up half of the U.S. workforce, but they account for only 20 percent of those with credentials in information technology.

The National Science Foundation tells us that African Americans, Hispanics, and Native Americans comprise 23 percent of the population as a whole but earn just 13 percent of bachelor's degrees, 7 percent of master's degrees, and 4.5 percent of doctorate degrees in science and engineering.

So we are not only failing to teach Americans when it comes to math and sciences, but we are leaving behind women and minorities who should be part of this exploding opportunity that America knows is really our future.

There is also a terrible shortage of technological workers. If you follow the proceedings of the Senate, you probably are aware of the fact that we debate from time to time changing visa quotas of those who want to come into the United States, particularly under H-1B visas. The reason, of course, that we are opening our doors in America for technology workers to come in from overseas in larger numbers is that we do not have the work pool in this country to meet the needs.

There is a lesson here. For Senators who are following this debate and those who are in the galleries and listening, the lesson is this: If we are going to produce the workers in America to meet the needs of high-tech employment, we can't start with a law mandating that it comes from Congress. We have to start in the classroom, and we have to start it at an early age.

The purpose of the amendment I am offering today is to say let us start investing in math and science partnerships early on so that we have a chance to produce these workers for the next generation. I think it is not unreasonable to ask my colleagues in the Senate to make an equal investment in math and science as they do in reading so that we no longer have to debate on an annual basis opening the doors of our Nation so that those who were trained in foreign schools and foreign universities can come and fill those high-paying jobs.

There is a terrible shortage when it comes to math and science teachers. The National Science Teachers Association has reported that 48 percent of all middle schools and 61 percent of all high schools reported difficulty in finding qualified science teachers. In urban areas, an astounding 95 percent of districts report an immediate need for high school science and math teachers.

I was born and raised in East St. Louis, IL. It was a great town in which to grow up. But East St. Louis has fallen on very hard times. The public schools of my old hometown struggle to survive and to educate children.

I once met with the superintendent of the school district of my old hometown. I asked him about math and science teachers at East St. Louis Senior High School. This is what he told me: We will have any teacher who is willing to try to teach math and science. We are not going to question their background or qualifications. If they will take that textbook and stand in front of the classrooms, we will hire them on the spot.

That is just not a story of East St. Louis, IL, it is a story, sadly, across America, particularly in urban school districts. Think of a wasted opportunity. How many young men and women sitting in that classroom with the right teacher and the right opportunity can make a valuable contribution to this Nation? But they won't be able to do it if the teacher standing in front of the classroom doesn't have the skills.

In Chicago, school officials have begun recruiting foreign teachers and bringing them in from overseas to teach in the Chicago public schools, particularly in the areas of math and science. They find in some areas of Europe and Asia where math and science are really valued that these young people have great degrees and want to come to America. Once again, we are issuing additional visas so that foreign-trained teachers can come and teach in our high schools. It is happening in Chicago, a town I am proud to represent. But it ought to give us some pause to think that is how we are responding to this national need.

Let me recall the year 1957 for a moment. The Soviet Union shocked the world by launching a satellite called Sputnik. We had just started our concern about the cold war. Along comes this Soviet breakthrough in science which literally scared the Members of Congress into doing something substantive. We enacted major legislation known as the National Defense Education Act. It was maybe the first initiative by the Federal Government to make a direct investment in education. We were concerned that we didn't have the engineers, scientists, and technicians to compete with the Soviet Union in the cold war. Money was put into the National Defense Education Act. It provided funds for schools to improve their math and science courses. It provided scholarships and loans for those who went to college so they could get better degrees and be prepared to lead this country.

Why do I know so much about the National Defense Education Act? I was one of the recipients. I borrowed money from the Federal Government, completed my education, and paid it back so others could follow. Was it a good investment for America? Personally, I think so. Thousands of students benefited from it. In fact, we did not only begin the race to the Moon, but competing with nations around the world in science and technology is evidence that it paid off. We made a Federal investment that was a good investment.

The mounting evidence of the state of the world today should give us pause. Student achievement in science and math in the United States is stagnant. Students are losing interest in math and science in high school. Fewer students pursue degrees in the math and science fields. The technology workforce is having a difficult time finding qualified workers, and it is hard to attract math and science teachers whom we need in our schools.

All of these factors must lead us to conclude that something must be done to reform math and science education in grades K through 12. This bill makes an important first step in funding national science partnerships. I am asking the sponsors and those supporting this bill to consider expanding the amount of opportunity in math and science as we have in reading. Let us not make math and science second rate next to reading. Reading is critically important, but don't in any respect forget the importance of math and science to our Nation.

We have appointed several commissions over the last several years, one of them with our former colleague from Ohio, Senator John Glenn. We all know John Glenn's story—this great American who served in the Marine Corps in both World War II and the Korean war, the first man in space, and who served with us in the Senate. After he announced his retirement from the Senate, once again he became an astronaut. What a great man, and what a great contribution he made to America; he is a person who really appreciates science and math. He was asked by President Clinton to establish a commission to look into this issue of the question of math and science.

The Glenn Commission came out with some startling findings to back up the reasons we need this amendment today. Senator Glenn came to the conclusion that if America is really going to succeed in the future, we cannot ignore the need for math and science.

What he has said in this report—which is bipartisan, bringing together some of the best educators in America—is, we need to make the investment to make it happen, to make certain we have good teachers who are well paid and kids who are well educated in the fields of math and science.

There was another commission created which reported to Congress in February of this year. It was cochaired by former Senator Gary Hart of Colorado and former Senator Warren Rudman of New Hampshire. This commission did not look at science from the viewpoint of just education; they looked at it in terms of national security. And, once again, this bipartisan commission, representing some of the best minds in America, looking in the field of national security, came to the conclusion that education was a national security imperative.

So if you are one of those in Congress who believe our first responsibility is to provide for the national defense, then you should read this commission report and realize that a strong America, with a strong national defense, relies on strong teachers and strong students in classrooms around America who are learning math and science.

I think the message is very clear. I hope my colleagues will pause and reflect on it for a moment. We have a chance, in this legislation, to do something significant for our schools. I am happy that it is a bipartisan effort. I am happy that we have Senators from both sides of the aisle working with Members in the House of Representatives on both sides to come up with a bill.

I do not believe this is a partisan amendment I am offering. I believe there are Republican Senators, as well as Democrats, who appreciate the need for an investment in math and science.

It is interesting that when I asked for support for this amendment from around the country, the support did not just come from teachers organizations; the support came from those representing scientific endeavors, people who are on the front line in research in America, people at the National Institutes of Health, those who are involved in research in Silicon Valley. These are the people who came forward and said to me: Senator, don't overlook math and science. Make this basic investment in reading, but don't forget math and science.

We want to be able to hire American students to work in American companies to produce American products that sell around the world. I am not averse to people coming to this country. My mother was an immigrant. I have an open mind, and I really believe in the value of immigration. But if we look to the future, don't we want to give our kids the first opportunity in the classroom?

What we do with this amendment is increase the authorization level for math and science partnerships.

Mr. GREGG. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire for a question?

Mr. DURBIN. I am happy to yield.

Mr. GREGG. Would the Senator be willing to take this on a voice vote?

Mr. DURBIN. Yes, I would. And with that kind of encouraging question, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DURBIN. Madam President, it is my understanding that my colleague—and yours—from New York wants to come over to speak to this amendment. So at this point I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I am proud to join with the occupant of the chair, my friend and colleague from the State of Illinois, in this amendment. I very much appreciate the opportunity to speak on it. I apologize for the slight delay; we are finishing up a hearing on faith-based institutions in Judiciary, which I had to chair.

American students are falling further and further behind in math and science. The numbers tell a dismal story.

In 1996, only 23 percent of all eighth graders were at or above proficiency in math, and 27 percent of all eighth graders were at or above proficiency in science.

A 1999 international study revealed no significant progress for American eighth grade students in math and science achievement over the last 5 years. Even worse, the study indicated that U.S. student achievement in these academic areas actually declines between grades 4 and 8.

I don't have to tell my colleagues how important math and science are in this new global economy. Technology is key, and the base of technology is math and science. As sure as we are debating this amendment today, if America does not improve its math and science ability, we are not going to stay the No. 1 economy in the world. High value is added, as Alan Greenspan says, by thinking things, not by moving things anymore. We have to have the best people at thinking things. When math and science are as poorly learned and as poorly retained as they have been, there is trouble on the horizon.

My own State of New York is not immune; 28 percent of our New York high school students failed the math Regents test—up from 24 percent in 1997.

So we have an anomaly in America. While we have many brilliant U.S. scientists and mathematicians leading the way in research and technology, basic education in these areas has been increasingly deficient.

How are we going to have the next generation be as brilliant, as productive, and as important as this one has been in math and science if our schools continue to teach them poorly? We cannot continue to simply rely on immigrants to fill the brain gap. We have to have American students doing much better.

As a good friend of mine, an accomplished mathematician, Jim Simons likes to say, "For every person familiar with neural networks, double helixes, or string theory, there are thousands who cannot do long division, let alone high school algebra." That is the anomaly we face in modern America—the anomaly that this amendment helps, we hope, to alleviate.

How do we make the change? Well, probably the most important answer lies in our teachers. Teachers make a difference. Studies tell us that teacher qualifications can account for more than 90 percent of the differences in students' reading and math scores. To repeat that, teacher qualifications can account for more than 90 percent of the differences in students' math and reading scores. But we are facing a battle on two fronts—a lack of interest in the teaching profession and inadequate teacher training in math and science.

Depression babies in the thirties and forties wanted to get a civil service job and were willing to sacrifice pay. Women, in the 1950s and 1960s were told: be a nurse or a teacher. And millions were. They sure helped me with my education. Those in the last group—my generation, the Vietnam war era of young men—were granted a deferment if they taught, and many did.

We had open school day. My children attend New York City public schools. I talked to each of their teachers. There are 12 of them—6 for each daughter in the various subjects. Jessica is in high school and Allison is in middle school. I asked, "How did you become teachers?" Half of the women who I interviewed entered in those years, and of the six men I interviewed, four entered teaching during the Vietnam war era. It was amazing.

As this chart shows, fewer and fewer talented men and women in math and science are choosing careers as teachers. Only 8 percent of the Nation's math teachers and 7 percent of the Nation's science teachers were new in 1998. It is worse in my State of New York. The numbers are 5 percent and 4 percent, respectively.

This is an amazing and frightening statistic: 28 percent of math teachers and 26 percent of science teachers in the United States did not major in the field in which they teach; 22 percent of the Nation's middle school math and science teachers are not certified. How are we going to attain excellence with these statistics?

The combination of low pay—teachers earn 30 percent less than other workers with a bachelor's degree in the same subject—little prestige, and, of course, multiplying job opportunities for talented math and science majors has led to a shortage crisis in these vital subject areas.

Let me read you this statistic, which is equally frightening: As of 1998, a quarter of our Nation's math teachers were over age 50. In 1998, a third of New York's math teachers were over 50. That means a huge percentage of these teachers from the old generations are going to retire. With whom are we going to replace them?

The shortage is particularly acute in low-income and urban communities. These communities alone will need more than 700,000 additional teachers in the next decade.

We must demand excellence from all of our teachers. We have to ensure that teachers who have spent years in the classroom continue with their professional development. Similarly, we must ensure that new teachers enter the field with the skills and knowledge base necessary to educate our children.

As last year's Glenn Commission concluded:

> The most consistent and powerful predictors of student achievement in math and science are full teaching certification and a college major in the field being taught.

Last year in New York, 37 percent of teachers or prospective teachers failed the State teacher's certification examination in math—that is up from 32 percent 3 years ago—38 percent failed the biology test compared to 24 percent 3 years ago. So things are not getting better; they are indeed getting worse.

So what do we do about it? Well, the bill before us, S. 1, takes an important step in prioritizing math and science education by creating a new program to improve teaching in these critical areas. Just yesterday, we passed an important amendment which would strengthen these provisions, and I am proud to have worked in a bipartisan fashion with not only Senator DURBIN, but Senators FRIST, ROBERTS, WARNER, CRAPO, and GREGG on this important amendment.

Now, specifically, the amendment ensures that schools working in collaboration with colleges and universities use funds to recruit and retain highly qualified teachers—both recent graduates and midcareer professionals—in math and science.

We encourage local districts to use scholarships, signing incentives, and stipends to attract talented individuals to the field and to pair those activities with effective retention tools such as professional development and mentoring.

We authorize districts to create mastery incentive systems, where experienced certified math and science teachers who demonstrate their expertise through an exam and classroom performance are rewarded.

With the passage of this amendment, the provisions in this bill are a good first step, but we must ensure that we provide enough funding to make the new program work. The greatest worry I have about this bill, which I think has been exquisitely crafted by our leader from Massachusetts, working so hard with so many other Senators and with the White House, is that we will have all this great language and no money to help with what we say we are going to do.

It would be the sheerest hypocrisy to do that. It would delude the American people into thinking we are doing something when we are actually doing nothing, other than adding more laws without implementing them.

That is why today Senators DURBIN, CORZINE, and I are offering an amendment which would increase the math and science partnership authorization—what we did yesterday—from $500 million to $900 million. We are pleased that Reading First is authorized at $900 million. Our children have to be proficient readers, but in today's world, science and math are no less important, and our funding priorities should reflect that.

We should be funding these math and science partnerships at the same level that Reading First is funded. Math and science has to be a priority for our Nation. We have to recruit, retain, and reward great math and science teachers. After all, it is these men and women who are responsible for educating our children and ensuring that our Nation will be prepared to stay No. 1 in the very competitive math and science-oriented global economy of the 21st century.

I thank the Chair, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. SCHUMER. I withhold my suggestion if my colleague from Massachusetts wishes to speak.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friend and colleague from New Hampshire is here. We want to move ahead with this amendment.

First, I commend the good Senator from Illinois for this amendment. I remember when we passed the Eisenhower program. It was passed in 1984 after the excellent report of Ernie Boyer, "A Nation at Risk," which is still the definitive work as to where we were in early education and the challenges we faced. We have been trying to respond to those challenges from that period of time.

This legislation, as has been pointed out by the Senators from Illinois and New York, is different from the Eisenhower program in that it enhances the opportunity for recruitment, which is enormously important, and also has an emphasis on curriculum, which is extremely important, as we are finding out in the review.

In the first testing we are going to have for the 3–8 grades, it is going to be on math—science is going to be down the road, but it is going to be on math and it is also going to be on literacy. As the Senator from Illinois pointed out, we are seeing a three-fold increase in literacy but we have not increased in math and science.

If we are going to have a greater sense of expectation of the children in literacy, because this is the area that is going to be tested, the Senator says let's give equal priority to the areas of math and science. That makes eminently good sense. It is a modest increase. It is basically going to establish similar funding in math and science, as we have on literacy. It strengthens our whole effort.

The legislation has provisions for recruitment and curriculum; this is an enhancement of that program. It makes a good deal of sense.

I thank the Senator from New Hampshire for his willingness to accept it. It is an important amendment. It adds to the legislation. I welcome the excellent presentation the Senator made and the strong support of my colleague and friend from New York. I look forward to voting on this measure at this time, if possible.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 532.

The amendment (No. 532) was agreed to.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHUMER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I understand the pending amendment is the Voinovich amendment; is that correct?

The PRESIDING OFFICER. The pending amendment is the Collins amendment No. 509.

Mr. BINGAMAN. Mr. President, I want to talk about the Voinovich amendment and a second-degree amendment that I want to offer to that, once the Senator from Ohio, Mr. VOINOVICH, has had a chance to modify his amendment.

The PRESIDING OFFICER. Without objection, the Senator from New Mexico is recognized.

Mr. BINGAMAN. The second-degree amendment I will offer on behalf of myself, Senator HATCH, and Senator KENNEDY, in my view, will help clarify that we do not intend to change the basic relationship between the Federal Government and the States by virtue of this Voinovich amendment. Senator VOINOVICH seeks to accomplish a laudable goal with his amendment. It is my understanding he is striving to ensure coordination between the Governors and the State superintendents of education and the State boards of education in the development and implementation of educational policy as it relates to Federal funding.

All Senators in this Chamber will agree that is an admirable objective. The language he has proposed, however, as I understand, even after the modification he is going to offer, effectively gives Governors a veto power over State school boards and superintendents. It supersedes most, if not all, State constitutions and laws on that issue.

The Voinovich amendment changes 35 years of Federal education law by giving the Governors of every State joint authority to prepare and prove and submit consolidated plans and applications for all of the Elementary and Secondary Education Act programs to the U.S. Department of Education. It would explicitly mandate that the Governor of each State sign off on title I plans which include the State's educational accountability system, the content and student performance standards, assessments, definition of adequate yearly progress, and the uses of those funds—and particularly the State's plan for identifying and improving low-performing schools.

In my view, we should not violate State sovereignty to determine how the State chooses to structure the governance and administration of education. Federal education policy has long recognized that each State sets its own State educational authority for elementary and secondary education. The bill before us does so by designating the agency or individual given this authority under State law as the person or agency in charge of administering the Federal programs. So elsewhere in the bill we do not in any way try to dictate to the State any requirement it change the way it administers its educational system.

In my home State of New Mexico, our State constitution vests the ultimate authority over education in the State school board. We have 10 elected members; we have five members who are appointed by our Governor. This board is given authority under our constitution to determine public school policy and to have control and management over our public school system. The model in our State contemplates coordination between our Governor and the board through the appointment of these five members that the Governor is directed to appoint.

The Federal Government should not attempt to undo the balance achieved in the State of New Mexico by giving the Governor federally mandated veto power over what a majority of the board decides. To do so would deprive the voters of New Mexico of the right to vote for the majority of our school board and to have that majority set policy in our State.

The impact of the amendment the Senator from Ohio is offering would not be unique to New Mexico. I am not just offering my second-degree amendment because of a problem in New Mexico. Virtually no two States use the same model for education governance. I know of no State that vests ultimate authority solely with the Governor or gives the Governor a veto. Some States vest the authority in a State school superintendent appointed by the Governor. But in most, if not all of these States, this appointment is subject to confirmation by the State legislature.

In some States, the Governor sits on or chairs the State's board of education and has a defined role in the development and approval of State education plans. Federal provisions requiring additional signoff and approval by the Governor give the Governor a power to revise or overrule the very board the citizens of the State have established to make these decisions. In those States where the constitution vests autonomy and power in elected State boards and/or State superintendents—there are at least 13 States that do this—the adoption of the Voinovich amendment would substantially override State law and the will of the people of the State. If States want Governors to make these decisions, they can so provide, but we should not be making a provision like that in this bill as a side consequence of our other legislation.

As is pointed out in a joint letter signed by 20 major educational organizations that support my second-degree amendment, the amendment by the Senator from Ohio would allow Governors to supersede State-determined authority by requiring Governors' approval of the decisions on applications and plans assigned by the State to the State education authority.

I ask unanimous consent this letter by these organizations be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Organizations Supporting State Authority in The Administration of Federal Education Programs

May 21, 2001.

To: Members of the United States Senate:

VOTE YES FOR THE BINGAMAN-HATCH AMENDMENT TO ASSURE GOVERNORS' PARTICIPATION IN ESEA STATE PLANS AND APPLICATIONS

The undersigned organizations urge you to vote YES on the Bingaman-Hatch 2nd Degree Amendment to the Voinovich Amendment No. 389. The Binhaman-Hatch Amendment provides that state plans and applications for ESEA would be prepared and submitted by state education agencies after consultation with governors. This will assure coordination of these state plans and applications for federal programs with state education policy and also assure that the federal government is not superimposing an education governance structure on the states.

The undersigned organizations previously have urged the Senate to vote NO on the Voinovich Amendment No. 389 because it would require that governors jointly prepare plans and applications for the entire Elementary and Secondary Education Act together with state education agencies. We oppose that amendment because it makes a very fundamental change in the time-honored separation of powers for education between the federal and state governments. The governance and administration of education is clearly the responsibility of states. The federal government has recognized this authority in all of the elementary and secondary education acts over the past 50 years by providing that whatever each state has determined to be its administering agency for elementary and secondary education will the agency responsible for the federal education programs. The federal government must continue to rely on that agency without imposing added conditions!

A copy of our letter of opposition is attached.

The federal government has provided that whatever choice a state makes in education governance, through a combination of elected or appointed officials, powers of state boards of education, state legislatures, governors or chief state school officers, that state determination is final. Federal statutes have not and must not overturn that determination by requiring additional authorities for governors, or other officials, not otherwise provided by the state constitution or state law.

The United States Senate has the opportunity to maintain the recognition of state sovereignty while advancing provisions in the Elementary and Secondary Education Act that would encourage coordination among state officials and explicitly provide for consultation by the state education agency with the governor in the preparation of plans and applications for ESEA.

The undersigned organizations believe the issues of governance and administration are of critical importance with respect to the fundamental authority of state and local responsibility for elementary and secondary education. The Voinovich amendment is not a minor extension of authority for coordination and consultation. It is a fundamental change in federal-state relations by imposing requirements which are properly the responsibility of the states. We urge your vote for the Bingamin-Hatch amendment which truly provides for appropriate participation by the governor.

To assist with understanding of the specific provisions and consequences of the Voinovich amendment No. 389, we also attach a set of questions and answers about that amendment.

We urge your support of the amendment by Senators Bingaman and Hatch.

Sincerely,

American Association of School Administrators, American Association of University Women, American Federation of Teachers, Association for Career and Technical Education, California State Superintendent of Public Instruction, Citizens Commission on Civil Rights, Council for Exceptional Children, Council for Chief State School Officers, International Reading Association, Leadership Conference on Civil Rights, National Alliance of Black School Educators, National Association for Bilingual Education, National Association of Elementary School Principals, National Association of Federally Impacted Schools, National Association of School Psychologists, National Association of Secondary School Principals, National Association of State Boards of Education, National Association of State Directors of Special Education, National Association of State Title I Directors, National PTA, National School Boards Association, School Social Work Association of America, United Church of Christ Justice and Witness Ministries.

Mr. BINGAMAN. The second-degree amendment I will propose, along with Senators HATCH and KENNEDY, will provide for coordination between Governors and State education authorities, but it will not have the effect of superseding State-determined decision-making. Through consultation, the Governor and the State education authority will review key issues and ensure the plans and applications are consistent with overall State policy for education.

It is my understanding Senator VOINOVICH will modify his amendment to add a new phrase. The phrase is "unless expressly prohibited by State constitution or law." The modification does not solve the problem about which I am concerned. State constitutions and laws do not expressly prohibit any State authority from acting with respect to education. Instead, in my State and all States I am aware of, the State constitution affirmatively assigns responsibility to certain State authorities. They do not prohibit other State authorities from taking action.

The amendment with the modification still would have the effect of interfering with State sovereignty by giving Governors a veto power over State plans under the Elementary and Secondary Education Act. I believe this second-degree amendment is a better alternative. I urge my colleagues to support it. I appreciate the chance to explain the amendment at this point.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 509, AS MODIFIED

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the yeas and nays on the Collins-Conrad amendment be vitiated, and that the amendment be agreed to by a voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. COLLINS. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 509), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I will take one moment to thank the Senator from Maine for this excellent amendment. There has been concern about what is going to be the real cost. There have been wide disparities in terms of the estimates. I have looked through a number of these studies. The Senator from Maine said let's really get a definitive study so we will know what the burden upon the States is going to be so we can act responsibly. I think it makes a great deal of sense. I think it will make even more sense if we include the more recent alterations that are in the Wellstone amendment.

I thank the Senator. I think this is enormously helpful and valuable.

Ms. COLLINS. Mr. President, I thank the Senator from Massachusetts and the Senator from New Hampshire for their kind comments. I appreciate their support for the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 389, AS MODIFIED

Mr. VOINOVICH. Mr. President, I call up amendment 390, and I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 389), as modified, is as follows:

On page 7, line 21, add "and the Governor" after "agency".

On page 8, line 1, insert "and the Governor" after "agency".

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

"(c) STATE PLAN.—Each Governor and State educational agency shall jointly prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

"(d) NONAPPLICATION OF PROVISIONS.—The requirements of this section shall not apply to a State where compliance with such requirements is expressly prohibited by the State constitution or a State law.".

On page 35, line 20, insert ", that, unless expressly prohibited by a State constitution or law, is jointly prepared and signed by the Governor and the chief State school official," after "a plan".

On page 706, line 8, insert "Governor and the" after "which a".

On page 706, line 16, insert "Governor and the" after "A".

On page 707, line 2, insert "Governor and the" after "A".

On page 708, between lines 5 and 6, insert the following:

"(c) NONAPPLICATION OF PROVISIONS.—The requirements of this section shall not apply to a State where compliance with such requirements is expressly prohibited by the State constitution or a State law.

Mr. VOINOVICH. Mr. President, throughout the course of the debate on the education bill, we have been proceeding toward the goal of bringing positive change to our education system. However, for these school reforms to succeed, we need to ensure that the parties affected by this bill are able to work in unison.

In nearly every instance where federal funds pass-through to states from highways to health care the Federal government directs those Federal funds to go right to Governors and to State legislatures.

The exception is education, where State education agencies are the direct recipients of Federal funds for education. Most of that funding is then passed on to local schools.

State plans submitted by State education departments to the U.S. Department of Education set the guidelines local school officials are to follow in coming up with their own spending plans.

However, there is no requirement for coordination between chief State school officers and Governors on how Federal education dollars are to be used in a State.

In some States, the chief State school officers are appointed by Governors. In other States, though, chief State school officers are elected.

Whatever situation exists between chief State school officers and Governors, in the final analysis, it is the Governors of our States who are held accountable for the overall condition and success of public schools. I can testify to that as a former Governor of Ohio.

As it is currently written, the Senate's ESEA reauthorization bill also holds governors accountable for student progress, even where Governors have no current discretion over federal education programs and federal education funding.

In my view, it doesn't make sense that a Governor, who has to manage his or her State's budget and is responsible for any shortfall, is not required to be consulted when state educational officers set education priorities.

That is why I have offered this amendment.

This amendment is simple: for programs where a State receives federal monies under ESEA, both a chief State school officer and that State's Governor need to sign the education plan that is submitted to the Secretary of Education.

Requiring joint sign-off on education plans by the Governor and the chief State school officer ensures agreement over the content of the State's submitted education plan.

The amendment we have offered makes sure that Federal education funds work with State education funds for the benefit of our children.

Opponents of our amendment have made the assertion that under this amendment the Federal Government would be imposing a new structure of education on the states by superceding State law.

This is incorrect.

Each State's constitution or its statutes create a State education agency that administers State education programs. This amendment does not change State or local education policy or structures. This amendment only applies to Federal education policy. It only applies to ESEA. Our amendment would leave State governing authority alone.

Here is how it would work.

Today, nearly every State files a consolidated education plan to the Secretary of Education to receive ESEA funds. State constitutions and laws do not define what entity signs the ESEA consolidated plans.

Most State constitutions and accompanying statutes were passed long before ESEA was even written. In fact, it is the Federal Government—ESEA itself—that specifically states that State education agencies should sign the consolidated plans that nearly every State uses.

Some of my colleagues have expressed their concerns that this amendment may violate State constitutions and laws because a particular State may give sole authority for education policy to the State education agencies.

To address these concerns, we have modified the amendment to say that this joint sign-off will not apply if it is prohibited under a state's constitution or its laws.

In other words, this amendment will not supersede State constitutions or State laws. Any State that gives their State education agency the sole statutory authority to sign these plans can do so.

My co-sponsors, Senator EVAN BAYH, Senator BEN NELSON, and Senator CHUCK HAGEL, and I are not proposing to substitute State education authority with Federal authority.

As a former Governor of my State, I have fought for years to support State education authority, and I believe my co-sponsors have as well. In addition, we realize that each State's Governor plays a key role in the development of education policy.

That is something a lot of people fail to realize—that during the 1980s, and, frankly, during the term when President Clinton was Governor of Arkansas, and during the period when he became chairman of the National Governors' Association, the Governors really became intimately involved in education in their respective States.

There were education summits in 1989, 1996, and 1999. In each State it is the Governor who works with the legislature to determine key State education policies and funding priorities.

It seems logical that the individual who helps direct a State's education policy and education funding—the Governor—should have some meaningful input into where the Federal money that State receives goes.

This amendment makes sense because under ESEA we say that States that take title I funds must target them to poor students. In this bill, we state that if a State takes funds, they must test students from grades 3 to 8. So it is not radical for us to say that if the States receive Federal funding, they should coordinate that spending so that it works with the State's education spending.

Let me remind my colleagues that Congress supplies only 7 percent of the education funding in America. This amendment only addresses that 7 percent. Why wouldn't we want that 7 percent to be coordinated with the 93 percent that are State and local funds? However, the substitute amendment offered by my colleague from New Mexico does not ensure coordination.

Currently, in some States, politics and personalities create differences between Governors and State school officers. This is again something that is not talked about in this country, but there are many States where the Governors and their State chief school officers rarely spend time together discussing education. In my State, I was fortunate that we developed a good interpersonal relationship with each other, but in many cases that is not the situation. In other words, what my amendment would do is require that the Governor sign off, unless it is in violation of a State constitution or State law.

I believe that requiring a joint signoff on education plans by the Governor and the chief State school officer enables the Governor to leverage and ensure coordination of State education funding to work with the Federal dollars Congress allocates. And the only way to fully leverage Federal funds is to ensure the coordination of those funds with State efforts.

Our modified amendment preserves State authority and ensures the coordination of Federal and State roles to promote education reform and the efficient expenditure of education dollars to the maximum benefit of our students.

I urge my colleagues to reject the Bingaman substitute amendment and to vote for what I consider to be a very commonsense approach and one that recognizes that today in our States—if we are going to get the kind of education we want for our children, if we are going to get the kind of coordination of our Federal dollars with our State dollars, and to make the maximum use of them for the benefit of our kids—it is important that the Governors of our respective States sign off on the applications that are submitted by their States to the Secretary of Education for the use of Federal funds under ESEA.

I thank you, Mr. President. With the Chair's permission, I yield the remainder of my time to the Senator from Indiana.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I am pleased to rise to add my voice to that of my distinguished colleague from the State of Ohio on behalf of the Voinovich amendment. I do so because I believe this amendment is necessary to make the most of the historic opportunity that lies before us to improve the quality of education for all of America's schoolchildren.

This amendment is important. It is needed to make sure that our effort is comprehensive. One of the good things about the bill that has been authored to date is that it includes all the stakeholders necessary to improve the quality of public education. It includes teachers, administrators, those in higher education, parents, and others who are important to improving the quality of America's public schools.

It will be strange if we do not include the chief executive officers of the States, those who are charged with the welfare and well-being of the citizens within their States. Most of the time—the vast majority of the time—there is no more important issue for the States' chief executives—the Governors —than the quality of education for America's schoolchildren. For this to be a comprehensive effort including all stakeholders, we must include the Governors of the 50 States.

It is important for this amendment to be adopted in order for this effort to be coordinated. We will not reap the full fruits of our efforts if Federal policy heads in one direction which is completely uncoordinated and irrelevant to State policy heading in another direction.

To maximize the potential of the reforms we seek to enact, to truly make historic progress, it is important that the State and Federal efforts dovetail together in a coordinated manner to give America's schoolchildren the very best opportunity to get the education they so richly deserve. Adoption of the Voinovich amendment is important for this ESEA reauthorization to maximize its effectiveness.

I would like to observe that even with the additional funding we hope to achieve—which is so vitally important—still no more than 6 or 7 percent of the funds provided to America's local schools will come from the Federal level. Fully 94, 93 percent will continue to come from State and local governments.

We are instituting, as a part of this process, historic accountability provisions. I anticipate they will identify many schools that need substantial improvement. They will identify many students who are at risk of being left behind if we do not give them the education they so desperately need.

State and local governments will continue to be at the forefront of making that progress possible since they provide the bulk of the resources. It is vitally important that we include Governors in this process for the following reason: I have not seen a single State education reform effort anywhere in this country succeed without the active, vigorous participation of the Governor of the State. In real practical terms, it simply does not happen.

It is the Governor who submits the State budget requesting more funding for education. It is the Governor who, very often working with the State legislature, and with the cooperation of the chief State school official, puts together the programmatic parts of any education reform effort.

If we hope to use this opportunity to catalyze meaningful reform and progress at the State and local level, we simply must have Governors involved because, as a practical matter, it is the Governors who get the job done.

As I said, I am not aware of a single major State education reform effort in this country that has been accomplished without the active involvement and participation of the Governor. That is why they at least need to be involved in the applications that are being submitted for the use of Federal funds as well.

Finally, let me say a few words with regard to States rights. This amendment does not give the Governors unfettered discretion. It does not put the Governors in charge. It simply says that Governors must work, consult and cooperate with the State chief school officers. That is as it should be if we are going to reap the full fruits of this effort.

It says to the States, with respect to their constitutions and laws, you do it as you see fit, but at least we would like to have the Governor consulted, if that does not run counter to a provision of State constitutional or statutory law.

I have been interested over the last couple of years I have been privileged to serve as a Member of this body, having been a Governor for 8 years—just as my colleague from Ohio was the Governor of his fair State for 8 years—to occasionally hear the skepticism and the concern with which some members of the Federal Government view State governments in general and Governors in particular. This is interesting, considering a growing number of Members of this body happen to have been Governors once upon a time themselves.

It was also interesting for me to observe and to listen, when I was a Governor in the Governors' meetings, to the skepticism and concern with which many Governors view the Federal Government and Washington, DC.

Surely, in the spirit of the moment, when we are seeking more bipartisan cooperation between the parties—surely, at a time we are seeking more cooperation between the executive and the legislative branches—perhaps at this moment we can seek a new spirit of federalism as well, ensuring that the chief executives of the States, working in cooperation with the chief State school officers, make the most of this historic moment to truly have a reform of America's education system of which we can be proud and which will serve our children well.

In order to accomplish that, Governors must be involved. That is what the Voinovich amendment will accomplish. That is why I am pleased to speak on its behalf.

I thank my colleagues for their patience, and I am pleased to yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly oppose the Voinovich amendment and its attempt to change the role of the Governors in Federal education policy. The amendment would require Governors and chief State school officers to sign off jointly on any title I plan or consolidated ESEA plan. As a result, the Governor would have veto power over all Federal ESEA funding and reform. For the first time, the Governor would have a veto over all Federal ESEA funding and reform.

The Voinovich amendment would supersede current State law by giving the Governor the veto power, regardless of the State constitution or current State law.

The proponent, Senator VOINOVICH, asked for a modification of the amendment and in the modification, he provides, under "Nonapplication of Provisions":

> The requirements of this section shall not apply to a State where compliance with such requirements is expressly prohibited by State constitution or a State law.

Find a State constitution that prohibits activities. State constitutions guarantee. They authorize and they protect rights and liberties. But they don't basically prohibit. He is saying that this will go into effect unless it is prohibited. That is basically an entirely new concept in terms of many States.

States have made decisions about how they are going to administer their education law, and we have, to date, worked in the development of this legislation, with the language that we have that permits consulting with the Governors. But now this will change that particular provision.

The Federal Government has a strong role to play in ensuring that the neediest children get the support they need to obtain a good education. By superseding State law and giving veto power to the Governor over Federal education policy, the amendment would concentrate greater power in the government and would unfairly tilt the balance against other authorities in the States.

Under the current law, State education agencies in every State implement Federal and State education policy. We want to ensure that there is a strong coordination among all education programs so that local schools obtain the best support available. The Voinovich amendment would distort the control of education policy in each State, causing confusion and unnecessary burdens on States and local communities.

We have all worked together to create a bill that focuses on strong, urgently needed reforms, especially in areas of testing, accountability, and targeted support for students in failing schools. We have also worked together to create the right overall structure for educational policy in the Federal system. Under the bill's pilot programs on performance agreements, the Governor is required to consult with the State education agency. That is an appropriate role for the Governor and one that I support.

I, therefore, urge the Senate to approve the amendment offered by Senators BINGAMAN and HATCH and to ensure that Governors consult with State education agencies in implementing Federal education policy. Their amendment gives the State Governor an expanded role without undermining the State law or constitutions by giving the Governors a veto.

We have seen in the past where title I programs that have gone into the States effectively have gone to the local communities. We have other education programs that go to the States and are administered at the State level. And we have respected those, the way that the States have worked out their administration of it. But this changes action in the States which the States have not indicated they wanted to change in a number of different States. We have not had any hearings on this. We don't know. We can go through the various States which this legislation would effectively override. There are many. But we haven't given that consideration.

We are glad to give it some consideration at some time, but we are effectively overriding the authority for the distribution of the resources at the State level by Federal fiat. That is the effect of this program of Senator VOINOVICH.

Under the Bingaman proposal, we are taking the responsible action of ensuring that there will be a consultation, but we are respectful. If it is handled one way in a State under the Governor, that is the way it ought to be. If it is handled under the State education authority, that is the way it ought to be.

I am just wary of the Senate overriding State decisions about how that will be distributed. That would be the effect of it. The Bingaman amendment addresses this and is the way we ought to follow.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I appreciate the words of the Senator from

Massachusetts. I rise to make a couple of points with regard to his remarks.

No. 1, if we think about it, when the State constitutions were adopted, there was no contemplation at all of a Federal role in education. As a matter of fact, up until the last couple of decades, education was primarily the responsibility of State and local government. The education arena has changed dramatically.

As I pointed out in my remarks a few minutes ago, the Governors have taken a much larger role in education than ever before in this country. They started to play a role in 1983, when we had the report on the crisis in education, "A Nation at Risk." As I mentioned, it was Governor Clinton who brought all of the Governors together to deal with the challenge of education in their respective States.

Since that time, Governors have become much more involved in education. If people were asked whether their Governor would sign off on an application from their respective States for the use of Federal money, they would be shocked to know that their Governors are not required to sign off on that application. My amendment is not intended to be a veto. It is intended for the Governors who are being held responsible by the citizens in their respective States for education policies to have an opportunity to participate in putting the plan together as to how those Federal dollars are going to be used in their States.

Rather than a veto, having the Governor involved is going to enhance the application and make it more meaningful because it is the Governor who is responsible in most of the States for the budget that is allocated for education and it is the Governor who takes the leadership role.

I can tell my colleagues, in Ohio today there is a discussion going on about whether or not Ohio is meeting the standards of the State supreme court. It is not the superintendent of public education that is being held responsible by the Supreme Court of the State of Ohio. It is the Governor of the State of Ohio and the State legislature that are being held responsible.

This amendment is not going to do any harm whatsoever to what is happening in our States in terms of Federal money. Rather, it is going to enhance the utilization of those Federal dollars because it is going to require the coordination and cooperation of the Governors and the chief State school officers to utilize those moneys on the State level.

Mr. KENNEDY. Mr. President, some States have made a judgment that they want the Governor involved. This legislation respects that. In other States, they have made the judgment that they don't want it, that they want the State educational agency to be in charge. We respect that.

Under the amendment of the Senator from Ohio, he overrides that State decision. What we are saying is, with this legislation, even the State authority ought to consult.

Let me just wind up, and I will list the various groups opposed to this legislation. They make this point:

> We oppose the amendment because it makes a very fundamental change in a time-honored separation of powers for education between the Federal and State governments. The governance and administration of education is clearly the responsibility of the States. The Federal Government is recognized as the authority in all the Elementary and Secondary Education Acts for 50 years by providing that whatever each State has determined to be its administrative agency for elementary and secondary education will be the agency responsible for the Federal education programs. The Federal Government must continue to rely on that agency without imposing added conditions.

Now, the Voinovich amendment does alter that and changes those conditions. That is why these 28 groups are against it.

AMENDMENT NO. 791 TO AMENDMENT NO. 389

Mr. KENNEDY. Mr. President, momentarily, I will send a second-degree amendment to the Voinovich amendment. At the appropriate time, we will move toward a vote on these two proposals. I believe the leadership has made that request. It will be at approximately 4:30 this afternoon. I now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts [Mr. KENNEDY], for Mr. BINGAMAN, for himself and Mr. HATCH, proposes an amendment numbered 791 to amendment No. 389.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 7 line 21 insert "after consultation with the Governor" after "agency".
>
> On page 8 line 1 insert "after consultation with the Governor" after "agency".
>
> On page 35, line 10, strike the end quotation mark and the second period.
>
> On page 35 between lines 10 and 11, insert the following:
>
> "(c) STATE PLAN.—Each State educational agency, in consultation with the Governor, shall prepare a plan to carry out the responsibilities of the State under 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies."
>
> On page 35 line 20, insert the following: "prepared by the chief State school official, in consultation with the Governor," after "a plan".
>
> On page 706 line 8, insert ", after consultation with the Governor," after "which".
>
> On page 707 line 16, insert "fter consultation with the Governor, a".
>
> On page 707 line 2, insert "fter consultation with the Governor, a".

AMENDMENT NO. 431 TO AMENDMENT NO. 358

Mr. REED. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 431.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 431 to amendment No. 358.

Mr. REED. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To provide for greater parental involvement)
>
> On page 125, line 6, insert "(a) IN GENERAL.—" before "Section".
>
> On page 127, between lines 20 and 21, insert the following:
>
> (b) GRANTS.—Section 1118(a)(3) (20 U.S.C. 6319(a)(3)) is amended by adding at the end the following:
>
> "(C)(i)(I) The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to supplement the implementation of the provisions of this section and to allow for the expansion of other recognized and proven initiatives and policies to improve student achievement through the involvement of parents.
>
> "(II) Each local educational agency desiring a grant under this subparagraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.
>
> "(ii) Each application submitted under clause (i)(II) shall describe the activities to be undertaken using funds received under this subparagraph and shall set forth the process by which the local educational agency will annually evaluate the effectiveness of the agency's activities in improving student achievement and increasing parental involvement.
>
> "(iii) Each grant under this subparagraph shall be awarded for a 5-year period.
>
> "(iv) The Secretary shall conduct a review of the activities carried out by each local educational agency using funds received under this subparagraph to determine whether the local educational agency demonstrates improvement in student achievement and an increase in parental involvement.
>
> "(v) The Secretary shall terminate grants to a local educational agency under this subparagraph after the fourth year if the Secretary determines that the evaluations conducted by such agency and the reviews conducted by the Secretary show no improvement in the local educational agency's student achievement and no increase in such agency's parental involvement.
>
> "(vi) There are authorized to be appropriated to carry out this subparagraph $500,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.".

Mr. REED. Mr. President, this amendment seeks to help parents meaningfully become involved in the education of their children. We all believe—every individual in this Chamber—that parents are essential parts of the educational process. Our challenge is to translate that feeling and that rhetoric into real involvement by parents in the schools of America.

We know that research has shown us that regardless of economic or ethnic or cultural background, parental involvement is a major factor in the academic success of children. Parental involvement contributes to better grades, better test scores, higher homework completion rates, better attendance, and greater discipline. When parental involvement is a priority in a school, those schools do exceptionally well. It improves not only the performance of children, it improves staff moral, and it creates and helps engender a climate where educational excellence is the norm, not the exception.

We know this through research and through our own observations. Parents themselves have declared invariably in survey after survey that their participation in the school is critical to the success of their children.

A 1999 American Association of School Administrators nationwide survey found that 96 percent of parents believe that parental involvement is critical for students to succeed in school. Eighty-four percent believe in parental involvement so strongly that they are willing to require such involvement on a mandatory basis.

However, in the midst of all of this support—our observations, the research, and the expression of parents themselves—parental involvement is something that is not found frequently enough in our schools. Over 50 percent of the parents surveyed thought that schools were not doing enough to inform them, not doing enough to involve them. In fact, they felt they didn't even have basic information about their children's studies and the issues confronting their children's school.

A recent bipartisan survey sponsored by the National Education Association ranked the lack of parental involvement in children's education as the No. 1 problem in schools today. We understand that this is a critical issue.

The finding of the NEA was echoed recently by a poll cited in a Democratic Leadership Council Update from December, 2000. This newsletter pointed out that:

> Parental involvement is critical to the success of both individual students and their schools.

It concluded that we must get serious about "schooling" parents and making sure that parents understand how they can access their schools and how critical it is that they be involved in the lives of their children and how important it is that they are a part of the educational process in a very real way.

Now, to succeed in this endeavor, we have to work collaboratively with everybody. We have to get school administrators and teachers prepared to respond to parents. We have to get parents prepared to assume the responsibility of being a major force in the educational lives of their children.

For many of us, this seems obvious. But that is not the case across the country. We should recognize that. We have to prepare in this legislation to make parents real partners in the education of their children. We need to train schools leaders, teachers, and parents; and we have to make the climate in schools welcoming to parents. All of these tasks require our support, encouragement, and our leadership.

I am pleased to say the bill before us today contains many of the elements that will help us along this path to successful parental involvement. Many of these elements were included in legislation that I introduced earlier in the session called The Parent Act. These elements include ensuring that title I families can access information on their children's progress in terms they can understand—not education-speak, not technical jargon, but in terms they can all understand.

It would also involve parents in school support teams that would help turn failing schools around—recognizing that they, too, are part of the education of their children.

It would also require technical assistance for title I schools and districts that are having problems implementing parental involvement programs. Again, we think this is obvious, easy, simple. But when you go into a typical school today, you have problems such as transient populations, people coming into this country from other lands where English is not the first language, and a host of other problems—schools have to be better prepared to involve the parents.

The legislation before us would also authorize, indeed require, the collection and dissemination by the States of information about effective parental involvement programs. We know the models work, and we want them disseminated across the full spectrum of schools in the United States.

The legislation would require involvement by parents in the violence and drug prevention efforts because we know that is a critical part of the challenge today in many schools across the country.

It would also require an annual review by States and districts to look at the parental involvement and professional development activities for the school to ensure that these activities are effective, and that teachers are being trained to involve parents, and that the involvement efforts are working.

Finally, it would require each local educational agency to make available to parents an annual report card which explains whether schools are succeeding or not. These very meritorious initiatives are included in the legislation.

So I come today to say we have made some progress working together with my colleagues on the Health, Education, Labor, and Pensions Committee. But I believe we can do more, and I believe we must do more.

We are raising the stakes dramatically in schools throughout this country by requiring every child in grades 3–8 to take annual tests. When we raise the stakes, we also have to recognize that we have to do more to make sure these children have an opportunity—a real opportunity—to succeed and to pass these examinations.

My amendment, quite simply, would build on an existing structure of law and increase the revenue stream going to schools so they can actually implement these parental involvement programs. They can move from rhetoric to real practice, from sentiment to accomplishment. I hope that is what we can do today with respect to this amendment.

Already, title I of the existing legislation—legislation that has been on the books for years now—in section 1118, requires districts all across this country to develop written parental involvement policies and requires schools to develop school-parent compacts.

It also requires that schools hold annual meetings for parents, and it would require that parents be involved in school review and improvement policies. That is the law today, but the reality is not enough schools are doing this because the funds are not there because other priorities, as they always seem to, intrude.

Districts are actually required to spend 1 percent of their title I allotment for the purposes I just discussed—school compact preparation, annual meeting with parents, involvement in school reviews—unless that 1 percent amounts to less than $5,000. In many school districts, this 1 percent is less than $5,000. In fact, in Rhode Island, 25 out of my 34 school districts are not required to spend any money because the total would be less than $5,000. As a result, this legislative standard is seldom achieved. In fact, 4 years after they were required by law, a quarter of the title I schools throughout the United States have not yet developed a school-parent compact.

As Secretary Paige testified—and he came from the Houston school system after working there and doing his best to improve and reinvigorate that school system—he indicated at the confirmation hearing that "increased assistance will be needed"—his words—to enhance parental involvement.

We know what we want to do. We actually improved the legislative framework in this legislation, but we have to provide more assistance.

My amendment, which is strongly supported by the National PTA, does not add to these mandates, but what it does is add resources. It gives localities flexibility. It does not require what is in the school-parent compact, it does not tell them there is only one method to contact the parent, but what it says is we are serious. We are not just going to talk about parental involvement. We are going to give them the means to involve parents.

I believe this is a very powerful way to enhance education, and certainly it is a concept that no one here would argue against.

The question comes down to, in my mind, Will we give these schools the resources to do the job we want them to do?

My amendment provides the resources so parents can get more involved, as recommended by the Independent Review Panel in the Final Report of the National Assessment of Title I.

We will adopt legislation that emphasizes accountability, but accountability without the resources to do many things, including involve parents, is not going to improve the educational process of the United States.

My amendment is critical to ensuring that we can develop a coordinated focus that works in the schools for parental involvement. It elevates parental involvement from something nice to do and maybe something you want to do if the money is available to something you can and should do because the language is clear and the resources are available.

I strongly hope my colleagues will support this amendment and give to the schools of America the resources to do what we all want them to do: improve the education of children by involving parents, by ensuring that the parent as the first teacher does not surrender that critical role when that child enters school.

I will at the appropriate time ask for the yeas and nays when it is judged to be in order. I yield the floor.

The PRESIDING OFFICER. It is in order at this time, if the Senator from Rhode Island wishes to make that request.

Mr. KENNEDY. Will the Chair repeat the request.

The PRESIDING OFFICER. The Senator was asking when it would be in order to request the yeas and nays. Does the Senator make that request?

Mr. REED. I make that request now pending the decision as to when a vote will be scheduled.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend from Rhode Island, Senator REED, for his perseverance on this issue over a long period of time. He has been an enormously active, involved, informed, committed member of our Education Committee. Not only does he have that commitment in the Senate, but he had it in the House of Representatives as well.

When he talks about what we did in 1994 with title I, he knows because he was in that conference. Those of us who served with him know his strong and sensible commitment on involving parents in the education of their children, as well as on the issues of libraries. There are many others, but those always spring up when I hear him talk about education policy.

He is absolutely correct about the importance of parental involvement. I am not going to take the time of the Senate this afternoon, but there is an excellent report of the Department of Education of several years ago that reaches the conclusion that there is significant academic improvement by involving the parents in the educational learning process of children. The studies at that time happened to be in the fifth grade and earlier.

It is fairly self-evident—as a father, as well, of a senior who will be graduating this Friday, and of a daughter who is in high school—every parent who does involve themselves in that opportunity can make an extraordinary difference in the children's understanding as well as their desire to learn. I certainly have seen that through personal experience, and I think most parents do.

The problem, as the Senator has pointed out, is that the teachers themselves do not receive training in the techniques of involving the parents in the classroom and classroom work. With very limited resources, that effort can produce significant and profound results.

That is what the Senator is advocating this afternoon: that we take a tried and tested concept, which is parental involvement, and give additional life to that concept in resources and build on what we did in the 1994 title I education legislation.

This builds on what we have attempted to do, and what we have attempted to do in this legislation is to understand better what is working across this country and to give these menus to local communities and permit local communities to make decisions based upon local needs, and then to hold them accountable in how these funds are going to be invested and have an evaluation of these programs so we know what is working in terms of our participation and our support of these initiatives.

This one makes a great deal of sense. It is about as intuitive as any amendment. Every parent who has a child in school understands the value of involvement. If more teachers reach out and involve the parents, this will add an additional dimension.

We will build particularly on a number of the existing programs, most obviously in literacy, helping children to read and give new value to books and help them work with children in a very productive way.

I thank the Senator. I am hopeful this amendment will be accepted.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I also acknowledge, as did Senator KENNEDY, Senator REED's intense interest and efforts to address the issue of parental involvement in the school system. His mark is on this bill as a result of that. Parents are mentioned literally hundreds of times in this bill, and there are initiatives to try to give local school districts more resources to assist in bringing parents into the effort of the schoolday. In fact, there is a 1 percent setaside in the title I funds money to carry forward parental involvement initiatives. This can add up to a lot of money. That is where my concern is.

Essentially, the Senator from Rhode Island has suggested we create what amounts to a new $500 million program for parents and parental activity in the school systems. It is pretty liberal in its structure. It could be for coffees, in order to get parents involved; it could be for mailers involving parents or for parent peer groups. It is hard for people at the Federal level to be everything to everybody in education.

There are important needs in the area of education. But we need to remember that the Federal dollars in education are only 6 to 7 percent of the total dollars spent in local and elementary schools. To get the most value for those dollars, we must focus those dollars in specific areas. We have chosen to focus those dollars on special needs children. We have chosen to focus those dollars in this bill on children from low-income families, and specifically on trying to raise the academic standards of those children to make sure they are not left behind as they move through the school system.

There are a lot of other issues that involve schools. There are good language programs; there are good sports and computer science activities. Equally important—and I do not deny it—is the need to have parents involved with their children in the school system. However, we cannot be everything to everybody. If we create a new $500 million program for that, we are taking away from the initiatives being directed at the areas where the Federal Government has chosen to set aside priorities, the special needs programs and the actual academic education of the low-income child. Because of the appropriation process, there will have to be a prioritization, and money will be moved from place to place. Inevitably, somebody wins and somebody loses.

This program, No. 1, although well intentioned, is far too expensive for the Federal Government to pursue; and, No. 2, it is inappropriate for the Federal Government to pursue. We have to look seriously at the cost of this bill as we continue to add any more of these well-intentioned programs on to the bill.

The bill presently, by my estimations, over the life of the authorization, is nearly $400 million over where it started. That is a lot of money. This is another $500 million on top of that. It may be an appropriate thought, but I do not think we need a new Federal program to accomplish this.

The issue of parental involvement is a local issue, probably the ultimate local issue. Shouldn't parents get involved in the schoolday? Absolutely. Should the Federal Government create the mechanisms to do that? No. That is the local responsibility of the parent and the parent structures within the local community and the local school systems which spend 93 percent of the education dollars in this country.

As well intentioned as this amendment is, I oppose it because I think it takes away from the main thrust of the bill. Therefore, it draws off potential resources we need to focus on, including the academic day and the special needs child. This is simply an addition of $500 million on top of what has already become an extraordinarily expensive bill, moving beyond the availability of Members to support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I appreciate the comments of my colleague from New Hampshire. He is exactly right. We have to be very careful about picking our shots with respect to Federal policy and recognize the predominance of the State and local community in education policy. Essentially, we have already made that decision. We made it years ago in the structure of title I. We passed laws requiring parent-school compacts, we required a whole host of parental involvement issues, because we recognized, as we do today, parental involvement is absolutely critical. It was not being performed, it was not being incorporated into the life of the schools, as it should be.

The question today is, Are we going to simply once again engage in a more general rhetorical exercise, or are we going to put up real resources? I guess we could go into these title I schools, the quarter of them that have not yet even completed, after 4 years, their parent-school compact, and perhaps order them to do it. Perhaps we could threaten to remove funds. That, to me, is not helping accomplish what we want to accomplish, which is making sure that these legislative requirements are, in fact, in place in the schools of the United States. The answer is providing them the resources to do what they want to do and what we want them to do but, because of conflicting priorities, are not being done.

In affluent communities, that typically don't have many title I students, for a variety of reasons—one spouse is not working and is at home and able to participate; it is not difficult to communicate with schools because of the existence of the Internet; because the parents are college graduates—there are a host of reasons that we find there is parental involvement.

Our challenge is to go where it is harder to get the parental involvement: Parents may not have English as a first language or be college graduates; parents may not be a couple; rather, a single parent; parents might be forced to move periodically throughout the school year from school to school. It is a difficult challenge. We recognize that, and we have for years. We have said: Listen, schools, you have to develop these plans, these compacts. You have to reach out, you have to do better.

In this legislation, and the work of Senator KENNEDY, Senator JEFFORDS, and Senator GREGG, we have incorporated even more the recognition of parental involvement in our schools.

The question we face today, the classic question, is: Will we match our words with dollars? Will we match our requirements on schools to accept title I funds with real dollars to do what we want to do? I hope we answer that question in the affirmative.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, our Nation is less literate today than it was at the time of its founding. That might startle people, but that happens to be a fact. We are moving in the wrong direction with regard to literacy.

My State of Massachusetts is recognized, by most of the various economic evaluators and indicators, to be one of the top States from an education point of view, and a third of our workforce is at level one. A third of our workforce is at level one on literacy. That means they have difficulty reading a phone book. Those workers have children. Those children are going into title I schools, by and large. They may be above the minimum wage, but many are going into schools that are hard pressed.

We now have results. We find adult literacy works, but that is more complicated because these are parents who have to go to class after a long day's work, perhaps one or two jobs. This effort in bringing the family into the educational system has a proven, established record of positive results with regard to the parents and with regard to the children. All we are trying to do is make sure, if we have something that we know works, we put that out before the local communities and let them make the judgment as to whether they want to participate in that program. That is what this amendment is all about.

Finally, it is true there has been a substantial increase in the cost of the legislation. It has been done in this way. To make sure the benefit of this legislation has accountability—it has an enhancement of teacher professional development and mentoring, it has an expansion in the literacy programs and accountability programs, the science and technology afterschool programs—we are going to make that available not just to a third of the children but to all the children. That has been done with the votes, particularly the bipartisan vote on Dodd-Collins and also the significant increase because of the bipartisan vote on Hagel-Harkin with regard to funding special needs.

Frankly, those were bipartisan efforts and I think they do reflect national priorities. We are moving along.

AMENDMENTS NOS. 412, AS MODIFIED; 416; 444, AS MODIFIED; 449, AS MODIFIED; 454, AS MODIFIED; 485, AS MODIFIED; 488; 507, AS MODIFIED; 603, AS MODIFIED; 645, AS MODIFIED, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, I have amendments which have been cleared on both sides, and therefore I ask unanimous consent it be in order for these amendments to be considered en bloc and any modifications, where applicable, be agreed to, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask if the impact aid amendment is in this group.

Mr. KENNEDY. No, it is not included in this group.

Mr. INHOFE. However, there is a pretty clear understanding it will be included?

I understand it has been agreed to on both sides. I will not object.

Mr. KENNEDY. I will be glad to talk with the Senator in the next few minutes and give him an update on that issue.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. For the information of the Senate, these amendments are the Graham amendment No. 412, Domenici amendment No. 416, DeWine amendment No. 444, Cleland amendment No. 449, Gregg amendment No. 454, Bingaman amendment No. 485, Smith of New Hampshire amendment No. 488, Collins amendment No. 507, Sessions amendment No. 603, and Conrad amendment No. 645.

The amendments (Nos. 412, as modified; 416; 444, as modified; 449, as modified; 454, as modified; 485, as modified; 488; 507, as modified; 603, as modified; and 645, as modified) were agreed to, as follows:

AMENDMENT NO. 412, AS MODIFIED

(Purpose: To identify factors that impact student achievement)

On page 53, between lines 7 and 8, insert the following:

"(8) FACTORS IMPACTING STUDENT ACHIEVEMENT.—Each State plan shall include a description of the process that will be used with respect to any school within the State that is identified for school improvement or corrective action under section 1116 to identify the academic and other factors that have significantly impacted student achievement at the school.

On page 71, line 24, strike "and".

On page 72, line 3, strike the period and end quotation mark, and insert "and" after the semicolon.

On page 72, between lines 3 and 4, insert the following:

"(11) a description of the process that will be used with respect to any school identified for school improvement or corrective action that is served by the local educational agency to determine the academic and other factors that have significantly impacted student achievement at the school.";

On page 104, line 7, strike "and".

On page 104, line 13, strike the period and insert a semicolon.

On page 104, between lines 13 and 14, insert the following:

"(C) for each school in the State that is identified for school improvement or corrective action, notify the Secretary of academic and other factors that were determined by the State educational agency under section 1111(b)(8) as significantly impacting student achievement; and

"(D) if a school in the State is identified for school improvement or corrective action, encourage appropriate State and local agencies and community groups to develop a consensus plan to address any factors that significantly impacted student achievement.".

On page 119, line 19, strike the end quotation mark and the second period.

On page 119, between lines 19 and 20, insert the following:

"(g) OTHER AGENCIES.—If a school is identified for school improvement, the Secretary may notify other relevant federal agencies regarding the academic and other factors determined by the SEA under §1111(b)(8) as significantly impacting student performance.".

AMENDMENT NO. 416

(Purpose: To provide for teacher recruitment centers)

On page 319, between lines 19 and 20, insert the following:

"(12) Establishing and operating a center that—

"(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

"(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

AMENDMENT NO. 444, AS MODIFIED

(Purpose: To modify provisions relating to the Safe and Drug-Free Schools and Communities Act of 1994 with respect to therapists)

On page 568, line 19, insert "therapists," before "nurses".

AMENDMENT NO. 449, AS MODIFIED

(Purpose: To support the activities of education councils and professional development schools)

On page 319, between lines 19 and 20, insert the following:

"(12) Supporting the activities of education councils and professional development schools, involving partnerships described in paragraphs (1) and (3) of subsection (c), respectively, for the purpose of—

"(A) preparing out-of-field teachers to be qualified to teach all of the classes that the teachers are assigned to teach;

"(B) preparing paraprofessionals to become fully qualified teachers in areas served by high need local educational agencies;

"(C) supporting teams of master teachers and student teacher interns as a part of an extended teacher education program; and

"(D) supporting teams of master teachers to serve in low-performing schools.

On page 329, line 7, strike "; and" and insert a semicolon.

On page 329, line 13, strike the period and insert "; and".

On page 329, between lines 13 and 14, insert the following:

"(C) may include activities carried out jointly with education councils and professional development schools, involving partnerships described in paragraphs (1) and (3) of subsection (c), respectively, for the purpose of improving teaching and learning at low-performing schools.

On page 329, between lines 18 and 19, insert the following:

"(c) DEFINITIONS.—In this section:

"(1) EDUCATION COUNCIL.—The term 'education council' means a partnership that—

"(A) is established between—

"(i) 1 or more local educational agencies, acting on behalf of elementary schools or secondary schools served by the agencies; and

"(ii) 1 or more institutions of higher education, including community colleges, that meet the requirements applicable to the institutions under title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.); and

"(B) provides professional development to teachers to ensure that the teachers are prepared and meet high standards for teaching, particularly by educating and preparing prospective teachers in a classroom setting and enhancing the knowledge of in-service teachers while improving the education of the classroom students.

"(2) LOW-PERFORMING SCHOOL.—The term 'low-performing school' means an elementary school or secondary school that is identified for school improvement under section 1116(c).

"(3) PROFESSIONAL DEVELOPMENT SCHOOL.—The term 'professional development school' means a partnership that—

"(A) is established between—

"(i) 1 or more local educational agencies, acting on behalf of elementary schools or secondary schools served by the agencies; and

"(ii) 1 or more institutions of higher education, including community colleges, that meet the requirements applicable to the institutions under title II of the Higher Education Act of 1965; and

"(B)(i) provides sustained and high quality preservice clinical experience, including the mentoring of prospective teachers by veteran teachers;

"(ii) substantially increases interaction between faculty at institutions of higher education described in subparagraph (A) and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools; and

"(iii) provides support, including preparation time, for such interaction.

AMENDMENT NO. 454 AS MODIFIED

(Purpose: To exempt certain small States from the annual NAEP testing requirements)

On page 53, line 22, insert before the semicolon the following: ", except that a State in which less than .25 percent of the total number of poor, school-aged children in the United States is located shall be required to comply with the requirement of this paragraph on a biennial basis".

On page 778, between lines 3 and 4, insert the following:

"(c) SMALL STATES.—For the purpose of carrying out subsection (a)(2) and section 6201(a)(2)(A)(i)(II), with respect to any year for which a small State described in section 1111(c)(2) does not participate in the assessments described in section 1111(c)(2), the Secretary shall use the most recent data from those assessments for that State.

AMENDMENT NO. 485 AS MODIFIED

(Purpose: To establish a national technology initiatives program)

On page 379, between lines 19 and 20, insert the following:

"SEC. 2310. NATIONAL TECHNOLOGY INITIATIVES.

"(a) IN GENERAL.—The Secretary shall establish a program to identify and disseminate the practices under which technology is effectively integrated into education to enhance teaching and learning and to improve student achievement, performance and technology literacy.

"(b) USE OF FUNDS.—In carrying out the program established under subsection (a), the Secretary shall—

"(1) conduct, through the Office of Educational Research and Improvement, in consultation with the Office of Educational Technology, an independent, longitudinal study on—

"(A) the conditions and practices under which educational technology is effective in increasing student academic achievement; and

"(B) the conditions and practices that increase the ability of teachers to effectively integrate technology into the curricula and instruction, enhance the learning environment and opportunities, and increase student performance, technology literacy, and related 21st century skills; and

"(2) make widely available, including through dissemination on the Internet and to all State educational agencies and other grantees under this section, the findings identified through the activities of this section regarding the conditions and practices under which education technology is effective.

On page 379, line 20, strike the heading and insert the following:

"SEC. 2311. AUTHORIZATION OF APPROPRIATIONS.

On page 380, line 4, strike the quote and the period.

On page 380, between lines 4 and 5, insert the following:

"(c) FUNDING FOR NATIONAL TECHNOLOGY INITIATIVES.—Not more than .5 percent of the funds appropriated under subsection (a) may be used for the activities of the Secretary under section 2310.".

AMENDMENT NO. 488

(Purpose: To provide for the conduct of a study concerning sexual abuse in schools)

On page 893, after line 14, add the following:

SEC. . STUDY AND RECOMMENDATION WITH RESPECT TO SEXUAL ABUSE IN SCHOOLS.

(a) FINDINGS.—Congress finds that—

(1) sexual abuse in schools between a student and a member of the school staff or a student and another student is a cause for concern in the United States;

(2) relatively few studies have been conducted on sexual abuse in schools and the extent of this problem is unknown;

(3) according to the Child Abuse and Neglect Reporting Act, a school administrator is required to report any allegation of sexual abuse to the appropriate authorities;

(4) an individual who is falsely accused of sexual misconduct with a student deserves appropriate legal and professional protections;

(5) it is estimated that many cases of sexual abuse in schools are not reported; and

(6) many of the accused staff quietly resign at their present school district and are then rehired at a new district which has no knowledge of their alleged abuse.

(b) STUDY AND RECOMMENDATIONS.—The Secretary of Education in conjunction with the Attorney General shall provide for the conduct of a comprehensive study of the prevalence of sexual abuse in schools. Not later than May 1, 2002, the Secretary and the Attorney General shall prepare and submit to the appropriate committees of Congress and to State and local governments, a report concerning the study conducted under this subsection, including recommendations and legislative remedies for the problem of sexual abuse in schools.

AMENDMENT NO. 507 AS MODIFIED

(Purpose: To provide that funds for mathematics and science partnerships may be used to encourage girls and young women to pursue postsecondary degrees and careers in mathematics and science)

On page 350, between lines 4 and 5, insert the following:

"(9) Training teachers and developing programs to encourage girls and young women to pursue postsecondary degrees and careers in mathematics and science, including engineering and technology.

AMENDMENT NO. 603 AS MODIFIED

(Purpose: To allow for-profit entities, including corporations, to be eligible to receive Federal funds under title IV, either through grants or contracts with States or direct contracts or grants with the Federal Government)

On page 440, lines 15 and 16, strike "and other public and private nonprofit agencies and organizations" and insert "and public and private entities"

On page 440, line 22, strike "nonprofit organizations" and insert "entities".

On page 460, lines 7 and 8, strike "and other public entities and private nonprofit organizations" and insert "and public and private entities".

On page 483, lines 20 and 21, strike "nonprofit organizations" and insert "entities".

On page 489, lines 14 and 15, strike "nonprofit private organizations" and insert "private entities".

AMENDMENT NO. 645 AS MODIFIED

(Purpose: To provide for professional development for teachers)

At the end of title II, add the following:

SEC. 203. PROFESSIONAL DEVELOPMENT.

Section 3141(b)(2)(A) (20 U.S.C. 6861(b)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii)(V), by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(iii) the provision of incentives, including bonus payments, to recognized educators who achieve an information technology certification that is directly related to the curriculum or content area in which the teacher provides instruction;".

AMENDMENT NO. 485, AS MODIFIED

Mr. BINGAMAN. Mr. President, I rise to speak about my amendment supporting National Technology Initiatives. I'd like to thank my colleagues for accepting this amendment. My amendment seeks to ensure that a program of research be conducted to identify and disseminate the practices under which technology is effectively integrated into education to enhance teaching and learning and to improve student achievement, performance and technology literacy.

During a period when technology has fundamentally transformed America's offices, factories and retail establishments, we have come to understand that if America is to maintain its place in the global economy, we must transform our Nation's classrooms by infusing technology across the curriculum. One common element that almost everyone agrees upon for improving the Nation's schools has been the more extensive and more effective utilization of educational technology. We have made progress. In large part, thanks to Federal funding under the e-rate program and the educational technology funds provided under a program that I sponsored during the 1994 reauthorization of the Elementary and Secondary Education Act, student to computer ratios—even in the Nation's poorest schools—have improved and Internet access is no longer reserved just for schools in middle-class or wealthy communities. More and more classrooms are equipped with computers and other kinds of educational technologies. Teachers and students are beginning to make use of the enormous learning potential that educational technology provides. In many schools and classrooms the use of educational technology has contributed in substantial ways to student learning.

We know that the use of educational technology in our schools is related to favorable educational outcomes but we need to know more. In 1997, David Shaw, the Chairman of the President's Committee of Advisors on Science and Technology (PCAST) outlined critical focus areas for educational technology research. Long term research designed to illuminate how technology might best be used to support the learning process was described. My amendment provides for such longitudinal research conducted through the Office of Educational Research and Improvement. In keeping with my ongoing interest in providing accountability for educational efforts, the research seeks to identify the conditions and practices under which educational technology is effective in increasing student achievement. Further, the research authorized under my amendment seeks to identify the conditions and practices that increase the ability to teachers to effectively integrate technology into the curriculum and instruction, enhance the learning environment and opportunities and increase student performance, technology literacy and related 21st century skills. Research of this nature is deemed critical to guiding our continued efforts to effectively infuse technology into our classroom activities. My amendment provides that the findings of this research be made widely available and sets aside a rather modest .5 percent of the federal technology funds for this purpose.

Recommendations from PCAST and other important stakeholder groups, including the Web-Based Commission and the CEO Forum, continue to emphasize the importance of conducting research about how educational technology works to enhance student learning. It seems likely that further experience with the use of educational technology in our schools will result in significant improvements over time in educational outcomes. However, such improvements are critically dependent on long-term rigorous research aimed at assessing the efficacy and cost-effectiveness of various approaches to the use of educational technology in actual classrooms. The questions that remain no longer relate to whether or not technology can be used effectively in schools. Rather the questions relate to how approaches to technology use in the classroom are in fact most effective and cost-effective in practice. I believe that this amendment will ensure that we will continue to find answers to these questions.

Thank-you.

Mr. KENNEDY. For the information of the Senate, we expect the vote on the amendment of the Senator from Rhode Island sometime in the later afternoon. There will be a proposal on behalf of the leadership that will indicate the exact time, but it will be sometime around 5 o'clock.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to make a couple of comments about the amendment to which I alluded with the Senator from Massachusetts just a moment ago. It has to do with impact aid. I think that is a very misunderstood issue.

Back in the 1950s when various Government programs and military installations and other land operations came in and took land off the tax rolls, that had a negative impact on our schools. I know in my State of Oklahoma we have five major military installations. While the amount of money that would be generated from the taxes is taken off the tax rolls, we still have to educate the children. For that reason, back in the 1950s a program was set up to replenish the money that otherwise would have gone to schools.

This is something everyone supports. However, since the 1950s, there has been this insatiable appetite for politicians to take money out of the system, and they have done this, so impact aid has dropped down to about 25 percent of funding.

Starting 3 years ago, I had an amendment to incrementally build that up. Hopefully, 4 or 5 years from now, we will reach the point where it will be 100 percent funded. This is the right thing to do. It is not partisan, liberal or conservative. It is something that has to be done. We have an amendment, and, I say to the Senator from Massachusetts as well as the Senator from New Hampshire, I appreciate their cooperation and willingness to include this in the managers' amendment.

As I say, we have passed this now for 2 consecutive years. We are slowly getting up to where we can properly take care of school districts that have been unfavorably impacted by the reduction in the tax rolls. I thank them for that and for their assurance this will be in a managers' amendment.

I yield the floor.

Mr. KENNEDY. Mr. President, as I understand the impact aid amendment, I am going to urge the support of that amendment. It will be included in the next group for consent. It is in the pipeline, and I have every expectation it will be so included and I thank the Senator for his cooperation on that.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am delighted to rise today to address another amendment, if the Senator from Massachusetts is ready for that?

Mr. KENNEDY. Yes. We are ready.

Mrs. CLINTON. I move to lay aside the pending amendment temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 517 TO AMENDMENT NO. 358

Mrs. CLINTON. Earlier in this debate, I came to the floor with colleagues from both sides of the aisle to focus on what I believe is one of our greatest national crises; namely, the shortage of teachers in our highest need schools. By that I mean schools that do not have qualified teachers, whether they are in inner cities, in older suburbs, or in our rural areas. I was very pleased we passed a bipartisan amendment incorporating many of the ideas that I and others brought to the floor, to provide needed resources to recruit and retain teachers, that will help our children meet high academic standards.

Along with qualified teachers and up-to-date resources, all students need to attend schools where we have high-quality principals who will work together with teachers and parents to create a learning environment that will maximize the achievements of every single child. But too many schools around our country open their doors every school year without principals in place or without the kind of high-quality principals every school should be able to have.

I really believe we would be remiss if we did not recognize that our schools are struggling to find principals, just as they are struggling to find qualified teachers. In fact, more than 40 percent of public school principals are expected to retire in the next 10 years. The problem is especially severe in our urban and rural areas, with 52 percent of rural districts reporting a shortage and 47 percent of urban districts.

In public schools in New York City, for example, 65 percent of our current principals are eligible to retire. In New York State overall, 50 percent of all principals are expected to retire in the next 5 years.

In any business, in any walk of life, if we thought we were going to lose half of our leaders, I think we would be quite concerned. I bring that concern to the floor because we simply cannot afford to lose the people who are supposed to be providing instructional leadership and direction to our teachers. That is why earlier this year I introduced the National Teacher and Principal Recruitment Act.

Today I am offering an amendment that reflects part of my bill focused on recruiting principals. It authorizes the Secretary of Education to offer grants to recruit and retain principals in high-need school districts through such activities as mentoring new principals, providing financial incentives or bonuses to recruit principals, and providing career mentorship and professional development activities.

I believe if we are serious about educational reform, we have to be serious about recruiting and retaining qualified principals. If we are going to have a system that holds our students and our teachers accountable, we have to have somebody who is responsible for implementing those accountability measures. That, to me, leads us to call for the CEOs, if you will, of our schools. Those are our principals.

We need school leaders to guide our teachers and help our students to achieve high academic standards.

A 1999 report issued by the National Association of State Boards of Education characterized effective principals as "the linchpins of school improvement" and "the gatekeepers of change."

We know a similar study conducted by the Arthur Andersen consulting firm, of high- and low-performing schools in Jersey City and Patterson, NJ, found that the one attribute of all the high-performing schools we visited is a dedicated and dynamic principal.

I have been going in and out of schools, I guess, ever since I was in one myself but, as an adult, for nearly 20 years. And I know from my own observation and experience that the principal is the key. We can have great teachers, but if they are in a system or in a school that doesn't value their contributions and that doesn't work with them to do the very best they can, we are not going to get the results that we need.

In 1999, New York City schools opened their doors with 165 uncertified principals. In Buffalo last year, the school district faced 10 principal vacancies and only received 11 applications.

So they basically will put a warm body in wherever they can find one. And that is not a problem that is unique to New York. In Vermont, one out of five principals had retired or resigned by the end of the last school year. In Washington State, 15 percent of principals retired or resigned. And in Baltimore, 34 of 180 principals left in the last 2 years alone.

I absolutely would agree that an amendment is not going to turn this problem around, but we have to recognize the problem, be willing to admit its extraordinary depth around our country, and then try to put into place at the local, State, and Federal level efforts to try to fill the need.

We need efforts such as the one that is currently going on in New York City where the chancellor is providing additional training and support to principals who are new to the profession to help them believe they can make that kind of commitment to difficult schools that really need their leadership. The nonprofit New Leaders for New Schools Project is also trying to attract talented teachers into the ranks of our principals.

This amendment is a small step to support local and State efforts to recruit and retain the next generation of school leaders. I urge my colleagues to vote in favor of our principals and in favor of recruiting and retaining them.

In New York, Norman Wechsler, a former principal of Dewitt Clinton High School in the Bronx, illustrates the importance of this problem. He helped to lead that school from failure to success by raising the standards and holding students and teachers accountable for results.

It is very important that we recruit and keep such principals in our public schools or else the work we are doing so diligently, attempting to forge the kind of consensus we need to pass this education bill, will not have the results it should have.

This bill holds a lot of promise. It puts the Federal Government squarely on the side of accountability. It sets forth measurements that we will use to make decisions about schools. Yet if we don't have our teachers and principals in place to do this work, then it is just going to be another piece of legislation. It won't have the effect that we all want it to have.

I hope we will agree to this amendment that it is aimed at helping us address the Nation's principal shortage.

Mr. GREGG. Will the Senator yield for a question.

Mrs. CLINTON. Yes.

Mr. GREGG. Does the Senator wish to go to a vote at this time?

Mrs. CLINTON. Yes.

The PRESIDING OFFICER. I don't believe the amendment is pending just yet.

Mrs. CLINTON. I call up amendment No. 517.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 517.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a national principal recruitment program)

On page 309, lines 17 and 18, strike "subsection (f)" and insert "subsections (b) and (f)".

On page 339, line 6, strike "(b)" and insert "(c)".

On page 339, strike lines 7 through 16 and insert the following:

"(b) SCHOOL LEADERSHIP.—.

"(1) DEFINITIONS.—

"(A) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency for which more than 30 percent of the students served by the local educational agency are students in poverty.

"(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(C) STUDENT IN POVERTY.—The term 'student in poverty' means a student from a family with an income below the poverty line.

"(2) PROGRAM.—The Secretary shall establish and carry out a national principal recruitment program.

"(3) GRANTS.—

"(A) IN GENERAL.—In carrying out the program, the Secretary shall make grants, on a competitive basis, to high-need local educational agencies that seek to recruit and train principals (including assistant principals).

"(B) USE OF FUNDS.—An agency that receives a grant under subparagraph (A) may use the funds made available through the grant to carry out principal recruitment and training activities that may include—

"(i) providing stipends for master principals who mentor new principals;

"(ii) using funds innovatively to recruit new principals, including recruiting the principals by providing pay incentives or bonuses;

"(iii) developing career mentorship and professional development ladders for teachers who want to become principals; and

"(iv) developing incentives, and professional development and instructional leadership training programs, to attract individuals from other fields, including business and law, to serve as principals.

"(C) APPLICATION AND PLAN.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

"(i) a needs assessment concerning the shortage of qualified principals in the school district involved and an assessment of the potential for recruiting and retaining prospective and aspiring leaders, including teachers who are interested in becoming principals; and

"(ii) a comprehensive plan for recruitment and training of principals, including plans for mentorship programs, ongoing professional development, and instructional leadership training, for high-need schools served by the agency.

"(D) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to local educational agencies that demonstrate that the agencies will carry out the activities described in subparagraph (B) in partnership with nonprofit organizations and institutions of higher education.

"(E) SUPPLEMENT NOT SUPPLANT.—Funds appropriated to carry out this subsection shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide principal recruitment and retention activities.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2002 and each subsequent fiscal year.

Mrs. CLINTON. Mr. President, I call for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 517) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we just completed the acceptance of approximately 10 or 12 amendments. We had a series of amendments that were accepted last evening, and we will have additional ones later in the afternoon.

At the request of the leaders, we have put off the votes hopefully until 4:30 this afternoon where we will have several votes on matters which have been debated. It is not the way I would like to proceed nor; I am sure, the way my friend and colleague from New Hampshire would wish to proceed. However, there are other considerations.

We have been able to move a number of these. We have disposed of a number of amendments. We have had some amendments which have been withdrawn, and we are going to talk to other colleagues. I have, through the staff, talked to each Member two or three times on their amendments. We are under a lot of pressure to reach a time definite for final passage of this legislation. We have tried to respect the fact that our colleagues have offered these amendments—they are important to them—and to accommodate their interests.

Quite frankly, we are reaching the point where I will join with those—I know this has been the position of my friend from New Hampshire—who believe that we ought to set a time definite and then go into a vote-athon. If people want to vote in that way, every 2 minutes. The Senate will have to work its will.

What is completely unacceptable is for Members, who have been on notice prior to the time we went on the Memorial Day recess, to now, in the midafternoon, believe they are not quite ready to deal with these. We want to put everyone on notice that we are getting to the point where we are going to urge that we have a time definite for final passage. There will be objection. They will come to the Chamber and object, and then they will go off. And when they are off, we will make the motion again. So they are going to have to come. That is the way it used to be done.

We want to accommodate our colleagues, but we want to be clear that this is serious business. If Members have amendments and they are serious about them, which I believe they are, they ought to be serious enough to come and offer and debate them. We are running into the situation where too many of our colleagues have been unwilling to do so.

Everyone understands there are a lot of different activities going on, particularly today. But there are always a lot of different activities every single day.

This is about education. It is about our children. It is about their future.

Senator REID will go back and call those who have the amendments. We should not have to do it. We should be hearing from our colleagues about the time. We will do the best we can to arrange it. But we are getting into the position now, after this week, where we are going to move towards reaching a time definite for final consideration. Then we will have an opportunity to dispose of these amendments.

I would like to support a number of them. A number of them would be helpful to the bill. But if we get into that kind of situation, it doesn't serve the cause, the amendments, or those who are offering the amendments well.

We will put in, starting tomorrow at least, the amendments that remain and the authors of those amendments and try, by publishing those amendments, to indicate which ones are remaining so that the American people know what the amendment is and who is offering it. Hopefully, we will be able to move this process forward. We have every intention of doing so.

It is a disservice to the children and to the parents in the country that we don't meet our responsibilities in this very important legislation.

I know my colleague, the Senator from Connecticut, will be here in a few moments. The good Senator from Wisconsin has a matter of great importance to bring to the Senate's attention.

I yield the floor at this time. Hopefully, we will have enough time to dispose of the Dodd amendment.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may be recognized as in morning business in order to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FEINGOLD and Mr. CORZINE pertaining to the introduction of S. 989 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 459 TO AMENDMENT NO. 358

Mr. DODD. Mr. President, I call up amendment No. 459 for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. BIDEN, and Mr. REED, proposes an amendment numbered 459.

Mr. DODD. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the comparability of educational services available to elementary and secondary students within States)

On page 134, between lines 11 and 12, insert the following:

(5) by striking subsection (d) (as so redesignated) and inserting the following:

"(d) COMPARABILITY OF SERVICES.—

"(1) IN GENERAL.—(A) A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

"(2) WRITTEN ASSURANCE.—(A) A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools in—

"(i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff;

"(ii) curriculum, the range of courses offered (including the opportunity to participate in rigorous courses such as advanced placement courses), and instructional materials and instructional resources to ensure that participating children have the opportunity to achieve to the highest student performance levels under the State's challenging content and student performance standards;

"(iii) accessibility to technology; and

"(iv) the safety of school facilities.

"(B) A State need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to require a jurisdiction to increase its property tax or other tax rates.

"(4) EFFECTIVE DATE.—A State shall comply with the requirements of this subsection by not later than the beginning of the 2003-2004 school year.

"(5) SANCTIONS.—If a State fails to comply with the requirements of this subsection, the Secretary shall withhold funds for State administration until such time as the Secretary determines that the State is in compliance with this subsection."

Mr. DODD. I ask unanimous consent to send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, have we seen the modification?

Mr. DODD. It is technical. I apologize; you have not seen it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 459, AS MODIFIED

Mr. DODD. Mr. President, I ask for consideration of the modification.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 459), as modified, is as follows:

On page 134, between lines 11 and 12, insert the following:

(5) by striking subsection (d) (as so redesignated) and inserting the following:

"(d) COMPARABILITY OF SERVICES.—

"(1) IN GENERAL.—(A) A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

"(2) WRITTEN ASSURANCE.—(A) A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools in—

"(i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff, through programs such as incentives for voluntary transfer and recruitment;

"(ii) curriculum, the range of courses offered (including the opportunity to participate in rigorous courses such as advanced placement courses), and instructional materials and instructional resources to ensure that participating children have the opportunity to achieve to the highest student performance levels under the State's challenging content and student performance standards;

"(iii) accessibility to technology; and

"(iv) the safety of school facilities.

"(B) A State need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to require a jurisdiction to increase its property tax or other tax rates.

"(4) EFFECTIVE DATE.—A State shall comply with the requirements of this subsection by not later than the beginning of the 2005-2006 school year.

"(5) WAIVERS.—

"(A) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of this subsection for a period of up to 2 years for exceptional circumstances, such as a precipitous decrease in State revenues or other circumstances that the Secretary deems exceptional that prevent a State from complying with the requirements of this paragraph.

"(B) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under subparagraph (A) shall include in the request—

"(i) a description of the exceptional circumstances that prevent the State from complying with the requirements of this subsection; and

"(ii) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

"(6) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of a State and regardless of whether the State has requested a waiver under paragraph (5), provide technical assistance to the State concerning compliance with the requirements of this subsection.

"(7) SANCTIONS.—If a State fails to comply with the requirements of this subsection, the Secretary shall withhold funds for State administration until such time as the Secretary determines that the State is in compliance with this subsection."

Mr. DODD. The modification extends the time under which the provisions of this amendment ask the States to provide an additional 2 years for a waiver period.

I ask unanimous consent our colleague from Rhode Island, Senator REED, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank my colleague from Delaware, Senator BIDEN, for joining in this effort. I thank our colleague in the other body, a Member by the name of CHAKA FATTAH, of the city of Philadelphia, for being the source and inspiration of this amendment. He is behind this amendment, and he has very eloquently made the case.

This amendment has value and importance. I begin my brief comments by thanking the distinguished member from the city of Philadelphia and the State of Pennsylvania for his contribution in what I think is a worthwhile idea.

I expect this to provoke debate and even significant opposition. It may not pass, but at some point this issue must be addressed if we are ever going to effectively deal with some of the incredible inequities that exist across this great land of ours in servicing the 50 million children who enter our public schools as elementary or secondary school students.

I thank Senator BIDEN, Senator REED, and Congressman CHAKA FATTAH. The amendment encourages States to ensure that all students receive a comparable education as measured by class size, teacher quality, curricula, technology, and school safety. I note, of course, that the Presiding Officer is a former Governor. He will add particular value to this discussion and debate as someone who has had to grapple with these very issues.

The amendment allows States 4 years to comply and allows for a waiver of up to 2 years for extraordinary circumstances, such as the precipitous decline in State revenues or other circumstances that the Secretary of Education determines are exceptional that prevent a State from providing comparable education services to all students.

Equal opportunity, as we all know, is a very fundamental right in our society. It is why people from around the globe have dreamed of coming to this land, why thousands every day circle U.S. embassies all over the world seeking visas to come to the United States, seeking permanent status as residents. For over 200 years, the notion of equal opportunity has been a hallmark of our society. We don't guarantee success; we guarantee everyone an equal opportunity to achieving success. This amendment goes to the very heart of that discussion and that debate.

In 1965, we created the Elementary and Secondary Education Act—that was more than 35 years ago—to make equal opportunity the centerpiece of our educational laws. It is making a difference. A 1999 study found students receiving title I funds increased their reading achievement in 21 of 24 urban districts in America and increased their math achievement in 20 of 24 urban districts. I quickly add, while this is an improvement, it is not yet success. Clearly, we are heading in the right direction. Our common hope is that this bill, once adopted, adds to that success.

A study published earlier this year concluded:

> Whenever an inner city or poor rural school is found to be achieving outstanding results with its students by implementing innovative strategies, those innovations are almost invariably funded primarily by title I.

Title I is not making enough of a difference because we are still not providing school districts with sufficient resources, in my mind and in the mind of a majority of our colleagues, to close this achievement gap. During the debate, the Senate overwhelmingly adopted, by a vote of 79–21, an amendment I offered, along with my colleague from Maine, Senator COLLINS, to establish the goal of fully funding title I within the next 10 years. This education bill will require States to set a goal of having children be proficient in reading and math in 10 years. The least the Congress can do is to set a goal of providing school districts with the resources that will help children achieve those goals. That is the reason behind the amendment adopted so overwhelmingly just a few weeks ago.

Title I means more teachers, more professional development, more computers, textbooks, more individualized instruction, more preschool and afterschool programs and other reforms that will be necessary, if, in fact, these students are going to continue to improve and achieve the accountability standards.

As the vote on the Dodd-Collins amendment demonstrated, even a strong majority of both parties support devoting more resources to education, particularly to the neediest students in our country, so those resources can be included in a budget resolution which could be stripped out by those who seek to reduce the support for title I.

No one questions the need to hold schools accountable for student achievement. Accountability without resources is an empty shell. This is a problem with virtually every State in the Nation.

According to the Department of Education, when comparing all districts in this country, high-minority districts receive less than other districts on a combined cost and need-adjusted basis. This means high-minority districts which may often have greater concentrations of high-need students, have less buying power, thus fewer resources to meet the needs of students in their schools.

Since high-minority districts in most States are operating with less total revenue than low-minority districts, these districts have less revenue to provide the educational programs and services their students need to achieve the high standards and prepare to enter higher education or the workforce.

In 42 of 49 States recently studied by the Education Trust, school districts with the greatest number of poor children had fewer resources per student than districts with fewer poor children. During the 1980s and 1990s, 43 States faced legal challenges to their school financing systems, calling for equity of resources and services. Many State courts held their systems violated State constitutions.

I do not intend to suggest by my remarks here for this amendment that States should unnecessarily become the targets of some opposition. That is a difficult problem that States are facing. My State is a classic example of one that has wrestled with this disparity of educational opportunity. These problems have deep roots, they go back a long way, and they affect States all across the country.

But we are going to say in this bill that in school districts, if there are schools there that are not performing and there is a series of steps and criteria they must meet, then we the Federal Government are saying to those districts: You are going to have to shut them down.

We have also even suggested at the national level that we might get rid of the Department of Education.

We are saying to local communities, do the following things or you pay a price. We even suggest at the national level, if we do not do certain things, something else may happen here. The one political equation that is sort of left out of all of this is at the State level. That is the one political entity that has an awful lot to do with determining what happens in terms of equality of opportunity within our respective 50 States. That is what this amendment is designed to do.

It says in this bill: Communities, you have to do a better job. It says the Federal Government has to do a better job.

What my amendment says is the third party to all this, the States, they also have to do a better job in seeing to it that there is equality of opportunity.

Let me cite, if I can, the example of my home State, Connecticut. In the 1980s, Connecticut, with an increasingly low-income, minority, and limited-English population, has pursued a constant strategy to try to ensure all its students are taught by high-quality teachers.

Just to put this in perspective, Connecticut is a relatively small State. It is about the size of Yellowstone National Park, if you want to use that as a comparative model. Yet within that same State, I have some of the most affluent Americans in the country. In fact, my State is often identified as the most affluent State on a per capita basis. I would quickly add that the city of Hartford, our capital, is the eighth poorest city, and Bridgeport and New Haven and Waterbury are not very far behind. In the midst of this very small piece of territory, I have great affluence and I have significant poverty.

My State is willing to try to provide some sharing of resources, if you will. As we know, in most of our States, education is funded primarily by local property taxes. So a child growing up in one of my more affluent communities—obviously there are more resources there to provide the full educational opportunity. In my poorer communities, that has not been the case. States wrestle with this. But I think it is not too much for us at the Federal level, since we are demanding so much of school districts, to also ask this of our States. We know it is not easy. We know it is going to be very hard for school districts to live up to this and meet all the obligations we are going to be demanding in this bill. But people like CHAKA FATTAH and JOE BIDEN and JACK REED of Rhode Island and myself believe it is also not too much to say to our States: We want you to do a better job at this as well because so much of the resources and determination are going to come from States.

Remember, the Federal Government contributes about 6 cents out of every educational dollar. Mr. President, 94 cents for the education of elementary and secondary school students comes from the States and localities, the bulk of it coming from localities in most jurisdictions. So we are saying to our States, as we are saying to our communities, we want you to do a bit better.

Today I point out my State, Connecticut, regularly receives top rankings in assessments of reading, math, science, and writing. Connecticut has also increased its targeting of resources to low-income school districts. The State provides 27 times more resources per student to the lowest income districts compared to the highest income districts.

Nevertheless, by and large we enter the 21st century with a 19th century system of providing resources for our educational system. In large part, we still do this, as I mentioned a moment ago, with local property taxes. That may have made sense in the 19th century, even in a good part of the 20th century when children in Hartford competed with children in New Haven, or maybe with children in New York—occasionally some child in Pennsylvania. That was true in the 19th century.

In the 20th century, of course, children growing up in my State or anyplace else across the country are not just competing with each other or neighboring States. They will be competing with children in Beijing, in Moscow, in Paris, in Sydney, Australia. It is a global economy and we have to have an educational system in this country that prepares all children to compete effectively in that kind of marketplace.

It is no longer enough in the 21st century to say we are going to leave this up to whatever the resource allocation may be in some rural county in the West, or some urban district in the East or Far West. We at the Federal level, I think, have to do more if we are going to be demanding greater accountability of students and school districts in rural and urban settings—then it should not be too much to ask it as well of our States. It made less sense, of course, as the 20th century progressed in this era of competition, but certainly it makes no sense as we enter the 21st century and children from Hartford, Chicago, and Los Angeles compete with children all over the globe.

The children today will be the first generation born, raised, and educated in truly a global economy. This amendment recognizes that by asking States, along with the Federal and local government, to share the responsibility—share it, so ensuring children's access to quality education is not dependent on how much money their parents make or their race or whether they live in a city or a suburb or rural area. Unfortunately, because of our current system, that is the case de facto. That is the case. Children growing up just a few short miles from each other have entirely different educational opportunities based on the total coincidence of their birth. In one locality that is poor, and one that is affluent, opportunity is not equal. It is not equal.

If we are going to truly talk about an Elementary and Secondary Education Act from a Federal perspective, a national perspective, then it seems to me we have to recognize that fact. There is not equal opportunity of education in America. So, if we do not begin to demand that more steps are taken to achieve that equal opportunity of education, then these resources, as we send them around the country without regard to what the States may be doing, ends up, I think, producing little improvement in the results we have seen over the last few years.

Schools with the highest concentrations of minority students have more than twice as many inexperienced teachers as schools with the lowest concentration of minority students. Schools with high concentrations of minority students are four times as likely as schools with low concentrations of minority students to hire teachers not licensed to teach in their main teaching field. Urban and rural schools, poor schools, are twice as likely to hire unlicensed teachers, or teachers who had only emergency or temporary licenses.

Of course, subject matter knowledge and experience make for better teachers and higher student achievement. We all know that. Yet according to a recent report, there is pervasive, almost chilling difference in the quality of teachers in schools serving poor, urban, and rural students than those serving children in the more affluent communities in our country. Urban districts and poor rural districts suffer in the quality of curriculum. For example, they are significantly less likely than suburban districts to have gifted and talented programs to provide challenges beyond the regular curriculum. According to the Department of Education, white students are significantly more likely than African-American students or Hispanic students to use a computer in a school.

According to Education Week, students in the highest poverty schools are barely half as likely to have Internet access in their classrooms as students in the lowest poverty schools. Internet access is also a problem in rural areas, where it is expensive for companies to lay cables necessary for access. The director of technology for one rural district said: Not only is there a digital divide, but we live in it in rural America.

These disparities affect not only these children's educational achievement but their ability to find a job in an increasingly technological workplace when they finish school. Not surprisingly, these inequities also persist in the quality of school buildings that serve different children.

Schools with higher concentrations of minority students generally are in worse condition than those with lower concentrations of minority students.

Schools with more than 50 percent minority enrollment are twice as likely as schools with 5 percent minorities to be in temporary buildings or to be in inadequate condition.

Research has shown a direct relationship between the quality of the school's facilities and student achievement. Again, this goes to the accident of a child's birthplace: Two children, usually in the same State, with very different opportunities for achievement.

What we are asking in this amendment is for school districts to do better. We are asking ourselves to do better. Is it really some outrageous leap for the Federal Government to be asking the States to do better as well in seeing to it that there is a better allocation of resources to provide a greater equal opportunity for education?

We can't simply impose accountability, as I said earlier, on a system that allows one school to have lower class sizes, better teachers, more technology, and better materials and another school that has none of those things and expect that equal opportunity to exist.

President Bush and Secretary Paige have often said that every child has the ability to learn. I could not agree more. Every child has the ability to learn. Without question, the achievement gap is not the result of our children's failings. It is not their fault, not as they start out in school. It is not because poor kids or minority kids or urban kids or rural kids are any less smart or any less ambitious or any less determined to do well than their counterparts in more affluent districts.

No. It is largely because we have not supplied the same support to these poor children, and urban and rural children, and minority children in school districts around this country. It is the result of our failure to spend more than one penny of every Federal dollar for K-12 education. One penny of every Federal dollar—less than that—goes for the education of our children in this country. It is also the result of an outdated system of allocating resources at the State and local level.

This bill is about responsibility. We have heard that word used often during the debate on this legislation over the last number of weeks—about everyone who is involved in our children's education taking greater responsibility for their education. We are asking more from students, parents, teachers, schools, school districts, and the Federal Government. There is one word missing from that list. I have mentioned everyone responsible but one: States.

I know that my colleagues, from time to time, are reluctant to go back and talk about what Governors need to do. We are lectured all the time by Governors about what we can do at the Federal level. We are not afraid of talking about local mayors or school superintendents or PTA groups or school boards. Why should we be reluctant to talk to our Governors? They are not shy about asking us to do a better job. Is it too much to ask them to do a better job?

If we are going to withhold funds, as this bill does, from local school districts that do not perform better, is it too much to say to States, "If you do not perform better, then we are going to withhold administrative costs"? We are not going to deny children title I funds, but let the States pick up the tab on the administrative costs. That is what this amendment says.

We give them about 6 years to achieve that. I am not pushing it. And there are cases pending all across the country. I know States are trying hard in many cases, but I also know school districts are trying hard. This is not about whether or not you are trying hard. We are saying to people: Try harder, because our kids deserve better than they are getting today.

So as we lecture school superintendents and school boards and parents and kids—and everybody else—I do not think it is going too far to say to the States: We want you to do better. That is what this amendment does.

In the 1960s, Dr. Martin Luther King asked: How long will it take? How long for an end to segregation? How long for an end to inequality under the law?

I ask today: How long will it take for us to refuse to tolerate an educational system in which educational opportunity—which is the foundation of all opportunity—is determined by a child's family income, or race, or accident of birth in a piece of geography that does not have the resources to support the tools a child needs to achieve his or her maximum potential?

The States need to do a better job. This Federal Government—this body—ought not to shy away from asking the States to meet that responsibility, just as we have asked children. If we can ask an 8-year-old child to do a better job, we can ask a Governor to do a better job as well. Those who are doing it need not fear this amendment. But those States that are not doing anything about it need to know there is a price they will pay if they neglect this issue.

I am not going to penalize a local mayor who is trying hard despite a Governor in a State who refuses to bear their share of the burden.

That is what the amendment does. That is what CHAKA FATTAH has talked about. That is what others have suggested over the years that we ought to say today. If we are going to be tough on kids, and tough on parents, and tough on school districts, and tough on mayors, and tough on the Secretary of Education, then let's also be a little tough on our States.

Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am a great admirer of the Senator from Connecticut. I enjoy working with him and always appreciate his creativity.

Mr. REID. Could I ask the manager of the bill to withhold briefly?

Mr. GREGG. Surely.

Mr. REID. Just so everyone knows—I have spoken to the manager of the bill, and Senator KENNEDY is aware of this—we are going to try to prepare a unanimous consent agreement immediately so we can have a vote at or about 4:30 on the Voinovich and Bingaman amendments.

Mr. GREGG. We might also vote on the Reed amendment at the same time.

Mr. BIDEN. Mr. President, there is no UC request pending, but I will ask a question. I would like to speak to this amendment for about 8 to 10 minutes.

Mr. REID. We will make it 4:45.

Mr. BIDEN. Whatever.

Mr. DODD. Senator CORZINE wants to be heard.

Mr. REID. We will make it 5 o'clock. We will try do all three amendments.

Mr. DODD. Then you can do all three.

Mr. GREGG. All right. We are not doing this amendment; just the Reed amendment and the Voinovich amendment and the Bingaman amendment.

Mr. DODD. We could do this one, too, and we would be done with it.

Mr. GREGG. I do not believe we can.

Mr. DODD. All right.

Mr. REID. I appreciate the Senator yielding.

Mr. GREGG. This amendment which is brought forward by the Senator from Connecticut, although benign in its phraseology, is pervasive in its effect. In fact, I am not sure there is another amendment that is pending before this bill—although the Senator from Connecticut has one which is pretty pervasive in its effect—but I am not sure there is another one that would have a larger impact, a more substantive impact, a more dramatic impact on the educational system of our country than this amendment right here.

The unintended consequences of it are, I am sure, overwhelming. I am not going to even try to anticipate them. I just read the amendment a little while ago, so I am not totally up to speed on the unintended consequences. I can tell you what the obvious intended consequences are of what amounts to essentially a nationalization of the educational systems of this country.

Education has always been a local and State responsibility. But when the Federal Government takes the role of saying that the local and State governments shall have comparable educational systems, and will become the enforcer of those comparable educational systems across the Nation, it is no longer the function of the local and State governments, it is the function of the Federal Government. The Federal Government has taken that power.

Comparability, as it is defined in this bill, would mean that every community in every State in the country would have to comply equally and be the same as every other community on all sorts of issues. I cannot even anticipate all the issues—but all sorts of issues: The number of kids in the classroom would have to be exactly the same or comparable, the number of teachers would have to be exactly the same or comparable, the types of teachers would have to be exactly the same or comparable, the computer equipment in the school would have to be exactly the same or comparable, the size of the classroom would have to be exactly the same or comparable, the size of the library would have to be exactly the same or comparable, size of the parking lot, size of the playing fields, schoolday, use of the schoolday, courses offered, whether Latin is offered, whether English is offered in advanced cases, whether advanced calculus is offered, whether Spanish is offered, whether Japanese is offered, free time within the schoolday, whether students had clubs that were the same, whether all the schools had a climbing club, whether all the schools had a social outreach club, whether all the schools had an African-American society, whether all the schools had a historical society.

Comparability under this language means that essentially the Federal Government would suddenly become the arbiter of how every school in this country would operate in every piece of detail within that school system. This is the single most pervasive amendment I have ever seen at the Federal level in the area of education.

Some might argue the President's suggestion that every student in America should be tested is a pretty pervasive step. What the President said was that those tests would be decided at the local level. They would be designed by the State. Each State could have its own testing system, its own regime, and set its own standards. That is still pretty pervasive, I have to admit. But this goes a radical step beyond that. This essentially says that the Secretary of Education shall be informed by the States that every school in every system in every part of that State has a comparable capability in every function.

The impact of this is just really quite staggering. I have to wonder, for example, what it means to organized labor agreements. What happens if a labor union in one community in the State has negotiated for a different workweek for its teachers than the labor union in another part of the State or for a different ratio for its teachers or for a different certification of capability for its teachers. Are all those labor agreements suddenly out the window? It appears that way. It appears that either they are out the window, or the Federal support coming into the State is out the window because they aren't comparable and there is clearly not a comparable event there. It is pretty hard to make them comparable unless you are going to supersede collective bargaining as a concept in our society.

It is one thing for us, with 6 percent of the Federal budget of education at the local and State level, to expect them to deal effectively with low-income kids by requiring that those low-income kids not be left behind, which is what we have done in this bill as it is structured today, and to set up an output system where essentially we say we are going to leave it to you, the local school systems, to decide how you educate your children, but we are going to expect that low-income kids especially achieve and that they achieve at a level that is comparable with their peers and, if they happen to adopt the Straight A's Program under this, they actually achieve at a level that is better than their peers.

It is entirely something else for us to say because we are putting 6 percent of the funds in here, we are suddenly going to require that every community in every State be comparable. And if they are not comparable, they will not get the Federal support. That is a huge step towards the nationalization of our educational system. It is pretty specifically outlined in the amendment.

We need to read this because it is so overwhelming. Let's begin here:

> IN GENERAL.—A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.
>
> A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

That means every school, every school in the State must be the same as every other school in the State as defined by the schools that are not title I schools.

> A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that the State has established and implemented policies to ensure comparability among schools in—
>
> (i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff, through programs such as incentives for voluntary transfer and recruitment;
>
> (ii) curriculum, the range of courses offered. . .

How expansive is this? This is just the most incredibly expansive intrusion into the actual operation of the local school system that you could possibly conceive of. We are demanding at the Federal level, because we decided to put 6 percent of the money into the local school system, that every local school shall have a comparable curriculum, a comparable staffing structure, a comparable qualification structure for its teachers. There are a lot of schools in this country that don't need comparable situations that deliver pretty good education and are not the same as their neighbor. And, in fact, that is what choice is all about, public charter schools. You create a charter school because you don't think that the school down the street, which is doing the public school work—and they are both public schools, by the way; I am not talking private schools here—but you create a public charter school because you think the public school down the street is not doing such a good job.

Under this amendment, I honestly think we can't have a charter school program anymore. Charter schools is probably the most creative and imaginative activity that is occurring in the public school system today. Across this country, parents and teachers are getting together to start charter schools because they see them as an opportunity to break out from the straitjacket of specific requirements that they get from their State school districts as to how to run their schools and create schools that teach, which is the option and the obligation, of course, of the school systems, and to teach well.

Across this Nation, you can go to city after city, especially urban areas, where the charter school is the one that is delivering the quality education to kids who before were getting very little in the way of education. I honestly think under this amendment, charter schools would essentially be wiped out. Either that or everybody has to be a charter school, but you can't have everybody being a charter school because charter schools by definition are different. That is the whole concept behind charter schools.

Then there is something called a magnet school. It was started in North Carolina. The magnet education school is in the area of math/science. It was such a huge success that a lot of States have used it.

Mr. DODD. Will my colleague yield on this point for a little discussion?

Mr. GREGG. I will yield when I finish. I will be happy to discuss this further.

Magnet schools is the concept where you take a school that is a high-quality school and you draw kids into it who have special interests—math, science. Bedford-Stuyvestant in New York is a magnet school. There is one in Virginia in Arlington called Thomas Jefferson. And then, of course, there is the one in North Carolina that started the whole system.

I am wondering if under this amendment you can have magnet schools anymore, especially a magnet school that was a low-income, funded school because it would not be comparable. It would be too good. If you had a magnet school like they have in Houston, where it is, I think, 85 percent low-income kids, but it is excelling at an extraordinary level, that might not be able to function under this bill, or maybe it could, but the State would not meet the comparability standards here.

Comparability may sound like a benign word, but its practical implication is that we at the Federal level are demanding that we control the manner in which States develop their school systems—in a very precise way and in a way which creates a control system that is from the top down and that is focused on minutia, not on results.

The whole theme of the President's proposal, which was worked out and negotiated and passed out of committee 22–0, was that we would give flexibility to local school districts, flexibility to States to design programs that would address the needs of low-income kids specifically. And in exchange for that flexibility and the additional resources, we would expect results.

This amendment goes in the exact opposite direction. This says that in exchange for a small amount of money, you, the States and local school districts, are going to have to do everything the same, have everything be comparable. Comparability doesn't really have that much relevance to quality, as we have seen over the years.

So I find this amendment to be probably one of the most intrusive amendments I have seen come forward on this bill. If it passes, it would have the practical effect, in my humble opinion, of fundamentally damaging this bill and changing the entire course of its purpose. I am happy to yield to the Senator from Connecticut for what I know will be a thoughtful question.

Mr. DODD. I want to pick up on this radical idea of equal opportunity of education. I know this is terribly radical——

Mr. GREGG. Mr. President, I didn't yield for a statement. I yielded for a question.

Mr. DODD. I want to get to the point of radicalness, which my friend raised as the hallmark behind this amendment. I address this to my colleague.

Under existing Federal law, the question is, Do we not require State standards for curricula that are the same for every child, and any child who brings a weapon to school—by the way, you lose Federal funds if you don't—is automatically expelled by Federal law, or you lose funds? In addition, an individual education plan is required for every child with a disability, or you lose Federal funds. There must be comparable educational services within the school districts, or you lose Federal funds. That has been on the books, by the way, since 1965. The word "comparable" is not synonymous with identical. We are trying to do comparable opportunities or comparable curricula to achieve equal opportunity. We are not breaking new ground. My question is with this since we do it already in five or six areas. We have identified one that goes back at least 36 years.

Mr. GREGG. I respond by saying that you are breaking new ground. The application of the word is the manner in which you break new ground. "Comparable" applied in one manner means one thing, but applied to another manner means something else. If you are applying "comparable" to a school system within a city, that is one thing. When you say "comparable" within an entire State, it is entirely different. Furthermore, if you are, specifically within the terms of comparable, defining what comparable means by saying class size, qualification of teachers, curriculum, range of courses offered, you are essentially setting up the standards in a very top-down, directive manner of what is going to happen in the school systems across the State. You are saying that they essentially all have to be the same.

Now, if we are talking about opportunity, what the underlying bill does is create opportunity. That is the whole concept of this bill. This bill is dedicated to giving all the children in America—but especially the low-income child—the opportunity to succeed. We have now been through 25 or 35 years of an experiment in helping title I kids, and it has failed. One-hundred twenty-six billion dollars has been spent, and the average title I child is reading at two grade levels behind his or her peers. We know it hasn't worked.

So the President has said let's try a different approach, an approach focused on the child, giving that child an opportunity to learn.

That is exactly what this bill does. It says to the school systems: All right, we are going to give you flexibility, but in exchange we are going to expect success and we expect academic success equal to or better than what a child who doesn't come from a low-income family obtains. If you don't obtain that success, then there are sanctions. And there are accountability standards that are very aggressive to assure that we do obtain that success.

This bill supplies opportunity. I think to imply that it does anything else is to mischaracterize the bill. What this proposal does is essentially nationalize the system. It essentially says, from here on out, the Federal Government is going to be put in a position of saying that if every school district in a State isn't doing everything in a comparable way—I won't use it exactly, and you are right; they are not the same words—with class size, qualification of teachers, curriculum, range of courses offered, then we, the Federal Government, are going to stop sending you money and probably we have set up a lawsuit for you, the students, and the parents in those States.

You have to ask yourself, why is "comparable" better? What is better is to say we are going to give children a better chance to succeed, and we are going to find out if they are succeeding academically. That is what the bill does. Why is "comparable" better? Is it comparable to have the same number of Spanish teachers in Nashua, NH, and in Berlin, NH? Maybe Berlin doesn't need second language teachers and Nashua, NH, does. Is it better to have a comparable number of technical teachers in the area of some local industry, where the kids are being trained to be able to participate in one part of the State or another part of the State, when maybe their industries are not the same?

Comparability doesn't lead to quality. What it leads to is mediocrity. So I just say to my colleague from Connecticut that I understand the desire to produce quality education. I think the way you get there is by focusing child by child, not by taking a broad brush and applying it to the entire universe of education and saying the Federal Government is going to tell you how to do it.

Mr. REID. Will the Senator yield?

Mr. GREGG. Yes.

Mr. REID. Mr. President, I know there are a number of Senators we have danced around today trying to figure out a time to vote. Prior to this unanimous consent agreement, which will require beginning 5 minutes of discussion at 5:10, the Senator from Delaware, Mr. BIDEN, wishes to speak for about 15 minutes of the approximately 30 minutes that we have on this Dodd amendment.

With that in mind, I ask unanimous consent that at 5:10 p.m. the Senate resume consideration of Bingaman amendment No. 791, that the Bingaman amendment be modified to be a first-degree amendment, and that following 5 minutes of closing debate, equally divided in the usual form, the Senate vote in relation to the Bingaman amendment at 5:15.

Further, following disposition of the Bingaman amendment, there be 4 minutes of debate divided in the usual form on the Voinovich amendment No. 389, as modified, followed by a vote in relation to the Voinovich amendment.

Further, that no second-degree amendments be in order to these amendments. I say to everybody within the sound of my voice that we will have two votes, first at 5:15, and the other following that.

Mr. GREGG. Reserving the right to object, did the Democratic assistant leader decide he didn't want to do the Reed amendment?

Mr. REID. Yes. We are going to try in the morning to dispose of the Dodd and Reed amendments.

We are unable to do that because of the lateness of the hour.

Mr. GREGG. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I believe I reserved the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I understand the Senator from Delaware wishes to speak. I will not go much further, but only to say, for what it is worth, relative to this education bill, it appears to me we have wandered into an extremely difficult situation. This amendment is, in my humble opinion, a significant blow to the underlying purposes of the bill which have been worked through involving a lot of compromise and a lot of effort. Obviously, we are not going to vote on it tonight. I am hopeful it will be reconsidered before any time we even consider voting on it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator from New Hampshire for allowing me the opportunity to speak to this amendment.

With all due respect, I think the arguments of the Senator from New Hampshire would be better reserved for the New Hampshire Supreme Court than for the U.S. Senate. We are not nationalizing anything. There is nothing in the Dodd-Biden amendment that requires a national standard. We do require a State standard.

My friend says this bill is all about flexibility. It reminds me of a track meet. The rich kids can have brandnew track shoes and starting blocks for running the 100-meter race, and the poor kids can have flexibility. They can decide to run in long pants or short pants. They can decide whether or not they want to wear a sweat shirt or T-shirt. They can decide whether they want to run frontwards or backwards. They do not get track shoes and starting blocks, but they have flexibility. You can wear whatever color you want. You can wear long pants or short pants. You can run backwards or forwards. You can do cartwheels on the way down the track. But you do not get those spikes. You do not get those starting blocks. Guess what. You get judged. You get judged where you finish, and if you do not finish 1, 2, or 3, you are out.

That is the track standard set. The NCAA of track says: Hey, here's the deal. If you don't finish 1, 2, or 3, go home. You don't get to run anymore. You don't get to go on to the next step. But we gave you flexibility, all the flexibility you want, man. You could have done this with a dashiki on or you could have done this with a T-shirt on. You could have done this in a suit, or you could have done this in short pants. You have flexibility.

Not only flexibility matters. Maybe I have been doing this criminal justice stuff too long. I realize I do not know as much as my friend from Connecticut does about education, nor my friend from New Hampshire, whom I do not know as well, but I know my friend from Connecticut knows so much more. He has made a career of knowing this. I have made a career of understanding the criminal justice system—how you deal with crime, stop crime, affect it, and so on.

After all the years I have done it, it comes down to a few basic facts. If there are four corners, three cops on one corner, no cop on another, and there is going to be a crime at the intersection, it will be committed where the cop is not.

We also know when you are engaged in armed robberies or engaged in purse snatching, you tend not to do that when you get to be 40 years old because it is hard as heck to jump over that chain link fence with the cops chasing you. As you get older, you slow down and tend to get less violent. We know that. What we ate for breakfast, where we were raised, how we related to our mothers, what our education was—we have a lot of theories about how that impacts on crime, but we do not know.

What we do know about education is basic. We know if you get two kids of comparable talent or lacking in talent and you put them in a classroom with 70 kids and 1 teacher, they are not going to do as well as if you put them in a classroom with 3 kids and 1 teacher. We know the more focused the attention, the closer to one on one you can get, the product being the same, the better chance you have of succeeding.

We also know if you have books that are legible and available and every student has one—same students, same IQ, same background, same everything—the kids with the good books are going to do better than the kids with the bad books.

My Walter Mitty dream was to be a professional athlete. A phrase my coach used was: A good big man can always beat a good small man. A phrase in athletics is: A good fast woman can always beat a good slow woman. There are certain truisms.

Two kids with the same talent, whether they have a 90 IQ or 190 IQ, whether they are creative, not creative, put them in a large class with a comparable group of people, and they are not going to do as well as when you put them in a small class of a comparable group of people. If you put them in the same classroom with a good teacher versus a bad teacher, they are going to do better with a good teacher. There are basics.

What do we know about how education works? My friend says we are going to nationalize. What we are trying to do is what States are trying to do right now and what my State has already done. We are trying to do what title I now requires.

I am going to use the word "comparable" comparably. Right now, "comparable" is used in the statute that exists to say that if you get title I money, every school in that school district has to have a comparable educational system. That is all the Senator from Connecticut did.

Why did he do it? Why did I join him? Why did I ask him to do it? I was going to offer this amendment because my friend, CHAKA FATTAH, with whom I worked for a long time in the House of Representatives—I am not on the committee, so I went to my friend from Connecticut and said: I want to do this.

He said: I am already going to do it.

Why did he decide to use that word "comparable"?

Guess what. My friend from the State of New Hampshire says he wants a national standard. We did not say we want a national standard. The President said he wanted a national standard. My friend from New Hampshire wants a national standard. They want to judge how fast every kid can run. They want to judge how fast every kid can read. They want to judge how well every kid can write.

OK, fine, but do not do to those kids the same thing as my fictitious example on the track. Do not judge the kid who comes from a school district where they spend $5,000 per pupil, with teachers who have their teaching certificate in the area in which they teach—do not judge them by the same standard that you are going to judge kids who have $1,500 spent on them per pupil, who have a majority of teachers who are not certified in the area they teach, who teach in classrooms that are leaky, some of them unsafe, and without an adequate number of textbooks.

As my dad would say: Give me a break. I do not think the Federal Government can or should, or any government should, decide to equalize everything. As one former President said, life is unfair. Certain things Government cannot do.

The Government cannot dictate you to be 6 foot 2, if that is what you want, or 5 foot 9. The Government cannot dictate that everybody will have the voice of Barbra Streisand or some famous male singer—whoever the heck you like. Life is unfair.

I was born with no talent musically and maybe with nothing else. The Federal Government cannot say: You know what: Guaranteed, JOE BIDEN cannot do what he wants to do, be a flanker for the New York Giants. That is truly what I wanted to be. Life was unfair. At 6 foot 1, 155 pounds, I did not have the talent of Tommy McDonald who was that small and played for the Philadelphia Eagles in the sixties. They cannot fix that.

Let me tell you what we can fix. We have an obligation to fix the things we can fix. If you are going to hold a kid to a standard, darn it, give him an equal opportunity, at least in his own State. Give him a shot.

Do my colleagues know what this reminds me of? The first African American ever admitted to the bar in the State of Delaware was Louis L. Redding. He took the bar in 1928. There were 13 or 14 people who took the bar that year. Twelve took it in one room with one test, and Louis L. Redding took it in another. They gave him a completely different test. No one on this floor today would say that is fair. I don't think anybody would say that is fair.

In a public system with one school district, and I don't care whether the kid is black or white, whether the child is Hispanic or Asian, if the child is slow or smart, it is unfair to take a very bright white kid in a school district where they spend $1,000 or $2,000 less per pupil than the other school where the bright white kid gets $2,000 more spent on him—that may be the difference between going to my State university and Harvard University—it is clearly not fair for the kid born into the district that has no tax base, where the businesses have moved out, where the average home is one-fourth the value of the neighboring school district, and say: judge them by the same standard.

There is enough inequity built into life. I will never forget when I was a widowed father; it was the first time it came to me: why it is so incredibly important there is diversity on the floor, including women, with a woman's perspective. I found women to be no slower, no brighter, no less venal, no more generous, no less generous, than men. I know I will get in trouble for saying that, but it is true.

I used to not understand why we didn't hold the kid who came out of the ghetto accountable, the mother with two kids making, by today's standard, $16,000 or $18,000 a year. We hold her kids to the same standard that we hold a kid who comes from a family with a combined income of a couple hundred thousand bucks, living in a great area, and attending great schools. The government can't do anything about that. I wish life were fair.

I remember as a single father raising two kids. I was a Senator. My sisters helped me raise my kids; my mother was available; my brother moved in to live with me. I had great help, and I had trouble. It is the first time I thought about my secretary raising kids by herself. I thought, my Lord, what an inequity.

We are not asking the government to fix that. We are asking the government along the way to make it equal and give leave for when your child is sick and things such as that. But here government is mandating. Depending on where one stands is how one views things. My friend views this piece of legislation as intrusive, nationalization of the school system. I view this legislation as an unfunded mandate. We are mandating that every school in America meet a standard, every school in the State meet a minimum standard. We are mandating that. We are telling them if they don't, they don't get Federal money. I am oversimplifying in the interest of time.

If I said to my friend from New Hampshire, you have to mandate that every drinking water system in the State of New Hampshire meet a certain standard, he would be the first one, with his colleagues on the floor, screaming about unfunded mandates, unfunded mandates, setting health standards, setting environmental standards, and not giving us any money.

This is not an unfunded mandate? I don't get this. How is this not an unfunded mandate?

Mrs. BOXER. Will the Senator yield?

Mr. BIDEN. I yield.

Mrs. BOXER. First, I thank both of my colleagues, Senators DODD and BIDEN.

I will clarify a few of the key points. The Senator from New Hampshire, Mr. GREGG, said Senator DODD and Senator BIDEN were introducing an entirely new concept and throwing this bill away from the direction it was heading. Then the Senator from Delaware showed that the word "comparable," which Senator GREGG said was a new word in this debate, is already in the law, and we expect comparability within school districts or the States lose some of their Federal funding. Am I not correct on that point?

Mr. BIDEN. That is exactly correct. Reading from the Elementary and Secondary Education Act, the Committee on Education in the Workforce, U.S. House of Representatives, page 54, under section 1120(c):

> (c) COMPARABILITY OF SERVICES.—
>
> (1) IN GENERAL.—(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

Mr. GREGG. Will the Senator yield, since the Senator used my name?

Mrs. BOXER. I have another question.

Mr. BIDEN. I will yield after the Senator asks her next question.

Mrs. BOXER. What the Senator has established is that Senator GREGG's critique that the word "comparability" is, in fact, a new word and new concept, is not true? It is blatantly false?

Mr. GREGG. Will the Senator yield?

Mrs. BOXER. If I can follow up to finish, and taking it another step, it seems to me the current law is pretty darned tough, saying the districts lose all title I funding if we don't have this comparability within a school district.

I say to my two friends who have offered——

Mr. GREGG. I take it the Senator is not yielding?

Mr. BIDEN. I will be happy when she finishes the question to yield to you.

Mr. GREGG. Since my name has been addressed two times, inaccurately, I think it would be appropriate to yield.

Mrs. BOXER. If I could ask just this question, is it not a fact in your amendment what you are merely saying—frankly, I think it is a pretty weak excuse for being critical; it is a pretty modest amendment—the Senator is saying that the government has to send a letter indicating, in fact, that the kids are being treated pretty comparably, whether they are born in an urban area, rural area, or suburban area. Whatever area they are in, whatever they look like is immaterial, just that they are getting a comparable education. If the Government doesn't send such a letter, as I read this legislation, only 1 percent or so of administrative funds will be withheld because we want to hold the States accountable to each child. Am I correct in that synopsis?

Mr. BIDEN. The answer to the question is yes.

I am happy to yield to the Senator for a question without losing my right to the floor.

Mr. GREGG. I ask the Chair the situation relative to the time.

The PRESIDING OFFICER. At 10 minutes after 5 o'clock, 5 minutes will be equally divided, and that precedes a vote on the Bingaman amendment.

Mr. GREGG. I thought the Senator from Delaware had 15 minutes.

The PRESIDING OFFICER. That was not part of the formal agreement.

Mr. GREGG. I simply note that I believe it is the proper decorum of the Senate when a Senator's name is used, and especially when a Senator's position is misrepresented, for a Senator to yield.

Mr. BIDEN. I did yield.

Mr. GREGG. I appreciate that. Unfortunately, the Senator from California did not appear to be inclined to participate in that yielding.

Mrs. BOXER. Mr. President, I was asking a question. I said I would be happy to stop when I finished asking the second question. I didn't even have the floor. Senator BIDEN had the floor and was graciousness enough to yield to me to clarify some of the comments made against his amendment by the Senator from New Hampshire.

Mr. GREGG. I will simply ask the Senator from Delaware a question. Is it not appropriate when a Senator uses a Senator's name and inaccurately characterizes a Senator's position, that Senator have an opportunity to respond?

Mr. BIDEN. Mr. President, this is getting kind of silly. If the Senator wants to respond, respond. I am delighted to yield to him to respond. There was no intention to in any way affront the Senator.

The Senator from California asked me a question. She did not have the floor; I had the floor; and I yielded to her for a question. You walked on the floor. As soon as she finished, I yielded to you because your name was mentioned.

Mr. GREGG. I am delighted that the Senator is yielding, but in accordance with the rules, I believe I must formulate my response in the form of a question.

Mr. BIDEN. I do not want to lose my right to the floor for the next 10 minutes. The Senator spoke for the last 25 minutes. I want to speak. Give me an idea. I will be happy to give you the time.

The PRESIDING OFFICER. The Chair will remind the Senators they should address one another in the third person or through the Chair.

Mr. GREGG. Mr. President, I ask the Senator from Delaware to yield 2 minutes.

Mr. BIDEN. I am delighted to do so, reserving my right to the floor.

Mr. GREGG. Reserving the right to the floor afterward.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. The Senator from California on two different occasions misrepresented my position on this floor. My position is that the term "comparable" exists in the law. In fact, I referred to that when I spoke with the Senator, when we exchanged discussion with the Senator from Connecticut.

I pointed out, however, in the terms it is used in the law as it presently exists, it is a much more confined word than the manner in which it is being applied in the amendment of the Senator from Connecticut. Under the proposal of the Senator from Connecticut, he has taken the term "comparable" and expanded it in a manner which essentially amounts to the Federal Government taking over the ability of school systems across this country to be independent, to act in an independent way and to create a curriculum, class size ratio, and the operation of the regular day for the student in a manner that is independent and maintains local control.

That is the issue here, whether or not we are controlling from the top or whether we are controlling at the end. What the President has proposed is to bring all American students who are under title I up to a level of proficiency that is equal to or better than that of their peers, and to assure the accomplishment of that, to allow the local school districts the flexibility to accomplish that. But in the end, to expect that to be obtained by having the local student subject to a testing regime which shows the student has accomplished those goals. That is the purpose of the President's proposal.

The opposite is being accomplished, if this amendment is agreed to, which is basically to have the Federal Government come in and control the input of the school day, school curriculum and the classes.

I appreciate the courtesy of the Senator from Delaware for allowing me to respond.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. Mr. President, I am sorry the Senator from New Hampshire was not here when I was speaking. If you give me just a second, in case his name comes up again so he understands the context in which I used his name, the Senator says—which is, on its face, a sound argument—that "comparable" may not in fact be comparable. We are using the language, in our amendment, "comparable," which is on line 5 of page 1 of the amendment, in "comparability of services." We are using the words "comparability of services" in a comparable comparison. That is, it is the exact language used in the existing law relating to title I, which says "comparability of services" in Section 1120A subsection c.

The second point I would like to make to my friend is that we are not nationalizing anything. Let's understand what this does. Right now, if Houston or North Carolina has a charter school, that charter school has to have comparable services that exist within that school district, or they could not have the school. It could not be a public school. So all we are saying is you should do—and I apologize for saying this—what we do in Delaware.

In Delaware, the State funds 70 percent of the funding of every school district, every school in the State. Not just the district, every school in the State. We have comparable funding, comparable education, required by our law. It is not unlike what the Supreme Court in the State of New Hampshire said, in the decision I have in my hand, if I am reading it correctly, saying that your Supreme Court dictated—they didn't use the word "comparable," but dictated that there be "essentially equal services."

So there is nothing new about this. I view this as an unfunded mandate. You view it as national intrusion. If you are going to insist on a testing regime which I think does not make a lot of sense, and force my State to have to comply in order to get any Federal funds, then it seems to me I have a right to say you are dictating an unfunded mandate because you are requiring some of the kids in the States in this country, where 20, 30, 40, 50 percent less is spent and where 70 percent of their teachers are not certified in the area for which they teach, in classrooms which leak, in buildings which are in some cases a trap, and say to them we are going to hold you to the same standard or your State is not going to get money. That is an unfunded mandate to me. To me, that is an unfunded mandate.

All we are saying is, as we did when we talked about title I, you are mandating to a State what they have to do. I am saying: OK, mandate to the State but fund it. Fund it. Make it fair.

Again, I realize time is getting close here for our vote. I am going to have to yield the floor, not my right to the floor but yield for the vote. It seems to me, if you take a look at the facts, what we are talking about here is just simple, basic fairness. If you take two children from the same background, same intellectual capability, same amount of gray matter, same everything, and you give one kid less attention, you give one kid books that are not as good, you have one kid taught by an inferior teacher and one by a good teacher, those two comparable kids will end up scoring differently. They will score differently on the test. They may both pass it. They may both do extremely well. But the one with the better teacher, the one who had more attention lavished on him, the one with the better materials, the one in the safer environment, is almost surely going to score better.

So it seems to me all we are talking about is simple fairness. I view this as a value issue. The Senator from New Hampshire and I have a different value system on this issue. I respect his. He is not wrong. He just has a different value system than I do. I value the notion that all children, if they are held to the same standard, should have the same opportunity. If the Government is going to impose a standard, then the Government should see that they have the same opportunity. That is a basic value I have.

He thinks the value of the State schools being able to have one group of kids in one school where they have lousy teachers, where they have lousy buildings, where they have little money spent on them compared to another, that what he values most is the right of the State to do that. I respect that. I respect that. I disagree with it. We have a different value system. This is the debate about values.

Parliamentary inquiry. When is the Senator from Delaware to cease so we can begin the next vote?

The PRESIDING OFFICER. The Senator from Delaware has 35 seconds.

Mr. BIDEN. Parliamentary inquiry. After the two votes, does the Senator from Delaware retain the floor on this amendment?

The PRESIDING OFFICER. Not automatically.

Mr. BIDEN. I will not ask unanimous consent to do that, but I will be around to continue this debate. I thank my friend from New Hampshire for whom I have great respect. We just have a different value system about education.

AMENDMENT NO. 791, AS MODIFIED

The PRESIDING OFFICER (Mr. DURBIN). There are now 5 minutes evenly divided before the vote with respect to the Bingaman amendment.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, parliamentary inquiry. As I understand it, following the vote on the Bingaman amendment, the next item of business is the vote on the Voinovich amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, let me describe to the other Senators what the choice is on these two amendments. I have offered the amendment on behalf of myself, Senator HATCH, Senator KENNEDY, and Senator DOMENICI. I ask unanimous consent that all of those Senators be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. The amendment I am offering makes it clear that Governors should be consulted with regard to the Elementary and Secondary Education Act plans which are involved in this legislation but that the Congress is not going to override the provisions States have adopted in their constitutions and in their statutes for organizing and administering their educational programs.

The Voinovich amendment—which is the second vote—in my view, is objectionable because it will give a veto to the Governor over any State plan for the expenditure of the Federal funds in that State. My State does not allow the Governor a veto. It has a provision for the Governor to appoint five members of our State school board—to be involved in that way. But the State school board has the responsibility under our constitution.

I want to see to it that Congress does not try to override my State's constitution and the constitutions and statutes of quite a few States which have their own ways of administering their educational programs.

For that reason, I urge my colleagues to support this amendment that, again, I am offering on behalf of myself, Senator HATCH, Senator KENNEDY, and Senator DOMENICI. I believe this will preserve the existing arrangement we have between the Federal Government and the States. It will allow the States to exercise their sovereign right to determine how they will administer their educational programs.

So I urge my colleagues to support this amendment. And when the time comes, I or Senator KENNEDY or somebody will urge that the Voinovich amendment not be adopted, which is the vote following this vote.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Ohio, Mr. VOINOVICH, is recognized for 21/2 minutes.

Mr. VOINOVICH. Mr. President, the Senate has before it two approaches to giving the Governors of our respective States an opportunity to participate in having some input in the plan that a State submits to the Secretary of Education as to what will be done with the Federal money under ESEA.

When I originally offered my amendment, there was some concern on the part of my colleagues that this amendment might violate State law or the constitutions of the States. Earlier today I modified our amendment to provide that the signature of the Governor would not be required on the application to the Department of Education in the event there was a State constitution or State law that prevented it.

It has been argued by the Senator from New Mexico, and the Senator from Massachusetts, that this legislation would be a veto on the part of the Governors of the States over the wishes of the State superintendents of education. I think that by requiring the signature of the Governor, as contrasted to consultation, you are going to have a situation where you enhance the application because it will force the Governor and the chief State superintendent to work together in promoting the plan for the spending of that money. In too many States, the Governors and the State superintendents of education do not speak to each other on such matters.

When we came up with ESEA in 1965, the Governors were not as involved as they are today. But, I say to my colleagues, if you go to your State and ask your citizens, do you believe that the Governor of your State signs the application to the Secretary of Education for Federal money? the answer 95 percent of the time will probably be yes and they would be wrong, even though the Governors are being held responsible for education.

All we are saying is, rather than taking the approach as suggested by Senator BINGAMAN and Senator KENNEDY, rather than consulting, we require that the Governor's signature be on that application. Most of us know that if we have to consult with somebody, and they know our signature isn't necessary, there "ain't" much consultation that takes place.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

The question is on agreeing to amendment No. 791, as modified, offered by the Senator from New Mexico, Mr. BINGAMAN.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) are necessarily absent.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—59

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Cantwell
Carnahan
Chafee
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Stabenow
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NAYS—39

Allard
Allen
Bayh
Campbell
Carper
Cleland
Craig
DeWine
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lieberman
Lott
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Voinovich
Warner

NOT VOTING—2

Crapo
Hatch

The amendment (No. 791), as modified, was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 389, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there are 4 minutes evenly divided under the Voinovich amendment No. 389, as modified. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, the Voinovich-Bayh amendment fundamentally requires the Governors of the 50 States to sign the application that is submitted to the Secretary of Education for the expenditure of funds under the ESEA. It is in contrast with the Bingaman amendment that was just adopted which says consultation should take place with the Governor rather than having the Governor's signature.

I argue there is not much consultation that will take place unless a Governor's signature is also required on that application.

Most Senators know that the Governors of the 50 States are the ones who are held responsible for the education programs in their States. Our amendment recognizes some State constitutions and laws preclude participation by the Governor, and we exempt any State with a constitution or law which does not allow the Governor to participate.

This amendment is supported by the bipartisan National Governors' Association unanimously. They have asked for it because they believe consensus on education in the States is needed. It will make it easier to leverage State resources, and it also will provide more accountability.

I yield the remainder of my time to Senator BAYH.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 25 seconds.

Mr. BAYH. Twenty-five seconds, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. BAYH. I need to be briefer than normal.

I support this amendment for the practical reason that States will continue to pay for 94 percent of State and local education expenditures. If we are going to make the progress we need to make for America's schoolchildren, we need States leading the way along with the Federal Government. That means Governors cooperating and leading the way. I have never seen a major State education reform effort enacted without the aid and assistance of the Governor.

This amendment will require the Governor and chief State school officer to work together. We need that to make this reform work.

Mr. FEINGOLD. Mr. President, I must oppose the amendment to S. 1, the BEST Act, offered by the Senator from Ohio, Mr. VOINOVICH.

This amendment would require the State educational agencies, SEAs, to "jointly prepare a plan to carry out the responsibilities of the State . . . including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies." This would clearly supercede the Wisconsin State Constitution.

Article X, Section 1 of the Wisconsin Constitution states: "The supervision of public instruction shall be vested in a state superintendent and other officers as the legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed in law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as member of the supreme court, and shall hold office for 4 years. . . ."

The Federal Government should not supersede the Wisconsin Constitution by requiring the duly elected Superintendent of Public Instruction to have the Governor sign off on proposals submitted to the federal Department of Education.

I urge my colleagues to oppose this amendment. I supported the amendment offered by the Senator from New Mexico, Mr. BINGAMAN, which would provide for coordination between the SEA and the Governor without infringing on the independence of the SEA.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, those who voted for the last amendment which I offered on behalf of myself, Senator HATCH, Senator KENNEDY, and Senator DOMENICI, voted to allow States to continue to make the decision as to how they administer their education programs and their education funds. In my view, that is the appropriate position for us to take in the Senate.

The amendment the Senator from Ohio is now offering would, in fact, give the Governors a veto over any State plan, regardless of whether that is the way a State has decided to administer their State educational funds. It would totally override the State constitution in my State. It would override the State constitution in many States. I urge my colleagues to oppose it.

I yield the rest of my time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Ohio said the Governors support his amendment. All the State, local, and county officials support the Bingaman provisions. We are saying if the State has made the decision to let the Governor run education, then they ought to be the ones to make that decision. If the State makes the decision to let the State educational agency make that decision, the Bingaman amendment also makes that decision but permits the Governor to be consulted.

Talk about States rights. We are letting the States make the decision who is going to make the judgment. The Voinovich amendment overrides any State decision that says they are going to let the State agency do it and insists the Governor do it. We have not had a hearing on it. Naturally, the Governors are for it, but the State and local educators are strongly opposed to it.

The Bingaman amendment permits consultations. That is the way we ought to proceed.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 389, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) are necessarily absent.

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—40

Allard
Allen
Bayh
Bennett
Carnahan
Carper
Cleland
Collins
Craig
DeWine
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lieberman
Lott
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thompson
Thurmond
Voinovich
Warner

NAYS—58

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Chafee
Clinton
Cochran
Conrad
Corzine
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Smith (OR)
Stabenow
Thomas
Torricelli
Wellstone
Wyden

NOT VOTING—2

Crapo
Hatch

The amendment (No. 389), as modified, was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I have conferred with the manager of the bill, Senator GREGG. I ask unanimous consent when the Senate resumes consideration of S.1, the ESEA bill, on Thursday, June 7, that there be an hour for debate with respect to the Dodd amendment No. 459, controlled between Senators DODD and GREGG; that upon the use or yielding back of that time the amendment be set aside and the Nelson-Carnahan amendment No. 385 become the pending business, with 45 minutes of debate equally divided and controlled in the usual form with no second-degree amendments in order thereto, with a vote occurring upon the use or yielding back of time.

I further ask unanimous consent that upon disposition of the Nelson-Carnahan amendment No. 385, Senator SMITH of New Hampshire be recognized to call up amendment No. 487; that there be 40 minutes for debate with the time equally divided and controlled in the usual form, and that no second-degree amendments be in order, with a vote occurring upon the use or yielding back of the time.

Finally, Madam President, I ask unanimous consent that upon disposition of the Smith amendment, Senator WELLSTONE be recognized to call up amendment No. 466, with 4 hours for debate equally divided and controlled in the usual form, with no second-degree amendments in order thereto, and that upon the use or yielding back of time the Senate proceed to vote on that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that following the statement of the Senator from Connecticut in relation to this bill, the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 459

Mr. DODD. Just to inform my colleagues, and the managers of the bill, my intention is to take about 6 or 7 minutes to discuss the Dodd amendment, and then there will be time tomorrow, obviously, to go into this a bit further.

I do not know if any agreement has been reached on when we can vote on this amendment. I have no intention of delaying action on this legislation. I do not know if my colleague from Massachusetts or my colleague from New Hampshire would like to agree on a time, but we can vote on the Dodd amendment at a time that is convenient for the managers of this bill.

I know there are other amendments that need to be considered. My desire is to get to a vote and not to delay consideration of the bill.

But let me go back a bit, if I may, and try to make clear that my good friend—he is a wonderful friend, and there are very few Members on either side of the aisle whose intelligence I respect more than the Senator from New Hampshire, Mr. JUDD GREGG. He is extremely bright, knowledgeable, and cares a lot about these issues.

He suggested that my amendment is one of the most intrusive suggestions by the Federal Government in the area of elementary and secondary education in maybe the history of mankind, I guess. He is nodding in the affirmative, so I guess he probably agrees with that statement of mine.

Mr. GREGG. That is close.

Mr. DODD. This is anything but that. If you had to apply one word to the underlying proposal, if you had to pick out one word in the English language that is supposed to be the hallmark of this Elementary and Secondary Education Act, I would suggest the word would be "accountability." That is the one word we have heard repeated over and over and over again.

This bill, if adopted, will require accountability of students because we will mandate a Federal test at the local level. It is Uncle Sam, the Federal Government, mandating a Federal test, a Federal standard. So accountability can be achieved at the student level.

We demand accountability of the local school districts. And if those districts do not achieve a level of achievement or performance, then there is the danger of losing Federal dollars.

We demand accountability of teachers in this bill. We are insisting upon certain standards of performance, Uncle Sam saying that teachers at the local level must perform at a certain level.

In a sense, we are demanding accountability of parents by insisting that their children do better and that parents be involved.

My point simply is this: We are demanding accountability of children, of parents, of teachers, of local school boards, of mayors, of schools themselves, and ourselves in a sense, but the one entity that escapes any accountability at all is States.

I know States are wrestling with this issue. But requiring comparable efforts to achieve equal opportunity of education is not a radical idea. If we are demanding that an eighth grade or third grade student pass a test, should a Governor of a State or a school board or some entity at the State level escape any less accountability of whether or not our States are doing what is necessary for our schools and our schoolchildren to do better?

So that is what this amendment does. It says, look, after 4 or 5 years, we want to know that States are insisting upon a comparable—not identical—comparable educational opportunity in schools. The word "comparable" is carefully selected. The word is 36 years old in the context of education. In 1965, we said there must be comparable educational opportunity within school districts.

I come from a State of 31/2 million people. There are school districts in this country that have more children than in all of my State: Los Angeles, Houston, New York. I do not know about Detroit, the major city of the Presiding Officer, but there are school districts in this country that have more children in them than exist in many of our States, where we have mandated, for 36 years, comparable educational opportunity.

Is it such a quantum leap to say that States ought to provide comparable educational opportunity at the State level? We are demanding it of kids. We are demanding it of districts. Shouldn't our States meet a similar standard? That is all we are doing with this amendment. And if they fail to do so, the penalty is to be determined by the Secretary of Education, which would only involve administrative funds.

This is not some sword of Damocles hanging over students. We are not cutting off title I funding. We are saying, if you do not meet these standards, then the Federal Government will not provide administrative funds. We leave that up to the Secretary to determine the extent of that penalty.

My colleague from New Hampshire is no longer in the Chamber, but I want to read a statement, if I may, that sort of explains what I am trying to do. This statement reads as follows:

> There is nothing fair or just about taxing a home or other real estate in one town at four times the rate that similar property is taxed in another town to fulfill the same purpose of meeting the State's educational duty. Compelling taxpayers from property-poor districts to pay higher tax rates and thereby contribute disproportionate sums to fund education is unreasonable. Children who live in poor and rich districts have the same right to a constitutionally adequate public education.

That radical statement is from a decision by the Supreme Court of the State of New Hampshire. The Supreme Court of the State of New Hampshire is saying property taxpayers in that State ought not to be disproportionately burdened, rich versus poor, to provide an equal opportunity for education. That is all this amendment is saying.

It does not federalize education. It does not say to New Hampshire or to Connecticut or to Michigan how you ought to do this. It just says: Do it any way you wish. You decide what comparable educational opportunity ought to be. But whatever it is in your respective States, then it ought to be available to every child in that State whether they live in a rich town or a poor town. That is all this says.

Madam President, I refer my colleagues to the New Hampshire Supreme Court case at 123 Ed. Law Rep. 233.

The New Hampshire Supreme Court decision says it better than I could, that you should not ask towns of disparate wealth to have their children get a disparate educational opportunity. That is not any great leap of logic. In a sense, this idea that the Federal Government is all of a sudden reaching into our States or our local districts at a level unprecedented in the history of our country is to deny the reality. Since 1965, we have said: Comparable educational opportunity in school districts. We have said: If a child brings a gun to school and is not automatically expelled, we cut off your Federal money in local communities.

We have said that an individual education plan for every child with a disability must be in place. That is the Federal Government mandating that. If you don't, we cut off all your money. Comparable educational services within the district goes back to 1965. There must be State standards for curricula that are the same for every child or you lose Federal funds.

This is already the law of the land. I am just suggesting that the States must submit these plans and take steps to implement them. And I do it over the next 6 years, by the way, the life of this bill, the same period of time we are going to be testing every child in America based on this bill. We are going to test apparently every teacher based on this bill. We are going to threaten title 1 funds to local districts under this bill. We are threatening parents with untold problems if we cut off funds to rural and urban schools and there is no other alternative for them.

We are asking of everybody in the country to be more responsible. I would like to add States to that list of political entities and individuals from whom we are seeking a higher degree of responsibility. Call that radical if you will. I don't think it is. Why should they get by? Why do the States or the Governors get a pass on this? If you are going to test a kid, why not test a Governor or a State? If you are going to test a teacher, why not test whether or not a State is doing its best to provide comparable educational opportunity?

Many States are trying. Regrettably, some are not. The Governors and the State authorities across this country know of whom I speak with this amendment. If we are saying to some school districts that many feel are not doing an adequate job—and there are many who have told anecdotal stories throughout the debate on this bill about school districts that are failing to meet their responsibilities; I accept that as the truth. There are school districts not doing what they ought to be doing when it comes to children's educational opportunities. I accept the fact there are teachers out there who are not teaching very well and superintendents and school boards that are failing in their responsibilities and parents who are as well.

If all of that is true, don't stand there and tell me that every State is meeting its obligations because they are not. This amendment merely says they ought to. If this bill is going to be fair to everybody, if 94 cents of the education dollar comes from local property-tax payers or State funds and only 6 cents from the Federal Government, and if we are demanding a standard of ourselves on 6 cents, then we ought to demand at least some accountability from our States with the 94 cents they are responsible for when it comes to educational needs at the elementary and secondary level.

As I said a moment ago, many States are doing their best. They are achieving comparable educational opportunity. This is not identical. I am using the words that have been on the books dealing with education issues since 1965. Comparable educational opportunity must exist within school districts. There are school districts that have student populations in their districts which exceed the student populations of most States.

If we demand accountability of school districts numbering hundreds of thousands of kids—that comparability, not identical, comparable—why not ask the States to do that? They lecture us all the time. I have listened to Governors tell us about one problem after another concerning what needs to be done. Is this somehow an immune class from consideration? I don't think so.

This amendment is reasonable. It is not excessive. If we are asking accountability, if that is the mantra on this bill, accountability for everybody—and I agree with that; it is overdue—then States ought to also get in line when it comes to taking that test that we are going to demand of everybody. Over the next 6 years, let everybody become more responsible. Let everybody become more accountable—every child, parent, teacher, school board, superintendent, principal, and, yes, Governor and State as well.

With that, I yield the floor.

Mr. DASCHLE. Madam President, I ask consent that the time for debate on the Nelson-Carnahan amendment No. 385 be increased from 45 minutes to 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. With this consent, the first rollcall vote in the morning will occur at approximately 11:30.

AMENDMENTS NOS. 603, AS FURTHER MODIFIED, AND 517, AS MODIFIED

Mr. DASCHLE. I ask unanimous consent that the amendments numbered 603 and 517, as previously agreed to, be modified further to conform to the substitute amendment. This has the approval of the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are so modified.

The amendments (Nos. 603 and 517), as modified, are as follows:

AMENDMENT NO. 603

On page 506, lines 2 and 3, strike "and other public and private nonprofit agencies and organizations" and insert "and public and private entities"

On page 506, line 9, strike "nonprofit organizations" and insert "entities".

On page 525, lines 18 and 19, strike "and other public entities and private nonprofit organizations" and insert "and public and private entities".

On page 548, lines 24 and 25, strike "nonprofit organizations" and insert "entities".

On page 554, lines 18 and 19, strike "nonprofit private organizations" and insert "private entities".

AMENDMENT NO. 517

On page 309, lines 17 and 18, strike "subsection (f)" and insert "subsections (b), (e) and (f)".

On page 339, line 6, strike "(b)" and insert "(c)".

On page 339, strike lines 7 through 16 and insert the following:

"(b) SCHOOL LEADERSHIP.—

"(1) DEFINITIONS.—

"(A) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency for which more than 30 percent of the students served by the local educational agency are students in poverty.

"(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(C) STUDENT IN POVERTY.—The term 'student in poverty' means a student from a family with an income below the poverty line.

"(2) PROGRAM.—The Secretary shall establish and carry out a national principal recruitment program.

"(3) GRANTS.—

"(A) IN GENERAL.—In carrying out the program, the Secretary shall make grants, on a competitive basis, to high-need local educational agencies that seek to recruit and train principals (including assistant principals).

"(B) USE OF FUNDS.—An agency that receives a grant under subparagraph (A) may use the funds made available through the grant to carry out principal recruitment and training activities that may include—

"(i) providing stipends for master principals who mentor new principals;

"(ii) using funds innovatively to recruit new principals, including recruiting the principals by providing pay incentives or bonuses;

"(iii) developing career mentorship and professional development ladders for teachers who want to become principals; and

"(iv) developing incentives, and professional development and instructional leadership training programs, to attract individuals from other fields, including business and law, to serve as principals.

"(C) APPLICATION AND PLAN.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

"(i) a needs assessment concerning the shortage of qualified principals in the school district involved and an assessment of the potential for recruiting and retaining prospective and aspiring leaders, including teachers who are interested in becoming principals; and

"(ii) a comprehensive plan for recruitment and training of principals, including plans for mentorship programs, ongoing professional development, and instructional leadership training, for high-need schools served by the agency.

"(D) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to local educational agencies that demonstrate that the agencies will carry out the activities described in subparagraph (B) in partnership with nonprofit organizations and institutions of higher education.

"(E) SUPPLEMENT NOT SUPPLANT.—Funds appropriated to carry out this subsection shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide principal recruitment and retention activities.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2002 and each subsequent fiscal year.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, am I subject to morning business?

The PRESIDING OFFICER. We are now in morning business.

Mr. GREGG. I ask unanimous consent that I be allowed to speak for 15 minutes in response to the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN EQUAL APPROACH TO EDUCATION

Mr. GREGG. Madam President, I thank the Senator from Connecticut for his very generous comments relative to my role in the Senate. I reciprocate. I admire the Senator from Connecticut immensely. I enjoy him as a colleague, especially his sense of humor and his ability to fashion thoughtful policy with which I sometimes agree and sometimes disagree. It is nice to have him as a colleague and especially to claim him as a fellow New Englander.

He raises an issue that is one of the major debates revolving around the issue of education, both here at the Federal level and at the State level, as he pointed out in citing the New Hampshire Supreme Court decision in the Claremont case which has had a significant impact on New Hampshire's approach to education. I have always believed that decision was wrongly decided, but whether it was wrongly decided or not, it was still the Supreme Court of New Hampshire and, therefore, it is the law of the land in New Hampshire. It was decided based on the New Hampshire Constitution, not on the Federal Constitution. And as such, it is unique to New Hampshire, although there are other States that take the same decision.

This concept that every part within a State must be equal in their approach to education is something that the New Hampshire Supreme Court has found to be true, or at least to be the law of New Hampshire. But it is not necessarily the law everywhere.

Furthermore, the logic of that, if you were to carry it to its natural extreme, would be that everywhere in the Nation must be the same. If you carry that to its logical conclusion, it would be that in New Hampshire, if town A has a higher property tax base than town B, therefore some of town A's money must go to town B to support town B, thus reducing the money for town A but increasing the money for town B in order to reach equality of funds, which is essentially what the Claremont decision held in its practical application, unless you find new sources of revenue, which is what our State is trying to do right now. Then if you take that to its next logical step, which the Senator from Connecticut appears to be promoting as a concept, this idea of comparability, then why just New Hampshire?

Logically wouldn't the next step be that New Hampshire's funding should be the same as Connecticut, or Connecticut's funding should be the same as Mississippi, that all State districts, all States, all communities across the country should have exactly the same funding or at least comparable funding in their school systems in order to be equal, in order to get quality education, in order to leave nobody behind, in order to have equality of opportunity as has been defined in the law?

I don't think anybody is suggesting that, but that is the logical extension of the logic behind this amendment. Why stop it at the State level? Why stop at the community level? Why go community to community, or county to county? Why wouldn't you step it up to State to State and end up with Connecticut sending money, I presume, to Mississippi, for example, or to Louisiana so that Louisiana standards would come up in the amount of funding, and Connecticut's would go down in the amount of funding?

It doesn't make any sense. Why? Because it doesn't necessarily improve education. Why doesn't it improve education? Because there has been study after study after study—some of the best ones have been done out of the University of Rochester where they have actually studied studies, 300 or so—which have concluded that education is not a formula where more dollars equal better results.

In fact, there are a lot of instances where more dollars simply have not equaled better results. And you don't have to look too far from where we are holding this debate to find that case.

Here in the city of Washington, regrettably, more dollars are spent per pupil than any place in the United States, or for that matter than at any place in all these other industrialized countries that are always listed as being better than the United States in education.

More dollars per student are spent right here in Washington. Yet the quality of the education, the student achievement levels here in Washington are some of the lowest achievement levels of any urban area in the country. So it is not an issue of more dollars produces better education. It has been shown, after innumerable studies—and I have to also say just through common sense, just looking at the situation—that what produces better education is a lot of different factors:

Parental involvement, parents who care about education; teachers who have flexibility in their classrooms to teach the way they think best; good teachers; principals who have flexibility to run their schools the way they think is important; superintendents who have the flexibility to run the school systems; community involvement, with businesses in the community that adopt a school and make it better by committing their employees and their employees' commitments to time and tutorial activity, with support groups such as Big Brothers and Big Sisters supporting people after school so the kids, when not in school, can learn things to help them get through the day when they are in school.

The formula is complex. It is not just more dollars equals better education. So when you set up standards that say everybody has to be paid the same, everybody has to have the same amount of money and you are going to produce better education, that simply doesn't fly. But that is a big argument that we have in this Senate and which is occurring across the country, and also certainly in New Hampshire.

But I think it is one of those red herrings; that if you put more money in the system and bring everybody up to the same money level, you will get better education. That is not true at all. It has been proven time and again.

Unfortunately, one example is right here in Washington, DC. There is no particular reason to pick on Washington, but Washington is a regrettable example of that. So the practical argument, first, is that it doesn't hold water because its logical extension is that every State across the country should have the same funding. Maybe that is the goal in the end. Maybe we are seeing the early steps of an attempt to actually evolve a national system where everybody gets the same amount of money and is targeted the same. But I don't think too many people would follow that course of logic. That would be the practical logic of this amendment carried to its full extreme.

Secondly, the underpinning purpose of the amendment, which is to equalize dollars within a State because that produces better education, also doesn't hold a lot of water because nothing proves that is the case. In fact, just the opposite happens when you use a system that says everybody has to do everything the same. When you put everybody in a cookie-cutter system of education, you end up with mediocrity; you end up with school systems that, rather than producing quality, end up producing to the lowest common denominator and they fail. They fail the kids. That is what we have seen in our school systems recently.

One of the prior speakers on the other side of the aisle attempted to define my value systems for me. He said my values are to support a system that supports dilapidated schools—or something to that effect—because a community with a dilapidated school doesn't have enough money to support that school and a rich community can have a good school.

That is not my value system. I am sorry it was characterized that way by the Senator from Delaware. My value system on education is that no child is left behind; that the low-income child doesn't get a second-rate education in our system because they go to a second-rate school or they go to a school that failed year in and year out.

What we have done in this country is to have spent $126 billion on education directed at low-income children and we have not improved their performance at all in 35 years. In fact, the children continue to fail in our system. The average low-income child in the fourth grade today reads at two grade levels less than his or her peers in the same school and across this country.

The simple fact is that we have failed those children. We continue to fail those children because we use this system which believes that a command-and-control system from Washington can actually improve the educational system in local communities. That is not true at all. We need the creativity and imagination and commitment and involvement of the local community leadership—the parents, teachers, principals, and the support systems to focus on making their schools better and do it in a unique way that makes them special.

Every community across the country is going to probably have some original way of doing this. There will be consistencies in text or maybe curriculum in some schools and maybe teaching styles, but each school will be as different as the teachers who are in the schools, the individuals who deal with these kids.

So to try to impose on them a cookie-cutter system that says everybody has to be comparable—they have to do it all the same way or else they don't get their Federal dollars—is to fundamentally undermine the engine that will give these kids opportunities, which is the creativity, originality, and the enthusiasm of the local community, the teacher, the parents, and the principals.

This bill that we have been debating today understands that fact. President Bush has proposed a bill that basically says four things: One is that we are going to focus on the child and stop focusing on the school system, on the bureaucracy, and on a cookie-cutter comparable standard. We are going to focus on every individual child, especially the low-income child who has been left behind. That is where the dollars are going to flow.

Two, we are going to give the teachers, the community, the local school system flexibility in how they deal with that child and improve that child's capability. In exchange for that flexibility, we are going to require academic achievement by the low-income child. We are not going to let that child be left behind any longer.

Three, we are going to have accountability standards to show that that academic achievement has been accomplished. It is at this point where we put the testing in place, where the President suggested testing in six grades instead of three, as is presently required, to which the Senator from Connecticut feels he has the logic to pursue a comparable standard. He says, if everybody is going to have to be tested—and this was the argument by the Senator from Delaware—then the systems that will bring the child up to a standard of ability to meet the test also have to be comparable.

If everybody is going to be put to one test, then everybody should have comparable support facilities necessary to reach the ability to compete on that test.

The problem is you are essentially saying there can be no creativity in the local school systems, and instead of giving local school systems flexibility in exchange for academic achievement, you are saying we are going to require academic achievement and we are also going to require that we have a bureaucracy that tells you exactly what to do—at least in this amendment—right down to curriculum, range of courses, instructional material, instructional resources—I mean, everything from the time you walk into that classroom is going to have to be comparable with everybody else in the system.

This is a country that takes great pride in individuality, not in being uniform. That individuality is what produces our creativity and strength, whether it is in education or in the marketplace or whether it is in higher learning. Yet this amendment asserts that we should have everything comparable. If you are not comparable, you don't get any Federal money, which says that the Federal Government is coming in and we are going to take the State standard, whatever it is, and force it on every community in that State if they want to get Federal money.

You can call that anything you want, but to me that is a nationalization of the system. You are essentially saying local school systems will be required to do a whole set of activities, from classroom size, to qualifications of teachers, professional staffing, curriculum, range of courses, instructional material—right down the list. They are going to be required to meet a set of standards which the State may initially set but which the Federal Government enforces. The Federal Government is enforcing this because it is demanding it be met or else the Federal funding doesn't come through—or a portion of it does not come through.

So it is a huge expansion of the role of the Federal Government in deciding exactly what is going to happen at the local school districts. I don't think any of the debate on the other side of the aisle denies that fact.

I think it confirms that fact because basically what the other side of the aisle has been debating—not the whole other side of the aisle but those presenting this amendment and defending it—is, yes, that is right, we have to require that every local community does everything comparable with the other communities in the State to assure equality of opportunity, as they define it.

It is the wrong approach. The President's approach is you get equality of opportunity by assuring the school has the resources but letting the school, the parents, the teachers, and the faculty make the decision as to how the child is educated, and then you test whether or not the child has achieved the goals set out.

If the child has not achieved those goals, then we start putting sanctions on the school systems and start giving the parents some opportunities to give their child additional help through supplemental services in this bill or the States with Straight A's.

The issue of achievement is not done by some arbitrary input system; it is done by actually figuring out in what children are succeeding. As a result, we hopefully change this system which has produced 36 years of failure generation after generation of children who have not had a fair break.

I find it ironic that the Senator from Delaware tried to characterize my values as being for failed schools, dilapidated schools, schools where kids were not learning, when what we propose in this bill is an attempt to reverse what is a clear, undeniable, factual, confirmable point, which is that generation after generation of low-income kids have been left behind.

Even today, after spending $26 billion, the average low-income child in this country simply is not getting an education that is competitive with their peers in the school system.

While we are on it, let me mention a couple points we put into this bill to give that child a little more opportunity because they have not been talked about much and should be talked about because this bill has interesting and creative initiatives.

There was a package pulled together, negotiated, and agreed to by both sides. It took a long time to do that. It was done under the leadership of Senator LOTT and Senator DASCHLE. Many of us met for many months to work it out.

I mentioned we had four goals: Child centered, flexibility, academic achievement, and accountability. We set up a structure to accomplish the goals.

A couple things we did I think are creative. We took all the teacher money and merged it and said to the school districts: You pick how you want to improve your teachers. You can hire more teachers; you can improve their educational ability; you can improve their technical support or simply pay the good teachers more. It is your choice. You decide how you do it. We are not going to tell you.

That is a big change because it is giving local districts flexibility over those teacher dollars.

We also said to the small districts in the small school areas, the rural districts, we are going to give you all this money that comes from the Federal Government that comes with these categories, and there are literally hundreds of them. There is a category for arts in some specific area or for language in some specific area.

Most of these little school districts in States such as New Hampshire and Maine—this was an idea of Senator COLLINS—or even in upstate New York or, I suspect, parts of California, cannot access these categorical programs. Why? Because they simply do not have the staff, plus they do not have enough students to draw down enough money to make it worth their time.

We suggested we merge that. We have something called rural ed flex where all this money will flow into these school systems without the strings attached where they can actually get a bang for the dollar, using it effectively.

We also set up something called Straight A's, which is an attempt to give a few States the opportunity to show some creativity with low-income kids. We say we are going to take the formula programs, merge them and you, the State, can take those dollars and spend them however you want, but at the end of the year you have to prove that your low-income children, who are today, remember, not achieving at all—in fact, they are achieving at two grade levels less than most kids—actually achieve a standard that exceeds other kids in their class.

This is an attempt to give a real incentive to States and communities which are willing to be creative to do something about improving the lifestyle and the educational ability of their low-income kids.

Another area we addressed was if a child is in a school that has failed—remember, the States designate whether a school has failed; the Federal Government does not. If the school fails 1 year, we go into the school system under this bill and give it a lot of resources and try to turn it around. If it fails 2 years, we go into the system, start to replace people—under the bill, we give authority to the school system to do that—and put in more resources. If after 3 years a child is in a school that fails—and by failing, that is defined by the State but essentially it is going to mean that school is not educating the children up to the standards to which the other schools in the community are educating their kids—if a child is in that school for 3 years, if you are a parent, you are pulling your hair out because for 3 years in a row you know your child has fallen behind because they are in a school that does not work. It has been designated as not working by the State or by the community.

What is your option under present law? Nothing. You have to stay in that school unless you happen to be wealthy enough to go to a private school. It is especially a problem for inner-city moms, single mothers raising kids in the inner city, where their kids are going to schools that are filled with drugs and violence, and they have more fear of their life than they have opportunity to learn. Those kids are trapped.

Under this bill, we propose something called supplemental services where, after 3 years in a failing school, a parent is going to have some authority of their own. They are going to be able to take a portion of the money which goes to title I and some other programs and take their child and get services outside the school system. They still have to stay in the public school, but they are going to get services out of the public school system to get their children up to speed academically.

They can go to Sylvan Learning Center, or the Catholic school across the street has a tutorial program in math, they can do that. It will be the parent's discretion to get decent support services. That is going to be a good change for a lot of parents. It is going to be an opportunity for a lot of parents.

There is a lot of good in this bill directed at trying to give low-income kids a better break and a better chance. But the surest and fastest way to undermine the purposes of this bill is to subject it to the cookie-cutter event and to what I think would be a nationalization of that, of requiring comparability from school district to school district to be asserted as a precondition of whether or not you get Federal funds or a portion of Federal funds.

Obviously, I think this amendment represents a very significant undermining of the President's proposal and the agreement we reached through literally hours of intense and very constructive negotiation.

Madam President, I thank you for your courtesy. I especially thank the staff for their courtesy. I yield the floor.

DEDICATION OF THE D-DAY MEMORIAL IN BEDFORD, VIRGINIA

Mr. WARNER. Mr. President, I rise today along with Senator GEORGE ALLEN and two Members of the House, Representatives BOB GOODLATTE and VIRGIL GOODE, to place in today's RECORD a moving speech delivered by President George W. Bush in recognition of the 57th anniversary of the historic landing by U.S. and Allied Forces on the beaches of Normandy, France.

The Commonwealth of Virginia was honored when the President selected the small town of Bedford, where a magnificent memorial has just been completed in honor of the extraordinary bravery and sacrifice of the military men and women at Normandy, as the site to deliver this very important speech.

This memorial will serve as an eternal salute to those who so bravely and selflessly fought for freedom. It is often said that June 6, 1944, D-Day, forever changed the course of history. So it is only fitting that such a magnificent structure be erected to remind future generations of that epic chapter in the long European struggle to restore freedom.

The citizens of and soldiers from Bedford earned a unique, but tragic place in history that day. In 1941, the 29th Infantry Division, a National Guard division, was mobilized largely with citizen-soldiers from Virginia and Maryland. Although the division changed over three years, by D-Day, many Virginians took part in the Normandy landing.

The 29th Division's 116th Infantry mounted the first wave together with the 1st Division's 16th Infantry Regiment. They suffered extraordinary casualties. The State of Virginia sustained nearly 800 casualties during the overall landing sequences.

The Bedford National Guard component had formed "A" Company of the 116th and by D-Day, 35 Bedford soldiers were still in the 170-man unit. Nineteen of those young men gave their lives in the first assault wave, and several more died shortly thereafter from wounds. The devastating loss of these young men from a small town of 3,200 left Bedford with the highest per-capita loss on D-Day from any single community not only in Virginia, but the entire United States.

Bedford is a living example of our Nation's many communities who share a common heritage of "Homefront" roles, sacrifices and stories. This community and its citizens serve as a particularly fitting home to this national memorial in recognition of all who participated in this battle and their loved ones back in the United States.

Today's dedication of the National D-Day Memorial was a truly moving ceremony that will long be remembered by those in attendance and those who viewed it by television. The President delivered thoughtful, heartfelt words, truly befitting this solemn, reverent day. On behalf of the Virginian delegation, I ask unanimous consent that a copy of the President's remarks be printed in the RECORD for all America to share.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT AT DEDICATION OF THE NATIONAL D-DAY MEMORIAL

The President. Thank you all very much. At ease. And be seated. Thank you for that warm welcome. Governor Gilmore, thank you so very much for your friendship and your leadership here in the Commonwealth of Virginia. Lt. Governor Hager and Attorney General Earley, thank you, as well, for your hospitality.

I'm honored to be traveling today with Secretary Principi, Veterans Affairs Department. I'm honored to be traveling today with two fantastic United States Senators from the Commonwealth of Virginia, Senator Warner and Senator Allen. (Applause.) Congressman Goode and Goodlatte are here, as well. Thank you for your presence. The Ambassador from France—it's a pleasure to see him, and thank you for your kind words. Delegate Putney, Chaplain Sessions, Bob Slaughter, Richard Burrow, distinguished guests, and my fellow Americans.

I'm honored to be here today to dedicate this memorial and this is a proud day for the people of Virginia, and for the people of the United States. I'm honored to share it with you, on behalf of millions of Americans.

We have many World War II and D-Day veterans with us today, and we're honored by your presence. We appreciate your example, and thank you for coming. And let it be recorded we're joined by one of the most distinguished of them all—a man who arrived at Normandy by glider with the 82nd Airborne Division; a man who serves America to this very hour. Please welcome Major General Strom Thurmond. (Applause.)

You have raised a fitting memorial to D-Day, and you have put it in just the right place—not on a battlefield of war, but in a small Virginia town, a place like so many others that were home to the men and women who helped liberate a continent.

Our presence here, 57 years removed from that event, gives testimony to how much was gained and how much was lost. What was gained that first day was a beach, and then a village, and then a country. And in time, all of Western Europe would be freed from fascism and its armies.

The achievement of Operation Overlord is nearly impossible to overstate, in its consequences for our own lives and the life of the world. Free societies in Europe can be traced to the first footprints on the first beach on June 6, 1944. What was lost on D-Day we can never measure and never forget.

When the day was over, America and her allies had lost at least 2,500 of the bravest men ever to wear a uniform. Many thousands more would die on the days that followed. They scaled towering cliffs, looking straight up into enemy fire. They dropped into grassy fields sown with land mines. They overran machine gun nests hidden everywhere, punched through walls of barbed wire, overtook bunkers of concrete and steel. The great journalist Ernie Pyle said, "It seemed to me a pure miracle that we ever took the beach at all. The advantages were all theirs, the disadvantages all ours." "And yet," said Pyle, "we got on."

A father and his son both fell during Operation Overlord. So did 33 pairs of brothers—including a boy having the same name as his hometown, Bedford T. Hoback, and his brother Raymond. Their sister, Lucille, is with us today. She has recalled that Raymond was offered an early discharge for health reasons, but he turned it down. "He didn't want to leave his brother," she remembers. "He had come over with him and he was going to stay with him." Both were killed on D-Day. The only trace of Raymond Hoback was his Bible, found in the sand. Their mother asked that Bedford be laid to rest in France with Raymond, so that her sons might always be together.

Perhaps some of you knew Gordon White, Sr. He died here just a few years ago, at the age of 95, the last living parent of a soldier who died on D-Day. His boy, Henry, loved his days on the family farm, and was especially fond of a workhorse named Major. Family members recall how Gordon just couldn't let go of Henry's old horse, and he never did. For 25 years after the war, Major was cherished by Gordon White as a last link to his son, and a link to another life.

Upon this beautiful town fell the heaviest share of American losses on D-Day—19 men from a community of 3,200, four more afterwards. When people come here, it is important to see the town as the monument itself. Here were the images these soldiers carried with them, and the thought of when they were afraid. This is the place they left behind. And here was the life they dreamed of returning to. They did not yearn to be heroes. They yearned for those long summer nights again, and harvest time, and paydays. They wanted to see Mom and Dad again, and hold their sweethearts or wives, or for one young man who lived here, to see that baby girl born while he was away.

Bedford has a special place in our history. But there were neighborhoods like these all over America, from the smallest villages to the greatest cities. Somehow they all produced a generation of young men and women who, on a date certain, gathered and advanced as one, and changed the course of history. Whatever it is about America that has given us such citizens, it is the greatest quality we have, and may it never leave us.

In some ways, modern society is very different from the nation that the men and women of D-Day knew, and it is sometimes fashionable to take a cynical view of the world. But when the calendar reads the 6th of June, such opinions are better left unspoken. No one who has heard and read about the events of D-Day could possibly remain a cynic. Army Private Andy Rooney was there to survey the aftermath. A lifetime later he would write, "If you think the world is selfish and rotten, go to the cemetery at Colleville overlooking Omaha Beach. See what one group of men did for another on D-Day, June 6, 1944."

Fifty-three hundred ships and landing craft; 1,500 tanks; 12,000 airplanes. But in the end, it came down to this: scared and brave kids by the thousands who kept fighting, and kept climbing, and carried out General Eisenhower's order of the day—nothing short of complete victory.

For us, nearly six decades later, the order of the day is gratitude. Today we give thanks for all that was gained on the beaches of Normandy. We remember what was lost, with respect, admiration and love.

The great enemies of that era have vanished. And it is one of history's remarkable turns that so many young men from the new world would cross the sea to help liberate the old. Beyond the peaceful beaches and quiet cemeteries lies a Europe whole and free—a continent of democratic governments and people more free and hopeful than ever before. This freedom and these hopes are what the heroes of D-Day fought and died for. And these, in the end, are the greatest monuments of all to the sacrifices made that day.

When I go to Europe next week, I will reaffirm the ties that bind our nations in a common destiny. These are the ties of friendship and hard experiences. They have seen our nations through a World War and a Cold War. Our shared values and experiences must guide us now in our continued partnership, and in leading the peaceful democratic revolution that continues to this day.

We have learned that when there is conflict in Europe, America is affected, and cannot stand by. We have learned, as well, in the years since the war that America gains when Europe is united and peaceful.

Fifty-seven years ago today, America and the nations of Europe formed a bond that has never been broken. And all of us incurred a debt that can never be repaid. Today, as America dedicates our D-Day Memorial, we pray that our country will always be worthy of the courage that delivered us from evil, and saved the free world.

God bless America. And God bless the World War II generation. (Applause.)

SENATE QUARTERLY MAIL COSTS

Mr. McCONNELL. Mr. President, in accordance with section 318 of Public Law 101–520 is amended by Public Law 103–283, I have submitted the frank mail allocations made to each Senator from the appropriations for official mail expenses and a summary tabulation of Senate mass mail costs for the fourth quarter of FY 2000 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The fourth quarter of FY 2000 covers the period of July 1, 2000 through September 30, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–57, the Legislative Branch Appropriations Act of 2000.

Also, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I have submitted the frank mail allocations made to each Senator from the appropriations for official mail expenses and a summary tabulation of Senate mass mail costs for the first quarter of FY 2001 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The first quarter of FY 2001 covers the period of October 1, 2000 through December 31, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–554, the Legislative Branch Appropriations Act of 2001.

Finally, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I have submitted the frank mail allocations made to each Senator from the appropriations for official mail expenses and a summary tabulation of Senate mass mail costs for the second quarter of FY 2001 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The first quarter of FY 2001 covers the period of January 1, 2001 through March 31, 2001. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–554, the Legislative Branch Appropriations Act of 2001.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senators	FY2000 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 09/30/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$114,766				
Akaka	35,277				
Allard	65,146				
Ashcroft	79,102				
Baucus	34,375				
Bayh	80,377				
Bennett	42,413				
Biden	32,277				
Bingaman	42,547				
Bond	79,102				
Boxer	305,476				
Breaux	66,941				
Brownback	50,118				
Bryan	43,209	45,000	0.03745	$8,489.91	$0.00707
Bunning	63,969				

Senators	FY2000 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 09/30/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Burns	34.375	277,250	0.34697	51,069.94	0.06391
Byrd	43,239				
Campbell	65,146				
Chafee, Lincoln	34,703	228,500	0.22771	38,982.46	0.03885
Cleland	97,682				
Cochran	51,320				
Collins	38,329				
Conrad	31,320	28,450	0.04454	5,168.31	0.00809
Coverdell	97,682				
Craig	36,491				
Crapo	36,491				
Daschle	32,185				
DeWine	131,970	2,200	0.00020	1,748.35	0.00016
Dodd	56,424				
Domenici	42,547				
Dorgan	31,320				
Durbin	130,125				
Edwards	103,736				
Enzi	30,044				
Feingold	74,483				
Feinstein	305,476				
Fitzgerald	130,125				
Frist	78,239				
Gorton	81,115				
Graham	185,464				
Gramm	205,051				
Grams	69,241				
Grassley	52,904				
Gregg	36,828				
Hagel	40,964				
Harkin	52,904	656	0.00024	615.98	0.00022
Hatch	42,413				
Helms	103,736				
Hollings	62,273				
Hutchinson	51,203				
Hutchison	205,051				
Inhofe	58,884				
Inouye	35,277				
Jeffords	31,251	147,794	0.26262	24,492.63	0.04352
Johnson	32,185	114,000	0.16379	49,572.55	0.07122
Kennedy	82,915				
Kerrey	40,964				
Kerry	82,915				
Kohl	74,483				
Kyl	71,855				
Landrieu	66,941				
Lautenberg	97,508				
Leahy	31,251	5,104	0.00907	1,638.80	0.00291
Levin	114,766				
Lieberman	56,424				
Lincoln	51,203	375	0.00016	81.76	0.00003
Lott	51,320				
Lugar	80,377	14,541	0.00262	2,816.87	0.00051
Mack	185,464				
McCain	71,855				
McConnell	63,969				
Mikulski	73,160				
Miller					
Moynihan	184,012	294,000	0.01634	53,488.33	0.00297
Murkowski	31,184				
Murray	81,115	10,693	0.00220	2,147.99	0.00044
Nickles	58,884				
Reed	34,703				
Reid	43,209	45,000	0.03745	7,999.35	0.00666
Robb	89,627				
Roberts	50,118				
Rockefeller	43,239	202,700	0.11302	28,032.95	0.01563
Roth	32,277				
Santorum	139,016	31,597	0.00266	25,491.53	0.00215
Sarbanes	73,160				
Schumer	184,012				
Sessions	68,176	12,904	0.00319	12,026.53	0.00298
Shelby	68,176				
Smith, Gordon	58,557				
Smith, Robert	36,828				
Snowe	38,329				
Specter	139,016				
Stevens	31,184				
Thomas	30,044				
Thompson	78,239				
Thurmond	62,273				
Torricelli	97,508	149,235	0.01926	117,141.16	0.01512
Voinovich	131,970				
Warner	89,627				
Wellstone	69,241				
Wyden	58,557				
Totals	7,594,942	1,609,999	1.28949	431,005.04	0.28244

Other offices	Committee mass mail totals for the quarter ending 9/30/00	
	Total pieces	Total cost
The Vice President		
The President Pro-Tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Health, Education, Labor & Pensions		
Judiciary Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Indian Affairs Committee		
Intelligence Committee		
Aging Committee	1,150,000	$175,368.44
Joint Economic Committee		
Democratic Policy Committee		
Democratic Conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Sergeant-at-Arms		
Narcotics Caucus		

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 12/31/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Akaka	$35,266				
Allard	65,571				
Allen	67,623				
Baucus	34,375				
Bayh	80,339				
Bennett	42,465				
Biden	32,353				
Bingaman	42,668				
Bond	78,611				
Boxer	305,332				
Breaux	67,023				
Brownback	49,896				
Bunning	64,242				
Burns	34,132				
Byrd	43,197				
Campbell	65,571				
Cantwell	60,939				
Carnahan	58,958				
Carper	24,264				
Chafee	34,653				
Cleland	98,598				
Clinton	137,537				
Cochran	51,451				
Collins	38,298				
Conrad	31,258				
Corzine	73,236				
Craig	36,535	12,800	0.01271	$2,510.02	$0.00249
Crapo	36,535				
Daschle	32,149				
Dayton	52,182				
DeWine	131,841				
Dodd	56,517				
Domenici	42,668				
Dorgan	31,258	1,204	0.00188	957.10	0.00150
Durbin	129,845				
Edwards	104,861				
Ensign	32,656				
Enzi	30,012				
Feingold	74,540				
Feinstein	305,332				
Fitzgerald	129,845				
Frist	78,607				
Graham	185,377				
Gramm	206,157	1,300	0.00008	303.84	0.00002
Grassley	52,627				
Gregg	36,926				
Hagel	40,693				
Harkin	52,627				
Hatch	42,465				
Helms	104,861				
Hollings	62,803				
Hutchinson	50,961				
Hutchison	206,157				
Inhofe	57,917				
Inouye	35,266				
Jeffords	31,264				
Johnson	32,149				
Kennedy	82,836				
Kerry	82,836				
Kohl	74,540				
Kyl	72,497				
Landrieu	67,023				
Leahy	31,264				
Levin	114,736				
Lieberman	56,517				
Lincoln	50,961				
Lott	51,451				
Lugar	80,339				
McCain	72,497				
McConnell	64,242				
Mikulski	72,998				
Miller	98,598				
Murkowski	31,276				
Murray	81,252				
Nelson, Bill	139,032				
Nelson, E. Benjamin	30,519				
Nickles	57,917				
Reed	34,653				
Reid	43,542				
Roberts	49,896				
Rockefeller	43,197				
Santorum	138,787				
Sarbanes	72,998				
Schumer	183,383				
Sessions	68,026				
Shelby	68,026				
Smith, Gordon	58,292				
Smith, Robert	36,296				
Snowe	38,298				
Specter	138,787				
Stabenow	86,052				
Stevens	31,276				
Thomas	30,012				
Thompson	78,607				
Thurmond	62,803				
Torricelli	97,648				
Voinovich	131,841				
Warner	90,165				
Wellstone	69,576				
Wyden	58,292				

Other offices	Committee mass mail totals for the quarter ending 12/31/00	
	Total pieces	Total cost
The Vice President		
The President Pro-Tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Baking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judiciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
Joint Committee on Congress Inauguration		
Democratic Policy Committee		
Democratic Conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Sergeant-at-Arms		
Narcotics Caucus		
Subcommittee on POW/MIA		

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 3/31/01			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Akaka	$35,266				
Allard	65,571				
Allen	67,623				
Baucus	34,375	1,455	0.00182	$1,183.39	$0.00148
Bayh	80,339				
Bennett	42,465				
Biden	32,353				
Bingaman	42,668				
Bond	78,611				
Boxer	305,332				
Breaux	67,023				

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 3/31/01			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Brownback	49,896				
Bunning	64,242				
Burns	34,132				
Byrd	43,197				
Campbell	65,571				
Cantwell	60,939				
Carnahan	58,958				
Carper	24,264				
Chafee	34,653				
Cleland	98,598				
Clinton	137,537				
Cochran	51,451				
Collins	38,298				
Conrad	31,258	296,000	0.46337	43,584.12	0.06823
Corzine	73,236				
Craig	36,535				
Crapo	36,535				
Daschle	32,149				
Dayton	52,182				
DeWine	131,841				
Dodd	56,517				
Domenici	42,668				
Dorgan	31,258				
Durbin	129,845				
Edwards	104,861				
Ensign	32,656				
Enzi	30,012				
Feingold	74,540				
Feinstein	305,332				
Fitzgerald	129,845				
Frist	78,607				
Graham	185,377				
Gramm	206,157	2,000	0.00012	418.42	0.00002
Grassley	52,627				
Gregg	36,926				
Hagel	40,693	184,300	0.11676	36,234.77	0.02296
Harkin	52,627				
Hatch	42,465				
Helms	104,861				
Hollings	62,803	600	0.00017	130.72	0.00004
Hutchinson	50,961				
Hutchison	206,157				
Inhofe	57,917				
Inouye	35,266				
Jeffords	31,264				
Johnson	32,149				
Kennedy	82,836				
Kerry	82,836				
Kohl	74,540				
Kyl	72,497				
Landrieu	67,023				
Leahy	31,264	10,200	0.01813	2,076.68	0.00369
Levin	114,736	3,400	0.00037	983.44	0.00011
Lieberman	56,517				
Lincoln	50,961	1,225	0.00052	1,022.07	0.00043
Lott	51,451				
Lugar	80,339				
McCain	72,497				
McConnell	64,242				
Mikulski	72,998	770	0.00016	160.70	0.00003
Miller	98,598				
Murkowski	31,276				
Murray	81,252	1,032	0.00021	129.87	0.00003
Nelson, Bill	139,032				
Nelson, E. Benjamin	30,519				
Nickles	57,917				
Reed	34,653	11,800	0.01176	2,134.58	0.00213
Reid	43,542				
Roberts	49,896				
Rockefeller	43,197				
Santorum	138,787				
Sarbanes	72,998	3,900	0.00082	788.67	0.00016
Schumer	183,383				
Sessions	68,026				
Shelby	68,026				
Smith, Gordon	58,292	118,000	0.04152	20,709.62	0.00729
Smith, Robert	36,296				
Snowe	38,298				
Specter	138,787				
Stabenow	86,052				
Stevens	31,276				
Thomas	30,012				
Thompson	78,607				
Thurmond	62,803				
Torricelli	97,648				
Voinovich	131,841				
Warner	90,165				
Wellstone	69,576				
Wyden	58,292	666	0.00023	591.72	0.00021

Other offices	Committee mass mail totals for the quarter ending 3/31/01	
	Total pieces	Total cost
The Vice President		
The President Pro-Tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judiciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
Joint Committee on Congress Inauguration		
Democratic Policy Committee		
Democratic Conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Sergeant at Arms		
Narcotics Caucus		
Subcommittee on POW/MIA		

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 23, 2000 in Salt Lake City, Utah. A 19-year-old woman working for the Southern Utah Wilderness Alliance was beaten and robbed because her attackers presumed she was a lesbian. The woman was taking opinion polls when a male attacker in his 20s—one of two white men with shaved heads—allegedly came running up behind her, punched her in the face, knocking her down. The woman said the suspect then kicked her in the face while he yelled "dyke" and "queer."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 5, 2001, the Federal debt stood at $5,671,991,683,864.65, five trillion, six hundred seventy-one billion, nine hundred ninety-one million, six hundred eighty-three thousand, eight hundred sixty-four dollars and sixty-five cents.

One year ago, June 5, 2000, the Federal debt stood at $5,642,402,000,000, five trillion, six hundred forty-two billion, four hundred two million.

Five years ago, June 5, 1996, the Federal debt stood at $5,141,670,000,000, five trillion, one hundred forty-one billion, six hundred seventy million.

Ten years ago, June 5, 1991, the Federal debt stood at $3,490,594,000,000, three trillion, four hundred ninety billion, five hundred ninety-four million.

Fifteen years ago, June 5, 1986, the Federal debt stood at $2,053,578,000,000, two trillion, fifty-three billion, five hundred seventy-eight million, which reflects a debt increase of more than $3.5 trillion, $3,618,413,683,864.65, three trillion, six hundred eighteen billion, four hundred thirteen million, six hundred eighty-three thousand, eight hundred sixty-four dollars and sixty-five cents during the past 15 years.

CONGRATULATING DETROIT ON THE TRICENTENNIAL

Mr. DASCHLE. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of H. Con. Res. 80 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 80) congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc and the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 80) was agreed to.

The preamble was agreed to.

MEASURES READ FOR THE FIRST TIME—H.R. 6, H.R. 10, H.R. 586, AND H.R. 622

Mr. DASCHLE. With respect to the following four bills which are at the desk, H.R. 6, H.R. 10, H.R. 586, and H.R. 622, I ask unanimous consent that they be considered as having been read the first time, and I further ask the requests for their second reading be objected to, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the rule, the bills will receive their second reading on the next legislative day.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. DASCHLE. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 149, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 149) permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Shulz.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statement relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 149) was agreed to.

The preamble was agreed to.

ADDITIONAL STATEMENTS

IN MEMORIAM OF REVEREND DOCTOR LEON HOWARD SULLIVAN

• Mr. SANTORUM. Mr. President, on Sunday, June 30, 2001, family, friends, colleagues, and former parishioners will gather to memorialize Reverend Doctor Leon Howard Sullivan—to celebrate his life, and recognize his accomplishments as one the most outstanding and effective civil and human rights leaders born in the 20th century. I rise today to lend my thoughts and reflections as I was privileged to know Rev. Sullivan, and to have worked with him on initiatives important to Philadelphia, as well on African trade and development issues.

Reverend Sullivan was born into poverty in an unpaved alley in an unpainted clapboard house in Charleston, WV on October 16, 1922. From such humble beginnings began a life's journey that was to last seventy-eight years.

Sullivan was born in a State that practiced "Jim Crow Laws," and while still in grade school, he started in his own way to fight against racial discrimination. By the time he was in the tenth grade, he had sat-in and been told to leave every drug store and eatery where "only whites" were allowed to sit in the city of Charleston, WV. At the age of sixteen, he won a basketball and football scholarship to West Virginia State College.

Sullivan graduated from West Virginia State College at the age of twenty, and at the invitation of the Rev. Adam Clayton Powell, traveled to New York City. He was successful in winning a scholarship to the Union Theological Seminary. Rev. Powell also helped him secure his first job as a coin collector for the Bell Telephone Company. Leon H. Sullivan became the first African-American in the United States to hold that position.

In 1941, at the age of twenty-one, Sullivan was elected President of the March on Washington organized by A. Phillip Randolph, President of the Brotherhood of Sleeping Car Porters, the first African-American recognized and controlled union in America. A few days before the march was scheduled to take place, President Roosevelt acted on the demands of the march organizers to end discrimination against African-Americans on Army and Navy industrial installations. From the first march on Washington that never took place came Executive Order 8802. This action ended discrimination against African-American workers in government ordnance plants.

Sullivan's career path continued when he accepted the position of assistant pastor to Rev. Powell. It was here that he learned first-hand about church administration and the art of running a political campaign. During this time, Rev. Powell campaigned for and won his seat in the U.S. Congress. It was also during this period of time that Sullivan met his life partner, Grace Banks.

In 1944, in Philadelphia, PA, Leon and Grace were married. Not long after marrying, Leon Sullivan was called to lead The First Baptist Church of South Orange, NJ. While serving as pastor, he started a number of outreach ministries and continued his education at Union Theological Seminary and Columbia University.

In 1950, Sullivan was called to be the pastor of the Zion Baptist Church of Philadelphia, where he would serve as pastor for the next thirty-eight years. The church membership grew from 600 to 6,000 and many outreach ministries were born. It was during his pastorship of Zion Baptist Church that Rev. Sullivan became locally, nationally and internationally known for his civil rights and human rights activities. One of these outreach programs was the Citizens Committee that worked with the police in the community to actively reduce crime.

In 1955, Rev. Sullivan was chosen as one of the Ten Most Outstanding Men in America and presented the award by Vice President Richard M. Nixon. His achievements would also be recognized by Presidents George Bush in 1992 and Bill Clinton in 1999 when he received the Presidential Medal of Freedom and the Eleanor Roosevelt Award respectively.

Rev. Sullivan founded the Youth Employment Service, and in 1957, it was cited by the Freedom Foundation as the most effective, privately-developed employment program in the nation.

A year later, Rev. Sullivan would undertake a great challenge that confronted African-Americans in the city of Philadelphia and across the Nation. Encouraged by his wife, Rev. Sullivan set out to bolster employment opportunities for African-American Philadelphians. This effort would prove to be a turning point in the civil rights movement for the Nation. With the assistance of 400 ministers in Philadelphia, Rev. Sullivan began the movement called "Selective Patronage." The movement had one message, "if the company won't hire blacks, don't buy their products." That movement became very successful in Philadelphia and led to the employment of thousands of African-Americans who were previously unwelcome as employees.

In 1962, at the request of Rev. Dr. Martin Luther King, Rev. Sullivan traveled to Atlanta to explain to King and the black ministers working with him, about Selective Patronage and how it worked. A few months later a similar program was started by Dr. King.

Rev. Sullivan went on to make one of his greatest contributions by creating the Opportunities Industrialization Center, OIC. This job training and retraining program, initially started in Philadelphia, expanded operations to more than 100 cities throughout the United States and in 19 countries. OIC job training programs have enabled thousands of people to acquire the tools needed to secure skilled jobs with good wages. The OICs of America, in conjunction with OIC International, have trained more than 2 million men and women.

Further building on Rev. Sullivan's philosophy of self-help and empowerment, he founded the International Foundation for Education and Self Help, IFESH, in 1983. IFESH is a non-governmental, non-profit organization with a mission of reducing poverty, promoting literacy, providing skilled job training, and providing basic and preventive health care. Specifically, IFESH designed programs to train 100,000 skilled workers; prepare 100,000 people for the farming profession; and help five million people achieve literacy. IFESH programs are international in scope with a strong emphasis on fostering social, cultural and economic relations between Africans and Americans.

Rev. Sullivan's vision of and dedication to empowerment, equality and fairness touched many lives throughout the world. One of his celebrated accomplishments is the establishment of a code of conduct for companies operating in South Africa. These principles, known as the Sullivan Principles, are the standard for social responsibility and equal opportunity, and are recognized to be one of the most effective efforts to end workplace discrimination in South Africa.

Rev. Sullivan built a bridge between America and Africa by organizing the five African/African-American Summits that were held in Africa. The first summit was in the Cote d'Ivoire and drew 2,000 people and the last was in Accra, Ghana with 4,200 people attending from throughout the United States and Africa. The last summit included 12 African heads of state, five vice presidents and prime ministers, and 14 delegations led by ministers of state. From the business community, more than 300 American businesses were represented.

The life's work of Rev. Leon Sullivan charted a course and paved the way for hope, opportunity, and fulfillment for many African-Americans in Philadelphia, across the Nation, and throughout the world. In memorializing Rev. Sullivan, we celebrate his monumental contributions and achievements as a civil rights leader and a human rights advocate.●

DR. STEPHEN R. PORTCH: CHANCELLOR, UNIVERSITY SYSTEM OF GEORGIA

● Mr. CLELAND. Mr. President, I rise before you on this day to recognize the outstanding achievements, hard work, and dedication of Dr. Stephen R. Portch, the ninth Chancellor of the University System of Georgia. This day should be both celebrated and lamented, for it is a delight to honor my good friend, Chancellor Portch, yet saddening to bid the Chancellor farewell.

John Stuart Mill, a revered philosopher, political scientist, and educator, left an indelible mark on his students at the University of St. Andrews in Scotland, where he once said, "There is nothing which spreads more contagiously from teacher to pupil than elevation of sentiment: Often and often have students caught from the living influence of a professor a noble ambition to leave the world better than they found it;" This is just what Chancellor Portch has done; he has helped make the world a better place. As a professor of English Literature Dr. Portch has enriched and inspired the lives of many individuals. He has awakened students' dormant interest in literature and the world around them. Together with the Georgia Board of Regents, the governing body of the University System, Dr. Portch has continued to promote education and has made tremendous improvements to the Georgia University System.

Chancellor Portch, a native of Somerset, England, earned his Bachelor's Degree in English from the University of Reading in England, and a Master's and Ph.D in English from Penn State. Richmond University in England granted Dr. Portch an honorary doctorate, and he was named by Change, The Magazine of Higher Learning as one of its "21 Most Influential Voices." Georgia Trend magazine has repeatedly identified Dr. Portch as one of the most powerful and influential citizens in our State, and the Atlanta Business Chronicle placed Dr. Portch on its list of the "100 Most Influential Atlantans." Dr. Portch served on former U.S. Education Secretary Richard Riley's National Commission on the High School Senior Year. Stephen R. Portch has been a familiar and lauded name in the literary world and has become a very well recognized and respected name in Georgia.

The University System and the Georgia Board of Regents are committed to improving higher education, and in 1994, under Dr. Portch's leadership, the Board adopted the program, "Access to Academic Excellence for the New Millennium." In 1995, Chancellor Portch introduced another new policy directed at the need for reform in an effort to recognize that all sectors of education are vitally linked and that improvement in one sector requires a reciprocal effort in all other sectors. Dr. Portch implemented a new admissions policy, raising the bar for admissions in all 34 public institutions in Georgia. The work of Chancellor Portch has helped elevate the average SAT score in Georgia public institutions, increase member school salaries by over 35 percent, and has raised overall quality of education throughout the state.

Henry Brooks Adams once said, "A teacher affects eternity; he can never tell where his influence stops." Although Dr. Portch is stepping down as Chancellor of the University System, I assure you that we will continue to feel his presence and benefit from his service well into the future.●

GEORGE C. SPRINGER: PRESIDENT, CONNECTICUT STATE FEDERATION OF TEACHERS

● Mr. LIEBERMAN. Mr. President, I rise today with great pride to honor my friend and a friend of working families, Mr. George C. Springer, who is retiring as president of the Connecticut State Federation of Teachers. For more than 20 years, George fought valiantly to ensure that our educators had the tools and resources necessary to provide the best possible education to our most prized possession, our children.

Widely known for his leadership, George united teachers and administrators in seeking ways to improve our schools. His innovative style led to compromise and understanding and opened a dialogue that generated ideas aimed at helping our children. During his tenure, Connecticut's public schools have attained a reputation of excellence that continues today.

George's calm, well thought out ways of handling the issues facing our teachers and schools is testament of his visionary leadership style. Further, his abilities in bringing people together to work for an important goal serve as a model for labor union leadership across our nation.

On behalf of the people of Connecticut, I thank George for his leadership in making Connecticut's schools better places to teach and learn and for making our community a better place for everyone.●

RECOGNITION OF THE DISTINGUISHED CAREER OF JOHN C. TITCHNER

● Mr. JEFFORDS. Mr. President, I rise today on behalf of myself and Senator LEAHY to honor John C. Titchner, Vermont's State Resource Conservationist, who is retiring after thirty-six years with the United States Department of Agriculture.

John Titchner's career is among the most distinguished in the history of the Soil Conservation Service and the Natural Resource Conservation Service, NRCS. He began his work with the USDA in 1965, and has served as Vermont State Conservationist since 1981. At the time of his retirement, he was the longest serving among all active State Conservationists.

John has guided the Natural Resource Conservation Service in Vermont through many changes in agricultural policy and administration. Under his direction, the NRCS has handled an ever increasing number of programs and special projects to support farmers and conserve our natural resources. The lakes and streams of Vermont are clearer and cleaner today as a result of his work.

For many years, Senator LEAHY and I have each looked to John as an advisor on agriculture and conservation. In this role, he has had a significant impact on national agricultural policy.

John has assumed many leadership roles in his profession and in his community. These include serving as a member of the Lake Champlain Steering Committee, Chairman of the Vermont Food and Agricultural Council, and President of the Vermont Federal Executives Association.

John C. Titchner's career stands as an outstanding example for all who choose to serve their community and their country.●

MESSAGE FROM THE HOUSE

At 3:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1183. An act to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the "G. Elliot Hagan Post Office Building."

H.R. 2043. An act to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the "Elwood Haynes 'Bud' Hillis Post Office Building."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 100. Concurrent resolution commending the American Football Coaches Association for its dedication and efforts to protect children and locate the Nation's missing, kidnapped, and runaway children.

H. Con. Res. 149. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz.

The message further announced that pursuant to section 801(b) of Public Law 100-696, the Speaker appoints the following Members of the House of Representatives to the United States Capitol Preservation Commission: Mr. TAYLOR of North Carolina and Mr. LATOURETTE of Ohio.

The message also announced that pursuant to section 801 of Public Law 100-696, Mr. EHLERS of Michigan, Chairman of the Joint Committee on the Library appoints the following Member of the House of Representatives to be his designee on the United States Capitol Preservation Commission: Mr. MICA of Florida.

The message further announced that the House has agreed to the following resolution:

H. Res. 157. Resolution stating that the House has heard with profound sorrow of the death of the Honorable John Joseph Moakley, a Representative from the Commonwealth of Massachusetts.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1183. An act to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the "G. Elliot Hagan Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2043. An act to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the "Elwood Haynes 'Bud' Hillis Post Office Building"; to the Committee on Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 6. An act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability.

H.R. 10. An act to provide for pension reform, and for other purposes.

H.R. 586. An act to amend the Internal Revenue code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes.

H.R. 622. An act to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2146. A communication from the Secretary of Health and Human Services, transmitting a report relative to the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Governmental Affairs.

EC-2147. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Program Performance Report for Fiscal Year 2000 and the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-2148. A communication from the Chairman of the Federal Reserve System, transmitting the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2149. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for March 2001; to the Committee on Governmental Affairs.

EC-2150. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2151. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2152. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2153. A communication from the Chairman of the Federal Laboratory Consortium for Technology Transfer, transmitting, pursuant to law, the Performance Report for Fiscal Years 1999 and 2000; to the Committee on Governmental Affairs.

EC-2154. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2155. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-2156. A communication from the Acting Administrator of the Small Business Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2157. A communication from the Acting Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-2158. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "FOIA Administrative Appeals" (Ann. 2001-58, 2001-22) received on May 15, 2001; to the Committee on Finance.

EC-2159. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Assets Transfers to Regulated Investment Companies and Real Estate Investment Trusts" (RIN1545-AW92) received on May 21, 2001; to the Committee on Finance.

EC-2160. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Labeling Proceedings; Delegation of Authority Part 13" (RIN1512-AC21) received on May 24, 2001; to the Committee on Finance.

EC-2161. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to Alaska and Hawaii; to the Committee on Finance.

EC-2162. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice—Clarifying Reporting Instructions Under Section 6041A" (Not. 2001-38) received on May 25, 2001; to the Committee on Finance.

EC-2163. A communication from the Chief of the Regulations Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extraterritorial Income Exclusion Elections" (Rev. Rul. 2001-37) received on May 25, 2001; to the Committee on Finance.

EC-2164. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Long Island Viticultural Area" (2000R-219P) received on May 29, 2001; to the Committee on Finance.

EC-2165. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "River Junction Viticultural Area" (98R-192P) received on May 29, 2001; to the Committee on Finance.

EC-2166. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Package Use-Up Rule for Roll-Your Own Tobacco Manufacturers" (RIN1512-AB92) received on May 29, 2001; to the Committee on Finance.

EC-2167. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applegate Valley Viticultural Area" (99R-112P) received on May 29, 2001; to the Committee on Finance.

EC-2168. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "BLS–LIFO Department Store Indexes—April 2001" (Rev. Rul. 2001–28) received on May 30, 2001; to the Committee on Finance.

EC-2169. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report concerning Medicare Payment for Nursing and Allied Health Education dated May 2001; to the Committee on Finance.

EC-2170. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, the 2001 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC-2171. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law , the report of a rule entitled "Medicaid Program; Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Inpatient Psychiatric Services to Individuals Under Age 21" (RIN0938–AJ96) received on June 1, 2001; to the Committee on Finance.

EC-2172. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs: Hospital Conditions of Participation: Anesthesia Services: Delay of Effective Date" (RIN0938–AK08) received on June 1, 2001; to the Committee on Finance.

EC-2173. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of Santa Rita Hills Viticultural Area" (98R–129P) received on June 1, 2001; to the Committee on Finance.

EC-2174. A communication from the President of the United States, transmitting, pursuant to law, Presidential Determination Number 2001–6, relative to the People's Republic of China; to the Committee on Finance.

EC-2175. A communication from the President of the United States, transmitting, pursuant to law, Presidential Determination Number 2001–17, relative to Vietnam; to the Committee on Finance.

EC-2176. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan Louisiana; Nonattainment Major Stationary Source Revision" (FRL6988–4) received on May 24, 2001; to the Committee on Environment and Public Works.

EC-2177. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment of the 1-Hour Ozone Standard for the Phoenix Metropolitan Area, Arizona and Determination Regarding Applicability of Certain Clean Air Act Requirements" (FRL6989–1) received on May 24, 2001; to the Committee on Environment and Public Works.

EC-2178. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia: Clarifying Revisions to 9 VAC 5 Chapter 40 Fuel Burning Equipment" (FRL6987–9) received on May 24, 2001; to the Committee on Environment and Public Works.

EC-2179. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana; (Cereal Mills)" (FRL6985–3) received on May 24, 2001; to the Committee on Environment and Public Works.

EC-2180. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Indiana" (FRL6986–2) received on May 24, 2001; to the Committee on Environment and Public Works.

EC-2181. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Notice of Availability of Grants for Development of Coastal Recreation Water Monitoring and Public Notification Under the Beaches Environmental Assessment and Coastal Health Act" (FRL6987–2) received on May 24, 2001; to the Committee on Environment and Public Works.

EC-2182. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries" (FRL6967–5) received on May 25, 2001; to the Committee on Environment and Public Works.

EC-2183. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; Chemical Accident Prevention Provisions and Risk Management Plans; Delaware: Approval of Accidental Release Prevention Program" (FRL6988–3) received on May 31, 2001; to the Committee on Environment and Public Works.

EC-2184. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revisions" (FRL6938–8) received on May 31, 2001; to the Committee on Environment and Public Works.

EC-2185. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Post-1996 Rate of Progress Plan" (FRL6990–6) received on May 31, 2001; to the Committee on Environment and Public Works.

EC-2186. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a document entitled "Final Guidance Document for the Award and Administration of Operator Certification Expense Reimbursement Grants" ; to the Committee on Environment and Public Works.

EC-2187. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program" (FRL6990–4) received on May 31, 2001; to the Committee on Environment and Public Works.

EC-2188. A communication from the Director of the Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network , Design Standards for Participating Websites" (RIN3150–AG44) received on June 1, 2001; to the Committee on Environment and Public Works.

EC-2189. A communication from the Acting Chief of the Endangered Species Division, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Final Rule to Remove Umpqua River Cutthroat Trout from the Federal List of Endangered and Threatened Species" (RIN0648–AP17) received on June 1, 2001; to the Committee on Environment and Public Works.

EC-2190. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Arizona and California State Implementation Plans, Maricopa County Environmental Services Department, Placer County Air Pollution Control District and South Coast Air Quality Management District" (FRL6987–3) received on June 4, 2001; to the Committee on Environment and Public Works.

EC-2191. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Harlem River, NY (CGD01–01–030)" ((RIN2115–AE47)(2001–0037)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2192. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Chelsea River, MA (CGD01–01–036)" ((RIN2115–AE47)(2001–0034)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2193. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Hutchinson River, Eastchester Creek, NY (CGD01–01–040)" ((RIN2115–AE47)(2001–0035)) received on May 24, 2001; to the Committee on Commerce; Science, and Transportation.

EC-2194. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Guayanilla Bay, Guayanilla, Puerto Rico (COTP San Juan 00–095)" ((RIN2115–AA97)(2001–0012)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2195. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; New York Harbor, Western Long Island Sound, East River, and Hudson River Fireworks (CGD01-00-221)” ((RIN2115-AA97)(2001-0014)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2196. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Long Island, New York Inland Waterway from East Rockway Inlet to Shinnecock Canal, NY (CGD-01-01-031)” ((RIN2115-AE47)(2001-0038)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2197. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Cerritos Channel, Long Beach, CA (CGD11-01-006)” ((RIN2115-AE47)(2001-0036)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2198. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Newtown Creek, Duth Kills, English Kills and their Tributaries, NY (CGD01-01-032)” ((RIN2115-AE47)(2001-0039)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2199. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Oakland Inner Harbor Tidal Canal, Alameda County, California (CGD11-99-013)” ((RIN2115-AE47)(2001-0041)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2200. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Hackensack River, NJ (CGD01-01-025)” ((RIN2115-AE47)(2001-0032)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2201. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Inland Waterways Navigation Regulations; Ports and Waterways Safety (CGD09-00-010)” (RIN2115-AG01) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2202. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Shipping Safety Fairways and Anchorage Areas, Gulf of Mexico (CGD08-00-012)” (RIN2115-AG02) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2203. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Queens Millennium Concert Fireworks, East River, NY (CGD01-01-015)” ((RIN2115-AA97)(2001-0011)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2204. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Sacramento River, CA (CGD11-01-0055)” ((RIN2115-AE47)(2001-0040)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2205. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Crescent Harbor, Sitka, AK” ((RIN2115-AA97)(2001-0013)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2206. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Potomac River, between Alexandria, Virginia and Oxon Hill, Maryland” ((RIN2115-AE47)(2001-0033)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2207. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY” ((RIN2115-AE47)(2001-0044)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2208. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Namitowoc River, Wisconsin” ((RIN2115-AE47)(2001-0043)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2209. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Chef Menteur Pass, LA” ((RIN2115-AE47)(2001-0042)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2210. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of V 611 and Revocation of V 19” ((RIN2120-AA66)(2001-0096)) received on May 24 , 2001; to the Committee on Commerce, Science, and Transportation.

EC-2211. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes” ((RIN2120-AA64)(2001-0223)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2212. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Eurocopter France Model SA 315B, SA 316B, SA 316C, SE 3160, and SA 319B Helicopters” ((RIN2120-AA64)(2001-0224)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2213. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model DC 8 Series Airplanes” ((RIN2120-AA64)(2001-0226)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2214. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: PIAGGIO AERO INDUSTRIES SpA Model P-180 Airplanes” ((RIN2120-AA64)(2001-0225)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2215. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 727-100, -100C, and -200 Series Airplanes” ((RIN2120-AA64) (2001-0228)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2216. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Rolls Royce Corp A 3007 Series Turbofan Engines” ((RIN2120-AA64)(2001-0227)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2217. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standards Instrument Approach Procedures; Miscellaneous Amendments (36)” ((RIN2120-AA65)(2001-0033)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2218. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Construcciones Aeronauticas SA Model CN 235 Series Airplanes” ((RIN2120-AA64)(2001-0229)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2219. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Egegik, AK” ((RIN2120-AA66)(2001-0093)) received on May 24 , 2001; to the Committee on Commerce, Science, and Transportation.

EC-2220. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standards Instrument Approach Procedures; Miscellaneous Amendments (35)” ((RIN2120-AA65)(2001-0034)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2221. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of P 49 Crawford TX" ((RIN2120–AA66)(2001–0095)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2222. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Ketchikan, AK" ((RIN2120–AA66)(2001–0094)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2223. A communication from the Secretary of the Commission, Office of General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996" received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2224. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations under the Fur Products Labeling Act" received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2225. A communication from the Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers" (Doc. Nos. 96–45 and 00–256) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2226. A communication from the Deputy Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Jurisdictional Separations and Referral to the Federal-State Joint Board" (Doc. No. 80–286) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2227. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Railroad Administration, received on May 25, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2228. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a closure (opens Pacific cod apportioned for processing by the offshore component in the Western Regulatory Area, Gulf of Alaska)" received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2229. A communication from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, the report of a rule entitled "Amendment of Parts 2 and 87 of the Commission's Rules to Accommodate Advanced Digital Communications in the 117.975–137 MHz Band and to Implement Flight Information Service in the 136–137 MHz Band" (Doc. No. 00–77) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, and Mr. REID):

S. 989. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S. 990. A bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. BINGAMAN, Mr. DURBIN, Mr. FEINGOLD, Mr. HAGEL, Mr. MURKOWSKI, and Mr. SESSIONS):

S. 991. A bill to authorize the President to award a gold medal on behalf of the Congress to Andrew Jackson Higgins (post-humously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of HIggins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NICKLES (for himself, Mr. CONRAD, Mr. FRIST, and Mr. TORRICELLI):

S. 992. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Finance.

By Mrs. CARNAHAN (for herself and Mr. BOND):

S. 993. A bill to extend for 4 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE:

S. Res. 100. A resolution to elect Robert C. Byrd, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. DASCHLE:

S. Res. 101. A resolution notifying the House of Representatives of the election of a President pro tempore of the Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 102. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. LOTT:

S. Res. 103. A resolution expressing the thanks of the Senate to the Honorable Strom Thurmond for his service as President Pro Tempore of the United States Senate and to designate Senator Thurmond as President Pro Tempore Emeritus of the United States Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 104. A resolution electing Martin P. Paone of Virginia as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 105. A resolution electing Elizabeth B. Letchworth of Virginia as Secretary for the Minority of the Senate; considered and agreed to.

By Mr. BAYH (for himself and Mr. DOMENICI):

S. Res. 106. A resolution encouraging and promoting greater involvement of fathers in their children's lives and designating Father's Day 2001, as "National Responsible Father's Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 19, a bill to protect the civil rights of all Americans, and for other purposes.

S. 252

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 252, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 459

At the request of Mr. BUNNING, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 464

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 464, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for long-term care givers.

S. 487

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 487, a bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement, and for other purposes.

S. 508

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 508, a bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Maryland

(Mr. SARBANES) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 571

At the request of Mr. THURMOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 571, a bill to provide for the location of the National Museum of the United States Army.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 662

At the request of Mr. DODD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to other wise commemorate , certain individuals.

S. 677

At the request of Mr. BREAUX, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 685

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 685, a bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 697, supra.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 700, a bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

S. 764

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 764, a bill to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rates or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and for other purposes.

S. 769

At the request of Mr. BROWNBACK, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 769, a bill to establish a carbon sequestration program and an implementing panel within the Department of Commerce to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the buildup of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change.

S. 777

At the request of Mr. ALLEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 777, a bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

S. 794

At the request of Mr. THOMPSON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 794, a bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 805

At the request of Mr. WELLSTONE, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 834

At the request of Mr. MURKOWSKI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 834, a bill to provide duty-free treatment for certain steam or other vapor generating boilers used in nuclear facilities.

S. 857

At the request of Mr. HELMS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 857, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 952

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 957

At the request of Mr. WELLSTONE, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 957, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 964

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 964, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 965

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 965, a bill to impose limitations on the approval of applications by major carriers domiciled in Mexico until certain conditions are met.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Missouri (Mr. BOND), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 68

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 68, a resolution designating September 6, 2001 as "National Crazy Horse Day."

S. RES. 71

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 91

At the request of Mr. NELSON of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 91, a resolution condemning the murder of a United States citizen and other civilians, and expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

S. CON. RES. 34

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 34, a concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 459

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 459.

AMENDMENT NO. 509

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 509.

AMENDMENT NO. 517

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 517.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, and Mr. REID):

S. 989. A bill to prohibit racial profiling; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I rise along with the Senator from New Jersey, Mr. CORZINE, and the Senator from New York, Mrs. CLINTON, and others, to introduce the End Racial Profiling Act of 2001. This bill is a package of steps to eliminate racial profiling once and for all. Congress should protect the rights of all Americans to walk, drive, or travel on our streets and highways and through our airports free of discrimination. It is time for us to act.

I am very pleased to be joined by a number of distinguished colleagues. I simply have to point out that I think almost minutes after Senators CORZINE and CLINTON were sworn in, they were already talking to me and Representative CONYERS of the House about how we could introduce a strong bill to deal with this problem. I thank them and appreciate the strong work and support they have given. They have made significant contributions and have offered good ideas to strengthen the legislation.

I also acknowledge our long-time leader on this issue, Representative JOHN CONYERS, the ranking member of the House Judiciary Committee. He is introducing the companion bill in the House today. This is the third Congress in which Representative CONYERS has introduced legislation on racial profiling. He has fought long and hard to educate the Congress and all Americans about racial profiling. Before he took on the issue, I don't think many of us knew what racial profiling was. I thank Representative CONYERS for his tremendous leadership. It is an honor to be working with him on this bill.

Those who have experienced racial profiling suffer great harm. They are unfairly treated as suspect, humiliated, and can feel fear, anxiety or even anger. It is a grave indignity.

U.S. Army Sergeant Rossano Gerald testified during a hearing in the Judiciary Subcommittee on the Constitution last year about his personal experience as a victim of racial profiling. Sergeant Gerald is a veteran of the Persian Gulf war and a law-abiding citizen. In August 1998, he was driving along a major highway in Oklahoma with his 12-year-old son when he was pulled over and handcuffed. Both he and his son were thrown into the back seat of a state trooper's car while the trooper extensively searched Sergeant Gerald's car. When the entire episode was over, the trooper gave Sergeant Gerald a warning ticket for changing lanes without signaling and left his car with over $1,000 of damage.

In moving testimony before the subcommittee, a hearing which then-Senator ASHCROFT chaired and has said influenced his thinking on the issue, Sergeant Gerald said,

> I was very humiliated by this experience. I was embarrassed and ashamed that people driving by would think I had committed a serious crime. It was particularly horrible to be treated like a criminal in front of my impressionable young son.

Robert Wilkins also testified before the subcommittee. He and his family were stopped along a highway in Maryland. He described his experience as "humiliating and degrading." He said:

> So there we were. Standing outside the car in the rain, lined up along the road, with police lights flashing, officers standing guard, and a German Shepard jumping on top of, underneath, and sniffing every inch of our vehicle. We were criminal suspects; yet we were just trying to use the interstate highway to travel from our homes to a funeral. It is hard to describe the frustration and pain you feel when people presume you to be guilty for no good reason and you know that you are innocent. I particularly remember a car driving past with two young children in the back seat, noses pressed against the window. They were looking at the policemen, the flashing lights, the German Shepard and us. In this moment of education that each of us receives through real world experiences, those children were putting two and two together and getting five. They saw some black people standing along the road who certainly must have been bad people who had done something wrong, for why else would the police have them there? They were getting an untrue, negative picture of me, and there was nothing in the world that I could do about it.

Mr. President, as Americans, we take great pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our own choosing, free to move about as we please, and free from the intrusion of the government in that movement.

Immigrants came to our nation's shores to escape arbitrary government. Fleeing the British Government's discrimination based on religion in the 1600s, Puritans came to Massachusetts, Quakers came to New Jersey and then Pennsylvania, Catholics came to Maryland, and Jews came to Rhode Island.

And responding to indiscriminate searches and seizures conducted by the British, our Founders adopted the fourth amendment, which states: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . ."

It is thus fundamental to American history and rooted in American law that the officers of the state may not arrest or detain its citizens arbitrarily or without cause.

But this is not the case for all Americans today. Some Americans still cannot walk where they choose. Some Americans cannot travel free from the harassment of the government. Some Americans still do not receive the full benefit of their civil rights.

Although many did come to these shores as immigrants, many came in chains, because of the color of their skin. They and their descendants endured our nation's long struggle against slavery and discrimination. Sadly, even now, skin color alone still makes too many Americans more likely to be a suspect, more likely to be stopped, more likely to be searched, more likely to be arrested, and more likely to be imprisoned.

Mr. President, I believe that the vast majority of law enforcement agents nationwide discharge their duties professionally, without bias, and protect the safety of their communities. But I also believe that racial profiling is a very real problem. The use by law enforcement officers of race, ethnicity or national origin in deciding which persons should be subject to traffic stops, stop and frisks, questioning, searches and seizures is a problematic law enforcement tactic.

Mr. President, the bill that Representative CONYERS first introduced in the 105th Congress, and which we introduced again in the 106th Congress, was a traffic stops study bill. It would have required the Attorney General to conduct a nationwide study of traffic stops based on existing data and a sampling of jurisdictions that would provide additional data to the Attorney General. We proposed a study bill because, at that time, there was still very much education that needed to take place in Congress and America. We thought that a study would provide the facts to show people that racial profiling indeed is very real in America today.

Mr. President, we no longer need, just a study. We now have facts that show us that racial profiling is a problem. Statistical evidence from a number of jurisdictions across the country demonstrates that racial profiling is a real and measurable phenomenon. For example, data collected under a federal court consent decree revealed that between January 1995 and 1997, 70 percent of the drivers stopped and searched by the Maryland State Police on Interstate 95 were black, while only 17.5 percent of drivers and speeders were black.

A 1992 study of traffic stops in Volusia County, Florida revealed that 70 percent of those stopped on a particular interstate highway in central Florida were black or Hispanic, although only 5 percent of the motorists on that highway were black or Hispanic. Further, minorities were detained for longer periods of time per stop than whites, and were 80 percent of those whose cars were searched after being stopped.

We also know that racial profiling is a problem not only for motorists on our nation's highways. Racial profiling, unfortunately, extends to racial and ethnic minority Americans as pedestrians or travelers through our nation's airports.

A December 1999 report by New York's Attorney General on the use of "stop and frisk" tactics by the New York City Police Department revealed that between January 1998 through March 1999, 84 percent of the almost 175,000 people stopped by NYPD were black or Hispanic, despite the fact that these two groups comprised less than half of the city's population.

A March 2000 GAO report on the U.S. Customs Service found that black, Asian, and Hispanic female U.S. citizens were 4 to 9 times more likely than white female U.S. citizens to be subjected to X-rays after being frisked or patted down.

Many of those who deny that racial profiling is a problem have argued that these discrepancies can be justified by the fact that blacks and other minorities are more likely to commit crimes—especially drug-related crimes—than whites, and that profiling therefore amounts to a rational law enforcement tactic. The statistics refute this argument.

Although black motorists were disproportionately stopped on I–95 by the Maryland State Police, the instances in which police actually found drugs were the same per capita for white and black motorists.

In Volusia County, Florida, where 70 percent of more than 1000 traffic stops of motorists on an interstate highway were of minority drivers, only 9 stops resulted in so much as a traffic ticket.

The New York Attorney General's report on NYPD stop and frisk tactics revealed that stops of minorities were less likely to lead to arrests than stops of white New Yorkers—the NYPD arrested one white New Yorker for every 8 stops, one Hispanic New Yorker for every 9 stops, and one black New Yorker for every 9.5 stops.

The General Accounting Office found that while black female U.S. citizens were nine times more likely than white female U.S. citizens to be subjected to x-ray searches by the Customs Service, black females were less than half as likely to be found carrying contraband as white females.

In my home state of Wisconsin, racial profiling has touched the lives of many law abiding citizens, including African Americans, Latino Americans, and Asian Americans. My state is home to one of the largest Hmong and Lao populations in the country. They came to our country seeking safety and freedom. But their dreams of freedom have somehow been tarnished by unfair stops by police officers.

I am very pleased that during the last year, a Task Force appointed by former Governor Tommy Thompson developed a set of recommendations for combating racial profiling and restoring the important trust that must exist between law enforcement officials and the communities they are charged to protect and serve.

Because, as we know, racial profiling undermines the willingness of people to work with the police. As one victim of racial profiling in Glencoe, Illinois, said: "Who is there left to protect us? The police just violated us."

Mr. President, current efforts by state and local governments to eradicate racial profiling and redress the harms it causes, while laudable, have been limited in scope and insufficient to address this problem nationwide.

During his confirmation hearing, Attorney General Ashcroft said:

> I think racial profiling is wrong. I think it's unconstitutional. I think it violates the 14th Amendment. I think most of the men and women in our law enforcement are good people trying to enforce the law. I think we all share that view. But we owe it to provide them with guidance to ensure that racial profiling does not happen.

This February in his Address to Congress, President Bush said, "It's wrong, and we will end it in America." At remarks marking Black History Month this February in Washington, DC, President Bush said that he would "look at all opportunities" to end racial profiling.

Attorney General Ashcroft then wrote Congress to say that the traffic stops statistics study bill that we wrote and supported in the last Congress "is an excellent starting place for such an enterprise."

While I welcome the administration's statements, it is now no longer time simply to study. It is time to move beyond studying whether racial profiling exists. We know it exists. Now, let's take the right steps to eliminate it and protect the rights of all Americans to walk or travel free of discrimination. It is time to act. I urge the Attorney General and President to support this bill as the best opportunity to translate our nation's promises into action.

Representative CONYERS and I have taken a fresh look at the role Congress can play in eliminating racial profiling by all law enforcement agencies. Our bill reflects the President's and Attorney General's view that racial profiling is wrong and should end. This bill has two major components. First, the bill explicitly bans racial profiling. Second, the bill sets out several steps for federal, state, and local law enforcement agencies to take to eliminate racial profiling. The bill takes a "carrot and stick" approach. It conditions federal funds to state and local law enforcement agencies on their compliance with certain requirements, but also authorizes the Attorney general to provide incentive grants to assist agencies with complying with this Act. The bill requires federal, state, and local law enforcement agencies to adopt policies prohibiting racial profiling; implement complaint procedures to respond to complaints of racial profiling effectively; implement disciplinary procedures for officers who engage in the practice; and collect data on stops.

Grants awarded by the Attorney general could be used for training to prevent racial profiling; the acquisition of in-car video cameras and other technology; and the development of procedures for receiving, investigating, and responding to complaints of racial profiling. Finally, the bill would require the Attorney General to report to congress two years after enanctment of the Act and each year thereafter on racial profiling in the United States. These are the right steps to take in the interest of better police practices and increased accountability.

Mr. President, this bill is a priority for the civil rights community. It has the support of the Leadership Conference on Civil rights and its member organizations like the NAACP, National Council of La Raza, and ACLU. This bill reflects a new political reality: both Republicans and Democrats can agree that racial profiling is wrong and should be eliminated. Congress can play a role in ensuring that all police departments do their part and give them the financial assistance they may need to get the job done. I urge my colleagues to join with me, Senators CORZINE, CLINTON, KENNEDY, TORRICELLI, SCHUMER, DURBIN, and STABENOW in supporting the End Racial Profiling Act of 2001.

We Americans take great pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our choosing, free to move about as we please, and free of the intrusion of the Government in that movement.

Mr. President, I ask that the text of the bill be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "End Racial Profiling Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—PROHIBITION OF RACIAL PROFILING

Sec. 101. Prohibition.
Sec. 102. Enforcement.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 201. Policies to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Sec. 301. Policies required for grants.
Sec. 302. Best practices development grants.

TITLE IV—DEPARTMENT OF JUSTICE REPORT ON RACIAL PROFILING IN THE UNITED STATES

Sec. 401. Attorney General to issue report on racial profiling in the United States.
Sec. 402. Limitation on use of data.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Sec. 501. Definitions.
Sec. 502. Severability.
Sec. 503. Savings clause.
Sec. 504. Effective dates.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The vast majority of law enforcement agents nationwide discharge their duties professionally, without bias, and protect the safety of their communities.

(2) The use by police officers of race, ethnicity, or national origin in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is a problematic law enforcement tactic. Statistical evidence from across the country demonstrates that such racial profiling is a real and measurable phenomenon.

(3) As of November 15, 2000, the Department of Justice had 14 publicly noticed, ongoing, pattern or practice investigations involving allegations of racial profiling and had filed five pattern and practice lawsuits involving allegations of racial profiling, with four of those cases resolved through consent decrees.

(4) A large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, or national origin are found to be law-abiding and therefore racial profiling is not an effective means to uncover criminal activity.

(5) A 2001 Department of Justice report on citizen-police contacts in 1999 found that, although African-Americans and Hispanics were more likely to be stopped and searched, they were less likely to be in possession of contraband. On average, searches and seizures of African-American drivers yielded evidence only eight percent of the time, searches and seizures of Hispanic drivers yielded evidence only 10 percent of the time, and searches and seizures of white drivers yielded evidence 17 percent of the time.

(6) A 2000 General Accounting Office report on the activities of the United States Customs Service during fiscal year 1998 found that black women who were United States citizens were 9 times more likely than white women who were United States citizens to be X-rayed after being frisked or patted down and, on the basis of X-ray results, black women who were United States citizens were less than half as likely as white women who were United States citizens to be found carrying contraband. In general, the report found that the patterns used to select passengers for more intrusive searches resulted in women and minorities being selected at rates that were not consistent with the rates of finding contraband.

(7) Current local law enforcement practices, such as ticket and arrest quotas, and similar management practices, may have the unintended effect of encouraging law enforcement agents to engage in racial profiling.

(8) Racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects. By discouraging individuals from traveling freely, racial profiling impairs both interstate and intrastate commerce.

(9) Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and the criminal law.

(10) Racial profiling violates the Equal Protection Clause of the Constitution. Using race, ethnicity, or national origin as a proxy for criminal suspicion violates the constitutional requirement that police and other government officials accord to all citizens the equal protection of the law. Arlington Heights v. Metropolitan Housing Development Corporation, 429 U.S. 252 (1977).

(11) Racial profiling is not adequately addressed through suppression motions in criminal cases for two reasons. First, the Supreme Court held, in Whren v. United States, 517 U.S. 806 (1996), that the racially discriminatory motive of a police officer in making an otherwise valid traffic stop does not warrant the suppression of evidence. Second, since most stops do not result in the discovery of contraband, there is no criminal prosecution and no evidence to suppress.

(12) Current efforts by State and local governments to eradicate racial profiling and redress the harms it causes, while laudable, have been limited in scope and insufficient to address this national problem.

(b) PURPOSES.—The independent purposes of this Act are—

(1) to enforce the constitutional right to equal protection of the laws, pursuant to the Fifth Amendment and section 5 of the 14th Amendment to the Constitution of the United States;

(2) to enforce the constitutional right to protection against unreasonable searches and seizures, pursuant to the Fourth Amendment to the Constitution of the United States;

(3) to enforce the constitutional right to interstate travel, pursuant to section 2 of article IV of the Constitution of the United States; and

(4) to regulate interstate commerce, pursuant to clause 3 of section 8 of article I of the Constitution of the United States.

TITLE I—PROHIBITION OF RACIAL PROFILING

SEC. 101. PROHIBITION.

No law enforcement agent or law enforcement agency shall engage in racial profiling.

SEC. 102. ENFORCEMENT.

(a) REMEDY.—The United States, or an individual injured by racial profiling, may enforce this title in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a District Court of the United States.

(b) PARTIES.—In any action brought pursuant to this title, relief may be obtained against: any governmental unit that employed any law enforcement agent who engaged in racial profiling; any agent of such unit who engaged in racial profiling; and any person with supervisory authority over such agent.

(c) NATURE OF PROOF.—Proof that the routine investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on racial or ethnic minorities shall constitute prima facie evidence of a violation of this title.

(d) ATTORNEYS' FEES.—In any action or proceeding to enforce this title against any governmental unit, the court may allow a prevailing plaintiff, other than the United States, reasonable attorneys' fees as part of the costs, and may include expert fees as part of the attorney's fee.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 201. POLICIES TO ELIMINATE RACIAL PROFILING.

(a) IN GENERAL.—Federal law enforcement agencies shall—

(1) maintain adequate policies and procedures designed to eliminate racial profiling; and

(2) cease existing practices that encourage racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include the following:

(1) A prohibition on racial profiling.

(2) The collection of data on routine investigatory activities sufficient to determine if law enforcement agents are engaged in racial profiling and submission of that data to the Attorney General.

(3) Independent procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents of the agency.

(4) Procedures to discipline law enforcement agents who engage in racial profiling.

(5) Such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

SEC. 301. POLICIES REQUIRED FOR GRANTS.

(a) IN GENERAL.—An application by a State or governmental unit for funding under a covered program shall include a certification that such unit and any agency to which it is redistributing program funds—

(1) maintains adequate policies and procedures designed to eliminate racial profiling; and

(2) has ceased existing practices that encourage racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a) shall include the following:

(1) A prohibition on racial profiling.

(2) The collection of data on routine investigatory activities sufficient to determine if law enforcement agents are engaged in racial profiling and submission of that data to the Attorney General.

(3) Independent procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents.

(4) Procedures to discipline law enforcement agents who engage in racial profiling.

(5) Such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

(c) NONCOMPLIANCE.—If the Attorney General determines that a grantee is not in compliance with conditions established pursuant to this title, the Attorney General shall withhold the grant, in whole or in part, until the grantee establishes compliance. The Attorney General shall provide notice regarding State grants and opportunities for private parties to present evidence to the Attorney General that a grantee is not in compliance with conditions established pursuant to this title.

SEC. 302. BEST PRACTICES DEVELOPMENT GRANTS.

(a) GRANT AUTHORIZATION.—The Attorney General may make grants to States, law enforcement agencies and other governmental units, Indian tribal governments, or other public and private entities to develop and implement best practice devices and systems to ensure the racially neutral administration of justice.

(b) USES.—The funds provided pursuant to subsection (a) may be used to support the following activities:

(1) Development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public.

(2) Acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities in order to determine if law enforcement agents are engaged in racial profiling.

(3) Acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems.

(4) Development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in or at risk of racial profiling or other misconduct, including the technology to support such systems.

(5) Establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial or ethnic bias by law enforcement agents.

(6) Establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates.

(c) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants under this section are awarded in a manner that reserves an equitable share of funding for small and rural law enforcement agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—The Attorney General shall make available such sums as are necessary to carry out this section from amounts appropriated for programs administered by the Attorney General.

TITLE IV—DEPARTMENT OF JUSTICE REPORTS ON RACIAL PROFILING IN THE UNITED STATES

SEC. 401. ATTORNEY GENERAL TO ISSUE REPORTS ON RACIAL PROFILING IN THE UNITED STATES.

(a) REPORTS.—

(1) IN GENERAL.—Not later than two years after the enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report on racial profiling by Federal, State, and local law enforcement agencies in the United States.

(2) SCOPE.—The reports issued pursuant to paragraph (1) shall include—

(A) a summary of data collected pursuant to sections 201(b)(2) and 301(b)(2) and any other reliable source of information regarding racial profiling in the United States;

(B) the status of the adoption and implementation of policies and procedures by Federal law enforcement agencies pursuant to section 201;

(C) the status of the adoption and implementation of policies and procedures by State and local law enforcement agencies pursuant to sections 301 and 302; and

(D) a description of any other policies and procedures that the Attorney General believes would facilitate the elimination of racial profiling.

(b) DATA COLLECTION.—Not later than six months after the enactment of this Act, the Attorney General shall by regulation establish standards for the collection of data pursuant to sections 201(b)(2) and 301(b)(2), including standards for setting benchmarks against which collected data shall be measured. Such standards shall result in the collection of data, including data with respect to stops, searches, seizures, and arrests, that is sufficiently detailed to determine whether law enforcement agencies are engaged in racial profiling and to monitor the effectiveness of policies and procedures designed to eliminate racial profiling.

(c) PUBLIC ACCESS.—Data collected pursuant to section 201(b)(2) and 301(b)(2) shall be available to the public.

SEC. 402. LIMITATION ON USE OF DATA.

Information released pursuant to section 401 shall not reveal the identity of any individual who is detained or any law enforcement officer involved in a detention.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

SEC. 501. DEFINITIONS.

In this Act:

(1) COVERED PROGRAM.—The term "covered program" means any program or activity funded in whole or in part with funds made available under any of the following:

(A) The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs (part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)).

(B) The "Cops on the Beat" program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), but not including any program, project, or other activity specified in section 1701(d)(8) of that Act (42 U.S.C. 3796dd(d)(8)).

(C) The Local Law Enforcement Block Grant program of the Department of Justice, as described in appropriations Acts.

(2) GOVERNMENTAL UNIT.—The term "governmental unit" means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian tribal government.

(3) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means a Federal, State, local, or Indian tribal public agency engaged in the prevention, detection, or investigation of violations of criminal, immigration, or customs laws.

(4) LAW ENFORCEMENT AGENT.—The term "law enforcement agent" means any Federal, State, local, or Indian tribal official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of Federal, State, and local law enforcement agencies.

(5) RACIAL PROFILING.—The term "racial profiling" means the practice of a law enforcement agent relying, to any degree, on race, ethnicity, or national origin in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on such criteria in combination with other identifying factors when the law enforcement agent is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect.

(6) ROUTINE INVESTIGATORY ACTIVITIES.—The term "routine investigatory activities" includes the following activities by law enforcement agents: traffic stops; pedestrian stops; frisks and other types of body searches; consensual or nonconsensual searches of the persons or possessions (including vehicles) of motorists or pedestrians; inspections and interviews of entrants into the United States that are more extensive than those customarily carried out; and immigration-related workplace investigations.

SEC. 502. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 503. SAVINGS CLAUSE.

Nothing in this Act shall be construed to limit legal or administrative remedies under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14141), the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 504. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) CONDITIONS ON FUNDING.—Section 301 shall take effect 1 year after the date of enactment of this Act.

Mr. CORZINE. Mr. President, I rise on this special day to talk about an issue that I think defines our health as a society—the issue of racial profiling. I thank my colleagues, Senator FEINGOLD and Senator CLINTON—particularly Senator FEINGOLD, for his tremendous leadership on this issue over several Congresses. During the last session he held a number of hearings on racial profiling, and he and his staff have worked tirelessly to elevate the importance of this issue on the national agenda as a matter of civil rights. I also would be remiss if I didn't mention Congressman CONYERS, who has taken an equally valiant and effective role in presenting this issue on the floor of the House. It is one about which I think we all feel passionately.

The practice of racial profiling is the antithesis of America's belief in fairness and equal protection under the law. Stopping people on our highways, our streets, and at our borders because of the color of their skin tears at the very fabric of what it is to be an American.

We are a nation of laws, and everyone should receive equal protection under the law. Our Constitution tolerates nothing less. We should demand nothing less. There is no equal protection, there is no equal justice, if law enforcement agencies engage in policies and practices that are premised on a theory that the way to stop crime is to go after black and brown people on the hunch that they are more likely to be criminals.

Let me add that not only is racial profiling wrong, it is also not effective as a law enforcement tool. There is no evidence that stopping people of color adds to catching the bad guys. In fact, there is statistical evidence which points out that singling out black and Hispanic motorists for stops and searches doesn't lead to a higher percentage of arrests. Minority motorists are simply no more likely to be breaking the law than white motorists.

Unfortunately, racial profiling persists. In the last wave of statistics from New Jersey, minority motorists accounted for 73 percent of those searched on the New Jersey Turnpike. Yet, even the State attorney general admitted that State troopers were twice as likely to find drugs or other illegal contraband when searching vehicles driven by whites.

Take the example of the March 2000 General Accounting Office report on the U.S. Customs Service. The report found that black, Asian, and Hispanic women were four to nine times more likely than white women to be subjected to x rays after being frisked or patted down. On the basis of x ray results, however, black women were less than half as likely as white women to be found carrying contraband.

This is law enforcement by hunch. No warrants, no probable cause. What is the hunch based on? Race, plain and simple.

Nowhere was this more evident than in my own home State 3 Aprils ago. Four young men on the New Jersey Turnpike in a minivan—on their way to North Carolina, hoping to get college basketball scholarships—were stopped by two State troopers. Frightened, the driver lost control of the van, and two dozens shots rang out and struck the van. Three out of the four young men were shot.

I spoke to those kids a while ago. One of them told me he was asleep when his van was pulled over. He told me, "What woke me up was a bullet."

Stories such as this should wake us all up in America. The practice of racial profiling broadly undermines the confidence of the American people in the institutions on which we depend to protect and defend us. Different laws for different people do not work.

Now we know that many law enforcement agencies, including some in my home State, have acknowledged the danger of the practice and have taken steps to combat it. I commend them for those efforts. Many law enforcement officials believe this is the step we need to take. It is a national problem. It is not a local problem, it is not a State problem, it is a national problem, and it requires a Federal response applicable to all. That is why my colleagues and I have introduced this legislation to end this practice. We want to be sure there are no more excuses, no more questions about what racial profiling means.

This bill defines racial profiling clearly and then bans it; no routine stops solely on the basis of race, national origin, or ethnicity.

We will also require a collection of statistics to accurately measure whether progress is being made, whether problems exist. By collecting this data, we will get a fair picture of law enforcement at work.

We use statistics in every aspect of our life. I came from the financial services industry. We collected statistics. If you go to a hospital, they collect statistics. We need to do that with regard to law enforcement so we have the information to detect problems early on.

It is not our intention to micromanage law enforcement. Our bill does not tell law enforcement agencies what data should be collected. Instead, we direct the Attorney General to develop the standards for data collection, and he presumably will work with law enforcement in developing those particular standards for particular situations.

Our legislation also specifically directs the Attorney General to establish standards for setting benchmarks against which the collected data should be measured so that no data is taken out of context, which some in law enforcement rightly fear.

No, it is an indication, a benchmark, not an absolute. If the numbers reveal a portrait of continued racial profiling, then the Justice Department or independent third parties can seek relief in Federal court ordering that remedies be put into effect to end racial profiling.

Our bill will also put in place procedures to receive and investigate complaints of alleged racial profiling. By the way, this mirrors legislation that is now going through the New Jersey State Legislature on a bipartisan basis. It will require procedures to discipline law enforcement officers engaging in racial profiling.

Finally, we will encourage a climate of cultural change in law enforcement with a carrot and stick. We are not trying to say that this all be done through the law; part of this has to come from a real cultural change.

First the carrot. We recognize that law enforcement should not be expected to do this alone. It is a bigger problem. We are saying if you do the job right, fairly and equitably, you can be eligible to receive a best practices development grant to help pay for programs dealing with advanced training, to help pay for the computer technology necessary to collect data, such as hand-held computers in police cars. We will help pay for video cameras and recorders for patrol cars, which protects the person who is stopped and also the law enforcement officer.

We will help pay for establishing or improving systems for handling complaints alleging ethnic or racial profiling and will help to establish management systems to assure supervisors are held accountable for subordinates.

If they do not do the job right, however, there is a stick. If State and local law enforcement agencies refuse to implement procedures to end and prevent profiling, they will be subject to a loss of Federal law enforcement funds.

Let me be clear. This bill is not about blaming law enforcement, but we do believe we need to see change. It is not designed to prevent law enforcement from doing its job, it is to encourage them to do a better job. In fact, we believe it will help our law enforcement officers in this Nation maintain the public trust they need to do their jobs.

If race is part of a description of a specific suspect involved in an investigation, this bill would not prevent them from using that information or having that information distributed, but stopping people on a random, race-based hunch will be outlawed.

Race has been a never-ending battle in this country. It began with our Constitution when the Founding Fathers argued over the rights of southern slaves. Then we fought a war over race. We fought a war that ripped our country apart. Our country emerged whole, but discrimination and Jim Crow laws continued for decades—discrimination sanctioned in part by our own Supreme Court.

Our country's history has always been about change, about growth, about getting better, about recognizing things that weaken us from within. A generation ago, we began to fight another war, a war founded on peaceful principles, a war that killed our heroes, burned our cities, and shook us, once again, to the very core. But we advanced with important civil rights initiatives, such as the Voting Rights Act, the public accommodation laws. We demanded and gained laws to fight discrimination in employment, housing, and education.

It is time for us to take another very important step. Racial profiling has bred humiliation, anger, resentment, and cynicism throughout this country. It has weakened respect for the law by many, not just the offended.

I close by putting it in simple words: Racial profiling is wrong, and it must end. Today Senator FEINGOLD, Senator CLINTON, I, and a bipartisan group in the House pledge to do just that: to define it, to ban it, and then enforce that ban.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I cannot help but notice, as I look at the Presiding Officer and the Senator from New Jersey, how fortunate we are to have new Members who have immediately come to the Senate and exerted leadership—the Presiding Officer on education, as well as other issues; and the Senator from New Jersey, his determination and hard work on this has been truly striking. I am just delighted to be working with him on this.

I also thank the Senator from Massachusetts for his courtesy in allowing us to interrupt the education bill for this purpose.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be an original cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I rise today in support of the bipartisan End of Racial Profiling Act of 2001. I believe it is a thoughtful and balanced effort, designed to bring people together, not to divide. I also want to express my sincere gratitude to my esteemed colleagues, Senator FEINGOLD and Senator CORZINE, for their leadership and tremendous efforts in crafting this legislation that affects so many communities throughout this country.

I also want to acknowledge the efforts of Representative CONYERS, the Ranking Member of the House Judiciary Committee, and a leader on this issue. Representative CONYERS has worked to obtain the support of both Democrats and Republicans alike, including Republican Representatives ASA HUTCHINSON, CHRIS SHAYS, TIM JOHNSON, CONSTANCE MORELLA, and JIM GREENWOOD. I thank them for attending the bipartisan press conference this morning and showing their support for this legislation. I hope we will be able to build upon this strong bipartisan support in the Senate.

I am also pleased that we were joined by Chief Bruce Chamberlin, an esteemed and experienced member of the national law enforcement community, who is the Chief of Police of Cheektowaga—in the western part of the great state of New York.

It was important for Chief Chamberlin to be here with us today to express his support for the bill because he recognizes, as we all do, that racial profiling is wrong and that this bill is an important step in bringing this practice to an end.

Racial profiling is unjust. It relegates honest, law-abiding citizens to second-class status when they suffer the embarrassment, the humiliation, the indignity, of being stopped or searched, and in some cases even physically harmed simply because of their race, ethnicity or national origin.

Racial profiling is not an effective law enforcement tool. The experts at John Jay College of Criminal Justice and elsewhere will tell you that the evidence is unquestionably clear, for example, that the vast majority of Blacks and Hispanics who are stopped or searched have committed no crime.

Indeed, racial profiling has an insidious and devastating effect on entire communities because it increases the level of mistrust between law enforcement and the communities it is charged with the heavy burden to protect. That result serves no one. It fails to serve law enforcement because a critical component of truly effective law enforcement is strong community-police relations, partnerships in which law enforcement and our communities are working together to reduce crime and to make our communities as safe as they can be.

Racial profiling fails to serve prosecutors, because law-abiding people who don't have faith that their law enforcement will protect them properly and treat them with dignity will not have faith in law enforcement when sitting on juries and assessing the credibility of police officers who often play a key role in getting convictions for criminals.

What does this bill do and what doesn't it do?

As you, my colleagues consider this legislation, understand that this bill is not about blaming law enforcement or saying that law enforcement is bad or doesn't do a good job. We know that this is simply not true.

Those who uphold our Nation's laws on the streets where we live are men and women of courage. They go to work each day without the same degree of certainty that most of us have that they will return home safely, because they never know when the next traffic stop, the next domestic dispute, the next arrest will explode in their face. There is a memorial here in Washington with the names of more than 14,000 American heroes who gave their lives to make ours a safer country.

What this bill does do is make very clear that racial profiling is wrong and that law enforcement agencies that haven't done so already should adopt policies and procedures to eliminate and prevent racial profiling.

Some might ask, how can adopting policies and procedures help stop racial profiling? Well, the experts at John Jay College will tell you that in the 1960s and early 1970s, most police departments in this country left it up to the individual officer to decide when to shoot to kill. During that time, the racial disparity among persons shot and killed by police was as high as eight African-Americans for every white person, and very much higher among victims who were neither armed nor in the process of assaulting a police officer.

During the 1970s and early 1980s, police departments promulgated and enforced strict standards, basically decreeing that deadly force could be exercised only in defense of the life of the officer or another person. In the large police departments in this country, these changes were accompanied by reductions of as much as 51 percent in the number of civilians killed by police. It also resulted in the significant reduction in the number of officers killed in the line of duty. This is just one example of how good policies and procedures can actually save lives without reducing the effectiveness of law enforcement.

Recognizing the importance of policies and procedures to eliminate and prevent racial profiling, this bill provides incentives for law enforcement to promote such policies by providing grants to state and local law enforcement agencies to use in ways they believe will be most effective for their communities—whether to purchase equipment and other resources to assist in data collection or to provide training to officers to improve community relations and build trust.

Chief Chamberlin spoke eloquently this morning about the importance of training and building relationships between law enforcement and communities. His actions, however, have spoken even louder than his words. He has taken the lead in Western New York in forming the Law Enforcement and Diversity Team or "LEAD" program, which exists to enhance communication and understanding between suburban law enforcement agencies and the diverse citizenry of Western New York. The LEAD team, sponsored by the National Conference for Community and Justice and the Erie County Chiefs of Police, developed one of the Nation's leading programs—"Building Bridges" to start a dialogue between police officers and people of diverse cultural and racial backgrounds.

The U.S. Department of Transportation has utilized excerpts from the LEAD Team's "What to do When Stopped by Police" brochure for the department's national publication. The program has been adopted by the Buffalo and Cheektowaga school systems in the curriculum for high schools students. It provides an important educational opportunity for the entire community and assists in the development of positive relationships between police and community by eliminating some level of fear, distrust, and skepticism.

Other New Yorkers have also worked to improve the relationship between communities and law enforcement. New York's Attorney General, Elliot Spitzer, has instituted training programs in an effort to try and prevent racial profiling. In fact, just this past February through April, the Attorney General's office conducted in-service training of all members of the New Rochelle, New York Police Department at the request of that department. The training took place on Thursday mornings and focused, among other things, on what is meant by "racial profiling" and the perceptions of community members of police encounters in order to raise awareness. The training also reported on data collection efforts taking place across the country and the results of those efforts.

Academia can also play a role in promoting trust between law enforcement and the community. For example, the John Jay College of Criminal Justice—whose Master of Public Administration Program was ranked first in the nation among graduate schools with specializations in Criminal Justice Policy and Management by U.S. News and World Report for the second year in a row—has begun to conduct a six-week free course for members of the New York City Police Department on the racial and cultural diversity of New York City. More than 600 police officers from across New York City have enrolled in a course entitled: "Police Supervision in a Multiracial and Multicultural City."

With this bill, efforts like those currently led by Chief Chamberlain, Attorney General Spitzer, and John Jay College will be expanded throughout the country.

More than a year ago when I spoke about this issue at the Riverside Church in New York City, I said, "we must all be on the same side." I am so proud that today—we are all here together—on the same side, citizens, officers of the law, Republicans and Democrats—to say that racial profiling is wrong and must end.

We are here to say that in fighting racial profiling, we can at the same time forge even better relations between police and the neighborhoods they patrol, as we wage a common effort to reduce crime and make our communities safe.

In closing, I hope that as we move forward with the consideration of this legislation, it will engender a positive and thoughtful dialogue between and among members of Congress, the President, law enforcement, and the civil rights community. And that by eliminating the practice of racial profiling, we can begin to restore the bonds of trust between communities and the law enforcement officers that serve them.

By Mr. SMITH of New Hampshire:

S. 990. A bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce a comprehensive wildlife conservation measure, the American Wildlife Enhancement Act of 2001. This bill will help to increase conservation efforts by promoting local control and State partnerships through flexible, incentive driven conservation programs and increased partnerships with local land owners. The true conservationists are those who live on and work the land, and it is my intention to provide the incentives to help them continue those efforts. People don't come to New Hampshire for the malls. They come to kayak, bike, fish, swim, hunt, hike trails, ski, and more. That's our industry. We cannot, and should not, turn away from that. I believe that when we conserve our wildlife and wildlife areas, we affirm our long-standing tradition of honoring our natural American heritage. This bill is about achieving that goal in a cooperative, partnership approach, something that unfortunately, the Federal Government has too long neglected.

This bill will accomplish these goals by infusing additional funds into the popular Pittman-Robertson program; establishing a new competitive matching grant fund that would allow private landowners to apply for assistance to protect endangered and threatened species on their land; and establishing a new competitive grant fund that would allow one or several States to apply for a grant to protect an area of regional or national significance through the purchase of an easement or acquisition. This measure represents our best, and most effective, chances of addressing the growing needs for wildlife conservation in our Nation.

Title I of this bill authorizes $350 million a year to enhance the Pittman-Robertson Wildlife Restoration program. Unlike the existing Pittman-Robertson program, which is funded through a tax on hunting equipment, the enhanced program would be authorized for a specific time period, would have to compete for funds through the appropriations process and would be held in an account that is separate from the already established Wildlife Restoration Fund.

Funds for this enhanced program would be distributed to the States through a formula based on land area and population, with no State receiving less than one percent of the available funding. Projects eligible for funding through the new program would include: acquisition and improvement of wildlife habitat; hunter education; wildlife population surveys; construction of facilities to improve public access; management of wildlife areas; recreation; conservation education; and facility development and maintenance. States would pay for a project up front and would be reimbursed up to 75 percent of the total cost of the project. Similar language was included in last year's Commerce-State-Justice appropriations measure, but was authorized for one year, at a level of $50 million. The program has been successful since its inception, and should continue past this fiscal year. My bill would authorize this program for five years at a level of $350 million each year.

The State of New Hampshire ranks 44th out of 50 States in land area and 41st in population. Still, the State received $487,000 out of the money appropriated in last year's Commerce-State-Justice appropriations bill. If my bill were enacted and fully appropriated, even a small State like New Hampshire would be eligible to receive $3.5 million. Believe me, $3.5 million would make an incredible difference not only for New Hampshire, but nationwide. There is not only a demonstrated need for these additional funds, but a keen interest in seeing this infusion of appropriations within a time-tested program, the Pittman-Robertson Wildlife Restoration Program, popular with sportsmen and women and conservationists alike.

The second title of my bill establishes a new competitive matching grant fund that would allow private landowners to apply for assistance to protect endangered and threatened species on their land through the development and implementation of recovery agreements. A recovery agreement would provide an economic incentive to protect habitat for threatened and endangered species, list specific recovery goals, schedule an implementation plan, and monitor the results. In return for agreeing to carry out these activities, the landowner would receive financial compensation. Currently any effort that a private landowner undertakes to conserve an endangered species is paid for out-of-pocket. Under this bill though, for the first time, private landowners will be able to apply for a grant to assist in the recovery of endangered or threatened species on their property. In other words, they would be eligible to get compensation for some of the conservation measures that they now have to pay for themselves.

That is a big step forward. Since approximately 90-percent of the listed endangered and threatened species inhabit non-federal lands, one of the keys to the successful recovery of our endangered and threatened species is the increased participation of private landowners. This is best achieved through a collaborative, not combative, process that provides landowners with an incentive to participate.

This title is an amendment to the Endangered Species Act. This title should not be interpreted as a vehicle for comprehensive reform, but as a great opportunity to get dollars to those land owners who want to protect species today. I welcome the opportunity to work with all of my colleagues on comprehensive reform to the Endangered Species Act through hearings, debate and bipartisan legislation. However, in the meantime we need to provide private land owners the opportunity to protect the habitat of endangered species.

The final title of my bill would establish a new competitive grant fund that would allow one or more States to apply for a grant to protect an area of regional or national significance through the purchase of an easement or acquisition. Without a source of flexible Federal funds such as this, States and local communities alone will be unable to protect some of the Nation's most important natural areas. I highlight the Northern Forest that spans the states of New Hampshire, Maine, Vermont, and New York; the Central Appalachian Highlands; the Mississippi Delta, just to name a few. This flexible funding will allow States and communities to protect vital natural, cultural and recreational areas without creating or expanding Federal units. Such a funding program promotes local control and multi-state partnerships, and is also cost-effective.

I am a firm believer in preserving our national treasures for future generations to enjoy. I also believe that the States, local communities and individual property owners are in the best position to identify and protect the species and areas that are in the greatest need of conservation. But they also need financial assistance from the Federal Government to effectively conserve and manage the natural resources that need either protection or restoration. This belief is strongly reflected in my bill.

I have received a very positive response for this bill from the interested constituencies, both in New Hampshire and nationwide. In general, there is a growing consensus that we must act now or we will lose many of our special places, and if we wait, what is destroyed or lost will be gone forever. It is our responsibility to act as stewards of the environment. I have said it before and I will say it again: it is not anti-conservative to be pro-environment.

This bill is one that should attract the interest of both sides of the aisle. On that note, I would like to thank Senator REID, my counterpart on the Environment and Public Works Committee, for his leadership on the issue of wildlife conservation. In April, he chaired a field hearing in Reno, NV, on State wildlife and conservation issues. I know he is engaged in this matter, and I look forward to working with him to advance the goals of the American Wildlife Enhancement Act.

I encourage my colleagues to support the American Wildlife Enhancement Act of 2001 and ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Wildlife Enhancement Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND RESTORATION PROGRAMS IMPROVEMENT

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Wildlife Conservation and Restoration Account.
Sec. 104. Apportionment of amounts in the Account.
Sec. 105. Wildlife conservation and restoration programs.
Sec. 106. Nonapplicability of Federal Advisory Committee Act.
Sec. 107. Technical amendments.
Sec. 108. Effective date.

TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY

Sec. 201. Purpose.
Sec. 202. Endangered and threatened species recovery assistance.

TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM

Sec. 301. Non-Federal land conservation grant program.

TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND RESTORATION PROGRAMS IMPROVEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Pittman-Robertson Wildlife Conservation and Restoration Programs Improvement Act".

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) ACCOUNT.—The term 'Account' means the Wildlife Conservation and Restoration Account established by section 3(a)(2).

"(2) CONSERVATION.—

"(A) IN GENERAL.—The term 'conservation' means the use of a method or procedure necessary or desirable to sustain healthy populations of wildlife.

"(B) INCLUSIONS.—The term 'conservation' includes any activity associated with scientific resources management, such as—

"(i) research;

"(ii) census;

"(iii) monitoring of populations;

"(iv) acquisition, improvement, and management of habitat;

"(v) live trapping and transplantation;

"(vi) wildlife damage management;

"(vii) periodic or total protection of a species or population; and

"(viii) the taking of individuals within a wildlife stock or population if permitted by applicable Federal law, State law, or law of the District of Columbia or a territory.

"(3) FUND.—The term 'fund' means the Federal aid to wildlife restoration fund established by section 3(a)(1).

"(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(5) STATE FISH AND GAME DEPARTMENT.—The term 'State fish and game department' means any department or division of a department of another name, or commission, or 1 or more officials, of a State, the District of Columbia, or a territory empowered under the laws of the State, the District of Columbia, or the territory, respectively, to exercise the functions ordinarily exercised by a State fish and game department or a State fish and wildlife department.

"(6) TERRITORY.—The term 'territory' means Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

"(7) WILDLIFE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'wildlife' means—

"(i) any species of wild, free-ranging fauna (excluding fish); and

"(ii) any species of fauna (excluding fish) in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into the previously occupied range of the species.

"(B) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—For the purposes of each wildlife conservation and restoration program, the term 'wildlife' includes fish.

"(8) WILDLIFE-ASSOCIATED RECREATION PROJECT.—The term 'wildlife-associated recreation project' means—

"(A) a project intended to meet the demand for an outdoor activity associated with wildlife, such as hunting, fishing, and wildlife observation and photography;

"(B) a project such as construction or restoration of a wildlife viewing area, observation tower, blind, platform, land or water trail, water access route, area for field trialing, or trail head; and

"(C) a project to provide access for a project described in subparagraph (A) or (B).

"(9) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—The term 'wildlife conservation and restoration program' means a program developed by a State fish and game department and approved by the Secretary under section 12.

"(10) WILDLIFE CONSERVATION EDUCATION PROJECT.—The term 'wildlife conservation education project' means a project, including public outreach, that is intended to foster responsible natural resource stewardship.

"(11) WILDLIFE-RESTORATION PROJECT.—

"(A) IN GENERAL.—The term 'wildlife-restoration project' means a project consisting of the selection, restoration, rehabilitation, or improvement of an area of land or water (including a property interest in land or water) that is adaptable as a feeding, resting, or breeding place for wildlife.

"(B) INCLUSIONS.—The term 'wildlife-restoration project' includes—

"(i) acquisition of an area described in subparagraph (A) that is suitable or capable of being made suitable for feeding, resting, or breeding by wildlife;

"(ii) construction in an area described in subparagraph (A) of such works as are necessary to make the area available for feeding, resting, or breeding by wildlife;

"(iii) such research into any problem of wildlife management as is necessary for efficient administration of wildlife resources; and

"(iv) such preliminary or incidental expenses as are incurred with respect to activities described in this paragraph.".

(b) CONFORMING AMENDMENTS.—

(1) The first section, section 3(a)(1), and section 12 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669, 669b(a)(1), 669i) are amended by striking "Secretary of Agriculture" each place it appears and inserting "Secretary".

(2) The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is amended by striking "Secretary of the Interior" each place it appears and inserting "Secretary".

(3) Section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is amended by striking "(hereinafter referred to as the 'fund')".

(4) Section 6(c) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e(c)) is amended by striking "established by section 3 of this Act".

(5) Section 11(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2(b)) is amended by striking "wildlife restoration projects" each place it appears and inserting "wildlife-restoration projects".

SEC. 103. WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.

(a) IN GENERAL.—Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) by striking "SEC. 3. (a)(1) An" and inserting the following:

"SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.

"(a) IN GENERAL.—

"(1) FEDERAL AID TO WILDLIFE RESTORATION FUND.—An";

(2) in subsection (a), by striking paragraph (2) and inserting the following:

"(2) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

"(A) ESTABLISHMENT.—There is established in the fund an account to be known as the 'Wildlife Conservation and Restoration Account'.

"(B) FUNDING.—There are authorized to be appropriated to the Account for apportionment to States, the District of Columbia, and territories in accordance with section 4(d)—

"(i) $50,000,000 for fiscal year 2001; and

"(ii) $350,000,000 for each of fiscal years 2002 through 2006."; and

(3) by striking subsections (c) and (d).

(b) CONFORMING AMENDMENTS.—

(1) Section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is amended in the first sentence—

(A) by inserting "(other than the Account)" after "wildlife restoration fund"; and

(B) by inserting before the period at the end the following: "(other than sections 4(d) and 12)".

(2) Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A)—

(I) by inserting "(other than the Account)" after "the fund"; and

(II) by inserting "(other than subsection (d) and sections 3(a)(2) and 12)" after "this Act"; and

(ii) in paragraph (2)(B), by inserting "from the fund (other than the Account)" before "under this Act"; and

(B) in the first sentence of subsection (b), by striking "said fund" and inserting "the fund (other than the Account)".

(3) Section 6 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting "(other than sections 4(d) and 12)" after "this Act";

(ii) in the last sentence of paragraph (1), by striking "this Act from funds apportioned under this Act" and inserting "this Act (other than sections 4(d) and 12) from funds apportioned from the fund (other than the Account) under this Act";

(iii) in paragraph (2)—

(I) in the first sentence, by inserting "(other than sections 4(d) and 12)" after "this Act"; and

(II) in the last sentence, by striking "said fund as represents the share of the United States payable under this Act" and inserting "the fund (other than the Account) as represents the share of the United States payable from the fund (other than the Account) under this Act"; and

(iv) in the last paragraph, by inserting "from the fund (other than the Account)" before "under this Act" each place it appears; and

(B) in subsection (b), by inserting "(other than sections 4(d) and 12)" after "this Act" each place it appears.

(4) Section 8A of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g–1) is amended in the first sentence by inserting "from the fund (other than the Account)" before "under this Act".

(5) Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended in subsections (a) and (b)(1) by striking "section 4(a)(1)" each place it appears and inserting "subsections (a)(1) and (d)(1) of section 4".

(6) Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(A) in subsection (a)(1)—

(i) by inserting "(other than the Account)" after "the fund"; and

(ii) in subparagraph (B), by inserting "but excluding any use authorized solely by section 12" after "target ranges"; and

(B) in subsection (c)(2), by inserting before the period at the end the following: "(other than sections 4(d) and 12)".

(7) Section 11(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2(a)(1)) is amended by inserting "(other than the Account)" after "the fund".

SEC. 104. APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.

Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended by striking the second subsection (c) and subsection (d) and inserting the following:

"(d) APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.—

"(1) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out activities funded from the Account, not more than 3 percent of the total amount of the Account available for apportionment for the fiscal year.

"(2) APPORTIONMENT TO DISTRICT OF COLUMBIA AND TERRITORIES.—For each fiscal year, after making the deduction under paragraph (1), the Secretary shall apportion from the amount in the Account remaining available for apportionment—

"(A) to each of the District of Columbia and the Commonwealth of Puerto Rico, a sum equal to not more than ½ of 1 percent of that remaining amount; and

"(B) to each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, a sum equal to not more than ¼ of 1 percent of that remaining amount.

"(3) APPORTIONMENT TO STATES.—

"(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, after making the deduction under paragraph (1) and the apportionment under paragraph (2), the Secretary shall apportion the amount in the Account remaining available for apportionment among States in the following manner:

"(i) ⅓ based on the ratio that the area of each State bears to the total area of all States.

"(ii) ⅔ based on the ratio that the population of each State bears to the total population of all States.

"(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—For each fiscal year, the amounts apportioned under this paragraph shall be adjusted proportionately so that no State is apportioned a sum that is—

"(i) less than 1 percent of the amount available for apportionment under this paragraph for the fiscal year; or

"(ii) more than 5 percent of that amount.

"(4) USE.—

"(A) IN GENERAL.—Apportionments under paragraphs (2) and (3)—

"(i) shall supplement, but not supplant, funds available to States, the District of Columbia, and territories—

"(I) from the fund; or

"(II) from the Sport Fish Restoration Account established by section 9504(a) of the Internal Revenue Code of 1986; and

"(ii) shall be used to address the unmet needs for a wide variety of wildlife and associated habitats, including species that are not hunted or fished, for projects authorized to be carried out as part of wildlife conservation and restoration programs in accordance with section 12.

"(B) Prohibition on diversion.—A State, the District of Columbia, or a territory shall not be eligible to receive an apportionment under paragraph (2) or (3) if the Secretary determines that the State, the District of Columbia, or the territory, respectively, diverts funds from any source of revenue (including interest, dividends, and other income earned on the revenue) available to the State, the District of Columbia, or the territory after January 1, 2000, for conservation of wildlife for any purpose other than the administration of the State fish and game department in carrying out wildlife conservation activities.

"(5) Period of availability of apportionments.—Notwithstanding section 3(a)(1), for each fiscal year, the apportionment to a State, the District of Columbia, or a territory from the Account under this subsection shall remain available for obligation until the end of the second following fiscal year.".

SEC. 105. WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.

(a) In General.—The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating sections 12 and 13 (16 U.S.C. 669i, 669 note) as sections 13 and 15, respectively; and

(2) by inserting after section 11 (16 U.S.C. 669h–2) the following:

"SEC. 12. WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.

"(a) Definition of State.—In this section, the term 'State' means a State, the District of Columbia, and a territory.

"(b) Wildlife Conservation and Restoration Programs.—

"(1) In general.—A State, acting through the State fish and game department, may apply to the Secretary—

"(A) for approval of a wildlife conservation and restoration program; and

"(B) to receive funds from the apportionment to the State under section 4(d) to develop and implement the wildlife conservation and restoration program.

"(2) Application contents.—As part of an application under paragraph (1), a State shall provide documentation demonstrating that the wildlife conservation and restoration program of the State includes—

"(A) provisions vesting in the State fish and game department overall responsibility and accountability for the wildlife conservation and restoration program of the State;

"(B) provisions to identify which species in the State are in greatest need of conservation; and

"(C) provisions for the development, implementation, and maintenance, under the wildlife conservation and restoration program, of—

"(i) wildlife conservation projects—

"(I) that expand and support other wildlife programs; and

"(II) that are selected giving appropriate consideration to all species of wildlife in accordance with subsection (c);

"(ii) wildlife-associated recreation projects; and

"(iii) wildlife conservation education projects.

"(3) Public participation.—A State shall provide an opportunity for public participation in the development, implementation, and revision of the wildlife conservation and restoration program of the State and projects carried out under the wildlife conservation and restoration program.

"(4) Approval for funding.—If the Secretary finds that the application submitted by a State meets the requirements of paragraph (2), the Secretary shall approve the wildlife conservation and restoration program of the State.

"(5) Payment of Federal share.—

"(A) In general.—Subject to subparagraph (D), after the Secretary approves a wildlife conservation and restoration program of a State, the Secretary may use the apportionment to the State under section 4(d) to pay the Federal share of—

"(i) the cost of implementation of the wildlife conservation and restoration program; and

"(ii) the cost of development, implementation, and maintenance of each project that is part of the wildlife conservation and restoration program.

"(B) Federal share.—The Federal share shall not exceed 75 percent.

"(C) Timing of payments.—Under such regulations as the Secretary may promulgate, the Secretary—

"(i) shall make payments to a State under subparagraph (A) during the course of a project; and

"(ii) may advance funds to pay the Federal share of the costs described in subparagraph (A).

"(D) Maximum amount for law enforcement activities.—Notwithstanding section 8(a), for each fiscal year, not more than 10 percent of the apportionment to a State under section 4(d) for the wildlife conservation and restoration program of the State may be used for law enforcement activities.

"(6) Method of implementation of projects.—A State may implement a project that is part of the wildlife conservation and restoration program of the State through—

"(A) a grant made by the State to, or a contract entered into by the State with—

"(i) any Federal, State, or local agency (including an agency that gathers, evaluates, and disseminates information on wildlife and wildlife habitats);

"(ii) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

"(iii) a wildlife conservation organization; or

"(iv) an outdoor recreation or conservation education entity; and

"(B) any other method determined appropriate by the State.

"(c) Wildlife Conservation Strategy.—

"(1) In general.—Not later than 5 years after the date of the initial apportionment to a State under section 4(d), to be eligible to continue to receive funds from the apportionment to the State under section 4(d), the State shall, as part of the wildlife conservation and restoration program of the State, develop and begin implementation of a wildlife conservation strategy that is based on the best available and appropriate scientific information.

"(2) Required elements.—A wildlife conservation strategy shall—

"(A) use such information on the distribution and abundance of species of wildlife as is indicative of the diversity and health of the wildlife of the State, including such information on species with low populations and declining numbers of individuals as the State fish and game department determines to be appropriate;

"(B) identify the extent and condition of wildlife habitats and community types essential to conservation of the species of wildlife of the State identified using information described in subparagraph (A);

"(C)(i) identify the problems that may adversely affect—

"(I) the species identified using information described in subparagraph (A); and

"(II) the habitats of the species identified under subparagraph (B); and

"(ii) provide for high priority research and surveys to identify factors that may assist in the restoration and more effective conservation of—

"(I) the species identified using information described in subparagraph (A); and

"(II) the habitats of the species identified under subparagraph (B);

"(D)(i) describe which actions should be taken to conserve—

"(I) the species identified using information described in subparagraph (A); and

"(II) the habitats of the species identified under subparagraph (B); and

"(ii) establish priorities for implementing those actions; and

"(E) provide for—

"(i) periodic monitoring of—

"(I) the species identified using information described in subparagraph (A);

"(II) the habitats of the species identified under subparagraph (B); and

"(III) the effectiveness of the conservation actions described under subparagraph (D); and

"(ii) adaptation of conservation actions as appropriate to respond to new information or changing conditions.

"(3) Public participation in development of strategy.—A State shall provide an opportunity for public participation in the development and implementation of the wildlife conservation strategy of the State.

"(4) Review and revision.—Not less often than once every 10 years, a State shall review the wildlife conservation strategy of the State and make any appropriate revisions.

"(5) Coordination.—During the development, implementation, review, and revision of the wildlife conservation strategy of the State, a State shall provide for coordination, to the maximum extent practicable, between—

"(A) the State fish and game department; and

"(B) Federal, State, and local agencies and Indian tribes that—

"(i) manage significant areas of land or water within the State; or

"(ii) administer programs that significantly affect the conservation of

"(I) the species identified using information described in paragraph (2)(A); or

"(II) the habitats of the species identified under paragraph (2)(B).

"(d) Use of Funds for New and Existing Programs and Projects.—Funds made available from the Account to carry out activities under this section may be used—

"(1) to carry out new programs and projects; and

"(2) to enhance existing programs and projects.

"(e) Priority for Funding.—In using funds made available from the Account to carry out activities under this section, a State shall give priority to species that are in greatest need of conservation, as identified by the State.

"(f) Limitation on Use of Funds for Wildlife Conservation Education Projects.—Funds made available from the Account to carry out wildlife conservation education projects shall not be used to fund, in whole or in part, any activity that promotes or encourages opposition to the regulated hunting or trapping of wildlife.".

(b) Conforming Amendment.—Section 8(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended by striking the last sentence.

SEC. 106. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) Pittman-Robertson Wildlife Restoration Act.—The Pittman-Robertson Wildlife Restoration Act (as amended by section 105(a)(1)) is amended by inserting after section 13 the following:

"SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

"Coordination with State fish and game department personnel or with personnel of any other agency of a State, the District of Columbia, or a territory under this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

(b) Dingell-Johnson Sport Fish Restoration Act.—The Dingell-Johnson Sport Fish Restoration Act is amended—

(1) by redesignating section 15 (16 U.S.C. 777 note) as section 16; and

(2) by inserting after section 14 (16 U.S.C. 777m) the following:

"SEC. 15. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

"Coordination with State fish and game department personnel or with personnel of any other State agency under this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 107. TECHNICAL AMENDMENTS.

(a) The first section of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669) is amended by striking "That the" and inserting the following:

"SECTION 1. COOPERATION OF SECRETARY OF THE INTERIOR WITH STATES.

"The".

(b) Section 5 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669d) is amended by striking "Sec. 5." and inserting the following:

"SEC. 5. CERTIFICATION OF AMOUNTS DEDUCTED OR APPORTIONED.".

(c) Section 6 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e) is amended by striking "Sec. 6." and inserting the following:

"SEC. 6. SUBMISSION AND APPROVAL OF PLANS AND PROJECTS.".

(d) Section 7 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669f) is amended by striking "Sec. 7." and inserting the following:

"SEC. 7. PAYMENT OF FUNDS TO STATES.".

(e) Section 8 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended by striking "Sec. 8." and inserting the following:

"SEC. 8. MAINTENANCE OF PROJECTS; FUNDING OF HUNTER SAFETY PROGRAMS AND PUBLIC TARGET RANGES.".

(f) Section 8A of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g–1) is amended by striking "Sec. 8A." and inserting the following:

"SEC. 8A. APPORTIONMENTS TO TERRITORIES.".

(g) Section 12 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669i) is amended by striking "Sec. 12." and inserting the following:

"SEC. 12. RULES AND REGULATIONS.".

SEC. 108. EFFECTIVE DATE.

This title takes effect on October 1, 2001.

TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY

SEC. 201. PURPOSE.

The purpose of this title is to promote involvement by non-Federal entities in the recovery of the endangered species and threatened species of the United States and the habitats on which the species depend.

SEC. 202. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) In General.—Section 13 of the Endangered Species Act of 1973 (87 Stat. 902) is amended to read as follows:

"SEC. 13. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

"(a) Definitions.—In this section:

"(1) Small landowner.—The term 'small landowner' means an individual who owns not more than 150 acres of land.

"(2) Species recovery agreement.—The term 'species recovery agreement' means an endangered and threatened species recovery agreement entered into under subsection (c).

"(b) Endangered and Threatened Species Recovery Assistance.—

"(1) Financial assistance.—The Secretary may provide financial assistance to any person for development and implementation of an endangered and threatened species recovery agreement entered into by the Secretary and the person under subsection (c).

"(2) Priority.—In providing financial assistance under this subsection, the Secretary shall give priority to the development and implementation of species recovery agreements that—

"(A) implement actions identified under recovery plans approved by the Secretary under section 4(f);

"(B) have the greatest potential for contributing to the recovery of an endangered species or threatened species; and

"(C) are proposed by small landowners.

"(3) Prohibition on assistance for required activities.—The Secretary shall not provide financial assistance under this subsection for any activity that is required—

"(A) by a permit issued under section 10(a)(1)(B);

"(B) by an incidental taking statement provided under section 7(b)(4); or

"(C) under another provision of this Act or any other Federal law.

"(4) Payments under other programs.—

"(A) Other payments not affected.—Financial assistance provided to a person under this subsection shall be in addition to, and shall not affect, the total amount of payments that the person is eligible to receive under—

"(i) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

"(ii) the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 et seq.);

"(iii) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.); or

"(iv) the Wildlife Habitat Incentive Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

"(B) Limitation.—A person shall not receive financial assistance under a species recovery agreement for any activity for which the person receives a payment under a program referred to in subparagraph (A) unless the species recovery agreement imposes on the person a financial or management obligation in addition to the obligations of the person under that program.

"(c) Endangered and Threatened Species Recovery Agreements.—

"(1) In general.—In accordance with this subsection, the Secretary may enter into endangered and threatened species recovery agreements.

"(2) Required terms.—The Secretary shall include in each species recovery agreement with a person provisions that—

"(A) require the person—

"(i) to carry out on real property owned or leased by the person activities not required by other law that contribute to the recovery of an endangered species or threatened species; or

"(ii) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered species or threatened species;

"(B) describe the real property referred to in clauses (i) and (ii) of subparagraph (A);

"(C) specify species recovery goals for the species recovery agreement, and activities for attaining the goals;

"(D)(i) require the person to make reasonable efforts to make measurable progress each year in achieving the species recovery goals; and

"(ii) specify a schedule for implementation of the species recovery agreement;

"(E) specify actions to be taken by the Secretary or the person to monitor the effectiveness of the species recovery agreement in attaining the species recovery goals;

"(F) require the person to notify the Secretary if any right or obligation of the person under the species recovery agreement is assigned to any other person;

"(G) require the person to notify the Secretary if any term of the species recovery agreement is breached;

"(H) specify the date on which the species recovery agreement takes effect and the period of time during which the species recovery agreement shall remain in effect;

"(I) provide that the species recovery agreement shall not be in effect on or after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the species recovery agreement; and

"(J) schedule the disbursement of financial assistance provided under subsection (b) for implementation of the species recovery agreement, on an annual or other basis during the period in which the species recovery agreement is in effect, based on the schedule for implementation required under subparagraph (D)(ii).

"(3) Review and approval of proposed species recovery agreements.—On submission by any person of a proposed species recovery agreement under this subsection, the Secretary shall—

"(A) review the proposed species recovery agreement and determine whether the species recovery agreement—

"(i) complies with this subsection; and

"(ii) will contribute to the recovery of each endangered species or threatened species that is the subject of the proposed species recovery agreement;

"(B) propose to the person any additional provisions that are necessary for the species recovery agreement to comply with this subsection; and

"(C) if the Secretary determines that the species recovery agreement complies with this subsection, enter into the species recovery agreement with the person.

"(4) Monitoring of implementation of species recovery agreements.—The Secretary shall—

"(A) periodically monitor the implementation of each species recovery agreement; and

"(B) based on the information obtained from the monitoring, annually or otherwise disburse financial assistance under this section to implement the species recovery agreement as the Secretary determines to be appropriate under the species recovery agreement.

"(d) Limitation on Administrative Expenses.—Of the amounts made available to carry out this section for a fiscal year, not more than 3 percent may be used to pay administrative expenses incurred in carrying out this section.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1542) is amended by adding at the end the following:

"(d) ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.—There is authorized to be appropriated to carry out section 13 $75,000,000 for each of fiscal years 2002 through 2006.''.

(c) CONFORMING AMENDMENT.—The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by striking the item relating to section 13 and inserting the following:

"Sec. 13. Endangered and threatened species recovery assistance.''.

TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM

SEC. 301. NON-FEDERAL LAND CONSERVATION GRANT PROGRAM.

(a) IN GENERAL.—The Partnerships for Wildlife Act (16 U.S.C. 3741 et seq.) is amended by adding at the end the following:

"SEC. 7106. NON-FEDERAL LAND CONSERVATION GRANT PROGRAM.

"(a) ESTABLISHMENT.—In consultation with appropriate State, regional, and other units of government, the Secretary shall establish a competitive grant program, to be known as the 'Non-Federal Land Conservation Grant Program' (referred to in this section as the 'program'), to make grants to States or groups of States to pay the Federal share determined under subsection (c)(4) of the costs of conservation of non-Federal land or water of regional or national significance.

"(b) RANKING CRITERIA.—In selecting among applications for grants for projects under the program, the Secretary shall—

"(1) rank projects according the extent to which a proposed project will protect watersheds and important scenic, cultural, recreational, fish, wildlife, and other ecological resources; and

"(2) subject to paragraph (1), give preference to proposed projects—

"(A) that seek to protect ecosystems;

"(B) that are developed in collaboration with other States;

"(C) with respect to which there has been public participation in the development of the project proposal;

"(D) that are supported by communities and individuals that are located in the immediate vicinity of the proposed project or that would be directly affected by the proposed project; or

"(E) that the State considers to be a State priority.

"(c) GRANTS TO STATES.—

"(1) NOTICE OF DEADLINE FOR APPLICATIONS.—The Secretary shall give reasonable advance notice of each deadline for submission of applications for grants under the program by publication of a notice in the Federal Register.

"(2) SUBMISSION OF APPLICATIONS.—

"(A) IN GENERAL.—A State or group of States may submit to the Secretary an application for a grant under the program.

"(B) REQUIRED CONTENTS OF APPLICATIONS.—Each application shall include—

"(i) a detailed description of each proposed project;

"(ii) a detailed analysis of project costs, including costs associated with—

"(I) planning;

"(II) administration;

"(III) property acquisition; and

"(IV) property management;

"(iii) a statement describing how the project is of regional or national significance; and

"(iv) a plan for stewardship of any land or water, or interest in land or water, to be acquired under the project.

"(3) SELECTION OF GRANT RECIPIENTS.—Not later than 90 days after the date of receipt of an application, the Secretary shall—

"(A) review the application; and

"(B)(i) notify the State or group of States of the decision of the Secretary on the application; and

"(ii) if the application is denied, provide an explanation of the reasons for the denial.

"(4) COST SHARING.—The Federal share of the costs of a project under the program shall be—

"(A) in the case of a project to acquire the fee simple interest in land or water, not more than 50 percent of the costs of the project;

"(B) in the case of a project to acquire less than the fee simple interest in land or water (including acquisition of a conservation easement), not more than 70 percent of the costs of the project; and

"(C) in the case of a project involving 3 or more States, not more than 75 percent of the costs of the project.

"(5) EFFECT OF INSUFFICIENCY OF FUNDS.—If the Secretary determines that there are insufficient funds available to make grants with respect to all applications that meet the requirements of this subsection, the Secretary shall give priority to those projects that best meet the ranking criteria established under subsection (b).

"(d) REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the grants made under this section, including an analysis of how projects were ranked under subsection (b).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2002 through 2006.''.

(b) CONFORMING AMENDMENT.—Section 7105(g)(2) of the Partnerships for Wildlife Act (16 U.S.C. 3744(g)(2)) is amended by striking "this chapter'' and inserting "this section''.

By Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. BINGAMAN, Mr. DURBIN, Mr. FEINGOLD, Mr. HAGEL, Mr. MURKOWSKI, and Mr. SESSIONS):

S. 991. A bill to authorize the president to award a gold medal on behalf of the Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I speak today to honor an innovative and patriotic American, a logger-turned-boatbuilder, who single-handedly transformed the concept of amphibious ship design when our nation and her Allies needed it most. Despite some bureaucratic obstacles in America's massive World War II war-machine, Andrew Jackson Higgins skillfully designed and engineered landing craft, eventually winning contracts to build 92 percent of the Navy's war-time fleet of landing craft. Andrew Jackson Higgins' story exemplifies the American Dream, and merits this body's recognition for his ingenuity, assiduous work, and devotion to our country.

In the late 1930's, Higgins was operating a small New Orleans work-boat company, with less than seventy-five employees. He quickly earned a reputation for fast, dependable work by turning out specialized vessels for the oil industry, Coast Guard, Army Corps of Engineers, and U.S. Biological Survey. Despite this reputation, when he presented his plans for swift amphibious landing crafts, he met hard resistance. The U.S. Navy had overestimated French and British abilities to secure France's ports from German encroachment, and overruled decisions to create landing boat crafts. When the U.S. Marine Corps finally identified the need for mass production of amphibious vessels for use in both the Pacific and European theaters, Marine leadership began to lobby the Navy to abandon its internal contracting, and procure ships from Higgins Industries, which boasted high performance quality and unprecedented speed in producing boats. In 1941, the Navy finally asked Higgins to begin designing a landing draft to carry tanks. Instead of a design, Higgins designed, built and delivered a complete working boat. It had only taken 61 hours to design and construct this first Landing Craft, Mechanized (LCM). The Navy was so impressed that they awarded the contract and the Higgins firm grew to seven plants, eventually turning out 700 boats a month, more than all other shipyards in the Nation combined. By war's end, Higgins had produced 20,000 boats, including the 46-foot LCVP, Landing Craft, Vehicle & Personnel, the fast-moving PT boats, the rocket-firing landing craft support boats, the 56-foot tank landing craft, the 170 foot freight supply ships and the 27-foot airborne lifeboats that could be dropped from B-17 bombers.

Able to conceive various ship designs and mass-produce vessels quickly at affordable prices, Higgins not only transformed wartime shipbuilding acquisition, but also sustained the universal faith in American invention and global power projection. Higgins boats landed on the shores of Normandy on June 6, 1944, 57 years ago today, the key enablers in the greatest amphibious assault our world has ever seen. In addition to his contributions to Allied war efforts abroad, Higgins' manufacturing further changed the face of my own city of New Orleans, home to most of the firm's business. I urge my colleagues to support provisions to award Andrew Jackson Higgins the Gold

Medal of Honor, in the tradition of our great institution.

In 1964, President Dwight D. Eisenhower was reflecting on the success of the 1944 Normandy invasion to his biographer, Steven Ambrose. He remarked that Andrew Jackson Higgins "is the man who won the war for us. If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war." Mr. Higgins and his 20,000-member workforce embody American creativity, persistence, and patriotism; they deserve to be recognized for their distinguished place in history.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Andrew Jackson Higgins Gold Medal Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Andrew Jackson Higgins was born on August 28, 1886, in Columbus, Nebraska, moved to New Orleans in 1910, and formed Higgins Industries on September 26, 1930;

(2) Andrew Jackson Higgins designed, engineered, and produced the "Eureka", a unique shallow draft boat, the design of which evolved during World War II into 2 basic classes of military craft, high speed PT boats, and types of Higgins landing craft (LCPs, LCPLs, LCVPs, LCMs and LCSs);

(3) Andrew Jackson Higgins designed, engineered, and constructed 4 major assembly line plants in New Orleans for mass production of Higgins landing craft, and other vessels vital to the Allied Forces' conduct of World War II;

(4) Andrew Jackson Higgins bought the entire 1940 Philippine mahogany crop and other material purely at risk without a Government contract, anticipating that America would join World War II and that Higgins Industries would need the wood to build landing craft, and Higgins also bought steel, engines, and other material necessary to construct landing craft;

(5) Andrew Jackson Higgins, through Higgins Industries, employed a fully integrated assembly line work force, black and white, male and female, of up to 30,000 during World War II, with equal pay for equal work;

(6) in 1939, the United States Navy had a total of 18 landing craft in the fleet;

(7) from November 18, 1940, when Higgins Industries was awarded its first contract for Higgins landing craft until the conclusion of the war, the employees of Higgins Industries produced 12,300 Landing Craft Vehicle Personnel (LCVP's) and nearly 8,000 other landing craft of all types;

(8) during World War II, Higgins Industries employees produced 20,094 boats, including landing craft and Patrol Torpedo boats, and trained 30,000 Navy, Marine, and Coast Guard personnel on the safe operation of landing craft at the Higgins' Boat Operators School;

(9) on Thanksgiving Day 1944, General Dwight D. Eisenhower stated in an address to the Nation, "Let us thank God for Higgins Industries, management, and labor which has given us the landing boats with which to conduct our campaign.";

(10) Higgins landing craft, constructed of wood and steel, transported fully armed troops, light tanks, field artillery, and other mechanized equipment essential to amphibious operations;

(11) Higgins landing craft made the amphibious assault on D-day and the landings at Leyte, North Africa, Guadalcanal, Sicily, Iwo Jima, Tarawa, Guam, and thousands of less well-known assaults possible;

(12) Captain R.R.M. Emmett, a commander at the North Africa amphibious landing, and later commandant of the Great Lakes Training Station, wrote during the war, "When the history of this war is finally written by historians, far enough removed from its present turmoil and clamor to be cool and impartial, I predict that they will place Mr. (Andrew Jackson) Higgins very high on the list of those who deserve the commendation and gratitude of all citizens."; and

(13) in 1964, President Dwight D. Eisenhower told historian Steven Ambrose, "He (Higgins) is the man who won the war for us. If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.".

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized, on behalf of Congress, to award a gold medal of appropriate design to—

(A) the family of Andrew Jackson Higgins, honoring Andrew Jackson Higgins (posthumously) for his contributions to the Nation and world peace; and

(B) the D-day Museum in New Orleans, Louisiana, for public display, honoring Andrew Jackson Higgins (posthumously) and the employees of Higgins Industries for their contributions to the Nation and world peace.

(2) MODALITIES.—The modalities of presentation of the medals under this Act shall be determined by the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike 2 gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $60,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. NICKLES (for himself, Mr. CONRAD, Mr. FRIST, and Mr. TORRICELLI):

S. 992. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Finance.

Mr. NICKLES. Mr. President, today I introduce legislation to simplify the taxation of life insurance companies, along with Senator CONRAD and several of our colleagues.

Our legislation repeals section 809 and section 815 of the Internal Revenue Code. Due to significant changes in the life insurance industry and their taxation over the years, these provisions are no longer relevant and their repeal will simplify the tax code.

Section 809 was enacted in 1984 as part of an overhaul of the taxation of life insurance companies. At the time, mutual life insurance companies were thought to be the dominant segment of the industry, and Congress sought to ensure that stock life insurance companies were not competitively disadvantaged. However, today, mutual life insurance companies comprise only about ten percent of the industry. Section 809 raises little revenue, but is very complex and burdensome. Since the reason for its enactment no longer exists, our bill repeals it.

Section 815 has an even longer history, dating back to 1959. Tax changes in 1959 created an accounting mechanism called a "policyholders surplus account" for stock life insurance companies. These companies were allowed to defer tax on one-half of their underwriting income so long as it was not distributed to shareholders. This income was accounted for through the policyholder surplus account. In 1984, Congress eliminated the deferral of income, but they did not address the issue of the policyholder surplus accounts. The amounts in those accounts remain subject to tax if certain triggering events occur. Since no company is willing to "trigger" the account, this provision also raises little or no revenue, but it directly inhibits business decisions of these companies. Our bill would also repeal this provision.

Congress has worked hard over the last few years to modernize laws governing the financial services industry to encourage its growth and enhance its competitiveness. Elimination of these old, complicated tax provisions will complement this effort and provide greater certainty to the taxation of these companies.

I encourage my colleagues to join me in this initiative.

By Mrs. CARNAHAN (for herself and Mr. BOND):

S. 993. A bill to extend for 4 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, Public Law 106–70, and Public Law 107–8, is amended—

(1) by striking "June 1, 2001" each place it appears and inserting "October 1, 2001"; and

(2) in subsection (a)—

(A) by striking "June 30, 2000" and inserting "May 31, 2001"; and

(B) by striking "July 1, 2000" and inserting "June 1, 2001".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on June 1, 2001.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 100—TO ELECT ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES.

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 100

Resolved, That Robert C. Byrd, a Senator from the State of West Virginia, be, and he is hereby, elected President of the Senate pro tempore, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

SENATE RESOLUTION 101—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 101

Resolved, That the House of Representatives be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

SENATE RESOLUTION 102—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 102

Resolved, That the President of the United States be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

SENATE RESOLUTION 103—EXPRESSING THE THANKS OF THE SENATE TO THE HONORABLE STROM THURMOND FOR HIS SERVICE AS PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE AND TO DESIGNATE SENATOR THURMOND AS PRESIDENT PRO TEMPORE EMERITUS OF THE UNITED STATES SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 103

Resolved, That the United States Senate expresses its deepest gratitude to Senator Strom Thurmond for his dedication and commitment during his service to the Senate as the President pro tempore, further as a token of appreciation of the Senate for his long and faithful service Senator Strom Thurmond is hereby designated President pro tempore emeritus of the United States Senate.

SENATE RESOLUTION 104—ELECTING MARTIN P. PAONE OF VIRGINIA AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 104

Resolved, That Martin P. Paone of Virginia, be, and he is hereby, elected Secretary for the Majority of the Senate, effective June 6, 2001.

SENATE RESOLUTION 105—ELECTING ELIZABETH B. LETCHWORTH OF VIRGINIA AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 105

Resolved, That Elizabeth B. Letchworth of Virginia, be, and she is hereby, elected Secretary for the Minority of the Senate, effective June 6, 2001.

SENATE RESOLUTION 106—ENCOURAGING AND PROMOTING GREATER INVOLVEMENT OF FATHERS IN THEIR CHILDREN'S LIVES AND DESIGNATING FATHER'S DAY 2001, AS "NATIONAL RESPONSIBLE FATHER'S DAY"

Mr. BAYH (for himself and Mr. DOMENICI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 106

Whereas 40 percent of children who live in fatherless households have not seen their fathers in at least 1 year, and 50 percent of the children have never visited their fathers' homes;

Whereas approximately 50 percent of all children born in the United States spend at least ½ of their childhood in families without father figures;

Whereas nearly 20 percent of children in grades 6 through 12 report that they have not had a meaningful conversation with even 1 parent in more than 1 month;

Whereas 3 out of 4 adolescents report that they do not have adults in their lives that model positive behaviors;

Whereas many of the leading experts on family and child development in the United States agree that it is in the best interest of both children and the United States to encourage more 2-parent, father-involved families;

Whereas it is important to promote responsible fatherhood and encourage loving and healthy relationships between parents and their children in order to increase the chance that children will have 2 caring parents to help them grow up healthy and secure and not to—

(1) denigrate the standing or parenting efforts of single mothers, whose efforts are heroic;

(2) lessen the protection of children from abusive parents;

(3) cause women to remain in or enter into abusive relationships; or

(4) compromise the health or safety of a custodial parent;

Whereas children who are apart from their biological fathers are, in comparison to other children—

(1) 5 times more likely to live in poverty;

(2) more likely to be abused; and

(3) more likely to—

(A) bring weapons and drugs into the classroom;

(B) commit crime;

(C) drop out of school;

(D) commit suicide;

(E) abuse alcohol or drugs; and

(F) become pregnant as teenagers;

Whereas the Federal Government spends billions of dollars to address these social ills and very little to address the causes of such social ills;

Whereas millions of single mothers in the United States are heroically struggling to raise their children in safe, loving environments;

Whereas millions of men do act responsibly and could serve as role models for absent fathers;

Whereas responsible fatherhood should always recognize and promote values of nonviolence;

Whereas child support is an important means by which a parent can take financial responsibility for a child, and emotional support is an important means by which a parent can take social responsibility for a child;

Whereas children learn by example, and community programs that help mold young men into positive role models for their children need to be encouraged; and

Whereas Congress has begun to take notice of this issue with legislation introduced in both the House of Representatives and the Senate to address the epidemic of absent fathers: Now, therefore, be it

Resolved, That the Senate—

(1) designates Father's Day 2001, as "National Responsible Father's Day";

(2) recognizes the need to encourage active involvement of fathers in the rearing and development of their children;

(3) recognizes that while there are millions of fathers who serve as a wonderful caring

parent for their children, there are children on Father's Day who will have no one to celebrate with;

(4) urges fathers to participate in their children's lives, both financially and emotionally;

(5) encourages fathers to devote time, energy, and resources to their children;

(6) urges fathers to understand the level of responsibility required when fathering a child and to fulfill that responsibility;

(7) is committed to assisting absent fathers to become more responsible and engaged in their children's lives;

(8) calls upon fathers around the country to use the day to reconnect and rededicate themselves to their children's lives, to spend "National Responsible Father's Day" with their children, and to express their love and support for their children; and

(9) requests that the President issue a proclamation calling upon the people of the United States to observe "National Responsible Father's Day" with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 791. Mr. KENNEDY (for Mr. BINGAMAN (for himself, Mr. HATCH, Mr. KENNEDY, and Mr. DOMENICI)) proposed an amendment to amendment SA 389 submitted by Mr. VOINOVICH and intended to be proposed to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

TEXT OF AMENDMENTS

SA 791. Mr. KENNEDY (for Mr. BINGAMAN (for himself, Mr. HATCH, Mr. KENNEDY, and Mr. DOMENICI)) proposed an amendment to amendment SA 389 submitted by Mr. VOINOVICH and intended to be proposed to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 1 of the amendment, line 1, strike "and the Governor" and insert "after consultation with the Governor".

On page 1 of the amendment, line 3, strike "and the Governor" and insert "after consultation with the Governor".

On page 2 of the amendment, lines 3 and 4, strike "Governor and State educational agency shall jointly" and insert "State educational agency, in consultation with the Governor, shall".

On page 2 of the amendment, line 14, strike "jointly" and all that follows through "official" on lines 15 and 16, and insert the following: "prepared by the chief State school official, in consultation with the Governor,".

On page 2 of the amendment, line 17, strike "Governor and the" and insert ", after consultation with the Governor,".

On page 2 of the amendment, line 18, strike "which a" and insert "which".

On page 2 of the amendment, line 19, strike "Governor and the" and insert "fter consultation with the Governor, a".

On page 3 of the amendment, line 1, strike "Governor and the" and insert "fter consultation with the Governor, a".

On page 2 of the amendment, strike lines 9 through 12.

On page 3 of the amendment, strike lines 5 through 8.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 6, 2001, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 7, 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Thursday, June 7. I further ask unanimous consent that on Thursday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1, the elementary and secondary education bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. For the information of all Senators, the Senate will convene on Thursday, June 7, at 9:30 a.m. and resume consideration of the ESEA bill with a rollcall vote in relation to the Nelson-Carnahan amendment at approximately 11:30. Additional rollcall votes are expected throughout the day on Thursday.

Mr. REID. Will the distinguished majority leader yield for a question.

Mr. DASCHLE. I am happy to yield to the Senator from Nevada.

Mr. REID. It is my understanding the majority leader is going to have a 20-minute time limit on the casting of votes in the Senate. Is that a fair statement?

Mr. DASCHLE. Madam President, this has been a constant lament of both Senator LOTT and myself. He has attempted to address it on occasion. I have always been supportive of the effort, to try to be as managerial with these votes as we can be. He and I have talked about it as recently as just prior to the break.

My intent, in answer to the Senator from Nevada, is to do all that we can to terminate the vote at the end of 20 minutes. I think that is ample time. If we are going to be efficient in the use of our time, we cannot allow these votes to drag on. This has been a source of increasing concern to me personally. So we will do our utmost—in fact, I will ask that the votes be terminated at the end of 20 minutes.

I hope Senators can be made aware that will be the policy and we will implement it. If there is an emergency, we can accommodate that. But I also will attempt to impose some discipline with regard to the votes. We will attempt to implement that beginning tomorrow. I put all Senators on notice in that regard.

Let me also say I have discussed the schedule with Senator LOTT with regard to both Friday and Monday. I know that there were a number of Senators who indicated they had conflicts of some consequence on Friday. Because, as I understand it, some consideration had already been given to those conflicts, I want to respect the decisions made with respect to that consideration. And so in keeping with my understanding of the conversations the Republican leader had with some of our colleagues, there will be no votes on Friday.

It is my intention, however, to be in session on Monday and to at least have one, if not more, votes beginning at 5:30. So there will be votes on Monday; no votes on Friday.

I hope we could respect the agreement Senator LOTT and I had with regard to votes on Fridays and Mondays through the month of June. We laid out a calendar that we expected both of our caucuses to appreciate. I am not going to divert from that. I will respect the days that were committed to with regard to concerns raised about schedule with our colleagues. But I will also insist, on those days that are not on that list, that we have votes Fridays and Mondays.

We have to finish the elementary and secondary education bill next week. We will stay for whatever length of time it takes to finish our work. We have been on it now for several weeks. Senator LOTT has been accommodating in his effort to address the issues of schedule raised by colleagues, but I think next week we must culminate our work with a completion of the bill and a vote on final passage.

So that will be the schedule next week. Votes on Monday, votes throughout the week, with an expectation that we will not complete the week until the bill has been finished. We will have additional comment about the schedule on Monday at a later date.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m. tomorrow, Thursday, June 7, 2001.

Thereupon, the Senate, at 7:03 p.m., adjourned until Thursday, June 7, 2001, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN HONOR OF THE PROMOTION OF FBI SPECIAL-AGENT-IN-CHARGE VAN A. HARP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize FBI Special Agent in Charge Van A. Harp of Cleveland for his promotion to the Washington Field Office as Assistant Director.

Born May 29, 1945 in Toledo Ohio, Van A. Harp has had a long and distinguished record with the FBI. Upon graduation from the University of Toledo, Harp served as a Special Agent and was soon assigned to the Little Rock, Arkansas Office on January 5, 1970. His achievements and hard-work were noticed, for he soon was transferred to Texarkana, Arkansas, and then again to Detroit, Michigan. He served in Lansing, Michigan in February 1972 until he received an assignment as an SSRA to the Charleston, West Virginia, RA of the Pittsburgh Division.

His distinguished service continued with posts at the FBI Headquarters in Washington, D.C. and then again in Buffalo, New York where he served as the Assistant Special Agent in Charge of the Field Division.

In December 1995, Mr. Harp was relocated to Cleveland where he was promoted to the Special Agent in Charge of the Field Office. It was indeed an honor to have Mr. Harp serve in the Cleveland area and his services, time, and dedication will truly be missed. We are all very proud of his promotion to the Washington Field Office.

Mr. Speaker, I ask you join me in recognition for the outstanding effort and service of Mr. Van A. Harp and wish him luck in his new promoted position.

THE VIEQUES FOUR: THE AMERICAN WAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. TOWNS. Mr. Speaker, the Reverend Al Sharpton has been sitting in jail now for over two weeks alongside his activist colleagues Roberto Ramirez, Assemblyman Jose Rivera, and Councilman Adolfo Carrion Jr. For committing the uniquely American crime of peacefully protesting the United States military's training activity on Vieques. One of the great joys of being an American is knowing that it is your right to express your opinion regardless of whether or not your government agrees with it. In this instance we have a situation in which the "Vieques Four"—as they have come to be known—were arrested simply because they happened to be standing on Navy property.

The basic issue here is that the United States should stop military training on the island of Vieques and leave the island to the citizens of Puerto Rico. While I support the United States military, I do not believe that military readiness will suffer in any way if training activities are moved to another location where local residents do not have to live in fear of misguided ordnance, noise from training activities or the environmental and health problems which have occurred as a result of the training activities. I urge the administration to take very seriously the concerns of those who oppose the U.S. military training activities on Vieques. While the previous administration tried very hard to achieve a balanced compromise which might ultimately result in the U.S. military leaving Vieques, that solution was not an answer. The only answer is for the U.S. military to leave the island of Vieques and pay for a comprehensive clean up of the site the military has used for training exercises for over the past sixty years.

Hundreds of protesters, who have previously been arrested, were simply punished with a summons and a fine. This would seem to be a reasonable approach. However, the one difference between previous punishments and this one is that the administration has changed hands. The current administration has decided that peaceful protesters, especially those with political notoriety, should be singled out and used as examples of what will happen if one dares to oppose the government's policies. This is an outrageous abuse of prosecutorial powers. I have joined several of my colleagues, led by my good friend and colleague Congressman ANIBAL ACEVEDO-VILA, in pressing the U.S. Attorney General to review these unduly harsh sentences being given by federal judges in San Juan and to request that prosecutors in Puerto Rico seek appropriate sentences for similar offenses in the future. Although we have not yet received a response, the administration has actively opposed the appeal filed by these defendants in federal court illustrating their apparent decision to "stay the course". Why is this case being pursued with such vigor? Should a non-violent activist really receive a 90-day jail sentence when his or her actions can only be reasonably characterized as minor. The sentencing of the "Vieques Four" is not reasonable, not fair, and should not stand.

TRIBUTE TO CHARLES BEDFORD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to a great Coloradan and a dedicated public servant. This summer, Charles Bedford will be leaving as the director of the Colorado State Land Board. For the last four years Charles has successfully directed the Land Board through a period of major and significant reform. It was a period of transition that was ushered in by our state's rapid population growth and corresponding increase in the awareness of the importance of preserving our state open lands for their beauty and contribution to our public schools.

The Colorado State Land Board oversees the over 3 million acres of state school trust lands that were given to the state at statehood for the generation of revenue for public schools, among other things. Over the years, the Land Board has managed the state trust lands in order to secure the highest return to our public schools. Although this history has been commendable, the other public and environmental values that these lands can provide to the people of Colorado were in some cases being overlooked.

That awareness led to the passage of a Constitutional Amendment that made some significant changes in the way that state trust lands were to be managed and administered. One of the more significant reforms was the establishment of a "stewardship trust" which required that ten percent of the state trust lands be set aside and withheld from development to preserve their important open space, natural and community values.

Charles became the director of the Land Board shortly after the passage of this Constitutional Amendment. Such dramatic change was not without difficulty and conflict. Yet Charles ably helped steer the Land Board through these changes and controversies and helped achieve a successful transition to a new era.

As with many other Coloradans, Charles realized the important role these state lands could play in providing the scenic open space that we have all come to enjoy while at the same time contributing to the long-term financing for our public schools. While many in the state were skeptical concerning the new direction the Land Board was embarking on, Charles was able to successfully bring the different sides together. Among many of his and the Land Board's accomplishments has been the designation of 300,000 acres in the Stewardship Trust. These great lands are now protected for all Coloradans to enjoy while continuing to make important contributions for the financial benefit of our schools.

Charles has also initiated new partnerships with local communities to utilize state lands to benefit the communities as well as raise money. These partnerships have enabled communities to acquire additional tracts of open space for the continued use and enjoyment of their citizens.

Charles Bedford is leaving the Land Board to take the position of Associate Director of Nature Conservancy Colorado. In this new role, which his dedicated years of public service have prepared him well for, he will continue to work toward protecting valuable land for the enjoyment of future generations. I wish Charles the very best of luck in his new endeavor and look forward to continuing to work in partnership with him for the benefit of all Coloradans. I very sincerely thank him for his service to the people of Colorado.

Mr. Speaker, I am attaching a recent column from the Denver Post that further acknowledges Charles's accomplishments at the Land Board. I want to personally thank Charles Bedford for his years of dedicated service.

UNCOVERING HIDDEN LANDS

(By Joanne Ditmer)

Sunday, April 22, 2001.—When Colorado became a state in 1876, the federal government gave land to the new state to raise funds for eight trusts, the largest being K-12 education.

The state Land Board owns 3 million acres and manages an additional 1.5 million acres of mineral rights. These are "hidden lands," for few of us know how they or the money they generate are managed. Many have grazing leases, giving us the "country" look we value while they bring in dollars.

Charles Bedford, a fourth-generation Coloradan, is resigning after four years as Land Board director. A highly capable and competent administrator, he's given considerable thought to what changes could improve the management and benefits of those state lands.

The past decade, Colorado's citizens have become aware that state lands have additional value beyond their revenue; they are even more precious when development covers other landscapes. Decisions on state lands made solely for money, for one-time gain, frequently are disasters.

With this new perception, in November 1997 voters passed Amendment 16, which provided that a portion of those state lands must be put into permanent stewardship. Generally, the sites were chosen for their value as natural resources and open space, and were not to be sold for development. In 1998, 200,000 acres were designated for the Stewardship Trust; another 100,000 acres were added in 2000.

Bedford recalled that implementing the Stewardship Trust meant overcoming much suspicion; ranchers and farmers thought it was an attack on agricultural lands; school systems feared a cut in income; and environmentalists charged it wasn't what was promised.

Other accomplishments since then, Bedford said, included the partnerships forged with local communities to utilize state lands in ways that benefit the communities as well as raise money. These include the purchase by Routt County and Steamboat Springs of Emerald Mountain; the 400 acres sold to Larimer County Open Space; convening neighboring ranchers and natural-resource experts to help design a plan for the 85,000-acre Chico Basin Ranch in Pueblo and El Paso counties; and other innovative ideas that address the public's desire for open space while raising money for education.

Bedford recommends his successor continue to work to achieve local government priorities, perhaps by pushing legislation that would allow the Land Board to sell property directly to local governments or other state agencies for its appraised value, instead of pitting them in a bidding war against developers.

The Land Board produces between $30 million and $40 million per year, or less than one-half of one percent of the total state school appropriation for education (and that appropriation is itself about half the total expenditures on education, with local funding making up the balance).

Amendment 16 mandated that money generated by the Land Board be "in addition to" funds appropriated to education through the School Finance Act, but the Legislature has not changed the method through which board funds are distributed. Bedford believes legislation should be supported that more clearly channels funds directly to schools and implements the "in addition to" language of Amendment 16. Finally, Bedford said the Land Board is "unconscionably" understaffed, with the lowest staff-to-acreage ratio of any comparable land board in the West. That means there can't possibly be adequate and thoughtful management of these valuable and irreplaceable lands.

"We own about 4 percent of the surface area of the state," Bedford concluded. "It's a huge asset, worth a lot of money, worth a lot of thinking. It's been on the back burner for much too long."

Bedford served Gov. Roy Romer as Natural Resources Policy analyst for two years and as legal counsel for one year. On June 1, he becomes associate director of the Nature Conservancy of Colorado, where his dedication and expertise will continue to benefit the state.

The international non-profit conservation organization preserves ecologically significant landscapes for future generations. In Colorado, it protects more than 425,000 acres of the state's Last Great Places.

CENTRAL NEW JERSEY RECOGNIZES THE 25TH ANNIVERSARY OF FLEMINGTON BOY SCOUT TROOP 194

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of Flemington, New Jersey-based Boy Scout Troop 194's twenty-fifth anniversary.

Troop 194 was originally chartered with St. Magdalen's R.C. as its sponsor. In 1988, the troop was re-chartered at the Flemington Baptist Church. Currently, Troop 194 enrolls approximately 100 scouts, as participation in its summer camp program continues to increase.

Throughout its existence, Troop 194 has boasted a number of accomplishments. These include a dramatic increase in the troop's size, as well as the honoring of some twenty-two young men with the rank of Eagle Scout since 1981. Troop 194 has also undertaken various projects, which include cleaning up nearby Morales Park, working at local churches, and volunteering with the local Food Pantry. The troop continues to thrive as it continues to welcome new scouts and to contribute to the health of the surrounding community.

Once again, I congratulate Boy Scout Troop 194 on its accomplishments, and I ask my colleagues to join me in praising the scouts' record of achievement.

COMMENCEMENT ADDRESS AT WENTWORTH MILITARY ACADEMY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. SKELTON. Mr. Speaker, I had the privilege to give the commencement address at Wentworth Military Academy on May 19, 2001. As a graduate of Wentworth and a lifelong resident of Lexington, Missouri, Wentworth's home, it was a distinct honor. Accompanying me was General John Abrams, Commanding General at United States Army TRADOC, who commissioned 14 Second Lieutenants. My speech to that group is set forth as follows:

First, let me thank General John Abrams for being with us today. His participation in this event marks this as an historic moment for Wentworth, but more importantly honors the 14 new Army second lieutenants. This day will be a treasured memory for all of us for years to come, and we are truly grateful for General and Mrs. Abrams' presence this morning. Thank you.

Whenever I come to the Wentworth campus, my alma mater, memories of yesteryear flood my mind—rounding the far corner of the cinder track, the staccato history lectures of Captain Bob Heppler, standing in formation with my fellow cadets, and reading the inscription on the Administration Building—"Achieve the Honorable"—and wondering what in the world it meant.

But as Kipling wrote, that was "long ago and far away."

I am honored to have the opportunity to speak at today's ceremonies, but I have to confess that a graduation speech is a difficult assignment. With all of the excitement, and with the pride of individual and class-wide achievement that surrounds graduation day, few can be expected to remember what the speaker had to say. But I am not going to let that prevent me from sharing a few words of wisdom that have meant something to me and I hope will give you something to think about as you leave here and move into the next adventure of your lives.

Graduation day celebrates the steps each of you have completed to prepare for the future. It is a day to look forward. I can remember when I was in school, a guest speaker at an assembly told the students, "you are the leaders of tomorrow." At that point in my life, it was very easy to shrug off that statement. It's hard to imagine your buddies grown up and raising families, operating their own businesses, participating in civic life, leading a platoon of soldiers, or running for political office. But somehow it happens. Today, with your degree, you are on the brink of that tomorrow, and people will be looking to you for leadership.

Some time ago, I hosted a small breakfast for the famous historian and author Stephen Ambrose. You will recall that he wrote the books, D-Day, Citizen Soldier, and a book entitled Undaunted Courage, which details the saga of Lewis and Clark, who traversed the continent from 1804 to 1806.

That morning, I asked Professor Ambrose what it was that made America so great and so different. I was expecting his answer to be something along the lines of America's frontier westward movement, or our abundance of natural resources, or our great diversity of people. But this was his answer.

"Look at Russia. Russia has more natural resources than all of North America. Russia has a hearty workforce. But Russia did not have a George Washington, a John Adams, a Thomas Jefferson, or a James Madison, all of whom established our American values."

So what makes America so different and so great? Our values. We have been uncommonly blessed with leaders whose vision has allowed America to grow and prosper for over 200 years. The democratic system of government that our Founding Fathers set into motion has served us very well.

It is a common creed, not common ancestral roots, which binds us together as a nation. These are lasting values. They do not change. These are values that were instilled in me growing up in Lexington and during my time at Wentworth.

As we approached the year 2000, a great deal of attention focused on millennium celebrations all over the world. Any time we begin a new century, people tend to look back nostalgically, examining what life was like in the good old days. In America at the turn of the last century, only one out of seven homes had a bathtub, one in thirteen had a telephone. Today, every home not only has a telephone, but also more than two televisions per household. Undeniably, the technology that we use in our everyday lives has changed a great deal over the last hundred years, but I believe that the values we hold dear remain constant.

This fact was reinforced for me when I recently re-read a copy of the graduation address to the Wentworth Military Academy graduates of 1900. The speech was given by a then prominent young Lexington lawyer, Horace Blackwell, a graduate of Wentworth High School ten years earlier, a member of the Class of 1890. As you may know, the junior college was not added to Wentworth until 1923. From reading the speech I was reminded of Mr. Blackwell's enormous talent as an orator.

I knew Mr. Blackwell. He was successful in his profession and a leader in his church and in civil affairs. He signed my application to become a member of the Missouri Bar, and I was a pall bearer at his funeral in 1956. I can still visualize him, early in the morning at the barber shop for his daily shave, wearing his black suit, his celluloid collar, and his maroon bow tie.

In Mr. Blackwell's address on that June day over one hundred years ago, he advised the graduates to adopt two American values that have stood the test of time and are still important to us.

The first was "be courageous."

The dictionary defines courage as "the state or quality of mind or spirit that enables one to face danger with self-possession, confidence, and resolution; bravery."

Horace Blackwell said that being courageous "is half the battle." This institution has produced many so filled with courage. From the Wentworth ranks we can find a Medal of Honor recipient as well as a four-star general.

The cornerstone of our country has been courage: Those who sailed from Europe and landed at Plymouth Rock, those who established the colonies, those who fought in our revolution, those who moved west into the uncertainties and dangers of the wilderness, those inventors and industrialists who did not have the word "can't" in their vocabularies, those who fought at Chateau Thierry, like Wentworth's late Colonel J.M. Sellers Sr., in the First World War, those who stormed the beaches of Normandy and Tarawa in the Second World War, those who fought the spread of communism in Korea, those who braved the jungles of Vietnam, those who fought the Iraqi Army just ten years ago.

The other value Horace Blackwell charged the graduates to adopt was to "be industrious". Blackwell stressed the importance of hard work, work that involves not only the body but also the brain. The steady industriousness of the American people has led our nation to become the bastion of freedom in this world and the greatest civilization ever known.

Some students think that once they leave school, there will be no more reading assignments. That's not true in my office. In fact, when new staffers come to work for me, a story entitled "A Message to Garcia" is required reading. This story tells the tale of a fellow named Rowan. During the Spanish American War, Rowan was asked by President McKinley to take a message to an insurgent leader in Cuba named Garcia. Nobody knew where in the wilderness Garcia was hiding, no mail or telegraph message could reach him. But Rowan took the letter, and without complaint, without asking how or why, embraced his assignment and set out to find Garcia, which he did.

The story says that it isn't so much book-learning that young people need, but a "stiffening of the vertebrae which will cause them to be loyal to a trust, to act promptly, to concentrate their energies: do the thing—'Carry a message to Garcia!'" This persistence and industriousness will take a person far in life.

It is interesting to note that Horace Blackwell's lessons on being courageous and being industrious were not lost on his two sons. Both became prominent attorneys in Kansas City, one of them becoming the President of the Missouri Bar Association and the other a recipient of the Silver Star in World War II. Both sons were junior college graduates of this school.

In addition to Mr. Blackwell's counsel which I pass along to you, a new generation, I would like to give you a few more words of advice.

My friend, the late Congressman Fred Schwengel, told me about meeting then-Senator Harry S Truman in 1935 while Schwengel was a college student in Missouri. Truman advised him that to be a good American, ". . . you should know your history."

Knowing the lessons of history will serve you well, just as it did for Truman during his Presidency. At the end of the day, we as Americans must face stark realities. The world is far more dangerous than ever before. The end of the Cold War has fostered instability in regions heretofore unheard of. American diplomacy and the military will be called upon to keep the peace, settle disputes, and defend our interests. Americans will be challenged to the best that is in us.

But America needs more than military might and diplomats. America needs strength on the home front. Strength of character, strength in civic affairs, and strong communities. The core of America—its heart and soul—needs to be just as courageous and industrious as those on the front lines of international affairs. America must fulfill its potential to be a great civilization that is respected by the peoples of all countries.

Your years at Wentworth have taught you American values, and as you graduate and enter another phase of your life, it is my hope that you will take your place as so many other Wentworth graduates have, bearing the banners of courage and industriousness that will pave the way for you and for a brighter future for our country and peace-loving nations.

As you go forth in life, I charge you to: take responsibility for your actions; be honest and direct in your dealings with others; humble in your demeanor; thoughtful and considerate of others; loyal to your friends; devoted to your family; determined in your endeavors; know the history of our country; appreciate humor; proud of the uniform you wear; and love America.

Keep in mind one more thought. President Truman, who once visited this campus in the 1950s, liked to tell the story about the grave marker in Tombstone, Arizona, that read, "Here lies Jack Williams. He done his damndest." Missouri's President always strived to do just that—to do his damndest—that is, to do his best. So I charge you to heed the wisdom of that epitaph by doing your damndest. By doing so, your dedication will ensure that American freedom continues to shine like a polestar in the heavens.

Congratulations, and God bless.

IN RECOGNITION OF THE CONTRIBUTIONS OF ANTHONY QUINN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. SOLIS. Mr. Speaker, I rise to recognize the contributions of the late actor Anthony Quinn. Mr. Quinn, who died of respiratory failure on June 3, 2001, is remembered by the people of the 31st Congressional District and beyond for his outspoken stance on social justice issues and his positive portrayal of Mexican and Native American people.

Anthony Rudolph Oaxaca Quinn was born in Chihuahua, Mexico, to parents of Irish, Mexican, and Native American heritage who fought in the Mexican Revolution with Pancho Villa. His family fled to the United States when Anthony was an infant and settled in California after a short stay in El Paso, Texas. Prior to moving to East Los Angeles at age 6, Anthony worked alongside his parents picking fruit in California's Central Valley, earning 10 cents an hour. In part due to this experience, Mr. Quinn appreciated portraying the plight of working-class people. The Quinn family home in East Los Angeles is now the parking lot of the Anthony Quinn Library—located in the 31st Congressional District.

Mr. Quinn was not only a gifted actor, he was also a writer, artist, and political activist. After the 1942 "Sleepy Lagoon" trial, in which 22 Mexican youths from East Los Angeles were wrongly convicted of murder following a gang killing, Mr. Quinn helped to raise funds for an appeal. Years later, the accused young people were finally declared innocent.

Mr. Quinn earned two Oscars as best supporting actor, the first in 1952 for "Viva Zapata!" and the second in 1956 for his portrayal of painter Paul Gauguin in "Lust for Life." Mr. Quinn identified strongly with two cultures, the Mexican and the Irish, but could not be categorized as only representing those nationalities. His diverse background and appearance allowed him to play a wide range of characters from varying nationalities, including his most memorable as a Greek peasant in "Zorba the Greek."

On behalf of the 31st Congressional District, I recognize Mr. Quinn's contributions to both film and social justice causes and extend my condolences to his family and friends.

TRIBUTE TO THE OUTBACK STEAKHOUSE EMPLOYEES

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to the outstanding community service, charitable giving and volunteer efforts of the management and employees of the Outback Steakhouse franchise in Saginaw Township, Michigan.

While the Outback Steakhouse is widely known for its excellent food and original atmosphere, bringing its special brand of land-down-under hospitality to the American culture, the local franchise and its dedicated workers also actively support numerous non-profit organizations as a way of giving back to the community. The local effort began five years ago when former franchise owner Steve Jahn identified several charities he wanted to help. Steve put his heart and soul into the restaurant's outreach programs and new owner Mitch Hudecek has pledged to continue to seek out ways to maintain the Outback's exceptional level of community involvement.

Over the years, the Outback's excellent staff have spent untold hours cooking, serving and cleaning at events for organizations including the Boys and Girls Clubs of America, Big Brothers/Big Sisters of America, the Boysville Summer Olympics, the Make-A-Wish Foundation and the St. Luke's Hospital Epicurean Delight. At no cost to these non-profits, the restaurant has donated their mouth-watering steaks, delicious desserts and other palate-pleasers to help charities defray the high cost of fundraising events.

Non-profit groups depend upon the largesse of businesses and individuals to donate goods and services for enterprises to support their endeavors. The Outback Steakhouse and their employees have raised the bar for others when it comes to doing one's part for the greater community. It is especially noteworthy that Outback workers volunteer their time for every event in which they take part. Their dedication of time and quality service speaks volumes about them individually and about the spirit of voluntarism fostered by the Outback's management. In addition, the restaurant continually reaches out to young people by providing free tours of the kitchen and its operation to area schools.

Mr. Speaker, I ask my colleagues to join me in expressing my sincere appreciation to the Outback Steakhouse for their generous contributions to our community and their continued pursuit of excellence across the board.

LONG-RANGE ENERGY PLAN NECESSARY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the May 25, 2001, *Norfolk Daily News*. The editorial stresses the need to develop a long-range plan to address the nation's energy problems. The Bush administration is to be commended for offering a comprehensive plan with dozens of specific recommendations. it is imperative for Congress to work with the administration to develop a sensible long-term energy policy which will help assure Americans of development of diverse, reliable, affordable energy sources and an emphasis on energy conservation. Clearly, too, development of energy sources must be done in an environmentally responsible manner.

NO IMMEDIATE RELIEF IS PROMISED

With typical impatience, many Americans are disappointed that President Bush's energy plan does not immediately resolve the problems with high gasoline prices and the costs of electricity. Natural gas has escalated as well, and there is nothing in the Bush plan that puts a lid on prices or rations supplies.

Instead, he proposes to deal with the problems on a long-term basis. It may well mean he will be a one-term president, but if the plan gains acceptance, it is a small price to pay.

The clamoring for the federal government to do something, anything, about California's electric bill, which rose from $7 billion in 1999 to $28 billion last year and is expected to be upward of $50 billion next year, is intense. It seems typical of state or local government blaming Washington first and expecting to be bailed out. The idea that the state is too big and too important to the rest of the nation leads politically to the thought that federal intervention and "temporary" price caps are the only solution.

Energy policy must be based on the nation's best interests, however, and not those of residents or business enterprises in any one state.

The solution is to be found in realistic energy pricing which, in the case of gasoline now pushing upward of $2 a gallon, is not as costly as 20 years ago when inflation is taken into account.

Painful as that is, and especially for those in farming where costs are not often passed on, the alternative of price controls, quotas and rationing would be worse.

That segment of the oil industry in the United States which finds ways to obtain supplies from old sources thought to be uneconomic is now being revived. There are known reserves, notably including those offshore near California and the Gulf Coast, to be utilized. And there is also the Arctic National Wildlife Refuge that offers promise.

Some of these developments, inherent in the new plan, are vigorously opposed from an environmental standpoint. It may take even higher prices and more severe winters to convince policymakers that the conflicts between animal habitat and human needs require more compromise and not total bans on exploration and drilling under carefully controlled conditions.

While the Bush National Energy Policy is strong on emphasizing the production side, including nuclear sources and cleaner coal technology, it offers important incentives for conservation, for wider development of high-mileage vehicles, wind and solar power.

In short, it is a broad plan which can make America less dependent on foreign sources. That it does not solve immediate price and supply problems or establish a new energy czar with dictatorial powers is not a flaw. That it does not immediately solve problems unique to those states which handled deregulation programs poorly is not a weakness. But it will take much political foresight to recognize that.

HONORING LEONOR VON WALDEGG DELGADO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. DIAZ-BALART. Mr. Speaker, I rise to congratulate Leonor Von Waldegg Delgado for her 96th birthday. Born on June 6, 1905 in Bogota, Colombia to Julian Delgado Mallarino and Mercedes Morales Rocha she celebrates a lifetime of achievements—the cornerstone of which is reflected in her loving family.

She is the paternal grand-daughter of former Colombian Senator and Minister Evaristo Delgado and Susana Mallarino Cabal and the maternal grand-daughter of Julian Morales Quintero and Christina Rocha Caicedo. Her father, Julian Delgado Mallarino served as Colombian Minister of Public Instruction and her mother Mercedes Morales Rocha was known as a benevolent woman committed to helping children and the poor.

Leonor was married on July 21, 1928 to Baron Herman Von Waldegg in Bogota at the Roman Catholic Church of Vera Cruz. Colombia's sitting President, Abadia Mendez was in the wedding procession and the reception followed at the Presidential Palace, La Casa de Narino. Baron Von Waldegg was a renowned archeologist featured in the May 1940 issue of the National Geographic magazine. He taught at Boston College in Massachusetts and Columbia University in New York and served as the Curator of Natural History in both Boston and New York.

She comes from a large family. Her brothers include: Alvaro Delgado Morales, Carlos Delgado Morales, Enrique Delgado Morales, Julian Delgado Morales, Camilo Delgado Morales, Jaime Delgado Morales and German Delgado Morales. Her sisters include: Carolina Calle Mejia, Mercedes Gutierrez Rubio, Susana Arbelaez Manrique, Teresa Escruceria Mallarino, Ines Barbosa Manrique.

She is the mother of Jimmy Von Waldegg and Teresa Uribe. She is the grandmother of Robert and Patty Dempster, Allen and Lisa Dempster, John and Fran Dempster, George D. Uribe II, and Sherry Arbelaez, Vicki Von Waldegg, Jaime Von Waldegg and the great-grandmother of Robbie Dempster, Jr., Dylan Dempster, Teddy Dempster, Becky Dempster, John F. Dempster II, Deanna Romero, Cheri Arbelaez and Daniel Evans Von Waldegg. She is the great-great grandmother of Sabrina Romero, Samantha Romero, Sierra Romero and James Arbelaez Tacconi.

Today she celebrates an amazing life as well as an abundance of love for family, her faith in God and the legacy of integrity upheld throughout the generations. She instills a sense of responsibility and enjoys a rich cultural history. She has a winsome personality, a great sense of humor and an amazing ability to write and recite poetry.

Mr. Speaker, I congratulate her on this special occasion and wish her a very happy birthday. I send my best to her family as they celebrate not only a birthday but also a legacy of a woman who will continue to live through the lives of her loved ones.

CODIFICATION OF TITLE 40, UNITED STATES CODE, PUBLIC BUILDINGS, PROPERTY, AND WORKS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing a bill to codify and enact certain general and permanent laws, related to public buildings, property, and works, as title 40 of the United States Code. This bill has been prepared by the Office of the Law Revision Counsel of the House of Representatives as a part of the responsibilities of that Office to prepare and submit to the Committee on the Judiciary, for enactment into positive law, all titles of the United States Code. This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a description of the bill, containing a section-by-section summary, should contact the Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, D.C., 20505–6711. The Telephone number is (202) 226–2411.

Persons wishing to comment on the bill should submit those comments to the Office of the Law Revision Counsel no later than September 10, 2001.

ON PASSAGE OF H.R. 1, THE NO CHILD LEFT BEHIND ACT OF 2001

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. McCOLLUM. Mr. Speaker, I was pleased to support H.R. 1, a bipartisan bill to reauthorize the Elementary and Secondary Education Act. It is a good bill, but it is far from a perfect bill.

H.R. 1 substantially expands authorized funding levels targeted to America's neediest children. I am pleased that this bill excludes voucher provisions that would have stripped scarce funds from our public schools. Further, keeping out the Straight A's state block grant programs was the right thing to do.

Even though I voted for this bill, I have some strong reservations about it that I hope will be worked out in the conference committee. First, the new testing requirements in grades three through eight are an unfunded mandate by the federal government on our local schools. Second, I am deeply disappointed that neither class size reduction nor school construction was addressed in this bill.

I applaud the work of the Education and the Workforce Committee for writing a bipartisan bill to strengthen education for all of our children. There is much more work to be done, however, to ensure that every child in America receives the education they deserve. We need to renew our commitment to fully fund special education, lower class sizes, and attract and retain qualified, committed teachers. I hope H.R. 1 will reflect these priorities.

IN HONOR OF BISHOP ROGER W. GRIES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and celebrate Bishop Roger W. Gries upon being named Auxiliary Bishop of Cleveland.

Bishop Roger W. Gries has served the Cleveland and world communities in countless ways. He was originally baptized on April 11, 1937 at Holy Trinity Church in Cleveland, Ohio. Early in his education he attended Benedictine High School. Upon graduation he attended Saint John's University and eventually Loyola University in Chicago, Illinois. His faith and love then brought him to Saint Joseph Seminary, Blessed Sacrament Fathers, in Cleveland, Ohio.

After ordination in 1963, Bishop Gries served his community in many ways. He originally taught at Benedictine High School. However, soon thereafter his peers recognized his special gift for education and he later served as Assistant Principal, and then Principal. He then served as Abbot to the Saint Andrew Abbey from 1981–2001. He still serves today at St. Hyacinth Church in Cleveland.

Bishop Gries' joy and strong faith is apparent after listening to any of his sermons. His kind-spirited and good-nature has brought countless people to his church. His dedication, generosity, and love to his members is like no other; he truly cares for all people. We, as a community, are blessed to have people like Bishop Gries in our neighborhood.

Mr. Speaker, Bishop Gries has served his community selflessly. His love and talent has led him to numerous churches and schools in the Cleveland area where he has shared his faith. Please join me in celebration and recognition of Bishop Roger W. Gries on his naming to Auxiliary Bishop of Cleveland.

A TRIBUTE TO ONE WORLD-ONE HEART, INC.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. TOWNS. Mr. Speaker, I rise today in honor of the contributions of One World-One Heart, Inc. and it's supporting organizations for their work that exemplifies our Nation's unity, respect for your neighbor, and cultural exchange through inter-generational activities and programs.

One World-One Heart, Inc., a New York based non-profit organization, provides access to educational, recreational, cultural and intergenerational programs for participants from all ethnic, religious, economic and cultural backgrounds. The organization also provides programs at the elementary, high school and senior citizen level that encourage intergenerational interaction, respect for peers, and multicultural appreciation and understanding.

Every year in June, the organization partners with other longstanding organizations that share the philosophy of service to community and creates free public events to disseminate positive messages in a fun way. "The Taste of Pizza" Month, which continues to expand every year, includes a wide range of communities. In four short years, the campaign has mobilized other non-profits; educators, community leaders, business, and elected officials to help spread the message of non-violence in our schools; unity and multi-cultural appreciation to youths and adults alike.

The message is disseminated through pizza. Pizza serves as a symbol of the rich diversity of our society and is used by educators to explain concepts in areas of mathematics, history, and culture.

Certainly the message is a simple, but powerful one. One World-One Heart and its supporters, by taking the program nation-wide, will celebrate it's citizens and supporting organizations from coast to coast including World Champion Dough Thrower, Tony Gernignani; PMQ Magazine; Pizza Hut; Sharing in Neighborhood Experiences (SHINE); Plainview Old Bethpage John F. Kennedy High School; Cox Radio, Inc., Clear Channel Communications, and others; who will help to present a series of free public events and in-school programs. At the end of the program, all will enjoy, "Tony Modica's Pizza Dance" a celebratory group dance which was created specifically for the first "pizza" celebration.

We all have more in common than we sometimes can imagine. It is through the recognition of commonalities, such as pizza, which help to break down barriers of misinformation and misunderstanding. One World-One Heart, Inc. and its supporters are positive examples of how private citizens and non-profit organizations can make a difference in the community with the support of business and government.

It is for these reasons that I urge my colleagues to join me in recognizing, One World-One Heart, Inc. and the "Pizza" in proclaiming June "National Taste of Pizza" Month.

TRIBUTE TO JOY FISHER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to both honor and thank Ms. Joy Fisher for her astounding dedication to her volunteer work. Over the past decade, Ms. Fisher has spent many hours volunteering at the Colorado Bureau of Land Management, the Seniors' Resource Center and the Library of the Blind. The time she has dedicated to the BLM, alone, totals more than 15,600 hours.

Beyond the numerous hours Ms. Fisher has donated, this 89-year old woman deserves credit for her courtesy, professionalism, optimism and her love of life. She has earned the respect of those who know her and made all those whom she has helped feel welcome. Her dedication and hard work should serve as an inspiration to us all.

Ms. Fisher's selfless commitment to volunteerism, her passion for life and her dedication to those organizations she works for is admirable. Mr. Speaker, I would again, like to thank her on behalf of the people of Colorado.

CENTRAL NEW JERSEY RECOGNIZES ITS SERVICE ACADEMY STUDENTS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HOLT. Mr. Speaker, I want to recognize today a group of very special young men and women from Central New Jersey. One of the most important duties of a Member of Congress, as well as one of the most enjoyable, is nominating students to the United States service academies. In an age when media portrayals of young people are increasingly negative, getting to know students through the nomination process is an important reminder of the patriotism, sense of purpose, dedication to service and excellence of America's youth.

From a pool of over 40 students from my district who went through the rigorous and time-consuming process of applying for a Congressional nomination, I am very proud to say that twelve young women and men from Central New Jersey will be enrolling in America's service academies this year. They are the very best of an exceptional group, and I was proud to nominate them.

Five young men from the area will be attending the United States Military Academy at West Point, New York, to be commissioned as officers in the United States Army. I would like to recognize Kenneth Elgort of Montgomery, Ivan Eno of Interlaken, Chris Larsen of Princeton, Eric Schlieber of Raritan, and Balint Simsik of Ringoes.

Four young people from Central New Jersey will be attending the United States Naval Academy at Annapolis, Maryland, to be commissioned as officers in the United States Navy. I would like to recognize Brant DeBoer of Monroe, Brandis Kemp of Pittstown, Brian Richards of Sergeantsville, and Joshua Wort of Tewksbury.

One young man from my district will be attending the United States Air Force Academy at Colorado Springs, Colorado, to be commissioned as an officer in the United States Air Force. I would like to recognize Bryan Kelly of South Brunswick.

Two young women from Central New Jersey will be attending the United States Merchant Marine Academy. I would like to recognize Lindsay Elgart of Middletown and Victoria Millar of Princeton.

Mr. Speaker, I hope the House joins me in noting the accomplishments of these young men and women, and in wishing them the best of luck at the service academies and in their careers.

TRIBUTE TO MISSOURI STATE HIGHWAY PATROL OFFICER EVERETT H. MORGAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. SKELTON. Mr. Speaker, it has come to my attention that Corporal Everett Morgan, of Lafayette County, Missouri, recently retired from the Missouri State Highway Patrol after 35 years of outstanding service.

Corporal Morgan has dutifully served the citizens of Missouri for three decades. He was born in Corder, Missouri, and later graduated from Corder High School. Corporal Morgan then attended Central Missouri State University. In 1963 Everett joined the U.S. Army and served for six years at Fort Leonard Wood, Missouri, and Fort Still, Oklahoma. While serving in the U.S. Army, Corporal Morgan attended and graduated from Missouri State Highway Patrol Recruit Training.

Corporal Morgan's first assignment was to Troop A, in Jackson County, Missouri. He served Zone's 1 and 4 before being promoted to Corporal and assigned to Zone 7. Corporal Morgan served the last five years in the Gaming Division until retiring on April 1, 2001.

Mr. Speaker, Corporal Morgan has dedicated 35 years to the Missouri State Highway Patrol, serving with honor and distinction. I know that the Members of the House will join me in wishing him all the best in his retirement.

TRIBUTE TO THE MICHIGAN FRATERNAL ORDER OF POLICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor the members and leadership of the Michigan Fraternal Order of Police for the vital role they play in supporting law enforcement throughout the state and for their far-reaching volunteer efforts and unparalleled generosity.

The National Fraternal Order of Police is well-known for standing sentinel for more than 290,000 men and women in law enforcement across America, including 12,000 members in more than 50 lodges in Michigan. For many years, the organization has protected and defended the interests of its members and their families in public policy debates and other forums that help formulate rules and legislation affecting the way police officers do their job, including recently spearheading an effort for tuition waivers for survivors of police officers killed in the line of duty.

Under the strong leadership of Executive Director John Buczek and President Kevin Sommers, the organization, does much more than address the critical concerns of its members. It also has a well-deserved and laudable reputation for responding to local communities and charities with donations and service that greatly enhance the image of police officers as the trusted, kind and dependable keepers of the peace that children and others in need can turn to for assistance.

In particular, members of the Michigan Fraternal Order of Police deserve high praise for their collective and individual support of many charities, sports teams, scholarship programs, and post-prom parties on behalf of young people statewide. Each year, the organization awards $20,000 in scholarships to Michigan eighth-graders for an essay contest designed to encourage students to say no to drugs and alcohol. They also operate a children's identification program in association with Wal-Mart Corporation and just began a Kids and Cops at the Circus program, which allowed them to take 1,000 children to the Shrine Circus. Additionally, the group fields a team of runners in the Special Olympics Torch Run, raising over $10,000 for people with disabilities.

Mr. Speaker, I ask my colleagues to join me in expressing gratitude to the members and leadership of the Michigan Fraternal Order of Police for their good will and big-heartedness and in wishing them continued success in all their noble endeavors.

THE OHIO LATINO ARTS ASSOCIATION 2001 CONFERENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize the Ohio Latino Arts Association 2001 Conference, "El Milenio Latino," to be held in Cleveland, Ohio.

This year the Ohio Latino Arts Association, OLAA, will be celebrating a year in the arts in the heart of Cleveland, Ohio at the Museum of Art. Their theme, "El Milenio Latino," the Latino Millennium, embodies the diversity and ethnicity involved with this very special conference.

The organization's mission is to "identify, preserve, promote, and develop Latino cultural expression." This conference will further that mission through keynote speakers, art workshops, panel discussions, and many other activities. Cultural expression and diversity will be a key theme throughout the entire weekend, as people from all walks of life gather to celebrate their differences.

Over 500 visitors are expected to attend this conference sponsored by a network of Latino cultural arts organizations and artists. The Ohio Latino Arts Association thrives to encourage the development of a "first voice" for Latinos in the arts, and this weekend is a wonderful opportunity to do just that.

Mr. Speaker, please join me in recognition of the Ohio Latino Arts Association for their many years of dedicated service and their Ninth Annual Conference to be held in Cleveland, Ohio.

PERSONAL EXPLANATION

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. OTTER. Mr. Speaker, on Roll Call Vote 126 I was unavoidably detained. Had I been present I would have voted "yea". I am proud of our Pearl Harbor veterans and the thousands of young men who gave their lives for their country that day.

INTRODUCTION OF THE "GLOBAL ACCESS TO HIV/AIDS PREVENTION, AWARENESS, EDUCATION, AND TREATMENT ACT OF 2001"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HYDE. Mr. Speaker, the time has come once again for the United States to lead the world in surmounting one of the most compelling humanitarian and moral challenges of our time. I speak of the HIV/AIDS pandemic that threatens the stability of both the developing and developed world—a crisis unparalleled in modern times.

The statistics are chilling, Mr. Speaker. Over 22 million people have died of AIDS throughout the world. More than 3 million died last year alone. That is over 8,000 deaths each day, or nearly one death every six minutes. What is most alarming is that the number of infections and deaths is growing and the pandemic is quickly spreading from sub-Saharan Africa to India, China, and Russia. An incredible 36 million people are infected with HIV today—and 15,000 new infections occur each day. Tragically, most of the dramatic increase in infection rates is in poor countries where education, awareness, and access to healthcare is seriously lacking. To illustrate the magnitude of the crisis, it is estimated that by the year 2010 over 80 million people could be dead of AIDS. That is more than all the military and civilian deaths during World War II. Unchecked, we have no idea what the statistics will be in 2015 or 2220—less than 20 years from today.

Children suffer inordinately from the cruel AIDS pandemic. Millions are born HIV-infected even though mother-to-child transmission can be easily avoided if adequate training and healthcare is provided. By the end of the decade, 40 million children will be orphaned as a consequence of AIDS. The impact on developing societies—socially, politically, and economically—is incalculable and threatens the stability of the globe.

The pandemic is not limited to Africa, Mr. Speaker. The Caribbean region has the second highest rate of HIV infections in the world—only a few hundred miles from the United States. Russia had the highest increase rate of any country last year. The social upheaval that could arise in Russia as a result of this crisis could have serious consequences for global security. According to the National Intelligence Council, India is on the verge of a catastrophic AIDS epidemic.

For these reasons, the United States must lead the world in the effort to combat and ultimately rid the globe of this modern-day black plague. The problem is monumental, and our response needs to be both bilateral and multilateral. However, as with any problem, financial resources are not the sole answer to a problem, and the generosity of the American people must be well managed. We must provide resources at a pace at which they can be absorbed and used wisely. We must continue to encourage and support faith-based organizations and churches that are doing good works to educate the poor about HIV and AIDS. We must also insist that other developed nations join us in this global effort. The President has already signaled our nation's intention to lead by committing $200 million for a multilateral effort to combat HIV/AIDS through a global AIDS war chest that will be designed and implemented in the months to come.

To support these efforts, I have introduced legislation today to address both the bilateral and multilateral pillars of our response to the AIDS crisis. The most immediate and important step to address the HIV/AIDS challenge is for the United States to provide the leadership and impetus for a major international effort.

Consequently, my bill authorizes the Agency for International Development to carry out a comprehensive program of HIV/AIDS prevention, education, and treatment at a level of $469 million in each of the next two fiscal years. This is $100 million more than has been requested by the Administration for these purposes in Fiscal Year 2001. Moreover, my legislation authorizes an additional $50 million pilot program to provide treatment for those infected with HIV/AIDS by assisting the public and private sectors of developing countries in the procurement of HIV/AIDS pharmaceuticals and anti-viral therapies. Accordingly, through our bilateral efforts, the United States will demonstrate its commitment to address all facets of the HIV/AIDS challenge and to do so in a responsible and meaningful manner, and thereby challenge, the remainder of the developed world to emulate the example of the United States.

The bill I have introduced today also authorizes the President to contribute to multilateral efforts to combat HIV/AIDS at a level that the Administration deems appropriate. America will contribute its fair share as we work to leverage additional funds for this crusade from other developing countries. By providing the President with this flexibility, we can ensure that the contributions made by the

The novel bilateral treatment program that my bill authorizes is vitally important, for it gives hope for those already suffering from AIDS. By authorizing a pilot treatment program, we can work to extend the productive lives of those infected by the virus. This is not only the right thing to do—aside from humanitarian concerns—treatment makes prevention work. Without some expectation of hope or care, the poor have no reason to be tested for AIDS or to seek help. I am fully cognizant of the challenge posed by treatment programs in developing countries. However, we have no other option if we are ever to stem the tide of the pandemic.

The bill that I have introduced today also promotes microenterprise development as a crucial component in the struggle against HIV/AIDS. Microenterprise gives the poor who must deal with HIV/AIDS the means to help themselves. I wish to highlight the work in this area by Opportunity International, one of the organizations among my constituency. Opportunity International is a microenterprise pioneer and leader that has helped to create one million jobs for the poor of the developing world over the past thirty years by making loans to small enterprises.

Charles Dokmo, President and Chief Operating Officer of Opportunity International, is an expert in the field of microenterprise development and is working to implement an ambitious plan to combat the spread of AIDS in Africa through education, awareness, and by creating opportunities for those confronting HIV/AIDS.

Mr. Speaker, I wish to reiterate what I think is a consensus in Congress. Simply stated, the AIDS virus is one of the great moral challenges of our era for it is a scourge of unparalleled proportions in modern times. Every citizen has a stake in what tragically could be the black plague of the 21st century. Accordingly, we should do all we can to meet this test by reaching out now to those most in need—it is the right thing to do for our children, our country, and our world. Let us not fail the challenge.

IT IS TIME TO FINISH WHAT WE STARTED IN 1964

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HASTINGS of Florida. Mr. Speaker, this morning the United States Commission on Civil Rights released its report on Florida's election system. To say the least, I am appalled by the Commission's findings. To think that in this day and age we find ourselves trying to justify the racist and prejudicial tendencies that exist in the American election system is both pitiful and disturbing.

From purging the names of eligible voters to increasing numbers of spoiled ballots, the Commission's report clearly indicates that the problems which occurred in Florida last November disproportionately affected the votes cast by African-Americans and other minority groups. While only making up eleven percent of all eligible voters in Florida, African-Americans cast nearly 55 percent of the ballots that were rejected in Florida. In fact, African-Americans cast nearly 55 percent of the ballots that were rejected in Florida. In fact, African-American voters were nearly ten times more likely than white voters to have their ballots rejected in Florida. Nine of the ten counties with the highest percentage of African-American voters had disqualified ballot percentages above the state average. Of the 100 precincts with the highest numbers of disqualified ballots, 83 of them are majority-black precincts.

African-Americans were also disproportionately purged from voter lists. Under the Motor Voter Law, voters are protected from having their names removed from voting lists unless they move, die, or are convicted of a felony. In Florida, however, it appears as if the Motor Voter Law has been replaced by a system in which the names of eligible voters are unlawfully purged. In Miami-Dade County, the number of African-American names purged from eligible voter lists outnumbered the number of white and Hispanic voters whose names were removed from eligible voting lists three to one.

Moreover, the report's findings that an official of the Florida Division of Elections supported updating voting lists in a manner that removed a disproportionate number of African-Americans from eligible voting lists leaves little question that the State of Florida could have avoided the problems voters faced on election day. The Commission's report makes it clear that both Governor Jeb Bush and Florida Secretary of State Katherine Harris were well aware of the potential problems that some of Florida's counties were going to face on election day. However,

Mr. Speaker, the report issued by the U.S. Commission on Civil Rights highlights the problems that we face in Florida, and indeed, the rest of the nation. It is disgraceful that America has yet to create an election system that encourages rather than discourages. It is disgraceful that the conversations we are having today on voter accessibility, voter education, purging of eligible voters, and improving voting technology resemble the same conversations we had during the 1960s. Those of us involved in the Civil Rights Movement had hoped that Civil Rights Act of 1964 and the Voting Rights Act of 1965 would have ensured that no African-American, or any American for that matter, would be unlawfully turned away from the polls. Unfortunately, the reality is, it will take an Election Reform Act during the 107th Congress to finish what we started in 1964.

HONORING DAVID GROSSBERG

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor to the accomplishments of Mr. David Grossberg of Ontario, California.

Mr. Grossberg is the outgoing President for the City of Ontario Chamber of Commerce. According to his peers, Mr. Grossberg has demonstrated exceptional personal and civic leadership in his role as President and was actively involved in his community. Mr. Grossberg showed great commitment to the Chamber and was truly dedicated to serving as President.

The Chamber's accomplishments under Mr. Grossberg's tenure as President and Vice President have been numerous and impressive: the Chamber averaged 20 new members a month and ended the year with its largest budget surplus to date. As a result of Mr. Grossberg's leadership, the Inland Valley Chamber Alliance was formed to bring the local chambers closer on regional issues. During his term, the Chamber was successful in partnering with the California Manufacturer's Technology Center, who will co-sponsor the Chamber's Industrial Forum. Creation of the Ontario Chamber Service Club Round Table and Marketing Forum were two more examples of Mr. Grossberg's commitment to providing members with vital networking tools.

During his Presidency, the first Service Club Project was completed. In a joint effort by local service clubs, more than 1,000 rose bushes were planted on Euclid Avenue. Mr. Grossberg was also instrumental in saving the annual Christmas Nativity scenes on Euclid Avenue.

In addition to his duties as President of the Chamber, Mr. Grossberg serves on the Chamber's Board of Directors, Downtown Ontario Business and Professional Association, Director, Inland Empire West Resource Conservation District, member of the Ontario Rotary Club, and was a former member of the Downtown Ontario Revitalization Committee.

Mr. Grossberg's tenure as President of the Ontario Chamber of Commerce brought great leadership in the development of strong economic development programs and public policy. He has achieved an impressive record of career and civic accomplishments and, in doing so, has earned the admiration and respect of those who have the privilege of working with him. I would like to congratulate him on these accomplishments and sincerely thank him for his service to his community. He is truly deserving of the accolades of this Congress.

THE 57TH ANNIVERSARY OF D-DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 57th anniversary of D-Day, and recognize the hundreds of thousands of Americans soldiers who fought in World War II.

On July 6, 1944, thousands of men landed on the beaches of Normandy. Thousands of Allied paratroopers landed behind enemy lines, and even more made their way to the shore in small water crafts. More than 175,000 soldiers landed that morning before dawn. Hitler's seemingly strong wall of force had fallen to the Allied troops in less than one day.

Given the code name "Overload," D-Day was a plan so immense that literally thousands of men were involved with the planning of the campaign. This battle marks the allied nations unity and cooperation to work toward one common goal. 4,900 soldiers were lost on D-Day, yet their memory will live on forever in the hearts and souls of American patriots.

Americans united together through determination, patriotism, honor, and faith. Their duty and love of country led them toward victory. 57 years after that day, we continue to commemorate and pay homage to those who sacrificed so that we all could experience peace and freedom.

Mr. Speaker, please join me in honoring the memories of those Americans who fought to conquer tyranny and hatred in Europe. June 6, 1944 forever altered the course of history and united our great nation for one common goal, freedom.

CONGRATULATING THOMAS E. WHITE ON BECOMING SECRETARY OF THE ARMY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. BRADY of Texas. Mr. Speaker, on behalf of his delighted friends and neighbors in The Woodlands, Texas, and all the constituents of the 8th Congressional District of Texas, I rise today to proudly congratulate Thomas E. White on becoming the 18th Secretary of the Army.

Rebuilding America's national security for the 21st Century is a top priority for President George W. Bush. Seeking vision, executive leadership, and Army experience, our President chose wisely in his nomination for Secretary of the Army—as did the United States Senate in confirming Secretary White.

This Detroit, Michigan native will lead a dedicated work force of more than one million active duty, National Guard, and Army Reserve soldiers who, with the support of 270,000 civilian employees, proudly comprise the U.S. Army today. As the former Chairman and CEO for Enron Operations Corporation headquartered in Houston, Texas, Secretary White now holds the responsibility for all matters relating to Army manpower, personnel, reserve affairs, installations, environmental issues, weapons systems and equipment acquisition, communications, and financial management.

The seriousness and respect with which he approaches this awesome responsibility was reflected during his Senate confirmation hearings when he stated, "Taking care of people is a sacred duty I will bear if confirmed as Secretary."

A proud graduate of the U.S. Military Academy at West Point, the four objectives Secretary White has identified for his tenure are right on target: investing in people, assuring readiness, transforming every aspect of the entire Army—doctrine, training, leadership, infrastructure, and more—in a holistic manner, and adopting sound business practices.

Secretary White is exceptionally well qualified for this job. Commissioned in the U.S. Army in 1967, he rose to the rank of Brigadier General in 1990. His distinguished 23-year career as an Army officer included two tours of service in Vietnam, command of the 11th Armored Cavalry Regiment in Germany, a number of assignments on the Army Staff, and finally, service as Executive Assistant to the

Chairman of the Joint Chiefs of Staff, Colin Powell.

Finally, and perhaps more important than all of these things, Secretary White believes strongly in his family, describing them as "my supporting foundation." His devotion to his wife Susan and three children—Katie, Tommy, and Chuck—is worthy of imitation in our country today.

On behalf of the entire congressional delegation from the great State of Texas, and for those who wish to restore a strong and vigorous national defense led by the United States Army, I wish the very best for this extremely capable and dedicated public servant. I am confident that Secretary White will serve this nation with honor, integrity, and success.

HONORING CHAMPIONSHIP SEASON OF THE BEECH LADY BUCCANEERS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. GORDON. Mr. Speaker, today I rise to recognize the championship season of the Beech High School Lady Buccaneers. The Lady Buccaneers had a tremendous season by winning the 2001 Class AAA girls softball state championship.

Residents of Hendersonville, Tennessee, can be proud of their Lady Buccaneers. The team went 45–6 this season and displayed remarkable perservance and resilience. This season's state championship marks the second time since 1997 the team has won the tournament. And the Lady Bucs have reached the championship game four times during that span.

The Lady Bucs won the finale in dramatic fashion by scoring two runs against their opponents in the top of the 10th inning. The final score was 2–1, with Beech outdistancing another fine Middle Tennessee team, the Columbia Lady Lions.

I commend the Lady Buccaneers and their head coach, Kristi Brinkley, for a fine season and an outstanding win. The following are members of the 2001 state champion Lady Buccaneers: Brittany Barry, Marley Birdwell, Courtney Boynton, Amy Chatham, Casey Duke, Nicole Eckley, Jennifer Grybash, Camille Harris, Cristin James, Courtney Langston, Carissa Lowery, Ashley Sinyard, Brittney Sinyard, Allie Smith, Kristin Stanfill and Amber Warren. Wayne Smith and Mary Day Reynolds also serve as the team's assistant coaches.

HONORING ST. PATRICK'S CHURCH ON ITS 150TH ANNIVERSARY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to St. Patrick's Church in San Francisco as it celebrates its 150th anniversary. Located in the same neighborhood where it was founded, St. Patrick's has been steadfast in meeting the spiritual needs of its parishioners even as the neighborhood has changed around it. Recently seismically retrofitted, it is my honor to congratulate St. Patrick's as it prepares for the next 150 years.

The founding of St. Patrick's was part of the boom that accompanied the Gold Rush; the dramatic increase in population required a similar increase in services. As housing was constructed and new businesses opened their doors, Father John Maginnis held St. Patrick's first mass in a rented hall in 1851. Within a few months, a temporary church's future expansion. Construction began in 1870, and on March 17, 1872 the new church was built nearby. By 1854, it became evident that St. Patrick's would need a larger home, and a lot was purchased for the church's future expansion. Construction began in 1870, and on March 17, 1872 the new church was dedicated at its current location on Mission Street between Third and Fourth Streets.

Like much of San Francisco, the church was destroyed in the earthquake and subsequent fire of 1906. Though it temporarily did not have a home, it did have a calling. St. Patrick's deferred its own full reconstruction in order to minister to the immediate needs of the city. When the current building was completed and dedicated in 1914, it quickly became a San Francisco landmark. Beautifully designed under the supervision of Monsignor John Roberts, the church is decorated in the Irish national colors and tells the story of St. Patrick and other Irish saints.

Throughout its history, St. Patrick's has served the community. In the first year of the Parish, St. Patrick's worked with the Daughters of Charity from Emmitsburg, Maryland to run the St. Vincent's School for Girls and the St. Patrick's School for Boys. In 1927, Father Rogers built the Tir-Na-Nog (Gaelic for "land of youth") men's shelter. When the Boys and Girls schools were closed in 1964 due to changing neighborhood demographics, St. Patrick's helped to build the Alexis Apartments for the elderly on the same site. The church provides meals, housing, clothing, and furniture to those in need.

The congregation of St. Patrick's has changed over the years but it commitment to serving those who come through its doors has never wavered. The church was originally composed of Irish immigrants and their descendants. In the middle of this century, the parishioners came increasingly from Spanish-speaking countries. More recently, it has been the City's Filipino population that has found a home at St. Patrick's. Its downtown location and status as a tourist destination also ensure a diverse group of worshippers on any particular Sunday.

Around St. Patrick's, the buildings have grown higher and the rents more expensive; its neighbors now include a luxury hotel and a billion dollar entertainment complex. St. Patrick's, through, remains an oasis in the middle of a bustling city, tending to the poor and those in need for 150 years. Mr. Speaker, it is my honor to congratulate St. Patrick's Church on this Anniversary and to thank Monsignor Fred Bitanga and all of the staff at St. Patrick's for their work in our City.

INTRODUCTION OF THE NATIONAL FLOOD INSURANCE PROGRAM FAIRNESS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. STARK. Mr. Speaker, I am here today to re-introduce the National Flood Insurance Program Fairness Act. Last year many of my constituents were placed into a special hazard flood area that requires them to purchase flood insurance that can cost over $1,000 per year.

These residents were not notified that they would be required to purchase flood insurance until two months or less before the maps became effective, even though the law is supposed to give them six months notice and ample time to purchase flood insurance. Needless to say, this took many of my constituents by surprise when they were required to purchase costly insurance at a moments notice, having not seen flooding in decades or even a lifetime.

Several residents who did not believe that were in the flood zone hired surveyors at their own expense, and many residents continue to hire surveyors. The private surveyors' data has resulted in removal of homes from the special hazard flood area, thus removing them from their obligation to purchase flood insurance. In the long run, while these residents are not required to purchase flood insurance, they have spent over $200 each for surveyor costs. Unfortunately, this cost burden is the responsibility of the property owner. They were told by FEMA that under current law property owners who challenge the presumed flood classification are responsible for the surveyor expense even though the incorrect classification is no fault of their own.

Clearly, the National Flood Insurance Program needs to be revised to give homeowners more notice, due process, and financial protection when they succeed in removing their property from the base flood elevation classification. That is why I am proposing the National Flood Insurance Program Fairness Act.

The National Flood Insurance Program Fairness Act does the following:

The bill improves the existing program by requiring the FEMA Director to notify by registered mail the Chief Executive Officer

It also requires the Director to notify by registered mail, rather than first class mail, the Chief Executive Officer of each community of FEMA's response to the community's appeal of the flood insurance rate maps. This change will ensure that the community receives the notice of changes and has ample time to comply with the map changes within the statutory effective date.

The bill improves upon current law by requiring the Director to notify by first class mail each owner of property affected by the changes in the flood insurance rate maps. Currently, the community is responsible for making sure that the residents are aware of the flood map changes. Requiring FEMA to notify residents expedites the process by eliminating the middleman.

Finally, it requires FEMA to reimburse a resident or property owner for reasonable costs incurred in connection with a surveyor or engineer for a successful request to be removed from the special hazard flood area to the Director. This does not include legal services incurred by the resident.

It is my hope that this legislation will allow communities to work more effectively with FEMA to ensure that residents are given sufficient, fair, and timely notice if they are required to purchase flood insurance and to ensure that homeowners are not held financially liable when a change in a community's flood insurance rate map does not affect their property. With original cosponsors from both sides of the aisle, I hope we can see this common sense solution come to fruition.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HOEFFEL. Mr. Speaker, I wanted to take a moment to explain my absence from the House on Saturday, May 26. After the Senate passed its version of the tax cut bill on Wednesday of that week, the Senate version and the House version were sent to conference committee to produce a compromise final bill that both houses would vote on.

Following Senate passage, most observers expected the conference report to be ready for a final vote on Thursday, or at the very latest on Friday. However, negotiations dragged on with members receiving only periodic, gloomy updates. Finally, an agreement was announced late Friday night. I spent the entire night in my office waiting for a vote that was promised by 2 or 3 a.m. No vote was called.

At 8 a.m. Saturday, I boarded an Amtrak train to attend my son's graduation from the Hill School in Pottstown, PA later in the morning. This was the last train that I could take and still make my son's graduation. The House voted on the bill about two hours after I left Washington. I apologize to my constituents for not being able to vote on what I believe to be a very flawed tax bill, but I believe the vast majority will understand why I chose not to be there.

Had I been present to vote, I would have voted against the tax bill. Not because I don't think there should be a tax cut, but because this one is simply too big, is heavily titled to the wealthy, is filled with fiscal gimmicks, and threatens to plunge this country back into deficit spending.

I support an immediate rebate to the American people, and actually supported a larger rebate than was in the bill from the outset of the tax debate. I also conceptually support several other items in the tax cut such as fixing the marriage penalty, reforming the estate tax and providing tuition tax credits. However this bill simply went overboard and threatens the fiscal discipline we have shown over the last several years.

The folly of this tax cut will be shown as the President tries to pay for items like increased defense spending and education reforms that he has not accounted for in the budget, and for years to come as the tax cut is fully phased in and scarce revenue is needed to meet our national retirement and health care obligations to the growing number of older Americans.

IDENTITY THEFT LEGISLATION

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. HOOLEY of Oregon. Mr. Speaker, four months ago, a little boy in Salem, Oregon named Tyler Benton Bales lost his battle with a rare genetic disease called Hurler Syndrome. Although I never had the pleasure of knowing him, Tyler was somewhat of a celebrity in Salem. In fact, he was the subject of a front page article in the Salem Statesman Journal last December, when a silent auction was held to raise money to offset the cost of an expensive bone marrow transplant that was his only chance to beat Hurler Syndrome. Unfortunately, Tyler's heart wasn't strong enough to survive the rigors of his transplant and chemotherapy. He was only sixteen months old when he passed away.

Mr. Speaker, there's nothing more tragic than losing a child. My heart goes out to Tyler's parents, and to all the other parents of children who suffer from Hurler Syndrome. Unfortunately, the heartache of Tyler's loss hasn't eased for his parents. As if it's not hard enough losing your sixteen month old child, the Bales recently learned—courtesy of the Internal Revenue Service—that someone is claiming Tyler as a dependent on their 2000 income tax return. As disturbing as that is, it gets worse.

Because of disclosure issues, the IRS won't give out the name of the identity thief to the Salem Police Department, even though identity theft is a felony offense in Oregon. The thief could live right down the street or 3,000 miles away—but if the IRS has it's way, the Bales—and the Salem Police Department—will never know who stole their son's personal information.

Mr. Speaker, we can't even begin to imagine the anguish this family is going through. Tyler Benton Bales was so much more than a name, a date of birth, and a Social Security number—he was a little boy who was surrounded by love during his brief time with us. His parents—and the countless of other people who loved him—should not see his memory dishonored by a common thief whose identity is actually being protected by the IRS. That's why I'm introducing the ID Theft Loophole Closure Act. This legislation simply requires the IRS to furnish the name, Social Security number, and address of a suspected identity thief to state and local law enforcement agencies for the exclusive purpose of locating that individual.

Identity Theft is not a victimless crime. We must cut through the red tape that is preventing this and other thieves from being prosecuted for their crimes, and I believe this legislation is the right tool for the job. I urge my colleagues to support the ID Theft Loophole Closure Act.

RECOGNIZING GOMBE STATE, NIGERIA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. SCHAFFER. Mr. Speaker, in April, I visited West Africa as part of the Congressional Delegation led by our Republican Conference Chairman, Mr. WATTS of Oklahoma. Among the most successful components of the delegation's mission was a visit to Nigeria, and, more specifically, a meeting with various Nigerian governors. The meeting took place on April 7th in Abuja, the capital city.

I had the good fortune of being seated beside Governor Alhaji Abubakar Habu Hashidu, the Executive Governor of Gombe State. Our discussions afforded me a more complete understanding of the numerous opportunities for American business investment in the particular region of Nigeria represented by Gov. Hashidu. Regional investments in the education system there, along with infrastructure modernization and utility enhancement suggest a genuine effort to promote foreign investment, particularly among American entrepreneurs. I found Gov. Hashidu to be an earnest spokesman for his state, and sincere in his desire to strengthen friendships between his constituency and the American people.

Mr. Speaker, I retain in my office a full report on the investment potentials of Gombe State, Nigeria. On behalf of this House, I personally received the document directly from Gov. Hashidu. By these remarks, I serve notice of the availability of the report to each of our colleagues as I have already delivered copies to Members who have indicated interest in its contents.

In the meantime, Mr. Speaker, I hereby submit for the RECORD, the introductory remarks of Gov. Hashidu which accompany the report, and which were presented to the delegation in Abuja. Gov. Hashidu's comments fully summarize his commitment, and that of his government, to economic expansion in Gombe State. His observations should be considered by every Member of Congress and I humbly beg this body's attention in this important matter.

ADDRESS BY HIS EXCELLENCY, ALHAJI ABUBAKAR HABU HASHIDU THE EXECUTIVE GOVERNOR OF GOMBE STATE DELIVERED TO THE DELEGATION OF THE MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES LED BY REP. JESSY WATTS, JR. ON 7TH APRIL 2001 AT ABUJA

Hon. Members of Congress, let me start by, welcoming this esteemed group of Congress men and women of the United States of America, led by Rep. J.C. Watts, Jr.

Your visit to Nigeria at this crucial time of our democratic experiment is most welcome. Our system of Government which is tailored along the United States Presidential system with both Senate and House of Representatives having their clear Legislative Schedules, has been an interesting experience. The various actors in the new democratic project are committed to the success of the experiment. So far, the three arms of Government have shown tolerance and understanding in the principles of power sharing. The experience has been very stimulating and it has the capacity for that providing opportunities to exploit our potentials. We have recognised this fact and we are making effort to reap the dividends of democracy.

We in Gombe State are a dynamic group who have been noted for hard work. The State is endowed with abundant agricultural land and adequate water resources for irrigated agriculture. These have provided us with a strong base for food and cash crop production. The main cash crop is cotton. Cotton production has been an age long occupation that was recognised and encouraged by the British Cotton Growing Association with a ginnery established since 1956. All the districts in Gombe State have established cotton markets for a very long time. Cotton production has increased tremendously in the state in recent time due to the positive approach adopted by the new democratic Government. For example, production has improved from 10,000 metric tons in 1999 to 50,000 tons in 2000. Government is planning to boost production to 100,000 tons in 2001.

Beside cotton, Gombe State is endowed with other agricultural raw materials and solid mineral resources. Huge quantities of crops that can adequately be used as raw materials by industry and also be consumed directly by house holds are grown annually in the state. Gombe State has the 2nd largest produce market in the North of Nigeria, second only to Kano, the commercial nerve centre of the North.

There have been various efforts to harness these agricultural produce but we are limited by capital application. Presently, apart from the two privately owned Cotton Ginneries in Gombe and the Mango and Tomato processing factory at Kumo, there are no end user industries to utilise these huge quantities of raw materials grown in the State annually. A substantial portion is therefore being sold out and transported daily to other parts of the country for domestic/industrial uses. We therefore need investors to come and invest in this sector in the State.

In terms of Solid Minerals, Gombe State is endowed with over thirty-five (35) different varieties of Solid Minerals which are suspected to exist in large commercial quantities underground all over the State. However, some of these minerals have been explored and are currently being utilised by the few companies

From the foregoing it is clear, our economic potentials are quite enormous. The only inhibiting factor is lack of industrial base. This is why our Administration is committed to the industrial development of the State. Already the National privatisation exercise has opened the door for potential investors to try their hands in the abundant opportunities in the country. We in Gombe State are eager to receive such investors with generous incentives. For example, Government will provide free land for any genuine investor that is ready to establish a factory here. We shall equally grant such investor a five year tax holiday. These and other generous terms awaits any willing investors(s).

Having mentioned these potentials I foresee a good business future for any investor from the United States who is willing to invest here. We have a dynamic group of dedicated civil servants who are committed to the developmental needs of the young State. The Community is peace loving and industrious. The security situation is excellent. Power supply is very stable and communication is good. When all these are added to the abundant cheap raw materials available. Gombe State would pass the test of any entrepreneur. I therefore urge you to give us a trial I am sure you will be convinced.

Honourable Members of Congress, this is an exciting time for me and the People of Gombe state. A time that provides me the opportunity to present the investment potentials of this young State to the World's biggest economy. As I count on your assistance, I look forward to a dynamic future with huge investments from the United States of America. I therefore urge you to spare a few minutes and scan through this brochure so as to acquaint yourselves with some of our potentials.

Thank you and God Bless.

25TH ANNIVERSARY OF THE GERTRUDE STEIN DEMOCRATIC CLUB

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. NORTON. Mr. Speaker, I rise, from time to time, to acknowledge the accomplishments and milestones of the citizens and organizations of the District of Columbia, whom I have the honor to represent in Congress. As a life-long advocate for civil rights, I am particularly proud to have within my constituency some of the oldest and most established Lesbian, Gay, Bisexual, and Transgendered civil rights organizations in the United States.

These organizations work tirelessly, despite the triple scourges of racism, homophobia, and taxation without representation which belabor the District of Columbia, to extend, without regard to race, sex, religion, national origin, sexual orientation and gender those civil and political rights which are taken for granted by some Americans to all Americans, especially those Americans residing within the four quadrants of the District of Columbia.

Today I take particular pleasure in acknowledging the Gertrude Stein Democratic Club, one of America's oldest partisan Lesbian, Gay, Bisexual, and Transgendered civil rights organizations on the occasion of its twenty-fifth anniversary, this Thursday, June 7, 2001.

In 1976, my constituents, Paul Kuntzler, Richard Maulsby, and Dr. Franklin E. Kameny, founded the Gertrude Stein Democratic Club. Since its founding, the Stein Club has become a powerful and respected participant in the political life of the District of Columbia. The Gertrude Stein Club ceaselessly fights not only for human and civil rights, but for the inclusion and acceptance of Lesbian, Gay, Bisexual and Transgendered persons within the political process of the District and the Nation.

The Club's success is reflected among its members who now hold, and have held, responsible government positions. These include: D.C. Councilmember Jim Graham; the Director of the D.C. Office of Boards and Commissions, Ronald Kin; Mayor Anthony Williams's Gay Community Liaison; Philip Pannell, and former White House Counsel Karen Tramontano.

The Gertrude Stein Democratic Club has always been at the forefront of efforts on behalf of human rights, domestic partnership, HIV services, hate crimes, employment non-discrimination,

As part of their 25th anniversary celebration, the Gertrude Stein Democratic Club will honor two outstanding gay leaders: Andrew Tobias, Treasurer of the Democratic National Committee; and Paul Yandura, Executive Director of the National Stonewall Democratic Federation. Andrew Tobias enjoyed a national reputation for his work in the gay and lesbian community and for the Democratic Party. He is an author and financier who has helped the lives of millions of Americans with his sound financial advice, Mr. Tobias is a true renaissance man and "The Best Little Boy in the World." My constituent, Paul Yandura, despite his youth, is a seasoned veteran of national politics. Mr. Yandura served in the Clinton/Gore Administration, in both political and executive capacities responsible for constituency outreach, public/media relations, event production and he advised the President on a variety of policy issues which included E-Commerce, HIV/AIDS, fair housing and LGBT civil rights.

Mr. Speaker, this week that marks the 25th Anniversary of the Gertrude Stein Democratic Club, also marks the 20th Anniversary of the discernment of an illness which we now know as AIDS. On Friday, June 5, 1981 the Center for Disease Control published in the Morbidity and Morality Weekly Report an article on five gay angelino men in their late twenties and early thirties who contracted Pneumocystis carinii pneumonia. In the twenty years hence we, both as Americans and as Members of Congress, have been remiss in our duties. While we have passed much legislation, we have failed to enact The Employment Non-Discrimination Act and the Hate Crimes Prevention Act; we have not stopped the dizzying spiral of prescription drug costs, and the District of Columbia still has no voting representation in Congress.

Mr. Speaker, I ask the House both to join me in congratulating the Gertrude Stein Democratic Club on its 25th Anniversary and to join me in re-doubling our efforts to pass the Employment Non-Discrimination and Hate Crimes Prevention Act, to provide affordable access to prescription drugs for all Americans who need them, and to bring some measure of democracy to the citizens of the District of Columbia during this Congress.

INTRODUCTION OF THE TRICARE RETIREES OPPORTUNITY ACT OF 2001

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. CARDIN. Mr. Speaker, I rise today on the 57th anniversary of the D-Day Invasion of Normandy, to introduce federal legislation that will help military retirees access the health care benefits to which they are entitled. The TRICARE Retirees Opportunity Act will help retirees fully participate in the Department of Defense's (DOD) health care program, TRICARE. Since 1995, DOD has coordinated the medical care efforts of the military branches within TRICARE.

In an effort to fully meet America's promises to the military, last year Congress authorized expanding TRICARE to Medicare-eligible retirees and their dependents. Starting Oct. 1, 2001, all military retirees and their dependents who are age 65, or who are otherwise eligible for Medicare will be able to use TRICARE as a second payer.

In the past, military retirees who reached the age of 65 lost their TRICARE eligibility and were required to purchase supplemental policies, which are often prohibitively expensive, to cover Medicare's deductibles and coinsurance. By expanding TRICARE to the 65 years of age and older population, Congress can ensure that these men and women who served our nation are eligible for the best health care this nation can offer.

I recently became aware of an inequitable situation facing many military retirees. Under current law, seniors who failed to enroll in Medicare Part B when they first became eligible are subject to a premium penalty of 10 percent for every year they did not enroll, effectively increasing the monthly premium for a 70-year-old first-time enrollee from $50 to $75 for the rest of his or her life. Because military retirees could not have anticipated how their benefits would change, tens of thousands of retirees are now subject to these late penalties. The legislation I am introducing today would waive the penalty for military retirees who enroll between January 1, 2001 and December 31, 2002.

There is another barrier to full participation facing our military retirees. Current law permits late enrollees to sign up only during Medicare's annual open enrollment period—January 1 through March 31—with benefits beginning on July 1. My legislation will create a continuous open enrollment period through the end of 2002 for military retirees so that these prospective beneficiaries may access their new coverage immediately.

Mr. Speaker, this country has done a good job of meeting the health care needs of our active duty military. The Floyd A. Spence National Defense Authorization Act for Fiscal Year 2001 was a milestone in our efforts to help the military retirees who devoted years of their lives to defend this nation. My bill takes one more important step to ensure that these retirees, their spouses, and their survivors have full access to the benefits we enacted for them last year. I urge all my colleagues to join me in support of this key legislation so that we may truly fulfill our promise to the nation's military retirees this year.

IN RECOGNITION OF AMTRAK'S 30TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Amtrak on its 30th Anniversary. On May 1, 1971, Amtrak began operations at a time when passenger rail service in America seemed to be fading into the past, destined to take its place in American history. But when Amtrak was created thirty years ago, there came an opportunity for passenger rail service to play a role in addressing America's transportation needs.

Today, with congestion dominating our highways and skies, and with airline delays and gas prices reaching record levels, wary travelers have turned to rail service for relief. And Amtrak has succeed in providing travelers with a quality alternative to every-day transportation headaches.

Amtrak has worked hard to understand the needs of passengers. It understands that people want to travel safely and comfortably, that people want to reach their destinations on time, and that people do not want to pay excessive fares. Because of this understanding, Amtrak is currently experiencing a tremendous growth in ridership: just last year, Amtrak logged a record 22.5 million trips, making Amtrak the ninth largest commercial passenger carrier in the United States.

To meet the demands of increased ridership, Amtrak has been working hard to make improvements to its infrastructure. In New Jersey, as well as throughout the Northeast, Amtrak's Northeast Corridor service provides an essential link between regional businesses and communities. To maintain its commitment to the region, Amtrak is working with the New Jersey Transit Authority (NJTRANSIT) to build and improve rail lines and tunnels. NJ TRANSIT and Amtrak are in the process of completing improvements to Newark Penn Station, and construction of the Newark International Airport Station, which will create a link between the airport and the Nation's busiest rail line. These improvements to local infrastructure will further empower local communities and the region's economy.

Today, I ask my colleagues to join me in recognizing Amtrak's commitment to passenger rail service on its 30th Anniversary.

HONORING THE SERVICE AND LEADERSHIP OF PRESIDENT AREND DON LUBBERS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. EHLERS. Mr. Speaker, I rise today to honor a man whose name is synonymous with higher education in Michigan and across the United States. After 32 years as president of Grand Valley State University, Arend Don Lubbers will retire later this month as the nation's longest-serving state university president. During his tenure, Grand Valley State University has grown from a small college with a few buildings on the main campus in Allendale to an established university with additional campuses in downtown Grand Rapids, Holland, Muskegon, Traverse City, and Petoskey.

When President Lubbers began his presidency at GVSU in January 1969, he was a trailblazer, holding the distinction of being one of the youngest college presidents in the country at the time. Recognized by Life magazine in 1962 for his hard work and his willingness to try new ideas, Lubbers lived up to the billing by building Grand Valley into a university that now boasts more than 42,000 alumni and is recognized as a premier institution in education, research, and technology.

Grand Valley has enjoyed considerable success because President Lubbers has implemented his vision of how to successfully lead a university. During his farewell address to the campus community in April, he outlined four characteristics of what is required to make a university successful. The four characteristics—ownership, power, commitment, and sense of mission—have been his plan from the very beginning. GVSU is truly a special place today because he acted on the plans and ideas he envisioned for himself and the university community.

When classes resume for the 2001–2002 school year a new era will be underway at GVSU. It will mark the first time since the late 1960's that President Lubbers will be absent from welcoming faculty, staff, returning students, and new students to campus. Some thirty years later, the school year will begin without the man who has worked tirelessly to achieve his vision for higher education in West Michigan. Even though a new chapter will have begun, the legacy of President Lubbers will live on as Grant Valley State University continues to establish itself as a model for other institutions to follow.

Mr. Speaker, I want to personally thank President Lubbers for his ideas, his commitment to people and education, for laying the foundation for faculty, staff, and students to build on in the future and for his personal friendship. His personable and approachable style will be greatly missed by those who have had the pleasure of working alongside and with him over the years. He's truly earned the right to miss the first day of classes this coming school year. Congratulations and best wishes to President Lubbers and his wife Nancy as they begin their new venture!

TRIBUTE TO ELLEN KELLY FAIRBANKS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. McGOVERN, Mr. Speaker, I rise today to honor a dedicated educator and administrator, Ellen Kelly Fairbanks, who has recently retired from her position as Principal of the Floral Street School in Shrewsbury, Massachusetts.

Mrs. Fairbanks is yet another example of all the hardworking and dedicated educators found in Central Massachusetts today. She inspires us with her love of teaching, which she has carried with her from the time she was a little girl in Iowa playing school with her younger brothers. Mrs. Fairbanks began her thirty years in education, teaching in Wakefield and Newton. Following time off to raise her two daughters Katherine and Martha, she returned to teaching in her new hometown of Shrewsbury as a reading specialist at Shrewsbury Middle School and later as a teacher at the Calvin Coolidge Elementary School.

In 1987, Mrs. Fairbanks became principal at the Beal School Early Childhood Center. Housed in an abandoned building designed as a high school in 1913, this school building experienced a rebirth under the leadership of Mrs. Fairbanks. To many the Beal Early Childhood Center became one of the most beloved institutions in town. In fact, her accomplishments at the Beal Early Childhood Center were so impressive that the town of Shrewsbury rewarded her in 1996 by making Mrs. Fairbanks principal of Floral Street School, the town's largest elementary school.

Mrs. Fairbanks plans on spending her retirement quilting, traveling, researching her genealogy, and spending more time with her friends. Without doubt, Mrs. Fairbanks has touched the lives of many and will be greatly missed by the over ten thousand students who have passed in and out of her classrooms and office.

Mr. Speaker, I commend Mrs. Fairbanks for her dedication to the students of Central Massachusetts and present her as an example of what all educators should strive to be.

COMMEMORATING THE SERVICE OF RUDY SVORINICH AS CHAIRMAN OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HORN. Mr. Speaker, I rise today to pay tribute to the Honorable Rudy Svorinich, Jr., a Los Angeles City Councilman and Chairman of the Alameda Corridor Transportation Authority (ACTA).

Councilman Svorinich has provided eight years of distinguished public service to the City of Los Angeles and the public agency spearheading the Alameda Corridor rail cargo expressway. This July, Councilman Svorinich leaves public office and, as a consequence, must relinquish his position with ACTA.

We will miss his vision, sharp wit, and steady leadership.

Councilman Svorinich has been the City of Los Angeles' representative to the ACTA Governing Board since 1993. He served four separate terms as chairman.

This body identified the Alameda Corridor as "a project of national significance" in 1995. The Ports of Long Beach and Los Angeles comprise our nation's busiest port complex and cargo volumes are projected to triple by the year 2020. The Alameda Corridor will link the ports to the transcontinental rail yards near downtown Los Angeles, creating a more efficient way to distribute cargo and allowing these ports—and the nation—to maintain their competive edges.

It is testament to the distinguished service of Councilman Svorinich that the Alameda Corridor is now in full scale construction, on budget and on schedule to open in April 2002.

We owe him a debt of gratitude for his dedicated service.

THE NATIONAL DEFENSE FEATURES PROGRAM ENHANCEMENT ACT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to discuss the National Defense Features Program. As my colleagues may know, Congress created this program in 1992 response to a report by the Department of Defense describing a shortage of sealift capacity during military contingencies. At that time, Congress decided the best way to solve the shortage of shipping space for heavy military vehicles and other cargo would be the NDF program, providing a cost-effective way to augment the substantial investment that was being made in new sealift ships by the Navy.

Within the last several years, Congress has authorized and appropriated funds to install special defense features in new commercial vessels to be built in the shipyards of the United States. Most recently, as a result of the leadership of my colleague from Pennsylvania, Mr. WELDON, Congress included in the National Defense Authorization Act for FY 2001 a provision that would expand the Secretary of Defense's ability to fund militarily useful projects under the NDF program.

Since the NDF program was launched, Congress anticipated that our allies would recognize the mutual defense benefits of promoting the program on their trade routes with the United States. One particular project that has received attention called for ten commercial vessels to be built in the United States based on a design funded and approved by DARPA's Maritime Technology Program. These vessels would normally operate in the Japan-United States vehicle trade, which is at present entirely dominated by Japanese carriers. This project is also important to maritime labor and our new domestic shipyards, which continue to support our NDF program and to look for new, viable commercial projects.

Notwithstanding past expressions of support by senior government officials, this expectation has not been realized. Unfortunately, the Government of Japan

In view of the US role in providing security for our allies in the Far East, it hardly seems appropriate that defense concerns expressed by our government should not have been met with a more positive response by our allies in the region. Past discussions with the Japanese government have not yielded desired results, as the NDF program continues to be characterized as one with limited military value. This position has been contradicted by two US Navy reports on the NDF program. Given our past history of military cooperation with the Japanese government, the reluctance encountered on the NDF program, especially in light of its military value, has been somewhat surprising.

Unfortunately, the Japanese government's position appears to have been driven by commercial rather than governmental factors. Japan, like other nations, supports its merchant marine with financial assistance, including direct construction loans at artificially low rates of interest.

The reason our carriers are effectively being excluded from this market is the Japanese kereitsu system of doing business. It is not price, but rather the interwoven industrial and financial structure that closes this market, like so many other sectors of the Japanese economy, against international competition. This situation makes it quite difficult for a fleet of US built and operated ships which are commercially competitive and have significant defense value to both nations to break through the economic fence encircling the Japanese vehicle trade.

Despite this resistance, I continue to hope that the Government of Japan and the vehicle manufacturers will ultimately recognize the merits of supporting the NDF program, especially given the longstanding support of the Department of Defense. Last year, the former Secretary of Defense and the

Given past experience, these new communication channels may not prove enough. That is why today, along with my colleague from Pennsylvania, Mr. WELDON, I am introducing the National Defense Features Program Enhancement Act. Under this bill, if the Federal Maritime Commission finds that vessels built under the NDF program are unable to obtain employment in a particular trade route in the foreign commerce of the United States for which they are designed to operate, and if that sector of the trade route has been dominated historically by citizens of an allied nation, the Commission can take action to counteract the restrictive trade practices that have led to this situation.

I wish it were not necessary to introduce legislation to encourage support for a program so self-evidently in the mutual security interests of allied nations, and that through consultation between our Nation and Japan we can begin to undertake the much-needed recapitalization of our aging Ready Reserve Force. Should that not prove the case, I look forward to working with my colleagues to move forward this legislation.

NATIONAL DEFENSE FEATURES PROGRAM ENHANCEMENT ACT OF 2001

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, I am pleased to join my colleague from New Jersey, Mr. FRELINGHUYSEN, in introducing the National Defense Features Program Enhancement Act of 2001, a bill we intend to push to enactment if the Government of Japan, the Japanese vehicle manufactures, and the Japanese carriers continue to undermine our efforts to breathe life into the National Defense Features program.

We created the NDF program because we believed it would be the most cost-effective way to augment the substantial investment that is being made in new ships by the Navy. Having seen one very attractive proposal by which vessels would be built to carry cars from Japan to the United States and refrigerated products on the return leg, we authorized and appropriated funds in the mid-1990s to jump start the program. Since then, we have continued to look for ways to make the program as attractive as possible to companies to build ships in the United States for operation in the United States-Japan and other trades. Last year, for example, Congress approved as part of the National Defense Authorization Bill for FY 2001 a provision that would expand the Secretary of Defense's authority to finance appropriate projects under the NDF program.

In authorizing this program, we had hoped that the Government of Japan in particular would find mutual defense benefits in promoting it. We have written the Prime Minister, we have met with the Ambassador, we have received expressions of support from the Vice President of the United States and our Secretary of Defense in the prior Administration, and yet nothing seems to have come of our efforts so far.

Unfortunately, we have regularly heard the same response. The Government of Japan insists that the decision to employ NDF tonnage is strictly a matter for the vehicle manufacturers and shipping companies to make since it involves a commercial matter. They in turn have argued that, since the program focuses on mutual defense, the Government should take the lead. As so often happens, no one has been willing to step forward to take the initiative.

As our colleagues can no doubt appreciate, our patience is beginning to wear thin. I understand our able Deputy Secretary of State, Rich Armitage, has recently indicated the importance of mutual defense burden sharing. Perhaps we will finally see some movement. If not, the time to legislate will have arrived.

Our bill is designed to create the necessary incentives for the Government of Japan and the vehicle and shipping interests to promote the NDF program. If the Federal Maritime Commission finds that vessels that would be built in the United States under the NDF program are not employed in the particular sector of a trade route in the foreign commerce of the United States for which they are designed to operate and if that sector of the trade route has been dominated historically by citizens of an allied nation, then the Commission shall take action to counteract the restrictive trade practices that have led to this situation.

We trust all concerned appreciate our determination to bring the NDF program to life.

TRIBUTE TO STEWART BELL, JR. OF WINCHESTER, VA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. WOLF. Mr. Speaker, I rise today to honor a remarkable gentleman from Virginia's 10th Congressional district, Mr. Stewart Bell, Jr. known to many as "Mr. Winchester."

A fitting name indeed, for in the words of one local paper, The Winchester Star, "few men are as one with their hometown or its history as Stewart Bell, Jr."

Stewart's remarkable ties to Winchester, and his deep appreciation for history gave him the foresight to sound alarms when urban and commercial development threatened the historic Grimm Farm property in Winchester and Frederick county, Virginia, the site of two critical Civil War battles (The First and Second Kernstown). Mr. Bell worked successfully to educate local officials about the historical importance of the land and the need to preserve it.

In a gesture of appreciation, Mr. Bell is being honored later this month by the Kernstown Battlefield Association for his tireless leadership and efforts toward historic preservation. It was Stewart's initial concern at the prospect of losing this priceless historical land which facilitated the creation of the Kernstown Battlefield Association, a grassroots, private, nonprofit group which has partnered with local governments, the National Park Service, the Virginia Land Conservation Foundation, and four local banks to purchase the Kernstown Battlefield.

It makes sense that Stewart would cultivate a passion for Civil War preservation. His family's lineage in the area reaches nearly a half century before the onslaught of the Civil War. In an article paying homage to local residents who are an inspiration, The Winchester Star laid out some notable facts about Stewart's life. Mr. Bell "resides in the home built by his great-grandfather, John Bell, in 1809. His father came into the world there in 1864 as the guns of Third Winchester were booming. And he himself was baptised in Winchester in 1910 by a Presbyterian minister, the Rev. Dr. James R. Graham, who claimed Stonewall Jackson as a close friends . . ."

Harkening back to the sentiments expressed by President Ronald Reagan in his farewell address, I think it is safe to say that Stewart has not just been marking time in Winchester, he has made a difference. Starting in 1954, Mr. Bell served on the City Council for 26 years. He was twice elected mayor and served from 1972–1980. Stewart also actively participated in countless community organizations including the First Presbyterian Church, the Red Cross and the Winchester-Frederick County Historical Society.

In this era of increased mobility, it is a rarity to find an individual with roots so deeply intertwined to the community of his birth nearly a century ago. Having personally had the opportunity to the community of his birth nearly a century ago. Having personally had the opportunity to be the beneficiary of Stewart's memories and tales of the Valley, I can attest to his unique ability to make history come alive. He is truly a renaissance man—a public servant, a poet with a recently published book, a community activist, a church leader and so much more. It is men like Stewart Bell—a powerful link to our shared heritage and a treasure in his own time—who epitomize that which is great about community and country. We are blessed to know him.

SUGAR PROGRAM REFORM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to express my strong support for ending the sugar subsidy program. A program which some claim costs "absolutely nothing" is actually costing the government millions, and consumers billions. This program triggers unemployment in the sugar refining industry and it is not how a farm program should work.

In the 1996 Farm Bill, we committed ourselves to phasing out price supports for every commodity except sugar and peanuts. It is time to level the playing field and expose the sugar program for the sham that it is. The sugar support program is supposedly designed to operate at "no direct cost" to the Federal Government. The Department of

In fact, according to the USDA, last year the government bought more than 1 million tons of sugar for 435 million dollars, and it now pays 1.4 million dollars monthly to store the sugar. In addition, the government gave some of the sugar back to the same industry that "forfeited" it in the first place, in exchange for the processors getting the farmers to destroy some of their growing crops.

As a result of the sugar program, domestic prices for raw sugar are typically twice world market prices, and sometimes more. Currently, sugar costs 9 cents a pound on the world market, but the government sets the domestic price for raw sugar at 18 cents a pound and 22.9 cents for refined sugar beets. According to the General Accounting Office, this price difference means that consumers are paying 1.9 billion dollars more than they need to for sugar and products containing sugar.

Yet, maybe most importantly, hundreds of jobs have been lost in the refining industry just in the past few years due to this unwise sugar subsidy. Since the mid-1980's, 12 of the

What is particularly infuriating about the situation is that these refinery jobs are good-paying jobs located in inner cities and areas where other employment opportunities are scarce. For example, the confectioners who want to use domestic sugar are instead having to send those jobs to Canada or Mexico where they can purchase affordable sugar, costing American workers they jobs. It is the families who work in these closing sugar refineries who suffer because of this sugar program.

The Agriculture Committee is writing a new farm bill, and we cannot afford to have the sugar lobby write the sugar policy. Until the Sugar Subsidy Program is phased out, costumers will pay more for products containing sugar. Taxpayers will continue to pay more to buy surplus sugar. Workers in the candy industry and the cane refining industry will continue to lose their jobs. The sugar program will continue to benefit a few, without solving the problems of family farmers. We must insist on real reform in the sugar program, and end the regulations that are costing Americans money and American jobs.

In closing, I'd like to thank my colleague, Mr. DAVIS, for his leadership on this issue and allowing me to speak on this important reform.

LEE DAVIS INDUCTION TO WISCONSIN BROADCASTERS ASSOCIATION HALL OF FAME

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. PETRI. Mr. Speaker, for a quarter of a century, Manitowoc, Wisconsin, has been served by one of our nation's great local broadcasters.

Lee Davis began his radio career in 1954 as a disc jockey and program manager in Philadelphia. Before coming to Manitowoc in 1975, he was general manager of WMAQ–AM and FM in Chicago as well as national program manager for Rollins, Inc., where he was responsible for seven stations around the country.

Now, as owner and general manager of WCUB and WLTU, Lee Davis gives us big city professionalism along with small town friendliness and involvement. Listeners in the Manitowoc area are well served by Lee's stewardship of WCUB's Breakfast Club, where he brings the community together through his insightful interviews and conversation, and where he provides local radio broadcasting as it should be—by and for the people who actually live in the community.

I recently learned that Lee Davis has been chosen for induction into the Wisconsin Broadcasters Association Hall of Fame. He richly deserves it, and I want to join the people of Manitowoc in extending our congratulations.

TRIBUTE TO JOHN QUILL

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. OLVER. Mr. Speaker, today I would like to recognize the service of John Quill, who served as meteorologist for WWLP Channel 22 in Springfield. Mr. Quill passed away yesterday.

John Quill's face was one of the most recognizable in all of western Massachusetts because of his 47 years as WWLP's meteorologist. He brought both integrity and a human touch to weather reporting, and he will be remembered with great fondness for years to come for his hard work, dedication and distinctive personal touch. The entire Pioneer Valley feels a great loss with John's passing.

Anyone who has lived through a western Massachusetts winter knows that we do not always have good weather, but, for nearly five decades, we had a truly exceptional weatherman. Thank you. John Quill.

HONOR ANDREW HIGGINS AND HIS WORKERS FOR BUILDING BOATS THAT WON WORLD WAR II

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. JEFFERSON. Mr. Speaker, I stand before you today, as I did on D-Day last year, to introduce a resolution that is long overdue. On behalf of the entire Louisiana delegation, I would like to honor the forgotten heroes of World War II—the late Andrew Jackson Higgins, who designed the Higgins landing craft and his 20,000 employees who built the 20,000 boats that won the war.

Once again, I ask Congress to recognize these heroes—who contributed so greatly to the war effort, but never left the Louisiana shores.

Mr. Speaker, I stand here to reintroduce a resolution to award the late Andrew Jackson Higgins and the 20,000 plus men and women of Higgins Industries that supported the war efforts abroad with a Congressional Gold Medal. This medal will serve as long-overdue recognition for their patriotic contributions to our country, to the world—to peace and to freedom.

Briefly, let me explain again why then late Andrew Higgins and the employees of Higgins Industries deserve this most prestigious honor.

Andrew Jackson Higgins designed the landing craft, now dubbed "the Higgins boats," used to land troops across open beaches during all amphibious assaults in World War II. The most famous, of course, was the D-Day invasion of Normandy; but other landings, like Leyte Gulf, Guadalcanal and Sicily were equally important.

The 20,000 Higgins boats were built at eight plants in New Orleans, the city that I represent and that is home to the National D-Day Museum. These plants produced most of the vessels and equipment that were essential to the war efforts. Higgins employed more than 20,000 workers around the clock for over four years. They built over 20,000 landing craft and trained over 30,000 military personnel on the operation of the boats. At their peak, Higgins Industries produced about 700 boats per month.

Beyond his dedication during the war, Higgins possessed qualities that were far beyond his years.

Even before America entered the war, Higgins anticipated the possible need for his boats, and he purchased the entire 1940 Philippine Mahogany crop.

Higgins displayed a social conscience that was unimaginably progressive in the 1940s. He employed men and women, blacks and whites with an "equal pay for equal work" policy decades before integration and gender equality in the workforce.

Mr. Speaker, Andrew Jackson Higgins was a man of great insight and ingenuity. His accomplishments were recognized by President Eisenhower on more than one occasion. On Thanksgiving, 1944, Eisenhower boasted, "Let us thank God for Higgins Industries' management and labor which has given us the landing boats with which to conduct our campaign."

Again, in 1964, Eisenhower praised Andrew Higgins by saying, "He is the man that won the war. If Higgins had not produced and developed those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war."

The time has come for the Nation to honor the contributions of the people of Higgins Industries: men and women, blacks and whites, working side by side, equal pay for equal work, to build the boats that won World War II. Mr. Higgins went above and beyond the call of duty for his country and worked in a way that was far beyond his years. His progressive and aggressive policies before and during the war should serve as a member to all of us who serve our country, and should thus be duly recognized.

Mr. Speaker, I reiterate, the recognition of the late Andrew Jackson Higgins and the employees of Higgins' Industries is long overdue. I believe these forgotten heroes should now be honored and always remembered. A Congressional Gold Medal will honor them, just as their work helped to keep us free.

AIDS EPIDEMIC

SPEECH OF

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. MEEK of Florida. Mr. Speaker, today marks twenty years since the official recognition of the disease that would come to be known as Acquired Immune Deficiency Syndrome or AIDS. In those twenty years medical and pharmaceutical advancements have made HIV/AIDS more manageable for some, but a cure has yet to be found.

In order to erase this scourge from the planet, a re-commitment, not complacency is required by the United States and all governments around the world. We need to refocus our efforts and not allow complacency to dictate the future. There must be a continued worldwide commitment to the eradication of this plague. 20 years of AIDS is Enough!

THE IMPACT OF AIDS

Twenty years ago, the devastating impact AIDS was to have on the world could not have been imagined. On June 5, 1981, the Centers for Disease Control and Prevention (CDC) published an article about five cases of rare pneumocystis pneumonia among gay men in Los Angeles. Since then, AIDS has spread globally, with 36 million people presently living with HIV, 900,000 in the United States alone.

According to the CDC, people of color make up 57% of the cumulative AIDS cases and 68% of the new AIDS cases reported as of June 2000. It is the leading cause of death of African-American men ages 25–44. 40,000 new HIV infections occur in the U.S. every year.

According to the CDC, men of color account for 63% of the new AIDS cases reported among men in the twelve months ended June 2000 and women of color make up 82% of new AIDS cases reported among females in the twelve months ended June 2000. Children of color make up 84% of the pediatric new AIDS cases reported in the twelve months ended in June 2000. Young men of color and women of color are particularly vulnerable.

The 1998–2000 Young Men's Survey (YMS), a study of over 2,000 gay men ages 23 to 29 in Baltimore, Dallas, Los Angeles, Miami, New York, and Seattle, found that 30% of African-Americans, 15% of Hispanics, 3% of Asians and 7 percent of Caucasian men were living with HIV. Only a third of those infected knew they had HIV. In 1999, persons aged 13–24 years accounted for 15% of reported HIV cases, and women made up 49% of the cases in this age group.

Since 1981 the face of AIDS has changed markedly. Originally known as a "gay man's disease", AIDS has exploded into a worldwide epidemic affecting men, women and children of all races, a deadly presence that does not discriminate. In the US, while 46% of reported AIDS cases were the result of homosexual contact, 54% were exposed through heterosexual contact or intravenous drug use (IDU);

worldwide, more than 80 percent of all adult HIV infections have resulted from heterosexual intercourse. The largest number of persons infected with HIV/AIDS are Sub-Saharan Africans, totaling at present 25.3 million, though Asia is presently set to out-pace Africa in the next decade.

In twenty years, HIV has infected a reported 52 million people worldwide. 21.8 million have died from AIDS, 3 million in the year 2000. Of the 36 million people presently living with HIV/AIDS worldwide, 34.7 million are adults, 18.3 million are men, 16.4 million are women and 1.3 million are under the age of 15. It is estimated that during 2000, 5.2 million people were newly infected with HIV, an average of 14,250 daily.

In the 20 years since AIDS was identified, more than 800,000 Americans have been diagnosed with AIDS; nearly half of them have died. Today, AIDS still claims two lives every hours in this country. Worldwide, more than 35 million people are currently living with AIDS . . . 22 million have already died. Three million lives were lost in 2000 alone. Most of them died without adequate medical care or treatment for even the most common and treatable infections that accompany the disease.

We must never forget the contributions of those who have gone before us. Today as we recognize the 20th Anniversary of the discovery of AIDS. I commend the 12 National Organizations from across the country, who have come together to launch a national campaign to provide health care, treatment, and prevention education and information to millions of Americans impacted by this epidemic with the following goals:

To raise the level of awareness of the HIV/AIDS epidemic in the United States and its devastating impact on our nation in the last 20 years. To illustrate for America's leadership the catastrophic worldwide epidemic and its likely toll in human lives. To motivate Americans, particularly policymakers, to recommit to advances in treatment, medicine and science. To engage Americans of all ages in local activities that allow them to understand that this epidemic touches everyone.

AIDS Action Committee of Massachusetts, AIDS Project Los Angeles, The Balm in Gilead, Broadway Cares, Gay Men's Health Crisis, The National Association of People with AIDS, National Minority AIDS Council, The NAMES Project Foundation, San Francisco AIDS Foundation, and the Whitman-Walker Clinic are all to be commended for coming together in this unique partnership to launch a national public affairs campaign to provide health care, treatment, and prevention education and information to millions of Americans.

Mr. Speaker, 20 years of AIDS is Enough!

57TH ANNIVERSARY OF THE INVASION OF NORMANDY ON D-DAY

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. GRUCCI. Mr. Speaker, I rise and ask all Americans to join me in pausing for a moment to remember the 57th Anniversary of one of the greatest fights for freedom in world history: the invasion of Normandy on D-Day.

The men, who fought this battle, many giving their lives, did nothing short of saving the world. At a time when Europe was dominated by Hitler, these soldiers mounted an invasion that many were sure was impossible at Omaha and Utah beaches, securing the coast against all odds, and beginning the final drive to defeat the Nazi's. Anyone who has seen the movie Saving Private Ryan has seen but a glimpse of this greatest battle of World War II.

Today, more than a thousand World War II veterans are dying each day. These men and women, who secured the freedom we enjoy today, both in America and abroad, are heroes. Their bold actions and selfless sacrifices will soon be honored on our National Mall with a new monument for them, and are being seen and appreciated anew through the eyes of a new generation. Whether it be at the theater seeing Pearl Harbor or countless other venues, our children are seeing that World War II isn't just a history lesson in school, it was heroic actions by ordinary men and women, which shaped the world in which we live today.

Mr. Speaker, this is why I am asking all Americans to join me in reflecting on the sacrifices made by these soldiers, and say a silent "Thank you" to them.

AIDS EPIDEMIC

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. NADLER. Mr. Speaker, twenty years ago the medical world was riding a wave of confidence. Our scientists had conquered polio, tuberculosis, smallpox, you name it. We were ready for any new challenge. But no one was prepared on June 5, 1981 for the crisis that was to come. Some thought this new discovery to be a rare pneumonia, others a new form of cancer. It attracted minor attention at the time, but little did we know that the world was about to meet the most devastating epidemic of our time—AIDS.

When we look back now at our response to the onset of AIDS, we see a nation that ignored an epidemic and a Congress reluctant to devote resources to finding its cure. Too many people believed that they could never contract AIDS and they failed to protect themselves from it. But no one is immune, and by the time we looked up AIDS had reached every community across the world. One need only look at the decimation of the African continent to see the dramatic consequences of our inattention to AIDS.

In the last decade we have made great strides in this country in dealing with this terrifying crisis. Research funded by the NIH has yielded incredible breakthroughs in treatment, indefinitely prolonging the lives of people living with HIV. The Ryan White CARE Act has established a comprehensive program of treatment and support services, bringing a little hope and humanity to people living with HIV and AIDS. The HOPWA program is helping almost 60,000 people a year find the stable housing they need to live long and productive lives. We should be proud of these efforts.

But there is a new epidemic that has beset us. It is called complacency. The flat funding for Ryan White proposed by the President, the rising number of HIV cases reported in women, the dramatic increase in HIV across communities of color. These should serve as a wake-up call to all of us that our work is nowhere near done. We must redouble our efforts in prevention and treatment if we hope to ever eliminate it from our midst. Before we can eradicate AIDS, we must eradicate the complacency that surrounds us.

Mr. Speaker, anniversaries are a time for reflection, a time to look back at where we've been and look ahead to where we may be going. We have a lot to be proud of in our response to the AIDS epidemic, but let's take this opportunity to re-energize our AIDS policy and conquer this terrible disease once and for all.

PEACE CORPS VOLUNTEER IN DIARELA

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, a constituent from Virginia's Northern Neck sent me a report on the work of his daughter, a Peace Corps Volunteer in Diarela, a remote village of approximately five hundred farmers near Mali's border with Ivory Coast, in Western Africa.

Until the parents visited in Mali, they had difficulty answering their neighbors' standard question, "What does she do there." There is no short, easy answer. She lives in a house built and furnished to Peace Corps specifications: a tin roof, mud walls and a concrete floor, a table and a chair. The nearest electricity and running water are hours away. She has a bicycle and some basic tools, and only a very small stipend. Where else are Americans asked to live and work with so little, and with the vaguely-implied imperative to do what you can in the best interests of the United States of America?

The visiting parents of Ms. Kallus saw the intangible results of her efforts as a Peace Corp volunteer when she invited the men of the village to drink tea. At least forty came. They conversed about many subjects: from crops and weather to self respect and the brotherhood of races. Ms. Kallus skillfully translated from Bambra and French to English. Around midnight, one of the village farmers spoke up, saying, "We trust you, Batoma." (That is the name they have given her.) "You work hard and speak the truth. Because of you, we know and respect the United States."

Americans can get no better return on their tax dollar than that.

INTRODUCTION OF THE SALES INCENTIVE COMPENSATION ACT

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. TIBERI. Mr. Speaker, I am pleased today to join my colleague, Representative ROB ANDREWS from New Jersey, in the introduction of "The Sales Incentive Compensation Act." This is a very narrow, technical amendment to the Fair Labor Standards Act of 1938. The purpose of the legislation is to clarify the treatment of certain types of sales employees under the federal minimum wage and overtime requirements.

Technological advances have dramatically changed the way in which sales employees perform their jobs. Companies now compete in a global market where many business transactions occur through use of the Internet, faxes and the telephone.

This bill is specifically written for the so-called "inside sales" employee, who works primarily at the employer's facility, using the phone, fax and computer connections to communicate with non-retail customers. Many of these employees are professional sales people who deal with very sophisticated products or function as both a consultant and salesperson to customers, yet they are not covered by any of the current exemptions from minimum wage and overtime.

The treatment of inside sales employees under the law has only become an issue in recent years, as the courts have reached differing conclusions about whether inside sales employees qualify for any of the current exemptions. Since many of these employees are covered by a 40 hour workweek, current law has the unintended effect of placing a ceiling on their income because they do not have the flexibility or the choice to work additional hours in order to generate more sales and earn more commissions.

The Sales Incentive Compensation Act takes into account the changes that have occurred in the workplace since the law was enacted in 1938. The legislation would update the law to more accurately reflect the duties and functions of inside sales employees. By doing this, employees would have the opportunity to increase their wages.

In order to qualify for this exemption, an employee must meet the requirements in the bill that outline the specific functions and duties of the job. An employee would have to have a detailed understanding of the customer's needs and specialized or technical knowledge about the products or services being sold. The employee must sell predominately to repeat customers—in other words, the exemption would not apply to telemarketers or sales employees who primarily "cold call" customers. In addition, the employee must have a detailed understanding of the customer's needs.

The legislation ensures protections for the employee in that it requires the employer to pay a minimum amount of base compensation. The remainder of the employee's compensation would be derived from commissions on sales. So employees would be provided with a base salary, an additional amount of guaranteed commissions, and continued incentives for increased earnings. Employees who choose to work longer hours in order to make more sales are therefore guaranteed to have financial reimbursement for the additional hours in the form of commissions.

The Sales Incentive Compensation Act is carefully crafted bipartisan legislation that many Members supported during the last Congress when it was considered and passed by the House. I urge my colleagues to support expanding worker opportunity and providing sensible reform to a 1938 law.

PRESIDENT BUSH'S MISGUIDED ENERGY PLAN

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. RODRIGUEZ. Mr. Speaker, President Bush has released his long-awaited energy plan and even with last minute changes it is as flawed and one-sided as anticipated.

President Bush has proposed nothing to deal with the immediate energy crisis facing California and the Pacific Northwest and the looming crisis for New England and other parts of the country.

The President has proposed nothing to deal with rising gasoline and energy prices. Instead, Bush has said that his tax cut proposal will help consumers with increased energy cost. However, his income tax reductions are not fully phased in until the year 2006.

How will lower and middle class families afford rising energy prices for the next five years under President Bush's solution?

In addition, 45% of his $1.6 trillion tax plan would benefit the wealthiest 1% of Americans. Middle class families making less than $44,000 would get only 13% of the benefits, about $11 per week in the year 2006 under the plan.

We should not destroy our national parks, pristine federal lands, and the environment to provide a very limited amount of additional oil and gas. For example, opening the Arctic National Wildlife Refuge, "America's Serengeti" to oil and gas exploration is a mistake.

In addition, the President in proposing to rollback environmental and clean air regulations that could actually increase emissions of ozone causing pollutants.

Conservation must be an integral part of any national energy plan but the President's plan proposed very little for energy efficiency or renewable energy.

Democrats believe in a balanced energy policy that helps consumers by both increasing production and reducing energy demand.

The federal government must become more energy efficient, invest in energy research, and ensure that energy markets are fair and competitive.

COMMENDING CLEAR CHANNEL COMMUNICATIONS AND AMERICAN FOOTBALL COACHES ASSOCIATION FOR THEIR DEDICATION AND EFFORTS FOR PROTECTING CHILDREN

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. JACKSON-LEE of Texas. Mr. Speaker, I rise to add my commendation of the American Football Coaches Association for its efforts in providing fingerprint kits to parents that would be used to help locate missing, kidnapped or runaway children.

As founder and co-chair of the Congressional Children's Caucus, I applaud this group's work to help children who are desperately in need. I also thank my colleague Representative DUNCAN for introducing this resolution.

It is particularly timely that we recognize this group, because we just observed National Missing Children's Day on May 25. Every day in this country, 2,100 children are reported missing to the FBI's National Crime Information Center. There are at least 5,000 children missing per year in Houston.

The National Child Identification Program was created in 1997 with the goal of fingerprinting 20 million children. This program provides a free fingerprint kit to parents, who then take and store their child's fingerprints in their own homes. If this information were ever needed, fingerprints would be given to the police to help them in locating a missing child. The American Football Coaches Association, in partnership with a large chain of radio stations, has agreed to raise funds to help provide such a fingerprint kit for every child in America.

It is crucial that, in each of our districts, we support this and all other efforts to protect our children and help those who are missing and exploited. In addition to this program, we must also support initiatives such as internet safety for children, law enforcement efforts, child safety programs in our schools and communities, the distribution of photos of missing children, and the efforts of organizations such as the National Center for Missing and Exploited Children.

I have taken initiative to protect the very youngest of such victims by introducing H.R. 72, the Infant Protection and Baby Switching Prevention Act. This legislation would require certain hospitals reimbursed under Medicare to have in effect security procedures to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in the hospital in a manner that ensures that it will be evident if infants are missing.

Another successful nationwide effort is the AMBER plan (America's Missing: Broadcast Emergency Response), which permits law enforcement agencies and broadcasters to rapidly exchange information in the most serious child abduction cases and quickly alert the public during the critical first few hours of a child abduction. This program is named after

Amber Hagerman, who was abducted and murdered in Arlington, Texas several years ago. This program has been responsible for the amazing recovery of at least ten children. One of these programs is based in my district of Houston, Texas. In response to the May 1 abduction of 11-year-old Leah Henry of Houston, the Amber plan has been made more flexible, permitting alerts to air more frequently and through radio and television stations, rather than resorting to the emergency broadcast system. It is my hope that cities around the nation will adopt this valuable program.

We must all take a stand against child abduction and victimization. I am grateful to the American Football Coaches Association and all other concerned organizations and citizens for doing so.

INTRODUCTION OF END RACIAL PROFILING ACT OF 2001

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the End Racial Profiling Act of 2001, along with additional bipartisan cosponsors. Both the President and the Attorney General have said that we need federal legislation and that the practice of racial profiling should be prohibited. This bill accomplishes both these goals and we're anxious to work with the administration to pass legislation during this Congress.

Racial profiling not only undermines constitutional rights, but also undermines the trust on which law enforcement depends. Since I first introduced racial profiling legislation in the 105th Congress, the pervasive nature of racial profiling has gone from anecdote and theory to well-documented fact. Data collected from New Jersey, Maryland, Texas, Pennsylvania, Florida, Illinois, Ohio, New York, and Massachusetts show beyond a shadow of a doubt that African-Americans and Latinos are being stopped for routine traffic violations far in excess of their share of the population or even the rate at which such populations are accused of criminal conduct. A recent Justice Department report found that although African-Americans and Hispanics are more likely to be stopped and searched by law enforcement, they are much less likely to be found in possession of contraband.

Racial profiling is a double-barreled assault on our social fabric. Nearly every young African-American male has been subjected to racial profiling or has a family member or close friend who has been a victim of this injustice. Racial profiling sends the message to young African-Americans and others that the criminal justice system, and therefore the system at large, belittles their worth, that message and its impact sticks. Second, and relatedly, it causes a breakdown of trust on which community policing depends. And unless that trust is built, deep seated, nurtured, then the police can't do the job of protecting our communities, a job we all want the police to do.

Our legislation is designed to eliminate racial profiling by addressing the policies and procedures underlying the practice. First the bill provides a prohibition on racial profiling, enforceable by injunctive relief. Second, we condition federal law enforcement and other monies that go to state and local governments on their adoption of policies that prohibit racial profiling and which are enforceable. Third, we provide the state and local police with the grant money they have told us that they need to train and modernize the police. Finally, we provide for periodic reports by the Attorney General to assess the nature of any ongoing racial profiling.

Both the President and Attorney General have called for a ban on the practice of racial profiling. There is near unanimous agreement on all sides of the political spectrum that it should be ended. The time has come to pass this legislation.

TRIBUTE TO AUDREY RUST

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a distinguished Californian, Audrey Rust, who is being honored by the California League of Conservation Voters.

Audrey Rust has led the Peninsula Open Space Trust (P.O.S.T.) since 1987, first as Executive Director and now as President. Over the past 24 years, P.O.S.T. has led the way to protecting over 40,000 acres of land on the San Francisco Peninsula. Prior to coming to P.O.S.T., Audrey worked with the Sierra Club, Yale University and Stanford University. She has served as a member of the Board of Directors of the Land Trust Alliance and the League of Conservation Voters in Washington, DC, and currently advises many community groups and national conservation and civic organizations.

Under Audrey Rust's leadership, P.O.S.T. has become the most respected and effective organization responsible for the permanent protection of lands . . . amongst them the Cloverdale Coastal Ranch and the Cowell Ranch and Beach. They have raised $33.5 million in private gifts for the permanent protection of 12,500 acres in San Mateo and Santa Clara Counties.

Audrey Rust oversees P.O.S.T.'s unique land acquisition strategy, which uses a combination of public and private funds. P.O.S.T. regularly purchases threatened land with privately-raised funds, then sells this land to public agencies in order to preserve them from commercial development.

I'm exceedingly proud to have worked with Audrey Rust to protect the 1,250-acre Phleger Estate and Bair Island. The Phleger Estate lands are now part of the Golden Gate National Recreational Area, and Bair Island provides refuge to many endangered species, including the California clapper rail and the salt marsh harvest mouse. These lands are part of the unique character and heritage of the 14th Congressional District of California, which I am proud to represent and they now belong to future generations of Americans.

Mr. Speaker, on behalf of the millions of Californians and Americans who have benefited from Audrey Rust's extraordinary leadership and the work of P.O.S.T., I ask my colleagues to join me in paying tribute to her. She is a great woman, a gifted leader, a sound thinker, a trusted friend and a national treasure.

TRIBUTE TO MARTIN LITTON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a distinguished Californian, Martin Litton, who is being honored by the California League of Conservation Voters.

Martin Litton has spent the last fifty years of his life saving the great forests and rivers of California and the West. In his roles as a freelance writer for the Los Angeles Times, a notable leader of the Sierra Club, an editor at Sunset Magazine, a pilot, a photographer, and a crusader, Mr. Litton has made his mark in the great conservation efforts of our time.

Martin Litton's news articles on the destructiveness of the development that threatened the giant redwoods of Northern California helped pave the way for the creation of Redwood National Park in 1968. This jewel in our National Park System would not exist today were it not for him and his tireless efforts.

Martin Litton later partnered with Sierra Club leader David Brower to save Dinosaur National Monument from proposed dams that would have covered the area under millions of gallons of water. Martin Litton's photos and articles in the Los Angeles Times made the public aware of the dangers that their protected lands faced. He later served on the Board of Directors of the Sierra Club from 1964 to 1973.

For the last thirteen years, Martin Litton has worked to save the giant Sequoias in Sequoia National Forest from the threat of renewed logging and deforestation. His eloquent voice once again is being raised to ensure that these lands are protected for generations to come.

The late David Brower called Martin Litton our "conservation conscience."

Mr. Speaker, we are a better nation and a better people because of Martin Litton. It is a privilege to honor him for his extraordinary leadership and I ask my colleagues to join me in paying grateful tribute to him.

CELEBRATING THE BIRTH OF SHAUNA LIAN KAPLAN AND SIERRA NAOMI KAPLAN

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. OSE. Mr. Speaker, as the father of two daughters myself, it is indeed my pleasure to welcome Shauna Lian Kaplan and Sierra Naomi Kaplan to the world.

These two, beautiful little girls were born within seconds of each other on Friday, May

11, 2001 at Fairfax Hospital, in Northern Virginia to my Legislative Director, James Kaplan, and his wife, Stacie Kaplan.

They were also warmly welcomed to the world and their family by their proud grandparents: Dr. and Mrs. Jerold Kaplan of California, and Mr. and Mrs. Harold Rothman of Maryland. Other ecstatic relatives include Stacie's sister, Ms. Amy Rothman, Jim's brothers, Ens. Scott Kaplan, USN, and Mr. Glenn Kaplan, Stacie's grandmothers, Mrs. Helen Rothman and Mrs. Doris Scherr, and Jim's grandparents, Mr. and Mrs. Bernard Schwartz.

The story of these two little girls began here in the U.S. Capitol. Their parents were introduced by a mutual friend who worked with him in the House of Representatives. Jim proposed to Stacie on a dome tour of the U.S. Capitol in 1997 And it is only fitting that their twin daughters now be recognized by the House.

Who knows? One of these little girls may be here to do the same for one of their staff one day.

TRIBUTE TO J. WESLEY WATKINS III

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. SLAUGHTER. Mr. Speaker, I would like the U.S. House of Representatives to mark the passing of a man who did everything he could to make America a better place for all of its citizens: J. Wesley Watkins III.

[From the Washington Post, June 6, 2001]

J. WESLEY WATKINS III, 65, DIES; CIVIL LIBERTIES LAWYER, ACTIVIST

(By Bart Barnes)

J. Wesley Watkins III, 65, a Washington-based lawyer who specialized in civil rights and civil liberties issues in a career that spanned almost 40 years, died of pneumonia June 4 at George Washington University Hopsital. He had cancer.

At his death, Mr. Watkins was a senior fellow at the Center for Policy Alternatives and founding director of the Flemming Fellows Leadership Institute, a program that assists and trains state legislators on such issues as family and medical leave, community reinvestment and motor-voter registration.

He was a former director of the American Civil Liberties Union of the National Capital Area, a Washington-based southern regional manager of Common Cause and a management consultant to various nonprofit organizations.

In the later 1960s and the 1970s, he had a private law practice in Greenville, Miss. His cases included winning the right for African American leaders to speak to on-campus gatherings at previously all-white universities; the seating of a biracial Mississippi delegation at the 1968 Democratic National Convention and removal of various barriers and impediments to voting.

Mr. Watkins, a resident of Washington, was born in Greenville and grew up in Inverness, Miss. He attended the U.S. Naval Academy, graduated from the University of Mississippi and served in the Navy at Pearl Harbor from 1957 to 1959. He graduated from the University of Mississippi Law School in 1962. During the Kennedy and Johnson administrations, he was a Justice Department lawyer and tried cases throughout the South.

In 1967, he returned to Greenville as a partner in the law firm of Wynn and Watkins. Until 1975, he was the attorney for the Loyal Democrats, the movement to establish a biracial Democratic Party in a state where black residents had been effectively excluded from the political process for generations. The loyalists were seated at the Democratic National Convention in Chicago as the official Democratic Party of Mississippi. In the years after 1968, Mr. Watkins held negotiations with Mississippi's Old Guard Democrats that led to a unified Democratic Party by the national convention of 1976.

Hodding Carter III, the former editor of Greenville's Delta Democrat Times newspaper and a Mississippi contemporary of Mr. Watkins', described him as "one of those southerners who loved this place so much that he had to change it. He had to do what he knew was the right and necessary thing in a very hard time. He had to break with so much that was basic to his past." Carter is president of the John S. and James L. Knight Foundation in Miami.

In 1975, Mr. Watkins returned to Washington and joined the Center for Policy Alternatives and helped found the Flemming Leadership Institute.

There, Linda Tarr-Whelan, the organization's board chairman, called him a "larger-than-life figure with a thick Mississippi accent, a magnetic personality and a gift for telling stories."

He habitually wore cowboy boots and a ten-gallon hat. When chemotherapy treatments for his cancer caused some of his hair to fall out, Mr. Watkins simply shaved his head and started wearing an earring.

In the 1980s, Mr. Watkins was task force director for the Commission on Administrative Review of the U.S. House of Representatives, which also was known as the Obey Commission. He was a former legislative assistant to Rep. Frank E. Smith (D-Miss.).

He served on the boards of Common Cause, Americans for Democratic Action and Mid-Delta Head Start, and most recently he was a board member of Planned Parenthood of Metropolitan Washington.

He was a former vestryman and a teacher in the Christian education program of St. Mark's Episcopal Church in Washington.

His marriage to Jane Magruder Watkins ended in divorce.

Survivors include his companion, Anita F. Gottlieb of Washington; two children, Gordon Watkins of Parthenon, Ark., and Laurin Wittig of Williamsburg, two sisters, Mollye Lester of Inverness and Ann Stevens of Newark; a brother, William S. Watkins of Alexandria; and four grandchildren.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. SOLIS. Mr. Speaker, during roll call vote number 150 and 151 on H. Con. Res. 100 and H.R. 2043, I was unavoidably detained. Had I been present, I would have voted "yea" on both.

RACIAL PROFILING EXISTS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. TRAFICANT. Mr. Speaker, I submit for the RECORD to document that Mr. Beulah is an honest, respected constituent and his letter depicts that racial profiling does exist!

5/24/01.

To: Chief Jeffery Patterson

Re: Boardman Police Department; Racial Profiling

DEAR CHIEF PATTERSON: My name is Gerald Beulah, Jr. I am an employee of Clear Channel Youngstown; WKBN AM Radio, located at 7461 South Ave. in Boardman. I am the Senior Engineer and Producer of Morning Programming on 570 WKBN AM. I am also an African-American.

On Wednesday, May 23, 2001, the topic of discussion on "Mangino in the Morning" and "The Dan Ryan Show" centered around Racial Profiling with regards to the Boardman Police Department being the recent primary instigators thereof.

Unfortunately, I also was the nucleus of the conversation because of my personal experiences, which were becoming more frequent as I drove into work daily. I felt and commented on the air that I believed I had become the target of such profiling, including the very morning this show aired.

Quite simply—what happened was I was making a left turn onto Tiffany Blvd. from South Ave. A Patrolman was sitting at the stop sign, preparing to turn onto South Ave. As I passed him, I noticed from the rear view mirror that he had placed his car in reverse, turned around and proceeded to follow me, albeit stealthily. The officer slowly crept along Tiffany Blvd. as I exited my vehicle and walked toward the Clear Channel Complex. He remained in clear view, allowing me to see him watching me and it was only after I had entered into the building that he sped away.

Unbeknownst to me, Morning Talk Show Host, Robert Mangino was entering the parking lot from the opposite direction, having to pass the patrol car as he entered. He commented when inside, that he had observed the officer's movements pursuant to my own and that it was "quite funny" that the officer did not back up to watch him enter the building. Thus our "on-air" conversation ensued.

What I also stated on air—and which is absolute truth—is that in the year and a half that we have occupied this building, I have been "profiled" at least four (4) times at this location alone. Twice, an officer stopped me on the grounds of Clear Channel. In February, the officer aggressively approached my vehicle with his car, penning me into the parking space (I guess he anticipated me fleeing—however, I had already taken the time to park)—his car lights were flashing and his flashlight was shining squarely in my face. Since I was already in the process of exiting my vehicle, I spoke first—asked what the problem was, only to be asked what I was doing "here." I responded that I worked at this facility and he inquired as to my job description. I told him and he turned off the lights and pulled away, remarking that he thought I was going "kind of fast back there."

I would like to make it perfectly clear, that these incidents have only happened in the early hours of the morning—between 4:40

and 5:00 am—as my shift begins at 5:00 am sharp; and only within a few feet of Clear Channel.

I have never been stopped on South Ave (which is my usual route) for speeding, running a red light, an inoperable taillight, brake light or any other violation.

Although my family and I live in Youngstown, we shop and dine in Boardman frequently. I admit to being "followed" from time to time—but—and your own records should substantiate this—I have never received a ticket—or an official warning from any officer for any reason. I consider myself to be an upstanding member of my community who tries to seek the best in people while making my own contribution to be my best.

I am in no way a "Jesse Jackson" type who looks under every rock for racial injustice—nor do I play "the race card" to seek an advantage over others. It's obvious that racism exists—and even though I have experienced my share, I do not let my personal experiences deter me from judging others on their own character and merit.

In my "on-air" comments, I made it very clear that I did not lop the entire Boardman Police Department under "One Umbrella"—nor did I speak in generalities—only to my specific experiences, which I again state, seem to be occurring more frequently. I also commended one of your officers, I believe his name to be Mike Mullins, who at one time dropped off a book of American History Quotes for me to give to my daughter, who is graduating from Cardinal Mooney this June. Dan Ryan took the liberty to read from this book on the air—so again I have expressed no personal vendetta against your department.

Since WKBN serves the public trust, and these shows generated a large volume of calls, it was suggested by many that "something be done." Either we call you, specifically for a response, or I file a lawsuit and on and on. What I decided was to send you this correspondence in the hopes that you would keep it on file as an official complaint concerning these incidents. It would be nice to receive a formal apology from you—but I am *not* demanding it. I leave you to search your own heart before making that decision.

I trust that this letter alone will suffice to curtail further unfair behavior, towards myself—or any other minority who has expressed similar treatment. Over time, there has been a stigma and slogan related to these experiences common in the Black Community—it's called "DWB"—Driving While Black. I hope that the Boardman Police would take the initiative in totally destroying such a negative connotation, while simultaneously rebuilding the level of common respect from one human being toward the other. I do understand the difficult nature of your jobs and the dangerous conditions you face daily, however I trust that your professionalism and discipline would shine through in each and every situation.

Sincerely,

GERALD H. BEULAH, Jr.
Clear Channel Youngstown,
WKBN AM.

THE DR. MARTIN LUTHER KING, JR. COMMEMORATIVE COIN ACT OF 2001

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to express my full support for H.R. 1184, a bill that requires the Secretary of the Treasury to mint coins in commemoration of the contributions of Rev. Dr. Martin Luther King, Jr., to the United States. I am proud to be a cosponsor of this bill, which was introduced by my good friend and colleague Representative JIM LEACH on March 22, 2001. A similar piece of legislation has been introduced in the other body by U.S. Senator MARY LANDRIEU on February 15 for herself and 24 other members of the Senate.

Dr. Martin Luther King proved to be a man larger than life, and had an extraordinary impact not only on the civil rights movement, but on the history of America. The 40th anniversary of his "I have a dream" speech, delivered at the foot of the Lincoln Memorial, is fast approaching in the year 2003. That may seem far in the future, but in the realm of coin design, we do not have the luxury of waiting because of the time that it will take the Mint to prepare dies and to make this a part of the overall commemorative program.

In the last session of Congress, legislation was introduced in both the House and Senate to mint a coin in honor of Dr. King, but unfortunately no action was taken on these measures. In my Congressional District, however, there was enthusiastic support for honoring Dr. King with a commemorative coin. In fact, the Borough Council of Fair Lawn, New Jersey, passed Resolution 315–2000 urging that a bill permitting the minting of a coin in honor of Dr. King be passed by the U.S. Congress.

I am very pleased that this measure is supported by the Mayor of the Borough of Fair Lawn, David L. Ganz, who is not only a coin collector, but also a former member of the Citizens Commemorative Coin Advisory Committee, and a long-time advocate of using commemorative coins only for a proper purpose. In an article appearing in the January 16, 2001, issue of Numismatic News, a weekly trade publication, he argues that "the accomplishments of Dr. Martin Luther King, Jr. transcend the work of presidents and academicians and cut across cultural lines. His life's work ultimately affected the fabric of American society . . . worthy of the Nobel Peace Prize in 1964 . . . [and leading to] social justice for a whole class of citizens and a generation of Americans."

I submit this insightful article to be included in the CONGRESSIONAL RECORD.

H.R. 1184 provides a remarkable opportunity to honor a remarkable man. I urge the members of the Banking and Financial Services Committee, and ultimately this body, to promptly pass H.R. 1184.

[From the Numismatic News, Jan. 16, 2001]

KING CONSIDERATION WILL RETURN IN 107TH CONGRESS

When the 107th Congress convenes, dozens of bills will be introduced that, over the succeeding two years, will multiply to the thousands and eventually become about 600 laws. Some will name post offices for former members of Congress, federal buildings for prominent Americans, and some will even change tax laws, promote social justice or shape a kinder and gentler society.

One bill—which will surely repeat its previous introduction in the 106th Congress by then-chair of the House Banking committee and the chair of the House coinage subcommittee—bears reconsideration, and passage: recognition of the life's work and accomplishments of Rev. Dr. Martin Luther King Jr., who surely changed the texture, complexity and general tenor of American society, perhaps more than any other individual.

H.R. 3633, a bill to authorize half dollar, dollar and $5 gold pieces honoring the American civil rights leader, was introduced in the House in February 2000. In the following months, it obtained co-sponsors, but not sufficient to move the matter to the legislative approval needed to create a new coin.

The point can be argued. Franklin D. Roosevelt brought the nation out of the Great Depression, fought a war and created Social Security and a host of other programs that defined part of American political culture in the second half of the 20th century (after his death). Lyndon Johnson created a Great Society, Harry Truman a Square Deal, John F. Kennedy a New Frontier and, earlier, Woodrow Wilson made a world safe for democracy. There are also Ronald Reagan, who presided over the demise of the communist threat from the Soviet Union; Theodore Roosevelt, who launched America's military greatness and internationalism; and even Herbert Hoover, a great humanitarian who solved the issues of a starving Europe, much as Gen. George Marshall did a generation later. But in terms of historical perspective, which is what coinage of a nation should truly reflect, the accomplishments of Dr. Martin Luther King Jr. transcend the work of presidents and academicians and cut across cultural lines. His life's work ultimately affected the fabric of American society—its military policies, economic and social fabric, religious institutions and the intellectual development of a generation of Americans, and beyond.

His accomplishments were worthy of the Nobel Peace Prize in 1964 (something he shared with Theodore Roosevelt, who won it in 1905), and there can be little doubt that the Montgomery, Ala., bus boycott in the early 1950s led to a peaceful revolution and social justice for a whole class of citizens and a generation of Americans.

Like many who are termed heroes, Dr. King proved that he also had feet of clay, and in no small measure the private files maintained on him by the late J. Edgar Hoover, the FBI director, are responsible for the attacks on the King reputation and his legacy.

Born in 1939, the son of Rev. Martin Luther King Sr. ("Daddy" King), young Martin attended Morehouse College in Atlanta and Crozer Theological Seminary in Pennsylvania. He received a Ph.D. in theology in 1955 and became pastor of Dexter Avenue Baptist Church in Montgomery—the same year that other events were to grip the nation.

In December 1955, after Rosa Parks refused to obey Montgomery's policy mandating segregation on buses, black residents launched a bus boycott and elected King as president of the newly formed Montgomery Improvement Association. As the boycott continued during 1956, King gained national prominence.

His house was bombed, and he and other boycott leaders were tried in court and convicted on charges of conspiring to interfere with the bus company's operations. But in December 1956, Montgomery's buses were desegregated when the U.S. Supreme Court declared Alabama's segregation laws unconstitutional.

In 1957 King and other black ministers founded the Southern Christian Leadership Conference. As SCLC president, King emphasized the goal of black voting rights when he spoke at the Lincoln Memorial during the 1957 Prayer Pilgrimage for Freedom.

It was in the 1963 March on Washington that he won his nonviolence spurs. On Aug. 28, 1963, his oratory attracted more than 250,000 protesters to Washington, D.C., where, speaking from the steps of the Lincoln Memorial, King delivered his famous I Have a Dream speech.

"I have a dream," he said, "that one day this nation will rise up, live out the true meaning of its creed: we hold these truths to be self-evident, that all men are created equal."

During the year following the march, King's renown as a nonviolent leader grew, and, in 1964, he received the Noble Peace Prize. "Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love," he told the Swedish Academy.

King's ability to achieve his objectives was also limited by the increasing resistance he encountered from national political leaders. When urban racial violence escalated, J. Edgar Hoover intensified his efforts to discredit King. King's own criticism of American intervention in the Vietnam War soured his relations with the Johnson administration.

It was in the late winter or early spring of 1968 that Dr. King went to South Side Junior High School in Rockville Centre, N.Y., a community of modest size (about 26,000 people) on Long Island's south shore. There, I met him as he spoke one evening in the school auditorium; he was a remarkable speaker, and though I disagreed with him at the time in the way he criticized our southeast Asia conflict, I came away with a sense that he was a remarkable man—someone I was proud of as an American.

Not long afterward, he delivered his last speech during a bitter garbage collectors' strike in Memphis. "We've got some difficult days ahead, but it really doesn't matter with me now, because I've been to the mountaintop." The following evening, on April 4, 1968, he was assassinated by James Earl Ray.

In 1986, King's birthday, Jan. 15, became a federal holiday, placing him on par with several U.S. presidents. In the last session of Congress, Rep. James A.S. Leach, R-Iowa, and Spencer Bachus, R-Ala., were key sponsors of the King commemorative coin legislation. In the waning days of the session, Rep. Rush Holt, D-NJ., and Steve Rothman, D-N.J., signed on, bringing co-sponsors up to 138 members—not a majority in the 435-member House.

The real question is whether the 2003 date marking the 40th anniversary of the "I have a dream" speech is worthy of commemoration. I submit that a society that is unwilling to honor human dignity on its coinage is simply missing the boat and fails to understand the historical perspective of coinage, and how commemoratives like other coins stand for all time.

Don't mistake these comments for suggesting that the coin will be a good seller; to the contrary, it probably will not be. Controversy does not work to increase sales. The Crispus Attucks Revolutionary War coin (with 500,000 pieces authorized) sold a disappointing 26,000 in uncirculated and 54,000 in proof.

But if the question is asked who had more impact on American society, Eunice Shriver and the Special Olympics or Dr. Martin Luther King Jr., there is simply no contest. In considering whether the U.S. Botanic Gardens' 175th anniversary or the I Have A Dream speech has had a lasting impact on American society, the Lincoln Memorial address prevails.

We probably don't want to go into a discussion of the merits of some of the other modern commemorative coins (38th anniversary of the Korean War, for example), but it seems clear enough that if the test is an accomplishment that stands for all time, Dr. Martin Luther King Jr., warts and all, is worthy of numismatic commemoration.

Whether there will be a reintroduction and action in the 107th Congress remains to be seen. What is clear enough is that if 2003 is to be the year, time is growing short to allow for the creation, production and marketing of this distinctive and important commemorative product.

COLUMN ILLUMINATES NEED FOR CONTINUED ENGAGEMENT WITH THE PEOPLE'S REPUBLIC OF CHINA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. BEREUTER. Mr. Speaker, the Member wishes to commend to his colleagues Mr. Thomas J. Friedman's editorial column, "One Nation, 3 Lessons," which was published in the April 13, 2001, edition of the *New York Times*. In the column, Mr. Friedman accurately describes the stabilizing and the destabilizing elements currently acting within the People's Republic of China (PRC) and prescribes steady, incremental U.S. engagement with the PRC as a means of encouraging China's growth into an open society, not into a cold war adversary.

As this body prepares to vote in the near future on renewing normal trade relations (NTR) with the PRC, this Member asks that his colleagues heed Mr. Friedman's advice to Bridges to China Everywhere Possible. Continuing NTR with the PRC, encouraging its accession to the WTO and other multilateral institutions as appropriate, engaging in dialogue about human rights concerns, and promoting democracy building and rule of law programs within the PRC are among the bridges Congress can and should immediately build.

ONE NATION, 3 LESSONS

(By Thomas L. Friedman)

So what are the lessons from this latest China-U.S. crisis? They are (1) When dealing with China, carry a big stick and a big dictionary. (2) This is an inherently unstable relationship. (3) Get used to it—it's going to be this way for a long time.

Let's start with Lesson 2, because it's the crux of the matter. We learn from this incident that the U.S.-China relationship has within it two highly stabilizing and two highly destabilizing elements, and the future will be shaped by the balance between them.

The two stabilizing elements are China's economic dependence on U.S. trade, technology transfers and the American market, and China's more general, but steady, integration into the world. When China's foreign minister declared that China was releasing the U.S. surveillance plane's crew for "humanitarian reasons," I burst out laughing. One thing the Chinese are expert at is calculating their interests. And they had clearly calculated that dragging this affair on another day could imperil China's entry into the World Trade Organization, its $100 billion in trade with the U.S., its application to be host to the 2008 Summer Olympics, its 54,000 students studying in American, etc. etc.

These things matter. They matter to a regime whose Communist ideology is largely defunct and whose only basis of legitimacy is its ability to keep incomes rising. And they matter deeply to the people of China, who see themselves as a rising power and want to be accepted as such. The more China is integrated with the global economy and international rules-based systems like the W.T.O., the more these will be a source of restraint on the regime.

But they are not foolproof, because these stabilizing elements in the relationship are counterbalanced by two highly destabilizing ones: the authoritarian character of the Chinese regime, and China's rising popular nationalism and unquenchable aspiration to absorb Taiwan into one China.

Authoritarian regimes, having little legitimacy, can almost never admit a mistake. That's why you need a big stick and big dictionary when dealing with them. The idea that a slow-moving, propeller-driven surveillance plane, flying on auto-pilot, rammed into a Chinese fighter jet is ludicrous. But since China's leaders lacked the self-confidence to admit this, the Bush team wisely found a way to apologize without really apologizing.

The same tools need to be applied to Taiwan. Taiwan's character—the fact that it is a country that has built itself in America's image, economically and politically—mandates that we defend it. We cannot shirk that responsibility. But Taiwan's history and geography mandate that Taiwan find a way to accommodate with mainland China—without sacrificing its de facto independence or character. China has actually shown a lot of flexibility in proposing different formulas lately, and Taiwan needs to respond. Pass the dictionary.

We need to keep our eyes on the prize here, folks. Those voices in the U.S. now calling for America to "stick it to China" and to "teach them a lesson" sound as silly as the China People's Daily hectoring America. China is a unique problem. It represents one-fifth of humanity. It threatens us as much by its weaknesses as by its strengths. We may be doomed to a cold war with China, but it is not something we should court.

A cold war with Russia, a country that made tractors that were more valuable as scrap steel and TV's that blew up when you turned them on, was one thing. A cold war with one-fifth of humanity, with an economy growing at 10 percent a year, is another. At the same time, trying to collapse the Chinese regime overnight would produce a degree of chaos among one-fifth of the world's inhabitants that would affect everything from the air we breathe to the cost of the clothes we wear to the value of our currency.

Our strategy toward China needs to remain exactly as it was: Build bridges to China everywhere possible, because they have clearly become a source of restraint on the regime; and draw red lines everywhere necessary, because China's rising nationalism and insecure leadership can produce irrational behavior that overrides all other interests. Do this, and hope that over time China continues, as it slowly has been, becoming a more open, legalized, pluralistic society, with a government more responsive, and less threatening, to its people and neighbors. Lurching to any other extremes with China would be utterly, utterly foolhardy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 7, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 8

11 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold joint hearings with the House Committee on Government Reform Subcommittee on the District of Columbia to examine the post control board period regarding the District of Columbia government.
2154, Rayburn Building

JUNE 13

9:30 a.m.
Governmental Affairs
To hold hearings to examine economic issues associated with the restructuring of energy industries.
SD–342

Indian Affairs
To hold hearings on the nomination of Neal A. McCaleb, of Oklahoma, to be Assistant Secretary of the Interior for Indian Affairs.
SR–485

Appropriations
Defense Subcommittee
To hold hearings on the overview for fiscal year 2002 for the Army.
SD–192

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine racial and geographic disparities in the federal death penalty system.
SD–226

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Roger Walton Ferguson, Jr., of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System.
SD–538

10:15 a.m.
Foreign Relations
To hold hearings on the current situation in Macedonia and the Balkans.
SD–419

JUNE 14

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

JUNE 15

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the growing problem of cross border fraud, which poses a threat to all American consumers but disproportionately affects the elderly. The focus will be on the state of binational U.S.-Canadian law enforcement coordination and cooperation and will explore what steps can be taken to fight such crime in the future.
SD–342

Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

JUNE 19

10 a.m.
Indian Affairs
To hold oversight hearings to receive the goals and priorities of the member tribes of the Midwest Alliance of Sovereign Tribes/Inter-tribal Bison Cooperative for the 107th Congress.
Room to be announced

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD–138

JUNE 21

10 a.m.
Indian Affairs
To hold oversight hearings to examine Native American Program initiatives.
SR–485

JUNE 26

10:30 a.m.
Indian Affairs
To hold oversight hearings to receive the goals and priorities of the Great Plains Tribes for the 107th Congress.
SR–485

CANCELLATIONS

JUNE 14

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the implementation of the Recreation Fee Demonstration Program and to examine efforts to extend or make the program permanent.
SD–354

HOUSE OF REPRESENTATIVES—*Thursday, June 7, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 7, 2001.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Robert Gannon, Our Lady Queen of Peace Roman Catholic Church, Staten Island, New York, offered the following prayer:

Lord God, we ask Your blessing on all here present, the Members of our House of Representatives. Bless those we have elected to Congress to lead our Nation wisely. Help them to realize their great importance in our lives:

If each note of music were to say: One note does not make a symphony; there would be no symphony.

If a word were to say: One word does not make a book; there would not be a book.

If each seed were to say: One grain does not make a field of corn; there would be no harvest.

If each of us were to say: One life of service cannot save mankind; there would never be peace on earth.

Lord, help these Members of Congress to grasp their importance to America; guide them with Your closeness and inspiration. May they leave today more bonded to each other, more conscious of their power to do good for America. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. MORAN) come forward and lead the House in the Pledge of Allegiance.

Mr. MORAN of Virginia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of it clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 80. Concurrent resolution congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding.

H. Con. Res. 149. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz.

The message also announced that the Senate agreed to the following resolution:

S. RES. 101

Resolved, That the House of Representatives be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

REVEREND ROBERT GANNON

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, it is my honor and pleasure to acknowledge the presence of Father Robert Gannon who offered the morning prayer this morning. Father Gannon, to those who know him, love him. Those who know him, honor and respect him.

He was born in the Lower East Side of Manhattan, and spent much of his life on Staten Island. He is a positive role model and influence to thousands. He attended and graduated Fordham University as well as the St. Joseph Seminary in Dunwoody. For many years he has been a pastor of Our Lady Queen of Peace of Staten Island. He has been a guidance counselor to many high school students. It is estimated more than 15,000 students went through his doors on their way to college.

In addition for the last 20 years or so, Father Gannon has headed a committee in the 13th Congressional District that screens and recommends nominations to our military academies: Annapolis, West Point, Air Force Academy, Merchant Marines. In that period of time, perhaps more than 150 students have gone on to those military academies and then gone on to serve our country. Many of those probably would not have gone on to those academies but for the help, guidance, and assistance of Father Gannon.

Mr. Speaker, he has been a priest, a teacher, a friend, and really loved by thousands. I am very, very fortunate to have him as my friend, and I hope today that those Members of the House here understand why I found it an honor to ask him to be with us today.

VIOLENCE IN MIDDLE EAST HAS GOT TO COME TO AN END

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I want to make note of a headline in the Washington Post today: "Bomb's Fallout Sets Back Goals of Palestinians." It goes on to say that Chairman Arafat's call for a cease-fire was seen as the result of shifting opinion. It refers to the suicide bombing last Friday night when 20 innocent teenagers in Tel Aviv lost their lives. It was the single largest act of terrorism since violence began last September.

This cycle of violence in the Middle East has got to come to an end. In the aftermath of the tragedy, Chairman Arafat swiftly denounced the attack and called for a cease-fire. I have to commend the Israeli Government for exercising restraint and not engaging in the retaliation that was anticipated following this terrible incident.

Mr. Speaker, Prime Minister Sharon under immense pressure showed restraint. The international community stands behind that restraint; but clearly these volatile events require this administration to get involved in the Middle East. Sending CIA Director

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

George Tenet is the right thing to do. We need him in the Middle East. We need United States involvement in the Middle East, and we need to use the Mitchell Commission as the pathway to peace. This violence has to stop.

CONGRATULATIONS TO 2001 GRADUATING CLASS OF CITY COLLEGE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the year 2001 graduating class of City College. This four-year private, nonprofit institution has its roots back in Kentucky more than 70 years ago. Today it is located in Fort Lauderdale with three campuses in Florida, including one in Miami.

This year City College is sending 140 new graduates into the working world who will bring with them skills and training in a variety of disciplines. The program of this small but ambitious college includes majors in business, hospitality management, broadcasting, legal assistance, private investigation and allied health, which covers an excellent EMT paramedic program along with medical office administration and medical assisting.

The City College graduating class is small but diverse and includes international students. I wish them all the best of luck and extend my most sincere congratulations on their individual accomplishments.

BUSH ENERGY PLAN AND EMINENT DOMAIN

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, we have had a couple of weeks now to digest the Bush administration energy plan. My stomach is as uneasy today as it was when it was released. For starters, the administration seeks to reduce regulations to encourage more oil, gas and nuclear production, along with tax incentives to boost coal output.

Mr. Speaker, the President says the Nation needs 1,300 to 1,900 new power plants over the next 20 years. That is one a week. The administration calls for 38,000 additional miles of natural gas pipelines, and 263,000 miles of distribution lines.

Well, that certainly does not sound good to me. I would like to know where they plan on putting these thousands of facilities and all these miles of infrastructure.

Mr. Speaker, imagine living in one's home for many years, only to find out one day that distant bureaucrats have decided to take that land in order to build pipelines; and they have the power, the power of eminent domain, and now they want the same thing. FERC wants to do the same thing with electrical lines as they have done with pipelines.

Mr. Speaker, the Bush proposal would expand that authority to include land for electricity power lines. If this plan goes into effect, we will have to keep our eyes open for 100-foot towers, high-voltage electrical that may be going through backyards and parks and communities near you.

THOUSANDS OF AMERICAN FARMERS EACH YEAR ARE LOSING THEIR FARMS

Mr. TRAFICANT. Mr. Speaker, thousands of American farmers each year are losing their farms. Bankruptcy, unfair imports, estate taxes, government regulations, IRS, EPA, you name it. American farmers are literally biting the dust. Yet Uncle Sam is allowing imported ground beef to cross our borders without even being inspected. It is unbelievable. If that is not enough to milk your holstein, the American people know more about the origin of their BVDs than their food supply. With mad-cow disease and foot-and-mouth disease rampant over in Europe, there is not even a country-of-origin label on American food. Beam me up.

Mr. Speaker, I yield back the fact that mad-cow disease is not a name for a rock group.

AMERICA NEEDS TO MOVE FORWARD ON AN ENERGY PLAN THAT IS CONCISE AND RESPONSIVE TO ALL AMERICANS

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, the President has released his long-awaited energy plan. The President has proposed nothing that deals with the immediate energy crisis in California and the Pacific Northwest, or the crisis that may be looming in the New England area or the rising gasoline prices.

Instead, he said that the tax cut proposal will help consumers with the increased energy situation. However, these tax cut reductions will not take place until the year 2006. In addition, the tax cuts when you look at the 45 percent of the $1.6 trillion tax cut, will benefit 1 percent of the richest in the country. Middle America that makes $44,000 a year, 60 percent of Americans that make $44,000, are going to receive less than 13 percent of this tax cut.

Mr. Speaker, so when we look at the President's proposal in energy, it does not take into consideration conservation activities that need to take place by all Americans, including the Federal Government; not to mention the fact that we need to make sure that as we look in terms of our energy situation, we plan for the future by investing in America. We believe that the balanced energy policy is ill advised, and we need to move forward on an energy plan that is concise and make sure that it is responsive to all Americans.

PRESIDENTIAL TASK FORCE ON VETERANS' HEALTH CARE

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, on Memorial Day President Bush established a task force he says that will improve health care delivery for our Nation's veterans. This task force will take 2 years to study veterans and military retiree health care. With all due respect, Mr. Speaker, the last thing veterans and military retirees need is another study. They need health care now.

President Bush told veterans and military retirees that "promises made will be promises kept." Instead, he has given them 2 more years of who knows what while almost 1 million veterans will die.

Mr. Speaker, my bill, the Keep Our Promise to America's Retirees Act, has over 300 cosponsors and will go a long way towards restoring faith with them. Tricare, the military health care program, does not work for many military retirees. Veterans and military retirees are tired of empty words and broken promises. Let us think about it. For the last 20 years we have been telling the military retirees and veterans about health care saying when we get some money, we are going to help them with their health care. We have not delivered. Let us not wait another 2 years and let another million veterans die in disgrace.

□ 1015

BUDGET AN INSULT TO VETERANS

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. Mr. Speaker, as we speak, the Republicans are celebrating over at the White House their big tax break plan. These same folks who are celebrating gave great speeches on Memorial Day last week saying how much they supported our veterans. Yet they voted for a tax break plan and they voted for a budget which is an insult to our Nation's veterans.

This budget barely keeps pace with inflation from past years. We will have veterans waiting years to adjudicate their claims and 10,000 cases a week are being added to the backlog. Veterans will have to wait months and months for doctors' appointments. We are doing nothing to find a cure for Persian Gulf War illness. We are doing nothing to advance our treatment of mental illness. We are doing nothing for the homeless veterans that are on our streets.

Yes, they are celebrating their tax breaks, they passed a budget, but they are dishonoring our veterans. They ought to be ashamed of themselves for such a celebration and we ought to change the appropriations to reflect our real commitment and our real appreciation of our Nation's veterans.

BUSINESS AS USUAL FOR MAIN STREET AMERICA

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, as I speak, down at the White House they are signing the $2 trillion tax bill and champagne corks are popping on Wall Street. What about Main Street? Well, Main Street is getting the bill. Main Street is seeing higher gasoline prices, higher electric bills and natural gas prices. The President said, well, they could use their refund to help pay those costs. They give you some money and you send it to an energy company in Texas.

Unfortunately nearly 30 percent of American families will not be getting any of that rebate. Most American families, more than half, pay more in Social Security taxes than they do income taxes. Many of those families will not get a penny of this so-called rebate. Some will get a check for a dollar. It costs the Federal Government 15 bucks to write the check and they will get a buck back. Hey, it buys almost a half a gallon of gas. Good deal.

For the most wealthy families in America, this is a day to celebrate the repeal of the estate tax and other things that will benefit them tremendously, but for average Americans, Main Street Americans, it is business as usual in Washington, D.C. They will get the bill, not the check.

INTERNET PRIVACY VIOLATIONS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I want to alert Members this morning to a disturbing report we received in response to our demand for an accounting of privacy violations on governmental Web sites. We just received the other day the audit report of the Department of Defense Web sites. We found disturbing information. Of 400 sites that were reviewed, over a quarter of them had privacy violations where Americans' privacy rights were being abused by Federal agencies. There were 128 sites that had unauthorized use of cookies which is essentially a system used to collect personal information on your system placed there by a government Web site. There were 100 sites that had no privacy notice. Perhaps most disturbing, there were seven sites where the government agencies had used Web bugs which essentially are capable of tracking an individual's uses of the Internet.

This is extremely disappointing after all of our work on privacy here in this Chamber for the executive branch to be so callously indifferent to people's privacy. I urge Members to be alert to this. We need to work together to make sure that these agencies stop these nefarious practices. Government should start respecting Americans' privacy.

TAX CUT BENEFITS WEALTHY AT EXPENSE OF EVERYONE ELSE

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, the Congressional Budget Office just released revised estimates on the fiscal year 2002 surplus. The so-called contingency fund has shrunk from $12 billion to $1 billion.

Surprise, surprise, surprise.

I know now why we rushed through passage of this $1.35 trillion tax cut. There is not enough room for both the tax cut and funding for essential programs.

In school, we learned that the hip bone is connected to the thigh bone, but unfortunately many of my colleagues do not understand that expenditures are connected to revenues. As a result, our constituents will suffer.

According to the Economic Policy Institute, my home State of Maine will lose $44 million next year alone under the proposed Bush budget. LIHEAP is cut. School renovation and construction grants are eliminated. That is only the beginning.

This country would be better off if the President today did not sign this $1.35 trillion tax cut which benefits the wealthy at the expense of everyone else.

ON ENERGY AND REVEREND SHARPTON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important as my colleagues have already noted that as we discuss this energy concern or energy crisis, we begin to be part of the solution and not part of the crisis. I think it is important to note there are problems in the western part of this Nation; but as the hot summer months proceed, we will find it moving throughout this country. Enhanced funding for LIHEAP is important. Dialogue about a consideration of a moratorium on pricing is important. Businesses are closing. People cannot provide for their needs in the western States. And I clearly believe that it is important that we look at alternative fuel sources, but we will do nothing if we are not discussing these issues. We need to discover the solution over the problem.

Finally, might I say in a totally different mode as a Member of the House Committee on the Judiciary, I am enormously disappointed in what has happened to Reverend Al Sharpton and a number of individuals who pressed the point of protest about the use of the naval base in Puerto Rico. It seems ridiculous that an individual who was pressing political speech and protesting on behalf of his beliefs should not be allowed bail. I would hope that there would be a consideration of his case so that as he is pressing his case of his innocence, he is allowed to be out on bail. It makes no sense. We believe in the first amendment in this Nation, and we should have the right to freedom of speech.

PROVIDING FOR CONSIDERATION OF H.R. 1699, COAST GUARD AUTHORIZATION ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 155 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 155

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1699) to authorize appropriations for the Coast Guard for fiscal year 2002. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. House Resolutions 130, 147, 149, and 150 are laid on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

On Tuesday, the Committee on Rules did meet and granted a modified open rule for the Coast Guard Reauthorization Act. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule also provides that the bill shall be open to amendment at any point. The rule makes in order only those amendments printed in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate. The rule provides that each amendment printed in the CONGRESSIONAL RECORD may be offered only by the Member who caused it to be printed or his designee, and that each amendment shall be considered as read. The rule provides one motion to recommit, with or without instructions.

Finally, Mr. Speaker, the rule provides that House Resolutions 130, 147, 149, and 150 are laid on the table.

In a way, this is a sad moment because our friend Mr. Moakley always handled this rule in the past. But he is no longer with us. The gentleman from Texas (Mr. FROST) will be managing this rule for the minority. He is the new ranking minority member, and I know he will do a fine job in his new position.

Mr. Speaker, H. Res. 155 is a fair and open rule for a noncontroversial bill. The gentleman from Alaska (Mr. YOUNG) of the Committee on Transportation and Infrastructure as well as the gentleman from New Jersey (Mr. LOBIONDO) worked very hard to craft a clean, straightforward bill so that the Coast Guard can quickly get the tools it needs to protect lives and property at sea.

This is the way legislation should be done. I urge my colleagues to support this rule and to support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume. I thank the gentlewoman for her kind remarks.

Mr. Speaker, H. Res. 155 is a modified open rule providing for the consideration of H.R. 1699, the Coast Guard Authorization Act of 2001. While Democratic members of the Committee on Rules question the need to require preprinting of amendments, we will not object to this rule since it otherwise allows for the consideration of any germane amendments.

Mr. Speaker, H.R. 1699 authorizes $5.4 billion for Coast Guard programs and operations in fiscal year 2002, which is, according to the Committee on Transportation and Infrastructure, about $300 million short of its needs for operating expenses for the coming fiscal year. Considering the important maritime safety, marine environmental protection, and law enforcement operations performed by the Coast Guard, this deficiency should be remedied either in this bill or in the appropriations which will follow in the coming weeks.

Mr. Speaker, I urge support of the rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me this time. I also want to acknowledge his leadership now as ranking member. It is obviously for me particularly being a Member from Massachusetts with a heavy heart that our dear friend and colleague Joe Moakley is not in his customary seat.

Many of the issues that come before us in this Chamber are close calls. Not this one. The United States Coast Guard is so underfunded that its fleets are aging, its gas tanks are near empty, its supply of spare parts are low, its communications equipment is outdated, and its personnel is overworked. Why? Because for years now, the Coast Guard has been assigned mission after new mission, from search and rescue to ice breaking, from drug interdiction to environmental enforcement, without anything resembling commensurate funding increases. Some years we have been able to patch things over with supplemental appropriations. We have got our fingers crossed right now for a supplemental to address a deficit exceeding $100 million.

In the meantime, the Coast Guard has become one of the oldest fleets in the world. I believe it ranks 39 out of 40. Its ability to respond to marine distress calls is dangerously stretched.

□ 1030

It is true, literally true, that it is now a matter of life and death and it is no secret. Testimony at hearing after hearing has documented how personnel fatigue from double shifts struggle with old communications equipment to dispatch extended air and sea assets. From hurricanes and refugee migrations, SOS calls and oil spills, the wear and tear accumulates, placing at risk Coast Guard personnel and the lifesaving mission they are mandated to fulfill.

Now so far the Coast Guard has bootstrapped itself into beating the odds and getting the job, all of its many jobs, done; in fact, with the highest marks of any Federal agency in terms of efficiency and management. But there is a breaking point. There will come a time when the American people will get from the Coast Guard not what they want, but what they are paying for. Put it another way, it is time for us to decide precisely what we want the Coast Guard to do and then to pay for it.

This bill is a good start. President Bush set a constructive tone with a budget that proposed a $545 million increase over last year's funding level. The gentleman from New Jersey (Mr. LOBIONDO), who really does deserve the gratitude of all of those who benefit from our oceans and waterways, today has brought to this floor legislation with an additional $250 million for an overall authorization of $5.35 billion. I encourage all of my colleagues to support this bill.

As I mentioned, studies have repeatedly lauded the Coast Guard for its institutional efficiency, for its morale and commitment to duty, but these reviews always seem to conclude with a mournful refrain about what might be possible if only the commandant had the tools he really needs to work with.

If fully funded, H.R. 1669 would mean the Coast Guard could cover more of the costs of salary, health care and housing, of technological retrofits to improve fisheries enforcement and drug traffic surveillance, of deferred maintenance repairs to get its aircraft off the ground and its ships to sea.

When I first arrived in this body 4 years ago, I joined with my colleagues the gentleman from North Carolina (Mr. COBLE) and the gentleman from Mississippi (Mr. TAYLOR) to form the Congressional Coast Guard Caucus. As former Coast Guardsmen, we sought to focus attention on the courageous service of the men and women who risk life and limb every day to enforce the law of the high seas and to save lives.

Day in, day out they do their job. Well, now it is time for us to do ours. I support the rule and the underlying bill.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the rule and I support the bill, and I was very saddened and it is saddening here today to realize that one of the great Members of Congress, Mr. Moakley, is not here, who normally handles this bill. He was a friend of mine, and he was not afraid to be a friend of mine as some other Democrats were. He treated all Democrats fairly, and I think that is a legacy that speaks for itself. An old saying relative to Coach Vince Lombardi at Green Bay is that why did everybody love him? All his players said, everybody loved Coach Lombardi because he treated us all alike; like dogs at times but all alike. And Joe Moakley treated us all alike, the big chairman with all the power and just the little representatives with an idea.

I have an amendment for this bill. I am going to support this bill whether it passes or not. I understand there has been a deal made that there is going to be no amendments, everybody is going to withdraw theirs. Well, I have news. I am not going to withdraw mine. My area used to be the third leading steel producing region of the world, and now I have my last steel mill in Chapter XI, with CSC being ready to be dismantled.

Now my amendment can be beat. It can be said that part of it is already law. They do not really follow that law anyway. I want it established, firmly ingrained into this bill, the following: Any new vessel constructed for the Coast Guard with amounts made available under this act shall be constructed in the United States of America, built by Americans, number one. Number two, shall not be constructed using any steel other than steel that is made in the United States of America by American workers. Number three, that this bill shall be monitored and held in compliance with the Buy American Act that is waived more than women sailors.

I understand there are some difficulties, and I want the Committee on Transportation and Infrastructure Members who are here to listen. There are small components which would make it difficult to trace the origin of the steel. I do not care about that. Handle that in conference. I am talking about the major bulk of steel that goes into construction. And by God, if we cannot do that, what do we say it for? I am utterly disappointed that the Democrat administration would not even look at unfair steel dumping and now President Bush, a Republican, has taken the task on of looking at illegal dumping of steel in America. Now Democrats, wise up.

I expect groceries on the shelf. I want my amendment included in this bill. It can be tailored in conference but, by God, if there is any new vessel to be built, it should be built by American workers with American steel in American ports.

Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. MYRICK) for giving me the consideration to offer my little idea as a Democrat.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in support of this rule and in support of the fiscal year 2002 Coast Guard reauthorization bill. I commend the work of the Committee on Transportation and Infrastructure and the Coast Guard Caucus in bringing this bill to the floor today.

Mr. Speaker, the Coast Guard has five training facilities across the country that prepares its members to perform their jobs so ably, and I am proud to represent the only Coast Guard training facility on the West Coast, the Two Rock Training Facility in Petaluma, California. Several years ago, my constituents and I fought hard to keep Two Rock Coast Guard Training Facility open. The Coast Guard's most modern, spacious and environmentally clean training facility survived, and we were delighted.

This decision to keep Two Rock open ensured the Coast Guard that the Coast Guard continues nationwide the technological, environmental and global economic challenges of the 21st century. I am pleased that today's bill will give Two Rock and the Coast Guard the financial tools they need to meet their challenges.

The Coast Guard does a top notch job of enforcing maritime law and safeguarding the lives and property of Mariners throughout the coastal waters of the United States and its possessions, and its territories. Through this bill's provisions, the Coast Guard will continue its program, operations, including search and rescue, marine environmental protection, defense readiness and drug interdiction. I urge my colleagues to support this rule and support this bill.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 362, nays 36, not voting 33, as follows:

[Roll No. 154]

YEAS—362

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Flake
Fletcher
Foley
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky

Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
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Young (FL)

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Aderholt
Borski
Brady (PA)
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Costello
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Crowley
DeFazio
Fattah
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Ford
Hefley
Hulshof
Kennedy (MN)
Kucinich
Larsen (WA)
LoBiondo
McDermott
McNulty
Menendez
Moore
Oberstar
Pallone
Pastor
Peterson (MN)
Pombo
Ramstad
Schaffer
Stupak
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Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Weller
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NOT VOTING—33

Burton
Cantor
Carson (OK)
Cox
Coyne
Davis (FL)
Dooley
Edwards
Engel
English
Ferguson
Greenwood
Holt
Hoyer
Jefferson
Johnson (CT)
Jones (OH)
Lewis (KY)
Linder
Miller, George
Obey
Olver
Rangel
Sabo
Solis
Stenholm
Tancredo
Taylor (NC)
Towns
Turner
Udall (CO)
Waters
Wexler

□ 1106

Mr. COSTELLO changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 154 on Approving the Journal, I was unavoidably detained. Had I been present, I would have voted "yea."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Bill Jones, Secretary of State, State of California, indicating that, according to the information concerning the statement of the results of the General Election held on June 5, 2001, the Honorable Diane E. Watson was elected Representative in Congress for the Thirty-second Congressional District, State of California.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk.

SWEARING IN OF THE HONORABLE DIANE E. WATSON OF CALIFORNIA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect from California and the members of the California delegation present themselves in the well.

Will the Member-elect from California (Ms. WATSON) come forward and raise her right hand?

Ms. WATSON of California appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the House of Representatives.

WELCOMING DIANE WATSON OF CALIFORNIA TO THE HOUSE OF REPRESENTATIVES

(Mr. FARR of California asked and was given permission to address the House for 1 minute.)

Mr. FARR of California. Mr. Speaker, as Chair of the Democratic delegation from the great State of California, it is a great privilege and honor to introduce our newest Member of the United States Congress, former Senator, former ambassador, now Congresswoman, DIANE WATSON.

I had the privilege of serving in the California State legislature with then Senator WATSON for a long time, and I do not know if all the world knows what a leader, what a dynamic leader she is. She was first involved in education, an issue very dear to all of us here in Congress, as a teacher and then as a lecturer, a lecturer at Cal State Long Beach, which our colleague, the gentleman from California (Mr. HORN), was president of. She was the first African American woman elected to the Los Angeles Board of Education and, historically, became the first African American woman to be elected to the California State Senate.

In the State Senate she chaired the Health and Human Services Committee for over 17 years. Her legislation is landmark legislation, setting up the California birth defects monitoring program. She also ensured quality for community care and residential care facilities. And most recently, she has served this Nation well as our ambassador to Micronesia.

The remarkable and historical fact of Congresswoman DIANE WATSON coming to the United States Congress from the State of California is for the first time in the history of this House, a delegation from one State, the largest delegation, 52 members in all, which is broken down into 20 Republicans and 32 Democrats, the 32 Democrats, with her election, makes it parity for the first time in Congress where, for the first time in history, the largest delegation is half women and half men.

So I am very proud to introduce to my colleagues one who will be a great Member and a great leader of this House, the gentlewoman from California (Ms. WATSON).

HEARTFELT APPRECIATION AND THANKS TO MANY

(Ms. WATSON of California asked and was given permission to address the House for 1 minute.)

Ms. WATSON of California. Mr. Speaker, distinguished Members of Congress, I stand today in the well of this most distinguished Chamber with both pride and humility as the newly elected representative of the 32nd Congressional District of California.

First, I wish to thank the constituents of my district for entrusting me with the responsibility of serving as their representative in this august body. I would like to thank my family and friends for their dedication and support, and I am delighted you are here with me today to share in this auspicious occasion. I would also like to thank my mother, who is 91 years young. With her valuable guidance and love, I stand here before you today. To my remaining family and friends and colleagues, I thank you from the bottom of my heart. To my political mentors and spiritual counselors, I too thank you.

As I begin this new chapter of my life, I cannot help but recall the days of my youth where, as a young student at Foshay Junior High School, I envisioned a career as a professional woman carrying a briefcase. But I never dreamed I would be the first African American woman elected to the Los Angeles School Board and the first African American woman elected to the California State Senate, where I served for 20 years.

□ 1115

I was further privileged to serve as a United States Ambassador to the Federated States of Micronesia under President William Clinton.

But through all these incredible endeavors, I never dreamed that this walk would direct me in the footsteps of my dear friend, the late esteemed Julian Dixon.

As my Congressman, Julian was both admired and respected. He was respected by his constituents, by his colleagues, and mostly by myself. As public servants for our communities, we worked together to bring resources back to the people of the 32nd Congressional District. We both approached our duties with the zealousness and dedication expected of us today by those who we so diligently served.

Now, I have been given the supreme honor to carry on and add to Julian's legacy, and address those issues deemed important to our community: solvency of the Social Security Trust Fund, affordable prescription drugs, significant meaningful education reform for our children. These are the issues on which I ran, and these are the issues that my constituents asked me to champion as their representative in Congress.

I am sure today that Julian smiles upon all of us because his legacy indeed will live on. I thank him for his distinguished years of service, and thank him, too, for his dedication as a champion of the people. I thank him most of all for his lifetime friendship.

I commit myself today to reach the highest standards of public service. I will strive to be a Representative who will serve her district by engaging in relevant policy debates and providing strong constituent services. To Mr. Dixon and to the constituents of the 32nd Congressional District I pledge my commitment and my dedication to the greater good.

Finally, I shall take my place with honor in this most prestigious body in the gentleman's memory, and I would like to rise to the level of respect that he carried with him.

The great State of California stands as a shining example of the diversity that makes this Nation so great. In light of the recent consensus results, California is now a minority majority State. Our Democratic delegation reflects the parity that is synonymous with diversity. Upon this, my swearing in, as was mentioned, I became the 16th woman, along with 16 men, that make up our delegation. We have finally reached parity, and act as a model for the rest of this country.

Despite the many obstructions that face California, including our current energy crisis, we possess the ability to be creative and apply practical solutions that work to benefit our State, our Nation, and today's global economy. I look forward to joining all of my colleagues as we tackle these problems.

I stand today with the Democrats and the Republicans and the Independents. I stand with my colleagues in the California delegation. I stand with the Congressional Black Caucus, the Congressional Women's Caucus, the Congressional Hispanic Caucus, and challenge all of us to work together towards the greater good of this country, and particularly, our State. Let history judge us not by laws that we pass in these great Chambers, but by the civility with which we pass them. Our best days are yet to come.

Mr. Speaker, I thank my colleagues, my friends, and supporters for being here with me to have this great honor bestowed upon me. I cannot ever repay them for their support, their commitment, and their dedication.

COAST GUARD AUTHORIZATION ACT OF 2001

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 155 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1699.

□ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1699) to authorize appropriations for the Coast Guard for fiscal year 2002, with Mr. MILLER of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentlewoman from Florida (Ms. BROWN) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the Coast Guard Authorization Act of 2001. Before I discuss this bill, however, I would like to thank the distinguished chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), for his time, energy, enthusiasm, and guidance in working out this authorization bill, which sometimes had its moments.

Also, I thank the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), who once again has helped us with crafting a bill on which we have strong bipartisan support, and thank the ranking member of the Subcommittee on Coast Guard and Maritime Transportation, the gentlewoman from Florida (Ms. BROWN), and their staffers for their help and cooperation on this legislation. H.R. 1699 was developed in a bipartisan manner and deserves the support of all Members of this body.

The primary purpose of H.R. 1699, the Coast Guard Authorization Act of 2001, is to authorize expenditures for the United States Coast Guard for the fiscal year 2002.

Section 2 of the bill authorizes approximately $5.4 billion for Coast Guard programs and operations for the fiscal year 2002. The bill funds the Coast Guard at the levels requested by the President, with an additional $300 million in Coast Guard operating expenses. The amounts authorized by this bill will allow the Coast Guard to address chronic budget shortfalls.

Many of the Coast Guard's most urgent needs are similar to those experienced by the Department of Defense, including spare parts shortages and personnel training deficits. H.R. 1699 addresses those needs, and also increases the amounts available for Coast Guard drug interdiction, something very important for our country.

H.R. 1699 provides $338 million for the Coast Guard's essential deepwater asset modernization program. To date, the Coast Guard has spent $117 million to develop a plan for replacing or modernizing existing deepwater assets. I strongly believe that the Integrated Deepwater System is the most economical and effective way for the Coast Guard to provide future generations of Americans with lifesaving services.

Mr. Chairman, I want to take this opportunity to commend the men and women of the United States Coast Guard for the exceptional services that they provide to our Nation. From the new recruits at the Coast Guard Training Center in Cape May, where I was proud to keynote their 53rd Anniversary celebration last week, to the men and women of the Coast Guard Air Station in Atlantic City and the LORAN Support Unit in Lower Township, I have been impressed by their devotion to duty and their constant readiness to stand watch over our shores. Their efforts are representative of their fellow shipmates all over our Nation.

All Americans benefit from a strong Coast Guard that is equipped to stop drug smugglers, support the country's defense, and respond to national emergencies. Unfortunately, the Coast Guard, like other military services, suffers from readiness problems related to deferred maintenance, aging equipment, and personnel training and retention. We must act to correct these problems and put the Coast Guard on sound financial footing to be ready to respond to increasing demands on Coast Guard resources, especially the need to increase drug interdiction operations.

Mr. Chairman, Coast Guard operations must be made whole next year, ending the destructive cycle of funding shortfalls and end-of-the-year supplemental funding bills, which are only bandaid approaches. The funding provided in this bill will accomplish this goal. In order for the Coast Guard to continue to live up to its motto, Semper Paratus, always ready, Congress today needs to stand up for the Coast

Guard. With today's vote, we will do just that. I urge all Members to support this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 1599. This is a bipartisan bill. I thank the ranking member, the chairman of the Subcommittee, the gentleman from New Jersey (Mr. LOBIONDO), and the ranking member of the subcommittee, the gentlewoman from Florida (Ms. BROWN), for her support, and those people directly involved.

Mr. Chairman, I am pleased that we are taking action today to authorize the funding for these important programs. H.R. 1699, the Coast Guard Authorization Act of 2001, authorizes the fiscal year 2002 Coast Guard budget at the level requested by the President, with an additional $300 million, as the gentleman has mentioned.

I, being from Alaska, and my Alaskan constituents have had a love affair with the Coast Guard for as long as we have been a Territory and a State. The first Federal officer that was stationed in Alaska was a Coast Guard employee, a captain.

□ 1130

They are dedicated people. They are committed and they are courageous, especially in search and rescue of our fishing fleet, which is the most dangerous fishing fleet in the world because of the climate conditions.

Just this year, there has been numerous rescue attempts successfully done by the Coast Guard using equipment that is outdated and not properly, very frankly, funded for the fuel that needs to do the mission. They have done so.

This bill does the authorization that we believe will not only fund them adequately, but will increase their deep water capability.

Many of the ships that are used by the Coast Guard in Alaska and other areas of the United States are 50 years old and older. The living conditions of those ships is deplorable, and this Congress has been neglectful. Our President has recognized it, and this Congress has recognized it for the leadership of the chairman. We are now authorizing the funding as it should be.

I have a little comment to make for those that may question the amounts of money. This is long overdue. We hope to have supplemental money in the supplemental appropriation bill for the backlog of $92 million that the Coast Guard was shorted last year.

We have some people in OMB and other areas that have decided to make this an issue, and I will tell them and I will tell my colleagues on this floor, we are going to prevail to make sure our Coast Guard is adequately funded. This bill does that.

We have to recognize the importance of this ability of this unit is really on the front lines all the time. I have great respect for my Army, my Navy. I have great respect for my Marines, my Air Force. But this unit of the Coast Guard is always on the front lines: drug interdiction, oil spill responsibility, immigration, all the things that they are charged with, we have not adequately done our job, and it is up to us to do so.

Again, I want to thank those people that are directly involved in this, the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee, who has actually mentioned the gentleman from Minnesota (Mr. OBERSTAR) and the gentlewoman from Florida (Ms. BROWN) and himself have done the job that I believe is correct for this great agency which serves every man, woman and child.

There is a tendency sometimes to believe that the Coast Guard only serves those on the coast. That is why they call it the Coast Guard. But the fact is it serves every person in the United States inland and along the coast through drug interdiction, illegal immigration, oil spill responsibility. The work that they do affects every man, woman and child in the United States.

So I urge this Congress to, not only to pass this bill, but to pass it overwhelmingly.

At this time, I would also like to compliment numerous people that had amendments. There will be some dialogue between those people. We have kept this a clean bill. There is nothing in here to slow it down like happened last year. We have agreed and reached a compromise with the gentleman from Ohio (Mr. TRAFICANT). He will be offering an amendment which we will accept. But it is the only amendment because it pertains to Buy America. But the rest of the amendments, and some of them were very well-warranted, we will talk about, we will discuss, and then they will be withdrawn.

I will compliment the wisdom of those Members to keep this bill clean so when it goes over to the Senate, they will not have the opportunity to do what they tried to do last year and put a lot of garbage on the bill that should have been passed.

So I want to congratulate those involved.

Ms. BROWN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1699, the Coast Guard reauthorization Act of 2001. This legislation is vital to the future operation of the United States Coast Guard. Most importantly, H.R. 1699 authorizes an additional $300 million above the President's request for Coast Guard operations. This means more money for law enforcement, drug interdiction, fishery enforcement and migrant interdiction. For the past several years, the Coast Guard has been forced to either decrease operation or transfer money from maintenance to operation.

Each day the men and women of the Coast Guard are putting their lives on the line to save those in distress, stop migrants and immigration, drugs, enforce maritime safety laws, and provide security to our Nation's ports.

The time has come to provide the Coast Guard with the financial resources it needs to successfully carry out its operations. The $300 million in additional funds for operations will help pay for the backlog in maintenance for aircraft, allow the aircraft and cutters that were to be mothballed to continue to operate, and enable all of the Coast Guard's vessels and cutters to operate to their full capacity.

In addition, H.R. 1699 authorized $338 million for the Coast Guard's Deepwater Acquisition Project. The Coast Guard has been a wise guardian of the people's money. They have managed to keep cutters operating that was built in the 1940s. However, it is time to modernize the Coast Guard aircraft and fleet of cutters. I am hopeful that the money authorized will allow the Coast Guard to successfully award the Deepwater contract early in fiscal year 2002.

The bill before us is a clean authorizing bill. It contains no changes to Coast Guard policies or programs. We are hopeful that the Senate will agree with us that it is in the Nation's interest to enact a Coast Guard authorizing bill in time for the Committee on Appropriations to provide the authorizing funds.

Mr. Chairman, failure to enact a bill authorizing appropriations to the Coast Guard is a failure to fulfill our obligations to the American people.

A vote for H.R. 1699 is a vote to provide an extra $300 million to support Coast Guard operations. Therefore, Mr. Chairman, I urge all of my colleagues to support the passage of H.R. 1699, the Coast Guard Authorization Act of 2001.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentlewoman for yielding me this time and congratulate her on managing on our side the first Coast Guard bill of this session and look forward to her splendid work in the future.

I want to express my appreciation to the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee, for the professional and thorough way that he has conducted the leadership of the subcommittee on this matter.

I express also my appreciation for the splendid working relationship with our chairman of the full committee, the gentleman from Alaska (Mr. YOUNG). He is as vigorous an advocate for the Coast Guard as I, virtually a cheerleader for this special color blue uniform that makes such an enormous contribution to our safety, the safety of our inland waterways, our coastal waterways and of our Deepwater service.

This bill is simply a numbers bill, if I could put it that way. We are trying to make up for failure of the past 2 years in the other body to move a Coast Guard authorization bill. In these past 2 years, this body and this committee has done its job. We have carried out our responsibility to the Coast Guard by bringing to the floor and passing an authorization bill that gives the Coast Guard the full authority to do its work.

But when the bill got over to the other body, there were extraneous issues such as death on the high seas that have nothing to do with the mission of the Coast Guard that bogged the bill down, and we then did not get to an authorization. Now I urge the other body to take this bill and just without amendment, without extraneous matters, move the bill on to the President.

We are authorizing $5.3 billion for the Coast Guard for fiscal year 2002. There is $300 million in here for the Coast Guard's operating expenses and for their drug interdiction mission.

Because of the failure to enact a full authorization bill over the past 2 years, the Coast Guard has had to reduce its operations because they have had insufficient funds. This bill gives the Coast Guard the sufficient funding, full operations and maintenance to do its mission. The other body ought to move along. We ought to get this job done.

This bill also addresses the long plan and carefully thought out Deepwater Replacement Project. This will involve replacing every ship and every aircraft that operates more than 50 miles offshore for the U.S. Coast Guard. It is a unique initiative. We have examined it in hearings over the past 2 years and studied the proposals carefully thought out. It ought to go ahead.

Instead of authorizing a specific type of ship built in a specific shipyard, this proposal authorizes a 20-year acquisition program, a performance-based procurement to obtain the very best aircraft and the very best cutters the Coast Guard needs for its mission at the lowest operational cost.

While we are here debating this legislation, it is a typical day for the 35,800 men and women of the U.S. Coast Guard: doing 109 search-and-rescue cases, saving 10 lives, rescuing 192 people in distress, saving $3 million in property, seizing 169 pounds of marijuana, 306 pounds of cocaine worth collectively $10 million. In fact, in some years, the Coast Guard seizes drugs, illegal drugs that have a street value greater than the Coast Guard's appropriated budget.

The Marine safety personnel are conducting safety checks on 100 large vessels, investigating six Marine casualties, responding to 20 oil or hazardous chemical spills, and servicing 135 aids to navigation. That is a very impressive day's work for the men and women in this special color blue.

I stand here in awe of them and in respect of their mission and their contribution to America and urge this body to move quickly on and affirmatively on this legislation.

Mr. LoBIONDO. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I would like to thank the gentleman for yielding me this time.

Mr. Chairman, as a person who has been heavily involved in the drug war in Central and South America, I want to speak out in praise of the work of the Coast Guard.

In their effort to reduce the drug flow into the United States, no one has done more and received less recognition than the United States Coast Guard. They work to interdict the fast boats that cover the Caribbean with the flood of drugs and should be commended for the results that they have shown. If other branches of the services were doing a comparable job of fighting this war, we would be in a much stronger position to face the future.

The Coast Guard continues to deliver services without complaint in spite of the shortages of funds provided to them and the difficulties and dangers in their job.

I wish other government participants would demonstrate the same level of commitment to fighting the war on drugs as the U.S. Coast Guard. Today I stand to applaud their efforts and urge this Congress to renew its commitment to this valued service.

Ms. BROWN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman for yielding me this time.

It is my great privilege to represent the part of Washington State that borders on the southern part of our coastline and the Columbia River. I have had the opportunity to join our Coast Guard crewmen as they go out in the motor lifeboat school on one of the most dangerous river bars in the world, the Columbia River Bar. That is why I am so proud today to join with the Chair and the ranking member in supporting this critical authorization bill.

Our Coast Guard Members save American lives every single day, and they deserve our support. They currently operate what would otherwise be one of the oldest navys in the world, and that should not be so. We need to make sure we give them support when they perform their critical life-saving needs when they work on environmental protection, when they enforce our fisheries laws, and when they patrol our coastline for whatever need they may be called upon to serve.

I am proud to join with the members of this committee and urge passage of this critical legislation.

Mr. LoBIONDO. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN), a long-time supporter of the Coast Guard, who is the very shy, reserved, quiet chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, as a former chairman of the Subcommittee on the Coast Guard and Marine Transportation, I want to admit a prejudice. I have a huge incredible appreciation and admiration for the work of the young men and women of our United States Coast Guard.

I have seen firsthand incredible sacrifices and the extraordinary valor and courage they exercise every day in saving lives and interdicting drugs and opening up seaways and keeping our waterways safe and keeping the traffic that is critical to international trade in and out of our harbors without collisions and damage and oil spills and all the other things, the incredible number of missions that they perform on a daily basis without a whole lot of thanks and without a whole lot of expectation of reward.

□ 1145

But it is time we recognize something; that the sons and daughters of American citizens, who serve in the United States Coast Guard and who daily save lives and save us from human suffering with their drug interdiction and who save damage and destruction in our harbors as they keep safety in these critical national commerce areas, that these men and women too often work with outdated and outmoded equipment and that their lives are at risk unnecessarily. It is time we put some real resources into upgrading and updating the equipment, the boats and planes and the equipment they use to carry out these extraordinary missions.

I was on a flight one time in a Coast Guard plane whose engine gave out on us, and communication was lost, and I thought we were all gone for a little while. That should never happen to any young man or woman who volunteers for service in the United States Coast Guard. Let us today, in this vote, declare with a ringing sense of appreciation the gratitude of the American people through this Congress for the extraordinary sacrifice and service of the young men and women of our United States Coast Guard. And let us dedicate ourselves to making sure that as they save lives, as they perform the incredibly important missions we have assigned to them, that we make their lives as sacred as the lives they are saving, that we protect them with better equipment and better boats and better planes.

Mr. Chairman, I wholeheartedly urge the passage of this bill.

Ms. BROWN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I want to thank the Committee on Transportation and Infrastructure, both the chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the ranking member of the subcommittee, for bringing this bill forward. And I am glad to follow my colleague, who is chair of the House Committee on Commerce, because I served with him in my first term in Congress on the Subcommittee on Coast Guard and Navigation when we had a Committee on Merchant Marine and Fisheries.

I rise in support of the authorization that recognizes the United States Coast Guard and provides the necessary funding so that our waterways will continue to be the safest in the world. And I would like to speak briefly about the impact the Coast Guard has on not only Houston but also on the Port of Houston that I am honored to represent.

The Houston-Galveston Vessel Traffic Service, the VTS, is located in Galena Park, Texas. That Coast Guard facility plays a key role in maintaining maritime safety and efficiency in the Houston-Galveston region, which includes the Port of Houston.

The Port of Houston represents the largest petrochemical port in the United States. It has the largest volume of foreign tonnage of all U.S. ports and the second largest in combined tonnage and serves over 7,000 vessels a year. Acting as a communications hub, our VTS accomplishes its mission by providing accurate, relevant, and timely information to mariners, port authorities, facility operators, and local, State, and Federal agencies. This information prevents vessel collisions, groundings, and consequently reduces the loss of life, property, as well as environmental damage associated with these incidents.

We basically have an industrial port. Our VTS information also enables waterway managers, mariners, and advisory groups to better understand the port's waterway systems and to make improvements to vessel routing and safety.

Our area is also served by a Coast Guard Marine Safety Office that protects the lives and the properties of all of us that enjoy and benefit from not only our industrial port but the boating public. I congratulate our local commander, Peter S. Simons, and the 48 men and women under his command for their excellent job and performance.

Mr. Chairman, I encourage passage of this bill.

Mr. LoBIONDO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time and for his leadership on this matter, as well as the ranking member.

Mr. Chairman, I am fortunate enough to represent Staten Island and the Port of Brooklyn, that portion which is the gateway to the Port of New York and New Jersey, one of the largest most active ports in the entire world. I am also privileged to represent one of the largest Coast Guard operations. Indeed, Activities New York is the largest operational field command in the Coast Guard. Its responsibility stretches from Long Branch, New Jersey to New York City, up to the Hudson River to Burlington, Vermont.

I have come to appreciate over the last several years, and we have heard it here but let me add my voice to the chorus of those commending the dedication and the commitment and truly the love and honor of their job, the men and women serving in the United States Coast Guard. We have heard about the law enforcement. Indeed, they are saving kids, they are preventing drugs from hitting our streets. When it comes to the environment, just last year we had an oil spill off the shores of Staten Island. There was the potential to damaging our beaches at a critical time of the year. The Coast Guard, without hesitation, was on that scene and curtailed what could have been a big problem. So they are out there protecting the environment.

Above all, they need resources to do the job that they do so well every single day. So I commend all the Members who have shown a true passion to supporting the Coast Guard because they are out there for us. They do this job without real call for attention, without the desire to be heard. They do it for us, they do it for America, and I think it is wonderful that we are finally taking a moment, this Congress, to say we appreciate the job you are doing; we are going to give you the tools you need to do the job you do so well.

Mr. Chairman, when men and women willingly and with honor serve our country, I think without a moment's hesitation we should respond in kind. And so I add my voice to the chorus of those who truly appreciate what the Coast Guard does.

Ms. BROWN of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank my friend from the great State of Minnesota for yielding, and I rise to commend the gentleman from New Jersey (Mr. LoBIONDO) and the gentlewoman from Florida (Ms. BROWN) for their bipartisan work on this bill.

I also rise to express my support for the Coast Guard Authorization Act and commend the chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking minority member, the gentleman from Minnesota (Mr. OBERSTAR), for reporting to the full House a balanced and bipartisan measure to meet the requirements of the United States Coast Guard in providing for a wide variety of maritime activities throughout the broad scope of law enforcement, humanitarian, and emergency response duties.

I also commend the committee for working in a bipartisan manner to increase funding in the bill by $300 million above the President's request to ensure that the Coast Guard can continue to operate in a complex and dangerous maritime environment characterized by rapidly changing security threats at home and also abroad.

The Coast Guard's counter-drug missions are critical to achieving the national drug control strategy goals: to detect, disrupt, deter, and seize illegal drugs that kill 15,000 Americans and cost the public more than $110 billion each and every year. In fiscal year 1999, alone, the Coast Guard interdicted more than 111,000 pounds of cocaine, keeping some 500 million so-called hits with a value of $4 billion off America's streets and out of our schools.

However, even more needs to be done. I recently returned from Cuba, an area of significant concern to the United States in the war against drugs. Despite our best efforts, including record drug seizures, Cuba remains a transit point for trafficking between Central and South America and Europe and North America. Moreover, only one drug interdiction specialist is assigned to our interest section in Havana. Certainly it could benefit from more manpower, more surveillance for equipment, and more cutters.

While providing for this first drug interdiction specialist is an important milestone, clearly a lone Coast Guard official in Havana does not provide a strong and sustained presence in the region to make a difference in our war on drugs. Therefore, I would encourage the committee to direct at least a small portion of the $300 million plus-up approved by the committee to additional drug interdiction around this area of the Caribbean. I am confident, based on what I witnessed in Cuba, that the United States would be making a sound investment by bolstering our presence in the region and working toward mitigating Cuba as a transit point and a gateway for the influx of illicit and dangerous narcotics imported in ever-expanding amounts into the United States.

I am hopeful that the committee will address this matter in conference in the years ahead, and I thank the gentleman from Minnesota for yielding me the time.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I appreciate the work of the gentleman from Indiana. He has again demonstrated once more his genuine concern in international affairs and hemispheric affairs, and I greatly appreciate his interest in Cuba and the role that Cuba and the United States together can play in drug interdiction. He has certainly made a valiant effort in this regard. I greatly respect his mission to Havana just recently.

The committee has worked for years on this problem, and what we have found is that when the Coast Guard or any of our drug interdiction entities in the Federal Government clamp down in transit zones, say in the Caribbean, drugs pop up on the West Coast. When we move assets to the West Coast, they move back to the Caribbean or elsewhere. It is a very delicate balancing act.

The Defense Department is also rethinking their role in the counter-drug mission. The Coast Guard now has law enforcement detachments on U.S. Navy vessels working in the Caribbean and off the west coast, which have been of great value to our war on drugs, and we have come to see the drug interdiction effort as a national security measure for the United States.

So the question of where to deploy these assets and how to balance them between the Caribbean, the west coast, the east coast and, frankly, the U.S.-Canadian border, which my district borders on and is becoming an entry point for drugs, is a very delicate matter.

We will continue our efforts to provide the Coast Guard with the resources they need in high-endurance aircraft, high-endurance cutters, additional personnel to participate in the already highly successful interdiction effort of the Coast Guard on drug smuggling efforts, and I will certainly bring to the attention of the Coast Guard the gentleman's recommendation for additional personnel in the Havana office.

We look forward to working with the gentleman as we proceed not only with this bill but with the regular authorization bill when further policy issues will be addressed, and I thank the gentleman for his contribution.

Mr. LoBIONDO. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), the former chair of the Subcommittee on Coast Guard and Navigation, a Member of this body whose name is synonymous with support of the Coast Guard over the years. We affectionately refer to him as the Master Chief. He has been to my district, the second district of New Jersey, with me, to visit the Coast Guard Recruit Training Center. But more importantly he trained there, so he knows it very well.

Mr. COBLE. Mr. Chairman, I thank the gentleman for his generous introduction, although unfortunately I was never Master Chief, but I like to claim that honor.

Mr. Chairman, I want to put a different face on this, because we have heard sterling comments in praise of America's oldest continuing seagoing service. I want to put a different face to it.

A man once said to me, he said, "The Coast Guard is the invisible service. Never hear about them." Well, we never hear about the Coast Guard unless we happen to be in distress and we need to be rescued by professionals. I spoke to a man who was once rescued, I spoke to him moments after the rescue, and he said to me, "That Coast Guard cutter looked like an angel of mercy coming to me," and then he began to weep softly. They are indeed angels of mercy. The Coast Guard cutters, the Coast Guard aircraft, what they do is legendary; but it is oftentimes invisible.

I have gone to Memorial Day and Veterans Day services across the land. My good friend, the gentleman from Alaska (Mr. YOUNG), said we appreciate all of the services, Army, Navy, Air Force and Marines. Those four will be recognized; the Coast Guard inevitably will be omitted. I went to a Veterans Day service back home in my district 4, 5, 6 years ago, and sure enough the inevitable happened, the four services were recognized by the playing of their respective hymns, but nothing about the Coast Guard.

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Mr. Chairman, I went to the music director of the school that day. I asked about the omission. She said, I do not have the music. I said, It is the most beautiful marching hymn of the services. Now, I am not completely objective about that, Mr. Chairman.

She said, Get me the music; and I did.

The next year, the Coast Guard hymn was the first one played. She came to me and she said, Are you satisfied? I said, Yes, indeed.

But oftentimes folks do not recognize that the Coast Guard is one of our five armed services. Years ago the Coast Guard was the beneficiary of Navy hand-me-downs. I am not putting down the Navy for this. We were glad to get them and made the best of what we had. Now it is a little better. We still get hand-me-downs, but part of the problem from years gone by, many of the Coast Guard spokespersons would come up here and say, We can get along with $5 million; we do not need $99 million.

Mr. Chairman, the other services were waiting to take that overflow. Now I think that attitude has changed. The Coast Guard comes up here more aggressively, not to embellish their budgetary needs, but to make it clear, matter of factly, what is needed to keep those search-and-rescue missions going, and to keep those drug interdiction raids successfully executed.

I want the American people to recognize, and many do not, and it is not their fault because oftentimes the Coast Guard is omitted, we need to be aware that there are five armed services in this country; and the Coast Guard is equally important, as are the other four.

The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) have addressed this issue well. They have said this is a service whose time has come to be fully and openly recognized as a vital cog in the armed services wheel. I commend those who have brought the bill to the floor today; and I thank the gentleman from New Jersey for his generous introduction.

Mr. LoBIONDO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN) for the purpose of a colloquy.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as you know, on December 11, 1998, a great tragedy occurred on Lake Michigan. The fishing vessel *Linda E.* and her crew of three were out working hard, pulling in fish off Port Washington, Wisconsin.

The *Linda E.* never came home. After 18 months of wondering and worrying, the *Linda E.* was located in 260 feet of water at the bottom of Lake Michigan. A Coast Guard investigation determined that the vessel was struck by an integrated tug/barge. The accident resulted in three unnecessary deaths and one of the crew members of the barge losing his license.

There are two specific issues that relate to this tragedy and other tragedies like it that I would like to work with the subcommittee and the gentleman from New Jersey (Mr. LoBIONDO), the chairman, on. First, this accident could have been prevented if the barge had been required to have a collision-avoidance radar detection system on board. Unfortunately, it did not.

Mr. Chairman, I would like to work with the subcommittee to further explore the issue of requiring vessels of this size operating on the Great Lakes to install some collision-avoidance technology.

Second, while the Coast Guard followed all of the procedures required under law with respect to the investigation of the *Linda E.*, I, along with the family members of the *Linda E.*

crew, would like to explore ways to clarify the investigation and recovery process. We would hope to work closely with both the Coast Guard and the subcommittee on this matter.

Would the gentleman from New Jersey, the chairman, be willing to devote some of the time of the subcommittee to review these matters?

Mr. LoBIONDO. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Chairman, I want to thank the gentleman from Wisconsin for his continuing interest on this very important issue. The sinking of the *Linda E.* was a terrible tragedy. We will be pleased to work with the gentleman to explore his suggestion that collision-avoidance radar be placed on barges operating in the Great Lakes and to look at the issue of Great Lakes maritime safety and response to maritime accidents in general.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from New Jersey for his consideration and look forward to working with him to ensure that the safety of all vessels operating on the Great Lakes is of utmost importance.

Ms. BROWN of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. LoBIONDO. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Chairman, the goals of the Coast Guard are straightforward: supply maritime safety, provide maritime security, protect our natural resources, facilitate maritime mobility, and support our national defense. Fulfillment of these goals is essential for commerce and the safety of Americans, but they come at a price.

The Coast Guard fleet of ships and aircraft is aging and requires rebuilding. They have implemented a strong recruiting drive that now requires an increased focus on training for new recruits.

The Coast Guard has also taken on increased responsibility in refugee and drug traffic interdiction. These and other new missions require additional funds, and I am glad that we can supply the Coast Guard with the needed resources to meet these tasks.

With over 78 million recreational boaters and over 250,000 maritime workers in the U.S., the Coast Guard's mission of providing maritime safety cannot be neglected. In fiscal year 2000, the Coast Guard saved over 3,000 lives in imminent danger.

A recent rescue success story demonstrates the courage and dedication of the Coast Guard. As an example, a 110-foot tugboat and its three crewmen sent out a distress call in the middle of a blizzard with snow, ice, freezing rain and near subzero visibility in the Chesapeake Bay.

The Coast Guard took a 41-foot utility boat from Coast Guard Station Cape Charles, Virginia, and after a long period of time were able to rescue these people, knowing that their lives could be lost as well.

Mr. Chairman, these guardsmen were not required to dispatch that day, but they did, and they entered the high seas in a boat not equipped to embark on such conditions. This is quite usual for the men and women of the Coast Guard.

When the brave crew of this mission were congratulated for their successful mission, Third Class Boatswain's Mate Scott Palmer modestly said, "Coasties do this every day." And they do.

We cannot let the brave men and women of the Coast Guard go out on obsolete vessels. We must provide them with safe and up-to-date means of transport in negotiating our waterways and shores in order to protect the people who travel these waterways every day.

Mr. Chairman, this legislation we are considering today authorizes $5.4 billion for Coast Guard operations for fiscal year 2002. This represents a sorely needed increase of $1.39 billion.

Mr. Chairman, I thank the gentleman from Alaska and the gentleman from New Jersey for supporting this increase, and urge my colleagues to support this bill which protects our commerce, our national security, and the American people.

Mr. LoBIONDO. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG) for the purpose of a colloquy.

Mr. SHADEGG. Mr. Chairman, I rise to address the tragic issue of carbon monoxide deaths on lakes around the country and in any body of water.

A little under a year ago, two young boys, Dillan and Logan Dixey, ages 8 and 11, died tragically swimming off the swim-step of their houseboat on Lake Powell. That triggered a study that revealed that there have been at least nine deaths on Lake Powell alone, and a total of over 111 injuries on that lake in my State. Following that, there had been a study by NIOSH which has documented at least an additional 30 deaths and 107 injuries.

Mr. Chairman, these deaths are caused by the intake of carbon monoxide, both to people onboard boats and people swimming off the swim platforms of houseboats on various lakes.

It was my intention to offer an amendment today to require the Coast Guard to perform a study of these carbon monoxide deaths and to study not only how they could be prevented by adding the correct venting mechanism to the boats but also how the carbon monoxide detecting devices, which are on many of these boats, could be improved so these tragic deaths do not occur.

Over the past seven seasons, nine deaths and 111 injuries on Lake Powell alone, 30 more deaths and 107 injuries on other lakes besides Lake Powell. These are based solely on voluntary reports.

Mr. Chairman, the gentleman from New Jersey (Mr. LoBIONDO) conducted a hearing on this issue, and I commend the gentleman for doing so. At that hearing, the heart-wrenching testimony of the parents of Logan and Dillan Dixey brought this issue home; but there are many others. This is the NIOSH study discussing the 30 deaths that they know of on other lakes. I hold press reports of deaths on bodies of water around the country. This documents the death that the gentleman from Louisiana spoke about in that State.

Mr. Chairman, it is extremely important that we study these deaths and find out the cause of them. The Coast Guard has been given a grant of money to study these deaths; but, unfortunately, I believe it is critically important that we put language in the law that the study be complete, that they study not only the cause of the deaths so we can end these tragedies, but also study the mechanism to improve the carbon monoxide-detecting equipment on these vessels.

Mr. Chairman, my understanding is the gentleman from New Jersey will work with us hopefully through the passage of this legislation; and if not otherwise, to insert this language requiring such a study for the safety of all recreational boaters in the country.

Mr. LoBIONDO. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Chairman, as the gentleman indicated, we have had quite a bit of testimony on this issue already. I understand how important this issue is to recreational boaters throughout the country, and I pledge to work with the gentleman to include language in the next maritime bill developed by our committee.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise in strong support of this legislation.

In 1976, a young man 16 years old took the family out for a sail off the coast of my district. After capsizing several times, his judgment became impaired, and he decided to swim for it. In the cold May waters, he had only about a half hour to live. Body temperature fell; he went through a classic near-death experience, and eventually passed out.

Mr. Chairman, this young man woke up inside a Coast Guard vessel from the auxiliary station out of Wilmette, Illinois. He asked the guardsman if he was going to live or die, and the man said, I do not know. But thanks to the prompt rescue of the Coast Guard, that young man survived.

Mr. Chairman, I am that young man. Every day of my life after my 16th year is a borrowed day given to me by virtue of the United States Coast Guard. It is a difficult thing to say for a Navy man, but the Coast Guard saved my life; and that is the essence of their mission here.

The kind of life-saving that happens off of the coast of the 10th Congressional District of Illinois is critical because Lake Michigan, most months of the year, is lethal due to temperature. It is the kind of work carried out by Air Station Waukegan, now providing life-saving services via helicopter throughout the entire south Lake Michigan region.

Mr. Chairman, I am incredibly supportive of the Coast Guard. I strongly support this legislation. But for the Coast Guard, I would not be here.

Mr. LoBIONDO. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Illinois, whose story is indicative of the work that the Coast Guard has done for so many years throughout the Nation and that does not get the attention that it deserves. The men and women of the Coast Guard put themselves in harm's way every day. What I think America fails to realize is that it is a branch of the military that saves civilians every day. There is not a day that goes by that lives and property are not saved. There is not a day when America is not benefited by the work of the Coast Guard, the men and women, whether it is drug interdiction, whether it is saving lives and property, whether it is responding to a national emergency or aiding other branches of the military. Our examples go on and on and on.

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We have many Members in this body who individually expressed strong support over the years for the work that the Coast Guard does. Now is the time for us to stand up for them. They stand up for America every day. It is our time to stand up for them during this authorization bill or, more importantly, as we move through the appropriations process, so we can provide the resources to the men and women who do this job every day unselfishly the way they really deserve, with the assets that they need.

Mr. LEWIS of Kentucky. Mr. Chairman, the Coast Guard provides a number of vital services to protect and defend our Nation's coastal areas and waterways. H.R. 1699 authorizes funding to conduct search and rescue efforts, vessel safety compliance, as well as wildlife promotion and protection. I am particularly supportive of the funding increases provided through H.R. 1699 that will increase the Coast Guard's drug interdiction operations.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today to show my strong support for H.R. 1699, the Coast Guard Authorization Act of 2001, sponsored by my colleagues DON YOUNG of Alaska, JAMES OBERSTAR of Minnesota, FRANK LOBIONDO of New Jersey, and CORRINE BROWN of Florida. As you know, this bill would authorize appropriations for the Coast Guard for fiscal year 2002 in six main areas: operating expenses; acquisition, construction, and improvement; research, development, test, and evaluation; retired pay; alteration of bridges; and environmental compliance and restoration. In addition, it sets end of the year strength levels for active duty personnel and establishes military training levels.

As a member of the Armed Services Committee and as a representative from a State with a substantial Coast Guard presence, I have had the opportunity to witness the efforts and initiatives of the essential life-saving mission of the U.S. Coast Guard. For over two centuries, it has been saving lives from Maine to Guam. Last year alone, the Coast Guard saved 5,000 recreational and commercial boaters, inspected over 34,000 vessels, maintained 50,000 aids-to-navigation, managed 13,000 marine pollution incidents, intercepted 4,200 illegal immigrants, and seized over 130,000 lbs. of pure cocaine. However, the U.S. Coast Guard is being asked to do more with less.

In my own State of Connecticut, the Coast Guard employs over 900 active members, in addition to the cadets at the U.S. Coast Guard Academy in New London. There are also sizable search and rescue stations in New London and New Haven, as well as a research and development center in Groton. I would like to commend the outstanding work of the Congressional Coast Guard Caucus, chaired by my colleagues BILL DELAHUNT of Massachusetts, GENE TAYLOR of Mississippi, and HOWARD COBLE of North Carolina. I strongly agree with its assertion that unless the Coast Guard's current budget crisis is dealt with in a timely fashion, the Coast Guard may be forced to make cuts in search-and-rescue services, reduce hours at sea, consolidate small boat stations, and compromise its other crucial missions.

Based on the Congressional Coast Guard Caucus' findings, it is clear that certain pressing problems merit our immediate attention. First, the Coast Guard has assumed a variety of increased responsibilities—from drug interdiction to fisheries management to environmental cleanup—while like other services, they have been unable to adequately compensate its personnel, causing many of its best and brightest to leave the Coast Guard for the private sector. Second, although the U.S. Coast Guard is currently the seventh largest naval service in the world, its cutter fleet is also one of the oldest—currently 40th out of 42. Finally, many of its cutters, buoy tenders and aircraft are reaching the end of their life expectancy. Unfortunately, with its budget rising insufficiently in real dollars in the past, the Coast Guard has not been able to address capital expenditure issues.

This Coast Guard Authorization Act will help address this situation by authorizing $5.4 billion for Coast Guard programs and operations. According to testimony by Admiral James M. Loy to the House Subcommittee on Coast Guard and Maritime Transportation, the fiscal year 2002 budget request will help to restore the readiness of Coast Guard personnel while ensuring that all of the agency's missions are performed at a level that can be sustained by its infrastructure. In conclusion, I applaud the past efforts and service of the U.S. Coast Guard, and I urge all of my fellow Members to vote with me in support of this bill.

Mr. SIMMONS. Mr. Chairman, I rise today in strong support of H.R. 1699, the "Coast Guard Authorization Act of 2001."

I have the honor of representing the Second District of Connecticut, home of the U.S. Coast Guard Academy. Through the years, I have had the opportunity to witness first-hand the excellence of the Coast Guard.

On any given day, on the average, our U.S. Coast Guard saves 14 lives. It conducts 180 search and rescue missions. It keeps $7 million worth of illegal drugs out of our country. It responds to 32 oil spills or hazardous chemical releases. It stops hundreds of illegal aliens from entering our country.

So in a year, that is over 4,000 lives saved, over 65,000 rescue missions, $2.6 billion in illegal drugs stopped from entering America's streets, over 11,000 environmental cleanups or responses to pollution, and the stopping of tens of thousands of illegal aliens entering our country.

Indeed, in addition to this, it also is involved in conducting local boat safety courses, port inspections, support of U.S. military and humanitarian missions, and more, all with the stewardship of the resources that should make taxpayers very proud of their investment in the world's finest Coast Guard.

The bill before us today will allow the Coast Guard to continue its unique, multimission capabilities that are characterized so well by its motto, "Semper Paratus—Always Ready."

I want to complement Chairmen YOUNG and LOBIONDO for moving this bill forth and for their long-time commitment to, and support of, the U.S. Coast Guard.

As vice chairman of the Coast Guard and Maritime Transportation Subcommittee and a die-hard supporter of the U.S. Coast Guard, I urge my colleagues to support this authorization bill.

Mr. GOSS. Mr. Chairman, too often the great role the men and women of our Coast Guard play in up keeping our national security is overshadowed by the larger Department of Defense.

Certainly, their funding is insufficient and they are operating under conditions that hold them back from doing all they can do. By supporting this rule and the underlying legislation, we have the ability to recognize and aid the importance of the Coast Guard to our Nation's security and well being. Its responsibilities are varied and numerous ranging from protection of natural resources to search and rescue to stopping the drug trade at sea and more.

Since 1790, the Coast Guard has been defending the United States in times of war. With the $300 million increase in operating expenses, the Coast Guard will be able to continue to support the armed services. This additional money, among other things, provides the needed fuel and maintenance to fully employ their cutters and planes to keep seafaring Americans safe on the open waters and fulfill myriad other missions. In fully utilizing the Coast Guard's resources and improving their assets, our shoreline and our Nation at large will be safer and the war on drugs will be fought even harder.

Despite aging equipment and low funding levels, the Coast Guard has demonstrated its commitment to winning the war against drugs. In fact, in the first 6 months of 2001, over 60,000 pounds of cocaine has been seized. This success indicates the Coast Guard is well on its way to matching and even surpassing last year's record-breaking confiscation.

Illegal drug activity is creeping into all corners of the United States and the Coast Guard must be commended for their achievements to date in stopping illegal drugs before they hit American soil. Funding provided in H.R. 1699 is a step in that direction.

A special aspect of the Coast Guard's budget for fighting the war on drugs is the "Deepwater" Program. This program exemplifies the Coast Guard's ability to look ahead and plan for the constant battle against the drug traffickers at sea. The goal of this program is to update the Coast Guard's fleet and allow it to keep up with illegal activities in the waters off our shore. Currently the Coast Guard's ships and planes are not fully capable of stopping the high-tech drug world. The $338 million targeted for the Deepwater project will provide needed funding to acquire certain improved assets. If we are serious about success, it is imperative that we provide funding to enable the Coast Guard to do its many missions. I urge my colleagues to support this rule and the underlying legislation.

Mr. CRENSHAW. Mr. Chairman, I rise today in full support of H.R. 1699, the Coast Guard Authorization Act of 2001. This authorization will increase the Coast Guard's funding by $845 million over last year's appropriation, an amount that is vital to correct persistent funding shortfalls over the past years. The bill also provides $338 million to implement the Coast Guard's Integrated Deepwater System, a program that will enable the Coast Guard to replace and modernize its fleet of offshore assets.

As a member of the Coast Guard Caucus and Representative of a coastal district, I see firsthand the vital role played by our Coast Guard in protecting our natural resources, providing for our national defense and ensuring the mobility, security, and safety of our maritime community.

A key provision of this bill will increase the Coast Guard's personnel endstrengths, a requirement to continue the Coast Guard's ability to protect our borders from drug smugglers. In Fiscal Year 2000, the Coast Guard set a maritime seizure record of more than 60 metric tons of cocaine. Drug smugglers have become increasingly sophisticated through the use of small, extremely fast boats that are difficult to detect by the larger, slower moving fleet of Coast Guard vessels.

Commandant of the Coast Guard, Admiral James M. Loy recently stated that, "We know that we are sustaining our operations only through the heroic efforts of our people, but faced with tired and aging platforms, depleted inventories, stretched logistics and support systems, even our heroes are getting tired."

This bill will give our Coast Guard personnel the tools, benefits and capabilities to provide a vital and multipurpose entity to the defense of our national interests and resources. I ask my colleagues to fully support this bill and support the heroes of the U.S. Coast Guard.

Mr. LoBIONDO. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BASS). All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 1699 is as follows:

H.R. 1699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2001".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2002 for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard, $3,682,838,000, of which—

(A) $25,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; and

(B) $5,500,000 shall be available for the commercial fishing vessel safety program.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $659,323,000, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; and

(B) not less than $338,000,000 shall be available to the Coast Guard only to implement the Coast Guard's Integrated Deepwater System.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,722,000, to remain available until expended, of which $3,500,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $876,346,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,466,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $16,927,000, to remain available until expended.

SEC. 3. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2002.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2002, 1,500 student years.

(2) For flight training for fiscal year 2002, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2002, 300 student years.

(4) For officer acquisition for fiscal year 2002, 1,000 student years.

The CHAIRMAN pro tempore. No amendment to the bill is in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed, or his designee, and shall be considered read.

AMENDMENT NO. 4 OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. BIGGERT:

At the end of the bill add the following:

SEC. ___. ASSISTANCE FOR MARINE SAFETY STATION ON CHICAGO LAKEFRONT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Transportation may use amounts authorized under this section to provide financial assistance to the City of Chicago, Illinois, to pay the Federal share of the cost of a project to demolish the Old Coast Guard Station, located at the north end of the inner Chicago Harbor breakwater at the foot of Randolph Street, and to construct a new facility at that site for use as a marine safety station on the Chicago lakefront.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project carried out with assistance under this section may not exceed one third of the total cost of the project.

(2) NON-FEDERAL SHARE.—There shall not be applied to the non-Federal share of a project carried out with assistance under this section—

(A) the value of land and existing facilities used for the project; and

(B) any costs incurred for site work performed before the date of the enactment of this Act, including costs for reconstruction of the east breakwater wall and associated utilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, for providing financial assistance under this section there is authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal year 2002, to remain available until expended.

Mrs. BIGGERT. Mr. Chairman, I intend to ask unanimous consent to withdraw my amendment at the end of my time; but before I do, I would like to explain its purpose and then enter into a colloquy with the chairman of the Subcommittee on the Coast Guard and Maritime Transportation.

Simply put, my amendment authorizes funding for the Federal share of a Federal-State-local partnership to build a maritime safety station along Chicago's lakefront. Though my congressional district does not encompass any of the Chicago lakefront, I, like most Illinoisans, am concerned about the area's safety needs. Many of my constituents sail on Lake Michigan, and the U.S. Coast Guard's marine safety office is located in Burr Ridge, Illinois, in the district I represent.

From the Burr Ridge location, the servicemen and women of the U.S. Coast Guard are responsible for commercial vessel safety, marine environmental response, port safety and security, and waterways management for the Illinois River and its tributaries, the Des Plaines River, the Chicago River and portions of Lake Michigan.

Despite this extensive mission, the U.S. Coast Guard has no presence or base of operation in Chicago along the lakefront. The U.S. Coast Guard resources nearest to the Chicago lakefront are in Burr Ridge, Waukegan, or Calumet Harbor, all of which are at least 45 minutes away. Anyone who has visited Chicago knows how much Chicagoans enjoy and take advantage of our beautiful lakefront. In fact, Chicago's lakefront includes a number of very busy harbors and marinas and hosts a number of important events.

There are approximately 95,000 recreational boats registered in the nine-county Chicago metropolitan area, and over 30 excursion, dining, or tour vessels operate out of Chicago. The city of Chicago also celebrates many events, including the Air and Water Show, the Chicago/Mackinaw Sailboat Race, the Fourth of July Fireworks and the Taste of Chicago, and Venetian Night along its lakefront, attracting substantial pedestrian and recreational boat traffic from around the Great Lakes region.

I believe we can enjoy the lakefront with greater safety if we establish a marine safety station along the lakefront. Let us not wait until it is too late. Let us not wait until the Coast Guard finds itself unable to respond in a timely fashion to an emergency situation along Chicago's lakefront.

An intergovernmental group of marine emergency service providers consisting of the U.S. Coast Guard, the city of Chicago's Marine Police and Illinois' Department of Natural Resources Conservation Police identified the old Coast Guard station, a facility in a state of disrepair and partially condemned, as an ideal location for redevelopment as a Chicago marine safety station. The U.S. Coast Guard has offered to relocate some of its existing resources including staff and rescue vessels to this facility to provide a more effective response in the downtown Chicago area. The total project would cost $6 million split evenly between the Federal, State and local jurisdictions. It is my belief that the $2 million Federal share is a small price to pay for significantly improving public safety and law enforcement.

I respect the chairman's wish that this authorization bill not include projects and withdraw my amendment. I believe strongly in the bill that has just been debated, but I would like to engage him in a brief colloquy to ask for his assistance in moving this project forward.

Mr. LoBIONDO. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. I would be happy to engage in a colloquy with the gentlewoman from Illinois.

Mrs. BIGGERT. Will the gentleman work with me and other interested parties to include authorization for this much-needed project in future legislation to be considered by the subcommittee and full committee?

Mr. LoBIONDO. Yes, I would like to assure the gentlewoman that I will work with her and other Members of the Illinois delegation, the State of Illinois, the City of Chicago, and the United States Coast Guard to give this project full and fair consideration in future legislation and ensure that the safety needs of the Chicago lakefront are met.

Mrs. BIGGERT. I thank the gentleman very much for his efforts.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TRAFICANT:

At the end of the bill add the following:

SEC. . REQUIREMENT TO CONSTRUCT ONLY AMERICAN-MADE VESSELS.

Any new vessel constructed for the Coast Guard with amounts made available under this Act—

(1) shall be constructed in the United States;

(2) shall not be constructed using any steel other than steel made in the United States; and

(3) shall be constructed in compliance with the Buy American Act.

MODIFICATION TO AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that my amendment be modified.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 5 offered by Mr. TRAFICANT:

In lieu of the matter proposed on page 1, strike lines 1 through 9 and insert the following:

SEC. . REQUIREMENT TO CONSTRUCT ONLY AMERICAN-MADE VESSELS.

(a) IN GENERAL.—Any new vessel constructed for the Coast Guard with amounts made available under this Act—

(1) shall be constructed in the United States;

(2) shall not be constructed of steel or iron produced outside of the United States; and

(3) shall be constructed in compliance with the Buy American Act.

(b) LIMITATION ON APPLICATION.—Subsection (a)(2) shall not apply—

(1) if the Secretary finds that the application of that subsection would be inconsistent with the public interest;

(2) to the use of steel or iron produced outside of the United States if the Secretary finds that such material is not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) if compliance with subsection (a)(2) will increase the cost of the overall project contract by more than 25 percent.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I want to compliment the Coast Guard for seizing 111,000 pounds of cocaine that when stepped on will be worth more than $12 billion on the streets of the United States of America. I also listened carefully to the wise remarks of the gentleman from Minnesota (Mr. OBERSTAR) when he mentioned the national security issue of narcotics.

I would like to remind this committee that former President Bush created Task Force 6, a military operation that worked in conjunction with civilian forces on our border. I do recommend and will be offering legislative amendments to future national security measures to enhance and reapply and to make Task Force 6 once again a strong and even bigger reality.

Today's amendment is straightforward. If we are going to be constructing vessels for the Coast Guard, it should be American workers and American steel where at all possible. I want to commend the leadership of the committee: the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New Jersey (Mr. LoBIONDO), who has done a fine job the first time I have seen him on the floor and the excellent work of the gentlewoman from Florida (Ms. BROWN.)

With that, I ask that my amendment be passed over without prejudice, be kept in the bill, and I do not get shafted in conference.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota, the distinguished ranking member.

Mr. OBERSTAR. Mr. Chairman, the committee, in bringing this legislation to the floor, had agreed that this is not a policy bill. This is the only policy-type amendment to be accepted on the floor, which I will accept in consultation with the chairman, he will speak for himself on the matter, but because it already is a statement of already existing law in a previous iteration of transportation legislation from this committee in a Surface Transportation Assistance Act of 1982 and the gentleman's language offered here tracks exactly current law in the Federal aid highway program which has served to protect 60 million tons of American steel in the Federal aid highway program over the last 20 years.

Mr. Chairman, I am prepared to accept the amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I want to commend then Chairman OBERSTAR in his role in that legislation and for being perhaps the original leader of a Buy American movement in the House.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. LOBIONDO), the distinguished subcommittee chair.

Mr. LOBIONDO. Mr. Chairman, I would like to thank the gentleman from Ohio (Mr. TRAFICANT) for his determination and energy over the years for his Buy American program. In consultation with the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG), I am very pleased to endorse and accept this amendment.

Mr. TRAFICANT. Mr. Chairman, I ask for an "aye" vote.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

At the end of the bill add the following:

SEC. . COAST GUARD AIR SEARCH AND RESCUE FACILITIES FOR LAKE MICHIGAN.

AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation for operation and maintenance of the Coast Guard air search and rescue facility in Muskegon, Michigan, $2,028,000 for fiscal year 2002.

Mr. HOEKSTRA. Mr. Chairman, I would like to enter into a colloquy with the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee.

As the gentleman from New Jersey knows, I have filed an amendment to authorize to be appropriated to the Secretary of Transportation roughly $2 million for the continued operation and maintenance of the Coast Guard air search and rescue facility in Muskegon, Michigan for fiscal year 2002.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, that is correct. I am familiar with the gentleman's amendment.

Mr. HOEKSTRA. I also understand the gentleman's desire to expedite a Coast Guard authorization bill this year and avoid the difficulties that have plagued Coast Guard authorization bills in years past.

As the gentleman is aware, the Coast Guard's primary mission on the Great Lakes is that of search and rescue. Unfortunately, the U.S. Coast Guard's fiscal year 2002 budget weakens that mission by proposing to close the Coast Guard's seasonal search and rescue air facility that has operated out of Muskegon since 1997.

I fear that the closing of this facility puts the safety of Lake Michigan boaters in danger. The Muskegon site was selected by the Coast Guard after an elaborate selection process that proved Muskegon to be the most cost-effective location for their capabilities. In addition, the proposal to close this facility directly violates fiscal year 1999 appropriations language that establishes a seasonal facility to better serve the Chicago area. However, that very provision also directs the Coast Guard not to close or downsize any other facility to accommodate this additional seasonal capability.

Mr. LOBIONDO. Mr. Chairman, I am well aware of the gentleman's desire to maintain the search and rescue facility at Muskegon, Michigan as well as the feelings of the entire Michigan delegation who expressed their support for the facility in a letter to me. The gentleman from Michigan should be commended for his work to ensure the safety of his constituents and Lake Michigan boaters and that they are not jeopardized.

I appreciate his understanding of the need to move this bill before us today as expeditiously as possible, and I pledge to work with the gentleman from Michigan on this issue when my committee takes action on additional Coast Guard-related matters in the very near future.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for his comments. I also appreciate his willingness to address this matter on a more appropriate piece of authorization legislation from his committee. In addition, will the gentleman agree to express his support for the safety of Lake Michigan boaters and the need for additional funds to maintain the operation of the seasonal search and rescue facility in Muskegon?

Mr. LOBIONDO. As the gentleman from Michigan noted, I will work to address with him this matter in my committee as well as express the need for additional funds to maintain the search and rescue capabilities from Muskegon, Michigan.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from New Jersey for his leadership. I look forward to continuing to work together on this matter.

Mr. Chairman, I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

□ 1230

The CHAIRMAN pro tempore (Mr. BASS). Are there any further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. BASS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1699) to authorize appropriations for the Coast Guard for fiscal year 2002, pursuant to House Resolution 155, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LOBIONDO. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 18, as follows:

[Roll No. 155]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor

Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Paul
Schaffer
Tancredo

NOT VOTING—18

Burton
Dingell
Ferguson
Hutchinson
Jefferson
Jones (OH)
Lewis (KY)
Lofgren
Miller, George
Putnam
Simmons
Solis
Tauzin
Towns
Turner
Udall (CO)
Waters
Wexler

□ 1258

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SIMMONS. Mr. Speaker, on rollcall No. 155, I was the speaker at my son's high school graduation. Had I been present, I would have voted "yea."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 155 on H.R. 1699, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. LEWIS of Kentucky. Mr. Speaker, today I attended my daughter's high school graduation and was therefore not in Washington, DC. Had I been present in the House Chamber today, I would have cast my votes in the following manner: Rollcall 154—"yes", approving the Journal for June 6, 2001; rollcall 155—"yes", passage of H.R. 1699, Coast Guard Reauthorization Act of 2001.

GENERAL LEAVE

Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1699.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1699, COAST GUARD AUTHORIZATION ACT OF 2001

Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 1699, including corrections in spelling, punctuation, section number and cross-referencing.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring on the schedule for the remainder of the week and next week.

I would yield to the distinguished gentleman from Ohio (Mr. PORTMAN) for any information he wishes to impart to the body.

Mr. PORTMAN. Mr. Speaker, I thank my friend from Michigan for yielding.

I would announce, Mr. Speaker, that the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, June 12, at 12:30 p.m. for morning hour and then at 2 o'clock for legislation business. We will be considering a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Tuesday, no recorded votes are expected until 6 o'clock.

On Wednesday and Thursday, the House plans to consider the following measures, subject to rules. First, H.R. 931, the Sudan Peace Act; and, second, H.R. 1088, which is the Investor and Capital Markets Fee Relief Act. That would be Wednesday and Thursday.

On Friday, no votes are expected in the House.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if I may inquire a question or two from the distinguished gentleman from Ohio.

The security bill that the gentleman alluded to at the end of his remarks has been on the calendar numerous times over the last several months. Is it likely to be brought up this time?

Mr. PORTMAN. Mr. Speaker, if the gentleman will yield further, I think our leadership is relatively optimistic that this time we can work out whatever differences there might be between the two committees of jurisdiction and take it to the floor next week.

As the gentleman knows, the gentleman from Indiana (Chairman BURTON) was out unavoidably this week due to personal health issues in his family, and the Committee on Government Reform does have jurisdiction over this issue, as does the Committee on Financial Services. But it is my understanding that we now have the ability to move it to the floor and differences are being worked out.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

If I could make just one other comment, Mr. Speaker, and this is not aimed at the gentleman from Ohio but at the Republican leadership in general; I want to express how angry our caucus is about the way the tax reconciliation bill was handled right before the Memorial Day recess.

□ 1300

Members were kept an additional 2 days here, waiting around for a vote. In fact, I think many know that we were kept waiting all night with a vote promised every hour.

Now, I know these issues are difficult and sometimes they take turns that people do not expect in the negotiation process; and by the way, it would have been nice if the Democrats were invited to have participated in the negotiating process which we were kept from. But having said that, let me just say, the American people were also blocked from any knowledge of what was in the bill that would affect our Nation, perhaps for the next 2 decades. Memorial Day, as everyone knows in this Chamber, is a very special and important time for Members to be in their home districts to honor our Nation's veterans and the activities that surround that honoring.

This is the second time, I will tell the gentleman from Ohio, who may want to relay this to others in the leadership, that this has happened this Congress. We have tried to work with our colleagues in a civil and bipartisan way the best we can, but there is a deep amount of anger about the way this was handled because it was the second time.

I just want the gentleman and the Republican leadership to know that if we are brought into the process, I will say this once again, we will be fine. We will work with our Republican colleagues; we will try to figure this out the best we can. But if we are treated the way we were treated on the tax reconciliation bill, we will be very, very vigorous next time. We want to make sure that the people in this body who serve and represent literally tens of millions of people in this country, hundreds of millions on our side of the aisle, have the opportunity to participate and to know what is going on. It is not meant as something that is going to happen, but I just want the gentleman to know how strongly we feel about this, and I hope my friend from Ohio will share that with the Speaker, with the other leaders of the gentleman's party; and I will do so, especially when I see them, and have done so when I have talked to them already.

Mr. Speaker, we are very serious about this, and we are trying to do this in a reasonable way; but when we are shut out and we do not have a voice and we are kept guessing the way we were leading up to the Memorial Day recess, we can play that same game and we can tie this place up and we can create a situation that will be totally unpleasant for everybody else in this Chamber. We prefer not to do that, but we do not want it done to us. I will just leave it at that; and I thank my colleague, and I wish him a very happy and a good weekend.

Mr. PORTMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, first of all, I appreciate the gentleman's candor, as usual. I will say that there was frustration, of course, on both sides of the aisle with that process; and many Members who waited for those votes and spent the night in their offices probably felt that same frustration. It was the most comprehensive tax legislation in a couple of decades and there were a lot of complications working with the other body, including members of the gentleman's party. But the point is well taken with regard to the frustration.

We, of course, had hoped that we could have kept to a more tight time schedule. It ended up not being possible, given all the complexities of moving the most comprehensive legislation in this area in a generation. But I appreciate the gentleman's comments and, again, his candor, as usual; and I look forward to trying to better work together in the future on these legislative projects.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

HOUR OF MEETING ON TOMORROW

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT TO TUESDAY, JUNE 12, 2001

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, June 8, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, June 12, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL 5 P.M., JUNE 8, 2001, TO FILE REPORT ON H.R. 2052 FACILITATING FAMINE RELIEF EFFORTS AND A COMPREHENSIVE SOLUTION TO THE WAR IN SUDAN

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations have until 5 p.m. tomorrow, June 8, 2001, to file a report to accompany H.R. 2052.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1305

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Pennsylvania (Mr. GREENWOOD) as a cosponsor of H.R. 1305.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FOLEY. Mr. Speaker, I offer a resolution (H. Res. 158) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 158

Resolved, That the following named Members be and are hereby, elected to the following standing committees of the House of Representatives:

Government Reform: Mr. Duncan.
Science: Mr. Gilchrest.
Small Business: Mr. Shuster.
Transportation and Infrastructure: Mr. Ney to rank after Mr. Baker; Mr. Culberson and Mr. Shuster.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

A FOND FAREWELL TO PAGES OF THE HOUSE OF REPRESENTATIVES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, it gives me great pride to recently have been named chairman of the Page Board; and one of the official duties is to say good-bye to the current page class, which graduates this Friday, which is tomorrow. So I would like to ask them to come down, I want you to fill in these seats, the first three rows of seats right up here. Come on down.

Mr. Speaker, as a reminder of what we are seeing here, we are seeing 69 pages who hail from throughout the United States and are representative samples of what is good and great and stupendous about America. They are representative of various Members of Congress who have submitted their names. They have endured the arduous year process of actually being employees of the Clerk of the House while attending school, getting to know each other, living together and, as we just heard in the colloquy with the leadership of both sides, the Democrats and Republicans, sometimes enduring very long hours and late nights as they get an opportunity to see the legislative process unfold. Much like sausage, it tastes pretty good, but sometimes the process is something to be desired.

We really appreciate your service; and as I address these comments to the Speaker, he knows also that the work that you do is very important here and the work that you do here is historical. Many things in Washington, D.C. have historical implications. The page class and the operation of pages goes back 200 years. So this is not any fly-by-night operation that just popped up in somebody's mind. Your service has been involved in the founding and the establishment and through the various difficult processes of this constitutional republic, and you have been here with us working and learning and, hopefully, this is not the pinnacle of your career.

Hopefully, this is just one stop along the way that will help you continue to add greatness to this country and greatness to this process and the political system, whether that is being a good citizen, being a concerned voter, diligent on the issues, or being involved in the process. We are going to hear from some of my colleagues who will have greater words of wisdom based upon their experience as maybe former pages who were involved in the process.

But I want you to know that as the chairman of the Page Board that we appreciate your service and we wish you Godspeed.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. KILDEE), the senior member of the Page Board who has been around for many, many years.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding. Indeed, I have been a member of the Page Board for many, many years. Tip O'Neill appointed me to the Page Board in, I think, 1980. I have served as chairman and as ranking minority member. It is interesting, on the Page Board, if I am correct, I think every vote we have ever cast on the Page Board has been unanimous. You really have helped unite us. You serve us so well, and we want to serve you very, very well.

There is a program in this country, a very good program called Close Up, and people come from all over the country and see Congress close up, but no one has seen Congress as close up as you pages. You have seen us at our best and at our worst. We are human beings here. But you have seen something, democracy at work. You have seen us work out things, like the education bill, in a very bipartisan way; you have seen other bills not so bipartisan, but you have seen us work. We all come down here with a valid election certificate. As I say, you have seen us at our best and our worst.

The pages really work on three different kinds of arenas here: on the House floor and all of the environs of the House floor; the school, and it is a great school. A former Congressman, Bill Whitehurst from Virginia, a Republican, and I worked so hard together back in the early 1980s to get the school accredited. It is a great school with a great faculty over there. And your other arena really is the dorm. You do a good job in all three of those arenas. As a matter of fact, this year, the Page Board has not had to really meet really for any serious problem. You are among the best group of pages that I have had the experience of working with since I have been on the Page Board since 1980, and since I have been in Congress since 1977.

But we know that you operate well in all of those arenas, and I hope you operate very well today, because today you took your final test at school, I think it was your math test. I wish you well on that. I was always glad when I got my math test over with; it was one that challenged me the most. But I am so proud of each and every one of you.

I had two sons who were pages, and they later entered the Army and left the Army as captains. One just got his master's degree, MBA, from the University of Michigan about 2 weeks ago; and the other one today, and I am going to fly up there as soon as I leave here, is getting his master's from Harvard.

So this is not the pinnacle, but this is a great step in your life. Put down that you were a page on all your resumes, because it means that you have set goals for yourself. You had to take the means to achieve those goals. You have had to say yes to yourself to certain things; but more importantly, as you grow up and for all of us too, as we continue to grow, you have been able to say no to yourself. Certain things are not proper at a certain stage of one's life or a certain time and certain things are never proper, but you have learned to say no, and that is part of your growth. I am so very proud of you, as I was proud of my two sons when they served here as pages. I wish you well. Godspeed.

□ 1315

Mr. SHIMKUS. Madam Speaker, I include for the RECORD the names of the pages.

LIST OF PAGES OF THE 106TH-107TH CONGRESS

Jessica Adams
Narvell Arnold
Camille Baldwin
Erika Ball
Ashleigh Barker
Erin Baumann
Jane Bee
Kristin Blanchet
Christopher Bohannon
Seth Brostoff
Michael Byers
Ilona Carroll
Alesia Cheatham
Eric Colleary
Joshua Cornelssen
Jason Davis
Kelly DiBisceglie
Adam Estes
Jennifer Evans
Lauren Favret
Corey Fitze
Brian Footer
Dane Genther
Ann Grant
Erin Grundy
Ryan Gualdoni
Allison Hamil
Leon Harris
Ashley Harrison
Brian Henry
Christian Huisman
Sarah Hulse
Audra Jones
Benjamin Kaiser
Sarah Kozel
Jeff Leider
Christina Lemke
Bradley Loomis
Claire Markgraf
Benjamin Melitz
Nickolas Mentone
Brett Moore
Gregory Muck
Richard Nguyen
Charzetta Nixon
Amber Polk
William Pouch
Barry Pump
Sean Ready
Jana Reed
Bethany Ruscello
Julia Sargeaunt
Kristin Saybe
Sarah Schleck
Sarah Seipelt
Brittany Sisk
Ben Snyder
Christopher Sprowls
Martha Stebbins
Paul Stone
Ryan Tanner
Carin Taormino
Robert Terrell
Chapman Thompson
Stephanie Vermeesch
Robert Wehagen
Sarah Williford
Jason Williquette
Bradley Wilson

Mr. SHIMKUS. Madam Speaker, I yield to the gentlewoman from New Mexico (Mrs. WILSON), a new member of the Page Board.

Mrs. WILSON. Madam Speaker, I am a recent addition to the Page Board, so I have not gotten to know this class as well as I probably will get to know the next. But on behalf of the Members of the House, I want to thank all of you very much for your service.

I know some of the nights have been long. Those page runs back and forth between the far corners of Rayburn and Cannon to the floor late at night may have sometimes seemed routine, but in the midst of the routine things here, there is the great work of the Nation going on, and we thank all of you for having been part of it.

I am very much a believer that you learn by doing and that you learn by serving. You all have taken advantage of a wonderful opportunity to come here and go to school, and serve for a year and learn for a year about how our Nation's government works and runs, and sometimes does not run. I hope you have enjoyed the experience, and that you can build on what you have learned here and go back to your communities and continue your service.

For those who may be watching at home and looking to see whether their son or daughter or grandson or granddaughter are here, whether they see their faces here, they know this but many do not, that there are 70 high school juniors that serve here in the Congress every year. They go to school here in the Library of Congress, one of the great monuments to learning and knowledge that this country has. At the same time, they are employees of the House.

You are a very special group of students, and you are all part of a very unusual high school experience which will be part of your lives forever. You will be asked in college and beyond college, what was it like to be a page? And I hope you have some special memories to share with people who ask, particularly young people who ask, because you are now not only graduates of the Page School but role models for others who will follow.

You are a very special group, and I hope you have special memories, special memories beyond the cafeteria food, and special memories that are better than the O'Neill Dorm. You are the last class to endure the dorm in the O'Neill Building.

I hope you have special memories that are more than late nights. I have seen more than a few of you back there in the corner with calculus books and Spanish books trying to prepare for class the next morning at 6:45, when it is far too late in the evening here. But I hope that maybe you have some other special memories of friendships made here, of raising and lowering the flags on this great building, that inspire you to continue to serve this wonderful country.

Many of you probably come from small towns across America. Maybe some of you have never had a chance to travel or to go abroad or to live in a big city before you came here, but I hope that in this last year you have learned that your Nation needs you, that your community needs you, and that there is a nation beyond the towns that you came from that wants you to serve. I want to thank all of you for your time here.

Mr. SHIMKUS. Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), who is a lover of the institution and follows the operations of the House, and has a great fondness and affection for the work that you do.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me.

Graduates, I suppose is the appropriate term, of the class of 2001 Page School, congratulations. I am no longer on the Page Board, but I was pleased to hear the gentleman from Michigan (Mr. KILDEE) and others say that this has been a model class. I served on the Page Board, and from time to time we had individuals who were perhaps models, but not the kinds of models we wanted, but they were very, very few.

I am always disappointed that we do not have the networks covering this ceremony, disappointed because the networks will cover tonight and almost every night young people who are not doing positive things, either for themselves, for others, or for their community. You, on the other hand, are doing very, very positive things.

I wish that ABC and NBC and CBS and CNN and all the national networks would cover each and every one of you by name and say, this is Clare and she has done a great job, and then mention each one of you by name.

I was President of the Maryland Senate back in the 1970s, before you were born. I have done so much before you were born that I feel old at these times. But as President of the Maryland Senate, with the Speaker of the Maryland House, we ran the page program.

The page program was not as extensive as this. It was not a year-long program. The Maryland General Assembly meets for 90 days a year. But some of the top students in Maryland from each of the counties were selected to serve 1 week early and 1 week late. It is a 10-week session, actually about a 14-week session, and you get to serve early, when it is not so busy, and you get to serve late, when it is very busy.

You have, of course, gotten the spectrum: a residential program, as was said; going to school a year; and serving on the floor with all of us. You are a critical part of the work process of the House of Representatives. We need you here to do some of the work that you do so that we can facilitate the legislative policymaking process of this House. But much more importantly, in my opinion, you have, as has already been referenced, been given an experience that is relatively unique, that an incredibly small percentage of your age group will ever get.

Our Framers created this House as the people's House, essentially as the bedrock of our democracy, elected every 2 years to be the direct voice of the people of the United States of America, correctly viewed around the world as the most vibrant, vital democracy in the world. What a privilege that is.

It has been said that of those to whom much is given, much is expected. What I try to say to the page classes is that you have been given an opportunity that few others have been given. You know and I know that your parents and friends and others sometimes are pretty negative on the House, the Senate, democracy, Washington, your State capital, your county seat. It is, as Mr. SHIMKUS said, the making of sausage, which is not always pretty.

Therefore, if you are really exposed to it and understand it a little better, and I think you have gotten this, I hope you have gotten it, the Pages that were in Annapolis, in Maryland, I think got it, you have a much more positive view of how conscientious the Members are who have been selected by their neighbors to come here and represent them, how seriously they take their responsibilities and duties.

Yes, they differ and they argue, and as a result, it can look very contentious, and in fact is, just as are some of the disagreements you have in the dorm or in the classroom or maybe even at home. Now, none of my children, of course, ever had any differences of opinion with me or their mom at home, but perhaps you do. Life tends to be contentious because we have different opinions.

But you have been given an opportunity to see democracy firsthand. I think you have, therefore, a particular responsibility to go home to your parents, to your friends in the community, to your classmates at school, to your classmates as you go on, to the people with whom you will work, to your community at large, and hopefully bring the message back that their democracy does in fact work and they can make a difference.

You have special knowledge. I hope you feel a responsibility to impart that knowledge, that observation, your opinions as to what this institution does and how best it reflects your communities, because that, in my opinion, is the real value of the page program. You are special assets to America with special knowledge, special insight. As some of us have tried to impart that to you, hopefully you in turn will impart it to others.

Congratulations for all you have done, and with high expectations for all that you are going to do, God speed. Thank you.

Mr. SHIMKUS. Madam Speaker, I want to thank the gentleman from Maryland for his comments. They are always well thought and impassioned.

Madam Speaker, I want to mention that the Pages on a daily basis live, work, and go to school here at the Capitol. Their day begins with school, starting at 6:45 a.m., and ends with the completion of legislative business on the House floor. And as we know, that could be anywhere from 5 o'clock in the afternoon to 5 o'clock the next morning.

By serving as a page throughout the academic year, you have sacrificed your time with your family, friends, school activities, and the like. I think the Speaker ought to know the sacrifices that you do incur.

You are very special to this institution, and you are a wonderful addition because you bring youth, vitality, and energy, and actually help Members understand that there are things that are greater than ourselves; that is, the future of this Nation. And having you here on the floor, it is important for us to see that every day.

There is no one who understands that introduction any more than my friend, the gentleman from Arizona (Mr. KOLBE), who is an alumni. You will join the long alumni line, as my colleague has.

Madam Speaker, I yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Madam Speaker, I thank the gentleman for yielding to me. I appreciate the opportunity to address this wonderful class of pages here.

I do stand before the House as a former member of the Page Board, but more importantly, as one of the handful of Members of this body who themselves served as a page here in the Congress.

Now, you will have to forgive me. As most of you know, I was a page over in that other body across on the other side of the Capitol. But nonetheless, that experience was one of those formative experiences of my life. I look back on my younger days and I think of experiences that really changed me, and this was one of those experiences.

So I would just make a few comments, and rather than about your service, which others have spoken of and which is so important, rather about the fact that you serve as ambassadors and role models in your communities, which is so important. I would rather speak for a moment about you and what you learn and what you take from this experience, because I think, more than anything else, you have an opportunity to learn something about yourself during the course of this year.

For many, for most, it is probably the first time away from home on an extended period of time. You are here in the Nation's Capital, a great city in which to live and to work and to have the experience of a year.

You had no idea last September when you came who you were going to be rooming with. Here you have been thrust together with people that come from all over the country: from high schools and communities large and small, from little rural farming communities, from large cities in our land. You are placed altogether, and in a very real sense, you are a microcosm of our country because you represent all these different districts of our country.

You have an opportunity in the course of this year to really learn something about yourself: to learn about some of your shortcomings, but you also learn about your endurance and learn about what you can do, and you grow in this process. In the process of growing and of maturing, you become a better person.

You also become a person who can carry, as the gentleman from Maryland (Mr. HOYER) said, the message about this program and about the House of Representatives and about your government out into the world as you go forth from here.

□ 1330

So from this experience, you will go back to your schools, finish your high school career. You will go on to colleges. In this group, as I look at them, I know that we are going to have successful Members of the United States Congress, well one or two maybe; but most of you will be businessmen and businesswomen, professionals, lawyers and doctors. Maybe you will be artists. Maybe you will do something that is in no way connected with government or politics.

But you will be citizens of this country; and as citizens of this country, you understand you have a responsibility. You have a responsibility to care about the country, and you have a responsibility to care about those around you.

So if I could urge you to do one thing, it is to maintain the friendships that you have made here, and I think you will find that the most valuable part of this experience. Maintain those friendships, keep that e-mail flowing between each of you, as I know you will be the moment you leave here on Saturday. Keep that e-mail flowing. Keep in touch, come back, get together, join together once in a while, and watch yourselves grow as you go through your professional careers and your fellow classmates go through their professional careers, and you get married, you have families, you have your own children. Probably somebody is going to have a child that will be a page here someday in the not-too-distant future.

So this has been a wonderful experience for you. Yes, we have gotten a lot out of it. You help us a great deal. But most of all, you have an opportunity to learn a great deal about yourselves; and as I have watched you grow during the course of this year, I know you have learned a great deal about yourselves.

So I just want to say thank you. Thank you for what you have done for us. Thank you for the friendship that you extend to us. Thank you for that warm smile you give us when we come on the floor, for the help that you give us every day. Thank you for what you do in your communities with your own families and your own schools. Thank you for the role models that you play in those communities. You are going to continue to do that. I am very grateful to you for it.

I want to say I wish you well. Godspeed. Good luck.

Mr. SHIMKUS. Madam Speaker, I want to thank the gentleman from Arizona (Mr. KOLBE), my friend.

I wanted to mention that I graduated from West Point. It is supposed to be a leadership school. One of the best pieces of advice I ever received was you go through 4 years of interacting with a lot of different people. The advice was, take what you saw, what was good and remember that; and the interactions that you did not think was very good, kind of pledge not to respond that way, not to use that type of a model. Use the good role model.

I think that is sound advice because we all are very diverse individuals who come from diverse backgrounds with diverse personalities. I mention that as an introduction to the gentleman from Florida (Mr. FOLEY) who I am going to ask to come up who I know has a vested interest in taking time out to make sure he talks with you and visits with you and he gets to know you. That is a personal trait that you should emulate. He has been successful, and I know it is from his heart. So I am glad he joined us again.

Madam Speaker, I yield to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Speaker, I, of course, am delighted to be here today, and I do take a special interest in each and every one of you. You never know when you may run for President in the United States, so I may need some help in a lot of different districts. I am just kidding and I would ask that be stricken from the record, because that may appear in my hometown paper as a rather ambitious statement from this gentleman from West Palm Beach, Florida. And having been through the last election, I simply do not want to repeat it, nor cause any more controversy for Palm Beach County.

Kristin, as I walked up, she had tears in her eyes, as many of you do, boys and girls alike, because this is both an exciting day in your life and I am certain a sad one. You came here, and as other classes do, frightened, nervous, excited, scared, confused, bewildered, and yet motivated that you have been selected to be the best and brightest of your hometowns.

Throughout the year, you have had to take some kidding, some grilling, some jokes, and I will not get into it. You all know who have been the subject of my inquiry. I did not know they made boots that size. How much hair gel have you used today, Robert? Ryan was the other one. I did not recognize that color hair when you left here on Friday. I will leave that name off. I did not know you wore an earring. Does your dad know, or mom? No, not really.

Those little things that you did while you were away from home for the year are really incidental to what you have learned and accomplished. You persevered, I am certain, lonely to leave your friends, but knowing you have been given a special chance to serve your country.

I always know when a former page is writing me because they oftentimes do not put a return address on the front of the envelope. They merely sign their name largely on the left-hand margin as Members of Congress appear on the right, That is their franking privilege that they hope will be used in the future.

Some of you are, in fact, ambitious and want to serve in politics, as the gentleman from Arizona (Mr. KOLBE) said. Some of you are already using House stationery.

Christopher, thank you for your note and invitation to the graduation. He signed it "future colleague," Christopher Sprowls from Florida. I am certain Mr. Trandahl, as our fine Clerk, will not get to see that particular note so we cannot charge you with a violation of House rules. But a lot of you get a kick out of the pins and the perks and the privileges.

One of our earlier speakers before the page program began complained a bit about the confusion in the last night of the tax deliberation. Kind of interesting. I do not think I remember seeing any Members around here at 3:00 in the morning, but I do remember quite a few pages.

Aaron, I think, was sleeping in one of the phone booths, as I recall, vigorously pursuing the academic excellence that they have all achieved. I said "Aaron, is it comfortable in there?" I have never tried to sleep in the booth.

I make light because I have to, because otherwise I would cry, too. I have to make these little jokes and little digs at you all because, in my heart, I know it is a sad day because I know you leave us and a new class will come and will repeat the cycle of the page life. At the same time, you never do forget, particularly for me when I first arrived in 1994, those that were in that class that still correspond and still keep in touch.

I have celebrated their graduation from college. I have celebrated their life as they started their occupations, some yet continuing in college, going to law school and other things.

I hope I will be able to get to see the Speaker since Robby is no longer at the desk letting me in as he used to so frequently. "Yes, he is in there, Mr. FOLEY. You can go in now." Thank you, Rob. I always appreciated those courtesies, bud.

But to all of you, congratulations. Congratulations. Obviously I think you are going to miss Ms. Sampson. You are going to miss Mrs. Ivester. You are clearly going to miss Mr. Harroun and Mr. Oliver. I know so many times those beaming faces when those four individuals, and there are others, teachers included, would confront you with one of your latest creative comments or ideas of how to better run the page program of the House.

I know that I speak for the entirety of the House of Representatives that your service here is important. I know at times you felt like runners merely sent to do errands, but you really are a tremendous part of the life on Capitol Hill.

I know Peg is back there in the corner, and she was crying earlier. I witnessed that. In fact, I got a report from Gay in the front, she said I think Ms. Sampson is crying. So you have got all these friends back here behind you. I know I am not supposed to gesture, but I have to suggest, and I know Jeff Trandahl was with us and is still, the Clerk of the court who has to supervise and maintain operations and good guidance over you.

But God bless you. Good luck. Work hard. Go home and be, not only representatives of this Congress now, but also representatives to inspire in your friends that there is a better way to serve this Nation, that serving in Congress and a free democracy is a joy, a privilege and a pleasure.

I thank you for taking time away from your homes, your families, your loved ones, your boyfriends, girlfriends and classmates to be part of this wonderful, miraculous challenge of being a page.

Willy, good luck. God bless you all. Take care. Thank you.

Mr. SHIMKUS. Madam Speaker, I want to thank the gentleman from Florida (Mr. FOLEY). I do not know if he did a Freudian slip. He called the Clerk of the House the clerk of the court. Maybe it was probably true for some of his dealings with you all, as I am beginning to understand.

Probably another former alum who probably understands the clerk of the court is probably the gentleman from Virginia (Mr. TOM DAVIS) who I would like to talk about his experience and how it relates to what he is doing now.

Madam Speaker, I yield to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Madam Speaker, when the gentleman from Florida (Mr. FOLEY) talks about sometimes it looks like you are just feeling like you are just running errands, that is what we feel some days as Members going back and forth as well. I just wanted to say congratulations and thank you for a job well done over these past few months.

I was a page up here from 1963 to 1967. In those days, you could stay more than 1 year, and I stayed for my complete tenure during high school. The day after 8th grade I started, and the day before I went to college I finished. It paid pretty well in those days. You could live at home, and my family was right across the river in Northern Virginia.

But you learn a lot of things. One is to try to bring some balance to a very busy life, and I hope you have learned something about time management with this. This may confront you throughout your life, in college, in your careers. If you can just take away from here that understanding of how important it is to organize and get things done, it is going to put you in great stead as you move through life.

I hope you have a great appreciation and love of for this institution, which is what I had when I left. Whether you decide to go into politics or decide to be a refrigerator repairman, it does not make any difference as long as you understand the complexities of government, understand what Members face, what the staffs face and how the system works, it will give you this appreciation, will make you a better citizen.

Maybe it will inspire some of you, from what the gentleman from Florida (Mr. FOLEY) was saying it already has, to perhaps run for office someday. My appreciation led me to run for office, first at lower levels of government and then finally coming back here as a Member.

You have been here through some very, very interesting times. Think of it, over a 4-year cycle, you are the ones who got to see a change in the Presidency, you got it see the counting of the electoral votes here in the House, and I do not think we had anything since 1877 that is anything close to this, and you got to witness that. You got to see a swearing in of a new Congress and the changes that that brought, passage of some landmark legislation. You have gone through a lot of late nights, some very stressful times and the excitement, the ups and downs that you get in a job like this.

I do not know how many of you spent the night in a phone booth. It is not a very good place. But I can tell you where I come from, Republican Party used to meet in a phone booth. So we are pretty used to that as well.

I just hope that your experience here will inspire you to continue to stay active in government and continue to stay active in helping your fellow citizens. That is ultimately what this is about. This is the way that we give back to our communities and try to make a limited number of dollars to go a long way to help the most people in the community. I hope you will dedicate a good part of your lives to doing that, whether it is in the political or the volunteer or the professional side as you move on.

I want to say, I hope this experience will help you get into the college of your choice next year. It is a nice resume enhancer. Good luck and Godspeed to all of you, and thank you for a job well done.

Mr. SHIMKUS. Madam Speaker, I thank the gentleman from Virginia. A great representative of what your institution brings to service in this country is the service that the gentleman from Virginia (Mr. TOM DAVIS) has done in his time as a Member of Congress.

We are looking forward to you filling some of our shoes in the future. You are our investment in this experiment that we call a constitutional republic. We want to thank you for your service. Now we want you to go out and help make this country a better place.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore (Ms. HART) laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER, I hereby resign from the House Committee on Science to accept one of the three vacant seats on the House Transportation and Infrastructure Committee. My service on the Science Committee has been worthwhile and rewarding, but as you know, members cannot serve on four committees, so I must step down to change my committee assignment. My highest local legislative priority is to help expand the Katy Freeway in west Houston, and I need to serve on the Transportation Committee to expedite the expansion of this vital freeway.

Thank you for supporting my request to change committees, but above all, thank you for your principled conservative leadership of the U.S. House of Representatives.

Sincerely,

JOHN CULBERSON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 1345

PRESIDENT BUSH AND INCREDIBLE WHITE HOUSE FORM LETTER COMPUTER

The SPEAKER pro tempore (Ms. HART). Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

Mr. DINGELL. Madam Speaker, I rise to pay tribute to a remarkable automated and superbly efficient computer system in the Capital of this Nation. Madam Speaker, this computer network is extraordinary. It tracks and it responds to the correspondence of more than 500 people. I would note that it is so powerful it is able to keep track of not only the incoming mail from these people on a wide variety of issues but it is also able to respond to each and every one of the people and each and every one of the letters with an identical form letter, which, if you will note, is changed only with regard to the subject matter.

I am not describing a top-secret computer lab at CIA, nor am I describing NASA's computer network at Cape Canaveral. No, Madam Speaker, this computer is located at 1600 Pennsylvania Avenue. This afternoon I rise to discuss this computer and the remarkable White House form letter that it generates.

I share with my colleagues the opportunity to have interacted with this amazing machine on more than a dozen occasions. Each time I have written to President Bush, I have received an identical response. Whether the topic is the energy crisis or election reform, I get the same letter back. More than a dozen letters to date, each faithfully signed by the President's aide, Nicholas Calio, unless Mr. Calio has used an autopen.

I wrote the President about HMO reform, I received the following: "Thank you for your recent letter regarding a bipartisan Patient Protection Act. I have shared your letter with the President's advisers and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention. Thanks again, Nicholas Calio."

I wrote the President on education, veterans, environment, trade and foreign affairs. I again received the same letter. I say to President Bush, "Thank you." And to you, Nicholas Calio, "Thank you. Your computer serves you well. It has moved the science of computers forward to newer and higher levels."

I would note that with such close attention to detail, it is hard to fathom how the United States ever lost our seat on the United Nations Human Rights Commission. How on earth could our allies be unsatisfied with diplomatic dispatches such as, "I have shared your letter with the President's advisers. Your comments are receiving close and careful attention."

Indeed, the existence of such a superior computer system response makes the departure of Senator JEFFORDS from the Republican Party all the more puzzling. How is it possible that that distinguished Senator from Vermont could become so disenchanted with the White House when it uses such an advanced computer system to communicate with Members of the House and the Senate? How could Mr. JEFFORDS or any other Member of the Congress become disenchanted with such careful and precise personal attention from President Bush? Were the words, "Your comments are receiving the close and careful attention of the appropriate agencies" simply not enough?

I would like to point out one of the examples of this splendid computer's responses to Members of Congress. I would note, however, that my policy since I was elected to the Congress a number of years ago has been to personally respond to each letter I receive from over half a million citizens of the 16th District of Michigan and to give as substantive a response as is possible to do. Clearly, that idea is out of date at the Bush White House.

Well, thank you, President Bush. You have shown us a new way. Thank you for changing the tone in office and your tone in Washington. Thank you for identical form letters from your amazing computer. At least when I write the White House I know I will get a response. It may be unresponsive, but I will get it nonetheless.

Seventy days ago, on March 28, I wrote Administrator Whitman of the Environmental Protection Agency seeking information about her decision to weaken the new protective standard for arsenic in drinking water. This is a health issue affecting millions of Americans. I would note I received no answer. A month ago I sent a similar letter seeking additional information from Ms. Whitman about her arsenic decision. Again, no answer. No information, no acknowledgment has been received.

Now, it would appear that the White House could inform Administrator Whitman that stonewalling Congress is bad policy and that she should be responding if only with a form letter. In any event, it appears the Bush administration has this wonderful policy which needs to be chronicled here. It is either a form letter or no response at all.

Madam Speaker, I will place in the RECORD these wonderful examples of computer science in the hope that my colleagues will be able to share perhaps their thoughts on similar events.

THE WHITE HOUSE,
Washington, March 14, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your letter regarding the Montgomery GI Bill program.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thank you for your interest in writing.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THE WHITE HOUSE,
Washington, May 29, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your letter regarding funding in the FY 2002 budget for the pediatric graduate medical education (GME) program.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THE WHITE HOUSE,
Washington, April 26, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding medical privacy regulation.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THE WHITE HOUSE,
Washington, April 12, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: thank you for your recent letter regarding a bipartisan Patient Protection Act.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THE WHITE HOUSE,
Washington, March 8, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: although this is in response to your January letter, I just wanted you to know that the President sincerely appreciated receiving your comments regarding funding for USAID programs in Lebanon.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thank you for your interest in writing.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THE WHITE HOUSE,
Washington, March 9, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: thank you for your recent letter regarding funding for the Elementary School Counseling Demonstration Act.

I have shared your letter with the President's budget advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thank you for your interest in writing.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THE WHITE HOUSE,
Washington, April 4, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding funding for the U.S. Army Corps of Engineers.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THE WHITE HOUSE,
Washington, April 9, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding funding for the USDA's Wetlands Reserve Program.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THE WHITE HOUSE,
Washington; April 11, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter, along with 206 of your colleagues, regarding election reform principles.

I was happy to share your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. I have asked that you receive a more detailed response in the near future.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THE WHITE HOUSE,
Washington, April 12, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding a petition to the International Trade Commission on behalf of the domestic steel industry, under Section 201 of the Trade Act of 1974, to seek temporary relief from injurious imports.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Diector of Legislative Affairs.

THE WHITE HOUSE,
Washington, April 12, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding coastal erosion.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Diector of Legislative Affairs.

THE WHITE HOUSE,
Washington, April 18, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding funding for a new sewer overflow grant program, which was authorized in the Consolidated Appropriations Act for FY 2001. I apologize for the delay in responding to your letter.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Diector of Legislative Affairs.

THE WHITE HOUSE,
Washington, June 5, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding funding for the ongoing litigation against tobacco industry.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Diector of Legislative Affairs.

THE WHITE HOUSE,
Washington, June 5, 2001.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding the recently implemented medical privacy standards mandated by the Health Insurance Portability and Accountability Act of 1996 and issued by the Department of health and Human Services in 2000.

I have shared your letter with the President's advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and Director of Legislative Affairs.

TRIBUTE TO MIKE FENNELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. REYNOLDS) is recognized for 5 minutes.

Mr. REYNOLDS. Madam Speaker, in sports today, words like courage and character, leadership and perseverance are used so frequently they have become almost cliche. Sometimes, though, a story emerges that rekindles our faith in the indomitable will of the human spirit, which proves a sports figure can embody all those traits and more, and which inspires not only a team but an entire community. Such is the case in a story of Mike Fennell, coach of the McQuaid Jesuit High School baseball team in Rochester, New York.

One week ago, Mike coached the Knights to their first section v baseball championship in 20 years. It was the 250th victory of his coaching career, the team's fourth championship game in 5 years, and Coach Fennell's first sectional title. Indeed, these accomplishments are worthy of note, but they are even more remarkable considering just days before the championship game in Rochester's Frontier Field, Mike Fennell was in a hospital bed recovering from yet another surgery in his valiant crusade against non-smoker's lung cancer.

Since his diagnosis in November, Mike has faced this disease bravely, stubbornly, and even with a good dose of humor. His struggle has been so valiant and inspiring that following Mike's hair loss, resulting from ongoing chemotherapy, the McQuaid Knights wanted to do something special to show their support, love, and respect for their ailing coach, and that is when the team, led by pitcher Mike Lewis and catcher Paul Knittle, decided to shave their own heads.

A baseball standout at Fairport High School and Le Moyne College, Mike spent several years in the New York Yankee farm clubs, but the leadership and inspiration Mike has shown these past few months transcend any sport or championship. During the trophy presentation, still weak from his chemo treatments, Mike shunned his walker that his wife, Erin, and nurse, Patty Messina, wanted him to use to make the trek from the dugout to home plate. He would make that walk the same way he has faced his disease, through faith, determination, and sheer will.

Mike Fennell has shown each of us how to face adversity, both bravely and proudly. He has shown us the strength to endure, even when doctors and his own body want him to stop. Most importantly, he has shown us there is nothing quite so tenacious and unbreakable as a human spirit.

Madam Speaker, I ask this Congress to join me in saluting a hero and a champion, Coach Mike Fennell.

NO INVESTIGATION NECESSARY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, to depart a little bit from my energy outrage day to day, where yesterday I revealed that Duke Power had charged $3,800 a megawatt hour last winter in California, 100 times the price of 2 years ago, to point to a little growing problem of dissension on the majority side of the aisle.

Republican conference chairman, the gentleman from Oklahoma (Mr. WATTS), has called on the Committee on Energy and Commerce to schedule hearings on the volatile prices facing energy consumers. I quote:

> We need to get answers from energy companies, executives, including producers, suppliers, refiners, transporters, distributors, retailers, with the goals of finding solutions to these price fluctuations and bringing price stability to the public.

Unfortunately, he is being overruled. The majority leader, the gentleman from Texas (Mr. ARMEY), says he is opposed to committee hearings to look at allegations of price gouging, that is a quote, by the energy industry. He says it is cheap political demagoguery. That is another quote.

Well, let us look a little bit at the record. Of course the majority leader does represent Texas, and ExxonMobil did see their profits up 102 percent last year. Americans certainly see it at the gas pump every single day where they are being price-gouged. They had $15.9 billion, "B," billion dollars of profit, up 102 percent in one year. But, no, there is nothing to investigate. There is no market manipulation going on here. An increase of profits of 102 percent a year? Why, that is normal.

Okay, maybe it is. Let us go and look at the natural gas market. El Paso Energy, also based in Texas, where the majority leader hales from, they had profits of $1.2 billion last year. A relatively small company; only $1.2 billion in profits. Of course, their profits were up 381 percent in 1 year. An awful lot of Americans saw that in their natural gas bills this winter when they were trying to heat their homes and a lot of them were freezing because they could not afford the bills. Nothing to investigate there. There is no market manipulation. It is normal for natural gas prices to go up by that much and for profits for this company to go up by 381 percent a year, except for recent revelations that have shown that El Paso Natural Gas bought pipeline capacity and then refused to use it and refused to let any other gas company use it so they could artificially restrict supply and drive the price up. But there is nothing to investigate there.

All right, let us turn then to electricity. Duke Power. I spoke earlier about their charging as much as $3,800 a megawatt hour, 100 times the price of 2 years ago. Just multiply your home electric bill by 100. That is what Duke was charging folks in California this winter. But they only earned $1.8 billion of profits and their profits are only up 109 percent in 1 year. Nothing to investigate there. No. Price of $3,800 a megawatt hour, only up 100 times what it was just 2 years ago, why that is just natural. It is those Californians. They deserve this. Nothing to investigate there.

We need a comprehensive investigation. The Bush administration's own Federal Energy Regulatory Commission has found these prices unjust and unreasonable. The staff, unfortunately the chairman is appointed by the President, Mr. Hebert of Louisiana, and the chairman says, like our majority leader from Texas, there is nothing to investigate here. This is just the market at work, and consumers should just lump it.

Well, the Republicans are going to lump it at the ballot box unless they follow the advice of their conference chairman and start doing an investigation of what is going on. And if they do not do it here in the House, I predict it will happen in the Senate. And they might just have a little bit of egg on their face here when more and more of this evidence of price gouging and market manipulation comes out. Because the American people know what is happening to them. They know it every day when they pull up to the gas pump and they know it when they are opening their electric bill and when they get their natural gas bill, and they are not going to take it for much longer any more.

CONGRESS MUST HOLD FORECASTERS ACCOUNTABLE FOR THEIR PROJECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, we must hold forecasters accountable for the accuracy of their projections. As we are asking for straight A performance out of our public schools, we must also ask that out of our budget forecasters. We want better and more efficient use of energy resources.

As Secretary Rumsfeld is completing a comprehensive overall of our defense network, how can we expect anything less than continuous improvement from the way that we prepare the Federal budget? And we have a long way to go.

Everyone I talk to in Washington assumes that budget forecasts we use are setting priorities that are wrong; that they can be way off the mark; that we never are able to estimate correctly what our financial status is.

In 1997, the Congressional Budget Office estimated a $145 billion deficit for fiscal year 1998. We had a surplus of $69 billion. In 1999, CBO predicted a $107 billion surplus for fiscal year 2000, $129 billion below the actual $236 billion achieved. You can see it here on chart number one, where CBO estimates a $211 billion deficit, it was only $107.

□ 1400

Then a $156 billion deficit, it was only 22. The biggest year they made a mistake was 1998; they forecast a $145 billion deficit. We ran a $69 billion surplus. And on and on the errors have gone.

Mr. Speaker, this is no way to fill our elected mandate of keeping the economy strong. There is more at stake than the issue of whose numbers are right. Congress uses these estimates to make key decisions about tax policies that encourage economic growth, foster entrepreneurship, and reward individuals for seeking opportunities to work, learn and get ahead.

Inaccurate forecasts end up crowding out uses of other Federal funds. If defense programs produce large cost overruns, then less money is left for new education projects. If the actual cost of Medicare part B programs often exceed preliminary estimates, it becomes harder to build support for new benefits such as a prescription drug benefit. Better forecasts should be a bipartisan initiative focused on the goal of making government more effective.

Some errors of the past can be blamed on estimates that rely on status quo analysis, assuming that taxpayers will not change their actions in response to legislative changes that affect their pocketbook. Such a projection applies recent growth rates to baseline-year figures, assuming that current trends will continue indefinitely. Common sense tells us when you increase taxes on something, such as saving and investment, you get less of it. A change in tax policy influences the decisions that individuals make, thereby affecting revenues.

The recent history of the capital gains tax policy shows the shortcomings of status quo analysis. In 1984, Congress passed the Deficit Reduction Act, which temporarily reduced the long-term capital gains holding period from 12 months to 6 months, making it easier for investors to qualify for preferential tax treatment. Investors reacted, and quickly.

Capital gains realizations in 1985 were twice the amount in 1984. However, investor euphoria was short-lived. Congress repealed the capital gains deduction as part of the Tax Reform Act of 1986. Our budget experts prepared status quo estimates that anticipated large Federal revenue gains from a higher capital gains tax. Quite the contrary happened. Capital gains realizations tumbled in 1987. Budget estimators were confounded by the fact that taxpayers acted to avoid taxes.

Chart 2 shows the reaction.

We projected as we raised taxes, that we would actually raise revenue. We did not. We lost it when we raised the tax on capital gains.

The status quo then changed once again when we used the estimates and when we reduced capital gains charts. The status quo predicted a dismal drop in revenue. In actuality, capital gains realizations increased steadily and substantially, contributing to the surpluses we have now enjoyed, as you can see from this chart, where the realizations for fiscal year 2000, we projected $329 billion and we have $643 billion.

In order to make the best decisions, Congress needs real-world estimates that account for the interaction between Federal taxes and Federal programs and individuals' behavior. We have just passed one of the largest tax relief packages in U.S. history without the benefit of real-world analysis that effectively forecasts the turning points that we can use.

Under the current House rules, the chairman of the Committee on Ways and Means has the right to request real-world forecasts, and the Joint Committee on Taxation must provide them in a timely manner. This should be required, not optional, and should be used for all tax bills.

The chairman of the Committee on Rules has introduced a capital gains tax reduction bill. Consider how a status quo analysis would misguide us on examining that legislation. Budget accuracy will be achieved with small steps, and we need it now.

This is a job for innovators ready to meet the challenge of helping Congress spend taxpayers dollars wisely. As a start, we can improve budgeting accuracy by using projections that do not ignore changes in the behavior of individuals when taxes increase and decrease. next, we need to account for expenditure increases when the government establishes a program that "pay for" goods and services, thereby making them less expensive for individuals. The Joint Committee on Taxation and the Congressional Budget Office are developing models that incorporate certain "real world" assumptions to measure behavioral changes; however, we are just at the beginning of this process. As we move forward, it will be important to check "projected" against "actual" results. By "backcasting"—loading actual economic variables in models to determine how much the variability of particular assumptions affected the overall forecast—we can isolate the best of what we have and identify what areas of our forecast models need work. Third, we must give every federal agency the incentive to employ the assets they own to their highest and best uses. For example, the Defense Department owns major bands of Spectrum, but is unwilling to turn them over for commercial use; could this decision be based on the fact that it does not benefit from the sale of these assets?

The next few years should be a time of testing new limits and learning from what does not work. In the end, our goal should be to "leave no Congress behind." The accuracy of the projections we work with will influence the quality of our policy decisions. Each Congress deserves the best it can get—and so do the American people. The right decisions will stand behind economic growth that benefits us all.

END GRIDLOCK AT OUR NATION'S CRITICAL AIRPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, recently there has been much said and written about the possibility of new runways at Chicago O'Hare International Airport. Some might think new runways are a new idea. They are not.

In fact, in 1991, the Chicago Delay Task Force recommended that new runways be added to O'Hare in order to reduce delays and improve efficiency. The final report of the Chicago Delay Task Force reads that new O'Hare runways "represent the greatest opportunity to reduce delays in Chicago, particularly during bad weather conditions."

Unfortunately, this recommendation was ignored because the Governor at the time was opposed to new runways at O'Hare. Fast forward a decade to 2001. Delays are once again on the rise at O'Hare. Once again the Chicago Delay Task Force has been convened, and representatives from the Department of Aviation, the FAA, and the airport users will study O'Hare Airport to determine what can be done to most effectively reduce delays.

No one will be surprised when the task force once again determines that adding runways are the most efficient way to improve capacity and end delays at O'Hare. Jane Garvey, the administrator of the FAA, testified that, while the FAA's ongoing air traffic control initiatives will increase capacity, the initiatives will increase it only by a very small amount compared to what the increase would be if a new runway or two were added at O'Hare.

Additional runways are needed not only at O'Hare but throughout our national aviation system. New runways are the key to ending delays and congestion and adding to our capacity.

Additional runways are especially critical at O'Hare. Chicago is and always has been the Nation's transportation hub. Therefore, the congestion and delays that plague O'Hare also plague the rest of our national aviation system. Delays at O'Hare ripple throughout the system, earning O'Hare the undesirable designation as a choke point in our national aviation system. If O'Hare remains a choke point, it threatens the reliability and efficiency of the entire United States aviation system.

The fate of new runways at O'Hare rests with Governor George Ryan. Unfortunately, despite Governor Ryan's excellent record in terms of transportation investment, the Governor is politically hamstrung in what he can do regarding additional runways at O'Hare. As the U.S. representative for residents living near Midway Airport, I know that quality-of-life issues in communities surrounding the airport are very important. The City of Chicago Department of Aviation has been quick to address these important quality-of-life issues. In fact, the City of Chicago has spent over $320 million at O'Hare alone on noise-mitigation efforts. Yet despite these mitigation efforts, some of the airport's neighbors still seek to constrain the growth of O'Hare. Unfortunately, this group has the attention of their political leaders in the State legislature as well as the Governor.

George Ryan has offered to review plans for new runways; but local politics, I believe, prevent the Governor from ever seriously considering new runways at O'Hare. For months I have been working quietly behind the scenes with all of the major parties involved in moving new runways at O'Hare forward. It is clear that local politics will prevent new runways from being added at O'Hare. Of course, local concerns must be addressed; but a powerful few cannot continue to derail future development of O'Hare International Airport, the heart and soul of our national aviation system.

Therefore, a national solution is needed. For this reason I am introducing today legislation that will preempt certain State laws and will elevate the discussion to build new runways at O'Hare to the Federal level. O'Hare needs new runways to remain a vital and competitive airport. Nothing is going to change at O'Hare unless the Federal Government gets involved. An act to end gridlock at our Nation's critical airports allows the Federal Government to do just that.

Mr. Speaker, I urge my colleagues to support this very vital legislation. This is the only way that we will end delays, the only way that we will end congestion, and the only way that we will add capacity to the United States aviation system.

RECOGNIZING THE ACCOMPLISHMENTS OF ALAN WEBB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. TOM DAVIS) is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor a young man from Virginia's Eleventh Congressional District, Alan Webb, a senior at South Lakes High School in Reston. Perhaps you have been reading about him in the newspaper.

Mr. Speaker, it has been said that it takes many years to become an overnight success, and this is certainly the case with Alan Webb. I saw him for the first time compete in the Foot Locker Challenge in Charlotte, North Carolina, in 1999; and in the cross-country field he ran way ahead of the pack. He is an outstanding young man.

But Alan achieved national recognition in May when he competed in the 27th Prefontaine Classic at the University of Oregon. This is considered one of the premier races in the sport of track and field. Alan finished a remarkable fifth against some of the finest milers in the world. But even more remarkable, his time was 3 minutes 53 seconds, a new record for the high school mile.

The previous high school mark of 3 minutes 55 seconds was set 35 years ago in 1965 by my friend and colleague, the gentleman from Kansas (Mr. RYUN). Let us put that in perspective. An 18-year-old broke a 36-year-old record in what many consider to be the most exciting event in track and field.

His performance at the Prefontaine Classic electrified those in attendance. A large crowd anticipating Alan's record-breaking bid rose to their feet when Alan's name was announced. And their cheers were even more deafening when his time was posted at the race's end. He made no secret of the fact that he hoped to set the record at this event, putting an exclamation point on what was already an exceptional high school career. His accomplishment, in this sense, was Ruthian: He set the highest possible goal, and he achieved it.

What is most commendable, perhaps, is the grace with which Alan has accepted his fame. He has said that he knows his mark will one day be broken as well. He has publicly recognized all those who have helped him reach such heights: family, friends, coaches, and teammates.

As I noted earlier, Alan may have achieved new levels of public recognition by breaking the high school record, but the determination was evident long ago.

On June 2, Alan joined his South Lakes teammates at the Virginia AAA Track and Field Championships at Virginia Commonwealth University in Richmond. They competed in the 4x4 relay, where Alan's team placed fourth. He also competed in the 800 meter race, shattering the State record in that event by 2 seconds, finishing in 1 minute 47 seconds.

Alan will be attending the University of Michigan in the fall. He realizes that he has only a few weeks left in high school and is enjoying every moment. His down-to-earth demeanor has allowed him to keep his achievements in perspective, as fans and friends now ask for pictures and autographs. He looks forward to greater success in the future.

Mr. Speaker, in closing, I ask my colleagues to join me in congratulating Alan. It is especially pleasing to have the gentleman from Kansas (Mr. RYUN) with me on the floor here today. I appreciate the class with which he has passed his torch to Alan, and I am sure Alan does as well.

Mr. Speaker, I yield to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I thank the gentleman from Virginia for recognizing Alan Webb. It is an honor to be a part of this, and I want to congratulate Alan's parents as well, Steve and Catherine; his brother, Chris; his coach, Scott. They have all participated in a plan that has been very successful.

I met Alan about 3 years ago for the first time when he broke my then-sophomore record, and continued to watch his improvements along the way. He has developed his God-given talents to the fullest. He has a bright future, and he has also given our young people a role model. He has shown that hard work and dedication, those principles work, and with the right planning along the way, you can achieve great things.

I had the opportunity to visit with Alan almost 3 years ago. I encouraged him at that time to surround himself with those people who believed, as he did, that it could be done. There are always people that say it cannot be done. He took my advice. My congratulations to him.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me say to the gentleman from Kansas, I appreciate his being here today. For Alan and his family and all of his supporters in the South Lakes community and across the country, we join in this tribute today.

□ 1415

NATIONAL HOMEOWNERSHIP WEEK

The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise to note the advantages and opportunities for homeownership in recognition of National Homeownership Week. Those of us who own a home know the joy, the satisfaction, and the peace of mind that results from owning your "piece of the rock."

Homeownership is the greatest investment many Americans will make.

It offers a means of creating wealth, an appreciating asset, with certain tax benefits. It instills a sense of pride and dignity and helps to revitalize communities where people have tended to rent their dwellings. It helps to make real the American dream. Indeed, the long-term fixed-rate mortgage that so many Americans enjoy is one of the blessings and benefits of living in this great Nation. By contrast, most other nations offer only variable rates that when times are tough result in instability and even dislocations.

For many years, it has been the public policy of this Nation to promote homeownership. We have passed the laws that make available grants, loans, tax credits and deductions for housing construction and mortgage interest payments and real estate taxes. These laws and our national prosperity of the last 8 years have produced today the highest level of homeownership in the history of the Nation.

However, for many Americans, homeownership remains merely a dream deferred. The record low mortgage interest rates are not sufficient for persons who work full time but earn wages too low to qualify for a mortgage loan. The low rates do not help persons saddled with high debts or bad credit histories. They do not help people who live in communities with an insufficient stock of affordable homes, even though their income in other communities would be sufficient to buy a home. They also do not help those who do not understand the advantages and opportunities of homeownership or how to effectively negotiate the process of selecting a home, applying for and closing on a mortgage loan, and maintaining the home.

I am pleased with the leadership offered by the Congressional Black Caucus Foundation in collaboration with national partners including mortgage lenders, insurers, Realtors, leaders of faith-based institutions, government and community leaders and credit and housing counselors to help identify and overcome many of the barriers to homeownership. Two months ago, we launched a national campaign to promote homeownership and to help bridge the huge racial divide in homeownership rates. Although more than 7 out of 10 white Americans own their home, only 4 out of 10 African Americans and Hispanics own their home.

This national campaign is called With Ownership, Wealth, WOW. It will make available a variety of flexible products and services that will help to eliminate traditional barriers to homeownership, such as down payment and closing costs, and home buying and consumer credit counseling service to help maintain good credit and to repair credit histories.

In addition to this national campaign, we will continue to conduct regional housing summits like we held in North Carolina in July of 1999, in California last year, and in New York earlier this year. Members of the Congressional Black Caucus also will sponsor in their districts starting this month housing and home buyer fairs. In my district, I will sponsor a home buyer fair next Saturday, June 16. We will help our citizens better understand how to become homeowners.

I greatly appreciate the concerns and commitment displayed by our partners and by my colleagues in the Congressional Black Caucus. I commend this effort to each Member of Congress to join us in promoting homeownership. Help us to bridge the racial disparity in homeownership rates. Together, we can combine public and private resources to help remove barriers to homeownership for many Americans across the Nation. Together, we can make real for many Americans the dream of owning their own home and realizing the American dream.

STANDARD TRADE NEGOTIATING AUTHORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I rise on a topic that is of central importance to our economy for many years to come, a topic which Congress is going to be called upon to consider in the near future, and I think has to consider in a bipartisan way in thinking outside of the box, thinking outside of their traditional ways of approaching it. I am referring here, of course, to the topic of trade and trade negotiating authority for the President.

Mr. Speaker, more than 200 years ago, Benjamin Franklin wisely observed that no Nation was ever ruined by trade. Back then, the United States was a small part of the global economy. By far, the largest portion of the wealth of the world lay outside of our borders. Franklin was simply expressing that which was obvious to most Americans, the wealthiest and most powerful nations on Earth were the great trading powers. If the U.S. were ever to live up to its potential, we had to plug in, we had to participate in the global economy. An island, even one of continental scale, could not expect to prosper by sealing its borders to the commercial opportunities that lie abroad.

But today, Mr. Speaker, all that has changed. Or has it?

Following World War II, the U.S. temporarily was an economic colossus such as the world had never seen. By some measures, we accounted for over 50 percent of world economic output. Gradually, however, the old balance was restored. Europe and East Asia were rebuilt, international trade soared as the nightmare effects of the war and depression-causing tariff walls were swept away, economies prospered, and tens of millions were lifted from poverty. Today, 75 percent of the world economy is outside of our borders.

Some would suggest, even after the experience of the last 5 decades, that all economic growth abroad comes at our expense. They seem to think this is a zero sum game. They seem to think that there is a finite amount of money in the world and that for someone to win, someone else must lose.

I categorically reject that argument. In the complex web of international trade, other nations are not simply competitors, although that is certainly an important component of our relationship. They are also our customers. They are our suppliers. And, more than occasionally, they are our partners in joint ventures. We depend on them and they depend on us. Or can they?

For 6 years now, the President of the United States, the leader of the free world and representative of the largest single economy on the planet, has lacked the authority to negotiate trade agreements, agreements that could pry open foreign markets, reduce and even eliminate unfair trading practices and create and preserve more jobs here at home. All of this is beyond the reach of the President of the United States.

How did we get into this mess? How did we reach a situation where our government lacks the same ability to protect and advance our interests that even the smallest international player takes for granted?

While I supported many of the trade policies of the last administration, particularly their efforts to preserve our antidumping and counterveiling duty laws, the sad fact is that they forfeited America's leadership role by simple default. None of this would matter if the rest of the world were standing still, but the rest of humanity is impatient for economic progress.

All around us, our trading partners, tired of U.S. excuses and delays, are joining and forming new trade alliances without us. Europe is forming new trade pacts all across Latin America, South America and North Africa. The nations of East Asia are actively working to form a new regional combine. America is not even a party to these discussions. It is time to break through the either/or, dead-end fast track debate and move beyond the current stalemate to allow for full consideration of the legitimate issues that confront us in trade negotiating authority.

To restore the President's ability to advance our interests, I have introduced H.R. 1446, the Standard Trade Negotiating Authority Act, as a new approach to trade promotion authority. Over the course of the next several weeks, I will describe in greater detail the most important sections of this bill. But today I would like to outline some of its basic provisions for the House.

My bill provides ongoing negotiating authority for the President but differs from fast track by requiring preauthorization from the Congress for a specific country for a specific negotiation before the President enters into negotiations. Legitimate concerns regarding environmental and labor standards are addressed during the preauthorization process through the creation of a new commission which will draft specific recommendations to be included in the negotiation goals. This ensures that blue and green concerns are considered, where appropriate, as part of a trade negotiation. When negotiations are complete, the President will submit the agreement along with a plan for implementation and enforcement to Congress for final approval. He must also outline any costs that accompany the plan.

This bill is an attempt to demystify the stale debate surrounding trade agreements, open the process to greater public and congressional scrutiny, making it more transparent, provide for a way to address real blue and green concerns and restore the U.S. to its leadership role on the international stage.

A few weeks ago, the President submitted his trade proposal to Congress. In my view, he correctly outlined his goals to expand our export markets while leaving Congress with a great deal of discretion for determining the best way to proceed. My legislation answers this challenge by creating a framework that provides for appropriate oversight of trade agreements before, during and after their completion.

I urge my colleagues to set aside partisan rancor, set aside traditional ideological classifications and consider this bill carefully. I would welcome their efforts to join with me to build a bipartisan coalition to take a new approach to trade in America.

YOU'RE A GOOD MAN, CHARLES SCHULZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Minnesota. Mr. Speaker, I am pleased to rise today to honor a Minnesotan whose life work has been enjoyed by children, both young and old, for decades, cartoonist Charles Schulz. Schulz is best known for creating the most successful comic strip ever, the lovable Peanuts comic strip. Since Peanuts was first published in October of 1950, literally millions of people all over the world have been entertained by Schulz. I myself have fond childhood memories of reading about the adventures of Charlie Brown, Lucy, Snoopy, Linus, Pigpen and the whole Peanuts gang.

I would like to thank Charles Schulz for his contributions to society and the joy and the laughter that he has brought to us all. Schulz is being honored here today at a ceremony in the Capitol Rotunda where he will be posthumously presented with a gold medal on behalf of Congress.

As a tribute, I would like to say, "You're a good man, Charles Schulz."

THE PRESIDENT'S TAX CUT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. CULBERSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. CULBERSON. Mr. Speaker, as a new Member of Congress representing the west side of Houston, Texas following in the footsteps of Bill Archer, the former chairman of the Committee on Ways and Means, I rise today to remind the Nation, the Congress, to go through some of the details of a remarkable achievement that President Bush, our former Governor of Texas, achieved today in signing a $1.35 trillion tax cut, fulfilling the keystone of President Bush's campaign pledge to the Nation that he would return to American taxpayers a portion of that tax surplus that they have paid into the U.S. Treasury in excess of the needs of the Federal Government.

Because first and foremost it is a tax surplus, the money that the American people have earned and pay into the Federal Treasury does not belong to the United States Government, it belongs first to the American taxpayer. I took great pride in sitting alongside Chairman Archer today at the ceremony at which President Bush signed that $1.35 trillion tax cut into law.

First, Mr. Speaker, I think it is important for the listening audience, those in the gallery here today as well as those in the listening audience there watching C-Span today to put the tax cut, the Bush tax cut, into perspective. In today's dollars, President Ronald Reagan's tax cut of 1981 would be equivalent to $5.5 trillion, that 1981 tax cut placed into today's equivalent dollars in 2001. By comparison, of course, President Bush's tax cut was only $1.35 trillion. In fact, the Bush tax cut that was signed into law today was, as a percentage of government revenue, even smaller than the tax cut proposed by President Kennedy in 1963.

□ 1430

In fact, another way to look at it would be that the Bush tax cut, which was signed into law today, will reduce government revenues by less than 5 percent versus current law over the next 10 years, or less than a nickel for every dollar collected by the Federal Government. So the tax cut, which took effect today, which those of us who are fiscal conservatives would like to have seen be larger, which President Bush would have like to have seen be larger, but as a result of compromise and working its way through the legislative process, was finally determined to be a $1.35 trillion tax cut, that tax cut will only be essentially a nickel out of every dollar collected by the Federal Government.

Even after this tax cut, Mr. Speaker, the tax surplus will be large enough to protect 100 percent of the Social Security and Medicare trust funds. The tax surplus after the tax cut will be large enough to pay off all available publicly-held debt over the next 10 years. There will still be enough money, after the Bush tax cut is enacted, to increase government spending by about 4 percent per year, even with inflation over the next 10 years. At the same time we are protecting Social Security, paying off the maximum level of public debt, increasing government spending by about 4 percent per year. After the Bush tax cut is signed into law, we have still set aside a contingency fund to ensure that there is enough money there for additional tax relief or additional spending in the event of an emergency. We have prepared for those contingencies.

The tax cut that President Bush proposed and signed into law today is prudent; it is the right thing to do philosophically and economically.

I would quote from, if I could, Mr. Speaker, the testimony presented to the House Committee on the Budget by Chairman Alan Greenspan of the Federal Reserve system on March 2, 2001. I will not attempt to read from it, because frankly it is not as interesting to read testimony like this as it is to paraphrase it, because I remember it very vividly as a new Member of Congress, a new member of the Committee on the Budget, Alan Greenspan, in my mind, is one of the most widely-respected economists, someone whose objectivity and ability is unquestioned by people from the Democrat side of the aisle as well as the Republican side, the chairman, Alan Greenspan, in his testimony to the Committee on the Budget, stated that, in fact, using the projections from the Office of Management and Budget and the Congressional Budget Office, that if current policies remain in effect, that the total surplus will reach about $800 billion in the year 2010, including an on-budget surplus of about $500 billion. In his opinion, analyzing these projections, the surplus will continue well beyond the year 2030, despite, as he says, the budgetary pressures from the aging of the baby-boom generation, especially on the major health programs.

Now, Chairman Greenspan's testimony is important, Mr. Speaker, because it lays the groundwork for, I think, demonstrating objectively and irrefutably the soundness of the decision that the Congress made under

President Bush's leadership to pass this tax cut, because it is an inescapable, objective reality that there will be record-breaking tax surpluses in the Federal Treasury. The question becomes, what do we do with them?

The chairman of the Federal Reserve went on to testify that these surpluses do leave the Congress, the Federal Government, with a very profound policy decision. The choice is, as Chairman Greenspan points out, what do we do with these tax surpluses? Well, we obviously, in his opinion, as it is my opinion, the opinion of the President and fiscal conservatives here in the Congress, need to first and foremost pay down the national debt.

The national debt, of course, is held in a form of Treasury bonds and other marketable bonds, many of which are overseas. As Chairman Greenspan pointed out, those holders of long-term Treasury securities may be reluctant to give them up, cash them in, especially those who highly value the risk-free status of those issues. In order to induce them to sell their bonds, it will require the American taxpayer to pay those bondholders a significant premium. In Chairman Greenspan's testimony, he pointed out that paying those bondholders that premium to cash in their bonds early would require, to quote Chairman Greenspan, paying premiums that far exceed any realistic value of retiring the debt before maturity.

Both the Congressional Budget Office and the Office of Management and Budget project an inability of current services unified budget surpluses to be applied wholly to repay debt by the middle of this decade.

Without policy changes, Chairman Greenspan pointed out that the Federal Government would begin to accumulate very significant amounts of private assets, meaning stocks in the stock market, and other types of private assets, which is clearly a policy judgment that he says we need to make and something that holds tremendous risk. To have the Federal Government become, for example, a significant shareholder in General Motors or IBM or some other private companies is obviously not only a dangerous trend from a policy perspective but also, in the chairman's opinion, something that would lead to changes in the way those private companies are managed, and that, indeed, that is a path that he recommends we do not follow.

So if these tax surpluses are not to be used once we pay down the debt, the tax surplus is not to be used to begin to accumulate private assets, then the question becomes whether the Congress uses the tax surplus to increase spending or to cut taxes.

Chairman Greenspan, in his opinion, after very careful analysis of reviewing fiscal policy for the United States and analyzing the projected tax surpluses on into the future, concluded in his testimony to the Committee on the Budget that, quote, it is far better, in my judgment, that the surpluses be reduced by tax reductions rather than by spending increases. He came to that conclusion again, Mr. Speaker, to avoid the possibility of the Federal Government becoming a majority shareholder or even significant shareholder in private companies or in increasing government spending to the point where if there were a reduction in the tax surpluses in the future that we might be faced with a situation where we would need to actually increase taxes.

Those who have been listening to the debate over the last hour saw the distinguished Member, the gentleman from Illinois (Mr. KIRK), quite correctly point out that the projections of the Congressional Budget Office have been off target virtually every single year over the last 6 years, and those projections of the Congressional Budget Office have typically been pessimistic, and the tax surplus has actually been quite much larger.

To reinforce that point, before I go through in an outline form the highlights of the President's tax cut, I would like to quote a few highlights from a very important speech that Vice President CHENEY gave to the National Association of Manufacturers on February 28 of this year, in which the Vice President laid out several key points which demonstrate conclusively how cautious, how conservative, how prudent and careful President Bush was in preparing the tax cut proposal that he put before the Congress.

Vice President CHENEY pointed out that day that, first of all, the Bush administration's economic growth forecasts were very conservative and were actually below the blue chip forecasts that had been given over the next 10 years. The blue chip forecast, quoting Vice President CHENEY, for the next 10 years was about 3.3 percent. The Bush administration used a forecast of about 3.1 percent.

Secondly, Vice President CHENEY pointed out that the Bush tax cut proposal was based on the assumption that revenue would grow more slowly than the economy does, which was another conservative bias, as the Vice President pointed out, that was built into the system as the Bush administration projected how large the surpluses are likely to be over the next decade.

Third, the Vice President pointed out that the budget and the forecast used by the Bush administration assumed no increase in productivity in the Federal Government over the next 10 years.

Productivity in the private sector is increasing about 3 percent, and as the Vice President points out, we should certainly expect to see some productivity increase from Federal Government employees over the next 10 years. But just to be absolutely certain that the projections used by the Bush administration were as conservative, prudent as possible and that we might all be pleasantly surprised by increases in those projections over the next 10 years, the Bush administration did not assume any productivity increase in the operations of the Federal Government.

The fourth critical assumption used by the Bush administration in preparing this tax cut proposal was that they used a static revenue analysis. They did not assume any feedback into the economy as a result of the tax cuts, and clearly there will be. We all know from history that the Reagan tax cuts of 1981 increased government revenue by $2 for every $1 of tax cut that President Reagan was able to sign into law.

The problem was the other party which controlled the Congress at that time, the Democrats, increased spending by about $3 for every $2 of increase in revenue, and that is what led to the deficits.

The static revenue estimate analysis used by the Bush administration assumed that there would be no increase or stimulation of the economy and no increase in government revenue. Clearly there will be some. So that is another conservative factor built into the Bush administration's analysis that will probably lead to a pleasant surprise for all of us over the next decade.

Fifth, Vice President CHENEY pointed out in his speech to the American Association of Manufacturers that the baseline from which the Bush administration calculated the surplus assumed growth in entitlements. He said it can be estimated how big the Medicare population is going to be in 10 years, and all of that has been factored into the projections used by the Bush administration in proposing their $1.6 trillion tax cut; and again the Congress passed a $1.35 trillion tax cut.

Finally, the sixth point used by the Vice President in his speech is an important one, and that is that the assumptions, the baseline used by the Bush administration, included all of the President's new spending proposals. Those are built into the forecasts used over the next 10 years by the Bush administration.

Having done all of that, the Vice President points out, we then set aside about an $800 billion contingency fund that will be used for what we can anticipate may be out there, such as, for example, the additional defense spending that may be necessary as a result of the strategic review; emergencies in agriculture, for example; additional Medicare expenses; other types of emergencies and contingencies that we cannot project. The Bush budget sets forth, sets aside, and the Congress has agreed, the House has agreed that we are going to have, and the Senate in the budget package, which the gentleman from Iowa (Mr. NUSSLE) has put here in the House, and which has been adopted by the Senate and sent on to the President, about an $800 billion contingency fund.

With those estimates in mind, those baseline projections in place, the fact that is irrefutable is that we are going to have a record-breaking tax surplus over the next decade. The question then becomes, what do we do with it?

Alan Greenspan's testimony that we need to use it for tax reduction rather than spending increases and certainly do not want to use that tax surplus to accumulate private assets, such as buying stock in private companies like IBM or General Motors, recognizing all of the conservative factors built into the baseline assumptions used by the Bush administration, the tax cut, the Bush tax cut, clearly is the right policy decision for the Nation and it is the right policy decision for this Congress, and certainly right for the American people.

How will this tax cut affect the average American family? If one paid taxes last year, they will receive a tax cut under the Bush tax cut signed into law today. Every single American who filed and paid taxes for the last tax year will receive a rebate of 5 percent of their first $6,000 in taxable income if they are single, or a maximum rebate of about $300. If one is the head of a household, they will receive a refund check in the mail of about $500. Those checks, we believe, should be able to go out towards the end of this summer.

A married couple filing jointly will receive a maximum tax refund of $600 in the mail from the United States Treasury.

The mechanism to make that happen has already begun, and each and every one of us who paid taxes in this country will expect to receive that tax refund check, I believe by the end of this summer.

□ 1445

So be looking for an envelope from the United States Treasury. It is going to be carrying good news. The only question is how big will that check be, depending on whether you are single, filing jointly, or filing as the head of a household.

You will also see this year a reduction in tax rates. There will be immediately a reduction in the tax rates across-the-board. We will see, for example, small business owners, individuals as well as small business owners, will see their individual tax rates cut. The 28 percent rate will be cut immediately to 27 percent; the 31 percent rate to 30 percent; the 36 percent rate to 35 percent. These rates will continue to be cut over the next decade.

The marriage penalty is going to be reduced. We are going to see the standard deduction for couples set at twice the level for individuals, which will be phased in over the next 5 years. The 15 percent bracket for couples will be set at twice the level for individuals. We are going to see a doubling of the child tax credit, from $500 per year to $1,000 per year.

The adoption tax credit is going to be increased to $10,000 per eligible child. That will include children with special needs. For employers who provide adoption assistance, there is going to be an exclusion from income of up to $10,000 for assistance that people receive from their employers for adoption assistance. Those are all going to make a significant difference for families.

For small business owners, the death tax will be repealed and phased out over the next 10 years. The exemption will go to $1 million next calendar year, and then the exemption from the death tax will increase to $1.5 million in the year 2004, $2 million in 2006, and finally $3.5 million in 2009, and then the death tax will be completely repealed by the year 2010.

One question that has been raised that I have heard from constituents, as well as by those who would prefer to spend the tax surplus rather than cut taxes, is that these tax cuts are phased out and disappear in 10 years. The 10-year life-span of these tax cuts is a direct result of the opposition of the Democrats and a direct result of a rule that they placed into effect which would require the President to win 60 votes.

If we were to pass the tax cut and put it into effect permanently, a rule that the Democrats put into effect in the Senate, it is called the Byrd rule that was named after its sponsor, Senate Democrat Appropriations Chairman ROBERT BYRD of West Virginia, established a rule many years ago that we today would be required to pass the tax cut with 60 votes if it were to have permanent effect.

Well, because of the opposition of the Democrats who want to spend the tax surplus, who do not want us to see a tax cut at all, who have fought the President, almost all Democrats, he has had the help of some Democrats, but because of the Democrats, it would be impossible to get 60 votes in the Senate to pass the tax cut and make it permanent, so, therefore, a second procedure had to be used which only requires 51 votes. That second procedure had to be used because we knew we could get 51 votes for the tax cut, and that second procedure can only give the tax cut a lifespan of 10 years.

But I can tell you, Mr. Speaker and the listening public out there watching on C–SPAN and those who are here in the galleries, that the Republican leadership of the Congress is today working on legislation that will make the tax cut permanent. We will pass that out of the House as soon as possible, and that legislation making these tax cuts permanent will be sent on to the Senate as soon as possible, and it will then be up to the new leadership of the Senate to determine in a very visible and public way whether or not they support permanent tax cuts, or whether they want to see the tax cuts disappear in 10 years. We will give them that option.

That is a very, very important point, that we in the House, our Republican President, wanted to make this tax cut permanent, but because of opposition from the other side, we were unable to do so and had to give it a 10 year lifespan.

We have in the House, the Republican majority in the House, our Republican President, I think it is appropriate that the American people by electing a Republican House, a Republican Senate, the American people did elect a Republican Senate, and a Republican President, won the election in Florida, George Bush did win the election in Florida, as we all know, the Republican Congress, our Republican President, cut taxes retroactively to the first of this year, and that is a dramatic difference with the previous administration and the Democrat control of this Congress. While they raised taxes retroactively, we cut them retroactively. It is a dramatic and important difference, and one that we absolutely should not forget.

In fact, I hope that all of those who are listening to this debate today, those at home on C–SPAN as well as those in the gallery, I can tell you as a new Member of Congress, the Congress is not as partisan a place, there is not as much partisan bickering as the national press corps would have us believe. All of us in the Congress are working in an honest and diligent way to represent our districts as best we can.

There are honest and important differences of opinion of principle that we believe in very passionately that have made us Republicans or Democrats, and I would urge everyone listening today, whether they be at home or here in the gallery, to remember that after George Washington, our Nation's probably second most significant and important Founding Father, Thomas Jefferson believed that his most important achievement in his life was being a partisan Republican. It is something we should all be proud of, to be a Member, whether it be in the Democrat Party or Republican Party, to stand up for our principles that we have chosen to join these political parties, because they represent our viewpoint.

This tax cut proposed by President Bush in his campaign on which he was elected, on which the Republican Congress was elected as a keystone principle, President Bush has fulfilled that promise. That tax cut represents a core philosophy, which is what led us to become Republicans, one that led me to become a Republican, as a believer in limited government, in limiting the size, power and cost of the Federal Government and returning power to the States, in paying off the national debt as rapidly as possible, is certainly my highest national legislative priority. To pay off the national debt, to cut taxes, to allow taxpayers to keep more of the money they send to the Federal Government are my top two legislative priorities.

My highest local legislative priority is to expand the Katy Freeway there in West Houston, Interstate 10, which is in such disastrous shape that I often think of it as a rolling blackout in West Houston every morning and afternoon. We have got terrific schools, safe streets, a thundering economy, but terrible transportation problems in West Houston.

I as an individual Member of Congress have those priorities and those principles that matter to me, that led to my election by the people who worked hard to see me elected to represent them in West Houston and succeed Chairman Archer, and those core principles are what led me to become a Republican. It is something I am very proud of.

I can tell you that the passion that I share for the principles of the Republican Party, the passion that my colleagues share for their belief in the Democrat Party, were a point of great pride to Thomas Jefferson.

I would close, Mr. Speaker, by quoting from a letter that Mr. Jefferson wrote towards the end of his life in February of 1826, just a few months before his death. As Mr. Jefferson was reviewing his long and wonderful life, he looked back over the many, many years of public service that he had performed, and remember that his public service in his mind was his greatest achievement.

Those of us, if you visited Monticello and you visit Thomas Jefferson's grave, people are often surprised to see that he has only listed on his tombstone three things: That he was the author of the American Declaration of Independence, that he was the author of the Virginia Statute of Religious Freedom, that he was the father of the University of Virginia.

Mr. Jefferson listed those things because he wanted to be remembered by the things he had done for the Nation, rather than by those things that the Nation had done for him, by honoring him by electing him to a number of different offices. There frankly is no better way we can be remembered than by the service we perform for our country.

Mr. Jefferson, in this letter from February of 1826, a few months before his death, reviewed his long life and all of his achievements. He points out that he came of age in 1764; that he was nominated to be a judge in the county in which he lived; he was then elected to what we would call the State legislature of the State of Virginia, the Virginia Assembly; he was then elected to serve in the original Congress of the Confederation; he then went to work in revising and reducing the whole body of the British statutes and the Acts of the Virginia Assembly, working on a recodification of Virginia law.

Mr. Jefferson was then elected Governor of Virginia. He was then elected to the legislature once again and to Congress again. He was sent to Europe as the American Minister to France. He was appointed by President George Washington as our Nation's first Secretary of State.

Thomas Jefferson was then elected Vice President, and then President in 1800, and finally, he says, I was elected as a Visitor and Rector of the University of Virginia.

These different offices, he says, with scarcely any interval between them, I have been in the public service now 61 years, and during the far greater part of that time in foreign countries or other States.

He goes on to point out that of all of those services, of everything that Thomas Jefferson did in his life, he says there is one, there is one service which is the most important in its consequences of any transaction in any portion of my life, and he says that was the head that I personally made against the Federal Principles and Proceedings during the administration of Mr. Adams.

In modern parlance, in the language of the year 2001, Mr. Jefferson is telling us that his greatest achievement in his entire life was being a partisan Republican. It mattered to him more than anything else he had done, because they created, James Madison and Thomas Jefferson, created political parties to ensure the election of Republicans, of people that were Republicans, as they called themselves. Mr. Jefferson never called himself a Democrat. He called himself a Republican, their political party was the Republican Party, because they were committed to the preservation of the American Republic, the core principles that made the country great: reducing the size, power and cost of the Federal Government, preserving the power of the State governments to control the things that affected the lives, prosperity and well-being of individual citizens in those States.

Mr. Jefferson set out as his highest priority as our new President, the first Republican President of the United States, elected 200 years ago, Mr. Jefferson set forth as his highest priority the elimination of the national debt, reducing taxes, abolishing the income tax.

Many people do not realize that Republican President Thomas Jefferson abolished all Internal Revenue taxes, a noble goal that I am committed to, along with my colleague, the gentleman from Texas (Mr. SAM JOHNSON). We have coauthored a constitutional amendment to abolish the income tax, the Internal Revenue Service and do to the IRS what Rome did to Carthage, tear it down stone by stone and sow salt in the furrows.

That was Thomas Jefferson's greatest achievement in his first term as President. Mr. Jefferson and the Republicans abolished all Internal Revenue taxes. They passed laws which ensured the power of the States over things like public education, over the domestic improvements, things that were purely internal to each State.

All of those core principles that led Mr. Jefferson, Mr. Madison, the majority they elected to Congress, to become Republicans, to create the Republican Party, are the same core principles that animate me today, that animate my good friend, the gentleman from Indiana (Mr. PENCE), a freshman Member, another stalwart and fiscal conservative of impeccable integrity, and someone with a long and illustrious career ahead of him in the United States Congress.

We, each one of us, Democrats and Republicans, should take great pride in our affiliation with our political parties, and do not let the national media and the national press fool you into thinking that this is something to be ashamed of to be a partisan Republican or partisan Democrat. It is what made this country great; it is what gives each of us as Americans a true choice. And as we go into vote, we often do not have any other thing to guide us as we vote, than whether someone is a Democrat or a Republican. We should each one of us be proud of it, stand up and defend it.

It was Thomas Jefferson's greatest achievement that he was the head of the Republican Party, and I take immense pride and pleasure in having been there today to see our Republican President, George W. Bush, sign into law only the third tax cut in the last 100 years. And the only reason that the American people got a tax cut today is because we elected a Republican President, George W. Bush, and we had a Republican Congress in the House and the Senate who stood by their principles, who stood proudly on those principles and won the election last year.

I look forward to supporting President Bush in the years ahead in the remainder of his term and seeing that we return more of the American people's hard-earned money to them and continue to transfer power back to the States, protecting the authority of State governments over public education, local improvement, public safety, all those things that led the original Republican Party of 200 years ago to win a majority of the House, the Senate, and to elect a Republican President.

□ 1500

I am confident we will lead the American people to reelect George W. Bush and to reelect a Republican majority of this Congress, as long as we all remember why we are Republicans and why we are Democrats. I hope the American people will remember this tax cut as one of the most vivid examples of why it is important to preserve a Republican majority in the House and in the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PLATTS). The Chair kindly reminds all Members that remarks in debate should be addressed to the Chair and not to occupants of the gallery or to others outside the Chamber.

HISTORIC TAX CUT BILL SIGNED INTO LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I thank the gentleman from Texas (Mr. CULBERSON) for his passionate and eloquent remarks today, as ever.

The Good Book tells us, oh, how the mighty have fallen, Mr. Speaker. And today, for the first time in a generation, the President of the United States has sundered a portion of the mighty and onerous Internal Revenue Code, a sundering entirely, for all of history, it is my hope, that onerous tax that wages war on small businesses and family farms, the inheritance tax, the estate tax, most notably remembered and hopefully forgotten, to be the death tax.

Mr. Speaker, I was pleased and honored as a new Member of Congress to join President Bush this morning as he signed a historic tax cut bill into law. On a personal note, Mr. Speaker, today is my 42nd birthday, and it made it all the more sweet to stand in that place of places, the White House, with the 43rd President of the United States of America and take upon myself a gift not only for my birthday, but for all Americans, the gift of tax relief that President Bush signed today.

I truly believe that the tax relief signed into law today will stimulate our economy by reducing the heavy income tax burden on American workers. By signing this bill into law, the President increases the per-child tax credit by doubling it, reduces tax rates for all taxpayers. This is a President who is committed, as he said today, to a Tax Code that does not pick winners and losers; it is tax relief for all taxpayers. The President and this Congress also courageously took on and defeated the marriage penalty and ended that onerous death tax.

As layoffs in my home State of Indiana will attest, even a headline in my hometown of Columbus, Indiana, this last weekend read, there have been nearly 2,500 layoffs in east central Indiana. Mr. Speaker, I have been saying to my colleagues since I arrived in Washington, D.C. that this town seems more than happy to debate whether or not we will some day be in a recession. Mr. Speaker, in east central Indiana, we are already in a recession. Families are hurting, and I believe that this economy has been suffering under 8 years of increased taxes and regulatory red tape.

By signing this tax cut into law today, President Bush has begun to put our economy back on the right track. President Bush's tax plan will help working people, small businesses, and family farmers recover from this economic malaise, and it will begin to set free those struggling under the oppressive burden of high taxes.

Ronald Reagan, the 40th President of the United States, once said, "We need true tax reform that will at least make a start toward restoring for our children the American dream, that wealth is denied to no one, that each individual has the right to fly as high as his strength and his ability or her ability will take them."

Like the tax cuts of the 1980s, today's tax relief package will allow our economy to take wing, as Ronald Reagan envisioned. This means families will be better-equipped to save for their children's education, a down payment on a home, to pay off mounting credit card debt, to put a few dollars away to pay for their children's education and for college. And even to save, Mr. Speaker, for their own retirement. By lifting the tax burden, as President Bush did today, signing the measure that the Republican Congress passed into law, we are continuing efforts to do no less than to renew the American dream.

It is my erstwhile hope that the signing of this tax cut into law is only the beginning of a new era of fiscal responsibility in Washington, D.C. With the President's tax-cutting leadership, Congress has passed an increased child tax credit, rate reductions for all taxpayers, a marriage penalty relief bill, and Death Tax Elimination Act all in one measure. This is a historic day. This is a historic accomplishment, Mr. Speaker.

Oh, how the mighty have fallen. Today, we put the ax to the root of the Internal Revenue Code as it wages war on the American dream. Let this not be the final battle, but let it be the beginning of our battle until we are done renewing the American dream for all the American people.

IMMIGRATION REFORM SHOULD BE TOP PRIORITY FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, once more, I rise to the podium to discuss an issue I think is of significant importance to the United States. I believe, as a matter of fact, it is perhaps the most significant public policy issue with which this body could or should be dealing. It is the issue of immigration reform.

Each evening at the end of business in this House, ladies and gentlemen from both sides of the aisle approach the mike to talk about particular issues of interest and concern to themselves. And each evening for the last several, Members, especially from the California delegation, have come to the microphone to talk about the problems that they face in that State as a result of a lack of sufficient energy resources. And each evening, they rail against the President's policies, the energy plan that he has put forward, the first such plan ever put forward by any administration, and suggest that the problems we face in this Nation with regard to energy are those that can be dealt with more by conservation than by production.

But all of the debate, Mr. Speaker, about energy problems, whether they concentrate on the issue of production as a solution or the possibility of conservation as a solution, miss the underlying problem.

The fact is, Mr. Speaker, the rolling blackouts we see in California and now some places beyond the borders of California, the skyrocketing costs of fuel oil, the fact that as we approach summer people are concerned about whether they are going to be able to keep their homes cool and in the wintertime whether they are going to be able to keep their homes warm because of the cost of energy. All of these things really are a result of a phenomenon I refer to as the numbers. It is numbers. It is the number of people in this country demanding the various resources that are available to them, but at varying costs.

Every year, Mr. Speaker, we allow legally into this country 1 million people under an immigrant status. Each year, we allow in another quarter of a million people under what is called refugee status. And each year, we have about 2 million to 3 million, the estimates vary widely of course, naturally, 2 million to 3 million illegal people coming across the borders and staying. We have far more coming across the borders, something like 800,000 a day, coming across the border; but I am saying that just those that we net out every year amounts to 2 million or 3 million.

I have a chart, Mr. Speaker, actually two charts, if I could ask a page to set them up, that show the growth of the population of this Nation over the last 20 years or so. We just had the census and the headlines across the Nation scream out, population growth extraordinary, more than we have anticipated, more than could have been anticipated, more than was expected. And we sometimes wonder how this could have happened; how it could happen that the numbers of people could actually grow so rapidly.

This, Mr. Speaker, is a chart that describes what has happened from 1970 when the population was about 203 million and the growth in population identified here in green that could be attributable to what we would call the native-born population, or specifically, the baby boomers. As we can see, the population growth was increasing, has increased, just the natural population growth, since 1970; and there has been a lot of concern about that.

However, the population would, in fact, level off, the population growth that is identified by this Baby Boomer Echo, as is shown here in green, that would level off in about 2020, and we would actually begin a decrease in population growth. That does not mean a decrease in population, just that the trend line is going down, were it not for the fact that we have an immigrant population that has actually doubled the size of growth in the United States, the rate of growth. So we would be right now at 243 million people in the United States, had it not been for immigration over the past 30 years. We are at 281 million people in the United States as a result of it; we have actually doubled the growth rate.

Now, this is intriguing, the numbers are interesting, and we can discuss what the implications are; but the fact is, we will be in a relatively short time, at a point where our resources will be stretched to the limit. We are not able to actually accommodate the population growth of this Nation with the resource allocation and with the problem of environmental protections that we perhaps rightly, perhaps blindly place on the actual development of our natural resources. For whatever reason, we cannot produce enough to supply the demand of the population we have in the United States in terms of energy. So when people from California rail against whatever political party is in power, either at the State or at the national level, and suggest that that is the problem, that we would all have lots and lots of fuel oil, gasoline, energy supplies if it only were not for some particular problem with the political philosophy of one party or the other.

Mr. Speaker, it has nothing to do with that. It has everything to do with the fact that both political parties refuse to deal with the real problems we face in America today brought on by this enormous growth in population, and that specifically, that growth in population, that part of it that is brought on by immigration.

□ 1515

For many years, Mr. Speaker, we have had, of course, immigration in the United States of America. It is a country of immigrants. We all came here as a result of someone's decision at some point in time to leave their country and to come to the United States.

I am quite sympathetic with all those people, who still today are hard-working, God-fearing, law-abiding in every other way except they will come across the border illegally.

For the most part, these people are people who have all of the intentions, all of the desires to become part of the American dream, to obtain a part of the American dream, that our grandparents had. I certainly do not blame them for coming. I do not blame them for trying to come across the border legally, or sometimes illegally. I would not doubt for a moment that if I were living in some of their circumstances, I would be trying to do exactly the same thing.

So it is not the immigrant, the individual immigrant, that I am concerned about here or that I am in any way trying to degrade. It is our own policy, it is the policy of this Nation with regard to immigration. It is the head-in-the-sand policy, we should call it, with regard to immigration that I am concerned about. It is a refusal on the part of the Nation to deal with the fact of the numbers.

It is the numbers. It is not where people are coming from, it is how many people are coming here that has an impact on the quality of life in the United States. We are witnessing it in California on sort of a major scale, but every one of us, I believe, throughout our districts can observe the effects of immigration, and I would suggest to the Members, the negative effects of it, depending on who we are in the process.

If one is an employer desirous of obtaining the cheapest labor possible, desirous of paying people even below minimum wage, desirous of having people who would never think about perhaps filing a claim or something like that, then they are on the other side of this issue. They are happy about massive immigration, public or private, because they can take advantage of it. They take advantage of those people coming in asking for help, needing a job, doing anything for a job and fearful of causing a problem in any way, because, of course, they may find the INS at their door.

However, the possibility of that is quite remote. We actually deport only 1 percent of the illegals that enter the country every year, 1 percent. So as I say, they should not really be too concerned. But if they make waves, then they might end up being identified by the INS. Maybe somebody would place a call. Why? Because they have had the audacity to ask for a minimum wage job, or that their benefits be increased, but they are here illegally. We take advantage of them. They are manipulated. They are exploited by greed.

So if they are on that side of the equation, I can understand full well, Mr. Speaker, that those people would not be too excited about the possibility of reducing the levels of immigrants into this country to something that we can handle, something that can allow immigrants to actually prosper themselves, and allow the United States to prosper itself. It could be mutually beneficial.

We need to reduce immigration dramatically, but as I say, it is just not a Californian who has a concern about this. Every single one of us sees something happening in his or her district that is a result of immigration.

In Colorado, I see it all the time. We see the demand for more and more highways, the demand for more and more schools. We keep wondering, where are these people coming from? How is it that this demand is growing so dramatically? It is a result, of course, of massive immigration, both legal and illegal. We will begin to see much more of its effects as time goes by if we do not do something about it.

Mr. Speaker, I showed the Members a chart a little bit ago that identified this part of the growth of this Nation from 1970 to 2000. We see again that 243 million would have been the population of the Nation had we in fact not had immigration in the last 30 years, but with immigration, we have more. Remember, we are just talking here about legal immigrants. We do not know how many illegal immigrants. We assume 10 to 15 million people here in the country are here illegally.

But our country at the end of 2000 was at 281 million people, so that part was the result of immigration, as I say, doubling the actual growth rate normally.

I ask Members to look what happens, look what happens if this growth rate is allowed to continue at the present level of 1 million legal immigrants in here. This does not reflect illegal immigration, which of course is about double, at least double legal immigration.

This just looks at what would happen, what is going to happen. This is not hypothetical, this is not a maybe thing; this is a direct, an absolutely defensible explanation, a visible explanation, of what is going to happen in this country within the rest of this century, even in the next 30 years, if we continue to have immigration levels at the present level. We will be, at 2050, at 404 million, and we will be at 571 million people in the country at 2100.

Think about that when we are looking at where we are way down here. Think about the taxes that we have to pay in order to support the infrastructural demands of a population increase of this nature. Think about the number of schools that have to be built to support this. Think about the number of highways. Think about the number of hospitals. Think about the social service demands.

This population actually uses social services to a greater extent than the indigenous population. Think about this, just this. If nothing else will impress the Members, think about the quality of life at this level, at 571 million people in this country. Think about that little green belt that is not too far from our houses today.

Think about the fact that maybe today we can get in the car and within an hour or so we can be out in the more pristine areas enjoying the beauty of nature. Think about the ability of going to the Yellowstone National Park or Rocky Mountain National Park in my State, but think about having to make reservations to do that 4 or 5 years in advance to get into a national park.

This is what is coming, I assure the Members, and it will not be in the next 100 years, that will be in the next few years. We are already planning on how to try to deal with the massive numbers of people coming into the park systems of the United States without destroying them, destroying the ecology. There is only one way to do it, of course, and that is to parcel it out.

So today when we can get in our car and in fact drive freely across the United States, we can go into areas where it is hard to see another person, and that is sometimes what we all would desire, that kind of great quiet and solitude, think about it, Mr. Speaker, when the country is at this level of population, it will not be a place where solitude will easily be found. It will not be a place where one could enjoy the beauty of nature by simply getting in our vehicles or taking a stroll for a while, getting out of town, away from it all. It will be much more difficult to get away from it all because it will all have come here. It will all be here because of massive immigration, both legal and illegal.

Again, I want to reestablish something here. When we look at this incredible chart and we look at what is going to happen to the population of the United States because of the red part here, please remember this, this is not talking about illegal immigrants who stay here, this is just from legal immigration at the present level. Can anybody understand the implication of this? Does anybody want to deal with it?

Do Members think we have rolling blackouts now in California, rolling brownouts? Well, we are going to have a much more significant problem then when the population reaches these levels, and it will be, of course, much higher because illegal immigration rates are far greater than the legal.

Yes, then we will come here to the floor of the House and we will talk about maybe having to do something about immigration. We cannot sustain it at these levels, we will say. Maybe we will say that. I do not know. But why not say it today, Mr. Speaker? Why are we so afraid of bringing this issue to the attention of our colleagues here and to the attention of the general public?

There are a couple of reasons, but primarily they deal with fear, fear of being called a racist, fear of being called xenophobic, and a variety of other terms that certainly I have thrown at me every time I do this speech on the floor of the House. The phones start ringing in our office. People from all over the country express their displeasure with what I say.

Mr. Speaker, I will suffer the slings and arrows of those folks who feel so outraged by what I am saying here just to get people to begin to pay attention to the issue.

I want to read a part of a letter that is dated March 19, 1924. The letter is addressed to the Congress of the United States, and it reads as follows:

"Every effort to enact immigration legislation must expect to meet a number of hostile forces, and in particular, two hostile forces of considerable strength."

It goes on: "One of these is composed of corporation employers who desire to employ, physical strength, 'broad backs,' at the lowest possible wage, and who prefer a rapidly revolving labor supply at low wages to a regular supply of American wage earners at fair wages."

Remember, this is 1924. It goes on:

"The other hostile force is composed of racial groups in the United States who oppose all restrictive legislation because they want the doors left open for an influx of their countrymen, regardless of the menace to the people of their adopted country."

This was Samuel Gompers, founder and president of the American Federation of Labor, the AFL, and himself, by the way, an immigrant.

He is right, Mr. Speaker, it has not changed. It has not changed, I assure the Members, in the last 76 years. It is still those hostile forces we meet when we bring an issue like this to the floor. It is still the employer who threatens me, threatens other Members of this body with a lack of support if we do not understand that they need to bring in illegal and legal immigrants so they can have these jobs that "no American will take."

Yes, I am sure there are many jobs out there that no American will take for the wages that are paid at that level. Yes, I am sure that is true. As long as they can continue to get by with paying those low wages to those people, of course they are going to be coming here demanding that we do nothing about the massive immigration that is flooding the United States, that is coming across the borders; and I should say, by the way, also to the detriment of the immigrant.

The other thing, of course, is that there is a political side to this. There are a lot of people here who want to have massive immigration because they believe it accrues to their political advantage. We saw this, Mr. Speaker, we will recall, when President Clinton demanded that the INS go through a hurry-up procedure in order to make citizens out of hundreds of thousands of people who were here as immigrants, in order to get them registered to vote, in order for them to become good Democrats and vote for Mr. Clinton.

There was such a rush to do that that literally thousands, I read somewhere it was 69,000 that sticks in my mind, people who were given this citizenship in this rushed-up fashion who were in fact felons. They had committed felonies here and they had committed felonies in their country of origin. We gave them citizenship status because the Clinton administration wanted a massive number of people here because they believed that they would in turn become good, solid Democrat votes.

Mr. Speaker, I do not care whether they come here and vote Democrat or Republican or do not vote at all. The fact is, the issue of numbers is what we have to deal with today, the numbers. Because of immigration, the United States is currently growing at a rate faster than China. Because of immigration, within the lifetime of an American child our population will double.

□ 1530

There is an organization called Project U.S.A., from which I am taking much of the following information, and I suggest that anyone who wants to get any kind of information that we have talked about here tonight go to our Website, www.house.gov/tancredo. From that, we have links to any of these other sites. That is www.house.gov/tancredo. Then one can go to the other sites here, Project U.S.A. and many others. Go to our site on immigration reform first.

A writer by the name of Brenda Walker talks about the social contract, talks about what happens again in terms of what the impacts are of massive immigration into the country.

She says experts increasingly agree that Third World poverty is largely the result of generations of citizens' passivity and the failure to build governments based on democratic values. Democracy cannot survive in cultures where women have no rights, where there is little respect for the rule of law, where there is tolerance for bigotry, petty thievery, bribery, corruption, nepotism, ethnic hostility and where citizens fail to build the political coalitions and the citizen movements to effect real change.

She says, when we reward those who run from the problems in their own native land in order to save their own skin, then we undermine the citizen activism and the loyalty to one another that is absolutely necessary if Third World people are going to unite and solve their own problems.

It is not kindness on our part when we allow our corporations to employ their most educated and their most talented citizens. Where would South Africa be if Nelson Mandela had decided to cut and run for America?

Encouraging massive migration to the United States will not solve the problems in poorer countries. We can be much more effective through foreign aid and by teaching people how to build democratic societies for themselves. Teaching people how to fish is the path to true compassion and human dignity.

Consider this, no one can fail to notice the connection between poverty and rapid population growth. No one can fail to see the connection between population growth and the degradation of the global environment.

For our sake and for the sake of the world, we must work for a U.S. immigration moratorium. Certainly appropriate words.

Today, Mr. Speaker, my wife brought me a copy of the most recent issue of Time Magazine. It is a Time Special Issue, it says, identified by the June 11 date. It says, "Welcome to Amexica," A-M-E-X-I-C-A. The subtitle is "The border is vanishing before our eyes, creating a new world for all of us."

I could not agree more, Mr. Speaker, with that headline. The border is vanishing. A new world is being created. What does this world look like? Well, it will look very much like the border that presently exists between the United States and Mexico, the border region referred to in this particular Time Magazine article.

This is from Time Magazine: "To enforce immigration policies over which they have no control, border counties lay out $108 million a year in law enforcement and medical expenses associated with illegal crossings, money most of these poor counties cannot afford. Yes, there is a shortage of truck drivers, but there is also a shortage of judges to hear all the drug and smuggling cases. Arizona ambulance companies face bankruptcy because of all the unreimbursed costs of rescuing illegals from the desert. Schools everywhere here are poor, overcrowded and growing.

"Good health care has always been scarce here, but the border boom makes it worse. A third of all U.S. tuberculosis cases are concentrated in California, Arizona, New Mexico and Texas. In the El Paso hospitals, 50 percent of the patients are on some kind of public assistance, mainly Medicaid."

"'Border towns have the double burden of disease,' says Russell Bennett, chief of the U.S.-Mexico Border Health Commission," those diseases of emerging nations like diarrhea as well as first world diseases like stress and diabetes.

The cost of immigration, I mean, the world is definitely changing, Mr. Speaker. There are no two ways about it. But I would not suggest it is changing especially on these border communities for the better, and it is because of numbers. It is not because, again, of where people come from. It is because of the numbers of people that are coming here.

Again, I repeat, 31 percent of all tuberculosis cases are found in the four border States. Colorado, by the way, is not too far behind in those statistics.

We are told that other countries are doing something to try to stem the flow of migrants to the United States. Well, let me suggest to my colleagues that that is almost a hollow promise.

Although Vicente Fox and others often speak of attempting to do something to reduce the flow of immigrants to the United States, the reality is that they are encouraging it. The reason why they are encouraging this outmigration from their countries is because they cannot deal with it. They refuse to deal with it.

Remember the petty larceny, the incredible amount of problems they have in trying to actually run their own government, the massive amount of corruption in the government itself and in the policing? All of this, of course, does not bode well for us, for those of us who hope that Mexico will be able to turn this around, to provide an economic arena in which their own people can thrive, in which they can achieve their own economic dreams. This is what we hope for all citizens all over the world.

But I suggest that it is counterproductive for the United States to accept so many legal and illegal people into our country based upon some bizarre rationale that we are actually helping them and we are helping the countries from which they come. We are doing neither. We are doing ourselves an injustice and we are doing an injustice to the nations from which these people come because we are allowing these countries to avoid dealing with the harsh reality of life; and that is, one better change one's system, one better become a more free enterprise, capitalistic system, understanding the benefits of a democratic republic based upon capitalism. That is the first thing one has to do.

One has to work to root out corruption in one's own government. One has to make sure that the police are honest, that the civil service at every level are not on the take.

But the fact is, Mr. Speaker, that in most of these Third World countries, that is just exactly what the case is. Most of these is incredibly corrupt and, as a result, of course they cannot provide governmental services as a result of socialistic economies. They cannot provide their own people with the quality of life that they deserve.

So what happens? They look for someplace to go, and that place to go is the United States of America. We can handle it. We can handle maybe 100,000 a year. We can handle maybe 150,000 a year. We can handle maybe 200,000 a year. But we cannot handle millions and millions of people a year. It does not help us, and it does not help them.

Vicente Fox "dreams of a day when the border will open and his countrymen will no longer flee to survive. As Fox told Ernesto Ruffo, his top aide on the region, 'Put holes in the border.'" That is his attempt to stop illegal immigrants from entering the United States. Put holes in the border. What does Mr. Fox mean by that? Believe me, it would be difficult to find where one could put the hole, because there is essentially an open border.

There is hardly anything that prevents the flow of illegals into this country from his country. Not only is Mr. Fox not attempting to stop it, but he and his government are abetting it. They are actually, as hard as this is to believe, Mr. Speaker, even in light of what Mr. Fox is telling the rest of the world, they are, in turn, handing out kits to illegals preparing to cross the border into the United States, kits that are designed to help them make their trip easier, kits that include water and condoms and Band-aids and maps and food supplies for a day or so. They are being handed out by agencies of the Mexican Government.

At the same time, they tell us that they are trying to help reduce the flow of immigrants into the United States. This is simply untrue, Mr. Speaker.

There is the corruption. This article in Time Magazine goes on to talk about the corruption and how it affects the immigration policies. It says, "Police and Customs people pay for their government jobs so they can get in on the mordida, the payoff system. Midwives in Brownsville have sold thousands of birth certificates to be used as proof of U.S. citizenship. The Arellano Felix brothers, Tijuana drug kingpins known for torturing, carving up and roasting their rivals, are paying $4 million a month in bribes in Baja, California alone, just as the cost of doing business."

Remember, Mr. Speaker, we are talking about corrupt officials both in Mexico and in the United States. $4 million a month in bribes in Baja, California alone.

"The $4 million reward for their capture is one of the highest the U.S. has ever offered, and is something of a bad joke under the circumstances. There hasn't been a single nibble in four years. What good is the money if you're dead?" The article goes on.

"The border patrol has a mission impossible. No matter how many surveillance cameras and motion detectors it installs, still the immigrants come." It goes on to describe the plight of those who cross the border and do so in the heat of the day without proper care, without proper nutrition, without the ability to escape the burning rays of the sun. Many, many die in the process.

Those who do not come that way often employ the services of what are called coyotes. A coyote is a person who is employed to get one from Mexico to the United States doing so illegally. One has to pay them. It averages between 500 to sometimes several thousand dollars, depending upon the circumstances, to get one across the border.

What happens, these people get shoved into vans, into the backs of trucks, get compacted, if you will, into any vehicle that is coming across the border. Many of them die. This has happened several times in the last few months in my own State of Colorado. I think we are up to now 9 or 11 people who have died in this process being transported here by coyotes.

Again, Mr. Speaker, I do not blame them for trying. I understand their desire. It was the same as the desire of my grandparents and perhaps my colleagues to come to the United States and seek a better life. One of the things that we accomplished with that generation was, to a large extent, the ability to separate oneself from the culture and from the country from which one came. This is important. This is one reason why we do have the problem with massive migration, both legal and illegal from Mexico, because the border is of course adjacent to the United States, and it is harder.

When my grandparents came here from Italy in the late part of the 1800s, they came essentially to escape an old world, came to seek the benefits of the new world, to enter into what they believe was a place of streets of gold. They wanted to become upwardly mobile, and they did that. One of the ways they did it was by abandoning their native language.

I know a lot of people suggest that should not happen. I, for one, wish I could still speak Italian. I wish my grandparents had taught my parents and they had taught me, but they did not. One reason they did not was because they understood the need to learn English if they wanted to be upwardly mobile in this country.

Massive immigration from countries that do not speak English puts pressure on the school systems. It puts pressure on jobs. The ability of someone to be upwardly mobile is severely hampered by their either-unwillingness or inability to learn the English language.

Bilingual education now being taught in so many schools with the exception of California, which by proposition threw it out, and soon it will happen in Arizona if it has not already occurred. I may be mistaken there. I think Arizona has already passed their initiative to do the same thing, and I hope Colorado is next in line to eliminate bilingual education. But this is an example of the problem of massive immigration and this dual-language nation we are beginning to develop.

Not only is there a problem with people being able to actually become upwardly mobile if they do not speak English, can they really get to the next level in their job, can they afford to leave that particular field, maybe low skilled, low pay job, and move into something better if they cannot speak English? The answer is no.

□ 1545

So why do we keep so many people in another language? Because it has become a political issue. I go back to what I said earlier about the reasons why we have massive immigration, one of them being political. And bilingual education has become a very political issue. It is used here in the House of this Congress to encourage either certain ethnic groups to support one party or another, or as an issue of attack on another party, those of us who believe that bilingual education is not the best thing for the children in that system.

If we really and truly care about the child, Mr. Speaker, and I have been a teacher, my wife just completed 27 years as a teacher in the Jefferson County Public Schools, we sent our children to public schools, but if we really and truly care about children, then we will do several things for them: one, we will allow them to have the choice of any school they want to go to by giving them tax credits; and, secondly, we will make sure that they are not forced to participate in bilingual classes that are taught in a language other than English. If we really care about children, that is where we should be.

We should be providing immersion classes for these kids so they can learn English quickly and move on and get in line for part of the American Dream. But massive immigration retards that pressure to achieve English proficiency. But the fact remains that these are all problems that develop as a result of this massive immigration and problems that we must begin to deal with.

I say over and over again that it is an issue whose time has come. We must talk about it. Do we want this to be the future? Is this what we expect our children and grandchildren will have to deal with in terms of the quality of their lives? We can achieve a better future, Mr. Speaker, by controlling our own borders. It is uniquely in the power of the people of this House and in this other body to do that. States cannot do it. States have absolutely no control over the borders. They look to us. And we look away all too often, and we have done so time and time again on this issue of immigration because we fear either the political or social ramifications to us.

It is hard to go into that cocktail party where somebody may say, oh, gee, that is that guy or that lady that wants to reduce immigration. People might shy away from you, thinking that you are a racist, that you have some evil motive, that there is something bad in your heart, and they want to get away from you. Mr. Speaker, I assure you, at least from my own perspective and from the bottom of my heart, it is not the type of people that come here, it is not the color of people that are coming here, it is not their ethnicity, it is, in fact, the numbers that makes it difficult to deal with.

The numbers make it harder for us all to accomplish our goals, whether it is to reduce the problems faced by California, and which will be faced by States throughout the Nation soon in terms of energy and lack thereof, to the various other kinds of cultural issues and political issues that we face as a result of massive immigration of these kinds of numbers.

So once again I ask the Speaker to be aware of the need for change, to encourage others, others of my colleagues, to begin to study this issue and become acquainted with it. It is an important one for every one of us no matter what district we represent. It will become more important as the time goes on, and there will be a point in time when we will be confronted by this issue in a way that perhaps we have no way of avoiding it.

We have to deal with it, Mr. Speaker. Now is better than later. Now is better than later.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UDALL of Colorado (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. LEWIS of Kentucky (at the request of Mr. ARMEY) for today on account of attending daughter's graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DINGELL, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. SHOWS, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. Reynolds, for 5 minutes, today.

Mr. Tom Davis of Virginia, for 5 minutes, today.

Mr. Ryun of Kansas, for 5 minutes, today.

Mr. English, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. Kennedy of Minnesota, for 5 minutes, today.

Mr. Pence, for 5 minutes, today.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 8, 2001, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 107th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable Diane E. Watson, 32nd California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2344. A letter from the Congressional Review Coodinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Prohibition of Beef from Argentina [Docket No. 01-032-1] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2345. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule—National Forest System Land and Resource Management Planning; Extension of Compliance Deadline—received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2346. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of the Republic of San Marino and the Independent Principalities of Andorra and Monaco [Docket No. 01–029–1] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2347. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bacillus thuringiensis Cry1F Protein and the Genetic Material Necessary for its Production in Corn; Exemption from the Requirement of a Tolerance [OPP–301130; FRL–6783–3] (RIN: 2070–AB78) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2348. A letter from the Deputy Director, Enforcement Policy, Wage and Hour Division, Department of Labor, transmitting the Department's final rule—Nondisplacement of Qualified Workers Under Certain Contracts; Rescission of Regulations Pursuant to Executive Order 13204—received June 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2349. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Interior Trunk Release [Docket No. NHTSA 99–5063; Notice 2] (RIN: 2127–AH83) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2350. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Hydraulic and Electric Brake Systems; Passenger Car Brake Systems [Docket No. NHTSA 2000–6740] (RIN: 2127–AH64) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2351. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Theft Prevention Standard; Final Listing of Model Year 2001 High-Theft Vehicle Lines [Docket No. NHTSA 2000–7331] (RIN: 2127–AH78) received June 1, 2001. pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2352. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona and California State Implementation Plans, Maricopa County Environmental Services Department, Placer County Air Pollution Control District and South Coast Air Quality Management District [CA 095–0237a; FRL–6987–3] received June 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2353. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program [Region II Docket No. NJ43–219; FRL–6990–4] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2354. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCook, Alliance, Imperial, Nebraska, and Limon, Parker, Aspen, Avon and Westcliffe, Colorado) [MM Docket No. 00–6; RM–9791; RM–9890] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2355. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Paradise, Michigan) [MM Docket No. 00–194; RM–9972]; (Lynchburg, Tennessee) [MM Docket No. 00–196; RM–9974]; (Rincon, Texas) [MM Docket No. 00–197; RM–9975] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2356. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Camdenton and Laurie, Missouri) [MM Docket No. 97–86; RM–9025; RM–9084] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2357. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McKinleyville, California) [MM Docket No. 00–216; RM–9995; RM–10066] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2358. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Royston and Arcade, Georgia) [MM Docket No. 00–165; RM–9941] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2359. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Young Harris, Georgia) [MM Docket No. 01–35; RM–10054] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2360. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Willow Creek, California) [MM Docket No. 01–4; RM–10020] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2361. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charleroi and Duquesne, Pennsylvania) [MM Docket No. 00–42; RM–9826] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2362. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Patterson, Georgia) [MM Docket No. 01–26; RM–10045] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2363. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sauk Centre and Alexandria, Minnesota) [MM Docket No. 00–250; RM–10025] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2364. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Bozeman, Montana) [MM Docket No. 01–30; RM–10042] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2365. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network, Design Standards for Participating Websites (RIN: 3150–AG44) received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2366. A letter from the Secretary,-Department of Energy, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2000, through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

2367. A letter from the Secretary, Department of Labor, transmitting the semiannual report of the Department of Labor's Inspector General covering the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2368. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received June 4, 2001; pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2369. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2370. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2371. A letter from the Attorney General, Department of Justice, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2000, through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2372. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2373. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2374. A letter from the Chairwoman, Equal Employment Opportunity Commission, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2375. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2000 CFOA Report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2376. A letter from the Acting Administrator, General Services Administration, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 app.; to the Committee on Government Reform.

2377. A letter from the Counsel to the Inspector General, General Services Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2378. A letter from the Counsel to the Inspector General, General Services Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2379. A letter from the Chairman and the Acting General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2380. A letter from the Inspector General, Railroad Retirement Board,. transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2000, through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

2381. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Establishing Oil Value for Royalty Due on Federal Leases (RIN: 1010–AC09) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2382. A letter from the Acting Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Final Rule to Remove Umpqua River Cutthroat Trout From the Federal List of Endangered and Threatened Species [Docket No. 000404093–0093–01; I.D. 121198A] (RIN: 0648–AN90) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2383. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Coastal Fisheries Cooperative Management Act Provisions; Horseshoe Crab Fishery; Closed Area [Docket No. 000412106–0363–03; I.D. 032200A] (RIN: 0648–AO02) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2384. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices [FRA Docket No. PB–9; Notice No. 19] (RIN: 2130–AB16) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2385. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Flight Crewmember Flight Time Limitations and Rest Requirements; Correction—received June 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2386. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes [Docket No. 2001–NM–51–AD; Amendment 39–12220; AD 2001–09–13] (RIN: 2120–AA64) received June 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2387. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Applegate Valley Viticultural Area [T.D. ATF–434; Re: Notice No. 874] (RIN: 1512–AA07) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2388. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Addition of a New Grape Variety Name for American Wines (99R–142P) [T.D. ATF–433; Ref. Notice No. 883] (RIN: 1512–AC03) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2389. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—River Junction Viticultural Area (98R–192P) [T.D. ATF 452] (RIN: 1512–AA07) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2390. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Long Island Viticultural Area (2000R–219P) [T.D. ATF–453; Re: Notice No. 905] (RIN: 1512–AA07) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2391. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Establishment of Santa Rita Hills Viticultural Area (98R–129P) [T.D. ATF 454; Ref: Notice No. 866] (RIN: 1512–AA07) received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2392. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Inclusion of Elective Reductions for Qualified Transportation Fringes in Compensation Under Qualified Plans and 403(b) Plans [Notice 2001–37] received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BALLENGER (for himself and Mr. Coble):

H.R. 2094. A bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act) to increase the contract amount specified in the Act; to the Committee on Education and the Workforce.

By Mr. EVANS (for himself and Mr. Reyes):

H.R. 2095. A bill to amend title 38, United States Code, to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for home loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. Aderholt, Mr. Bachus, Mr. Baker, Mr. Barcia, Mr. Blunt, Mr. Bryant, Mr. Camp, Mr. Costello, Mr. DeMint, Mr. Doolittle, Mr. Green of Wisconsin, Ms. Hart, Mr. Hoekstra, Mr. Holden, Mr. Langevin, Mr. Largent, Mr. Lewis of Kentucky, Mr. Lipinski, Mr. Pence, Mr. Phelps, Mr. Pickering, Mr. Pitts, Mr. Rahall, Mr. Rohrabacher, Mr. Ryun of Kansas, Mr. Schrock, Mr. Shadegg, Mr. Shimkus, Mr. Shows, Mr. Souder, Mr. Stump, Mr. Tancredo, Mr. Tiahrt, Mr. Vitter, Mr. Wicker, Mr. Thune, Mrs. Myrick, and Mr. Stearns):

H.R. 2096. A bill to provide for a National Stem Cell Donor Bank regarding qualifying human stem cells, and for the conduct and support of research using such cells; to the Committee on Energy and Commerce.

By Mr. BISHOP (for himself, Ms. Brown of Florida, Mrs. Christensen, Mr. Cummings, Mr. Davis of Illinois, Ms. DeLauro, Mr. Hastings of Florida, Mr. Hilliard, Mr. Jackson of Illinois, Mr. Jefferson, Ms. Lee, Mr. Lewis of Georgia, Ms. McCarthy of Missouri, Mrs. Meek of Florida, Mr. Meeks of New York, Mr. George Miller of California, Mr. Owens, Mr. Rangel, Mr. Rush, Mr. Sanders, Mr. Scott, Mr. Thompson of Mississippi, Mr. Towns, Mr. Watt of North Carolina, Ms. Woolsey, Mr. Wynn, Ms. Jackson-Lee of Texas, Mr. Langevin, and Mrs. Maloney of New York):

H.R. 2097. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself and Mr. Saxton):

H.R. 2098. A bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of international terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities; to the Committee on the Judiciary.

By Mr. BAIRD:

H.R. 2099. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve; to the Committee on Resources.

By Mr. BOUCHER (for himself and Mr. Issa):

H.R. 2100. A bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes; to the Committee on the Judiciary.

By Mr. CALVERT:

H.R. 2101. A bill to establish that it is the policy of the United States that public lands be used for public utility infrastructure before private lands are condemned for such purpose, and for other purposes; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CLAYTON (for herself, Mr. Jackson of Illinois, Mr. Pomeroy, Mr. Ney, Mr. Etheridge, Mrs. Roukema, Mr. Phelps, Mr. Shows, Mrs. Thurman, Ms. Woolsey, Mr. Burr of North Carolina, Mr. John, and Mr. LaHood):

H.R. 2102. A bill to authorize recruitment and retention incentive programs, student loan forgiveness, and professional development programs for teachers in rural areas; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Mr. Thomas, Mrs. Johnson of Connecticut, Mr. Shays, Mr. Ney, and Mr. Toomey):

H.R. 2103. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 2104. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of education and related services to law enforcement and military personnel of foreign countries to prevent and control HIV/AIDS and tuberculosis; to the Committee on International Relations.

By Mr. LARSEN of Washington (for himself and Mr. Baird):

H.R. 2105. A bill to provide emergency market loss assistance for producers of red raspberries for the processed market; to the Committee on Agriculture.

By Mr. LARSON of Connecticut:

H.R. 2106. A bill to amend the Internal Revenue Code of 1986 to increase the amount of Social Security benefits which are exempt from taxation; to the Committee on Ways and Means.

By Mr. LIPINSKI:

H.R. 2107. A bill to amend title 49, United States Code, to preempt State laws requiring a certificate of approval or other form of approval prior to the construction or operation of certain airport development projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MATSUI (for himself, Mr. Becerra, Mr. Pomeroy, Mr. Condit, Mr. Sawyer, Mr. Thompson of California, Mrs. Capps, Ms. Lofgren, Mr. Bentsen, Mr. Crowley, Mr. Kanjorski, and Ms. Jackson-Lee of Texas):

H.R. 2108. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes; to the Committee on Ways and Means.

By Mrs. MEEK of Florida:

H.R. 2109. A bill to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; to the Committee on Resources.

By Mr. PETRI:

H.R. 2110. A bill to provide for the establishment and maintenance of personal Social Security investment accounts under the Social Security system; to the Committee on Ways and Means.

By Mr. QUINN:

H.R. 2111. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan:

H.R. 2112. A bill to authorize the use of certain Federal funding programs to remove arsenic from drinking water when the Environmental Protection Agency promulgates a new national primary drinking water regulation for arsenic, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 2113. A bill to amend the Immigration and Nationality Act to ensure that no permanent resident alien or alien in the United States with an unexpired visa is removed or otherwise deprived of liberty, based on evidence that is kept secret from the alien; to the Committee on the Judiciary.

By Mr. SIMPSON (for himself, Mr. Hansen, Mr. Otter, Mr. Peterson of Pennsylvania, Mr. Doolittle, Mr. Shadegg, Mr. Duncan, Mr. Gibbons, Mr. Schaffer, Mr. Stump, Mr. Sessions, Mr. Nethercutt, Mrs. Cubin, Mr. Cannon, Mr. Herger, Mr. Hastings of Washington, Mr. Souder, Mr. Radanovich, Mr. Rehberg, Mr. Walden of Oregon, Mr. Goss, Mr. Calvert, Mr. Skeen, Mr. Thornberry, Mr. Thomas, Mr. Hayworth, Mr. Tancredo, Mr. Hunter, Mr. Tauzin, and Mr. Flake):

H.R. 2114. A bill to amend the Antiquities Act regarding the establishment by the President of certain national monuments and to provide for public participation in the proclamation of national monuments; to the Committee on Resources.

By Mr. SMITH of Washington:

H.R. 2115. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington; to the Committee on Resources.

By Mr. TAYLOR of North Carolina:

H.R. 2116. A bill to reduce emissions from Tennessee Valley Authority electric powerplants, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UPTON (for himself, Ms. ESHOO, Mr. HOEFFEL, Ms. ROS-LEHTINEN, Mr. BALDACCI, Mr. BAKER, Mr. ANDREWS, Mr. SNYDER, Mr. CAMP, Ms. PRYCE of Ohio, Mr. UDALL of New Mexico, Mr. HUTCHINSON, Mr. KING, Mr. JEFFERSON, Mr. PICKERING, Mr. SIMMONS, Mr. NORWOOD, Mr. WICKER, Mr. PASTOR, Mr. BONIOR, Mr. BLUMENAUER, Mr. ROSS, Mr. CRAMER, Ms. KILPATRICK, Mr. ACKERMAN, Mr. HINCHEY, Mr. BOUCHER, Mr. PAUL, Mr. SAXTON, Mr. HOUGHTON, Mr. GREEN of Texas, Mr. ABERCROMBIE, Mr. TANNER, Mr. CARSON of Oklahoma, Ms. RIVERS, Mrs. JONES of Ohio, Mr. STRICKLAND, Mr. TOOMEY, Mr. FARR of California, Mr. PRICE of North Carolina, Mr. VISCLOSKY, Mrs. EMERSON, Mrs. THURMAN, Mr. GOODLATTE, Ms. LEE, Mr. SOUDER, Mr. SKELTON, Mr. SANDLIN, Mr. LATOURETTE, Ms. JACKSON-LEE of Texas, Mr. SHAYS, Mr. DEUTSCH, Mrs. MORELLA, Mr. TIERNEY, and Mr. WYNN):

H.R. 2117. A bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the Medicare Program for beneficiaries with cardiovascular disease; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO:

H. Con. Res. 153. Concurrent resolution commending the Council for Chemical Research for publishing a new study, entitled "Measuring Up: Research & Development Counts in the Chemical Industry"; to the Committee on Science.

By Mr. COLLINS (for himself, Mr. CHAMBLISS, Mr. KINGSTON, Mr. BISHOP, Mr. LEWIS of Georgia, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. LINDER, Mr. ISAKSON, Ms. MCKINNEY, and Mr. BARR of Georgia):

H. Con. Res. 154. Concurrent resolution honoring the continued commitment of the Army National Guard combat units deployed in support of Army operations in Bosnia, recognizing the sacrifices made by the members of those units while away from their jobs and families during those deployments, recognizing the important role of all National Guard and Reserve personnel at home and abroad to the national security of the United States, and acknowledging, honoring, and expressing appreciation for the critical support by employers of the Guard and Reserve; to the Committee on Armed Services.

By Mr. GREENWOOD (for himself, Mr. DOOLEY of California, and Ms. HART):

H. Con. Res. 155. Concurrent resolution expressing the sense of Congress that comprehensive Medicare modernization is a top priority of the 107th Congress; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. DOOLEY of California, Mr. MORAN of Virginia, Mrs. TAUSCHER, and Mr. LARSEN of Washington):

H. Res. 159. A resolution expressing the sense of the House of Representatives that machine-readable privacy policies and the Platform for Privacy Preferences Project specification, commonly known as the P3P specification, are important tools in protecting the privacy of Internet users, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on House Administration, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

103. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Resolution No. 182 memorializing the United States Congress to enact into law the "Great Falls Historic District Study Act of 2001"; to the Committee on Resources.

104. Also, a memorial of the General Assembly of the State of New Jersey, relative to Resolution No. 177 memorializing the United States Congress to enact legislation, currently pending in Congress, which eliminates the federal estatetax into law; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. BACA.

H.R. 87: Mr. BERMAN.

H.R. 116: Ms. CARSON of Indiana and Ms. MCKINNEY.

H.R. 134: Mr. OBERSTAR.

H.R. 157: Mr. KUCINICH.

H.R. 162: Mr. RODRIGUEZ, Mr. CLEMENT, Mr. EVANS, Mrs. CLAYTON, and Mr. FRELINGHUYSEN.

H.R. 254: Mr. HINCHEY and Mr. NADLER.

H.R. 267: Mr. SNYDER and Mr. DEAL of Georgia.

H.R. 286: Ms. MCKINNEY.

H.R. 303: Mr. FARR of California.

H.R. 367: Mr. BAIRD.

H.R. 381: Mr. BOEHLERT.

H.R. 436: Mr. KENNEDY of Rhode Island.

H.R. 439: Mr. BONIOR, Mr. SANDERS, and Ms. WATERS.

H.R. 440: Ms. BALDWIN and Mr. KILDEE.

H.R. 442: Ms. BALDWIN.

H.R. 488: Mr. WAXMAN.

H.R. 527: Mr. CULBERSON.

H.R. 544: Ms. CARSON of Indiana.

H.R. 572: Mr. COLLINS.

H.R. 599: Mr. COSTELLO.

H.R. 626: Mr. PLATTS, Mr. MORAN of Kansas, Mr. GRAVES, and Mr. POMBO.

H.R. 635: Mr. HILLIARD and Ms. KAPTUR.

H.R. 652: Mr. BENTSEN, Mr. WYNN, Mr. CLAY, Ms. CARSON of Indiana, Mr. STUPAK, Mr. GUTIERREZ, Mr. LAMPSON, and Mr. KUCINICH.

H.R. 690: Ms. CARSON of Indiana.

H.R. 699: Mr. ANDREWS.

H.R. 701: Mr. WEINER, Mr. LANGEVIN, Mr. GRUCCI, Mr. CRANE, Mr. GREEN of Wisconsin, and Ms. KAPTUR.

H.R. 702: Mr. UDALL of Colorado.

H.R. 713: Mr. BORSKI and Mr. ALLEN.

H.R. 738: Mr. TIAHRT.

H.R. 770: Mr. BECERRA.

H.R. 804: Mr. LEACH.

H.R. 817: Mr. DEAL of Georgia.

H.R. 823: Mr. SCHIFF.

H.R. 848: Mr. STUPAK, Mrs. LOWEY, Mr. HONDA, Mr. PHELPS, and Mr. HOLT.

H.R. 850: Ms. ROS-LEHTINEN, Mrs. JO ANN DAVIS of Virginia, Ms. SANCHEZ, Mr. ENGLISH, Mr. ACEVEDO-VILA, and Mr. BAIRD.

H.R. 868: Mr. HALL of Texas, Mr. LAFALCE, and Mr. TAYLOR of Mississippi.

H.R. 930: Mr. PUTNAM.

H.R. 938: Mr. UDALL of Colorado.

H.R. 951: Ms. KILPATRICK, Mr. RANGEL, Mr. BROWN of South Carolina, Mr. BORSKI, Mr. UPTON, Mr. COSTELLO, Mr. CALLAHAN, Mr. HORN, Mr. GORDON, Ms. ESHOO, Mrs. CLAYTON, and Ms. CARSON of Indiana.

H.R. 964: Mr. ENGEL and Mr. DAVIS of Illinois.

H.R. 981: Mr. FOLEY and Mrs. NORTHUP.

H.R. 1004: Ms. SANCHEZ.

H.R. 1020: Mr. DOYLE, Mr. THOMAS, Mr. PALLONE, and Mr. THOMPSON of Mississippi.

H.R. 1028: Mr. OWENS.

H.R. 1045: Mr. CUNNINGHAM.

H.R. 1086: Mr. FRELINGHUYSEN.

H.R. 1089: Mr. KUCINICH.

H.R. 1092: Mr. ENGLISH and Mr. MANZULLO.

H.R. 1110: Mr. ISAKSON.

H.R. 1111: Ms. RIVERS, Mr. MOORE, and Mr. ACKERMAN.

H.R. 1120: Mr. SCHROCK.

H.R. 1121: Mr. STRICKLAND, Mr. SHOWS, Mr. TURNER, and Mr. BARCIA.

H.R. 1161: Mrs. THURMAN.

H.R. 1213: Mr. PLATTS and Mr. KIND.

H.R. 1214: Mr. PLATTS and Mr. GORDON.

H.R. 1230: Mr. UDALL of Colorado.

H.R. 1232: Mr. MASCARA and Mr. DEFAZIO.

H.R. 1233: Ms. WATERS.

H.R. 1238: Mr. PAUL, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Mr. BOUCHER, Mr. FILNER, Mr. FROST, Mr. FARR of California, Mr. CLEMENT, Mr. BONIOR, Mr. LEWIS of Georgia, and Mr. PASCRELL.

H.R. 1262: Mr. MOORE, Ms. WATERS, Mr. RANGEL, Mr. RAHALL, Mr. ABERCROMBIE, and Mr. CUMMINGS.

H.R. 1266: Mr. LEWIS of Georgia.

H.R. 1291: Mr. KILDEE, Mr. BRYANT, and Mr. FOSSELLA.

H.R. 1296: Mr. MOORE, Mr. SHOWS, Ms. BERKLEY, Mr. LEACH, Mr. NORWOOD, Mr. FROST, Mr. HILLEARY, Mr. RODRIGUEZ, Mr. ROTHMAN, Mr. MORAN of Kansas, Mr. DUNCAN, and Mr. WICKER.

H.R. 1304: Mr. LEWIS of Georgia.

H.R. 1305: Mr. BRYANT and Mr. LUCAS of Kentucky.

H.R. 1323: Mr. JACKSON of Illinois.

H.R. 1324: Mr. ISAKSON and Mr. HOEKSTRA.

H.R. 1331: Mr. BISHOP.

H.R. 1340: Mr. ENGLISH, Ms. MCCARTHY of Missouri, Mr. PALLONE, Mr. NETHERCUTT, and Mr. CROWLEY.

H.R. 1354: Mr. BARCIA.

H.R. 1357: Mr. CLEMENT and Mr. LEWIS of Georgia.

H.R. 1367: Mr. ANDREWS.

H.R. 1377: Mr. DEAL of Georgia.

H.R. 1401: Mr. HALL of Texas, Mr. FILNER, Mr. EVANS, and Ms. MCCARTHY of Missouri.

H.R. 1405: Mr. BONIOR.

H.R. 1449: Ms. ROS-LEHTINEN.

H.R. 1465: Mr. WEXLER.

H.R. 1469: Ms. WATERS, Mr. FROST, and Mr. DOYLE.

H.R. 1488: Mr. LATOURETTE.

H.R. 1496: Mr. HOYER.

H.R. 1501: Ms. CARSON of Indiana.

H.R. 1540: Mrs. MINK of Hawaii.

H.R. 1553: Mr. WALDEN of Oregon, Mr. BISHOP, Ms. DUNN, and Mr. HOOLEY of Oregon.

H.R. 1556: Mr. OWENS, Ms. MCCOLLUM, and Mr. PRICE of North Carolina.

H.R. 1586: Mr. CAPUANO.

H.R. 1596: Mr. PAUL.

H.R. 1598: Mr. FILNER, Mrs. LOWEY, and Mr. PAUL.

H.R. 1600: Mr. Hulshof, Mr. Knollenberg, Mr. Honda, Mr. Udall of Colorado, and Mr. Larson of Connecticut.

H.R. 1604: Mr. Kind.

H.R. 1609: Mr. Kanjorski.

H.R. 1628: Mr. Bonior and Mr. Udall of Colorado.

H.R. 1629: Ms. Jackson-Lee of Texas, Ms. Lee, Mrs. Mink of Hawaii, Mr. Mascara, Mr. Schiff, Mr. Blumenauer, Mr. Carson of Oklahoma, Mr. Borski, Mr. Snyder, Mr. Baldacci, Mr. Sununu, Ms. McCollum, Mr. Hall of Ohio, Mr. Hutchinson, Mr. DeFazio, and Mr. Andrews.

H.R. 1638: Mr. Kanjorski and Mr. Murtha.

H.R. 1642: Ms. Velázquez, Mr. Thompson of Mississippi, Mr. Clement, Mr. Barrett, Mr. DeFazio, Mr. Rush, Mr. Pastor, Ms. McCarthy of Missouri, and Mr. Bonior.

H.R. 1644: Mr. Hall of Ohio and Mr. Phelps.

H.R. 1659: Mr. Paul.

H.R. 1676: Mr. Udall of Colorado and Ms. Berkley.

H.R. 1685: Mr. Waxman, Mr. Snyder, Mr. Shows, Ms. Norton, Mrs. Clayton, Mr. Hinchey, and Ms. Jackson-Lee of Texas.

H.R. 1700: Mr. Carson of Oklahoma, Mr. Frost, Ms. Eshoo, Mr. English, Mr. Hilliard, Mr. Sanders, and Mr. Kerns.

H.R. 1711: Mr. McDermott and Mr. Green of Wisconsin.

H.R. 1723: Mr. Green of Wisconsin and Mr. Baird.

H.R. 1745: Mr. Hilliard.

H.R. 1746: Mr. Lantos, Mr. Upton, Mrs. Thurman, and Mr. Platts.

H.R. 1754: Mr. Otter and Mr. Callahan.

H.R. 1779: Ms. Solis, Mr. Udall of Colorado, Mr. Coyne, Mr. Farr of California, Mr. Horn, Mr. Diaz-Balart, Mr. Burton of Indiana, Ms. Schakowsky, and Mr. Pallone.

H.R. 1781: Mrs. Capps, Mr. Stark, and Mr. Lantos.

H.R. 1798: Mr. Deutsch and Mrs. Thurman.

H.R. 1800: Mr. Ramstad.

H.R. 1805: Mr. Souder.

H.R. 1810: Mr. Delahunt, Ms. Eshoo, Mr. Bonior, Ms. Pelosi, Mr. English, Mr. Tierney, and Mr. Hinchey.

H.R. 1839: Mr. English, Mr. McNulty, Ms. Norton, Ms. Rivers, Mr. Rogers of Michigan, Mr. Rangel, and Mr. Moore.

H.R. 1841: Mr. Wynn, Mr. Coyne, Mr. Barcia, Ms. Norton, and Mr. Engel.

H.R. 1862: Mr. Bonior, Mr. LaTourette, Mr. McGovern, Mr. Platts, and Mr. Langevin.

H.R. 1890: Mr. Sessions, Mr. Paul, Mr. Putnam, Mr. Doolittle, Mr. Tancredo, Mr. Goodlatte, Mr. Ryun of Kansas, Mrs. Myrick, Mr. Fletcher, and Mr. Hilleary.

H.R. 1891: Ms. Kilpatrick, Mr. Stupak, Mr. Lantos, Mr. Andrews, Mr. Burr of North Carolina, Mr. Deal of Georgia, and Mr. Leach.

H.R. 1893: Ms. McKinney, Mr. Owens, Mr. Payne, and Mr. Frost.

H.R. 1897: Mr. Rangel, Mr. Cummings, Mr. Rogers of Michigan, Mr. Conyers, Mr. Owens, Mr. Frank, Mr. Frost, and Mr. George Miller of California.

H.R. 1910: Mr. Cantor and Mr. Grucci.

H.R. 1911: Mrs. Roukema.

H.R. 1922: Mr. Lantos, Mr. Evans, and Ms. Pelosi.

H.R. 1927: Mr. Kanjorski, Mr. Barcia, and Mr. Smith of Michigan.

H.R. 1929: Ms. Carson of Indiana, Mr. Pastor, Mr. Hoyer, Mr. Rangel, Mr. Holt, Mr. McDermott, Mr. Lewis of Georgia, Mr. Inslee, Ms. Roybal-Allard, Mr. Hinchey, Mrs. Napolitano, Mr. Lantos, and Mr. Frost.

H.R. 1945: Ms. Jackson-Lee of Texas, Ms. Rivers, and Ms. DeLauro.

H.R. 1948: Ms. McCarthy of Missouri.

H.R. 1954: Mrs. Cubin, Mr. Camp, Mr. Pickering, Mrs. Meek of Florida, Mr. Udall of Colorado, and Mr. Deal of Georgia.

H.R. 1961: Mr. Bentsen, Mr. LaFalce, and Mr. Hulshof.

H.R. 1983: Mr. Shows and Mr. Wamp.

H.R. 2008: Mr. Holt, Mr. Lewis of Georgia, Mr. Hilliard, Mrs. Jones of Ohio, Mrs. Meek of Florida, Ms. Brown of Florida, Mr. Payne, Ms. Jackson-Lee of Texas, Ms. Carson of Indiana, Ms. Norton, Mr. Jackson of Illinois, Mr. Thompson of Mississippi, Mr. Clyburn, and Mr. Scott.

H.R. 2009: Mr. Faleomavaega, Mr. Cummings, and Mr. Udall of Colorado.

H.R. 2021: Mr. Price of North Carolina.

H.R. 2022: Mr. Bonior, Mr. Davis of Illinois, Mr. Clement, and Mr. Kucinich.

H.R. 2023: Mr. Hilleary, Mr. Crowley, Mr. Larson of Connecticut, and Mr. Shows.

H.R. 2035: Mr. Ney, Mr. Green of Texas, Mr. Hall of Texas, Mr. Payne, Mr. Filner, Mr. Clement, Mr. Bentsen, Mr. Rodriguez, Mr. McNulty, and Mr. DeFazio.

H.R. 2037: Mr. Vitter, Mr. Knollenberg, Mr. Duncan, Mr. Isakson, Mr. Riley, Mr. Lewis of Kentucky, Mr. Phelps, Mr. Pombo, Mr. Gillmor, and Mr. Boehner.

H.R. 2045: Mr. Frost.

H.R. 2052: Mr. Royce.

H.R. 2087: Mr. Schrock and Mr. McGovern.

H.R. 2088: Mr. Boswell.

H.J. Res. 36: Mr. Kingston and Mr. Diaz-Balart.

H. Con. Res. 3: Ms. Solis.

H. Con. Res. 20: Mr. Platts, Mr. Andrews, and Mr. Hinchey.

H. Con. Res. 97: Ms. Pelosi and Mr. Pallone.

H. Con. Res. 102: Mr. Ehlers, Ms. Schakowsky, Mr. Horn, Mrs. Roukema, Mr. Ramstad, Mrs. Lowey, Mr. Hoekstra, Mr. Markey, Mr. Platts, and Mr. Blumenauer.

H. Con. Res. 103: Mr. Payne.

H. Con. Res. 116: Mr. Crane and Mr. McGovern.

H. Con. Res. 128: Mr. Rohrabacher and Mr. Peterson of Pennsylvania.

H. Con. Res. 145: Mr. Johnson of Illinois, Ms. Sanchez, Ms. McCarthy of Missouri, and Mr. Souder.

H. Res. 72: Ms. Eshoo, Mr. Capuano, and Mr. Payne.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1305: Mr. Greenwood.

SENATE—*Thursday, June 7, 2001*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. BYRD).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Stephen Einstein, Rabbi of Congregation B'Nai Tzedek from Fountain Valley, California.

PRAYER

The guest Chaplain offered the following prayer:

This is the day that God has made. Let us be joyous and be gladdened. Eternal God, we thank You for so many gifts. You have bestowed upon us talent and abilities that enable us to excel, a universe of wonder that inspires us to create, and a reflected spirit that moves us to appreciate. We appreciate the gift of time. You have allotted to us minutes and hours, and presented us with the challenge. Use this time for good.

In this Chamber, we acknowledge that there is so much good that needs to be done. We are humbled by the tasks that await us. May we face them with renewed vigor and purpose. We are particularly grateful, then, for this day, and for the opportunity for service it provides. Let us prove our gratitude by the manner in which we utilize each moment. And so with thankfulness, we ask for Your blessings upon every Senator. May each be a blessing to those whose lives are touched by their work. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader.

THE GUEST CHAPLAIN

Mr. DASCHLE. Mr. President, I welcome Rabbi Einstein and compliment him for his prayer. I also want to thank him for the outstanding representation he has here in the Senate. California is well represented. We are glad he is here.

The PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, may I ask unanimous consent to speak for about 2 minutes as if in morning business to welcome the Rabbi from California?

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, this morning's prayer was delivered by Stephen Einstein. He is an accomplished religious scholar. He is the Rabbi of congregation B'Nai Tzedek in Fountain Valley, CA. He is a spiritual leader of a synagogue with 435 members. But he is also the chaplain of the Fountain Valley Police Department, a board member of the American Cancer Society, and a member of the Religious Outreach Advisory Board of the Alzheimer's Association of Orange County.

He has written two scholarly books on Judaism. He has also served as a member of the Fountain Valley Board of Education, and has served twice as school board president.

He is a distinguished Californian, a religious leader. As the senior Senator from California, I welcome him to the Senate.

I thank you, Mr. President, and the Senate for receiving him so graciously.

I thank the Chair. I yield the floor.

PROGRAM

Mr. DASCHLE. Mr. President, today we resume the education reform bill. The current order will require 1 hour of additional debate on the Dodd testing amendment, 1 hour of debate on the Carnahan-Nelson amendment regarding assessments, and a rollcall vote on the Carnahan-Nelson amendment is scheduled at approximately 11:30 under a previous order. There will be additional rollcall votes throughout the day.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MEASURES PLACED ON THE CALENDAR—H.R. 6, H.R. 10, H.R. 586, and H.R. 622

Mr. REID. Mr. President, on behalf of the majority leader, I understand that there are several bills at the desk due for second reading. Therefore, I ask unanimous consent that it be in order for the bills to be read a second time en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I object en bloc to further action on these bills.

The PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the Calendar.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Bond modified amendment No. 476 (to amendment No. 358), to strengthen early childhood parent education programs.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

Reed amendment No. 431 (to amendment No. 358), to provide for greater parental involvement.

Dodd/Biden modified amendment No. 459 (to amendment No. 358), to provide for the comparability of educational services available to elementary and secondary students within States.

AMENDMENT NO. 459

The PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate on the Dodd amendment No. 459 as modified, equally divided and controlled.

Who seeks recognition?

The Senator from Connecticut, Mr. DODD.

Mr. DODD. Thank you, Mr. President,

Mr. President, as I understand it, there is 1 hour of debate equally divided on this amendment.

The PRESIDENT pro tempore. There is.

Mr. DODD. I thank the President. I am somewhat disappointed that we have not scheduled a vote on this amendment. But I am told that on the expiration of an hour that I will have to set this amendment aside, and that the minority floor leader of this bill is opposed to a vote occurring on this amendment. I hope that we will have an opportunity to cast a vote in this body on the amendment that I have offered on behalf of myself, Senator BIDEN of Delaware, and Senator REED of Rhode Island.

There is at least one other Member, or maybe two, who want to be heard in support of this amendment. I ask the Chair on the expiration of 10 minutes that I be notified to make sure I reserve time for others who want to be heard on this amendment.

The PRESIDENT pro tempore. The Senator will be so notified.

Mr. DODD. I thank the Chair.

Let me explain this amendment once again. I explained it when I offered it yesterday afternoon, and again early last evening.

This is a very straight forward, simple amendment. I said yesterday that if there is one word that could be used to describe the underlying bill, it is the word "accountability"—we want greater accountability. I would add "responsibility"—"accountability and responsibility." Students, parents, school principals, teachers, superintendents, and boards of education all have to be more accountable and more responsible if we are going to improve the quality of public education in our country.

There is no doubt in my mind that, while there has been improvement in recent years in classrooms, there is room for more improvement. We need to raise the next generation of young people to be prepared to meet the challenges of the 21st century and be competitive in a global economy.

In years past, a child raised in Connecticut, West Virginia, Massachusetts, or New Hampshire, competed, if you will, with children in the neighboring town or the neighboring county, maybe the neighboring State.

Today, our children compete with children all over the world. So we need to prepare a generation like no other in the history of this Nation. Therefore, the issue of a sound, firm, good elementary and secondary education is critical.

This bill mandates a number of things. We, will mandate, for the very first time, that every child be tested every year from third grade through eighth grade. That is a Federal mandate in this bill.

Mr. GREGG. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. GREGG. I will note—and the Senator is familiar with this—just to make it clear, the Federal Government already mandates that children take a test in three grades. This just adds three more grades.

Mr. DODD. I accept that point. We do. My point being, my amendment has been called intrusive. Because I have suggested that the States be accountable and responsible, it is said that I am proposing a new Federal intrusion into what has historically been a local and State decisionmaking process. Yet, as my colleague from New Hampshire has pointed out, we already mandate tests. And, this bill mandates even more tests.

We also mandate standards for teachers at the local level. We are going to tell school districts that if schools do not perform at a certain level, we, the Federal Government, will require them to close the school. We require the States to establish statewide content and performance standards, and tests that are the same for all children in the State.

The point is, we are mandating decisions at the local level. Down to the level of detail of telling third graders, and their parents, when they will be taking tests.

My amendment says that if we are going to ask for accountability and responsibility from students, parents, school principals, teachers, and school boards, is it unreasonable to ask States to be accountable? Since 1965, we have mandated comparable educational opportunity for students within school districts. This amendment simply says that there should be comparable educational opportunity throughout the State.

Why do I say that? Of the total education dollar spent in our public schools, 6 cents comes from the Federal Government, 94 cents comes from State and local governments. In this bill, we are mandating that schools and school districts do a better job. If they do not, there are consequences. It is a Federal mandate. But the resource allocations are not really there, nor are we insisting at a local or State level that they meet their obligations.

My amendment says States must take on responsibility. If we are asking students, and parents, and teachers, and schools, and school districts to do better, why not the States?

Many States are working hard at this. But, nevertheless, many children, simply by the accident of their birth, have a disparate level of educational opportunity. They are born or raised in a school district where the resources are not there. A child born in a more affluent school district has an educational opportunity that is vastly different.

I see it in my own State. I represent the most affluent State in America on a per capita income basis, the State of Connecticut. I also have communities in my State that are some of the poorest in America. Hartford, our capital, was just rated as the eighth poorest city in America.

So, even in my small State, there are children who attend some of the best schools in America because we support education through a local property tax, and others, just a few miles away, who have much less educational opportunity, for the same reason.

Just as we are going to test children, and schools, and districts, should we not also test States? It doesn't seem to me that providing comparable opportunity to all children is too much to ask.

As I pointed out earlier, there are a number of Federal mandates that we already include in law. We withhold funds from States or school districts if they do not pass certain laws concerning children and guns, for example, in addition to the mandates I discussed earlier. I am not drawing judgments, but pointing out that this law is full of mandates, supported by both sides.

We bear a responsibility at the Federal level to do a good job to see to it that dollars taxpayers have sent to us go back to support education in the ways in which title I and the rest of ESEA. In this bill, we say that school districts should do a better job, that parents and teachers and school superintendents should do a better job. Shouldn't States be included in that community of accountability and responsibility? That is all I am suggesting with this amendment.

We leave it to the discretion of the Secretary of Education to determine to what extent administrative funds would be withheld. We give these States 6 years to at least demonstrate they are moving in the direction of offering "comparable" educational opportunity. The words I have chosen have been in the law for 36 years.

I see I have used 10 minutes.

The PRESIDENT pro tempore. The Chair notifies the Senator from Connecticut 10 minutes have expired.

Mr. DODD. I thank the Chair very much for that notice. I could have gone on. As you can see, I was building up a head of steam.

I see my friend from New Hampshire is in the Chamber. There are several colleagues—at least one I know of—who want to be heard on this subject. I want to reserve some time for them.

Would my colleague from New Hampshire like to be heard at this time? I know he wanted to respond to some of these very thoughtful and persuasive arguments I am making.

Mr. GREGG. Mr. President, at this time I reserve my time because last night I was so eloquent, I am just at a loss for words today.

Mr. DODD. So I have heard.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to both sides.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. There being no objection, the quorum call is rescinded.

The Senator from Connecticut.

Mr. DODD. While I am waiting for one of my colleagues to enter the Chamber, I will just take few more minutes to share some additional thoughts on why I believe this amendment is worthwhile. And I will anticipate some of the arguments my good friend from New Hampshire will raise in his eloquent opposition to this amendment so that my colleagues may have the benefit of these thoughts.

I am confident my colleague is going to call this a cookie-cutter approach, that I want to establish, at a Federal level, what every classroom in America is going to look like. Nothing could be further from the truth. What this amendment requires is that every child in a State have a comparable educational opportunity with other children in that same State. Last evening, I cited the supreme court decision in the State of New Hampshire, which makes the case more eloquently than I could, saying that in the State of New Hampshire children, regardless of the community in which they are raised, ought to have an equal opportunity. I stress the word "opportunity." I do not believe any of us has an obligation to guarantee any person in America success. That has never been the American way.

What we have always believed, since the founding days of our Republic, is that equal opportunity has been the magnet which has drawn the world to our shores. Where people had been denied opportunities for a variety of reasons—religious, ethnic, gender, whatever—America has been the place where they get judged on their abilities.

There are countless stories of people, coming from the most humble of origins, who have risen to the very heights in their chosen field of endeavor. I could cite the example of the Presiding Officer as a case in point, if he wouldn't mind my making personal reference to it. Providing an equal opportunity to everybody, that is all this is. What better key to a success than an education? If you don't have a good educational opportunity, it is very difficult to achieve your full potential.

My great-grandmother, when she came to this country with my great-grandfather, was about 16 years old. They were married. They came from a small community on the western coast of Ireland. The first thing she did—she couldn't read or write—was to get herself elected to the local school board in the 19th century because she understood that education was going to be the key. She had been raised in a country where she couldn't go to school because of her religion. She understood that an opportunity for herself and her family—her nine children, my grandfather being the ninth child—was going to be education.

Educational opportunity is what I am focusing on. As we have been saying to school districts across America for 36 years, you must provide comparable educational opportunity for each child within that school district. I am expanding that equation to say in each State because the States really bear the responsibility for funding education through decisions made by the legislatures. How do they fund education? It is a State decision and a local decision. We are mandating things at the local level and we are leaving out the States.

I am suggesting that States also have a responsibility to meet their obligations. If we are going to mandate performance and not provide the funding for it and exclude the States from being accountable, then we are going to be back here a few years from now asserting that the Federal Government mandated something, but did not fund it.

I see my friend from Maine, Senator COLLINS, on the floor who believes passionately in our responsibility for funding special education. I agree with her. In fact, we have all fought hard to see that we meet that obligation.

The underlying bill we are considering mandates that children do better in schools. We set standards that are going to have to be met. We are going to have to provide resources for this. Some communities do not have the resources; others do. To mandate a level of performance and not provide the resources for children to achieve that level of performance is dangerous.

I see my colleague from New Jersey. How much time remains on the proponents' side of the amendment?

The PRESIDENT pro tempore. The proponents have 14 minutes remaining.

Mr. DODD. I yield 10 minutes to my colleague from New Jersey.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized for 10 minutes.

Mr. CORZINE. Mr. President, I am honored that the President pro tempore is in the chair. It is great to see him there.

I also am pleased that I have this opportunity to stand in support of the Dodd-Biden amendment, which is designed to make sure that every child in America has access and the equal promise of a quality education. The Dodd-Biden amendment on school service comparability is a terrific initiative. This amendment is structured so all children have access to comparable quality education—not identical, but quality comparable education.

It is a goal that all of us surely have to believe is as important as equal test results. Equal opportunity is just as important as equal outcomes as measured by standardized tests.

This amendment is more than common sense, too. It actually fulfills the promise that we as a nation make to all of our children—that we will provide every child in America with access to a quality education and the American promise that flows from that, regardless of race, the family's income, or where they live.

Title I kids should have access to every opportunity every other child in America has. It should not be a function of where they are born or where they live. As my colleagues have already described, this amendment would encourage States to ensure that all students receive a comparable education in several critical areas: class size, teacher qualifications, curriculum, access to technology, and school safety. These are just commonsense areas where we ought to be providing for every child a similar educational experience.

They allow for the full potential of all of our children. Every child has a right to a qualified teacher. All of us believe that. Every child has a right to a challenging curriculum. Every child has a right to go to school in a safe and quality school building. In my State of New Jersey, there are many schools 100 years old, with an average age of 57 years. In our urban areas, it is a serious problem.

A ZIP Code should not determine the quality of a child's education. I hope this is a basic premise on which we can all agree. Unfortunately, in my State and around the country ZIP Codes often do determine the quality of education a child receives. Children in one town where there is a serious tax base for them to operate under receive a high-quality education. In other towns, adjacent to those very same communities, they receive a dramatically lower quality education because they don't have the resources to provide for those quality teachers, the quality schools, the kinds of curricula that will make a difference.

The reality is that property taxes in this country often determine who gets a quality education and the resources available to provide those services. This amendment strikes at the heart of that to try to bring equality, comparability, not identical results and services, but comparable ones.

Inequality by geography, race, and class is close to a national disgrace. If you see the difference from one place to another in schools across the country, it is hard to understand how we can tolerate it. It robs children of equal access to the American promise. Unless we address this problem, as the Dodd amendment would begin to do, that inequality in our educational system will grow wider and wider through time, perpetuating a sense of unfairness in our society. We need to address it up front. This amendment does that.

Title I was designed to be the engine of change for low-income school districts. This amendment would add fuel to that engine, requiring States to ensure that all students receive a comparable education—again, not identical, comparable—regardless of where they live or their family's income, race, or nationality.

In my State of New Jersey, we have been struggling with this promise for the better part of 30 years, providing equal access to a quality education. Thirty years ago we had a case before our State supreme court, Abbott v. Burke, that found the education offered to urban students to be "tragically inadequate" and "severely inferior." This was a landmark case. The court ordered the most comprehensive set of educational rights for urban schoolchildren in the Nation.

In New Jersey, we are proud of this ruling. Under Abbott, urban students have a right to school funding at spending levels of successful suburban school districts what they call "parity funding"—this is what the Dodd-Biden amendment is working towards; educationally adequate school facilities; and intensive preschool and other supplemental programs to wipe out the disadvantages. These are the basic educational services that every child should expect to have access to and that every child needs to succeed in our society.

Fortunately, Abbott has been a success. It is not perfect. We haven't made all of those transitions to comparable outcomes, but New Jersey has made real progress in equalizing the education provided to students in our communities. The Federal Government must also play an active role in ensuring that the children who need the most, get the most. Title I has gone a long way. What this amendment is doing is asking States on a national basis to do what New Jersey has already done.

A substantial portion of the debate on this education bill has been about accountability. We demand accountability from students, teachers, schools, everybody under the sun, but we also need to demand accountability from the States with regard to providing comparable funding, comparable services for our kids so they can get to those equal outcomes. For example, starting in third grade, we will begin testing all students, with drastic measures for failing scores. We require equal outcomes on test scores, but we will not provide equal resources. I find that hard to believe. That is not consistent with America's sense of fairness. We demand accountability of students, teachers, and schools, but we do not address the glaring disparity built into the system of how we provide resources to those schools.

I support high standards. I support accountability, but accountability measures alone are not sufficient to provide an adequate education. We must ensure that every school and every child has the level of resources necessary for a rigorous education and necessary to meet those standards.

It is in this light that I strongly support the Dodd-Biden amendment, because it goes right at that equality of opportunity, through resources, that is critical to ensuring equality of outcomes.

I thank the Chair.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Connecticut.

Mr. DODD. I thank my colleague from New Jersey for his very eloquent statement. In my State of Connecticut a real effort has been made to address this issue, as in New Jersey. In Minnesota as well. Many of our States are working hard at this but, as the Senator from New Jersey said, there is still a huge gap in terms of educational opportunity.

Mr. President, I yield 3 minutes to my colleague from Minnesota.

The PRESIDING OFFICER. The distinguished Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from New Jersey.

Let me just in 3 minutes lend my support to this very important amendment. I will try to do this a little differently. I think this amendment that is offered by Senator DODD, joined by Senator BIDEN, is, at least to me, obvious. This is an amendment offered by a Senator who spends a lot of time in schools. Not every Senator does. Senator DODD is in schools all the time in Connecticut and probably around the country.

What Senator DODD is saying is this comparability amendment has to do with making sure we deal with—and I am sure that the most noted author of children's education, Jonathan Kozol, is smiling. This is all about his book "Savage Inequality." What the Senator is saying is. let us have some comparability when it comes to class size, access to technology, safe schools, curriculum, and teachers.

I would just say to Senator DODD that as we have gone forward with this bill, I have had all of these e-mails from around the country from all of these teachers, sometimes parents, sometimes students, but these teachers are the ones who know, these are the teachers who are—I think the Senator's sister is a teacher in fact—in the inner-city schools. They are in the trenches. They have stayed with it. They are totally committed. They are saying: For God's sake, please, also in the Senate, above and beyond talking about annual testing, give us the tools to make sure the children can achieve. Please talk about the importance of good teachers, qualified teachers. Please talk about the importance of access to technology. Please talk about the importance of good curriculum, of small class size. Please talk about the importance of dividing school buildings. Please talk about the importance that schools should be safe. Please talk about all of the resources that will make it possible for all the children in America to have the same opportunity to learn.

That is what this amendment is about. That is why this amendment is so important.

Mr. DODD. Mr. President, I reserve the remainder of my time, if I may.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we discussed this amendment a little bit yesterday—in fact, considerably yesterday—and I presented most of my thoughts. I know some other Members on my side are going to come down and talk about it. This amendment is an incredibly pervasive amendment and will have a fundamental effect on the Federal role in education. It will, in my opinion, create an atmosphere where the Federal Government is essentially nationalizing the standards throughout the country for what education will be.

The way it does this is as follows: It says that every school district in a State must be comparable, and it is up to the State to decide that comparability. But if the State doesn't decide the comparability, then the Federal Government starts to withdraw the funds. And it also sets up the standards for what must be comparable. It is a Federal standard—what must be comparable under this amendment. The standard includes class size, qualifications of teachers by category of assignments, curriculum, range of courses offered, instructional material, instructional resources.

You essentially are saying the Federal Government is going to require comparability—comparability meaning that everybody does it essentially the same way—throughout the country, or at least throughout every State, within every State. Logically, the next step is to do it across the country from State to State.

As I mentioned last night, why should the State of Connecticut be allowed to spend more on its children than the State of Mississippi? Should it not all be comparable? Under the logic of this amendment, that is the next step. Connecticut should send money to Mississippi. The same amount you spend per child in Connecticut should be spent on the child in Mississippi.

But more importantly than that, or equally important to that, this goes to the heart of what I think is the essential of quality education which is the uniqueness and creativity of the local community to control how their children are educated. One town in a State is going to have a certain set of ideas on how education should be provided versus another town in that State.

Granted, they are all going to have to get their children to a certain level of ability in the core subject matter—English, math, science—in order that the children be competitive. But how they get their children up to that level of competency is left up to the school district under our bill. The local school district has the flexibility. And then the ancillary aspects of the school system are left up to the school districts—ancillary being integral in the sense of foreign languages, for example, computer science teaching, sports programs, community outreach programs.

But under this amendment, that would no longer be the case. There would have to be comparability. Every town and community within the State would have to do it the same way in all these different areas of discipline.

So in one part of the State you might have a community that believes, because of the ethnic makeup of the city or the community, they need special reading instruction in one language—say, Spanish or Greek—because they have a large community of immigrants, of people who have immigrated to our country, and in another part of the State they may not have that issue but they may have an issue of wanting to get their children up to speed in the area of the industry which dominates that region—say, forestry. For example, they might want to have a special program in how to do proper silviculture. You could not do that anymore. You could not have those different approaches to education within the school system. They would all have to be comparable under this amendment.

It makes absolutely no sense that we as the Federal Government should set that sort of standard on the States and on the local communities.

Then there are a couple of very specific issues where this amendment clearly creates a huge threat. The first is charter schools. This amendment essentially eliminates the capacity to have charter schools because charter schools, by definition, differ. That is why charter schools are created. They are different. That is what you have with a charter school. You get together a group of parents, teachers, and kids and say: We are going to teach differently than local schools. We are going to do it with public money. We are talking about public charter schools here. But we are going to do it differently. Those schools would be wiped out because you could not be different. You would have to be comparable. And the magnet schools would be wiped out, schools that are designed specifically to educate in special subject matters such as science.

You have these famous science high schools across this country. I think they have one in New York City called Stuyvesant. They have one in North Carolina which has been hugely successful. And they have one right here in the Washington region called Thomas Jefferson. Magnet schools would be wiped out because they are different. You are not allowed to be different under the amendment. That is the theme of this amendment. If you do not have sameness, you do not have fairness.

I have to say I do not believe that is true at all. I think you get fairness by producing results. You get fairness by producing results, not by controlling the input but by controlling the output.

If a child goes through the system and learns effectively, then you have fairness. If a child does not go through the system and learn effectively, then you do not have fairness.

What this underlying bill does and what the President proposes is to require that children learn effectively, not require that all children be taught exactly the same way, because one does not necessarily learn that way. There are a lot of school systems that feel that way.

Then we have another major issue which is called the collective bargaining system. In one part of a State, for example, they might have an agreement with their local teachers union that says: We are going to have 20 kids in a classroom, but we are going to pay our teachers a lot more because we think our teachers are able to handle 20 kids and are good teachers.

In another part of the State, they might have 15 kids in the classroom and pay their teachers less, or they might work on a different day schedule, might work on a different structure of their day, or might work on a different responsibility from area to area within a State as to what teachers do.

They may have a program where teachers are required to, under their contract, be involved in extracurricular activities, and in other parts of the State that might not be the case.

There are different retirement standards from community to community. Some communities may want their teachers to retire at an earlier age, and some communities may not. It all depends on the collective bargaining agreement.

Collective bargaining agreements would be inconsistent with this amendment. In fact, it would be a Catch-22 for a State that does not collectively bargain its teachers statewide. I do not know too many States that do collectively bargain their teachers statewide. Most States bargain community by community, not State by State. So this becomes a totally—I do not know if it becomes unenforceable; maybe it overrides the collective bargaining agreement.

I do not know how the sponsor of the amendment intends to handle that very significant problem, but it is a big problem because comparability clearly cannot work if there is a collective bargaining agreement in one part of the State which presents one significantly different approach than another part of the State. They then cannot be comparable and consistent with the collective bargaining agreement.

This amendment is first, obviously, a philosophical anathema to my view of how to educate in this country, which is we should maintain and promote local control; we should not undermine local control by requiring everybody to do everything the same.

That is the key problem with the amendment, but it also has huge technical implications for the creativity of local communities in the area of charter schools, magnet schools, different curricular activity that might be appropriate to one region over another region or different fiscal activity, structure.

For example, I suspect a school in southern California does not need the same heating system as a school in northern California, and yet under this amendment they have to have the same heating system. They would have to actually have the same heating system because they would have to have the same resources, the same buildings.

That is the way it is written. It says it has to be comparable. It says the physical facilities have to be comparable. Institutional resources have to be comparable.

Mr. DODD. Will my colleague yield on this point?

Mr. GREGG. I will be happy to yield.

Mr. DODD. I thank my colleague. This is an important point. Again, I have great affection for my friend from New Hampshire.

Mr. GREGG. I am yielding for a question.

Mr. DODD. Yielding for a question. As my colleague must be aware—and this is in the form of a question, Mr. President—we have had the word "comparable" on the books regarding school districts for 36 years. The law has said that within school districts, educational opportunity must be comparable.

Is it not true, I ask my friend from New Hampshire, that magnet schools, charter schools, and science schools have all functioned within school districts with a Federal law that has required or mandated comparable educational opportunity?

I am not changing that. I am just extending the geography from school districts to States. I am not applying any new standards from those that have existed in the law for more than three decades.

Mr. GREGG. Mr. President, I appreciate the Senator from Connecticut raising that issue because the fact is he has taken the term "comparability," which is today used in an extremely narrow application and in a very loose enforcement application—in other words, it applies simply to communities and it applies to teachers essentially and to curriculum within the teaching community—it has been extremely loosely applied to communities, and the Senator from Connecticut has taken that word and has expanded it radically to essentially the whole State.

The Senator from Connecticut uses as an example, for example, the New Hampshire Supreme Court decision in this area which did exactly that. It expanded the issue of funding and equality of funding radically throughout the whole State so everybody had to do it the same way, changing the whole system of education within the State of New Hampshire.

Senator DODD is suggesting doing the same thing with the word "comparable" on a statewide basis and having the Federal Government come in and set what the term "comparability" means now in a much more precise and mandatory way.

When he uses terms in his amendment such as "comparability," among other things, shall include:

> (i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff;
>
> (ii) curriculum, the range of courses offered (including the opportunity to participate in rigorous courses such as advanced placement courses), and instructional materials and instructional resources to ensure that participating children have the opportunity to achieve to the highest student performance levels under the State's challenging content and student performance standards;
>
> (iii) accessibility to technology; and
>
> (iv) the safety of school facilities. . . .

That is getting pretty specific and inclusive and much different from the way comparability is used in present law. That is a fact.

Mr. DODD. Mr. President, if my colleague will yield further, he has just recited very accurately the provision on page 2 of the amendment of things under "Written Assurances":

> A State shall be considered to have met the requirements [of this amendment] if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability of services in certain areas.

If my colleague reads further down to "class size," we do not say what class size, what qualifications. We all know, and I ask my colleague this in the form of a question, is there anywhere in this language where it sets class size, where it sets the standard by the Federal Government, other than saying the State should have comparability of those standards without setting the standard?

Mr. GREGG. Absolutely. That is the whole point. If I may reclaim my time. That is exactly what this does. It says that a State must have a comparable class size across that State, which means a State such as California, which is a huge State and which may have variations in class size depending on what communities have decided is best, both by negotiating with their teachers union and working with their students, their parents, and their teachers those States now are not going to be able to do that any longer, those communities are not going to be able to do that any longer. They are going to have to set one class size for the entire State, comparable across the State.

Curriculum: For example, I cannot imagine anything more intrusive than having the States say unilaterally you have to have a comparable curriculum on all the different categories of curriculum. There may be some communities that do not believe they need a curriculum that deals with some of these core issues. Obviously, on core issues such as math, science, and English, they are going to have comparable curriculums. Hopefully, you will not. Maybe they will not. Maybe some States will let some type of American history be taught in one section and another type of American history be taught in a different section. American history should be consistent.

There are other issues. What about languages? They might want to teach Japanese in San Francisco, but maybe in San Diego they want to teach Chinese or Spanish.

The comparability language is so pervasive that it basically takes everything and makes oneness, which was the point of the argument of the Senator from Connecticut to begin with. I do not see how he can argue against his own position, which is he believes that in order for people to be tested and to be held to a standard, then everybody has to have equal access to the same opportunities of curriculum, class size, and structure—everything has to be essentially at the same level. That was his argument, was it not?

Mr. DODD. Will my colleague let me respond without asking a question?

Mr. GREGG. On the Senator's time I will be happy to.

Mr. DODD. I think I am out of time.

Mr. GREGG. Reserving my time, Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire has 14 minutes, and the Senator from Connecticut has 3 minutes.

Mr. DODD. Mr. President, on my time, the point I am making —in fact, we debated this yesterday—Is that the words "comparable" and "identical" are not synonymous. "Comparable" allows for great latitude. We have mandated comparability within school districts.

If you take the school districts of Los Angeles and New York, there are more students in each of those school districts than in 27 different States. They have found it very workable to have reached comparable levels of educational opportunity within a very diverse student population, in the city of New York and the city of Los Angeles, to cite two examples.

There are plenty of other school districts that have student populations vastly in excess of the entire student populations of States that have dealt with this requirement for years.

My point is, States bear a responsibility in educating children. This bill, and legislation preceding it over the years, has mandated that teachers, parents, students, school boards, and school superintendents be accountable and responsible. We are asking it of ourselves at the Federal Government. My amendment merely says, should we not also ask our States to be accountable for the equal educational opportunity of all children? That is all.

We have laid out some basic commonsense standards without mandating what the standard should specifically. For example, individual science schools exist in Los Angeles and New York. My colleague mentioned Stuyvesant High School. When the Federal Government said "comparable" in the school district of New York, it did not wipe out Bedford Stuyvesant High School. That school has done well under a Federal mandate of comparability.

We are mandating there be better performance, but if we don't say to States, as much as we are saying to school districts, that there has to be a comparable educational opportunity, we are setting a standard that poor communities, rural and urban, will not meet.

In New Hampshire, the supreme court decision was most eloquent in pointing out it was wrong to mandate that a small, poor community be required to increase its property tax fourfold to meet those responsibilities without the State stepping forward.

The court said that "[T]o hold otherwise would be to . . . conclude that it is reasonable, in discharging a State obligation, to tax property owners in one town or city as much as four times the amount taxed to others similarly situated in other towns or cities."

It is an eloquent statement.

In closing, I thank my colleagues from New Jersey and Minnesota for their support and ask all my colleagues to join me, Senator BIDEN, and Senator REED, in supporting this amendment to provide equal educational opportunity for all children in a State. This amendment is supported by the National PTA, the National Education Association, the Council of the Great City Schools, which represents the largest 50 school districts in the country, and the Leadership Conference for Civil Rights, which includes 180 prominent organizations, such as the AARP, the American Association of University Women, the AFL-CIO, the American Federation of Teachers, the American Veterans Committee, Catholic Charities USA, the NAACP, the National Council of Jewish Women, the National Council of La Raza, the National Urban League, the YMCA, the YWCA, and others.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I yield the Senator 30 seconds.

Mr. DODD. I am hopeful we can vote on this amendment. We debated yesterday afternoon, we debated yesterday evening, and this morning. I am fully prepared to have a vote and go to the next amendment and get the education bill done. The President wants the education bill to be passed.

I know my colleague, the chairman of the committee, is anxious to move this along. I am confident the Republican leader is as well. I am hopeful this amendment can be considered and voted up or down and that we move to the next order of business.

I ask the question, Can we vote? We have debated the issue. I am prepared to debate longer, but I made my case on why I think accountability and responsibility belong to everyone, including the State.

I ask my colleague and friend from New Hampshire, is there any chance we might have a vote on this amendment some time soon?

Mr. GREGG. No.

Mr. DODD. I appreciate the candor of that answer. People from New Hampshire are noted for their brevity in coming right to the point. He does not gussy it up with trappings and garnishes.

I thank my colleague.

Mr. GREGG. I thank the Senator from Connecticut for his description.

This amendment goes to the heart of this bill. I don't think the impact this amendment will have on changing the focus of the President's proposals on education as negotiated between a variety of parties involved in the negotiation can be understated.

There was an agreed to set of principles laid down. The basic philosophy of those principles was that we were going to look at how the child did, whether the child actually learned more, whether the low-income child was in a better competitive position relative to peers and educational success. We were going to allow flexibility of the local school systems, subject to assuring through assessment standards and accountability standards that the children were improving.

That was the flow: Focus on the child, flexibility, expect academic achievement, and subject it to accountability so we knew it was working. A lot of work went into this concept. The President's ideas are aggressive and creative and they will take the Federal Government in a different direction. We will go away from command and control and go toward output. We will go away from trying to find out how many books are in a classroom, how big the classroom should be, and how many teachers are in the classroom to seeing how much a child is learning and making sure when that child learns they are learning something relative to them and that they are staying with their peers. We will give parents more authority and flexibility and capacity to participate in the education of their children and to have some say when their children are stuck in schools that are failing.

These are themes that are critical to improving Federal education. This amendment goes in the exact opposite direction. I used the term "nationalization" yesterday. I don't think that is too strong. This is an attempt to assert a national policy essentially on all school districts in this country. That is extremely pervasive and requires a cookie-cutter approach to education and takes away local control. Therefore, the amendment essentially does fundamental harm which is irreparable to this bill, in my opinion. That is why we have such severe reservations.

I yield such time remaining to the Senator from Tennessee.

Mr. FRIST. How much time remains?

The PRESIDING OFFICER. There are 9 minutes remaining.

Mr. FRIST. I will speak and give the floor to the Senator from Maine when she arrives.

I believe this amendment is one that we absolutely must defeat if we stick with the principles of flexibility of local control, of shifting the power of review locally instead of federally. The underlying principle that is critically important to the BEST bill which the President has set out in his agenda, discussed often in this bill, is leaving no child behind.

There are basically two issues that bother me most about this amendment. No. 1, as I mentioned, the power of review has shifted to the Federal Government, the Department of Education, to Washington, DC, and, No. 2, this amendment would broaden the intrusiveness of local control. Those principles are exactly opposite of what President Bush has put forward, what most Americans believe, and that is local control, less Government intrusiveness, and more accountability.

In terms of intent, the amendment is clearly positive. It is honorable. The intent is that every student receives an equal education. The problem is the specifics of how that intent is accomplished—again, more Federal oversight instead of local, and more intrusiveness.

What does it mean? It means in a State such as Tennessee, if there is a rural school that has no limited-English-proficient students, they will still have to have as many bilingual education teachers as a school, say, in Nashville, TN. That sort of vagueness about what comparability means ultimately is translated down into something very specific which simply does not make sense to me when you look within a State—for example, Tennessee.

How will a State measure comparability of teacher qualifications, of seniority, of level of education? I ask, regarding the services identified—teachers, instruction materials, technology service, the school safety services, the bilingual education services—how do we know those are the absolute answers to all students? We simply do not. I believe the only strings attached to Federal dollars should be those that insist on demonstrable results.

I see the Senator from Maine has arrived. We only have about 4 minutes left, so I will yield to her. But let me just close and say instead of funding institutions, instead of concentrating on services and inputs, instead of monitoring progress versus regulations, we absolutely must focus on student achievement—something which this amendment does not do. It aggravates the situation and moves in the opposite direction.

I yield the floor.

Mr. KENNEDY. Mr. President, I am happy to ask consent for 10 minutes evenly divided, if that is agreeable. This is a very important amendment. Would that be sufficient time? I ask for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maine.

Ms. COLLINS. Mr. President, the Senator from Connecticut is such a strong advocate for our Nation's children. I have enjoyed working with him on so many issues. But as much as I admire him and share his commitment, I do rise in opposition to the amendment of Senator DODD.

This amendment, although it is very well intentioned, is contrary to the goal of this education reform bill which is to give more flexibility to local schools and to States while holding them accountable for what really counts, and that is student achievement, ensuring that every child is learning, that no child is left behind.

Comparability of services is a concept that was created to make sure that title I schools get services comparable to those received in nontitle I schools. But the amendment of the Senator from Connecticut simply goes too far. It would, for example, require States to ensure comparability among schools in class size, in qualifications of teachers by category of assignments such as regular education, special education, bilingual education. It would mandate the same courses be offered, the range of courses, and how rigorous they are. It is extraordinarily prescriptive. It really turns on its head the whole idea of leaving to States and local communities the issues of curriculum design and teacher qualifications.

For example, we know very well the needs of schools vary from community to community. My brother, Sam Collins, is chair of the school board in Caribou, ME, my hometown. Through his efforts and efforts of other local leaders, the school system has established a bilingual education program in the elementary schools. It is a wonderful program. But under the Dodd amendment, that program would have to exist in every school in Maine. That is just not practical.

Similarly, in Portland, ME, we have a large number of students with limited English proficiency. That means there is a great need for ESL teachers and bilingual teachers in that school system. But in other more rural parts of Maine that need simply doesn't exist.

This amendment simply is impractical. It is just not workable, in addition to being contrary to the concept of allowing those who know our students best—our local school boards, our teachers, our parents, our principals, our superintendents of schools—to design the curriculum and provide the courses and other needs for a local school.

Schools differ. One school may need a gifted and talented program; another may need to improve its library; still another may need to establish an ESL program. In short, one size does not fit all. Yet that is the implication and the premise of the amendment of the Senator from Connecticut.

This amendment would shift the power away from local communities and local school boards to Washington. We want to, instead, empower local communities to make the right decisions and then, very importantly, hold them accountable for results. We want to change the focus from paperwork and process and regulation and, instead, focus on what really matters, and that is ensuring that every child in America gets the very best education possible.

We want to do that by holding schools and States accountable, not by telling them what courses they need to have, not by prescribing every rule, every regulation. Let's trust our teachers and our local school board members. Let's trust the local teachers and superintendents. They know best what is needed.

I urge opposition to the amendment of my colleague, Senator DODD. Again, he is a strong advocate for our Nation's schools, and I have enjoyed working with him, but I believe his amendment goes too far and is misguided.

I retain the remainder of our time for our side, and I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as we return to debate on the Dodd-Biden amendment, I want to clarify for Members just what the amendment does and add two points that were not made yesterday.

The amendment conditions title I state administration funds—1 percent of total state funds—on a written assurance that "comparable," not identical, essential education services, such as teacher quality and access to technology, are provided across districts. States have up to four years to comply. If a state fails to send a simple written assurance to the Secretary, their administrative funds are withheld. Once a state sends a written assurance, any previously withheld funds are returned. All a state has to do is file a piece of paper. I think the amendment is too modest frankly in not allowing the Secretary to engage in a more searching inquiry into whether the written assurance actually reflects a comparable education being offered.

This amendment is still groundbreaking, however. Since 1965, we have required individual school districts to provide a written assurance that they are offering a comparable regular education in title I and non-title I schools. We have never asked states to assure that comparable services are provided among schools in different school districts. This amendment does. Whereas all title I program funds are conditioned on local compliance currently, only title I state administration are conditioned under the Dodd-Biden amendment.

There are two additional points, which were not raised yesterday, that I would like to add. First, state after state repeatedly has found itself back in state court because of its failure to provide a comparable educational opportunity across districts. A State Supreme Court orders improvement. Some improvement is made. But then progress quickly erodes. And the parents of poor children have to go back to court. Since 1968, there have been five iterations of the Serrano case in California, six of the Abbott case in New Jersey, and five of the Edgewood case in Texas.

This amendment is significant in not just requiring states to provide a comparable opportunity, but in actually reaching into the state's federal pocketbook if it resists. Maybe when there are federal financial consequences for state resistance to State supreme courts, states will do a better job of complying with judicial orders.

Second, the Senator from New Hampshire yesterday repeated an old and outdated argument that "education is not a formula where more dollars equal better results." We have known for a long time though that money well spend does make a difference. In fact, the last time we reauthorized ESEA, we had a series of hearings on this issue.

We heard as far back as 1993, that increased education spending targeted to critical areas like teacher quality have a profound effect on student achievement. This is what we heard from Dr. Ronald Ferguson of Harvard University after studying teacher quality and student assessment results in every Texas school district.

> A measure of teachers' literacy skills explains roughly 25 percent of the variation among Texas school districts in students' average reading and math scores on statewide standardized exams. . . . Better literacy skills among teachers, fewer large classes, and more teachers with five or more years experience all predict better [test] scores.

Deep down every United States Senator knows what every parent and teacher knows—that resources matter in education. If resources didn't matter, we wouldn't mind sending our children and grandchildren to the poorest schools. If resources didn't matter, people wouldn't fight "Robin Hood" plans that equalize spending by taking from the wealthy districts to give to the poor. Now I don't think we should equalize spending down by taking money from some communities and giving it to others. I think we should equalize up by sending more targeted education resources to the communities that are deprived. I hope the President and the other side will join us in that effort to boost education spending overall.

Every child deserves a fair chance.

I am rather amazed at these statements that are made on the floor about how this undermines the President's initiatives, because to the contrary, this does not interfere with any of the President's initiatives. I think it gives much more life to the President's initiative, because Senator DODD's amendment is going to encourage States to provide additional focus and attention to the most needy students in the State. That is completely consistent with what the President has stated.

I am rather surprised, frankly, by the reaction of our Republican friends because this has been on a list of amendments to be considered for 3 weeks. This is the first amendment about which I have heard our Republican friends indicate we will not get a vote on it. I do not know what kind of signal that sends. It has been on the list for 3 weeks, and 5 minutes ago I heard for the first time the spokesperson for the

Republican Party say we are not going to vote on it.

I do not know what kind of message that sends in our attempt to try to move this legislation, but it certainly is not a useful one or a constructive one.

I ask my friends on the other side to reread the language of the amendment. It says:

> A State shall be considered to have met the requirements . . . if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools . . . .

All they have to do is file the statement. This is not like the existing legislation that requires the Secretary to have approval on State tests. That is real power. Or that the Secretary has to approve the State's findings in terms of standards. That is real power. Or the fact the Secretary will make a judgment on a State's application for Straight A's authority. That is real power. Those are decisions that will be made here in Washington.

But to confuse that kind of authority and power with the language here is most unfortunate. Why are they so excited about this? I can't understand why they are so excited so early in the morning about this language? All this amendment says is that States have to file a written assurance. That's it. That's compliance.

I reiterate that we have had hearings on this issue in the past. We had days of hearings on school finance. The record of those hearings is printed in Senate 103-254. This is not a new concept. This is not a new idea. We have accepted the concept of comparability at the local levels. All this is doing is saying what I think the President wants to do; that is, he wants accountability statewide.

We want accountability for the children so they are going to work hard and study hard. We want accountability for the teachers to make sure we are going to have teachers who are going to get professional development. We want accountability for States in developing standards, and accountability that the States are going to develop tests that are going to be high-quality tests.

We have accountability here in the Congress to try to afford the resources to be able to help these children.

All the Senator from Connecticut is saying is let's have accountability. Let's have accountability for the States as well to be a part of a team. Most parents would want their children to learn. Learning should be a partnership with the local, State, and the Federal response in areas of the neediest children in this country.

I think this enhances the President's initiative. This carries it to an additional level. I hope he would be on the phone calling our friends and saying let's have a unanimous, favorable vote for this particular provision.

I yield the remaining time to the Senator from Connecticut.

AMENDMENT NO. 459, AS FURTHER MODIFIED

Mr. DODD. Mr. President, first of all, I send a modification of my amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection? The amendment is so modified.

The amendment (No. 459), as further modified, is as follows:

On page 135, between lines 9 and 10, insert the following:

(d) Section 1120A (20 U.S.C. 6322) is amended by inserting the following after subsection (d):

"(e) COMPARABILITY OF SERVICES.—

"(1) IN GENERAL.—(A) A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

"(2) WRITTEN ASSURANCE.—(A) A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools.

"(B) A State need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to require a jurisdiction to increase its property tax or other tax rates.

"(4) EFFECTIVE DATE.—A State shall comply with the requirements of this subsection by not later than the beginning of the 2005-2006 school year.

"(5) WAIVERS.—

"(A) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of this subsection for a period of up to 2 years for exceptional circumstances, such as a precipitous decrease in State revenues or other circumstances that the Secretary deems exceptional that prevent a State from complying with the requirements of this paragraph.

"(B) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under subparagraph (A) shall include in the request—

"(i) a description of the exceptional circumstances that prevent the State from complying with the requirements of this subsection; and

"(ii) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

"(6) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of a State and regardless of whether the State has requested a waiver under paragraph (5), provide technical assistance to the State concerning compliance with the requirements of this subsection.

"(7) SANCTIONS.—If a State fails to comply with the requirements of this subsection, the Secretary shall withhold funds for State administration until such time as the Secretary determines that the State is in compliance with this subsection."

Mr. DODD. Mr. President, I discussed the amendment with my good friend from New Hampshire. The way I have dealt with the modification is to take out the section that speaks to the specific kinds of comparability issues such as class size, teachers, and the like. My intention was not to suggest we ought to have identical class size standards set by the Federal Government or to mandate how States should provide equal educational opportunity, but rather to ensure that they do provide it. Therefore, I have left the language basically as it has been for 36 years when dealing with school districts; that is, achieve comparability of educational opportunities, except to apply it to States, as well.

As I pointed out, we have school districts in this country that have student populations in excess of the population of 27 States, and they have been able to deal with comparability, without, to use the example that concerned my friend from New Hampshire, infringing upon charter schools or magnet schools.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. GREGG. Mr. President, I ask unanimous consent that the request be modified to add 1 additional minute on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I appreciate the comments of my friend and colleague from Massachusetts on this issue. He makes the point very clearly. This is not radical. We are asking for accountability and responsibility by everybody when it comes to education. We are assuming it here at the Federal level with the underlying bill. We are requiring it of young children in the third grade and on, their parents, teachers, schools, and school boards. I am only saying that States must be part of this equation. That is all this is—to provide for comparable educational opportunity at the State level as we have required for 36 years at a district level. We leave to the Secretary the discretion about how much to withhold administrative funds—not funds to children—if necessary. For States to provide assurances that they are moving to achieve comparability is not radical. That is common sense. We are asking to test everybody in America. We ought to ask the States to take a little test as well.

I thank my colleagues.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I withdraw my request for the nays and yeas.

Mr. GREGG. Mr. President, let me summarize the problem. I appreciate the fact that the Senator from Connecticut has modified his amendment. I appreciate him doing that and taking out some of the language that is most onerous in the amendment. But the amendment still accomplishes essentially the same thing, which is creating a Federal standard requiring every State to set up comparability standards. There are a lot of States in this country and a lot of communities in this country which do not agree that comparability is appropriate; that believe the States should have flexibility from community to community to decide how they operate their school system. Local control is the essence of education. If a State decides it wants comparability, or its supreme court decides that, or the State legislature decides that, fine. That is certainly their responsibility and their right. They operate school systems. They pay for 97 percent of the school systems, and they should be able to do that. They do that. The Supreme Court did that in the area of funding. But it is not the role of the Federal Government to come in after paying 6 percent of the cost of the school system and say to States that every State has to have comparability within their State. It is a huge intrusion of the Federal role in the role of education.

For that reason, it goes, as I mentioned earlier, directly in the opposite direction from what the theme of this bill is. I am not going to reiterate that because I just said it 10 or 15 minutes ago. But that is the problem of the amendment. It is incredibly intrusive, and it goes in the direct opposite direction from where this bill is going.

That is why we on our side strongly oppose it and believe it is inconsistent with the agreement that was reached. We need to think about it a little bit longer before we decide how we are going to dispose of it.

I appreciate the Senator from Connecticut withdrawing his request for the yeas and nays. Maybe as we move down the road, we can figure out a way to more appropriately handle this amendment.

I yield the remainder of our time on this amendment.

AMENDMENT NOS. 356, 401, 434, 513 AS MODIFIED, 642, 643 AS MODIFIED, 363 AS MODIFIED, 638 AS MODIFIED, 354 AS MODIFIED, 418 AS MODIFIED, AND 633 AS MODIFIED EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, we are now going to go to the Nelson-Carnahan amendment. But today I am happy to report that we have another package of cleared amendments. Therefore, I ask unanimous consent that it be in order for these amendments to be considered en bloc, and any modification, where applicable, be agreed to, the amendments be agreed to, en bloc, and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 356, 401, 434, 513 as modified, 642, 643 as modified, 363 as modified, 638 as modified, 354 as modified, 418 as modified, and 633 as modified) were agreed to en bloc as follows:

AMENDMENT NO. 356

(Purpose: To promote financial education)

On page 619, line 6, strike "and".

On page 619, line 7, strike the period and insert "; and".

On page 619, between lines 7 and 8, insert the following:

"(O) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved in earning, spending, saving, and investing).

AMENDMENT NO. 401

(Purpose: To assist parents in becoming active participants in the education of their children)

On page 479, strike line 8 and insert the following:

for limited English proficient students, and to assist parents to become active participants in the education of their children.

AMENDMENT NO. 513, AS MODIFIED

(Purpose: To expand the permissible uses of funds)

On page 318, strike lines 22 through 25, and insert the following:

"(5) Developing and implementing effective mechanisms to assist local education agencies and schools in effectively recruiting and retaining highly qualified teachers and principals, and in cases in which a State deems appropriate, pupil services personnel.

On page 319, between lines 19 and 20, insert the following:

"(12) Providing professional development for teachers and pupil services personnel.

On page 326, strike lines 9 through 11 and insert the following:

"(3) Providing teachers, principals, and, in cases in which a local education agency deems appropriate, pupil services personnel with opportunities for professional development through institutions of higher education.

On page 327, between lines 10 and 11, insert the following:

"(7) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals, and, in cases in which a local education agency deems appropriate, pupil services personnel.

On page 370, strike lines 12 through 18, and insert the following:

"(3) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement and student performance;".

AMENDMENT NO. 642

(Purpose: To provide for Indian education)

On page 178, between lines 19 and 20, insert the following:

"(4) RESERVATION FROM APPROPRIATIONS.—From the amounts appropriated under section 1002(b)(2) to carry out this subpart for a fiscal year, the Secretary shall—

"(A) reserve ½ of 1 percent for allotments for the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands, to be distributed among these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart; and

"(B) reserve ½ of 1 percent for allotments for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Affairs.

On page 272, line 10, strike "and the Republic of Palau" and insert "Republic of Palau, and Bureau of Indian Affairs for purposes of serving schools funded by the Bureau".

On page 776, line 10, insert before the semicolon the following: "or, in the case of a Bureau of Indian Affairs funded school, by the Secretary of the Interior"

On page 807, strike lines 1 through 18.

On page 808, strike lines 15 and 16.

AMENDMENT NO. 434 TO AMENDMENT NO. 358

(Purpose: To revise the definition of parental involvement)

On page 12, strike lines 23 through 24.

On page 13 strike lines 1 through 2, and insert the following:

"(23) PARENTAL INVOLVEMENT.—The term 'parental involvement' means the participation of parents in regular, two-way, and meaningful communication, including ensuring—

"(A) that parenting skills are promoted and supported:

"(B) that parents play an integral role in assisting student learning;

"(C) that parents are welcome in the schools;

"(D) that parents are included in decision-making and advisory committees; and

"(E) the carrying out of other activities described in section 1118.

AMENDMENT NO. 643, AS MODIFIED

(Purpose: To provide rural schools with options during the reconstitution process)

On page 99, between line 22 and 23, Title I, Sec. 1116 (8)(B), is amended by inserting:

(1) SPECIAL RULE.—Rural local educational agencies, as described in Sec. 5231(b) may apply to the Secretary for a waiver of the requirements under this sub-paragraph provided that they submit to the Secretary an alternative plan for making significant changes to improve student performance in the school, such as an academically-focused after school programs for all students, changing school administration or implementing a research-based, proven-effective, whole-school reform program. The Secretary shall approve or reject an application for a waiver submitted under this rule within 30 days of the submission of information required by the Secretary to apply for the waiver. If the Secretary fails to make a determination with respect to the waiver application within 30 days, the application shall

be treated as having been accepted by the Secretary.

AMENDMENT NO. 363, AS MODIFIED

(Purpose: To enable local educational agencies to extend the amount of educational time spent in schools, including enabling the agencies to extend the length of the school year to 210 days)

On page 67, line 18, strike "and".

On page 67, line 21, strike all after "1118" and insert "; and".

On page 67, between lines 21 and 22, insert the following:

"(11) where appropriate, a description of how the local educational agency will use funds under this part to support school year extension programs under section 1120C for low-performing schools.";

On page 161, between lines 9 and 10, insert the following:

SEC. 120D. SCHOOL YEAR EXTENSION ACTIVITIES.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. SCHOOL YEAR EXTENSION ACTIVITIES.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A local educational agency may use funds received under this part to—

"(A) to extend the length of the school year to 210 days;

"(C) conduct outreach to and consult with community members, including parents, students, and other stakeholders to develop a plan to extend learning time within or beyond the school day or year; and

"(D) research, develop, and implement strategies, including changes in curriculum and instruction.

"(c) APPLICATION.—A local educational agency desiring to use funds under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the agency may require. Each application shall describe—

"(1) the activities to be carried out under this section;

"(2) any study or other information-gathering project for which funds will be used;

"(3) the strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize high quality instruction in the core academic areas during the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

"(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productiveness of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

"(5) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year;

"(6) with respect to any application to carry out activities described in subsection (b)(1)(A), a description of any feasibility or other studies demonstrating the sustainability of a longer school year;

"(7) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this section;

"(8) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assistance under this section;

"(9) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

"(10) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

"(11) the goals and objectives of the activities assisted under this section, including a description of how such activities will assist all students to reach State standards;

"(12) the methods by which the applicant will assess progress in meeting such goals and objectives; and

"(13) how the applicant will use funds provided under this section in coordination with funds provided under other Federal laws."

AMENDMENT NO. 638, AS MODIFIED

(Purpose: To provide for an annual report to Congress)

On page 69, between lines 9 and 10, insert the following:

"(6) REPORT TO CONGRESS.—The Secretary shall report annually to Congress—

"(A) beginning with school year 2001–2002, information on the State's progress in developing and implementing the assessments described in subsection (b)(3);

"(B) beginning not later than school year 2004–2005, information on the achievement of students on the assessments described in subsection (b)(3), including the disaggregated results for the categories of students described in subsection (b)(2)(B)(v)(II); and

"(D) in any year before the States begin to provide the information described in paragraph (B) to the Secretary, information on the results of student assessments (including disaggregated results) required under this section.

AMENDMENT NO. 354 AS MODIFIED

(Purpose: To establish a study on finance disparities and the effects of equalization on student performance)

On page 173, between lines 4 and 5, insert the following:

(f) STUDY, EVALUATION AND REPORT OF SCHOOL FINANCE EQUALIZATION.—The Secretary shall conduct a study to evaluate and report to the Congress on the degree of disparity in expenditures per pupil among LEAs within and across each of the fifty states and the District of Columbia. The Secretary shall also analyze the trends in State school finance legislation and judicial action requiring that states equalize resources. The Secretary shall evaluate and report to the Congress whether or not it can be determined if these actions have resulted in an improvement in student performance.

In preparing this report, the Secretary may also consider the following: various measures of determining disparity; the relationship between education expenditures and student performance; the effect of Federal education assistance programs on the equalization of school finance resources; and the effects of school finance equalization on local and state tax burdens.

Such report shall be submitted to the Congress not later than one year after the date of enactment of the Better Education for Students and Teachers Act.

AMENDMENT NO. 418 AS MODIFIED

(Purpose: Protection of Pupil Rights)

On page 64, between lines 2 and 3, insert the following:

"(F) PROTECTION OF PUPIL RIGHTS.—In meeting the requirements of this section, States, local educational agencies, and schools shall comply with the provisions of Section 445 of the General Education Provisions Act."

AMENDMENT NO. 633 AS MODIFIED

(Purpose: To ensure that grant funds are available for use to enhance educators' knowledge in the use of computer related technology to enhance student learning)

On page 328, line 21, insert before the semicolon the following: ", including the use of computer related technology to enhance student learning".

AMENDMENT NO. 513

Mr. VOINOVICH. Mr. President, I would first like to express my appreciation to the chairman and the ranking member of the Senate's Health, Education Labor and Pensions Committee for accepting this important amendment to S. 1, the Better Education for Students and Teachers Act.

Simply put, the amendment that I have offered will help protect the ability of school counselors, social workers, psychologists and others to receive professional development and training as determined by local school districts.

Each of us in this body wants what's best for our Nation's children, and when it comes to their education, we want our schools and our educators to find ways to provide a first-class education for our children, to ensure their safety, and to help them develop their God-given talents so they may become upstanding, contributing members of our society.

Nearly everyone agrees our schools need help, but not everyone agrees on which way is best. That is why we in the Senate have tried to put together this Elementary and Secondary Education Act reauthorization bill that gives our states and localities the flexibility to do what is necessary to improve their schools.

Part of educating, protecting, and preparing our students is seeing to it that they get the help they need to succeed in the classroom. That is why I offered this amendment to make pupil services personnel eligible to be recipients of title II professional development funds.

Pupil services personnel, the men and women who are our school counselors, school psychologists, school social workers, and other school-based personnel, are essential components in our effort to guarantee that no child is left behind. These educators help ensure student achievement by securing a safe learning environment, helping to solve problems students experience that extend far beyond the schoolyard, and crafting a challenging, personalized, college-oriented curriculum so that all students have a chance to succeed.

To maximize State and local flexibility, it is important that pupil services personnel be included under title II programs. For example, if a school district wants to engage a team of teachers, principals, and pupil services personnel in a comprehensive curriculum reform planning program, Federal law should not exclude part of that team from taking part in those activities if they use title II funds. Nothing in my amendment would mandate that title II funds have to be spent on these educators, only that we not rule out their participation, which I believe would limit state and local flexibility. Further, adding pupil services personnel under title II "allowable uses" does not add any additional funds on top of those already authorized in this ESEA reauthorization legislation.

Pupil service organizations represent more than one million people who work and teach in our schools. Allowing these educators access to title II professional development opportunities could unlock innovative approaches to reduce barriers to classroom learning and integrate future planning-like professional or college preparation-into classroom practice. In Ohio, it leaves options open to include an estimated 40,000 school-based educators in professional development activities. For the students and parents served by these educators, the benefits of having highly-trained, integrated pupil services staff are potentially shared by tens of thousands of additional stakeholders each year.

Achieving school reform and improving student achievement requires the support and active participation of all educators in each school. I hope my colleagues will agree that, using our limited role in educating our children, we will provide the flexibility to promote innovative, coordinated professional development opportunities that may help generate solutions to the problems that face our schools.

Mr. KENNEDY. Mr. President, for the information of the Senate, these amendments are as follows: Corzine No. 356; Reed, 401; Reed, 434; Voinovich, 513; Enzi, 642; Enzi/Collings/Murray, 643; Torricelli, 363; Nelson of Florida, 638; Hatch, 354; Hatch, 418; and Levin, 633.

We are continuing to process these amendments. I am thankful and grateful to our friends and colleagues on the other side for their help and their good work in making all of this possible.

I yield the floor.

AMENDMENT NO. 385 TO AMENDMENT NO. 358

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of amendment No. 385, on which there will be 60 minutes of debate to be equally divided and controlled.

The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Missouri [Mrs. CARNAHAN], for herself and Mr. NELSON of Nebraska, proposes an amendment numbered 385.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 385

(Purpose: To limit the application of assessment requirements based on the costs to the State in administering such assessments)

On page 51, between lines 15 and 16, insert the following:

"(4) ASSESSMENTS NOT REQUIRED.—

"(A) IN GENERAL.—A State shall not be required to conduct any assessments under paragraph (3) in any school year if—

"(i) the assessments are not otherwise required under Federal law on the day preceding the date of enactment of the Better Education for Students and Teachers Act; and

"(ii) the amount made available to the State under section 6403(a) for use in the school year involved for such assessments is less than 100 percent of the costs to the State of administering such assessments in the previous school year, or if such assessments were not administered in the previous school year (in accordance with this subparagraph), in the most recent school year in which such assessments were administered.

"(B) DETERMINATION OF TOTAL COSTS.—For purposes of making the determination required under subparagraph (A)(ii), the Secretary shall, not later than March 15 of each year, publish in the Federal Register a description of the total costs of developing and implementing the assessments required under the amendments made by the Better Education for Students and Teachers Act for the school year involved based on information submitted by the States, as required by the Secretary. Such total costs may include costs related to field testing, administration (including the printing of testing materials and reporting processes), and staff time. The Secretary shall include in any such publication a justification with respect to any category of costs submitted by a State that is excluded by the Secretary from the estimated total cost.

"(C) 2005–2006 SCHOOL YEAR.—Not later than March 15, 2005, the Secretary shall make the publication required under subparagraph (B) with respect to the 2005–2006 school year.

"(D) REPORT.—The Secretary annually report the information published under subparagraph (B) to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and Committee on Appropriations of the House of Representatives.

On page 59, line 21, after the period add the following: "No funds shall be withheld under this subsection for any school year in which the Secretary determines that a State has received, under section 6403(a), less than 100 percent of the costs to the State of designing standards and developing and administering assessments for measuring and monitoring adequate yearly progress under this section. The Secretary shall determine the reasonable costs of designing, developing, and administering standards and assessments based on information submitted by the States, as required by the Secretary, except that the Secretary shall provide a written explanation of any category of costs that excluded from the Secretary's calculations.".

On page 778, after line 21, add the following:

"(d) MISCELLANEOUS PROVISION.—Notwithstanding subsection (a)(3), there is authorized to be appropriated to carry out subsection (a)(1), such sums as may be necessary for fiscal year 2002 and for each of the 6 succeeding fiscal years.".

Mrs. CARNAHAN. Mr. President, we must never let any of our children slip through the cracks of the education system. That's why a yardstick of performance is needed. It's why rigorous accountability and increased testing have become cornerstones of the education debate. I strongly support testing to help us measure the progress of our Nation's students.

Missouri is at the forefront of using testing to drive education reform. Since 1993, Missouri educators have worked hard to shape a testing structure called the Missouri Assessment Program.

These tests measure progress in math, communication arts, science, and social studies as well as a variety of skills. Each of the four core subject areas is tested in three grade levels. In each of these grade levels, every child is tested.

I commend Missouri educators on creating a superb testing instrument.

Each child's development is gauged on an individual, case-by-case basis as well as in relation to other students across the Nation.

By contrast, under President Bush's plan, States would be required to test every child annually in grades 3–8.

In Missouri, this would require tremendous cost.

In communication arts, for example—which tests reading, as well as writing ability, punctuation, spelling, and thought organization—Missouri currently tests kids in grades 3, 7, and 11. Under the new requirement, the State would have to develop new tests for grades 4, 5, 6, and 8. The Missouri Department of Elementary and Secondary Education estimates that initial development costs would be approximately $3.5 million and ongoing development costs would be an additional $1.2 million per year.

About another $5 million would be required to develop new math tests, and a new science test would be even more expensive. These estimates do not even include the costs of implementing, scoring, and analyzing these tests. In the end, the annual costs for Missouri may exceed $15 million per year.

The ESEA legislation that we are now debating, however, would provide for the entire Nation $400 million per year for developing and implementing the new tests. But the truth is that we don't know exactly how much the new tests will cost.

The National Association of State Boards of Education has estimated the total national costs to be between $2.7 billion and $7 billion over 7 years.

The reality is that when it comes to the cost of these new tests, we are looking at a huge question mark. And we face the possibility that there could be a tremendous gap between funding available for these new tests and funding needed. This uncertainty places an unfair burden on our local districts and schools.

Last month, I joined my Senate colleagues in supporting full funding for the Individuals with Disabilities Education Act, or IDEA.

As did my colleagues, I heeded the cry of local educators and parents who told us that Congress had not fulfilled its promise to fund 420 percent of IDEA. They told us that this failure had drained local districts of already scarce funds. They told us that these circumstances hurt the students in our schools. After years of delay, we raised our collective voice to recognize that Congress cannot place unfunded mandates on our schools.

Now, numerous letters have been pouring into my office from superintendents across Missouri, voicing concern about the cost of the new tests. Let me share some of them with you.

One is from David Legaard, the superintendent in Smithville, who wrote:

> The Smithville R-II School District supports your efforts. Our school district cannot afford to pay for mandated federal testing programs.

Don Lawrence, the superintendent in Savannah, MO, wrote:

> Rest assured the local school districts in the state of Missouri do not have access to additional funds to pay for national school testing.

We should not make the same mistake with testing as we did with IDEA. We simply cannot put our State and local governments in the position of draining local resources to pay for new, unfunded Federal requirements.

The amendment I am offering today with my colleague, Senator BEN NELSON, will ensure that our schools don't bear an unfair burden. The idea behind this amendment is straightforward: if new tests are required by the Federal Government, they should be paid for by the Federal Government. States would not be obligated to give the tests in any year that the Federal Government fails to provide 100 percent of the funding.

The Carnahan-Nelson amendment builds on the Jeffords amendment, which passed by a 93–7 margin. I was pleased to support that amendment, but in our view it did not provide sufficient protection to State governments and local educators.

The Jeffords amendment provides that States must conduct the new tests so long as the Federal Government provides $400 million for design and implementation costs. The problem is, what happens if the cost is twice that amount, or ten times that amount, as some groups are estimating? Who will pick up the additional costs?

The answer is that our local schools, supported by local tax dollars, will have to pick up the tab for the federally mandated tests. We think that is the wrong policy.

Some have argued that this is an "antitesting" amendment because it links a State's obligation to conduct the new tests with full Federal funding.

The bill before the Senate already links a State's obligation to test to Federal funding. Our amendment merely changes the amount of Federal funding required from the arbitrary figure of $400 million to 100 percent of the true cost of testing.

Our schools should not have to forego the purchase of textbooks, or increases in teachers' salaries, or the renovation of classrooms so that they can put in place the new tests. If the Federal Government is going to impose this new requirement, the Federal Government should provide the resources to do it.

In addition, our amendment covers science tests, which the current bill does not.

And, our amendment requires the Secretary of Education to calculate the total costs of complying with the testing mandate so legislators know whether the Federal Government is meeting its obligation to our local schools.

The Governor of Missouri, Bob Holden, has strongly endorsed the Eliminate Unfunded Mandates amendment. He comments:

> I feel strongly that implementing new testing requirements without the adequate funds in place would be a disservice to the children in Missouri and across the nation . . . If the Federal Government is going to require new testing measures, then the Federal Government should pay 100 percent of all costs.

Governor Holden's sentiment is echoed in an endorsement letter from the Democratic Governors' Association, which notes that the Carnahan-Nelson amendment would help "fulfill [a] historic commitment to America's children."

Many Senators have extolled the virtues of testing during this debate. Many have spoken in favor of local control over education funds. If you want to ensure that testing will take place and that our local schools can spend their own dollars on their own priorities, then you should vote for the Carnahan-Nelson amendment.

I am pleased that Senator BAUCUS and Senator HOLLINGS support this amendment. I ask unanimous consent that they be added as cosponsors.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
STATE OF MISSOURI,
Jefferson City, MO, May 20, 2001.

DEAR MEMBERS OF THE SENATE: I write in strong support of the Carnahan-Nelson amendment to the Elementary and Secondary Education Act (ESEA).

This amendment would ensure that the federal government meets its commitment to states by fully funding the cost of the new ESEA testing requirements. If the federal government did not meet this commitment, states would be released from the obligation to implement the new requirements. The amendment also would require the Secretary of Education to commission and annual report on testing costs.

I feel strongly that implementing new testing requirements without the adequate funds in place would be a disservice to the children in Missouri and across the nation. Under these circumstances, state and local governments would be forced to choose between implementing the new testing requirements and cutting costs in other vital education programs. We simply cannot place our schools in the position of choosing between hiring new teachers, purchasing new textbooks, renovating schools and implementing the new tests. If the federal government is going to require new testing measures, then the federal government should pay 100% of all additional costs.

This point is especially germane in states that have already implemented strong testing programs. I am proud to note that Missouri has already made great strides in relation to testing and accountability. The Missouri Assessment Program, which assesses students in six subject areas, is the result of painstaking efforts on the part of Missouri educators. I believe that this testing program makes Missouri a leader in the nation in terms of effective testing.

Thank you for your attention to this critical matter, and I encourage you to vote in favor of the Carnahan-Nelson amendment. I look forward to working hand-in-hand with Congress and the Administration to ensure that our state testing systems are as effective as possible and that we do our utmost to support the education of our nation's children.

Sincerely,

BOB HOLDEN,
Governor.

DEMOCRATIC GOVERNOR'S ASSOCIATION,
Washington, DC, May 22, 2001.

Hon. JEAN CARNAHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CARNAHAN: On behalf of the nation's Democratic Governors, I am writing in support of the amendment being offered by Senators Carnahan and Nelson to S. 1, the Better Education for Students and Teachers Act (BEST). This amendment would ensure that the federal government meets its commitment to states by fully funding the cost of the new Elementary and Secondary Education Act (ESEA) testing requirements.

The amendment would replace the $400 million cap authorized for FY 2002 for developing and implementing tests, in the underlying bill, instead requiring the federal government to pay 100% of all state testing costs not currently required under federal law. If the federal government does not meet this commitment, states would be released from the obligation to implement the new testing requirements. The amendment would also require the Secretary of Education to annually calculate the total costs of testing.

In addition, the amendment would add a protection that would prohibit the federal government from sanctioning a state for falling behind schedule in designing and implementing tests if the federal government has not provided full funding.

While we are pleased to support the Carnahan/Nelson amendment, we are hopeful that any final version of legislation to reauthorize the ESEA will apply a funding trigger more broadly, specifically to include

Title I. This is the main source of federal assistance for disadvantaged students and the federal government needs to back its efforts to strengthen accountability with adequate new investment.

We would also prefer that final legislation link federal funding accountability to consequences imposed on states and local schools unable to meet proposed annual performance measures, such as fiscal sanctions and school reorganization. Relieving states from the cost of implementing new tests does not alter the mandated levels of improvement in student performance.

Democratic Governors urge Congress to fulfill the historic commitment to America's children that the BEST Act represents by fully funding authorized levels of IDEA, Title I, and teacher quality, as well as for testing. We believe that the Carnahan-Nelson amendment helps to ensure this, and we urge that the Senate adopt the amendment.

Sincerely,

GOV. TOM VILSACK,
State of Iowa,
DGA Vice-Chair of Policy.

Mrs. CARNAHAN. I am happy to yield the floor for the Senator from Nebraska to make further comments.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise today to ask the Senate's support for the Carnahan-Nelson amendment. As my colleague has stated, it is a simple, straightforward measure that would require the Federal Government to pay 100 percent of the costs of all new federally mandated tests that would be required by the pending bill.

In any year that the Government fails to provide funding to the States, the States simply would not have to administer the tests, and the States could not be sanctioned for falling behind schedule in developing their systems of assessment.

Six years ago, Congress passed, and the President signed, the Unfunded Mandates Reform Act. The bill passed the Senate by a vote of 98–1. This was cause for celebration among the Nation's Governors. We had been urging Congress for a long time to enact this kind of legislation. I took a great deal of personal satisfaction when the law was signed because as the Governor of Nebraska, I had invested years urging its passage.

As Governor, I testified before committees in both the House and the Senate on the problems that were caused by unfunded Federal mandates.

I became interested in curbing unfunded Federal mandates the very first year I sat down to work on my new State budget. As the years went by, I often wondered if I had actually been elected Governor of Nebraska or simply branch manager for the Federal Government. I cannot count the number of times that I had to cut my part of the budget, say no to a good project or turn down a group of Nebraskans with good ideas because all my available revenue was tied up complying with yet one more unfunded Federal mandate handed down by Washington.

When the bill passed, I breathed a sigh of relief. In the Senate—also at that time under new leadership—the unfunded Federal mandates bill was designated as S. 1, signifying the priority placed on the legislation. Coincidentally, S. 1 is the designation placed on the bill we are currently considering. Senators from both sides of the aisle at that time praised the unfunded mandates bill. One Senator said:

> The result of these mandates is that local governments are forced to abandon their own priorities, to offer fewer services to the public, and to ultimately charge higher taxes and utility rates . . . The solution to the problem of unfunded mandates is to require Congress to pay for any mandate it places on State and local governments.

Another Senator said:

> This legislation will increase accountability.

There has been a lot of talk about accountability during the current debate on this bill. We are asking teachers, parents, and schools for accountability. We are going to hold States accountable for the money the Federal Government will be spending. But where is the accountability from Congress and the White House for the dollars that States are going to have to spend for the testing requirements of this bill?

I commend Senator JEFFORDS for his efforts to provide at least partial funding for the testing that this bill will require, but I do not believe it will be enough.

This bill will require the States to administer 12 different tests for students in grades 3 through 8. It will also require each State to participate in the NAEP test annually in grades 4 and 8, which accounts for 4 more tests. That is a total of 16 tests per year. As we can see from this chart, not all States currently administer tests with that kind of frequency. Fewer than a third of the States administer reading and math tests at all six grade levels each year. Another four States conduct reading and math tests at five of those grade levels, three States at four levels, and nine States at three levels. The remaining 19 States test students annually in reading and math at two or fewer grade levels. If we don't count participation in NAEP, we are requiring States to develop and administer another 216 tests. If we add in NAEP, we are requiring the States to administer 316 tests per year. You get the idea of the magnitude of testing involved in this bill.

As the other Senator from Minnesota explained several days ago, if the goal of these tests is to improve education, then you can't give cut-rate tests. An inexpensive, off-the-shelf test will not be able to accurately tell us how well or how poorly our students are doing. Given the stakes involved, States are not going to be able to administer their testing on the cheap. These tests are going to cost the States a great deal of money, and they should.

In Nebraska, early in my tenure as Governor, we explored the costs of testing students in four core curriculum subjects. We received an estimate that ranged from $305 million for a basic test, and up to $13 million for one that would meet the standards for a good assessment in a single test. That was almost 10 years ago.

Our own experts in Congress, the Congressional Research Service, have said that complete information on the costs associated with student testing is impossible to obtain. The National Governors' Association estimated that these testing requirements could cost States at least $900 million. The National Association of State Boards of Education has estimated that they could cost between, as my colleague from Missouri said, $2.7 and $7 billion, well above the $400 million provided for in the bill.

The chart behind me shows the estimated cost to each State. No one can for sure say how much this will cost the States, as the Senator from Maine acknowledged yesterday with her amendment. I am willing to wager that the roughly $400 million per year that is in the bill, despite the best efforts of the Senator from Vermont, simply will not be enough.

I understand that the administration has also circulated some numbers that show that the costs might be less than what is contained in the bill. If that is the case, I will be pleased. But if it isn't the case, I hope the Senate will in fact adopt the amendment Senator CARNAHAN and I have proposed.

Our amendment simply requires the Federal Government to pay 100 percent of the cost of all new federally mandated tests. If 100 percent of the cost is less than what is currently in the bill, then perhaps we can use the leftovers to hire and train more teachers, which many think might be a good answer to the problem in any event. If 100 percent of the cost is more than the $400 million in the bill, then we have a real dilemma.

As the bill now stands, States will be responsible for every additional penny that these tests cost. As we have seen, potential costs can be very high.

In my State of Nebraska right now, there is not a lot of extra money available. I am sure there is not a lot of money available in the State of Missouri or the State of Florida, but there is no shortage of critical needs in the education field in every State. We are facing a teacher shortage in Nebraska that is of crisis proportions. Forty percent of our teachers, more than 8,000 of them, are going to be eligible to retire in the next 10 years. Our State won't be able to replace the excellent teachers who are retiring if too much of our State's money for education will be used to give tests instead of raising teacher's pay and other educational priorities.

Nebraska won't be able to meet these critical needs because the extra money simply isn't there and won't be there. The only alternative in my State may be to shift the cost to the taxpayers through higher property taxes. I am here to tell my colleagues that isn't acceptable in Nebraska.

In talking with some of my colleagues about this amendment, I have heard some additional concerns that I will address. I would like to be clear that neither I nor the Senator from Missouri oppose testing or setting high standards for students. While I was Governor, I severed as chairman of the National Education Goals Panel, which is part of the Goals 2000 effort, which called for setting high and measurable standards for students. I led in the State, despite some determined opposition, for developing strong educational standards in Nebraska.

Nor do we have any desire to weaken the accountability provisions of this bill. Our amendment doesn't do that. If our schools aren't preparing every child to succeed in the 21st century, then we are obligated to fix them.

I have no doubt that Nebraska's teachers, students, and schools can compete with any of those in any State in our Nation. This amendment would only prevent the Federal Government from sanctioning a State for falling behind schedule if it doesn't receive full funding for the cost of testing.

I have also been told that some Senators are worried about writing a blank Federal check to the States. They are concerned about a race to the top in terms of cost.

As the bill is now written, the Senate doesn't seem to be concerned about writing a blank check on each of the State's bank accounts without their permission. I see the irony of that, and I hope others do, too. But to address the concerns of my colleagues, we have added provisions that require the Secretary of Education, as my colleague has pointed out, to provide a report every year to both the authorizing and appropriating committees that details the costs of testing. If States are somehow gaming the system, we will know about it the first time it happens, and then we can correct it if it is necessary.

As I said at the beginning of my remarks, this is a simple, straightforward amendment. It requires the Federal Government to pay the full cost of the tests mandated by the bill. Unless we commit to do so, States will have to sacrifice funding for their own identified priorities or be forced to once again shift the cost to taxpayers in the form of higher property taxes.

I opened my remarks with a quote from a Senator who was describing the Unfunded Mandates Reform Act that this body passed 6 years ago. I think it might be worth repeating, as I come to a close. The Senator said:

> The result of these mandates is that local governments are forced to abandon their own priorities, to offer fewer services to the public, and to ultimately charge higher taxes and utility rates . . . The solution to the problem of unfunded mandates is to require Congress to pay for any mandate it places on State and local governments.

I do not think I could say it better, and I may not have said it better today.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. NELSON of Florida). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend Senator CARNAHAN and Senator NELSON for bringing this amendment to the attention of the Senate. What we are focusing on, which is enormously important, is the issue of testing and accountability.

Their amendment brings to focus whether we are going to give assistance to the States and local communities to develop good quality tests. We have had a good debate on the issue of quality of tests. The Senate has gone on record in a bipartisan way to make sure we are going to have good quality tests. The Senators rightfully raise the question of whether our testing requirements are affordable and how are we going to make sure the States are not going to be in the situation where they will be left holding the bag, so to speak. It is a very important policy issue.

Having said that, I do think we have made some progress on this issue. I know it is not sufficient for Senator CARNAHAN and Senator NELSON, but I want to briefly review how we reached the figures that are included in the legislation. We listened to the recommendation of the NASB, the National Association of School Boards.

They made the recommendation that the development of these tests were going to amount to anywhere from $25 to $125 a student. The legislation provides some $69 per student. NASB said that development costs could be anywhere from $25 to $50. In this legislation, we provide only $20 per student.

What have we done? We accepted the Jeffords amendment that says, unless we are going to have the funding for the testing program at NASB recommended levels, we will not expect the States to have to comply with that program. That is currently included in the Jeffords amendment, and there was very broad support for the Jeffords amendment.

Under the Wellstone amendment, we have also added additional resources of some $200 billion a year that will come to $2.8 billion to make sure we are going to get quality. It is a legitimate question of whether we are going to get the appropriations.

The two Senators are making a very important point that if we are going to do this right, we have to get the resources to do it right. There is no guarantee we will get those additional funds, but there is a sufficient guarantee with the amendment of Senator JEFFORDS that we will get the figures which I referred to earlier.

We have accepted the Collins amendment which requires a GAO report by May of 2002. That will provide an estimate of test development costs, as well as administration costs, and we will still have 3 years before the requirements for these tests are actually implemented to use that information if we are finding we are going to fall further behind. That is an additional protection.

A final point I will make is in the development of this approach which puts us squarely in the middle of the NASB recommendations at $69, when they have estimated the range goes from $25 to $125—it is right in the middle—and it is at the low end of administrative costs, there is a recognition that there has to be involvement of the State because the evaluations are an important additional ingredient in the States interest in making sure the children learn and have productive results.

Therefore, their recommendation understands there is a considerable amount of State staffing and teachers' time which would normally be used that the Federal Government does not necessarily require under the administration's proposal.

I think we are addressing this issue. I commend the Senators because it is an enormously important issue, to make sure we are going to get this right. The last thing we want to do is discourage a lot of children and find out these tests are being used as punishment. There are instances currently where they are being used as punishment, rather than detecting what the children do not know and then using those tests to provide supplementary services and changes in the curriculum to help advance the children in education.

I am satisfied we have sufficient protections for the development of these tests. We have the stopgap protection of the GAO report that will come in a reasonable period of time, so if we are falling further behind, we will be able to take action.

I have in my hand the current annual spending on tests per student by the 50 States. Under this proposal, it is $69. There is not a single State that is even close to $20 today. There are some States as low as $1.37. I will not read the names of the States, but reading from the bottom of the page: $1.37, $2.93, $6.65, $17.16, $12, $14, $8.69, $2. $15, $12, $9, $15, $7, $5, and the list goes on. That reflects all 50 States.

We are at least quadrupling, maybe as much as quintupling financial support for quality testing with the guarantee under the Jeffords' amendment.

No matter how this vote comes out, I give assurance of our strong interest in this. We will continue to work with my two colleagues on this issue because it is incredibly important and it reaches the heart of this whole issue of accountability.

We want to get it right. We are going in a different direction, and we are going into uncharted waters. We do not want to have the children bear the burden of our mistakes. This is something we needed to address. I hope they feel we are addressing it. I know they prefer to have the absolute guarantee. I respect that position, but I hope our colleagues will feel that in the legislation, as we have developed it, we have responded to their concern.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak in opposition to the underlying amendment and to support and reinforce many of the comments the Senator from Massachusetts made on this particular amendment.

I, too, applaud the authors for this amendment because it is clear that in our goal to leave no child behind, it is going to require more assessments, measurable standards. You have to examine to make the diagnosis, and to do that, and do it effectively, it is going to require a series of assessments that can be compared year to year in a longitudinal way to track. It can be used to compare whether it is school to school so we know what works and does not work, or State to State. Those tests are going to require something.

The concern of both Senate sponsors of this amendment is that those resources be available because they are mandates, and they are new mandates. They are mandates that we in a bipartisan way agree with in assessment, expectation, and accountability of leaving no child behind. That being the case, and that being the goal, the questions are twofold: No. 1, is there adequate funding proposed? And that is the essence of this bill; there is a fear that there is not. No. 2, have we been able to improve the bill, through the amendment process in the underlying bill, to such a degree that such funds are available? We clearly believe so.

The underlying amendment I speak in opposition to, says, "a State shall not be required to conduct any assessments under paragraph 3 in any school year if"—and the provisions are listed after that. I will stop right there. "A State shall not be required to conduct any assessment under paragraph 3 . . . if"—and I will stop there.

That brings to heart two arguments: No. 1, is testing important, is measuring results important, is assessment important? I believe very strongly they are important.

In a bipartisan way, we worked aggressively to underscore that these assessments are important and there should be no "if" after it.

No. 2, is the funding adequate itself? It comes back to their provision that 100 percent of the cost of the assessments must be guaranteed or you do not do the assessments. That comes to the question to which Senator KENNEDY spoke. We believe the bill has been improved and those funds are available.

The first point, we should do nothing in the amendment process in the bill that will in any way say we are anti-achievement, anti-measurable standards, anti-accountable, anti-high expectation. I believe this amendment is just that. The Carnahan-Nelson amendment potentially nullifies any new testing requirements for a State. These testing requirements, the measurable results have been arrived at through the Committee on Health, Education, Labor, and Pensions, through much debate and a bipartisan working group, debated regarding establishing importance and how these would be carried out and what sort of standards would be met. By potentially stripping away those provisions we are tearing out the heart of this bill, tearing out the heart of what President Bush feels so strongly about, that we leave no child behind.

Remember, the amendment says, a State shall not be required to conduct any assessments . . . if. That is enough for me to argue against this amendment.

Annual measurements are important. In the underlying bill, we start in the third grade. It is third through the eighth grade, giving an opportunity to make sure the money we invest in this bill is spent properly. Over the last several weeks we have invested huge, huge amounts of money through the authorization process, and we will see a lot more in appropriations. The President of the United States is committed to spending more in education this year than any President in the past if it is coupled with reform. Those accountability provisions cannot be gutted, cannot be torn out of this bill. There should be no "if."

Second, is the question of funding. Again, we should never put dollars in front of children. The Senator from Massachusetts mentioned the Jeffords amendment which passed on the second day the bill was brought to the floor. He mentioned the Wellstone amendment. He mentioned the Collins amendment which looks at a GAO study to look at the specific issue of testing what should be required in terms of those tests and the evaluation of those tests. In the Jeffords amendment and the Wellstone amendment, again, over $2.8 billion will be made available for this testing.

We have an amendment which addresses the fundamental concern, a legitimate concern, that this is a serious mandate, so serious that, first and foremost, there should be no "if" after the clause.

Second, the hypothetical that if Congress does not end up with appropriate funding as required by what we passed in the way of reform in the bill itself—I share concern with my colleagues, in the bill as amended, the States may delay, already, implementation of the tests, are not required to conduct any assessments because assessments have to be in there, but delay implementation of the tests until the appropriate funding is available, and this is already in the bill.

Every State is addressing this issue of funding and the requirement of having assessments in a different way. In my State of Tennessee, we already test students for math and reading in the third grade, the fourth grade, the fifth grade, the sixth grade, the seventh grade, and the eighth grade. At least $50 million will be coming to Tennessee for these assessments. Tennessee will have the flexibility today to use that $50 million. It could be more than that, but we can improve the test and make it longitudinal to compare a student and see how they progress over time. That flexibility is there.

Last, and I will close, I think we all agree on the importance of measurable results and the assessments so we will know how our children are doing. This amendment is unnecessary to my mind. The $2.8 billion added in the amendment process already addresses this issue.

Every State has the opportunity in the amendment to opt out of standards, measurable results, achievement, the high expectations that are the heart and soul of the bill.

I urge my colleagues to vote against this amendment when it comes to the floor.

Mr. GREGG. I yield myself such time as I may consume.

I associate myself with the Senator from Tennessee. It was an excellent statement summarizing the views I also hold. I associate myself with the statement of Senator KENNEDY.

We are ready to yield back our time and go to a vote if the other side is prepared. We yield back our time.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I suggest to the Senator from Tennessee that he has already announced this was, in fact, a mandate. It is an inadequately funded mandate at that. I reiterate, what we have in cost is a best guess estimate. There is no certainty. The current bill provides protection only if $400 million is all that is needed. Beyond that, we have no guarantee. We have no guarantee that the Wellstone amendment or others will have money appropriated.

This amendment, I might also suggest, is not an anti-testing amendment.

The only circumstances where States will be released from the testing requirement is if the Federal Government fails to provide full funding. Anyone who makes an anti-testing argument about this amendment is implicitly saying that the Federal Government is not going to pay the full cost of the tests. If you say the Federal Government is not going to pay the full costs of the tests, I ask in return, what part of local budgets do you plan to cut to make up the difference? Are you going to cut teachers' salaries or textbooks or other resources that are stretched too thin?

The PRESIDING OFFICER. All time is expired. The question is on agreeing to amendment No. 385. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) are necessarily absent.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—43

Allard
Allen
Baucus
Bayh
Biden
Boxer
Breaux
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Kerry
Kohl
Leahy
Levin
Lincoln
McCain
Mikulski
Miller
Murray
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Voinovich
Wellstone
Wyden

NAYS—55

Akaka
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Craig
DeWine
Domenici
Dorgan
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kyl
Landrieu
Lieberman
Lott
Lugar
McConnell
Murkowski
Nelson (FL)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—2

Crapo
Hatch

The amendment (No. 385) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Massachusetts.

Mr. KENNEDY. We have an amendment from the good Senator from New Hampshire, and then after we address that amendment and dispose of it, the Senator from Minnesota, Mr. WELLSTONE, has a very important amendment where he intends to address the Senate for a period of time.

So we are making some progress now. We have already included a number of amendments, about 15 amendments that were cleared earlier in the day. We are continuing to make progress. We are grateful for all the support we are receiving from all of our Members. We are going to continue to press ahead.

I look forward to the consideration of the amendment offered by the Senator from New Hampshire.

AMENDMENT NO. 487 TO AMENDMENT NO. 358

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized to call up amendment No. 487, on which there shall be 40 minutes of debate to be equally divided and controlled.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, I call up amendment No. 487.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 487.

Mr. SMITH of New Hampshire. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Senate to urge that no less than 95 percent of Federal education dollars be spent in the classroom)

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE ON THE PERCENTAGE OF FEDERAL EDUCATION FUNDING THAT IS SPENT IN THE CLASSROOM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Effective and meaningful teaching begins by helping children master basic academics, holding children to high academic standards, using sound research based methods of instruction in the classroom, engaging and involving parents, establishing and maintaining safe and orderly classrooms, and getting funds to the classroom.

(2) America's children deserve an educational system that provides them with numerous opportunities to excel.

(3) States and localities spend a significant amount of education tax dollars on bureaucratic red tape by applying for and administering Federal education dollars.

(4) Several States have reported that although they receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their education paperwork and administration efforts are associated with those Federal funds.

(5) According to the Department of Education, in 1998, 84 percent of the funds allocated by the Department for elementary and secondary education were allocated to local educational agencies and used for instruction and instructional support.

(6) The remainder of the funds allocated by the Department of Education for elementary and secondary education in 1998 was allocated to States, universities, national programs, and other service providers.

(7) The total spent by the Department of Education for elementary and secondary education does not take into account what States spend to receive Federal funds and comply with Federal requirements for elementary and secondary education, nor does it reflect the percentage of Federal funds allocated to school districts that is spent on students in the classroom.

(8) American students are not performing up to their full academic potential, despite significant Federal education initiatives and funding from a variety of Federal agencies.

(9) According to the Digest of Education Statistics, only 54 percent of $278,965,657,000 spent on elementary and secondary education during the 1995–96 school year was spent on "instruction".

(10) According to the National Center for Education Statistics, only 52 percent of staff employed in public elementary and secondary school systems in 1996 were teachers, and, according to the General Accounting Office, Federal education dollars funded 13,397 full-time equivalent positions in State educational agencies in fiscal year 1993.

(11) In fiscal year 1998, the paperwork and data reporting requirements of the Department of Education amounted to 40,000,000 so-called "burden hours", which is equivalent to nearly 20,000 people working 40 hours a week for one full year, time and energy which would be better spent teaching children in the classroom.

(12) Too large a percentage of Federal education funds is spent on bureaucracy, special interests, and ineffective programs, and too little is effectively and efficiently spent on our America's youth.

(13) Requiring an allocation of 95 percent of all Federal elementary and secondary education funds to classrooms would provide substantial additional funding per classroom across the United States.

(14) More education funding should be put in the hands of someone in a classroom who knows the children personally and frequently interacts with the children.

(15) Burdensome regulations, requirements, and mandates should be refined, consolidated or removed so that school districts can devote more resources to educating children in classrooms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate to urge the Department of Education, the States, and local educational agencies to work together to ensure that not less than 95 percent of all funds appropriated for carrying out elementary and secondary education programs administered by the Department be spent to improve the academic achievement of our children in their classrooms.

Mr. SMITH of New Hampshire. Madam President, I rise today to discuss my amendment, which is a sense-of-the-Senate amendment, but it has a very important point to make. It states that not less than 95 percent of all funds that are appropriated for carrying out elementary and secondary education, administered by the Department of Education, be spent to improve the academic achievement of our children in the classroom; in other words, 95 percent of the money in this bill should go to the classroom for our children, which is where it should go.

As a former teacher, I think I would understand perhaps as well as anyone in this body how important it is to get those funds directly into the classroom where the kids can benefit.

I thank Representative SAM GRAVES of Missouri for offering a similar amendment to the House education bill over there which ensures that 95 percent of education money is spent locally.

Congressman GRAVES' amendment was passed overwhelmingly in the House. I believe the Senate should go on record supporting local control of Federal education dollars as well.

It might sound like an anomaly—local control of Federal education dollars—but if the Federal education dollars are going to be sent to the State, then give the State the flexibility to spend them. Let the local people make the decisions wherever possible.

The other side of the aisle has been offering up amendment after amendment after amendment calling for more funding for numerous education programs. Many of these amendments have been adopted over the past several days and hours. But if we are going to allocate more money for education, then I think we need to make a statement, which I do in my amendment, that it is vital to ensure that the money be spent in the classroom for the children. That is the appropriate way to spend those dollars.

After all, if the Federal Government is going to spend billions of dollars on education, then those dollars should go not to some bureaucracy, not to establish some mechanism to send those dollars into the local schools, but, rather, getting the money directly to the local schools.

I think we all know the cost of getting dollars into the State from the Federal Government—what it costs you to send the money to the local community—is pretty high. In fact, in New Hampshire it is about 47 cents on the dollar, which is not a good return.

As a former New Hampshire teacher and school board chairman, I had the opportunity to see this on both sides, both as a board member and as a teacher—and also as a parent for 26-plus years. I am convinced that decisions regarding education are best executed at the local level and that we should not run our public schools from Washington, DC. We do not need a national school board.

Some will say: With all these Federal dollars, how do you do it? We can provide Federal dollars, if we must, but let's do it with as few strings as possible to allow the local boards and the local parents to make the decisions, the local communities.

Our public schools—and I say this as a former public school teacher—hold so much promise. I want to make sure the Senate goes on record today that a minimum of 95 cents of every education dollar should go directly to those classrooms.

We need to give 95 cents of every dollar. It is a shame we can't give 100 percent, a dollar for every dollar, to those teachers and students in New Hampshire and not to some bureaucrat or bureaucracy in Washington, DC.

We need to support education, not regulation, if we are going to spend the money. My amendment simply directs the Department of Education to join our States and local school districts in an all-out effort to direct 95 percent of our Federal education dollars to the place in which it belongs—the classroom. I don't think that is unreasonable.

It is important to understand that the Department of Education has not been entirely responsible with the billions of dollars in taxpayers' money we have been giving to them over the years. Some of it has been spent responsibly, but a lot of it has not. Let me give a few examples of some of the waste at the Department of Education.

I hate to bring it up, but it is important to understand that if you just continue to throw good money after bad, you never correct the problem. There were 21 cases where grant checks were issued twice to the same recipients, for a total cost to the taxpayers of America of $250 million. Auditors were able to recover the money eventually, but how much time and how much cost was involved in recovering the $250 million? That is the point. It should not have happened. We are careless.

We can eliminate a lot of these kinds of mistakes—and maybe some of it is deliberate; I don't know—by simply stipulating that it is the sense of the Congress and the Senate that 95 cents on every dollar go to the classroom, so when these kinds of things happen, these people know they are going to be held accountable, that we mean business, that the Senate means business, that 95 cents of every dollar is going to go to the classroom, not for this kind of nonsense with the duplication of grant checks.

Some will say that was just a mistake; 21 mistakes is not a big deal. Maybe it was a mistake, but it is a careless mistake. If the bureaucracy knows it can be held accountable, they will be a little more careful. What would happen if we hadn't found the mistakes? If we had not had an auditor finding that mistake, it would have cost the taxpayers $250 million.

I say to every American who is listening to me now, think of any school district, yours in particular, wherever you live in America, and think about the classroom, perhaps the one where your child is. Could you use a little bit of that $250 million in your classroom, if you are a teacher, or your child's classroom, if you are a parent? I can think of a lot of things I could have done with a few million dollars in my classroom when I was teaching, whether it was more textbooks, perhaps raising teachers' pay. It is better than throwing it away in mistakes made by a bureaucracy that has run roughshod over the whole educational system.

Let me cite another example of waste at the Department of Education. Twenty-one employees were allowed to write checks of up to $10,000 without supervision—no accountability—from May 1998 to September 2000; 19,000 checks totaling $23 million were written by these people. Who is checking on that? Who is making sure that those 21 employees who wrote checks of up to $10,000 without supervision—who is checking to find out whether that $23 million was the right amount of money?

We also have the example of 141 unapproved purchases in the Department of Education totaling more than $1 million— purchases that were made on Government credit cards for software, cell phones, Internet, computers. Even though DOD guidelines—Department of Defense guidelines—specifically say these things are not to be purchased on credit cards, you have $1 million worth of purchases, 141 purchases totaling $1 million.

The point I make here is, the more rein and flexibility you give to the bureaucracy, the more dollars you throw away; without a firm accountability, the more it is going to be wasted. If we pass this amendment and we say the Senate has now spoken and has said that 95 cents will go to the classroom, when we hear about such things, people will be a little bit concerned about it. They will be more self-conscious. They will be more careful. It is going to be a win-win, a win for the kids in the classroom and a win for the taxpayers.

This year tax freedom day was May 3, 2001, according to the tax foundation. Tax freedom day is the average day that Americans start working for themselves as opposed to the Government. President Bush's tax cut package will certainly help in that regard, but as it stands now, from January 1, 2001, to May 11, 2001, Americans work for their respective local and State governments and the Federal Government. That is, from January 1 to May 11, every dollar you earn went to one of those governments, local, State, or Federal. You didn't earn anything for yourself. You started earning money for yourself on May 12.

I want every American to know that the money spent by the Federal Government should not be wasted, including the Department of Education. If we put this restriction on, we are making a very strong statement that we expect you to be accountable. We don't want to hear any more stories about 141 purchases totaling more than $1 million in unapproved credit card purchases or grant checks issued twice to the tune of $250 million. We don't want to hear about it. We are not going to tolerate it. That is what we are saying if we support this amendment.

If you don't care, if you don't want the bureaucracy to be accountable and you couldn't care less whether we waste $250 million, even though taxpayers work hard until May 11 just to pay their bills, then you should vote against my amendment. I encourage you to vote against my amendment if that is what you believe. If you think it is OK that taxpayers can work until May 11 and not get a dime for themselves and you don't care about waste, fraud, or any other abuse in the bureaucracy, then vote against my amendment. But if you care about taxpayers saving their hard-earned money and putting it to use for themselves and you care about getting money directly to the classroom, to the kids, then you should vote for my amendment.

That is exactly the way the amendment should be evaluated. You are either for kids getting the money and saving taxpayers money, or you are in favor of wasting taxpayer money and do not care whether the kids get the money in the classroom or not. It is pretty simple.

The American people work very hard for that money. The Federal Government should not squander one cent of it. Actually, too many of our tax dollars are spent on bureaucracies at all levels of government, not just the Department of Education. That waste is not going to end tomorrow. We must pledge to do better. We must tell the Department of Education to give the money to the localities. Let them spend it as they see fit. Don't spend it here in Washington, DC, with some bureaucracy to funnel the money.

Federal education dollars should not be spent to expand some bloated bureaucracy here in Washington. Lord knows, we have enough bloated bureaucracies here. Those precious dollars should go right to the educational opportunities of our kids. More education dollars should be spent directly in the classroom, and we need to shift the focus of our education system back to the students.

This is a great way to do it. It is a simple statement. It is a sense of the Senate. It is not binding, but it is a sense of the Senate that says: We want you to do that. We expect you to do that. If you don't do it at the Department of Education, then we may just have to come after you. We expect you to save the money for the taxpayers and get the money to the students.

My amendment supports the proposition that the best education is the education left to the local decisionmakers and that the best way to be accountable to our taxpayers is to eliminate the bureaucracy and the high cost of getting the money to the local community and getting it there quickly and cheaply.

The Heritage Foundation issued a report recently titled "U.S. Department of Education Financing of Elementary and Secondary Education, Where the Money Goes." It is a very interesting report. It found that as the United States prepares to enter the 21st century, its educational system is in crisis, the public education system. I agree with that. We talk about the crisis in energy and in other matters. There is a very interesting finding in this report. I will just give a brief quote from it:

> The vast majority of all Federal education funds does not go to schools or school districts.

Think about that.

> The vast majority of all Federal education funds does not go to schools or school districts.

That seems to be a dichotomy if I ever heard one. Why wouldn't it? Where is it going?

> In 1995, 33 percent of the total $100 billion the federal government allocated for education was spent by the Department of Education . . . 40 percent of Department of Education funds went to local educational agencies, 13.1 percent of total federal education spending. Contrary to what many Americans believe, the Department of Education funds very few elementary and secondary education programs in their local communities.

That is an outrageous finding—they are funding very few elementary and secondary education programs. What is the purpose of the Federal Department of Education if it is not going to give money to local communities for elementary and secondary education?

How do we get it to the classroom? What actually makes it to the classroom? What gets to the classroom? Let's find out.

According to the Heritage Foundation:

> Audits around the country have found that as little as 26 percent of school district funds is being spent on classroom expenditures.

Classroom expenditures are defined as expenditures for teachers and materials for their students—26 percent.

If that is acceptable to my colleagues, vote against my amendment. Please vote against it because I want to be honest; I want to be straightforward. If my colleagues think it is OK to take a dollar from the taxpayer for education and 26 percent of that dollar goes to the kids and the rest does not, if that is OK with them, then please vote against my amendment. But if my colleagues really believe we ought to get the money to the kids, then vote for my amendment.

Do my colleagues want to increase the bureaucracy and have a lot of people sitting around making decisions they should not be making and wasting money and having all these findings we just discussed a few moments ago? Then vote against my amendment. If they want to eliminate that and get the money directly to the kids, then they should vote for it.

My amendment makes several findings to support the conclusion that 95 percent of all funds we are going to spend on the Elementary and Secondary Education Act be spent to improve the academic achievement of our children in their classrooms.

My amendment, in finding 4, states that:

> Several States have reported that although they receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their education paperwork and administration efforts are associated with those Federal funds.

Fifty percent of the paperwork is associated with the Federal funds. We always hear this talk about we are going to eliminate the bureaucracy, we are going to clear up the paperwork. It never happens. We are going to reinvent Government.

How many times have we heard all these phrases? It is very simple. Just accept this resolution that it is unacceptable for anything less than 95 percent to go to the classroom and then enforce it. When my colleagues see all those bureaucracies popping up, let's get rid of them and put the money into the classrooms.

We need to make sure that education money is not wasted on paperwork and administrative personnel. There always has to be a commission or a board or a bunch of people sitting around juggling papers to determine this requirement or that requirement, how much money goes here and who has to administer it, and then another bureaucracy pops up to administer the previous bureaucracy.

Take a look at this. The Department of Education started less than 30 years ago at $2 billion, $3 billion. It is now in the tens of billions of dollars to run it. Unfortunately, only 26 cents on the dollar gets to the kids.

My amendment, in finding 11, states:

> In fiscal year 1998 the paperwork and data reporting requirements of the Department of Education amounted to 40 million so-called—

Only in Government would we hear a phrase such as this—

> burden hours, which is the equivalent of nearly 20,000 people working 40 hours a week for one full year. Time and energy which would be better spent teaching children in the classroom.

Burden hours, only in Washington. It is like getting on an elevator in Washington. Only in Washington does one get on an elevator to go up to the basement. If you do not believe me, get on the elevator anywhere around here and you find that to be true. Only in Washington, only in Government, do we have these kinds of phrases. It is nonsense. Burden hours, the equivalent of nearly 20,000 people working 40 hours a week for 1 full year.

The Federal Government needs to decrease paperwork requirements and data reporting. We have to stop talking about it and start doing it. Those Federal requirements may make for nice Government reports. There is a report right here. Here is the report on the bill. I am sure every Senator has read this word for word, sitting back in their offices at night. They read it before they go to bed. They get up in the morning and read every word of it. Look at this stuff. There are tens of thousands of pages of background that go into this report.

Here is another one. Here is the bill. That is the report. This is the bill. This is even bigger and larger. Look, page after page after page—more bureaucracy. The Department needs to look at reducing regulations and how Federal money is spent, reducing paperwork.

Madam President, I ask that the Senate go on record that not less than 95 cents of every Federal education dollar be spent or used in the classroom, and I do not think that is an unreasonable request.

Has my time expired?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SMITH of New Hampshire. I ask for the yeas and nays before I yield the floor.

Mr. REID. This side will be happy to yield back our time.

The PRESIDING OFFICER. The Senator has requested the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. If I may be heard briefly. Madam President, we are willing to take a voice vote after listening to the Senator's statement to the Senate. However, it appears he wants to have a recorded vote. We have no objection to that if the Senator wants a recorded vote. We happen to second his request.

Mr. SMITH of New Hampshire. The Senator is correct; I request a recorded vote. I yield the floor, Madam President.

Mr. REID. We yield back our time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 487. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), and the Senator from Montana (Mr. BURNS) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Montana (Mr. BURNS) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Enzi

NOT VOTING—3

Burns
Crapo
Hatch

The amendment (No. 487) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NOS. 791 AS FURTHER MODIFIED, 363 AS FURTHER MODIFIED, AND 356, AS MODIFIED

Mr. KENNEDY. Madam President, I ask unanimous consent that the previously agreed to amendments, No. 791 by Mr. BINGAMAN, No. 363 by Mr. TORRICELLI, and No. 356 by Mr. CORZINE, be further modified with the changes at the desk in order to conform to the underlying Jeffords substitute amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 791 as further modified, 363 as further modified, and 356), as modified, are as follows:

AMENDMENT NO. 791, AS FURTHER MODIFIED.

On page 7, line 21, insert "after consultation with the Governor" after "agency".

On page 8, line 1, insert "after consultation with the Governor" after "agency".

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

"(c) STATE PLAN.—Each State educational agency, in consultation with the Governor, shall prepare a plan to carry out the responsibilities of the State under 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.".

On page 35, line 20, insert the following: "prepared by the chief State school official, in consultation with the Governor," after "a plan".

On page 706, line 8, insert ", after consultation with the Governor," after "which".

On page 706, line 16, insert "fter consultation with the Governor, a" after "A".

On page 707, line 2, insert "fter consultation with the Governor, a" after "A".

AMENDMENT NO. 363, AS FURTHER MODIFIED

On page 71, line 24, strike "and".

On page 72, line 3, strike all after "1118" and insert "; and".

On page 72, between lines 3 and 4, insert the following:

"(11) where appropriate, a description of how the local educational agency will use funds under this part to support school year extension programs under section 1120C for low-performing schools.";

On page 175, between lines 16 and 17, insert the following:

SEC. 120D. SCHOOL YEAR EXTENSION ACTIVITIES.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. SCHOOL YEAR EXTENSION ACTIVITIES.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A local educational agency may use funds received under this part to—

"(A) to extend the length of the school year to 210 days;

"(C) conduct outreach to and consult with community members, including parents, students, and other stakeholders to develop a plan to extend learning time within or beyond the school day or year; and

"(D) research, develop, and implement strategies, including changes in curriculum and instruction.

"(c) APPLICATION.—A local educational agency desiring to use funds under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the agency may require. Each application shall describe—

"(1) the activities to be carried out under this section;

"(2) any study or other information-gathering project for which funds will be used;

"(3) the strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize high quality instruction in the core academic areas during the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

"(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productiveness of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

"(5) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year;

"(6) with respect to any application to carry out activities described in subsection (b)(1)(A), a description of any feasibility or other studies demonstrating the sustainability of a longer school year;

"(7) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this section;

"(8) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assistance under this section;

"(9) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

"(10) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

"(11) the goals and objectives of the activities assisted under this section, including a description of how such activities will assist all students to reach State standards;

"(12) the methods by which the applicant will assess progress in meeting such goals and objectives; and

"(13) how the applicant will use funds provided under this section in coordination with funds provided under other Federal laws.

AMENDMENT NO. 356, AS MODIFIED

On page 684, line 6, strike "and".

On page 684, line 7, strike the period and insert "; and".

On page 684, between lines 7 and 8, insert the following:

"(O) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved in earning, spending, saving, and investing).".

Mr. KENNEDY. Madam President, we are moving along. I am very appreciative of the cooperation we are getting. We now have a very important amendment by Senator WELLSTONE which is one of the most important that we will have during this debate. We have some good time allocated for a very good discussion. Senator WELLSTONE will open and, obviously, respond to questions. It is our intention, following Senator WELLSTONE, to consider the amendment of the Senator from New York, Mrs. CLINTON, dealing with dilapidated schools, and Senator FEINSTEIN dealing with school construction. And Senator KERRY, my colleague, has two on principals and alternative placements. Those are listed in the list of amendments. I understand there may be amendments from the other side related to those. But we are trying to move this.

Obviously, if there are amendments related to it, we will deal with them the way we have in the past, but I wanted to at least give our Members an idea about what is coming up this afternoon. We are hopeful to continue to make good progress through the course of the afternoon.

Mr. GREGG. Madam President, I also believe Senator HUTCHISON has an amendment.

Mr. KENNEDY. I appreciate that. Senator HUTCHISON has a very important amendment. A number of our colleagues have been interested in that subject matter. That has been going on for a number of days. They have been very constructive resolutions. I hope perhaps after Senator CLINTON we might be able to consider that amendment. We will be in touch with the Republican leader, and we will give her as much notice as we can, but we will try to see if we can't dispose of it after the Clinton amendment.

Mr. REID. Madam President, Senator DASCHLE last night in the closing minutes of the Senate indicated that one of the things he wanted to do was hold the votes as close to 20 minutes as possible. Today we have done fairly well in that regard. The votes have run over. The first one was 25 minutes and this one was 26 or 27 minutes. We are trying to make the 20-minute mark that the majority leader has given us. I say to all the staff listening and Senators who are watching, I hope they understand the 20-minute rule Senator DASCHLE is going to try to get us trained to respond to. We have wasted so much time waiting for people to come. It is going to be necessary for some people to miss votes. I hope everyone will understand that this is the only way we can be considerate of others. There shouldn't be hard feelings. This will be applied as we are trying to do everything here on a bipartisan basis.

Mr. KENNEDY. Madam President, I know the Senator will be here momentarily. I will request the absence of a quorum until he is here to present his amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

AMENDMENT NO. 466 TO AMENDMENT NO. 358

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota, Mr. WELLSTONE, is recognized to call up amendment No. 466, on which there shall be 4 hours to be equally divided and controlled.

Mr. WELLSTONE. Mr. President, I am going to send the amendment to the desk on behalf of myself and Senator DODD, along with Senators DAYTON, FEINGOLD, CLINTON, HOLLINGS, MURRAY, REED, and CORZINE.

The PRESIDING OFFICER. The amendment is currently at the desk. Are you modifying this?

Mr. WELLSTONE. The amendment is at the desk. I am sorry. I ask unanimous consent that the additional Senators be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. DODD, Mr. DAYTON, Mr. FEINGOLD, Mrs. CLINTON, Mr. Hollings, Mrs. MURRAY, Mr. REED, and Mr. CORZINE, proposes an amendment numbered 466.

Mr. WELLSTONE. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the conduct of certain assessments based on the provision of sufficient funding to carry out part A of title I of the Elementary and Secondary Education Act of 1965)

On page 48, between lines 14 and 15, insert the following:

"(iii) no State shall be required to conduct any assessments under this subparagraph in any school year if, by July 1, 2005, the amount appropriated to carry out this part for fiscal year 2005 does not equal or exceed $24,720,000,000;".

Mr. WELLSTONE. Mr. President, this amendment, I think in a lot of ways, is kind of a test case of whether or not we are passing a reform bill. I will have a lot to say about this, and other Senators will as well. I am certainly hoping that colleagues on the other side—whether they are Republicans or Democrats—who disagree will come to this Chamber to express their dissent so that I can know what possible arguments can be made against this amendment.

There are many Senators who have said publicly in this Chamber, and back in their States, and in interviews with the media, that we have to have this testing for the accountability—we can talk more about that later—but that, in addition, we also have to have the resources to make sure that the children, the schools, and the teachers have the tools to do well.

The testing is supposed to assess the reform. The testing is not supposed to be the reform. I remember at the very beginning, a long time ago, I said: You cannot realize the goal of leaving no child behind or you cannot talk about an education reform program if it is on a tin cup budget; you have to have the resources.

I have heard many Senators say: We are for the testing for the accountability, but we are also going to invest in these children and make sure there are the resources. That is point 1.

Point 2: Senator DODD and Senator COLLINS came to this Chamber with a very important amendment which authorized a dramatic increase in resources for the title I program. It was a bipartisan amendment. There were, I believe, 79 Senators who voted for this amendment.

This amendment was a Paul Simon amendment. It turns out the Senator from Illinois is in the Senate Chamber. This amendment was an education amendment by Senator DODD and Senator COLLINS. I say to the best friend I ever had in the Senate—Senator Paul Simon of Illinois—who is here, that what I am now saying to every Senator is: 79 Senators voted for an authorization, but that is not money. That is fiction.

This amendment says that by 2005—we committed in that amendment that we would spend $24.72 billion for title I which would go to the benefit of children for extra reading help, for afterschool, for prekindergarten, all of which is critically important.

So what this amendment says is that the tests we are authorizing need not be implemented unless we, in fact, appropriate the money at the level we said we would. This was the amount the Dodd amendment authorized. We have been saying to our States: We are going to get you the resources. So what we are saying in this amendment is that States do not have to do this unless we make the commitment to the resources.

I have heard people talk about the need to walk our talk. I have heard Senator after Senator say that they are for accountability but they are for resources. I do not know how Senators can vote against this proposal. We said we were for authorizing this money. This amendment is a trigger amendment. It says that we make this commitment to $24.72 billion for title I. And this amendment says, if we do not do this, then the new tests need not be implemented.

If the States or school districts want to say we do not want to do this because you have not lived up to your commitment, they do not have to do it.

I look back because sometimes our staff do the best work. So I am looking back at Jill Morningstar to make sure I am right about this.

Now just a little bit about what this really is all about. This is the heart of the debate. Right now, title I is a program for children from disadvantaged backgrounds. It is the major Federal commitment. We are funding it at a 30-percent level. The title I money is used for extra reading help. It can be used for prekindergarten. It can be used to help these children do better.

What this amendment is saying is, it does not do a heck of a lot of good to test the children all across the country when we have not done anything to make sure they have the best teachers; that the classes are smaller; that the buildings are inviting; that they come to kindergarten ready to learn; that they get additional help for reading.

The testing is a snapshot. It is one piece of the picture. It does not tell us anything about what happened before or what happens after. What good does it do to have so many children in America right now who are crowded into dilapidated buildings, into huge classes, who have four teachers a year, who do not have the same resources and benefits as a lot of other children, who come to kindergarten way behind, and we are going to test them and show that they are not doing well, which we already know, but we are not going to have the resources to do anything to help them after they don't do well on the tests. Or even more importantly, we are not going to have the resources to help them to make sure that when we hold them accountable, they have the same opportunity as every other child in America to do well.

I am on fire about this amendment because this is the amendment that holds people accountable for the words they have been speaking. We must not separate the lives we live as legislators from the words we speak. We have been saying that we were going to have the resources, that we were going to get them to the teachers and the schools and the children. And that is what this amendment says. This amendment says: Don't fool people by just doing an authorization.

This was so important what Senator DODD did, so important what Senator COLLINS did, so important that 79 Senators voted for it, but really what makes a difference is if we go on record and make it crystal clear that unless we live up to what we already voted for and provide the money—this would be $24 billion plus in the year 2005—then in Rhode Island or Minnesota or other States, schools can say: You didn't provide the money you said you were going to provide. You didn't provide the resources you said you were going to provide. We choose not to do the testing.

They should have that option. Otherwise, this testing is an unfunded mandate. You are setting everybody up for failure.

I will quote a recent study by the Center for Education Policy. Here is the conclusion:

> Policymakers are being irresponsible if they lead the public into thinking that testing and accountability will close the gap.

They are right. Do you think by jamming a test down the throats of every school in every school district in every State in America—by the way, I am going to ask my conservative friends. I don't get this. Right now, I haven't made a final decision, but I lean pretty heavily in the direction that the Federal Government should not do this. I don't know where the Federal Government gets off telling school districts and schools they have to test every child age 8, age 9, age 10, age 11, age 12, and age 13. What a reach on the part of the Federal Government.

It is quite one thing to say all of us in America live in a national community and when it comes to discrimination, when it comes to human rights, when it comes to civil rights, when it comes to a basic diet that every child should have, no State, no community should be able to fall below that. That is one kind of argument. But now we are going to tell every school district they have to do this? It is absolutely amazing to me that we are doing so.

The point is, don't anybody believe that the test we make every child take means that child now is going to have a qualified teacher. It doesn't do anything about that. A test doesn't reduce class size. A test doesn't make sure the children come to kindergarten ready. Part of the crisis in education is the learning gap by age 5. Some children come to kindergarten, then they go on to first grade, second grade, third grade. Now we are going to test them, age 8.

One group of children, to be honest with you, actually has had 7 years of school. They came to kindergarten. Then they had the 3 years plus that. Now they are third graders. Before that, they had 3 years of enriched child care. They came to kindergarten having been widely read to. They know colors and shapes and sizes. They know how to spell their name. They know the alphabet. They are ready to learn. They have had the education. And then a lot of other children haven't. And they are behind, way behind. This is during the period of time of the development of the brain, the most critical time. Then they fall further behind.

Testing doesn't change any of that. Testing doesn't do anything about making sure there is the technology there. Testing doesn't do anything about whether or not you have 40 or 50 kids crowded into a classroom. But if we were to make a commitment to some title I funding, then we could get some additional help for reading; some additional help for after school; for teachers to have assistance helping them with children, one-on-one help; prekindergarten.

How can Senators possibly vote against this amendment? They can't, not if they have said they are committed to getting the resources to these schools.

The Association of American Test Publishers, the people who develop virtually every large standardized test used in our schools, say the same thing. I quote from the Association of American Test Publishers:

> In sum, assessments should follow, not lead, the movement to reform our schools.

What they are saying is that the testing is supposed to assess the reform. The testing isn't the reform. And the reform is whether or not we are going to have the resources to make sure these children have a chance to do well.

Senators, if we are going to say that it will be a national mandate that every child in America will be tested and we will hold the children and the schools and everyone else accountable, then it should be a national mandate that every child should have the same opportunity to learn and do well in America. That is what this amendment is about.

I ask unanimous consent that a letter from the Democratic Governors' Association be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WELLSTONE. They say:

> While we are pleased to support the Carnahan Nelson amendment, we are hopeful that any final version of legislation to reauthorize ESEA will apply a funding trigger more broadly, specifically to include title I. This is the main source of federal assistance for disadvantaged students and the federal government needs to back its efforts to strengthen accountability with adequate new investment.

These Governors are saying this is part of your major Federal commitment. With all due respect, you have to back accountability with new investment, and we support the idea of this trigger amendment.

They are absolutely right. For some reason, these Governors are a little worried that we are going to mandate all this testing and then not live up to our commitment of resources, for very good reason.

I would like to quote from an article given to me by my good friend from Florida, Senator GRAHAM. This is by a Walter R. Tschinkel. He discusses Florida's system of grading schools. The Presiding Officer is one of the people in the Senate most immersed in education. What does Mr. Tschinkel find is the single most important variable in determining how children do on test scores? Would anybody here be real surprised to hear that it is poverty? He found that for every percent that poverty increases, the school score drops by an average of 1.6 points. He showed that the level of poverty in a school in Florida predicted what the school's achievement score would be with 80-percent accuracy.

May I ask, what are we doing here with this bill that is called BEST?

What are we doing? We are not doing anything to reduce poverty. We have not made any commitment to title I money being there, which is what this amendment calls for. We are not doing anything when it comes to a commitment in prekindergarten and child care.

We are still funding Early Head Start at the 3-percent level and Head Start for 3- and 4-year-olds at the 50-percent level.

We are not doing anything about rebuilding crumbling schools. Shame on us.

We are not doing anything about reducing class size. Shame on us.

Now what we are going to do is test these children and show these children in America again how little we care about them.

I have to cool down. It would be better if we had some debate. I want to hear how people justify not providing resources.

I am not surprised by a recent study by the Education Trust Fund which shows the extent of the gap between low-income and high-income districts. There are not too many Senators who have children in low-income districts.

The study found that nationally low-poverty school districts spend an average of $1,139 more than high-poverty school districts. In 86 percent of the States, there is a spending gap favoring wealthier students. The widest gap is in New York where the wealthiest districts spend on average $2,794 more per student.

As the Center for Educational Policy concludes:

> Policymakers on the State and national levels should be wary of proposals that embrace the rhetoric of closing the gap but do not help build the capacity to accomplish this goal.

That is what this amendment is about. This testing is nothing but the rhetoric of closing the gap. We are not closing the gap because we are not providing the resources. This amendment says we go on record, we are committed, we are going to say to any State and school district: If we do not live up to our commitment and provide the resources in 2005, which we have gone on record in supporting, then you do not have to do the testing.

This amendment starts to take us in the direction of putting the money where our mouth is. Seventy-nine Senators agreed to authorize title I so that it would be fully funded in 10 years. Seventy-nine Senators should support this amendment.

By the way, I am being pragmatic. I do not even understand why we are not providing the funding now. Why 10 years? What good does it do a 7-year-old to provide funding in 10 years? She will be 17.

Childhood is only once. We should not steal their childhoods. In 10 years we are going to do it. How does that help the 7-year-old? We are going to test her when she is 8 and show her—surprise—that she is not doing well, but we may not be helping her for many years later.

I am just starting on this. This is 4 hours of debate now. Next week, there might be 36 hours of debate on another amendment.

Again, we went on record. We said we were for this authorization. This amendment just says let's do it. My colleagues say tests have their place. By the way, I want to also print in the RECORD—I hope every Senator will read this. This is a high stakes testing position statement. This is a statement by health care professionals which include people such as Robert Coles, a psychiatrist who has written probably 40 books about children in America. The man has won every award known to humankind; Alvin Poussaint, another talented African-American psychiatrist; Debbie Meyer who has done more good work in inner-city New York City than anybody in the country.

Do my colleagues want to know what they say in the statement? They say two things. One, which ties into this amendment, is that we must make sure we live up to the opportunity-to-learn standard; that every child has the same opportunity to learn.

What I want to point out is they say from a public health point of view: What are you doing to these kids? They are talking about the stress on 8-year-olds taking all these tests, and they point out what is happening to schools.

I do not know; there must be 30 people who have signed this. They are the best educators, the best child psychologists, award-winning authors, and they say: What in God's name are you doing to these children? That is another amendment about testing next week with Senator HOLLINGS. For right now, at the very minimum, what they are saying is we ought to at least make sure we provide these children with the opportunity to learn.

One hundred percent of major city schools use title I to provide professional development and new technology for students; 97 percent use title I funds to support afterschool activities; 90 percent use title I funds to support family literacy and summer school programs; 68 percent use title I funds to support preschool programs.

The Rand Corporation linked some of the largest gains of low- and moderate-income children doing better in education to investment in title I.

In my home State of Minnesota, the Brainerd Public School system has had a 70- to 80-percent success rate in accelerating students in the bottom 20 percent of their class to the average of their class following 1 year of intensive title I-supported reading programs.

My colleague, Senator HATCH from Utah, cited important research by the Aspen Institute:

> In the effort to raise the achievement of all American students, an extremely serious barrier is the huge disparity in resources for education across districts and States. It is not unusual for per student expenditure to be three times greater in affluent districts than poor districts in the same State.

Mr. President, do you know that in my State of Minnesota, in St. Paul, schools where we have less than 65 percent of the students who are eligible for the free or reduced school lunch program, receive no title I money. We have run out. I could not believe it. I heard the Secretary of Education and some of my colleagues saying we have spent all this title I money; we have thrown dollars at the problem.

First of all, we are not funding it but at a 30-percent level and, second, title I represents about one-half of 1 percent of all the education dollars that are spent, but it is key in terms of the Federal Government commitment. I am suggesting that it can make a huge difference.

The problem is, we have had a dramatic expansion in the number of children who need help. The GAO study said that, but a lot of States, such as the State of Minnesota, in a school that has 64 percent of the children who are low income or who qualify for the reduced or free school lunch program get no help. Can my colleagues believe that?

I want to quote from Linda Garrett who is assistant director of title 1 programs in the St. Paul schools. This is the irony of what we are doing. We are pounding ourselves on the chest. This is bumper-sticker politics. It is called the BEST. Test every child, say we are for accountability, and we are not going to provide the resources for the children, all the children, to have the same opportunity to do well. It is unconscionable.

Linda Garrett says:

> The title I entitlement from the Department of Children and Families Learning have remained level for the past 2 years, and we have been notified to expect the same for the next year. While the funding has remained level, the number of St. Paul schools entitled to receive title I funding increased and the number of eligible children increased. In 1998–1999 the per pupil title I funding was $720; 1999–2000, $540; 2000–2001, $515, 2001–2002, we are now going to $445 per pupil.

We have surpluses; we say we are for children; we say we are for education; and we are providing less money.

There are 79 Senators who voted for the Dodd-Collins amendment. If you voted for that amendment, you have to vote for this amendment. It is almost insulting. We are saying to these parents, we need to test your children every year so you can understand how they are doing and what is working and what is not.

We are saying to the teachers: Teachers, you are afraid to be held accountable, so now we will hold you accountable with these tests. Teachers are not afraid to be held accountable. And the teachers and the parents and the schools, especially the schools with low- and moderate-income children, already know what is working and what is not working. They already know they don't get the resources. They already know the children come to kindergarten way behind. They already know the buildings are dilapidated. They already know the classes are too large. They already know they don't have beautiful landscaping. They already know they don't have the support assistance they need from additional staff. They know all of that. They are just wondering when we will live up to our words and provide some assistance. That is what they wonder.

In my opinion, we are playing politics with children's lives. We all want to have our picture taken next to them; we all want to be in schools with them; we are all for them except when it comes to reaching in the pocket and investing in resources.

I believe what we are doing to poor children in America, unless we pass this amendment, is we are going to test children and show they are not doing as well. Why would anybody be surprised?

The children in the inner city of south Minneapolis or west St. Paul are not doing as well as the children in the affluent suburbs with a huge disparity of resources and a huge disparity of life chances. It is staring us in the face in terms of what we need to do. We have not made a commitment to them, and now we are going to club them over the head with tests and humiliate them. I want Senators to debate me.

I yield the floor and I reserve the remainder of my time.

EXHIBIT 1

DEMOCRATIC GOVERNORS' ASSOCIATION,
Washington, DC, May 22, 2001.

Hon. JEAN CARNAHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CARNAHAN: On behalf of the nation's Democratic Governors, I am writing in support of the amendment being offered by Senators CARNAHAN and NELSON to S. 1, the Better Education for Students and Teachers Act (BEST). This amendment would ensure that the federal government meets its commitment to states by fully funding the cost of the new Elementary and Secondary Education Act (ESEA) testing requirements.

The amendment would replace the $400 million cap authorized for FY 2002 for developing and implementing tests, in the underlying bill, instead requiring the federal government to pay 100% of all state testing costs not currently required under federal law. If the federal government does not meet this commitment, states would be released from the obligation to implement the new testing requirements. The amendment would also require the Secretary of Education to annually calculate the total costs of testing.

In addition, the amendment would add a protection that would prohibit the federal government from sanctioning a state for falling behind schedule in designing and implementing tests if the federal government has not provided full funding.

While we are pleased to support the Carnahan/Nelson amendment, we are hopeful that any final version of legislation to reauthorize the ESEA will apply a funding trigger more broadly, specifically to include Title I. This is the main source of federal assistance for disadvantaged students and the federal government needs to back its efforts to strengthen accountability with adequate new investment.

We would also prefer that final legislation link federal funding accountability to consequences imposed on states and local schools unable to meet proposed annual performance measures, such as fiscal sanctions and school reorganization. Relieving states from the cost of implementing new tests does not alter the mandated levels of improvement in student performance.

Democratic Governors urge Congress to fulfill the historic commitment to America's children that the BEST Act represents by fully funding authorized levels for IDEA, Title I, and teacher quality, as well as for testing. We believe that the Carnahan-Nelson amendment helps to ensure this, and we urge that the Senate adopt the amendment.

Sincerely,

GOV. TOM VILSACK,
State of Iowa,
DGA Vice-Chair of Policy.

Mr. FRIST. How much time is under the agreement on either side?

The PRESIDING OFFICER. There are 2 hours under the control of each side.

Mr. FRIST. Mr. President, I rise in opposition to the Wellstone amendment. I look forward to the debate over the next several hours. I think the amendment comes back to some of the fundamental questions asked about this bill. It will give Members on both sides of the aisle the opportunity to address the fundamental concept of the bill, the structure of the bill, the why of the bill.

It comes down to accountability, to flexibility, being able to figure out what the problems are. We all recognize there is a problem with education in this country. After diagnosing it, we need to intervene in a way that we can truly leave no child behind.

This amendment addresses two issues: the whole concept of accountability using assessments and dollars and cents. The amendment states that no State shall be required to conduct any assessments in any school year by 2005 if the amount appropriated to carry out this part for fiscal year 2005 is not equal to or exceeds $24 billion.

That summarizes the amendment. It can be broken into two arguments. One is money and how important money is, and is money the answer. The other is assessment and the testing. It is a useful component of what is proposed by President Bush and what is in the underlying bill today, as amended, accountability and assessment—that measuring success or failure is important if you want to intervene and make a difference.

The Senator from Minnesota asked essentially the question, as he addressed those issues, why test if we already know children won't do well? There is not much disagreement today over whether we are leaving children behind. That has been the thrust of what President Bush campaigned on, the thrust of the principles for education reform he has given to this body, and the thrust of the underlying BEST bill. I thought, as a body of Congress, we generally agreed it is important to make a diagnosis if we are going to improve our student's education.

The comment of the Senator from Minnesota is, why test somebody if you know they are not doing well? The implied corollary is, forget the test, dump more money and make that cure the system—as if throwing more money will make sure we leave no child behind.

On the first part of that argument, I think testing is important. I say that as somebody who has a certain parallel, and the parallel of my life, obviously, is medicine. The symptoms are there. The symptoms today are, we are failing, by every objective measurement we use today, versus our counterparts in other countries internationally. Whether we look at the 4th grade or the 8th grade or the 12th grade, we are failing as a society in educating our children. I suppose that is what the Senator from Minnesota meant when he said we know we are leaving children behind.

As a physician, when someone comes to your office and complains of fatigue, they do not feel quite right, perhaps shortness of breath, as a physician and as a nation, it is hard for you to know how to address the symptoms of a problem until a diagnosis is made.

We know children are being left behind. By any measure, there is a huge achievement gap, which is getting worse in spite of more money, in spite of good intentions, in spite of additional programs. That gap is getting worse, and we are leaving the underserved behind.

How do we correct that? Our side of the aisle worked with the other side of the aisle in a bipartisan way, to pass a bill through the Health, Education, Labor, and Pensions Committee, that injects strong accountability into the bill.

I thought we had gone long beyond the accountability argument. Apparently we have not. I think it is important to go through this diagnosing, the assessments, so we can intervene and improve the education of our children. We need to be able to determine through assessments how well each child progresses, or, unfortunately, does not progress and falls behind—from the third to the fourth grade; from the fourth to the fifth grade; from the fifth to the sixth grade; from the sixth to the seventh; from the seventh to the eighth.

We all know those early years are important. We used to think maybe you could catch up in college, or in high school you could catch up in math or in science. I think now there is pretty much agreement if we need to intervene, we need to intervene early so no child is left behind.

Why do we need more assessments? If you assess a student in the seventh grade—say a young girl in the seventh grade—and that test shows she is not only last in the class, but last in the community. You find out in the seventh grade that she cannot read because she has been last in the class, and because she has been ushered along and advanced from year to year. Or you find she cannot add and subtract in the seventh grade.

People say: Come on, everybody can read, and everybody can do fundamental math in the seventh grade. But we know from the national statistics, in the fourth and eighth grade a significant number of our children are falling behind, both as we compare them to each other and as we compare them to other people globally, internationally, other developed nations.

Therefore, I argue it does make sense to have these tests on a yearly basis from third to eighth grade because you need the continuity. Also you need tests designed in such a way that they are comparative—you need to be able to compare what a child has learned in the third grade with what he or she has learned in the fifth grade versus the seventh grade versus the eighth grade.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. FRIST. Let me just finish for a few minutes and then I will be happy to yield. I want to walk through several of these concepts.

As a physician what is it similar to? I mention somebody coming through that door to see, not Senator FRIST, Dr. FRIST; they come in and have these vague complaints. If I don't do tests—I can take a pretty careful history. But until I do the physical exam, until I do some tests—noninvasive tests, very simple tests—EKG, a scan called a MUGA scan, fairly simple tests today—I am not going to be able to specifically know whether the problem is with the lungs or with the heart or whether that the problem is due to lack of conditioning or if it is due to general fatigue.

So if I have the seventh grade girl there, not only should we have made the diagnosis earlier, but we need a test that can sufficiently make the diagnosis: Is it mathematics? Is it reading? Is it lack of resources? Is it lack of an ability to use a computer or type on a keyboard? We have to make the assessment. Then once, with that patient coming in, I identify the heart, I know how to intervene. I have taken the blood pressure, I find it is high blood pressure, there is something I can do to intervene. But if it is just fatigue, until I know their blood pressure is up, how can I give a pill to bring the blood pressure down?

You can argue there is not enough money in the world to treat everybody's hypertension, and you can argue you cannot give everybody the full battery of tests and give everybody a heart transplant or everything they need. But that is not an argument to me, or it defies common sense to say you should not come back and do the tests in the first place and ask the question and make the specific diagnosis. In fact, I argue if you have dollars, or a pool of dollars—it doesn't even have to be a fixed sum—if you want the best value for that dollar, instead of taking all that money and throwing it at the fatigue of the patient with a whole bunch of potential treatments that may make you feel good, or invent programs to put them in, why not step back, invest that $1 in making the diagnosis, in figuring out the problem, because that will set you, I believe, in a much more efficient way to determine treatment over time.

It means you make the diagnosis early enough so it might prevent that heart disease from progressing, that fatigue, maybe a little bit of chest. Maybe, if you diagnose it at age 40 and you find the blood pressure because you have done the test and you intervene, that stops the progression of the heart disease and that patient will live longer because of early intervention. It is therapeutic but also it is preventive medicine.

I say there is absolutely no difference with how we should address our education system today—if we look at accountability, we want better results, we want better value, we are failing, today, to say assessments are important, measurable results that can be looked at, that can be used and thrown into our own individual database at a local level in order to decide how to address that specific problem, whether it is the seventh grade girl or whether it is a school we see is failing miserably year after year, in spite of putting more resources in and getting more teachers and smaller class size and better books and more technology—that is the only way to get the answer.

Then you start drawing this linkage between dollars. We always hear from the other side of the aisle—this is a good example. I looked at this. I don't know if it is $24 million or $24 billion or $24 trillion. To me, it doesn't matter. But it really drives home the point that there is a perception that you can throw money at a problem without making a diagnosis, without figuring out what the fundamental disease is—not the symptoms, we know what the symptoms are—but without figuring out what the disease is you will never have enough money.

Although you can always argue for more money and, boy, I tell you, we have really seen it in this bill. If there is one very valid criticism of this bill it is that every amendment that comes down here, we come down to vote on, every amendment coming from the other side requires more money. It is more money for programs, more money for technology, more money for teachers, more money for assessments.

Focusing on money as the only response takes the target off what the American people care about. It takes the spotlight off what the President of the United States cares about, what the President of the United States has demonstrated the leadership at the highest levels about, and that is the child. That is the seventh grade girl who is sitting in that classroom who is failing and we are not willing to come in and do the reform.

Reform is a scary word. Reform means change to some people. But we have to recognize when you say improve accountability, or reform, or measurable results—all of that basically says we have to change what we are doing, figure out what is wrong, and fix it. And you cannot just say throw money at the problem. You have to have the reform. That is where the assessment, accountability, measurable results, the figuring out what the problem is, is so critically important.

So to be honest with you, I am not surprised but, as I said earlier, I thought we had gotten beyond the fact that you have to have strong accountability in order to know how to improve a situation that we all know is miserable. It is miserable. Today we are not addressing each child. Today we are leaving people behind. It is going to take doing something different. It is going to take bringing true reform to the table and that is why the assessment comes in.

We cannot argue with what is underlying this amendment, that you don't do the test because somebody has the symptoms. I argue you have to do the test. That is first and foremost in order to figure out what the disease is, to treat it, to get the best value for the dollar that we put in, that we make available. When we hear the rhetoric on the floor of playing politics with children's lives, they have to be very careful, again, because the debate is so much further along than where it was 6 months ago, I think in large part because of President Bush and his leadership, putting this issue out front.

Let's not use that language of playing politics with children, but get reform and improvement in the system by putting additional resources in as we go forward, which this President and this Congress clearly have shown a willingness to do. But let's not just put more money in and then do away with tests, which in essence is what this amendment does.

The latest results of the National Assessment of Educational Progress have shown—they show it again and again—that money is not the answer and that new programs are not the answer.

One of the great benefits and advantages and, I think, very good parts of this bill is that it has an element of consolidation and streamlining to reduce the regulatory burden, the inefficiencies, and the sort of deadweight of having hundreds and hundreds of programs out there—that there is an element of consolidation in the underlying bill.

We have heard it on the floor again and again. We spent $150 billion on literally hundreds of Federal elementary and secondary education programs over the last 35 years. In terms of progress compared to others, we have not seen it.

That is why this bill is on the floor. That is why it is critical that we address it in a way that recognizes not just the money but the modernization, the demanding of accountability, the raising of expectations for all children, for all schools, and for all teachers. The answer is not just more dollars.

President Bush really led the debate or led the issue so that now we are back here debating accountability again and how important that accountability is. He called for strengthened accountability based on high State standards. Yes, it is annual testing of all students. And, yes, it starts with the third grade and goes through the eighth grade.

In the bill, there are also rigorous corrective actions for schools that fail to meet those standards. Again, Senators have worked very hard in a bipartisan way to make sure that accountability is fashioned in such a way that you just do not make the diagnosis but you set up a system in which there can be early intervention and treatment.

We have several formulas on yearly progress, and indeed in a bipartisan way the initial formulas we used showed that we needed to focus a little bit more on the underserved and on the less advantaged. We changed those formulas just enough, I believe, to appropriately refocus where it wasn't quite right in this initial underlying bill.

Yes, it is the State that sets the standards. Again, one of the big fundamental arguments that will come out again and again —and it has over the last several weeks—is whether it should be Washington, DC, or the Federal Government running it out of Washington, or whether it be should at the State, or local, district, or individual level. Again and again, you can have Republicans saying it should be at the local level, and on the other side of the aisle—I don't want to overly generalize, but if you look at the amendments and the way the voting is going, it is more the answer, here in Washington, A, for more regulations and programs; and, B, more money—the flip side of where this bill is moving, and maybe not quite as far as some of us would like. But that is local control, flexibility at the local level, trusting people back in counties all across Tennessee and in the State of Tennessee to be making decisions rather than here in Washington, DC.

Luckily, much of the debate has gone back to that individual child. That is important because it involves parents. All of us know how important it is to have parents involved in children's education and that ultimately nobody cares more about that child than the parent. We are going to have opportunities later to talk about choice and, if a child is either failing or if the child is locked in a failing school, or if a child is locked in a disadvantaged or unsafe school, whether the parents be given the opportunity to participate in the welfare of their child by giving them an option to move that child to a safer school.

We will have an opportunity to come back and debate that either later this week or next week.

In the same way, when we come to this underlying question of measuring what one is learning or not learning, I would argue that it is necessary. We haven't been doing it in the past. We have to make the diagnosis. Again, it comes back to the individual child. It comes back to the parent. That is why we need to step in. That is why, when people use the word "mandate," I think it is important for us to say at least the value of testing is agreed upon, and the individual child or that individual parent will know where the deficiencies are and how they can improve. Is it math—adding or subtracting? Is it science? Is it how to use a computer? We don't know today.

How we can we intervene and help? How can parents help? Again, I will bet that will happen, once these assessments have been made available, that the first people to look at them will be that parent, that school, and that community. Why? Because the value is there. They will know that.

Annual testing is simply the only way to get away from the symptoms of things not going quite right. To be specific, fortunately we know what can be done.

If you have $1—whatever it is, a Federal, or a local dollar, or a dollar at school—you know how best to invest that dollar, and not just throw a dollar at the symptoms. But you will know how to invest that dollar, and it can be accomplished through this legislation. It is already in the legislation.

I want to make sure we don't, with this particular amendment, allow the opportunity to strip away all accountability in the bill. That is the heart of this bill.

We are going to talk flexibility and local control and decisionmaking at the local level involving the parents. But the heart of this bill comes back to accountability.

This amendment basically gives the opportunity to say, let's just cut the heart out of this bill; let's cut out the accountability provisions; get rid of it, and we can feel good; and let's in fact throw a lot more money at it. That is simply not the approach of the President of the United States, which says spend more money but link it to modern situations and accountability.

These assessments we talked about before. We allow individual States to participate. It is not a Federal test.

As I go across the country to talk to people, they ask, Are you doing a standardized test out of Washington, DC? No. It is coming down at the local level. These tests are at the State level.

I believe these accountability provisions increase choice for students. They increase the opportunity to empower people to make decisions that will benefit their education, again from the standpoint of the parents, and the education of a family as we go forward so that we can truly leave no child behind.

Let me simply close by saying that money is not the answer. That is what we come back to. We talk a lot about the accountability. Money is important. But as we look to the past, and Federal education, State education, and local education, spending has increased dramatically. Total national spending on elementary and secondary education has increased by about 30 percent over the last 10 years. Federal spending on secondary and elementary education has increased by 180 percent. Federal spending is only 6 percent of the overall pie. The Federal role has increased by 180 percent over the last decade. Over the past 5 years, Federal funding for elementary and secondary programs has increased by 52 percent.

Yet in spite of all of those increases—people can say that is not near enough, or maybe some people would say that is way too much—over time, test scores have been national. The achievement gap between the served and the underserved, the rich, the poor—however, you want to measure it—has gotten greater in spite of this increased spending.

I, for one, believe we are going to have to inject—I agree with the President of the United States, we are in the short term going to have to put more into public education K–12 than we have at any time in the past. I am confident we will do that. The President has said that. This Congress has said it.

The authorization levels the Senator from Minnesota talked about have gone sky high, and it looks as if next week they will go higher and higher. There is no way. There is not enough money around to be able to fulfill all the pledges that are being made. That is what an authorization is. But when it comes back to the appropriation process that works pretty well in this body, I am confident that under the leadership of this President and the commitment that has been made, we will put more into education than has been put in in the past.

Again, the debate, I am sure, will go on for several hours. It is a good amendment to have a debate on because it does link the importance of accountability with money. It focuses, I believe, on the fact that, yes, it is going to take some more money, but I do not want to have this element of—not bribery; that is too strong of a term—but basically saying, if you cannot meet this figure of $24 billion, we are going to cut the heart out of the education bill that the American people believe in, that clearly a group of bipartisan Senators, who put these accountability provisions in the bill, believe in, and that this President believes in.

I believe that is a disservice to the underlying bill and to the intent of what this Congress and this President has in mind; and that is, to leave no child behind.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know my colleague from Nevada needs to speak, too, so I will just take a couple minutes to respond.

First of all, the Senator from Tennessee talks about the importance of accountability. I was an educator, a college teacher for 20 years. I do not give any ground on accountability. The point is not to confuse accountability, testing, and standardized tests as being one in the same thing.

We have had two amendments that have been adopted which I think will at least make the testing, and hopefully the assessment, accurate and done in a better way.

This amendment does not say that you do not do the testing. I may have an amendment next week that goes right to the heart of that question with Senator HOLLINGS, and others, but that is not what this amendment is about.

Everybody in this Chamber has been saying they are for accountability and that we are also going to get the resources to the kids. We have to do both. You can't do this on a tin-cup budget. We have to walk our talk. Seventy-nine Senators voted for this authorization. But that is a fiction. It does not mean anything in terms of real dollars.

This amendment says that with the accountability comes the resources. We make a commitment that, unless we live up to what we said we would do by way of title I money for our school districts and our children, then those school districts and States do not have to do the testing. That is all it says.

That is my first point. So the argument that somehow this is an amendment that declares null and void testing is just not accurate. I am just trying to get us to live up to our words.

The second point I want to make is that my colleague said—and I have to smile—somehow this is all about decentralization, whereas Democrats tend to look to the Federal Government. I have to tell you one more time, I do not know where the conservatives are, or whether the whole political world is being turned upside down, but I seem to find myself being a Senator who—I have not resolved this question, but at the moment I do not think it is appropriate that the Federal Government mandate, tell, insist, require that every school district in America test every child every year.

This is radical. It is amazing to me. I am surprised others have not raised this question. Human rights, civil rights, antidiscrimination, yes, but this? I think we are going to rue the day we did this.

There is a rebellion right now in the country that is developing. People are going to say: You voted to make us do this? Where did you get off thinking you were the ones who had the authority to do that? I think this is a real Federal reach.

My third point is, this is a real disagreement we have with my colleague from Tennessee. My colleague is a very gifted doctor, and everybody gives him full credit, of which he richly deserves, but this is not trying to find out if a child has a heart problem.

Mr. FRIST. Will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to yield for a question. But with all due respect, we already know—I have been in a school every 2 weeks for the last 10½ years. We know what is not working and what needs to be done. It is absolutely no secret.

We know that children, when they come to kindergarten, are way behind. We know children who have had no prekindergarten education. We know of the dilapidated buildings. We know of the overcrowded classrooms. We know of kids having three or four teachers in 1 year. We know of kids who are taught by teachers who aren't certified. We know kids go without afterschool care. We know of the disparity of resources from one school district to another. We know what the affluent children have going for them versus what the poor children have going for them. We know all that. We know we fund Early Head Start at 2 percent, 3 percent. And we fund Head Start at only 50 percent for 4-year-olds. We know we fund affordable child care for low-income children where only 10 percent can participate. We know all that.

What do we need to know? Why do we need the test? I ask my colleague from Tennessee, what I just said, are these not realities? Is there one thing that I have said that is not a fact, that is not empirical, that is not a reality in the lives of children in America? If you can tell me, Paul, there is something you just said that is not accurate, then you can argue against this amendment. If you cannot, then you cannot. This amendment does not say no to testing. It just says with the testing and accountability come resources.

Mr. FRIST. Mr. President, will the Senator yield for a very brief question?

Mr. WELLSTONE. I am pleased to yield.

Mr. FRIST. Mr. President, the question I want to address to my colleague from Minnesota has to do with the testing. I think it is worth talking about because I have done the very best I could to make the case that for the individual child it is important to make the diagnosis. Just throwing money at it is not going to do it.

The question I would like the Senator to respond to is, having children assessed from the third to the eighth grade, what is wrong with that? I will argue you have to do it. And that is my side of the argument, which I tried to make. But what is wrong with it? Why will we rue the day that we give the opportunity for a third grader or a fifth grader or a seventh grader the opportunity to figure out why they are not being served well? Why do you object to having third, fourth, fifth, sixth, or seventh graders assessed?

Mr. WELLSTONE. I thank my colleague for the question because then I think Senators can have a clear picture of the amendment on which we are going to vote.

This amendment does not say it is wrong to do that. This amendment does not say it is wrong to do the testing. This amendment does not say it is wrong to do the testing every year. This amendment says, if you are going to have a Federal mandate that every child is going to be tested every year, you better also have a Federal mandate that every child is going to have the same opportunity to do well.

One of the major commitments we have not made is the title I money. That is why the Governors in their letter said we favor this trigger amendment. We want to make sure that they also, with the tests, get the resources. That is all this amendment says.

Mr. FRIST. Mr. President, will the Senator yield for another brief question?

Mr. WELLSTONE. I am pleased to yield.

Mr. FRIST. First, the Senator from Minnesota just said he thinks we will rue the day we decided to assess the students. My assumption was that he feels all students should not be tested, that we already know what the problem is. I thought that was what he said. And I asked him was he against the assessment because there was not enough money going for it, but that he agrees assessments are the right way to go? If so, that is very important. I do not believe that is what he implied in his earlier comments.

Mr. WELLSTONE. I say to my colleague, fair enough. I will say to my colleague publicly, I have a couple different views.

First, the amendment. First, let's be clear about the amendment. The amendment, you will be pleased to know, does not say no to testing at all—not at all. It simply says we ought to live up to our commitment on the resources. That is all. That is all it says. That is it. If we do not, it says to States: Look, if you do not want to do it, you do not have to. That is the amendment.

Above and beyond that, I will say two other things to my colleague from Tennessee, who I know has shown a very strong interest in education over the years. In our State—I am sure it is the case in Tennessee—we are doing the testing. In fact, by the way, by what we passed for title I several years ago, we are just starting to get the results of that testing, for which I voted. We are doing the testing. The only thing I am telling you is that there is a difference between our school districts and our States deciding they want to do it because it is the right thing to do and the Federal Government telling them they have to do it. I just think it is an important distinction. I do not know where I come down on that final question yet. I just think it raises an important philosophical question.

Then the second point I make is that there is also a distinction between what we did several years ago with title I, which is a Federal program, saying we also want to see the testing and the accountability versus telling every school district in Tennessee and every school district in Minnesota you will test every child every year—not every other year—but every year. That is sweeping.

My amendment is not about that question. I just raised that question. I haven't resolved that question. I will tell you one thing I have resolved, which is what this amendment is about. The worst thing we can do is to pretend we don't know what the problems are and not make the commitment with both the IDEA program and title I, which are two of our major program resources, so that we basically set everybody up for failure. That is the worst thing we can do.

If you want to argue that money is not a sufficient condition, I agree. I think it is a necessary addition. We can go through the Rand Corporation assessment of title I and other assessments of title I programs. I can talk about Minnesota. You can talk about Tennessee. A lot of these resources are key to prekindergarten, key to extra reading help, key to afterschool programs. This is really important. That is all this amendment says.

Did I answer my colleague's question?

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Tennessee.

Mr. FRIST. Madam President, I would like to ask the Senator to clarify again. The amendment is set up such that if $24 billion is not appropriated—for people not in the Senate, that is where much of the action really is, and I agree with the Senator in terms of the importance of appropriations and authorization—this President has basically said he is going to put more money into education than any other President has in the past. I think that is important.

But from the assessment end, the ransom for the assessments is that if $24 billion is not appropriated, the amendment cuts the heart out of the education reform bill, which means we will not be able to determine with assessments whether that seventh grade girl has learned how to read.

I am asking, if it is really just the money, why is he linking it to the heart and soul of the bill?

Mr. WELLSTONE. We have a letter from the Democratic Governors that says:

> [Above and beyond] the Carnahan/Nelson amendment, we are hopeful the final version of the legislation to reauthorize ESEA will apply a funding trigger more broadly, specifically to include title I. This is the main source of federal assistance for disadvantaged students, and the Federal Government needs to back its efforts to strengthen accountability with adequate new investment.

The reason they are tied together is that they go together, for God's sake. You can't test every child without also making sure these children have an opportunity to do well on the tests. Of course, they go together. This amendment simply says that the tests authorized need not be implemented until after the title I appropriation has reached the level we said.

We said, 79 of us, we are going to appropriate this money; we are going to make sure that with the accountability comes the resources for the kids to do well. We went on record.

Now I have this amendment that says we make the commitment to Minnesota, Michigan, Tennessee, and everywhere else, if we don't live up to our end of the bargain and you decide you don't want to do the test, you don't have to. By the way, many States are doing it. It is up to them.

I am becoming a decentralist. I am becoming the conservative Republican in this debate, apparently.

Mr. FRIST. My great fear is, if this amendment passes, let's say we put $22 billion in, you have destroyed the accountability, the heart and soul of this bill, the opportunity to give that seventh grader the opportunity to have the diagnosis made of why she is failing.

I don't understand the relationship. Why would you punish the child and eliminate the opportunity to diagnose her problems based on funding? Again, why would one hold this ransom for, again, huge amounts of money, if you are not trying to link the two directly? Unless you are trying to bring down the whole bill.

Mr. WELLSTONE. Madam President, if I wanted to try to bring down the whole bill, I would have an amendment out here to bring down the whole bill. Maybe I will, and it won't be successful. I am still trying to actually improve the bill, just as we did on testing. I say to my colleague, we already have accountability with title I. That is law right now that is on going.

My second point is, this is an honest difference. My colleague's concern is that we won't have a test, that somehow that will be nixed. My concern is that if we just do the tests and make every school, every school district, every child take the test every year, 8, 9, 10, 11, 12, and 13, but we do not live up to our end of the bargain of providing the resources so that the children can do well on the test—extra help for reading, prekindergarten, after school—then the only thing we have done is we have set them up for failure. I don't want to do that. I think that is cruelty.

I cite again the study from Senator GRAHAM which showed that poverty predicts 80 percent of the students' scores right now. I am not surprised. I have been to school every 2 weeks for the last 10½ years. I know that. So far, I haven't heard any compelling reasons against this.

For Democrats, our party, we have been out publicly saying that we are committed to the resources that go with the testing. It is time to walk the talk.

I know there are going to be some other Senators who will speak. I want to go on to another aspect of this. I have spent some time on this, but this is a little different. This has to do with why testing actually can do more harm than good if we don't give the schools the resources to do better. I have not made that argument yet.

I will start out quoting the Committee for Economic Development, which is a strong protesting coalition of business leaders who warn against test-based accountability systems that lead to narrow test-based coaching rather than rich instruction. I will tell you what happens. We don't give the schools the resources. In this particular case, I am talking about title I. That is a real commitment on our part. They are going and you are going to do the testing, and the testing is also going to determine consequences for those schools, whether they are sanctioned, whether principals are removed.

Do you know what happens when they don't have the resources and this is what you do? It leads, I say as a teacher—I am not a doctor; my colleague is a doctor—it leads to the worst kind of education. Do you know what they are going to do? It is what they are doing right now. You drop social studies. You drop poetry. You don't take the kids to the art museum. And you have drilled education where the teachers are teaching to the tests because they are under such duress. That is exactly what happens.

For example, in Washington State, a recent analysis by the Rand Corporation showed that fourth grade teachers shifted significant time away from arts, science, health and fitness, social studies, communication and listening skills because they were not measured by the test.

I do not know if I am making the case the way I want to make the case, but the schools that are going to be under duress are the ones where the children have not had the same opportunity to learn. They came to kindergarten way behind, and we are not making a commitment to early childhood.

Now what happens is because of this—and I see my colleague from New Jersey, and I will finish in 3 minutes so he can speak; I thank him for being here—now because of this duress, what we have is these schools are dropping social studies, art, trips to museums because they are not tested and the teachers are being asked to be drill instructors.

Guess what. Some beautiful, talented teachers are leaving teaching today because of this. This is crazy. We better give them the resources.

I say to my colleague from New Jersey, this is a classic example. The Stevens Elementary School in Houston pays as much as $10,000 a year to hire Stanley Kaplan to teach teachers how to teach kids to take tests. According to the San Jose Mercury, schools in East Palo Alto, which is one of the poorest districts in California, paid Stanley Kaplan $10,000 each to consult with them on test-taking strategies.

According to the same articles, schools across California are spending thousands to buy computer programs, hire consultants, and purchase workbooks and materials. They are redesigning spelling tests and math tests all to enable students to be better test takers.

Forget sense of irony. Forget childhood. Forget 8-year-olds experiencing all the unnamed magic of the world before them. Forget teaching that fires the imagination of children. Drill education to taking tests: it is educationally deadening. That is another reason why without the resources this is not a big step forward. This is a huge leap backwards.

Madam President, I yield the floor and reserve the remainder of my time. My colleague may want to respond.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. If I can take 2 or 3 minutes. Madam President, as I spelled out earlier, this amendment is the heart of what President Bush put on the table: strong accountability to ensure that we do not leave any child behind.

If this amendment is adopted, we are in a significant way putting at risk the entire bill because accountability is the heart and soul of the bill. This is where I think the real progress will be made; that is, making the diagnosis so we know how to invest education dollars and resources. This is the spirit of reform.

All of it depends on knowing where students are and being able to follow their progress over time so we can intervene at an appropriate time.

It is interesting. We talk about dollars. We will be talking about assessments and dollars, and in the amendment they are linked together. I do not think some sort of ransom should be placed over this bill. We have the appropriations process that is going to deal with the reforms we put into place.

If we go back to 1994, the Democrats passed a law which required States to develop broad comprehensive reforms in content, curriculum, and performance standards. To align those reforms with all of the new assessments, much more would need to be added to the bill we are debating today.

Immediately after passage of that law, the President's request in 1994 for discretionary education funding included a $484 million spending cut. The Democratic President's request to cut spending was coupled with those new reforms. In the end, the Democratic Congress passed an appropriations bill that contained a tiny 0.012-percent increase. That is tiny. That is essentially flat, and therefore provided no new funding for those new reforms.

I say all of that because they established new reforms in assessments and testing but did not match investment with assessments. This is the issue we have been talking about the last couple of hours.

The provisions in this bill are more modest. I favor what is in the bill now. I favor the principles the President put on the table, and I think we are going to benefit children greatly with it. We have the commitment of the President of the United States and at least this side of the aisle to increase education funding by 11 percent. It may be a little bit less; it may be a little bit more, but it will be about 11 percent.

It is ironic to me as we talk about assessments and measurements, that the broad reforms in 1994 under different leadership had essentially flat funding. Yet under this President, we have reforms which are not quite as ambitious in terms of testing, but we have an increase in education funding of over 11 percent. People ought to remember this historic perspective as we continue this debate.

I am thankful for the opportunity to talk about the assessments, the heart of this bill. Again, money is not the answer. We have tried it for the last 35 years, and we are failing. We are failing our students; we are failing the next generation. We have to couple reform with a significant increase in spending to which we have agreed.

I yield the floor.

Mr. WELLSTONE. Madam President, 2 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. First, for my colleague to say if Senators vote for this, the testing might not take place is as much as saying, therefore, we are not going to live up to our word. If my colleagues vote for this amendment, the testing will take place because I assume we are going to live up to our word. Seventy-nine of us already voted for this.

All this amendment says is we are going to be clear to States and school districts that we are going to live up to our commitment of resources. That is the first point.

The second point—my colleague from Tennessee left—to say this is more modest than in 1994, my God, we are telling every school district in every State they have to test every child, every year, ages 8, 9, 10, 11, 12, 13. That is not modest in scope.

At the very minimum, transitioning to the Senator from New Jersey, what I am saying is, if we are going to have a national mandate of every child being tested, then we ought to have a national mandate of every opportunity for every child to do well. I reserve the remainder of my time.

Mr. CORZINE. Madam President, I could not agree more with my distinguished Senate colleague and friend from Minnesota. I rise in support of his amendment which ensures we not only test our kids, but we actually provide promised resources we have talked about over and over in this body to improve educational quality. He believes and I believe, and I think common sense argues, that unfunded mandates that are put upon our local school districts only aggravate disparities we already have about how our children are educated. We ought to make sure we start putting money where we are putting mandates on our communities.

Before I discuss the amendment, let me thank Senator WELLSTONE for his leadership on a whole host of these educational matters. It is terrific how he has spoken out about leaving no child behind. I am very grateful for his dedication to quality education for all of our kids, and I am sure the country benefits.

I agree we need to build more accountability into the system. Students, teachers, and administrators need to be held accountable for results. I come from the business world. We look at bottom lines. We ought to get to stronger and stronger results. Congress should be held accountable, too, and that is the purpose of this amendment. Accountability measures focused only on our kids, schools, teachers, and administrators just do not seem enough to assure that our children get an adequate education.

As the Senator from Minnesota has spoken about several times today, 79 Senators supported an amendment to increase the authorization for the title I provisions in this bill to move that up to $24 billion-plus in the year 2005. Seventy-nine Senators voted in support of that. With that vote, we made a promise to millions of children who live in disadvantaged areas that those promises of better schools and greater opportunities would be real. We need to make sure that was not an empty promise, political rhetoric, or cynical posturing.

We have been underfunding the title I program for years. Never in the entire history of the program, which began in 1965, has Congress fully funded the program. Then we hear we are not getting the results we are supposed to be getting when we do not put the resources that actually deliver the goods on preschool or afterschool programs or reading programs and the other issues about which people are talking. We complain but we do not put the resource there to make sure we can deliver in those places where they don't have the resources to provide the educational opportunities other places in the country have.

We have seen the educational dollar that the Federal Government provides for education shrink from 12 cents to 7 cents, with some talk about 6 cents. We shrink that and we wonder why we get disparate results.

Title I is a critical program if we are to ensure all children in our society are provided with meaningful educational and economic opportunity. Title I is the engine of change for low-income school districts across this country. The program is used to train teachers, to provide new technology for students, to support literacy and afterschool programs, and to promote preschool programs, a whole host of items that will make a difference and to make sure every child has a comparable education from one community to the next.

Together, these initiatives have proven effective where they have been applied, raising test scores and improving educational achievement. But we have to have the resources. It has been underfunded for far too long and too many kids have been left behind. The engine of reform needs fuel.

Let me be clear. I support testing. I think it is a good idea. I am not sure much of what we are putting in place is a good idea, but I support testing. By itself, testing is not enough. I am sure it gets our priorities right. What good does it do to test kids if we do not provide the tools needed to respond to bad test results and, more importantly, even prepare for the tests. It would be similar to diagnosing an illness and refusing to prescribe the drugs needed to cure it. That does not make sense.

This amendment stands simply for truth in legislation. It is easy for Congress to authorize funding for programs. It makes political campaigning a lot easier to go out and say: I stood in there and I stood for authorizing title I funds for all our kids. Many people in the country hear we have done that and they think we have fully funded it. As my colleagues know, an authorization is little more than a promise, and all too often it is an empty promise.

In my view, when it comes to providing quality education for all of our children, we need to make sure the promise is real. We need to put the money where the authorizing words state they should be. We must provide our schools with the resources to help students achieve their full potential. We must address the glaring disparity in resources that undermines America's sense of fairness and equal opportunity. We want to hold every child to high standards. We must provide every child with the opportunity to meet them. We have to hold ourselves to high standards.

I urge my colleagues to support the amendment of the Senator from Minnesota. Let's test our kids but get real and provide the resources we have been promising to ensure quality education for all.

Mr. WELLSTONE. I will give the Senate a bit of background. This amendment tracks the amendment that Senator DODD worked on with Senator COLLINS. The Senate went on record—79 Senators—saying we would make this commitment to title I and over a 10-year period we would have funding.

I don't think the Senator would disagree, as much as I was for it, in some ways I very much regret we could not have said full funding in 1 year. For a 7-year-old, 10 years is too late.

In any case, this amendment says by 2005 the Senate went on record saying we ought to be spending $25 billion on title I because that puts us on track for full funding, gets more resources to schools and our children, more help for reading. It can be prekindergarten; it can be technology; it can be more professional training for teachers; it can be afterschool programs.

This amendment says, if we do not live up to our commitment, the States and school districts, if they do not want to do the testing, do not have to. It is up to them. No one is telling them they can't do it, but it is entirely up to them. We have been saying over and over and over again, with accountability comes resources. I wanted to give my colleague a bit of background.

My other point is, if we are going to have a mandate of every child being tested, we better also have a national mandate of every child having the same opportunity to do well. Since the title I program is one of the major ways we at the Federal level make a commitment to low-income, disadvantaged children, we ought to live up to our word. That is what this amendment says.

I yield the floor.

Mr. DODD. I thank my good friend and colleague from Minnesota and express my appreciation to him for raising this amendment. This is not a unique approach. We have taken on matters where we linked financing with obligations. One of the constant complaints we receive as Members when we return home to our respective States and speak with our mayors and Governors, our local legislators, we often hear, regardless of the jurisdiction—Minnesota, Connecticut, Michigan, New Hampshire, Massachusetts—you folks in Washington like to tell us what we need to do, but you rarely come up with the resources to help us do what you tell us we have to do.

We have gone through an extensive debate as part of this discussion on special education. We made a commitment as the Federal Government years ago that said every child ought to have the opportunity for a full education, as much as they are capable of achieving, and that special education students would be a part.

We promised we would meet 40 percent of the cost of that as a result of a Federal requirement. That commitment was made 25 years ago. It took 25 years, until just recently, as a result of the efforts of the Senator from Massachusetts, the Senator from Vermont, Mr. JEFFORDS, Senator COLLINS, my colleague from Minnesota, and many others, who said we were going to have to meet that obligation, financially supporting the special education needs of the country. As a result of their efforts, we have included in this bill a mandatory spending requirement to meet those obligations.

I raised the issue about 12 years ago in the Budget Committee and lost on a tie vote.

Why do I bring that up and discuss it in the context of this amendment? If we fail to adopt this amendment that the Senator from Minnesota has suggested, in 5, 10, 15 years, we will have a similar demand made by the very people asking us today to fulfill the financial obligations that we owe as a result of mandating special education needs.

People may not like that comparison, but that is a fact. We are saying to these students, across the country, disregarding States and in a sense localities, here are some standards we expect you to meet. We are willing to authorize, as we did by a vote of 79–21, some substantial sums of money to allow for full funding of title I as a result of the heroic efforts of my friend and colleague from Maine, Senator COLLINS, along with 78 others in this Chamber. We went on record, with a rather overwhelming vote. This was not a 51–49 vote. Almost 80 Members of the body said full funding of title I is something we ought to do.

If this bill is going to work, we ought to fully fund this program. We said over 10 years.

I would have preferred if it was a more brief period of time, but we have to accept the realities. I think it is important to note that it occurred. It is a true expression of the desire of Members here, regardless of party or ideology. As a result of the demands we will make in this legislation, we are fully prepared to do something that kids on the corner often say to each other: Put your money where your mouth is.

We have had a pretty good mouth when it comes to telling the country what they ought to do. The question is whether or not we will put the money up to back up and support the demands we are making here.

I think the amendment offered is one that is important. It says, obviously, if you want to live up to those commitments—we are asking schools to be accountable, to be responsible—then we should as well. We cannot very well demand a third grader be responsible or fourth grader or fifth grader or some impoverished rural district or urban district—as we demand accountability from a superintendent of schools, a principal, a teacher—and then we duck our responsibility here.

There is a long and painful history where demands have been made by this government on our localities and our States and then we have failed to back up those demands by failing to provide the resources to accomplish them.

This is about as critical an area as can be, education. I do not want to see us coming out of this with a self-fulfilling prophecy of failure. I don't want us to know going in, as a result of the paucity of resources, that young children living in some of the toughest areas of the country are deprived of the resources necessary so they can maximize their potential. As we begin this testing process, year in and year out, as we watch the scores not improving because the title I funds are not there—and by the way they work. Title I funds work as we know based on all sorts of examinations and studies that have been done. Therefore, it seems to me we want to have funding.

My colleagues and I were at recent meetings at the White House. I don't believe we should go into the details of those meetings. The President was gracious enough to invite us to those. He cares about education a lot. I have no doubt that President Bush cares about it. He made that point when he was Governor. He provided evidence of it. He has spoken out about it numerous times and gone to schools all across the country. So the fact that we are of different political parties or persuasions is not the point, obviously. I am willing to believe that his slogan that he used a lot during the campaign of "leave no child behind" is sincerely and deeply felt.

All I am suggesting, as are the Senator from Minnesota and others who support this, is to see those achievements. I believe this President wants to see these kids do better. That is what we all want.

We spend less than 2 percent of the entire Federal budget on elementary and secondary education—less than 2 percent. I think that would probably come as a shock to most Americans who send their tax dollars to Washington to discover that less than 2 cents on every dollar the Federal Government spends actually goes to elementary and secondary education. I am excluding higher education.

We have all heard the speeches given around the country of how important this is, that any nation that ever expects to improve or grow has to have an educational system that creates the opportunities for its people. So this is about as important an issue as there is. When you talk about economic growth, economic stability, education is about as important an issue as you can discuss. If we fail to have an educated generation, all the rhetoric, all the decisions by the Federal Reserve Board, all the decisions by the Treasury, all the decisions made by Wall Street, will not mean a lot if we do not have an educated population able to fill the jobs and perform the work needed to keep this economy and our country strong.

This is the first step. If we get this wrong, then the likelihood we will succeed at every other point is reduced dramatically, in my view. I do not think that is a unique perspective. I suspect if you were to ask the 100 Members of this body whether or not you could have true economic development and true economic stability and success without a strong educational system, I do not know of a single Member of this body who would accept that as a likely conclusion.

What we are saying is, if that is the case, then should we not link this issue of providing the resources necessary to the title I program, which has proved to be so successful, and to say that before we start demanding these tests and so forth we are going to see to it that these young people, and these communities, are going to have the resources to get the job done? That, it seems to me, is only fair and right. If the resources are not going to be there, does anyone doubt, can anyone stand up and say if the resources are not there, that these children, the most needy in the country—in rural and urban America, most of them—are going to be able to do better on these tests?

If you do not have the resources to make these environments better, there is no doubt about the outcomes. You are not going to hire the teachers who are qualified. You are not going to have the tools necessary. That is just a fact.

There is more empirical evidence to support that statement than anything I know of. Over and over again we are told it will not work if you do not have the tools. No matter how strong the desire, no matter how ambitious these parents or these children may be, they have to have the tools. You cannot be in a classroom with 40 kids and learn. A teacher cannot teach.

You cannot get ready for the 21st century economy without a wired school and the ability to access the technology available.

You cannot have teachers who know nothing about the subject matter teaching math, science or reading. They cannot do it. Don't expect a child anywhere to learn under those circumstances.

The fact is, in more schools around the country, those are the realities. I wish I could magically wave a wand and automatically guarantee that there will be these tools available. But none of us possesses that kind of power. You have to have the resources to do it.

So to go out and test a bunch of kids who have not had the support and backing necessary for them to be accurately tested has structured a very cruel arrangement for this Congress and this administration to impose. It is going to produce predictable results. So I think the Senator from Minnesota has properly asked us to do what any mayor, any Governor, any school board or principal or superintendent would ask of us. I think what they are saying to us—my colleague from Minnesota can correct me—they are saying: Look, we accept the challenge you imposed on us. I know my friend from Minnesota and I have heard from a number of people who have questioned the wisdom of this annual testing idea as a way of somehow proving whether or not kids are doing better. I get very uneasy about what teachers are going to be teaching. It is what I call turning our schools into test prep centers where you spend half the year or more of it getting the kids ready to do well on the tests because the teachers, the superintendent, the principal, the Governor—everybody wants to look good and pass the test. I don't know whether you learn anything or not, but you pass the test. I get nervous about an educational system that is more geared to passing some test so more of the "political" people can have bright stars attached to their names.

I think testing is valuable, but your educational system is geared toward those testing requirements rather than educating children. I certainly think math and reading are very important—but I also think science is important, I think history is important, I think geography is important, I think languages are important. My fear is in some ways we are going to get so focused on a couple of disciplines which are critical—very critical, essential, Madam President—but at the expense of a lot of other areas which are also critical for the full and proper development of a child's educational needs.

You do not have to be an educational genius to know what can happen if you are just geared to getting the class to pass the Federal test in order to keep the school open. I am very worried about that.

But I will put that aside. I will put my worries aside for a minute. I am not the only one worried. This is not just Democrats and Republicans who are worried. I think parents out there who may not know all the nuances of this bill are worried. People who work hard in school every day will tell you they know what they are going to end up doing. But we will put that aside for a second.

At the very least, if we are going to demand this in tests, it seems we have to have the kid prepared, at least give them a chance to do well.

If the resources are not there for them to do well, then I think we all know what the results are going to be. That is really what this amendment is all about. Maybe it is more complicated than that. But I don't think it is.

Take the environment, or transportation, or any subject you want. No one would suggest that you can anticipate high performance without the resources being there to help you achieve it. Yet in the education field we seem to be indulging in a fiction that somehow we can set the standard and demand the test, hold back the resources, and expect the students to reach it. I don't know where else you could ever imagine that kind of result to occur.

We seem to be anticipating 50 million children around America, if the bill is passed and signed by the President shortly thereafter, having to meet these tests. It is fewer than 50, because we are talking about grades 3–8. Whatever that number is of kids in elementary and secondary school—perhaps it is 30 million who are in our elementary schools. So 30 million kids will start to be tested. You are not going to have the resources necessary to help the hardest hit schools in America ensure that the children are well prepared.

I realize this amendment is troublesome to people. They prefer that we don't demand this. But just as we demanded special education for children without resources, until finally people were banging on the doors of Washington and saying, "You people promised to help us do this," I suggest we get ahead of their argument and provide the resources as a result of the amendment of the Senator from Minnesota, and then go forward with it.

I am prepared to support this. But I say to my friend from Minnesota, as hesitant as I am about supporting testing in the third, fourth, fifth, sixth, seventh, and eighth grades—by the way, if it were one test, I wouldn't mind. This is Federal. Forget about the State and local. On average, there are about five tests that kids have to go through during a year. I am willing to accept that. But I have the outrageous demand that we provide the resources to these schools so these kids have a chance to demonstrate what they are capable of.

If you are telling me that I can't have the resources to at least give them a chance to prove how bright they can be, don't ask me to require a kid to take a test that they can't possibly pass and set them up for failure in life.

We only debate this bill once every 6 years. I suspect many of us on the floor today may not be here the next time the Elementary and Secondary Education Act is debated. If it were debated every year, I might wait until next year to try it. But if we don't provide the funding in the language here that provides for it, a half a decade or more will go by before we are back again discussing this.

I don't want in this last debate for the next 5 or 6 years, where we mandate this testing and mandate these standards from Washington to every school district in America, to then stick our hands in our pockets and walk away and tell them we are not going to give them the resources necessary to achieve success. I am confident they can achieve.

We have no obligation to guarantee any American success. But we do have an obligation to guarantee every American the opportunity to achieve his or her potential. That is a responsibility that I think I bear as a Member of this body. I am going to be hard pressed to vote for a piece of legislation that demands success without giving these kids the opportunity to prove what they are capable of.

The Senator from Minnesota has offered us an amendment which would complete the circle by requiring the tests but providing the resources that will allow us to judge fairly whether or not these children, their parents, and their schools are meeting their obligations. I thank my colleague for offering the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I know other people desire to speak. I would like to take 20 seconds to say to the Senator from Connecticut that, try as I might, I cannot say it as well as he did. I thank him. We thank each other all the time. But what he said was so powerful. Honest to God, it was so powerful. I really do believe having national testing without any guarantee of equal opportunity to pass the test, and the opportunity to do well, is ethically unjust. What we are trying to say with this amendment is let's give these children the opportunity to do as well as they can. I thank him.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I yield to no one in this body in my battle to seek full-funding for the title I program. I joined with the Senator from Connecticut and the Senator from Maine on the amendment to authorize full funding for title I. I have supported additional funding in this bill, in terms of professional development, bilingual programs, afterschool programs, school construction, and the other programs. We are going to make every effort to ensure that reforms are accompanied by resources.

But I have to really take issue with some of the points that have been raised this afternoon, including the statements from my good friend from Connecticut. We are already testing. Forty-six States currently administer annual reading and math tests in two or more grade levels.

Adequate yearly progress in current law, as well as in this legislation, will be based upon the tests that were held last year. That legislation is currently in place. It is happening in my State. I will spend some time later in my conversation to go through the scores of States that already test in grades 3–8. That is already taking place.

No one argues with the point about ensuring that all students will be prepared to take these tests. However, it is not quite that easy, even with the full funding for title I. We are not providing full funding for the Head Start Programs—only 40 percent. We are not providing full funding for the Early Start Programs. All are enormously important for our children to progress. But a number of States are doing a very good job.

On the idea that we were going to effectively end any assistance to those States after we accepted the amendments from the Senator from Vermont in terms of effectively saying if we don't get the funding for effective tests, that we are not going to be obligated to do it, we have accepted the Wellstone amendment in terms of quality; we have accepted the Wellstone amendment for increased funding; we are going to make the battle in terms of funding for those programs.

But those tests which the States are using under this legislation are happening today in 46 States. The question is, How are we going to have those tests? What I think the Senators from Minnesota and Connecticut and I think on all sides of the aisle, want is not punishment for students but instruments by which we can determine what children are learning and what they are not learning: We want tests that will be responsive to curriculum reform with well-trained teachers in those classrooms. It is going to take some time. But we have recognized that we are going to try to use quality tests in an effective way to enhance children's learning.

I am not going to take a good deal of time, although I had the good opportunity in Massachusetts last week to appear at a conference sponsored by Mass Insight, and also to meet with Achieve—a nationally known organization that has been working on accountability for several years.

When I met with Achieve, they reported that 22 schools in Massachusetts have made significant progress using tests and demonstrating, with measurable results, how students have been making progress. Those tests are being used well and effectively. No one stands to defend poor quality tests that may, in fact, be detrimental to children. But, the Senator from Minnesota's premise that if we do not get to the full funding for the Title I program within 4 years, that we cannot provide for high-quality tests and good school reforms, is flawed. Choosing not to commit to developing good instruments of educational assessment and high standards that will drive curriculum reform, teacher reform, educational reform, and accountability in those communities, I think, just misses the point.

Our bill in the Senate requires States to develop assessments in grades 3 through 8 in math and literacy, with the understanding that those subjects are vital to the future educational success of children. If students do not know how to read, they cannot learn. If they do not know mathematics, they cannot continue their education, and they will not be able to survive in the modern economy. So, we have made a commitment in this bill to ensure that States develop and implement tests in those subject areas.

But in the 1994 reauthorization of ESEA, we required States to administer tests for school accountability at least three times: one in grades 3–5, once in grades 6–9, and once in grades 10–12. Some States have done a very good job of developing these assessments. Some have not done so well. But this bill seeks to build upon the progress made by those States who have developed high-quality assessments, and ensure that the additional assessments developed by States are of the highest quality.

I question the logic of discouraging high-quality assessment that will provide data to help improve education, if in Congress may not be able to secure 100 percent of the resources for reforms across the board in Title I. I cannot understand this, as much as I fight for increased funding for enhanced professional development, afterschool programs, technology, literacy programs, and scores of other reforms essential to improve student achievement.

There are not many Members of the Senate who like increased funding as much as I do. However, we should not use tests as a scapegoat if we are not able to achieve all that we advocate for. We should not take out our frustrations that stem from insufficient funding for Title I, on what have been recognized as effective instruments that measure student achievement, and help teachers tailor instruction to meet the needs of students. That should not be our goal.

I respect the opinion of my friend from Minnesota, and understand that he does not regard assessments as having a critical role in school reform. I know that he feels too many teachers teach to the test, and that too many tests are used punitively, rather than constructively. I believe that his concerns are at the heart of this amendment. However, good tests can play an important role in school reform.

Earlier in our consideration of this bill I mentioned examples of assessments working in tandem with efforts to reform schools, as has occurred in my own State of Massachusetts, at the Jeremiah Burke High School. The Burke school lost its accreditation 6 years ago because of the low-level of education that was being offered at that school. This year, the school has one of the lowest dropout rates in the city of Boston. And every single student has been accepted to college. High expectations, high standards, and the assessments needed to measure progress.

At the Burke school, they use tests to identify student weaknesses, and develop what is almost an individualized curriculum and academic program for each student in need of extra help. This is not a school that has great financial resources, but to the credit of the principal, the Burke school was received with great excitement by parents and the local community for the academic progress that has been made in the school.

I am not prepared to accept an amendment that would propose to throw away meaningful and important tools to gauge student achievement if Congress cannot secure full-funding for all of the reforms included in this bill. I do not think that is wise education policy. I think such an amendment effectively undermines this legislation.

I take a backseat to no one in the fight to increase funding for Title I and other programs. But no member in this body thinks we'll meet the rate of increase for Title I called for in this amendment.

We should not discard the tools that can help promote school success. I think that we should accept the basic assessment provisions in this legislation, and take steps to monitor and watch State's progress toward fulfilling the promise of those provisions. We are going to have to ensure that States develop and implement effective, quality tests.

We have taken steps, with the Collins amendment, to review and financially evaluate the costs associated with producing effective tests. I can commit that as long as I am chairman of the Education Committee, we will have vigorous, vigorous oversight on this particular issue. We will take the steps that are necessary to alter and change this situation if States do not have the resources to effectively develop or use assessments.

But to eliminate provisions to provide for instruments that are being used as tools for reform by teachers throughout the country would be wrong. We should promote teachers' understanding of what children are learning, and we should promote parents' understanding of what children are learning. Denying parents the opportunity to understand how their children's school is performing makes no sense.

At the appropriate time, I intend to vote no.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, first of all, let me be real clear. I have said that in my own mind it is an interesting question as to whether or not the Federal Government ought to be telling every school district in every State to do this. I have never said I am opposed to accountability. I was a college teacher for 20 years, and I do not tend to give ground on this issue.

The reason I have had amendments to try to make this testing of high quality is because, if this is going to be done, it has to be done the right way. But there is more to this legislation.

My colleague from Massachusetts says we are already doing this with title I. That is right. This legislation requires every school district to test every child—not just title I children, every child, every year.

I have heard Senator after Senator after Senator say we ought to, along with the mandate of testing every child, have the opportunity for every child to do well. That is all this amendment says.

I cannot believe what I have heard in this Chamber, which is that we are not going to live up to what we said. Seventy-nine Senators voted for the authorization. We were going to fully fund title I in 10 years. It was going to be up to the level of $25 billion in 2005. Right now we are only funding 30 percent of the children who are eligible. And now my colleague comes to the floor and says that is all fiction, that it is never going to happen.

If it is never going to happen, why, in God's name, do we want to pretend it is going to happen? Whatever happened to the idea that every child should have the same opportunity to succeed and do well?

I will say it one more time. I have heard a million people—I am the one who first said it—say you cannot achieve the goal of leaving no child behind on a tin-cup budget. You cannot pretend to have education reform on a tin-cup budget. I have heard Senator after Senator after Senator say we are going to do both accountability and resources. All this amendment says is, not that States and school districts cannot test—they can; not that they don't want to go ahead with testing—they can. What we are saying is, if we do not live up to our commitment to provide the money for more help for kids for reading, more prekindergarten education, more afterschool education, then the State can say they do not want to do the testing.

We ought to live up to our end of the bargain. I cannot believe we are acting as if the test brings about better teachers; that testing leads to smaller class sizes; that testing means kids come to kindergarten ready to learn; that testing means children get the help they need. None of that is happening the way it should. And title I is part of our commitment.

Can't we at least live up to our words? That is all this amendment says. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CARPER). Is the Senator from Minnesota yielding time to the Senator from Rhode Island?

Mr. WELLSTONE. How much time do we have?

The PRESIDING OFFICER. Thirty-five and one-half minutes.

Mr. WELLSTONE. I am pleased to yield 10 minutes to my colleague from Rhode Island. I also say, in 30 seconds right now, for month after month after month, I have been hearing how we are going to get a commitment from the administration of resources. We have no commitment of any resources in this bill when it comes to title I. I am trying to make sure we live up to our promises.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise as a cosponsor of the Wellstone amendment and a strong supporter of the amendment. I believe what Senator WELLSTONE is doing is calling our collective bluff. We talk about high standards, high accountability for every school in America. We talk about not leaving any child behind. We talk about authorizing significant amounts of money for title I. In fact, we have all come together, 79 of us, to vote for a substantial increase in title I spending—authorization, not appropriation, under the leadership of Senator DODD and Senator COLLINS.

What he is saying is, if we are all in favor, if we have all voted for it, let's make sure we do it. Let's make sure we do it in conjunction with the testing, not after the fact, not testing first, money later. Let's do it together.

That is very wise public policy. It reflects what we have all been talking about for weeks and weeks now. I have heard in the course of the debate analogies to other realms of endeavor, talking about the efficacy, the importance of testing. We know testing is important. There is no one in the Senate who does not recognize that if you test students to see if they are making progress, you have to evaluate the test scores of schools to see if they are adequate. No one is arguing with that logic.

Let's look at, for example, a medical situation. If you showed up in one hospital, you would get the same test as another hospital across town. But in one hospital, you are discovered to have a serious heart problem. They don't have a lot of money, so they give you some chewing gum. The other hospital across town has lots of money, so they give you beta blockers and all sorts of exercise counseling, nutrition, everything under the sun. You are besieged by counselors and therapists, people organizing your life so that you can deal effectively with this discovery. It is the same test, however, with much different results. Senator WELLSTONE is arguing, we will have those tests, but we want the same results.

Frankly, it is about money. It is about resources. The difference, as he pointed out so well, between the performance of students on tests is inextricably, invariably linked to the income levels of those students and, as a result, the income levels of those schools. We all know the basic source of funding for public education in the United States is the property tax. Inner cities with declining property values put less into their programs than affluent suburbs. The reality is, if we really want the system to work, if we want the tests to work, to do more than just identifying failure, if we want to guarantee success, we have to put these resources in. That is the heart of the amendment.

I have also heard—and we hear this every time we engage in a debate on education—we are doing so much worse compared to other countries, particularly European countries. We very well may be. The answer, however, might not be testing. The answer might be having a comprehensive health care system for every child. It might be to have a program of daycare for every child, a very elaborate parental leave program for every family. Maybe if we did those things, our test scores would look very good relative to France or Germany or Great Britain or other countries. So be very careful and wary of these comparisons internationally.

We know that we can improve the quality of our education if we have accountability, and that requires some testing. But we also should know and recognize, as Senator WELLSTONE does, that accountability in testing without real resources won't make the difference we want to achieve. That is not unique to Senator WELLSTONE.

A recent Aspen Institute report noted:

> In the effort to raise the achievement of all American students, an extremely serious barrier is the huge disparities in resources for education across districts and states. It is not unusual for per student expenditures to be three times greater in affluent districts than in poorer districts of the same state.

That accounts for many of the reasons why some students succeed and others fail. The real test, in fact the essence of democracy in America, is not what we say but where we send our children to school. Many parents recognize that when they purchase homes in areas that have good public schools versus those areas that are not funded as robustly.

Now, in addition, the Center for Education Policy concludes, in a recent report, that policymakers "should be wary of proposals that embrace the rhetoric of closing the gap but do not help build the capacity to accomplish that goal."

Testing is just one aspect of that capacity building. We have to have good professional development, good parental involvement, and resources so that the school building itself is a place that children will want to go to and not try to shun and leave as quickly as they can.

The Wellstone amendment is very straightforward. It simply states that the new tests authorized under title I need not be implemented unless title I appropriations have reached $24.72 billion by 2005. That was the amount authorized by the Dodd-Collins amendment for the year the tests are scheduled to go into effect, also 2005.

This amendment has widespread support: The American Association of School Administrators, the Council of Great City Schools, the Hispanic Education Coalition, the Mexican American Legal Defense and Education Fund, the NAACP, the National Association of Black School Educators, the National Council of La Raza, the National Education Association, the National PTA, and the National School Boards Association—all of these groups representing those individuals closest to the issue of education. The school boards, the PTAs, they recognize the logic and the wisdom of the Wellstone amendment.

I hope we can recognize that logic, that we can support this amendment. And, frankly, if our intentions are good, and I believe they are, this amendment will be merely hortatory. If our intentions are good, we will appropriate the money. We will reach those targets. Testing will go into effect. But if it is the intention or the mishap that we vote for testing but we don't vote for resources to title I, then rather than ruing that day, we should vote for this amendment and provide a real check.

I urge all of my colleagues to support the amendment. I yield back my time to Senator WELLSTONE.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield such time as he may consume to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, let me say a few words about this amendment. Then I will speak on the bill in general.

Just reading the Wellstone amendment helps to clarify the argument and the signal this amendment sends. It says:

> No State shall be required to conduct any assessments under this subparagraph in any school year if, by July 1, 2005, the amount appropriated to carry out this part for fiscal year 2005 does not equal or exceed $24,720,000,000.

That is, let's fully fund—however we define "fully fund"—title I before we require this accountability and these assessments. The signal of this amendment, the not-too-subtle message is that the problem in our educational system in this country is there is not enough money. That is the less-than-subtle message the Senator from Minnesota would send out to school districts across this Nation: We are not going to have accountability; we are not going to require testing; we are not going to have assessments under this title until we triple the funding.

If money were the issue, if simply spending more money would solve our education problems in this country, we would have no education bill before us.

If one looks at the last decade, particularly in terms of the Federal Government's involvement, it has been about a 180-percent increase over the previous decade. Nationally, we have increased spending on education by about 30 percent, if one looks at every source of spending on education.

There have been dramatic increases in education spending, but there has been no—I repeat—there has been no correlation to increased test scores and increased student achievement.

While I do not doubt the sincerity of the Senator from Minnesota, I question the logic and the message this amendment sends forth.

In the 1994 ESEA reauthorization, Congress required assessments in three grades. Those provisions were in effect no matter how much or how little Federal funding was provided. The fact is, we did not pay for the testing that we at that time required. In the bill before us, I believe we are more than increasing spending sufficient to meet the new mandates that are being placed upon the States.

The Senator from Minnesota says we are setting schools up for failure. I suggest that what we are really doing is freeing schools and freeing States to make the kind of reforms to focus resources where real academic achievement can be realized.

I have talked to education officials in the State of Arkansas. I have talked to education officials in our State department, and they support the President's education initiative. They support the provisions regarding testing. It does not scare them. They realize this is the way we measure; this is the way we assess; this is the best means we have to really demonstrate that education is working, that children are learning, and that the investments being made in Federal, State, and local resources are good investments.

This amendment strikes at the very heart of the President's plan. We currently provide almost $9 billion for title I, and since title I has been around, we have seen no correlating rise in test scores among students being served. Why then would it be suggested we should require that we eliminate the most important accountability provisions of the bill and not put those accountability provisions in effect until we triple title I funding?

Total national spending on elementary and secondary education has increased 129 percent over the last decade, but Federal spending has increased by over 180 percent over the last decade. Since Republicans gained control of the House and Senate in 1995, Federal spending on elementary and secondary education has increased from $14.7 billion in 1996 to $27.8 billion in 2002. That is an almost doubling of the Federal funds for elementary and secondary education.

I suggest we should not try to portray one party or another party as being committed to education but look at the facts, look at the commitment that has been demonstrated in resources. But increasing funding is simply not the answer in and of itself. There are a lot of statistics that can demonstrate that. Let me share a few of them.

These statistics came from the most recent 1998 National Assessment of Educational Progress, the NAEP test, demonstrating that with the $120 billion that has been invested, poor kids still lag behind those of more affluent backgrounds in reading. In 4th grade, 8th grade, 12th grade, the areas in which we require testing, we can see that gap is as real and as evident as it ever was.

The whole reason the Federal Government involved itself in local education was justified by our commitment to narrowing the gap between affluent homes, advantaged children, and those from less affluent homes and disadvantaged backgrounds. The experiment has been a monumental failure. We have invested billions of dollars, and yet we have not narrowed that gap. It is not time to reduce the resources but to ensure with those resources there are genuine and real reforms that accompany the resources.

This is a graph demonstrating ESEA funding versus the NAEP reading scores. A chart such as this clearly demonstrates there is a lack of correlation between increased spending and automatic improvement in reading scores or academic achievement. The appropriation for ESEA programs is in the billions of dollars. The red line demonstrates how dramatically those increases have occurred. The green line demonstrates the national fourth grade reading scores, which have effectively, since 1991, been level. There has been increased spending without a comparable increase—in fact, any demonstrable increase—in reading scores nationally.

If we look at math, we find exactly the same story. These are ESEA funding versus NAEP math scores. There is a flat line on math achievement and a dramatic increase in appropriations for ESEA. We simply cannot find the evidence which shows that with increased spending, given the resources, the results are going to be there.

This bill dramatically increases spending, but to its credit and to the President's credit for taking the lead on this issue, it says increased resources must be accompanied by real reforms, real assessments, real accountability. That is what this legislation does.

The United States spends more per student than most other advanced nations in the world. This chart clearly demonstrates, even if we look at advanced nations in Europe—Denmark, Switzerland, France—and Australia, we are expending more money, sometimes dramatically more money, than other developed nations.

If spending were the answer, if the more we spent per student the better the test scores were going to be, the greater the academic achievement, hence, the greater opportunity those children would have in the future, then we should be leading the world in academic achievement. After all, we are spending more per student than any other advanced nation in the world.

What are the academic results internationally? A 1999 chemistry knowledge achievement on the TIMSS eighth grade test shows we are lagging way behind Hungary, Finland, Japan, Bulgaria, Slovak Republic, South Korea, Russian Federation, Australia—we are way down in our achievement in the area of chemistry. We are spending more, but we are not producing more.

This chart shows the 1999 algebra knowledge achievement test in the area of math in the eighth grade. Once again, we are near the bottom of the industrialized nations of the world. South Korea cannot compare with how much we are spending per student in this country, and yet they dramatically outperform American students. There simply is not the correlation between spending and academic achievement that many would like to draw.

This next chart is 1999 geometry knowledge achievement in the eighth grade. Once again, looking at the industrialized nations around the world from Japan to Australia, they far outperform American eighth grade students in math and in science.

Does it mean we should spend less? No. It means we should spend more wisely. It means we must accompany increased spending with real reform, with accountability, with assessment, with local control and flexibility. Truly one size does not fit all.

There is one message the Arkansas Department of Education sent to my office: Do not handcuff us; do not continue down the road of prescriptive national formulas on what we must do. Give us the flexibility to make local reforms and, hence, improve student achievement.

The evidence is clear that this amendment, well intended as it may be, is greatly misguided. We have a bill before us that, if we were to enact it without undermining its very underpinnings and pulling its very heart out, could move us in a dramatically new and better direction on education.

It provides important provisions on greater parental choice, not as much as many would like but greater parental choice. The charter States and the straight A provisions, although much watered down, still provide a new and bold opportunity for a few States to experiment with real reform, unhindered by Federal prescriptive programs.

New standards; the requirement of testing grades 3–8; participation in the NAEP; testing 4 and 8; ensuring that not only are the States testing but the tests they are utilizing are meaningful and are giving an accurate depiction of what schools are succeeding and what schools are failing; what States have reforms that are working and what States are not doing the job.

On improvement in teacher quality, I applaud and commend the distinguished Senator from New Hampshire for his lead on improving teacher quality and ensuring that money is wisely invested in professional development, not giving a one-size-fits-all but providing a flexible funding stream to meet the particular teacher quality needs that school districts have across this country.

Finally, with those reforms, with increased parental flexibility, local school flexibility, with attention on individual children, with the requirements on testing, with the consolidation of the plethora of Federal programs, with all of those reforms, there is the increase in spending. That should be the proper Federal role.

We have a great opportunity before the Senate. We have been on the bill for weeks and weeks. We have debated scores of amendments. The genuine and real thrust of the President's education program has thus far been kept intact. The challenge before the Senate this week and next will be to beat back those amendments that turn back to the failed practices of the past, turn back to the misguided notion that more money means better education. That is our challenge, to keep that part of this bill alive, to honor the pledge the President of the United States made to the American people to take us in a new and dramatically better direction on education. I am still hopeful and optimistic, but amendments such as this threaten a return to the failed status quo.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 5 minutes from the opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I also ask unanimous consent the Senator from Michigan be allowed to speak for 5 minutes, followed by the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I indicated my opposition to the Wellstone amendment, but I take a moment to correct the record of my good friend from Arkansas.

We spend $400 billion a year in K–12; and $8 billion on title I. The fact that some students have not made progress is not the fault of the Title I program. Instead, it is a reflection of the fact that States have not provided the leadership in terms of assistance and resources. That is where accountability comes in.

No one is saying money is the answer to everything, but it is a clear indication of a nation's priorities. Although we have a difference in terms of this particular legislation, I stand shoulder to shoulder with the Senator from Minnesota and others who say we ought to work for the full funding because we are only reaching a third of the students.

I remind my friend from Arkansas what happened in Texas. Look what has happened in school funding from 1994 to 2001. Texas has increased their funding for education statewide by 57 percent. Look at the student achievement. Student achievement has increased by 27 percent. Resources have been expended in developing standards and assessments, academies that assist low-achieving students, professional development, and smaller class sizes. That is how the resources have been spent. They have been getting results.

I agree what we want to do is, with scarce resources, give the tried and true policies which have demonstrated effectiveness in the past and make them available to local communities so they make decisions and hold them accountable within that community. That is what this legislation will do.

The testing is also a part of this process. I agree it should be. I am not prepared to put it at risk because we don't reach the actual dollar figure included in the Senator's amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Under a unanimous consent, the Senator from Michigan is recognized.

Ms. STABENOW. Briefly, Mr. President, I will respond to my friend from

Arkansas and his charts, comparing our country to other countries.

One of my concerns in comparing countries is that we in the United States do not stress that we have very different values regarding universal free education for all children, kindergarten through the 12th grade. We take all. Whatever child walks in the door, whether that child has had breakfast, whether they have had a good night's sleep, whether they even had a bed or home in which to sleep the night before. We take all children. I believe that is a strength of the United States of America.

I have had the opportunity to travel around the world and speak with those involved in education in other systems and know if we were to make certain adjustments and only let children over the eighth grade who have met a certain level proceed, or do as done in other countries, that would have a different effect from what we do in the United States.

Mr. HUTCHINSON. Will the Senator yield?

Ms. STABENOW. Certainly. I ask it come from the opposition time.

Mr. HUTCHINSON. Would the Senator from Michigan concede that although there are differences between European nations and the students they educate in the upper grades, the statistics I showed giving international comparisons in the eighth grade in both Europe and the United States, all students are being educated, that it demonstrates we are achieving less on those international test scores than comparable student bodies in European nations?

Ms. STABENOW. If I may reclaim my time, I concur, from watching the study and what has been done, that we, while doing well at the fourth grade level in the TIMSS international studies, by the eighth grade we are losing children. We need to be toughening curriculum and we need to focus on accountability. Many times comparisons that are done are not fair and accurate given the value we have on public education.

Two further comments. First, saying resources should not be coupled with accountability and don't make a difference is to ignore what has happened today for our children in schools. It is not about the dollars. It is about lowering the class size. I have a friend in Grand Rapids, MI, who teaches high-risk students and last year had over 30 students; this year, 15. Surprise, the children went from F's and D's to A's and B's. That is because there was more time for the teacher to teach and the children to learn. It is not about money; it is about children learning and teachers being able to teach smaller classes.

As an example, that same school has books that have situations that don't exist anymore, countries that don't exist anymore, discussions about NASA from years ago. They need to be updated.

I have one final point in support of the amendment of my colleague. I was not here 25 years ago when IDEA passed, when special education was brought forward. However, I do know as someone who has been in a State legislature and has been an active parent with my two children growing up, special education, while setting very important requirements, had, also, the promise that the Federal Government would pay 40 percent of the costs to help the schools so they would not have to take dollars away from other programs, other children, in order to provide these important special education services.

What happened? The Federal Government has never hit 15 percent—never hit 15 percent—even though the promise was 40 percent. The reason I believe this amendment is important is we cannot do this again to the schools. The fact we are not keeping our promise on special education costs my Michigan schools $420 million this year—$420 million that is taken from the ability to lower class size, the ability to upgrade our technology and focus on math and science in our schools, to fund critically important special education programs.

We should not do this again. This amendment will guarantee that, in fact, we will not just talk about requirements; we will make sure the resources are there so our children can truly succeed.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senator from Washington is to be recognized.

Mr. WELLSTONE. Mr. President, I ask how much time we have?

The PRESIDING OFFICER. The proponents of the amendment have almost 23 minutes, the opponents of the amendment have just over 60 minutes.

Mr. GREGG. Will the Senator from Minnesota allow us, Mr. President, after the Senator from Washington speaks, to set aside his amendment so the Senator from Texas could offer her amendment? And then after offering her amendment we could go back to the Wellstone amendment?

Mr. WELLSTONE. Could I ask how much time the Senator from Texas requires?

Mrs. HUTCHISON. Mr. President, I would like to take about 7 minutes, and the Senator from New York would be speaking on the amendment as well for about 5 minutes. Could we have, perhaps, 15 minutes? Because Senator COLLINS from Maine is going to try to come down. After 15 minutes, then we would go back to the Wellstone amendment, close that, and our amendment would be voted on afterwards.

Mr. WELLSTONE. Mr. President, my understanding is this would be after the Senator from Washington speaks? That will be fine.

Mr. GREGG. I ask unanimous consent that after the Senator from Washington speaks, the Senator from Texas be recognized to offer her amendment, that we set aside Senator WELLSTONE's amendment, that she offer her amendment and be on her amendment for up to 15 minutes. Then we will return to Senator WELLSTONE's amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, Senator WELLSTONE brings us an amendment today that really gets to the very heart of this bill, helping our schools ensure that no child is left behind. Some seem to think the heart of this bill is testing, but I have to say as a parent and former educator I know testing alone will not ensure that one additional child learns to read. Testing alone will not help our Nation's students learn to add and subtract. The heart of this bill must be a true effort by the Federal Government to serve as a partner to our States and to our local communities, offering every child a high-quality education and true chance to succeed.

In 1965, when the Federal Government first recognized its special responsibility to provide additional resources to help the most disadvantaged students, we determined a level of support that was necessary to ensure that every child would succeed. Since that time, we have failed over and over again to really give them that support. That is what this Wellstone amendment is about: ensuring we finally meet our commitment to those children.

Over the course of this debate, many of my colleagues have said that title I has failed to help our children over the past 35 years. They cite stagnant test scores as proof that additional investments in title I are a waste. Frankly, that is ridiculous. The reality is, after adjusting for inflation, title I spending has been almost flat. Meanwhile, the job of our public schools has gotten much more demanding, serving not only more students overall, but more students with challenges in limited English proficiency and disabilities.

But these glib statements about title I having failed our disadvantaged students are perhaps most disingenuous and frustrating when one considers the chronic underfunding of title I. Let me talk about that for a moment and illustrate the absurdity of this argument that title I has failed.

Let's assume that Congress decides we must build a bridge from the House to the Senate side of the Capitol; after building a third of that bridge, we begin sending people over that bridge. Not surprisingly, no one makes it to the other side. Some Senators come to the floor and express shock and dismay that no one has crossed the incomplete bridge. After years of this kind of folly, we finally declare on the floor of the Senate that the bridge is clearly a failure and it has to be torn down.

That is what we have done with title I. We have determined that a need exists. We have developed a solution. We have failed to implement that solution. And then we have declared that the solution is not a good one.

The promise of title I has never truly been fulfilled, and because of that, the promise for millions of children has also not been fulfilled. But this is not a matter of getting people across the Capitol. This is about our children's lives. This is about giving them a true chance to succeed. Title I has not failed our most disadvantaged children; we have failed them by not fully funding title I. Title I provides some of the most targeted and flexible funding. This is the kind of funding we need to offer if children are going to have any chance of passing these tests.

Last week, when I was home in my home State of Washington, I met with 31 superintendents in one meeting, and then I talked with countless other parents who stopped me in the grocery store or on the street or anywhere else they found me to express their enormous concern about this bill. They know we are sending them a huge unfunded testing mandate, but they are not sure whether we are sending them much else. Frankly, neither am I.

I know this bill does not provide smaller classes. It doesn't provide support for school renovation or even all the money they will need to develop and implement the tests we are requiring. I also know this bill imposes serious consequences based on the results of these new tests, but this bill does not give our children or our teachers or our schools the tools they need to help the kids pass these tests.

What is our goal in this bill? Is it to impose an enormous unfunded testing mandate on our schools? Is it to declare our schools are in need of improvement or to shut them down? Is it to set our children and their teachers up for failure or is it to ensure that no child is left behind by, yes, measuring their progress but also providing the resources that will help them make that progress?

I have heard my colleagues claim over and over again that the testing in this bill is simply a measure and it will help us identify the needs. Will anyone really be surprised if these new tests show that many children in our most poor schools are not succeeding? When will they have sufficient evidence that the problem exists and be willing to then take the steps necessary to solve it? We keep hearing people say this bill is about accountability. I have news for them. Most of our Nation's teachers, principals, and educators have always felt accountable to the people they serve in their own communities.

What about our accountability? When will we be held accountable for following through on our commitments? We have gotten away with not following through on this one for 35 years. Isn't it time we held ourselves accountable and stopped picking on the teachers and the parents and the students who are struggling every day with insufficient resources?

About a month ago, 78 of our colleagues came down to this floor and voted to invest this amount of funds in our most disadvantaged children. Was our goal that day just another empty promise? I expect at least some of those same 79 votes will be registered in favor of Senator WELLSTONE's amendment since it simply affirms the commitment we have made to these children.

This vote is a test. Are we willing to put our money where our mouths are? Any Senator who voted for the Dodd amendment but votes against this amendment will have some explaining to do—not to me, by the way, but to the children they are deceiving with false promises of help backed up with only another test, not a smaller class, a well-prepared teacher, or an after-school program.

I urge my colleagues to support the Wellstone amendment and show the Nation's most disadvantaged students that we are committed to offering more than just words of encouragement. We are committed to offering them the support they need to succeed.

Mr. WELLSTONE. Mr. President, if I could take a moment, I thank the Senator from Washington. Her work as a State legislator, as a school board member and teacher, her familiarity with children and what is happening in schools, with kids, with teachers, and for the amendment, comes through all the time.

I thank her.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from Texas is recognized for 15 minutes on her amendment.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to set aside any pending amendment and to call up amendment No. 540.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 540 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 540.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for education reform programs that provide same gender schools and classrooms, if comparable educational opportunities are offered for students of both sexes)

On page 684, strike liens 1 through 5, and insert the following:

"(L) education reform programs that provide same gender schools and classrooms, if comparable educational opportunities are offered for students of both sexes;".

AMENDMENT NO. 540, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I send to the desk an amendment to amendment No. 540, a modification to be substituted for the text of the amendment.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 540), as modified, is as follows:

(Purpose: To amend the provisions relating to same gender schools and classrooms)

On page 684, strike lines 1 through 5, and insert the following:

"(L) programs to provide same gender schools and classrooms, consistent with applicable law;

On page 684, between lines 16 and 17, insert the following:

"(c) AWARD CRITERIA AND OTHER GUIDELINES.—Not later than 120 days after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall issue specific award criteria and other guidelines for local educational agencies seeking funding for activities under subsection (b)(1)(L).

Mrs. HUTCHISON. Mr. President, this is an amendment that several of us have worked on for quite a while trying to come up with the right formula.

I thank Senator KENNEDY, and I especially thank the cosponsors of my amendment, Senator COLLINS, Senator MIKULSKI, and Senator CLINTON, for trying to come up with a solution to a problem that we have seen over many years; that is, obstacles put in place against public schools being able to offer single-sex classrooms and single-sex schools.

We are trying to open more options to public school than are available in private school because we want public schools to be able to tailor their programs to what best fits the needs of students in that particular area.

Most of the time coeducational classes in schools are going to be the answer. But sometimes in some circumstances we find that girls do better in a single-sex atmosphere and boys do better in a single-sex atmosphere. We want parents who might not be able to afford private school or might not have the option of parochial school to be able to go to their school board and say: We would like to offer a single-sex eighth grade math class for girls or we would like to offer a single-sex chemistry lab for boys or we might want a whole single-sex school, such as some that have had wonderful results.

I imagine my colleague, the Senator from New York, will mention this because one of the great success stories in single-sex public schools is the Young Women's Leadership Academy in East Harlem, NY, which just saw its first high school graduation and schools such as Western High School in Baltimore that has been in place since the 1800s.

These are the kinds of schools that have weathered all the storms, faced the lawsuits, and have gotten over it. We don't want those kinds of barriers.

If people want that kind of option, and parents come to the school boards wanting that option, that is easily obtain. Our amendment simply says, under applicable law, schools can offer, under title VI, which is the creativity title—the title that we hope will open more options for public schools, single-sex schools and classrooms—we want to particularly have the Department of Education, which is provided in this amendment, to have 120 days to issue guidelines so the public schools that are interested in offering this kind of option will have clear guidelines on how they must structure the program to meet applicable law. That is simply what the amendment does. It has been agreed to by all of the entities that have been working on this issue.

I think this is very exciting. It is something I have worked on since Senator Danforth of Missouri left the Senate; he tried to get an amendment passed when he was here that would have allowed single-sex schools and classrooms and made it easier to do that. But the Department of Education, frankly, has been the barrier. They have put the roadblocks in front of the people who want to try to do this around the country. Most people have been persuaded. Ones such as the East Harlem Young Women's Leadership Academy have prevailed, and they have done very well.

However, we shouldn't have to overcome hurdles. We want public schools to meet all of the tests and all of the individual needs of students without having to go through a lot of redtape, a lot of bureaucracy, and many barriers. That is what this amendment will do.

I call on my colleague from New York, who has worked with me on this amendment. I talked to her about my observations of the leadership school in Harlem when we first put this amendment forward. She has been a real leader in helping me work through the amendment and getting everyone to agree on what we could do to go forward. I appreciate that help. I yield to my colleague, the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank my good friend and colleague from Texas for her leadership on this and so many other issues. The remarks she made very well describe why I stand in support of this amendment.

I believe public school choice should be expanded and as broadly as possible. Certainly, there should not be any obstacle to providing single-sex choice within the public school system. I thank the Senator from Texas for being a leader in promoting quality single-sex education and for working with me, as well as our colleagues from Maryland and Maine, and with the chairman of the Education Committee, to find a compromise that would further the ability of our school districts around the country to develop and implement quality single-sex educational opportunities as a part of providing a diversity of public school choices to students and parents but in doing it in a way that in no way undermines title IX or the equal protection clause of the Constitution.

We know, as the Senator from Texas has said, that single-sex schools and classes can help young people, boys and girls, improve their achievement.

In New York City, we have one of the premier public schools for girls in our Nation. In fact, yesterday the New York Times reported that the first class of girls graduating from the Young Women's Leadership Academy in East Harlem in New York City—all 32 of the seniors—have been accepted by 4-year colleges, and all but one are going to attend while the other young woman has decided to pursue a career in the Air Force, which we know is also an opportunity for young women.

We have to look at the achievements of a school such as the one in New York City that I mentioned, the Young Women's Leadership Academy, or other schools that are springing up around the country. We know this has energized students and parents. We could use more schools such as this.

With the negotiations we have engaged in over this amendment, there was some disagreement that we had to work out about how to comply with title IX and with the Constitution because there has been confusion around our country in school districts about how they can develop single-sex educational opportunities without running afoul of the law or a constitutional prohibition.

This amendment clearly states that school districts should have the opportunity to spend Federal educational funds on promoting single-sex opportunities so long as they are consistent with applicable law. It also makes clear that the U.S. Department of Education should clarify to our school districts what they can and cannot do. Their guidance should be developed as soon as possible. The Senator from Texas and I will watch closely to make sure this guidance is available to school districts.

Both title IX and the equal protection clause provide strong protections so schools cannot fall back on harmful stereotypes. For example, we have done away with the prohibition that used to keep girls out of shop classes. I can remember that—even out of prestigious academic high schools because they were boys only. We have broken down those barriers. We don't in any way want this amendment to start building them up. We are trying to be very clear that we uphold title IX and the Constitution while we create more young women's leadership academies that will make a real difference in the lives of young women and young men.

For example, we do not need another situation as we had with VMI, where young women were first prohibited from attending the school and then were provided with an alternative that was not in any way the same as what was available to the boys.

The language offered here strikes the important balance between providing flexibility to offer single-sex educational opportunities and providing the legal safeguards pursuant to the VMI decision, and key title IX protections, to ensure that we do not turn back the clock.

What the Senator from Texas and I want to do is to provide more and more opportunities for our young people to chart their own courses, to make it clear that they are able to have their own futures in their hands by getting the best possible public school education.

So I am very grateful that we have come together today on behalf of this important amendment which will send a clear signal that we want public schools to provide choices. We want to eliminate sex-based stereotyping. We want to make it clear that every young girl can reach her fullest potential and should be able to choose from among options that will make that possible; and the same for our young boys as well.

So I thank the Senator from Texas for not only putting forth this amendment but for working so hard on making it really do what we intend it to do, so there will be the kind of opportunities for our children that we in this Chamber favor and that we hope this bill will bring about.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the time.

There are approximately 5 minutes remaining.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield up to 4 minutes to my colleague and cosponsor of the amendment, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, I commend the Senator from Texas for her superior work on this issue. She and I have been working on it for a very long time. I am delighted to see the bipartisan compromise amendment reached today.

This action is long overdue and would correct a misinterpretation of title IX of the education amendments of 1972 that clearly was never intended.

Our amendment would ensure that local school districts can establish single-sex classrooms. I would like to share with my colleagues a wonderful example from Presque Isle High School in northern Maine of what can be accomplished with a single-sex classroom.

A gifted math teacher in Presque Isle by the name of Donna Lisnik believed that an all-girls advanced mathematics class would result in higher levels of achievement by women. She was absolutely right. Donna established an all-girls math class, and the results were absolutely outstanding. Both the achievement of the girls, whether measured on SAT scores or by other tests, and the results, the number of girls participating in the class, soared. Everything was a plus.

I had the privilege of visiting Mrs. Lisnik's class. I saw firsthand the enthusiasm the girls had for mathematics, how comfortable they felt, and how they were accelerating.

However, unfortunately, in the previous administration, the Department of Education concluded that this very worthwhile and effective course did not correct historical inequities and, thus, deemed it to be a violation of title IX requirements. As a result, Presque Isle had to open the course to both boys and girls. It was unfortunate that the school was prevented from pursuing a strategy that was resulting in very high achievement levels for the girls attending those classes.

Senator HUTCHISON's bipartisan compromise amendment will ensure that schools with innovative education programs, designed to meet gender-specific needs, will not face needless obstacles.

This amendment is a great example of our working across party lines to do what is best for our children and for educational reform. It will give schools the flexibility to design and the ability to offer single-gender classes when the school determines that these classrooms will provide students with a better opportunity to achieve higher standards.

That is a goal we all share.

I see the Senator from Delaware is also seeking to speak on this issue, so I yield back to the Senator from Texas the remainder of my time. Again, I commend her for her hard work on this issue. It has been a pleasure to be her partner in this regard.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I do want to say we would not have gotten to this point without Senator COLLINS' leadership and help. We adopted this amendment before. We are now back adopting it again because the bill that we passed before did not end up with a Presidential signature. So I thank her for being with us because of her experiences in Maine and appreciate her support very much.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator has half a minute.

Mrs. HUTCHISON. I ask unanimous consent the Senator from Delaware be yielded 1 minute, and then that I be recognized for 30 seconds to close.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator from Texas very much for providing me the 1 minute. And I thank the Presiding Officer for sitting in for me so I might speak.

Mr. President, I ask unanimous consent to be added as a cosponsor to the amendment that is being offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. We in the Senate should be concerned foremost with what is going to work to raise student achievement. We want to provide the resources that will enable and foster and nurture that achievement. We also want to make sure we take away barriers to that student achievement.

When I was sitting as the Presiding Officer during the debate, I realized the nature of the amendment being offered, and I felt compelled to applaud what we are endeavoring to do.

It reminds me that 10 years ago we faced a roadblock in my own State of Delaware because we were unable to do, on a small scale, what we seek to do with this amendment. I know it is not just our State but in the 49 other States young men and young women will benefit if we are able to include this in the legislation that goes to the President, and then if we follow up in the 50 States of America.

I applaud each of you for offering the amendment and thank you for the opportunity to speak on its behalf.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the distinguished Senator from Delaware, the distinguished former Governor, who obviously has another example of how these big barriers have hurt our ability to allow students to get the best education for their particular needs.

So I just close by saying, now it is up to the Department of Education. What we are saying in this Chamber today is: Drop the barriers. Open the options for public schools. Give parents a chance to have their child in public school have all the options that would fit the needs of that particular child.

I again thank Senator MIKULSKI and Senator COLLINS who have been with me on this amendment from the very beginning, and I thank our new cosponsors, Senator CLINTON, Senator CARPER, and Senator KENNEDY, for working with me to form this compromise.

The bottom line is that the Department of Education must step up to the plate. I have discussed this with Secretary Rod Paige. He agrees. He has committed to me that he will open the spigot, open the floodgates, to allow this to be one of the options that will be available to the parents of public schoolchildren in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator's time has expired.

Mr. KENNEDY. If it is agreeable to the Senator from Minnesota, we could dispose of the amendment on a voice vote now. Would that be agreeable to the Senator?

Mr. WELLSTONE. That would be fine.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 540, as modified.

The amendment (No. 540), as modified, was agreed to.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. KENNEDY. I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I yield myself just 3 minutes on the amendment of the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I want to join in thanking the Senator from Texas. This issue is one of enormous importance. We have heard very eloquent comments and statements about the opportunities that this type of amendment can provide for young Americans.

We want to take advantage of those opportunities. As one who has been here for some time, I have often seen where there appear to be opportunities, and where there has also been discrimination against individuals. That has been true in a variety of different circumstances. None of us wants to see this. We know that that is not the intention of any of us who is supporting this particular program.

The Senator was enormously helpful and positive and constructive, as was the Senator from New York, Mrs. CLINTON, Senator COLLINS, Senator MIKULSKI, and others, in making sure that we were, to the extent possible, not going to see a reenforcement or a return to old stereotyping which has taken place at an unfortunate period in terms of American education. They have done that, the Senator has done that with the amendment. That has been enormously important.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from New York.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the amendment under consideration be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I did not realize that the Senator from Minnesota wanted to continue at this moment. I yield to him.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Does the Senator have an amendment she is trying to dispose of?

Mrs. CLINTON. I am trying to propose the amendment, but I will lay it aside, and I am not asking for a vote.

AMENDMENT NO. 466

Mr. WELLSTONE. I think we should probably go ahead and finish up on the other amendment. How much time do we have?

The PRESIDING OFFICER. Fifteen minutes and 57 minutes 30 seconds for the other side.

Mr. WELLSTONE. May I ask the other side how much time they intend to use?

Mr. KENNEDY. Mr. President, if the Senator wanted to yield the time back, I would urge my colleague from New Hampshire to yield his time back.

Mr. WELLSTONE. I have a little time to summarize. If you all are going to use a few minutes, then at the end I will go ahead and finish. If you have a lot to say, I want to respond to your comments. All right.

I thank the Senator from Massachusetts and the Senator from New Hampshire.

Mr. President, I thank all of my colleagues who have come to the Chamber and spoken on the amendment; quite a few Senators have. I thank each and every one of them for some very powerful words. I almost forget everybody, but Senator DODD, Senator MURRAY, Senator REED, Senator CORZINE, Senator STABENOW, I thank all of them.

This amendment says that the tests that are authorized under title I need not be implemented until after we live up to our goal of appropriating the $24 billion for title I. This is the amount the Dodd amendment called for in authorization. I am not saying that Minnesota or any other State can't go forward. They can do whatever they want. What I am saying is, States have a right to say to us, if you don't live up to your word to get us the resources to go with the testing, then we decide whether we want to do this. The testing that is being done post-1994 goes on. I am talking about the testing in this bill.

This amendment has endorsements from, among others, the Hispanic Education Coalition, Mexican American Legal Defense and Education Fund, NAACP, National Council of La Raza, National Education Association, National Parent Teacher Association, National School Board Association. In addition, we have a letter from Democratic Governors basically saying, while we support the Carnahan/Nelson amendment, we are hopeful that any final version to reauthorize ESEA will apply a funding trigger more broadly, specifically to include title I, the argument being that the Government needs to strengthen its accountability with adequate new investment.

Colleagues, there is a reason that all these organizations that represent the education community on the ground—I didn't include the National Education Association as well—support this amendment, because what they are saying is: Don't set us up for failure. If you are going to mandate that every child in every grade will be tested every year, grades 3, 4, 5, 6, 7, and 8, then how about a Federal mandate that we will have equality of opportunity for every child to be able to succeed and do well on these tests? To not do so is ethically unjust.

This bill, right now, without the resources, without this amendment passing, will test the poor against the rich and announce that the poor failed. Federally required tests without federally required resources for the children amounts to clubbing children over the head after we have systematically cheated them. We already know in advance which children are going to fail. This is a plan, without this amendment passing, not for reform, not for equality, but for humiliation of children.

How in the world can we continue to have the schools? They don't have the resources. They have the large classes. All too often, it is two or three or four teachers in a given year, much less the children living in homes where they move two or three times a year. They come to kindergarten way behind, not kindergarten ready. Quite often, they don't have qualified teachers. They don't have the technology. They don't have the resources. Then, in the absence of making the commitment to making sure these children have a chance to do well, the only thing we are going to do is require testing and fail them again.

This amendment is just saying, if we are going to have the testing, we are going to provide the resources.

My friend Jonathan Kozol, who I think is the most powerful writer about children in education today, says that testing is a symbolic substitute for educating. Don't substitute a symbol for the real thing. Kids who are cheated of Head Start—we fund 3 percent of the children who could benefit from Early Head Start, barely 50 percent of the children who are 4-year-olds. Children who are cheated of small classes, cheated of well-paid teachers learn absolutely nothing from a test every year except how much this Nation wants to embarrass and punish them. That is what is wrong with having the testing without the resources.

I hope the testing advocates do not assume that teachers are afraid to be held accountable. Frankly, that is libel against teachers. No good teacher is afraid to be held accountable for what she or he does. I wish I had the time. I have e-mails from teachers all across the country about this.

Accountability is a two-way street. What we have here is one-way accountability. We want to have the tests every year, but we don't want to be accountable to the words we have spoken. Seventy-nine Senators went on record to vote for authorizing full funding for title I, for disadvantaged children, in 10 years.

I see my colleague, the Senator from Minnesota, presiding. He would say: Why 10 years? He is right. A 7-year-old will be 17 then. That is too late. You only have your childhood once. Nevertheless, we went on record, and that means that by 2005, we made a commitment of $25 billion for title I, which right now is funded at a 30-percent level.

So Senator DAYTON, in St. Paul, when you get to a school with fewer than 65 percent low-income children, they don't receive any funding—we have run out already—money that could be used, especially with the little children, for additional reading help, after school, prekindergarten. What this amendment is saying is that 79 Senators voted for that authorization. If that is what you did, and it was a good vote for the Dodd-Collins amendment—Senator DODD was here speaking—then let's live up to our words.

Let's say that unless that money is appropriated—and I can see Senators running ads: I voted to authorize full funding for the title I program for the children in my State—knowing that the authorization has nothing to do with whether there is money.

This amendment makes the words real. Let's not fool around with people. Let's live up to our commitment, and let's make it clear; yes to accountability, but we also are going to follow through when it comes to living up to our commitment of resources.

I have heard Senators say if we talk the talk but we do not walk the walk, we are going to fail our children. That is exactly what is wrong with this bill that calls for the testing without the resources. Testing and publishing test scores is talking, only talking.

Giving title I, supporting what we should be doing—fully funding Head Start, making sure every child comes to kindergarten ready to learn, getting the best teachers in the schools, providing additional help for reading—that is walking. That is what this amendment is. This is a walking amendment.

I say to Senators: It is time to walk. It is time to start walking. It is time to start walking your talk. It is time to start living up to what you said when you voted for the full funding for title I.

Let's be accountable. I have heard the majority of Senators say they were going to fight for the resources to go with the testing. Now is the time to do so.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have listened to the Senator make a very impassioned plea for funding the program, and I am all in agreement with it. I feel, however, as if we are describing two different bills.

The pending Senate bill already includes accountability. The bill already includes testing. And, at the present time, under current law there are already 15 States that are testing students every year, in grades 3 through 8, in math and reading. There are 46 States that are testing their students annually in at least two grades. States are complying today with the 1994 law, and are being held accountable for their progress, under provisions that describe adequate yearly progress in Title I. This is nothing new.

The amount that those 15 States are spending on their statewide tests is low. Many States are not investing the resources that they really need to ensure high-quality assessments. According to the Education Commission of the States, those 15 States only spend between $1.37 and $17.16 per student annually on their assessments.

Under our legislation, the Jeffords amendment would ensure $69—do we hear that?—$69 per student for States to develop their annual assessments by the 2005–2006 school year, in reading and math for students grades 3–8. According to the National Association of State Boards of Education, it takes between $25 and $125 per student to develop such assessments. $69 should be sufficient. Not $1, as exists now, not $5, but $69.

The Wellstone amendment essentially eliminates requirements to develop those assessments, and eliminates the promise that those high-quality assessments may hold to produce the data that can drive school reform. We are cutting off our nose to spite our face. Senator WELLSTONE is thinking that, sometime in the future, we will eventually begin this process of assessment. In reality, assessments are in place now.

To say if we do not get full funding, if we miss it by $500 million, what happens? We are not going to provide any of the accountability. If we miss it by $300 million, we are not going to get it. With all respect to my colleague from Connecticut, their amendment for full funding was for 10 years. This amendment calls for full funding in 4 years. I am all for full funding in 4 years, if Senator wants to offer an amendment that does not compromise essential reforms in the underlying bill.

I have spoken with the President about this very subject. We ought to increase funding for Title I, and double our present commitment to cover two-thirds of the children, and the other third during his administration. I have said it publicly, and I said it to the President within the last 3 days.

I am going to continue to fight this fight, because I believe in the Title I program. However, to say that at the end of the day we are not going to be able to implement high quality tests that help us in the reform process I do not understand. I just do not understand it because tests are nothing new, we are currently assessing student progress for accountability today, and more and more States are implementing a plan similar to that which is in this underlying bill. Many States are not implementing tests that are of high-quality. They are not doing very well. We have seek in this bill to address that point.

We are not talking about the future. We have addressed the issue of quality in the assessment process with the amendments that we have taken. We want to improve upon States' current practice. We have tried to accomplish that with the amendments to date, but that goal will not be met by the pending amendment offered by the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes 47 seconds.

Mr. WELLSTONE. Let me try to clear up the confusion of my good friend from Massachusetts. First, part of what we talked about is whether or not there should be full funding for the testing. I support the Carnahan amendment. It was not adopted. I think it should have been adopted.

The Senator talked about the Dodd amendment full funding in 10 years. This amendment does not call for full funding by 2005. This amendment tracks the Dodd amendment. This amendment is a 100-percent reflection of what we have already gone on record supporting. I do not call for full funding; $25 billion in 2005 is not full funding. This is exactly what the Dodd amendment calls for as we reach full funding in 10 years.

As to the testing, it is true we are already testing. As a matter of fact, this amendment does not talk about that testing. This amendment talks about the fact that this bill, called the BEST bill, I say to my colleague from Massachusetts, does not say title I children are tested. It says every child in every school district in every State is tested every year. That is quite a different piece of legislation in its scope. Finally, one more time, the National Council of LaRaza, National Education Association, National Parent Teacher Association, National School Board Association, Democratic Governors—why in the world do you think they support this? Because they have had enough of it. They have had enough of us constantly putting more requirements on them without backing it up with resources.

They are a little bit suspicious of the Congress. They think we are great when it comes to telling them to do this, this, and this, but they do not think we fully fund what we ask them to do, and they are right.

That is why they support this, and they are right. They are saying if you are going to have a national mandate that every child is tested, then let's have a national mandate to make sure every child has an opportunity to do well on those tests and make sure you live up to your commitment on the title I programs, which is one of the major Federal commitments—it is not a large part of education money spent, but it is a real important piece when it comes to what our commitment is.

This commitment just asks every Senator to walk the talk. You already went on record saying you are for this. Now let's get real. This amendment just says walk your talk.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

On page 43 under "Assessments," this bill spells out the tests which I mentioned earlier are statewide. There are currently 15 States that are testing reading and math annually in grades 3 through 8.

Accountability in current law is based, at least partly, on these tests that are currently being administered. Not all, but many of these tests are not of the highest quality. They are not aligned with standards. They are not valid and reliable measures. I want to make them better. We have in place in this legislation, with the amendments that have been accepted—the Jeffords amendment, the Wellstone amendments, the Collins amendment.

The best estimate has been provided by the National Association of State Boards of Education. They estimate that the cost of developing high quality State tests, aligned to standards, in grades 3–8 ranges from $25 to $125 per student. Our bill provides $69 per student. If States do not receive the funds provided by the Jeffords amendment under this bill for testing, they may suspend the development or implementation of their tests.

The fact is, S. 1, when the President signs it, will contain accountability provisions that will be driven by, as it says on page 43, existing tests under requirements that mirror current law. Many of those tests are not of high quality. Some States are doing better than others. I can understand why the President and our committee both want to do better. To eliminate the possibility to do better, by warding off assessments, does not make any sense to me.

Mr. WELLSTONE. Mr. President, if the Senate lives up to its word and we do exactly what we say we are going to do in the appropriations, which is to provide the money for title I which provides the money for the extra help for reading and afterschool and pre-kindergarten, nobody loses.

I am calling everybody on their bluff on the words they have spoken. I have not seen any firm commitment about money. I have not seen the administration come forward with any commitment of resources to expand title I to make sure we do our very best for these kids. I don't think this program called BEST, is the best, unless we live up to our commitment.

This should be easy for Senators to vote for. It just means that in our appropriations we do exactly what we promised to do. How can anyone vote against what was already voted for? How can Members vote against an appropriation that is exactly the same thing Members voted for as an authorization? What is wrong with saying, don't ask for me to vote for testing every child throughout America in every school, which is what Senator DODD said? Start as young as age 8, unless you are also going to give me a chance. Don't ask us to vote for a mandate of testing every child without also letting us have an opportunity to pass legislation which will assure we get the resources to the schools and the teachers and kids so they can do well in these tests.

I don't believe that is an outrageous assumption. I stand for that. I hope we get this through.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I associate myself with the comments of the Senator from Massachusetts. There has been a significant amount of debate so I will not carry it on. I reinforce the fact that the President has suggested we extend the testing passed in 1994 to three additional grades. The testing in 1994 required the curriculum be aligned and that the tests be fairly pervasive. At the same time, when those tests were put in place, there was no funding at all to support them.

This President has suggested that is not correct. He has put in place $3 billion of new funding for the purposes of underwriting the costs of these tests. In addition, he has suggested the most significant increase of title I funding for the actual problematic side than any President in the history of this country. He has suggested increases that represent more than 50 percent of an increase in title I funding. So the commitment is significant in the area of dollars.

Senator KENNEDY hit the nail on the head. If this amendment passes, essentially we are stepping backward on the issue of assessment. And we are stepping backward, therefore, on the issue of finding out whether or not low-income kids are getting fair treatment in our school systems. That is what this is about.

Will we have in place a procedure for determining whether or not our low-income children are getting fair treatment? The only way to do that is through a testing regime in the form outlined in this bill. If we abandon that testing regime, for all intents and purposes, we are going back to the present status quo which has produced 35 years of failure. We know it is not working. It is time to make the changes proposed in this bill. Regrettably, the Wellstone amendment takes us backward, rather than forward, in that effort.

I yield back the remainder of our time on our side.

Mr. WELLSTONE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. MILLER), and the Senator from New Jersey (Mr. TORRICELLI), are necessarily absent. I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote "aye."

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote "nay'."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 71, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—23

Akaka
Biden
Cantwell
Carnahan
Clinton
Corzine
Dayton
Dodd
Durbin
Feingold
Graham
Harkin
Hollings
Kerry
Leahy
Levin
Murray
Nelson (NE)
Reed
Reid
Sarbanes
Stabenow
Wellstone

NAYS—71

Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carper
Chafee
Cleland
Cochran
Collins
Conrad
Craig
Daschle
DeWine
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Nelson (FL)
Nickles
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—6

Boxer
Crapo
Hatch
McCain
Miller
Torricelli

The amendment (No. 466) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I have just talked to the majority leader. And I see our deputy leader and our Republican floor manager. We had been talking during the course of the afternoon, and hopefully we will have a pathway which will lead us to two votes, I believe, on Monday night and then hopefully set the stage for our Tuesday deliberations.

I heard from our leader, if we are able to work that out, there might not be further votes this evening. But this is underway. I just hope the membership can give us a minute or two to see if that can be put in a unanimous consent agreement. We will do that just as rapidly as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 516 TO AMENDMENT NO. 358

Mrs. CLINTON. Mr. President, I call up amendment No. 516.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. TORRICELLI, and Mr. CORZINE, proposes an amendment numbered 516.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children)

On page 586, between lines 18 and 19, insert the following:

SEC.   . STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN.

Title IV, as amended by this title, is further amended by adding at the end the following:

"PART E—MISCELLANEOUS PROVISIONS

"SEC. 4501. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN.

"(a) STUDY AUTHORIZED.—The Secretary of Education, in conjunction with the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study on the health and learning impacts of sick and dilapidated public school buildings on children that have attended or are attending such schools.

"(b) STUDY SPECIFICATIONS.—The following information shall be included in the study conducted under subsection (a):

"(1) The characteristics of public elementary and secondary school buildings that contribute to unhealthy school environments, including the prevalence of such characteristics in public elementary and secondary school buildings. Such characteristics may include school buildings that—

"(A) have been built on contaminated property;

"(B) have poor in-door air quality;

"(C) have occurrences of mold;

"(D) have ineffective ventilation, heating or cooling systems, inadequate lighting, drinking water that does not meet health-based standards, infestations of rodents, insects, or other animals that may carry or cause disease;

"(E) have dust or debris from crumbling structures or construction efforts; and

"(F) have been subjected to an inappropriate use of pesticides, insecticides, chemicals, or cleaners, lead-based paint, or asbestos or have radon or such other characteristics as determined by the Director of the Centers for Disease Control and Prevention to indicate an unhealthy school environment.

"(2) The health and leaning impacts of sick and dilapidated public school buildings on students that are attending or that have attended a school described in subsection (a), including information on the rates of such impacts where available. Such health impacts may include higher than expected incidence of injury, infectious disease, or chronic disease, such as asthma, allergies, elevated blood lead levels, behavioral disorders, or ultimately cancer. Such learning impacts may include lower levels of student achievement, inability of students to concentrate, and other educational indicators.

"(3) Recommendations to Congress on the development and implementation of public health and environmental standards for constructing new public elementary and secondary school buildings, remediating existing public school buildings, and the overall monitoring of public school building health, including cost estimates for the development and implementation of such standards and a cost estimate of bringing all public schools up to such standards.

"(4) The identification of the existing gaps in information regarding the health of public elementary and secondary school buildings and the health and learning impacts on students that attend unhealthy public schools, including recommendations for obtaining such information.

"(c) STUDY COMPLETION.—The study under subsection (a) shall be completed by the earlier of—

"(1) not later than 18 months after the date of enactment of this Act; or

"(2) not later than December 31, 2002.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2002 for the conduct of the study under subsection (a).".

AMENDMENT NO. 516, AS MODIFIED

Mrs. CLINTON. Mr. President, I ask unanimous consent to modify the amendment and send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 516), as modified, is as follows:

On page 586, between lines 18 and 19, insert the following:

SEC.   . STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN AND THE HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

Title IV, as amended by this title, is further amended by adding at the end the following:

"PART E—MISCELLANEOUS PROVISIONS

"SEC. 4501. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN.

"(a) STUDY AUTHORIZED.—The Secretary of Education, in conjunction with the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study on the health and learning impacts of sick and dilapidated public school buildings on children that have attended or are attending such schools.

"(b) STUDY SPECIFICATIONS.—The following information shall be included in the study conducted under subsection (a):

"(1) The characteristics of public elementary and secondary school buildings that contribute to unhealthy school environments, including the prevalence of such characteristics in public elementary and secondary school buildings. Such characteristics may include school buildings that—

"(A) have been built on contaminated property;

"(B) have poor in-door air quality;

"(C) have occurrences of mold;

"(D) have ineffective ventilation, heating or cooling systems, inadequate lighting, drinking water that does not meet health-based standards, infestations of rodents, insects, or other animals that may carry or cause disease;

"(E) have dust or debris from crumbling structures or construction efforts; and

"(F) have been subjected to an inappropriate use of pesticides, insecticides, chemicals, or cleaners, lead-based paint, or asbestos or have radon or such other characteristics as determined by the Director of the Centers for Disease Control and Prevention to indicate an unhealthy school environment.

"(2) The health and leaning impacts of sick and dilapidated public school buildings on students that are attending or that have attended a school described in subsection (a), including information on the rates of such impacts where available. Such health impacts may include higher than expected incidence of injury, infectious disease, or chronic disease, such as asthma, allergies, elevated blood lead levels, behavioral disorders, or ultimately cancer. Such learning impacts may include lower levels of student achievement, inability of students to concentrate, and other educational indicators.

"(3) Recommendations to Congress on the development and implementation of public health and environmental standards for constructing new public elementary and secondary school buildings, remediating existing public school buildings, and the overall monitoring of public school building health, including cost estimates for the development and implementation of such standards and a cost estimate of bringing all public schools up to such standards.

"(4) The identification of the existing gaps in information regarding the health of public elementary and secondary school buildings and the health and learning impacts on students that attend unhealthy public schools, including recommendations for obtaining such information.

"(c) STUDY COMPLETION.—The study under subsection (a) shall be completed by the earlier of—

"(1) not later than 18 months after the date of enactment of this Act; or

"(2) not later than December 31, 2002.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2002 for the conduct of the study under subsection (a).

"SEC. 4502. HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

"(a) SHORT TITLE.—This section may be cited as the 'Healthy and High Performance Schools Act of 2001'.

"(b) PURPOSE.—It is the purpose of this section to assist local educational agencies in the production of high performance elementary school and secondary school buildings that are healthful, productive, energy-efficient, and environmentally sound.

"(c) PROGRAM ESTABLISHMENT AND ADMINISTRATION.—

"(1) PROGRAM.—There is established in the Department of Education the High Performance Schools Program (in this section referred to as the 'Program').

"(2) GRANTS.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, may, through the Program, award grants to State educational agencies to permit such State educational agencies to carry out paragraph (3).

"(3) STATE USE OF FUNDS.—

"(A) SUBGRANTS.—

"(i) IN GENERAL.—A State educational agency receiving a grant under this section shall use the grant funds made available under subsection (d)(1)(A) to award subgrants to local educational agencies to permit such local educational agencies to carry out the activities described in paragraph (4).

"(ii) LIMITATION.—A State educational agency shall award subgrants under clause (i) to local educational agencies that have made a commitment to use the subgrant funds to develop healthy, high performance school buildings in accordance with the plan developed and approved pursuant to clause (iii)(I).

"(iii) IMPLEMENTATION.—

"(I) PLANS.—A State educational agency shall award subgrants under subparagraph

(A) only to local educational agencies that, in consultation with the State educational agency and State offices with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and appropriate in order to achieve the purposes for which such subgrants are made.

‘‘(II) Supplementing grant funds.—The State educational agency shall encourage qualifying local educational agencies to supplement their subgrant funds with funds from other sources in the implementation of their plans.

‘‘(B) Administration.—A State educational agency receiving a grant under this section shall use the grant funds made available under subsection (d)(1)(B)—

‘‘(i) to evaluate compliance by local educational agencies with the requirements of this section;

‘‘(ii) to distribute information and materials to clearly define and promote the development of healthy, high performance school buildings for both new and existing facilities;

‘‘(iii) to organize and conduct programs for school board members, school district personnel, architects, engineers, and others to advance the concepts of healthy, high performance school buildings;

‘‘(iv) to obtain technical services and assistance in planning and designing high performance school buildings; and

‘‘(v) to collect and monitor information pertaining to the high performance school building projects funded under this section.

‘‘(C) Promotion.—Subject to subsection (d)(1), a State educational agency receiving a grant under this section may use grant funds for promotional and marketing activities, including facilitating private and public financing, working with school administrations, students, and communities, and coordinating public benefit programs.

‘‘(4) Local use of funds.—

‘‘(A) In general.—A local educational agency receiving a subgrant under paragraph (3)(A) shall use such subgrant funds for new school building projects and renovation projects that—

‘‘(i) achieve energy-efficiency performance that reduces energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in Chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results; and

‘‘(ii) achieve environmentally healthy schools in compliance with Federal and State codes intended to achieve healthy and safe school environments.

‘‘(B) Existing buildings.—A local educational agency receiving a subgrant under paragraph (3)(A) for renovation of existing school buildings shall use such subgrant funds to achieve energy efficiency performance that reduces energy use below the school's baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline and to help bring schools into compliance with health and safety standards.

‘‘(d) Allocation of Funds.—

‘‘(1) In general.—A State receiving a grant under this section shall use—

‘‘(A) not less than 70 percent of such grant funds to carry out subsection (c)(3)(A); and

‘‘(B) not less than 15 percent of such grant funds to carry out subsection (c)(3)(B).

‘‘(2) Reservation.—The Secretary may reserve an amount not to exceed $300,000 per year from amounts appropriated under subsection (f) to assist State educational agencies in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve healthy, high performance school buildings.

‘‘(e) Report to Congress.—

‘‘(1) In general.—The Secretary shall conduct a biennial review of State actions implementing this section, and shall report to Congress on the results of such reviews.

‘‘(2) Reviews.—In conducting such reviews, the Secretary shall assess the effectiveness of the calculation procedures used by State educational agencies in establishing eligibility of local educational agencies for subgrants under this section, and may assess other aspects of the Program to determine whether the aspects have been effectively implemented.

‘‘(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

‘‘(1) $250,000,000 for each of fiscal years 2002 through 2005; and

‘‘(2) such sums as may be necessary for each of fiscal years 2006 through 2011.

‘‘(g) Definitions.—In this section:

‘‘(1) Healthy, high performance school building.—The term ‘healthy, high performance school building’ means a school building which, in its design, construction, operation, and maintenance, maximizes use of renewable energy and energy-efficient practices, is cost-effective on a life cycle basis, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

‘‘(2) Renewable energy.—The term ‘renewable energy’ means energy produced by solar, wind, geothermal, hydroelectric, or biomass power.’’.

Mrs. CLINTON. Mr. President, I rise today to focus the attention of my colleagues and our country on the environmental health and energy efficiency of our Nation's schools.

Throughout this debate, we have come to the floor to propose solutions for improving student achievement and ensuring that all of our children are provided with a world-class education. I am very pleased that we have made a lot of progress in coming to consensus on some basic tenets—that all children should be guaranteed an education focused around high academic standards, that every child should be taught by a quality teacher, and that we should hold educators accountable for making sure their students can meet these high standards.

There is something we have not yet addressed; that is, to ensure that our children attend schools that are in good working condition and that are conducive to their learning and not detrimental to their health. I was disappointed that we were not successful in our efforts to provide needed Federal support for repairs and renovations to modernize our schools, and we have done a disservice to many of our children.

In the State of New York, for example, we have children who attend schools that are in deplorable condition. Approximately 67 percent of all the schools in New York have at least one inadequate building feature. That can mean a leaky roof or poor plumbing or electrical shortages, windows that are broken, heating, ventilating, air-conditioning systems that just don't work. What I hope we can do is to take a hard look at what the effects of these building conditions are on our children. We have children in New York attending classes in school buildings that average 50 years of age. In upstate New York the average is 38. These are the problems that are brought to my attention every single day—leaking roofs and bad filtration conditions that are beginning to demonstrate health problems in the schools.

In central New York, the Council for Occupational Health and Safety began receiving complaints from teachers and students about a particular school. When the director inspected the building, he discovered that the air filtration system was filled with hundreds of colonies of fungus and that another part of the system was filled with stagnant water. At another school in Cohoes, NY, near Albany, the ventilation problem in the city's middle school was so bad that the school administration banned the use of chalk because the dust hung in the air, making it difficult for students and teachers to breathe.

I recently received an e-mail from a father in Schenectady, NY. He wrote me the following:

> My children attend school in the city of Schenectady. At the 90-year-old elementary school they attend, peeling lead-based paint, a malfunctioning heat system resulting in 80–90 degree classroom temperatures, and general disrepair have been the norm for years. There have been persistent roof leaks, resulting in molds growing in the building. Maintenance of playgrounds to conform to safety standards has been neglected. Many of these problems continue to exist today. I believe that the primary cause of this is the highly constrained financial resources that are available in aging, low- to moderate-income urban communities.

This morning, the Rochester Democrat and Chronicle reported that tomorrow in Pittsford, NY, there will be a 3-hour public forum on the impact that environmental hazards in school buildings have on teachers and students. This forum in Pittsford is part of a series of EPA informational sessions on environmental problems in our schools. These stories from New York reflect a serious problem across our country.

A 1996 GAO study found that 15,000 schools in the United States have indoor pollution or ventilation problems affecting over 11 million children. Furthermore, as many as 25 million students nationwide are attending schools with at least one unsatisfactory environmental condition.

This is something I don't think we can afford to ignore because indoor air can have an even greater effect on children than the air they breathe outside.

The EPA warns that Americans spend 90 percent of our time indoors. With children spending much of their day inside schools, that pollution can add up, and it can be a greater stress on them than anything they encounter outside. We know that poor indoor air quality severely impacts children's health.

According to the American Lung Association, asthma accounts for 10 million lost schooldays annually and is the leading cause of school absenteeism attributed to a chronic condition. Furthermore, a survey conducted by New York City Health Schools Working Group found that 40 percent of schoolchildren who had a preexisting condition, such as asthma, worsened from their being in school.

In addition to facing poor air quality, we also know that our children are exposed to chemicals, lead paint, and other hazardous substances. In fact, the GAO found in their 1996 study that two-thirds of schools were not in compliance with requirements to remove or correct hazardous substances, including asbestos, lead, underground storage tanks, and radon. And experts believe that exposure during childhood, when children are developing, may have severe long-term effects.

In Monroe County, NY, a group called Rochesterians Against the Misuse of Pesticides have been doing surveys of indoor and outdoor pesticide use by schools since 1987. That latest survey in 1999 showed that schools in Rochester were using 72 different pesticides. That is, as one member of the group said, a real chemical soup to which our children are being subjected.

What I am hoping is that we can build on the work that has been done in some places, such as Rochester, and the Healthy Schools Network in Albany, NY, and try to find out more about what happens to our children's health inside our schools.

The American Public Health Association recently passed a resolution calling for further research on the extent and impact of children's environmental health and safety risks and exposures at schools and prevention measures, including research sponsored by the U.S. Department of Education.

My amendment would authorize $2 million for a study conducted by the Department of Education in conjunction with the Centers for Disease Control and the Environmental Protection Agency to evaluate the health and learning impacts of sick and dilapidated public school buildings on the children who attend those schools.

This study would specifically call for researchers to determine the characteristics of our public schools that contribute to unhealthy environments, including the prevalence of such characteristics as the ones I have just mentioned in our elementary and secondary school buildings. How can we better monitor the situation and what steps can we take or help our local school districts take to remedy this situation?

Hand in hand with our environmental health is the issue of energy efficiency because many of the problems are from old ventilating systems, old heating systems that are not in working order and cause health problems, as well as costing more in energy than should be the norm.

In this amendment, we are asking that we help our schools deal with their energy costs. The U.S. Department of Energy estimates that schools can save 25 to 30 percent of the money they currently spend on energy—namely, about $1.5 billion—through better building design and use of energy-efficient appliances, renewable energy technologies, and just plain improvements to operations and maintenance.

I recently visited the John F. Kennedy Elementary School in Kingston, NY. It is leading the way in our State in making schools more energy efficient and saving money. In fact, last year, the Kingston School District saved $395,000 through energy-efficient upgrades.

When I was there, I released a brochure that we are sending to every school superintendent in New York called "Smart Schools Save Energy, Promoting Energy Efficiency in New York State Schools," with a lot of good ideas about how to go about making the schools energy efficient and saving money to be used on computers or other important needs of the school.

What we have been told is that many school personnel want to do what is being recommended in this brochure and is known to many school districts, but they need a little bit of help to do it. They need that startup grant money that will enable them to make the changes that will save them money. This amendment would provide grants to States to help districts make their buildings healthier and more energy efficient.

By incorporating provisions of legislation I recently introduced, the Healthy and High Performance Schools Act of 2001, this amendment would provide funds for States to provide information and materials to schools, help States organize, and conduct programs for school board members, school district personnel, architects, engineers, and others, and would help bring our schools up to code, the codes that will make our schools healthier and a better investment when it comes to energy usage, to install insulation, energy-efficient fixtures, and the like.

With these Federal funds, we can make our schools more energy efficient which can save money which can then be used as reinvestment in our children's education that all of us in this body support.

I thank Senators KENNEDY and GREGG for the opportunity to offer this important amendment. I also reference the energy legislation that has been introduced by Senators MURKOWSKI and BINGAMAN which include provisions to bring this about.

I appreciate the opportunity for the entire Senate to vote on this amendment which will be a healthy vote as well as an energy-efficient vote on behalf of our children. No parent should have to worry about sending a child to school because it is a health risk. No school district should have to worry more about paying the lighting bill or the heating bill than paying their teachers.

Understanding the effects of unhealthy classrooms and school buildings and moving toward energy efficiency goes hand in hand with the high standards we set in this bill. I urge all of my colleagues to vote for healthy schools, energy-efficient schools, and better educational outcomes for all of our children.

I ask unanimous consent that my amendment be laid aside and await a vote which I hope we will be able to schedule for next week. I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from New York for giving focus to two extremely important issues. One deals with the inefficiencies in many of the older schools, in urban and rural areas. This is something that should be done. It is not being done. It is particularly important to consider since we have been unable to accept a school construction amendment that would deal with the modernization of our schools.

With all the challenges we are facing in energy efficiency, having visited so many of the schools in many of the older communities in my own State, this is something that can make an enormous difference. I do not know whether the Senator has had the experience, but in Massachusetts we had an energy expert come in and look at our home down on Cape Cod. The recommendations they made and the savings that could be achieved were truly remarkable. We are not getting that kind of evaluation which is available in the private sector in the school districts. We hope school districts will go ahead.

The Senator's amendment recognizes there are other priorities for school boards, and there is a national interest in having greater efficiency.

In the area of health, this is enormously important. I think all of us—I know the Senator has—worked in the area of lead paint poisoning and the impact that has particularly on smaller children, situations where older children bring the lead paint dust back to their homes, and they can be consumed by infants and the potential health hazards to these children is dramatic.

There is asbestos, radon, and new chemicals which we all know about in the industrial areas that are being given attention in OSHA. The schools are increasingly exposed to these challenges. It is having an impact.

I commend the Senator for bringing this up. In Woburn, MA—the Senator probably read the book “A Civil Action,” or saw the movie on it. We had the greatest concentration of children's leukemia in the country. It was in a very narrow area. This was adjacent to conditions which were illustrated in “A Civil Action.” The families who were involved were similar in situations.

We knew a certain distance upstream from where the wells were they were dumping these old wooden casks which had been filled with acids used in tanneries in Lynn where they process it, and some magnificent leather products were produced there. But they were dumping, and these wells were anywhere from 10 to 15 miles downstream. There were open wells, and families were using the wells, and the children were getting leukemia. It was as certain as we are standing here, it was related to these chemical problems. We had the best toxicologists in the world examine the water, and they could not find anything wrong with it—nothing. The best from CDC, the best universities and toxicologists, have never been able to detect a particular ingredient that caused it, but we knew it was happening.

The Senator is pointing out what I have seen. We know it is happening in some schools. The children are getting sick, it is affecting their ability to learn. We can benefit from this effort.

I thank the Senator and look forward to supporting this amendment when we have a chance. I urge our colleagues to accept it. I thank her for bringing it to the floor this evening.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I ask unanimous consent the Senate resume consideration of S. 1 on Monday, June 11, at 2:30, and Senator BOND be recognized to call up amendment No. 476, with 30 minutes for debate, equally divided in the usual form, with no second-degree amendments in order; following debate, the amendment be laid aside and Senator LANDRIEU be recognized to call up amendment No. 475 regarding title I, with 2 hours equally divided in the usual form, with no second-degree amendments in order.

Further, that at 5:15 the Senate vote in relation to Landrieu amendment No. 475; and, following the disposition of the Landrieu amendment, there be 4 minutes for closing debate to a vote in relation to the Bond amendment No. 476.

Further, on Tuesday, June 12, the Senate resume consideration of the education bill at 9:30, and Senator GREGG be recognized to call up amendment No. 536, and there be 4 hours of debate equally divided, with no second-degree amendments in order.

Further, following the disposition of the Gregg amendment, Senator CARPER be recognized to call up amendment No. 518, with no second-degree amendments in order, and there be 2 hours of debate equally divided; that upon the use of the time, the Senate vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. In light of this agreement, there will be no further rollcalls this evening. There will be two rollcall votes beginning at 5:15 on Monday, June 11.

AMENDMENTS NOS. 557, AS MODIFIED, 483, AS MODIFIED, 404, AS MODIFIED, 556, AS MODIFIED, 624, AS MODIFIED, 548, AND 415, EN BLOC, TO AMENDMENT 358

Mr. KENNEDY. I have a package of cleared amendments. I ask unanimous consent it be in order for those amendments to be considered en bloc, any applicable modifications be agreed to, the amendments be agreed to, and the motion to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments, en bloc:

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes amendments Nos. 557, 483, 404, 556, 624, 548, and 415.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 557 AS MODIFIED

(Purpose: To provide additional limitations on national testing of students, national testing and certification of teachers, and the collection of personally identifiable information)

On page 29, between lines 14 and 15, insert the following:

“SEC. 16. ADDITIONAL LIMITATIONS.

“(a) NATIONAL TESTING.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act or any other provision of law, and except as provided in paragraph (2), no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a nationwide test in reading, mathematics, or any other subject, including test development, pilot testing, field testing, test implementation, test administration, test distribution, or any other purpose.

“(2) EXCEPTION.—Paragraph (1) shall not apply to the following:

“(A) The National Assessment of Educational Progress carried out under sections 411 through 413 of the Improving America's Schools Act of 1994 (20 U.S.C. 9010–9012).

“(B) The Third International Math and Science Study (TIMSS).

“(b) MANDATORY NATIONAL TESTING OR CERTIFICATION OF TEACHERS.—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers or education paraprofessionals, including any planning, development, implementation, or administration of such test or certification.

“(c) DEVELOPMENT OF DATABASE OF PERSONALLY IDENTIFIABLE INFORMATION.—Nothing in this Act (other than section 1308(b)) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this Act.”.

AMENDMENT NO. 483 AS MODIFIED

(Purpose: To establish a National Panel on Teacher Mobility)

Beginning on page 380, strike line 5 and all that follows through page 383, line 21, and insert the following:

SEC. 202. TEACHER MOBILITY.

(a) SHORT TITLE.—This section may be cited as the “Teacher Mobility Act”.

(b) MOBILITY OF TEACHERS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section 201, is further amended by adding at the end the following:

“PART D—TEACHER MOBILITY

“SEC. 2401. NATIONAL PANEL ON TEACHER MOBILITY.

“(a) ESTABLISHMENT.—There is established a panel to be known as the National Panel on Teacher Mobility (referred to in this section as the ‘panel’).

“(b) MEMBERSHIP.—The panel shall be composed of 9 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

“(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.

“(d) DUTIES.—

“(1) STUDY.—

“(A) IN GENERAL.—The panel shall study strategies for increasing mobility and employment opportunities for high quality teachers, especially for States with teacher shortages and States with districts or schools that are difficult to staff.

“(B) DATA AND ANALYSIS.—As part of the study, the panel shall evaluate the desirability and feasibility of State initiatives that support teacher mobility by collecting data and conducting effective analysis on—

“(i) teacher supply and demand;

“(ii) the development of recruitment and hiring strategies that support teachers; and

“(iii) increasing reciprocity of licenses across States.

“(2) REPORT.—Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.

“(e) POWERS.—

“(1) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers advisable to carry out the objectives of this section.

“(2) INFORMATION FROM FEDERAL AGENCIES.—The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this section. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.

“(3) POSTAL SERVICES.—The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(f) PERSONNEL.—

“(1) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

“(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(g) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002.

“(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.”.

AMENDMENT NO. 404 AS MODIFIED

(Purpose: To provide for the funding of suicide prevention programs)

On page 507, line 4, strike “and”.

On page 507, line 6, strike the period and insert “; and”.

On page 507, between lines 6 and 7, insert the following:

“(5) $25,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years to carry out section 4126.”.

On page 565, between lines 18 and 19, insert the following:

“SEC. 4126. SUICIDE PREVENTION PROGRAMS.

“(a) GRANTS AUTHORIZED.—

“(1) AUTHORITY.—The Secretary is authorized to award grants and contracts to elementary schools and secondary schools for the purpose of—

“(A) developing and implementing suicide prevention programs; and

“(B) to provide training to school administrators, faculty, and staff, with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.

“(2) AWARD BASIS.—The Secretary shall award grants and contracts under this section—

“(A) on a competitive basis;

“(B) in a manner that complies with the requirements under subsection (c) of section 520E of the Public Health Service Act; and

“(C) in a manner that ensures that such grants and contracts are equitably distributed throughout a State among elementary schools and secondary schools located in rural, urban, and suburban areas in the State.

“(3) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding the prevention of suicide.

“(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

“(1) To provide training for elementary school and secondary school administrators, faculty, and staff with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.

“(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

“(3) To conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

“(c) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (b) shall address issues of safety and confidentiality for the victim and the victim's family in a manner consistent with applicable Federal and State laws.

“(d) APPLICATION.—

“(1) IN GENERAL.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall—

“(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the activities described in subsection (b);

“(B) provide measurable goals for and expected results from the use of the funds provided under the grant or contract; and

“(C) incorporate appropriate remuneration for collaborating partners.

“(e) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.”.

AMENDMENT NO. 556 AS MODIFIED

(Purpose: To provide additional protections and limitations regarding private schools, religious schools, and home schools)

On page 29, between lines 14 and 15, insert the following:

“SEC. 16. ADDITIONAL LIMITATIONS AND PROTECTIONS REGARDING PRIVATE, RELIGIOUS, AND HOME SCHOOLS.

“(a) APPLICABILITY TO HOME SCHOOLS.—Nothing in this Act shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law or to require any home schooled student to participate in any assessment referenced in this Act.

“(2) CONSTRUCTION OF SUPERSEDED PROVISION.—Section 11 shall have no force or effect.

“(b) APPLICABILITY TO PRIVATE SCHOOLS.—Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act, or to require any student who attends a private school that does not receive funds or services under this Act to participate in any assessment referenced in this Act.

“(c) APPLICABILITY TO PRIVATE, RELIGIONS, AND HOME SCHOOLS OF GENERAL PROVISION REGARDING RECIPIENT NONPUBLIC SCHOOLS.—

“(1) IN GENERAL.—Nothing in this Act or any other Act administered by the Secretary shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, and home schools from participation in programs and services under this Act.

“(2) CONSTRUCTION OF SUPERSEDED PROVISION.—Section 12 shall have no force or effect.

“(d) APPLICABILITY OF GUN-FREE SCHOOL PROVISIONS TO HOME SCHOOLS.—Notwithstanding any provision of part B of title IV, for purposes of that part, the term ‘school’ shall not include a home school, regardless of whether or not a home school is treated as a private school or home school under State law.

“(e) STATE AND LEA MANDATES REGARDING PRIVATE AND HOME SCHOOL CURRICULA.—Nothing in this Act shall be construed to require any State or local educational agency that receives funds under this Act from mandating, directing, or controlling the curriculum of a private or home school, regardless of whether or not a home school is treated as a private school or home school under State law, nor shall any funds under this Act be used for this purpose.”

AMENDMENT NO. 624 AS MODIFIED

(Purpose: To provide for the identification and recognition of exemplary schools, and for demonstration projects to evaluate the performance of such Blue Ribbon Schools)

On page 776, line 17, strike “education” and all that follows through the end of line 19 and insert the following: “education and the identification and recognition of exemplary schools and programs such as Blue Ribbon Schools, that are designed to promote the improvement of elementary and secondary education nationally.

“‘(e) BLUE RIBBON SCHOOLS DISSEMINATION DEMONSTRATION.—

“‘(1) IN GENERAL.—The Secretary shall conduct demonstration projects to evaluate the effectiveness of using the best practices of Blue Ribbon Schools to improve the educational outcomes of elementary and secondary schools that fail to make adequate yearly progress, as defined in the plan of the State under section 1111(b)(2)(B).

“‘(2) REPORT TO CONGRESS.—Not later than 3 years after the date on which the Secretary implements the initial demonstration projects under subsection (a), the Secretary shall submit to Congress a report regarding the effectiveness of the demonstration projects.

“‘(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $7,500,000 for fiscal year 2002, and such sums as may be necessary in each of the 7 fiscal years thereafter.”.

AMENDMENT NO. 548

(Purpose: To limit the application of the bill)

At the appropriate place, add the following:

"Sec. . (a) Whereas the Bible is the best selling, most widely read, and most influential book in history;

(b) Whereas familiarity with the nature of religious beliefs is necessary to understanding history and contemporary events;

(c) Whereas the Bible is worthy of study for its literary and historic qualities;

(d) Whereas many public schools throughout America are currently teaching the Bible as literature and/or history;

Sec. . It is the sense of the Senate that nothing in this Act or any provision of law shall discourage the teaching of the Bible in any public school.".

AMENDMENT NO. 415

(Purpose: To establish a grant program)

On page 565, between lines 18 and 19, insert the following:

"SEC. 4126. GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.

"(a) In General.—The Secretary shall award grants, contracts, or cooperative agreements to State educational agencies, local educational agencies, or Indian tribes, for the purpose of increasing student access to quality mental health care by developing innovative programs to link local school systems with the local mental health system.

"(b) Duration.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

"(c) Interagency Agreements.—

"(1) Designation of Lead Agency.—The recipient of each grant, contract, or cooperative agreement shall designate a lead agency to direct the establishment of an interagency agreement among local educational agencies, juvenile justice authorities, mental health agencies, and other relevant entities in the State, in collaboration with local entities and parents and guardians of students.

"(2) Contents.—The interagency agreement shall ensure the provision of the services to a student described in subsection (e) specifying with respect to each agency, authority or entity—

"(A) the financial responsibility for the services;

"(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

"(C) the conditions and terms of reimbursement among the agencies, authorities or entities that are parties to the interagency agreement, including procedures for dispute resolution.

"(d) Application.—

"(1) In general.—To be eligible to receive a grant, contract, or cooperative agreement under this section, a State educational agency, local educational agency, or Indian tribe shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) Content.—An application submitted under this section shall—

"(A) describe the program to be funded under the grant, contract, or cooperative agreement;

"(B) explain how such program will increase access to quality mental health services for students;

"(C) explain how the applicant will establish a crisis intervention program to provide immediate mental health services to the school community when necessary;

"(D) provide assurances that—

"(i) persons providing services under the grant, contract or cooperative agreement are adequately trained to provide such services;

"(ii) the services will be provided in accordance with subsection (e); and

"(iii) teachers, principal administrators, and other school personnel are aware of the program;

"(E) explain how the applicant will support and integrate existing school-based services with the program to provide appropriate mental health services for students; and

"(F) explain how the applicant will establish a program that will support students and the school in maintaining an environment conducive to learning.

"(e) Use of Funds.—A State educational agency, local educational agency, or Indian tribe, that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract or cooperative agreement to—

"(1) enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students;

"(2) enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services and on going mental health services;

"(3) provide training for the school personnel and mental health professionals who will participate in the program carried out under this section;

"(4) provide technical assistance and consultation to school systems and mental health agencies and families participating in the program carried out under this section;

"(5) provide linguistically appropriate and culturally competent services; and

"(6) evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, and make recommendations to the Secretary about sustainability of the program.

"(f) Distribution of Awards.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(g) Other Services.—Any services provided through programs established under this section must supplement and not supplant existing Mental Health Services, including any services required to be provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(h) Evaluation.—The Secretary shall evaluate each program carried out by a State educational agency, local educational agency, or Indian tribe, under this section and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(i) Reporting.—Nothing in Federal law shall be construed—

"(1) to prohibit an entity involved with the program from reporting a crime that is committed by a student, to appropriate authorities; or

"(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student.

"(j) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 through 2005.

AMENDMENT NO. 404, AS MODIFIED

Mr. MURKOWSKI. Madam President, every year, thousands of youth die in the United States, not from cancer or car accidents, but by their own hand, they make the choice that they want to die, and they take their own life. Statistics show that suicide is the 3rd leading cause of death among those 15 to 25 years of age, and it is the 6th leading cause of death among those 5 to 14 years of age. 5 year old children, killing themselves! But it's the truth. Statistics show that more than 13 of every 100,000 teenagers took their life in 1990, and that number's rising every year. Many think that these are isolated incidents, but they aren't. It is estimated that 500,000 teenagers try to kill themselves every year, and about 5,000 succeed.

In my home State of Alaska, suicide is the greatest cause of death among high school age youths. In fact, Alaska's suicide rate is more than twice the rate for the entire United States. Recent studies have shown that girls are more likely to report suicide thoughts, plans, and attempts than are boys. Among Alaskan girls, 24.9 percent have seriously thought about suicide, 20.5 percent have made a plan for suicide, and 10 percent have reported a suicide attempt. Among Alaskan boys, 12.5 percent have seriously thought about suicide, 10.8 percent have made a plan for suicide, and 5.3 percent have reported a suicide attempt. Alarmingly, Alaska Native teens attempt suicide at four times the rate of non-Native teens.

Only recently have the knowledge and tools become available to approach suicide as a preventable problem with realistic opportunities to save lives. Last month the Surgeon General issued a "National Strategy for Suicide Prevention." The "National Strategy" requires a variety of organizations and individuals to become involved in suicide prevention and emphasizes coordination of resources and culturally appropriate services at all levels of government—Federal, State, tribal and community.

One of the objectives included in the Surgeon General's "National Strategy" is developing and implementing suicide prevention programs. His goal is to ensure the integration of suicide prevention into organizations and agencies that have access to groups that may be at risk. The objectives also address the need for planning at both the State and local levels, the need for technical assistance in the development of suicide prevention programs and the need for ongoing evaluation. The amendment I am proposing today would help implement these objectives. It would allow for state and local educational agencies to create suicide prevention programs through the Safe and Drug Free

School and Communities Program. Research has shown that many suicides are preventable; however, effective suicide prevention programs require commitment and resources. I feel that the Federal Government should provide the resources and support to States and localities.

My amendment would allow the Secretary of Education to award $25 million worth of grants to elementary and secondary schools for the purpose of: (1) developing and implementing suicide prevention programs; and (2) provide for the training of school administrators, faculty and staff with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.

This is a small step in the right direction. It is time that we do something to fight the suicide epidemic. With an unacceptably high suicide rate, more attention must be focused on both the causes and solutions to this growing tragedy. I urge my colleagues to support this amendment. America's youth are crying out for help.

AMENDMENT NO. 624, AS MODIFIED

Mr. HOLLINGS. Mr. President, I rise today to thank the distinguished Senator from Massachusetts and the distinguished Senator from New Hampshire for accepting amendment No. 624, an amendment to continue the Blue Ribbon Schools program and authorize a demonstration program to investigate how we can implement the best practices of Blue Ribbon Schools in schools that this bill identifies as needing improvement.

The United States Department of Education awarded the first Blue Ribbon designations to middle and high schools in 1982. The first elementary schools received the designation in 1985. Since that time, we have identified thousands of exemplary schools that have undergone a thorough self-assessment involving parents, teachers, and community members; evaluated their practices in areas such as school leadership, professional development, curriculum, and student support services; and proven that these practices work through performance on standardized tests and other indicators. I think every member of this body can attest to the quality of the Blue Ribbon Schools in his or her state.

The legislation before the Senate would create two new awards programs, the Achievement in Education Awards and the No Child Left Behind Awards. Mr. President, I did not offer this amendment in opposition to the Department offering these awards. In fact, I support the recognition of schools that significantly improve student achievement. However, these two awards are outcomes-based, focused on which schools improve test scores from one year to another. The Blue Ribbon program offers a contrast. It recognizes schools that work with parents and community members to identify shortcomings within the school and design programs to successfully address those shortcomings. I believe that we should continue to recognize these schools.

For the Blue Ribbon Program to continue and thrive, we must commit to applying the information we gather from Blue Ribbon designees to offer schools in need of improvement. This process works. Beaufort Elementary School was included in a list of the 200 worst schools in South Carolina during the 1994–95 school year. Yet instead of relying on an academic or bureaucratic improvement process, the school constructed a road map for reform using the successful practices of Blue Ribbon Schools. Less then six years later, Beaufort Elementary received a Blue Ribbon designation of its own, symbolizing a 180-degree turnaround. Another school that has successfully used this process to generate positive school reform is Handle Middle School in Columbia, SC. I hope all of my colleagues will take the time to read the May 21, 2001 issue of Time magazine that recognizes Hand Middle School as the Middle School of the Year. The article does a much better job than I could of describing a school that implemented changes based on the successful practices of Blue Ribbon schools and rallied the community to create a better, more productive learning environment for students. These schools now serve as a model for other low-performing schools who are working tirelessly to reverse their fortunes.

I have included new authorization in my amendment to allow the Department of Education to initiate demonstration projects that would use the best practices of Blue Ribbon Schools to turn around schools that fail to make average yearly progress. This is an area that the Department has neglected since the inception of the Blue Ribbon Program. As we speak, filing cabinets full of Blue Ribbon applications containing information on research-based educational practices that work are doing little else but gathering dust. Let's take this information and get it out to schools in need of improvement and see how it works.

This is not a bureaucratic or regimented process. This is not a process that involves Federal or state governments mandating one approach over another. This is not a process that attempts to reinvent the wheel. This would be a process that disseminates information on practices that we know are effective. I envision schools first identifying an area for development—whether it be a new reading curriculum, teacher mentoring or a drop-out prevention program. Next, they are able to examine records from Blue Ribbon Schools that have implemented similar programs and decide which approach best fits their own needs. Because these programs come from Blue Ribbon Schools, they are researched-based and have been favorably reviewed by educational experts. I have also required the Secretary to report to Congress on the effectiveness of these demonstration projects 3 years after the demonstration begins, so we will know if this process is working.

Mr. KENNEDY. I thank our colleagues for their cooperation. We have been making important progress. I am not sure we can say yet tonight that the end is quite in sight, but hopefully we can say that at the early part at the end of the day on Tuesday we might be able to see a glimmer of hope for reaching a final disposition of this legislation.

I thank all colleagues for their cooperation, and I thank my friend from New Hampshire, Senator GREGG, and, as always, the Senator from Nevada, Mr. REID.

Mr. REID. Madam President, before going to morning business, I compliment the managers of this legislation. It is obvious they are both veterans and understand the legislative process. We have made great progress the last 2 days.

As Senator KENNEDY has said, next week we should be able to finish this bill with a little bit of luck.

MORNING BUSINESS

Mr. REED. I ask unanimous consent we now go into a period of morning business, with Senators allowed to speak for up to 10 minutes, with the exception of Senator MURRAY, who wishes 15 minutes, and Senator FEINGOLD for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. MURRAY pertaining to the submission of S. Con. Res. 47 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.)

The PRESIDING OFFICER. The Senator from Wisconsin.

THE FEDERAL DEATH PENALTY SYSTEM

Mr. FEINGOLD. Madam President, I rise today to speak with grave concern about a report released by the Justice Department yesterday on our Federal Government's administration of the death penalty. In that report and in his testimony before the House Judiciary Committee yesterday, Attorney General John Ashcroft said that he now concludes that "there is no evidence of racial bias in the administration of the federal death penalty." I am seriously, seriously concerned about and, frankly, disappointed by the Attorney General's statements. The report he released yesterday is not the in-depth analysis of the federal death penalty ordered by his predecessor, Attorney General Reno, and President Clinton.

This is a very urgent matter because the Federal Government, in a matter of days, is about to resume executions for the first time in decades, including that of Juan Raul Garza. He is scheduled to be executed by the United States of America on June 19. Mr. Garza's case has not received the level of intense scrutiny or legal representation that his more notorious death row colleague, Timothy McVeigh, has received. But Mr. Garza's case, and his possible execution, should cause the Attorney General, President Bush, and our Nation even deeper soul-searching than that which has begun with respect to the scheduled execution of Mr. McVeigh.

A survey on the Federal death penalty system was released by the U.S. Department of Justice in September 2000. That report showed racial and regional disparities in the Federal Government's administration of the death penalty. In other words, who lives and who dies in the Federal system appears to relate to the color of the defendant's skin or the region of the country where the defendant is prosecuted. Attorney General Reno, Deputy Attorney General Holder, and President Clinton all said they were "troubled" or "disturbed" by the results of that report.

In fact, Attorney General Reno was so troubled by the report that she immediately ordered the collection of additional data from U.S. attorney offices and, most importantly, the National Institute of Justice to conduct an in-depth examination in cooperation with outside experts.

I would like to take a moment to read what Attorney General Reno said that day in September:

> There are important limitations on the scope of our survey. The survey only captures data currently available beginning when a U.S. attorney submits a capital eligible case to the review committee and to me for further review. This survey, therefore, does not address a number of important issues that arise before the U.S. attorney submits a case: Why did the defendant commit the murder? Why did the defendant get arrested and prosecuted by Federal authorities rather than by state authorities? Why did the U.S. attorney submit the case for review rather than enter a plea bargain? . . . More information is needed to better understand the many factors that effect how homicide cases make their way into the Federal system, and once in the Federal system, why they follow different paths. An even broader analysis must therefore be undertaken to determine if bias does, in fact, play any role in the Federal death penalty system.
>
> I've asked the National Institute of Justice to solicit research proposals from outside experts, to study the reasons why, under existing standards, homicide cases are directed to the state or Federal systems, and charged either as capital cases or non-capital cases, as well as the factors accounting for the present geographic pattern of submissions by the U.S. Attorney's Offices. The department will also welcome related research proposals that outside experts may suggest.

In December, President Clinton, citing this ongoing review by the Justice Department, then delayed the execution of Mr. Garza until June 19 to allow the Justice Department time to complete its review. President Clinton also ordered the Justice Department to report to the President by April of this year on the results of its further review. President Clinton anticipated that this would have been sufficient time for the President to review the results of the review before deciding whether to proceed with Mr. Garza's execution on June 19.

On January 10 of this year, before the new administration took office, the NIJ began its in-depth analysis by convening a meeting of outside experts, defense counsel and prosecutors to discuss the questions that should form the basis for the research proposals.

Later in January, during his confirmation hearing, Attorney General Ashcroft promised to continue and not terminate the NIJ study.

At that hearing, I asked him if he would support the effort of the National Institute of Justice already underway to undertake the study of racial and regional disparities in the Federal death penalty system that President Clinton deemed necessary.

Attorney General Ashcroft said, unequivocally and emphatically, "yes."

I then asked him whether he would continue and support all efforts initiated by Attorney General Reno's Justice Department to undertake a thorough review and analysis of the Federal death penalty system.

Attorney General Ashcroft said, ". . . the studies that are under way, I'm grateful for them. When the material from those studies comes, I will examine them carefully and eagerly to see if there are ways for us to improve the administration of justice."

I then followed up with yet a third question on this subject: "So those studies will not be terminated?"

Attorney General Ashcroft responded: "I have no intention of terminating those studies."

In response to written questions I provided to him following his live testimony, I asked the Attorney General a number of related questions about the need to eliminate racial or regional bias from our system of justice. He replied that he believed the Department of Justice should undertake "all reasonable and appropriate research necessary to understand the nature of the problem."

It is clear that Attorney General Ashcroft said he would continue and not terminate the NIJ study initiated by the Reno administration. I was pleased to hear him make this commitment.

But, since the new administration took office, no steps have been taken to move forward with the NIJ study. Rather, the Attorney General now believes it would take much too long to conduct this in-depth analysis of disparities and that it would provide indefinite answers. To say that the NIJ research should not be undertaken because it may take more than a year and provide inconclusive answers is just baffling. I am absolutely confounded by the Attorney General's unwillingness to take such a simple step to ensure fairness and to promote public confidence in the Federal system.

Now, Attorney General Ashcroft did say yesterday that he would order the National Institute of Justice to study the effectiveness of Federal, state and local law enforcement in the investigation and prosecution of murder in American and how death penalty cases are brought into the Federal system. While this review may provide some additional insight into the functioning of our criminal justice system, it is not the NIJ review of racial and geographic disparities ordered by Attorney General Reno.

The supplemental report released yesterday lacks credibility: it is a case of "we looked at ourselves and there's no evidence of bias." Instead of completing a thorough analysis of the racial and regional disparities with outside experts, as outlined by Attorney General Reno, Attorney General Ashcroft collected the additional data—also ordered separately by Attorney General Reno—threw in some statements that there is no evidence of bias and released it as a supplemental report. This report does not dig behind the raw data in the way that an in-depth research and analysis could do.

To her credit, Attorney General Reno recognized the need for input from outside experts. That is why she ordered the National Institute of Justice to undertake the review of racial and regional disparities. While I commended Attorney General Reno for her action in ordering further studies, I thought she should have gone one step further and establish an independent, blue ribbon commission to review the Federal system. That's what Governor George Ryan did in Illinois, and the independent panel there has been doing some goodwork. I've introduced a bill that applies Governor Ryan's example to the Federal Government, the National Death Penalty Moratorium Act. We should demand the highest standards of fairness and credibility in our Nation's administration of the ultimate punishment.

Attorney General Ashcroft's actions are wholly unsatisfactory and inconsistent with the promises he made to the Senate and the Nation during his confirmation hearing.

I was pleased to hear Attorney General Ashcroft say on Friday, May 11:

> Our system of justice requires basic fairness, evenhandedness and dispassionate

> evaluate of the evidence and the facts. These fundamental requirements are essential to protecting the constitutional rights of every citizen and to sustaining public confidence in the administration of justice. . . . It is my responsibility to promote the sanctity of the rule of law and justice. It is my responsibility and duty to protect the integrity of our system of justice.

The basic fairness, evenhandedness and dispassionate evaluation of the evidence and facts, about which he spoke, extend to the troubling racial and regional disparities in the Federal system, as documented by the Department of Justice September 2000 report.

As my colleagues are aware, I oppose the death penalty. I have never made any bones about that. But this is not really about just being opposed to the death penalty. This is about bias-free justice in America. I am certain that not one of my colleagues in the Senate—not a single one—no matter how strong a proponent of the death penalty, would defend racial discrimination in the administration of that ultimate punishment. The most fundamental guarantee of our Constitution is equal justice under law, equal protection of the laws. To be true to that central precept of our national identity, we have to take extremely seriously allegations that the death penalty is being administered in a discriminatory fashion.

So I urge the Attorney General, in the strongest possible terms, to reconsider his actions and direct the National Institute of Justice to continue its study, with outside experts, of the racial and regional disparities in the Federal death penalty system. I also urge him to provide the NIJ whatever resources may be needed to complete this study. This is the only course consistent with the promises he made during his confirmation hearing.

Furthermore, with Mr. Garza's execution still scheduled to take place and the NIJ study at a standstill, I urge the Attorney General to postpone Mr. Garza's execution until these questions of fairness are fully answered. The case of Mr. Garza—a Hispanic and convicted in Federal court in Texas—implicates the very issues at the center of the unfairness reflected in the DOJ report. It would be wholly illogical and unjust to go forward with plans for the execution of Mr. Garza and subsequent executions until the NIJ's study is completed and fully reviewed. It would be a great travesty of justice, as well as a great diminution in the public's trust in the Federal criminal justice system, if the Federal Government executed Mr. Garza and the NIJ later completed its study, which corroborated racial or regional bias in the administration of the Federal death penalty.

The integrity of our system of justice demands no less.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

COMMENDING SENATOR FEINGOLD

Mr. REID. Before my friend from Wisconsin leaves the Chamber, I would like to say that I have always been very impressed with the Senator from Wisconsin. I may not always agree with him on the issues—but most of the time I do—but one reason I am so impressed with him is he is always so thorough and has such a conviction about the issue of which he speaks. Whether it is an issue dealing with foreign policy or a country the name of which most of us have trouble pronouncing, he understands what is going on in that country and the human rights violations that take place.

I never had the opportunity to say publicly to my friend from Wisconsin how impressed I am with his intellectual capabilities and his ability to express them in this Chamber. I do that now and congratulate him.

Mr. FEINGOLD. I thank the Senator very much.

SENATE PAGE RECOGNITION

Mr. LOTT. Madam President, this Friday is graduation day for the Senate pages. These young men and women are some of the hardest working employees of the Senate. They have a grueling schedule. Many people don't know that the pages go to school from 6:00 a.m. until the Senate opens, and are here even past the time the Senate gavels out. In the past few weeks we have had several late evenings, sometimes not leaving until after midnight. While most of the Senate employees go home and go to sleep, the pages do not. After work the pages have homework and studying to do. Their work is never done.

They do an invaluable service for the United States Senate and get little acclaim. However the experience is extraordinary and one they will remember for the rest of their lives.

Over the past semester the pages have been witness to several historical events. The State of the Union, the passing of the largest tax cut in history and being a part of an evenly divided Senate.

I would like to take this opportunity to recognize each page and the State that they represent.

Republicans: Kendall Fitch, South Carolina; Jackie Grave, Missouri; Elizabeth Hansen, Utah; Joshua Hanson, Indiana; JeNel Holt, Alaska; Adrian Howell, Mississippi; Eddie McGaffigan, Virginia; Mary Hunter (Mae) Morris, Alabama; Jennifer Ryan, Idaho; Megan Smith, Kentucky; O. Dillion Smith, Vermont; Garrett Young, New Hampshire;

Democrats: Libby Benton, Michigan; Steve Hoffman, Vermont; Alexis Gassenhuber, Wisconsin; Kelsey Walter, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Tristan Butterfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, Texas.

Congratulations to you all on a successful semester as a Senate page. We wish you the best of luck as you encounter all future challenges. Thank you for your patronage and service to the U.S. Senate.

IN HONOR OF MR. WILLIAM T. KOOT

Mr. REID. Madam President, I rise today to honor a distinguished Nevadan, a good man, and a good friend, Mr. William T. Koot. On June 8, 2001, Bill will be retiring from the Clark County District Attorney's office after nearly 30 years of service.

When Chief Deputy District Attorney William T. Koot retires on Friday, the people of Clark County, NV, will lose a wonderful advocate.

Bill has been the heart and soul of the Clark County District Attorney's Office for decades. The leadership that he has provided, the examples that he has set, the standards of integrity that he has insisted upon for himself and for others, are immeasurable. He is a terrific trial lawyer, an outstanding legal scholar, a leader in the community, an effective prosecutor, and most importantly, a good friend.

Bill's legacy of service to the State of Nevada is long and remarkable. He joined the Office of the District Attorney in 1972, after having served 3 years in the United States Marine Corps and acquiring his law degree from the University of San Diego.

During his nearly 30 years of service, Bill has tried literally thousands of cases. Of his 132 jury trials, Bill has successfully prosecuted and obtained 93 guilty verdicts. He has supervised with distinction dozens of prosecutors, and during the past 6 years, he has headed the office's major violators unit.

As Clark County District Attorney Stewart Bell has said, Bill Koot will truly be missed. I extend to him my most sincere congratulations and the appreciation of all Nevadans for his good work on our behalf.

KIDS AND GUNS

Mr. LEVIN. Madam President, the June issue of the journal Pediatrics reports the results of a disturbing study on children and guns. A journal article describes an experiment conducted by researchers from Emory University School of Medicine and Children's Healthcare of Atlanta-Egleston Hospital. The researchers wanted to determine how sixty four eight to twelve year old boys would behave when they found a handgun in a presumably unthreatening environment.

Researchers placed groups of two or three boys in a room with a one way mirror. Two water pistols and an actual .380 caliber handgun were concealed in separate drawers in the room.

When left alone for a mere 15 minutes, nearly three quarters of the groups found the handgun. Of those groups, more than three quarters handled the guns. And 16 boys—one out of every four in the study—actually pulled the trigger. And none of these boys knew that the gun was not loaded. Perhaps most distressing is the fact that more than 90 percent of those who handled the gun or pulled the trigger had some form of gun safety instruction.

Despite this study and countless other examples of the potentially lethal implications of mixing kids and guns, the National Rifle Association has not strayed from its mantra. When asked about the Emory study, an NRA spokesman was reported to have said simply "You can certainly assume that the findings are artificial."

But I think Emory's Dr. Arthur Kellermann, a co-author of the study, had it right. Dr Kellerman said, "Since we can't make kids gun proof, why can't we make guns kid proof?" That makes sense to me. So while the NRA is free to bury its head in the sand, we are not. We in the Congress have a moral responsibility to stand up for what's right, close the loopholes in our gun laws, and make our nation a little safer for our children and our grandchildren.

THE OKLAHOMA CITY BOMBING CASE

Mr. LEAHY. Madam President, we are all familiar with the recent developments in the Oklahoma City bombing case. Last month, just 6 days before Timothy McVeigh was to be executed, we learned that the FBI had withheld thousands of pages of documents from McVeigh's defense team. The execution was then postponed until June 11 to give McVeigh and his lawyers time to review the evidence that should have been provided to them before the trial began.

The bombing of the Oklahoma City Federal Building 6 years ago left 168 people dead and hundreds more injured.

The Federal Government spent millions investigating and prosecuting McVeigh, and millions more on his defense. The prosecution and the courts bent over backwards to ensure that he got a fair trial—one in whose outcome all Americans would have confidence. A member of the prosecution team once called McVeigh's trial "a shining example . . . of how the criminal justice system should work."

I have great respect for the dedicated team of prosecutors and law enforcement agents who worked on the Oklahoma City bombing case. I honor their commitment and I commend their accomplishments. But I agree with the trial judge that the FBI's belated discovery of thousands of pages of documents that were not turned over to the defense was "shocking." And I believe that this shocking incident holds some lessons for us about our criminal justice system.

First, something we all know, even if we do not want to admit: Mistakes happen. Even in the highest of high profile cases, where the world is watching every step of the way, and even when the government devotes its most talented personnel and spares no expense, you cannot eliminate the possibility of human error or, as appears to be the case here, an unreliable computer system.

That should tell us something about other less infamous cases. The average case, even the average death penalty case, does not get the benefit of intense media scrutiny, and is not litigated by the best lawyers in the land. In the average death penalty case in Alabama, for example, the defense does not get millions of public dollars. Sometimes, defense lawyers are paid less than the minimum wage for defending a man's life. Too often, in the average death penalty case, corners are cut.

We saw what comes of corner cutting last month, when Jeffrey Pierce was released from prison in Oklahoma. He served 15 years of a 65-year sentence for a rape he did not commit, because a police chemist claimed his hair was "microscopically consistent" with hair found at the crime scene. Turns out it was someone else's hair. Whoops: Mistakes happen.

The second lesson to be learned from the McVeigh case is this: Process matters. The new documents that the FBI discovered may have no bearing on McVeigh's guilt or sentence, but that does not excuse the FBI's initial oversight in failing to produce them.

The right to a fair trial is not some arcane legal technicality. It is the bedrock constitutional guarantee that protects us all against wrongful convictions. The fair trial violation in Jeffrey Pierce's case did have a bearing on his guilt or innocence, and cost an innocent man 15 years of his life.

Finally, the McVeigh case reminds us that however much we may long for finality and closure in criminal cases, our first duty must always be to the truth. While I am dismayed by the FBI's failure to produce evidence 6 years ago, I would be far more troubled if it had tried to cover up its mistake. It appears that the FBI and the Department of Justice acted responsibly under the circumstances, by turning over the materials in an orderly manner and giving McVeigh time to consider his response. The Government's willingness to acknowledge its mistake and uphold the rule of law was proper and commendable.

It also stands in sharp contrast to the actions of certain State and local authorities. The sad truth is that in America in the 21st Century, with the most sophisticated law enforcement and truth-detection technologies that the world has ever seen, there are still some law enforcers who would rather keep out critical evidence, and hide the system's potential mistakes from the public, than make sure of the truth. There are still people playing "tough on crime" politics with people's lives, at the expense of truth and justice.

A prosecutor's duty is to the truth, the whole truth, and nothing but the truth. That duty does not end just because the defendant has been convicted. As Attorney General Ashcroft said in announcing the postponement of McVeigh's execution: "If any questions or doubts remain about this case, it would cast a permanent cloud over justice, diminishing its value and questioning its integrity."

One cannot think of the Oklahoma bombing case without thinking of the hundreds of victims whose lives that bomb shattered. We as a society cannot give the families back their loved ones, but we can and should give them closure. As the Attorney General acknowledged, you cannot have real closure without a fair and complete legal process that ensures that all of the evidence has been properly examined.

We cannot achieve infallibility in our criminal justice system, and we cannot spend millions of dollars on every trial. No one suggests that we should. But if we want real justice for those defendants, like Jeffrey Pierce, who happen to be innocent, and real closure for victims of violent crime, we must ensure that we as a society do not cut corners in the administration of criminal justice. That requires, at a minimum, that we provide competent counsel to capital defendants and make DNA testing available in all cases where it could demonstrate the defendant's innocence.

Process matters, for victims and defendants alike, and I hope that we will take real action in this Congress to pass the Innocence Protection Act and stop cutting the corners.

I ask unanimous consent to print in the RECORD a recent Wall Street Journal article discussing the growing support for stronger protections against wrongful executions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DESPITE MCVEIGH CASE, CURBS ON EXECUTIONS ARE GAINING SUPPORT

(By John Harwood)

WASHINGTON.—Americans last year elected an enthusiastic proponent of capital punishment to the White House. And they're applauding the resumption of federal executions next month, when mass murderer Timothy McVeigh is scheduled to die by lethal injection.

Yet, paradoxically, the dawn of George W. Bush's presidency is bringing a swing in the pendulum away from executions in America. Though most Americans continue to back capital punishment, support has been dropping in recent years in tandem with declining rates of violent crime. Advances in DNA testing and scandals involving the prosecution of major offenses have underscored the fallibility of evidence in capital cases.

One state, Illinois, has placed a moratorium on the death penalty. Others, including Arkansas and North Carolina, have indirectly curbed its application by beefing up standards or taxpayer funds for the representation of indigent defendants. The number of people annually sentenced to death in the U.S. has fallen in three of the last four years for which statistics are available, to 272, in 1999, since peaking at 319 in 1994 and 1995.

Just last week, the Texas House voted to create the state's first standards for court-appointed lawyers. The Texas Senate had already passed similar legislation. The Supreme Court this fall is scheduled to revisit whether to bar the execution of mentally retarded inmates. In the Republican-controlled Congress, support is building for stronger protections against the execution of defendants who may be innocent.

SHIFT IN OKLAHOMA

The pendulum swing is occurring even in Oklahoma City, where Mr. McVeigh bombed the Alfred P. Murrah Federal Building six years ago, killing 168 people. There is early evidence that Oklahoma convicts are receiving fewer death sentences in the wake of the state's decision to improve legal counsel for poor defendants and expand access to DNA testing. Recent allegations of misleading testimony by an Oklahoma police chemist who served as a frequent prosecution witness, as well as the FBI's mishandling of records in the McVeigh case, are only adding to pressure for better safeguards.

"The politics of the death penalty are clearly changing . . . because of the blunders of the system," says Oklahoma Gov. Frank Keating. Though he staunchly supports capital punishment, the conservative Republican says he favors establishing a higher standard of proof in capital cases, even if that makes death sentences more difficult to obtain.

Just five years ago, such a change was unthinkable. But it reflects a broader reconsideration taking place across the spectrum of criminal-justice issues.

Since crime rates began to soar in the 1960s, voters and politicians have responded with an increasing array of get-tough measures, from more-aggressive police practices to longer sentences to sterner jails. But now, questions about the wisdom of America's get-tough approach are coming from state officials straining to finance the prison boom, leaders of poor neighborhoods depleted by the incarceration of rising numbers of drug offenders and criminologists concerned about the long-term effect of inmates of harsher jail practices.

"Maybe we have gone too far," says U.S. Rep. Ray LaHood, a member of the GOP leadership on Capitol Hill, whose downstate Illinois district includes a federal prison. He is co-sponsoring the Innocence Protection Act, which would encourage states to provide capital defendants with "competent counsel" and death-row convicts with access to DNA testing.

Mr. LaHood says federal judges—both Republicans and Democrats—are urging him to ease stiff "mandatory-minimum" drug-sentencing laws and the 1987 U.S. sentencing guidelines that took away most discretion from judges. One of those judges, Michael Mihm of Peoria, Ill., a Ronald Reagan appointee, says that with experience on the bench, he has concluded that some mandatory minimums are excessive. At sentencing time, "I am saying, 'All right . . . could we accomplish all of the legitimate concerns of the society with 10 years rather than 20, with 10 years rather than 30?' "

"We're filling up our prisons," Mr. LaHood adds. More than 1.9 million people reside in the nation's prisons and jails. "When people think about the number of prisons," the congressman says, "they really wonder if this is what we should be doing."

LOOKING AT MINIMUMS

President Bush himself has raised similar questions about prison policy. "Long minimum sentences may not be the best way to occupy jail space and/or heal people from their disease," he told a CNN interviewer just before taking office in January. "And I'm willing to look at that." The administration is expected to propose sentencing changes later this year.

On capital punishment, the shift has occurred in spite of Mr. Bush, not because of him. In Texas, he presided over 152 executions, more than any other U.S. governor in the last quarter-century. He said earlier this month that the one-month delay in Mr. McVeigh's execution is "an example of the system being fair," as he has long maintained.

But that hasn't stopped the development of an unusual community of interest across the political spectrum as debate has shifted from whether capital punishment should exist to how it is applied in practice. Opponents want stronger safeguards because it will mean fewer executions. Supporters will tolerate fewer executions as a means of stemming the erosion of public confidence in the death penalty. The result is an emerging consensus resembling a goal former President Bill Clinton once articulated concerning abortion, which he said should be "safe, legal and rare."

It isn't the first time that post-World War II America has reconsidered capital punishment. Before public attention focused on the rising crime rates of the 1960s, and amid that decade's optimism about liberal social goals, support for capital punishment dropped below 50%, notes Pew Center public-opinion analyst Andrew Kohut. The supreme Court halted executions across the country in 1972, declaring the death penalty's application arbitrary and capricious.

But that was followed by years of steadily increasing support for capital punishment, as crime levels rose. In the 1970s, state legislatures scrambled to pass new death-penalty statutes designed to meet the Supreme Court's constitutional objections. Today, capital punishment is legal in 38 states. In 1977, Utah became the first state to resume executions after the high-court ruling, and 30 others have followed suit.

In the late 1980s, moderate Democratic strategists said fielding a presidential nominee who supported the death penalty was crucial to the party's hopes of recapturing the White House after three consecutive Republican victories. They found such a candidate in then-Arkansas Gov. Clinton, who left the campaign trail at one point in 1992 specifically to preside over the execution of murderer Ricky Ray Rector.

Public support for the death penalty crested at 80% in 1994, following another decade of rising violent-crime rates. Legislation passed that year by a Democratic-controlled Congress and signed by Mr. Clinton made some 60 additional categories of crime, such as major narcotics trafficking, subject to the federal death penalty. Two years later, an antiterrorism bill signed by Mr. Clinton placed new limitations on federal appeals by death-row inmates, while the new GOP majority in Congress cut federal funding that aided defense lawyers in capital cases in many states.

THEMES OF THE 1990S

But the tide of opinion turned under the influence of two of the most powerful themes running through American society in the late 1990s. One was improving social trends, including a steady drop in rates of murder, rape and assault. Fear of violent crime likewise fell. The other was technological advancement, which in the forensic field led to DNA evidence being used to exonerate some long-serving inmates, including some on death row.

In 1996, two death-row prisoners in Illinois were freed after an investigation by journalism students at Northwestern University led to DNA testing that exonerated the inmates. A year later, the American Bar Association called for a national moratorium on the imposition of the death penalty.

Increasing opposition to capital punishment among religious leaders helped fuel the shift in opinion. Catholic bishops have called for the abolition of capital punishment as part of the "ethic of life" that leads to their opposition to abortion. In early 1999, then-Missouri Gov. Mel Carnahan commuted the death sentence of one inmate after receiving a personal plea from the Pope. Last year, televangelist Pat Robertson, a former-Republican presidential candidate, called for a moratorium on capital punishment, after earlier unsuccessfully lobbying Mr. Bush to spare the life of convicted Texas murderer Karla Faye Tucker.

Messages in popular culture, including films such as "The Green Mile" and "Dead Man Walking," also helped soften attitudes by depicting the humanity of prisoners facing execution. Sixteen months ago, opponents of capital punishment claimed a striking breakthrough when Republican Gov. George Ryan of Illinois imposed a death-penalty moratorium in the sate amid mounting evidence of botched cases.

In Congress, legislation that would create financial incentives for states to expand access to DNA testing and set standards for legal representation of defendants in capital cases is gathering support in both parties. In the Senate, its 19 co-sponsors include four Republicans and last year's Democratic vice presidential candidate, Joseph Lieberman, who declined to back the bill a year earlier. Its 191 co-sponsors in the House include several members of the GOP's conservative wing.

GOP Rep. Mark Souder of Indiana, one of the co-sponsors, says, "I support he death penalty, [but] I'm a little uncomfortable. We want to be more sure."

There's no sign of White House support for such legislation, which if implemented could have the effect of significantly decreasing the number of death sentences handed down. But one Bush adviser says the president "would probably have to sign" a death-penalty-reform bill if it reached his desk.

Moderate GOP lawmaker Sherwood Boehlert of New York says Mr. Bush should affirmatively embrace the cause to "soften" his image after his narrow presidential-election victory. Among other things, such a move could help tamp down hostility among black voters, who are far more inclined to oppose the death penalty than are whites. Though African-Americans make up just 12% of the nation's population, they represent 43% of American inmates now on death row.

States aren't waiting for action from Washington. Florida this year became the 15th state to bar the execution of mentally retarded inmates, in legislation now awaiting the promised signature of Gov. Jeb Bush, the president's brother. Gov. Jim Gilmore of

Virginia, whom Mr. Bush made chairman of the Republican National Committee earlier this year, signed a statute to improve access to DNA testing. In Texas, Mr. Bush's gubernatorial successor has also signed DNA legislation, while lawmakers in Austin move forward on improvements in the state's indigent-defense system.

Perhaps most striking, neighboring Oklahoma, the focus of national attention because of the McVeigh execution plans, began taking similar steps four years ago. A state board controlled by Gov. Keating hired Jim Bednar to run the state agency that provides lawyers for poor defendants. Mr. Bednar had formerly sought the death penalty as a state prosecutor and presided over its imposition as a judge.

In the past, if a lawyer assigned to represent an indigent defendant "had vital signs, he was determined to be competent," says Mr. Bednar. "In theory I'm not opposed to the death penalty. But it's the practice we need to look at. The system is flawed."

He began to overhaul the indigent-defense agency by winning funding increases to hire better-quality lawyers. The agency is now sending the message that attorneys for poor inmates "are really going to show up and do our job," Mr. Bednar says.

Because of stiffer opposition, prosecutors are becoming "more hesitant to seek the death penalty," he adds. In fiscal year 1998, as Mr. Bednar was beginning to reorganize his agency, prosecutors in the area served by his Norman office, which covers roughly the western half of the state, sought death sentences in 36 cases. They obtained the punishment in four cases. Last year, prosecutors sought 26 death sentences and obtained only one.

Doubts about the validity of some prosecution evidence—sown most recently by the scandal involving alleged flaws in the work of Oklahoma City police chemist Joyce Gilchrist—may have also made juries more reluctant to impose the death penalty in the state. Oklahoma Attorney General Drew Edmondson, whose office is reviewing the cases of all 121 death-row inmates in the state to see if additional DNA testing is called for, has declined to set an execution date for any of the 12 against whom Ms. Gilchrist had testified. Ms. Gilchrist, who was suspended by the Oklahoma City police department in March and now faces a state investigation of her work, said in an interview, "I stand by my testimony."

Republican Gov. Keating says further steps are needed. He proposes a higher standard of proof—"moral certainty" of guilt—for capital cases, instead of the families absence-of-reasonable-doubt standard used in criminal trials. "The people now expect moral certainty," says Mr. Keating. "No system can survive if it's fallible."

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 19, 2000, in San Francisco, California. Two men were arrested on charges of stalking, assaulting and robbing men in gay bars in what police say was a "brazen, bicoastal crime spree that included four robberies in Maine and vicious attacks on gays," including slashing one victim's throat, in California. The perpetrators were arrested after a bouncer at a gay bar recognized their distinctive Boston accents after reading about them in a warning flier distributed by police.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

TWO-YEAR ANNIVERSARY OF THE BELLINGHAM WASHINGTON PIPELINE EXPLOSION

Mrs. MURRAY. Madam President, on June 10th families in Bellingham, WA and throughout my home State will mark the 2-year anniversary of a pipeline explosion that killed three young people.

That tragic explosion changed three families forever. It shattered a community's sense of security. It showed us the dangers posed by aging, uninspected oil and gas pipelines. That disaster in Bellingham led me to learn about pipeline safety, to testify before Congress, to introduce the first pipeline safety bill of the 106th Congress, and ultimately to pass legislation in the Senate in September 2000 and again in February of this year.

The Senate has done its job. Twice the Senate has passed the strongest pipeline safety measures to ever pass either chamber of Congress. Now it's time for the House and President Bush to do their part.

The bill we passed in the Senate is a major step forward. It isn't everything everyone could want, but it is a significant move in the right direction. Specifically, the bill: Improves the Qualification and Training of Pipeline Personnel, Improves Pipeline Inspection and Prevention Practices, Requires internal inspection at least once every five years, Expands the Public's Right to Know about Pipeline Hazards, Raises the Penalties for Safety Violators, Enables States to Expand their Safety Efforts, Invests in New Technology to Improve Safety, Protects Whistle blowers, and Increases Funding for Safety Efforts by $13 billion.

Here we are, 2 years after that disaster in Bellingham and the legislation we've passed in the Senate still hasn't become law. That is inexcusable. The Bush Administration just issued an energy plan that calls for 38,000 new miles of pipeline. As I told the Vice President in a letter recently, before we build thousands of miles of pipelines through our backyards, our neighborhoods and our communities, we must make sure those pipelines are safe.

Unfortunately, the President's energy plan offered some rhetoric about pipeline safety, but no clear progress. I believe he missed an opportunity to articulate the Administration's specific proposals to make pipelines safer. I hope President Bush will agree that we shouldn't replace our current energy crisis with a pipeline safety crisis.

Let me offer three ways President Bush can show his commitment to public safety. The first one is simple. We shouldn't backtrack on safety. Comprehensive new legislation which has passed the Senate and is pending in the House should represent the new minimum of safety standards. President Bush should not send us a proposal that is less stringent than this bill. President Bush should not undo the progress we made last year. And I hope he'll show a sensitivity to safety and environmental concerns that have been absent from his discussions on this issue to date.

Second, President Bush should signal his support of pipeline safety legislation, which I hope will ultimately take the form of him signing a bill into law.

Finally, President Bush's Department of Transportation should continue to issue administrative rules to make pipelines safer. The Clinton administration took several important administrative steps. I hope the Bush administration will show the same level of commitment.

We do need to address our energy needs, but not at the expense of our safety. Let's make pipelines safe first, before we lay down more pipelines.

If we learned anything last year, it's that we must not wait for another tragedy to force us to act. We must pass a comprehensive pipeline safety bill this year.

In the coming weeks and months, as a member of Senate Transportation Appropriations Subcommittee, I will continue to do everything I can to improve pipeline safety by making sure that pipeline regulators have the resources they need to do their jobs effectively.

I know that we can't undo what happened in Bellingham, but we can take the lessons from the Bellingham tragedy and put them into law so that families will know the pipelines near their homes are safe. Two years after the Bellingham disaster they deserve nothing less.

NATIONAL CORRECTION OFFICERS AND EMPLOYEES WEEK

Mr. HUTCHINSON. Madam President, I am proud to rise today as an original cosponsor of Senator JEFFORDS' and Senator FEINSTEIN's resolution designating this week as "National Correction Officers and Employees Week." I commend them for their efforts to honor the 200,000 men and women who work in our Federal and State correctional institutions. Too often, American citizens overlook the importance of these men and women who must work with society's most hardened and dangerous criminals under difficult circumstances.

Today, I want them to know how much I admire and appreciate them for their willingness to face danger daily as they work to enforce our Nation's laws and ensure the safety of all American citizens. At this time, I also offer my condolences to the families and friends of the 11 correctional officers who died in the line of duty last year. I am deeply appreciative of their sacrifices and am sorry for their loss.

TAIWAN PRESIDENT CHEN SHUI-BIAN'S HISTORIC VISIT

Mr. ALLEN. Madam President, as President Chen Shui-bian of the Republic of China on Taiwan made his historic visit to the United States last month, I would like to congratulate him on his leadership and vision for Taiwan. President Chen became the second democratically-elected President in Chinese history little over one year ago, and his election was certainly a milestone in Taiwan's continued adherence to democracy and freedom.

I believe that President Chen's historic visit deserves the notice and respect of the U.S. Senate. Congress has long supported democratic development around the world, and Taiwan is no exception. Taiwan today is a notable model of rapid and successful democratic reform, as well as an important trading partner of the United States, having maintained amicable ties with our Nation for decades. What may also not be known is that Taiwan imports over 1.6 times as many goods from the United States as does the People's Republic of China. Taiwan is a vital economic partner for the United States.

Taiwan's economy offers its people one of the highest standards of living in Asia, including universal education, excellent medical care, and a well-developed social welfare policy. Moreover, Taiwan's Constitution is exemplary, guaranteeing full political freedoms and basic human rights to all citizens. As Taiwan continues its democratic development, President Chen and the people of Taiwan deserve our most sincere praise for their exemplary adherence to individual liberty and freedom.

In the future, Taiwan's continued achievements and development will reinforce its regional position and strengthen the good relationship between our two countries.

CHAMPLAIN COLLEGE, BURLINGTON, VERMONT

Mr. LEAHY. Mr. President. I rise today to talk about a unique education program nestled in the hills of Burlington, VT. Champlain College is one of the many higher education institutions in my home State and it has distinguished itself as a leader in career-oriented education. Under the leadership of President Roger Perry, Champlain College provides its students with innovative distance learning and workforce development programs to build the skills of Vermonters. While I have long known of the quality offerings of Champlain College, I was very pleased to see a story in the Los Angeles Times recently about one program in particular that serves single parents on welfare who want to earn a college degree.

With the recent reform by the Federal Government of our Nation's welfare system, many individuals are seeking training that can lead to better jobs and ultimately to increased wages. In response to this growing need, an 11-year-old program at Champlain College aimed at moving single parents off welfare is receiving attention nationwide. The impressive statistics from this public-private partnership clearly indicate its success—less than 10 percent of those participating in the program drop out; most in the program earn a 2-year associate degree; and, many even go on to receive a 4-year bachelor's degree. According to President Roger Perry, more than 90 percent of the single parents who graduate from this program have not returned to the welfare program. This program is helping single parents break the welfare cycle and show their children the importance of getting a college degree as a step toward supporting themselves and their family. Its success also reinforces Champlain College's role in Vermont as a leader in career-oriented education. I commend President Roger Perry, the faculty and staff, and especially the students for continuing to make Champlain College a model for quality higher education.

I ask unanimous consent that the following article from the May 13, 2001 issue of the Los Angeles Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, May 13, 2001]

(By Elizabeth Mehren)

VT. COLLEGE SINGLES OUT PARENTS EDUCATION: UNIQUE CURRICULUM THAT HELPS WELFARE MOTHERS GET JOB TRAINING HAS BECOME A NATIONAL MODEL

BURLINGTON, Vt.—What galls Dulcie Christian is when her Champlain College classmates say they didn't get their papers done because they were out drinking all night.

"I think, well, I was up all night with two sick kids and I did get mine done," Christian said. "Plus, I did the laundry."

As a participant in an unusual state-supported college program geared to move single parents off welfare, Christian, 33, is well aware of how her life diverges from the conventional undergraduate path. There's no room for wild parties. And instead of spring breaks in Jamaica, Christian uses time off to double up on hours working at the local Social Security office. Her old Subaru just better hold itself together, because there's no deep-pockets daddy to bail her out. More than once, in a pinch, Christian has brought Justin, 9, or Shelby, 5, to class with her.

FEWER THAN 10% DROP OUT

For Christian and the 60 or so other single parents enrolled at Champlain this semester, the challenges are immense. And yet, said program director Carol Moran-Brown, "The retention rate for these single parents is higher than the school average. You wouldn't believe the motivation."

With federal welfare reform providing an impetus for recipients to train for better jobs, the 11-year-old program at this private college has emerged as a national model.

Typically, college officials say, fewer than 10% of these students drop out; most in the program earn a two-year associate of arts degree and many go on for a four-year bachelor's degree. More than 90% of the single-parent graduates have not returned to welfare rolls, said Champlain College President Roger H. Perry.

Those are strong indicators, Perry said, that the program is achieving its goal of helping to shatter the cycle of single parents living off government assistance.

State money pays the salaries of Champlain's two full-time social workers devoted to single-parent students—almost always women, through the occasional single dad enrolls. State subsidies also fund the day care that enables these parents to take classes at the 1,400-student campus. The program is labor intensive, with workshops and weekly social hours at which single parents trade everything from outgrown snowsuits to names of kid-friendly professors.

For a group often made up of first-generation college students, social workers focus on time and stress management, as well as study skills. The students and social workers often meet daily, discussing what's going on academically—and also addressing such outside issues as abusive boyfriends, nasty landlords and sick babies. Budgets are a big topic, as many single parents struggle to get by on welfare payments while attending the four-year college. When it all becomes too much, "that's when I show up at their door, saying, 'I'm concerned about you, what's going on? Can I lend a hand?' " social worker Felicia Messuri said.

Champlain is a career-oriented school where most students easily step into jobs upon graduation. But Moran-Brown said the 97% job placement rate in the single-parent program stands out. A state study is underway to determine how well the single-parent graduates do over time—and how their experience compares to single parents who do not finish college.

Last year, Champlain received $96,000 in state money to run the program. An experimental seven-year federal waiver allowing Vermont to use special support funds for the single-parent college program expires in June. Eager to continue the program, the state Legislature passed a measure allowing the state's social welfare agency—Prevention, Assistance, Training and Health Access—to allocate discretionary funds for single parents in college.

At Champlain, single-parent students pay full $10,000-a-year tuition. But they are eligible for grants and loans. Under state rules, their welfare checks are not in jeopardy if they also hold down jobs.

When state supplements for transportation, caseworker salaries and incidentals are factored in, supporting each single-parent college student costs about $500 per year above the normal welfare allotment, Moran-Brown said. "It's cheap," she said.

PARENTS AND KIDS DO HOMEWORK TOGETHER

In Vermont, an unemployed single parent with one child usually receives about $557 each month, she said.

Noting that the endeavor benefits the state and students alike, PATH's deputy commissioner, Sandy Dooley, said her office views the single-parent college program as "a work-force development strategy" that could easily be replicated elsewhere.

For 23-year-old Cindy Sarault, it was dissatisfaction with a $5.65-an-hour job as a grocery clerk that pushed her to study accounting at Champlain. Now she and her 5-year-old daughter, Brooke, often do homework together.

Like Sarault, classmate Heidi McMann, 21, got pregnant as a high school senior. After two years as a low-wage office assistant, McMann signed on at Champlain to study computer networking.

"Partly it was about getting somewhere in life, so I could get a decent job," she said. "But also I wanted Taylor, my daughter, to learn from me, not just see me working in dead-end, low-wage positions forever."

Only a few miles from campus, in the small apartment she shares with her two children, Christian agreed that a big payoff is "setting an example of how important school is."

As the first member of her family to graduate from high school, Christian said it never crossed her mind to continue her own education. "I thought college was for people who can write papers," she said.

Then someone mentioned the single-parents program at Champlain. She tried a class and liked it so much she quit her clerical job. To the horror of her working-class parents, she went on welfare and sought out state child-care subsidies.

Soon Christian was set on a career in social work, and earning a 3.97 grade point average. Graduation is a year away, and Christian has a job lined up at the Social Security Administration. She said that after juggling school, a job and two kids, she is unfazed by the prospect of paying off college debt of at least $25,000.

For her, the biggest obstacle has been "making it through the tough times, when the money is short and your temper is short because you're worrying about the money, and the kids have problems at school and you have problems at school. You just want to crawl off somewhere. But you can't."

"I DO THINK I'M BREAKING THE CYCLE"

At school, Christian said, she talks about her kids constantly. At home, she talks about school. Better yet, her kids see her hunkering down with a book, and it makes them want to do the same. When they complain that they don't like a teacher, Christian says, guess what, she doesn't like all her professors either. Then they all do their homework together.

"So I do think I'm breaking the cycle," Christian said. "It feels great."

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 6, 2001, the Federal debt stood at $5,669,404,114,473.96, five trillion, six hundred sixty-nine billion, four hundred four million, one hundred fourteen thousand, four hundred seventy-three dollars and ninety-six cents.

One year ago, June 6, 2000, the Federal debt stood at $5,647,514,000,000, five trillion, six hundred forty-seven billion, five hundred fourteen million.

Five years ago, June 6, 1996, the Federal debt stood at $5,139,284,000,000, five trillion, one hundred thirty-nine billion, two hundred eighty-four million.

Ten years ago, June 6, 1991, the Federal debt stood at $3,494,333,000,000, three trillion, four hundred ninety-four billion, three hundred thirty-three million.

Fifteen years ago, June 6, 1986, the Federal debt stood at $2,052,917,000,000, two trillion, fifty-two billion, nine hundred seventeen million, which reflects a debt increase of more than $3.5 trillion, $3,616,487,114,473.96, three trillion, six hundred sixteen billion, four hundred eighty-seven million, one hundred fourteen thousand, four hundred seventy-three dollars and ninety-six cents during the past 15 years.

ADDITIONAL STATEMENTS

POLSON HIGH SCHOOL "WE THE PEOPLE" GROUP

• Mr. BAUCUS. Mr. President, on April 21–23, 2001 more than 1200 students from across the country came to Washington, D.C. to compete in the national finals of the "We the People . . . The Citizen and the Constitution program." I am proud to announce that one of the classes that competed was from Polson High School in Polson, MT.

The students that participated are: Curt Bertsch, Luke Bradshaw, Brad Briney, Amy Herak, Jackie Johnson, Ray Kneeland, Mindy Koopmans, Maggie Liebschutz, Tim Mains, Levi Mazurek, Ashley Miedinger, Joey Moholt, Cuinn Morgen, Nolan Mowbray, Toby Nelson, Kevin O'Brien, Kati O'Toole, Becky Owen, Stephen Pitts, Jeri Rafter, Kate Tiskus, Luke Venters, and Jason Wies.

I would also like to recognize, their teacher, Bob Hislop. Bob brings students to the national competition almost every year; his efforts have been a major asset to Polson High School and the State of Montana.

For the students involved, the national competition was the culmination of months spent studying the Constitution. It lasted three days, and was modeled after a Congressional hearing. Students were the "witnesses," and they made oral presentations before a panel of judges—the "committee." Afterwards, the judges asked questions designed to probe each competitor's knowledge of several different Constitution-related categories.

In addition, the Polson High group got an opportunity to meet members of Congress and visit sites of historic and cultural significance in Washington, D.C. The competition may have been the highlight, but for most students the trip itself was an educational and exciting experience.

The "We the People" program is directed by the Center for Civic Education, and it has been extremely successful. Several studies show that students who participate in We the People are substantially better informed about American Politics than those who do not. They are also more likely to register to vote, be more confident in their rights as citizens, and be more tolerant of other's viewpoints.

Let me again congratulate the Polson High group for their hard work. Montana is proud of them.•

J. WESLEY WATKINS III

• Mr. COCHRAN. Mr. President, it is with a feeling of deep regret that I bring to the attention of the Senate the death of my friend, J. Wesley Watkins III. He died on Monday, June 4, at George Washington University Hospital. He was 65 years old and was a victim of cancer.

Wes and I were classmates at the University of Mississippi. As a matter of fact, we were cheerleaders for the Ole Miss football team in 1956–1957, and I succeeded him as head cheerleader in 1957.

During the 1960's Wes became actively involved in the effort to extend all the benefits of citizenship to African Americans. He was a leader in our State in this cause, and he demonstrated great courage and determination.

He had an engaging personality, a winning smile; and he loved people. It was always a pleasure to be with him. He truly will be missed by his many friends. I'm glad I was one of them.

His hard work to assure equal rights and help make a difference in the lives of others who needed help is described in a newspaper article about his death. I ask that a copy of the obituary that appeared on Wednesday, June 6, in the Washington Post be printed in the RECORD.

The obituary follows:

J. WESLEY WATKINS III, 65, DIES; CIVIL LIBERTIES LAWYER, ACTIVIST

(By Bart Barnes)

J. Wesley Watkins III, 65, a Washington-based lawyer who specialized in civil rights and civil liberties issues in a career that spanned almost 40 years, died of pneumonia June 4 at George Washington University Hospital. He had cancer.

At his death, Mr. Watkins was a senior fellow at the Center for Policy Alternatives and founding director of the Flemming Fellows Leadership Institute, a program that assists and trains state legislators on such issues as family and medical leave, community reinvestment and motor-voter registration.

He was a former director of the American Civil Liberties Union of the National Capital

Area, a Washington-based southern regional manager of Common Cause and a management consultant to various nonprofit organizations.

In the late 1960's and the 1970s, he had a private law practice in Greenville, Miss. His cases included winning the right for African American leaders to speak to on-campus gatherings at previously all-white universities; the seating of a biracial Mississippi delegation at the 1968 Democratic National Convention and removal of various barriers and impediments to voting.

Mr. Watkins, a resident of Washington, was born in Greenville and grew up in Inverness, Miss. He attended the U.S. Naval Academy, graduated from the University of Mississippi and served in the Navy at Pearl Harbor from 1957 to 1959. He graduated from the University of Mississippi Law School in 1962. During the Kennedy and Johnson administrations, he was a Justice Department lawyer and tried cases throughout the South.

In 1967, he returned to Greenville as a partner in the law firm of Wynn and Watkins. Until 1975, he was the attorney for the Loyal Democrats, the movement to establish a biracial Democratic Party in a state where black residents had been effectively excluded from the political process for generations. The loyalists were seated at the Democratic National Convention in Chicago as the official Democratic Party of Mississippi. In the years after 1968, Mr. Watkins held negotiations with Mississippi's Old Guard Democrats that led to a unified Democratic Party by the national convention of 1976.

Hodding Carter III, the former editor of Greenville's Delta Democrat Times newspaper and a Mississippi contemporary of Mr. Watkins's, described him as "one of those southerners who loved this place so much that he had to change it. He had to do what he knew was the right and necessary thing in a very hard time. He had to break with so much that was basic to his past." Carter is president of the John S. and James L. Knight Foundation in Miami.

In 1975, Mr. Watkins returned to Washington and joined the Center for Policy Alternatives and helped found the Flemming Leadership Institute.

There, Linda Tarr-Whelan, the organization's board chairman, called him a "larger-than-life figure with a thick Mississippi accent, a magnetic personality and a gift for telling stories."

He habitually wore cowboy boots and a ten-gallon hat. When chemotherapy treatments for his cancer caused some of his hair to fall out, Mr. Watkins simply shaved his head and started wearing an earring.

In the 1980s, Mr. Watkins was task force director for the Commission on Administrative Review of the U.S. House of Representatives, which also was known as the Obey Commission. He was a former legislative assistant to Rep. Frank E. Smith (D–Miss.).

He Served on the boards of Common Cause, Americans for Democratic Action and Mid-Delta Head Start, and most recently he was a board member of Planned Parenthood of Metropolitan Washington.

He was a former vestryman and a teacher in the Christian education program of St. Mark's Episcopal Church in Washington.

His marriage to Jane Magruder Watkins ended in divorce.

Survivors include his companion, Anita F. Gottlieb of Washington; two children, Gordon Watkins of Parthenon, Ark., and Laurin Wittig of Williamsburg, two sisters, Mollye Lester of Inverness and Ann Stevens of Newark; a brother, William S. Watkins of Alexandria; and four grandchildren.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 37. An act to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails.

H.R. 640. An act to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes.

H.R. 1000. An act to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes.

H.R. 1209. An act to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

H.R. 1661. An act to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act.

H.R. 1699. An act to authorize appropriations for the Coast Guard for fiscal year 2002.

H.R. 1914. An act to extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 150. Concurrent resolution expressing the sense of Congress that Erik Weihenmayer's achievement of becoming the first blind person to climb Mount Everest demonstrates the abilities and potential of all blind people and other individuals with disabilities.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 37. An act to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; to the Committee on Energy and Natural Resources.

H.R. 640. An act to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1000. An act to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize and exchange of land in connection with the historic site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1209. An act to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes; to the Committee on the Judiciary.

H.R. 1661. An act to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Commerce, Science, and Transportation.

H.R. 1699. An act to authorize appropriations for the Coast Guard for fiscal year 2002; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 56 Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day; to the Committee on the Judiciary.

H. Con. Res. 100. Concurrent resolution commending Clear Channel Communications and the American Football Coaches Association for their dedication and efforts for protecting children by providing a vital means for locating the Nation's missing, kidnapped, and runaway children; to the Committee on the Judiciary.

H. Con. Res. 150. Concurrent resolution expressing the sense of Congress that Erik Weihenmayer's achievement of becoming the first blind person to climb Mount Everest demonstrates the abilities and potential of all blind people and other individuals with disabilities; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 6. An act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability.

H.R. 10. An act to provide for pension reform, and for other purposes.

H.R. 586. An act to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes.

H.R. 622. An act to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purpose.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 503. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

H.R. 1885. An act to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2230. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Audio Service Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification" (Doc. No. 93–177) received May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2231. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM. Broadcast Stations (McCook, Alliance, Imperial, NE; Limon, Parker, Aspen, Avon, Westcliffe, CO)" (Doc. No. 00–6) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2232. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McKinleyville, California)" (Doc. No. 00–216) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2233. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Royston and Arcade, Georgia)" (Doc. No. 00–165) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2234. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Young Harris, Georgia)" (Doc. No. 01–35) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2235. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section, 73.202(b), Table of Allotments, FM Broadcast Stations (Willow Creek, CA)" (Doc. No. 01–4) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2236. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charleroi and Duquesne, Pennsylvania)" (Doc. No. 00–42) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2237. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Patterson, Georgia)" (Doc. No. 01–26) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2238. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alexandria, Sauk Centre, MN)" (Doc. No. 00–250) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2239. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Laurie, Missouri)" (Doc. No. 97–86) received on May 31, 2001 ; to the Committee on Commerce, Science, and Transportation.

EC–2240. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Paradise, MI and Lynchburg, TN)" (Doc. Nos. 00–194; 00–196) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2241. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Bozeman, MT)" (Doc. No. 01–30) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2242. A communication from the Acting Director of the National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Procedures for Implementation of the Fastener Quality Act" (RIN0693–AB47) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2243. A communication from the Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Improve Individual Fishing Quota Program" (RIN0648–AK50) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2244. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Brake Testing Procedures" (RIN2127–AH64) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2245. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Hydraulics Systems Airworthiness Standards To Harmonize with European Airworthiness Standards for Transport Category Airplanes" ((RIN2120–AF79)(2001–0001) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2246. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revised Landing Gear Shock Absorption Test Requirements" (RIN2120–AG72) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2247. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Interior Trunk Release" (RIN2127–AH83) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2248. A communication from the Trial Attorney of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Power Brake Regulations: Freight Power Brake Revisions—Delay of Compliance Date" ((RIN2130–AB16)(2001–0003)) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2249. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "High-Theft Lines for Model Year 2001" (RIN2127–AH78) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2250. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Staff Office for Intergovernmental and Recreational Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Coastal Fisheries Cooperative Management Act Provisions; Horseshoe Crab Fishery; Closed Area" (RIN0648–AO02) received on June 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2251. A communication from the Acting Director of the National Institute of Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "National Voluntary Laboratory Accreditation Program; Operating Procedures" (RIN0693–ZA39) received on June 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2252. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the Annual Report Regarding Atlantic Highly Migratory Species for 2001; to the Committee on Commerce, Science, and Transportation.

EC–2253. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Priorities and Allocations" (48 CFR Part 1811) received on June 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2254. A communication from the Acting Chief Executive Officer of the United States Olympic Committee, transmitting, pursuant to law, the Four Year Report for the period 1997-2000; to the Committee on Commerce, Science, and Transportation.

EC–2255. A communication from the Deputy Director, Enforcement Policy, Wage and Hour Division, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Nondisplacement of Qualified Workers Under Certain Contracts; Rescission of Regulations Pursuant to Executive Order 13204" received on June 4, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2256. A communication from the Army Federal Register Liaison Officer, Office of the Assistant Secretary of the Army, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "Report on the Use of Employees of Non-Federal Entities to Provide Services to the Department of the Army" (RIN0702–AA33) received on June 5, 2001; to the Committee on Armed Services.

EC–2257. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–2258. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2001-2002 Marketing Year" (Doc. No. FV01–985–1 FR) received on June 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2259. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Increased Assessment Rate" (Doc. No. FV01–932–1 FIR) received on June 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2260. A communication from the Mayor of the District of Columbia, transmitting, a draft of proposed legislation entitled "Fiscal Year 2002 Budget Request Act"; to the Committee on Governmental Affairs.

EC–2261. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the report under the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2262. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Change in Definition of Compensation to Reflect 132(f) Salary Reduction" (Notice 2001–37) received on June 5, 2001; to the Committee on Finance.

EC–2263. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Captive Insurance Companies" (Rev. Rul. 2001–31) received on June 5, 2001; to the Committee on Finance.

EC–2264. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reconsideration of Rev. Rul. 73-236" (Rev. Rul. 2001–29, –26) received on June 5, 2001; to the Committee on Finance.

EC–2265. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Frivolous Filing Position Based on Section 861" (Notice 2001–40) received on June 6, 2001; to the Committee on Finance.

EC–2266. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Emergency Episode Avoidance Plan and Cascade County Open Burning Rule" (FRL6991–1) received on June 6, 2001; to the Committee on Environment and Public Works.

EC–2267. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL6990–1) received on June 6, 2001; to the Committee on Environment and Public Works.

EC–2268. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Minnesota" (FRL6991–7) received on June 6, 2001; to the Committee on Environment and Public Works.

EC–2269. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio" (FRL6991–9) received on June 6, 2001; to the Committee on Environment and Public Works.

EC–2270. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulations: Filter Backwash Recycling Rule" (FRL6989–5) received on June 6, 2001; to the Committee on Environment and Public Works.

EC–2271. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL6994–4) received on June 6, 2001; to the Committee on Environment and Public Works.

EC–2272. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District" (FRL6990–9) received on June 6, 2001; to the Committee on Environment and Public Works.

EC–2273. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units" (FRL6995–2) received on June 6, 2001; to the Committee on Environment and Public Works.

EC-2274. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: San Juan Harbor, San Juan, Puerto Rico" ((RIN2115–AA97)(2000–0008)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2275. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; South Carolina Aquarium Grand Opening Fireworks Display, Charleston Harbor, Charleston, SC" ((RIN2115–AE46)(2001–0010)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2276. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; IB 909 Barge Conducting Outfall Pipe Construction in Massachusetts Bay" ((RIN2115–AA97)(2000–0053)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2277. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Navy Pier, Lake Michigan, Chicago Harbor, IL" ((RIN2115–AA97)(2000–0055)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2278. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Oil Spill Cleanup Zone, Middletown, Rhode Island" ((RIN2115–AA97)(2001–0015)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2279. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Atlantic Intercostal Waterway, Miami, Dade County, FL" ((RIN2115–AE47)(2001–0045)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2280. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flight Crewmember Flight Time Limitations and Rest Requirements; Notice of Enforcement Policy; Correction" ((RIN2120–ZZ35)(2001–0002)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2281. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eagle Aircraft Pty. Lrd. Model 150B Airplanes" ((RIN2120–AA64)(2001–0235)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2282. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives:

Boeing Model 767-200, 300, 300F Series Airplanes" ((RIN2120-AA64)(2001-0236)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2283. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-200 and 3 Series Airplanes Equipped with Cargo Doors Installed in Accordance with STC SA 29969A0" ((RIN2120-AA64)(2001-0234)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2284. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell KC 225 Automatic Flight Control System; Request for Comments" ((RIN2120-AA64)(2001-0233)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2285. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Engines CJ610 Series Turbojet and CF700 Turbofan Engines" ((RIN2120-AA64)(2001-0232)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2286. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolladen Schneider Flugzeugbau GmbH Models LS 3, LS 4, LS 6c Sailplanes" ((RIN2120-AA64)(2001-0231)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2287. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Commission's Regulations Governing Television Broadcasting" (Doc. No. 91-221, 87-8) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-77. A resolution adopted by the Board of Trustees of the Incorporated Village of East Rockaway, New York relative to Project Impact; to the Committee on Appropriations.

POM-78. A joint resolution adopted by the Town Council and School Committee of Kittery, Maine relative to the education of children with disabilities; to the Committee on Appropriations.

POM-79. A resolution adopted by the City Council of Prosser, Washington relative to energy; to the Committee on Energy and Natural Resources.

POM-80. A resolution adopted by the City Commission of Hollywood, Florida relative to Beach Erosion Control Projects; to the Committee on Environment and Public Works.

POM-81. A resolution adopted by the City Council of Brook Park, Ohio relative to the Steel Industry; to the Committee on Finance.

POM-82. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the United States Postal Service; to the Committee on Governmental Affairs.

House Concurrent Resolution No. 5

Whereas, the original Purple Heart, designated as the Badge of Military Merit, was established by General George Washington on August 7, 1782, during the Revolutionary War, when he wrote, "Whenever any singularly meritorious action is performed, the author of it shall be permitted to wear on his facings over the left breast, the figure of a heart in purple cloth of silk, edged with narrow lace or binding. Not only instances of unusual gallantry, but also of extraordinary fidelity and essential service in any way shall meet with a due reward"; and

Whereas, the Purple Heart is the oldest military decoration in the world in present use and the first award given to a common soldier; a Purple Heart is an eloquent and forceful symbol of each man and woman who has stepped forward in a time of national crisis to defend the values of the United States; and

Whereas, the Purple Heart is a combat decoration awarded in the name of the President of the United States to members of the armed forces who are wounded by an instrument of war in the hands of the enemy; and

Whereas, an effort is currently underway to petition the United States Postal Service to authorize the issuance of an official United States postal stamp displaying the image of the Purple Heart medal; and

Whereas, in recent years, the United States Postal Service has issued stamps honoring comic strips, movie monsters, and cartoon characters but has opted not to issue a Purple Heart stamp honoring American soldiers wounded in battle; and

Whereas, the Purple Heart stamp would serve as a permanent and long-overdue honor for the one million eight hundred thousand recipients of the Purple Heart, half of whom are still alive today, and to remind the nation of the monumental sacrifices veterans have made in the service and defense of the United States of America. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the United States Congress to take appropriate steps to cause the United States Postal Service to issue a Purple Heart stamp to recognize the tremendous valor and fortitude displayed by wounded soldiers and to express the enduring appreciation of the citizens of the United States of America for the sacrifices that members of the armed forces have made in the name of freedom. Be it further

Resolved, That suitable copies of this Resolution be transmitted to the Speaker of the United States House of Representatives; the President of the United States Senate; James Tolbert, Jr., Executive Director of Stamp Services for the United States Postal Service; and The Honorable William J. Henderson, Postmaster General and Chief Executive Officer of the United States Postal Service.

POM-83. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the Railroad Retirement and Survivor's Improvement Act of 2001; to the Committee on Finance.

House Concurrent Resolution No. 7

Whereas, the Railroad Retirement and Survivor's Improvement Act was approved in a bipartisan effort by three hundred ninety-one members of the United States House of Representatives in the 106th Congress, including every member of the Louisiana delegation; and

Whereas, more than eighty United States senators, including both Louisiana senators, signed letters of support for this legislation in 2000, but despite strong support for the Railroad Retirement and Survivor's Improvement Act of 2000, the legislation did not become law as the Senate did not vote on it before adjournment; and

Whereas, the Railroad Retirement and Survivor's Improvement Act of 2001, authored by Don Young, Chairman of the House Committee on Transportation and Infrastructure, provides for the modernization of the railroad retirement system for its seven hundred forty-eight thousand beneficiaries nationwide, including nine thousand four hundred people in Louisiana; and

Whereas, railroad management, labor, and retiree organizations have agreed to support the Railroad Retirement and Survivor's Improvement Act of 2001; and

Whereas, the Railroad Retirement and Survivor's Improvement Act of 2001 would provide tax relief to freight railroads, Amtrak, and commuter lines; and

Whereas, the Railroad Retirement and Survivor's Improvement Act of 2001 would provide benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in the Railroad Retirement and Survivor's Improvement Act of 2001; and

Whereas, all changes will be paid for from within the railroad industry, including a full share by active employees. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the United States Congress to enact the Railroad Retirement and Survivor's Improvement Act of 2001. Be it further

Resolved, That suitable copies of this Resolution be transmitted to President George W. Bush, the president of the United States Senate, the speaker of the United States House of Representatives, and the members of the Louisiana congressional delegation.

POM-84. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to natural gas and liquids pipeline operations; to the Committee on Energy and Natural Resources.

House Concurrent Resolution No. 9

Whereas, the nation's natural gas and liquids pipeline facilities provide critical service to all citizens of this nation; and

Whereas, the state of Louisiana has a vital interest in the integrity and safety of the interstate natural gas and liquids pipelines within the state; and

Whereas, recent incidents of pipeline leaks and ruptures have led to heightened concern for the health and welfare of the citizens of Louisiana; and

Whereas, these incidents have led to intense discussion about the reliability of the natural gas supply and prevention, mitigation, and response to pipeline incidents; and

Whereas, enhancements to federal pipeline safety requirements can translate into enhanced safety requirements for state-regulated facilities within the state of Louisiana. Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to support federal legislation to strengthen the rules regarding the safety of natural gas and liquids pipeline operations. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–85. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to Ministers Appreciation Week; to the Committee on the Judiciary.

House Concurrent Resolution No. 50

Whereas, throughout this nation's long history of praise and worship, the citizens of the United States of America have been guided with outstanding commitment and dedicated leadership by their ministers, who have paved the way for the leaders and members of their churches to be graced with the blessings they enjoy today; and

Whereas, the ministers of the United States of America merit a sincere measure of commendation for the noble achievements and exemplary strides that they have taken in their guidance of the nation's loving and dedicated spiritual communities; and

Whereas, the ministers of the nation serve not only as spiritual leaders, but they serve individual members of their spiritual communities on a daily basis, counseling them, giving them guidance in handling personal crises, visiting them in sickness, helping them bear the sorrow of the death of a loved one, and being a source of strength and help in countless situations; and

Whereas, it is appropriate to commend the ministers of the United States of America for their remarkable devotion to God and to their congregations, to extend sincere and heartfelt congratulations to all ministers, and to recognize the ministers of the nation in a special way. Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to recognize the final week in April of every year as Minister Appreciation Week and does hereby commend and congratulate all ministers of the United States of America for their important service to the people of the nation. Be it further

Resolved, That copies of this Resolution shall be transmitted to the presiding officer of each house of the United States Congress and to each member of the Louisiana delegation of the United States Congress.

POM–86. A resolution adopted by the Senate of the Legislature of the State of Georgia relative to agricultural equipment; to the Committee on Commerce, Science, and Transportation.

Senate Resolution 193

Whereas, water well drilling contractors are extremely small construction contractors who drill water wells for individuals, cities, counties, industry, and farmers; and

Whereas, federal law requires all persons operating vehicles in excess of 26,000 pounds transporting people or property to have a commercial driver's license (CDL); and

Whereas, this act is primarily for the common or contractor carrier; and

Whereas, agricultural vehicles are exempt from the requirements of the commercial driver's license statute; and

Whereas, water well drilling contractors rarely travel more than 150 miles from their home office, which is one of the criteria of agricultural vehicles contained in the commercial driver's license statute; and

Whereas, these contractors rarely travel across state boundaries; and

Whereas, the requirements of the commercial driver's license statute are extremely difficult to pass; and

Whereas, it is a tremendous burden on these small businesses to find, hire, and pay employees who have a commercial driver's license; and

Whereas, this requirement adds a great deal of unnecessary expense to the price of a well for the well owner. Now, therefore, be it

Resolved by the Senate, That the members of this body respectfully reuest that the United States Congress enact legislation reclassifying water well drilling vehicles and equipment as agricultural equipment under the federal commercial driver's license laws. Be it further

Resolved, That the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the Clerk of the United States House of Representatives and the Secretary of the United States Senate.

POM–87. A concurrent resolution adopted by the Senate of the Legislature of the State of Hawaii relative to special education and children with disabilities; to the Committee on Appropriations.

Senate Concurrent Resolution 97

Whereas, the Individuals with Disabilities Education Act (IDEA) passed by the United States Congress, finds that disability is a natural part of the human experience and does not take away or minimize the right of those individuals to participate in, or contribute to, society; and

Whereas, Congress further found that improving educational results for disabled children is an essential part of our national policy of ensuring equal opportunity, full participation, independent living, and economic self-sufficiency for disabled individuals; and

Whereas, currently there are special education students in every school in this State and with the rising cost of special education, it is a heavy burden on Hawaii's already financially challenged public education system: and

Whereas, the Department of Education's January 2001 Quarterly Report on the Status of the State's Progress in meeting the Requirements of the Felix v. Cayetano Consent Decree (hereinafter DOE Quarterly Report) reported a total of 22,962 students identified for special education services, 13,146 children registered for services with the Child and Adolescent Mental Health Division (CAMHD), and 1,962 children identified for zero-to-three related mental health services; and

Whereas, the DOE Quarterly Report further reported that of the $154,035,838 appropriated to the Department of Education for the 2000–2001 school year, $75,838,006 already was expended by December 31, 2000 and of the $102,227,071 appropriated to the Department of Health's CAMHD, $76,111,621 was already expended by December 31, 2000; and

Whereas, according to the Court Monitor's Felix Consent Decree Quarterly Status Report, August 2000 to November 2000, over the six-year period from 1994 to 2000, the number of children served by the Department of Education increased from 12,000 to over 22,000 while the number provided mental health services by CAMHD increased from 1,800 to 11,000; and

Whereas, these dramatic increases have resulted in an increase in the combined mental health and special education costs by over $150 million, prompting the Court Monitor to note that "[n]o other state or school district in the United States of America has undergone such expansion and dramatic redesign in six years"; and

Whereas, despite earnest efforts to control the Felix program costs, and the over $250 million combined appropriations to the Department of Education and Department of Health for the current fiscal year, the Governor has requested the 2001 Legislature to appropriate $107 million in emergency funds to address Felix program costs overruns; and

Whereas, Congress in Title 20, section 1411(a) of the United States Code committed to providing up to forty percent of the cost states would incur in providing special education; and

Whereas, in fiscal year 1999–2000 federal funding of the Department of Education special education program amounted to a meager 10% of cost and has never exceeded 14% in any given year. Now, therefore, be it

Resolved by the Senate of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2001, the House of Representatives concurring, That the Hawaii Congressional delegation is urged to coordinate efforts in the United States Congress to obtain funding for forty percent of the cost of special education and related services for children with disabilities; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate, the Vice President of the United States, and the members of Hawaii's congressional delegation.

POM–88. A concurrent resolution adopted by the Senate of the State Louisiana relative to Louisiana farmers; to the committee on appropriations.

Senate Concurrent Resolution 64

Whereas, many farmers in Louisiana are suffering the consequences of low prices for their commodities, illustrated by a market in which the price of soybeans is at a twenty-seven year low, the price of cotton is at a twenty-five year low, the price of wheat and corn is selling at a fourteen year low, and the price of rice is at an eight year low; and

Whereas, Louisiana farmers are trying to overcome the onslaughts of nature, characterized by a devastating drought in 2000 which followed a disappointing crop year in which many farmers were left in financial trouble; and

Whereas, the existing federal farm bill has not adequately addressed the current circumstances and needs of farmers in Louisiana as well as farmers across the United States; and

Whereas, hopes for a widespread opening of foreign markets and the implementation of measures to stimulate commodity exports have not materialized; and

Whereas, it is estimated that $9 billion above the projected budget baseline is needed in federal farm payments this year to assist farmers if they are to survive; and

Whereas, an increase in farm payments is critical to the agriculture industry given agriculture's vital importance to the sustenance of all people and to the economy of our state; and

Whereas, many farmers have no other choice but to rely on assistance payments to stay in business. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the congress of the United states to increase federal aid to Louisiana farmers. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the

United States Senate and the clerk of the United states House of Representatives and to each member of the Louisiana delegation to the Congress of the United States.

POM-89. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to a national energy policy; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION 32

Whereas, the Louisiana ammonia industry accounts for forty percent of the domestic production of ammonia; and

Whereas, natural gas makes up ninety percent of the costs of producing ammonia; and

Whereas, in the last year alone the prices of natural gas have almost tripled and the cost of producing ammonia has risen substantially; and

Whereas, high natural gas prices led the members of the Louisiana Ammonia Producers to temporarily shut down all or part of their ammonia production units; and

Whereas, two Louisiana companies have gotten out of the ammonia business completely, while others have had to resort to layoffs; and

Whereas, the majority of the ammonia produced in Louisiana is used to make fertilizer; and

Whereas, there are numerous untapped natural gas reserves in the United States. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to use the powers at its disposal to commission the United States Department of Energy to establish a national energy policy, which should pursue a long-term remedy to these problems by providing incentives for immediate domestic natural gas exploration and production, including opening untapped natural gas reserves. Be it further

Resolved, That a copy of this Resolution be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, the secretaries of the Department of Energy and the Department of the Interior, and to each member of the Louisiana delegation to the United States Congress.

POM-90. A resolution adopted by the Legislature of Guam relative to the Tax Relief Proposal; ordered to lie on the table.

RESOLUTION 66

Whereas, Federal taxes are the highest they have ever been during peacetime; and

Whereas, all taxpayers should be allowed to keep more of their own money; and

Whereas, the best way to encourage economic growth is to cut marginal tax rates across all tax brackets; and

Whereas, under current tax law, low income workers often pay the highest marginal tax rates; and

Whereas, the American people have not received any real tax relief in a generation; and

Whereas, President George W. Bush's Tax Relief Plan will contribute to raising the standard of living for all Americans, including the people of Guam; and

Whereas, President Bush's Tax Relief Plan will increase access to the middle class for hard-working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

Whereas, under President Bush's Tax Relief Plan, the largest percentage reductions will go to the lowest income earners; now therefore, be it

Resolved, That I Mina'Bente Sais Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, urge our elected representatives in the United States Congress, including Guam's Delegate to the U.S. Congress, to support and pass the Tax Relief Plan introduced by President George W. Bush, which includes an across-the-board reduction in marginal rates, eliminates the "death tax" and reduces the marriage penalty; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable George W. Bush, President of the United States of America; to the Honorable Richard Cheney, President, United States Senate; to the Honorable J. Dennis Hastert, Speaker; United States House of Representatives; to the Honorable Robert A. Underwood, Guam's Delegate to the United States House of Representatives; and to the Honorable Carl T.C. Gutierrez, I Maga'lahen Guåhan (Governor of Guam).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. SMITH of Oregon, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Ms. SNOWE, Ms. STABENOW, Mr. THOMAS, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, and Mr. FITZGERALD):

S. 994. A bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself, Mr. LEVIN, and Mr. GRASSLEY):

S. 995. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ALLARD:

S. 996. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area; to the Committee on Veterans' Affairs.

By Mrs. BOXER:

S. 997. A bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to establish a Sudden Oak Death Syndrome Advisory Committee; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 998. A bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. ROBERTS):

S. 999. A bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War; to the Committee on Armed Services.

By Mr. REED (for himself, Mr. DODD, Mr. KENNEDY, Mrs. MURRAY, Mr. KERRY, and Mr. CORZINE):

S. 1000. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself, Mr. HUTCHINSON, and Mr. SHELBY):

S. 1001. A bill to amend title XVIII of the Social Security Act to establish a floor on area wage adjustment factors used under the medicare prospective payment system for inpatient and outpatient hospital services; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. MURKOWSKI, Mr. BREAUX, Mr. HUTCHINSON, Mr. MILLER, Mr. CRAIG, Ms. LANDRIEU, Mr. SMITH of Oregon, and Ms. COLLINS):

S. 1002. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1003. A bill to ensure the safety of children placed in child care centers in Federal facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1004. A bill to provide for the construction and renovation of child care facilities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JEFFORDS (for himself, Mr. STEVENS, Mr. KENNEDY, Mr. CLELAND, and Mr. DODD):

S. 1005. A bill to provide assistance to mobilize and support United States communities in carrying out community-based youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. STEVENS, Mrs. FEINSTEIN, and Mr. BREAUX):

S. Con. Res. 47. A concurrent resolution recognizing the International Olympic Committee for its work to bring about understanding of individuals and different cultures, for its focus on protecting the civil rights of its participants, for its rules of intolerance against discriminatory acts, and for its goal of promoting world peace through sports; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 104

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 127

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 127, a bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market.

S. 131

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 256

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 256, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers.

S. 258

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 271

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 271, a bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

S. 321

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 349

At the request of Mr. HUTCHINSON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 351

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 484

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 484, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 501

At the request of Mr. GRAHAM, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 505

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 505, a bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms, and for other purposes.

S. 570

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 573

At the request of Mr. HELMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 573, a bill to amend title XIX of the Social Security Act to allow children enrolled in the State children's health insurance program to be eligible for benefits under the pediatric vaccine distribution program.

S. 582

At the request of Mr. GRAHAM, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 592

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 672

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 672, a bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes.

S. 676

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 676, a bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes.

S. 738

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 738, a bill to amend the Voting Rights Act of 1965 to protect the voting rights of members of the Armed Forces.

S. 739

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 739, a bill to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes.

S. 801

At the request of Mr. JEFFORDS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 803

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 803, a bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 862

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 862, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program.

S. 866

At the request of Mr. REID, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 887

At the request of Mr. WELLSTONE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 887, a bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture.

S. 910

At the request of Mr. ROCKEFELLER, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 910, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 924

At the request of Mr. BIDEN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 924, a bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

S. 948

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 955

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 955, a bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

S. 982

At the request of Mr. GRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 982, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive health benefits, and for other purposes.

S. 992

At the request of Mr. NICKLES, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day".

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 92

At the request of Mrs. FEINSTEIN, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 92, a resolution to designate the week begining june 3, 2001, as "National Correctional Officers and Employees Week".

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 4

At the request of Mr. NICKLES, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 385

At the request of Mrs. CARNAHAN, the names of the Senator from Montana

(Mr. BAUCUS) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of amendment No. 385.

AMENDMENT NO. 466

At the request of Mr. WELLSTONE, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mrs. CLINTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. REED) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 466.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 466, supra.

AMENDMENT NO. 540

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 540.

AMENDMENT NO. 573

At the request of Mr. HELMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 573, intended to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 648

At the request of Mr. HELMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 648.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER (for himself, Mr. SMITH of Oregon, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Ms. SNOWE, Ms. STABENOW, Mr. THOMAS, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, and Mr. FITZGERALD):

S. 994. A bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SCHUMER. Mr. President, I rise today to announce the introduction of the Iran-Libya Sanctions Extension Act, which extends American sanctions against foreign companies which invest in Iran and Libya's oil sectors for 5 years.

At a time when many people in Washington are seeking to review America's sanctions policies, this bill—with its 74 original cosponsors—says that sanctions against the world's worst rogue states will remain firmly in place. I hope that President Bush will recognize the message sent by the overwhelming support for this legislation, and will put to rest the idea that the Iran-Libya Sanctions Act might expire or be weakened.

ILSA has been one of America's best weapons in our war against terrorism, because it is aimed at cutting off the flow of money that terrorist groups depend on to fund their attacks and operations.

Over the past 5 years, ILSA has effectively deterred foreign investment in Iran's oil fields: of the 55 projects for which Iran sought foreign investment, only 6 have been funded, and none have been completed.

That's what ILSA's all about: it limits the ability of Iran and Libya to reap oil profits that can be spent funding terrorism and for weapons of mass destruction.

Even with ILSA in place, Iran continues to supply upwards of $100 million to Hezbollah, Islamic Jihad and Hamas—which claimed responsibility for the suicide bombing last week in Tel Aviv that killed 20 Israeli children.

Can you imagine how much more Iran would be spending on terrorism and weapons of mass destruction if they had billions more in oil profits rolling in?

The truth is, ILSA is needed now more than ever.

Despite the election of the so-called "moderate" President Mohammad Khatami in 1997, Iran remains the world's most active state sponsor of terrorism, and has been feverishly seeking to develop weapons of mass destruction.

And on the eve of another election in Iran, Khatami continues to vilify the United States, and in his most recent call for the destruction of Israel, referred to Israel as "a parasite in the heart of the Muslim world." These are not the words of a moderate, worthy of American concessions.

As far as Libya is concerned, we all learned recently that the Libyan government was directly involved in the bombing of Pan Am 103—one of the most heinous acts of terrorism in history.

Yet Libya obstinately refuses to abide by U.N. Security Council resolutions requiring it to formally renounce terrorism, accept responsibility for the government officials convicted of masterminding the bombing, and compensate the victims' families.

Some say we should lift sanctions on rogue nations like Iran and Libya first, and decent, moral, internationally-acceptable behavior will follow.

I say that is twisted logic.

If these nations are serious about entering the community of nations, and seeing their economies benefit from global integration, they must change their behavior first.

They must adapt to the world community, the world community does not need to adapt to them.

The bottom line is that these sanctions must remain in place until Iran ends its support of international terrorism, and ends its dangerous quest for catastrophic weapons.

For Libya, it means full acceptance of responsibility for the Pan Am 103 bombing and full compensation for the families of the victims.

If that day arrives, ILSA will no longer be needed and will be terminated. Unfortunately, that day is not yet in sight.

Finally, I would urge the Bush Administration, as it reviews American sanctions policies, to consider that letting ILSA expire would send the wrong message to Iran and Libya.

This is not the time to weaken sanctions and permit investment that can be used to fund terrorist acts like the one we saw in Israel last week.

IRAN-LIBYA SANCTIONS ACT

Mr. KENNEDY. Mr. President, I strongly support S. 994, which would extend the Iran-Libya Sanctions Act for 5 years.

Current U.S. law imposes economic sanctions on foreign companies that invest in Libya's oil sector, but those sanctions expire on August 5th. The need for the sanctions is as strong today as when they were enacted in 1996. They deserve to be extended. Easing sanctions on Libya by allowing the law to expire would have a far-reaching negative effect on the battle against international terrorism and the twelve-year pursuit of justice for the 270 victims of the bombing of Pan Am Flight 103.

Current law requires the President to impose at least 2 out of 6 sanctions listed in the statute on foreign companies that invest more than $20 million in 1 year in Iran's energy sector, or $40 million in 1 year in Libya's energy sector. The 6 sanctions are the following:

(1) Denial of Export-Import Bank loans, credits, or credit guarantees for U.S. exports to the firm.

(2) Denial of licenses for the U.S. export of military or militarily-useful technology to the firm.

(3) Denial of U.S. bank loans exceeding $10 million in 1 year to the firm.

(4) If the sanctioned firm is a financial institution, a prohibition on the firm's service as a primary dealer in U.S. government bonds; and/or a prohibition on the firm's service as a repository for U.S. government funds.

(5) Prohibition on U.S. government procurement from the firm.

(6) A restriction on imports from the firm.

Under Section 9(c) of current law, the President may waive the sanctions on the ground that doing so is important to the U.S. national interest. For Libya, the law terminates if the President determines that Libya has fulfilled the requirements of all U.N. resolutions relating to the 1988 bombing of Pan Am Flight 103. Those conditions, which were imposed by the international community, require the Government of Libya to accept responsibility for the actions of its intelligence officer, disclose information about its involvement in the bombing, provide appropriate compensation for the families of the victims of Pan Am Flight 103, and fully renounce international terrorism.

President Bush has emphasized his support for these conditions. As he stated on April 19, "We have made it clear to the Libyans that sanctions will remain until such time as they not only compensate for the bombing of the aircraft, but also admit their guilt and express remorse." Yet the Government of Libya continues to refuse to meet the conditions of the international community. Until it does, both the United States and the international community should continue to impose sanctions on the regime.

Despite the conventional wisdom that economic sanctions do not work, they have been effective in the case of Libya. As a result of the United Nations sanctions, the U.S. sanctions, and diplomatic pressure, the Libyan Government finally agreed in 1999 to a trial by a Scottish court sitting in the Netherlands of two Libyans indicted for the bombing. Last January 31, one of the defendants, a Libyan intelligence agent, was convicted of murder for that atrocity.

The court's decision clearly implicated the Libyan Government. The conviction was a significant diplomatic and legal victory for the world community, for our nation, which was the real target of the terrorist attack, and for the families of the victims of Pan Am Flight 103.

The Iran Libya Sanctions Act is also intended to help level the playing field for American companies, which have been prohibited from investing in Libya by a Presidential Order issued by President Reagan in 1986. The statute enacted in 1996 imposed sanctions on foreign companies that invest more than $40 million in any year in the Libyan energy sector. The objective of the 1996 law is to create a disincentive for foreign companies to invest in Libya and help ensure that American firms are not disadvantaged by the U.S. sanctions. Since the sanctions on U.S. firms will continue, it is essential to extend the sanctions on foreign firms as well.

The Administration has indicated that it has no evidence of violations of the law by foreign companies. But some foreign companies are clearly poised to invest substantially in the Libyan petroleum sector, in violation of the law. A German company, Wintershall, is reportedly considering investing hundreds of millions of dollars in the Libyan oil industry.

Allowing current law to lapse before the conditions specified by the international community are met would give a green light to foreign companies to invest in Libya, putting American companies at a clear disadvantage. It would reward the leader of Libya, Colonel Qadhafi, for his continuing refusal to comply with the U.N. resolutions. It would set an unwise precedent of disregard for U.N. Security Council Resolutions. It would undermine our ongoing diplomatic efforts in the Security Council to prevent the international sanctions from being permanently lifted until Libya complies with the U.N. conditions. And it would prematurely signal a warming in U.S.-Libyan relations.

Our European allies would undoubtedly welcome the expiration of the U.S. sanctions. European companies are eager to increase their investments in Libya, but they do not want to be sanctioned by the United States. They are ready to close the book on the bombing of Pan Am Flight 103, and open a new chapter in relations with Libya.

But the pursuit of justice is not only for American citizens. Citizens of 22 countries were murdered on Pan Am Flight 103, including citizens of many European countries. The current sanctions were enacted on behalf of these citizens as well. Our government should be actively working to persuade European countries that it is premature to rehabilitate Libya.

Some have proposed extending the law for two years, rather than five years as our bill proposes. I strongly support a five-year extension.

If we reduce the time period, Colonel Qadhafi will have an incentive to continue stonewalling, as he has done since the verdict was announced last January, and wait until the law expires.

Extending the law that requires sanctions on foreign companies that invest in Libya for another five years is in both the security interest of the United States and the security interest of the international community. Profits in Libya should not come at the expense of progress against international terrorism and justice for the families of the victims of Pan Am Flight 103.

Mr. MCCAIN. Mr. President, I join my colleagues in support of renewing the Iran-Libya Sanctions Act to protect American interests in the Middle East. Despite promising changes within Iranian society, Iran's external behavior remains provocative and destabilizing. Iran continues to aggressively foment terrorism beyond its borders and develop weapons of mass destruction as a matter of national policy. Consistent calls from its leaders for Israel's destruction, and the Iranian government's bankrolling of murderous behavior by Hezbollah, Hamas, and other terrorist groups, should make clear to all friends of peace where Iran stands, and what role it has played, in the conflagration that threatens to consume an entire region.

Of grave concern are recent revelations that implicate Iran's most senior leaders in the 1996 terrorist attack on Khobar Towers, which took the lives of 19 U.S. service men. If true, America's response should extend far beyond renewing ILSA.

The successful conclusion of the Lockerbie trial, which explicitly implicated Libya's intelligence services in the attack, does not absolve Libya of its obligations to meet fully the terms of the U.N. Security Council resolutions governing the multilateral sanctions regime against it. Libya has not done so. Libya's support for state terrorism, as certified again this year by our State Department, and its aggressive efforts to develop chemical and potentially nuclear weapons, exclude Libya from the ranks of law-abiding nations.

Lifting sanctions on Iran and Libya at this time would be premature and would unjustly reward their continuing hostility to basic international norms of behavior. Overwhelming Congressional support for renewing the Iran-Libya Sanctions Act reflects a clear, majority consensus on U.S. relations with these rogue regimes. Were the foreign and national security policies of Iran and Libya truly responsive to the will of their people, our relationship with their nations would be far different. But Libya's Qaddafi and Iran's ruling clerics hold their citizens hostage by their iron grip on power. Supporting their replacement by leaders elected by and accountable to their people should be a priority of American policy.

By Mr. AKAKA (for himself, Mr. LEVIN, and Mr. GRASSLEY):

S. 995. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, today I am introducing amendments to the Whistleblower Protection Act, WPA, that will strengthen protections for federal employees who disclose waste, fraud, and abuse. I am proud to be joined by Senators LEVIN and GRASSLEY, two of the Senate's leaders in protecting employees from retaliatory actions. The Senators from Michigan and Iowa were the primary sponsors of the original 1989 Act, as well as the 1994 amendments, both of which were passed unanimously by Congress.

One of the basic obligations of public service is to disclose waste, fraud, abuse, and corruption to appropriate authorities. The WPA was intended to protect federal employees, those often closest to wrongdoing, from workplace retaliation as a result of making such disclosures. The right of federal employees to be free from workplace retaliation, however, has been diminished by a pattern of court rulings that have narrowly defined who qualifies as a whistleblower under the WPA, and what statements are considered protected disclosures. These rulings are inconsistent with congressional intent. There is little incentive for federal employees to come forward because doing so could put their careers at substantial risk.

The bill we introduce today will restore congressional intent regarding who is entitled to relief under the WPA, and what disclosures are protected. In addition, it codifies certain anti-gag rules, extends independent litigating authority to the Office of Special Counsel, OSC, and ends the sole jurisdiction of the United States Court of Appeals for the Federal Circuit over whistleblower cases.

In the Civil Service Reform Act of 1978, CSRA, Congress included statutory whistleblower rights for "a" disclosure evidencing a reasonable belief of specified misconduct, with certain listed statutory exceptions—classified or other information whose release was specifically barred by other statutes. Unexpectedly, the court and administrative agencies created several loopholes that limited employee protections. With the WPA, Congress closed these loopholes by changing protection of "a" disclosure to "any" disclosure meeting the law's standards. However, in both formal and informal interpretations of the Act, loopholes continued to proliferate.

Congress strengthened its scope and protections by passing 1994 amendments to the WPA. The Governmental Affairs Committee report on the 1994 amendments refuted prior interpretations by the Federal Circuit and the Merit Systems Protection Board, MSPB, as well as subsequent enforcement action by the Office of Special Counsel that there were exceptions to "any." The Committee report concluded, "The plain language of the Whistleblower Protection Act extends to retaliation for 'any disclosure,' regardless of the setting of the disclosure, the form of the disclosure, or the person to whom the disclosure is made."

Since the 1994 amendments, both OSC and MSPB generally have honored congressional boundaries. However, the Federal Circuit continues to disregard clear statutory language that the Act covers disclosures such as those made to supervisors, to possible wrongdoers, or as part of an employee's job duties.

In order to protect the statute's foundation that "any" lawful disclosure that the employee or applicant reasonably believes is credible evidence of waste, fraud, abuse, or gross mismanagement is covered by the WPA, our bill codifies the repeated and unconditional statements of congressional intent and legislative history. It amends sections 2302(b)(8)(A) and 2302(b)(8)(B) of title 5, U.S.C., to cover any disclosure of information "without restriction to time, place, form, motive or context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties that the employee or applicant reasonably believes is credible evidence of" any violation of any law, rule, or regulation, or other misconduct specified in section 2302(b)(8).

The bill also codifies an "anti-gag" provision that Congress has passed annually since 1988 as part of the appropriations process. It bans agencies from implementing or enforcing any nondisclosure policy, form or agreement that does not contain specified language preserving open government statutes such as the WPA, the Military Whistleblower Protection Act, and the Lloyd Lafollette Act, which prohibits discrimination against government employees who communicate with Congress. Gag orders imposed as a precondition for employment and resolution of disputes, as well as general agency policies barring employees from communicating directly with Congress or the public, are a prior restraint that not only has a severe chilling effect, but strikes at the heart of this body's ability to perform its oversight duties. Congress repeatedly has reaffirmed its intent that employees should not be forced to sign agreements that supercede an employee's rights under good government statutes. Moreover, Congress unanimously has supported the concept that federal employees should not be subject to prior restraint from disclosing wrongdoing nor suffer retaliation for speaking out.

The measure also provides the Special Counsel with greater litigating authority for merit system principles that the office is responsible to protect. Under current law, the OSC plays a central role as public prosecutor in cases before the MSPB, but cannot choose to defend the merit system in court. Our legislation recognizes that providing the Special Counsel this authority to seek such review, in precedential cases, is crucial to ensuring the promotion of the public interests furthered by these statutes.

Lastly, the bill would end the Federal Circuit's monopoly over whistleblower cases by allowing appeals to be filed in the Federal Circuit or the circuit in which the petitioner resides. This restores normal judicial review, and provides employees in states such as my home state of Hawaii, the option of a more convenient forum, rather than necessitating a 10,000 mile round trip from Hawaii to Washington, D.C.

This bill will begin the needed dialogue to guarantee that any disclosures within the boundaries of the statutory language are protected. As the Chairman of the Federal Services Subcommittee, I plan to hold a hearing on the Whistleblower Protection Act and the amendments we are proposing today.

Protection of Federal whistleblowers is a bipartisan effort. Enactment of the original bill in 1989 and the 1994 amendments enjoyed unanimous bicameral support, and I am pleased that Representatives MORELLA and GILMAN will introduce identical legislation in the House of Representatives in the near future. I also wish to note that our bill enjoys the strong support of the Government Accountability Project and the National Whistleblower Center, and I commend both of these organizations for their efforts in protecting the public interest and promoting government accountability by defending whistleblowers.

I urge my colleagues to join in the effort to ensure that the congressional intent embodied in the Whistleblower Protection Act is codified and that the law is not weakened further. I ask unanimous consent that letters in support of our bill from the National Whistleblower Center and the Government Accountability Project and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties that the employee or applicant reasonably believes is credible evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation";

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information that the employee or applicant reasonably believes is credible evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation"; and

(3) by adding at the end the following:

"(C) a disclosure that—

"(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is credible evidence of—

"(I) any violation of any law, rule, or regulation;

"(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(III) a false statement to Congress on an issue of material fact; and

"(ii) is made to—

"(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates;

"(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

"(III) an employee of the executive branch or Congress who has the appropriate security clearance for access to the information disclosed.".

(b) COVERED DISCLOSURES.—Section 2302(b) of title 5, United States Code, is amended—

(1) in the matter following paragraph (12), by striking "This subsection" and inserting the following:

"This subsection"; and

(2) by adding at the end the following:

"In this subsection, the term 'disclosure' means a formal or informal communication or transmission.".

(c) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and".

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting "; or"; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

" 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.' ".

(d) AUTHORITY OF SPECIAL COUNSEL RELATING TO CIVIL ACTIONS.—

(1) REPRESENTATION OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Special Counsel and represent the Special Counsel in any civil action brought in connection with section 2302(b)(8) or subchapter III of chapter 73, or as otherwise authorized by law.".

(2) JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS.—Section 7703 of title 5, United States Code, is amended by adding at the end the following:

"(e) The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(e) JUDICIAL REVIEW.—Section 7703 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (b)(1) by inserting before the period "or the United States court of appeals for the circuit in which the petitioner resides"; and

(2) in subsection (d)—

(A) in the first sentence by striking "the United States Court of Appeals for the Federal Circuit" and inserting "any appellate court of competent jurisdiction as provided under subsection (b)(2)"; and

(B) in the third and fourth sentences by striking "Court of Appeals" each place it appears and inserting "court of appeals" in each such place.

NATIONAL WHISTLEBLOWER CENTER,
Washington, DC, June 6, 2001.

Hon. DANIEL K. AKAKA,
Chairman, Subcommittee on International Security, Proliferation, and Federal Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Whistleblower Center is pleased to announce its support for your bill to update and strengthen the Whistleblower Protection Act (WPA). We would like to commend your leadership in introducing this significant and important legislation.

The National Whistleblower Center was established because of the critical role that credible whistleblowers play in the effective functioning of our system of checks and balances. Despite this critical role, federal whistleblowers have not always enjoyed the same rights as other citizens. The Center has therefore maintained an on-going vigilance and commitment to preserving the integrity of the whistleblower process.

In recent years, protections for whistleblowers have eroded. This is mainly due to recent decisions in cases before the U.S. Court of Appeals for the Federal Circuit, which presently holds a monopoly on appeals under the WPA. The Center is therefore enthusiastic in its support of the provision in your bill that offers employees an additional venue for appeals.

Your bill would also codify so-called "anti-gag" language that has been included each year for the past twelve years in appropriations bills. The language has been needed to avoid ambiguity in the government's efforts to prevent improper disclosures of information. The ambiguity created a chilling effect for employees who otherwise had the right to make proper disclosures to Congress and elsewhere. This provision would clear a major hurdle in protecting the rights of employees to disclose instances of wrongdoing by government officials.

The Center is concerned that, in the larger picture, improvements in the whistleblower protection system require more fundamental changes. For instance, there should be tougher provisions to hold accountable those managers who retaliate against whistleblowers. In addition, those who bring their cases under laws other than the WPA have had much greater success. This is in part because of adverse decisions by the Federal Circuit, but it also suggests that the WPA is not as whistleblower-friendly in practice as we hoped it would be when we passed and amended the WPA. These are issues to be addressed down the road, and the Center would be happy to provide you the benefit of our experience in these matters.

Nonetheless, your bill, if passed, would make an important and necessary contribution toward improvements in the protection of whistleblowers under the WPA. Again, we commend your leadership in the introduction of this bill, and we look forward to working with you and your co-sponsors during the hearing process and throughout the legislative process.

Sincerely,

KRIS J. KOLESNIK.
Executive Director.

GOVERNMENT ACCOUNTABILITY PROJECT,
Washington, DC, June 7, 2001.
Hon. DANIEL K. AKAKA,
Chairman, Subcommittee on International Security, Proliferation and Federal Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Government Accountability Project (GAP) commends your leadership in sponsoring legislation to revive and strengthen the Whistleblower Protection Act (WPA). This is the primary civil service law applying merit system rights to good government safeguards. Your initiative is indispensable to restore legitimacy for the law's unanimous congressional mandate, both in 1989 when it was passed originally and in 1994 when it was unanimously strengthened. We similarly appreciate the partnership of original cosponsors Senators Levin and Grassley. They remain visible leaders from the pioneer campaigns that earned this legislative mandate.

GAP is a non-partisan, non-profit public interest organization whose mission is supporting whistleblowers, those employees who exercise free speech rights to challenge betrayals of the public trust about which they learn on the job. We advocated initial passage of whistleblower rights as part of the Civil Service Reform Act of 1978, and have led outside campaigns for passage of the WPA, as well as analogous laws for military service members, state, municipal and corporate employees in industries ranging from airlines to nuclear energy. Last year GAP drafted a model whistleblower law approved by the Organization of American States (OAS) for implementation of the Inter-American Convention Against Corruption.

Unfortunately, your leadership is a necessity for the Act to regain legitimacy. In 1994 on paper it reflected the state of the art for whistleblower rights. Despite pride in helping to win its passage, GAP now must warn those seeking help that the law is more likely to undermine than reinforce their rights. This is because the Federal Circuit Court of Appeals, which has a monopoly on appellate judicial review, has functionally erased basic statutory language and implicitly added new provisions that threaten those seeking help. Your legislation both solves the specific problems, and includes structural reform to prevent their recurrence by restoring normal judicial review. Congress had to approve both the 1989 and 1994 legislation to cancel previous instances of judicial activism by this same court. This pattern must end for the law again to become functional.

Your bill also incorporates an appropriations rider approved for the last 13 years, known as the "anti-gag statute." This provision requires agencies to notify employees that any restrictions on disclosures do not override their rights under the WPA, or other open government laws such as the Lloyd Lafollette Act protecting communications with Congress. The rider has worked. It has proven effective and practical against agency attempts to impose secrecy through orders or nondisclosure agreements that cancel Congress and the public's right to know. It is time to institutionalize this success story.

Even if implemented as intended, the 1989 and 1994 legislation was a beginning, rather than a panacea. More work is necessary to disrupt the deeply ingrained tradition of harassing whistleblowers. Based on our experience, issues such as the following must be addressed for the law to fulfill its promise—closing the "security clearance loophole" that permits merit system rights to be circumvented through removing clearances that are a condition for employment; providing meaningful relief for those who win their cases; preventing retaliation by creating personal accountability for those who violate the merit system; and giving whistleblowers access to jury trials to enforce their rights.

Your legislation is a reasonable and essential first step on the road to recovery for whistleblower rights in the merit system. It sends a clear message that congress was serious when it passed this law in 1989 and strengthened it in 1994. Congressional persistence is a prerequisite for those who defend the public to have a decent chance of defending themselves. We look forward to working with you and your co-sponsors in passing this legislation.

Sincerely,

TOM DEVINE,
Legal Director.
DOUG HARTNETT,
National Security Director.

Mr. LEVIN. Mr. President, I am pleased to join Senators AKAKA and GRASSLEY today in sponsoring amendments to the Whistleblower Protection Act that will strengthen the law protecting employees who blow the whistle on fraud, waste, and abuse in federal programs. I sponsored the Whistleblower Protection Act in 1989 which strengthened and clarified the intent of whistleblower rights in the merit system. But recent holdings by the United States Court of Appeals for the Federal Circuit have corrupted the intent of Congress, with the result that additional clarifying language is sorely needed. The Federal Circuit has seriously misinterpreted key provisions of the whistleblower law, and the bill we are introducing today is intended to correct those misinterpretations.

Congress has long recognized the obligation we have to protect a Federal employee when he or she discloses evidence of wrongdoing in a Federal program. If an employee reasonably believes that a fraud or mismanagement is occurring, and that employee has the courage and the sense of responsibility to make that fraud or mismanagement known, it is our duty to protect the employee from any reprisal. We want Federal employees to identify problems in our programs so we can fix them, and if they fear reprisal for doing so, then we are not only failing to protect the whistleblower, but we are also failing to protect the taxpayer. We need to encourage, not discourage, disclosures of fraud, waste and abuse.

Today, however, the effect of the Federal Circuit decisions is to discourage the Federal employee whistleblower and overturn Congressional intent. The Federal Circuit has misinterpreted the plain language of the law on what constitutes protected disclosure under the Whistleblower Protection Act. Most notably, in the case of Lachance versus White, decided on May 14, 1999, the Federal Circuit imposed an unfounded and virtually unattainable standard on Federal employee whistleblowers in proving their cases. In that case, John E. White was an education specialist for the Air Force who spoke out against a new educational system that purported to mandate quality standards for schools contracting with the Air Force bases. White criticized the new system as counterproductive because it was too burdensome and seriously reduced the education opportunities available on base. After making these criticisms, local agency officials reassigned White, removing his duties and allegedly isolating him. However, after an independent management review supported White's concerns, the Air Force canceled the program White had criticized. White appealed the reassignment in 1992 and the case has been in litigation ever since.

The administrative judge initially dismissed White's case, finding that his disclosures were not protected by the Whistleblower Protection Act. The MSPB, however, reversed the administrative judge's decision and remanded it back to the administrative judge holding that since White disclosed information he reasonably believed evidenced gross mismanagement, this disclosure was protected under the Act. On remand, the administrative judge found that the Air Force had violated the Whistleblower Protection Act and ordered the Air Force to return White to his prior status; the MSPB affirmed the decision of the administrative judge. OPM petitioned the Federal Circuit for a review of the board's decision. The Federal Circuit reversed the MSPB's decision, holding that there was not adequate evidence to support a violation under the Whistleblower Protection Act. The Federal Circuit held that the evidence that White was a specialist on the subject at issue and aware of the alleged improper activities and that his belief was shared by other employees was not sufficient to meet the "reasonable belief" test in the law. The court held that "the board must look for evidence that it was reasonable to believe that the disclosures revealed misbehavior [by the Air Force] . . ." The court went on to say:

> In this case, review of the Air Force's policy and implementation via the QES standards might well show them to be entirely appropriate, even if not the best option. Indeed, this review would start out with a "presumption that public officers perform their duties correctly, fairly, in good faith, and in accordance with the law and governing regulations. . . . And this presumption stands unless there is 'irrefragable proof to the contrary'."

The fact that the Federal Circuit remanded the case to the MSPB to have the MSPB reconsider whether it was reasonable to believe that what the Air Force did in this case involved gross mismanagement was appropriate. But, the Federal Circuit went on to impose a clearly erroneous and excessive standard on the employee in proving "reasonable belief," requiring "irrefragable" proof that there was gross mismanagement. Irrefragable means "undeniable, incontestable, incontrovertible, incapable of being overthrown." How can a Federal employee meet a standard of "irrefragable" in proving gross mismanagement? Moreover, there is nothing in the law or the legislative history that even suggests such a standard with respect to the Whistleblower Protection Act. The intent of the law is not for the employee to act as an investigator and compile evidence to have "irrefragable" proof that there is fraud, waste or abuse. The employee, under the clear language of the statue, need only have "a reasonable belief" that there is fraud, waste or abuse occurring before making a protected disclosure. This bill will clarify the law so this misinterpretation will not happen again.

The bill addresses a number of other important issues as well. For example, the bill adds a provision to the Whistleblower Protection Act that provides specific protection to a whistleblower who discloses evidence of fraud, waste, and abuse involving classified information if that disclosure is made to the appropriate committee of Congress or Federal executive branch employee authorized to receive the classified information.

In closing, I want to thank Senator AKAKA for his leadership in this area.

Mr. GRASSLEY. Mr. President, I rise with determination to join Senators AKAKA and LEVIN introducing legislation on an issue that should concern us all: the integrity of the Whistleblower Protection Act of 1989. I enclose editorials and op-ed commentaries, ranging from the New York Times to the Washington Times highlighting the needs for this law to be reborn so that it achieves its potential for public service. Unfortunately, it has become a Trojan horse that may well be creating more reprisal victims than it protects. The impact for taxpayers could be to increase silent observers who passively conceal fraud, waste and abuse. That is unacceptable.

I was proud to be an original co-sponsor of this law when it was passed unanimously by Congress in 1989, and when it was unanimously strengthened in 1994. Both were largely passed to overturn a series of hostile decisions by administrative agencies and an activist court with a monopoly on the statute's judicial review, the Federal Circuit Court of Appeals. The administrative agencies, the U.S. Office of Special Counsel and the Merit Systems Protection Board, appear to have gotten the point. They have been operating largely within statutory boundaries. Despite the repeated unanimous congressional mandates, however, the Federal Circuit has stepped up its attacks on the Whistleblower Protection Act. Enough is enough.

The legislation we are introducing today has four cornerstones, closing loopholes in the scope of WPA protection; restoring a realistic test for when reprisal protection is warranted; restoring the normal structure for judicial review; and codifying the anti-gag statute passed as an appropriations rider for the last 13 years. Each is summarized below.

As part of 1994 amendments unanimously passed by Congress to strengthen the Act, the legislative history emphasized, "[I]t also is not possible to further clarify the clear language in section 2302(b)(8) that protection for 'any' whistleblowing disclosure truly means 'any.' A protected disclosure may be made as part of an employee's job duties, may concern policy or individual misconduct, and may be oral or written and to any audience inside or outside the agency, without restriction to time, place, motive or content."

Somehow the Federal Circuit did not hear our unanimous voice. Without commenting on numerous committee reports and floor statements emphasizing this cornerstone, it has been creating new loopholes at an accelerated pace. Its precedents have shrunk the scope of protected whistleblowing to exclude disclosures made as part of an employee's job duties, to a co-worker, boss, others up the chain of command, or even the suspected wrongdoer to check facts. Under these judicial loopholes, the law does not cover agency misconduct with the largest impact, policies that institutionalize illegality or waste and mismanagement. Last December it renewed a pre-WPA loophole that Congress has specifically outlawed. The court decreed that the law only covers the first person to place evidence of given misconduct on the record, excluding those who challenge long term abuses, witnesses whose testimony supports pioneer whistleblowers, or anyone who is not the Christopher Columbus for any given scandal.

There is no legal basis for any of these loopholes. None of these loopholes came from Congress. In fact, all contradict express congressional intent. Since 1978, the point of Federal whistleblower protection has been to give agencies the first crack at cleaning their own houses. These loopholes force them to either remain silent, sacrifice their rights, or go behind the back of institutions and individuals if they want to preserve their rights when challenging perceived misconduct. They proceed at their own risk if they exercise their professional expertise to challenge problems on the job. They can only challenge anecdotal misconduct on a personal level, rather than institutionalized.

Our legislation addresses the problem by codifying the congressional "no exceptions" definition for lawful, significant disclosures. The legislation also reaffirms the right of whistleblowers to disclose classified information about wrongdoing to Congress. National security secrecy must not cancel Congress' right to know about betrayals of the public trust.

In a 1999 decision, the Federal Circuit functionally overturned the standard by which whistleblowers demonstrate their disclosures deserve protection: lawful disclosures which evidence a "reasonable belief" of specific misconduct. Congress did not change this standard in 1989 or 1994 for a simple reason: it has worked by setting a fair balance to protect responsible exercises of free speech. Ultimate proof of misconduct has never been a prerequisite for protection. Summarized in lay terms, "reasonable belief" has meant that if information would be accepted for the record of related litigation, government investigations or enforcement actions, it is illegal to fire the employee who bears witness by contributing that evidence.

That realistic test no longer exists. In Lachance v. White, the Federal Circuit overturned the victory of an Air Force education specialist challenging a pork barrel program whose concerns were so valid that after an independent management review, the Air Force agreed and canceled the program. Unfortunately, local base officials held a grudge, reassigning Mr. White and stripping him of his duties. He appealed under the WPA and won before the Merit Systems Protection Board. The Federal Circuit, however, held that he did not demonstrated a "reasonable belief" and sent the case back. That raises questions on its face, since agencies seldom agree with whistleblowers.

The court accomplished this result disingenuously. While endorsing the existing standard, it added another hurdle. It held that to have a reasonable belief, an employee must overcome the presumption that the government acts fairly, lawfully, properly and in good faith. They must do so by "irrefragable" proof. The dictionary defines "irrefragable" as "uncontestable, incontrovertible, undeniable, or incapable of being overthrown." The bottom line is that, in the absence of a confession, there is no such thing as a reasonable belief. If there is no disagreement about alleged misconduct, there is no need for whistleblowers.

The court even added a routine threat for employees asserting their rights. Although Congress has repeatedly warned that motives are irrelevant to assess protected speech, the court ordered the MSPB to conduct factfinding for anyone filing a whistleblower reprisal claim, to check if the employee had a conflict of interest for disclosing alleged misconduct in the first place. This means that while whistleblowers have almost no chance of prevailing, they are guaranteed to be placed under investigation for challenging harassment. Ironically, in 1994

Congress outlawed retaliatory investigations, which have now been institutionalized by the court.

In the aftermath, whistleblower support groups like the Government Accountability Project must warn those seeking guidance that if they assert rights, they will be placed under investigation and any eventual legal ruling on the merits inevitably will conclude they deserve punishment and formally endorse the retaliation they suffered. The White case is a decisive reason for those who witness fraud, waste and abuse to remain silent, instead of speaking out. Profiles in Courage are the exception, rather than the rule. Our legislation ends the presumptions of "irrefragable proof" and protects any reasonable belief as demonstrated by credible evidence.

This is the third time Congress has had to reenact a unanimous good government mandate thrown out by the Federal Circuit. This is also three strikes for the Federal Circuit's monopoly authority to interpret, and repeatedly veto, this law. It is time to end the broken record syndrome.

The Civil Service Reform Act of 1978 contained normal "all circuits" court of appeals judicial review under the Administrative Procedures Act. This was the same structure as all other employment anti-reprisal or anti-discrimination statutes. In 1982, the Federal Circuit was created, with a unique monopoly on appellate review of civil service, patent and copyright, and International Trade Commission decisions. Unfortunately, this experiment has failed. Our amendment restores the normal process of balanced review. Hopefully, that will restore normal respect for the legislative process.

In 1988, I was proud to introduce an appropriations rider to the Treasury, Postal and General Government bill which has been referred to as the "anti-gag statute." It has survived constitutional challenge through the Supreme Court, and been unanimously approved in each of the last 13 appropriations bills. This provision makes it illegal to enforce agency nondisclosure policies or agreements unless there is a specific, express addendum informing employees that the disclosure restrictions do not override their right to communicate with Congress under the Lloyd Lafollette Act or other good government laws such as the Whistleblower Protection Act.

The provision originally was in response to a new, open-ended concept called "classifiable." That term was defined as any information that "could or should have been classified," or "virtually anything," even if it were not market secret. This effectively ended anonymous whistleblowing disclosures, imposed blanket prior restraint, and legalized after-the-fact classification as a device to cover up fraud or misconduct. Since employees no longer were entitled to prior notice that information was secret, the only way they could act safely was a prior inquiry to the agency whether information was classified. That was a neat structure to lock in secrecy when its only purpose is to thwart congressional or public oversight. I am proud that the anti-gag statute has worked, and the strange concept of "classifiable" is history. After 13 years and over 6,000 individual congressional votes without dissent, it is time to institutionalize this merit system principle.

It should be beyond debate that the price of liberty is eternal vigilance. I want to recognize the efforts of those whose stamina defending freedom of speech has applied that principle in practice. Senator LEVIN has been my Senate partner from the beginning of legislative initiatives on this issue. His leadership has proved that whistleblower protection is not an issue reserved for conservatives or liberals, Democrats or Republicans. Like the First Amendment, whistleblower protection is a cornerstone right for Americans.

Nongovernmental organizations have made significant contributions as well. The Government Accountability Project, a non-profit, non-partisan whistleblower support group, has been a relentless watchdog of merit system whistleblower rights since they were created by statute in 1978. Thanks to GAP, my staff has not been taken by surprise as judicial activism threatened this good government law. Kris Kolesnick, formerly with my staff and now with the National Whistleblower Center, worked on the original legislation while on my staff and continues to work in partnership with me.

In the decade since Congress unanimously passed this law, it has been a Taxpayer Protection Act. My office has been privileged to work with public servants who exposed indefensible waste and mismanagement at the Pentagon, as well as indefensible abuses of power at the Department of Justice. I keep learning that whistleblowers proceed at their own risk when defending the public. In case after case I have seen the proof of Admiral Rickover's insight that unlike God, the bureaucracy does not forgive. Nor does it forget.

It also has been confirmed repeatedly that whistleblowers must prove their commitment to stamina and persistence in order to make a difference against ingrained fraud, waste and abuse. There should be no question about Congress', or this Senator's commitment. Congress was serious when it passed the Whistleblower Protection Act unanimously. It is not mere window dressing. As long as whistleblowers are defending the public, we must defend credible free speech rights for genuine whistleblowers. Those who have something to hide, the champions of secrecy, cannot outlast or defeat the right to know both for Congress, law enforcement agencies and the taxpayers. Every time judicial or bureaucratic activists attempt to kill this law, we must revive it in stronger terms. Congress can not watch passively as this law is gutted, or tolerate gaping holes in the shield protecting public servants. The taxpayers are on the other side of the shield, with the whistleblowers.

Mr. President, I ask unanimous consent that the October 13, 1999 article from The Washington Times and the May 1, 1999 article from The New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Oct. 13, 1999]

SILENT WHISTLEBLOWERS

WORKER PROTECTIONS ARE UNDER ATTACK

(By Tom Devine and Martin Edwin Anderson)

Judicial activism is always suspect, but when it overturns laws protecting the public's interest in order to shield bureaucratic secrecy, it makes a mockery of the legal system itself.

The issue has become a front-burner in Congress as it takes a new look at a significant good-government law that twice won unanimous passage. In the aftermath of extremist judicial activism that functionally overturned the statute, a crucial campaign has been launched this week on the Hill to enlist members as friends of the court in a brief seeking Supreme Court review of the circuit court decision.

At issue is a ruling made final in July by the Federal Circuit Court of Appeals, which disingenuously overturned two laws unanimously passed by Congress—the code of Ethics for Government Service and the Whistleblower Protection Act. The decision, White vs. Lachance, was the handiwork of a chief judge whose previous job involved swinging the ax against federal workers who dared to commit the truth.

At issue is the fate of Air Force whistleblower John White, who lost his job in 1991 after successfully challenging a pork-barrel "quality management" training program as mismanagement. Government and private sector experts concurred with Mr. White, and universities affected by it began heading for the door. Even the Air Force agreed, canceling it after outside experts agreed with Mr. White.

Thrice the Merit Systems Protection Board (MSPB), an independent federal agency, ruled in Mr. White's favor. Each time the Justice Department appealed on technicalities. Now the federal court went further than asked while speculating that Mr. White's disclosures may not have evidenced a "reasonable belief"—the test for disclosures to be protected.

The court camouflaged its death-knell for the whistleblower law in banal legalese, defining "reasonable belief" as, "Could a disinterested observer with knowledge of the essential facts reasonably conclude gross mismanagement?" But the bland explanatory guidance exposed a feudalistic duty of loyalty to shield misconduct by bureaucratic bosses: "Policymakers have every right to expect loyal, professional service from subordinates." So much for the Code of Ethics for Government Service, which establishes the fundamental duty of federal employees to "put loyalty to the highest moral principles and to country above loyalty to persons, party or Government department."

The court also disarmed the whistleblower law, claiming it "is not a weapon in arguments over policy." Yet when it unanimously approved 1994 amendments, Congress explicitly instructed, "A protected disclosure may concern policy or individual misconduct."

Worse was a court-ordered "review" as a prerequisite to find a "reasonable belief" of wrongdoing. It must begin with the "presumption that public officers perform their duties correctly, fairly, in good faith and in accordance with the law. . . . [T]his presumption stands unless there is 'irrefragable' proof to the contrary."

"Irrefragable," according to Webster's Dictionary, means "incapable of being overthrown, incontestable, undeniable, incontrovertible." The court's decision kills freedom of speech if there are two rational sides to a dispute—leaving it easier to convict a criminal than for a whistleblower to be eligible for protection. The irrefragable presumption of government perfection creates a thick shield protecting big government abuses—precisely the opposite of why the law was passed.

Finally, the court ordered the MSPB to facilitate routine illegality by seeking evidence of a whistleblower's conflict of interest during every review. Retaliatory investigations—those taken "because of" whistleblowing activities—are tantamount to witchhunts and were outlawed by Congress in 1994. For federal employees, the Big Brother of George Orwell's "1984" has arrived 15 years late.

Key to understanding the decision is the role played by Chief Judge Robert Mayer. Previously, Judge Mayer served as deputy special counsel in an era when MSPB's Office of Special Counsel (under its Chief Alex Kozinski, now a 9th Circuit Court of Appeals judge) tutored managers and taught courses on how to fire whistleblowers without leaving fingerprints. Congress passed the WPA in part to deal with these abuses.

Now Judge Mayer's judicial revenge is a near-perfect gambit, as his court has a virtual monopoly on judicial review of MSPB whistleblower decisions.

Congress must act quickly to pass a legislative definition of "reasonable belief" that eliminates the certainty of professional suicide for whistleblowers and restores the law's good-government mandate. It also needs to provide federal workers the same legal access enjoyed by private citizens; jury trials and all circuits judicial review in the appeals courts.

It is unrealistic to expect federal workers with second-class rights to provide first-class public service. Returning federal workers to the Dark Ages is an inauspicious way to usher in a new millennium.

[From the New York Times, May 1, 1999]

HELPING WHISTLE-BLOWERS SURVIVE

Jennifer Long, the Internal Revenue Service agent who nearly lost her job two weeks ago after publicly blowing the whistle on abuses at the agency, was rescued at the last minute by the intervention of an influential United States Senator. But the fact that her employers had no inhibitions about harassing her is clear evidence that the laws protecting whistle-blowers need to be strengthened. As they stand, these laws merely invite the kind of retaliation that Mrs. Long endured.

A career tax auditor, Mrs. Long was the star witness at Senate Finance Committee hearings convened in 1997 by William Roth of Delaware to investigate complaints against the I.R.S. She was the only I.R.S. witness who did not sit behind a curtain and use a voice distortion device to hide her identity. She accused the agency of preying on weaker taxpayers and ignoring cheating by those with the resources to fight back. She has since said that she was subject to petty harassments from the moment she arrived back at her district office in Houston. Then, on April 15 of this year, she was given what amounted to a termination notice, at which point Mr. Roth intervened with the I.R.S. commissioner and saved her job—at least for now.

Had he not intervened, Mrs. Long's only hope of vindication would have been the remedies provided by the Civil Service Reform Act of 1978 and the Whistle-Blower Protection Act of 1989. These two statutes prescribe a tortuous and uncertain appeals process that in theory guarantees a whistle-blower free speech without fear of retaliation, but in practice is an exercise in frustration. Despite recent improvements, only a handful of Federal employees, out of some 1,500 who appealed in the last four years, have prevailed in rulings issued by the Government's administrative tribunal, the Merit System Protection Board. Overwhelmingly, the rest of the cases were screened out on technical grounds or were settled informally with token relief.

A few prominent whistle-blowers have won redemption outside the system. Frederic Whitehurst, the chemist who was dismissed after disclosing sloppiness and possible dishonesty in the Federal Bureau of Investigation's crime laboratory, won a sizable cash settlement because he had a first-class attorney who mounted an artful public relations campaign. Ernest Fitzgerald, the Pentagon employee who disclosed massive cost overruns, survived because he was almost inhumanly persistent and because his cause, like Mrs. Long's, attracted allies in high places. But the prominence of an issue does not guarantee survival for the employee who discloses it. Notra Trulock, the senior intelligence official at the Energy Department who tried to alert his superiors to Chinese espionage at a Government weapons laboratory, has since been demoted.

Senator Charles Grassley, an Iowa Republican, has been seeking ways to strengthen the 1989 law with the help of the Government Accountability Project, a Washington advocacy group that assists whistle-blowers. One obvious improvement would be to give whistle-blowers the option to press their claims in the Federal courts, where their cases could be decided by a jury. To guard against clogging the system with frivolous litigation, the cases would first be reviewed by a nongovernment administrative panel. But the point is to give whistle-blowers an avenue of appeal outside the closed loop in which they are now trapped.

A reform bill along these lines passed the House in 1994 but died in the Senate. With Mrs. Long's case fresh in mind, the time has come for both Houses to re-examine the issue.

By Mr. ALLARD:

S. 996. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area: to the Committee on Veterans' Affairs.

Mr. ALLARD. Mr. President, the Colorado Springs, Colorado metropolitan area is the home of the United States Air Force Academy, the North American Aerospace Defense Command, United States Space Command, Ft. Carson Army Base, Peterson Air Force Base, and Shriever Air Force Base. There are over 30,000 active duty and reserve military personnel in the city. There are nearly 23,000 retired personnel in the 5th Congressional District, which is based around Colorado Springs, the third largest DoD retired community in any Congressional District in the country. There is, however, no National Military Cemetery.

The bill I am introducing today is a companion piece to legislation introduced in the House by my friend and colleague, JOEL HEFLEY. At my annual town meeting in El Paso County on June 1, I discussed this matter with my constituents. There are many of them who feel strongly that a cemetery is needed and I agree. This bill will allow the thousands of eligible Colorado Springs military personnel, both active duty and retired, to have a chance to find their final resting place in the city so many of them love.

I am aware that the Veterans Administration is not known for prompt and easy cemetery construction. I am aware that there are some areas of the country deemed to have cemetery needs more critical than Colorado Springs. But I do not think that should mean that the people of Colorado Springs are denied the ability to chose a cemetery for themselves and their loved ones that properly honors their contributions to the nation.

I look forward to working on this bill and seeing its eventual passage.

By Mrs. BOXER:

S. 997. A bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to establish a Sudden Oak Death Syndrome Advisory Committee; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. BOXER. Mr. President, I am introducing today a bill that addresses an emerging ecological crisis in California that quite literally threatens to change the face of my State, and perhaps others.

California's beloved oak trees are in grave peril. Thousands of black oak, coastal live oak, tan and Shreve's oak trees, among the most familiar and best loved features of California's landscape are dying from a newly discovered disease known as Sudden Oak Death Syndrome, SODS.

Caused by an exotic species of the Phytophthora fungus, the fungus responsible for the Irish potato famine, SODS first struck a small number of tan oaks in Marin County in 1995. Now the disease has spread to other oak species from Big Sur in the south to Humboldt County in the north. In Marin, Monterey and Santa Cruz counties, desperate local officials are predicting oak mortality rates of 70 to 90 percent unless the deadly fungus is eradicated or its spread is arrested.

The loss of trees is fast approaching epidemic proportions, with tens of thousands of dead trees appearing in thousands of acres of forests, parks, and gardens. As the trees die, enormous expanses of forest, some adjacent to residential areas, are subject to extreme fire hazards. Residents who built their homes around or among oak trees are in particular danger.

Sudden Oak Death Syndrome is already having serious economic and environmental impacts. Both Oregon and Canada have imposed quarantines on the importation of oak products and some nursery stock from California. According to the U.S. Forest Service, removal of dead trees can cost $2,000 or more apiece, and loss of oaks can reduce property values by 3 percent or more. In Marin County alone, tree removal and additional fire fighting needs are expected to cost over $6 million.

Nor is the spread of the Phytophthora fungus limited to oak trees. The fungus has also been found on rhododendron plants in California nurseries, on bay and madrone trees, and on wild huckleberry plants. Due to genetic similarities, this fungus potentially endangers Red and Pin oak trees on the East coast as well as the Northeast's lucrative commercial blueberry and cranberry industries.

If left unchecked, SODS could also cause a broad and severe ecological crisis, with major damage to biodiversity, wildlife habitat, water supplies, forest productivity, and hillside stability. California's oak woodlands provide shelter, habitat and food to over 300 wildlife species. They reduce soil erosion. They help moderate extremes in temperature. And, they aid with nutrient cycling, which ensures that organic matter is broken down and made available for use by other living organisms.

Very little is known about this new species of Phytophthora fungus. Scientists are struggling to better understand Sudden Oak Death Syndrome, how the disease is transmitted, and what the best treatment options might be. The U.S. Forest Service, the University of California, the State Departments of Forestry and Fire Protection, and County Agricultural Commissioners have created an Oak Mortality Task Force in an attempt to half SODS's frightening march across California and into adjoining states.

The Task Force has established a series of objectives leading to the elimination of SODS, but very little can be accomplished without adequate support for ongoing research, monitoring, treatment and education.

In September of last year, I called on the Department of Agriculture, USDA, to provide financial assistance and to create its own task force to work with California's Oak Mortality Task Force. Outgoing Agriculture Secretary Dan Glickman answered the call by releasing $2.1 million in emergency funding and establishing a top-flight task force under the direction of USDA's Animal and Plant Health Inspection Service, APHIS. This was a good first step, but it was just that.

That is why I am introducing today the Sudden Oak Death Syndrome Control Act of 2001. This legislation would authorize over $14 million each year for the next five years in critically needed funding to fight the SODS epidemic. Combined with the efforts of state and local officials, this legislation will help to prevent the dire predictions from becoming a terrible reality.

This bill is endorsed by the California Oak Mortality Task Force, the Marin County Board of Supervisors, the Trust for Public Land, California Releaf, and the International Society of Arboriculturists, Western Chapter.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudden Oak Death Syndrome Control Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) tan oak, coast live oak, Shreve's oak, and black oak trees are among the most beloved features of the topography of California and the Pacific Northwest and efforts should be made to protect those trees from disease;

(2) the die-off of those trees, as a result of the exotic Phytophthora fungus, is approaching epidemic proportions;

(3) very little is known about the new species of Phytophthora, and scientists are struggling to understand the causes of sudden oak death syndrome, the methods of transmittal, and how sudden oak death syndrome can best be treated;

(4) the Phytophthora fungus has been found on—

(A) Rhododendron plants in nurseries in California; and

(B) wild huckleberry plants, potentially endangering the commercial blueberry and cranberry industries;

(5) sudden oak death syndrome threatens to create major economic and environmental problems in California, the Pacific Northwest, and other regions, including—

(A) the increased threat of fire and fallen trees;

(B) the cost of tree removal and a reduction in property values; and

(C) loss of revenue due to—

(i) restrictions on imports of oak products and nursery stock; and

(ii) the impact on the commercial rhododendron, blueberry, and cranberry industries; and

(6) Oregon and Canada have imposed an emergency quarantine on the importation of oak trees, oak products, and certain nursery plants from California.

SEC. 3. RESEARCH, MONITORING, AND TREATMENT OF SUDDEN OAK DEATH SYNDROME.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this Act as the "Secretary") shall carry out a sudden oak death syndrome research, monitoring, and treatment program to develop methods to control, manage, or eradicate sudden oak death syndrome from oak trees on both public and private land.

(b) RESEARCH, MONITORING, AND TREATMENT ACTIVITIES.—In carrying out the program under subsection (a), the Secretary may—

(1) conduct open space, roadside, and aerial surveys;

(2) provide monitoring technique workshops;

(3) develop baseline information on the distribution, condition, and mortality rates of oaks in California and the Pacific Northwest;

(4) maintain a geographic information system database;

(5) conduct research activities, including research on forest pathology, Phytophthora ecology, forest insects associated with oak decline, urban forestry, arboriculture, forest ecology, fire management, silviculture, landscape ecology, and epidemiology;

(6) evaluate the susceptibility of oaks and other vulnerable species throughout the United States; and

(7) develop and apply treatments.

SEC. 4. MANAGEMENT, REGULATION, AND FIRE PREVENTION.

(a) IN GENERAL.—The Secretary shall conduct sudden oak death syndrome management, regulation, and fire prevention activities to reduce the threat of fire and fallen trees killed by sudden oak death syndrome.

(b) MANAGEMENT, REGULATION, AND FIRE PREVENTION ACTIVITIES.—In carrying out subsection (a), the Secretary may—

(1) conduct hazard tree assessments;

(2) provide grants to local units of government for hazard tree removal, disposal and recycling, assessment and management of restoration and mitigation projects, green waste treatment facilities, reforestation, resistant tree breeding, and exotic weed control;

(3) increase and improve firefighting and emergency response capabilities in areas where fire hazard has increased due to oak die-off;

(4) treat vegetation to prevent fire, and assessment of fire risk, in areas heavily infected with sudden oak death syndrome;

(5) conduct national surveys and inspections of—

(A) commercial rhododendron and blueberry nurseries; and

(B) native rhododendron and huckleberry plants;

(6) provide for monitoring of oaks and other vulnerable species throughout the United States to ensure early detection; and

(7) provide diagnostic services.

SEC. 5. EDUCATION AND OUTREACH.

(a) IN GENERAL.—The Secretary shall conduct education and outreach activities to make information available to the public on sudden death oak syndrome.

(b) EDUCATION AND OUTREACH ACTIVITIES.—In carrying out subsection (a), the Secretary may—

(1) develop and distribute educational materials for homeowners, arborists, urban foresters, park managers, public works personnel, recreationists, nursery workers,

landscapers, naturists, firefighting personnel, and other individuals, as the Secretary determines appropriate;

(2) design and maintain a website to provide information on sudden oak death syndrome; and

(3) provide financial and technical support to States, local governments, and nonprofit organizations providing information on sudden oak death syndrome.

SEC. 6. SUDDEN OAK DEATH SYNDROME ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Sudden Oak Death Syndrome Advisory Committee (referred to in this section as the "Committee") to assist the Secretary in carrying out this Act.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall consist of—

(i) 1 representative of the Animal and Plant Health Inspection Service, to be appointed by the Administrator of the Animal and Plant Health Inspection Service;

(ii) 1 representative of the Forest Service, to be appointed by the Chief of the Forest Service;

(iii) 2 individuals appointed by the Secretary from each of the States affected by sudden oak death syndrome; and

(iv) any individual, to be appointed by the Secretary, in consultation with the Governors of the affected States, that the Secretary determines—

(I) has an interest or expertise in sudden oak death syndrome; and

(II) would contribute to the Committee.

(B) DATE OF APPOINTMENTS.—The appointment of a member of the Committee shall be made not later than 90 days after the enactment of this Act.

(3) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the initial meeting of the Committee.

(b) DUTIES.—

(1) IMPLEMENTATION PLAN.—The Committee shall prepare a comprehensive implementation plan to address the management, control, and eradication of sudden oak death syndrome.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit to Congress the implementation plan prepared under paragraph (1).

(B) FINAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Committee shall submit to Congress a report that contains—

(i) a summary of the activities of the Committee;

(ii) an accounting of funds received and expended by the Committee; and

(iii) findings and recommendations of the Committee.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2002 through 2007—

(1) to carry out section 3, $7,500,000, of which up to $1,500,000 shall be used for treatment;

(2) to carry out section 4, $6,000,000;

(3) to carry out section 5, $500,000; and

(4) to carry out section 6, $250,000.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 998. A bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my good friend and colleague from Wisconsin, Senator RUSS FEINGOLD, in introducing legislation to improve access to oral health care by strengthening the dental workforce in our Nation's rural and underserved communities.

Oral and general health are inseparable, and good dental care is critical to our overall physical health and well-being. Dental health encompasses far more than cavities and gum disease. The recent U.S. Surgeon General report Oral Health in America states that "the mouth acts as a mirror of health and disease" that can help diagnose disorders such as diabetes, leukemia, heart disease, or anemia.

While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across all sectors of our population, particularly among low-income individuals and families. Too many Americans today lack access to dental care. While there are clinically proven techniques to prevent or delay the progression of dental health problems, an estimated 25 million Americans live in areas lacking adequate dental services. As a consequence, these effective treatment and prevention programs are not being implemented in many of our communities. Astoundingly, as many as eleven percent of our Nation's rural population has never been to the dentist.

This situation is exacerbated by the fact that our dental workforce is graying and the overall ratio of dentists to population is declining. In Maine, there currently are 393 active dentists, 241 of whom are 45 or older. More than 20 percent of dentists nationwide will retire in the next ten years and the number of dental graduates by 2015 may not be enough to replace these retirees.

As a consequence, Maine, like many States, is currently facing a serious shortage of dentists, particularly in rural areas. While there is one general practice dentist for every 2,286 people in the Portland area, the numbers drop off dramatically in western and northern Maine. In Aroostook County, where I'm from, there's only one dentist for every 5,507 people. Moreover, at a time when tooth decay is the most prevalent childhood disease in America, Maine has fewer than ten specialists in pediatric dentistry, and most of these are located in the southern part of the State.

This dental workforce shortage is exacerbated by the fact that Maine currently does not have a dental school or even a dental residency program. Dental schools can provide a critical safety net for the oral health needs of a state, and dental education clinics can provide the surrounding communities with care that otherwise would be unavailable to disadvantaged and underinsured populations. Maine is just one of a number of predominantly rural States that lacks this important component of a dental safety net.

Maine, like many States, is exploring a number of innovative ideas for increasing access to dental care in underserved areas. In an effort to supplement and encourage these efforts, we are introducing legislation today to establish a new State grant program designed to improve access to oral health services in rural and underserved areas. The legislation authorizes $50 million over five years for grants to States to help them develop innovative dental workforce development programs specific to their individual needs.

States could use these grants to fund a wide variety of programs. For example, they could use the funds for loan forgiveness and repayment programs for dentists practicing in underserved ares. They could also use them to provide grants and low- or no-interest loans to help practitioners to establish or expand practices in these underserved areas. States, like Maine, that do not have a dental school could use the funds to establish a dental residency program. Other States might want to use the grant funding to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics.

To assist in their recruitment and retention efforts, States could also use the funds for placement and support of dental students, residents, and advanced dentistry trainees. Or, they could use the grant funds for continuing dental education, including distance-based education, and practice support through teledentistry.

Other programs that could be funded through the grants include: community-based prevention services such as water fluoridation and dental sealant programs; school programs to encourage children to go into oral health or science professions; the establishment or expansion of a State dental office to coordinate oral health and access issues; and any other activities that are determined to be appropriate by the Secretary of Health and Human Services.

The National Health Service Corps is helping to meet the oral health needs of underserved communities by placing dentists and dental hygienists in some of America's most difficult-to-place inner city, rural, and frontier areas. Unfortunately, however, the number of dentists and dental hygienists with obligations to serve in the National Health Service Corps falls far short of meeting the total identified need. According to the Surgeon General, only about 6 percent of the dental need in America's rural and underserved communities is currently being met by the National Health Service Corps.

In my state, approximately 173,000 Mainers live in designated dental health professional shortage areas. While the National Health Service Corps estimates that it will take 33 dental clinicians to meet this need, it currently has only three serving in my State.

The bill we are introducing today would make some needed improvements in this critically important program so that it can better respond to our nation's oral health needs.

First, it would direct the Secretary of Health and Human Services to develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps scholarship and loan repayment programs.

It would also allow National Health Service Corps scholarship and loan repayment program recipients to fulfill their commitment on a part-time basis. Many small rural communities may not have sufficient populations to support a full-time dentist or dental hygienist. This would give the National Health Service Corps additional flexibility to meet the needs of these communities. Moreover, some practitioners may find part-time service more attractive, which in turn could improve both recruitment and retention in these communities.

Last year, after a six-year hiatus, the National Health Service Corps began a two-year pilot program to award scholarships to dental students. While this is a step in the right direction, these scholarships are only being awarded to students attending certain dental schools, none of which are in New England. Moreover, the pilot project requires the participating dental schools to encourage Corps dental scholars to practice in communities near their educational institutions. As a consequence, this program will do nothing to help relieve the dental shortage in Maine and other areas of New England.

The bill we are introducing today would address this problem by expanding the National Health Service Corps Pilot Scholarship Program so that dental students attending any of the 55 U.S. dental schools can apply and require that placements for these scholars be based strictly on community need.

It would also improve the process for designating dental health professional shortage areas and ensure that the criteria for making such designations provides a more accurate reflection of oral health need, particularly in rural areas..

Mr. President, the Dental Health Improvement Act will make critically important oral health care services more accessible in our Nation's rural and underserved communities, and I urge all of my colleagues to sign on as cosponsors. I also ask unanimous consent that letters endorsing the bill from the American Dental Association and the American Dental Education Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN DENTAL ASSOCIATION,
Washington, DC, May 25, 2001.

Hon. SUSAN COLLINS,
Russell Senate Office Building,
Washingtion, DC.

DEAR SENATOR COLLINS: On behalf of the American Dental Association and our 144,000 member dentists, I am delighted to endorse the "Dental Health Improvement Act," which you introduced today. The Association is proud that the oral health of Americans continues to improve, and that Americans have access to the best oral health care in the world.

Having said that, we agree that dental care has not reached every corner of American society to the extent it has reached the majority of Americans. For those Americans who are unable to pay for care, and those with special needs, such as disabled individuals, those with congenital conditions, and nonambulatory patients, obtaining dental care can be difficult.

Your legislation recognizes several of these problems and goes a long way towards addressing them in a targeted and meaningful way. The section on grant proposals offers states the opportunity to be innovative in their approaches to address specific geographical dental workforce issues. You recognize the need to provide incentives to increase faculty recruitment in accredited dental training institutions, and your support for increasing loan repayment and scholarship programs will provide the appropriate incentives to increase the dental workforce in "safety net" organizations.

The ADA is very grateful for your leadership on these issues. Thank you for introducing this legislation. We want to continue to work with you on dental access issues in general and on this legislation as it moves through the Congress.

Sincerely,

ROBERT M. ANDERTON,
President.

AMERICAN DENTAL
EDUCATION ASSOCIATION,
Washington, DC, May 23, 2001.

Hon. SUSAN COLLINS,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS, I am writing on behalf of the dental education community to commend you for developing and introducing the Dental Health Improvement Act. This legislation, when enacted into law, will expand the availability of oral health care services for the nation's underserved populations, strengthen the dental workforce, as well as maintain the ability of dental schools to produce the necessary manpower to provide oral health care to all Americans.

The American Dental Education Association (ADEA) represents the nation's 55 dental schools, as well as hospital-based dental and advanced dental education programs, allied dental programs and schools, dental research institutions, and the faculty and students at these institutions. ADEA's member schools are dedicated to providing the highest quality education to their students, conducting research and providing oral health care services to Americans from medically unserved and underserved areas, the majority of whom are uninsured or who are from low-income families. Recent downward trends in student enrollment and a growing shortage in dental faculty have caused ADEA serious concern about our ability to fully and competently address these responsibilities.

Therefore, I was delighted to see that the Dental Health Improvement Act directly responds to many of these concerns. If implemented, the Act would expand access to oral health care to thousands of Americans for the first time. When enacted, the provisions of the bill can be instrumental in helping the more than 31 million Americans living in areas that lack access to adequate oral health care services. It can provide much needed help to dental education institutions as we seek to address faculty shortages.

As you know, dental education institutions face a major crisis in the graying of its faculty which threatens the quality of dental education, oral, dental and craniofacial research, and ultimately will adversely impact the health of all Americans. Currently, there are approximately 400 faculty vacancies. Retirements are expected to accelerate in both private practice as well as teaching faculties in the nation's 55 dental schools. There is a significant decrease in the number of men and women choosing careers in dentistry, teaching and research. Your personal experience in Maine is a perfect example.

Educational debt has increased, affecting both career choices and practice location. Your bill will provide funds to help with recruitment and retention efforts and helps expand dental residency training programs to the 27 states that do not currently have dental schools.

Also important are the incentives you have proposed to expand or establish community-based dental facilities linked with dental education institutions. The need for this is obvious. More than two-thirds of patients visiting dental school clinics are members of families whose annual income is estimated to be $15,000 or below. About half of these patients are on Medicare or Medicaid, while more than a third have no insurance coverage or government assistance program to help them pay for their dental care.

Dental academic institutions are committed to their patient care mission, not only by improving the management and efficiency of patient centered care delivery at the dental school, but through increasing affiliations with and use of satellite clinics. All dental schools maintain at least one dental clinic on-site, and approximately 70% of U.S. dental schools have school sponsored satellite clinics. Delivering patient care in diverse settings demonstrates professional responsibility to the oral health of the public.

Dental schools and other academic dental institutions provide oral health care to underserved and disadvantaged populations. Yet more than 11 percent of the nation's rural population has never been to see a dentist. This bill can have a positive impact on the population by establishing access to oral health care at community based dental facilities and consolidated health center that are linked to dental schools. 100 million Americans presently do not have access to fluoridated water. The bill provides for community-based prevention services such as fluoride and sealants that can cause a dramatic change for nearly a third of the nations's population.

Thank you again for taking such a leadership role in the area of oral health. Please be assured that ADEA looks forward to working closely with you to bring the far-reaching potential of the Dental Health improvement Act to fruition.

Sincerely,

RICHARD W. VALACHOVIC,
Executive Director.

By Mr. BINGAMAN (for himself and Mr. ROBERTS):

S. 999. A bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War; to the Committee on Armed Services.

Mr. BINGAMAN. Mr. President, I rise today with my esteemed colleague, Senator PAT ROBERTS of Kansas, to introduce a bill that would award the Korean Defense Service Medal to all members of the Armed Forces who participated in operations in Korea after the end of the Korean War. Fifty years ago, American men and women were fighting a very tough war in Korea. We commemorate their heroism in many ways half a century later, and pause at the beautiful memorial to those who served in that conflict located here in Washington. That war and those heroes, however, are only the first part of the story. The rest of the story is about the more than 40,000 members of the United States armed forces who have served in Korea since the signing of the cease-fire agreement in July 1953.

Technically speaking, North and South Korea remain at war to this day, and during the intervening cease fire, the uncertain "peace" has been challenged many many times. According to statistics I have read, the North Koreans have breached the cease-fire agreement more than 40,000 times since 1954 using virtually every method of limited attacks you could think of. Some 1,239 U.S. service personnel have been killed in Korea during the past 47 years; 87 have been captured, held prisoner, and in many cases, tortured.

During the past five decades, our service men and women in Korea have performed their duties in a virtual tinderbox waiting for a match. There is no question about the danger of their assignment. Some 70 percent of North Korea's active military force, including about 700,000 troops, more than 8,000 artillery systems, and 2000 tanks are within 90 miles of the Demilitarized Zone, DMZ. Military experts estimate that a massive North Korean attack could overrun South Korea's capital at Seoul in a matter of hours or days. A potential frontal assault by North Korean troops would have the backing of more than 500 short range ballistic missiles capable of delivering weapons of mass destruction in addition to conventional warheads.

It is amazing to me to have discovered that despite all of these facts, the Department of Defense has not awarded service awards to those who served in Korea during the Cold War. It should be noted that there have been more casualties in Korea since 1954 that in Sinai, Grenada, Somalia, Haiti, Bosnia, Kosovo, Iraq, and Kuwait, and yet service awards have been presented to participants in each of those operations, but not to those who have served in Korea. General Thomas Schwartz, current Commander-in-Chief of U.S. Forces Korea has recognized this injustice and supports the award I am proposing today.

Representative ELTON GALLEGLY from California introduced this bill in the House recently, and I am honored to do so here in the Senate. I urge my colleagues to join with me to attain swift passage of this measure which is a long overdue expression of recognition and gratitude to the thousands of American men and women in uniform who have put their lives literally on the front line for peace and freedom.

By Mr. REED (for himself, Mr. DODD, Mr. KENNEDY, Mrs. MURRAY, Mr. KERRY, and Mr. CORZINE).

S. 1000. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Child Care Quality Incentive Act of 2001, which seeks to provide incentive grants to improve the quality of child care in this country.

The child care system in this country is in crisis; the need for affordable and accessible high quality child care far exceeds the supply.

As long as an estimated 14 million children under age six, including six million infants and toddlers, spend some part of every day in child care, the availability of quality programs and settings will continue to be a serious issue facing this Nation.

With full-day child care costing as much as $4,000 to $10,000 per year, per child, and with Federal assistance severely limited, many working families cannot afford quality child care. For low-income families with young children, the cost of child care can consume anywhere from 25 to 45 percent of their monthly income.

And the demand for all types of child care is likely to increase, as maternal employment continues to rise, as well as the need to meet the requirements of welfare reform. At the same time the need for care is growing, we must focus on the quality of care provided for our children.

Many studies, including research findings from the National Institute for Child Health and Development, show that quality early care and education leads to increased cognitive abilities, positive classroom learning behavior, an increased likelihood of long-term school success, and consequently, a greater likelihood of long-term and social self-sufficiency.

High quality child care not only prepares children for school, it helps them succeed in life. We must therefore be more diligent in our efforts to improve the quality of child care in this country.

Quality of care means providing a safe, healthy environment for our children; well-trained providers; good staff-to-child ratios so staff can interact with the children in a developmental setting; low staff turnover that fosters a sense of security for the children; and age-appropriate activities that enhance learning.

When we look at the quality of our current system, the findings are appalling. A study of Federal, nonprofit, for-profit, and in-home child care settings conducted by the U.S. Consumer Product Safety Commission found that two-thirds of these child care settings had at least one major safety hazard. The study documented at least 56 deaths among children in child care settings since 1990, and reported that in 1997, 31,000 children ages four and younger received emergency room treatment for injuries in child care centers or schools.

Another study in four States found that only 1 in 7 child care centers provide care that promotes healthy development, while 1 in 8 child care centers provide care that actually threatens the safety and health of children.

The results of a very recent study conducted by the Center for the Child Care Workforce are also startling. It finds that the child care industry is losing well-educated teaching staff and administrators at an alarming rate and hiring replacement teachers with less training and education.

This study, conducted over a six-year period from 1994 to 2000, found that 76 percent of the teaching staff employed in the centers surveyed in 1996, and 82 percent of those working in the centers in 1994 were no longer on the job in 2000. And of those teaching staff who left, nearly half had completed a bachelor's degree, compared to only one-third of the new teachers who replaced them.

Furthermore, the study found that director turnover rates were exceedingly high, contributing to staff instability. Teaching staff and directors reported that high turnover among their colleagues negatively affected their ability to do their jobs.

We frequently hear of the critical shortage of qualified elementary and secondary school teachers. In contrast, the staffing crisis in early care barely registers in the public awareness, but is equally important and worthy of our attention.

The inability of many child care centers to offer competitive salaries is a serious obstacle to attracting and retaining qualified staff. Despite recognition that higher wages contribute to greater staff stability, compensation for the majority of teaching positions has not kept pace with the cost of living over the last six years.

Wages, when adjusted for inflation, have actually decreased six percent for day care teaching staff, and K-12 teachers earn up to twice as much as child care providers with equivalent education and experience. At present, there is little economic incentive to begin or continue a career in child care.

Researchers have consistently found that the cornerstone of quality child care is the presence of sensitive, consistent, well-trained and well-compensated caregivers. Yet many centers are unable to provide children with even this most essential component of early care.

This high rate of safety hazards and unstable workforce results significantly from low payment or reimbursement rates for the provision of child care. Prior to October 1996, states were required to make payments to (or subsidize) child care providers based on the 75th percentile of the market rate, or the level at which parents can afford 75 out of 100 local providers.

However, with the passage of welfare reform legislation, this requirement, which had not been effectively enforced in the first place, completely vanished. Currently, federal Child Care Development Fund regulations require states to conduct market rate surveys every other year, but there is no requirement for States to actually use the market rate surveys to set payment rates.

Indeed, according to a February 1998 report by the Department of Health and Human Services, 29 out of the 50 States and the District of Columbia did not make payment rates that were based on the 75th percentile of the current market rate, often asserting that budget constraints prevented them from doing so.

Furthermore, a January 1998 General Accounting Office report noted that while states conduct biennial market surveys, some set reimbursement rates based on older surveys. And when States set reimbursement rates significantly lower than actual costs, child care choices for families become severely limited.

When States set low rates or fail to update rates, they force working families into a difficult dilemma, they must either place their children into lower cost, lower quality child care programs that will accept the State subsidy or come up with extra dollars to supplement the State subsidy and buy better quality child care.

The Children's Defense Fund, in a March 1998 report entitled, "Locked Doors: States Struggling to Meet the Child Care Needs of Low-Income Working Families," noted that when rates are set below the market rate, child care providers are forced to cut corners "in ways that lower the quality of care for children."

And when rates fall below the real cost of providing care, child care providers who do not choose to reduce staff or lower salaries and benefits, allow physical conditions to deteriorate, forgo educational book, toy, and equipment purchases, may simply not accept children with subsidies, or may go out of business. These dilemmas can be avoided if we help States set payment rates that keep up with the market.

Recently, Rhode Island and many other States celebrated the sixth annual national Provider Appreciation Day, which presented us with an opportunity to honor one of the most under-recognized and under-compensated professions. I am therefore pleased to be joined by Senator CHRIS DODD, a leader in improving child care, along with Senators KENNEDY, MURRAY, KERRY, and CORZINE in introducing the Child Care Quality Incentive Act, which seeks to redouble our child care efforts and renew the child care partnership with the states by providing incentive funding for States to increase payment rates.

Our legislation establishes a new, mandatory pool of funding under the Child Care and Development Block Grant, CCDBG. This new funding, coupled with mandatory, current market rate surveys, will form the foundation for significant increases in state payment rates for the provision of quality child care.

Increasing payment rates for the provision of child care is the key to quality. Better payment rates lead to higher quality child care as child care providers are able to attract and retain qualified staff, maintain a safe and healthy environment, and purchase age-appropriate educational materials.

At the same time, increased payment rates expand the number of choices parents have in finding quality child care, as providers are able to accept children whose parents had previously been unable to afford the cost of care.

While there is currently money available through the CCDBG that may be spent for quality initiatives, most states opt to expand availability of care rather than focus on quality. This bill allows funding to be used only for quality initiatives.

We have received overwhelming support for this bill from the child care community, including endorsements from USA Child Care, the Children's Defense Fund, Catholic Charities of USA, YMCA of USA, the National Child Care Association, and a host of organizations and agencies across the country.

Children are the hope of America, and they need the best of America. We cannot ask working families to choose between paying the rent, buying food, and being able to afford the quality care their children need. We've made a lot of progress in improving the health, safety, and well-being of children in this country. But as we approach the 21st century, we need to do more. If we are serious about putting parents to work and protecting children, we must invest more in child care help for families.

Our youngest and most vulnerable citizens, our children, deserve better from us. I urge my colleagues to join Senators DODD, KENNEDY, MURRAY, KERRY, CORZINE, and me in this endeavor to improve the quality of child care by cosponsoring the Child Care Quality Incentive Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Quality Incentive Act of 2001".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Recent research on early brain development reveals that much of a child's growth is determined by early learning and nurturing care. Research also shows that quality early care and education leads to increased cognitive abilities, positive classroom learning behavior, increased likelihood of long-term school success, and greater likelihood of long-term economic and social self-sufficiency.

(2) Each day an estimated 13,000,000 children, including 6,000,000 infants and toddlers, spend some part of their day in child care. However, a study in 4 States found that only 1 in 7 child care centers provide care that promotes healthy development, while 1 in 8 child care centers provide care that threatens the safety and health of children.

(3) Full-day child care can cost $4,000 to $10,000 per year.

(4) Although Federal assistance is available for child care, funding is severely limited. Even with Federal subsidies, many families cannot afford child care. For families with young children and a monthly income under $1,200, the cost of child care typically consumes 25 percent of their income.

(5) Payment (or reimbursement) rates, which determine the maximum the State will reimburse a child care provider for the care of a child who receives a subsidy, are too low to ensure that quality care is accessible to all families.

(6) Low payment rates directly affect the kind of care children get and whether families can find quality child care in their communities. In many instances, low payment rates force child care providers to cut corners in ways that lower the quality of care for children, including reducing number of staff, eliminating staff training opportunities, and cutting enriching educational activities and services.

(7) Children in low quality child care are more likely to have delayed reading and language skills, and display more aggression toward other children and adults.

(8) Increased payment rates lead to higher quality child care as child care providers are

able to attract and retain qualified staff, provide salary increases and professional training, maintain a safe and healthy environment, and purchase basic supplies and developmentally appropriate educational materials.

(b) PURPOSE.—The purpose of this Act is to improve the quality of, and access to, child care by increasing child care payment rates.

SEC. 3. INCENTIVE GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.

(a) FUNDING.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking "There" and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—There";

(2) in subsection (a), by inserting "(other than section 658H)" after "this subchapter"; and

(3) by adding at the end the following:

"(b) APPROPRIATION OF FUNDS FOR GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.—Out of any funds in the Treasury that are not otherwise appropriated, there are authorized to be appropriated and there are appropriated, $500,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year, for the purpose of making grants under section 658H.".

(b) USE OF BLOCK GRANT FUNDS.—Section 658E(c)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)) is amended—

(1) in subparagraph (B), by striking "under this subchapter" and inserting "from funds appropriated under section 658B(a)"; and

(2) in subparagraph (D), by inserting "(other than section 658H)" after "under this subchapter".

(c) ESTABLISHMENT OF PROGRAM.—Section 658G(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e(a)) is amended by inserting "(other than section 658H)" after "this subchapter".

(d) GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

"SEC. 658H. GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall use the amount appropriated under section 658B(b) for a fiscal year to make grants to eligible States in accordance with this section.

"(2) ANNUAL PAYMENTS.—The Secretary shall make an annual payment for such a grant to each eligible State out of the allotment for that State determined under subsection (c).

"(b) ELIGIBLE STATES.—

"(1) IN GENERAL.—In this section, the term 'eligible State' means a State that—

"(A) has conducted a survey of the market rates for child care services in the State within the 2 years preceding the date of the submission of an application under paragraph (2); and

"(B) submits an application in accordance with paragraph (2).

"(2) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, in addition to the information required under subparagraph (B), as the Secretary may require.

"(B) INFORMATION REQUIRED.—Each application submitted for a grant under this section shall—

"(i) detail the methodology and results of the State market rates survey conducted pursuant to paragraph (1)(A);

"(ii) describe the State's plan to increase payment rates from the initial baseline determined under clause (i); and

"(iii) describe how the State will increase payment rates in accordance with the market survey results.

"(3) CONTINUING ELIGIBILITY REQUIREMENT.—The Secretary may make an annual payment under this section to an eligible State only if—

"(A) the Secretary determines that the State has made progress, through the activities assisted under this subchapter, in maintaining increased payment rates; and

"(B) at least once every 2 years, the State conducts an update of the survey described in paragraph (1)(A).

"(4) REQUIREMENT OF MATCHING FUNDS.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, the State shall agree to make available State contributions from State sources toward the costs of the activities to be carried out by a State pursuant to subsection (d) in an amount that is not less than 25 percent of such costs.

"(B) DETERMINATION OF STATE CONTRIBUTIONS.—State contributions shall be in cash. Amounts provided by the Federal Government may not be included in determining the amount of such State contributions.

"(c) ALLOTMENTS TO ELIGIBLE STATES.—The amount appropriated under section 658B(b) for a fiscal year shall be allotted among the eligible States in the same manner as amounts are allotted under section 658O(b).

"(d) USE OF FUNDS.—

"(1) PRIORITY USE.—An eligible State that receives a grant under this section shall use the funds received to significantly increase the payment rate for the provision of child care assistance in accordance with this subchapter up to the 100th percentile of the market rate survey described in subsection (b)(1)(A).

"(2) ADDITIONAL USES.—An eligible State that demonstrates to the Secretary that the State has achieved a payment rate of the 100th percentile of the market rate survey described in subsection (b)(1)(A) may use funds received under a grant made under this section for any other activity that the State demonstrates to the Secretary will enhance the quality of child care services provided in the State.

"(3) SUPPLEMENT NOT SUPPLANT.—Amounts paid to a State under this section shall be used to supplement and not supplant other Federal, State, or local funds provided to the State under this subchapter or any other provision of law.

"(e) EVALUATIONS AND REPORTS.—

"(1) STATE EVALUATIONS.—Each eligible State shall submit to the Secretary, at such time and in such form and manner as the Secretary may require, information regarding the State's efforts to increase payment rates and the impact increased rates are having on the quality of, and accessibility to, child care in the State.

"(2) REPORTS TO CONGRESS.—The Secretary shall submit biennial reports to Congress on the information described in paragraph (1). Such reports shall include data from the applications submitted under subsection (b)(2) as a baseline for determining the progress of each eligible State in maintaining increased payment rates.

"(f) PAYMENT RATE.—In this section, the term 'payment rate' means the rate of reimbursement to providers for subsidized child care.".

(e) PAYMENTS.—Section 658J(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858h(a)) is amended by inserting "from funds appropriated under section 658B(a)" after "section 658O".

(f) ALLOTMENT.—Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "this subchapter" and inserting "section 658B(a)"; and

(B) in paragraph (2), by striking "section 658B" and inserting "section 658B(a)";

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by inserting "each subsection of" before "section 658B"; and

(3) in subsection (e)—

(A) in paragraph (1), by striking "the allotment under subsection (b)" and inserting "an allotment made under subsection (b)"; and

(B) in paragraph (3), by inserting "corresponding" before "allotment".

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. MURKOWSKI, Mr. BREAUX, Mr. HUTCHINSON, Mr. MILLER, Mr. CRAIG, Ms. LANDRIEU, Mr. SMITH of Oregon, and Ms. COLLINS):

S. 1002. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Reforestation Tax Credit Incentives Act of 2001, and I am pleased to be joined by Senators LINCOLN, MURKOWSKI, BREAUX, HUTCHINSON, MILLER, CRAIG, LANDRIEU, GORDON SMITH, and COLLINS.

The U.S. forest products industry is essential to the health of the U.S. economy. It employs approximately 1.5 million people, supports an annual payroll of $40.8 billion, and ranks among the top ten manufacturing employers in 46 States. This includes the State of Maine where 89.2 percent of the land is forested. Without fair tax laws, future growth in the industry will occur overseas and more and more landowners will be forced to sell their land for some other higher economic value such as development. The loss of a healthy and strong forest products industry will have a long-term negative impact on both the economy and the environment.

The legislation I am introducing today partially restores the balance between corporate and private landowners in terms of capital gains tax treatment, reducing the capital gains paid on timber for individuals and corporations. The bill is also intended to encourage the reforestation of timberland, whether it has been harvested or previously cleared for other uses, such as agriculture.

Trees take a long time to grow, anywhere from 15 years to, more typically in Maine, 40 to 50 years. During these years, the grower faces huge risks from fire, pests, weather and inflation, all of which are uninsurable. This legislation helps to mitigate these risks by providing a sliding scale reduction in the amount of taxable gain based on the number of years the asset is held.

The bill would change the way that capital gains are calculated for timber by taking the amount of the gain and subtracting three percent for each year the timber was held. The reduction would be capped at 50 percent bringing the effective capital gains tax rate to 10 percent for non-corporate holdings and 17.5 percent for corporations.

Since 1944, the tax code has treated timber as a capital asset, making it eligible for the capital gains tax rate rather than the ordinary income tax rate. This recognized the long-term risk and inflationary gain in timber. In 1986, the capital gains tax was repealed for all taxpayers. The 1997 tax bill reinstituted the lower capital gains rate for individuals, but not for businesses. As a result, individuals face a maximum capital gains rate of 20 percent, while businesses face a maximum rate of 35 percent for the identical asset.

As this difference in rates implies, private timberland owners receive far more favorable capital gains tax treatment than corporate owners. In addition, pension funds and other tax-exempt entities are also investing in timberland, which only further highlights the disparity that companies face.

Secondly, reforestation expenses are currently taxed at a higher rate in the U.S. than in any other major competitor country. The U.S. domestic forest products industry is already struggling to survive intense competition from the Southern Hemisphere where labor and fiber costs are extremely low, and recent investments from wealthier nations who have built state of the art pulp and papermaking facilities. While there is little Congress can do to change labor and fiber costs, Congress does have the ability to level the playing field when it comes to taxation.

This legislation encourages both individuals and companies to engage in increased reforestation by allowing all growers of timber to receive a tax credit. The legislation removes the current dollar limitation of the $10,000 amount of reforestation expenses that are eligible for the ten percent tax credit and that are allowed to be deducted, and decreases from 7 to 5 years the amortization period over which these expenses can be deducted.

Eligible reforestation expenses would be the initial expenses to establish a new stand of trees, such as site preparation, the cost of the seedlings, the labor costs required to plant the seedlings and to care for the trees in the first few years, as well as the cost of equipment used in reforestation.

The planting of trees should be encouraged rather than discouraged by our tax system as trees provide a tremendous benefit to the environment, preventing soil erosion, cleansing streams and waterways, providing habitat for numerous species, and absorbing carbon dioxide from the atmosphere, the major greenhouse gas causing climate change according to the majority of renowned international scientists.

Tax incentives for planting on private lands will also decrease pressure to obtain timber from ecologically sensitive public lands, allowing these public lands to be protected.

I ask my colleagues for their support for private landowners and for the U.S. forest products industry that is so important to the health of our economy.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1003. A bill to ensure the safety of children placed in child care centers in Federal facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1004. A bill to provide for the construction and renovation of child care facilities; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JEFFORDS. Mr. President, there is a great need to improve child care in this country. America lags far behind all other industrialized nations in caring for and educating our pre-school aged children. We have the opportunity to make improvements, and we need to act now. I rise today, to introduce two small, but vitally important child care bills: the Child Care Construction and Renovation Act and the Federal Employees Child Care Act.

The Child Care Construction and Renovation Act is as much a small business assistance bill as it is a child care bill. Child care providers are small business owners. Almost every child care provider that I have talked with over the past few years wants the opportunity to expand their services, increase their skills, and improve their facilities. But the child care business is a financially unstable endeavor. Child care centers and home-based providers are finding it increasingly difficult to recruit and retain staff, to buy the supplies and equipment that will promote healthy child development, and even to keep their doors open.

The Shelburne Children's Center in Vermont closed a couple of years ago because it could not afford to stay open. Nearly forty percent of all family-based child care and ten percent of the center-based care close each year. Parents can only pay what they can afford, and far too often that is barely enough to keep a child care provider in business.

This legislation also creates financing mechanisms to support the renovation and construction of child care facilities. First, it amends the National Housing Act to provide mortgage insurance on new and rehabilitated child care facilities. It creates a revolving fund to help with the purchase or refinancing of existing child care facilities. Second, it provides funds for local, non-profit community development organizations to provide technical assistance and small grants to child care providers to help them improve and expand their center- or home-based child care facilities.

Without some government help, child care providers cannot expand their services to provide care for many families seeking affordable, quality care for their children. They cannot upgrade their equipment or make improvements to better ensure the safety of children in their care. Just as the government provides funds and services to encourage the building and renovation of low-income housing, child care, with its low-profit potential needs a similar helping hand.

The second bill which I am introducing today is the Federal Employees Child Care Act. The Federal Government is the largest American provider or employer-sponsored, on-site child care. Congress has acted affirmatively with an extensive commitment to on-site child care for its employees. The General Services Administration, (GSA), has developed considerable expertise in helping agencies start and maintain quality child care services for the children of Federal employees.

However, there are some problems which we, as an employer, need to address. As you know, federal property is exempt from state and local laws, regulations, and oversight. What this means for child care centers located on that property is that state and local health and safety standards do not and cannot apply. This might not be a problem if federally-owned or leased child care centers met enforceable health and safety standards. I think most parents who place their children in federal child care would assume that this would be the case. However, I think Federal employees will find it very surprising to learn, as I did, that, at many centers, no such health and safety apply.

I find this very troubling, and I think we sell our Federal employees a bill of goods when federally-owed leased child care cannot guarantee that their children are in safe facilities. The Federal Government should set the example when it comes to providing safe child care. It should not turn an apathetic shoulder from meeting such standards simply because state and local regulations do not apply to them.

In 1987, Congress passed the "Trible amendment" which permitted executive, legislative, and judicial branch agencies to utilize a portion of federally-owned or leased space for the provision of child care services for federal employees. The General Services Administration, (GSA), was given the authority to provide guidance, assistance, and oversight to Federal agencies for the development of child care centers. In the decade since the Trible amendment was passed, hundreds of Federal facilities throughout the nation have established on-site child care centers which are a tremendous help to our employees.

The General Services Administration has done an excellent job of helping agencies develop child care centers and have adopted strong standards for those centers located in GSA leased or owned space. However, there are over 100 child care centers located in Federal facilities that are not subject to the GSA standards or any other laws, rules, or regulations to ensure that the facilities are safe places for our children. Most parents, placing their children in a federal child care center, assume that some standards are in place, assume that the centers must minimally meet state and local child care licensing rules and regulations. They assume that the centers are subject to independent oversight and monitoring to continually ensure the safety of the premises.

Yet, that is not the case. In a case where a Federal employee had strong reason to suspect the sexual abuse of her child by an employee of a child care center located in a Federal facility, local child protective services and law enforcement personnel were denied access to the premises and were prohibited from investigating the incident. Another employee's child was repeatedly injured because the child care providers under contract with a Federal agency to provide on-site child care services failed to ensure that age-appropriate health and safety measures were taken, current law says they were not required to do so, even after the problems were identified and injuries had occurred.

It is time to get our own house in order. We must safeguard and protect the children receiving services in child care centers housed in Federal facilities. Our employees should not be denied some assurance that the centers in which they place their children are accountable for meeting basic health and safety standards.

The Federal Employees Child Care Act will require all child care services located in Federal facilities to meet, at the very least, the same level of health and safety standards required of other child care centers in the same geographical area. That sounds like common sense, but as we all know too well, common sense is not always reflected in the law. This bill will make that clear.

Further, this legislation demands that Federal child care centers begin working to meet these standards now. Not next year, not in two years, but now. Under this bill, after six months we will look at the Federal child care centers again, and if a center is not meeting minimal state and local health and safety regulations at that time, that child care facility will be closed until it does. I can think of no stronger incentive to get centers to comply.

The legislation makes it clear that State and local standards should be a floor for basic health and safety, and not a ceiling. The role of the Federal Government, and, I like to think, of the United States Congress in particular—is to constantly strive to do better and to lead by example. Federal facilities should always try to meet the highest possible standards. In fact, the GSA has required national accreditation in GSA-owned and leased facilities, and has stated that almost all of its centers are either in compliance or are strenuously working to get there. This is the kind of tough standard we should strive for in all of our Federal child care facilities.

Federal child care should mean something more than simply location on a Federal facility. The Federal Government has an obligation to provide safe care for its employees, and it has a responsibility for making sure that those standards are monitored and enforced. Some Federal employees receive this guarantee. Many do not. We can do better.

I urge swift passage of these important child care bills and hope that my colleagues on both sides of the aisle will join me in this effort.

By Mr. JEFFORDS (for himself, Mr. STEVENS, Mr. KENNEDY, Mr. CLELAND, and Mr. DODD):

S. 1005. A bill to provide assistance to mobilize and support United States communities in carrying out community-based youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. JEFFORDS. Mr. President, today I join with Senators STEVENS, KENNEDY, CLELAND, and DODD to introduce the Younger American's Act. We launched this effort at the end of the last Congress, with the help of General Colin Powell. This legislation embraces the belief that youth are our Nation's most important responsibility and that their needs must be moved to a higher priority on our Nation's agenda.

It is not enough that government responds to youth when they get into trouble with drugs, teen pregnancy, and violence. We need to strengthen the positive rather than simply respond to the negative. Positive youth development, the framework for the Younger American's Act, is not just about preventing bad things from happening, but giving a nudge to help good things happen. And we know that it works.

Evaluations of Big Brothers/Big Sisters, Boys and Girls Clubs, mentoring, and other youth development programs have consistently demonstrated how well these programs work. These programs lead to significant increases in parental involvement, youth participation in constructive education, social and recreation activities, enrollment in post-secondary education, and community involvement. Just as important, youth actively participating in youth development programs show decreased rates of school failure and absenteeism, teen pregnancy, delinquency, substance abuse, and violent behavior.

We also know that risk taking behavior increases with age. One-third of the high school juniors and seniors participate in two or more health risk behaviors. That is why it is important to build a youth development infrastructure that engages youth as they enter pre-adolescence and keeps them engaged throughout their teen years. The Younger American's Act is targeted to youth aged 10 to 19. This encompasses both the critical middle-school years, as well as the increasingly risky high school years.

The Younger American's Act is about creating a national policy on youth. Up until now, government has responded to kids after they have gotten into trouble. We must take a new tack. Instead of just treating problems, we have to promote healthy development. We have to remember that just because a kid stays out of trouble, it doesn't mean that he or she is ready to handle the responsibilities of adulthood. Kids want direction, they want close bonds with parents and other adult mentors. And I believe we owe them that. Ideally, this comes from strong families, but communities and government can help.

In order to keep kids engaged in positive activities, youth must be viewed as resources; as active participants in finding solutions to their own problems. Parents also must be part of those solutions. This legislation requires that youth and parents be part of the decision-making process.

The United States does not have a cohesive federal policy on youth. Creating an Office on National Youth Policy within the White House not only raises the priority of youth on the Federal agenda, but provides an opportunity to more effectively coordinate existing Federal youth programs to increase their impact on the lives of young Americans. The efforts of the Office of National Youth Policy in advocating for the needs of youth, and the Department of Health and Human Services in implementing the Younger American's Act will be helped by the

Council on National Youth Policy. This Council, comprised of youth, parents, experts in youth development, and representatives from the business community, will help ensure that this initiative continually responds to the changing needs of youth and their communities. It will bring a "real world" perspective to the Federal efforts.

The Younger American's Act provides communities with the funding necessary to adequately ensure that youth have access to five core resources: ongoing relationships with caring adults; safe places with structured activities in which to grow and learn; services that promote healthy lifestyles, including those designed to improve physical and mental health; opportunities to acquire marketable skills and competencies; and opportunities for community service and civic participation.

Block grant funds will be used to expand existing resources, create new ones where none existed before, overcome barriers to accessing those resources, and fill gaps to create a cohesive network for youth. The funds will be funneled through States, based on an allocation formula that equally weighs population and poverty measures, to communities where the primary decisions regarding the use of the funds will take place. Thirty percent of the local funds are set aside to address the needs of youth who are particularly vulnerable, such as those who are in out-of-home placements, abused or neglected, living in high poverty areas, or living in rural areas where there are usually fewer resources. Dividing the State into regions, or "planning and mobilization areas," ensures that funds will be equitably distributed throughout a State. Empowering community boards, comprised of youth, parents, and other members of the community, to supervise decisions regarding the use of the block grant funds ensures that the programs, services, and activities supported by the Act will be responsive to local needs.

Accountability is integral to any effective Federal program. The Younger American's Act provides the Department of Health and Human Services with the responsibility and funding to conduct research and evaluate the effectiveness of funded initiatives. States and the Department are charged with monitoring the use of funds by grantees, and empowered to withhold or reduce funds if problems arise.

The Younger American's Act will help kids gain the skills and experience they need to successfully navigate the rough waters of adolescence. My twenty-first century community learning centers initiative supports the efforts of schools to operate after school programs that emphasize academic enrichment. It's time to get the rest of the community involved. It's time to give the same level of support to the thousands of youth development and youth-serving organizations that struggle to keep their doors open every day.

I remember a young man, Brad Luck, who testified before the H.E.L.P. Committee several years ago. As a 14-year-old, Brad embarked on a two-year mission to open a teen center in his home town of Essex Junction, Vermont. He formed a student board of directors, sought 501(c)(3) status and gave over 25 community presentations to convince the town to back the program. Demonstrating the tenacity of youth, he then spear-headed a successful drive to raise $30,000 in 30 days to fund the start-up of the center. Today, the center is thriving in its town-donated space. This is an example of the type of community asset building supported by the Younger American's Act.

The Younger American's Act is about an investment in our youth, our communities, and our future. I want to thank America's Promise, the United Way, and the National Collaboration for Youth for their work in providing the original framework for the legislation. I am proud and excited to be part of this important initiative.

Mr. KENNEDY. Mr. President, I commend Senator JEFFORDS for his leadership on this important legislation and it is a privilege to join him as a cosponsor on this legislation. I also commend the thirty-four youth organizations that comprise the National Collaboration for Youth and the more than 200 young people who have worked on this bill. They have been skillful and tireless in their efforts to focus on the need for a positive national strategy for youth.

Our goal in introducing the The Younger Americans Act is to establish a national policy for youth which focuses on young people, not as problems, but as problem solvers. The Younger Americans Act is intended to create a local and nation-wide collaborative movement to provide programs that offer greater support for youth in the years of adolescence. This bill, modeled on the very successful Older Americans Act of 1965, will help youths between the ages of 10 and 19. It will provide assistance to communities for youths development programs that assure that all youth have access to the skills and character development needed to become good citizens.

In other successful bipartisan measures over the years, such as Head Start, child care, and the 21st century learning communities, we have created a support system for parents of preschool and younger school-age children. These programs reduce the risk that children will grow up to become juvenile delinquents by giving them a healthy and safe start. It's time to do the same thing for adolescents.

Americans overwhelmingly believe that government should invest in initiatives like this. Many studies detail the effectiveness of youth development programs. Beginning with the Carnegie Corporation Report in 1992, "A Matter of Time—Risk and Opportunity in the Nonschool Hours," a series of studies have shown repeatedly that youth development programs at the community level produce powerful and positive results.

In his report this last March, "Community Counts: How Youth Organizations Matter for Youth Development," Milbrey McLaughlin, professor of education at Stanford University, calls for communities to rethink how they design and deliver services for youths, particularly during non-school hours. The report confirms that community involvement is essential in creating and supporting effective programs that meet the needs of today's youth.

Effective community-based youth development programs build on five core resources that all youths need to be successful. These same core resources are the basis for the Younger Americans Act. Youths need ongoing relationships with caring adults, safe places with structured activities, access to services that promote healthy lifestyles, opportunities to acquire marketable skills, and opportunities for community service and community participation.

The Younger Americans Act will establish a way for communities to give thought and planning on the issues at the local level, and to involve both youths and parents in the process. The Act will provide $5.75 billion over the next five years for communities to conduct youth development programs that recognize the primary role of the family, promote the involvement of youth, coordinate services in the community, and eliminate barriers which prevent youth from obtaining the guidance and support they need to become successful adults. The Act also creates an Office on National Youth Policy and a Council on National Youth Policy which includes youth and ensures their participation in finding solutions to their own problems.

Too often, the focus on youth has emphasized their problems, not their successes and their potential. This emphasis has sent a negative message to youth that needs to be reversed. We need to deal with negative behaviors, but we also need a broader strategy that provides a positive approach to youth. The Younger Americans Act will accomplish this goal in three ways, by focusing national attention on the strengths and contributions of youths, by providing funds to develop positive and cooperative youth development programs at the state and community levels, and by promoting the involvement of parents and youths in developing positive programs that strengthen families.

The time of adolescence is a complex transitional period of growth and change. We know what works. The challenge we face is to provide the resources to implement positive and practical programs effectively without creating duplicate programs. It is important that we tie together all publicly funded existing youth development programs and build on their success. This bill complements other existing programs, like the Work Force Investment Program, in helping young people become productive members of society. Investing in youth in ways like that will pay enormous dividends for communities and our country. I urge all Members of Congress to join in supporting this important legislation.

Mr. CLELAND. Mr. President, I am very pleased to once again join Senator JEFFORDS as a cosponsor of the Younger Americans Act. The Senator from Vermont has done yeoman's work on this legislation, which seeks to offer the same kind of comprehensive and coordinated support to America's young people that the landmark 1965 Older Americans Act provides to our nation's seniors. By creating an Office of National Youth Policy in the White House, by authorizing over $5 billion over the next five years to help local community organizations provide needed services and supports to their youth, the Younger Americans Act forges a national youth policy which prioritizes the needs of our young people and helps to provide them with the critical resources they need to achieve their full potential and become contributing members of their communities.

The recently released 2001 KIDS COUNT Data Book, a State-by-State report on the conditions facing America's children, found that the well-being of our youth improved over the past decade on seven of ten key KIDS COUNT measures. The national rate of teen deaths by accident, homicide and suicide fell by a substantial 24 percent. The number of teens ages 16–19 who dropped out of high school declined from 10 percent in 1990 to 9 percent in 1998. And there has been a steady decline in the rate of teenage births, which fell by a significant 19 percent between 1990 and 1998.

On the other hand, the 2001 KIDS COUNT Data Book also reports that more than 16 million children have parents who, despite being employed full time, struggle from paycheck to paycheck. In addition, the report finds that the number of single parent households in this country is on the rise. In 1998, 27 percent of families with children were headed by a single parent, up from 24 percent in 1990—and every State but three experienced an increase.

According to the 2000 Census, there was a 14 percent increase in the number of children in America in the last decade—the largest increase in the number of children living in this country since the decade of the 1950s. This significant increase in the under-18 population will undoubtedly mean new challenges and new demands on "our already struggling public education, child care, and family support systems," as Douglas Nelson, president of the Annie E. Casey Foundation which publishes the KIDS COUNT report, points out. The Younger Americans Act will help this nation meet these new demands by providing a framework which fosters the positive development of all our nation's youth. This is a strategy in marked contrast to previous government policies which respond to youngsters only after they have gotten into trouble. It is a significant fact that more than 200 young people took part in drafting the original legislation. As some of my colleagues have pointed out, these youngsters were telling us that it is time to redirect our focus on what is right with our young people, not what is wrong.

The Younger Americans Act will support community-based efforts that provide young people access to five core resources: ongoing relationships with caring adults; safe places with structured activities; services that promote healthy lifestyles; opportunities to acquire marketable skills; and opportunities for community service and civic participation. Such a positive support system ideally comes from strong families, but communities and government can play a part. The successful Head Start and 21st Century Community Leaning Centers programs have provided support systems for parents of America's younger children. The Younger Americans Act will provide support structure for our adolescents during the vulnerable years between ages 10 and 19. It stresses the pivotal role of the family and emphasizes the critical importance of parental involvement.

James Agee once said: "As in every child who is born, under no matter what circumstances and of no matter what parents, the potentiality of the human race is born again." The Younger Americans Act recognizes and affirms that an investment in our children is an investment in America's future.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 47—RECOGNIZING THE INTERNATIONAL OLYMPIC COMMITTEE FOR ITS WORK TO BRING ABOUT UNDERSTANDING OF INDIVIDUALS AND DIFFERENT CULTURES, FOR ITS FOCUS ON PROTECTING THE CIVIL RIGHTS OF ITS PARTICIPANTS, FOR ITS RULES OF INTOLERANCE AGAINST DISCRIMINATORY ACTS, AND FOR ITS GOAL OF PROMOTING WORLD PEACE THROUGH SPORTS

Mrs. MURRAY (for herself, Mr. STEVENS, Mrs. FEINSTEIN, and Mr. BREAUX) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 47

Whereas the United States has been actively engaged as a member of the International Olympic Committee (in this resolution referred to as the "IOC"), which was formed in 1894 to implement the goals of modern Olympism;

Whereas the Olympic Charter for the IOC contains fundamental principles of modern Olympism, including—

(1) "Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy found in effort, the educational value of good example and respect for universal fundamental ethical principles";

(2) "The goal of Olympism is to place everywhere sport at the service of the harmonious development of man, with a view to encouraging the establishment of a peaceful society concerned with the preservation of human dignity,";

(3) "The goal of the Olympic Movement is to contribute to building a peaceful and better world by educating youth through sport practised without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play"; and

(4) "The activity of the Olympic movement . . . reaches its peak with the bringing together of athletes of the world at the great sports festival, the Olympic Games";

Whereas the IOC has adopted a Code of Ethics that recognizes the dignity of the individual as one of its primary guarantees;

Whereas to safeguard the dignity of participants, the IOC's rules require nondiscrimination on "the basis of race, sex ethnic origin, religion, philosophical or political opinion, marital status or other grounds";

Whereas the IOC's Code of Ethics specifically prohibits any "practice constituting any form of physical or mental injury" and "all forms of harassment against participants, be it physical, mental, professional or sexual";

Whereas an integral part of the IOC's Olympic Charter, Code of Ethics, and rules requires the following of strict guidelines in selecting a host city for an Olympic Games;

Whereas included in the IOC's rules are comprehensive and precise selection criteria and methods by which to assess a candidate's application;

Whereas the IOC's Evaluations Commission evaluates and compares, among the candidates, 11 different areas of site analysis, including government support and public opinion, critical infrastructure availability, finance, security, and experience;

Whereas the IOC has made environmental conservation the third pillar of Olympism, with the other pillars being sport and culture;

Whereas the IOC requires host cities to conduct an environmental impact statement, consult with environmental organizations, and implement an environmental action plan for the Olympic Games;

Whereas a primary goal of the IOC is world peace and understanding, and, in pursuit of the goal, the IOC strives to maintain a separation of sports from international politics;

Whereas the IOC's Olympic Charter, Code of Ethics, and rules consistently address the IOC's quest to separate politics and sports;

Whereas Rule 9 of the IOC's Olympic Charter states that "the Olympic Games are competitions between athletes in individual or team events and not between countries";

Whereas new members of the IOC take an oath upon membership that avers in part "to comply with the Code of Ethics, to keep myself free from any political or commercial influence";

Whereas the IOC's Code of Ethics states that "the Olympic parties shall neither give nor accept instructions to vote or intervene in a given manner with the organs of the IOC";

Whereas the IOC is involved in humanitarian affairs through its involvement with the United Nations High Commissioner for Refugees, the United Nations Development Programme, International Labour Organization, and the International Committee of the Red Cross; and

Whereas following the issuance of the Report of the Special Bid Oversight Commission, the "Mitchell Commission", both the United States Olympic Committee and the IOC ratified a number of reforms regarding the selection of Olympic Games host cities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the IOC for the Committee's—

(A) work to bring about understanding of individuals and different cultures;

(B) focus on protecting the civil rights of its participants;

(C) rules of intolerance against discriminatory acts; and

(D) goal of promoting world peace through sports;

(2) encourages members of the IOC from the United States to abide by all rules of the IOC when considering and voting for host cities for future Olympic Games;

(3) recognizes that any government action designating a preference or displeasure with any Olympic Games candidate host city is inconsistent with the IOC's Olympic Charter, Code of Ethics, and rules; and

(4) endorses the concept of the Olympic Games being a competition between athletes in individual or team events and not between countries.

Mrs. MURRAY. Mr. President, I come to the floor today to submit a resolution in support of the Olympic Games, and in particular, in support of Olympic athletes.

The United States has a proud Olympic Games history. Thousands of Americans have represented our country at the Summer and Winter Games.

Numerous U.S. cities have hosted the Games. And cities all across our country hope to host the Olympic Games in the future just as Salt Lake City will host the Winter Games next year.

Let me share with my colleagues the story of one Olympian from my home state. Her name is Megan Quann.

Late last year, following the Sydney Summer Games, more than 1,000 people crowded the streets of Puyallup, Washington to see and to celebrate Megan Quann.

At the time, Megan was a 16-year-old junior at Emerald Ridge High School. She had just returned from Australia where she shocked the world by winning two Olympic Gold Medals in the swimming competition.

Megan's hometown was ecstatic. October 29 was officially declared "Megan Quann" day in Puyallup. She was honored through town in a parade that was led by local Cub Scouts, Brownies, and swimmers from a local club.

On that day, Megan's community erupted in pride in the accomplishments of a young athlete, a neighbor and a classmate.

It was a great day for Puyallup and for Washington state. Unfortunately, I was not there. But, like most of my constituents, I followed Megan at the Olympics, and I cheered as she set a new American record in one of her events.

And like all Americans, I was so proud of her as she stood on the medal stand—awestruck in her achievement—as the national anthem of our country played in the background.

Mr. President, I don't think any of us ever tire of seeing an American athlete being recognized as an Olympic champion.

We can't help but be moved when we see one of our own standing there—often with tears in their eyes—and the American flag on display for the whole world to see.

The Olympic Games can be an enormously patriotic experience for the athletes and all of us who watch the competitions. But the Olympics aren't just about patriotism. They are also about bringing different people together to share in competition.

Many Americans know the story of the Lithuanian basketball team which was embraced by the world following the collapse of the Soviet Union.

And, of course, the Jamaican bobsled team is famous for its efforts to compete in the Winter Games.

Time and again, we have seen Olympic athletes support each other in competition. They give their support freely, without consideration for nationality, religion, politics, or sex.

That devotion to sport is at the heart of the Olympic Movement worldwide and that celebration of sport is one reason why more than a thousand of my constituents came out to celebrate Megan Quann's achievements at the Sydney Olympic Games.

I have come to the floor to introduce a resolution which will hopefully ensure that another athlete like Megan can dedicate her life to the Olympic dream without the fear of seeing that dream die at the hands of political interference from the U.S. or elsewhere.

In working on this issue, I have reached out to Olympians. I am proud that in my own State, there are more than 180 Olympians, including 46 who competed at the Sydney Summer Games.

Nationwide, there are some 8,000 living Olympians, I appreciate the willingness of Washington's Olympians to review this resolution and to share their input.

And I appreciate the many other Olympians who have shared their views on the issues now before the United States Congress.

It is abundantly clear to me that U.S. Olympians do not want the Congress to mix politics with sport.

Most Olympians do not want the Congress to introduce or consider any legislation regarding the Olympic Games.

I agree with them. I too wish the Congress would not inject itself into the Olympic Movement.

Unfortunately, U.S. politicians have once again decided to mix politics with the Olympics. We only need to look back a short 20 years to see the painful and costly results of politicizing the Olympics.

In 1980, a generation of young Olympians did not get to participate in the Moscow Games due to the U.S. boycott.

More than 5,000 athletes—including more than 1,000 Americans—did not get to participate in the 1980 Moscow Summer Olympic Games.

Approximately 25 athletes from Washington state were barred from the 1980 Moscow Summer Games.

We have received strong support from this group of very special athletes, and I want to mention a few today.

I particularly want to thank Caroline Holmes. Caroline was a 1968 Olympic Gymnast. She is now the Chapter President of the Washington State Olympic Alumni Association. She is a champion for Olympic athletes, and I very much appreciate her assistance.

Jan Harville was a 1980 Olympian. She was on the rowing team. Today, she's the women's crew coach at the University of Washington. She's still very active with her fellow 1980 Olympians.

Paul Enquist from Seattle was also a rower on the 1980 team. Paul was able to compete and win a gold medal in the 1984 Los Angeles Games.

Matt Dryke was a skeet shooter on the 1980 team. Matt also went on to compete in later Olympic Games. In 1984, he won a Gold Medal.

Wendy Boglioli and Camille Wright were two swimmers on the 1980 team. Wendy ended her Olympic career when the U.S. boycotted Moscow.

Here's what Wendy had to say when asked about once again mixing politics with the Olympic Games:

> It would be wrong for the Congress to interfere in the Olympic site selection process. I was there in 1980.
>
> I was one of 50 athletes invited to meet at the White House with President Carter regarding the Moscow Olympics.
>
> I am still upset that athletes had no voice in the 1980 decision. Mixing politics with the Olympics will only hurt future athletes.

The 1980 Olympic Boycott was difficult for this country. Athletes sued the United States Olympic Community.

The Government threatened the U.S. Olympic Committee, and the President pressured other world leaders to join the U.S. led boycott.

Lost in the political squabble were U.S. athletes and for some, a lifetime of commitment and preparation.

The Soviets, as we know, boycotted the 1984 Los Angeles Games. And again, the athletes were the victims. Consider this fact: In the 1980 Moscow Games, the East German team won the women's 4 by 100 relay race with a time of 41.60 seconds.

At the 1984 Los Angeles Games, the US team won the same relay race with a time of 41.65 seconds. The U.S. and East German teams were within five one-hundredths of a second.

Knowing all of this, I wish these two great Olympic champion relay teams could have competed against one another in Olympic competition. It is a sad part of our history that politicians kept this great race from happening in the Olympics.

With the benefit of history, we know that the Olympic boycotts were futile and ineffective attempts to settle cold war disputes.

I believe we should do absolutely all that we can to ensure this never happens again.

No one can foretell the future and what actions might be called for to protect our country's national interest, but we should never again lose sight of the interests of our athletes.

Unfortunately, Members of Congress are politicizing the Olympic Games. My resolution has one primary objective—to separate politics from sport and particularly from the Olympic Games. Simply put, I believe politics has no place in the dreams of future Olympians.

I want to thank Senator TED STEVENS for joining me in this effort. Senator STEVENS has a long history of involvement with the Olympic Movement.

I am not aware of another elected official in this country who has done more for U.S. athletes than Senator STEVENS. And I thank the Senator for once again standing up for the interests of U.S. athletes.

The Murray/Stevens resolution on the Olympics has a number of key provisions and clauses. However, I want to focus on three sections which represent the real intent of our bill.

First, our resolution encourages members of the International Olympic Committee to abide by all rules of the IOC when considering and voting for host cities for future Olympic Games.

Members of the IOC take an oath which requires individual members to keep free from political influence.

Our resolution calls upon the four members of the International Olympic Committee from the United States to reject all political influences on their work as members of the IOC, including their votes on host cities for future Olympic Games.

Second, our resolution recognizes that any government action designating a preference or displeasure with any Olympic Games host city is inconsistent with the IOC's Charter, Code of Ethics and rules.

Essentially, this provision says the IOC should not acknowledge or consider any political interference in the host city selection process for future Olympic Games.

And finally, our resolution says the Olympic Games are about the athletes, that we do endorse the concept that the Olympic Games are a competition between athletes in individual and team events and not between countries.

We believe the Olympic Games are best left to the athletes. It is that simple.

I encourage my colleagues to consider this issue carefully in the days ahead. And I invite all Senators to join me in seeking to reject political interference in the Olympic Movement.

I yield the floor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 792. Mr. WARNER (for himself, Mr. SMITH of Oregon, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

SA 793. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes.

SA 794. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, supra.

TEXT OF AMENDMENTS

SA 792. Mr. WARNER (for himself, Mr. SMITH of Oregon and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, which was ordered to lie on the table, as follows:

At the end, add the following:

SEC. ____ . RECIPIENTS OF FEDERAL PELL GRANTS WHO ARE PURSUING PROGRAMS OF STUDY IN MATHEMATICS OR SCIENCE (INCLUDING COMPUTER SCIENCE OR ENGINEERING).

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended by adding at the end the following:

"(C)(i) Notwithstanding subparagraph (A) and subject to clause (ii), in the case of a student who is eligible under this part and who is pursuing a degree with a major or minor in, or a certificate or program of study relating to, mathematics or science (including computer science or engineering), the amount of the Federal Pell Grant shall be 150 percent of the amount specified in clauses (i) through (v) of subparagraph (A), for the academic year involved, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.

"(ii) No student who received a Federal Pell Grant for academic year 2000-2001 prior to the date of enactment of the Better Education for Students and Teachers Act shall receive a subsequent Federal Pell Grant in an amount that is less than the amount of the student's Federal Pell Grant for academic year 2000-2001, due to the requirements of clause (i).".

SA 793. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes; as follows:

On page 9, lines 14 and 15, strike ", in the ordinary course of their operations," and insert "reasonably".

SA 794. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes; as follows:

Amend the title so as to read: "A bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes.".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 14, 2001, at 9:30 a.m., in room SD–106 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on potential problems in the gasoline markets this summer.

Those wishing to submit written statements should address them to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

For further information, please contact Shirley Neff at (202) 224–4103.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SEAPOWER

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 7, 2001, at 2:00 p.m., in open session to receive testimony regarding Navy and Marine Corps equipment for 21st century operational requirements, in review of the defense authorization request for fiscal year 2002 and the Future Years Defense Program.

The PRESIDING Officer. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the majority leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, appoints the following individuals to the United States Commission on International Religious Freedom: Dr. Firuz Kazemzadeh of California, vice John Bolton; and Charles Richard Stith of Massachusetts, vice Theodore Cardinal McCarrick.

TECHNOLOGY, EDUCATION AND COPYRIGHT HARMONIZATION ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 66, S. 487.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 487) to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. EDUCATIONAL USE COPYRIGHT EXEMPTION.

(a) SHORT TITLE.—This Act may be cited as the "Technology, Education, and Copyright Harmonization Act of 2001".

(b) EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS FOR EDUCATIONAL USES.—Section 110 of title 17, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) except with respect to a work produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks, or a performance or display that is given by means of a copy or phonorecord that is not lawfully made and acquired under this title, and the transmitting government body or accredited nonprofit educational institution knew or had reason to believe was not lawfully made and acquired, the performance of a nondramatic literary or musical work or reasonable and limited portions of any other work, or display of a work in an amount comparable to that which is typically displayed in the course of a live classroom session, by or in the course of a transmission, if—

"(A) the performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic mediated instructional activities of a governmental body or an accredited nonprofit educational institution;

"(B) the performance or display is directly related and of material assistance to the teaching content of the transmission;

"(C) the transmission is made solely for, and, to the extent technologically feasible, the reception of such transmission is limited to—

"(i) students officially enrolled in the course for which the transmission is made; or

"(ii) officers or employees of governmental bodies as a part of their official duties or employment; and

"(D) the transmitting body or institution—

"(i) institutes policies regarding copyright, provides informational materials to faculty, students, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright, and provides notice to students that materials used in connection with the course may be subject to copyright protection; and

"(ii) in the case of digital transmissions—

"(I) applies technological measures that, in the ordinary course of their operations, prevent—

"(aa) retention of the work in accessible form by recipients of the transmission from the transmitting body or institution for longer than the class session; and

"(bb) unauthorized further dissemination of the work in accessible form by such recipients to others; and

"(II) does not engage in conduct that could reasonably be expected to interfere with technological measures used by copyright owners to prevent such retention or unauthorized further dissemination;"; and

(2) by adding at the end the following:

"In paragraph (2), the term 'mediated instructional activities' with respect to the performance or display of a work by digital transmission under this section refers to activities that use such work as an integral part of the class experience, controlled by or under the actual supervision of the instructor and analogous to the type of performance or display that would take place in a live classroom setting. The term does not refer to activities that use, in 1 or more class sessions of a single course, such works as textbooks, course packs, or other material in any media, copies or phonorecords of which are typically purchased or acquired by the students in higher education for their independent use and retention or are typically purchased or acquired for elementary and secondary students for their possession and independent use.

"For purposes of paragraph (2), accreditation—

"(A) with respect to an institution providing post-secondary education, shall be as determined by a regional or national accrediting agency recognized by the Council on Higher Education Accreditation or the United States Department of Education; and

"(B) with respect to an institution providing elementary or secondary education, shall be as recognized by the applicable state certification or licensing procedures.

"For purposes of paragraph (2), no governmental body or accredited nonprofit educational institution shall be liable for infringement by reason of the transient or temporary storage of material carried out through the automatic technical process of a digital transmission of the performance or display of that material as authorized under paragraph (2). No such material stored on the system or network controlled or operated by the transmitting body or institution under this paragraph shall be maintained on such system or network in a manner ordinarily accessible to anyone other than anticipated recipients. No such copy shall be maintained on the system or network in a manner ordinarily accessible to such anticipated recipients for a longer period than is reasonably necessary to facilitate the transmissions for which it was made.".

(c) EPHEMERAL RECORDINGS.—

(1) IN GENERAL.—Section 112 of title 17, United States Code, is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following:

"(f)(1) Notwithstanding the provisions of section 106, and without limiting the application of subsection (b), it is not an infringement of copyright for a governmental body or other nonprofit educational institution entitled under section 110(2) to transmit a performance or display to make copies or phonorecords of a work that is in digital form and, solely to the extent permitted in paragraph (2), of a work that is in analog form, embodying the performance or display to be used for making transmissions authorized under section 110(2), if—

"(A) such copies or phonorecords are retained and used solely by the body or institution that made them, and no further copies or phonorecords are reproduced from them, except as authorized under section 110(2); and

"(B) such copies or phonorecords are used solely for transmissions authorized under section 110(2).

"(2) This subsection does not authorize the conversion of print or other analog versions of works into digital formats, except that such conversion is permitted hereunder, only with respect to the amount of such works authorized to be performed or displayed under section 110(2), if—

"(A) no digital version of the work is available to the institution; or

"(B) the digital version of the work that is available to the institution is subject to technological protection measures that prevent its use for section 110(2).".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 802(c) of title 17, United States Code, is amended in the third sentence by striking "section 112(f)" and inserting "section 112(g)".

(d) PATENT AND TRADEMARK OFFICE REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and after a period for public comment, the Undersecretary of Commerce for Intellectual Property, after consultation with the Register of Copyrights, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing technological protection systems that have been implemented, are available for implementation, or are proposed to be developed to protect digitized copyrighted works and prevent infringement, including upgradeable and self-repairing systems, and systems that have been developed, are being developed, or are proposed to be developed in private voluntary industry-led entities through an open broad based consensus process. The report submitted to the Committees shall not include any recommendations, comparisons, or comparative assessments of any commercially available products that may be mentioned in the report.

(2) LIMITATIONS.—The report under this subsection—

(A) is intended solely to provide information to Congress; and

(B) shall not be construed to affect in any way, either directly or by implication, any provision of title 17, United States Code, including the requirements of clause (ii) of section 110(2)(D) of that title (as added by this Act), or the interpretation or application of such provisions, including evaluation of the compliance with that clause by any governmental body or nonprofit educational institution.

Mr. LEAHY. Madam President. I am pleased that the Senate is considering the TEACH Act, S. 487, today. This legislation will help clarify the law and allow educators to use the same rich material in distance learning over the Internet that they are able to use in face-to-face classroom instruction. The Senate has been focused on education reform for the past two months. The legislation we report today reflects our understanding that we must be able to use new technologies to advance our education goals in a manner that recognizes and protects copyrighted works.

The genesis of this bill was in the Digital Millennium Copyright Act (DMCA), where we asked the Copyright Office to study the complex copyright issues involved in distance education and to make recommendations to us for any legislative changes. The Copyright Office released its report in May, 1999, and made valuable suggestions on how modest changes in our copyright law could go a long way to foster the appropriate use of copyrighted works in valid distance learning activities. Senator HATCH and I then introduced the TEACH Act, S. 487, relying heavily on the legislative recommendations of that report.

Marybeth Peters, the Registrar of Copyrights, and her staff deserve our heartfelt thanks for that comprehensive study and their work on this legislation.

At the March 13, 2001, hearing on this legislation, we heard from people who both supported the legislation and had concerns about it. I appreciate that some copyright owners disagreed with the Copyright Office's conclusions and believed instead that current copyright laws are adequate to enable and foster legitimate distance learning activities. We have made efforts in refining the original legislation to address the valid concerns of both the copyright owners and the educational community. This has not been an easy process and I want to extend my thanks to all of those who worked hard and with us to craft the legislation reported by the Judiciary Committee and considered by the Senate today.

The growth of distance learning is exploding, largely because it is responsive to the needs of older, non-traditional students. The Copyright Office, "CO," report noted two years ago that, by 2002, the number of students taking distance education courses will represent 15 percent of all higher education students. Moreover, the typical average distance learning student is 34 years old, employed full-time and has previous college credit. More than half are women. In increasing numbers, students in other countries are benefitting from educational opportunities here through U.S. distance education programs. (CO Report, at pp. 19–20).

In high schools, distance education makes advanced college placement and college equivalency courses available—a great opportunity for residents in our more-rural states. In colleges, distance education makes lifelong learning a practical reality.

Not only does distance education make it more convenient for many students to pursue an education, for students who have full- time work commitments, who live in rural areas or in foreign countries, who have difficulty obtaining child or elder care, or who have physical disabilities, distance education may be the only means for them to pursue an education. These are the people with busy schedules who need the flexibility that on-line programs offer: virtual classrooms accessible when the student is ready to log-on.

In rural areas, distance education provides an opportunity for schools to offer courses that their students might otherwise not be able enjoy. It is therefore no surprise that in Vermont, and many other rural states, distance learning is a critical component of any quality educational and economic development system. The most recent Vermont Telecommunications Plan, which was published in 1999, identifies distance learning as being critical to Vermont's development. It also recommends that Vermont consider "using its purchasing power to accelerate the introduction of new [distance learning] services in Vermont." Technology has empowered individuals in the most remote communities to have access to the knowledge and skills necessary to improve their education and ensure they are competitive for jobs in the 21st Century.

Several years ago, I was proud to work with the state in establishing the Vermont Interactive Television network. This constant two-way videoconferencing system can reach communities, schools and businesses in every corner of the state. Since we first successfully secured funds to build the backbone of the system, Vermont has constructed fourteen sites. The VIT system is currently running at full capacity and has demonstrated that in Vermont, technology highways are just as important as our transportation highways.

No one single technology should be the platform for distance learning. In Vermont, creative uses of available resources have put in place a distance learning system that employs T–1 lines in some areas and traditional internet modem hook-ups in others. Several years ago, the Grand Isle Supervisory Union received a grant from the U.S. Department of Agriculture to link all the schools within the district with fiber optic cable. There are not a lot of students in this Supervisory Union but there is a lot of land separating one school from another. The bandwidth created by the fiber optic cables has not only improved the educational opportunities in the four Grand Isle towns, but it has also provided a vital economic boost to the area's businesses.

While there are wonderful examples of the use of distance learning inside Vermont, the opportunities provided by these technologies are not limited to the borders of one state, or even one country. Champlain College, a small school in Burlington, Vermont has shown this is true when it adopted a strategic plan to provide distance learning for students throughout the world.. Under the leadership of President Roger Perry, Champlain College now has more students enrolled than any other college in Vermont. The campus in Vermont has not been overwhelmed with the increase. Instead, Champlain now teaches a large number of students overseas through its on-line curriculum. Similarly, Marlboro College in Marlboro, Vermont, offers innovative graduate programs designed for working professionals with classes that meet not only in person but also online.

The Internet, with its interactive, multi-media capabilities, has been a significant development for distance learning. By contrast to the traditional, passive approach of distance learning where a student located remotely from a classroom was able to watch a lecture being broadcast at a fixed time over the air, distance learners today can participate in real-time class discussions, or in simultaneous multimedia projects. The Copyright Office report confirmed what I have assumed for some time—that "the computer is the most versatile of distance education instruments," not just in terms of flexible schedules, but also in terms of the material available.

More than 20 years ago, the Congress recognized the potential of broadcast and cable technology to supplement classroom teaching, and to bring the classroom to those who, because of their disabilities or other special circumstances, are unable to attend classes. We included in the present Copyright Act certain exemptions for distance learning, in addition to the general fair use exemption. The time has come to do more. The recent report of the Web-Based Education Commission, headed by former Senator Bob Kerrey, says:

> Current copyright law governing distance education . . . was based on broadcast models of telecourses for distance education. That law was not established with the virtual classroom in mind, nor does it resolve emerging issues of multimedia online, or provide a framework for permitting digital transmissions.

The Kerrey report concluded that our copyright laws were "inappropriately restrictive." (p. 97).

Under current law, the performance or display of any work in the course of face-to-face instruction in a classroom is exempt from the exclusive rights of a copyright owner. In addition, the copyright law allows transmissions of certain performances or displays of copyrighted works but restricts such transmissions subject to the exemption to those sent to a classroom or a similar place which is normally devoted to instruction, to persons whose disabilities or other special circumstances prevent classroom attendance, or to government employees. While this exemption is technology neutral and does not limit exempt "transmissions" to distance learning broadcasts, the exemption does not authorize the reproduction or distribution of copyrighted works a limitation that has enormous implications for transmissions over computer networks. Digital transmissions over computer networks involve multiple acts of reproduction as a data packet is moved from one computer to another.

The TEACH Act makes three significant expansions in the distance learning exemption in the Copyright Act, while minimizing the additional risks to copyright owners that are inherent in exploiting works in a digital format. First, the bill eliminates the current eligibility requirements for the distance learning exemption that the instruction occur in a physical classroom or that special circumstances prevent the attendance of students in the classroom. At the same time, the bill would maintain and clarify the requirement that the exemption is limited to use in mediated instructional activities of governmental bodies and accredited non-profit educational institutions.

Second, the bill clarifies that the distance learning exemption covers the transient or temporary copies that may occur through the automatic technical process of transmitting material over the Internet.

Third, the current distance learning exemption only permits the transmission of the performance of "nondramatic literary or musical works," but does not allow the transmission of movies or videotapes, or the performance of plays. The Kerrey Commission report cited this limitation as an obstacle to distance learning in current copyright law and noted the following examples: A music instructor may play songs and other pieces of music in a classroom, but must seek permission from copyright holders in order to incorporate these works into an online version of the same class. A children's literature instructor may routinely display illustrations from childrens' books in the classroom, but must get licenses for each one for on online version of the course.

To alleviate this disparity, the TEACH Act would amend current law to allow educators to show reasonable and limited portions of dramatic literary and musical works, audiovisual works, and sound recordings, in addition to the complete versions of nondramatic literary and musical works which are currently exempted.

This legislation is a balanced proposal that expands the educational use exemption in the copyright law for distance learning, but also contains a number of safeguards for copyright owners. In particular, the bill excludes from the exemption those works that are produced primarily for instructional use, because for such works, unlike entertainment products or materials of a general educational nature, the exemption could significantly cut into primary markets, impairing incentives to create. Indeed, the Web-Based Education Commission urged the development of "high quality online educational content that meets the highest standards of educational excellence." Copyright protection can help provide the incentive for the development of such content.

In addition, the bill requires that the government or educational institution using the exemption transmit copyrighted works that are lawfully made or acquired and use technological protection safeguards to protect against retention of the work and ensure that the dissemination of material covered under the exemption is limited only to the students who are intended to receive it.

Finally, the bill directs the Patent and Trademark Office to report to the Congress with a description of the various technological protection systems in use, available, or being developed to protect digitized copyrighted works and prevent infringement, including those being developed in private, voluntary, industry-led entities through an open broad based consensus process. The original version of this study proposed by Senator HATCH in an amendment filed to the Elementary and Secondary Education bill, S. 1, proved highly controversial.

I appreciate that copyright owners are frustrated at the pace at which technological measures are being developed and implemented to protect digital copyrighted works, particularly as high-speed Internet connections and broadband service becomes more readily available. At the same time, computer and software manufacturers and providers of Internet services are appropriately opposed to the government mandating use of a particular technological protection measure or setting the specification standards for such measures. Indeed, copyright owners are a diverse group, and some owners may want more flexibility and variety in the technical protection measures available for their works than would result if the government intervened too soon and mandated a particular standard or system. I am glad that with the constructive assistance of Senator CANTWELL and other members of the Judiciary Committee, we were able to include a version of the PTO study in the bill that is limited to providing information to the Congress.

Distance education is an important issue to both Senator Hatch and to me, and to the people of all of our States. This is a good bill and I urge the Congress to act promptly to see this legislation enacted.

Mr. HATCH. Madam President, I am pleased that we will pass out of the Senate today S. 487, the "Technology Education and Copyright Harmonization Act" or fittingly abbreviated as the "TEACH Act," which updates the educational use provisions of the copyright law to account for advancements in digital transmission technologies that support distance learning.

But first I want to thank the Ranking Member for his work and partnership on this legislation. We have done it in a bipartisan, consensus-building manner. I would also like to thank the various representatives of the copyright owner and education communities who have worked so hard with us to achieve this consensus and move this legislation forward.

They have worked in the spirit of cooperation toward the shared goal of helping our students learn better through technology and the media. I would also like to thank the Register of Copyrights, and her staff at the Copyright Office, for their help and technical assistance. They have done an admirable job in helping us move forward the deployment of the Internet and digital transmissions systems in education.

Because of their hard work, I am confident we have an important education reform that can be sent to, and signed by, the President with broad, bipartisan support in the coming month.

Distance education, and the use of high technology tools such as the Internet in education, hold great promise for students in States like Utah, where distances can be great between students and learning opportunities. I think it is similarly important for any State that has students who seek broader learning opportunities than they can reach in their local area. Any education reforms moved in the Congress this year should include provisions that help deploy high technology tools, including the Internet, to give our students the very best educational experience we can offer. I believe this legislation is an important part of truly effective education reform that can open up new vistas to all our students, while potentially costing less in the long run to provide a full education experience.

By using these tools, students in remote areas of my home State of Utah are becoming able to link up to resources previously available only to those in cities or at prestigious educational institutions. Limited access to language instructors in remote areas or particle accelerators in most high schools limit access to educational opportunity. These limits can be overcome to a revolutionary degree by online offerings, which can combine sound, video, and interactivity in exciting new ways. And new experiences that transcend what is possible in the classroom, such as hypertexts linked directly to secondary sources, are possible only in the online world.

With the advent of the Internet and other communication technologies, classrooms need no longer be tied to a specific location or time. As exciting as distance education is, online education will only thrive if teachers and students have affordable and convenient access to the highest quality educational materials. The goal of the TEACH Act is to update the educational provisions of the copyright law for the 21st century, allowing students and teachers to benefit from deployment of advanced digital technologies.

Specifically, the TEACH Act amends sections 110(2) and 112 of the Copyright Act to facilitate the growth and development of digital distance learning. First, the legislation expands the scope of the section 110(2) exemption to apply to performances and displays of all categories of copyrighted works subject to reasonable limitations on the portion or amount of the work that can be digitally transmitted. Thus, for example, the Act allows transmissions to locations other than the physical classroom, and includes audiovisual works, sound recordings and other works within the exemption. At the same time, the bill maintains and clarifies the concept of "mediated instructional activities," which requires that the performance or display be analogous to the type of performance or display that would take place in a live classroom setting.

Moreover, of utmost significance to the copyright owners, the legislation adds new safeguards to counteract the risks posed by digital transmissions in an educational setting. For example, the bill imposes obligations to implement technological protection measures as well as certain limitations relating to accessibility and duration of transient copies. The Act also amends section 112 of the Copyright Act to permit storage of copyrighted material on servers in order to permit asynchronous use of material in distance education.

This legislation was reported unanimously by the Judiciary Committee, and we expect it will pass the full Senate unanimously, too. Today we will make two non-controversial changes to the legislation as passed by the Committee. First, Senator LEAHY and I have a technical amendment to the title of the bill, which corrects a nonsubstantive scrivener's error. Second, we are making a change in the legislative language regarding technological protection measures which makes our intention clearer by bringing the statutory language into closer conformity with our understanding of the provision. These changes are non-controversial and have the same support among the affected parties as the rest of the bill. For the information of my colleagues and those who may use the legislation, I am including a section by section analysis of the bill as amended following my comments, and asked that a copy of that section by section analysis and copies of the two amendments be published immediately following my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1).

Mr. HATCH. A few comments about the study we request from the Patent and Trademark Office included in this legislation. There was some controversy generated in some quarters over an earlier draft of the TEACH Act that directed the Undersecretary for Intellectual Property to provide the Judiciary Committee with information about technological protection measures for copyrighted works online. I must confess, I still do not entirely understand the precise objections to that formulation. One lobbyist, I believe from the Digital Media Association, was arguing that the study would lead to a rash of class action lawsuits. I have been trying to parse the language to see if this informational report might have also provided for attorneys fees. But, fortunately, such imaginative readings of the language are no longer necessary because we were able to come to some agreement late last night on language that will allow the Committee to receive useful information for our own use and for the information of our constituents without causing interest rates to increase or the Potomac to run backwards. In all seriousness, I thank those who worked with us late into the night to forge an agreement that allows us to move forward on this last issue as part of this consensus legislation. I believe we have a bill that will be good for students, teachers, copyright owners, and information technologists.

But I would like to explain some of the thinking that went into requesting that report. First of all, the report is not designed to be a first step toward the government regulating, mandating, or favoring types of technologies or products produced to protect copyrighted works online. Second, the legislative language makes clear that we do not seek a government comparison of various products that are commercially available. We do not seek such comparisons, and we do not want the government picking winners and losers among commercial products, nor in setting the standards that would govern the development of such products.

Instead, this request is made because technological protection will be increasingly important in preventing widespread, unlawful copying of copyrighted works generally, and the Committee wishes to know as much about its capabilities as possible, for ourselves and for our constitents. This information would be extremely valuable, for example, if the Committee determines in the future that it is appropriate to facilitate the standard-setting process or to encourage the implementation of such standards in devices so that creative works can be offered to the public in a secure environment. Encryption, watermarking, and digital rights management systems have been and continue to be developed to protect copyrighted works, but these are just a portion of the possibilities that exist in making the digital environment safe for the delivery of valuable copyrighted works. If, for instance, computers and other digital devices recognized and responded to technological protection measures, a significant portion of the infringing activity that harms copyright owners could be prevented, and the Internet could be a much safer environment for the valuable and quality works that consumers want to enjoy and copyright owners want to deliver online. Therefore, the Undersecretary should include in its study so-called "bilateral" systems that have been or could be developed that would allow technology embedded in copyrighted works to communicate with computers and other devices with regard to the level of protection required for that work, as well as unilateral protection systems. The Undersecretary should also provide us information on robust and reliable protection systems that could be renewed or upgraded after subjected to cyberhacking, as opposed to becoming useless or obsolete. Some have raised concerns that such a study would only provide a snapshot in time, or would be out of date by the time it is finished due to continual advances in technology. This may be correct. However, despite these possible limitations, the study will be extremely useful in establishing a baseline of knowledge for the Committee and our constituents with regard to what technology is or could be made available and how it is or could be implemented. Perhaps the information contained in this report could be updated by the Undersecretary to address evolving technologies in this area.

Overall, this legislation will make it easier for the teacher who connects with her students online to enhance the learning process by illustrating music appreciation principles with appropriately limited sound recordings or illustrate visual design or story-telling principles with appropriate movie clips. These wholly new interactive educational experiences, or more traditional ones now made available around the students' schedule, will be made more easily and more inexpensively by this legislation. Beyond the legislative safe harbor provided by this legislation, opportunities for students and lifetime learners of all kinds, in all kinds of locations, are limited only by the human imagination and the cooperative creativity of the creators and users of copyrighted works. The possibilities for everyone in the wired world are thrilling to contemplate.

I strongly believe that this legislation is necessary to foster and promote distance education while at the same time maintains a careful balance between copyright owners and users. Through the increasing influence of educational technologies, virtual classrooms are popping up all over the country and what we do not want to do is stand in the way of the development and advancement of innovative technologies that offer new and exciting educational opportunities. I think we all agree that digital distance should be fostered and utilized to the greatest extent possible to deliver instruction to students in ways that could have been possible a few years ago. We live at a point in time when we truly have an opportunity to help shape the future by influencing how technology is used in education so I hope my colleagues will join us in supporting this modest update of the copyright law that offers to make more readily available distance education in a digital environment to all of our students.

Exhibit 1.—Section-by-Section Analysis of S. 487, the Technology, Education, and Copyright Harmonization Act

SUBSECTION (a): SHORT TITLE

This section provides that this Act may be cited as the "Technology, Education and Copyright Harmonization Act of 2001."

SUBSECTION (b): EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS FOR EDUCATIONAL USES

Summary

Section 1(b) of the TEACH Act amends section 110(2) of the Copyright Act to encompass performances and displays of copyrighted works in digital distance education under appropriate circumstances. The section expands the scope of works to which the amended section 110(2) exemption applies to include performances of reasonable and limited portions of works other than nondramatic literary and musical works (which are currently covered by the exemption), while also limiting the amount of any work that may be displayed under the exemption to what is typically displayed in the course of a live classroom session. At the same time, section 1(b) removes the concept of the physical classroom, while maintaining and clarifying the requirement of mediated instructional activity and limiting the availability of the exemption to mediated instructional activities of governmental bodies and "accredited" non-profit educational institutions. This section of the Act also limits the amended exemption to exclude performances and displays given by means of a copy or phonorecord that is not lawfully made and acquired, which the transmitting body or institution knew or had reason to believe was not lawfully made and acquired. In addition, section 1(b) requires the transmitting institution to apply certain technological protection measures to protect against retention of the work and further downstream dissemination. The section also clarifies that participants in authorized digital distance education transmissions will not be liable for any infringement by reason of transient or temporary reproductions that may occur through the automatic technical process of a digital transmission for the purpose of a performance or display permitted under the section. Obviously, with respect to such reproductions, the distribution right would not be infringed. Throughout the Act, the term "transmission" is intended to include transmissions by digital, as well as analog means.

Works subject to the exemption and applicable portions

The TEACH Act expands the scope of the section 110(2) exemption to apply to performances and displays of all categories of copyrighted works, subject to specific exclusions for works "produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks" and performance or displays "given by means of a copy or phonorecord that is not lawfully made and acquired," which the transmitting body or institution "knew or had reason to believe was not lawfully made and acquired."

Unlike the current section 110(2), which applies only to public performances of non-dramatic literary or musical works, the amendment would apply to public performances of any type of work, subject to certain exclusions set forth in section 110(2), as amended. The performance of works other than nondramatic literary or musical works is limited, however, to "reasonable and limited portions" of less than the entire work. What constitutes a "reasonable and limited" portion should take into account both the nature of the market for that type of work and the pedagogical purposes of the performance.

In addition, because "display" of certain types of works, such as literary works using an "e-book" reader, could substitute for traditional purchases of the work (e.g., a text book), the display exemption is limited to "an amount comparable to that which is typically displayed in the course of a live classroom setting." This limitation is a further implementation of the "mediated instructional activity" concept described below, and recognizes that a "display" may have a different meaning and impact in the digital environment than in the analog environment to which section 110(2) has previously applied. The "limited portion" formulation used in conjunction with the performance right exemption is not used in connection with the display right exemption, because, for certain works, display of the entire work could be appropriate and consistent with displays typically made in a live classroom setting (e.g., short poems or essays, or images of pictorial, graphic, or sculptural works, etc.).

The exclusion for works "produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks" is intended to prevent the exemption from undermining the primary market for (and, therefore, impairing the incentive to create, modify or distribute) those materials whose primary market would otherwise fall within the scope of the exemption. The concept of "performance or display as part of mediated instructional activities" is discussed in greater detail below, in connection with the scope of the exemption. It is intended to have the same meaning and application here, so that works produced or marketed primarily for activities covered by the exemption would be excluded from the exemption. The exclusion is not intended to apply generally to all educational materials or to all materials having educational value. The exclusion is limited to materials whose primary market is "mediated instructional activities," i.e., materials performed or displayed as an integral part of the class experience, analogous to the type of performance or display that would take place in a live classroom setting. At the same time, the reference to "digital networks" is intended to limit the exclusion to materials whose primary market is the digital network environment, not instructional materials developed and marketed for use in the physical classroom.

The exclusion of performances or displays "given by means of a copy or phonorecord that is not lawfully made and acquired" under Title 17 is based on a similar exclusion in the current language of section 110(1) for the performance or display of an audiovisual work in the classroom. Unlike the provision in section 110(1), the exclusion here applies to the performance or display of any work. But, as in section 110(1), the exclusion applies only where the transmitting body or institution "knew or had reason to believe" that the copy or phonorecord was not lawfully made and acquired. As noted in the Register's Report, the purpose of the exclusion is to reduce the likelihood that an exemption intended to cover only the equivalent of traditional concepts of performance and display would result in the proliferation or exploitation of unauthorized copies. An educator would typically purchase, license, rent, make a fair use copy, or otherwise lawfully acquire the copy to be used, and works not yet made available in the market (whether by distribution, performance or display) would, as a practical matter, be rendered ineligible for use under the exemption.

Eligible transmitting entities

As under the current section 110(2), the exemption, as amended, is limited to government bodies and non-profit educational institutions. However, due to the fact that, as the Register's Report points out, "nonprofit educational institutions" are no longer a closed and familiar group, and the ease with which anyone can transmit educational material over the Internet, the amendment would require non-profit educational institutions to be "accredited" in order to provide further assurances that the institution is a bona fide educational institution. It is not otherwise intended to alter the eligibility criteria. Nor is it intended to limit or affect any other provision of the Copyright Act that relates to non-profit educational institutions or to imply that non-accredited educational institutions are necessarily not bona fide.

"Accreditation" is defined in section 1(b)(2) of the TEACH Act in terms of the qualification of the educational institution. It is not defined in terms of particular courses or programs. Thus, an accredited nonprofit educational institution qualifies for the exemption with respect to its courses whether or not the courses are part of a degree or certificate-granting program.

Qualifying performances and displays; mediated instructional activities

Subparagraph (2)(A) of the amended exemption provides that the exemption applies to a performance or display made "by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of . . . systematic mediated instructional activity." The subparagraph includes several requirements, all of which are intended to make clear that the transmission must be part of mediated instructional activity. First, the performance or display must be made by, under the direction of, or under the actual supervision of an instructor. The performance or display may be initiated by the instructor. It may also be initiated by a person enrolled in the class as long as it is done either at the direction, or under the actual supervision, of the instructor. "Actual" supervision is intended to require that the instructor is, in fact, supervising the class activities, and that supervision is not in name or theory only. It is not intended to require either constant, real-time supervision by the instructor or pre-approval by the instructor for the performance or display. Asynchronous learning, at the pace of the student, is a significant and beneficial characteristic of digital distance education, and the concept of control and supervision is not intended to limit the qualification of such asynchronous activities for this exemption.

The performance or display must also be made as an "integral part" of a class session, so it must be part of a class itself, rather than ancillary to it. Further, it must fall within the concept of "mediated instructional activities" as described in section 1(b)(2) of the TEACH Act. This latter concept is intended to require the performance or display to be analogous to the type of performance or display that would take place in a live classroom setting. Thus, although it is possible to display an entire textbook or extensive course-pack material through an e-book reader or similar device or computer application, this type of use of such materials as supplemental reading would not be analogous to the type of display that would take place in the classroom, and therefore would not be authorized under the exemption.

The amended exemption is not intended to address other uses of copyrighted works in the course of digital distance education, including student use of supplemental or research materials in digital form, such as electronic course packs, e-reserves, and digital library resources. Such activities do not involve uses analogous to the performances and displays currently addressed in section 110(2).

The "mediated instructional activity" requirement is thus intended to prevent the exemption provided by the TEACH Act from displacing textbooks, course packs or other material in any media, copies or phonorecords of which are typically purchased or acquired by students for their independent use and retention (in most post-secondary and some elementary and secondary contexts). The Committee notes that in many secondary and elementary school contexts, such copies of such materials are not purchased or acquired directly by the students, but rather are provided for the students' independent use and possession (for the duration of the course) by the institution.

The limitation of the exemption to systematic "mediated instructional activities" in subparagraph (2)(A) of the amended exemption operates together with the exclusion in the opening clause of section 110(2) for works "produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks" to place boundaries on the exemption. The former relates to the nature of the exempt activity; the latter limits the relevant materials by excluding those primarily produced or marketed for the exempt activity.

One example of the interaction of the two provisions is the application of the exemption to textbooks. Pursuant to subparagraph (2)(A), which limits the exemption to "mediated instructional activities," the display of material from a textbook that would typically be purchased by students in the local classroom environment, in lieu of purchase by the students, would not fall within the exemption. Conversely, because textbooks typically are not primarily produced or marketed for performance or display in a manner analogous to performances or display in the live classroom setting, they would not per se be excluded from the exemption under the exclusion in the opening clause. Thus, an instructor would not be precluded from using a chart or table or other short excerpt from a textbook different from the one assigned for the course, or from emphasizing such an excerpt from the assigned textbook that had been purchased by the students.

The requirement of subparagraph (2)(B), that the performance or display must be directly related and of material assistance to the teaching content of the transmission, is found in current law, and has been retained in its current form. As noted in the Register's Report, this test of relevance and materiality connects the copyrighted work to the curriculum, and it means that the portion performed or displayed may not be performed or displayed for the mere entertainment of the students, or as unrelated background material.

Limitations on receipt of transmissions

Unlike current section 110(2), the TEACH Act amendment removes the requirement that transmissions be received in classrooms or similar places devoted to instruction unless the recipient is an officer or employee of a governmental body or is prevented by disability or special circumstances from attending a classroom or similar place of instruction. One of the great potential benefits of digital distance education is its ability to reach beyond the physical classroom, to provide quality educational experiences to all students of all income levels, in cities and rural settings, in schools and on campuses, in the workplace, at home, and at times selected by students to meet their needs.

In its place, the Act substitutes the requirement in subparagraph (2)(C) that the transmission be made solely for, and to the extent technologically feasible, the reception is limited to students officially enrolled in the course for which the transmission is made or governmental employees as part of their official duties or employment. This requirement is not intended to impose a general requirement of network security. Rather, it is intended to require only that the students or employees authorized to be recipients of the transmission should be identified, and the transmission should be technologically limited to such identified authorized recipients through systems such as password access or other similar measures.

Additional safeguards to counteract new risks

The digital transmission of works to students poses greater risks to copyright owners than transmissions through analog broadcasts. Digital technologies make possible the creation of multiple copies, and their rapid and widespread dissemination around the world. Accordingly, the TEACH Act includes several safeguards not currently present in section 110(2).

First, a transmitting body or institution seeking to invoke the exemption is required to institute policies regarding copyright and to provide information to faculty, students and relevant staff members that accurately describe and promote compliance with copyright law. Further, the transmitting organization must provide notice to recipients that materials used in connection with the course may be subject to copyright protection. These requirements are intended to promote an environment of compliance with the law, inform recipients of their responsibilities under copyright law, and decrease the likelihood of unintentional and uninformed acts of infringement.

Second, in the case of a digital transmission, the transmitting body or institution is required to apply technological measures to prevent (i) retention of the work in accessible form by recipients to which it sends the work for longer than the class session, and (ii) unauthorized further dissemination of the work in accessible form by such recipients. Measures intended to limit access to authorized recipients of transmissions from the transmitting body or institution are not addressed in this subparagraph (2)(D). Rather, they are the subjects of subparagraph (2)(C).

The requirement that technological measures be applied to limit retention for no longer than the "class session" refers back to the requirement that the performance be made as an "integral part of a class session." The duration of a "class session" in asynchronous distance education would generally be that period during which a student is logged on to the server of the institution or governmental body making the display or performance, but is likely to vary with the needs of the student and with the design of the particular course. It does not mean the duration of a particular course (i.e., a semester or term), but rather is intended to describe the equivalent of an actual single face-to-face mediated class session (although it may be asynchronous and one student may remain online or retain access to the performance or display for longer than another student as needed to complete the class session). Although flexibility is necessary to accomplish the pedagogical goals of distance education, the Committee expects that a common sense construction will be applied so that a copy or phonorecord displayed or performed in the course of a distance education program would not remain in the possession of the recipient in a way that could substitute for acquisition or for uses other than use in the particular class session. Conversely, the technological protection measure in subparagraph (2)(D)(ii) refers only to retention of a copy or phonorecord in the computer of the recipient of a transmission. The material to be performed or displayed may, under the amendments made by the Act to section 112 and with certain limitations set forth therein, remain on the server of the institution or government body for the duration of its use in one or more courses, and may be accessed by a student each time the student logs on to participate in the particular class session of the course in which the display or performance is made. The reference to "accessible form" recognizes that certain technological protection measures that could be used to comply with subparagraph (2)(D)(ii) do not cause the destruction or prevent the making of a digital file; rather they work by encrypting the work and limiting access to the keys and the period in which such file may be accessed. On the other hand, an encrypted file would still be considered to be in "accessible form" if the body or institution provides the recipient with a key for use beyond the class session.

Paragraph (2)(D)(ii) provides, as a condition of eligibility for the exemption, that a transmitting body or institution apply technological measures that reasonably prevent both retention of the work in accessible form for longer than the class session and further dissemination of the work. This requirement does not impose a duty to guarantee that retention and further dissemination will never occur. Nor does it imply that there is an obligation to monitor recipient conduct. Moreover, the "reasonably prevent" standard should not be construed to imply perfect efficacy in stopping retention or further dissemination. The obligation to "reasonably prevent" contemplates an objectively reasonable standard regarding the ability of a technological protection measure to achieve its purpose. Examples of technological protection measures that exist today and would reasonably prevent retention and further dissemination, include measures used in connection with streaming to prevent the copying of streamed material, such as the Real Player "Secret Handshake/Copy Switch" technology discussed *Real Networks* v. *Streambox*, 2000 WL 127311 (Jan. 18, 2000) or digital rights management systems that limit access to or use of encrypted material downloaded onto a computer. It is not the Committee's intent, by noting the existence of the foregoing, to specify the use of any particular technology to comply with subparagraph (2)(D)(ii). Other technologies will certainly evolve. Further, it is possible that, as time passes, a technological protection measure may cease to reasonably prevent retention of the work in accessible form for longer than the class session and further dissemination of the work, either due to the evolution of technology or to the widespread availability of a hack that can be readily used by the public. In those cases, a transmitting organization would be required to apply a different measure.

Nothing in section 110(2) should be construed to affect the application or interpretation of section 1201. Conversely, nothing in section 1201 should be construed to affect the application or interpretation of section 110(2).

Transient and temporary copies

Section 1(b)(2) of the TEACH Act implements the Register's recommendation that liability not be imposed upon those who participate in digitally transmitted performances and displays authorized under this subsection by reason of copies or phonorecords made through the automatic technical process of such transmission, or any distribution resulting therefrom. Certain modifications have been made to the Register's recommendations to accommodate instances where the recommendation was either too broad or not sufficiently broad to cover the appropriate activities.

The third paragraph added to the amended exemption under section 1(b)(2) of the TEACH Act recognizes that transmitting organizations should not be responsible for copies or phonorecords made by third parties, beyond the control of the transmitting organization. However, consistent with the Register's concern that the exemption should not be transformed into a mechanism for obtaining copies, the paragraph also requires that such transient or temporary copies stored on the system or network controlled or operated by the transmitting body or institution shall not be maintained on such system or network "in a manner ordinarily accessible to anyone other than anticipated recipients" or "in a manner ordinarily accessible to such anticipated recipients for a longer period than is reasonably necessary to facilitate the transmissions" for which they are made.

The liability of intermediary service providers remains governed by section 512, but, subject to section 512(d) and section 512(e), section 512 will not affect the legal obligations of a transmitting body or institution when it selects material to be used in teaching a course, and determines how it will be used and to whom it will be transmitted as a provider of content.

The paragraph refers to "transient" and "temporary" copies consistent with the terminology used in section 512, including transient copies made in the transmission path by conduits and temporary copies, such as caches, made by the originating institution, by service providers or by recipients. Organizations providing digital distance education will, in many cases, provide material from source servers that create additional temporary or transient copies or phonorecords of the material in storage known as "caches" in other servers in order to facilitate the transmission. In addition, transient or temporary copies or phonorecords may occur in the transmission stream, or in the computer of the recipient of the transmission. Thus, by way of example, where content is protected by a digital rights management system, the recipient's browser may create a cache copy of an encrypted file on the recipient's hard disk, and another copy may be created in the recipient's random access memory at the time the content is perceived. The third paragraph added to the amended exemption by section 1(b)(2) of the TEACH Act is intended to make clear that those authorized to participate in digitally transmitted performances and displays as authorized under section 110(2) are not liable for infringement as a result of such copies created as part of the automatic technical process of the transmission if the requirements of that language are met. The paragraph is not intended to create any implication that such participants would be liable for copyright infringement in the absence of the paragraph.

SUBSECTION (C): EPHEMERAL RECORDINGS

One way in which digitally transmitted distance education will expand America's educational capacity and effectiveness is through the use of asynchronous education, where students can take a class when it is convenient for them, not at a specific hour designated by the body or institution. This benefit is likely to be particularly valuable for working adults. Asynchronous education also has the benefit of proceeding at the student's own pace, and freeing the instructor from the obligation to be in the classroom or on call at all hours of the day or night.

In order for asynchronous distance education to proceed, organizations providing distance education transmissions must be able to load material that will be displayed or performed on their servers, for transmission at the request of students. The TEACH Act's amendment to section 112 makes that possible.

Under new subsection 112(f)(1), transmitting organizations authorized to transmit performances or displays under section 110(2) may load on their servers copies or phonorecords of the performance or display authorized to be transmitted under section 110(2) to be used for making such transmissions. The subsection recognizes that it often is necessary to make more than one ephemeral recording in order to efficiently carry out digital transmissions, and authorizes the making of such copies or phonorecords.

Subsection 112(f) imposes several limitations on the authorized ephemeral recordings. First, they may be retained and used solely by the government body or educational institution that made them. No further copies or phonorecords may be made from them, except for copies or phonorecords that are authorized by subsection 110(2), such as the copies that fall within the scope of the third paragraph added to the amended exemption under section 1(b)(2) of the TEACH Act. The authorized ephemeral recordings must be used solely for transmissions authorized under section 110(2).

The Register's Report notes the sensitivity of copyright owners to the digitization of works that have not been digitized by the copyright owner. As a general matter, subsection 112(f) requires the use of works that are already in digital form. However, the Committee recognizes that some works may not be available for use in distance education, either because no digital version of the work is available to the institution, or because available digital versions are subject to technological protection measures that prevent their use for the performances and displays authorized by section 110(2). In those circumstances where no digital version is available to the institution or the digital version that is available is subject to technological measures that prevent its use for distance education under the exemption, section 112(f)(2) authorizes the conversion from an analog version, but only conversion of the portion or amount of such works that are authorized to be performed or displayed under section 110(2). It should be emphasized that subsection 112(f)(2) does not provide any authorization to convert print or other analog versions of works into digital format except as permitted in section 112(f)(2).

Relationship to fair use and contractual obligations

As the Register's Report makes clear "critical to [its conclusion and recommendations] is the continued availability of the fair use doctrine." Nothing in this Act is intended to limit or otherwise to alter the scope of the fair use doctrine. As the Register's Report explains: "Fair use is a critical part of the distance education landscape. Not only instructional performances and displays, but also other educational uses of works, such as the provision of supplementary materials or student downloading of course materials, will continue to be subject to the fair use doctrine. Fair use could apply as well to instructional transmissions not covered by the changes to section 110(2) recommended above. Thus, for example, the performance of more than a limited portion of a dramatic work in a distance education program might qualify as fair use in appropriate circumstances."

The Register's Report also recommends that the legislative history of legislation implementing its distance education requirements make certain points about fair use. Specifically, this legislation is enacted in recognition of the following: (a) The fair use doctrine is technologically neutral and applies to activities in the digital environment; and (b) the lack of established guidelines for any particular type of use does not mean that fair use is inapplicable.

While the Register's Report also examined and discussed a variety of licensing issues with respect to educational uses not covered by exemptions or fair use, these issues were not included in the Report's legislative recommendations that formed the basis for the TEACH Act. It is the view of the Committee that nothing in this Act is intended to affect in any way the relationship between express copyright exemptions and license restrictions.

Nonapplicability to secure tests

The Committee is aware and deeply concerned about the phenomenon of school officials who are entrusted with copies of secure test forms solely for use in actual test administrations and using those forms for a completely unauthorized purpose, namely helping students to study the very questions they will be asked on the real test. The Committee does not in any way intend to change current law with respect to application of the Copyright Act or to undermine or lessen in any way the protection afforded to secure tests under the Copyright Act. Specifically, this section would not authorize a secure test acquired solely for use in an actual test administration to be used for any other purpose.

SUBSECTION (D): PTO REPORT

The report requested in subsection (d) requests information about technological protection systems to protect digitized copyrighted works and prevent infringement. The report is intended for the information of Congress and shall not be construed to have any effect whatsoever on the meaning, applicability, or effect of any provision of the Copyright Act in general or the TEACH Act in particular.

Mrs. FEINSTEIN. Madam President, today I rise in strong support of S. 487, the Technology, Education, and Copyright Harmonization, TEACH, Act. This Act expands the distance learning exemption in our copyright law, acknowledging that changes in technology sometimes require changes in the law. In making this change, the TEACH Act places new limits on the rights of copyright owners. These limits, however, are established in such a way that they will benefit non-profit educational institutions and their students, but hopefully without exposing copyrighted works to any further unauthorized use.

The drafters of the Constitution acknowledged the importance of creative works—and recognized the property rights of the creators of those works—in the very text of the Constitution itself. The Copyright Clause of the Constitution, in protecting the rights of American creators everywhere, has directly translated into the most innovative environment for the creation of creative works we've ever seen. This creativity benefits consumers and our economy as a whole.

Never in our history have we seen such a plethora of choices in books, movies, television, software, and music. One look at the statistics demonstrates the staggering importance copyrighted works have to the well-being of not only my home state of California, but also the economy of the entire Nation.

It has been reported that the copyright industries are creating jobs at three times the rate of the rest of the economy. These industries have a surplus balance of trade with every single country in the world, and that last year they accounted for 5 percent of the U.S. Gross Domestic Product. Few other industries can boast of such a successful record, and the protection we grant to copyrighted works is directly responsible for that success.

The message is clear. Striking the appropriate balance in copyright protection is vital to maintaining consumer choice, and in maintaining this vibrant part of the American economy. Sufficient protection means the continue investment in the production of creative works, which results in greater choices for consumers.

Insufficient protection of copyrighted works, on the other hand, will negatively affect the ability and desire of creators and lawful distributors of such works to make the necessary investment of time, money and other resources to continue to create and offer quality works to the public.

That is why we must carefully consider any degradation of that protection, even when proposed limitations would benefit other important segments of our society, such as the educational community.

I believe that this legislation strikes the appropriate balance by allowing accredited, nonprofit educational institutions to make certain uses of copyrighted works, but requiring them to technologically protect those works to prevent unauthorized uses by others.

The application of appropriate technological protection to copyrighted works is increasingly important as we move from the analog to the digital world Technological protection will facilitate the availability of copyrighted works in high-quality, digital formats and in global, networked environments.

That is why the provisions of this legislation directing the Undersecretary of Commerce for Intellectual Property to look at what protective technologies are out there will be of great importance to this Committee in the near future as the online environment and the world of e-commerce develops.

Questions such as whether unilateral protection applied to works by copyright owners will provide a sufficiently secure environment or whether bilateral technologies—which invoke a "handshake" of sorts between the work and the machine used to access the work—should be examined more closely have yet to be answered.

This study should help us give us an invaluable resource with regard to renewable, ungradeable, and robust forms of protection that will allow valuable copyrighted works to move freely and securely through the digital environment.

AMENDMENT NO. 793

Mr. REID. Madam President, Senators HATCH and LEAHY have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HATCH, for himself and Mr. LEAHY, proposes an amendment numbered 793.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the application of certain technological measures)

On page 9, lines 14 and 15 strike ", in the ordinary course of their operations," and insert "reasonably".

Mr. REID. Madam President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 793) was agreed to.

Mr. REID. Madam President, I ask unanimous consent the committee substitute amendment, as amended, be agreed to, the bill be read a third time and passed, an amendment at the desk to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 487), as amended, was read the third time and passed.

The amendment (No. 794) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "A bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes.".

MEASURES READ THE FIRST TIME—H.R. 503 AND H.R. 1885

Mr. REID. Madam President, I understand the following bills are at the desk: H.R. 503 and H.R. 1885. That being the case, I ask unanimous consent that the bills be considered as having been read the first time. Further, I ask unanimous consent that there be an objection to the requests for their second reading, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the rule, the bills will be read for the second time on the next legislative day.

ORDERS FOR FRIDAY, JUNE 8, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., on Friday, June 8. I further ask consent that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, as has been previously announced by our leader, Senator DASCHLE, there will be no rollcall votes on Friday. And as he has also previously stated, the next rollcall votes will occur on Monday at 5:15 p.m. I do say to everyone, again, within the sound of my voice that we did a pretty good job today of adhering to the 20-minute rule. We certainly did not adhere to it completely, but we were quite close. We are going to continue next week until people are in the habit of voting within 20 minutes.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Friday, June 8, 2001, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 2001:

DEPARTMENT OF DEFENSE

STEVEN JOHN MORELLO, SR., OF MICHIGAN, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE CHARLES A. BLANCHARD, RESIGNED.

WILLIAM A. NAVAS, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE CAROLYN H. BECRAFT.

DEPARTMENT OF THE TREASURY

SHEILA C. BAIR, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE GREGORY A. BAER, RESIGNED.

DEPARTMENT OF TRANSPORTATION

ELLEN G. ENGLEMAN, OF INDIANA, TO BE ADMINISTRATOR OF THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE KELLEY S. COYNER, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALEX AZAR II, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE HARRIET S. RABB, RESIGNED.

DEPARTMENT OF STATE

CLARK T. RANDT, JR., OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

EXTENSIONS OF REMARKS

TRIBUTE TO ADELANTE EAGLE AWARD RECIPIENT TONY CARDENAS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BACA. Mr. Speaker, I rise to salute Assemblyman Tony Cardenas, a recipient of the 2001 Adelante Eagle Award.

Adelante and the California Migrant Leadership Council is dedicated to empowering the Latino community in California by developing opportunities in education, economic development and the political process.

The Adelante Eagle Award is presented annually to individuals who have made a commitment to California and have made positive contributions to the betterment of our community.

Past Eagle Award recipients include Congressman JOE BACA, Congresswoman GRACE NAPOLITANO, Educators Mario Muñiz, Carolyn and Jim Bartleson, Jim White, Business persons Mary Lou Gomez and Maria Dolores Andrade, just to name a few.

Assemblyman Tony Cardenas was first elected to the California State Assembly in 1996 to represent the Northeast San Fernando Valley. The youngest of eleven children, Tony is the product of a modest upbringing, rich in the values of hard work and discipline. As a result, he achieved scholastic, professional, and political success.

Assemblyman Cardenas graduated with an Electronic Engineering degree from the University of California at Santa Barbara where he was on the Dean's Honor List. After graduation, he worked at Hewlett Packard as an Engineering Specialist. Later he owned and was president of a real estate company in the San Fernando Valley.

During his first term in the Assembly, Assemblyman Cardenas was the only freshman member to serve on both of the influential Assembly fiscal committees: Appropriations and Budget. He also chaired the Budget Subcommittee on Transportation and Information Technology and the Select Committee on Indian Gaming.

In his second term, Assemblyman Cardenas was elected Chairman of the Assembly Democratic Caucus, which is one of the top leadership posts in the Assembly. His duties included maintaining a Democratic majority and formulating a public policy agenda for a productive California. He served on Assembly Committees on Utilities and Commerce; Budget; Banking and Finance; Governmental Organizations; Elections, Reapportionment and Constitutional Amendments; and Budget Subcommittee on Resources. Assemblyman Cardenas continued to chair the Select Committee on Indian Gaming. In June of 2000 Assemblyman Cardenas was named Chairman of the Assembly's Budget Committee. As Chairman, he is responsible for overseeing the State's $100 billion budget.

In recognition of his hard work and success in the California Assembly, Cardenas received numerous awards including Legislator of the Year from the California Hispanic Chamber of Commerce, California Indian Legal Services, High Tech Legislator of the Year, American Electronics Association, and Humanitarian Awards from the Valley Family Center and the City of San Fernando.

Assemblyman Cardenas envisions government as a tool to assist citizens on the local level and believes it can serve as a platform to enhance the quality of life, as evidenced by his legislative agenda. His priority issues include reforming our juvenile justice system, developing strong local economies by encouraging community businesses and assuring our children greater access to education for both immediate and long-term success. He has also sought to streamline government, allowing agencies to improve their services for people statewide and address the quality of healthcare for Californians.

For all that he has done on behalf of the Latino community, we salute Tony Cardenas.

IN HONOR OF SIMMONS T. VALERIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Simmons T. Valeris, an entrepreneur with a flame burning deep within allowing him to succeed in all of his endeavors. Mr. Valeris has distinguished himself from his peers as being the only minority Multiple Franchise Dealer/Operator of Mobil Oil Corporation in the tri-state area.

Mr. Valeris, a native of Port-au-Prince, migrated to Brooklyn, New York in 1968. He is a graduate of Prospect High School and Long Island University. Simmons T. Valeris furthered his education by entering the Mobil Pre-Installment Dealer Training program, which ultimately led to his success as a Mobil Oil Franchise owner. Mr. Valeris can take pride in the fact that he is a life-long learner, constantly keeping up with the latest in technology.

Throughout Valeris' 27-year career as a Mobil Oil Corporation franchiser he has had an illustrious career with the Mobil Corporation, receiving many awards and honors. For twelve consecutive years, Simmons received recognition for the "Top Retailer Sales" in the region. He also earned seven "Circle of Excellence Awards" for consistently meeting or exceeding corporate objectives.

In addition to his duties at Mobil, Simmons also holds various memberships and is an active member on many community boards including the Boards of the Bronx Community College Auto-Lab as well as the Greater New York Dealers Association.

Aside from his entrepreneurial success, Simmons places an important emphasis on family. He credits his parents, Marie and Timothy Valeris, for raising him. He explains that his mother was a pioneer businesswoman, and hence his inspiration. He vowed to follow in her footsteps and become a successful businessman, and this commitment has led him to his present successes. Simmons' pride and joy are his two children, Dwayne and Monique.

Mr. Speaker, Simmons T. Valeris has contributed throughout his life to his community as a successful businessman and experienced leader. For his service, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

BRAVO TO THE VICTORY GARDENS THEATER OF CHICAGO

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I am proud today to congratulate the Victory Gardens Theater in Chicago, Illinois. On Sunday night, they became only the third Chicago theater to receive the prestigious Tony Award for regional theater.

This award, the highest recognition an artist or theater can receive, is given to a regional theater company that has displayed a continuous level of artistic achievement contributing to the growth of theater nationally. Founded in 1974, by eight Chicago artists, the Victory Gardens Theater has continued to introduce theater-goers to fresh, original, and innovative productions.

I am proud that the nation is finally being let in on a secret we Chicagoans have known for years: that bigger is not always better and that in the end, quality, courage, and determination will be rewarded. I salute the Tony Award-winning Victory Gardens Theater and I appreciate the contributions of the Theater to the Chicago community and to the arts.

RECOGNIZING DR. LEILA DAUGHTRY DENMARK

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BARR of Georgia. Mr. Speaker, 103-Year-Old Tift College Graduate, Dr. Leila Denmark, is still practicing pediatric medicine. She

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

was the third female graduate of the Medical College of Georgia in 1928; the only woman in her class. After her marriage to Mr. Denmark she moved to Atlanta to work at Grady Hospital. When Egleston Childrens Hospital opened, she became its first intern. Dr. Denmark conducted research on whooping cough in the early 1930s, which led to the modern-day DPT vaccination.

While Dr. Denmark appears extremely fragile, she opens her office five days a week from 8 a.m. till late, with no receptionist, nurse or appointment book; just a sign-in sheet on a table. If one of her patients calls, no matter if it is two in the morning or on the weekend, she will meet them in her office.

Dr. Denmark had planned to retire when she was 87, but because of her dedication and love of medicine, she decided only to semi-retire. She is now seeing 15 to 25 patients a day, does all of her filing and testing, answers her own phone, and charges all of $8.00 per visit. If you can't afford even that, there will be no charge.

Dr. Leila Denmark has been honored throughout Georgia for her accomplishments (including the Atlanta Gaslight Award), has appeared on many local and national television shows, such as "Good Morning America," and in national magazines such as "Ladies Home Journal" and "Family Circle." She has also written a book entitled "Every Child Deserves A Chance." She is a shining example of a great American and a Great Georgian, and I am proud to salute her.

TRIBUTE TO ADELANTE EAGLE AWARD RECIPIENT IRENE TOVAR

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BACA. Mr. Speaker, I rise to salute Irene Tovar, a recipient of the 2001 Adelante Eagle Award.

Adelante and the California Migrant Leadership Council is dedicated to empowering the Latino community in California by developing opportunities in education, economic development and the political process.

The Adelante Eagle Award is presented annually to individuals who have made a commitment to California and have made positive contributions to the betterment of our community.

Past Eagle Award recipients include Congressman JOE BACA, Congresswoman GRACE NAPOLITANO, Educators Mario Muñiz, Carolyn and Jim Bartleson, Jim White, Business persons Mary Lou Gomez and Maria Dolores Andrade, just to name a few.

Ms. Tovar is Executive Director of the Latin American Civic Association, an organization she co-founded in 1960. Since then Ms. Tovar has dedicated herself to empowering a strong Latino community. Her efforts have led to the establishment of various programs and services, which have provided a strong foundation for the advancement of Latinos not just in the San Fernando Valley but also throughout the State of California.

Her commitment to community issues has resulted in the founding of the San Fernando Valley Neighborhood Legal Services and serving on various boards, task force and commissions. These have included serving on the State of California Public Employees Relations Board, the Los Angeles Mission College Community Advisory Board, Latino Advisory Committee to LAPD Chief Bernard Parks, Valley Economic Development Center, LAPD Police Commission Warren Christopher Commission Reform Task Force, SFV Hispanic—Jewish Women's Task Force, Rebuild L.A. Board of Directors, LAPD Foothill Division Community Advisory Board, State of California Advisory Commission on Compensatory Education.

In 1975 Ms. Tovar was appointed by then Governor Edmund G. "Jerry" Brown Jr. to the California State Personnel Board where she served until 1981. Ms. Tovar was not only the first Chicana appointed to the board that required California State Senate confirmation, but she also served as President of this most important body. Recognizing Ms. Tovar's leadership abilities Governor Brown appointed her as his Special Assistant a position she held from 1978–1981. During her tenure Ms. Tovar was responsible for the identification and recommendation of Latinos for appointment to State Boards and Commissions. This included the recommendation and appointment of Cruz Reynoso as California Supreme Court Justice. Ms. Tovar was also responsible for the establishment of the Governor's Chicana Issues Conference first held in 1980.

Ms. Tovar's accomplishments have been recognized by various state and city agencies as well as community organizations. She has been the recipient of many honors and awards including the City of Los Angeles City Council Pioneering Woman Award, California State University, Northridge Distinguished Alumni Award, Comision Femenil's Woman of the Year, Los Angeles County Commission on the Status of Woman "Woman of the Year" Award, KLVE Feria de la Muier Outstanding Latina of the Year, L.A. Times "Newsmaker for 1999", Cal-State Northridge La Raza Alumni Association Outstanding Alumni Award, USC El Centro Chicano Cuauhtemoc Award, MALDEF Employment Award, U.S. Congressional Commendation, and the Los Angeles City Employees Chicano Association Recognition Award, just to name a few.

For all she has done on behalf of the Latino community, we salute Irene Tovar.

IN HONOR OF JAMES TILLMON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of James Tillmon, Director of Community Development for Genesis Homes/H.E.L.P.—USA serving Brooklyn, Manhattan, and the Bronx. Mr. Tillmon has led an exemplary life of both community and public service. One of eight children born in Brooklyn, New York to the late Louise Tillmon and Dr. Walter E. Baker, James Tillmon graduated from South Shore High School. Mr. Tillmon holds a BA in Communications from Antioch College as well as a Masters in Urban Planning from Virginia Polytechnic Institute.

James started his career in community service in 1988 when he worked in Syracuse, New York as a Vista Volunteer for one year. As a Vista Volunteer, he worked with youth between the ages of 16 and 21. James left Syracuse and joined the Department of Commerce's Census Bureau as a Field Operations Supervisor where he assisted and trained a "Swat Team" for troubled neighborhoods for two years.

Continuing where he left off in the field of public service, in 1991 James joined the United States Peace Corps as a volunteer in Equatorial Guinea. As a Peace Corps Volunteer, he organized and helped engineer plans for economic development within the region. In addition he supervised humanitarian projects and trained volunteers.

After leaving the Peace Corps, he worked in the Kings County District Attorney's office as a Victim Advocate/Crisis Counselor. In addition, as a Public Safety Corps Team Leader, he has worked with the New York City Housing Management with emergency residential placement. James left the District Attorney's office to become the Community Relations Liaison at St. Luke's Roosevelt Hospital in Manhattan.

James has also served as Chairman of the Health Committee on the Brooklyn Community Board #1 as well as on the Board of his Alma Mater, Antioch College. He has received much recognition for his public service including a City Council Citation for his outstanding service.

Mr. Speaker, James Tillmon has devoted his life to helping others. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

TRIBUTE TO EVANSTON TOWNSHIP HIGH SCHOOL CHESS TEAM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to extend congratulations and best wishes to the Evanston Township High School Chess Team for winning its 3rd state championship in four years.

This year's state meet was held on March 23–24 and the Wildkits team scored 396.5 out of a possible 475 points. Juniors Yahshua Hosch (6–0–1) and Ben Yarnoff earned first-place individuals records, freshman Jusuf Pekovic placed third, sophomores Daniel Summerhays and Mark Aburano-Meister both took fourth place, and senior David Summerhays placed eighth. Other members of the championship team include junior Gershon Bialer, senior Aaron Walsman, sophomore Tyler Drendel and freshman Amelia Townsend. Science Teacher Ken Lewandowski is the ETHS team coach and he is assisted by ETHS teachers Paul Kash and Sam Sibley (retired).

Adding to the success of this season, the ETHS team also placed at the national chess championship in April coming in 8th (just 4 points away from 1st place) at the championship level and first-place at the intermediate level of play. Gershon Bialer is the national Champion at the Intermediate level and Yuhshua Hosch placed 16th at the championship level.

Mr. Speaker, once again I am proud to congratulate the Evanston chess players on their continued success this year. I appreciate the Chess team's efforts in maintaining the great tradition of competitive excellence that is associated with the Wildkit name. They have made their school, their families, and the city of Evanston proud.

RECOGNIZING THE RICHARD ENGLISH, JR., PRESIDENT OF THE COMMUNITY ACTION FOR IMPROVEMENT BOARD OF TRUSTEES

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BARR of Georgia. Mr. Speaker, on August 3, 2001, the Community Action For Improvement, Inc. Central Administrative Office in LaGrange, Georgia, will be dedicated in honor of Richard English, Jr., President of the Community Action for Improvement (CAFI) Board of Trustees.

The CAFI Board of Trustees voted unanimously on November 4, 1999, to name the Central Administrative office after Mr. English, in recognition of his many years of service to the agency. He has been a member of the Board for over 24 years.

Mr. English's life has been dedicated to public service. A U.S. Army veteran, he was elected to the Troup County Board of Commissioners in 1978, and has served in this capacity for 23 years. He has volunteered for numerous boards in the communities CAFI serves as well as state and national organizations.

He has volunteered in virtually every capacity at CAFI during his tenure, from bagging and carrying groceries to the car for elderly persons participating in the USDA Surplus Commodities Program, to repairing homes in the Weatherization Program.

Mr. English's leadership has been steady throughout his 22 years as president of the Board of Trustees. He has helped to steer the agency through the changes and modifications to programs and services that have occurred at the federal, state and local levels during his tenure.

I know many citizens from all walks of life will join me in recognizing Richard English, Jr., as a true and valued servant to both the people of Georgia and this country.

TRIBUTE TO ADELANTE EAGLE AWARD RECIPIENT AMORY RAMIREZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BACA. Mr. Speaker, I rise to salute Amory Ramirez, a recipient of the 2001 Adelante Eagle Award.

Adelante and the California Migrant Leadership Council is dedicated to empowering the Latino community in California by developing opportunities in education, economic development and the political process.

The Adelante Eagle Award is presented annually to individuals who have made a commitment to California and have made positive contributions to the betterment of our community.

Past Eagle Award recipients include Congressman JOE BACA, Congresswoman GRACE NAPOLITANO, Educators Mario Muñiz, Carolyn and Jim Bartleson, Jim White, Business persons Mary Lou Gomez and Maria Dolores Andrade, just to name a few.

Amory Ramirez serves as the Executive Director of Quality Children's Services (QCS). Prior to leading QCS, Amory's professional experience began with the Encinitas Union School District where she served from 1975 to 1990. Her positions included Bilingual Community Aide, Migrant Statistical Aide, Preschool Teacher, and Center Director. Amory served as President of the California School Employees Association (CSEA) for six years. During her 15 years of service in Encinitas she was known as an advocate for children, migrant families, employees and community issues.

In 1990 Amory accepted the position of Associate Program Director with the YMCA of East Bay. Ms. Ramirez supervised two Child Development Centers and five after school child care programs and managed a budget of over $1 million. After two years of proven leadership, Amory Ramirez was promoted to Manager of the Child Development Department and was responsible for 12 childcare sites. By 1998 Ms. Ramirez's department was responsible for 43 sites located throughout the counties of Alameda, Butte, Contra Costa, Fresno, Los Angeles, Placer, Sacramento, Santa Clara and Yolo and managed a budget of over $7 million.

Amory received recognition for her leadership skills, fiscal management, staff development, outstanding teamwork and quality child development programs from the YMCA of the East Bay and the California Department of Education.

In 1998 Amory and four colleagues had a dream to establish a non-profit organization that would provide quality services for children and families and empower child development staff while maintaining a fiscally sound program. This dream came true with the formation of Quality Children's Services.

Since 1998, QCS has operated the Encinitas Migrant Child Development Center serving 72 infants, toddlers and preschool age migrant children. Within two years QCS added five afterschool programs in collaboration with the Encinitas, Poway, and Oceanside School Districts serving over 450 students. In 2001 QCS in partnership with SELECO–WIB of Los Angeles and the Madera Coalition for Community Justice will be establishing five additional State Preschool Programs and Child Development Centers. Under Ms. Amory's leadership, QCS has begun the development of Casa de Niños in Oceanside, California, which will serve 112 preschool children.

Ms. Amory Ramirez is also serving as the Associate Executive Director with the Redlands YMCA and is utilizing her area of expertise to develop strong kids, strong families and a strong community.

For all she has done on behalf of the Latino community, we salute Amory Ramirez.

IN HONOR OF ABDUL-NASSER ADJEI, M.D.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. Abdul-Nasser Adjei for his commitment to promoting health education and care in the Ghanaian migrant community in New York City.

Dr. Adjei is also the proud husband of Memuna and father of two loving children, Melda and Nasser Jr.

Abdul-Nasser Adjei was born and raised in Ghana, West Africa. While completing his preliminary education, in his native country, he earned an academic scholarship to study medicine in Turkey at the Hacettepe University Medical School. After graduating from medical school, Dr. Adjei migrated to the United States where he continued his education. Dr. Adjei did his residency training at the College of Physicians and Surgeons and Harlem Hospital Center. While there, he specialized in internal medicine with a sub-specialty in cardiology. He then moved to SUNY Downstate to continue his fellowship in cardiovascular medicine.

Dr. Adjei is currently part of a fellowship in cardiovascular medicine at SUNY Downstate Medical Center in Brooklyn, New York; he strives to keep his patients in good health while educating them about their health. In his endeavors to better his patients, Dr. Adjei is under the leadership of Dr. Luther Clark.

As the President of the New York area Gonja Association of North America (GANA), Abdul-Nasser Adjei has dedicated the last five years of his life to promoting good health and education for the Ghanaian community. The GANA is a nonprofit organization aimed at improving the lives of Ghanaians both in Ghana and abroad through sponsorship for education and health. The organization has established a scholarship fund for education of indigent children.

Mr. Speaker, Dr. Abdul-Nasser Adjei has devoted his life to educating his community. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly hardworking man.

AIDS EPIDEMIC

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, this year, we acknowledge the 20th anniversary of the recognition of the virus which has come to be called HIV/AIDS. Twenty years ago we called it GRID—Gay Related

Immune Disease. Based on that designation and the politicization of the disease, this country spent the first 10 years blaming the victims and denying the necessity for concerted action.

And while we debated, in the U.S. 400,000 people have died and more than a million have been infected. However, not only citizens in the U.S. have suffered. HIV has claimed the lives of more than 21 million people worldwide, with Sub-Sahara Africa representing the greatest number of victims.

But we have managed some progress in the last twenty years. We have medications that have demonstrated some success in stemming the suffering and prolonging lives. We have come to learn about the progression of the disease and the link between malnutrition, poverty and the progression of opportunistic infections. And we have managed to teach people in all walks of life about the methods of transmission and prevention. So twenty years after it first appeared in the U.S. much has happened, but much remains to be done. We must continue domestic and international prevention efforts. We must continue funding the search for a vaccine. We must continue research into promising treatments.

However, we cannot rest on our laurels. Much remains to be done. HIV/AIDS has become a global pandemic which threatens the lives of millions of people. The United Nations has estimated that by the year 2010, there will be 40 million children in Africa who will be orphaned by AIDS. Currently, there are 10 million AIDS orphans on the continent of Africa. What have we done and what have we failed to do for these children? Will we continue to deny the magnitude of the problem like we did 20 years ago or will we step forward and be the international leader that we have always claimed? If we learn nothing else from AIDS, let us learn this—because viruses are not respecters of persons, we must learn to compassionately care for everyone infected and affected. Our failure to do this 20 years ago brought us to where we are today. What will our continued failure to act bring about in another 20 years? Can these children count on us for help or will we blame them like we did so many others in years past?

57TH ANNIVERSARY OF THE ALLIED INVASION OF FRANCE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today on the fifty-seventh anniversary of the invasion of France by Allied Forces, commonly known as D-Day. It is fitting that today we honor the brave American soldiers, sailors, and airmen who took part in the greatest invasion of our history.

On D-Day, June 6, 1944, approximately 175,000 soldiers from the allied nations of the United States, Canada, and Great Britain stormed the coast of France in a campaign that proved ultimately to be the turning point of World War II.

On the eve of June 5, 1944, 175,000 troops, an armada of 5,333 ships and landing craft, 50,000 vehicles, and 11,000 planes, sat in southern England ready to attack Nazi forces stationed along France's Normandy Coast in preparation for the largest amphibious assault in history.

Included in this force were a number of New Mexicans representing the proud military tradition of the country's forty-seventh state that continues to this day. The tradition carried to the beaches of Normandy on June 6, 1944 began even before New Mexico's inclusion in the Union. Residents of the New Mexico Territory fought proudly in the Union Army of New Mexico and again as part of Teddy Roosevelt's Rough Riders who were victorious at San Juan Hill during the Spanish-American War.

As the dawn lit the Normandy coastline on June 6th, the Allies began their assault on Hitler's Atlantic Wall. Many New Mexican troops were killed and wounded during the invasion and in the campaigns to follow. Men such as Willie Cordova of Truchas, New Mexico, who invaded with the 90th Infantry division and was subsequently wounded while participating in five major campaigns that followed, exemplified the dignity and courage of the American Servicemen.

Since that day on June 6, 1944 new chapters have been added to New Mexico's wartime history for future generations to follow, but today belongs to those brave men and women of the Allied forces who participated in one of the greatest military campaigns in history.

It is right that we thank them for their bravery, service and commitment to liberty around the world. You, American Veterans of the Allied invasion of France and the liberation of Europe, will never be forgotten, as we owe to you the freedoms and liberties that we so enjoy.

IN SUPPORT OF TAX RELIEF

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. MCINTYRE. Mr. Speaker, on May 26, the U.S. House of Representatives voted on the Economic Growth and Tax Relief Reconciliation Conference Report, H.R. 1836. I am pleased that the House moved forward with this bill because I support tax relief for millions of hard-working families. I would have voted for this family friendly legislation; however, it was brought to the floor during a time that had officially been scheduled since the beginning of the year as a district work period. Moreover, this vote fell on the morning after my oldest son's graduation commencement at Lumberton Senior High School, a ceremony in which he was a speaker and was the first in his class to receive his diploma as Senior Class President. I am very grateful for his many achievements and I could not miss this once-in-a-lifetime event.

As reflected in my earlier votes this year for tax relief, I would have supported H.R. 1836 because our families, small businesses, and family farmers need tax relief. This legislation is a bipartisan bill that will provide a marginal income tax rate reduction, estate tax relief, marriage penalty relief, and double the child-care tax credit.

This bill provides for a gradual reduction in the tax rates that apply to individual income tax. American families have not received a broad-based federal tax cut since 1981, and many families need and want help now. Moreover, it will finally put an end to the incredibly unfair death tax, which for far too long has been effectively double-taxing the estates of hard-working Americans, destroying small, family-run businesses and draining our economy of its growth potential. It is clear that the estate tax in its current form is out-of-date and-out-of-step with this nation's proud tradition of supporting family-owned businesses and farms.

I am also pleased that the legislation includes an elimination of the marriage penalty. This bill would eliminate the average $1,400 tax penalty on 25 million married couples across the nation. Statistics show that approximately 51,000 couples in southeastern North Carolina would benefit from this legislation, which would wipe out the marriage tax penalty by doubling the standard deduction for married couples. This issue is a question of fairness. The current tax code punishes American couples by penalizing them with a higher tax bracket for entering into marriage. This policy is wrong and discourages individuals from entering into society's most basis institution. Congress should advocate policies that strengthen families and help businessmen and women succeed in the workplace, not tax them for supporting their families. In addition, I support an increase in the child tax credit to $1,000. This provision would double the child tax credit and help the families of almost 91,000 children in the Seventh District of North Carolina alone.

Returning tax dollars to families and individuals will continue to be a top priority for me in this Congress. These and other fair and responsible tax relief bills are needed to put more money where it belongs, into the pockets of hard-working Americans.

TRIBUTE TO ADELANTE EAGLE AWARD RECIPIENT JESUS JAVIER

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BACA. Mr. Speaker, I rise to salute Jesus Javier, a recipient of the 2001 Adelante Eagle Award.

Adelante and the California Migrant Leadership Council is dedicated to empowering the Latino community in California by developing opportunities in education, economic development and the political process.

The Adelante Eagle Award is presented annually to individuals who have made a commitment to California and have made positive contributions to the betterment of our community.

Past Eagle Award recipients include Congressman JOE BACA, Congresswoman GRACE NAPOLITANO, Educators Mario Muñiz, Carolyn and Jim Bartleson, Jim White, Business persons Mary Lou Gomez and Maria Dolores Andrade, just to name a few.

Jesus Javier currently serves as a news anchor for television station KRCA–TV Channel 62 in Los Angeles, California. Mr. Javier's media career originated as a general assignment reporter with KPIX–TV, the CBS affiliate in San Francisco and as news anchor with KDIT, the Univision affiliate also in the City of San Francisco.

Mr. Javier's experience continued in San Antonio, Texas as news anchor for Univision's KWEX–TV. In 1983, Jesus Javier joined Telemundo as news anchor for KVEA–TV Channel 52 in Los Angeles, California. In 1993 Mr. Javier rejoined Univision as news anchor for the largest Spanish-language television station KMEX–TV Channel 34.

Mr. Javier's journalistic work has been recognized by various organizations. He received a Golden Mike Award from the Radio & TV News Association of Southern California for his series "Infernio Bajo Cero" a special investigative report on the false promises of high wages and abundant jobs that lure Latinos to the State of Alaska. He was also awarded the Silver Medal at the New York International Film and Television Festival for Best Documentary with "De Leys y Papeles." His program "Destino 90" won an Emmy Award for Best Public Service.

Mr. Javier's dedication to the Latino community has been recognized by various organizations. He volunteers his time and has served as Master of Ceremonies or Keynote Speaker at various community functions. Most recently he was recognized for his work with the American Diabetes Association's "Diabetes, Como Afecta A Su Comunidad" an information conference targeting the Spanish speaking communities in the San Fernando Valley. Mr. Javier has also served as Master of Ceremonies for the City of San Fernando Cesar E. Chavez Commemorative Committee.

An outspoken advocate of education, Jesus Javier has volunteered countless hours visiting elementary and secondary schools, Community Colleges and Universities always encouraging the youth to take advantage of the educational opportunities made available to them.

Mr. Jesus Javier is a native of Techaluta, Jalisco, Mexico. He received his degree in Electrical Engineering from the University of California at Berkeley. Mr. Javier has three adult children and lives in Northridge, California.

For all he has done on behalf of the Latino community, we salute Jesus Javier.

IN HONOR OF WENDELL NILES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Wendell Niles, President and Chief Executive Officer of Niles Communications Group, Inc., in recognition of his contributions to the East New York community.

Wendell has and continues to be at the forefront of visual communications. In 1967, he joined the award winning Rodgers Studio where he worked on many noted accounts including Bulova Watch. Mr. Niles served in the United States Army as a graphic design specialist in Strategic Communications as well as a musician in the 36th Army Band. During his two-year service in the Army, he was promoted four times and received numerous awards and citations.

Wendell Niles' talent for visual communications has been cultivated since a young age. He graduated from The High School of Art and Design as well as a Bachelor of Fine Arts degree in media arts from the School of Visual Arts in New York.

Wendell's work and efforts have made an impressive impact in the African American community. He is highly recognized for his ability to develop and implement creative strategies that are effective in reaching the African American consumer marketplace. In fact, Niles Communications Group, Inc. is becoming one of the most successful and most sought after African American owned graphics and communications companies in the United States. Some of his clients include African Heritage Network, National Black Leadership Commissions on AIDS, and many more.

In addition to working 90 hours a week to build his company, he serves on the boards of both the National Alliance of Market Developers and the Adam Clayton Powell, Jr. Memorial Committee. He is also an active and participating member of the New York Software Industry Association. In addition, for more than 20 years, he has served as a mentor, instructor, and coach to members of his community. Wendell also sponsors disadvantaged students who want to enter the field of media arts and entrepreneurship.

Mr. Speaker, Wendell Niles has devoted his life to helping members of his community. For his service, he is worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

INTRODUCTION OF PUBLIC HEALTH AND FOREIGN MILITARY AND LAW ENFORCEMENT PERSONNEL AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today, I am introducing a bill to amend the Foreign Assistance Act of 1961 to clarify the process by which the United States Agency for International Development already provides HIV/AIDS education and prevention programs to foreign military and law enforcement personnel.

The United States is committed to the development of nations, and a major effort of the United States Agency for International Development (USAID) is to address the HIV/AIDS pandemic, particularly in sub-Saharan Africa. In the past decade, USAID has committed more than $800 million in funding to global HIV/AIDS education and prevention efforts.

However, HIV/AIDS education and prevention efforts are not as effective as they should be. While it is perfectly legal to do so, there has been some confusion in providing HIV/AIDS information to soldiers and other law enforcement forces due to restrictions imposed by Section 660 of the Foreign Assistance Act of 1961. Currently, only 8 of 19 USAID missions in sub-Saharan Africa provide such information to military or law enforcement personnel. Military and law enforcement forces are important in HIV prevention efforts due to their large itinerant populations, which have comparatively high HIV infection rates. These soldiers have multiple sex partners and frequent contact with prostitutes. Education efforts directed at such audiences can be particularly effective. If assistance to military and police forces is not provided, the general population is placed at risk.

To clarify the position taken by USAID's General Counsel that Section 660 does not prohibit participation of foreign police or military forces in their HIV/AIDS prevention programs, I have introduced legislation that amends Section 104(c) of the Foreign Assistance Act of 1961 by adding the following language:

> In providing assistance under paragraphs (4) through (7), the Administrator of the United States Agency for International Development is authorized, notwithstanding section 660 of this Act, to provide education and related services to law enforcement and military personnel of foreign countries to prevent and control HIV/AIDS and tuberculosis. The education and related services may be provided only if the Administrator determines that—(i) the education and services for police and military forces are part of a larger public health initiative; (ii) failure to provide the education and related services to law enforcement and military personnel of the foreign country would impair the achievement of the overall objectives of the health initiative; (iii) the education and related services are the same or are similar to the education and related services to be provided under the health initiative to other population groups in the foreign country; and (iv) none of the education and related services, including any commodity, can be readily adapted for law enforcement, military, or internal security functions.

The AIDS pandemic is proving to be one of the most important issues of our time. Since the advent of the AIDS epidemic, more than 22 million people worldwide have died from the disease. Currently, more than 36 million people are living with HIV/AIDS, the majority in sub-Saharan Africa. As the most technologically advanced nation and the leader of the free world, the United States has both a moral obligation and compelling national security interests to address the global HIV/AIDS crisis. My legislation streamlines the process by which USAID already provides HIV/AIDS prevention and education programs to foreign military and law enforcement personnel and clarifies the importance of including these high-risk groups in prevention efforts.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the memory of a great friend and colleague, the late Congressman JOHN JOSEPH MOAKLEY. The passing of JOE MOAKLEY is a loss for the entire country. Indeed, those of us who had a chance to learn from and serve with this great man will truly miss him.

Throughout his career in public life, JOE MOAKLEY was a spokesman and warrior for the people of South Boston. He made it no secret that he would do whatever he needed to bring federal funds and programs to the State of Massachusetts and the rest of the U.S. With JOE's help, Boston was able to cleanup the Boston Harbor, establish an African-American historic site within the borders of the city, create a subsidized home heating credit for those who could not afford to heat their homes in the winter, as well as move forward with a variety of major infrastructure projects. Many of us, at one time or another, looked to JOE for advice on how to get funding for programs in our own districts.

While serving as a Member of Congress, JOE MOAKLEY rarely stood at the back of the line and followed the group. On the contrary, he walked to the front of the line and lead. JOE was a leader in Latin American issues. With this profile, he often took stances on issues that were not always looked favorably upon by many of his colleagues, including taking meetings with Cuba's Fidel Castro. As Chairman of the House Committee on Rules for more than four and a half years, JOE helped structure the operations of the House and lead the Democratic Party in improving the overall quality of life in the U.S.

The one thing that I will miss most about JOE MOAKLEY, however, is the enjoyment I have gotten from watching the late Congressman fight for the issues he held closest to his heart. Last week, the Boston Daily Globe referred to JOE as the "People's Legislator." That he truly was. JOE always looked forward to going home and being with the people he represented—the people he loved. As Boston Mayor Thomas M. Menino said, "The people of Boston have lost a true friend and a legend . . . one of the giants." During my tenure as a Member of Congress, I have attempted to emulate JOE's dedication to the people he represented. I can only hope that when I pass, I too will be referred to as a people's legislator. Thank you JOE for everything you have done for this the people of America as well as this institution. Your leadership and smile will be truly missed.

ACKNOWLEDGING THE TEACHING EXPERTISE OF JOHN CAVANAUGH

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to honor an individual who has played an essential role in our society. That individual is John Cavanaugh. Mr. Cavanaugh was born in Bethesda, Maryland, and graduated from Georgetown University. He entered the teaching professional in 1973 as a German instructor at Georgetown Preparatory School. In 1976, he began teaching at the Congressional School of Virginia. During his tenure, Mr. Cavanaugh has taught United States History, American Government, World History, Geography, Latin, Italian, and Spanish. He has served as Yearbook Advisor for over two decades and is currently Chair of the Social Studies Department at the Congressional Schools of Virginia.

The range of courses Mr. Cavanaugh has taught reflects the expansiveness of his mind and his concern for the interactions of the multifarious peoples within our society. Mr. Cavanaugh also brings keen intellect to his work and inspires his students to be like him—that is, to use their intellects. He is a model teacher because he creates an appetite for knowledge and then teaches his students how to satisfy this appetite.

When this school year draws to a close, John Cavanaugh will have completed 25 years as a teacher at the Congressional Schools of Virginia.

As we contemplate the problems of our education system and debate the solutions to those problems, it is important to focus on the many great educators within the system who have committed their lives and careers to inspiring youngsters to learn. John Cavanaugh stands for them all.

Mr. Speaker, in closing, I want to congratulate John on his many achievements and wish him the best of luck in his future endeavors. I hope my colleagues will join me in saluting a man who gives much hope to our future.

A TRIBUTE TO LION LEROY FOSTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Lion Leroy Foster for his tireless work on behalf of his community.

Leroy Foster is a charter member of the Laurelton Lions Club. Since the club's inception in 1980, he has maintained a 100 percent attendance at all meetings and events. His dedication has shown throughout his 21 terms as a Member of the Board. During those 21 terms, he has served as President, first Vice President, Treasurer, Secretary, as well as the Chair of numerous Committees.

Leroy earned is BBA in Accounting from Pace University. He is currently a Second Vice President of the TIAA–CREF directing the Tax Reporting Division. He is the father of two children. Tanya and his deceased son, Leroy Jr.

Leroy works extensively for his community at the district level. He is currently serving as a Board Member of the Habitat for Humanity Brooklyn Chapter. He has also served as Vice District Governor, Zone Chair, Region Chair and many other distinguished positions. While serving as District Governor, Mr. Foster organized the members of his district to build houses in Brooklyn and Queens.

Having a long and distinguished career as a delegate, he has attended international, national, regional, state and district conventions and Leadership Forums.

In addition, Leroy has received numerous awards for his community service. He is a Melvin Jones Fellow and is a recipient of The Boy Scouts of America Citizenship Award to name a few.

Mr. Speaker, Lion Leroy Foster has devoted his life to serving his community. However, what sets him aside from his peers is that he has never faulted in his commitment. Lion Leroy Foster is and has been a man to respect and emulate. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man..

COMMENDING YOUNG SOUTHWEST FLORIDIANS FOR THEIR SERVICE AND HEALTH CARE TO ELDERLY COSTA RICANS

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. GOSS. Mr. Speaker, while for most of us it is sometimes difficult to find time to participate in service activities locally, it is nearly impossible to reach out to those who need assistance internationally. As the plight of many citizens of poorer countries often goes unrecognized, it is notable when a group reaches across our nation's borders to offer aid. It is even more impressive when those taking the initiative to do so are young people.

Recently, twelve of my constituents, members of the Barron Collier High School Key Club, traveled to San Jose, Costa Rica to charter the first Key Club in that country. This was a large undertaking, supported by almost 50 businesses, Kiwanis Clubs and individuals. These young Southwest Floridians trained their counterparts at the Marian Baker High School and then set out together to provide service and health care necessities to elderly Costa Ricans. The students also demonstrated their eagerness to serve the community as they worked to improve conditions at a local park and clean the littered beaches.

These students have proven that respected values exist worldwide. As these culturally dissimilar teens worked side by side, they exhibited that compassion is an attribute native to all. It is outstanding international efforts such as these that restore faith in America's youth. I congratulate the Barron Collier students and encourage them to continue upholding the mission of Kiwanis International to improve the quality of life for children and families everywhere.

TRIBUTE TO THE PRESIDENT OF HOFSTRA UNIVERSITY, DR. JAMES SHUART

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Hofstra University President Dr. James Shuart's unique and lifelong commitment to Nassau County.

Our community is indebted to Dr. Shuart. His lifelong relationship with Hofstra University alone is notable. Not only did he attend the University for undergraduate and graduate studies, but he joined the University staff and rose steadily through the ranks. For 42 years, Dr. Shuart has served Hofstra University as an integral staff member, from his initial position as an admissions officer until his appointment to University President 25 years ago.

Dr. Shuart's term as Hofstra President benefitted both the University and the outlying community. While Dr. Shuart brought technological innovations to the campus for both students and staff, he brought national recognition to the University for its art museum and arboretum. Today, Nassau residents can take advantage of the campus' art galleries and exhibitions, outdoor sculptures and more than 7,000 trees. They can attend lectures, conferences and symposia on a variety of topics and enjoy dozens of concerts and plays performed in campus theaters.

Yet Dr. Shuart's tenure at Hofstra is just part of what makes him invaluable to our community. His work to improve our children's education on the local and state levels has set him apart from other educators. He has been involved in Nassau government consistently since 1971. Throughout the years, Dr. Shuart has consistently volunteered for a variety of community service organizations. His interest in the public good has made Dr. Shuart a role model for our children, their parents, indeed all of us.

I consider myself to be a better person because of my friendship with Dr. Shuart. He has shown me what comes with commitment and years of hard work. Dr. James Shuart exemplifies how one person can make a difference, one person can change a community.

We are lucky to have Dr. James Shuart in Nassau County.

A TRIBUTE TO DAVID H. TANTLEFF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to David H. Tantleff, who will be honored on Wednesday, June 6, by the Westchester Jewish Conference. Mr. Tantleff has demonstrated a tremendous commitment to his local community, and especially to his synagogue, Congregation Anshe Sholom in New Rochelle, NY.

Since receiving his B.A. from Brooklyn College in history and political science, and M.A. degrees in Secondary Education and Political Science from Long Island University and the New School for Social Research, Mr. Tantleff has taught in New York City's public school system.

On top of his over 30-year commitment to his teaching career, Mr. Tantleff has performed extraordinary service for the Jewish Community, sitting on the boards of directors of two synagogues, organizing services and holiday celebrations, sounding the shofar on the high holidays, serving as cantor every week, and planning educational and religious workshops. Just recently, Mr. Tantleff arranged for Rabbi Ely J. Rosenzveig of Congregation Anshe Sholom to deliver the opening prayer here on the floor of the House of Representatives, accompanied by an enthusiastic group from his congregation.

Mr. Tantleff's commitment to his community is rivaled only by his love and dedication to his two children, Adam and Debra. We all look forward to their futures, as they will surely follow in their father's footsteps and prove to be outstanding citizens. It is my privilege to congratulate David Tantleff on this special occasion.

A TRIBUTE TO REV. DR. HAROLD G.S., KING SENIOR MINISTER OF WAYZATA COMMUNITY CHURCH FOR 20 YEARS—A GREAT MINNESOTAN AND DISTINGUISHED MINISTER

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to a great Minnesotan who has devoted his life to ministering to others and has made a huge difference in the lives of the people of our Wayzata, Minnesota community.

The Rev. Dr. Harold G. S. King, Senior Minister Emeritus of Wayzata Community Church, is one of our nation's best and brightest theologians and religious leaders. Dr. King is truly deserving of special recognition. On Sunday, the members of Wayzata Community Church and Dr. King's many friends and supporters will celebrate the life accomplishments of this great servant leader with a special ceremony reflecting his distinguished career.

Mr. Speaker, when Dr. King retired, he described his role in the life of the church as that of a "general practitioner." Of course, Dr. King was much more than that, but his great humility and commitment to service are captured perfectly in that simple title. Dr. King's greatness was reflected in all three major areas of a minister's work: pastoral, teaching and leadership.

A graduate of Harvard Divinity School, Dr. King served as Senior Minister of Wayzata Community Church from 1957 to 1977. He served only two churches during his four decades in the ministry which, in itself, is a true distinction among clergy.

A real visionary, Dr. King's long-range planning for Wayzata Community Church made it fertile ground for the tremendous explosion in membership, teaching and outreach programs that marked his two decades with the church. Mission Festival, Koinonia groups and the Advent Workshop were all initiated by Dr. King.

Under Dr. King's leadership, membership and church staff doubled. Educational offerings for all ages boomed. Ecumenicism blossomed with other area churches, and pioneering efforts were launched to help people in need.

The church spire that is a landmark in the Wayzata community was just the tip of Dr. King's inspiring building efforts, which included expanded church school space, the Wakefield Chapel, the Witcher Colonnade, and the Shirley King Parlor which is appropriately named after his late wife.

Dr. King's building efforts with bricks and mortar were only exceeded by his building efforts with the human spirit. Dr. King has comforted all of us fortunate enough to have been members of his flock. His compassion and wise counsel have steered many of us safely along the rocky shores of tragedy and loss. It's difficult to find the words to adequately describe my appreciation for all Dr. King has done for all the members of our congregation and community.

Dr. King was known to us in the congregation as the "Great Encourager." He is deeply sensitive to other people and their hearts and minds, and he has a special ability to relate to others on an intimate basis. We also know Dr. King as the "Hugging Minister." He distributes his hugs without hesitation and they do a world of good!

In addition, we celebrate and appreciate the ministry of Dr. King because he made his sermons relevant and memorable. He talked about what was going on in real people's lives. Judiciously employing humor and scripture, Dr. King's messages eloquently and profoundly delivered the word of God.

Mr. Speaker, Dr. King continues to be a guiding light in so many ways, just as his family has been a beacon in our church for three generations. Dr. King's father was a minister and college president, and his son is also a minister in the United Church of Christ. In addition, Dr. King's wonderful wife and partner, Estelle, has been an active member and lay leader in our church for many years.

Jake Beard, a good friend and a noted historian in our community, once asked Dr. King what he would say if he had to write a note for future generations. Dr. King responded: "God works for good with those who love him."

Mr. Speaker, our church family and our community love Dr. Harold King and we thank him from the bottom of our hearts for working with all of us for good through God.

Thank you, Dr. King, and may God bless you and Estelle and your family, just as your life continues to be a blessing for all of us.

CALIFORNIA'S RUINOUS DEREGULATION CAPER

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. DICKS. Mr. Speaker, as the West Coast continues to struggle with its energy crisis, threatening the economy of the Pacific Northwest this year as well as the rest of the nation, I believe it is instructional for Members of Congress to review the problems encountered during the California deregulation effort in order to put the crisis situation into the proper perspective. A recent article in the northwest energy journal, Clearing Up, presented the issues in a clear and thoughtful manner, and I would like to take the time to share this viewpoint with my colleagues today. The article was co-authored by Stewart L. Udall, who served as Secretary of the Interior as well as Administrator of the Bonneville Power Administration, and Mr. Charles F. Luce, who was undersecretary of the Interior Department and later Chairman of New York City's ConEdison Electric Utility. It presents a sobering review of the mistakes that were made as California implemented its version of electric power deregulation, and I am pleased to submit this article for Members to read.

CALIFORNIA'S RUINOUS DEREGULATION CAPER

(By Stewart L. Udall and Charles F. Luce)

California's ill-conceived experiment in deregulating the generation of electricity has been an economic disaster for the Golden State. This fiasco has burdened its two biggest utilities with a $12 billion debt and left them teetering on the precipice of bankruptcy. It has inflicted heavy losses on businesses and agriculture that are dynamos of the state's economy, and confronts homeowners with the prospect that, for years to come, they will have to pay higher prices for their electricity.

The near-term outlook is bleak. Not only do summer blackouts in California appear inevitable, but that state's crisis is spilling over into four Pacific Northwest states (Oregon, Washington, Idaho and Montana) that are linked to California by a giant transmission system. Energy shortages in the Pacific Northwest will be worsened because last fall, despite drought conditions in the Rocky Mountain headwaters of the Columbia River, the Secretary of Energy sacrificed Columbia River hydropower reserves when he forced Bonneville Power to draw down its reservoirs to help California avoid further blackouts.

Having led a West Coast-wide effort in the 1960s to build the Pacific Coast Intertie (PCI) that ties together electrically California and the Pacific Northwest states—and gave them the most versatile and efficient electric power system in the whole country—we are shocked and saddened to find these states in the grip of a full-blown energy crisis.

The PCI, built in the 1960s and since enlarged, links the hydroelectric generators of the Columbia, the greatest power river in North America, with the steam-power generators that provide the bulk of California's electricity. PCI consists of three EHV 500,000 kv alternating current lines and one EHV 1,100,000 kv direct current line. The pioneering direct current line, stretching from The Dalles, Oregon, to Los Angeles, is one of the largest and highest capacity d.c. lines in the world. Altogether, the PCI has the capacity to move up to 7,500,000 kw of power between the Pacific Northwest and the length of California.

Over the past 30 years, the PCI has been a bulwark that helped keep electric prices low and increased reliability of electric service in both regions. The economic and environmental benefits flowing from the PCI have been enormous.

Initially, the PCI made possible Canada's ratification of the U.S.—Canadian Columbia River Treaty after negotiations had been stalled for more than ten years. It did so by opening California's markets for British Columbia's 50% (1400 mw) share of Columbia River Treaty power generated at downstream U.S. dams. California obtained a block of low-cost non-polluting Canadian power, and the Pacific Northwest received valuable flood control protection from Canadian storage dams as well as its 1400 mw share of Treaty power.

The PCI has continued to benefit both California and the Northwest in many ways: exchanges of Northwest day-time excess hydro capacity for California's night-time excess energy; sale of surplus Northwest energy to California when Columbia River flows peak in spring and summer; sales of California wintertime surplus energy to firm up Northwest hydro; and emergency back-up service for both regions when disaster strikes. In the first ten years of its operation, the PCI, in addition to other benefits, saved almost $1 billion in fuel oil that California's utilities did not have because they could substitute surplus Northwest hydropower that otherwise would have washed to the sea. Considering the benefits from fuel displacement, and other benefits that can reasonably be anticipated over the 50 year life of the lines it will on average repay its initial entire capital cost of $600 million for each of the fifty years.

Until California's deregulation power and energy moved over the PCI at prices regulated directly and indirectly by federal and state governments. Now, with deregulation, many intertie sales have no cap. California, desperate to keep its lights on, is bidding up the price of electricity in all the western states and Canada. Instead of being a boon to consumers of both regions, the PCI, because of deregulation, has become a key factor in pushing the price of Northwest wholesale electricity to the highest levels in more than 70 years. California's deregulated wholesale electric energy prices are siphoning power needed by the Northwest, causing double-digit rate increases to Northwest consumers, closures of electro-process plants, reduction of irrigated farming, and excess draw-down of Columbia reservoirs that portends summer power shortages and threatens Columbia River salmon runs.

We believe the chaos caused by California's deregulation experiment raises profound questions about the future of the electric power industry. It should force policymakers to study the track record of our nation's traditional electric power system. How did this seminal industry serve the needs of our nation during the last century? Has it, overall, provided reliable, low-cost electricity for its customers? Or is it stodgy and outdated, a relic that is impeding the advent of an era of low-cost electricity that will confer widespread economic benefits for one and all?

The panacea posed by the deregulators was a brainchild of "experts" and consumer activists who, we believe, did not sufficiently consider the eminently successful history of this all-important business. It is our view that the deregulators made a grievous mistake when they based their hasty "reforms" on an assumption that the time-tested, existing system could be dismantled overnight and replaced with a free market substitute that in theory would benefit all Americans.

Any analysis of this issue must begin with a recognition that the electric power industry is the most important industry in the country. Unlike any other enterprise, it affects the everyday lives and lifestyles of almost every citizen, and provides the primary, irreplaceable source of energy for America's businesses.

Once it was apparent to the public that Thomas Edison's inventions offered precious, wide-ranging benefits to householders and businesses alike, a consensus developed that insofar as possible, the price of electricity should be reasonable and it should be universally available. (This promise was not fulfilled until the New Deal era when, through the Rural Electric Administration, the national government made it a priority to bring power to the country's farms, ranches and small towns.)

The initial consensus soon enlarged into a pragmatic concept that the surest way to keep costs reasonable and fulfill aims of social equity was (a) to give local electric companies an exclusive franchise, and (b) to pass laws establishing state and federal regulatory agencies with authority to control prices, scrutinize profits, and oversee the decisions made by these companies to carry out their responsibilities to their customers.

As part of this service system that emerged, heavy burdens were imposed on the power companies. In return for their exclusive franchises, they assumed the legal obligation of "public utility responsibility." They were required to operate efficiently and to respond with dispatch to the needs and demands of the individual customers and communities they served. They were likewise required to anticipate the growth needs of their service area and to make whatever investments were necessary to be prepared to take care of seasonal and daily "peak loads."

Such a rigorous regulatory regimen determined that the electric power industry would concentrate on reliability and be cautious and, above all, oriented to public service. Close supervision meant that this enterprise was governed by standards and expectations that did not apply to other businesses. For example, although its executives bore heavy community responsibilities, rewards were conservative: there were no handsome bonuses and few stock options because the system did not allow windfall profits or create banner years when profits doubled or tripled. Indeed, the economic culture of power utilities was reflected in the circumstance that the prices of their stocks were steady and their stocks were usually purchased by thrifty folk attracted by a tradition of reliable, annual dividend payments.

Because they had public franchises, electric companies were confronted with performance standards few other industries had to deal with. Electricity was so vital that utilities were expected to be pillars who, in important ways, carried their communities on their shoulders. With reliability as the touchstone of their daily existence, companies can never relax: the only failures the public might condone involve outages or disruptions caused by supposed acts of God—and even then, criticism mounts if the response of emergency repair crews is not prompt and efficient.

Implicit in deregulation, the local utility no longer would have "public utility responsibility." In fact, no one would have utility responsibility. In its place, the "invisible hand of the market place" presumably would assure a plentiful supply of electricity at fair and reasonable prices. The profit motive, it was assumed, would induce independent generators to foresee the future demand for electricity and build the power plants needed to supply that demand at reduced electric rates—very risky assumptions.

In the context of the California fiasco, Dr. Alfred Kahn, an authority on U.S. business deregulation, recently put the sui generis aspect of electric service in perspective when he referred to the "uniqueness of power markets." The trouble with the theory that free-market competition might, in the long run, deliver cheaper power to customers is, as we have just seen in California, that such markets are inherently volatile and people and businesses require uninterrupted access to electricity.

Even if benefits expected from deregulation are eventually achieved, they may be unevenly distributed and may carry heavy baggage. Independent generators almost certainly will negotiate more favorable contracts with large customers who will have superior bargaining power. The small customer, the ordinary householder, will pay for the discounts granted the large customers.

Independent generating companies will lack incentive to provide energy conservation (let alone finance conservation as some utilities now do); their profits increase as sales increase. Nor can they be expected to invest in community-building organizations and projects now supported by local utilities. Relatively few independent generators may serve a particular market; the fear of politically imposed "price caps" (i.e. re-regulation) may scare others away. If that be the case, price competition may be less than vigorous, and the few independent generators that serve the market may be tempted to increase prices by delaying construction of new plants and by scheduling maintenance outages to stimulate price increases. Further, they will be tempted to build new units that are the least expensive and quickest to build—ignoring the public interest in assuring diversity of technology and fuels. Already in California where virtually all new power plant construction will be gas-fired turbines, there is serious concern that supplies of natural gas will not be sufficient either for these plants or for the rest of California's economy.

It is significant that Los Angeles, whose municipally-owned electric utility was exempted from deregulation, has not been damaged by the deregulation rampage in California. It is of far greater significance that today, U.S. regulated power companies provide overall service whose prices and reliability provide an example envied by the rest of the world.

Decision-makers also should bear in mind the possibility that technology may make unnecessary the drastic deregulation of the type California has found so disastrous. Fuel cells that convert hydrogen to electricity without any pollution, and that can be built in small modules, appear to be close to commercial viability. Small gas turbines are also said to be coming on the market. Solar and wind technology may become attractive for small as well as large applications. These and possibly other new technologies hold promise of giving consumers, large and small, choices of installing their own on-site generation. Without unnecessarily disrupting the traditional organization of the utility industry, self-generation and the competitive threat of self-generation, could give electric utilities competition that would achieve the benefits claimed for deregulation.

Experience cries out that it would be wise for the nation to pause and ponder all alternatives before further deregulation experiments are undertaken.

INTRODUCTION OF AN ACT TO END GRIDLOCK AT OUR NATION'S CRITICAL AIRPORTS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. LIPINSKI. Mr. Speaker, recently, there has been much said and written about the possibility of new runways at Chicago's O'Hare International Airport. Some might think new runways are a new idea. They are not.

In fact, in 1991, the Chicago Delay Task Force, which was composed of representatives from Chicago's Department of Aviation, the Federal Aviation Administration (FAA), air traffic control, and airport users, recommended that new runways be added to O'Hare in order to reduce delays and improve efficiency. The final report of the Chicago Delay Task Force reads that new O'Hare runways "represent the greatest opportunity to reduce delays in Chicago, particularly during bad weather conditions." Unfortunately, this recommendation was ignored because the governor at the time was opposed to new runways at O'Hare. (Fortunately, most of the other physical and technical improvements that the Task Force recommended were implemented and, as a result, delays at O'Hare decreased by 40 percent between 1988 and 1998.)

Fast-forward a decade to 2001. Delays are once again on the rise at O'Hare. In fact, according to the FAA, O'Hare was ranked the third most delayed airport in the country in 2000 with slightly more than 6 percent of all flights delayed more than 15 minutes. Once again, a Chicago Delay Task Force has been convened and representatives from the Department of Aviation, The FAA, and the airport users will study O'Hare Airport to determine what can be done to most effectively reduce delays.

No one will be surprised when the Task Force determines—once again—that adding runways are the most effective way to reduce delays. This is a well-known fact. Mitre, NASA, and other technical organizations have reviewed all of the capacity enhancing technologies and procedures that are in development and have concluded that the cumulative effect of implementing all of these technologies would increase capacity only by roughly 5 to 15 percent. In contrast, building new runways at capacity constrained airports increases capacity by 40 to 50 percent. Additional runways—at O'Hare and throughout the nation—are the answer to the congestion problem plaguing our national aviation system.

Additional runways are especially critical at O'Hare Airport. Chicago is, and always has been, the nation's transportation hub. O'Hare is a domestic and international hub that serves not only Chicago passengers but also passengers that pass through Chicago on their way to destinations across the United States and across the globe. O'Hare is the lynchpin of our national aviation system. Therefore, the congestion and delays that plague O'Hare also plague the rest of our national aviation system. Delays at O'Hare ripple throughout the system, earning O'Hare the undesirable designation as a "chokepoint" in our national aviation system. If O'Hare remains a chokepoint, it threatens the reliability and efficiency of the entire United States aviation system.

The fate of new runways at O'Hare rests with George Ryan, the Governor of Illinois. A small provision tucked away in Illinois law effectively gives the Governor the ability to approve or deny development at O'Hare Airport. Unfortunately, despite Governor Ryan's exemplary record in terms of transportation investment, the Governor is politically hamstrung in what he can do regarding additional runways at O'Hare.

As the U.S. Representative for residents living near Midway Airport, I know that quality-of-life issues in communities surrounding airports are very important. The City of Chicago Department of Aviation has been quick to address these important quality-of-life issues. In fact, the City of Chicago has spent over $30 million dollars at O'Hare alone on noise mitigation efforts, such as installing a $4 million state-of-the-art noise monitoring system, constructing a $3.2 million hush-house on the airfield, and soundproofing 75 schools and 3,934 homes for a total cost of $309 million. The City of Chicago has been mentioned as a model for the nation for its noise mitigation efforts.

Yet, despite these mitigation efforts, some of the airport's neighbors still seek to constrain the growth of O'Hare. Unfortunately, this group has the attention of their local political leaders in the state legislature as well as the Governor. Governor Ryan has offered to review plans for new runways but local politics, I believe, prevent the Governor from ever seriously considering new runways at O'Hare.

For months, I have been working quietly behind the scenes with all of the major parties involved in moving new runways at O'Hare forward. It is clear that local politics will prevent new runways from being added at O'Hare. Of course, local concerns must be addressed. But, a powerful few cannot continue to derail future development of O'Hare International Airport, the heart and soul of our national aviation system. Therefore, a national solution is needed.

For this reason, I am introducing legislation today that, by preempting certain state laws, will elevate the decision to build new runways at O'Hare to the federal level. O'Hare needs new runways to remain a viable and competitive airport. Nothing is going to change at O'Hare unless the federal government gets involved. The federal government recognizes the importance and necessity of new runways at O'Hare and is ready to act to make them a reality. An Act to End Gridlock at Our Nation's Critical Airports allows the federal government to do just that. I urge my colleagues to support this vital legislation.

TRIBUTE TO DAVID K. WINTER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BLUNT. Mr. Speaker, I want to congratulate one of my former colleagues, Dr. David K. Winter, on his retirement after twenty-five years as President of Westmont College, a Christian liberal arts college located in Santa Barbara, California. He has overseen the growth of the Westmont student body to its present level of 1,200 students, and has put the college on a much firmer financial footing than when he arrived on campus. Prior to coming to Westmont, he serves as Academic Vice President and then Executive Vice President at Whitworth College (WA). He also served on the faculty at Wheaton College (IL) and Calvin College (MI). He received his Ph.D in Anthropology and Sociology from Michigan State University.

Among many other accomplishments, Dr. Winter served for nine years with the Western Association of School and Colleges, and in June 2000, he completes a term as Director of the Council of Higher Education Accreditation, based on Washington, D.C. He has been named as one of the most effective college leaders in the United States, and in 1991, he was a recipient of the President Leadership Awards and Grants given nationally by the Knight Foundation. President Winter has also been a leader in the Council of Christian Colleges and Universities, a Washington-based group of over 100 U.S. schools with more than 50 affiliates in 17 countries.

He is and I am sure will remain active in many local organizations in Santa Barbara. In 1998, the Santa Barbara News Press honored him with its Lifetime Achievement Award, and in 1999, the John Templeton Foundation selected him as one of 50 college presidents who have exercised leadership in character development.

But most important of all, David Winter's real impact cannot be measured by awards and titles. His real impact has been on the thousands of students who have attended Westmont in the last twenty-five years. He has spearheaded the effort on the part of the entire Westmont Community to provide a thorough liberal arts education with a Christian foundation. His leadership and firm faith have led Westmont into the 21st Century as the Westmont community continues to turn out young people who are committed to being good citizens of the United States and the world. I want to wish David and his wife and partner in leading Westmont, Helene, the best as they enter this new phase of their life together.

TRIBUTE TO SAN FRANCISCO POLICE CHIEF, THOMAS CAHILL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to the life and work of San Francisco Police Chief Thomas Cahill as he celebrates his 90th birthday today, June 8, 2001. The residents of San Francisco owe him great thanks for his visionary leadership and tireless service.

Mr. Cahill has spent a lifetime defending the streets and people of San Francisco, but his journey did not begin there. On February 2, 1930, at the age of 16, Mr. Cahill said goodbye to his native Ireland. Mr. Cahill did not immediately begin his life in San Francisco fighting crime. He credits his first job as an ice deliveryman with giving him a map of San Francisco in his head, which later proved to be useful during his beat walks.

Mr. Cahill was appointed to the San Francisco Police Department on July 13, 1942. He rose rapidly through the police ranks, from walking a beat to the Accident Investigation Bureau to the Detective Bureau and the Homicide Detail, where he rose to the rank of Inspector. In February of 1956, Mr. Cahill was appointed Deputy Chief of Police. He was appointed Chief of Police in September of 1958. Chief Cahill's swift rise was unprecedented, as were his accomplishments as Chief of Police. He introduced the Police Cadet Program, the Tactical Crime Prevention Squad and the Canine Unit among others.

President Lyndon Johnson appointed Chief Cahill to serve as a member of the President's Commission on Law Enforcement and the Administration of Justice in 1965. Chief Cahill was the only Chief of Police to receive such distinction. Chief Cahill also served as the President of the International Association of Chiefs of Police from October 1968 to October 1969, representing 65 nations in the free world.

In 1970, Chief Cahill retired from the police department after 28 years of dedicated service so that he could spend more time with his family, but his dedication to our city never wavered.

It is my honor to recognize the achievements of my constituent and treasured San Francisco figure, Chief Thomas Cahill. In 1994, San Francisco honored the Police Chief by renaming the Hall of Justice in San Francisco as the Thomas J. Cahill Hall of Justice. San Francisco is unquestionably a better city because of his dedicated service. Chief Cahill's commitment to the San Francisco community and his family earn him the respect and admiration of all who know him. I join his family and friends in wishing him a Happy 90th Birthday!

A SPECIAL TRIBUTE TO THE 2001 DIVISION IV STATE SOFTBALL CHAMPIONS: THE GIBSONBURG GOLDEN BEARS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize the State of Ohio 2001 Division IV State Softball Championship team from Gibsonburg High School. On Saturday, June 2, 2001, the Gibsonburg Golden Bears decisively clinched the state title by defeating the Loudonville Redbirds four to zero.

Under Head Coach Erika Foster and Assistant Coach Tom Hiser, the Lady Golden Bears have secured the first state championship of any kind in Gibsonburg High School history and the first softball championship for the area.

The members of the team and their positions are: Heather Hill—Short Stop; Morgan Osborne—Left Field; Angela Ruiz—Third Base; Jamie Wonderly—Pitcher; Sarah Taulker—Center Field; Mandy Sleek—Utility Player; Sarah Walby—Second Base; Sheena Smith—Utility Player; Lexe Warren—First Base; Krissy Lotycz—Catcher; Kelly Krotzer—Utility Player; and Beth Gruner—Right Field.

I ask my colleagues and the entire Ohio delegation to join me in congratulating the Gibsonburg Golden Bears softball team and their coaches.

HONORING RENI IOCOANGELI ON HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. DINGELL. Mr. Speaker, I rise today to honor one of Michigan's finest and hardest working citizens, Mr. Reni Iocoangeli, on the occasion of his retirement.

Mr. Iocoangeli learned the value of dedication, responsibility and hard work early in life. Having lost his father when he was just a young man, Mr. Iocoangeli took on several jobs to support his family. In April 1951, Mr. Iocoangeli was hired at Ford Motor Company in Monroe, Michigan, where he still works today. On July 1, 2001, after more than a half century of dedication and service, Mr. Iocoangeli will retire from Ford.

While fifty years at Ford, or with any company, is an accomplishment, Mr. Iocoangeli's true dedication and devotion is to his family. Married in 1963 to Simica Bosonac, after a 7-year engagement, Mr. Iocoangeli has always put family first. Mr. Iocoangeli has passed his values of hard-work, commitment to family on to his sons, Ted and Michael, as well as his grandchildren, Melinda and Alexander.

Mr. Speaker, as Mr. Iocoangeli leaves Ford after fifty years of service, I would ask that all my colleagues salute him for his dedication, hard work and commitment to family.

TRIBUTE TO THE LIMA NAACP

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. OXLEY. Mr. Speaker, it is my honor today to offer my best wishes to the Lima (Ohio) NAACP at its annual radiothon this Saturday, June 9.

This event, to be held at Lima's Bradfield Center, is designed to increase local awareness of the chapter, attracting new members from the community and renewing the dedication and commitment of current members. The radiothon broadcast will be live on Lima's WIMA–AM from 1:00 to 4:00 PM.

The Lima chapter president, Mrs. Daisy Gipson, and my good friend Malcolm McCoy deserve particular recognition for this hard work with the organization. I applaud them and their colleagues in the local chapter for their positive influence on young people in and around Lima, and wish them every success with Saturday's radiothon.

INTRODUCTION OF THE SAFE DRINKING WATER AND ARSENIC REMOVAL ACT OF 2001

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. ROGERS of Michigan. Mr. Speaker, high arsenic levels are prevalent in the state of Michigan and in many areas throughout the nation. Science has confirmed that arsenic can be dangerous to humans. What sound science though has not yet determined is exactly what level of arsenic is harmful and what level is safe for human consumption. Once that determination is made, however, we ought to allow existing federal dollars to assist local communities in immediately bringing the presence of arsenic to scientifically-proven safe levels.

The Safe Drinking Water and Arsenic Removal Act would allow local municipalities to access funding to clean up water systems with high arsenic levels which exceed the new Environmental Protection Agency (EPA) arsenic standard due out in February of 2002. When the EPA issues the new arsenic standard they will set a five year time frame for municipalities to comply. Because they are not in violation of any standard, communities would not be eligible for federal funding to clean up water systems that have been deemed dangerous by the scientists at the EPA for five years. This bill would allow municipalities to qualify for that funding immediately.

For example, if the EPA adopts the new standard recommended by the Michigan Department of Environmental Quality (MDEQ) of 20 parts per billion arsenic maximum, 169,000 people in Michigan would be drinking water deemed by EPA scientists as dangerous to human health for as many as five years. Let's help ensure families living in areas with high arsenic levels do not have to worry about the safety of their drinking water.

Finally, The Safe Drinking Water and Arsenic Removal Act requires no new funding sources, but makes monies available from two existing programs: the Safe Drinking Water Revolving Fund and the Consolidated Farm and Rural Development Program.

IN RECOGNITION OF THE CHIEF RONALD HENDERSON

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. GEPHARDT. Mr. Speaker, I rise today to pay tribute to Ronald Henderson, who from 1995 through May of this year served as Chief of Police in my home town of St. Louis. I have known Ron for many years now, and can personally attest to the dedication with which he carried out his duties.

Ron served in the St. Louis Police Department for over 29 years. During his tenure as Chief of Police, he was responsible for many high-profile events in St. Louis, including a 1999 visit by Pope John Paul III, and of course our city's first Super Bowl victory parade and celebration last year. His organization and close coordination with other law enforcement agencies made all of these events trouble-free and enjoyed by all in the community. Additionally, under Ron's watch, St. Louis enjoyed a significant decline in crime—in every category. Finally, Ron undertook strong efforts to reach out and expand communication between the police department and community leaders and residents.

I have worked with Ron on a number of issues over the years. From reducing domestic violence in the community to putting more community police officers on the beat, Ron's first priority has always been to improve the lives of the people of St. Louis. His professionalism, commitment, and dedication truly exemplifies the meaning of public service.

Earlier this year, Ron was nominated to serve as U.S. Marshall for Eastern Missouri, and he is awaiting confirmation for that post. I know I speak for all St. Louis residents when I congratulate and thank him for his achievements as Chief of Police, and wish him all the best in his continued work on behalf of our region.

STROKES KILL TWICE AS MANY WOMEN AS BREAST CANCER

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Ms. McCOLLUM. Mr. Speaker, I would like to focus attention on a serious health concern facing American women.

It is a little known fact that strokes, also referred to as brain attacks, kill twice as many women as breast cancer every year. In fact, 322,000 women will have a stroke this year. One hundred thousand of them are under the age of 65. Strokes kill more women than men. While women account for less than half of the strokes in this country, they account for almost two-thirds of stroke deaths.

Because more men survive strokes, women are more likely to become full-time caregivers for stroke survivors. Fifty-six percent of the caregivers in this country are women.

National Stroke Association, a national nonprofit health organization devoting 100 percent of its resources to fight stroke, has launched a comprehensive public education campaign, "Women in Your Life" to teach American women and their loved ones that:

Strokes are preventable by paying attention to risk factors including high blood pressure, diabetes and smoking, and adopting a health lifestyle.

Strokes are treatable. Recognizing stroke symptoms and seeking immediate medical attention are crucial to receive effective treatment.

There is life after stroke. As either stroke survivors or caregivers, women need to embrace life with their loved ones after stroke.

I encourage my colleagues, of both genders, to give stroke education and awareness their serious consideration not only during this past month designated as National Stroke Awareness Month, but every month throughout the year. Understanding strokes and how they affect women is vital to the health and well-being of all the women in our lives.

RESERVIST VA HOME LOAN FAIRNESS ACT OF 2001, H.R. 2095

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. EVANS. Mr. Speaker, today I am introducing The Reservist VA Home Loan Fairness Act of 2001. It is always appropriate for America to recognize the indispensable contribution the members of the Reserve Components make to this nation's total military force. By supporting The Reservist VA Home Loan Fairness Act of 2001, Congress will do more than simply state that "Reservists are full-partners in the Total Force"—Congress will recognize the contributions of Reservists in a tangible way by granting them access to VA home loans on the same footing and at the same funding fee schedule as active duty veterans. This is a basic fairness issue.

Since the Gulf War, America has called upon the Guard and Reserves at an ever-increasing rate. In the last five years, the utilization tempo of Reserve Component members has increased 13-fold from the tempo they maintained during the last five years of the 1980s. When called to duty, members of the Guard and Reserves leave home, family and job to enter harm's way. They are indistinguishable from their active duty counterparts in Bosnia, Korea, or in South West Asia. Yet, should these veterans apply for a VA Home Loan Guarantee, they are told that they must pay an additional three-quarters of one percent for the VA's Reservist-rate Funding Fee. They are the only group required to bear this added financial burden for VA Home Loans. Perhaps this is one reason that less than four percent of all home loans in FY 2000 were provided to Reservists. This disparity must end. The Guard and Reserves are full partners in America's Total Force.

Mr. Speaker, I ask my colleagues from both sides of the aisle to support the Reservist VA Home Loan Fairness Act of 2001. The cost in dollars is small, but the message you will send is large and powerful.

THE INTRODUCTION OF THE MEDICARE MEDICAL NUTRITION THERAPY AMENDMENT ACT OF 2001

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. UPTON. Mr. Speaker, I am pleased to join with Representative ANNA ESCHOO and 55 other colleagues on both sides of the aisle today in introducing the Medicare Medical Nutrition Therapy Amendment Act of 2001. In the last Congress, we amended the Medicare program to provide coverage for medical nutrition therapy services provided by registered dietitians and nutrition professionals for persons with diabetes or renal disease. The legislation we are introducing today will add Medicare coverage for services for beneficiaries with cardiovascular disease.

Medical nutrition therapy provided by registered dietitians and nutrition professionals is sound health care policy. It can save millions of dollars for a health care system beleaguered by escalating costs, and it can prevent unnecessary pain and suffering for millions of people and their families. In response to a request in the 1997 Balanced Budget Act, the Institute of Medicine of the National Academy of Sciences studied the value of adding medical nutrition therapy services for Medicare beneficiaries and the Medicare program and issued a report recommending that this benefit be added to the program. The report stated that coverage for medical nutrition therapy will "improve the quality of care and is likely to be a valuable and efficient use of Medicare resources, because of the comparatively low treatment costs and ancillary benefits associated with nutrition therapy." The report concluded that nutrition therapy has proven effective in the "management and treatment of many chronic diseases that affect Medicare beneficiaries, including . . . hypertension, heart failure, diabetes, and chronic renal insufficiency."

I urge my colleagues who have not yet cosponsored this bipartisan, sound health policy proposal to join us in this effort.

BYRD R. BROWN

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. COYNE. Mr. Speaker, I rise today to observe the passing of one of Pittsburgh's civil rights heroes. Byrd Rowlette Brown died in Pittsburgh on May 3, 2001.

Mr. Brown was born and raised in Pittsburgh. His parents were both active in Pittsburgh's African American community. His father, Homer S. Brown, was a state legislator and the first African American judge in Allegheny County, and his mother, Wilhelmina Byrd Brown, was an educator and civil rights activist.

Byrd Brown graduated from Schenley High School in Pittsburgh and won an academic scholarship to Yale University. Mr. Brown earned a Bachelor's degree and a law degree from Yale. He served in the Army after completing his education, and after his discharge he began practicing law in Pittsburgh.

In 1958, Mr. Brown was elected to the first of six two-year terms as president of the Pittsburgh NAACP. He was also one of the founders of the United Negro Protest Committee and the Black Construction Coalition. He worked successfully over the years to desegregate the local schools and eliminate discrimination in the employment practices of local corporations.

Mr. Brown was also a candidate in the Pittsburgh mayoral election of 1989, running on the slogan "Byrd's the word."

Byrd Brown was also active in a number of civic and legal organizations, including the National Bar Association, the American Bar Association, the American Bar Foundation, the Academy of Trial Lawyers, and the Pittsburgh Foundation.

With the death of Byrd Brown, Pittsburgh has lost a tireless civil rights crusader—a man who was dedicated to the fight for equality and the struggle for better race relations. I wish to extend my condolences to his family in their time of sadness and grief.

CONFERENCE REPORT ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. EDWARDS. Mr. Speaker, I would like to vote for this tax cut. It would be a politically easy vote. I could tell my constituents in Central Texas, including President Bush and my own family, that this bill would reduce their taxes.

However, I believe we have a moral obligation to our children and grandchildren to pay down our $5.6 trillion national debt. I believe we have a moral obligation to provide a strong national defense and to support our servicemen and women, 60% of whom live in housing that does not even meet modest Department of Defense standards. I believe we have a moral obligation to provide a better education for all children and to protect Social Security and Medicare for our seniors.

In my opinion, this tax bill puts those key national priorities and moral obligations at risk.

This tax bill is a riverboat gamble. It is part of a 10-year budget built on a foundation of optimistic assumptions at best and false assumptions at worst. This budget assumes uninterrupted national growth for 10 years, with little or no consideration for the impact of economic recessions, regional wars or natural disasters. If this budget's national growth projections are off by only four-tenths of one percent, then a trillion dollars of the so-called surplus disappears, and with it our dream of paying off the national debt.

I have asked my constituents whether they would bet their own family's financial future based upon the assumption that a government economist's 10-year economic forecast would be perfectly accurate. Their answer is "no". If families would not bet their own futures on such an unrealistic assumption, then Congress has no right to risk the American family's future on that assumption.

This bill leaves little or no room to fund priorities that this Administration says it supports, including a stronger national defense, real pay raises for our servicemen and women, a national missile defense, new investments in better schools and a prescription drug benefit for seniors on Medicare. Who knows what unexpected needs might develop over the next decade?

One little known fact is that the so-called $5.6 trillion surplus is not real—it is a hoped for surplus. Even worse, 70% of the hoped for surplus does not materialize until 7 to 10 years from now.

What is real is our $5.6 trillion national debt, which cost American taxpayers $223 billion in interest payments last year. That, on average, is approximately $800 in taxes for every man, woman and child in America.

Paying off the national debt would provide huge benefits for American families. Lower interest rates on homes, cars and credit cards would, in effect, be a significant tax cut. In addition, reduced interest on the national debt could result in reduced taxes for all Americans.

The final tax bill was put together late at night and voted on early the next morning without Members of Congress having time to review the bill or its cost. What can one say about a bill that repeals estate taxes nine years from now, but then repeals the repeal 12 months later? To call that an estate tax "repeal" borders on false advertising.

This bill is full of gimmicks to try to hide its true cost. Repealing all of its tax benefits at the end of the ninth year of a ten-year bill is a blatant way to try to hide this bill's real cost. Further, should those tax cuts be continued in year ten, the cost of this bill triples in the second ten years. Unfortunately, that is exactly when baby boomers start retiring and putting tremendous demands on the Social Security and Medicare systems. Thus, this bill truly puts Social Security and Medicare at risk for today's and tomorrow's seniors.

I will never forget what my predecessor, Congressman Marvin Leath, told me before his recent death. He said that his greatest regret during his 12 years in Congress was his vote for the 1981 tax bill, which he felt exploded the national debt. That bill promised lower taxes, increased defense spending and balanced budgets. Former OMB budget director David Stockman, a key architect of the 1981 tax bill, later wrote of it, "I knew we were on the precipice of triple-digit deficits, a national debt in the trillions, and destructive and profound dislocations throughout the . . . American economy."

Twenty years later, the 2001 tax bill promises lower taxes, increased defense spending and balanced budgets. Unfortunately, I believe the results will be the same as 20 years ago—deficit spending, a larger national debt, and higher interest rates.

Mr. Speaker, I hope I was wrong. I hope our economy has another decade of growth without recession or serious slowdown. I hope we have no natural disasters or wars. I hope Congress will show strong discipline in cutting spending. I hope we can protect our family farmers without disaster payments. I hope energy price spikes won't slow down our economy. I hope all of these things occur, but I am certainly not willing to put at risk our children and grandchildren's future based on such hopes becoming certainties.

Cutting taxes by over a trillion dollars may be politically popular, but by voting "no" on this bill and voting "yes" for paying down our $5.6 trillion national debt, I believe I can look my own children in the eye and say, "I did what I believed was right for our country and its future."

A TRIBUTE TO MRS. OPAL LUCAS OF LONDON, KENTUCKY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. ROGERS of Kentucky. Mr. Speaker, I use this means to sadly inform the House of the passing of Opal Lucas, a great American, woman, and friend. She will be remembered as a teacher, mentor, counselor, confidante, and inspiration.

Mrs. Opal Lucas of London, Kentucky passed from this life to eternal life at the age of 95 on June 2, 2001.

Opal was born in 1905 in Jackson County, Kentucky. Her father was a farmer, fertilizer salesman, and minister. Her mother spent her life raising children. From these humble beginnings, Opal learned a devotion to family, God, and her community.

A devoted wife and mother, Opal saw the best of times and the worst of times. Her husband, Fred Lucas, was a former State Senator in Kentucky. Her eldest son, Fred Lucas II, joined the navy at the age of 16 during World War II. After surviving near death experiences, he was forever scared by the experiences of war. Her second son, James, was born paralyzed from the waist down, but Opal and the family never allowed this to deny him a full life. James was a volunteer fireman with the help and love of family and friends.

During her life, Opal served her local and national community in numerous ways. She began as a teacher in a one-room schoolhouse. She and her husband owned and managed numerous businesses in Laurel County. She served as State Governor of the National Federation Woman's Club and in many other civic organizations.

Opal and Fred helped recruit industry into Southeastern Kentucky when this area of the state had no industry. They were instrumental in proving that these hard-working men and women that labored on the land could be excellent workers in industry. They proved their point and today the fruits of their labor are multiplied each year.

Opal was a dedicated Republican, as she served her party in nearly every capacity. She served as the National Committee Woman for Kentucky to the National Republican Party for a decade. She chaired campaigns for successful Congressmen, U.S. Senators, Governors, and numerous other offices. She counted as her very close friends former Senators John Sherman Cooper and Thurston Morton, and Congressmen Tim Lee Carter. I too, relief on Opal for sage advice, wisdom, and friendship.

Titles partially describe the accomplishments of this lady but they do not give full justice. Her rewards were never personal. She enjoyed victory but true victory was seen on the faces of families who benefited from good government, opportunities to work and provide for their families.

Opal was a unique person that possessed the most amazing ability to make everyone feel they were the most important person in her life. She radiated self-confidence and total relaxation with the person she was. You never saw her caught up in false pretenses or ulterior motives.

She can be described as a wonderfully calm charming lady speaking in soft tones, comforting and encouraging us to do our best—always confident in our abilities to accomplish anything we truly desire. She had a smile that would warm your heart. She was comfortable with her life and her own self-identity and never seemed to have a need for the trappings of public adulation.

Opal was consumed by the spirit of our Lord and it was evident in her every action but it was not something she has to speak of or point to like a plaque of recognition hanging on the wall. She was a Christian lady that always held her belief in God close to the heart. When you looked at her, you saw the Spirit of God within her.

There are individuals that pass through life that contribute more than can be measured and are truly the ones who epitomize all that is good within our society and nation. Opal Lucas will be missed, but she surely made her community, Kentucky, and this nation a better place in which to live.

CHILD CARE QUALITY INCENTIVE ACT OF 2001

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BISHOP. Mr. Speaker, today I am introducing a bill that will make high quality child care available for children regardless of their families's incomes. This bill is entitled the "Child Care Quality Incentive Act of 2001" and already has 28 original cosponsors. I feel this initial response is a testament to the importance and value of this legislation.

We all recognize the importance of a child's early development, however, we must make an investment early on if we are going to succeed in providing a meaningful and accomplished system that helps those who are trying so hard to help themselves. This help will come in the form of supplemental block grant funding to providers in order to cover the true costs of their services. In addition, this bill helps raise the level of care to those who can already afford the market rate. Small businesses also benefit from this legislation—more money means more providers.

Finally, this bill has the support of many national, state, and local organizations and providers, including USA Child Care, the Children's Defense Fund, YMCA of the USA, Catholic Charities of the USA, and the National Child Care Association.

I ask my colleagues to move swiftly to bring decent and affordable child care to America's children—those who are the least able to take care of themselves.

REMEMBERING OUR PACIFIC AMERICAN VETERANS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to pay tribute to the second annual Roll Call of Honor In Remembrance Ceremony that occurred on May 27, 2001 at the Arlington National Cemetery, Arlington Virginia and the National Memorial Cemetery of the Pacific, Honolulu, Hawaii.

This celebration honors the sacrifices of thousands of Pacific Americans who have served our nation in our Armed Forces. What was once a veil of silence surrounding the contributions, courage, loyalty and dedication of our Pacific American veterans to our nation has now been lifted.

By honoring our Pacific American veterans, and those who continue to serve our nation, we honor also all our veterans who call the Pacific their 'aina.

Their names are being placed on scrolls that will serve to remind us their loyalty, courage, leadership and compassion.

On August 7, 1999 the Board of Directors of the Pacific American Foundation, a national organization dedicated to improving the lives of all Pacific Americans wherever they live, concurred with the Department of Veterans Affairs to conduct the first ever Roll Call of Honor in Remembrance Ceremony to recognize the dedicated service and outstanding contributions of Pacific American veterans—American Samoans, Chamorros, Fijians, Hawaiians, Maoris, Tahitians, Tongas—and those veterans who call the Pacific their 'aina, to our nation.

The Pacific American Foundation, in partnership with the Department of Veterans Affairs, Kaumakapili Church, Veterans Affairs Regional Office Center Hawaii, veteran organizations in the Pacific and families of our veterans is proud to continue to host the annual Roll Call of Honor in Remembrance Ceremony.

Already research has revealed that Pacific Americans had served on the Confederate ship Shenandoah and fought at the Battle of Gettysburg.

All our veterans are special, and by honoring our Pacific American veterans I salute all of America's men and women who answered the call to duty.

The names of our Pacific American veterans on these scrolls will remind us forever of our nation's debt to their sacrifices.

This celebration could not have happened without the leadership of the Pacific American

Foundation's Leadership Fellows, Troy Asao Kaleolani Cooper and Michael K. Naho'opp'i and their colleagues, Pacific Americans who represent the future for our nation. I wish to commend their leadership that is being felt by millions of Americans today.

It is this very type of selfless service that is lifting the shoulders and chins of the families whose loved ones gave their lives in defense of our freedoms, and it is certainly helping the millions of our military members and their families to know that we care.

We can never forget.

HONORING AL LIFSON'S INDUCTION INTO THE ELIZABETH ATHLETIC HALL OF FAME

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. SAXTON. Mr. Speaker, today I rise to congratulate Al Lifson for his April 26, 2001 induction into the Elizabeth Athletic Hall of Fame in Elizabeth, New Jersey.

Al has had a distinguished athletic career in basketball at both the high school and college level.

While attending Thomas Jefferson High School in Elizabeth, New Jersey (1949–1951), Al attained a number of impressive athletic distinctions including First Team All County (1951), All State Tournament First Team (1951), and Second Team Group IV All State Team (1951).

After completing high school, Al went on to attend one of the most storied and revered basketball institutions in the nation, the University of North Carolina at Chapel Hill, N.C. At the University of North Carolina, Al continued to attain the highest athletic achievements as a four year starter. As a freshman, Al was the highest scoring rookie in Carolina history. He was also selected three times to the All Conference Team, two times to the All Conference Defensive Team, and served as Co-Captain during his senior year. Al finished his career as the University of North Carolina's all-time scoring leader.

Al's many accomplishments speak not only to his natural ability, but also to his drive and dedication to succeed. Al's athletic career serves as an inspiration to all who strive to be their best.

Mr. Speaker, please join me in congratulating Al Lifson for his remarkable athletic achievements and most recently his induction into the Elizabeth Athletic Hall of Fame.

IN RECOGNITION OF PAUL KNUE ON THE OCCASION OF HIS RETIREMENT FROM THE CINCINNATI POST

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to a dedicated journalist and a true friend to the people of Cincinnati, Ohio—Paul Knue. After 18 years, Paul recently stepped down as Editor from both the Cincinnati and Kentucky Post.

Paul has had a long and distinguished career in journalism. In 1970, he started at the copy desk of the Cincinnati Post, the paper he had read growing up. He was named managing editor of the Evansville Press in 1975, then returned to the tri-state area in 1979 to become editor of the Kentucky Post. Four years later, Paul became editor of The Cincinnati Post, and in 1995, assumed leadership of both papers.

Those of us who work in politics are often affectionately called public servants. But the title of public servant seems more appropriate for an individual like Paul Knue. As Editor of the Post, Paul did not sit back and passively assess the goings-on in his community. Rather, Paul used his leadership of the editorial page to help shine a light on important issues, particularly urban development. He helped found both Downtown Cincinnati Inc., a downtown advocacy group, and SouthBank Partners, a Northern Kentucky development organization

As a native of Cincinnati, Paul brought an extraordinary amount of knowledge and experience to the operations of the Post. During his tenure, the Post broke many important stories—including uncovering a tax break scandal in the County Auditor's office, and spotlighting the deterioration of city playgrounds, which eventually led to increased funding for park facilities.

Over the years, I have had the pleasure of working with Paul on the Coalition for a Drug-Free Greater Cincinnati. His efforts and commitments to the Cincinnati community have helped make the Coalition a big success.

Paul is also an accomplished long-distance bicycle rider. It is not uncommon to see him training on the Little Miami bike trial, leaving others way behind.

The people of Cincinnati know Paul Knue as a leader, but more importantly, they know him as a friend. His contributions at the Cincinnati Post and Kentucky Post will be sorely missed, but I have every confidence that he will continue to make numerous contributions to our community in the years to come.

A PROCLAMATION IN RECOGNITION OF THE OHIO PTA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. NEY. Mr. Speaker, I invite my colleagues to join with me and the citizens of Ohio in celebration and commemoration of the One-Hundredth Year of the Ohio Parent Teacher Association's service to Ohio's children.

Whereas, the Ohio PTA was founded in 1901 as a branch of the National Congress of Mothers to promote the education, health, and safety of the children, youth, and families of Ohio; and,

Whereas, this association has sought to unite the home, school, and community to ensure all children and youth have a high quality education; and,

Whereas, the Ohio PTA has grown in number to over 140,000 members in almost 1,000 local PTA units since its inception; and,

Whereas, the Ohio PTA has been instrumental in incorporating parent involvement into the classroom, securing public education, and the campaign for education for children with special needs; and,

Whereas, the Ohio PTA continues to encourage others to put children first, furthering its mission for the betterment of Ohio's children in "Building the Future . . . Honoring the Past;" and,

Therefore, I invite my colleagues to join with me and the citizens of Ohio in celebration and commemoration of the One-Hundredth anniversary of the Ohio Parent Teacher Association.

GRADUATION ADDRESS OF MIKE BENNETT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. RAHALL. Mr. Speaker. Last Friday night, June 1st, my good friend and our former colleague, Representative Dawson Mathis from the great State of Georgia, attended graduation exercises for his granddaughter Shannon Mathis at Orange Park High School in Clay County, Florida. The President of the Class of 2001, Mike Bennett, addressed his classmates at that event and so impressed former Representative Mathis that he called his remarks to my attention. I would also note with more than a little pride that Mike's father, Ken Bennett, is a native of Huntington, West Virginia, in my Congressional District.

At this point, I would ask that Mike Bennett's address be printed in the RECORD. I wish him the best in his studies at the U.S. Naval Academy this fall.

Address of Mike Bennett: Orange Park High School, Senior Class Graduation, June 1, 2001.

It is not until we have lost everything, that we are free to do nothing.

For thirteen school years, we, the senior class of 2001, have had our lives laid out before us. We have been told what to do, where to go, what to learn, and even when to eat. We have had people take us by the hand, and show us the way. We have been cared for by people that have chosen to ignore our shortcomings, and look past our imperfections. For this we are eternally grateful, and can never truly show our gratitude.

For almost eighteen years of life, our parents, family, and friends have been our North Star. They have cared for us unselfishly, and without fail. They have brought us, and been with us, through both triumph and tragedy. They have given, even when not asked to, advice and love, from which we have flourished. They are the people that have taught us the lessons of life, and the lessons of love.

To our teachers, thank you. You have given so much of yourselves, to people, that only days before, were complete strangers. Your infectious love, and underlying understanding are the reason we are here today. Without your help, I personally would not be the person that I am today. And, I am positive, everyone else, in our class, would be changed as well.

Which brings me to today. All of the aforementioned guidance that has previously been given to us in vast bundles, will soon shrink. Not because of lack of concern or interest, but rather an increase in physical distance. We, the alumni to be, of Orange Park High School, will soon be out on our own. We will blaze our own trails, straying from the beaten path, and make our own decisions. For the first time in our young lives, we will be completely responsible for ourselves. We will have to deal with large decisions, such as what to do after graduation, and small, seemingly unimportant ones, like what to eat for dinner.

Each decision that we make, will shape our futures, no matter how small the matter seems. Our slates are clean, and the books of our lives are waiting to be written, by us, alone. We need to take our precious gift of life, and run with it. We need to live our lives for ourselves, and nobody else. We need to remember that the decisions we make, can never be changed, and must be thought out, for ourselves alone.

But, most importantly, we need not look back on our pasts and ask what if, but rather, look only at the present, and to the future. If we wonder about, and dwell upon the past, our lives will pass us by. Pondering over the past brings nothing but pain, regrets, and the deepest of sorrows. So, we, the senior class of 2001, must walk the fine line of remembering the past, but not dwelling on it.

Finally, I leave you, my fellow classmates with this. We, for the first time in our lives, have nothing hanging over our heads, and the world at our feet. We must not waste this opportunity, for we will never have one like it, ever again.

For, it is not until we have lost everything, that we are truly free to do anything.

HONORING "SHOULDER-TO-SHOULDER" AWARD WINNER, MR. HOMER LUTHER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment and thank Mr. Homer Luther for his service to the National Park Service. For over a quarter of a century, Homer has dedicated his life to protecting our national parks. For that Mr. Speaker, he deserves the thanks of Congress.

Homer is the Director of the Yellowstone, Grand Teton, and Mesa Verde National Parks Foundation. On May 16, 2001, he was presented the "Shoulder-to-Shoulder" award in recognition of his personal service, commitment and dedication to national park units within the Intermountain Region.

Homer started working with the National Park Service during President Nixon's second administration. One of the big issues facing newly appointed Parks Director Ron Walker was the use of snowmobiles in national parks. Ron recruited Homer to join him on a five-day personal research snowmobiling outfit. In the 70's, Homer served his first term.

Following two terms on the National Park Foundation Board, Homer decided to form the National Park Foundation Alumni Council, where he still serves as the Chair. He decided to form this council because it was critical not to lose the talents and energies of those whose terms were expiring.

A few years ago, the staff at Mesa Verde National Park became aware that a critical parcel of land was going to be sold. Homer was concerned that it would be developed in a way that would harm the areas natural values. "He challenged other Foundation board members to join him in raising sufficient funds to purchase the tract of land to preserve the gateway experience to the park. Thanks to Mr. Luther's leadership, this land is now protected," said Regional Director Karen Wade.

Mr. Speaker, for the last 30 years, Homer Luther has helped to keep America's National Parks beautiful and well maintained. His expertise and leadership on this issue has been a real benefit to the Park Service and to everybody who uses the National Parks. I would like to thank him on behalf of Congress for all his hard work and dedication.

GREAT SOFTBALL IN THE 6TH DISTRICT OF NORTH CAROLINA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. COBLE. Mr. Speaker, on June 3, the Sixth District of North Carolina became the home of the 2–A state championship softball team—Southwestern Randolph High School in Asheboro. The Cougars completed their title run with a season record of 24–3. After making it to the state championship series the past three years, the team finally brought the title home when they beat East Bend Forbush 2–1.

Jennifer Hurley, senior pitcher for Southwestern Randolph, allowed just one hit for the duration of two games on Saturday. On Sunday, during the title game, she yielded one run on three hits, but slammed the door on any further scoring by Forbush. Lee Harris's home run during the title game was all the offensive firepower the Cougars would need when in the first inning she went deep. This two-run homer, the first in Harris's career at Southwestern Randolph, set the Cougars on their way to the title. For her efforts, Harris was named the tournament MVP.

Southwestern completed an inspirational season thanks, in no small part, to a compelling figure who never played a single inning—Jennifer Hurley's younger brother Drew. For the 14 years of his life, Drew has battled a condition similar to cerebral palsy. He is unable to speak, can hear in only one ear, and his limbs move in sudden jerks. Despite this constant struggle, Drew is at every game. The Cougars drew inspiration from Drew. After every victory, Drew would put on a batting helmet, and Jennifer would push him around the base paths in his wheelchair until he crossed home plate. It became a team ritual that brought the Cougars together and inspired them to victory. I read Drew's story in the Greensboro News & Record, and that prompted my attendance at one of the early Cougars' playoff games.

Congratulations are in order for Head Coach Steve Taylor along with his assistants Lee McCaskill and Harry Daniel. Supporting the team efforts were Managers Stacey McCaskill, C.J. Taylor, Heather Taylor, and Kurtis Taylor along with Statistician Luanne Deaton.

Members of the championship team included Megan Moody, Natalie King, Abby Auman, Kari McLeod, Crystal McPherson, Jennifer Hurley, Krystal Parker, Ashely Vereyken, Wendy Heath, Jodi Johnson, Beth Auman, Emily Ivey, Lesley Greene, Wendy Seawell, Lee Ann Chandler, Erica Tackett, Cristina Tedder, Mary Beth Sillmon, Crystal Hudson, and Lee Harris.

Everyone at Southwestern Randolph High School can be proud of the Cougars. On behalf of the citizens of the Sixth District, we congratulate Athletic Director Trent Taylor, Principal Dr. W. Thrift and everyone at Southwestern Randolph for winning the state 2–A softball championship.

THE TRUTH BEHIND THE CARIBOU UPROAR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BEREUTER. Mr. Speaker, this Member commends a May 25, 2001, editorial from the Omaha World Herald, regarding the firing of the U.S. Geological Survey contract cartographer who posted an Alaskan caribou map on the Internet, causing an uproar in the environmental community. There was more to this story than originally reported. The information in the map was outdated and inaccurate, and the cartographer had no expertise or responsibility for caribou studies. The cartographer since has become a martyr for environmentalists opposed to drilling in the Arctic National Wildlife Refuge (ANWR), albeit under false pretenses.

THE PURGE THAT WASN'T

[From the Omaha World-Herald, May 25, 2001]

Members of Congress have railed about it. More than 80 environmental and other groups sent Secretary of the Interior Gale Norton an angry letter in response to it. Foreign newspapers featured breathless coverage of it. An article in a British newspaper concluded that, because of it, the Bush administration "actually appears to be bear a grudge against the natural world."

The hubbub is over Ian Thomas, a cartographer for the U.S. Geological Survey who was fired in March after he posted a map of caribou migrations in the Arctic National Wildlife Refuge, a portion of which the Bush administration has proposed for oil drilling. The geological survey also had the map removed from the Web.

In their letter to Norton, the 88 environmental and other groups claimed that the firing of Thomas indicated a disturbing politicizing of government research and sent "a chilling message to all government scientists."

The day after he was fired, Thomas accepted a job with the World Wildlife Fund and is now hailed as a martyr to the environmental cause.

It seems a straightforward story, a tale of nefarious Republican misdeeds and shameless toadying to oil interests. Certainly that was the impression one got from following Garry Trudeau's version of it in "Doonesbury." But, as a Washington Post article explained this week, that now-familiar version of events "isn't the whole story."

Examine all the facts, and a host of surprising details pop up. Details, that is, that undercut many of the main accusations against the administration.

Thomas, for example, was a contract worker, not a full-time civil servant. The caribou map, which Thomas created in 15 minutes, was far removed from the scope of his contract and was based on obsolete data.

Thomas had no expertise in Alaska wildlife matters and had been reprimanded earlier for posting sensitive Pentagon data on the geological survey's Web site.

As described by The Washington Post, "the decision to cancel his contract was made not by Norton or any other bush appointee, but by the top biologist at his research center, a self-described liberal Democrat who opposes drilling in the Arctic refuge. Another career bureaucrat—the chief USGS biologist, also a Democrat and a conservationist—made the call to pull the caribou map off the Web." No evidence has surfaced, the article said, "that Norton or her aides played any role in his termination."

The geological survey's main experts on Alaskan wildlife are its Alaska-based biologists. When they saw Thomas' map, they expressed consternation that a Maryland-based contract worker, with no expertise in caribou studies, was posting inaccurate, albeit official-looking, material on that topic.

A geological-survey caribou biologist inquired about the map and subsequently sent Thomas a pointed e-mail message: "The material you posted is terribly out of date. It is inconceivable that you have posted this outdated material in view of the recent and intense interest in" the refuge.

Not that such details appear to matter as far as the episode's actual political fallout. As the Post observed, regardless of the facts, "the notion that the Bush administration ousted Thomas for political reasons has taken root around the world, thanks to the power of the Internet and the tenacity of environmentalists."

This episode, now help up by Bush critics as a cause celebre, illustrates the ability of politics to trample the truth. It is regrettable, but revealing, that so many have rushed to warp the facts.

HONORING THE LIFE AND SERVICE DAN DALLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. McINNIS. Mr. Speaker, it is with great sadness that I rise at this time to recognize the life of a distinguished public servant, Daniel C. Dalley. Dan spent his life protecting the citizens of Fruita, Colorado. This man was known for his honor and kindness, and is worthy of the recognition of Congress.

Born and raised in Fruita, Colorado Dan was an asset to the community even at a young age. During high school Dan worked hard in and out of school, holding a job at Youngs Ranch while attending Frutia Monument High School. After high school Dan went on to college at Mesa State College in Grand Junction, Colorado, where he received an associates degree in Criminal Justice. Continuing with his passion for the law, Dan graduated from the Police Academy at Colorado Northwestern Community College in Rangely, Colorado.

After graduation Dan joined the Fruita Police Department as a Reserve Officer in 1992. Dan also served as a Patrol Officer, Field Training Officer, Drug Recognition Expert, Sergeant and Detective Sergeant and was then promoted to Acting Chief. The nine years Dan spent on the force were filled with awards and recognition for a job well done. In 1996 Dan received Employee of the year from the Fruita Police Department, and then for two consecutive years, 1997 and 1998, the Mesa County Optimist Club honored Dan with the title of Law Enforcement Officer of the Year.

In addition to Dan's commitment to upholding the law, Dan also was very involved in his community. Dan added to his community duties by serving eight years as a volunteer EMT for the Loma Volunteer Fire Department. Being active in his church was also important to Dan, and the Grace Community Church was lucky to count Dan among its members. His commitment to God and Country are admired by all. He will be greatly missed.

As his family and friends grieve the loss of Dan Dalley, Mr. Speaker I wanted to take the opportunity to recognize his life. His wife, Cybill, and sons, Alan, Tyler, Dalton and Luke should take pride in the fact that Dan made so many contributions to the State of Colorado. Everyone that knew Dan was in awe of his kindness and service. That, Mr. Speaker, is why Dan is worthy of the praise and thanks of the United States Congress.

HIV/AIDS COMMEMORATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. GILMAN. Mr. Speaker, I rise today to commemorate the 20th anniversary of the HIV/AIDS pandemic, a disease which is devastating both in scope and severity.

The past decade has seen approximately 40,000 new cases of HIV/AIDS each year. In the U.S., the disease continues to ravage countless communities, and the worldwide statistics are staggering, as well. One out of every 100 people on the planet is afflicted with AIDS, about 53 million people are living with HIV, and 17 million have died.

It must be noted that a great deal of progress has been made in the past twenty years. In the 80's, individual activists and groups such as the then-Human Rights Campaign Fund, tirelessly attempted to educate the public about HIV/AIDS. This was a task made all the more daunting by the incredible stigma attached to the disease. Misconceptions about how the disease was transmitted, backlash from religious conservatives, and a general fear fueled discrimination and hostility toward people with HIV and AIDS. However, the efforts of activist groups gradually began to pay off.

The Ryan White Care Act, which eventually became law, was the first major government investment in treating people with HIV/AIDS. Barred from school because of his HIV infection, the public battle of White helped turn the national spotlight on the disease. Needle-exchange programs were launched in cities throughout the United States. And now, research funding has shed hope in the new vaccine trails.

Despite these glimmers of hope, we have far from exhausted all of our efforts. With AIDS ranking as the top cause of death for people between the ages of 25 and 44, and the recent explosion among African-American communities, it is clear that more needs to be done to expand our AIDS education. Indeed, it has been shown that despite increases in knowledge about AIDS, Americans still exhibit many dangerous information gaps.

Internationally, the situation is equally dire. In some nations, an astounding quarter of the entire population is infected with HIV. African countries face a particularly steep uphill battle, and the precipitous prices of antiretroviral drugs are only aggravating the global plight. These drugs, which currently represent the only hope for people living with HIV/AIDS, cost more than the per-capita income of many developing countries.

Our Nation must continue to make funding for the treatment, research, and prevention of HIV/AIDS a top priority. A comprehensive approach is needed in order to render the HIV/AIDS crisis a thing of the past.

I request that the attached summary of the AIDS/HIV facts and figures compiled by my staff, be included at this point of the RECORD.

AIDS/HIV FACTS AND FIGURES

Casualty Rates: 17 million Africans have lost their lives to AIDS out of the 22 million worldwide; mortality rate rising: 2.2 million Africans died of AIDS in 1999, 2.4 million in 2000; and more than 5 million affected with HIV in the year 2000, 4 million from Africa.

Sub-Saharan Africa makes up 10% of the world's population but makes up more than 70% of the worldwide total of infected people. 1.1% overall infection rate worldwide with 8.8% in Sub-Sahara Africa.

19% of Deaths in Africa caused by HIV/AIDS in 1998 (next highest was malaria at 10%)

Adults HIV Infection rates (%): Botswana, 35.80%; Zimbabwe, 25.06%; South Africa, 19.94%; and Senegal, 1.77% (active AIDS policy).

UNAIDS projects that half or more of all 15 year-olds will die of AIDS in some of the worst-affected countries.

Only region where women are infected with HIV at a higher rate than men: 53% Women infected in Sub-Saharn Africa; 37% Caribbean; and 20% North America.

An estimatd 600,000 African infants become infected with HIV each year through mother to child transmission.

12.1 million African children have lost either mother or father or both to AIDS.

Uganda—succeeded in lowering infection rates from 14% in 1989 to 8% by 1997, mostly by employing a public awareness campaign

Fiscal Amounts to combat HIV/AID: FY 2001: $300 Million apportioned; and FY 2002: $396 Million (President's Request).

Hyde Bill: FY 2002: $469 Million plus $50 Million for pilot treatment program for a total of $519 Million. FY 2003: $469 Million plus $50 Million for pilot treatment program for a total of $519 Million.

Information supplied by Congressional Research Service.

HONORING THE 125 YEAR HISTORY OF LA VETA, COLORADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay special tribute to La Veta, Colorado on its 125th Birthday. For over a century, the people of La Veta have contributed a rich heritage and cultural diversity to the state of Colorado. I would like Congress to wish the citizens of La Veta a very happy 125th birthday.

In 1862, Col. John M. Francisco, a former settler with the US Army at Fort Garland, and Judge Henry Daigle built Fort Francisco on land purchased from the Vigil-St. Vrain Land Grant, significantly south west of most of the San Luis Valley bound traffic. When Col. John Francisco looked down on the future site of La Veta in the mid 1850's he said, "This is paradise enough for me." The town of La Veta was incorporated on October 9, 1876.

As more settlers moved into this beautiful and fertile valley, the Fort increased in importance as shelter from Indians and as the commercial center for the area. The first Post Office, named Spanish Peaks, opened in the Plaza in 1871. By 1875 the Indian threat was almost completely gone. In 1876 the narrow gauge railroad came through La Veta several blocks north of the Fort on its way westward through the newly surveyed La Veta Pass. In 1877 the permanent rail depot was built beside the rails and the business community slowly moved north toward it. For many years, this stretch of the line between La Veta and Wagon Creek was the highest in the world. The old depot building at the summit is listed on the National Register of Historic Places.

The mountains of the Sangre de Cristo Range were long known by the Indians of the Southwest. Relics of the Basket Weaver Culture have also been found within the county. The Spanish Peaks are a historic landmark to travelers—from the early Indians to the vacationer. Besides being the railhead, La Veta has also been the center of local agriculture and coal mining.

Mr. Speaker, the citizens of Colorado are proud of La Veta's 125-year heritage. It is an area rich in culture, history and heritage. For that Mr. Speaker, I would like to wish La Veta happy birthday and wish its citizens good luck and prosperity for the next 125 years.

ENERGY PRICE CAPS NOT THE ANSWER

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the June 6, 2001, Omaha World-Herald. The editorial emphasizes that there is a role for the Federal Government in addressing concerns, but it highlights the problems which could result from improper government involvement.

PRICE CAPS MAKE IT WORSE

With the Democrats back in administrative control of the U.S. Senate, a move is in the works to push for federal price caps on admittedly burdensome electricity costs in California and some other Western states. If that happens, it will be a quick and nifty short-term solution. It will also, we're convinced, be a calamity in the long run. It shouldn't be done.

When President Bush met with California Gov. Gray Davis last week, he made it plain that he wasn't going to mandate any such solution through the Federal Energy Regulatory Commission, which has such authority under some circumstances. Now, Davis' state is crafting a lawsuit to compel such caps—if Congress doesn't get to it first and legislatively require the FERC to impose controls. (Of course, such efforts might die in the GOP-controlled House.)

Nobody wants to make light of the agony of California or some of its neighbors, where electricity prices in some locales are 10 times what they were a year and a half ago. But California, which made its own mess by shunning in-state electrical generation and neglecting its power grid, is finding its way out of the difficulties with due speed.

Four new plants are being built now and four more are scheduled to come on line next year. The state has enacted an $800 million conservation program and within a couple more years hopes to have 15 new power plants in place. President Bush has pledged $150 million in emergency aid to help low-income consumers in California keep the lights on.

And both Congress and the FERC still have perfectly legitimate and possibly useful roles to play in this energy drama. There are questions about how well the agency has exercised its existing authority. That's because while private power companies may under some circumstances charge market-based wholesale rates for electricity (far higher than cost-based rates), they're required to apply to the FERC for authority to do so. But the agency is supposed to deny reauthorization if it determines that companies have raised prices above competitive levels for a significant period of time. The commission may well have been asleep, figuratively and almost literally, at the switch. Congress would do well to inquire into this.

In addition, Congress may have some sharp questions to ask about whether Texas natural gas sellers have manipulated the market in California. Davis said Bush agreed with him that it seems suspicious for Texas-originated gas to cost nearly three times in California what it does in New York. Both states are about the same distance from Texas. There may be some difference in transmission costs—but triple? A FERC administrative law judge is already at work on the question, but a Senate inquiry in addition would do no harm.

Such efforts are within the normal workings of the regulatory matrix. Price caps are not. Historically, over time they have dried up supply and either halted plant construction or slowed it to a crawl. If caps are to be tried, they should at least be brief in duration, with a defined beginning and end. But it would be best not to head that direction at all.

PERSONAL EXPLANATION

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. SPENCE. Mr. Speaker, on rollcall No. 149 I was inadvertently detained. Had I been present, I would have voted "yea."

HONORING THE LIFE OF ROY P. BENAVIDEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. McINNIS. Mr. Speaker, I stand before Congress today to pay tribute to a man that put duty, honor and the lives of others before his own safety and well-being. Master Sergeant Roy P. Benavidez, a former Green Beret Soldier, received the Congressional Medal of Honor in 1981 for his service to this country. He has been an outstanding citizen and deserves the thanks and praise of Congress for all that he has done.

Roy was born in 1935 in Texas. He joined the Army at the age of 19. Then Staff Sergeant Benavidez served two tours of duty with the U.S. Army's Green Berets during the Vietnam War. On the Morning of May 2, 1968, he heard the cry "get us out of here" over his radio. Roy voluntarily led the emergency extraction of a 12-man special forces unit that was ambushed while gathering intelligence. Prior to arriving at the team's position he was wounded in his right leg, face and head. Despite these wounds and heavy fire, he dragged half of the wounded soldiers to awaiting aircraft. Roy was then shot in the stomach and thigh, hit in the back by grenade fragments and stabbed by a bayonet. Roy was still able to return fire, call in air strikes, administer morphine and recover classified documents.

His fearless leadership, devotion to duty and fellow soldiers and valorous actions earned Roy the Distinguished Service Cross. In 1981 President Ronald Reagan presented the Congressional Medal of Honor to Roy at the Pentagon. Roy has also been awarded the Combat Infantry Badge, the Purple Heart Medal with two Oak Leaf Clusters, the Vietnam Campaign Medal with Four Battle Stars, the Vietnam Service Medal, the Air Medal and numerous other decorations. In June of 2001, the Colorado Springs Parks and Recreation Department will honor Roy by dedicating a park in his name.

Mr. Speaker, Master Sergeant Roy Benavidez was a true American hero. He was wounded over 40 times while saving his fellow soldiers. He performed above and beyond the call of duty. His gallantry, loyalty and strong sense of duty far superseded any concerns for his own safety. He promoted patriotism, staying in school and encouraged continuing education. It is for this, that I ask Congress to pay special tribute to this living, breathing American hero.

HOUSE OF REPRESENTATIVES—*Friday, June 8, 2001*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, on Capitol Hill today two graduations will take place: the graduation of the pages of this House and the graduation ceremonies for recruit officers of the Capitol Police.

Because these are important steps for these people whom we have come to know and respect, we ask that You be with them, bless their endeavors and give joy to their families and colleagues who celebrate with them today.

These events put us in touch, Lord, with the variety of graduates across this country at this time of year.

May all who complete training or graduate from studies to higher learning or who will seek employment in this Nation know that You are with them in this time of transition. Give them Your grace to realize their full potential and give You glory.

Bless this Congress as it seeks to improve the equality, inclusivity and quality of education.

May this Nation, because its citizens are better informed, specially trained and broadly educated with moral character, become a stronger democracy for tomorrow.

"The beginning of wisdom is fear of the Lord." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. MILLER of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 487. An act to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, appoints the following individuals to the United States Commission on International Religious Freedom:

Dr. Firuz Kazemzadeh of California, vice John Bolton.

Charles Richard Stith of Massachusetts, vice Theodore Cardinal McCarrick.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MILLER of Florida) to revise and extend her remarks and include extraneous material:)

Mrs. EMERSON, for 5 minutes, June 13.

ADJOURNMENT

Mr. MILLER of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, June 12, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2393. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Orthopedic Devices: Classification and Reclassification of Pedicle Screw Spinal Systems; Techincal Amendment [Docket No. 95N–0176] received June 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2394. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations: Filter Backwash Recycling Rule [WH–FRL–6989–5] (RIN: 2040–AD17) received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2395. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL–6958–8] received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2396. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6994–4] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2397. A letter from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 87 of the Commission's Rules to Accommodate Advanced Digital Communications in the 117.975–137 MHz Band and to Implement Flight Information Services in the 136–137 MHz Band [WT Docket No. 00–77; RM Nos. 9376, 9462] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2398. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification [MM Docket No. 93–177; RM–7594] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2399. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Review of the Commission's Regulations Governing Television Broadcasting [MM Docket No. 91–221]; Television Satellite Stations Review of Policy and Rules [MM Docket No. 87–8] received June 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2400. A letter from the Director, Department of Defense, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Poland defense articles and services (Transmittal No. 01–18), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2401. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2402. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2403. A letter from the Acting Director, Office of Personnel Management, transmitting OPM's Fiscal Year 2000 Annual Report to Congress on the Federal Equal Opportunity Recruitment Program (FEORP), pursuant to

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☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

5 U.S.C. 7201(e); to the Committee on Government Reform.

2404. A letter from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on Internal Controls and the 2000 Audited Financial Statements, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Government Reform.

2405. A letter from the Administrator, U.S. Agency for International Development, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2406. A letter from the Chairman, U.S. Postal Service, transmitting the Semiannual Report of the Inspector General and the Postal Service management response to the report for the period ending March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2407. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Hydraulic Systems Airworthiness Standards to Harmonize With European Airworthiness Standards for Transport Category Airplanes [Docket No. 28617; Amendment No. 25-104] (RIN: 2120-AF79) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2408. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revised Landing Gear Shock Absorption Test Requirements [Docket No. FAA-1999-5835; Amendment No. 25-103] (RIN: 2120-AG72) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2409. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Government Securities: Call for Large Position Reports, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2410. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Trade or Business Expenses [Rev. Rul. 2001-31] received June 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2411. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Distribution of Stock and Securities of a Controlled Corporation [Rev. Rul. 2001-29] received June 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2412. A letter from the Chair, Medicare Payment Advisory Commission, transmitting a report entitled, "Medicare Payment for Nursing and Allied Health Education"; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 2052. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan (Rept. 107-92 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Financial Services discharged from further consideration. H.R. 2052 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2052. Referral to the Committee on Financial Services extended for a period ending not later than June 8, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GREENWOOD (for himself, Mrs. Lowey, Mr. Simmons, Mr. Baldacci, Mr. Maloney of Connecticut, Mr. Kirk, and Mr. Larson of Connecticut):

H.R. 2118. A bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMPSON:

H.R. 2119. A bill to establish a program to designate, restore, and sustain historic native forests on National Forest System lands, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. Lantos, and Ms. Ros-Lehtinen):

H. Res. 160. A resolution calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 369: Mr. Horn and Mr. Ose.

H.R. 595: Ms. Jackson-Lee of Texas and Mr. Green of Texas.

H.R. 737: Mr. Barrett.

H.R. 1304: Mrs. Johnson of Connecticut and Mr. Udall of Colorado.

H.R. 1305: Mr. Larson of Connecticut, Mr. Camp, and Mr. Visclosky.

H.R. 1405: Mr. Blagojevich.

H.R. 1441: Mr. Tiahrt.

H.R. 1455: Mr. Young of Alaska, Mr. Wicker, and Mr. Brown of South Carolina.

H.R. 1542: Mr. Ross and Mr. LaHood.

H.R. 1609: Mr. Goode.

H.R. 1657: Mr. Gilchrest.

H.R. 1773: Mr. Greenwood, Mr. Hoeffel, and Mr. Hall of Ohio.

H.R. 1919: Mr. Nethercutt, Mr. Bartlett of Maryland, Mr. Shimkus, Mr. Hilleary, Mr. Bishop, Mr. Green of Wisconsin, Mr. Thompson of Mississippi, Mr. Deal of Georgia, and Mrs. Emerson.

H.J. Res. 42: Mr. Bishop, Mr. Terry, Mr. Owens, Ms. Brown of Florida, Mr. Frost, Mr. Green of Wisconsin, Mr. Olver, Mr. Clement, Ms. Carson of Indiana, and Mr. Clay.

SENATE—*Friday, June 8, 2001*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign Lord of history, guide the vital page in history that will be written today. As we begin this new day, we declare our dependence and interdependence. We confess with humility that we are totally dependent on You, dear God. We could not breathe a breath, think a thought, or exercise dynamic leadership without Your constant and consistent blessing. We praise You for the gifts of intellect, education, and experience. All You have done in us has been in preparation for what You want to do through us now.

And yet, we know we could not achieve the excellence You desire without the tireless efforts of others. We thank You for our families and friends, the faithful and loyal staffs that make it possible for the Senators to function so effectively, and for all who make the work of this Senate run smoothly. Help us express our gratitude by singing our appreciation for the unsung heroes and heroines who do ordinary tasks with extraordinary diligence. We praise You for the gift of life and for those who make work a joy. In the name of Him who taught us the greatness of being servant leaders. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are not going to conduct business today. We have a schedule on Monday. There will be two votes at 5:15. We have the Landrieu amendment, which will be debated at 3 o'clock, and the Bond amendment will be at 2:30. We will have votes on those at 5:15.

SENATOR BYRD, A TRUE SENATE LEGEND

Mr. REID. Mr. President, I want to take this opportunity—because we have been so busy in the last couple of days—to talk about one of the great honors I have had in my career. That took place right down here when I had the opportunity to administer the oath of office to ROBERT C. BYRD as President pro tempore of the Senate of the United States.

Mr. President, I am a historian. I have written a history book, and I love to read history. I just finished reading a book about Seabiscuit, the great racehorse. I love history. I have no doubt I was part of history in administering the oath to the President pro tempore of the Senate today.

We have a lot of athletic contests where people keep minute records of home runs—when they were hit, how many were hit in a month, and all such things. I have followed baseball, but I certainly don't go to games anymore. They take up too much time. But I have played in a few and I have watched a few in my day. I know a lot about baseball records. I know of those who have left a permanent mark upon baseball.

I also understand the Senate and the history of it. I understand that those people who come to visit like to meet Senators. I can remember coming here in 1974, and out in the waiting room I was able to visit with Hubert Humphrey. He was very ill at the time. He could not stand for a long period of time. He sat down in the reception area, and I had the pleasure of visiting with him. He was a friend of my wife's uncle, a pharmacist in Minneapolis. It was a great honor to meet him. He is a legislative legend, and I will never forget the experience of meeting him.

I serve in the Senate with who I believe is the Babe Ruth of the Senate. If there is a Babe Ruth in baseball, there is one in the Senate. The No. 1 player in the history of baseball is Babe Ruth. That is to whom everybody looks. I really believe, without any exaggeration, without any hesitation, the Babe Ruth of the Senate is the President pro tempore ROBERT C. BYRD.

I have had the opportunity to serve with Senator BYRD, which to me is something I will always treasure. If you research the life of Senator BYRD, you will find he has a remarkable history. Senator BYRD's mother died in the influenza epidemic in 1918. I have heard Senator BYRD tell various bits and pieces and parts of his history, some of which I remember as if he had said it a minute ago—about waiting on the tracks for his father—he was orphaned, so it was his adoptive father—to bring home a lunch bucket with things in it for his son.

Senator BYRD, like me, knows what it is to have a father coming home out of the mines. My dad used to say, "I had a rough day at the office," and he was covered with mud and grime. His office was down in the bowels of the Earth. So I have some comprehension of how Senator BYRD was raised. I understand how Senator BYRD didn't have money to go to college. Yet he graduated from college here in Washington, DC. He graduated law school while he was a Member of Congress. It is hard to comprehend.

The history books will have to be filled with Senator BYRD, whose achievements are unparalleled. He became a member, as I understand it, of the Democratic Senate leadership in 1967 when he was selected to be secretary of the conference. In 1971 he became the whip, the assistant leader. In 1977 he was elected Democratic leader, a position he held for six consecutive terms. For these 12 years as Democratic leader, he served as both majority and minority leaders.

To me, Senator ROBERT C. BYRD will always be Mr. Chairman. As a freshman Senator, I had the opportunity to serve on the Appropriations Committee. To be elected to the Senate and to be able to serve on the Appropriations Committee and then to serve under ROBERT C. BYRD is a fulfillment of the legislative dream.

We in this Senate are very fortunate to have the wisdom and experience of this man. The people of the State of Nevada benefit every day from what the Senator from West Virginia does. It is not only the State of West Virginia that benefits from what he does but every State in the Union benefits from what the Senator from West Virginia does.

He is serving in his eighth consecutive term as a Senator, making him the only person in the history of the Republic to achieve this milestone.

His great rise from the bituminous coal fields of his hardscrabble youth is a tribute to America. It is a tribute to Senator BYRD, but it is also a tribute to America. In America, one does not have to be born into money, prestige; one does not have to have educated parents to become an educated man; one does not have to have parents who have fancy homes and houses to come to Washington and serve in the greatest legislative body in the history of the world.

I believe Senator BYRD is an American patriot, underscored and underlined, a dedicated servant to the people of West Virginia, and a Senate legend. I believe I speak for everyone in the

Senate when I say how proud I am to serve with the Babe Ruth of the Senate, ROBERT C. BYRD.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. If the Senator will withhold momentarily.

Mr. REID. I withdraw my suggestion.

The PRESIDENT pro tempore. The Chair thanks the Senator.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

The distinguished acting majority leader is recognized.

Mr. REID. Mr. President, I apologize for launching into my statement prior to protocol of the Senate being followed, but I was anxious to say what I had to say about the Presiding Officer. I apologize for getting a little ahead of the agenda.

Seeing no other Senator in the Chamber at this time, Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR BYRD, PRESIDENT PRO TEMPORE

Mr. SPECTER. Mr. President, I am on my way to a meeting with Senator LOTT on the reorganization of the Senate, but I passed through the Senate Chamber en route. It is always a great thrill to come to the Chamber of the Senate, and a great privilege to be a Senator. Seeing the distinguished President pro tempore, the distinguished chairman of the Appropriations Committee, presiding, I decided to exchange a few moments of pleasantries and ask how a man of his prominence and importance could be presiding over the empty Senate.

Senator BYRD exchanged philosophical comments and referred to the people here as "auditors" of the Government of the United States. I hope that is not inappropriate, in terms of referring to people in the gallery. I know we cannot acknowledge people. I breached the rule once when Penn State won the national championship and acknowledged the presence of the Penn State football team in the gallery. Senator BYRD, in a very gentle, kindly way reminded me of the Senate rule.

However, I think we are being audited, and the Senate of the United States has important oversight responsibilities on the Federal Government. The people of the United States are our overseers, our oversight committee of 270 million, and they are auditing here today in the Senate.

When Senator BYRD made the comments about auditors, I reflected for a moment about the profound nature of that comment because we are the servants of the people of America. Senator BYRD has delivered many, many erudite presentations, we might call them lectures, perorations on this floor, and they have been put into volumes on the history of the Senate.

I made a comment to Senator BYRD, as pleased as we are to have his talents in the Senate in the year 2001, he may have been born 2,000 years too late; that had he been a Roman senator, the heroes whom he speaks about and lionizes would have even been a greater Roman senate. The Senate is a greater Senate because of the presence of Senator BYRD who is our historian and mentor.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

INTERNATIONAL PARENTAL KIDNAPPING

Mr. DEWINE. Mr. President, I come to the floor today to discuss an issue that I have raised many times before, and that is the tragic problem of American children being abducted from this country and taken abroad. This international parental kidnapping is a tragic problem in our country today. One country in particular has had a really poor record of returning abducted children, and that country, amazingly, is the country of Germany. So I am raising this issue again today on the floor because our President, President Bush, will be in Europe next week to meet with German Chancellor Schroeder.

Today's Washington Post has an editorial that discusses how vitally important it is that we make international parental kidnapping a top priority. I could not agree more. Today I have written to President Bush, asking him to raise this issue of international parental kidnapping when he meets with the Chancellor. I am hopeful he will do just that.

Let me take a few minutes to update my colleagues about what is happening in our relations with Germany on this issue. As you know, the Hague Convention on the international aspects of child abduction, which the United States and Germany have both signed, is in place to facilitate the return of internationally abducted children to their countries of "habitual residence" for custody determination. That is where the issue is supposed to be adjudicated. Unfortunately, it has become clear that all countries that have signed the convention do not take their obligations seriously. Germany has performed especially poorly in returning children and allowing family visitation options.

According to the General Accounting Office, 215 Hague Convention cases seeking the return of children have been opened with Germany, just since 1995. Of those cases opened, 172 of them have been closed with the children being returned only 67 times, or 39 percent of the time, and not returned 105 times, or 61 percent of the time.

Because of this disturbing return rate, during the past year both former President Clinton and former Secretary of State Madeleine Albright raised with German officials the problems with their country's poor compliance rate.

Additionally, this Senate and the House of Representatives passed a resolution I sponsored which urged the signatories—namely Germany, Austria, and Sweden—to comply with their Hague Convention obligations.

In response to these efforts, an American-German working group on child custody issues has been established. While this group has made some progress in handling future cases of child abduction, momentum seems to have slowed, and essentially no progress has been made regarding the open cases, either in the return of children to the United States or in allowing left-behind parents adequate visits with their children.

To that end, I believe we simply must not allow Germany or any signatory nation to ignore their convention obligations and turn blindly against the parents who have suffered unbelievable heartache because of the loss of their children.

Ultimately, we cannot understate nor can we ignore the importance of getting these children returned to their homes in the United States. We must make the return of all internationally abducted children a top foreign policy priority.

This is obviously not a partisan issue. Rather, this is a humanitarian issue, an ethical issue, an issue about children and how we can reunite families. I urge my colleagues to support efforts to bring these children home. Ultimately, the great tragedy is not the loss that these parents feel. The great tragedy is that there are children growing up without a parent who wants to be a loving parent but who, because of illegal action of the other parent, no longer can see that child. That is a tragic loss for the child.

Mr. President, I yield the floor. I do note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized in morning business.

The PRESIDING OFFICER. We are in morning business. The Senator may proceed.

HISTORICAL CHANGES

Mr. DURBIN. Mr. President, this has been a historic week in Washington, DC. For the first time in the history of the Senate there has been a change in the leadership of the Senate because of the decision of one Senator to become an Independent and to join the other side of the aisle in forming a new majority. As a result of the decision of Senator JEFFORDS of Vermont, Senator TOM DASCHLE of South Dakota is now the majority leader. The President pro tempore of the Senate is one of the most venerable Members in the history of the Senate, Senator ROBERT C. BYRD of West Virginia. We have also created a position of President pro tempore emeritus for Senator STROM THURMOND of South Carolina.

Most are aware of the fact that Senator STROM THURMOND breaks a Senate record every day of service. He is 98 years old. This week he went to Bedford, VA, where they noted the anniversary of the D-day invasion on June 6, 1944. Senator STROM THURMOND, at the age of 41, volunteered to fly a glider behind enemy lines in the D-day invasion. It is a great tribute to him that the President asked him to join in the opening of the new memorial to D-day in Bedford, VA. We are very proud of Senator THURMOND and his service to our country. It is an extraordinary story. A man who was 41 years of age on that day still serves his Nation in the State of South Carolina in the Senate.

If this were just a matter of changing titles and the nameplates on offices, one might say what happened this week in the Senate has little bearing on the families across America and their immediate concerns. However, I believe on this side of the aisle there will be changes of great significance to families across the United States.

We are in the midst of debating an education bill. This could easily be one of the most significant pieces of legislation this year. It is a bipartisan bill, supported by President Bush, as well as the Democratic and Republican congressional leaders.

The object of this bill is to modernize the schools of America to prepare them for the 21st century, to make certain that kids going to school in my home State of Illinois or New Jersey or any State across the Nation have a chance for the very best education.

I was really encouraged this week when the Senate agreed to an amendment I offered to increase the money for math and science education. Sadly, in comparison to many countries around the world, the United States does not do its best when it comes to teaching our kids math and science. When you look at the fields of endeavor where the United States is succeeding, particularly in the areas of science and medical research and high technology, math and science are absolutely essential. So this bill will focus not just on reading skills, which are the bedrock of any good education, but also on improving math and science skills for our kids, making certain the teachers standing in the front of the classroom are really qualified to teach the subject so they can energize and excite young students in the fields of math and science.

This bill also calls for accountability, testing of students to make sure they are making progress, investing back in the schools so they can improve their performance.

This week, in Chicago, IL, Mayor Daley announced that Paul Vallas, who has been the leader of the Chicago public school system and its CEO for more than 5 years, is going to move on. Paul Vallas leaves an extraordinary record in the city of Chicago. He took what was dubbed the Nation's worst school system and has turned it into arguably one of the best of any major city. They stopped social promotion. They started investing in schools—smaller class sizes, better teachers, a new sense of excitement, testing—and if the kids cannot pass the test, they are offered 6 weeks in summer school to catch up. If they still can't pass it, they repeat the grade so they are not pushed along to the next grade, really creating a fiction, when they are handed the diploma, where many of them in years gone by could not even read.

We want every school district to move forward, not just for the wealthiest but for all of our Nation. That is really the hallmark of American democracy, the commitment to public education, the notion that whether you are rich or poor, black, white, brown, a young boy, a young girl, whether you are native born or immigrant, that you have a chance to get an education and a chance to succeed. It says more about America than anything. That is in the pending bill.

When this bill is finished, we are going to move to the Patients' Bill of Rights. What is that all about? The question of who will make medical decisions, your doctor or your insurance company. If the doctor says the best thing for you or someone in your family is a certain medical procedure, we want that doctor's decision to be the last word, not that of a clerk in an insurance company somewhere who is reading from a manual and looking at the bottom line of the quarterly report for the insurance company. We want somebody who is making that decision in your best interest and your family's best interest.

The Patients' Bill of Rights has been an issue that should have been resolved years ago in the Senate, but it was not. With the new Democratic leadership of Senator TOM DASCHLE and a bipartisan effort involving Senator JOHN MCCAIN, a Republican of Arizona, Senator JOHN EDWARDS, a Democrat of North Carolina, and, of course, Senator TED KENNEDY of Massachusetts, we have a chance to pass this bill. I think that is a step forward.

We also want to increase the minimum wage. This used to be an item that was not even debated on Capitol Hill. Regularly we would take a look at the minimum wage and recognize we have to say to the people who are working at the lowest end of the economic spectrum that they have a chance to keep up with inflation. But our minimum wage has been stuck at $5.15 for years.

In my home State of Illinois, 400,000 people got up this morning and went to work for $5.15 an hour, many of them working two and three jobs just to keep their families together. We can improve and increase the minimum wage, and we should.

These issues, whether it is prescription drug benefits under Medicare, Patients' Bill of Rights so doctors make decisions for our health care, an increase in the minimum wage, improvement in education—that will be part of our agenda as we return here next week with the new majority leader, TOM DASCHLE. It is an exciting opportunity.

Having said that, we are still a body of 100 Members where, on a good day, the Democrats can muster a majority of 51 votes. So it is obvious we need bipartisanship; we need cooperation. But I hope this change in the leadership in the Senate will open up our eyes to an array of opportunities that have been missed over the last several years, opportunities to provide better schools, more health care, to give a voice to consumers and families in securing appropriate medical treatment, to give those who are struggling to go to work every day and make a living a chance to succeed in America.

It is a pretty heady agenda; it is pretty challenging; but I think we can rise to that occasion. I look forward to being part of it.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

REFLECTIONS ON THE SENATE

Mr. BYRD. Mr. President, seeing the current Presiding Officer, the very distinguished senior Senator from Illinois, in the chair reminds me of the days when I first came to this Chamber. At that time, representing the great State of Illinois was the inimitable Everett Dirksen, with his unruly, one might say unkempt—at least in appearance—hair, his florid and flowery oratory, his mellifluous voice, a master at painting word pictures: Everett Dirksen. I can see him standing there. He was the minority leader. And then on this side of the aisle, in the next row behind me and across the aisle, sat the other Senator from the State of Illinois, Paul Douglas: Learned, also a great orator, very impressive—the two Senators from Illinois.

Illinois is continuing in that tradition of Dirksen and Douglas. It sends to the Senate the Senator who presently presides, RICHARD DURBIN, formerly a Member of the House of Representatives, who served there with distinction on the Appropriations Committee, who comes to the Senate Chamber very well equipped, indeed, well equipped by experience, well equipped by heredity, a factor never to be overlooked, a factor which in some ways lays out the destiny of each of us ahead of our years, who also is a very fine speaker, one who does his homework, who likes service to the people.

Then there is Senator FITZGERALD. I believe he is the youngest Senator in today's Chamber, who came to the U.S. Senate, I believe, as a former member of the Senate of the State of Illinois. I hope I am correct. If I am not, I hope the Presiding Officer will indicate by nod that I am in error.

In any event, I express appreciation to the Senator who presently presides for his patience in awaiting my tardy arrival.

I sat in the chair earlier today as the President pro tempore of the Senate, having been elected to that honor by my colleagues, first of all, on this side of the aisle, and then all of my colleagues through a Senate resolution.

Senators are not to speak from the chair. If compliments are to be directed to the Chair or criticism is to be directed to the Chair, the Chair is not supposed to respond. The Chair is only to respond when called upon by way of a parliamentary inquiry or, if necessary, to make a ruling on a point of order. And, of course, it is his or her responsibility to maintain order in the chair. The Chair has the responsibility to maintain, or to restore if necessary, order in the galleries, or in the Senate Chamber, without being called upon by a Senator from the floor. It is the Chair's responsibility to maintain order in the Senate, and the Chair should not await a call by a Senator from the floor for order and decorum; the Chair has that responsibility.

As I sat there earlier today—we, of course, can't call attention to visitors in the galleries. But there are visitors in the galleries. And as I sat in the chair earlier today watching the visitors in the galleries, I reflected. It is a good time to reflect when one is in the chair and nothing is going on on the floor at a given moment and when no Senator is speaking. It is an excellent time for reflection. As I reflected on the silent audience that sits every day in these galleries—I reflected upon the fact that there in those galleries sit the people—our auditors—the people who send us here, the people who pay us our salaries. Silently they sit viewing the Senate, pondering what is said by Senators, watching over our shoulders. They are always there.

Sometimes we may be prone to forget that the people are watching, but they are watching. There in the galleries rests the sovereignty of all that is the Government of this Republic.

CLIMATE CHANGE STRATEGY AND TECHNOLOGY INNOVATION ACT OF 2001

Mr. BYRD. Mr. President, this past weekend I noted an article in the Washington Post that led with these lines:

> Administration officials preparing an alternative to the 1997 global warming agreement that President Bush disavowed in March are focusing on voluntary measures for reducing greenhouse gas emissions—an approach unacceptable to most U.S. allies in Europe and Japan.

Mr. President, last month, I came to this floor to urge the Bush administration not to abandon the progress of the multiyear international negotiations on global climate change. In particular, I urged this administration not to endanger many of the gains that the United States has made in recent years as it has tried to forge a workable, responsible international climate change agreement. So I welcome the subsequent announcement by administration officials that they intend to participate in talks on the Kyoto Protocol scheduled to take place in Bonn, Germany, in July. But an insistence on the part of the United States strictly on voluntary measures would certainly place in jeopardy such gains and would, I believe, undermine the credibility of our Nation at the bargaining table in the future. I cannot agree with a strategy that abandons consideration of binding commitments in favor of voluntary efforts alone.

I stand here as the chief author of Senate Resolution 98 in 1997, the measure that many on both sides of the debate paint as a fatal blow to ratification of the Kyoto Protocol. I beg to differ with that depiction. S. Res. 98, in 1997, was the voice of the Senate, the vox populi, the voice of the people through their elected Representatives, providing guidance to the previous administration—the administration at that time—as its negotiators labored to hammer out a climate change proposal among various international players. That resolution, which passed by a vote of 95–0, simply stated that any international treaty on climate change must include binding commitments by the developing nations, especially the largest emitters, and also that it must not result in serious harm to the U.S. economy.

It also called upon the administration to inform the legislative branch, which under the Constitution of the United States is required to approve the ratification of treaties, as to the estimated costs of commitments by the United States. We want to know what these will cost. And to date, that information has not been forthcoming. That is what we were saying. Tell us what it will cost. Don't sign it; don't sign that protocol until the major emitters among the developing nations of the world have also signed on and have come into the boat with us. They need to sign on with respect to restricting the emissions of greenhouse gases. It must not be the United States alone; it must not be the United States and the developed nations, the industrial nations, alone. We all have a responsibility.

So we said we want the developing nations to get into the same boat with us because they are going to be impacted by the pollution that is emitted into the air, into the atmosphere, because it circles the globe. We are not saying they have to sign up for precisely the same limits we place on ourselves, or to that same degree, but they do need to sign on and get into this boat. Also, we want to know what it is going to cost and what kind of an impact it is going to have on U.S. industries. We don't want our industries to go overseas as a result of an unwise signing of the protocol that would require us to continue to strongly limit ourselves in ways that would encourage manufacturers in this country to go abroad and to establish themselves in the developing countries. Let's all get into the same boat together. There must be a level field insofar as our industries are concerned. Let's don't drive American industries overseas.

It is a little like smoking a cigar in a room. I used to smoke cigars. I smoked for 35 years. I gave up the habit. I said, "I am quitting." The point is that, even though I might have been the only person in the room holding a lighted cigar in my hand, everybody else in the room was inhaling the fragrance of that cigar. And it is the same way with greenhouse gases. They do circle the globe. Everybody breathes the same air, not only the emitters, but also those who are not the emitters.

Had the Senate merely sat on its hands in that instance and allowed an untenable treaty to be submitted for approval, it would have been rejected. That would have been the fatal blow.

The effect of that Senate resolution was not to kill the negotiations—that was not my desire to kill the negotiations—but to help shape them, to strengthen the hand of our negotiators as they tried to reach an agreement that would be acceptable to the American people. No treaty of such magnitude stands any real chance of success in this Nation without the backing of the American people. Our friends in foreign nations surely understand that.

There are also some who do not believe the proliferation of scientific reports that have been produced in recent years concerning climate change. But the body of evidence tells us that something is occurring in our atmosphere at a proportion that is changing our climate and that the human hand has played a role in affecting that change.

"I have lived a long time", as Benjamin Franklin said when he stood before the Constitutional Convention, "and the longer I live, the more convincing proof I see that God still governs in the affairs of men." And so the longer I live, I see that also.

One of the "affairs of men" that I see changing is the atmosphere, the circumstances in which we live every day and every night. As one who has lived more than 83½ years, I have seen some changes taking place out there in the cosmos and around the globe.

I cannot explain those changes. I am not a scientist. But I know that the changes are taking place. The storms are more violent. The storms are more frequent today than they were when I was a lad walking the hills of Wolf Creek in Mercer County, West Virginia. The floods are more frequent. The droughts are more severe, with far more costly results and more often. The forest fires are more frequent, more costly.

The winters have changed. No longer do I experience the snows that I experienced as a boy in southern West Virginia in the mountains and hills. There is still a great deal of snow there, but not like it was 50 years ago, 60 years ago, 70 years ago.

The rains are not as they were. There is something going on out there. The ice masses at the two poles to the north and to the south are diminishing. They are melting. As they melt, conditions change around the globe. The waters of the seas grow higher. There is something going on out there—I know, and I am concerned about it.

We can waste valuable time debating and quibbling over measurements, methodology, findings, and conclusions, or we can accept the simple reality that is right before our eyes—we feel it, we see it, we hear it, we read about it, we appropriate more moneys because of it—the reality that global warming is occurring.

Today, Mr. President, I am introducing the Climate Change Strategy and Technology Innovation Act of 2001. Senator TED STEVENS, the senior Senator from Alaska, a State that is almost halfway across the globe from where we stand today, has agreed to join me in this effort. This legislation calls for a comprehensive strategy underpinned by credible science and economics that will guide U.S. efforts to address the multifaceted problem of global climate change. This legislation also establishes a major research and development effort intended to develop the bold breakthrough technologies that our country will need to address the challenge of climate change.

This legislation is intended to supplement, rather than replace, other complementary proposals to deal with climate change in the near term on both a national and international level. I also note that this bill is technology neutral. This is not a bill to carve out special benefits for coal or oil or gas or, for that matter, for nuclear, renewables, or any other energy resource or technology. This legislation provides the framework for addressing the climate challenge, reaffirms the ultimate goal of stabilizing atmospheric greenhouse gas concentrations, and leaves the technology decisions to energy experts and the marketplace.

An understanding as to why this legislation is necessary must begin with an understanding of the fundamental causes of global climate change. It is virtually indisputable that atmospheric concentrations of carbon dioxide, CO_2, are rising and that mankind is contributing to this rise.

CO_2 has never changed. Like H_2O, it never changes. H_2O, two atoms of hydrogen and one of oxygen constitute water. Water was the same in the beginning when Adam and Eve strolled the paths of that Earthly paradise. Water was H_2O, and carbon dioxide was the same, CO_2. Neither has changed. There are some things that do not change. That is the reason why I say history repeats itself. Human nature does not change. Cain slew Abel in the heat of a sudden rage, and men are still slaying one another.

These rising concentrations drive global climate change, and they are growing as a result of increasing emissions of greenhouse gases. I don't believe I need a scientist to tell me something is going on there. Disturbingly, most greenhouse gases have a very long life span in the atmosphere, ranging from decades to hundreds of years. This means that what is emitted today is added to what was emitted in the 20th century. For example, much of the CO_2, much of the carbon dioxide, emitted during the Second World War is still with us today, and, with each passing year, the concentration is projected to grow to ever-higher levels. So, even if it were possible to stop emitting greenhouse gases today, that would amount to a very small chip in an iceberg of a problem.

It is also important to note that as the concentrations of CO_2 grow, the economic impact of the problem significantly increases. This is an extremely important point, because if we wait until every last bit of uncertainty is resolved, it may well be too late to prevent adverse consequences to the climate system, and it will be very difficult, if not impossible, to take cost-effective action.

Conversely, taking action can be costly. Fossil fuels, such as coal, which emit carbon dioxide are the heart of our economic engine. Thus, as our economy grows, we use more fossil fuels. The President came into West Virginia in the election and advocated spending $2 billion, I believe, on clean coal technology. You are looking at the daddy of clean coal technology. I started that in 1985 with the authorization of $750 million. So I welcome the President's support of clean coal technology.

But there is another side to that coin. I said to the President, I hear they may provide for the costs of additional clean coal technology research by taking it out of fossil fuel research. Please don't do that. That would be robbing Peter to pay Paul.

Yet, that is exactly what happened. The President's budget provides that some of the moneys in fossil fuels research—which means coal, oil, and gas—will be redirected. "Redirected" is the word—that is the key word—redirected to clean coal technology. We are going to change that, however, and put those moneys back into fossil fuel research. As our economy grows, we use more fossil fuel. Stopping those emissions, even just limiting those emissions, can have the effect of putting the breaks on a purring economy. And that is not just true of the United States, but of other nations as well, particularly in developing nations where economic growth is steep.

In order to solve the problem, we must develop new and cleaner technologies to burn fossil fuels as well as new methods to capture and sequester greenhouse gases, and we must develop renewable technology that is practical and cost-effective. Such an effort will require visionary leadership. Where there is no vision, the people perish. We need, therefore, to muster the strength and the political courage to tackle the climate change challenge in innovative ways.

So the legislation I offer today, cosponsored by my friend, the erstwhile chairman of the Senate Appropriations Committee, the distinguished senior Senator from Alaska, Mr. STEVENS, calls for the creation of a national strategy to define how we can meet these objectives, and it organizes national research efforts and authorizes funding to accomplish these goals.

Moreover, the legislation would establish a regime of responsibility and accountability in the Federal sector for the development of a national climate change response strategy. The strategy includes four key elements that collectively represent a new paradigm to deal with climate change.

The first element defines a range of emission mitigation targets and implementation dates to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level and at a rate that would prevent dangerous interference with the climate system. The strategy would also evaluate how each of the range of targets could achieve reductions in an economically and environmentally sound manner.

The second element calls for substantially increased private- and public-sector investment in bold, innovative energy technologies.

The third element calls for greater research to understand how we may have already altered the climate and how we can adapt to these changes in the future. It would help us understand, for example, how the changing climate may be affecting farming, in Illinois, farming in Florida, farming on the verdant hills of West Virginia—where there might be flooding or drought and how we could best address it.

The fourth element in the paradigm calls for continuing research on the science of climate change to resolve the remaining uncertainties.

To carry out this strategy, this legislation provides for the creation of an administrative structure within the Federal government to accomplish these elements. It creates an office in the White House to coordinate and implement the strategy, and a new office in the Department of Energy that will work on long-term research and development of a type that is not pursued in more conventional research and development programs. The DOE office will focus on breakthrough technological solutions and work in cooperation with existing basic science and applied technology programs to bring an increased focus to the climate change problem. To ensure that these goals are achieved, this bill creates an independent review board that will report to the Congress. Finally, the bill authorizes appropriations for these goals.

This is the greatest nation in the world, the greatest nation the world has ever seen. It is the greatest nation when it comes to putting our talents to the task of advancing revolutionary change. I am confident that the United States possesses the talent, the wisdom, the drive, and the courage to lead a global solution to the climate change challenge that we in Congress and those in the executive branch can rise to meet this challenge. It will task our courage, it will task our energy, it will task our determination, our foresight, and certainly our vision. We not only have the opportunity here, but we also have the responsibility to act now on behalf of those who live today, but even more important, on behalf of those of the unborn who are not even yet knocking at the gates. We hold their future in our hands, and we should understand that. We cannot wait until my children or my grandchildren are standing in these Chambers, standing in the offices of power in Washington or elsewhere. The responsibility is right in our hands now and the future is right in our faces.

I am sure these are matters that will be of some controversy, but we must pause to think of those of our forefathers who responded to the needs of the hour when it was their time to act on behalf of their generation and their children. The responsibility is heavy, but it must be met.

I take this opportunity to thank Senator STEVENS for his support, for his cosponsorship, and for the very great strength which he will add to the effort. It will be a continuing effort. It is going to take a long time. It is a big, big problem, but we can't avoid it because of its bigness. We have to meet it.

Mr. President, I will welcome, as well as Mr. STEVENS, any cosponsors who wish to add their names to this legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Florida, Mr. BILL NELSON, is recognized.

Mr. NELSON of Florida. Mr. President, I have been spellbound by the remarks of the distinguished Senator from West Virginia, addressing a problem facing planet Earth that all too often we have ignored. Yet as he so cogently has expressed, indeed, it is a problem. There is something happening out there.

It has been my concern that the present administration, for whatever reason, has chosen not to approach addressing the issue of global climate change through the Kyoto accords. And because the administration has so decided, it is all the more important for leaders such as Senator BYRD and Senator STEVENS to speak out on a phenomenon that, in fact, is occurring.

The scientific community is fairly unanimous. It is not totally unanimous. Because of that, that is used as an excuse for others to say that global warming is not upon us. That counters all of the scientific evidence and the testimony of a vast majority of the scientific community that it has happened.

We also know that there is, in fact, a correlation, as the distinguished Senator from West Virginia has stated, between the production of CO_2 into the atmosphere and global warming. I commend the Senator from West Virginia for offering this legislation to try to get the Nation's mind focused on the problem and a comprehensive effort of trying to determine what we are going to do about it before it is too late.

In my previous governmental capacity, in the position of Insurance Commissioner of the State of Florida, I tried to sound the alarm bell, and it was very difficult to get people to pay attention, especially insurance companies that would have a great deal to lose because global warming will cause the rise of the seas. When you come from a State such as mine, that has enormous implications since most of our 16 million population is along the coast of Florida. The increase of global temperature will also cause the intensity of storms to increase, as well as their frequency.

Florida is a land that we call paradise, but it happens to be a peninsula sticking down into the middle of something known as Hurricane Highway. Hurricanes are a part of our life, and global warming foretells, for us, an increased intensity of hurricanes and an increased frequency of hurricanes. That has enormous implications on not only our lifestyles but our economic activity—particularly in a State such as Florida that has so many miles exposed to water.

Increased global warming also portends, for the entire globe, the increased likelihood of pestilence and disease, all of which have tremendous impacts on us as a nation if this phenomenon occurs.

The Senator is so kind to stay and listen to my remarks which in large part are directed to him in my affection and appreciation for him and his comments and his legislation. But allow me to divert to the recesses of my memory and to my mind's eye.

In 1986, as I looked out the window of the spacecraft *Columbia*, high above the Earth, in Earth orbit, looking back at home that suddenly, over the course of days in space, is not Florida or America but home becomes the planet, this beautiful blue and white ball suspended in the middle of nothing—and space is nothing. Space goes on and on. It is an airless vacuum that goes on and on for billions of light-years. There in its midst, suspended, is this wonderful creation called planet Earth, our home. As I would look at the rim of the Earth, I could see what sustains all of our life. I could see the atmosphere. As I would look further, I would start to see how we are messing it up.

For example, in a ground track coming across South America, I could look out the window of the spacecraft to the west and, because of the color contrast, even from that altitude I could see the destruction of the rain forest in the upper Amazon region.

Then, in the same window of the spacecraft, I could look to the east at the mouth of the Amazon River and could see the result of the destruction of the trees for the waters of the Atlantic which were discolored from the silt for hundreds of miles from the mouth of the Amazon. That was a result of the destruction of the trees hundreds of miles upriver.

I came away from that experience becoming more of an environmentalist. I came away from that experience with a profound sense of obligation to become a better steward for our planet Earth.

The legislation that the Senator has offered is another step in attempting to get this Nation and this planet to recognize that something is changing; that we best use the best minds, the best science, and the best technology to address how we can stop what seems to be the inevitable march of warming the temperature of this planet to the point at which it could cause great destruction.

I thank the President for his recognition. I thank the Senator from West Virginia for his statement today and for offering this legislation. I thank him for his very kind indulgence to listen to my remarks, which are complimentary to him for what he was offered here today.

Thank you, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I seek recognition for only a brief statement.

I thank the distinguished Senator from Florida for his observations today. He comes to the Senate as one who is different from the rest of us—different in that his experiences include that of being a former astronaut. My name is BYRD, B-Y-R-D. I don't have the wings of a bird. But I have the imagination that can fly uninhibited through the unlimited bounds of space.

As the Senator from Florida spoke, I found myself traveling with him and looking out of the windows of his spacecraft in wonder at what has happened to planet Earth, the planet that we call home.

I thank him for taking the floor today to tell us about his thoughts and about his experiences in that regard. I think he has opened up a new window of understanding—certainly, to me. I thank him.

I look forward to hearing from Senator NELSON on future occasions and to working with him as we attempt to attack this growing problem. It is one which is going to be costly. It is going to take money. We are severely limited at this time. But I welcome his remarks and always in association with my own.

Mr. President, I send to the desk the bill and ask for its referral.

The PRESIDING OFFICER. The bill will be appropriately referred.

Mr. BYRD. Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, the Climate Change Strategy and Technology Innovation Act of 2001 asks for a commitment of the 107th Congress to Develop bold, innovative technologies to better understand global climate change. I thank my friend Senator BYRD for introducing this Bill and I am proud to be an original co-sponsor.

On May 29, I chaired an Appropriations Committee field hearing in Fairbanks, AK on the impact of global climate change on the arctic environment. Witnesses included Dan Goldin, the Head of the National Aeronautic and Space Administration; Scott Gudes, the acting head of the National Oceanic and Atmospheric Administration; Dr. Rita Colwell, the Director of the National Science Foundation, Charles Groat, the Director of the U.S. Geological Survey; and experts from the International Arctic Research Center and the University of Alaska's Geophysical Institute. Many of the Witnesses noted that recent climate change activity likely stems from a number of factors, including natural variances and human activity.

The degree to which any particular phenomenon or activity is contributing to climate change is not well understood. However, regardless of cause, there has been a dramatic warming trend in the arctic areas of Alaska. Pack ice that usually insulates our coastal villages from winter storms has shrunk by 3 percent a year since the 1970's. Increased storm activity has caused significant beach erosion that may displace entire communities. Sea ice is also thinner than it was 30 years ago. The northwest passage has been ice free for the last three years. Forests appear to be moving farther north and west as the permafrost melts. We need better research capabilities to understand global climate change, better planning capabilities to react to climate change impact, and better energy technology infrastructure to keep pace with America's growing energy needs.

Senator BYRD's bill will create a process for the United States to seriously and responsibly address the climate change issue. I look forward to working closely with him to pass this important legislation.

Mr. LIEBERMAN. Mr. President, I rise today to applaud the leadership shown by Senator BYRD and Senator STEVENS with their introduction of the Climate Change Strategy and Technology Innovation Act of 2001. Senator BYRD has shown great courage by taking action to address global warming in such a forthright and courageous manner. As Livy once wrote of the great general Hannibal, Senator BYRD is preferred "in any action which called for vigor and courage, and under his leadership the men"—or in this case his colleagues in the Senate—"invariably showed the best advantage of both dash and confidence." Senator BYRD's vigor and wisdom in introducing this bill are on historic parallel with the acts of Hannibal.

I have been informed that the bill will likely be referred to the Government Affairs Committee, and as chairman of that committee, I look forward to reviewing it in detail. As I understand it, this legislation will create an aggressive comprehensive effort within the executive branch that will provide the scrutiny and creative thought that global warming requires. I hope that it will be the tree off of which other climate change measures will branch. As Senator BYRD has said, it is meant to complement, not replace, other mitigation measures—measures that must include binding targets for emissions reductions.

The timing for the introduction of this bill could not be better. On Wednesday, the National Academy of Sciences released their latest report on climate change at the request of the White House. The White House asked the questions, and the answer was clear: global warming is "real," is caused by human activity, and has potentially disastrous consequences. Now, as President Bush prepares to go to Europe next week, he must heed these disturbing findings and propose meaningful, binding measures to address climate change.

The mandate is clear, we must take action and take action now to stop the overheating of our planet. We must be aggressive and we must be creative. We must harness one of our great American traditions, which is an unparalleled capacity for innovation, and lead the world in doing so. We must use flexible market structures in order to allow that innovation to flourish, we must set the strict caps on emissions that are necessary to drive that innovation.

As I understand their bill, Senators STEVENS and BYRD have laid out a program that will provide the framework for the United States to address the dire problem of climate change. We must accept this challenge and begin to take serious measures to reverse this troubling trend, or future generations will suffer the consequences and remember us with disappointment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

THE RETIRED PAY RESTORATION ACT OF 2001

Mr. REID. Mr. President, I would like to proceed in morning business to talk about some legislation that I sponsored. It is called the Retired Pay Restoration Act or 2001.

I introduced this bill last Congress. Out of the 100 percent of the things we needed to do on behalf of veterans, we maybe did 1 or 2 percent. There is still 98 percent to do.

This legislation addresses a 110-year injustice against over 560,000 of our Nation's veterans. We now have 64 cosponsors to S. 170. It clearly illustrates bipartisan support for this legislation.

My disappointment, though, is that this legislation passed was part of the budget. It was stripped out of the so-called "conference" that took place on this bill. That is unfair.

Every day in America—today, tomorrow, and the next day—1,000 World War II veterans die. This legislation is meant to help them.

What does this legislation do? We in Congress have repeatedly forced the bravest men and women in our Nation—retired career veterans—to forego receipt of a portion of their retired pay if they happen to also receive disability pay from an injury that occurred in the line of duty.

If you are an old veteran and you have a service-connected disability and you retired from the military, you cannot draw your disability pension. Is that fair? No, it is not fair. S. 170 will permit retired members of the Armed Services who also have a service-connected disability to receive military retirement pay and also the disability compensation. That seems fair to me.

Also, if a veteran who had a service-connected disability retired from some other aspect of the Federal Government—from the Congress, from the Department of Energy, or from the Interior Department—they could draw both pensions. But if you retire from the military, you can't. That doesn't seem fair to me.

We are currently losing, as I have indicated, over 1,000 World War II veterans every day. Every day we delay acting on this legislation means that we have denied fundamental fairness to thousands and thousands of our gallant armed service men and women. They will never have the ability to enjoy their well-deserved pensions. They earned them. If they spent 20 or more years in the military and were shot, or in some way hurt as a result of the service-connected disability, they earned that. That is an understatement.

As to the budget which we have heard so much about, the "budgeteers" should be ashamed of themselves. They took this out of the budget. It was passed on the floor, and they stripped it from the budget.

I want everyone to know that we have 64 cosponsors. It is bipartisan. I am going to look for ways of having this legislation adopted by the Congress and sent to the President.

Everyone should be alerted—Senator LEVIN, Senator WARNER—that I am going to do everything I can to make sure it is on the Defense authorization bill. I am going to do everything I can—I say to Senator INOUYE and Senator STEVENS—to make sure it is on the military appropriations bill. It is just unfair.

This legislation should be passed. Every day 1,000 people are denied basic fairness in this country.

Today we have about 1.5 million of our finest serving in the defense of this Nation. The United States military is unmatched in power, training, and ability. This great Nation is recognized as the world's only superpower—a status which is largely due to the sacrifices that veterans made during the last century. But rather than honoring their commitment and bravery, the Federal Government has instead chosen to perpetuate a 110-year-old injustice.

Quite simply, that is disgraceful. It is an injustice. It has existed for far too long. We must correct it. I am going to do everything I can to make sure that this passes in some form and is sent to the President to be signed.

COMMENDING SENATE PAGES

Mr. DASCHLE. Mr. President, on behalf of the Senate, I rise to bid farewell to our current class of Senate pages, who have served the Senate with distinction over the last five months. On behalf of the entire Senate, I would like to thank them for their fine work and tireless efforts to help the Senate run smoothly.

This class of pages has served during an historic time in the United States Senate. When they arrived, we were still in the midst of a close presidential election, one that held the fate of the Senate in balance. When the election was decided, they served in an unprecedented evenly divided Senate. And as they leave, they have been witness to a change in who is the majority. They've even served during a rare weekend session. And through all of these challenges, they have maintained excellent academic records.

Most people do not know of the rigorous nature of a Senate page's life. On a typical day, the pages rise early and are in school by 6:00 a.m. After several hours of classes, they come to the Capitol to prepare the Senate Chamber for the day's session by providing each Senator with a copy of the Senate Legislative and Executive Calendars, the legislation under consideration, and the CONGRESSIONAL RECORD, as well as any other document a Senator might request.

During the remainder of the day, they run numerous errands and perform a myriad of tasks, including providing Senators with the appropriate bills and resolution under consideration, obtaining documents one of us may want to refer to during a debate, running errands between the Capitol and the Senate Office Buildings, and helping out at our weekly caucus lunches.

The pages stay here as long as we're here, no matter how late. Once the Senate has concluded business for the day, the pages return to their dorm to prepare for the next day's classes, and, we hope, to get some much-needed sleep. Despite the hectic schedule, they perform their duties cheerfully and efficiently.

The presence of the pages on the Senate floor serves as a constant reminder to all of us here that the legislative work we perform is not just for our generation, but for the children and young people of our Nation as well.

It is my hope that we have given the pages some insight into the need for individuals to become involved in community and civic activities. The future of our nation strongly depends on the generation who will follow up in this august body. Perhaps a number of the current group of pages will one day return here to serve as members of the United States Senate.

These young men and women have been an integral part of our daily life here in the Senate and they have faced quite a few challenges in this historic year.

Again, we wish the pages a fond farewell. I hope that they will take their experiences here and return to their hometowns as better citizens with a greater appreciation for public service. Speaking on behalf of the Senate, we wish them well in whatever endeavors they choose.

I ask unanimous consent that a list of the current class of pages be printed in the RECORD.

The list follows:

SENATE PAGES

Libby Benton, Michigan; Steve Hoffman, Vermont; Alexis Gassenhuber, Wisconsin; Kelsey Walter, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Tristan Butterfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, Texas.

CHILDREN NEED CHILDREN'S HOSPITALS

Mr. BOND. Mr. President, the National Association of Children's Hospitals and Related Institutions recently released a new report titled "All

Children Need Children's Hospitals" that explores how essential children's hospitals are to the health of all children. The report highlights the fact that—whether they ever enter a children's hospital or not—all children benefit from the far-reaching work of children's hospitals.

In the clinical care area, freestanding children's hospitals—which make up less than 1 percent of all hospitals—treat a disproportionately large share of children with highly specialized or complex conditions. For example, 46 percent of children with cancer, 45 percent of the children with cystic fibrosis, and 52 percent of children needing heart or lung transplants are cared for by these hospitals. In their own communities, these percentages jump even higher.

In addition to providing the most specialized and medically advanced care available, children's hospitals deliver preventive and primary care as well. They are the safety net hospital and community provider for low-income children. For example, across the Nation, more than 8 million outpatient visits and 1.6 million emergency room visits are made to children's hospitals and their community clinics annually. At Children's Mercy Hospital in Kansas City, over 200,000 outpatient visits and more than 70,000 emergency/urgent care visits occurred in 2000. Medicaid accounts for more than 45 percent of the inpatient days at children's hospitals, which devote nearly half of their care to low-income children. In fact, a children's hospital, on average, provides 10 times as much inpatient care to low-income children as any other urban hospital.

For all these children, the doctors, nurses and health professionals at children's hospitals take a family-centered approach to health care. Parents are considered partners in the care and treatment of their children. Children are made to feel comfortable and safe—feelings reinforced by in-room accommodations for families and age-appropriate patient rooms and playrooms. Doctors, pediatric nurses, occupational therapists, social workers, dentists, and child life specialists are among the health professionals taught by children's hospitals to put families first.

Children's hospitals train a substantial number of our children's doctors. The freestanding children's hospitals—again, which comprise less than 1 percent of all hospitals—train 30 percent of all pediatricians, half of all pediatric specialists, and a substantial majority of pediatric researchers. Their teaching programs are essential to the future of the pediatric workforce and to the future of children's health care. The promise of biomedical research cannot be realized for children without researchers at the bench.

The medical research and breakthrough discoveries conducted at children's hospitals benefit all children, preventing illnesses as well as advancing treatment. Children's hospitals have been the sites of many historic firsts, such as the discovery of polio vaccine. Children's hospitals have led the way in fetal surgery, transplants, advancements in cardiac treatment, and in the care of more common conditions such as asthma. Their contributions to cancer research have led to great progress in curing childhood cancers that were untreatable just a few decades ago.

Together with pediatric departments of university medical centers, children's hospitals account for 30 percent of all NIH-funded pediatric research; and they train the great majority of future pediatric researchers. Virtually all children's hospitals participate in clinical trials or health services research. Research moves from bench to bedside rapidly at children's hospitals, allowing new discoveries to transform more children's lives for the better. And these discoveries not only benefit children, but adults as well. The answers to many costly and painful health problems that affect adults like diabetes and obesity, can often be found in childhood. And many of the principles discovered in the study and treatment of children diseases, such as cancer, have also been applicable to adults.

Finally, children's hospitals' mission to improve the health of children throughout the nation doesn't stop at the hospital door. By developing innovative programs like "SAFE KIDS," children's hospitals focus community attention on children's health issues, improving child health through prevention as well as cutting-edge care. They work with schools and communities to provide valuable services to children with special health care needs and children facing abuse.

I understand that children's hospitals are for all children, perhaps better than most, because I have learned that from my children's hospitals at home. Missouri is blessed with top-notch children's hospitals. Their doors are open to any child in need of care. Their efforts in advocacy and community work are directed to the health care needs of all children. Their missions in education and research reach all children as well.

Children are different. They are not small adults. And no institution knows this better than a children's hospital. They provide the highest quality medical care, day after day, to children from all parts of the country, from the most distant rural areas to the closest inner city neighborhoods. They are essential to the health and health care of children today and tomorrow.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a heinous crime that occurred on August 8, 1990 in San Francisco, California. Chris Minor and Jonathan Ebert were attacked by four Skinheads who called them "faggots." Arrested and charged with assault were Skinheads Brandon Rosenberg, 19, and Thomas E. Miles, 21. Two juvenile females were also taken into custody. Rosenberg was arrested earlier in connection with an August 14 gay bashing in which he allegedly slapped David Robinson and threatened to beat him up.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

131ST FIGHTER WING

• Mr. BOND. Mr. President, I rise today to recognize one of the greatest air-superiority Wings in the Nation and its great leaders. On June 9th, 2001 Colonel Michael G. Brandt assumes command of the 131st Fighter Wing, Lambert Field, Missouri from Colonel Bob Edmonds. This Wing has tremendous aviation history and has 1,300 citizen-airmen who are dedicated and committed to service of their Nation.

The 131st Fighter Wing's mission is to achieve and maintain air superiority with the F-15 Eagle—the finest air superiority plane in the world today. The Wing has been called into service to battle the "Great Flood" of 1993 and has deployed to Incirlik, Turkey in support of Operation Northern Watch. The Wing has also supported Aerospace Expeditionary Force Operations, deploying to Southeast Asia and Europe to support Operation Southern Watch. The accomplishments of the leadership and the men and women of this Wing have maintained the great heritage of Lambert Field, and kept it one of the finest Wings in the Nation.

Colonel Edmonds will relinquish command of the 131st to Colonel Brandt. Colonel Edmonds graduated from the Air Force Academy in 1979 as a distinguished graduate and the top cadet in the Civil Engineering major. He was selected for a Guggenheim Fellowship at Columbia University and graduated in 1980 with a Master of Science Degree in Civil Engineering. Colonel Edmonds completed Undergraduate Pilot Training at Columbus AFB, Mississippi, as a distinguished graduate, and was selected to fly the F-15 Eagle. He has served in numerous flying positions, both as an instructor pilot and a commander, and led 45 combat missions with the 53rd Tactical Fighter Squadron during Operation Desert Storm.

Colonel Edmonds deserves our utmost thanks too for his tremendous leadership of the 131st. The men and women of the unit and the community will be forever grateful for his contributions and patriotism. We will soon be seeing Colonel Edmonds on a much more regular basis, as he will be walking the halls of Congress as the Chief of Senate Legislative Affairs. His tremendous success will certainly follow him there and I know we all look forward to working with him in that capacity.

Assuming command of the 131st is certainly a highlight in Colonel Brandt's career. He graduated from Officer Candidate School at Lackland Air Force Base in Texas over 30 years ago. Since then, his career flourished as he piloted the F-4, becoming a Veteran of conflicts from Vietnam to Operation Northern Watch. He is also a graduate of the legendary U.S. Air Force Fighter Weapons School.

Colonel Brandt joined the Missouri National Guard over 20 years ago. During that time he served in every capacity of Operations. He was the Squadron Commander of the 101st Fighter Squadron and the Operations Group Commander and Vice Wing Commander of the 131st Fighter Wing. His dedication and talents were recognized along the way and as a reward he was given ever increasing responsibility. He will now receive the ultimate reward, command of the 131st. There is no doubt he is the best choice to command the 131st. His exemplary record and knowledge of the Missouri National Guard, the Wing, and the community make him the right leader, ready to provide "Air Superiority—Anywhere, Anytime."

I am sure my colleagues will join me in thanking both Colonel Edmonds and Colonel Brandt for their service to this great Nation and extend our best wishes for continued success.•

TRIBUTE TO ROBERT W. KNECHT

• Mr. HOLLINGS. Mr. President, it is with great sadness that I rise today to commemorate the life of Robert W. Knecht, who passed away on Sunday at Georgetown University Hospital from colon cancer. Mr. Knecht's passing is a great loss to the coastal and marine policy community.

Mr. Knecht began his public service career not in the coastal management field, but working as an Upper Atmosphere Physicist for the National Bureau of Standards. He then went on to serve as Laboratory Director of the Environmental Services Administration. It was after holding those two posts, that he joined NOAA in 1967 as the Deputy Director of the Environmental Research Laboratories in Boulder, CO.

Working with him in the early 1970s, I recall Mr. Knecht's valuable contributions in crafting the Coastal Zone Management Act. It was with the passage of this landmark legislation in 1972, that Mr. Knecht was appointed as the first Director of the National Coastal Zone Management Program at NOAA. Working in this capacity for 7 years, he served to shape the first generation of State coastal zone management programs which continue today to protect our Nation's valuable coastal resources. Mr. Knecht was instrumental in the design and implementation of the National Coastal Management Program, particularly in enlisting coastal States to participate in this federal-state partnership. He also played a key role in the development of the coastal energy impact program amendments to the Coastal Zone Management Act in 1976 that dealt with oil and gas development.

In 1979, he became a Special Representative to the Secretary of Commerce on the United Nations Law of the Sea Negotiations. It was in this position that he developed and negotiated positions on the international management of seabed mineral resources. In 1980 and 1981, he was Director of the Office of Ocean Minerals and Energy at NOAA, working on the implementation of new legislation for ocean thermal energy conversion and deep seabed mining.

In 1981, Mr. Knecht left government service for academia, where he held positions at the University of Virginia, University of Rhode Island, Woods Hole Oceanographic Institution, and the University of California at Santa Barbara. In 1989, he joined the University of Delaware Graduate College of Marine Studies where he was the Co-director of the Center for the Study of Marine Policy for 12 years.

During his tenure at the University of Delaware, Mr. Knecht was a leader in promoting integrated coastal zone management, particularly on the international level where he also served as a consultant to the World Bank. He served as the Vice President of the International Coastal and Ocean Organization and was a member of the Marine Area Governance Committee of the Marine Board of the National Research Council. He also served as the Co-Editor-in-Chief for the international journal, Ocean and Coastal Management.

Mr. Knecht co-authored two books on ocean policy and integrated coastal zone management. In his most recent book on ocean policy, he identified the need for government integration of currently fragmented ocean policies, calling for a National Ocean Council that could set integrated national goals and ocean policies. I am pleased to say that this idea became a reality with the Oceans Act of 2000.

One of Mr. Knecht's most recent accomplishments was receiving the 1999 Julius A. Stratton Award for Leadership. This national award is bestowed biennially to the person or group that has made the greatest difference in leading the cause for the coast. Mr. Knecht was a true champion for the coast, fostering the development of the fledgling Coastal Zone Management Program in the early part of his career, to the latter part of his career that focused on developing integrated coastal zone management approaches at both national and international levels.

With Mr. Knecht's passing we have lost a great leader in marine and coastal protection. I would like to offer my deepest appreciation for Mr. Knecht's contributions to the Nation and send my sincerest condolences to his wife, Biliana Cicin-Sain, and to his family, friends, and colleagues.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SOCIALIST REPUBLIC OF VIETNAM ON TRADE RELATIONS—MESSAGE FROM THE PRESIDENT—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

In accordance with section 407 of the Trade Act of 1974, as amended (19 U.S.C. 2434) (the "Trade Act"), I am transmitting a copy of a proclamation that extends nondiscriminatory tariff treatment to the products of Vietnam. As an annex to the proclamation, I also enclose the text of the "Agreement Between the United States of America and the Socialist Republic of Vietnam on Trade Relations," which was signed on July 13, 2000, including related annexes and exchanges of letters.

Implementation of this Agreement will strengthen political relations between the United States and Vietnam and produce economic benefits for both countries. It will also help to reinforce political and economic reform in Vietnam.

I believe that the Agreement is consistent with both the letter and spirit of the Trade Act. The Agreement provides for mutual extension of nondiscriminatory tariff treatment, while seeking to ensure overall reciprocity of economic benefits. The Agreement includes safeguard arrangements designed to ensure that imports from Vietnam will not disrupt the U.S. market.

The Agreement also facilitates and expands the rights that U.S. businesses will have in conducting commercial transactions both within Vietnam and with Vietnamese nationals and business entities, and includes provisions dealing with settlement of commercial disputes, investment, financial transactions, and the establishment of government commercial offices. Vietnam also agrees to adopt standards for intellectual property protection that match the standards set forth in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.

On June 1, 2001, I waived application of subsections 402(a) and (b) of the Trade Act with respect to Vietnam. I urge that Congress act as soon as possible to approve, by a joint resolution referred to in section 151(b)(3) of the Trade Act, the extension of nondiscriminatory treatment to the products of Vietnam as provided for in the Agreement.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 8, 2001.*

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 503. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

H.R. 1885. An act to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2288. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approvals Under the Paperwork Reduction Act; Technical Amendment" (FRL6958-8) received on June 5, 2001; to the Committee on Environment and Public Works.

EC-2289. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methyl Anthranilate; Exemption from the Requirement of a Tolerance" (FRL6780-9) received on June 5, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2290. A communication from the Deputy Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority for Part 70" (RIN1512-AC19) received on June 5, 2001; to the Committee on Finance.

EC-2291. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Volatile Fruit-Flavor Concentrate Shipments and Alternation with Other Premises" (RIN1512-AB59) received on June 5, 2001; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-91. A resolution adopted by the Legislature of the State of Minnesota relative to special education costs; to the Committee on Appropriations.

RESOLUTION NO. 2

Whereas, in 1975 the Congress passed Public Law Number 94-142, the Individuals with Disabilities Education Act, and provided a national framework for providing free, appropriate public education to all students regardless of the level or severity of disability; and

Whereas, Congress in its initial passage of the Individuals with Disabilities Education Act declared its intent to fund 40 percent of special education costs; and

Whereas, the federal government's share of funding for special education costs in Minnesota has never exceeded 15 percent of total special education costs; and

Whereas, since the passage of the Individuals with Disabilities Education Act, the states have been primarily responsible for providing funding for special education services; and

Whereas, special education services are being provided to all eligible children in the state of Minnesota; and

Whereas, many states, including Minnesota, must provide substantial state funding to fill the gaps left by Congress's unfunded promise; and

Whereas, the recent increases in federal funds for schools, including the increases in special education funding, have come with substantial mandates and limitations on the use of funds; and

Whereas, Congress is now currently debating the most effective ways to improve education among the states; and

Whereas, the federal government is now estimating a surplus of $5,600,000,000,000 over the next ten years: Now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That Congress should speedily adhere to the goal set forth in the Individuals with Disabilities Education Act and appropriate to the states significant, genuine assistance to meet the needs of students with disabilities and to relieve schools from the necessity of cross-subsidizing special education revenue with general education revenue. Be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and Secretary of the Senate, the Speaker and Clerk of the House of Representatives, and Minnesota's Senators and Representatives in Congress.

POM-92. A resolution adopted by the Legislature of the State of Minnesota relative to the improvement and rehabilitation of waterways; to the Committee on Environment and Public Works.

RESOLUTION NO. 4

Whereas, waterway transportation is the most efficient means of transporting bulk commodities, transports more tons per gallon of fuel than either rail or truck while causing fewer accidents, less noise pollution, and fewer fatalities and traffic delays, provides a positive quality of life to the citizens of Minnesota, and is the most environmentally sound mode of transportation available; and

Whereas, because of its geographic location, Minnesota is disadvantaged by the distance commodities must travel when transported between Minnesota and domestic and international markets; and

Whereas, farm products, petroleum, coal, aggregates, fertilizer, salt, iron ore, metal products, and other bulk commodities needed by agriculture, industry, and the public sector are essential components of commerce and vital to the continued health of our national, local, and state economies; and

Whereas, the inland waterway lock and dam system provides recreational and ecotourism opportunities to Minnesota, a reliable water source of 25 billion gallons per year for residential and industrial use in the Twin Cities area, and a cooling source for power plants which provide over 4,800 Minnesota jobs; and

Whereas, our transportation infrastructure enables agricultural products and other exported commodities to compete successfully in international markets and leads toward a favorable balance of trade for our national economy; and

Whereas, our waterway transportation infrastructure shares the public waters with the natural environment; and

Whereas, the natural environment provides public benefits such as recreation, tourism, domestic and industrial water supply, and scientific and educational opportunities which are also important elements to Minnesota's economy; and

Whereas, the Upper Mississippi River is a natural resource of statewide, regional, national, and international importance due to its status as one of the largest floodplain areas in the world, its importance as a migratory corridor for 40 percent of all North American Waterfowl and the sanctuary it provides to more than 200 species of threatened, endangered, or rare plants and animals; and

Whereas, the Great Lakes Seaway serves Minnesota by moving its bulk products to domestic and foreign destinations, amounting to over 65 million tons annually, including 43 million tons of Minnesota iron ore to steel mills in Michigan, Indiana, Ohio, and Pennsylvania; and

Whereas, although dredging and maintenance of the seaway system is financed by the users, financing of the new Sault Ste. Marie Lock (owned and operated by United States Army Corps of Engineers) will be shared by the federal government and the eight seaway states on a prorated tonnage basis, requiring an estimated $18 million from the state to be paid over a 50-year period; and

Whereas, the inland waterway system moves 17 million tons of bulk commodities annually between Minnesota and the eastern seaboard and Gulf states, including approximately 10 million tons of agricultural products exported through gulf ports; and

Whereas, dredging and maintenance costs of the inland waterway are paid out of federal funds, and financing of capital improvements to the inland waterway system is 50 percent from federal funds and 50 percent from the Inland Waterways Trust Fund, funded by a 20 cent per gallon fuel tax paid by waterway shippers; and

Whereas, the river industry has been taxed on fuel since 1980, and since the Inland Waterways Trust Fund was instituted in 1986, the Upper Mississippi River basin has contributed 40 percent of the funds and received only 15 percent return for capital improvements, making the Upper Midwest a tax donor region to the Ohio River valley and others; and

Whereas, the Port Development Assistance Program is the vehicle to rehabilitate Minnesota's public ports on the Mississippi River and Lake Superior; and

Whereas, this program updates and improves the operation and efficiency of the ports to keep them viable and competitive; and

Whereas, the 1996, 1998, and 2000 Minnesota legislatures appropriated funds for this program, and the 2001 legislature will be requested to appropriate an additional $3 million to this program: Now, therefore, be it

Resolved, That the Minnesota Legislature supports Minnesota's pro rata participation in financing new construction at the Sault Ste. Marie Lock. Be it further

Resolved, That the Legislature formally recognizes the Upper Mississippi River as a river of statewide significance for natural, navigational, and recreational benefits. Be it further

Resolved, That the Legislature recognizes the critical habitat restoration and rehabilitation needs on the Upper Mississippi River. Be it further

Resolved, That the Legislature recognizes the importance of inland waterway transportation to Minnesota agriculture and to the economy of the state, the region, and the nation and urges Congress to authorize funding to improve transportation efficiency and restore the ecological values of the Upper Mississippi River System. Be it further

Resolved, That the Legislature supports the continued funding of the Port Development Assistance Program in recognition of the essential and fundamental contribution the Great Lakes and inland waterway transportation systems make to Minnesota's economy and to sustainable environmental programs. Be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the chair of the Senate Committee on Commerce, Science, and Transportation and Infrastructure, and Minnesota's Senators and Representatives in Congress.

POM–93. A resolution adopted by the Legislature of the State of Minnesota relative to amending the Railroad Unemployment Insurance Act; to the Committee on Health, Education, Labor, and Pensions.

RESOLUTION NO. 5

Whereas, numerous railroad employees have served their country honorably and well in various branches of the armed forces for periods in excess of 20 years; and

Whereas, these military veterans receive military retirement pay as partial compensation for their long military service; and

Whereas, if these veterans work for nonmilitary employers they can become eligible for state unemployment benefits in case of layoff and for workers' compensation in case of injury; and

Whereas, the Railroad Unemployment Insurance Act (United States Code, title 45; section 354(a–1)(ii)) prohibits payment of railroad unemployment benefits or railroad sickness benefits to otherwise eligible railroad employees who are receiving military retirement pay for 20 years or more of military service: Now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That it petitions the United States Congress to promptly amend the Railroad Unemployment Insurance Act to allow railroad employees collecting military retirement pay to also be eligible for railroad unemployment and sickness benefits if they otherwise meet the qualifications of these benefit programs. Be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself and Mr. JOHNSON):

S. 1006. A bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. ALLARD, and Mr. ENSIGN):

S. 1007. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar form, in the same manner as stocks and bonds for purposes of the maximum capital gains rate for individuals; to the Committee on Finance.

By Mr. BYRD (for himself and Mr. STEVENS):

S. 1008. A bill to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Response within the Executive Office of the President, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. LEAHY, Mr. DEWINE, Mr. DODD, Mr. CHAFEE, and Mr. TORRICELLI):

S. Res. 107. A resolution congratulating the people of Peru on the occasion of their democratic elections on June 3, 2001; to the Committee on Foreign Relations.

By Mr. ALLARD (for himself, Mr. SARBANES, Mr. REED, and Mr. BROWNBACK):

S. Res. 108. A resolution recognizing National Homeownership Week and the importance of homeownership to building strong communities and families in the United States; to the Committee on the Judiciary.

By Mr. ALLARD (for himself, Mr. SARBANES, Mr. REED, and Mr. BROWNBACK):

S. Con. Res. 48. A concurrent resolution recognizing Habitat for Humanity International for its work in helping families in the United States to realize the dream of homeownership; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. LUGAR, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 37, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 170

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 283

At the request of Mr. MCCAIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 508

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 508, a bill to authorize the

President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes.

S. 530

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 530, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind.

S. 718

At the request of Mr. MCCAIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 724

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 756

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

S. 781

At the request of Mr. LOTT, his name was added as a cosponsor of S. 781, a bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve.

S. 812

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 838

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 856

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 856, a bill to reauthorize the Small Business Technology Transfer Program, and for other purposes.

S. 866

At the request of Mr. REID, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 967

At the request of Mr. BOND, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 967, a bill to establish the Military Readiness Investigation Board, and for other purposes.

S. 993

At the request of Mrs. CARNAHAN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 993, a bill to extend for 4 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. RES. 16

At the request of Mr. LOTT, his name was added as a cosponsor of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. CON. RES. 42

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Con. Res. 42, a concurrent resolution condemning the Taleban for their discriminatory policies and for other purposes.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 648

At the request of Mr. HELMS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 648.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. ALLARD, and Mr. ENSIGN):

S. 1007. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar form, in the same manner as stocks and bonds for purposes of the maximum capital gains rate for individuals; to the Committee on Finance.

Mr. REID. Mr. President, today I am introducing the Fair Treatment for Precious Metals Investors Act.

Investors may be surprised to discover that investments in precious metals are taxed as "collectibles" similar to vintage wines and rate coins, subjecting them to higher capital gains tax rates than other commodities.

Historically, precious metals bullion has been a rarity, and was valued more for its uniqueness than for its metal content, but today, precious metals bullion coins are specifically designed and produced by governments to be used as an investment vehicle similar to stocks and bonds.

Precious metals bullion can be a valuable and stable asset for investors, but as long the Tax Code penalizes investment in precious metals, this commodity will remain largely unattractive.

The Fair Treatment for Precious Metals Investors Act will update the tax classification of precious metals bullion (that is, gold, silver, and platinum), and give precious metals holdings the same capital gains tax preference that stocks, bonds, mutual funds, and other capital assets are currently afforded.

Precious metals are vital to Nevada's and our nations economy.

Nevada is the third largest producer of gold in the world, behind Australia and South Africa, giving the United States a trade surplus of gold exceeding $1 billion.

Undoubtedly, much of the gold that the United States Government uses to produce its gold bullion coins comes from Nevada.

Gold has been valued for centuries, and it continues to be an important commodity to investors today.

Although the value of stocks and other investment commodities may fluctuate drastically, gold's value has remained relatively stable over time.

In today's volatile market environment, gold's stability premises to make it an even more attractive investment.

Only in the last 30 years have governments such as the United States, Canada, Mexico, Australia, Austria, and South Africa minted precious metals bullion coins to serve as a way for investors to diversify their holdings with tangible assets. Prior to that time, precious metals bullion was a rarity, and was valued more for its uniqueness than for its metal content. Today, bullion is used as a safe, convenient, and affordable way to invest in precious metals.

In 1997, the Taxpayer Relief Act corrected the Tax Code to allow precious metals bullion coins held in IRA accounts to be taxed at the same rate as stocks and other capital assets. The Tax Code simply needs to be updated to further accommodate the changes in investor opportunities and preferences.

I am pleased that Senators ALLARD and ENSIGN have agreed to cosponsor this bill. I look forward to receiving the support of other Senators on both sides of the aisle to correct this tax inequity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Treatment for Precious Metals Investors Act".

SEC. 2. GOLD, SILVER, AND PLATINUM TREATED IN THE SAME MANNER AS STOCKS AND BONDS FOR MAXIMUM CAPITAL GAINS RATE FOR INDIVIDUALS.

(a) IN GENERAL.—Subparagraph (A) of section 1(h)(6) of the Internal Revenue Code of 1986 (relating to definition of collectibles gain and loss) is amended by striking "without regard to paragraph (3) thereof" and inserting "without regard to so much of paragraph (3) thereof as relates to palladium and the bullion requirement for physical possession by a trustee".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

By Mr. BYRD (for himself and Mr. STEVENS):

S. 1008. A bill to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthrogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Rsponse within the Executive Office of the President, and for other purposes; to the Committee on Governmental Affairs.

Mr. BYRD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Climate Change Strategy and Technology Innovation Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) evidence continues to build that increases in atmospheric concentrations of greenhouse gases are contributing to global climate change;

(2) in 1992, the Senate ratified the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system";

(3) although science currently cannot determine precisely what atmospheric concentrations are "dangerous", the current trajectory of greenhouse gas emissions will lead to a continued rise in greenhouse gas concentrations in the atmosphere, not stabilization;

(4) the remaining scientific uncertainties call for temperance of human actions, but not inaction;

(5) greenhouse gases are associated with a wide range of human activities, including energy production, transportation, agriculture, forestry, manufacturing, buildings, and other activities;

(6) the economic consequences of poorly designed climate change response strategies, or of inaction, may cost the global economy trillions of dollars;

(7) a large share of this economic burden would be borne by the United States;

(8) stabilization of greenhouse gas concentrations in the atmosphere will require transformational change in the global energy system and other emitting sectors at an almost unimaginable level—a veritable industrial revolution is required;

(9) such a revolution can occur only if the revolution is preceded by research and development that leads to bold technological breakthroughs;

(10) over the decade preceding the date of enactment of this Act—

(A) energy research and development budgets in the public and private sectors have declined precipitously and have not been focused on the climate change response challenge; and

(B) the investments that have been made have not been guided by a comprehensive strategy;

(11) the negative trends in research and development funding described in paragraph (10) must be reversed with a focus on not only traditional energy research and development, but also bolder, breakthrough research;

(12) much more progress could be made on the issue of climate change if the United States were to adopt a new approach for addressing climate change that included, as an ultimate long-term goal—

(A) stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) a response strategy with 4 key elements consisting of—

(i) definition of interim emission mitigation targets coupled with specific mitigation approaches that cumulatively yield stabilized atmospheric greenhouse gas concentrations;

(ii) a national commitment—

(I) to double energy research and development by the United States public and private sectors; and

(II) in carrying out such research and development, to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(iii) climate adaptation research that focuses on response actions necessary to adapt to climate change that may have occurred or may occur under any future climate change scenario; and

(iv) continued research, building on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act, that focuses on resolving the remaining scientific, technical, and economic uncertainties, to aid in the development of sound response strategies; and

(13) inherent in each of the 4 key elements of the response strategy is consideration of the international nature of the challenge, which will require—

(A) establishment of joint climate response strategies and joint research programs;

(B) assistance to developing countries and countries in transition for building technical and institutional capacities and incentives for addressing the challenge; and

(C) promotion of public awareness of the issue.

SEC. 3. PURPOSE.

The purpose of this Act is to implement the new approach described in section 2(12) by developing a national focal point for climate change response through—

(1) the establishment of the National Office of Climate Change Response within the Executive Office of the President (referred to in this section as the "White House Office") to develop the United States Climate Change Response Strategy (referred to in this section as the "Strategy") that—

(A) incorporates the 4 key elements of that new approach;

(B) is supportive of and integrated in the overall energy, transportation, industrial, agricultural, forestry, and environmental policies of the United States;

(C) takes into account—

(i) the diversity of energy sources and technologies;

(ii) supply-side and demand-side solutions; and

(iii) national infrastructure, energy distribution, and transportation systems;

(D) provides for the inclusion and equitable participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties;

(E) incorporates new models of Federal-State cooperation;

(F) defines a comprehensive energy technology research and development program that—

(i) recognizes the important contributions that research and development programs in existence on the date of enactment of this Act make toward addressing the climate change response challenge; and

(ii) includes an additional research and development agenda that focuses on the bold, breakthrough technologies that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere;

(G) includes consideration of other efforts to address critical environmental and health concerns, including clean air, clean water, and responsible land use policies; and

(H) incorporates initiatives to promote the deployment of clean energy technologies developed in the United States and abroad;

(2) the establishment of the Interagency Task Force, chaired by the Director of the White House Office, to serve as the primary mechanism through which the heads of Federal agencies work together to develop and implement the Strategy;

(3) the establishment of the Office of Carbon Management and the Center for Strategic Climate Change Response within the Department of Energy—

(A) to manage, as their primary responsibility, an innovative research and development program that focuses on the bold, breakthrough technologies that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of an independent review board—

(A) to review the Strategy and annually assess United States and international progress toward the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) to assess—

(i) the performance of each Federal agency that has responsibilities under the Strategy; and

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(5) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Environmental Protection Agency, and other Federal agencies as necessary to carry out the amendment made by section 4.

SEC. 4. UNITED STATES CLIMATE CHANGE STRATEGY AND TECHNOLOGY INNOVATION.

Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended—

(1) by inserting after the title heading the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—United States Climate Change Strategy and Technology Innovation

"SEC. 1621. DEFINITIONS.

"In this subtitle:

"(1) CENTER.—The term 'Center' means the Center for Strategic Climate Change Response established by section 1624(e).

"(2) CLIMATE-FRIENDLY TECHNOLOGY.—The term 'climate-friendly technology' means any energy supply or end-use technology that, over the life of the technology and compared to similar technology in commercial use as of the date of enactment of this subtitle—

"(A) results in reduced emissions of greenhouse gases;

"(B) may substantially lower emissions of other pollutants; and

"(C) may generate substantially smaller or less hazardous quantities of solid or liquid waste.

"(3) DEPARTMENT.—The term 'Department' means the Department of Energy.

"(4) DEPARTMENT OFFICE.—The term 'Department Office' means the Office of Carbon Management of the Department established by section 1624(a).

"(5) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 551 of title 5, United States Code.

"(6) GREENHOUSE GAS.—The term 'greenhouse gas' means an anthropogenic gaseous constituent of the atmosphere that absorbs and re-emits infrared radiation.

"(7) INTERAGENCY TASK FORCE.—The term 'Interagency Task Force' means the United States Climate Change Response Interagency Task Force established under section 1623(d).

"(8) KEY ELEMENT.—The term 'key element', with respect to the Strategy, means—

"(A) definition of interim emission mitigation targets coupled with specific mitigation approaches that cumulatively result in stabilization of greenhouse gas concentrations;

"(B) a national commitment—

"(i) to double energy research and development by the United States public and private sectors; and

"(ii) in carrying out such research and development, to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

"(C) climate adaptation research that focuses on response actions necessary to adapt to climate change that may have occurred or may occur under any future climate change scenario; and

"(D) research that focuses on resolving the remaining scientific, technical, and economic uncertainties associated with climate change to the extent that those uncertainties bear on strategies to achieve the long-term goal of stabilization of greenhouse gas concentrations.

"(9) QUALIFIED INDIVIDUAL.—

"(A) IN GENERAL.—The term 'qualified individual' means an individual who has demonstrated expertise and leadership skills to draw on other experts in diverse fields of knowledge that are relevant to addressing the climate change response challenge.

"(B) FIELDS OF KNOWLEDGE.—The fields of knowledge referred to in subparagraph (A) are—

"(i) the science of primary and secondary climate change impacts;

"(ii) energy and environmental economics;

"(iii) technology transfer and diffusion;

"(iv) the social dimensions of climate change;

"(v) climate change adaptation strategies;

"(vi) fossil, nuclear, and renewable energy technology;

"(vii) energy efficiency and energy conservation;

"(viii) energy systems integration;

"(ix) engineered and terrestrial carbon sequestration;

"(x) transportation, industrial, and building sector concerns;

"(xi) regulatory and market-based mechanisms for addressing climate change;

"(xii) risk and decision analysis;

"(xiii) strategic planning; and

"(xiv) the international implications of climate change response strategies.

"(10) REVIEW BOARD.—The term 'Review Board' means the United States Climate Change Response Strategy Review Board established by section 1626.

"(11) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(12) STABILIZATION OF GREENHOUSE GAS CONCENTRATIONS.—The term 'stabilization of greenhouse gas concentrations' means the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, as contemplated by the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

"(13) STRATEGY.—The term 'Strategy' means the United States Climate Change Response Strategy developed under section 1622.

"(14) WHITE HOUSE OFFICE.—The term 'White House Office' means the National Office of Climate Change Response of the Executive Office of the President established by section 1623(a).

"SEC. 1622. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY.

"(a) IN GENERAL.—The Director of the White House Office shall develop the United States Climate Change Response Strategy, which shall—

"(1) have the long-term goal of stabilization of greenhouse gas concentrations;

"(2) build on the 4 key elements;

"(3) be developed on the basis of an examination of a broad range of emission reduction targets and implementation dates (including those contemplated by the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992) that culminate in the stabilization of greenhouse gas concentrations;

"(4) incorporate mitigation approaches to reduce, avoid, and sequester greenhouse gas emissions;

"(5) include an evaluation of whether and how each emission reduction target and implementation date achieves the emission reductions in an economically and environmentally sound manner;

"(6) be consistent with the goals of energy, transportation, industrial, agricultural, forestry, environmental, and other relevant policies of the United States;

"(7) have a scope that considers the totality of United States public, private, and public-private sector actions that bear on the long-term goal;

"(8) be based on an evaluation of a wide range of approaches for achieving the long-term goal, including evaluation of—

"(A) a variety of cost-effective Federal and State policies, programs, standards, and incentives;

"(B) policies that integrate and promote innovative, market-based solutions in the United States and in foreign countries; and

"(C) participation in other international institutions, or in the support of international activities, that are established or conducted to facilitate stabilization of greenhouse gas concentrations;

"(9) in the final recommendations of the Strategy, emphasize response strategies that achieve the long-term goal and provide specific recommendations concerning—

"(A) measures determined to be appropriate for short-term implementation, giving preference to cost-effective and technologically feasible measures that will—

"(i) produce measurable net reductions in United States emissions that lead toward achievement of the long-term goal; and

"(ii) minimize any adverse short-term and long-term economic and social impacts on the United States;

"(B) the development of technologies that have the potential for long-term implementation—

"(i) giving preference to technologies that have the potential to reduce significantly the overall cost of stabilization of greenhouse gas concentrations; and

"(ii) considering a full range of energy sources, energy conversion and use technologies, and efficiency options;

"(C) such changes in institutional and technology systems as are necessary to adapt to climate change in the short term and the long term;

"(D) such review, modification, and enhancement of the scientific, technical, and economic research efforts of the United States, and improvements to the data resulting from research, as are appropriate to improve the accuracy of predictions concerning climate change and the economic and social costs and opportunities relating to climate change; and

“(E) changes that should be made to project and grant evaluation criteria under other Federal research and development programs so that those criteria do not inhibit development of climate-friendly technologies;

“(10) be developed in a manner that provides for meaningful participation by, and consultation among, Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in accordance with subsections (b)(4)(C)(iv)(II) and (d)(3)(B)(iii) of section 1623;

“(11) address how the United States should engage State, tribal, and local governments in developing and carrying out a response to climate change;

“(12) promote, to the maximum extent practicable, public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues;

“(13) include recommendations for legislative and administrative actions necessary to implement the Strategy;

“(14) serve as a framework for climate change response actions by all Federal agencies;

“(15) recommend which Federal agencies are, or should be, responsible for the various aspects of implementation of the Strategy and any budgetary implications;

“(16) address how the United States should engage foreign governments in developing an international response to climate change; and

“(17) be subject to review by an independent review board in accordance with section 1626.

“(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this subtitle, the President shall submit to Congress the Strategy.

“(c) UPDATING.—Not later than 2 years after the date of submission of the Strategy to Congress under subsection (b), and at the end of each 2-year period thereafter, the President shall submit to Congress an updated version of the Strategy.

“(d) PROGRESS REPORTS.—Not later than 1 year after the date of submission of the Strategy to Congress under subsection (b), and at the end of each 1-year period thereafter, the President shall submit to Congress a report that—

“(1) describes the progress on implementation of the Strategy; and

“(2) provides recommendations for improvement of the Strategy and the implementation of the Strategy.

“(e) ALIGNMENT WITH ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, FORESTRY, AND OTHER POLICIES.—The President, the Director of the White House Office, the Secretary, and the other members of the Interagency Task Force shall work together to align the actions carried out under the Strategy and actions associated with the energy, transportation, industrial, agricultural, forestry, and other relevant policies of the United States so that the objectives of both the Strategy and the policies are met without compromising the climate change-related goals of the Strategy or the goals of the policies.

“(f) NATIONAL LABORATORY CERTIFICATION.—

“(1) IN GENERAL.—The directors of the major national laboratories of the Department specified in paragraph (3) shall annually meet with the President and individually and simultaneously certify whether the energy technology research and development programs of the United States collectively are technically and financially on a trajectory that is consistent with—

“(A) the directions and progress outlined in the Strategy; and

“(B) the long-term goal of stabilization of greenhouse gas concentrations.

“(2) EFFECT OF NEGATIVE CERTIFICATION.—If the certification described in paragraph (1) is in the negative, the directors shall submit to the President a report that—

“(A) specifies the reasons why the certification is in the negative; and

“(B) describes corrective actions that must be taken so that the certification can be made in the affirmative.

“(3) DIRECTORS OF MAJOR NATIONAL LABORATORIES AFFILIATED WITH SCIENCE AND ENERGY PROGRAMS.—The directors of the national laboratories that shall participate in the certification under this subsection are the director of each of—

“(A) the Argonne National Laboratory;

“(B) the Lawrence Berkeley National Laboratory;

“(C) the National Energy Technology Laboratory;

“(D) the National Renewable Energy Laboratory;

“(E) the Oak Ridge National Laboratory; and

“(F) the Pacific Northwest National Laboratory.

“(4) COORDINATION.—The director of the National Energy Technology Laboratory shall serve as coordinator of the group of the directors of the national laboratories specified in paragraph (3).

“SEC. 1623. NATIONAL OFFICE OF CLIMATE CHANGE RESPONSE OF THE EXECUTIVE OFFICE OF THE PRESIDENT.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established, within the Executive Office of the President, the National Office of Climate Change Response.

“(2) FOCUS.—The White House Office shall have the focus of achieving the long-term goal of stabilization of greenhouse gas concentrations while minimizing adverse short-term and long-term economic and social impacts.

“(3) DUTIES.—Consistent with paragraph (2), the White House Office shall—

“(A) establish policies, objectives, and priorities for the Strategy;

“(B) in accordance with subsection (d), establish the Interagency Task Force to serve as the primary mechanism through which the heads of Federal agencies shall assist the Director of the White House Office in developing and implementing the Strategy;

“(C) to the maximum extent practicable, ensure that the Strategy is based on objective, quantitative analysis, drawing on the analytical capabilities of Federal and State agencies, especially the Center;

“(D) advise the President concerning necessary changes in organization, management, budgeting, and personnel allocation of Federal agencies involved in climate change response activities; and

“(E) notify a Federal agency if the policies and discretionary programs of the agency are not well aligned with, or are not contributing effectively to, the long-term goal of stabilization of greenhouse gas concentrations.

“(b) DIRECTOR OF THE WHITE HOUSE OFFICE.—

“(1) IN GENERAL.—The White House Office shall be headed by a Director, who shall report directly to the President.

“(2) APPOINTMENT.—The Director of the White House Office shall be a qualified individual appointed by the President, by and with the advice and consent of the Senate.

“(3) TERM; VACANCIES.—

“(A) TERM.—The Director of the White House Office shall be appointed for a term of 4 years.

“(B) VACANCIES.—A vacancy in the position of Director of the White House Office shall be filled in the same manner as the original appointment was made.

“(4) DUTIES OF THE DIRECTOR OF THE WHITE HOUSE OFFICE.—

“(A) STRATEGY.—In accordance with section 1622, the Director of the White House Office shall coordinate the development and updating of the Strategy.

“(B) INTERAGENCY TASK FORCE.—The Director of the White House Office shall serve as Chairperson of the Interagency Task Force.

“(C) ADVISORY DUTIES.—

“(i) CLIMATE, ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, BUILDING, FORESTRY, AND OTHER PROGRAMS.—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies on—

“(I) the extent to which United States energy, transportation, industrial, agricultural, forestry, building, and other relevant programs are capable of producing progress on the long-term goal of stabilization of greenhouse gas concentrations; and

“(II) the extent to which proposed or newly created energy, transportation, industrial, agricultural, forestry, building, and other relevant programs positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

“(ii) TAX, TRADE, AND FOREIGN POLICIES.—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies on—

“(I) the extent to which the United States tax policy, trade policy, and foreign policy are capable of producing progress on the long-term goal of stabilization of greenhouse gas concentrations; and

“(II) the extent to which proposed or newly created tax policy, trade policy, and foreign policy positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

“(iii) INTERNATIONAL TREATIES.—The Secretary of State, acting in conjunction with the Interagency Task Force and using the analytical tools available to the White House Office, shall provide to the Director of the White House Office an opinion that—

“(I) specifies the economic and environmental costs and benefits of any proposed international treaties or components of treaties that have an influence on greenhouse gas management; and

“(II) assesses the extent to which the treaties advance the long-term goal of stabilization of greenhouse gas concentrations, while minimizing adverse short-term and long-term economic and social impacts and considering other impacts.

“(iv) CONSULTATION.—

“(I) WITH MEMBERS OF INTERAGENCY TASK FORCE.—To the extent practicable and appropriate, the Director of the White House Office shall consult with all members of the

Interagency Task Force and other interested parties before providing advice to the President.

"(II) WITH OTHER INTERESTED PARTIES.—The Director of the White House Office shall establish a process for obtaining the meaningful participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in the formulation of advice to be provided to the President.

"(D) PUBLIC EDUCATION, AWARENESS, OUTREACH, AND INFORMATION-SHARING.—The Director of the White House Office, to the maximum extent practicable, shall promote public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues.

"(5) ANNUAL REPORTS.—The Director of the White House Office, in consultation with the Interagency Task Force and other interested parties, shall prepare an annual report for submission by the President to Congress that—

"(A) assesses progress in implementation of the Strategy;

"(B) assesses progress, in the United States and in foreign countries, toward the long-term goal of stabilization of greenhouse gas concentrations;

"(C) assesses progress toward meeting climate change-related international obligations;

"(D) makes recommendations for actions by the Federal Government designed to close any gap between progress-to-date and the measures that are necessary to achieve the long-term goal of stabilization of greenhouse gas concentrations; and

"(E) addresses the totality of actions in the United States that relate to the 4 key elements.

"(6) ANALYSIS.—During development of the Strategy, preparation of the annual reports submitted under paragraph (5), and provision of advice to the President and the heads of Federal agencies, the Director of the White House Office shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

"(c) STAFF.—

"(1) IN GENERAL.—The Director of the White House Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the White House Office.

"(2) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Director of the White House Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and subchapter VI of chapter 33 of title 5, United States Code, and fellowships, to obtain staff from academia, scientific bodies, private industry, nongovernmental organizations, other Department programs, other Federal agencies, and national laboratories, for appointments of a limited term.

"(d) INTERAGENCY TASK FORCE.—

"(1) IN GENERAL.—The Director of the White House Office shall establish the United States Climate Change Response Interagency Task Force.

"(2) COMPOSITION.—The Interagency Task Force shall be composed of—

"(A) the Director of the White House Office, who shall serve as Chairperson;

"(B) the Secretary of State;

"(C) the Secretary;

"(D) the Secretary of Commerce;

"(E) the Secretary of the Treasury;

"(F) the Secretary of Transportation;

"(G) the Secretary of Agriculture;

"(H) the Administrator of the Environmental Protection Agency;

"(I) the Administrator of the Agency for International Development;

"(J) the United States Trade Representative;

"(K) the National Security Advisor;

"(L) the Director of the National Economic Council;

"(M) the Chairman of the Council on Environmental Quality;

"(N) the Director of the Office of Science and Technology Policy;

"(O) the Chairperson of the Subcommittee on Global Change Research (which performs the functions of the Committee on Earth and Environmental Sciences established by section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932)); and

"(P) the heads of such other Federal agencies as the Chairperson determines should be members of the Interagency Task Force.

"(3) STRATEGY.—

"(A) IN GENERAL.—The Interagency Task Force shall serve as the primary forum through which the Federal agencies represented on the Interagency Task Force jointly—

"(i) assist the Director of the White House Office in developing and updating the Strategy; and

"(ii) assist the Director of the White House Office in preparing annual reports under subsection (b)(5).

"(B) REQUIRED ELEMENTS.—In carrying out subparagraph (A), the Interagency Task Force shall—

"(i) take into account the long-term goal and other requirements of the Strategy specified in section 1622(a);

"(ii) give full consideration to the facts and opinions presented by the members of the Interagency Task Force;

"(iii) consult with State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties; and

"(iv) build consensus around a Strategy that is based on strong scientific, technical, and economic analyses.

"(4) WORKING GROUPS.—The Chairperson of the Interagency Task Force may establish such topical working groups as are necessary to carry out the duties of the Interagency Task Force.

"(e) PROVISION OF SUPPORT STAFF.—In accordance with procedures established by the Chairperson of the Interagency Task Force, the Federal agencies represented on the Interagency Task Force shall provide staff from the agencies to support information, data collection, and analyses required by the Interagency Task Force.

"(f) HEARINGS.—On request of the Chairperson, the Interagency Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Interagency Task Force considers to be appropriate.

"SEC. 1624. TECHNOLOGY INNOVATION PROGRAM IMPLEMENTED THROUGH THE OFFICE OF CARBON MANAGEMENT OF THE DEPARTMENT OF ENERGY AND THE CENTER FOR STRATEGIC CLIMATE CHANGE RESPONSE.

"(a) ESTABLISHMENT OF OFFICE OF CARBON MANAGEMENT OF THE DEPARTMENT OF ENERGY.—

"(1) IN GENERAL.—There is established, within the Department, the Office of Carbon Management.

"(2) DUTIES.—The Department Office shall—

"(A) manage an energy technology research and development program that directly supports the Strategy by—

"(i) focusing on high-risk, bold, breakthrough technologies that—

"(I) are critical to the long-term stabilization of greenhouse gas concentrations;

"(II) are not significantly addressed by other Federal programs; and

"(III) move technology substantially beyond the state of usual innovation;

"(ii) forging fundamentally new research and development partnerships among various Department, other Federal, and State programs, particularly between basic science and energy technology programs, in cases in which such partnerships have significant potential to affect the ability of the United States to achieve stabilization of greenhouse gas concentrations at the lowest possible cost;

"(iii) forging international research and development partnerships that are in the interests of the United States and make progress on stabilization of greenhouse gas concentrations;

"(iv) making available, through monitoring, experimentation, and analysis, data that are essential to proving the technical and economic viability of technology central to addressing climate change; and

"(v) transitioning research and development programs to other program offices of the Department once such a research and development program crosses the threshold of high-risk research and moves into the realm of more conventional technology development;

"(B) in accordance with subsection (b)(5)(C), prepare a 10-year program plan for the activities of the Department Office and update the plan biennially;

"(C) prepare annual reports in accordance with subsection (b)(6);

"(D) identify the total contribution of all Department programs to climate change response;

"(E) provide substantial analytical support to the White House Office, particularly support in the development of the Strategy and associated progress reporting; and

"(F) advise the Secretary on climate change-related issues, including necessary changes in Department organization, management, budgeting, and personnel allocation in the programs involved in climate change response-related activities.

"(b) DIRECTOR OF THE DEPARTMENT OFFICE.—

"(1) IN GENERAL.—The Department Office shall be headed by a Director, who shall report directly to the Secretary.

"(2) APPOINTMENT.—The Director of the Department Office shall be an employee of the Federal Government who is a qualified individual appointed by the President.

"(3) TERM.—The Director of the Department Office shall be appointed for a term of 4 years.

"(4) VACANCIES.—A vacancy in the position of the Director of the Department Office shall be filled in the same manner as the original appointment was made.

"(5) DUTIES OF THE DIRECTOR OF THE DEPARTMENT OFFICE.—

"(A) STRATEGY.—The Director of the Department Office shall support development of the Strategy through the provision of staff and analytical support.

"(B) INTERAGENCY TASK FORCE.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

"(i) based on the analytical capabilities of the Department Office and the Center, share analyses of alternative climate change response strategies with other members of the Interagency Task Force to assist all members in understanding—

“(I) the scale of the climate change response challenge; and

“(II) how the actions of the Federal agencies of the members positively or negatively contribute to climate change solutions; and

“(ii) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations.

“(C) 10-YEAR PROGRAM PLAN.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Director of the Department Office shall prepare a 10-year program plan.

“(ii) REQUIRED ELEMENTS.—The plan shall—

“(I) consider all elements of the Strategy that relate to technology research and development;

“(II) become an integral component of the Strategy;

“(III) focus the activities of the Department Office on gaps identified by the Strategy;

“(IV) emphasize the funding of activities that meet the goals described in clauses (i) through (iv) of subsection (a)(2)(A);

“(V) identify creative and innovative approaches for building partnerships and managing research and development that have the potential to result in significant advances of technologies and other innovative actions; and

“(VI) place a high level of emphasis on bold, breakthrough research and development programs that can—

“(aa) be created with the involvement of 1 or more Federal research and development programs; and

“(bb) upon reaching a sufficient level of technological maturity, be transitioned to other program offices of the Department without loss of the creative management approaches and partnerships of the innovative research and development programs.

“(iii) SUBMISSION OF PLAN.—The Secretary shall submit the 10-year program plan to Congress and the Director of the White House Office.

“(iv) UPDATING.—

“(I) IN GENERAL.—The Director of the Department Office shall update the 10-year program plan biennially.

“(II) SUBMISSION.—The Secretary shall submit each updated 10-year program plan to Congress and the Director of the White House Office.

“(D) CENTER.—

“(i) OPERATING MODEL.—The Director of the Department Office shall establish an operating model for the Center.

“(ii) DELEGATION OF DEPARTMENT OFFICE FUNCTIONS.—The Director of the Department Office may choose to delegate selected program management and research and development functions of the Department Office to the Center.

“(iii) FOCUS.—

“(I) IN GENERAL.—Funds for the Center should be used to build a Center with focused capability that has a limited number of focused offsite locations.

“(II) INVOLVEMENT OF ORGANIZATIONS.—Notwithstanding subclause (I), the Director of the Department Office may involve any number of organizations in the operation of the Center.

“(iv) TOOLS, DATA, AND CAPABILITIES.—The Director of the Department Office shall foster the development of tools, data, and capabilities at the Center to ensure that—

“(I) the United States has a robust capability for evaluating alternative climate change response scenarios; and

“(II) the Center provides long-term analytical continuity during the terms of service of successive Presidents.

“(E) ADVISORY DUTIES.—The Director of the Department Office shall advise the Secretary on all aspects of climate change response.

“(6) ANNUAL REPORTS.—The Director of the Department Office shall prepare an annual report for submission by the Secretary to Congress and the White House Office that—

“(A) assesses progress toward meeting the goals of the energy technology research and development program described in subsection (a)(2)(A);

“(B) assesses the activities of the Center;

“(C) assesses the contributions of all energy technology research and development programs of the Department (including science programs) to the long-term goal and other requirements of the Strategy specified in section 1622(a); and

“(D) makes recommendations for actions by the Department and other Federal agencies to address the components of technology development that are necessary to support the Strategy.

“(7) ANALYSIS.—During development of the Strategy, the 10-year program plan submitted under paragraph (5)(C), annual reports submitted under paragraph (6), and advice to the Secretary, the Director of the Department Office shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any associated uncertainties.

“(c) STAFF.—The Director of the Department Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the Department Office.

“(d) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Department Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and subchapter VI of chapter 33 of title 5, United States Code, and fellowships, to obtain staff from academia, scientific bodies, private industry, nongovernmental organizations, other Department programs, other Federal agencies, and national laboratories, for appointments of a limited term.

“(e) CENTER FOR STRATEGIC CLIMATE CHANGE RESPONSE.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT.—There is established the Center for Strategic Climate Change Response, which shall report to the Director of the Department Office.

“(B) LOCATIONS.—The Center shall maintain 1 headquarters location and such additional temporary or permanent locations as are necessary to carry out the duties of the Center.

“(C) CENTER DIRECTOR.—The Center shall be headed by a Director, who shall be selected by the Director of the Department Office.

“(2) DUTIES.—

“(A) IN GENERAL.—

“(i) GOAL.—The Center shall foster the development and application of advanced computational tools, data, and capabilities that support integrated assessment of alternative climate change response scenarios and implementation of the Strategy.

“(ii) PARTICIPATION AND SUPPORT.—The Center may include participation of, and be supported by, each other Federal agency that has a direct or indirect role in the development, commercialization, or transfer of energy, transportation, industrial, agricultural, forestry, or other climate change-related technology.

“(B) PROGRAMS.—

“(i) IN GENERAL.—The Center shall—

“(I) develop and maintain core analytical competencies and complex, integrated computational modeling capabilities that are necessary to support the design and implementation of the Strategy;

“(II) track United States and international progress toward the long-term goal of stabilization of greenhouse gas concentrations; and

“(III) in support of the Department Office, support the management and implementation of research and development programs.

“(ii) INTERNATIONAL CARBON DIOXIDE SEQUESTRATION MONITORING AND DATA PROGRAM.—In consultation with Federal, State, academic, scientific, private sector, nongovernmental, tribal, and international carbon capture and sequestration technology programs, the Center shall design and carry out an international carbon dioxide sequestration monitoring and data program to collect, analyze, and make available the technical and economic data to ascertain—

“(I) whether engineered sequestration and terrestrial sequestration will be acceptable technologies from regulatory, economic, and international perspectives;

“(II) whether carbon dioxide sequestered in geological formations or ocean systems is stable and has inconsequential leakage rates on a geologic time-scale; and

“(III) the extent to which forest, agricultural, and other terrestrial systems are suitable carbon sinks.

“(C) AREAS OF EXPERTISE.—

“(i) IN GENERAL.—The Center shall develop and maintain expertise in integrated assessment, modeling, and related capabilities necessary—

“(I) to understand the relationship between natural, agricultural, industrial, energy, and economic systems;

“(II) to design effective research and development programs; and

“(III) to develop and implement the Strategy.

“(ii) TECHNOLOGY TRANSFER AND DIFFUSION.—The expertise described in clause (i) shall include knowledge of technology transfer and technology diffusion in United States markets and foreign markets.

“(D) DISSEMINATION OF INFORMATION.—The Center shall ensure, to the maximum extent practicable, that technical and scientific knowledge relating to greenhouse gas emission reduction, avoidance, and sequestration is broadly disseminated through publications, fellowships, and training programs.

“(E) ASSESSMENTS.—In a manner consistent with the Strategy, the Center shall conduct assessments of deployment of climate-friendly technology.

“(F) USE OF PRIVATE SECTOR FUNDING.—

“(i) IN GENERAL.—The Center shall create an operating model that allows for collaboration, division of effort, and cost sharing with industry on individual climate change response projects.

“(ii) REQUIREMENTS.—Although cost sharing in some cases may be appropriate, the Center shall focus on long-term high-risk research and development and should not make industrial partnerships or cost sharing a requirement, if such a requirement would bias the activities of the Center toward incremental innovations.

"(iii) REEVALUATION ON TRANSITION.—At such time as any bold, breakthrough research and development program reaches a sufficient level of technological maturity such that the program is transitioned to a program office of the Department other than the Department Office, the cost-sharing requirements and criteria applicable to the program should be reevaluated.

"(iv) PUBLICATION IN FEDERAL REGISTER.—Each cost-sharing agreement entered into under this subparagraph shall be published in the Federal Register.

"(G) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Director of the Center may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and subchapter VI of chapter 33 of title 5, United States Code, and fellowships, to obtain staff from academia, scientific bodies, private industry, nongovernmental organizations, other Department programs, other Federal agencies, and national laboratories, for appointments of a limited term.

"SEC. 1625. ADDITIONAL OFFICES AND ACTIVITIES.

"The Secretary of Agriculture, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the heads of other Federal agencies may establish such offices and carry out such activities, in addition to those established or authorized by this subtitle, as are necessary to carry out this subtitle.

"SEC. 1626. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY REVIEW BOARD.

"(a) ESTABLISHMENT.—There is established as an independent establishment within the executive branch the United States Climate Change Response Strategy Review Board.

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Review Board shall consist of 11 members who shall be appointed, not later than 90 days after the date of enactment of this subtitle, by the President by and with the advice and consent of the Senate, from among qualified individuals nominated by the National Academy of Sciences in accordance with paragraph (2).

"(2) NOMINATIONS.—Not later than 60 days after the date of enactment of this subtitle, after taking into strong consideration the guidance and recommendations of a broad range of scientific and technical societies that have the capability of recommending qualified individuals, the National Academy of Sciences shall nominate for appointment to the Review Board not fewer than 22 individuals who—

"(A) are—

"(i) qualified individuals; or

"(ii) experts in a field of knowledge specified in section 1621(9)(B); and

"(B) as a group represent broad, balanced expertise.

"(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of the Review Board shall not be an employee of the Federal Government.

"(4) TERMS; VACANCIES.—

"(A) TERMS.—

"(i) IN GENERAL.—Subject to clause (ii), each member of the Review Board shall be appointed for a term of 4 years.

"(ii) INITIAL TERMS.—

"(I) COMMENCEMENT DATE.—The term of each member initially appointed to the Review Board shall commence 120 days after the date of enactment of this subtitle.

"(II) TERMINATION DATE.—Of the 11 members initially appointed to the Review Board, 5 members shall be appointed for a term of 2 years and 6 members shall be appointed for a term of 4 years, to be designated by the President at the time of appointment.

"(B) VACANCIES.—

"(i) IN GENERAL.—A vacancy on the Review Board shall be filled in the manner described in this subparagraph.

"(ii) NOMINATIONS BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 60 days after the date on which a vacancy commences, the National Academy of Sciences shall—

"(I) after taking into strong consideration the guidance and recommendations of a broad range of scientific and technical societies that have the capability of recommending qualified individuals, nominate, from among qualified individuals, not fewer than 2 individuals to fill the vacancy; and

"(II) submit the names of the nominees to the President.

"(iii) SELECTION.—Not later than 30 days after the date on which the nominations under clause (ii) are submitted to the President, the President shall select from among the nominees an individual to fill the vacancy.

"(iv) SENATE CONFIRMATION.—An individual appointed to fill a vacancy on the Review Board shall be appointed by and with the advice and consent of the Senate.

"(5) DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST.—

"(A) EMPLOYMENT OF NOMINEES.—If a nominee to the Review Board is employed by an entity that receives any funding from the Department or any other Federal agency, the fact of the employment shall be—

"(i) disclosed to the President by the National Academy of Sciences at the time of the nomination; and

"(ii) publicly disclosed by the nominee as part of the Senate confirmation process of the nominee.

"(B) EMPLOYMENT OF MEMBERS.—If, during the period of service of a member on the Review Board, the member is employed by an entity that receives any funding from the Department or any other Federal agency, the fact of the employment shall be publicly disclosed by the Chairperson of the Review Board on a semiannual basis.

"(C) FINANCIAL BENEFIT TO MEMBERS.—If, during the period of service of a member on the Review Board, the Review Board makes any written recommendation that may financially benefit a member or an entity that employs the member, the fact of that financial benefit shall be publicly disclosed by the Chairperson of the Review Board at the time of the recommendation.

"(D) APPLICABILITY OF ETHICS IN GOVERNMENT ACT OF 1978.—A member of the Review Board shall be deemed to be an individual subject to the Ethics in Government Act of 1978 (5 U.S.C. App.).

"(6) CHAIRPERSON; VICE CHAIRPERSON.—The members of the Review Board shall select a Chairperson and a Vice Chairperson of the Review Board from among the members of the Review Board.

"(c) DUTIES.—

"(1) IN GENERAL.—Not later than 180 days after the date of submission of the initial Strategy under section 1622(b), each updated version of the Strategy under section 1622(c), each progress report under section 1622(d), and each national laboratory certification under section 1622(f), the Review Board shall submit to the President, Congress, and the heads of Federal agencies as appropriate a report assessing the adequacy of the Strategy, report, or certification.

"(2) COMMENTS.—In reviewing the Strategy, or a report or certification, under paragraph (1), the Review Board shall consider and comment on—

"(A) the adequacy of effort and the appropriateness of focus of the totality of all public, private, and public-private sector actions of the United States with respect to the 4 key elements;

"(B) the extent to which actions of the United States, with respect to climate change, complement or leverage international research and other efforts designed to manage global emissions of greenhouse gases, to further the long-term goal of stabilization of greenhouse gas concentrations;

"(C) the funding implications of any recommendations made by the Review Board; and

"(D)(i) the effectiveness with which each Federal agency is carrying out the responsibilities of the Federal agency with respect to the short-term and long-term greenhouse gas management goals; and

"(ii) the adequacy of the budget of each such Federal agency to carry out those responsibilities.

"(3) ADDITIONAL RECOMMENDATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Review Board, at the request of the President or Congress, may provide recommendations on additional climate change-related topics.

"(B) SECONDARY DUTY.—The provision of recommendations under subparagraph (A) shall be a secondary duty to the primary duty of the Review Board of providing independent review of the Strategy and the reports and certifications under paragraphs (1) and (2).

"(d) POWERS.—

"(1) HEARINGS.—

"(A) IN GENERAL.—On request of the Chairperson or a majority of the members of the Review Board, the Review Board may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Review Board considers to be appropriate.

"(B) ADMINISTRATION OF OATHS.—Any member of the Review Board may administer an oath or affirmation to any witness that appears before the Review Board.

"(2) PRODUCTION OF DOCUMENTS.—

"(A) IN GENERAL.—On request of the Chairperson or a majority of the members of the Review Board, and subject to applicable law, the Secretary or head of a Federal agency represented on the Interagency Task Force, or a contractor of such an agency, shall provide the Review Board with such records, files, papers, data, and information as are necessary to respond to any inquiry of the Review Board under this subtitle.

"(B) INCLUSION OF WORK IN PROGRESS.—Subject to applicable law, information obtainable under subparagraph (A)—

"(i) shall not be limited to final work products; but

"(ii) shall include draft work products and documentation of work in progress.

"(3) POSTAL SERVICES.—The Review Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

"(e) COMPENSATION OF MEMBERS.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

"(f) Travel Expenses.—A member of the Review Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Review Board.

"(g) Staff.—

"(1) In general.—The Chairperson of the Review Board may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Review Board to perform the duties of the Review Board.

"(2) Confirmation of executive director.—The employment of an executive director shall be subject to confirmation by the Review Board.

"(3) Compensation.—

"(A) In general.—Except as provided in subparagraph (B), the Chairperson of the Review Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

"(B) Maximum rate of pay.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(h) Procurement of Temporary and Intermittent Services.—The Chairperson of the Review Board may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

"SEC. 1627. AUTHORIZATION OF APPROPRIATIONS.

"(a) White House Office.—

"(1) Use of available appropriations.—From funds made available to Federal agencies for the fiscal year in which this subtitle is enacted, the President shall provide such sums as are necessary to carry out the duties of the White House Office under this subtitle until the date on which funds are made available under paragraph (2).

"(2) Authorization of appropriations.—There is authorized to be appropriated to the White House Office to carry out the duties of the White House Office under this subtitle $5,000,000 for each of fiscal years 2002 through 2011, to remain available through September 30, 2011.

"(b) Department Office.—

"(1) Use of available appropriations.—From funds made available to Federal agencies for the fiscal year in which this subtitle is enacted, the President shall provide such sums as are necessary to carry out the duties of the Department Office under this subtitle until the date on which funds are made available under paragraph (2).

"(2) Authorization of appropriations.—There is authorized to be appropriated to the Department Office to carry out the duties of the Department Office under this subtitle $4,000,000,000 for the period of fiscal years 2002 through 2011, to remain available through September 30, 2011.

"(c) Center.—

"(1) Use of available appropriations.—From funds made available to Federal agencies for the fiscal year in which this subtitle is enacted, the President shall provide such sums as are necessary to carry out the duties of the Center under this subtitle until the date on which funds are made available under paragraph (2).

"(2) Authorization of appropriations.—There is authorized to be appropriated to the Center to carry out the duties of the Center under this subtitle $75,000,000 for each of fiscal years 2002 through 2011, to remain available through September 30, 2011.

"(d) Review Board.—

"(1) Use of available appropriations.—From funds made available to Federal agencies for the fiscal year in which this subtitle is enacted, the President shall provide such sums as are necessary to carry out the duties of the Review Board under this subtitle until the date on which funds are made available under paragraph (2).

"(2) Authorization of appropriations.—There is authorized to be appropriated to the Review Board to carry out the duties of the Review Board under this subtitle $3,000,000 for each of fiscal years 2002 through 2011, to remain available until expended.

"(e) Additional Amounts.—Amounts authorized to be appropriated under this section shall be in addition to—

"(1) amounts made available to carry out the United States Global Change Research Program under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.); and

"(2) amounts made available under other provisions of law for energy research and development.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 107—CONGRATULATING THE PEOPLE OF PERU ON THE OCCASION OF THEIR DEMOCRATIC ELECTIONS ON JUNE 3, 2001

Mr. HELMS (for himself, Mr. LEAHY, Mr. DEWINE, Mr. DODD, Mr. CHAFEE, and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 107

Whereas the people of Peru have courageously struggled to restore democracy and the rule of law following fraudulent elections on May 28, 2000, and after more than a decade of the systematic undermining of democratic institutions by the Government of Alberto Fujimori;

Whereas, in elections on April 8 and June 3, 2001, the people of Peru held democratic multiparty elections to choose their government;

Whereas these elections were determined by domestic and international observers to be free and fair and a legitimate expression of the will of the people of Peru; and

Whereas the 2001 elections form the foundation for a genuinely democratic government that represents the will and sovereignty of the people of Peru and that can be a constructive partner with the United States in advancing common interests in the Americas: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING THE DEMOCRATIC ELECTIONS IN PERU ON JUNE 3, 2001.

(a) Congratulating the People of Peru.—The Senate, on behalf of the people of the United States, hereby—

(1) congratulates the people of Peru for the successful completion of free and fair elections held on April 8 and June 3, 2001, as well as for their courageous struggle to restore democracy and the rule of law;

(2) congratulates Alejandro Toledo for his election as President of Peru and his continued strong commitment to democracy;

(3) congratulates Valentin Paniagua, current President of Peru, for his commitment to ensuring a stable and peaceful transition to democracy and the rule of law; and

(4) congratulates the Organization of American States (OAS) Electoral Observer Mission, led by Eduardo Stein, for its service in promoting representative democracy in the Americas by working to ensure free and fair elections in Peru.

(b) Sense of the Senate.—It is the sense of the Senate that —

(1) the United States should expand its cooperation with the Government of Peru to promote—

(A) the strengthening of democratic institutions and the rule of law in Peru; and

(B) economic development and an improved quality of life for citizens of both countries;

(2) the governments of the United States and Peru should act in solidarity to promote democracy and respect for human rights in the Western Hemisphere and throughout the world;

(3) the governments of the United States and Peru should enhance cooperation to confront common threats such as corruption and trafficking in illicit narcotics and arms; and

(4) the United States Government should cooperate fully with the Peruvian Government to bring to justice former Peruvian officials involved in narcotics and arms trafficking or other illicit activities.

SENATE RESOLUTION 108—RECOGNIZING NATIONAL HOMEOWNERSHIP WEEK AND THE IMPORTANCE OF HOMEOWNERSHIP TO BUILDING STRONG COMMUNITIES AND FAMILIES IN THE UNITED STATES

Mr. ALLARD (for himself, Mr. SARBANES, Mr. REED, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 108

Whereas the Secretary of Housing and Urban Development has announced that the week beginning June 3, 2001, is recognized as National Homeownership Week;

Whereas homeownership is the dream of most people and families in the United States, including those of all economic, racial, and cultural backgrounds;

Whereas homeownership rates are at an all-time high in the United States and homeownership rates for low-income families and minority households have improved in the past decade, but the rates for low-income families and minority households are lower than the overall homeownership rate;

Whereas expansion of opportunities for homeownership is integral to a sound national economy, stable communities, and strong families;

Whereas providing decent housing for all people in the United States requires the cooperation and commitment of the public, private, and nonprofit sectors;

Whereas many nonprofit and for-profit organizations are actively involved in providing opportunities for homeownership and have been instrumental in increasing homeownership rates to historic levels; and

Whereas the Federal Government and State and local governments are also actively involved in efforts to provide decent housing for all people in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) fully supports National Homeownership Week;

(2) recognizes the importance of homeownership in building strong communities and families in the United States; and

(3) requests that the President issue a proclamation calling upon the people of the United States and interested organizations to promote homeownership and to observe the week with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 48—RECOGNIZING HABITAT FOR HUMANITY INTERNATIONAL FOR ITS WORK IN HELPING FAMILIES IN THE UNITED STATES TO REALIZE THE DREAM OF HOMEOWNERSHIP

Mr. ALLARD (for himself, Mr. SARBANES, Mr. REED, and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 48

Whereas Habitat for Humanity International helps to provide the means for people to achieve the dream of homeownership;

Whereas in 2001, Habitat for Humanity International celebrates its 25th anniversary;

Whereas in 2000, Habitat for Humanity International provided 86,000 people the opportunity to own a home, making it the most productive year in the organization's history;

Whereas Habitat for Humanity International should be commended for building more than 100,000 homes in 76 countries and for giving more than half a million people the opportunity to fulfill the dream of homeownership;

Whereas more than 2,000 affiliates and hundreds of thousands of volunteers worldwide participate in "builds" sponsored by Habitat for Humanity International; and

Whereas many Members of the House of Representatives and the Senate, their spouses, and their staffs have shown a strong commitment to Habitat for Humanity International by personally participating in the building of almost 500 homes as part of the Habitat for Humanity International programs known as "The Houses That Congress Built" and "The Houses the Senate Built": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) honors and congratulates Habitat for Humanity International for 25 years of service to the people of the United States;

(2) expresses its appreciation for the work done by Habitat for Humanity International to help so many people in the United States realize the dream of homeownership; and

(3) expresses the hope that Habitat for Humanity International will enjoy many more productive and successful years.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the oversight hearing that was originally scheduled by the Committee on Indian Affairs on the Goals and Priorities of the Great Plains Tribes for June 12, 2001, at 10 a.m. in room 485, Russell Senate Building has been postponed. The oversight hearing has been rescheduled for Tuesday, June 26, 2001, at 10 a.m. in room 485, Russell Senate Building.

Those wishing additional information may contact committee staff at 202/224-2251.

MEASURES PLACED ON THE CALENDAR—H.R. 503 AND H.R. 1885

Mr. REID. Mr. President, I understand that the following bills are at the desk, having been read for the first time: H.R. 503 and H.R. 1885.

So I ask unanimous consent that it be in order, en bloc, for these two bills to receive a second reading, and then I would object to any further consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills will be placed on the calendar.

Mr. REID. Thank you, Mr. President.

EXTENSION OF THE PERIOD FOR ENACTMENT OF CHAPTER 12 OF TITLE 11 OF THE UNITED STATES CODE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1914 just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1914) to extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Mr. LEAHY. Mr. President, the Senate is once again passing legislation to retroactively renew Chapter 12 of the Bankruptcy Code, which protects family farmers and helps them prevent foreclosures and forced auctions of their farms.

While I strongly support providing our family farmers with bankruptcy protection so they can continue farming the land, it is time for Congress to make Chapter 12 a permanent part of the Bankruptcy Code. Too many family farmers have been left in legal limbo in bankruptcy courts across the country when temporary extensions of the chapter expire. I look forward to working with my colleagues to enact Chapter 12 on a permanent basis.

Less than two months ago, Congress passed H.R. 254 to retroactively renew Chapter 12 since it expired on July 1, 2000. H.R. 254, however, renewed the family farmer bankruptcy protections until only June 1, 2001. Now Congress must once again pass narrow legislation to retroactively renew Chapter 12. This time H.R. 1914 renews Chapter 12 for four additional months—until October 1, 2001.

As I did on final passage of H.R. 254, I again commend Representative NICK SMITH and Representative TAMMY BALDWIN for their leadership in working together to secure House passage of legislation to retroactively renew Chapter 12. Thanks to their bipartisan efforts the House of Representatives passed H.R. 1914 on June 6 by a vote of 411-1.

Senator CARNAHAN and Senator BOND introduced similar legislation to help our family farmers forced into the bankruptcy process. On behalf of family farmers in Missouri and across the country, I commend them for their bipartisan efforts as well.

During the debate earlier this year on comprehensive changes to the bankruptcy system, some proponents of the controversial reform bill claimed that it must be passed to restore Chapter 12 to the Bankruptcy Code. I hope today's action to pass a stand alone Chapter 12 bill will make it clear to all that the Senate does not have to pass a mammoth bankruptcy reform bill to provide family farmers with bankruptcy protection. I also hope today's action will put an end to any efforts to use Chapter 12 as leverage to enact controversial bankruptcy reform legislation. Our family farmers deserve better.

Mr. President, I strongly support H.R. 1914 to retroactively give our family farmers bankruptcy protection if they fall on hard times. It is now time for Congress to permanently establish Chapter 12 as part of the Bankruptcy Code to provide a secure safety net for our nation's family farmers.

Mr. REID. Mr. President, I ask unanimous consent that the bill be considered read three times and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1914) was read the third time and passed.

ORDERS FOR MONDAY, JUNE 11, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 1:30 p.m., Monday, June 11. I further ask consent that following the prayer and the pledge to our flag, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 2:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator THOMAS or his designee from 1:30 p.m. to 2 p.m.

and Senator **DURBIN** or his designee from 2 p.m. to 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on Monday the Senate will convene at 1:30. Morning business will continue until 2:30. At 2:30, the Senate will resume consideration of the education bill. The Senator from Missouri, Mr. **BOND**, will offer an amendment at 2:30, followed by Senator **LANDRIEU** offering an amendment at 3 o'clock. Rollcall votes on these amendments to the education bill will begin at 5:15 p.m. on Monday. We will complete action on this bill by the close of the week. That is what Leader **DASCHLE** has said. He desires making sure we complete action on the education bill this coming week.

Mr. President, I certainly wish you a happy weekend.

ADJOURNMENT UNTIL MONDAY, JUNE 11, 2001, AT 1:30 P.M.

Mr. REID. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:22 p.m., adjourned until Monday, June 11, 2001, at 1:30 p.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 2001:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOSEFINA CARBONELL, OF FLORIDA, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JEANNETTE C. TAKAMURA, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES P. COLLINS, 2607

EXTENSIONS OF REMARKS

TRIBUTE TO REVEREND JAMES COFFEE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Reverend James Coffee's 38 years as Pastor of the Community Baptist Church in Santa Rosa, California.

Reverend Coffee came here in the midst of the Nation's civil rights struggle—and from the start he has fought to break down barriers between the races. He established the Bridge Builders Organization, a group seeking racial reconciliation and the Diversity Forum, a group meeting to understand and embrace the diversities among us. He's served as President of the Martin Luther King, Jr. Birthday Celebration Committee, and is a founding member of the 100 Black Men of Sonoma County.

Service on Citizens Against Domestic Violence, the Salvation Army Advisory Board, and Citizens For Balanced Transportation highlight Reverend Coffee's commitment to civic life. He is recipient of numerous honors from service clubs and professional organizations, including a community builder award presented to him on Diversity Day two years ago. Because of his strong belief in the power of education, Reverend Coffee established a scholarship and a mentoring program at Community Baptist Church.

Mr. Speaker, Reverend Coffee is truly the perfect embodiment of one of his favorite sayings, "Make a difference one day at a time." For 38 years Reverend Coffee has made a difference—with strength and persistence, with humor and compassion every day of his life.

IN HONOR OF POLICE CHIEF DOMINIC V. MEUTI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Police Chief Dominic V. Meuti who is celebrating his retirement from the police force after 50 years with the Bedford Heights' Police Department.

Police Chief Meuti has a long and distinguished career with the city of Bedford Heights and is believed to be the longest-serving active police chief in the country. Mr. Meuti began his service in 1951 as a 21-year-old mechanic. Earning just $1.25 an hour, he accepted the position after only a few months of police work under his belt.

As chief, Mr. Meuti performed countless jobs to make sure the city ran smoothly. In the winter, he acted as the Service Department, and plowed the snow using his beat-up Chevy. In the summer, he patrolled the tiny village in his own car. Chief Meuti's dedication to his job was displayed with the countless hours of work he performed. During his tenure, the community has grown to over 11,000, and the force has expanded to 38 full-time officers.

Police Chief Meuti's life, however, is not consumed with the police force. His office is filled with family photographs and he remains extremely active in his local community. His kind spirit and warm smile attract people to him. He has served his community selflessly for 50 years and is an inspiration to many.

Mr. Speaker, please join me in honoring a great man on his retirement. For 50 years, Police Chief Dominic V. Meuti has dedicated his life to public service. His love and dedication to his community will be greatly missed.

CONFERENCE REPORT ON HR. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. SANDLIN. Mr. Speaker, today, Congress will approve a significant tax relief package, outlining a fiscal path that promises lower taxes but creates a less certain budget picture. I believe Americans need tax relief, and I will support this tax cut bill because it is the best we can produce at this time. In many crucial respects, however, the Economic Growth and Tax Relief Act is flawed. In some cases, promised tax benefits are delayed for several years, while additional valuable tax credits for education and inducements for personal savings expire only a few years after enactment. Politics, however, is built on principled compromise between different policy positions and, in voting in favor of this bill, I will not let the friend of the perfect be the enemy of the good.

The Economic Growth and Tax Relief Act provides significant tax relief for millions of Americans by correcting the marriage penalty and eliminating the estate tax. I support eliminating the estate tax and correcting the marriage penalty. The burden imposed on working families and some family businesses by these two taxes far outweighs the moderate revenue generated for the federal government. Although this bill addresses both of these items, the tax relief is either incomplete or delayed over an unreasonable length of time.

I favor an immediate fix to the marriage penalty—a penalty that causes half of all married couples to pay an average of $1,100 in federal income tax—by doubling the standard deduction for married couples effective 2002. As an original cosponsor of legislation to eliminate this penalty, I have met with many married couples throughout my district who, as a result of committing to marriage, pay a higher percentage of federal income tax. Unfortunately, the Economic Growth and Tax Relief Act delays full implementation until 2005, putting off much needed relief for millions of families. Bipartisan majorities on several occasions have supported an immediate repeal, correcting this costly quirk in the federal tax code.

A key priority I have championed since my first campaign for Congress is the elimination of the federal estate tax. One of the first bills I introduced as a Member of Congress was legislation to repeal the federal estate tax. Taxing a small business or family farmer after the owner has passed is the ultimate disincentive to small business and to a family's dream to pass down a business, profession, or craft to future generations. On three separate occasions over the past two years, the House of Representatives approved legislation to completely repeal the estate tax. During each vote, I stood with those who believe the government should not tax a life's hard work. Today, I again join my colleagues in pursuing the elimination of this tax.

Although bipartisan majorities support the elimination of the estate tax, I am frustrated with the delaying tactics and extended timelines contained in the final bill. As part of a series of tricks to hide the true cost of the tax cut, Republican negotiators have stretched estate tax repeal over the next decade. In fact, complete repeal will not take effect until after 2011, outside the ten-year budget framework and thus removed from our budget agreement and congressional rules. This clever trick unfairly postpones complete relief and disregards our budget plan—a document that is a roadmap to fiscal integrity. My own bill would immediately repeal the estate tax, a much preferable approach to implementing an incremental, decade-long reduction that does not provide full relief until 2011. Fiscal truth telling is paramount to maintaining the trust of the American voter. By backloading several popular tax measures, Congress risks a return to deficit spending and an erosion of public confidence in the budget process.

Throughout the tax debate, I have stood with a coalition of fiscally responsible Democrats—the Blue Dog Coalition—emphasizing a responsible budget plan that retires the debt, strengthens Social Security and Medicare, addresses our common priorities and provides meaningful tax relief. The Blue Dog Coalition demands fiscal honesty and a candid assessment of the projected long-range federal budget surplus, which is at the root of our efforts to pass significant tax relief. Earlier this year, the House rushed through a tax plan prior to establishing clear guidelines to reduce our $5 trillion national debt. I opposed this approach.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It is fiscally irresponsible to cut revenues before identifying important priorities in defense, education, healthcare, and setting a glide path toward debt reduction. As part of the budget process, the Blue Dog Coalition advocated for a fair and realistic budget plan before passing tax legislation. The tax package and budget plan, although not perfect, does provide a roadmap for reducing taxes and contains a commitment to fund important priorities.

Although I support today's historic vote to lower taxes, I remain concerned that Congress has not put in place a mechanism to ensure that we do not return to deficit spending. A group of moderate Senate Members proposed the inclusion of a trigger provision, triggering each stage of the tax cut on successful debt payments with actual surplus funds. I support this common sense, fiscally responsible approach to lowering taxes because the 10-year $5.6 trillion projected budget surplus is built on unrealistic spending assumptions and economic growth rates. These projections have been wrong over and over again. In fact, over the last five years these projections were off the mark by an average of $58 billion a year. We do have a budget surplus this year—and a large projected 10-year surplus—but we also carry a crushing $5 trillion national debt racked up over 35 years of deficit spending. Tying future tax cuts to budget surpluses would act as an insurance policy making certain that Congress does not backslide and return to an era of fiscal irresponsibility.

This bill provides tax relief for millions of Americans. Phasing out the marriage-penalty, increasing the child tax credit, and expanding the earned income tax credit are three provisions within this bill that especially benefit working families. I am glad both sides agreed to include these beneficial cuts. I have outlined my concerns where Congress could have worked to craft a better bill. Phasing in significant portions of this plan next year and creating a mechanism guaranteeing that tax cuts do not occur at the expense of deficits are a few of my concerns. Although these reservations give me pause in enacting this tax plan, I believe that on balance, this bill will reduce taxes on American families, encourage savings, and give Americans greater control over their financial future.

HONORING DR. ROGER TRIFTSHAUSER'S TWENTY YEARS OF SERVICE IN THE GENESEE COUNTY LEGISLATURE

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today to pay tribute to an outstanding public servant, an American patriot, and my good friend, Dr. Roger Triftshauser.

On Friday, June 8, Roger will be honored for his twenty years of service as a member of the Genesee County Legislature. First elected in 1982, Roger was elected for ten consecutive terms, rising to the position of Chairman of the Legislature. Earlier this year, he resigned his position to become Special Assistant for Intercounty Affairs for Governor George E. Pataki.

That Roger would resign from the Legislature to answer the Governor's call is no surprise to those who know him. Because Roger Triftshauser has always answered the call to provide his leadership and service to his community.

A native of Warsaw, New York, Roger accepted a commission in the United States Naval Reserve while a student at the University at Buffalo. He received his degree of Doctor of Dental Surgery in 1961, and served on active duty as a Naval Dental Officer from 1961 to 1967. Roger has served the Naval Reserve Dental Corps for more than 30 years, earning promotion to Rear Admiral.

Roger's tenure in the Genesee County Legislature was marked by outstanding strategic leadership, a bedrock commitment to values and principles, and an unquestioned devotion to making his community a better place to live, work and raise a family.

Mr. Speaker, it is my sincere pleasure to offer my congratulations and thanks to my friend, Dr. Roger Triftshauser for his two decades of service to the Genesee County Legislature, and I ask that this Congress join me in saluting his service and achievements.

TRIBUTE TO JOHN SPARKS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2001

Ms. SLAUGHTER. Mr. Speaker, to my great dismay, John Sparks, Vice President of Public and Government Affairs, will soon conclude nine years of outstanding service to the American Symphony Orchestra League. While the League's membership includes more than 900 orchestras, and some 3,000 individuals, artist agencies, trustees, and volunteers, John's work has reached far beyond the music and arts community to benefit the nation at large. I would like to take a few moments to recognize the outstanding work that John has accomplished over almost a decade of service.

In particular, John has distinguished himself as an advocate for the right of nonprofit organizations and individual citizens to voice their concerns about public policy. When some sought legislation to limit the ability of America's charities to communicate with legislators, John was instrumental in leading the effort that ultimately protected this basic right. With the publication of "Best Defense: a Guide for Orchestra Advocates," he literally wrote the book on civic participation in arts policy. And, his regular contributions to SYMPHONY Magazine have provided readers nationwide with thoughtful inquiry and evenhanded analysis of emerging public policy, while persistently professing the responsibility of every individual to actively participate in the public sector.

I would also like to recognize John's extraordinary contributions in the areas of nonprofit and arts policy. He has tirelessly defended federal support for the National Endowment for the Arts through years of challenges, and has expertly represented the concerns of orchestras and their audiences in an uncommonly diverse array of policy areas, ranging from postal rates to tax policy.

John's tenacity, sincerity, political acumen, and keen sense of humor, are indeed rare qualities to be found in one person. I express my sincere thanks to John Sparks for his invaluable work on behalf of orchestras, the arts, non-profit organizations, and our country.

CALDWELL VOLUNTEER FIRE DEPARTMENT CELEBRATES 100TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2001

Mr. FRELINGHUYSEN. Mr. Speaker, I am proud to offer my sincerest congratulations to the Caldwell Volunteer Fire Department on the occasion of its 100th Anniversary Celebration on Saturday, June 9, 2001.

While the Caldwell Fire Department was officially established in 1901, its origin goes back to the late 1890's when a group of concerned local residents purchased a horse drawn fire wagon from the town of Montclair.

Housed in a barn on Roseland Avenue in Caldwell, local farmers and businessmen provided the horses needed to pull the fire equipment because the town refused to pay for the horses to pull the fire wagon. On occasions when horses were not available, the men pulled the wagon themselves.

To summon the men to a fire call, the metal trolley wire poles along Bloomfield Avenue were struck with a metal object.

The original horse drawn fire wagon was replaced with a used motorized fire truck in the early 1930's.

Over the past 100 years the Caldwell Volunteer Fire Department had several homes. In 1921 a new borough hall was built at 14 Roseland Avenue, which housed the fire equipment and the police department on the first floor. In the early 1920's, the borough hall was moved to its present location on Provost Square while the firehouse remained at 14 Roseland Avenue.

In 1937, the firehouse was expanded to accommodate Caldwell's new 1937 La France Pumper and Ladder Truck. The building had to be expanded again in the early 1960's to accommodate larger pieces of equipment.

Outgrowing the building at 14 Roseland Avenue, the fire department moved to its current headquarters at 30 Roseland Avenue in 1980.

The current building is home to five fire trucks, three reserve trucks, administrative offices, and all of the equipment necessary to maintain an active fire department.

When the Caldwell Volunteer Fire Department officially formed in 1901 it had 18 volunteers. Today the department is made up of 38 volunteers. With the exception of a paid driver during the late 1940's and a paid chief for a few years in the late 1960's, the fire department has successfully served the Borough of Caldwell with an all-volunteer staff.

On Saturday, June 9, 2001 fire departments from across the State of New Jersey will join the Caldwell Fire Department to celebrate its history and future.

Mr. Speaker, I ask my colleagues to join me in offering congratulations to the Caldwell Fire Department.

TRIBUTE TO BERNICE A. PETERSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Bernice A. Peterson. Bernice's retirement as Recorder in Sonoma County is an appropriate opportunity to honor her for her 24 years of successful leadership in this position. Bernice was the first woman to hold the Recorder's position and is the most senior department head in the County. She will be the last Recorder in the State of California; this office will now be combined with another county office as is the case around the State.

Ms. Peterson began working for Sonoma county in 1973 and was appointed to serve as Recorder in 1977. She won election for six additional terms. During that time she has transformed the Recorder's Office into a state-of-the-art electronic operation with a staff dedicated to friendly and efficient public service. Ms. Peterson was the guiding force behind the establishment of the County's records management division, and her work has preserved and restored valuable historical records of Sonoma's illustrious past.

A nationally recognized leader in a variety of organizations that promote records management and preservation, Ms. Peterson's skills have had an impact beyond Sonoma county. Her community service involvement includes the Soroptomists Club, League of Women Voters, United Way, Sonoma County Museum, Salvation Army Advisory Board, and Women's History Month projects. Mr. Speaker, Bernice Peterson's career is a model of the importance of commitment and high quality work performed with good humor and skill for the benefit of many.

IN MEMORY OF ISTVAN ESZTERHAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Istvan "Stephen" Eszterhas, a renowned Hungarian novelist, retired editor, and friend.

Mr. Eszterhas, originally from the Kispest section of Budapest, began his writing career very early in life. At age 16 he was already a published author and by age 30 he had written his first novel, a memoir about growing up during World War II. He penned six more books before coming to the United States in 1950. His works focused on his ethnicity and cultural heritage, and have been internationally recognized. In 1958 his manuscript "Rest Easy, Comrade," won a literary contest sponsored by Rome's Anonimus Foundation. Mr. Eszterhas' last work was a collection of poetry that was published in 1998. His beautifully-crafted compilation of poems has touched thousands of people.

Eszterhas, in addition to holding a law degree from the University of Budapest, was editor of Catholic Hungarians' Sunday when it was the only Hungarian newspaper in the country. He retired in 1978, but never stopped writing.

His deep faith and commitment to his heritage led him to the Danubian Cultural Institute and St. Stephen's Dramatic Club. Also, he served selflessly as the national president of the Committee for Hungarian Liberation. His involvement and dedication to the world community will be remembered by many people for years to come.

Mr. Eszterhas is survived by his son, Joe, and six grandchildren.

Mr. Speaker, please join me in honoring the memory of a wonderful, caring man. Mr. Eszterhas served Cleveland and his country in many capacities, and was an inspiration to many. He has touched so many of us, and will be greatly missed.

SENATE—*Monday, June 11, 2001*

The Senate met at 1:30 p.m. and was called to order by the Honorable BILL NELSON, a Senator from the State of Florida.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, who has made work in Government one of the highest callings and the formation of public policy a crucial ministry, we ask You to help us to bless the weekday and keep it holy. Give us a renewed sense of mission today as we go about the tasks of this week. You are present in this Chamber. May we keep our attention on You as the only one we must please. With that ever before us, we will work with excellence because we are accountable to You. So may every word we speak, every relationship we enjoy, and every task we tackle be done with a sense of Your presence. May we never forget why we are here: to serve You by being servant leaders to the people in our land. Living and working is a privilege. Thank You for another day to do both with enthusiasm. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL NELSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 11, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BILL NELSON, a Senator from the State of Florida, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Florida thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business until 2:30 today. At 2:30 we are going to resume consideration of the education reform bill. We are going to spend 30 minutes on the Bond amendment regarding parental involvement and then 2 hours on the Landrieu amendment dealing with title I. We will have two rollcall votes at 5:30 p.m. in relation to the Landrieu and Bond amendments. We are going to complete consideration of this education bill by the end of this week.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period of morning business until the hour of 2:30 with Senators permitted to speak therein for not to exceed 10 minutes with the following exceptions: Mr. THOMAS or his designee, 1:30 to 2; Mr. DURBIN or his designee, 2 to 2:30 p.m.

The PRESIDING OFFICER (Mr. REID). The Senator from Florida.

GLOBAL WARMING

Mr. NELSON of Florida. Mr. President, I am grateful for the opportunity to address a couple of topics that have been in my heart.

I had the privilege of being here Friday afternoon to hear Senator BYRD explain the legislation he was offering to try to get our arms around the problem of global warming. It was in Senator BYRD's presentation to the Senate that he shared with us that a vast majority of the scientific community in fact has recognized that the Earth's temperature is warming and that, indeed, man is contributing to that warming through the emission of CO_2 into the atmosphere, thus causing a greenhouse effect.

I was so moved by Senator BYRD's presentation, after which he then introduced the legislation, in light of the fact that this present administration had set aside the Kyoto accords and is going about in its own way to try to address the problem.

Senator BYRD offered this legislation, sponsored by himself and cosponsored by Senator STEVENS, as a means to try to accelerate and focus world attention on this phenomenon; to use Senator BYRD's words, that something out there in fact is happening.

I was moved to speak after Senator BYRD's presentation. What I shared was an experience of looking at global warming from the perspective of my past life as the elected insurance commissioner of Florida, recognizing that it would have devastating effects upon a State such as Florida with such an extensive coastline. The rise of the seas would have an immediate effect upon most of our population which is along the coast. The warming of the atmosphere would cause increased frequency and ferociousness of storms, particularly the storms that are a part of our life style in Florida known as hurricanes, and the rising temperature for the tropical and subtropical climes would likewise have the result of increasing pestilence and disease.

I was then moved to remember in my mind's eye the view I had out the window of the spacecraft *Columbia* on the 24th flight of the space shuttle, looking back at planet Earth, how beautiful it is and yet how fragile it looks. It is gorgeous. It is a blue and white ball suspended in the middle of nothing. Space is nothing. It is an airless vacuum that goes on and on for billions and billions of light years. In the midst of that void is this wonderful creation we call home, planet Earth.

I described to Senator BYRD Friday that on the first day, you are looking at nation states. On the second day, you are looking at continents. On the third day, you are looking at the whole planet. That is the perspective you have. The first time you look out, you are looking for home. You are looking for Florida, and then you are looking for America. Then in a few days you are looking for home, and there it is, planet Earth, blue because of the oceans, white because of the clouds.

If you look at the land mass, it is usually a dull brown except in parts where there are the contrasts of colors, such as the Horn of Africa, the bright, almost orange-reddish sands of eastern Africa set off against the bright blue waters of the Indian Ocean.

I am saying all of this because I wanted to add to the comments I made on Friday about global warming. I was struck with the beauty of this creation, but I was also struck with how fragile it looked. I could see how we are not being good stewards. I could see the destruction of the rain forests, and then I could look to the east and see the mouth of the Amazon. The waters of the Atlantic were discolored for hundreds of miles with the silt that resulted from the destruction of the trees hundreds of miles upriver. I would look at the rim of the Earth, a bright blue band. But on closer inspection, you could see the thin film enveloping the Earth that sustains all of our life known as the atmosphere.

I came away from that experience of 6 days in outer space with a profound sense that I needed to be a better steward of what God has given us in this beautiful, colorful planet called Earth.

That is what I was moved to think of when Senator BYRD introduced his legislation concerning global warming; that we better be serious and listen to the scientific community, saying that things are changing, that people in States such as mine along the coast of this country had better be wary of the immediate effects upon them, the consequences of global warming, and that we should be better stewards of what we have been given by our creator, if, in fact, we are doing what we ought to do.

I have often let my imagination wander with regard to space travel. I firmly believe that in my lifetime, certainly in the lifetime of a lot of our young friends, we will see an international mission from planet Earth to another planet, probably Mars. When we get there, are those dry river beds that we see in our telescopes? And if they are, what happened to that water? And if we find, in fact, that there was water, then there likely was life. And if there was life, to what degree did it develop; was it civilized? And if it was civilized, what happened? What can we learn so that we can be better stewards of our civilization on planet Earth?

Senator BYRD, as he so eloquently expressed his concerns and interest and, therefore, the offering of the legislation to study the problem, was most timely. The President is on his way to Europe tonight to discuss this issue with the many leaders of Europe, their concern that he unilaterally disregarded the Kyoto accords. If we are not going to have the Kyoto accords for the nations of the world to come together to do something about the rise of the greenhouse effect on planet Earth, then we better get together with some other kind of protocol quickly. Senators BYRD and STEVENS are offering that kind of leadership as a way. It is just one suggestion, but it is an important suggestion. It is timely.

I took this moment to offer those thoughts and, again, to say my profound appreciation to the great Senator from the State of West Virginia for what he has offered.

I yield the floor.

(Mr. NELSON of Florida assumed the chair.)

The PRESIDING OFFICER. The Senator from Nevada.

EDUCATION

Mr. REID. Mr. President, what has taken place in the Senate over the past few weeks, the change from a Republican majority to a Democrat majority, is really not about which party is in charge or which party is the majority. I believe the history books will be written that it is about the truly important issues to the citizens of Nevada, Florida, and citizens all over the country.

The education of our children, for example, is at the top of any list. Three of my grandchildren are of school age. As I stand here today, Mattie, Savannah, and Ryan are in school—one of them here in a suburb of Washington; two of them in Las Vegas. They are each sitting in their classrooms. They are so fortunate that they have great teachers. They have teachers who are dedicated to putting information in their heads and making them feel good about themselves.

As a grandfather, I want to do all I can to ensure that they receive the best education possible and that my other seven grandchildren—and I have two additional ones on the way, so that is 12 grandchildren—will also have the same opportunities and maybe even better opportunities than my 3 grandchildren who are in school today.

As a Senator representing the State of Nevada, I want to do everything I can as a Member of this national legislative body to make sure that not only my grandchildren but every child in America has an opportunity to be educated in the best way they can. We all have that obligation.

Millions of children across the country are, at this very moment, acquiring a foundation that will provide them with enormous opportunities. They are acquiring an education. There are also lots of children in America who are not being educated in the way they should be educated.

Nevada is an interesting example. We have one school district, Clark County School District, where Las Vegas is.

It is the sixth largest school district in America and fast approaching the fifth largest. There are 240,000 children in that school district. We have to build, to keep up with the growth, one new school every month. This year, we will dedicate about 15 schools. We hold the record in America. One year, we dedicated 18 new schools. The superintendent of schools has said he is not a superintendent of "instruction," but a superintendent of "construction."

We need help in this very large school district. We need help. There are a number of ways we have tried to get aid to school districts for construction, not only to build new schools but to rehabilitate old schools.

The average school in the U.S. today is about 45 years old. We need to do better in helping large school districts such as Las Vegas. Also, we have schools in Nevada that are one-room schools. I went to school in a two-room school. There are schools in Nevada today that have one room, with five or six students. They also have to be part of what we are trying to do to improve education. Millions of children across the country may not realize it, but their parents and friends realize, and we realize, that there is nothing more important in their lives than to be educated.

So it is with fitting coincidence that the change in the leadership in the United States Senate occurs at the very time we are debating the education bill. Whether you are a Republican, or a Democrat, or an Independent, education is a nonpartisan issue. It should be a nonpartisan issue. If it is partisan, it is too bad. The education bill is an example of what Senators can accomplish when we work for the good of the country in a nonpartisan manner, joining together to ensure that every student has a chance to succeed. This bill is a true example of a nonpartisan success story. We hope it ends successfully this week. It began as the President's bill, was honestly and openly debated under Senator LOTT and the Republican majority, and now it will be completed under the leadership of Senator DASCHLE and the Democratic majority.

We all have to work together. I work together with my Republican colleague from Nevada, JOHN ENSIGN, in a way that I hope will serve as a model for the rest of this Chamber. In 1998, JOHN ENSIGN and I were involved in a historically close race. I won by 428 votes. People thought that JOHN ENSIGN—when Senator Bryan retired and he ran for the Senate—and I would be in a very bitter relationship here in the Senate. But we decided for our own well-being, for the well-being of the State of Nevada, and for this country, that we should join together and show people that Democrats and Republicans from States evenly divided as ours is—no matter how the State is divided—can work together to set an example. JOHN and I don't have to vote alike on everything, but we can work together so that we have a harmonious relationship. We are doing that. We are going to get better. We are pretty good now, but we are going to get better.

We have sent the President the judges that JOHN ENSIGN nominated, and I say "we" because I appreciate JOHN ENSIGN submitting those names to me. He has agreed to give me 25 percent of the judges we get in Nevada. I told him that is one more than I deserve. I appreciate that. It is an act of generosity on his part and also an act that depicts our relationship. So the mere fact that people have bitter battles on this floor does not mean they can't work together tomorrow for the common good.

So I believe that from the 240,000 students in Clark County to the one-room schoolhouse in Nye County, all students deserve a quality education. We need to work together to finish this bill in a nonpartisan way for the children of Nevada. If we get in here in the next couple of days and there are difficult issues we have to resolve, we have to understand that we can take these issue by issue.

The overall responsibility we have is to come up with a good education bill. Now, I am personally disappointed that we are not going to have as much money as I think we should. We have to work with the tools we have, and we are going to do that. The education bill is legislation about which each Member of this Chamber should leave feeling good about. So it is my hope and that of Majority Leader DASCHLE that this legislation is the first of many written not by one party, but by Republicans and Democrats.

I yield the floor.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed using as much time as I may consume.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

EDUCATION

Mr. DORGAN. Mr. President, later this afternoon we will turn to the reauthorization of the Elementary and Secondary Education Act.

I wish to take just a couple of minutes to talk about a couple of amendments to the education bill that I have offered with colleagues. These amendments have not yet been voted on but I expect both will be approved.

Education is very important. I am pleased it appears we will now finish this bill. This Congress has a responsibility to address the issue of education in a thoughtful way. We understand there are plenty of challenges in our educational system. We have schools that don't do as well as we would like. At the same time, I want to be sure to say there are a lot of wonderful schools in this country and a lot of great teachers who are educating our children.

More Americans have completed a high school education today than at any other time in history. At a time when we talk about the deficiencies in education, 84 percent of the American people are now completing a high school education. In France, only 52 percent of adults have a high school education. In the United Kingdom, 68 percent. In Japan, 70 percent.

With respect to virtually every aspect of life in this country, one can take something and hold it to a light and say, isn't this ugly, and one can find a perfection that is ugly. But generally with respect to education, I ask this question: If public education in this country has not worked, how is it we have reached this position in our lives? The United States has done so much for so many over so long a period of time. The progress that has been made is remarkable.

I came to the Congress many years ago to initially serve in the House of Representatives. I have told my colleagues a story about going into the office of the oldest Member of the House at the time named Claude Pepper, a great public servant. He was then in his eighties, and his office was virtually a museum of posters and photographs. Two pictures in particular that were hanging behind his desk in his office stuck out to me. One was a picture of Orville and Wilbur Wright making the first airplane flight. It was autographed to Congressman Claude Pepper by Orville Wright before he died. It was autographed to Claude Pepper: With deep admiration, signed Orville Wright. Beneath that picture was a picture of Neil Armstrong stepping on the Moon, and it was autographed by Neil Armstrong to Congressman Claude Pepper.

I was struck by that. Here are two pictures: Of the first Americans to fly and then the first American to fly to the Moon. I thought about the relatively short timeframe that is represented by those pictures. What a breathtaking advance in technology and learning that allowed us to build aircraft that not only left the ground in airplanes that were primitive, but also flew all the way to the Moon for a lunar landing.

What is that about? It is about education. We achieved these advancements in America's classrooms. Those young scientists and engineers and mathematicians, the young talents all across this country, starting 1st grade someplace, went through high school, and went to college. They created progress in so many areas. Yes, in space, but also in medicine and so many areas this country has progressed.

Education is critically important. I wanted to say it at the front end. Those who somehow criticize our public educational system as a system that has failed America, in my judgment, are dreadfully wrong. This public system of education has empowered every young child in this country to be the best he or she can be. We have challenges, no doubt about it, and we should deal with those challenges.

I propose a couple of things to deal with some challenges. I propose we have school report cards. Every young person in school occasionally comes home with a report card; that child's school and the teachers evaluate how students are doing and they grade them and give them a report card. Parents and taxpayers get no such report card that evaluates how the school is doing. What is their tax money buying? What is the level of achievement of that school? What kind of progress are those students making? How effective is this school at promoting learning among its students?

My proposal is to give parents a school report card that provides the opportunity to understand how a school is doing versus a neighboring school, how a school in this county is doing versus schools in another county, or how schools in this State compare to those in another State, so parents and taxpayers can hold a school accountable.

We need a school report card that is reasonably standardized across the country. Thirty-seven States have created school report cards, but there content varies widely and most parents have never ever seen one. I think we ought to be about the business of asking for report cards on the progress of our schools. I understand the report card language has been included as part of the underlying Manager's amendment, and I think that provision will represent some progress.

The second amendment I offer with my colleague, Senator ENZI from Wyoming, who will be here later today, is an amendment that talks about establishing technology academies in the public school system. I am not talking about setting up separate buildings. I am talking about providing some assistance to allow public schools that want to offer an in-depth curriculum in technology to do so. Those young students who are adept at technology and want to pursue technology-related careers can, through a technology academy curriculum, come out of that school system with a much stronger background and be able to fill some of the jobs that go wanting in this country.

Last year we had a debate about increasing the number of H–1B visas to meet our country's need for technology workers. Why do we need people coming into this country from other countries to perform that work? Because our schools are not producing the right kind of trained individuals in sufficient quantity to eliminate the need for the H–1B visas. So I supported those new visas. But it seems to me a smart thing for us to do is to strengthen the depth and breadth of the technology curriculum in those schools that want to do that. That allows those students who want to go into a technology job to be prepared for the future.

Technology, obviously, is very important. The increase in information technology and telecommunications, the breathtaking advances in those fields, are quite remarkable. I come from a State that is a rural State. In the past, we have always been far from markets and therefore disadvantaged. But with information technology, with one click of a mouse, North Dakota is as close to the Hudson River as Manhattan. Distance is dead.

If distance is dead, opportunity is born, especially if you come from a rural State. And if that is the case, then let us develop technology academies through the incentive I would provide in this amendment with my colleague, Senator ENZI, to allow public schools to strengthen their curriculum in technology. Those students who want to move in that direction and fill those jobs that are now going unfilled ought to have that opportunity by coming out of our school system much better prepared to do so.

Those are two amendments I will be offering. My understanding is the first will be accepted as part of the underlying Manager's amendment, and the second will be adopted by a voice vote. I appreciate that. I think both of them will improve this bill.

Let me also say my colleague, Senator ENZI, will, I believe, come to the floor to speak about the technology academy amendment at some later point in the debate.

Finally, let me say this. Thomas Jefferson, in a famous quote, said about education:

> Those who believe that a country can be both ignorant and free believe in that which never was and never can be.

Education is critical to the success of this country and its future. Education is just critical. It is the root of virtually everything else, the seedbed for progress in every other area. If we talk about defense, talk about social progress—everything we talk about has its roots in education. The issue of education is not complex. Education works when you have three elements: A teacher who understands how to teach, a student who wants to learn, and a parent involved in that student's education. When all those are present, education works, and works very well.

When it works well and where it works well, which is in many school districts across our country, I am enormously proud of what we are doing. I have sat in schoolrooms with dirt floors in the country of Haiti, for example, where a very small percentage of the children are getting educated in a very primitive way. I have sat in schoolrooms across the world in other countries, and wondered why these children will not have the opportunity they should have.

But I have also visited many classrooms in our country, and I would say from those experiences that I am enormously proud of what we have done. I am proud this country is the country that says every young child, regardless of origin, regardless of parentage, regardless of how much money they might have, is going to have an opportunity to be everything he or she can be. That is the way our school system works. That is not true in some other countries. Some countries pare the children down very quickly and send them down different routes and different paths, saying to some, you are not eligible to be on the path going towards college, you are going to go somewhere else. That is not the way we do things in our country. In our country, every young child sees that flame of opportunity that beckons: You can do it.

I spoke at a college commencement ceremony this weekend with hundreds and hundreds of graduates. I looked out at those graduates who came from every corner, every conceivable background. Every single one who was announced was accompanied by a hoot, a howl, a hurrah, and a yeah from the audience because those families understood this is a big day and big achievement. So, too, is education success for our country. That is why I am pleased we are going to finish this bill and very pleased the two amendments I have offered will be included.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask unanimous consent for 3 minutes to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator will yield, we are in morning business until 2:30, so if he needs a few minutes after 2:30?

Mr. ALLARD. No, I just need 2 minutes now. I thought I might be encroaching on time set aside for the Democrats.

Mr. REID. You have, on your own, 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

THE COLORADO AVALANCHE BRING HOME THE CUP

Mr. ALLARD. Mr. President, I rise today to congratulate the Colorado Avalanche for bringing the Stanley Cup back to Colorado. With a 3–1 victory in game 7 of the Stanley Cup Finals on Saturday night over the defending world champion New Jersey Devils, the Colorado Avalanche are champions once again. The Avalanche won their first cup in 1996 after arriving in Denver from Quebec.

The tough game seven victory capped an incredible season for the Avalanche. They won the President's Trophy which is awarded to the team with the most points at the end of the regular season. Captain Joe Sakic lead the way by having an MVP type season with 118 points and 54 goals. He scored another 13 goals in the playoffs to lead everyone in that catagory. With 52 wins in the regular season and securing home ice throughout the playoffs, the Avalanche started their long march towards the cup.

After a first-round sweep of the Vancouver Canucks, the Avs faced the Los Angeles Kings which proved to be their toughest task aside from the finals. It took a 5–1 victory in game 7 of the Western Conference semi-finals to get to the Conference finals against the St. Louis Blues. With the scare of losing to Los Angeles behind them, the Avalanche came together in the Conference Finals and rolled over the St. Louis Blues in five games. The next hurdle would prove to be their toughest. The Colorado Avalanche had to face the defending champion New Jersey Devils to whom they had lost twice in the regular season.

Head Coach Bob Hartley had his Avalanche hitting on all cylinders in the first game of the Stanley Cup Finals and defeated the Devils 5–0. That would prove to be the only easy win in the entire series. The defending champion Devils defended their title well and the series was back and fourth the rest of the way until the game 7 win two weeks later. With Conn Smythe trophy winner Patrick Roy leading the way the Avs have brought the Stanley Cup back to the Rocky Mountains.

Roy, who won the Conn Smythe trophy, which is awarded to the most valuable player in the playoffs, is no stranger to awards. Roy won his first playoff MVP award 15 years ago, for the Montreal Canadiens. He became the first three-time winner of the award, and holds not only the all-time regular-season wins record, but his 212 playoff wins are tops as well. The great play of Roy and Sakic should not overshadow the play of the rest of the team, players like Alex Tanguay who scored the game winning goal on Saturday and Chris Drury who had the game winner of game 6 in New Jersey. Milan Hejduk had a great year and had 23 points in the playoffs, second only to Sakic. Rob Blake and Adam Foote did a tremendous job during the Avs quest for the cup as well. Up and down the roster for the Avalanche from Stephan Yelle to Eric Messier contributions were evident.

The team really came together when superstar Peter Forsberg had emergency surgery to remove a ruptured spleen after the game 7 victory over the Los Angeles Kings. Forsberg, who is considered by many to be the best all around player in the National Hockey League, had 14 points in 11 games before being sidelined for the Conference Finals and the Stanley Cup Finals. With Forsberg out, the team really stuck together and put forth quite an effort. The effort displayed on the ice was most evident by one player who waited 22 years to win a Stanley Cup.

Ray Bourque came to Colorado last year after playing his entire 20 year career in Boston for the Bruins in hopes of winning his first Stanley Cup. The 40 year old is one of the best defenseman to ever lace up the skates and he has a spot waiting for him in the Hall of Fame. The only thing eluding him during his illustrious career was Lord Stanley's Cup. Saturday night, I along with the rest of the country saw what pure joy feels like when number 77 hoisted the Cup above his head. After 1,826 games Ray Bourque can finally call himself a World Champion.

I congratulate Ray Bourque and the entire World Champion Colorado Avalanche organization on a sensational year.

Mr. CAMPBELL. Mr. President, today I recognize the members of the World Champion Colorado Avalanche of the National Hockey League and their outstanding Stanley Cup Finals victory this past weekend.

The Colorado Avalanche has proven the value of dedication, preparation and execution as they played through the regular hockey season, becoming the 2000–01 Presidents' Trophy winner, which is awarded annually to the NHL club that compiles the league's best regular season record, into the playoffs and in the Stanley Cup finals. As defenseman Ray Bourque declared in the playoffs this was Mission 16W, 16 wins to win the championship.

Most folks know how great of a team the Avalanche proved to be in winning its second cup in six seasons. In addition, the Colorado Avalanche players and the entire organization overcame injuries to key players and pulled together to win the championship. Their younger players, the next generation of all-stars for the Avalanche, also deserve additional praise for their contributions when they had to step up and take leadership roles. Great teams are measured by sustained success and the Colorado Avalanche has proven they are one of the premier teams in the NHL. For the second time since coming to Colorado in 1995, the Colorado Avalanche has won Lord Stanley's Cup. A total team effort was exemplified by the Colorado Avalanche this season.

Mr. President, I would also like to recognize several members of the Colorado Avalanche organization for their outstanding achievements during this past season. Specifically, Owner E. Stanley Kroenke, President and General Manager Pierre Lacroix and Head Coach Bob Hartley for their proven ability to assemble the necessary players and develop powerful lines that consistently provide victories for this franchise; Captain Joe Sakic, one of the best team leaders in the game today and a top scoring threat in the NHL; Goalie Patrick Roy, the anchor of the defense and the first player to win the Conn Smythe Trophy three times, which is awarded to the most valuable player of the playoffs; and defenseman Ray Bourque, whose 22 season quest for the cup is finally over.

These people are the most recognizable names in the Avalanche's organization and are major contributors to the team's success. But, the total team effort is what made the Avalanche victorious. The entire team worked together, went after and achieved a common goal. Each team member deserves to be recognized: Peter Forsberg, Dan Hinote, Steve Reinprecht, Stephane Yelle, Chris Dingman, Chris Drury, Eric Messier, Ville Nieminen, Alex Tanguay, Milan Hejduk, Scott Parker, Shjon Podein, Dave Reid, Rob Blake, Greg de Vries, Adam Foote, Jon Klemm, Bryan Muir, Nolan Pratt, Martin Skoula, David Aebischer, Jacques Cloutier, and Bryan Trottier.

The Avalanche's defense also proved they are in an elite class. When push came to shove, the defense only allowed 11 goals in the seven NHL final games against the New Jersey Devils, a team that is consistently one of the strongest teams in the league. Defense wins championships, and the Avalanche's defense proved this to be true.

It is a special honor for me to make this Senate floor statement to honor the Colorado Avalanche. Today I invite my Senate colleagues to join me in congratulating the Colorado Avalanche in bringing Lord Stanley's Cup back to the Centennial State.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Presiding Officer attended the game.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows.

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Bond modified amendment No. 476 (to amendment No. 358), to strengthen early childhood parent education programs.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

Reed amendment No. 431 (to amendment No. 358), to provide for greater parental involvement.

Dodd/Biden further modified amendment No. 459 (to amendment No. 358), to provide for the comparability of educational services available to elementary and secondary students within States.

Clinton modified amendment No. 516 (to amendment No. 358), to provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children and to establish the Healthy and High Performance Schools Program.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized to call up amendment No. 476 on which there will be 30 minutes of debate equally divided.

Mr. FRIST. Mr. President, could I take 1 minute?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I think most people understand generally what the plans are. It will be, as I understand, approximately 30 minutes on the Bond amendment, after which we will be proceeding to the amendment offered by the Senator from Louisiana, Ms. LANDRIEU. This afternoon, sometime after 5 o'clock, we will proceed to vote, as I understand it, on the Landrieu amendment, followed by the Bond amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Mr. President, I yield time as necessary to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 476

Mr. BOND. Mr. President, I thank the acting manager. I thank the Chair.

I want to talk about an amendment that I introduced some time ago and which we will vote on later this afternoon. The amendment itself is not very difficult and not very complex. It doesn't have a major change. But it represents a watershed development in education. Parents for a long time have marveled at how fast their children learn when they are very young and how they pick up things—not just things off the floor but how they learn language and how they learn many other things.

Research has verified what all of us have known instinctively for a long time—that the first years of life are absolutely crucial in the development of a child's intelligence, habits, and the entire approach to life. The early years have a significant bearing on development and especially on the learning of each child. Infant brain development occurs very rapidly. The sensations and experiences of this time go a very long way towards shaping the baby's mind in a way that has a long-lasting impact on all aspects of the child's life.

You can think, if you have been a parent, or if you are parents, about how fast they learn in the first 3 years. A baby learns to walk, to talk, and to interact with others.

As a matter of fact, an astounding figure I heard was that half a child's mature intelligence is developed by 3 years of age. During those first 3 years that a child learns, it absorbs so much that it is half of what he or she is going to know for the rest of their life.

The early months of growth, understanding, reasoning, and learning can never be brought back or redone again. Once they are gone, they are gone. The early years of a child's development are not just rehearsal. That is the whole show. That is the opening act. That sets the stage and the pace of their entire life's path.

Parents and families are key to the early development of a child. Through the amendment that I offer today, we seek to focus on support of parents and family education for young children.

This amendment provides a clarification to title VI, part A of the substitute. It simply states that early childhood and early childhood parent education are eligible for funding and that early childhood means zero, or birth, to 5 years of age. The amendment is no new money, and it doesn't authorize any new program.

People think learning begins at kindergarten. By kindergarten children are halfway through their learning process in their entire life. Who best to teach that child in the first 3 formative years than the parents? We must focus on the early years of a child's life as well as on the years of formal schooling. We can emphasize and champion this early involvement.

My amendment proposes to do just that by supporting successful early childhood programs and initiatives that are working at local and State levels throughout this country.

We spend so much time talking about how to improve our public schools, which we must do, and this bill attempts to do that. We talk about improving school performance for students, reducing violence in schools, and all of that we must do. But I think we can reduce the amount of time we spend trying to fix, repair, and cure these problems if we get the job done right at the first stage.

A key to this successful prevention is parental involvement at the time most essential in the child's development. The organization, which in my State of Missouri has been doing an outstanding job—and it is being done nationwide—is something called Parents as Teachers. I will refer to it as PAT.

It is an early childhood education program and family support program designed to empower all parents, regardless of their income levels, to give their child the best possible start in life. PAT is now in all 50 States and 6 foreign countries.

My involvement with Parents as Teachers began in 1979. Then commissioner of elementary and secondary education, Arthur Mallory, who worked for me the previous term when I had been Governor, came to talk to me about a very interesting and challenging program they had begun based on the work of some of the researchers and scholars who had looked at the Head Start Program. He said they were finding out that what a parent does in those first 3 years was vitally important as they stimulate the child's learning intelligence. Curiosity is the basis of it. That was 1979.

I started talking about that and ran a successful campaign for Governor in 1980. In 1981, our first son was born. You talk about an old dog trying to learn new tricks. I had just bought a new car, and they gave me a manual about that thick of what to do with the new car. We came home from the hospital with a new baby. They gave us a supply of diapers and told us to be sure to use a child's seat. I said that is a little bit mistaken as to the emphasis we ought to put on preparing children and making sure that parents are ready for the challenge of raising a child.

We had, fortunately, access to many initiatives that had been developed in this program. The program was not statewide at the time. It was, in fact, in the initial stages. The scholars, including Dr. Burton White, had written several thoughtful books. We read those books. We learned from them what was supposed to be happening. The interesting thing was it made it a lot easier for us to work with our son to understand what he was doing.

I recommended it to the Missouri General Assembly. They did not pass it in 1981. They didn't pass it in 1982. They did not pass it in 1983. But being stubborn, I came back in 1984, and we pointed out to them that this not only prepared the child for learning—my director of corrections came before the committee giving testimony on the bill and said this was the most important thing we could do for the long-term future of our State: reduce the population of our corrections system by getting parents involved and making sure that children were off to a good learning start; making sure that parents were responsible for their children.

In 1982, I set up something called the Children's Trust Fund Commission to help reduce child abuse. We had 25 eminent children's leaders from the ministry, education, and health around the State who studied how to prevent child abuse. They came back in 1984 with the unanimous recommendation to adopt Parents as Teachers to help the families know how to deal with the challenges of raising a child.

I have always had a theory that if you have a toddler in your house, at some point if that toddler doesn't drive you absolutely nuts, either, A, the toddler is not normal, or, B, you are not normal. Parents as Teachers can teach how you can constructively use that curiosity, that enthusiasm, and that burgeoning intelligence and shift it in the right direction.

Fortunately, after a bit of cajoling, a little wheeling and dealing, and a few side deals that I will not mention here, the Missouri General Assembly adopted Parents as Teaches as the statewide program in 1984.

It has gone statewide. Each year it is a voluntary participation program, available in all 500-plus school districts in Missouri. And 150,000 families, with 200,000 children, participate in the program.

Now the program is working throughout the country. The State of Tennessee has 20 program sites, Massachusetts has 7 program sites, Nevada has 13 program sites, Mississippi has 32 program sites, South Dakota has 20 Parents as Teachers Program sites; our neighbors in Kansas have 222 program sites; Illinois has 132 program sites.

As I said, PAT is a voluntary participation program. It is tailored to empower parents to know how to deal constructively with their children. Sometimes it is included as part of Even Start, another title 1 program. PAT and Head Start in Missouri have a great partnership to ensure that all children get off to a great start.

Some said at the beginning, why, this is a good program for people on Medicaid or people on TANF, and other programs. And that is true. But it is a program that works for every family, the so-called "successful" family, with two working parents—two professionals, working full time, who never have enough time for their families. But with this program they know how to use that time constructively.

As a father, I never looked forward to playing the typical father role, which is where somebody says: If you don't behave, when your father gets home, you're really going to get it. I did not intend to be a father so I could be the one to bring out the hairbrush. There was a paddle when I got home. But Parents as Teachers taught me what I could do constructively to help my child be more curious and begin the learning process.

Studies and reports have shown that PAT children at age 3 are significantly more advanced than the comparison children in language, problem solving, and social development. Often, through participation in PAT, learning problems or developmental delays or disabilities are identified and treated early.

This is one of the great things. They have screening in the program, and they identify minor hearing defects which can, if not corrected, put a child behind as much as a year by the time that child reaches first grade.

I had an eyesight problem when I was little. It wasn't identified until I was in the sixth grade. It was too late to help it then. Each year the program has been in effect, they have identified that eye problem; they have been able to correct it because they identified it before the child reached 2 years of age.

Some people, when opposing Parents as Teachers, say it is subversive; that the Government is trying to come in and take over the children. The Government is not trying to come in and take over the children. But there is a subversive element that I have learned; that is, once you teach a parent how to do a better job with the child's learning intelligence, you get that parent hooked on the child's education. A parent goes in thinking: Gee, this will help me control my child. The parent comes out being involved, supporting and participating in the child's education. And most people will tell you that the most important thing a parent can do is to stay involved with the child's education.

We all know we can have all the programs in the world and can provide all the funding possible, but one of the main ingredients on which we must focus to assure a child's success in school is parental involvement.

Earlier this year I received a copy of a report from the Missouri Department of Elementary and Secondary Education. The report was entitled "School Entry Assessment Project." Some of the findings really piqued my interest.

The findings of the report are as follows:

No. 1, when Parents as Teachers is combined with any other prekindergarten experience for high-poverty children, the children score above average on all scales when they enter kindergarten.

No. 2, the highest performing children participate in PAT and preschool or center care. Among children who participate in PAT and attend preschool, both minority and nonminority children score above average. Children in both high-poverty and low-poverty schools who participate in PAT and attend preschool score above average when they enter kindergarten.

No. 3, among children whose care and education are solely home-based, those whose families participate in PAT score significantly higher.

No. 4, special needs children who participate in PAT and preschool, in addition to an early childhood special education program, are rated by teachers as being similar in preparation to the average child.

Finally, Head Start children who also participate in PAT and other preschool activities score at average or above when they enter kindergarten.

These findings sum it all up. PAT works. PAT works for children raised in households of all income levels. PAT works for children who are homeschooled, children who have special needs.

My amendment, which I urge my colleagues to support, makes certain that priority is given to programs such as PAT and other early childhood and parent education programs.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. FRIST. How much time do we have?

The PRESIDING OFFICER. Thirteen seconds.

Mr. FRIST. Thirteen seconds. I ask unanimous consent to be able to speak in favor of the amendment for about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will the Senator from Tennessee withhold?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the Senator from Tennessee needs part of our time, he is welcome to 8 minutes of it. Senator KENNEDY has approved that.

Mr. FRIST. That will be fine. I will proceed under the time from the other side of the aisle, and we will be able to stay on schedule, I think, for our next amendment that is coming up in about 15 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 8 minutes.

Mr. FRIST. Mr. President, I rise in support of the amendment put forward by the Senator from Missouri. I think it concentrates on two important areas, and both of them include involving parents in the education of their children.

It really concentrates, at least to my mind, on two points. No. 1, nobody really cares more about a child than the parents of that child. When we talk about local control and big government, where decisions should be made, and educational choice, I think the people who care the most should be most involved in making the decisions and in participating in the child's education. That is what this amendment does. It shines that spotlight as local as you can go: on the child and parental involvement.

No. 2, the amendment, again, shines an important spotlight on the science of education. Medical science in some ways reveals how people learn: how children learn, how adults learn. As the Senator from Missouri has outlined so well, the early development of the brain, as we have recently discovered, is an important factor in determining how we learn in grades 1–3, grades 3–8, and, in truth, how we learn the rest of our lives.

So I think, very appropriately, the amendment points that spotlight on those two things: No. 1, parents care the most about their child and therefore should be involved, and, No. 2, it takes into account the fact that we know more about how people learn from a scientific physiologic anatomic standpoint than we did before.

The amendment of the Senator from Missouri looks at an underlying part of the BEST bill, the bill that sits on each Member's desk. This bill already contains an important section on parental involvement. However, this amendment brings greater focus on parental involvement.

There are basically two changes. First of all, it does not involve new money. It does not involve the authorization of a new program. It addresses title VI, part A, as the Senator said, for those people who would like to actually look at the underlying bill. It says, funds provided under this section can be used for early education and for encouraging greater parental involvement through the Parent's as Teachers Program or other early childhood parent education programs. The Senator from Missouri is the father of the Parent's as Teachers Program which has been enacted in all 50 States; as he said, 20 such programs exist in Tennessee; it has a proven track record.

A very important part of the amendment is the science of education. Though some regard this aspect as technical, I believe it is an important clarification. The language is changed so instead of simply stating that parents of preschool-aged children should be involved, the language is changed to include parents of children from birth through the age of 5.

This is important because, when referring to preschool-aged children, most people and much of the literature which is written on this subject focus on children who are 3 to 5 years of age. The Bond amendment extends the definition of preschool-aged to the birth of the child.

This is very important because we now know from recent scientific findings the importance of early brain development through educational experiences and involvement during the early years. I personally, as a physician and scientist, appreciate that.

Further, the Bond amendment allows at least half of the funds provided for part A to be used for the Parents as Teachers or other early childhood parent education programs. The Parents as Teachers program is used in all 50 States and has a proven track record. Let's focus on that program and invest in that program, but also recognize that it alone isn't the answer. As we learn more, other programs will come along. This amendment allows up to 50 percent of the money to be used in those other programs as well.

I applaud the Senator from Missouri for granting states flexibility in implementing these programs. We should not assume that we have all the answers in the programs we have supported. Let's give State and local schools the flexibility they need to meet their individual needs.

To put it all in perspective, the Census Bureau in 1995 told us there were 14.4 million children under the age of 5 who were in some kind of child care arrangement program. Between 1991 and 1999, the percentage of 4-year-olds enrolled in some kind of pre-primary, either center-based or kindergarten, education program increased from 60 percent up to 90 percent. For 3-year-olds, participation rates between 1991 and 1999 were relatively unchanged. Clearly there is a lot of work to do.

At the same time—again, the Senator from Missouri spelled this out for us—the data indicates that some children need more assistance to get ready to learn when they enter kindergarten than is presently being provided today.

As we go forward and look at the whole education arena from the year 2001 forward, we must be forward-thinking and focus on the problems of early childhood education and development.

In closing, President Bush's Early Reading First Program, which intends to leave no child behind, focuses on this same concept. Children must be taught pre-reading skills and pre-math skills during the entire preschool period so they will be ready for reading and mathematics. Again, this is all centered on preparing people how to learn.

The President's Early Reading First Program, now part of this bill, S. 1, permits States to receive funding to implement research-based reading programs in existing preschool programs and Head Start Programs that feed into participating elementary schools.

I commend the Senator from Missouri for introducing this amendment. It expands and improves our underlying early education programs. It takes the initiative put forth on early learning by the President of the United States and improves it.

The amendment itself is not a new program and will not require new funds. It clarifies that early childhood and early childhood parent education is important and needs to be emphasized even more in title VI, part A of this bill.

I look forward to supporting the amendment which will be voted on later this afternoon, sometime after 5 o'clock.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if my two friends will remain on the floor for a unanimous consent request, I have checked with both managers of the bill, Senator KENNEDY and Senator FRIST. We would like to reverse the order of the votes this afternoon. The way the unanimous consent agreement is written, it provides for the Bond vote being second. We would like to have the Bond vote first and Senator LANDRIEU second.

Mr. BOND. Mr. President, I would be honored.

Mr. FRIST. Mr. President, are we going to try to do the vote at 5:15? Are we going to stick with that?

Mr. REID. Give or take a few minutes.

Mr. President, I make that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator from New Mexico will yield for a unanimous consent request—not a unanimous consent—we just want to make sure that all the time on the Bond amendment has been yielded back. We had time remaining so it is now yielded back.

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

Mr. REID. We yield that back.

The PRESIDING OFFICER. Time is yielded back. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak for 2 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN and Mr. REID are located in today's RECORD under "Morning Business.")

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we will in a moment have an opportunity to listen to the Senator from Louisiana on a very important amendment, but I want to add my voice of support for Senator BOND's amendment, the Parents as Teachers Program, to the Elementary and Secondary Education Act.

One of the things we have tried to do in this legislation is encourage efforts that are taking place locally that have demonstrated success. Parents as Teachers has been an enormous success in my State of Massachusetts. I was not here when Senator BOND commented favorably about the programs in Massachusetts. I am grateful for his recognition of those programs. I underline to my colleagues how valuable and important these programs are and what a difference they make to so many children in this country.

We have 20 programs in Massachusetts, as Senator BOND has mentioned, and they provide training and support to new mothers. We need to take advantage of the potential for learning during a child's early years, whether it is part of Head Start or a stand-alone program. This program gives families the support they need to help the children meet their true potential.

As we have seen in the most recent studies by the Academy of Sciences this last year about a child's development in the very early years, this is a time of enormous potential, encouraging development of the brain and also character that will suit them in academic achievements.

The Carnegie Commission studies in this area are enormously powerful and persuasive, the basis of some of the work that has been done to encourage Congress to support the early learning programs which were adopted last year. We have seen the results in support of the Head Start Program. It only spends a small fraction of its money on this kind of support, but there have been very important results.

The Early Start Program, which is the first 3 years of Head Start, only has about 10 or 12 percent of the total Head Start Program funding. Again, it is very limited. Nonetheless, the benefits that come from it are profound. This program is one I am hopeful can be replicated not only in my State but around the country because it has a very dramatic impact on the children and has a very positive impact on the parents as well. It well deserves our support and inclusion in the bill.

As has been pointed out by my colleague and friend, Senator Frist, this is not a new program; it is one that has been out there working and has very broad support. We encourage it. We hope other communities will take advantage of it and that the children will be the beneficiaries.

Mr. President, I yield the floor.

AMENDMENT NO. 475 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The pending amendment will be set aside. Under the previous order, the Senator from Louisiana is recognized to call up amendment No. 475 on which there shall be 2 hours of debate equally divided.

Ms. LANDRIEU. Mr. President, is the amendment at the desk?

The PRESIDING OFFICER. Yes, it is. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 475 to amendment No. 358.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure adequate funding for targeted grants to local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965)

At the end of part A of title I, add the following:

SEC. 120D. ADEQUACY OF FUNDING OF TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

(a) FINDINGS.—Congress makes the following findings:

(1) The current Basic Grant Formula for the distribution of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 `et seq.), often does not provide funds for the economically disadvantaged students for which such funds are targeted.

(2) Any school district in which at least two percent of the students live below the poverty level qualifies for funding under the Basic Grant Formula. As a result, 9 out of every 10 school districts in the country receive some form of aid under the Formula.

(3) Fifty-eight percent of all schools receive at least some funding under title I of the Elementary and Secondary Education Act of 1965, including many suburban schools with predominantly well-off students.

(4) One out of every 5 schools with concentrations of poor students between 50 and 75 percent receive no funding at all under title I of the Elementary and Secondary Education Act of 1965.

(5) In passing the Improving America's Schools Act in 1994, Congress declared that grants under title I of the Elementary and Secondary Education Act of 1965 would more sharply target high poverty schools by using the Targeted Grant Formula, but annual appropriation Acts have prevented the use of that Formula.

(6) The advantage of the Targeted Grant Formula over other funding formulas under title I of the Elementary and Secondary Education Act of 1965 is that the Targeted Grant Formula provides increased grants per poor child as the percentage of economically disadvantaged children in a school district increases.

(7) Studies have found that the poverty of a child's family is much more likely to be associated with educational disadvantage if the family lives in an area with large concentrations of poor families.

(8) States with large populations of high poverty students would receive significantly more funding if more funds under title I of the Elementary and Secondary Education Act of 1965 were allocated through the Targeted Grant Formula.

(9) Congress has an obligation to allocate funds under title I of the Elementary and Secondary Education Act of 1965 so that such funds will positively affect the largest number of economically disadvantaged students.

(b) LIMITATION ON ALLOCATION OF TITLE I FUNDS CONTINGENT ON ADEQUATE FUNDING OF TARGETED GRANTS.—Notwithstanding any other provision of law, the total amount allocated in any fiscal year after fiscal year 2001 for programs and activities under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) may not exceed the amount allocated in fiscal year 2001 for such programs and activities unless the amount available for targeted grants to local educational agencies under section 1125 of that Act (20 U.S.C. 6335) in the applicable fiscal year is sufficient to meet the purposes of grants under that section.

Ms. LANDRIEU. Mr. President, I want to acknowledge before I begin the fine work my colleague from Massachusetts has done on this bill and on education in general. His leadership in this area has been extraordinary and breathtaking in terms of the energy and enthusiasm he puts forward year after year on this issue.

I join with him in thanking our colleague, Senator BOND, for offering his amendment that will help to provide some of the resources for early childhood education. I also join with Senator KENNEDY in suggesting it would be a very wise expenditure of our dollars to move them at the very early end when children are so impressionable, young children, particularly between the ages of 0–3, helping them to come into this world healthy, helping their parents or their one parent to be as responsible, caring, loving, and nurturing as possible so that family unit gets off to a very good start.

As a parent—and you know this as a parent, Mr. President—I believe all parents want to be good parents. I really believe that. I believe all of us have an innate sense of wanting to do the best for our children. But some adults who have not had a good example in their own parents or some adults who have suffered abuse and gross neglect themselves, some adults who have been oppressed and have very low self-esteem have a very difficult time trying to be that responsible parent.

With these early childhood initiatives so we can perhaps reach out through our elementary and secondary bill, as well as other efforts in this Congress, I believe we can identify some wonderful community-based, statewide national organizations that are sprouting up everywhere recognizing this and for the Federal Government to be a real partner.

In my State, we have created Steps to Success which is the first statewide effort but community based, community built but networked, working with hospitals and other agencies in the private sector in Louisiana and, as Senator KENNEDY has mentioned, in Massachusetts. While this is not the topic of my short remarks on the floor today, I lend my support to this area of early childhood education and thank the Senator from Tennessee, Mr. FRIST, for his remarks.

I come to the floor today to offer an amendment related to title I, that has to do not with spending more money, necessarily, but spending the money we are already spending better—spending whatever new money we can negotiate in this new approach, this new accountability system, this new system of real consequences for students and their families, teachers, and the schools that fail to meet the new accountability standards for whatever that new money is, to target it so we hit our target, so we hit a bull's eye.

We have been spending money for education at the Federal level for over 30 years. We have been spending, in some people's minds, a lot of money. We have been creating program after program after program for 35 years. In my opinion, and in the opinion of many who offer this amendment today, including Senator LIEBERMAN, Senator DEWINE, Senator BAYH, Senator CARPER, and many others, we have not targeted this money well enough to meet the challenges of yesterday, today, and most certainly not of tomorrow.

What do I mean by that? It is as if we shot our quiver of arrows, we continue to shoot arrows, but we are not hitting the bull's eye; we are not hitting the target. That target, as far as the Federal Government is concerned, based on the initial concepts of Federal aid to education, is to use our resources—which represent only about 7 percent of the total dollars spent for elementary and secondary education—to reach the students who need the most help. Who are those students? Those students are from poor areas or students in poverty themselves, students who find themselves in schools with high concentrations of poor students.

This is where the Federal resources should be directed. I am sad to report to all of my colleagues, this is not where our resources are going. In fact, there was a startling and wonderfully written article called "How the U.S. Tax Code Worsens the Education Gap." I ask unanimous consent to have this printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times]

HOW THE U.S. TAX CODE WORSENS THE EDUCATION GAP

(By Richard Rothstein)

Congress will soon debate the government's biggest education program, Title I, which has origins in President Lyndon B.

Johnson's war on poverty and sends nearly $9 billion a year to schools with low-income children.

While some dismiss Title I as a failure, no one disputes its intent to aid needy children. Yet few recognize that over all, the federal government exacerbates inequality in education, giving more money to districts with affluent children than to those with poor ones.

It does so with a tax system that subsidizes school spending in home-owning communities, many of them upper middle class or even wealthy. Homeowners who itemize deductions reduce their federal income taxes by a portion of their property tax payments. A family in the 28 percent bracket that pays $1,000 in local property taxes for public schools can deduct that payment on its income tax returns. Of the $1,000 going to schools, the family pays only $720 out of its earnings. The federal government contributes the $280 balance.

Economists term these subsidies "tax expenditures," because they have the same effect as direct government spending. Yet the federal education budget highlights only direct outlays, perhaps because tax expenditures would be politically indefensible if widely publicized.

The property tax subsidy aids affluent families more than lower-income ones. It helps only those who itemize deductions, and itemizers have higher incomes on average than taxpayers who take the standard deduction. Nearly all families with annual incomes of $100,000 itemize, as against fewer than a third of families with incomes of $35,000.

And because the subsidy is tied to a family's tax bracket, even among itemizers the subsidy grows as income rises. Families in the 28 percent bracket get a $280 subsidy for each $1,000 in property taxes, but those in the 15 percent bracket get only $150.

Dr. Susanna Loeb, a Stanford University economist, notes that this system spurs school spending in wealthy communities, both in total dollars and relative to spending in less wealthy districts. When larger shares of property taxes are under-written by the federal government, families become more willing to raise levies for better schools. Districts in wealthier communities can raise property taxes more easily, knowing that Washington picks up more of the tab.

There are some offsetting factors. One is the alternative minimum tax, paid by those who claim so many tax breaks that they would otherwise pay little or nothing in income taxes; this effectively reduces the property tax subsidy. On the other hand, many other, less affluent taxpayers do not itemize deductions at all, mostly out of ignorance. A community's schools get no benefit if its residents are lower-middle-income homeowners who take the standard deduction instead of itemizing.

Another countervailing factor is state income taxes, also deductible on federal forms. If a state uses its income tax revenue to equalize school spending, the federal system helps it do so. But this effect is limited. A homogeneous affluent community can more easily respond to federal tax incentives by voting to increase its property levy than a state as a whole can respond by increasing its income tax rates.

On balance, direct federal education outlays are mostly for poor children, while indirect spending mostly benefits the affluent. And federal tax expenditures for schools exceed direct spending.

Dr. Loeb has calculated federal per-student education spending for 1989. (Calculations for recent years must await data from the 2000 census.) She found that federally stimulated inequality occurs both among and within states.

In New Jersey, federal tax expenditures were $1,257 per student, but direct spending was only $237. In Alabama, tax expenditures were $165, while direct spending was $371.

Among districts within states, the differences were just as stark. Because tax expenditures are so high in wealthier districts, Princeton, N.J., got $2,399 in total per-student federal aid. But Camden, despite high Title I grants, got only $1,140.

Other tax expenditures increase inequality further. For example, the mortgage interest deduction also subsidizes homeowners' costs, lifting property values. This, in turn, disproportionately adds to the income of wealthy school districts, because tax rates are a percentage of assessments.

Politically, it is hard to imagine that either Democrats or Republicans will meddle with these upper-middle-class tax benefits, or appropriate enough Title I aid to outweigh them. But there is something perverse about both parties' proclaiming that they wish to leave no child behind, when the federal government plays so big a role in pushing affluent children farther ahead.

Ms. LANDRIEU. The author is supporting my point but with a different approach. He is saying not only, basically, are Senator LANDRIEU and others right to say that title I is underfunded—and I am paraphrasing—but we are also not giving as much direct aid to poor students as to more affluent students. To make the matter even worse, the Tax Code itself, which is indirect aid, helps to underwrite education in more affluent, middle-income districts throughout Louisiana, Texas, California, and throughout our Nation. The combination of not getting the title I money to the poorest districts, together with the Tax Code that subsidizes home ownership to a degree proportionately greater in more affluent neighborhoods, is a combination of giving Federal resources to middle-income, affluent students, which is fine, but we are not reaching the poor students, and we should reach them first. With what is left over, in addition, we can reach more middle-income and affluent students.

I think the Federal Government should try to help all students. We want every school to be excellent. We want every child to have an opportunity to enjoy a technology lab, a science lab, a math lab. We want to be in partnership with the affluent districts, with middle-income districts, but we must be in partnership with poor districts. They are short on partners. Those children are short in their future. Their dreams are cut short. We have to meet them more than halfway and then do our very best to be partners with our other districts. We can do that. We can adopt this amendment which will help target the funding to these poor students.

Let me show "A Tale of Two Schools." I will give some specific information for the RECORD. We picked a couple of States for this discussion. People might be interested to hear about Mississippi, or Pennsylvania, California as one of our largest States, and then, of course, Louisiana. I begin with Mississippi.

Before I get into the specifics, 35 years ago, in 1965, President Johnson created title I for this express purpose. He said when he created this program: "By helping some, we will increase the prosperity of all." President Johnson put forward that providing a quality education for every child, regardless of whether they were a child in poverty, a child in a difficult situation, was not only the right thing to do, not only the fair thing to do, but it was the smart thing to do for our Nation.

If we are a nation blessed with natural resources, clearly the greatest resource is our own people. That is even more true today than it was in the agricultural age or the industrial age. Today, as we build a society based on intelligence and skill and comprehension, building those skills inside of each human and developing them is more important to help strengthen our economy. Any businessperson in this Nation—whether with the Chamber of Commerce or the Business Council, which have been supportive in many of these areas—will say that. President Johnson had this idea 35 years ago.

He went on to say that "in the future, as in the past, this investment will return its costs manyfold to our entire economy." He was right.

What we have done from that initial "birthing" of this idea is we have allowed this child, this teenager of ours, "title I," to go off in a different direction than we first intended. We need to pull this back and get back to its basics, as it was created 35 years ago. Let me explain why.

Taking "A Tale of Two Schools," in Mississippi, Taconi Elementary School in Ocean Springs, the poverty rate in Ocean Springs is 27 percent. They are receiving $546 per title I child. However, across the State of Mississippi, in Jackson, there is a school, Brown Elementary, with a poverty rate of 99.5 percent for children. In this school, there are only a handful of households with parents working. These are parents who were working because we have welfare reform. People work at minimum wage jobs, but 100 percent of these children have households with a parent or parents bringing in less than $13,000 a year. Because we are not funding our targeted grantees, each child doesn't receive $546; they receive $268. The children who need the most help are getting less money in Jackson.

The principal to whom we spoke yesterday, Hazel Shield, when we told her of this situation, said: That is ridiculous. We are talking about my kids who need the most attention.

She says her top priority for the funds is reading and math supplies, but she said: We run out of paper, pencils, and their parents don't have them, crayons, just the basic tools.

I suggest if we expect all our students at Brown Elementary School to master this new test that this underlying bill is requiring, to be able to compete in math and English and language, to be able to be computer literate, they are going to need more than crayons. They are going to need more than pieces of paper and pencils and crayons. Mr. President, $268 is not going to do it.

Let's go to Pennsylvania. This is two schools in Pennsylvania. I know our Senators from Pennsylvania, Mr. SANTORUM and Mr. SPECTER, will be very familiar with these schools. No doubt both of those Senators who worked so hard in education have visited these or other schools similar to them. Rolling Hills Elementary only has 3 percent poverty. It is in Holland County. It is a very wealthy district. You can see, $2,361 is received for each child under the poverty level in Holland. But in Aliquippa Middle School in Aliquippa County, where the poverty rate is 85 percent, these children who need the most help are only receiving from the Federal Government $878 per child.

These children in Aliquippa need help; they need a partner; and the Federal Government must be their partner. They do not have a tax base as Holland does. They don't have Fortune 500 companies in Aliquippa, as perhaps Holland does, there or close by. If they do not have the Federal Government as their partner, they do not have a partner, and these children will fail, not because they are not talented, not because they are not smart, not because their parents don't love them, not because they do not try but because they simply do not have the resources to compete. It is a shame and we need to fix it.

Let's now go to California, which is one of our largest States. I thought it would be interesting, since most everybody knows where Beverly Hills is, to show the Beverly Hills situation which, of course, includes Beverly Vista, a wonderful school where the poverty rate is only 10 percent. This is a fairly well off community. Many people have seen Beverly Hills on television or visited there. We send to each of these children in Beverly Hills $1,100.

But on a little different side of Los Angeles, which is a big city, there is a little school called Sixth Avenue Elementary where the poverty rate is 100 percent. There is not one child in this school whose family earns a little more than $20,000—I am just assuming it is a little higher than it would be in Mississippi. But if anybody has tried to live in Los Angeles on $18,000 a year for a household income, that is very hard. It is hard to live on that anywhere but particularly in a big city. We help these children with $270. We help them but we do not help them enough.

We spoke to the principal and a teacher there at Sixth Avenue Elementary. The principal says her greatest need is teacher development. At this school, Sixth Avenue Elementary, 66 percent of the staff is not certified. In our bill, if I am not mistaken, there is either an amendment on the bill or there is going to be an amendment adopted which is going to say schools with 50 percent of teachers who are not certified have 3 years to get them certified.

At $270 a child, I, for the life of me, do not know, even with the greatest principal in the world and the most active parent association possible, how they, in Sixth Avenue Elementary, are going to reach that goal when we are only helping them at $270 per child.

The average fourth grade student at Sixth Avenue Elementary is reading at the third or below third grade level, and the pupil-teacher ratio in fourth and fifth grades is 35 to 1.

Let me repeat, the fourth and fifth grade students are now reading below the third grade level, and the pupil-teacher ratio is 35 to 1. We are contributing $270 per student to help them pass these new tests that they are now going to have to take every year, which I support—new accountability standards which I have supported. The cosponsors of this amendment have been some of the strongest on the floor for accountability. But if we do not step up to the plate on this, if we do not target our resources, we are setting our children up for failure.

As a mother of two children, I hate to see my own children fail. But I realize some failure is part of life and you cannot be successful without some failure. But my children wake up every day knowing they will succeed because I tell them so. I don't set them up for failure. I don't put them in places where they will be consistently failing. I give my children opportunities to succeed even in the small things because I want to build them into a sense of accomplishment, a sense of well-being, a sense that they can do it.

What in heavens name are we doing if we set up our children in this Nation so they can fail and fail and fail and then say it is their fault. They are not living up to their responsibilities when we are not living up to our responsibilities—at $270.

Two people who go out to eat in LA—I know because I have been there—at one restaurant one night could spend $270 on a meal. But that is all we do at Sixth Avenue Elementary in Los Angeles to help these children for a year of learning. It is, in my estimation, a crime and a travesty.

Let me talk a minute about Louisiana. I see my colleague, Senator DEWINE. I am going to try to wrap up in about 10 minutes because I know he is here to speak. But let me go through three examples at Capdau Middle School in New Orleans, right in my hometown. I want to show you some pictures. We did not go out of our way to find the worst pictures. They couldn't get much worse than this. But we thought this was an interesting picture because on the front—I don't know if the camera can pick it up—it says: "You are about to enter a learning zone."

The artist had to airbrush off the graffiti that was here because it was not appropriate to show on the camera. So after we polish up this picture, it still doesn't look very good. This is the learning zone—a very attractive entrance, as you can see. I am being sarcastic here. It is not a very attractive entrance for children to walk into in the morning.

If a child got thirsty somewhere out in the playground, I don't think they would be very interested in drinking the water that would come out of this faucet, if water could come out of it. We have seen many comparable slides on the need for school construction. It is not only spending more money but also managing our schools well so the maintenance keeps up. I venture to say you cannot just pour in money and solve these problems. It has to be a maintenance effort and good management of the schools.

I want to show you what the school looks like so you can get the sense that this school has an 83-percent poverty rate. But the unbelievable thing I want to share with you is that this school in New Orleans doesn't get any title I money. At least the Sixth Avenue Elementary School in Los Angeles got $278. Why? Because we don't fund the targeted grants at all and never have. They are in the law but they are not funded.

The amount of money in title I is not enough to reach all poor children. Even in New Orleans, the school with 83 percent of the children in poverty is not receiving one dollar of title I money. And the principal says they need basic supplies and textbooks. There is simply not enough to go around. Half the staff is not certified. This is one of the low-performing schools in our parish.

We are in an accountability system right now. Louisiana has adopted one of the leading accountability systems in the Nation. Despite the fact these children have no water to drink on the playground, despite the fact they don't have enough textbooks, despite the fact they have to walk every day into this place that is called a learning zone—it surely doesn't look like one—these kids are doing better on their tests. Why? Because they want to succeed. Why? Because their parents want a better life for them. They are doing their best. They are not where they need to be. If I were in a school such as this, I might not be where I needed to be either. But we can do better.

Let me show you Johnson Elementary School. Johnson Elementary School in Lake Charles was forced to cut its summer program to just 3 weeks. Three percent of the students are at the poverty rate. Last summer I think they were able to provide 6 weeks of summer school to the children who were behind so they could catch up and so they would have a safe place to play in those hot summer months.

Lake Charles, unfortunately, with this hurricane, is having a lot of problems, as in southwest Louisiana. This school, in addition to these pressing and chronic problems, may be in a flood zone at this moment. There may not be any summer school, but if there is, they will just have enough money for 3 weeks.

At Greenlawn Terrace Elementary in Jefferson Parish, there are 33 students for each teacher in the fourth and fifth grades. The ratio is 1 to 33. The principal says, obviously, these students need more individual attention. It is hard to teach a fourth grader and fifth grader. It is not the easiest grade to teach. The students are at a very interesting age, shall we say, at a time I think in their life where they need extra special attention. These are 10-, 11-, and 12-year-olds at this particular age in the fourth and fifth grade. That school does not receive any title I.

Finally, at Scotlandville Middle School in Baton Rouge, our capital city, 68 percent of eighth graders fail to pass the math portions of their statewide exams. People would say: Why? How could 68 percent of the students fail their exams? One of the reasons is the school has a math lab and it is fully equipped, but they don't have enough money to hire a teacher to teach the math class. They have the laboratory; they have the best software; they have the computers; but because they do not have the extra title I money, they do not have the instructor. So it sits empty, and 68 percent of eighth graders have failed their math portion.

Let me share with you some successes. Despite the fact we have not targeted our money, despite the fact we have never allocated enough money, there are some successes with title I. That is the point of my message. This is an amendment with hope. This is a story that could have a happy ending. This is an exercise where if we did what we could we could most certainly hit that target. When we hit it, it would make a big difference for these children.

In Baton Rouge, they were able to use the title I dollars they received last year to hire one additional teacher. They took their third grade class size down from a ratio of 32 to 1 to 21 to 1. Now you are talking; now kids are learning; now there is teaching going on, and students will be able to meet these high standards we have set for them.

When a school that we contacted in Lake Charles used their title I funds, they extended their schoolday. They went to a year-round learning program. The students in that school, within just a short period of time—I think less than 1 year—showed clear and drastic improvement on their State tests.

The great thing about funding title I is that it is in some way the perfect block grant. The locals have total flexibility as to how they would like to spend it. It is tied to student achievement. Senator FEINSTEIN has an amendment on this subject to tie title I to student achievement so the locals can decide if they want to have afterschool care, learning, and extended days. How about Saturday school for some kids who would need the extra help? Alternative schools, extra reading, extra math, tutoring, computers, textbooks, software, special teachers, guidance counselors, and even nurses I think should be encouraged to be funded under title I, because students who are not healthy have a hard time learning.

Students who have a learning disability are perhaps victims of child abuse at home. Perhaps they have been exposed to a tremendous amount of violence and they are just unable to learn. They are sad children. They are despondent. They don't see joy in their house. They see violence in their house. Guidance counselors cannot substitute for that, but they most certainly can help to get a child mentally to a place where they can learn. Yes, nurses and guidance counselors, there are successes. That is one of the reasons I believe so strongly in title I because we are not mandating to the local governments. We are giving them complete flexibility. They can use it to meet these new accountability standards. I most certainly know they would take full advantage of this in making improvements.

Let me end with the example of the research that has been done. There is a study which talks about funding for poor students.

When we have been able to fund and target our dollars, the scores of poor students in high concentrations of poverty increase. The research shows this. We don't have to be the least bit worried about this money being put to good use. As we march forward on our accountability standards and new tests—and there are real consequences for failure—the local governments now have a tremendous incentive. If they didn't have it before, they now have a tremendous incentive to put their money to good use and to get their test scores up and to create the kind of atmosphere in their schools of which we would all be proud.

The Prospects study was done on the performance of seventh graders in high and low poverty districts. This shows the discrepancy between the way students perform in schools that have low-poverty rates and the way students can't perform in schools that have high-poverty rates.

Again, let me stress that children who are born into poverty have as much talent and as many God-given gifts as children who are not. God really is very fair in his allocation of gifts. He doesn't reserve them to one group. He generously bestows gifts on children from many different walks of life. It is not a talent deficit that exists here. It is not an ability deficit that exists here. It is a political will deficit that exists. We need to correct it with this and other similar amendments.

These are math grades for the seventh grade. You can see the low-poverty schools. These are more affluent schools and not very high-poverty rates. These are A students—who are getting A's in their tests. The pass rate for their math tests was 87 percent. A students, with the same ability—they are straight A students—but they are students in high-poverty schools, their average pass rate was 36 percent, a 50-percentage-point difference.

For B students, it is the same: 56 percent pass, but in the poverty schools only 34 percent pass. For C students, 41 percent pass but in the poverty schools only half of that—22 percent—pass.

Let's go to reading where it is even more dramatic. For A students in low-poverty schools, 81 percent of the students pass their reading proficiency test. But A students—bright students, good students—who are poor but are trying hard, they only pass at 36 percent based on this study.

As you can see from the chart, for the B students, the ratio of low-poverty students to high-poverty students who pass is 49 percent to 19 percent; for C students, it is 23 percent to 13 percent; and for D students, it is 23 percent to 14 percent of the students. The pattern is set and the pattern is troublesome.

The pattern shows that when students are in low-poverty schools, they tend to do better on their testing and excel at their studies. The studies show that even smart kids—good kids, kids who are trying hard, who are getting good grades—when they find themselves in high concentrations of poverty, which, unfortunately, exists in our country because of prejudice, because of unequal opportunity, because of past discriminations, even though they are trying, continue to fall short of the mark.

In closing, let me just say one thing about reading. If we in this country do not help every child read—I know we cannot do everything; I know money does not grow on trees; I know taxpayers work hard for it; I know people do not like to pay a lot of taxes to any government—local, State or Federal, but paying taxes is an important thing to do when it comes to education.

Supporting the education of our children is so crucial. It is important for every businessperson. It is important for everybody building a future in our Nation. It is important to our country. If we could just do one thing, it would be to get children reading well at that magic age of 8 or 9 because when a child masters that skill, a child begins to think positive about themselves. Even if their parents are not literate, even if their parents are having difficulty, that child can then take the role of educating the whole family. That child will think well of himself or herself and then can master math and science and social studies.

When we have large numbers of children concentrated in high-poverty schools, and when we have our money so dispersed throughout the country, we are missing the target. And that target is poor children who need to learn to read early so that they can succeed in their studies and be part of their community and part of our Nation.

Under this amendment, the funding would hold every school district harmless so no school district would lose money. But all the new money that was added, whether it was for Ohio or for Louisiana, would go to helping children who need the most help.

Let's hit the bull's-eye. Let's be that partner that these children so desperately need. And I can promise you, they will do more than their share. I know the children. I know their energy. We have all seen them: our own and our neighbors' and our friends'. If we just help them, they will meet us more than halfway and succeed, not fail. They will be proud; their parents will be proud of them; their communities will be proud of them, and the Nation will prosper from their education and their efforts.

I ask the Senator from Ohio, how many minutes would the Senator like?

Mr. DEWINE. I think my colleague from Tennessee will proceed for a couple minutes.

Ms. LANDRIEU. I yield back the remainder of my time, but I think we have 2 hours reserved for this debate.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Tennessee.

Mr. FRIST. I think we will be talking for another hour and 15 minutes. We can take the time for the Senator from Ohio off our time. We will be going back and forth.

Mr. President, I very briefly want to say that much of the debate over the last several weeks has been on how we can best improve the system, modernize the system, reform the system, and consolidate, streamline local control, and have more accountability. That is one element.

The other element that we keep referring to is the whole element of money, of how many Federal dollars should be injected.

This particular amendment really asks a much different question than those two. Basically it says, given the dollars that are out there—whatever they might be—how can we best invest those and reform the system to accomplish what we all want to do. And that is to leave no child behind.

I say that only because so many of the amendments have to do with new dollars or new programs. This really puts that aside and says, given whatever dollars we are going to allocate, how can we best invest those specifically as they apply to title I or low-income students?

I believe the principle in this amendment is that the money we, as a Congress, intend to invest in title I, or intend to invest in low-income students, needs to get there—or needs to get close—and that in spite of good intentions since the 1995 reform—and going back to 1965—the money has not arrived.

Again, it is not new money. It is not a new program. It is really dealing with a more prudent use of it to make sure that, once implementation takes place, those dollars go to the low-income students, which is where the money was intended by the will of Congress to go.

I congratulate my colleague from Louisiana, and also her cosponsor, the Senator from Ohio, in bringing forward the underlying principle in the amendment itself.

I yield time, as necessary, to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, first, I thank my colleague from Tennessee for his very excellent comments. I also thank my colleague from Louisiana for her great leadership in this area. It has been a pleasure to work with her on this amendment, as it is a pleasure to work with her on so many other issues relating to our children. She is a real champion for our Nation's children. And I think this amendment is a good reflection of that compassion and how much she cares about our children.

This amendment is aimed specifically at helping children in those districts most in need of Federal assistance. Our amendment would simply ensure that any increases in title I funding above fiscal year 2001 levels would be directed to grants for school districts with the highest concentrations of poverty. In other words, our amendment directs the limited and finite Federal education resources to the schools where they can do the most good, to the schools that are in most need, the kids who are in most need.

A little history: Title I dates back to 1965 when the Congress and President Johnson created this act. The Federal Government, through title I, stepped in and created a program in an effort to help address the needs of children in low-income areas, where the districts simply could not meet the basic needs of the children. That was the rationale for title I.

Understandably, over the course of the last 3½ decades, the Federal role in education has broadened. Often that broadening role of the Federal Government in those programs has been driven more by politics than by the needs of low-income students. So in an attempt to get back to the original intent of title I, the original Federal mission in education—to direct dollars to those districts and those kids most in need—the 1994 reauthorization legislation created a separate title I grant program. This new program that was created 7 years ago was supposed to address the unique needs and challenges of students in communities with extremely high concentrations of impoverished children. That is what we intended to do and said we were doing 7 years ago.

However, though authorized in 1994, to this day not a single Federal dollar has been appropriated to fund this grant program. This simply must change. As a result of this failure to appropriate any money, thousands of children in the very highest poverty communities are not getting the attention they deserve from this Government. The money that was supposed to reach the most impoverished districts is simply not getting there.

Actually funding these grants is a necessary part of any plan to help improve our Nation's neediest schools. While our amendment is very simple, I believe it will have a big impact. Quite frankly, it is an amendment whose time has come. Once and for all, it is time to get serious about the children in those districts most in need. It is time to stop paying lipservice to these kids and to focus some money on them.

We have an obligation in this Congress and in this country to ensure that every single child in America receives a good, solid, quality education. Ultimately, a quality education for a child today is the key to that child's quality of life in the future; tragically, though, not all children are getting the quality education they deserve.

Our society today is divided, divided along economic and educational lines. This division is nothing new. Scholars and sociologists have been warning us for years that this was where our Nation was heading, particularly if we did not properly educate our children. Unfortunately, we did not heed the warnings. As a result, our Nation today is a Nation split into two Americas—one where children get educated and one where they do not. The gap in educational knowledge and economic standing is entrenching thousands upon thousands upon thousands of children into an underclass, a permanent underclass, and into futures filled with poverty and little hope, little opportunity, and little room for advancement.

That is exactly what is happening in my home State of Ohio. Tragically, that is what is happening all across our great country. Ohio is generally a microcosm of the rest of our country. When we look at this growing gap, the development of the two Americas, what we see in Ohio is also what we see in our Nation. There now exist two Ohios; there now exist two Americas.

In Ohio, growing income and educational disparities are creating our very own permanent underclass. Most of Ohio is doing very well economically and doing well from an education point of view. The children in most of Ohio are doing very well and have a great future. However, when we look across our entire State, we see two areas where that is not the case, areas where our children are not being educated as well as we would like. One place is in rural Appalachia, the 20 to 25 counties that comprise our Appalachian counties. The other area is in our core cities, our inner cities. It is in these areas where we as a State—and also as a country—face our greatest challenges.

This is a problem that is not unique to Ohio. Rather, it is a huge societal problem which is pushing society further and further apart to create the two Americas of which I spoke.

Tragically, it is the children who are suffering the most. According to the National Center for Children in Poverty, between 1979 and 1998 the national child poverty rate increased by 15 percent, rising from 3 million children in poverty to over 13 million, or 19 percent. In Ohio, during that same period, the rate increased by over 50 percent. We in Ohio went from over 164,000 children in poverty to over a half a million today, or 18 percent.

These children are at risk, every single one of them. The structural conditions of poverty make it very difficult for these children to succeed in life and move up and out of their impoverished circumstances. The fact is that with poverty often come drugs, crime, broken homes, unemployment, violence, and lower educational levels. In fact, according to the National Center for Educational Statistics, in 1999 young adults living in families with incomes in the lowest 20 percent of all family incomes were five times as likely to drop out of high school as their peers from families in the top 20 percent of the income distribution—five times more likely to drop out.

Moreover, most of the research concerning high school dropouts generally concludes that socioeconomic status is the most important single factor in student dropout rates. Just look at the class of 2000 graduation rates for cities in Ohio, for those school districts.

In Akron, 72 percent of the city's high school students graduated that year. That is actually a high rate for an urban area. In Toledo, only 67 percent graduated. In Columbus, it was only 62 percent. And in Youngstown, it was 59 percent. Dayton, OH, graduated that year 57 percent of its students; Canton, 53 percent; Cincinnati, only 51 percent. In Cleveland, OH, in the year 2000, only 34 percent of the students who started high school actually finished. That is right, 34 percent. Two-thirds of those kids did not graduate.

It is not surprising that 32 percent of Cleveland City schoolteachers have fewer than 5 years' experience, giving the district one of the largest percentages of inexperienced teachers in the State.

Those figures in Cleveland are not unusual. You will find such statistics in major cities across our country. The simple fact is that the more experienced teachers with better training, more practice, are being lured away from our city schools to the suburbs by more money and, many times, simply better working conditions.

Before anyone becomes too complacent or thinks maybe they don't have this problem in their State, let me remind my colleagues in the Senate that what is happening in Cleveland and other Ohio cities is not unusual, nor is it only happening in our State. What is happening in Ohio is typical of many urban areas.

My guess is that if we look at the other major cities in this country, we will find similar disturbing statistics, similar rates of poverty, and similar rates of high school dropout. I believe the best way we can get to these children before we lose them is through a quality education.

Horace Mann, former president of Antioch College in Yellow Springs, OH, the community where my wife Fran and I grew up, and who is known as the father of public education, once said the following:

> Education, beyond all other devices of human origin, is the great equalizer, the great equalizer of the conditions of man—the balance-wheel of the social machinery.

This is exactly what education can and should do. It should provide all children, regardless of their economic circumstances or family backgrounds, with the tools they need to make it as adults in our society, with the tools necessary to rise above individual situations of poverty and instability, individual situations of hopelessness and despair.

As my colleagues in the Senate know, today's educational system is not always meeting this goal. Don't get me wrong. I am not blaming the schools, and I am not blaming the teachers for all of society's and education's ills. Rather, I am suggesting that we, as a society, are failing to use the awesome power and potential of our schools to the maximum extent to help give these poor children the future they deserve and the future they need.

No matter where a child lives, whether in Portsmouth, OH, or New York City, every one of the 1.8 million children in the Ohio public school system and every one of nearly 47 million children in public schools nationwide deserve the opportunity to learn and to become educated.

Let's face it: Our schools have our children in their care 7, 8 hours a day, 5 days a week. That is not a lot of time, but it is time our schools and our country simply cannot afford to waste.

I am reminded of a line from a 1970s song that said: "Your dreams were your ticket out."

For all too many children—children living in poverty—dreams alone are not enough. For those children, a dream and a solid education is their ticket out.

This is not a new concept. Historically, our schools have been the best opportunity for children to move out, to move up, to advance, to change their lives. Education has built our Nation. We are truly a nation of immigrants who, because of public schools, because of education, escape ignorance, illiteracy, and lives of poverty. A strong education tradition in this country kept entire generations from being marginalized and left behind. For them, education was their ticket out of despair and toward opportunity.

For the children in this country today who are growing up under very difficult circumstances, education should be their ticket out as well. I believe that we in this body and in this Federal Government, in deciding how to spend the finite money we are going to put into education, have an obligation to target those children who are most in need, to target those children for whom an education will make the most difference. That is what the amendment that has been offered by my colleague, MARY LANDRIEU from Louisiana, Senator LIEBERMAN, myself, and others, will do.

When education is not working to give our kids the tools they need to move ahead in life, those children suffer. We can't always fix broken homes; we can't always fix every societal problem; but we can use the finite Federal dollars that we have and that we are going to spend on education to at least help close the education gap in America. That is exactly what this amendment will attempt to do. It targets money to those kids who are most in need.

Let me conclude my remarks by referencing an editorial that ran in the Cleveland Plain Dealer on February 28 of this year. The editorial talked about the importance of restoring the original mission of the title I program. The editorial said the following:

> The most important and valuable suggestion [in education reform] regards the targeting of Federal dollars to poor students. Over the years, the program designed to

meet this need, title I, has become so diluted that more than 90 percent of all districts now receive support from it. It would be far more effective if Federal officials insisted that title I money go to students who truly need it.

That is exactly what this amendment does. It directs our limited Federal resources to the children most in need. It seeks to close the educational gap in our Nation and, in the process, help narrow the economic gap. This amendment will use education dollars and will use education to equalize the environment for our children. That is the right thing for us to do.

Ultimately, the Federal role in education accounts for only about 8 percent of the money that a typical school district gets. And even though the bill before us will significantly increase the Federal dollars that are going into education, we know it is still going to be a very small percentage of the money a typical school district gets. Knowing that, doesn't it make sense to prioritize some of this additional money—all the additional money, actually—that we are going to put into title I, to our children most at risk and most in need?

I believe we must be prudent and wise in allocating those limited Federal resources. That means we should direct those dollars, first and foremost, to America's neediest school districts, to its neediest children. It makes sense to do that. It is the right thing to do.

Mr. President, I see several colleagues on the floor. I want to, again, compliment my colleague from Louisiana for this very strong and powerful amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

AMENDMENTS NOS. 469 AS MODIFIED, 519, 634 AS MODIFIED, 635 AS MODIFIED, AND 440 AS MODIFIED, EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, first of all, we are in a position to clear amendments by consent. Therefore, I ask unanimous consent that it be in order for these amendments to be considered en bloc, that any modifications, where applicable, be agreed to, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 469 AS MODIFIED

(Purpose: To provide for local family information centers, and for other purposes)

On page 773, strike lines 20 through 24, and insert the following:

"SEC. 6106A. LOCAL FAMILY INFORMATION CENTERS.

"(a) CENTERS AUTHORIZED.—The Secretary shall award grants to, and enter into contracts and cooperative agreements with, local nonprofit parent organizations to enable the organizations to support local family information centers that help ensure that parents of students in schools assisted under this part have the training, information, and support the parents need to enable the parents to participate effectively in their children's early childhood education, in their children's elementary and secondary education and in helping their children to meet challenging State standards.

"(b) DEFINITION OF LOCAL NONPROFIT PARENT ORGANIZATION.—In this section, the term 'local nonprofit parent organization' means a private nonprofit organization (other than an institution of higher education) that—

"(1) has a demonstrated record of working with low-income individuals and parents;

"(2)(A) has a board of directors the majority of whom are parents of students in schools that are assisted under this part and located in the geographic area to be served by the center; or

"(B) has a special governing committee to direct and implement the center, a majority of the members of whom are parents of students in schools assisted under this part; and

"(3) is located in a community with schools that receive funds under this part, and is accessible to the families of students in those schools.

"SEC. 6107. PARENTAL ASSISTANCE AND LOCAL FAMILY INFORMATION CENTERS.

"(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $80,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) RESERVATION.—Of the amount appropriated under subsection (a) for a fiscal year—

"(1) the Secretary shall reserve $50,000,000 to carry out this part, other than section 6106A; and

"(2) in the case of any amounts appropriated in excess of $50,000,000 for such fiscal year, the Secretary shall allocate an amount equal to—

"(A) 50 percent of such excess to carry out section 6106A; and

"(B) 50 percent of such excess to carry out Parent Information and Resource Centers under this part.

AMENDMENT NO. 519

(Purpose: To authorize the School Security Technology and Resource Center and to authorize grants for local school security programs, and for other purposes)

On page 577, line 2, strike the double quote and period.

On page 577, between lines 2 and 3, insert the following:

"SEC. 4304. SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER

"(a) CENTER.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the 'School Security Technology and Resource Center'.

"(b) ADMINISTRATION.—The center established under subsection (a) shall be administered by the Attorney General.

"(c) FUNCTIONS.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The center will also conduct and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,750,000 for each of the fiscal years 2002, 2003, and 2004, of which $2,000,000 shall be for Sandia National Laboratories in each fiscal year, $2,000,000 shall be for the National Center for Rural Law Enforcement in each fiscal year, and $750,000 shall be for the National Law Enforcement and Corrections Technology Center Southeast in each fiscal year.

"SEC. 4305. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology and Resource Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) APPLICABILITY.—the provisions of this part (other than this section) shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—there is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002, 2003, and 2004.

"SEC. 4306. SAFE AND SECURE SCHOOL ADVISORY REPORT.

"Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

"(1) develop a proposal to further improve school security; and

"(2) submit that proposal to Congress."

AMENDMENT NO. 634 AS MODIFIED

On p. 881, line 22, strike "and", and on page 881, insert the following new subsections after line 25:

"(J) remedial and enrichment programs to assist Alaska Native students in succeeding in standardized tests;

"(K) education and training of Alaska Native Students enrolled in a degree program that will lead to certification as teachers;

"(L) parenting education for parents and caregivers of Alaska Native children to improve parenting skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers;

"(M) cultural education programs operated by the Alaska Native Heritage Center and designed to share the Alaska Native culture with schoolchildren;

“(N) a cultural exchange program operated by the Alaska Humanities Forum and designed to share Alaska Native culture with urban students in a rural setting, which shall be known as the Rose Culture Exchange Program;

“(O) activities carried through Even Start programs carried out under part B of title I and Head Start programs carried out under the Head Start Act, including the training of teachers for programs described in this subparagraph;

“(P) other early learning and preschool programs;

“(Q) dropout prevention programs such as Partners for Success; and

“(R) Alaska Initiative for Community Engagement program.”

On page 882, strike lines 16 through 19 and insert in lieu thereof the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section the same amount as the authorization provided for activities under the Native Hawaiian Education Act in section 7205 of this Act for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

“(d) AVAILABILITY OF FUNDS.—Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available not less than $1,000,000 to support activities described in subsection (a)(2)(L), not less than $1,000,000 to support activities described in subsection (a)(2)(M), not less than $1,000,000 to support activities described in subsection (a)(2)(N); not less than $2,000,000 to support activities described in subsection (a)(2)(Q); and not less than $2,000,000 to support activities described in subsection (a)(2)(R).”

On page 884, after line 7, insert the following new part:

“PART D—Educational, Cultural, Apprenticeship and Exchange Programs for Alaska Natives, Native Hawaiians and Their Historical Whaling and Trading Partners in Massachusetts.

“SEC. 7401.—SHORT TITLE.

“This part may be cited as the ‘Alaska Native and Native Hawaiian Education Through Cultural and Historical Organizations Act’.

“SEC. 7402.—FINDINGS.

“Congress finds the following;

“(a) Alaska Natives and Native Hawaiians have been linked for over 200 years to the coastal towns of Salem, MA and New Bedford, MA through the China Trade from Salem and whaling voyages from New Bedford;

“(b) Nineteenth century trading ships sailed from Salem around Cape Horn up the Northwest coast of the United States to Alaska, where they traded with Alaska Native people for furs, and then went on to Hawaii to trade for sandalwood with Native Hawaiians before going on to China;

“(c) During the nineteenth century, over two thousand whaling voyages sailed out of New Bedford to the Arctic region of Alaska, and joined Alaska natives from Barrow, Alaska and other areas in the Arctic region in subsistence whaling activities;

“(d) Many New Bedford whaling voyages continued on to Hawaii, where they joined Native Hawaiians from the Neighboring Islands;

“(e) From these commercial and whaling voyages, a rich cultural exchange and strong trading relationships developed among the three peoples;

“(f) In the past decades, awareness of these historical trading, cultural and whaling links has faded among Alaska Natives, Native Hawaiians and the people of the continental United States;

“(g) In 2000, the Alaska Native Heritage Center in Alaska, the Bishop Museum in Hawaii, and the Peabody-Essex Museum in Massachusetts initiated the New Trade Winds project to use twenty-first century technology, including the Internet, to educate schoolchildren and their parents about historic and contemporary cultural and trading ties which continue to link these diverse cultures;

“(h) The New Bedford Whaling Museum, in partnership with the New Bedford National Historical Park, has developed a cultural exchange and educational program with the Inupiat Heritage Center in Barrow, Alaska to bring together the children, elders and parents from the Arctic region of Alaska with children and families of Massachusetts to learn about their historical ties and about each other's contemporary cultures;

“(i) Meaningful educational and career opportunities based on traditional relationships exist for Alaska Natives, Native Hawaiians, and for low income youth in Massachusetts, within the fast-growing cultural sector;

“(j) Cultural institutions can provide practical, culturally relevant, education-related intern and apprentice programs, such as the Museum Action Corps at the Peabody-Essex Museum and similar programs at other institutions, to prepare youths and their families for careers in the cultural sector; and

“(k) The resources of these five institutions provide unique opportunities for illustrating and interpreting the contributions of Alaska Natives, Native Hawaiians, the whaling industry and the China Trade to the economic, social, and environmental history of the United States, for educating schoolchildren and their parents, and for providing opportunities for internships leading to careers in cultural institutions.

“SEC. 7403.—PURPOSE.

“The purposes of this part are to—

“(1) authorize and develop innovative culturally-based educational programs and cultural exchanges to assist Alaska Natives, Native Hawaiians and children and families of Massachusetts linked by history and tradition to Alaska and Hawaii to learn about shared culture and traditions;

“(2) authorize and develop internship and apprentice programs to assist Alaska Natives, Native Hawaiians and children and families of Massachusetts linked by history and tradition with Alaska and Hawaii, prepare for careers in cultural institutions; and

“(3) supplement programs and authorities in the area of education to further the objectives of this part.

“SEC. 7404.—PROGRAM AUTHORIZED.

“(a) GENERAL AUTHORITY.—

“(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, the Alaska Native Heritage Center in Anchorage, AK, the Inupiat Heritage Center in Barrow, AK, the Bishop Museum in Hawaii, the Peabody-Essex Museum in Salem, MA, the New Bedford Whaling Museum and the New Bedford Historical Site in New Bedford, MA, other Alaska Native and Native Hawaiian cultural and educational organizations, cultural and educational organizations with experience in developing or operating programs which illustrate and interpret the contributions of Alaska Natives, Native Hawaiians, the whaling industry and the China Trade to the economic, social, and environmental history of the United States, and consortia of such organizations and entities to carry out programs that meet the purposes of this part.

“(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include—

“(A) the development and implementation of educational programs to increase understanding of cultural diversity and multicultural communication among Alaska Natives, Native Hawaiians and the people of the continental United States, based on historic patterns of trading and commerce;

“(B) the development and implementation of programs using modern technology, including the internet, to educate schoolchildren, their parents, and teachers about historic and contemporary cultural and trading ties which continue to link the diverse cultures of Alaska Natives, Native Hawaiians, and the people of Massachusetts;

“(C) cultural exchanges of elders, students, parents and teachers among Alaska Natives, Native Hawaiians, and the people of Massachusetts to increase awareness of diverse cultures among each group;

“(D) the sharing of collections among cultural institutions designed to increase awareness of diverse cultures and links among them;

“(E) the development and implementation of internship and apprentice programs in cultural institutions to train Alaska Natives, Native Hawaiians and low income youth in Massachusetts for careers in cultural institutions;

“(F) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Natives, Native Hawaiians, and children and their parents in Massachusetts.

“(b) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For fiscal year 2002 there is authorized to be appropriated $10,000,000, and such sums as may be necessary for each of the 6 succeeding fiscal years.

“(2) AVAILABILITY OF FUNDS.—Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—

“(A) not less than $2,000,000 each to the New Bedford Whaling Museum in partnership with the New Bedford National Historical Park in Massachusetts, and the Inupiat Heritage Center in Alaska to support activities as described in subsection (a)(2).

“(B) not less than $1,000,000 each to the Alaska Native Heritage Center in Alaska, the Bishop Museum in Hawaii, and the Peabody-Essex Museum in Massachusetts for the New Trade Winds project to support activities as described in subsection (a)(2); and

“(C) not less than $1,000,000 each to the Alaska Native Heritage Center in Alaska, the Bishop Museum in Hawaii, and the Peabody-Essex Museum in Massachusetts for internship and apprenticeship programs, including the Museum Action Corps of the Peabody-Essex Museum, to support activities as described in subsection (a)(2).

“SEC. 7405.—ADMINISTRATIVE PROVISIONS.

“(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

“(b) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this part shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application."

AMENDMENT NO. 635 AS MODIFIED

(Purpose: To Establish the Close-Up Fellowship Program)

On page 383, after line 21, add the following:

SEC. 203. CLOSE UP FELLOWSHIP PROGRAM.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section 202, is further amended by adding at the end the following:

"PART E—CLOSE UP FELLOWSHIP PROGRAM

"SEC. . FINDINGS.

"Congress makes the following findings:

"(1) The strength of our democracy rests with the willingness of our citizens to be active participants in their governance. For young people to be such active participants, it is essential that they develop a strong sense of responsibility toward ensuring the common good and general welfare of their local communities, States and the Nation.

"(2) For the young people of our country to develop a sense of responsibility for their fellow citizens, communities and country, our educational system must assist them in the development of strong moral character and values.

"(3) Civic education about our Federal Government is an integral component in the process of educating young people to be active and productive citizens who contribute to strengthening and promoting our democratic form of government.

"(4) There are enormous pressures on teachers to develop creative ways to stimulate the development of strong moral character and appropriate value systems among young people, and to educate young people about their responsibilities and rights as citizens.

"(5) Young people who have economically disadvantaged backgrounds, or who are from other under-served constituencies, have a special need for educational programs that develop a strong a sense of community and educate them about their rights and responsibilities as citizens of the United States. Under-served constituencies include those such as economically disadvantaged young people in large metropolitan areas, ethnic minorities, who are members of recently immigrated or migrant families, Native Americans or the physically disabled.

"(6) The Close Up Foundation has thirty years of experience in providing economically disadvantaged young people and teachers with a unique and highly educational experience with how our federal system of government functions through its programs that bring young people and teachers to Washington, D.C. for a first-hand view of our government in action.

"(7) It is a worthwhile goal to ensure that economically disadvantaged young people and teachers have the opportunity to participate in Close Up's highly effective civic education program. Therefore, it is fitting and appropriate to provide fellowships to students of limited economic means and the teachers who work with such students so that the students and teachers may participate in the programs supported by the Close Up Foundation. It is equally fitting and appropriate to support the Close Up Foundation's 'Great American Cities' program that focuses on character and leadership development among economically disadvantaged young people who reside in our Nation's large metropolitan areas.

"Subpart 1—Program for Middle and Secondary School Students

"SEC. . ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged middle and secondary school students.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be know as the Close Up Fellowships.

"SEC. . APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENT OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

"(2) that every effort shall be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including students with disabilities, students with migrant parents and ethnic minority students; and

"(3) the proper disbursement of the funds received under this subpart.

"Subpart 2—Program for Middle and Secondary School Teachers

"SEC. . ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to teachers who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be know as the Close Up Teacher Fellowships.

"SEC. . APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENT OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the program described in section (a);

"(2) that no teacher in each school participating in the programs provided for in section (a) may receive more than one fellowship in any fiscal year; and

"(3) the proper disbursement of the funds received under this subpart.

"Subpart 3—Program for New Americans

"SEC. . ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged secondary school students who are recent immigrants.

"(b) DEFINITION.—For purposes of this subpart, the term 'recent immigrant student' means a student of a family that immigrated to the United states within five years of the students participation in the program.

"(c) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged recent immigrant students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be know as the Close Up Fellowships for New Americans.

"SEC. . APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENT OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged secondary school students;

"(2) that every effort shall be made to ensure the participation of recent immigrant students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged recent immigrant students, special consideration will be given to the participation of those students with special educational needs, including students with disabilities, students with migrant parents and ethnic minority students;

"(3) that activities permitted by subsection (a) are fully described; and

"(4) the proper disbursement of the funds received under this subpart.

"Subpart 5—General Provisions

"SEC. . ADMINISTRATIVE PROVISIONS.

"(a) ACCOUNTABILITY.—In consultation with the Secretary, the Close Up Foundation will devise and implement procedures to measure the efficacy of the programs authorized in subparts 1, 2, 3 and 4 in attaining objectives that include: providing young people with an increased understanding of the Federal Government; heightening a sense of civic responsibility among young people; and enhancing the skills of educators in teaching young people about civic virtue, citizenship competencies and the Federal Government.

"(b) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments.

"(c) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. . AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, 3 and 4 of this part $6,000,000 for fiscal year 2002 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in sections and .".

"SEC. . NATIONAL STUDENT/PARENT MOCK ELECTION.

"(a) IN GENERAL.—The Secretary is authorized to award grants to the National Student/Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may:

"(1) include simulated national elections at least five days before the actual election that permit participation by students and parents from all 50 States in the United States and its territories, Washington, DC and American schools overseas and

"(2) consist of—

"(A) school forums and local cable call-in shows on the national issues to be voted upon in an 'issues forum';

"(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

"(C) quiz team competitions, mock press conferences and speech writing competitions;

"(D) weekly meetings to follow the course of the campaign; or

"(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

"(b) REQUIREMENT.—The National Student/Parent Mock Elections shall present awards to outstanding student and parent mock election projects.

"SEC. . AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this part $650,000 for fiscal year 2002 and such sums as may be necessary for each of the six succeeding fiscal years."

AMENDMENT NO. 440 AS MODIFIED

(Purpose: To ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs)

At the appropriate place, insert the following:

SEC. . SENIOR OPPORTUNITIES.

(a) TWENTY-FIRST CENTURY COMMUNITY LEARNING CENTERS.—Section 1609(a)(2) (as amended in section 151) is further amended—

(1) in subparagraph (G), by striking "and" after the semicolon;

(2) in subparagraph (H), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(I) if the organization plans to use seniors as volunteers in activities carried out through the center, a description of how the organization will encourage and use appropriately qualified seniors to serve as the volunteers.".

(b) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; GOVERNOR'S PROGRAMS.—Section 4114(d) (as amended in section 401) is further amended—

(1) in paragraph (14), by striking "and" after the semicolon;

(2) in paragraph (15), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(16) drug and violence prevention activities that use the services of appropriately qualified seniors.".

(c) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.—Section 4116(b) (as amended in section 401) is further amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "(including mentoring by appropriately qualified seniors)" after "mentoring"; and

(B) in subparagraph (C)—

(i) in clause (i), by striking "and" after the semicolon;

(ii) in clause (ii), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(iii) drug and violence prevention activities that use the services of appropriately qualified seniors;";

(2) in paragraph (4)(C), by inserting "(including mentoring by appropriately qualified seniors)" after "mentoring programs"; and

(3) in paragraph (8), by inserting ", which may involve appropriately qualified seniors working with students" after "settings".

(d) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; FEDERAL ACTIVITIES.—Section 4121(a) (as amended in section 401) is further amended—

(1) in paragraph (10), by inserting ", including projects and activities that promote the interaction of youth and appropriately qualified seniors" after "responsibility"; and

(2) in paragraph (13), by inserting ", including activities that integrate appropriately qualified seniors in activities" after "title".

(e) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; FORMULA GRANTS.—Section 7115(b) (as amended in section 701) is further amended—

(1) in paragraph (10), by striking "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.".

(f) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; SPECIAL PROGRAMS AND PROJECTS.—Section 7121(c)(1) (as amended in section 701) is further amended—

(1) in subparagraph (K), by striking "or" after the semicolon;

(2) in subparagraph (L), by striking "(L)" and inserting "(M)"; and

(3) by inserting after subparagraph (K) the following:

"(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or".

(g) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; PROFESSIONAL DEVELOPMENT.—The second sentence of section 7122(d)(1) (as amended in section 701) is further amended by striking the period and inserting ", and may include programs designed to train tribal elders and seniors.".

(h) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; NATIVE HAWAIIAN PROGRAMS.—Section 7205(a)(3)(H) (as amended in section 701) is further amended—

(1) in clause (ii), by striking "and" after the semicolon;

(2) in clause (iii), by inserting "and" at the end; and

(3) by adding at the end the following:

"(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;".

(i) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; ALASKA NATIVE PROGRAMS.—Section 7304(a)(2)(F) (as amended in section 701) is further amended—

(1) in clause (i), by striking "and" after the semicolon;

(2) in clause (ii), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(iii) may include activities that recognize and support the unique cultural and educational needs of Alaskan Native children, and incorporate appropriately qualified Alaskan Native elders and seniors;".

Mr. CAMPBELL. Mr. President, I urge my colleagues to support the pending amendment which is based on my bill S. 231, the Seniors as Volunteers in Our Schools which I introduced on January 31, 2001. I am pleased that Senators GRASSLEY, AKAKA, INOUYE, CRAIG, BAUCUS and INHOFE are cosponsors of that bill.

Under this amendment, school administrators and teachers are encouraged to use qualified seniors as volunteers in federally funded programs and activities authorized by the Elementary and Secondary Education Act, ESEA.

Studies show that guidance by a caring adult can help reduce substance abuse and youth violence. Because every child deserves a safe learning environment, this amendment is an important step in ensuring that our schools provide a safe and caring place for our children to learn and grow. It will help build lasting partnerships between our local school systems, our children and our senior citizens.

Seniors have practical knowledge and wisdom gained from experience. They are as important a part of our national future as are our young ones in school. Improving the opportunities for learning for all Americans has been the focus of recent debate. We have faced weighty and costly decisions about education and the role the federal government ought to play in the education of our children.

But, there are also many practical opportunities we can offer in this endeavor that don't come at a high cost. My amendment offers such an opportunity. By making better use of all the gifts senior Americans have to offer, we can provide a framework to connect schools with appropriate seniors. My amendment does just that.

I urge my colleagues to support prompt passage of this amendment.

Mr. BINGAMAN. Mr. President, I rise today to speak for just a few minutes about my safe schools amendment to S. 1, the Better Education for Students and Teachers Act of 2001. My amendment, the Safe School Security Act of 2001, addresses an element that has not been given enough attention in the debate over ESEA, school security.

In recent years, we have witnessed too many tragic shootings that have resulted in the deaths of students and teachers. While these school shootings are shocking and disturbing, and have received much attention, it is the everyday school violence and crime that plagues most students and teachers and interferes with their ability to learn and teach.

Today I offer an amendment that is designed to assist schools in reducing school violence and campus crimes. This legislation would establish the School Security Technology and Resource Center, SSTAR, in New Mexico to work in partnership with the Rural Law Enforcement Center in Arkansas and the National law Enforcement and Corrections Technology Center in South Carolina.

In the 106th Congress, I introduced similar legislation to establish the School Security Technology and Resource Center, SSTAR, at Sandia National Laboratories in Albuquerque, NM. While the bill was accepted by the Senate, and became part of the Juvenile Crime Bill in May 1999, the conference committee failed to produce a conference report and the bill never came before the full Congress for a vote.

Nonetheless, over the past 3 years, SSTAR has pursued its mission and has provided assistance to hundreds of schools across the country. In 1999, Sandia worked with the National Institute of Justice to publish what became the most widely requested document from NIJ last year: The Appropriate and Effective Use of Security Technologies in U.S. Schools. Last year, SSTAR put on a National School Safety Conference in Dallas, TX, for hundreds of school administrators and safety personnel from across the country. In the last 2 years, with limited resources, SSTAR provided tailored school security assessments for schools in Texas, Massachusetts, and the Navajo Nation.

The Texas project came about when SSTAR was contacted by the administration at Permian High School in Odessa, TX. Although Permian had not experienced any major acts of violence, the Columbine shootings made the administrators rethink the risks facing their large population of 2,200 students. Like most schools, Permian was also interested in reducing the everyday problems such as fights, theft, vandalism, graffiti and intruders on campus. In the end, the security upgrades and policy changes were well received by the school administration, parents and students.

The idea for SSTAR started in 1997 with a local initiative in New Mexico involving Sandia National Laboratories and a local high school that was experiencing a high number of student car break-ins, vandalism and theft of school property. Sandia Labs partnered with the community and local businesses to implement a wide variety of security upgrades at Belen High School, just south of Albuquerque. In the year after they implemented the Sandia-designed plan, Belen experienced a 75 percent reduction in school violence, a 30 percent reduction in truancy, an 80 percent reduction in theft from vehicles, and a 75 percent reduction in vandalism. Interestingly, the drop in automobile break-ins seemed to reduce the level of conflict among students and provided many students with ease of mind. The drop in truancy, vandalism and violent crime convinced me that this was a program that should be available to all schools.

Because of Sandia's expertise in evaluating and designing security for our Nation's nuclear sites, Sandia is well suited to evaluate the security of our Nation's schools and advise school administrators on how to create safer learning facilities. This transfer of experience to a school setting has proved beneficial in many pilot projects around the country. SSTAR, when fully operational, intends to offer workshops to train school personnel in school security, provide security assessments for public schools, and test existing security technologies so schools do not spend precious resources on equipment that doesn't work or doesn't suit their needs.

The amendment I am introducing today also establishes a $10 million grant program under the Safe and Drug Free Schools Program to assist schools in implementing security strategies. These grants will enable school to purchase high tech security equipment or implement low tech security upgrades. While our children's safety is of paramount concern, we should also aim to protect the significant investment by America's taxpayers in expensive computer equipment and other high-tech teaching tools prevalent in many schools today.

If students do not feel safe in their own schools, they cannot focus and perform to the best of their ability. If teachers do not feel safe in their classrooms, they cannot fully concentrate on teaching. I believe we have a responsibility to do what is in our power to make our children and teachers safe at school so they can focus on learning and educating. While we have invested in our national laboratories so they can protect our nuclear arsenal, and we have invested in our Federal buildings to protect our Federal employees and the general public, we have failed to adequately invest in our Nation's schools so they can protect our Nation's most valuable assets—our youth. SSTAR can fulfill this responsibility if given the proper resources.

Therefore, I urge my Senate colleagues to support this legislation. I thank Senator HUTCHINSON of Arkansas for partnering with me on this bill two years ago and for sticking by this worthwhile legislation. I also want to thank Senators HOLLINGS and CORZINE for their willingness to cosponsor this bill. The services provided by SSTAR and the Rural law Enforcement Center have benefitted many students, teachers, parents and law enforcement and I believe these services should now be shared with the entire country.

AMENDMENT NO. 519

Mr. KENNEDY. Those amendments are: Senator WELLSTONE's on family information centers, Senators BINGAMAN and HUTCHISON's on school security, Senator STEVENS' on cultural exchange, Senator LANDRIEU's on Closeup, Senator CAMPBELL's on senior opportunities.

Mr. President, I rise in strong support of the amendment of Senator LANDRIEU, Senator LIEBERMAN, and Senator DEWINE. We have title I grant discrepancies for two reasons. The first is legitimate. The second is a reflection of insufficient funds. Each State receives a different title I grant because it has different numbers of poor children and different per pupil expenditures. Since 1965, we have keyed the title I formula to the number of poor children in a State multiplied by State per pupil expenditure. The use of the per pupil expenditure is intended to reflect the different costs of education in different States and is intended to encourage States to increase their own education spending.

Those are worthy policies that we have had for many years. The reason we see discrepancies within the States is that districts have a great deal of flexibility in determining per child grants. Districts have to serve schools in rank order of poverty. So it goes through the States and then to the districts, and then they have to distribute funds on the rank order of poverty. But they can limit the size of the grants to serve many schools that are eligible.

Low poverty districts often have only one or two eligible schools. Those schools see all of a district's title I money, and have large per child grants accordingly. High-poverty large districts often have many schools eligible for title I funds, and these high-poverty districts often spread out their title I money among many eligible schools. Those schools, accordingly, see small per child grants.

I support the pending amendment to target limited funds. But the best thing we can do is to grow the total title I pot of funding so that districts do not have to spread limited funding among many poor schools. That is the bottom line.

There are four different formulas for title I. There are the basic grants, concentration grants, targeted grants, and education finance grants. They all have different bases for support—they benefit different numbers of poor children in different States and in different communities. There is great flexibility within the local school districts and the amounts they are going to give per school. Therefore, you have the kinds of disparities we have heard talked about this afternoon.

The way to address that is to do what the Senate has done, and that is to support full funding for the title I program. When you have full funding of the title I program, these kinds of aberrations, as the two Senators pointed out, don't exist.

That is the best way to do it; otherwise, poor children will be fighting over scraps. We have the resources to address this issue. The Senate is on record supporting full funding of title I. I am strongly in support of that program.

As I have pointed out, we have a good bill. It is not the bill I would have written. It is not the bill I am sure my colleagues, Senator FRIST, Senator GREGG, and others would have written, or the President would have written, but it is a good bill. It can make an important difference for the children who are going to benefit from it. The fact is though that only a third of the children are going to benefit from this legislation because of the current level of insufficient funding.

I have behind me a chart which indicates increases in the ESEA budget since 1994. The ESEA is inclusive of the title I program. This chart reflects from 1994 to the year 2001. During the previous administration, we had a 8.6-percent increase in the ESEA budget, but under President Bush it is 3.6 percent.

If we look at it more closely, under the Administration's budget, in the outyears—2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010—there is virtually no increase. It is flat funded. There will not be an increase of funding for these needs. We are still going to have these extraordinary disparities. We can remedy that with the funding which this Senate has gone on record in a bipartisan way to support.

The next chart shows under the title I program, which is part of the Elementary and Secondary Education Act, there are 3.7 million children who are going to be reached, out of 10.3 million eligible poor children.

In fiscal year 2008, under the President's budget, it is 3.7 million. I do not know what happened to the pledge of leaving no child behind.

The Senator from Louisiana, in her excellent presentation, pointed out the number of children who are being left behind in those schools, as did the Senator from Ohio as well.

Under the bipartisan amendment offered by Senator DODD and Senator COLLINS, which was accepted in fiscal year 2002, we move up the number of children served to 5.7 million. We have important reforms, and we have important accountability—accountability for the schools, teachers, students, parents, accountability within the community, and we provide that for 5.7 million children.

We do state that at the time of the expiration of this legislation in the fiscal year 2008, no child will be left behind. Every one of those children who are missing out will be covered under the amendment of the Senator from Louisiana and the Senator from Ohio. They will be able to get supplementary services and inclusion in summer school programs. They will have the opportunity of attending perhaps another public school if that is necessary. They will be able to go to afterschool programs and get supplementary services. That is under the proposal we have.

This is a question of resources. I believe we have a strong bill that can benefit the children for the reasons I have tried to outline. For many schools across this country that need it, there will be assistance with improvements. We are going to have reconstitution of schools where necessary. We have had a good debate and have taken strong action to make sure the evaluations of our children are going to be effective.

I have one more chart, and this illustrates what is happening in title I schools. The best estimate from the Education Commission of the States is that 10,000 schools at the present time are failing schools. Under the Bush budget, 2,440 of those schools will have some relief.

The average cost of turning schools around has been estimated at about $180,000. Some do it for less. I have some examples. I will come back to those later in the debate. Some have required more. This is the best judgment about what will be necessary.

We are saying we ought to use $1.8 billion of the $6.4 billion increase for which this Senate has voted and turn the 10,000 schools around. We can do it. We know how to do it. The difference today is we know what works. We know how to educate children. We know what to do, and we know how to give them the support they need.

This legislation is crafted to create a sense of expectation for those children, to give them the support so they can reach that expectation, to give them the best trained teachers and modern curriculum, support for supplementary services, afterschool programs, new technology—all of those together is what we are committing.

We have a good bill which also includes funding for meeting our responsibilities for special needs children under IDEA.

We have an opportunity to address the very tragic circumstances the Senator from Louisiana has outlined in her excellent presentation, and the unfair circumstances and the disparities about which the Senator from Ohio talked. We have a way of doing it with the targeted resources for the new money. We can do it in that way, and I certainly support using additional resources and targeting the way her amendment has been devised. But still even with that, we ought to be prepared to make the commitment to the children of this country that no child is going to be left behind.

That is what I thought the President wanted in his statement on education and what we can do.

With the passage of this legislation fully funded, we address the challenge the Senators from Louisiana and Ohio have put before us. We include funding for IDEA which will make the difference in local communities that are hard pressed to provide for the special needs children.

Over the next 5 to 7 years, the progress we have seen in local communities that utilize what we have included in this legislation will result in an important upgrading of the educational capabilities for the neediest children in this country.

I thank the Senator from Louisiana for bringing this to our attention. No one can look at the illustrations the Senator presented and not believe this is grossly unfair. Also, no one can listen to the Senator from Louisiana talk about the progress that is being made in these classrooms when children are given the support they need, which they ought to receive, which we can do, but which they are being denied because we are not giving the funding.

We will miss an extraordinary opportunity if we fail to respond in a positive way to the amendment of the Senator from Louisiana and to the broader issue raised by her amendment, and that is the funding for title I and the Elementary and Secondary Education Act. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I inquire as to how much time is remaining under the unanimous consent agreement.

The PRESIDING OFFICER. The sponsor has 22 minutes 23 seconds. The opposition has 25 minutes 32 seconds.

Ms. LANDRIEU. I yield myself 10 of those minutes.

The PRESIDING OFFICER. The Senator has that right.

Ms. LANDRIEU. Mr. President, I see some of my colleagues coming to the Chamber to speak on this amendment. Let me follow up, if I can, some of the points Senator KENNEDY made. He is absolutely right.

We have made in the last several weeks in this debate a tremendous amount of progress, taking some of the best ideas offered by our colleagues on the Republican side, some of the best ideas offered on the Democratic side. The President himself has come forward with a number of good ideas that have now been weaved into this underlying bill. We are in the process of perfecting it. Some amendments offered on this floor have strengthened the underlying bill, including accountability, moving our money in a more targeted fashion.

Hopefully, with this amendment, we will take a giant step toward that particular goal, encouraging our system to start rewarding success, to stop funding failure, expecting good things from our teachers and our schools, then providing resources. All of these elements are important to the underlying bill.

Let me stress one thing I have said on the floor on many occasions: Investment without accountability is a waste of resources. Accountability without resources is a waste of time. We don't have a lot of time to waste. A childhood goes by so quickly. Those critical early years move quickly. These children cannot wait 3, 4, or 5 years to receive the training in reading and basic skills allowing for the foundation for an education that brings prosperity to themselves, wealth to their families, and hope to their children and to their grandchildren. We don't have a lot of time to waste.

Adopting this amendment is one step. Whatever money is allocated can be targeted better, and these presentations have shown where the gaps are. Senator KENNEDY is absolutely correct when he says this is just one step; without the funding to back up this targeting amendment, without the funding necessary so the Federal Government can live up to the responsibilities of funding special education, we will literally be passing a bill that might have a lot of fancy words, might even have a few wonderful quotes and thrilling lines; however, it will not have the power attached to change the lives of children if we do not match the resource to the rhetoric.

Mr. KENNEDY. Will the Senator yield?

Ms. LANDRIEU. I yield.

Mr. KENNEDY. This will be a lost opportunity for millions of children if we fail to provide the investments in the future of our country. Isn't that what this is about, trying to make sure children will have the ability to read, to do basic math?

Does the Senator agree, we have a good blueprint, but we are reaching only so many children, and without further investment, we are failing to meet the opportunity out there; if we fund those programs and invest, it is a landmark achievement?

Ms. LANDRIEU. Absolutely. To further illustrate this point, the critics of Federal aid to education say money doesn't matter; the children can't learn, or it will not help.

Studies have proven them wrong. I have tried to show in my presentation when investments are made, coupled with accountability, fantastic results are achieved.

Another argument is we have spent so much money in 30 years and nothing is improving. Let me give the real facts for the record: Title I has barely kept pace with inflation. When it was created, 26 percent of our children were in poverty. Senator JOHNSON said: This is a shame. The Federal Government has a special role to play. These children don't live in communities with Fortune 500 companies. They don't live in wonderful homes with paved streets and running water and parks in which to play. There are districts, schools, places in America, rural and urban, where schools are having a hard time fixing the roof and turning the water on, let alone getting computers and learning. President Johnson said: let's step up to the plate. We put up some money. It was not enough then, and it is not enough now.

To fault the children for not learning or the teachers—because they cannot teach 35 children in their class, or they cannot teach if there is a rainstorm because they have to move to another class, and we wonder why they lose a few hours of instruction—is beyond comprehension. It has barely kept pace with inflation. It has been a 2.9-percent increase.

When I care about something in my house in my budget, I spend more than 2 percent on it. I might invest 10 percent, 20 percent, or make investments. Barely 2 percent a year overall was spent on education. Some of the money we have added has been for education generally in many new programs but not targeted to those students in rural and urban areas who needed the most help.

Let me close with one or two points. First, I commend President Bush for stating now on many occasions, in private meetings as well as publicly, that he supports targeting. He knows that in order to make his pledge real to not leave any child behind, the Federal Government must be a partner to those schools and to those children who desperately need someone to believe in them, to invest in them, and give hope.

The second point: Not only does the President support targeting, and he should be commended for his leadership, but 5 years ago our own congressional commission said there was overwhelming evidence that while title I had proven to be effective, the title I resources were not being targeted to the children who needed it the most. There were too many gaps to be filled. The Federal Government was not filling those gaps because the original formula was not correct. So we crafted a new formula, but we never funded it.

This amendment will, for the first time, help fund the formula we crafted, fund a formula the President supports. The only issue remaining, which I hope Senator LIEBERMAN will address in his remarks, is the fact that the best formulas in the world, the best ideas in the world, aren't worth a hoot if you can't fund them and don't fund them to reach these children who want to learn, who can learn, and to help their parents and teachers help them meet their dreams.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, who is controlling the time?

The PRESIDING OFFICER. The Senator from Louisiana is controlling the time.

Ms. LANDRIEU. How many minutes remain?

The PRESIDING OFFICER. Thirteen minutes, and the opposition has 25 minutes.

Ms. LANDRIEU. I yield 5 minutes to Senator LIEBERMAN.

Mr. KENNEDY. I yield additional time from the opposition, although I know the Senator is in favor of the proposal. How much time does the Senator desire?

Mr. LIEBERMAN. If the Senator has up to 10 minutes, I will be grateful for that.

Mr. KENNEDY. I yield 10 minutes.

Ms. LANDRIEU. And 10 minutes to the Senator from Delaware following that.

The PRESIDING OFFICER. The Senator has that right.

Mr. LIEBERMAN. I am pleased to rise today to support the amendment offered by Senators LANDRIEU and DEWINE, a bipartisan amendment. I particularly express my appreciation to the junior Senator from Louisiana for her persistent and principled pursuit of this ideal, which we believe is essential to the success of the sweeping reforms we have included in this measure and to our paramount goal of helping all of America's children, regardless of income, learn at the highest possible level.

We have said this bill could be described in a phrase that might go like this: "Invest in reform and insist on results." I think we have the insistence on results in the bill now. The question is whether we are going to invest in reform. And the question is whether we are going to not just put more money into the bill, but as Senator LANDRIEU has said, make sure it gets to the kids in America who need it most. That is what this amendment aims to do.

The underlying bill has the potential to be truly transformational, to change not just the way we administer Federal programs but, more importantly, the way we educate our children to help close the persistent and pernicious achievement gap separating the haves and have-nots in our country and thereby help better realize the promise of equal opportunity, which is the ideal, the driving ideal of American life.

All that potential in this bill will be squandered if we do not also change the way we distribute Federal education funding, to target our resources on the schools and particularly on the students with the greatest needs.

As my colleagues know and Senator LANDRIEU just indicated, that was the original intent of the ESEA at its programmatic heart, to compensate for local funding inequities within States and help level the educational playing field for disadvantaged children. But the reality is that after all these years, 36 years since title I was adopted, it is not working in practice as it was designed in principle.

The reality is that title I is not nearly as focused on serving high-poverty communities and children as it is supposed to be and that many poor children, therefore, are not getting the aid and attention they deserve and need.

Our amendment aims to fix that imbalance, to renew the true mission of title I, and do so in a way that will enable the bill before us to make good on its promise. Across party lines, as we have worked on this bill, we fought for the tough new accountability system included in the proposal to hold our educators responsible for meeting high standards and to impose real consequences for chronic failure—in fact, not to accept failure in the education of our children. But this engine of reform—accountability—could turn into a form of punishment for our children if we do not back up these demands with new dollars and channel those dollars to the most disadvantaged cities and towns, to the places that have the most ground to make up. That is exactly what this amendment would do.

I suspect many people are under the impression this is already the case and wonder why this amendment is necessary. The fact is, we continue to spread title I dollars too thin and too wide. According to a report by the CRS, 58 percent of all schools in our country receive at least some title I funding, including many suburban schools with predominantly well-off students. Of the schools that receive no title I support at all, on the other hand, a disturbing number have a high concentration of poor students. In fact, one out of every five schools with poverty rates between 50 percent and 75 percent do not get a dime of title I funding—not any title I funding at all. That happens, of course, because of the formulas. We do not provide enough funding to serve every eligible student creating a zero-sum game played through formulas, and the formulas we use are poorly targeted to need.

Most title I funds are distributed through the basic grants formula. In the current year, 85 percent of the $8.6 billion appropriated went through that channel. But under that channel, any district with at least 2 percent of its students living below the poverty level qualifies for funding. That threshold is so low that more than 9 out of every 10 school districts in America receive some title I dollars. As a result, not nearly enough funding is left over to meet the burdens of the highest poverty districts.

Congress recognized the problem and sought to begin to fix it in the reauthorization of this legislation in 1994 with broad bipartisan support. We adopted a new formula, the targeted grants formula, which is the only one of the four title I funding formulas that is specifically designed to address the unique needs of school districts with high concentrations of poverty. As an indication of the high priority we have placed on that formula, the 1994 reauthorization directed that all new funding above the fiscal year 1994 level be allocated under that formula. Unfortunately, we have not abided by that requirement and not one dime of funding has yet to pass through that targeted formula.

In the first instance, the appropriators made that choice, but I would say to my colleagues, we are all complicit in it. We have all voted to approve those bills. We have all overlooked the inequities in the system. We are all responsible for the consequences of a funding system that promises one thing and delivers quite another.

There is more than a matter of basic equity here because studies show us that poor children, living in areas with high concentrations of poverty, are at far more risk of educational failure than poor children living in more affluent areas. Therefore, those areas of concentration need more help.

Thanks to my friend and colleague from Connecticut, Senator DODD, I think we have met half the challenge facing us. This bill, through the Dodd amendment, calls for funding of title I, full funding of title I. That is a very significant statement, which I hope the President will embrace as we continue to negotiate on appropriations levels. This amendment would meet the second half of the challenge and make the first half work as the bill originally was intended to do. It would put the Senate on record again in support of funding the targeted formula, but would do so with some teeth by saying that no new title I dollars could be allocated under this bill until we sufficiently fund the targeted formula.

This is a matter not of parochial interest but of national interest because of the critical national interest we have in developing all of America's human capital to realize the promise of opportunity but also to benefit our society and our economy. That is why several prominent and diverse groups are joining in backing this amendment that we are offering, including: the United States Chamber of Commerce, the Congressional Black Caucus, the Congressional Hispanic Caucus, the Education Trust, the American Federation of Teachers, the National Education Association, the National League of Cities, the National Urban League, and the National Alliance of Black School Educators. They have said publicly that they believe better targeting is critical to closing the achievement gap.

We know some of our colleagues who may agree with us in principle may be reluctant to support this amendment, perhaps because they do not want to get the bill caught up in a formula fight. But without the formula debate, without guaranteeing that the funds flow to the most needy children, this bill will ultimately not mean very much.

I would also say the fight occurred 7 years ago and Congress stated unequivocally that all new title I funding should be channeled through the title I formula. All we are doing with this amendment is trying to get us to abide by the agreement that was made and adopted 7 years ago.

There is an important principle at issue here that I hope we do not forget. This bill is ultimately not about number runs or aggregate State dollars received. It is not about who wins or who loses in States and districts. This is about the lives of children across America who depend on us to do what is best for them. Ultimately, we do not fund States or districts, or even schools. We fund children and their education.

At the Federal level it has been our special mission to help the Nation's poorest children, to see that they get a fair shot at the American dream.

I appeal to my colleagues in this Chamber and in the other body not to judge this bill by how much it does for our particular States or how much it does for a particular House district but by how much it does for our neediest children. This amendment will take us a long way in that principal direction.

I thank my fellow cosponsors. I thank President Bush who on numerous occasions—most recently in a bipartisan meeting at the White House last week on this underlying bill before us—said he understands that to realize the goal he has set, which is to leave no child behind in our education system, we can't just put the money out there, we have to target the money to the kids who need it most.

I thank the Chair. I yield the floor.

Mr. GRAHAM. Mr. President, I am happy to support Senator LIEBERMAN, BAYH, DEWINE, and LANDRIEU'S targeting amendment today. This initiative symbolizes what the New Democrats stand for.

Targeting ESEA money to the children most in need has long been one of our top priorities. It is commonly assumed that title I is already targeted to poor children.

In reality, 85 percent of all title I funds are allocated according to the basic grant formula that does not take concentration of poverty into account.

The remaining 15 percent, which last year was $1.2 billion, was distributed amongst two-thirds of our Nation's schoolchildren.

Under this plan, districts with 15 percent poverty received the same proportional benefit as districts with 90 percent poverty. That's why, the last time we reauthorized ESEA, we created the targeted grants formula. It was an effort to direct the scarce resources to the areas of highest poverty. We had good intentions, but bad follow-through. The targeted grants formula has never been funded.

I know that changing a funding formula is a detailed and complicated endeavor—whether it is transportation dollars, the Older Americans Act, or title I. But we must make the difficult decisions—and in essence, get more for our dollars. The more we are able to concentrate our resources in areas most in need, the more we can close the achievement gap in our Nation.

This amendment should be even less complicated than I have described above, because we do not seek to change the formula, we only ask that we follow the formula that we established in law.

Some of the debate during this reauthorization has been about the role of the Federal Government in K–12 education.

What should the Federal Government be doing in this area that is so predominately in the jurisdiction of State and local governments. My view is that the federal role is to level the playing field in our nation of such diversity.

Every child should have an equal chance to have a solid public school foundation on which to build their life. The Federal Government—although only supplying about 7 percent of the funding for K–12 education, should direct that money to those students most in need. Title I was created for the purpose of doing just that.

This amendment, and the leadership of Senators LANDRIEU and LIEBERMAN, get us closer to that level playing field. I am proud to join Senator DEWINE and others; in supporting one of the Senate New Democrats' top priorities.

Mr. LIEBERMAN. Mr. President, I rise today to join Senators LANDRIEU and DEWINE in offering an amendment that we believe is essential to the success of the sweeping reforms included in this reauthorization of the Elementary and Secondary Education Act, ESEA and to our paramount goal of helping all children learn at a high level.

This bill has the potential to be truly transformational, to change not only the way we administer Federal programs but the way we educate our children across this country, to help close the persistent and pernicious achievement gap separating the haves from the have nots in this country, and in time to help realize the promise of equal opportunity for every American child. But we are afraid that potential could be squandered if we do not also change the way we distribute Federal education funding to target our attention and resources on the schools and students with the greatest needs.

As my colleagues know, that was the original intent of ESEA and its programmatic heart, Title I—to compensate for local funding inequities within states and help level the educational playing field for disadvantaged children. But the reality is, as we intend to show today, Title I is not working in practice as it was designed in principle. The reality is that Title I is not nearly as focused on serving high-poverty communities as it is perceived to be, and that many poor children are not getting the aid and attention they deserve and need as a result.

Our amendment aims to fix that imbalance, to renew the true mission of Title I, and to do so in a way that will make the bill before us make good on its promise. We as New Democrats fought for the tough new accountability system included in this proposal. We fought to hold our educators responsible for meeting high standards, and to impose real consequences for chronic failure. But this engine of reform for schools could turn into a form of punishment for children if we do not back up these demands with new dollars, and channel those funds to the most disadvantaged cities and towns, to the places that have the most ground to make up. And that is exactly what our amendment would do—target most of the new Title I dollars to the districts with the highest concentration of poor children.

I suspect that many of our colleagues are under the impression that this is already the case and that our amendment is therefore unnecessary. But the fact of the matter is that we have and continue to spread Title I dollars thin and wide. According to a CRS report, 58 percent of all schools receive at least some Title I funding, including many suburban schools with predominantly well-off students, from Beverly Hills in California to Greenwich in my home State of Connecticut. Of the schools that receive no Title I support at all, on the other hand, a disturbing number have high concentrations of poor students. In fact, one out every five schools with poverty rates between 50 percent and 75 percent do not receive any Title I funding at all.

How does this happen? The answer lies in the fact that we do not provide enough funding to serve every eligible student, creating a zero-sum game played through formulas, and that the formulas we use are poorly targeted to need. Most Title I funds are distributed through the Basic Grants formula—in the current fiscal year, 85 percent of the $8.6 billion appropriated went through this channel. Under this formula, any district in which at least 2 percent of its students live below the poverty level qualifies for funding. This threshold is so low that more than 9 out of every 10 districts in America receive some Title I dollars. And, as a result, not nearly enough funding is leftover to meet the burdens of the highest-poverty districts.

To dramatize the inequities of this distribution system, the Progressive Policy Institute prepared what it calls a tale of two cities, a comparison of the Title I profiles of Beverly Hills and Compton in South Central Los Angeles. On the one hand, Compton has 97 percent of its children eligible for free and reduced lunch, compared to 8 percent in Beverly Hills; and Compton has 43 percent of its students from families on welfare, compared to 4 percent in Beverly Hills. On the other hand, Beverly Hills has a tax revenue base that is 400 percent higher than Compton; Beverly Hills has 90 percent of its teaching force certified, while Compton has 37 percent; Beverly Hills students rank consistently in the 80th percentile on national math and reading tests in 4th and 8th grade, while Compton students hover around the 25th percentile. Yet when it comes to Title I funding, Beverly Hills receives $597 per eligible student, while Compton receives $720. Those figures just don't add up, logically or morally. How can we expect Compton to compensate for all its disadvantages with just $123 more per student?

Congress recognized this problem and sought to begin fixing it in the reauthorization of the ESEA in 1994. With broad bipartisan support, we adopted a new formula, the Targeted Grants formula, which is the only one of four Title I funding formulas that is specifically designed to address the unique needs and challenges of school districts with high concentrations of poverty. And as an indication of the high priority we placed on this new formula, the 1994 reauthorization further directed that all new funding above the FY 1994 level be allocated under this formula.

Unfortunately, Congress has yet to abide by this requirement, and not one dime of funding has yet to pass through the Targeted formula. This is a choice that the appropriators have consistently made, but I would say to my colleagues that we are all complicit in it. We have all voted to approve these appropriations bills for the past seven years. We have all overlooked the inequities of this system. And we are all responsible for the consequences of this funding system that promises one thing and delivers another.

We are speaking out today because those consequences are too serious and the stakes for this bill too high to tolerate the status quo any longer. We must realize that by spreading Title I funds so thin and wide, we are seriously diluting their impact, undermining the effectiveness of this critical program, and undercutting the promise of equal opportunity for all children. This dilution is evident in my own State, where in the 1999–2000 school year, 74 percent of Connecticut's school districts had student poverty percentages of less than 15 percent, and received a combined total of about $8 million in Title I funds. In addition, 30 percent of the school districts had student poverty percentages of less than 5 percent and received a combined total of about $2.5 million in Title I funds.

Our point is not that poor children living in those more middle class and affluent areas do not need help. They certainly do. We are simply saying that given our limited Federal resources, we have an obligation to focus first on those communities that have the greatest needs and the least capability to meet them on their own. The fact of the matter is that 40 percent of all students eligible for Title I live in the Nation's 200 poorest communities. It is those communities where the achievement gap is most pronounced. And it is those communities that must be our priority if we are going to ensure that no child is left behind.

This is more than a matter of basic equity. Studies show us that poor children living in areas with high concentrations of poverty are at far more risk of educational failure than poor children living in more affluent areas. A comparison of Texas Assessment of Academic Skills, TAAS, results, for example, found that after controlling for income, low-income students in Alamo Heights Schools District, with only 17 percent poverty, had much higher rates of passage than those in San Antonio, with 88 percent poverty. Sixty-one percent of Alamo Heights' low-income students passed the TAAS, versus only 39 percent in San Antonio. And looking more broadly, a study from the U.S. Department of Education concluded that "the relationship between family poverty status and student achievement is not as strong as the relationship between school poverty concentrations and school achievement averages."

It is particularly in places like San Antonio and Compton that we are hoping to drive real change with the reform plan before us. Many of these disadvantaged districts are already making significant progress in turning around underperforming schools and turning up their academic achievement. I am particularly proud of what Hartford has accomplished since the State declared it an educational disaster area and took over the school system. We want to encourage other districts to pursue the same kind of bold reforms. We want to provide them with the resources and the freedom to make those reforms work. And at the end of the day, we are for the first time going to hold them accountable for producing results.

But we have good reason to be skeptical about this bill's effectiveness if we do not target funding to those communities that need it most. Indeed, we may be setting up many poor students and disadvantaged schools to fail. This is basic math. We cannot realistically expect high-poverty schools, who have the farthest to climb, to fill acute shortages of qualified math and science teachers, to invest in innovative curricula and teaching methods, and to do whatever else it takes to meet the ambitious goals set out in this new system without substantial additional support. That means not only more Title I funding, but far better targeting.

Thanks to my friend and colleague from Connecticut, Senator DODD, we have met half the challenge. This bill, through the Dodd amendment, calls for full funding of Title I, and that is a significant statement, which I hope the President will heed as we continue to negotiate on appropriation levels. Our amendment would meet the second half of the challenge. It would put the Senate on record again in support of funding the Targeted formula, by saying that no new Title I dollars can be allocated until we sufficiently fund the Targeted formula. We know this formula, like any formula, is far from perfect, and it is going to have its own quirks in equity. But it's the best we have got, and until we find a better way, which I hope we will, we need to fund it.

Several prominent groups and advocates for disadvantaged children are joining us in this effort—Congressional Black Caucus, Congressional Hispanic Caucus, the American Federation of Teachers, Education Trust, National League of Cities, National Urban League, National Alliance of Black School Educators, and the U.S. Chamber of Commerce. They have said publicly that they believe better targeting is critical to closing the achievement gap.

We know some of our colleagues who may agree with our principle will be reluctant to support this amendment because they do not want to get caught up in a formula fight. To them I would simply say we already had this fight. It was settled seven years ago when Congress stated unequivocally that all new Title I funding should be channeled through the Targeted formula. All we are doing with this amendment is trying to get us to abide by that peace treaty. This is just restating what is already the law.

But there is an important principle at issue here that we cannot forget. This is not about number runs or State aggregates, or who wins or who loses. This is about the lives of children who depend on us to do what is best for them, not our political fortunes. Ultimately, we do not fund States or districts or even schools. We fund children. And at the Federal level, it has been our special mission to help the nation's poorest children to see that they get a fair shot at the American dream.

As of today that's not happening. Not when 63 percent of African-American and 58 percent of Latino fourth-graders are reading below basic levels, according to the most recent NAEP results, compared to 27 percent of whites. Not when 60 percent of disadvantaged fourth-graders are reading below basic, compared to 26 percent of advantaged. And not when African-American and Hispanic 12th-graders on average read and do math at the same level as 8th-grade white students.

What we do today is not going to singlehandedly erase this achievement gap, which is a national disgrace. That is going to take a lot of hard work by dedicated educators, most of which will occur school by school, classroom by classroom. But it will make a real difference, and for that reason I strongly urge my colleagues to support this amendment and the larger cause of targeting.

Mr. REID. Mr. President, I have been informed by Senator KENNEDY that we have two final speakers before the vote. Senator CARPER is going to speak for 10 minutes, and the Senator from Wyoming is going to speak for 15 minutes on an unrelated subject. I alert everyone that we will probably vote at about 5:20. I don't know who is first with these two Senators. After that, I believe that basically all time will be used. The opposition has been kind enough to yield time. But the time for Senator CARPER is still controlled by the Senator from Louisiana. She has already yielded to him.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. CARPER. Mr. President, I thank both Senator LANDRIEU and Senator LIEBERMAN for the leadership they have shown in getting us on the right track—I think the track we intended to be on.

A friend of mine who used to be my education adviser when I was Governor of Delaware for a number of years used to say that all of us can learn but some of us learn differently. Some of us learn faster than others, but all of us can learn.

We are talking about title I, which is a program the Federal Government introduced some 35 years ago to really make sure that young people in our schools—very young people and not so young people—who need extra help in learning to read are going to get it. If they need extra help in math, they are going to get it. Our job is to make sure they get that extra help which they need to enable them to be successful.

We are seeking through the debate in the last couple of weeks, and certainly the debate through this week, to redefine the Federal role in education. Nobody here believes the role of the Federal Government in education is to run our schools in Delaware, Nebraska, or in any other State. The role of the Federal Government, as Senator LIEBERMAN said, is to try to help level that playing field so that all kids have a real shot at meeting the academic standards that have been established in their States.

In the course of the debate on this bill, we are agreeing on a number of important principles. One is that we ought to be investing more money and to transition Federal resources to raise student achievement. We ought to give that money to schools so that school districts have more flexibly with fewer strings, that we can provide more money and fewer strings, that we ought to require results and demand results. That means accountability and consequences for schools and students who do well, as well as for those who do not do well.

Another thing on which we agree is the need for parents to have greater choices in where they send their kids to school—to have a public school choice and charter schools as well.

During the course of this debate, one of the things I have learned—and Senator LIEBERMAN just said it again—is that for a lot of our schools around the country that have a fair amount of poverty, we don't fund title I. It is a strange thing. In a school where the level of poverty is over 50 percent, over half the kids are getting free or reduced-price lunches. That is a school where we can provide title I money and extra learning time for kids who need it. But in about 20 percent of our schools, we don't do that at all.

Nobody here is interested in throwing money at the problem. We are interesting in investing money in programs that work, especially where the need is the greatest.

I have stood here on the floor in the last couple of weeks and talked about three programs that we know work where we don't invest the money we ought to be investing. The first is Head Start. We provide Head Start funding for fewer than half of the eligible 3- and 4-year-olds in this country. States such as Delaware and Ohio have provided extra money on their own to help make it possible for all 4-year-olds in Delaware, for example, to be in the Head Start Program. But nationally, the Federal Government provides Head Start money for fewer than half of the eligible 3- and 4-year-olds. We know it works. We just do not provide the money.

Another program is the Individuals With Disabilities Education Act and Federal money for special education programs. We are supposed to, by agreement, provide up to 40 percent of the funds in States across America for students in special education programs. Do we do that? No. We don't provide 40 percent, or 30 percent, or 20, or even 10 percent of the funding. We know it works. But we don't invest the money.

The third program we are talking about today with title I is the Extra Learning Time Program, which the Federal Government funds. We don't fund money for every child who is eligible for the program. We don't provide extra money and time for even half of the kids who are eligible. It is one out of three; that is all.

In a situation where we know the program works and we know that if we invest the money we will raise student achievement, in the situation where we have a little more money in terms of our budget surplus than we have had in recent years, having taken some of that money off the table through a tax cut—we don't have unlimited money—I think it is incumbent on us, as we increase the spending, to spend a little extra money in this title I for Extra Learning Time. Let's spend it where the kids are most needy. Let's target that money where it will make the most difference. It is really common sense.

Let me close by saying this. I talk a lot about Delaware. That is the State I know most about, just as other Members know about Louisiana, Nebraska, or their respective States. I visited a little school in southwestern Delaware a week or so ago, West Seaford Elementary. I met with the principal, a number of the teachers, and an administrator or two. We talked about a variety of ways in which we are trying to raise student achievement. I will mention a couple of them.

There is a State program in the department that provides services for children. Their emphasis is to put in that school a social worker—a family crisis therapist who is a go-between for that school and the families who are in a crisis to work; a go-between to help make sure whatever is going wrong at home gets fixed—the child has a better learning environment at home, and the parents will be able to work with the kids at school.

I met with a woman who coordinates the mentoring program. She comes in every week and works with kids to help them in this school. There was also a teacher in the room funded by smaller classroom size appropriations. In other words, we provide money for smaller classrooms. They use that money to hire extra teachers. There was a lady there who was funded out of that. Finally, there was a title I teacher there who worked with kids, especially with their reading.

These were part of the team that works very successfully at West Seaford to make it possible for just about every kid to reach the standards we set in our State in reading and writing and math.

One of the best things we have done in this legislation is provide some extra money and provide more flexibly so that schools such as West Seaford can use those disparate sources of State and Federal and local moneys in ways that they know will work to help their kids do better.

While I applaud the fact that we are providing extra money through this authorization bill—and we are going to provide that money with more flexibility—we demand accountability.

Hopefully, tomorrow with the Carper-Gregg amendment, we will work a little more on poverty parents through public schools and charter schools. I think it is important, as we spend those extra dollars, to make sure they go to the schools where the need is the greatest.

In this day and age where one out of every five schools and where well over half of the kids living in poverty don't have access to the help they get in title I, that is wrong. We can fix it here. My hope is that by agreeing to this amendment, we will do just that.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, we are debating education, and we are debating a new direction in education. That is what the overall difference is that I address in the amendment. The new direction we are talking about is increased flexibility so that the schools can use the money to the best advantage possible.

I am really pleased to see a lot of funds come to Wyoming. But there was a small amount that we could not use. By the time we wanted to hire the required administrator, there was no money left in the program. Now we will be able to combine those programs and have fewer administrators and, hopefully, less paperwork.

To listen to the debate, it grows more and more to sound as if the Federal Government should fund all of education. The States fund 93 to 94 percent of education. What we are trying to do is to allow them to use the money—that little bit of money they get from the Federal Government—as effectively as possible.

I had an intern who worked for me. He had been a principal at a school and he got a leave of absence. He came to Washington and did a little checking to see what happened to the paperwork he had to fill out for years and years. He was delighted to find that every piece of paper he sent back to Washington was well read. It was examined to make sure every t was crossed and every i was dotted. It was examined to make sure every blank was filled in, and that it was filled in properly.

What he was disappointed to find out was that that was the end of the road for that piece of paper. We provide 6 to 7 percent of the money, depending on whose figures you use, and we force over 50 percent of the paperwork. How do we do that? We build a huge bureaucracy in Washington. Every time we do a new program or add more funding to a program, we hire more bureaucrats in Washington; the money does not get to the classroom.

Throughout the debate, you will hear that we do not provide the money for—fill in the blank—or we do not provide enough money for—fill in the blank. Remember, what the Federal Government is doing is providing about 6 to 7 percent of the local funds. It is a State responsibility to provide education. They have been doing it. They have had the main role in doing it.

In Wyoming, we have a provision in our State constitution that says all children will have an equal opportunity for education. We have had court cases over the years that have determined the money has to go to the State and the State has to distribute it on an equal basis, so that all kids get an equal education.

That is a difficult thing to do. We have a lot of rural communities. When you have rural communities, they have different needs and different capabilities than a city. A big high school in a city might be able to provide a wide range of courses. A small rural area might only be able to offer the basic courses. Is that an equal education? It is very difficult to determine.

But it sounds to me, from a lot of the discussion, that it is time we press the States to make sure they are providing an equal education. It has not been our fault that some schools get a lot more funding and some schools get a lot less funding. There are some exceptions, and we try to take care of those exceptions. But I do not think we are placing nearly enough pressure on the States to do the job of having equality that would solve a lot of the problems we are talking about in this Chamber.

But today I mainly want to talk about the issue of technology. Senator DORGAN brought that up early this morning. He and I have an amendment on which we have been working. Senator CANTWELL and I have been working on another amendment.

Mr. President, as a former computer programmer and someone who is very interested in technology and all its applications, I am glad to know that increasing access to technology has been receiving national attention. While technology can never replace a caring, qualified teacher or involved parents, it can open a child's eyes to worlds they might otherwise never have a chance to experience. I firmly believe that the educational opportunities afforded by technology can and should be harnessed in a child's pursuit of academic success. There is also evidence that the need for skilled workers is rising and technology is becoming an increasingly valuable asset as students move from the classroom into the job market. I have been disappointed to see that over the past few years the Federal Government has tried to support educational technology through a fragmented set of programs with money flowing through multiple bureaucratic agencies. This kind of disorganized Federal funding has generated tremendous amount of bureaucratic redtape that has not helped States and local school districts ensure that all children have access to technology.

The legislation that we are debating today, the overall bill, S. 1, the Better Education for Students and Teachers Act, changes all this. It consolidates current technology programs authorized through the Elementary and secondary Education Act to create a targeted State formula program geared towards improving the use of technology in the classroom. This change in the structure of Federal technology programs is a great thing for small or predominantly rural States such as Wyoming, which may not receive enough money from a particular categorical program, as I mentioned earlier, to effectively achieve the goal of increasing technology. When this legislation passes, Wyoming will have the ability to use Federal funds to implement the technology programs they believe will be most useful to students. This legislation also makes it easier for States that may not have the resources to hire a professional grant writer and are therefore at a disadvantage when it comes to applying for the competitive grants that have traditionally been used to allocate technology funding.

Under this new formula, States will have the flexibility to implement technology to support and expand school reform efforts with a focus on improving student achievement and academic performance, provide ongoing professional development to help integrate technology into school curriculum, acquire hardware and software, and repair and maintain school technology equipment.

The Better Education for Students and Teachers Act supports a comprehensive system to effectively use technology in elementary and secondary schools to improve academic achievement and student performance. Specifically, the goal of title II, part C of this legislation is to assist every student in crossing the digital divide by ensuring that every child is technologically literate by the time they finish the eighth grade.

I am pleased to report that Senator DORGAN and I have completed work on an amendment that will help to give rural schools comprehensive assistance to make sure that our children have the technological background they will need to be successful in the 21st century. Senator CANTWELL and I have also drafted an amendment that will help ensure that the findings of the Web-based Education Commission, of which I was a member, are used to allow States and local school districts to effectively implement technology in a variety of areas.

With the increasing national focus on technology, I am pleased to report the State of Wyoming has determined that technology is so critical to their educational success that they have put considerable time and effort into the development, ongoing implementation, and revision of a comprehensive education technology plan. This plan does a great job of identifying Wyoming's needs, defining our infrastructure requirements, articulating goals for educational technology, and proposing strategies for achieving these goals. It was complied by teachers, school boards, communities, libraries, State agencies, businesses, and other interested citizens from around the State.

Wyoming outlined some ambitious objectives in their technology plan, such as establishing educational partnerships among public and private entities, implementing improved professional development geared towards technology, integrating technology into instructional delivery systems, providing equal access to interactive information resources for all students, and creating an evaluation process to determine if their plan is working. As Federal legislators we must clear away any obstacles and unnecessary redtape that would slow or stop the implementation of the goals that so many people in Wyoming have worked so hard to develop.

I would also like to stress that the appropriate use of technology in education can and should go beyond the classroom. For example, Wyoming has also done a great job of utilizing Federal technology funds in an innovative way by establishing a website—that is, www.wyoming.edgate.org—that provides services for students, teachers and parents. If you want to know how your child's school is doing, you can go to the web site and find out. This website also allows teachers to access innovative curriculum ideas, gain information about professional development options, or access the latest information on teaching techniques. Students can get help on their homework. They can view notes from their teachers, or even research a science project. Parents have the ability to check on their child's homework assignments, gain information on options for paying for college, get ideas about how to talk to their kids about drugs, or even check their school's test scores to ensure instant accountability. While Wyoming was able to use Federal funds for this program, current law required the State to expend valuable time and resources to get a waiver from the Federal Government.

I am also very pleased with Wyoming's efforts to develop a distance education system that will allow kids in any high school across the State to participate in courses such as advanced placement English and calculus, Japanese, Russian, art history, sociology, anthropology, and on and on. It has made selection of classes in the very rural schools much greater than it was before.

Considering the rural and sometimes geographically isolated nature of some of Wyoming's communities, it is a tremendous asset. This type of distance learning will allow an unprecedented level of educational equity in my State, where students in small schools that serve 20 students or less will be able to receive the same diversity in course offerings as students in the much larger schools. It will also allow areas that have difficulty recruiting and retaining teachers to share in the teaching expertise of other areas of the State without traveling the miles and miles and miles.

The same distance learning system also provides Wyoming with great opportunities for providing continuity in our professional development programs. Teachers from around the State will now have the chance to participate in proven and effective professional development that will improve the educational opportunities for all of our students.

Speaking of professional development efforts that incorporate technology, I have been very impressed by the work of project WYO.BEST. This pilot program in Platte County School District No. 1 in Wheatland, WY, has been working to help teachers improve their ability to teach in a standards-based, technology-enriched environment geared towards improving student learning and achievement, and they have been doing this since 1997. Over 100 teachers in southeast Wyoming have received sustained training and mentoring in student-centered instructional approaches, in standards-based instruction, and in technology integration. All of this has been done under the guidance of their director of instruction, Roger Clark. I take this opportunity to commend him for his efforts.

The progress that has been made by the State of Wyoming is impressive, but we are certainly not alone. States across the country have been making tremendous progress not only in incorporating effective uses of technology in the classroom but in preparing students to pursue technical careers after graduation.

A good example of this is the PPEP TECH High School in Tucson, AZ, which I recently had a chance to visit. This school is part of a publicly financed statewide system that provides an alternative educational program for students age 15 through 21 in grades 9–12. The school's primary focus is on providing high academic standards and technological training for the children of migrant and seasonal farm workers in rural Arizona and for at-risk students, high school dropouts, or students who work. Each student is actively engaged in an individualized educational program that helps them obtain a high school diploma, improve their job skills, and continue on the postsecondary education.

Laptop computers and 1–800 numbers allow the children of migrant workers to move frequently and still work with the same teachers. They submit their homework; they get their grades by using the Internet. Here is an effort to make sure that no child is left behind.

I have also been very impressed with the efforts of an organization called the JASON Project. This organization offers students and teachers in grades 4–9 a comprehensive multimedia approach to enhanced teaching and learning in science, technology, math, geography, and associated disciplines. Included in the project's components are State-aligned curricula, video programming, satellite transmissions, online activities, and professional development training. Hands-on learning is provided for the visual learners, while sounds help oral learners to achieve. I am pleased to report that 35 teachers in Freemont County, WY, are currently preparing to receive training that will enable them to participate in this program.

The JASON Project provides a new program topic each year. For example, the 2001–2002 school topic of "Frozen Worlds" will take students and teachers on a virtual adventure of some of the colder regions of our planet and solar system, such as Alaska and the polar regions. Students will then examine research questions such as what are the dynamic systems of earth and space; how do these systems affect life on earth; what technologies do we use to study these systems; and why.

As you can see, there are many options that allow teachers and students to integrate technology into the classroom. Our first responsibility as Federal legislators is making sure States and local school districts have the ability to implement the programs they feel are most effective.

Once again, I commend my colleagues on the Health, Education, Labor and Pensions Committee on their hard work on this legislation. I intend to support S. 1 and any other legislation that helps States such as Wyoming by giving them the flexibility they need to determine the best way they can help their own students gain access to technology.

I encourage my colleagues to do the same.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask for 3 additional minutes: 1 minute for the Senator from Louisiana, I would like 1 minute, and 1 minute for the Senator from Tennessee.

Mr. REID. Mr. President, if the Senator from Massachusetts will yield, would the Senator also ask en bloc for the yeas and nays on both amendments?

Mr. KENNEDY. I ask for the yeas and nays on both amendments, Mr. President.

The PRESIDING OFFICER. Is there objection to ordering the yeas and nays with a show of hands? Without objection, it is so ordered.

Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I rise to say that I am looking forward to supporting the Landrieu amendment. It is an excellent amendment. It will, as she pointed out, give greater targeting of resources to the children who most need it.

I am strongly in support of the Bond amendment.

We are asking all of those colleagues who have amendments to bring these amendments up. We have been on this bill one way or the other for 7 weeks. Now the leader has indicated to me that we are going to stay until we finish this bill this week. Members must bring up their amendments. Otherwise, we will establish a time for the completion of the bill, and Members will have to come over and object and we will consider their amendments then. The leader has said we will stay this week until we finish.

It is Monday now. I hope we can. It is a good bill. We want to consider other amendments that are necessary, but we insist now that Members come over and offer their amendments so we can complete consideration of the bill.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. FRIST. Mr. President, I want to reiterate the importance of having the amendments before us. We have been able to go through a large number of amendments. We agreed upon several about an hour and a half ago. It is very important that people understand that in order to fulfill the will of the American people to really make sure we leave no child behind, we have to finish consideration of the bill. We would like to finish as soon as we can.

I, too, support the Bond amendment and the Landrieu amendment, both of which involve no new programs, no new money, both of which I believe improve the underlying bill.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, in closing, I again thank Senators KENNEDY, FRIST, DEWINE, LIEBERMAN, CARPER, and others, for the bipartisan support of this important amendment to a very important bill.

We have spent 2 hours speaking about the history of title I, the good intentions in the way it was originally crafted, but how over time, for understandable reasons, it has been diluted and is no longer effective, particularly to try to meet the challenges this new piece of legislation, this reform piece of legislation, will present.

We have talked about the success stories of title I—that when it is properly directed, it can work because it can reduce class size, extend school time, support students in their learning, providing the help in the classroom where these children need it the most.

Let me use 30 seconds in my closing to dispel something that some Members have a question about. The question is, Will my State lose money?

The answer is no. In this amendment, there is a hold harmless provision. No State will lose money. For the record, let me say, Iowa moves from $53 million to $69 million, based on a $3.7 billion investment; Connecticut will move from $82 million to $108 million; Delaware will go from $22 million to $31 million; Massachusetts will go from $177 million to $215 million; Ohio goes from $298 million to $412 million; Louisiana, my home State, goes from $187 million to $279 million. But no State loses money.

Let me say that title I should be about funding children. It should be about giving children a chance, being a partner with children. Whether they live in rural or urban areas, they are poor; they don't live in districts with large companies and a big tax base. If we don't help, no one will. This amendment is the right thing to do. I ask for a good vote on this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that prior to the Landrieu vote, the second in order, there be 1 minute on each side before the vote occurs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the vote will now occur in relation to amendment No. 476 offered by the Senator from Missouri.

The yeas and nays have been ordered.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent delivering a commencement address.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Illinois (Mr. DURBIN) would each vote "aye."

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) and the Senator from Oregon (Mr. SMITH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—93

Akaka
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—7

Baucus
Biden
Durbin
Gregg
Inouye
Kerry
Smith (OR)

The amendment (No. 476), as modified, was agreed to.

• Mr. BAUCUS. Mr. President, I regret that I was delayed in reaching the Senate floor and missed the vote on Senator BOND's amendment to the Better Education for Students and Teachers Act that would serve to strengthen parental involvement in the education of their child.

I feel very strongly that parents should play an active and informed role in the education of their child, and I am pleased that my colleague, Senator BOND, offered an amendment to further encourage active and informed parental involvement.

Recent studies have helped us better understand the role that our biological development plays in our ability to learn and understand. These studies reinforce the need for early and consistent parental involvement in their child's social and cognitive development.

While I regret being absent during this vote, I am pleased that the Senate overwhelmingly agreed to this amendment. Helping parents better understand their child's developmental stages, and offering more ways for them to be involved in their child's education, will certainly lead to better education programs and more opportunities for our children.•

Mr. KENNEDY. I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 475

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 1 minute to the Senator from Connecticut.

Mr. LIEBERMAN. I speak in the absence of the Senator from Louisiana who is privileged to be off the floor with her mother and father. On behalf of this amendment, which Senator LANDRIEU, Senator DEWINE, and I have cosponsored, we have come together on a bipartisan basis on the policy in this bill to demand educational results for the children of our country.

Mr. BYRD. Mr. President, the Senate is not in order. I hope the Chair will use that gavel vigorously. It will not crack. It only cracked once in the history of the Senate.

Mr. LIEBERMAN. In an effort to maintain order, we now have the sponsor, and I yield to Senator LANDRIEU.

Ms. LANDRIEU. I ask for a vote on our amendment. We had a good 2-hour discussion about targeting the funds. As I said in my presentation, no State will lose money. There is a hold harmless provision in this amendment. Every State will gain money. Most importantly, this amendment is there for every child who needs a helping hand, every child who needs the Federal Government to be a partner, so we can make sure these children meet their requirements. That is what this amendment does.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. FRIST. I yield back our time.

The PRESIDING OFFICER. The Senator from Iowa?

Mr. HARKIN. Mr. President, I ask unanimous consent to speak for 1 minute in opposition to the Landrieu amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, as a member of the authorizing committee, and as now chairman of the Appropriations subcommittee on education, we put two programs in here in 1994. One was the targeted program. That is fine. But then we also put in there what we call the education finance incentive grant, which is otherwise known as effort in equity. In other words, a lot of States that need targeted grants, their State governments are not doing enough to target their money towards the poorer school districts. So we added—not just targeted—but we added—effort and equity. We wanted to see what was the State doing to equalize the funding between the richest districts and poorest districts. So we added that in as a formula also. This amendment only speaks to the targeted program and does nothing about effort and equity.

A 1998 GAO report found that Federal education programs provide an additional $4.73 for each poor student for every dollar provided for all children. In contrast, States provided 62 cents for each poor child for every dollar provided for all children.

Senator LANDRIEU's amendment seeks to improve this record for the Federal dollars. We can always do better, but Federal dollars alone cannot correct the serious deficiency experienced by many low-income school districts. We must also encourage states to help these districts.

The Targeted Grant and the Education Finance Incentive Grant, in tandem, would be a more effective way of helping get additional resources to local school districts.

By funding the two grants, we accomplish two goals. First we do a better job of targeting Federal funds. Second, we also provide States with a modest incentive to also help poor schools. The Federal Government cannot do this job alone.

As we proceed to the appropriations bill in the next few months I would like to work with the Senator from Louisiana to accomplish our mutual goal of getting more resources to the poorest school districts.

The PRESIDING OFFICER. One minute has expired.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS (when his name was called). Mr. President, Mr. INOUYE is necessarily absent. If he were to vote, he would vote "aye." If I were permitted to vote, I would vote "no." I withhold my vote and announce a pair with the Senator from Hawaii.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent delivering a commencement address.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Illinois (Mr. DURBIN) would each vote "aye."

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) and the Senator from Oregon (Mr. SMITH) are necessarily absent.

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 36, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—57

Akaka
Baucus
Bayh
Bennett
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Cleland
Clinton
Conrad
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Graham
Hatch
Hollings
Hutchinson
Hutchison
Kennedy
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Specter
Stabenow
Torricelli
Voinovich
Wellstone
Wyden

NAYS—36

Allard
Allen
Bond
Brownback
Bunning
Burns
Campbell
Carnahan
Cochran
Collins
Corzine
Craig
Crapo
Ensign
Enzi
Gramm
Grassley
Hagel
Harkin
Helms
Inhofe
Jeffords
Johnson
Kyl
Lott
Lugar
McConnell
Nickles
Roberts
Santorum
Smith (NH)
Snowe
Thomas
Thompson
Thurmond
Warner

PRESENT AND GIVING A LIVE PAIR—1

Stevens

NOT VOTING—6

Biden
Durbin
Gregg
Inouye
Kerry
Smith (OR)

The amendment (No. 475) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 405, WITHDRAWN

Mr. WYDEN. Madam President, I ask unanimous consent to withdraw amendment No. 405 from the submitted amendments eligible for consideration to the bill, call up amendment 450, to modify my amendment, and to send my modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 450, AS MODIFIED, TO AMENDMENT NO. 358

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The senior assistant bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Mr. SESSIONS, Mr. DURBIN, Ms. LANDRIEU, Mr. BREAUX, and Ms. MIKULSKI, proposes an amendment numbered 450, as modified.

Mr. WYDEN. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 450) as modified, is as follows:

(Purpose: To provide Federal support through a new demonstration program to States and local educational agencies, to enable the States and agencies to develop models for high quality summer academic enrichment programs that are specifically designed to help public school students who are not meeting State-determined performance standards)

On page 778, strike line 21 and insert the following:

"PART C—STUDENT EDUCATION ENRICHMENT

"SEC. 6301. SHORT TITLE.

"This part may be cited as the 'Student Education Enrichment Demonstration Act'.

"SEC. 6302. PURPOSE.

"The purpose of this part is to establish a demonstration program that provides Federal support to States and local educational agencies to provide high quality summer academic enrichment programs, for public school students who are struggling academically, that are implemented as part of statewide education accountability programs.

"SEC. 6303. DEFINITION.

"In this part, the term 'student' means an elementary school or secondary school student.

"SEC. 6304. GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary shall establish a demonstration program through which the Secretary shall make grants to State educational agencies, on a competitive basis, to enable the agencies to assist local educational agencies in carrying out high quality summer academic enrichment programs as part of statewide education accountability programs.

"(b) ELIGIBILITY.—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

"(1) have in effect all standards and assessments required under section 1111; and

"(2) compile and annually distribute to parents a public school report card that, at a minimum, includes information on student and school performance for each of the assessments required under section 1111.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—Such application shall include—

"(A) information describing specific measurable goals and objectives to be achieved in the State through the summer academic enrichment programs carried out under this part, which may include specific measurable annual educational goals and objectives relating to—

"(i) increased student academic achievement;

"(ii) decreased student dropout rates; or

"(iii) such other factors as the State educational agency may choose to measure; and

"(B) information on criteria, established or adopted by the State, that—

"(i) the State will use to select local educational agencies for participation in the summer academic enrichment programs carried out under this part; and

"(ii) at a minimum, will assure that grants provided under this part are provided to—

"(I) the local educational agencies in the State that—

"(aa) are serving more than 1 school identified for school improvement under section 1116(c); and "(bb) have the highest percentages of students not achieving a proficient level of performance on State assessments required under section 1111;

"(II) local educational agencies that submit grant applications under section 6305 describing programs that the State determines would be both highly successful and replicable; and

"(III) an assortment of local educational agencies serving urban, suburban, and rural areas.

"SEC. 6305. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—

"(1) FIRST YEAR.—

"(A) IN GENERAL.—For the first year that a State educational agency receives a grant under this part, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

"(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

"(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

"(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

"(iii) to assist the agencies in planning activities to be carried out under this part.

"(2) SUCCEEDING YEARS.—

"(A) IN GENERAL.—For the second and third year that a State educational agency receives a grant under this part, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

"(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

"(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

"(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

"(iii) to assist the agencies in evaluating activities carried out under this part.

"(b) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing by such information as the Secretary or the State may require.

"(2) CONTENTS.—The State shall require that such an application shall include, to the greatest extent practicable—

"(A) information that—

"(i) demonstrates that the local educational agency will carry out a summer academic enrichment program funded under this section—

"(I) that provides intensive high quality programs that are aligned with challenging State content and student performance standards and that are focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

"(II) that focuses on accelerated learning so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments required under section 1111;

"(III) that is based on, and incorporates best practices developed from, research-based enrichment methods and practices;

"(IV) that has a proposed curriculum that is directly aligned with State content and student performance standards;

"(V) for which only teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the program;

"(VI) that offers to staff in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

"(VII) that incorporates a parental involvement component that seeks to involve parents in the program's topics and students' daily activities;

"(ii) may include—

"(I) the proposed curriculum for the summer academic enrichment program;

"(II) the local educational agency's plan for recruiting highly qualified and highly effective teachers to participate in the program; and

"(III) a schedule for the program that indicates that the program is of sufficient duration and intensity to achieve the State's goals and objectives described in section 6304(c)(2)(A); and

"(iii) shall include an explanation of how the local educational agency will develop and utilize individualized learning plans that outline the steps to be taken to help each student successfully meet that State's academic standards upon completion of the summer academic program;

"(B) an outline indicating how the local educational agency will utilize other applicable Federal, State, local, or other funds, other than funds made available through the grant, to support the program;

"(C) an explanation of how the local educational agency will ensure that only highly qualified personnel who volunteer to work with the type of student targeted for the program will work with the program and that the instruction provided through the program will be provided by qualified teachers;

"(D) an explanation of the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided for staff of the program;

"(E) an explanation of the facilities to be used for the program;

"(F) an explanation regarding the duration of the periods of time that students and teachers in the program will have contact for instructional purposes (such as the hours per day and days per week of that contact, and the total length of the program);

"(G) an explanation of the proposed student/teacher ratio for the program, analyzed by grade level;

"(H) an explanation of the grade levels that will be served by the program;

"(I) an explanation of the approximate cost per student for the program;

"(J) an explanation of the salary costs for teachers in the program;

"(K) a description of a method for evaluating the effectiveness of the program at the local level;

"(L) information describing specific measurable goals and objectives, for each academic subject in which the program will provide instruction, that are consistent with, or more rigorous than, the annual measurable objectives for adequate yearly progress established by the State under section 1111;

"(M) a description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement;

"(N) a description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the agency for the program, from the State educational agency or other entities with demonstrated success in using the curriculum; and

"(O) a description of the supplemental educational and related services that the local educational agency will provide to students not meeting State academic standards and a description of the additional or alternative programs (other than summer academic enrichment programs) that the local educational agency will provide to students who continue to fail to meet State academic standards, after participating in such programs.

"(c) PRIORITY.—In making grants under this section, the State educational agency shall give priority to applicants who demonstrate a high level of need for the summer academic enrichment programs.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 50 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

"SEC. 6306. SUPPLEMENT NOT SUPPLANT.

"Funds appropriated pursuant to the authority of this part shall be used to supplement and not supplant other Federal, State, and local public or private funds expended to provide academic enrichment programs.

"SEC. 6307. REPORTS.

"(a) STATE REPORTS.—Each State educational agency that receives a grant under this part shall annually prepare and submit to the Secretary a report. The report shall describe—

"(1) the method the State educational agency used to make grants to eligible local educational agencies and to provide assistance to schools under this part;

"(2) the specific measurable goals and objectives described in section 6304(c)(2)(A) for the State as a whole and the extent to which the State met each of the goals and objectives in the year preceding the submission of the report;

"(3) the specific measurable goals and objectives described in section 6305(b)(2)(L) for each of the local educational agencies receiving a grant under this part in the State and the extent to which each of the agencies met each of the goals and objectives in that preceding year;

"(4) the steps that the State will take to ensure that any such local educational agency who did not meet the goals and objectives in that year will meet the goals and objectives in the year following the submission of the report or the plan that the State has for revoking the grant of such an agency and redistributing the grant funds to existing or new programs;

"(5) how eligible local educational agencies and schools used funds provided by the State educational agency under this part; and

“(6) the degree to which progress has been made toward meeting the goals and objectives described in section 6304(c)(2)(A).

“(b) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to Congress a report. The report shall describe—

“(1) the methods the State educational agencies used to make grants to eligible local educational agencies and to provide assistance to schools under this part;

“(2) how eligible local educational agencies and schools used funds provided under this part; and

“(3) the degree to which progress has been made toward meeting the goals and objectives described in sections 6304(c)(2)(A) and 6305(b)(2)(L).

“(c) GOVERNMENT ACCOUNTING OFFICE REPORT TO CONGRESS.—The Comptroller General of the United States shall conduct a study regarding the demonstration program carried out under this part and the impact of the program on student achievement. The Comptroller General shall prepare and submit to Congress a report containing the results of the study.

“SEC. 6308. ADMINISTRATION.

“The Secretary shall develop program guidelines for and oversee the demonstration program carried out under this part.

“SEC. 6309. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $25,000,000 for each of fiscal years 2002 through 2004.

“SEC. 6310. TERMINATION.

“The authority provided by this part terminates 3 years after the date of enactment of the Better Education for Students and Teachers Act.”.

Mr. WYDEN. Madam President, let me begin by especially thanking two of our colleagues as we begin this debate about a part of this country's educational system that, unfortunately, has gotten short shrift. For the next few minutes we are going to talk about summer school, which I think is a critical time between the spring achievement tests that our youngsters take and that time in the fall when it is so critical to evaluate their performance for the upcoming school year.

Suffice it to say, what the Senator from Alabama and the Senator from Illinois, Mr. DURBIN, and I would like to do is have an opportunity to supercharge those few months in an effort to beef up the test scores, particularly the test scores of math and science, for youngsters across this country.

What Senator SESSIONS and Senator DURBIN and I envision is establishing a new demonstration program that would empower States and local educational agencies to develop models for exceptionally high-quality summer academic enrichment programs that would be designed to help public school students meet those achievement requirements being required by the States in the performance standards that are being established.

For me, it all came down to what Nehemiah Vaughn told me in Portland not long ago when he was going into the sixth grade. Nehemiah Vaughn told me: Summer school, Mr. Senator, is helping me to raise my grades.

I think, as we look at educational reform in this country, we ought to think about what students and families are telling us. For example, in Baltimore—and we know our colleague, Senator MIKULSKI, has been very interested in these education issues—the Baltimore Sun had an exceptionally important article a few days ago indicating that more than 30,000 children—nearly one-third of Baltimore's public school population—had failed to meet the tough new promotion standards and were being directed to summer school.

So this legislation, which Senator SESSIONS and I have worked on for many months, on a bipartisan basis, with Senator DURBIN especially—and we are pleased to have Senator LANDRIEU, Senator BREAUX, and Senator MIKULSKI as bipartisan cosponsors—is an effort to develop these model projects around the country that can be duplicated in the years ahead.

We are not saying that we can spend an unlimited sum of money at this point, but we are saying that $25 million is a modest amount of money to spend each year over the next few years to set in place these demonstration projects which we believe would then be projects that could be duplicated in school districts across this country.

For example, Senator DURBIN has done very important work with the Chicago program which is called the Public School Summer Bridge Program. I happen to share his view that it is going to take a substantial investment in the years ahead to strengthen these summer school programs.

Frankly, I would like to be able to invest a bit more in those programs now. I think it is critically important that one of those major urban school districts be part of the set of programs that are selected when these programs are evaluated by the experts in the field. So I want it understood that his contribution, in my view, is extremely important.

I also note the chairman of the committee, Senator KENNEDY, is with us. He has again and again and again raised these issues in this Senate Chamber. I think this country is very fortunate that someone is in this Chamber who consistently makes it impossible for the Senate to forget these priorities. I express my appreciation to the chairman of the committee as well for all of his help, and that of the staff.

Finally, I will yield to my colleague from Alabama. He and I have been talking about this effort for more than a year. I have always thought that the really important work for this country can only be accomplished on a bipartisan basis. I think it is clear that when we look at the future of education, it does not get much more important than summer school.

It is our hope, the hope of Senator SESSIONS and I, and Senator DURBIN, that after we get the results of these demonstration projects—and we see what works and what is most cost effective—we can be in this Chamber again, on a bipartisan basis, making the case to our colleagues that these are the kinds of programs that are going to allow us to use those months, those precious months between the spring achievement tests and the fall, to make sure that when young people leave in the spring they say more than: See you in September; that they say: See you in summer school, and that they and their families know the programs that truly make a difference.

I yield the floor and especially thank my colleague, Senator SESSIONS, from Alabama who has worked with me on this for more than a year. And I also recognize the critically important work of Senator DURBIN.

I think when we get the results of these demonstration projects, you are going to see the bipartisan team that has advanced this demonstration project effort back in this Chamber again saying that now this country has to make a truly significant investment in summer school because these are programs that make a difference.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I join with Senator WYDEN in our concern that summer not be a vacuum for children. I have had, for quite a number of years, a deep concern that children are losing too much over the summer.

Every child perhaps does not need to go to summer school. I am not perfectly sure how it ought to work. But ultimately I think we have the question of whether or not we could do a better job in the summer.

We do know this. We do know that in an age where we are doing a better job of testing, we are finding that children are falling behind. We have seen some studies that indicate the normal summer school programs of today have not been very effective in helping those children who fall behind. So it strikes me as perfectly good sense and good public policy for the U.S. Government to be involved in helping to identify how education is occurring, where the problems are, and to do good scientific research to help our States and local school systems to best understand what is occurring and how they might, with frugal and wise use of their money, get the most learning possible by each and every child in a school system.

A few years ago, Senator FEINSTEIN and I offered a very serious amendment to end social promotion. Social promotion is a system where a child is clearly falling behind the minimum standards of education, yet they are passed on because people think that helps them socially.

Dr. Paige, the Secretary of Education, from the Houston school system became the superintendent of that school system when only 37 percent of the students were passing the Houston basic education test. He decided to make some serious changes. One of the changes he made was to end social promotion and to provide more incentives to help children who were falling behind. In 5 years, those passing that test went from 37 percent to 73 percent. This was in a huge 210,000-student system in Houston, TX, one of the largest school systems in America, facing all the problems that a big inner-city school system would face.

He took those tough positions because he loved those children. He did not want to see them just be passed along and not learn, to be not up to the level they needed to be, finally reaching a level in school where they were so far behind, they just dropped out. That is the pattern he said he saw and was determined to end, and he did a remarkable job when he was in Houston of ending that cycle.

The goal is for us to be a lot more serious about education. The goal has to be to have some change in education. Senator WYDEN is correct: We need to ask some of these questions. We need to know what is occurring in our school systems.

One of the things that is plain and simple is, perhaps if we can identify children who are falling behind in early grades and provide them with a high-quality, well-managed summer school program, we just may be able to achieve special results for those children. And then when they come back in September, instead of falling even further behind during the summer, they are up and ready to compete with the other children in that class.

One of the things I strongly believe is appropriate for the Federal Government to do is to do this kind of research. So we are going to have the Department of Education review these programs, these programs in each one of these pilot five States that will be selected. They will be required to submit intense data on what they have done and how they did it. We will have the General Accounting Office as an additional independent evaluator of these school systems.

Maybe when we look at them around the country, we can say: This clearly works, this is real progress; or, this did not show much good progress. We can use that information to challenge every school system in America to use the best available scientific evidence to plan a summer school program that works for every child and focuses not just on going through the motions of a summer school but actually bringing a child up who has fallen behind, getting them ready to start in the fall, motivating them with more confidence than they would have otherwise had.

I am honored to join Senator WYDEN on this legislation. We are starting the right way. It has the potential to provide us information that could be extraordinarily valuable. I thank him for his commitment and leadership. I thank Senator DURBIN, who also is strongly committed to summer school programs, for working with us on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank Senators WYDEN and SESSIONS and others for bringing this amendment to the attention of the Senate. In a few moments, I will urge that the Senate accept the amendment.

I want to mention to the two sponsors a very interesting program we had in Boston last summer that was a result of the leadership provided by the Federal Reserve in Boston and the PIC and Tom Payzant, who is the superintendent of schools. What they did is provide, with the summer employment program of the mayors, 2 hours of reading for a 6-week period to students who the principals of various schools thought would have difficulty with what they call the MCAS, which is our sort of NAEP test, the principal test that is given statewide and the child cannot graduate unless that child is going to pass the test.

They had some 260 students who were involved in that program. The average progress that was made was 1.7 years. No student advanced less than a year, and many of them were at least 2 years or above. It was the combination of the school system working, in this case, with the PIC, which is a combination of the industries, in this case in Boston, really one of the best of the PICs that exist not only in our State but in the country, really outstanding leaders in the business community, the labor community, the education community, and the school system. They made it an objective to try to take the summer employment program and add the educational component to it.

This year they are going to have it for 460 students. That might not be the best one even for Springfield, MA, let alone for Seattle or Portland but, nonetheless, it is working. It is an innovative and creative way of trying to develop an education program that is also an employment program where in many instances these children need the employment in the summer as well as the educational program.

As I understand, you have sufficient flexibility in the development of this program to try to sort of challenge local communities to find ways in which you can enhance academic achievement in the course of the summer program. At least in Boston it works very well.

I was in a plane just last week talking to one of the stewardesses whose family was located in North Carolina. The child was in one of the early grades and had not quite done as well as they should, just missed narrowly, and only had 5 days of a summer program. But the parents were very supportive of it. The child was rather excited about it because they were going to get caught up to the rest of the class.

The summer programs are here to stay, hopefully in ways that are going to reach out to children at the lower levels as well as children moving through the middle schools and high schools.

One of the things I find most appealing is the good amendment you pointed out to try to find out what is happening out there across the country, what is working, what is demonstrating good results. The summer is really going to be a key time in terms of helping children.

The last point I will make is that in looking at the country and trying to enhance education accomplishment, most educators would say, particularly for children who are hard-pressed, that the summer interlude is a dangerous time. Children fall behind. A lot of it is that they are sort of moving along, gradually making some progress. Then they run into the summertime, and they fall behind again; they have to start over again. So this summer period—trying to find ways in which they can have effective programs so children who may be behind a little bit can catch up, get some advantage, retain the knowledge they may have gained, get some advantage in making up for perhaps some other area of need—makes them better prepared in the next full period. All of this deserves our thought.

The good amendment is going to help us do some important work in this area. I thank the two Senators for their initiative and those the good Senators have referenced for their help as well.

If there is no further comment, I ask, what is the question before the Senate at the present time?

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 450, as modified.

The amendment (No. 450), as modified, was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL FOOD FOR EDUCATION AND NUTRITION ACT OF 2001

Mr. DEWINE. Mr. President, I rise this afternoon to join my distinguished colleagues, Senators LUGAR, LEAHY, HARKIN, DURBIN, and others, as well as Representative JO ANN EMERSON and Representative JIM MCGOVERN in the House, to speak in favor of the International Food For Education and Nutrition Act of 2001.

Mr. President, former Senators Bob Dole and Senator George McGovern developed the concept of this bipartisan bill last year. This legislation, which links food to education, is really brilliant in its simplicity, by making permanent an existing international school nutrition pilot program.

These two dedicated public servants, Senator Dole and Senator McGovern, worked tirelessly in the Senate in years past to feed needy children both in this country and around the world. Because of them and because of their leadership and their vision, millions and millions of children have received nutritious meals and an education. Through their efforts, they have given millions of children hope and a future.

Mr. President, nearly 30 years ago, on this Senate floor, Senator Bob Dole and Senator George McGovern formed a bipartisan coalition on matters that had to do with agriculture and domestic food assistance. They led the way in putting in place an expanded network of food stamps for the poor, school lunches and breakfast on a much wider scale, a supplementary feeding program for low-income pregnant and nursing mothers and their infants, and nutrition guidelines for the American people.

Indeed, Senators Dole and McGovern, through their words and their deeds, have demonstrated a deep and enduring commitment to children around the globe.

But there is still more to do—much more. Today, we still cannot understate the importance of school feeding programs in impoverished countries throughout this world. Currently, there are hundreds of millions of children worldwide who are not enrolled in school, in part because of hunger or malnourishment. We know if there is food at school, children will come, children will attend. The fact is that school feeding programs can reach the poorest of the poor, providing necessary nutrition to children who often do not receive any other food throughout the entire day.

As a result, these programs have had a substantial and very positive impact on school enrollment levels and attendance. More and more children are going to school around the world, and more and more children are able to learn and become educated. With an education, a child has a future.

There is a very simplistic and important link between food and education. My wife, Fran, and I have seen it in our travels to Haiti. We have become good friends with Father Hagan—Tom Hagan—an American priest who works so very hard with the poorest of the poor in Haiti. One of the things that Father Hagan does, and is doing today, is making that link between food and education.

Father Tom waits until after the school year starts and he sees what children don't have the money, don't have the ability to enroll in school. He waits a couple weeks and then he opens up his school and takes those children in from the city of Port au Prince, the Cite-Soleil, the poorest part of the city, the slum, and provides them with education. He not only provides them with education, he provides them with what for most of them is the only meal they will receive, the only food they will receive all day. So the food serves as sort of a magnet, but, at the same time, it gives these young children the nourishment they need so they can concentrate and study and they can learn.

Fran and I have seen it firsthand in Haiti. We have seen it in Nicaragua, we have seen it in other countries where people are working to make a difference.

What this bill does is put the Congress and this country on record as saying we are committed to doing this around the world. We want to work with other countries and the United States to lead by example. We cannot do this all ourselves, but we can provide the initial leadership.

The specific initiative we are introducing today advances and expands current feeding programs by establishing the International Food for Education and Nutrition Program. This new program will enable the U.S. Department of Agriculture to use funds from the Commodity Credit Corporation to purchase U.S. agricultural commodities for use in global school feeding programs. These commodities then would be provided to private organizations for distribution in recipient countries throughout the world.

To facilitate enactment of these programs, our bill also would provide adequate funds for transportation and distribution costs associated with these efforts. It does no good to give food if you cannot get it distributed.

Our legislation stems from the 1-year pilot program I referenced a moment ago which Senators Dole and McGovern developed and the previous administration launched a year ago. Known as the Global Food for Education Initiative, this $300 million pilot program provides nutritious meals to children in 38 countries.

Under the program, 14 private volunteer organizations, together with the United Nations World Food Program, are working to provide a free breakfast or free lunch to some 7 million schoolchildren in developing countries. Our legislation is a perfect complement to the current Public Law 480 title II emergency feeding program which helps nourish more than 40 million children and adults worldwide.

Let me highlight just one of the many success stories we have already seen with the current pilot program.

In Cameroon, for example, we are providing nutritious meals to more than 50,000 schoolchildren, helping to increase school enrollment by over 50 percent and cutting the dropout rate for girls to virtually zero. These findings are not unique. We find, for example, similar success stories in Vietnam and in Honduras.

Our bill will continue to build upon the initial success of the pilot project, and we will make this program permanent. By making it permanent, we can reach even more impoverished children and have a lasting, long-term effect on global educational development and work to eradicate childhood hunger.

Furthermore, the investment in international school feeding programs not only will help children in developing countries, but it also will, of course, benefit our U.S. farmers. The program provides our farmers with a steady opportunity to sell the goods they produce. This is definitely a win-win situation.

I look forward to continuing our work on this important initiative, and I urge my colleagues to join in support of our legislation.

JAMES BOATWRIGHT, A VALUED SENATE EMPLOYEE

Mr. BINGAMAN. Mr. President, I take a moment on the Senate floor to state my sadness—and I am sure the sadness of many Senators—on the death of James Boatwright.

For all the years I have served in the Senate, James has worked in the Senate restaurant. He has been a friend of mine and to many of us. He has kept us informed and entertained with his stories about his golf game, his insights about life, and sports in general. He was a very real and valuable part of the Senate and he will be missed by all of us who knew him.

Mr. REID. Will the Senator yield?

Mr. BINGAMAN. I yield.

Mr. REID. I thank the Senator from New Mexico.

Not only was he a fixture in the restaurant, but he retired once. The reason his retirement was curtailed is that he, as the gracious, good man he was, cosigned a note for someone, and that person didn't pay that note. Rather than his defaulting on the note, he came back to work, out of his retirement, so he could do the honorable thing and pay that debt of someone else. He was a good man. I am sorry. I did not know of his passing until just now, and I certainly will miss him in the Senate restaurant.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to detail a terrible crime that occurred June 13, 2001 in Santa Maria, CA. Michael "Mike" Barry stabbed a gay man, Chris Allen Madden, 32, to death. Mike Barry, 21, was charged with murder and committing a hate crime. Barry allegedly bragged to friends that he "killed a faggot."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

EXECUTION OF TIMOTHY McVEIGH

Mr. FEINGOLD. Mr. President, on this day, my thoughts are with the victims of Timothy McVeigh, and with their families. I hope that the spectacle of these last few weeks, leading to this execution, has not caused them further pain. McVeigh was cowardly and cruel, and I shall not dwell upon his memory or indulge his desire to be seen as a martyr. I rise today to speak on his execution not because I wish to add to the burdens of this day, but because I do not want it said that those of us who oppose the death penalty stood silently by.

Today, the question we need to ask is not: Was McVeigh a despicable killer, of course he was.

Rather, the questions we should ask are these: Does the death penalty serve us and our best American ideals, does it always serve justice, is it administered fairly, is it sometimes imposed upon people who are innocent.

The records will note that the cause of McVeigh's death was homicide, the intentional killing of one human being by another. The execution of even this most notorious murderer should prompt us anew to reconsider the idea of our government killing people in our name, and perhaps to begin to acknowledge the growing American belief that the time has come to stop and learn the answers to the questions that plague the death penalty, before we proceed with any further executions.

We have an opportunity to turn another way on the death penalty. The next scheduled federal execution is that of Juan Raul Garza. His execution has been stayed until June 19 in light of the questions raised about regional and racial disparities in the federal death penalty system.

But the Justice Department now has declared that it will not wait until those questions are answered by an ongoing National Institute of Justice study before proceeding with his execution. They have gone so far as to declare that there is no bias in the system, even though the study has not come close to completion. Until we are certain of the fairness of the process and these questions are resolved, Garza should not be executed in our name. That's the real and difficult test that President Bush and Attorney General Ashcroft must face in the next few days. On this day, I hope that they will turn to it in earnest.

THE 65TH INFANTRY DIVISION

Mr. SPECTER. Mr. President, I have sought recognition today to commend the dedication and courage of the members of the 65th Infantry Division of the United States Army who fought in World War II.

The 65th Infantry Division was activated on August 16, 1943 at Camp Shelby, Mississippi under Major General Stanley E. Reinhart. Like many newly formed divisions in 1943, the men of the 65th Division traveled to different bases training in preparation for their participation in the battles across Europe during World War II.

On January 10, 1945, the 65th Infantry Division departed New York, and they arrived in Le Havre, France on January 21, 1945. On March 9, 1945, the division assembled near Ennery to relieve the 26th Infantry Division, defending Saarlautern Bridgehead from Orscholz to Wadgassen.

On March 13, 1945, the 261st Infantry Regiment crossed the Saar River near Menningen to clear the German defenders near the town of Merzig. On March 17, 1945, the 261st Infantry Regiment cleared the heights south of Merzig, and took the town of Killingen the following day. The rest of the division fought its way out of the bridgehead as the 259th Infantry Regiment captured the town of Fraulautern and the 260th Infantry Regiment seized Saarlauten on March 19, 1945. Then, the division fought its way through the West Wall and captured the town of Neunkirchen on March 21, 1945. It then assembled near Ottweiler for rest and rehabilitation.

After 10 days of rest, the 65th Infantry Division connected with the 6th Armored Division. Closing into the Schwabenheim area, the division crossed the Rhine River with both the 260th and 261st Infantry Regiments during the night of March 29, 1945. It attacked across the Fulda River on April 2 and reached the Reichensachen-Langenhain line on April 3, 1945. There the two divisions split. The same day the 259th Infantry Regiment crossed the Werra River, and continued to the Greuzberg area on April 4, 1945. The division assaulted the town of Langensalza, which fell on April 6, 1945, but a German counterattack overran a battalion of the 261st Infantry Regiment at Struth on April 7, 1945. The division restored the situation with air support and went into reserve on April 8, 1945, moving to the town of Berka on April 10, 1945.

The division moved to the town of Waltershausen on April 11, 1945 and then onto Arnstadt. On April 17, 1945 it assembled in the town of Bamberg and attacked toward Altdorf with the 259th and 260th Infantry Regiments the next day. The town of Neumarket was taken on April 23, 1945 and the division drove to the Rhine River against crumbling German resistance. The division established a bridgehead across the Danube River southwest of Regensburg despite strong opposition, especially against the 261st Infantry Regiment on April 26, 1945. The bridgehead was expanded allowing the 13th Armored Division to pass through. The 260th Infantry Regiment took Regensburg on April 27, 1945. The division followed the Armored Division and crossed the Isar River at Platting on May 1, 1945.

The 261st Infantry Regiment reached the Inn River at Passau on May 2, 1945 and assaulted across it at the town of Neuhaus. The town of Passau fell the next day and the 261st Infantry Regiment reached the Enns River and overran the town of Enns. The division crossed the Enns River on May 6, 1945, and made contact with the advancing Soviet Army in the vicinity of Strengberg.

The 65th Infantry Division reached Austria on May 4, 1945 and remained in Austria, under Brigadier General John E. Copeland until disbanded on August 31, 1945. Two hundred and thirty three men of the 65th Infantry Division were killed in action. Nine hundred and twenty-seven men were wounded in action.

In August of this year, the members of the 65th Infantry Division will gather for their 48th annual reunion in Pennsylvania. During their reunion, the men will be honored for their service with the dedication of a monument stone by the Freedoms Foundation at Valley Forge. The members of the 65th Infantry Division deserve this special recognition for their service, and I am pleased to be able to commend them on the floor of the United States Senate.

I ask unanimous consent to have printed in the RECORD the list of the names of the members of the 65th Infantry Division.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Robert D. Ackerman; Cecil C. Adams; Leo Adams; William R. Agnew; Raymond A. Aja; Harold M. Almasi; William D. Almond; John F. Amm; Edward W. Anderson; W.C. "Hap" Arnold; Howard B. Aronow; Ernie Bacco; James R. Bailey; Robert Baretz; Vincent T. Bartell; Bernard H. Beckstedt; Roland A. Bencivenni; James C. Benson; Ernest K. Berg, Jr.; Robert M. Bergeron; Philip Bianco; Norbert J. Bischoff; Thomas P. Black; Camille G. Blair; Major General John Blatsos; Carl A. Blim, Jr.; Sidney Bloombert; William L. Bock; Sylvester J. Bower; Patrick J. Bradley; Jake Brewer; Joe Briggs, Jr.; John Brooks; Robert L. Brown; Carlton Brownell; Sydney Bruskin; Richard Burdick; Joseph Cadenelli; Michael Calabrese; Ray Callanan; J.D. "Jerry" Camp; Herbert "Dave" Campbell.

Thomas Campell; Dominick J. Cardenal; Richard A. Carson; John T. Cary; Bernie Cencimino; Frank S. Cerchia; Stanley B. Chisholm; Robert H. Chism; Demo Christopoulos; Milton Ciment; Tom Clark; William O. Clark; Troyce J. Cofer; Bernard L. Cohen; Sidney Cohen; Roy C. Collins; Bill Corwin; Arthur D. Cree; Frank Cudney; Warren F. Cummins; James B. Curry; Francis M. Curtis; Bernard Cutler; Richard Czaia; Harry Daab; Gordon Dailey; Robert W. Day; Joseph Demarco; James H. Dickerson; Fred Diese; Charles F. Dischert; James E. Dorris; David A. Dosser; William J. Douglas; Robert B. Drake; Noel F. Duncan; Harold Dykes; John R. Edwards; E. William Ellis; Lyle G. Eyer; Patrick Fallar; Leslie J. Fant; George R. Farneth; William "Bill" Farrell.

Seymour Feinstein; Sidney Felix; Francis J. Finnegan; Charles W. Flock; Allen D. Flood; Howard Ford; Raymond F. Freer; Walter H. Fremd; Wilbur French; Anthony J. Frioni; James E. Furlan; Anthony J. Gagliardo; Joseph P. Gavaghan; Harold German; William E. Gibson; Tom Giggy; Jimmie Giles; Guido Girolami; Weldon C. Gold; Joe Gonzalez; Bernard Goodman; S.R. (Sanford) Gorin; Melvin E. Gorssman; Major G. W. Grant; Malcolm K. Grant; Harry J. Grimaldi; Charles Grof; Harry H. Gross; Allard L. Gustafson; Kenneth N. Hall; Mark W. Hannon; Maynard B. Hanson; Alvin E. Harris; Albert E. Harrop; Dan O. Harvill; William F. Hase; Robert W. Hellriegel; Robert Henager; Lynn Henneman; William F. Hennings; Richard Hennrick; Ray Henry; Clyde E. Hergert; John S. Hickey; Everette Hilfiker; Tommie Hill.

Theda Hollenbaugh; Luverne V. Hornbeck; Cliff Huffnagle; Douglas O. Hukkanen; Richard D. Hurley; Harold Hyde; Elbert Jackson; Robert Jacobson; Royce Jarrell; Mort Jenkins; Robert Jensen; C.A. Johannes; Finnis E. Jolly; Curtis B. Jones; Tommie Justice; Robert L. Kaiser; Milton Kaplan; Norman Kaplan; Richard Karon; Donald E. Keebler; Keith Kingsley; John K. Kirn; Burton Knowlton; Fred B. Kohl; Joseph Koosman; Hank Kulwicki; Jack R. Kurschner; Lynn M. LaBarre; Tommy A. Larned; Dante A. Laudi; John B. Law; Richard R. Lee; David Leshner; Ed Lewis; "Dick" Laurie O. Lieberg; William Linley; Lou Liss; Ronald E. Locke; Sanford Lockspeiser; Ray Long; Harold Low; Jay W. Lowry; Buford Lunsford; Thomas Mahovlich; Daniel O. Mallory; Chuck Manausa; Albert Mancinelli; Lionel C. Marcus.

Joseph F. Marino; Jack C. Martin; William R. Martindale; William D. Mason; John R. Massey; Jack W. Maxedon; Michael J. McCarthy; William E. McCloskey; John McClung; Norvin D. McClure; Jack C. McDermott; Harry McLinden; Charles Meany; William J. Mearls; Henry E. Medler; William H. Melton; William B. Meyer; Leroy O. Miller; William "Ben" Miller; Richard C. Minick; Edwin F. Mitesser; Thomas B. Montgomery; A.J. Morando; Fernando Moreno; S.L. (Ben) Morfino; Robert Morgenweck; Pellon Morris; Thomas D. Morrissey; Thomas E. Morton; Earl O. Moser; Charles Mote; John A. Moulder.

David Myers; Charles E. Myles; Ernest E. Nagy; Thomas D. Nash; Henry W. Nilges; Jim Nolan; Louis A. Nordone; Raymond B. Northfield; Duane E. Noyes; Chester A. Ogle; Gale K. O'Hatr; Ronald V. Ordway; Joseph Oriente; Leonard F. Owczarzak; Wayne L. Palmer; Charles Pappas; John L. Parker, Sr.; Robert Parman; Lyle J. Parnie; Robert F. Patton; Keith Perkins; Ed Petsuch; Frank A. Petterchak; Jay Piccinati; Max W. Pierce; Wallace Pink; Woodrow Plant; Walter E. Plants; Merritt A. Plantz; Harry Polche; George Polizio; Kenneth O. Polzin, Sr.; Arthur T. Priester; E.F. "Gene" Proffitt, Jr.; Newburn "Buck" Pryor; Clifford Ratliffe; Doyle Ream.

George W. Reed; George Regelski; Russell Rego; Alvin C. Rehkop; Max G. Rein; Joseph Resende; Donald C. Rhodes; Charles R. Rigby; Fred W. Rindhage; James E. Roberts; Joseph Rodino; Edmund H. Rogers, Jr.; Paul W. Roman; Victor Roper; William G. Roth; Lawrence H. Rouse; Edward W. Ruflin; Dean A. Ruggeberg; Edward A. Runyan; Joseph Russell; Thomas P. Ryan; William B. Sabey; Marvin Sadur; Ted L. Saks; Stan Sandage; W.B. "Sandy" Sanders; Anthony H. Santulli; Frank J. Sarnacki; Sgt. Kenneth F. Sass; Rollin C. Schaffer; Ralph Schenkel; Thomas C. Searle; Leo Serian; Peter J. Sferrazza; David Shaeffer; Dean Shepherd; James M. Shook; Thomas J. Shorte; Owen Shutt, Jr.; Edward E. Slettom; Joseph Smiroldo; Ira J. Smith, Jr.; Lawrence Smith, Jr.; Richard J. Smith; Thomas J. Smith; William Davis Smith; William L. Smith; Philip J. Somerville.

Paul A. St. Jean; Harry C. Starkey; Robert C. Steger, Jr.; Benjamin B. Stout; John T. Strashinsky; Meyer Strumwasser; Jesse C. Stultz; Thomas E. Stumpff; Charles H. Sullivan; Robert C. Sullivan; Don D. Tague; Joseph M. Taillefer, Jr.; Thomas E. Tappan; Bruce L. Tegeler; Fred Tegeler; James E. Thomas; Henry L. Thompson; Jack L. Thurman; Sal H. Torre; Jack W. Townes; John V. Tuider; Robert H. Tyrie; Robert D. Upp; Donald Van Hooser; Joseph Vance; Bobby J. Vandergriff; Robert J. Venner.

Elton R. Vice; Robert Vohwinkle; Robert Vonachen; Lester Wagner; Ralph G. Walczak; Walter R. Waldron; Leonard E. Warner; Edwin H. Wessell; Richard C. Wheat; Albert F. Wheeler; Lawrence W. White; Alfred H. Wickstrom; Ralph R. Wiederhold; Grady Wigley; Charles H. Williams; Robert Willner; Robert Wilson; Norman Winiker; Robert Winkle; Walter J. Wojnar; Calvin L. Wood; Robert L. Worley; Roy (Bradley) Wright; Calvin "Ray" Yordy; Leo Zelkowski; Jack Zinnaman; and William Zupan.

AGING INTERDICTION FLEETS

Mr. GRASSLEY. Mr. President, I rise today to draw continued attention to our important narcotic interdiction efforts throughout the Caribbean and Eastern Pacific, commonly referred to as the "Transit Zone," and the aging condition of the aircraft and vessels in both the U.S. Customs Service and U.S. Coast Guard fleet inventories.

Earlier this year, the Senate Caucus on International Narcotics Control held a hearing on the Transit Zone. Intelligence sources estimate that the annual cocaine flow through the six million square-mile Transit Zone is in excess of 500 metric tons. Non-commercial maritime conveyances account for more than 80 percent of this Transit Zone flow, and unfortunately, the estimated success rate for smugglers "go-fast" deliveries is close to 90 percent.

The U.S. Coast Guard operates numerous ships and aircraft that are aging and now require excessive maintenance to keep them in operation. Because these assets lack current technology, they are extremely manpower intensive, and require constant maintenance, which detracts from readiness and increases life cycle costs. All of the Coast Guard's 210-foot and 378-foot ships are at least 30 years old, and the Coast Guard even operates 3 "Mature class" cutters, WWII-era vessels inherited from the U.S. Navy. The Coast Guard's fleet of medium and high endurance cutters is older than 37 of the world's 39 similar naval fleets, and the majority of major Coast Guard ships and aircraft will reach the end of their predicted service lives by the year 2008.

The Customs Service operates a wide range of aircraft at 11 air branches and 10 air units throughout the country, as well as at 3 overseas forward operating locations (FOLs) and 2 sites in Mexico. The Customs Service has 142 aircraft and 196 vessels, and many are in need of modernization or replacement. The average age of their C–12 aircraft is 22 years old and all 16 of their UH–60 Blackhawks are "A" models (first production series) on loan from the U.S. Army. As their P–3 aircraft fleet has aged, numerous corrosion and cracking problems have been discovered. It is the P–3 aircraft that has become the backbone of our detection and monitoring system. But, the U.S. Customs Service Air and Maritime Interdiction (AMID) January 2001 Strategic Assessment reported, the level of aviation operations is insufficient to meet the current agency requirements of Presidential Decision Directive (PDD–14), the National Drug Control Strategy, and Plan Colombia.

While both services begin to feel the debilitating effects of these aging assets, demands for both the Customs Service and Coast Guard's unique services are simultaneously increasing. A doubling world population, the continued decline in marine fisheries, the end of the Cold War, the doubling of commercial passenger enplanements by 2009, the continuing scourge of illegal drugs and human smuggling, and the tripling of international commerce are all expected to increase the nation's reliance on these agencies. The Customs Service will continue to be on the front lines on trade and economic growth, border security, counter terrorism, narcotics interdiction, financial crimes and money laundering, pornography, and Internet cybercrime cases. The Coast Guard will continue as the lead federal agency in the maritime environment with respect to drugs, illegal immigration, and fisheries law enforcement. We are increasing our demands, we are expanding our expectations, but we are not investing in our capability. We cannot continue to live off our principal and expect to achieve results.

The recent record maritime seizure of 13 tons of cocaine on a vessel in the Eastern Pacific only serves to highlight the significant Transit Zone threat and reinforces the urgent need for modernization of the U.S. Customs Service and the U.S. Coast Guard fleets. I urge my colleagues to continue to support our Nation's counterdrug efforts, including those in the Transit Zone and at our borders, and in support of these two important U.S. agencies.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 8, 2001, the Federal debt stood at $5,679,727,774,591.76, five trillion, six hundred seventy-nine billion, seven hundred twenty-seven million, seven hundred seventy-four thousand, five hundred ninety-one dollars and seventy-six cents.

One year ago, June 8, 2000, the Federal debt stood at $5,644,929,000,000, five trillion, six hundred forty-four billion, nine hundred twenty-nine million.

Twenty-five years ago, June 8, 1976, the Federal debt stood at $608,283,000,000, six hundred eight billion, two hundred eighty-three million, which reflects a debt increase of more than $5 trillion, $5,071,444,774,591.76, five trillion, seventy-one billion, four hundred forty-four million, seven hundred seventy-four thousand, five hundred ninety-one dollars and seventy-six cents during the past 25 years.

ADDITIONAL STATEMENTS

HEBREW ORPHAN SOCIETY CELEBRATES 200TH ANNIVERSARY

• Mr. HOLLINGS. Mr. President, the Hebrew Orphan Society of Charleston, SC has a long, rich history that deserves to be celebrated. On June 24, a reception and dinner will be held at Charleston's Middleton Place Gardens in honor of the society's 200 years of good works. Founded in 1801 by a small group of Jewish men at K.K. Beth Elohim synagogue, the society flourished in culturally and religiously tolerant 19th-century Charleston. Its members reached out to widows and their families and to Jewish youth who could not afford a proper education. Membership was initially limited to 18, or "chai," the number representing life in the Jewish faith, but has now doubled and includes women as well as men with a distinguished record of service in the Jewish community and the larger Charleston community. Today, the society assists Social Services clients with transportation and medical bills and meets requests from Hospice and Jenkins Orphanage in North Charleston. A quiet, yet diligent effort by The Hebrew Orphan Society may often go unnoticed by the public. However, rest assured of the many grateful citizens throughout history who have experienced its munificence. My wife, Peatsy, and I send The Hebrew Orphan Society our heartfelt congratulations on this milestone and best wishes in the years ahead.•

TRIBUTE TO GLEN TAIT

• Mr. CRAPO. Mr. President, I rise today to commend my Legislative Director, Glen Tait, who is leaving my employ for other opportunities outside the Senate. He has been an integral part of my staff since I was elected to the Senate, and his absence will be greatly noted. Glen's involvement in the Senate dates back more than a decade, much of it spent in service to the State of Idaho. Prior to coming to work for me, he worked for my predecessor, Dirk Kempthorne, so he truly has become an adopted Idahoan.

Glen has headed up my legislative efforts since I was first elected, and has provided invaluable guidance and direction for my legislative staff. He is particularly knowledgeable about military and energy issues, both of which hold significant importance to the State of Idaho. Mountain Home Air Force Base and the Idaho National Engineering and Environmental Laboratory owe a great debt to his expertise and ability. Glen has strong insight into the legislative processes of the Senate and served as a mentor to a number of staffers, who have taken that knowledge and used it to help improve their career options.

Glen's wife tells me that he will miss working directly for the people of Idaho, and we will miss him tremendously as well. But he will have a constant reminder of the State in at least one of his two daughters. Glen and his lovely wife, Jeanette, have two young toddlers at home, Lindsey Marie and Hailey Madison. Hailey was named for the town of the same name in Idaho, and for the county in Idaho in which she was born. I wish him the very best and want him to know how much I appreciate the stability and guidance he provided to a fledgling Senate legislative staff several years ago. My best wishes go out to him as he moves on to other opportunities.•

CONGRATULATIONS TO LINCOLN HIGH SCHOOL

• Mr. SMITH of Oregon. Mr. President, I rise today to congratulate another class from Lincoln High School in Portland, OR, competing in the national finals of the program "We the People . . . The Citizens and the Constitution". This April, students from Lincoln High School placed third among 49 classes in this national competition. I had the great pleasure of meeting these impressive young people while they were visiting the Capitol, and I am very proud of their efforts. I know that they worked diligently to reach the national finals, demonstrating a remarkable understanding of the principles and values that support our constitutional government.

The "We the People . . . The Citizen and the Constitution" program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress, consisting of oral presentations by high school students before a panel of adult judges. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

It is extremely important that our young people come to understand and appreciate the unique concepts and values which have guided our Nation since its inception. These are the young leaders who must guide our country's future, and their wisdom must be equal to our country's need. Again, I congratulate the student team from Lincoln High School and thank each member for their dedication, hard work, and enthusiasm.

The student team from Lincoln High School consists of: Brett Bell; Michael Blank; Ben Brewer; Chris Chamness; Greg Damis-Wulff; Alex Dewar; David Dickey-Griffith; Heather Dunlap; Jenni Hamni; Jennifer Hill; Scott Huan; Nick Johnson; Kathayoon Khalil; Cali Lanza-Weil; Jenelle Milam; Jonathan Pulvers; Julie Rhew; Katie Rose; Andrew Rosenthal; Anay Shah; Chris Shay; Rafael Spielman; Jason Trombley; Jessica Vandermeer; Oliver Vandermeer; Ben Walsh; Colleen Wearn; and with their teacher, Jennifer Vaught.•

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself and Mr. VOINOVICH):

S. 1009. A bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELMS (for himself and Mr. THURMOND):

S. 1010. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself and Mr. AKAKA):

S. 1011. A bill to provide the financial mechanisms, resource protections, and professional skills necessary for high quality stewardship of the National Park System and to recognize the importance of high quality outdoor recreational opportunities on federally managed land; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Ms. COLLINS):

S. 1012. A bill to ensure that children at highest risk for asthma, vision, hearing, and other health problems are identified and treated; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. LOTT) (by request):

S.J. Res. 16. A joint resolution approving the extension of nondiscriminatory treatment to the products of the Socialist Republic of Vietnam; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 77

At the request of Mr. DASCHLE, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 283

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 500

At the request of Mr. BURNS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 561

At the request of Ms. COLLINS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 561, a bill to provide that the same health insurance premium conversion arrangements afforded to Federal employees be made available to Federal annuitants and members and retired members of the uniformed services.

S. 666

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 666, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 672

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 672, a bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 724

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 781

At the request of Mr. AKAKA, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 781, a bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve.

S. 839

At the request of Mrs. HUTCHISON, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Rhode Island (Mr. REED), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 994

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 994, a bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act.

S. 1006

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. RES. 71

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 99

At the request of Mr. CAMPBELL, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. ALLARD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 99, a resolution supporting the goals and ideals of the Olympics.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Rhode Island (Mr . CHAFEE) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 424

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 424.

AMENDMENT NO. 475

At the request of Ms. LANDRIEU, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 475.

AMENDMENT NO. 476

At the request of Mr. VOINOVICH, his name was added as a cosponsor of amendment No. 476.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself and Mr. VOINOVICH):

S. 1009. A bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HUTCHISON. Mr. President, I am pleased to be joined by Senator VOINOVICH to offer legislation on a health issue that is very important to parents across the Nation.

Bacterial meningitis affects 3,000 people across the United States each year. Approximately 10 to 13 percent of patients with bacterial meningitis die despite receiving antibiotics early in the disease. Of those individuals who survive, an additional 10 percent have severe aftereffects of the disease, including mental retardation, hearing loss, and loss of limbs.

My bill would require the Secretary of Health and Human Services, in consultation with the Director of the Centers for Disease Control, to develop and make available information about bacterial meningitis. In addition, it would make available information about the availability and the effectiveness of bacterial meningitis vaccinations for children and adults.

To help prevent these needless deaths, the bill requires the Secretary of Health and Human Services to provide this information to a list of institutions, including child care centers, schools, universities, boarding schools, summer camps, detention facilities, and, as determined appropriate by the Secretary any other entity that provides housing in a dorm-like setting. This information in turn would be provided to both children and adults.

This will allow parents and others to be more informed about this dangerous disease and encourage them to obtain appropriate vaccines.

I commend the Senator from Ohio for his support on this issue and urge other Senators to join us in this effort.

By Mr. HELMS (for himself and Mr. THURMOND):

S. 1010. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina; to the Committee on Energy and Natural Resources.

Mr. HELMS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project number 11437, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the date of the expiration of the extension issued by the Commission before the date of the enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

By Mr. GRAHAM (for himself and Mr. AKAKA):

S. 1011. A bill to provide the financial mechanisms, resource protections, and professional skills necessary for high quality stewardship of the National Park System and to recognize the importance of high quality outdoor recreational opportunities on federally managed land; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, John Muir, the founder of the Sierra Club once said, "Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wilderness is a necessity; and that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life."

As our society becomes increasingly removed from the natural world, this prescient statement rings ever more true.

Americans are becoming increasingly aware of the opportunities that our national parks provide for us to reconnect with the magnificent natural heritage of our country. The number of visits to national parks is soaring, as is use of their diverse resources. While this is good news in many ways, it has created a peculiar problem.

We are loving our parks to death.

Today, I am joined by my colleague Senator AKAKA to introduce the National Parks Stewardship Act of 2001. This legislation endeavors to address some of the most serious problems facing the national parks system today.

First, the National Parks Stewardship Act ensures that activities in parks and on Federal lands adjacent to parks are compatible with the conservation and preservation of natural, cultural, and historical resources. This legislation also requires the proper preservation of historic documents, records, and artifacts, including resources in marine environments which may require specialized skills for their maintenance.

The National Parks Stewardship Act also helps the Park Service plan for the future by studying visitation and demographic patterns and preparing for an increasingly diverse and growing population.

Second, this legislation provides innovative financing tools to help fund operations and maintenance and to address the current maintenance backlog. Specifically, the National Parks Stewardship Act proposes a non-appropriated funds instrumentalities program and challenge cost share projects.

In addition, the Recreation Fee Demonstration Program would be permanently established with the requirement that certain percentages of the revenues generated remain available to the park at which they were collected. A system of signs would also be established to let park visitors know how recreation fees are spent and which projects have been completed as a result of this program.

Finally, the National Parks Stewardship Act establishes a pilot program called Professionals for Parks. This program would enable the Park Service to recruit prospective employees who have completed graduate-level administration and business management programs. Furthermore, this legislation creates a student loan payment program to entice quality employees to bring their expertise to the Park Service.

I believe that the Park Service and our national parks are beginning a new era. Visits to and enjoyment of our parks will continue to increase, and we must enable the Park Service to keep pace with this trend. We must encourage sound management of our parks and the vast natural and cultural resources they safeguard. We must also encourage opportunities for new ways to fund increasing operations and maintenance costs. Finally, we must encourage our national parks to represent a growing and increasingly diverse population. The National Stewardship Act starts us along that path.

By Mr. DURBIN (for himself and Ms. COLLINS):

S. 1012. A bill to ensure that children at highest risk for asthma, vision, hearing, and other health problems are identified and treated; to the Committee on Finance.

• Mr. DURBIN. Mr. President, I rise today to introduce the Healthy Children Learn Act with my colleague from Maine, Senator COLLINS. This legislation is focused on eliminating some bureaucratic barriers that make it more difficult for schools to provide their students with health care services, if they so choose.

Many schools have found that the health of a child can significantly affect his or her ability to learn. To enhance children's learning ability and to increase the well-being of their students, these schools sometimes choose to provide health care service including health care screenings.

One example of a disease that significantly affects children's education is asthma. Asthma is the single greatest reason for school absenteeism today. Over five million children in America suffer from asthma. 49 percent of children with asthma missed school in the last year and 48 percent of children with asthma are limited in sports and recreation. Lack of physical activity in turn can lead to childhood obesity with its concomitant health care problems.

"America is in the middle of an asthma epidemic—an epidemic that is getting worse, not better." So says the PEW Environmental Health Commission in its most recent report on asthma. The prevalence of asthma continues to rise at astounding rates, in every region of the country and across all demographic groups, whether measured by age, race or sex.

My home State of Illinois has some of the highest rates of childhood asthma in the country. Unfortunately, Chicago has the highest childhood asthma-related death rate in the Nation. Over 60 percent of childhood admissions to the emergency room in Chicago are for asthma. This disease exacts a very significant toll on children in my State.

For the next 15 minutes, imagine breathing through a tiny straw the size of a coffee stirrer, never getting enough air. Now imagine suffering through the process three to six times a day. This is asthma. Can a child really concentrate on learning, when he or she is gasping for air?

Due to the very high rates of asthma in Chicago and the effects it has on absenteeism and children's ability to learn when at school, the Chicago Public Schools, (CPS), have instituted a new asthma screening program. At the beginning of this program, they estimated that at least 40,000 undiagnosed or under-diagnosed cases of asthma existed among their students. The school system developed an asthma manual to provide a standard plan of care for all students with asthma. They provided citywide nurse training so as to develop a uniform, high standard for approaching students with asthma and their parents and high-quality education about the environmental triggers for asthma and how to lessen them, together with education on how to use asthma inhalers. In 1999, they identified 12,374 cases of asthma. CPS continues to monitor and evaluate this program. They have also partnered with other organizations such as the American Red Cross Asthma Program, the University of Chicago and the Chicago Department of Public Health Asthma Programs. CPS has also developed parent tutoring programs and has linked asthmatic children with primary health care providers for appropriate follow-up.

All of these efforts are extremely important but they are resource intensive. While the majority of the children in the Chicago Public Schools system are eligible for Medicaid or the State Children's Health Insurance Program, the payment rules for Medicaid make it more difficult for CPS to get reimbursed for health screenings. These barriers should be removed. Schools that make the extra effort to provide their students health care services should be adequately reimbursed. When they provide Medicaid-eligible children with Medicaid-covered services, they should receive appropriate reimbursement for those services. Likewise for the S-CHIP program reimbursement should be available for covered services for children enrolled or eligible for the program.

This legislation goes further and provides for a $10 million grant program for school districts such as CPS to apply for funds for asthma screening for those children who are not eligible for either S-CHIP or Medicaid. The grants would be targeted to those districts that have the highest prevalence or deaths associated with asthma. The legislation addresses a barrier to children receiving vital health screenings in schools.

CPS has also found that children's ability to learn is affected by impaired vision and hearing. Children with vision deficits are far more likely to fail academically. In 1998, CPS found that children who were retained failed their school-based vision screening at a rate 50 percent higher than children who were not failing. Likewise, children who have difficulty hearing struggle with language development, social processes and communication. This can seriously impair all aspects of the educational process. For example, children in Grade 1 with a 25 decibel hearing loss have a reading and grade equivalence of 2.0 compared to children without such a loss who on average score 2.3 on the same test. Through these programs, CPS has provided over 5,000 free eye exams, and 4,000 free pairs of glasses have been dispensed. They currently are reimbursed less than 40 percent of the cost of the vision and hearing screenings.

To address some of these funding shortfalls, this legislation creates a $10 million grant program for vision and hearing screening and clarifies Medicaid payment rules so that schools can be reimbursed when they provide a Medicaid covered service to a Medicaid child.

No child should have his or her education threatened by the lack of effective screening to diagnose these health problems. In each case, treatments or corrective devices are available to help children and we should see to it that the children receive them where necessary. The Healthy Children Learn Act will help children get the health care services they need so that they can get the educational opportunities they deserve.•

By Mr. DASCHLE (for himself and Mr. LOTT) (by request):

S.J. Res. 16. A joint resolution approving the extension of nondiscriminatory treatment to the products of the Socialist Republic of Vietnam; to the Committee on Finance.

Mr. DASCHLE. Mr. President, today I am pleased to introduce legislation that would implement a long-awaited bilateral trade agreement with Vietnam. This agreement marks another step in the long road toward normalizing relations between our two nations. When we pass this and other important trade legislation, we send the signal that we, as a Nation, are committed to engaging with countries around the globe by using our mutual interests as a foundation for working through our differences. By fully implementing this agreement, Vietnam will also send a clear message that it is interested in continuing, and completing, a process of reform and modernization of its economy and institutions.

The Clinton administration signed the bilateral agreement with Vietnam on July 13, 2000, after nearly four years of meticulous negotiations. Under terms of the agreement, Vietnam will reduce tariffs on approximately 250 products, about four-fifths of which are agricultural products. My own State of South Dakota will be among the beneficiaries of Vietnam's market opening commitments. As the second-largest producer of sunflower seeds, our farmers will no doubt benefit from the slash in duty on this product from the current level of 30 percent to 10 percent. Exporters of soybeans, furthermore, will see the rates drop by half, to only 5 percent.

In addition to the significant reduction in tariffs on agricultural and industrial products, the agreement opens Vietnam to American financial, banking and telecommunications services. While the agreement does not make Vietnam a member of the World Trade Organization, WTO, a number of its provisions bring Vietnam one step closer to compliance with WTO accords. Specifically, Vietnam has committed to abide by WTO standards regarding customs procedures, import licensing requirements and phytosanitary measures. In addition, Vietnam has also agreed to follow WTO agreements on intellectual property rights, which protect American copyrights, patents and trademarks. The same can be said for regulations involving American investment there. Hopefully, passage of this bilateral agreement will add momentum to Vietnam's bid for full membership in the global trading body.

The United States, in return, has promised to grant Vietnam normal trade relations, NTR. The practical effect of this action would be that products imported from Vietnam would now be subject to the same level of tariffs as products from almost every other country in the world. Vietnamese companies would no longer face significant tariff barriers to our market. The agreement does include, however, a safeguard provision to prevent a surge in Vietnamese imports from injuring our own domestic industries.

The implementing resolution introduced today would fulfill our obligation to grant Vietnam normal trade relations. Under this legislation, however, Vietnam's trading status would still be subject to annual Congressional review. The legislation is in no way a permanent extension of such treatment. This is due to the so-called Jackson-Vanik provisions of the Trade Act of 1974, which allow for an annual review by Congress of an extension of normal trade relations to any non-market economy country, such as Vietnam.

Specifically, the Jackson-Vanik amendment mandates that a non-market economy country's access to American markets is conditioned on their completion of a bilateral commercial agreement with the United States and their policies on freedom of emigration. According to the statute, a non-market economy country like Vietnam must sign an agreement with the United States extending nondiscriminatory treatment to our products. In other words, they must grant normal trade relations to the United States. Access to our markets is further contingent on their policies on freedom of emigration. If the President determines that such policies meet certain standards, or that a waiver of the Jackson-Vanik provisions would, in fact, encourage further liberalization of their emigration policies, only then can the United States grant these countries normal trade relations.

President Clinton first waived Jackson-Vanik provisions with respect to Vietnam in 1998 on the basis that such action would promote further liberalization of its emigration policies. The waiver has been extended every year since then. But since Vietnam does not currently have a bilateral agreement with the United States, and therefore does not receive normal trade relations, the waiver simply allows for the U.S. Overseas Private Investment Corporation, OPIC, and the U.S. Export-Import Bank to support U.S. businesses exporting to and/or operating there. The legislation I am introducing today would grant normal trade relations to Vietnam, meeting the second requirement of Jackson-Vanik, and therefore allow the market opening agreement to take effect.

The Presidential waiver of Vietnam's treatment under Jackson-Vanik has never been disapproved by Congress. In fact, support for the waiver has grown substantially in both chambers. Last year, for instance, 330 members of the House voted in favor of the waiver's extension and a bill disapproving the President's waiver was voted down by 94 Senators. I am confident that such action indicates strong support by Members of Congress for passage of this agreement.

I am encouraged that President Bush has sent the agreement to Congress for final approval. Indeed, last month, I signed a letter urging him to do so as soon as possible. This is an important agreement, and today we are taking the first step towards swift Senate consideration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 795. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; which was referred to the Committee on Health, Education, Labor, and Pensions.

SA 796. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, supra; which was referred to the Committee on Health, Education, Labor, and Pensions.

TEXT OF AMENDMENTS

SA 795. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; which was referred to the Committee on Health, Education, Labor, and Pensions; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON MIXING HUMAN AND ANIMAL GAMETES.

(a) DEFINITIONS.—In this section:

(1) GAMETE.—The term "gamete" means a haploid germ cell that is an egg or a sperm.

(2) SOMATIC CELL.—The term "somatic cell" means a diploid cell whose nucleus contains the full set of chromosomes of a human or an animal.

(b) PROHIBITION.—It shall be unlawful for any person to knowingly attempt to create a human-animal hybrid by—

(1) combine a human gamete and an animal gamete; or

(2) conducting nuclear transfer cloning using a human egg or a human somatic cell nucleus.

(c) SANCTIONS.—

(1) IN GENERAL.—Any person who violates subsection (b) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years, or both.

(2) CIVIL PENALTIES.—The Secretary of Health and Human Services shall promulgate regulations providing for the application of civil penalties to persons who violate subsection (b).

SA 796. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; which was referred to the Committee on Health, Education, Labor, and Pensions; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON EXPORTATION OF HUMAN EMBRYOS.

The Secretary of Commerce shall prohibit the export (as such term is defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App 2415)) from the United States of any human embryo or part thereof.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, June 19, 2001, at 9:30 a.m., in room SD–106 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on S. 764, a bill to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rates or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and for other purposes; and sections 508-510, relating to wholesale electricity rates in the western energy market, natural gas rates in California, and the sale price of bundled natural gas transactions, of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001.

Those wishing to submit written statements on these bills should address them to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510-6150.

For further information, please contact Leon Lowery at (202) 224-4103.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, June 20, 2001, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to consider the nominations of: Patricia Lynn Scarlett to be an Assistant Secretary of the Interior (for Policy, Management and Budget); William Gerry Myers III to be the Solicitor of the Department of the Interior; and Bennett William Raley to be an Assistant Secretary of the Interior (for Water and Science).

Those wishing to submit written statements on a nomination should address them to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510-6150.

For further information, please contact Leon Lowery at (202) 224-4103.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Maria Purdy be granted the privilege of the floor during the debate on amendment No. 475.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 12, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. Tuesday, June 12. I further ask unanimous consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, if necessary, and the Senate resume consideration of S. 1, the education authorization bill. I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, on Tuesday, the Senate will convene at 9:30 a.m. and resume consideration of the education authorization bill. The Senate will consider immediately the Gregg amendment regarding vouchers under a 4-hour time agreement. Following disposition of the Gregg amendment, the Senate will consider the Carper amendment regarding public school choice under a 2-hour time agreement. Additional rollcall votes are expected tomorrow as the Senate works to complete action on the education bill this week.

I have been authorized to state on behalf of Senator DASCHLE that we are going to finish the education bill this week, if it takes working Friday, Saturday, and even into Sunday. We want to get started. We have very important things to do next week. This important legislation, which we have been able to approach on a bipartisan basis up to this point, is going to be completed, and Senator DASCHLE wanted me to underscore that.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until 9:30 a.m. Tuesday, June 12, 2001.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 12, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 13

9:30 a.m.

Governmental Affairs

To hold hearings to examine economic issues associated with the restructuring of energy industries.

SD–342

Appropriations

Defense Subcommittee

To hold hearings on the overview for fiscal year 2002 for the Army.

SD–192

Indian Affairs

To hold hearings on the nomination of Neal A. McCaleb, of Oklahoma, to be Assistant Secretary of the Interior for Indian Affairs.

SR–485

Appropriations

Transportation Subcommittee

To hold hearings on on proposed budget estimates for fiscal year 2002 for Coast Guard Readiness.

SD–124

Armed Services

To hold a closed briefing to examine the Department of Defense's strategic review of missile defense.

SR–222

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Roger Walton Ferguson, Jr., of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System.

SD–538

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings to examine racial and geographic disparities in the federal death penalty system.

SD–226

10:15 a.m.

Foreign Relations

To hold hearings on the current situation in Macedonia and the Balkans.

SD–419

10:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.

SD–138

JUNE 14

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.

SD–342

Aging

To hold hearings to examine the prevalence and risk of elder abuse, neglect and exploitation, potential and available services and the role of the Federal Government in addressing these problems.

SD–562

Energy and Natural Resources

To hold hearings to examine potential problems in the gasoline markets this summer.

SD–106

10 a.m.

Veterans' Affairs

Business meeting to consider the nomination of Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs for Congressional Affairs; to be followed by a hearing to examine the impact of the nursing shortage on the Department of Veteran Affairs.

SR–418

2 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Health and Human Services.

SD–138

JUNE 15

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To continue hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.

SD–342

JUNE 19

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 764, to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rates or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market; and S. 597, to provide for a comprehensive and balanced national energy policy.

SD–366

10 a.m.

Indian Affairs

To hold oversight hearings to receive the goals and priorities of the member tribes of the Midwest Alliance of Sovereign Tribes/Inter-tribal Bison Cooperative for the 107th Congress.

Room to be announced

2:30 p.m.

Banking, Housing, and Urban Affairs

International Trade and Finance Subcommittee

To hold hearings on proposed legislation authorizing funds for the United States Export-Import Bank.

SD–538

JUNE 20

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine local competition issues.

SR–253

Governmental Affairs

To hold hearings to examine the role of the Federal Energy Regulatory Commission associated with the restructuring of the energy industries.

SD–342

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.

SD–138

10:15 a.m.

Foreign Relations

To hold hearings to examine United States security interests in Europe.

SD–419

JUNE 21

10 a.m.

Indian Affairs

To hold oversight hearings to examine Native American Program initiatives.

SR–485

Commerce, Science, and Transportation

To hold hearings to examine international trade issues.

SR–253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

JUNE 26

10:30 a.m.

Indian Affairs

To hold oversight hearings to receive the goals and priorities of the Great Plains Tribes for the 107th Congress.

SR–485

CANCELLATIONS

JUNE 14

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings to review the implementation of the Recreation Fee Demonstration Program and to examine efforts to extend or make the program permanent.

SD–354

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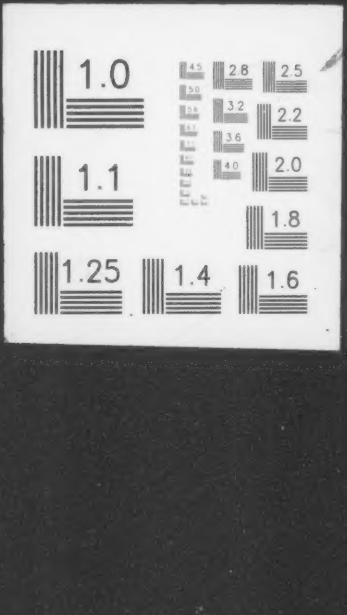
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